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PROCEEDINGS AND DEBATES

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PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS
SECOND SESSION.

SENATE.

THURSDAY, *April 13, 1922.*

(Legislative day of Monday, April 10, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. WARREN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCumber	Pomerene
Ball	Gooding	McKinley	Sheppard
Borah	Hale	McNary	Smoot
Broussard	Harreld	Moses	Spencer
Bursum	Harris	Myers	Sterling
Calder	Harrison	Nelson	Sutherland
Capper	Heflin	New	Swanson
Caraway	Jones, Wash.	Newberry	Townsend
Culberson	Kellogg	Nicholson	Trammell
Cummins	Kendrick	Norbeck	Walsh, Mass.
Curtis	Keyes	Norris	Walsh, Mont.
Dial	King	Oddie	Warren
Dillingham	Ladd	Overman	Watson, Ga.
du Pont	La Follette	Page	Weller
Edge	Lenroot	Pepper	Williams
Ernst	Lodge	Phipps	Willis
Fernald	McCormick	Poindexter	

Mr. HARRISON. I wish to announce that the Senator from New Mexico [Mr. JONES] and the Senator from North Carolina [Mr. SIMMONS] are absent on official business.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS.

Mr. LODGE. Mr. President, I present certain resolutions of the Legislature of Massachusetts urging upon Congress the immediate passage of legislation providing adjusted compensation for men and women who served the United States during the World War, and also resolutions relative to recognizing Palestine as the homeland of the Jewish people. I ask that they may be printed in the RECORD.

The VICE PRESIDENT. They will be received and printed in the RECORD.

The resolutions are as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand nine hundred and twenty-two.

Resolutions urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War.

Whereas national honor demands that the services of men and women who served their country during the World War should be fittingly appreciated; and

Whereas adjusted compensation should be paid to such men and women as evidence of the Nation's regard for their services: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges upon Congress the enactment forthwith of such legislation as will provide adjusted compensation for men and women who were in the service of the United States during the World War; and be it further

Resolved, That copies of these resolutions be sent by the Secretary of the Commonwealth to the presiding officers of both branches of Congress and to the Members thereof from this Commonwealth.

In house of representatives, adopted March 15, 1922.
In senate, adopted in concurrence March 29, 1922.
A true copy.
Attest:

F. W. COOK,
Secretary of the Commonwealth.

THE COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand nine hundred and twenty-two.

Order relative to recognizing Palestine as the homeland of the Jewish people.

Whereas the supreme council of the allied peace conference meeting at San Remo recognized the right of the Jewish nation to a national existence in Palestine and conferred upon Great Britain a mandate over Palestine; and

Whereas the various great nations of the world have approved the establishment of the national homeland for the Jews in Palestine; and

Whereas the people of the United States individually and through their spokesmen in Congress, and by leading men in all walks of life, have expressed their gratification at the realization of the national hopes of the Jews; and

Whereas the General Court of Massachusetts views with pleasure the progress of the Jewish people in Palestine in developing the economic resources of the country, in founding institutions of learning, and in creating a spiritual center, so that it may the better serve mankind: Therefore be it

Ordered, That the General Court of Massachusetts urges the Government of the United States of America formally to recognize the present status of the Jewish people in Palestine and thus to approve the fulfillment of its yearning desire for a national home in the land of its forefathers; and be it further

Ordered, That copies of this order be sent by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, to each of the Senators and Representatives in Congress from Massachusetts, and to the Zionist Organization of America.

In house of representatives, adopted March 29, 1922.
In senate, adopted in concurrence March 29, 922.
A true copy.
Attest:

F. W. COOK,
Secretary of the Commonwealth.

Mr. KENDRICK presented a resolution adopted by the directors of the Chamber of Commerce of Cheyenne, Wyo., favoring the enactment of the bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, which was ordered to lie on the table.

Mr. WILLIS presented a memorial of sundry citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a resolution adopted by the directors of the Chamber of Commerce of Cheyenne, Wyo., favoring the enactment of Senate bill 3254, to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, which was ordered to lie on the table.

He also presented a letter in the nature of a memorial from Painters' Union No. 370, of Casper, Wyo., remonstrating against the imposition of increased tariff duties on linseed oil, which was ordered to lie on the table.

REPORTS OF THE COMMITTEE ON PENSIONS.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 7210. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars others than the Civil War, and to widows of such soldiers and sailors (Rept. No. 596); and

H. R. 7827. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 597).

ELSIE HUDSON.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 248) submitted by Mr. ODDIE March 3, 1922, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Elsie Hudson, widow of J. Lloyd Hudson, late a laborer in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

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BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 3455) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the conveyance thereof by the Secretary of the Treasury; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 3456) granting a pension to Ellen Leahy (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3458) to authorize the Niagara River Bridge Co. to reconstruct its present bridge across the Niagara River between the State of New York and the Dominion of Canada, or to remove its present bridge and construct, maintain, and operate a new bridge across the said river; to the Committee on Commerce.

By Mr. WILLIS:

A bill (S. 3459) granting a pension to Charles Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A joint resolution (S. J. Res. 192) providing for survey of the Potomac River banks from Washington, D. C., to Great Falls with a view to possible extension of the District park system; to the Committee on Public Buildings and Grounds.

NAVAL PETROLEUM RESERVE IN WYOMING.

By Mr. KENDRICK:

A bill (S. 3457) to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes."

Mr. KENDRICK. Mr. President, I wish to submit just a word in explanation of the bill which I have just introduced.

Naval Petroleum Reserve No. 3, known as the Teapot Dome, is an oil and gas reserve in the State of Wyoming immediately adjoining the famous Salt Creek pool. Government experts and oil men universally regard it as one of the best oil structures in the country. It covers approximately 6,000 or 7,000 acres of land and the minimum oil content has been estimated to be 30,000,000 barrels. This tract was exempted from the provisions of the leasing act enacted on Feberuary 25, 1920, and it was generally assumed that many years would probably elapse before any attempt was made to develop it.

The naval appropriation act for the fiscal year ending June 30, 1921, carried a provision authorizing the Secretary of the Navy to develop the naval reserves either directly by agents and employees of the Government or indirectly by lease with private individuals. Under the authority of that act several leases have been granted upon the California petroleum reserves, where, because of private titles which had vested prior to the creation of the reserves, the oil was being extracted and it was deemed advisable, in order to protect the Government, that the leases should be granted.

In the Teapot Dome there are no producing wells. It was recently reported, however, that various private oil interests have been negotiating with the Navy Department and with the Department of the Interior, the Secretary of which, by order of the President, now has authority over the naval reserves, for leases upon the Teapot Dome. The general leasing act provides a minimum royalty of 12½ per cent upon all lands developed under this authority, but in the Salt Creek field the royalties heretofore charged have been as high as 33⅓ per cent and a similar royalty is being charged by the State of Wyoming on school lands in the Salt Creek field. A portion of these royalties, by the terms of the leasing act, is reserved for the use of the State. At the present time there is no provision of law governing royalties that may be charged on the naval reserves and no provision for the protection of the State.

The bill which I have introduced is designed to compensate the State of Wyoming in a small measure for the loss of this valuable and extensive area within her boundaries. Under the old system this land would have passed into private ownership and the State would have been vested with the authority to tax it. Under the new system by which the ownership is retained in the Federal Government the State, of course, is completely deprived of the power of taxation, although it will have the same responsibility for building roads and maintaining schools and providing all the formal functions of State and local Government for which it would have been responsible under the old rule. The same reasons therefore which prompted Congress to provide for the distribution of the royalties under the leasing act should now operate to the same effect as regards the Teapot Dome.

I have therefore introduced this bill for the purpose of protecting my State in that particular. I move that the bill be referred to the Committee on Public Lands and Surveys.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALDER submitted an amendment proposing to pay $3,000 to Alice Potter, widow of Julian Potter, late consul to Rouen, France, being one year's salary of her deceased husband, who died as a result of illness incurred in the Consular Service, intended to be proposed by him to House bill 11065, the Departments of State and Justice appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to include projects authorized at the second session of the Sixty-seventh Congress in the provision of the War Department appropriation bill relative to preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized, and so forth, $42,815,661, intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRINTING OF THE TARIFF BILL.

Mr. MCCUMBER submitted a concurrent resolution (S. Con. Res. 21), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate, be printed as a Senate document with an index, and that 27,000 additional copies be printed, of which 10,000 shall be for the Senate document room, 15,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 1,000 for the Committee on Ways and Means of the House.

INTERNATIONAL REFORM BUREAU.

Mr. POINDEXTER. Mr. President, I ask unanimous consent to have printed in the RECORD, in the regular RECORD type, a statement from Mr. C. S. Longacre, general secretary of the Religious Liberty Association, in answer to certain statements made in regard to him in the RECORD a few days ago.

There being no objection, the statement was ordered to be printed in the RECORD in 8-point type, as follows:

RELIGIOUS LIBERTY ASSOCIATION,
Takoma Park, Washington, D. C., April 3, 1922.

Hon. MILES POINDEXTER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR POINDEXTER: I regret exceedingly that Dr. W. F. Crafts, the superintendent of the International Reform Bureau, chose the CONGRESSIONAL RECORD as the medium through which to malign and misrepresent the Seventh-day Adventist denomination, their publications, their doctrines, the Religious Liberty Association, and me in particular. Likewise, he has brought a charge against me which he claims involves the integrity of certain Congressmen who are directors of the board of the Reform Bureau. In justice to the Congressmen involved, as well as to me, I think I ought to be given the opportunity of exonerating these Congressmen in the public eye from being involved in the alleged charge. All I ask, in justice to them as well as to me, is that I be permitted to defend myself through the CONGRESSIONAL RECORD, since the RECORD was made the medium of an unjustifiable attack upon me relative to the uprightness of several Congressmen.

Doctor Crafts and I have been engaged in a religious controversy for some time, and it is most unfortunate that Doctor Crafts chose the CONGRESSIONAL RECORD, not only to make public his views but to misrepresent the doctrines and views of another Christian organization, as he did in the RECORD of March 18, 1922. I do not believe that the CONGRESSIONAL RECORD should give countenance to such unsavory methods and unhallowed purposes. Since the CONGRESSIONAL RECORD has been employed as a medium through which to make a false and vicious attack upon a highly respectable and Christian organization, essential justice demands that the accused be allowed to make its defense through the same medium.

Doctor Crafts gave an interview to the various newspapers in which it was alleged that he stated that he expected to obtain a million dollars in a few days to aid him in putting his reform measures through Congress. The Washington Times of Decem-

ber 10, 1920, published the following interview from Doctor Crafts relative to the million-dollar fund, under this striking caption:

SURE OF MILLION TO DYE UNITED STATES "BLUE," CRAFTS SAYS.

Dr. Wilbur F. Crafts, founder of the International Reform Bureau, announced to-day that within the next three years he is going to spend $1,000,000 in safeguarding prohibition, extending the "blue laws," and amending the Federal Constitution so that the United States will be designated as a "Christian Nation."

"One of my reasons," he explained, "is to prevent any further excuse for the plea that Bible readings in the schools and similar American Christian institutions are unconstitutional."

Asked where he expected to get the $1,000,000 he requires in his enlarged reform program for Christianizing and dry cleaning and dyeing "blue" the United States, he replied quite seriously and in a very matter of fact way:

"Oh, I am expecting that million almost any day now. I could have had it long before this if it were not for the fact that I am so busy with other things I had not quite got to it."

The Washington Star of December 10, 1920, likewise published the following under a somewhat similar caption:

WOULD SPEND MILLION TO GET REFORM LAWS—REV. WILBUR F. CRAFTS ANNOUNCES AIMS OF INTERNATIONAL BUREAU CONFERENCE TO-DAY.

It is expected the International Reform Bureau will spend $1,000,000 within the next three years in safeguarding prohibition, extending the "blue laws," and amending the Federal Constitution, so that the United States will be designated as a "Christian Nation," according to Rev. Wilbur F. Crafts, superintendent and treasurer of the bureau.

Doctor Crafts said he expected to get the money almost any time to carry on this work. He said he could have had it long before this if it were not for the fact that he was so busy with other things.

In connection with these interviews given the newspapers, Doctor Crafts is alleged as having said that if the Republican Congress did not pass the bills which he was sponsoring in Congress he was going to notify "the God-fearing people back home which Representatives have been derelict." (Washington Herald, December 8, 1920.)

Upon the strength of these newspaper reports of Doctor Crafts's interviews and statements made to the public in lectures I published the following statement in the Liberty Magazine of the third quarter of 1921, which statement Doctor Crafts quoted in his letter printed in the CONGRESSIONAL RECORD of March 18, 1922:

Dr. Wilbur F. Crafts, the superintendent of the International Reform Bureau, who styles himself a "professional reformer" and "Christian lobbyist" at Washington, according to published reports of the Washington papers, recently threatened every Congressman with political beheadal by the churches, whose animosity he would stir up by a slush fund of a million dollars which was at his command if Congress did not pass his pet Sunday bills which were then pending.

Concerning this million-dollar fund referred to above, based on Doctor Crafts's interview to the newspapers, he takes exception to it because I called it a slush fund and said he had it "at his command," whereas it was still prospective and he was "expecting" it. But Doctor Crafts told the newspapers that he was "expecting that million almost any day now."

Such language could not mean anything else but that he had it "at his command," according to newspaper reports. Moreover, I did not involve a single Congressman's integrity, either in the receiving or dispensing of this large sum of money. I stated expressly that according to newspaper reports Doctor Crafts himself was going to use this money for propaganda work in "the churches, whose animosity he would stir up" by the means of this large fund that was "at his command." If a Congressman wants to be included in this statement, he will have to put himself there by his own choice. I certainly did not include him. Neither did the newspapers or I claim that the money was to be used by Doctor Crafts for any other purpose than propaganda work among the churches. But we were all agreed, who made comments on this fund, that it was an exceedingly large sum of money for one man to spend, especially when some of it was to be utilized to notify the folks back home which of the Congressmen were "derelict."

I called this fund a "slush fund" because of its vastness, and explained my meaning in the Liberty Magazine as follows:

When we called this large sum of money a "slush fund" we did not mean to imply that Doctor Crafts obtained it or was going to use it in a corrupt way, but that it was too much money for one person to spend to put reform measures through Congress, and, as the Washington papers alleged, to notifying "the God-fearing people back home which Representatives have been derelict." We used the term in the same sense as a prominent United States Senator used it recently when he charged another Senator with securing his election by means of a "slush fund." He said he did not intend to go behind the returns and intimate that the money was obtained or used by the Senator in a corrupt way, but that such a large sum was too much money to spend for the purpose to which it was devoted in a political campaign. (See Liberty, first quarter, 1922.)

All these facts were well known to Doctor Crafts before he sent his letter to Senator MYERS to be printed in the CONGRESSIONAL RECORD, in which he insists in putting a contrary construction upon my words and explanations.

Doctor Crafts further states in the CONGRESSIONAL RECORD that I—

joined in the nation-wide cry that a Puritan "blue law" was pending in Congress for the whole country when "no national Sunday law, drastic or otherwise, has been introduced by anyone in Congress in the quarter century of the reform bureau's history."

In this Doctor Crafts grossly misrepresents us of the opposition to the compulsory Sunday observance bills proposed to Congress. During the last 25 years more than 70 Sunday bills have been introduced into Congress at the instigation of religious societies for the District of Columbia, and on July 13, 1921, after several futile attempts during 1920, a national Sunday law bill of the most drastic character was introduced into the CONGRESSIONAL RECORD and printed in full in connection with a lengthy petition from the Methodist Church South, praying for its passage. Petitions and resolutions were coming from all parts of the country asking Congress to pass this proposed national Sunday law. It was this proposed bill that we were opposing, and yet Doctor Crafts says there was no national Sunday issue before the Nation. Doctor Crafts himself sponsored a national Sunday law bill and carried on a vigorous campaign in its behalf during the Fiftieth and Fifty-first sessions of Congress. The bill was so drastic that no person or corporation was permitted to perform "any secular work, labor, or business," works of necessity and mercy only excepted on Sunday, all "amusement and recreation" was prohibited "in any Territory, District, vessel, or place subject to the exclusive jurisdiction of the United States," and section 2 of this national Sunday bill provided "that no mails or mail matter shall hereafter be transported in time of peace over any land postal route" "during any part of the first day of the week"; likewise "the prosecution of commerce between the States" was prohibited on the first day of the week as not being in harmony with "its observance as a day of religious worship."

It was purely a religious measure, and placed on a religious basis, as the title of the bill stated that its purpose was "to promote its observance as a day of religious worship." We were not only opposing their proposed religious measures in Congress but the future aims of the religious organizations which are seeking to legalize the obligations of the Christian religion. Doctor Crafts admits that the pending Sunday legislation is merely the entering wedge for more stringent legislation which is to follow.

Doctor Crafts asserted in the CONGRESSIONAL RECORD that I was the "chaplain for the motley crowd of bootleggers, prize fighters, gamblers, and Sunday profiteers," and that the Religious Liberty Association was in "alliance" with this "selfish" and "motley crowd."

This is not the first time that Doctor Crafts has made this false charge in print not only against me but against the denomination which I represent. He has been repeatedly informed of the falsity and injustice of this charge, and yet he insists on making it in print and from the platform whenever it suits his purpose to malign and misrepresent us before the public. He knows, as everyone else does who knows us, that we are a strictly temperance people, abstaining both from the use of liquor and tobacco, and that we would not tolerate for any consideration any of this "motley crowd" in church fellowship. The fact that some of these folks are opposed to compulsory Sunday observance laws and come to hear me lecture, and sign the petitions protesting against their enactment, is no more justification to put me in the same class than if a lot of robbers came to hear Doctor Crafts lecture against the use of opium and signed his petition, and as a consequence I should call him the "chaplain of this motley crowd." Doctor Crafts finds fault in the CONGRESSIONAL RECORD because Seventh-day Adventists publish a book entitled "'Bible Readings,' whose sectarian purpose is disguised," because they put the imprint of their publishing house upon the book instead of the denominational name. There are hundreds of books published by the Methodists, Presbyterians, and Baptists that only bear the publisher's imprint, but he says not a word to condemn them.

He asserts in the RECORD that "Seventh-day Adventists have just sent out 1,000,000 copies of an extra edition of the Liberty Magazine," and that "in each of these magazines is a printed petition to Congress that confuses the ignorant." We wish to inform Doctor Crafts that judges of the highest courts in the States, hundreds of lawyers, newspaper and magazine editors, deans of universities and professors in colleges, professional men in every walk of life, including hundreds of clergymen of every faith, have not only placed their names upon the petitions but have called for the petitions protesting against these obnoxious Sunday bills which are now pending in Congress.

Doctor Crafts wants to know what the difference is between "threatening Congress with 'a million-dollar slush fund'" and "flooding Congress with a million of such disguised sectarian petitions."

There is a world of difference between a church organization as such spending $1,000,000 to induce Congress to enact religious obligations into civil law and to enforce them at the point of the policeman's baton and between citizens as such sending in petitions to Congressmen asking them to keep their hands off of religion by law and to remain loyal to the constitutional guaranties of civil and religious liberty as conceived by the founders of this Republic. The church has no business as such in politics. We should not send our petitions to Congress as Presbyterians, Methodists, or Adventists, but as citizens. Doctor Crafts ridicules us in the RECORD because we assume that if Congress compels people to observe Sunday that Congress "must ere long compel Sunday worship under penalty of death," but that the existing Sunday laws in the States have no such effect now. But we can not forget the past. The Puritans, when they were in full power in New England, executed the death penalty for the violation of any one of 13 religious obligations, of which a compulsory Sunday observance law was simply one.

What good men did before they are likely to do again under similar conditions when they are clothed with the power. Hundreds of Seventh-day Adventists have had to spend months and years in solitary confinement in prisons and in the chain gangs in the United States during recent years as the result of religious prejudice and persecution under the existing Sunday laws in the various States. We are not dealing with a theory but with actual experiences.

The writer frequently received letters from preachers and religious zealots stating that he ought to be "hung," "lynched," and "exiled" for opposing the Sunday law measures. With Madison we hold that the only way of avoiding the evil consequences of religious legislation is by denying the principles. A legal religion has all the possibilities of an inferno couched in its very incipiency. We deny the first step in that direction because it embraces the last step.

Doctor Crafts claims in the RECORD that we slur the United States Government in representing it by "a horned hog," and that it is to become a persecuting power. Doctor Crafts has been repeatedly informed that we never represented the United States Government by "a horned hog," as he asserts. We symbolize the United States as John the Revelator did in the latter part of the thirteenth chapter of Revelation by a two-horned beast having the characteristics of a lamb and a lion, and not as "a two-horned hog," as Doctor Crafts charges in the RECORD. England is politically represented by a lion, Russia by a bear, and the United States by a bird of prey—the American eagle. But the Bible has symbols of its own to represent nations. God symbolized ancient Babylon by a lion, Medo-Persia by a bear, Greece by a leopard, and the Roman Empire by a fierce-looking dragon. But God represented the United States by a beast having the characteristics of a lamb. Dr. De Witt Talmage agreed that this third beast of Revelation xiii represented the United States. No more dignified symbol was ever employed by inspiration to represent a nation.

We believe that the United States Government is the noblest creation of man—a gem of gems among the nations of earth, and a star of the first magnitude. The principles upon which the American Republic was founded were divinely ordained as conceived by its founders. The total separation of church and state, the guaranties of religious freedom, the inherent rights of the conscience of the individual, and the inalienable rights of all men, are the principles which have made this Nation the greatest and grandest of all nations. The principles of civil and religious liberty as conceived by Washington, Jefferson, and Madison are our principles. We believe in American democracy and ideals as set forth by the founders of our glorious Republic, and we are opposed to any movement that seeks to pervert and override the American guaranties of human rights. What we do believe and teach relative to the United States in prophecy is that the time will come that the latter part of the thirteenth chapter of Revelation, referred to by Doctor Crafts, will be fulfilled in the United States, and that religious organizations will arise in this country seeking to overthrow the guaranties of human liberty and the free exercise of the conscience, and that these oppressive and intolerant religious societies will combine, federate, and consolidate themselves into a powerful ecclesiastical machine to bring power and influence to bear upon our political institutions for the purpose of legalizing religious obligations under the most drastic penalties.

Unless present-day tendencies in America are checked along this line it will not be long till legislation will be enacted at the dictation of religious organizations, and this prophecy of the religious organizations in America will be fulfilled. We believe that this explanation of our true position is due the readers of CONGRESSIONAL RECORD, in lieu of the misrepresentations which were printed.

Yours for liberty, truth, and equal justice,

C. S. LONGACRE,
General Secretary Religious Liberty Association.

THE HAWAIIAN SITUATION.

Mr. WALSH of Montana. Mr. President, ex-Senator Phelan, from the State of California, has just returned from a trip around the world, stopping en route in Hawaii. He has committed to paper some studies he made as to conditions in the Hawaiian Islands. I ask unanimous consent that his statement be printed in the RECORD in the regular RECORD type and referred to the Committee on Territories and Insular Possessions.

There being no objection, the statement was referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD in 8-point type, as follows:

THE HAWAIIAN SITUATION.

[By Hon. James D. Phelan.]

The conditions in the Territory of Hawaii require Federal attention. The "gentlemen's agreement"—that mongrel thing, neither treaty nor law—which was intended to save California without offending Japan, left Hawaii unprotected. There was no restriction put upon immigration there.

Hawaii was abandoned to the Japanese by the blundering policy of our Government. How far the sugar planters may be responsible for this is another question. They wanted labor. They spent millions in immigration enterprises, seeking relief from Portugal, the Azores, the Philippines, and Porto Rico. Some immigrants proved of no value; others fled to the continental United States, where the European workers were welcome. Finally the Japanese, beginning in 1885, were permitted to come, and now, by immigration and birth, compose about one-half the entire population of this American Territory. The Chinese are barred by the exclusion law.

Briefly, the question of Hawaii is: Of what value are the islands to the United States, and to what extent do the Japanese depreciate their value?

Hawaii is an indispensable base for American naval operations. The menace in the Pacific is from Japan, ambitious and aggressive. It is inconsistent with our national interests to harbor in the islands a people, now composing one-half their entire population, who owe loyalty and military service to Japan and can not be Americanized.

In the second place, the production of wealth in American control is highly desirable for the encouragement of our commerce. The surplus products of our fields and industries find in Hawaii a natural market. Should control pass to the Japanese the military and commercial situation would reach a critical stage. Therefore, as a precaution, if not a cure, the American planters should be protected against absorption by Japanese. Out of 45,000 agricultural workers required there is now a labor shortage of 14,500. The planters can not fill the gap. The Japanese, who struck when they were getting $3 per day—wages and bonus—plus house, garden, medical attendance, free water and free firewood, led the planters to believe that the unexpected move was designed to embarrass them to the point of surrender, because at about the same time Japanese, or persons representing them, according to Walter F. Dillingham, official representative of the Territory, made offers to purchase plantations outright, and so end all trouble.

In California, farmers under such pressure sold their lands. The Hawaiian planters decided to fight. Now, it appears to me that this is not solely a planters' fight. It is a fight for an American-controlled Hawaii. It is a comparatively easy matter for these aliens to capture the soil if the islanders are indifferent. Aliens may acquire land, privately owned, in the Territories of the United States, but not public land; so the door is open, as usual, and that is the only "open-door" policy that is pleasing to Japan.

The planters ask that the restrictions of the immigration laws be relaxed in favor of Hawaii for five years in order to fill the labor deficiency from sources other than Japan. If they can not get help, they are dependent on Japanese immigration. Field labor there repels and does not hold the second generation of Japanese. Many experiments have been tried to induce the agricultural settlement of the islands by, for instance, the Portuguese, but so long as they are free to leave they desert the islands.

A permanent solution of the problem might be found in such a system, inaugurated and maintained by the Territory, as the "land settlement board" plan in California—borrowed in turn

from Australia—by putting desirable settlers on the soil under attractive conditions of land purchase and long payments, or by fixing wages at a basic rate, as was done in Hawaii during the war, and a bonus, determined by the market price of sugar. This would take time, but I believe it would serve the best interests of the Territory to tax itself and vigorously bring it about.

The Japanese, with all the influence and power of their Government, are making a firm stand. They have a close association which imposes taxes on its members—$1,000,000 was raised during the strike—and their consul directs every move. It is Japan governing a Japanese province under the Stars and Stripes. They have extensive propaganda. Although the Japanese are the deadliest enemies to American labor, on account of their skill, industry, low standards, and general adaptability, white labor leaders in the islands took Japanese money to go to Washington to save Hawaii for the Japanese.

There is little doubt but that the planters, frightened at the aggressive stand taken by the Japanese, want to introduce Chinese as a quick and available remedy. They say very frankly that they can not hold out. They have no other labor. As the Japanese made unreasonable demands, which were rejected, and the strike was finally broken, and then only on the motion of a special commissioner from Japan, they justly fear their existence depends on the will of Japan.

Can America tolerate such a condition in a country necessary for the national defense and splendidly contributing to its commerce and wealth?

Our Government moves slowly. With vigor, a land settlement by desirable immigrants might be essayed and a Federal commission might be appointed, with a man like Doctor Elwood at its head to put such settlers on the land after purchasing the plantations. But Doctor Mead is sorely needed in California. Congress has full jurisdiction over Territories, and can change their form of government. Inevitably in a few years Hawaii will lose its American institutions of its own motion in order to avoid the political control of native-born Japanese.

Why not now take up the two questions in a big way? Why temporize? The expedient proposed to gain time, namely, to admit a limited number of Chinese for five years, might give our Government a chance to turn around, like the strategic move of a general confronted with stubborn facts and an agile enemy. It would be distinctly distasteful to the Japanese, because they can not meet Chinese competition at home or abroad. The Chinese wants are few, their industry well known, their skill in agriculture unquestioned. They would be able to replace the Japanese or economically destroy them, as the Vedalia cardinalis devoured the pests in the California orchards.

Furthermore, the Chinese make a good and acceptable blend with the native Hawaiian population. They add something to the strain which results advantageously, unlike the Eurasian combination. The Chinese have no powerful and aggressive Government behind them, and they can be required to leave at the expiration of their time should our Government in its wisdom decide to reorganize Hawaii.

Until the pressure of population fills up the waste places of continental United States and we secure for ourselves a homogeneous and indissoluble union of minds and hearts by restricted immigration and the domestic development of patriotic purposes I fear the people of this country will be slow, too slow, to grasp with prophetic vision the imminence of danger and the need of action. The vice of the United States is living only from day to day. Since it is our habit to move slowly, because there is no leadership under the congressional system, let us inquire in what order we should proceed. If we had a parliamentary system, the premier would propose a measure and press it with the weight of the Government to a speedy conclusion. It would win or he would lose and be compelled at once to appeal to the country on that issue. We dawdle; we palaver with diplomatists who take easy advantage of the national habit of putting things off, which invariably increases difficulties and multiplies probelms.

Look at unhappy California. The Federal Government refused to recognize the Japanese menace until to-day. Now there are 100,000 reasons urged by Japan why we should do nothing. The rights of resident Japanese—100,000 in one State and 350,000 in the United States—unassimilable, indigestible, creating economic disturbance and labor distress, are pressing for consideration. They steal in between the meshes of the law and breed with alarming rapidity.

Let us assume that all are agreed on a rigorous exclusion policy. We still have the problem. We must scatter the Japanese in California to save the rural population. I see but two ways of doing it: By firmly denying them naturalization and land ownership—which we do now—and so cause them to seek other fields; and by effecting at the same time land settlement on a generous scale under State auspices, so as to secure a desirable population, American and clearly, potentially American, which will be loyal to the country in peace and war.

The Japanese born on the soil are American citizens by the Constitution. As a matter of fact, Japan claims and holds them to a strict allegiance to herself. In the Hawaiian trouble last year, the first opportunity for observation, the native Japanese, who professed American predilections, took orders from Japan through the "Imperium in Imperio" presided over by the consular service. A Japanese born on the soil before he attains 17 years of age can theoretically renounce his Japanese citizenship provided Japan consents. That is the joker. Japan rarely asked, never consents.

If the native Japanese were not ineradicably Japanese, without our power biologically to assimilate so as to maintain the standards of our civilization, we might tolerate a temporary evil. "The melting pot," however, rebels. It is not temporary. We can not, side by side, have two contending races without perpetuating a race problem, and of this have we not had enough? The Civil War is a monument to nonassimilability. For this reason the Constitution should be amended so that not all persons, but only those granted the precious privilege by Congress, should become citizens by birth. It is treating too lightly a great inheritance. Shall one patriotic society—like the American Legion, which has already expressed itself on the Japanese question—take the leadership of this movement? Prohibition and woman's suffrage organizations have shown the way to constitutional reform.

Because they are born in the sugar plantations of Hawaii a brood of Japanese, formidable in numbers, are now free to come to continental United States, where they can own and lease land and lay deep the foundation of an alien colony, already a menace. So, too, the equally large brood generating day by day in the Golden State, swarming it and overwhelming white civilization, brings in a yellow tide. These are two alarming breeding grounds endangering the whole country.

Unless we check the fecundity of the Japanese in America—continental and insular—the danger will grow daily; but that we can not do. More brides are coming in than before the alleged restrictions imposed by Japan. Japan apparently encourages in every way, as by the extension of the period of time within which a returned subject is exposed to military duty at home, the building up of its colonial empire by births. Steamship rates are so made for the round trip on their own ships that the expense of a bride is no greater than by the former photograph marriage. Our "gentleman's agreement" permits the laborer to go to Japan and return with a wife. Our national policy of preserving our population and our institutions should be sternly declared, and to effect it a new leadership should demand these changes:

(1) The termination of the treaty of 1911 (six months' notice is required).

(2) The passage of an exclusion law like the one now applying to Chinese, which would end the so-called "gentlemen's agreement."

(3) An amendment to the Federal Constitution, which now unhappily gives citizenship to all persons born on the soil.

(4) Universal disarmament or, as an alternative, the maintenance of the American Navy at its highest efficiency.

JAMES D. PHELAN.

HONOLULU, *October 18, 1921.*

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

Mr. MCNARY. Mr. President, on yesterday afternoon, in order to avoid a roll call, I asked that the amendment which is found on page 26, line 8, of the pending bill be passed over until to-day. The Senator from Missouri [Mr. REED] expressed a desire to be heard on the amendment, which is the one pertaining to the free distribution of seeds. I think, in view of the practical promise then made, that I should now ask that we recur to the amendment at this time.

The VICE PRESIDENT. Without objection, the amendment referred to by the Senator from Oregon will be stated.

The READING CLERK. The amendment reported by the Committee on Appropriations which was passed over is on page 26, line 8, to strike out the clause beginning in line 8, relative to the purchase and distribution of valuable seeds, down to and including line 22, on page 28.

Mr. MCCORMICK. Mr. President, it had been my hope that following the call for a quorum the Senator from Oregon [Mr.

McNARY] would assure the calling of the roll a second time in order that there might be some Senators on the other side present who would care to-day to join Governor Cox in the avowal of intention to bring the United States into the League of Nations. Those who read the newspapers during the morning will have noted that yesterday Governor Cox again declared his belief that the United States ought to subscribe to the covenant of the league and ought to assume the responsibilities of membership therein.

It is true that Governor Cox adverted to what he termed the sins of omission or commission of the Republican administration and the Republican majority in Congress. We are very ready to discuss them; doubtless we shall discuss them here and elsewhere before the election. If you please, sir, we are as ready as the Senators on the other side of the Chamber to debate the domestic issues.

Mr. HARRISON. Will the Senator yield for a question?

Mr. McCORMICK. In a moment. The Senator from Mississippi, who just rose, will bear me out when I say that here and elsewhere I have discussed the record of the Republican administration and majority in Congress, as I have the record of the last administration and the preceding Democratic majority; but I seek to-day some single Democratic Senator who will join the Senator from Texas [Mr. SHEPPARD] in avowing his agreement with Governor Cox to demand that the United States enter the League of Nations.

It may be that the Senator from Mississippi, as secure as the Senator from Texas in the devotion of his constituents to himself and to his party, may join Governor Cox; but I listen for the voice of some Democratic Senator from a State which sometimes may cast its electoral vote for a Republican President, or which at some time may elect a Republican Senator; I wait to hear a call that America enter the league from a Democratic Senator representing a truly free constituency, one which may voice its judgment upon the issue of the League of Nations. Is there no such Democratic Senator who will declare again that the United States should go to Geneva, there to petition for admission to the league?

Mr. HARRISON. Will the Senator yield now before he takes his seat?

Mr. McCORMICK. Very readily.

Mr. HARRISON. There was an election in the State of the Senator from Illinois day before yesterday.

Mr. McCORMICK. That was a primary election.

Mr. HARRISON. And I understand that one of the Representatives, who happens to be a member of the present Ways and Means Committee of the House of Representatives, and a great personal and political ally of the Senator from Illinois, and who was indorsed in a speech by the Senator from Illinois, as well as by the present administration, was defeated. I am curious to know if, in the primary in which the friend and political ally of the Senator from Illinois, and I might say a most estimable gentleman, went down by quite a large majority, and succumbed to one who was running on an anti-administration ticket, the Senator's friend indorsed the stand of the Senator from Illinois when the Senator from Illinois voted for the four-power pact?

Mr. McCORMICK. Mr. President, the Senator from Mississippi is not familiar with political conditions in Illinois. He is as abysmally ignorant of them as am I of political conditions in Mississippi. My able friends who served in the other House of Congress, and who were defeated in the recent primary, were neither of them my political allies, nor in any primary have they been actively associated with me.

Mr. HARRISON. But the Senator from Illinois has not answered my question.

Mr. McCORMICK. I have.

Mr. HARRISON. Did the Representative in question indorse the stand of the Senator from Illinois when the Senator from Illinois voted for the four-power pact?

Mr. McCORMICK. I have no idea what position that gentleman took in the primary. I have said to the Senator from Mississippi that neither of my friends who were defeated for Congress in that primary have been actively associated with me in any primary contests in Illinois.

Mr. HARRISON. Perhaps the Senator's friends in Illinois realize that the Senator from Illinois really was not so strong for the four-power pact as his vote indicated, anyway.

Mr. McCORMICK. Perhaps there are Senators on the other side of the Chamber who are not as strong for the League of Nations this year as their votes last year indicated. The number of Laodiceans yonder increased with the years, it would seem.

Mr. HEFLIN. Mr. President, is the question now pending the amendment to strike out the appropriation which provides for the free distribution of seed?

The VICE PRESIDENT. The pending question is on agreeing to the committee amendment on pages 26, 27, and 28.

Mr. KING. Mr. President, will the Senator from Alabama yield to me for just a moment?

Mr. HEFLIN. I yield.

Mr. KING. The Senator from Illinois in his speech the other day, in which he attempted to determine the campaign issues for the coming year, quoted somewhat liberally from an address delivered by Governor Cox at the Jefferson day banquet in New York. I think in justice to Governor Cox, because of the frequent allusions to the address, it should appear in the RECORD. I therefore ask unanimous consent that the address be inserted in the RECORD and printed in 8-point type.

Mr. McCORMICK. This is the address in full, I trust.

Mr. KING. It is the address in full, and I am sure that the Senator, after having read it, will feel like deleting some of his remarks.

The VICE PRESIDENT. Without objection, the speech referred to will be placed in the RECORD.

The speech referred to is as follows:

COX CONDEMNS LACK OF LEADERSHIP IN NATIONAL CAPITAL.

Former Governor Cox's address in full follows:

"Just as the campaign was closing in 1920 I said to a New York audience that the then approaching result of the ballots would bring definite economic results, either to our benefit or injury. In short, if America expressed a mandate for international cooperation, exchange would be stabilized, spur would be given to credits, and we would enter upon a prosperity without precedent. If we by our ballots established selfishness as our creed, and isolation as our policy, a blight would fall upon industry everywhere. The observation was respectfully made to sundry interests that their real grievance was taxation, and that they seemed to be resolved upon an enterprise that would multiply their troubles. Their taxes have been reduced, but in the very way predicted—through the curtailment of their profits. It required no gift of prophecy to foresee what would happen. It was apparent to every person not blinded by prejudice. The individual who acts from an impulse born of anger always finds in time that his vision was clouded and his reason arrested. It must in fairness be admitted now that in the face of unparalleled emergency, when the most rational thought of the Nation was required, we witnessed the spectacle of suffrage expression without regard to the interests of humanity. There was not enough thought of the future and what was to be done for the common good. There was too much thought of the past and punishment for fancied wrongs. In the calm review of history the period and events in question will be referred to as 'the madness of 1920.'

"If there is anything in the theory that adversity, national or otherwise, brings the reflection of fair analysis and honest conviction, then we will find at least one compensation from our harrowing economic experiences. The theory that a serious depression in our business affairs was an inevitable aftermath of the war is an unadulterated humbug. The desolation in Europe naturally brought the need of every article that enters into commerce. America had reached an unprecedented peak in productivity, agricultural and industrial. Returning soldiers would have met all shortage in labor. The rebuilding of Europe required years of American products.

"Credit is based upon two things: Gold, and the presumption of industry and integrity. We had the gold, Europe was anxious to go to work. The initiative was upon us. Gold in itself means nothing. To it must be joined progress, enterprise, and appreciation of the fact that the same human industry that produces it occasionally needs the cooperation of credit. If the American bankers do not already know that they have lost to English financiers the opportunity for world leadership, the revelation will soon come.

"If we had lifted our voice for international cooperation, we would to-day be prosperous. Overhanging inventories that led to bankruptcy would have been absorbed in trade. Every dollar's worth of our surplus agricultural products would have been bought and foreclosure and disaster would not now be outstanding elements in farm life. Some farmers have survived, and the mere circumstance of their survival is cited by propagandists as an evidence of returning prosperity.

"As one surveys conditions at Washington he finds little ground for hope of a stable prosperity. There is no attempt made to meet the nation-wide charge of broken promises. Extensive default in performance usually denotes bankruptcy in the resource of plan and purpose. The philosophy of the ne'er-do-well that something, somehow, will turn up seems all possessing. In short, the evident hope is that the ingenious American people will work themselves out of existing plight, and the administration can then take credit for it. The burdens of

taxation remain; there seems to be a hopeless confusion of policies as to a tariff system; the reorganization of Government bureaus is yet in the nebulous state of uncertainty, the probabilities being that the reorganizers on the pay roll outnumber the employees that have been taken off. The dollar sign still hangs over the Senate door, as the password to those who are willing to join NEWBERRY in doing emergency jobs about the place. Nothing has been evolved to ascertain what is the matter with the railroads. The single claim that wage and coal costs form the incubus will not suffice. There are fundamental disorders; there is too wide a zone between the division superintendent and the chairman of the board. Bankers' committees have their functions, but it does not consist in running the railroads. Industry advances in method and efficiency; the railroads have not moved a peg forward in 20 years. If the railroads could buy what they need, business would improve. Every day they drift nearer to the danger of public acceptance of the idea that Government ownership is the only panacea. Congress has run amuck, and, holding at bay the executive branch of the Government, it thinks only of the feast of spoils that it has compelled the White House to deliver through a disgraceful invasion of the merit system. Meanwhile the American people ask themselves how far back through the ways and the days of old they must go to reach the promised land of normalcy.

"The average person of the average community believes there is something radically wrong in Washington, and that it consists chiefly in a lack in leadership. There is no captain of the ship. Groups move along their statutory and constitutional grooves, but there is never cooperation in effort without leadership. The Presidents in our time whose names are associated with progress and achievement outlined policy, established it in public confidence, and through the purely constitutional processes of a democracy in government their concept became statute law and an agency for good. Roosevelt's fame will consist largely of his foresight, courage, and leadership. When the burdens of the greatest war of all time fell upon our country, when victory depended upon the assembling of individual effort, when the ship of state had to hold true to course, regardless of the portents of many a threatening day and night, it rode through to glorious triumph because Woodrow Wilson was on watch on the bridge.

"While there is much regret throughout the country over the aimless way in which things are drifting, it is not fair to criticize the President of the United States. He is simply keeping his contract with the people. He was open and frank in expressing his opinion as to what the function of the Executive is under our charter of government. He clearly indicated what his relation to the Congress and our affairs would be. The campaign waged by his party, through platform and speech, was largely directed against the alleged autocratic policies of Mr. Wilson. In marking the distinction which both he and his party made as between what had been and what was to be in this regard the Republican candidate specifically promised what he would do. He has kept the faith. He doubtlessly believes his performance is in precise harmony with what he accepted as a mandate adopted by 7,000,000 plurality.

"While our business adversity has been occasioned by our not going into the League of Nations, it is not our purpose to go into any discussion of the Lodge conspiracy. Instead let us turn to what the league, in face of senatorial sneers, has accomplished, and it is time, certainly, that our people know something about the very obvious attempt to embarrass, if not destroy, the league. In order to appraise the work of the league there should be created a mental background as to what the conditions were in Europe when the first assembly met in 1920 at Geneva, Switzerland. The war had awakened hatreds that had slumbered for centuries. Old frontiers, which had been enforced by might, were broken up; newly created governments were in their swaddling clothes; railroads which belonged in whole or in part to governments as they existed prior to the war included extensive trackage and terminals on soil subject to a new authority. Circulating media were presented as legal tender in territories no longer under control of the governments that had issued them. Foolish embargoes and repressive restrictions were being enforced against the tide of travel across many frontiers; minority peoples were caught up in lands alien to them; certain districts were wholly detached from any central government; prisoners of war in untold thousands were unable to reach their homes; typhus and other contagious diseases had broken out. In fact, conditions generally were in such confusion as to discourage anyone save an enthusiast for the great cause of peace which had taken hold of the best thought of Europe. The league, as the only working central body, became the trustee of a considerable part of Europe, and to it were consigned interests that had to be held sacred if trouble were to be avoided. Twenty-one slumbering wars were going on. There is now but one in all Europe. The secretariat became a useful administrative agency at once. The personnel of its sectional heads embraces the following nationals: Norwegian, English, Dutch, French, Italian, Swiss, and Polish. In the face of enormous difficulties, moved by the fine idealism possessing the movement, the branches of the league have achieved a measure of success that seems to be well known except in our own country.

"In 1920 the Polish Government requested the league to arbitrate the existing troubles with Lithuania. A commission was dispatched to the scene of the controversy. Order now prevails. Representatives from the two governments entered into an agreement last January before the council of the league to abstain from hostilities. During 1921 trouble arose between Albania and the Serb-Croat-Slovene State. Troops had advanced into disputed territory. Misunderstanding grew out of indefinitely formed frontiers. The council of the league intervened. Soldiers were withdrawn, the new boundaries are fixed, and peace prevails. The settlement of the Aaland Islands controversy was an affair of such world-wide interest that nothing need be said of it save that under the kindly offices of the league a dispute prolonged through many years came to an end, not only because the league approached the task without prejudice but both parties in interest had confidence that under the league agreements would be respected.

"Upper Silesia seemed to present the hardest of all the European problems. The allied powers wrestled with it in vain. No agreement could be reached. There were important economic and political questions involved. Finally the allied powers, with American Ambassador George Harvey present as observer, decided to turn the question over to the league for solution. The league respected the provisions of the Versailles treaty and held to the just principle of establishing frontiers on the results of the plebiscite. Its recommendation was accepted by the principal allied powers and the conference of ambassadors. Former Swiss President Calonder has conducted for the league these negotiations between Germany and Poland. The utmost spirit of conciliation has prevailed between these two countries in forming working agreements during the necessary period of transition. Disorder has ceased in Upper Silesia, and there is every reason to believe that the decision of the league will be the base of a permanent peace.

"The covenant carried more than a declaration of principle in the matter of reduced armaments. With the United States out of the league, there was little hope of progress in the reduction of naval armaments. The results of the Washington conference, in so far as they touch this subject, will be helpful to the purposes of the league. Land disarmament, however, is not so much affected by our nonmembership. The second assembly of the league requested the temporary mixed convention to draw up a general plan of disarmament following a survey that is now under way. This plan will doubtless be submitted to the next meeting of the assembly in September. An international conference on the private manufacture of arms is to be held before the next assembly.

"The two perplexing tasks, administration of the Saar Basin and the protection of the free city of Danzig, are in the hands of the league. Over the Saar Basin, a governing commission under control of the league presides. On it sit a Belgian, Dane, Frenchman, and Canadian. The social, economic, and political results of its work have been eminently satisfactory. In Danzig the high commissioner appointed by the league settles disputes between the city and Poland. The free city shows signs of development, and Poland is afforded an outlet to the sea. For generations this situation was the origin of recurring troubles.

"No greater test of the administrative efficiency of the league could have been imposed than the protection of minorities. This term applies to groups of persons differing in race, religion, or language from the majority of the inhabitants of a country. The extent of the racial admixture following the war and the establishment of new frontiers can scarcely be approximated. When the treaty of Versailles was concluded the commission on new States was requested to draft treaties with the European countries within whose borders minorities were isolated in the midst of majorities alien to them. The first treaty was made with Poland. It carried very essential changes in the forms and practices that had previously prevailed and which had proved inefficient. Under the new system all guaranties are intrusted to the league. Ten such treaties were made, some of them with the so-called enemy countries. Finland, on receiving the award of the Aaland Islands, gave guaranties to the population for the preservation

of the language, culture, and local Swedish traditions. The regulation of the reciprocal and voluntary emigration between Greece and Bulgaria was another trying assignment. In no instance, so far as known, has the league failed to maintain harmonious compliance with these treaty arrangements.

"A conspicuous feature of the league is the protection it gives to the smaller nations. Indeed, from his first contact with the terms of peace, President Wilson stressed the absolute necessity of protecting the small States. Recently, Mr. Huber, the Swiss member of the International Court of Justice, in an address at Berne, said that if the league ever came to grief, it would be unfortunate for all its members but a catastrophe for the small States. In harmony with the principle of protecting the weak, the plan was evolved to control the mandated territories. The covenant of the league describes them as 'those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world.' The care of such people is intrusted to certain powers, acting, however, for the League of Nations.

"The financial conference at Brussels, convened by the league, marked the beginning of a program of financial reconstruction. Out of it came the adoption by European States of budgetary reforms devised by fiscal experts of the league. Definite plans involving carefully worked out details for international cooperation were presented. One of them, called the ter Meulen scheme from its author, a member of the economic and financial committee of the league, was later adopted for the financial reconstruction of Austria. It is safe to predict that if the approaching Genoa conference attempts the beginning of a concerted fiscal program it will follow the principle, if not the form, of the ter Meulen plan.

"The reopening of the lanes of traffic and the reestablishment of contacts wiped away by the war was the achievement of the Paris and Barcelona conferences conducted by the league. Recovery of the exchanges, a necessary prelude to business revival, was prevented by new frontiers, conflicting legislation, and needless formality. Complete liberty of transit, of interstate transport, and of navigation, as well as the removal of annoying taxes and duties, were stipulated in the final convention.

"The league recognized the modern and progressive principle that a central agency must interest itself in welfare work when communities and even States themselves are unable to meet a situation of common menace. During the war there was little semblance of government in many parts of Europe. The massing of large bodies of troops, the too-frequent disregard for sanitary regulations, and the final state of impoverishment brought widespread sickness, the worst form of which was typhus. Certainly if civilization were to be restored in devastated areas the population had first to be preserved. The league appealed to the world for financial aid. It established contact with the two Red Cross organizations, and in brief time established its first line of defense against the advance of the epidemic. A perplexing area was the zone lying between the lines of ethnological Poland and ethnological Russia. Naturally there was considerable delicacy in this situation, but full cooperation came from Poland, and contact was actually established with parts of Russia, where surveys were made and invaluable information gained. The health organization of the league is proving one of the most effective instrumentalities for good that the world has ever known. It not only is playing the good Samaritan and establishing hope and vitality where desolation was well-nigh complete, but it is paving the way for the economic forces within the league.

"The immoral traffic in women and children impressed itself as a threatening institution on the impressions of civilization some 20 years ago. It had been a practice of the ages, but to the modern sense it finally became abhorrent. Conventions were held in 1904 and 1910 for the specific purpose of imposing restraint and punishment, but nothing worth while was accomplished. Soon after this the war came on, and poverty gave unprecedented opportunity for a renewal of the traffic, but on a very enlarged scale of operations. The league called a conference in which 34 nations participated. The survey which had preceded the meeting revealed the most shocking facts. In central Europe women and girls, threatened with starvation, fell an easy prey to the nefarious business. Into large centers of population many were transported. Over 300,000 had been taken from Greece alone. The conference revealed a universal moral awakening. The work began where the conventions of 1904 and 1910 had ended. The good was taken from the prior plans, and additions which experience suggested were made. The most efficient agencies have been created to stamp out the evil.

"Nothing has cast a more baneful influence over civilization than the use of opium. The league in a common-sense analysis of conditions reached the conclusion that control of the source of supply to the actual legitimate world demand for the drug was the way to approach the problem. A comprehensive survey, which obviously is the first logical step, is under way.

"When the war closed there were hundreds of thousands of prisoners of war interned in different countries. The local population was chiefly concerned about its own subsistence and many of the governments were unable to provide the means to bring back their own soldiers that had been interned. In Siberia some detention camps suffered a 50 per cent loss from starvation. The league appointed Doctor Nansen, the Arctic explorer, its high commissioner to undertake the task of repatriation. He commanded the confidence necessary to essential contacts. He gained the cordial cooperation of the soviet government of Russia, as well as of Germany, Austria, and all the so-called enemy countries. At the end of 1921 he had returned over 400,000 men to their homes and reported the work completed. He is now engaged in relieving the vast numbers of civilian refugees who have been pressed by circumstances into alien lands.

"The league has created and actually elected the judges of the international court of justice, the dream of international lawyers for a century past. The covenant of the league provided for the establishment of such a tribunal. At The Hague conferences the enterprise had been discussed. In 1907 Elihu Root, in his instructions to the American delegates to the conference, urged them to use every possible endeavor to create such a court, and thus 'establish a world-wide justice based upon law.' They formally presented the proposal, which was debated, and the conference sought to adopt it. It failed because no agreement could be reached as to the method of selecting the judges. The division came between representatives of the large and the small nations. There was a fear that so many powers could not harmoniously and equitably choose a small number of judges. For more than 10 years nothing was done. Moved by the provisions of article 14 of the covenant, the council of the league again set in motion this important enterprise. The ablest international lawyers of many countries were requested by the league to confer and submit a plan of organization, among them the Hon. Elihu Root. In the summer of 1920 the meeting was held. The old bugaboo over the method of electing the judges of the court appeared at once. Then it was that some one observed that the underlying genius of the scheme of the league itself was the creation of the council controlled by the large powers and the assembly controlled by the small powers; therefore the problem's solution was to be found in permitting both the council and the assembly voting as separate bodies to choose the judges. The merit of the suggestion was so obvious that it was adopted. The candidates to be voted for were to be formally placed in nomination by the delegates of the old Hague court of arbitration, each group being privileged to suggest the names of four men, two only of whom could be of the group's nationality. The council and the assembly from the nominations, 89 in number, elected the 11 judges of the court. It required but a few ballots and was practically concluded in one day.

"Recognizing that the war was over, and that amicable relations had been established through treaties, the league sought to temper bitterness of the past through cooperative labors for the common good. It admitted to membership 13 neutral nations that had not joined the Allies in war, as well as two ex-enemy countries—Austria and Bulgaria—all for the purpose of establishing a new world relation. It admitted Germany to membership of the international labor office. In the Brussels financial conference a German delegate, Herr Bergman, arose to address the first international audience in six years. Germany participated in the Barcelona conference. In the conference for the suppression of the traffic in women and children, all four ex-enemy powers participated. On the advisory committee for the control of the opium traffic, a German member has been appointed. When Germany recognized the justice of the principle of publicity of treaties and voluntarily sent in for registration more treaties than any nation except Great Britain and France, she was accorded every facility and courtesy. In the recent conference for the internationalization of the very conflicting standards of antitoxic sera for diseases, such as diphtheria, pneumonia, etc., Germany was given representation and her scientists are now carrying on investigations in accord with the league's program. In short, in economic, scientific, and humanitarian activities the league, with thought of future peace, rather than past conflicts, is healing the breach that divided the world's national and racial units.

"These are the conspicuous achievements of the League of Nations.

"Is there any valid reason why it should not have the moral support of every agency of civilization? Can any Government afford, in the judgment of history, yea, more, in national conscience, to deny assistance? Finally, if any Government has treated the league and its works with scant courtesy, if not with discourtesy, ought not the veil be lifted and the facts be given? Let us in this thought submit a record of the attitude of our own Government under the present administration.

"During the early months of 1921, the secretary general of the league sent to the Secretary of State at Washington communications of special importance. Information concerning all the large general conferences of the league was sent to the American Government, as a matter of course, as it was sent to all Governments represented in the league. In the early months of the present administration, the general attitude was maintained in the Department of State that the United States did not 'recognize' the league, and could not therefore have any communication with league officials. This led to a most awkward situation which may best be described with reference to particular subjects:

"1. Mandates: On February 21, 1921, Secretary Colby informed the council of the league that the American Government would insist on having a voice in the disposition of the mandated territories and would refuse to recognize any mandates which it had not approved. On March 1, 1921, the council replied that it would postpone consideration of the mandates until its next meeting to which a representative of the United States was invited. This note was received in Washington in the first days of March, 1921, but when the council met late in June it had received no reply from the United States. Nor has such a communication ever been received, though in August, 1921, the American Government sent a communication concerning the mandates to the British, French, Italian, and Japanese Governments.

"2. White-slave conference: When the first assembly of the league voted to hold this conference it directed that invitations be sent to all Governments which had ratified or adhered to either of the white-slave traffic conventions of 1904 and 1910. On February 27, 1921, such an invitation was sent to the American Government by the secretary general of the league, by registered mail, inviting the United States to be represented at the conference in Geneva on June 30, 1921. In February, also, a questionnaire on the subject was sent to the Secretary of State at Washington. No reply was made to these communications. In early June it was learned that the State Department had stated officially that the United States had not been invited to the conference. On or about June 13 the secretary general of the league sent a cable to the Secretary of State, in order to avoid any misunderstanding, informing him of the February communications. On June 25, 1921, the American consul at Geneva visited the secretary general and informed him that the invitation to the white-slave conference had been misplaced but later located in the archives of the Department of State. The invitation, however, was not directly accepted or declined.

"The United States was not represented at the conference and failed to comply with any of the requests for information, though Mr. Bascom Johnson, of the American Social Hygiene Association, was present during some of the sessions of the conference.

"Speaking of the American consul in Switzerland reminds us that he has been asked on occasions by our State Department to call on the secretary general and deliver a message by word of mouth. For instance, on June 30 he called on the secretary general and read the following cablegram signed by Mr. Hughes:

"'Please inform the secretary general orally and unofficially that his notes of the 18th of November and May 22 have been received, but as this Government has no relations with the League of Nations no reply will be sent to them.'

"This form, beyond question, is a precedent in diplomatic affairs.

"Within the last few days Secretary Hughes advised the league, doubtless by oral consular message, that the United States could not cooperate in the white-slave movement because of state relations, but that congressional action was sympathetic with the cause. If it is an affair of the States, why is the Federal authority taking cognizance of it?

"3. Opium: The opium convention of 1912 provided that certain information should be exchanged by the signatory powers, through the medium of the Government of the Netherlands. The Dutch Government requested that it be relieved of the responsibility and that the league undertake it. To this the league agreed, and the various signatories to The Hague opium convention gave their assent, with the exception of the United States. In the summer of 1921 the American Government objected to the centralization of this purely administrative work in the offices of the league which had organized the opium commission to handle it. The American objection was put on technical grounds. No change in the opium convention was proposed—only a change in the administration which would have more efficiency in the exchange of documents and information.

"4. International Health Organization: The Rome convention of 1907 set up an international hygiene office at Paris, controlled by a committee on which the United States is represented. For lack of money and other reasons it has not been a great success. The league proposed to organize much more extensive machinery. A committee was set up by the council of the league. Various organizations were asked to name members of it, among them the committee chosen by the Rome convention of 1907. Because of the opposition of the United States representative on the old committee it refused to name delegates. Thus for many months, while typhus and other diseases were raging in eastern Europe, the league found it impossible to set up machinery to deal with the problem effectively. The league organization has finally been organized independently. Recently (1922) a backhanded formula has been found when Dr. Rupert Blue has been taking part in some of its work as an American acting 'unofficially.'

"5. Financial relief to Austria: Reference has been made to the ter Meulen plan for the rehabilitation of Austria. It was proposed that creditor governments agree to suspend their claims for 25 years. This was early in 1921. Clearly, cooperation of all these creditors was essential. The United States is the largest creditor. Seventeen Governments agreed. The United States paid no attention to the matter until two weeks ago, when the Foreign Relations Committee of the Senate presented it to that body, and the long-delayed action was taken. A European financial authority, in commenting on the subject, February, 1922, said: 'All the Governments concerned, with only two or three provisional exceptions, have agreed, but amongst those which have not given a reply is Austria's most important creditor, and it is not a member of the league. The scheme can not be put into final execution until this creditor has given definite assent.' Austria was starving. Important agencies of civilization devised a method of relief, but the United States was dumb to appeal, and for more than a year held the whole project in suspense because it was created by the league.

"6. International Emigration Commission: This commission was set up by the international labor office of the league in 1921. As one of the important immigration countries the United States was invited to be represented on the commission. The Department of Labor was inclined to make an appointment, and the Commissioner of Immigration at the port of New York was named to attend the commission's opening meeting in July, 1921, even going as far as London. At the last minute, however, he failed to appear and no communication concerning the incident was received from the American Government.

"7. Permanent court of international justice: In many respects this is the most unfortunate episode which these remarkable developments involve. No objection to this court is of record from any jurist, international lawyer, or government on earth. For years the plan was discussed. It was recognized as an international necessity. It fit into the plan of the League of Nations and thus happily blended the idealism upon which The Hague project was based, with the practical principles of the league. As John Bassett Moore, now a member of the court, aptly put it, 'Although constituted under a statute prepared by the council and passed by the assembly of the League of Nations, it represents the fruition of efforts with which the international activities of the United States has been closely and distinctively identified.' Commenting further upon it, he said: 'It is only when the minds of men can be brought into a common accord that peace is definitely assured. To this end the permanent court of international justice has been ordained in an effort to create an institution which should embody the highest human ideal, that of peace through justice, and particularly justice based on law.'

"Mr. Harding in the campaign of 1920 had much to say about it, particularly when pressed for specifications of his plan for an association of nations.

"In many speeches he said: 'We can safely submit our interests to the opinions of an international court of justice without yielding our national rights or sovereignty.'

"Now what has happened? When the time came to prepare for the election of judges the secretary general of the League of Nations, under date of June 4, 1921, notified the American delegates to The Hague to submit their recommendations in keeping with the method which Mr. Root himself helped devise.

In compliance with diplomatic usage, the notice was sent to the Secretary of State for reference to the delegates, who were Messrs. Root, Gray, Moore, and Strauss. The secretary general of the league did not receive a reply from our Secretary of State. But on July 27, 1921, seven weeks later, Mr. Root is known to have written a friend in England that he had not received the invitation to nominate. This information reached Geneva August 11 or 12, 1921. On the same day direct cable invitations were addressed by the secretary general to Messrs. Root, Gray, Moore, and Strauss. Ten days later Mr. Root replied that the letter of invitation sent to the Secretary of State June 4 had then—about August 20—been received. The list of nominations was closed about the middle of August. The American delegates made no nominations. Four Americans, however, had been nominated by other countries and John Bassett Moore was elected. Our Government has no connection whatsoever with the court. We can become a member of the court without joining the league. By accepting the statute of the court we would enjoy status and privilege equal to what is accorded to others. Mr. Moore recently said:

"'The court, if it is to fulfill its high mission, must have the support of the Governments of the world and of public opinion, being in this respect like all human institutions.'

"Other countries have agreed to submit their disputes, but Uncle Sam is still a hermit. The court against which no man has raised his voice is rejected by our Government because the League of Nations had a hand in its beginning and retains a certain administrative relation to it. The league is the thing that affrights! It disturbs the even tenor of the administration as a hobgoblin distresses a sleeping child. It matters not what the international project is nor the virtue it possesses, it is tabooed if the League of Nations has anything to do with it.

"This is not statesmanship; it is fanaticism!

"Day by day its effects are fastening themselves upon the impressions of our people. They are beginning to realize that under modern conditions certain elements in our economic life are moved by prevailing forces elsewhere, as the tides and streams of the ocean are influenced by the processes of nature. The Republican administration is opposing laws over which man has no control. It permits this Republic to remain in the world view a selfish, greedy people, strapped to our money bags and unaffected by the distress of others.

"These intolerable conditions can not endure. Policies opposed to the general welfare and to our moral, religious, and economic tenets must yield to the controlling will of an intelligent people. As we foregather to-night as disciples of the creed of Jefferson, Jackson, and Wilson let us resolve to hold the line. No great cause was ever won in a single battle. Our principles are right, and they must and will prevail."

Mr. McCORMICK. Mr. President, I should like to ask the Senator from Utah a question.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. HEFLIN. I yield to the Senator from Illinois.

Mr. McCORMICK. I will take but a moment. I should like to ask the Senator from Utah when we may expect a speech on the subject of the League of Nations from some of his colleagues?

Mr. KING. Mr. President, I can understand the anxiety of the leader upon the other side—the political leader, of course—the distinguished Senator from Illinois, to divert attention from the wretched fiasco of the Republican administration during the past year. The Senator is to lead the gallant hosts of the Republican Party in the coming election. He has no slogan; he has no principles which will appeal to the people; he can write no platform which will commend itself to the judgment of the American people. He has no record of achievements to bring to the attention of the country. Failure and disaster have followed the Republican administration. It is not to be wondered at that the shrewd and able political leader should be concerned about issues, and should, like a perturbed angler fishing in muddy waters, seek to get some sort of a bite. Let me say to the Senator, however, that he need not be disquieted about the attitude of the American people upon the League of Nations. I do not pretend to speak for the Democratic Party; I often vote against many of its representatives in the Senate; but I can assure the Senator from Illinois that the overwhelming majority of the American people are in favor of an association of nations, and that sooner or later this Nation will join with other nations in a world association; the American people will not be satisfied with the wretched four-power pact into which the Senator and other Republicans have led this country. [Manifestations of applause in the galleries.]

The VICE PRESIDENT. The Chair desires to remind the galleries of the rule of the Senate which requires that the galleries shall remain silent.

Mr. McCORMICK. I understand the Senator has not yet said that the people would enter the League of Nations.

Mr. HEFLIN. I decline to yield to the Senator from Illinois for the purpose of interrupting the applause in the galleries.

The Senator from Illinois challenges the Democrats; he wants them to fight a duel with him upon the question of the League of Nations. Heretofore when a party has been challenged he has been allowed to name the time and place and the character of weapon to be used, but the Senator from Illinois wants to name the time and the place and designate the character of weapon which shall be used, even by his opponent.

Mr. President, the pending question is one which has been up for consideration many and many a time in this Chamber.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. I am glad to yield to my friend from Nebraska.

Mr. NORRIS. The Senator is not going to discuss the question pending before the Senate, is he?

Mr. HEFLIN. I intend to discuss the question of seed distribution.

Mr. NORRIS. I did not suppose the Senator would so far forget himself as to discuss the question that is pending before the Senate.

Mr. HEFLIN. Mr. President, the question is so vital to the welfare of the masses of the people that I must call the attention of the Senate to it this morning. For a long time we have had statesmen in the other branch of Congress and in this who have sought to strike out the seed-distribution provision. I have never understood exactly why, Mr. President. The people get great benefit from the free distribution of seed. The Senator from Missouri [Mr. REED] on yesterday said that the fight against it was inaugurated and carried on by the great seed houses of America, and that must be true.

When I was a Member of the other branch of Congress I distributed the seed, as did other Members. I received scores and scores of letters telling me how valuable they were; how much they were appreciated; how they had introduced a new and improved kind of seed in various localities. I submit, Mr. President, that is a very beneficial thing to thousands of American people.

A year ago the Senate passed upon the same question; we had a roll call upon it, and by a vote of 55 to 22 the Senate declined to strike out the seed provision.

Mr. McNARY. Mr. President, let me ask the Senator from Alabama whether that is the vote instructing the conferees or the vote directly on the item itself?

Mr. HEFLIN. This was a vote, I believe, instructing the conferees to let this provision remain in the bill. It is the same thing. Now, the motion here is to strike it out; and I submit to my good friend, the able Senator from Oregon, that we are losing time when we strike it out. We never will get this measure through the other branch of Congress with free seed stricken from it. I think they will compel it to be put back in conference; but why should the Senate go on record as favoring the proposition of denying this little handful of seed to the people who now so much appreciate them?

A few days ago I voted for a provision here to appropriate money to buy seed wheat for distressed farmers out in the great Northwest. The Government has expended a few million dollars for this purpose. These people had to have the seed wheat in order to make a wheat crop. If the Government could do that, I submit to my friends on the other side that in distressing times like these, when times are hard everywhere, especially out in the rural districts of the country, down in the South and out all over the West, Senators should not withhold these little packages of seed that will go out to these people and serve them so well.

Mr. DIAL. Mr. President——

Mr. HEFLIN. I yield to my friend from South Carolina.

Mr. DIAL. I remind the Senator that the Senate voted also for seed wheat for the distressed people of Russia.

Mr. HEFLIN. I thank my friend for the suggestion, Mr. President. I saw the Senate go upon record as appropriating money to buy seed to be used in the soil of Russia, thousands of miles away, and I see here a provision to take away from the people right here at home a small pittance which will send a few seed to the citizens of our own country. I saw the Senate appropriate the other day several hundred thousand dollars for the pneumatic-tube service of one city in this country, the city of New York. I believe that the amount carried in that bill was three times the amount that will be appropriated here for the distribution of free seed all over the United States. Only a few hundred people at best will be benefited by the pneumatic-

tube service in New York, while in this free-seed distribution hundreds of thousands of people will be benefited.

I just wanted to bring these few things to the attention of Senators, and beg them, in the face of them, not to vote to strike out this free-seed distribution provision.

Mr. President, a lot of people are dissatisfied at the way in which the Government is being conducted—very much dissatisfied—and you had better let this little seed package go, because it does show that you are doling out a little gift to them, reminding them that you have not entirely forgotten them. I beg Senators to let these seed continue to go at least until prosperity shall come again. Do not add to the troubles the people already have, to their distress and misfortune, by taking away about the only thing that they now get at the hands of the Government, thousands of them—a little package of seed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. DIAL and Mr. HEFLIN called for the yeas and nays, and they were ordered.

Mr. SUTHERLAND. Mr. President, I should like to inquire how the question is stated.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on pages 26, 27, and 28.

Mr. HEFLIN. Mr. President, a parliamentary inquiry. That amendment is to strike out the provision?

The VICE PRESIDENT. To strike out the provision. Those voting "yea" will vote to strike it out; those voting "nay" will vote to retain it. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. KELLOGG (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. As he is not present, I withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from New York [Mr. WADSWORTH] and will vote. I vote "yea."

Mr. NEW (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. MCKELLAR]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. MCNARY (when Mr. STANFIELD'S name was called). I desire to announce the absence of my colleague [Mr. STANFIELD] on account of official business, and to state that if he were present he would vote "yea."

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT]. In his absence I am compelled to withhold my vote. If at liberty to vote, I should vote "nay."

Mr. HEFLIN (when Mr. UNDERWOOD'S name was called). My colleague [Mr. UNDERWOOD] has a general pair with the senior Senator from Massachusetts [Mr. LODGE]. He is absent on account of illness in his family.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON], who is unavoidably absent. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

The roll call was concluded.

Mr. HARRISON (after having voted in the negative). I have a general pair with the Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and will allow my vote to stand.

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. In his absence I transfer that pair to the Senator from Oregon [Mr. STANFIELD] and will vote. I vote "yea."

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained from the Senate on account of illness. He is paired with the Senator from South Dakota [Mr. STERLING]. I ask that this notice may continue throughout the day. If my colleague were present, he would vote "nay."

Mr. EDGE (after having voted in the affirmative). Has the senior Senator from Oklahoma [Mr. OWEN] voted?

The VICE PRESIDENT. He has not voted.

Mr. EDGE. I transfer my pair with that Senator to the senior Senator from Connecticut [Mr. BRANDEGEE] and will allow my vote to stand.

Mr. DILLINGHAM. Transferring my general pair with the junior Senator from Virginia [Mr. GLASS] to the senior Senator from Pennsylvania [Mr. CROW], I will vote. I vote "yea."

Mr. STERLING. I have a general pair with the Senator from South Carolina [Mr. SMITH]; but I understand that that Senator, if present, would vote as I intend to vote, and I am therefore at liberty to vote. I vote "nay."

Mr. SUTHERLAND (after having voted in the negative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I understand that if he were present he would vote as I have voted, and I will therefore let my vote stand.

Mr. BALL (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand that he has not voted, so I transfer that pair to the junior Senator from California [Mr. SHORTRIDGE] and will let my vote stand.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. KING (after having voted in the affirmative). I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. He has not voted.

Mr. KING. I have a general pair with that Senator. I am unable to obtain a transfer and therefore am compelled to withdraw my vote. If I were at liberty to vote, I should vote "yea," as I heretofore have done.

Mr. CURTIS. I desire to announce the unavoidable absence of the Senator from New Jersey [Mr. FRELINGHUYSEN]. I also desire to announce that the junior Senator from Kentucky [Mr. ERNST] is paired with his colleague, the senior Senator from Kentucky [Mr. STANLEY], and that the junior Senator from Illinois [Mr. MCKINLEY] is paired with the junior Senator from Arkansas [Mr. CARAWAY].

The result was announced—yeas 29, nays 24, as follows:

YEAS—29.

Ball	Fernald	Moses	Poindexter
Borah	Hale	Myers	Townsend
Calder	Jones, Wash.	Nelson	Walsh, Mass.
Capper	Keyes	Newberry	Warren
Curtis	Lenroot	Norris	Willis
Dillingham	Lodge	Page	
du Pont	McCormick	Pepper	
Edge	McNary	Phipps	

NAYS—24.

Ashurst	Harris	Nicholson	Sterling
Broussard	Harrison	Oddie	Sutherland
Bursum	Heflin	Overman	Swanson
Culberson	Kendrick	Pomerene	Watson, Ga.
Dial	Ladd	Reed	Weller
Gooding	La Follette	Sheppard	Williams

NOT VOTING—43.

Brandegee	Gerry	McLean	Smith
Cameron	Glass	New	Smoot
Caraway	Harreld	Norbeck	Spencer
Colt	Hitchcock	Owen	Stanfield
Crow	Johnson	Pittman	Stanley
Cummins	Jones, N. Mex.	Ransdell	Trammell
Elkins	Kellogg	Rawson	Underwood
Ernst	King	Robinson	Wadsworth
Fletcher	McCumber	Shields	Walsh, Mont.
France	McKellar	Shortridge	Watson, Ind.
Frelinghuysen	McKinley	Simmons	

So the amendment of the committee was agreed to.

Mr. REED. Mr. President, when this question was before the Senate on yesterday it was passed over at the request of the committee, probably because there was a quorum lacking. I consented to that, but stated at the time that I did not want it to come up in my absence. I was detained this morning at one of the departments and arrived in the Senate a few moments late. The vote was then proceeding, and I could not make the statement I am now making. I know that the vote came on through a misunderstanding, the Senator having the bill in charge thinking he had informed me yesterday that it would come on at 12 o'clock, whereas my understanding was that the Senate would reconvene at 12 o'clock and that this question would not be called up in my absence. For that reason I shall ask for a separate vote in the Senate on this question, and at that time I hope to submit some observations which may possibly have some effect on the vote.

Mr. MCNARY. Mr. President, I regret the misunderstanding. It was my intention to convey the information to the Senator from Missouri that I would ask for a recess until 12 o'clock today, at which time we would revert to the seed item, and, to show my good faith, I sent out after the Senate met and had a search made for the Senator. I am very glad he has retained the right to bring this question up in the Senate, where he will have an opportunity to discuss it.

Mr. REED. It was purely a misapprehension, and there was no bad faith, of course.

The Assistant Secretary read the next paragraph, covering salaries of the Forest Service.

The VICE PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. KING. Mr. President, I want to inquire of the Senator from Oregon whether the item with respect to county agents has been reached; and if not, whether the Senator expects to dispose of it in the next hour?

Mr. McNARY. I will say to the Senator from Utah that the item this year in the pending bill carries $500,000 less than the amount in last year's bill.

Mr. KING. For county agents?

Mr. McNARY. For all work of that character. I am told there will be an effort made to increase the item $500,000, which is supplemental to the Smith-Lever Act, but inasmuch as the Smith-Lever Act reaches the maximum provision this year, the amount available for the year 1923 is the same as is that available this year, even though there appears to be a decrease of $500,000.

Mr. KING. This is the point to which I want to call attention. I have received and have in my possession scores of letters protesting against the activities—the misguided activities, as it is alleged—of the county agents, in that they devote their time to the criticism of private business organizations; that they go throughout the country delivering talks—"lectures," as they are denominated—averring that they are acting under instructions of the Agriculture Department, in which lectures they criticize private enterprises, men who are engaged in the coal business, in the agricultural implement business, in the banking business, in the seed and grain business, generally private enterprise, and inculcate the thought that the Federal Government should take charge of the marketing of farm products and that the Federal Government should exercise a sort of paternalistic control over at least a large part of the business activities of the country.

I make no comment upon these letters, a large number of which I have here upon my desk. I also have clippings from newspapers corroborating these statements. When that item is reached I shall be glad to have the views of the Senator as to whether, if this is a fact, there should not be some legislation which will confine these county agents to their legitimate functions.

I am making no complaint about the county agents as a class. I have no doubt some of them are doing fine work, though I have many complaints about the supreme and colossal ignorance of a large number of them. They have no scientific education. They seem to be out rather to antagonize business and to create discontent among the farmers than to act in conformity with law and to do the work which is authorized by law to be done by them. May I inquire whether the committee's attention was called to these numerous complaints about the transcending of authority by the county agents?

Mr. McNARY. Mr. President, I will state to the Senator that I have heard from no lips other than his own any complaint against the county agents. The record abounds with statements of the good work of the county agents. I know of no department of the Government more popular, that is bringing a greater response from the farming community, that seems to be more strongly intrenched in the hearts of the farmers than the county agents, and I am amazed, I am even shocked, to hear from the Senator from Utah that they are engaged in work along political lines or any other outside of that which is peculiarly prescribed by law.

Mr. KING. I did not use the word "political." I stated it was charged that they are engaged in activities not consistent with their work. I should be very glad if the Senator would come to my desk and read a score or more of letters from reputable men, from Montana on the west to some of the New England States on the east.

Mr. McNARY. May I ask the Senator the general character of the complaints against the county agents?

Mr. KING. I can take the time now to read from the letters——

Mr. McNARY. I assume the Senator is familiar with the correspondence.

Mr. KING. I stated a moment ago what they are. The complaints are that the county agents go around delivering lectures criticizing private enterprise and private activity, denouncing those engaged in the coal business for their activities, their charges, and their extortion; and doubtless there have been some of the coal dealers who should be denounced. I make no comment one way or the other; I am merely stating the fact. They are criticizing men who are engaged in the grain business, men who have built up business enterprises for many, many years, and generally denounce and criticize the economic system, stating that they represent the Agricultural Department in seeking to organize the farmers into groups and organizations for the handling of their supplies and products, for buying and selling, and so forth. I make no comment on these charges. I make no criticism of the alleged propaganda. I am merely calling the attention of the Senator to the fact that criticisms have come to me from a large number of persons of the character and along the lines I have indicated. As to whether these criticisms are just or well founded, I express no opinion.

Mr. McNARY. Does the Senator from Utah desire to dispense with this splendid service on account of the indiscretions of a dozen or more agents?

Mr. KING. No; I made no such suggestion at all. I was wondering if the attention of the committee had been called to it, and if it be a fact that there is any considerable activity of the character indicated by the letters; then it occurred to me that it might be wise to add a proviso to the bill that the county agents should perform the work for which they were employed rather than to engage in propaganda or preachments destructive of the business of private persons.

Mr. NORRIS. Mr. President, I wish the Senator would let us know about how extensive these criticisms are, and whether they are coming from one section or from all sections of the country.

Mr. KING. I just stated that I have letters from Montana and from as far east as New England, as I recall.

Mr. NORRIS. A good many of them?

Mr. KING. Yes; quite a number.

Mr. NORRIS. I do not suppose anyone connected with the Government in any capacity would stand for these Government agents doing things which are improper, and some of the things the Senator alleges would manifestly be improper. I think the Senator must realize that among such a vast number of persons it will always be found that there will be some who are not up to standard and some who ought to be discharged. I have had opportunities to see the work of these county agents in a somewhat extended way, and I have found that, as a rule, they are a very fine class of people and well educated. The Senator mentioned lack of education as one of the things he desired to call attention to, that they were not scientific. Those with whom I have come in contact were well educated.

Mr. KING. Within the past five minutes, here in the Chamber, a Senator told me that the county agent in his county was wholly ignorant and incompetent.

Mr. NORRIS. I have no doubt there are such, and they ought to be discharged, and I presume they will be. They will be weeded out. I think as a whole, however, they are pretty high-class people.

Mr. KING. I was just giving my information. I am making no criticism at all, but I felt it was my duty to call the attention of the Senator having the bill in charge and the members of the committee to these numerous complaints. I shall be very glad to show some of these letters to the Senator, or to present them more in detail when we reach this item.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 36, after line 17, to insert:

For personal services in the District of Columbia and elsewhere, made necessary by the requirements of the Federal water power act, $12,000.

The amendment was agreed to.

The next amendment was, on page 37, at the beginning of line 3, to increase the appropriation for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, from "$400,000" to "$425,000."

The amendment was agreed to.

The next amendment was, on page 37, line 22, to increase the appropriation for general expenses of the Forest Service from "$4,072,282" to "$4,109,282."

The amendment was agreed to.

The next amendment was, on page 38, line 10, to increase the total appropriation for the Forest Service from "$6,537,302" to "$6,574,302."

The amendment was agreed to.

The next amendment was, on page 39, at the end of line 21, to strike out "$70,400" and insert "$75,400," so as to make the paragraph read:

For conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture; for the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism, $75,400.

The amendment was agreed to.

The next amendment was, on page 40, at the end of line 11, to increase the appropriation for the investigation and development of methods for the manufacture of table sirup and sugar and

of methods for the manufacture of sweet sirups by the utilization of new agricultural sources from "$10,000" to "$20,000."

The amendment was agreed to.

The next amendment was, on page 42, line 7, to increase the appropriation for general expenses, Bureau of Chemistry, from "$944,561" to "$959,561."

The amendment was agreed to.

The next amendment was, on page 42, line 8, to increase the total appropriation for the Bureau of Chemistry from "$1,267,631" to "$1,282,631."

The amendment was agreed to.

The next amendment was, on page 44, line 3, to increase the appropriation for investigation of soils, in cooperation with other branches of the Department of Agriculture, other departments of the Government, State agricultural experiment stations, and other State institutions, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, from "$168,200" to "$178,200."

The amendment was agreed to.

The next amendment was, on page 44, line 10, to increase the appropriation for general expenses, Bureau of Soils, from "$292,535" to "$302,535."

The amendment was agreed to.

The next amendment was, on page 44, line 11, to increase the total appropriation for the Bureau of Soils from "$371,775" to "$381,775."

The amendment was agreed to.

The next amendment was, on page 45, line 13, to increase the appropriation for investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts from "$168,500" to "$178,500."

The amendment was agreed to.

The next amendment was, on page 46, line 13, after the word "Board," to strike out "$64,000" and insert "$71,500"; and in line 14, after the word "sum," to strike out "$5,000" and insert "$10,000," so as to make the paragraph read:

For investigations of insects affecting citrus and other tropical and subtropical plants, and for investigations and control of the Mediterranean and other fruit flies, in cooperation with the Federal Horticultural Board, $71,500, of which sum $10,000 shall be immediately available for investigations of the camphor scale.

The amendment was agreed to.

The next amendment was, on page 46, line 25, to increase the appropriation for general expenses, Bureau of Entomology, from "$832,510" to "$850,010."

The amendment was agreed to.

The next amendment was, on page 48, line 5, to reduce the appropriation to enable the Secretary of Agriculture to meet the emergency caused by the spread of the European corn borer, and to provide means for the control and prevention of spread of this insect throughout the United States, etc., from "$275,000" to "$200,000."

The amendment was agreed to.

The next amendment was, on page 48, line 12, to reduce the total appropriation for the Bureau of Entomology from "$1,835,580" to "$1,778,080."

The amendment was agreed to.

The next amendment was, under the head "Bureau of Biological Survey," on page 48, at the end of line 18, to strike out "two $1,500" and to insert "two at $1,500 each," so as to read:

Biologist, who shall be chief of bureau, $4,000; chief clerk and executive assistant, $1,800; administrative assistant, $2,250; executive assistant, $1,800; executive clerk, $1,980; clerks—4 of class 4, 8 of class 3, 2 at $1,500 each, 16 of class 2, 1 $1,260; 16 of class 1, 2 at $1,100 each, 1 $1,080, 2 at $1,000 each; preparators—1 $1,200, 1 $900; photographer, $1,300; game warden, $1,200; messenger, $720; messenger boys—1 $600, 2 at $480 each; laborer, $720; 3 charwomen at $240 each; in all, $91,290.

The amendment was agreed to.

The reading of the bill was continued to line 19, page 54.

Mr. McNARY. Mr. President, at the request of the junior Senator from Utah [Mr. KING] I ask that the subject "States Relations Service," beginning on page 54, be passed over for the present.

Mr. HARRISON. Mr. President, I hope we can get the Senator from Utah into the Chamber. I desire to offer an amendment to that part of the bill. I have an important conference to attend later in the afternoon.

Mr. McNARY. I will try to ascertain the whereabouts of the Senator from Utah and get him into the Chamber as soon as possible.

Mr. HARRISON. Let me offer my amendment and let it be pending.

Mr. McNARY. I think it would be well for the Senator to do that.

Mr. HARRISON. I will offer the amendment, then, and let it be pending. I offer the following amendment.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 57, line 25, the last line on the page, strike out "$1,000,000" and insert in lieu thereof "$1,500,000."

Mr. HARRISON. I understand the Senator from Oregon desires to postpone consideration of the amendment until the Senator from Utah is present?

Mr. McNARY. I would like to pass it over temporarily, in view of a promise I made to the Senator from Utah that it would not be called until he was at least notified or was in the Senate Chamber.

The PRESIDING OFFICER. The amendment will be passed over temporarily.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 65, at the end of line 23, to strike out "$471,200" and to insert "$477,200," so as to make the paragraph read:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, $477,200.

The amendment was agreed to.

The next amendment was, on page 66, at the end of line 5, to strike out "$357,400" and to insert "$405,000"; and, at the end of line 7, to strike out "importers, exporters," so as to make the paragraph read:

For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and live-stock estimates, acreage, yield, grades, stock, and value of farm crops, and numbers, grades, and value of live stock and live-stock products on farms, in cooperation with the States Relations Service and other Federal, State, and local agencies, $405,000: *Provided*, That not less than $65,000 shall be used for collecting and disseminating to American producers and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals as may be necessary in connection with this work.

The amendment was agreed to.

Mr. SHEPPARD. On page 67, line 19, I move to strike out the figures "$385,000" and to insert "$405,000." I do this for the purpose of having the matter go to conference——

Mr. McNARY. I think the Senator should defer offering his amendment until the committee amendments shall have been disposed of.

Mr. SHEPPARD. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 67, line 20, to increase the appropriation for general expenses, Bureau of Agricultural Economics, from "$1,716,580" to "$1,770,180."

The amendment was agreed to.

The next amendment was, on page 69, at the end of line 24, to increase the total appropriations for the Bureau of Agricultural Economics from "$3,532,043" to "$3,585,643."

The amendment was agreed to.

The next amendment was, on page 71, under the heading "Federal Horticultural Board," line 6, after the figures "$1,440," to insert the word "each," so as to read "three at $1,440 each."

The amendment was agreed to.

The next amendment was, on page 74, at the end of line 2, to increase the appropriation for the acquisition of additional lands at headwaters of navigable streams, etc., from "$50,000" to "$75,000."

Mr. OVERMAN. I move to amend the committee amendment on page 74, line 2, by striking out the figures "$75,000" and inserting in lieu thereof "$575,000."

Mr. McNARY. I think the Senator from North Carolina, perhaps, had better defer his amendment. An agreement was had on yesterday that committee amendments should first be disposed of.

Mr. OVERMAN. The reason I offer my amendment is that it is an amendment to the committee amendment.

Mr. McNARY. That is true. I beg the Senator's pardon.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina to the committee amendment.

Mr. OVERMAN. Mr. President, every dollar which it is proposed to appropriate by my amendment is needed and will be expended in pursuance of law. In committee I proposed the

amendment which I have now offered, but the committee by a narrow margin voted it down. All of the members of the committee were in favor of the principle involved, and were in favor of the appropriation, but they voted it down by a narrow margin on the ground that for the present this work should be delayed. I do not see why the appropriation for this great purpose should be delayed any more than appropriations for national parks or any other object should be delayed.

Mr. President, I am not going to argue this question now at any length, although it is very important. The House of Representatives now have before it a bill which has been reported favorably by the Agricultural Committee of that body, and which is on their calendar, appropriating $1,000,000 for this purpose, whereas the amendment offered by me proposes an appropriation of only $500,000.

We are informed by the commission, on which the Senate is represented by two Senators and the House of Representatives by two Members of that body, and of which the Secretary of Agriculture is also a member, that the appropriation is absolutely needed in order that contracts which have been made may be completed. Options have been obtained on land at a very low figure, and if the appropriation provided by my amendment is not made, the options will expire and the Government will have to pay twice as much for the land as they can get it for now under the options.

Representatives were here from Pennsylvania, from North Carolina, from West Virginia, and all over the Appalachian region. Everybody, I think, is in favor of this project. We have appropriated every year from $1,000,000 to $2,000,000 ever since the original act was passed. Now, it is proposed practically to leave out the appropriation for the purchase of the lands, and to provide only a sufficient sum to pay for the administrative expenses.

I think the work which is being done in acquiring the forest lands is an excellent work. It is conservation; everybody says it is right; the work ought to be carried on, and yet it is proposed to let it wait for a year.

The work which is being done along this line is for the purpose of conserving the water powers of the country and to protect flow of water in the navigable streams. I think it can not be denied that that is a good work and one that should proceed, as the Senators on the commission recommend, as the department recommend, and as the Secretary of Agriculture, Mr. Wallace, recommends. They say that a million dollars should be provided. Forestry associations all over the country have indorsed it, and have asked us to appropriate for the purpose from one million to two million dollars, while the amendment which I have offered merely provides an appropriation of $500,000. I hope it may be adopted.

Mr. HEFLIN. Mr. President, does the Senator think $500,000 will be a sufficient amount to carry on this work?

Mr. OVERMAN. Oh, Mr. President, it is not nearly enough to carry it on; it will only enable the department to complete some contracts which have been entered into and to pay for land on which they have options. If those options should expire, there is no telling what will have to be paid for the land.

Mr. HEFLIN. It is necessary to have $500,000 in order to carry on the work already mapped out?

Mr. OVERMAN. The Agricultural Committee said we ought to have $1,000,000; the commission in charge of the work say there ought to be appropriated $2,000,000.

Mr. ASHURST. Mr. President, will the Senator explain the nature of the work? I understand from what has been stated by the Senator that the Department of Agriculture proposes to purchase land in order to add to the area of national forests.

Mr. OVERMAN. Yes; to increase the acreage of the forest lands in order to protect the headwaters of streams and to conserve water power. It is in conformity with the act passed by Congress, as will be seen from the bill, on March 1, 1911, which is known as the Weeks Act. Under the act we have been purchasing land in the Appalachian Mountains from Pennsylvania southward in order to protect the headwaters of streams.

Mr. ASHURST. Mr. President, if the Senators who come from the States in the Appalachian region feel that the forests there ought to be extended, I see no objection to the amendment, but the national forests in Arizona are large enough.

Mr. OVERMAN. This item merely relates to the Appalachian region.

Mr. ASHURST. In Arizona already our forests are too vast in extent.

Mr. KEYES. Mr. President, I have a copy of a letter written under date of January 21 from John W. Weeks, chairman of the National Forest Reservation Commission, to the Director of the Budget. It bears so directly upon the proposed amendment that I send it to the desk and ask that it may be read.

Mr. OVERMAN. I should be very glad to have the letter read.

The PRESIDING OFFICER. There being no objection, the Secretary will read as requested.

The reading clerk read as follows:

(Members: Hon. John W. Weeks, Secretary of War, chairman; Hon. Albert B. Fall, Secretary of the Interior; Hon. Henry C. Wallace, Secretary of Agriculture; Hon. HENRY W. KEYES, New Hampshire, United States Senate; Hon. JOHN R. SHIELDS, Tennessee, United States Senate; Hon. WILLIS C. HAWLEY, Oregon, House of Representatives; Hon. GORDON LEE, Georgia, House of Representatives.)

NATIONAL FOREST RESERVATION COMMISSION,
Washington, D. C., January 21, 1922.

The DIRECTOR OF THE BUDGET,
Treasury Department, Washington, D. C.

SIR: The estimates of appropriations required for the Department of Agriculture during the fiscal year ending June 30, 1923, as approved by the Bureau of the Budget, include (Budget, p. 279) an item of $50,000 for the acquisition of additional forest lands under the provisions of the act of March 1, 1911. The appropriation for the same purpose during the fiscal year ending June 30, 1922, was $1,000,000. From the note appended to this item, as proposed for the ensuing fiscal year, it is evident that the very great reduction from the current appropriation contemplates the complete suspension or postponement of purchases of forest lands and is intended to provide solely for maintaining a small nucleus of the experts previously employed by the Forest Service on this work with a view to the resumption of purchases at some later day.

The activity covered by this item has been carried on continuously by the Government since the passage of the Weeks Act in 1911. It has reflected a very active and widespread public sentiment in favor of extension of the national forests for the dual purpose of affording protection to the watersheds of important navigable streams and increasing the production of timber to supply the economic needs of the country. Every close student of the timber-supply situation in the United States and the degree to which the denudation of our forest lands has been carried is convinced that a rational extension of public forest ownership is one of the essential remedies which must be applied, particularly in view of the clear responsibility resting upon the Federal Government to maintain the navigability of important streams by insuring the continuous forestation of their upper watersheds.

When this work was initiated in 1911 it was with the deliberate purpose of acquiring ultimately not less than 5,000,000 acres of forest lands on the watersheds of important rivers in the Eastern States. Moderate appropriations have been made available continuously by Congress since the passage of the Weeks Act, and the examination and purchase of lands has up to the present time gone forward gradually but without a single break in the continuity of the work.

The character of the activities required in making this Federal policy effective is such that a steady and continuous functioning of the executive agencies involved at a gradual rate is imperative. Large areas of forest land can not be surveyed, appraised, and bought in haste if the work is to be done efficiently and the Government is to obtain full value for the sums expended. On the contrary, there must be a sustained and continuous process of examining and weighing the merits of different tracts of land and building up the Government's holdings slowly with the regard for efficiency in the conduct and negotiations and in the determination of the values obtained. In other words, to carry out the Federal policy of extending national forests over the most important watersheds of navigable streams, to which I regard the Government as definitely committed, it is my conviction that provision must be made currently for the continuation of this work on a reasonable scale without a break. There has been no break hitherto in the conduct of this work, and I would regard such an interruption as the reduction in this item would require as extremely unfortunate to the public interests.

It should also be borne in mind that expenditures for this purpose are in reality investments in public property, investments as to whose ultimate return, both in revenue and in public benefit, I have not the slightest doubt. Under the operation of the Weeks Act to date 2,047,718 acres of forest land have been purchased at a cost, including examinations of titles, land survey, and all overhead expenses, of $5.99 per acre. Many individual tracts included in these purchases have more than doubled in value since the Government acquired them. This area is now returning in revenue to the Treasury in excess of $100,000 per annum from the conservative and carefully regulated use of its timber and other resources. A very conservative appraisal of the land acquired up to the present time indicates that the demonstrable value of the land and timber is in excess of $19,000,000, or an increase over the cost of acquisition of more than $7,000,000.

Furthermore, the existing economic situation makes the present time probably the most favorable for the effective expenditure of Government funds in pursuance of this policy that has ever existed since that policy was adopted. Forest lands, particularly cut-over forest lands of the character whose acquisition is most desirable to accomplish the purposes of the Weeks Act, are now available at exceedingly low prices owing to the desire of many owners to convert such forms of property into cash.

At the meeting of the National Forest Reservation Commission in December, 1921, the purchase of 135,000 acres of land in a considerable number of different tracts was approved at an average price of $3.33 per acre. Considering the character of the timber and young growth on these areas, as well as their public value for watershed protection, this was the most advantageous list of purchases that has probably ever been passed upon by the commission. The Forest Service has today pending offers in localities previously approved by the commission as desirable for purchase under this law, which aggregate 837,000 acres, obtainable at terms probably equally as advantageous as the purchases approved by the commission in December.

Because I am convinced that as a public investment reasonable appropriations can be very effectively expended at the present time for this purpose, and because, in my judgment, the policy which the Nation has adopted can only be carried out efficiently by continuous and uninterrupted effort on a moderate scale, I believe that some provision for continuing the purchases should be made during the ensuing fiscal year. You understand thoroughly my position in the matter of economy; and I regard it as thoroughly consistent with that position to urge that the Bureau of the Budget approve a supplemental estimate

of not less than $500,000 for the item in question. Such a fund, while entailing a reduction from the scale of the present work, would enable it to go forward and would permit the Government to take advantage of the most favorable offers now in hand.

Respectfully,

JOHN W. WEEKS, *Chairman.*

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina to the amendment reported by the committee.

Mr. OVERMAN. I ask for a division. I should like to see how many Senators vote for it.

The PRESIDING OFFICER. The Senator from North Carolina requests a division.

The question being put, on a division the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CAPPER. Mr. President, economy is, and should be, our national watchword. I believe in it, but not to the extent of injuring efficiency or limiting service that will benefit the entire population. The Department of Agriculture should have adequate support—greater than ever before in the history of the country—because it has a larger job to handle, more problems to meet, and faces a critical situation in which to meet them.

The Department of Agriculture has a man-sized job on its hands in helping to get agriculture on its feet, in working out farming economies, in supplying the Nation with agricultural and marketing information, and in encouraging greater and more efficient production of crops and live stock, which will redound to the benefit not only of the farmers but of the entire citizenship.

To accomplish this work the department needs liberal funds. On a job so important, so vital to the Nation, it is a mistake to be anything but liberal with finances. There are times when the spending of money makes possible great future economies. I think that is true of money appropriated for the Department of Agriculture to-day. Congress can best economize by being liberal, and making possible the giving of a broader service to agriculture.

Mr. President, for many years the United States Government has been content to let agriculture take care of itself. There has been no national policy of a constructive nature. Farmers have gone on producing under many handicaps that might easily have been removed. The result has been disaster that in the last two years has overtaken the farmers, caused billions of dollars in losses by shrinkage in the value of farm products, and has been seriously detrimental to business throughout the land. Agriculture has been brought to a point where its future is in peril, where it is bound to go backward unless real relief is forthcoming.

The need of a constructive national program looking to the rehabilitation of agriculture is imperative. I think that fact is appreciated by business men as well as by farmers. It is generally accepted that prosperity must come first to the farms before it can prevail in the city. Evils that have grown up must be corrected before agriculture can function in a normal and profitable way.

A vigorous, strong, and properly supported Department of Agriculture will be a vital factor in working out and putting into effect a constructive national agricultural program. It is the logical machinery to handle that work, because it knows what must be done and the best way to get it done.

Mr. President, the unfavorable conditions under which agriculture has been struggling have wrought serious changes in it. The hazards of the business have driven out owners and brought in tenants. Tenancy is increasing every year, and this is a menace to the Nation, because it means, in the final analysis, that soil rapidly is being depleted, and little is being done on many acres to build up fertility. The average renter is not a soil improver.

In 1920, renters operated 37 per cent of the farm lands of the United States. That area was 42 per cent of the improved farm acreage and 44 per cent of the total valuation of the land, both improved and unimproved. Tenant farmers rent land equal to the combined area of Texas, Illinois, Iowa, Arkansas, Michigan, Wisconsin, and Florida. Tenant farmers operate more than 265,000,000 acres.

Farms are growing larger. The number of renters has not increased so far as the number of acres they lease. While the proportion of rented farms increased 3 per cent between 1910 and 1920, the increase in acres rented during the same period has been 20 per cent.

Young farmers, on whom the future of the industry depends, are quitting the soil because operating it no longer is as profitable as many lines of employment in the city. It is a shame that the greatest industry in the United States should be in such a plight. It is near a disgrace that a Government should allow such a condition to persist, to the injury of every citizen. There is no excuse for its existence except national neglect, caused, I believe, rather by ignorance than by intent.

Some phases of this situation are familiar to business men. The depression of the last few years got them to look for causes, and they discovered that the real cause of depression was the way in which the farmer was made to stand the brunt of it all. Prices of his products were the first to be smashed down to below even the pre-war average. Farmers were deflated in a hurry, and so crudely that in many cases the punctures were so big that they could not be patched up. In a few months farm wealth figures in billions was written down to millions, and then business yelled because the farmers would not buy. They could not buy. Between the market manipulators who smashed prices and the banks which withheld credit and forced the liquidation of obligations, the farmer was helpless. He did not control his market. He had to take what was offered for the things he had to sell. With creditors pressing, the farmer was forced to liquidate what he could turn, even at a sacrifice. The industry was thrown into confusion from end to end. It is still suffering from the effects of a system that will permit the perpetration of such a national wrong. The farmer was helpless, and all the wolves were free to prey upon him.

Mr. President, agriculture would not have been injured so much if the same policy of forced deflation had been applied to every other industry; but while the price of the farmer's products dropped like a plummet, prices of other commodities decreased only slightly, if at all. The cost of living and operating a farm remained virtually unchanged, but the revenue from that operation was more than cut in two. The farmer did not get out of the market; he was put out—kicked out, in fact.

The consumer did not profit from the plague of deflation visited upon the farmer. He continued to pay as much for food, and any decreases were mighty slow in coming. For a year or more somebody was holding up the consumer of the Nation, robbing the farmer and the city man at the same time, and apparently they have gotten away with it. There were billions in that loot that should have been spent for food and clothing and farm equipment. If it had gone to the farmers and to the consumers business would not have gone through the depression that has caused such serious losses.

But I am happy to say, Mr. President, that the number of business men in this country who realize that the farmer has not had a square deal, and that he must have a square deal before the Nation can be truly prosperous, is increasing rapidly. They realize that action taken to benefit the farmers is not in any sense class promotion. Their analysis has told them, as it has told those closely in touch with agriculture, that the business of farming is fundamental and must be given as much thought and assistance as have been accorded to other industries which it actually overshadows in magnitude.

Agriculture is the greatest industry in the United States. It is an $80,000,000,000 affair. Once it gave the Nation $22,000,000,000 in new wealth every year, and supplied 50 per cent of its bank deposits. It will do the same and more if it is given a square deal to-day; but if it is to flourish it must be encouraged and safeguarded.

The time is past when the Nation should tolerate those whose greed insists on making the farmers the goats—men who would bleed farmers white in order to amass fortunes to hide away in tax-exempt securities. The wolves already have been permitted to run free too long. Market gamblers have had their day and have robbed right and left with impunity. I hope that particular book of wrong has finally been closed.

Mr. President, it is up to Congress and the Government to assist in working out a national program which will give the farmer a larger share of the fruits of his labor and a chance to have something to say about the price he receives for his products. Cooperative marketing should be encouraged. Better credit facilities must be established to enable the farmer successfully to operate with his slow turnover. He must have, and rightfully can demand, as good financing as other industries and businesses receive. That is only fair. To-day the farmer very largely gets credit in a haphazard, unsystematic way, after other industry has been served. He gets the crumbs, if there are any, from the financial table. In the last few years even the crumbs had been cleaned up before the farmer had a chance at them.

Certain things of an emergency nature have been attempted and accomplished, and they are helping relieve the agricultural

situation. Immediate relief of intolerable conditions was sought. The worst injuries were treated. Much still remains to be done.

Mr. President, I wish to call attention to the fact that this corrective legislation has been sponsored and promoted by the agricultural bloc. Congress has realized the grave importance of doing something constructive to aid agriculture and has passed several valuable acts. The billion-dollar War Finance Corporation to handle agricultural credit more effectively is one. The Capper-Tincher future trading bill to regulate the grain exchanges is another. Then there is the packer control bill, the agricultural emergency tariff bill, the Kenyon bill increasing interest rates on bonds of the farm-loan banks from 5 to 5½ per cent, and the Curtis bill authorizing the appropriation of $25,000,000 as a revolving fund for the Federal farm loan banks. One of the most important enactments was the passage of the measure permitting farmers to market their products cooperatively. That measure gives the farmer the opportunity to help himself in overcoming and removing many of the evils that have grown up in the marketing of agricultural products. It will tend to reduce the great spread between the prices the producer receives and the price the consumer pays for the products.

The farm bloc favors a liberal but sane appropriation for the Department of Agriculture, so that it may function efficiently and conduct its activities on a scale in conformity with the size and importance of the industry it serves.

The farm bloc believes railway freight rates are too high and must come down.

The farm bloc would restore to State railway commissions much of the power taken away from them by an unwarrantable interpretation of the transportation act by the Interstate Commerce Commission.

Another measure favored by the farm bloc which will contribute to a permanent and prosperous system of agriculture is the development of the Muscle Shoals project. We should resume work immediately on the Government's great fertilizer and power plants on the Tennessee River. The Nation's fertilizer bill is now about $250,000,000 annually. I believe it is possible to reduce this one-half if we carry out the Muscle Shoals program.

The farm bloc is supporting the Capper-French truth-in-fabric bill to compel makers of clothing to brand their goods so that the buyer will know the amount of pure wool and the amount of shoddy in it.

First in its program, the farm bloc holds credit reform. It realizes that agriculture is at the mercy of those who control credit, and that many who exert that control are not particularly in sympathy with agriculture. The farm bloc knows that farmers have suffered and many have been ruined financially by lack of credit.

The farm bloc is seeking to evolve a credit plan which will give relief to agriculture, which will make more money for financing the slow turnover of the farms, which will give the farmer another opportunity to go ahead with his work with a decent chance to make good. If that is accomplished, it will mean cheaper food, more work, reopened factories and mills, and a return of good times.

Senator McNARY's bill extending the operation of the War Finance Corporation until July 1, 1923, should be promptly passed by this Congress.

The activities of the Farm Loan Board must be enlarged and extended. The 12 farm land banks now have applications for loans amounting to more than $150,000,000, but the funds available are wholly inadequate to take care of the pressing needs of the farmers.

Another obvious need in the way of further legislation for the encouragement of agriculture is a law that will make the Federal Reserve Board more responsive to the farmer's credit needs. This is best met, in the judgment of many, by the bill which already has passed this body and is pending in the House, providing for the recognition of agriculture in the appointment of members of the board. This bill makes but a single change in the existing law, inserting the word "agricultural," so that when appointing members of the Federal Reserve Board the President "shall have due regard to a fair representation of the different agricultural, commercial, industrial, and geographic divisions of the country." A studied effort has been made to have this legislation appear to be class legislation, but such a conclusion can be reached only as a result of a complete failure to comprehend its import. Agriculture is our greatest industry. Surely an effort to have it given only the same consideration that is given to commercial and industrial divisions in our Nation can not truthfully be defined as an attempt to obtain class legislation. When the dependence of other industries on agriculture is more clearly understood I look for the prompt enactment of the bill by the House. Only the fear that the President might appoint to this position a man ill-fitted for the place can justify further opposition to this measure; and surely that is a far-fetched assumption, as has been so well said by Secretary of Agriculture Wallace.

Mr. President, the charge has been made that the farm bloc seeks class legislation, and that its aim is to profit agriculture, no matter at what cost to other industry. The men who make that charge lose sight of the fundamental fact that agriculture is basic, that what contributes to its prosperity and well-being unquestionably benefits all industry. When agriculture is profitable the Nation is prosperous.

It is not class legislation to demand that agriculture have as good credit facilities as any other business; that farmers be encouraged to work together to improve their marketing condition; that the market gamblers and speculators and the selfish class which has grafted off of the farmers for many years be unmasked and controlled.

The farm bloc does not recognize the right of any class to have an advantage at the expense of another group or of the population as a whole. The interests which oppose it fight the farm bloc because it does not tolerate their pet piracies. Vested interests have been bloodsucking the farmer long enough.

The purposes of the farm bloc are economic, not political. It is striving for a more sensible program of national development in which agriculture will occupy its rightful position and be accorded the interest it deserves. Its aim is to bring about a better understanding and greater cooperation among all worthy elements of the population, to the end that all may be aided; and it will fight, and fight hard, to accomplish that aim.

Mr. President, I know that Congress and the administration are in sympathy with the needs of agriculture, that they are anxious to promote the welfare of the farmers of the country, and that they have their feet solidly on the ground. That is why so much already has been accomplished, and why so much more will be done. We have an able and efficient Secretary of Agriculture. His department is doing great work for the upbuilding of the agricultural interests of this country. A liberal policy toward this department will serve to make more valuable and serviceable the legislation already enacted, and to safeguard the improvement in agricultural conditions that has been accomplished.

Mr. FERNALD. Mr. President, I am going to ask unanimous consent to recur to the item on page 20, making an appropriation of $175,000, of which $50,000 shall be immediately available, for the eradication of the white-pine blister.

Mr. President, first of all, I want to say that I have been very greatly interested in the speech of the Senator from Kansas [Mr. CAPPER]. He is not only a very able Senator but a very conscientious man, and whenever he speaks he has something to say to the Senate. I, of course, can not take to myself any of the credit for the passage of this legislation, because I did not happen to belong to the bloc. Although a farmer, I have never studied law, and I do not belong to any bloc or to any class, but I simply try to do my duty as a Senator, and whenever legislation which is beneficial to the farmer is up for consideration, I am sure it has my indorsement and approval.

Yesterday I listened with great interest to the remarks of the Senator from Nebraska [Mr. NORRIS] explaining the spores and fungi which appear on the barberry bush in many of the Central Western States, and which are so destructive to the cereal crops which are raised there. I favored an increase in the appropriation for the eradication of that pest, not that it affects my State at all, or even New England, as very little wheat, barley, or cereals of any kind are raised in New England, although I know it is not intended to overlook my State, the most easterly in the Union, because we do raise great quantities of potatoes down there.

What I wish to call the Senate's attention to at this time is the fact that while the wheat and barley and oat crops are crops which are raised yearly, the crop which I want protected when once destroyed it takes at least 75 years to reproduce. The same condition exists with the pine tree in my State that exists with the wheat in the States of the central West. Their's is a black rust, which appears on the stem of the wheat, as I understand it, which comes from spores which multiply on the barberry bush. In Maine the white-pine blister, which is such a pest to us, comes from the currant or gooseberry bush. It is not to-day so extensive but that I believe with a fair amount of exertion and a proper appropriation it might be entirely exterminated.

I believe in a spirit of fairness, and whenever any State of this Union can be benefited by an appropriation of the Federal

Government, wherever that State is, in whatever section of the country, whenever it appeals to me that it is an advantage, it has my approval. I am not so much of a partisan as a great many, and I am not so particular about political divisions.

An appropriation for any section of this great country which may be benefited by such appropriation, whether the East or the West or the South or the North, has my approval, and I am going to ask for an amendment to this particular appropriation carrying $175,000, and ask Senators from all the States of the Union to view this precisely as they view the situation in their own States regarding their own crops.

The State of Maine, as Senators know, is called the "Dirigo" State. We have 23,000,000,000 feet of spruce growing on the soil of Maine and an equal amount of pine trees. This promises to be a very serious matter. The lumbermen of my State have already taken precautions and are trying to stamp out the pest, and I believe with a sufficient appropriation at this time, or a small increase in this amount, it may be entirely exterminated. Therefore I move that this amount be increased from $175,000 to $250,000, and I hope the Senator having the bill in charge will accept the amendment.

The PRESIDING OFFICER. The Chair is advised that by the consent agreement committee amendments are to be taken up and disposed of before individual amendments are entertained.

Mr. FERNALD. Then I withhold the amendment for the present, Mr. President.

Mr. DIAL. Mr. President, with regard to the appropriation for the Appalachian Forest, I desire to say that a great work is being done there and a large quantity of land can be acquired very cheaply. Unless we do something to protect our streams a great number of them will soon fill up with sand and silt.

I remember that when in 1908 we had a great flood in the South, the Pacolet River, which rises in this forest, rose 40 feet within one hour. That sounds upreasonable and it is hard to believe, but on that stream there were several very large cotton mills, and at that time several of those mills were literally washed away. In the case of two of the largest mills in the South not only the machinery but the buildings themselves were washed down the streams.

Mr. OVERMAN. And tenant houses were washed away.

Mr. DIAL. A great number of tenant houses were washed away. I remember very vividly about that time, because I was interested in a property half the value of which was destroyed during that flood.

In my country the old people speak of the "August freshet." That means the freshet of 1854. The streams were higher then than at any time on record before this last flood. After that, when engineers were developing water power, they would lay out their plants having in view a stream reaching the height reached by the streams in that year. During the last flood, of which I have just spoken, the streams in that section rose 10 feet higher than in 1854.

For these reasons I must commend the Senate for adopting that amendment. Money could not be spent to any better purpose.

The next amendment was, on page 74, line 11, to strike out the proviso in the following words:

Provided, That at any time during the fiscal year 1922 or thereafter, when the Secretary of Agriculture shall determine that the interests of the Government will be subserved thereby, he is hereby authorized to appraise the buildings, animals, machinery, and all other property of whatever nature or kind appertaining to the experimental farm of the Department of Agriculture, situated at or near New Iberia, La., and to sell the same at public or private sale, at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, and in consummation thereof to execute such instruments of conveyance as may be requisite, the proceeds from such sale to be deposited in the Treasury to the credit of miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 83, line 9, after the word "except," to strike out "one person at a rate of $6,500 per annum" and to insert "three persons at a rate of $6,500 per annum each," so as to make the paragraph read:

To enable the Secretary of Agriculture to carry into effect the provisions of the packers and stockyards act, approved August 15, 1921, $410,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum except three persons at a rate of $6,500 per annum each.

The amendment was agreed to.

The next amendment was, on page 83, at the end of line 19, to increase the total appropriation for the Department of Agriculture from "$35,692,233" to "$35,808,533."

The amendment was agreed to.

Mr. ASHURST. Are we considering only committee amendments at this juncture?

Mr. McNARY. I think that concludes the committee amendments. A few moments ago I asked that the States Relations Service items, beginning on page 54, be passed over for the moment.

The PRESIDING OFFICER. The Senator from Mississippi has proposed an amendment to that part of the bill, which will be stated.

The READING CLERK. On page 57, line 25, strike out "$1,000,000" and insert in lieu thereof "$1,500,000," so as to read:

For cooperative agricultural extension work, to be allotted, paid, and expended in the same manner, upon the same terms and conditions, and under the same supervision as the additional appropriations made by the act of May 8, 1914 (38 Stat. L. p. 372), entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," $1,500,000, etc.

Mr. HARRISON. Mr. President, I shall not take up much of the time of the Senate in the discussion of this amendment, and before I begin I want to allude to the manner in which this bill was originally framed and the suggestions or estimates made by the Budget Director.

The original estimate of the Agricultural Department was, I think, for $3,000,000 more than the amount which was submitted by the Director of the Budget. In other words, when the Department of Agriculture submitted the estimates for the appropriations for that department to the Director of the Budget it was cut practically $3,000,000.

I want to state the manner in which it was cut, and if such procedure and policy is to be followed by the Budget Bureau the American people will not stand for the continuation of that bureau. Everything the distinguished Senator from Kansas [Mr. CAPPER] said in his speech a few moments ago is true touching the importance of agriculture and the necessity for appropriations therefor.

When the Secretary of War submitted his estimate for the Army to the Director of the Budget I am informed that the estimate remained intact and that it was submitted to Congress in practically the same amount that was originally submitted to the Director of the Budget by the War Department. That is for the Army, and I do not know as to the Navy. But the Agricultural Department estimate is cut $3,000,000 by the estimate of the Budget. How was it done? When it was submitted by the Secretary of Agriculture to the Director of the Budget he did not look it over himself. If he had we might have had some respect for the estimate contained in his report. He placed it in the hands of one of the employees of the Budget Bureau, a person whose name I do not now recall, who was formerly the manager of the La Salle Hotel, in the city of Chicago, a person who, so far as the record discloses, never farmed in his life or had any knowledge of agriculture—a very estimable gentleman, perhaps, and very competent, perhaps; but he, the ex-manager of the La Salle Hotel, an employee in the Bureau of the Budget, was placed in charge and control of the estimates submitted by the Department of Agriculture to the Bureau of the Budget, and he cut that estimate $750,000. In cutting it, however, he did consult with certain officials of the Department of Agriculture. To that extent he is to be complimented.

The estimate then went for the signature of the Director of the Budget, and he refused to sign it. He said the amount had not been cut sufficiently, and he designated another person, an employee of the Budget Bureau, to take the estimate and make further reductions, giving him instructions to cut it practically $2,000,000 more. The Director of the Budget, Mr. Dawes, designated an Army officer, a graduate of West Point, a general, I believe, who knew nothing about agriculture, and, I suppose, never worked a day on a farm in his life. This general, this Army officer, this employee of the Budget Bureau, without knowledge of agriculture and without conference, I might say, with the employees or heads of the bureaus in the Department of Agriculture, took the estimate and cut it another $2,000,000. The question was put to Doctor Ball and to the Secretary of Agriculture whether, in making the reduction of practically $3,000,000 of the original estimate submitted by the Secretary of Agriculture to the Director of the Budget, such items were taken into consideration showing the needs of some to be decreased and others to be eliminated. They said no; that they just took the whole bill and slashed it to the amount of $2,000,000.

That is the way the Director of the Budget is performing, and those who are interested in agriculture in America, who have heard the praises of certain gentlemen in this Chamber and elsewhere respecting the Budget Bureau, should know that when it comes to appropriating money for the Agriculture Department an Army officer, without knowledge of agriculture, is designated by the Director of the Budget to slice it without respect to the needs and exigencies of the hour.

So while the Army bill, so far as the Budget Bureau is concerned, is submitted in practically the same figure as requested by the Secretary of War, the appropriation for the Department of Agriculture is treated differently, and the Director of the Budget cuts it $3,000,000 below the estimate of the Secretary of Agriculture. Of course, agriculture is not getting a fair deal. It can not get a fair deal under such circumstances as that. If they were going to cut these estimates, why did not this Army officer, representing General Dawes, talk with the Secretary of Agriculture or Doctor Ball or the other gentlemen in the Department of Agriculture who are informed as to the condition and the needs of agriculture?

Mr. CARAWAY. Mr. President——

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does not the director himself think that they grow wheat in the stock or grain exchanges?

Mr. HARRISON. Perhaps so. The impression has gone abroad that the Director of the Budget, General Dawes, a splendid man, a fine business fellow, straight and honest so far as I know, efficient and courageous and competent, looks over these estimates when they come to him. He never sees them; but under the system that is now practiced some employee in his bureau, without knowledge of the particular subject matter, is designated to go over them and cut them without respect to the needs of the department involved.

Mr. REED. Mr. President——

Mr. HARRISON. I yield to the Senator from Missouri.

Mr. REED. I call the Senator's attention to the fact that the river and harbor bill was cut by Mr. Dawes's authority or his demand to, I think, $13,000,000. The information I have is that when he was called upon to explain that he said the figure had been arrived at by taking the appropriations of last year and of the year before. He did not know that last year when the $15,000,000 appropriation was made—I think that was the figure, but I am speaking from memory—there was unexpended and on hand a very large amount of money, and again I am speaking from recollection, but I think it was something like $40,000,000, and that that was the reason why the appropriation last year was made so small, because of the large amount of unexpended balance being on hand.

So without any information of that character he proceeded to say that we needed only $13,000,000 this year, although in fact, if I have the figures correctly in my mind, we actually had last year something like $65,000,000, counting the unexpended balance.

That is the way business is being done by one man and his cohorts who are undertaking to supervise the business that belongs to the Congress. I wish to repeat now what I intend to repeat on every occasion, that I voted against the Budget scheme.

Mr. HARRISON. I thank the Senator for what he has said touching the action of the director with reference to rivers and harbors. It is quite true that he took into consideration moneys that had not been expended, but which had been appropriated and for which contracts had been made, and which had to be spent on the particular projects, and that work had merely been delayed because of the war and conditions arising out of the war.

It reminds me of what happened to the rivers and harbors estimate under the system of the Director of the Budget. The estimate of the War Department for rivers and harbors for the coming year was $42,000,000. That estimate is made by a board composed of men who are trained, who have specialized in river and harbor improvements. They know the conditions of the country as no other class of men in the country know them, and yet notwithstanding their estimate was $42,000,000, General Dawes, I presume, did not like it—I have no idea that he knew anything about it—and some employee in the bureau cut it to $13,000,000. Then the River and Harbor Committee of the House, realizing that the conditions of the country would not stand for such treatment as that, knowing that the rivers and harbors had filled up during the years of inadequate appropriations for river and harbor improvement, and that that applied to every port throughout the country and every river in America, called in General Dawes and the friends of river and harbor improvements over there and had a conference with him. When it was brought to his attention, he did raise the estimate from $13,000,000 to $27,000,000, but the House thought when a few days ago the river and harbor appropriation bill was before it for consideration that the board of Army engineers knew more about the needs and conditions of the rivers and harbors than General Dawes; so notwithstanding the fact that he had raised his estimate from the original $13,000,000 to $27,600,000, the House by an overwhelming majority, on the recommendation and under the whip and spur of the River and Harbor Committee of the House, increased the amount of Dawes's estimate and made an appropriation of $42,000,000 as requested by the board of Army engineers. I congratulate the House of Representatives on their action. They showed an independence of action and courage which it would be well for the Senate to emulate.

If the Director of the Budget continues to designate some employee in his bureau to cut estimates without respect to the needs of the country, not only will the Congress lose respect for his estimates but the American people will rise up and demand a repeal of the Budget law. Representatives in Congress, both in the House and in the Senate, are those under our Constitution to make appropriations to care for the needs of the country, and we should not delegate that authority to any one person.

However, that is aside from what I had risen to say. The amendment I have proposed covers the item on page 57, and I respectfully ask the attention of the Senate to the item. There is no more important proposition embraced in the bill than the item to which I am now calling attention. It is to care for the cooperative agricultural extension work throughout the United States. It applies no more to Mississippi than it does to Maine, no more to Nebraska than it does to Minnesota. It covers every part of the country.

The appropriation in this paragraph carried in the bill is $1,000,000. The estimate of General Dawes, notwithstanding he had cut the total amount carried by the bill practically $3,000,000, was $1,500,000 for this item, but the House did not give the $1,500,000 requested both by the Secretary of Agriculture in his estimate and by General Dawes in his estimate. They reduced it to $1,000,000. The Senate committee followed suit on a very close division in the committee, I think, and the bill only carries $1,000,000, $500,000 less than the estimate of General Dawes and $500,000 less than the estimate of the Department of Agriculture.

Why was the million and a half dollars requested? It was because the Smith-Lever agricultural extension bill, which was passed in 1914, provided for an initial appropriation to cooperate with the States in the matter of agricultural extension and cooperative work, which amount was to be increased approximately $500,000 each year for a certain number of years. This coming year is the last year that the increase is to be allowed. If we had appropriated $1,500,000 in the pending bill for the coming year, we should have fulfilled our part of the contract under the Smith-Lever law, but the Congress, if it should follow the recommendation of the committee, would not be complying with the requirements of the Smith-Lever law, because to do so it should appropriate $1,500,000.

I know what moved the Senate committee in not recommending an appropriation of $1,500,000 for this purpose. It was because Doctor Ball, representing the Agricultural Department, said that this was the same amount which was appropriated last year, and that if we appropriated the same amount this year as was appropriated last year, namely, $1,000,000, it would not affect the organization and would not cause a dislocation of the work. Of course not. The same amount of money being appropriated, it would take care of the same conditions, but when Congress inaugurated the plan provided in the Smith-Lever law the amount of the appropriation was to be increased year by year until this year at the rate of $500,000 annually.

There are approximately 700 agricultural counties in the United States to-day where this work is not being carried on and into which no appropriation out of the Federal Treasury goes to cooperate with the efforts of the States. How can those 700 agricultural counties be expected to receive the benefits of the act if we are not going to increase the amount according to the provisions of the Smith-Lever Act as originally passed? I submit that we ought to keep faith with the Congress of 1914 when it passed that act and grant this increase of $500,000.

I am not combating the proposition that the amount recommended by the committee is the same as that for last year, and that there will be no disorganization of the work if my amendment shall not be adopted, but if the Senate shall adopt the amendment it will enable the Agricultural Department to extend this desirable service into some of the 700 remaining agricultural countries throughout the country which do not now enjoy its benefits.

Mr. President, I saw this body and also the House of Representatives vote to appropriate millions of dollars to send seed to Russia. It was done as a humanitarian act. There are counties to-day in the United States, not alone in the South or West but they may be found in the North and in the East perhaps, where the farmer has been hard hit; where his taxes are heavier than they have been for years previous; where he has poorer crops than he had had for years past; where he needs

help more than he has needed it for a long time. There are counties in my State—and I take it that we are no worse off in Mississippi than in other States—where the taxes are now so heavy that the people believe they must do away with the county agent who is provided for under the act; they believe they had better save a little because of the depressed conditions prevailing in the country to-day.

If such a condition exists in certain counties, why should not the Federal Government go to their relief and pay a little more to the county demonstration agent than it has heretofore paid, allowing the counties to pay a little less than they have previously paid? That will help the taxpayers to some extent, and you know they need it in some places.

Whenever we stop this work we hurt agriculture. So I submit that here an opportunity is offered to render some real aid and benefit to the agricultural interests of the country. The additional appropriation is needed; it merely carries out the purposes of the original act. I know of no action we could take which would result in more substantial benefit to the farmers at this time than to increase the appropriation for the cooperative extension work. It is the appropriation which provides for the county agents to go around to inform the farmers as to new, modern, and up-to-date methods of farming. Before the inauguration of this system, in certain sections of the country—and I know that this statement applies to my section—hogs formerly died by the thousands, but the county agents informed the farmers how to treat hog cholera and thereby saved thousands, yea millions, of dollars to those farmers. It was through the influence and advice of the county agents in one county in my State that a little red-headed, freckle-faced boy on some piney woods land was enabled to raise some 237 bushels of corn on 1 acre of ground.

It is under this appropriation that money has been furnished to send the lady demonstration agents around to teach the little girls how to can fruits and vegetables and to help in the solution of the problem of the high cost of living. So I submit that we should keep this service in a highly organized condition and appropriate every cent that is needed in order to carry on the work and still further to build it up where it is not now organized and in operation.

Mr. President, I hope that the distinguished Senator from Oregon [Mr. McNARY], in charge of the bill, will agree to accept the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi.

Mr. McNARY. Mr. President, the committee considered this matter very carefully, and there was no effort upon the part of anyone to interfere with the agricultural extension work. As the Senator from Mississippi realizes, no one appreciates more than the members of the committee the great work which the Agricultural Extension Service is doing; but I think the RECORD might properly show the reason for the action of the committee.

There has been no sum of money deducted from the total to be used for this work. As suggested by the Senator from Mississippi, under the so-called Smith-Lever Act the maximum appropriation is reached this year, the annual increase having been $500,000. The Senate committee realizing that fact, omitted the $500,000 from the item which the Senator from Mississippi desires increased. The item to which he has asked to add $500,000 is supplementary only to the Smith-Lever Act, and was put on during the time of the war in order to induce increased production of farm products. It was for the purpose of stimulating production, and a million and a half dollars were appropriated. Inasmuch, however, as the appropriations under the Smith-Lever Act have increased so greatly until this year—referring to the fiscal year 1923—$500,000 being added to the amount heretofore appropriated in any one year, the committee thought that by decreasing the appropriation under the supplementary act $500,000, the same amount as heretofore would be available for the work; in fact, the service will have the same amount for next year. Acting upon that theory, the department itself not insisting upon an increase, but being satisfied with the appropriation provided by the bill, which will enable this splendid work they are now doing to proceed, the committee did not believe that there should be added the amount of money which has been suggested by the Senator from Mississippi.

That was the reason of the action of the committee; that is the reason the Senator in charge of the bill at this time does not feel that he can accept the amendment, because it is thought that all the money necessary will have been appropriated if the amounts as reported by the committee are voted into the bill.

Mr. REED. Mr. President, do I understand the Senator in charge of the bill to concede that under the Smith-Lever Act the appropriations were to increase from year to year until they reached a maximum of $1,500,000 this year? Is that correct?

Mr. McNARY. Oh, no; they reached a maximum in 1920 of $4,580,000 under the Smith-Lever Act. The $500,000 to which I refer is a part of the $4,580,000. The act referred to on page 57, the appropriation under which it is the desire of the Senator from Mississippi to increase, is supplementary to the Smith-Lever Act. For the fiscal year 1924 the Smith-Lever Act will carry the same amount as it does this year, and then if it is desired further to carry on this work in cooperation with the colleges of the State $500,000 may properly be added to the general fund used for that purpose.

Mr. REED. Does the Senator concede the point that there are 700 colleges in the United States where this work has not been carried or tendered or offered?

Mr. McNARY. No; the Senator from Oregon does not concede that. The testimony before the Senate committee and the House committee shows that there are over 2,070 counties in the number of the 2,700 counties which have availed themselves of this appropriation. I think the department is willing and has funds sufficient to extend the work if the States and counties will cooperate, and the failure to extend it is due to the negligence of the counties rather than to the inertia of the department or the lack of funds.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi.

Mr. HARRISON. I ask for a division.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from New York [Mr. WADSWORTH] and will vote. I vote "nay."

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from Delaware [Mr. DU PONT] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and will vote. I vote "nay."

Mr. WALSH of Montana (when his name was called). I inquire if the Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The PRESIDING OFFICER. He has not.

Mr. WALSH of Montana. I have a general pair with that Senator, and therefore withhold my vote.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the Senator from Indiana [Mr. WATSON] to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

The roll call was concluded.

Mr. ERNST. I transfer my general pair with my colleague, the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Pennsylvania [Mr. CROW] and will vote. I vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut. I am unable to obtain a transfer and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. STERLING. I have a general pair with the Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote on this question, I withhold my vote.

Mr. TRAMMELL. I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. KING (after having voted in the negative). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. May I inquire whether he has voted?

The VICE PRESIDENT. He has not voted.

Mr. KING. I am unable to secure a transfer, and I am therefore compelled to withdraw my vote.

Mr. CURTIS. I have been requested to announced the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Illinois [Mr. MCKINLEY] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 30, nays 28, as follows:

YEAS—30.

Ashurst	Harris	Norbeck	Swanson
Culberson	Harrison	Norris	Trammell
Cummins	Heflin	Overman	Walsh, Mass.
Dial	Johnson	Pomerene	Watson, Ga.
Fernald	Jones, N. Mex.	Rawson	Weller
Fletcher	Kendrick	Reed	Williams
Gerry	Ladd	Sheppard	
Harreld	La Follette	Simmons	

NAYS—28.

Ball	Hale	McNary	Pepper
Borah	Jones, Wash.	Moses	Phipps
Bursum	Kellogg	Nelson	Spencer
Calder	Keyes	New	Sutherland
Capper	Lenroot	Newberry	Townsend
Curtis	Lodge	Oddie	Warren
Ernst	McCormick	Page	Willis

NOT VOTING—38.

Brandegee	France	Myers	Smoot
Broussard	Frelinghuysen	Nicholson	Stanfield
Cameron	Glass	Owen	Stanley
Caraway	Gooding	Pittman	Sterling
Colt	Hitchcock	Poindexter	Underwood
Crow	King	Ransdell	Wadsworth
Dillingham	McCumber	Robinson	Walsh, Mont.
du Pont	McKellar	Shields	Watson, Ind.
Edge	McKinley	Shortridge	
Elkins	McLean	Smith	

So Mr. HARRISON'S amendment was agreed to.

Mr. ASHURST. Mr. President, I desire to inquire whether the committee amendments have all been disposed of?

The VICE PRESIDENT. They have.

Mr. ASHURST. Mr. President, I ask attention to——

Mr. MCNARY. Will the Senator yield until the committee can offer an amendment or two?

Mr. ASHURST. I yield the floor.

Mr. MCNARY. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 61, line 17, after the sum "$175,000," it is proposed to insert:

payable out of the administrative fund provided by the Federal aid road act of July 11, 1916, as amended.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon on behalf of the committee.

The amendment was agreed to.

Mr. MCNARY. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 68, line 11, it is proposed to strike out "$175,000," and in lieu thereof to insert:

$146,540: *Provided*, That any moneys received from or in connection with the sale of cotton purchased for the preparation of practical forms of the official cotton standards and condemned as unsuitable for such use may be expended by the Secretary of Agriculture during the fiscal year ending June 30, 1923, for the purchase of other cotton for such use.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon on behalf of the committee.

The amendment was agreed to.

Mr. MCNARY. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 83, after line 18, it is proposed to insert the following:

That hereafter the maximum salary of any scientific investigator or other employee engaged in scientific work and paid from the general appropriation of the Department of Agriculture shall not exceed the rate of $6,500 per annum: *Provided*, That for the fiscal year 1923 no salary shall be paid under this paragraph at a rate per annum in excess of $5,000, except the following: Not more than 8 in excess of $5,000, but not in excess of $5,500 each, and not more than 3 in excess of $5,500 each.

Mr. KING. I would like to ask the Senator to explain the purpose of this amendment. If we are advancing these 2,000 scientists, so-called, to $6,500 per annum, I see no reason why in every other department where there are men of special attainment, expert bookkeepers, lawyers of skill and ability, and men of many other professions which will suggest themselves readily to the Senator, we will not have to increase their compensation. It seems to me the Senator is establishing a precedent now the result of which will be that the salaries to be paid to employees of the United States will be doubled, and in many instances trebled, so that in the end the aggregate will be tens if not hundreds of millions of dollars.

Mr. MCNARY. Mr. President, replying to the Senator from Utah, I have offered this amendment after the matter was considered thoroughly by the Senate Committee on Agriculture and Forestry. The present limitation of $4,500 on scientists is so small that a great many of them are taken into private enterprises. Endowed universities and State institutions pay a great deal more than $6,500, and it is impossible for the department, after very many years of care and good treatment of these scientists, to keep them in this departmental work, which is very important to the agricultural interests of the country.

It was thought that if the number of men enumerated in the amendment should receive a salary higher than $4,500, it would encourage them to remain in the department, doing the great work they are doing for agriculture, instead of becoming connected with private concerns and the endowed universities of the country. It will not increase the total of the appropriation. It gives a wider discretion to the Secretary of Agriculture to pay larger salaries to these men, who are so essential to the great research work upon which the whole superstructure of agriculture rests.

I may add that it is the hope and belief of the Secretary of Agriculture that it will work a great economy; that a few fairly highly paid scientists working in laboratories and doing research work will accomplish very much more than a few mediocre men receiving $4,500, who, when they do become efficient, are taken away by private institutions.

Mr. KING. Under the amendment, how many would be transferred to the $6,500 category?

Mr. MCNARY. The amendment in itself simply gives a latitude and a discretion to the Secretary of Agriculture to pay that salary when he thinks it essential for the good of the department.

Mr. KING. Is there any limitation upon the number?

Mr. MCNARY. There is a limitation in the amendment which I have offered. I think there are 11 authorized, altogether.

Mr. KING. Are there any now receiving $6,500?

Mr. MCNARY. None whatsoever.

Mr. KING. There are approximately 2,000 scientists, I am advised, in the Department of Agriculture.

Mr. MCNARY. Yes; doing various work in the different bureaus along scientific lines—research work.

Mr. KING. Has the Senator taken into account the psychology of this proceeding? It is obvious, it seems to me, that if we give some $6,500, it would lead to discontent. Others will say that their services are just as good as those of the men who are receiving $6,500, and the importunities will be so great for increases that the end will only be reached when all get $6,500, and when that time comes resentments will arise in other departments. Men in other departments who occupy positions calling for ability will insist that they are just as good as men in the Agriculture Department, and they will insist upon increases in compensation.

Mr. MCNARY. If we are going to let the measure of our generosity be discontent, I suppose it would affect every individual, from chair-warmer up, in all the departments of the Government; but the Senator must understand that men who devote their lives to scientific research, issuing pamphlets, making discoveries of insecticides, studying insects and fungi and the great destruction they are bringing about in the country generally, and all the diseases by which hogs and live stock generally are affected, are worth more than $4,500 a year, and will not remain in public employ on such a meager salary. In order to encourage those men to do this work, it is thought wise that the Secretary of Agriculture, in a few instances where they do work commensurate with the salary, shall have the opportunity of increasing their salaries from $4,500 to $6,500, with the conservative limitation set forth in the amendment.

Mr. KING. May I inquire of the Senator whether this becomes a general statute, or is it to be limited to this one year?

Mr. MCNARY. It is limited to the scientific work in the Department of Agriculture.

Mr. KING. The Senator does not answer my question. It was my fault in not making myself clear. Is it the purpose of the Senator to make this a general law, which will be carried into the future, or does the provision expire by limitation at the end of the year?

Mr. MCNARY. It is attached to the present appropriation bill, and it will expire at the end of the fiscal year 1923. I may express the hope that it will be continued indefinitely. I should like to see it become a fixed statute.

Mr. KING. That is a matter to be considered later. I am not sure that the Senator from Oregon is right that it will ex-

pire by limitation. On reading the amendment, I think the Senator is wrong, if he will pardon me. It provides that hereafter the maximum salaries of any scientific investigator or other employee shall not exceed such and such a salary. So it is a fixed statute, and would become a part of the permanent law. I raise a point of order against the proposed amendment. It is general legislation upon an appropriation bill, and is therefore obnoxious to the rule which forbids general legislation upon appropriation bills.

Mr. McNARY. I do not think the point of order is well taken. It is not new or general legislation. In very many appropriation bills providing funds for the administration of the Department of Agriculture limitations of this character have been carried.

Mr. OVERMAN. It has been reported by a standing committee.

Mr. McNARY. It has been reported by the standing committee to which the legislation was referred, and reported by the department, and is contained in the official estimate of the Director of the Budget.

Mr. CURTIS. If the provision makes it permanent law, it does not make any difference whether it was estimated for or not; it is subject to a point of order as general legislation.

Mr. KING. If that were not true, you might increase the number of employees, as this does; you might change entirely the statutory salaries provided by general law, and introduce all forms and sorts of new legislation general in character, as this is.

Mr. McNARY. I will modify the amendment offered a few moments ago by striking out the words "that hereafter" and inserting the following words "during the fiscal year 1923."

Mr. CURTIS. That makes it all right.

Mr. KING. I am inclined to think that my adroit and learned friend has met the point of order which I suggested, and the amendment as modified is not obnoxious to the rule to which I called attention.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I respectfully direct attention to page 80 of the bill, line 13. I will read the whole paragraph, which commences on page 79, line 22. It reads as follows:

ERADICATION OF THE PARLATORIA DATE SCALE.

To enable the Secretary of Agriculture to meet the emergency caused by the existence of the Parlatoria date scale in California, Arizona, or any other State, and to provide means for the extermination of this insect in California, Arizona, or elsewhere in the United States, in cooperation with the States concerned, $13,000.

I seek to increase the amount from $13,000 to $15,000. At the appropriate time I shall move to strike out the "$13,000" and to insert "$15,000." I do not deem it necessary or advisable for me to traverse here the ground I went over in such infinite detail in 1921, but I will take time briefly to say that in Arizona and California, in Texas and New Mexico, there has grown up a date culture which is astonishing in its extent. Many millions of dollars are invested in that date culture. I have spoken about these dates before, and Senators are familiar with their character, how delicate they are, and how much extreme care must be employed in their culture.

The Federal Government has spent a vast sum of money in establishing this date culture. These dates are capturing the markets everywhere, but this insect, Parlatoria, has attacked the dates, and last year the sum of $15,000 was found adequate to combat this insect and save the date crop. I am advised by the Bureau of Plant Industry that a like sum, $15,000, would be necessary this year, and without further argument I ask to have read a memorandum regarding the eradication of the Parlatoria date scale, which says much more succinctly than I could what ought to be said upon the subject. I ask that the Secretary read the memorandum, because it constitutes all I could or would desire to say.

The VICE PRESIDENT. The Secretary will read the memorandum.

The reading clerk read as follows:

MEMORANDUM REGARDING ERADICATION OF PARLATORIA SCALE IN THE DATE PALM.

Date culture is one of the most promising new fruit culture recently introduced into the hot, irrigated valleys of the Southwestern States. The first successful production of the Deglet Noor date was made in Arizona in 1910 by the University of Arizona. The Deglet Noor palm was introduced into the Southwest in 1900 and up to 1910 none of the fruit had been ripened. The methods first worked out in Arizona were then modified and applied to California, with the result that a flourishing date industry has developed in the Coachella Valley, where the climatic and soil conditions seem admirably adapted to this very profitable new fruit culture.

It was soon found by entomologists that all date palms were attacked by two dangerous insects, and that one of these—the Parlatoria—was so destructive as practically to render date culture impossible. It was found that the date palm could not be grown successfully in this country in the presence of this scale. The young palms, it is true, could be fumigated, but the older trees could not be treated without very heavy expense. Here again the University of Arizona led the way in discovering a new method for eradicating this scale pest on the observations made in San Francisco after the great fire, where it was observed that dates and other palm trees that had been burned to a crisp afterwards sprouted out and made a healthy new top. This drastic method of burning the top and the charring of the whole trunk was then applied to the cooperative date orchard at Tempe, Ariz., and the Parlatoria scale was destroyed here completely for the first time in history, some 12 years ago.

Owing to the very heavy importations of date palms made from 1911 to 1915 this Parlatoria scale was reintroduced into many orchards in Arizona and California, and as the trees get older the eradication of this scale has become increasingly difficult. In the meantime the date industry is showing more and more promise, and large investments are being made in California and Arizona, and it is highly probable that the date industry will very shortly be extended into southern Texas as well. So threatening were the conditions that an appropriation of $15,000 was carried in the last appropriation bill for the eradication of the Parlatoria date scale, and the work of eradication was carried on during the past year in a very vigorous way. In the meantime, however, more than 10,000 additional date offshots have been imported since this appropriation became available on March 3, 1921, and it has been found that the work of completely eradicating this scale from the 10 or 12 older date plantations which are now infested is proving to be very costly. Originally more than 100 date plantations were infested with this scale. At present there are not over 10 per cent of these plantations showing infestation by this insect. It is of the utmost importance to clean up these remaining plantations and to so treat the new importations that they will be completely cleaned before the offshoots they produce will be distributed to the growers. It is a matter of the utmost importance, therefore, that this work be continued at full energy until the last Parlatoria date scale in the United States is killed. Only in this way can the date industry be considered a safe and sound investment. Already $10,000,000 are invested in this industry, and there is every reason to expect the investments to increase rapidly in the near future until from thirty to fifty millions are invested in this new fruit culture.

The expenditure of the small amount of money necessary to safeguard this great industry is bound to revert to the United States Treasury ten or twenty fold in the income-tax returns from the large date plantations now being set out. The experience with cotton boll weevil, gypsy moth, and white-pine blister, together with other dangerous diseases, shows only too clearly how important it is to safeguard new crops from dangerous insect enemies or diseases. In the present case methods worked out in this country have been applied successfully and can unquestionably be utilized to the effect of completing the eradication of this dangerous scale and thereby pave the way for the establishment of a profitable new industry which can be carried out in regions not especially suitable for ordinary fruit culture. In other words, the date industry does not displace other profitable fruit industries but creates a new fruit industry where none now exists. It is obvious that such a result is bound to be perceived sooner or later in the income-tax returns.

Mr. ASHURST. In line 3, on page 80, I move to strike out the numerals "$13,000" and insert in lieu thereof "$15,000."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KELLOGG. Mr. President, I call the attention of the Senator in charge of the bill to the proviso in line 6, page 66, in the item providing for the publication of certain statistics. The proviso reads as follows:

Provided, That not less than $65,000 shall be used for collecting and disseminating to American producers—

And so forth. I think, in view of the fact that the Department of Commerce carries on the same work, the language ought to be "not more than $65,000," especially in view of the fact that the Department of Agriculture estimated for $65,000 for the work. I move, therefore, to amend by striking out the word "less" and inserting the word "more," in line 6.

Mr. McNARY. I have no objection to the amendment.

The VICE PRESIDENT. The proposed amendment will be stated.

The READING CLERK. On page 66, line 6, strike out the word "less" and insert the word "more," so that the proviso will read:

Provided, That not more than $65,000 shall be used for collecting and disseminating to American producers—

And so forth.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 35, line 19, I move to substitute a colon for the semicolon following the numerals in that line, and to add the following proviso:

Provided, That $15,000 of this amount shall be used for the investigation by the Forest Products Laboratory, United States Department of Agriculture, of flax straw as a source of supply for the manufacture of pulp and paper.

The amendment which I propose does not increase the appropriation. It simply insures that $15,000 of the lump sum of $340,000 shall be utilized for carrying forward experiments which are now under way giving great promise of our being able to utilize the vast amount of flax straw that is wasted in the country, running up into something like 1,500,000 tons annually, for the manufacture of pulp and paper. I simply desire to make certain that at least $15,000 of the sum shall be utilized for that purpose.

The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. On page 39, line 19, after the numerals "$340,000" and before the semicolon, insert a colon and the following proviso:

Provided, That $15,000 of this amount shall be used for the investigation by the Forest Products Laboratory, United States Department of Agriculture, of flax straw as a source of supply for the manufacture of pulp and paper.

Mr. MCNARY. The bureau in estimating this amount set aside $15,000 for the work suggested by the Senator from Wisconsin, and the proposed amendment makes it more certain. I think it is a proper amendment, and I am willing to accept it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. HARRELD. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 75, in line 16, after the words "may be made," strike out the remainder of the paragraph and insert in lieu thereof:

$12,500, of which the Secretary is authorized to use not exceeding $3,000 for the purpose of building a cottage for the herdsman, and additional sheds, stalls, and pens for the protection and care of said animals.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. MCNARY. I wish to ask the Senator from Oklahoma if this is an estimate submitted by the Department of Agriculture or the Director of the Budget?

Mr. HARRELD. It is a matter recommended by the Director of the Budget. It was recommended by the Bureau of the Budget exactly in the words of the amendment which I have offered. For some reason the amount was reduced by the committee. I did not know it until a few days ago when my attention was called to it. I naturally thought, after it had been passed upon by the Budget, that there would be no further trouble about it. I should like to inquire if anyone knows the reason why it was changed? This experiment station, I may say, has been in existence for a great many years. They were asking for a larger appropriation than this and the Bureau of the Budget reduced it to this amount.

Mr. KING. Mr. President, may I inquire of the Senator from Oklahoma, if the experiment station has been in existence, as just stated by him, for many years, why it has not been found necessary in the past to erect buildings for the purpose contemplated in the Senator's amendment?

Mr. HARRELD. This is the first time any appropriation has been recommended to build the herdsman's cottage, but it is needed very badly. They have not any place for him to live, and the present condition interferes with the proper management of the experiment station.

Mr. KING. If he has gotten along thus far without any difficulty, will the Senator explain the necessity for increasing the appropriation now?

Mr. HARRELD. The experiment station has been in existence several years, but during the war all requests for an appropriation for this house were refused, of course, because the money was not available for that purpose. Lack of it handicaps and interferes very materially with the proper conduct of the experiment station. I have here, in the form of an editorial published in a Woodward (Okla.) paper, a very graphic description of conditions there, if any Senator wishes to see it.

Mr. MCNARY. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. HARRELD. I yield.

Mr. MCNARY. The House committee cut the item for the reason that the experimental farm, so far as it has to do with the matter of experiments, has only one man employed, and they thought that $6,500 was a sufficient amount of money to be used for that purpose. The record shows that there are only 13 Holstein cows at this place, with the one man.

I think it is the idea of the Secretary of Agriculture within the next two or three years to reorganize the whole scheme of farm demonstration work as it is being conducted and abolish a good many of the experimental farms. In view of that state of mind on the part of the Secretary of Agriculture and the department, I think it would be absurd at this time to expend more money in the erection of a home or to grant an increase in the salary of a man who has to look after only 13 Holstein cows. That is the reason why the House committee did not appropriate an amount of money equal to that estimated for by the Director of the Budget, and the Senate committee did not feel justified in changing the amount appropriated by the House.

Mr. KING. Mr. President, may I say——

Mr. HARRELD. Let me answer the Senator from Oregon first. The station not only is experimenting in dairying but it is experimenting in all kinds of fruit and shade trees. They have there now about 60 varieties of fruits, shade trees, Kafir corn, and so forth, with which they are experimenting. The work of the station has been vastly beneficial to the farmers of that section of the country. It is not limited to dairy experiments at all.

It is an experiment station that cost the Government $15,000 in the beginning. They paid $15,000 for the land on which it is located, and this is the first time I ever heard any talk about doing away with it. It has always been intended that it should be improved from time to time. The only reason why the building in question has not been erected before is because, as I said, the conditions during the war were such that no appropriation could be had for that purpose. I have never heard a word expressing any thought of doing away with it in any sense whatever.

Mr. MCNARY. I think I am quite correct when I restate——

Mr. HARRELD. May I say further that the question of the building was brought out before the Bureau of the Budget, and they recommended the sum which I have set forth in the amendment.

Mr. MCNARY. I may say to the Senator from Oklahoma that this legislative body is not going to be governed by the Director of the Budget. That might as well be understood now as at any time.

Mr. HARRELD. Its views ought to be persuasive at least.

Mr. MCNARY. They may be to the Senator from Oklahoma, but they are not persuasive to the Senator from Oregon.

Furthermore, this little farm consists of only 160 acres, 13 Holstein cows, and a foreman. They talk about a chicken project, but there are no chickens on the place, and the increase here for which the Senator is asking is to provide a poultryman, without poultry.

Mr. KING. I suggest that they raise some goats; but doubtless they expect Congress and the people to be made the goats.

Mr. HARRELD. No. In that district we do not need any Republican votes; we have plenty of them.

Mr. KING. I said "goats."

Mr. HARRELD. I thought the Senator from Utah said "votes."

Mr. KING. No. I said it was desired to make goats of Congress and of the people.

Mr. HARRELD. Mr. President, this is not a matter of light concern. I never before heard any talk of doing away with this station. It was intended that it should be added to and built up. I was surprised to find that the recommendation of the Budget Bureau had been turned down by the committee. I should like the committee to let this matter go into the bill, so as to get it before the conference committee in that way. Will the Senator from Oregon agree to that?

Mr. MCNARY. I have made no promises of that kind, and I do not believe in the practice. If the Senator desires to do so, he may move his amendment.

Mr. HARRELD. Then, Mr. President, I offer the amendment.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. HARRELD. I ask for a division on the amendment.

The question being put on a division, the amendment was rejected.

Mr. HARRELD. I may want a vote on the amendment when the bill gets into the Senate, and I reserve the right to have a separate vote on it in the Senate.

Mr. KING. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The READING CLERK. On page 58, line 8, after the word "agents," it is proposed to insert:

Provided, That the appropriation made in this paragraph shall not be available for the payment of salaries of county agents whose services are not wholly given to the work authorized herein.

Mr. MCNARY. Mr. President, I make the point of order against the amendment. It is legislation on an appropriation bill, and is not estimated for by the department or by the Budget Bureau.

Mr. KING. Mr. President, I do not think it is, but I will modify the amendment so as to read:

Provided, That no part of the appropriation authorized in this paragraph shall be devoted to the payment of the salaries of county agents unless they give their entire time to the work for which they are employed.

It is a limitation to the same extent as the amendment which the Senator offered a few moments ago. Undoubtedly a limitation may be attached to an appropriation without the amendment being subject to a point of order.

Mr. McNARY. It is a modification of the existing law, and I can not see where the language now suggested by the Senator from Utah in any way changes the amendment or makes it more amenable to the rule.

Mr. KING. Let me ask the Senator does he believe that county agents should devote their time to other employment?

Mr. McNARY. Oh, Mr. President——

Mr. KING. Does not the existing law, in spirit if not in letter, restrict them to the work for which they are employed?

Mr. McNARY. Of course, I do not believe that county agents should devote a part of their time to other employment. I do not believe that even the Senator, perhaps, should practice law for private emolument while he is a Member of this body; but I would not vote for an amendment going to that extent. I do not see why we should pick out this particular class of Government employees and say to them, "You have got to work eight hours a day and you can not talk or think about anything else but your duties," and let the rest of the country, including the Members of this body, talk all the time about all the foolish things that enter their heads.

Mr. KING. The Senator from Oregon need not get indignant and resentful over an amendment which it seems to me he should gladly accept. If county agents or other employees of the Government give their time to other service, then they should be restrained. It seems to me perfectly plain that county agents should not be engaged in work, while being paid by the Government, for other persons or for themselves. The amendment seeks to cure what I am told has become a common practice with some agents of organizing trade-business associations and attempting to destroy legitimate private enterprises and companies dealing in agricultural and other products. I have a large number of letters here complaining about the activities of, and propaganda alleged to have been carried on by, county agents. It is charged in these letters that some of these agents devote a portion of their time in denouncing private enterprise, in seeking to injure or destroy the business of men engaged in legitimate business activities; that they utilize their positions as county agents to further enterprises in which agriculturists are interested; and that they become members of organizations and employ their official position to advance such organizations and destroy business concerns which have been built up by hard work and honest, competitive service. Numerous complaints were brought to my attention and I wrote to the Secretary of Agriculture. In his reply he said:

> During the recent severe economic depression in agriculture the farmers have been very insistent that the county agents should help them in marketing, and undoubtedly in a number of cases these agents have gone further than they ought in dealing with such matters. Whenever cases have been brought to the attention of the department in which it was shown that county agents had overstepped the bounds of propriety in this regard an effort has been made to keep their work within proper limits.

Let me call attention to a few letters containing complaints. I select them at random from perhaps 30 which I have here. In a letter written in November, from San Francisco, the writer says:

> Inclosed please find letter which was sent to the Los Angeles Milling Co., Los Angeles, Calif., by the California Farm Bureau Exchange. In the second paragraph they claim that their organization is nation-wide in its scope and is fostered by the United States Department of Agriculture.

Accompanying that is a statement which seems to indicate the use by the county agent of his position to work against private enterprises.

I have a letter here from Oklahoma which states, under date of August, 1921:

> Inclosed please find clipping from the Miami District News, of Miami, Okla. Miami is the county seat of our county. The paper is dated August 2, 1921.
>
> You can see from this article that our county agent is meddling with the grain business in this locality. We have understood that he has been receiving export bids on wheat and that the farmers of Miami have loaded out a few cars through him.

Then there are a number of clippings from newspapers showing that work along that line was being done by the county agents. The complaint is that the agent uses his position as a Government official to injure the business of merchants and dealers in agricultural products.

I also have a letter from Grand Island, Nebr., dated July 7, 1921, from which I quote as follows:

> We wish to call your attention to the inclosed clipping from the Omaha World-Herald of July 6 on which you will note the agent in that territory is traveling with Mr. Dewald in the interest of securing new members for the United States Grain Growers (Inc.). We are also inclosing a clipping from the Grand Island (Nebr.) Independent of July 6 giving reply to questionnaire—

And so forth.

The writer then passes to another matter. His letter refers, however, to clippings from a newspaper supporting his statements.

I have here a letter from Illinois, signed by a county agent, asking for quotations on wheat, and so forth, showing that he is engaged in soliciting or finding purchasers.

I have a letter from Drexel, Mo., inclosing a circular, signed by Mr. Miller, the county agent, referring to coal prices, and so forth.

I have also a communication from Lansing, Mich., inclosing another letter calling attention to the county agent who, the writer states, is getting "very active in trying to engineer the farmer's business for him."

Here is a letter from Illinois calling attention to the fact that "farm bureaus in several States are going outside of their authority in promoting business." It incloses a clipping from the Chicago Tribune in support of this statement.

A letter from Great Falls, Mont., contains this statement:

> It is quite generally known that the county agents have been active in ordering and selling hay, feed oats, seed oats, seed wheat, etc., in direct opposition to the regular trade in this and adjacent counties. * * *
>
> We are attaching a bulletin issued under date of April 21 by the county agent here, in which you will note he has advertised as on hand seed oats, Marquis wheat, flax, alfalfa hay, etc. All of these commodities can be purchased from local dealers. In addition to advertising in their bulletins, they have inserted advertisements in the local papers as well.

The letter incloses a bulletin emanating from the county agent. In the bulletin the following appears:

> The car of Victory oats shipped in from Canada was ordered out very rapidly. There is still a limited supply of both Victory and Banner, and orders will be received only subject to supply on hand. The reputation of the Victory oats is such that everyone should seed it if only enough for a couple of acres in order to get a start with this oat.
>
> We have listed at the office a quantity of Marquis seed wheat, Swedish select oats, seed flax, and some alfalfa hay in carload lots.
>
> The office has a supply of garden seed for free distribution to be sent out on request.
>
> Very truly yours, F. E. MACSPADDEN,
> *County Agent.*

I have a letter here from Port Huron, Mich., in which the writer, speaking of the county agents, says:

> There is a good deal of propaganda being published in the smaller county papers throughout the State, and I am attaching herewith an article which was printed in the Huron Times-Herald of the issue of May 14.

The clipping is attached, but I will not take the time to read it.

A letter from Adrian, Mich., states:

> The market was represented in this county in the month of February by W. C. Cribbs, marketing expert of the Bureau of Markets, Washington, D. C., who, in conjunction with the county agent, held farmers' meetings throughout the county in schoolhouses, grange halls, etc., and I am told by some farmer friends that the burden of his talks seems to be largely attempting to break down the confidence between the farmer and the so-called middleman, including coal dealers, agricultural implement concerns, elevators, etc.

He says:

> As we wrote you previously, we offer a protest against the activities of any branch of the United States Government or State government which attempts to bring in disrepute one class of citizenship in favor of another, and this is exactly what this gentleman tried to do in this county and succeeded partially in doing.

I have here a letter from Huntingdon, Pa., signed by the county agent, in which he says that he has five carloads of baled timothy hay for sale, and quotes the price for hay of various grades, and signs himself as "county agent."

Here is a letter from Missouri in which it is stated:

> Inclosed herewith find a clipping from the Johnson County Farm Bureau News, May 20, 1921, edited by County Agent Clough, which gives further information on the activities in this county. * * * have just learned through the secretary of Johnson County Farm Bureau that the county agent here is paid by the Federal Government and State government and by private subscriptions. We certainly expect to fight to the very utmost in any legitimate way we can the use of our tax money to ruin our own business.

Mr. President, these are a few out of a large number of letters I have which would seem to indicate that county agents were exceeding their authority and were using their positions and their offices to attack business houses and persons who are engaged in private enterprise. My understanding is that these county agents are Government officials. It occurs to me that they should confine their labors while paid by the Government to their statutory duties. They should not use their positions to carry on business or to engage in competitive business with private concerns. They are to aid in farm demonstration and to carry to the farmers scientific information. Some of the letters contain protests against their attempts to undermine legitimate private enterprise and to attack persons who are engaged not only in agriculture but in the coal business and in other lines of industry.

It seems to me that the amendment which I have offered ought to be accepted by the Senator. The letter from Secretary Wallace seems to indicate that some agents transcended their authority. When attention was called to that fact doubtless they desisted, and the Secretary says that "every effort will be made to confine them to the work for which they are employed." If enacting this amendment will aid the Secretary, the Senator ought to be glad to accept it.

Mr. McNARY. Mr. President, does the Senator from Utah think that we should select county agents, as against all other employees, for the purpose of gagging them and restricting their statements and their political opinions?

Mr. KING. Oh, it is not that at all.

Mr. McNARY. If legislation of this kind is going to be enacted it should be general in its character, and I think it should be made to apply first to this body.

Mr. KING. The Senator may offer such an amendment if he desires to extend its operation; but I ask the Senator again if he agrees with the statement made by the Secretary of Agriculture which I read a moment ago, to the effect that where cases have been brought to the attention of the department in which it was shown that county agents have overstepped the bounds, and so forth, efforts have been made to keep their work within proper limits; and does he agree with the statement that undoubtedly in a number of cases these agents have gone further than they ought to in dealing with such matters? If that is true, what objection can there be to a restriction in the appropriation that will confine these county agents to the scope of their authority, as evidently desired by the Secretary of Agriculture?

Mr. McNARY. Mr. President, the Senator from Utah knows that that is a condition which we wish existed in all the departments—that the employees would faithfully perform the duties imposed upon them. I quite agree that if there are any who are going beyond the proper line of their work and causing any social disturbances or interfering or obtruding their opinions in political matters, it is the duty of the Secretary of Agriculture or the employers of these men to caution them about it or to recall them from their work. The objection I have is to singling out these county agents, who perhaps in many instances are not paid as much as they should be, and applying this rule to them, when it ought to be made general if it is to be made at all.

Mr. KING. I want the Senator to distinctly remember that I have not used the word "political" at all. I have not even suggested it. The complaints that have been made in the numerous letters which I have before me do not relate in the slightest degree to political activities or alleged political activities; and the matters to which the Secretary of Agriculture refers, where agents have transgressed, referred to no political activity, but undoubtedly referred to activities of the character described in these letters, in which the agents were assailing private enterprises, among them being houses that were engaged in buying and selling grain and which had built up a business and acquired a standing and had a large clientele.

I have no personal knowledge of these matters, but have received complaints, oral and written, from various parts of the Union, from California to Michigan, and I think I have here a number of letters on the subject from New England States. As I say, I have no knowledge of the matter myself.

Mr. LADD and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. The Senator from North Dakota rose first, and, if the Senator from Nebraska will pardon me, I will yield first to him.

Mr. LADD. Mr. President, I think perhaps I have had a reasonable amount of experience in association with county agent work in this country. I have had associated with me for a number of years not far from 100 county agents and county workers and their assistants. I know that occasionally one of them goes wrong and makes mistakes; I know that occasionally one of them becomes too zealous; but the director of the extension department of the institution usually calls those men into conference and the matters are adjusted. I think it would be unfair and unjust to the county agents of this county and to those associated with the agricultural colleges to single out that one group and make an example of them at this time.

Mr. KING. Mr. President, if the Senator will permit me, it would not be wrong or unjust, assuming that in that field of Federal service are the only ones who are violating, to put it mildly, what might be called the proprieties, if Congress should insist that such procedure should cease, if any employees of the Government are going beyond their authority they should be restrained.

It is the duty of Congress to prescribe the duties of Government employees. If the duties of county agents are not sufficiently defined, then Congress or the Secretary of Agriculture should clearly point out their duties. There can be nothing improper for Congress to restrict or narrow the field of activity of officials. This is a bill dealing with agriculture. If it appears when the naval bill or any other appropriation bill is before us that some officials provided for in such bills are exceeding their authority, then we could with propriety limit the scope of their work. It would be no reflection upon such employees.

I am sure the Senator from North Dakota would not indorse the acts of which complaint is made in the letters to which I have called attention.

Mr. LADD. I concur fully with what the Senator has stated, and do not approve of any action on the part of the county agents that would lead to any difficulties along those lines; but the county agent is not alone a Federal employee. He is employed jointly by the Federal authorities, by the State authorities, and by the county authorities or by the farm bureau, with funds raised by the farmers themselves, each usually bearing one-third of the expense in North Dakota. Sometimes those men have been asked by the farmers to become the organizers of a group of men that shall enable them to sell their products directly through cooperation—as, for instance, in the case of the sweet-clover seed of North Dakota. Through the action of the county agent in putting the farmers in touch with parties who would buy the seed, the farmers were able to obtain double the price that they usually received, with no additional expense to the users of the seed. In the case of the wool in North Dakota the farmers of the counties asked the county agents to take charge of the matter and enable them to secure a better price for their wool. They formed a large wool pool and secured a much better price than the farmers were able to secure before. They made an arrangement with a large woolen mill to convert some of the low-grade wool into blankets, whereby the farmers secured twice or more the price that they otherwise would have received for that wool. I have one of the blankets, that I was glad to purchase from them for one-half the price that I would have paid in the market.

I know that there were those who criticized those county agents for assisting the farmers in this cooperative work. I know of another instance where the county agent, at the request of the farmers, bought several carloads of coal at a considerable saving.

The dealers in coal were somewhat solicitous as to what might follow, and they did not like the proceeding, and criticized the county agent for having assisted the farmers in purchasing this coal; but I think the time has come when cooperative organizations and cooperative movements led by the farmers' agents are going to have a larger share than in the past in the work of selling and buying for the farmer. Ninety per cent of the county agents in North Dakota are college graduates. The majority of them were trained at the institution in the State and know the conditions; and I believe, trained as they are, that they are in a position to lead the farmers in the right direction in cooperative work, and will save them large sums of money.

Mr. KING. Mr. President, I should like to ask the Senator if he sees no difference between woolmen and agriculturists forming legitimate and proper organizations for the sale of their products and employing such agents as they desire, and the Government of the United States creating offices and filling them with men who go out and engage in organizing agriculturists and others and aid them in conducting business and in so doing attack and destroy legitimate enterprises?

Mr. LADD. I do not think the Senator quite understood the function which the agent served in that connection. He was simply the means of organizing the farmers, bringing them together, and finding a channel through which they could sell, and so informing the parties. I feel also, as far as that is concerned, that the Federal Government and the Department of Agriculture could not be engaged in a better business than in assisting the farmers to form cooperative organizations at this time. I think it would be money well spent on the part of the Government to enable the farmers to form cooperative organizations that should enable them to get better markets and to receive better returns for their products, and I think it is a perfectly proper and legitimate function of the Government.

Mr. KING. Mr. President, there will be many persons who will not concur in all of the views of the Senator. I may not

have fully understood him; indeed, I was unable to hear all that the Senator said. There should be no opposition to the view that agriculturists be permitted to work together for the purpose of finding markets for their products. For years I have urged the woolmen and the farmers to organize for the purpose of selling their products. I am opposed to monopolies and conspiracies to destroy competition, whether such monopolies or conspiracies are formed by manufacturers or woolmen or farmers. But there is a broad field for legitimate and proper cooperation in marketing farm products.

I doubt, however, the authority of the Federal Government to tax the people to pay the salaries of officeholders to go into the States and engage in business or direct the people in their private concerns. What right has Congress to create offices in order to send an army throughout the land to show bankers how to organize and run their business, or merchants how to buy and sell and keep their books, or builders how to erect buildings, or manufacturers how to build factories and operate their plants? We have proceeded upon the theory that the General Government can collect scientific data relating to agriculture and then carry it to the farmers.

But the Senator, if I understand him, contends that the General Government should go further. Is there no limit to the power of Congress? May it run the farms and the herds for the owners of the same? Is it a government function to help the sheepmen and the merchants carry on their business? Should the Government become a parent to and take charge of the people?

Mr. President, this is not a socialistic State, nor is it a paternalistic Government. It is a Republic. The American people in the early days of the Republic looked with distrust upon a bureaucratic or paternalistic Government. They believed in their own capacity to govern themselves. They wanted no heavy hand of bureaucracy laid upon them.

We are fast departing from the spirit and practice of the fathers, and the people are being taught that it is the duty of the Government to "take care of the people." We need more democracy, more individual effort, more personal freedom. It will be a backward step when the American people feel that they are the wards of the Government and must be supported by it. The farmers of the United States are brave and courageous. They are not supplicants for help from the Federal Government. All that they ask is a square deal. They want no special privileges, nor do they want special privileges granted to others.

As stated, I am in favor, and have been for years, of woolmen and producers of agricultural crops taking steps to find markets for their products, even though in so doing they wipe out the middlemen. There is no doubt but that the farmers and other producers have obtained in the past too little for their labor; the profits have been made by the middlemen. The woolmen of the West, who run the risks, who furnish the capital and produce the wool, have been compelled to sell in a restricted market in Philadelphia and in Boston, and the wool buyers and brokers have grown immensely rich at the expense of the woolgrowers; and the farmers have been robbed and plundered by middlemen, and I am glad to see the farmers organizing for the purpose of marketing their products.

When we can get rid of the parasites in our economic life, of the unnecessary factors and agencies in all branches of business found between the producer and the consumer, the better it will be for the social and the political organism.

Mr. President, I have called attention to these numerous letters, and if the Senator in charge of this bill does not feel that there should be any proper restriction upon these employees of the Government, but believes that it should be left to discipline, which may be applied by the Secretary of Agriculture, I shall not press the amendment at this time.

The VICE PRESIDENT. The Chair understands that a point of order was made that this is new legislation on an appropriation bill.

Mr. KING. I withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. HEFLIN. Mr. President, I wanted to oppose the amendment of the Senator from Utah, because I think these county agents are doing a great work and I fear that if his amendment should become the law any of these big concerns who buy products from the farmer, when they caught the county agents carrying valuable information to the farmer, telling the farmer how to get a better price for his product, would say, "We will have you removed from office if you don't stop that. You are violating the restrictions thrown around you and you can not give this information and aid to the farmers." Thus they would work great injury to the farmer. I am satisfied the Senator from Utah did not mean that his amendment should go that far, but I fear that it would. These county agents ought to be free to give all kinds of information in line with their work to the farmers in the counties that they serve. The speculators in farm products want to close the mouths of our county agents and prevent them from giving aid to farmers in the matter of marketing their crops.

Mr. FERNALD. Mr. President, a few moments ago I called attention to a provision in the bill relating to the white-pine blister and moved to amend, on line 15, page 20, by increasing the appropriation for the purpose of exterminating the white-pine blister from the country from $175,000 to $250,000.

On yesterday I listened with great interest to the remarks of the Senator from Nebraska [Mr. NORRIS] on an amendment for the extermination or eradication of the black rust, the appropriation for which was increased from $200,000 to $500,000, that affects the wheat fields of his section of the country and of the Middle West and South. He made a clear and scientific statement of the way that black rust was produced from the little spores on the barberry bush and how they multiplied by millions and millions, until eventually they destroyed the crops of many of the Middle and Central Western States.

Absolutely the same thing takes place with regard to a little spore which is resulting in the destruction of our pine forests, largely in the State of Maine but covering New England and possibly some of the other Northern States. We have what is called the white-pine blister. It comes from a little spore on the currant or gooseberry bush. Up to this time it has not proven so very formidable, and I believe that with a proper and vigorous enforcement against this little animal it may be entirely exterminated; but if we work along, as they have in the West, with a small appropriation, doing a little each year, it is money entirely wasted. There ought to be sufficient vigor used in the extermination of these spores to completely exterminate them, and I believe it can be done.

The farmers in the Middle Western States raise cereal crops, which are produced from year to year, but in our State we have but the one crop, our white-pine trees, the life of which covers a period of 75 years, and when a tree is once destroyed a new one can not be produced to take its place in a lifetime. One-third of our State of Maine is now in one big forest, and always will be, because it is so stony and abrupt and mountainous that the soil can never be cultivated.

My desire is to increase this amount to such an extent that we may go to work and exterminate these little spores in the next two or three years. It means a tremendous amount to my State. As I stated a few moments ago, we have 23,000,000,000 feet of spruce growing on the soil of Maine to-day, and probably an equal amount of pine timber. One-fifth of all the paper manufactured in this State comes from wood grown on the soil of Maine, and when those woods are once destroyed they are gone forever. This increase is, I believe, more important, more imperative, than even the increase in the appropriation for the destruction of the little germ which produces the black rust in the wheat fields.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Utah?

Mr. FERNALD. I yield.

Mr. KING. Upon whose lands is the timber to which the Senator is now referring?

Mr. FERNALD. On private lands, largely, although the Government still owns a great many acres of land in that State.

Mr. KING. There is a large amount of timber in Maine owned by private individuals from which they are deriving a great deal of profit. Their profit may be diminished if this blister of which the Senator speaks develops and kills some of the trees. Does not the Senator think they ought to be sufficiently interested in their own property to get rid of those blisters without coming to Congress?

Mr. FERNALD. I want to reply to the Senator, because it is so easy to reply to him. The owners of the timberlands, in their organizations, by contribution of private capital, and with the aid of the Government, are using every effort possible now, and I believe it will be possible to exterminate this trouble entirely from our State. I was very glad yesterday to vote for the increased appropriation asked by the Senator from Nebraska. That, as I understand, covered about 13 States of the Middle West. It is a splendid and generous thing for every Senator here to aid and assist every State in this Union, wherever it can be done. My friends from the cotton districts of the South have had $300,000,000 passed down to them in 16 States. New England has not had to ask for anything of that kind. Maine has not come in for any particular appropriation or assistance up to this time, but this matter is of such importance to our State that it almost means the life and death of

our timberlands down there, and I am asking only that this appropriation be increased from $150,000 to $250,000.

Mr. FLETCHER. May I ask the Senator what the department recommended?

Mr. FERNALD. I do not know what they have recommended.

Mr. LENROOT. They were given what they recommended.

Mr. McNARY. Last year $100,000 was appropriated by the Congress for this purpose. During the year a deficiency item of $150,000 was carried. This year the original estimate of the department was $100,000, but due to an outbreak in the Great Lakes country a second estimate was submitted, which increased the amount $75,000, making it a total of $175,000. That was allowed by the House, and that sum was accepted by the Senate.

Mr. FLETCHER. And carried in the bill?

Mr. McNARY. And carried in the bill.

Mr. FLETCHER. Of course, the Senator from Maine will realize that the department has not the force and has not the facilities to utilize money beyond a certain amount which they estimate, and there would be no use in appropriating more.

Mr. FERNALD. The men who ought to attend to this are right there in the forests to-day. There is no question about getting the help necessary to perform the work there. It has to be done by men in the forests, and it is only necessary to determine the number of bushes in each county and town in the State, and have them pulled up and destroyed. That is all that is required. There is no particular scientific research work necessary. Everybody knows what ought to be done and has to be done, and the only thing that can be done is to exterminate this pest.

Mr. LENROOT. Mr. President——

Mr. FERNALD. I yield to the Senator from Wisconsin.

Mr. LENROOT. I would like to say to the Senator that in this appropriation the department has adopted the policy in all States east of the Mississippi River of requiring dollar for dollar expended upon the part of the States. It appeared in the hearing that $100,000 was all that the States and private organizations had informed the department they would raise for this purpose, and therefore the department recommended the sum of $175,000, giving more than dollar for dollar.

Mr. HEFLIN. Mr. President——

Mr. FERNALD. I yield to the Senator from Alabama.

Mr. HEFLIN. Suppose there should be such a pest in the forests of Maine that private enterprise was not able to put up the amount of money necessary, would the Government then withhold the amount of money necessary to save the forests of Maine?

Mr. FERNALD. I thank the Senator for that suggestion. This is precisely what they are doing. The proprietors of the timberlands in my State to-day, individually and by organization, are expending a large amount of money for the extermination of this pest. I think I know about as much about the forests of Maine as does the department at Washington. I have been pretty much in every town and all through the forests. I know that all that is necessary to do is to go around and pull up these bushes and burn them. It does not require any scientific men to carry on any research work. If we can have sufficient funds to do that with just common labor, we can exterminate the trouble in my State and in the other Northern States. The same principle applies to the wheat fields of the West. Yesterday we increased an appropriation from $200,000 to $500,000 for the elimination of the barberry menace, a most commendable thing to do, a very generous and very proper thing to do. Something of the same character should be done with my State for the extermination of the pest which we are discussing. I believe it is right and proper for all Senators to help every State wherever they can be of assistance. It is not necessary to come down to the department every time we are asked to do anything for a State and get information from them as to just what should be done. We can in a general way depend upon them for information, but there is not a Senator who does not know more about conditions in his State and what is needed than does the department in Washington.

I am asking that the amount be increased, and I ask for a rising vote on the question.

Mr. LENROOT. Mr. President, the Senator from Alabama asked if the private interests could not put up sufficient money to match the Federal appropriation dollar for dollar to eradicate the pest, whether the Federal Government should then refuse to make an appropriation. Does the Senator from Alabama believe that the great lumbering interests of Maine are unable to raise, for the eradication of the white-pine blister in Maine, the sum of $25,000 or $50,000? Does he think the great State of Maine is unable to appropriate the sum of $25,000 or $50,000 to meet dollar for dollar an appropriation by the Federal Government in the State of Maine?

Mr. HEFLIN. Mr. President, I take it that a great deal of the forest land in Maine is not owned by the sawmill companies but is owned by private individuals. It may be that some of those private individuals have expended so much money in fighting the white-pine blister that they are not able to put up any more. Then what good would it do to clean up 100,000 acres of land and not touch the property of a man who has 10,000 acres and who is unable to free his trees of this pest? We would have the work all to do over again, because the pest would spread, I take it, from the section that was not cleaned out.

Mr. FERNALD. Absolutely. I just stated to the Senator from Wisconsin that the lumber interests of Maine had appropriated large sums of money, individually and by organization, to exterminate the trouble, but the States can not do this work. Suppose Maine should appropriate $25,000 or $100,000, and the State of New Hampshire right along the same line did not appropriate anything, then what we spend in Maine would be of no value. The work has to be done all over the country, and wherever the pest exists money must be expended to exterminate it.

Mr. LENROOT. The Senator from Alabama says it might be that the lumber interests in Maine had expended all of their money and could not raise $25,000 or $50,000 for this purpose. Of course that might be, but there is no evidence anywhere that such is the case. Of course that is not the case, as the Senator well knows, if he has been in Maine and is familiar with it.

Mr. HEFLIN. I do not well know it, because I understood the able and distinguished Senator from Maine to say that the problem was too big for them to handle it alone; that they are doing all they can now, and that they need this additional sum from the Government, and, so far as I am concerned, I am willing to grant it.

Mr. LENROOT. I am very sure the Senator from Maine, of which State he is so justly proud, will not stand on the floor of the Senate of the United States and say that Maine can not raise $25,000 or $50,000 to help eradicate this pest from the State of Maine.

Mr. President, this is just one of the instances, in a matter that is of very vital interest to a State, where they ask the Federal Government to assume the entire burden.

Mr. FERNALD. Why, Mr. President, I have made the statement twice that we do not ask the Federal Government to make the entire appropriation, but that we are doing there, individually, collectively, and by organization a great amount of the extermination work. I have stated twice that we do not ask the Federal Government to make the entire appropriation.

Mr. LENROOT. I will put it this way—that it is an instance where, instead of matching dollar for dollar, as is being done now and as will be done in the next year under this appropriation of $175,000, they are asking the Federal Government to appropriate more money than is being expended by the States and individuals in the States. Now, that is a fair statement. We had in testimony before the committee just what has been proposed to be raised during the next year for the eradication of the white-pine blister by States, by counties, and by individuals, and the total amounts to $100,000. The bill carries $175,000.

This is a good deal like the other cases where they look to the Federal Government to do all of these things; the pest is not going to be eradicated as quickly as if the States and the individuals in the States would not expect the Federal Government to do it all, but would realize their own responsibility and do their own share. I do not mean that the Federal Government is doing it all now.

I am willing the Federal Government should put up dollar for dollar in these cases, but it is not fair to ask the Federal Government to do more than that.

Mr. BURSUM. Mr. President——

Mr. LENROOT. I yield to the Senator from New Mexico.

Mr. BURSUM. Does not the appropriation apply to the whole United States?

Mr. LENROOT. It does.

Mr. BURSUM. And to all the public lands?

Mr. LENROOT. Yes; but where the Federal Government has public lands the States are not asked to match dollar for dollar.

Mr. HEFLIN. Mr. President, the Senator from Wisconsin suggests that the States must put up dollar for dollar. There have been a great many appropriations made to exterminate pests in different parts of the United States where that principle was not invoked. If I remember correctly, when Congress

appropriated $500,000 to fight hog cholera, we did not require the States to match dollar for dollar before they could get the benefit of that fund. We did that to stamp out hog cholera from the hogs of the United States. When we appropriated money the other day, a few million dollars, to buy seed wheat for our farmers in distress up in the Northwestern States, we did not require the States or the individuals to put up dollar for dollar before they could get the benefit of that fund.

The appropriation sought by the Senator from Maine affects the white-pine blister proposition throughout the whole United States, and I submit that $75,000 is not a large sum when we consider the good that is derived by stamping out this pest in all sections of the country.

If private individuals own land where this blister is present and they have been collecting their own money and applying it for years and years, and they are not able now to meet the appropriations made by the Federal Government, I submit that it is unfair to stop the work in those localities and apply it to some other State and deny it to Alabama or to Maine, because it may be that the money is not forthcoming in those sections. I submit that this is an American question and the forests of America are involved. The whole of the forests of America will be benefited by exterminating the white-pine blister pest and the money is well worth expending. Seventy-five thousand dollars is not a large sum.

Mr. LENROOT. It is $175,000.

Mr. FERNALD. The increase asked is $75,000.

Mr. HEFLIN. The Senator from Maine is asking for an increase of $75,000, and I submit it is a fair proposition.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maine [Mr. FERNALD].

On a division, the amendment was agreed to.

Mr. SHEPPARD. Mr. President, I now renew my motion to amend, in line 19, page 67, by striking out the numerals "$385,000" and inserting in lieu thereof the numerals "$405,000."

This increase involves the amount necessary to restore the leased wire market service to the State of Texas, which was discontinued a year or so ago on account of lack of funds. The matter was not brought to my attention by the State department of agriculture of Texas until a few days ago, and I did not, therefore, have an opportunity to have an official estimate made by the Department of Agriculture.

The reinstallation of the service has been made very advisable by the fact that the State of Texas has installed a radio market service and can now use the leased market wire to very great advantage.

If the Senator in charge of the bill will permit the amendment to be made and to go to conference, I shall lay before him and the other conferees the data justifying the additional amount.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 67, line 19, strike out the numerals "$385,000" and insert in lieu thereof "$405,000."

Mr. McNARY. Mr. President, I ask the Senator from Texas if this has been estimated for?

Mr. SHEPPARD. As I explained, the matter was not brought to my attention until a few days ago. I took it up unofficially with the department and found this was the amount necessary to restore the leased market wire for the State of Texas. I shall not ask the Senator to accept the amendment unless I can lay before him and the other conferees in the next day or two facts justifying the additional sum.

Mr. McNARY. I will state to the Senator from Texas that the matter was never presented to the committee.

Mr. SHEPPARD. The Senator will recall that I spoke to him about the matter a day or two ago and explained why I had not had an opportunity to bring it to the attention of the committee.

Mr. McNARY. I shall not oppose the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Texas [Mr. SHEPPARD].

The amendment was agreed to.

Mr. FLETCHER. Mr. President, on page 35, line 12, I move to insert, after the word "woods," the words "and grasses." This is a provision for the investigation of certain woods with the idea of making paper, and in some States grasses are a great source of supply for that purpose.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 35, line 12, after the word "woods," insert the words "and grasses," so that it will read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods and grasses as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest and fiber products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, $340,000.

Mr. McNARY. I have discussed the amendment with the Senator from Florida, and I think it is a proper one. So far as I am able to do so, I am willing to accept it.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. REED. Mr. President, there was one amendment which was reserved, the amendment in relation to the free distribution of seeds. I should like to have a separate vote on that.

The VICE PRESIDENT. The bill has not yet been reported to the Senate.

Mr. REED. I thought the bill had been reported to the Senate.

Mr. HEFLIN. Mr. President, there is a proposition in which the States along the Gulf coast are very much interested, and that is the continuation of the work of investigating and curing diseases attacking the Satsuma orange. I had an amendment prepared to offer to the pending bill in order to make it sure that a provision in reference to that matter would be in the bill. I have talked with the Senator from Oregon [Mr. McNARY], who has the bill in charge, and he has stated that this appropriation is provided for on page 24 of the bill. I have also talked to Doctor Ball, of the Bureau of Plant Industry of the Agricultural Department, and he says that this proposition is cared for. I therefore desire to state to the Senator from Oregon and the Senate that, with the understanding from himself and Doctor Ball that if the $7,500 appropriated on page 24 of the bill is to be used for the purpose to which I refer, I do not care to offer the amendment which I had prepared.

I ask to have printed in the RECORD, Mr. President, in connection with my remarks, a letter from Representative McDUFFIE, of Alabama, on the subject.

The VICE PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON RIVERS AND HARBORS,
Washington, D. C., April 11, 1922.

Senator J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR: I herewith hand you a letter which is self-explanatory.

You will note the proportions to which the citrus industry in Alabama has grown within recent years. I feel the Congress should not deny such care and protection as this great industry merits. The work, after having been done for three years, promises complete success in another season, and I sincerely hope you will be successful in reinstating this item in the bill.

I have written Doctor Winberg, assuring him that you would give the matter your undivided attention.

With kindest regards, I am,
Cordially yours,
JOHN McDUFFIE.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in all amendments made as in Committee of the Whole except the amendment relating to the free distribution of seeds, which has been reserved.

The amendments, with the exception of the amendment reserved, were concurred in.

The VICE PRESIDENT. The question now is on concurring in the amendment reserved by the Senator from Missouri on pages 26, 27, and 28 relating to the free distribution of seeds.

Mr. REED. Mr. President, I discussed this question at length on yesterday. It is true that many of the Senators who are now present were not present at that time.

I now simply wish to say that the appropriation for the free distribution of seed is the one appropriation which has been carried in the Agricultural appropriation bill for many, many years which goes directly to the people. Under it improved varieties of seeds are distributed into every State and into every hamlet of the Nation. It has probably brought more good results directly to the people than has any appropriation ever contained in the Agricultural appropriation bill. A fight has been made upon it for years by the seed houses. I submit that this appropriation ought to remain in the bill and that the people ought not to be left entirely to the mercy of the seed houses.

If the Agricultural Department is conducting its business correctly—and I hope that it is—it is selecting the finest varieties of improved seeds, and the scattering of that character of seeds throughout the United States brings a result that is incalculable.

Mr. President, I ask for a division on the question.

Mr. LENROOT. Mr. President, I merely wish to say a word. One might be led to believe by the debate in favor of the distribution of free seeds that the farmers in the country are demanding it. I do not know of one single farm organization represented here in Washington which is in favor of the distribution. Does the Senator from Missouri know of any?

Mr. REED. Does the Senator from Wisconsin know of any that are against it?

Mr. LENROOT. Yes; I do.

Mr. REED. I should like to have him name one.

Mr. LENROOT. I have understood that the Farm Bureau and other farm organizations have at various times passed resolutions against it. If I am mistaken in that, I shall be glad to be corrected.

Mr. REED. I have never in my life heard of that.

Mr. LENROOT. I have.

Mr. REED. On what ground does the Farm Bureau protest against the free distribution of seeds?

Mr. LENROOT. Because they believe it is taking an appropriation away from agriculture that is used for the benefit of Senators and Representatives, with the idea that it is going to help them politically, and that the purpose behind it is not to aid agriculture, whereas the three hundred or four hundred thousand dollars or more used each year for the distribution of free seed could be used in experimental work for agriculture and would be of some real value to agriculture. That is the ground upon which their opposition is based; and I think it is a good ground.

Mr. President, in my judgment, if it were not for the fact that Senators and Members of the other House have control of the distribution of free seeds to our constituents, the appropriation for the distribution of free seeds would have gone out of this bill long, long ago.

Mr. REED. Mr. President, I have no desire to detain the Senate. There are 3,500,000 people who live in my State and a very considerable percentage of them live on the farms and in small towns and villages. The protest made by the Senator from Wisconsin just now is the first one I have ever heard made against the free distribution of seeds except by those who object generally to all appropriations.

A part of the protest the Senator has made I have heard; I have read it in newspapers and elsewhere. It is cheap claptrap to say that Senators and Representatives desire this appropriation because it benefits them politically. I stated yesterday, and I repeat now, that it would be my preference that the distribution of these seeds should be made by the Agricultural Department direct. I should be very glad if that were done. The single objection anyone might make to that would be that the Agricultural Department perhaps has no organization directly in touch with the people as have Members of Congress in their respective districts. I know the department has its farm agents, and so forth, but I still adhere to my judgment.

Mr. LENROOT. Mr. President, I should like to say that I happened to distribute the seeds allotted to me through those very county agents.

Mr. REED. Then the Senator is getting no particular political benefit from it. I do not think I myself ever got any political benefit from it; and I am not talking about it from that basis. I do not conduct my campaigns with either garden seeds or chicken feed.

Mr. LENROOT. If the Senator will yield there, I will say that I think any Senators and Representatives who think it is of political advantage to them are mistaken.

Mr. REED. I am not talking about it on that narrow ground; that is the ground that has been chosen, however, by the great seed companies on which to make this fight, the companies which charge 25 cents for a package of seed peas, and there are only four peas in the package.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I yield.

Mr. LODGE. All of the seeds which are distributed are bought from the great seed companies by the Government.

Mr. REED. Yes; but they are bought in bulk, and they are not paid for at the rate of 5 cents a pea.

Mr. LODGE. And a third of them do not come up.

Mr. REED. Very well; if a third of them do not come up, that is an indictment of the Agricultural Department, for if the Agricultural Department is so foolish as to expend the people's money in buying seeds that will not grow, then we had better get a new Secretary of Agriculture and a new force of assistants clear down the line.

Mr. LODGE. Mr. President, I did not know it is the fault of the Agricultural Department; but three or four years ago, as a matter of curiosity, I took some of the flower seeds and some of the bulbs and tried them. I had them planted under the best possible conditions, and the best possible care was taken, but more than 30 per cent never came up at all; they were very poor seed and poor bulbs; they were poorer even than the variety of seeds bought from the seedsmen.

Mr. REED. I will ask the Senator if he has ever tried planting any seeds he has obtained from seed stores?

Mr. LODGE. I have. I have never planted anything else, as a matter of fact, except that one time when I tried the seeds furnished by the Government; but they are worse than the seeds supplied by the seedsmen, and those seeds have become very bad.

Mr. REED. Yet the Senator says the seeds that are distributed by the Government are bought from the seed companies.

Mr. LODGE. Certainly they are, and the Government gets the worst of the transaction.

Mr. REED. It would appear, therefore, that the Agricultural Department are doing the idiotic thing, or the dishonest thing, of buying the poorest seed.

Mr. LODGE. I do not think it is dishonest. The seeds to which I have referred were obtained when a Democratic Scretary of Agriculture was in office. I think he was absolutely honest, as I think, of course, the present Secretary is.

Mr. REED. Under those circumstances, perhaps the seeds were not planted on good ground. Perhaps Democratic seed would not grow in Massachusetts.

Mr. LODGE. They were planted on very carefully prepared ground.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. REED. Yes.

Mr. HEFLIN. I remember that a few years ago there was some complaint about the seeds furnished by the Government being faulty, but Doctor Galloway made it his business to see that good, sound seed were purchased, and since that time I have never heard any complaint about the seed not coming up. The department buys good seed now.

Mr. REED. Mr. President, all of this humor aside, I think the Senator from Alabama has put his finger on the question. There may have been some bad seed sent out, but certainly the Agricultural Department, which we trust to expend millions of dollars, has not failed alone in the matter of free seed.

Speaking of my own State—and I can speak only of my own experience—I have requests for these seeds constantly; particularly in the proper season, and they are distributed to lists of people regardless of politics. I do not even see the lists. The theory on which this system of distribution was started was that the Federal Government should obtain the finest variety of improved seeds, and that by sending them out all over the country in a very short time they would be reproduced and thoroughly disseminated through the community, so that instead of the old and inferior varieties there would appear in each community an improved variety. I can imagine no plan which would be more sensible.

If it has not been correctly carried out, then somebody in the Agricultural Department is derelict in his duty. I have no doubt that in some instances seeds which would not grow have been sent out. When I lived on a farm I thought sometimes I had good seed corn, but found when I tested it that it did not germinate. Such things happen; but I take it, no oftener in the case of seeds supplied by the Agricultural Department than in the case of those furnished by private individuals.

The question is, shall we stop the distribution of seeds of improved varieties of grains and of plants? I think it would be a mistake and that politics has nothing to do with it.

I should be perfectly willing, if we had time, to prepare an amendment to provide that the seeds shall be distributed in some other way, although my own experience is that it is just as well to have some of these things done by Members of Congress who know the people of their respective communities and who are rotating and changing in office from time to time so that in the end the people get the benefit of a distribution that is independent of some particular department.

Mr. DIAL. Mr. President, I have heard some criticism of the distribution of seed, but I want to say that the people in my State are very anxious to receive these seed.

A few months ago I was at home, and next morning I saw in the paper that I had stated that if anyone in the State wanted seed I should be very glad to hear from him. When I came back to Washington I told my secretary that I thought he had undertaken a pretty big proposition to invite all the

people of the State who wanted seed to write for them. He replied that he wanted to serve the people as much as he could. Some time after that my mail was flooded by requests for seed, without respect to party, or favoritism, or anything of that sort. Of course, I did not personally read very many of these applications. I did read some of them, and in many of them the writers said that they received seed last year, and they answered a good purpose, and they were very glad indeed to get them again.

My office has sent out thousands of packages; not all of them garden seed, but flower seed. Mine were a little different from those of the Senator from Massachusetts—sown on stony ground. They were sown on good ground, and they flourished. A short time ago I received an invitation from the chairman of the Civic League in a prosperous city in my State, inviting me, as soon as convenient, to come down, as they wanted to show me the magnificent flowers that grew from these seed.

Mr. REED. I ask for a division on this question.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole. A division is called for.

Mr. McNARY. I suggest the absence of a quorum.

Mr. REED. I thought the Senator wanted to proceed without a quorum to-day.

Mr. McNARY. No; I want to proceed with a roll call.

The VICE PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	McKinley	Poindexter
Ball	Hale	McNary	Pomerene
Broussard	Harris	Moses	Reed
Bursum	Harrison	Myers	Sheppard
Calder	Heflin	Nelson	Shortridge
Capper	Hitchcock	New	Simmons
Caraway	Jones, N. Mex.	Newberry	Smoot
Colt	Jones, Wash.	Nicholson	Spencer
Curtis	Kellogg	Norbeck	Sterling
Dial	Kendrick	Norris	Sutherland
Edge	Keyes	Oddie	Swanson
Ernst	King	Overman	Trammell
Fernald	La Follette	Page	Walsh, Mont.
Fletcher	Lenroot	Pepper	Warren
Gerry	Lodge	Phipps	Watson, Ga.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present. The question is on concurring in the amendment made as in Committee of the Whole relative to the distribution of seed. The committee amendment proposes to strike out the item.

Mr. McNARY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. What is the status of the amendment? I understood that we agreed to it some time ago in Committee of the Whole. Has that action been reconsidered?

The VICE PRESIDENT. The amendment was agreed to in Committee of the Whole, and a separate vote was reserved upon it in the Senate. The Secretary will call the roll on concurring in the amendment.

The reading clerk proceeded to call the roll.

Mr. ERNST (when his name was called). I transfer my general pair with my colleague, the senior Senator from Kentucky [Mr. STANLEY], to the senior Senator from Pennsylvania [Mr. CROW] and will vote. I vote "yea."

Mr. LODGE. When his name was called. I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from New York [Mr. WADSWORTH] and will vote. I vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and will vote. I vote "yea."

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from Ohio [Mr. WILLIS] and will vote. I vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I understand that if that Senator were present he would vote as I intend to vote, and therefore I am at liberty to vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. He is absent, but I understand that if present he would vote as I shall vote on this question, and therefore I feel at liberty to vote. I vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. WATSON of Georgia (when his name was called). I transfer my general pair with the junior Senator from Arizona [Mr. CAMERON] to the senior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my standing pair with the Senator from Indiana [Mr. WATSON] to the Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. KING. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN], and will vote. I vote "yea."

Mr. KENDRICK (after having voted in the negative). I have a general pair with the Senator from Illinois [Mr. McCORMICK], which I transfer to the Senator from South Carolina [Mr. SMITH], and will allow my vote to stand.

Mr. EDGE (after having voted in the affirmative). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Delaware [Mr. DU PONT], and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from Virginia [Mr. GLASS], and that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 30, nays 31, as follows:

YEAS—30.

Ball	Hale	McNary	Pepper
Borah	Jones, Wash.	Myers	Phipps
Calder	Kellogg	Nelson	Poindexter
Capper	Keyes	New	Smoot
Colt	King	Newberry	Walsh, Mont.
Curtis	Lenroot	Norbeck	Warren
Edge	Lodge	Norris	
Ernst	McKinley	Page	

NAYS—31.

Ashurst	Gooding	Oddie	Sterling
Broussard	Harris	Overman	Sutherland
Bursum	Heflin	Pomerene	Swanson
Caraway	Hitchcock	Reed	Trammell
Dial	Jones, N. Mex.	Sheppard	Watson, Ga.
Fernald	Kendrick	Shortridge	Weller
Fletcher	La Follette	Simmons	Williams
Gerry	Nicholson	Spencer	

NOT VOTING—35.

Brandegee	Frelinghuysen	McLean	Stanfield
Cameron	Glass	Moses	Stanley
Crow	Harreld	Owen	Townsend
Culberson	Harrison	Pittman	Underwood
Cummins	Johnson	Ransdell	Wadsworth
Dillingham	Ladd	Rawson	Walsh, Mass.
du Pont	McCormick	Robinson	Watson, Ind.
Elkins	McCumber	Shields	Willis
France	McKellar	Smith	

So the amendment made as in Committee of the Whole was nonconcurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXTENSION OF DISTRICT RENT COMMISSION.

Mr. BALL. I move that the Senate proceed to the consideration of Senate bill 2919, to extend for the period of two years the provisions of title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended.

Mr. POINDEXTER. I would like to ask the Senator from Delaware, pending the putting of the motion, if he expects to press the bill this afternoon?

Mr. BALL. No; I am going to yield to the Senator from Maine, who desires to bring up the hospitalization bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Delaware.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2919) to extend for the period of two years the provisions of title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, which had been reported from the Committee on the District of Columbia with an amendment in the nature of a substitute.

Mr. JONES of Washington. I submit an amendment, which I intend to propose to the bill which is now the unfinished business. I ask that it be printed and lie on the table. I will simply state that the effect of the amendment would be to exclude business property from the operation of the law.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

HOSPITAL FACILITIES FOR EX-SERVICE MEN.

Mr. FERNALD. Mr. President, for several days I have been trying to get up House bill 10864, the soldier hospitalization bill. I have conferred with the Senator from Delaware this

afternoon, and he agreed to yield to me to take up this bill, but it is getting so late that I shall desire to call it up early to-morrow. As it is understood that the Senate will adjourn very soon, this bill can be taken up in the morning hour to-morrow. The Senator from Delaware has been courteous enough to agree that the bill may be taken up before the bill he has in charge is proceeded with.

AMERICAN NAVAL EFFICIENCY.

Mr. FLETCHER. I ask unanimous consent to have inserted in the RECORD in 8-point type a brief article appearing in Current History for the present month, entitled "American naval efficiency," by former Senator Willard Saulsbury.

There being no objection, the article was ordered to be printed in the RECORD in 8-point type, as follows:

AMERICAN NAVAL EFFICIENCY.

(By Willard Saulsbury, member of American Advisory Committee to Conference on Limitation of Armament, formerly President pro tempore of the Senate of the United States and Senator from Delaware.)

Believing, as we do, that the future years are to be more peaceful than the past, and that pending treaties signed at the Conference for Limitation of Armament will be duly ratified and carried into effect and will aid toward this peaceful future, there are still some fundamental facts we must not forget.

That the powerful naval nations have just agreed to limit their power is due simply and solely to the well-recognized fact that if competition in navies continued the United States would soon be not only the most powerful on the sea, but would be the only solvent nation on the earth. Great Britain never showed her willingness to resign her title of "mistress of the seas" until she knew she could not keep that title. The limitation of naval armanent has only been agreed to because the one nation, our own, admittedly able to maintain the most powerful navy, frankly stated that she wished to achieve no such prominence and would limit her own warships to a tonnage equal and not superior to her strongest competitor, provided the other nations would agree on proportional tonnage. That agreement was reached because, having the ability not only to compete but to excel, we waived our opportunity because we did not wish to achieve preeminence in this line of human endeavor. Had our Navy been weak or our shipyards insufficient or our sailors and their commanders inefficient there would be no naval holiday or limitation of sea power.

Our actual power and our naval program brought sanity to a bellicose though war-sick world. The most unchanging thing in all the world is the human mind, and more than a century and a quarter has been required to produce an unbeaten, possibly an unbeatable nation, warlike, yet not military, devoted to the paths of peace and willing to forego that supremacy which is achieved only by force. We may draw an almost infallible conclusion from what we, fortunate ones, living at this period of the world's history, have seen with our own eyes.

If this same Nation continues great—I mean so comparatively and potentially great—we may turn the whole world away from the ideals of military force which have prevailed heretofore. If we now sit smugly content and allow our power, actual or potential, to rust away, we will soon become a negligible factor as a world force and be so treated.

We all want the so-called naval holiday, now planned to last 10 years, to be renewed and continued, and it is not unreasonable to expect, if we properly conduct ourselves, that it will be renewed and continued. It is not improbable that 10 years hence the naval tonnage of America and Great Britain will by agreement be cut in half and the relative amounts be agreed on as 250,000 tons for each of these nations and 150,000 tons for Japan, and the others likewise diminished; but this will come about only if the half million tons we have are during these 10 years kept at the highest state of efficiency. If our ships rust out and the morale of officers and men declines our wishes and our proposals will be disregarded and ignored, or, at the best, politely "agreed to in principle," with specious reasons why the time is not opportune for action.

The suggestion that we now adopt a policy of neglecting the Navy and our Naval Academy at Annapolis and that we use the tax money which we now can save for other and supposedly more popular purposes, is frightfully mischievous. Our Navy must continue to be as good, as large, as well prepared as any in the world. Our officers and men must be as keen and capable as we are proud to know they now are. Every gun must be ready, every brass polished, and every shoe lace tied. We must have an educated reserve of naval officers to draw on to command our auxiliary fleet should need arise for its construction and use. We must show our determination to live at peace even if we must fight to do so.

If this position is known, then naval holidays will be long and armament will be still further limited. Not less important than ships are men and especially officers. They must have no feeling that only unjust treatment is their lot. China degraded the military art, following the ideas of her extreme pacifists, until she became the political football of the world.

The least expensive help toward greatness on which taxes can be properly spent is the balanced education of our youth. If I could, instead of reducing the output of our Naval Academy, I would educate there each year four times as many young men as we could retain in active service. As many as should be retained to keep our actual Navy at its high standard should be kept in the public service, giving those whose records were highest at the academy the option of remaining. The rest would be distributed, highly educated and well fitted, throughout the country to bear their part in private life and enterprise. They would form a great reserve, to be called on if ever needed, and would furnish the finest possible body of young men from which to recruit officers of the great merchant marine I hope we are to have.

One who now talks of making our Navy contemptible does our country and the world as ill service as if he urged the militarization of the Republic, and in my own opinion would probably bring about the very thing we all have come to disbelieve in—progressive competitive armament among the virile nations of the world.

REPRESENTATION OF AGRICULTURE ON FEDERAL RESERVE BOARD.

Mr. HEFLIN. Mr. President, I have here a copy of a letter written by Hon. John Skelton Williams, former Comptroller of the Currency, to Congressman KITCHIN, of North Carolina. This letter touches in part upon pending legislation which provides that agriculture shall have representation in the membership of the Federal Reserve Board. The country is indebted to John Skelton Williams for many valuable contributions to the discussion of the ruinous deflation policy of the Federal Reserve Board. This letter contains much valuable information, and I ask unanimous consent to print it in the CONGRESSIONAL RECORD in the regular RECORD type.

There being no objection, the letter was ordered to be printed in the RECORD in 8-point type, as follows:

RICHMOND, VA., *March 20, 1922.*

Hon. CLAUDE KITCHIN,
House of Representatives, Washington.

MY DEAR MR. KITCHIN: I understand that the Senate bill enlarging the Federal Reserve Board and limiting the expenditures which may be made by the reserve banks for luxurious banking establishments is now before the Banking and Currency Committee of the House and presumably will soon be reported to the House unless the efforts which are now being made by the Reserve Board to smother or defeat it should succeed.

I consider that measure exceedingly important and wise as far as it goes, but it does not go far enough, especially in the matter of curbing the lavish waste and extravagance which it has been demonstrated exist in the administration of the reserve system.

$50,000,000 FOR FOUR BANK BUILDINGS IN FOUR CITIES.

Astounding as it seems, it is nevertheless true that the Federal reserve authorities had already planned to spend about $50,000,000 for gorgeous banking edifices in the four cities of New York, Boston, Cleveland, and Chicago.

Against the official estimate of cost as submitted to the Senate under date of October 31, 1921, and described in that report as to most of the cost as the "Most recent estimate" of $49,878,914, please note the statement recently made on the floor of the United States Senate that the cost of both Houses of Parliament, including the House of Lords and House of Commons, was only about $2,000,000, or less than one-tenth of the amount which the reserve board has authorized for banking quarters in New York City alone, namely, $25,646,000.

The Capitol at Washington, according to the statement of another Senator, cost not more than $2,500,000, or less than one-eighth of the New York Reserve Bank's buildings and equipment as planned.

The Federal Reserve Board, in its recent supplementary report to the Senate, has confessed that the cash fees and commissions which they have agreed should be paid to architects, engineers, and contractors for banking quarters in New York City amount to $1,746,000, exclusive of the additional fees and commissions paid in connection with the construction of the New York Reserve Bank annex.

FEES ALONE OF NEW YORK BANKING PALACE ABOUT EQUAL COST OF HOUSES OF PARLIAMENT.

The total of these huge commissions and rake-offs for this one bank at New York amount to practically as much as the total cost of the Capitol at Washington or the total cost of

both Houses of Parliament! It appears to be still a secret what the fees and commissions on the other reserve banks amount to.

Pages 21, 22, 24, and 34 of the board's official report to the Senate of October 31, 1921, furnish the following details as to the cost of the magnificent banking palaces in the four big cities above referred to:

[Figures from reserve board's report to Senate in answer to Overman resolution.]

Federal reserve bank buildings.	Cost to Oct. 1, 1921.	Estimated to finish.	Total estimated cost (land and structures).
Boston	$4,456,563	$900,000	$5,356,563
New York	7,766,410	17,880,000	25,646,410
Cleveland	3,410,257	5,000,000	8,410,257
Chicago	5,836,684	4,629,000	10,465,684
Total	21,469,914	28,409,000	49,878,914

In my letter to Senator OVERMAN of December 2, 1921, I showed that the average yearly congressional appropriation for all United States public buildings under the Treasury Department, including post-office buildings, courthouses, customhouses, and so forth, have averaged annually for the past 20 years only $10,969,076, which is only about 40 per cent of what the Reserve Board has authorized one bank to spend for lavish banking quarters in one big city.

The funds appropriated for the reserve bank edifices for the four cities mentioned, therefore, amount to approximately five times as much as the average yearly expenditures for the past 20 years for all of the Federal buildings in all of the 48 States of the Union.

$34,000,000 FOR BANK BUILDINGS FOR TWO FAVORED CITIES.

The above table shows also that two banks—New York and Cleveland—were authorized to spend for palatial banking quarters in those two cities the sum of $34,056,000, which exceeds by more than $9,000,000 the total amount which the farm loan banks were provided with under the recent congressional resolution to meet the urgent needs of farmers throughout the country. Can this be called an equitable distribution of the funds of the system?

$10,000,000 ENOUGH; $50,000,000 APPROPRIATED.

If the Boston and Cleveland banks should have been limited to the cost of the excellent banking quarters provided for the reserve banks of Philadelphia and St. Louis, and $2,500,000 appropriated for the bank at Chicago, which, in the opinion of competent judges, would have fully met that situation, and $5,000,000 additional should then have been appropriated for the New York bank—and that amount would, unquestionably, have given New York all the accommodations reasonably needed now or for years to come—there could have been a saving of just $40,000,000 on the amount which the board authorized for banking quarters for those four cities alone. If double the allowance here suggested should have been made, there could still have been a saving of $30,000,000 from the amounts authorized by the board for those four cities.

The total cost of the bank building of the Federal Reserve Bank of St. Louis, with equipment and the land on which it stands, is placed at $510,461. This is exclusive of other property subsequently bought, but which the report says they propose "to sell if found that a larger building is not required." As the ground without the new lot covers 20,367 square feet, as compared with 16,675 square feet for the Federal Reserve Bank of Kansas City, 19,205 for the Philadelphia bank, and 26,400 square feet for the Chicago bank, it would seem that this additional land could be readily dispensed with.

HOUSING COST $14,063 PER EMPLOYEE.

As the officers and employees of the Federal Reserve Bank of St. Louis, December 31, 1921, numbered 517 and the officers and employees of the Federal Reserve Bank of Cleveland on the same date numbered 598, it will be seen that the cost of housing each employee in these two banks, based on the estimated cost of the respective buildings, would be as follows:

	Per capita.
Federal Reserve Bank of St. Louis	$987
Federal Reserve Bank of Cleveland	14,063

Surely there is "something rotten in Denmark."

The Federal Reserve Board's report to the Senate of October 31, 1921, showed that the reserve banks had already spent up to October 1, 1921, in the several reserve districts (pp. 21-22) on their banking palaces the sum of $39,370,000, and the additional amount which they had planned to spend to complete six of the bank buildings then under construction was $32,812,000, making a total of $72,182,000, which is exclusive of other enormous expenditures which the board had also planned to make in other cities where elaborate buildings have also been provided for, or are in contemplation. Some of these have been stopped by the board since the introduction of Senator HARRIS'S resolution to limit those expenditures.

RENTAL VALUE, GYMNASIUM, AUDITORIUM, CLUB, AND RESTAURANT SPACE IN NEW YORK BANK EXCEEDS TOTL RENTAL, ALL 12 RESERVE BANKS, 1917.

The manner in which every instinct of economy has been violated is obvious at every turn. For example, in the New York banking palace, now under construction, the annual rental value of the space set aside for "gymnasium, restaurants, club quarters, and auditorium," or movie theater, as it is sometimes called, is $179,322, as figured on what the reserve board describes in its reports as "the basis of existing rental values." The rental value of that space, so appropriated, is more than the total rental paid by all of the 12 reserve banks in the calendar year 1917—only the Dallas Reserve Bank at that time occupying its own banking house.

CLAIM THAT NEW BUILDING IS NEEDED TO "STORE GOLD" IS SIMPLY A FAKE.

In endeavoring to excuse the erection of the 15-story building by the New York Reserve Bank, with 5 additional stories underground, it was claimed that space was needed for the "storage" of the New York Reserve Bank's vast gold supply; but calculations which have been made show that the New York Reserve Bank's annex alone, *exclusive of the main banking palace*, estimated in the board's October report to the Senate to cost *an additional* $23,435,000, contained enough space in its basement for vaults capable of holding, without crowding, not only all of the gold supply of the New York Reserve Bank but the entire gold supply of the whole world, estimated at about $9,000,000,000.

The suggestion, therefore, that this huge additional building was necessary, either in whole or in part, to store the gold, etc., is an absurd pretense.

VOLUME OF LOANS PER EMPLOYEE, 1917, $500,000; 1922, $40,000.

The total loans, discounts, and bought paper held by the Federal Reserve Bank of New York last week—March 15—amounted to only $92,725,000, or about $40,000 per employee. In December, 1917, they were about $500,000 per employee.

Official reports show that the New York Reserve Bank has been employing, exclusive of all employees engaged in its "transit" or check-collection department, from 2,000 to 2,500 men and women. In 1920 the "transit" department had 522 employees.

A report which I have before me shows that one of the largest and most successful banks in New York City, whose loans and investments amount to about twice as much as the loans of the New York Reserve Bank, employs in all departments, including its transit or collection departments, its banking department, and all other departments, something less than 100 employees.

I also have before me the report of another large financial institution which has outstanding about $400,000,000 of loans, and those loans are in charge of one capable executive officer, who has in his department only about 30 employees, or say, 10 employees per $100,000,000 of loans, while the New York Reserve Bank has, exclusive of employees in its transit or check-collection department, more than 2,000 employees per $100,000,000 of loans.

The loan department of the bank is the most important. The work in connection with Liberty bonds is a mere fraction of what it was in 1917, when expenses were less than one-seventh of what they were last year, and the number of bank-deposit accounts is small compared with most of the banking institutions in New York City, although the amount of its deposits is, of course, very large. Its check-collection business is also small compared with that of the New York clearing house.

Loans, discounts, and bought paper held by the New York Reserve Bank were as follows:

Mar. 15, 1922	$92,725,000
Dec. 28, 1917	403,110,000

This shows that loans, discounts, and bought paper held by the Federal Reserve Bank of New York on December 28, 1917, amounted to more than four times as much as at this time, although that reserve bank for 1917 was employing only 829 employees and officers, as compared with 2,773 employees and officers December 31, 1921.

EXPENSES INCREASE 800 PER CENT—25 MEN GET SALARY INCREASE AVERAGING 594 PER CENT.

For the year 1921 current expenses of the New York Reserve Bank were reported at the enormous sum of $8,673,456, against total current expenses in 1917 of $1,129,336.

In other words, since 1921 the expenses have increased to nearly 800 per cent of what they were in 1917

What else could you expect when you find money being so recklessly paid out that 25 of the New York Reserve Bank's "officers" whose aggregate annual salaries at the time of or just before their employment by the Federal reserve system amounted to only $56,300 were getting in October last $334,700, an increase of 594 per cent, although the salaries of most Government employees, Senators, and Representatives have not been increased at all.

I believe that at least five or six million dollars could have been saved in the administration of the New York Reserve Bank last year if it had been run with a proper regard to intelligent administration and economy, and of the amount so saved 90 per cent would have gone into the Federal Treasury.

In making the plans for its new "banking temple" at New York the Federal reserve authorities proceeded with the most amazing waste and the most reckless extravagance.

The total rental paid by the Federal Reserve Bank of New York for the years named was reported as follows:

Calendar year 1920	$301,397
Calendar year 1919	290,243
Calendar year 1917	55,557

Rental value of space set aside for "gymnasium, restaurants, clubs, and auditorium" on "present basis of rental," $179,322. Total rental *all reserve banks* 1917 (only one bank building owned), $178,623.

The bank at this time has no need for as much space as it had in 1919 or 1920, and yet they are pushing forward the construction of an additional 20-story building, including five stories underground, upon which the taxes alone, based on cost and the present New York City tax rate, will amount to about $700,000, or twelve times total rental in 1917, although loans are now less than one-fourth of December, 1917. Rental increased from $55,557 to equivalent of over $1,500,000, estimating funds in building at 3 per cent.

And the interest on the $25,646,000 which the board authorized the bank to expend for banking quarters would, at the moderate rate of only 3 per cent, be equal to, say, $769,000, making the rental cost on this basis, exclusive of upkeep, insurance, and other expenses, of $1,469,000, or about five times as much as the maximum rental the bank has ever paid in any one year in the past, when the demand for space was probably greater than it will be for many years to come.

The rental on that basis is also about thirty times as great as the total rental paid in 1917, although the bank's loans in December, 1917, were four times as large as they are now. (The money being spent in the building, if loaned on agricultural and commercial paper, would have been nontaxable.)

I viewed the site of the New York bank building a few days ago, and found earth was still being excavated from the foundation. The bank officers claim that they bought the land at a bargain price. If this is true, why not instruct the bank to sell it at a profit, if possible, and buy land a few blocks away which could be gotten so as to save, on land alone, probably three or four million dollars. The less expensive ground would be equally convenient to 97 per cent of the bank's depositors.

As to this new and wantonly extravagant building, its erection has practically not yet been commenced—still working on the foundation. Unless the subcontracts have been let on an enormously inflated basis they ought to be able to cancel the contracts by the payment of a moderate amount of money and save the Government on the land and building at least $15,000,000 from the estimate they submitted to the Senate in October last of $25,646,000.

NEW YORK RESERVE BANK ARRANGING FOR $25,000,000 BANKING PALACE WHILE RESERVE BOARD SUSPENDS RESERVE REQUIREMENTS TO AFFORD IT RELIEF.

The Reserve Board's report to the Senate shows that it made the "informal arrangement" with the "general contractor" for the construction of this monumental folly, or banking temple, on December 22, 1919, although the official records show that about that very time the Federal Reserve Bank of New York, largely as a result of its huge loans to certain big speculative institutions in that city, was so hard pressed that it was actually borrowing in January, 1920, more than $100,000,000 from other Federal reserve banks in other parts of the country, including the South and the West, whose resources were to that extent being sapped.

It is also worthy of note that while the New York Reserve Bank was practically in the act of authorizing these unconscionable expenditures for this banking palace the Federal Reserve Board at Washington was passing a resolution waiving the reserve requirements for that particular bank, thus facilitating its imprudent and improvident expansion.

The formal contract with the general contractor it appears was executed January 25, 1921. About that time, or, say, on February 14, 1921, the New York Reserve Bank, according to Governor Strong's admission before the Joint Commission on Agricultural Inquiry, August 9, 1921, was lending to two banks in New York district the sum of $250,000,000, the amount loaned to one of these institutions being $150,000,000.

TWO BANKS GET $250,000,000, WHILE TOTAL LOANS ON AGRICULTURAL AND CATTLE PAPER IN 5,307 BANKS WERE ONLY $59,000,000.

The total amount of "agricultural" and "live-stock" paper held as late as February 28, 1921, by eight Federal reserve banks, covering about two-thirds of the area of the entire country, was less than $59,000,000.

Therefore, those two banks in New York were being accommodated with more than four times as much money as 5,307 member banks were at that time getting on "agricultural" and "live-stock" paper in 28 States and parts of 5 others, including all of the New England States, New York, New Jersey, Delaware, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Arkansas, parts of Indiana, Illinois, Missouri, Louisiana, and Arizona, and also in the whole of the important agricultural and cattle-raising States of Oregon, Washington, and California, with Utah, Nevada, and Idaho added.

NEW YORK RESERVE BANK DIRECTOR GETS BIG LOAN ON "DUMMY NOTE."

The following instance illustrates the scrupulous nicety and punctilious ethics of the New York Reserve Bank officials. In the autumn of 1920 the records show that a certain director of the New York Reserve Bank was borrowing from a member bank to which the New York Reserve Bank had extended huge accommodations more money than the Federal reserve banks of New York, Boston, Philadelphia, and Cleveland were lending at the same time on agricultural and live-stock paper to all the 2,766 member banks in all the States in those great districts. Furthermore, the New York Reserve Bank director was borrowing that money mainly on speculative stocks and more than half of it on a "dummy loan."

I have used in this letter figures as to building costs taken from the official report submitted to the Senate by the Federal Reserve Board under date of October 31, 1921, in answer to the Overman resolution calling for data. The report gave figures down to October 1, 1921, as to expenditures, and the estimated cost to complete the unfinished banks are presumed to be the estimated costs as of October 1, 1921, or the date of the report, October 31, 1921, except that we are told that the most recent estimate "for the completed banking quarters in New York City," which the report places at $25,646,410, is "March, 1921."

RESERVE BANK OFFICIALS SCAMPERING TO COVER.

Since the disclosures of this colossal extravagance and scandalous waste were made last fall the Federal reserve authorities have gotten very busy trimming down building estimates, and now claim that they did not really expect to spend the amounts they admit they had "authorized." But unless Congress itself puts the brakes on them, their promises and new estimates must be taken with a good deal of salt. These reductions should have been made before they were forced by an aroused public indignation.

WHAT A COLORADO BANK PRESIDENT SAYS.

In conclusion I beg leave to quote the following extract from a letter from a bank president in Denver, Colo., which was introduced in the CONGRESSIONAL RECORD of January 16, 1922, by Senator HARRIS of Georgia. The letter referred to was dated January 11, 1922. It refers to Senator HARRIS's bill designed to place a limit upon the expenditures to be made by the reserve banks without the authority of Congress. Its writer said:

If I am correctly informed, this bill attempts to place at least a joint control over the money earned by the Federal reserve banks in which the Government has a direct interest under the law in Congress itself. As a matter of fact, the Federal reserve banks should not be allowed under any circumstances to spend the money of the Government without the Government's consent, and your logic is certainly sound.

It has been well understood among banks throughout the country that the Federal reserve banks were spending money like drunken sailors in erecting new buildings on most extravagant scales in order to use up the extraordinary earnings of these banks and not be obliged to turn the same into the Government Treasury.

The business of the Government in the matter of public buildings should not be delegated, but be under the direct supervision of Congress. Of this there can be no doubt or argument. There may be cases where there is need for Federal reserve bank buildings, but, if so, Congress had just as well provide it as to have the bank boards provide it.

UNITED STATES TREASURY MULCTED OF $6,000,000 BY BOOK ENTRIES FOR "DEPRECIATION."

Already the reserve banks have charged off for alleged depreciation in connection with the cost of bank buildings, most of which have not yet been completed, over $7,000,000, and 90 per cent, or over $6,000,000 of this charge-off, is at the expense of the Federal Treasury.

There is probably not a man in either branch of Congress who will attempt to defend the mismanagement for which certain Federal Reserve officials have been impeached. The charges can not truthfully be denied. It is now for the Congress to answer the question which Governor Harding, of the Reserve Board, and Governor Strong, of the New York Reserve Bank, in the language of the notorious Tweed, are probably asking, "What are you going to do about it?"

I believe, Congresman, that you will find that the correction of these evils is a subject well worthy of your splendid abilities and your courageous efforts.

The fatal experiences of the past two years, in my opinion, prove quite clearly that the wise, capable, and fearless administration of our banking and currency system is really of more pressing importance to the whole country than the tariff, or disarmament, or the collection of our foreign debts, or other great questions which at this time are occupying the public mind.

With cordial best wishes,

Sincerely yours, JOHN SKELTON WILLIAMS.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE BRINSON.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. SAMUEL M. BRINSON, late a Representative from the State of North Carolina, and transmitted the resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Assistant Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
April 13, 1922.

Resolved, That the House has heard with profound sorrow of the death of Hon. SAMUEL M. BRINSON, a Representative from the State of North Carolina.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses connected therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SIMMONS. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The resolutions (S. Res. 275) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAMUEL M. BRINSON, late a Representative from the State of North Carolina.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to attend the funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed as the committee on the part of the Senate under the second resolution Mr. SIMMONS, Mr. OVERMAN, Mr. ASHURST, Mr. CARAWAY, Mr. LADD, and Mr. HARRELD.

Mr. SIMMONS. Mr. President, I move as a further mark of respect to the memory of the deceased Representative that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 14, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 13 (legislative day of April 10), 1922.

COLLECTOR OF INTERNAL REVENUE.

D. Arthur Lines to be collector of internal revenue for the district of Louisiana.

PROMOTIONS IN THE NAVY.

To be commanders.

George M. Baum.
Wolcott E. Hall.
Fred F. Rogers.
William L. Beck.

To be lieutenant commanders.

George M. Cook.
Edward K. Lang.
Walter D. La Mont.
Roman B. Hammes.
Herbert O. Roesch.
Deleavan B. Downer.
Lewis W. Comstock.
Frank E. P. Uberroth.
Alexander Macomb.
Paul F. Foster.
Ames Loder.
Ralph G. Risley.
Carlos A. Bailey.
John F. Meigs, jr.
Richard S. Field.

To be lieutenants.

Roman B. Hammes.
Linton Herndon.
John G. Farrell.

To be lieutenants (junior grade).

John G. Farrell.
Robert B. Crichton.

To be surgeon.

Charles S. Stephenson.

To be passed assistant surgeons.

William R. Taylor.
Elmer F. Lowry.
Earl E. Sullivan.
Forrest M. Harrison.

To be paymasters.

Hervey B. Ransdell.
Lawrence A. Odlin.
John A. Byrne.
John B. Ewald.

To be passed assistant paymaster.

Joseph A. Carey.

To be chief machinists.

James Hauser.
Warren E. Magee.
Helge Ohlsson.

To be chief carpenter.

Robert F. Roberson.

POSTMASTERS.

ILLINOIS.

William R. Buckler, Brockton.
Louis E. Ude, Carmi.
Fred More, Charleston.
Joshua L. Saylor, Glasford.
Harlo F. Selby, Golden.
William T. Robinson, Kenilworth.
Robert A. Blackmon, Lacon.
George H. Townsend, Onarga.
Homer F. Kelly, Roseville.
Frank Reed, Taylorville.

IOWA.

John L. Gallagher, Eddyville.
Frederick W. Steele, Walker.

KENTUCKY.

James H. Thompson, Ewing.
Edgar P. Catron, Junction City.
Jackson L. Montgomery, Valley Station.

LOUISIANA.

Jesse M. Talbot, Bernice.
John A. Marchand, Gonzales.
Clifford P. Connell, Haughton.

MASSACHUSETTS.

Almon L. Pratt, Belchertown.
Raymond C. Hazeltine, Clemsford.
Delano E. Chase, Linwood.
Myron M. White, South Duxbury.
D. Anthony Sheehan, Weston.
George B. Waterman, Williamstown.

MISSISSIPPI.

William B. Stone, Fulton.
Henry P. Patton, Sardis.

MONTANA.

Clarence R. Miller, Circle.
Ernest M. Goodell, Dutton.
Mary J. Tasa, Flaxville.
Leon E. Phillips, Highwood.
Rose M. Sargent, Nashua.
Letta Conser, Plevna.
Marie I. Moler, Reedpoint.
Lizzie Gorsuch, Winnett.

NEW JERSEY.

Walter Frederick, Delawanna.

NEW YORK.

C. Homer Hook, Greenville.
John B. Read, Poland.
Lloyd E. Jones, Richville.

NORTH CAROLINA.

James S. Rogers, Oxford.
William J. Hardage, Waxhaw.

OHIO.

Howard C. Moorman, Jamestown.
Albert E. Gale, Lima.
Sanford E. Gottshall, Magnolia.

PENNSYLVANIA.

Howard L. Harbaugh, Fairfield.
W. Winston Davis, Johnstown.
James W. Hatch, North Girard.
William E. Vance, Unity Station.
Ruth Roberts, Vintondale.

SOUTH CAROLINA.

Jefferson M. Davis, Pinewood.

TEXAS.

James T. Shaw, jr., Anna.
James R. Corbin, Blooming Grove.
W. F. Curtis, Byers.
Robert S. Brennand, Colorado.
Jasper M. Brooks, Copperas Cove.
Jasper N. Coffman, Daingerfield.
Cornelius A. Ogden, Deweyville.
Andrew Schmidt, Edna.
Arnold H. Kneese, Fredericksburg.
Arthur B. Rook, Harold.
Minnie S. Parish, Huntsville.
Thomas J. Oden, Lindale.
Edmund W. Tarrence, Llano.
Joel W. Moore, McDade.
Rudolph Nordhausen, Schulenburg.

WISCONSIN.

Sever E. Nelson, Argyle.
Leslie D. Jenkins, Bagley.
Henry C. Scheller, Cecil.
Eugene F. Stoddard, Downing.
John F. Rhinehart, Gays Mills.
Carson J. Lawrence, La Farge.
Charles Pearson, Lavalle.
Burton E. McCoy, Prairie du Sac.
Andrew Bock, Stockholm.
Harry Bradley, Taylor.
Edmund O. Johnson, Warrens.
Tena W. Krentz, Westfield.
Theodore R. Peterson, Weyauwega.
George E. King, Winneconne.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 13, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Be not silent unto us, O God, for amid our laughter and amid our tears we give Thee thanks. O speak to us out of the clouds which hide the glory of Thy face. Again there is a silence in our roll call, and a Member, honored and esteemed, will answer no more to his name. Remember the loved ones with the rich blessings of the untroubled heart. Impress us with the brevity and uncertainty of life, and also with its tremendous meaning. As men, as citizens, and as servants may our daily lives be born of the conviction that we are dealing justly and with loving mercy, for God is near. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. GRIFFIN. Mr. Speaker, on page 5951 of the RECORD of yesterday there are some typographical errors, and I ask unanimous consent to revise and extend my remarks in order to make the necessary corrections.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks and to make the necessary corrections. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2579. An act to provide for the publication of estimates of unginned cotton; and

S. J. Res. 187. Joint resolution authorizing the Director of the Census to collect and publish additional cotton statistics.

The message also announced that the Vice President had appointed Mr. RAWSON and Mr. CARAWAY members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2579. An act to provide for the publication of estimates of unginned cotton; to the Committee on the Census.

S. J. Res. 187. Joint resolution authorizing the Director of the Census to collect and publish additional cotton statistics; to the Committee on the Census.

DEATH OF REPRESENTATIVE BRINSON.

Mr. POU. Mr. Speaker, it is with sincere sorrow that I announce to the House the death, in the early hours of the morning of this day, of SAMUEL MITCHELL BRINSON, a Representative from the third district of North Carolina. Our colleague had been a sufferer for many months. It was a tribute to the people of his district, among whom he had lived, that last week, when he had returned to this city from a sanitarium, he made the request that he be carried home in order that he might die amongst his friends among whom he had lived and spent his life. Our dead friend was a man of generous impulses, amiable, and lovable. On his soul when the summons came rested that calm which of right belonged to one who had never knowingly injured a fellow being.

His funeral will be held to-morrow from his home in the city of Newbern, N. C., at 3 o'clock.

I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 326.

Resolved, That the House has heard with profound sorrow of the death of Hon. SAMUEL M. BRINSON, a Representative from the State of North Carolina.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses connected therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, this House do now adjourn.

The resolution was agreed to; and the Speaker appointed as the committee on the part of the House Mr. KITCHIN, Mr. POU, Mr. STEDMAN, Mr. DOUGHTON, Mr. WEAVER, Mr. WARD, Mr. LYON, Mr. BULWINKLE, Mr. HAMMER, Mr. BOWLING, Mr. SANDLIN, Mr. LOWREY, Mr. GLYNN, Mr. TYSON, and Mr. KING.

And then (at 12 o'clock and 7 minutes p. m.) the House, in accordance with the resolution, adjourned until Friday, April 14, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FESS: Committee on the Library. H. J. Res. 304. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution; without amendment (Rept. No. 903). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GENSMAN: A bill (H. R. 11296) to make punishable by law the offense of uttering false statements affecting national banking institutions; to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5085. By Mr. CONNELL: Resolution adopted by the Manufacturers' Association of Lackawanna County, Pa., indorsing the principle of American valuation of imported goods in the administrative provisions of the tariff bill; to the Committee on Ways and Means.

5086. By Mr. CONNOLLY of Pennsylvania: Evidence in support of House bill 11285, granting a pension to Christiana Hoffman; to the Committee on Invalid Pensions.

5087. Also, evidence in support of House bill 11286, granting a pension to Mary A. Binker; to the Committee on Pensions.

5088. By Mr. KISSEL: Petition of William Wallace Brauer, Washington, D. C., relative to loaning the German Government a billion dollars to revolutionize the American agricultural industry; to the Committee on Ways and Means.

5089. By Mr. MEAD: Resolution adopted by the board of estimate and apportionment of New York City, urging the continuance of the Brooklyn Navy Yard and more hospitalization for disabled veterans in the New York district; to the Committee on Appropriations.

5090. Also, petition of Frank Mangus and other residents of Buffalo, opposing the passage of House bill 9753 and other Sunday bills; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *April 14, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Gracious Father, we recognize the associations which gather about this day. We recognize the solemn responsibilities which come to us with those associations, and we rejoice before Thee that Thine own eye of piety and Thy heart of love are moved for a world in need, and we thank Thee for Him who came to bear our sins, to meet for us the emergency in the great crises of human life. We pray that more and more His Spirit may dominate our lives, control our actions, and bring us into closer sympathy with mankind in its needs and in all the affairs and responsibilities of government and of personal relationship. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 10, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF STATE, 1923 (S. DOC. NO. 182).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State (foreign intercourse), fiscal year 1923, for alteration, repair, and furnishing of the embassy building in London, England, $155,000; for the International Conference on Maritime Law, $5,000; and for the Fifth International Conference on American States, at Santiago, Chile, $75,000; in all, $235,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ALTERNATIVE ESTIMATE, DEPARTMENT OF STATE, 1923 (S. DOC. NO. 184).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting an alternative estimate of appropriation for the Department of State (foreign intercourse), fiscal year 1923, for the International Research Council, $4,030, in lieu of the estimate for the same purpose contained in the Alternative Budget, page 90, in amount $2,658, representing a net increase in the amount requested of $1,372, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, WAR DEPARTMENT, 1923 (S. DOC. NO. 183).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1923, for "pay, etc., of the Army," $500,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the Massachusetts Department, Grand Army of the Republic, protesting against the enactment of legislation reducing the efficiency and personnel of the Army and Navy below the level agreed to by the Conference on Limitation of Armament, which was referred to the Committee on Appropriations.

Mr. MYERS presented a resolution of the Libby (Mont.) Commercial Club, favoring inclusion in the McNary reclamation bill of a provision for the reclamation of logged-off lands, which was referred to the Committee on Public Lands and Surveys.

Mr. ODDIE presented letters in the nature of petitions from employees of the Treasury custodian service of Reno and Carson City, Nev., praying for the enactment of House bill 8928, granting certain relief to employees of the Treasury custodian service, which were referred to the Committee on Appropriations.

Mr. CALDER presented a resolution of the board of aldermen of the city of New York, favoring the restoration of the pneumatic-tube system in the postal service at that city, which was referred to the Committee on Post Offices and Post Roads.

Mr. KENDRICK presented a resolution of Ora Call Post, No. 10, American Legion, of Wheatland, Wyo., favoring the passage of the soldiers' bonus bill without amendments likely to defeat its final enactment, which was referred to the Committee on Finance.

Mr. MOSES presented memorials of sundry citizens of Rochester, Farmington, and Washington, all in the State of New Hampshire, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CURTIS presented a resolution adopted by the congregation of the First Presbyterian Church of Lincoln, Kans., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by the congregation of the First Presbyterian Church of Lincoln, Kans., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COLT presented a resolution of the Varnum Continentals, of East Greenwich, R. I., protesting against the policy of further reduction of the Army and Navy personnel, which was referred to the Committee on Military Affairs.

Mr. WILLIS presented a resolution adopted by Sarah M. E. Battles Tent, No. 44, Daughters of Veterans, of Akron, Ohio, favoring the enactment of liberal pension legislation for veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. RAWSON, from the Committee on Military Affairs, to which was referred the bill (S. 151) to amend sections 4874 and 4875 of the Revised Statutes, relating to compensation for superintendents of national cemeteries, reported it without amendment and submitted a report (No. 598) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 256) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919, reported it without amendment and submitted a report (No. 600) thereon.

He also, from the same committee, to which was referred the bill (S. 583) for the relief of Lyn Lundquist, reported it with an amendment and submitted a report (No. 601) thereon.

PRESENTATION OF TABLET TO NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. CURTIS. Mr. President, for the Senator from Connecticut [Mr. BRANDEGEE], chairman of the Committee on the Library, I report back favorably without amendment the joint

resolution (S. J. Res. 190) to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution, and I ask unanimous consent for its immediate consideration. It is very short.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the President is hereby authorized to present a tablet in the name of the Government of the United States to the officers of the National Society of the Daughters of the American Revolution as a token of appreciation for making available Continental Memorial Hall for the sessions of the Conference on Limitation of Armament, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350 for the expenses of producing a suitable tablet in conformity with this resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL SERVICES IN HONOR OF GENERAL GORGAS.

Mr. FLETCHER. From the Committee on Printing I report back favorably Senate Resolution 250 to provide for the printing of 2,500 copies of the memorial services held in honor of Maj. Gen. William Crawford Gorgas, and I ask unanimous consent for its present consideration.

There being no objection, the resolution was read, considered, and agreed to, as follows:

Resolved, That there be printed 2,500 copies of Senate Document No. 390, Sixty-sixth Congress, third session, entitled "Memorial Services Held in Honor of Maj. Gen. William Crawford Gorgas," for the use of the Senate document room.

APPOINTMENTS BY EXECUTIVE ORDER.

Mr. HARRISON. Mr. President, I ask unanimous consent that Senate Resolution 258 be referred to the Committee on Civil Service, with instructions to report the resolution back to the Senate within 10 calendar days.

Mr. CURTIS. I ask the attention of the Senator from South Dakota [Mr. STERLING] to the matter, though I think there is no objection to the order.

Mr. STERLING. What is the Senator's request?

Mr. HARRISON. The request I have made is that Senate Resolution 258, which was debated at some length some weeks ago, be referred to the committee of which the Senator from South Dakota is chairman, with instructions that it be reported back within 10 calendar days.

Mr. STERLING. It is the resolution relating to appointments by Executive order?

Mr. HARRISON. It is.

Mr. STERLING. I have no objection.

Mr. HARRISON. I would like to have the resolution amended by inserting after the words "Executive order" the words "since March 4, 1921."

The VICE PRESIDENT. The Senator has a right to modify the resolution.

There being no objection, the resolution as modified was referred to the Committee on Civil Service, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order since March 4, 1921, setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

MISSISSIPPI RIVER BRIDGE.

Mr. CALDER. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn., and I submit a report (No. 599) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the State of Minnesota be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3460) granting a pension to Hallie Wilt (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3461) to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky.; to the Committee on Military Affairs.

By Mr. PHIPPS:

A bill (S. 3462) to add two associate justices to the Court of Appeals of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of Washington:

A bill (S. 3463) relating to transportation rates for veterans, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SHEPPARD:

A bill (S. 3464) for the relief of the Houston (Tex.) Chamber of Commerce, Emma Helberg, Laura Lackner, and F. W. Lackner; to the Committee on Claims.

By Mr. CURTIS:

A joint resolution (S. J. Res. 193) to locate a Bartholdi fountain on the circle at the intersection of Columbia Road, Harvard, and Mount Pleasant Streets on Sixteenth Street; to the Committee on the Library.

TARIFF BILL AMENDMENTS.

Mr. LODGE and Mr. ASHURST each submitted an amendment and Mr. NICHOLSON submitted four amendments intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

Mr. ODDIE. I submit an amendment intended to be proposed by me to the tariff bill, the amendment providing for the placing of cyanide on the free list. This is done for the purpose of protecting the gold and silver mining industries. I move that the amendment lie on the table and be printed.

The motion was agreed to.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL.

Mr. HEFLIN. Mr. President, I have here an amendment which I desire to offer to the bill making appropriations for the military and nonmilitary activities of the War Department. My amendment provides for the continuation of the barge service now in vogue on the Black Warrior River. The bill as it came over from the House did not provide funds necessary to continue this service and my amendment makes the necessary provision. I will offer this amendment to the bill at the proper time. I move that it be printed and referred to the Committee on Appropriations in charge of the bill.

The motion was agreed to.

AFFAIRS IN THE NEAR EAST.

Mr. KING. Mr. President, I offer a resolution, which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

The resolution (S. Res. 276) was referred to the Committee on Foreign Relations and ordered to be printed, as follows:

Senate Resolution 276.

Whereas Great Britain, France, Italy, Japan, Belgium, Greece, Poland, Portugal, Rumania, Yugoslavia, and Czechoslovakia, on the 10th of August, 1920, formally recognized the independence of the Republic of Armenia and entered into a solemn compact not only to respect but to preserve as against external aggression the territorial integrity and political independence of Armenia; and

Whereas Turkey, upon the 10th day of August, 1920, formally recognized Armenia as a free and independent State and renounced in favor of Armenia all rights and title in the vilayets of Erzerum, Trebizond, Van, and Bitlis in conformity to a boundary and frontier therein which had been fixed by the President of the United States according to the stipulations of the treaty of Sevres; and

Whereas the aforesaid powers signatory to the treaty of Sevres, in disregard of their covenants respecting the independence and integrity of Armenia, have suffered and permitted the so-called Kemalist Government, having its seat at Angora, Anatolia, to enter the Provinces of Erzerum, Trebizond, Van, and Bitlis, and by means of murder, rapine, pillage, arson, and outrages unspeakable to destroy a large portion of the Armenian population in said Provinces, and to expel the remnants of the Armenian people from said Provinces; and

Whereas the powers signatory to said treaty, in callous indifference to their solemn pledges and to the national rights and liberties of the Armenian people, are contemplating that the Kemalist Government shall be confirmed in its illegal seizure and occupation of the Armenian Provinces of Erzerum, Trebizond, Van, and Bitlis; and

Whereas it is impossible for Christian peoples to have and enjoy the rights of life, liberty, and security of property under any Turkish régime, while, on the other hand, the Turks may enjoy the full and free exercise of their religion and be secure in their liberties, lives, and property under a civilized government, such as obtains in Christian nations; and

Whereas the continued exercise of political authority by the Turkish State in Constantinople was, by article 36 of the treaty of Sevres, made conditional upon Turkey faithfully observing the provisions of said treaty, particularly as regards the protection of the rights of racial, religious, and linguistic minorities in Turkey, and in the event of a

failure to observe said treaty the powers expressly reserved the right to modify the Turkish rights in Constantinople, and Turkey agreed to accept any new dispositions which the powers might make in relation thereto; and

Whereas a failure of the powers to take drastic, radical, and effectual measures to pacify Turkey and bring an end to Turkish disorder, rapine, pillage, and crimes, and to place the Christian peoples and Turkish tribes in such a position of security and of governmental and economic order as will permit said peoples and their territories to become self-supporting will only result in multiplied disorders, distress, and famine; will aggravate the anxiety and burdens of the people of the United States, who are being constantly importuned to come to the aid and succor of the victims of Turkish malice and misrule; and will otherwise constitute an example of the perfidious attitude of the powers in a great historical and political crisis, at a time when adequate power is in their hands, to reach such a rational and permanent adjustment of the Turkish problem as shall be justified in Christian morality and by the verdict of history; and

Whereas the people of the United States view with misgiving and disappointment the action of the powers in weighing Mohammedan opinion in Asia and Africa in the balances against the opinion of the people of the United States and of other civilized States, who have become indignant at the vexatious temporizing with the Turkish question; and

Whereas in the opinion of the people of the United States the elimination of Turkish political authority from Constantinople, the liberation and independence of Armenia, and the pacification of Anatolia were second only in importance to the thwarting and overthrow of the German military power, and if these results be not accomplished, now that the Turks have been delivered into the hands of the allied powers, the American people will feel that they have been deprived of one of the legitimate fruits of the victory of the allied and associated powers in the recent war, and the Christian nations themselves will be deprived of the peace that has been won; and

Whereas no consideration of the integrity of the Turkish debt may be properly permitted to interfere with the realization of these objects, but that questions of the apportionment and security of the Turkish debt must be subordinated and accommodated to the inexorable political requirements for the realization of these objects: Now therefore be it

Resolved, That it is the sense of the Senate of the United States that, in conformity to the pledges of the powers and of the rights reserved in that behalf in the treaty of Sevres, the powers should take effectual measures to permanently supplant Turkish political authority in Constantinople, and that Constantinople ought either to be placed under the administrative authority of Greece or be constituted a free State having the same status as the free city of Danzig under the League of Nations; that the political independence and territorial integrity of Armenia, according to prior commitments of the powers, should be confirmed and that effectual military measures be taken to assure the same; and that, if the Kemalist régime at Angora in Anatolia will not recognize these dispositions and abide in good faith by the provisions of the treaty of Sevres for the protection of racial, religious, and linguistic minorities in Anatolia, effectual measures, military and political, should be taken to pacify Anatolia and to provide for a just and liberal political administration therein.

INDUSTRIAL CONDITIONS.

Mr. EDGE. Mr. President, I desire to make an announcement. I am convinced that the chaotic condition existing in industry to-day demands the consideration of Congress; and I wish to announce that on Monday next, immediately following the routine morning business, providing the calling of the calendar does not interfere, I shall ask unanimous consent to consider Senate Joint Resolution No. 188, which provides for a committee of inquiry to endeavor to find some solution of the problem. As I do not want to interfere with the regular business of the Senate, I desire further to announce that should the morning hour on Monday be consumed by the calling of the calendar I shall renew my request for unanimous consent the first morning thereafter when we have a morning hour.

ACCOUNTS OF CERTAIN DISBURSING OFFICERS.

Mr. NELSON. Mr. President I ask unanimous consent for the present consideration of the bill (H. R. 10429) authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts. It is a bill which has passed the House, and the passage of which is recommended and urged by the Comptroller General of the United States in order to enable him to settle the accounts of certain disbursing officers. It was unanimously reported by the Judiciary Committee of the Senate.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The reading clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he hereby is, authorized, through such officer as he may designate, and within two years from the passage of this act, (a) to relieve disbursing officers or special disbursing agents of the War and Navy Departments from accountability or responsibility for losses occurring between April 6, 1917, and November 18, 1921, of funds, or of accounts, papers, records, vouchers, or data pertaining to said funds, for which said officers or agents were accountable or responsible; and (b) to allow credits, in the settlement of accounts of said officers or agents, for payments made in good faith on public account during said period, notwithstanding failure to comply with requirements of existing law or regulations pursuant thereto: *Provided*, That in cases of losses or payments involving more than $1,000 the Comptroller General shall exercise the authority herein only upon the written recommendation of the Secretary of War or the Secretary of the Navy, which recommendation shall also set forth the facts relative to such loss or payment: *Provided further*, That the Comptroller General in all cases shall certify that the transactions, expenditures, losses, or payments appear to be free from fraud or collusion.

Mr. SMOOT. Mr. President, will the Senator from Minnesota make a brief statement with reference to the bill? It seems to be so sweeping in its character that there must be some special occasion for its passage.

Mr. NELSON. The bill was passed by the House and is recommended and urged by the Comptroller General and was unanimously reported by the Senate Committee on the Judiciary. It is to enable the Comptroller General to settle the accounts of certain disbursing officers. A great many disbursing officers failed to get the proper vouchers and documents, and under the rule of the department they are unable to settle their accounts. The report of the committee in support of the bill shows the facts in the case.

Mr. SMOOT. Was there any reason why they did not get vouchers?

Mr. NELSON. We passed such laws at the close of the Civil War and the Spanish War.

Mr. SMOOT. It was on account of war conditions that they could not get receipts and vouchers?

Mr. NELSON. Yes. The disbursing officers were here and there ordered to places temporarily and failed to get the proper vouchers in many instances.

Mr. SMOOT. I have no objection to the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDRESS BY SENATOR WILLIS.

Mr. HALE. Mr. President, I ask unanimous consent to have printed in the RECORD, in the regular RECORD type, an address by the junior Senator from Ohio [Mr. WILLIS] delivered at Bangor, Me., on the 6th instant before the Republican State convention.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

SUMMARY OF ADDRESS BY HON. FRANK B. WILLIS AT BANGOR, ME., APRIL 6, 1922, BEFORE THE REPUBLICAN STATE CONVENTION.

A little more than a year has passed since President Harding was inaugurated and the various departments of government passed under Republican control. Though in many of these departments Democrats remain in practical control through the bureaucratic system which has fastened itself like a barnacle on the ship of state, yet Republicans are properly chargeable with responsibility and are ready to answer for their stewardship, even though they have been hampered and impeded by hold-over Democrats who seek not to promote but to hinder. Ours is a government by parties, and I trust it will remain so. Parties are charged by the people at the polls with a mandate to perform. On the performance of the trust imposed rests the determination of the question whether the party in power shall remain in power. Vesting of power implies the obligation to exercise that power in the performance of party pledges. Let us examine the situation by which the Republican administration was confronted on March 4, 1921.

Our Nation, forgetful of partisan lines, had fought a great war; it had saved civilization from disaster; it had financed Europe as well as America and given of the fairest flower of its young manhood that liberty among men might continue to live. Unfortunately, at Versailles the high purposes of the war were obscured and shriveled by avaricious land grabbing and rival ambitions, on the one hand, and by an impracticable internationalistic scheme of world supergovernment on the other. America's ideals were misinterpreted at Versailles, and when later, to resume its independence, which had almost been bartered away, it rejected by an overwhelming vote a League of Nations to which it had never subscribed and in no respect authorized, charges of bad faith were made. The atmosphere of suspicion was further darkened by the stubborn refusal of the Democratic administration to conclude any treaty of peace whatever with the countries with which we had recently been at war. Having deceived the people in one campaign by the false slogan of "He kept us out of war," the Democracy was emboldened to essay another campaign of deception with the less attractive rallying cry of "He kept us out of peace." As a result of this attitude our foreign affairs on March 4, 1921, were in a desperate condition. We were despised by our enemies and distrusted by our former friends.

Misunderstanding of fundamental American ideals and misrepresentation by self-appointed spokesmen had bred doubt and suspicion and hate. We had fed and fondled and financed Europe so long that she was beginning to believe that was our permanent job. When she was informed that money loaned to buy bread must not be spent for bullets she resented the impertinent suggestion of American independence. Yet Europe

could not be blamed especially, for she had been repeatedly informed by Democratic statesmen that our country was anxious to yield up its sovereignty and become the pack horse and the policeman for everything from the Hebrides to Hejaz.

March 4, 1921, Europe was sullen, dissatisfied, suspicious, unfriendly. There were ominous complications in the Pacific—complications which threatened the peace of the world—Japan alert, aggressive, was doubtful as to America's policy in the Far East; and doubt is the prolific mother of suspicion, jealousy, hatred, and war. There were troublesome difficulties in Central America; the vascillating policy of the preceding administration had brought that region to the verge of revolution. Our Mexican policy had been such as to make Americans little more than a laughing stock in the Republic to the south of us. Such was the condition of our foreign affairs when Warren G. Harding became President—he was confronted by unrest, turbulence, suspicion, the loss of American prestige, and threatening difficulties likely to breed wars.

What has been accomplished in a year in the betterment of our foreign relations? In the State Department vascillation and weakness have given place to firmness and strength.

America has accomplished more in one year under the leadership of President Harding and Secretary Hughes toward better understanding among nations and the promotion of world peace than has been accomplished in all the long decades of our national history prior to 1921. So wise and so convincing have been the plans of President Harding for American expression of the world's fond hope for tranquillity and peace that these plans have received the cordial support of substantially all the people regardless of party lines. Indeed, Senator OSCAR UNDERWOOD, of Alabama, himself the leader of his party in the Senate, a great American before he is a Democrat, had a most honorable and important part in shaping and defending these plans.

Every serious international difficulty which threatened a year ago has either been finally settled or the definite means provided for its speedy adjustment. All this has been done without sacrifice of national sovereignty or abatement of self-respect and with fullest justice to other nations. Deeds have banished doubts, suspicion has given way to confidence, ambition has surrendered to justice. Yet all this has been accomplished quietly, firmly, fairly. We have succeeded in securing without loss of national sovereignty adherence to those principles of even-handed justice of which America is the chief advocate and defender. All this has been done in America, by Americans, in a distinctively American way. President Wilson went to Europe, and failed; President Harding brought Europe to America, and succeeded. Versailles despoiled China, robbed a confiding friend, and gave Shantung to Japan. American diplomacy, exemplified by Harding and Hughes, brought despoiled and despoiler together in the inspiring atmosphere of American fair play and gave Shantung back to China. The treaty of Versailles made problems, the Washington conference solved them. The two treaties prepared by that conference relative to China guarantee the open door, provide an equitable customs tariff for the new Republic, and, by pledging a policy of "hands off," guarantee to China a fair chance to work out its own destiny.

By other agreements the great nations have banished from any future wars the deadly poison gas that strangles and suffocates and sears and have put the submarine under bonds for good behavior. Without sacrifice of national honor or loss of American strategic position, a treaty was concluded providing for limitation of construction of capital ships by the great maritime nations. This sane measure of economy and peace is a long step forward; according to a recent estimate by naval officers it saves to our country alone over $250,000,000 per year, or nearly $1,000,000 per day. It lifts from the shoulders of the taxpayers a part of the rapidly increasing burden of competitive armament and at the same time gives to the signatory powers and the world a pledge of good faith and devotion to peace.

Rivalry in armament will lead to war as certain as it did in 1914. This treaty turns the faces of the great maritime nation away from war and toward peace.

The so-called four-power treaty substitutes conference for conflict and reason in the place of rifles. It infringes in no respect on American sovereignty or independence; it yields up no American ideal; it involves our Republic in no entangling alliance; it rests for its sanction on no armies camouflaged as international policemen and on no navies lurking in the offing; it constitutes no supergovernment based on force and creates no obligation legal or moral to use force. It is the expression of the thought of the world that there is a power more powerful than force and that is the regnant sway of world opinion founded in justice and right. Unless this principle is recognized, we must fall back on the doctrine that might makes right and that the only way to secure safety for ourselves is to proceed on the theory that no other nation will keep its word, and that we must therefore arm to the teeth.

The world is sick of war. It was calling for leadership. In his inaugural address President Harding said:

> We recognize the new order in the world with the closer contacts which progress has wrought. We sense the call of the human heart for fellowship, fraternity, and cooperation. We crave friendship and harbor no hate. But America, our America, the America builded on the foundation laid by the inspired fathers, can be a party to no permanent military alliance. We are ready to associate ourselves with the nations of the world, great and small, for conference, for counsel; to seek the expressed views of world opinion; to recommend a way to approximate disarmament and relieve the crushing burdens of military and naval establishment. Since freedom impelled and independence inspired and nationality exalted a world supergovernment is contrary to everything we cherish, and can have no sanction by our Republic. This is not selfishness; it is sanctity. It is not aloofness; it is security. It is not suspicion of others; it is patriotic adherence to the things which made us what we are.

The treaties drawn by the Washington conference were the answer to the President's recommendation.

These treaties have now all been ratified by the Senate. If nothing had been done in the year past beyond the work of the Washington conference, enough has been wrought in this consummation alone to give the administration of President Harding place alongside of the administrations of Washington and Monroe and to justify the confident claim of public approval for a program outlined in the Republican platform, proclaimed by its candidates, planned and carried into execution by its officials. This record of solid, successful, tangible achievement, of which the Nation is proud and for which a bleeding, war-burdened world is grateful, will be contrasted by a thoughtful electorate with the Democratic record of subserviency to European interests, abandonment of national ideals, rainbow chasing after an un-American League of Nations, meddling with everything, settling nothing, not even the bills of expense piled up by their administration—the most recklessly extravagant and wickedly wasteful in the history of the Republic.

But it is not in the handling of foreign affairs alone that the Republican Party has made a record which merits indorsement at the hands of the people. In domestic affairs it has made more progress toward economy and business methods in eight months than the Democratic Party made in eight years. When the Republicans came into full power in 1921 they found a Federal Treasury verging on bankruptcy. The World War unavoidably increased Government expenses, yet these necessary expenditures were vastly increased by Democratic wastefulness and incompetency. Cost-plus plans and privileged profiteering had piled Ossa on Pelion. National expenditures had increased beyond belief. Appropriations for the year ending June 30, 1916, were $1,115,000,000. In three years they had increased to more than $27,000,000,000. For 1917 expenditures had increased to $1,600,000,000 and the next year to $18,000,000,000. Following the election of a Republican Congress in 1918 expenditures were reduced from the Democratic high-water mark of $27,000,000,000 in 1919 to $6,500,000,000 in 1920. Cessation of war accounted for some of this decrease, but Republican economy and business methods were a large factor in making decrease possible.

For the fiscal year ending June 30, 1921, Republican economy brought appropriations down to $4,750,000,000 and the next year to $3,909,000,000, and for the coming year appropriations will be cut at least $500,000,0000 below this figure.

Before the war the $1,000,000,000 Congress was viewed with alarm. To-day, according to Eliot Wadsworth, Assistant Secretary of the Treasury, the Government is committed to more than double that sum in obligations and fixed charges that can not be reduced. This $2,065,000,000 is made up of $975,000,000 for interest on public debt, $388,000,000 sinking fund and other charges, $450,000,000 for disabled veterans' relief (apart from any bonus proposal whatever), and $252,000,000 for pensions.

These total nearly 60 per cent of the estimated cost of the National Government, leaving but 40 per cent upon which savings may be effective. The Army and Navy Departments and good roads take 26 per cent, leaving 14 per cent for all other Government services.

Such is the heritage handed down to President Harding by his predecessor.

The Government of the United States is the greatest business in the world, and the administration of President Harding has insisted that the best business methods should be established. For decades business men and thoughtful citizens generally have been urging the establishment of a Federal Budget system to make possible coordination of the different executive departments and cooperation between the governmental agencies which raise revenue and those which spend it. This is the application of just plain common business sense to a great busi-

ness problem. Accordingly a Republican Congress promptly passed a Budget law, which President Wilson promptly vetoed. On March 4, 1921, the new Republican Congress came into being; it promptly passed a Budget law, which President Harding promptly signed. This law has been in operation under the efficient management of General Dawes less than a year, yet in that time it has saved of the taxpayers' money more than a billion dollars.

Theories do not count for much, but actual facts do. Here is an actual, tangible saving under Republican methods of a billion dollars a year, more than $3,000,000 every day. Economy after a Democratic administration is not a theory; it is a necessity. Democratic administrations do not solve problems, they make them; they do not pay debts, they create them. It is the business of Republicans to solve the problems and pay the debts, and that is what we are doing.

Better business methods in government are immediately reflected in better government credit. United States bonds that were selling a year ago at 87 are now selling at 99 and going up every day. Government bonds are a thermometer of finance, and this thermometer shows Government credit going up at 1 per cent a month. We told the people to hold their Government bonds, the Republican Party would bring them back to par, and it is doing it.

Two very tangible reasons why Government bonds are appreciating in value are furnished by two recent reports of the United States Treasury. One report shows that for the five-month period beginning July 1 this year the Federal expenses were $500,000,000 less than for the corresponding period under the Democratic administration in 1920. This is reducing the Federal expenses at the rate of $100,000,000 a month, or $1,200,000,000 a year, as compared with the operating expenses during the closing year of the Wilson régime.

Simultaneous with this report the Treasury shows that the gross debt of the United States Government has been decreased by over $485,000,000 within 90 days.

The Washington Post of March 29 said this:

> The cost of government is 30 per cent lower now than a year ago, a Treasury Department statement showed yesterday. Thus far this fiscal year, which began July 1 last, the Government has disbursed $2,412,000,000 under the heading of ordinary expenditures. For the corresponding period of the last fiscal year expenditures amounted to $3,502,000,000, an excess of $1,090,000,000 over the current period. President Harding's demand for economy in all Government affairs is believed responsible for the decrease.

This is the reason why bond prices have advanced—President Harding has made good the pledges of economy.

The President's policy is evidenced by the decrease in the Federal pay roll. Between January 1, 1921, and January 1, 1922, the grand total of all Government employees in the United States dropped from 643,833 to 588,018, a decrease of 55,815, a total now increased to 70,000 and reaching at least 85,000 before the end of this administration's second year.

In his speech at Marion, Ohio, in July, 1920, accepting the presidential nomination, Senator Harding said:

> I believe Federal departments should be more businesslike and should send back to productive effort thousands of Federal employees who are either duplicating work or are not essential at all.

The President has made good on this pledge to the people.

In his message to Congress one year ago President Harding especially urged speedy enactment of certain legislation. These recommendations have been carried into effect.

The emergency tariff law was passed, giving to languishing agriculture the encouragement that always comes from a protective tariff. The products of the farm were no longer on the free list where they were placed by Democratic tariff makers.

Farmers lacked credit; they were plundered by the packers and fleeced by stock gamblers. In harmony with platform pledges the Republican Party afforded immediate legislative relief, which is being felt now in the improved condition of agriculture throughout the country.

When the Congress convened the agricultural interests of the Nation were in a very critical condition. They needed protection and financial assistance. The response of the Congress was instant and without precedent. Within 90 days it had made provisions whereby the agricultural and live-stock interests of the United States were extended practically unlimited credit. The farmer's home market was protected, his exports were financed, $25,000,000 were added to his farm-loan funds and the interest charges decreased, gambling in grain to his detriment was stopped by the Capper-Tincher law, and exploitation of the live-stock interests was stopped by the packers and stockyards act.

Within 90 days the special session of the Republican Congress enacted more helpful, constructive, protective legislation in behalf of the basic industry of agriculture than all the sessions of Congress in any 10-year period of American history put together.

The President asked for a resolution declaring peace with Germany; this action Congress promptly took.

It passed a taxation law removing $800,000,000 of tax burdens from the people in a single year and eliminating all transportation and nuisance taxes.

It passed the new immigration law to restrict immigration on the 3 per cent basis. The Republican Party believes in and practices protection to American labor against cheap, underpaid foreign competition, whether that competition comes on foot or in boxes or crates. Neither cheap foreign labor nor its products shall be permitted to come into this country without restrictions. The present Congress will, in my judgment, retain and strengthen the immigration law.

Congress, believing in the Republican principle of developing our own country, has appropriated at the rate of $75,000,000 per year for aid in highway construction.

The Republican Party has not failed in discharging its obligation to him who has borne the burden of the battle, his widow, and his orphans.

As a recent report of the Veterans' Bureau shows, the Government is:

1. Paying out $1,000,000 cash every day, including Sunday, directly into the hands of the ex-service man or his dependents.
2. Providing, without cost, hospital care and treatment to 30,000 ex-service men. This care includes board and lodging and represents an annual expenditure of $60,000,000.
3. Giving vocational training, without cost, to over 100,000 disabled ex-service men, at an annual expenditure of over $30,000,000.
4. Conducting an insurance business for over 600,000 ex-service men, without any cost of administration to them, at premium rates below those of private companies for like policies. The insurance now in force is in the sum of $3,500,000,000.
5. Mailing out 650,000 checks every month, representing an expenditure of $42,000,000 monthly.
6. Conducting over 50,000 medical examinations every month.
7. Giving outside treatment in cases where hospitalization is not required to 20,000 ex-service men every month.
8. Handling 1,000 new claims every day in addition to the 1,200,000 already on file, and employing over 4,000 ex-service men in carrying out this work.
9. In addition to the above, the Veterans' Bureau has allowed 305,000 compensation claims; has paid out in compensation benefits $300,141,000; has allowed 148,000 insurance claims, totaling a value of $1,310,000,000.
10. The Veterans' Bureau will expend during the current calendar year of 1922, $510,000,000 in behalf of disabled ex-service men, more than the entire expenditures of the United States Government in any year of its history prior to 1897.

With the same liberality and patriotic purpose the Republican Party will solve the problem of adjusted compensation. It passed the Sweet law, asked for by the veterans, for the reorganization and decentralization of the Government functions dealing with veteran relief; it has never failed the soldier and it will not fail him now. It is significant that the States which have provided State compensation are Republican, whereas Democratic States have generally done nothing for their soldier boys.

Democratic tactics of delay have hindered and hampered, but they have not been and will not be able to prevent full completion of the Republican program before Congress adjourns.

The Republican protective tariff law is well on its way to final passage. The baneful effects of Democratic free-trade legislation were obscured by the Great War. Yet before the war came industrial disaster impended. Factories were closing, mines were shut down, mills were idle, unemployment was everywhere, soup houses were busy, bread lines were long. Under Democratic tariff laws employment had been transferred to Europe and Canada, while our own people suffered, and then the war came, with its large demand for American products.

War orders from Europe came in abundance and the people forgot Democratic tariff blunders that closed American factories and opened factories in Europe.

Europe was busy with war, consequently there were few exports to America. The waste of war increased beyond the wildest expectations our exports to Europe. As a result we enjoyed a terminary, feverish prosperity. But now all is changed. Europe is not able to buy but she is able to produce. Her rate of wages is only a fraction of ours. She can, therefore, produce in many lines more cheaply than we can.

An ounce of gold pays wages for—

Twenty hours' work in the United States.

Fifty hours' work in Great Britain.

Ninety hours' work in Japan.
One hundred hours' work in France.
Two hundred hours' work in Germany.

A recent trade report says:

Imports from Europe last month were valued at $71,484,521, as against $68,113,403 in January and $54,830,045 in February a year ago.
Exports to Europe last month amounted to $128,956,140, as compared with $148,939,246 in January and $238,816,430 in February, 1921.
Trade with South America remained almost stationary during February as compared with January.
Notable among the figures as to countries were those relating to Germany, from which country the United States imported goods valued at $8,901,154 last month, almost double the value of German goods which entered the country in February, 1921, when the German mark had a higher value.

American markets are being flooded with European-made goods offered for sale here at prices only a fraction of our American labor cost. If our American standards are to be maintained, if American workingmen are to be employed, if American industry is to thrive, we must write on the statute book at the earliest possible moment a protective tariff law, and if there is unnecessary delay in the Senate after full discussion, I am in favor of amending the rules of the Senate so as to make it possible for the majority to function and do business. Before many weeks a protective tariff law based on the principles of Blaine and McKinley will be on the Federal statute books.

Republicans have checked extravagance, established the Budget system, reduced taxes, lopped off appropriations, maintained American ideals. On this record of pledges the administration of President Harding looks to the people of Maine for a vote of confidence and support.

Enactment of the cooperative marketing law, the emergency tariff, the act for regulation of the packing industry, the act to prevent grain gambling, the reorganization of the Veterans' Bureau, the passage of the immigration act, the enactment of the maternity law, the extension of rural credit, the enactment of the tax law reducing tax burdens by hundreds of millions, the cutting of appropriations to the bone—all these indicate cordial Republican congressional cooperation with the Executive. The signs look better. Even the promise of a Republican tariff law stimulates industry and starts the factories.

With the early enactment of the tariff and prompt funding of the foreign debt already provided for by law, industrial conditions will continue to improve, and under Republican policies we shall have peace and prosperity at home as we have honor and prestige abroad.

DISMISSAL OF EX-SERVICE MEN FROM THE CLASSIFIED SERVICE.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The ASSISTANT SECRETARY. Senate Resolution 271, submitted by Mr. CARAWAY April 10, 1922, requesting the President to inform Congress as to alleged demotion, dropping, and discharge of honorably discharged sailors and soldiers from the service since March 1, 1921.

Mr. CARAWAY. Mr. President, I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. The resolution is before the Senate for action, having come over from a previous day.

Mr. CARAWAY. Then I move its adoption.

The VICE PRESIDENT. The Chair has just stated that the resolution is before the Senate for action. The question is on agreeing to the resolution.

Mr. STERLING. I move that the resolution be referred to the Committee on Civil Service.

The VICE PRESIDENT. The question is on the motion of the Senator from South Dakota, to refer the resolution to the Committee on Civil Service.

Mr. CARAWAY. I ask for the yeas and nays.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

Mr. HARRISON. Let the resolution be read.

Mr. MOSES. I withhold the suggestion of the absence of a quorum in order that the resolution may be read, as requested by the Senator from Mississippi.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution, as follows:

Whereas by act of Congress it is provided that in the event of reductions being made in the force of any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary; and

Whereas many honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service: Now, therefore, be it

Resolved, That the President of the United States is hereby requested, if not incompatible with the public good, to inform Congress:

(a) How many honorably discharged sailors and soldiers have been demoted, dropped, and discharged from the service since the 1st day of March, 1921; and

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

Mr. HARRISON. Mr. President——

Mr. MOSES. Now I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harreld	McNary	Simmons
Ball	Harris	Moses	Smoot
Broussard	Harrison	Myers	Spencer
Bursum	Heflin	Nelson	Sterling
Calder	Hitchcock	New	Sutherland
Capper	Johnson	Newberry	Swanson
Caraway	Jones, N. Mex.	Nicholson	Townsend
Culberson	Jones, Wash.	Norbeck	Trammell
Curtis	Kellogg	Norris	Wadsworth
Dial	Kendrick	Oddie	Walsh, Mass.
du Pont	Keyes	Phipps	Warren
Edge	King	Poindexter	Watson, Ga.
Ernst	La Follette	Pomerene	Watson, Ind.
Fernald	Lenroot	Rawson	Williams
Fletcher	Lodge	Reed	Willis
Gerry	McCormick	Sheppard	
Hale	McKinley	Shortridge	

Mr. SHEPPARD. I desire to state that the Senator from Montana [Mr. WALSH] is absent on official business.

Mr. SIMMONS. I wish to announce the absence of my colleague [Mr. OVERMAN] on official business.

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum is present.

Mr. HARRISON. Mr. President, in all probability, in the confusion, when the Senator from South Dakota [Mr. STERLING] made his motion to refer the pending resolution to the committee, he had not heard the resolution read. I have just examined the resolution, and I can not see why it should be referred to a committee. The resolution merely states some facts and asks for certain information. It reads:

Whereas by act of Congress it is provided that in the event of reductions being made in the force of any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary—

After the statement of that fact, which no Senator would deny, then the resolution merely requests the President—

if not incompatible with the public good, to inform Congress:

(a) How many honorably discharged sailors and soldiers have been demoted, dropped, and discharged from the service since the 1st day of March, 1921; and

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

If there have been any honorably discharged soldiers or sailors discharged or demoted from the service the Senate is entitled to know that, and having the resolution referred to the committee can do no good. If the Senate desires this information the resolution ought to be passed now and should not be referred to the committee, because the committee can not, I imagine, alter the proposition at all. The resolution merely seeks some information to which the Senate is entitled. I presume the resolution is for the purpose of laying the foundation for some legislation affecting the discharge of soldiers and sailors after the facts for which it calls shall have been ascertained.

Mr. STERLING. Mr. President, the resolution does assume facts, and it is for that very reason that it should be referred to the committee. The Senator from Mississippi did not read the second paragraph of the preamble.

Mr. HARRISON. Very well, I will read it. It is as follows:

Whereas many honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service.

That is a statement of fact. If honorably discharged soldiers and sailors whose records were good have been dropped, the Senate is entitled to know it, and we can not obtain the information except through the passage of a resolution calling upon the President to give the information to us.

Mr. STERLING. The second paragraph, as I think the Senator from Mississippi will admit, is a pure assumption of fact, namely, that "many honorably discharged soldiers and sailors whose records are good have been demoted, dropped, and discharged from the service."

That is a matter to be proven, I suppose. It is the assertion of a fact.

Mr. HARRISON. Does the Senator want the resolution to go to a committee, so that he can take testimony to ascertain that fact?

Mr. STERLING. So that we can examine into the question of fact which is set forth in the resolution. I do not think the Senate is prepared now upon this mere assumption to consider this resolution.

Mr. HARRISON. If the Senator from Arkansas [Mr. CARAWAY] is willing to eliminate the second paragraph of the preamble, then that would eliminate the difficulty and we could pass it. Would the Senator then be willing to have the resolution adopted?

Mr. STERLING. I think, irrespective of the second paragraph, the resolution ought to go to the Committee on Civil Service. It relates to the civil service and makes an inquiry in regard to it and into the discharge of certain persons from it. I think by all means the resolution should go to that committee.

Mr. HARRISON. Will the Senator agree, then, that an instruction shall go with it to report the resolution back within 10 days?

Mr. STERLING. I should be willing to agree to an instruction of that kind if I thought it were possible to make the report within that time; but the Committee on Civil Service now has a number of matters to consider; it has already two resolutions offered by the Senator from Arkansas and a resolution offered by the Senator from Mississippi. I will assure the Senator that the resolution will receive consideration at the earliest practicable date.

Mr. HARRISON. What the Senator says is a confession, however, that the committee has not the time to attend to it.

Mr. STERLING. No; it is not a confession that we have not the time, but it is a statement that we want a reasonable time to give to it, along with a good deal of other work which has been put upon us.

Mr. HARRISON. I move to amend the motion of the Senator from South Dakota by providing that in the reference of the resolution to the committee an instruction shall accompany it that the committee shall report the resolution back to the Senate within 10 calendar days.

The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi to the motion of the Senator from South Dakota.

Mr. REED. Mr. President, it seems to me that the objection raised by the Senator from South Dakota could be easily cured by striking out the second paragraph of the preamble, which reads:

> Whereas many honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service—

And then modifying the resolution so that it would read:

> *Resolved*, That the President of the United States is hereby requested, if not incompatible with the public good, to inform Congress whether honorably discharged soldiers and sailors have been demoted, dropped, and discharged from the service since the 1st day of March, 1921.

Mr. CARAWAY. That ought to be the 4th of March.

Mr. REED. Very well. If the suggestion appeals to the Senator, then we are passing on no fact.

Mr. CARAWAY. I will accept that.

Mr. REED. If the Senator will offer it in that form——

Mr. CARAWAY. I will accept the suggestion of the Senator from Missouri.

Mr. REED. I think the only person who could amend the resolution is the Senator who offered it. It is in this parliamentary situation: If the Senator will accept it with the second paragraph of the preamble out, modify it, and then make the resolution read:

> *Resolved*, That the President of the United States is hereby requested * * * to inform Congress whether honorably discharged soldiers and sailors whose records were good have been demoted, dropped, and discharged from the service—

And how many, giving the names—if it can be offered in that way, there will be no occasion to refer it.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. CARAWAY. With the permission of the Senator from Missouri, I desire to offer the resolution in this amended form, striking out the second "whereas" in the preamble, and then making it read:

> *Resolved*, That the President of the United States is hereby requested, if not incompatible with the public interest, to inform Congress whether honorably discharged soldiers and sailors whose records were good have been demoted, dropped, or discharged from the civil service—

And the remainder of it will read as it now reads. I also wish to change "the 1st day of March" to "the 4th day of March." That is a typographical error.

The VICE PRESIDENT. Does the Senator from Mississippi withdraw his motion to amend?

Mr. HARRISON. I understand that the Senator from South Dakota is going to withdraw his motion to refer, with this modification.

Mr. STERLING. Oh, no; let us have the regular order. I do not know how the Senator from Mississippi got an understanding like that.

Mr. HARRISON. I just imagined that as it was right and as the Senator always wants to be right, he would withdraw his motion in view of this modification.

Mr. STERLING. Oh, no; Mr. President, I insist upon the motion to refer.

Mr. REED. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi to amend the motion to refer the resolution as perfected by its proponent, the Senator from Arkansas.

Mr. STERLING. Mr. President, a parliamentary inquiry. Can that motion be made now, and entertained, pending the motion to refer the resolution to the committee? That was the pending motion, as I understand.

Mr. REED. Mr. President, it seems to me there is no occasion for any confusion. The Senator from Arkansas offered a resolution, which he has a perfect right himself to amend.

Mr. LENROOT. Not now, at this stage.

Mr. REED. He has asked to modify it and offers it in the modified form.

Mr. WILLIAMS obtained the floor.

Mr. LENROOT. Mr. President——

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to amend the motion to refer.

Mr. LENROOT. May it be stated?

Mr. REED. Mr. President, there is such confusion that it is impossible to understand what is going on.

Mr. LENROOT. I should like to have the amendment stated.

The VICE PRESIDENT. There is no amendment.

Mr. LENROOT. I thought the Chair said that the question was upon the motion of the Senator from Mississippi.

The VICE PRESIDENT. The Chair will state the question. A motion was first made to refer the resolution.

Mr. LENROOT. Yes.

The VICE PRESIDENT. Then the Senator from Mississippi moved to amend the motion to refer by adding instructions to report back within 10 days.

Mr. LENROOT. That is what I asked to have stated.

Mr. REED. And, Mr. President, pending that the Senator offering the resolution asked to amend it or change it and submit it in the amended form.

The VICE PRESIDENT. He had a right to perfect it before the motion was put.

Mr. REED. That has been done, and the motion is now pending.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi has the floor.

Mr. WILLIAMS. Mr. President, I understand, of course, that it is admitted all around that the Senator from Arkansas has a right to perfect his original resolution, and that the question now pending before us is the motion to refer the resolution of the Senator from Arkansas as modified by him, and that the various amendments are to that.

Mr. President, I wish to make this suggestion to my colleague: The Senator from South Dakota [Mr. STERLING] has just said that the Committee on Civil Service could not report back in 10 days, because of various other matters of importance that are pending before that committee. It would be well, I think, not to have any question as to time; and I suggest to my colleague that he give them 20 days within which to report, or, if necessary, even 30 days, but any time that the Senator from South Dakota says is absolutely necessary in order to enable the Committee on Civil Service to perform their other duties and to perform this one, if the resolution shall be referred to them. It would be better to make it six months than to have the committee confess that they could not attend to anything except what they now have before them. None of us believe that this is an extremely overworked committee.

Mr. STERLING. Mr. President, I can not agree to any amendment to the resolution. I make the point of order that there is a motion pending, and that is the motion to refer, and that the motion to amend is not now in order.

The VICE PRESIDENT. The motion to amend is a motion to add instructions to the reference.

Mr. LENROOT. That is proper. That is all right.

Mr. STERLING. I shall not object to that.

Mr. WILLIAMS. Mr. President, on the point of order, I do not think there is a Member of this body who will contend that when a motion is offered to refer anything to a committee, it can be out of order to refer it with instructions.

The VICE PRESIDENT. Nobody objects to that. That is admitted.

Mr. WILLIAMS. I thought so, and especially with instructions with regard to the time to be taken by the committee. That principle is so well recognized that it is always in order in this body and in the other body to offer a resolution to have a committee "report forthwith," and it is a motion which takes precedence of nearly all other parliamentary motions of any description.

Mr. President, personally speaking, I have no objection to this matter going to a committee, provided it is understood that it does not go there for the purpose of being buried; but if the position of the Senator from South Dakota is to be taken by this body, the country will understand—at least, I as a part of the country will understand—that his object *is* to have it buried. Unless he consents to some time within which that committee will report back, I charge that that is his object.

Mr. STERLING. Mr. President, the Senator from Mississippi may put that interpretation upon the matter if he chooses to do so. My declining to accept an amendment to the effect that the committee shall report in 10 days, 20 days, or any other limited time, does not mean that the committee will not give this matter consideration, or that the committee intends to bury it; but there is no occasion for the instruction.

Mr. WILLIAMS. The Senator objects to an instruction that the committee shall report back in 10 days, or 20 days, or 30 days, and he said any time, from which I suppose that he would object to an instruction to report back within five years. I say that not only I but every other man of common sense understands that if that means anything, it means that the resolution shall be referred to the committee for the express purpose of being buried.

Mr. STERLING. Mr. President, the Senator from Mississippi must not judge the common sense of other men by his own ideas or opinions or his own judgment as to what common sense is.

Mr. WILLIAMS. Mr. President, if I were appealing to anybody, from King Solomon—who is said to have had exceeding wisdom—down to my darky Amos, who drives my wagon on the plantation, and left this particular controversy to either one of them, either one of them would decide that I was right and that the Senator from South Dakota was being guilty of a mere camouflage. There can be no question about that.

Mr. President, whether this resolution ought to pass or not is another matter; but if it is to pass, then it ought to pass, and there ought to be no pretense of its passage while there is injected into its belly a denial of any result. That is what the Senator from South Dakota is trying to bring about.

There is not the slightest pretense upon the part of any man with common sense, with knowledge to ascertain what the natural consequence of an action is, the action itself being once predicated, but that his object is to put this resolution to sleep. If that is not the Senator's object, purposely entertained by him in his own mind, it is at least the natural consequence of what he is proposing to have us do; and every man of ordinary intelligence is, even in the law books—not otherwise full of common sense—presupposed to be affected with the purpose of the natural consequence of his own acts. Therefore I charge—and I think everybody will admit that the charge is well taken—that unless the Senator consents to some time—and I care not about the time—within which this resolution shall be reported back from the committee, then the natural consequence of his position is that it shall never be reported back at all; and he, being a sane man, outside of the asylum, is affected with the effect accompanying the natural consequence of his position.

In its modified form the resolution reads:

> Whereas by act of Congress it is provided that in the event of reductions being made in the force of any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary: Now therefore be it
>
> *Resolved*, That the President of the United States is hereby requested, if not incompatible with the public interest, to inform Congress:
>
> (a) How many honorably discharged sailors and soldiers whose records have been good have been demoted, dropped, and discharged from the service.

Let us stop and think for a moment. There is a law upon the statute books covering this situation. It had to be signed by the President of the United States in order to become a law. It is in its nature as much executive as legislative. The executive and the legislative branches of the Government were both parties to the enactment of the law. Is it to be said that one of the two branches to the enactment has no right to inquire of the other as to whether it has acted in good faith or not, whether it has carried out the law; and if, under the modification, the assertion is withdrawn that there have been soldiers and sailors discharged contrary to law, and for it is substituted an inquiry as to *whether* there have been or not; and if so, how many, how can the executive branch of the Government object to this inquiry upon the part of the legislative branch of the Government, both of whom were parties to the enactment of the law; all the more, when you insert in it the words "if not incompatible with the public interest"? By the way, there is no greater camouflage than those words, because it is always left to the Executive to determine, in his own discretion, without inquiry aliunde and without question, whether the thing is or is not "incompatible with the public interest."

Now follows this:

> By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and
>
> Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

How does the law read? It reads that they shall not be dropped or reduced in rank or salary.

Mr. WADSWORTH. Mr. President, will the Senator cite the provision of the statute from which he is reading?

Mr. WILLIAMS. If the Senator asks whether I can give a reference to the code, the page, and the date of the approval of the act, I answer that I can not. My memory does not carry the act of Congress so specifically as that.

Mr. WADSWORTH. Can the Senator point in any way to the provision of law referred to in the preamble?

Mr. WILLIAMS. I can not, if the Senator means the page, or refers to the date.

Mr. WADSWORTH. Can the Senator give the date of the act of Congress?

Mr. WILLIAMS. I am not a man who goes around with a lot of dates, and things like that, in his head, but I suppose every Senator will admit that there is such a law.

Mr. WADSWORTH. Is the Senator certain that there is such a provision of law?

Mr. WILLIAMS. Yes. It provides that in the event of discharge or reductions in the public service, in so far as they affect honorably discharged soldiers or sailors, they shall not be made or there shall be a reason given. Does the Senator deny that that is the law?

Mr. WADSWORTH. I have been endeavoring to find that provision of the statute, and thus far I have been unable to do so.

Mr. WILLIAMS. I confess frankly that I can not at this moment give the Senator the date of the approval of this statute, but I am informed by the Senator from Utah [Mr. KING], who is very much more of a detail man and very much more of a detail lawyer than I am, that in a few minutes he will have the statute here, and then I will read it. Nobody denies—not even the Senator from New York—that there is a statute to the effect which I have stated, and the resolution is based upon the fact that the law exists forbidding this sort of discrimination against honorably discharged soldiers and sailors, and that they have a right to know the cause which has been alleged for their demotion or for their discharge, if they are demoted or if they are discharged.

All the resolution asks is, first, whether any honorably discharged soldiers or sailors have been demoted or discharged, and, if so, their names and the dates of their demotion or discharge; secondly, what charges of inefficiency or of any other character were made against them in order to justify their demotion or discharge. The word "demotion" does not mean merely not being promoted. It means taking a man out of a higher rank at a higher salary and reducing him to a lower rank with a lower salary. That *should* never be done by the Government or even by private enterprise, unless there is some reason for it.

I read now from the United States Statutes at Large, Sixty-second Congress, volume 37, brought me, as I anticipated. By the way, Mr. President, where is the Senator from New York? Echo answers, Where? In response to the inquiry of the Senator from New York, I read from section 4, page 413. After reciting certain powers vested in the Civil Service Commission, there is this proviso:

> *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Mr. President, I made one mistake of memory about the statute. I thought it said without the cause being communicated to Congress. But this statute is an absolute prohibition. The law goes further than I thought it did.

Mr. LENROOT. Will the Senator give the volume?

Mr. WILLIAMS. Wait one moment. Let me finish the reading of the law:

Any person knowingly violating the provisions of this section shall be summarily removed from office—

Of course, that does not apply to the President, because Congress can not remove him except by impeachment. It does not apply to the Secretary of the Treasury, but it does apply to the subordinate chiefs of bureaus—

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

Mr. President, I hope the RECORD will disclose the fact that after the Senator from New York [Mr. WADSWORTH] had asked me a question about where I could find the statute, and after I had frankly confessed that I did not carry the dates of the enactments of Congress in my mind, I subsequently did find the statute and read it, and found it stronger in favor of the contention I was making than I myself thought it was, and that he in the meanwhile had disappeared from the Chamber.

The VICE PRESIDENT. The question first comes on the motion to amend offered by the Senator from Mississippi to the motion to refer.

Mr. HEFLIN. Have the yeas and nays been ordered?

The VICE PRESIDENT. The yeas and nays have not yet been ordered. The yeas and nays were requested on the main question.

Mr. HARRISON. I ask for the yeas and nays on my motion to amend the motion to refer.

The yeas and nays were ordered.

Mr. HARRISON. If I may be permitted, I would like to modify my motion to refer with instructions by making it 20 days instead of 10 days.

The VICE PRESIDENT. The question then is on agreeing to the amendment offered by the Senator from Mississippi, that the committee be instructed to report within 20 days.

Mr. CARAWAY. Mr. President, I do not want to take a minute of the time of the Senate, but I ask unanimous consent to have two letters printed in the RECORD at this point in the proceedings, in the ordinary type of the RECORD.

There being no objection, the letters referred to were ordered to be printed in the RECORD, in 8-point type, as follows:

U. S. INTERDEPARTMENTAL SOCIAL HYGIENE BOARD,
Washington, March 11, 1922.

To whom it may concern:

It is a pleasure to recommend Mr. Luther B. Turnley to the favorable consideration of anyone desiring the services of a capable clerk.

Mr. Turnley's assignment while in the employ of this board included the supervision and operation of our mimeographing section. Mr. Turnley is not only an expert operator of the mimeograph but is capable of handling mimeoscopic work, such as illustrations, charts, special tables, and tracing from free-hand and mechanical drawings.

Mr. Turnley is also acquainted with the details of filing mimeograph work and has had a lot to do with the details of the distribution scheme, mailing lists, covering letters for pamphlets, and general work of information service of this board.

Mr. Turnley's work here was very satisfactory, and the termination of his services was due to causes beyond his control and ours.

If more specific information regarding Mr. Turnley is desired, telephone Main 6276.

SIDNEY MORGAN,
Supervisor Military District of Washington.

—

WASHINGTON, D. C., *April 12, 1922.*

Hon. T. H. CARAWAY,
Washington, D. C.

DEAR SIR: I am writing to state facts in my case. I am an ex-service man; I entered the service August, 1918, giving up a good position, went over, and was returned to the United States for discharge May 28, 1919. Having been discharged, I was again given a position with the Shipping Board in the cable department, where I was employed from August, 1919, to February, 1920. The force was reduced and I was one to go.

I then took the first-grade civil-service examination and passed, and waited three months before being placed, which was with the United States Interdepartmental Social Hygiene Board. I was there from June, 1920, to June, 1921, when the force was reduced and I was again out. I notified the Civil Service Commission May 15, 1921, that I would be out and to place me on the reemployment register, and was told that they could do nothing until I was out, which was June 30, 1921.

Since then I have been going to the Civil Service Commission constantly and have been treated with no consideration, being told each time that there was nothing for me. I then tried myself in the different departments and secured two positions, one with the Treasury Department and the other with the Internal Revenue Bureau, and applied to the Civil Service Commission to be certified, and was told I could not be certified, as I had not worked in any one department three years, which I would have to do in order to be transferred from one department to the other. If I was working and wanted to be transferred from one department to another, that might be the case; but I don't see why that rule should apply to me not working at all, and have not worked a day since June 30, 1921, where I was working with the United States Interdepartmental Social Hygiene Board, and was laid off because of reduction of force.

I have tried to seek outside employment and have been asked if I was an ex-service man and why the Government did not provide work for me. I am married, and my wife has had to work since I could not get work. She is not in the Government.

Trusting you may find some way to help me in the near future, I beg to remain,

Yours sincerely,

LUTHER B. TURNLEY,
4889 Conduit Road, Washington, D. C.

P. S. Inclosed will find letter of recommendation of my last employment.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. LODGE (when his name was called). I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. NEW (when his name was called). Transferring my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Vermont [Mr. PAGE], I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Pennsylvania [Mr. CROW] and vote. I vote "nay."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I am unable to obtain a transfer, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the senior Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The roll call was concluded.

Mr. KING. May I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. He has not voted.

Mr. KING. I have a general pair with that Senator, and in his absence, being unable to obtain a transfer, I am compelled to withhold my vote.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I desire to have this announcement stand for the day.

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is absent on account of illness. I will let this announcement stand for the day.

Mr. SIMMONS. I wish to announce the absence of my colleague [Mr. OVERMAN] on official business. He is paired on this vote with the Senator from Maryland [Mr. FRANCE].

Mr. CURTIS. I desire to announce that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from

Virginia [Mr. GLASS] and that the Senator from Connecticut [Mr. MCLEAN] is paired with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 25, nays 40, as follows:

YEAS—25.

Ashurst	Harris	Norris	Trammell
Broussard	Harrison	Pomerene	Walsh, Mass.
Caraway	Heflin	Reed	Watson, Ga.
Culberson	Hitchcock	Sheppard	Williams
Dial	Jones, N. Mex.	Simmons	
Fletcher	Kendrick	Stanley	
Gerry	La Follette	Swanson	

NAYS—40.

Ball	Gooding	Moses	Smoot
Bursum	Hale	Nelson	Spencer
Calder	Harreld	New	Sterling
Capper	Kellogg	Newberry	Sutherland
Cummins	Keyes	Nicholson	Townsend
Curtis	Lenroot	Oddie	Wadsworth
du Pont	Lodge	Phipps	Warren
Edge	McCormick	Poindexter	Watson, Ind.
Ernst	McKinley	Rawson	Weller
Fernald	McNary	Shortridge	Willis

NOT VOTING—31.

Borah	Frelinghuysen	McLean	Ransdell
Brandegee	Glass	Myers	Robinson
Cameron	Johnson	Norbeck	Shields
Colt	Jones, Wash.	Overman	Smith
Crow	King	Owen	Stanfield
Dillingham	Ladd	Page	Underwood
Elkins	McCumber	Pepper	Walsh, Mont.
France	McKellar	Pittman	

So Mr. HARRISON'S motion to amend was rejected.

The VICE PRESIDENT. The question recurs on the motion to refer the resolution to the Committee on Civil Service.

Mr. REED. Mr. President, I think that the purpose of the reference is now absolutely plain. Twenty days' time was to be allowed by the amendment which has just been voted down by an almost strictly party vote. Twenty days' time to do what? To consider a resolution merely asking the President for information.

The reference of such a resolution to a committee at all is wholly unnecessary. The committee have no facts to ascertain. The sole thing the committee can do with the resolution, as the resolution is couched since it was modified, is to report to the Senate whether or not the Senate ought to ask the President to give the reasons for the discharge of any soldiers or sailors who may have been discharged. That is not a question for a committee. It is a question for the Senate to pass on in the first instance, and the question could be passed on by a yea-and-nay vote on the mere adoption or rejection of the resolution.

It follows, therefore, inevitably that there is but one purpose for the reference, and that is to gain time and if possible ultimately smother the resolution. What, I pray, are the committee to do? Are the committee to advise the Senate whether or not, in the judgment of the committee, the President ought to be asked to furnish the Senate information with reference to the discharge from civil-service positions of former soldiers of the Army and sailors of the Navy? How much would it help the Senate to have the advice of the committee on that matter?

The proceeding that is now being had is on a par with the performances we have witnessed here constantly in the last few days. It seems to be a part of a concerted action to keep the Senate and the country from knowing just what is being done in the executive departments of the Government. A veil of secrecy is to be thrown around the acts of the President and those who serve under him. The other day some one made the statement on the floor of the Senate that the President was not amenable to any law; that he is above the law, I presume. There was once a King of Poland who undertook to write an address in Latin and, being as ignorant of Latin as some people are of the ethics and decencies of public life, he made many blunders. A clerk who did know Latin said to him, "This particular sentence is ungrammatical." The King replied that the monarch is above grammar. Whereupon he was thereafter known in history as supergrammatical.

The doctrine now seems to be asserted that the President of the United States is above the law of the land. We find Senators sitting in their seats undertaking to defeat or smother a resolution asking merely for the names and reasons for the discharge from the public service of honorably discharged sailors and soldiers who are guaranteed their positions by the law unless it is necessary to reduce a force and their discharge is made inevitable by virtue of those facts.

It may seem to Senators that it is necessary to pursue this course, but there is only one reason why that could constitute such a necessity and that is that there must be something to conceal. There must have been some illegal or oppressive acts done, otherwise the resolution would be passed without the form of debate or a shadow of opposition. What is it that the executive department has to conceal? The only question is, Have honorably discharged soldiers and sailors been dismissed from the public service without adequate or proper cause? Why can not that question be answered and why should any man hesitate in answering it?

If former soldiers and sailors have been so discharged, that is a complete answer and the administration would hasten to make it and the friends of the administration would court honorable publicity of that kind of an honorable course of conduct. If former soldiers and sailors have been discharged with good cause, the administration would be equally willing to state the number discharged and the reasons for their discharge. It is only when they have been wrongfully discharged that hesitancy will be manifested. It is only when there is something to conceal that it is necessary for the cohorts of an administration to rally and defeat investigation or even inquiry. You undertake to refuse to give to the Senate of the United States and to the country the facts with reference to the treatment you are according to soldiers who served their country in the great World War; you undertake to keep from the country and from the Senate knowledge of the fact that you have been violating the law of the land and trampling upon that law; you sit like so many indifferent graven images while these soldiers are being deprived of their rights under the law; and yet you were the loudest in singing their praises when they were marching out to defend the country, and you were the most insistent that their rights should be always guarded.

Of course, every lawyer who has ever defended a criminal in court, if his client were guilty, has endeavored to secure a continuance. That is the first and cardinal doctrine of defense when your client does not dare front the bar of justice. I am not saying that the President is a criminal, of course, but if he has or those under him have lived according to the statute now under consideration, then they are receiving a very poor service from their friends and defenders when the President and his subordinates are placed in a position such as is here manifested this morning, to wit, that there is something to conceal and that it is necessary to bury this resolution for an indefinite period of time, if not forever.

There was no hesitancy on the part of these soldiers to go to the rescue of their country. There ought to be no hesitancy on the part of the administration in granting them their rights under the law, and if the administration has granted them their rights under the law there will be no hesitancy on the part of the administration to come forward with the evidence to show that the course of the administration is above criticism.

However, as I stated a moment ago, this seems to be a part of a general plan of smothering things, keeping them away from the public. Several times Congress has been refused by the President information to which, in my judgment, we were entitled. Some day we are going to have a President who will be of the opinion that the business of the country is public business and is entitled to be known and understood by the public. You may, because of the present majority, be able to pursue these tactics of suppression of facts, but I venture the assertion that it will not be very long pursued, and that if the soldiers and sailors who served their country are being wrongfully discharged, you can not suppress that fact by a reference of this resolution to a committee; and any committee that requires more than 20 days to report this resolution must have some obstacles confronting it which do not appear upon the face of the resolution.

I repeat, Mr. President, there should be no reference whatever of the resolution. The Senate ought to decide whether or not it desires this information. Then, if the President declines to give it to us, we shall have to take such course as may be open. I do not hesitate to say to the President of the United States, whom I personally respect, and to every executive officer of this Government, that, in the last analysis, the Congress of the United States is the master of this and every other similar situation. A majority of Congress may decline to ask for information and then the public will have to inquire as to their motives.

Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The question is on the motion to refer the resolution to the Committee on Civil Service.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. NEW (when his name was called). Repeating my previous announcement as to the transfer of my pair, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the last vote, I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and will vote. I vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. Being unable to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WARREN (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. KING (after having voted in the negative). I inquire whether the senior Senator from North Dakota (Mr. McCUMBER) has voted?

The VICE PRESIDENT. The Senator from North Dakota has not voted.

Mr. KING. I have a general pair with that Senator. I am unable to obtain a transfer, and reluctantly I am compelled to withdraw my vote.

Mr. BALL (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand he has not voted.

The VICE PRESIDENT. The Senator from Florida has not voted.

Mr. BALL. I transfer my pair with the Senator from Florida to the senior Senator from Colorado [Mr. PHIPPS] and let my vote stand.

The result was announced—yeas 39, nays 24, as follows:

YEAS—39.

Ball	Hale	Moses	Spencer
Bursum	Harreld	Nelson	Sterling
Calder	Jones, Wash.	New	Sutherland
Capper	Kellogg	Newberry	Townsend
Curtis	Keyes	Nicholson	Wadsworth
du Pont	Lenroot	Oddie	Warren
Edge	Lodge	Poindexter	Watson, Ind.
Ernst	McCormick	Rawson	Weller
Fernald	McKinley	Shortridge	Willis
Gooding	McNary	Smoot	

NAYS—24.

Ashurst	Harrison	Myers	Stanley
Broussard	Heflin	Norris	Swanson
Caraway	Hitchcock	Pomerene	Trammell
Dial	Jones, N. Mex.	Reed	Walsh, Mass.
Gerry	Kendrick	Sheppard	Watson, Ga.
Harris	La Follette	Simmons	Williams

NOT VOTING—33.

Borah	Fletcher	McLean	Robinson
Brandegee	France	Norbeck	Shields
Cameron	Frelinghuysen	Overman	Smith
Colt	Glass	Owen	Stanfield
Crow	Johnson	Page	Underwood
Culberson	King	Pepper	Walsh, Mont.
Cummins	Ladd	Phipps	
Dillingham	McCumber	Pittman	
Elkins	McKellar	Ransdell	

So Mr. CARAWAY's resolution was referred to the Committee on Civil Service.

The VICE PRESIDENT. The morning business is closed.

HOSPITAL FACILITIES FOR EX-SERVICE MEN.

Mr. FERNALD. I ask unanimous consent to take from the calendar for consideration House bill 10864, and, after the reading of the bill by the Secretary, I shall desire to make a few remarks in regard to it, which will be very brief.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The READING CLERK. A bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau.

The VICE PRESIDENT. Is there objection to taking this bill from the calendar and proceeding to its consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau by purchase and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein. Such hospital plants shall be of fireproof construction and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau, subject to the approval of the President: *Provided, however*, That the director, with the approval of the President, may utilize such suitable buildings, structures, and grounds now owned by the United States as may be available for the purposes aforesaid, and the President is hereby authorized, by Executive order, to transfer any such buildings, structures, and grounds to the United States Veterans' Bureau upon the request of the director thereof.

SEC. 2. That the construction of new hospitals or dispensaries, or the extension, alteration, remodeling, or repair of all hospitals or dispensaries heretofore or hereafter constructed shall be done in such manner as the President may determine, and he is authorized to require the architectural, engineering, constructing, or other forces of any of the departments of the Government to do or assist in such work, and to employ individuals and agencies not now connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

SEC. 3. That for carrying into effect the preceding paragraphs relating to additional hospital and out-patient dispensary facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,000,000, to be immediately available and to remain available until expended. That not to exceed 3 per cent of this sum shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants at the customary rates of compensation, exclusively to aid in the preparation of the plans and specifications for the projects authorized herein and for the supervision of the execution thereof, and for traveling expenses, field-office equipment, and supplies in connection therewith.

SEC. 4. That all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion suffering from neuropsychiatric and tubercular ailments and diseases.

Mr. FERNALD. Mr. President, it is my desire to state very briefly the purpose of the bill and its provisions.

It is obvious that the purpose of the bill is to provide hospital facilities for those soldiers of the late war who need treatment in the hospitals, and facilities for carrying out the purpose of the bill. The provisions of the bill are somewhat different from those of any public buildings bill that has been before the Senate during my time as a Senator. It provides that all of the buildings and everything connected with the bill shall be cared for by one man, instead of by the Treasury Department, as heretofore. The House Committee on Public Buildings and Grounds have been carrying on hearings on this matter for many weeks; and after a long-continued investigation of the matter they have brought out this bill, which has the approval of the Federal Board of Hospitalization, the Assistant Secretary of the Treasury, and the President of the United States.

As I have stated, the provisions of this bill are somewhat different from those of other public buildings bills. It has been thought best, and in fact I have always held to the opinion that it was much better to leave these matters in the hands of one man than in the hands of a committee which meets only occasionally. I do not know personally the Director of the Veterans' Bureau. I would not know him, I suppose, if I saw him come into this Chamber; but from all the sources of information that the House committee were able to bring before them, and from the indorsement of the President and all those connected with the bill, this seems to be about the only way to handle the matter, as under the Sweet bill the director of the bureau has authority to carry out all the provisions for the care of the disabled soldiers.

There are to-day about 30,000 ex-service men who need hospital care. About 1½ per cent of all the men sent overseas ought now to be in hospitals. We have already provided Government hospitals for 21,000 men who are now in hospitals. We have also made provision, under a bill passed last year, for about 6,000 more. I think there are about 1,500 beds now ready for

occupancy in those hospitals. There has been some delay, and I have no right to charge to anyone in particular the responsibility for the delay. I do believe that the matter would have been advanced very materially from its present status if it could have been left then in the hands of one man. Whenever a committee has a thing to do, it is very natural for each of its members to place the responsibility upon the other members of the committee, and to excuse himself from being as active as one man would be if he had entire charge; so, for that reason this provision was made in the bill, and, as I say, it has the sanction of the Federal Board of Hospitalization, the Secretary of the Treasury, and the President of the United States.

Only one hospital is entirely completed under the bill which was passed last year—that at Fort Logan H. Root, in Arkansas. It is estimated that before we hospitalize all of the soldiers and sailors of the late war the number will reach about 38,000, and the peak will be reached in 1926. It is hoped that when this bill passes we may begin immediately to make provision for the hospitalization of the rest of the men now outside, some of them in homes for disabled soldiers, some of them in hospitals which are perhaps little better than almshouses, some of them entirely outside of any institution; and, in fact, those outside of the 21,000 in the Government hospitals are cared for in private institutions.

I wish to read part of a statement made before the House committee by the Assistant Secretary of the Treasury to prove what I have already said in regard to the effect that the Secretary feels the passage of this bill would have on his department:

> The Secretary of the Treasury does feel, however, regardless of who may locate the new hospitals, where they may be built, or what the size, cost, or character of construction of such new hospitals may be, that it is in the interest of economy and efficiency that the preparation of plans and specifications and the actual superintending of the construction of the hospitals be done by the Supervising Architect, whose office is a part of the Treasury. The Supervising Architect has told you of the facilities of his office. I am not asking that you designate that he shall do this work, but am merely stating that I believe it is in the interest of efficiency and economy that those facilities be utilized.

So there is a provision in this bill that the Director of the Veterans' Bureau may call upon that department of the Government to furnish such facilities as he feels may be utilized for this work.

That is the opinion of the Assistant Secretary of the Treasury. I think there is no difference in the opinion of Senators on either side of this Chamber as to the desirability and the imperative need of these hospitals at this time. We are of one opinion, and I am sure it is a very pleasant duty for a Senator to present a bill that has the indorsement of every Senator on the floor.

I have taken up this matter in my committee, which acted immediately. It was necessary to have but one meeting of the committee. The committee were of one mind. All of the Senators on this side of the Chamber and all on the other side agreed that speedy action should be taken; and for this reason I shall consume but very little time in presenting the matter to the Senate.

If it were not for what I believe is an erroneous and false impression that has gone about the country, I would feel quite content to rest my case here. I feel sure of what the vote will be; but some publications in different sections of the country have attempted to give the impression that the Government has not done as much for the soldiers of this war as has been done for soldiers of other wars. I want to correct that impression, because, of the six great wars this Government has fought, there has never been one the soldiers of which have had the very generous treatment accorded the veterans of the war we have just passed through.

Senators may be surprised to know the difference in the treatment of the soldiers by the different Governments. Outside of Australia and New Zealand, no Government that was in any way connected with the late war has paid anything like what the United States has paid her soldiers. Canada alone paid her soldiers $33 per month. The United States paid her soldiers $33 per month. Great Britain paid her soldiers but $11.40 per month. Germany paid her soldiers $3 per month. France, Austria-Hungary, Italy, and Japan paid their soldiers less than $2 per month. So Senators may see that in comparison with what other Governments have paid, the United States has been exceedingly generous.

No soldier of the Revolutionary War received a pension, for over 40 years after the close of the war, of more than $5 per month, and that only in case of disability to such an extent as to prevent his performing manual labor.

No soldier who served in the war for independence was allowed a pension for any reason except for injuries or disability incurred in the service, for 42 years.

No soldier of the War of 1812 was pensioned for any cause, except for disability incurred in service, until 60 years after the war.

No widow of the War of 1812 received a pension until the act of 1816, and then only $4 per month.

No soldier of the Mexican War received a pension, except such as were wounded or disabled in the service, until 40 years after the close of the war.

Those totally disabled as the result of service received $8 per month.

No soldier of the Civil War who was not injured or disabled by his military service received any pension from the Government until the act of 1890, 25 years after the close of the war.

Those totally disabled received only $8 per month in case of privates, and only $30 per month in case of lieutenant colonels and those of higher rank.

No widow of a Civil War soldier was granted a pension until 25 years after the close of the war, and then only upon proof of the soldier's death being of service origin.

At the close of this fiscal year we will have expended during this 12-month period for the benefit of the soldiers $438,000,000, twice as much as was ever expended before in aid of the soldiers of any war.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Utah?

Mr. FERNALD. I yield.

Mr. KING. The Senator does not mean that that is all that has been expended by the Government since the armistice?

Mr. FERNALD. No; I expect to take that up right away.

Mr. KING. It will be over that amount for one year.

Mr. FERNALD. That is for one year. Four hundred and thirty-eight million dollars is the amount for this year.

Mr. KING. Nineteen hundred and twenty-two or nineteen hundred and twenty-three?

Mr. FERNALD. Nineteen hundred and twenty-two.

Mr. KING. I think the Senator will find that it will be considerably more than that.

Mr. CALDER. That is for the year ending June 30, 1922.

Mr. FERNALD. Now I will take up the other years.

Mr. KING. There will be deficits. I think I can assure the Senator that the expenditures for the fiscal year 1922 will exceed $500,000,000 for the purposes indicated in the observations of the Senator.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. FERNALD. I yield.

Mr. WALSH of Massachusetts. May I suggest to the Senator from Utah that his figures may be correct about the expenditures, but there are assets in the way of premiums received from the soldiers on insurance, which reduce the sum to the figure named by the Senator from Maine?

Mr. KING. I think the Senator will find that there are claims unadjusted which will amount to millions of dollars, which will swell the total, even admitting the assets to which the Senator refers, to the aggregate which I have indicated.

Mr. WALSH of Massachusetts. It is a common mistake to say that the soldiers have cost so much money, which has actually been expended, and to give no credit for the revenue which has been received. The senior Senator from Utah [Mr. SMOOT] for a long time labored under that impression, and gave some figures which were very grossly exaggerated, because there has been a very large amount coming to the Treasury from the soldiers themselves in the way of insurance premiums.

Mr. FERNALD. Now I want to go on to show the difference in the treatment of soldiers of these different wars. I am certain these figures are absolutely correct.

From the beginning of the Revolutionary War until July 4, 1836—53 years after the close of the war—no widow of an enlisted soldier who served in the War for Independence was ever allowed a pension. But by the act of July 4, 1836, and several amendatory acts, widows of Revolutionary soldiers were allowed a pension at first of $4 and later $8 per month. They were never allowed more than that until the act of 1886—more than 100 years after the war.

Until the act of 1816 no widow of the War of 1812 received a pension. But by that act widows of soldiers who were killed in the service were allowed half pay, or $48 per year—$4 per month.

Widows of soldiers killed in the Mexican War received half pay of $48 per year for life, and it never was increased above that amount until 1887—40 years after the close of the war—and then increased to $8 per month.

In 1886 pensions of widows of Civil War veterans were increased to $12 per month. So that no widow of a Civil War veteran whose death resulted from injuries received or disease contracted in the service received as much as $12 per month until over 20 years after the close of the war. Their pensions remained at $12 until 1916, when they were increased to $20 per month. So that it was not until 25 years after the close of the war that the widows of Civil War veterans could receive a pension except upon proof that the soldier's death was of service origin.

Widows of veterans of the Spanish War have never been allowed a pension of more than $12 per month; and prior to the passage of the Sells Act they were never allowed that except in case where the soldier's death was due to injury received or disease contracted in the service.

Mr. WALSH of Massachusetts. Mr. President, the Senator, of course, does not claim that there is any provision under existing law for granting pensions to widows of soldiers of the late war?

Mr. FERNALD. No; I am just going to show what we have done.

Mr. WALSH of Massachusetts. What we have done for the widows of the late war has been as the result of the insurance plan.

Mr. FERNALD. Absolutely.

Mr. CALDER. I think the Senator from Massachusetts is mistaken about that. I think we do pension the widows of men who were killed in the service.

Mr. WALSH of Massachusetts. Who were not insured?

Mr. CALDER. Yes; I think so.

Mr. WALSH of Massachusetts. I would like to have the Senator refer me to the law providing that.

Mr. CALDER. I am reasonably certain that is so. I shall look it up, due to the fact that the Senator questions it.

Mr. WALSH of Massachusetts. Of course, they were practically all insured.

Mr. FERNALD. I have a table before me which shows that in case of death, if the soldier leaves a widow alone, the Government of the United States pays the widow $300 a year.

I want to say, in connection with insurance, that 148,000 claims have already been allowed; that there is still in force insurance to the amount of $3,500,000,000, and no Government ever made such provision before for the soldiers of any war. They are handling at the department 1,000 new claims every day, in addition to the 1,200,000 already on file, and employing 4,000 ex-service men in carrying out the work.

Mr. WALSH of Massachusetts. Those are compensation claims.

Mr. FERNALD. Yes.

Mr. WALSH of Massachusetts. Not death claims.

Mr. FERNALD. In addition to the above, the Veterans' Bureau has allowed 305,000 compensation claims, and has paid out in compensation benefits $300,000,000. We are mailing out 650,000 checks every month, representing an expenditure of $43,000,000 monthly; giving vocational training, without cost, to 100,000 disabled ex-service men; providing hospital care for 30,000 ex-service men, at an annual expenditure of $60,000,000; expending $1,000,000 cash every day for ex-service men and their dependents.

So, Mr. President, since 1918 this Government has expended $1,410,000,000, and from now on, under the provisions of the laws we have already enacted, it will cost this Government $438,000,000, twice as much as was ever expended before for the soldiers of any war.

There are three groups of men we sent overseas. One group of 1,950,000 returned able-bodied, in good health, able to care for themselves, and take up their life work where they left it off. They are better physically, mentally, and morally than when they went overseas. There is a difference of opinion, possibly, as to the best attitude for the Government to take toward these men. One thing may be certain, that the Government of the United States will treat all men justly.

We had another class of men, those boys who never returned. Fifty thousand two hundred and eighty of these boys were killed in battle. There were 48,370 men who died from disease—pneumonia, the "flu," and tubercular trouble. There were 17,000 who died from other causes, or 115,000 men in all. Nothing more can be done for those good boys. They fought for the flag. They fought side by side. This was no sectional matter; this was no partisan matter. The boys of Alabama and the boys of Maine, the barber's son and the banker's son, fought side by side. They made the supreme sacrifice. They gave their all. They fought in battle. They slept under the same tents. But, Mr. President, they have exchanged their battle-ground camps for tents on the infinite shore. The books are closed with those boys. This Government has shown every courtesy and every honor possible to them. In 778 cemeteries on the other side the bodies of those brave boys remain.

There is still another group for which I am speaking now, the returned invalid and disabled soldier. I have never yet read in any publication or ever heard any man say that those boys should not be cared for, and the bill before us this afternoon is in the interest of the invalid and disabled soldier.

We have 30,000 of those boys to-day, and it is a pleasant duty to speak as an American on an American question. There is no difference of opinion, in my judgment, about this. The committee held hearings and heard everybody who wished to appear, and nobody ever suggested but that we should do all possible for these men.

So, Mr. President, when the vote is taken I want, first of all, a quorum called. I want a record vote. I want the shining, glowing, and encouraging message to go from Maine to California, from the northland lakes and rivers to the Gulf of Mexico, that it is to be the policy of this Government to care for and protect its defenders. It will be an encouraging word to the boys who fought overseas. Let it ever be remembered that the invalid and disabled soldier is to have the care and protection of his Government.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended.

Mr. FERNALD. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

Mr. BALL. I understand that temporarily laying it aside does not displace it?

The VICE PRESIDENT. It does not.

Mr. POMERENE. Mr. President, may I make a suggestion?

Mr. FERNALD. I yield to the Senator from Ohio.

Mr. POMERENE. I am, of course, in entire sympathy with the hospitalization bill, but the rent bill is of rather pressing importance, because the present rent law expires within the next three or four weeks. I understand that the pending bill which has been presented by the Senator from Maine is not going to take very long, and I therefore make no objection to his request to temporarily lay aside the unfinished business.

Mr. FERNALD. My understanding with the Senator from Delaware [Mr. BALL] was that I was to present the matter very briefly, and I think it will take only a very few moments more to dispose of the hospitalization bill.

The VICE PRESIDENT. The Senate has agreed to continue the consideration of the bill, and it is before the Senate as in Committee of the Whole.

Mr. ASHURST. Mr. President, the bill is of extreme importance. It has been read by the Assistant Secretary and a lucid explanation has been made by the chairman of the committee, the Senator from Maine [Mr. FERNALD]. As he has said, it appropriates the sum of $17,000,000 for the further hospitalization of ex-soldiers.

The vice of previous legislation of this sort, the purpose of which was good and which attempted hospitalization, was that it divided the authority. We were unable to determine whether the Treasury Department or the Veterans' Bureau had authority, and, as is usual in cases where there is divided authority, there is more or less conflict and delay. In the pending bill full discretion and ample authority are vested in the Director of the Veterans' Bureau, subject only to the action of the President.

I am aware that criticism has been laid against the Director of the Veterans' Bureau, but until the director shall have had an opportunity to work without being enmeshed in red tape, I can not hold anyone to blame where he has not been fully charged with the responsibility, but in the pending measure the Veterans' Bureau is charged with the responsibility and ample funds are provided. We now have a right to expect adequate hospitalization of our ex-service men who are suffering from neuropsychiatry, tuberculosis, or who are suffering generally.

The legislation is so important that I shall withhold any further remarks upon the subject. It will be remembered I have spoken many times on this very subject, but I believe the best service I can render now would be to shorten my remarks so that the bill may pass. I ask permission to include in the

RECORD a copy of an address I delivered in the Senate on the 22d day of December, 1921. I ask that it be printed in 8-point type.

The VICE PRESIDENT. Without objection it is so ordered.

The address referred to is as follows:

SPEECH OF HON. HENRY F. ASHURST, OF ARIZONA, IN THE SENATE OF THE UNITED STATES, THURSDAY, DECEMBER 22, 1921.

The Senate had under consideration the conference report on the bill (H. R. 9458) for the relief of the distressed and starving people of Russia.

Mr. ASHURST. Mr. President, what I am required to do this morning is apparently ungracious, as the Congress desires to adjourn for the holidays, but my task must be performed. I shall restrain the oratorical impetuosity and tumultuous emotion which I feel as I reflect upon the foul injustice that is being perpetrated upon many of our ex-service men suffering from tuberculosis. I now thank not only the conferees on the part of the Senate but also the conferees on the part of the House on the Russian relief bill. They accorded to me a privilege not usually extended to Members of either House. I made it known to the conferees that I desired to be heard on my two amendments, which the Senate adopted, to the Russian relief bill, and the chairman of the conference committee [Mr. SMOOT] was so kind as to come to me and advise me that they were in session. I was accorded, not only by the Senate conferees but also by the House conferees, a patient hearing, and I have reason to believe both of my amendments would have been agreed to had it not been for the reactionary and archaic rules of another branch of Congress which prevented the House conferees from agreeing to the amendments. I have, therefore, no quarrel with the conferees on this bill, but I quarrel with the rules of another body of the Congress.

I direct attention to the somnolence that has come upon the American Congress, a sleepiness which neither "poppy nor mandragora nor all the drowsy sirups of the world could produce." I am at eternal war with this Congress or any Congress that will be silent, inert, and asleep when it should be lit by the passion of justice. Meanwhile what are the facts?

On the 17th of last October I received the following telegram from the Governor of Arizona, a gentleman of good judgment and of accurate expression:

PHOENIX, ARIZ., *October 17, 1921.*

Senator HENRY F. ASHURST,
Washington, D. C.:

Director Forbes, of Veterans' Bureau, has submitted report to President strongly urging immediate action to meet present emergency arising from needs of hundreds of disabled former service men who, with approach of winter, are pouring into Arizona, where facilities for their care are very inadequate. He recommends immediate completion of Whipple building program through letting of contracts, it being obvious that under system now in effect winter will be well over before any of the buildings now under construction will be ready for occupancy. Maj. Louis T. Grant, manager Veterans' Bureau, twelfth district, is now in Washington, and I therefore urge that Arizona congressional delegation take prompt action, conferring with Major Grant and Director Forbes and calling on the President, bringing strongly to his attention the desperate situation in which these men find themselves and pointing out necessity for immediate action along following lines: Speeding up of construction program at Whipple, establishment of vocational-training center at Prescott, acquirement of additional hospital facilities at Phoenix, and construction of cottages at Tucson to accommodate approximately 300 more patients. The need is very real, and I urgently bespeak your hearty cooperation.

THOMAS E. CAMPBELL,
Governor.

Immediately upon the receipt of that telegram I called upon Mr. C. R. Forbes, Director of the United States Veterans' Bureau, and he said to me, "Senator, the governor has not overstated nor misstated the situation. We are trying to save the lives of the tubercular ex-service men who are pouring into the Southwest. We must have action, and we must have the nerve to sever the damnable red tape that is hindering efficient work."

Now, Mr. President, whether the common opinion of our countrymen to the effect that the Southwest with its balmy air and salubrious climate is a specific for tuberculosis is erroneous or not, nevertheless it is the common opinion not only of the laity but of many members of the medical profession that the Southwest is a specific for tuberculosis. I do not argue that question at this time. I leave the question to the physicians to answer; but I do assert, and no Senator would deny, that it is a common belief throughout our country that those persons suffering from tuberculosis who go to the Southwest find relief from the great white plague and that there the progress of their disease is arrested.

Therefore many ex-service men suffering from tuberculosis which they contracted while in the honorable service of their country drift into the Southwest, largely at their own expense, not by the dozens but by the scores. The local physicians there have measured up splendidly to their high and arduous profession; the charitable organizations, the State authorities, and the county authorities have done their full duty in attempting to care for these men, and yet with all the superb work that the people have done, that the State has done, and that the Public Health Service has done, there still remains much more to be done. I could litter these desks with letters from ex-soldiers in Arizona who have gone there in search of health and are now suffering from the lack of proper hospitalization.

On December 12, when the deficiency appropriation bill was before the Senate, I offered the following amendment thereto, and the same was agreed to by the Senate:

That the Director of the United States Veterans' Bureau is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named therein. Such hospital plants and the location and nature thereof, whether for the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Director of the United States Veterans' Bureau.

That for carrying into effect the preceding paragraph relating to additional hospital facilities there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000 to be immediately available and to remain available until expended.

In support of that amendment I spoke, in part, as follows:

Mr. ASHURST. Mr. President, the time has arrived in the progress of hospitalizing the ex-service men when no further explanations or excuses may be offered. The situation is one which calls for immediate action. There is in this pending bill a provision to appropriate $1,000,000 to enable the Government of the United States to take part in the International Exposition at Rio de Janeiro. Naturally the opulent Government of the United States, which courts and deserves the esteem of other powers and other peoples, can not be oblivious to the fact that we should in due time take our proper part in the International Exposition at Rio de Janeiro, which will require the expenditure of $1,000,000; but are we prepared to vote $1,000,000 to take part in the International Exposition at Brazil when in one town in the United States 950 tubercular soldiers are suffering from neglect? Are Senators ready on their conscience to say that they prefer that this $1,000,000 shall be spent for an international exposition rather than for the hospitalization of tubercular soldiers? * * * On armistice day we had services in honor of the unknown dead; and the private soldier was permitted to stand on the sidewalk and see the procession go by. Fifty thousand dollars were appropriated by Congress for the purpose of making arrangements for the exercises, and this sum was spent in giving admirals and generals and high foreign dignitaries seats; but the "gold-star" mother received scant attention; no gold-star mother was brought here to participate in those exercises. All the soft seats and all the carriages and the equipages were preempted by generals and admirals and high foreign dignitaries. Now, with ex-service men suffering from neglect on the streets of Phoenix, Ariz., we are going to "shell out" $1,000,000 to participate in an exposition in Brazil, but refuse to hospitalize those who stood in the iron storm of war and breathed poison gases in order that our civilization might be saved.

* * * * * * *

On the same bill to which my amendment was attached appropriating $1,000,000 for further hospitalization of ex-soldiers there was also attached by the Senate an amendment appropriating $100,000 to be expended by the Department of Labor in bringing the man to the job and the job to the man. I had the honor to be present at a meeting of the unemployment conference called by President Harding. I there met workingmen whose speeches showed that they possessed fully as firm a grasp upon fundamentals in government as any Senator here.

The unemployment conference recommended that $400,000 be spent by the Department of Labor in finding employment for those who desire to work; not to be spent in bounties, gifts, and largesses out of the Treasury, but to assist honest, upstanding workingmen to find a chance and an opportunity to earn their daily bread.

The time has come in Congress and out to stop this soft talk; this ballyho and this twiddling of melting notes on the harp of sociability and acquiescence; the time has come to act. When this $400,000 item for finding employment for idle men reached General Dawes his knife and scalpel carved the amount to the bone, but even General Dawes found that $200,000 was absolutely necessary, so he recommended that sum.

The emotionless, self-contained, and detached Senate felt, however, that General Dawes had been extravagant, so the Senate adopted an amendment appropriating only $100,000, or one-half the amount General Dawes said was necessary.

When this deficiency bill reached the conference committee on the disagreeing votes of the two Houses my amendment appropriating $1,000,000 for further hospitalization of ex-service men and the amendment providing $100,000 to relieve unemployment lasted about as long as would a waxen taper in a blazing temple and both were rejected by the conferees.

On December 14, when the conference report on the deficiency bill was considered by the Senate, I spoke in part as follows:

Mr. ASHURST. I shall not take time now to go over the ground I traversed on last Monday. The Senate will remember that I presented a status of affairs which I believe convinced every Senator of the necessity for immediate action regarding the hospitalization of tuber-

cular soldiers. The Senate adopted my amendment which appropriated $1,000,000 to be spent by the Director of the United States Veterans' Bureau, or in such other manner as the executive branch might see fit, for the hospitalization of tubercular soldiers who were gathering in large numbers throughout the Southwest, attracted there, as I said, by the widespread opinion, shared not only in the West but throughout all portions of our country, that in the Southwest a specific, the healing air, could be found for their great plague, tuberculosis.

The Senate was convinced that a real necessity existed.

I did not happen to have in my pocket or amongst my papers on Monday, when I made my speech on this subject, a telegram which I shall now read. This is the telegram from Doctor Sweek, of Arizona, of the Public Health Service:

"Exact figures impossible. Lowest estimates 950 active cases vicinity of Phoenix. Four hundred should be hospitalized but not willing to enter present contract hospital. Number of cases in Arizona that would enter properly conducted hospital, lowest estimate, 1,500. Present number hospitalized here, 104. Any size institution up to 1,500 would be full nine months of year. Hospital for 400 could be kept full year round for 25 years. Attending specialists available. Expensive resident staff of full-time men unnecessary. Would like opportunity to make this model hospital. Great need for hospital here, as men come from all States. Proper care here would prevent widespread criticism. As disease advances the number here increases as Southwest is used as last resort."

* * * * * * *

Now, Mr. President, I submit that in time of war it is right for the superior officer to say where a soldier shall go, whether it costs the soldier's life or not; but after he has gone faithfully through the war, after he has had practically every segment of his lungs burned and torn away by the enemy's gas, it is not humane, it is not just to him to say, "You shall go where we say or you shall die." A humanitarian government, a just government will say to him, "If you share the common belief that your plague will be lifted and your disease arrested in some particular climate and you have gone there in large numbers, in good faith, at your own expense, in that belief, then a rich and opulent government will set up a hospital there for you."

I repeat, the Senate conferees are entitled to the thanks of the Senate for the manly way in which they struggled to save this amendment appropriating the $1,000,000, and if a thousand ex-soldiers die from neglect, abandoned by the most powerful and opulent Government, the blame will not rest upon the Senate, but will rest upon those who are so bound by red tape that they are no longer free men.

* * * * * * *

In company with Governor Campbell, of Arizona, Representative HAYDEN, and Mr. D. B. Heard, editor of the Arizona Republican, I called upon the President and read to him the telegram from Doctor Sweek.

The President manifested every attention and proved himself to be what he is believed to be, a man of heart and brain, willing to give civil consideration to any important matter that a citizen sees fit to present. I do not feel at liberty to quote him.

Many times when ex-service men in Phoenix, Tucson, or Prescott suffering from tuberculosis are offered transportation and offered hospitalization elsewhere, they will not go away because they believe the progress of their disease will be arrested in those genial climes, and shall the Government be so rigid and so hard-hearted as to say to the soldier, "You shall be hospitalized where we want you hospitalized or you may go to your grave"? That is the issue before us.

German bullets and German gas cost the lives of scores of thousands of Americans during the World War, but if American red tape now in existence is to continue it will cost the lives of thousands more.

As a sample of the methods pursued by the Government, I will read from a letter of Doctor Redewill, of Phoenix:

PHOENIX, *December 13.*

There are hundreds of boys in Phoenix that need hospital care and a large number of them want to come to Desert Inn, but on account of the opposition to our place we are unable to take care of any of those men. On the other hand, two years ago we had some 20 soldiers paying their own way here at Desert Inn and were perfectly contented, but when the Public Health Service told them that they could not stay here if they wanted to receive compensation, but that if they went to the Phoenix Sanitarium it would not cost them anything for their board and they would also receive their compensation they all left here, thus not only taking away our contract but also a certain amount of income from our place by taking these soldiers away from us when they were contented to pay their own way rather than receive free board at the Phoenix Sanitarium.

For a reasonable sum of money the Public Health Service could acquire the Deaconess Hospital at Phoenix and could, at comparatively small expense, soon complete the same and thus care for scores of men now requiring treatment, but the Treasury Department has closed its ears and eyes to all arguments in favor of purchasing and completing this hospital.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. ASHURST. Yes; I yield.

Mr. SMOOT. I think the Senator will agree with me that one of the curses that has directly affected some of our soldier boys throughout the United States has been the treatment they have received through some of the private hospitals.

Mr. ASHURST. Why, then, do some of the soldiers want to go to private hospitals?

Mr. SMOOT. I do not know.

Mr. ASHURST. If they are so terribly abused, why do they want to go there?

Mr. SMOOT. I do not say that they all are, and this may not be one of those places. I do not say that. I do not know anything about it; but I do know that in some of the private hospitals of this country our soldiers have been outrageously treated.

Mr. ASHURST. Of course, I am not speaking of any private hospitals except those in the Southwest.

Mr. SMOOT. The Senator knows more about this case than I do, because this may be a perfectly first-class hospital, and perhaps even better than the one the Public Health Service has designated; but power had to be given to the Public Health Service, or, now, the Veterans' Bureau, to select the places where the boys should be sent so that they could control them, so that they could have an investigation made, and so that if complaints were made they could go at once and see that they were rectified, if any wrong was done the soldier.

The Senator is not any more anxious to see those boys taken care of than I am. I have tried to further the legislation in their behalf in this body right along; and the Senator knows that I never would submit to any kind of legislation that would in any way be a detriment to the soldier boys.

Mr. ASHURST. I know that to be true. Men differ in views and temperaments; some ex-service men prefer the large United States Public Health Service hospitals, whilst some desire treatment in the smaller or private hospitals and some prefer the so-called home treatment.

I desire to allow the ex-service man to make his own choice in cases where at all practicable.

Mr. President, the Senate has not been entirely inactive in this matter. A resolution was introduced (S. Res. 59) by the junior Senator from Massachusetts [Mr. WALSH] demanding an investigation. The committee was appointed, and on August 24 it made a partial report signed by Senators SUTHERLAND, CALDER, WELLER, WALSH of Massachusetts, and POMERENE. Twelve recommendations were made. The first recommendation was:

(1) That the Director of Veterans' Bureau be authorized to provide additional hospitals according to the recommendations of the board of consultants at a cost of $16,400,000, and that an appropriation of that amount be made available without delay.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. CALDER. I will say, in reference to the statement the Senator has just made, that that recommendation was made by the special committee of the Senate after months of inquiry and investigation. We made that as our first recommendation, and the most important one.

Mr. ASHURST. So I am reenforced by the statement of the industrious junior Senator from New York, who says that after months of patient investigation his committee unanimously reached the conclusion that $16,400,000 should be placed in the hands of Director Forbes.

At this juncture I must state that when my amendment appropriating $1,000,000 was agreed to by the Senate on the 12th instant it was said—and I am not going to give names—"Senator, you ought not to lodge that authority in Colonel Forbes. You should have lodged the authority with the Treasury Department." When my second amendment, adopted by the Senate on the 20th instant, lodged the authority with the Treasury Department, it was said to me, "You should have lodged the authority with Colonel Forbes."

I say in reply, "You can not ping-pong me. You may play ping-pong in the parlors of the dilettante, but not with me."

So this report of the Senate investigating committee was submitted to the Senate. Their first recommendation was that $16,400,000 be expended for further hospitalization.

Now, I have been severe upon that committee. I said, publicly and privately, that I thought they were guilty of a flagrant disregard of their duties when they omitted to go to Arizona and investigate conditions there, but I am beginning to believe that they knew to whom they were reporting. Of what avail would it be to go to Arizona and investigate, when the recommendations they have made as to conditions here are ignored? Their recommendations have been disregarded and forgotten, so I probably owe that committee—composed of Senators SUTHERLAND, CALDER, WELLER, POMERENE, and WALSH—an apology for the criticisms I directed against them because of their failure to go to Arizona and investigate.

Mr. President, a cry of anguish and despair came to us from starving Russia—Russia, that mysterious land; that spinner of webs; that people of mysticism and orientalism which will some day contribute not a little to the material wealth of the world.

A bill appropriating $20,000,000 to aid Russia passed the House of Representatives and came to the Senate, and when

the bill was pending in the Senate on the 20th of this month I spoke as follows:

Mr. ASHURST. Mr. President, as I listened to the speeches to-day, and they have all been excellent, varying emotions surged within me. Some Senators say this measure, if enacted into law, would not be constitutional, but the bill is institutional.

I sometimes believe that chloroform or some other anæsthetic falls upon us in this Capitol, else what could make us so oblivious to what is going on in our own country as well as in other countries. Mr. President, during the past 10 years we have seen some strange mutations. In that decade changes more remarkable and radical took place on this earth than took place in the 200 years preceding. Even the processes of thought, the customs and views of the peoples, have changed, and whether we would or would not prefer the old days that we knew before 1914, we could not return to such standards if we tried.

We are living in a new earth and must adjust ourselves to the conditions.

We are told that thousands of people are starving in Russia. Doubtless that is true. We are told that we are inhibited by the Constitution from appropriating money for the purpose proposed. Doubtless that would be true according to the way the Constitution was interpreted, and correctly interpreted, 45 or 50 years ago; but the Constitution, sir, is not a dead hand; it is flexible. It has been stretched to protect every dollar in our land, and I insist that it shall be stretched to protect every person in our land.

Mr. President, we will find refuge to-day from the upbraidings of our national conscience by voting $20,000,000 to relieve Russia; but I fear when we examine closely we may find in that act but a scant refuge for our conscience.

The United States is a fountain, not a cistern; her open hand is a horn of plenty. The United States must and will take her place as the leader of the nations. Destiny compels her, requires her, to take that wondrous place. It is right and proper to listen to Russia's cry of anguish and despair, but before America can be generous, Mr. President, she must be just.

A Chinese philosopher once sent for his students to gather about him and tell him which, in their opinion, was the greatest of the virtues; he found them divided as to whether generosity or justice was the greater. The other virtues had comparatively no votes when the students were delivering their opinion. There was a tie vote between generosity and justice, and, breaking the tie, he said to them, "You must be just before you are generous. You can not be generous without first being just."

I believe that America as the leader of all the nations has come at last to know that there is an ethnic unity of the human race and that the distress of one nation must be a concern of all the others.

Now, let us examine and see if we have been just toward those whose sacrifices have made our country so powerful for good in the affairs of men.

How cynical, how tragic it would be to appropriate $20,000,000 for starving Russians and then refuse to appropriate the modest and much-needed sum of $100,000 to aid the Department of Labor in securing employment for our unemployed men. Workingmen in America are not asking a largess or a gift from the Treasury; they are pleading for an opportunity to get a job and earn their bread. So I shall offer to this bill an amendment which passed the Senate on the 12th instant, and which amendment Senate conferees manfully struggled to save, same being an amendment appropriating $100,000 to be used by the Secretary of Labor in securing employment for the unemployed here in the United States.

Moreover, Mr. President, how may we lay the flattering unction to our souls, how can we say on Christmas Day, "We have done a glorious thing by sending $20,000,000 to Russia," when we remember that ex-service men are suffering from tuberculosis, and in many—too many—cases are without help or mercy?

The Senate on the 12th instant agreed to my amendment appropriating $1,000,000 for the further hospitalization of ex-service men afflicted with tuberculosis, yet that amendment, which was added to the deficiency bill, was abandoned in conference. The blame, however, does not rest upon the Senate, for this body did all within its power to save the amendment.

If we desire to serve America, if we want to keep her in the paths of progress, let us not neglect those who made possible our peace and our progress.

The Senator from Utah [Mr. SMOOT], who is not known as an orator, who makes no pretensions to oratory, really established himself to-day as an orator by his speech. In clear, convincing language he pointed out what destiny has cast upon us as to our duty to aid Russia; but are we going to say when the Christmas bells are ringing that we have $20,000,000 for Russia, but not a penny to aid the American workingman in securing a position; that we have money for Russia, but that the American soldier who carried our stainless banner to new glory may die a death of neglect because, forsooth, bureaucracy says the soldier is already taken care of, and that a bureaucracy must never be questioned?

Mr. President, German gas and German bullets slew their thousands of our boys and American red tape is slaying its thousands more. On the 2d day of November I laid before the Senate the facts as to the necessity of further hospitalization of soldiers afflicted with tuberculosis, who are pouring into the Southwest by the score. The local authorities have gone to their limit in trying to aid. The humanitarian and the generous people of the Southwest have given from their private purses until they are practically no longer able to give; and yet, inert, somnolent, bound by red tape, we serenely sit here while these poor boys are shamefully neglected. We are told by bureaucracy, which worships red tape, that "we are taking care of them." Ask the dying boys if they are being taken care of. Do not ask some bureaucrat. * * *

It has been stated here that if this bill does not become a law, children in Russia will perish. That is true, and I say if my amendment does not become a law, American citizens will perish here. The despondent, the disconsolate, who are out of money and out of work, looking not for charity, gifts, or a largess, but looking for work, will perish in spirit if not in body. No appropriation that could be made, nothing that could be done, would be more welcome to the people of this country than an appropriation to enable the Department of Labor to secure, if possible, positions and jobs for the unemployed.

I have said before, and I repeat, that if this amendment is defeated, if the hand of the Department of Labor shall be paralyzed in its laudable endeavor to secure work for men in order that they may earn their daily bread, the blame will not be on the Senate.

Mark you closely to what I now say. This Government does not owe anyone a living; he who being able to work says that the Government owes him a living is the idler, the malingerer, and the grafter; but the Government does owe every person a chance to earn a decent living, and the Government that does not secure to each citizen a fair chance to earn a living will soon drift into troubled waters.

I shall at the appropriate time offer another amendment—somewhat similar to the amendment I offered to the deficiency bill, which amendment was adopted by the Senate but lost in the conference on the disagreeing votes of the two Houses—appropriating a reasonable sum of money to be placed at the disposal of the Secretary of the Treasury to enable him to extend full hospitalization to ex-service men; then when these two amendments shall have been adopted and the bill passed we shall feel the glowing and expanding of soul that comes to those who have done their full duty.

I then proposed the following amendments to the bill, and both were agreed to by the Senate, viz:

That the Secretary of the Treasury is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, and accessories, and also to provide accommodations for officers, nurses, and attending personnel, and the Secretary of the Treasury is authorized to accept gifts or donations for any of the purposes named therein. The location and nature of such hospitals, whether for the treatment of tuberculous, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Secretary of the Treasury.

That for carrying into effect this provision relating to additional hospital facilities there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be immediately available and to remain available until expended.

* * * * * * *

To enable the Secretary of Labor, during the present unemployment emergency, to augment the existing facilities of the United States Employment Service in facilitating the transportation of labor from one State to another, inform States in which there is scarcity of labor of the situation in States where there is surplus of labor of the kind desired, and securing, compiling, and publishing information on unemployment throughout the country, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; rent of quarters outside of the District of Columbia; supplies and equipment, telegraph and telephone service, and printing and binding, $100,000.

Both of these amendments went to conference, and when the conference report was laid before us, we found that the Senate conferees had yielded to the House conferees and had receded, which action, of course, kills the two Senate amendments and leaves the bill precisely as it passed the House, to wit, $20,000,000 for relief of distressed Russians; not a penny for relief of distressed Americans. I believe, however, that the House conferees would have yielded had it been possible for them to do so without killing the Russian relief bill.

Now whilst Congress was appropriating $20,000,000 to aid sufferers in Russia, what was going on at home?

I will read some of the melancholy happenings, and will call upon the Senators from the State mentioned in the dispatch I am now about to read to deny it if it be untrue. This is from the Washington Times of December 21, 1921. The article reads:

STARVATION IS FACING 2,000 IN WEST VIRGINIA TOWNSHIP—MINDEN PAINTED "HELL ON EARTH" AS RESULT OF MINE SHUTDOWN.

HUNTINGTON, W. VA., *December 21.*

Two thousand men, women, and children, comprising the populace of a West Virginia town—Minden, in Fayette County—are literally starving to death.

The mines closed down several months ago. The miners and their families remained, hoping for a resumption of work. None came. To-day at Minden and other towns in the stricken area babies are dying for want of sufficient nourishment, children are half clothed, and the entire town is slowly starving.

To add to the misery, an influenza epidemic is sweeping the territory. The death rate has been alarming. Schools have closed; out of 500 pupils only 104 were able to attend classes last week.

Conditions in Minden and surrounding mining communities are deplorable. The babies cling to gaunt parents, weakened by weeks of literal starvation. An eyewitness arriving here last night said that a loaf of bread would be hailed as a gift from Heaven.

Where only one pair of wearable shoes are left in a family the children take turns in wearing them. The majority are walking about barefooted and shivering in the biting cold.

The mines shut down in early fall. Lack of orders was the cause. Five hundred miners were thrown out of employment. During the warmer weather of autumn there was no serious suffering, but when cold came, lack of food, clothing, and medical attention brought about pitiful conditions. One man from the stricken area, who managed to secure money enough to reach here, said that Minden was "a hell on earth" and had been for several weeks.

Mr. STERLING. Mr. President, is the Senator from Arizona able to state in what county Minden is?

Mr. ASHURST. Fayette County. That is a little more definite than "Volga Basin," in Russia.

There is no Senator here who could truthfully say that I have been more partisan than the exigencies of politics required me to be, and surely I do not desire to be offensively partisan on this occasion, but I can not forego the observation that it is the Republican and not the Democratic Party that needs sympathy now.

Your predicament is worse than ours. Politically, you are more nearly bankrupt of vision than we are, and your political situation, instead of improving, is rapidly growing worse.

When Republican Senators go to the cloakroom they will say, "That man is telling the truth." You may, and doubtless do, at times desire to solve these questions of large import, but you do not know how to go about it. Frequently, when your hands grasp the handle of the keen and glittering blade of truth and justice, you are inept and in your struggles to cut some Gordian knot you but slash and mutilate yourselves.

Never again let me see the word "efficiency" in a Republican editorial in praise of your present majority or hear it from the lips of a Republican orator. Do not use that word again. You have demonstrated your gross inefficiency and debility at a time when you had full power. I do not mean anything personal; I simply say that your own newspapers, your own orators, know that you are not meeting the duties of the hour.

True, you have passed some good legislation, but its volume is so small when compared to what you ought to have done that it is practically nothing. So, if you will pardon this political reference, you have now an opportunity golden in its preciousness, if you can only measure up to it, and I appeal to you to look into this need of the ex-soldier for hospitalization and see to it that the ex-soldiers who are suffering and who are unable to work by reason of disease shall be hospitalized.

So, to recapitulate, the Senate on the 20th instant adopted my amendment appropriating $100,000 to enable the Department of Labor to find work for unemployed men; on the same day it adopted my amendment appropriating $500,000 for the further hospitalization of soldiers wherever and whenever the Secretary of the Treasury desired to hospitalize them.

These amendments have been defeated, and the Russian relief bill will become a law. I again thank the Senate conferees for the time they gave me. Moreover, I would be playing a small part if I should criticize the House conferees, for I am sure they would have adhered to my amendments were it not almost a certainty that to so adhere would have killed the Russian relief bill.

I am not permitted to criticize the House of Representatives. I am not going to do so. Any criticism of the rules of that branch of Congress would be unparliamentary, howsoever true it might be. But I will say that when the gathering tide of public opinion is informed as to the archaic rules in another branch of the Congress, which make it practically impossible to secure needful legislation, there will come a demand that such rules shall be altered.

We have seen some strange mutations in politics in the past decade and we will see more unless we learn to do the people's will. In 1912 we thought the day of the Republican Party was done. We thought its blood was water. In 1920 there were men who thought the Democratic Party was dead. Neither party is dead. Unless adequate hospitalization for the tubercular ex-service men shall be provided I am going to leave here for a time and make some speeches in the States and in the districts of men who may solicit the votes of the people, and when I read the CONGRESSIONAL RECORD which tells the tale of the inattention to and the disregard of amendments looking toward soldier relief somebody is going to "sit up and take notice."

It is a foul injustice which this Congress has perpetrated upon the Nation in defeating my amendments to the Russian relief bill.

When the conference report on the deficiency bill was before the Senate my learned friend from Maryland [Mr. FRANCE] arose and castigated his party associates for their remissness. He said, "Why is it that bad measures always pass and good ones are defeated?" His phrase was, "Why is it that on all good amendments conferees always recede and on all bad amendments conferees agree?"

When he uttered these words little did we think that such a thing would happen again within a week, but it has happened. But, Mr. President, I am comforted by the reflection that—

Truth crushed to earth shall rise again; the eternal years of God are hers.

Congress may learn a valuable lesson from one of Joseph Addison's essays entitled "The Political Upholsterer." There lived in London some years ago, within my neighborhood, says Addison, an upholsterer of more than ordinary diligence and application to business, and he became a man of independent means because of his close attention to his own affairs. He arose early; his family was decently provided for and his house was comfortable. Later he developed a peculiar habit of knitting his brows and his countenance grew grave; he arose at a still earlier hour, not, however, to open his shop, but to inquire if the mail from Holland had yet arrived.

He became more inquisitive to know what went on in Poland than what took place in his own household, and he was in greater anxiety for King Augustus's welfare than for the welfare of his own family.

This man and his affairs had long been out of my mind, continues Addison, until about three days ago, when I met him walking in St. James Park. He was shabbily dressed, and I intended to ask him as to his present circumstances when he prevented me from doing so by asking me what I sincerely thought of the King of Sweden. When he had fully discussed Turkey in Europe and had deposed princes, settled the bounds of kingdoms, and balanced the power of Europe, he asked me to lend him half a crown, for in his upholstering of foreign countries he had ruined his business, reduced his family to poverty, and himself to beggary. Addison says he loaned the half crown to the worthy but needy "statesman" to be repaid when the Turk was driven out of Constantinople.

Mr. President, we are neglecting our own household whilst upholstering foreign countries; the course of conduct which ruined the London upholsterer will, if practiced much further, ruin the United States. Let us first be just to those at home who have claims upon us; then our generosity toward strangers will be a virtue. As it is now our generosity to strangers whilst our own are in need is our reproach.

Mr. WALSH of Massachusetts. Mr. President, did time permit, I had intended to make a résumé of what the Congress has done in the way of appropriations for the hospitalization of disabled war veterans. It is a very interesting story. Had the same speed and promptness been exercised in the past that have been exercised in the handling of this bill by the chairman of the Committee on Public Buildings and Grounds, the Senator from Maine [Mr. FERNALD], and by the members of that committee, we would not have had the sad story of neglect and the apologetic record of indifference disclosed that the people of the country are now so familiar with.

It is very interesting to know that only three material appropriations have been made since the close of the war for hospital construction. The first one was for $9,000,000. It was made on March 3, 1919. The request for that appropriation was formally made to Congress in December, 1918, it having been discovered some two months before the armistice that there were no facilities available for hospitalizing discharged diseased and wounded soldiers and sailors except the hospitals and relief stations under the direction of the Public Health authorities, which were plainly inadequate. Of course, the Army and Navy Hospitals could not care for disabled soldiers after they had been discharged from the service.

The months following the first appropriation on March 3, 1919, made apparent the magnitude of the task of hospitalization for discharged disabled soldiers and sailors, which up to this time was not fully realized. Careful study was then begun on the problem, and on December 5, 1919, there was submitted and published Document 481, which reviewed the entire question and contained an estimate of an immediate need for 30,600 beds, and that approximately $85,000,000 would be required for this purpose. This estimate, in the light of subsequent developments, proved to be fully justified, because on July 7, 1921, there were actually hospitalized in Government-controlled hospitals 26,453 patients.

Congress had before it from December, 1919, this request for millions of dollars to provide hospital facilities for our ex-soldiers. Hearings were held almost daily before the Committee on Public Buildings and Grounds, and they were constantly urged to appropriate money for this purpose until the adjournment of Congress.

Subsequently continuous appeals were made to Congress, and the need for immediate action was daily urged upon them until the spring of 1921, when a special appeal was made for an appropriation of approximately $35,000,000; but it was not until March 3, 1921, that an appropriation was authorized, and then only for $18,600,000, and this more than two and one-half years after the signing of the armistice and one year and four months after conditions were disclosed by Document 481.

Congress can not escape responsibility for the delays in providing funds for this humane work. The Senator from Arizona [Mr. ASHURST] was largely responsible, if my memory is correct, in forcing the appropriation of $18,600,000 through Congress in the dying hours of the Sixty-sixth Congress by insisting again and again for action. The Republican Congress permitted a whole session to pass after the war was over without appropriating one dollar for hospitals. The first $9,000,000 appropriated in March, 1919, was passed by a Democratic Congress in its closing days. I think that Congress itself must appreciate and confess that it was careless and indifferent to the importance of the need in letting the long period of time pass without action while our incapacitated veterans were

suffering in poorly equipped temporary and unsuitable contract hospitals. Even in March, 1921, when $18,600,000 was appropriated, it was apparent that it would be insufficient. Last summer the special committee investigating hospitalization and other agencies dealing with the rehabilitation of disabled soldiers, on which committee I had the honor to serve, made a report to Congress recommending an immediate appropriation of $17,000,000. The Director of the Veterans' Bureau, the present Secretary of the Treasury, and, indeed, the President himself, have urged that further money be appropriated for further extension of hospital facilities, yet not until a few days ago did this bill come to the Senate from the House providing for the appropriation of the $17,000,000 fixed in the pending bill.

Mr. ASHURST. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Arizona.

Mr. ASHURST. I wish to say in behalf of the chairman of the Committee on Public Buildings and Grounds, I being a member of the committee, that just as soon as the bill came over from the House he convened the committee, using extraordinary diligence in getting it together, and promptly reported the bill within one day. He has moved with the greatest celerity, and I am very proud to say it.

Mr. WALSH of Massachusetts. I have already made reference to the fact that immediately upon this bill coming to the Senate the chairman of that committee speedily called his committee together and the committee immediately reported it favorably. Had the same action been taken and the same promptness been manifested in 1919, 1920, and 1921, we would not have had the hospitalization record that is altogether shameful.

As I have pointed out, up to the beginning of this year not one single bed was available from any appropriation made by Congress, unless it was the few provided for by the earlier appropriation of $9,000,000 in March, 1919.

In February of this year there were 30,879 Government patients in hospitals. Of this number, 21,772 were in Government institutions and 9,107 in contract hospitals, mostly private, profit-making institutions, or in State insane asylums.

The present Government hospital facilities are practically utilized to the full capacity, and before more men can be admitted more hospitals will have to be built.

There are thousands of neuropsychiatric ex-service men who will become hopelessly insane unless adequate hospital facilities are quickly provided for their care. Many others are in the early stages of tuberculosis and in dire need of special hospital facilities to promote and hasten their recovery.

Even with the completion of the projects undertaken under the $18,600,000 appropriation, only 6,000 additional beds will be available, and this number is not sufficient to care for those in need of immediate treatment.

Mr. POMERENE. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Ohio.

Mr. POMERENE. May I suggest to the Senator from Massachusetts and others who are interested in the subject that the diseases from which former soldiers are suffering are constantly developing and we have not reached the peak of the requirements for hospitalization in the country, in my judgment, so far as they are concerned. New tubercular cases are constantly developing——

Mr. WALSH of Massachusetts. And neuropsychiatric cases.

Mr. POMERENE. Yes; and nervous diseases. I think the matter should be hastened with all reasonable speed.

Mr. WALSH of Massachusetts. I will say to the Senator, as he will recall, that the evidence before the special investigating committee was that there were reported per month 1,500 new cases which required hospital attention. I do not care to take the time of the Senate further, except in emphasis of what I said in the beginning, to commend the speed and promptness with which the committee has acted; to point out that it is in marked contrast with our previous record; and that had we shown the same speed and interest when the earlier demands for hospitals were sent to Congress we should not have had so much of the unfortunate criticism that has prevailed among the veterans of the war for three years.

I think the criticism of the administration of our relief agencies for disabled veterans has been largely directed against compensation, training work, and inadequate hospitalization, and justly so; but I also think, in the matter of providing hospitalization facilities, Congress can not escape the charge of having evinced grave indifference in not having appropriated any money from March, 1919, until March 3, 1921, when we made the appropriation of $18,600,000, which even then was known to be inadequate.

Mr. DIAL. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from South Carolina.

Mr. DIAL. Of course, I am in favor of the legislation which is embodied in the bill, but I wish to call the attention of the Senator from Massachusetts to the language on page 2, line 12, which reads:

> Such hospital plants shall be of fireproof construction.

There seems to be an inconsistency in that provision of the bill when contrasted with the language which is found in section 2, which provides that the construction "shall be done in such manner as the President may determine."

Mr. President, the point I wish to make is this: It seems to me that if all of these buildings were required to be of fireproof construction it would tend to defeat, in a measure, the great purpose of the bill, for certainly it will require a long time for their construction. I am not very familiar with hospitals, but I presume there are very few of them in the country which are of fireproof construction, although they are all probably protected by sprinkler systems and other fire-fighting apparatus. I think, however, it would be unwise to insert in the bill the requirement that such buildings shall be fireproof. Such a restriction would certainly limit the use of the funds very greatly. I am not an expert in the construction of such buildings, but I merely call the attention of the proponents of the bill to the matter which I have suggested.

Furthermore, in the sections of the West where it is proposed to construct some hospitals the climate is very mild; and what we desire to do is to prevent the spread of disease and to cure those who are ill as soon as possible. If, however, we wait in order to erect fireproof buildings it would seem to me that we should thereby very greatly delay their construction. I repeat I merely call the matter to the attention of other Senators. I do not know whether the language to which I have referred is inserted advisedly or not. It might be for the advantage of the builders, but it would seem to me that it would be very poor policy to require that the buildings which are provided for shall in all cases be fireproof. The hands of the Government should not be tied; discretion should be left with the proper officials. This provision is in the interest of certain contractors. The character of the construction should be decided by where located, the character of the patients, and whether or not the buildings are to be permanent, and so forth.

Mr. CALDER. Mr. President, I am very glad the Senator from South Carolina has called attention to the provision of the bill to which he has referred. It was my privilege recently to discuss that phase of the matter with the Director of the Veterans' Bureau. He said the President should be given the authority to erect fireproof buildings. I agreed with him that fireproof buildings may now be erected almost as speedily as nonfireproof buildings may be erected, provided they are not great 10 or 12 story buildings. It is the purpose of the director to build these structures not exceeding three stories in height, and to locate them where plenty of air and light are readily obtainable. He insists—I agree with him; and I have had some experience in the business of constructing buildings—that such buildings ought to be fireproof. We ought to leave nothing to chance; we ought to erect such hospitals as that there will be no possibility of any of the patients being burned to death overnight.

I will say to the Senator that if the construction of these buildings is placed in the hands of some of our largest builders in the great cities they can construct a three-story fireproof structure to take care of a thousand sick men in from seven to eight months, if they go about it at once.

The Senator may recall the construction of the fireproof Army and Navy buildings in this city near the Lincoln Memorial. Those buildings were constructed during one summer, and I think they are as fine buildings of a fireproof character as will be found in this part of the country.

So, Mr. President, I would not agree to cut out the provision of the bill that these buildings shall be fireproof. We ought to take no chances on the lives of these men, many of whom are confined to bed and would have to be carried out in case of emergency.

Mr. DIAL. Of course, any building of a permanent type ought to be fireproof.

Mr. CALDER. Certainly.

Mr. DIAL. This provision in all likelihood would prevent the authorities from purchasing any building already constructed if it were not fireproof. However, I repeat, I merely call the matter to the attention of the Senate and ask whether

Senators desire to have that language retained in the bill. I myself think it is an ill-advised provision. Of course, if we are going to have permanent hospitals they ought to be fireproof, but if they are to be merely temporary and designed to accommodate the greatest number of patients at the earliest possible moment, it seems to me the requirement that such buildings shall be fireproof ought to be stricken out of the bill.

Mr. WALSH of Massachusetts. Mr. President, I think the provision of the bill for fireproof construction is very important, and that it is very wise that such provision should be made. I think the experience of the committees which have considered the needs and the complaints against the temporary hospitals in which veterans have been housed has led them to the conclusion that fireproof buildings are the only safe and proper kind of structures to use.

Replying again to the Senator from Ohio [Mr. POMERENE] as to the urgency of this situation, and confirming what the Senator from Maine [Mr. FERNALD] has said. It is to be noted that at the present time only about 20,000 of the 30,000 disabled veterans receiving hospital treatment under the Veterans' Bureau are housed in Government hospitals. One-third of all the disabled men are in State, local, private, or contract hospitals. When the work is completed on the hospital buildings which are being enlarged and constructed under the appropriation of $18,600,000, 6,000 of the remaining 10,000 patients will have been taken care of. So that this appropriation will take care of the remaining three or four thousand who will be for years yet under treatment outside, and also others who may require treatment in the years to come. However, in the natural course of events it will be at least two years before the work under this appropriation can be completed.

I wish to state further that I think the committee also showed very wise judgment in leaving the responsibility to the Director of the Veterans' Bureau. We found that many long, tedious, and unnecessary delays occurred in starting the erection of hospital buildings under last year's appropriation of $18,600,000; that months of time were wasted in drawing plans and looking over sites and other detailed work which could have been avoided or hastened. I believe, therefore, that putting the responsibility upon the Director of the Veterans' Bureau is going to help to facilitate the erection of the hospitals provided for in this bill. This bill should pass without delay, and I hope by an emphatic majority.

Mr. FERNALD. Mr. President, I wish to say to the credit of the Senator from Texas [Mr. CULBERSON] that in the committee he offered a very excellent amendment—it was so considered by the committee—but it was not accepted because we did not feel that we ought to accept any amendment in view of the desirability of securing the enactment of the bill at the earliest possible date.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. FERNALD. I suggest that a yea and nay vote be taken.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I am informed that were he present he would vote as I propose to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I am informed that if present the Senator from Alabama would vote as I intend to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent, but I understand if he were present he would vote as I intend to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. NEW (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. MCKELLAR]. I am informed that if present he would vote as I propose to vote on this measure, I am therefore at liberty to vote, and vote "yea."

Mr. CARAWAY (when Mr. ROBINSON's name was called). My colleague [Mr. ROBINSON] is unavoidably absent. If present he would vote "yea."

Mr. DIAL (when Mr. SMITH's name was called). I desire to announce that my colleague [Mr. SMITH] is detained on account of illness. He is paired with the Senator from South Dakota [Mr. STERLING]. If present my colleague would vote "yea."

Mr. STERLING. I have a general pair with the Senator from South Carolina [Mr. SMITH]. I understand that if that Senator were present he would vote as I intend to vote. I am, therefore, at liberty to vote, and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I understand, however, that if he were present he would vote as I intend to vote. Therefore, I feel at liberty to vote, and vote "yea."

Mr. HEFLIN (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. He has a general pair with the senior Senator from Massachusetts [Mr. LODGE]. If my colleague were present, he would vote "yea."

Mr. WALSH of Montana (when his name was called). Notwithstanding my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], I vote "yea."

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN], but I am informed that, if present, he would vote as I shall vote. I, therefore, am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BALL (after having voted in the affirmative). I have a general pair with the Senator from Florida [Mr. FLETCHER]. If present, I understand that Senator would vote as I have already voted. Therefore, I will allow my vote to stand.

Mr. LODGE. I desire to announce that, so far as I am informed, the following Republican Senators who are absent would vote "yea" on the passage of the bill: The Senator from Connecticut [Mr. BRANDEGEE], the Senator from Arizona [Mr. CAMERON], the Senator from Pennsylvania [Mr. CROW], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Maryland [Mr. FRANCE], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Minnesota [Mr. KELLOGG], the Senator from North Dakota [Mr. LADD], the Senator from North Dakota [Mr. MCCUMBER], the Senator from Vermont [Mr. PAGE], the Senator from Pennsylvania [Mr. PEPPER], the Senator from Oregon [Mr. STANFIELD], the Senator from West Virginia [Mr. ELKINS], and the Senator from Connecticut [Mr. MCLEAN].

Mr. KING. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I understand that if he were present he would vote as I intend to vote. So, I feel at liberty to vote, and vote "yea."

Mr. HARRISON. I have a general pair with the junior Senator from West Virginia [Mr. ELKINS] who is absent on official business. I understand if he were present he would vote "yea." As I intend to vote the same way, I feel at liberty to vote, and vote "yea."

I desire to announce that the following Democratic Senators, all of whom are necessarily absent, would, if present, on the passage of the bill vote "yea."

The Senator from Florida [Mr. FLETCHER], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Tennessee [Mr. MCKELLAR], the Senator from North Carolina [Mr. OVERMAN], the Senator from Oklahoma [Mr. OWEN], the Senator from Nevada [Mr. PITTMAN], the Senator from Missouri [Mr. REED], the Senator from Louisiana [Mr. RANSDELL], the Senator from Arkansas [Mr. ROBINSON], the Senator from Tennessee [Mr. SHIELDS], the Senator from South Carolina [Mr. SMITH], the Senator from Florida [Mr. TRAMMELL], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Georgia [Mr. WATSON].

Mr. COLT (after having voted in the affirmative). I have a general pair with the Senator from Florida [Mr. TRAMMELL]. I understand that if he were present he would vote as I have voted. I therefore will allow my vote to stand.

The result was announced—yeas 67, nays 0, as follows:

YEAS—67.

Ashurst	Gooding	McKinley	Simmons
Ball	Hale	McNary	Smoot
Borah	Harreld	Moses	Spencer
Broussard	Harris	Myers	Stanley
Bursum	Harrison	Nelson	Sterling
Calder	Heflin	New	Sutherland
Capper	Hitchcock	Newberry	Swanson
Caraway	Johnson	Nicholson	Townsend
Colt	Jones, N. Mex.	Norbeck	Wadsworth
Culberson	Jones, Wash.	Norris	Walsh, Mass.
Cummins	Kendrick	Oddie	Walsh, Mont.
Curtis	Keyes	Phipps	Warren
Dial	King	Poindexter	Watson, Ind.
du Pont	La Follette	Pomerene	Weller
Edge	Lenroot	Rawson	Williams
Ernst	Lodge	Sheppard	Willis
Fernald	McCormick	Shortridge	

NOT VOTING—29.

Brandegee	Gerry	Owen	Smith
Cameron	Glass	Page	Stanfield
Crow	Kellogg	Pepper	Trammell
Dillingham	Ladd	Pittman	Underwood
Elkins	McCumber	Ransdell	Watson, Ga.
Fletcher	McKellar	Reed	
France	McLean	Robinson	
Frelinghuysen	Overman	Shields	

So the bill was passed.

EXTENSION OF DISTRICT RENT COMMISSION.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the emergency described in Title II of the food control and the District of Columbia rents act, approved October 22, 1919, still exists and continues in the District of Columbia, and that the present housing and rental conditions therein require the further extension of said act.

SEC. 2. That said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended by an act entitled "An act to extend for the period of seven months the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, and for other purposes," approved August 24, 1921, be, and the same is hereby, reenacted, extended, and continued, as hereinafter amended, from the date of the approval of this act until the 22d day of May, 1924, notwithstanding the provisions of the first section of the act entitled "An act to extend for the period of seven months the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, and for other purposes," approved August 24, 1921.

SEC. 3. That section 101 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 101. When used in this title, unless the context indicates otherwise—

"The term 'rental property' means any building or part thereof or land appurtenant thereto in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith; but does not include an apartment.

"The term 'person' includes an individual, partnership, association, or corporation.

"The term 'apartment' means any apartment or part thereof in the District of Columbia rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"The term 'owner' includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property or apartment, or any interest therein, or his agent.

"The term 'tenant' includes a subtenant, lessee, sublessee, or other person, not the owner, entitled to the use or occupancy of any rental property or apartment.

"The term 'service' includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privileges or service connected with the use or occupancy of any rental property or apartment.

"The term 'commission' means the Rent Commission of the District of Columbia."

SEC. 4. That section 102 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 102. A commission is hereby created and established to be known as the Rent Commission of the District of Columbia, which shall be composed of five commissioners, none of whom shall be directly or indirectly engaged or in any manner interested in or connected with the real estate or renting business in the District of Columbia. The commissioners shall be appointed by the President, by and with the advice and consent of the Senate, and three of the commissioners appointed shall be learned in the law and shall have been engaged in the actual practice of law before the Supreme Court of the District of Columbia for a period of at least five years prior to their appointment. The term of each commissioner shall be for the period covered by this act, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission, as at present constituted, shall continue in office and shall have and exercise all the powers and duties now vested in them pending the appointment and confirmation of the five commissioners provided for herein. The commission shall at the time of its organization and annually thereafter elect a chairman from its membership. The commission may make such rules and regulations as may be necessary to carry this title into effect. All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed."

SEC. 5. That section 103 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended by said act approved August 24, 1921, be, and the same is hereby, amended by adding thereto the following:

"The commission shall also have the power to appoint two inspectors, outside of the civil service, who shall receive a salary not exceeding $2,000 a year each, payable monthly."

SEC. 6. That the last sentence of the first paragraph of section 105 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"Any member of the commission may sign subpœnas, administer oaths and affirmations, summon witnesses, conduct hearings, and receive evidence touching any matter which the commission is authorized to consider or investigate, and the substance of such evidence, when certified to the commission by the member of the commission who heard and received the same, may be made the basis of the commission's determination respecting the matter under consideration or investigation."

SEC. 7. That the last paragraph of said section 105 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"Such attendance of witnesses and the production of such books, accounts, records, papers, and correspondence may be required from any place in the United States at any designated place of hearing. Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce such books, accounts, records, papers, or correspondence, or who shall fail or refuse to file with the commission plans and other data in such detail as the commission may require, descriptive of the rooms, accommodations, and service in connection with any apartment required by the commission, if in his power to do so, in obedience to the subpœna, order, or lawful requirement of the commission, or who shall neglect or refuse to comply with any lawful determination or order of the commission requiring him to furnish heat, electric current, or other service in any rental property or apartment shall be guilty of an offense, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not exceeding $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. No officer or employee of the commission shall, unless authorized by the commission or by a court of competent jurisdiction, make public any information obtained by the commission."

SEC. 8. That section 106 of said Title II of the food control and District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 106. For the purposes of this title it is declared that all (a) rental property and (b) apartments are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property or apartment, with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property or apartment are fair and reasonable. Such complaints may be made and filed by or on behalf of any tenant, and by or on behalf of the owner of any rental property or apartment, notwithstanding the existence of a lease or other contract between the tenant and the owner; and in fixing and determining the fair and reasonable rents, rates, or charges for any rental property or apartment the commission shall in all cases take into consideration the character and condition of the property and the character of the service, if any, furnished in connection therewith.

"In all such cases the commission shall give notice personally or by registered mail and afford an opportunity to be heard to all parties in interest: *Provided*, That notice given by the commission to the agent of the legal owner of any rental property or apartment for the collection of rents shall be deemed and held to be good and sufficient notice to said legal owner. The commission shall promptly hear and determine the issues involved in all complaints submitted to it. All hearings before the commission, or any member of the commission, shall be open to the public. If the commission finds that the existing rents, charges, service, or other terms or conditions of the use or occupancy of any rental property or apartment are unfair and unreasonable, it shall fix and determine the fair and reasonable rents, rates, or charges for the rental property or apartment under consideration and may fix and determine the fair and reasonable service, terms, and conditions of the use or occupancy of the property, and may also order and require the furnishing of such service by the owner as it shall lawfully determine to be fair and reasonable. In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property or apartment, except on appeal from the commission's determination, as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto."

SEC. 9. That section 108 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 108. Unless within 10 days after the filing of the commission's determination any party to the complaint appeals therefrom to the Supreme Court of the District of Columbia in general term, the determination of the commission shall be final and conclusive. The said Supreme Court of the District of Columbia, in general term, is hereby given jurisdiction to hear and determine appeals taken from determinations of the commission, and said appeals shall be given precedence over the other business of said court. At the hearing of said appeals the chief justice of said court shall preside, with at least two of the associate justices of said court, to be designated by said chief justice, and in the absence of said chief justice the senior associate justice of said court shall preside, have the powers, and perform the duties of said chief justice. If such an appeal is taken from the determination of the commission, the record before the commission or such part thereof as the court may order shall be certified by it to the court and shall constitute the record before the court, and the commission's determination shall not be modified or set aside by the court, except for error of law. If any party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original determination, with the return of such additional evidence. In the proceedings before such court on appeal from a determination of the commission, the commission shall appear by its attorney or other representative and submit oral or written arguments to support the findings and the determination of the commission. No owner or tenant shall apply to the said Supreme Court of the District of Columbia to review any determination of the commission fixing the fair and reasonable rents, rates, or charges for any rental property or apartment, except by appeal, as hereinbefore provided, and said

court shall not issue any injunction, permanent or temporary, restraining or enjoining the commission from fixing the rents, rates, or charges for any rental property or apartment, and said court is hereby divested of any and all power and jurisdiction to issue any such injunction.

"Any final decision of the said Supreme Court of the District of Columbia in general term on appeal from any determination of the commission may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States, by writ of certiorari, to be issued by it, in its discretion, upon the petition of any party aggrieved by said final decision, or by the rent commission, within 30 days after said final decision, but if said writ of certiorari shall be denied, said final decision of the said Supreme Court of the District of Columbia in general term shall remain in full force and effect."

SEC. 10. That section 109 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 109. The right of a tenant to the use of or occupancy of any rental property or apartment, existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant, subject, however, to any determination or regulation of the commission relevant thereto; and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property or apartment subject to the rights of tenants as provided in this title. The rights of the tenant under this title shall be subject to the limitation that the bona fide owner of any rental property or apartment shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, or for the purpose of tearing down or razing the same in order immediately to construct new rental property or apartment if approved by the commission, upon giving 30 days' notice in writing, served in the manner provided by section 1223 of the act entitled 'An act to establish a code of laws for the District of Columbia,' approved May 3, 1901, as amended, which notice shall contain a full and correct statement of the facts and circumstances upon which the same is based; but in no case shall possession be demanded or obtained by such owner in contravention of the terms of any such lease or contract. If there is a dispute between the owner and the tenant as to the accuracy or sufficiency of the statement set forth in such notice, as to the good faith of such demand, or as to the service of notice, the matters in dispute shall be determined by the commission upon complaint as provided in section 106 of this title.

"Any dispute made before the commission under the provisions of this section shall be filed with the commission before the notice complained of has expired."

SEC. 11. That section 111 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 111. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or condition for the rental property or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenancy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant."

SEC. 12. That section 112 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 112. If the owner of any rental property or apartment collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and in full force and effect in accordance with the provisions of this title, he shall be liable for and the commission is hereby authorized and directed to commence an action in the municipal court of the District of Columbia to recover double the amount of such excess, together with the costs of the proceeding, which shall include an attorney's fee of $50, to be taxed as part of the costs. Such actions shall be brought in said municipal court, regardless of the amount to be recovered, and the said municipal court is hereby given special jurisdiction to hear and determine all such cases. The commission is hereby authorized to bring such actions without the payment of costs, and no bond shall be required in the case of any appeal taken by the commission from any judgment of the said municipal court in any such case. The judgments of the said municipal court in such cases shall be subject to appeal to the Supreme Court of the District of Columbia in general term, in the same manner as determinations of the commission. Out of any sums received on account of such recovery the commission shall pay over to the tenant the amount of the excess so paid by him, and the balance shall be paid into the Treasury of the United States to the credit of the District of Columbia: *Provided*, That if the commission finds that such excess was paid by the tenant voluntarily and with knowledge of the commission's determination, the whole amount of such recovery shall be paid into the Treasury of the United States to the credit of the District of Columbia."

SEC. 13. That section 113 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 113. If in any proceeding before the commission, begun by complaint or on the commission's own initiative, and involving any lease or other contract for the use or occupancy of any rental property or apartment, the commission finds that at any time after the passage of this act, but during the tenancy, the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupancy of such rental property or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract. The tenant may recover any amount so determined by the commission in an action in the municipal court of the District of Columbia."

SEC. 14. That section 116 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 116. Any person who with intent to avoid the provisions of this title enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property or apartment without subjecting such use or occupancy to the provisions of this title or to the jurisdiction of the commission, shall upon conviction be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or both."

SEC. 15. That section 117 of said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended to read as follows:

"SEC. 117. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property or apartment and shall require their use by the owner thereof. Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard form; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form. The owner of an apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such apartment, and a schedule of rates and charges therefor. The commission shall, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such apartments: and the rates and charges stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such apartment. The commission's determination in such case shall be made after such notice and hearing and shall have the same force and effect and be subject to appeal in the same manner as a determination of the commission under section 106 of this title."

SEC. 16. That said Title II of the food control and the District of Columbia rents act, approved October 22, 1919, be, and the same is hereby, amended by adding thereto the following:

"SEC. 124. (a) Any violation of this act or of any order of the commission, committed before the termination of this act may, after such termination, be prosecuted by and in the name of the Attorney General in lieu of the commission in the same manner and with the same effect as if this act had not been terminated.

"(b) In the case of (1) any proceeding begun under the provisions of section 114 before the termination of this act, or (2) any proceeding on appeal from a determination of the commission begun before the termination of this act, such proceeding may, after such termination, be continued in the same manner with the same effect as if this act had not been terminated, and all powers and duties in respect to such proceedings vested in the commission by this act shall for the purposes of such proceedings be vested in the Attorney General.

"(c) Any right or obligation based upon any provision of this act on upon any order of the commission, accrued prior to the termination of this act may, after the termination of this act, be enforced in the same manner and with the same effect as if this act had not been terminated.

"(d) The Attorney General may, after the termination of this act, appoint the attorney last appointed by the commission under the provisions of section 103 to assist in the enforcement of this act. Such attorney shall continue to receive compensation for such services at the rate of $5,000 per annum, payable monthly."

SEC. 17. That section 2 of the said act, entitled "An act to extend for the period of seven months the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, and for other purposes," approved August 24, 1921, be, and the same is hereby, repealed.

SEC. 18. That all orders and determinations heretofore or hereafter made by the commission shall be and remain in full force and effect until the termination of this act.

SEC. 19. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. POINDEXTER. Mr. President, in view of the fact that I shall not be able to be here throughout the consideration of this bill, I should like to ask the Senator from Delaware if he has any objection to a unanimous-consent agreement that when the vote is taken upon the final passage of the bill it shall be a yea-and-nay vote?

Mr. BALL. I have not any objection.

Mr. POINDEXTER. I ask unanimous consent that when the vote is taken upon the final passage of the bill it be a yea-and-nay vote—a record vote.

The PRESIDING OFFICER. Without objection, the yeas and nays will be ordered on the passage of the bill.

Mr. POINDEXTER. Mr. President, this is a very remarkable bill to be considered in an American legislative assembly. One of the fundamental principles of all American constitutions is that private property shall not be taken for private use, either with or without compensation; and yet, in principle, that is exactly what this bill proposes to do. This bill provides that one private citizen can occupy the premises of another private citizen against the will of the owner of the property for an indefinite length of time. I suppose the bill undoubtedly will pass, as there seems to be a state of apathy in regard to it; it seems to be considered that it ought to be passed as a matter

of course in some way; but it seems strange to me that such a measure, involving such a principle as that, should receive consideration at all, or should receive any votes in favor of it, in time of peace.

I can readily understand how this legislation was initiated and how it received its original support as a war measure, because the people of this country at that time did not stop to consider the effect upon individuals or even the rights of individuals when the winning of the war was involved or when, as was the case in this instance, we were dealing with the immediate consequences of the war. This bill goes a good deal further than that and holds that a contract made between the owner of a piece of property and a tenant shall be enforceable as against the owner of the property, but can not be enforced as against the tenant. That is a very novel proposition to be enacted into law by the Congress of the United States. It also provides that the usual remedies at law and in equity—to use the language of the bill; I will call attention to the entire provision in a few moments—to which a citizen of the United States is entitled shall be suspended so far as the owner of property is concerned, but shall still remain in force in so far as the man is concerned who happens in one way or another to have gotten possession of it in the capacity of tenant.

It not only provides that one private citizen shall have the use and the benefit of the property of another private citizen without his consent, but it goes to the extent of requiring the owner of the property to render services to the tenant, in addition to allowing the tenant to occupy his property beyond the term of his lease. Services are defined in the act as being the furnishing of maid servants, of light, of heat, of paying the bills for water, of furnishing janitor service; and if the owner refuses to do it, although he may not desire to have a tenant in his house at all, he is penalized under the terms of this bill. In addition to giving up the possession of his property, under compulsion, to some one whom he did not desire to occupy it, he is required to continue to furnish him with the conveniences which the tenant may require at his hands.

Mr. McCORMICK. Mr. President, will the Senator yield for a moment?

Mr. POINDEXTER. I yield for a moment.

Mr. McCORMICK. Does not this legislation suggest something of the legislation which Mr. Lenin has put into effect?

Mr. POINDEXTER. I was just going to say that it would seem to be a far call from the Ball Rent Act to the Genoa Conference; and yet, as a matter of fact, the same identical principle is involved in each of them. The attention of the whole world to-day is directed to the city of Genoa, and to the international conference which is assembling there; and those who hear me who have paid any attention to the press dispatches as to the proceedings of that conference have noted the fact that the conference in its present stage hinges upon the proposition which has been laid down to the Russian delegates as one of the conditions upon which they will be treated with as to the recognition of the government of Russia that Russia shall recognize the right of private property.

The question raised by this bill is whether or not the United States is to recognize the right of private property, which is guaranteed by the Constitution of the United States. I may say that I have not the slightest doubt that if there were sufficient initiative and energy among the people of this District to make a characteristic American protest against such an invasion of private rights there would be but little prospect of the passage of this measure. I do not care to discuss the merits of the District status at this time, but they have been deprived of their civil rights for so long that they have apparently lost all the energy and initiative which impel ordinary American communities to vigorously oppose the invasion of the fundamental and inalienable rights of American citizens. If there were sufficient public interest in the District to take this act again to the Supreme Court of the United States, I have not the slightest doubt that its further extension would be held unconstitutional by that tribunal, because it is a violation of the rights which I referred to a moment ago.

All the bill amounts to, in substance, is this: It is said that there are people in the District of Columbia who have not houses, and that there are other people in the District who have houses, and that consequently Congress will provide that the houses of those who have them shall be taken away from them and given to those people who haven't them but who want them. That is all there is to the bill.

I can readily imagine that a perfectly constitutional bill, one which might not be considered unreasonable, might be framed along the lines of the usury law, which would provide penalties and inhibitions against the charging of exorbitant rents, without setting up a great commission, with a lot of officers at high salaries, and without providing that a man shall occupy the house of another man against the owner's will.

That is not the nature of the bill. It is generally understood that that is the nature of it, and that that is the principle on which it is based, and it is not generally understood that, as a matter of fact, it is an entirely different proposition. It is not confined to the regulation of rents, putting the leasing of dwellings upon the basis of a public service, and providing that rents shall not be exorbitant; but, as I said before, the bill goes to the outrageous extent, to the unconstitutional extent, not only of providing that rents shall not be exorbitant, but of saying to a man that he shall rent his property to another man whether he desires to rent it to him or not.

I hear some Senator mention the question of business houses, and I understand there is a movement to amend the bill by excluding business houses from its terms. I think they ought to be excluded, because I think that all kinds of buildings ought to be excluded from its terms; but I fail to see why there should be any discrimination in favor of the owners of business houses. If these limitations upon the rights of citizens in the ownership of property—which, by the way, is the first principle of individual liberty which is mentioned in the Bill of Rights and the constitutions of the States and of the Union—are to be imposed, why they should not be imposed upon owners of business houses and hotels the same as upon the owners of private houses I do not know.

Why do they leave out hotels? Why is it proposed to leave out business houses? Simply because the owners of hotels and the owners of business houses have more influence than the owners of apartments. That is the only reason. There is no more reason in principle why you should allow hotels to charge a crowding public exorbitant rates for lodging in those hotels than that you should allow the owner of an apartment house to charge what are alleged to be exorbitant rates for his apartments. It is just as necessary for the people who stop in hotels to find accommodations in which they can house themselves for the time being, it is just as essential to the public welfare, it is just as much and more in the nature of a public service as the renting of apartment houses, and yet it is not included in the bill. Now it is proposed, I understand, with the consent of the author of the bill, to exclude business houses from the bill.

Mr. President, I want to speak more particularly about the terms of the bill. The best condemnation, the best argument against the passage of this bill, is contained in the first lines of the report which has been filed in support of it. That report states after setting out the act:

> Your committee finds that the rental conditions in the District of Columbia which prompted the enactment of the original legislation, approved October 22, 1919, and the extension thereof, as approved August 24, 1921, continue to exist, if they have not grown worse.

I do not know whether Senators caught the significance of that or not. That is the statement of the committee which reported this bill. That statement is to the effect that, notwithstanding the enactment of the present law on October 22, 1919, which is in substance the same as the pending bill, the committee says it has not accomplished the purposes for which it was intended, that the conditions which they sought to remove still exist, and not only that, but the committee says those conditions have grown worse. The committee says the law failed of its purpose. Notwithstanding the fact that it has been on the statute books for more than two years, it has not accomplished the purposes for which it was enacted, but they say, in the language which I have just read, that it has made those conditions worse, at least that conditions have grown worse, notwithstanding the fact that the law is in effect. Yet they propose to remedy those conditions under the strange process of reenacting and extending a law which has not improved these conditions in the two years since it has been on the statute books.

It is a good deal like a quack doctor, with no scientific knowledge of his profession, dosing some poor patient with some medicine which he imagines might possibly be of some benefit to him, but the patient constantly grows worse, and gets into a very acute stage of disease, goes on that way for two years, and is about to die, when the quack doctor says, "Well, I will cure you now. I will give you a larger dose of the same medicine you have had already, which pretty nearly killed you." That, in effect, is what is proposed by the bill.

I will tell why the bill is brought here, Mr. President. I will tell the real motive back of it. This is simply another instance of the ingrowing disposition of a Government bureau which is once established, given a foothold, and let sink its roots into the Public Treasury. The original Ball Rent Act provided a few officers with high salaries, for which we appropriated $50,000, and "All the king's horses and all the king's men" can not up-

root those officeholders and that bureau and get it out of existence.

It was said that $50,000 would accomplish the purpose for which the act was passed temporarily; provide for three commissioners at a salary of $5,000 each, and a secretary at a salary of $3,000—$50,000 in money. Last December they came in and said $50,000 was not enough, that they needed $25,000 more, and it was given to them, making $75,000 in all. In 1921 they came in and said that there were not enough officers provided for. The bureau having gotten its roots into the rich soil of Government patronage, had begun to grow. It became more hungry and desirous of Government pap and nutriment, so we provided an additional office. Some lawyer, who I suppose could not make $2,500 a year in private practice, was to be appointed at a salary of $5,000 a year, and now that lawyer, having been put upon the Government pay roll at $5,000 a year, finds that the term of the act is about to expire, so he draws up another bill to extend the life of the law, under which he holds this great position, for another period of two years.

This lawyer has written a strange provision into the bill which he has drawn to continue the authority under which he holds his position, that even after the act has expired, when the period of its extension shall come to an end, the commissioners "may," to use the language of the bill, employ him to continue in charge of the litigation which grows out of the transactions of the commission during the period of its life. Of course, it is simply a provision for perpetuating in office the attorney who has drawn up this bill, apparently without any regard and, I assume, without any fundamental knowledge of those inalienable and inestimable privileges of personal liberty and private citizenship which give a man control of the earnings of his labor, of his own property, so long as he does not use it to the injury of his neighbor. The bill provides a means by which all this shall be sacrificed, but that for two more years he shall hold this office, and that even after the two years have expired he "may"—which means he "shall"—be retained to represent the commission at $5,000 "per." That is one of the reasons why this bill is brought here at this time.

Another reason is that it provides four more good jobs. I read from the report of the committee:

The principal changes in the present law are as follows:
(a) The rent law is extended until the 22d day of May, 1924.
(b) The rental of business properties, other than hotels, is returned to the jurisdiction of the Rent Commission.
(c) The membership of the commission is increased to five members.

Every time they bring in a new bill the commission is to grow and new offices are to be created. Three commissioners could not regulate the rents of the District. They have to have five, so two more are provided for by this bill. The report further states:

(d) Two additional inspectors are provided.

So there are four new offices under this commission created by this pending bill, which was advertised as being merely an extension of the old law. That, Mr. President, is really the reason why all the statements as to its temporary nature which were made at the time the act was extended in the first place have been cast aside and demand is made for its extension for an additional two years.

It does not come from any demand of the public. It comes from the commission itself. It comes from people who are holding these offices and from those who want to hold them. It is simply a grab at the Public Treasury, and in grabbing at the Public Treasury it is nothing to them that they are trampling over the plainest and most important rights of the individual citizen, those which the framers of the Constitution of the United States and of the States in their various jurisdictions have named first in the list of those inalienable rights which characterize the status of free men under our form of government.

It is just as essential to protect an individual from the encroachments of his government as it is to protect him from the encroachments of a foreign power or of some other individual. What difference does it make to the citizen of the United States whose rights are invaded whether that invasion is by his own government or by some other individual or by some foreign country? If there is no security of private property, the result is the same from whatever source the invasion comes.

I am reminded at this point in my remarks to say—and I am going to be perfectly frank about it, without any invidious mentioning of names—that I believe there is a rule of the Senate which forbids a Senator interested in a subject matter of legislation from voting upon it. I am perfectly satisfied, in the first place, that if every Senator would read the bill, simply read it carefully and intelligently, there would not be the slightest possibility of its passing, but there is no way of getting the majority of the Senate to read the bill. It is accepted upon the report of the committee, and the report of the committee is made upon the report of the attorney, who is getting $5,000 a year during the life of this law.

Not only that, but if every Senator and every Representative who is a beneficiary of some action of the commission in cutting down the rent which he is paying for the quarters which he occupies while he is serving as a Member of this Congress would refuse to vote, the number of votes in behalf of the bill would be very greatly reduced.

I have a statement here, which I have no occasion to doubt at all, calling attention to one among many cases which have been called to my attention, instances of the kind to which I have just referred, where, in a certain large apartment house, the number of which is given and the name of the Senator is given, which I will not mention, the Rent Commission allows to the owner of the property only $1.095 per foot for the rooms occupied by the Senator, while for other tenants in the same tier the Rent Commission fixes the rate at $1.75 a foot. In another case a Senator is allowed space at 95 cents a foot in the same building, while other tenants in the same tier are charged $1.30 per foot.

But the case is much worse than that. It is a sordid sort of proposition. In their effort to cater to those in positions of power and influence, as I judge from the circumstances and from the actions of the commission, the commission, as I am informed, not only reduced their rents, but in some cases increased the rents of those who occupied smaller and inferior apartments above what was charged by the owner of the building himself, poorer, more lowly tenants, who do not get the consideration that those receive who are in the positions of the mighty.

Not only are Senators the beneficiaries of the action of the commission, but I am informed—and I have no reason to doubt it at all—that judges of the courts which construe and pass upon the law are tenants who have been likewise liberally dealt with by the commission in fixing the rents which are to be charged to them. There is danger in such a situation that the Government itself will be tarnished by its invasion under the circumstances of the private rights of the supposedly free citizens of a great municipality under the American flag.

Mr. WILLIS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. WILLIS. Does the Senator state as a fact that judges called upon to pass on the validity of the law have received these favors or does he state it as his opinion that such a thing might have occurred and other things have taken place?

Mr. POINDEXTER. I stated, as information which I said I have no reason to doubt, that judges of the courts of the District before whom this matter may come occupy apartments whose rental comes before this commission to be determined.

Mr. WILLIS. That is not what I understood the Senator to state before.

Mr. POINDEXTER. I gave certain instances in the case of Senators, in which I cited the comparative rents which have been allowed, and I am informed that the same thing has occurred in a similar way in the case of judges.

Mr. JONES of Washington. Mr. President——

Mr. POINDEXTER. I yield to my colleague.

Mr. JONES of Washington. I would like to ask my colleague, so as to be sure that I understand the matter rightly, if it is his information that the commission has allowed lower rents to Senators than to other tenants of similar property, or have those rents been fixed by the landlords?

Mr. POINDEXTER. The rents have been fixed by the commission.

Mr. JONES of Washington. By the commission?

Mr. POINDEXTER. Yes. I wish to read in this connection a statement furnished to me. There is nothing invidious in it at all. It is rather a strong statement and I think justified by the situation.

The findings of the Rent Commission in the matter of rents for—

A certain number, but I omit the number of the street—

are so unfair to the owners and to some of the tenants, so inadequate to provide a fair return on the proved value of the property, and so partial to certain influential tenants at the expense of tenants having no influence in Congress or the courts, that the same and the practical workings of the Rent Commission generally might well be made the subject of congressional investigation, especially in view of the proposed extension of the Ball Act for two more years from May 22, 1922.

After several years' experience in the operation of this building, the owners revised the schedule of rates for the various apartments, carefully considering every advantage or disadvantage for each apartment separately, with a view to eliminating, so far as humanly possible, all inequities or inequalities. The Rent Commission, in their finding and determination, disregarded this carefully adjusted and well-balanced schedule and arbitrarily adopted a new one of their own by which all of the largest, most luxurious, best located, and best lighted apartments, occupied for the most part by tenants of large means, who are able and with few exceptions willing and anxious to pay the prices

set by the owners, have been reduced, while the rental of the smaller apartments, occupied by tenants of small means, Army officers and Government employees, without political influence, have been allowed to remain practically the same or in some cases increased.

A glance at the plat of the building will show that the large apartments in the wings, with central halls and open on three sides, are the choicest in the building, and owing to their size the rate per square foot was set by the owners at lower than on the one, two, and three room apartments. Yet the Rent Commission has seen fit to cut the rates on the largest and best apartments, and to leave the rates on most of the small apartments untouched, except where increases have been allowed.

This surprising and inequitable determination can be accounted for only by the fact that in each of the eight wings comprising these choice apartments there reside either a Senator or Representative, a justice of the United States Supreme Court or of the District Court of Appeals.

I want to say here that I do not state and I do not believe that any justice of the Supreme Court or of the District Court of Appeals or any Senator or any Representative has been influenced in the slightest degree in any action he has taken in regard to the Rent Commission, if he has taken any action at all, and some of them have not taken any action, by the circumstances to which I am alluding. That is not the point. The point is the condition in which they are placed. There are thousands of things—perhaps that is rather an exaggerated number to state, but there are many relations which are prohibited by the law, even though it might be known that no dishonesty or wrong motive was involved, simply because of the relation and because as a matter of public policy it is considered unwise that people in those relations should act in regard to the matter in which they are concerned, even though they might be able to hold the scales balanced with perfect justice and evenness between the contending parties.

Mr. WILLIS. Mr. President, if the Senator will permit me——

Mr. POINDEXTER. I yield.

Mr. WILLIS. It seems to me that the important thing is not whether any Senator or Representative or judge has been influenced, but whether the law in its terms permits any such interpretation as to make possible even an effort to do such a thing as that.

Mr. POINDEXTER. That is the open charge that is made by the party who furnishes me with the statement which I am now reading.

Mr. WALSH of Montana. Mr. President, will the Senator give the name of the author of the document he is reading?

Mr. POINDEXTER. I do not care to give it now. If it should be necessary, I may state it. He is the owner of the property at this number, and I have the number here.

Mr. POMERENE. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has been perfectly frank, and a frank statement ought to have a very frank reply. The Senator after making a statement here which reflects upon the integrity and honor of Senators and of a justice of the Supreme Court finally says that he meant no reflection. But it puts them in an embarrassing position. At the same time, he does not give the name of the man who writes this letter, but allows him to spill his bilge water into the Senate and to reflect upon public men.

Mr. POINDEXTER. I am informed by the Senator from New Hampshire [Mr. MOSES] that this information has all been published in the newspapers. My only desire in not giving names and the numbers of the apartments was not to bring in the names of individuals who are affected. If it is insisted upon having the names, I am perfectly willing to give them.

I want to say before proceeding further that I have stated certain facts. The Senator from Ohio says that I cast reflection upon the honor of Senators and justices of the Supreme Court. That is a conclusion which he himself has drawn. I state, and I do not believe it can be successfully contradicted, that justices and Senators occupy apartments, the rental for which has been fixed and, in some instances, reduced by the Rent Commission. The Senator can make what he chooses out of that. One does not remedy the situation by closing one's eye to it, or denying it if it actually exists.

Mr. POMERENE. Mr. President, I happen to be one of the unfortunate renters. My rent is not fixed by the commission. I recognize that if a fellow wants to spit out his venom against Senators he may do it, but I am not going to surrender my responsibility and put forty or fifty thousand tenants at the mercy of some shylocks.

Mr. POINDEXTER. No; the Senator prefers, rather than putting 40,000 or 50,000 tenants at the mercy of some shylock, to relieve the situation at the expense of private owners of property rather than at public expense.

Mr. POMERENE. Mr. President, of course, I understand that the Senator from Washington may make that argument. That same argument, however, was made by the railroads against the Interstate Commerce Commission at the time we established the commission and gave them the power to fix rates. This question has been passed upon not only by the courts of New York but it has been passed upon by the Supreme Court of the United States. The Supreme Court of the United States has sustained similar laws not only in the District of Columbia but in the State of New York.

Mr. POINDEXTER. I hope the Senator from Ohio will make his remarks brief.

Mr. POMERENE. I did not mean to interfere. I beg the Senator's pardon.

Mr. WALSH of Montana. Before the Senator from Washington [Mr. POINDEXTER] proceeds further, I desire to ask as to the document to which he has referred and which he has read, whether he has investigated the facts recited in that document in order to ascertain whether or not they are reported accurately?

Mr. POINDEXTER. I have investigated them by very careful examination of plats and conversations with individuals.

Mr. WALSH of Montana. Then the Senator makes these statements upon his own responsibility?

Mr. POINDEXTER. I quote the statements from the parties whose names I will furnish if the Senator insists on knowing who they are.

Mr. WALSH of Montana. No; I do not. Of course, we all know who they are. However, what I want to know is whether the Senator from Washington is prepared to assert that the facts are correctly stated in the document from which he is reading?

Mr. POINDEXTER. No; I am not prepared to make that assertion any further than that I have not any reason at all to doubt their correctness.

Mr. WALSH of Montana. Has the Senator any reason——

Mr. POINDEXTER. Just a moment. It would be quite strange, quite unusual, if such facts did not exist where so numerous a body as Congress is temporarily sojourning in a city and undertaking to regulate the rents of that city. It would be most strange if that should not bring about just the situation which is stated to me to exist, and the truth or falsity of which is very easily to be ascertained.

Mr. WALSH of Montana. If the Senator draws any inference from the general condition, I have no objection to his doing that; but what I wanted to know was whether he was assuming responsibility for the statements and is now quoting them as matters of fact?

Mr. POINDEXTER. No; I am not, personally.

Mr. MOSES. The facts which the Senator from Washington has read from the communication which he holds in his hand were published in full in the newspapers, and it is perfectly evident that nobody who has knowledge of the situation in connection with the proceedings which were held before the Rent Commission and the findings made by the Rent Commission could be ignorant of the premises referred to in this letter. I think the Senator from Montana is himself perfectly familiar with those premises.

Mr. WALSH of Montana. The Senator from Montana has no interest in such comparisons as are referred to in the letter, and he does not believe they are sustained by the facts. Is the Senator from New Hampshire prepared to assert the truth of the statements made in this report?

Mr. MOSES. I am prepared to assert this much: With reference to the particular premises described and characterized in the letter from which the Senator from Washington has read, I am prepared to state that it was a matter of public knowledge, which was published in the newspapers, that the Rent Commission made certain findings, reducing the rents of Senators and, I think, reducing the rent of a justice, and I am positive reducing rents for other officials of the Government.

Mr. WALSH of Montana. That is not the question; that is not the statement which is made in the letter at all. The statement is to the effect that the premises occupied by a justice of the Supreme Court of the United States were favored against exactly the same tenements in the same row. Is the Senator from New Hampshire prepared to assert that that is true?

Mr. MOSES. I know nothing about the comparative rentals of the premises. I do know, however——

Mr. WALSH of Montana. The Senator does know that the house in question was a subject of consideration by the rent commission and certain rents were reduced?

Mr. MOSES. Yes.

Mr. WALSH of Montana. That is all he knows, is it not?

Mr. MOSES. Yes; and I know that certain people were——

Mr. WALSH of Montana. The Senator knows also that certain Senators have apartments in that house and a justice of the Supreme Court has an apartment in that house and a

justice of the Court of Appeals of the District has an apartment in that house. That is all he knows about it, is it not?

Mr. MOSES. And I know that certain of the people in the category which the Senator has named had their rents reduced.

Mr. WALSH of Montana. They had their rents reduced. That is all the Senator knows about it?

Mr. MOSES. That is quite enough to know.

Mr. WALSH of Montana. But is the Senator prepared to say that tenants in the same row occupying identically the same kind of apartments were not required to pay exactly the same figure.

Mr. MOSES. I have not said that at any time; I am not prepared to say it, and there is no reason why the Senator from Montana should ask me to say it.

Mr. WALSH of Montana. The Senator has advised the Senate that all of the facts given in this report and now read by the Senator from Washington were made public through the press a short time ago.

Mr. MOSES. I think that is a fact.

Mr. POINDEXTER. Does the Senator from Montana, who is familiar, he says, with the conditions, dispute the fact that the rentals of some of the smaller tenants have been increased?

Mr. WALSH of Montana. I think the rentals of some of the tenants were increased.

Mr. POINDEXTER. Then the Senator admits the truth of everything that has been stated?

Mr. WALSH of Montana. No; I do not admit the truth of everything that has been stated. I admit the truth of the statement that rents were very largely reduced by order of the Rent Commission, and that in some cases, I believe, there were increases; but I do not admit the important point to which the Senator adverts, namely, that the rentals of United States Senators, of a justice of the Supreme Court of the United States, and of a justice of the Court of Appeals of the District of Columbia were set at a figure less than the rentals charged those occupying identically the same kind of apartments in the same building.

Mr. POINDEXTER. I do not mean to be impertinent at all, but so long as the Senator has intervened and knows more about it than anybody else, I will ask him—he need not answer if he does not care to——

Mr. WALSH of Montana. I do not know as much about it as the Senator, if what he states from the report is true.

Mr. POINDEXTER. May I ask the Senator from Montana if his rent was reduced?

Mr. WALSH of Montana. No; my rent was increased. If the Senator wants to know, the rent of my apartment is less than the rent of other apartments in exactly the same row. I occupy the top apartment, and that apartment suffers by reason of construction details, and therefore I do not pay as much as others in the same row. The probabilities are that the Senator has been misled by that circumstance.

Mr. POINDEXTER. No; I do not think so.

Mr. WALSH of Montana. In other words, he is just giving us one side of the story, and he tells us the side of the story of the owner of the building.

Mr. POINDEXTER. I did not quite understand the last statement of the Senator; but, as I understand him, he first stated that his rent was increased, and then I understood him to say that it was reduced.

Mr. WALSH of Montana. The Senator misunderstood me. My rent was increased over what I had been paying, but it was less than the amount demanded of me.

Mr. POINDEXTER. That is, the rent fixed by the Rent Commission was less than the amount the landlord asked.

Mr. WALSH of Montana. Exactly; that was generally the case, I believe.

Mr. POINDEXTER. Also the Senator states that his rent was lowered, while the rents of some other tenants were increased?

Mr. WALSH of Montana. Yes; for reasons to which I have referred.

Mr. POINDEXTER. That is practically all that the article alleges.

Mr. WALSH of Montana. Oh, no; the Senator has not given the facts at all.

Mr. POINDEXTER. I have given all that I was concerned about.

Mr. WALSH of Montana. I think that is right.

Mr. POINDEXTER. I do not undertake to apply them in any way except the way in which anyone would apply them to satisfy his own judgment about the matter. I simply stated conditions which the Senator admits to be true.

Mr. WALSH of Montana. It is quite evident, Mr. President, that the owner of the building is not satisfied with the adjudication made by the Rent Commission.

Mr. POINDEXTER. It is also quite evident——

Mr. WALSH of Montana. He has taken the proper course by an appeal to the higher courts. It is quite reasonable to assume that he would not regard with high favor the actions of the Rent Commission. I am astonished that the Senator, lawyer as he is, would come into a tribunal like this and quote what is said in relation to a decision of a tribunal by the defeated party before the court.

Mr. POINDEXTER. I have been justified in it by the admission of the Senator from Montana that it was a statement of the exact facts.

Mr. WALSH of Montana. The Senator is in error. The Senator from Montana made no admission that it was a statement of the exact facts; on the contrary, he controverts the statement. However, I do not desire to get into any controversy over the matter with the Senator from Washington.

Mr. POINDEXTER. The Senator seems to think that the statement ought not to be quoted, because it is the result of the dissatisfaction of the landlord with the action of the Rent Commission. It might just as well be said that it ought to be quoted because of the intense satisfaction of the Senator from Montana with the action of the Rent Commission.

Mr. WALSH of Montana. I say that if the Senator came in here with a statement of that kind he ought to have told us that it was the statement of a dissatisfied owner.

Mr. POINDEXTER. It speaks for itself. I have quoted it as the statement of the owner of the premises. However, it is immaterial whose statement it is; the material thing is whether or not it is true.

Mr. WALSH of Montana. The Senator quoted it as the landlord's statement after I drew the information out of him.

Mr. POINDEXTER. I wish to read a portion of this remarkable piece of proposed legislation. I read from page 7:

SEC. 106. For the purposes of this title it is declared that all (a) rental property and (b) apartments are affected with a public interest.

Of course, it is a question of law whether or not that can be done. The basis upon which it is done is that there are some people who are having difficulty in getting rental apartments; some people who claim that they are charged too much for them.

Mr. President, there are a great many people in the District out of money who are very anxious to have means to support their families or to carry on business. There are other people in the District who are well suppiled in that regard; so by the same token we ought to pass a law saying that all bank deposits of private citizens are affected with a public interest and appoint a commission to distribute them among those people who have not sufficient means. That would be somewhat parallel in principle to the bill which is now before us.

Then the bill proceeds:

and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property or apartment, with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may or upon complaint shall determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property or apartment are fair and reasonable.

Here is the definition of "service" contained in the act itself:

The term "service" includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privileges or service connected with the use or occupancy of any rental property or apartment.

In other words, if this commission, even after the term of a lease has expired, should find that the owner of the property, in addition to allowing the tenants to remain there, did not furnish adequate maid service or janitor service, or did not pay the bills for the heat or for the light or for the water, they could penalize him for not doing so. The bill not only puts the premises in a state of servitude, but it puts the owner of the premises in a state of servitude to this commission which is set up here in this bill, not only above other citizens of the community but above the courts, as I shall show by reading from the terms of the pending measure:

Such complaints may be made and filed by or on behalf of any tenant, and by or on behalf of the owner of any rental property or apartment, notwithstanding the existence of a lease or other contract between the tenant and the owner.

You may have a contract entered into voluntarily, with all the sanctions of a contract under the law. This remarkable bill, drawn up, I believe, by one of the beneficiaries of the act—namely, the attorney whose office is created and perpetuated by it—provides that this commission can ignore the obligations of the contract and fix such service and such rental as they see fit, notwithstanding these terms are fixed by a written agreement for a consideration with all the formality and sanctions of the law.

Then, the bill proceeds, in another part of it:

If the commission finds that the existing rents, charges, service, or other terms or conditions of the use or occupancy of any rental property or apartment are unfair and unreasonable, it shall fix and determine the fair and reasonable rents, rates, or charges for the rental property or apartment under consideration, and may fix and determine the fair and reasonable service, terms, and conditions of the use or occupancy of the property, and may also order and require the furnishing of such service by the owner as it shall lawfully determine to be fair and reasonable.

If I know myself at all, I know that if I were in the position of one of the citizens of the District of Columbia affected by the terms of this bill and any commission set up under it undertook to order me to furnish service to somebody who was occupying my premises without my consent, I would see that the case went to the highest court of the land before I complied with any such invasion of the personal, as well as the property, rights of a citizen. I would rather live in a tent than to be the beneficiary of the strong arm of Congress reaching out to take another man's premises and give it to me for my benefit and pleasure, followed up by an order that he should not only allow me to use his premises contrary to the terms of an agreement which had been entered into, but that he should render service to me.

Reading again from the bill:

In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property or apartment, except on appeal from the commission's determination as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto.

It not only degrades the citizens of the community, but it degrades the courts. Let me read that again:

Such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto—

Not in accordance with what the court thinks would be reasonable or just. All through this bill you will find this commission magnified and its powers over private property swollen away beyond what is safe to vest in any officer or in any tribunal other than some judicial tribunal which is governed by the law and by the procedure of the law.

I want to emphasize again that the findings of this commission are made binding upon the courts in all collateral proceedings on any question arising out of the relation of landlord and tenant of dwelling houses or apartments.

But that is not all, Mr. President. Not only are the courts bound and tied by that provision in adjudicating the rights of citizens, but there is this provision on page 11 of the bill, line 15:

And said court shall not issue any injunction, permanent or temporary, restraining or enjoining the commission from fixing the rents, rates, or charges for any rental property or apartment, and said court is hereby divested of any and all power and jurisdiction to issue any such injunction.

I have heard a good many Senators—among them, it seems to me, some of those who are supporting this measure—animadvert upon the attitude of certain parties to industrial disputes in this country who took the position that the remedy of injunction by the courts should be abolished in so far as those disputes are concerned; and yet here we have a case where nothing but property rights is involved in which we propose to insert the long knife of congressional power into the jurisdiction of the courts and cut out from it the right to issue injunctions against a rent commission which is not even composed of lawyers, though its members are a law unto themselves, who are not governed by the rules of evidence in reaching their conclusions, who have no knowledge of that or of constitutional guaranties or the philosophy of the law.

Any final decision of the said Supreme Court of the District of Columbia in general term on appeal from any determination of the commission may be reexamined and affirmed, reversed or modified by the Supreme Court of the United States, by writ of certiorari, to be issued by it, in its discretion, upon the petition of any party aggrieved.

That is another vice of this proposed law. Why should we burden the Supreme Court of the United States with jurisdiction of petty rent cases, which ordinarily would be tried in a municipal court under some ordinance passed by a city council? That is one of the absurdities of this bill. I think that is or ought to be offensive to the Supreme Court of the United States—that they are required by this bill to sit in every case which may be brought before them that arises from some order made by this rent commission, even though it may involve only $10, some trivial difference between a landlord and a tenant. The highest court in the world is to stop its great business and hear and determine a petty dispute of that kind! I am glad of the opportunity to point it out, whatever the vote may be upon his bill, in order that I may have the satisfaction at least of placing upon the records of Congress notice of the nature of this legislation.

I want to go somewhat further into the terms of this bill.

In section 109 of the original act, page 12 of this bill, there is a provision that—

The right of a tenant to the use or occupancy of any rental property or apartment, existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall—

Now, mark this language—

notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant subject, however, to any determination or regulation of the commission relevant thereto.

Notwithstanding the expiration of the lease, the bill provides that at the option of the tenant, so long as he complies with the terms fixed by this commission, he may continue throughout his life in the possession of the property of another man, or, at least, throughout the term of this law; and there is no reason to think that this law will not be upon the statute books long after we have all departed from these scenes.

If once a bunch of these beneficiaries, as one Senator said here the other day, get their teeth set into a job of this kind you have a propaganda and a lobby for its continuance every time it is about to expire, until it at last becomes a permanent law. That is the experience we have had already, and, as I pointed out a moment ago before some of the Senators came in, every time it appears in its reincarnation it is bigger than it was before; it contains a lot of additional offices. The last time it came in it provided a job for an attorney. This time there are jobs for two more commissioners and two more inspectors. That is the reason it is brought in now.

I read further from the bill, and I ask Senators to listen to it—

and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract.

I wish the Senator from Kentucky would pay particular attention to that. I just read a moment ago a section which provided that notwithstanding the lease, at the option of the tenant he could remain in the building; that is, the lease is not binding on the tenant. The further provision I have just read is to the effect that the lease, while not binding on the tenant, shall be binding on the landlord. That is a new creation of law, a contract that is binding on one side to a contract and not binding on the other side. It is somewhat difficult to conceive that sort of legal obligation. Of course, it ceases to be a contract, and yet it is a contract in one sense. It is an obligation. The law takes the place of the contract and enforces the terms of the contract as against the landlord and gives the other party to the contract, the tenant, absolute liberty to disregard it entirely. I do not think that is fair; I do not think it is right. I think it is contrary to the fundamental principles of American law.

The bill reads:

So long as he pays the rent and performs the other terms and conditions of the tenancy.

"So long." How long will it be? It will be just as long as he wants to stay there. If he is a Senator, probably it will be as long as he is in the Senate. If it is somebody who has got what he considers a very favorable decision from the Rent Commission, if he has a permanent residence in the District of Columbia, it would be just as long as this law remains in effect, which will be for two years, if this pending bill is passed, and probably will be forever under the renewals which undoubtedly will be urged with equal force from time to time. Listen to this:

All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property or apartment subject to the rights of tenants as provided in this title.

That is, every purchaser of property shall take possession of it, if he purchases it, subject to the right of the tenant to remain in it as long as he chooses to remain during the life of this legislation. The consequence of that has been, as the distinguished Senator from Delaware points out in his report, that it has defeated the purposes for which it was intended, and that the conditions sought to be relieved have grown worse, as I read a moment ago from the report.

I have upon my desk a large number of letters, from some of which I shall read briefly in a moment, to the effect that while there is a good deal of building of business property going on in the city, which is not subject to the terms of the existing law, and which, I understand, under a tacit agreement which has been reached, has been excluded from the terms of the pending bill—while there is a great deal of construction of business property, there is very little construction of rental residence property.

Mr. POMERENE. Will the Senator give his authority for the statement that there is a tacit understanding that new buildings will be excluded from the operation of this law?

Mr. POINDEXTER. I said business property.

Mr. POMERENE. I understand an amendment has been proposed the purpose of which will be to take business property out from under the operation of this law; but when the Senator says there is a tacit understanding, I resent it.

Mr. POINDEXTER. I do not know why the Senator resents it, because I was not referring to the Senator from Ohio.

Mr. POMERENE. No; but I happen to be a member of the committee which has presented this proposed legislation. Of course, I recognize the fact that everybody who seems to favor it is committing an outrage upon the District of Columbia and upon some of these landlords. I understand the Senator's position, and I understand that he is reflecting upon anybody who may seem to differ from his judgment.

Mr. POINDEXTER. I hope the Senator will not be so heated in the matter as to assume that. I credit everybody with honorable motives and base my argument upon the principles of law which I have stated, which I do not think can be disputed, upon my regard for the rights of American citizens, which I have always been taught to treasure, and upon certain facts, the essential features of which have been admitted here upon the floor of the Senate as to the situation in which we are all placed in regard to this. I do not reflect upon anybody's motives at all.

Mr. POMERENE. The Senator apparently has not been very choice in his language when he has been referring to certain Senators and others. It is not to be assumed that judges are going to pass upon their own cases.

Mr. POINDEXTER. That is the reason why I suggested that Senators should not vote upon their own cases.

Mr. POMERENE. That may be so, too; but it may be that when it comes to the question of any taxation law no Senator ought to vote on any such law, because it might affect him. That is possibly true, and as a result there would not be any Senator or any Representative who could vote on any taxation law.

Mr. POINDEXTER. I think this is rather a special condition as to tenancy in the District of Columbia. At least, that is the basis upon which this legislation is sought. As the Senator at my side [Mr. MOSES] suggests, taxation laws recognize the validity of the constitutional guaranties. No one disputes the power of the Government to levy taxes. A tax does not set aside contracts. It does not set aside constitutional guaranties.

I have practiced law a long time, and I have very firmly fixed in my mind the principle that private property can not be taken for private use, either with or without compensation, without the consent of the owner. The violation of that principle is what I am objecting to and what I claim to be the effect of this bill. When the Senator comes to know me better than he does now he will understand that I do not impugn the motives of anybody who takes a different view from mine. I am too jealous of my own prerogatives to deny like privileges to others. I may state my position too vehemently. I try to state it emphatically.

I have very deep and profound convictions upon this measure. I believe it violates a principle which is the foundation of our institutions, to which I am attached. At the same time I have come to the time of life when I realize that about the most profound principle and about the most sacred things honorable men may differ, and I can not understand at times why Senators should assume that because we do differ there should be any impugning of motives. That is very far from my thought. At the same time I repeat that it seems clear to me that this legislation is a departure from those rules by which the government of our Nation has been guided from its foundation down to the present time.

Now I want to read somewhat further from this proposed act:

> The rights of the tenant under this title shall be subject to the limitation that the bona fide owner of any rental property or apartment shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, or for the purpose of tearing down or razing the same in order immediately to construct new rental property or apartment if approved by the commission, upon giving 30 days' notice in writing, served in the manner provided by section 1223 of the act entitled "An act to establish a code of laws for the District of Columbia."

In other words, if a man wants to get his house to reside in himself, he can not get it except with the permission of the commission, and upon a showing to their satisfaction that his application is made in good faith. He must humiliate himself by going and begging a petty tribunal to be allowed to have his own house for the residence of himself and his wife and children. I say that is demoralizing and degrading.

So, Mr. President, if he wants to construct new property by using a portion of the old building, he is not allowed to do that by the commission. He must tear it down completely, and yet, as a matter of fact, a great deal of the building which has been done in the District of Columbia recently—some of the most effective, some of the most valuable—has been accomplished by using a very large percentage of the old building and remodeling it into new property. But the commission can deny the owner the right to do that, because under the terms of the act he can only secure permission to rebuild if he shall tear it down or raze it.

In this connection I want to call attention to a statement put out under the name of Randall H. Hagner, a real estate man in this city. He said:

> A concrete case that I can cite is that of the purchase of an old building at the northwest corner of Fourteenth Street and Park Road by the Riggs Bank interests. The property was acquired for the purpose of immediately erecting a modern fireproof business building to cost in the neighborhood of $300,000, exclusive of the value of the land. This building was to be erected primarily to have a branch of the Riggs National Bank at this corner, and, secondly, to meet the demands for modern business accommodations in that section of the city.
>
> There was only one lease on this property when the bank purchased it. It was held by an Italian conducting a fruit store who paid $200 per month on a lease that would expire next September. As the new owners were very anxious to begin building immediately, they purchased the Italian's lease for the sum of $6,500. Upon receipt of this sum the Italian vacated his store. The bank then served notice on the other tenants of the building, all of whom held month to month agreements.
>
> At the expiration of this notice no one moved. The owners promptly took the case before the Rent Commission. It developed that under the law it is impossible to dispossess those tenants, because a portion of the building is occupied as apartments. Unless the new building which is to be erected contains a similar number of apartments, the occupants of the old apartments can not, under the law, be dispossessed. What could be more unfair than such a condition?

That is, if you have a building that covers an entire block and there are two apartments in it occupied by tenants, those two tenants can prevent the owner from tearing down that building in order to erect a new building, as was proposed in this case, and so tie up a business enterprise involving hundreds of thousands of dollars.

Mr. MOSES. Involving a situation like the famous resolution adopted by a town council:

"Resolved, That we build a new jail;

"Resolved, That we will build the new jail out of the material of which the old jail is composed; and

"Resolved, That we will not tear down the old jail until the new jail is completed."

Mr. POINDEXTER. That is about the situation so far as this particular piece of property is concerned, as I will show by reading a few lines further:

> When the old building referred to was built, some 35 years ago, this section was almost in the country and was strictly residential in character. There are in the building half a dozen or more apartments renting for $25 or $30 a month.

And they want to put up a $400,000 branch of the Riggs National Bank.

> Under the present rent law the bank is prevented from making a $300,000 improvement—

And with the $100,000 for the land it makes $400,000—

> without building a semiapartment house in what the District Zoning Commission now terms a business section.

In other words, they can not change an apartment house in an old residential section of the city, with the rapid growth this city has enjoyed in the last 10 years, into a business property under the terms of the act. I read further:

> An illustration is provided by the building, 1516 K Street NW. The development of this property was held up for two or three years for the above-mentioned reasons—namely, that the tenant who held a monthly lease could not be dispossessed unless the building was to be totally torn down. Ultimately the tenant purchased a house and gave up the premises. Apprehensive that they would again be unable to get possession, the owners kept this property idle for some months until they were able to sell. To-day it has the appearance of a new building, but 80 per cent of this building is retained from the original structure. The property was purchased for Redmond & Co., a New York investment banking house, who are using it as their Washington office.
>
> Another consideration which the proposed legislation is going to make more difficult is the financing of legitimate building enterprises. You realize that when a business building is erected ninety-nine out of one hundred owners need financial assistance. An owner takes his plans to an insurance company or trust company and gives a statement of the earning possibilities of the project. It is apparent that such financing is made difficult when there is no stability as to the rentals calculated, because they may be reduced to any point that the Rent Commission might deem proper.

Mr. WILLIS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. WILLIS. Perhaps the Senator has already covered the point in his speech, which I have not been able to be present to hear in its entirety, but can he state from his investigation what the effect of the law has been thus far upon building operations?

That is the essential thing in the question that confronts the city. There are not enough buildings to house the people. Has the law thus far tended to encourage or discourage building operations?

Mr. POINDEXTER. I think the best answer to that question is the report of the committee accompanying the bill. The Senator will bear in mind that the law has been in effect for over two years now. I read from the report:

> Your committee finds that the rental conditions in the District of Columbia which prompted the enactment of the original legislation, approved October 22, 1919, and the extension thereof, as approved August 24, 1921, continue to exist, if they have not grown worse.

There could not be anything more definite or specific as to the complete failure of the legislation, and I can not see how it would have any other result.

Mr. WILLIS. The Senator will recall that when the bill was here for the last extension it was said it would not be necessary to ask for another extension, it being admitted that the legislation is really in violation of a well-recognized principle of business. It was said that that act would care for the emergency, but it is stated now that conditions have grown worse rather than better.

Mr. POINDEXTER. I remember very well the assurances which were given at the time the law was extended in 1921 that it would not be necessary to ask for another renewal.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. POINDEXTER. Certainly.

Mr. CALDER. Does the Senator know whether the statement made by the committee in regard to conditions being worse is true or not? Are conditions as bad now as they were two years ago, or does the Senator know?

Mr. POINDEXTER. I have been inclined to accept the report of an adverse witness as the truth, as it is a well-known principle of law that when a witness testifies against his own interest great credibility should attach to his testimony. Personally I have made no examination. I am informed that conditions are at least as bad as they were, and I attribute it to this legislation, which discourages the building of apartment houses. I can readily understand how it would do so. Here, for instance, is another provision of the bill which I want to call to the attention of the Senator from New York:

> But in no case shall possession be demanded or obtained by such owner in contravention of the terms of such lease or contract.

That shows the one-sided character of the law. The owner can not violate the contract of the lease, and yet at the same time the tenant can ignore it and continue in possession indefinitely after the term of the lease has expired. When we pass a law of that kind, breaking down the safeguards of contracts which probably have been drawn with very great care by the owner of the property, telling him that it is of no benefit to him and at the same time that the tenant can enforce its provisions against the landlord while ignoring them himself, I do not think that there is much inducement to people to build rental property.

Mr. CALDER. I will say, if the Senator will permit me, that in New York we have the same sort of rent law which we have continued under a recent act of the legislature, but we have also passed a law which has given to the man who builds houses to be occupied for dwelling purposes complete freedom from taxes on improvements for a period of 10 years. That has offset in a measure the injury brought to property by the rent legislation which we have there as well as we have here.

At the same time it seems to me that while perhaps against every rule of business, there might have been some provocation during the war for legislation of this character, when we were bringing into the Capital City tens of thousands of people and when rents were increased abnormally. But that condition has passed away and we are getting back to normal times again.

From my observation there are some houses for rent; there are some rental signs up that did not appear a few years ago. I think the time has come when we can do away with legislation of this character and come back to ordinary conditions of business again and encourage people to construct houses and to progress along lines that were workable before. I am listening to the Senator's argument with great interest.

Mr. POINDEXTER. There are a great many houses for sale, so I am informed, and I have noticed some of them myself. The statement was made that the owners of the houses would not rent them because they can not get a tenant out once they get him in, and if they want to sell they have to sell subject to the right of the tenant to continue there indefinitely as long as the law exists. Of course, under those circumstances they prefer to let a building remain vacant for a considerable time in order that when they do sell they can give possession.

Mr. CALDER. As the Senator suggests, the law has worked contrary to every rule and custom of business and has been most damaging to the city at a time now when the war emergency has long since passed.

Mr. POINDEXTER. I attach a great deal of importance to the judgment of the Senator from New York, because he is much more familiar than I with the subject of buildings and uses to which buildings are put. I am very glad, indeed, to have him corroborate the conclusions I have formed in regard to this legislation.

Mr. WALSH of Montana. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Montana.

Mr. WALSH of Montana. Can the Senator from New York give us any information about the amount of building now going on in the city of Washington compared with the amount during the last 10 years?

Mr. CALDER. With the permission of the Senator from Washington, I will state that I have made no inquiry in regard to that matter. I do not know just what the condition is here. I have had no occasion to inquire. I know that in the city of New York there are more building operations than in any other portion of the State.

Mr. WALSH of Montana. How long has the rent law been in force in the Senator's State?

Mr. CALDER. Since 1918.

Mr. WALSH of Montana. I have no figures on the matter, but I fancy there is more building going on in the city of Washington to-day than at any time during the time I have been here—for over nine years. I speak of the residential property and apartment houses.

Mr. POMERENE. Mr. President, I can give the Senator that information.

Mr. WALSH of Montana. I shall be very glad to have it.

Mr. POMERENE. I have a statement from Mr. John T. Healy, inspector of buildings, under date of April 7, 1922, showing that during the year 1918 there were 3,795 building permits issued, representing a valuation of $7,172,818.

In 1919 there were 6,920 permits issued, representing a valuation of $20,403,392.

In 1920 there were 7,581 permits issued, representing a valuation of $19,511,928.

In 1921 there were 9,290 permits issued, representing a valuation of $24,327,434.

Mr. POINDEXTER. Does the Senator know what percentage of that is business property and hotel property and what percentage is individual residence property?

Mr. POMERENE. No; I could not give that, but there were 9,290 permits in all during the year 1921, and from our general information I would say that only a comparatively small portion of that represented the larger buildings.

Mr. POINDEXTER. Many of them are very small buildings for individual family use, to be occupied by the owners.

Mr. CALDER. May I make a further inquiry of the Senator from Washington? These rent laws, of course, apply to new buildings as well as old, but do they apply to the new buildings in their first occupancy? Can not the owner of the new building charge whatever rent he pleases for the new building?

Mr. POINDEXTER. Oh, no; not what he pleases at all.

Mr. CALDER. When it is first occupied he can do that, can he not?

Mr. POINDEXTER. No; when it is first occupied by a tenant for residential purposes it is subject to the law. The tenant going in there when it is first built can stay there until the building comes down or until the law expires.

Mr. CALDER. Do the Rent Commission have the fixing of the rent in the first occupancy of the buildings?

Mr. POINDEXTER. They may or may not have. They may do it upon their own initiative, or upon complaint of the tenant.

Mr. CALDER. Under the operation of the New York law, when a house is completed and advertised for rental, the landlord can ask whatever rental he feels disposed to ask. After the tenant has come in, if an effort is made to increase the rent, that brings the property under the rent law.

Mr. POINDEXTER. That is a very different law from this one. I have just been reading the clause which provides that the terms of the contract are not binding on the tenant at all. If a man builds a new house and rents apartments in it, and makes a written contract with those tenants, next week a tenant may go before the Rent Commission and allege that the rent is too high and the Rent Commission ran reduce it, and the tenant can remain there as long as he pays that reduced rent, even after the term of his lease has expired; and he, in the meantime, can require the owner of the property to furnish him service as it is defined in the act.

The commission may on its own initiative, if it sees fit, change the rent of the occupant of the building. Even though

there is no complaint about it, they can make the complaint themselves; and when they make a finding the proposed act provides that that finding shall be conclusive upon the courts. I am glad to say that one of the courts of the District of Columbia has held that when the rental fixed reaches the point which they regard as a confiscation of the property they will not be guided by the rental so fixed by the commission.

However, the commission in many instances have fixed rentals upon property—so I am informed, and I have no reason to doubt it, because the tabulation is very much in detail—which yield less than 1 per cent upon the investment; there are other instances where the rentals yield between 1 and 2 per cent upon the investment; and yet, unless the owner has means to carry his case into the court and get a decision that that is confiscation in principle, he has to be content with the income fixed by the Rent Commission.

Mr. CALDER. May I suggest to the Senator from Washington that the Senator from Ohio [Mr. POMERENE] has referred to the number of building permits granted last year. Does the Senator from Ohio know whether or not the buildings for which permits were granted were constructed? I know it is very often the practice for very large numbers of permits to be taken out and yet the buildings not be constructed.

Mr. POMERENE. Of course, I can not say as to that. I have here the figures for two or three months of this year. The permits are increasing all the time, but I have not gone into that question at all.

Mr. CALDER. I will say to the Senator that the building department usually gives out the figures of the number of permits granted, but it does not always indicate the number of houses which are built. Of course, I know in some of the large cities of late a great many permits have been granted, but difficulties have been had in financing the buildings, and perhaps they have not all been constructed.

Mr. POMERENE. That may be true, but the permits have been gradually increasing here from year to year. I have not checked them up and I have not asked anybody else to check them up, but I thought the number of permits would give some fair conception of the building operations.

Mr. CALDER. I will say to the Senator that it is information, and valuable information, but it is not always conclusive.

Mr. POINDEXTER. Mr. President, as to the exercise of the unusual powers which are possessed by the commission, I want to call attention to the remarkable exemptions granted to the commission by this proposed legislation from requirements which are imposed upon ordinary litigants. The commission are not required to give bond.

> The commission is hereby authorized—

Reading from the proposed act—

> to bring such actions without the payment of costs, and no bond shall be required in the case of any appeal taken by the commission from any judgment of the said municipal court in any such case.

Why should the Rent Commission in litigation with an humble citizen be relieved of the same requirements that are imposed upon him in the way of giving bond or paying costs of the courts? I have already spoken of the imposition of personal service upon the owner, and I want to read just what the proposed act says on that subject. In an additional provision it is stated:

> If * * * the commission finds that at any time after the passage of this act, but during the tenancy, the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupancy of such rental property or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract.

So the convenience of the tenant is conserved and must be supplied by the owner, but the tenant himself is at perfect liberty to pay no attention whatever to any of the obligations which he assumes under the lease.

Here is another feature of the act. Ordinarily there are various forms of leases. If a man has a property which he wishes to lease, he or his business advisers determine what the nature of the lease shall be, what sanctions it shall contain, in what language it shall be framed; but that liberty is taken away from owners of property by this bill. There can be no lease of such property made at all except in accordance with the form of leases devised by the commission which is created under this act. The proposed act provides:

> The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property—

That is a curious provision of the bill. In addition to the fact that it deprives the owners of the freedom of contract in the making of such leases as they prefer, it provides that the owner shall be required to use the forms prescribed by the commission—

> and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form.

There never was such a playing of ducks and drakes with the ordinary sanctions of the law of contract as is proposed in this bill. If a man draws up a lease in a certain form, the bill provides that that lease shall be construed as if it were in another form.

Mr. MOSES. In other words, the bill makes two classes the beneficiaries: The tenant occupant and the law stationer.

Mr. POINDEXTER. And the officeholders under the act. The remainder of the people suffer from it.

These beneficiaries are among the active propagandists for this bill. It is difficult to understand otherwise the tremendous pressure that there is for its passage.

However, here is the peculiar feature which I started to point out: The bill carefully provides that the commission shall prescribe a form of lease, which is a contract between the owner and tenant, and then it is provided subsequently throughout the bill in the most specific terms that the lease, though made in the form carefully prescribed by the commission, shall not be binding upon the tenant but only upon the landlord. The tenant may stay after the lease has expired, may refuse to pay the amount of rent required by the lease, the form of which is prepared by the commission, and the commission, in their discretion, may support him in that attitude.

Mr. MOSES. It is wholly jug-handled.

Mr. POINDEXTER. Yes; there is only one handle to it.

Now, I think I have come to the real divine spark out of which this flame of enthusiasm for the alleged benefit of the "dear people" has originated. I refer to paragraph D, on page 20, which reads:

> The Attorney General may, after the termination of this act—

After its termination—

> appoint the attorney last appointed by the commission under the provisions of section 103 to assist in the enforcement of this act. Such attorney shall continue to receive compensation for such services at the rate of $5,000 per annum, payable monthly.

Under that provision in the bill, very carefully inserted by the gentleman who evidently wrote it, even after the law has expired and had its obsequies, his office shall continue to live. He is astute, at least, in looking out for his own interests.

Mr. MOSES. That is a fitting provision to bring in at the Easter season.

Mr. POINDEXTER. Yes; it is a time of joy and hope. So, Mr. President, I submit this matter, there having been an agreement to have a record vote upon it. I feel that I have accomplished the purpose which I had in view of pointing out clearly the real terms and iniquities of the bill.

Mr. BALL. Mr. President, I offer an amendment to the committee amendment.

The PRESIDING OFFICER (Mr. MYERS in the chair). The amendment to the amendment will be stated.

The READING CLERK. On page 4, line 19, after the word "Senate," it is proposed to strike out the comma and the following:

> and three of the commissioners appointed shall be learned in the law and shall have been engaged in the actual practice of law before the Supreme Court of the District of Columbia for a period of at least five years prior to their appointment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. POMERENE. Mr. President, I desire very briefly to discuss the pending bill. I shall pass by those animadversions which were cast against Senators and the Justices of the Supreme Court, because, I think, when the Senator who uttered them has an opportunity to read his remarks in cold print he will regret that they were uttered.

Many of the provisions which the Senator from Washington has discussed were contained in the old law. They were, of course, considered at the time they were before the Senate and the House of Representatives, and they have been passed upon and sustained by the Supreme Court of the United States.

I, perhaps, ought to say a word with regard to the provisions of the bill which relate to the fixing of prices for service, elec-

tric light, water, and so forth. Provisions concerning such items are contained in many of the leases, and the rentals agreed upon before any legislation on this subject went into effect included these services; and, for that reason, if it is thought advisable to grant any relief as between landlord and tenant, it is necessary not only to include the rental of the rooms or the houses, as the case may be, but to include these other services; otherwise the purpose of the law would be circumvented by permitting the landlord who furnished the light or the water or the heat to make such charges as he saw fit.

Mr. President, we can talk as we choose about the wisdom or the unwisdom of laws of this character. I recognize that there is room for an honest difference of opinion, and I say very frankly that I do not like such legislation. I would rather that the conditions were such that it would not be required; but, as I see the situation here in the District, the question is whether the Government shall control the affairs of the District or whether the tenants shall be at the mercy of a few exacting landlords. That is the only question here.

I recognize the fact that this legislation was for a temporary purpose only. When the original act was about to expire, a joint resolution or bill was presented which extended the provisions of the law for a period of eight or nine months—I have forgotten the exact time—and that time will expire, I think, some time in May of this year. It was thought by the District Committee, at the time the bill providing for this extension was presented that that would be a sufficient period within which normal conditions might be resumed.

Very much to the surprise of the committee, as well as of others who have considered this question, after this extension was adopted and the end of the rent year was in sight, which was October 1, many of these landlords who were renting to tenants, and particularly to the poorer class of tenants, refused to enter into any lease whatsoever, and many of them said that their reason was that the moment this rent act expired the rents of these tenants would be greatly advanced, or they would be set out on the street. I am not guessing at this. I know whereof I speak.

There must be thirty or forty or fifty thousand tenants in this District who are employees of the Government. Most of them are obliged to rent their apartments. The question for Senators to consider, it seems to me, is this: Shall we sit silently by and allow these tenants to be thrown into the street or permit these excessive exactions, or shall we try to give them some assistance?

This is not taking property from the landlords. That could not be done. A rent commission was appointed for the purpose of doing justice between the landlord and the tenant.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. POMERENE. Yes.

Mr. WATSON of Georgia. I should like the Senator from Ohio, if he can, to point out the difference in principle between arbitrarily fixing rents in Washington and doing the same thing in Chicago, Boston, or New York.

Mr. POMERENE. Mr. President, that is a very pertinent question. There is no difference at all. The only difference in our jurisdiction is this: Here in the District the Congress is vested with plenary power, subject only to such limitations as are contained in the Federal Constitution. In the different cities to which the Senator from Georgia has referred the State legislatures act under the power that is invested in them by their constitutions; or, to express myself perhaps more accurately, they can exercise any power which is not prohibited to them either by the State constitution or by the Federal Constitution.

The Senator has suggested a very interesting question. Away back a number of years ago the State of Illinois passed a statute to regulate the charges which might be made by grain elevators, and there were distinguished gentlemen in that day who loved the Constitution more than they loved themselves who said that the legislature was interfering with private property when it attempted to do that; that these gentlemen who had builded these elevators had the right to charge anything they saw fit to charge, because the elevators were their property. This case came to the Supreme Court of the United States, however, and in Ninety-fourth United States Supreme Court Reports, on page 113, is reported the case of Munn against Illinois, sustaining the power of the legislature to fix these rates, and taking the position that when the elevator man held himself out in a public capacity, inviting the storage of grain, his business was clothed with a public interest, and therefore the Government had a right to regulate it.

Let me read just a paragraph from the opinion. I read from page 126:

> Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but so long as he maintains the use he must submit to the control.

I shall not take the time to read the long opinion of Mr. Chief Justice Waite; but it is the law, and it has been followed from that day to this.

Mr. WATSON of Georgia. Mr. President——

Mr. POMERENE. Will the Senator pardon me for just a moment?

Mr. WATSON of Georgia. Certainly.

Mr. POMERENE. Here is the situation: If some one were to come to the District of Columbia and put up an elevator, and other men wanted to have their grain—their wheat, their corn, their oats—put in this elevator, Congress would have the right to regulate those charges; but, according to the logic of some of these constitutional lawyers, if a man builds a great storage house in which he intends to rent out apartments for the shelter of human beings, then they contend, "No; we can not do that."

In my humble judgment if the Congress of the United States has the power to regulate the price that can be charged by a landlord for the storage of corn and of wheat, so also can the Congress regulate the price that he may charge when the father of a family wants to house his babies and his wife. That is the constitutional question involved, and it does not disturb me very much.

More than that, the constitutionality of this act was passed upon by our Supreme Court by a majority of 5 to 4. Among the four was Mr. Chief Justice White. Since that time there has been a change in the membership of the court, and recently, about the 20th of March, this same question was before the United States Supreme Court in a case which arose under a statute of the State of New York. I think the cases were the same from a standpoint of fact. The Supreme Court of the United States sustained the New York law by a vote of 6 to 3, Mr. Chief Justice Taft joining with the majority.

Mr. WATSON of Georgia. Mr. President——

Mr. POMERENE. I yield to the Senator.

Mr. WATSON of Georgia. The Senator has now taken the position that the regulation of the charges of an elevator is analogous to fixing the rents of a private dwelling or apartment house. The Senator, of course, sees that his logic carries him to the proposition that Congress could then fix the rents in Boston, New York, Chicago, or any other city.

Mr. POMERENE. No; I do not go to that extent at all. The Senator, I think, has overlooked the fact that under the Constitution, which provided for the organization of the District of Columbia, the Congress was given plenary power; it has the sole legislative power here in the District. We do not have that power in the States; and let me say, further, that the case to which I refer involved the constitutionality not of a Federal statute but of a State statute.

Mr. WATSON of Georgia. But, Mr. President, if there is any analogy between the running of an elevator and the renting of a private house that would apply to every city in the Union.

Mr. POMERENE. No; I think not. I do not think we would have the right to go outside of the District in a matter of that kind, and I think the Senator will agree with me after he shall have taken the time to investigate that question further.

Mr. President, I am not going to take the time to refer to a number of letters that I have here, or to information which was brought to other members of the committee as well as myself as to the enormous increases in rents which were to be put into effect by these landlords on the very day of the expiration of the present rent act. That has all been gone into before. The question is whether or not we want to leave these people at the mercy of some of these landlords.

This act provides for reasonable rentals. One of these real estate agents called me up the other day and said to me, when the question was up as to whether or not this bill was to apply to business property, "Why, we have made more money under the rent act than we ever did before." Now others speak for them and say that we are taking private property without compensation.

Another argument they have used is that it interferes with building, and we have heard much of the law of supply and demand. The figures which I read a little while ago demonstrate conclusively that building in the District has been in-

creasing. When the legislation for an extension of the act was pending before, probably 8 or 10 months ago, the argument was made that there was less demand for houses in the District, because a good many people had gone out. The fact is that the rents have been increasing. I think there can be no question about that.

I am just as anxious that the landlord shall have a square deal here as I am that the tenant shall have a square deal, and I think the machinery of this law demonstrates conclusively that that was the purpose of the framers of it, as well as of Congress, when it was originally passed.

The law provides that the rent commission shall hear these cases. They can be brought either by the landlord or by the tenant. If the tenant thinks he is paying too much, he can have a hearing. If the landlord feels that he is not getting enough, he can have a hearing. There have been some changes made here as to the course of appeal. Those were made largely because of the recommendation of the attorney for the rent commission. In his judgment, the cases could be more expeditiously heard on appeal if the appeal went to the Supreme Court of the District of Columbia rather than to the United States Court of Appeals for the District.

It is true that we have provided for an increase in the number of the commission from three to five, and the reason for it was that there was such an accumulation of business before the commission that it was thought that if the membership were increased to five, and they were permitted to hear the testimony in sections, there could be a quicker determination of the issues involved. Those were the only reasons for these changes, and with the knowledge which the committee had we thought that they ought to be adopted.

I do not think I care to discuss the matter further at the present time.

Mr. WALSH of Montana. Mr. President, I do not desire to enter into any discussion of the general merits of this legislation. It has justified itself repeatedly before Congress, and, so far as the arguments to which we have listened this afternoon are concerned, they were made ineffectively against the legislation before the supreme court, and I do not desire now to review them.

There are some features of the bill, however, which I am sure ought to be changed. I invite attention particularly to the provision on page 15, to the effect that judgments of the municipal court, in cases brought before that court, shall be subject to appeal to the Supreme Court of the District of Columbia. That section provides that whenever an adjudication shall be made fixing the rent of any building, and the landlord shall charge more than the amount of the rent so fixed, the tenant paying the rent may begin suit in the municipal court, and there recover double the amount of the excess rent which he has paid. Then it is provided that from a judgment in a proceeding of that character an appeal may be taken to the Supreme Court of the District of Columbia.

The Judiciary Committee some time ago conducted extensive hearings for the purpose of relieving the congestion of business before the Supreme Court of the District of Columbia, and we increased the jurisdiction of the municipal court so that it took cognizance of cases of a civil nature involving sums not to exceed $1,000, and appeals were permitted from that court to the Court of Appeals of the District of Columbia instead of to the Supreme Court of the District of Columbia, as had been the case theretofore. That plan has worked out admirably, and so appeals are now taken in all cases from the municipal court to the Court of Appeals of the District of Columbia. I see no reason why appeals from judgments of this character should be taken to the supreme court, while appeals on judgments in all other cases are taken to the Court of Appeals of the District.

Accordingly, Mr. President, I move to strike out from section 12 the language to which I have referred. It destroys the symmetry of the system which was devised by the Congress for the correction of a great evil which existed here arising from the congestion of business in the Supreme Court of the District of Columbia. I do not believe there is any reason whatever for that particular provision of the bill, and I hope the Senator in charge of the bill will consent to an amendment.

Mr. BALL. As I understand the Senator, he refers to language in the bill providing that where an increased rent has been paid by the tenant, he can recover it. I see no objection to taking the appeals referred to to the court of appeals, and if the Senator will offer an amendment to that effect, I will accept it.

Mr. WALSH of Montana. I ask that the question on the amendment be put, unless there is further discussion.

The VICE PRESIDENT. Will the Senator state his amendment again?

Mr. WALSH of Montana. I move to strike from the bill the language on page 15, beginning with the word "The," in line 17, down to and including the word "commission," in line 21.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 15, beginning in line 17, strike out the following:

> The judgments of the said municipal court in such cases shall be subject to appeal to the Supreme Court of the District of Columbia in general term in the same manner as determinations of the commission.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. I want to invite attention to another court feature of the bill, beginning on page 11, adverted to by the Senator from Washington [Mr. POINDEXTER]. It begins on line 21 and extends to and includes line 6 on page 12. It reads:

> Any final decision of the said Supreme Court of the District of Columbia in general term on appeal from any determination of the commission may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States by writ of certiorari to be issued by it in its discretion upon the petition of any party aggrieved by said final decision, or by the rent commission, within 30 days after said final decision, but if said writ of certiorari shall be denied, said final decision of the said Supreme Court of the District of Columbia in general term shall remain in full force and effect.

That also introduces an anomaly in the judicial system of the District of Columbia. The Supreme Court of the District of Columbia occupies in the judicial system practically the same position the ordinary district or circuit court occupies in the State system. The Court of Appeals of the District occupies generally the same position the supreme court or the court of appeals of a State occupies.

It would be just as reasonable to allow an appeal from the district court of a district in the State of Montana to the Supreme Court of the United States as from the Supreme Court of the District of Columbia directly to the Supreme Court of the United States. There is no case anywhere in our system of jurisprudence which permits an appeal from a trial court jumping right up to the Supreme Court of the United States, and I see no reason whatever for introducing that anomaly in this judicial system.

We have created a Court of Appeals of the District of Columbia, which bears the same relation to the Supreme Court of the District of Columbia which the supreme court of a State or the court of appeals of a State bears to the lower courts of that State, and why now permit a writ of certiorari directly to the Supreme Court of the United States? The proper place for that to go, obviously, is to the Court of Appeals.

Mr. POMERENE. Mr. President, the provisions to which the Senator is now referring were prepared with a great deal of care, and we accepted the judgment of the attorney for the rent commission upon this subject. We had hearings upon the matter, which were reported. It was his judgment that, as this act was limited for a short period of two years, necessarily we ought to have these cases heard and determined as quickly as possible, and if the appeals went from the commission direct to the Supreme Court of the District of Columbia, they could be more quickly heard and determined than if the appeals were to lie, as now, from the commission to the Court of Appeals.

I think the committee felt persuaded that that was the right thing to do. I have not changed my mind about it. I do not think two appeals should lie—that is, one from the commission to the Supreme Court of the District, and then another from the Supreme Court of the District to the Court of Appeals of the District—but recognizing the fact also that there might be serious legal questions presented, it was thought that we should provide for a writ of certiorari to be allowed by the Supreme Court of the United States. That is the reason which prompted the committee to present it in the form in which it now stands.

Mr. WALSH of Montana. On the suggestion of the Senator from Ohio, I had a talk with the attorney for the commission, and have heard him express his views concerning the wisdom of this provision. Of course, if you could appeal directly from one of the inferior courts of a State to the Supreme Court of the United States, in a case which can get there, it would be in the interest of expedition, no doubt; but nobody has ever thought of suggesting anything of the kind. It would, of course, cut out the supreme court of the State. Suppose I begin an action in the district court for my county. The question, we will say, involves the matter of the construction of a Federal statute, and if I could go immediately from the district court of the State to the Supreme Court of the United

States it would be a very happy thing to do, but it is not deemed advisable to permit that.

Let me call attention to the fact that whatever is gained in that way is lost otherwise. We are now asked to legislate to relieve the Supreme Court of the United States from the excessive burden of the litigation which is now before it. Indeed, a bill is now pending which I understand has the approval of the Chief Justice of the United States, providing that there shall no longer be an appeal or writ of error as a matter of right to the Supreme Court of the United States, but all matters shall be reviewable there by writ of certiorari in the discretion of the court. It is thus proposed in order to relieve that court of the burden of the business which is constantly accumulating in that court. Now, here it is proposed that in the case of every final decision of the supreme court of the District, which, bear in mind, is the trial court, the case shall go to the Supreme Court of the United States, it is true by writ of certiorari, and the court will issue this writ only in such cases as it thinks advisable to bring there for the purpose of appeal; but there is imposed upon the Supreme Court the duty in every case of examining the record upon the appeals, for the purpose of determining whether it shall issue the writ of certiorari or not.

I do not see why it should be desired to introduce that kind of anomaly in our judicial system. I do not think it is fair to the Supreme Court of the United States to impose upon it the duty of considering appeals from the inferior courts of the District of Columbia. I think that provision ought to go out, and I think that a judgment of the Supreme Court of the District of Columbia in one of these rent matters should take just exactly the same course as any other judgment of the Supreme Court of the District of Columbia, namely, that it should be reviewable in the Supreme Court of the United States as other cases are reviewable in the Supreme Court of the United States. There is no reason, so far as I can see, why the regular course of procedure should not be followed in these cases.

But I also find no reason on earth for the language immediately preceding that to which I have now addressed myself. It is provided in the same section, on page 11, as follows:

No owner or tenant shall apply to the said Supreme Court of the District of Columbia to review any determination of the commission fixing the fair and reasonable rents, rates, or charges for any rental property or apartment, except by appeal, as hereinbefore provided, and said court shall not issue any injunction, permanent or temporary, restraining or enjoining the commission from fixing the rents, rates, or charges for any rental property or apartment, and said court is hereby divested of any and all power and jurisdiction to issue any such injunction.

Mr. President, a right of appeal from the commission to the Supreme Court of the District of Columbia is given by the act. Then, why provide that no other method of review shall be resorted to or that an injunction shall not lie? An injunction could not lie in a case of that kind where there was a right of review by appeal, nor would any other method of review lie. So I see no reason for that provision at all. It might be construed into what I conceive to be a denial of justice.

If a case should arise in which the commission is proceeding in some manner beyond the law, in a way not provided for by the law, why should not the commission be enjoined from proceeding to the detriment or injury of anyone who is hurt? I can not very readily conceive of how they might do so, but if they should do so, why should we take away from the court the power to issue an injunction and restrain the commission from doing something that the law does not authorize them to do? That is the only case in which I can conceive an injunction to enjoin the commission could possibly be issued.

So I shall move to strike this language out, but I address the motion first to the matter of judicial review. I move to strike out so much of the language of the bill as appears on page 11, after line 20, and so much as appears on page 12, down to and including line 6.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment, and it will be stated.

The READING CLERK. Strike out beginning in line 21, page 11, the following:

Any final decision of the said Supreme Court of the District of Columbia in general term on appeal from any determination of the commission may be reexamined and affirmed, reversed or modified by the Supreme Court of the United States by writ of certiorari, to be issued by it, in its discretion, upon the petition of any party aggrieved by said final decision, or by the rent commission, within 30 days after said final decision, but if said writ of certiorari shall be denied, said final decision of the said Supreme Court of the District of Columbia in general term, shall remain in full force and effect.

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. I likewise move to strike out the other clause, beginning in line 11, on page 11, down to and including line 20 on said page.

Mr. JONES of Washington. I ask that the amendment to the amendment be reported.

The READING CLERK. On page 11, line 11, strike out the following:

No owner or tenant shall apply to the said Supreme Court of the District of Columbia to review any determination of the commission fixing the fair and reasonable rents, rates, or charges for any rental property or apartment, except by appeal, as hereinbefore provided, and said court shall not issue any injunction, permanent or temporary, restraining or enjoining the commission from fixing the rents, rates, or charges for any rental property or apartment, and said court is hereby divested of any and all power and jurisdiction to issue any such injunction.

Mr. WALSH of Montana. Mr. President, I wish to say an additional word before the vote is taken. Of course, if it had not been already determined that the act is constitutional, we could very readily conceive of some litigant going before the supreme court and asking that the commission be enjoined from proceeding in some particular case upon the ground that the act is unconstitutional. But it has already been adjudicated that it is constitutional. Under those circumstances what is the reason for taking away the power of the court to issue a writ of injunction, which can be issued only in case the commission endeavors to do something the law does not authorize to be done? So long as it is proceeding under the law it ought to be permitted as a matter of course to go on, and it is not conceivable that the court would issue an injunction in such circumstances.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana to the amendment of the committee.

On a division, the amendment to the amendment was rejected.

Mr. JONES of Washington. Mr. President, I offer the following amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be reported.

The READING CLERK. Strike out lines 3, 4, 5, 6, 7, and 8, on page 3, and insert in lieu thereof the following:

The term "rental property" means any building or part thereof or land appurtenant thereto in the District of Columbia rented or hired, and the service agreed or required by law or by determination of the commission, to be furnished in connection therewith; but does not include (a) any portion of an apartment building, (b) a garage or warehouse, or (c) any other building or part thereof or land appurtenant thereto used by the tenant exclusively for a business purpose other than the subleasing or otherwise subcontracting for use for living accommodations.

Mr. JONES of Washington. Mr. President, I wish to say just a word with reference to the amendment. The law as now framed does not apply to business houses and general business property. I am willing to vote for the extension of the law as it is now, but I am not in favor of extending its provisions to make them apply to business properties of various kinds in the District of Columbia. I think that would be extremely unwise. The extension as proposed in the bill pending before the Senate not only extends the law as it is now but also makes it apply to various business enterprises in the District of Columbia. The amendment which I have offered strikes out that proposition.

Mr. POMERENE. Mr. President, this matter was decided on by the committee after hearing from a number of people upon the subject. I have before me a letter which was written by the Merchants and Manufacturers' Association, which I am going to ask to have incorporated in the RECORD. It shows very great increases in the rentals. Many of those rentals have been increased, in my judgment, exorbitantly.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD, as requested.

The letter is as follows:

MERCHANTS AND MANUFACTURERS' ASSOCIATION (INC.),
Washington, D. C., February 15, 1922.

Hon. L. H. BALL,
Chairman Senate District Committee, Washington, D. C.

DEAR SENATOR BALL: At a meeting of the board of governors of the Merchants and Manufacturers' Association held yesterday afternoon the following resolution was adopted:

"Whereas business property rents are being increased to an abnormal and unreasonable extent; and

"Whereas probably 75 per cent of Washington business houses are lessees: Therefore be it

"Resolved by the board of governors of the Merchants and Manufacturers' Association, assembled this 14th day of February, 1922, That the president of this association is directed to appoint a committee to advise Congress of the necessity of immediately including business property in the provisions of the Ball Rent Act and to make such representation to Congress direct or in connection with other organizations."

President Anton Stephan appointed the following-named committee. The said committee having given the matter serious consideration, we, the undersigned, respectfully petition the Congress of the United States as follows:

While the special committee on business property rents believes that control and supervision of business and the person should be limited at all times, we are nevertheless conscious that when an extraordinary

situation arises, the effect of which is to impair the common good, Congress should and must enact legislation to exercise a corrective influence.

Information has reached this association that during the last five years business property rents have mounted to heights absolutely beyond reason. Increases have ranged as high as 300 and 400 per cent, entirely out of keeping with the actual value involved.

It must be borne in mind that in practically every business property lease the lessee must bear the burden of all improvements and repairs, and indeed some of them carry provisions involving taxes and assessments.

The value of the dollar decreased 50 per cent in the most trying period that we have passed through. But that situation long ceased, due to the fact that practically everything except property rentals has dropped. Therefore those who are disposed to interfere with the common welfare through arbitrarily maintaining fictitious value should be made to peremptorily desist. The practice can only tend to operate to the disadvantage of the entire community.

One of the great mercantile agencies has reported that the total business failures, according to their records, for 1921 were 19,602, an increase of 155 per cent over the previous year, of which 13,999, or 71⅓ per cent, were among retailers. A substantial part of these calamities were due, we believe, to the inordinate rents that were assumed by retail merchants.

Experience has proven that a large part of the propaganda operating to increase rents has been developed through some of the large national chain-store systems, in addition to the selfishness of certain individuals who are unmindful of the consequences of their acts.

Straight-thinking men and women in America, from President Harding to our humblest citizen, are looking forward to the return of what Mr. Harding has so well termed "normalcy."

Such a much-desired situation can not be realized in the face of rising business-property rents, particularly where deflation has taken place in all other departments of business.

Your petitioners ask nothing more than a square deal from the business-property landlord.

If business-property owners are entitled to a greater return on their holding, they should have it; but we submit that in instances where tenants make repairs, and, indeed, have actually created entirely new buildings, with modern equipment, such as, no doubt, will last for 50 years or more, and did this upon the ruins of age-old buildings, abnormal and unreasonable increases in rentals should not be permitted.

The present admitted shortage of buildings is in no sense due to a lack of enterprise upon the part of the business community, but came about through the exigencies of war, when the necessities of the Government and the Nation demanded that there should be a cessation of building to conserve man power and materials for the then more necessary undertakings.

Excessive and unreasonable rents have the effect of increasing prices, increasing unemployment, and of generally creating a situation wherein discontent is nourished.

We believe that in the former amendment of the rent control act a grave mistake was made in exempting business property.

Since the absence of control demands have been made on lessees for increases, the undertaking of which can only spell disruption of established businesses and the increase of unemployment.

It is our individual conviction that if all parties join hands we Americans, and particularly in the Capital of the Nation, can develop a spirit of enterprise that will have a most heartening effect upon all the activities. But this is impossible if the landlord is to get the "lion's share" of the increment of business.

There is no reason why any business should be run solely for the benefit of the landlord or any one individual.

We trust that you and your confreres in the Senate and House will take immediate steps to bring about legislation correcting this great abuse of excessive rents for business property in the District of Columbia.

Yours very truly,

R. P. ANDREWS, *Chairman*,
LOUIS LEVY,
GEO. E. HEBBARD,
GEO. P. KILLIAN,
FRANKLIN W. HARPER,
Special Committee on Business Property Rentals of the Merchants and Manufacturers' Association of Washington, D. C.

Mr. POMERENE. I have another letter which indicates rents demanded after the present law expires. I have the locations, but I will not give them.

In one case the present rent is $150, and it is proposed to be increased to $300; in another case it is $125, to be increased to $250; another $200, to be increased to $300; another case $150, to be increased to $325; another case $150, to be increased to $400; then follows five different places where the rentals are given as $75, which are to be increased to $250 each; then one of $140, present rent, to be increased to $500; one of $85, to be increased to $350; another one of $150, to be increased to $300.

It has seemed to the committee that while we did have objections to extending the rental law to business, there were very strong reasons why it should be extended to these business properties as well as to others.

Mr. WALSH of Montana. Mr. President, do the figures before the Senator give us a basis for comparison, showing what the same apartments rented for in 1915, 1917, 1919, and 1921?

Mr. POMERENE. No; I have not that information.

Mr. MOSES. May I ask the Senator has he any figures to show the prices charged in these shops back in 1915 and 1916, as compared with the present time?

Mr. POMERENE. I have not.

Mr. MOSES. It is a little difficult, in view of present prices, to waste much sympathy upon the poor, oppressed shopkeepers of Washington.

Mr. WALSH of Montana. I was simply curious to know from the Senator. I thought, perhaps, he would be able to give us that information. We are informed from time to time that prices are being reduced, that the cost of living is being reduced, that the cost of food supplies for the family is being reduced, and that the cost of clothing is being reduced. I wanted to know from the Senator whether there is a corresponding reduction in rents.

Mr. POMERENE. I have not heard of any corresponding reduction in rents. I have before me a three-page letter, which I would be glad to have read. I have already obtained permission to incorporate it in the RECORD, but I will read just one brief paragraph from it:

Information has reached this association—

That is, the Merchants and Manufacturers' Association—

that during the last five years business property rents have mounted to heights absolutely beyond reason. Increases have ranged as high as 300 per cent and 400 per cent, entirely out of keeping with the actual value involved.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

On a division the amendment to the amendment was agreed to.

Mr. CARAWAY. Mr. President, I offer an amendment to the committee amendment, to come in at the end of line 13, on page 20, of the bill. The amendment relates to hotel charges.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas to the committee amendment will be stated.

The READING CLERK. On page 20, at the end of line 13, it is proposed to insert the following:

SEC. 17. That the proprietor, manager, owner, or other person in charge of and conducting any hotel in the District of Columbia shall post in a conspicuous place in each room thereof a card or sign plainly stating the price per day of such room, and a copy of such rates for each room shall be filed with the Rent Commission of the District of Columbia. In case the hotel is conducted on the American plan, the rates for meals shall be posted in a conspicuous place in each room of the hotel. Such cards or signs, both with reference to rooms and meals, shall be dated as of the day on which they are posted. The rates charged for rooms shall not be advanced in less than 30 days from the date of the approval of the said commissioners of the written application therefor, and in the event an advance in rates is granted the same requirements with reference to posting of notices and filing copies thereof with the Rent Commission of the District of Columbia, as above provided, shall apply.

Any person, firm, or corporation who shall violate any of the provisions of this act or who shall charge any guest a rate in excess of said posted rates shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $10 nor more than $100 for each offense.

The Commissioners of the District of Columbia are hereby charged with the enforcement of this act.

Mr. CARAWAY. Mr. President, I shall take but a moment in explanation of the amendment to the amendment. I am not seeking to thrust upon the rent commission the duty of trying to ascertain whether hotel charges are just or unjust; I am simply seeking to provide some means of preventing hotels from advertising, in case of conventions and other meetings in Washington, that there will be no increase in the prices charged by them in order to induce people to come, and then practicing all kinds of extortion.

I have in mind an instance which occurred not a great while ago. A convention was to be held here and certain persons asked me to engage rooms for them at one of the best hotels in the city. I did so, the price agreed on being $4 a day. I offered to pay in advance, but I was assurred that it was not necessary; that the rooms would be reserved. When the people came—and they came more than a thousand miles—they found their reservation had been canceled and they were charged and compelled to pay $20 a day for their rooms.

The only object I desire to accomplish is to prevent hotel keepers, if a certain price is agreed on at a hotel for a room, taking advantage of conventions and other unusual gatherings to charge a higher price without notice and extorting all kinds of unfair and unreasonable prices from people who come here believing that prices are not to be changed by reason of such conventions.

Mr. POMERENE. Will the Senator from Arkansas yield for a question?

Mr. CARAWAY. I yield.

Mr. POMERENE. I am not sure that I caught the phraseology of the Senator's amendment, but as I recall it there is a criminal penalty provided for.

Mr. CARAWAY. That is true.

Mr. POMERENE. And that applies to the entire bill. My suggestion is that the Senator only intends it, probably, to apply to this particular provision of the proposed act?

Mr. CARAWAY. I do.

Mr. POMERENE. I suggest to the Senator that he make that modification of his amendment.

Mr. CARAWAY. I see the point of the Senator from Ohio, and ask permission so to modify the amendment that it shall provide that the penalty shall apply only in case of a violation of the provision dealing with hotels.

Let me say, in conclusion, that I have discussed this amendment with the chairman of the Committee on the District of Columbia [Mr. BALL] and also with the Senator from Ohio [Mr. POMERENE], and, while they did not examine the amendment, they expressed no opposition to the principle.

The VICE PRESIDENT. The amendment to the amendment will be modified as suggested.

The amendment to the amendment, as modified, is as follows:

SEC. 17. That the proprietor, manager, owner, or other person in charge of and conducting any hotel in the District of Columbia shall post in a conspicuous place in each room thereof, a card or sign plainly stating the price per day of such room, and a copy of such rates for each room shall be filed with the Rent Commission of the District of Columbia. In case the hotel is conducted on the American plan, the rates for meals shall be posted in a conspicuous place in each room of the hotel. Such cards or signs, both with reference to rooms and meals, shall be dated as of the day on which they are posted. The rates charged for rooms shall not be advanced in less than 30 days from the date of the approval of the said commissioners of the written application therefor, and in the event an advance in rates is granted the same requirements with reference to posting of notices and filing copies thereof with the Rent Commission of the District of Columbia, as above provided, shall apply.

Any person, firm, or corporation who shall violate any of the provisions of this act relating to hotel charges or who shall charge any guest a rate in excess of said posted rates shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $100 for each offense.

The Commissioners of the District of Columbia are hereby charged with the enforcement of this act.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass? On that question the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. KING (when his name was called). I have a general pair with the Senator from North Dakota [Mr. MCCUMBER]. Not knowing how he would vote, I withhold my vote.

Mr. LODGE (when his name was called). I have a pair with the Senator from Alabama [Mr. UNDERWOOD], which I transfer to the Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

Mr. NEW (when his name was called). Transferring my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Vermont [Mr. PAGE], I vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. WARREN (when his name was called). I transfer my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Maryland [Mr. FRANCE], and vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "nay."

The roll call was concluded.

Mr. JONES of Washington (after having voted in the affirmative). The senior Senator from Virginia [Mr. SWANSON] is absent on official business. I have agreed to pair with him for the day, but I understand that on this bill he would vote as I have voted. Therefore, I will allow my vote to stand.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Pennsylvania [Mr. CROW] and will vote. I vote "yea."

The roll call was concluded.

Mr. FERNALD. I have a pair with the junior Senator from New Mexico [Mr. JONES]. In his absence, I withhold my vote.

Mr. SUTHERLAND. I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Oregon [Mr. STANFIELD] and will vote. I vote "yea."

Mr. MCNARY. My colleague [Mr. STANFIELD] is absent on account of public matters. If he were present, he would vote "yea."

Mr. BALL (after having voted in the affirmative). I find that my pair, the Senator from Florida [Mr. FLETCHER], who is absent, would vote as I have voted if he were present, so I will allow my vote to stand.

Mr. KENDRICK (after having voted in the affirmative). I have a general pair with the Senator from Illinois [Mr. MCCORMICK], which I transfer to the Senator from Virginia [Mr. SWANSON] and will let my vote stand.

I also wish to say that the Senator from New Mexico [Mr. JONES] is absent on business of the Senate. If present, he would vote "yea."

Mr. KING. I have heretofore announced that I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. Because of his absence, I had to withhold my vote. I now find that I can obtain a transfer. I transfer that pair to the junior Senator from Massachusetts [Mr. WALSH] and will vote. I vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. CURTIS. I have been requested to announce that the Senator from Delaware [Mr. DU PONT] is paired on this question with the Senator from Maryand [Mr. WELLER]; that if the Senator from Delaware were present he would vote "nay," and if the Senator from Maryland were present he would vote "yea."

I have also been requested to announce that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN], and that the Senator from Minnesota [Mr. KELLOGG] is paired with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 36, nays 17, as follows:

YEAS—36.

Ashurst	Gooding	Lenroot	Spencer
Ball	Hale	Lodge	Sterling
Bursum	Harris	McNary	Sutherland
Capper	Harrison	Nicholson	Townsend
Caraway	Heflin	Norbeck	Trammell
Colt	Jones, Wash.	Phipps	Walsh, Mont.
Curtis	Kendrick	Pittman	Warren
Dial	Keyes	Pomerene	Watson, Ind.
Glass	La Follette	Rawson	Willis

NAYS—17.

Broussard	Moses	Poindexter	Watson, Ga.
Ernst	Myers	Reed	Williams
Harreld	New	Sheppard	
King	Newberry	Stanley	
McKinley	Oddie	Wadsworth	

NOT VOTING—43.

Borah	Fernald	McCumber	Shields
Brandegee	Fletcher	McKellar	Shortridge
Calder	France	McLean	Simmons
Cameron	Frelinghuysen	Nelson	Smith
Crow	Gerry	Norris	Smoot
Culberson	Hitchcock	Overman	Stanfield
Cummins	Johnson	Owen	Swanson
Dillingham	Jones, N. Mex.	Page	Underwood
du Pont	Kellogg	Pepper	Walsh, Mass.
Edge	Ladd	Ransdell	Weller
Elkins	McCormick	Robinson	

So the bill was passed.

SERVICES FOR SOLDIER DEAD AT BROOKLYN, N. Y.

Mr. HARRIS. Mr. President, when the transport *Cambrai*, the last ship bringing home from France our precious dead, reached New York, I was one of the members of the Senate committee to meet these boys coming home to await the final reveille in their own beloved land. Pvt. Charles W. Graves, of Rome, Ga., was the last one to come ashore, and for that reason was selected to symbolize the thousand and forty-one soldiers who came with him. The President of the United States was represented by the Assistant Secretary of War. Both Houses of Congress were represented by committees. Several governors of States and many thousand soldiers marched behind the caisson. On the line of march there were several hundred thousand Americans who stood with bowed heads. On some of the streets through which we marched in Brooklyn the residents were all foreigners; most of them could not even speak our language, but their people had helped win the war. They removed their hats and stood with bowed heads as the solemn procession passed. Pvt. Charles W. Graves's remains were taken to Rome, Ga., his old home, and laid to rest by his boy-

hood friends and fellow soldiers of the American Legion, who had offered their lives to their country. Nothing I can say will add to the glory and honor of Charlie Graves and those who gave their lives to their country—they made the supreme sacrifice. They saved our country and the world; yes, civilization for all time; and for all time the heroic deeds of our soldiers will be the proud heritage of the people of our country.

I shall not take the time of the Senate to-day to say more about Charlie Graves and those he symbolized—the whole Nation mourned their loss; but I wish to say a few words about the people of Rome and northwest Georgia, among whom he lived, and whose aspirations inspired him to noble deeds which cost his life on the battle field.

Rome is the commercial and educational center of northwest Georgia, and situated where the beautiful Etowah and Oostanaula Rivers meet to form the Coosa. The city is surrounded by hills overlooking beautiful valleys. It is one of the oldest cities of Georgia, and is the home of Shorter College for young ladies, which is the pride of our State. It is also the home of the famous Martha Berry School for mountain boys and girls, which has attracted the attention not only of our country but of others. Theodore Roosevelt, William Howard Taft, and many others prominent in this and other countries have visited this school, and judging her by the good she has accomplished, I consider Miss Martha Berry one of the most wonderful women of our times. Rome was the home of the beloved Doctor Axson, for many years pastor of the Presbyterian Church, whose daughter was the wife of Woodrow Wilson. It was here she grew to lovely womanhood. Her mortal remains rest in beautiful Myrtle Hill Cemetery, and the memory of her life is dear to all who knew her.

Mr. President, there are no better people in the world than the people of Georgia. It has been my good fortune to spend my life among the people of northwest Georgia, part of the time residing in Rome, and it is in that section, among those people, I hope to spend my last days. That section of Georgia was the home of the Cherokee Indians, and when they left the white pioneers who settled this section were strong men and women, who loved God and obeyed His commandments. Their forefathers had been soldiers in all of the wars of our country, from the Revolutionary to the World War, and their records in war and peace had reflected credit on themselves and their country.

Members of the Rome bar have always been among the leaders of the many great lawyers of our State. I was born and reared in the adjoining county of Polk, which was a part of the Rome judicial circuit, and many of the judges of this circuit would have graced with honor and dignity the Supreme Court of the United States. As a boy I looked with reverence on Judges A. R. Wright, John W. H. Underwood, Joel Branham, and John W. Maddox when they held court in my home county. Judge Wright was a member of the Confederate Congress, and Judge Underwood was a member of the first Tariff Commission. They have long gone to their rest. Judge Branham is one of the grand old men of our State. Judge Maddox ably represented the seventh district in Congress. He retired voluntarily and has the esteem and confidence of our people. He was succeeded by Congressman Gordon Lee, whose devotion to the interests of the people he represents is so well known to you.

Rome was the home of Dr. H. V. M. Miller, one of the most eloquent and talented men of his time, who was elected a Member of this body just after the Civil War. He was the only Senator elected from this section of Georgia until my election. The late Judson Clements, who so ably represented his district in Congress and served as a most useful member of the Interstate Commerce Commission for so many years, lived at Rome. In my public career I have been thrown with many of the leading statesmen of our country, but in my judgment the men I have referred to are the equal of any.

These and many others I could mention have distinguished our section. I would refer to others, but I must not trespass upon the time of the Senate. All of these men were self-made and accomplished great things by earnest effort, and their lives are an inspiration to the youth of our State. I have mentioned only a few of the many thousand I might name of both men and women whose heroic deeds, self-sacrifice, and devotion in their daily work have been equal to any of these. These men I have selected as a symbol of the lives of the people not only of northwest Georgia but of the entire State, just as the body of Charlie Graves was selected as a symbol of the thousand and forty-one soldier dead.

RESTRICTION OF IMMIGRATION.

Mr. COLT. Mr. President, I move that the Senate take up for consideration House Joint Resolution 268, extending the present immigration law for a period of two years. I shall not ask to go on with it to-night.

Mr. HARRISON. Mr. President, before that motion is put, may I ask whether the Senator is going to proceed to-night with the consideration of the joint resolution in case it is taken up?

Mr. COLT. Not to-night.

Mr. LODGE. The purpose is to make it the unfinished business.

Mr. HARRISON. Mr. President, this matter is one of a great deal of importance. Recently the President appointed Mrs. Moore, an expert on immigration, to make a visit abroad and study this subject. When the committee met to consider this joint resolution it was hoped by some of us that she might be invited to come before the committee and give us her views, but the committee did not see fit to invite her. Her report has just been filed, I think only a day or two ago. Some of us have not had time even to read the report, and it is most important that it should be considered in connection with this joint resolution. The Commissioner of Immigration has submitted some amendments to the present law; and I had hoped that the Senator from Rhode Isalnd would not move to take up the joint resolution for consideration until Monday, so that we might have at least two days to read the report of Mrs. Moore. I think courtesy not only to Mrs. Moore but to the President, who delegated her to go abroad and make this study, demands that we should have time to study the report.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I do.

Mr. MOSES. Will the Senator from Mississippi guarantee to read the report between now and Monday?

Mr. HARRISON. I had hoped the Senator from New Hampshire might have time to read it. I have read most of the report, but I really want to study it.

Mr. MOSES. May I ask the Senator another question? Is there a ball game to-morrow?

Mr. HARRISON. I do not know whether there is a ball game to-morrow or not, but I know that if there is a ball game no Senators on the other side will be here to transact the public business.

Mr. MOSES. I know that the Senator from Mississippi will not be here if there is, Mr. President.

Mr. HARRISON. The Senator from Mississippi is generally here, but he never sees the Senator from New Hampshire here.

Mr. MOSES. The Senator from Mississippi has defective eyesight, I know, but I am positive it is not that bad.

Mr. HARRISON. May I ask whether the Senator will not defer taking up this matter until Monday?

Mr. LODGE. No, Mr. President. I think this is a very important matter that ought to be disposed of, because the present law comes to an end on the 1st of June. Has the joint resolution been taken up?

The VICE PRESIDENT. Not yet. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, which had been reported from the Committee on Immigration, with an amendment.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 15, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 14, 1922.

REGISTER OF THE LAND OFFICE.

Mrs. Addie B. McLennan to be register of land office, Wausau, Wis.

POSTMASTERS.

ALASKA.

Theodore Diederick, Tanana.

COLORADO.

Roy H. Horner, Wiley.

FLORIDA.

Walter D. Griffin, Bradentown.
George W. Gleason, Eau Gallie.
Hattie M. Flagg, Lake Wales.
Mary C. Thornton, Ormond Beach.

KENTUCKY.

Robert R. Burnam, jr., Richmond.

MASSACHUSETTS.

James R. Tetler, Lawrence.

MICHIGAN.

Henry M. Cosier, Bear Lake.
Benjamin F. Scamehorn, Bloomingdale.
Jesse M. Green, Roscommon.
John M. Klipp, Watervliet.

NEBRASKA.

Fred H. Herrlein, Deshler.
John T. Bierbower, Giltner.
Allen A. Strong, Gordon.
Harold Hjelmfelt, Holdrege.

NEW MEXICO.

Roy H. Smith, Tucumcari.

NORTH CAROLINA.

Gabriel A. Connor, Belhaven.
James L. Sheek, Mocksville.

SOUTH DAKOTA.

Charles H. McCrossen, Ashton.
Alice S. Esget, Lily.
Ira D. Winter, Wall.

WYOMING.

Charles A. Ackenhausen, Worland.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 14, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We bless Thy name, our heavenly Father, for the hallowed associations of this day. We are reminded of the tragedy of divine love and the memorial everlasting of the Teacher of men. Clothed with humility, yet filled with power, it is the Father's heart struggling for infinite expression. O merciful God, may we have a noble conception of sacrifice and service. Impress us with the highest ideals of our national life. Strengthen us with a fixed and solemn determination to judge and measure all problems with intelligence and conscience. When life's day is done and it is evening time; when the sunset is flushing the river, the hill, and the shore, by the light of the cross may we find our way to the Father's house. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following resolution:

Senate Resolution 275.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAMUEL M. BRINSON, late a Representative from the State of North Carolina.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to attend the funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, As a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate had passed with amendments the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following concurrent resolution:

Senate Concurrent Resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate, be printed as a Senate document with an index, and that 27,000 additional copies be printed, of which 10,000 shall be for the Senate document room, 15,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 1,000 for the Committee on Ways and Means of the House.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate Concurrent Resolution 21 was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate Concurrent Resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate, be printed as a Senate document with an index, and that 27,000 additional copies be printed, of which 10,000 shall be for the Senate document room, 15,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 1,000 for the Committee on Ways and Means of the House—

to the Committee on Printing.

THE NAVAL APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, the naval appropriation bill.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. LONGWORTH. Will the gentleman from Michigan yield?

Mr. KELLEY of Michigan. I will.

Mr. LONGWORTH. Is it the intention of the gentleman to press for a vote on the personnel question to-day or to-morrow?

Mr. KELLEY of Michigan. We will move right along and let that come wherever it may.

Mr. GARRETT of Tennessee. The gentleman does not propose to adjourn over if you do not complete the bill?

Mr. KELLEY of Michigan. That is not the intention.

Mr. LONGWORTH. The gentleman will recall that when the Army bill was before the House, by agreement the controverted matters were put over until the last, and the uncontroverted matters were passed upon first.

Mr. KELLEY of Michigan. In the case of the naval bill that could not be done, because everything else hinges on the size of the personnel.

The SPEAKER. The question is on the motion of the gentleman from Michigan.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The Clerk, proceeding with the reading of the bill, read as follows:

PRINTING AND BINDING.

For printing and binding for the Navy Department, $212,250, including not exceeding $50,000 for the Hydrographic Office.

Mr. STEVENSON. Mr. Chairman, I move to strike out the last word. I want to call attention to a matter connected with the printing and binding that seems to me is the greatest abuse that comes under any department of the Government. Under the vocational educational arrangement that we have, the other day a young man who had already taken his degree of A. M., as I am informed, was prepared to take his Ph. D. I did not know that in the national training we were going quite as far as that, and I challenge the wisdom of the policy that does so, but he was required to print his thesis. Here is a soldier we are educating, and we have great cries about the soldiers, and under the requirements he had to print 150 copies of his thesis, which is required by Cornell University. They had to ask the Joint Committee on Printing to approve a bill of $482 for printing the thesis of a man we are training to get back to work. I do not know where the trouble is, but the amount had to be approved or the man would not get his degree. So the committee approved it. It seems to me that that is an abuse in handling the printing and handling all the matters with relation to vocational educational training. Such training should stop at least with an A. M. degree. Mr. Chairman, I withdraw the proforma amendment

The Clerk read as follows:

TEMPORARY GOVERNMENT FOR WEST INDIAN ISLANDS.

For expenses incident to the occupation of the Virgin Islands and to the execution of the provisions of the act providing a temporary government for the West Indian Islands acquired by the United States from Denmark, and for other purposes, approved March 3, 1917, to be applied under the direction of the President, $250,000.

Mr. FESS took the chair.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 6, line 7, after the word "President," strike out the figures "$250,000" and insert in lieu thereof "$343,440."

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. KELLEY of Michigan. Is the additional sum proposed by the gentleman from Iowa sufficient to make up the difference between the amount carried in this bill and the amount that we appropriated for the Virgin Islands last year?

Mr. TOWNER. The estimate, as the gentleman from Michigan knows, made by the officer now acting as Governor of the Virgin Islands, was $384,500. The amount appropriated for this year was $343,440. The Budget arbitrarily cut the amount to $250,000, which is carried in the bill. Really the amount estimated ought to be carried, but I have not offered that amendment, I will say to the gentleman, I have only offered the amount appropriated for the present year.

Mr. KELLEY of Michigan. I will say that the only reason the committee did not include the same amount this year as was appropriated last year was the fact that the Budget Commissioner arbitrarily made a deduction to the amount carried in the bill. The committee has no objection to the amendment offered by the gentleman from Iowa.

Mr. MANN. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. MANN. What was the reason the Budget Bureau made the cut?

Mr. TOWNER. Nothing except the fact that they were making reductions all along the line. In this particular case it would be utterly impossible for the Governor of the Virgin Islands to continue with the appropriation recommended by the Budget Committee.

Mr. MANN. The Budget did not recommend a cut in every case. There are many cases where they recommended the amount of last year's appropriation, and in many cases where they recommended in excess of last year's appropriation. Now, was this just a hit and miss, a guess of the Budget Bureau, or a recommendation wholly without any information whatever?

Mr. TOWNER. I will say to the gentleman that, so far as I know, there was no information except the estimate and the showing by the governor of the islands, which was very complete. That afforded not the slightest ground for a reduction from the amount asked for.

Mr. MANN. Without any reflection upon the Director of the Budget, it sometimes happens that there are cases where some employee of the Budget Bureau, looking over these items, says to himself, What is the use? Cut it out; and that is all they know about it.

Mr. TOWNER. I think the gentleman is very nearly correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. TOWNER resumed the chair.

Mr. LONDON. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for 10 minutes. I desire to discuss the bill.

The CHAIRMAN. Is there objection?

Mr. CLARKE of New York. May I inquire if the gentleman is going to stick to the text of the bill?

Mr. LONDON. I am.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, I want to discuss the broader aspects of the controversy which centers around the question of the increase of the personnel of the Navy. Instead of Wilson's fourteen points we have a multitude of treaties. The treaties are confined to the problems of the far Orient. These treaties mean that the United States has announced to the world that it is ready to fight for a place, if not in the sun, then for a place in the Orient; that it is ready to contend for a market in the Orient; that it is ready to fight for the open door to China, so that the Chinese door should be open to anybody and everybody who is ready to invade China. We have openly committed ourselves to the policy which has been followed by European nations, to fight for markets, colonies, and spheres of influence on other continents. Simultaneously with this announcement there has come an agreement that the number of dreadnoughts in the Navy be limited in the ratio of 5 to 3, so far as the principal Asiatic power is concerned.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. CLARKE of New York. Does not the gentleman think that this is an improvement upon the policy announced by Mr. Josephus Daniels of wanting to go ahead and develop the Navy until it overtops every other navy in the world? Does the gentleman not think this is an advance really toward peace?

Mr. LONDON. It is better than an unlimited increase of the Navy. It is undoubtedly better than an unchecked rivalry of armament; but the thing that is of primary importance in the consideration of this question is whether the great masses of the American people realize the importance of these treaties, whether they understand their meaning, whether they are ready to indorse this declaration made to the world that the United States will contend for spheres of influence and for markets in the Pacific. That is the really big question involved in the situation.

Mr. Chairman, I have never believed that the Navy of the United States could ever be strong enough to overcome the navy of Japan in Japanese waters. All the experience in the last war has demonstrated that for purposes of defense a small navy is sufficient. In spite of its overwhelming superiority, the British Navy has been unable to successfully attack a single German fort. In spite of overwhelming advantages, the German Navy was never able to capture a single Baltic port from Russia.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. KNUTSON. The British Navy was successful, however, in protecting the coast of Great Britain during the war.

Mr. LONDON. For defense purposes, as I said, the insignificant Russian fleet offered successful opposition to the infinitely stronger German fleet. What I am arguing is that for purposes of defense no large navy is necessary, and those who speak in the name of the defense of the Nation have no right to ask for a large Navy. That is the contention that I make.

Mr. KNUTSON. Then, why a Navy at all?

Mr. LONDON. Oh, the gentleman may as well argue that because he wants a steak he is ready to swallow the ox. From the standpoint of defense, Mr. Chairman, this question of the increase in the personnel is not relevant.

A very strange thing occurred in connection with this discussion, and that is the bringing in of the opinion of the Secretary of State. That is rather significant. What has the Secretary of State to do with this question? Has the Secretary of State agreed to maintain the ratio of 5–5–3? Is it an alliance in spite of the declaration of the Senate that these treaties shall not be considered as treaties effecting an alliance? The argument of the Secretary of State would be relevant only in case we agreed to maintain that ratio instead of providing that the 5–5–3 ratio should be the maximum. The Secretary of State has nothing on earth to do with this question, unless we take it for granted, as argued on the floor the other day—and, by the way, it was by a Democrat—that we must bow to the Secretary of State; that the Secretary of State knows things that we do not know; that the President knows things that we do not know. If it is to be a question of faith in the Secretary of State or in the President, let Congress abdicate its powers. If our legislation is to be based on admitted and voluntary ignorance, we may as well stop legislating.

Mr. Chairman, in spite of all these treaties, the expenditure for the Navy to-day is larger by nearly $200,000,000 than the pre-war expenditure. How can you justify it, not only from the standpoint of economy, from the standpoint of dollars and cents, but from the standpoint of good faith with the world? Is not the United States supposed to lead in the work of peace; and if you are to lead in the work of peace, how can you think of increasing armaments?

When I was interrupted I was about to develop the thought that the United States could never hope to maintain a Navy strong enough to overcome Japan in her own waters. It can not. In order to accomplish that the Navy of the United States would have to be many times larger than that of Japan. Nor is it desirable to keep alive the thought that the United States has any reason to wage war against Japan.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

For temporary employees in the Office of Naval Intelligence, $13,380; *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except two persons at $2,000 each.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

There has been so much question raised with reference to the accuracy of certain information which has been given out both by the Navy Department on the one hand and by the chairman of the committee that presents this bill on the other hand that under this item with reference to naval intelligence I wish to

discuss for a few moments the question of the accuracy of that information.

In the first place, I want to say that nothing in my remarks ought to be considered as any reflection upon the officers of our Navy. It is greatly to their credit that they are wrapped up in their profession; that they look at everything through naval spectacles, magnifying the dangers which threaten us and minimizing the resources of our own country. And it is greatly to their credit that they should think that over and above all the matter of naval affairs transcends everything in importance. But it would be little to our credit if we accepted every statement that is made by them without verifying the information so given.

I make this statement in view of the fact that we have had repeatedly in the past wrong information given us by the Navy Department, information that has been in turn given here on the floor by members of the Naval Committee and those that are interested in the bills which were before us. A very striking example of the carelessness, at least, of giving us information is found on page 456 of the hearings, from which it appears that in 1919 Captain Leigh presented the committee with a table showing there were 3,000 chief petty officers in the Navy. As a matter of fact it is now conceded that at that time there were 12,600. In the discussion on the naval bill in 1920 that occurred in this House a member of the committee stated that France was building nine dreadnoughts. Why did he state that? Because he had received the information to that effect from the Navy Department. Was it correct? It was not. France had not so much as laid the keel of any dreadnought, had not as much as lifted a hammer on any dreadnought.

During the course of that same discussion I stated that England was not then building any capital ships, and a member of the Naval Committee on the other side rose and corrected me. He said he hoped I would not place any credence in newspaper rumors that England was building no battleships. The gentleman was entirely incorrect. And why did he make that statement? Because the officers of the Navy had informed him that England was building capital ships at that time. Was it a fact? It was not. England had not laid down any capital ships since 1914 or been engaged in building any, and everyone now knows that to be the real fact.

Now, Mr. Chairman, we have had some dispute here as to the number of men in the personnel of the English Navy. On March 16, in the House of Parliament, Mr. Amery, the financial secretary to the admiralty, gave out the official statement that the number of men in the English Navy would be 98,500, which is the number that was given by Mr. KELLEY, the chairman of the committee that presented this bill. Did the Naval Intelligence Bureau know this? If they did not they were woefully ignorant. If they did, why did they give the Members of this House the statement that has been repeated here on this floor that the personnel of the English Navy was 104,000? When they talk about England maintaining 18 capital ships in commission——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five minutes further.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes further. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. When they gave the Naval Committee the information that England expected to maintain 18 capital ships in commission, did they know that in this same statement made by Mr. Amery, and also in the statement made by Lord Lee, the First Lord of the Admiralty, in the British official White Paper, it was said that only 15 capital ships would be maintained in full commission? If they did not know these things they were woefully ignorant. If they did know them, they have been misinforming the House and the Members of the committee in the same manner as they have before.

The trouble is that these gentlemen are so much interested in their profession—and it is to their credit—that they are——

Mr. BUTLER. Did I understand the gentleman to say that it was officially stated that on the 15th of March of this year by the first English admiralty officer that England only intended to keep 15 ships in commission this year? I did not understand exactly what the gentleman said, and I would like to have him repeat it.

Mr. GREEN of Iowa. That statement was made on March 1, as I remember, and published in the London Times of March 2 by Lord Lee, the First Lord of the Admiralty. The gentleman from Michigan [Mr. KELLEY] can verify it. He has the paper right on his desk—if the gentlemen wish to look at it—that contains the information that only 15 capital ships would be kept in full commission.

Mr. BUTLER. I thank you very much.

Mr. ARENTZ. Will you please explain what you mean by full commission? Does that mean that the same number of men shall be on the ship that were on the ship during the time of war, looking through binoculars for submarines, and so forth?

Mr. GREEN of Iowa. Oh, no.

Mr. ARENTZ. What do you mean by full complement?

Mr. BUTLER. I do not know how many men England places on a ship that is held in reserve, but even the ships which are rated as being in full commission in times of peace do not carry their war complement. The same statement which was made by Mr. Amery, and to which I have before referred, carried also the information that the complement of the Atlantic Fleet would be reduced by 16 per cent, and that the complement of the Mediterranean fleet had already been reduced in proportion.

Mr. KELLEY of Michigan. What is the war complement of the *Queen Elizabeth*?

Mr. GREEN of Iowa. I will have to ask the gentleman for that information, as I am not sure I could give it exactly. It is about 1,200. I can not give offhand the complement of each British battleship.

Mr. KELLEY of Michigan. I understand about 1,200. Fifteen per cent of that would bring it down to about 1,000.

Mr. GREEN of Iowa. To be exact, it is a little over 1,200.

Mr. KELLEY of Michigan. I think it is about 1,200. We put on an average, in this bill, 1,014, and 100 marines besides.

Mr. GREEN of Iowa. The gentleman is well aware our ships carry, as a rule, a larger complement than those of England. I do not understand why. I do not know why the American sailors are not just as competent in their work on a ship as those of England, but for some reason they have always carried a larger complement than the ships of England.

Now, Mr. Chairman, I trust in the discussion on this bill we will use a little common sense. We expect the naval officers to be not only somewhat prejudiced by reason of the fact that their advancement and success is to a certain extent wrapped up in these bills, but also by their zeal for their profession, and are inclined here, in England, and elsewhere to magnify the dangers and also the numbers of the forces of the foreign nations.

Now, a table has been given out as to how many men Japan has. I do not know where anybody got that. I do not understand how it can be obtained. Japan gives out no official figures in reference to the number of men she has on her ships. A chart has also been presented here showing the number of tons that England will have in commission and the number of tons we will have in commission under this bill and the number of tons Japan will have.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. May I have two minutes more?

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I do not know any way in which it can be figured out, taking the 15 largest ships that England possesses, that they would have the number of tons in commission that are given on that chart, nor, do I know any way, using the number of tons that represent the largest ships of Japan and the number of capital ships Japan has, by which it can be shown that Japan can have that many tons in commission.

Mr. Chairman, in no other country are statements of naval experts accepted as final. If we are to accept them as final, we might as well abdicate our function, so far as the Army is concerned, because on the same principle we should accept all that the Army experts say, which we have refused to do. In every first-class power the civil authority is above the military authority, and in every first-class power and by every legislator of such power it is recognized that the civil authorities not only control but they ought to consider the natural prejudices which exist in the minds of military and naval experts, and which influence the statements which they make. [Applause.]

Mr. MONDELL. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, the statement that the gentleman from Iowa [Mr. GREEN] has just made relative to the testimony given by officials of the Navy at one time and another as to the number of petty officers in the Navy brings to mind a

series of more or less painful recollections. If one questions why some of us take with some little measure of allowance the statements made by so-called experts, if there is any question in the mind of anyone as to whether or no we should accept as gospel what some of the experts say, let them search their own experience with regard to so-called expert testimony.

One in a position of responsibility here has, first and last, a good many more or less trying experiences. One is frequently called upon to take a position which subjects him to criticism, which frequently presents him in a false light before the country and often tends to make life uncomfortable. I remember one such experience when in the late fall of 1919 a great drive was started for the increase of the pay of the officers of the Navy. I was in sympathy with all that was said and all that was urged in behalf of these officers, for certainly the world never saw a more gallant set of men, the world never witnessed more heroic service than that rendered by the American fleet and the American Navy during the war [applause], and particularly that portion of the Navy which operated in the North Sea with the British fleet and that served in the sea lanes haunted by the sea wolves. And so these appeals found a sympathetic echo in my mind.

But I felt some responsibility to the taxpayer, to the man who pays the bills, as well as to these gallant sailors. It was said, "The high sea pay of the war no longer prevails; prices are high; the cost of living is great; these men must have an increase." Well, I may have been stubborn in my opposition. I was, I admit, hard to convince.

I found it difficult to bring myself to believe that under all the circumstances there should be an increase in the pay of all the officers of the Navy. But finally the appeal took a somewhat different form. It ceased to be made on behalf of the higher officers of the Navy. It come to be urged only on behalf of the commissioned officers of low rank and with great earnestness on behalf of the petty officers, the men down in the stoke room, the skilled men doing the hard work and having the heavy responsibility; the men of fine ability and capacity as skilled machinists or engineers, as practical workers, the men upon whom we must depend to keep the great complicated fighting machines of the Navy afloat. I listened to the appeal of some of the individual members of these corps, and I finally concluded that whatever might be the fact with regard to the commissioned personnel, there was a condition which warranted and demanded an increase of pay for these efficient, brave, working forces of the Navy.

The man who above all others, at all times and under all circumstances, urged these increases was the gentleman from Michigan [Mr. KELLEY]. He haunted my footsteps. He appealed to me with great earnestness, but always in perfect good nature. He was insistent; he was persevering; he never let up. He said, "This must be done, at least for the noncommissioned officers of the Navy. These fighting, working, efficient men must be better paid." In the meantime a large part of the press of the Union was aimed at Congress to compel us to increase the pay of the Navy all along the line, and as it was understood that other gentlemen in positions of responsibility were favorable to the increases asked the pressure came on the floor leader, the chairman of the steering committee, and for several months I was perhaps the best abused man in the Union.

The Navy would sink; the Navy could not function; the Navy would have to be tied to the dock if this was not done. This and much more along the same line was dinned into our ears continuously. Officers of the Navy, from admiral to captain, urged the increase of pay.

Gentlemen appeared before the committee of Congress, and Captain Leigh, in the presence of the Secretary of the Navy, gave testimony in support of Mr. KELLEY's bill, and his contention was that the pay was so low and the demand elsewhere at high wages for these trained men was so great that they were being drawn from the Navy into private employment at a rate that imperiled the Navy and the Nation. He said their numbers had been reduced to 3,000. That is the number; 3,000. Secretary of the Navy Daniels and Captain Leigh, experts, said, "We must save the Navy from this peril." I agreed that the pay under the circumstances for these men was low, and I was greatly impressed with the statements that the Navy would cease to function if the skilled men deserted in such numbers. I finally said to the gentleman from Michigan [Mr. KELLEY], "So far as I am personally concerned, I will help you increase the pay for the petty officers, but for the present for no one else," and eventually a bill was introduced and passed this House to increase the pay of the petty officers. During that discussion we understood that this would cost a few millions. That is my recollection.

The bill passed the House to increase the pay of the petty officers. It did not increase the pay of any petty officer. "Add a few millions to the pay of the Navy, or the Navy can not function. There are only 3,000 of these highly skilled men remaining." That was the statement that was made. The bill passed the House and went to the Senate. In the Senate it was broadened and expanded and increased just as the bill now before us will be, until it embraced not only the petty officers but a large part of the commissioned personnel of the Navy, the Army, the Coast Guard, the Public Health Service, and it came back to the House. As the bill passed the Senate I have no idea how much it might have cost. Again we were subjected to criticism by practically all the maritime newspapers of the country because we were not willing to pass the extravagant Senate bill. Finally we reached a compromise under which the increase of pay covered the petty officers and the lower grades of all these establishments, the commissioned officers as high as commander in the Navy, and lieutenant colonel in the Army, as I recall.

Mr. BUTLER. Colonel.

Mr. MONDELL. Colonel in the Army.

Mr. BUTLER. And captain in the Navy.

Mr. MONDELL. And that increase was insisted upon on the claim that the cost of the increase would be less than $40,000,000 per annum. That was stated repeatedly on the floor of the House. We had it on the highest authority, expert authority of the War Department and the Navy Department, that under no circumstances would it go over $40,000,000. Our increase of a few million meant for the real workingmen of the Navy had grown to $40,000,000, but that was the last dollar that it could possibly amount to according to the testimony of all the experts of all the services. The fact is that legislation has cost us or will have cost us up to the 1st of July $140,000,000, or at least $70,000,000 a year. In the beginning it was to cost perhaps $10,000,000, according to the expert testimony, and it was urged by everyone in these establishments, aided and abetted by all the metropolitan newspapers of the country, abusing Congress and particularly abusing a few men in Congress as hard-hearted and shortsighted. Now it is costing at least $70,000,000 a year.

Now, how about the 3,000 men on account of whom we were first persuaded to give these increases?

During the discussion of the bill now before us Captain Williams appeared before the committee. This was just a few weeks ago, in the consideration of this bill. He said:

> In the hearing on November 12, 1919, in connection with the pay bill of 1920, Captain Leigh submitted a table showing that there were 3,000 chief petty officers in the service; also certain requirements for various sized navies. These figures, according to Lieutenant Commander Soule, are based on estimates of a very vague character. They were so manifestly in error that a count was made as of November 15, 1919, and it was found that there were 12,668 chief petty officers in the service.

It will be noted the statement of Captain Leigh was November 12—three days later the count was made.

Did they come to Congress and correct the mistake as between 3,000 and 12,668? They did not. When the statement was made it was probably not an intentional misstatement, but when it was allowed to go into the printed record when it was known it was not true, it must have been intended to mislead, and it did mislead the Congress.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MONDELL. In just a moment. As further evidence of the value of the testimony of experts, Captain Williams, who gave this testimony, went on and said, referring to the difference between the two statements—

> I have no more faith in 12,668 than I have in any other figure.

He did not know whether either of them was correct. Yet gentlemen follow the experts and tell us we must.

Mr. KELLEY of Michigan. Will the gentleman read the remark that I made in connection with that proposition?

Mr. MONDELL. Yes; I will read it:

> Mr. KELLEY. Does that say that there were 12,000 chief petty officers at the time Captain Leigh made this statement?
>
> Captain WILLIAMS. Yes, sir.
>
> Mr. KELLEY. I think Captain Leigh's statement is nearer correct.
>
> Captain WILLIMS. Maybe so.
>
> Mr. KELLEY. Otherwise there would not have been any occasion for your coming down here and getting an increase of pay. That was the basis on which it was made.

The increase of pay was based on the facts, practically sworn to before this committee, that there must be an increase of pay because the men were leaving the Naval Establishment and there were only 3,000 of them left, and we must increase the pay in order to keep the Navy afloat. That statement was made in every newspaper published in this eastern section. "You have got to do it to keep the Navy afloat. There are only 3,000 of these men."

Mr. MADDEN. Captain Williams is Chief of the Bureau of Navigation, is he not? So he ought to know.

Mr. BUTLER. No; he is assistant.

Mr. MONDELL. Captain Leigh was sent here as the expert to testify before Congress, and he did testify, and his figures were just one-fourth of the figures said to have been developed by an actual count. On those figures of Captain Leigh Congress passed the bill which has cost us $140,000,000.

Mr. KELLEY of Michigan. I wish the gentleman would read what I said further.

Mr. MONDELL. I will if I have the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. I ask unanimous consent that the gentleman from Wyoming may have five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Wyoming be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Now remember that the man who took more interest in this increase of pay than any other, the man who is largely responsible for the act, was urging it on the statement of the experts, because he felt his responsibility under the circumstances. That man, the gentleman from Michigan [Mr. KELLEY], made this statement at the recent hearings, when Captain Williams testified:

> Mr. KELLEY. I know that we started in 1919 to readjust the pay because the number of skilled mechanics was not sufficient. That was in 1919, and it took us quite a little while to get it through. It was a difficult job, but we finally did get it through, and we based the whole argument—I made the argument at the time—to the House on the fact that there was a tremendous shortage of skilled mechanics. If you had had 12,000 chief petty officers at that time, I would never have taken control of the bill.

That is the statement of the gentleman from Michigan. Now I yield to the gentleman from Virginia.

Mr. MONTAGUE. I ask this for information: Did the gentleman state that the increase in the Navy alone has been $140,000,000?

Mr. MONDELL. No; in the four services.

Mr. MONTAGUE. What was the increase in the Navy?

Mr. MONDELL. About $15,000,000 I am told. I am under the impression it is more. That is not provided for in this bill because the pay bill expires on the 1st of July.

Mr. BUTLER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BUTLER. I sat on that conference on the bonus bill, and does the gentleman mean to say that the increase was $140,000,000?

Mr. MONDELL. Up to the 1st of July.

Mr. MONTAGUE. But only $15,000,000 for the Navy.

Mr. MONDELL. It started just as the demand for modifications of this bill started. It started on a claim that all that was wanted was a few millions "absolutely necessary to keep the Navy afloat"—those were the words that were used repeatedly. It was absolutely necessary, we were told, or the Navy would have to be tied up, and it finally reached four services and all the officers up to colonels.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CONNALLY of Texas. Does the gentleman mean to say that the Navy represented that there were only 3,000 petty officers when in fact there were 12,000?

Mr. MONDELL. We have the testimony both ways.

Mr. CONNALLY of Texas. Was there not anyone on the Naval Committee that keeps posted so that they know whether there are 3,000 or 12,000 officers?

Mr. MONDELL. They were taking the testimony of experts. And now it is said we must take the testimony of experts. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10864. An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau; and

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes. I occupied no time in general debate.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, those of us who are interested in this bill are wondering why the sole question involved here of what enlisted personnel we need in the Navy should be shifted, and we go back an untold period of years to determine something about some petty officers. [Applause.] On the unsupported testimony of one side it would seem that they were not able to count the number of petty officers. That is not a matter of expert opinion at all; that is simply counting. Why should these gentlemen, if they are willing to face this question of personnel, seek to befog the issue and go back two years to talk about petty officers? Have we not enough here of this question to engage our attention? Is not this enlisted personnel question confronting us? What has that to do with the petty officers some unknown years ago?

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. DEMPSEY. I will yield to the gentleman.

Mr. MOORE of Virginia. The gentleman is a distinguished lawyer. Does he not think that it tends to illustrate the value, or the lack of value, of expert testimony?

Mr. DEMPSEY. I do not think so at all, and I do not think that the gentleman, who is an able lawyer, if a mistake was made by some unknown person on a question would claim that it should be taken as a precedent in a court of law. He very well knows that it would not, and that it would not carry a feather's weight.

Now, gentlemen, let us take the statement of the distinguished chairman of the subcommittee, for whom I personally, and I believe this House, has the highest respect. If the figures in this bill are to succeed, if the chairman of the subcommittee is to carry this number, it must be upon his speech. He addressed this House with rare eloquence. The question is whether he did it upon logic, upon figures, and that is what I want to examine and not the petty officers of two or three years ago. [Laughter and applause.]

First, let us take the chairman's first statement. The committee does not come in here urging that we must stand by the Budget. They could not defend that claim, because the first statement of the chairman of the subcommittee was that this bill carries $233,000,000, and that that was a cut of $192,000,000 under the Budget estimate. Ah, but you say the chairman afterwards said that that was previous to the settlement of the disarmament conference. That is true, but as the result of the disarmament conference, what was cut out? Simply the construction program, and we appropriated last year $90,000,000 for the construction, and that was all. So they have cut off $102,000,000 from the Budget, aside from construction, and they can not urge the Budget as a reason for sustaining the bill.

The chairman next says, "I assume we should maintain an 18 capital ship program." And then he says—and I call your attention to his language—"on this, and this only, we were in accord with the department." He says the naval experts disagree as to the number of men needed to man the battleships, and what does he say about them? In the next sentence the chairman of the subcommittee says "they are capable and patriotic men." They are not the kind of men described by the Republican leader; they are not the kind of men described by the gentleman from Iowa. We have the characterization of these men by the chairman of the subcommittee, and his is the language I have quoted. He says these experts are not only "capable but patriotic men." So we start out with these men—"capable and patriotic men"—advising a larger enlisted personnel than the chairman of the subcommittee reports.

The chairman, however, rejects the advice of all of the naval experts, and says that the way to determine was to count and see how many men they had on the battleships on a day which he selected, and he says they had 48,000 men on the capital ships. He says they had 19,861 men on the subsidiary ships, and he says the subsidiary ships were "only half manned," and then he asks why should not the Navy Department have drawn from the ships only half manned enough men to make up the full complement for the capital ships?

Mr. KELLEY of Michigan. Did the gentleman say——

Mr. DEMPSEY. I will yield to the gentleman in a moment. Let me give the gentleman's own words. Here is what the gentleman said:

> If they had not enough men on the capital ships, would they not have taken off enough from their surplus destroyers?

The surplus destroyers in the gentleman's own language were only half manned.

Mr. KELLEY of Michigan. Certainly, and they should not have been manned at all; simply laid up with caretakers. They are a surplus above the treaty Navy.

Mr. DEMPSEY. Oh, in the name of common sense, in the name of all that is fair and reasonable, how in the name of the eloquence, even defying logic, which the gentleman used, can he say that the destroyers of the United States, all of the ships except simply the capital ships, should be absolutely abandoned, to go to destruction? [Applause.]

Mr. KELLEY of Michigan. Just a moment——

Mr. DEMPSEY. Oh, I have not finished my quotation. When I do I shall yield.

Mr. KELLEY of Michigan. Just a moment right there, before the gentleman goes on.

Mr. DEMPSEY. Wait a moment, and then I will yield. Then the gentleman followed that by this statement:

> Do you think the naval officers permitted the capital ships to go unmanned when 19,181 were carried on vessels only half manned?

And he called that a reservoir. He calls this well, which has been half exhausted, these ships which were half manned, these ships that did not have enough men on them to protect them—he calls them a reservoir. In the name of common sense, in the name of anything except the great eloquence with which the gentleman from Michigan presented this question, how can you draw from such a reservoir as that? [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I do. And I am going to ask for five minutes' additional time.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent that he be permitted to proceed for 10 minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time of the gentleman from New York be extended for 10 minutes. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. The suggestion that I made the other day was that if they were short of men on the capital ships the natural thing would be to take them off the destroyers, which were only half manned anyhow, and could have been laid up entirely.

Mr. DEMPSEY. The gentleman said that 204 of them were half manned, and he would draw the men off these ships that did not have enough men on them to preserve them.

Mr. KELLEY of Michigan. But the Navy Department does not propose to keep them in commission next year, does it?

Mr. DEMPSEY. Oh, that does not answer it. They are going to abandon all but 103, but that is no answer at all, and the gentleman knows it.

Mr. KELLEY of Michigan. I just want to get the thing clear in the gentleman's mind——

Mr. DEMPSEY. Oh, there is no doubt about that. The matter is clear in my mind. There is not even a fog. Even the gentleman's eloquence could not obscure it.

Mr. CLARKE of New York. The gentleman has quoted the exact language of the gentleman from Michigan?

Mr. DEMPSEY. I have quoted it literally from the RECORD.

Mr. KELLEY of Michigan. This is the point I want to call to the gentleman's attention——

Mr. DEMPSEY. I don't think the gentleman has a point.

Mr. KELLEY of Michigan. That might be so. A point is not large. This is what I would like to ask the gentleman: If next year they are willing to place 200 destroyers out of commission entirely, without any men on them, how does the gentleman say that it would have hurt those destroyers to have taken enough men off them to make up what they claim they were short on the capital ships?

Mr. DEMPSEY. I think that is in line with the gentleman's logic.

Mr. KELLEY of Michigan. I would be under great obligations to the gentleman if he would answer the question, if he can.

Mr. DEMPSEY. I am going to answer it. Give me a chance. The gentleman says that because we had these ships and we had not agreed to give up any of them, because the disarmament conference had not been called and had not sat, because we did not know that we were going to abandon one of those ships, because we were only then equal to Great Britain and far below Japan, before we had made any agreement at all we should have abandoned a large part of the Navy of the United States. Is that logic? Is that anything but eloquence? Does that stand examination? Does that stand a calm review of reason? That is the reason he says they could have taken men off these ships, because before we had decided on any policy of abandonment of any of them we should have abandoned a part of them.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Oh, all of the gentleman's speech is founded on just that kind of logic and is not a whit more substantial.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. OLIVER. The gentleman will recognize that last year we had in commission many submarine chasers and what are known as Eagle boats, and that the Navy Department recognizes now that they have no military value whatever. Does the gentleman think it would have hurt to take the men off those ships that have no military value and transfer them to the battleships?

Mr. DEMPSEY. Oh, the gentleman from Alabama has asked a question which, as a member of the Committee on Naval Affairs, he ought to know is not fair. He knows that on the ships of which he is talking there were a little over 3,000 men. Could you draw 12,000 men from 3,000? The gentleman knows it could not be done.

Mr. KELLEY of Michigan. The gentleman thinks it would be better to take them off the battleships and leave them on the subchasers?

Mr. DEMPSEY. I think that that statement, illogical, unsound, having no relevancy to anything that has been said, is just as sound as any part of the gentleman's argument. Here is the gentleman's conclusion. He says:

> If they had that reservoir of men from which they could have drawn and failed to do so, it convicts them either of having enough or else not properly administering the Navy.

Let us answer the two charges. Let us take the charge of not having properly administered the Navy, and to answer let us quote the very next sentence of the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. I answer the second charge of improperly administering the Navy in the language of the gentleman from Michigan. He followed what he said by this sentence:

> And I know they are capable and patriotic men.

So, being capable, having the ability to administer the Navy, being patriotic, wanting to administer it well, there can not be any question that the charge that they administered it improperly is without any foundation of fact whatever. He says it must have convicted them of having men enough in this great reservoir. We have examined that charge of the reservoir, we have found of what the reservoir consisted, and we have found there was not any such reservoir at all. So the gentleman is wrong in both of his bases for bringing in the 67,000 men.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. GREEN of Iowa. The gentleman quoted the gentleman from Michigan as stating that with the complement of men he allowed the battleships would be only half manned. I am sure the gentleman did not intend to do that?

Mr. DEMPSEY. Oh, no; I did not say that. I said that the destroyers were only half manned and that he was going to draw from the destroyers.

Mr. GREEN of Iowa. Has the gentleman considered the number of men it requires to man a battleship?

Mr. DEMPSEY. I am no expert on that; neither is the gentleman. He lives so far away that he knows that these far-shooting guns can not reach him. [Laughter.] He feels secure, and does not pretend to be an expert, and his opinion is not worth anything.

Mr. GREEN of Iowa. The gentleman knows that I did not state those matters as a matter of opinion. I stated the official figures.

Mr. DEMPSEY. They are all against you. You have not a man with you who is an expert on the question. Every officer in the Navy, the Secretary of the Navy, the President, and all others who have knowledge and experience are on the other side. [Applause.]

Mr. GREEN of Iowa. The same gentleman that told us that France was building nine battleships.

Mr. DEMPSEY. I do not know anything about that except what the gentleman from Iowa said on the floor this morning, and we are not going to decide the case on an ex parte statement. You may just as well be wrong in your statement as the other side. I heard the gentleman the other day in a

colloquy with the gentleman from Texas as to helium, and we found out when he came on the floor that he knew the facts and that the gentleman from Iowa was mistaken. And we are confident that he is mistaken this morning, able and experienced legislator as he is and as I recognize him to be.

The gentleman says there are 48,000 men afloat on the battleships. I would like the attention of the chairman of the subcommittee to this. The chairman of the subcommittee stated positively that there are 48,000 men afloat on battleships.

Mr. KELLEY of Michigan. Oh, no. I never said anything of the sort. The report gives the exact number, 18,250.

Mr. DEMPSEY. You said there were 48,000 men——

Mr. KELLEY of Michigan. Not on capital ships.

Mr. DEMPSEY. Afloat in the Navy. Which did you say?

Mr. KELLEY of Michigan. What class of ships is the gentleman talking about?

Mr. DEMPSEY. Here is what he said:

So we have allowed 50,000 men for the Navy afloat, which is a couple of thousand more than are carried to-day on the ships comprising the 18 battleship fleet, as set forth in the committee's report.

Mr. KELLEY of Michigan. That is correct.

Mr. DEMPSEY. The gentleman is very positive in that statement, but I would call his attention to the fact——

Mr. KELLEY of Michigan. Those figures were furnished by the Navy Department.

Mr. DEMPSEY. Let me show you that you were probably wrong about that, and that you admit you are wrong about it. A little later in the debate the chairman of the subcommittee was asked how many men there were afloat in the Navy to-day, and he said:

Why, I have been trying to find out for weeks and months. I have been making all the investigation possible for a man to make, and I am unable to this present hour to ascertain. One report is that there are 67,000 and the other is that there are 71,000.

Mr. KELLEY of Michigan. Does the gentleman say that the discrepancy I point out does not exist?

Mr. DEMPSEY. I think it is correct that you do not know; yes. [Applause.] I think it is correct that you do not know in both instances. I think it is correct that you do not know enough about the men on the capital ships, and that you do not know any more about the men afloat. I think you do not know about these matters, and that you ought to rely on the experts and officers that do know.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Does the gentleman deny the fact that these figures set down in the report are the figures furnished by the department as of the number on those various ships on the date mentioned?

Mr. DEMPSEY. The gentleman from Wyoming and the gentleman from Iowa [Mr. GREEN] say that these officers of the Navy do not even know how to count. That is the basis on which you are going to the House.

Mr. KELLEY of Michigan. What do you say?

Mr. DEMPSEY. You say they can not even count the number of men.

Mr. KELLEY of Michigan. I asked a simple question. Is the number set down against each ship in this report the number the Navy Department gave the committee or not?

Mr. DEMPSEY. I do not think the gentleman is correct, because he says he has been trying to find out the number of men afloat for weeks and months past, and that he is utterly unable to find out.

Now, gentlemen, just one moment and I will conclude. As the result of a great conference which marks a period in the world's history the United States, the most prosperous and, without boasting, let us say, the greatest Nation in the world, for the first time in its history of over 130 years has reached the proud position where it is conceded an equality upon the seas with Great Britain, although we have heard time out of mind that Britannia ruled the waves. And having gained that great position, having won that proud eminence, having been placed where we have the right to be equal to Great Britain, it is now proposed——

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. DEMPSEY. I will yield in a moment.

Having reached that proud position, it is proposed that we voluntarily abandon it.

Now, figures are not misleading. You can not disguise the fact that, taking the figures of the chairman of the subcommittee, of 98,500 there are 38,000 men—civilians—who man the English colliers and the other subsidiary ships, and so it brings the number of men in the English Navy far above 67,000, even if we include the marines, which properly should not be included.

Mr. KELLEY of Michigan. The gentleman did not mean 38,000 men, did he, on the British colliers?

Mr. DEMPSEY. On the British colliers and subsidiary ships.

Mr. KELLEY of Michigan. Is that the statement of the Navy Department?

Mr. DEMPSEY. That is the statement of the gentleman from Tennessee, whom I regard as the best authority on this question in the United States.

Throughout this debate there has been underlying it a criticism of the officers and enlisted men of the American Navy, on the ground that they are wrong in their estimates, and willfully wrong; that, in the language of the gentleman from Wyoming [Mr. MONDELL], they have failed to make corrections when they discovered mistakes; and for that reason it has been urged that we should abide by the committee's report. Why, there is not one of us who is not proud of the record in history of the American Navy. [Applause.]

There is not one of us who does not look with pride at the Navy from the time of John Paul Jones down to Admiral Sims, and with the confident and unfaltering belief that the American fleet of the future will equal the Navy of the past in its glory and in its defense of the United States. [Applause.]

Miss ROBERTSON rose.

The CHAIRMAN. The lady from Oklahoma is recognized.

Mr. OLIVER. Mr. Chairman, later I wish to be recognized in opposition to the pending motion.

Miss ROBERTSON. Mr. Chairman, you know when a woman goes into a new room and waits awhile she is always looking around and thinking what she would do to improve its furniture. [Laughter.] I would like to improve the furniture of the House of Representatives. On either side, both on the minority and on the majority side, and in view of every Member, I would have a map of the United States. [Applause.] If that map were there to-day, as I would like to see it, at the center of the United States I would put the great big red heart that is the emblem of Kansas City. [Applause.] That is because it is the center of the country. You know east and west on the two coasts you have the arms and legs. New York may claim to have the brains, hidden in a careful skull. But we in the Middle West have the great pulsating heart that sends the red blood throughout the body. We raise the food to nourish the national body. We are not to be despised, and we are not necessarily in favor of a small Navy, even if we are inland.

I have some figures here, but I am not going to read them. They say figures do not lie. These figures tell how many men were in the Navy from those States of the Middle West, reaching over as far as Wyoming, where the great plains, spreading like the waves of the sea, would call upon the young men to think of the sea, perhaps, and hear its call. [Applause.] Of our boys in Oklahoma there were 637 who went from my own district, composed of eight counties, and Oklahoma had about 7,000 men in the Navy during the war.

I saw many of those boys go. They went and made a splendid success of their service. I was laughing a little not long ago about our boys who went to war. I said, "It cost me a little more to send a sailor boy to the war than an Army boy, because the Army boy had only to have a Testament; that is all he could put in his old kit bag, while a Navy boy's pack would take a whole Bible. [Applause.] They came back well trained, so many of them, and it is good training, this training that the boys receive in the Navy, where Oklahoma still had last year 1,500 in the service.

Mr. DEMPSEY. I would like to call attention to the fact that the number of men in training is cut down from 5,000 to 2,000 in the bill as reported by the committee.

Miss ROBERTSON. I thank you. I can not give you more figures now, for lack of time. I have just had my orders through one branch of the most powerful lobby in Washington. "The most powerful lobby in Washington," the woman's lobby—these figures I have not time to give—put down here all the millions of expert women who say what Members of this House are expected to do. Here are the orders that I got this morning from one branch of this lobby of women experts. [Laughter.] I read:

1749 Corcoran street, Washington, D. C., April 13, 1922.

It was addressed on the outside "To the Hon. ALICE M. ROBERTSON," but it says here "Dear sir." [Laughter.] And there is going to be one less member, probably, of the American Association of University Women. I plead guilty to membership.

That association has a number of local branches in your States, too, gentlemen. I read:

1749 CORCORAN STREET,
Washington, D. C., April 13, 1922.

DEAR SIR: The American Association of University Women, which has a number of local branches in your State, in convention assembled on April 8, 1922, in Kansas City, Mo., passed a resolution earnestly urging Congress to take immediate steps for the reduction of our Army and Navy. We therefore ask your support for the Kelley naval appropriation bill now pending before the House.

Respectfully,

LAURA PUFFER MORGAN,
MRS. RAYMOND MORGAN,
Legislative Representatives.

It seems the Army bill and the Navy bill did not give to some members of "the most powerful lobby in Washington" all they wanted in the way of high-priced welfare jobs. They had women in the Conference on the Limitation of Armaments. We understood they were of the utmost value in helping out in that conference; that they collated facts and figures, I believe. We have heard that the estimate for the Navy is based largely on what grew out of that conference. Kansas City, holding still another convention, is again heard from. I quote this from last evening's Washington Star:

PROPOSED AS VICE CURE—DR. VALERIA H. PARKER ADVOCATES WOMEN'S ACTIVITY IN POLITICS.

KANSAS CITY, Mo., April 13.—Active participation of women in politics as a cure for vice was urged by Dr. Valeria H. Parker, executive secretary of the United States Interdepartmental Social Hygiene Board, at the public health institute being held in Kansas City.

Doctor Parker said she did not advocate "women of the type of Representative ALICE ROBERTSON, of Oklahoma, for office." Miss ROBERTSON, she said, "has not the viewpoint that women want, but purely a financial view. Women who will push legislation against all forms of vice are needed."

[Laughter.]

You will note she says, "Miss ROBERTSON has not the viewpoint that women want, but purely a financial view." [Laughter.] She has been too economical to suit the most powerful lobby in Washington. She has not voted to carry out extravagance.

The CHAIRMAN. The time of the lady from Oklahoma has expired.

Mr. PARKER of New York. Mr. Chairman, I ask unanimous consent that the lady may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Miss ROBERTSON. She has not met the approval of the most powerful lobby in Washington because she has felt that in these times of need and stress she, who has lived close to the farm women and children of that most wonderful State which she represents, should consider their condition. Ours was not a profiteering State, because Oklahoma gave everything in the war and received no financial gains from it. In eastern Oklahoma we had not a military camp. In the whole State we had not a munition factory, nor airplane works, nor steel mills; we had absolutely nothing to bring us easy money, but we raised the food, and we sent our red-blooded men to help. [Applause.] And because I have been near to these farm people who sent me here—it was not the rich towns of my district; it was the men and the women on the farms who sent me here—I have voted to reduce in every way that I possibly could the taxation that would come on our people. [Applause.]

Miss ROBERTSON—

She said—

has not the viewpoint that women want, but purely a financial view.

Am I so rich from saving the money that might have been spent on educating children, and that sort of thing; they doubtless have looked into my record and found how much wealth I have accumulated by withholding from those who needed help.

Women who will push legislation against all forms of vice are needed.

[Laughter.]

And so I am thinking of those red-blooded boys down there and thinking of the people of Oklahoma. We believe in the Navy. We believe in our country. Look at the map with me. We have no shipyards. [Applause.] We have no labor question, of votes of men working in the shipyards, to consider at all in this. But the administration gave the women a representation in the Conference on the Limitation of Armament. As I understand, the personnel of the Navy that is asked for is based upon the report of that committee. It was made in good faith. We took our place as assigned us there. We could have had first place above all others, for undoubtedly we had power to, but we were willing to be on an equality with the once greater power, and I for one am one woman who is never willing to see us yield that equality and to take a second place. [Applause, the Members rising.]

The Clerk read as follows:

BUREAU OF NAVIGATION.

TRANSPORTATION AND RECRUITING.

For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; transportation of enlisted men of the Naval Reserve Force to and from duty, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of enlisted men; in all, $4,151,775.

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word. I shall use few or no figures except those contained in the committee report. A report can not absolutely cover up what is really done. That report at the top of page 7 says:

The committee has declined to make provision for the deadwood of the Navy. It should be laid up and wherever possible sold. It constitutes a millstone around the neck of the Navy.

That would be right if that were true. They did more than remove deadwood. This committee has reduced to the utmost, I think to the extent of 20,000 men, the live wire of the Navy, which is the force of destroyers—on page 5 of the report. They have allowed 9,575 men for 103 destroyers, with none laid up in ordinary to help them as a reserve.

At the bottom of page 7 I find the subcommittee saying as to what they call deadwood—

The chief drain, however, has been the destroyers. Of these craft we have 301, of which 219 are exclusive of those built prior to and under the big program authorized in the naval appropriation act for the fiscal year 1917. These war-built destroyers—

That is the 219—

call for a total of 24,966 enlisted men when fully manned, and during the last completed fiscal year it cost to maintain and operate the entire number of destroyers the stupendous sum of $75,869,098.92.

Mr. Chairman, if 219 destroyers took nearly 25,000 men, 301 destroyers took over 30,000, and they propose now to allot only 9,569. It is more than 20,000 reduction.

Let me call your attention to what the destroyer does. There was a careful statement handed in by the Secretary of the Navy to the Committee on Appropriations. It is indorsed as having been handed on the 6th day of March; and because there were 91 typewritten pages they did not print the paper. We do not know why it was not printed. It shows the need and use of every kind of ship in the Navy. It would seem to be the most valuable of all documents to be printed, and 91 typewritten pages would not take more than 20 pages of the fine print in which they put communications. The Secretary of the Navy says in part as to destroyers:

3(d). Since the United States Navy possesses no light cruisers and no battle cruisers until more scout cruisers are provided, destroyers will have to take the place of these. To offset the loss of power due to the absence of scout cruisers and battle cruisers the destroyers must be in relatively larger numbers. No attempt will be made to estimate the number of destroyers that is equivalent in value to a single battle cruiser or to a single light cruiser, because this is indeterminate, but the number of destroyers that are necessary for use in connection with the movement of a force of 18 battleships and its train must be sufficient to provide for the necessary scouting and screening operations as well as to afford the protection against submarine attack in the vicinity of the main body itself.

The Navy possesses 283 destroyers of the first line. The importance of this powerful force and its value to the United States can scarcely be overestimated. It is the most powerful destroyer force in the world, and it forms in itself a defense for this country which every nation in the world knows must be reckoned with in case aggressive action is contemplated. These vessels possess mobility of action, high speed, long cruising radius, and powerful offensive—defensive qualities. They are seaworthy to the highest degree, although their speed may be reduced by bad weather, and can be relied upon to strike quickly, surely, and at long distances. They are armed with high-powered guns, the latest torpedoes, and with depth charges that are so deadly to the submarine. The exploits of our destroyers during the late war are fresh in our minds. It is not necessary, therefore, to dwell upon the value of the destroyer as such, but I desire to impress upon you the great asset which this country has in possessing these splendid craft in such numbers.

If the United States Navy, instead of the British Navy, had been engaged with the Germans in the Battle of Jutland, all of the preliminary fighting would have been between the United States destroyers, on one hand, and the enemy's battle cruisers, light cruisers, and destroyers, on the other hand. It can easily be imagined that whatever number of United States destroyers might have been present, this number would not have been excessive.

In addition to the number of destroyers required for operations directly connected with the movement of the main body, which number it has been shown must be abnormally large because of our deficiencies in battle cruisers and in light cruisers, another large number of destroyers will be necessary for convoy escort work. The number of destroyers that were employed by the Allies in supporting the actual

operations of the Grand Fleet in the North Sea was large. Another large number was engaged in carrying on the convoy escort work. Considering that the total number employed was greater than the number we now possess, although its entire effort was directed against only one first-class naval power it will be seen that the destroyer force we now possess is none too strong for strictly destroyer service, irrespective of demand for their use as cruisers.

With the greatest reluctance and with deep regret I have made arrangements to place about 150 of these vessels out of commission, thereby reducing the number which can be considered as instantly ready by about one-half and thus weakening the position which this country holds in this respect. I have done this because I recognize the need for national retrenchment and because I do not feel that the national defense is imperiled in view of the amity of our international relations. When it is recalled that only in destroyers is our Navy materially superior and that this superiority is more than counterbalanced by our deficiencies in battle cruisers, scout cruisers, and destroyer leaders, the reason for my reluctance in taking this step will be the more apparent. Plans have been drawn by which I believe the destroyers to be placed out of commission can be placed out of commission in such a manner that the deterioration will be reduced to a minimum. They are, however, bound to deteriorate, and with these vessels taken from the active list of the Navy the defense of the country, available on short notice, must be considered as having been reduced accordingly.

Now, Mr. Chairman and gentlemen, the history of the destroyer is a romance. In 1897 Admiral Meade, who was among the best officers in the Navy at that time, said he was not afraid of a fight about Venezuela, because if we had 300 torpedo boats not an English fleet would come anywhere near our shores. At Port Arthur the destroyers went in the harbor and broke up the Russian fleet in port, and when the World War came on the British, remembering this fact, withdrew all their battleships to the north end of Scotland, because they had less than 100 destroyers and they could not patrol the North Sea and keep off the German torpedo boats, and so their great ships had to stay in a posture of defense except when the German fleet came out and could be attacked. Meanwhile commerce was left without protection. The United States built destroyers. I remember some of us went over in 1917, and those who were with me in that congressional party—I see one of them here—will remember how pleased we were after we got into the danger zone, 300 or 400 miles from Liverpool, when two American destroyers took their places on either side of us and saw us into port. Our hundreds of destroyers, with radio, with torpedoes, with depth charges, and the use of the wireless, established a patrol about the British Isles which drove away or sank the submarines. Their convoy gave the fleet of merchant vessels protection to carry supplies of food. These 300 destroyers gave and give our young officers what is not given on our battleships, training in independent command. Men can not shoot straight with torpedoes and guns from a destroyer that is rolling around in the sea unless officers and men are seamen already trained to the backbone. They can not be run and fought merely by men from a reserve. If we are to keep up that fighting force, it must be kept active as a live wire. It is monstrous that the committee say that they have removed deadwood when they destroy that force. They say they will leave us 103 destroyers in commission, but the Secretary of the Navy and his assistant stated repeatedly that with 65,000 men they could only keep 65 destroyers in commission and 50 in ordinary with half crews waiting, so that they could be put in commission after the crew was filled up.

Mr. Chairman, it is suicide to get rid of officers and men who know their duty and who are trained for it. It is suicide to give up the live vessels of the fleet, for some people do not believe much in battleships or in having a fleet of slower vessels in some respects, like our old fleet of monitors. These destroyers are the live ships of the Navy. We have 301 of them. There were 267 in commission last year. We do not know how many men were on them, but certainly one hundred and odd to a destroyer. They propose to reduce from 30,000 men to man these 300 vessels down to only 9,567 men.

This bill will destroy the live part of the American Navy, on which we will rely in case of war. The first attack is made by destroyers and light cruisers. The cruisers are faster. The Secretary of the Navy asked for the building of 10 light cruisers of 30 or 35 knots, and that is not provided in this bill. In addition, the bill reduces the 301 destroyers in commission to 65 in commission and 50 in ordinary. We will not stand for such a reduction of force that is taken from the live, active, mobile fighting Navy of the United States. [Applause.]

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, I challenge any man to know less about the Navy from personal investigation than I do. I stand here and expect to cast my vote as the result of the evidence introduced before this committee, and the facts that I am able to ascertain from the discussion of this bill on the floor. I believe in keeping the Navy up to 5-5-3 ratio, at least for this year, agreed to by the treaty. So far, there have been very few speeches on the floor that threw any light on the question whether this bill would do that. I do not think it is an argument for the gentleman from Massachusetts [Mr. ROGERS] to come before the committee of this House and say or intimate to us, first, "I am pretty close to the administration and the department, and have a letter from the Secretary of State, which I want to read." I want those who attach any importance to the letter and his standing with the Secretary to read the letter that he wrote the Secretary to get that letter. It is printed in the RECORD.

Second, he says as an argument against the committee bill, the Secretary of the Navy will by reason of being a representative of the Commander in Chief of the Navy place the men you appropriate for, and if you do not let him tell you how many men there should be for ships in the Navy he will not man the ships provided for in the treaty; he will unman the 18 ships. I say to you, gentlemen, if I believed that the department was saying to me through that representative a thing of that kind, I, as an American Congressman elected to represent my people, would resent the insinuation from the department. Think what that implies. That here is a department that will violate the good faith of the four-power treaty, violate the faith with our Allies in the reduction of the armament unless the American Congress will forget its constitutional right and duty to fix the size of the Navy and let the department fix the size.

Mr. MCARTHUR. Will the gentleman yield?

Mr. TINCHER. No; I can not yield now.

Now, the gentleman from Massachusetts said to the gentleman from Michigan, "Did you talk with the British Embassy, and what did they say?" The gentleman from Michigan [Mr. KELLEY] said he declined to answer. Why did he decline to answer? Of course, Mr. KELLEY talked with the British Embassy, and got all the information he could as to the size of the British Navy. He talked with the Japanese Embassy upon the size of the Japanese Navy, but any man with brains enough to come here ought to know that the gentleman from Michigan could not say on the floor of the House what the British Embassy said to him, for that would not have a tendency to make the British Embassy popular with the powers that appoint, it not being a part of the duties of the embassy to inform a committee of Congress.

I wonder how Mr. ROGERS claims the experts got their information.

But how does my friend, the gentleman from Massachusetts [Mr. ROGERS] handle that? Like a boy in the sixth grade debating society at school. He says, "Traitor. Let England fix the size of our Navy." That is the way he handles that. All that stuff does not go with full-grown men. It might go with some fishing community up in Massachusetts and it might go with a class of people who meet on the green and resolved during the disarmament conference that we were about to ruin the country by following the President and Secretary Hughes in the conference for disarmament. That does not go here. We do not believe that PAT KELLEY is a Benedict Arnold because he tried to get some information as to the size of the English Navy. [Applause.]

Now, I have fondness for Massachusetts reasoning and I know I will get a rise. Before 4 o'clock this afternoon some man will be talking about the Kansas cyclones. I remember as a boy when we had a debating society out on the plains there was one little fellow who always walked up in front of the audience, no matter what the subject was, and said, "I will now answer the argument made by that Benedict Arnold who preceded me." [Laughter.]

There has not been any showing either by figures or fact to warrant the statement that they can not man the 18 capital ships with 67,000 men. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FAIRFIELD. Mr. Chairman and gentlemen of the committee, I have earnestly listened to a goodly portion of the debate and I have read parts of the hearings. I have conversed with men who claim to know, but I am in much the same condition as the gentleman from Kansas who just preceded me. I shall be compelled to vote upon this bill without any full and adequate knowledge of the facts in the case. As a matter of fact, that is no reflection either upon the committee or upon the man who states his position. It is true that very few men who will vote upon this bill will be able definitely to give the number of men on the ships, the number of men ashore, and the men on the auxiliaries and say "we know." Now, gentlemen, it does seem to me that the argument will rest on what we are willing to take as authority in the case. It is childish upon this floor to twit Members with the fact that they have navy yards in their districts. [Applause.] The question is infinitely larger than that. In my judgment, the situation is really grave, and from the intensity with which men speak to me about it I am convinced that no man on either side but wants to vote honestly

for the thing which he thinks the country ought to have. The disarmament conference was the most notable event in many long years of modern history, and in that conference the Secretary of State, Mr. Hughes, was compelled to rely upon the expert knowledge of the men in our Navy Department. No man on the floor of this House raised the question at that time as to whether these men were competent or not. The problem now is: Are they venal, are they competent? When I am compelled to believe that the men at the head of the Navy Department are so venal that they will come before this body and on a matter of fact state that they know 86,000 men or 90,000 men are needed to carry out the provisions of that treaty, when in reality they do not need that many, then I say, God help the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FAIRFIELD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FAIRFIELD. I prefer not at this time.

Mr. MONDELL. I just wanted to ask the gentleman if he knew——

Mr. FAIRFIELD. Mr. Chairman, I have refused to yield. A little later I may. A gentleman honored in this House, for a number of years chairman of the Committee on Naval Affairs, and now on the minority side, a man for whom we have the highest respect, stated only the other day that the committee's bill will not take care of what we agreed to do in the disarmament conference.

On the other hand, the gentleman who is leading the fight for the committee bill states positively that it will. I do not look upon either of these men as venal. I think that they are honest, but here we have two men of equally long service, presumed to know as much about the matter, one as the other, and yet diametrically opposed to each other on a matter of fact. If we knew the facts in the case of our own certain knowledge, there would be no need of this discussion. What, then, is a man to do who does not only not know the facts but who, in order to thoroughly understand the matter in detail, would require to devote six months study to it? I think the average Member is reduced to a consideration as to what authority he will follow in the case.

Mr. MONDELL. Mr. Chairman, will the gentleman yield now?

Mr. FAIRFIELD. Mr. Chairman, I prefer not to yield yet. The experts in the Navy Department say this will not carry out the provisions of the disarmament conference. The Secretary of the Navy says the same thing. The Secretary of State, who had to rely upon these men during that most intricate and difficult conference that has taken its position among the great events of the world, says that while he is not an expert, he yet relies confidently upon the judgment of the men who guided him at every step in the way. I understand that President Harding has taken the same position, although I am not at liberty to say that, for I do not know definitely that he has done so. While it is true that we may discount the judgment of the head of the Navy Department when a matter of opinion is involved, yet I ask gentlemen to remember that this is a matter of fact. If I am to vote upon a bill as to matter of fact, I say to you that I am not ready now to take the position that the men who state that this naval bill as reported by the committee will not take care of the disarmament conference, do not know what they are talking about, and neither am I willing to say that they are venal or that they will mislead us. [Applause.] I shall support a personnel of 86,000.

Mr. CRISP. Mr. Chairman, I have never been a militaristic man; I have always opposed a large Army but have favored a big Navy. Large armies sometimes Prussianize a country, but large navies never do this. I favor sweeping reductions in the Army, for, if we maintain a sufficient corps of trained officers, in time of trouble we can soon equip any army of the finest soldiers in the world. Our country is fortunately situated geographically, with an ocean between us and any country that might jeopardize our national security and defense. If American rights and American security is ever assailed, the foe must come from across the sea; therefore I have always believed that America should have the best Navy of any country in the world. [Applause.]

Mr. Chairman, I am not familiar with the technical details and needs of the Navy or how many men it takes to equip and maintain ships in commission. I can truthfully say that I have the greatest love for the gentleman from Michigan [Mr. KELLEY], but I do not think that he knows anything more about the Navy or the needs of the Navy than does the gentleman from Tennessee [Mr. PADGETT], who for eight years was chairman of the Committee on Naval Affairs when the Democrats were in power. They differ diametrically as to the number of men required to maintain a Navy on the 5-5-3 ratio. The gentleman from Michigan [Mr. KELLEY] in a speech stated that 63,000 men authorized by the Appropriations Committee bill will maintain our Navy on a basis of the ratio of 5-5-3 and give us practically as many men as are in the English Navy. The gentleman from Tennessee [Mr. PADGETT], who is a profound student of the navies of the world, disputes this. In a speech on the floor of this House he said:

> Now, the British Navy and marine personnel, not including reserves, for the fiscal year ending March 31, 1923, officers and men, 98,500; colonial navies, 7,289; also one-third of the aviation personnel were cooperating with and constituted a part of the naval personnel, 11,969; making a total of 117,758. There is no information of the number of men in the naval communication service, naval recruiting service, or the Royal Indian Marines. They are not counted in the 117,758. I want to call attention to another matter. England had a reserve on January 1, 1922, officers, 10,332; men, 38,808; making a total of 49,130. They are not counted in the figures I gave a moment ago. And yet what? They operate 35 oilers, 1 repair ship, and 1 supply ship. In other words, those reserves operate 37 ships and are not counted in their 117,758. Add the 38,808 to your 117,758 and you have got 156,556 men in the British Navy available to operate their ships. And yet they come before this Congress and say that with our 67,000 that may be provided by this bill and our 19,500 marines we have got as many as the British have, but you can not make the figures tell any such tale as that.

It is frequently said here in debate that we can not pay any attention or give credence to the recommendation of naval officers as to the needs of the Navy, for they are biased and unreliable. I know very few naval officers. Those whom I have had the good fortune to meet are honorable men, and I think they love their country and desire to serve their country just as much as does the distinguished gentleman from Michigan, myself, or any other Member of the House. I think when it comes to technical knowledge as to the number of men required to operate the Navy, they know very much more about it than any of us. [Applause.] We are perfectly willing to rely upon naval officers and entrust millions of dollars of property and the precious lives of our boys to these gentlemen when they are baring their breasts to the bullets of the enemy, to the storms of the seas, when the country is at war. Why are they not entitled to some confidence and their opinions entitled to some weight as to the needs of the Navy when we are at peace?

Appealing now to my Democratic colleagues, we have a right to be proud of the American Navy, because our party has played a conspicuous part in it. It was during the Cleveland administration, when Mr. William C. Whitney was Secretary of the Navy, that the American Navy first took a prominent place on the sea.

And it was during the last Democratic administration, under the Democratic program of 1916, that the American Navy became the best one in the world. Why should we follow the Republican majority leader and take any chance or cast any vote that may reduce it to a second-class Navy?

Now, gentlemen, as I said before, I do not know the number of men required to maintain this Navy on the ratio of 5-5-3, which we all want to maintain. Now, if there is any doubt about the number of men required to do this, without criticizing any of my colleagues, I, for one, shall resolve the doubt in favor of giving the number of men that the naval officers and the Navy Department, the Secretary of State, and all those who have studied the matter from the Government's standpoint, declare it is necessary to give, to wit, 86,000 men. [Applause.]

Now, Mr. Chairman, there is another thing I wish to call to the attention of this House. When we adopted the Budget system and consolidated the appropriations in one committee, the Committee on Appropriations, it was expressly stated and argued on this floor that the Committee on Appropriations was not a legislative committee. In bringing in this bill the Committee on Appropriations has transcended its authority and is usurping the prerogatives of the Committee on Naval Affairs by legislating for the Navy. The bill legislates by providing that the personnel of the Navy shall be only 63,000 men. The Committee on Naval Affairs, which under the Rules of the House has charge of legislation relating to the Navy, after two months of hearings, has reported a bill recommending that the personnel of the Navy be fixed at 80,000 men and 6,000 apprentices. The question for us to decide is whether we will follow legislation suggested by the Appropriations Committee or by the Naval Affairs Committee. Are we willing, by accepting the report of the Committee on Appropriations, to say that

the Naval Affairs Committee and the other former appropriating committees of the House shall be reduced to mere nonentities?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CRISP. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Will the gentleman yield there?

Mr. CRISP. Yes, sir; I will.

Mr. KELLEY of Michigan. The present authorized strength of the Navy is 137,000, and upon that authorized strength the number of officers are determined. It was my understanding, and perhaps the gentleman will correct me if I am wrong, that the Committee on Naval Affairs reported a bill fixing 86,000 as the maximum for the purpose of fixing the officers' personnel and not with the view of fixing the minimum strength of the Navy.

Mr. CRISP. I am going to say very frankly to the gentleman from Michigan [Mr. KELLEY], as I said when I started out, that I am not familiar with the details of this legislation. My information was from prominent members of the Committee on Naval Affairs that their bill authorized a personnel of 86,000.

Mr. KELLEY of Michigan. The gentleman from Missouri [Mr. MCPHERSON] and the gentleman from Oregon [Mr. MCARTHUR] are both distinguished members of the Naval Committee. Both have risen and perhaps they will be willing to state whether or not it was their intention in fixing the authorized strength of the Navy at 86,000, that that should be the minimum strength of the Navy?

Mr. MCPHERSON. The purpose of fixing the Navy at 86,000 is stated in our report. It is to carry out the intention of the Conference on Limitation of Armament.

Mr. KELLEY of Michigan. Let us get it straight in the RECORD, if the gentleman will permit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCARTHUR. Mr. Chairman, I ask that the time of the gentleman from Georgia be extended two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. In order that it may be perfectly straight in my mind and in the RECORD, I understand the gentleman from Missouri [Mr. MCPHERSON] to state that it was the intention of the Naval Committee in reporting the bill that the minimum strength of the Navy should be 86,000 men?

Mr. MCPHERSON. To comply with the treaty.

Mr. KELLEY of Michigan. I see that the gentleman from Pennsylvania [Mr. BUTLER] shakes his head. I presume the chairman might have some views on that subject, but of course had better do that in his own time and not in the time of the gentleman from Georgia.

Mr. MCPHERSON. If I may, in the gentleman's time——

Mr. CRISP. I must decline to yield.

Now, to sum up and not take any more of the time of the House, it is my intention to vote to increase the personnel to 86,000 men. [Applause.] And I shall do it for the reason that the Naval Affairs Committee, which is the proper legislating committee for the House on this subject, after exhaustive hearings has recommended 86,000. I shall do it because the Secretary of the Navy, Mr. Denby; the Assistant Secretary of the Navy, Mr. Roosevelt; Admiral Washington, Chief of the Bureau of Navigation; and all other naval officers who are charged with the duty of managing the Navy have said it was necessary to have 86,000 to maintain our Navy on a 5–5–3 ratio, which we are authorized to do under the disarmament treaty. I shall do it because the Secretary of State has advised this House that the naval board that was intrusted with the responsibility of advising our peace commissioners when the international conference was being held say it requires 86,000 men to maintain the 5–5–3 ratio. [Applause.]

The present strength of the Navy, as I understand it, is 104,000 men. If it is reduced to 86,000 there will be a reduction of 18,000 men, which will effect a large saving to the taxpayers, and if you give the 86,000 there is no question but what our Navy will be efficient and be equal to the Navy of Great Britain. I have no criticism of any colleague who differs with me, but I shall take no chances for my country's safety. I shall give the country the benefit of any doubt in my mind by voting for 86,000 men, the number that those charged with the responsibility say is necessary to maintain the 5–5–3 ratio. [Applause.]

Mr. MCPHERSON. Gentlemen of the committee, I desire to further answer the question asked me by the gentleman from Georgia [Mr. CRISP]—what the views of the Naval Committee are on this question? It is well expressed in their report in favor of the bill fixing the number of men needed at 86,000 in these words, reading from the report to accompany H. R. 11002:

> The authorized enlisted strength of the Navy shall be reduced to 80,000 men and 6,000 apprentice seamen.
>
> This reduction has been provided for in this bill for the purpose of carrying out the spirit of the Conference on the Limitation of Armaments held in Washington, D. C., at which it was agreed that the naval forces of the several contracting powers should be established at such point as might be required to fully conserve the national defense of each.

It seems to me that ought to make plain to the House the views of your Committee on Naval Affairs, that make a study of the necessities of our Navy. The Committee on Naval Affairs has determined that to carry out the treaty will require 86,000 men.

Mr. MONDELL. When was that report filed?

Mr. MCPHERSON. That report was filed in this House on March 25, 1922.

Mr. MONDELL. Will the gentleman yield further?

Mr. MCPHERSON. Am sorry, but I can not yield further at this point.

Much has been said here about this particular bill and about how it was made. The subcommittee on appropriations have told us that in preparing this bill they have tried to provide a force sufficient to man the treaty Navy.

There is much evidence in existence that no attention was paid to provide a Navy equal to that of Great Britain. In fact, there is much evidence which to my mind strongly indicates the bill was drawn at a time and under circumstances when the Committee on Appropriations knew nothing about what the treaty would be and what size fleet the United States would be entitled to maintain under it.

The present bill was not proposed by the full Appropriations Committee, as we all know. It is supposed to be the work of a subcommittee of five members of the Committee on Appropriations.

We changed our rules in the Sixty-sixth Congress. Prior to that time all the bills relating to our Naval Establishment, including the appropriation bills for the Navy, were passed upon and proposed by 21 men constituting the Committee on Naval Affairs. That committee had serving on it many men of long service in this House and who had for years studied the needs of our Navy, and were familiar with it in all its aspects. Men selected for service on that committee had duties so exacting they were not permitted to serve on other committees of the House, but were required to give their entire time to the Naval Establishment and the study of our Navy's needs and betterment.

We were induced to make the change in our rules and intrust the work of proposing naval appropriation bills to the Committee on Appropriations upon the argument that such change was a necessary part of our Budget system. That argument was a deception upon the country.

Our present method is not a necessary or proper part of our Budget system. Under the existing rule there is no effort to coordinate expenditures. The country has not the advantage of having a Committee on Appropriations to intelligently appropriate for the different services, but, on the contrary, we have several subcommittees consisting of one, two, three, or four men, none of whom may be familiar with the needs of the particular service, which hurriedly bring in appropriation bills instead of having those measures carefully prepared by a full committee of 21 men selected to study specially the very subject in hand.

The present bill is an apt illustration of the evils of our new method. This bill is the work of one man, the gentleman from Michigan [Mr. KELLEY]. It appears to me proper that the country should know this bill was not the work of the 35 men of the Appropriations Committee in an effort to provide a treaty Navy. I want the country to know our appropriation bills, all appropriations, are made by a few men, many of whom have had no connection with naval affairs or with the department appropriated for. They have had no opportunity even to study its needs.

Who prepared the present item in debate providing for 67,000 men? Was this bill prepared by men who had studied our naval requirements in order that it should comply with the ratio of 5–5–3 agreed upon in the limitation of arms conference?

I say it was not, but is the work of the gentleman from Michigan.

We all know that the conference was called to meet on the anniversary of the armistice, November 11, 1921. It held its first session on November 12, 1921.

On November 13, 1921, the gentleman from Michigan [Mr. KELLEY]—who, I claim, made this bill—was quoted by the New York Times as saying that expenses of maintaining the Navy would be reduced $150,000,000 to $200,000,000. The naval appropriation of last year was near $430,000,000, and this bill makes

a reduction of about the sum Mr. KELLEY named on November 13, 1921. In other words, the bill we have is the very one Mr. KELLEY declared on last November 13 we would have. Again, in the New York Times of November 18, 1921, the gentleman from Michigan [Mr. KELLEY] is again quoted as saying the conference will make possible a reduction in naval expenditures of $200,000,000. We will have a navy of fifty or sixty thousand men. Again, I call your attention to the fact that the bill does not provide a treaty Navy, but simply carries out the threat or prophecy of the chairman of the Subcommittee on Appropriations made in November, 1921.

Again, on February 20, 1922, the gentleman from Michigan was quoted in the Washington Post as saying we would have a Navy manned by fifty or sixty thousand men and he would effect a saving of about $200,000,000. The bill proposed is for a Navy of about 60,000 and effects a saving of about $200,000,000. The hearings were not begun by the subcommittee until March 6, 1922. The treaty had not been made, and under those circumstances no one could, of course, know what would be required to carry out the understanding made later. Therefore the bill does not appear to have been proposed with a view to maintain the treaty.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. McPHERSON. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. McPHERSON. On the 18th of November, 1921, the gentleman from Michigan knew how many men should be in the Navy. He had then decided to make a reduction from the $422,000,000 appropriated last year of $200,000,000 and he had decided upon a Navy of from 50,000 to 60,000 men. On February 20 he again predicted that we would have a Navy of 60,000 men, according to a statement published in the Washington Post.

He filled the newspapers with interviews, not as to how many men were needed to maintain our Navy at the ratio of 5-5-3, but he was giving notice in advance of subscribing the treaty or hearing the evidence as to the very sums in money and of men as provided in his bill. When we saw his bill we see he had saved his many arguments, although it appears in doing so he had lost us our position under the treaty. By his conduct I am reminded of an experience of an old Missourian of Clay County during the Civil War. This old man owned a number of slaves, and decided as the war progressed that if he remained in Clay County, where the Union forces came frequently, he would lose his slaves and that to save them he would leave Missouri and remove to Texas.

Down in southwest Missouri he was captured and brought to General Lane's tent, who inquired of the old man as to what was the matter. The old man said, "General, I am an old man, and, as you see, my fortune is all invested in these slaves. If I stay in Clay County, I will lose them. I am on my way to Texas, where I hope to keep them."

The general said, "Return to Clay County, obey the laws, take no part in the effort to destroy the Union, and your slaves will be as safe in Clay County, Mo., as they will be Texas." The old man said, "What! General, are you not going to take my slaves from me?" The general said, "No; do as I say."

The old man replied, "I am not going to do it. I have told all my neighbors up there in Clay County that you would take our slaves from us, and I am not going back there after seeing you here, for I would a darn sight rather lose my slaves than to lose my argument." [Laughter.]

After the many statements by the gentleman from Michigan that we were going to have a 60,000-man Navy, made before the ratios of the treaty were known, and when we examine the item it is apparent the gentleman from Michigan has not lost his argument of November 13 or 18, 1921, or of February 20, 1922, although it is certain they have lost our Navy the position provided for it in the treaty. I have been pained to hear those who favor the bill of our friend taunt Members of the House whose arguments they could not answer with, "Oh, such are the arguments of those who have navy yards. He comes from a district with a navy yard." Those who represent such districts have shown they have as much patriotism as the rest of us. Such taunts are unmanly, it seems to me. One of our Members has recently been engaged in trying by public addresses in Texas and elsewhere to lessen the confidence of the people in their Representatives and thus undermine our Government. His conduct is not unlike that of those who have no other argument or answer to the logic urged here against those who have for patriotic reasons opposed this bill than the charge that such are influenced by the fact they represent districts in which navy yards are located. It is a poor defense of yourself to cry "Navy yards!" in answer to appeals to your judgment and reason to preserve our Navy the equal of that of the foremost navy in the world and carry out in both letter and spirit the treaty.

You ought to accord us the same interest in our country, its finances, and its honor as you claim for yourself. Answer our appeals to your judgment if you can, but I hope we will hear no more of navy yards.

Gentlemen, if the known character of your colleagues were less exalted than they are known by you to be, your imputation lacks logical connection. The subject of our debate is the personnel. We are talking about men, not ships or machines. Navy yards build and repair ships, not men. Their work, if they have any, would be neither increased nor diminished by this bill. It adds or subtracts no ships or material thing from the Navy. Its passage will not increase the earnings of any navy yard in the United States by one cent. If we increased the number of men on the ships to a hundred thousand, and the ships being no more nor less than they are, would make no difference in the work of the navy yards of the country. Navy yards do not work on the men.

Mr. HILL. Is it not true that if we do not have men enough on the ships to take care of them it would increase the work in the navy yards because they have got to repair them all? [Applause.]

Mr. McPHERSON. Yes; the lack of men might have that effect. I believe in increasing the item under dispute to 86,000 to provide the treaty Navy. The question is not whether we will have certain ships but whether we will have enough men to man those ships to the highest state of efficiency, or whether we will have such an inferior number as that we will be playing second fiddle to England at least, and perhaps to Japan.

I am a great believer in the benefits to our country and the world to flow from the limitation of armaments treaty. I am unwilling to vote our country into a secondary position when by the treaty we are entitled to first place with England.

I am proud of our naval officers, whose advice is being rejected if we agree to this item. I have confidence in their ability, their honor, and their patriotism. They are worthy of our confidence and that of the American people. Have they the confidence of our people? That confidence has been manifested over and over again.

In 1916 the American people trusted them to plan and build a Navy in which they were to invest billions of money. They believed our naval officers were sufficiently skilled to plan and build for us a Navy second to none, although first-line ships had advanced in cost from $304,000, when the old *Constitution* was built, to $40,000,000 for the *Pennsylvania*. When war comes they are always willing to give their sons in whatever numbers are needed to fight on the ships our naval officers plan and build against the enemies of the United States. The people trust them, why should not we?

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. McPHERSON. Mr. Chairman, I ask for unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McPHERSON. I have seen the American people manifest their confidence in these naval officers in the late war by sending their children to man our ships under the command of these naval officers in confidence of victory, and victory came.

I believe, and the American people believe, in the capacity, patriotism, and skill of our naval officers. They have all agreed that to properly man the fleet we are allowed to maintain under the treaty will require more men than the 67,000 provided by the pending bill, and as proposed in the bill submitted by our Committee on Naval Affairs to carry out the provisions of the treaty requires 60,000 men.

I am like my colleague from Oklahoma [Miss ROBERTSON]. I represent a district that has not a dollar's worth of naval property in it, and never had; but I am unwilling, as I believe the proud people of my district and of my State and of our country are unwilling, to put the United States second to any nation on earth, and I shall vote, as a country Member from a country district, without navy yards or naval activities or salt water, and about as dry as that from which our beloved majority leader comes, so dry that you have to prime your eyes before the tears can flow [laughter]—I shall vote to maintain our Navy equal to that of any other nation on earth. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I may be in error as to my conception of the issue which is involved here, but I do not think so. It seems to me that the gentlemen who are arguing for the increase in personnel to 86,000 are predicating that argument wholly upon the proposition that we are bound by treaty to keep the Navy up to a certain strength. I do not think so.

Mr. DEMPSEY. Will the gentleman yield?

Mr. GARRETT of Tennessee. In just a moment, please. As I said the other day, immediately after the reading of the letter from the Secretary of State, I think we are morally bound not to go beyond a certain ratio, but I do not subscribe to the doctrine that the Congress or the country is bound by the treaty to keep the Navy up to that ratio if the Congress and the country choose to go below it. Now, I yield to the gentleman from New York.

Mr. DEMPSEY. I have been present, I think, at practically every moment of the debate upon this bill, and I have not heard anyone argue that we were bound to have a Navy equal to that of England, which Mr. Hughes, Mr. Root, Mr. UNDERWOOD, and Mr. LODGE have obtained for us. We can have no Navy at all if we want to, and can yield the equality with England which they gave; but I understand there is nobody who is willing to yield that equality.

Mr. GARRETT of Tennessee. Is not the question after all whether we are in danger if we do go below that, and is there anybody here prepared to say that we are in danger if we go below it?

Mr. DEMPSEY. Yes; we are always in danger.

Mr. GARRETT of Tennessee. From whom?

Mr. DEMPSEY. Can you anticipate whom the lightning will strike in the next storm? Can you tell from what portion of the sky it will come? The gentleman's question is just as logical as that.

Mr. GARRETT of Tennessee. Mr. Chairman, I was present the day that the Conference on the Limitation of Armament opened. I heard the address of the Secretary of State. I interpreted that address to mean that this limitation that was proposed, and which has been substantially carried out, was not for the purpose of making war but for the purpose of moving toward the assurance of peace. [Applause.]

Mr. DEMPSEY. And have we not taken a long step in that direction in reducing the tonnage to the extent that the disarmament conference agreed to that reduction? Is not that what they did, and have they not made a memorable step in history? And shall we voluntarily go on and abandon the Navy altogether because they have limited it to certain figures?

Mr. GARRETT of Tennessee. Oh, the proposition of the committee does not provide for abandoning the Navy. [Applause.]

Mr. FAIRFIELD. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to my friend from Indiana.

Mr. FAIRFIELD. It is the gentleman's understanding, as it is mine, is it not, that the committee insists that this provision will take care of the 5–5–3 treaty provision?

Mr. GARRETT of Tennessee. Yes; I so understand. But let me say to my friend from Indiana with entire frankness that after all to my mind is not the important question here. But they say it takes care of it.

Mr. FAIRFIELD. If by virtue of that arrangement we sustain a position of equality and, therefore, of advantage in our diplomatic relationships, does the gentleman think that the Members of this House have a moral obligation to the country in seeing to it that that position is maintained beyond any doubt and that safety is secured by an increase, if there is any question as to the probability of our being in danger?

Mr. GARRETT of Tennessee. If I understand my friend from Indiana correctly, if there are any evidences whatever that the country is in danger, of course the moral obligation rests upon the Congress to protect the country. But if it is meant that there is a moral obligation growing out of the treaty to keep it up to a 5–5–3 proposition, I do not subscribe to that doctrine at all. [Applause.]

Mr. FAIRFIELD. If the gentleman will permit, perhaps he did not get the first phase of my question. Granting, as I think most men will admit, that our position was such that we could have built more largely than any other country—and, therefore, our judgment was gladly acquiesced in—is there not a moral obligation upon this body to see to it that the relative position of the country be maintained, so that in the future we can also take the initiative, if need be, toward further reduction?

Mr. GARRETT of Tennessee. I do not think so.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I yield to the gentleman from Delaware.

Mr. LAYTON. Does the gentleman approve of the opening address of the Secretary of State and then think it is logical that a matter which grows out of the things that the Secretary of State was after in the beginning should be neglected and his advice disregarded?

Mr. GARRETT of Tennessee. Neglected and disregarded now, does the gentleman mean?

Mr. LAYTON. Yes.

Mr. GARRETT of Tennessee. I think that the Secretary of State was moving more along economic lines, in so far as his address in regard to the Navy was concerned, than along any other lines. And I want to follow that up by saying that the conference was called as a Conference on the Limitation of Armament. Presumably all that was involved in the call was presented by the Secretary of State in his address upon the opening day of the conference. But eventually the conference went far beyond that and negotiated other treaties; particularly, if I may mention it, the four-power pact, which was made the corner stone of the whole program evolved. That principle which the builders had formerly rejected became the keystone of the whole arch. [Applause.] Now, if that four-power pact meant anything, if that is worth anything to the world, it meant a progress toward peace. Therefore, unless we are threatened with danger, why are we bound by the treaty to keep the Navy up to the 5–5–3 proposition? And yet these gentlemen who report it say that this bill does that. I do not know whether it does or not, and do not care.

Mr. MADDEN. As a matter fact, has not the country accepted the 5–5–3 ratio itself?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

The Clerk read as follows:

CONTINGENT.

For ferriage, continuous-service certificates, discharges, good-conduct badges, and medals for men and boys; purchase of gymnastic apparatus; transportation of effects of deceased officers and enlisted men of the Navy, and of officers and enrolled men of the Naval Reserve Force who die while on duty; books for training apprentice seamen and landsmen; packing boxes and materials; books and models; stationery; and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, $16,000.

Mr. GOODYKOONTZ. Mr. Chairman, I have listened with profound interest to the distinguished leader of the minority [Mr. GARRETT of Tennessee], knowing that he was an exceedingly astute legislator, a logical leader, as well as a patriotic man, and knowing that he was deeply interested in securing the future peace of this country and would not consciously leave undone anything that would, so far as his power and influence went, add to the defense of the Nation in the time of war or threatened great danger. But I was somewhat surprised to hear from him, notwithstanding the fact that we entered into the covenant of the arms limitation treaty on the basis of 5–5–3, that it were unnecessary that this Government should undertake to see that our preparation should lead to the very maximum efficiency allowed us under the treaty. I was also surprised to hear from this distinguished leader of the minority—and I admire him, regarding him as one of the very strongest men from the South—that it were unnecessary to make preparation until confronted with danger. When is the time to begin preparation? When the great guns of the enemy are near our shores, bombarding our coast cities? [Applause.] When there is an actual invasion of our country? Is it at the time when we are helpless and unprepared that we should begin preparation? We have already had a signal evidence of the want of preparation; a great war that came upon us without preparation cost us in increased expense billions of extra dollars, as also extra lives and human suffering. [Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. GARRETT of Tennessee. From what enemy are we now likely to hear?

Mr. GOODYKOONTZ. It would be useless for me to speculate on that. What enemies hitherto have come across our pathway—enemies that we have had to fight?

Mr. GARRETT of Tennessee. Will the gentleman yield further?

Mr. GOODYKOONTZ. I yield.

Mr. GARRETT of Tennessee. If the only ones that you fear would be England or Japan as naval powers—if there is any reason to fear either of these, we rendered ourselves ridiculous by making ourselves simply equal to one of them in the treaty. [Applause.]

Mr. GOODYKOONTZ. The gentleman's logic and his argument would lead him to the abolishment of the entire Navy.

If you have extreme confidence in England and Japan, abolish your Navy. [Applause.]

Mr. LAYTON. Will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. LAYTON. That was the question I wanted to ask the gentleman—if the logic of the gentleman from Tennessee would not lead just as clearly to the abolition of all of the Navy.

Mr. GOODYKOONTZ. The gentleman is clearly right; the question is, Shall we have a personnel of 96,000, as has been recommended by the administration—the President as Commander in Chief of the Army and Navy at the head of the executive department, the State Department, and the Navy Department—or only 67,000 men, as has been advised by the subcommittee of the House? So far as I am concerned, I am willing to take the advice of the administration on this point and abide by it. [Applause.]

Mr. STAFFORD. Will the gentleman yield?

Mr. GOODYKOONTZ. I will.

Mr. STAFFORD. Following the logic of the gentleman's argument, instead of having 12,000 men as at present occupying the Coast Artillery, why not have 20,000, which the Army organization prescribes as war strength?

Mr. GOODYKOONTZ. The gentleman's query is not pertinent. I have been always opposed to a large Army, but have been for a strong Navy.

Mr. STAFFORD. What is the difference between the fortifications along the coast and the floating fortification on battleships?

Mr. GOODYKOONTZ. That is not germane. [Laughter.] We should give heed to Theodore Roosevelt's advice, "Speak softly and carry a big stick." We are limited as to the size of the club, but we want it to be the very best club that human ingenuity can devise and money can buy.

Remember the words of Patrick Henry—I may not quote him accurately:

> The next gale that springs from the north will bring to our ears the clash of resounding arms.

This was an argument for preparedness. [Applause.]

I think we should have just as an effective "big stick" as we can get hold of. I want to give the Navy every dollar it requires in order that it may develop every pound of power and every ounce of strength obtainable. The Navy is entitled to funds sufficient to enable it to make a supreme effort to reach the very maximum of efficiency and perfection. [Applause.]

Mr. OLIVER. Mr. Chairman, I rise to correct what I think are inaccuracies in some of the statements made by two of my good friends, one of them, the gentleman from Georgia [Mr. CRISP], and the other the gentleman from New York [Mr. DEMPSEY], and I respectfully invite their attention to the same. The gentleman from Georgia [Mr. CRISP] seemed to feel that the Appropriations Committee was trespassing on the Naval Affairs Committee of the House, because the pending bill appropriates for only 67,000 enlisted men, while the Naval Affairs Committee has recommended to the House the passage of a bill fixing the authorized strength of the Navy at 86,000. My friend from Georgia failed to recall that under existing law the authorized strength of the Navy is now more than 137,000. The act of 1918 fixed the authorized enlisted strength of the Navy at 131,000, plus 6,000 apprentice seamen, and an additional number of Hospital Corps men. Last year no one questioned the authority of the House Appropriations Committee to appropriate for only 100,000 enlisted men, although in fact the authorized enlisted strength was then more than 137,000. The number of men finally appropriated for in the bill was 106,000 men, more than 30,000 less than the authorized strength of the Navy at that time under existing law. The gentleman from Georgia no doubt voted first for 100,000 and later for the 106,000 without protest.

Mr. MCARTHUR. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. MCARTHUR. The question was not raised, because it did not propose to do what this does, to make the Navy inferior to that of Japan. [Applause.]

Mr. OLIVER. I will be very glad to discuss the question submitted by the gentleman from Oregon [Mr. MCARTHUR] when the section of the bill to which his remark may be considered appropriate is reached. I am now endeavoring to give to the House the authorized enlisted strength of the Navy under existing law and to convey to the House the information that the House has always favored the action of the Appropriations Committee in limiting the amount appropriated to the actual number of enlisted men needed, even though the number appropriated for may be greatly less than the authorized enlisted strength of the Navy.

In the bill carrying an appropriation for the Army you fixed the number of enlisted men in the Army to be appropriated for, although that number was less than the number which the existing law authorized.

The House approved it, and doubtless the gentleman from Oregon voted for it, just as he did the naval appropriation bill of last year. Certainly no one was heard last year, or more recently, when we passed the Army bill, to claim that the Appropriations Committee was trespassing on the authority of any legislative committee of the House.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. GARRETT of Tennessee. Does the gentleman from Alabama know whether the gentleman from Oregon [Mr. MCARTHUR] still fears Japan, notwithstanding the four-power treaty? [Applause.]

Mr. OLIVER. I will yield sufficient time to the gentleman from Oregon to answer the question of the gentleman from Tennessee.

Mr. MCARTHUR. Oh, no; I do not fear Japan; but I think that the United States ought to have a Navy, if not superior, then equal to that of any power in the world.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman from Alabama yield to enable me to ask a question of the gentleman from Oregon?

Mr. OLIVER. Certainly.

Mr. KELLEY of Michigan. Does the gentleman say that the number of men allotted here will make our Navy inferior to that of Japan?

Mr. MCARTHUR. Yes; that is the broad statement.

Mr. KELLEY of Michigan. And the gentleman understands that this number of men is the number of men carried on these ships. Then, I ask the gentleman, if, therefore, our Navy has already sunk below that of Japan?

Mr. MCARTHUR. Oh, that is not the number of men carried on these ships at the present time.

Mr. KELLEY of Michigan. Oh, yes; we are giving the number now carried and about 2,000 more.

Mr. MCARTHUR. I think that the gentleman is in error.

Mr. OLIVER. Mr. Chairman, under the bill referred to by the gentleman from Missouri [Mr. MCPHERSON], and which he states sought to provide that 86,000 enlisted men should be the actual strength of the Navy, I wish to call his attention to the error into which he fell. This is most evident from the mere reading of the first part of section 1 of the bill, to which he refers, and which reads:

> That the total authorized enlisted strength of the Navy shall be reduced on July 1, 1922, to 80,000 plus 6,000 apprentice seamen.

The bill nowhere states that its purpose is to hereafter fix the actual number of enlisted men in the Navy at 86,000, but follows the language of like bills by simply providing what the enlisted strength may be.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. GRAHAM of Illinois. Has the gentleman read any reason given by the naval authorities for the fact that there is not now carried on the fleet a full personnel? What is the reason that they are not now carrying more men than they are?

Mr. OLIVER. Mr. Chairman, if the gentleman from Illinois will pardon me, I would prefer that a discussion of that matter be deferred until the section of the bill to which it very properly relates is reached. I am now desirous of submitting to the House some facts which I think will serve to correct some inaccuracies into which one or more gentlemen have fallen.

I know that it is the desire of the House, irrespective of what may be the final attitude of this or that Member on the present bill or on any of its provisions, to have accurate information as to the matters here discussed. As further showing that the gentleman from Missouri [Mr. MCPHERSON] was in error as to the statement he made, the House will recall that the gentleman from Pennsylvania [Mr. BUTLER], the chairman of the House Naval Affairs Committee, stated that his understanding of the purpose and effect of the bill referred to by Mr. MCPHERSON was absolutely as I have stated; that is, that it simply sought to fix the authorized maximum strength of the Navy and did not undertake to require that this number should constitute the actual enlisted number in the Navy at this or any other time. Perhaps never in the history of our country have we in

peace time had in the Navy its full authorized enlisted strength. Prior to the war the actual enlisted strength was much less than its authorized strength. If the House should now vote an appropriation for 86,000 men, this would be more than 50,000 less than the present authorized strength of the Navy.

May I again remind the gentleman from Oregon [Mr. MCARTHUR] that if he feels the Navy would now be weakened by appropriating for only 67,000 enlisted men, then the bill brought in by the House Naval Affairs Committee, of which he is a member, serves to deal it a much severer blow, because the bill which the gentleman from Oregon favors proposes to cut the officer personnel strength of the Navy from 5,500 to 3,400—this last number to include all officers carried as additional or extra numbers. Naval officers must be trained along very technical lines, and it is important to maintain a proper officer personnel, and far more important in peace time than a large enlisted personnel. Certainly no naval officer has been found who recommended to the House Naval Affairs Committee that the officer personnel be reduced to 3,400.

Mr. LAYTON. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. LAYTON. The gentleman just made the statement that at no time in our history has the authorized personnel of the Navy been at its full quota.

Mr. OLIVER. In peace times.

Mr. LAYTON. Then it necessarily follows that if we adopt the 67,000 personnel we will have a still weaker Navy, one below the 67,000.

Mr. OLIVER. If you should later pass the bill recommended by the House Naval Affairs Committee which seeks to fix the authorized enlisted strength at 86,000, then 67,000 would be a very fair percentage of the actual authorized strength in peace times.

Mr. LAYTON. The gentleman does not get the point.

Mr. OLIVER. I think I do.

Mr. LAYTON. The experience of the country is that whatever the authorized personnel we always fall below it, so that if we establish a personnel of 67,000 we are going to fall below that.

Mr. OLIVER. The gentleman evidently misunderstood the statement I have just made. I undertook to say, and I think I did, that the actual strength of the Navy was usually short of its authorized strength, and that in providing appropriations for the enlisted personnel in Army and Navy we have always endeavored to ascertain the number of men actually needed and to recommend appropriations for that number, irrespective of the authorized enlisted strength under existing law.

The gentleman from New York [Mr. DEMPSEY], in speaking of the remarks made a few minutes ago by the gentleman from Wyoming [Mr. MONDELL], stated that Mr. MONDELL had taken up the time of the House in discussing a matter long past and probably forgotten—that the House was not interested in past mistakes, even though they may have been the mistakes of naval officers. Permit me to say that the House may find that it is very much interested in the statement of the gentleman from Wyoming [Mr. MONDELL] before it has finished its consideration of the pending bill, for the reason that the bill carries a provision authorizing the Secretary of the Navy to retire a large number of chief petty officers and hereafter carry them as fleet reservists. This is made necessary because of the large oversupply of chief petty officers now in the service and to which the gentleman from Wyoming [Mr. MONDELL] refers. If the House should approve that provision of the pending bill which seeks to separate these officers from the service on retired pay as fleet reservists, it would involve a large amount of money during the lifetime of the men so retired.

A letter from the Bureau of Navigation on April 7 shows that we have approximately 12,000 chief petty officers, a number very much larger than a Navy of 96,000, 86,000, or 67,000 requires. Something must be done to get rid of this large number, because the pay of a chief petty officer mounts rapidly into high figures, with his allowances, and if the Navy is oversupplied some method must be found for reducing the number. There seems to be no question raised even by naval officers as to having a very much larger number of chief petty officers than are now needed, and they likewise recognize that we may have too large a number in the warrant grades and in the higher enlisted grades. These constitute the men of the enlisted service who draw the larger pay. I think you will see at a glance why the House may be greatly interested in the remarks of the gentleman from Wyoming.

My understanding is that the bill reported by the House Naval Affairs Committee also seeks to provide for the retirement within a fixed time of commissioned officers, some chief petty officers, and some in the warrant grades. The House bill undertakes to authorize the retiring of these to the reserves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Do I understand the gentleman to say that it is the view and has been recommended by the Appropriations Committee that these chief petty officers should be retired? Where will the Treasury come in?

Mr. OLIVER. My understanding is——

Mr. BUTLER. My friend is usually extremely accurate. I hope he is mistaken.

Mr. OLIVER. My understanding is that in this bill——

Mr. BUTLER. That is pure legislation, to begin with.

Mr. OLIVER. To complete what I started to say, I understood, Mr. BUTLER, that your committee had reported the bill providing for the retirement of some in the warrant grades and also some chief petty officers.

Mr. BUTLER. In the bill that was reported from the Committee on Naval Affairs we sought to retire commissioned officers, not from 5,500 and down—that many authorized by law—but from 4,140 down—six or seven hundred. But we did not provide for the retirement of warrant officers.

Mr. OLIVER. The Appropriations Committee was certainly under the impression, and we gathered that impression from my friend, Mr. BUTLER, the distinguished chairman of the House Naval Affairs Committee, that the Naval Affairs Committee had reported a bill authorizing the retirement not only of commissioned officers, but providing for the retirement of some in the warrant and chief petty grades. If I am in error as to that——

Mr. BUTLER. No; the error was mine. Of course, my friend knows I would not mislead him. I endeavored to say at that time what I now endeavor to say, that we had agreed to have the President take from the warrant officers' list as many as he thought was necessary and return them.

Mr. OLIVER. Then, as I understand, the bill reported by your committee does authorize the President to retire warrant and chief petty officers, and in that connection I will state that the Appropriations Committee, while carrying a provision of this kind in the present bill, does not undertake to recommend it to the House, but simply to bring this important matter to the attention of the House, and let the House take such action as it may deem wise in the premises. We were simply following the bill reported out, as we understood, by the House Naval Affairs Committee, and it is the purpose of the chairman now handling this bill to make that statement to the House when that section of the bill is reached. My purpose in giving the information at this time is to show how it was pertinent to the remarks made by the gentleman from Wyoming [Mr. MONDELL] and that it is an important matter for the consideration of the House, notwithstanding the statement of the gentleman from New York [Mr. DEMPSEY] that the gentleman from Wyoming had been speaking of a matter wholly abstract to the present bill.

Mr. DEMPSEY. The "gentleman from New York" did not say the committee should forget at all. The "gentleman from New York" said that the fact that one man had made a mistake in counting at some indefinite, uncertain time, as claimed by the gentleman from Wyoming, did not prove that all the experts in the Navy would make mistakes. And, the "gentleman from New York" said, further, that the question in this bill was not the question of petty officers but the question of enlisted men.

Mr. KELLEY of Michigan. The gentleman from New York evidently does not know that petty officers are enlisted men.

Mr. DEMPSEY. Oh, yes.

Mr. OLIVER. I can yield no further.

Mr. KELLEY of Michigan. He does not know what they are.

Mr. OLIVER. Let me suggest to the gentleman from New York if he will read the hearings——

Mr. DEMPSEY. I will not find anything on the question of enlisted strength at all.

Mr. OLIVER. If the gentleman will only wait until I finish, I feel sure he will see that the information I am endeavoring to give him is material. If he will examine the hearings to which I will refer him, he will get very helpful information along the lines he now professes interest in. The gentleman from New York did say that he was criticizing the gentleman from Wyoming [Mr. MONDELL] because he had alluded just to the mistake of one naval officer, and further stated that that amounted to but little. Now, if he will read the hearings had before the House Naval Affairs Committee in the fall and winter of 1919, which covered a period of about two months' time, and which hearings related to increased pay for the enlisted and commissioned personnel of the Navy, he will find that not one officer

but many officers of the Navy, not at one time but many times, made what he, the gentleman from New York, now designates as a mistake of a single officer. Statements were made to the House Naval Affairs Committee that a number of chief petty officers and officers in the warrant grades and enlisted men in the higher grades were rapidly leaving the service because of better pay on the outside, and that unless something was immediately done to retain them in the service it would be simply impossible to operate our fleet. Of course, the committee accepted these statements as correct, and the officers doubtless felt at the time that they were correct. I know they felt they were honest in what they said, but, unfortunately, it seems they then had and now have an oversupply of men in these two grades.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINEBERGER. Mr. Chairman, I ask that the gentleman from Alabama have five minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection?

Mr. LINEBERGER. I know that the gentleman is a very distinguished member of the Committee on Naval Affairs.

The CHAIRMAN. The gentleman will desist.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Alabama be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LINEBERGER. I know that the gentleman from Alabama is a very distinguished member of the Committee on Naval Affairs, and I want to ask him one question in all sincerity. I want to know if he honestly believes that either England or Japan will maintain under this agreement anything less than a navy of the very highest efficiency? I want you to answer that question.

Mr. OLIVER. May I state that when the provision of this bill to which this question may be pertinent is reached I will be very glad to discuss it, but I am now simply endeavoring to give some information as to other matters to the House.

Mr. LINEBERGER. You have only to say yes or no in order to answer the question.

Mr. OLIVER. I will be very glad to answer more at length when the section of the bill to which it may be appropriate is reached.

Mr. LINEBERGER. I am sorry that the gentleman sees fit to evade an answer to that question.

Mr. OLIVER. I have no desire to evade answering the question, but my purpose in refusing is simply to avoid entering on the discussion of a matter that is wholly foreign to the information which I have been endeavoring to give the House on other subjects. I will say to the gentleman from California, however, that I feel sure that both Japan and England will not do less than what we will always do, and I know that is what the Appropriations Committee now purposes to do by this bill, namely, to keep their navies in an efficient condition.

Mr. LINEBERGER. Then I assume that the gentleman insists that the committee's report maintains our Navy at the very highest point of efficiency.

Mr. OLIVER. I think we will be able to show that to the satisfaction of the House, if the gentleman from California will only remain here when the personnel section is reached, and I hope that he will give fair consideration to what is said, even though he may now entertain an opinion entirely different from the views of the committee. The committee has no desire to in any way hurt the efficiency of our Navy, and we will very frankly and freely discuss the entire question, giving you our views as to why we limited the enlisted personnel to 67,000 men, when that section of the bill is reached. You must recognize that this is the most orderly way of proceeding in the consideration of a bill of this importance.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. I gladly yield to the gentleman.

Mr. LAYTON. If the gentleman from Alabama believes that we ought to throw aside all the recommendations of the Navy Department because of past mistakes which the Navy Department has made, what in the name of heaven should we do as to the House of Representatives?

Mr. OLIVER. Permit me to say that the premise on which the gentleman predicates his question is not one that I concede to be correct. The committee will be glad to discuss fully the limitation on the enlisted strength when that provision is reached, and I hope that the gentleman will concur with me that it can be better discussed when the appropriate section is reached.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. OLIVER. Yes.

Mr. McARTHUR. I would like to ask the gentleman from Alabama to advise the committee where the members of the subcommittee obtained their information about the British and Japanese Navies? There is nothing in the hearings about them.

Mr. OLIVER. If the gentleman will only content himself until this section of the bill, to which his question relates, is reached, I think that members of the committee will very gladly give him such information as they have. Permit me to say to the gentleman from Oregon that he is doing far greater hurt to the Navy by undertaking to reduce its officer personnel to 3,400 than can possibly be done by limiting the enlisted personnel to a figure which the gentleman from Oregon seems to feel is inadequate. Certainly the gentleman has found no naval officer who will recommend or indorse the bill reported by his committee to reduce the officer personnel to 3,400.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman allow me to say a word?

Mr. OLIVER. Yes.

Mr. KELLEY of Michigan. The testimony of the Naval Intelligence Bureau, even by the Naval Committee, has always been regarded as more or less secret. They always wanted us to lock the doors and prevent anybody from peeking in at the windows, so that their testimony is not public but is printed for the use of the committee.

Mr. NEWTON of Missouri. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. NEWTON of Missouri. I want to ask the gentleman from Alabama if he thinks that the 96,000 men recommended by the Secretary of the Navy would be a violation of the terms of the treaty providing for the 5-5-3 ratio?

Mr. OLIVER. No. There is nothing in the treaty limiting the enlisted personnel of the Navy. The treaty only seeks to declare a naval holiday and fix a limitation on the number, size, and character of capital ships of the navies of the countries involved.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MONDELL. Mr. Chairman, from time to time during the debate gentlemen who do not approve the committee's figures have stated that they are not willing to take the judgment of the committee in the matter, but insist on taking the judgment of experts, and particularly the experts of the Navy Department. Curiously enough, some of the gentlemen who have made that statement have then added that they were therefore for an enlisted personnel of 86,000. I desire to ask gentlemen if any of them know of any time or place when the experts of the department or anyone in the Navy Department agreed to or suggested a personnel of 86,000, or anything like it?

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield for an answer.

Mr. SWING. All right. As between 67,000 and 86,000 all the experts are in favor of 86,000. [Applause.]

Mr. MONDELL. That does not answer my question at all; and, furthermore, it is not an accurate statement, for none of the so-called experts have proposed a personnel of 86,000; they are for a personnel of from 96,000 to 120,000. I have the latest statement that is to be found anywhere from the Navy Department, the letter of the Secretary of the Navy to the President, of date of April 5, in which the Secretary says:

> The General Board of the Navy have recommended as the necessary complement to our treaty Navy approximately 120,000 men.

Mr. SWING. I know; but——

Mr. MONDELL. I decline to yield. There the experts contend for 120,000 men. The Secretary then adds, in this letter to the President, the latest we have heard from him—

> I have recommended to the Congress an enlisted personnel of 90,000 men and 6,000 apprentices, with which personnel I believe the Navy can be maintained for the present with a reasonable degree of efficiency.

Now, what do the experts stand for? Will they be any happier with 86,000 than with 67,000? Nay, verily, the suggestion of 86,000 did not come from any expert, unless the gentleman from Oregon [Mr. McARTHUR] qualifies as an expert.

Mr. McARTHUR. He is just as much of an expert as the gentleman from Wyoming. [Applause.]

Mr. MONDELL. That comes from the imagination of the gentleman from Oregon. [Applause.] If we were to give the Navy 86,000, which is some 20,000 less than they have asked, they will be bombarding the doors of the Senate for the additional 20,000 men.

Mr. SWING. No.

Mr. MONDELL. The gentleman from California shakes his head. They will; and if they ask it the gentleman from California will probably vote to give it to them. He will, no doubt, say then, just as he does now, "I am following the experts."

Mr. BUTLER. Let us be fair all around. I know the gentleman will be fair. My friend from California [Mr. SWING] will agree with me that no naval authority ever mentioned the figure of 86,000. It is not to be found in the hearings.

Mr. MONDELL. The Navy Department has never suggested a figure less than 96,000. It has never suggested an expenditure of less than $350,000,000, and if you are to follow these experts your vote must not be for 86,000 but for 94,000, and you must raise this appropriation to approximately the expenditure of the present fiscal year. Then, instead of having appropriations reflecting the economies expected as a result of the treaty, we shall be spending for our Naval Establishment as much, if not more, than we did before the treaty on the limitation of armament. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that I may proceed for 15 minutes. I took no time in the general debate.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Will the Chair kindly inform me when I have consumed 10 minutes?

The CHAIRMAN. The Chair will do so.

Mr. LONGWORTH. Mr. Chairman, it is always with great hesitation that I take a position at variance with the conclusions of the great Committee on Appropriations, headed as it is by the ablest chairman since Uncle JOE CANNON. [Applause.] In this particular instance I have hesitated all the more to set my judgment against that of the chairman of the subcommittee, master that he is of the subject of naval affairs, whose speech when presenting this bill was one of the most brilliant I have ever heard in this House. [Applause.]

It is only after the most thorough investigation and mature deliberation that I have reached the conclusion that in your laudable efforts for economy you have in this instance cut too deep. You have cut below the quick. I fear that in the saving of a few millions you have created a situation which might cause a loss of untold billions. I fear that in your effort to protect Uncle Sam's pocketbook you have come perilously near to injuring dangerously his strong right arm. [Applause.]

I come from Ohio. There are no navy yards or naval stations there, but there are thousands upon thousands of people in Ohio, including her first and the Nation's first citizen, who insist upon the maintenance of an American Navy adequately manned, adequately equipped, and second to none in the world. [Applause.]

It may be superfluous then to assert that my advocacy of a Navy larger than that provided for in this bill is not influenced by any thought of local advantage. I would be reluctant to believe—I do not believe—that any man here is for an adequate Navy merely because he lives in a seacoast State any more than I would believe that he is for an inadequate Navy because he lives in an inland State. Not a man has spoken here, not a man will vote here when the time comes, and I care not which way he votes, whom I would suspect of being governed by motives of other than the highest patriotism.

It is many years since I have listened to a debate so vigorous, so enlightening, so frequently brilliant, as the debate upon this bill, and it has served a most useful purpose. Instead of muddying the issue, as debates sometimes do, it has immensely clarified it, and reduced it down to a plain, vital question, keen as a knife-edge, and not to be evaded or misunderstood. That question is, Does this bill provide for a treaty Navy?

Practically every leader on either side of the question has asserted his purpose to stand for a Navy which will fit with exactitude the terms of the naval treaty recently ratified by the Senate. The one important exception is the gentleman from Tennessee, the distinguished and able leader of the minority. He takes the position that while the treaty, so far as Congress is concerned, binds us both legally and morally not to exceed the ratio provided in its terms, it in no wise binds us to maintain that ratio. I can follow the gentleman from Tennessee only part way in his conclusion. I concede that we are obligated to the high contracting parties not to exceed the 5-5-3 ratio, but I vigorously dissent from the proposition that we are under no obligation to maintain it. On the contrary, I hold that we are under the most definite and solemn obligation to the American people to provide for a Navy which will at least equal Great Britain's and be to Japan's as 5 is to 3. [Applause.]

Mr. Chairman, you sat with a great majority of both Houses of Congress in the gallery of the now historic hall where the representatives of the powers were gathered to agree upon some plan for the limitation of armament. The air was tense. Not one of us knew whether the conference would be a success. Many of us feared that it might drag on many weary months, to eventually fail. We were hoping that something might happen to relieve our fears. And happen it did, and right off the bat! [Applause.]

Charles Evans Hughes [applause], one of the very greatest ministers of foreign affairs that this or any other country has ever had [applause], arose in his place at the head of the table to address the delegates, and within 20 minutes the clouds of doubt had cleared away and the successful issue of the conference was assured beyond peradventure, for Secretary Hughes had laid America's cards face up on the table, and his proposal was so unselfish, so just, so eminently fair, that its immediate acceptance was a matter of course. [Applause.]

You all recall the wave of applause that rocked the galleries when America's offer was revealed. Every Member of the Senate and every Member of the House jumped to his feet and acclaimed the proposal that America's Navy should be the equal of Great Britain's and be to Japan's as 5 is to 3. Do you suppose that there was one of us who would have applauded a proposal that our Navy should be the equal of Japan's and be to Great Britain's as 3 is to 5? Yet that is precisely what this bill as reported does propose. No, Mr. Chairman, instead of cheers there would have been hoots and hisses. Enthusiastic approval would have given place to righteous indignation. [Applause.]

The question is to-day, Shall we now sanction a proposition which we would then have contemptuously spurned?

Suppose further, Mr. Chairman, it had later developed that our delegates were weakening under pressure and were ready to cast their votes to cut under our own proposed naval strength. Do you not know that the American people with the slightest suspicion of such a weakening would have swept those delegates out of the Hall? [Applause.] Gentlemen of the subcommittee, you can not do now what you could not have done then. You can not put across this second-rate lame-duck Navy that your bill proposes. [Applause.]

Mr. BYRNES of South Carolina. Will the gentleman yield for a question?

Mr. LONGWORTH. Pardon me, please, because I have only a few minutes. I will try to yield to the gentleman later.

The American people then, the American people now, demand a Navy which shall be in man power and efficiency the equal of any in the world. And they are going to get it. [Applause.]

How about the other great navies? Does anyone suppose that Great Britain or Japan will cut their personnel one iota below the number required to efficiently man every single vessel to which they are entitled under the treaty? Is there any man here who would have the hardihood to assert that Great Britain's 18 capital ships and Japan's 10 will not be kept in full commission? Yet you propose by this bill to create a situation where but 13 of our 18 capital ships can be kept in full commission and the other 5 will be compelled to lie idle in a state of innocuous desuetude, so to speak, with but 200 men aboard, one-sixth of their proper complement. Of our 13 cruisers but 10 will be in full commission, and of our 103 destroyers but 65.

You will have crippled the American Navy, gentlemen. You will have made of America a second-class or maybe a third-class sea power.

These are not things which might happen. They are things which will happen, and you can not prevent it if your bill goes through. Congress has the power to limit the number of men to man our ships, but it has not the power to regulate their placing. The Navy Department has informed us that if the number of men be limited to the 67,000 provided in this bill, the things I have enumerated will happen. They have informed us that a personnel of 86,000 is the irreducible minimum necessary to keep all the ships to which we are entitled under the treaty in full commission. In other words, the difference between 86,000 and 67,000 is the difference between having in full commission 18 capital ships instead of 13, 13 cruisers instead of 10, and 103 destroyers instead of 65. It is the difference between a treaty Navy and a lame-duck Navy. I am for a treaty Navy, and I firmly believe that the American people are for a treaty Navy. [Applause.]

The gentleman from Michigan has repeatedly challenged any man on this floor to quote the President of the United States. I accept that challenge. [Applause.] I read from a letter I received this morning:

THE WHITE HOUSE,
April 13, 1922.

MY DEAR CONGRESSMAN LONGWORTH: I have to acknowledge your letter of inquiry addressed to me on the 10th instant. If I were to address the Congress formally, I could say only what I have already said informally, because I am well persuaded that it is not wise to make so drastic a cut in the naval appropriations as has been proposed in the measure now pending in the House.

[Applause.]

I do not doubt the good faith of the committee majority in believing a suitable Navy can be maintained under the limitations fixed in the pending bill, and I am heartily in accord with every consistent effort to deepen the cut in governmental expenditure. At the same time, I must believe in the good faith of the Navy Department and our naval advisers, who say very emphatically that it is impossible to maintain, within the proposed appropriations, the standard set for our Navy which was made the base of the international conference, and which standard we have proclaimed to the world.

[Applause.]

Of course, the decision must lie with the Congress, but I should not be frank in replying to your inquiry if I did not say that I shall be greatly disappointed, and I believe the country will be greatly disappointed, if the appropriation, to which the Navy must and will adhere, is reduced to the point where the limitation of enlisted men and apprentices is below 86,000.

[Applause.]

No presentation of the situation, which has come to my notice, has served to alter that opinion.

Ultimately, perhaps, the lower figures proposed may be reached, and I hope it will be possible through later international concert, but the trend toward peace and security ought to be more firmly established before going beyond the limitation to which we were gladly committed at the international conference.

Very truly yours,

WARREN G. HARDING.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

[Applause.]

These are solemn words of advice, and it would be a reckless man, I think, who would not heed them.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman.

Mr. GARRETT of Tennessee. When great naval experts like the President of the United States and the gentleman from Wyoming disagree, what are we poor laymen to do? [Laughter.]

Mr. LONGWORTH. As for this poor layman, I unhesitatingly decline to follow the gentleman from Tennessee in his program for the reduction of our Navy below that of Great Britain. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, it is well known even to laymen, to say nothing of military men, that when the fortunes of battle become most critical reinforcements are always called for most loudly. A few days ago the gentleman from Massachusetts [Mr. ROGERS], whom the papers had heralded as the man who was to lead the forces for an increase in Navy personnel claimed to be necessary in order to man what is called a treaty Navy, began to feel somewhat doubtful of the issue and rose in his place on this floor and read a letter from the Secretary of State as to what he deemed to be necessary to maintain a so-called treaty Navy. The gentleman from Massachusetts, of course, solicited that letter. He desired that letter not for his own information, because he was already convinced, but he desired that letter for the pressure which it might exert upon the wavering Members from other sections who did not entertain the same views as did the gentleman from Massachusetts. He wanted the prestige and the name of the Secretary of State with which to persuade those he could not himself convince. Not entirely satisfied that the Secretary of State's views met approval, we are now presented with a letter from the President of the United States. I have no criticism to make of these officers, because I know under what tremendous pressure they are placed by influences outside of Congress and by Members of the majority—whether Republicans or Democrats—when they get into a critical position they beseech the Cabinet officials and high executive officers of the Government to come to the rescue. I do not blame the officials for that course; neither do I approve as a wise course in general. On the question that is now before us I want to say that I believe in maintaining the Navy of the United States up to the point that is permitted under the treaty. A year ago when the naval bill was before the House some will recall that during the debate I made some remarks on disarmament and stated that I believed then, as I believe now, that the only way we can force other nations to yield to disarmament and bring pressure to bear to secure the limitation of armament is to let them know that the United States is going to maintain a Navy as large as is permitted under the treaty, and if we have no treaty, then the greatest in the world.

But I contend that under the treaty the United States does not need as many men as are contended for by some gentlemen on the floor. At this point I might suggest that if the President of the United States, in his letter, is influenced by naval opinion to advocate 86,000 men, there must be disagreement among his advisers, for, according to the gentleman from Pennsylvania, the chairman of the Naval Committee, he is not following the naval authorities who advised the committee, because the gentleman from Pennsylvania says that no naval officer and no authority from the Navy Department ever gave the committee any advice as to 86,000 men for the Navy. [Applause.] But, gentlemen, what does the naval treaty provide? The naval treaty provides that the United States power at the present time, when it completes the immediate scrapping, shall have 500,650 tons. After it completes its two new battleships and scraps two old ones, it will have a naval strength of 525,850 tons. It provides that Great Britain shall have for the present year not 500,000 tons, as provided for the United States, but shall have a tonnage of 580,450 tons. After her two new ships are completed and after the scrapping of four old ones takes place she will have 558,950 tons for an indefinite period until, in the course of time and through the scrapping of ships because of age, she shall be reduced to the permanent basis of 525,000 tons in capital ships.

But for the present time, under the treaty, Great Britain is allowed 580,450 tons, as against 500,650 tons for the United States, and I contend that it does not require as many personnel in the Navy of the United States as it does in the Navy of Great Britain upon that basis.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, if 67,000 men places the United States on a 3 to 5 basis, according to the statement of the gentleman from Ohio [Mr. LONGWORTH], then, instead of 86,000 men, we ought to appropriate for something over 110,000 men, using his ratio. It is simply a question of whether or not as a matter of fact 67,000 men will maintain the existing strength of the Navy as it is being maintained at the present time. All of the arguments are based, after all, on a question of fact, and I refuse to accept as an admitted fact the statement that 67,000 men will not maintain the 18-battleship ratio.

I desire to call attention to another fact. The United States battleship fleet of 18 battleships does not have at the present time sufficient auxiliary ships to make it a complete, well-balanced fleet. That is admitted. The gentleman from Alabama [Mr. OLIVER], formerly a member of the Committee on Naval Affairs, makes that statement, and the gentleman from Pennsylvania [Mr. BUTLER] will make that statement. The Navy of the United States at the present time has not sufficient auxiliary ships to make a well-rounded 18-battleship fleet. If that is true, then the United States does not require a personnel to man ships which she does not have in commission.

Mr. Chairman, for one I am not and never have been a little Navy man. Although I live far from the sea, I realize it is necessary for the United States to maintain an adequate Navy, and shall so vote, but during the coming year what fears have we that our security will be imperiled? The President of the United States and the Secretary of State, who are now being called as witnesses to support the claim that unless this Congress adopts the larger complement of men for the Navy our security will be endangered and that war perhaps will threaten us—these two officials are the ones who only a short time ago told us that with the conclusion of the Conference on Disarmament, on the ratification by the Senate of the four-power pact, and on the conclusion and approval of all the conference treaties, there was not a cloud of war even so large as a man's hand out yonder on the horizon, that the safety of the United States from war was now practically assured, and that we might lift up our faces toward the future with confident hope that a long step had been made toward securing peace forevermore. [Applause.] Yet now these same prophets of peace, these same gentlemen who have solemnly told the Congress and the country that through their instrumentality peace has been assured, come before the Congress of the United States and tell you that if you reduce the personnel of the Navy a few thousand men you are imperiling the safety of the Republic and the peace of the world. [Applause.] What did the President say when he submitted the treaties to the Senate? I am not criticizing the President. I think he is a fine man, I think he is of genial and good nature and loves his friends, and I think he is particularly susceptible to the pressure that has been exerted upon him in this particular instance. The President does not like to say no to his friends. I think he is rather unfortunate, however, in some of his friends. [Laughter.] What did the President say about these treaties? I quote from his words to the Senate:

Much as it was desirable to lift the burdens of naval armament and strike at the menace of competitive construction and consequent expenditure, the executive branch of the Government, which must be watchful for the Nation's safety, was unwilling to covenant a reduction of armament until there could be plighted new guaranties of peace, until there could be removed the probable menaces of conflict.

The President of the United States says that through these treaties the probable menaces of conflict have been avoided, and yet gentlemen invoke the President as saying that unless this House adopts 86,000 men as the personnel strength of the Navy the Republic will be imperiled. What does Secretary of State Hughes say in the letter that was extorted from him by the good fellowship of the gentleman from Massachusetts [Mr. ROGERS]?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to speak for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, the Secretary of State has been quoted on numerous occasions as saying that as the result of the conference a long way had been traveled along the road to peace and world security. What does he say about a personnel of 86,000? I quote from the letter which was inserted in the RECORD a few days ago by the gentleman from Massachusetts:

> To alter that relation would be a very serious matter for the United States, both impairing its prestige and putting its security in jeopardy.

He does not say how. He simply refers to altering the relation, and I say that with a personnel of 67,000, according to some of the best authorities we have here on the floor of the House, we shall maintain that relation. But how ridiculous for the Secretary of State to come here, through the instrumentality of this letter, and say that unless we adopt 86,000 instead of 67,000 men, the security of the United States would be put in jeopardy. By whom? By whom? What nation is there that can lead out upon the sea a fleet that will challenge the strength of that of the United States, except Great Britain or Japan?

Do we fear danger from Great Britain? The Secretary of State and the President and all in authority have told us that in the conference that has just ended and in all the negotiations between the two countries the United States and Great Britain are in accord; that we have entered into a treaty not to fight but to submit our controversies to conferences and to adjustments. The Secretary of State has told us that there is no danger there. Who else? Japan? Are we going to fight Japan within the next year? Oh, I do not think so. Japan can not lead a navy out on the seas that would equal ours, except according to the testimony of the gentleman from Massachusetts [Mr. ROGERS] and the gentleman from Oregon [Mr. MCARTHUR]. They are the only ones here who admit that the United States with 500,000 tons can be defeated by Japan with 300,000 tons. They are the only authorities that I know who make such an assertion. It is ridiculous in one breath to say that we have peace and may be assured that we shall continue to have it and in the next breath to say that these nations whom we trust, these nations with whom we are willing to covenant, these nations with whom we are willing to form an alliance, if we but turn our heads the other way are ready to strike us in the back and attack us and sink our battleships. [Applause.]

The only way to get disarmament is to keep after it in the years to come. We have not got it yet, but the people of the United States want it now more than they ever wanted it in the past. This conference was a good thing. It set a precedent, but it is only a small beginning. We have not got disarmament in this country when it takes 120,000 men, according to some of the experts, to man our fleet. We have not got disarmament when out of that conference the weakest nation that entered it came with a navy greater than that swarming armada that Phillip of Spain sent sweeping up the channel to challenge the strength and the might of Great Britain.

We have not disarmed, when the least powerful nation that entered the conference emerged from it with a navy more splendid than that which gathered under the banners of Nelson when he swept the maritime power of Napoleon from the sea and sealed the doom of that great genius whose ambition Waterloo finally engulfed in despair.

Mr. Chairman and gentlemen of the committee, I am not here speaking as a partisan to-day. I am not seeking to take any advantage of the position of the President and of the Secretary of State. But I do fear, in view of the fact that these letters from these officials have been incorporated into this RECORD, I believe in view of the fact that they will be sent over the wires to all parts of the world, that Great Britain and Japan, with whom we have solemnly covenanted not to fight, that these nations, with whom we have contracted not to increase our navies, when they hear the President of the United States and the Secretary of State saying that unless we make the personnel 86,000—these two powers, the only powers from whom we can possibly expect any danger—I believe when that message goes out it will not contribute to the confidence of Great Britain or to the confidence of Japan in the good faith or in the fairness of the United States of America. [Applause.] They may say, "We trust America, but she does not trust us. Is it possible that when her back is turned she fears we shall assassinate her in the dark?" I am not willing to issue that kind of a message to the world. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

NAVAL TRAINING STATION, GREAT LAKES.

Maintenance of naval training station: For labor and material; general care, repairs, and improvement of grounds, buildings, and piers; street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material, and maintenance of same; heating and lighting, and repairs to power-plant equipment, distributing mains, tunnel, and conduits; stationery, books, schoolbooks, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses; in all, $160,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1923, shall not exceed $45,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

A few years ago the experts in the Navy Department insisted that Congress should provide for a training station on the Great Lakes at tremendous expense, and, guided by the experts in the Navy Department, Congress made provision for a training station to be located on the Lakes, in the judgment of a commission to be appointed by the Secretary of the Navy, which commission promptly located the station in the district represented by the chairman of the Naval Committee. And having appropriated great sums of money for the expense of the Great Lakes Training Station, located north of Chicago, and having largely depended upon the men who went through the Great Lakes Training Station during the war, the experts in the Navy Department now conclude that it is not necessary to have a training station on the Great Lakes at all, and under their advice this bill practically abolishes the training station constructed, not as a war measure but provided for long before the war, on the advice of the experts. But experts change. The opinion of the experts to-day is worth nothing to-morrow, because experts can be manipulated more rapidly than three-card monte. [Applause.]

Mr. COCKRAN. May I ask the gentleman if he ever knew an expert yet who had any other function in life except to contradict every other expert?

Mr. MANN. I have great respect for the experts. I quite frequently follow them. I am not complaining now, because I do not know much about the Great Lakes Training Station, and I wonder if the Navy Department itself does. The Navy Department has always been largely controlled by the people along the Atlantic and Pacific coasts, while in time of war the Navy goes back to the interior to get the men to man and fight the ships. [Applause.] And when war is over they want to locate the training stations all along the coast, where the money will be spent in the districts represented by the gentlemen who ardently advocate an enlarged Navy. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, I offer a motion to strike out the last word for the purpose of asking one or two questions of the chairman of the subcommittee, if he will be good enough to give me his attention.

I observe that the appropriation for the Great Lakes Training Station has been reduced from $400,000 to $160,000 and the appropriation for Hampton Roads from $375,000 to $360,000. In other words, the appropriation, Mr. Chairman, for Hampton Roads has been reduced $15,000 and that for Great Lakes has been reduced $240,000. I would like to ask the chairman of the subcommittee what it is proposed to do at Great Lakes hereafter?

Mr. KELLEY of Michigan. I will say to the gentleman from Illinois that the question of the training for the Navy is a rather difficult sort of a question, because of the different methods which prevail for training in different years. Originally the Navy Department insisted that it was necessary to keep the boys on shore in these stations for some four months and get their training there. But during the war they discovered that about all they needed to do was to keep them on shore long enough to be sure that they would not come down with the measles or the mumps and spread it to the fleet, and that the proper place to train the boys in seamanship and fighting was on the ships of the Navy. Now, you can readily see that that

has resulted in an almost complete abandonment of these stations for the purposes for which they were originally intended. For instance, at the present time, with 96,000 men in the Navy, there are less than 5,000 men in training in all the stations but one. Now, that being the case, we have training stations enough not only to train the boys for our Navy but, I suppose, to train enough for all the navies of the world.

The one in Chicago is a permanent training station, as the gentleman from Illinois [Mr. MANN] has said, with a capacity originally for about 2,500 boys, as I recollect. Before the war we appropriated for this station $80,000 the last year. And I think they had 1,200 or 1,500 boys in the station at that time. Now, in view of the fact that the stations have been almost completely abandoned for the purposes of training, we thought if we doubled what they had before the war at Chicago it would be a fair allowance.

Mr. CHINDBLOM. Will the gentleman yield for another question?

Mr. KELLEY of Michigan. Yes.

Mr. CHINDBLOM. What was the appropriation for Hampton Roads before the war?

Mr. KELLEY of Michigan. That brings about the other question which I was quite sure the gentleman would reach in a moment, that the station at Hampton Roads, under the policy of the department, has, I think, been regarded as the place at which to centralize the training so far as the training of boys for the fleet is concerned. So that during this year on the Atlantic coast practically all the training has been done at Hampton Roads. That is the greatest rendezvous, the department says, for the fleet. The fleet being there, it is desired to train the boys and put them into the station out of the ships, and so they expect what training they will do on the Atlantic coast will in all likelihood all be done at Hampton Roads. That is why we did not reduce the appropriation.

Mr. CHINDBLOM. Well, Mr. Chairman, it appears to be the policy of this appropriation bill to destroy whatever interest there may be in the Central West——

Mr. KELLEY of Michigan. Will the gentleman yield for one further remark?

Mr. CHINDBLOM. Yes.

Mr. KELLEY of Michigan. The Navy Department desired to abandon the training station in Rhode Island and not use it at all. We did not know what the policy of Congress should be on a proposition of that kind. The fleet is at Newport through the happy and cheerful summer months.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent for five minutes more. I have not heretofore taken the time of the committee on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. KELLEY of Michigan. Will the gentleman yield further?

Mr. CHINDBLOM. I yield to the gentleman.

Mr. KELLEY of Michigan. It was stated that there would be more or less training, more or less passing back and forth from the ships to the shore during the summer months, and so we reported for Newport an item sufficient to keep the place open in that season of the year when the fleet would be in that vicinity.

Mr. CHINDBLOM. As I started to say, Mr. Chairman, it seems to be the policy of this appropriation bill to discourage whatever interest there may be in the matter of the training of boys for the Navy in the Central West. It happens that the Great Lakes Training Station is in my district, but I am not speaking for it on that account. I presume that the station will be maintained for some purpose. At the present time there is a total personnel at the station and in the hospital of 1,670 men. There are under instruction in the radio school 255, and there are in the aviation school 193. The operating force and the men on general detail number 538; the marines at the station number 26; in the main hospital there are patients to the number of 68, and there are war veterans to the number of 400, and the operating force is 190.

Reducing this appropriation from $400,000 to $160,000 leaves practically only a monument of the buildings, the grounds, and the equipment to designate the place where during the war the largest number of men were recruited and trained for service in the American Navy; men who came from the farms in the West and from the factories and shops in the big cities of the central portion of this country and furnished a large part of our forces at sea.

Is it proposed, Mr. Chairman, that the Navy shall be the particular property and the particular interest only of the seacoast of the United States, or is the policy to be followed hereafter, as it has been followed heretofore, that an attempt be made to create and maintain close contact and direct interest in this great arm of the fighting strength of the Republic among the people who live away from the seashore and from the Atlantic and Pacific coasts?

The appropriation for Hampton Roads has been reduced in the amount of $15,000, while that for the Great Lakes has been reduced $240,000. I would like to ask the chairman why this discrimination? We could at least continue to keep the training schools at the Great Lakes. Most certainly the radio school and the aviation school can be kept there. Why would it not be equitable and fair to the purposes of the Navy to transfer $100,000, say, of the appropriation for Hampton Roads to the Great Lakes, and put the two stations at least upon a parity? Then you will show that you have some regard for the great work which has been done by the people of the Middle West for the Great Lakes Naval Training Station.

Mr. KELLEY of Michigan. Well, I will say to my friend from Illinois that in preparing the bill providing for training of course we had to be governed very largely by where the Navy Department said they were going to train the boys.

Mr. CHINDBLOM. Of course, they have some fondness for the Atlantic coast and for the Pacific coast. I understand that. But is not Congress going to have something to say about it?

Mr. DEAL. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. DEAL. Perhaps I can enlighten the gentleman somewhat on that point. Chicago, or the naval training station on the Lakes, is about a thousand miles from the seacoast, and in the transfer of these boys to and from the training school to the coast it would cost this Government millions of dollars annually to take those boys to and from the coast and bring them back to the ships.

Mr. CHINDBLOM. Oh, Mr. Chairman, the gentleman is mistaken. You do not have to spend any money to transfer them to the radio and aviation schools.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. CHINDBLOM. I move to amend, page 15, line 19, by changing the figures from "$160,000" to "$260,000." And I want to say that if that motion is adopted I shall move to amend the appropriation for Hampton Roads by reducing the amount there from $360,000 to $260,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 15, line 19, strike out the figures "$160,000" and insert in lieu thereof the figures "$260,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. CHINDBLOM. Mr. Chairman, I would like to have a count of noses. I ask for a division.

The CHAIRMAN. The gentleman from Illinois asks for a division.

The committee divided; and there were—ayes 32, noes 56.

So the amendment was rejected.

The Clerk read as follows:

NAVAL TRAINING STATION, NAVAL OPERATING BASE, HAMPTON ROADS, VA.

Maintenance of naval training station at naval operating base, Virginia: For labor and material, general care, repairs, and improvements; schoolbooks; and all other incidental expenses; in all, $360,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1923, shall not exceed $25,000.

Mr. CHINDBLOM. I move to strike out the last word. Mr. Chairman, in my remarks a few minutes ago, when I suggested the transfer of $100,000 from the naval training station at Hampton Roads to that at Great Lakes, I of course had no intention of deprecating the work at Hampton Roads, and I shall not now make the motion which I then suggested. I want to say this, however, that I assume that this appropriation for training is based upon a 67,000 men Navy.

Mr. KELLEY of Michigan. There are only 5,000 to be trained in it in any event, even under the 96,000 men Navy. The training in these training schools is almost negligible.

Mr. CHINDBLOM. If you have a larger number of men do you not have to supply more men to take the places of those whose terms expire? You certainly will have need for a larger training school. I merely want to say that if the number of

the personnel in the Navy is increased, then it will be necessary to increase the appropriations for the training schools. And when that is done I hope the committee and the department will see the justice of giving some consideration to the people of the great Middle West, and will recall the fact that the people of this country have at great expense established a large, efficient, creditable training station in the Middle West, which should not be allowed to go to rack and ruin.

Mr. MANN. If the gentleman thinks that the Navy as now operated is going to give any consideration to the West he has another guess coming. [Laughter.]

Mr. CHINDBLOM. I hope I will not have to reach that conclusion, because if we are to be successful in this Nation in time of peace as well as in time of war, if we are to prosecute industry successfully and defend ourselves adequately against any possible emergency or exigency, we must give proper attention to every part and every section of our country.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

In all, Naval Home, $158,622, which sum shall be paid out of the income from the naval pension fund.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to read a short editorial from the Philadelphia Inquirer of Monday, April 10, 1922, and have it printed with my remarks in 8-point type.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing an editorial in 8-point type. Is there objection?

There was no objection.

Mr. CRAGO. Mr. Chairman, the other day when we were considering the so-called adjusted compensation bill I tried to reason with myself as to how I should vote. Originally I had not favored this legislation, because I knew that many of the ex-service men themselves did not favor it and the business interests of our country were very much opposed to it, but I reasoned that a great majority of our service men now had become convinced that this compensation was justly due them; so, following my invariable rule, I resolved my doubts in favor of the men who had worn the uniform of our country in time of war and voted for the then pending bill. When any legislation or appropriation concerning the Army or Navy is being considered by the House I invariably follow one rule, namely, to favor that policy which looks to the safety of our country; and believing as I do, that a real Army and a real Navy are essential if we would compel peace, I shall vote now to keep our Navy equal to the navy of any other great power and trust to the genius of our American naval men to turn that arm of our defense in case of need into the very best Navy of the world, able to strike the hardest blow. National defense is the prime reason for the existence of our Federal Government, and yet we haggle over appropriations to maintain this defense while with a lavish hand we appropriate moneys for purposes which are really not national.

How can anyone with full knowledge of the significance of the meeting of the great nations on the question of naval disarmament fail to see that it is our plain duty to maintain a Navy equal to the one approved by that conference? Any other course, it seems to me, is an act of treachery to the nations who so gladly answered the call of our President and attended this conference.

I do not profess to have sufficient knowledge of the personnel of the Navy to determine for myself the exact number of men necessary to keep our Navy in the ratio provided in the conference agreement, so I am compelled to rely on the opinions of men who do have this knowledge. If the number provided by this bill would enable us to maintain this ratio, it seems strange that no one has shown us that it can be done, while, on the other hand, every naval authority takes the position that under this bill our ratio can not be maintained. It should not be a difficult matter to determine. We can not go beyond the ratio; our associated nations will prevent this; but we should not fall below that ratio, because our sense of honor and fair play should be strong enough to prevent such action. [Applause.]

The following is the editorial referred to:

A CHALLENGE TO COMMON SENSE.

"The defense of the Navy appropriation bill, reported to the House on Saturday by Representative KELLEY of Michigan, the chairman of the subcommittee that framed it, is not convincing. He gives three reasons for the reduction of the enlisted personnel to 67,000 men—the agreement reached by the Washington conference, the laying up of surplus destroyers, and the elimination of nondescript vessels.

"Some of these reductions are contemplated by the Navy Department, to be sure. But the bill as it stands goes much further than that. Mr. KELLEY's assertion that the 18 battleships to be retained under the terms of the treaty can be kept in full commission is denied by the Secretary of the Navy. Five of them, at least, must be put in ordinary with caretakers.

"It is absolutely futile, therefore, to contend that the bill preserves the 5-5-3 ratio agreed upon by the conference. Every naval expert who has expressed an opinion denies that. It is, they say, a 5-3-2½ ratio, with the United States at the 2½ end. Mr. KELLEY takes no account, apparently, of fleet maneuvers or gun practice. These are vital items in naval efficiency. A fleet on paper is not a fleet in being. As Admiral Sims has put it, 'A navy that can not win is a useless expense. This is preparation for defeat.' Mr. KELLEY was not very successful in juggling the figures as to the naval forces of Great Britain and Japan under the treaty. It would be interesting to learn how he comes to the conclusion that with the proposed reduction in personnel the American Navy and the British 'will stand almost exactly at the same point.'

"Secretary Denby states the whole case in a nutshell when he says, 'We called the conference. We made the proposals. We should abide by the conclusions.' If the bill goes through as it has been reported, all our naval plans go by the board. It is, as the Secretary points out, 'a challenge to the common sense of our people.' Congress should be made to feel that the Nation realizes this."

[Applause.]

Mr. CRAGO. Mr. Chairman, I believe that that expresses the opinion of the patriotic people of this country. They are not afraid of this expense; what they want is as strong and efficient a Navy as they can get under the terms of the disarmament agreement. [Applause.]

The Clerk read as follows:

For services of necessary employees at branch offices, $23,700.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I really should have tried to get the floor immediately after my genial friend from Kansas, because I can qualify with him as far as lack of technical knowledge of the Navy is concerned.

I do not intend to discuss this measure from such a point of view or to discuss whether we should have 1,100 or 1,300 men on a capital ship; I simply want to present my views as the views of an average American citizen who simply tries to use a little common sense and judgment in arriving at a conclusion.

I am in entire accord with the statement of the chairman of the committee when he said that the American people do not want at this time to spend a single dollar that is not absolutely necessary. And I think my record along this line will compare favorably with that of any man in this body. Yet at this time, in many ways the most crucial during our history as a Nation, I do not want to be "penny-wise and pound foolish." That is what I fear we would be if we cut our Navy personnel down to 67,000, as provided by the committee.

My memory is not so short but what I well remember the condition we were in only five short years ago when we were suddenly thrown into the very vortex of a world-wide war with not a single weapon of offense or defense at our command. How often we all thanked God for England's Navy and France's Army. [Applause.] How often we all said we will not be caught that way again. If it had not been for these two arms of defense raised in our favor, we would have a much bigger war burden than we are carrying to-day.

My friends, in the next life and death struggle of nations perhaps England's Navy and France's Army may not be on our side. Let us to-day make our own Navy our strong arm of defense and not trust anybody. [Applause.] That is the only sensible thing to do. It is not the appropriating for a few extra men that runs up the big Navy cost; it is the stupendous and everlasting building program—and I voted for it when it was thought necessary. But this expansion program has been done away. We have the ships, and all we have to do is to properly man them, and I believe this House is going to vote to do it.

The 5-5-3 naval agreement of the conference has met the approval of every American citizen, and I for one am not going to vote for any measure that contains a question of doubt as to our status under this agreement. As I understand it, the President, Secretary of the Navy, Assistant Secretary of the Navy, and every naval advisor of the conference says we can not efficiently maintain the ratio allowed us by the conference with 67,000. It is a cold show-down between the executives and every expert naval authority of the country on one side and the five members of the Subcommittee on Appropriations on the other, and I am going to give the benefit of the doubt to the President and the Secretary of the Navy. I had rather be sure than sorry.

I listened to every word of the distinguished gentleman from Michigan, and he made one of the most able and convincing arguments I have ever heard here. The only question is, was his premise right? Was it a fair basis to lay as a foundation of a new Navy the number of men on shipboard on February 1? We were then operating under the old régime. We were then keeping in commission all our ships, but not necessarily at the highest point of efficiency. We were using the men as seemed best for the number of ships afloat and under the then existing conditions. But while under the new arrangement everything is entirely different, and we are now limited as to number of ships, we are not limited as to the efficiency of the operating force we can place on those ships. This is the only place, if we operate under the treaty, where we have any discretionary power—namely, the degree of efficiency we maintain on the ships allowed us. If 1,300 or 1,400 men will make a capital ship more efficient than 1,100 men, then the people of this country want the 1,400.

Mr. MADDEN. Will the gentleman yield?

Mr. SNELL. I will.

Mr. MADDEN. There were only 2,900 men difference between the number of men allotted by the committee to the 18 battleships and the number of men the Navy says we have got to have.

Mr. SNELL. Then I would go the limit of the 2,900; give them all they ask for in this instance, and be sure of the future efficiency of our Navy.

Mr. FESS. Will the gentleman yield?

Mr. SNELL. Certainly.

Mr. FESS. When I ask the question I have the same matter in mind that my friend has, the matter of economy.

I think the Bureau of Standards is authority for the statement that 93 per cent of the total cost of Government is for war, and that 70 per cent of that is due to past wars. We can not reduce that 70 per cent, because it is the interest on the public debt, the sinking fund for the disabled soldiers, and other things that grew out of the wars that we must pay. That leaves about 23 per cent to maintain our present Military Establishment. If we do not cut on that, where is there any chance to save anything?

Mr. SNELL. We are cutting in this way, and when we cut out the large and expensive building program, we cut the great part of the cost of our Navy during the last few years. At the present time we have the ships and the only additional expense is appropriating for a few extra men to man those ships.

It is a question of efficiency at which we shall keep those ships that I am interested in, and the one the American people are interested in. Furthermore, in my judgment that is the only question left open to us to decide, if we operate under the terms of the naval agreement.

Mr. FESS. My friend and I have talked about the matter, and we are both open-minded on this question. I have not yet ascertained how much we are going to be able to save as a result of the arms conference if we allow the Navy influence to coptinue.

Mr. SNELL. I do not think that we are allowing this Navy influence to continue when we simply vote enough money to keep at 100 per cent efficiency the ships allowed us under the naval treaty. I am not a great-Navy man; I do not even know any men in the Navy. I have no naval activities in my district, but I am interested in having a strong arm of defense on which we can depend in time of need.

Mr. FESS. I have always been a big-Navy man.

Mr. SNELL. I do not know that I always have, but I have voted for everything during the last five or six years which has been asked for, because I thought it was necessary. It seems to me at this time that we owe it to the American people to vote to keep our Navy under the terms of the agreement to the highest possible efficiency. That is the only thing that I am interested in as far as this bill is concerned. While I appreciate the work that has been done by the Subcommittee on Appropriations, I do feel that in this particular matter we ought to follow the advice as far as possible of the experts of the country, of the men who were selected to represent us in the naval conference, and in whose judgment we have the fullest confidence.

Mr. FESS. The gentleman will recall the advice of the experts of the Army who recommended an Army of 576,000, and the gentleman would not follow that advice. What I am concerned about is whether by following the recommendations of these men we will save a single dollar. Is it not true that they make the recommendation in the light of what the Congress will allow them?

Mr. SNELL. They have nothing to do with recommending a building program, because that is a closed incident. The only question before us now is the efficiency at which we shall keep the ships allowed us under the treaty.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, the gentleman is one of the very best business men in the House, and I am very much interested in what he is saying. It is true that the building program is eliminated now from the bill.

Mr. SNELL. That was the large part of our naval expense heretofore.

Mr. KELLEY of Michigan. But the gentleman must keep in mind, so far as this year's finances are concerned, that a bill will follow this to settle up contracts on account of the cancellation of all these ships, and that it has been variously estimated will take from sixty to one hundred million dollars. That will have to be paid this year.

Mr. SNELL. I appreciate that; but even so, it is cheaper to settle these contracts than to go on and build the ships; and, furthermore, that is not the question before us at the present time. The only question before us at the present time and one real question of contention in regard to this bill is whether we will appropriate for 67,000 men or 86,000 men.

Mr. KELLEY of Michigan. The gentleman stated that the only added expense which would be involved by increasing this number of men would be what the men would cost in their subsistence.

Mr. SNELL. Yes; that is practically the situation as I see it.

Mr. KELLEY of Michigan. If the gentleman does vote for an increase in the number of men, I assume that he does it upon the theory that the number of men provided for in the bill would keep in commission only 12 battleships.

Mr. SNELL. That is practically my position. I think there is some question of doubt about the number of men required, and I prefer to be absolutely sure. I do not think there is enough difference between 67,000 and 86,000 so that we can afford to take any chances at this time. There is where I stand.

Mr. KELLEY of Michigan. The point I wanted to make is this: That if the committee is wrong and we have provided only enough for 12 battleships, and the gentleman is going to vote to add enough men now to man 18 battleships, then the gentleman must see that we will have to provide for enough money to keep those battleships going, fuel and everything else in proportion, if we have made the mistake that the gentleman says we have made.

Mr. SNELL. I do not say that I am absolutely sure the committee has made that mistake, but I want to give the benefit of the doubt on the side of safety.

Mr. KELLEY of Michigan. And if that is true, a thousand men put on the ships means $3,000,000 for every 1,000 men. You can figure that up for yourself.

Mr. SNELL. The gentleman did not understand my statement as I made it. Furthermore, I do not understand it costs $3,000 per man when you have everything else provided.

Mr. KELLEY of Michigan. An increase of 20,000 men would mean an increase in the bill of $60,000,000, if the gentleman is correct in his original premise, that the committee has made a mistake, and he says we have.

Mr. SNELL. I said I thought there was a question of doubt, and if there is a question of doubt as regards the matter of providing 100 per cent efficiency in the ships that we are allowed under the treaty, I am going to vote for the higher number of men.

Mr. KELLEY of Michigan. It would be useless, would it not, to provide the men unless we provided the fuel with which to run the ships?

Mr. SNELL. I understand that you provided the fuel; you stated so in your opening speech.

Mr. KELLEY of Michigan. You are taking my position now.

Mr. SNELL. No; I am not.

Mr. KELLEY of Michigan. You are on one side or the other of the situation.

Mr. SNELL. My position is absolutely clear. You provide in this bill maintenance for all the capital ships that we are allowed under the treaty.

Mr. KELLEY of Michigan. And plenty of men.

Mr. SNELL. The only question in my mind and in the mind of this House is whether you have provided enough men, and I say that I give the benefit of the doubt to the larger number of men, because I think that is what we should do at this time.

Mr. DEMPSEY. In reference to the question of the gentleman from Ohio [Mr. FESS] as to whether we are saving anything as a result of the disarmament conference, the chairman of the subcommittee says that the bill appropriates $233,000,000, and that that is a saving of $192,000,000 from the Budget estimates. We appropriated ninety millions last year for construction, but we are saving $102,000,000 even beyond the construction program.

Mr. MADDEN. It costs $75,000,000 to settle all of the contracts.

Mr. SNELL. That is not carried in this bill.

Mr. MADDEN. That will be carried in another bill.

Mr. SNELL. We are not discussing that at the present time.

Mr. STAFFORD. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. STAFFORD. Does the gentleman differentiate between keeping in a high state of efficiency that which by treaty we are limited in going beyond and that arm of defense, such as fortifications, where we are not limited as to the number which may be employed?

Mr. SNELL. I do not know as I understand the gentleman, but I am for fullest efficiency in every arm of offense and defense.

Mr. STAFFORD. That is not the rule the War Department is following with reference to fortifications. They——

Mr. SNELL. I decline to yield further. I am willing to go the limit to keep our fighting force and all arms of defense up to 100 per cent efficiency.

Mr. Chairman, I am not satisfied with a 4.99–5–3 ratio. I want it 5–5–3, and our five spelled with all capital letters, and no doubt about it. I want the Navy allowed us under the treaty the best money, energy, and American brain power can make it.

The responsibility rests on you men right here, and you can not dodge that responsibility. It is all right to argue over the number of clerks in the Navy Department and cut them to the limit, but it is different when you are dealing with the safety of the Nation.

This is probably the most carefully prepared Navy appropriation bill ever presented to this House, and the only great question of contention is the appropriating for 19,000 additional men. I honestly believe that if we err at all that we err on the side of safety, and that we should vote for the additional 19,000 men and certainly do our part toward making our Navy the best and most efficient navy in the world. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NAVAL OBSERVATORY.

SALARIES, NAVY DEPARTMENT.

Astronomers—1 $3,200, 1 $2,800; assistant astronomers—1 $2,400, 1 $2,000, 1 $1,800; assistant in department of nautical instruments, $1,600; clerks—chief $2,000, 1 $1,800, 1 $1,600, 2 at $1,400 each, 2 at $1,200 each; instrument maker, $1,500; electrician, $1,500; librarian, $1,800; assistants—3 at $1,600 each, 3 at $1,400 each; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter, $1,000; engineer, $1,200; 4 firemen, at $720 each; 7 watchmen, at $720 each; mechanic, $900; 8 laborers, at $660 each; in all, $56,400.

Mr. LAYTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. LAYTON. Mr. Chairman, I shall not consume much of the time of the House in what I propose to say. The bill before the House demands the frank expression of every Member. Since my entrance into this body I have voted uniformly for the strictest economy. I have voted for amendments that sought to reduce appropriations, even in opposition to a committee. I have expressed myself in season and out of season to the effect that our duty was to cut out every unnecessary dollar that could be dispensed with, keeping in mind the national safety and welfare. The only apparent exception was when I voted to increase the appropriation for rivers and harbors. I voted for this increase because after the most careful consideration, and utilizing the experience of our skilled engineers in the War Department, I thought it in the interest of the whole country. I shall employ the same impulses—the same kind of thought and action in voting on this bill. Only recently this Government entered into an agreement for naval disarmament with England and Japan, establishing the ratio of 5–5–3. This was not only a solemn obligation not to exceed the ratio of five on our part but, in my judgment, as equally a solemn obligation not to fall behind it. Those who know—at least those who are expected to know; those, indeed, who are employed by the Nation to know; the paid experts; the men of especial experience and training; those whom we would surely depend upon in war; all of those from the President to the Secretary of State, from the Secretary of State to the Intelligence Bureau of the Government, from the Intelligence Bureau to the Naval Board, from the Naval Board to every naval officer—all unite in asking for more than 86,000 men, but positively assert the necessity of this number as a minimum in order to maintain our solemn ratio obligations. In purely domestic legislation I believe in the utmost freedom of thought and action by this House, because its Members have more or less personal knowledge of the facts and consequences involved. This is an international matter, with international facts involved and with international consequences. Under such circumstances I feel it my duty to subordinate any personal belief or desire involved in this legislation, but shall follow the desires of those who ought to possess vastly superior information to any I could possibly acquire. My thought is that if such expert and unanimous authority is not to be respected, why respect any authority at all? Why spend the money we do spend for this superior technical knowledge and then reject it? Why employ a skilled architect to plan the building of a house, then follow the advice of a lawyer, banker, or blacksmith? Mr. Chairman, while I desire with all my soul to lessen taxation, and therefore expenditures of money, there are some cases when to do so works for national hurt or menace. This I believe to be one of them, and I shall therefore vote for the amendment. [Applause.]

Mr. SNELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. DEMPSEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MCARTHUR. Mr. Chairman, I make the same request, and also to include a telegram from Hanford MacNider, head of the American Legion.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word.

I want to make some observations on this Naval Observatory appropriation. We have heard a good deal here, and particularly from the members of the committee, about naval influence, about the Members of the House being influenced by the Navy Department one way or the other. I want to call the attention of the chairman of this committee to the facts involved in this Naval Observatory item.

Some years ago the Appropriation Committee had a very interesting hearing on the subject of the Naval Observatory. They wrote letters—I suppose the chairman is going to read my remarks; I see he is not listening to me——

Mr. KELLEY of Michigan. I beg the gentleman's pardon. There is no Member of the House to whom I listen with greater pleasure, and whose speeches I read with greater delight. [Applause.]

Mr. HUMPHREYS. I congratulate the gentleman upon his excellent taste and judgment. [Laughter.]

As I remarked before, Mr. Chairman, several years ago the Appropriation Committee held some very interesting hearings on this subject of the Naval Observatory. The facts are that we spend more money on this observatory than is spent upon any similar astronomical observatory anywhere else on the face of the earth, and as an astronomical observatory it does not even rank second class. It is not comparable, in the estimation of the scientific men of the world, with the naval observatories in many of the countries of Europe, nor is it in a class with the observatories, many of them, in the United States.

The letters were addressed to the scientific men of this country, the Lick Observatory of California, the University of Wisconsin, Harvard, Carnegie Observatory, and a number of others, and all of them wrote very fully and freely about it, and they all wrote that the manner in which this Naval Observatory had been administered from the beginning was most unsatisfactory. The great observatory in Russia, established in 1675, has had fewer men in charge of it as directors than we have had in charge of the Naval Observatory in this country during the past 75 years. There has been but one astronomer of world note ever in charge, and that was Simon Newcomb, in all the history of the observatory.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. The gentleman made a rather sweeping statement that the observatory had always been in rather a second-class condition from its very origin.

Mr. HUMPHREYS. From second to third and fourth and fifth as an astronomical observatory.

Mr. MONTAGUE. Does the gentleman recall when the Naval Observatory was under the charge of the late Matthew Maury, and when it not only was efficient but was known all over the world? And when Maury left he was asked to assume charge of a similar institution in Russia.

Mr. HUMPHREYS. He was one of the greatest scientific men this country ever produced, but his work in the observatory was not astronomical. He mapped the roads of the sea, its currents, and trade winds, and it was there that he wrote his physical geography, but his fame does not rest on astronomy. No man has more respect for the memory of Matthew Maury than I have, and Maury, let us keep in mind, was at the observatory for 17 years. He had time for consecutive and continuous work.

Mr. KELLEY of Michigan. My attention was attracted elsewhere for a moment, but I think I caught the import of what the gentleman was saying. The gentleman says that this is not an efficient department of the Navy?

Mr. HUMPHREYS. I did. It is inefficient, and this is the reason why it is inefficient: It is because of this naval influence that prevents our transferring the Naval Observatory from the Navy Department into the Smithsonian Institution or some other civil department of that sort, where it belongs. All of the astronomers of this country—and there is no exception—who were interrogated testified to that, and they have all complained. We put a man in there, a naval officer, coming off the sea and resuming shore duty because, according to the theory entertained by the Navy Department, he is an expert. Whatever they assign an officer to, he forthwith becomes an expert in or is already an expert. He comes in for two years' shore duty, and then they assign him to this Naval Observatory. Therefore he is one of the world's great astronomers. [Laughter.]

Mr. KELLEY of Michigan. I would judge from what the gentleman says that he has not all confidence in everybody that the Navy Department sets up as an expert?

Mr. HUMPHREYS. No. Navy officers have been complained of in this debate, and the gentleman himself has been complaining of the influence which they exert upon Members of the House who are not members of the committee. An officer is assigned out there for two years, and then sent off in command of a battleship; and, as these distinguished astronomers have stated to the committee, a naval officer is no more competent to take charge of that observatory than an astronomer is competent to take charge of a battleship. There is no disagreement among these distinguished scientists on that subject. Yet that institution stays just where it is, and where it has been all through these years, under the Navy Department, spending more money and not doing the work that so great an observatory should do.

Years ago I introduced a bill, as other Members have done, in the effort to try to get that institution transferred to the Smithsonian Institution, where it would function as it ought to function. But what do we find? The Committee on Appropriations can not legislate, and these bills are referred to the Committee on Naval Affairs, and the Committee on Naval Affairs consults the Navy Department, and the Navy Department reports, of course, that it should remain where it is, in charge of some great astronomer who has just returned from a tour of duty on the high seas. [Laughter.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. FESS. The gentleman's remarks are very illuminating, especially with reference to what we will come to later in the bill.

Mr. HUMPHREYS. Yes. That is what I had in mind.

Mr. FESS. I think I can deduce the gentleman's conclusion from what he has said, that the designation of a naval officer to have charge of the Naval Observatory is not altogether wise?

Mr. HUMPHREYS. Yes. It is the theory of the Navy that a man who graduates from the Naval Academy at Annapolis and comes back from a tour of duty on the sea and is assigned to shore duty necessarily becomes an expert in whatever they assign him to. They assign him out here to this Naval Observatory, on which we have expended a great deal of money, on which we have expended more than has been expended on any other astronomical observatory on the face of the earth, and yet it ranks fifth. Simon Newcomb, the one great astronomer who has ever been in charge, on his deathbed begged that this observatory might be transferred to the Smithsonian Institution, where it could function properly.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. HUMPHREYS. Mr. Chairman, I would like to have three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HUMPHREYS. A little further on in the bill, as the gentleman from Ohio [Mr. FESS] suggested, we are going to have another and a very illuminating instance of this same theory of the Navy Department, in which the gentleman from Michigan [Mr. KELLEY] and his committee have acquiesced. The Navy wants to get rid of the civilian instructors at Annapolis, proceeding upon the theory that a sailor who comes in every two years on shore duty is competent to do anything or teach anything that anybody can teach. Here is a list of them, just taking them as they come: No. 1 is an astronomer; No. 2 is a professor of mathematics; No. 3 is a professor of English; No. 4 is a professor of something else; and the proposal is to send them over to Annapolis to teach those boys over there—to educate them.

Now, listen—and here is the bait which they hold out, and this committee swallowed the hook.

Mr. KELLEY of Michigan. Will the gentleman allow me to interrupt him right there?

Mr. HUMPHREYS. In a moment. They said to this committee, "Gentlemen, if you will do this, you will save $235,000 a year," and with all due respect to the gentleman from Michigan, every wheel in every head on the Committee on Appropriations quit running. Whenever you convince a member of the Appropriations Committee that your proposal will save $235,000 a year, you have captured his judgment. The Navy officers, or at least those whose advice is now sought about Annapolis matters, want to get rid of all civilian instructors, and this bill is the first bad step in that direction.

You gentlemen talk of militarism. What more insidious or effective method can you conceive than this?

Start the boys out when they are 16 or 17 years old, the impressionable age, under these military men, take them away from civil life completely and take them away from civilian instructions, and let them see nothing but brass buttons day or night, and let them then and there imbibe that spirit of militarism which they will breathe and drink, when they are permitted to breathe and drink at all. Why, this committee has talked more about militarism than all the rest of the committees of the House put together at this session of Congress, and yet when those uniformed gentlemen come up on the blind side of you with a proposition to save $235,000, you gentlemen fall for it. [Laughter.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi may have three minutes more, of which I propose to use the greater part. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I will say to my friend from Mississippi that this is only another illustration of the fact that he and I are almost in perfect accord, as we nearly always have been on a great many of these matters. The Navy Department recommended that 78 civilian professors and instructors at the Naval Academy at Annapolis be dismissed on the 1st of July. The Committee on Appropriations did not think that was quite the proper thing to do, for two reasons: First, because we had some very grave doubts along the very lines that the gentleman from Mississippi has suggested.

We believed that there ought to be a larger percentage of civilian professors in the academy than the Navy Department had recommended. Second, we did not believe it was fair to dismiss on so short notice that many professors, as teachers are obliged to seek employment at a particular time of the year, and if they do not get a position then they do not get it at all. So instead of cutting out 78 instructors and professors, as the Navy Department recommended, we included in the appropriation enough for all of them, with the exception of 20 or 30 whom we thought possibly the superintendent might pick out and dismiss without doing either the service or the teachers any injustice. Now, what does the gentleman think about the action of the committee?

Mr. HUMPHREYS. I say the committee made a mistake to that extent. They ought to have dismissed 20 or 30 of the naval officers instead of the civilian teachers. I mean, dismiss them as teachers. Why, the naval officers who are teachers there are getting very much larger salaries than the civilian teachers. Yet gentlemen say we can save money by putting

naval officers in there as teachers, whereas it costs more, and they do not know how to teach. Admiral Wilson told you very frankly that he had no word in their selection, that he did not know who they were, that they come in from their tour of duty at sea and are assigned there as teachers at Annapolis without his choice. After they have been there about a year they pick up some knowledge of how to teach. They stay there another year, and then they go out and another set of new men come in. He said they wanted it as a normal school for the naval officers. He thought it would be a good thing for the naval officers, not for the boys that are being taught. Suppose Harvard should turn off every professor at the university and just go out among the alumni and gather men together from all walks of life except the profession of teaching and put them on the job there and keep them two years and then turn them off and get another set. How long would Harvard rank as an institution of learning? [Applause.] Why, gentlemen, there is no answer to it.

Mr. MCARTHUR. Mr. Chairman, I rise in opposition to the pro forma amendment, for the purpose of asking unanimous consent that the Clerk may read in my time the copy of a telegram from myself to Col. Hanford MacNider, national commander of the American Legion, and his reply thereto.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *April 13, 1922.*

Col. HANFORD MACNIDER,
National Commander the American Legion,
National Headquarters, Indianapolis, Ind.:

Naval appropriation bill, which threatens destruction of the efficiency of our Navy and sets aside the ratio agreed to at the disarmament conference, now pending before the House. I will appreciate an expression of your sentiments upon this bill on behalf of the ex-service men and women of the country which I shall take pleasure in calling to the attention of my colleagues on the floor of the House.

C. N. MCARTHUR.

—

INDIANAPOLIS, IND., *April 13, 1922.*

C. N. MCARTHUR, M. C.,
House Office Building, Washington, D. C.:

The American Legion, men who have served with the colors, desires to go on record as energetically upholding the President in his stand for the retention of a sufficient number of officers and men to adequately man the remaining fleet left our country under the agreement of the Conference for the Limitation of Armaments. The Legion must and does oppose the drastic reduction in personnel now proposed in committee amendments to the naval appropriation bill now before Congress. The Legion always has indorsed a strong naval policy, but it has observed with heartfelt approval the international deliberations that resulted in an equitable reduction of armament. It felt that the world had taken a real step toward brotherhood when the 5–5–3 ratio of armament was adopted by the three leading maritime powers, but its approval can not extend to the present proposals for further weakening our naval strength. The members of the American Legion know from an experience that can not be ignored that the safety of our whole country depends, first of all, upon our Navy. They know it is a first line of defense in time of war, a gauge of our position in international affairs in time of peace, and the only agency through which the Monroe doctrine can remain effective. The Legion feels that the lessons of the last war must not be so readily unlearned. We can not forget that our Navy was unprepared in 1917, while friendly nations gave of their slender strength to aid us. We know that officers and men can not spring to arms overnight. They must be trained through long years of peace. Further recommendations for reduction would cut our quota actually below 3, as compared with the 5 of Great Britain, and America would become a second-rate naval power.

National security demands that naval reduction keep within the bounds of reason. Not least among the evils attendant on too drastic reduction would be the fact that our voice would be weakened when future suggestions for future reduction of armament are made.

The Legion, not as militarists but as men with open eyes and hard-earned experience, believes further reduction of the naval strength would imperil the integrity of our national defense.

HANFORD MACNIDER.

[Applause.]

Mr. GARRETT of Tennessee. Will the gentleman yield for a question?

Mr. MCARTHUR. If I have any time remaining, I will yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Did the gentleman ever before see it stated in print anywhere, or hear it fall from any person's lips, that the American Navy was not prepared in 1917?

Mr. MCARTHUR. I have heard it very often.

Mr. GARRETT of Tennessee. My impression was that one of the things in the history of the war which thrilled the world was the famous reply of the American naval officer to the chief of staff of the British Navy, who asked, "When will you be ready?" And the reply of the American naval officer was, "We are ready now." [Applause.]

The Clerk read as follows:

For cleaning, repair, and upkeep of grounds and roads, $6,500.

Mr. RANKIN. Mr. Chairman, a short time ago the distinguished Speaker of this House appointed me to go to New York with four other Members to attend the ceremonies on the landing of the last load of our overseas dead. As I looked upon the flag-draped coffins and realized that more than a thousand of these mute and silent messengers of "man's inhumanity to man" were spread out before me, my mind went back across the last eight years and I thought of the 10,000,000 men, the flower and hope of this generation, who had gone down to nameless graves as a result of that militarism which we were fighting to destroy and which some men are encouraging in this country now. As the curtain fell on that last scene of the most horrible tragedy of all the ages, a bugler from a distant point of vantage sounded taps, and as the last notes rolled out over that vast sea of silent, upturned faces, I seemed to hear welling up from every anguished heart the words, "This must not occur again." [Applause.] I realized that we were paying the penalty for the awful mistake of militarism that has been insiduously fastened upon the world by the same tactics that are now being indulged in by those outside of Congress who are to-day fighting the proposals of the Subcommittee on Appropriations and clamoring for abnormal naval expenditures. [Applause.]

I have just listened to the reading of the letter from the temporary head of the American Legion, and I doubt if he intended that it should be even published, much less read before Congress. Surely a man in that position would have more sense than to try to dictate to Congress about a matter that falls entirely within the prerogative of Congress, and about which he knew no more than the average Member of the House, and possibly not as much. I can not think that any man capable of holding that high position could be so arrogant as to think that he could receive a letter from a Member of Congress one day on so grave and important a question and answer it the next day and give this body more information than could a committee headed by the distinguished gentleman from Michigan [Mr. KELLEY], who has been studying it for months.

I am a member of the American Legion, and I have as much right to speak for the ex-service men as any man in the country, and I do not hesitate to say that if a vote were taken of all the ex-service men, including those who are members of the Legion and those who are not members, they would sustain the position of the distinguished chairman of the subcommittee [Mr. KELLEY of Michigan] in his efforts to carry out to the letter our agreement at the disarmament conference and thereby reduce as much as possible the burden of taxation. The ex-service men of this country, I say, would sustain that position by an overwhelming majority. [Applause.]

Mr. LINEBERGER. Will the gentleman yield?

Mr. RANKIN. Yes; I yield.

Mr. LINEBERGER. I want to say that 50,000 legionaires from California certainly would not sustain the position of the chairman of the subcommittee, as the record will show.

A MEMBER. How do you know?

Mr. LINEBERGER. Because they have expressed themselves through their elective officers.

Mr. RANKIN. I might offset that with something like 100,000 from Mississippi. [Applause.]

Mr. ARENTZ. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. ARENTZ. No one has proved to my satisfaction that the subcommittee proposal has done anything more than the commander of the American Legion asks for. In other words, the Navy will be in the 5–5–3 ratio.

Mr. RANKIN. Yes; if the recommendations of the subcommittee are carried out. But I do not want the House to be misled by a misleading letter. The American Legion commander does not profess to know what is before the House, but merely states his attitude in broad, patriotic generalities.

Suppose that this 67,000 men should not be sufficient to man these vessels and it should so appear later; would it not be an easy matter for Congress to increase the number later? Let me call your attention to another thing. It just occurs to me that the Genoa conference is in session. This is one of the most delicate times to quibble on the size of the Army or the Navy. Suppose America—suppose this Congress should go on record as repudiating the attitude of this subcommittee, and increasing the personnel of the Navy of 86,000 men or more in the face of the report here. Is it not highly probable that it would be a disturbing influence at Genoa that would lead the rest of the nations of the world to believe that in all probability America was not keeping faith under the agreements of the disarmament conference? [Applause.]

Mr. LINEBERGER. I want to ask the gentleman if he is a candidate for the Senate?

Mr. RANKIN. Well, now, that is the most sensible question the gentleman has asked. [Laughter.] I will say to him frankly I am not, nor do I know that I ever shall be.

Mr. LINEBERGER. Most of the advocates of this proposition are candidates, and I hope they will all be elected.

Mr. RANKIN. I will say that I am not a candidate for the Senate, but am a candidate for reelection; but some mighty good candidates for the Senate have spoken here on this bill. [Laughter.]

Mr. GALLIVAN. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. GALLIVAN. The gentleman has referred to the Genoa conference. Do I understand that this country is participating or has anything to do with the conference at Genoa?

Mr. RANKIN. No; but Congress is interested in the welfare of the world, the welfare of humanity, and the stability of the economic conditions of the world. [Applause.]

Mr. GALLIVAN. The gentleman has no objection to emphasizing, so that it will appear in the RECORD, the fact that this country is not participating in the Genoa conference?

Mr. RANKIN. I think everybody who reads the RECORD knows that, with the possible exception of the gentleman from Massachusetts [Mr. GALLIVAN]. [Laughter.]

Mr. DEMPSEY. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. DEMPSEY. Does not the gentleman believe that Secretary of State Hughes would be alive to the effect of this vote, and does he think if it was likely to imperil the whole world at the Genoa conference the Secretary of State would have been quite unlikely to write the letter that he has written?

Mr. RANKIN. I have heard a great deal of talk the last two years about Congress failing to function. Mr. Hughes has no more ardent admirer in the Democratic Party than I. I think he is a great man, but I do not think it is the duty of Congress to leave all its thinking to Mr. Hughes or any other member of the Cabinet, or any temporary head of the American Legion. [Laughter and applause.]

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Mississippi.

Mr. KELLEY of Michigan. Oh, Mr. Chairman, let us read. Time has been exhausted on this amendment.

Mr. ROGERS. Oh, no; it has not.

Mr. KELLEY of Michigan. Very well.

Mr. ROGERS. Mr. Chairman, I have in my hand a letter from the Secretary of the Navy. [Laughter.] I hesitate to submit another of these official communications because some Members of the House seem prone to regard them as tainted. I do think, however, that we can not have too much real information on this matter. The debate to-day has been bringing out a wealth of information that will certainly assist the Members in determining how they shall cast their votes when the issue is decided on the enlisted personnel. This letter of the Secretary of the Navy is in response to a letter of mine asking him for four tabulations. First, what detailed use he would make of the 96,000 enlisted men which he recommended in his estimates; second, what use he would make of the 86,000 men, the compromise figure which the President has advocated in private previously and in public to-day; third, what use he would make of the 67,000 men recommended in the pending bill; and, in the fourth place, by way of comparison, and for the convenience of the Members, the use which the pending committee measure would make of the 67,000 men, provided effect should be given to the committee's own idea as to distribution.

Mr. MADDEN. Mr. Chairman, will the gentleman yield before he reads the letter?

Mr. ROGERS. I am not going to read the letter. I would rather not yield, because the gentleman from Michigan seems to be in a hurry.

Mr. KELLEY of Michigan. Would the gentleman yield to me for a question? I am not in such a hurry as I thought.

Mr. ROGERS. If the gentleman is to be soothed by my yielding, I shall be glad to do so.

Mr. KELLEY of Michigan. I am curious to know if the 18 battleships will be kept in commission if 86,000 men are allowed.

Mr. ROGERS. That is the point to which I was about to refer.

Mr. MADDEN. I was about to add whether the letter indicated that they could be kept in commission with the 67,000 men, and I am also rather curious about the gentleman's attitude in asking the Secretary of the Navy what he would do with the men, inasmuch as the gentleman has said that it was none of our business on two or three different occasions.

Mr. ROGERS. It is just for that reason that I want to know what he plans to do with them.

Mr. MADDEN. The gentleman from Massachusetts said that it was none of our business.

Mr. ROGERS. I said it devolved upon the President, as Commander in Chief of the Army and Navy, to allocate the men we gave him as he saw fit; therefore, in order that I might know and that we all might know what will happen if only 67,000 men are given him by Congress, I asked the Secretary of the Navy what use he planned to make of the 67,000 men.

Mr. MADDEN. That is in the record.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. CONNALLY of Texas. Would the gentleman mind stating whether in his search for military authority he has any communication from General Sawyer on the subject? [Laughter.]

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. HILL. I am gratified to hear the gentleman ask this question, because it shows that the gentleman does not know that General Sawyer is in the Army and not in the Navy, and that is characteristic of a number of other questions that have been asked in this matter.

Mr. GARRETT of Tennessee. Well, he succeeded an admiral and ought to be all right. [Renewed laughter.]

Mr. HILL. I will say to the gentleman that my understanding is that he did not succeed an admiral, but merely a rear admiral.

Mr. ROGERS. Mr. Chairman, these pleasantries having been disposed of, I call attention to the fact that this table, which I shall ask to have printed in the RECORD, shows that on the 96,000 basis and on the 86,000 basis, 18 battleships, the treaty number, can be maintained. On the other hand, it shows that on the 67,000 basis only 13 can be maintained in full commission and 5 will go into ordinary with only about 200 men on each of the 5. As the Assistant Secretary of the Navy said the other day, a battleship in ordinary is a naval relic.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the letter of the Secretary.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to, with the accompanying papers, is as follows:

THE SECRETARY OF THE NAVY,
Washington.

Hon. JOHN JACOB ROGERS,
House of Representatives,
Washington, D. C.

MY DEAR MR. ROGERS: With reference to your letter, dated April 8, 1922, requesting certain information as to the number and kinds of vessels which can and would be operated with an enlisted personnel of 96,000, 86,000, and 67,000, I forward herewith a tabular statement of the information requested.

It should be noted that the arrangement and classification of ships is the same as that adopted by the chairman of the subcommittee in his report submitting the naval appropriation bill to the House of Representatives.

Sincerely yours,

EDWIN DENBY.

(Inclosure.)

Arrangement and classification of ships.

Types of vessels.	Navy Department distribution.						House of Representatives Appropriation Committee distribution for 67,000 enlisted.	
	For 96,000 enlisted.		For 86,000 enlisted.		For 67,000 enlisted.			
	Ships.	Men.	Ships.	Men.	Ships.	Men.	Ships.	Men.
Battleships — Commission	18	21,158	18	21,158	13	15,263	18	18,259
Battleships—Ordinary	0	.....	0	.....	5	1,036	0	.....
Cruisers	13	6,034	13	6,034	10	4,729	11	4,248
Destroyers	103	10,506	103	10,506	65	6,630	103	9,579
Submarines	84	2,579	84	2,579	84	2,579	84	2,520
Destroyer tenders	6	2,759	6	2,759	5	2,309	6	2,551
Submarine tenders	7	1,882	7	1,882	7	1,882	7	1,833
Aircraft carrier	1	339	1	339	1	339	1	216
Aircraft tender	1	286	1	286	1	286	1	286
Mine layers	3	953	2	619	1	356	2	615
Light mine layers	10	990	6	594	4	380	10	959
Mine sweepers	16	821	9	456	4	216	10	498
Repair ships	2	860	1	430	1	430	2	727
Store ships	3	645	3	645	1	268	3	612
Fuel ships	14	1,679	12	1,424	9	1,091	14	1,568
Ammunition ships	2	354	2	354	2	354	2	354
Hospital ships	2	709	2	709	1	361	2	629
Cargo vessels	7	633	7	633	5	451	7	612
Transports	3	833	3	833	3	833	3	822

Arrangement and classification of ships—Continued.

Types of vessels.	Navy Department distribution.						House of Representatives Appropriation Committee distribution for 67,000 enlisted.	
	For 96,000 enlisted.		For 86,000 enlisted.		For 67,000 enlisted.			
	Ships.	Men.	Ships.	Men.	Ships.	Men.	Ships.	Men.
Gunboats	9	787	9	787	9	787	9	759
Yachts patrol vessels	6	545	6	545	5	513	6	545
Fleet tugs	8	340	8	340	8	340	8	338
Fleet towing vessels	10	450	10	450	6	261	10	450
Survey ships	1	146	1	146	1	146	1	137
Fish Commission ships	2	125	2	125	2	125	2	125
Miscellaneous	5	424	5	424	4	373	5	250
Total	.....	57,107	.....	55,057	.....	42,338	.....	49,492
Flag complements	.....	1,111	.....	1,111	.....	791	.....	700
Fleet aviation detachment	.....	1,100	.....	1,100	.....	1,100	.....	632
Destroyers (50 per cent complete)	23	1,311	.....	.....	50	2,850	.....	.....
Submarines (two-thirds complete)	27	430	.....	.....	23	347	.....	.....
Shore-based submarine tenders [1]	5	2,003	5	2,003	5	2,003	.....	.....
Patrol vessels, Eagles	30	316	.....	.....	.....	.....	.....	.....
Patrol vessels, submarine chasers	43	261	.....	.....	.....	.....	.....	.....
Total	.....	6,532	.....	4,214	.....	7,091	.....	1,332
Total at sea, enlisted	.....	63,639	.....	59,271	.....	49,429	.....	50,824
Total at shore stations	.....	32,361	.....	26,729	.....	17,571	.....	16,176
Grand total	.....	96,000	.....	86,000	.....	67,000	.....	67,000

[1] Shore-based submarine tenders: This item was fully discussed before the Appropriation Committee and in the early hearing, 2,003 men were carried in the personnel afloat. At the request of the committee, the item was shifted to the Shore Establishment, but in the statement of Mr. KELLEY, the item appears to be unaccounted for in anyway.

Mr. BEGG. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute.

Mr. ROGERS. I do not care for any more time.

Mr. KELLEY of Michigan. My attention was directed away from the gentleman for a moment and I did not understand whether the Secretary's letter said that 18 battleships could be kept in commission or could not with 86,000 men.

Mr. ROGERS. The 18 battleships can be kept in commission, the Secretary says, either on the 96,000 basis or on the 86,000 basis.

Mr. KELLEY of Michigan. Oh, it makes no difference which?

Mr. ROGERS. And 13 battleships in full commission and 5 in ordinary on the 67,000 basis.

Mr. BEGG. Mr. Chairman, I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BEGG. If the gentleman is correct in his information, and if the Secretary of the Navy says he can now maintain these 18 ships on a basis of 86,000, does the gentleman know why he asked for 10,000 more than he needed?

Mr. ROGERS. The gentleman's question, of course, answers itself. The capital ships are only one element in the Navy. The Secretary of the Navy wanted a well-balanced Navy. He will do the best he can with the 86,000, and he will undertake to maintain the 18 capital ships, though at the expense of sacrificing other important activities.

Mr. BEGG. And he will do the best he can with less, I take it.

Mr. ROGERS. He has indicated in this memorandum what he thinks is the best he can do with each of the three complements.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield ?

Mr. ROGERS. I have no more time.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KELLEY of Michigan. Then I take the floor in my own right in order to ask the gentleman a question.

Mr. ROGERS. I would remind the gentleman that he told me five minutes ago that all time had been exhausted.

Mr. KELLEY of Michigan. Then I will ask to take the floor in my own right.

The CHAIRMAN. The Chair will recognize the gentleman from Michigan.

Mr. KELLEY of Michigan. Mr. Chairman, I would like to inquire of the gentleman from Massachusetts if the Secretary of the Navy is to maintain the 18 battleships in full commission with 86,000 men, he would be obliged to take men off other ships, would he not? Now, if he intends to do that on a basis of 86,000 men, why did he not do the same thing this year when he had 10,000 more men to draw from? [Applause.]

Mr. ROGERS. I suggest that the gentleman from Michigan ask the other gentleman from Michigan, Mr. Denby.

Mr. KELLEY of Michigan. I have asked the question over and over again. Neither the Secretary of the Navy nor any of his advisers seem able to throw any light on it. I thought possibly the gentleman from Massachusetts might be able to help me out.

Mr. ROGERS. I am printing, gentlemen of the committee, a very full statement, showing item by item what the Secretary of the Navy will do with each of these three personnel programs. I think a perusal of them will clarify the viewpoint of many of the Members.

Mr. MADDEN. Does the gentleman bind himself to do that?

Mr. KELLEY of Michigan. Does he give a bond?

Mr. ROGERS. He gives a statement of the intended use of the three different personnels.

Mr. KELLEY of Michigan. In order to have the record complete, perhaps I ought to say that I hold in my hand a copy of a letter from the Secretary of the Navy to the President of the United States. I have not used the letter, although I think I might have done so, because copies have been in possession of others on the floor.

Mr. MADDEN. That letter is practically in the minority report.

Mr. KELLEY of Michigan. The chairman only emphasizes what I am saying. This letter advised the President of the United States on the 5th of April that it would take 96,000 men to operate the treaty Navy. The Secretary says:

> I have recommended to the Congress an enlisted personnel of 90,000 men and 6,000 apprentices, with which personnel I believe the Navy can be maintained for the present with a reasonable degree of efficiency.

Now the Secretary of the Navy writes to the distinguished gentleman from Massachusetts that he can do it with 86,000 men.

Mr. STAFFORD. And to-morrow it may be 76,000 men.

Mr. KELLEY of Michigan. I simply call the attention of the House to the difficulty experienced by the committee charged as the agent of the House to determine the facts which were to form the basis of an appropriation in the face of such varying and shifting testimony and recommendations by the Navy Department. [Applause.]

Mr. ROACH. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield.

Mr. ROACH. In view of the statement the gentleman has just made, does not the gentleman believe if we would wait a few days and take this vote the Secretary might get down to our figures after all. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. BYRNES of South Carolina. I simply want to ask the gentleman from Michigan if it is not a fact that in the hearings the Secretary stated that with the number of men allowed to him, after what he asked for, he could keep 12 battleships in commission, and in last Sunday's paper that he could keep 13 battleships? He has raised by one battleship in 10 days.

Mr. KELLEY of Michigan. This is the spring of the year, you know. [Laughter.]

The Clerk read as follows:

> For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $1,500.

Mr. DALLINGER. Mr. Chairman, I would ask the gentleman from Michigan if he is not willing to have these items passed over until the House decides on the size of the Navy?

Mr. KELLEY of Michigan. What is the gentleman's idea about that? Why should we pass it over?

Mr. DALLINGER. I understand that the Budget recommended a larger appropriation——

Mr. KELLEY of Michigan. Oh, yes.

Mr. DALLINGER (continuing). On a basis of 86,000 men.

Mr. KELLEY of Michigan. The gentleman then thinks that with the increased personnel of 86,000 men it would be necessary to increase all these navy-yard items in the bill? That is the theory on which you are asking to have them go over tonight?

Mr. DALLINGER. There will be more vessels to be repaired.

Mr. KELLEY of Michigan. With that understanding, Mr. Chairman, I ask unanimous consent that these items be passed over until we determine the size of the Navy.

Mr. VARE. Mr. Chairman, I object.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, the naval appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7589. An act for the relief of Maj. Ellis B. Miller; and

H. R. 2556. An act to advance Maj. Benjamin S. Berry to the permanent rank of major.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 12 they had presented to the President of the United States, for his approval, the following joint resolutions:

H. J. Res. 249. Joint resolution authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church; and

H. J. Res. 7. Joint resolution to amend section 2 of the joint resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved June 5, 1920.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until Saturday, April 15, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. R. 2238. A bill to amend the United States cotton futures act by inserting therein a new section for American Egyptian cotton only, to be known as section 5a; with an amendment (Rept. No. 904). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDMONDS: Committee on the Merchant Marine and Fisheries. H. R. 6313. A bill authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.; without amendment (Rept. No. 905). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDERSON: Joint Commission on Agricultural Inquiry. Report No. 408, part 4. A report on marketing and distribution. Ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10993) granting a pension to Bryan T. Jennings, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACK: A bill (H. R. 11297) to increase the present limit of cost for the erection of a public building at Paris, Tex., from $170,000 to $225,000, to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city, and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11298) amending existing law which authorizes the construction of a public building at Paris, Tex., so as to authorize and empower the Secretary of the Treasury to acquire a new site for same by exchanging therefor land and property now owned by the United States Government in said city, and to authorize the erection on said new site, when acquired, a public building suitable for post-office purposes, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 11299) changing the name of Keokuk street in the city of Washington, D. C., to Military Road; to the Committee on the District of Columbia.

By Mr. LARSON of Minnesota: A bill (H. R. 11300) authorizing a per capita payment to the Chippewa Indians of Minnesota from their tribal funds held in trust by the United States; to the Committee on Indian Affairs.

By Mr. KAHN: A bill (H. R. 11301) effecting the retirement of any officer on the active list of the Official Register of the Army who held a higher grade in the temporary forces of the United States during the World War than his Regular Army rank during said war; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 11302) providing for the recognition by Congress of the valuable service rendered by the adjutants general of the several States during the World War; to the Committee on Military Affairs.

By Mr. BIRD: A bill (H. R. 11303) authorizing and directing the Postmaster General to permit the use of a special canceling stamp at the post office at Wichita, Kans., bearing the words "Reunion Thirty-fifth Division at Wichita, Kans., September 25–27, 1922"; to the Committee on the Post Office and Post Roads.

By Mr. FROTHINGHAM: Memorial of the Legislature of the Commonwealth of Massachusetts relative to recognizing Palestine as the home land of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts urging the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, urging Congress to immediately pass legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

By Mr. PAIGE: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 11304) granting a pension to Emily M. Harrison; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 11305) for the relief of Ira D. McMillan; to the Committee on Naval Affairs.

By Mr. FULLER: A bill (H. R. 11306) granting an increase of pension to Delilah R. Mann; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 11307) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 11308) granting a pension to Catherine Caine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11309) granting a pension to Edward T. Conway; to the Committee on Pensions.

Also, a bill (H. R. 11310) for the relief of the Sanford & Brooks Co. (Inc.); to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 11311) granting an increase of pension to Eliza J. Tyler; to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 11312) granting a pension to Edna Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11313) granting a pension to Barbara E. Bernard; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11314) granting an increase of pension to Shiloh Sally; to the Committee on Pensions.

By Mr. LARSON of Minnesota: A bill (H. R. 11315) for the relief of Humphrey Jones; to the Committee on Claims.

By Mr. LINEBERGER: A bill (H. R. 11316) granting a pension to Frances Conner; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 11317) for the relief of James B. Alexander; to the Committee on Military Affairs.

By Miss ROBERTSON: A bill (H. R. 11318) granting a pension to Narsisus Butler; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 11319) granting a pension to William A. Shirey; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 11320) granting a pension to Eliza Wisher; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 11321) granting a pension to Augusta Simon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5091. By the SPEAKER (by request): Telegrams from the Palestine National League, of Chicago, Ill., and E. D. Stone, of Boston, relative to the resolution of Congressman FISH in regard to Palestine; to the Committee on Foreign Affairs.

5092. By Mr. ANSORGE: Petition of the Harlem Board of Commerce, expressing its approval of a selective bonus for the sick, the injured, and the needy; to the Committee on Ways and Means.

5093. Also, petition of the Men's Club of the Mount Washington Presbyterian Church, of New York City, urging adequate provision for the needs of sick, disabled, and convalescent veterans; to the Committee on Appropriations.

5094. By Mr. BARBOUR: Petition of residents of Fresno and Dinuba, Calif., protesting against the proposed Sunday laws; to the Committee on the District of Columbia.

5095. By Mr. CHALMERS: Petition protesting against the passage of proposed compulsory Sunday observance bill for the District of Columbia, namely, House bills 4388 and 9753; to the Committee on the District of Columbia.

5096. By Mr. CONNELL: Resolution adopted by the State Conservation Council of State College, Pa., March 30, 1922, that the Congress of the United States authorize and empower the Secretary of War or the Secretary of Commerce to make such investigations as may be necessary to determine what substances of whatever nature are thrown or deposited or permitted to flow into the navigable waters of the United States or any tributaries thereof in such manner as to endanger or interfere with navigation, commerce, or fisheries, with special reference to the effects of mine waste in the pollution of streams; to the Committee on Rivers and Harbors.

5097. By Mr. CRAGO: Petition of Sharon Lodge, No. 103, Benevolent Protective Order of Elks, of Sharon, Pa., urging that a modification be made of the laws now existing so as to permit the sale of light wines and beer; to the Committee on the Judiciary.

5098. By Mr. CRAMTON: Resolution of the Marine Engineers' Beneficial Association No. 43, of Port Huron, Mich., favoring the enactment of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

5099. By Mr. CULLEN: Resolution opposing the American-valuation plan unanimously adopted at a meeting of the Retail Dry Goods' Association of New York, held April 11, 1922; to the Committee on Ways and Means.

5100. Also, resolution adopted by the Illinois Manufacturers' Association, heartily approving the proposition to extend Federal financial aid to United States merchant ships (H. R. 10644 and S. 3712); to the Committee on the Merchant Marine and Fisheries.

5101. By Mr. GALLIVAN: Petition of the Dorchester Board of Trade, of Dorchester, Mass., urging the passage of House bill 4700, which provides for the placing under Federal control the quality and grade of coal furnished to consumers; to the Committee on Interstate and Foreign Commerce.

5102. By Mr. HILL: Resolution of the Women's Civic League, opposing Senate bills 2203, 2382, and 2740, transferring the Bureau of Forestry from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5103. Also, petition of residents of Annapolis, Md., against the passage of the compulsory Sunday observance bills (H. R. 4388 and 9753), which aim to regulate Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

5104. Also, petition of residents of Baltimore, Md., against the passage of the compulsory Sunday observance bills (H. R. 4388 and 9753), which aim to regulate Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

5105. By Mr. KISSEL: Petition of G. Caplan and L. C. Hill, of Brooklyn, N. Y.; Robert Dean, of New York City, N. Y.; and Miss Sophie D. Thiel, of Yonkers, N. Y., relative to the tariff duty on sugar; to the Committee on Ways and Means.

5106. By Mr. LAYTON: Resolution adopted by the citizens of Dover, Del., opposing the passage of any of the pending compulsory Sunday observance bills (S. 1948, H. R. 4388 and 9753); to the Committee on the District of Columbia.

5107. By Mr. LINEBERGER: Petition of Rev. S. W. Gage and others, of Los Angeles, Calif., to extend whatever protection and help may be necessary to make Armenia a self-supporting and self-protecting nation; to the Committee on Foreign Affairs.

5108. Also, petition from 54 citizens of St. Paul and Duluth, Minn., in support of the Towner-Sterling bill; to the Committee on Education.

5109. Also, petition from the Presbyterian Ministers' Association of Los Angeles, Calif., and the Ministerial Union of Los Angeles and vicinity, in behalf of the Assyrian Christians of Persia; to the Committee on Foreign Affairs.

5110. By Mr. MOORES of Indiana: Petition of 137 citizens of Indianapolis, Ind., protesting against the enactment of blue laws for the District of Columbia; to the Committee on the District of Columbia.

5111. By Mr. MUDD: Petition of residents of Hyattsville, Md., and vicinity, protesting against the passage of House bill 4388, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5112. By Mr. SIEGEL: Resolution adopted by the Broadway Association (Inc.), of New York City, asking that provision be made for the reestablishment of the underground pneumatic-tube system connecting the postal stations of New York one with another and those in New York with some of the postal stations in Brooklyn; to the Committee on Appropriations.

5113. By Mr. SINCLAIR: Petition of W. E. Stannard and 30 others, of Lostwood, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

5114. Also, petition of John W. Bragg and 12 others, of Tuttle, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5115. Also, petition of Max Wegener and 35 others, of Van Hook and Sanish, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5116. Also, petition of Arthur Anderson and 37 others, of Wales and Dresden, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5117. By Mr. SINNOTT: Petition of citizens of Bend and Gaston, Oreg., against the compulsory Sunday observance bills (H. R. 4388 and 9753 and S. 1948); to the Committee on the District of Columbia.

5118. By Mr. SMITH of Michigan: Petition of the Michigan Milk Producers' Association, in favor of House bill 8086, to prevent adulteration of milk; to the Committee on Agriculture.

5119. By Mr. SNYDER: Petition of residents of Ilion, N. Y., against the enactment of House bill 9753 or of bills of like character; to the Committee on the District of Columbia.

5120. Also, petition from Humbert F. DeRosa, of Utica, N. Y., suggesting amendments to the watch schedule of the pending tariff bill; to the Committee on Ways and Means.

5121. Also, petition of Clark and seven others, of the thirty-third district of New York, favoring passage of the Chandler bill (H. R. 9198) providing old-age pensions for veterans of the war with Spain; to the Committee on Pensions.

5122. By Mr. STINESS: Memorial of the Varnum Continentals, of East Greenwich, R. I., urging that the minimum strength of the Army be 150,000 men and 13,000 officers and that the Navy personnel be at least 93,000 men; to the Committee on Appropriations.

5123. By Mr. TEMPLE: Petition of Chartiers Presbytery, United Presbyterian Church, Hickory, Pa., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; also indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

5124. Also, petition of Chartiers Presbytery, United Presbyterian Church, of Hickory, Pa., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5125. By Mr. TINKHAM: Resolution adopted by the United Veterans of the Republic, Unit No. 12, of Charlestown, Mass., relative to the personnel of the Navy and the Boston Navy Yard; to the Committee on Appropriations.

5126. Also, resolution adopted by the Associated Industries of Massachusetts, opposing any amendment of the transportation act which will deprive the Interstate Commerce Commission of its power over intrastate rates; to the Committee on Interstate and Foreign Commerce.

5127. Also, resolution adopted by the Navy League of the United States, urging that the personnel of the Navy be maintained at not less than the ratio of 5-5-3 to that of the British and Japanese Navies; to the Committee on Appropriations.

SENATE.

SATURDAY, *April 15, 1922.*

(Legislative day of Friday, April 14, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	La Follette	Sheppard
Borah	Hale	Lenroot	Shortridge
Bursum	Harreld	Lodge	Simmons
Calder	Harris	McCormick	Smoot
Capper	Harrison	McNary	Spencer
Caraway	Heflin	Moses	Stanley
Colt	Hitchcock	Nelson	Sterling
Culberson	Johnson	Newberry	Sutherland
Curtis	Jones, N. Mex.	Norbeck	Swanson
Dial	Jones, Wash.	Norris	Townsend
Edge	Kellogg	Oddie	Trammell
Ernst	Kendrick	Overman	Wadsworth
Fernald	Keyes	Page	Walsh, Mass.
Gerry	King	Pomerene	Watson, Ga.
Glass	Ladd	Reed	Willis

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. He has a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I ask that this announcement may stand for the day.

Mr. DIAL. My colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may continue through the day.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF STATE, 1923 (S. DOC. NO. 185).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriation for the Department of State (foreign intercourse), fiscal year 1923, for revision of Chinese customs tariff, and inquiry into extraterritoriality in China, $68,750; for commission of jurists to consider amendment of laws of war, $3,750; and for claims of the Government of Norway, $2,200; in total amount $74,700, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS.

Mr. CAPPER presented a resolution adopted by the Emery-Eckington Parent-Teachers' Association, of Washington, D. C., favoring the passage of Senate bill 3136, providing for increased salaries to school-teachers in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LADD presented a resolution adopted by Dominion Local No. 1, Western Progressive Grange, of Dominion, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented the petitions of J. I. Framvorg and 10 others, of Bergen; B. J. Swang and 46 others, of Harvey; and W. G. Safford and 92 others, of Hillsboro and vicinity, all in the State of North Dakota, praying for the enactment of legislation reviving the United States Grain Corporation, so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

COMMISSIONS TO MIDSHIPMEN IN THE MARINE CORPS.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the joint resolution (H. J. Res. 274) authorizing the commissioning in the Marine Corps of midshipmen under certain conditions, reported it without amendment and submitted a report (No. 602) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STANLEY:

A bill (S. 3465) to amend section 42 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended; to the Committee on Appropriations.

By Mr. SWANSON:

A bill (S. 3466) for the relief of the widows of certain officers and enlisted men of the United States Navy; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3467) granting a pension to Mary G. Grover (with accompanying papers); to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3468) to empower the Bureau of Efficiency, subject to the approval of the President, to establish a system of efficiency ratings for the classified service in the several executive departments and independent establishments, in the District of Columbia and elsewhere, based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact; to the Committee on Civil Service.

TARIFF BILL AMENDMENTS.

Mr. JOHNSON submitted three amendments intended to be proposed by him to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

RESTRICTION OF IMMIGRATION.

The VICE PRESIDENT. The unfinished business is before the Senate and will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, which had been reported from the Committee on Immigration with an amendment, in line 5, after "June 30," to strike out "1923" and insert "1924, unless otherwise repealed," so as to make the joint resolution read:

Resolved, etc., That the operation of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, is extended to and including June 30, 1924, unless otherwise repealed.

Mr. HARRISON. Mr. President, I desire to offer a substitute for the pending joint resolution. I do not ask to have it read at this particular time. I have offered it and I will give some explanation of the substitute.

Mr. POMERENE. Mr. President, as this matter is likely to be passed upon now, if it does not interfere with the Senator's plan I would like to have the substitute read so that we may understand what it is.

Mr. HARRISON. May I say before it is read that the substitute which I have offered for the pending joint resolution includes the recommendations of the Commissioner of Immigration. Only one exception is made. It excludes the recommendation of the commissioner that the quota from any one country may be 1,500. It was my opinion that under the 3 per cent restriction if a country's quota was 250, no more than that number should be permitted to enter the United States. With that single exception the substitute which I have offered includes the recommendations of the Commissioner of Immigra-

tion as to the amendment of the present immigration law. It does not change the 3 per cent quota at all.

Mr. HARRIS. Mr. President, I would like to ask the Senator from Mississippi how his substitute differs, if at all, from the substitute which I presented some days ago?

Mr. HARRISON. I have forgotten what the Senator's substitute is.

Mr. HARRIS. The substitute which I have offered limits immigration for five years, but excludes clauses (1) to (8), inclusive, of the present law.

Mr. HARRISON. I will proceed with my explanation and then have my substitute for the joint resolution read.

Mr. WILLIS. Mr. President——

Mr. HARRISON. I yield to the Senator from Ohio.

Mr. WILLIS. I am anxious to understand the Senator's substitute. Does it include the amendment proposed to the committee as set forth on page 9 of the committee report?

Mr. HARRISON. It is carried in the report of the Commissioner of Immigration.

Mr. WILLIS. The Senator will recall that the commissioner made certain recommendations to the committee. If he has the report of the committee before him he will find those recommendations set forth on page 9.

Mr. HARRISON. It includes all those recommendations.

Mr. WILLIS. And what else?

Mr. HARRISON. It is exactly the confidential print which was before the Committee on Immigration, and which did include all these suggestions. I am going to yield to the chairman of the committee, the Senator from Rhode Island [Mr. COLT], in a moment, but before doing so I wish to say that my proposed substitute makes it a matter of permanent law. It changes the 2 per cent limitation which was applied and merely carries it out, leaving the 3 per cent quota as it was. As I understand the Senator from Georgia [Mr. HARRIS], he proposes a complete restriction for five years.

Mr. HARRIS. Yes; with certain exceptions which are mentioned in the substitute which I have offered.

Mr. LODGE. Mr. President——

Mr. HARRISON. I yield to the Senator from Massachusetts.

Mr. LODGE. I only want to say that I have not examined the substitute which the Senator has offered, and so I do not know that I have any objection to it, but it seems to me that what we ought to do now is to make sure that the present law does not lapse on the 30th of June. If we undertake at this moment to revise the entire immigration act, it will take us a good while. The most important thing is to get the pending joint resolution passed in order to make sure that the present law is extended. I am in favor of a revision of the present law. I know that the Commissioner of Immigration has made some very important suggestions. I think we ought to go over the whole law and I suppose that will soon be done. But it seems to me that it is of first importance at this moment to make sure that the present law does not lapse on the 30th of June.

Mr. HARRISON. May I say to the Senator from Massachusetts, before I yield to the Senator from Rhode Island, that I have suggested in my substitute no change of the 3 per cent quota provision; I knew that would start discussion and that the two Houses might not agree on it; but I do think, and I believe if the committee had investigated the proposition they would have thought, that the recommendations of the Commissioner of Immigration were wise. They are not included.

I wish now to yield to the chairman of the Committee on Immigration, and then I shall answer the suggestion of the Senator from Massachusetts that it might kill the joint resolution if we did not adopt it exactly as the House passed it.

Mr. McCORMICK. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. I promised to yield to the Senator from Rhode Island.

Mr. COLT. Mr. President, I wish to make a short statement.

Mr. HARRIS. Mr. President, will the Senator from Rhode Island yield for a moment to have read, so that he can discuss in connection with his substitute, the amendment which I have proposed?

Mr. COLT. I yield for that purpose.

The VICE PRESIDENT. There is an amendment pending, but the amendment offered by the Senator from Georgia will be read for the information of the Senate.

The ASSISTANT SECRETARY. On page 1, line 6, insert the following:

No alien shall be admitted under the immigration laws to the United States unless transported to the United States in a vessel documented under the laws of the United States, as defined in the shipping act of 1916, as amended; but this provision shall not apply to persons included in clauses (1) to (8), inclusive, of subdivision (a) or in the second proviso of subdivision (d) of section 2 of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921.

Mr. COLT. Mr. President, the joint resolution (H. J. Res. 268) which has been favorably reported by the Immigration Committee and is now before the Senate, continues the present immigration law for two years instead of for one, as passed by the House. That is the effect of the amendment reported by the committee.

The two most striking facts brought out in the operation of this law are, first, that the immigration from northern and western Europe is of a permanent character, while the immigration from southern and eastern Europe is of a temporary character; and, second, that the immigration movement from southern and eastern Europe is offset by the departures, or home-returning movement, of this group of aliens.

The following figures are taken from a report of the Commissioner General of Immigration, giving the quotas, the admissions, and the departures under the present 3 per cent law from July 1, 1921, to February 28, 1922, a period of eight months:

Table giving the quotas, admissions, and departures under the present 3 per cent law from July 1, 1921, to February 28, 1922.

NORTHERN AND WESTERN EUROPE.

	Quota.	Immigrant aliens admitted.	Departed.
United Kingdom	77,206	23,248	6,303
Germany	68,039	11,678	2,908
France	5,692	3,445	1,507
Belgium	1,557	1,459	818
Norway	12,116	2,745	956
Denmark	5,644	1,742	494
Sweden	19,956	4,026	1,212
Switzerland	3,745	2,339	632
Netherlands	3,602	1,239	600
Total	197,557	51,981	15,930
Net gain			36,051

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. COLT. I prefer, as the statement I am making is a short one, not to be interrupted until after I have finished.

Mr. NORRIS. Very well.

Mr. COLT. Now, contrast the statistics of immigration from northern and western Europe with the statistics of immigration from southern and eastern Europe, which are as follows:

Table giving the quotas, admissions, and departures under the present 3 per cent law from July 1, 1921, to February 28, 1922.

SOUTHERN AND EASTERN EUROPE.

	Quota.	Immigrant aliens admitted.	Departed.
Italy	42,021	39,181	42,371
Poland	25,800	27,108	27,395
Russia	34,247	9,539	4,665
Greece	3,286	3,384	5,667
Portugal	2,239	1,723	4,928
Other countries (southern and eastern Europe)	46,750	38,638	28,217
Total	154,373	119,606	113,243
Net gain			6,363
Total net gain in immigration			42,411

It will be noticed that from Poland the immigration exceeded the quota, but that more Poles departed from our shores than were admitted.

Mr. CALDER. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New York?

Mr. COLT. I would prefer not to be interrupted until I have finished this short statement.

It will be noted that out of 51,981 alien immigrants admitted from northern and western Europe only 15,930 returned, while out of 119,606 alien immigrants admitted from southern and eastern Europe 113,243 returned. In other words, out of a net increase of 42,411 in our alien-immigrant population from Europe during eight months, 36,051 were from northern and western Europe and only 6,363 from southern and eastern Europe.

These figures further show that there is no marked immigration movement to the United States from northern and western Europe. There were admissible under the quota law 197,649 from northern and western Europe and only 51,981 were admitted, or less than one-third the number admissible. There

were admissible from the United Kingdom 77,206 and only 23,248 came. Out of 68,039 admissible from Germany only 11,678 came. Out of 12,116 admissible from Norway only 2,745 came, and out of 19,956 admissible from Sweden only 4,026 came. Instead of conditions following the Great War producing, as many predicted, an increasing flow of immigration from these countries, especially from Germany, these conditions have tended to check immigration.

In regard to the immigration from southern and eastern Europe we find this situation, a relatively strong immigration movement to the United States and a substantially equal return movement. From Italy 39,181 came in during eight months and 42,371 departed—and, mind you, Mr. President, I am confining myself strictly to immigrant aliens—from Poland 27,108 came in and 27,395 departed; 3,384 came in from Greece and 5,667 went back; from Russia 9,569 came in and 4,665 departed—that is the only important exception where the number of those who departed was not in excess of the number who came in—from Portugal 1,726 came in and 4,928 returned.

These figures show that however strong the tide of immigration may be from southern and eastern Europe it is met by a counter returning movement. If there are causes which impel a large body of these immigrants to come to this country, there are also causes which impel a large body to return to the country of their birth.

One of the causes of the movement of peoples from one country to another is economic and another cause is political. I believe that the economic rehabilitation of Europe has tended to check immigration and also has tended to increase the returning flow. I also believe that the destruction of autocracy and the establishment of new republics in Europe have tended to retard immigration and have also tended to increase the return movement. A striking example of the effect of political changes upon the return movement is shown in the case of the Polish race. During eight months, from July 1 to February 28, 5,963 Polish immigrants were admitted to the United States and 25,166 returned to Poland.

Mr. TOWNSEND. During what month was that?

Mr. COLT. During the eight months of the operation of the law, from the 1st of July to the 28th of February. In round numbers 5,000 Polish immigrants were admitted and 25,000 Polish immigrants returned to Poland during that time.

As to the general effect upon immigration of the operation of the law for eight months it may be said that the number of alien immigrants from southern and eastern Europe admitted to the United States is only about 6,000 more than the number who have departed, and that the number of alien immigrants from northern and western Europe admitted to the United States during this time is only about 36,000 in excess of those who have departed.

Such defects and hardships as have been disclosed in the practical administration of the law have been in part corrected and these corrective efforts will be continued. I might say with regard to immigration that the facts are so complex that it is very difficult to frame even a reasonably perfect immigration law; and, therefore, there ought to be a great deal of administrative power lodged in the Department of Labor. In other words, the law should be made elastic enough to prevent what might be called tragedies, so that the law could be administered with humanity.

The Commissioner General of Immigration, Mr. Husband, says—and mark this:

> I am quite sure that some of the administrative difficulties of the past can be avoided or considerably minimized in the future, even though the law is extended without amendments as the House joint resolution provides.

With respect to amendments, there was such a division in the committee as to what amendments should be adopted, and the whole subject of amendments opened up such a wide field that the committee deemed it best at this time simply to extend the law without any change in its provisions. When you once opened the door to amendment you had three classes of amendments proposed, and each one of those classes represented a distinct opinion in the committee. You had restrictive amendments, you had amendments which liberalized, and you had constructive amendments. When once you had opened the door to the admission of amendments, all the parties who offered these different kinds of amendments would be entitled to be heard. As was said by the senior Senator from Massachusetts [Mr. LODGE] a moment ago, the country ought to know and the world ought to know what the immigration law is going to be for the next year, because in an immigration law it is necessary that the law should not go into effect until a considerable time after its passage. One of the difficulties with respect to the administration of the present law was that there was not sufficient time to give notice to the peoples who wanted to come to this country, and therefore during the month of June there was great confusion.

Since the next session of Congress is the short session, the committee also deemed it wise to make the extension for two years instead of one. This extension for one or two years—and the committee, by a majority, thought it was best to make it for two years—it is believed will give time to frame a bill covering constructive legislation along two lines—along the line of selection at the source, and along the line of distribution upon arrival in this country.

Mr. OVERMAN. Mr. President, how does this joint resolution tend to correct the tragedies that the Senator talks about in the interest of humanity? Is any latitude given to the commissioner to admit those who ought to be admitted?

Mr. COLT. I might say that the Commissioner General of Immigration has met that situation by requiring the immigrant to give bond. I might say that this law is supplemental to the old law of immigration, and under certain conditions of hardship the commissioner general has fallen back upon the rules of the old law, of which this law is an amendment. I believe that the Commissioner General of Immigration and the Secretary of Labor have endeavored in every way to meet and to overcome these hardships and difficulties. Those hardships and difficulties arose largely in the beginning of the operation of this law, in the beginning of this restrictive legislation, before the immigrants had had full notice of the law. I believe, as the Commissioner General of Immigration says, that those hardships have been largely corrected by administrative rules and regulations, and that if we pass this joint resolution just as it is, extending the time, there will be little or no complaint as to hardships in the future.

I might say that the time is short between now and the 1st of July. I believe that this joint resolution should pass at once. Then if there are any amendments to the act which it is thought best to bring before the Senate for consideration we shall have plenty of time to perfect the law. The situation to-day, to my mind, is that this extension should be granted at once and that whatever amendments may be deemed necessary should come up as separate pieces of legislation.

I want to say that the experience of the House, when they entered into the question of perfecting this measure or of framing a constructive bill, was that they found such a difference of opinion after prolonged hearings and discussion that they reached the conclusion I have reached under similar conditions, that the only thing to be done now to meet the present situation is to continue the present law for one or two years.

Mr. HARRISON. Mr. President, there is nothing complex about this proposition. I concede to no Senator here a greater interest in the restriction of foreign immigration than myself. I would not do anything to jeopardize legislation that will take care of the situation, but we must have courage in dealing with these questions. This is the 15th of April. The present law does not expire until the 30th day of June, so you have a long time to legislate if you will get busy.

There is not a suggestion embodied in the substitute I have offered that has not been considered by the House Immigration Committee. More than that, there is not a suggestion embodied in the substitute I have offered that has not already been adopted by the House Immigration Committee. If that be true—and no one will deny it—then where will any delay come from adopting a substitute that carries out the recommendations of the Commissioner General of Immigration, who says in his report that in some cases they are necessary to the strict enforcement of restriction on immigration?

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. HARRISON. I do.

Mr. WILLIS. Does the Senator claim that the provisions of his substitute have received consideration at the hands of the Senate Committee on Immigration?

Mr. HARRISON. If the Senator will just let me proceed, I do not want to take up the time of the Senate, and I shall be very brief, because I know that the substitute I have offered is important, and I know that if Senators will stay in their seats and consider this proposition they will adopt this substitute.

Here is what happened in the Immigration Committee, and I am not revealing any of its secrets. We met for the first time in months and months. The immigration question has long been an important one. I might say that there are few questions of greater importance to the American people than the restriction of immigration, and that has been true for some time. Why, when we had this matter up before the Senate

Committee on Immigration, I think a year ago, the evidence that came to us was that at Danzig and other places prospective immigrants by the thousands were standing in line for days and for nights waiting to get their passports viséed so that they might come to America. Those were the facts. Periodicals and newspapers and all kinds of organizations had urged Congress to take care of the situation, and it was that menace that forced Congress to pass the present law; so when the Senate committee met a week ago, after a long delay, this joint resolution that has been passed by the House was presented to us. The Commissioner General of Immigration had made certain suggestions as to changes in the present law. Those changes are incorporated in my substitute. I made a motion to the committee to invite your Commissioner General of Immigration to appear before the committee that he might present this matter to the committee and that the committee might consider and pass upon it. Aye, I went further than that. Some weeks ago the President selected Mrs. Lillian Russell Moore—a very splendid lady, accomplished, versed, I presume, in immigration questions—and she was commissioned by the President, your President, to go abroad and study this question from every angle and to return to this country as soon as she could and make a report to the Secretary of Labor. I assume that the President thought it was an important question, and pressing, or he would not have looked all over the country and selected Mrs. Lillian Russell Moore to make this investigation; and so she went abroad. She returned only a few days ago. She filed a report—I have it here—to the Secretary of Labor, and she says that what we ought to do is to have a holiday for five years, preventing any immigration to this country within that time. She says that there are hordes of people, undesirable immigrants, who are waiting anxiously, desirous to come to this country to live.

Mr. WATSON of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.

Mr. WATSON of Georgia. I suggest to the Senator that it will add strength to his argument and to the report of Mrs. Moore to remember that we have 6,000,000 men unemployed in this country now.

Mr. HARRISON. Yes; 6,000,000 men unemployed in this country to-day, factories closed down, wages being cut, empty box cars everywhere, men and women going hungry and in rags and tatters. Yet you say we have not time to study a proposition in which the American people are vitally interested and have been urging us for months and for years to do something about. The trouble is not a lack of time; it is a lack of courage upon our part to handle the question.

Mr. WATSON of Georgia. Mr. President, I think we ought to remember in this connection that since this administration went into power and the deflation policy of the Federal Reserve Board went into effect there has been a suicide for every 25 minutes.

Mr. HARRISON. There is a terrible and deplorable situation in this country. You admit it; you know it. I want to read just a few extracts from Mrs. Lillian Russell Moore's report, which the Committee on Immigration, of which the distinguished Senator from Ohio is a member, considered. What the committee did was discourteous to Mrs. Moore; it was discourteous to the Commissioner of Immigration and to the President of the United States not to have called in Mrs. Moore and Mr. Husband, and let them make their reports to the committee when that matter was being considered. This is what Mrs. Moore said in part:

> The higher civilizations of past ages, history teaches us, succumbed to such foreign invasions as now threaten us.
>
> Alien infiltration wrecked Rome and Greece. * * *
>
> I believe it would be a good thing for America if an immigration "holiday" of five years could be declared. * * *
>
> If the present law restricting immigration by quotas from other countries is continued, it should be materially strengthened, as I have suggested.

Mr. REED. Mr. President——

Mr. HARRISON. One moment; just let me finish reading this. The report continues:

> If Congressmen should go abroad they could see the facts as I saw them. One particular fact is that no good immigration is turning our way. The good inhabitants of every foreign country are needed there, and can possibly be happier and more contented there than in America. * * *
>
> There is more to this immigration problem than the economic side. Warning has been issued through the German Red Cross that the United States must be on its guard against the introduction of cholera and typhus by Russian immigrants. Hordes of these people, Dr. A. Schlesinger officially announced, are pouring into Germany over the Polish, Letvian, and Esthonian borders, and many are seeking passports to America, where they have relatives and friends who are financing them for their journey.
>
> * * * * * * *
>
> It is fortunate for the United States that Congress enacted the 3 per cent quota law. It is doing much good. With some of the additions I have suggested it would be quite efficient. Its chief weakness is the lack of power held by our consuls abroad. There, it seems to me, is the foundation of all the trouble. * * *
>
> If we do not keep up the bars and make them higher and stronger there will no longer be an America for Americans.

Before I yield, Mr. President, I ask permission to incorporate this report following my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix A.)

Mr. HARRISON. I now yield to the Senator from Missouri.

Mr. REED. The inquiry I was going to propound was not very important, but I wanted to inquire when Lillian Russell became an authority on the rise and fall of the Roman Empire? I admit she is a pretty high authority on matters theatrical, and perhaps on cosmetics, but I never knew until just now that she had entered the other field.

Mr. HARRISON. I did not know she was an authority on the rise and fall of the Roman Empire until I read this report. Indeed, I did not know she was an authority on the immigration question until President Harding commissioned her——

Mr. MOSES. The Senator seems to quote her with great approval.

Mr. HARRISON. But she must be or she would not have been selected by the President. I yield to the Senator from New Hampshire.

Mr. MOSES. I remarked that the Senator from Mississippi seemed to quote Mrs. Moore with great approval.

Mr. HARRISON. Does not the Senator like to have me quote from the appointee of his own President, one who was commissioned in such an important task as this? Are the Senator and his colleagues not to take into consideration any of the reports made by these people? When these people are appointed and go abroad and travel in foreign countries, trying to serve their people and their Government, is not the Senator to pay any attention at all to their reports?

Mr. MOSES. I have read this report. I simply wanted to point out the incongruity of the Senator criticizing Mrs. Moore in one breath because she was not an authority on immigration, when he had already been quoting her with great approval before that. I wish to say further with reference to the particular matter now under discussion——that is, this immediate phase of the debate—that I think it highly undignified and most ungentlemanly.

Mr. HARRISON. That is about the height to which the Senator from New Hampshire can go.

Mr. MOSES. I admit that I do not rise to the height of assailing ladies on the floor of the Senate.

Mr. HARRISON. I refuse to yield to the Senator. I have not said a word in criticism of Mrs. Moore. I would not. I agree with her views. She has voiced my sentiments. I think she is quite a remarkable and accomplished lady. I said that in the course of my remarks. I did not know that she was an authority on immigration questions until she was appointed by President Harding. If that carries with it a criticism, then the Senator can accept it as such. He is just about that big.

Mr. MOSES. I have already done so.

Mr. REED. Mr. President, I want to say, so that I will not be misunderstood, that I am not criticizing the Senator for quoting this authority. It is probably the best agency that has been employed by this administration. The Senator naturally has to turn to that source for his facts, under the circumstances, but I still raise the question as to the high authority and the controlling weight of an opinion by this lady upon international law or immigration questions.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Georgia?

Mr. HARRISON. Before I yield let me answer the Senator from Missouri. I am not basing my argument on any report of Mrs. Moore; not at all. That is just part of the case. I am basing my substitute on the recommendation of Mr. Husband, the Commissioner of Immigration, and appointee of this administration, a man who I believe knows more about the immigration question to-day than anyone else in the United States. I have great respect for his judgment, and I am willing to follow him more quickly than those Senators on the other side who are opposing his recommendation and refusing to follow him in this instance. I have the good of the country at heart.

Mr. HARRIS. Mr. President, as I understand, the Senator's substitute leaves the 3 per cent provision as it is, and I offer an amendment changing that so as not to allow any but the excepted class to come in for five years, and I wonder if the Senator from Mississippi will not accept that amendment?

Mr. HARRISON. I am in this attitude, Mr. President, that I would vote and I shall vote for the amendment offered by the Senator from Georgia, but my substitute is pending. I do not believe the Senate will accept a holiday of five years, although I am going to vote for it, and I am in favor of it in the event my amendment is not adopted.

I am hoping that my substitute will be adopted. I have drawn the substitute conservatively, because I did not want to complicate the proposition. I wanted to keep the simple issue before the Senate, not change the 3 per cent quota but only to carry out the recommendations of the administrative officer having the immigration question in charge.

Mr. HARRIS. I withdraw my amendment, and will offer it if the substitute offered by the Senator from Mississippi is voted down.

Mr. HARRISON. In the year ending June 30, 1921, 978,163 immigrants of all kinds entered this country. Of course, some went away. Eight hundred and five thousand two hundred and twenty-eight immigrant aliens entered this country that year, and, mark you, for about 26 days during that year this 3 per cent quota was in operation, which cut down the number of immigrants coming into this country. If it had not been for that, there would have been many more.

For the 10 years up to 1912, I think, approximately 11,000,000 immigrants came into the United States. In my opinion, the 3 per cent quota law, which is now on the statute books, has worked well. It is a good law. It does not go as far as I would have had it go, but it has cut down the number of immigrants coming into this country.

For instance, during the time this law has been in operation something over 200,000 immigrants have come into this country. I think under the 3 per cent quota 350,000 immigrants a year are allowed to come in, there being a particular quota each country can send here.

Mr. CALDER. If the Senator will permit me, that is 350,000 from Europe, I believe. The figures show that the quota was 351,930 from Europe.

Mr. HARRISON. I would like to have the attention of the Senator from Rhode Island. The 3 per cent law allows only 357,000 immigrants to come into this country each year. No such number do come, because certain countries do not send their full quotas. No country can send more than its quota, although during the last year, because of peculiar circumstances, some countries have sent more than their quotas. I believe during the operation of the 3 per cent quota law there have been 15 countries which have sent more than their quotas, but I assume it was because in the beginning of the operation of the 3 per cent quota law a great many immigrants came to this country through the encouragement of the steamship companies, landed at New York, had to be taken care of, and were admitted into this country. They had started from their respective countries before the law was passed. This should not and doubtless will not happen again.

A remarkable situation is presented under this law, however, which illustrates more than anything else, and will convince anyone more than any other proposition, that it is a good law or that the quota system is an improvement over the old system. We have desired immigration from western Europe. The undesirable immigration to this country has come from eastern and southern Europe, and under the 3 per cent quota law immigration coming to this country from the desirable sections of Europe has shown a large increase, proportionate to the number of immigrants, and immigration has fallen off proportionately from the eastern and southern sections of Europe.

For instance, the figures show that from northern and western Europe for the period from July to December, 1913, 142,776 immigrants came to the United States. From southern and eastern Europe and Asiatic Turkey there were 568,001.

In the period from July to December, 1921, the number had fallen off. From northern and western Europe there were 70,974, and from southern and eastern Europe there were 112,239.

In the period from July to December, 1913, the immigrants coming into the United States from northern and western Europe were 19.4 per cent of all the immigrants during that period who came into this country. In the period from July to December, 1921, it rose to 38.5 per cent, showing that there was an increase in the number of desirable immigrants to this country; while from eastern and southern Europe, in 1913, from July to December, the percentage was 77.2, and in the period from July to December, 1921, it had fallen down to 56 per cent. So the system is working well; but we want to remedy the defects in the present law, and the person above all others in the United States who knows the defects in the present law is the administrative officer of the Immigration Bureau.

Now, what does he say? Under the present law immigrants can come into the country from Canada, from Cuba, from Mexico, after one year's residence there. The Commissioner of Immigration has said that there are thousands upon thousands of undesirable immigrants from Europe and elsewhere who have gone to Canada, Mexico, and Cuba in order to live there one year and then obtain admittance into the United States. So he recommends that the law be changed, and he says it is necessary to change it, that it is imperative that it be changed from one year's residence in Cuba, Mexico, or Canada to five years' residence there. I submit if there were no other amendment adopted by the Senate, that one amendment should be adopted. If we do not adopt it, the whole 3 per cent quota law will fail and can not be successful.

The other change that is suggested by the Commissioner of Immigration is this: The present law imposes no penalty upon steamship companies for violating the rules and regulations and laws of the land respecting immigration. They may go abroad, they may encourage any number of undesirable immigrants to come to this country, who may come into the port of New York and flood every part of Ellis Island or other port of entry, as the case may be. They may be hungry there and penniless, as they were, and organizations of various kinds have had to take care of those people when they were landed there.

Mr. LODGE. Mr. President——

Mr. HARRISON. I will yield to the Senator in just a moment.

They were landed there through the instrumentality of the steamship companies, encouraged by them, and the quota that should have come was gradually increased because of the activities and influences of the steamship companies. Under the present law no penalty can be imposed upon the companies, and the Commissioner of Immigration has suggested that the law should be amended so as to impose a penalty of $200 on every steamship company that brings an alien to this country from a country whose quota has been exhausted and to compel the steamship company to pay back to that alien the expenses incurred in coming here upon a fruitless mission. Is not that important? The Commissioner of Immigration says it is. We all know the steamship companies should be punished when they violate the regulations, and so I have proposed in my substitute an amendment carrying out that idea.

Now I yield to the Senator from Massachusetts.

Mr. LODGE. That provision as to steamship companies exists, as the Senator well knows, in existing law, but it is not applied to the law now under discussion.

Mr. HARRISON. Yes; it is not applied to this law.

Mr. LODGE. The Senator stated specifically that it did not exist at all.

Mr. HARRISON. Oh, it does not exist as applied to the 3 per cent quota law.

Mr. LODGE. It does not exist as applied to this law, but the Senator gave the idea that we have no penalties applicable to the steamship companies. Such a provision has been carried in the law for years and it ought to be applied to this law. I entirely agree with the Senator.

Mr. HARRISON. That is what I am complaining about—that the penalty now in force does not apply to the 3 per cent quota law, and it should apply to it. Does anyone tell me we should not make that change because we have not the time? We ought to have the courage to take the time and amend our laws when conditions demand it.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. HARRELD in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.

Mr. WATSON of Georgia. Has the Senator studied this question from the standpoint of the vast increase of crime in this country? Does he see any connection between foreign immigration and the increase in crime?

Mr. HARRISON. I think there is no doubt that crime increases according to the increase of undesirable immigration into the country. Crime and everything in the way of disorder increases.

Mr. WATSON of Georgia. I call the Senator's attention to the fact that in nearly every one of the brutal, fearful crimes, which seem to be organized, systematized, commercialized, the names of the leading criminals are foreign names. They are not American names.

Mr. SWANSON. Mr. President——

Mr. HARRISON. I yield to the Senator from Virginia.

Mr. SWANSON. As I understand the provision reported by the committee, it extends the law for two years. If the amendment proposed by the committee is not adopted it means only

a nullification of the existing law, because under the present law, even if it be extended two years, all an immigrant has to do is to go to Canada or Cuba or Mexico and stay there one year and then he will be permitted to come into this country without any restriction whatsoever. That is really a nullification of the present law.

I think possibly the statistics which were given by the Senator from Mississippi did not include the immigrants who came in from Canada, Mexico, or Cuba, which is permitted under the law. If we are going to have the 3 per cent law extended two years and allow Mexico, Cuba, and Canada to be a mere dumping ground where foreigners can come simply for the purpose of staying one year and then coming into the United States without restriction, I can not see why Senators should object to an amendment covering that situation. Does the Senator expect to offer the amendment separately?

Mr. HARRISON. No; I am offering mine as a substitute for the joint resolution, that carries with it the various amendments which I am going to discuss. I do not think the Senator from Rhode Island has any objection to the amendments. The only question is that he is afraid that the joint resolution might not be agreed to by the House with those amendments, but I do not feel that way about it because the House can adopt every amendment that I am proposing in the substitute by moving to concur in whatever the Senate has done or otherwise, and it will become a law just as quickly as it would if we passed the joint resolution extending it as the committee has suggested.

Mr. COLT. Mr. President, will the Senator permit me to ask him a question?

Mr. HARRISON. Very gladly.

Mr. COLT. The Senator is dealing with the amendments proposed by the Commissioner General of Immigration. I entirely agree that certain of his suggestions would perfect the law, but when in the committee we opened up the question of amendments there were other members of the committee who wanted to go beyond these suggestions, and there were other amendments offered and the time was getting so short that we reached—whether the judgment was right or not—the conclusion that it was better to pass the pending joint resolution in the form in which the House passed it and then supplement it later with other legislation.

I would like to ask the Senator if he has considered the Husband amendment referred to on page 13 of his letter to the chairman, increasing the quotas from Australia, Africa, other Europe, and other Asia?

Mr. HARRISON. I have not included that amendment in my substitute.

Mr. COLT. So the Senator does not agree to some of the suggestions of Mr. Husband?

Mr. HARRISON. As I stated in the beginning of my remarks, I do not agree with that one. That would tend, in fact, it would have the effect of increasing the number of immigrants permitted to come to the United States over the 3 per cent quota now allowed. I shall vote for no amendment, nor champion any suggestion, that will increase immigration to this country. My tendency is to decrease, rather than increase, the number.

Mr. COLT. The Senator does not agree with the commissioner general's suggestion where he says, substantially, that it would not be just to admit from Australia only several hundred British subjects and that there ought to be a pre-war minimum admitting 1,000?

There are two schools of thought here, and we must dwell upon it—those who are in favor of absolute suspension of immigration for five years and who are in favor of every restrictive measure and those who are not in favor of such restrictions but are in favor of the quota provision.

Mr. SWANSON. Mr. President, will the Senator from Mississippi allow me to ask the Senator from Rhode Island a question?

Mr. HARRISON. I yield to the Senator from Virginia for that purpose.

Mr. SWANSON. As I understand, under the interpretation given to the existing law there is no limitation upon the number of people from any country who can go into Canada, Mexico, or Cuba, and if they stay there one year there is then absolutely no limitation on the number of those people who can legally come into this country. Is not that true?

Mr. COLT. Under the present law there is no limitation.

Mr. SWANSON. Then we are in this condition under the existing law, if not modified by the amendment of the Senator from Mississippi, that really we have no immigration law restricting immigration from anywhere if the steamship companies wish to take foreigners into Canada, Cuba, or Mexico and let them remain there one year for the purpose of then coming to the United States without restriction.

Mr. COLT. The present law says they must remain there for one year.

Mr. SWANSON. Yes; they can go there for the purpose of coming to the United States and violating our laws, and in that way we get all the undesirables. Those who desire to do so can remain there, of course. It really nullifies our existing law at the end of a year under those conditions, does it not?

Mr. COLT. Will the Senator deal with facts somewhat and not with the fear that there are thousands and thousands going to those border countries?

Mr. SWANSON. I have information to that effect.

Mr. COLT. As a matter of fact, Mr. Husband says immigration from Mexico and Canada has fallen off.

Mr. SWANSON. I have been informed, though I do not know whether it is true or not, that great colonies are being formed of people coming to those places for the purpose of later coming into the United States; that the steamship companies carry them to those countries and in that way effect really a nullification of our immigration law.

Mr. COLT. So far as I have any opinion, I concede as a matter of precaution that it would be well to extend the time from one year to three or five years. I agree to that.

Mr. HARRISON. Mr. President, along the line of the question suggested by the Senator from Virginia, Mr. Husband said in his report in speaking of immigration from Canada and Mexico:

> There are plenty of indications, however, that systematic violations on a considerable scale will be attempted during the remainder of the present fiscal year, or, in any event, during the coming fiscal year, provided the law is continued in force. I shall not go into details in this regard but can assure you that the bureau is quite fully aware of the situation and will employ every possible means to insure a strict enforcement of the law.

Then further over in his report he said:

> Various immigrant aid societies and similar organizations, and possibly also steamship agents in foreign countries, have, according to reports believed to be authentic, fostered and promoted this movement of aliens to foreign contiguous and neighboring countries. It is known that thousands of aliens from countries with exhausted quotas have entered Mexico in recent months; that there are perhaps a larger number of such aliens now in Cuba, with no employment and no prospect of securing same, and that others have gone to Canada and to South America (principally to Brazil), all apparently with the one purpose in view of eventually gaining admission to the United States.

With a situation such as that confronting us, does anyone tell me we should not amend the law when the joint resolution is here for consideration?

Before I was interrupted I was discussing the penalty features as applied to the steamship companies. The amendment suggested in my substitute carries the penalty to the steamship companies which violate the law. There is none in the present law touching the 3 per cent quota provision.

Here is what President Harding had to say about that proposition. Now, you Republicans will all prick up your ears and listen to this, I know. I wish to ask unanimous consent to incorporate, following my remarks, this very remarkable document on immigration and the 3 per cent restriction law by Robert De C. Ward, professor at Harvard University.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Appendix B.)

Mr. HARRISON. President Harding replied to a letter written by Representative ISAAC SIEGEL, of New York, in September, 1921, and, among other things, said:

> I haven't any doubt in the world but the enforcement of the immigration laws is working many a hardship. My own distress has been very great over some of the specific instances which have been reported to me. If I have the situation correctly presented, the difficulty must be charged to the dishonest steamship agents who have brought to this country innocent immigrants in spite of our continued warnings during a period of very great leniency. I know how very persistent have been the impositions which have been made on the Government agents who have been disposed to be sympathetic and more than generous in carrying out the law.

Here is what the Secretary of Labor, Mr. Davis, says about the steamship companies bringing over undesirable immigrants in violation of the regulations:

> Secretary Davis reiterated the statement by the President that much of the trouble is caused by dishonest steamship agents and that pitiful stories of hardship are being circulated in the deliberate attempt to discredit the law.

Assistant Secretary of Labor Henning, on September 3, said:

> Unfortunately, the law has no teeth, and the only way the offending companies can be punished is to compel them to take back aliens who are not admissible.

It is a pitiful sight. I have never seen it, but I have heard of it. I know it must appeal to the sensibilities of men and women everywhere that poor, unfortunates brought here by steamship companies from Europe and elsewhere and landed at New York

without money, without friends, are sent back home because the quota of immigrants permitted to come is exhausted. If the human heart could be touched, that sight would touch it.

The coming here of people under such conditions through the influence of steamship companies should be prevented. We shall never be able to stop it so long as we have no law which penalizes the agents of steamship companies for bringing over these unfortunates under such circumstances, and yet the Senator from Rhode Island and the Senator from Ohio say we have not the time to amend the existing law, that the date of expiration of the present law is the 30th of June, and we may not be able to enact a new law by that time. I am not surprised at Senators on the other side making such a statement and believing in it, because they realize that they have taken so long to do nothing in relation to all other matters.

Mr. LODGE. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. HARRISON. I yield.

Mr. LODGE. The Senator from Mississippi is giving a perfect illustration of the reason why it is necessary to pass this joint resolution by the time he is wasting instead of trying to amend the joint resolution.

Mr. HARRISON. Of course, if the Senator from Massachusetts will not listen to argument and Senators on the other side merely wish to sit here and say, "No; we have not time for that," well and good; but such action furnishes the reason why the Republican leadership is now being denounced from one end of the country to the other.

Mr. LODGE. I am perfectly willing to listen to argument when argument is made.

Mr. HARRISON. The Senator has agreed with me on two or three propositions which I have advanced.

Mr. LODGE. Exactly. I want to help get the joint resolution through.

Mr. HARRISON. Will the Senator from Massachusetts vote for my substitute for the joint resolution?

Mr. LODGE. No.

Mr. HARRISON. I did not think the Senator would.

Mr. LODGE. But I will vote for some amendments if the Senator from Mississippi will frame them properly.

Mr. HARRISON. I had hoped that the Senator occasionally would vote for something that is right. I am offering a good proposition, and yet the Senator will not take it.

Mr. LODGE. I am ready to vote for any amendment which I believe should be made; I do not know that there is anything in the Senator's substitute to which I object; but I know there are certain amendments that ought to be made to the pending joint resolution, and it will not be done by standing here and bellowing about the Republican Party. The thing to do is to proceed with the consideration of the joint resolution and perfect it.

Mr. HARRISON. I know that the Senator from Massachusetts when he is hit is bound to rise. God knows I have been, and other Senators on this side have been, very lenient with the Republican Party—more so than we should have been.

Mr. LODGE. The Senator from Mississippi does not need to be lenient. He does not do the Republican Party the slightest harm.

Mr. HARRISON. I know that. One can not do any harm to a thing which is dead, for it does not feel.

Mr. LODGE. The Republican Party has enough feeling to win in the next election.

Mr. HARRISON. That is what I call optimism of the rarest kind.

Mr. LODGE. Not a bit. I remember that the Senator from Mississippi was optimistic in 1920; and so I doubt if there is any foundation for his present optimism.

Mr. HARRISON. Yes; but the Senator's party stacked the cards and played them from under the table on us at that time.

Mr. COLT. Mr. President——

Mr. HARRISON. I yield to the Senator from Rhode Island.

Mr. COLT. Mr. President, I thought that the business before the Senate was the joint resolution proposing to extend the existing immigration law. I desire to say to the Senator from Mississippi that I should like to see the joint resolution perfected along the line of some of the amendments which have been suggested by Mr. Husband. I have always taken that position; but the reason why I can not vote for the amendment or substitute of the Senator from Mississippi is that he includes some of the commissioner general's amendments and rejects others, these amendments all being included in the committee print, which is the basis of the Senator's amendment or substitute.

I wish to call attention to one of the amendments the adoption of which Mr. Husband could not recommend in its present form. I refer to the amendment which requires cooperation of the Department of State with the Department of Labor. It is an amendment along the line of constructive legislation, along the line of selection at the source. The amendment is to the effect that when the consul visés a passport he shall also issue a certificate that the alien comes within the quota. The consul having the quota before him will know the number of immigrants that may be admitted from that particular country, and he will issue a certificate to the alien immigrant applicant. That amendment has not been perfected; the Secretary of State has not consented to it. That was one of the difficulties which the committee met when it came to constructive legislation. We could not frame such legislation hastily, for it involved a redrafting of the certificate provision.

The committee were met at once with the question, "What are we going to do with the excepted classes under the 3 per cent limitation? Is the consul going to pass upon those?" In other words, there were practical difficulties which had not been solved in connection with the certificate plan, and there has been no agreement as yet by the Secretary of State to cooperate with the Department of Labor. That is one of his amendments that Mr. Husband did not ask the committee to adopt.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. HARRISON. I shall yield in one moment. Mr. Husband did recommend the adoption of that amendment; he dictated it himself, and said that if some plan like that were not incorporated the department would be very much embarrassed.

Mr. COLT. I beg the Senator's pardon. I know the Senator from Mississipi never intends to make a misstatement and I certainly do not. I think I made the statement a little too strong. Mr. Husband did recommend a certificate provision, but, to speak in somewhat ordinary language, he "passed the buck" to the committee and asked the committee to perfect the amendment and to get the consent of the Secretary of State.

Mr. HARRISON. Well, the committee also passed the buck.

Mr. COLT. He said that was as far as he would go. As to many of the other amendments which he suggested, I approve of them.

Mr. LODGE. Mr. President——

Mr. HARRISON. I yield to the Senator from Massachusetts.

Mr. LODGE. In regard to the suggestion as to consular inspection, I think that is a very old idea and a very good one. We tried to get it adopted some 25 years ago, but the difficulty which then met us was that other countries would not permit it. The trouble is not with our own State Department, but other countries will not allow an American consul to say whether or not a citizen of Germany, for instance, or France or whatever country may be affected, shall sail from that country. They objected to our consuls exercising that authority.

Now, under the changed conditions since the Great War, it may be possible to make some arrangement of that kind, and I see no objection to giving the authority to our Government to endeavor to make such an arrangement, but it is not something which we can accomplish ourselves; it is necessary to have some arrangement with foreign governments in order that our consuls may be allowed to issue certificates. It would be the most valuable thing that could be done, if we could once bring it about, but it has been prevented by the action of other countries. I remember in past days Germany particularly objected very strongly.

Mr. HARRISON. The Bureau of Immigration, as I understand, fear that the State Department in the future might abolish the passport system in some particulars. They are, of course, using that system now; but, if it should be abolished, the Bureau of Immigration are afraid that a very undesirable class of immigrants may be admitted to our shores. There would in that event be no examination or certification by our consuls or agents abroad.

Mr. LODGE. We can maintain the passport system.

Mr. HARRISON. We can do it, unless the State Department decides otherwise.

Mr. LODGE. We are now maintaining it.

Mr. HARRISON. We are now maintaining it; but, as I have said, the Bureau of Immigration are fearful that a change may be made. That is according to the statement made to me by Mr. Husband.

Mr. LODGE. If the Senator will allow me, provision concerning the passport system is carried in the diplomatic and consular appropriation bill, and there has been no suggestion from the State Department of abolishing the system.

Mr. HARRISON. That is a matter which may be worked out in conference, but what I have stated was the suggestion of Mr. Husband. If there is objection to that particular provision, it is easy to strike it from the proposed substitute, and then if the other provisions of the substitute which are recommended are all right we could reach an agreement. I assume that no one is combating the suggestion that there should be a penalty on the steamship companies.

Mr. LODGE. No.

Mr. HARRISON. I also assume that no one is combating the suggestion that the one-year limitation as to residence in Canada, Mexico, and Cuba should be raised to three years or five years.

Mr. LODGE. No; I do not think there is.

Mr. HARRISON. So if that be true there should be no great difficulty in reaching an agreement. The other suggestions which I have made are merely to provide some slight administrative changes. For instance, under the present law students who come from a foreign country can not be admitted here merely to attend college. The commissioner thinks that they should be excepted, so that they may come to this country to attend college. Those are small matters. The two main propositions suggested by the Commissioner of Immigration are a penalty on the steamship company and a greater limitation on residence in contiguous territory. If we could agree on those two suggestions, it would be easy to pass this joint resolution, and we would then really enact legislation of a constructive character. If I thought that the House would dillydally about such amendments and would not accept them, and that they would delay the bill beyond the 30th of June, I would be the last Senator here to offer such an amendment.

Mr. LODGE. The Senator will admit that it would be a great misfortune to have the bill fail.

Mr. HARRISON. I think it would; but, in view of the fact that practically everybody seems to agree that the two proposals are all right, they could be put in.

Mr. COLT. Mr. President, did I understand the Senator to say there are two main propositions?

Mr. HARRISON. Yes; there are but two main propositions.

Mr. COLT. What are those two?

Mr. HARRISON. The two which I have named. I am perfectly willing to leave out everything else, except the amendment raising the one year's residence requirement in Canada, Cuba, and Mexico and other contiguous territory to five years—that is one——

Mr. LODGE. That ought to be done.

Mr. HARRISON. The other is the imposition of a penalty on steamship companies for violating the rules and regulations and bringing here immigrants from countries the quota of which have been exhausted.

Mr. LODGE. And that ought to be done.

Mr. HARRISON. That should be done.

Mr. LODGE. It is absurd to deport an immigrant and compel a steamship company to take him back for one violation of the immigration laws and not compel it to take him back for another.

Mr. STERLING. I wish to say to the Senator from Mississippi and other Senators that I have an amendment covering the suggestion in regard to residence in contiguous territory, amending the present law so as to require five years' residence.

Mr. HARRISON. I am perfectly willing to agree on any proposal of that kind.

Mr. STERLING. I suppose the regular order would be to perfect the joint resolution before the Senator's substitute comes up for consideration.

Mr. HARRISON. Perfecting amendments, of course, should first be offered to the joint resolution.

Mr. STERLING. By the amendment to which I have referred and some other amendments, the objections which the Senator from Mississippi has to the joint resolution might be met.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from California?

Mr. HARRISON. I yield.

Mr. SHORTRIDGE. May I ask the Senator from Mississippi whether his substitute in any wise deals with subdivision 5, section 2, of the present law which provides that excepted classes as defined therein embrace "aliens from countries emigration from which is regulated in accordance with treaties or agreements relating solely to immigration"? Does the Senator's suggested substitute in any wise touch that provision?

Mr. HARRISON. It does not change that at all.

Mr. SHORTRIDGE. I assume the Senator knows how important that provision is.

Mr. HARRISON. Yes; the effort has been made to take care of that situation, I will say to the Senator.

Mr. LODGE. The provision to which the Senator from California refers is left entirely unchanged.

Mr. HARRISON. I certainly do not propose to change it in my substitute at all, and I do not think that it is changed by the joint resolution at all.

Mr. COLT. May I ask the Senator if he would accept the amendment relating to penalizing the steamship companies as drawn up by Mr. Husband, and also the amendment requiring five years' residence in Canada and Mexico?

Mr. HARRISON. I am perfectly agreeable to adopt the amendments in that form even, but I think they should change, for instance, the 20 per cent monthly limitation under the present law. That is suggested by him as quite desirable. I do not think, however, it is so important that that be done.

Mr. COLT. I will tell the Senator why it is not necessary. It is because the law says "shall not exceed 20 per cent," so that the department could regulate that.

Mr. HARRISON. If the Senator thinks that other suggestions of the commissioner can wait, then, that is perfectly agreeable to me; but I do think it is highly important and, indeed, necessary that the two amendments to the present law which I have suggested be now adopted—one respecting the time of residence in contiguous territory and the other penalizing steamship companies for violations of the law.

Mr. COLT. I might say to the Senator in regard to the amendments which the commissioner general wanted, that the two which the Senator has suggested do not increase the number of immigrants in any way.

APPENDIX A.

Report to the Secretary of Labor by Lillian Russell Moore on European emigration conditions as affecting the United States.

MARCH 28, 1922.

HON. JAMES J. DAVIS,
Secretary of Labor, Washington, D. C.

DEAR MR. SECRETARY: I beg leave to submit the following report of my observations on immigration, as commissioned by you, during a visit to European countries:

Immigration, in my opinion, is the gravest question to-day confronting the American people and the most serious problem demanding solution by the American Government.

Time was when our shores were a haven for the politically and religiously oppressed, and when our gates opened the way to opportunity for the ambitious and aspiring of other lands. Time was, too, when our Nation, in its period of construction and reconstruction, needed the brawn of the sturdy European to extend civilization into uncultivated and undeveloped territory.

To-day European conditions are such that a haven of refuge is not required. There is no longer political oppression abroad. Men are not being driven from their homes for disputing the divine right of Kings to rule. The war has restored human rights to the peoples of Europe, and the new conditions permit to all free expression of thought and peaceful possession of property. There may be suffering; there is depression; but there is freedom, and none need seek sanctuary here.

Nor does America need labor to aid in the development of its resources. That stage has long passed, and it is a fact that the immigration of recent years has been from that class of people which arrests, rather than aids, the development of any nation. When I declare that most of those now seeking to come here have not any of the inspiration or the necessity of the early settlers from abroad, I am stating facts that impress everybody who makes any study of European conditions.

In this immigration problem, then, there is only one thing that demands serious attention, and that is, What is best for America?

We must be just before we are generous.

We must think of the future as well as of the present.

The higher civilizations of past ages, history teaches us, succumbed to such foreign invasions as now threaten us.

Alien infiltration wrecked Rome and Greece.

It is against such a fate that America must protect itself—that the American Government must protect its people, including those of foreign birth or extraction who have loyally taken up the duties of American citizenship.

I believe it would be a good thing for America if an immigration "holiday" of five years could be declared. But if we must keep our gates open, I would urge a new system by which the sifting process should be carried on abroad, so that none but those who, physically and mentally, would make valuable additions to our population would be admitted to board ship for America.

There should be rigid tests of mental qualifications by American consuls. One rigid requirement should be that applicants must be able to read, write, and speak their own language.

Physical tests should be conducted by American physicians, and any bodily weakness should mean rejectment. The Wassermann blood test ought to be employed in every case.

I am insistent upon the employment of American physicians to make these tests, because I believe that racial sympathies might lead to too liberal a view of bodily infirmities. It is just possible, too, that some foreign government agencies might not object too severely to the departure of undesirables. It has been intimated that foreign governments might protest against the employment of American physicians as health examiners, but there is no logical ground for such objection. Protest might just as reasonably be made against the quarantine officials of home ports who examine incoming passengers.

If the present law restricting immigration by quotas from other countries is continued, it should be materially strengthened as I have suggested. There should be also a central headquarters, possibly in London, where American consuls should regularly report the number of their visés, so that the quota could not be exceeded any month, thus avoiding the hardship of deportation for the excess immigrants.

In present circumstances every intending immigrant needs simply to apply at the nearest American consulate for a visé, for which he pays $10. It is the consul's duty to ascertain all the facts in relation to the individual, including details respecting health, morals, contract labor, and the like—but the consul is absolutely limited as present conditions exist. He has no power to refuse a visé for any reason other than that the quota of the country is exhausted, and in which event alone he may refuse a visé. This is unfortunate, for it necessarily leads to thousands of departures of unfit persons to America, who succeed either by influence or trickery in entering the country and being turned back upon inspection at Ellis Island.

These people lose by breaking up their homes in their own countries, and America loses by the cost of their return. Much human misery could be avoided, periodical congestion at Ellis Island prevented, and the entrance of unfit persons into the United States most conveniently checked by the application of the following suggestions:

Consuls should be authorized to refuse visés to all unfit persons. All applicants for visés in the case of immigrant persons should be required to submit details three months before final action is taken. This should include a certificate from their native doctor stating that a blood test has been taken, thus proving they are physically fit. In case of male immigrants, a penal certificate should be presented giving a record of their career, on which is attached a photograph of each man, thus allowing the consul to obtain close information of the most definite character with regard to the alien's past history, physical condition, qualifications as farmer, laboring man, etc.

Questioning of the immigrants has not proven satisfactory. It is quite obvious that an applicant is not likely to admit anything to a consular officer which will damage his chances of obtaining a visé. Therefore, as I suggested, the penal certificate, accompanied by a photograph of each man, would give a direct line upon his record. It would also be advisable to have the Bureaus of Immigration and Naturalization subject every foreigner living in the United States who wishes to bring over an immigrant to the same examination as the immigrant himself must pass before a consular officer. Such a foreign resident should be required to submit a police record covering the entire time of his residence in the United States, and an affidavit of support executed by the relative in the United States should be demanded of every applicant. And after this affidavit has been executed, and before it is sent abroad to the immigrant, it should be stamped by the immigration authorities, so that when it is presented to a consular officer, with a request for a visé, he will know that the immigrant intends to join a decent, law-abiding resident of the United States.

There should be additional laws making it a felony for any resident of the United States making a false statement concerning the admissibility of any relative or other immigrant. This law should be so drastic that it will seal up one of the most intolerable loopholes in our immigration system.

A change in the immigration law from the legal 3 per cent quota would perhaps be advisable to read instead that the number of immigrants to be allowed in the United States should be agreed upon by the Secretary of Labor and foreign countries, establishing the number of passports to be issued for three months in advance, and that the total quota of 3 per cent of all countries, added together, shall not be surpassed. This would give the Secretary of Labor the power to choose such countries as he thinks have the most desirable immigrants for the United States. And instead of the steamship lines all depositing their immigrants at Ellis Island license could be given for disembarkation of immigrants at such ports as New York, Boston, Baltimore, Savannah, New Orleans, Galveston, San Francisco, and Seattle. With our own merchant marine this could easily be done. This would scatter the immigration throughout the country, place the farmers in the farming countries, and relieve New York from increasing its present foreign population.

This system would likewise put a stop to clandestine immigration. The newspapers in Italy publish, after the sailing of practically every steamer for the United States, that a number of clandestine immigrants have been found hidden on board and were arrested, and in almost every case they were criminals.

While I was in Rome the steamer *Arabic* sailed from Naples, and advice came from the Italian authorities by wireless that there were 100 clandestine immigrants on board. These men pay large sums of money to be smuggled on the steamer, and if they succeed in reaching New York disembark as members of the crew. It is therefore advisable that all the crew of any steamer sailing for a United States port should have a proper book or certificate, with their photograph on it for identification, and stating that they are one of the crew of the steamer, and should not be allowed to disembark and pass through the customs gate without showing such card or certificate.

In this manner these undesirables would be unable to land. At present many are taken from alongside in small boats and carried to some convenient landing place.

When I arrived in Cherbourg I was met by the doctor in charge of the immigrants. He gave me the inclosed certificate, which shows that he vaccinated 200 immigrants bound for America, out of which 21 proved to have fatal diseases, which would compel them to be turned back upon their arrival at Ellis Island. Neither the examining doctor, the consul who viséed their passports, nor the consul general at Cherbourg were endowed with the power to forbid them to go aboard the steamer. It seems to me that this is the foundation of all the trouble. And it takes but a small mind to realize that if more power is not invested in our consuls abroad and if every immigrant is not compelled to have a blood-test certificate at the very beginning of his intentions to come to America as an immigrant, our civilization of the future will deteriorate to a marvelous extent.

I further believe that all of the personal information of each man gathered by the consuls and immigration inspectors should be available to examining judges before certificates of naturalization are granted. We are menaced, and we must avoid that condition. Take the consul at Vienna, for instance:

During the years of 1920 and 1921, long before office hours, crowds of unwashed, ill-fed, prospective immigrants—most of them of very low mentality and moral fiber—surged around the consulate. These people were from Poland, Russia, or Rumania, and claimed to have blood relatives in America who would take care of them and guarantee them support. They did not know the meaning of the word "truthfulness," and were carriers of disease caused by their extreme bodily filth. It was discovered that large numbers of Poles were applying for visés at Vienna, claiming the necessary one year's residence in the place of departure, and bringing with them documents to prove such residence. So many of these documents were false that the practice was adopted throughout the year 1921 of having every Sienna document—including the police certificate of morality required—which was presented by a Pole examined and checked by the investigator. It was found that underground channels of information existed among these people as how to have false documents prepared by meeting certain "agents" in given "café houses." Other means of pressure were brought to bear on consular officers. In these cases lawyers would appear as intermediaries or friends from the United States. Usually naturalized American citizens would appear as spokesmen. These often proved to be promoters of immigration, who would obtain in New York the names of persons wishing their so-called relatives to come over, and who, for the consideration of usually more than a hundred dollars in each case, would fill out a large list of names and undertake to go to eastern Europe to "see them through" all visé and traveling formalities. In one case a New York notary public, who had obtained names of people coming to him professionally to make out affidavits, undertook to bring over 50 immigrants, whom he declared to be his relatives, and who all claimed a year's residence in Austria. An investigation proved that they all had false documents and that they had been in Austria only a few days. One of them divulged the fact that the intermediary was to receive $300 apiece upon their arrival in the United States.

Of the several thousand Polish immigrants who obtained visés in Vienna in the years 1920–21 it was the personal observation of a consular officer stationed there that only two were not bound for New York City, and just one claimed to be a farmer—all nonproductive, so-called citizens.

There are several organizations formed for helping certain elements which undoubtedly have a considerable humanitarian value, but which, at the same time, have encouraged this kind of immigration. One relief representative assured me that they had a great amount of money in the banks of Europe which was to be used to help immigrants to get to America.

From Italy we get a more productive immigrant. While some of them come to us as truck gardeners, the greater number go into railroad, excavating, and mine work. The majority of immigrants from southern Italy and Sicily are of the peasant type. Their standards of living are low. Their ultimate destinations are the industrial towns of the East. As potential American citizens they afford reasons for considerable apprehension. From Naples come farm laborers, and their physical condition is generally good. From Florence, Venice, Milan, and Genoa the immigrant is productive, as many of them are stonemasons, carpenters, miners, mechanics, braziers, etc. From Trieste the great majority, and practically all of those who obtain visés from this quarter, are of the Slav nationality. The opinion from that consular district maintains that, in spite of the present system of control, it is almost impossible to prevent agitators, criminals, and other dangerous undesirables from obtaining visés, and the local authorities do not desire to cooperate to the extent of furnishing the names of persons under suspicion.

We have laws and regulations of a most painstaking character which prevent the shipment of live stock, living plants, and seeds to the United States, and we prohibit entirely shipments under these heads instantly when danger arises; but until the last few months we have opened our national gates to human beings desiring to settle among us without much restriction as to moral consideration or purity of blood. And as a result we have a huge problem with which to deal. It would be a wonderful thing if all immigration could take a rest for a few years, for the adjustment and reconstruction of its principles and regulations, and meantime requesting our Congressmen to visit the countries from which the majority of immigrants come. They could do this in their vacation months—not as a pleasure trip, but as a matter of information, which can be used to the greatest advantage in future discriminating rules for immigration, that we may protect ourselves permanently by a drastic prohibition as respects the unfit, as described in section 3 of the present immigration law.

If Congressmen should go abroad they could see the facts as I saw them. One particular fact is that no good immigration is turning our way. The good inhabitants of every foreign country are needed there, and can possibly be happier and more contented there than in America.

It is a fact that in France there are only 65,000 in the ranks of the unemployed. Reconstruction is being elaborately carried on in France, and every able-bodied man is not only needed but his prospects are made so alluring that he has no inclination to emigrate. Only those who are useless to France and would be a burden to America show any tendency to depart. Italy needs men to till the soil, to grow food, and to keep her own country prosperous. It is to the interest of France and Italy to keep the best of their sons at home—if not forever, at least for a long time to come.

There is more to this immigration problem than the economic side. Warning has been issued through the German Red Cross that the United States must be on its guard against the introduction of cholera and typhus by Russian immigrants. Hordes of these people, Dr. A. Schlesinger officially announced, are pouring into Germany over the Polish, Letvian, and Esthonian borders, and many are seeking passports to America, where they have relatives and friends who are financing them for the journey.

Already nearly 50,000 cases exist in Germany, traced to refugees, and German immigrants from the Volga region have been infected. Seventy-five per cent of the recent arrivals in the concentration camps were diseased, according to Red Cross statistics.

The minister of health has called attention to the necessity of vaccinating everyone arriving from Russia, declaring that children especially are carriers of typhus.

We take in too few productive immigrants and too many destructive.

I look upon the question of immigration as closely associated with that of citizenship. Personally, I believe that no alien should be naturalized until he has lived in the United States 21 years. Our own men have to live here 21 years before they can become voting citizens.

It is fortunate for the United States that Congress enacted the 3 per cent quota law. It is doing much good. With some of the additions I have suggested, it would be quite efficient. Its chief weakness is the lack of power held by our consuls abroad. There, it seems to me, is the foundation of all of the trouble.

I want to say for our American consuls that I never met a more patriotic class of men as a rule. Their Americanism is pronounced, and I believe it is accentuated by their knowledge of America's peril. They see, and they know, better than any class of our citizens, the difficulties and dangers of laxity in immigration laws.

Our America has passed the transition stage.

It is to-day a world power.

An intelligent, cohesive, loyal citizenship is its propulsive force. Solidification of all its elements is essential to perpetuity.

The melting pot has been overcrowded. It has boiled too quickly and is running over.

It were better to put out the fires under it and allow its contents to solidify before adding any more raw material.

If we don't keep up the bars, and make them higher and stronger, there will no longer be an America for Americans.

Respectfully submitted.

LILLIAN RUSSELL MOORE.

APPENDIX B.

(Reprinted, without change of paging, from the Journal of Heredity (organ of the American Genetic Association), Vol. 12, No. 7; Washington, D. C., August–September, 1921.)

IMMIGRATION AND THE 3 PER CENT RESTRICTIVE LAW.

[Robert De C. Ward, Harvard University.]

THE NEW LAW AND ITS ENACTMENT.

The new 3 per cent immigration restriction act was designed to meet postwar conditions which our previous laws were never intended to cope with. It passed both Houses of Congress by tremendous majorities, and after being "pocket vetoed" by President Wilson was again passed by similarly large majorities and promptly approved by President Harding. The backbone of the new law is as follows: Section 2. "That the number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per cent of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910." Eight classes of aliens are excepted from this provision, including "(8) aliens under the age of 18 who are children of citizens of the United States." Provision is made for the determination of the exact numbers of aliens of the different nationalities who may be admitted. The number of any nationality that may be admitted in any one month shall not exceed 20 per cent of the total number of aliens of such nationality who are admissible in that fiscal year. Preference shall be given, "so far as possible," to wives, parents, brothers, sisters, children under 18 years of age, and fiancees of citizens of those who have applied for citizenship, and of persons eligible for citizenship who were in the service of the United States during the war and were honorably discharged. Provision is further made for the preparation of rules and regulations necessary to carry the act into effect and for the publication of statements showing the exact numbers who may be admitted. The act continues in force until June 30, 1922.

THE REASONS FOR THE NEW LAW.

The enormous majorities by which Congress passed this bill clearly reflected the firm conviction of the great mass of our people that immediate and effective restriction was imperative. There has never been a time in the history of immigration legislation when the popular demand was so widespread and so vehement. The practically unanimous opinion of Government immigration officials and of all unprejudiced experts was that immigration was certain to increase, and increase rapidly, to numbers greatly exceeding those of prewar days, and that the quality of the bulk of the newcomers would be distinctly inferior. Very important testimony along these lines was received from United States consular officers at numerous foreign ports and submitted by the Department of State to Congress. These reports, coming from many different men and many different places, are distinctly to be regarded as unprejudiced and authoritative. They practically all agree in certifying that the majority of the prospective immigrants are both physically and mentally undesirable. Such expressions as "physically deficient," "mentally deficient," "economically undesirable," "socially undesirable," "of low standards of living," "not of the most desirable class" occur again and again. Furthermore, numerous competent and unprejudiced observers who had been making a first-hand study of the conditions in Europe fully concurred in the views expressed by our own consular officers.

The predictions made by these various competent authorities have been fully verified. Immigration during the year ending June 30, 1921, exceeded 800,000, almost doubling that of the preceding year. Furthermore, the opinion of those who have had opportunity to observe the new arrivals, and who are unprejudiced and honest in their views, is to the effect that our consular officers and our experts were fully justified in their statements regarding the inferior quality of most, not all, of these people. An immigration official at New York has recently reported that the majority of the aliens now coming in expect to be fruit peddlers, shoe blacks, soft-drink venders, and sweatshop workers. (New York Times, Sept. 12, 1921.)

THE OPPOSITION TO RESTRICTION.

In spite of the extraordinary popular demand for restriction in accordance with which Congress acted, there was insidious, active opposition, thoroughly organized, heavily financed, issuing misleading information, playing upon all sorts of alien prejudices, endeavoring by every possible means to counteract the plain will of the vast majority of the American people. One of the best known and most reliable Washington newspaper correspondents, Mr. Mark Sullivan, writing of the hearings before the House Committee on Immigration February 7, 1921, said.

"The great bulk of the hearings consisted of testimony from special interests, either racial or business, who opposed the bill strenuously. No thoughtful American, equipped with knowledge of the background, can read the stenographic report of those hearings without being deeply and somberly concerned."

Still more striking is the evidence brought forward by Hon. JOHN C. BOX, of Texas, in the House of Representatives January 8, 1921. Judge Box said:

"Mr. Chairman, recently by a vote of 295 to 41 a bill suspending immigration was passed by this House, in which vote the will of the American people spoke and party lines disappeared. But powerful influences oppose restriction. Two of these are:

"First. A demand by the foreign born among us that their kinspeople and racial comrades be admitted freely.

"Second. Individual and corporate greed which disregards the present and future welfare of the mass of Americans and their children because it wants money and power over labor.

"The interracial council is a mouthpiece of the opposition of these two groups. To it I invite your attention. * * *

"The interracial council is a concern of some magnitude. Some months ago it had 40 or 50 executives and other full-time paid employees in its offices in New York, and an unascertained number of other agents and employees. It is financed, in part at least, by its industrial or subscribing members, numbering several hundred. The following are some of its subscribing members whose names I get from its printed literature and from the testimony of Mr. Mayper, its executive secretary:

"Phelps Bros. & Co., 'owners of an Italian steamship line'; the International Mercantile Marine Co.; Barber Steamship Lines; Cosmopolitan Shipping Co.; Downey Shipbuilding Corporation; France & Canada Steamship Co.; Green Star Steamship Co.; Pacat Steamship Co.; Pacific Steamship Co.; Todd Ship Yards Corporation; Standard Oil Co. of New Jersey; Allegheny Steel Co.; American Beet Sugar Co.; American Locomotive Co.; American Woolen Co.; Armour & Co.; Atlas Powder Co.; Chattanooga Coke & Gas Co.; Colt's Patent Firearms Manufacturing Co.; General Electric Co.; Henderson Shipbuilding Co.; Hillman Coal & Coke Co.; Indiana Pipe Line Co.; Inland Steel Co.; Kelley-Springfield Tire Co.; Lackawanna Steel Co.; National Sugar Refining Co.; National Shipping Co.; New Home Sewing Machine Co.; Oliver Iron & Steel Co.; Pennsylvania Coal Co.; Pennsylvania Coal & Coke Corporation; Pennsylvania Textile Co.; Phelps-Dodge Corporation; Southern Cotton Oil Co.; Standard Steel Car Co.; Studebaker Corporation; Underwood Typewriter Co.; Worthington Pump & Machinery Co.; Bethlehem Steel Co.; Cudahy Packing Co.; Dold Packing Co.; Du Pont de Nemours & Co.; General Motors Co.; Libby, McNeil & Libby; Swift & Co.

"These are only a few of the several hundred big financial, industrial, and steamship concerns whose money is financing the propaganda of the interracial council. It will be noted that many steamship companies are among them. One list of these subscribing or industrial members will be found in the committee hearings of April 22, 1920; another list, containing some names not given in the testimony, will be found printed on the literature of the interracial council.

"These subscribing members pay annual membership fees amounting to as much as $2,500 for some concerns, and more than that for a few, and smaller sums for each of many others. 'It runs from $100 a year to $2,500 as an average. A few are larger.' (Testimony of Mayper, executive secretary, p. 167.)

"The expenditures of the interracial council in certain of its activities, which manifestly do not cover all of them, amounted to $213,955.19 for the period beginning March 1, 1919, and ending March 31, 1920. (See testimony, Mayper, p. 167.) That was the first year of its existence. Its activities have continued with apparently increased magnitude, but I am without information as to later expenditures.

"Mr. BLANTON. Mr. Chairman, will the gentleman yield?

"Mr. BOX. Yes.

"Mr. BLANTON. Is it any wonder, then, that this splendid piece of legislation has been sidetracked and held up?

"Mr. BOX. It is not any wonder; but it is an ominous thing if the will of the American people is to have to give way to influences like these. Nothing but a sense of duty prompts me to present these facts as they have been disclosed. The statement that I have made is based upon testimony. I have the hearings."

The situation is perfectly clear. Further comment on this point is unnecessary.

THE WORKING OF THE LAW.

It was natural that there would be certain difficulties in the early working of the new law before the exact numbers of admissible aliens from each country could be officially determined. Numerous steamers arrived during the early part of June with aliens far in excess of the numbers which were admissible. Congestion resulted. To each port there had been assigned a percentage based on the usual percentage entering that port. When these numbers had been filled efforts were made to borrow from other ports "rights" to land additional immigrants. There was great confusion. Immigration officials in Washington went to the limit in showing humanity and consideration. Aliens in excess of the June quota were allowed to land under bonds. By joint resolution Congress later provided that the excess numbers of any nationality thus admitted should be deducted from the totals of that nationality admissible during the fiscal year beginning July 1, 1921.

But even in the early days of the new law, and all the more since then, the complications and the hardships to incoming aliens have been chiefly due to the disregard of the law by the steamship companies. In the whole history of our immigration legislation these companies, with rare exceptions, and then usually only when infractions of the law meant payment of fines, have never tried to obey our laws. Their tactics under the new percentage limitation act have been as usual.

The percentage bill was before Congress in one form or another during most of last winter. There never was any doubt that it would become law before summer. Although the exact number of aliens of each nationality could not be officially determined at the moment of the enactment of the measure, the steamship companies had ample time to make plans to meet the new conditions. They were in no sense "caught," as one editor has expressed it. The logical and the humane policy on their part would have been to refuse passage to all aliens who might, when the exact percentages of admissible immigrants were announced, be refused permission to land. But these companies accepted as steerage passengers several thousands of aliens who would, beyond a doubt, be excludable. There is little doubt that these excess aliens were shipped with the conviction that the sympathies of "sentimentalists" and of certain Congressmen who are interested in the "foreign vote" would be so aroused that some special provision would be made for the landing of the excess numbers. The steamship companies deserve absolutely no sympathy. They accepted the passage money of thousands of aliens who should never have been allowed to embark. They have no interest in their steerage passengers beyond the receipt of their passage money. The Commissioner General of Immigration said in Washington on June 10 last that there were then more than 10,000 immigrants in excess of the June quota already on their way to the United States, and all were accepted for passage after the new law had gone into effect.

The monthly "immigrant Derby," when, during the last few minutes of each month, incoming steamships race from beyond the 3-mile limit to quarantine in the effort to land their steerage passengers in time to have them come within the quota, and the numerous cases of hardship when the excess aliens have to be debarred could be avoided if all the steamship companies were honestly endeavoring to live up to the law. The trans-Atlantic steamship lines have a system of daily exchange of information as to the numbers of alien passengers who are embarking on their several ships. No excess over the allotted quota need therefore be started on the voyage.

Although practically all of the difficulties and the hardships to debarred aliens were due to the flagrant disregard of the law on the part of the steamship companies, the administration very properly felt that everything possible should be done to save needless suffering of perfectly innocent aliens. Hence, about mid-September, the State Department sent instructions to American consular officers abroad not to visé passports from any country whose annual admission quota to the United States is approaching exhaustion, or has already been exhausted.

This should do a great deal to reduce the number of cases of hardship and of disappointment for which, be it reiterated, the steamship companies, not the laws, are chiefly responsible.

PROPAGANDA AGAINST THE NEW LAW.

Even before the new law went into effect, a very active press campaign against it was begun. The law has been subjected to an organized attack by "interested" individuals, alien racial groups and hyphenated societies, and certain influential newspapers. All of these are bent on making any percentage limitation scheme appear unreasonable, unjust, and inhumane. All of them are, fundamentally, opposed to any action on the part of the American Government to protect our country against practically unrestricted and unselected immigration. In the case of influential newspapers which are incessantly attacking the new law, it may incidently be noted that they all carry heavy steamship advertising. In the case of other papers also, the motive is plainly that of the pocketbook. Thus, the bulletin of the Associated General Contractors has said that the effect of the law will be to "prevent the immigration to this country of the most useful class of immigrants—the common laborers who come here to work in the construction industry." The "influences" against restriction have also been very busy in Washington, interviewing Senators and Congressmen, attacking not only the percentage limitation measure but also all restrictive legislation.

The propaganda against the new restriction law has not been confined to this country. In a dispatch to the Philadelphia Public Ledger, dated London, October 16, 1921, the following statements were made:

"European steamship companies, the traditional enemies of United States immigration restrictions, have started propaganda aiming at the breaking down of the barriers put up by the '3 per cent' law. They hope when the present temporary measure expires next June to have so prepared the ground that again they will be in a position to fill the holds of their ships with Europe's surplus humanity and pour it into the United States. This law which limits the number of immigrants to a very small proportion of the number allowed to enter the United States heretofore was a severe blow to the steamship lines, and they fought it hard when it was before Congress. In the days before the war steamships carried thousands of immigrants, at approximately $100 a head, whereas now they carry dozens. The loss of that revenue came at a time when the trans-Atlantic passenger business was less remunerative than for years, because of the high costs of operating ships.

"To get back some of this business the big companies have outlined a plan for a campaign of propaganda, and already have got it working in England. The plans rest on the idea of digging up specific cases of alleged improper treatment of foreigners at Ellis Island and spreading them broadcast in the European press."

The attitude of the steamship companies and of the other influences which are seeking to bring the new law into disrepute has been clearly set forth by Government officials. Representative ISAAC SIEGEL, of New York, wrote to the President in September, 1921, citing instances of cruelty to aliens which had occurred in the enforcement of the law. President Harding replied as follows:

"I haven't any doubt in the world but the enforcement of the immigration laws is working many a hardship. My own distress has been very great over some of the specific instances which have been reported to me. If I have the situation correctly presented, the difficulty must be charged to the dishonest steamship agents, who have brought to this country innocent immigrants in spite of our continued warnings during a period of very great leniency. I know how very persistent have been the impositions which have been made on the Government agents who have been disposed to be sympathetic and more than generous in carrying out the law." * * *

Secretary of Labor Davis reiterated the statement by the President that much of the trouble is caused by dishonest steamship agents, and that pitiful stories of hardship are being circulated in the deliberate attempt to discredit the law. Assistant Secretary of Labor Henning on September 3, 1921, said:

"Unfortunately the law has no teeth, and the only way the offending companies can be punished is to compel them to take back aliens who are not admissible."

That, he added, was being done, the department "having exhausted its milk of human kindness." Mr. Henning here emphasizes the fundamental deficiency in the law. It has no teeth. There is no fine or punishment for the companies which disregard its provisions, nor is the company required to refund the deported alien's passage money. The only way is to compel the companies to carry back at their own expense the surplus, and when this has been done in a few hundreds of cases it is perhaps not too much to hope that these companies will begin to cooperate among themselves. As soon as they do so the law will prove entirely workable.

Finally on September 15 Assistant Secretary Henning added:

"Those in control of the flood of aliens coming into this country deliberately exceed the monthly quotas and depend upon compelling us, with their sob stories and tales of families being separated, to permit the law to be disregarded."

Patriotic Americans, in whose hearts patriotism is above pocketbook, can not give too much praise to President Harding, Secretary Davis, Assistant Secretary Henning, and Commissioner General Husband for their firm stand on this whole question of the enforcement of the law. In the face of aggressive, persistent, and thoroughly organized opposition on the part of selfish interests they have held their ground, tempering the enforcement of the immigration laws of the United States with the utmost possible justice and humanity. They deserve well of their country, and they may be assured of the support and high commendation of the vast majority of plain Americans, who are not organized to work for the enforcement of these laws and who seldom take it upon themselves to make their views known to Government officials, either personally or by writing. The highest commendation is also due to the Senators and Representatives who in the face of fierce and bitter opposition, heavily financed and thoroughly organized, secured the passage through Congress of the new act. To Senator DILLINGHAM, of Vermont, and his supporters in the Senate and to Congressman ALBERT JOHNSON, of Washington, chairman of the House Committee on Immigration, and his staunch supporters on his committee and in the House the country owes a great debt of gratitude which it will not forget.

THE NEW LAW VINDICATED.

The percentage law, in spite of its crudities and of difficulties in its enforcement, has been abundantly vindicated. Immigration was fast assuming its pre-war rate when the new law went into effect. Although it did not begin to function until early in June, the commissioner general estimated that it probably reduced immigration in that one month by about 50,000. As one of the Washington correspondents puts it:

"Incidentally, the sudden appearance of unemployment in America illustrates the wisdom of the act restricting immigration which was passed during the first few weeks of Harding's administration. Otherwise our unemployment problem might have been greatly increased. Throughout the world great numbers of human beings have been displaced by war and postwar conditions. These derelicts float toward us as inevitably as water flows down hill. There was some degree of truth, although more mere cleverness, in the saying that America was becoming the 'cesspool' of the human race. * * * The new law puts a limit, even if only a loose and partial limit, on the number of immigrants who can increase and complicate our unemployment problem."

SUGGESTIONS FOR FUTURE LEGISLATION.

The 3 per cent limitation act expires on June 30, 1922. What shall take its place? The "emergency" which led to its adoption still exists and will continue to exist. There is no longer an "emergency." We are facing a permanent condition of rapidly increasing and of steadily deteriorating immigration. And there are millions of prospective immigrants overseas who are simply waiting for the 30th of June, when they will rush in in a seething, chaotic mob unless Congress takes steps to stop them.

A calm, unprejudiced survey of past legislation and of the workings of the temporary 3 per cent restrictive law leads the writer to the following conclusions regarding the lines along which our new legislation should be planned.

First. The percentage-limitation principle, long and strongly advocated by leading authorities, should be made permanent. Whether this should be the present 3 per cent, based simply on the number of aliens of each nationality in this country, or a somewhat larger percentage, say, 5 per cent or 10 per cent, based on the numbers of each nationality who have become citizens, is relatively immaterial. The latter, on the whole, seems the more consistent and more rational plan.

Second. Heavy fines of at least $200 should be imposed upon the transportation companies in the case of every alien who is brought here in excess of the quota and in violation of the general immigration laws. Such fines would immediately put an end to most of the cases of hardship and suffering which have occurred during the past few months because the present law has "no teeth." It is a very strong argument in favor of heavy fines that, by this means, we can force the steamship companies, without expense to us and with the minimum of hardship to the intending immigrant, to make a careful examination and count of their passengers on the other side, and thus to prevent the embarkation of all aliens in excess of the quotas and of those who are inadmissible, for any other reason, under our laws.

Third. Every prospective immigrant should have a passport, viséed by an American consul after the alien has been "passed" by an immigration inspector and a medical officer of the United States Public Health Service attached, as vice consuls, to various consular offices abroad. This provision is embodied in a bill introduced by Hon. ALBERT JOHNSON, of Washington, on July 16, 1921 (H. R. 7804). Such foreign inspection would obviously be a wise and humane way of stopping most of the inadmissible aliens before they started on their voyage. This plan would be to the advantage of the prospective immigrant, and it would also be better for the steamship companies, for it would mean that very few rejected aliens would have to be taken back at the companies' expense. Canada has for years eliminated her undesirable immigrants "at the source." Passports would not give the alien the right to land if, after a second examination at our own ports, he were found to be inadmissible. Cases of this sort would, however, be rare. Furthermore, the number of passports issued in each foreign country should not exceed the official percentage quota of that country.

Fourth. Some plan of registration of arriving aliens such as that suggested by Secretary Davis might well be inaugurated. This would not in any way constitute the alien a suspected or an undesirable person, but it would help us in our task of Americanization and of exercising a sort of watchful supervision over our new arrivals.

The logical thing to do is to plan our new legislation along existing lines. Experience has shown that these are on the whole wise, sane, and reasonable. Canada, for example, has, in her immigration laws, closely followed our general immigration law, although she has added many additional restrictions. With the changes and additions above suggested, certain perfectly definite results would follow, viz, (1) a reasonable restriction, to something like an assimilable quantity, of the number of immigrants; (2) a far more careful selection, and a more effective elimination of the unfit; (3) a very great reduction in the number of cases of hardship now arising when aliens reach our shores only to be deported.

In the light of all available facts, it would seem in the highest degree unwise, illogical, and dangerous to embark upon any new and untried schemes of immigration legislation such as those of putting almost unlimited discretionary powers in the hands of a commission, of repealing any portion of our general immigration act of 1917, and of superseding the Chinese exclusion act and the "gentlemen's agreement" with Japan by a plan for admitting orientals on any percentage basis.

Mr. HARRISON. May I ask the Senator from South Dakota a question?

Mr. STERLING. Yes.

Mr. HARRISON. I understand the Senator says he has an amendment pertaining to residence in contiguous territory?

Mr. STERLING. Yes; I have an amendment proposing to change the present law so as to make the requirement five years.

Mr. HARRISON. We could embody both propositions in one amendment, if that would be agreeable to the chairman of the committee.

Mr. STERLING. I send the amendment to the desk and offer it if it is in order at this time.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota will be stated.

The ASSISTANT SECRETARY. On page 1, after line 6, it is proposed to insert a new paragraph, as follows:

SEC. 2. That subdivision (7) of section 2 (a) of the act of May 19, 1921, entitled "An act to limit the immigration of aliens into the United States," be, and hereby is, amended to read as follows:

"(7) Aliens who have resided continuously for at least five years immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands."

Mr. HARRISON. Mr. President, may I ask if the Senator from South Dakota will not extend his amendment so that it will incorporate section 4, as suggested by the Commissioner General of Immigration?

The PRESIDING OFFICER. If the Senator will permit the Chair, he will call the Senator's attention to the fact that there is a pending amendment, offered by the Senator from Georgia [Mr. HARRIS], which affects the text of the joint resolution, and was offered prior to this one, and should be considered first.

Mr. HARRISON. I do not mean to have this voted on now; but I hoped the Senator would incorporate the two propositions in one.

Mr. STERLING. That I will do, and I offer this as an amendment to follow the one just suggested, found on pages 9 and 10 of the print which I send to the Secretary, beginning with section 4.

Mr. HARRIS. Mr. President, has the Senator from Mississippi withdrawn his substitute?

Mr. HARRISON. I am going to withdraw my substitute if the chairman of the committee will accept this other proposition.

The PRESIDING OFFICER. As the Chair understands, the question now is on perfecting this amendment if possible.

Mr. HARRISON. What the Senator from South Dakota has offered is for the purpose of trying to perfect the joint resolution.

Mr. HARRIS. The substitute of the Senator from Mississippi is before the Senate. I have a substitute to offer if that is voted down.

Mr. HARRISON. May I say to the Senator from Georgia that I have not yet withdrawn my substitute, but I am going to do so just as soon as the Senator from South Dakota puts in good form his amendment carrying out those two propositions.

Mr. STERLING. I understand that there is the right, of course, to perfect the pending measure.

Mr. HARRISON. As I understand the Senator from Georgia, he is then going to offer a substitute for the proposition.

Mr. HARRIS. Yes.

The ASSISTANT SECRETARY. The Senator from South Dakota also proposes to add, as section 3, the following:

SEC. 3. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States, either from a foreign country or any insular possession of the United States, any alien not admissible by virtue of the terms of this act, or otherwise in violation of any rule or regulation, not inconsistent with this act, prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor; and if it shall appear to the satisfaction of the Secretary of Labor that any alien, not admissible because of the terms of this act, has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, and such fine shall not be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

Mr. HARRISON. Mr. President, a parliamentary inquiry. That is an amendment that is offered to this joint resolution. Of course the substitute is more in the form of a bill. There is no difference, as I understand, between a joint resolution and a bill. Both have to receive the signature of the President.

Mr. LODGE. Just the same.

Mr. HARRISON. So it is perfectly permissible for this amendment to be offered to a joint resolution. Now, Mr. President, I withdraw my substitute.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota [Mr. STERLING].

The amendment was agreed to.

Mr. HARRIS. Mr. President, I offer a substitute for the joint resolution as amended, and ask that it be read.

The PRESIDING OFFICER. The amendment, in the nature of a substitute, will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the resolving clause of the joint resolution as amended and to insert:

That no alien shall be admitted under the immigration laws to the United States from June 30, 1922, until July 1, 1927; but this resolution shall not apply to persons included in clauses 1 to 6, inclusive, and clause 8 of subdivision (a) or in the second proviso of subdivision (d) of section 2 of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921.

Mr. HARRIS. Mr. President, I am not going to take the time of the Senate to discuss this matter, except to say this:

There are several million unemployed men in this country. There are 750,000 unemployed ex-service men in this country. Every one of these men who come into this country and gets a position takes a job away from an American. The class of men that are coming into this country now are nothing like the class that formerly came; and I believe we ought to prevent any immigration, except such as I have stated in this substitute, and shut them out for five years.

Mr. WILLIS. Mr. President, I trust that the amendment which has been offered by the Senator from Georgia [Mr. HARRIS] will not be adopted, for a perfectly practical reason. As the Senator knows, I agree with his general view of this proposition. Personally, I think I should be willing to vote for such a limitation; but it is perfectly evident that if this amendment is adopted we shall get into a situation where we shall get no immigration legislation at all, because the House will not adopt this provision, and the law will expire, and the country then will be exposed to a deluge of immigration.

It seems to me the sensible thing to do is to pass this joint resolution as it has already been amended. That will afford immediate relief. Then I shall join the Senator and other members of the committee in hearings to perfect legislation such as the facts may show to be necessary.

In that connection, Mr. President, because in the course of this debate the attitude of Mr. Husband has been called into question, in that he is represented as saying that all of these amendments that were suggested by him were absolutely necessary, imperatively necessary——

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. WILLIS. I yield to the Senator.

Mr. HARRISON. It may be that the Senator got that impression from what I said.

Mr. WILLIS. I did.

Mr. HARRISON. If so, I did not want to give that impression. Mr. Husband in the report said that he thought all of these amendments were advisable. He did not say in his written report that any of them were absolutely necessary and imperative; but Mr. Husband did tell me, and it was not confidential at all, that, so far as the one-year residence proposition was concerned, it was, in his opinion, absolutely imperative.

Mr. WILLIS. I do not disagree with the Senator and with the commissioner in that; and for that reason, and to make the position of Mr. Husband clear, I think it would be desirable to print just here in the RECORD a portion of his statement, appearing on page 9 of this report, giving his views touching these amendments.

I trust that the amendment proposed by the Senator from Georgia will be voted down at this time, though I favor the principle of it. I think, if it is adopted, it will imperil this whole legislative program.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from Ohio will be printed in the RECORD.

The matter referred to is as follows:

While the administration of the act of May 19, 1921, has been attended with perplexing difficulties, some of which could not have been foreseen at the beginning, I think it can be said without qualification that the law has proven to be both workable and effective to a somewhat surprising degree. It went into effect, on short notice, at a time when immigration from Europe was rapidly approaching pre-war proportions, and in view of the many interests and influences involved it has seemingly accomplished its purpose, and for the time being at least is operating smoothly.

Of course, the law has been violated, as must be inevitable in the case of any legislation which drastically interferes with the plans and ambitions of human beings, but it can be said advisedly that there have been no wholesale violations, and, in fact, relatively few aliens have entered the country who would have been debarred solely because of the quota law. There are plenty of indications, however, that systematic violations on a considerable scale will be attempted during the remainder of the present fiscal year or, in any event, during the coming fiscal year, provided the law is continued in force. I shall not go into details in this regard but can assure you that the bureau is quite fully aware of the situation and will employ every possible means to insure a strict enforcement of the law.

SUGGESTED AMENDMENTS.

If the act of May 19, 1921, is to be amended, it is desirable from an administrative standpoint that the following provisions shall be made:

1. Limit the number who may be admitted in any month to 10 per cent of the yearly quota instead of 20 per cent, as in the present law.

2. If possible, the number admitted monthly or annually ought to be regulated at ports of departure rather than at ports of arrival, or preferably in countries of origin, if this can be accomplished through limiting the number of visés issued each month.

3. A sufficient penalty for violations of the act to insure observance on the part of transportation lines.

4. Increasing materially the period of time (now one year) during which aliens who are natives of countries within the operation of the act shall be required to live in foreign contiguous territory, etc., before they are exempt from the provisions of the law.

5. Giving legal authority, through administrative discretion or otherwise, to the end that immediate families shall not be separated because children and parents happen to be born in different countries.

6. Insuring that the always very limited immigration of European origin from New Zealand, Australia, and South Africa shall not be prohibited.

You will note that I have suggested these proposed amendments as desirable rather than indispensable additions to the law from an administrative standpoint. They would be desirable, and in some instances highly desirable, but you have asked me verbally if the law in its present form is not reasonably satisfactory, and I shall answer by saying that with the experience of the past eight months as a guide I am quite sure that some of the administrative difficulties of the past can be avoided or considerably minimized in the future, even though the law is extended without amendment as the House joint resolution provides.

With the hope that the foregoing may be of some value to you and the committee, I am,

Faithfully yours.

Mr. CALDER. Mr. President, I voted for the 3 per cent restriction bill when it was passed a year ago. It has worked well. It has filled the purposes for which it was enacted. It was intended to restrict immigration, and that result has been accomplished.

I have analyzed the statement made by the Senator from Rhode Island [Mr. COLT] a moment ago that would seem to indicate that 351,930 immigrants were admissible from Europe this year under the quota fixed by the 3 per cent law. Of that number, 51,000 actually came from northern and western Europe and 119,606 from southern and eastern Europe; but the figures also show, Mr. President, that 15,930 aliens, citizens of northern and western Europe, and 113,243 aliens, citizens of eastern and southern Europe, departed from this country, making a total of those who were admitted of 171,000, and a total of those who departed of 129,000; so that the total gain during the eight months referred to in the statement of the Senator from Rhode Island was only 42,414 people from all of Europe.

Mr. COLT. And only 6,000 from southern and eastern Europe.

Mr. CALDER. Yes; the Senator points out that of that total our increase in population from southern and eastern Europe is only 6,000 and 36,000 from northern and western Europe—surely, Mr. President, a very small number, indeed.

For my part, I am not willing to vote yet to shut out all immigration from all countries in the world. I believe that the restriction has worked well; I believe that it was a good thing to adopt; but I also believe there are very many good people in some of the other countries of the world that can do no harm to us by coming here.

Mr. HARRIS. I ask for a division on my substitute. In order to save time, I will not ask for a roll call.

The PRESIDING OFFICER. The question is on the amendment, in the nature of a substitute, offered by the Senator from Georgia.

On a division, the amendment was rejected.

Mr. HARRIS. I offer the amendment which I send to the desk, and I ask that it may be read.

The PRESIDING OFFICER. The amendment will be read by the Secretary.

The ASSISTANT SECRETARY. The Senator from Georgia proposes to add at the end of the amendment already agreed to the following:

SEC. 4. No alien shall be admitted under the immigration laws to the United States unless transported to the United States in a vessel documented under the laws of the United States, as defined in the shipping act of 1916, as amended.

Mr. HARRIS. Mr. President, I wish to remind the Senate that when the President of the United States made his address to the Congress in regard to the merchant marine and reached this subject he received more applause than for anything else in his address. I shall not take the time of the Senate to discuss the amendment, but I hope that it will be incorporated in the joint resolution.

Mr. JONES of Washington. Mr. President, personally I am heartily in favor of this amendment. I am satisfied, however, that we could not pass through Congress a bill requiring that all aliens coming to the United States shall be carried in American ships. I want to say to the Senator from Georgia that we hope to provide in the merchant marine bill which will be reported to the Senate that at least 50 per cent of such immigrants shall come in American ships. As I said, personally I shall vote for the amendment, but without any special hope that it will be adopted. However, I do want to assure the Senator from Georgia and the Senate that we hope to include in the merchant marine bill a provision requiring that at least 50 per cent of such immigrants be carried in American ships.

Mr. COLT. With regard to this amendment, I may say that the feeling of the committee was, as stated by the Senator from Washington, that it is premature; in other words, that it perhaps could not be applied at the present time; that it might be included in the merchant marine bill, but that now, by reason of the fact that the merchant marine question is not settled as to the number of vessels and all of such things, it would not be proper to adopt the provision at this time. Therefore the committee voted it down.

Mr. JONES of Washington. It may be asked why we do not put the 50 per cent provision in this joint resolution. We have found that it is quite a difficult proposition to work out the provision under which 50 per cent of the immigrants coming to the United States shall be carried in American vessels. So that can be taken as the reason why we do not propose anything of that sort in connection with the pending measure.

Mr. WILLIS. Mr. President, what I desire to say is merely corroborative of what has been said by the Senator from Washington. The Committee on Commerce is working on this general subject and giving it very close attention. The majority of the committee is in harmony with the principle expressed in this amendment; at any rate I am, and I know the chairman of the committee is. But it seems to me that it would be very unfortunate to lug that question into this measure. Therefore I trust the amendment will be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was rejected.

The PRESIDING OFFICER. There is a committee amendment, which the Secretary will report.

The ASSISTANT SECRETARY. In line 5 the committee proposes to strike out "1923" and to insert in lieu thereof the words "1924, unless otherwise repealed."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. COLT. I move that the Senate insist upon its amendments, request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. COLT, Mr. DILLINGHAM, and Mr. KING conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEENERSON, Mr. GRIEST, and Mr. BELL were appointed managers of the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

H. R. 2556. An act to advance Maj. Benjamin S. Berry to the permanent rank of major; and

H. R. 7589. An act for the relief of Maj. Ellis B. Miller.

NAVAL PETROLEUM RESERVE IN WYOMING.

Mr. KENDRICK. I offer a resolution of peculiar importance to the people of my State, and I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 277) was read and considered by unanimous consent, as follows:

Whereas there have recently appeared in the public press statements purporting to have been authorized by the Department of the Interior to the effect that the Secreary of the Interior and the Secretary of the Navy are negotiating with private parties for the operation of lands included in naval petroleum reserve No. 3, Wyoming No. 1, withdrawn by Executive order of the President dated April 30, 1915, known as the Teapot Dome: Therefore

Resolved, That the Secretary of the Interior and the Secretary of the Navy are hereby requested to inform the Senate, if not incompatible with the public interests, whether such negotiations are pending, and if so the names of all parties, the terms and conditions of all proposed operating agreements, and whether opportunity will be given the public for competitive bidding for the operation of these lands, or whether it is proposed to award a lease or other operating contract or agreement for the entire area to one person, corporation, or association.

Mr. KENDRICK. Mr. President, in the subject matter of the resolution there are two questions involved: First, whether there is any present need for the development and operation of the Wyoming naval reserve, known as the Teapot Dome; and, second, if there is such need, whether the interests of the Government would be best preserved by a private or a public sale. I have no doubt that the Department of the Interior and the Department of the Navy have very excellent reasons for any program they may have adopted, and if it is really their

intention to permit the operation of the Teapot Dome within the near future, that they have a very good explanation for that intention. I am constrained to believe, however, that the interests of the State of Wyoming and the interests of the people of the United States are so intimately involved in this matter that before any arrangement by contract or otherwise is made for the development of this field, the public should be permitted to have some inkling of the terms upon which it is proposed to act.

It has been announced, apparently on the authority of the Secretary of the Interior, that the policy of the Interior and Navy Departments is now to abandon the storage of oil underground and to store it rather in surface tanks prepared for this purpose on the Atlantic and Pacific coasts. That such a policy would be in all respects a wise and commendable one with respect to the California naval reserves I am ready to agree, if the information which I have received with respect to the condition of those reserves is correct. I am told that oil wells which have been sunk upon private lands within the boundaries of the California reserve would, in a comparatively short time, drain those fields of their contents, and therefore that it is to the interests of the Government to have similar wells drilled upon the land in the same fields which have been reserved for the use of the Navy. But this is not the condition that prevails in the Teapot Dome. There, if I am correctly advised, no wells whatever have been drilled to production, and no wells have been drilled in the vicinity through which by any possibility this reserve could be drained. It would appear, therefore, that there is no danger of the oil in the Teapot Dome being removed until the Government acts. All the land in this field is owned by the Government, and no one may remove the oil until the Secretary of the Interior and the Secretary of the Navy shall consent.

Is it, then, to the interest of the Government to authorize the development of this field at the present time, to pay private operators for drilling the field, to authorize the necessarily heavy expenditures that would have to be met if tanks sufficiently large to store the content of this dome are to be erected, in order that this oil may be taken from its natural storage place to the seaboard? We have just ratified a treaty by which the size of the Navy has been reduced. It is to be presumed, therefore, that unless the use of coal is to be abandoned on our naval vessels, the Navy will have less rather than a greater need for oil in the immediate future. Not only that but the oil fields on the public domain outside of the naval reserve are not now being worked to capacity. The Government derives a royalty of from 12½ per cent to 33⅓ per cent upon all oil removed from the Salt Creek field, which lies immediately north of the Teapot Dome. The Secretary of the Interior is authorized to take this royalty in oil, and in Wyoming he is doing that, but within the past year the drilling requirements of the Government leases in the Salt Creek field have been suspended and the field is producing scarcely more than one-third of its capacity with the present number of wells. It would seem to follow from this that there is no great need for oil at the present time. Of course it may be said that the royalty oil from the lands outside the naval reserve is used by the Shipping Board; but, of course, since the Shipping Board is not using the full amount of the Government oil which could be produced, the difference between what it is using and the capacity of the field, so far as the Government is concerned, could be assigned to the use of the Navy if the Navy needs more oil. I take it, however, that there is no present need for naval fuel oil, because all of the announcements emanating from the Interior Department indicate that if the Teapot Dome is developed its production will be stored for future use. The question, therefore, is simply whether it is wiser and of greater benefit to the Navy to allow this oil to remain stored underground or to remove it across the country to be stored in surface tanks.

If it should appear from the information afforded by the department that it is expedient to develop the Teapot Dome now, there still remains the inquiry whether the interests of the Government would best be preserved by a private or a public sale. There can be no doubt that if these lands are to be let to private interests for development it should only be after all operators have been given a full and complete opportunity by competitive bidding to offer the Government the best possible return.

Only last June approximately 2,000 acres of outside land in the Salt Creek field were sold at public auction under the authority of the Department of the Interior. Although the price of oil at that time was only 50 cents a barrel, the bonuses paid by the operators, who were eager to secure the leases, amounted to the sum of $1,687,000. That the lands in the Teapot Dome are vastly more valuable than these which sold for bonuses of over a million and a half dollars is the general belief of all Wyoming operators, and if these lands were put up at public auction the profit to the Government would be proportionately greater.

Mr. President, in connection with the resolution submitted by me, and as indicating the interest in this matter on the part of the people of my State, I send to the desk a telegram from the Hon. B. B. Brooks, of Casper, Wyo., former governor of the State. Governor Brooks is not only one of the first citizens of Wyoming but he is one of our largest oil operators and is regarded as one of the best authorities on the oil business in the West. His telegram speaks for a large number of oil operators and incorporates the substance of a resolution passed by a convention of oilmen. It also reflects the general sentiment of the people in reference to this question. I ask that the telegram may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CASPER, WYO., *April 14, 1922.*

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.:

At a meeting of the Rocky Mountain Oil and Gas Producers' Association held in this city to-day a resolution was unanimously adopted protesting against the drilling and development of naval reserve No. 3, known as Teapot Dome, and the reported letting of a private contract to Harry Sinclair or any other person or corporation for the following reasons: There is no present market or outlet for the present production of oil. The present production of oil does not affect this naval pool. The oil is not adapted to naval uses nor is there any present naval requirement for additional oil. This association is opposed to the letting of contracts for the development of Government oil reserve by private arrangement and without opportunity for general competitive bidding. Furthermore, the proposed additional production will seriously increase the already overproduction of crude in this territory and result in continued reduction of prices of crude oil to the loss of the producers, the State of Wyoming, public schools, good roads, and national reclamation fund; also the proposed drilling of the Teapot Dome means transporting that oil from the State of Wyoming in its entirety, whereas if produced in the future and when actually needed it will be refined in this State; and we deem the present proposed development and withdrawal not in harmony with purposes of original withdrawal or the policy of the leasing law. The Rocky Mountain Oil and Gas Producers' Association includes in its membership fully 95 per cent of the producers and more than 95 per cent of the production in the State. The association urges upon the Wyoming delegation immediate action to prevent the consummation of the proposed contract affecting the Teapot Dome. Immediate action is necessary.

ROCKY MOUNTAIN OIL AND GAS PRODUCERS' ASSOCIATION,
By B. B. BROOKS, *President.*

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Wyoming.

The resolution was agreed to.

INDUSTRIAL CONDITIONS.

Mr. CALDER. I move that the Senate take up for consideration Senate Joint Resolution 188, which authorizes the appointment of a committee of three Senators by the President of the Senate and three Members of the House by the Speaker to inquire into the conditions of industry and commerce in the United States, for the purpose of securing information on which to base legislation.

Mr. FLETCHER. Let the joint resolution be reported.

The joint resolution was read by title, as follows:

A joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. JONES of Washington. Let the resolution be read in full, Mr. President.

The reading clerk read the joint resolution, as follows:

Whereas the revival of the industrial activities of the United States is essential to the welfare of the individual as well as the Nation; and

Whereas business has been suffering severe depression from which its reconstruction should be stimulated by every legitimate means; and

Whereas business procedure that will, without protecting monopolies, eliminate waste in production or distribution, lower costs, simplify and standardize methods, increase efficiency and the morale of business is a beneficial factor in economic progress; and

Whereas congressional action has already been taken to assist in agricultural cooperative marketing and distribution; and

Whereas the industrial tendency is toward the substitution of research and scientific business methods for previous uncertainty and ignorance; and

Whereas business is hesitating because unable to secure guidance, legal or governmental, which will clearly indicate the proper lines of conduct in business association; and

Whereas business is entitled to know in definite terms what it legally can and can not do: Therefore be it

Resolved, etc., That a joint committee of Congress is hereby created, to be composed of six members, three of whom shall be appointed by the President of the Senate, and three by the Speaker of the House of Representatives.

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may

deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

SEC. 3. That such committee is hereby authorized during the Sixty-seventh Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

SEC. 4. That the committee may from time to time report to Congress, and shall submit a final report on or before December 4, 1922.

Mr. OVERMAN. Is this measure brought before the Senate by unanimous consent?

The PRESIDING OFFICER. The Senator from New York has asked unanimous consent for the present consideration of the joint resolution.

Mr. OVERMAN. I hope it will not be taken up to-day.

Mr. HARRISON. Does the Senator from New York intend to go on with it to-day?

Mr. CALDER. Yes; I desire to have it made the unfinished business.

Mr. HARRISON. The Senator does not intend to ask us to go any further with it to-day after it has been made the unfinished business?

Mr. CALDER. I hoped there might be no objection to taking it up.

Mr. WALSH of Massachusetts. It is the joint resolution which the Senator from New Jersey [Mr. EDGE] said he would ask to have taken up on Monday?

Mr. CALDER. It is the joint resolution to which the Senator from New Jersey referred.

Mr. WALSH of Massachusetts. I thought the Senator from New Jersey said he would not ask to have it taken up until Monday.

Mr. FLETCHER. There are several Senators opposed to it, and I do not think it would be fair to take it up in their absence.

Mr. CALDER. Why not let us have it made the unfinished business, and then I will ask to have it temporarily laid aside for any other business which may be brought up?

Mr. LODGE. I think we can take it up, if it is so desired.

Mr. OVERMAN. It can be taken up by a majority vote.

Mr. LODGE. We can take it up by a majority vote.

Mr. OVERMAN. We may want to debate it.

Mr. CALDER. There is no objection to taking it up that I know of.

Mr. LODGE. It can be made the unfinished business.

Mr. HARRISON. The Senator from Massachusetts [Mr. WALSH] has said that the Senator from New Jersey [Mr. EDGE] stated to some Senators that it would not be taken up until Monday.

Mr. LODGE. The Senator from New Jersey said he wanted to have it made the unfinished business, and that he would not press it until Monday; that he understood some Senators desired to be heard on it, and that he would have to be away himself to-day, and would not press it until Monday.

Mr. CALDER. If there is no objection to having the joint resolution made the unfinished business, I shall agree to lay it aside temporarily.

Mr. OVERMAN. I am opposed to taking it up to-day.

Mr. LODGE. It can be laid aside for to-day.

Mr. CALDER. I will not ask for a vote on it to-day; I shall not press it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. OVERMAN. I object.

Mr. WALSH of Massachusetts. Let me read from the RECORD what the Senator from New Jersey [Mr. EDGE] said on yesterday:

> I wish to announce that on Monday next, immediately following the routine morning business, providing the calling of the calendar does not interfere, I shall ask unanimous consent to consider Senate Joint Resolution No. 188, which provides for a committee of inquiry to endeavor to find some solution of the problem. As I do not want to interfere with the regular business of the Senate, I desire further to announce that should the morning hour on Monday be consumed by the calling of the calendar I shall renew my request for unanimous consent the first morning thereafter when we have a morning hour.

Mr. LODGE. Before the Senator from New Jersey left this afternoon he said he would like to have it taken up and made the unfinished business, but with the understanding that we should not go on with it before Monday.

Mr. OVERMAN. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the joint resolution being made the unfinished business?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States, for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. CALDER. I ask unanimous consent that the joint resolution be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it will be temporarily laid aside.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Mr. CAPPER. I ask unanimous consent that the Senate take up for consideration at this time the bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. FLETCHER. May I ask, has the bill the unanimous report of the committee?

Mr. CAPPER. The report of the committee was unanimous, except that one member of the committee, the Senator from Utah [Mr. KING] was not present. The bill has the approval of the District Committee, of the District Commissioners, and of the Board of Education. They have been anxious for several months to get action upon it. It is a very meritorious measure. The District of Columbia has no compulsory school attendance law and those in charge of the schools here say it is exceedingly important that we have enacted for this city as quickly as possible a law which will require attendance in the public schools.

Mr. WATSON of Georgia. This is an extremely important bill. It is such a sweeping and vitally important measure that I hope the Senator from Kansas will not press it at this time. I would like to look into it myself.

Mr. CAPPER. It has been before the Senate for two or three months.

Mr. WATSON of Georgia. We have been constantly busy on something here in the Senate. I know I have been constantly in my seat and busy on the floor from time to time.

Mr. CAPPER. How much time would the Senator like to have?

Mr. WATSON of Georgia. Let it go over until some day next week and I shall look into it in the meantime.

Mr. CAPPER. We have delayed it here a number of times and given way to other measures. However, if the Senator asks for more time and will indicate the time he would like to have, I shall not insist upon the consideration of the bill now.

Mr. WATSON of Georgia. I would like to have it to go over until next week so that I may examine the bill and the report. Compulsory school attendance and the regulation of child labor are important questions.

Mr. CAPPER. The bill is in line with the compulsory school attendance laws of every State in the Union, and the work permit feature of it is exactly the same that we now have in the District of Columbia.

Mr. WATSON of Georgia. Two or three days could not possibly make any difference. I hope the Senator will not think me unreasonable if I request him to let the bill go over until Monday.

Mr. CAPPER. Very well.

PENSION LEGISLATION.

Mr. BURSUM. Mr. President, there are a number of pension bills on the calendar which have passed the lower House and which have been pending in the Senate for several months. They ought to be taken up and disposed of. I desire to give notice at this time that on Monday, immediately after the passage of the joint resolution which is now the unfinished business, I shall move to make the pension legislation the unfinished business, commencing with House bill 2158, to provide for the monthly payment of pensions.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. BURSUM. I yield.

Mr. HARRISON. I was going to suggest, if there are several pension bills, that some agreement might be entered into that those matters could be taken up some night early next week.

Mr. BURSUM. That course would be very agreeable to me.

Mr. FLETCHER. Mr. President, the calendar will be called on Monday, and I presume the bills referred to by the Senator from New Mexico will be reached then. So very likely they may be taken care of when they are reached in the regular order, and it will not be necessary to set them for a special time.

Mr. BURSUM. I desire to bring them up by agreement or by motion for the reason that they are nearly always objected to on a call of the calendar, when the understanding generally is to take up only such bills as are not objected to. Therefore, I desire to give notice that I shall move to take up the bills to which I have referred immediately after the disposal of the unfinished business now before the Senate.

INCOME TAX ON FOREIGN VISITORS.

Mr. DIAL. Mr. President, I have just noticed a very remarkable statement in the New York Times of to-day. I see where Mr. Ralph D. Blumenfeld, who is a part owner of Town and Country, published in London, and chairman of the board and editor of the London Daily Express, recently paid our country a visit and spent about three weeks in the United States. While he was here he purchased somewhere between $220,000 and $225,000 worth of machinery. When he attempted to return home, before he could get his sailing papers, he was asked by an official in New York his occupation, his business, and how he spent his time in the United States. The conversation proceeded and the official then desired to know the salary that he drew. He said that he was on no salary, and thereupon the official arbitrarily put him down as worth $17,000 salary and assessed him $93.50 income tax for the pleasure of visiting the United States and the further pleasure of purchasing some $225,000 worth of machinery to be shipped out of the United States.

It seems to me, Mr. President, that if such is the law it should not be continued, and if such is not the law the officials should not so disturb people who come to our country to spend their money. If we expect to build up trade in this country by building a tariff wall around us so high that no goods can come in, and then in addition to that when people visit here to spend their money if we are going to tax them before we let them go home, it seems to me we will dry up the industries of our country.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. DIAL. I yield.

Mr. KING. I would like to ask the Senator from South Carolina if we pursue a course of that character what effect it would have upon Americans who might go abroad, and buy or sell there? Would they not be subjected to some sort of retaliatory legislation?

Mr. DIAL. In the same manner, I should think, and we would then soon have our home products dried up almost absolutely, except as far as we ourselves could use them. It would stop the encouragement of trade with the people of the world. This is one of the most remarkable instances I have ever known. It is, however, just about what could be expected at the present time when we remember the way in which we enact our laws and the defective execution of the laws.

Mr. KING. It seems to me if the present law permits that, it ought to be promptly amended, because that is such an oppressive thing that it will appeal to everyone as being injurious to the American people.

Mr. DIAL. I agree with the Senator. I am satisfied that it will drive away millions of dollars' worth of foreign trade.

J. B. GLANVILLE AND OTHERS.

Mr. CURTIS. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 854) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture. The bill was read and considered the last time the calendar was called and it went over upon the objection of the Senator from Florida [Mr. FLETCHER], to whom I have spoken and who has no further objection to urge.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CURTIS. On page 4 there is a clerical error which I wish to correct by an amendment. In the amendment reported by the Committee on Claims, line 13, page 4, I move to strike out "forty-eight" and to insert in lieu "four thousand two hundred and thirty-one."

Mr. FLETCHER. What does that change?

Mr. CURTIS. It states the exact number of cattle. There was a clerical error in the number.

Mr. FLETCHER. I understand the claim grows out of the negligence of the agents of the Government?

Mr. CURTIS. It does.

Mr. FLETCHER. It has been reported on favorably by the department?

Mr. CURTIS. It has.

Mr. HEFLIN. Does the Department of Agriculture recommend it?

Mr. CURTIS. It is recommended by the department.

The PRESIDING OFFICER. The substitute reported by the Committee on Claims having been agreed to, it will be necessary to reconsider the vote by which the amendment was agreed to. Without objection that vote will be reconsidered and the amendment to the amendment will be stated.

The READING CLERK. On page 4, line 13, strike out "forty-eight" and insert in lieu "four thousand two hundred and thirty-one," so as to read:

For losses and damages sustained by them through the negligence of the veterinary inspectors employed by the Bureau of Animal Industry, Department of Agriculture, in their failure to properly dip 4,231 head of Texas cattle, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 17, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 15, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, the height and the depth, the length and the breadth of Thy love are beyond our knowledge. We praise Thee, for Thou art the King of Love whose goodness faileth never. As we wait in the foreglow of the great Easter day, there comes to us the sublime truth, "Greater love hath no man than this." It glorifies all there is in earth and sky and places supreme value on the worth of man. Be with us this day, and as the light of the morrow breaks upon us may our hearts respond to the heavenly strain that celebrates the world's redemption. O Son of God, rise upon all darkened lands and touch all things and bring them forth into beauty. We would accept the eternal law of achievement, namely, defeat of conquest through sacrifice. May no one in all the world be big enough to make us little enough to hate. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3317. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.;

S. 2919. An act to extend for the period of two years the provisions of title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended;

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2919. An act to extend for the period of two years the provisions of title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended; to the Committee on the District of Columbia.

CORRECTION.

Mr. JOHNSON of South Dakota. Mr. Speaker, in an address I made on the floor of the House on April 11, I made several remarks about Brig. Gen. George W. Burr, of the Regular Army, stating that at the time referred to he was in charge of the Sixty-seventh Field Artillery brigade in France. The latter statement came from The Adjutant General's records, but I find that those records have been confused with the record of another General Burr in France who was in charge of the brigade I mentioned. I have received a letter from Brig. Gen. George W. Burr of date April 13, 1922, stating the facts with reference to his service with this organization, and an investigation of the record convinces me his statements are correct; that he had no connection with the artillery brigade referred to, was not censured in France; and I am going to ask unanimous consent to insert a copy of his letter in the RECORD, together with a copy of my reply to him, which will state the facts.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If I understand it, the general rules of the House give the gentleman permission to correct the RECORD. Of course, they do not give him the permission to insert letters or to correct statements concerning some individual.

Mr. JOHNSON of South Dakota. I will state to the gentleman that I am asking unanimous consent to do that very thing. I am going further, to submit a unanimous-consent request that all the statements with reference to Brig. Gen. George W. Burr be eliminated from the permanent RECORD.

The SPEAKER. The gentleman asks unanimous consent to insert the letters indicated. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. There is another request, Mr. Speaker, that all reference to Brig. Gen. George W. Burr be eliminated.

The SPEAKER. The gentleman makes the further request that the statements referred to be eliminated. Is there objection?

There was no objection.

The letters referred to are as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, April 13, 1922.

Hon. ROYAL C. JOHNSON,
United States House of Representatives,
Washington, D. C.

SIR: Your attention is invited to the following extract from a speech made by you on the floor of the House, as reported in the CONGRESSIONAL RECORD of April 11, 1922:

"Brig. Gen. George W. Burr, of the Regular Army, was in charge of the Sixty-seventh Field Artillery brigade in France. I have with me a photostatic copy of a report made at Toul, France, February 7, 1919, by General Bullard, and it might not be amiss to say the ex-service men who are interested in seeing a reform in the Army have a great many photostatic copies of exhibits which can not be controverted. This report shows 'that General Burr showed inexcusable neglect.' Corrections were duly pointed out. An inspection made some three weeks later showed continued similar inexcusable neglect, with corresponding resulting damage to motor transportation. As this brigade was under orders to go and has now gone to the Lemans area, taking its motor transportation with it, discipline and corrections could not be made here. I recommend that this matter be followed with General Burr, even though he has now been relieved and ordered back to the United States, and that it be followed also with the brigade now in the Lemans area. In the great effort being made to keep motor transportation in condition, both General Burr and the officer in charge of this transportation should be held responsible.

* * * * * * *

"General Burr, after he had been found inefficient in France, * * *."

This entire quotation in so far as it refers to Brig Gen. George W. Burr, of the Regular Army, is in error, since I was not in command of the Artillery brigade referred to, was not in France at the time, and was not the officer referred to in the report to which you have reference. These statements are readily verified from the records.

Since you have done me a gross injustice in the above quoted reference to me in your speech, I request that you take immediate steps to have made a suitable correction.

Respectfully,

GEO. W. BURR,
Brigadier General, Ordnance Department, United States Army.

—

APRIL 15, 1922.

Brig. Gen. GEORGE W. BURR,
Office of the Chief of Ordnance, Washington, D. C.

SIR: Replying to your letter of April 13, I wish to say I find the facts with reference to your service with the Sixty-seventh Field Artillery as stated in your letter.

The error was due to a confusion in the records of The Adjutant General's Office in that your name was confused with that of the other officer.

In order to make as full amends as possible I have to-day given the facts to Congress in a short statement, have included for the CONGRESSIONAL RECORD copies of your letter and of my reply, and have secured unanimous consent that all reference to you in connection with this matter be stricken from the permanent copy of the CONGRESSIONAL RECORD.

I regret this error as much as you, and have tried to correct it with as much publicity as was given to the original statement.

Most respectfully,

ROYAL C. JOHNSON.

Mr. MILLER. Mr. Speaker, I am very glad that the gentleman from South Dakota made the correction in reference to Brig. Gen. George W. Burr.

The SPEAKER. For what purpose does the gentleman rise? Does he wish to ask unanimous consent to address the House?

Mr. MILLER. Yes; to proceed for one minute.

The SPEAKER. The gentleman from Washington asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MILLER. I am very glad the gentleman from South Dakota has seen fit to correct the RECORD with reference to Brig. Gen. George W. Burr. Brig. Gen. George W. Burr was in command of the Third Post Supply Department in London, England, during five months, and made such an exceptional record that he was ordered returned to the United States and was put in the permanent force of the Supply Department, where he made an exceptional record.

SPECIAL CANCELING STAMPS IN CERTAIN POST OFFICES.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 10740, with Senate amendments, and I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Minnesota calls up from the Speaker's table the bill H. R. 10740, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, are there any serious objections to adding to the number, already provided for, of canceling stamps for these two illustrious affairs that have been included in the Senate amendments?

Mr. STEENERSON. I do not exactly understand the question.

Mr. GARNER. Is this a unanimous-consent request?

The SPEAKER. The Chair thinks that the gentleman could bring it up as a matter of right, a House bill with Senate amendments.

Mr. GARRETT of Tennessee. Is it a Union Calendar bill?

The SPEAKER. No; it is a House Calendar bill.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Would a motion to concur in the Senate amendment take precedence of the motion to consent to the conference?

The SPEAKER. The Chair thinks it would.

Mr. STAFFORD. What objection would there be to concurring in the Senate amendments?

Mr. STEENERSON. I am trying to save the House some time. Since this amendment was put on adding two new places there has been an urgent request made to have another one put on, and we desire to do that in conference.

Mr. STAFFORD. I do not think the gentleman will be able to accomplish that by such parliamentary tactics. If the gentleman wants to block concurrence, it is in his power to do so.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to disagree to the Senate amendments and agree to the conference asked for by the Senate. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. STEENERSON, Mr. WRIGHT, and Mr. BELL.

CALL OF THE HOUSE.

Mr. VARE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Anthony	Blakeney	Brand
Andrew, Mass.	Bacharach	Bond	Britten
Ansorge	Bixler	Bowers	Brooks, Pa.

Brown, Tenn.	Hammer	Lampert	Schall
Burke	Hawes	Langley	Shelton
Campbell, Pa.	Hayden	Linthicum	Siegel
Cantrill	Herrick	London	Snyder
Clark, Fla.	Hickey	McSwain	Speaks
Cole, Ohio	Hill	Maloney	Sproul
Copley	Hogan	Mansfield	Stiness
Dale	Hudspeth	Michaelson	Stoll
Davis, Tenn.	Husted	Mills	Sullivan
Drane	Hutchinson	Moore, Ill.	Sweet
Drewry	Ireland	Morin	Taylor, Ark.
Dunn	Jefferis, Nebr.	O'Brien	Taylor, Colo.
Dyer	Jeffers, Ala.	Olpp	Taylor, Tenn.
Fields	Johnson, Miss.	Perlman	Tincher
Focht	Kelly, Pa.	Radcliffe	Vaile
Fordney	Kennedy	Rainey, Ala.	Volk
Foster	Ketcham	Rainey, Ill.	Volstead
Frear	Kiess	Reber	Walsh
Gahn	Kindred	Robertson	Ward, N. Y.
Gilbert	Kirkpatrick	Rosenbloom	Wason
Goldsborough	Kitchin	Rossdale	Williams
Gorman	Kleczka	Rouse	Wilson
Gould	Knight	Ryan	Winslow
Graham, Pa.	Kreider	Sabath	Wood, Ind.
Griffin	Kunz	Sanders, Ind.	Young

The SPEAKER. On this call 317 Members have answered to their names. A quorum is present.

Mr. MONDELL. I move to dispense with further proceedings under the call.

The motion was agreed to.

THE LATE REPRESENTATIVE FLOOD.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the fourth Sunday in May, May 28, 1922, be set apart for the delivery of addresses on the life, character, and public service of the late HENRY D. FLOOD, formerly a Representative from the tenth congressional district of the Commonwealth of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Sunday, May 28, be set apart for memorial addresses on the late Representative FLOOD. Is there objection?

There was no objection.

NAVAL APPROPRIATIONS.

On motion of Mr. KELLEY of Michigan, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, with Mr. TOWNER in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, $101,400: *Provided*, That no person shall be employed hereunder, other than as a draftsman or such other technical capacity, at a rate of compensation exceeding $1,800 per annum, except the following: One at $2,200, one at $2,000.

Mr. VARE. Mr. Chairman, I ask unanimous consent to address the committee for one minute.

Mr. KELLEY of Michigan. Mr. Chairman, last night the gentleman from Massachusetts [Mr. DALLINGER] asked unanimous consent that the bureau appropriations be passed over until after the enlisted strength of the Navy had been disposed of. The gentleman from Pennsylvania [Mr. VARE] objected to that request. I understand this morning that the gentleman from Pennsylvania is asking the Chair to be recognized for the purpose of withdrawing his objection? Am I right about that?

Mr. VARE. Mr. Chairman, the statement made by the distinguished gentleman from Michigan is correct. I ask unanimous consent to withdraw the objection and proceed to discuss the bill under the item "Personnel."

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he be allowed to withdraw his objection that he made. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Michigan [Mr. KELLEY]?

There was no objection.

Mr. KELLEY of Michigan. It is the understanding that we start in with the pay of the Navy, on page 31.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

PAY OF THE NAVY.

For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, $25,893,986; officers on the retired list, $3,114,840; commutation of quarters for officers, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, pay clerks, and mates, naval constructors, and assistant naval constructors, $1,310,400; and also members of Nurse Corps (female), $1,000; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $20,000; pay of enlisted men on the retired list, $675,566; extra pay to men reenlisting under honorable discharge, $3,772,000; interest on deposit by men, $10,000; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, $51,832,351; pay of enlisted men undergoing sentence of court-martial, $520,520; and as many machinists as the President may from time to time deem necessary to appoint; and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $422,400; pay of the Nurse Corps, $366,720; rent of quarters for members of the Nurse Corps, $25,000; retainer pay and active-service pay of members of the Naval Reserve Force, $5,689,233; reimbursement for losses of property under act of October 6, 1917, $10,000; payment of six months' death gratuity, $150,000; in all, $93,814,016; and the money herein specifically appropriated for "Pay of the Navy," shall be disbursed and accounted for in accordance with existing law as "Pay of the Navy," and for that purpose shall constitute one fund: *Provided*, That retainer pay provided by existing law shall not be paid to any member of the Naval Reserve Force who fails to train as provided by law during the year for which he fails to train.

Mr. MCARTHUR. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 32, line 10, strike out the figures "$3,772,000" and insert in lieu thereof the figures "$5,981,900."

Page 32, line 15, strike out the figures "$51,832,351" and insert in lieu thereof the figures "$62,108,534."

Page 32, line 16, strike out the figures "$520,520" and insert in lieu thereof "$858,000"; page 32, line 19, strike out the figures "$422,400" and insert in lieu thereof "$1,207,200"; page 32, line 20, strike out the figures "$366,720" and insert in lieu thereof the figures "$447,580"; page 32, line 25, strike out the figures "$93,814,016" and insert in lieu thereof the figures "$107,503,239."

Mr. KELLEY of Michigan. In order to bring the matter fully before the committee, the gentleman's amendment should include page 34, where the bill provides for 67,000 men. I understand the gentleman's amendment is based on 86,000 men.

Mr. VARE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VARE. I will state that I conferred with the Chair a few days ago as to the parliamentary situation, and I understood that on the question of amendment the senior member of the Appropriations Committee being opposed to the present bill, he would be recognized to make an amendment as to the personnel.

The CHAIRMAN. This is not the paragraph relating to the personnel, and therefore the Chair recognized the gentleman from Oregon.

Mr. VARE. My understanding was that an agreement was made that all the other items would be passed over until such time as we reached the personnel, and that was the purpose of my withdrawing my objection.

Mr. MCARTHUR. Let me state my understanding of the situation and probably it will be satisfactory to all the gentlemen interested. The figures that I have presented are based on the necessary enrollment of a personnel of 86,000. They are not haphazard figures, but have been prepared by the Paymaster General of the Navy. I have no objection to letting the matter go over until the next paragraph is read and the gentleman from Pennsylvania can offer his amendment for 86,000 personnel and we can discuss the amendments together.

Mr. VARE. Mr. Chairman, I was on my feet at the time the gentleman from Oregon was recognized.

Mr. MCARTHUR. I will say that I also have an amendment to that paragraph, but I am willing to let the gentleman from Pennsylvania offer his amendment.

The CHAIRMAN. Does the gentleman from Oregon make a request that this may be passed?

Mr. MCARTHUR. I am willing to have it passed until after the item with reference to the personnel is read.

The CHAIRMAN. Does the gentleman make the unanimous-consent request?

Mr. OLIVER. If the personnel is increased to 86,000, of course the figures will have to be changed to conform with that increased personnel, so the question of pay should be deferred until we see what the result of the vote on the increase will be.

Mr. KELLEY of Michigan. The only thing I am anxious about is that these gentlemen shall not fall out about it. [Laughter.]

Mr. VARE. I ask unanimous consent to present this amendment.

Mr. MCARTHUR. I am willing to have my amendment pending until the other paragraph is read, and I ask unanimous consent that that be done.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that this paragraph be passed until the question of personnel is decided, on page 34.

Mr. LONGWORTH. Mr. Chairman, reserving the right to object, I did not so understand the request of the gentleman

from Oregon. The request of the gentleman from Oregon is to have his amendment considered as pending until the next paragraph is read and then let the gentleman from Pennsylvania offer his amendment, action being taken first on the amendment of the gentleman from Pennsylvania and then on the amendment of the gentleman from Oregon.

The CHAIRMAN. That is the Chair's understanding. Is there objection to the request?

Mr. KELLEY of Michigan. Perhaps I can help these gentlemen clear up their difficulty. I would be glad if I could divide the thing equally between them, but I do not know that I can; but I would suggest that whatever arrangement is made between them the first proposition to be disposed of is the size of the Navy and that the amendment seeking to increase the number from 67,000 to 86,000 be first considered; then, if that should carry, the figures of the gentleman from Oregon would be next in order.

Mr. McARTHUR. I will object to that.

Mr. MONDELL. Mr. Chairman, the gentleman from Michigan, chairman of the subcommittee, agreed that the first supply sections of the bill should be passed in order to accommodate the gentleman, and with the understanding that the first question to be voted on was the question of the size of the personnel. Now, queerly enough, after having agreed to that with the gentleman from Oregon he disagrees with the gentleman about this.

Mr. McARTHUR. The gentleman from Wyoming is furnishing some gratuitous advice in this matter. I want to be reasonable and I am willing that the two amendments shall be considered at the same time, providing the gentleman from Pennsylvania can control half of the time on our side of the question.

Mr. KELLEY of Michigan. What is the real objection to the suggestion that I have made?

Mr. McARTHUR. I am willing to withdraw any objection and accommodate the gentleman.

Mr. VARE. I want to assure the gentleman from Oregon that he may control half the time.

Mr. McARTHUR. I do not care to control any more than half the time. Let us read the bill, then.

Mr. VARE. Mr. Chairman, I trust the Chair will now have the amendment read which I have sent to the Clerk's desk.

The CHAIRMAN. Unanimous consent has not been agreed to as yet.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Oregon [Mr. McARTHUR] be considered as pending, that first consideration be given to the amendment of the gentleman from Pennsylvania [Mr. VARE], and that upon the matter of the amendment of the gentleman from Pennsylvania there shall be four hours of debate, the four hours to be divided equally between the two sides of the proposition, the gentleman from South Carolina [Mr. BYRNES] controlling one hour and some one on that side who is against the committee proposition controlling the other hour.

Mr. BYRNES of South Carolina. Mr. Chairman, of the time allotted to me I would grant one-half to the gentleman from Massachusetts [Mr. GALLIVAN], the ranking Democrat on the Committee on Appropriations opposed to the committee amendment.

Mr. KELLEY of Michigan. And that the other two hours will be divided, one hour to be retained by myself and the other hour to be given to either Mr. VARE or Mr. McARTHUR, whichever one of them will consent that he withdraw.

Mr. McARTHUR. I am perfectly willing to let the gentleman from Michigan control the time.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the amendment offered by the gentleman from Oregon [Mr. McARTHUR] shall be pending, and be taken up for discussion under the amendment which is proposed to be offered by the gentleman from Pennsylvania [Mr. VARE]; that upon those amendments there shall be four hours of general debate, two hours to be controlled for the amendments offered by Mr. VARE and Mr. McARTHUR and two hours against, to be divided between the respective sides of the House, to be controlled by the gentleman from Michigan on the majority side of the House and the gentleman from Pennsylvania [Mr. VARE], and on the minority side of the House to be controlled by the gentleman from South Carolina [Mr. BYRNES] and the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. KELLEY of Michigan. Mr. Chairman, if the Chair will permit, my request is that there be four hours of debate on these two amendments, but that the vote shall come, first, on the amendment offered by Mr. VARE; that two hours of time shall be given to the gentleman from South Carolina [Mr. BYRNES], who will divide with Mr. GALLIVAN, and two hours shall be given to the proponents of the bill, one hour of that time to be given to Mr. VARE, who yields one-half of it to the gentleman from Oregon [Mr. McARTHUR].

Mr. LONGWORTH. Mr. Chairman, with the understanding that the vote shall be had at the conclusion of the debate?

Mr. KELLEY of Michigan. Oh, yes.

Mr. LONGWORTH. I think that better be made a part of the request.

Mr. KELLEY of Michigan. And that the vote be had at the conclusion of the debate.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GREENE of Vermont. We are asked to consent to an agreement that it is a pig in a poke. What is the amendment that the gentleman from Pennsylvania proposes to offer?

Mr. LONGWORTH. Let it be read for information.

Mr. KELLEY of Michigan. I stated that it was to change the personnel from 67,000 to 86,000.

Mr. GREENE of Vermont. I did not so understand it.

Mr. LONGWORTH. Mr. Chairman, I ask that the amendment may be read for information.

The CHAIRMAN. Without objection, the amendment which is to be offered by the gentleman from Pennsylvania [Mr. VARE] will be read for information.

There was no objection, and the Clerk read as follows:

Amendment proposed by Mr. VARE: Page 34, line 7, strike out the figures "2,000" and insert in lieu thereof the figures "6,000," and on page 34, line 8, strike out the figures "67,000" and insert in lieu thereof the figures "86,000," making the paragraph read as follows:

"Immediately upon the approval of this act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy, by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to the provisions of existing law governing discharges, so that the average number of enlisted men, including 6,000 apprentice seamen, shall not exceed 86,000 during the fiscal year 1923."

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. WINGO. Mr. Chairman, a parliamentary inquiry. There is so much confusion in the Hall that I could not hear all that has been said. We have an understanding over here on the Democratic side that provision is only made for the proponents of the 67,000 idea, which is the bill, and the 86,000 personnel. What provision is made for those gentlemen who will offer an amendment to increase the Navy to the authorized strength, demanded by the experts? I think those who want to follow the experts should be given equal opportunity to offer an amendment.

Mr. KELLEY of Michigan. I would say to the gentleman from Arkansas that the morning mail has not yet arrived. [Laughter.]

Mr. WINGO. Oh, it has not? That gives me the information I wanted, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan. [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Not to exceed 200 graduates of the Naval Academy of the class of 1922 shall be commissioned as ensigns in the Navy, and the graduates to be commissioned shall be selected by the Academic Board of the Naval Academy after giving equal consideration to the scholastic standing and adaptability for naval service of each graduate: *Provided*, That each graduate of the Naval Academy of the class of 1922 who is not commissioned as an ensign in the Navy shall be paid mileage at the rate of 5 cents per mile from the Naval Academy to his home and a sum equal to three months' pay as a midshipman, such payments to be made from the respective appropriations in this act providing for the transportation and pay of midshipmen.

Mr. RAKER. Mr. Chairman, I reserve the point of order.

Mr. McCLINTIC. Mr. Chairman, a parliamentary inquiry. I want to know if an amendment will be in order to be offered at this time to that part of the section which the Clerk has just read.

The CHAIRMAN. The Chair thinks an amendment may be offered at any time.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that all of these other matters be passed over without prejudice.

Mr. McCLINTIC. Mr. Chairman, reserving the right to object, I want to find out if an amendment offered at this time to the paragraph which has just been read, would it be in order to have the amendment disposed of?

The CHAIRMAN. The Chair thinks not now.

Mr. McCLINTIC. Then I ask that my amendment be read, and then I shall agree that it may be passed over without prejudice.

Mr. RAKER. Mr. Chairman, so that there may be no question, I make the point of order against that provision, and let

the point of order be pending with the gentleman's request that this go over until the personnel has been fixed.

Mr. KELLEY of Michigan. That is entirely agreeable to me.

The CHAIRMAN. The point of order is reserved.

Mr. McCLINTIC. Mr. Chairman, I ask that my amendment be read, with the understanding that it goes over until the other matters are disposed of.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC] to be considered pending.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 33, strike out lines 8 and 9, and including "in the Navy," in line 10, and insert in lieu thereof: "that in determining the number of the members of the 1922 Naval Academy graduating class who shall be commissioned the Secretary of the Navy is hereby directed to bring about the retirement of 75 per cent of such officers in the Navy as are eligible for retirement. He shall cause to be commissioned out of 1922 Naval Academy graduating class 200 members, and an additional number equal to the number of officers retired under the provisfons of this section."

Mr. RAKER. Mr. Chairman, the reservation of the point of order would go to the amendment, and the whole matter is pending.

The CHAIRMAN. Let the record show that the reservation of the point of order also goes to the amendment. Let the Chair state this matter. It is the understanding of the Chair that if amendments are offered to any of these provisions included in the reading down past the paragraph commencing on page 34, that the debate on them will be limited to the four hours, unless otherwise arranged; so that the Chair can not recognize anyone outside of the four hours unless arrangement is made to that effect.

Mr. KELLEY of Michigan. Will the Chair restate what he has just said?

The CHAIRMAN. It occurs to the Chair that debate on amendments that might be offered to any of these paragraphs will all be included in the agreement ordered, unless otherwise arranged.

Mr. KELLEY of Michigan. No, Mr. Chairman. The intention was that the debate should be upon the question of 86,000 men or 67,000 men, and all other matters should be included outside of this four hours.

The CHAIRMAN. And matters depending upon that?

Mr. KELLEY of Michigan. And all amendments to those would, of course, be included in the time.

The CHAIRMAN. The Chair, of course, has no objection to that interpretation, so that independent amendments offered shall be considered for debate after the other matter has been decided.

Mr. KELLEY of Michigan. I think that is right.

The CHAIRMAN. With that understanding the paragraph is passed, and the Clerk will read.

The Clerk read as follows:

The authorization contained in section 2 of the naval appropriation act for the fiscal year 1921 for the employment of 500 reserve officers in the aviation and auxiliary service is hereby repealed.

Mr. RAKER. Mr. Chairman, I reserve a point of order to the section.

Mr. SWING. Mr. Chairman, I reserve all points of order.

The CHAIRMAN. The point of order is reserved by the gentleman from California [Mr. RAKER] and also by the gentleman from California [Mr. SWING]. The Clerk will read.

The Clerk read as follows:

Immediately upon the approval of this act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy, by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to the provisions of existing law governing discharges, so that the average number of enlisted men, including 2,000 apprentice seamen, shall not exceed 67,000 during the fiscal year 1923: *Provided*, That enlisted men who have served not less than 25 years shall, unless sooner discharged by sentence of court-martial, be permitted to reenlist and continue serving until they are eligible for retirement after 30 years' service as now provided by law: *Provided further*, That enlisted men of the Navy who would be eligible under existing law for transfer to the Fleet Naval Reserve after 16 years' service at the expiration of the current enlistment in which serving, or who have completed 16 years' service, may be transferred to the Fleet Naval Reserve at any time after the passage of this act in the discretion of the Secretary of the Navy, and shall, upon such transfer, receive the same pay and allowances as now authorized by law for men transferred to the Fleet Naval Reserve at the expiration of enlistment after 16 years' service: *Provided further*, That enlisted men of the Navy, who have completed 18 years' service, may be transferred to the Fleet Naval Reserve at any time after the passage of this act in the discretion of the Secretary of the Navy, and shall, upon such transfer, receive the same pay and allowances as now authorized by law for men transferred to the Fleet Naval Reserve after 20 years' service: *Provided further*, That enlisted men who have served for more than 12 but less than 16 years shall be permitted to reenlist and continue serving, unless sooner discharged by sentence of a court-martial, until they have completed 16 years' service, whereupon they shall, upon their own application, be permitted to transfer to the Fleet Naval Reserve: *Provided further*, That no enlisted men of the Navy shall be transferred to the Fleet Naval Reserve unless they have completed 16 or 20 years' service after the Navy is reduced to the number of enlisted men appropriated for in this act, and in no event after January 1, 1923: *Provided further*, That the enlisted men who have served less than 12 years found to be in excess of the total number herein appropriated for, after all other deductions have been made by way of retirement or transfer, shall be discharged or furloughed without pay for the convenience of the Government, and all recruiting shall be discontinued until the total number of enlisted men has been reduced to the number herein appropriated for: *Provided further*, That enlisted men of the Navy who may be separated from the service by furlough or discharge under the requirements of this act shall receive travel allowance now authorized by law for men honorably discharged, and shall, upon reenlistment in the Navy at any time hereafter, receive the then current pay of the rating held at the time of discharge plus all permanent additions to such pay authorized by law at time of reenlistment for service equal to that which they had at time of discharge, and, if allowed to reenlist, shall be required to serve under such reenlistment only for a period equal to the unexpired term of the enlistment in which serving when furloughed or discharged: *Provided further*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the medical department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers authorized or appropriated for in this act.

Mr. VARE. Mr. Chairman——

Mr. ROGERS. It is understood here also that all points of order are reserved on the whole paragraph.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] reserves all points of order on the paragraph.

Mr. VARE. Mr. Chairman, I offer an amendment.

Mr. STAFFORD. Mr. Chairman, a point of order. No amendment can be offered for consideration while the point of order is reserved to the paragraph.

Mr. ROGERS. This is being done by unanimous consent for the convenience of the House.

The CHAIRMAN. The Chair understands the point of order will not be insisted upon.

Mr. STAFFORD. When is the point of order going to be pressed?

Mr. ROGERS. After the consideration of the main question.

Mr. STAFFORD. I think, Mr. Chairman, in behalf of regular parliamentary procedure we should have the regular order.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Was not that a part of the unanimous-consent agreement?

The CHAIRMAN. As the Chair understood it, it was not modified by the committee.

Mr. MONDELL. Do I understand the gentleman intends to have a vote on the motion before the point of order is decided?

Mr. ROGERS. On the main question.

Mr. MONDELL. On that theory, if the gentleman is defeated on the vote, he may be able to brush it all out on the point of order.

Mr. ROGERS. That is not worthy of the gentleman. My point is to wholly leave it over and let these questions with the points of order go into the details of the paragraph, awaiting the decision on the main question.

Mr. WINGO. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. MONDELL. If the gentleman from Massachusetts [Mr. ROGERS] will kindly leave it to me to say what is worthy of the "gentleman from Wyoming," I will appreciate it.

Mr. ROGERS. I have an opinion and I assert it.

Mr. MONDELL. This House can not vote under the rules with a point of order reserved.

Mr. ROGERS. We have already done it twice within a minute.

Mr. STAFFORD. The gentleman is not correct. I raise the point of order that no amendment can be considered.

The CHAIRMAN. The Chair thinks after the reservation is made the reservation lies.

Mr. STAFFORD. If the Chair will permit me, then if the Chair would ask the gentleman reserving the point of order whether he withdraws it or insists on it——

The CHAIRMAN. The gentleman from Massachusetts did not insist on it.

Mr. LONGWORTH. The gentleman from Massachusetts has made no point of order. He has not stated what his point of order was. He simply reserves the right to make a point of order to the paragraph after this matter is determined.

Mr. STAFFORD. The regular order demands that he shall make his point of order or not make it. He has not made it.

The CHAIRMAN. The Clerk will proceed to report the amendment.

Mr. TREADWAY. As I understand the last remark made, it was that the gentleman must make his point of order or withdraw it at this time?

The CHAIRMAN. Yes, if regular order is demanded.

Mr. TREADWAY. The regular order having been demanded by the gentleman from Wisconsin, it seems to me the point should be made or withdrawn. The gentleman from Wyoming [Mr. MONDELL] seems very touchy about it, and we had best have it out.

Mr. MONDELL. Mr. Chairman, the "gentleman from Wyoming" is not touchy about anything, but it is absurd beyond words to insist that this House shall debate for four hours and then vote, solidly or otherwise, on a proposition that may thereafter go out on a point of order. If anything of that sort has ever been heard of heretofore in a parliamentary body, it has escaped my notice. It can not be done. There is no rule under which it can be done.

Mr. TREADWAY. Mr. Chairman, if there is no rule by which an agreement can be entered into of that nature, there is no reason why the point should not be made. The gentleman from Wyoming offered a very unfortunate insinuation, it seems to me, against my colleague from Massachusetts, that if he was beaten he would take some other method of reaching the end he is seeking.

Mr. MONDELL. If that was not the gentleman's purpose, what had he in mind?

Mr. TREADWAY. It was not his purpose. He had no such purpose.

The CHAIRMAN. The Clerk will report the amendment.

Mr. KELLEY of Michigan. What is the point of order?

Mr. TREADWAY. That on page 34, after the proviso, you are putting legislation in an appropriation bill.

The CHAIRMAN. The Chair would like to understand the point of order made by the gentleman from Massachusetts. Will the gentleman from Massachusetts please state his point of order?

Mr. TREADWAY. Mr. Chairman, I make the point of order that beginning on page 34, line 9, and from there on through the paragraph, the various provisos carry with them legislation which is not proper on an appropriation bill.

Mr. KELLEY of Michigan. Mr. Chairman, the point of order made by the gentleman from Massachusetts, of course, is not good, because the whole paragraph is designed to reduce the strength of the Navy from 96,500, its present strength, to 67,000. Of course, the machinery set up in the paragraph for effecting that reduction is only collateral to the main proposition of the reduction, and the whole paragraph comes squarely under the Holman rule, making a provision in order which effects a reduction in numbers or salaries of officers or men.

Mr. TREADWAY. Mr. Chairman, may I ask the gentleman from Michigan a question?

Mr. KELLEY of Michigan. Yes.

Mr. TREADWAY. Even if these paragraphs were thrown out on a point of order, if the point of order was upheld and these paragraphs did not appear in the bill, would we not then still be reducing the Navy under either circumstance, whether the number we agree upon here is 67,000 or 86,000? Consequently, to my mind, the Holman rule applies before we reach the provisos at all. These are the provisions that you are endeavoring to insert here, of a legislative character, that will qualify the reduction you are to make under the vote we are to take, either for 86,000 or 67,000.

Mr. KELLEY of Michigan. No. I will state to the gentleman from Massachusetts that the other provisions to which he has made a point of order simply provide the methods and machinery by which the reduction is to be effected. If the machinery were not provided, probably the reduction could not be made.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. KELLEY of Michigan. Yes.

Mr. NEWTON of Minnesota. Take the first proviso, for example:

Provided, That enlisted men who have served not less than 25 years shall, unless sooner discharged by sentence of court-martial, be permitted to reenlist and continue serving until they are eligible for retirement after 30 years' service, as now provided by law.

Wherein does that come under the Holman rule?

Mr. KELLEY of Michigan. Those men are entitled to remain in the Navy and subject to retirement privileges. If that retirement is to be effected prior to the time when they ordinarily could retire, you transfer them from a salary higher to a salary lower, so that it comes under the Holman rule under another theory.

Mr. NEWTON of Minnesota. You reduce the Navy to 67,000 men.

Mr. KELLEY of Michigan. In one case we reduce the number, and then of those who are reduced by reason of the reduction of the number you also reduce the pay, so that you make a reduction both ways.

Mr. NEWTON of Minnesota. You do not reduce their pay, but you transfer them to the inactive list. They are a charge on the Treasury.

Mr. KELLEY of Michigan. But they get less pay.

Mr. NEWTON of Minnesota. They draw pay, but do not perform any service. That is the point. Here you have men who do not perform service who draw pay. Where is the saving on the Treasury?

Mr. KELLEY of Michigan. It has been held many times that the transfer from the active to the retired list comes under the Holman rule.

Mr. STAFFORD. This identic question was submitted to the Chairman of the Committee of the Whole House on the state of the Union when the War Department appropriation bill was under consideration, and there the Chair ruled that the collateral matters to carry out the main provision of reductions were in order.

Mr. NEWTON of Minnesota. The gentleman has had great confidence in the Chair heretofore.

Mr. STAFFORD. I not only have great confidence in the Chair, but I feel sure he is upholding the position taken by the chairman at that time.

Mr. KELLEY of Michigan. I will say further, Mr. Chairman, that the enlisted force of the Navy is divided into classes. This reduction can not be made all out of one class, but must come out of the classes proportionately all along the line. These paragraphs are intended to bring about that reduction in each case of enlisted men in the Navy, and the various provisions are for the purpose of effecting that transfer, the change from the active to the inactive list, or whatever the case may be; and the whole matter is predicated primarily on the reduction of the number of men, and, second, on the reduction of pay. They do render service when on the inactive list when called upon to do so. They are at the command of the Government in any time of need.

Mr. NEWTON of Minnesota. But it will prevent their reenlistment and continuance in the service. It seems to me that is simply particular legislation not necessarily collateral to the reduction of the Navy referred to.

Mr. TREADWAY. Mr. Chairman, may I ask the gentleman from Michigan one more question?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Massachusetts?

Mr. KELLEY of Michigan. Yes, indeed.

Mr. TREADWAY. Will these provisions be applicable whether the final vote on 67,000 or 86,000 applies?

Mr. KELLEY of Michigan. They will be not only applicable but necessary.

Mr. TREADWAY. Then I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. STAFFORD. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

The Clerk read as follows:

Amendment offered by Mr. VARE: Amend, on page 34, line 7, by striking out the figures "2,000" and inserting in lieu therefor "6,000," and on page 34, line 8, by striking out the figures "67,000" and inserting in lieu therefor "86,000," making the paragraph read: "Immediately upon the approval of this act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to provisions of existing law governing discharges, so that the average number of enlisted men, including 6,000 apprentice seamen, shall not exceed 86,000 during the fiscal year 1923"—

And so forth.

Mr. KELLEY of Michigan. I understand that the gentleman's amendment is intended only to change the figures "2,000" to "6,000" and the figures "67,000" to "86,000," and that all the other language connected with the paragraph is untouched.

Mr. VARE. The gentleman is absolutely correct.

Mr. KELLEY of Michigan. Under the unanimous-consent agreement entered into a while ago I yield to the gentleman from Pennsylvania [Mr. VARE] one hour, and reserve the remainder of my time.

Mr. VARE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, I wish to express my personal views as a member of the committee that reported this bill, and I trust that in my limited time I may be permitted to do this without interruption.

I very much regret to differ with the majority of my colleagues on the Committee on Appropriations in reference to the naval strength provided for in the pending bill. This bill was drafted by a subcommittee of five, consisting of one Member from

Michigan, the distinguished chairman of the subcommittee, one from Minnesota, one from Idaho, one from South Carolina, and one from Alabama. These five States have an aggregate membership in the House of 42. Great States like Massachusetts, New York, Pennsylvania, Ohio, and Virginia, each an empire in itself, have had no voice in the preparation of this bill, which presumes to determine the naval policy of this country.

Mr. KELLEY of Michigan. The gentleman is a member of the Committee on Appropriations, is he not?

Mr. MAGEE. I decline to yield, Mr. Chairman.

The members of the subcommittee contend that they desire to give to the country a Navy in numbers and efficiency authorized by the naval treaty recently ratified by the Senate, and that they have done so in this bill. On the other hand, the Secretary of the Navy, Assistant Secretary Roosevelt, and other high officials of the Navy, and prominent members on the Committee on Naval Affairs of the House, contend that this bill does not do so. [Applause.] The crucial question is one of fact. We must determine who is right in the contention. All the Members of the House, excepting the five Members comprising this subcommittee, can be regarded as jurors. The country will look to us to give a correct verdict.

I do not consider that I am competent to determine the naval policy of the country, and yet I consider that I am just as competent to determine such policy as the other 30 members of the Committee on Appropriations who had no part in the drafting of this bill. However, I do consider myself entirely competent to act as a juror in this case, and to render a true verdict in the public interest upon all the facts presented for our consideration.

It is conceded that we are entitled to 18 capital ships under the naval treaty. The question at issue is the number of enlisted men required on shore and to man those ships and the necessary auxiliary vessels thereto for action in defense of our country upon reasonable notice. The Secretary of the Navy says that it will require materially more men than this bill provides for. The members of the subcommittee say that 67,000 will be sufficient. What is the basis upon which the subcommittee fixes this number? They say in their report that they have accepted the figures given to the Naval Committee by the Navy Department as of February 1, 1922. This statement is a confession of the abject weakness of their case, because those ships and the necessary auxiliary vessels were not ready and equipped for action on February 1.

The Secretary of the Navy, as I understand, contends that on February 1 there were only sufficient men on those ships to man and equip for action 13 capital ships. It is apparent that if we are to have 18 capital ships and maintain them ready for action additional men must be provided for in the pending bill.

The Committee on Appropriations, under the rules of the House, is an appropriating committee. It is not a legislating committee. This committee makes appropriations when appropriations have been duly authorized by the various committees of the House vested with legislative power. As a member of the Committee on Appropriations, I feel it my duty to protest against the Committee on Appropriations attempting to determine the naval policy of the country through limitation in appropriations. There is a fundamental principle involved here that can not be ignored. Such an attempt is, in my judgment, a direct assault upon the Budget system and, if persisted in, will ultimately end in the House taking away the great powers now vested in the committee [applause] which, when properly exercised, make this great committee the watchdog of the Treasury and the foundation rock of the present budgetary system that means the saving annually of hundreds of millions of dollars to the taxpayers of the country.

Further, as a member of the Committee on Appropriations, I can not bring myself to the point of striking a blow at the American Navy, which is the pride of the Republic. It is, in my judgment, the greatest asset that the Nation possesses. It is our first line of defense, and, if properly provided for, will prove to be our secure line of defense. The traditions of the Navy are marvelous. It has never failed the country in any crisis that has ever arisen. Its officers and men have exhibited the greatest daring and courage on every occasion when called upon to defend their country. It has never been whipped upon any lake nor upon any sea [applause], and I hope that in the years to come, upon the seven seas, in peace and in war, wherever an American warship may be, the flag will still wave. [Applause.]

I think that a Republican President is entitled to the support of a Republican House. [Applause.] The President was responsible for the International Conference on Limitation of Armaments, and I assume that he knows what he wants. He is the greatest asset that the Republican Party has. [Applause.] The country is overwhelmingly with him and will not tolerate an attempt to nullify his great work. [Applause.] Some of my Republican friends may refuse to sustain the President on a matter arising out of one of the greatest conferences in the history of the world, but I predict that such refusal will not bring you any glory nor enhance your political prestige. Don't fool yourselves. The public will know that a vote for the enlisted personnel provided for in this bill is a vote against the President, a vote against the prestige and security of this country, a vote to make America probably a third-rate naval power. [Applause.]

The CHAIRMAN. The Chair will recognize the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY of Michigan. I yield three minutes to the gentleman from Missouri [Mr. ROACH].

The CHAIRMAN. In order that the procedure may be understood, the Chair will recognize the supporters of the amendment of the Republican side and the opposers of the amendment on the Republican side, the supporters of the amendment on the Democratic side and the opposers of the amendment on the Democratic side.

Mr. KELLEY of Michigan. Mr. Chairman, I think it will be better if the Chair will simply recognize whomsoever is yielded to. We have control of the time on the floor.

The CHAIRMAN. The Chair has the right of recognition.

Mr. KELLEY of Michigan. I know; but nobody gets the floor except by having time yielded to him by one of four men. The Chair can not determine in what order the speeches shall be made.

The CHAIRMAN. The Chair has the right to determine and should determine the proper order of debate.

Mr. KELLEY of Michigan. How could the Chair determine the order of debate? He does not know what the order of the debate is to be, except as it is suggested by those who have control of the time.

The CHAIRMAN. The issue in this case is a simple one. There are some gentlemen on one side that have one hour and some on the other that have one hour.

Mr. KELLEY of Michigan. Can not the Chair trust the men who have charge of the time as to the order in which the opponents and proponents shall proceed? I yield three minutes to the gentleman from Missouri [Mr. ROACH], and why should the Chair fail to recognize him?

The CHAIRMAN. The Chair is recognizing the gentleman. But the Chair announces that he will recognize the gentleman from Massachusetts [Mr. GALLIVAN] next.

Mr. KELLEY of Michigan. Suppose the gentleman from Massachusetts does not want to yield to anybody?

The CHAIRMAN. That is at the option of the gentleman from Massachusetts. After that the Chair will recognize the gentleman from South Carolina. The Chair makes that announcement in fairness to all.

Mr. KELLEY of Michigan. I want to be in perfect harmony with the Chair, but when the time is in the control of four men who have among themselves reached an agreement as to the order in which the speeches shall be made, I can not understand how the Chair can arrogate the right of determining the order in which the speeches shall be made.

The CHAIRMAN. If gentlemen desire any other arrangement, the Chair will carry it out.

Mr. KELLEY of Michigan. I do. I desire to have the Chair recognize the men who are given time by the Members having charge of the time.

Mr. BYRNES of South Carolina. Mr. Chairman, I think there is no trouble about it. What the gentleman from Michigan means is that if the gentlemen on the floor arrange among themselves the order, the Chair will recognize them as they are yielded time.

The CHAIRMAN. Certainly; the Chair simply made the announcement as to what he would do without any other arrangement.

Mr. ROACH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include a table.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend and revise his remarks. Is there objection?

There was no objection.

Mr. ROACH. Mr. Chairman, it can not be disputed that this bill just as it is written calls for an expenditure of a million dollars a day on the Navy alone for the next fiscal year. If we adopt the amendment proposed, we will add to this amount $60,000,000 annually to be paid by a tax-paying public that is already staggering and groaning beneath a weight of taxation never before known. These figures are not mere conjectures but are established beyond dispute. When the people of this

country learn these facts they will not say that we have been niggardly with the Navy. The expenditure of a million dollars a day on the Navy during times of peace, following on the heels of the disarmament conference, is not a small thing, and we should stop to consider well before adding to this amount.

We should not permit ourselves to be swept off our feet or lose our own poise and power of reasoning on account of the powerful influences at work here in Washington and elsewhere to save men of high places jobs that were scrapped by the disarmament conference. I sympathize with them, of course, but my duty to the people lies plain before me.

Throughout this entire debate the question has been repeatedly asked as to whom we should follow in the many conflicting recommendations which have been made to us upon this subject. Answering for myself, I have, at the cost of days of hard labor delving into brain-racking figures and statistics which have caused me sleepless nights, carefully investigated the facts for myself. I have weighed all that has been said by the Secretary of the Navy, Navy experts, committee in charge of the bill, the 1,086 pages of testimony contained in the hearings, the debates on the floor, and what everyone has had to say upon the subject, and I now expect to keep faith with my conscience by following my own judgment thus formed, which brings me to the inevitable conclusion that I should vote against the amendment proposing to add $60,000,000 annual expense to this bill, and which I will attempt to show you is wholly unnecessary. [Applause.]

Some people fail to realize that we are to-day confronted with a new condition of affairs, so far as relates to our Navy. The disarmament conference has just been concluded, the treaties ratified by our Senate, and for the first time in our history we have a fixed standard or yardstick by which the size of our Navy is to be measured. The people of this country praised God when it was heralded to the world what the disarmament conference had accomplished. Fathers and mothers' hearts were gladdened when it became known that the five great powers of the earth had entered into a compact which made war next to impossible during the life of the compact—a period of 10 years. The struggling taxpayer lifted his head with a wan smile in the thought that at last a means had been found to lessen the awful burden he was carrying. Our own beloved President electrified the world with his now historic statement, which I repeat verbatim:

> Out of the cataclysm of the World War came new fellowships, new convictions, new aspirations. It is ours to make the most of them. A world staggering with debt needs its burden lifted. Humanity, which has been shocked by wanton destruction, would minimize the agencies of that destruction. Contemplating the measureless cost of war and the continuing burden of armament, all thoughtful peoples wish for real limitation of armament and would like war outlawed. In soberest reflection the world's hundreds of millions who pay in peace and die in war wish their statesmen to turn the expenditures for destruction into means of construction, aimed at a higher state for those who live and follow after.

I plead with you that we keep faith with the country, or else this declaration by the President will become mere empty words of mockery. [Applause.]

I stand for an adequate Navy under the peace treaty, but not for a single man or a single dollar more. In my opinion, the future peace of the world depends largely upon the good faith shown in our observance of the treaties and can best be obtained if the United States and the other powers will faithfully stay within the boundaries established by the 5-5-3 ratio of naval strength. If the United States violates the spirit and intent of this ratio—if we fudge over the line and attempt to build up our Navy to a greater strength than that laid down by the plain terms of the treaty, such an act would be an evidence of bad faith upon our part and calculated to cause the other nations to take similar action, and it would soon again become a mad race of the world for naval supremacy.

The question of the correct size of our Navy is no longer an open one or difficult of determination if we will but take the time to go into the facts, and we are not required to rely upon expert testimony from naval officers, but merely to exercise our own good common sense and apply sober judgment to the facts with which we have to deal to reach an intelligent conclusion. I have tried many lawsuits, and when I was compelled to rely upon expert testimony that run counter and contrary to the physical facts of a case the expert testimony had to give way to the established facts, and here are the established facts with reference to the size that our Navy should and must be.

The disarmament conference in fixing the relative naval strength of the three great naval powers of the world at the ratio of 5-5-3 left no room for doubt or uncertainty. They said in plain terms that the size of the navies of Great Britain and the United States as compared with that of Japan should be at the ratio of what five is to three. They did not gauge this ratio or relative strength by numbers of men or by dollars and cents, but, leaving no room for doubt, declared that the navies of Great Britain and the United States were to consist of 18 capital battleships each, with all necessary auxiliary warcraft to accompany that number of capital battleships, while that of Japan was fixed at 10 capital battleships, with like necessary auxiliaries. The conference by this action declared the strength of the Navy to consist of the fighting ships afloat and not the number of men in the offices or on the streets of Washington. This bill proposes to make our Navy exactly what the disarmament conference said that it should be—no more, no less. Figures prove themselves, and here they are: The bill provides that the fleet of the Navy of the United States and its necessary auxiliaries and complement of men shall be made up by 18 capital battleships, with a total complement of men on board of 18,259; 11 cruisers, with 4,248 men on board; 103 destroyers, with 9,579 men; 84 submarines, 2,520 men; 6 destroyer tenders, 2,551 men; 7 submarine tenders, 1,833 men; 2 aircraft carriers, 502 men; 12 mine layers, 1,574 men; 10 mine sweepers, 498 men; 2 repair ships, 727 men; 3 storeships, 612 men; 14 fuel ships, 1,568 men; 2 ammunition ships, 354 men; 2 hospital ships, 629 men; 7 cargo ships, 612 men; 3 transports, 822 men; 9 gunboats, 759 men; 6 yachts and patrol vessels, 545 men; 8 fleet tugs, 338 men; 10 fleet towing vessels, 450 men; 1 survey ship, 137 men; miscellaneous, 7 with 375 men; total number of craft, 327; of men aboard, 49,492. The Secretary of the Navy nor anyone else does not contend that a single additional man is required on board either of these ships.

Mr. MILLSPAUGH. Will the gentleman yield?

Mr. ROACH. I yield for a question.

Mr. MILLSPAUGH. The argument which the gentleman is making is very convincing. How does the gentleman arrive at the number of auxiliary craft and men necessary to accompany the 18 capital battleships prescribed by the disarmament conference?

Mr. ROACH. From the testimony of the Secretary of the Navy and Navy experts given before the committee in charge of the bill and contained in the printed hearings. I will furthermore say to the gentleman that the number of auxiliary craft, both as to men aboard and ships necessary, which I have just given has been fixed by the Navy Department itself as being the necessary craft and men to accompany the 18 capital battleships prescribed by the treaty. I also wish to emphasize the fact right here that the number of men on board these same ships on February 1, 1922, was 2,000 men less than the numbers which I have given, but the experts were not willing to accept the actual number of men on these ships on that date, so the committee allowed the number of men on each ship that the Navy Department said was necessary, and as a result of their liberality this bill actually provides 2,000 more men than was on board these selfsame ships on February 1 last. There is no dispute and can be no dispute about that. Good measure has been given in every instance where the least doubt existed. I also have here the names of the battleships, submarines, destroyers, gunboats, and other warcraft that I have just mentioned, which will make our future treaty Navy, including the President's yacht, *Mayflower*, with 160 men on board, and a half dozen other yachts that do not add any strength to the Navy. I will not take the time to read the list. They are thrown in for good measure.

Now, then, these undisputed facts show that the floating Navy of the United States, which is really the test of the naval strength, can be maintained exactly up to the standard called for by the peace conference—with 49,492 men, ship for ship, with every man on board asked for by the Navy Department.

NAVY ON SHORE.

Remember that this bill provides for 67,000 men, which, after placing 49,492 on ships, gives us 17,508 men on shore. It should not be difficult to determine whether this is sufficient number or not. We certainly do not want more on shore since the ratification of the treaties than we had before, and the hearings before the committee show that on February 1, 1922, 12,633 men were on shore, distributed as follows:

Receiving ships and barracks	1,945
Navy yards and stations	1,359
Training stations and trade schools	2,032
Hospitals	1,978
Prisons	23
Communications	1,228
Aviation	2,754
Ammunition depots	605
Recruiting	709
Total	12,633

Using that number as a basis—without reducing a single man—you can see by deducting this number from the 17,508 would leave a surplus of 4,875 men on shore. The evidence before the committee shows most conclusive that there are only

jobs for 9,965 of these men on shore, which number would be sufficient to fill every shore station, so that the 17,508 men which we allow in this bill for shore duty fills every post on shore and gives a surplus of 7,543 men to draw from. In addition to these actual figures, which no one dares to dispute, it should be remembered that we have thousands upon thousands of efficient Navy men and seamen throughout the United States and hundreds of young men graduating out of the Naval Academy every year who could on a moment's notice be called into the service of the Navy in the event of war. Where are we going to put an extra 20,000 more? What are they for? Where is the proof of the necessity for them? This is no time to accept the opinion of anyone unless they back up their opinion with facts to prove the wisdom of their judgment.

Are we so rich that we wish to add 20,000 men to this shore list who will have absolutely nothing to do but parade the streets of the city of Washington at the expense of the taxpayers of this country? That is exactly what we do if we increase the number of men in this bill a single man. We are giving the Navy every single man that they say is necessary on the battleships and warcraft constituting the treaty Navy, and if the Secretary of the Navy lays up some of the fighting craft and places the men in offices to ornament the mahogany furniture who is to blame? The Secretary of the Navy is now operating this same number of warcraft with 2,000 men less than we are giving him in this bill. No one has yet pointed out a single reason why he can not continue to do so.

Oh, I will tell you the trouble. The peace conference scrapped a large number of battleships, 200 destroyers, and hundreds of other smaller warcraft, many of which added no real strength to our Navy. Each one of these battleships carried an average complement of 1,014 officers and men, the destroyers an average of 87 officers and men, with a less number on each of the smaller craft, but all of whom will be out of jobs when the treaty Navy is established, and this proposed amendment is simply an effort to put 20,000 of these unemployed on the pay roll with nothing for them to do. Are we going to vote to do it? I stand for an efficient Navy, second to none in the world; for the treaty Navy—this bill gives us all of that. Why should we increase it? If we increase the number of men 20,000, we must increase ships, fuel, and every other expensive item in proportion. Do you know what this means? Let me right here give you exact figures. The fuel bill for destroyers alone during the first three months of the present fiscal year was approximately 980,882 barrels of fuel oil, costing an average of $2.56 per barrel, a total cost in this item alone for three months of $2,511,822, which is at the rate of $10,047,288 per annum, and it should be remembered that prior to the war the entire Navy fuel bill never exceeded $5,631,000 per annum. It is high time to stop some of this expense. If we carry out the intent of the peace conference, 200 of our 390 destroyers must be scrapped. Only a few days ago some of you gentlemen vigorously objected to expending $42,000,000 for improvement of all the great rivers and harbors of the country, others recently said we were so poor that we could not grant a bonus to the ex-service men, while yet others are unwilling even now to pay a pension to men who fought in the Civil War because you say we have not the money, yet you would now add $60,000,000 annually to this bill without batting an eye when the proof shows such expenditure to be unnecessary. [Applause.]

I would do violence to my own judgment and betray the confidence of the people that sent me here if I voted for this proposed increase. Were I not sure of my ground I would yield to the pressure of the almost irresistible and powerful influences at work to secure this increase. It is all right to follow some one else if you do not know the facts, but I have not quit thinking for myself, and I conceive it to be my duty as a Member of the greatest legislative body in the world to inform myself of the facts, which I have attempted to do, and I intend to vote to sustain Governor KELLEY and the majority of the committee, who have taken no one's word but gone into the facts for themselves. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, there have been some splendid arguments made during this week in favor of both contentions. Some one—I believe it was the gentleman from New York [Mr. MAGEE]—said a few moments ago that many of us would have to act as jurors and decide upon these arguments which have been made. That is true. A great many of us came into the discussion with minds perfectly impartial on the issues involved and with determination to do that which is best for the Nation and best for the Navy. It is for those of us to decide what we shall do and how we shall vote. If we make a mistake and vote for too large a Navy and too large a personnel, then we have made a mistake in voting only for an expenditure of too much money. And yet that money will not be wasted, because it will be spent for the training of young men, it will be spent for equipping the Navy up to a standard which would be valuable in any war that may come; but suppose we made a mistake on the other side; suppose we make a mistake and vote for too small a personnel. Then we do not make a mistake only in the expenditure of money but we make a mistake against our Government, we make a mistake which means inefficiency, we make a mistake which means our Navy is not the Navy it should be under the treaty recently made at the disarmament conference.

For my part, I am going to cast my vote in favor of the larger personnel. [Applause.] Why do I do that? I do it because the Department of the Navy says we need the larger personnel. The President says so; every naval export says this; every man who is very familiar with naval affairs says that we need the larger number. And gentlemen, I am quite sure that if we had some of the witnesses that are dead and gone they would likewise say we need the larger personnel. What would Schley say, what would Sampson say, what would Dewey say if he were alive, what would the other naval heroes of the past say? What would Theodore Roosevelt say if he was still living and was asked on which side he would cast his vote? [Applause.]

Mr. Chairman, how are those of us who expected to get information from this debate to vote? On one side are men true and tried producing powerful argument in favor of the bill as written. On the other side are men equally as good showing almost, if not conclusively, that the increase is absolutely necessary. On one side is a majority of the subcommittee charged with the responsibility of bringing out a proper bill and giving it to the House along with sufficient reasons for the faith that is within them. On the other hand is a minority of that committee, many, if not all, of the Naval Affairs Committee of the House, as well as the Secretary of State, Hon. Charles E. Hughes, one of the commission on the part of the United States to the disarmament conference; and that splendid gentleman, the Secretary of the Navy, and the President of the United States.

I again repeat, How are those of us who have not had the opportunity to study the problem in detail and who are now with all earnestness seeking information to vote? Shall we heed here and now the plea of economy and vote for the lesser number of men, or shall we support a larger personnel, as sought by the Navy Department, and vote for the larger number?

Mr. Chairman, I know there is a chance to make a mistake in this matter, as there is in all measures which come up for consideration here. I feel this way about the matter: If we make a mistake and vote for too large a personnel for the Navy, we make a harmless error, except that we cause an expenditure of too much money. If we vote for too small a personnel for the Navy, we make an error that would give us a Navy less than authorized by the conference, a Navy inferior to that of England and almost, if not, inferior to that of Japan, and a Navy not adequate for our protection. On one hand we may lose money, on the other we may lose a Navy which would probably keep us out of war and which would win for us if war should come. On one hand we may lose a few million dollars, on the other hand we strongly chance to lose all. How shall we vote? It is far better to vote for millions for the Navy when those millions are not needed than to fail to appropriate one dollar when that dollar is needed to make our Navy of sufficient strength to insure peace to our Nation, whether that peace be a continuation of the peace we now enjoy or the result of victory in a war thrust upon us.

Ah, Mr. Chairman, it would be infinitely better for us to appropriate every dollar it is possible for this Nation to raise rather than fail in the provision of any amount needed to make our Navy of sufficient strength to absolutely guarantee that "this Government of the people, for the people, and by the people" shall not perish from the earth.

For my part, Mr. Chairman, I am going to resolve my doubts in favor of safety and of the larger personnel. [Applause.]

Mr. VARE. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. LINEBERGER].

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, this bill has been more exhaustively debated than any other piece of legislation which has come before the House since I became a Member, and there is little that I can add, but I think that by asking ourselves two fundamental underlying questions we can arrive at a very definite decision as to what our action should be in the matter. Since we are the elected Representatives of the people, the first question that the Members of this House should ask themselves, because it is the first question which these same people of the United

States will ask themselves, is whether or not the other two parties to this agreement, Great Britain and Japan, will maintain under this treaty arrangement any navy other than one which is fully efficient. To my mind the answer of the American people and the answer of the Representatives in this House will be that they will not; the other question is, Can we afford to maintain a Navy under the 5-5-3 agreement that is any less efficient, under the agreement, than any other of the powers involved? The answer is a categoric "No."

The gentleman from Ohio [Mr. LONGWORTH], in a query which he made on the floor the other day, submitted, to my mind, another question which the proponents of this lame-duck treaty Navy have failed to answer satisfactorily. In the debate he asked the Member who was then speaking, the gentleman from Massachusetts [Mr. ROGERS], I think, what the American people would have said to the American conferees if at any time they had attempted to place our ratio lower than the ratio of any other one of the conferees engaged in the conference. The gentleman from Massachusetts [Mr. ROGERS] replied that they would undoubtedly have been swept from power, but that question has remained unanswered by the opposition, however. We know and they know that the answer would have been, as Mr. ROGERS stated, "We know what they have done." Public opinion would have risen up in its might and would have swept the conferees from out of the conference hall by a wave of protest which would have rocked the Nation. [Applause.]

My distinguished comrade and colleague, the gentleman from Mississippi [Mr. RANKIN], who was good enough to admit to the House that he is not a candidate for the Senate, as are many others of the leading proponents of this bill—Mr. KELLEY, Mr. MONDELL, and Mr. ARENTZ—yesterday made a statement on the floor of this House to the effect that he could offset the 50,000 legionnaires in California who have, through their department commander, telegraphed requesting the California delegation to stand for a personnel of 86,000, with something like 100,000 legionnaires from Mississippi. Now, my friend from Mississippi is frank and always sincere, and I am sure he believes what he stated yesterday on the floor of the House, but to show you how inaccurate these proponents are, even when they are not avowed candidates for the Senate [laughter], I want to read a few statistics relating to Mississippi. Mississippi in the World War furnished for the Army 62,859 men, and for the Navy 4,898, and the Marine Corps 553, making a total of 68,310. She had 4,443 members of the American Legion on October 15, 1921. Where does the gentleman from Mississippi propose to get his 100,000 legionnaires, which is nearly 32,000 men more than she had in uniform during the World War? By what gift of imagination or fancy does the gentleman conjure up 100,000 legionnaires where only 4,443 grew before? [Laughter and applause.]

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. I am sorry, but I have not the time. I hope that gentlemen of the House will bear in mind that the statements which have been made on this floor by the 67,000 personnel proponents are just as generally inaccurate on this question. Now, if the gentleman from Mississippi had been a candidate for the Senate—and I hope he will be some day—after this bill is passed he would probably have said 200,000 instead of 100,000. [Laughter.] That is the way it seems to affect them.

There is no question where we should stand on this bill. We should stand with the Secretary of the Navy, with the Secretary of State, with the President, if you please, and the naval experts who advised the American conferees at the Limitation of Armament Conference. With all due respect to the distinguished gentleman from Michigan [Mr. KELLEY], the chairman of the subcommittee reporting out this bill, I say that for my part I shall take my stand with the great leaders in this great movement for the limitation of armament, and shall vote for a personnel of 86,000, as proposed in the amendment offered by the gentleman from Pennsylvania [Mr. VARE] [applause], and as recommended by that greatest of all living Americans, Warren G. Harding, President of the United States. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. In reply to the gentleman from California [Mr. LINEBERGER] I desire to say that when I stated on yesterday that I might offset his 50,000 ex-service men in California who, he says, are in favor of the larger personnel for the Navy with something like 100,000 from Mississippi who are in favor of economy in naval and military expenditures I did not state that all those men from Mississippi were members of the American Legion. An ex-service man has the same right and the same voice in public affairs, whether he is a member of the American Legion or not. [Applause.]

He tells you that Mississippi furnished only about 68,000 men during the war and that therefore my figures were exaggerated; but he overlooks the fact that thousands of ex-service men have moved to Mississippi since the war closed.

We had two training camps in that great State—Camp Shelby, at Hattiesburg, and Payne Field, at West Point—and when those boys from other sections of the country came there and saw what a wonderful country we have, what great prospects are there for the future, and what good-looking girls Mississippi affords, they were simply charmed [laughter], and when the war closed those boys flocked back to Mississippi by the thousands. [Laughter.]

And if my distinguished friend from California [Mr. LINEBERGER] had had the privilege, the pleasure, and the honor of training in Mississippi for the gallant services which he rendered overseas, especially if he had been a single man, no doubt to-day, instead of wasting his time trying to convince this House on the proposition for which he stands or of tantalizing himself with the prospects of going to the Senate, he would be down there in Mississippi cultivating his cotton fields or mowing his alfalfa and singing "Praise God, from whom all blessings flow." [Laughter and applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, like the gentleman from Missouri [Mr. ROACH] I have yet failed to hear an argument on this floor that to my mind satisfactorily refutes the figures and arguments given us in the majority report of the committee. Gentlemen insist still that we must accept the views of the naval experts, of the admirals, and of the heads of the Navy Department. I commend the suggestion rather of the gentleman from New York [Mr. MAGEE]. We are the jury; it is our duty to hear the evidence from both sides and judge seriously whether we really can afford to cut down our Navy personnel and naval expenses as proposed in this bill. I submit that other men have spoken besides the naval officers, and have spoken with reason more cogent and authority more firmly established by facts, figures, and precedent. Again I am irresistibly impelled to tell a story. A gentleman sat in a railway train and held on his lap a tightly closed little wooden box perforated with small air holes, as if it contained something alive. A gentleman sitting by looked curiously at the box, and the conversation ran somewhat thusly:

"What is that in your box?"

"Why, it is a kill-o-ma-dee."

"A kill-o-ma-dee? What is that?"

"Oh, it's a little animal about as big as a rabbit."

"How does it live?"

"It burrows in the ground, like a prairie dog."

"What does it eat?"

"It eats snakes; nothing but snakes."

"That's funny. How do you get enough snakes to feed it?"

"Why, I am a hard-drinking man and I have no trouble finding snakes. I find them all around almost every day."

"But they are imaginary snakes."

"Yes; but that makes no difference. This is an imaginary kill-o-ma-dee."

It seems to me that the advocates of a large Army and Navy are seeing snakes. They are backing their demands with shrieks of fear inspired by imaginary dangers to our national and domestic safety. Especially do some of our friends quake at the name of Japan, which they wave as a red danger signal, and seem surprised that any of us should fail to stop and tremble.

I frankly believe that is all bunk. Japan, struggling under her crushing debt and scarcely able to feed her congested population on her small area of productive soil, Japan who needs our friendship ten times more than we need hers—can it be that she wants to pick a fight with America? No, gentlemen, war with America is about the last thing the real Japan wants. Of course, that nation has its militaristic clique, supported by their jingo press. What nation has not? But these do not represent the true spirit of Japan. This is not only the conclusion of reason; it is the testimony of intelligent and patriotic Americans who have opportunity to know, both of those who have visited Japan to study this question and those who have lived in Japan for years.

I feel an American pride in our Navy. I appreciate its importance, as long as we need it, and I am not yet ready to do away with it entirely. I realize the necessity of maintaining it at a reasonable strength. The question is simply as to what constitutes a reasonable strength. That can not be answered offhand. It requires investigation, the production and consideration of evidence. Our committee have given weeks and even

months to such an investigation, considering evidence on all sides of the question, and have brought before us the facts as they have found them, with their recommendations based thereon. These facts which they have brought do not seem to me to have been successfully contested, and hence I believe that the recommendation of the majority of the committee for a Navy of 67,000 men should stand, and that this House would not be doing a consistent thing, but would be doing an unwise and an extravagant thing, to increase the figure to 86,000.

I differ from the gentleman from New York [Mr. MAGEE] when he says that our Navy is our greatest asset. The greatest asset of any Government, in time of war even more than in time of peace, is a loyal, patriotic, satisfied, thrifty, and intelligent people.

> Ill fares the land, to hastening ills a prey,
> When wealth accumulates and men decay;
> Princes and lords may flourish or may fade,
> A breath can make them, as a breath has made;
> But a bold peasantry, a country's pride,
> When once destroyed, can never be supplied.

The wisest thing, the most righteous thing, and the most vital thing for us to do as the legislative body of a great nation is to pass such laws and to so direct public affairs as to help the interests, encourage the hearts, and inspire the confidence of the plain people. Notice, please, I do not say the common people—certainly I do not say the lower classes of the people—they are the higher classes if measured by their common sense, their fundamental principles of righteousness, or their importance in our economic, social, or political systems. The foundation of a building may be its lower part, but it is also its most solid part. And the great population that forms the basal part of our civilization is also its most constructive and productive part.

These are the people who work in the shops and the stores, on the farms, on the railroads, in the mines and the factories, on the roads and the bridges—everywhere that honest bread is to be won by honest toil. They far surpass the rest of our population in numbers. "God must have loved them, or he would not have made so many of them." It is not improper to refer to them as the "working class." That they are, and in that is their pride and their strength. If our democracy stands for anything it stands for the principle that no honest labor is menial and for the fact that the man who is poor enough to have to work is, after all, deserving of the most consideration.

The larger part of this great working class, which forms the solid foundation of our institutions, and I venture to say the more virile and the more virtuous part, live on the farms and in the "old home towns." They furnish the strongest and most effective recruits to the great business and professional ranks of our cities. So much is this true and so generally is it recognized that these two phrases, "the old home town" and "down on the farm," have come to be universally associated with our concept of successful men.

A great man in Chicago said to me:

> LOWREY, I will tell you, if it were not for the good, pure, red blood that flows into our cities from the country districts, our cities would rot.

To me some gentlemen seem to consider our Army and Navy as an end sufficient unto itself. Such argument can readily be reduced to an absurdity. They are not an end but a means. They are valuable only as they are really needed for defense. Every cent expended on them beyond that is pure waste. Not only is it waste but the very existence of armaments greater than necessary is a menace and an evil, social, political, and economic. It is a dissipation of man power and money power that should be turned into production and is an encouragement of dangerous autocracy.

Understand again, please, this is not an attack on adequate defense. But gentlemen seem to me to have established clearly that a Navy of 67,000 men is all that is necessary and proper under the terms arrived at by the arms conference. The addition of 19,000 men above that at a cost of $40,000,000 is the thing that seems to me wrong and dangerous. For the people who will feel this burden most are at the very basis of our political and economic system. They are the large majority of our population, and they are the element of our population which most need financial protection and relief. When we legislate for the improvement of the condition of the plain people we are discharging our highest official duty; when we needlessly increase their burdens, we descend to the depths of official iniquity. When we so legislate as to win their confidence and loyal support to the Federal Government, we are building the strongest possible wall of protection around the Republic; when we shake their confidence and shock their loyalty, we are battering the walls which we already have.

Mr. KELLEY of Michigan. Mr. Chairman, I yield one minute to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Chairman, I have followed the course of this debate from the beginning, and I am thoroughly convinced that the bill provides a sufficient personnel, and I believe, without qualification, knowing the valor of American seamen, that with that personnel we will have the most efficient navy in the world.

The gentleman from Washington [Mr. MCARTHUR] says he wants a navy equal or superior to that of any other country in the world. Well, we can not have a navy in ships and tonnage superior to that of any other country. The treaty forbids it, and I am thoroughly convinced from the statements of the chairman and the majority report that the personnel provided for in the bill gives us a navy fully equal and, I believe, superior to any navy in the world. I believe also that a large majority of the House believe as I do upon this subject. It may be that on account of the letter of the President addressed to Mr. LONGWORTH, of Ohio, that Members may vote for the larger number. I know the power of the President is great, his influence is great, but I believe his best friends are those who shall seek by their vote to carry out the spirit of the Conference for the Limitation of Armament; and, further, since I believe that the number of personnel provided in the bill is sufficient, I could not for any reason justify my course in adding $40,000,000 unnecessary tax to the burdens of an already overburdened public. Will not the American Congress, if it shall vote for the larger Navy, place ourselves in a position of discrediting the sincerity of the other signatories to the four-power treaty? Will we not place ourselves in a position of those who take counsel of their fear rather than of their confidence? Is it becoming and appropriate that at this particular juncture, when all progressive nations in the world are longing for the guaranties of peace, that this Nation, which has inspired and initiated the great world conference, shall now by our action proclaim our distrust for its final results?

Much of the argument for a larger personnel revolves around the contingency of war, the imminence of war, not the possibility but the probability of war, and yet no portentous cloud is seen, and unless the nations with whom we are treating and the only nations who are in position to do us harm are utterly recreant to all the instincts of honor and faith there is no danger of war. Further, if there is any one thing that has been more strongly impressed upon my mind than any other since I have been in Congress it is that each and every head of a department of government is religiously impregnated with the idea that his particular department of the Government is paramount, superior, and more important than all others. And that this is true of the Navy Department there is no doubt in my mind, nor do I think in the mind of any Member of Congress. The Congress should act dispassionately, free from the extravagant views of the Secretary of the Navy. We should not lose sight of the enormous pressure brought to bear upon committees and who seek to influence Members of Congress to protect the interests of great Government establishments, such as navy yards, ordnance manufactories, and especially the interests of naval officers, who are naturally loath to reliquish their jobs; but my duty is to the taxpayer of the Nation upon whose shoulders now rest heavy burdens and grievous to be borne.

Closing as I began, I know the valor of American seamen, and with ships of equal tonnage and equal gun power, whether we shall have a few dozen more or less upon a ship, we have yet the greatest Navy in the world, and believing this I would feel that I were guilty of dereliction to the best interests of the people of this great Nation, and especially the people of my own district, whom it is my highest ambition to represent faithfully, if I should cast my vote to add 19,000 men to an already sufficient Navy and thereby add $40,000,000 to their taxes.

Mr. Chairman and gentlemen of the House, I can not consistently, with my conception of my duty, consider the argument of those who have flaunted the specter of war, cast my vote for this increase, but I shall cheerfully and conscientiously cast it to sustain the report of the committee. [Applause.]

Mr. VARE. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. PATTERSON].

Mr. PATTERSON of New Jersey. Mr. Chairman, when I vote on the bill now before Congress proposing the drastic cut in the enlisted strength of the Navy from the present figure of approximately 96,000 men to 67,000, I propose to follow the leadership of our great President, Warren G. Harding, the Commander in Chief of the naval and military forces of the United States, who personally informed the members of the Naval Affairs Committee that he thought the present strength of the Navy should be fixed at 86,000.

Since the President has confirmed this in his letter to the distinguished gentleman from Ohio [Mr. LONGWORTH], I do not

fear that I am violating any confidence reposed in that committee by making such a statement.

President Harding is backed up in his view of the situation by Secretary Hughes and Secretary Denby, and while some Members of the House of Representatives do not consider those gentlemen as being naval experts, I can fortunately furnish some information on the subject which you will all agree comes from a man competent to judge the situation.

I refer to Admiral Henry B. Wilson, of Camden, N. J., affectionately known to the "gobs" in the service as "Tug" Wilson. Admiral Wilson comes from my home town and I have known him from boyhood. He grew up with the Navy from midshipman to admiral, and during the great World War was stationed at Brest in charge of the transportation of our millions of soldiers to the battle fields of France. How well he accomplished that great feat is now a matter of history, and his native town and State are exceedingly proud of the renown that he has brought them. Later he commanded the great Atlantic Fleet, and while serving in that capacity did me the great honor of making a special trip to Camden to vote for my election to Congress, the first ballot he had been able to cast in 20 years, owing to his continuous service on the sea for his country. At present he is spending the evening of his life in command of the Naval Academy at Annapolis, training future captains and admirals to take his place and the places of others when their time comes for retirement. Surely my colleagues will not claim that Admiral Wilson is not an expert, fully qualified in every way to express the needs of the Navy.

This is what he has to say in a recent letter to me, in which he gave me permission to publish his views on the question now pending:

MY DEAR MR. PATTERSON: As you well know, these are parlous times for the Navy, to which service I have been attached all my life. Naturally, I am much distressed over the way things appear to be going, and as a friend of mine and my Congressman I appeal to you to help the service of which I am so proud, to keep the drastic legislation which has been proposed from being enacted.

I can assure you, PATTERSON, as a friend, that it will be disastrous, in my opinion, to reduce the number of officers we have at the present time. There are not too many as conditions are to-day. If later other nations honestly reduce, or are willing to reduce, then, of course, I would be in no way against meeting their move. It takes time to make officers. As for the men, I can understand that some reduction can be made without much harm. If you can stand by the commissioned personnel, as I hope you will, I know that you will be doing good work as an American, and you will be more than pleasing one of your constituents, who holds you in high esteem.

I appreciate your stand in voting for a decrease in the Navy to not less than 86,000. All of us who know the Navy feel that it would be a national disaster to reduce the Navy without regard to its efficiency. I can not say more than the press has been saying this week and I agree with much, practically all, in fact, that they have said. The press understands, much as we do, that an efficient Navy is vital. No doubt you have read Mahan's "Influence of Sea Power on History." If you have not, it makes interesting reading. Mahan shows conclusively that there never has been a successful power—that is, successful for any length of time—without control of the sea.

I am glad that the New Jersey delegation is standing behind the Navy. I am sure they are making no mistake so far as the good of the country is concerned, and I feel equally sure that their constituents will agree with them. It is too bad that Mr. HUTCHINSON is holding out, but nine for and one against is a pretty good average for the old State. (Since then Mr. HUTCHINSON has informed me he stands for an enlisted personnel of 86,000.)

As a matter of fact, there is a greater menace in the Butler bill than the 67,000 men proposed by the Appropriations Committee. That menace is the provision for reducing the authorized strength. A reduction in the authorized strength will cause a corresponding reduction in officers, as provided by the bill, and will unfortunately prevent any increase in the Navy in view of any impending trouble without legislative action. When the situation is internationally delicate, legislation for increasing the armed forces is always looked upon with disfavor, as it is possible that such legislation will be looked upon by a prospective enemy as an overt act. To my mind it would be so much better to let the authorized strength stand and reduce the Navy through the Appropriations Committee to 96,000, in order that the President's hands may not be tied in case it is necessary to fill up to capacity suddenly.

The unfortunate part of the whole situation is the unrest in the service, which is inevitable when none of the personnel know just where they stand. A commission in either the Army or the Navy has always been considered more or less of a permanent proposition so long as efficient service was given. With the sword constantly hanging over their heads, officers and prospective officers will look with hesitancy upon a naval career. As you know, the pay is low compared to what a man of Naval Academy education ought to be able to earn in civil life. This low pay has been compensated by the assurance of a permanent position and by the honor and pride of service. Public harping against the naval personnel can not but make the younger officers wonder if it is really worth while, and, of course, when they get in this state of mind it is not unreasonable to expect that they will not give their best. All that we ask is an adequately paid Navy, as good as any navy in the world. The arms conference was a success largely because we had something tangible to give, and we gave it willingly. Were there to be another conference, where we had nothing to give, you would find our position not unlike that of China in the last conference. Look at Japan for a moment. Less than half a century ago they were virtually an unknown, unimportant people, comparatively. They spent huge sums on their national defense. What was the result? In a period of a few years they have reached the top. The last conference has, in fact, made them one of the three great powers. They had might on their side—China had right. Who got the most out of the conference? Japan has in recent years acquired control of many acres of land and they acquired this because they had power. I am not arguing that we ought to be a military Nation. I do not believe in that, but I do believe that if we are to be heard in the councils of the world we must have adequate national defense.

You may quote me as much as you like. I have spent my whole life in the Navy. I know the Navy inside and out. I know that what I am saying is right and I know that any student of world's history will admit that this is right. I appreciate the need for economy and I am heartily in accord with any plan for reasonable economy, but I can not concede that it is economy to place our country in an insecure condition, a condition which may cost us billions in the future. Preparedness never costs as much as unpreparedness. The last war is an exemplification of that. This is a fact and not a theory.

With kindest regards and my thanks for the stand you are taking in regard to the national defense, I am,

Sincerely yours,

HENRY B. WILSON.

Admiral Wilson has won his renown. He has reached a safe anchorage. His only hope and thought is to maintain the glory, the prestige, and the traditions of the American Navy made immortal by John Paul Jones, Barry, Stewart, Perry, Lawrence, Decatur, Farragut, Sampson, Schley, and Dewey.

The proposed reduction in the pending bill to 67,000 men has its economic side. Where are the 30,000 men to be thrown out of the Navy to secure work when there are already several million American workmen seeking jobs because we have failed to enact a permanent protective tariff based on American valuation?

Stoppage of the construction program under the terms of the bill under discussion is costing my district millions of dollars annually in wages. I have no navy yard in my district, but located there is one of the largest shipbuilding plants in the world. Before and during the great World War the New York Shipbuilding Co. built some of the biggest and best ships in the United States Navy, and the same company has constructed some of the finest passenger and cargo carriers of our merchant marine. Now it is building huge caissons for the new Delaware River bridge that will link the great States of Pennsylvania and New Jersey and make Camden a city of half a million people. But in the meantime our workmen and merchants are suffering. One great battleship building is to be scrapped and a mammoth battle cruiser—the *Saratoga*—we hope is to be converted into an airplane carrier. During the war 18,000 workmen were busy in that hive of industry and the pay roll was $1,000,000 a week. Now there is a skeleton organization of 5,000 of the most skilled men left, with a pay roll of but one-quarter its previous size. Naturally, the business men and merchants are affected as well as the idle workmen, who can not find jobs on account of the depression in all other lines.

Cheeseparing is not always economy. To paraphrase a famous saying, I believe in "millions for defense but not one cent for graft." We are saving $200,000,000 a year under this bill. That will pay our national debt, outside of what is owing to us from our allies, in 50 years. Eighty-six thousand men in our Navy as against 67,000 would increase the expense approximately $20,000,000 for a few years. That is a small premium to pay on a marine insurance policy that will probably prevent our being plunged into another war that would cost us untold billions.

Mr. Chairman, we have all enjoyed the heavy artillery and broadsides fired in the big battle of the general debate of the last few days. We have even enjoyed the smoke screen of false economy thrown up by the opponents of the larger Navy. The decks are now cleared for action, and under the five-minute rule the auxiliaries and smaller guns can be used. Ordinarily I would agree with the hard-working members of the great Appropriations Committee and would gladly follow the lead of such intellectual giants as Chairman MARTIN MADDEN, JAMES R. MANN, FRANK MONDELL, and Governor KELLEY, but under the circumstances I am compelled to forego that privilege and enroll under the banner inscribed "Safety first." [Applause.]

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I have been very much disgusted by the constant insinuations that gentlemen who favor the policy of the administration on the question of an adequate "treaty" Navy are actuated by selfish motives. Such an insinuation comes with bad grace from this Subcommittee on Appropriations which in bringing in this bill admits, through its chairman, that it has included appropriations for naval training stations in spite of the fact that the new policy of the Navy Department is in favor of training these boys on the vessels and not on shore. And yet they have included these items in the bill, one of them being located on the Great Lakes. A navy yard is just as important a part of a Naval Establishment as any other part, but there is not a man in this House who believes that any navy yard should be maintained unless

it is absolutely necessary for the maintenance of an adequate Naval Establishment. This matter, however, is more important than the question of any particular phase of this appropriation. It is a question of whether this country shall maintain such a Navy as is provided for in the naval treaty which has just been ratified by the Senate of the United States.

The gentleman from Michigan [Mr. KELLEY] is a clever debater, and, as has well been said, he could make a jury believe that black is white or that white is black, and he could have made just as good a speech if he had advocated a Navy with 25,000 personnel. But he can not get away from the fact that Great Britain and Japan are proposing under this new treaty arrangement to have a personnel of 98,000 and 68,000, respectively.

A Navy does not consist of battleships or of guns alone. It depends upon the men behind the guns, and I do not believe that the American people, when they understand the facts, will ever consent that this Nation shall have a Navy in the ratio of two and one-half compared with five for Great Britain and three for Japan. They expect that the American Republic is going to have a Navy as provided for in that treaty, and in order to have such a Navy we must have a personnel corresponding, at least approximately, to the personnel of the British Navy.

The gentleman from Michigan [Mr. KELLEY] attempted to show that the marines—20,000 of them—should be added to the 67,000 he provides for, and therefore, he says, we will really have a Navy of 87,000. He knows perfectly well that the marines, taken as a whole, are not part of the enlisted personnel of the Navy, although they are provided for in this bill. They are essentially land troops, and there is no valid reason for including them in the Naval Establishment. On the other hand, as the gentleman from Illinois [Mr. BRITTEN] pointed out, the Royal Marines of England are sailors. They are trained to fight battleships. Our marines are not. It is not expected that any considerable number of them shall be upon these vessels. As has been pointed out, at the present time less than 2,000 of them are on the vessels. The greater part of them are only on the vessels on which they are carried from one particular post of duty to another. So when he says that this bill virtually provides for a Navy of 87,000 men, he is not telling the exact facts and to that extent is misleading the House.

I therefore hope that the amendment providing for a personnel of 86,000 will be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GALLIVAN. Mr. Chairman, I yield half a minute to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. DEAL. Mr. Speaker, I favor the amendment for a Navy minimum of 86,000 men. There are two classes of individuals who, for the time being at least, are subject to the shafts of oratorical irony and criticism of the distinguished gentlemen composing the subcommittee of the Appropriations Committee having charge of H. R. 11228. These gentlemen, representing districts far removed from the seaboard, where naval ships, yards, docks, and bases are supposed to function, are peculiarly fitted for the duties to which they have been assigned, but seem to have discarded as unworthy of consideration information supplied upon request by our naval authorities. Not only has there been a seeming disposition to spurn such information but to laymen, such as myself, it appears that there has been a decided effort to discredit the testimony submitted by the Department of the Navy, and yet this is the only source from which such information can be obtained unless, perchance, one has passed through the various grades of the service and is in close touch with its records, as has been the Secretary and his aids. From the suggestions which, I think, that I have heard upon this floor a novice might infer that those in charge of our Navy are either very ignorant or else are perjurers. To those of us who have associated and have acquaintance with its personnel either suggestion is absurd, and it is my conviction that the public will be equally as loath to accept these views. The conviction has obtained that the standard of honor in the Navy has been of the highest. From the day that a recruit enters the service he is taught that he must be truthful and honest—in short, a gentleman. Those in command having passed through the academy, and all ranks of the service from ensign to admiral having served on ships large and small, in yards, at the bases, and in the offices, having for a lifetime devoted their entire thought to the work of building a defensive organization for a country of which they are citizens, must know that of which they speak. Surely I should not be censured for inclining to follow their advice. Nor can we forget the White Fleet which sailed without a hitch around the world, advising all nations that we actually had a Navy. The daring and successful entrance into Manila Bay, the sinking and capture of the Spanish fleet and the island without the loss of a ship. The Battle of Santiago can never be forgotten, and finally when the order was given to take part in the World War these men were ready to the minutest detail. Under their guidance not a troop ship was molested, not a duty left undone. These men have never failed. It is a long, long trail to undo in the eyes of the public or of this body their capacity or their veracity.

The second class to which I refer are those Representatives who happen to hail from districts in which there are navy yards, bases, and so forth. I happen to be one of those Representatives. Indeed, it may be that no district in the Union is so honeycombed with naval activities as the second district of Virginia, which I have the honor to represent, comprising 312,000 people, nearly 100,000 above a congressional quota. We have one of the best, if not the best, equipped navy yards in America. Three large dry docks, one of which is over 1,000 feet in length with 40 feet of water over the mud sill; a machine shop second to none in equipment; storage space and warehouses unequaled. A naval base with accommodations for 25,000 recruits, located immediately upon the anchorage of our largest battleships, supply houses and docks at which these ships may enter, load, and discharge; a fuel storage for millions of tons of coal; an Army base and terminal, the magnitude of which is appalling; a fort at Cape Henry armed with the heaviest rifle guns, capable of dropping shells upon ships 20 miles off the coast; a marine hospital; a Navy hospital; and, finally, a magazine depot. With all of these Government activities in my district, according to the formula, my views are the very last entitled to the consideration of my colleagues, and yet having lived in the midst of them, having seen them come one by one, develop and grow beyond the conception of a great majority of my colleagues, knowing the hundreds of millions of dollars that they have cost the taxpayers of all the States of the Union. I venture to warn this body of the danger and loss of permitting them to deteriorate, even though I invoke the witicisms and sarcasm and ridicule of the distinguished committee, who have sailed the seas of the great Middle West, who have gained their knowledge of battleships and dry docks and naval bases where the tall corn grows, and to some extent from the naval personnel.

I have the greatest confidence and respect for the committee, for their views and for those who agree with them. Indeed, there have been times during this debate when their evident sincerity of conviction has tempted me to believe there was justification for their view, but when weighed in the balance they seem to me to be wanting.

Mr. Speaker, I believe that we should practice the utmost economy in all branches of our Government, but there is such a thing as false economy. Under this head I would place the enormous reduction proposed by a majority of the Appropriations Committee in H. R. 11228, both in personnel and appropriation. I have listened with profound interest to many of the debates upon this floor for and against the committee recommendations.

Arguments have been presented by Members of this body who have devoted years of time and thought to the subject. There has been such a divergence of opinion and disparity of figures, even where it is claimed they have been obtained from the same source, that I have been unable to reconcile them. I frankly admit that I have little first-hand information upon the subject; therefore, I accept the Navy estimates as the safest to follow. There are some facts, however, which have not been contradicted and upon which all seem to agree, the first of which is that we are in need of a Navy, that it should be adequate as a first line of defense in event of war. England for a hundred years has maintained a navy superior to that of any other nation, her policy being to keep it at a standard of strength equal to that of any two of the leading naval powers. Under this policy her commerce has extended to the farthest parts of the earth; she has grown in wealth and power. London was until the recent war the financial center of the world, and the day came when her navy saved not only the British Empire and her allies but possibly America from German domination. It requires a generation to train designers of warships, big guns, and submarines, engineers and mechanics to construct them, to build and maintain our yards and docks, and tools that must be kept in constant repair. Turn these men adrift, let our equipment deteriorate, and we will unquestionably see history repeat itself. The eyes of the world are turned with avarice upon the wealth of America, even as were those of the

Goths and Visigoths upon the wealth of Rome. Only yesterday there stood upon the floor of the Genoa conference delegates from the most powerful nation of the world in population and natural resources demanding a redistribution of the world's gold supply. America is said to have about half of this supply. These people well know that they have not that with which to buy this gold. Then, how is it to be redistributed? Let us not "destroy our battleships and other impedimenta of war in order to release funds for maternity and child hygiene," War Finance Corporation schemes for private interests, seeds for farmers whose average wheat yields have been above normal, bonuses for the strongest, most healthy, and most virile of American manhood, millions given to foreign countries in direct violation of the mandates of the Constitution that we have all taken a solemn oath to uphold, maintain, and keep inviolate.

It ill becomes gentlemen in this body to chide with extravagance those of us who wish to maintain our Navy at the highest degree of efficiency, when, notwithstanding a bonded debt of $23,000,000,000 as the result of a war which came like a bolt from a blue sky, plus a floating debt of $4,000,000,000, when they have themselves voted during this Congress, in cash and credits directly and through subsidiary organizations belonging to the Government, nearly and probably more than $6,000,000,000. We have been 30 years in the building of a Navy of which the American people are justly proud, a branch of the service that is deservedly popular among the masses, an insurance against invasion, a guaranty of American prestige upon the seven seas, the strong arm that commands the respect of all nations of the world. European statesmen are to-day exerting themselves to draw America into its troubles, to secure our guaranty in some form or other of its war gains and its war losses. It will continue this policy until it succeeds or is convinced of failure. Let our Navy deteriorate and Europe will become convinced of its failure far more quickly. Its attitude of friendship may be, and probably will be, reversed. The murder at Serajevo was the excuse for an explosion of the smoldering lust to take that which thy neighbor hath. Can anyone believe that this characteristic sin, inherent in man since the days of Cain, has changed? Can anyone be so guileless as to believe that the Washington Disarmament Conference has recasted human nature? If so, reduce the Navy and watch the result. Let us not find ourselves in the position of the foolish virgins. We may not, as in the last war, find friends who are willing to "lend us of their oil." I can not sympathize with a policy of opening wide the doors to the vaults of our Treasury and inviting the theorists and idealists who may organize a few thoughtless people, come to Congress claiming to represent millions, and with demands and threats secure millions and billions of dollars from the pockets of the taxpayers, while we pretend to the people at home that we are responding to their demand for a lightening of the tax burden by deleting the necessary maintenance of our Navy, of our yards, machine shops, docks and bases, our harbor and river activities, our public buildings, and our national highways. We can not deceive the people. There was a time perhaps when this might have been done, but our splendid educational system has taught the great majority of our people to read and to think, and with an increasing acquirement of knowledge Congress, the most important branch of our Government, is being held more and more in contempt by the public, because it turns from the highway of statesmanship to follow the narrow trail of petty politics.

Mr. GALLIVAN. Mr. Chairman, I yield half a minute to the gentleman from Ohio [Mr. HIMES].

Mr. HIMES. Mr. Chairman, I represent a district having no direct contact with navigable waters and so far removed from the Atlantic and Pacific seaboards as to be entirely safe from invasion unless, indeed, this entire land were overrun by foreign hordes. Accordingly, if the people in my district were narrowly selfish or selfishly narrow, it would behoove me to support the Committee on Appropriations in its laudable but nearsighted proposition to reduce the personnel of our Navy to 67,000 men.

But the people of my district, Mr. Chairman, are both broad-minded and patriotic. They have not forgotten that they gave to this Nation one of its greatest Presidents nor that they belong to the State that has become known as the Mother of Presidents. They have obtained and retain a national viewpoint, and I am confident that they would have me insist that we maintain the ratio as fixed by the Conference on the Limitation of Armament and not through false economy lose our prestige among the world powers.

Gentlemen may say that the world is tired of war or that we have no international enemies or that we are too remote to be subject to attack. They may be right, but are those good reasons for our inviting attack and deliberately laying ourselves open to insults that necessarily lead to retaliation and war?

It would be presumptious, indeed, for me, a new Member of this honorable body, to disagree with its distinguished leaders, were it not that in so doing it was possible for me to agree with leaders just as distinguished. Gentlemen say that the Navy can be properly manned with 67,000 men and others say that 86,000 men is the irreducible minimum. It is with no disrespect to the members of the Committee on Appropriations when I say that I choose to rely upon the judgment of the business men of the Navy Department, my colleagues of the Naval Affairs Committee, the Secretary of State, and our President.

From the inception of this Nation we have believed that international matters should be handled by the executive branch of the Government, subject to the approval of the legislative. This administration, in cooperation with leaders of the Senate, with the approval of the great majority of this House, and inspired by the prayers of a Nation, completed an international agreement whereby the United States might join with sister nations in reducing armaments in perfect safety. A ratio, intended to preserve a balance and not only make remote danger of war but to serve as a basis for negotiations looking toward future economies was worked out. I am in complete accord with my colleague [Mr. LONGWORTH] in the belief that our efforts toward international peace depend as much upon maintaining the 5–5–3 ratio as a minimum as upon our fulfilling our solemn pledge that it be our maximum. I shall vote for the amendment.

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to my colleague from Massachusetts [Mr. FROTHINGHAM].

Mr. FROTHINGHAM. Mr. Chairman, this has been a very enlightening debate. It comes down to the question of how many men we need on these ships to keep them up under the treaty. Advocates of the committee report for a Navy personnel of 67,000 and those advocating an increase to 86,000 both say their number will be sufficient. But it seems to me that if there is any doubt on the question the way to solve it is to take the greater number, and then you will know you have not made any mistake.

Mr. KELLEY of Michigan. Will the gentleman yield? That being the case, 120,000 would be the number.

Mr. FROTHINGHAM. The greater number that is before the House. If we had not had a large and potential Navy there would not have been a successful conference here in Washington. We would not have been in a position to call one and we would not have had anything to give up, to trade with, or to persuade other countries of our good faith. Besides, at the end of 10 years, when the treaty ends, we shall be in a weak position if we fail to keep our enlisted personnel to a proper standard. If we had not had a Navy second to only one in the world, that conference would not have come to a successful conclusion; and do you suppose for a minute that Great Britain would not have continued to maintain that she must have the largest navy in the world if we had not had the potentiality here, second to her, and still growing? Do you suppose that otherwise she would have conceded that this country could have a Navy equal to hers?

No, gentlemen; there is only one question, and that is whether you will be on the sure side and vote to have an adequate personnel for these ships, or whether you will let them go down hill.

Now, I would like to say one serious word to this House, if the gentleman from Michigan [Mr. KELLEY] will give me his attention. I would like to point out one thing that has not been touched on by anyone here yet, and that is what happened at the time of the Spanish War in 1898.

The ship on which I served did not participate in the battle of Santiago, but I went over a short time afterwards with Admiral Sampson and others and visited those Spanish ships. Now, on paper before that war the Spanish Navy was held by some foreign experts to be the equivalent in ships and armament of the American Navy. Those ships were driven on the beach by our gunfire. They would have been driven on that beach anyway, no matter how they had been manned, because the men of the American Navy, their traditions, their ability, and quality were superior to those of any navy in the world.

Mr. KELLEY of Michigan. Does the gentleman know how many men we had then?

Mr. FROTHINGHAM. I know how many we had then, and I know more or less the number in the Spanish Navy, and those were the competitors then. But I have only a few minutes, and I want to talk on the bill.

Mr. KELLEY of Michigan. I am sorry I interrupted the gentleman.

Mr. FROTHINGHAM. It was discovered that those Spanish ships were not in proper condition. Why were they not kept in condition? Because they had not kept up the personnel of the Spanish Navy. They had not been kept up numerically, and it was currently reported that when Admiral Cervera came over here with those ships they had to empty the prisons in Spain to get the necessary number of men to put on them. The *Colon*, which was supposed to have a speed of 22 knots, was allowed to run down, so that she was overtaken by the *Oregon*, of 16 knots.

In those days the complement of a battleship was 500 men. Some of you may recall the couplet sent to Captain Evans, as he was then, by Rudyard Kipling. They ran something like this:

Zogbaum draws with a pencil, and I do things with a pen, while you sit up in a conning tower bossing 500 men.

On a battleship now some twelve hundred men are required. It is a city. Submarine defense, radio, wireless, airplanes, anti-aircraft defense, and a change in the method of gunfire have all come in, the guns are bigger, the ships are bigger, and all this requires more men.

Does anyone imagine that England and Japan will not keep theirs up to the limit? Of course they will.

I am for the policy which will keep the personnel of the American Navy first in war, first in peace, and first in the hearts of its countrymen. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I am going to yield two minutes to the gentleman from Ohio [Mr. COOPER], and I would ask the gentleman from Michigan [Mr. KELLEY] if he has anybody left to plead his cause that he will use some of his time then. I now yield two minutes to the gentleman from Ohio [Mr. COOPER].

Mr. KELLEY of Michigan. I will say to my friend from Massachusetts that I have a very retiring disposition and do not want to crowd in. [Laughter.]

Mr. COOPER of Ohio. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. VARE. Mr. Chairman, I ask unanimous consent that all gentlemen who speak on the bill be permitted to extend their remarks.

The CHAIRMAN (Mr. FESS). That can not be done in Committee of the Whole.

Mr. KELLEY of Michigan. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. MILLSPAUGH].

The CHAIRMAN. The gentleman from Missouri is recognized for one minute.

Mr. MILLSPAUGH. Mr. Chairman, I feel sure that I voice the sentiment of the people of my district in supporting the committee on this bill.

Living as I do in the midst of the great agricultural belt of the Nation which has been so sorely stricken by the financial stringency which came as an aftermath of the war; being fully cognizant of the difficulty which farmers and stockmen have encountered in securing funds with which to pay their taxes, caused by the enormous war expenditures, and realizing that the funds which must be raised to maintain our Army and Navy must eventually be produced from the soil, I am constrained to support the committee in its endeavor to reduce the Navy to the smallest number of men and ships which in their sound judgment they consider commensurate with our position in world affairs.

The people of my district, regardless of party affiliations, were keenly interested in the Washington peace conference and followed its deliberations with unflagging interest. They have manifested their satisfaction at the wonderful results obtained from the conference and feel that our country should go to the limit in disarmament for the dual purpose of demonstrating to the world that we regard our obligations seriously and are willing to take the lead in abolishing war and the war spirit and also to lift the war debt which hangs over us as the sword of Damocles.

When I made the pledge to do all in my power to reduce needless Government expenditures I meant what I said, and in looking over the legislation of the past year and considering the untiring labors of the Appropriations Committee I can candidly say that we have kept the faith. The Army and Navy have been reduced, useless Government clerks have been dropped from the pay rolls, the Budget system has held a check on the department heads both as to employees and as to purchases for their several departments.

But, Mr. Chairman, while giving the Members my views on this bill I want to present to them another matter which I think is of interest to them.

Mr. Chairman, being a member of the District Committee and my attention having been called to the housing shortage in Washington, which condition seems to become more acute each week, I determined to seek the cause.

Starting with a well-founded suspicion that the Rent Commission was responsible for a goodly portion of the trouble, I deemed it wise to make an examination of its activities or inactivities, as you may choose to call it, and upon merely a cursory investigation I am convinced that this Utopian scheme is the cause of the distress of the wage earner as well as the man of moderate means in the District.

Although the commission is more than a thousand cases behind its docket, it has recently partially abandoned the docket where the rights of wage earners are involved and has upon its own initiative taken up the matter of fixing rents for the Chastleton and other apartments which are occupied principally by millionaires, Senators, and Representatives, in the meantime allowing the wage earners to be mulcted.

The commission is now more than seven months behind in its hearings, and a reference to its docket reveals the fact that there were 800 complaints filed from September 12, 1921, to November 28, 1921, of which number 48 have been acted upon.

In an official statement of the commission for the month of March, 1922, it is shown that 196 rent cases were determined by the commission, resulting in an increase in rents of $311.50 per month and a decrease of $1,277 per month, making a net decrease in rents for the entire month of $965.50.

Assuming that this is a fair average of the results of the deliberations and determinations of the commission it will readily appear that the total net reduction of rents for one year will be less than $12,000, while the expenses of the commission to produce this result will equal, if not exceed, $45,000 per annum.

This means that the taxpayers of the District must pay $27,000 per year, and the taxpayers of the country, your constituents and mine, must pay $18,000 per year to maintain this pernicious system. In plain language it costs the taxpayers of the United States $45,000 per year to secure a rent reduction of $12,000 per year for a few people in the District of Columbia, and the millionaires seem to be given the preference in the functioning of the commission.

Referring again to statistics, it will readily be seen that the average rent reduction is less than $5 per month.

The intimation is given that in partially abandoning the docket to take up the Chastleton hearings on its own initiative the commission is yielding to pressure from the Hill, which I hope is not true, for I do not believe there is a Member of this House who can justify himself in expending $45,000 of the taxpayers' money in such a futile cause.

The Rent Commission renders a report to no one, so far as I can ascertain; is responsible to no one, and functions as it pleases without being examined or supervised at all.

The commission is asking for an enlargement of its personnel that it may catch up with its docket, but I am confident the taxpayers of the country will not look with favor on an extension of this pernicious legislation.

There are hundreds of new houses being built in Washington, and of these hundreds I have been unable to find a single one with a for rent sign upon it, as each house on being completed is readily sold, the result of the Ball Rent Act being to drive wage earners and people of moderate means to buy property on the installment plan at exorbitant prices. The Ball Rent Act has certainly been a godsend to the real estate promoter.

I sincerely trust that although this measure has been jammed through the body at the other end of the Capitol as a result of propaganda, that the membership of this House, pledged as they are to economy in Government expenditures, may defeat it and remain true to their constituents.

I have made these remarks at this time in order that the Members may have time to consider the evil effects of this measure so that if the attempt is again made to force it through the House under gag rule the Members may act with full knowledge of the facts.

Mr. VARE. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. YATES].

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. YATES. Mr. Chairman, of course I am for an adequate Navy, and I intend, of course, to vote for it.

If the committee, the House Committee on Appropriations, can convince me that this bill—H. R. 11228—as it stands, gives our country an adequate Navy, then I will vote for it.

But until then I am for the minority report, and if I could get a chance I would vote for a Navy of 100,000.

Professing no familiarity with professional figures, having no expert knowledge and no technical experience, I must do

the best thing possible—seek the best advice to be secured. [Applause.]

I have been, of course, impressed and swayed by the genial and generous, resourceful and wonderful subcommittee chairman, the gentleman from Michigan, ex-Governor KELLEY. I am really afraid I have been too much affected by his impetuous oratory and advocacy of this bill. If ever there was an "imperial wizard" with naval figures it is Governor KELLEY. I would like to vote with him. But his name and fame are secure, anyhow.

However, I find that the minority report appears to embody nearly the views of the Secretaries of the Navy and of State—the trusted heads of the Navy Department and the State Department. We must trust somebody. The people trust Harding, he is trusting Denby and Hughes; both are, in my judgment, worthy of trust. And Secretary Hughes says "To alter the 5-5-3 relation would be a very serious matter for the United States, both impairing its prestige and putting its security in jeopardy." [Applause.]

My people are for an adequate Navy. I may have my doubts as to what is adequate. My people have no doubts. They are positive. They favor taking no chances.

If they ever were ignorant of the Navy they are not now; they know what an adequate Navy is.

They have been informed by those 2,000,000 men who returned from abroad after seeing great sacrifice, great service, and great seas, and the great value of a real Navy.

I am very, very sure that if there is one thing—one thing above all others—that is absolutely demanded by Illinois, it is an adequate Navy. [Applause.]

With this profound conviction and assurance as to my people, and confronted with a radical disagreement between men and officials who ought to know but who radically differ, I face the alternative of voting, on the one hand, for 67,000 men—67,000—as recommended by the Committee on Appropriations, or voting, on the other hand, for 86,000 men—86,000—as recommended by the House Committee on Naval Affairs and by the minority of this subcommittee. What shall I do? What would my people do? I feel now that I will vote for the 86,000—"and if this be treason, make the most of it." I will take no chances. [Applause.]

It has been said here—well said—that there is nothing in the history of England or Japan to cause us to trust them blindly or to assume they will not prepare fully.

Be not deceived.

On the contrary, the entire history of both England and Japan warns us that both England and Japan will surely arm—right square up to the highest and last notch of efficiency allowed in the 5-5-3 treaty—and England, by the way, will do it with our money, money she owes us. Be not deceived. This is no time for "weasel words."

It is true that gentlemen arguing for the little Navy—the 67,000 men—67,000—exclaim, "Oh, the country is not rich enough to pay for 20,000—20,000—more men"; and they repeat over and over again, "Is the country so rich?"

The downright answer, stripped of all mental reservation and all equivocation and all evasion, is, "Yes; the country is rich; too rich to be pacifist; too rich to risk again the awful danger of 1917 and 1918; it is rich enough to defend itself, and do it right."

Then why, why, in the name of common sense and in the name of love of country, and why, in the name of our oaths, yours and mine, registered in heaven, should we, we alone, disarm, making the ratio no longer 5-5-3, but 5-3-2½—yes, 5-3-2½—5 for England and 3 for Japan and 2½ for us? To do that would be dangerously near indulging in pacifism.

Theodore Roosevelt, whose name will always be inseparably linked with the American Navy, in a speech to 20,000 cheering people, his last at Springfield, Ill.—the last speech I heard him deliver, said:

> And now comes the pacifist, and he says, says the pacifist, "Come, now, let us be harmless; because the more harmless we are the less harm other people will do to us; so come, now, let us be harmless.

This puncturing of pacifism was greeted with cheers, uproarious and tumultuous.

I believe I know how this lover of liberty and of his country would vote on this question. He would vote for an adequate Navy and take no chances, and would thus insure the peace of the world and thus lessen, at least for a time, the horrors of war, which will always threaten this old world until God sees fit to change the natures of men. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. YATES. May I have one minute more?

Mr. VARE. I am very sorry I have not the time.

Mr. YATES. I had the promise of one more minute.

Mr. VARE. I yield the gentleman one more minute.

Mr. YATES. I want, in that one minute, to answer, with another question, the question asked by the gentleman from Tennessee, Mr. GARRETT, the Democratic leader. Another gentleman had the floor—the gentleman from West Virginia [Mr. GOODYKOONTZ]—and he was interrupted by the gentleman from Tennessee, who, with urbanity and suavity asked the childlike and bland question: "Against whom are we arming? Who can possibly be our foe?" I answer that question by asking, Who will be our friend? Will it be Japan or will it be old England? No; there is not a nation in the world to-day that is our friend. They are all suspicious and unfriendly, and I am in favor of arming on that theory and not disarming on the theory of the gentleman that we have no foe. When he asks, "Who is our foe?" I reply, "We waked up one day 30 years after the Revolution and found ourselves again at war with England. Then, 30 years later, we had to go to war with Mexico. Then, 17 years later, we were on the verge of war again with England over the Trent incident. Then, 35 years later, our foe was Spain. And only 20 years later we were at war with Germany and Austria. Just before all of these wars there were men who asked, "Who will be our foe?"

Mr. MADDEN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will count. [After counting.] One hundred and nineteen Members are present, a quorum.

Mr. VARE. I yield to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Chairman, love for the Republic and patriotic devotion to its highest interests should prompt all our actions here, especially in the matter of providing for adequate national defense.

Every Member of this House and of the Senate, every officer of the Government, State and Federal, and, indeed, every American everywhere, should love America as Macaulay says Pitt loved England, as an Athenian loved Athens, as a Roman loved the "City of Seven Hills."

No cowardly impulse, no sectional selfishness, no narrow view of patriotism, no partisan prejudice, no sordid stinginess, should ever remotely influence our legislative conduct in providing for the common defense and promoting the general welfare of our country. Rather let us invoke the lofty and patriotic spirit of the Revolutionary fathers and of the saviors of the later Republic, who held no cost too heavy and no sacrifice too great when the sacred rights of humanity were to be proclaimed and the great cause of liberty and of union was to be defended and maintained.

The people of my district, like those of yours, my colleagues, are God-fearing and peace loving. They pray for peace perpetual with national honor unimpaired. But they are red-blooded Americans all, who love their country, believe in it, adore its flag, and are ready, if need be, to fight and die for both. They believe in both preparedness and peace—peace, if possible, with honor and self-respect; preparedness as a guaranty of victory if war must come.

During the last few weeks my office has been flooded with letters from the people of my district protesting against the destruction of the American Army and the American Navy. Hundreds upon hundreds have conveyed to me the double message of preparedness and peace. These letters are instructions from those whom I have the honor to represent to use my best endeavors to promote and maintain an honorable peace between America and all the other nations of the earth, but to neglect no act and leave no stone unturned to create and maintain a state of national preparedness that would enable the Republic to defend grandly and successfully its territory and its flag if war should come. These instructions are sacredly binding upon me, and by my vote and voice in Congress I shall obey them. In other words, I shall stand and do stand for the strongest possible Navy personnel that the circumstances of this day and time will allow. I shall vote for 86,000, as provided by the Vare amendment, instead of 67,000 as provided by the bill. I should like to vote for 96,000 asked by the Navy Department, if it were possible. I will not consent to the scrapping of the American Navy by the American Congress.

I am in favor of strong national preparedness, but I am opposed to militarism. I want my country to be and to remain forever the great advocate of peace among all the countries of the world. I want our glorious flag to represent forever the force and justice of democracy and military discipline, and not the tyranny and oppression of autocracy and military despotism.

The founders of the Republic designed it to be a perpetual asylum of liberty and of peace. They intended that the civil should remain forever above the military authority. They emphasized this design when they made the President of the Republic, a civilian officer, the head of both the Army and the Navy. I sincerely trust that their beneficent intentions will prevail to the end of time.

But the builders of our Government were not pacifists, "peace at any price" men, who prefer humiliation to battle and the ease and quiet of a voluptuous existence to the fierce struggle of life in which courage and strength are born. They were men of blood and iron who preferred death and annihilation to dishonor and disgrace. They knew that the infant Republic had been created in the throes of revolution—in seven years and eight months of arduous toil and bitter struggle. Their vision was prophetic, and they foresaw that insurrection from within and invasion from without would necessitate military and naval preparedness if America was to remain united and free and if the safety and dignity of the country were to be successfully defended and maintained.

No wonder then that Washington, in his fifth annual address, gave to his countrymen this sage advice:

I can not recommend to your notice measures for the fulfillment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a position of complete defense. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld if not absolutely lost by the reputation of weakness. If we desire to avoid insult we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

No wonder that John Adams, in his second annual message, dealing with our relations with France, should have used this language:

But in demonstrating by our conduct that we do not fear war in the necessary protection of our rights and honor, we should give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone secure peace.

No wonder that Thomas Jefferson, in his fifth annual message, advocated—

The organization of 300,000 able-bodied men between the ages of 18 and 26 for offense or defense at any time or at any place where they may be wanted.

It is interesting at this point to note that Thomas Jefferson advocated a larger Army for the defense of a small Republic of fewer than 20 States, populated by fewer than 5,000,000 people, than some of his Democratic descendants are willing to provide for the defense of a giant Republic of 48 States and several colonies, with a population of more than 100,000,000 people. It would be more interesting still if the virile, pugnacious, red-headed author of the Declaration of Independence, founder of the University of Virginia, and third President of the United States could appear again upon the earth and express himself after hearing members of his own party as well as Republicans advocate the gradual disbanding of the Army and destruction of the Navy at the very moment that a justly alarmed people demand that their Representatives in Congress provide them with means of adequate national defense.

The greatest obstacles in the way of maintaining adequate military and naval preparedness are the theories and objections of professional pacifists, who are to be found both in and out of Congress. The convictions of these men should not be derided or denounced. Their aims are high, their motives are pure, and their impulses are generous and fine. Their hopes and aspirations for permanent and universal peace are honorable to human nature and are a splendid tribute to the higher and better qualities of the minds and hearts of men. But they are dangerous nevertheless, for they are nothing more than plain idealists and deluded dreamers. In making forecasts of the future they take no account of the past. The teachings of history mean nothing to them. The inherent savagery in man and the inevitable experiences of human life do not seem to impress them seriously. They refuse to ground their convictions in what men have done as the best assurance of what men may do, but insist on coloring their arguments with all the tints of the rainbow and on weaving them from the warp and woof of mere fancy and conjecture.

It is a ghastly and sickening thought, but if human history teaches anything, it is that man is a savage animal and that recurring wars are as inevitable as the certain return of the tides of the sea.

In 1908, at Chicago, the late brilliant and gifted ex-Governor Black, of New York, nominated Mr. Roosevelt for the Presidency. The following is an extract from that perfectly polished gem of oratory:

The fate of nations is still decided by their wars. You may talk of orderly tribunals and learned referees; you may sing in your schools the gentle praises of the quiet life; you may strike from your books the last note of every martial anthem, and yet out in the smoke and thunder will always be the tramp of horses and the silent, rigid, upturned face. Men may prophesy and women pray, but peace will come here to abide forever upon this earth only when the dreams of childhood are the accepted charts to guide the destinies of men.

This sentiment may seem pessimistic and be painfully disappointing and distressing, but the teaching is sound in the light of human history and experience, and we should never forget that the only safe guide for our footsteps upon the highway of the future is the light of the past.

A state of warfare seems to be the normal condition of human life and the bloody pastime of the nations. For thousands of years the peoples of the earth have been at each other's throats in terrific struggles. The gates of Janus, in Rome, were closed for short periods only three times in 700 years. Within the memory of men now living every important nation on the globe has fought three important wars, and many of them four or five. Our own dear country is no exception to the rule. The brief span of the life of our Republic has been marked by six great conflicts—the War of the Revolution, the War of 1812 with England, the Mexican War, the Civil War, the War with Spain, and the War with the Central Powers. This does not take into account the Florida wars, the wars with the Barbary States, nor the various Indian wars that have marked the progress of our history.

For ages it has been the dream of philanthropy and the hope of religion that the perfection of Christian life and the advance of civilization would do away with all wars by illuminating the reason, softening the heart, and taming the savage qualities of men. But has this been realized? Let the terrible world struggle that has just ended answer.

The Sermon on the Mount is the chart of the soul on the sea of life, and its beatitudes are the glorification of the virtues of gentleness, mercy, love, and peace. Nearly 2,000 years have passed since the Prophet of Nazareth delivered this sublime and solemn message to mankind, and yet within the last six years the appalling and pathetic spectacle has been presented of the Christian nations of the world employing all the devilish ingenuity and the hellish methods that fertile brains and scientific aids could furnish to devise yet more fiendish means and to invent still greater guns to blow other Christian brains into seething froth.

No; let us not be deceived by the thought nor be beguiled by the hope that civilization as we now understand it will ever bring lasting peace. History and experience have taught us that civilization at best is but a veneer, and that the slightest scratch will reveal beneath the surface the savage in the man. A pastoral commonwealth with justice and peace forever seated at the confines of the Nation is a Utopian dream.

Let the pacifists indulge their visions of a millennium of peace. But let practical patriotic men pay no attention to them. Let us not forget that the bitter experiences of our race teach us that wars are inevitable and that they come seemingly in obedience to a law as pitiless and inexorable as that which dooms us to the dust. Let us not forget that a solemn obligation rests upon us, under our constitutional oaths as Congressmen, to provide for the "common defense" as well as to promote the "general welfare." Let us then meet the great issue of national preparedness intelligently and fearlessly in the light rather of human history and experience than in the shadow of the fears of theorists and dreamers.

I do not hesitate to tell you, my colleagues, that I have more confidence in the teachings of history than I have in the deliberations and proclamations of international disarmament conferences. Furthermore, I do not hesitate to say to you that I prefer to guide my political conduct in this body by history and human experience rather than by the resolutions of any handful of men however grandly gifted and endowed.

In closing, then, I wish to state my preparedness creed: I believe that a Republic of 100,000,000 people, with several thousand miles of coast line to protect, with important insular possessions to defend, with the Panama Canal to fortify and guard, and with the Monroe doctrine to maintain should have a standing Army of at least 200,000 men, with adequate militia and volunteer reserves, together with a Navy at least second among the navies of the world.

This belief represents my personal conviction and reflects, I am convinced, the sentiments and wishes of a very large majority of my constituents, and I shall act upon this belief in my vote to-day.

Repeating a single sentence from the fifth annual address of Washington, heretofore referred to, that "there is a rank due to the United States among nations which will be withheld if not absolutely lost by the reputation of weakness," I wish to

say, Mr. Chairman, in closing, that I have an abiding and unbounded faith in the great destiny and in the undying glory of my country. I believe that the time is not far distant when American genius and American influence will dominate the nations and overshadow the earth; when our Constitution and our Declaration of Independence will be the mold and model of free institutions among all the tribes of men; when the torch of freedom which was lit at the flame of the American Revolution will be a beacon light to the oppressed of all mankind; when our soldiers and our sailors will be feared and respected on every land and on every sea; when the drumbeat of our country will be heard around the world; when freedom's flag will illumine all the skies; and, whether proceeding from the mouth of an ambassador or from the hot throats of Federal guns, when the mandate of the great Republic will be heard and obeyed throughout the earth. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. OLIVER]. [Applause.]

Mr. OLIVER. Mr. Chairman and gentlemen of the committee, certainly there exists no rational ground now for apprehending war troubles in the near future. We have just concluded very far-reaching treaties with all the great naval powers of the world, and the President has spoken in a most assuring vein to the people of the Nation as to what these treaties promise in the way of peace for the future. Since the gentleman from Illinois [Mr. YATES] and the gentleman from New York [Mr. CHANDLER], notwithstanding these treaties and the 10-year naval holiday which they promise, seem still to see dark clouds of war hovering over us, I respectfully invite their attention to some excerpts from a speech delivered by the President at the concluding session of the peace conference. Among other things, he said:

> But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.
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> When you first met I told you of our America's thought to seek less of armament and none of war; that we sought nothing which is another's, and we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in the accomplishment.
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> How sane and simple and satisfying to seek the relationship of peace and security.
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> I once believed in armed preparedness. I advocated it. But I have come now to believe there is a better preparedness in a public mind and a world opinion made ready to grant justice precisely as it exacts it. And justice is better served in conferences of peace than in conflicts at arms.
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> Again, gentlemen of the conference, congratulations and the gratitude of the United States! To Belgium, to the British Empire, to China, to France, to Italy, to Japan, to the Netherlands, and to Portugal I can wish no more than the same feeling which we experience, of honorable and honored contribution to happy human advancement, and a new sense of security in the righteous pursuits of peace and all attending good fortune.

It might be well for the President also to read again his own speech, since in a recent letter to the gentleman from Ohio [Mr. LONGWORTH] he expresses doubt as to whether we have advanced sufficiently along the paths of peace to adopt what the Appropriations Committee of the House now recommend as an adequate and sane naval program for the year 1923. This speech certainly shows that the President, when the conference adjourned, and the Senate's ratification of the treaties was urged, strongly felt that we had advanced far along the paths of peace, and that our country was reasonably safe for the next 10 years at least from all dangers and misunderstandings that might lead to war. The people of our country accepted the action of the conference in that fine spirit and belief that bespoke an international cooperation and understanding, so hearty and sincere as to dispel all thought of impending war, and so great was their faith in the agreements made that very general public approval has been given the Senate's ratification of the treaties. As a result, our country is now preparing to scrap not only 15 of the older battleships but also 13 of the most powerful war vessels ever designed, all of which are nearing completion, and on which millions have been spent. These 13 great warships would have been finished within the next two years, and on their completion America's supremacy of the seas could not have been challenged by any power.

In August, 1916, Congress authorized the building of 10 battleships, 4 of which, when finished, would have been the speediest, the most destructive, the most powerful ever designed by the mind of man. The same act also provided for six battle cruisers, the speediest, the most effective for offensive and defensive warfare ever authorized for any Navy. No nation had any ships like these, built or building, and it is doubtful whether any other nation has the financial ability to construct now or in the near future such giant weapons of destruction. Yet under the treaty all of these great battle cruisers and seven of the battleships are to be scrapped, and included in the seven battleships to be scrapped are our four greatest, with a displacement of 42,000 tons each, a speed of 23 knots, each carrying twelve 16-inch guns, capable of throwing with accuracy steel projectiles weighing 2,100 pounds more than 25 miles. No one questioned on the completion of this great building program, already far advanced, that the United States would possess the most powerful naval vessels of these two types afloat.

Mr. LINTHICUM. Will the gentleman yield?

Mr. OLIVER. Not just now. Certainly America's willingness to scrap her greatest weapons of destruction was the highest evidence of her faith in the treaty promises of peace for the future. [Applause.]

We will now have no battleships of more than 21 knots speed and none with the gun power or tonnage displacement of those we have agreed to destroy; we will have no great battle cruisers in our Navy; and yet so great was our faith in the agreements entered into with our former allies that we have permitted Great Britain to retain many capital ships, with a speed of 23, 25, and 32 knots, carrying great modern 15-inch guns, and to build two additional battleships of 35,200 tons displacement—larger than any we have retained, with no limit as to speed. Mark my prediction, she will build these two with light side armor, with decks well protected, each carrying not exceeding two or four 16-inch guns, and of great speed, with the greatest possible space for aircraft. No navy will have any vessels in point of effectiveness like unto them.

Japan has been allowed to retain battleships faster than ours, and she will also have more than five battle cruisers, armed with great modern guns, having a speed of more than 32 knots.

If, then, there are in fact substantial grounds, as some wildly imagine, for the fears expressed by a few as to our country's security, then the conferees, the President, the Senate, and the people who indorse their action have shown a degree of reckless, thoughtless carelessness, little short of treason, in agreeing to scrap six great battle cruisers and seven great battleships now nearing early completion. These 13 ships, from the standpoint of naval value, measured by speed, gun power, tonnage, and effectiveness, possess more than double the value of the 18 capital ships which the treaty permits us to retain, and which must constitute the entire capital-ship strength of our Navy until long after 1932, because the treaty forbids any further construction of capital ships by the United States until after 1932.

In this connection it may be well to take a passing inventory as to the military value of these 18 capital ships of our Navy. Eleven have a tonnage displacement ranging from 24,000 to 27,000 tons, with a speed of about 20 knots, each carrying from eight to ten 14-inch guns, capable of throwing a projectile weighing 1,400 pounds about 20 miles; three will have a tonnage displacement of 33,000, a speed of 21 knots, each carrying 16-inch guns, capable of throwing a projectile of 2,100 pounds about 24 miles. We at present only have one of this last type; the other two are now in course of construction and will be completed probably by 1925. The remaining 6 of our 18 capital ships are less than 21,000 tons displacement, with a speed of 18 or 19 knots, each ship carrying 12-inch guns only, with a range of about 15 miles and capable of throwing a projectile of 870 pounds only. Two of the 12-inch-gun ships are to be scrapped when the two battleships now building are completed.

The six 12-inch-gun ships have no real naval value; any one of the seven great battleships or battle cruisers which we are to scrap could have successfully met and destroyed all of the six in an hour's time, without even subjecting itself to gunfire from the ships so destroyed. A battleship is like a woman's hat—only good in its season.

So for the next two years our capital fleet will consist of only 12 battleships of real military value, which last number will be increased to 14 about 1925, and this 14 will constitute our Navy's real capital-ship strength until long after 1932. Great Britain in speed, tonnage, gun power, and number of ships is now unquestionably superior, as the gentleman from Tennessee [Mr. PADGETT] has well pointed out.

The point that I wish to impress on the House is this: That out of the 18 capital ships we are allowed to retain under the treaty, we will have but 14 of any real military value, and yet we are not complaining. And why? Simply because we have faith in the agreements we have made with the great naval powers of the world, and we believe that for the next 10 years all danger of war has been reduced to a minimum, if not made impossible. [Applause.]

Naval experts know, and our people should be informed, however, that at present we have neither a balanced fleet nor one on a 5-5 basis with Great Britain. We have more destroyers,

more submarines, but Great Britain has more and faster battleships and at least seven battle cruisers, whereas we have none; she has five or six aero-carrying ships, and we have only one of very doubtful value. The treaty, however, permits the United States to build five aero-carrying ships, aggregating 135,000 tonnage, and authorizes two of our modern battle cruisers, now in course of building, to be converted into aero-carrying ships of 33,000 tons displacement each, with no limit as to speed, but carrying only 8-inch guns.

It is important, then, that this Congress appropriate sufficient money to build not less than two modern aero-carrying ships of great speed, because only on the completion of the five aero-carrying ships authorized by the treaty can we feel that we have a balanced and really effective Navy. In future the first line of offense and the best line of defense, so far-visioned naval experts advise, will be our Air Service. [Applause.]

Let me again repeat that until you have built great aero-carrying ships and perfected your Air Service organization our Navy will not be equal to Great Britain's, and this fact is frankly admitted by every naval authority; yet, notwithstanding this, I submit America feels unafraid. [Applause.] Not only are we unalarmed but we are even now looking forward to the time when another conference can be called which will place further limitations on capital ships, and limitations also on submarines and other weapons of destruction. [Applause.]

Then why, may I ask, under these conditions should we listen to the insistent demands of the Navy Department to provide at great expense war complements for our capital ships and a great surplus of men for shore stations?

I wish to discuss this matter from a business standpoint with the Members of the House, because I feel that if the House is acquainted with the facts, as we know them, they will not vote millions of dollars for needless expense. We all love the American Navy. [Applause.] No man here knowingly would do it hurt. It is our country's best security, and far be it from me to detract from or say aught in criticism of its wonderful past achievements, both in war and in peace. [Applause.]

Neither the Navy Department nor naval officers, however, are immune to mistakes, and this Congress well knows how extravagant indeed are the estimates they often submit. I have previously called the attention of the House to the fact that it is not unusual for naval officers to widely disagree as to the number of enlisted men required to efficiently man the Navy. In 1919 the authorized enlisted strength of the Navy was 181,000. The following year, over the strong protest of the Navy Department, the committee reduced the enlisted personnel to 120,000. Naval officers then strenuously insisted that the Navy could not efficiently function with less than 160,000 enlisted men, yet Congress wisely and against the advice of high naval officers at the head of the bureaus of the Navy Department cut the enlisted strength to 120,000. Who will undertake to say now that we hurt the Navy by this action? Yet we saved a large sum of money to the Federal Treasury by refusing to follow the advice of naval officers.

Last year these same naval officers insisted that they must have 120,000 men for the present fiscal year, 1922; yet Congress, over their protest, cut it to 106,000; and who, again may I ask, will deny that our action was wise? You will recall that the heads of the bureaus fooled our good friend the gentleman from Tennessee [Mr. PADGETT] last year to the extent that in a speech before the House he stated that he was advised by the Navy Department that if the enlisted personnel of the Navy was cut to 106,000 that only 13 battleships could be kept in commission. We to-day find him again in a speech to the House on last Monday stating that the Navy Department now advises that if the enlisted personnel is cut to 67,000 they can only retain in active commission 13 battleships. Rather a remarkable coincidence that they should have fixed on 13 as being the number of battleships that could be retained in active commission, whether you have 106,000 or 67,000 men. The pending amendment to fix the enlisted personnel at 86,000 will be over the protest of naval officers, because they are now demanding 106,000. In other words, it would seem that we always find them willing to take for the next year what you gave them this year, especially when the question is raised as to whether they are entitled to the number they now have. Congress has not blindly followed in the past the advice either of the General Board, the Navy Department, or any combination of high naval officers, and in failing to do so I submit that we have done no hurt to our Navy.

A careful, judicial, and unbiased study of the facts will now disclose to the Members of the House that the committee in reporting the pending bill have provided sufficient men and sufficient money for the fiscal year 1923 to efficiently man and operate all of the ships which the Navy Department states is its desire or purpose to keep in active commission during 1923.

I respectfully submit that an examination of the table furnished by the Secretary of the Navy to the gentleman from Massachusetts [Mr. ROGERS], appearing on page 5551 of the CONGRESSIONAL RECORD, will disclose that with 86,000 men the Navy Department proposes to keep in commission the same number of ships, and no more, than the pending bill seeks to provide shall be kept in commission with 67,000 men. The essential differences, then, between the Navy Department in its use of the enlisted personnel of 86,000 men, provided for in the amendment of the gentleman from Pennsylvania [Mr. VARE], and in its use of the 67,000 provided for in the pending bill are simply these: The Navy Department desires to place on 18 capital ships, as shown by the table on page 5551 of the RECORD, 23,369 men, including flagship complements and fleet aviation detachments, whereas the pending bill provides for these same capital ships only 19,591 men, including flagship complements and fleet aviation detachments. The Navy Department further desires, as shown by the table on page 5551, to keep at shore stations, including shore base submarine tenders, 28,732 men, whereas the pending bill provides for these same shore stations only 16,176 men. Certainly this Congress, if the Members will only read the hearings, are not willing to provide 28,732 men for shore station duties in the Navy during 1923. A careful reading of the hearings will show that the committee has made generous provision for these activities.

Now, as to the complements for the capital ships, the pending bill provides not only for all capital ships but also for the other ships which the Navy Department proposes to keep in commission during 1923 more men than were actually carried on these same ships during January of the present year, when the Navy had 100,000 men or more to draw from.

The real item of difference between the table submitted by the Secretary on page 5551 of the RECORD and the pending bill, as the same relates to the enlisted personnel on our ships, is in fact reduced to the size of the complements on our 18 battleships. The pending bill provides not only more men than were carried on these ships in January of this year, but it provides, as complements for each of these 18 battleships, more men than the General Board of the Navy and the Bureau of Navigation fixed as the number to be carried on these ships when the ships were originally designed.

We may even apply a further test to show that an adequate complement for each of our capital ships has been provided for in the pending bill, namely, for 1923 we have given to each of these capital ships more officers and enlisted men than were carried on any 18 battleships of Great Britain's during September, 1918, at a time when Great Britain was carrying on all of her battleships full war complements.

In proof of these claims I submit, first, that a report from the Navy Department itself, as set out in the hearings, shows that we have provided, with the 67,000, more men for the ships to be kept in commission in 1923 than were actually carried on these same ships in January of this year.

As to the claim that we have provided an excess number over the complements fixed by the General Board and the Bureau of Navigation when the ships were originally designed, I respectfully refer the Members of the House to a full discussion of this subject before the House Naval Affairs Committee on December 31, 1918, where Secretary Daniels supplied to the committee a table showing the original complements fixed by the General Board and the Bureau of Navigation for eight of our present battle fleet. I quote from page 916 of the hearings as follows:

Designed complement of ships.

New York	902
Arkansas	916
Wyoming	915
Texas	902
Delaware	830
North Dakota	830
Utah	828
Florida	837

Secretary Daniels, in discussing this table in connection with the increased number of men that some naval officers were then recommending as peace complements for our capital ships, made the following statement to the committee:

> In my judgment, there is not a ship in the American Navy that is not overmanned and the number of men should be reduced; but there are officers in the Navy, able and very splendid men, who believe that we should now make a permanent complement on the ships equal to our war complement which, in my judgment, is the greatest waste of men and the greatest waste of money that could possibly be permitted.

If the Members of the House, in connection with the table giving the complements fixed by the General Board for the ships,

as they were designed, will read the interesting speech made by the gentleman from Idaho [Mr. FRENCH] and add to the designed complements the numbers which Mr. FRENCH points out may be added on account of fire control and other changes made after the ships were designed, you will find that the pending bill provides for this additional number of men on every capital ship in a most generous way. [Applause.]

Now, in support of the claim that the pending bill provides for our 18 capital ships more men and officers than were carried on any like number of Great Britain's greatest capital ships during the war, I beg to submit a table, accepted by the House Naval Affairs Committee in December, 1918, as officially correct, and which table clearly shows that the total number of officers and enlisted men carried on British battleships during the war was less than the number which the pending bill provides for our battleships in 1923. The list I have just referred to was furnished by Secretary Daniels and can be found on page 917 of the hearings, and the following taken therefrom gives the names of 18 of Great Britain's best battleships, with the dates of their completion, their tonnage displacement, and the number of officers and men carried on each ship as of September 30, 1918, which was long after the Battle of Jutland and shortly before the war closed:

Battleships.	Completion.	Displacement.	Officers and men.
		Tons.	
Royal Sovereign	Apr. 29, 1915	25,750	942
Royal Oak	Nov. 17, 1914	25,750	977
Revenge	May 29, 1915	25,750	[1]970
Resolution	Jan. 14, 1915	25,750	937
Ramillies	Sept. 12, 1916	25,750	937
Malaya	Mar. 18, 1915	27,500	955
Valiant	Nov. 4, 1914	27,500	957
Barham	Dec. 31, 1914	27,500	[1]985
Queen Elizabeth	Oct. 16, 1913	27,500	[1]1,016
Warsprite	Nov. 26, 1913	27,500	957
Erin (late Reshadieh)	Sept. 3, 1913	23,000	1,130
Benbow	Nov. 12, 1913	25,000	[1]995
Emperor of India	Oct. 24, 1912	25,000	[1]995
Marlborough	Oct. 12, 1912	25,000	995
Iron Duke	Mar. 21, 1912	23,000	915
Ajax	Nov. 18, 1911	23,000	812
Centurion	Oct. 9, 1911	23,000	[1]849
King George V			

[1] Flagship.

The above table shows the British war complements on 18 of her great battleships, as carried in September, 1918—6 of the ships included in the list being flagships. The total number of officers and men carried on these 18 British ships during the war was 17,409, and the total number which the pending bill provides for our 18 capital ships during 1923 is 19,591. In other words, the pending bill provides for our 18 battleships as peace complements in 1923, 2,182 more enlisted men than the total number of officers and enlisted men carried on 18 British battleships during the war. [Applause.]

And in this connection, it is proper to say that the statement has been invariably made that the British war complement was at least 10 per cent greater than her peace complement.

Who will now deny that the pending bill provides for all of our 18 battleships, first, a complement in excess of the actual number carried on these same ships in January of this year; second, a complement largely in excess of the number fixed by the General Board and the Bureau of Navigation, when the ships were originally designed; and, third, 2,182 more men than were carried on 18 of Great Britain's largest and best battleships in September, 1918, during war. If these claims be conceded, then what reason can there be for providing 23,369 men—the number which the Navy Department now insists should be carried on these 18 capital ships? The mere statement of the question, it seems to me, carries its own answer.

Now, if it is the desire of the House to provide this large peace complement for 18 battleships, 6 of which have no real military value, and to provide more than 28,000 men for shore stations, then, of course, you should vote for the amendment offered by the gentleman from Pennsylvania [Mr. VARE]. It is well to remember, however, when you add useless personnel increases to the Navy for 1923, that the hope of the people of our country that the peace conference would result in substantial reductions in naval appropriations can not be realized.

Already we are told by the gentleman from Illinois [Mr. MADDEN], chairman of the Appropriations Committee, that if the enlisted personnel is increased to 86,000, and the amount necessary for scrapping the 28 ships provided for in the treaty is appropriated, that the total amount expended on the Navy for 1923 will total about the same as was appropriated for in 1922. With 28 capital ships to be scrapped, with a large number of submarine chasers, Eagle boats, and other small craft of no military value to be either sold or put out of commission, with a large number of destroyers and other auxiliary craft to be put in reserve, surely the House must know that the Navy enlisted personnel can and should be greatly reduced, and the pending bill undertakes to do this.

I respectfully submit that we have provided an adequate number of men to man our ships and care for all naval activities during 1923, and out of the savings thus effected we should provide for the immediate construction of two aero-carrying ships, which I have attempted to show are now urgently needed in the fleet and the building of which should not be longer delayed.

In conclusion, since strong opposition has now developed in the House, in the administration, and in the Navy and War Departments against any reduction in either the officer or enlisted personnel of these services, it may be well here to set out some facts showing a comparison between our Military Establishment prior to the war and at the present time. In 1916 we had approximately 8,694 officers in the Army, Navy, and Marine Corps and the other allied services. We now have in these same services 21,558 officers. The enlisted personnel of the Army is now twice what it was in 1916, that of the Navy is about double the size of what it was in 1916, and the Marine Corps is more than one-half as large again. We have at our universities and colleges 95,000 young men in the Reserve Officers' Training Corps units and a large number under the War Department in training at high schools and other institutions in addition to this 95,000.

The abnormal increase in the number of generals, colonels, lieutenant colonels, and captains of the Army, of admirals, captains, commanders, lieutenant commanders, and lieutenants of the Navy will later furnish interesting information to the people of our country, especially to our farmers, when they study the cost of maintaining the Army and Navy for 1923.

It is evident now that strong pressure is being brought to bear by the administration to maintain the Army at 150,000, notwithstanding the House by a large vote favored its reduction to 115,000, and we have seen and felt in the House during the week the hand of the administration in the increase now proposed for the Navy. Well may we ask: When will the time come that our Military Establishment is to be placed on a peace-time basis?

It would seem that with a strong federalized National Guard, now numbering about 150,000 in its enlisted personnel, and with about 8,000 officers, this country can well afford to materially reduce its regular standing Army, and the recent peace conference certainly gave promise of large reductions in the Navy.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER. Under leave to extend I wish to insert a further statement read to the House Naval Affairs Committee by Secretary Daniels on December 30, 1918, as set out on page 912 of the hearings. The statement is as follows:

It seemed to be universally agreed by all naval experts that in passing from the predreadnought class of battleship to the dreadnought a reduction in the cost of maintenance would result because of two factors: (a) That the small ship with a great number of small-caliber guns required more men and officers than a larger ship with large-caliber guns only, therefore the complement of a dreadnought would be less than the complement of the predreadnought; (b) the change from the coal-burning to the fuel-oil burning battleship would reduce the complement of the dreadnought as compared with the predreadnought.

While only the latest battleships have been oil burners exclusively, and although a reduction in the engineers' forces has resulted, nevertheless the complements of the ships of the Navy have been constantly increasing and have been increased far beyond the designed complement at the time the ships were laid down.

On January 11, 1907, President Roosevelt, in advocating the authorization of the "11 big-gun ship" in his message to Congress, stated as follows upon recommendations of the experts of the Navy Department:

"Moreover, though a large ship consumes more coal, a small ship having a large number of small guns—6-inch, etc.—actually requires more men and officers than a large one having heavy guns only, and consequently each small ship costs at least as much to maintain and repair. For example, the complement of a dreadnought of 18,000 tons is 690 officers and men, while that of the *Louisiana* of 16,000 tons is about 850."

In 1910 the war complement of the *Louisiana* was stated as 954 men and the peace complement as 834 men, while in 1915 a report from the fleet itself placed the peace complement of the *Louisiana* at 1,137 men. The *Louisiana* is cited because in 1907 the experts in advising President Roosevelt placed the complement at 850 officers and men.

For instance, the *New York;* the designed complement is 902 enlisted men. In 1915 the complement was stated at 1,094 as a flagship, and to-day she has on board 1,444 men as a flagship, and the peace comple-

ment, as determined by a board now in session in the fleet, will be probably 1,410 men. Another instance is the *Delaware*, whose designed complement was 830 men; in 1915, 981; to-day, 1,094; and the board in session in the fleet will probably recommend a peace complement of 1,247 men. When the plans for the modern dreadnoughts were laid down such ships as the *Pennsylvania* and *Arizona* were designed to carry 937 men, but the number of enlisted men actually on board to-day is 1,440 for the *Pennsylvania* and 1,540 for the *Arizona*. While it is true that the battleship force has been used for training purposes during the war, there is, nevertheless, a board in the fleet now in session to recommend the complement of the battleships, and it is probable they will recommend a complement of about 1,420 men for the *Pennsylvania* and 1,490 men for the *Arizona*. This is an increase of 556 and 626 men, respectively, over the designed complements in time of peace.

The complement of enlisted men of the ships of the Navy has increased to such an extent that the crowded condition becomes a matter of concern as regards efficiency and sanitation. The division commander of the American forces operating with the British Grand Fleet, Rear Admiral Hugh Rodman, has forwarded a criticism to the department relating to offices, compartments, and sleeping space, stating that the men are crowded and are "packed in like sardines in a tin, two and three deep at times, in close, poorly ventilated berth deck compartments," and recommends that no more changes be made in the ship where the change will encroach upon the space for the crew, as it tends to cause more men to find sleeping billets on the "already crowded berth deck."

The number of men on the ships to which Admiral Rodman made reference in his letter to the Secretary were war complements carried on the ships, consisting of about 1,400 men to the ship. This, strange to say, is the peace complement now recommended by naval officers for many of our capital ships. The admonition of Admiral Rodman should be sufficient to warn Congress against placing large peace complements on these ships.

Secretary Daniels, continuing to read from the prepared statement, said:

While it is conceded that the complement of the ship might be necessarily increased in time of war to care for casualties, additional lookouts, and fire-control stations, and even in time of peace, because of additional stations that may become necessary from time to time in the development of modern naval warfare, yet, after careful investigation, I am of the opinion that the complements of the battleships of to-day can be operated efficiently with smaller complements. In December, 1914, a memorandum was filed with this committee setting forth a comparative statement of the commissioned line personnel and of the enlisted personnel of Great Britain and the United States. The statement showed as follows:

Enlisted personnel:	
Great Britain, per thousand tons	55
United States, per thousand tons	69
Commissioned line personnel:	
Great Britain, per thousand tons	2.21
United States, per thousand tons	2.51

It is therefore submitted that as far as the manning of the fleet is concerned efficient work can be done with smaller complements.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, I must ask not to be interrupted during the brief 10 minutes that I shall have. There are a few questions that I want to take up in rapid fashion by way of summary. In the first place, much has been said on both sides of this question upon which there is no difference. We all love our country, we all love our flag, we all love the greatest Navy in the world, and I can join in that wonderful encomium paid our Navy a little while ago by the gentleman from New York, Mr. MAGEE. I agree with everything that he said in tribute about what it has been, what it is, and what its officers and men always will be. What, then, is the question? The question is whether or not under the pending bill we are protecting the 5-5-3 program. Three factors enter into that program in large degree—ships, officers, and enlisted personnel. As for ships, your committee stand for 18 capital ships, 103 destroyers, and enough auxiliary craft to meet the situation under the agreement. Second, we stand for officers to man these ships, and no one challenges our conclusions. Third, with regard to the men, after the most careful analysis that your subcommittee could make, we believe we have taken care of the situation in comparison with that which will be provided for the navies of Great Britain and Japan. We fixed the enlisted personnel as that upon our ships upon the 1st of February last. We provided for shore stations and we added some seven thousand to take the place of men in transit, in hospitals, and away from posts of duty. So figured, we have shown that the enlisted personnel will be approximately 67,000 men.

Then we have cross checked on our figures. We took the complements that were prescribed for the ships eight years ago and increased these complements by men required by reason of new devices and new services and it gave us slightly less than 67,000 men. We went further than that. We subtracted the men now assigned to ships that are to be scrapped and to stations and duties that are to be abandoned from our present enlisted personnel of 96,000 and it gave us 66,000. Further than that, compared by the number of men on the ships making up the capital ships and other craft of Great Britain and Japan to-day, our figures are wholly adequate and comparable.

Why should we provide more? Those who oppose, who want to raise the number up to 87,000, say that we need more men. For what purpose? They do not say. What is the purpose? As has been said by the gentleman who preceded me, there is a certain very definite minimum for men during peace times to be upon the different battle craft. Upon the capital ships it is something like 900 or 1,000. We have gone beyond that. You would have something like thirteen or fourteen hundred, if you please, in time of war. Between that upper line and this lower line you will find something like three or four hundred men. Why should we have a war-time complement upon our ships or anything that would approach it?

What are these men? They are electricians, some of them; some of them machinists, mechanics, laborers. The electrician that is working in the electrical plant to-day in any city in this country is ready, for the most part, with experience necessary to which will be added a short preliminary training as he goes upon shipboard to care for the electrical work upon the battle craft. The man who is at the lathe, the man who is the engineer, the man who is the laborer performing work for which he will receive pay in civil life in any of the industrial concerns of this country is doing that which gives him the experience necessary with a very little adaptation to the work upon the ship that will make him capable of carrying on as a member of the American Navy in war or in the event of an emergency. That is all there is to the proposition. You have that great reservoir of men who are electricians, machinists, mechanics throughout this country and you can draw upon them, and in a few months they can be trained fully to meet the work upon shipboard.

Aside from the quotas we have provided, these men had better be employed in private industry.

You can not do that with officers. It takes time and years to train officers. Therefore, as to them, we have given the high number. You can not do that with regard to ships; it takes years to build them.

ADDED COST.

Several men have spoken to me in respect to the cost of the additional men under the proposed amendment. Figure it up any way you please, and the very minimum cost for the additional men in my judgment, and I think that rests upon estimates of the Navy Department, will fall somewhere near $57,000,000. That assumes that they will be placed in much the order that the personnel we have allowed are placed at this time. But if you intend to bring more of the destroyers into the service—add another 200, say, of the destroyers and put the men on those ships—you will immediately add to the cost, and instead of its being $57,000,000, it may be $60,000,000, $75,000,000, or even more, because vast quantities of money will have to be expended for fuel, for repairs, and for other purposes, to maintain these added craft.

THE RATIO OF UNITED STATES AND JAPAN.

There is another criticism I must mention. We are told that the enlisted personnel for Japan will be from 68,000 to 71,000 men. We are told that if we provide an enlisted personnel of 67,000 we will fall in ratio below the ratio of Japan. But gentlemen who so urge are proclaiming the 5-5-3 ratio and themselves apparently contend that 86,000 enlisted personnel for our Navy will maintain the ratio indicated as against the enlisted personnel of Japan.

Is it not apparent that there is sophistry in the contention of these gentlemen? They make the ratio depend entirely upon enlisted personnel when they consider the figures of 67,000 provided by the committee, while, on the other hand, when they consider the proposed figures of 86,000 they evidently include in measuring their ratio the number of ships and the number of officers that will be provided by the United States and that will be maintained by Japan. If gentlemen would be consistent, instead of supporting an amendment for 86,000 enlisted personnel, they would support an amendment that would bear a ratio of 5 to 3 to the Japanese alleged enlisted figure of 71,000, and they would be asking in their amendment that the enlisted personnel for the United States be 118,330.

OPPOSITION TO THE COMMITTEE FIGURES.

The most vigorous opponents of the proposed enlisted personnel offered by the committee of 67,000 are the officers of the Navy Department, on the one hand, and groups that represent navy yard and navy station activities upon the other. These latter groups are not limited to the Representatives upon this floor from the States where are located navy yard and other activities, but the opposition is reflected through chambers of commerce, commercial clubs, newspapers, and groups of workmen from cities where navy activities are found. During the last few days Representatives from States have come to me

and asked me frankly whether or not, in my judgment, a reduction of the enlisted personnel to 67,000 men would reduce the activities of the navy yards. I have been compelled to tell these men that I believed it would; that the navy yard activities would necessarily shrink with the removal of naval craft as provided in the treaties, and with the abandonment, as we propose, of battle craft of various kinds that can serve no useful purpose. These men are between what they conceive to be two duties; they want to serve their country, they want to serve the districts they represent, where men are employed in navy yards; they hope that their two duties will not conflict, and, like the faithful Achates of old, they feel that they must serve those who have sent them here and whose Representatives they feel themselves to be. More than this, the members of your subcommittee have been appealed to by these workmen; they have been appealed to by business men and civic organizations to maintain their navy yards.

A year ago, when your subcommittee refused to appropriate $670,000,000, approximately, asked for by the department, and scaled the appropriation down in the House to approximately $390,000,000, the same fight was waged by people within the navy-yard districts. And not only did the groups to which I have referred urge upon the committee the carrying forward of projects that could not be defended except in war, but the wives of employees of navy yards themselves appealed to the committee. They urged the committee to permit the construction of naval craft for which we had no use in order, as they said, that their husbands might not be thrown out of work and the bread taken from the mouths of their children.

Gentlemen, the American people support the Limitation of Armament Conference and its results. The agreements we are entering into for the limitation of naval craft must necessarily decrease the building of ships as units of our Navy. Do gentlemen believe we should continue to build ships in order to sink them, or in order to salvage them? The agreements of the Limitation of Armament Conference will mean the discontinuance of guns in such quantities as had been anticipated; it will mean that guns of the largest caliber plan will not be built. Do gentlemen believe that notwithstanding all this we should vote the people's money for the building of guns, for the construction of naval materials, in order that employees of the navy yards may be continued in their employment? The appeal that was made to me not to throw these men out of work touches my deepest sympathy, but better a thousand times that we adhere to the plan of limiting our armament and permit these machinists and skilled employees to enter into profitable and productive activities in private life.

Mr. Chairman, those who urge these larger appropriations are sincere in their purpose, but as I see it, they are as incapable of getting the true and entire perspective of the situation as would be a man in the jury box if asked to deliberate upon a case in which he was involved, and so I say of the officers of the Navy. They are honest, they are sincere, but they are enthusiasts, and with that enthusiasm they want to see the Navy Department magnified beyond that which appears to be sustained by sound reason. The enthusiasm on the part of the Navy officers for their work is the same enthusiasm possessed by the successful officers of every bureau in every department of our Government, who somehow feel that their own particular work is after all the reason almost for the existence of government. If your Appropriations Committee were to accept the estimates of the heads of bureaus of the Navy Department and of all the other departments of our Government, the Budget for next year for the United States would be not less than $10,000,000,000.

Mr. Chairman, the other day when I discussed this bill, and again to-day, I referred to the conditions confronting us six and eight years ago and at this time. I have called attention to the financial, the military, the economic wealth, if you please, of Europe and the countries of Europe, and the same factors pertaining to the United States. I think you should have before you a chart that will indicate to you more graphically than words can tell it the ratio of economic strength, the ratio of burdens borne by the several nations, the ratio of the factors that will enter into just comparison between nations as you consider what should be the policy of the United States in the maintenance of a Navy. Therefore I want to place at this point in my remarks a table that will show the essential factors touching the leading nations of the world approximately eight years ago and touching them to-day:

	United States.		Great Britain.		France.		Japan.	
Population	(1913) [1] 95,000,000	(1920) 105,710,620	(1911) 45,370,530	(1920) [1] 50,000,000	(1911) 39,601,509	(1920) [1] 40,000,000	(1913) 52,985,423	(1918) 57,070,935
Debts	(1913) $1,028,564,000	(1920) $24,062,510,000	(1913) $3,485,818,000	(1920) $37,910,000,000	(1913) $6,346,249,000	(1920) $46,025,000,000	(1913) $1,241,997,000	(1920) $1,300,000,000
Army	(1914) 105,032	(1922-23) [2] 126,000	(1914-15) 181,000	(1922)	(1914) [3] 790,000	(1922)	(1914) [1] 250,000	(1922) [1] 250,000
Navy: Tons built	(1914) 765,133		(1914) 2,157,850		(1914) 688,840		(1914) 519,640	
Do	(1922) 1,285,343		(1922) 1,787,932		(1922) 538,442		(1922) 584,255	
Tons built and building program	(1922) 2,063,173		(1922) 1,984,252		(1922) 606,842		(1922) 1,398,642	

	Italy.		Russia.		Germany.		Austria.	
Population	(1914) 35,238,997	(1918) 36,740,000	(1912) [1] 171,059,900	(1920)	(1910) 64,925,993	(1920)	(1914) [1] 50,000,000	(1920) .....
Debts	(1913) $2,921,153,000	(1920) $18,330,000,000	(1913) $4,537,861,000	(1920)	(1913) $1,194,052,000	(1920)	(1913) $2,152,490,000	(1920) .....
Army	(1914) 304,672	(1922)	(1913) 1,200,000 to 1,800,000	(1922) 1,000,000	(1913) [4] 790,985	(1922)	(1913) 424,258	(1922) .....
Navy: Tons built	(1914) 283,460		(1914) 270,861		(1914) 951,713		1914)	
Do	(1922) 340,669		.....		.....		.....	
Tons built and building program	(1922) 383,219		.....		.....		.....	

[1] Estimated. [2] Approximately as carried in House military appropriation bill. [3] Including colonials. [4] Peace Army.

WHOM DO YOU FEAR?

Now, I have only a couple of minutes more. Gentlemen, the question has been asked before, of whom are you afraid as a Nation? I pointed out the other day the different nations of the world, their condition eight years ago, and their condition to-day. Let me ask the question again, Of whom are you afraid? Are you afraid as you look across the water to Great Britain, the only country that has a navy comparable to ours? There is a country where every individual, man, woman, and child, is under an indebtedness to-day, owing, by their Government, of from three to four times per capita the indebtedness of the United States. Are you afraid of France? France,

poor, stricken France! As you walk down the streets of her villages or go through the country and see her thousands of wounded men, with the country under a load to-day that is five or six times per capita the indebtedness of the United States, do you fear her? Go to Italy and you find another country similar to France. Go to Germany and Austria, with no navies; countries that are practically on the verge of bankruptcy. Or is it Russia that you fear, a country that was a powerful nation eight years ago, and yet to-day a country that is financially bankrupt; a country, if you please, of splendid people, dominated and impoverished to-day through a cruel and tyrannical minority. Gentlemen, do you fear that country to which we are sending from our abundance the bread and butter that her people may not stave? [Applause.] Whom do you fear?

In the other direction, is it China, a better friend of the United States to-day than ever in times past? Is it Japan that you fear—a country with half the population of the United States, a country with a navy that is about 3 to 5 compared with ours; a country that does not have the material wealth that can be found in some of the great American States of our Republic? Now, gentlemen, whom do you fear?

One word in conclusion. If the Limitation of Armament Conference is to bear the fruit we fondly hope, we must show the world that we respect the letter and the spirit of the agreement. There is no prohibition in the agreement touching various kinds of battle craft, yet for us to engage in building such craft would be to proclaim that though we may keep the letter of the treaty we shall forget the spirit. There is no limitation against submarines, so far as their construction may be concerned, and yet in my judgment we would blight the fruit of the conference were we to compete in submarine construction. The agreement of the conference carries dual responsibility; it carries responsibility to the nations of the world besides our own, and it carries responsibility to our people. We must keep faith with foreign countries by refusing to go above the 5-5-3 agreement. We must keep faith with the people of the United States by refusing to go below, except as we may do so through the concert of supplemental agreements. This I hope we may be able to do.

Gentlemen, I believe we have given you a bill that respects the treaty and that will challenge the admiration not only of our own people but of foreign countries as well.

I heard the address of Premier Briand at the second, I believe, of the Limitation of Armament Conferences. He said, in substance, that peace between nations is not insured by destroying arms and tearing down forts, it is not insured by scrapping ships; there must be more than that, said this eminent statesman; there must be the will for peace.

We have given you a bill, in my judgment, that maintains at once the dignity of our country, the dignity of our Navy, the dignity of our place in the ratio of navies, but that must be calculated to let the nations of the world know that with the American people there is the will for peace. [Applause.]

Mr. VARE. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, as I understood the gentleman from Idaho [Mr. FRENCH], in the very eloquent address that he has just delivered, and which he is so capable of always making, he said that one man's guess at the present time is as good as another's in the distribution of the men to be used by the Navy. On the one hand, then, we find the gentleman from Michigan [Mr. KELLEY], the gentleman from Idaho [Mr. FRENCH], the gentleman from Alabama [Mr. OLIVER], and the gentleman from South Carolina [Mr. BYRNES] are doing part of the guessing, and, on the other hand, we find that the department itself, the Secretary of the Navy, the Secretary of State, and the President of the United States, the ones which you are to put in the scales, are also guessing. Now, if that is in the form of a guess, I for one want to be on the side of the President of the United States. [Applause.]

It seemed to me that this debate was over yesterday when a letter was read from the President of the United States stating that anything less than 86,000 men in the personnel of the Navy would not be sufficient to keep up what we have agreed to as a 5-5-3 limitation among nations. So it seems to me, Mr. Chairman, we not only have it as our duty toward the administration itself but, further than that, and far above that, we are under obligations to the administration as part of the agreement among the great powers. We can not afford in any sense to have this question settled on other than the basis which the Government itself desires. And when one speaks of using any financial consideration, it seems to me that we can almost, from the way in which money has been spent, not only in this Congress but in preceding Congresses, regard this difference of $14,000,000 between the two figures as presented to us as in the light of practically nothing more than a financial bagatelle. It is true that $14,000,000 is a lot of money, but in proportion to the amount that Congress has been spending for other purposes it is very little with which to maintain the integrity among nations. [Applause.]

Why should we speak of "being afraid" of some other nation? For my part, this additional number is not required in anticipation of any trouble with other nations, but rather that we may continue to maintain an equality with them in line with the recent limitation agreement.

Mr. GALLIVAN. Mr. Chairman, I yield three minutes to my colleague from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the committee, many of the arguments made here to-day and advanced to the Members of this House are followed by the questions: Of whom are you afraid? Who are we going to fight? In answer to that, Mr. Chairman, let me say that it does not make any difference who we are going to fight. We are not afraid of any nation in the world. We never were afraid of any nation in the world, because heretofore we have had a Navy provided by former Congresses of the United States made up of red-blooded men who never measured the American dollar with the lives of the young men who make up our Navy and who would not be swayed from their duty. [Applause.]

Mr. FROTHINGHAM. Can the gentleman tell me whom England and Japan are afraid of? They are keeping up their navies.

Mr. TAGUE. Mr. Chairman, the only one that England or Japan will ever be afraid of is the American Navy. [Applause.]

Mr. Chairman, I venture to say, coming as I do from one of the districts which has been referred to as having in it a navy yard, that I will be charged with selfish motives and trespassing on the rights of this House when I advance in a humble way my reasons for advocating a larger Navy. I want to say that our motives are just as honest and just as clean as the motives of those who are advocating the other side of the question. We are not looking upon it from a selfish point of view, because we in those districts have seen the Navies of the United States grow to the size that they were during the late war. We have seen the boys from your districts in the Middle West, we have seen them from the far West, come to the eastern coast, there to make up the red-blooded men of the American Navy, and there they were received by men who had been trained in the service, men who were a credit to the Nation. They were experts, Mr. Chairman; yes, experts of the Navy. I am willing to follow in the wake of those men who have given their lives to the building up of the American Navy.

I am willing to follow men like Admiral Coontz rather than my distinguished friend from Michigan [Mr. KELLEY], and I am willing to follow Admiral Taylor rather than the distinguished leader from Wyoming, as to what I think should constitute the Navy of the United States.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GALLIVAN. Mr. Chairman, I yield two minutes to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. VARE. And I yield him the same.

The CHAIRMAN. The gentleman from New Hampshire is recognized for four minutes.

Mr. BURROUGHS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BURROUGHS. Mr. Chairman, I am going to vote my own honest convictions on this bill and I am going to vote for 86,000 men. [Applause.] In doing this I am very glad that I am supporting the recommendations of the President of the United States, the Secretary of the Navy, and every single naval official who has voiced an opinion concerning the matter. I am not ashamed to be found in this company.

Mr. Chairman, I am very glad to vote for every dollar of appropriation that is necessary in order to maintain our Navy on an exact equality, both in ships and personnel, with the navy of the British Empire and in the ratio of 5 to 3 in comparison with the navy of Japan. I understand the Congress of the United States is entirely within its rights under the treaties adopted at the recent conference in Washington in providing exactly that kind of a Navy. From all the information I can get—and I have sought information wherever it was available—I do not believe the present bill, which is being so ably defended by the chairman of the subcommittee, the distinguished gentleman from Michigan, will give us that kind of a Navy. I understand that this bill gives us not more than 13 battleships with

full complement, when we are entitled under the treaty to have 18, and the British Empire is going to have 18. I understand that this bill will give us not more than 10 cruisers, when we are entitled to have 13. I understand that this bill will give us not more than 65 destroyers in full commission, when we now have more than 300, and the very least number that the Secretary of the Navy has recommended is 103 in full commission and 23 in half commission. I understand that this bill will give us a total enlisted personnel of only 67,000, when the British Empire will have not less than 104,000 and Japan will have not less than 68,000. These figures are obtained through the Navy direct from our naval attachés at London and Tokyo. If any other or different figures are given, they seem to be based on nothing more dependable than common rumor or newspaper report. It is therefore my belief that this bill, if enacted into law, will inevitably reduce our Navy in point of efficiency and strength far below the British Navy and probably somewhat below the navy of Japan. It is because of this belief that I shall vote for the motion to increase the enlisted personnel to 86,000 men.

The gentleman from Wyoming, the distinguished leader of the majority, asks with much dramatic effect why it is necessary to accept as gospel truth the recommendation of the naval experts. I think there is no necessity for it. I know of nobody who has suggested doing so. What I do say, however, is this: I see no sense whatever in spending weeks in the examination of experts before the committee if these experts are all to be regarded as prejudiced witnesses, whose testimony in the end is not to be relied upon at all, and whose recommendations and conclusions are to be summarily thrown on the ash heap. Doctors, of course, sometimes make mistakes. But, after all, in time of sickness most of us go to a doctor rather than to a blacksmith. I want to call attention to the fact that these naval experts, whose recommendations seem to be regarded with so much distrust and suspicion, and whose testimony is thought to be so wholly unreliable, are the very same men upon whom our delegates to the arms conference relied entirely in all matters involving expert opinion or advice in framing the treaties. Our brilliant Secretary of State, Mr. Hughes, and Senator Lodge and Senator Underwood and Mr. Root found them to be entirely trustworthy. I wonder what has happened in the short space of a few weeks that the chairman of this committee now finds himself unable to trust these same men to advise him as to the proper number of men to serve as the complement of a battleship. I confess I do not exactly understand.

The distinguished leader of the minority, the gentleman from Tennessee, has just told us that he sees no obligation upon us growing out of the treaty to maintain a Navy in accordance with the so-called 5-5-3 ratio. I am inclined to agree with the gentleman on that proposition. But, Mr. Chairman, I say that we do have an obligation to maintain our relative position in exact accord with the terms of the treaty. That obligation arises out of the oath which each one of us took in front of this desk. Our duty, as I look at it with reference to this matter, has a twofold aspect. We owe a duty to the rest of the world with whom we have entered into treaty relations to keep at all times within the limitations prescribed by the treaties. But in addition to that we owe a duty to our own people not to allow the fighting strength of the American Navy to fall below the position accorded us in the treaty. I have a very firm conviction that the American people expect this Congress to do its full duty in both aspects as I have described them.

There is not a man in this House who does not know that if our delegates at the arms conference had been willing to accept a position of inferiority to any other nation in the world in respect to naval strength, the treaties they formulated would never have been ratified by the Senate or by the people, and they themselves would have been quickly swept into oblivion by a thoroughly aroused and offended public opinion. If that is so, it seems to me equally clear that the same public opinion, when it understands the true situation, will condemn any man or any party that is responsible for the weak, timid, pusillanimous policy now for the first time proposed in a great naval bill in the American Congress that would put our Navy into a permanent position of inferiority among the naval powers of the world. I said "permanent," Mr. Chairman, and I use the word advisedly, because it must be plain to everybody that if once we accept a second or third rate position it is going to be most difficult, if not, indeed, impossible, at a later time to take our rightful place. Any subsequent action by Congress looking in that direction will at once excite among the other powers the greatest suspicion, if, indeed, it be not regarded as a hostile act.

Mr. Chairman, I was a strong believer in the so-called Limitation of Arms Conference. I saw in it a real effort along what seemed to be perfectly sane and practical lines to put a stop to the race for naval supremacy among the nations, that was bound to be an ever increasing burden upon every people and nation that participated in it. I believed then and I believe now that the only practical, sensible way for the nations to disarm is by agreement. I most assuredly do not believe in disarmament by example. I am unwilling to see my country disarm either on land or sea as long as all the other nations of the world remain armed to the teeth.

I was proud to see my country take the first step toward disarmament. How was she able to do it? It was only because she had at the moment a Naval Establishment potentially, at least, the most powerful in the world. When the right time comes I want to see her take another step in the same direction, but her success then, as before, will depend upon her having a strong, efficient Navy, the equal of any that sails the seas. If we are to expect others to follow, we must see to it that we maintain our position of leadership. Any other policy spells inevitable failure.

I would go very far indeed to bring about a condition in the world wherein war would no longer be tolerated and when any nation that engaged in it would be considered an outlaw nation. But, Mr. Chairman, while that is true, it is also true that I will never, if I know it, favor or vote for any measure the effect of which is to put the control of American naval policy into the hands of the little group of extreme pacifists that seem to follow the leadership of that other son of Michigan whose chief title to distinction lies in the fact that he has put the "tin Lizzie" into thousands of American homes. So far as I am concerned, I will never vote for any policy or any measure the inevitable effect of which is to cripple and hamstring and dismantle our Navy in order to meet the views of men who, however noble and fine may be their ideals for their country, fail utterly to grasp the fundamental truth that such ideals amount to nothing in the present state of civilization unless we possess the will and power to make them effective.

I appeal to you, my colleagues, not to cripple and destroy our splendid Navy. Its noble traditions are the pride and glory of America. It is and must always remain our first line of defense. It is both our right and our duty to keep it on a basis of equality with the best. In the name of John Paul Jones and Perry and Decatur and Farragut and Dewey I ask you to-day to maintain that right and perform that duty. [Applause.]

Mr. VARE. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. NEWTON].

The CHAIRMAN. The gentleman from Missouri is recognized for three minutes.

Mr. NEWTON of Missouri. Mr. Chairman, I do not believe that any event of the past half century has met with such universal approval as the achievement of Secretary Hughes and our American representatives at the disarmament conference called by President Harding, which convened in Washington on the 12th day of November last. I believe that 95 per cent of the American people are in favor of some kind of an international understanding to prevent a race in armaments and to minimize the dangers of war. Many Americans were in favor of the League of Nations for this reason. The last election, however, demonstrated that a vast majority of the American people were afraid that the covenant of the League of Nations went too far and threatened to involve this country in European conflicts. I am persuaded that the overwhelming sentiment among those who opposed the League of Nations is in favor of an understanding, such as President Harding and the American peace delegates brought about through the disarmament conference.

Prior to the World War Great Britain stood first in naval strength among the nations of the earth. Great Britain was the mistress of the seas, and under the protection of her navy her commerce entered with security into every port around the world. Next to England came the navy of Germany, and under its protection the commerce of Germany became a strong rival to the commerce of Great Britain, while the commerce of the United States, lacking the protection of an adequate Navy, was greatly retarded in its development.

Our representatives at the Disarmament Conference succeeded in getting an amicable arrangement whereby the navies of the three great naval powers should be limited, and providing that the navy of Great Britain at the end of 10 years should be no greater than that of the United States, while the size of the navy of Japan, as compared with that of the United States, should bear the ratio of 3 to 5.

What was it that made this achievement possible? What was it which made England willing to surrender her proud position as mistress of the seas and to consent to a limitation of her armaments which made it possible for the United States, without excessive expenditures, to have a Navy equal to that

of any nation upon the globe? What was it that made Japan, proud as she is, with an extensive navy building program, submit to a naval ratio of 5 to 3?

It was the fact that America had undertaken with determination to carry out a program which by 1926 would give America the greatest Navy afloat, coupled with the further fact that both England and Japan knew that the resources of the United States were such as to insure victory for America in an international race in armaments. I believe that every patriotic American feels that the establishment of this naval ratio by amicable agreement—a ratio which makes the naval strength of the United States at a moderate cost equal to that of Great Britain and vastly superior to Japan—was the greatest achievement of this age. What would the American people have said of the work of our delegates at the arms conference if they had consented to a naval strength between Great Britain and the United States upon a ratio of 5 to 3 and a naval strength of the United States less than that of Japan? And yet that is the thing which the bill now under consideration proposes to do.

Why do I make this statement? What evidence have I to sustain it? The chairman of the subcommittee, Mr. KELLEY of Michigan, and our leader, Mr. MONDELL, declare that the provision of the bill providing for an enlisted naval personnel of 67,000 men is fully adequate to take care of our Navy's needs. But what are the facts? Great Britain has provided in her naval budget for enlisted personnel, exclusive of marines, amounting at the end of the next fiscal year to 98,000 men. Japan has provided in her naval budget for next year for a personnel of 68,252 men, and yet this committee tells us that an enlisted personnel of 67,000 men for the American Navy will maintain our ratio equal to that of Great Britain and as 5 to 3 when compared with the navy of Japan. The fallacy of such a contention is obvious. To begin with, the training of England's naval personnel is far superior to that of ours, because her enlistment is for a period of 12 years. The training of Japan's naval personnel is superior to ours, because her enlistment is for a period of six years, while the enlistment of the personnel in our Navy is for an average period of three years.

On June 3, 1921, out of 119,000 men in the American Navy, 98,000 had less than 4 years' experience and 87,000 of them were less than 24 years of age. Experience shows that it takes at least one year to make any sort of a sailor out of enlisted men and that it takes at least three years' training to prepare men for efficient service in operating a battleship. Furthermore, our naval records for the last year show that we had 55,000 new enlistments of young men who had never seen naval service, while we had only 16,000 reenlistments.

Thus it will be observed that at least one-third of our enlisted men must necessarily be in training all the time and thus incapable of active naval service, while a considerable percentage of the remaining two-thirds must be engaged in training the one-third raw material. This handicap does not apply to the British and Japanese Navies under their long enlistments.

Thus it is evident to any reasonable man that the contentions of the chairman of the subcommittee [Mr. KELLEY of Michigan] and the floor leader [Mr. MONDELL] that this bill provides for our complement under the terms of the treaty is totally without foundation. Battleships do not make navies, and the finest battleship in the world is of no value as a fighting force unless it is manned by trained, intelligent, and skillful seamen. You can not have a 5-3 ratio between the United States and Japan so long as Japan has 68,252 men, seasoned and trained under long enlistment, while the United States has only 67,000 men, one-third of whom are not trained at all. And you can not maintain a 5-5 ratio between Great Britain and the United States so long as Great Britain has 98,000 enlisted men, seasoned and trained under 12-year enlistments, while the United States has only 67,000 enlisted seamen, one-third of whom are not trained at all.

If we are to keep up our complement and help to insure peace by maintaining our ratio with England and Japan, as provided in the treaty, we can not do so with a personnel of enlisted men such as that which is provided in the bill now under consideration. If we are going to disarm alone and ignore the splendid ratio which caused the American people to hail the achievements of our delegates at the arms conference as a great success, then what did the accomplishments of the conference amount to? If we do not maintain the strength allotted to us, in order that America's views and ideals might be respected over the world, then what advantage was there in having a conference? No other nation is going to interfere with us in disarming alone. We had a right to do that without a conference. But the American people know that to do this means to invite trouble, and I do not believe that they will approve of any such program.

The American people have learned by experience in recent years that unpreparedness invites conflict. They have learned that such a condition of our Army and Navy, coupled with an election in this country, strongly declaring in favor of peace, regardless of the insults which we endured, resulted in our being hurled into a world conflict which cost this country $40,000,000,000 and 70,000 lives, and placed a responsibility upon this Government to care for sick and wounded soldiers amounting to more than $500,000,000 a year.

I do not believe the American people want this mistake repeated. I believe that they approve of the achievements of President Harding and Secretary Hughes. I believe that they feel that a great step has been made toward permanent international peace by agreement, and I believe they want us to keep our complement up to its full strength, as Great Britain and Japan are doing, until the time comes when further declarations by agreement can be made. If we ignore the provisions of the treaty and take our place in naval strength in the rear of Great Britain and Japan, it is reasonable to assume that at the end of the 10-year period the agreement for the limitation of arms will not be renewed and we will again be off on another international race in the construction of machines for war.

I am convinced not only from the facts which I have presented to you that the provisions of this bill are totally inadequate to provide for our complement under the arms conference, but even if I did not have these facts I would vote to increase the enlisted personnel of the Navy to 86,000 men. Why do I say this? The chairman of the subcommittee, who served for some years upon the Naval Committee of the House, has declared that the enlisted strength of 67,000 men is adequate. The Republican floor leader [Mr. MONDELL] has declared the same thing. Why should I not follow them? I will tell you why. Because the Naval Affairs Committee of the House, consisting of Members of this Congress who have devoted years of study to the naval problems of this country, say that we can not keep up our complement and maintain the ratio provided by the treaty with less than 86,000 enlisted men; because the Secretary of the Navy and the naval experts who have devoted their lives to the study of naval problems and who so successfully advised our delegates to the peace conference tell us that we ought to have at least 96,000 enlisted men and that we can not maintain the 18 first-line battleships allotted to us by the treaty, together with the necessary auxiliary equipment, with less than 86,000 men; and because the Secretary of State, who so successfully led our delegation at the peace conference in the greatest achievement of world peace yet known, and who, as the head of the State Department, together with the Secretary of the Navy, is in a position to have in his possession information upon international questions which are not and can not be available to Members of Congress, urges that we must not provide for less than 86,000 men; and because the President of the United States, who is acclaimed by the nations of the earth as the great leader for international peace, and who is in a position to have information and to understand far better than we the complicated angles of this great international problem, said to us in a letter yesterday:

> I shall be greatly disappointed, and I believe the country will be greatly disappointed, if the appropriation, to which the Navy must and will adhere, is reduced to a point where the limitation of enlisted men and apprentices is below 86,000.
>
> Ultimately, perhaps, the lower figures proposed may be reached, and I hope it will be possible through later international concert, but the trend toward peace and security ought to be more firmly established before going beyond the limitation to which we were gladly committed at the international conference.

There is no official of this Government more insistent upon national economy than President Harding; no one more determined that the tax burdens of the people shall be reduced. It was under his leadership that this great achievement for peace was accomplished; it was under his guiding hand that this international race in armaments was stopped. He is in a position to understand better than we the purposes and inclinations of the other nations of the earth. No man in this Government carries greater responsibility than he; no man in this country is more patriotic than he; no man in the Government is more concerned about the welfare of the Nation and its future than he. He is the commander in chief of the Navy, and when he tells me, as he did upon yesterday, that he will be greatly disappointed if we fail to provide for an enlisted naval personnel of 86,000 men, I, for one, will not cast my vote to hamper him in his fight for world peace. He is the head of our Nation, the leader of my party, and when he appeals to me, as he did upon yesterday, you may depend upon me to respond. [Applause.]

The CHAIRMAN. The Chair is ready to recognize any gentleman.

Mr. KELLEY of Michigan. Mr. Chairman, how much time has the gentleman from Pennsylvania?

Mr. VARE. Twenty-three minutes.

Mr. KELLEY of Michigan. How much time has the gentleman from Massachusetts [Mr. GALLIVAN]?

Mr. GALLIVAN. A little over 30 minutes.

Mr. KELLEY of Michigan. I suggest that the gentleman use some of his time.

Mr. GALLIVAN. I would prefer to have a vote, but I yield myself three minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for such time as he desires to use.

Mr. GALLIVAN. Mr. Chairman, I approach once more the consideration of this tremendously important bill with some fear and trembling. In the general debate we progressed as one happy family until the closing hour; then almost in the closing minute the motives of the men who come from the big cities on the Atlantic coast and the Pacific coast who advocate a larger number of enlisted men in this bill were questioned. I come from a city which has within its limits the oldest and the finest navy yard in all the land. It has helped to make the history of this Republic, and we in Boston are proud of its achievements and glory in its record. But do you men believe that the three Congressmen from Boston who favor the larger number of men proposed in the amendment are interested solely because of that navy yard? Does any man within the sound of my voice believe that we are made of that kind of stuff? Yet our motives were attacked openly, and, as I say, it is with fear and trembling that I dare return to make another appeal for the flag. [Applause.] The other day I told the House of the newest navy in our land, the prohibition navy. I see, by the way, that it got into operation yesterday and it fired its first shot, and it was a wet shot. [Laughter.] I said then that this Congress was at all times ready to vote millions for prohibition, but in this hour pennies for the flag. What of it if it is going to cost $47,000,000 more to put this amendment on the bill? What of it? Is it the cost of your Navy that you are sitting here to estimate? Is it the cost or is it the character of your Navy and the kind of a Navy you are going to have? Oh, let me say to my friend King KELLEY of Michigan, whom I love [laughter and applause], I want to read to him some lines from Rudyard Kipling. I should have opened my brief speech with these lines. I know he will applaud.

No doubt but ye are the people—your throne is above the king's,
Whoso speaks in your presence must say acceptable things:
Bowing the head in worship, bending the knee in fear—
Bringing the word well smoothen—such as a king should hear.

Such as a king should hear!

I do not want to take up any more time of this House, but this is going to be my last word on this proposition. I was ready at noon to submit the question to a vote without any further debate, and I appeal to the men of Congress to realize that at no time in their career, in my judgment, have they had a more important question handed to them; and I appeal to them to go slow before they follow the recommendation of a committee of five men, coming from the States so well pictured as my colleague from New York [Mr. MAGEE] pictured them. In closing again I go back to Rudyard Kipling, and this is for the whole House:

No doubt but ye are the people—absolute, strong, and wise;
Whatever your heart has desired ye have not withheld from your eyes.
On your own heads, in your own hands, the sin and the saving lies!

[Applause.]

Mr. BYRNES of South Carolina. I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, our genial and distinguished colleague from Massachusetts [Mr. GALLIVAN] in the speech which he has just concluded, made one of those striking statements for which he is talented when he said, "Congress is willing to vote millions for the enforcement of prohibition but pennies for the support of the Navy." In the first place, the genial gentleman from Massachusetts might as well recognize that prohibition is now a part of the Constitution of the United States, and Congress, which is sworn to uphold and defend the Constitution, is going to appropriate whatever money is necessary to enforce the prohibition laws. All gentlemen who are advocating light wines and beer and who would like to see an abandonment of efforts to enforce prohibition might as well recognize the eighteenth amendment as part of the law of the land and join hands to bring about its effective enforcement. In the second place, the gentleman from Massachusetts is entirely mistaken when he says Congress is only "spending pennies for the Navy." He should recall that if this pending naval appropriation bill is passed without any additions, coupled with the amount already appropriated for the support of the Army, the Government of the United States will be appropriating for the fiscal year 1923 upwards of $500,000,000 for the support of the Army and the Navy. And yet the gentleman from Massachusetts says, "What does it matter if you add $47,000,000 more?" Well, gentlemen of the Congress, what does it matter? Is it no matter if you add fifty million more dollars tax burden to the already bended back of the taxpayer? I believe I recall that some one has said that there is one thing that is stronger and more powerful than armies, and that is an idea when its hour has come. The hour for the relief of struggling humanity from the crushing burdens of military and naval armaments has come, and happily it has fallen to the lot of America to lead the way. [Applause.]

It is not the first time that the forces of destiny have bestowed upon us the power of a great opportunity. Our Revolutionary fathers of 1776, when they declared by the pen of Thomas Jefferson that all men are created equal and endowed with certain inalienable rights, among which are life, liberty, and pursuit of happiness, and that governments derive their just powers from the consent of the governed, set in motion forces which have crumbled thrones and empires and have scattered the emblems of despotism and tyranny like as a sand storm scatters before it the dust of the desert. Those who have visited Washington's home at Mount Vernon will remember that hanging on the wall of one of the halls is the key to the Bastile which was sent by Lafayette to Washington through Thomas Paine. In the glass case where the key rests is the note which Paine wrote to Washington upon delivery of the key. It reads thus:

Our very good friend, the Marquis de Lafayette, has intrusted to my care the key of the Bastile and a drawing handsomely framed representing the demolitions of that detestable prison as a present to Your Excellency, of which his letter will more particularly inform. I feel myself happy in being the person through whom the marquis has conveyed the only trophy of the spoils of despotism and the first ripe fruits of American principles translated into Europe to his great master and patron. When he mentioned to me the present he intended you my heart leaped with joy. It is something so truly in character that no remarks can illustrate it and is more happily expressive of his remembrance of his American friends than any letters can convey. That the principles of America opened the Bastile is not to be doubted and therefore the key comes to the right place.

When the news reached England of the fall of the Bastile the great statesman Fox, perceiving its significance for liberty, exclaimed:

How much is this the greatest event that ever happened in the struggle for liberty and how much the best.

And now, at another epoch in the world's history, America is again privileged to lead the way, and by her own unselfish example at the recent Limitation of Armament Conference has laid out a path for other nations to follow which they can not afford to ignore. The American people heartily approve and support the work of that conference and expect Congress to give effect to its program by real reductions in expenditures. If Congress votes the increase in naval personnel, as proposed by the pending amendment, from 67,000 enlisted men to 86,000 men, and follows it up by increases in other items of appropriation made necessary by the increase in personnel, will we be giving to the American people any substantial reduction in naval expenditures? I say no. Gentlemen, we must avoid that sort of a situation. The people are entitled to have some of the burdens lifted.

NATIONS SHOULD PAY AS MUCH ATTENTION TO TRAINING FOR PEACE AS IS PAID TO TRAINING FOR WAR.

Now, I am not laboring under any delusions as to the effect and benefits of limitation of armaments. I realize that it is not a sure and certain guarantee of peace. Causes of war run deeper than armaments. Men went to war long before gunpowder and firearms were invented, and when there were only clubs and sticks and crude spears for weapons. There must be a moral reformation, a universal will and purpose for peace among the nations of the world before we may expect permanent peace. I would hardly be optimistic enough to say that we have reached that millennium yet. But while I realize that humanity is yet very far from the perfect ideal, I would hate to see its shortcomings and imperfections made the basis for a do-nothing policy.

A policy of just sit back and say human nature is selfish and men are grasping, and therefore nothing can be done except to let things drift along until another crash comes and the world is plunged into another war more horrible than the one through which we have just passed. No; civilization has never made any progress that way.

We rise by things that are under our feet;
By what we have mastered of good and gain;
By the pride deposed and the passion slain
And the vanquished ills that we hourly meet.

A nation should pay as much attention to training for peace as it does in training for war. If the Neitches and Bernhardis and Kaiser Wilhelms of Germany had devoted their attention to developing a spirit of peace and good will among their people

instead of a harsh and intolerant military spirit, in all probability the world would have been spared the horrible holocaust of the recent war.

One of the best ways to train for peace is to lay aside some of the burdens of military and naval armaments and enter into treaties of arbitration and understandings with other nations to which we can resort when the war clouds do threaten, instead of resorting to an appeal to the sword. Men who take time to think and nations who take time to think, usually find that they have acted the part of wisdom. The man who is always thinking about achieving his rights and nothing about fulfilling his obligations is likely to come to grief, and the rule is not different among nations. So while I want to see the United States protected in all of its rights, I am equally anxious that it recognize and fulfill all of its obligations.

The agreements entered into at the recent Limitation of Armament Conference are distinctly forward steps in training the world for peace, therefore I favor observing these agreements in letter and in spirit, and it is for this reason that I will vote against the amendment to make the proposed increase in naval personnel.

Mr. KELLEY of Michigan. Mr. Chairman, how does the time stand now?

The CHAIRMAN. The gentleman from Michigan has 40 minutes.

Mr. KELLEY of Michigan. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL]. [Applause.]

Mr. MONDELL. Mr. Chairman, it is my unalterable determination to uphold the hands of the President of the United States, of his great Secretary, and of the American delegates to the Conference on the Limitation of Armaments, by voting for that reduction in naval personnel and naval cost contemplated by the treaty they negotiated, and faithfully reflected in the provisions of this bill. [Applause.]

Mr. Chairman, it is true that the Washington conference does not bind us in the matter of personnel or cost of the Navy. It does bind us in the number of effective fighting ships. It is true that we could maintain our present personnel of 96,000 enlisted men; we could increase that to the 120,000 which the naval board recommends; we could maintain our present expenditures, we could increase them, as the Naval Establishment desires, without violating the letter of the treaty. But is there anyone so dull, so insensible to national obligations as to believe that we could do that or anything approaching it without violating the treaty in every phase and factor of its essential principles, without making it a mere scrap of paper begrudgingly adhered to in the letter, flagrantly violated in the spirit? [Applause.]

Gentlemen express a desire to follow the naval experts. How far do they expect to follow them? The officials of the Naval Establishment, civil and military, have never budged from their insistence upon a Navy of from 94,000 to 120,000 enlisted men, or qualified their demand for naval expenditures as great or greater than those of the days before the ratification of the treaty. Is this to be wondered at? Not at all. I challenge anyone to find in all the history of the world a time or place when a professional fighting establishment ever voluntarily or willingly reduced its costs or forces by a single man or a single dollar. [Applause.]

We have heard much of the importance of maintaining a treaty fleet, 18 battleships in full commission and their necessary auxiliaries. With that thought and purpose I am in complete accord, and it is accomplished by the provisions of this bill. There was no other thought or purpose in drafting it; but, Mr. Chairman, there is a wide difference between the reasonable and proper maintenance of a treaty fleet and the continuation of the unhappy and unholy competitive naval race for supremacy which it was hoped the Washington treaty had brought to an end. [Applause.]

If it were true—which, in my opinion, it is not—that Great Britain was, with her wide-flung empire, maintaining under arms a few more men than we, must our sole effort and endeavor be to hunt out and count the last man she has in order that we may match him with another? If that is the theory on which we are to carry out the treaty, then it were just as well that the treaty had never been negotiated. Save for the fact that we have surrendered and propose to sink our finest fighting ships, we have come out of the conference just where the nations went in—suspicious and determined to outrace and outclass each other. If it be true that Japan, following the usual oriental custom of having two men do the work of one, is maintaining in training or otherwise a few more than the forty or fifty thousand men which might properly man her fleet, would that fact alone justify us in maintaining a larger establishment than is necessary to keep our treaty Navy in fighting trim?

Mr. Chairman, this committee undertook in good faith the task of preparing a bill which, while making sufficient provisions for our Navy under the treaty, does at the same time—and what is equally important—translate into legislation and in the figures of appropriations the spirit and purpose of the treaty in the reduction of naval costs and naval establishments. Notwithstanding the committee's best efforts, this bill, without any increases, with the necessary additions which must be made to it in pay and in provision for aircraft and for continuing construction, will involve a cost of upward of $300,000,000, as compared with a naval cost of less than $150,000,000 for the years immediately preceding the Great War. No one knows how much more must be added to this cost through the cancellation of contracts on ships now building and to be abandoned. Some have placed it as high as $50,000,000. I trust that figure is excessive, and yet it is possible and would result in an outlay of approximately $350,000,000 for the Navy the first full year after the treaty and within a few millions of the cost of the Navy before the ratification of the treaty.

That is the bill as it is now before us. Add the 19,000 men proposed and the cost increases by from $40,000,000 to $50,000,000, or to at least $400,000,000; or about the cost of the Navy this year. Add another $10,000,000 or $15,000,000, as your naval experts will all demand when this bill goes to the Senate, and your naval costs and your naval personnel will be greater after the treaty is ratified than it was before. This is no fanciful suggestion; this is what I know to be not only in the minds of naval men but, unhappily, I regret to say, in the minds of men on this floor. I am for a treaty Navy but I am also for the spirit of the treaty. [Applause.]

The crowning achievement of our great President and of our great Secretary of State, the crowning glory of this administration is the Conference on the Limitation of Armaments and the treaties resulting from it—if they be adhered to in their spirit and their purpose. It is our duty, regretful as we are, that we may seem to differ from the view of those in high places, here and now to sustain the President and his administration, to meet the expectations of the people of the country by crystallizing into law and appropriations the purpose and triumphant accomplishment of the conference through the reduction in the Navy and naval expenditures proposed by this bill. [Applause.]

Mr. Chairman, if we make the increases that are now asked of us we shall raise the cost of the Navy and the Naval Establishment higher after the ratification of the treaty than before it, and shall in so doing violate the spirit of the treaty we profess to desire to observe. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Chairman and gentlemen, ordinarily I have great respect for the judgment and opinion of the gentleman from Wyoming. Generally I follow his judgment as the floor leader of my party, but I can not follow him to-day. He has just told us that if we pass this amendment and provide for 86,000 enlisted men in our Navy that we will thereby scrap the naval treaty which was but recently entered into at the Washington conference. He has so informed us notwithstanding the fact that the President of the United States has requested this number of men. Does the gentleman contend that the President, who has so successfully negotiated this treaty, now intends to scrap it? I wish to say to the gentleman from Wyoming that, so far as I am concerned, as to the effect of this amendment upon that treaty I prefer the judgment of the Secretary of State and the President of the United States. [Applause.]

The people of the great Middle West who furnished some two millions to our Army and Navy during the late war believe in the treaties negotiated at the Washington conference. They believe in the naval treaty and in maintaining the strength of our own Navy at the 5-5-3 ratio agreed upon. That ratio places our Navy as second to none in the world, and they want no Congress to change that position.

A navy is made up of ships, guns, and men, and one might almost say that the greatest of these is men. This treaty authorizes us to maintain a Navy based on 18 capital ships, placing us on a par with Great Britain and making us second to none among the naval powers of the world. In negotiating the treaty and providing for the necessary capital ships the question of the guns upon the ships was fully considered. The treaty therefore considered the first two elements—ships and guns—and it is up to this Congress to provide the necessary men to maintain that Navy and to keep it up to a high state of efficiency.

The bill before us does not provide a sufficient number of men. I have great confidence in the gentlemen in charge of

this bill, but their statements are disputed by the naval officers, the Secretary of the Navy, the Secretary of State, and the President of the United States. It seems to me that the preponderance of the evidence submitted before us is on the side of those in favor of this amendment for 86,000 men. [Applause.]

I want to make this further observation: If this Congress should adopt this bill as it is and fix the Navy enlisted personnel at 67,000, we would, in effect and for all practical purposes, fix that figure as a maximum for the full 10-year treaty period. For all practical purposes it would be impossible in the future to come in with a bill increasing that number, for the very moment that we did so it would be charged, and with some reason, that we were violating the spirit of the naval treaty by increasing its strength. To-day we are just commencing upon the first year of this treaty period. No such situation can now confront us in fixing the number of men for this year. With a Navy of 18 capital ships properly balanced we require some additional ships, such as two airplane carriers of 27,000 tons each. There is a bill before us authorizing the conversion of two battle cruisers now under construction—which construction is to be abandoned under the treaty—into two airplane carriers.

The construction of these and two more additional carriers is contemplated under the treaty. Furthermore, we should complete the 10 scout cruisers that are under construction. The Committee on Naval Affairs has recommended to the House the completion of these auxiliary ships, and their completion is necessary if we are to have a properly balanced Navy and to maintain our position as a coequal naval power of Great Britain.

Now, then, those ships have not yet been completed. No provision has been made in this bill for manning those ships with the proper number of men. When the ships are completed those ships will, of course, have to be manned with the proper complement of both officers and men. If, therefore, we now limit our Navy to 67,000 enlisted men, where are we going to get the men to man these additional and most necessary units to our Navy? If after fixing the Navy at 67,000 enlisted men we then seek to raise that number, it would be claimed at once that we were violating the spirit of the naval agreement. It seems to me, therefore, with this conflict of opinion and conflict of figures, and the necessary additions to the Navy that must be provided for, that we had better play safe and adopt the amendment fixing the Navy at 86,000 men, for if that proves to be more than sufficient in the future it will be easy for us to reduce that figure, whereas if 67,000 men proves to be too few it will be embarrassing and exceedingly difficult to raise that figure.

Mr. Chairman, to me there is but one thing to do, and that is to support the amendment for a Navy in accordance with the desires of the President, backed up by his able Secretary of State. [Applause.]

Mr. VARE. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, one who has not participated with the committee in the formation of this bill can only give impressions rather than produce any very solid information on the proposition. My own impression is, Mr. Chairman, that in framing this bill, with a purpose of cutting expenses, a very worthy purpose, the committee have cut too deep—they have cut the Army too fine and the Navy too fine. The questions have been asked on the floor, Where are we expecting trouble? Who will make war on us? We can not tell where trouble is coming from. In 1912 nobody would have believed that it was possible to have a war with Germany in 1917. We are in this position: That this country is a very rich country. Human nature is the same all over the world. We have the accumulation of the gold of the world. We have lots of property, lots of riches, and lots of prosperity as compared with other countries. Undoubtedly we excite the envy of other powers, as wealth and success always excite envy. The possibility always exists that we may find ourselves in trouble from unexpected sources. So far as I am concerned, I am going to vote for a Navy that I think is as near as possible to the limit of what we are permitted to maintain under the treaty of the Conference on Limitation of Armament. We ought not to fall behind the naval strength of any other power. [Applause.]

Mr. VARE. Mr. Chairman, I yield now to the gentleman from New Mexico [Mr. MONTOYA].

Mr. MONTOYA. Mr. Chairman, I am in favor of an efficient Navy. It happened that during the war I had three of my boys in the service. One of them was in the Navy. He was shifted from training in California to Hampton Roads. He wrote to me from there and said, "Father, I have been here two days and I have looked all around, and I see over in the bay 12 or 15 American warships and cruisers. I shall be on one of them in a few days, and I assure you that I know that we will lick the whole world." [Laughter and applause.]

I want to keep faith with my boy and I want to keep faith with the American people. I shall vote for a bigger Navy. [Applause.]

Mr. VARE. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. KLINE].

Mr. KLINE of New York. Mr. Chairman, the gentleman from Oregon and the gentleman from Massachusetts have most ably stated to you their reasons why we should not pass the naval bill carrying 67,000 enlisted personnel as reported by the Committee on Appropriations. I heartily agree in all that they have said. There are, however, certain aspects which they have not covered. They have dealt with the Navy afloat, but to keep the Navy afloat there is necessary a large and highly developed force ashore. We have at this time throughout the United States navy yards and stations where there are employed about 53,000 civilians. We have an investment in these navy yards exceeding one-half a billion dollars. The corps of navy yard workmen is not a mushroom growth. It has been built up through years. It is composed of men of training and skill, many of whom have given the better part of a lifetime to this Government work. Should this bill carrying 67,000 personnel prevail, this shore organization will of necessity have to be in large measure discontinued. For example, I am reliably informed that with a 67,000-men Navy a great majority of the yards on the east coast would have to be closed. The business of yards is repairing the ships. If the ships are put out of commission, there is no work for the yards. Under these circumstances they could not be continued. The discontinuance of the yards will not only involve a great hardship upon the employees, who would thus be left without work, but would also destroy at a blow the very specialized organization which has been built up through so many years and which is an absolutely necessary integral part of the Nation's defense. Such an organization can not be assembled overnight. It is of necessity the product of long years of work. I therefore bespeak your consideration for this very important aspect of the bill. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I now yield four minutes to the gentleman from Michigan [Mr. BRENNAN].

Mr. BRENNAN. Mr. Chairman, one day about six years ago I sat in the balcony of this House as a spectator and listened to a portion of a debate on what was then known as one of the preparedness bills. One of the Members who opposed that measure made the argument: "With whom are we going to fight? Is it with England, our friend of a century? Is it with Japan, an island smaller than many of our States? Can it be with Germany, with an ocean lying between us?" Within a year from that time we were plunged into the World War.

Yesterday I sat in the same balcony with some visitors and heard the identical argument delivered against the amendment now before us, and delivered with the same vehemence and eloquence: "Whom are we going to fight, England, Japan, Russia?" It is as unthinkable to-day as it was in 1916 that this country should ever again engage in armed conflict. But the inconceivable happened once. It can happen again. We fervently hope and pray that it will not, but no one can issue a guaranty.

But we are asked: "How about the treaties that you have ratified? Do they not guarantee this country against war?" No one has claimed for them that extravagant virtue. No country to-day, in the present state of civilization, is war proof any more than the most skillful engineers or builders have been able to construct with all their ability a building which is fireproof. We hear occasionally of some new marvel of engineering construction which is heralded as fireproof, but we have never yet heard the architect or the builder tell the owner of the building not to carry any insurance on it because it could not burn. In this instance our architect and engineer is the Commander in Chief of the Military Establishment of the United States [applause], and he has given us a solemn warning that the bill as proposed by the subcommittee does not furnish adequate insurance and protection for the building of which we are the custodians, and which houses 110,000,000 of American men, women, and children. [Applause.]

My genial colleague and neighbor from Michigan [Mr. KELLEY] on Monday last said that the President is a man who has upon his shoulders the weight of the world, and that he had something else to do besides going out and counting up the number of men required for the operation of the Navy. Mr. Chairman, by his letter of yesterday the President has given us to know that with all of his multitudinous cares, responsibilities, and obligations he deems it essential to give his attention to the size of the Navy personnel, and that there is no

responsibility weighing upon him which is greater than that which has to do with the security and the safety of the people who look to him for guidance. [Applause.]

It has been said that this amendment is sponsored by those who live upon the coasts. I come from the Middle West, and I intend to vote for the amendment. It has been said that the amendment is backed by only those who have navy yards in their district. There is not a navy yard within 500 miles of Michigan, so far as I know. It is with reluctance that I find myself unconvinced by the able and plausible argument of my colleague, but I take solace in the thought that I am in accord with another gentleman from Michigan, a man who in the earliest days of the war, at the age of 49, enlisted as a private in the Marine Corps, and who served throughout the war with distinction, and who sits to-day as Secretary of the Navy, not with a smile upon his lips, but fearful, and yet hopeful, that the American Navy will not be destroyed by the American Congress. [Applause.]

Mr. VARE. Mr. Chairman, I yield six minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, I have no letter to read from any man in high official position, and I have none to read from naval experts and none to read from navy-yard employees. But if I were to read a letter I would read one of many I have received from persons of position in my district, in humble station and in high, the one letter expressing the sentiment of the many, and the many expressing the sentiment which I feel prevails in my district, in my State, and in this Nation—the sentiment that this Congress should give to the Nation a Navy worthy of the flag it bears. [Applause.] A natural corollary of the Washington conference, so happily and so successfully terminated, prompts us to curtail the human as well as the material forces of the Navy if we are to keep abreast of the advanced thought of the hour and are to meet fairly and squarely the spirit of that conference. To make effective this curtailment the Naval Affairs Committee, after very exhaustive hearings, determined to recommend to Congress that the authorized strength of the Navy be reduced to 86,000 men, believing that while this number would represent a substantial reduction in personnel it would not render the Navy impotent nor ineffectual. I am glad to say that the prevailing opinion of the Naval Affairs Committee was and is that the actual strength shall approximate the authorized strength, and therefore it is with a clear conscience and a firm conviction that I am willing to vote for the amendment offered by the gentleman from Pennsylvania. [Applause.]

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I regret I can not yield. My colleagues, as we approach the subject and as we vote upon it, let us remember that the American people feel kindly toward the Navy; they appreciate its value for defense; they appreciate its value for protection to our commerce; they appreciate its value in maintaining our national policies, and I believe they are willing to pay the cost of keeping it well equipped, well maintained, and well manned. [Applause.]

As the nations of the world, in the arms conference, followed President Harding, a man of sympathy, a man of world vision, a man whose heart is attuned to the aspirations and the hopes of humanity, let us, his fellow citizens, follow him to-day in his patriotism and in his statesmanship as he has interpreted that conference by pointing the way to a Navy worthy of a mighty people. [Applause.] Colleagues, let us vote for the amendment [applause], let us have a Navy worthy of the name, worthy of the glory, worthy of the deeds of that Navy which throughout the years has been the pride and the bulwark of the Republic. [Applause.]

Mr. LINTHICUM. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. There are 39½ minutes remaining between the gentleman from Pennsylvania [Mr. VARE] and the gentleman from Michigan. The gentleman from South Carolina [Mr. BYRNES] has 23 minutes, and the gentleman from Massachusetts [Mr. GALLIVAN] 25 minutes.

Mr. KELLEY of Michigan. Mr. Chairman, I yield 20 minutes to the chairman of the committee, Mr. MADDEN. [Applause.]

Mr. MADDEN. Mr. Chairman and gentlemen, the Appropriations Committee recognizes itself as the servant of the House, and we recognize the House as the servant of the people, and we believe the American people are in favor of decent economy in the conduct of the Government. [Applause.] We give as conscientious study to every problem that comes before us as it is possible for disinterested minds to give. We have no preconceived notions about anything. We have no special interests to serve. We serve only the American people, and we believe when we come to you with a recommendation seeking to preserve the integrity of the economic side of the American Government we have a right to expect reasonable and decent consideration at your hands. [Applause.]

There has much been said to-day about the gentleman from Michigan [Mr. KELLEY]. I think he has no peer anywhere. [Applause.] For integrity of purpose, useful, unselfish devotion to duty, industry, knowledge, and experience no man of my acquaintance surpasses the distinguished gentleman from Michigan. [Applause.] As chairman of the subcommittee which prepared the pending bill, he has shown that he possesses an amazing fund of naval knowledge, more knowledge of naval affairs than any naval officer that came before us. [Applause.]

It has been said that we have acquired no information. Well, if we acquired no information, it was because there was no one in the Navy who had it [applause], for we had every man presumed to have any knowledge before us, and we made up our minds we were going to acquire the knowledge if it could be obtained.

Why, the distinguished Secretary of the Navy was before the Committee on Appropriatons for three weeks every day; so was the Assistant Secretary of the Navy, and they learned more about the Navy during their sessions with the Committee on Appropriations than they would have learned if they had been in these positions for a thousand years. [Laughter and applause.] Why, that is the place where we compel men from the departments to expose their ignorance or their knowledge or experience, as the case may be. Oh, we frequently have been compelled to send them back to learn their lesson. You talk about the Navy and about the expert knowledge which the men in the Navy possess. Everybody else has been telling tales out of school, and I presume it is no crime for the chairman of the Committee on Appropriations to tell his tale, and I propose to tell it. Why, it is not long since, as you all know, that the Navy was before us for $12,500,000 of a deficit for fuel for the ships. They withdrew. They came again. We had further hearings. They reduced from $12,500,000, as the hearings went on, to $10,900,000, and, as the hearings proceeded, from $10,900,000 to $9,900,000. We gave them $6,283,000 for the rest of the fiscal year. They said that the Navy would be tied to the docks.

Mr. MONDELL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MONDELL. Does the gentleman remember that the floor leader, yielding to the importunity of the experts, begged the chairman of the Committee on Appropriations to give them this sum which they said they must have?

Mr. MADDEN. I do, very well indeed.

Mr. MONDELL. I believed in them for the moment.

Mr. MADDEN. But I did not. [Applause]. And we gave them $6,283,000. It may be of interest to the House to know that only a few days ago I received a letter from the Secretary of the Navy saying that in the original instance they made a mistake; that they only should have asked for $7,700,000 instead of $12,500,000. [Laughter and applause.]

There is your expert knowledge taken from the Navy books by the Secretary of the Navy. Why is their expert knowledge more valuable as to the men on the ships? No two men in the Navy will tell you the same thing about the number of men on the ships. We have agreed on every ship except 23 destroyers, which they wanted in half commission. Twenty-three destroyers in half commission would mean 50 men to a destroyer. Fifty men to 23 destroyers would mean 1,150 men. They have 18 battleships. They had on board on the 1st of February, 1922, 18,258 men. They said they wanted 21,158 men as the extreme maximum. That would be only 2,900 men more; 2,900 and 1,150 would be 4,050 men. If there is any difference at all between the Committee on Appropriations and the Navy, it is 4,050 men. That is all there is to it. They said they would be able to function these ships if they had these men.

We had 301 destroyers built during the war. Everybody knows we do not need 301 destroyers in time of peace. Even the Navy says they do not need them. They say they are going to lay up 198 of them. They have laid them up. Why, the destroyers cost $75,896,000 last year, within $4,500,000 of the total cost of the Navy before the war, except for repairs and construction.

Do you want to maintain this sort of a Navy forever? The American people, I believe, are waiting, anxiously waiting, to see whether we are in earnest in the promise we made of economy in the conduct of the Government. Why, the total cost of the Navy and of the Army in 1916 was only $280,000,000. The total cost of the Army and Navy for the current fiscal year is $800,000,000. The total cost of the Army and Navy for the

year 1923, if the House and the Senate will concur in the recommendations made by the Committee on Appropriations, will be $500,000,000. [Applause.]

That is 100 per cent more than before the war. Why, the Navy had in 1916, 51,000 men. They had then as many battleships as we have now. If they could conduct the affairs of the Navy with an equal number of battleships then on an expenditure of $147,000,000, in God's name is there any reason why they can not conduct it now on the basis of $233,000,000? [Applause.]

Do you know, gentlemen, that if your amendment is adopted it will add $60,000,000 to the recommendations of the committee? That is not all; oh, no; that is not all. There is a bill pending here to-day for increased pay for the Navy which will mean, when passed, $15,000,000 more. There is a bill pending for $8,000,000 for the Navy for Air Service construction. That will have to be added to this bill. There is a bill pending, or one that will be pending, for the cancellation of the contracts due to the conference limitation, which requires the cessation of construction on several battleships now under way. That will cost $75,000,000 more. This program, then, would read like this: The bill instead of $233,000,000 would mean $391,000,000.

Are you ready, gentlemen, to go before the American people and say that you are willing to keep this load upon their backs forever? We supposed when the Conference for the Limitation of Armaments was called that that would mean economy. But does it? Not if this program goes through.

What we maintain is this: That we give the Navy every man and every ship except the 23 destroyers in half commission that they ask for, and we maintain that what we have given them is compliance with every line of the naval treaty. [Applause.]

Now, we are your servants. You will do what you please. We come here to recommend. You have the power to act. Whatever your action may be, it will be our action when it is over.

But we plead with you on behalf of an overburdened taxpaying public to stop, to think, to listen, to wait for the verdict; for the verdict if it does not come to-day, gentlemen, will come in November. [Applause.] And I would like to know how any Republican can go back home and make any claim for the support of his constituents on the ground that he has voted for economy when he must make that claim in view of extreme extravagance; and that is what your proposal with respect to this bill means.

The Budget submitted to the Congress was $167,000,000 more than the revenues, and since that time we have $85,000,000 more of estimates. That makes the Budget to-day $252,000,000 more than the revenue. The Budget did not contain any estimate for carrying out the pending reclassification act, which will cost several million dollars more, and likewise it did not contain the probable action that will be taken by the House under the so-called $240 bonus, which will cost you $35,000,000; and it did not provide for the $17,000,000 bill that you passed a few days ago for the veterans' hospital fund; and it did not provide for the $65,000,000 road bill, which is pending, and which undoubtedly will be passed. And it did not provide for the pending river and harbor act amounting to more than $31,000,000. The items for which the Budget did not provide amount to $163,000,000, and $163,000,000 added to the $252,000,000 to which I have called your attention will make a deficit on the face of the case of $415,000,000. If you add the figures which it is proposed to be added to this bill you will not only eat up all the revenues but you will leave the Government with many hundred millions of deficit, and we shall be compelled to go to the American people with a new tax bill. Do you want to do it? Do not do it. I plead with you.

There is no man living who loves the President of the United States more than I. I am his friend; I am unselfishly devoted to him. I love him with a love that knows no turning. I would go further for him than any man I know. I was one of the first seven or eight men in the United States who declared for Mr. Harding for President. There is nothing in the world that he could ask me to do—and I know he would not ask me to do anything that his conscience would not tell him was right—that I would not do.

He has asked me for nothing in this. He has asked no one for anything in this. He has expressed an opinion as to what he thinks, but the expression of that opinion does not disclose the facts as they exist. We have obtained the facts from a close, earnest, untiring, unselfish devotion to and study of the case. I come to you, gentlemen, pleading with you to sustain the Committee on Appropriations and to let the party go to the country with a fulfillment of its promises for decent economy in government. [Applause, the Members rising.]

I yield back the remainder of my time.

Mr. VARE. I yield to the gentleman from Massachusetts [Mr. ROGERS] two minutes.

Mr. ROGERS. Mr. Chairman, a sentence spoken by a very great American:

> But there is something we need even more than ships, and this is officers and men. To provide battleships and cruisers and then lay them up with the expectation of leaving them unmanned until they are needed in actual war would be worse than folly. It would be a crime against the Nation.

Those are the words of Theodore Roosevelt. [Applause.] They were expressed to this Congress of the United States on December 3, 1901. Roosevelt had the gift of vision; we should follow him to-day. [Applause.]

Mr. GALLIVAN. Mr. Chairman, I yield 20 minutes to a real expert, the gentleman from Tennessee [Mr. PADGETT]. [Applause.]

Mr. PADGETT. Mr. Chairman and gentlemen of the committee, on last Tuesday it was my pleasure and privilege to submit to the House some remarks on this bill. So deeply impressed am I with the gravity of the situation, so serious are the conditions that are threatened, not alone to the Navy but to the country, by the provisions of the pending bill that I feel justified in appearing before you again.

Before the armistice was called we had built and building the finest and best Navy in the world. In military and naval efficiency and value it stood number one. With a generous response the people of the United States said through the conference, "We are willing to yield our first position and come down and put ourselves upon an equality with another country," when we had a position of superiority over that country in the military value of our Navy.

The other day I called your attention to the fact that this agreement for a 5-5-3 ratio was based alone upon tonnage of battleships. It ignored every other consideration. It left out gun power and it left out speed; and I submitted to you facts showing that in speed England had many ships faster than our battleships that we retain, because in our generous response, in the overflowing generosity of our country and our people we scrapped 13 of the finest, greatest, strongest, and best ships that were ever planned and put in the course of construction in all the history of the world. That is what we did. We surrendered gun power, we surrendered speed, and took ships with inferior gun power and with inferior speed, and put ourselves upon an equal basis of tonnage alone.

My friends, I call your attention to that to emphasize the fact that it does not behoove us, it does not become the American Congress further to sacrifice the efficiency and the ability of the American Navy. [Applause.] The responsibility rests upon us to see to it that the proper standing, the proper ratio, of the United States is maintained. [Applause.]

A moment ago the distinguished leader of the majority, the gentleman from Wyoming [Mr. MONDELL], came before the House and said that it was always his proud pleasure to support the President of the United States. When I heard him say that I could not withhold the reflection that if the President heard that expression he would say, "From such friends and supporters, good Lord deliver us." [Laughter and applause.] Again, the gentleman said that he was maintaining the treaty, that he wanted to save the treaty that had been agreed upon, that the treaty should not be sacrificed, that the treaty should not be salvaged; and I thought to myself, "Does he think that the President of whom he is so proud has not good sense enough to know whether or not he is sacrificing and salvaging the treaty?" [Applause.] But, my friends, do not forget that the President of the United States has not only a personal but he has a historical interest in this transaction. The President of the United States is interested in preserving this treaty, and he understands it, and I dare say that the President is as proud and is as jealous and is as deeply interested in the preservation of the treaty as is the gentleman from Wyoming, and I dare say that he understands our international relationships, that he understands the purposes of the treaty and its intertwining relationships with all the countries of the world as well as does the gentleman from Wyoming. I want to say also that I think the Secretary of State, Mr. Hughes, understands the details and the particulars and the circumference and the center and the whole of that treaty as well as does the gentleman from Wyoming. [Applause.]

I think he is as deeply interested in it. I think in the history of these days that is to be written hereafter his name will be coupled with it as proudly and as intimately as that of the gentleman from Wyoming, and he will be accredited in history

as having as deep and abiding an interest in its preservation, and he would as deeply protest against its salvage and its sacrifice, as would the gentleman from Wyoming. [Applause.] And yet, my friends, we find the President of the United States so deeply impressed, so thoroughly aroused, over the tremendous consequences of this pending bill, so aroused over the disastrous results that will come to the American people, that he has not been content to have the purported interviews that have come out in the press of the country to give his views and his ideas of this matter, but in answer to a letter from a Member of this body he comes out and in specific terms warns this House and warns the people of this country of the disaster threatened by this legislation. And more than that, my friends, if you will read that letter in the spirit and the motives in which it was written, you can not escape the conviction that the President was coming and even pleading and begging the membership of this House in the name of the history of this country and the preservation of its standing and its relationship with all the countries of the world to maintain and preserve the standards and the integrity and the relationship of the American Navy. [Applause.]

My friends, the chairman of the Committee on Appropriations [Mr. MADDEN] said that the people of this country were in favor of economy. Exactly so. We are all in favor of it. But what is economy? I want to say to you and to say to him that withholding money is not always economy. Economy is the judicious and rightful use of money for a necessary and a proper purpose. [Applause.] I called your attention the other day to the fact that as the result of the Hughes conference that just closed we had 812 ships, and under the provisions of this bill we will have in operation 277, and we will have in ordinary and reserve 535. I called your attention to the fact that the initial cost of these 535 ships that it is proposed to put out of commission and allow to go to waste and ruin was $541,000,000. I ask you, my friends, is that economy?

I want to say more. The people of the United States are not only in favor of economy, but I want to say to you what you know and what everybody in this country knows, and that is that the American people are in favor of and honor the American Navy. [Applause.] They do not want the American Navy scrapped. I have noticed as I have gone among the people and have met the plain man that he says, "I want a good Navy. It is our first line of defense. It keeps our enemies from our shores. They can not set foot upon our soil to molest us and to attack us. We want a great and a capable and an efficient Navy."

Now, my friends, these gentlemen say that they are providing for that; that is their ipse dixit. But on what do they base it? It is simply just that, for if they had put in any other figure they could say the same thing, "We have provided for all the necessities of the Navy." But what do you say? The President of the United States says it is inadequate, that it is insufficient and not providing the proper personnel for the Navy. As Commander in Chief of the Army and Navy, as President of the United States, as an interested, honorable, upright citizen, is not his judgment and his word entitled to some consideration and weight? Charged with the duty and responsibility as Commander in Chief of the Army and the Navy in this country, shall we give no weight, no credence, no credit to the statement of the President of the United States? And, more than that, my friends, the Secretary of the Navy, who is charged with the duty and responsibility of executing the laws and maintaining a Navy and distributing the personnel that goes into details, he has submitted figures and details in the hearings and says that if you provide for 67,000 men he will have to put out of commission in ordinary and reserve 535 of our ships, and can equip only 277 of them; and of those ships, the 18 battleships constituting the basis of the tonnage agreement, we have got to scrap 5 of them and put them in ordinary with only one-sixth of the personnel, barely enough to look after them and keep them cleaned up.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. No, I can not; I have but little time. Then comes the Assistant Secretary of the Navy, who has given the matter close personal investigation, and he corroborates the others. Then comes every responsible naval officer in the Navy, every single one without exception; they have not a single man on whose statement they can predicate their assertion. They say to you that if you only give us 67,000 men, here is the distribution that we will have to make of them; here are the ships that will have to go into ordinary and into reserve; and here are the only ones we can equip in commission and operate.

Now, when you come to think of the vast investment that is in this, when you come to think of the morale, when you come to think of the fact that it has taken generation after generation to build up the American Navy, that it represents struggle, that it represents contest, that it represents the education of the masses of the people in which they can build up a great and honorable history; history the tradition of achievement in results that you have built up, and now they come and say it will be economy to starve it to death.

My friends, I do not believe in that sort of economy. I believe that the American people want a navy that is provided for of 5-5-3, and they want it 5-5-3. I stand before you today to say that if that conference had agreed or submitted a proposition that the English Navy should be 5, and the American Navy should be 4 or 3, and Japan's Navy should be 3, every man in this House, every man in this country that has one drop of patriotic blood in his veins would rise up and damn them beyond recognition. [Applause.]

Our people would not have stood for it one minute. These gentlemen are proposing to put us on a basis of Japan, and Japan has 1,252 men more than we are providing for our Navy. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, if a Member of the House reaches the conclusion expressed by my good friend from Nebraska [Mr. REAVIS] that he must follow the advice of the experts in fixing the number of the enlisted men, and he has the courage of his convictions, then he owes it to himself to vote either for 120,000 men, recommended by the General Board, or for 95,000 men, recommended by the Secretary of the Navy, upon the advice of his expert advisers. [Applause.] If he refuses to do that, then he must admit that he is casting a vote in defiance of the advice of all of the experts. If gentlemen reach the conclusion expressed by the gentleman from Nebraska, that this bill does not provide for a 5-5-3 Navy, they may well suffer some disturbance of mind; but the members of the committee who listened to the testimony of the experts of the Navy Department, of the Secretary of the Navy, and the Assistant Secretary know that this bill provides sufficient men to man a fleet that will provide us with our part of the 5-5-3 ratio. [Applause.]

Regardless of the statements that have been made, no intimation was given to representatives of the department of the men that would be allowed to them when they were asked to outline the ships which under the treaty they would put in commission next year. We simply asked them to indicate the ships they would retain and they outlined that list. I checked them off one by one, as did other members of the committee. Then we asked them to give us the number of men on those ships. They said they did not have that number as of that date, but would furnish the list reported as of January 1, and it amounted to 49,492 men. We said, then, that we would allow for the ships 49,492 men, but they said that they wanted more than 49,492 men for next year; that for the same ships they wanted 61,000—after the peace pact had been signed and after the naval holiday had been agreed to. Mr. Chairman, I wish the newspapers would state to the country that for the next year the Navy Department wants 12,000 more men than they had on the same ships this year on January 1. [Applause.]

Oh, but they say it does not provide a 5-5-3 Navy. The gentleman from Nebraska [Mr. REAVIS] thinks that for us it means a two and a half Navy. Does the gentleman mean what he says? My friend from Ohio [Mr. LONGWORTH] said the same thing yesterday. Then, if 67,000 men means a two and one-half Navy, in order to be five you would have to vote for 134,000. If you do not, then you sacrifice the ratio of 5-5-3. Sacrificing the ratio of 5-5-3 is what they charge us with, but they advocate the sacrifice themselves when they vote for 86,000. I say that we do not sacrifice it, and all of the correspondence school that we have had thrust upon us in the last few days—the letter from the President, the letter from the Secretary of the Navy, the letter from the Secretary of State, from the chamber of commerce, and from all of the other inhabitants of the correspondence school—every last one has been based upon the statement of the Navy Department that under the personnel provided we will have a Navy less than that of Great Britain and only equal to Japan. I deny it, because the figures do not support it.

Gentlemen say that this committee did not ask the Navy Department for a statement as to the personnel figures of other navies. That statement, too, is untrue. When the gentleman from Massachusetts [Mr. ROGERS] and the gentleman from Minnesota [Mr. KNUTSON] and others were charging the gentleman from Michigan [Mr. KELLEY] with that fact I knew that one week before the gentleman from Michigan made a report to this House I went to the office of the Chief of Operations to ask him to authorize the intelligence office to give me the latest

figures they had on the British and Japanese personnel. His aid, Commander Hill, very courteously stated that he would present the figures to me there, and he gave them to me, and I hold in my hand a statement signed by the aid to Admiral Coontz, the Chief of Operations, which is based on the March report, but yet differs from the statement furnished by the Navy Department, and which has been placed in the RECORD.

In this statement placed in the RECORD the figures as to total personnel exclude marines and officers. Why did he not exclude the Coast Guard? I have a statement here in which they do that. Did he exclude the midshipmen? No. He says here in the statement which has been put in the RECORD that the total enlisted force on March 31, 1923, will be 94,500 men; and in a statement furnished me, based on the same report, on March 25 it is 97,450. And then in order to secure the figure of 104,000 he adds 111,000 of last year to the 97,000 for this year and divides it in two. No two figures furnished us being the same, we determined to check up these figures. I have here the debates of the House of Commons on the naval estimates, the statement of the parliamentary secretary of the Admiralty of Great Britain. I have read every available service paper of Great Britain, and I find that the figures furnished by the department are inaccurate and misleading. I charge nothing venal.

I do charge that the statements upon which the President and the Secretary of State and others have reached the conclusion that Great Britain would have in its personnel next year a much greater number of men than we have is wrong. I can not go into all the details. Here is one glaring misstatement. They told you that next year Great Britain would have in the Royal Air Force 30,000 men and that one-third of them would be devoted to naval aviation. Knowing how inaccurate their statements were, we determined to investigate. We learned that Brig. Gen. William Mitchell, Assistant Chief of Operations of the American Army, as splendid an officer as ever wore the uniform, had just returned from Great Britain, where he had been studying aviation. We summoned him before the committee. Here is the transcript of his testimony. He says while the authorized strength of the Royal Air Force is 30,000 that they have not recruited more than 23,000. Instead of one-third of that force, or 10,000, being assigned to the naval service that only 2,500 men are assigned to the naval service. [Applause.] And he did not make any general statement. Here is his testimony. Because of his service during the war he is very intimate with the English aviation officers, and he had excellent opportunity to acquire information, not from newspapers but by personal visits to their headquarters and to practically every important aviation station, and he sets forth here station by station the number of men and the number of officers. He says that assigned to the fleet there are only 850 men—that there are located at training stations only 1,197 men, making 2,047 men. To be liberal he allows 500 mechanics, giving every doubt to the naval service, making the total number of men of the Royal Air Force assigned to the navy only 2,547 men in time of peace. In time of war one-third would be assigned to the fleet and coast defenses, only one-sixth going to the fleet.

Now, let me ask you, if the Navy Department can send through this entire country, sticking in every newspaper this chart which is based upon the statement that there are 30,000 men in the Royal Air Force and one-third assigned to the naval service, when there are only 2,500 assigned to it, how can you depend on any figures that they give you on this subject?

Now, you have been told that the English complement on battleships is going to be greater next year. Have they not told you that every day here? Here is the statement of the First Lord of the Admiralty, explaining the naval estimates, that because of the improved international situation, they will this year reduce the complements on their battleships by 15.7 per cent.

Instead of increasing it, they are going to reduce their complement 15 per cent because of the improvement in the international situation. If the international situation has improved for Great Britain, what has occurred to so menace the security of this country that the Navy of the United States wants 12,000 more men on the same ships than they had on January 1 of this year? The militarists of one country act very much like the militarists of another country. Here are the debates of the House of Commons. It may remind you of what you have heard here this week:

> The parliamentary secretary of the Admiralty, Mr. Amery: The American Navy, following the same policy as ourselves in reducing strength, proposes to reduce from 139,000 to 115,000; that is to say, to a strength slightly above ours. The position of the Japanese Navy is that their figure stood at 82,000. The latest figure stood at 80,000. I am not aware of any suggestion for still further reduction.

This statement was made as late as 24th of March, 1922. We could have told him better than that. But Great Britain is told that we contemplate keeping 115,000, a force greater than theirs, and Japan is to keep 80,000. In Japan doubtless the people are being told that Great Britain and America are increasing their enlisted men, and here we are told that Great Britain is to retain a superior force and Japan an equal force.

Can not you imagine a scene similar to this in London, a debate along the same lines? But the secretary to the Admiralty did make one statement which should be interesting to the gentlemen who claim that we are providing so small a force compared to that of Great Britain. He said of us:

> The committee of their lower House has made suggestions which, when you include all the different items comparable with the items which come under our vote A, would reduce the total to something over 99,000 men, or a figure very slightly in excess of our own.

Now, remember, that while the Navy Department asserts that the British intend to keep in the service 104,000 men, the secretary of the Admiralty time after time in this debate states that they intend to reduce the total force to 98,000 at the earliest possible date in this fiscal year. Now, let us see how he figures that with comparable figures our total will exceed that number. Their 98,000 will include marines, officers and men, officers of the navy, and officers and men of the coast guard. This is admitted by the statement I have from the office of Chief of Operations. It appears from the English statements. It does not indicate whether midshipmen, numbering approximately 2,500, should be included. But take our 67,000 and add 19,500 marines, 6,156 officers of the line and staff, 1,244 warrant officers, 1,000 marine officers, approximately 4,000 Coast Guard men and officers, and 2,500 naval cadets, and you have a total of 101,400. This evidently is how the secretary to the Admiralty figures our force in excess of theirs. Does it impress gentlemen at all that while they are charging that we have reduced the force so much below Great Britain's that the British Admiralty is asserting that the force proposed in this bill when properly compared with theirs is greater?

One very pertinent remark was made by Lieutenant Commander Kenworthy. As gentlemen argued for increased appropriations for the navy yards of Great Britain, he said:

> The navy does not exist for the dockyards but the dockyards for the navy.

Let me call attention to this statement by the Secretary of the Admiralty:

> I omitted to answer the question put by the right honorable gentleman the member for the city of London as to the numbers in the Navy in 1914. The figure is 150,300, which we are now reducing to 98,000.

So that while Great Britain can reduce its force from 150,300 to 98,000, including marines, officers, coast guard, and all, which would really bring the net down to 70,326, including aviation, this peace-loving country of ours must increase its force from 54,000 in 1916, after the sinking of the *Lusitania*, up to 67,000, and if some of you have your way to 86,000. And remember that under the treaty Great Britain is allowed for the next year 580,450 tonnage as against our 500,650, and manifestly if they are to keep in commission their treaty navy it would require a few thousand more men than it will require to keep ours.

But the gentlemen who have not studied this question assert that the force provided could not keep the 18 battleships in commission. If, with 54,000 men in 1916, they could find 18,000 men to keep battleships in commission, why can not they find 18,000 men for the battleships out of the 67,000 men provided by this bill? They say it can not be done. Before the committee the Secretary stated that with 67,000 men he could keep in commission only 12, and the table on page 232 so shows. But the table, when prepared by the Secretary and inserted in the RECORD yesterday, shows that with the same number he now says he can keep in commission 13 battleships.

And my good friend from Tennessee [Mr. PADGETT] says that if you provide 67,000 men you can keep in commission but 12 battleships. I love him, but he is not always the best prophet. Last year when we had the appropriation bill up the Navy swore if we gave them 100,000 men we were going to scrap the whole shooting match, and on February 10, 1921, Mr. PADGETT said:

> The gentleman from Michigan [Mr. KELLEY] stated that it would keep all of our dreadnoughts in commission. I must disagree with him. I have a statement, received this morning, to the effect that if the personnel were reduced to 100,000 men the ships of the Navy will be in the following status: Battleships, first line, in commission, 13.

[Laughter.]

That is the high-water mark. They can not exceed 13. Last year they could not. This year they say they can not. When we passed the 100,000 provision, instead of putting in commission 13, as Mr. PADGETT predicted, they put in 18, and they

have 18 to-day. So what becomes of the prophecy of my good friend from Tennessee?

Oh, they say, "We ought to follow the experts on the question of personnel for battleships." Well, the General Board says you ought to put 22,000 on them. The Chief of Operations says you ought to put 21,000 on them. And they have to-day 18,000. They ought to have 18,000. And when we give them that 18,000, when we give them the exact number they have on the ships they want to keep in commission, then if they do not keep them in commission it is not your fault, but the fault of the naval officers, and the President ought to remove some of them. [Applause.]

Now, let me say a word to this side of the House. We have heard much of the Limitation of Armament Conference. We Democrats believed in limiting armament. During the World War we told the people that we fought that war in order that war might be no more. Then, under the leadership of our President, we endeavored to provide for a limitation of armament on land and sea through the League of Nations. When the last naval bill was considered Members on this side fought for an amendment providing for a limitation of armaments, among them being the gentleman from Virginia [Mr. MOORE] and the gentleman from Texas [Mr. CONNALLY].

When the Senator from Idaho [Mr. BORAH], against the wishes of the Republican leaders of the Senate, placed his amendment on the naval bill, this side of the House with only one or two exceptions stood for it and fought for it.

Now, after this conference has been held up to the world as a success, shall we vote for an amendment here that will mean increased naval appropriations instead of decreased appropriations in the next fiscal year? If I wanted to play politics with you gentlemen on the Republican side, I would advocate it; I would help pile up appropriations, so that when you went before the people we could say the Limitation of Armament Conference was a fraud. But a man's duty is not to his party but to the people of America. In every hamlet they prayed for the success of this conference, and they thought they were getting something. Shall we tell them before the ink is dry upon the peace treaty that we have only distrust for the signers and that the people, instead of getting reduced taxation, will get a gold brick at the hands of the American Congress? [Applause.]

We have heard from all the lobbies, the naval lobby, the steel lobby, the newspapers in communities where naval activities exist, some unselfish and some selfish. But back home there are people from whom you have not heard, people who do not write you letters, but who stay upon the farms and in the factories of America and place their trust in you. Among these people who sent you here there is unemployment and distress. The people are sorely oppressed by taxation. Will you listen to the plea of the special interests, or will you consider the interests of the people who sent you here, and vote to reduce to some extent the taxation which now threatens to exhaust the rich and beggar the poor? [Prolonged applause.]

Mr. KELLEY of Michigan. Mr. Chairman, has the time all been consumed except what I have reserved for myself?

The CHAIRMAN. The gentleman from Massachusetts [Mr. GALLIVAN] has five minutes.

Mr. GALLIVAN. Mr. Chairman, I yield five minutes to the great old patriarch of national defense, the real hero here of the World War [JULIUS KAHN]. [Applause.]

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. KAHN. Mr. Chairman, I thank the Lord that I have learned and remembered some lessons of the World War. On the 6th day of April it was only five years since we got into that war. We were absolutely unprepared for the war. In 1916 the national defense bill was up before this House, before this committee; I had the pleasure of supporting that measure. I repeatedly called the attention of the House to the fact that we were not prepared for war.

Unfortunately the House was not willing to vote for all the amendments that I had proposed at that time. Gentlemen then asked me on this floor the very questions or, rather, questions similar to the ones that have been asked here to-day. Repeatedly I heard men on this floor say, "Whom are you going to fight? Whom are you going to prepare for? What is the need of getting ready? There is no enemy in sight." I told the House frankly that I did not know who would be our enemy; I did not know when war would come; but I believed in keeping this country of ours measurably ready to meet any country in the world. [Applause.] And after an interim of six years I still feel that way regarding the United States of America. [Applause.]

Now, the Members in charge of this bill speak of the economies that should be practiced at this time because of the great burden of taxation. I agree that the taxes are terrific, but what brought them upon the shoulders of the people of this country? The war, for which you would not get ready in 1916. [Applause.] Practically $1,000,000,000 a year is the amount that the people of the United States are called upon these days to meet in the Treasury of the United States our annual war expenses. That is a terrific amount; that is what our unpreparedness in 1917 cost us. Yet the people are paying the indebtedness cheerfully. But they expect this House to do those things that will prevent the possibility of any future war.

The Democratic President was elected in 1916 on the score that "he kept us out of war." It was at that time a pacifist country. A few months later, when we took up those very questions of preparedness on this floor, we could not induce the Members of the House to make appropriations for necessary preparation. And yet in less than seven months afterwards we were in the war up to the very hilt. We had to pour out $24,000,000,000 to meet the expenses of the war. Our interest charges alone cost us a billion dollars a year. It took us 13 months to get ready for that war. Fortunately for us, England and France and Belgium were able to hold the lines while the Americans were being trained and put in a condition to help win the war.

That kept on for some little time; in those days we were not prepared to fight. But our Navy was able to help the bringing of 2,000,000 American soldiers to the war areas of Europe. Finally, in May, 1918, we were able for the first time to send our forces to fight. America needs make no apology for the work of our soldiers. But no loyal patriotic citizen wants our boys to go through such another experience. That is why I support the amendment for 86,000 men. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from South Carolina yields one minute, his unexpired time, to the gentleman from Michigan [Mr. KELLEY], so that the gentleman has 21 minutes. [Applause, the Members rising.]

Mr. KELLEY of Michigan. Mr. Chairman, we have debated this bill now for an entire week, and we have at last reached the point where we are to make a decision. The bill is important in the highest degree, both because it directly relates to the national security, which must always be our first concern, and also because it carries an appropriation of nearly a quarter of a billion of dollars. It has been asserted that the amounts carried in the bill are insufficient and that the number of men provided will not properly man the ships which we are to retain under the agreements reached at the Conference on Limitation of Armament. If I believed that this were true I would not vote for the bill myself. The amounts carried are based entirely upon the theory that they are adequate to meet all the requirements of the treaty navy. I do not believe that the position of the committee as to this has been shaken in the slightest degree during the entire week of debate. The propositions laid down at the beginning of the debate have not been successfully met. The most serious criticism of the work of the committee, apparently, has been that we were not willing to accept without challenge the views of the Navy Department, particularly with regard to the size of the enlisted personnel necessary to operate a navy based upon the 5-5-3 ratio.

I need not say in this connection that the committee has at all times been eager to obtain the viewpoint and the opinion of the Navy Department, but we have been just as eager to ascertain the reasons as we have been to learn their conclusions. An opinion, no matter from what source it may come, is of little value unless the reasons lying at the bottom of such opinion appeals to the judgment. I am frank to say that we have not accepted statements and opinions without question, and I may say we have scrutinized every demand for money with more than usual severity. We believed that the conditions of business in the country and the state of the finances of the Government demanded such a course. We proceeded upon the theory that no person under the Government, high or low, was entitled to a single dollar for his department unless he could sit on the opposite side of the table and show with a reasonable degree of certainty where that dollar was to be spent and why it was necessary to spend it. [Applause.] We assumed that you wanted us to pursue this course. If we were to accept without question whatever was laid before us in the form of demands for money, the labor of the committee might as well have been eliminated and the estimates brought directly to the House. We regarded ourselves as the agents of the House, to inquire into all the facts, and felt ourselves charged with the duty of making a most searching inquiry and examination into the needs of the Navy in the light of the Conference on the Limitation of Armament before bringing for your consideration this great bill, carrying more than $230,000,000. We have kept the faith to the very best of our ability. [Applause.]

I will admit at the outset that the committee and the Navy Department have not always been in accord, and that we have not accepted in every instance the views of the advisers of the Navy Department. There is in the Navy the same difference of opinion with reference to naval matters as exists in the professions of medicine or the law as to legal and medical affairs. The committee did not, therefore, expect to find that every naval officer agreed with every other naval officer. If it were merely a matter of disagreement between two officers of equal rank and experience, the committee could choose between them or disregard either or both. But the thing that has disturbed the committee more than anything else has not been the varying opinions of different men but the widely differing statements of fact made by the same naval officer under exactly the same conditions and within a comparatively short period of time. [Applause.] The committee has been obliged to adopt a most searching attitude because of this fact. The military head of the Navy under the Secretary is the Chief of Naval Operations. The same officer who held that position a year ago holds it now. During the course of the hearings last year the Chief of Naval Operations was asked to state to the committee of the House the number of capital ships and necessary auxiliaries which could be maintained in full commission with an enlisted force of 100,000 men. He put into the hearings a table on January 10, 1921, which appears on page 65 of last year's hearings. In this table it appears that he could keep in commission 17 battleships and the necessary auxiliaries with an enlisted force of 100,000 men. The bill passed the House carrying approximately $400,000,000.

The Senate added approximately $100,000,000 more. During the consideration of the Senate increases this same officer testified before the Naval Affairs Committee of the Senate, on the 18th of February, 1921, with the same bill under consideration and with no change in world conditions, that he could keep in commission only 15 battleships and necessary auxiliaries with 120,000 men. [Applause.] At the same time, and while before the same committee, he put in another table showing that with 110,000 men he could keep in commission only 13 battleships. [Applause.] We gave him 106,000 men and he has kept in commission 18 battleships. [Applause.]

I am going to make a statement which I fear may sound somewhat harsh, but I believe that it should be said. No executive department of the Government should permit its officers to juggle with facts in the manner above stated. [Applause.] I do not believe that any officer ought to be continued as the military head of the American Navy who appears before two different committees of Congress within a month and makes such varying and contradictory statements as a basis for increased appropriations. [Applause.] I have always been glad to be guided by the counsel of the officers of the Navy Department whenever such counsel has been consistent and appeals to the judgment and can be defended in reason. The experience of our committee, however, last year made it necessary to adopt more searching methods of inquiry this year than heretofore in determining the requirements for the Navy. We did not believe that the House would be satisfied with the mere statement of the Chief of Naval Operations that any particular number of ships could be kept in commission with any particular number of men.

We therefore decided to determine the needs of the Navy in a more detailed and thorough manner. Instead of inquiring as to the number and type of ships that could be kept in commission with a particular number of men, we decided, first, to require the Navy Department to furnish us a complete list of all ships of every type, by name, which in the judgment of the department would be necessary to a properly balanced 18-battleship fleet. This list the committee has printed in its report. We then assigned to each ship the number of men now carried on that particular ship, as furnished us by the Navy Department itself, as of February 1, 1922. The bill, therefore, provides for all the ships of the treaty Navy, with as large a personnel carried thereon as was on board on the date above mentioned. I do not see how a fairer or more accurate method could be devised. [Applause.] But they say we took advantage of them. I suppose that what they really mean is that had they known that we intended to base our appropriation upon the number of men upon the ships on a certain day the results might have been quite different. [Applause and laughter.] Be that as it may, it is claimed the number was not normal. This debate has been going on now for a full week. Officers from the Navy Department have been in constant consultation with Members of Congress, supplying information and making suggestions relative to the various proposals carried in this bill.

I have no criticism whatever on account of their doing this, but I am sorry that some of them thought it necessary to exchange their uniforms during the past week for civilian clothes, whenever they came to the Capitol. [Laughter.] If the number of men carried on the ships, as of February 1, 1922, was abnormally low, if there had been an hour during the last 12 months when the records would show a larger number carried on the ships than were carried on that date, have you any idea that my good friend from Massachusetts [Mr. ROGERS] would not at least have had a letter from the Navy Department advising him on this fact? [Laughter and applause.] But we go through the whole debate for an entire week, the department claiming that the number of men on the ships was below normal on February 1 last, with all the records in their office to show this fact if it were true, but we come to the very hour of voting and no such proof has been furnished. [Applause.] No other proof is necessary, in my judgment, to convince the House that the number of men carried on the ships on February 1, 1922, represented a fair average of personnel afloat on these particular ships for the year. The number of men we have, therefore, allowed for the treaty navy stands upon as solid a ground as to accuracy and sufficiency as when printed in the report and laid before Congress. So much, then, for the Navy afloat. They have not shown that they need another man. We have provided for 50,000 men for the treaty Navy afloat—2,000 more than were carried upon these identical ships before the great nations of the earth entered into a solemn compact to keep the peace of the world and to maintain friendly relations with one another. [Applause.]

No one has yet given any reason why a larger number of men should be supplied than the ships actually carry at this time. The only other question, therefore, is, did we give them men enough on shore? My answer is that it gave them a man on shore for every job on shore, and 7,000 men besides. [Applause.] But it did not seem to be sufficient. They had on February 1, last, only 12,600 places on shore where they could legitimately put men, and yet they are asking this Congress for 32,000 men on shore to fill 12,600 jobs at a time when farmers, merchants, and manufacturers are borrowing money to pay their taxes. [Applause.] If the Committee on Appropriations had actually followed any such advice as that, then, indeed, the suggestion of the gentleman from New York [Mr. MCGEE] that the Appropriations Committee might well be abolished would be timely. [Laughter.]

Why do they desire this large number of excess men on shore? I am sure that question has been running through your mind constantly during this week of debate. I asked the distinguished gentleman from Massachusetts [Mr. TINKHAM] the other day if he, as a business man, was willing to say that we ought to appropriate for 32,000 men to fill 12,000 jobs, and he said that he thought so if the Navy Department wanted them. [Laughter.] But the other gentleman from Massachusetts [Mr. GALLIVAN], with a mind as sharp as a razor's edge, was not so easily satisfied, and he pressed me for an answer as to what the department could do with all these extra unassigned men. And the question is still unanswered by any proponent of this increase of 20,000 men above the amount provided in the bill.

In my judgment there is only one possible reason for asking for these 20,000 extra men. It can not be because they are to be added to the ships of the treaty Navy. Those ships already carry enough, as has been shown by Mr. OLIVER, Mr. BYRNES of South Carolina, and other gentlemen on this floor. They are not needed on shore because we have given them a man for every job and 7,000 unassigned men for training or to take the place of men who are sick, on leave, or in transit in the service. But that was not enough. They come here and want 20,000 more. What for? The gentleman from Massachusetts [Mr. DALLINGER] on yesterday asked to have the navy yard items passed over until the number of enlisted men were agreed upon. In answer to a question by me as to the theory upon which his request was based he replied that an increase in the number of men, of course, would mean an increase in the number of ships and a consequent increase in the item of repairs. Inasmuch as the committee had provided for the treaty navy, it becomes apparent that those who demand the increased number of personnel expect a larger Navy to be kept in commission than that required under the treaty. The other gentleman from Massachusetts [Mr. ROGERS] also let the cat out of the bag a while ago when he condemned as unwise the policy of not keeping all our fighting ships in full commission. And the gentleman from New Jersey [Mr. PARKER], more frank than all the rest, urged that all our destroyers should be kept in full commission. And at last we have the reason why the 20,000 extra men are demanded. It proves out with almost mathematical precision. We have 200 surplus destroyers and it takes 100 men for each destroyer. So that if we keep them all in commission it will require exactly 20,000 men to man them. This is the only

logical reason which has been given by anyone for increasing the personnel provided in this bill from 67,000 men to 86,000 men. But what does this proposal mean?

Are we ready to send this challenge out to the world, that we intend to keep in commission 200 warships over and above the number required to maintain the treaty Navy? How does such a performance on the part of Congress harmonize with the lofty ideals enunciated by America at the time of the assembling of the Conference on the Limitation of Armament? What will the world say to-morrow morning as the Christian people of the earth assemble for worship on the Sabbath day if they are told from the pulpit that the American Congress has just appropriated $54,000,000 to keep in full commission and ready for instant war 200 ships of war in addition to those permitted under the treaty? [Applause.] Such a proposal as that would strike at the heart of civilization everywhere throughout the world. [Applause.] The mischief that such a course on the part of Congress might do can not be calculated. But it is said that the President and the Secretary of State have advised this. If they have been misled as to the effect and the purpose of this increase in personnel, the responsibility upon Congress to prevent the mischief is only thereby increased. [Applause.]

Why have our naval officers taken this position? Why do they desire all these surplus warcraft to be kept in commission? They have simply fallen into a panic. The 200 surplus destroyers require 1,600 officers, and if we lay up the 200 destroyers the officers are lying awake nights wondering what will be done with the officers thus released. I think the officers have made a mistake.

Personally, I have not been in favor of greatly reducing the number of officers. In fact, I am willing that we should have a surplus of officers. I believe that should be the policy of the Government. If we have the officers and the ships, the enlisted personnel is not so serious a problem and could be quickly supplied. There is no provision, therefore, in this bill for any reduction in the number of officers, although it is possible that some reduction may be necessary at an early date. Thus through fear of losing promotion or perhaps through fear of being severed entirely from the service, I fear the officers of the Navy have made common cause with the various localities of the country whose business interests have been adversely affected by the agreements reached at the Conference on Limitation of Armament. We therefore find arrayed against this bill all the local influences from Maine to New Orleans on the Atlantic and from San Diego to Seattle on the Pacific. I do not say that this is not a natural attitude for these various navy-yard communities to take. They naturally feel the loss of business as a result of smaller naval activities. I can well sympathize with the employees here in the Washington Navy Yard. Some of them have been employed by the Government for 20 years. They have been manufacturing the great 16-inch guns that were to be placed on ships that are never to be built. These guns will never even fire a salute.

When the agreement was reached at the conference the major portion of the work in the Washington Navy Yard came to an end, and the thousands of employees had to look for employment elsewhere. There is a great navy yard in Boston. I do not censure Representatives from that locality who reflect the opinion of the city which they represent. There is a great navy yard in Philadelphia, and I do not censure Mr. VARE for looking after the interests of his constituents who will suffer financial loss because of reduced naval activities at that point. But the fact that new adjustments will be necessary, and that temporary losses must be sustained in certain localities, must not be permitted to retard the work so gloriously begun at the Washington conference.

Gentlemen of the House, it is very well to sympathize with those who may be financially or professionally affected by the great world movement having for its object a reduction and a limitation of armament. Where it is possible and proper, no doubt some temporary adjustments should be made until employment in civil lines can be obtained. I want to say, however, in conclusion, that the American Congress must not permit any group of individuals or any combination of localities anywhere under the flag to throw themselves across the path of the world's progress in its onward march toward the goal of international understanding and good will. [Prolonged applause, the Members rising.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. VARE].

Mr. HICKS. Mr. Chairman, let the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the Vare amendment.

The question was taken, and the Chair stated that he was in doubt.

Mr. VARE. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. VARE and Mr. KELLEY of Michigan were appointed to act as tellers.

The committee divided; and the tellers reported—ayes 177, noes 130.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. MANSFIELD], who is present in a wheel chair, be permitted to be counted in the negative.

The CHAIRMAN. Is there objection?

There was no objection.

So the amendment was agreed to.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, and had come to no resolution thereon.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, the naval appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. MCARTHUR].

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman from Oregon please state where the figures which he has in his amendment came from?

Mr. MCARTHUR. Mr. Chairman, the figures in my amendment were prepared at my request by the Paymaster General of the Navy.

Mr. KELLEY of Michigan. Do they provide for taking 10,000 men out of the lower grades of the Navy and keeping all of the high ones in, or are they proportional?

Mr. MCARTHUR. They are proportional. That is my understanding.

Mr. KELLEY of Michigan. Does the gentleman say so of his own knowledge?

Mr. MCARTHUR. I can not say so of my own knowledge. That is my understanding.

Mr. KELLEY of Michigan. Are the amounts carried based upon present law or the law of 1916 and prior to that?

Mr. MCARTHUR. They are based upon the same law that the bill is drawn upon. They are presented to the House upon the theory that the increase would be made which the House has just voted to make in Committee of the Whole.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The amendment was agreed to.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, and had come to no resolution thereon.

EXTENSION OF REMARKS.

By BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken upon the bill have permission to revise and extend their remarks in the RECORD for five legislative days.

The SPEAKER. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, availing myself of the privilege to extend my remarks on the Navy appropriation bill, I desire to submit a telegram from Myer C. Rubin, adjutant of the San Francisco chapter of the Military Order of the World War:

Resolution adopted by San Francisco chapter, Military Order of the World War, Wednesday, April 19, 1922, at San Francisco, Calif.

Whereas it has come to the attention of the San Francisco chapter of the Military Order of the World War that certain Senators and Congressmen intend to legislate for the further reduction of the personnel

of the Army and the Navy and to curtail the Navy building program; and

Whereas the excuse given for the proposed legislation is for economy of administration funds and a consequent lessening of the burden of taxation now being carried by our people: Be it

Resolved, That it is the opinion of the San Francisco chapter of the Military Order of the World War that the sum so saved would be so small as to be insignificant in proportion to the danger involved in reducing the already inadequate number of the armed forces of this country; and be it further

Resolved, That this order is most emphatically opposed to any reduction in the numerical strength of our Army and Navy as now proposed and insisted upon by the departments of the Army and Navy; and be it further

Resolved, That this chapter of the Military Order of the World War use every endeavor to prevent the ill-advised legislation mentioned in the first paragraph of this resolution and that copies of this resolution be forwarded to the representatives in Congress from California, and that they be requested to reply by formal letter setting forth their attitude in this matter.

(Please transmit copies to chairmen Senate and House Committees of Army and Navy Affairs and Members of Congress from California.)

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. DUNBAR, for six days, on account of important business.

Mr. HAMMER, for four days, on account of business.

ORDER OF BUSINESS.

Mr. ROGERS. Mr. Speaker, may I ask the gentleman from Wyoming if it is the intention to call up the naval bill for consideration on Monday?

Mr. MONDELL. The Unanimous Consent Calendar will, I assume, be considered on Monday, unless the House determines otherwise by vote. Later in the afternoon, if it is desired, if we get through with the Calendar for Unanimous Consent early, we might take up the naval bill, but I should think it would be doubtful.

Mr. SNELL. Does the gentleman not think it would be well to have it thoroughly understood to-night when the final vote will come on the bill—that it will not be on Monday?

Mr. MONDELL. Mr. Speaker, I think the gentlemen ought to know, and I doubt if under the circumstances we ought to take up the naval bill at all on Monday. I think we should adjourn after consideration of the Unanimous Consent Calendar is concluded. I make that suggestion, because there are gentlemen who desire to go home who would not return Monday if the naval bill is not to be taken up at that time.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until Monday, April 17, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

590. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Lake Washington Ship Canal, Wash., was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ELLIS: Committee on Claims. H. R. 9615. A bill for the relief of Sarah Green, Virginia Green, and Henry Green, next of kin of Lydia Rivers; with an amendment (Rept. No. 906). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PURNELL: A bill (H. R. 11322) to amend paragraph (11) of section 6 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. WARD of North Carolina: A bill (H. R. 11323) to provide for a post-office building at Williamston, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. UPSHAW: A bill (H. R. 11324) to amend the Federal farm loan act so that branch banks shall be established in the capital of each State; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 11325) granting an increase of pension to Margaret Kirkpatrick; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 11326) granting a pension to Judson B. Luckhurst; to the Committee on Pensions.

By Mr. FAUST: A bill (H. R. 11327) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to Leslie J. Kennedy; to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 11328) granting a pension to Lucy E. Porter; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11329) granting an increase of pension to Mary E. Waddell; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 11330) granting a pension to Deliaette Bruno; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 11331) for the relief of Rudolph Ponevacs; to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 11332) granting an increase of pension to Amanda E. Pollard; to the Committee on Pensions.

By Mr. McDUFFIE: A bill (H. R. 11333) for the relief of Francis Leo Shea; to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 11334) granting a pension to Sarah Anderson; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 11335) for the relief of the widows of certain officers and enlisted men of the United States Navy; to the Committee on Pensions.

By Mr. O'CONNOR: A bill (H. R. 11336) for the relief of Joseph L. Galle; to the Committee on Military Affairs.

By Mr. YOUNG: A bill (H. R. 11337) for the relief of Anna Volker; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5128. By the SPEAKER (by request): Petition of the Union League Club of Chicago, opposing the proposed reduction of the Army and Navy as provided in bills now pending and indorsing the President's stand on same; to the Committee on Appropriations.

5129. Also (by request), petition of the Grand Army of the Republic, Department of Massachusetts, opposing the reduction of the Army and Navy as proposed in bills now before Congress; to the Committee on Appropriations.

5130. By Mr. CULLEN: Petition of the president of the Chamber of Commerce of the United States of America, supporting the conclusions reached by the disarmament conference and later embodied in the four-power naval treaty and the President's recommendations regarding the Navy; to the Committee on Appropriations.

5131. By Mr. DARROW: Petition of more than 200 members of Trinity Presbyterian Church, of Philadelphia, urging the passage of House bill 2193, regulating the export of opiates; to the Committee on Ways and Means.

5132. By Mr. FAVROT: Petition of sundry citizens of Baton Rouge, La., opposing the passage of the Fitzgerald Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

5133. By Mr. GALLIVAN: Resolution adopted by the United Veterans of the Republic, Unit No. 12, of Charlestown, Mass., relative to the Navy personnel and the Boston Navy Yard; to the Committee on Appropriations.

5134. Also, petition of Charles A. Waterman, of 18 Ethel Street, Boston, Mass., urging the passage of House bill 2894, calling for a 25 per cent reduction in interchangeable mileage; to the Committee on Interstate and Foreign Commerce.

5135. Also, petition of the New England Confectionery Co., of Boston, Mass., urging passage of House bill 10159, known as the "commercial bribery bill"; to the Committee on the Judiciary.

5136. By Mr. HADLEY: Petition of sundry citizens from the State of Washington opposing the Sunday blue law; to the Committee on the District of Columbia.

5137. By Mr. KEARNS: Petition of Mrs. Burt L. Knotts and others of Lewistown, Ohio, opposing the passage of House bill 9753, or any Sunday bill; to the Committee on the District of Columbia.

5138. By Mr. KISSEL: Petition of Leon Dickinson, Esq., of Brooklyn, N. Y., protesting against the reduction of the Navy from 86,000 to 65,000 men; to the Committee on Naval Affairs.

5139. By Mr. MANN: Petition of sundry citizens of Chicago, Ill., opposing the passage of pending compulsory Sunday observance bills (S. 1948 and H. R. 4388 and 9753); to the Committee on the District of Columbia.

5140. By Mr. MORIN: Petition of the First Baptist Church of Pittsburgh, Pa., Rev. James K. Kirtley, acting pastor, urging immediate action on the Miller bill (H. R. 2193), as it will prevent all improper exportation of opium and other harmful drugs; to the Committee on Ways and Means.

5141. By Mr. RAKER: Petition of F. W. Delventhal, secretary of Lodge No. 1246, United Brotherhood of Maintenance of Way Employees and Railroad Switchmen's League, indorsing House bill 10798 and urging its passage; to the Committee on Interstate and Foreign Commerce.

5142. Also, petition of the Chamber of Commerce of the State of New York, indorsing The Hague rules regarding ocean bills of lading and urging legislation looking toward its adoption; also petition of the Dried Fruit Association of California, of San Francisco, Calif., indorsing the McKellar amendment to the Harter Act, permitting ocean carriers to make contracts in accordance with The Hague rules, 1921; to the Committee on the Merchant Marine and Fisheries.

5143. Also, petition of John R. Quinn, department commander, American Legion of California, of San Francisco, Calif., protesting against the reduction of the naval forces of the United States below 90,000 men; to the Committee on Naval Affairs.

5144. Also, petition of the Chamber of Commerce of the State of New York, relative to Federal taxation; also, petition of Ray Hays, of Nevada City, Calif., protesting against a tax of $2.35 a pound on imported wrapper tobacco; also, petition of the Foreign Mission Society of Vincent Methodist Episcopal Church, of Los Angeles, protesting against the proposal to tax wine and beer to raise revenue for the soldiers' bonus; to the Committee on Ways and Means.

5145. Also, petition of J. J. Borree, brigadier general, National Guard of California, indorsing Senate bill 3325 and House bill 10972, the Army pay bill, as amended; also, petition of Snow Shed Lodge, No. 743, Brotherhood of Railroad Trainmen, of Roseville, Calif., indorsing House bill 6432, for the relief of the Russian Railway Corps; also, petition of George M. Krone, of Los Angeles, urging action on the Bursum bill; to the Committee on Military Affairs.

5146. By Mr. SNYDER: Petitions of J. T. Smith, William Zeiter, Frank E. Marshall, Morris Rosenthal, and J. W. Shotthafer, of Utica, N. Y.; W. J. Doyle and Parker L. Scripture, of Rome, N. Y.; and Alvie Carlstran, of Oriskany, N. Y., favoring the passage of the Chandler bill (H. R. 9198) providing for an increase in pension for veterans of the War with Spain; to the Committee on Pensions.

5147. Also, petitions of granges at Lee, Columbia, and Steuben, N. Y., favoring equal privileges in granges and land banks which other American banks enjoy; to the Committee on Banking and Currency.

5148. By Mr. WILLIAMSON: Petition of sundry citizens of Hot Springs, S. Dak., opposing the passage of the bill to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

SENATE.

MONDAY, *April 17, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee for yesterday and all that it means, for the hopes stimulated, the desires realized in the fact that there was an open tomb emptied, and that through the life of Him who lived and wrought so wondrously and died, was buried and rose again, life and immortality have been brought to light.

We bless Thee this day for all its associations and ask that our lives may be ennobled by the thought that the Risen One lives and loves to-day as ever. Grant Thy blessing upon the work of the day and glorify Thyself in every act and word. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, April 14, 1923, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCormick	Sheppard
Broussard	Hale	McKinley	Simmons
Bursum	Harreld	McNary	Smoot
Calder	Harris	Moses	Spencer
Capper	Harrison	Myers	Stanley
Caraway	Heflin	Nelson	Sterling
Colt	Hitchcock	Newberry	Sutherland
Culberson	Jones, N. Mex.	Norbeck	Swanson
Curtis	Jones, Wash.	Norris	Townsend
Dial	Kellogg	Oddie	Walsh, Mont.
du Pont	Kendrick	Overman	Warren
Edge	Keyes	Owen	Watson, Ga.
Fernald	King	Phipps	Weller
Fletcher	Ladd	Pittman	Willis
France	La Follette	Poindexter	
Gerry	Lenroot	Pomerene	
Glass	Lodge	Rawson	

Mr. HEFLIN. I wish to announce that my colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that the announcement stand for the day.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may continue through the day.

The VICE PRESIDENT. Sixty-five Senators having answered to their names, a quorum is present.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House:

H. R. 2556. An act to advance Maj. Benjamin S. Berry to the permanent rank of major; and

H. R. 7589. An act for the relief of Maj. Ellis B. Miller.

SPECIAL CANCELING STAMPS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TOWNSEND. I move that the Senate insist upon its amendments, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. TOWNSEND, Mr. STERLING, and Mr. WALSH of Massachusetts conferees on the part of the Senate.

SOUTHERN TARIFF ASSOCIATION.

Mr. GOODING. Mr. President, on Thursday of last week a committee known as the schedule committee of the Southern Tariff Association met in this city for the purpose of urging increased protection for southern industries. They asked for a meeting with a number of Republican Senators who have been urging proper recognition and protection for the agricultural industries of the country. A very interesting communication addressed to those Senators at that meeting was read by Mr. Woodall, of Texas. I ask that the communication may be read.

Mr. KING. Does the Senator desire to have it read?

Mr. GOODING. Yes; I desire to have it read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk proceeded to read the communication.

Mr. DIAL. Mr. President, may I ask from whom this communication comes?

Mr. GOODING. I ask that the names attached may be read so that Senators from the South may understand from whom the communication comes.

The reading clerk read the signatures attached to the communication.

Mr. GOODING. I ask that the reading of the communication may be proceeded with and concluded.

The VICE PRESIDENT. The Secretary will continue the reading.

The reading clerk resumed and concluded the reading of the communication, which, entire, is as follows:

WASHINGTON, D. C., *April 13, 1922.*

To the Republican Senators representing agriculture and affiliated industries:

The schedule committee of the Southern Tariff Association appreciates the opportunity to appear before you and present its case. It is conscious of the deep solicitude of all of you for the well-being of the Nation as a whole, and is grateful that the vital interests of a great

section, itself almost an empire, will be safeguarded by you equally with the vital interests of the particular States and sections which you represent by special commission.

We are convinced that the Nation stands at a critical point in its economic development. Fortunately, there is the light of human experience to designate the proper path to take. The genius of the American people has transmuted a continent into the world's treasure house. The historians are as one in ascribing the downfall of Rome to the economic destruction of the free farming population, caused by the great wealth of the cities and the cultivation of the soil by cheap slave labor. A wise policy of protection has piled up prosperity and wealth in the United States. The rewards of manufacture have been large and constructively beneficial. Through protection it was possible to forge in this country the machinery of supply that terminated the Great War. This commanding success of manufacture, which is in itself a convincing demonstration of the value of protection, has enriched the great industrial centers and attracted to them the youth of the country. Invention has softened the asperities of rural life, but it has also visualized for the young man the superior rewards the city has to offer. The balance in attraction has been disturbed.

The South has been traditionally a great agricultural center. So, also, is it rapidly becoming a potent factor in pure industrial achievement. We speak for the South, however, when we say that the preservation of the integrity of its agriculture is of supreme importance. A national policy devised to restore some sort of parity between industry and agriculture is, therefore, of paramount interest to the South, as it is to the West. Our plea primarily is for an avoidance by this Nation of the economic error which sacrificed agriculture to the demands of manufacturing. We contend for a national policy so broad in its scope and so fair in its application that it will make the country self-sustaining in all its elements. We argue for a general prosperity on farm and in city alike.

This is the goal that all southern statesmen have before them. Unfortunately, the political tradition of the South has been favorable to nonprotective tariffs, and extraneous issues have influenced the South to support that theory. We hold no commission from the electorate, but we do speak for the enlightened business judgment of the South, which may rapidly become a political pronouncement, when we say that if the pending tariff legislation gives just and fair tariff protection to southern products the prosperity resulting will be an object lesson in the value of the protective principle of so convincing a character that the advocacy of free trade will cease to offer attractions.

The finished product of the farmer is the raw material of the manufacturer. We can not comprehend how any manufacturer can fairly contend for protection for his own finished product and at the same time protest against protection for the raw material that is the finished product of the farm. The doctrine of free raw materials breeds discontent and social unrest. The farmer protests, as he ought to protest, against having to sell in a free market and buy in a protected mart. That is discrimination and unworthy of sound statesmanship. We respectfully urge on you that when any manufacturer's finished product is granted protection there be accorded likewise to the raw material that the manufacturer uses, which is the finished product of the farmer, if produced in this country, corresponding protection.

Evidence has been presented to Congress to show that a considerable volume of American capital has been sent to foreign countries, where labor is cheap, with the intent of bringing back for sale in the American market the products of such cheap labor. We regard it as economic lunacy to erect barriers against the immigration of pauper labor and at the same time to permit the products of such labor to compete with goods produced under American standards in a free market. The country can be swamped no less by an influx of cheap agricultural products from the Orient than by the entrance of oriental labor. The latter is prohibited by law and the former should be.

The tides of economic destiny are not yet charted in Europe. A major catastrophe has swept aside old landmarks. Not only are the continental currencies in a state of flux, but there is also no longer a yardstick with which to measure foreign values. On all ad valorem duties the basis of valuation is determinative. A great gap will be torn in the whole fabric of protection if Congress fails in this emergency to recognize the new conditions with which trade is confronted. To base rates on foreign valuations when foreign valuations notoriously can not be accurately found is to make a covenant with uncertainty and cut breaches in the tariff wall. The assumed difficulties of administration under American valuation can not be compared with the difficulty of arriving at anything like a fair estimate of foreign cost. We ought to know our own business better than we know the business of other people. Surely we can trust our own valuations better than theirs. We can not understand how legislation, the very purpose of which is to maintain American standards, can reject American valuation. American standards and American valuations are almost synonymous terms in the present peculiar position of the world. The two will stand or fall together. * * *

We have given careful study to the tariff bill as introduced in the Senate. There are some features of it which are not in accord with the principles in which we believe. There is not adequate protection for certain products of vital importance to sound and general national prosperity, and particularly to the South. We seize the opportunity to present for your consideration the corrections that we believe to be desirable. Each such suggested schedule is the result of long and careful study on the part of those whose knowledge of their special industries is exact and thorough. No schedule is suggested that is in any respect out of harmony with the general purpose of the bill. The least possible protection that will meet the situation is asked in every case. It has been a constant purpose to do no more than ask for a differential which will take up the inequality between labor costs at home and abroad.

The emergency tariff act, the record shows, has saved whole sections in the United States and prevented great numbers of agricultural producing units from going under the sheriff's hammer. The evidence on this point is decisive and cumulative. We are convinced that an impartial permanent tariff act, spreading its benefits into every part of the Union, enriching no section at the expense of the other, but uniting all in general prosperity, will serve to establish permanently the protective principle in American legislation and policy. We urge upon you that you be solicitous to see that the pending tariff bill, when enacted into law, be of such a character, and it is to that end that our suggested amendments are brought forward.

In appraising the results of the emergency tariff act we find it has added $8 per ton to the farm price of cotton seed, or a total of $25,000,000 to the 1921 crop. It has added $18 per ton to the farm price of peanuts, or a total of $10,000,000 to the 1921 crop. It has added $12,000,000 to the farm value of the 1921 rice crop and saved the industry from destruction. It has saved the sheep and wool industry from annihilation and made it a prosperous industry. It has saved 90 per cent of the sugar planters of Louisiana from bankruptcy.

Without the emergency tariff act agriculture would have been completely paralyzed and many of our important agricultural industries would have perished.

Respectfully submitted by the schedule committee of the Southern Tariff Association.

E. A. Burguieres, chairman; B. E. Chaney, Stuttgart, Ark., rice industry; A. M. Loomis, Washington, D. C.; John M. Rogers, Washington, D. C., 817 Union Trust Building; P. H. Whaley, Washington, D. C., Munsey Building; T. S. Kenan, Atlanta, Ga., vegetable oils; E. A. Burguieres, New Orleans, La., sugar industry; Joe Chaffe, New Orleans, La., sugar industry; C. S. Matthews, New Orleans, La., sugar industry; Judge R. E. Milling, New Orleans, La., sugar industry; John J. Sheehan, New Orleans, La., sugar industry, rice industry; F. B. Wise, New Orleans, La., Rice Millers' Association; H. M. Grandstaff, Asheville, N. C., mica; W. S. Phillips, Brownsville, Pa., glass; E. A. Eignus, Beaumont, Tex., rice industry; J. S. LeClercq, Dallas, Tex., vegetable oils; Robert Ash, Washington, D. C., Munsey Building; Ed. Woodall, Hillsboro, Tex., vegetable oils; John H. Kirby, Houston, Tex., president Southern Tariff Association; P. D. Bain, Norfolk, Va., peanuts; Percy Stevenson, Norfolk, Va., peanuts; J. C. Beale, Norfolk, Va., peanuts; T. H. Birdsong, Norfolk, Va., peanuts; N. M. Osborn, Norfolk, Va., peanuts; J. B. Pinner, Norfolk, Va., peanuts; Frank Kell, Wichita Falls, Tex., flour milling; C. J. Harris, Dillsboro, N. C., clay; George A. Sharpe, Birmingham, Ala., graphite; C. A. Moffitt, Birmingham, Ala., iron and steel.

The VICE PRESIDENT. The communication will lie on the table.

Mr. KING. Mr. President, I have a large number of statements and petitions and communications entirely adverse to the views expressed in the remarkable document which has just been submitted to the Senate, but I shall not ask to have them read.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a petition of sundry citizens of Baldwin, Kans., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted at a mass meeting of citizen of Kansas City, Kans., April 3, 1922, favoring the passage of the Dyer antilynching bill, which were referred to the Committee on the Judiciary.

Mr. WILLIS presented resolutions adopted by the board of directors, Columbus (Ohio) Chamber of Commerce, favoring the establishment and maintenance of an American merchant marine, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Columbus (Ohio) Chamber of Commerce, protesting against further reduction of the Army and Navy personnel, which were referred to the Committee on Naval Affairs.

Mr. KEYES presented a resolution adopted by Londonderry Grange, No. 44, Patrons of Husbandry, of Londonderry, N. H., protesting against the passage of Senate bill 2747, the so-called McNary cooperative reclamation bill, which was referred to the Committee on Irrigation and Reclamation.

He also presented memorials of sundry citizens of Colebrook, Portsmouth, New Castle, Rye, and North Hampton, all in the State of New Hampshire, remonstrating against the passage of Senate bill 2747, the so-called McNary cooperative reclamation bill, which were referred to the Committee on Irrigation and Reclamation.

Mr. SPENCER presented petitions of members of the Women's Self-Improvement Club, the Phyliss Wheatley Club, the Twelve Charity Girls' Club, and the Kensington Art Club, all of Kansas City, Mo., praying for the passage of the Dyer antilynching bill, which were referred to the Committee on the Judiciary.

Mr. SHORTRIDGE presented a letter from the San Francisco (Calif.) Labor Council, giving their views relative to the Volstead Act and favoring enactment of legislation permitting the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Board of Supervisors of Los Angeles, Calif., favoring the making of an appropriation to defray expenses of training the citizen soldiery for a period of two weeks, etc., which was referred to the Committee on Military Affairs.

He also presented resolutions of the Allied Printing Trades Council of Los Angeles, Calif., protesting against increase in the postal rates on second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry members of the Junior Order United American Mechanics, of Los Angeles, Calif., and

vicinity, praying for the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Appropriations, to which was referred the bill (S. 3465) to amend section 42 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3291) for the relief of Henry Cordes, reported it without amendment and submitted a report (No. 603) thereon.

Mr. NEWBERRY, from the Committee on Banking and Currency, to which was referred the bill (S. 2436) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act, reported it without amendment.

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2743) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," reported it with an amendment and submitted a report (No. 604) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (H. J. Res. 57) making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof, reported it without amendment and submitted a report (No. 607) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3163) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," reported it with an amendment.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 192) providing for survey of the Potomac River banks from Washington, D. C., to Great Falls, with a view to possible extension of the District park system, reported it without amendment.

MEAT PACKERS IN UNRELATED LINES OF BUSINESS.

Mr. LADD. From the Committee on Agriculture and Forestry, under the second resolving clause of Senate Resolution 211, I submit a report, and ask unanimous consent for its immediate consideration.

The report was read as follows:

REPORT.

The Senate Committee on Agriculture and Forestry, to which committee has been referred Senate Resolution 211, providing "that the Attorney General of the United States be requested to report to the Senate what steps, if any, have been taken to enforce and carry out the terms of said decree," being the decree entered by the Supreme Court of the District of Columbia on February 27, 1920, in the suit of the United States of America *v.* Swift & Co. and others, in equity No. 37623, recommends that the hearings before the Interdepartmental Committee on the question of modification of the consent decree in the case of the United States *v.* Swift & Co. et al., with reference to unrelated commodities, be published as a Senate document to accompany the communication from the Attorney General of the United States. The manuscript contains approximately 3,065 pages of typewritten data as the result of these hearings and contains most valuable material which should be made a permanent record available for use not only for the subcommittee in their hearings but to Congress as well, and will, in the judgment of the committee, be of great value for court use.

Mr. LADD. Mr. President, the resolution reported by me from the committee provides for the printing of the hearings before the interdepartmental committee on the question of the modification of the so-called consent decree in the case of the United States *v.* Swift & Co. and others, with reference to business conducted by the meat packers in unrelated lines of industry. Under Senate Resolution 211, the committee have had under consideration and examination the report of the Attorney General, together with the hearings referred to, and request that they be printed as a part of the proceedings as a Senate document. There are approximately 3,065 pages, for which I have had prepared an index. We find it is almost absolutely necessary to have this matter printed before we can proceed with further hearings under Senate Resolution 211, and several Senators outside of the committee who have examined it think that it would be advisable and desirable to have it printed.

Mr. MOSES. Mr. President, a document of that size I think should certainly have an estimate of the Public Printer of its cost before it is ordered printed without any further explanation; and the law further requires that a document of that size shall have such an estimate. I move that the resolution be referred to the Committee on Printing.

Mr. NORRIS. Mr. President, I should like to call the attention of the Senate briefly to just exactly what this document is.

I am not a member of the subcommittee. I have not heard the evidence, of course; but some time ago the Senator from Wisconsin [Mr. LA FOLLETTE] introduced a resolution that contained two propositions. They both referred to the so-called consent decree in the packer cases, where an attempt was made by some of the packers to modify the consent decree that prohibited the packers from going into unrelated lines. The resolution that the Senate passed directed the Committee on Agriculture and Forestry to make an investigation of that subject. It also called upon the Attorney General to send to the Senate the information that he had.

At that time I called the attention of the Senate to the fact that this resolution of the Senator from Wisconsin contained two things. One was calling on the Attorney General for certain information. The other was directing the Committee on Agriculture and Forestry to make an investigation of the same subject, and the suggestion that it be modified and proposing that we get the information first from the Attorney General, and then we could decide whether we wanted to investigate.

That proposition was rejected by the Senate upon a vote and the resolution passed; that resolution directed the Committee on Agriculture and Forestry to make an investigation of this subject, and also directed the Attorney General to make a return. It was referred to a subcommittee of the Committee on Agriculture and Forestry, with directions to follow out the instructions of the Senate. The Senator from North Dakota [Mr. LADD], acting in behalf of that subcommittee, reported to the full committee, and then was directed by the chairman of the full committee upon the approval of the report to bring this report, as he has done, into the Senate.

Mr. President, this investigation that was made in the Department of Justice in regard to the modification of this consent decree contained a good deal of evidence, as the report of the committee shows. It is of no value whatever unless that evidence is put in such shape that it can be read. I happen to know that there is a great demand for it from the calls that have been made upon me from all over the country, and also from other Senators, who, I presume, in turn have been moved by requests from their States asking for this document, which they suppose has been printed.

Mr. MOSES. Mr. President——

Mr. NORRIS. The committee itself, so the subcommittee says, can not make an intelligent investigation of this subject, as it is directed to do by the Senate, unless that evidence is put in acceptable form. That is, it must be printed; and while I have not read the evidence, I suppose it will be explanatory, at least, of what was attempted to be done in the modification of the consent decree on the packer situation. It is a very important proposition.

When we passed the packer legislation, while the Congress did not pass the bill that I wanted or the bill that the Committee on Agriculture and Forestry of the Senate brought in here, we do know that the legislation was influenced to quite an extent by the fact that while these questions were pending before the committee the Attorney General went into court, with the consent of the packers, and obtained what is known as a consent decree. The legislation of Congress was undoubtedly modified because of the existence of that decree, which resulted in a permanent injunction in which the packers were enjoined from doing certain things. With that condition, Congress enacted the packer regulation act. If I had had my way, or if the Committee on Agriculture and Forestry of the Senate had had its way, we would have ignored that decree entirely. We did ignore it in our investigations and in reporting our bill, but the Senate thought otherwise.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. In just a moment. The House also thought otherwise. We did not have our way, and we legislated on the theory of that decree being permanent law.

Not much time had elapsed after that legislation was enacted before an attempt was commenced to modify that decree. This evidence that was taken by the Attorney General was offered

by the packers and by those who are opposed to the modification of the decree. It therefore bears directly upon the act passed by Congress that attempted, at least, to regulate the packers. The proposition now is to print that evidence so that it will become available.

Mr. MOSES. Mr. President——

Mr. NORRIS. Why, Mr. President, it seems to me self-evident—that is particularly true if this committee is going to make any investigation under the direction of the Senate—that that evidence must be printed.

Mr. POMERENE. Mr. President——

Mr. NORRIS. I am going to yield to everybody in due time. Do not worry.

This document was brought to my notice by the chairman of the subcommittee when it was presented, and he asked me whether it ought to be printed, whether he had authority to have it printed in the hearings; and I presume technically he had. I told him at first that I thought the thing to do was simply to hand it to the reporter and have it printed as part of the hearings; but that night I got to thinking about it, and I thought, since perhaps it was the main thing that was to be investigated, that that ought not to be done unless the Senate ordered it done. So I saw the chairman of the subcommittee and took it up with him again, and suggested, as he said that the subcommittee had gone about as far as they could go without doing something with this evidence, that they make a partial report to the full committee, and that we would undoubtedly order him to make a report, or I would, if the committee authorized me to do so, direct him to make a report to the Senate.

That is how the matter happens to come to the Senate. I presume the committee could simply have had the evidence printed, and it would have cost just as much one way as the other; but it is better to have it printed as a Senate document, by itself, than it is to have it locked up with some of the committee hearings, for we are going to have demands for it, and we would have to fish it out of the hearings and send this evidence in connection with something else.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. First, let me yield to the Senator from Ohio, who rose first.

Mr. POMERENE. I simply desire to ask this question: Has the Department of Justice recommended any modification of that decree?

Mr. NORRIS. I understand not; although I have not read the evidence that has been presented.

Mr. POMERENE. Let me ask a further question. As I am told, this investigation was being made by one representative from the Department of Justice, one from the Department of Commerce, and one from the Department of Agriculture. Has that committee made any recommendation to the Attorney General bearing on the subject?

Mr. NORRIS. I do not know; not that I know of.

Mr. McNARY. Mr. President——

Mr. POMERENE. I think the Senator from Nebraska stated the proposition fairly when he said that the fact that this decree was entered modified the views of Senators somewhat with respect to the pending legislation.

Mr. NORRIS. Oh, there is not any doubt about it; and the thing is happening now that I thought at the time would happen—that as soon as Congress got through legislating and passed the law, there would be an attempt made to nullify the decree; but that attempt has not been successful. The evidence upon which it is based, and, as I understand, the evidence of the other side in controverting it, coming from the organization of farmers, consumers, and so forth, who have obtained notice of what was going on in the Department of Justice, constitutes this thing that the committee now desires to print as a Senate document, mainly because of the demand that is coming from the country, from people interested in the subject, to get it.

I now yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I simply wish to state to the Senator from Nebraska that the logical and obvious and natural way of dealing with this document would have been for the committee, under its undoubted authority, based upon a resolution adopted at the beginning of the Sixty-seventh Congress—a resolution such as is adopted at the beginning of every Congress, authorizing the committee to act through subcommittee under that resolution—to print this evidence in the report of the hearings. When, however, the committee brings in an excerpt from hearings to be printed as a Senate document there is a clear and unmistakable regulation with reference to public printing connected with documents of this bulk. Small documents, the cost of printing which can be estimated by anybody, because we know what it costs per page, are authorized to be printed here day after day by unanimous consent; but it has been the invariable rule of the committee, certainly since my connection with it—which has been during the whole of my experience in the Senate—to secure the estimate of the Public Printer in cases of this kind.

I wish the Senator from Nebraska and the Senator from North Dakota to understand that the motion I have made to refer the manuscript and the report to the Committee on Printing is by no means made with any hostile intent toward the report or any of the suggestions which the committee makes. It is in order that in the case of a document of this size we may follow the logical, regular, and statutory method of having it printed.

Mr. NORRIS. Mr. President, I am not criticizing——

The VICE PRESIDENT. Let the Chair state the request of the Senator from North Dakota. The request was that he have unanimous consent for the immediate consideration of his report. Is there objection to that request?

Mr. SMOOT. Mr. President, may I say just one word?

Mr. NORRIS. Will the Senator let me finish first? I want to say to the Senator from New Hampshire that I am not objecting even to having this resolution referred to the Committee on Printing. The thing I wanted to do, principally, and the thing that it seemed to be my duty to do, was to state to the Senate the exact situation. We probably could have had this evidence printed without coming to the Senate to ask for it, but it would not have been in as good shape as it will be if it is printed as a Senate document. It will not cost any more one way than the other.

Mr. MOSES. Mr. President, will the Senator permit me to interject right there that having it printed as a Senate document makes available for the use of the Senate only 300 copies, whereas if the subcommittee had proceeded to have it printed in its record of hearings, under its undoubted authority, it could have had all the copies necessary to meet the demand.

Mr. NORRIS. No; we are limited——

Mr. MOSES. The committee could have had a thousand copies to start with, and it could have had reprints made by order of the chairman of the Joint Committee on Printing.

Mr. NORRIS. To cut the matter short, I will ask the Senator from North Dakota to withdraw his report, and we will try to handle the matter without bringing it into the Senate.

Mr. SMOOT. Mr. President, will the Senator yield to me for just a moment?

Mr. NORRIS. Yes.

Mr. SMOOT. I only want to state that if this evidence is printed as a public document, the great bulk of the numbers of the print will go to the libraries throughout the country and to places where nobody will ever see them at all, and Congressmen and Senators will get only two copies in all. It seems to me it should be printed in a different way from that; but if the Senator is going to withdraw the request, I have nothing further to say.

Mr. LADD. I ask permission to withdraw the request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the request is withdrawn.

Mr. WILLIS. Mr. President, I wish to make response to the inquiry propounded by my colleague to the Senator from Nebraska. I call my colleague's attention to the fact that the Department of Justice has taken no action whatever looking to a modification of this decree, and to the further fact that when an effort was made by the packers to have the decree modified the Department of Justice, as my colleague has stated, referred the whole matter to the court, as it were, made up of the three distinguished representatives of three separate departments, and before the matter came up here, and before this resolution was considered by the Senate, that court had already determined, and so reported to the Attorney General, that there ought not be any action by the Department of Justice looking toward a modification of the consent decree. So the department was not prodded into it; it had already acted promptly.

Mr. POMERENE. If my colleague will permit me, I had this matter up with the Attorney General some considerable time ago, shortly after he had determined to refer the subject to a committee consisting of one representative from each of the several departments. I did not understand at that time that he had come to any conclusion, but he very courteously indicated to me that this committee would be glad to hear anyone who was interested on either side of the case.

Mr. WILLIS. The thing I wanted to make clear to my colleague is the fact that this investigation had been had and recommendation had been made by these three investigators to

the Department of Justice before any action was taken by the Senate on the resolution.

Mr. POMERENE. I had not known they had made any recommendation upon the subject.

Mr. NORRIS. Mr. President——

Mr. ASHURST. A point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. NORRIS. Will not the Senator withhold his point of order?

Mr. ASHURST. I withhold it for one moment.

Mr. NORRIS. Mr. President, I think I ought to make reply to what the Senator from Ohio has said. I have no interest in this matter. I do not know, and I care not, whether the resolution was offered or whether there was action taken by the Senate before the Attorney General acted. It is not my purpose to criticize anybody, but I want the facts known.

It was alleged that there was great danger of the Attorney General or his committee permitting the decree to be reopened and changed and modified. I think that was before the introduction of the resolution. The question was raised on the floor of the Senate as to whether they had made a determination, and I was informed by a Member of the Senate who had been in communication with a member of this committee that they intended to modify that decree. I do not know whether he was right about it or whether he was wrong about it; I think it is immaterial now. At least, it has not been modified yet.

It was the object of the resolution, I think, in part at least, to give publicity to the facts, so that in the future there would not be a modification brought about without laying the whole thing before Congress. I said when the resolution was up, I remember, that since it did affect legislation by Congress, it seemed to me that no Attorney General ought to consent to any modification without first submitting it to Congress, because of the peculiar way it came about. It affected legislation, because there would have been different legislation, without any question, if the Attorney General and the packers had not come to this agreement about the decree.

While I can not say what action the committee will take, it is very likely, at least, that when the committee get through with their investigation and make a final report to the Senate, they will recommend that no Attorney General ought to consent to any modification of the decree until Congress has given its consent to the specific modification.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield.

Mr. WILLIS. I know the Senator from Nebraska wants the exact facts, because he is always fair. I call his attention to the fact that the original resolution for this inquiry was offered in the Senate on the 3d day of February, 1922. I have a copy of the resolution here. I call his attention to the further fact that in Exhibit B of Senate Document 145, beginning at page 18, he will find the report of the interdepartmental committee. That report was made on the 20th of January, two weeks before the resolution was offered in the Senate. That keeps the record absolutely straight.

Mr. NORRIS. I am very glad that is true. I want to ask the Senator from Ohio, before the Senate passes from this question, whether that was acted on, and when it was finally acted on?

Mr. WILLIS. I understand that the report of the interdepartmental committee was accepted by the Attorney General, and no further action was required.

Mr. NORRIS. When was it accepted?

Mr. WILLIS. The document does not indicate.

Mr. NORRIS. Then the Senator has not shown it all.

Mr. WILLIS. I have shown it all. What I have undertaken to show was that the interdepartmental committee had already made its recommendation to the Attorney General before the resolution was introduced.

Mr. NORRIS. Exactly, and it was probably pending there at the time the resolution was introduced.

Mr. WILLIS. Certainly.

Mr. NORRIS. But the Attorney General had taken no action on it.

Mr. WILLIS. Certainly, and has not taken any action yet.

Mr. NORRIS. The Attorney General has taken no action yet.

Mr. WILLIS. And so far as I know, no action is contemplated.

Mr. NORRIS. There will probably be no action on the resolution.

Mr. BURSUM. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded. Reports of committees are still in order.

Mr. WILLIS subsequently said:

In order to make the record absolutely straight relative to the matter just under discussion between the Senator from Nebraska [Mr. NORRIS] and myself, I ask unanimous consent to have printed in the RECORD the decision of the Attorney General as of date February 7, 1922, on the consent decree matter.

Mr. NORRIS. The action of the Attorney General, I understand, was after the submission of the resolution.

Mr. WILLIS. Yes; the action was after the introduction of the resolution. The resolution was adopted the 3d of February.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Extract from letter of Attorney General in response to Senate resolution of February 3, 1922.]

On February 7, 1922, in agreement and in accord with the views of the Secretaries, the Attorney General approved such report and issued the following official statement thereon:

"On the question of a modification of the consent decree in the case of United States of America *v.* Swift & Co. and others, with reference to unrelated commodities, I have come to the conclusion that such grave and far-reaching questions which affect not only the provisions of the decree with respect to unrelated commodities but which also strike at the very foundation of the entire decree and are of such vital interest to the public generally are matters which, regardless of what position the Department of Justice might assume, must be ultimately decided by the court which entered the decree before any modification could be made, and as those who most strongly oppose any modification (namely, the wholesale grocers) are now parties to this cause, by intervention, which intervention has been sustained by the court since the request for this hearing before the Attorney General was granted, it seems that the way is now open for those who urged a modification and who so earnestly contended that they have been seriously injured by this decree and have never had their day in court, to present such questions and contentions in the first instance to the court for decision, without the same being in any way prejudged by the Attorney General.

"Therefore I feel that this request by the California Cooperative Canneries Co. and others for a modification of this decree should be presented in the first instance to the court which entered this decree and not to the Attorney General."

WEST FORK, SOUTH BRANCH, CHICAGO RIVER.

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment Senate bill 3177, a bill declaring a stream in Illinois nonnavigable, a bill urged by both Senators from Illinois, and to which the War Department has no objection. On behalf of the senior Senator from Illinois [Mr. MCCORMICK], I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3177) declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Ill., to be a nonnavigable stream, which was read, as follows:

Be it enacted, etc., That all of that portion of the West Fork of the South Branch of the Chicago River in the county of Cook and State of Illinois, extending west from the west line of the Collateral Channel of the Sanitary District of Chicago, in the northwest quarter of section 36, township 39 north, range 13 east of the third principal meridian, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF NATIONAL BANK CHARTERS.

Mr. CALDER. From the Committee on Banking and Currency I report back favorably, with amendments, the bill (S. 3255) to amend section 5136, Revised Statutes of the United States, relating to corporate power of associations, and I submit a report (No. 606) thereon. This bill permits the extension of national bank charters. It is urged by the Comptroller of the Currency and the Federal reserve system. I ask unanimous consent for its present consideration.

Mr. KING. I object.

The VICE PRESIDENT. There is objection.

Mr. CALDER. In view of the objection, I shall call this bill up at the very first opportunity. It is necessary that it should be passed at any early date, or hundreds of national bank charters will lapse.

The VICE PRESIDENT. The bill will be placed on the calendar.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

Mr. CURTIS, from the Committee on Appropriations, to which was referred the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, reported it with amendments and submitted a report (No. 605) thereon.

Mr. KING. May I inquire of the Senator when he expects to call up the bill?

Mr. CURTIS. I want to have it printed to-day and placed on the desks of Senators to-morrow; and if possible I shall call it up to-morrow.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. HARRELD:

A bill (S. 3469) granting a pension to Charles E. Wilson; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3470) for the prevention of venereal diseases in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SHORTRIDGE:

A bill (S. 3471) granting a pension to Adra Cranford; to the Committee on Pensions.

AMENDMENT OF SENATE RIVER AND HARBOR BILL.

Mr. BROUSSARD submitted an amendment proposing to authorize an appropriation of $477,125 for intracoastal waterway, Bayou Teche to Mermentau River, La., in accordance with report submitted in House Document No. 610, Sixty-third Congress, second session, intended to be proposed by him to Senate bill 3017, the Senate river and harbor bill, which was referred to the Committee on Commerce and ordered to be printed.

JAMES W. MARDIS.

Mr. WALSH of Montana submitted the following resolution (S. Res. 278), which was referred to the Committee on Claims:

Resolved, That jurisdiction is hereby conferred upon the Court of Claims to consider and determine the equities and enter judgment upon the claim of James W. Mardis, deceased, for the sum of $18,815.50, in full for property taken by the United States Government in the year 1867 for the United States Army, at the time of the establishment of Fort Ellis, near Bozeman, Mont., in the County of Gallatin, in the Territory of Montana.

DEALING IN COTTON FUTURES.

Mr. DIAL. On April 12, 1921, I introduced a bill (S. 385) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, and on February 13, 1922, I introduced another bill (S. 3146) to amend section 5 of the United States cotton futures act. These bills were referred to the Committee on Agriculture and Forestry. No reports having been made thereon, I enter a motion that the committee be discharged from the further consideration thereof.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that the call of the calendar shall begin with Order of Business 398, where we left off at the last call of the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will announce the bill on the calendar at that point.

The ASSISTANT SECRETARY. A bill (S. 1456) for the relief of Col. Herbert Deakyne, Corps of Engineers, United States Army.

The VICE PRESIDENT. A House bill identical with this has been passed, and this bill should be indefinitely postponed.

Mr. KING. I move that the bill be indefinitely postponed.

The motion was agreed to.

The bill (S. 2493) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE VAN DERBURGH BROWN.

The bill (S. 1297) for the relief of George Van Derburgh Brown was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 10, to strike out "$12,000" and to insert in lieu thereof "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Van Derburgh Brown, of Brookline, Mass., whose wife was killed and he was severely injured, by being struck by a mail truck in use in the Boston postal district and operated by the Post Office Department, as a result of gross negligence on the part of the driver, on the night of Sunday, January 2, 1921, the sum of $5,000, from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING. Merely for the purpose of offering an amendment, if it should seem necessary, I move to reconsider the vote by which the bill just acted on was passed. I do not want to offer my amendment now. I want to talk with some person interested to see whether or not this would be a complete release of the Government from any claim by the estate of the woman who was killed, as well as a release by the husband. I have no objection to the bill being passed, and I merely note a motion to reconsider. On looking into the legal question, if I discover that there is nothing in that point, I shall withdraw my motion.

The VICE PRESIDENT. The Chair understands that a motion is entered to reconsider.

Mr. LODGE entered the Chamber.

Mr. KING. I merely enter a motion to reconsider. The Senator from Massachusetts [Mr. LODGE] is here now. If I may have his attention, I will say to him that I offered no objection to the consideration and passage of Senate bill 1297. I suggest to the Senator from Massachusetts the question that I raised when the bill was passed, namely, whether it was intended to be a complete quittance and discharge, not only for the death of the wife but for injuries sustained by the husband, or whether or not, in the form of the language here, the estate of the wife might not prefer a claim? All I am anxious for is that the Government shall be clearly relieved from all claims by the husband or the estate of the wife.

Mr. LODGE. I understand this closes the whole matter.

Mr. KING. I am not asking for any explanation. I am familiar with the case.

Mr. LODGE. It happened some years ago, and I understand there is no other claim.

Mr. KING. I think it is a little unfortunate that the bill was not drawn so as to make it clear, but on the assurance of the Senator I withdraw any objection.

The VICE PRESIDENT. Without objection, the bill stands passed.

BILLS PASSED OVER.

The bill (S. 103) for the relief of Morgan Miller was announced as next in order.

Mr. KING. I object. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2258) for the relief of Jesse L. Clay was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2372) for the relief of Alfred Sjostrom was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

CAPT. FRED S. JOHNSTON.

The bill (H. R. 927) for the relief of Capt. Fred S. Johnston was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Fred S. Johnston, supply officer One hundred and eighth Regiment Infantry, United States Army, the sum of $68 in full payment of all claims against the Government for reimbursement on account of newspaper advertisements of proposals for bids for forage supplies for the use of the Third Regiment New York Volunteer Infantry, National Guard, United States Army, at Rochester,

N. Y., from April 26 to May 8, 1917, said advertisements having been published on the order of said Capt. Fred S. Johnston without specific authority of law or departmental orders.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTELLA BARNETT.

The bill (H. R. 3270) for the relief of Estella Barnett, was considered as in Committee of the Whole, was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,250 to Mrs. Estella Barnett, of Toledo, Ohio, in compensation for injuries sustained April 24, 1920, in the city of Cleveland, Ohio, when struck by a United States Government mail truck.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNER OF VESSEL "MARIA ARTAU."

The bill (H. R. 5965) for the relief of the owner of the vessel *Maria Artau* was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,901.35 to the owner of the vessel *Maria Artau* as compensation for and in full satisfaction of all claims of such owner for any damages to said vessel sustained as a result of a collision between said vessel and the U. S. S. *Kittery* on August 7, 1917, in Santo Domingo waters, the responsibility for such collision having been placed on the U. S. S. *Kittery* by a naval board after investigation.

Mr. KING. Mr. President, I would like to ask some member of the committee or some Senator who is familiar with the matter why we make a direct appropriation in cases of collision in some instances, whereas in others we authorize the parties to bring a suit before the Court of Claims, and when the Court of Claims has heard the evidence and adjudicated the liability then we make the appropriation? It seems to me it is discriminatory to make appropriations directly in some instances and refuse to make appropriations in others, and compel the parties to go to the Court of Claims and establish a lack of negligence upon their part and negligence upon the part of the Government.

Mr. CAPPER. Mr. President, in the first place, the amount involved is comparatively small and the Navy Department unhesitatingly recommended the payment of the amount claimed. The Secretary of the Navy says there is no question that the U. S. S. *Kittery* was absolutely responsible for the accident and that there is really no question about the justice of the claim. In cases where the amount claimed is comparatively small, it has been the policy of the committee, and especially after the bill has passed the House, not to cause the parties to go to the trouble and delay of referring the matter to the Court of Claims. The bill now pending has passed the House. The matter was gone into very carefully by the Committee on Claims of the House, and our committee took it up with the Navy Department. It appealed to the committee as being a just claim.

Mr. KING. I do not like to object to the bill, but the Senator must know that a large number of claims have been preferred against the Government for collisions upon the high seas or in our harbors where it is alleged the Government was at fault. We have compelled in those instances the person who claimed to have been injured or damaged to go to the Court of Claims and establish the liability of the Government. Then after the Court of Claims has made a ruling we have made an appropriation where necessary.

Mr. CAPPER. I think the position of the Senator from Utah is correct as a general proposition, but there are many of these minor claims and it would be loading up the docket of the Court of Claims with a lot of small cases to refer them all to the court, and probably be a waste of time of the court. When the statement of the department is so clear on the matter, it seemed to the committee useless to go through the further procedure and expense of adjudicating such matters in the Court of Claims.

Mr. SMOOT. The claim is for a citizen of a foreign country, is it not?

Mr. CAPPER. It is.

Mr. SMOOT. If that is true, I hardly think the bill is in the regular form. If the Senator will let it go over, I will look it up.

Mr. CAPPER. I am very glad to give the Senator an opportunity to do that.

Mr. SMOOT. If the bill is in proper form, I shall have no objection to it.

Mr. CAPPER. The Navy Department is pressing the claim.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Objection being made, the bill will be passed over.

Mr. HARRIS. Mr. President, when the United States declared war on Germany three sons of A. V. Howe, of Tallapoosa, Ga., volunteered for service. They were anxious to serve their country and concealed any physical defects which might prevent their acceptance. Their father was active at home in all war work. The records made by all of these young men reflected credit on themselves and their country. When the war ended they came home to find positions to take up work again.

About the time of their return Judge A. I. Head, the postmaster at Tallapoosa, resigned, and under President Wilson's orders these appointments were made on merit under an examination by the Civil Service Commission instead of the old spoils system. President Wilson had issued an order that ex-service men should be given preference in these examinations, and the first person on the list was nominated. Victor L. Howe, one of the three brothers I have referred to, stood the examination and was appointed postmaster. I am informed that he gave satisfaction to the people in the discharge of his duties.

A few days ago this young veteran was removed as postmaster. I have received letters from both Republicans and Democrats stating that his services were satisfactory to all of the people except a very few Republicans who were trying to get him removed before his term under his commission expired. It seems that nothing is cared about the removal reflecting on the character of this young man, who had fought and suffered physical disabilities for his country.

The few people who wanted this place evidently secured the assistance of the State Republicans, for two postal inspectors were sent to Tallapoosa, and I have information from reliable people that Howe has been harassed by some unjust and petty charges.

I have seen the inspection report, and the charge stressed more than any other is covered by a photograph showing, posted on the wall in the post-office lobby, a small cartoon of a man with a painfully disappointed expression on his face, saying "I voted for a change and got it." Another photograph showed a list of the young men from that county who had been in the service during the World War.

I have received many telegrams and letters, as well as a petition signed by a large majority of the people who are served by the Tallapoosa office. Years ago many Federal soldiers moved to that place, and members of the Grand Army of the Republic post there have protested against the removal. Capt. Harold Hutchens, who distinguished himself in the World War, now a member of the Georgia State senate and commander of the American Legion post, has entered his protest, as well as that of the Legion post.

I have shown these protests to the Postmaster General and urged that justice be done this young man, who served his country so faithfully during the war. I have confidence in the Postmaster General and I am sure he will go to the bottom of the matter.

Mr. President, I hope I may be pardoned for stating my personal interest in this young man, though there is nothing political. He served in the Sixth Engineers in France. My brother's only child, the youngest captain in the Army when he was commissioned, served in the same regiment and was killed in the Argonne while leading an advance of his company. Just after the armistice I went over all of the battle fields in which this regiment had taken part. It was several companies of this regiment who held the Germans when they had broken the British line near Amiens. It is marvelous how any of them lived through it all when one sees the fields where they fought.

Another personal reason, Mr. President, is that Tallapoosa is in Haralson County, which, like my own county of Polk, was formerly a part of Paulding County. These splendid people are my neighbors and good friends. I went to school with many of them, and Haralson County is in the senatorial district which elected me without opposition to the State senate, although counties in this district are often carried by the Republicans in national elections. My predecessor in the State senate, Hon. Edward S. Griffith, of Buchanan, an able man and lawyer, who has distinguished himself in his profession, lives in Haralson County.

Mr. President, the people of Tallapoosa and Haralson County deeply resent what they consider unjust treatment of Mr. Howe.

Mr. President, I ask to have inserted in the RECORD statements from the American Legion post and the adjutant of the Grand Army of the Republic post at Tallapoosa.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

AMERICAN LEGION,
HEADQUARTERS ALBERT C. DIAL POST, NO. 58,
Tallapoosa, Ga., April 10, 1922.

It appearing that Victor L. Howe, a member of said post, having served in the World War, and honorably discharged after a period of voluntary service covering three years, two and one-half years of which were spent overseas, and after said discharge, having been

commissioned postmaster at Tallapoosa, Ga., and serving satisfactorily to its entire patronage for a period of 2 years, 14 months of which has been spent under the present Republican administration, having been "summarily discharged for the good of the service," without specific charge, and without opportunity for defense, the following resolution has been adopted, and it is directed that copies of the same be sent to Senators HARRIS and WATSON and Congressman GORDON LEE and State of Georgia headquarters and national headquarters of the American Legion:

"*Be it resolved by said post*, That Victor L. Howe, as postmaster, has given unparalleled satisfaction to the entire patronage of the Tallapoosa post office.

"That unanimous protest is by this resolution voiced at the removal of an ex-service man of unquestionable character, integrity, and ability for the gratification of any partisan, political whim.

"That this post charges said discharge was not in good faith, but was had on a report of fake charges, intentionally preferred by dishonest inspectors of purely political and partisanship purposes.

"That it is not the intention of this post to enter into any political controversy, but it considers the present case to come entirely within its legitimate purview, if for no other purpose than to foster a spirit of fairness and possibly prevent a recurrence of such a breach of faith on the part of the Post Office Department or any other governmental agency.

"That no censure be directed at the present temporary appointee, he being considered as having had no part in the false chicanery incident to the removal of the former postmaster."

HAROLD C. HUTCHENS, *Commander*.
CHAS. J. VANCE, *Adjutant*.

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Post No. 4, Grand Army of the Republic, composed of Republicans who have fought the battles of the party all their lives, wish to go on record as opposing the removal of this young soldier from office until his time is out, as we believe the boys who risked their lives for their country are entitled to and are deserving of their country's gratitude, and should be honored with any trust or office that they are capable of filling.

This young postmaster, Victor L. Howe, was a volunteer soldier who spent nearly two years in the trenches in France with the American Expeditionary Forces as a private, and came home after a protracted hospital experience badly broken in health. He has never taken an active part in politics, has a leaning toward Republican principles, and had a different person been named national committeeman from Georgia he, with a score of others I know, would have voted the Republican ticket in 1920. This office was never conducted in a more satisfactory manner to the public than at present. By carefully looking after the business, especially the parcel-post packages, he has succeeded in raising the office from third to second class, and we believe this has been accomplished by his efficient service and business methods. In this connection I will say this young man has not taken advantage of the situation of employing additional help which the law allows, but, on the contrary, he, with the assistance of one other young man, a Republican and the son of an old Union soldier, is doing all the work, thus saving the Government the expense of an additional clerk, which is allowed in a second-class office.

F. A. JONES.
Past Department Commander, G. A. R.,
Adjutant Post No. 4.

SUPPLY CORPS OF THE NAVY.

The bill (S. 2390) to redistribute the number of officers in the several grades of the Supply Corps of the Navy was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT JUNE.

The bill (S. 1245) for the relief of Robert June was announced as next in order.

Mr. KING. Reserving the right to object, I ask for an explanation from the Senator from Michigan [Mr. TOWNSEND], who introduced the bill.

Mr. TOWNSEND. This is a bill to compensate an employee of the Government, Robert June, for injuries sustained by him during the course of his services on the Panama Canal Zone. He was an overseer or superintendent of work and had charge of a train loaded with earth or sand at a time when there was a flood on the Chagres River which was washing away an embankment. He was trying to save the embankment, which was being destroyed by the flood in the Chagres River, to the detriment of much property of the Government. He found it necessary to pass between the cars; he could not go around the train, as it looked as though the train would slide down the embankment. A subordinate employee gave the signal to the engineer to move on while this man was between the cars, and he was, as a consequence, very seriously injured. The order should not have been obeyed, because it was not given by one in authority; but it was obeyed, the engineer thinking that the one who gave the order had authority to give it. June had not placed himself in a position of danger with reckless disregard of his life. The train was stationary when he attempted to go through, but while he was going through the signal was given to move on and he was thereby severely injured, as is shown by the statement of General Goethals, who states the nature of the accident, how it occurred, and so on.

This employee subsequently tried to return to work, and did return for a time, but he was later compelled to leave. He has suffered several operations and to-day has a disabled side, an almost complete stiff knee, and the joints of the body on his right side are practically ossified.

Mr. KING. Will the Senator permit an inquiry?

Mr. TOWNSEND. Certainly.

Mr. KING. Would not this case come under the Federal compensation act?

Mr. TOWNSEND. It has been thought not. This man tried to obtain the benefits of that act on several occasions, but it was considered to be a case requiring a special act of Congress. In the first instance, I suggested to him that he seek relief under the compensation act, but he said he could not secure relief from that source.

Mr. KING. I am unable to understand why that act is not broad enough to include the case which is now presented by the Senator. It would seem, if we pass any legislation at all, if that act is too narrow, that we should extend its provisions so as to bring this man within the law.

Mr. TOWNSEND. I think the Senator from Utah is right about that, but this is a case of immediate necessity. There was no pressure brought to bear upon the committee, but this bill was submitted to them and they were asked to look into the facts. I have looked into them and I have submitted the facts as they have been presented to me. It was the opinion of the committee that the claim ought to be allowed. Whether he should be allowed $5,000 is a question for the Senate to determine, but there is no doubt at all that the Federal Government owes this man compensation. He is disabled on account of his service to the Government and without his fault, and it was not a case of assumed risk.

Mr. KING. I agree with the Senator that under his statement this man should be compensated, but I do suggest for the consideration of my friend the question of the wisdom of making direct appropriations, in view of the fact that we have a commission to investigate cases of this character, which commission is authorized to make payment and grant allowances in accordance with fixed and graded standards under which this man may take his place along with the others in the Federal service who have met with similar accidents.

Mr. TOWNSEND. The fact of the matter is that even if the general compensation law were applicable to this case it would not, in my judgment, afford sufficient relief. If, however, the Senator from Utah seriously objects to the consideration of the bill, inasmuch as I am not able to state to him now just what has been done along the line he suggests, although I am sure something has been done, I am willing to consent that it shall now go over, if he will consent that the bill may come up and at least be discussed the next time the calendar is called. Meantime I will look into the matter and see if I can obtain sufficient information to answer the questions which the Senator from Utah has asked.

Mr. KING. I shall be very glad to yield to the Senator's wishes in that direction, and I wish him to feel that there is no captious objection at all on my part, but merely if there is a law covering the case, I think we should not now go outside of it and pass a special act.

Mr. TOWNSEND. I do not think any case has been brought to my attention which has enlisted my sympathy more than has this particular case. Mr. June was formerly an active young man with a bright future before him; but he is not so to-day. His present condition is entirely due to the accident which occurred while he was in the employ of the Government and, I repeat, without any contributory negligence on his part.

Mr. KING. I hope that on next Monday this matter may again be brought up.

Mr. WALSH of Montana. I should like to inquire of the Senator from Michigan why this case does not fall within the general compensation act?

Mr. TOWNSEND. As I have previously answered the Senator from Utah [Mr. KING], I am not prepared just at this moment to answer that question. I know that certain reasons were urged against it. I shall endeavor to ascertain and submit to the Senate on the next calendar day what those reasons were.

Mr. SMOOT. Mr. President, I presume the reason this case does not come within the provisions of the compensation act is that the injury was sustained before the passage of that act. The injury is reported in the bill as having occurred in the month of June, 1908.

Mr. TOWNSEND. I think that is probably a full answer to the question; that the accident occurred before the law to which the Senator from Utah refers was passed.

Mr. SMOOT. The bill itself states that the compensation is to be "for injuries sustained in the month of June, 1908."

Mr. KING. That was 14 years ago.

Mr. TOWNSEND. That is when the accident occurred.

Mr. SMOOT. The only law, then, upon the statute books covering such a case was that which provided that those suffer-

ing injury should be granted one year's salary. I will ask the Senator to look into the question which has been raised—I will ask the Senator to look into that question——

Mr. TOWNSEND. I shall be glad to do so.

Mr. SMOOT. And to ascertain if the employee injured did not fall under that law; and if not, why not; although when I come to think of it, if my recollection serves me right, even that law was passed after 1908, and he did not even come under the original law authorizing the payment of one year's salary for employees injured in connection with the construction of the Panama Canal.

Mr. TOWNSEND. I am sorry that I am not informed in reference to that detail.

The PRESIDING OFFICER. Objection being made, the bill will go over. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2380) for the relief of Henry P. Collins, alias Patrick Collins, was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (S. 2654) for the relief of Almond S. Root was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

FRANK FERRIN.

The bill (H. R. 2004) for the relief of Frank Ferrin was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. PHIPPS. Mr. President, I inquire if objection has been made to the present consideration of House bill 2004.

Mr. KING. I withdraw the objection to that bill. I have looked into that case, and shall make no objection to it.

Mr. PHIPPS. The bill has been very carefully considered by the committee and its passage recommended.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That in the administration of the pension laws Frank Ferrin shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company H, Third Regiment New Hampshire Volunteer Infantry: *Provided*, That no pension, bounty, pay, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN CLETNER.

The bill (S. 2632) to correct the military record of Martin Cletner was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. SHORTRIDGE. Mr. President, I hope the Senator from Utah will withdraw his objection to the consideration of that particular bill. It has been very thoroughly examined and considered by the Committee on Military Affairs. A printed report on the bill is in the hands of Senators. I beg to call the Senator's attention to the concluding sentence of that report, which reads:

Your committee has studied carefully the evidence submitted by the War Department and is inclined to give credence to the affidavits executed by Cletner (or Cubbler) contained therein. It is considered entirely reasonable that Cletner, who was but 19 years of age, should have been separated from his command as described in the second affidavit, that he was unable to locate his company, that he should return home in accordance with advice given him by the sergeant of a provost guard at Hagerstown, Md., and that he, a minor, should obey his father by remaining home, particularly in view of the latter's assurance that his case had been taken up with Captain White, who, according to the father, had "fixed that matter * * *" and return would not be permitted.

In view of the fact that Cletner was assured by his father that his record had been cleared and that he would not be permitted to return to his company, and his subsequent service resulting in confinement as a prisoner for nine months, followed several months thereafter by an honorable discharge, your committee urges favorable action.

This bill carries us far back into the Civil War, and it is thought to be a just thing to clear his record. I hope the Senator will permit the bill to be considered and passed.

Mr. KING. Mr. President, I regret very much to have to object to some of these measures, but we are having reported not only scores but hundreds of bills—not in this Congress, but during the past few years—to relieve persons from the charge of desertion. The report accompanying the bill for the passage of which the Senator is just pleading contains this statement by Gen. P. C. Harris, The Adjutant General:

Nothing has been found of record to show that this soldier was captured in 1862, as alleged by him, nor to corroborate his other statements relative to his whereabouts after the date of his desertion and his failure to return to his command.

Application for removal of the charge of desertion and for an honorable discharge in the case of this soldier has been denied, and now stands denied for the reason that the period of his absence between his desertion from Captain Wrigley's independent company, Pennsylvania Volunteer Infantry, and his reenlistment in Company C, Third Regiment New Jersey Volunteer Cavalry, exceeded four months, which fact precludes favorable action under section 3 of the act of Congress approved March 2, 1889 (25 Stat. L. 869), which is the only law in force governing the subject of removal of charges of desertion and the issue of discharge certificates to soldiers charged with desertion.

I will say to the Senator that between now and the next calendar day I shall examine the evidence very carefully; but I want to give notice now that unless there is some very strong reason why charges of desertion should be removed, I shall oppose these bills. I am willing that men who served shall be compensated; but deserters do not appeal to me very strongly.

Mr. SHORTRIDGE. This man was a lad 19 years of age at the time, and the committee considered all that.

The PRESIDING OFFICER. Objection is made.

Mr. SMOOT. Mr. President, I hope also that if this bill is considered the usual provision will be put upon it, which I notice the committee failed to insert; and if it passes the way it is now, I am not quite sure but that the soldier would draw a pension and all these bounties from the day the first pension bill was passed. The usual proviso is "that no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act." That has been left off of this bill. I think, as it is now presented to the Senate, if it became law, this man would have a perfect right to draw a pension from the time the first pension bill was passed up to the present day; so whenever the bill is to be considered, I shall certainly want that proviso put upon it, anyway.

Mr. FLETCHER. Mr. President, I think the Senator is entirely correct upon that point; but the proviso should also include pensions and state that "no pension, bounty, pay, or other emolument shall accrue prior to the passage of this act."

Mr. SMOOT. "Other emolument" covers pensions, as I understand.

Mr. FLETCHER. I think it would be better to use the word "pension" in connection with it.

Mr. SMOOT. Of course, the suggestion of the Senator would be more specific.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

RICHARD PARKE.

The bill (S. 2179) for the relief of Richard Parke was announced as next in order.

Mr. KING. I object. Let it go over.

Mr. CALDER. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes. There is no report here.

Mr. CALDER. I beg the Senator's pardon; there is a report.

Mr. KING. All right; I will withhold the objection for a moment.

Mr. CALDER. Mr. President, this bill grants an honorable discharge to Richard Parke, of Company A, First Regiment New York Volunteer Cavalry. It appears that this soldier enlisted for the Civil War. He served about five months with his command, and then, taking a furlough, returned home. Meeting some younger friends of his, he immediately enlisted in another regiment, and served for nearly three years. He was honorably discharged from his last service. He holds that discharge; but because of his first service he is technically barred as a deserter. Where it can be shown from the records that the soldier on the second enlistment engaged in combat and obtained an honorable discharge, it seems to me that at this time, when he is past 80 years of age, and he and his family desire to have his record cleared before he passes away, it is eminently fair to have that done.

I am perfectly willing to have a proviso added to this bill "that no pension, bounty, payment, or allowance shall accrue prior to the enactment of this measure." We have passed bills of this character over and over again where the last service of the soldier was honorable; and I may say that this bill passed the Senate at the last Congress, but failed to get through the House.

Mr. SMOOT. Mr. President, no information is given in the report as to when the soldier reenlisted or how long he served. Can the Senator from New York state when he reenlisted and how long he served?

Mr. CALDER. Mr. President, the bill provides that he shall be held and considered to have been honorably discharged as of

the 22d day of August, 1862, indicating that he must have deserted on that date. The report indicates that—

Although it appears from the facts submitted that Parke left his first command and was, therefore, technically guilty of desertion, it also appears that he very soon thereafter reenlisted in another regiment and acquitted himself with full credit during the greater part of the war, receiving a discharge from his latter assignment and service.

Mr. SMOOT. It makes a great deal of difference to me whether after the desertion he entered into the service and then served during the war. If that is the case, I should not have any objection at all to the passage of the bill.

Mr. CALDER. I know that that is true, Mr. President, from my intimate knowledge of the case and the record, and the report indicates it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FLETCHER. Mr. President, may I inquire of the Senator whether the soldier reenlisted under his correct name or under another name?

Mr. CALDER. Under the same name.

Mr. FLETCHER. Does the Senator know whether or not this transaction took place in order that a bounty might be paid?

Mr. CALDER. I do not, Mr. President. I never inquired about it. I do know that the soldier is now past 80 years of age, a very old man, in very poor health, and probably will hardly live the year out.

Mr. FLETCHER. Those things sometimes happen where there is a reenlistment in order to get a bounty.

Mr. CALDER. I know they do. I know of many cases of that kind. This young man, however, was about 18 years of age when this incident happened. I may say that he had four grandsons in the World War, and they brought this matter to my attention. They want their grandfather's record cleared before he dies.

Mr. WALSH of Montana. Mr. President, as I understand, this man has an honorable discharge from his last enlistment?

Mr. CALDER. Yes.

Mr. WALSH of Montana. That entitles him to a pension, does it not?

Mr. CALDER. It does not.

Mr. SMOOT. Not until the charge of desertion is removed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Richard Parke, late of Company A, First Regiment New York Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 22d day of August, 1862: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

Mr. JONES of Washington. Mr. President, I do not think that bill could be disposed of before 2 o'clock; so I will ask that it may go over, in order not to delay the consideration of other bills on the calendar.

The PRESIDING OFFICER. The bill will be passed over.

ACQUISITION OF LANDS FOR MILITARY PURPOSES.

The bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes, was announced as next in order.

Mr. WADSWORTH. Mr. President, I desire to offer two amendments to this bill, in the nature of committee amendments.

Mr. KING. May I inquire of the Senator if this is not the bill that we considered some time ago?

Mr. WADSWORTH. No; this is a supplemental bill. I said to the Senator at that time that another bill would follow, clearing up some other projects. This is not nearly as large or comprehensive a bill as the former one.

Mr. KING. Reserving the right to object, I should like an explanation of the bill from the Senator.

Mr. WADSWORTH. I will do my best. First, the Senator will not object, I assume, if I offer two amendments to the bill?

Mr. KING. No.

Mr. WADSWORTH. And I invite his attention to them.

Mr. LA FOLLETTE. Let us have an explanation of the purposes of the bill first, before we take up its consideration.

Mr. WADSWORTH. They are committee amendments. The Senator does not mind my perfecting the bill?

Mr. LA FOLLETTE. No.

Mr. WADSWORTH. Then I will explain it, of course.

Mr. KING. I do not want it understood that by perfecting it we waive the right to object.

Mr. WADSWORTH. Oh, not at all.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WADSWORTH. On page 2, I move to strike out lines 11 to 16, in the following words:

Fairfield Air Intermediate Depot, Fairfield, Ohio: For the acquisition of 544.28 acres, part of the lands now occupied under lease at Wilbur Wright Field, and for acquisition of site and rights of way for sewage disposal plant and electric power line in connection therewith, $165,000.

The amendment was agreed to.

Mr. WADSWORTH. On page 3, line 8, I move to strike out the figures "$134,032" and to insert in lieu thereof the figures "$39,328.56," so as to read:

Walter Reed General Hospital, Washington, D. C.: For the acquisition of an addition thereto and for the site of medical museum and library, in addition to the sums heretofore appropriated for that purpose, $39,328.56.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, the two amendments which I have just offered bring about a reduction in the aggregate appropriation made in this bill of $259,703.44. In explanation of those amendments, it turns out that there is no necessity for the Government to acquire permanently the land at the Fairfield Air Intermediate Depot. It would not be to the financial advantage of the Government to do so; and therefore the committee, on the suggestion of the Secretary of War, has asked that that be stricken out, and that has just been done.

In the case of the Walter Reed General Hospital item it may be well to recollect that two or three years ago in one of the appropriation bills authority was given to the War Department to acquire land adjacent to the Walter Reed Hospital in order to make possible the enlargement of that hospital. Proceedings have gone on now for two years or more in the acquisition of that land. Some of it has been acquired by agreement with the owners and some has been condemned. The condemnation proceedings have proceeded toward a conclusion, but there still remain a few parcels which have not yet been acquired. The deficiency bill signed by the President on March 20 last carried an appropriation to pay for those parcels in connection with which the condemnation proceedings have been finished. That appropriation was $94,703.44. The deficiency bill was introduced and passed through both Houses of Congress after this bill was reported by the Committee on Military Affairs.

Therefore it is necessary, of course, the Congress having already appropriated for the payment of the parcels which have been settled in the condemnation proceedings, to deduct from this bill the amount carried in the deficiency bill.

Now, Mr. President, as to the bill in general——

Mr. WILLIS. Mr. President, before the Senator leaves that subject, can he give the Senate a little further explanation concerning the item relative to the Fairfield depot? As he knows, I have sought to keep in pretty close touch with the situation with reference to McCook Field, and I have had no information concerning the plans that were made for what seems to be here the final abandonment of Wright Field. Is it the purpose of the War Department to give up Wilbur Wright Field?

Mr. WADSWORTH. I will read the letter from the Secretary of War on that question, or at least that portion of it which is applicable to that particular project. He says, under date of February 11, 1922, in a letter addressed to the chairman of the Military Affairs Committee:

Among the projects on which legislation was requested were the following:

Middletown Air Intermediate Depot, Middletown, Pa.: To complete the acquisition of real estate, $165,000.

Fairfield Air Intermediate Depot, Fairfield, Ohio: For the acquisition of 544.28 acres, part of the lands now occupied under lease at Wilbur Wright Field, and for acquisition of site and rights of way for sewage-disposal plant and electric power in connection therewith, $165,000.

Since the date of my previous letter, modifications of the War Department program now make it unnecessary to acquire by purchase the land in connection with the Fairfield Air Intermediate Depot, provided the appropriation requested in S. 2885—

That is this same bill—

(H. R. 9632) for the Middletown Air Intermediate Depot is made available, and in addition, the $50,000 carried in H. R. 7158, Sixty-seventh Congress, first session, for the acquisition of real estate in connection with the Ordnance Storage Depot, Middletown, Pa.

That last item is already law.

Mr. WILLIS. So far as the Senator is advised, then, this proposed legislation has nothing to do with any lease which may have been made?

Mr. WADSWORTH. It has not.

Mr. WILLIS. It simply goes as a matter of permanent acquisition?

Mr. WADSWORTH. The Secretary of War thinks there is no necessity for the permanent acquisition by purchase of the land. When a former bill was before the Senate, which contained, as I recollect, 13 or 14 items, I explained that during the war the War Department, wisely or unwisely, built a large number of tremendous projects. In many of those projects they erected buildings of a permanent character—factory buildings, ordnance storehouses, supply bases, depots, docks, warehouses on the water front in some of our greatest cities, such as New York, Philadelphia, Norfolk, Charleston, New Orleans, and huge installations in the interior.

The work was done so rapidly that in many instances the Government did not have time, or did not have the funds later, to acquire the land on which these permanent buildings were erected. Congress very wisely, I think, in 1918 forbade the War Department from purchasing any more real estate until the Congress could get a bird's-eye view of the obligations of the Government in the matter of acquiring land.

The result has been that since 1918 the department has been faced with this impossible situation: Millions of dollars worth of buildings stand upon land not owned by the Government in whole. In many instances it is owned in part, but a parcel here and there under the buildings is not owned by the Government. The result is that the Government can not sell the buildings to any advantage, and it can not lease them to any advantage. Its title is not secure. Some of the leases have run for four years. Some of the rentals now turn out, in time of peace, to be excessive. In some instances the land was requisitioned from the owner, but the intervening action of Congress of 1918 has prevented the Government from ever paying the individual for the land taken from him. It has been the effort of the Military Affairs Committee of the House of Representatives, as well as the Military Affairs Committee of the Senate, to cooperate with the War Department in cleaning up some of these situations in order that the Government may get rid of this property, if the Congress so decides. It is within the power of the Congress alone, of course, to sell real estate. The matter would not be important, so far as dollars and cents are concerned, if it were not for the fact that these immensely valuable buildings stand upon lands the title to which does not as yet rest in the hands of the Government.

The principal item in this bill relates to the inland warehouses at Philadelphia. Of the total amount carried by the bill, which is now considerably less than a million dollars, $575,000 is for that one project. I invite the attention of Senators, if they care to examine it, to the report of the committee, which recites what has been done there. We have buildings on that property of a permanent or semipermanent character, upon which we have spent, together with the expenditure on the railroad track, $3,025,000. The land upon which it stands has been held under lease from the Girard Estate at an annual rental of $6,070. The trustees of the Girard Estate have no right, under the terms of the trust, to sell the land to the Government. The Government may only acquire the land by condemnation proceedings. I think it is fair to say that the trustees of the Girard Estate, in making this lease with the Government and permitting its renewal, have acted in a patriotic spirit.

Mr. SMOOT. Do I understand the Senator to say that the value of the land is $500,000?

Mr. WADSWORTH. Five hundred and seventy-five thousand dollars. That is the estimate made by the War Department as to what it would cost if subjected to condemnation proceedings, and my further understanding is that the trustees of the Girard Estate do not contest that.

Mr. SMOOT. We have a lease on it at $6,000 a year?

Mr. WADSWORTH. Yes; practically a nominal lease.

Mr. SMOOT. It is a nominal lease. It is a little over 1 per cent.

Mr. WADSWORTH. It is practically a nominal lease. That is conceded.

Mr. SMOOT. Can we extend that lease?

Mr. WADSWORTH. It is renewable hereafter, but the Girard Estate can not stand it any longer. There is a limit to the endurance even of an estate. The Senator will recollect that this estate is not a business concern. It is a great charitable and educational establishment.

Mr. SMOOT. Does the report show to what date the lease is renewable?

Mr. WADSWORTH. Up to June 30, 1922.

Mr. SMOOT. That is the end of our power of renewal?

Mr. WADSWORTH. The lease is renewable to June 30, 1922, and with renewal privileges thereafter.

No one regreats more than I that it seems necessary to expend money in this way, but if the Government is ever to get back any considerable percentage of the huge investment which it made during the war on these projects the only way to get it back is to complete the title to the land. Then the Congress can direct the Secretary of War to sell the property, and, after owning the land under the buildings, the property can be sold as a unit and can bring in something commensurate with what the Government has spent, because it then can be sold for general business purposes, or the Government, under the direction of Congress, can lease the property.

Mr. SMOOT. If the Senator is familiar with the property, I ask him if, in his opinion, it is possible for the Government, after paying $575,000 for the land, to sell the land and the property for very much more than $575,000?

Mr. WADSWORTH. Mr. President, if the Senator will pause just a moment, I will state that the lease——

Mr. SMOOT. If the Government can not do that we should not put any more money into the project.

Mr. WADSWORTH. I understand. The report states:

Acquisition of title would be necessary in order for the Government to advantageously dispose of its heavy improvement investment in the event that it was decided to sell this project in the future.

Because of the status of the title to the property it is necessary that acquisition thereof be had by condemnation proceedings. Appraisal obtained by a representative of the Government in April, 1919, showed a fair value at that date to be from $8,000 to $8,250 per acre.

This is near the city of Philadelphia. The Government has to pay, under a lease, only $6,000 for the whole thing, which is practically nominal. The report continues:

On May 23, 1919, the general manager of the Stephen Girard trust agreed to accept a price of $8,250 per acre for the property in a friendly condemnation suit, which represents a total of $500,775, with the understanding that the Government was to assume all cost in connection with the proceedings and that said price would be net to the estate. This offer was made in letter form, and it is not known at this time whether such price would still be acceptable. It is believed that any appropriation for the acquisition of this property should be in the amount $575,000, which includes the amount of the original offer to sell plus an allowance for a normal increase in the value of the property since the date of the original offer and sufficient funds to cover the cost of the expenses contingent upon the acquisition by condemnation proceedings.

Mr. FLETCHER. It seems that the Government has spent as much as $300,000 in improvements on this property.

Mr. WADSWORTH. It has.

Mr. FLETCHER. It would cost $145,000 to remove all we put there and restore the property to its original condition, which we would have to do under our contract, and get what we could out of the wreckage, which would not be very much. So it is necessary to get title to the land in order that we may handle it and get something out of the improvements which we have put on it.

Mr. SMOOT. The only question that I have in mind is whether the Government is going to use the property for a number of years to come.

Mr. WADSWORTH. A portion of the property now contains some buildings which the Government is using somewhat actively. On this property, in addition to these huge warehouses, is the establishment of the Army at which is manufactured the clothing and equipage. To that extent that portion of the property is now a permanent institution. That is not the whole of it. But there has been moved from other places and centralized at this point the depot which is the largest clothing and equipage establishment the Army has. That is now in operation, of course, on nothing like a war-time scale, but merely for the manufacture of clothing and equipage for a peace-time Army. We have no other place where that activity is carried on. That is the one place now left. That portion of it, it is understood, in all probability it would be good policy for the Government to keep. But other portions of it, which the Government has and can not now dispose of, it has under lease.

Mr. MYERS. Mr. President, I want to say that at 2 o'clock I shall ask unanimous consent, if no other Senator does so, that the unfinished business may be temporarily laid aside until we can finish the calling of the calendar under Rule VIII. We ought to finish the calling of the calendar once in a while. We shall have all day to-morrow, if necessary, to consider the unfinished business, and we ought to finish the call of the calendar by

3 or 4 o'clock. When the time comes I shall ask that the unfinished business be temporarily laid aside.

Mr. SMOOT. That, of course, can only be done by unanimous consent.

On the pending bill I will say that I would prefer not to have the Government put a single dollar into the property, but take its loss now, if those buildings have to be demolished in a very short time; but if the buildings are to be used by the Government and are necessary for the Government, then I think perhaps it would be a wise proposition to purchase the land. If it is only a temporary makeshift, if it is a question of saving the wreckage of buildings, then I say let us not buy it. Let us take our loss now, and I think the first loss would be the best one. But if, as I say, we are compelled to use the buildings, and if the Government needs will be of a permanent nature, I have no objection to the appropriation; but unless they are, I think it would be very unwise to buy the property.

Mr. WADSWORTH. The Senator must recollect that we can not lease this property beyond June 30 next at anything like the rates we are now paying.

Mr. LA FOLLETTE. The report does not so state.

Mr. WADSWORTH. The present lease is not renewable.

Mr. LA FOLLETTE. It states that there is no renewal privilege in the present lease, but in the last sentence of the report occurs this statement:

> This figure, coupled with the net salvage and restoration loss to the Government amounting to $145,000, would make a total expenditure of $595,000 necessary in the event of abandonment of the project, due to failure to acquire the title and possible inability to procure a new lease.

It does not appear from the report anywhere that negotiations have been prosecuted for leasing the property, and that there has been a refusal on the part of the owners to renew the lease. It simply says the lease contains no renewal privilege, but admits the possibility of securing a lease. It is proposed to make this expenditure of half a million dollars to acquire a lot of property we shall have to negotiate the sale of afterwards, perhaps under conditions that are not as favorable as when we acquired it, taking into account the whole statement with regard to this property, that there is only a small portion of it that will be useful to the Government; and it seems to me preposterous to make this large investment, in view of what has already been put in. If we are going to eventually have to tear down these buildings to put this real estate back in its former condition, as near as may be, and sell it and take our loss, to add a half million dollars in further investment, quite unnecessarily, it seems to me is not a good proposition for the Government.

Mr. WADSWORTH. I can not agree with the Senator that if we acquire the property——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. MYERS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside in order that we may go on with the call of the calendar. I do not think it will take more than an hour or two longer, and then we can spend the rest of the day on the unfinished business, and all day to-morrow, if necessary. I think the call of the calendar ought to be finished once in awhile. The tariff bill will soon be coming on, and then I do not suppose the calendar will be called for three months. I appeal to Senators to join with me in granting the request. We did not reach the calendar until 1 o'clock to-day, most of the time up to that hour having been taken in discussing a matter not before the Senate.

Mr. EDGE. Mr. President, as the proponent of the joint resolution which is the unfinished business, I have no objection to having it temporarily laid aside to conclude action on the bill which was under discussion when we reached the hour of 2 o'clock, if it can be brought to a conclusion within a reasonable time, but I must object to continuing the calendar beyond that. I am very anxious to have the joint resolution disposed of. I shall speak but briefly upon it, and it can be disposed of very expeditiously. We can then go back to the calendar, but I do want to discuss the joint resolution at this time.

Mr. CURTIS. Mr. President, I desire to state to the Senator from Montana that it is the intention to ask that we may proceed with the call of the calendar to-morrow or, in case the pending joint resolution is disposed of to-day, to take it up then. We can proceed with the calendar until 2 o'clock to-morrow in case the joint resolution is not disposed of before that time. I agree with the Senator that the calendar ought to be called to its conclusion.

Mr. MYERS. I appreciate the information imparted by the Senator from Kansas, but——

Mr. CURTIS. I agree with the Senator from Montana that the calendar should be called to its conclusion at the earliest possible moment.

Mr. MYERS. I move that the Senate proceed to the consideration of the calendar, under Rule VIII, until it is finished to-day.

Mr. JONES of Washington. Mr. President, I suggest that the motion is out of order.

Mr. MYERS. Why is it out of order?

Mr. JONES of Washington. The Senate can not proceed by motion to take up the calendar after 2 o'clock.

Mr. MYERS. A motion can be made to take it up at any time.

Mr. JONES of Washington. The Senator can move to take up a bill that is on the calendar, but not the calendar.

Mr. MYERS. I challenge the correctness of the Senator's interpretation of the rule. I believe I may move to consider the calendar under Rule VIII at any time. I submit the point of order for the ruling of the Chair.

The PRESIDING OFFICER. The point of order is well taken. There can be no call of the calendar after 2 o'clock under Rule VIII. A Senator may move to take up any particular bill or the next bill on the calendar, and if the Senate so desires it will be done.

Mr. FLETCHER. Mr. President, I suggest to the chairman of the Committee on Military Affairs that he ask permission to lay aside the unfinished business temporarily until we can dispose of the particular bill which was pending when the unfinished business was laid before the Senate. I understand the Senator from New Jersey does not object to that.

Mr. EDGE. I do not object if the bill can be disposed of within a reasonable time. I presume the Senator in charge of the measure can not tell as to that. If it can be disposed of in the next few minutes, I am satisfied to lay aside the unfinished business temporarily for that purpose.

Mr. JONES of Washington. Mr. President, I want to say to the Senator from Montana that I, too, am anxious to take up the calendar. I have spoken with several Members on this side in the last two or three days, and I have been assured that during the next day or two, or some time during the week before we take up the tariff bill, the calendar will be taken up and the Senate will go through it. I think we ought to go through it before the tariff bill is taken up. I am in hearty accord with the Senator.

Mr. MYERS. We proceed with the calendar, but it is never finished.

Mr. JONES of Washington. I want to take it up when we can finish it. I think we ought to go on with the unfinished business now and dispose of it and then take up the calendar, and when we reach the bill of the Senator from New York we can dispose of that. It looks now as though there would be considerable discussion of that bill, so I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for. The business before the Senate is the unfinished business, which has been stated.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

Mr. WADSWORTH. Will the Senator withdraw that for a moment until I make a parliamentary inquiry?

Mr. OVERMAN. Certainly.

Mr. WADSWORTH. The hour of 2 o'clock having arrived, and the consideration of the calendar having ceased, objection was not made to the further consideration of the bill which was under discussion when 2 o'clock arrived. Am I correct in understanding that upon the resumption of the consideration of the calendar to-morrow, for example, the bill which was then pending will be the first to be considered?

The PRESIDING OFFICER. Unless the Senate otherwise directs, under Rule VIII the call of the calendar will commence at the beginning of the calendar; but the Senate may direct the call of the calendar to commence at any point.

Mr. STERLING. Mr. President, expressing my own personal view, I hope we may begin where we left off to-day and finish the calendar, and then go back to the beginning if we have time.

Mr. JONES of Washington. I do not think we ought to do that. I think when we start on the call of the calendar we ought to start at the beginning. There are usually some bills left over because the time of the Senate is so short up to 2

o'clock that we do not always get to them. I think when we start on the calendar to go through it we ought to begin at the beginning. I would not consent to-day to begin to-morrow where we left off to-day. I may consent to-morrow to begin there, but I would not consent to-day to do it.

Mr. STERLING. It was but recently, only two or three days ago, I think, that we began at the beginning of the calendar, and we have gotten this far now on the second day's consideration of the calendar. I think that those who have bills on the calendar following the bill of the Senator from New York, which was under discussion at 2 o'clock, have a right to insist that they shall be considered.

INDUSTRIAL CONDITIONS.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, which had been reported from the Committee on Commerce and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and reported from the latter committee.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Gooding	Lodge	Sheppard
Broussard	Hale	McCormick	Simmons
Bursum	Harreld	McKinley	Smoot
Calder	Harris	McNary	Spencer
Capper	Harrison	Moses	Stanley
Caraway	Heflin	Myers	Sterling
Culberson	Hitchcock	Nelson	Sutherland
Cummins	Johnson	Newberry	Swanson
Curtis	Jones, Wash.	Norris	Townsend
Dial	Kendrick	Oddie	Wadsworth
du Pont	Keyes	Overman	Walsh, Mont.
Edge	King	Pepper	Warren
Fernald	Ladd	Phipps	Watson, Ga.
Fletcher	La Follette	Pittman	Willis.
France	Lenroot	Poindexter	

The PRESIDING OFFICER (Mr. STERLING in the chair). Fifty-nine Senators have answered to their names. A quorum is present.

Mr. EDGE. Mr. President, Senate Joint Resolution 188 has been presented for the purpose of endeavoring to find a method to assist or at least to relieve the present distressed condition in industry, which I think is universally admitted to exist. I propose to speak but briefly on the terms of the provisions of the joint resolution, because it appeals to me that the necessity for congressional action, or at least for any effort we can put forth is in this direction, is so obvious that a long discussion would be unnecessary.

The joint resolution in itself simply provides for the appointment of a congressional committee consisting of three Senators and three Members of the lower House. The title of the joint resolution expresses directly its object, and I will read it: It provides for—

> Creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

The title sets forth very clearly that the object of the inquiry is to endeavor to find a method, if it can be discovered, and then through legislation to make it easier for industrial organizations to keep within the law. In other words, there is not the slightest thought or idea of taking away from the courts any power, but, on the contrary, it is an attempt to keep from courts, whose dockets are already congested, those cases which might properly be kept from them if a proper tribunal existed under the Government for the purpose of assisting industry and business and defining the rights of industry and business under existing acts.

Trade associations have been in existence for many years, but during the World War, under the impetus of governmental encouragement, such associations greatly multiplied. To-day there are, I believe, over 2,000 so-called trade associations. They number in membership from 20 or 30 individual concerns to hundreds of individual concerns, aggregating, I should say, as a safe estimate, three or four hundred thousand individual concerns, covering all the States in the Union.

Mr. KING. Mr. President, would it interrupt the Senator if I should make a suggestion?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. EDGE. I yield.

Mr. KING. Before the Senator concludes, I should like him to discuss the point that I am about to suggest. At first I was somewhat in sympathy with the purpose of the Senator's resolution, as I interpreted it, but upon further consideration I am not so sure but that it is a scheme—and I do not use the word offensively—by manufacturers and other persons who are engaged in business and trade to evade the Sherman antitrust law.

The Senator from New Jersey knows that Mr. Eddy a number of years ago conceived the adroit and subtle method of effecting trade associations and trade organizations by which trade agencies and instrumentalities were so perfected that they have come within the denouncement of the statute. The Hardwood Lumber Co. case showed just what those trade agreements are. I am afraid that the business men and manufacturers of the United States, profiting by their experiences in the war, when we winked at combinations in restraint of trade and destructive of competition, want to perpetuate that condition and want the Government to modify the Sherman antitrust law so that they may organize to throttle and destroy competition and build up gigantic monopolies which will be oppressive to the American people.

Mr. EDGE. Mr. President, I am very glad to be interrupted and to answer any question along the line of my discussion or argument, but the Senator from Utah has introduced into the argument, I might say, an inquiry as to a possibility which, so far as the proponents of the resolution are concerned, is so far beyond any purpose underlying the resolution that it seems to me it has not even a place in this discussion.

Further than that, Mr. President, is it not almost a libel upon the intelligence of Congress to assume, following the report and recommendations, whatever those recommendations might be, which the committee of inquiry might present, that Congress could not in its wisdom and judgment, as is always the case, decide according to that judgment as to whether such recommendations were wise or unwise?

Let me make it thoroughly understood that the commission proposed to be created is to have absolutely no power so far as the determination of a policy for Congress is concerned. It is to be appointed simply and solely for the purpose of making inquiry and endeavoring to ascertain some method by which the present admitted conditions of depression, inactivity, inertia, and hesitation may be improved, and report its findings to Congress.

Mr. WATSON of Georgia. Mr. President——

Mr. EDGE. Just one moment.

So far as any amendment to the Sherman Antitrust Act is concerned, I have not heard such a suggestion made by any one of the representatives of the trade organizations with whom I have in any way consulted. Only four or five days ago the Secretary of Commerce held a conference in the department building, at which some 400 or 500 representatives of commercial and trade organizations were present. Speeches of various kinds were made. I was only there a short time, but the idea was presented that Congress should at least listen to business men and permit them to have some tribunal before which they could come in order to demonstrate their troubles and their difficulties. That suggestion does not involve the thought that the commission is going to come back to Congress with any recommendation except what they believe to be in the best interests of the business development of the country.

Now, just let me give a little idea of the scope of these trade organizations. I hold in my hand a book published by the Department of Commerce relative to organizations existing in every State in the Union, agricultural, industrial, and commercial. Such organizations are not localized in the East or the West, but they are scattered all over the country. Reading here I find that they have headquarters in Knoxville, Tenn.; Kansas City, Mo.; Billings, Mont.; Cincinnati, Ohio; Milwaukee, Wis.; El Paso, Tex.; Milwaukee again; Chicago; Philadelphia; Syracuse; Indianapolis; Boston; Richmond; Columbus, Ohio; Seattle, Wash.; New York; Rochester; Portland, Oreg.; Indianapolis; Youngstown, Ohio; Beaver Falls, Pa.; El Paso, Tex., again; Huntington, W. Va.; Milwaukee, Wis.; San Francisco, Calif.; Phoenix, Ariz.; Los Angeles, Calif.; San Francisco, Calif.; Seattle, Wash.; Toms River, N. J.; Rochester, N. Y.; Gardner, Mass.; Grand Rapids, Mich.; Greensburg, Pa.; High Point, N. C.; Charlottesville, Va.; Hartford, Conn.; Houston, Tex.; Pittsburgh, Pa.; Bridgeton, N. J.; Wheeling, W. Va.; St. Louis, Mo.; Council Bluffs, Iowa; Kansas City, Mo.; Denver, Colo.; Jacksonville, Fla.; Salt Lake City, Utah; Charlotte, N. C.; Argos, Ind.; Atlanta, Ga.; Columbus, Ga.; Kansas City, Mo.; Woodbourne, Pa.; Council Bluffs, Iowa; Abilene, Kans.; Natick, Mass.; Neenah, Wis.; Providence, R. I.; and so on, demonstrating that the organizations of the various local indus-

tries are more or less scattered throughout the different sections of the country.

After the joint resolution was introduced, without having consulted in any way or discussed it with representatives of trade organizations in Washington, I received dozens and dozens of letters from business organizations throughout the country. As indicating the character of the letters I wish to read for the RECORD a few excerpts from them. I quote first from a letter from the secretary of the National Federation of Construction Industries:

It was extremely fortunate that we were just holding the annual meeting of the National Federation of Construction Industries at the time you introduced in the Senate a resolution asking for the appointment of a joint committee to consider and advise as to legislation affecting business cooperation.

I have been directed by the membership of the federation to send you the following resolution adopted by them in session on April 6 at the Drake Hotel, Chicago:

"Whereas a joint resolution has been introduced in the Congress of the United States asking for the appointment of a joint committee to consider and advise as to legislation affecting business cooperation; and

"Whereas this federation is aware of the need of such legislation for the fullest development of the commercial fabric of the Nation: Therefore, be it

"*Resolved*, That the National Federation of Construction Industries, in convention assembled, heartily indorses the efforts of Senator EDGE, of New Jersey, and Representative MCARTHUR, of Oregon, to bring this need to the attention of Congress; and, be it further

"*Resolved*, That a copy of this resolution be transmitted to the introducers."

The following is from a letter from Warren, Pa.:

Please accept our commendation for your efforts in endeavoring to clarify the situation regarding trade associations. We believe that the resolution introduced in Congress by you is a practical and common sense way of accomplishing something that is vitally necessary to the welfare of not only business men but the country at large. You have our best wishes for the success of this measure, and we shall do whatever we are able to assist you.

From a letter of the Barnes Manufacturing Co., of Mansfield, Ohio, I quote the following:

I am very much interested in the bill with reference to trade associations, and if possible would like very much to have a copy. There is certainly need of clear legislation with reference to trade associations—that is to say, as to what they can do and what they can not do. I do not think there is any question but what 95 per cent—

I direct the attention of the Senate particularly to this statement—

or more of the manufacturers are honest and want to stay within the law, but it has been impossible to know what could be done with safety.

I am in hopes your bill will clear up this situation and that it will go through.

From a letter from the National Association of Chair Manufacturers I quote the following:

The views which you expressed are indicative that the much-needed legislation giving positive definition to trade association activities has taken concrete form, and I sincerely trust that while your initial attempt to secure passage of your joint resolution was not possible, that you will devise means so that the joint resolution is passed at an early date, and that the committee will commence its investigation.

We have as trade association executives two distinct types, one being the lawyer who builds a clientele of trade associations and the other type a practical executive versed in the detailed problems of the industry and therefore able to speak for the industry from an actual acquaintance with its needs rather than from a theoretical standpoint.

From the Talking Machine Association I quote the following statements in a letter received from them:

We have noted with a great deal of interest the introduction of your joint resolution for a congressional committee to investigate the causes of business depression. As the talking machine and allied industries are especially subject to the varying winds of trade, thousands of our readers throughout the country will undoubtedly be interested in the undertaking you have in hand.

Here is an excerpt from a letter from the American Trade Association Executives, which is an organization embracing, as I understand, the executives of various trade organizations:

I was much interested in your address at the trade association conference in Washington on Wednesday last.

It was the consensus of opinion of the executive officers of the associations represented at that conference that the resolution offered by you should have early and favorable action by the committees before which it now is.

The question of the activities of trade associations is one entirely and properly subject to differences of opinion, and therein lies the difficulty. There is no question in the world that some of the trade associations have trespassed on the law and assumed such form as perhaps to constitute monopolies in restraint of trade. Various cases were taken to the Supreme Court. One well-known case, the Hardwood Lumber Co. case, has been referred to. That case was decided by a divided court, three judges dissenting from the majority opinion. The decision in effect was that the hardwood association had, through its practices, tended to restrain competition in trade in contravention of the terms of the Sherman Antitrust Act. Other cases have been cited—I am not entirely familiar with them all—setting forth other instances where activities along certain lines have been in violation of that act.

Mr. President, it is exactly that situation which we desire to clear up; it is from that situation from which 2,000 trade organizations, representing an individual membership of perhaps half a million firms and individuals, desire to be relieved. In my judgment, they have a right to come to Congress and ask Congress if it is possible to do so, to define through proper legislation—not through a repeal of or an amendment to the Sherman Act, but through proper legislation—what they may and what they may not do. I do not think a Member of this body will question for one moment the correctness of the statement made in one of the letters from which I have quoted that 95 per cent of the manufacturers and business men of the country are honest; and when they ask us to give them some idea of the manner in which they may legitimately act, rather than to be haled into court, rather than to be indicted on account of some practice or action which may be questionable, and as to which even the Supreme Court is divided in its decisions, they have a perfect right to expect at least that much consideration at the hands of the Congress of the United States.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from New Jersey if he can name any statute of the United States which has been defined so many times by the courts of the United States as the antitrust laws, which were inaugurated 32 years ago?

Mr. EDGE. No, Mr. President; I am afraid I can not discuss from a legal standpoint with my learned legal friend from Nebraska just what the Supreme Court has decided in these various cases. I know only three or four generally-referred-to cases. Perhaps there have been more; but, in that connection, it will perhaps help answer the Senator's question——

Mr. HITCHCOCK. Can the Senator name an act of Congress that has been more carefully and repeatedly defined in detail by the courts of the United States than the antitrust laws?

Mr. EDGE. The Senator is asking rather an unfair question. Of course I can not. I am not sufficiently familiar with the decisions of the Supreme Court to attempt to go into a discussion of that kind.

Mr. HITCHCOCK. Can the Senator point to any provision in the antitrust laws which has not been passed on by the courts of the United States and defined by them?

Mr. EDGE. I can name a number of them. I will in just a moment.

Mr. HITCHCOCK. I should like to have the Senator do so. Is it not a fact that there are three or four volumes filled with the decisions of the courts of the United States exactly defining the meaning of the antitrust laws in practically every line?

Mr. EDGE. Mr. President, the mere fact that these decisions have been handed down by the Supreme Court—if I wanted to take the time I should really like to read the Hardwood decision and others into the RECORD—and that the judges have generally gone over, in preparing the decisions, the possibility—follow this, now; I am putting it in as good legal language as I am capable of putting it—of some of these practices of State associations indirectly violating the Sherman law is again the very reason why a clear definition by legislation must be given these associations, or they are practically helpless.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. EDGE. I yield.

Mr. NORRIS. I realize the difficulty the Senator is talking about. I think, however, it comes from a different cause than perhapse the Senator does. The Supreme Court has very often passed on cases—and, as the Senator says, very often by a divided court—involving the question whether the acts complained of are or are not violations of the Sherman Antitrust Act. There have been, as anybody who is at all familiar with the record will admit, various cases where it must necessarily be difficult to say whether or not they are a violation of the law, because the Supreme Court itself divides. It has gotten to be a fashionable thing to have a five-to-four decision; but I want to submit to the Senator that the reason why that comes about is because various corporations and organizations and combinations of corporations are seeing how far they can go and still escape the penalties of the law in the way of forming monopolies.

Mr. EDGE. There is not any question as to that, Mr. President. I thoroughly agree with the Senator from Nebraska. There is a natural tendency on the part of business corporations or organizations or associations to go just as far as they feel

they can go. That is human nature; and yet, with it all, I think the Senator will agree with me that 95 per cent—again I repeat the number—of the representatives of these trades and industries want to keep absolutely within the law.

Mr. NORRIS. I think most of them do, at least. I do not know what the percentage is, but I always believe that the majority of people and the majority of organizations are honest and want to do what is right; but if the Senator could define this matter by law any clearer than the court has defined it, he would still be up against the proposition that people who wanted to take advantage of the law would see how far they could go to get around that definition. We never will escape from it.

Mr. EDGE. If the Senator will permit me, I am going to reach a possible solution of this problem; but I am not presenting it excepting as one possible solution that such a committee of inquiry as I am proposing could investigate and, I think, meet the situation of which the Senator has just spoken.

Going back to the question of the senior Senator from Nebraska, the difficulty with these many-times-defined provisions of the Sherman Act, as the Senator puts it, and the difficulty on the part of business in being just positive as to what that act does prohibit or does not prohibit, is, as I understand, primarily because these decisions are rendered in general terms. I hope the Senator is following me. I am trying to answer his question. These decisions—the Hardwood decision particularly—are rendered in very general terms. The Hardwood decision does not say, "You shall not put out joint advertising," for instance, or "You shall not standardize a production of some character." It says, in general terms, that the general activity of the association has, in the judgment of a majority of the court, trespassed upon the act. That is the reason why I come back here and say that all these other 1,999 associations, reading the decision in the Hardwood case, will say, "Well, where are we at? If we do this particular thing, has that been under direct question by the Supreme Court?"

Mr. OVERMAN. Mr. President——

Mr. EDGE. So I suppose if it is practical and possible—and certainly it does deserve consideration—that we study the question of having the Federal Trade Commission in Washington, or the Department of Commerce, or some other governmental tribunal, clothed with such authority that when associations want to start along certain lines of activity they can apply to the Federal Trade Commission or the Department of Commerce or whatever Federal body is delegated with the authority, and be given, just as the Interstate Commerce Commission gives to-day, orders and certain powers and privileges which would at least give them an opportunity to renew activity.

Mr. OVERMAN and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Jersey yield; and if so, to whom?

Mr. EDGE. I yield to the Senator from North Carolina. I think he rose first.

Mr. OVERMAN. Has not the Senator a bill now pending before the Judiciary Committee carrying out his ideas?

Mr. EDGE. As I answered the Senator from North Carolina a similar question a few days ago, I introduced with this joint resolution a bill which provides a method similar to that of which I have just spoken.

Mr. OVERMAN. I was wondering——

Mr. EDGE. Just a moment, please; the Senator has asked me a question, and I am trying to answer it. At the same time I stated publicly on the floor of the Senate that my only object in presenting the bill was in order that the committee, if authorized, would have the bill as one of the methods or suggested methods before them in order to study it, and have an inquiry that perhaps to some extent would be made on that bill; that is all.

Mr. OVERMAN. I was wondering what was the need of a great investigation, costing hundreds and thousands of dollars.

Mr. EDGE. What was the need of an investigation of the agricultural interests of the country, that has cost this country some fifty or seventy-five thousand dollars, which I think was well spent? What was the need of other investigations we have had recently but to get facts and figures and evidence so that we can intelligently pass upon the facts brought out in them?

Mr. OVERMAN. We have had investigation after investigation on this subject.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. EDGE. I yield.

Mr. NORRIS. The Senator from New Jersey, at the time he was interrupted by the Senator from North Carolina, had reached a very interesting phase of the discussion of this question, and it was about that that I rose to interrogate him. As I understand, while perhaps this joint resolution does not in terms bring that about, the Senator wants a condition by which there will be some official organization, some governmental body like the Federal Trade Commission, to which these corporations or individuals can apply, and set forth what they propose to do, and get an opinion from them as to whether the proposed action is legal or illegal. Is that right?

Mr. EDGE. Mr. President, that is quite correct; and let me supplement that, because there is a very interesting possibility connected with it. I am not entirely prepared to discuss the legal side of this matter, but only to this extent: I realize that such a tribunal could not and should not give immunity from the law to anybody who inquired. I have no such idea as that; but I do believe that the first responsibility we should have is to try to keep people out of court if we can.

Mr. NORRIS. I agree with the Senator.

Mr. EDGE. And if they can go to such a body and get some general line of information, it would certainly be helpful.

Mr. NORRIS. We ought to keep people out of court as much as we can, and the law ought to be made as plain as possible with a view to doing that; but I think it must be apparent to the Senator, as I think it would be to any person who would study it—and I think the matter has been discussed a great many times by great legal minds, and studied by lawyers of a great deal of ability—that just the moment you provide for such a governmental body, the effect will be, no matter what you may mean, at least within the scope of the jurisdiction of that governmental body that can give an opinion in advance, that it means immunity to the very limit of the opinion that is given by that body. In fact, it ought to. If the Senator and I were sitting as judges to pass on the legality of an act of some corporation, and a law had been passed that permitted the Federal Trade Commission to give an opinion in advance as to what they could do, and they came up before us, and there was any doubt whatever, and they said, "Here is the opinion of the Federal Trade Commission, in which they say that they think it is all right for us to do this," I think we would hesitate a good while before we would condemn it. It would be immunity in practice; but while it may not always look so to the lay mind, the history of civilization and jurisprudence from the beginning of civilization shows that courts ought not, where it can be avoided, to give an opinion in the way of a moot court; that there ought to be no moot decision. In other words, anybody, whatever you might call it, that had that power would in effect be a court; and if a court were given the power to pass on things in advance, in the end——

Mr. EDGE. What does the Senator consider the power of the Interstate Commerce Commission in connection with their orders, decisions, and so forth?

Mr. NORRIS. They do not have such power.

Mr. EDGE. They have power to-day to pass on rates and to interpret law to the extent that, as I understand, it is practically almost a judicial power.

Mr. NORRIS. Yes; in lots of cases; but, as I understand, they have no such power, and no other organization that I am familiar with has such power as the Senator has outlined and proposes to give.

Mr. EDGE. I have not outlined any power, Mr. President. I am not proposing any positive or finally definite remedy. I am simply suggesting that if a committee of inquiry, after exhausting all possible investigation and having representatives of business and representatives of the governmental departments and others give information before them, can devise a means by which we can minimize litigation or encourage business to go along certain lines we will have accomplished something; and it does seem to me that Congress is wholly unjustified in refusing to give the business interests of the country at least an opportunity to come before a committee of Congress to tell of their troubles and their present difficulties primarily because of these decisions like the Hardwood decision.

Now, let me give you—I have started several times and have been diverted from it——

Mr. HITCHCOCK. The Senator has twice mentioned the Hardwood case as though that left matters in any doubt. The Senator has read the decision in that case, and he can not possibly escape the conclusion as to exactly what the court found, because it can be boiled down into one short paragraph of that decision, the final paragraph of the judge who rendered the decision. He said:

The evidence is clear that the purpose and effect of the activities of the open competition plan here under discussion were to restrict competition and thereby restrain interstate commerce in the manufacture and sale of hardwood lumber by concerted action in curtailing production and in increasing prices. We agree with the district courts that it constituted a combination and conspiracy in restraint of interstate commerce within the meaning of the antitrust act.

Mr. EDGE. Yes; they say what they can not do, practically, in effect; but they do not say what they can do, and that is what I am trying to find some method of discovering for the business of this country.

Mr. HITCHCOCK. Mr. President, the Senator is giving the impression that these hundreds of decisions of the courts carefully defining the original antitrust act and its amendments have left the business world in real doubt as to what the intention of Congress was.

Mr. EDGE. Mr. President, with all the language at my command I reiterate that statement. They are in real, positive doubt as to what they can do. That decision plainly states that, so far as the organization of the Hardwood Association was concerned, their practices were illegal. That is settled. The Supreme Court has so decreed, even though it was by a divided court. But they do not state in that decision how far trade associations can go, and that is the question to-day that makes for the hesitation. I want to read this statement, which I think will to some extent give the Senate a little idea of the activities of these trade associations and the reason why they would like to have a little clearer definition as to whether some of these other activities will be in contravention of the provisions of the Sherman Act.

Mr. HITCHCOCK. Mr. President, the courts, in passing upon the antitrust law, have gone always to the very heart of the proposition, namely, what was the purpose of the people who engaged in the combination? What was the effect of what they did? Every one of these court decisions which has denounced such combinations has either found that they resulted in destroying or impairing competition, in restraining trade, or in increasing prices unreasonably. In this particular case, which the Senator criticizes, it was proven that the result of this combination within its very first year was not only to restrict the production of hardwood but to increase the price of oak from 33 to 296 per cent, to increase the price of gumwood from 60 per cent up to 343 per cent, and of ash lumber from 55 per cent to 181 per cent. How can the Senator say there is any doubt about a decision that such combination was not only in restraint of trade but was destructive of competition and resulted in an outrageous increase of prices at the expense of the consumers, the very thing the antitrust laws were designed to prevent?

Mr. EDGE. Mr. President, I am not defending in any way the hardwood trade; quite the contrary. I think I have made my position quite clear. We do not question the final decisions of the courts of this country. In that case the court was undoubtedly justified, or the decision would not have been made. It was a violation of the Sherman Act. But that is water over the dam. At the same time, I do not think the Senator from Nebraska will contend that there is not a useful purpose to be served by these trade associations, and in view of that type of rather sweeping decision and recognizing the millions and millions of dollars involved in the development of business through proper organizations, legal cooperation, legal organizations, these trade associations are trying to find what they can do. We would not decide on any policy by the adoption of this resolution. Surely the business men of this country have a right to have an investigation made to decide what it is possible for them to do. Perhaps legal entanglements will make it impossible to give them relief, but no one is in any way, shape, form, or manner attempting by this inquiry to amend the Sherman Act. That suggestion is anticipating a thought that is certainly not in the mind of the proponent of the resolution.

These trade associations are active along the following lines: They concern themselves with the collection of domestic credit information, with the handling of insurance in different forms for their members, with standardization of quality and grades of their commodities and products, so that the public may have reliable grades, and some have supported inspection to see that these qualities are maintained.

They have concerned themselves with simplification of trade terms, elimination of unnecessary varieties in dimensions of different articles, with conduct of arbitrations, with joint advertising of products of the industry, with securing prevention of infringement in trade-marks and designs, the promotion of welfare work in the organization of employees, with employment insurance, with the problems of apprenticeship and trade education, and the prevention of accidents.

They have policed in many cases their own membership, in order to keep them within the jurisdiction, as far as it is possible to define it, of the antitrust acts.

They have concerned themselves with representing the views of the trades in legislation on tariff, taxes, transportation, and so forth. They have concerned themselves with freight rates, overseas transportation charges, uniform bills of lading, with statistics as to production and stocks of goods, with scientific accounting.

All of which frequently make for lower costs to the consumer in the market.

Mr. STANLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Kentucky?

Mr. EDGE. I yield.

Mr. STANLEY. I am endeavoring, as far as I can, to follow the Senator from New Jersey.

Mr. EDGE. It is rather difficult with the interruptions, I agree.

Mr. STANLEY. I do not mean to intimate that the Senator from New Jersey is not making himself perfectly clear, but if I gather the gist of his complaint it is this, that there are a vast number of enterprises and organizations in charge of those enterprises which are fearful that certain policies, certain plans and activities, if carried out, may be within the inhibition of the Sherman Act, althought they feel they are not, and although they believe that these things are in themselves legitimate and designed to encourage or to stabilize business. Is that the Senator's idea?

Mr. EDGE. To an appreciable extent; yes.

Mr. STANLEY. If that be the case, and the Senator's purpose is to see if it is not possible to organize a commission which shall apprise these associations or individuals, upon request, whether or not a proposed plan of operation having to do with price, or output, or the cost of transportation or of production, or any other thing, is a legal or an illegal plan, whether it be an arrangement of insurance rates, or a pooling of freight rates, or the regulation of an output, or the fixing of price, or any other of a thousand things that business enterprises often prefer to do in common rather than to do individually on their own initiative. Is not that the idea that the commission is to so advise?

Mr. EDGE. That is one idea, I might say to the Senator from Kentucky, if it can be found legally possible to have, for instance, the Federal Trade Commission delegated with what might be termed interpretative administration power, if that is good in law.

Mr. STANLEY. That is a very apt expression, I will say to the Senator from New Jersey.

Mr. EDGE. However, I do not consider that that is the only object of such a commission as I have proposed under this resolution.

Mr. STANLEY. That is one of the objects?

Mr. EDGE. That is one of the objects, if it can be successfully brought about. If not, Congress is here to hear the report of the commission. I quoted with great pleasure and entire approval the resolution presented by the Senator from Wisconsin [Mr. LENROOT], providing for an agricultural inquiry a year or so ago, which resolution was adopted unanimously. They have just brought their report in quite recently. I have looked over two volumes of it myself. They have recommended certain legislation, some of which has been presented, I believe, and it has great merit. Their inquiry has done much, and I think will do more, to help stabilize agricultural conditions, and everybody knows they deserve our consideration. It is not entirely fair for Congress to assume that this commission is suggested with some ulterior object of repealing or amending some antitrust act. Under this resolution the Congress would give away no power at all. If after three or four months of hearing the difficulties of industry, which, after all is said and done, represents the employment or nonemployment of millions and millions of men and women, the committee comes back to Congress with a few constructive suggestions which can be put on the statute books in the way of legislation, they will be performing a good service. That is all this resolution provides for. I can not see any reason for an objection to the inquiry. Perhaps there will be great reason for difference of opinion as to some of the legislation which may be proposed, but that, of course, we can not discuss now. We do not know what it will be.

Mr. STANLEY. I can not say that I am inclined to agree with the Senator, but I can see the pertinency of his suggestion. We are regulating to death, ad nauseam, ad infinitum, about 95 per cent of the business of this country, and perhaps there is

no great reason why we should not regulate everybody and everything. For one, I am in favor of curtailing this regulation rather than enlarging it, and I do not hold that it necessarily follows that because the Government has made a vast number of blunders it should institute a universal policy of blundering. Because it has stuck its nose into a hundred places where its nose had no business is no reason why a governmental nose should be everywhere.

Mr. EDGE. I agree with the Senator from Kentucky.

Mr. STANLEY. As I understand it, the Senator says that he proposes to advise business enterprises and business associations as to the propriety of the proposed policy for the conduct of business, and in order to advise them he would have a committee appointed which should investigate the propriety of creating a commission to advise these people as to whether or not they were within the provisions of the antitrust act before embarking upon a line of business, rather than have the courts penalize them for their conduct after they had embarked upon a policy.

Mr. EDGE. If that is legally possible, that would be a wonderful help to the industrial world. Whether it is or not, I am sure I am entirely incapable of deciding.

Mr. STANLEY. God might do it if he had time. I do not think he will. Outside of the Almighty—and I say it reverently—I am not willing to intrust that kind of a power to any tribunal clothed with the power to grant plenary indulgences for violations of law.

But may I ask the Senator from New Jersey——

Mr. EDGE. Apropos of the Senator's remark just made, I have never proposed delegating plenary power to any commission at any time, and I do not want that thought of for one moment. I have tried to qualify every reference to that possible help to industry. I thought the Senator clearly understood me.

Mr. STANLEY. That may have been the conclusion of the pleader, but I gathered from what the Senator said that he desires to create a commission which shall have the power to advise——

Mr. EDGE. To advise Congress.

Mr. STANLEY. To advise Congress or anybody else, and ultimately to advise business as to the legality of its course. Would the Senator put on that commission lawyers of a certain number of years' training and experience, or would he make it a hodgepodge?

Mr. EDGE. Is the Senator from Kentucky discussing the complexion of the congressional committee?

Mr. STANLEY. The personnel of any body vested with power to advise the business of the country as to the legality of its proposed conduct.

Mr. EDGE. Inasmuch as the Senator from New Jersey has not suggested that, it does not seem he should be expected to answer such questions. So far as the complexion of the commission or committee of Congress, it is provided in the joint resolution very clearly that three Senators, to be appointed by the Vice President, and three Members of the House, to be appointed by the Speaker, shall constitute a committee to consider the subject, to call before them such witnesses as they may desire, and to do all such things that such commissions are naturally expected to do in the investigation of the subject. So far as all the other possibilities are concerned, they are entirely foreign to anything the proponent of the joint resolution had in mind.

Mr. STANLEY. Has not the Senator a bill now pending before Congress providing for such a commission?

Mr. EDGE. Yes; the Senator from New Jersey has introduced a bill, which was referred to in the statement I have just made, to be considered by the commission if the commission so desire.

Mr. STANLEY. And the joint resolution provides simply for a body of Congress to study the propriety of the creation of such a method as is set forth in the bill?

Mr. EDGE. That is one of the possibilities.

Mr. STANLEY. Then let us stick to that until we get through——

Mr. EDGE. Mr. President, I can not yield the floor for an argument. I am not through.

Mr. STANLEY. I am not endeavoring to make a speech, if the Senator please, but I want to get the Senator's idea.

Mr. EDGE. If the Senator will propound his question, I will endeavor to answer it.

Mr. STANLEY. That is exactly what I propose to do. Would the personnel of the Senator's commission be composed of lawyers of a certain number of years' training, or would he put anybody and everybody on it?

Mr. EDGE. If such a commission were authorized by Congress, and powers of interpretative and administrative capacity were delegated to such a commission and I had the appointing power, with all due regard to the profession which the Senator from Kentucky represents, I would try to find four hard-headed business men and perhaps one lawyer. But not having reached that position at all in the consideration of the legislation, I think it is entirely apart from the object of the joint resolution we are considering.

Mr. NORRIS. The Senator would have to go outside of the Senate to make up his committee, would he not?

Mr. EDGE. The Senator from Nebraska misunderstood me. I was not talking about a congressional committee. I was answering the Senator from Kentucky as to the type of tribunal which would be appointed if Congress passed the bill to which he referred.

Mr. NORRIS. I thought the Senator was referring to the committee. Of course, the Senator could not get that kind of a committee in the Senate. He could get neither business men nor lawyers.

Mr. EDGE. I will not argue that with the Senator from Nebraska.

Mr. STANLEY. A tribunal having no knowledge of the law would be much better suited to interpret the law than one that had; but conceding that, if the Senator had his commission and it was composed of hard-headed business men and the hard-headed business men would come before two hard-headed business men, neither one of whom knew anything about the law, to find out whether they were violating the law or not, what would be the difference between such a unique organization and the Supreme Court of the United States delivering a declaratory judgment upon the same subject?

Mr. EDGE. It does not make any difference, and I do not desire to consume any further time in discussion along that line. In my judgment, many of the business men of the United States, a large majority of whom it is conceded are honest, would like, if possible, by consultation and advice, to find methods by which they can keep out of the Supreme Court of the United States and all other courts of the United States.

In conclusion, and I am only going to speak a moment longer, I would like to point out the fact that the trade associations as organized to-day are certainly in the large majority of cases not the type of combination that seems to be indirectly criticized in remarks which have been made in the propounding of questions. As a matter of fact, if we will go over the report of the Department of Commerce, though I shall not take the time of the Senate to read it now, it will be found that in a large majority of the trade associations the membership is made up almost exclusively of small concerns throughout the country. The large concerns are not members of trade associations, generally speaking. It is not necessary for them to be members of trade associations. They have great big organizations; they secure all the statistics they need to work out all their different activities. They do not want, perhaps, to give all of their knowledge and secrets of trade, or whatever you may term them, to all their competitors throughout the country.

The fact remains to-day that in all the associations about 60 or 70 per cent of the membership, representing active firms in the various industries, are the small members scattered throughout the country, all over the United States, who, because of that membership, are given a certain service that they can not otherwise get because of their smallness. They meet together; they get bulletins and information about standardization, about insurance, about rates, export trade possibilities, and the general development of business. The large concerns do not need that. Their organizations are complete without it.

Again, I think I referred briefly to the fact that the organizations are known to have done splendid work in policing the activities of their individual members. In other words, when some member trespasses in some way upon the law or the policy of the association in the matter of fair dealing or fair trademarking, and so forth, that member has been suspended. I have a book giving numerous cases where suspensions have been made by the association simply because of such facts. I do not think there can be any question raised as to the real service of the trade associations.

The legislation, therefore, boiling it all down to the joint resolution, goes no further than to permit representatives of those associations, as several of them have written to me—and I have read their communications into the RECORD—to come before a commission of their kind, to tell their troubles to the commission, to discuss their situation, just as the representatives of agriculture very properly discuss their problems, and to find, if it is possible, some remedy. Then Congress gets the report of that commission. Congress is in no way committed to any particular policy or a departure from existing statute or policy. We are simply permitting the business of America, representing hundreds of thousands of industrial toilers

throughout the United States, as well as the millions of unemployed to-day, to have a public body representing them, so they can come to that body and see if it is possible to work out remedial legislation to help in the development of their trade and of the industrial activities in which they are interested. Shall we deny them that right?

Mr. McNARY. Mr. President——

Mr. EDGE. I yield to the Senator from Oregon.

Mr. WALSH of Montana. Mr. President, may I ask——

Mr. McNARY. I believe the Senator from New Jersey yielded to me.

Mr. WALSH of Montana. I merely wish to ask the Senator if he desires to discuss the matter to which the Senator from New Jersey has directed himself?

Mr. McNARY. I desire to propound a question to the Senator from New Jersey concerning the cooperative organizations mentioned in section 2. It appears that the committee is to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade. The Senator from New Jersey will recall that Congress a few weeks ago passed a bill which was signed by the President defining the rights of cooperative organizations, particularly those engaged in agricultural activities. Is it the intention under the joint resolution that the committee to be appointed shall report to Congress the limitations prescribed in the joint resolution, as compared with illicit combinations, when the act defining those cooperative organizations plainly sets forth the scope of their authority?

Mr. EDGE. No; and I do not read the paragraph in that light at all. It is not so intended. The Senator should start at the beginning of the section—

That it shall be the duty of the committee to investigate existing conditions of industry—

The Senator should read the section in its entirety—

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

If I get the point of the Senator from Oregon, he asks whether the committee itself will define the rights and limitations of cooperative organizations. The committee under that authority, as I understand it, and so believed when the joint resolution was prepared, will suggest, if they decide that it is wise so to do, legislation that will do the very thing we have been discussing here for an hour—whether it is possible to suggest legislation that will define the difference between what the Sherman Act prohibits and what it does not prohibit. That is all. They can not give a legal interpretation of an act. The joint resolution does not provide that. It is simply the one great big question. The purpose of the commission is to see if it is possible to define the differences. If the commission can find a way, they are instructed to report it to Congress.

Mr. McNARY. The commission may suggest legislation in their report, if they think it is advisable, defining the rights of cooperative organizations?

Mr. EDGE. That is right.

Mr. McNARY. There are no rights to define. The authority vested in cooperative organizations to transact business is clearly and accurately defined in the act which we passed during the present session of Congress.

Mr. EDGE. Does not that refer only to a certain type of cooperative organizations? I thought it referred only to agricultural organizations.

Mr. McNARY. Of course.

Mr. EDGE. It does not refer to trade and industrial associations.

Mr. McNARY. That is what I wanted to know. Would not the Senator be willing to clarify that by saying in the joint resolution that the commission are to define the rights and limitations of business associations? Is not that in fact what he intends?

Mr. EDGE. Certainly; there is no thought of anything else.

Mr. McNARY. Then I would suggest to the Senator that the words "cooperative associations" ought to be changed to read "business associations." Then we would not be doing again by the joint commission the work which has already been done and which has already been provided for in legislation which has passed Congress.

Mr. EDGE. The Senator well knows that I have no desire to amend, by implication or otherwise, the acts which have already been passed to help exactly the same situation as to the agricultural interests. If there can be any legal misinterpretation of the words "cooperative organizations," and if the Senator feels it would in any way cover this measure under the other act, I am entirely willing to change the wording to "business and trade organizations."

Mr. McNARY. Then I suggest to the Senator, while perhaps an amendment is not proper at this time, in the first paragraph, where it reads "define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade," that he strike out the words "cooperative organizations" and insert in lieu thereof the words "business associations."

Mr. EDGE. Business and trade associations.

Mr. McNARY. Yes; business and trade associations. Let that term be inserted in both places in lieu of "cooperative organizations."

Mr. EDGE. There is absolutely no objection to the suggested amendment.

Mr. WALSH of Montana. Mr. President, I should like to ask the Senator from New Jersey a question.

Mr. EDGE. I yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to ask the Senator a question. The purpose of the investigation proposed by the joint resolution, as I understand, is to call out an expression touching the legality of the operations of trade associations, and defining, if possible, what they may do and what they may not do; that is to say, what would constitute a violation of the Sherman antitrust law and what would not constitute a violation of it. I understand the Senator from New Jersey, contemporaneously with the introduction of this joint resolution, introduced a bill upon the same subject, which was referred to the Committee on the Judiciary. That was quite appropriate, because the original bill which became the Sherman Act originated with the Committee on the Judiciary, and all bills since which have touched on or affected that law, including the Clayton Act, for instance, have been referred to and considered by the Judiciary Committee. Now, I wish to inquire of the Senator from New Jersey why the trade associations to which he desires to give an opportunity to be heard before the commission proposed to be created by this joint resolution could not exactly as well be heard before the Committee on the Judiciary in connection with the bill introduced by the Senator from New Jersey? They would there have an opportunity either to indorse the bill of the Senator from New Jersey and ask that it be passed or to propose some substitute for it or propose some entirely different remedy.

Mr. EDGE. I endeavored in my general discussion of the pending measure to give the obvious answer to that question. I consider this subject entirely too important to be considered in that way. Covering, as the Senator has indicated in propounding his question, such a wide range of possible legislative assistance and cooperation, from the experience which we have all had with the work of regular standing committees, I suggest that it would be very doubtful if a subcommittee of the Committee on the Judiciary, in the ordinary course, unless particularly interested in this matter—and, of course, the committees are necessarily interested in all subjects relating to the welfare of the country—would go into what I consider the necessary investigation of this great, big subject.

Again, I felt that it was important that we should have a joint committee of the two Houses, for certainly some relief must be found; and if such relief must be found through the medium of legislation, any proposed legislation must go through both Houses of Congress.

The course proposed by the joint resolution is not unusual, but follows the policy which Congress has pursued for many years. It is not at all an innovation. We are proposing under the terms of the joint resolution to select Members of each House for a specific duty, which will be carefully to consider this very important subject in all its wide ramifications. That is the reason for the manner in which the joint resolution is framed, and I think it is a very concrete and definite reason.

Mr. WALSH of Montana. The Senator from New Jersey has offered a very good reason for taking the subject out of the jurisdiction of the Committee on the Judiciary and reposing the jurisdiction somewhere else, if what he desires is what is recited in the joint resolution, namely, a general inquiry into the cause of business depression, the standardizing of methods and the development of morale in business, and so forth. Of course, those are not subjects that legitimately fall within the jurisdiction or the domain of the Committee on

the Judiciary, and I would scarcely suggest that course; but we are led to believe from the argument of the Senator from New Jersey and from the fact that, contemporaneously with the introduction of the joint resolution, he introduced a bill which went to the Judiciary Committee, that what he really wants is what he says, namely, some definition for the guidance of trade associations as to when they will be under the condemnation of the Sherman Act and when they will not be. If that is what the Senator wants—and that is apparently what he says—the trade associations will have no difficulty whatever in securing hearings before the Committee on the Judiciary. So far as that part of the subject is concerned, it might just as well go to the Committee on the Judiciary, because if in its report the commission to which the Senator refers should recommend a bill, that bill, if it touches this subject, will go to the Committee on the Judiciary and that committee will conduct the hearings over again.

Mr. EDGE. Mr. President, I think I have several times answered similar suggestions which have come from other Senators. That particular thought is a very important one, but the activities of the commission, if one be authorized, would not in any way be confined to the narrow scope suggested by the Senator. There are other questions, to some of which I have referred generally, which the proposed commission should undoubtedly investigate and in relation to which they should report back to Congress.

In conclusion, I desire to say that the main thought in my mind when introducing the resolution was that Congress should at least recognize the problems confronting the business world, and should, in an orderly manner at least, prepare to deal with those problems; that a committee representing both branches of Congress should invite representatives of business and industry before it, and that, as a result, some method, perhaps, of helping to solve this big problem might be devised.

Mr. WALSH of Montana. Mr. President, if the Senator will indulge me a little while, I desire to say that I find I was in error in the statement that the bill introduced by the Senator contemporaneously with the introduction of the resolution was referred to the Committee on the Judiciary. I now observe that the bill, like the joint resolution, went to the Committee on Commerce.

Mr. EDGE. I think I can explain that, but that is merely a matter of detail that has no effect on the proposition.

Mr. WALSH of Montana. If the Senator will pardon me for just one moment, I wish to call attention first to what seems to be the meat of the bill. It is found in section 6, which reads as follows:

That any trade association may request from the commission—

The creation of which is provided for by the bill—

a specific ruling with respect of the legality of its plan of organization as expressed in its constitution or articles of association, and by-laws and any agreements or contracts between the association and its member, which constitute the working basis of the association.

That is the point of the matter. A commission is to be created which is to advise the particular association whether it falls under the condemnation of the Sherman Act or does not fall under the condemnation of the Sherman Act. It seems rather strange to me that a bill for the creation of a commission of that character should go to the Committee on Commerce.

Mr. EDGE. I attempted to explain to the Senator from Montana, who desired to continue his observations, that when the bill and joint resolution were simultaneously introduced I made no request whatever as to what committee they should be referred; I had not the slightest care about it, so far as that is concerned; but I presume because the measures related to commercial matters the Chair asked if it would be satisfactory to refer the measures to the Committee on Commerce. I said, "Entirely so." Later in the discussion with the chairman of the committee outside the Chamber we both agreed it would be better for the bill to go to the Committee on the Judiciary; so that, so far as the bill is concerned, it really makes absolutely no difference, and I have no interest in it whatever. I have no intention of pressing the bill. I introduced it practically by request. I am not in entire sympathy with all of its provisions. I very much question whether, if passed, it would offer a real solution of the problem. So the bill should not really enter into the discussion. When the proposed joint committee is authorized, if it shall be, and has an opportunity of investigating this entire situation, then, when it makes a recommendation, of course there will be something more definite for Congress to discuss.

Mr. WALSH of Montana. In view of the statement now made by the Senator from New Jersey, Mr. President, I ask unanimous consent that the Committee on Commerce be relieved from the further consideration of Senate bill 3385, and that the bill be referred to the Committee on the Judiciary.

Mr. EDGE. That is entirely agreeable to me. I would have made the same suggestion if it had occurred to me.

The VICE PRESIDENT. Is there objection?

Mr. EDGE. The Senator, of course, is referring to the bill?

Mr. WALSH of Montana. If that request is granted, then I shall move that Senate Joint Resolution 188 be referred to the Judiciary Committee for consideration in connection with Senate bill 3385.

Mr. EDGE. Mr. President, that motion, of course——

The VICE PRESIDENT. Let the first question be disposed of.

Is there objection to the request of the Senator from Montana that the Committee on Commerce be discharged from the further consideration of Senate bill 3385 and that it be referred to the Committee on the Judiciary?

Mr. EDGE. Of course, the Senator from Montana realizes that the Senator from New Jersey has the floor at the present moment, so that the motion would not be in order?

The VICE PRESIDENT. The Chair thought the Senator from New Jersey had surrendered the floor.

Mr. EDGE. I have not surrendered the floor, Mr. President.

Mr. WALSH of Montana. I do not desire to take the Senator from New Jersey off his feet. I will withdraw the motion.

The VICE PRESIDENT. The Chair understands that the motion is withdrawn.

Mr. CUMMINS. Mr. President——

Mr. EDGE. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not understand just what the Senator from Montana requested, if anything, in addition to the discharge of the Committee on Commerce from the consideration of the bill introduced by the Senator from New Jersey.

Mr. KING. The Senator from Montana also requested that it be referred to the Committee on the Judiciary.

Mr. CUMMINS. I do not desire that question to be disposed of, if it is in order, at this time. It is quite true that the antitrust law was considered by the Committee on the Judiciary finally, but when the antitrust law was first introduced it was referred to the Committee on Finance, and a very elaborate report was made by the Committee on Finance upon that bill. After being debated on the floor of the Senate for some time, it then was referred for redrafting to the Committee on the Judiciary. In 1914, when the Clayton Act was considered, it was referred to the Committee on the Judiciary solely because it was a modification, in some degree, of the Sherman antitrust law.

The real jurisdiction of Congress, Mr. President, for the consideration of any such measure as this, is based on the authority given in the Constitution to Congress to regulate commerce among the States. Bills relating to the exercise of that power should, therefore, primarily be referred to the Committee on Interstate Commerce, and not to the Committee on the Judiciary or the Committee on Commerce, or any other committee. I do not intend to raise the question at this time, because, as I gather it, the question is not now whether or not the bill shall be referred to the Committee on the Judiciary. I do not know that I would care to oppose such a motion, but I want some time to reflect upon it. Sooner or later we will be compelled to define a little more clearly the jurisdiction of these two committees, and I want to reserve the right, anyhow, to insist upon the proper jurisdiction of the Committee on Interstate Commerce.

I should like, before I take my seat, to ask a question of the Senator from New Jersey with respect to the resolution which he has been discussing.

The VICE PRESIDENT. The Chair will state to the Senator from Montana that the Chair understands that there is objection on the part of the Senator from Iowa to his request for unanimous consent?

Mr. CUMMINS. Mr. President, I understand that the bill introduced by the Senator from New Jersey is now before the Judiciary Committee.

Mr. WALSH of Montana. No; it is now before the Committee on Commerce. I have asked that the Committee on Commerce be relieved from the further consideration of the bill and that it be referred to the Committee on the Judiciary.

Mr. CUMMINS. I was ignorant as to that. I merely want the question as to which committee shall have the consideration of that bill reserved for some future time.

Mr. EDGE. I gladly defer on that question to the Senator from Iowa, for I realize very thoroughly his better knowledge of the technique and details of such subject matter.

Mr. NORRIS. Mr. President——

Mr. CUMMINS. The truth is that heretofore questions affecting the regulation of commerce and interstate and foreign commerce have been divided—excluding the Judiciary Committee, which ought not to consider such questions at all—between the Committee on Commerce and the Committee on Interstate Commerce, respectively, the latter committee taking those bills which had peculiar reference to our shipping, to our ocean commerce, and the Committee on Interstate Commerce taking those bills which had reference particularly to inland transportation.

Mr. EDGE. Mr. President, I think the reference was entirely correct, however, especially as it refers to the joint resolution going to the Committee on Commerce, so that there can be no real question raised—of course it can be raised, but I do not think there is a justification for raising it—so far as the joint resolution is concerned. The joint resolution distinctly provides, following the suggestion of the Senator from Iowa, that it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries.

Mr. CUMMINS. Precisely.

Mr. EDGE. So I think the reference in the first place was entirely a correct one, as far as that is concerned.

Mr. CUMMINS. I do not think it was, Mr. President; but I do not care to take up that question at this time. I want to ask the Senator from New Jersey one or two questions about his joint resolution.

If I have understood the Senator correctly since I came into the Chamber, he has taken out of his purpose, if not out of the language of the joint resolution, about the only thing that seemed to me to commend it at all. Experience has shown that it is impossible further or more accurately to define what shall constitute a restraint of trade or what shall constitute a monopoly. I think the experience of every lawyer, and his observation as well, is that it can not be done. The infinite variety of our commercial and industrial institutions precludes any more accurate definition of the words "restraint of trade" or "monopoly" than we now have, and the matter cited by the Senator from Nebraska shows that. The efforts of the Supreme Court of the United States, as well as of the inferior courts, to apply these words to this great variety of business and organization which arises prove conclusively that what constitutes restraint of trade or monopoly can not be defined any further or more perfectly than they have defined it; but the instance cited by the Senator from Nebraska proves just the reverse of the conclusion which he draws from the number of these decisions. They show, if anything could show, that the law is not settled and that it can not be settled.

Every case that comes to the Supreme Court is a different case and presents different conditions; and I think the multitude of these decisions shows that the field is uncertain and that the business world does not know and can not know what is legal and what is illegal until after a particular case is begun and reaches the Supreme Court of the United States.

Mr. EDGE. Mr. President, may I interrupt the Senator right there? Of course, I can not discuss legal interpretations, although I am rather interested to see the Senator's conclusions diametrically different from those of the Senator from Nebraska in discussing the same possibility; but is it not correct that an interpretive administration—that is, before a case goes to the court——

Mr. CUMMINS. I am coming to that.

Mr. EDGE. I should like to read just about one paragraph.

Mr. CUMMINS. I want to inquire about that.

Mr. EDGE. The Senator will undoubtedly discuss it, and I will give him all the information I have about it in advance:

> "Interpretive administration" means the exercise of discretion by an administrative agency in the determination of facts upon which the agency rules and acts in accordance with principles laid down by the Congress for the accomplishment of the legislative object. The consequences of such ruling and action are those which the Congress has declared shall follow such ruling and action.
>
> Such rulings are customarily subject to what is known as a "limited" review by the courts. This judicial review is narrowed to an inquiry whether there are facts to support the conclusion and whether the law was properly interpreted.
>
> This character of procedure has been sustained by the United States Supreme Court in many instances. It will not supersede the courts, but will afford a method for the adjustment out of court of many causes which otherwise would have to pass through them unnecessarily.

Is not that a result to be desired, if possible?

Mr. CUMMINS. But the Senator from New Jersey, half a dozen times at least in my hearing, has disclaimed any such purpose on the part of his bill or in this investigation.

Mr. EDGE. Oh, no, Mr. President; I have not—at least, I mean to say if I have I am sorry, and I did not want the Senator to draw that conclusion. I have stated several times that if this could be done, or attempted to be done, and cases could be kept from the courts by the advice of a Federal tribunal, it certainly would be in the interest of good citizenship to keep them from the courts, and I think that has generally been agreed upon; but I have followed that by stating that as a layman I certainly could not discuss whether it would be legally done or not, and for that reason I wanted a committee appointed to ascertain that.

Mr. CUMMINS. I suppose the Senate, or the Judiciary Committee, is quite as competent to decide its legality as any other committee that might be created.

Mr. EDGE. That is only one of many, many questions that arise.

Mr. CUMMINS. But this is the point: I want to call the attention of the Senator from New Jersey to the history of the matter, because to a degree I am in entire sympathy with him.

We tried to do this in the Federal Trade Commission act. That is, an amendment was considered by the Senate which had for its purpose the very thing that is now suggested by the Senator from New Jersey in the memorandum from which he has just read. I am rather familiar with it, because I was responsible for the effort. That amendment provided that any association or corporation could present to the Federal Trade Commission its articles of incorporation and its plan of doing business, the things which it proposed to do, and after a hearing the commission was given authority to declare whether the proposals of the association or the corporation, as the case might be, were in contravention of the antitrust law, and, if carried out honestly and fairly and kept within the limits of the proposal, whether the business of the association or corporation would be a violation of the antitrust law. The amendment further provided that if the Federal Trade Commission found that the plan or the proposal, if faithfully and honestly carried out, would not be a violation of the antitrust law, then the Government should not institute any proceedings against that association or corporation—that is, so far as its plan was concerned; not its practices, but so far as its plan was concerned it should be adjudicated to be beyond any prosecution under the antitrust law.

Under the antitrust law there is no prosecution except by the Government. An individual can not prosecute a corporation or an association because it is in violation of the antitrust law. An individual may sue for damages that may have been brought about by a monopoly or a restraint of trade, but a suit in equity for an injunction against the further conduct of the corporation or the individual of whom it is alleged that it is restraining trade or creating a monopoly or attempting to create a monopoly must be brought by the Government; and the decision which the Federal Trade Commission would make is not a moot decision, as was suggested a moment ago by the Senator from Nebraska. It binds the Government, and so long as that corporation pursues the plan and pursues it fairly and honestly it can not be prosecuted.

In my opinion, that is the only way in which the subject can be made certain. Whether it is wise to intrust a power of that kind to the Federal Trade Commission or to any other body is a matter upon which there may be fair difference of opinion; but just a few days ago we reposed even a greater power in the Secretary of Agriculture, and I have always been in favor of giving that power to some tribunal of the Government, because the antitrust law never can be made certain by any definitions that we may see fit to employ.

For the life of me, however, I can not see any reason for creating a committee to investigate the subject. Every fact which we will ever be called upon to consider in determining whether or not the course I have suggested is wise is accessible through hundreds of investigations which have been made. I can not imagine a single phase of the subject that has not been developed; and Congress can apply these facts that have been developed through many, many investigations to the particular thing that is sought to be done just as perfectly without an investigation as with it.

Mr. EDGE. Mr. President, I am very much interested in what the Senator from Iowa has stated. If I interpret his view correctly, he has taken a position diametrically opposite to that expressed by other Senators as to the possible power which can be delegated to an administrative tribunal as compared to the power of the courts. In other words, he takes the position that Congress can delegate to the Federal Trade Commission—the Senator will correct me if I am misstating his position—power to define what they can or can not do under the Sherman Antitrust Act.

Mr. CUMMINS. Inasmuch as the Government alone can prosecute one who is alleged to be guilty of the antitrust law, I have no doubt that we can confer upon the Federal Trade Commission, or any other tribunal we may create for that pur-

pose, the power to decide whether a given plan is in violation of the antitrust law, and that their decision will bind the United States. I am not now speaking about the wisdom of doing it.

Mr. NORRIS. I want to ask the Senator if he stated that the Federal Trade Commission now has that power?

Mr. CUMMINS. It has not.

Mr. NORRIS. I ask that question because I was satisfied the Senator did not want to leave that impression. I think he did leave that impression by some of his observations.

Mr. CUMMINS. I hope not. I did my best to have that power conferred upon the Federal Trade Commission, but failed.

Mr. NORRIS. The Senator was not successful.

Mr. CUMMINS. No; I was not.

Mr. EDGE. Was not the original object of the legislation, which was generally discussed, to confer a similar power?

Mr. CUMMINS. It was very generally discussed upon the floor of the Senate.

Mr. EDGE. Mr. President, I have taken very much more time than I intended to take. It seems to me, however, in conclusion, that the statement of the Senator from Iowa, and its issue with some of the statements of other Senators as to congressional power, and as to delegating power to other commissions, even with all the information the Committee on the Judiciary may have collected in investigations of similar subjects, shows that it is desirable to have a committee of this kind authorized, and such an investigation brought down to date, in view of these recent decisions, the Hardwood decision and others. I have tried to impress on the Senate, in many statements, that while it is of great importance for Congress to give further consideration to the possible delegation of this power, yet there are many other ways, I think, in which Congress can to-day help industry in this country.

Any information the Judiciary Committee has on this subject, of course, any committee of the Congress would be able to secure. I can not imagine such a committee as this starting new legal investigations along this line. The decisions of the courts, the opinions of eminent lawyers already on file with the Judiciary Committee, and any other information that is needed, of course, can be and would be obtained, but it is the general phase of the subject that I am trying to impress on my colleagues of the Senate, the responsibility and the duty we have to-day at least to give the business men of this country an opportunity to officially tell us their troubles. A committee, therefore, might represent both houses for that specific service.

Most of the argument to-day has centered upon what might happen if something were recommended by the committee proposed to be appointed. Let us give the committee a chance, without any preinstructions, to investigate the present business and industrial depression, and then we will be prepared, as Senators and Members of the lower House, to consider and discuss any recommendations they have to make.

Mr. NORRIS. Mr. President, I can not myself see why this committee should be appointed as set out in this joint resolution, why there is any necessity of it, or any necessity of the investigation proposed.

There may be uncertainties as to just how far these organizations can go and still remain within the law. Secretary Hoover has been agitating this for some time, suggesting that they all report to him and tell what they are going to do. In an argument I made a few days ago, wherein I cited the recent decision of the Supreme Court in the Hardwood Lumber case, I pointed out, as I thought, where that decision conflicted absolutely with the propositions which Secretary Hoover set forth that he wanted to take up, and which I think he is probably going to take up anyway, no matter what we pass. There probably would not be any way of stopping him short of an injunction from a United States judge.

The proposition of the Senator from New Jersey now is to have a joint committee, three members appointed by the Vice President and three by the Speaker of the House, to have a lot of hearings, to take evidence, and try to ascertain just what these associations can do.

Mr. President, the reason why there is a twilight zone in many, many cases, at least, is because these associations are professing to organize for one purpose, when they are doing business for another purpose. That is not always the case. It is not perhaps the case as to all those who are members in many instances, but that often occurs, as the Supreme Court decision in the Hardwood Lumber case shows.

If men or corporations were organized for the purpose of seeing how they could obey the law rather than to see how far they can go and still escape prosecution under the law, there would not be so much difficulty or so much said about the twilight zone.

I could bring about a twilight zone in any case. If I wanted to make an assault on the Senator from South Dakota, and wanted to avoid the law which punishes for assault and battery, and I started out deliberately and made an investigation and tried to shape things around so that I could make an assault and line it up under the law of self-defense, or something of that kind, I could get a condition of circumstances, probably, that would throw a lot of doubt in the minds of the jury, and I would escape punishment. There is a twilight zone about any crime. There have been hundreds of thousands of prosecutions for assault and battery where the defendant, at least if you believe his story, was acting within the law, and with perfectly good intentions.

If men were anxious to avoid a violation of the antitrust law, there would not be so many violations of it. It has been my experience, and I think the experience of others who have had anything to do with the consideration of criminal cases, that very few defendants have ever been prosecuted who, if you believe their stories, were not perfectly innocent. If the stories of the defendants are always true, then the prisons are filled with innocent people who are suffering now; and the Hardwood Lumber case shows how men of big business got together, ostensibly for a good social time, perhaps, ostensibly to do something which on the face of it looked to be perfectly legitimate, but the court found that underneath it all was an intention to violate the law, and they held that the organization was in violation of law.

If we establish a commission, as the Senator from New Jersey proposes, or as the Senator from Iowa wants, which shall say in effect what will be a violation of any plan which may be applied to them and what will not be, we will always have a twilight zone just the same. You can not put language into such form that good lawyers will not find a reason for putting a different construction on it from what you intended, and you will always have men who claim they are obeying the law, when their real intention is to violate it.

The Sherman antitrust law, covering the kind of business it is intended to cover and with the scope it is intended to cover, necessarily includes organizations which are violating the law, and at the same time trying to make everybody else believe that they are not violating it. That might happen with regard to any law. Personally, I do not understand how you can enact a law which will make it certain that that will not happen. Men who want to violate it and yet avoid punishment are going to devise all kinds of means of bringing that about.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH of Montana. The Senator will remember that we had quite a time here a short while ago trying to find out whether certain acts were violative of the law against corrupt practices in reference to the election of a United States Senator, it being stoutly contended on the one side that the acts were not in violation of the law and on the other side that they were. That law seems perfectly plain.

Mr. NORRIS. Yes; and when you submitted it to a tribunal to pass on it you found a very great difference of opinion by men who, on the face of things at least, were equally qualified and who had equal opportunities to get the facts. The Supreme Court are composed of men who are human, as shown by the fact that they very seldom agree. If there were not anything else to show they were great lawyers, that would demonstrate it. Most of the decisions, when there is a big contest, are by a divided court. It is not unnatural that it should be so in these cases. When a certain state of facts is alleged before them a majority of them say: "This demonstrates that this is an illegal organization; that while on the face of it they were organized for a perfectly legitimate purpose, the real intention has been to create a monopoly and to restrain trade, and therefore they are guilty."

Another set of men might be equally intelligent, if we could get such another set of men together, and might reach a different conclusion, without imputing any dishonesty or lack of ability to either set of men. The Supreme Court of the United States, by a decision of 5 to 4, I think, said that the Standard Oil Co. was not a trust; was it not the Standard Oil?

Mr. CUMMINS. It said it was a trust.

Mr. NORRIS. I mean the Steel Corporation. They said the Standard Oil Co. was a trust, but they said the Steel Corporation was not a trust and was not in violation of the Sherman antitrust law. That was by a divided court, but nearly every-

body in the United States, except members of the Supreme Court, knew that the price of steel was fixed everywhere in the United States, if not in the world, by the Steel Trust, and is yet, was at the time, and has been for years. It is no secret that what few independents there are follow along, as they naturally would, on the heels of this great corporation. I suppose it is possible even for human beings who happen to be judges of the highest court in the land to be mistaken. They have the last guess. It is not much more, sometimes, in these cases, I think, as important as they may be, and when they do make their guess we all acquiesce in it, as we ought to do, because it is better to have it settled, even though we do not agree with the settlement, than not to have it settled at all.

Mr. STANLEY. Mr. President, I doubt whether the Supreme Court has said that the Steel Corporation was not a trust. The Senator from Montana [Mr. WALSH] called attention to that the other day, stating that in effect they decided it was a trust, but it was not wise to say so.

Mr. NORRIS. That may be.

Mr. CUMMINS. May I put a question to the Senator from Nebraska?

Mr. NORRIS. The Senator may put a question, and I will yield to anyone who is able to answer it.

Mr. CUMMINS. I put it out of my own experience. Suppose that in a town there are six grocery stores. One of them is a very large one, occupying about the relation to the trade that the Steel Corporation now occupies to the steel trade. The other five are small concerns, doing about one-half of the business of the town. The five come to the conclusion that they had better consolidate, and in that way be better prepared to meet the competition of the large concern. Would that be a violation of the antitrust law?

Mr. NORRIS. If I were trying that case and it came before me and I had the power to decide it, I would ask a great many questions before I would be ready to pass on it. I would hear the evidence, I would see the witnesses, and I think when I got through I would have reached a conclusion at least satisfactory to myself. But I do not profess to know how to decide it under the Senator's statement.

Mr. CUMMINS. The situation I had in mind when I was making inquiry of the Senator from New Jersey suggested the presence of just that situation. Would that organization in and of itself be a violation of the antitrust law? I am not speaking now of any unfair practices, any unfair methods or efforts to take advantage of misrepresentations, or anything of that kind. I am speaking of the mere organization or consolidation of five small grocery stores in order to meet the competition of one large grocery store.

Mr. NORRIS. As the Senator modifies it and now puts it, I would not think it was a violation of the law.

Mr. CUMMINS. The Supreme Court of the United States in some of its decisions—they are not at all harmonious—as the Senator knows, have decided that it is a violation of the antitrust law.

Mr. NORRIS. Now, the Senator puts into his proposition something that probably the Supreme Court would exclude when they held that it was not a violation.

Mr. CUMMINS. The Supreme Court would now.

Mr. NORRIS. I know the Senator gave his organization a good character at the very beginning of his proposition when he put the question to me first. I say I can not answer it from the question. If I were trying the case, I would form an opinion, or I think I would, as to what its real objects were. I would be able to know when I got through, at least in my own conscience, whether it violated the law or not. But when the Senator puts the question to me the second time, he gives his organization a good bill of health to start with.

Mr. CUMMINS. I am giving both a good bill of health. I am not assuming any improper motive on the part of either of the business concerns. I am assuming that all of them want to make some profits. They are organized for that purpose and that alone.

Mr. NORRIS. Yes; I think that is legitimate.

Mr. CUMMINS. But the twilight zone to which the Senator referred relates a great deal more to organizations which have been attempted with a perfectly upright design and motive than it does to corporations which have been organized, and there have been very many of them, with the very vicious design and improper purpose of monopolizing trade and of making an undue and unreasonable profit.

Mr. NORRIS. The Senator may be right. I think he is wrong, but he may be right that the kind of organization of which he speaks constitute a large majority of the institutions or corporations that are doing business within the twilight zone. My own idea is that while there are occasionally in some specific instances some difficulties, there is very little difficulty in keeping out of the clutches of the law if you want to do the square thing, if you are not trying to see how far you can go, and, in fact, violate the law without getting caught at it. I believe those who are operating within the twilight zone as a rule—there may be many exceptions and the Senator may be right and I am wrong; all of them may be honest——

Mr. CUMMINS. That is simply my observation.

Mr. NORRIS. I believe that those who are operating within the twilight zone are there because they want to be there; are there because they want to get an advantage that the law does not give to honest men, and to escape the penalties of the law.

Mr. WALSH of Montana. Mr. President, I proposed a short while ago a motion to refer the pending joint resolution to the Committee on the Judiciary, supposing at the time that the bill to which reference was made, as introduced by the Senator from New Jersey, had gone there. In my judgment the joint resolution should go to the same committee as that which considers the bill proposed by the Senator reposing in the Federal Trade Commission the power to determine whether a corporation or association will fall within the condemnation of the Sherman antitrust law or not. I hope the Senator from Iowa will be able to reach a definite conclusion.

Mr. CUMMINS. What I said was more as a warning or suggestion as to the course that I intend to pursue in the future than as applicable to the particular measure.

Mr. WALSH of Montana. I so understood the Senator.

Mr. CUMMINS. I believe thoroughly that questions which relate to the regulation of interstate and foreign commerce, based upon our constitutional authority in that regard, ought to be referred either to the Committee on Commerce or the Committee on Interstate Commerce, but I do not intend to insist upon that distinction just now.

Mr. WALSH of Montana. I fully agree with the Senator, and if this were a matter of first consideration I would not urge a reference of it to the Committee on the Judiciary. But this important matter of antitrust legislation has had the consideration of that committee ever since its organization, and in all efforts to modify or repeal the act that committee has given consideration to the subject. It was in view of that situation that I asked unanimous consent, and I now renew the request for unanimous consent, that the Committee on Commerce be relieved from further consideration of the bill and that it be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that the Committee on Commerce be relieved from the further consideration of the bill (S. 3385) to regulate trade associations, and for other purposes, and that it be referred to the Committee on the Judiciary. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana. I now renew my motion that the pending joint resolution (S. J. Res. 188) be referred to the Committee on the Judiciary.

Mr. EDGE. Mr. President, that motion, of course, I oppose. The joint resolution has been debated to some extent to-day, and certainly any further debate to be had on it should follow in the orderly, regular way if Senators desire to debate it. The joint resolution was considered by the Committee on Commerce and reported unanimously, I think 11 or 12 Senators signing the report.

As the Senator from Iowa, to whose judgment I defer, has stated, the question of whether a joint resolution referring to such matters shall go to the Committee on Commerce or the Committee on Interstate Commerce depends to a great extent upon whether the subject matter includes or excludes foreign commerce. The pending joint resolution takes into consideration the possibilities of foreign commerce, so that I contend that the reference to the Committee on Commerce, so far as the joint resolution is concerned, was in no way unusual. It might have been equally proper to have referred it to the Committee on Interstate Commerce or the Committee on the Judiciary, but it went to the Committee on Commerce in the ordinary way and was reported in the ordinary way and has been debated in the ordinary way, and for it to be recommitted to some other committee it seems to me is in no way justified.

Mr. OVERMAN. Mr. President, the Senator said that 11 Senators signed the report. Does he mean by that that the committee was polled?

Mr. EDGE. Yes. I mean the usual method was employed in the reporting of the joint resolution, as usually happens with all bills, the Senator's included, that I think is employed in reporting 90 per cent of the bills in the Senate, because of the fact that committees are not in frequent session.

Mr. OVERMAN. I merely wanted to know whether it was considered by the committee, or whether the committee was just polled. It seems that it was polled.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

Mr. EDGE. Mr. President, I suggest the absence of a quorum.

Mr. WALSH of Montana. If the Senator will defer that, I wish to say just a word or two.

Mr. EDGE. I withdraw the suggestion.

Mr. WALSH of Montana. The question as to just exactly what ought to be done in any case to clarify the situation, which is deemed in some quarters to be obscure, obviously has reference to some change in the law so as to effect the violation of the Sherman antitrust law. As has heretofore been stated, that matter has had the consideration of the Judiciary Committee now for a period of over 30 years. Efforts have been made from time to time to bring about just such a result as the Senator from New Jersey contemplates. So far as my information goes, those measures have always been referred to the Judiciary Committee, inasmuch as they contemplate some amendment of the Sherman antitrust law.

The difficulty about the problem, which seems to some people so very simple, has been pointed out in discussions here this afternoon. I do not suppose there is a criminal law or statute concerning which more or less difficulty may not arise in connection with its application to a particular state of facts. Whether under a certain state of facts a man is guilty or is not guilty of murder is often a very close and debatable legal proposition as well as question of fact. Whether under particular circumstances a man has or has not committed larceny is often a matter of very grave doubt from the standpoint of the law.

As also indicated, the difficulty arises by reason of the fact, and the difficulty of legislation about the matter arises by reason of the fact, that plans for the organization of those corporations may be entirely harmless and altogether praiseworthy indeed, but when it comes to carrying out the plans they are departed from, from time to time, for the purpose of accomplishing illegal ends, if it were not contemplated originally that ends condemned by the statute were not to be attained. That was the case in the famous hardwood lumber association organization. If the organization had confined itself to the purpose which it had in mind and had followed with scrupulousness the plan which was originally outlined, it is doubtful whether it would have been condemned by the Supreme Court. As it was outlined originally, this was what was to be accomplished:

> The purpose of the plan is to disseminate among members accurate knowledge of production and market conditions so that each member may gauge the market intelligently instead of guessing at it; to make competition open and above board instead of secret and concealed; to substitute, in estimating market conditions, frank and full statements of our competitors for the frequently misleading and colored statements of the buyer.

Accordingly the central officer of the association was to receive reports from all members of the association concerning all sales made by them and the prices at which the sales were to be made, which information was to be conveyed to all members of the association, and that was all there was to it. That in all probability would not be condemned by the court as at all illegal. But instead of doing that, here is what actually was done, as disclosed by excerpts from the opinion in the case. The court said:

> In the first quarter of the year the problem was to maintain the war prices then prevailing rather than to advance them, and although the minutes of the various meetings were kept in barest outline, we find that beginning within a month of the consideration of the two associations the members of the "Plan" began actively to cooperate through the meetings to suppress competition by restricting production. This is very clearly shown by the excerpts following from the minutes of meetings and from the market letters and sales reports distributed at them.

I do not read that testimony, but it doubtless supports the conclusion at which the court arrived. The court then went on to say:

> Much more of like purport appears in the minutes of the meetings throughout the year, but this is sufficient to convincingly show that one of the prime purposes of the meetings, held in every part of the lumber district and of the various reports, was to induce members to cooperate in restricting production, thereby keeping the supply low and the prices high, and that whenever there was any suggestion of running the mills to an extent which would bring up the supply to a point which might affect prices the advice against operations which might lead to such result was put in the strongest possible terms. The cooperation is palpable and avowed, its purpose is clear, and we shall see that it was completely realized.
>
> Next, the record shows clearly that the members of the combination were not satisfied to secure, each for himself, the price which might be obtainable even as the result of cooperative restriction of production, but that throughout the year they assiduously cultivated—through the letters of Gadd, speaking for them all, and through the discussions at the meetings—the general conviction that higher and higher prices were obtainable, and a disposition on the part of all to demand them. The intention to create such a common purpose is too clear to be doubted, evidenced as it is by the following excerpts from much of like character in the testimony.

I forbear reading the testimony from which the court reached that conclusion. Then the court continues:

> To this we must add that constantly throughout the minutes of the various meetings there is shown discussion of the stock and production reports in which the shortage of supply was continually emphasized, with the implication, not disguised, that higher prices must result. Men in general are so easily persuaded to do that which will obviously prove profitable that this reiterated opinion from the analyst of their association, with all obtainable data before him, that higher prices were justified and could easily be obtained, must inevitably have resulted, as it did result, in concert of action in demanding them.
>
> But not only does the record thus show a persistent purpose to encourage members to unite in pressing for higher and higher prices, without regard to cost, but there are many admissions by members, not only that this was the purpose of the "plan," but that it was fully realized.

Then the court says:

> These quotations are sufficient to show beyond discussion that the purpose of the organization and especially of the frequent meetings was to bring about a concerted effort to raise prices regardless of cost or merit, and so was unlawful, and that the members were soon entirely satisfied that the plan was "carrying out the purpose for which it was intended."

So the court finds, as a matter of fact, that the plan was organized for the purpose of enabling them to restrict production and to raise the prices, and that that result was actually accomplished. Mr. President, when that situation of affairs exists it is not difficult to say that a company falls under the condemnation of the law.

Now, to show that there is not so much difficulty about this matter as may be imagined by some people who like to travel close to the line which divides what is legal from what is illegal, I call attention to the case of the United States against the American Linseed Oil Co. and others, which is reported in Two hundred and seventy-fifth Federal Reporter, at page 939. That is a decision by the District Court for the Northern District of Illinois. The case was pending while the Hardwood Lumber Association case was before the Supreme Court of the United States, and the decision was rendered earlier, if my recollection now serves me, than was the decision of the Supreme Court.

The decision of the Linseed Oil case was on November 3, 1919, and the decision of the Supreme Court on the Hardwood Lumber Association case was on December 19, 1921. So that this case was decided before the district court had the aid of the Hardwood Lumber Association case. The court found that this particular trade association—that is, the Association of Linseed Oil Manufacturers—was not prohibited by the Sherman Act. Now, let me read from the decision and show Senators just what kind of an association that was. I read from the opinion, as follows:

> The purpose of the council and bureau was to collect and furnish to the various members current quotations on linseed oil, the record of sales of oil, including prices, statistics as to stocks on hand, crop conditions at home and abroad, and other information of interest or value to the manufacturers of linseed oil. The Armstrong bureau entered into contracts with certain of the defendants and agreed to furnish them the foregoing information for a consideration.
>
> Pursuant to these contracts, the various subscribers daily reported their price lists to the bureau and promptly sent word of any change. Other information was also furnished from time to time. The statements received and collected by the bureau were immediately sent out to all the members of the association.
>
> The record discloses that the information collected and distributed by the bureau to its several members was of the kind which a sagacious business man secures, or endeavors to secure, in the operation of his enterprise. The information was true. The price lists furnished were made in the regular course of business and offered in good faith to customers or prospective customers. There was no proof that the members of the association ever, at the bureau meetings or at any other place, discussed prices or made agreements with respect to prices, and there was no evidence that the prices asked by any of the subscribers were not in accordance with the market price of flaxseed, upon which the price of linseed oil was based.
>
> Production was not limited during the period the bureau was in operation. There was no proof of division of territory. There was no proof that the prices asked by the individual defendants were not fixed by them upon their own judgment, considering all factors affecting supply and demand. There was no proof showing that any member was under the slightest obligation or constraint to ask higher prices or maintain prices.
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> * * * * * * *
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> Each individual crusher entering into a contract with the Armstrong bureau specifically and expressly agreed that all information reported to the bureau or distributed by it should at all times be purely statistical and pertain only to past operations, and that the bureau should not be used to enable the constituent members to fix prices for the sale of linseed oil, cake, or meal; to limit the sale, production, or manufacture thereof; or to divide the territory in which it was to be sold.

In the trial of the case the Government sought to establish—as they sought to establish and did establish in the Hardwood Lumber Co. case—that the purpose of this organization was not exclusively such as was outlined in the circular defining its plans, but that it really was an agreement between these peo-

ple—covertly, of course—so that they might get together to fix prices and limit production, and so on; but the Government failed to make the proof, and the court held that upon the plan as outlined, and so far as the court was advised, at least, the plan was carried out honestly and consistently, and it was not in violation of the law. So we do not find it very difficult now to determine, with a reasonable degree of accuracy, whether an organization is within the law or is without the law.

When this case goes to the Supreme Court, if it should go there, that court may find upon the evidence adduced that there really existed the illegal purpose which they found to exist in the Hardwood Lumber Co. case, drawing the conclusion from facts outside of the plan proposed by the circular and other documents of the company, by extraneous evidence, showing that the plan was something other or different from what it appeared upon the face of the instrument.

I can not understand, Mr. President, how, with reference to these questions, a commission of any kind of business men can afford a basis upon which very sensible action may be taken. They are not supposed to know the intricacies of the statutes which have had so much consideration from the courts. They might, perhaps, propose something which long ago was determined to be impossible of operation or which would be entirely destructive of the purpose for which the antitrust act was originated.

In the first place, I do not believe, Mr. President, that the depression of industry in this country, which unfortunately exists, can be attributed in any marked or in any appreciable degree to the inability of trade associations to know whether they are operating within or without the law. If we were able to define—and I submit that that is an impossibility—when an association operates within the law or when it is beyond the law, I do not believe the result would be particularly manifest in the increase in business activities throughout the country.

Mr. EDGE. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from New Jersey.

Mr. EDGE. The Senator, perhaps, is not aware that in the city of Washington last Thursday or Friday there was a meeting at which were present some 400 or 500 representatives of different trade associations, coming here from all over the United States, including many distant points. At that meeting many speeches were made and reports submitted. I was present during a portion of the session, and I can state that practically every one of the statements made by the representatives of the trade associations was to the effect that trade associations had practically ceased functioning; that they were inactive simply because of the uncertainty surrounding the decisions of the courts.

I know the Senator from Montana always desires to be absolutely accurate, but when he suggests that only one or two or three or four trade associations might be affected because of the decision to which he has referred, I am sure, upon investigation, he will find that the trade associations of this country have practically ceased doing business. Further, when he states that he does not believe that the finding of a joint committee, such as is proposed in the joint resolution, will have any great influence upon present depression, I am sure he is incorrect, because the trade associations through their standardization processes, through their joint advertising processes, and their other activities help to create markets, which is the very thing that helps develop industry.

Whether the solution proposed is a proper one or not is an open question; but I am sorry that I have not impressed the Senator from Montana and other Senators with the actual importance of having trade associations reinaugurate their activities, because, in my judgment, the fundamental difficulty to-day, to which is due largely the present trade depression, is the failure of the trade associations to carry on their work.

We have just as much money in the country as we ever had; we have just as many people, less the toll of war; the main trouble is the lack of those activities which make markets. The trade associations, representing hundreds of thousands of individual producers, furnish the activities tending to make markets. If any other method can be suggested better than the one proposed, designed to encourage trade associations to become active, then it seems to me it is the duty of Congress to try to help discover that method. The only purpose of the joint resolution is through the medium of the commission proposed to be created to discover, if possible, a way, to some extent, of restoring confidence.

Mr. WALSH of Montana. Mr. President, I want to remind the Senator that we had very, very prosperous times in this country before trade associations were ever known, and I dare say we shall again; but, if the Senator will pardon me, I want to make a suggestion in connection with this matter that it seems to me is the true solution of this problem. I suggest to him that the trade association and the Senator from New Jersey are a little impatient about this matter. If they will only bring before the Supreme Court of the United States one of these associations which has adhered strictly to the plan which it has advertised—namely, of being merely an association for the purpose of carrying to the members thereof such information as can be assembled concerning the facts of the trade in which they are engaged—and the Supreme Court will say that such an association as that is unlawful, then there will be appropriate occasion for some action by Congress; but, Mr. President, the trouble about it is this: Take the Linseed Oil case, for instance. If the decision in the case of the United States against the Linseed Oil Co. is affirmed by the Supreme Court of the United States, then a perfect guide will be had. Then these associations will be enabled to do and entitled to do just exactly what the Armstrong Bureau professed to do.

The plan was a very simple one. People engaged in the manufacture of linseed oil became members of this bureau, run by this man Armstrong in the city of Chicago. Each member agreed that he would report to Armstrong every day just exactly what sales he made and at what prices he made them. He also agreed that if he intended at any time to change the prices he would send word to Armstrong of the change that he was going to make. Armstrong also agreed to gather statistical information, secured from Government sources and otherwise, concerning the state of the industry, and to disseminate that information among members of the association; and the district court held that confining itself to that line of industry the Armstrong Bureau was not under the condemnation of the law.

Bear in mind, I have told you that the Government endeavored to establish—whether they did or not I do not venture to say, though the court held that they did not—that they had a further purpose, and that was to restrict production and to increase prices. As I say, the court held that that was not established.

If that case should go to the Supreme Court of the United States, and the Supreme Court of the United States should hold, as the lower court did, that there was no purpose of that character, and that the only purpose of the organization was to give to members the information which would enable them the better to transact their business—in other words, if these trade associations will only confine themselves to the purposes for which they profess to be organized—I do not think the Supreme Court will hold them unlawful, although I may be mistaken about that; but why legislate in advance of the decision of the Supreme Court of the United States? The Hardwood Lumber Co. case does not help us at all, because there they held that outside of their plan they clearly had an illegal purpose.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield to the Senator.

Mr. NELSON. It strikes me in reference to this matter, first of all, that these smart and educated and intelligent business men ought in their inner consciousness to be able to determine for themselves whether they violate the ethics or the principles of the Sherman law. Furthermore, it seems to me that it is about as difficult to define how near they can sail to the wind in reference to the Sherman law and in what cases as it is to define cases of usury and fraud. It is the experience of the courts, and has been, as the Senator from Montana very well knows, that the courts decline to lay down any hard-and-fast rule as to what constitutes actual fraud, and the same thing is true in reference to usury. There are so many ways of getting around that. It seems to me that it is extremely difficult to define in detail in these cases to what extent these associations may go to avoid the consequences of the antitrust law.

Of course, I know that in the moral world there are some people who want instructions as to how near they can sail to the Ten Commandments without violating the Ten Commandments, and I can conceive the same thing in reference to the business world. When we come to define what these associations may do or may not do to avoid the evils attempted to be repressed by the antitrust law, it seems to me we strike as difficult a problem as we do in the case of defining fraud and in the case of defining what constitutes usury.

Mr. WALSH of Montana. I think the position of the Senator is eminently sound; but I merely desire to submit, in conclusion, that in my humble judgment these people are going at the thing in the wrong way. Instead of coming in now and asking Congress to legislate with reference to a proposition that is not yet settled, if they have not got a case in which the matter will be presented to the Supreme Court disassociated from extraneous facts disclosing that they are not carrying

out the plan as they propose it, if they will present a case in which the association devises and religiously adheres to a plan merely of disseminating information, and then the Supreme Court holds that that plan is contrary to the law, it will be time enough to ask for a modification of the law.

Mr. NELSON. Mr. President, will the Senator allow me a further interruption? The Senator is aware of the fact that it has been the complaint of business interests, not only now but for many years past, that they did not know how to operate under the Sherman antitrust law.

Mr. WALSH of Montana. Yes.

Mr. NELSON. That has been a standing complaint almost since the days of the enactment of the law. They found great difficulty in that respect; so that this is no new discovery that business men have reached to-day. There always has been the complaint that they never knew how close to the wind they could sail under the Sherman antitrust law.

Mr. WALSH of Montana. The effort is an old one.

Mr. EDGE. Then the Senator does not agree with the Senator from Iowa that if it could be defined, if a Federal bureau could tell them how close to the wind they could sail, it might save the courts some of their present congestion and still serve business in a perfectly proper way?

Mr. NELSON. Would the Senator want me to tell him how near he could travel to the usury law and still avoid its penalties? In my boyhood days I knew a man in Wisconsin, a rich old farmer, who made his living by usury. He had this favorite way of doing if a man wanted to borrow money: He would shake his head and say, "Money is scarce; I do not know whether I can get you any or not." Then he would take the man out in the yard and show him a cow or a steer—a cow that was worth $20 in those days—and he would say to him, "If you will buy this cow and pay me $40 for it, maybe I can loan you a hundred dollars." That was one way of committing usury. I might cite similar instances in the case of actual fraud. They are plentiful. The trouble is that away back of it the consciences of these big business enterprises have become calloused, and they need religious instruction rather than legislation to guide them in the path of honor and rectitude.

Mr. EDGE. Mr. President, this discussion is very interesting; but allow me to direct the attention of the Senator from Minnesota to the fact that these trade associations do not represent big business. That is the remarkable part of it. They represent a combination of the smaller business interests of the country. The big interests are so independent and so powerful and have such other organizations of their own that they refuse to join these associations.

Mr. CUMMINS. Mr. President, I assume that what has just been said by the Senator from Minnesota [Mr. NELSON] will furnish a reason for the motion made by the Senator from Montana [Mr. WALSH]. He wants to bring these associations under the spiritual influence of the Senator from Minnesota, who is the chairman of the Judiciary Committee.

Mr. NELSON. Oh, no; they would go to the Committee on Interstate Commerce.

Mr. CUMMINS. I can assure them that they will always receive justice, if not spiritual consolation, at the hands of the distinguished Senator from Minnesota. However, I rose to say one word in answer to the Senator from Montana.

It seems to be assumed by a great many people that nearly every commercial transaction is tainted with some kind of unworthy motive. I do not share that opinion. I think most business is pretty fair, honest business, and I do not think those who seek advice with regard to the construction of the antitrust law are criminals, or want to disobey the law, or want to evade it. Some of them do, but most of them do not.

To my mind, the difficulty in regard to the construction of the antitrust law does not arise in such a case as has been cited by the Senator from Montana. Here is the difficulty: The prohibition against agreements or combination or contracts in restraint of trade as originally construed by the Supreme Court meant that competition must not be diminished; that whatever interfere with free, unrestricted competition constituted a restraint of trade. A little later the Supreme Court modified its view in that respect, and introduced the word "unreasonable" in connection with restraint of trade, so now we must assume that the prohibition is against the unreasonable restriction or suppression of competition. The Senator from Nebraska was right; the real soul and heart of the antitrust law is that the good of the country requires in its commercial affairs fair, reasonable competition, and anything that tends to destroy that is contrary to the law.

I put again this instance, and there are hundreds and thousands of similar ones in the country which I think comprise the real difficulty in the antitrust law.

If there are 20 competitors in a given field, and if the twentieth man buys up the first man, so that there are but 19 competitors, is that such a restriction of competition as brings the transaction within the antitrust law? No one can tell; no one would dare venture an opinion, I think, at least in the old days, as to whether or not that constituted a violation of the antitrust law.

We pass on; and if the twentieth man buys up the first 5 men, and there are only 15 competitors left, does that constitute a restraint of trade? I mean, the very act itself; not what might follow in unfair practices or methods of competition, but just the fact that the number of competitors has been reduced. Is that within the antitrust law? There is not a lawyer in this Chamber or an assembly of lawyers anywhere who can answer that question until finally a court passes upon it.

Mr. STANLEY. Mr. President, I am not advised of any decision by the Supreme Court holding that the out and out purchase by one competitor of the property of another, without any understanding as to the future operation of the two concerns, is illegal.

Mr. CUMMINS. I think there has never been a decision of that kind. I do not think there would be. I can answer that question, probably, but when the competitor gets along to the absorption of 5 or 6 or 7 or 8 or 9 or 10, then you enter the twilight zone, and nobody can tell whether an arrangement of that kind will be held to be a violation of the antitrust law or not.

Mr. STANLEY. In my opinion much of the confusion touching this question has arisen from a failure to distinguish between monopoly and restraint of trade. The old Elizabethan monopoly, whether created by law or whether the result of the activities of the individual, enable one man or one concern to control too great a portion of an industry, like the one that was attempted to be prevented in the old laws, a monopoly in the purchasing of grain. That has never been accepted by modern legislators, and was not in the mind of Edmunds or any of the other authors of the antitrust law. Our laws, as I see it, simply deal, not with monopolies, but with the acts of interference in the untrammeled currents of commerce, and it is not so much the effect upon the currents as the act of interfering. That line of decisions was perfectly plain until, unfortunately, I think it was Chief Justice White who incorporated the idea of reasonable restraint of trade—the rule of reason.

As legislators our only trouble now is in determining to what extent men can interfere with the untrammeled course of trade without materially impairing the movement of commerce, the reasonable or unreasonable restraint of trade.

Mr. CUMMINS. I think I agree entirely with the observations just made by the Senator from Kentucky, although the antitrust law itself separates the attempt to create a monopoly from a restraint of trade. I do not believe that a monopoly which grows out of superior efficiency and the ability to market a product, or a series of products, at a less price than a competitor can market them for, is contrary to the spirit, or possibly not to the letter, of the antitrust law. We must allow these opportunities.

But we have a law that is capable of very many constructions and interpretations as applied in particular cases, and if we could assume that every man who was in doubt with regard to the validity of a particular transaction in which he was about to engage was a corrupt man, a vicious and criminal man, there would be no desire, I am sure, upon the part of anybody to clarify this statute or provide any means for clarification; but while there are some, of course, who desire, as the Senator from Minnesota said, to sail close to the wind, I am sure that is not true of the great majority of instances in which it has been uncertain whether a proposed transaction could be legally entered into or not.

Every lawyer who has had considerable experience knows that when these questions have been propounded to him in the past there have been many of the transactions which were from the moral standpoint entirely free from even the suspicion of moral turpitude, in which the lawyer could not honestly advise his client respecting the validity or the legality of the thing about to be done. That has happened in so many cases within my own knowledge that I have always been in sympathy with the effort to erect some tribunal which could and would make a ruling so far as the organization itself, its plan, its scope, its purpose, as declared in its articles of incorporation, as declared in the contract about to be entered into, were concerned.

As time goes on, I understand perfectly that the most innocent articles of incorporation, the most innocent articles of association, can be made the instrument of great wrong, and that the conduct or the practices of the association may be

condemned by the antitrust law or by any tribunal before which the litigation may come; but that does not change my own conviction that there is a great field in which such a tribunal can operate to the great benefit of the people of the country.

ST. LAWRENCE CANAL PROJECT.

Mr. CALDER. Mr. President, I give notice that during the discussion of the unfinished business to-morrow I shall address the Senate on the St. Lawrence canal project.

CONDITIONS IN HAITI.

Mr. KING. Mr. President, it is not my purpose to discuss the resolution now before the Senate, but briefly to call attention to some resolutions adopted on the 31st of March by the Union Patriotique Haitienne Comité Central, an organization of Haitians, the members of which are residents of Haiti. I am not fully advised as to the nature and objects of the organization, but am informed that it is composed of some of the very best citizens of Haiti, who are opposed to the occupation of their country by the military and naval forces of the United States and who desire that our Government relinquish political authority and all other control over Haiti and her people.

As Senators know, our Government sent war vessels to Haitian waters several years ago and landed marines upon the island. Later the constitution under which the people of that nation lived and by which they were governed was set aside and a new constitution adopted. It is claimed by the Haitians that the action of the United States was wrong; that by military force it took possession of their Government, suspended their constitution, and in contravention of international law and that comity which should exist among nations, now rules their land.

It is charged by Haitians that we are now attempting to force a loan upon the Haitian people and that the President of Haiti and other officials are controlled, if not coerced, by the military forces of the United States, which occupy strategic points upon the island.

The resolutions to which I have referred relate to the occupation of Haiti and are in the nature of a protest against the policy of this Government in its dealings with the Haitian people and their Government.

The resolutions are in French, but I have a translation, which reads as follows:

Whereas the Government of the Republic of Haiti as it has been constituted since its origin by the founders of the Republic is essentially democratic and representative; and

Whereas this character has been formally consecrated in every Haitian constitution; and

Whereas it admits neither the illusory control of the executive power by functionaries whom he nominates and revokes at his will, nor the election of the President of the Republic by these same functionaries, instead and in the place of representatives of the people, regularly elected according to legal conditions;

We protest in the name of the Government and in the name of the people that it represents against all usurpation of the functions of the national assembly by the so-called council of state which M. Sudre Dartiguenave has nominated and which remains revokable at his will;

We protest especially against the right which this illicit body lays claim to exercise to elect the President of the Republic and to ratify international treaties;

We confide to the delegated administrator, M. Georges Sylvain, the duty to transmit to the Senate of the United States this present resolution passed in the plenary assembly of the members of the Central Committee of the Union Patriotique, 31st of March, 1922.

On behalf of the committee.

GEORGES SYLVAIN.

I shall leave the copy—indeed, it seems to be the original—with the Secretary, but the translation just read will be printed in the RECORD.

Mr. President, a committee of the Senate is making an investigation of the questions involved in our occupation of Haiti, and I hope that a report will soon be submitted by it.

I do not offer these resolutions for the purpose of entering upon a discussion of this matter, but I felt constrained to present them because of the numerous complaints emanating from Haitians, and I believed that when their views were presented in this concrete form they should be placed before the Senate.

When the committee has submitted its report, then there will be full opportunity to discuss the entire question.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 18, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1922.

UNITED STATES MARSHAL.

J. H. Fulmer, of Nevada, to be United States marshal, district of Nevada, vice Thomas Pickett, resigned.

REGISTER OF THE LAND OFFICE.

Dudley S. Valentine, of California, to be register of the land office at Los Angeles, Calif., vice Benjamin F. Groves, whose term expires May 13, 1922.

RECEIVER OF PUBLIC MONEYS.

Brainerd B. Smith, of California, to be receiver of public moneys at Los Angeles, Calif., vice Alexander Mitchell, whose term will expire June 24, 1922.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Elliott Burgess Roberts, of Massachusetts, to be aid, with relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice H. W. Hemple, promoted.

POSTMASTERS.

CALIFORNIA.

Josephine M. Costar to be postmaster at Greenville, Calif. Office became presidential October 1, 1920.

Margaret R. Faber to be postmaster at McKittrick, Calif., in place of Warren Rodgers, removed.

John R. Chace to be postmaster at San Jose, Calif., in place of Byron Millard. Incumbent's commission expired January 24, 1922.

Bernard G. Larrecou to be postmaster at Menlo Park, Calif., in place of E. J. Crane. Incumbent's commission expired January 24, 1922.

COLORADO.

Harrison E. Thompson to be postmaster at Hot Sulphur Springs, Colo. Office became presidential April 1, 1921.

CONNECTICUT.

William M. Logan to be postmaster at West Cheshire, Conn., in place of W. M. Logan. Incumbent's commission expired January 13, 1921.

FLORIDA.

Dexter R. Milton to be postmaster at Watertown, Fla. Office became presidential July 1, 1920.

GEORGIA.

Martha C. Vinson to be postmaster at Byron, Ga. Office became presidential January 1, 1921.

Frank Summerour to be postmaster at Duluth, Ga. Office became presidential April 1, 1921.

Sallie M. McDaniel to be postmaster at Norwood, Ga. Office became presidential January 1, 1921.

Jacob L. Roberts to be postmaster at Pinehurst, Ga. Office became presidential January 1, 1921.

Ezekiel E. Sago to be postmaster at Rebecca, Ga. Office became presidential October 1, 1920.

ILLINOIS.

Herman W. Behrens to be postmaster at Kampsville, Ill. Office became presidential October 1, 1921.

Walter A. Foster to be postmaster at Steward, Ill. Office became presidential April 1, 1921.

John J. Barton to be postmaster at Sublette, Ill. Office became presidential July 1, 1921.

Joseph L. Hosick to be postmaster at Elizabethtown, Ill., in place of L. T. Rash, resigned.

May S. Williams to be postmaster at Hanover, Ill., in place of W. J. Sullivan. Incumbent's commission expired January 17, 1920.

Paul P. Shutt to be postmaster at Paris, Ill., in place of Thomas Moyer, removed.

INDIANA.

William S. Matthews to be postmaster at North Vernon, Ind., in place of J. N. Culp, resigned.

KANSAS.

William S. Smith to be postmaster at Rozel, Kans. Office became presidential April 1, 1921.

KENTUCKY.

James L. Blair to be postmaster at West Liberty, Ky. Office became presidential October 1, 1919.

MARYLAND.

Susie S. Thompson to be postmaster at Hillsboro, Md. Office became presidential January 1, 1921.

MICHIGAN.

Wynne C. Garvin to be postmaster at Millington, Mich., in place of H. A. Bishop. Incumbent's commission expired January 24, 1922.

George A. Cook to be postmaster at Ypsilanti, Mich., in place of J. F. McCann. Incumbent's commission expired June 27, 1920.

MINNESOTA.

Sarah E. Schumacher to be postmaster at Zimmerman, Minn. Office became presidential October 1, 1920.

Olans E. Burtness to be postmaster at Caledonia, Minn., in place of W. W. Belden. Incumbent's commission expired January 24, 1922.

MISSOURI.

Anna A. Brown to be postmaster at Bunker, Mo. Office became presidential October 1, 1921.

Frank R. Evans to be postmaster at Armstrong, Mo., in place of A. M. Green. Incumbent's commission expired January 8, 1921.

NEBRASKA.

Henry J. Steinhausen to be postmaster at Creighton, Nebr., in place of P. H. Green, removed.

Ray H. Surber to be postmaster at Davenport, Nebr., in place of D. A. Berkey. Incumbent's commission expired February 4, 1922.

Earl R. Lewis to be postmaster at Humphrey, Nebr., in place of J. R. Ryan, resigned.

James E. Scott to be postmaster at Osmond, Nebr., in place of J. E. Scott. Incumbent's commission expired February 14, 1922.

James D. Finley to be postmaster at Sargent, Nebr., in place of W. T. Cropper. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Eva H. Ketcham to be postmaster at Belvidere, N. J., in place of E. H. Ketcham. Incumbent's commission expired April 30, 1922.

John Boyd to be postmaster at Greystone Park, N. J., in place of John Boyd. Incumbent's commission expired March 16, 1921.

NEW YORK.

Arthur H. Wyatt to be postmaster at Huletts Landing, N. Y. Office became presidential January 1, 1922.

Raymond C. Green to be postmaster at Sanquoit, N. Y. Office became presidential October 1, 1920.

May M. Ferry to be postmaster at Edwards, N. Y., in place of M. L. Bancroft, resigned.

Louise E. Wells to be postmaster at Stony Brook, N. Y., in place of N. E. Lempfort. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Otis Banner to be postmaster at Newland, N. C. Office became presidential October 1, 1921.

Alfred A. McDonald to be postmaster at Parkton, N. C. Office became presidential January 1, 1921.

Richard S. White, sr., to be postmaster at Elizabethtown, N. C., in place of E. F. McCulloch, jr., resigned.

NORTH DAKOTA.

John V. Kuhn to be postmaster at Richardton, N. Dak., in place of A. J. Berger, removed.

OHIO.

Arthur R. Hurd to be postmaster at Lawndale, Ohio. Office became presidential July 1, 1920.

William M. Freeman to be postmaster at Otway, Ohio. Office became presidential January 1, 1921.

Ray V. Chase to be postmaster at Archfold, Ohio, in place of David Snyder, deceased.

Addie F. Hosler to be postmaster at Kingston, Ohio, in place of F. B. Mowery, removed.

Helen E. Sawyer to be postmaster at New Paris, Ohio, in place of W. H. Wisman. Incumbent's commission expired February 19, 1922.

OKLAHOMA.

Guy E. Reece to be postmaster at Braggs, Okla. Office became presidential April 1, 1920.

George Rainey to be postmaster at Enid, Okla., in place of S. C. Campbell, resigned.

John M. Dorchester to be postmaster at Pauls Valley, Okla., in place of W. M. Erwin, resigned.

PENNSYLVANIA.

Elwood M. Stover to be postmaster at Kulpsville, Pa. Office became presidential October 1, 1920.

Mabel M. Myer to be postmaster at Ronks, Pa. Office became presidential January 1, 1921.

Elwood S. Rothermel to be postmaster at Fleetwood, Pa., in place of O. M. Koller. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

Lottie G. Myers to be postmaster at Pamplico, S. C. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Arthur H. Siem to be postmaster at Clark, S. Dak., in place of H. B. Brown. Incumbent's commission expired January 31, 1922.

Thomas J. Dolin to be postmaster at Camp Crook, S. Dak. Office became presidential January 1, 1922.

TENNESSEE.

John V. Allmon to be postmaster at Gleason, Tenn., in place of G. P. Brummitt. Incumbent's commission expired July 25, 1921.

TEXAS.

Alfred R. Vernon to be postmaster at Hermleigh, Tex. Office became presidential April 1, 1921.

Robert M. Hazelwood to be postmaster at Leander, Tex. Office became presidential January 1, 1921.

John C. Wood to be postmaster at Big Sandy, Tex., in place of J. C. Wood. Incumbent's commission expired January 24, 1922.

Florence M. Geyser to be postmaster at College Station, Tex., in place of W. C. Boyett. Incumbent's commission expired July 21, 1921.

William F. Viereck to be postmaster at Sealy, Tex., in place of Lon Davis. Incumbent's commission expired January 24, 1922.

Don A. Parkhurst to be postmaster at Tahoka, Tex., in place of J. B. Walker, resigned.

VIRGINIA.

Robert Irby to be postmaster at Appomattox, Va., in place of L. F. Ferguson. Incumbent's commission expired July 21, 1921.

Le Roy Jester to be postmaster at Chincoteague Island, Va., in place of I. H. Savage. Incumbent's commission expired January 24, 1922.

WASHINGTON.

Martha M. Juvenal to be postmaster at Kahlotus, Wash. Office became presidential January 1, 1922.

Richard A. McKellar to be postmaster at Cashmere, Wash., in place of Archie Manson. Incumbent's commission expired January 24, 1922.

Paul W. Thiele to be postmaster at Grandview, Wash., in place of A. E. Sykes. Incumbent's commission expired January 24, 1922.

Frederick J. Fleischer to be postmaster at Prescott, Wash., in place of R. B. Smith. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Paul W. Schuette to be postmaster at Ableman, Wis. Office became presidential January 1, 1921.

Reginald E. Caves to be postmaster at Dalton, Wis. Office became presidential October 1, 1921.

Henry A. Elmer to be postmaster at Maribel, Wis. Office became presidential April 1, 1921.

Charles Brown to be postmaster at Montello, Wis., in place of D. W. McNamara. Incumbent's commission expired June 29, 1920.

WYOMING.

W. Leroy Call to be postmaster at Afton, Wyo., in place of J. A. Mecham. Incumbent's commission expired March 8, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1922.

POSTMASTERS.

GEORGIA.

Jacob S. Eberhardt, Carlton.
Robert T. Broome, Danielsville.
Marcus G. Keown, Mount Berry.
Mattie M. Pope, Omaha.
William V. Cobb, Smyrna.
Annie P. Harper, Stillmore.

KANSAS.

Charles Friskel, Frontenac.

MISSOURI.

C. P. Dorsey, Cameron.
Florence Gilkeson, Garden City.

NEW MEXICO.

Cassius G. Mason, Hagerman.

OHIO.

Charles L. Oberlin, Mineral City.
John H. Siegle, Urbana.

OKLAHOMA.

Robert C. Mayfield, Glencoe.
Cora B. Scott, Milburn.
Roy A. Hoffman, Seminole.
James S. Biggs, Stuart.

PENNSYLVANIA.

Charles E. Ehrhart, Dallastown.
Ed D. House, Pleasantville.
Ralph W. Marshall, Polk.
Wilbur C. Taylor, Port Royal.
George F. Klinefelter, Shrewsbury.
Mame E. Hughes, Ward.

VIRGINIA.

Charles R. Coakley, Arrington.
Philip B. Nourse, East Falls Church.
James F. Walker, Fort Defiance.
Winer Owens, Haymarket.
Homo D. Gleason, Lovingston.
Ann E. Copps, Schuyler.
Emeline P. Lacy, Scottsburg.
Bernard W. McGinnis, Shipman.
Eva C. Hudson, Tye River.
Benjamin A. Dratt, Woodford.

WEST VIRGINIA.

Sewell J. Champe, Montgomery.
Justus E. McCaskey, Paden City.
Wendell Evans, Winona.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 17, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, behold what manner of love the Father hath bestowed upon us! Thou art the supreme certainty of our faith and the supreme comfort of our souls. How we bless Thee that life is ever lord of death! Through summer's day and winter's night we believe that the Judge of all the earth will do right. Let us take loyal hold of life and work and thus we shall be trained to be idle with safety. For Thy mercy's sake forgive our faults and failings. As destinies have been intrusted to us, O lead us on that we fail not. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, April 15, 1922, was read and approved.

ADDITIONAL JUDGES.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9103, a bill providing for the appointment of judges, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table a bill, disagree to the Senate amendments, and ask for a conference, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9103) entitled "An act for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, and to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes."

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, permit me to ask the gentleman if he has conferred with minority members of the Judiciary Committee about this matter before making his request?

Mr. VOLSTEAD. I have talked with the gentleman from Texas [Mr. SUMNERS], whom I expect to put on the conference, with the consent of the Speaker, and it is entirely agreeable to him, so far as I know. I understood that he was not very well a day or two ago. I expect he will be here and ready to participate, however.

Mr. GARNER. Let me ask the gentleman, Does he state definitely to the House that he has spoken to the gentleman from Texas [Mr. SUMNERS], who is going on the conference with him, concerning bringing up this bill at this time?

Mr. VOLSTEAD. Not at this time. I had a conversation with him in reference to it and told him I expected to ask the Speaker to put him on the conference.

Mr. DOMINICK. Mr. Speaker, further reserving the right to object, this report, as I understand it, has been on the Speaker's table for probably a week, and all that I know about it is that the matter was informally discussed at a meeting of the Judiciary Committee a few mornings ago—on one morning of last week. As I understand it, there have been some very radical changes made in the House bill and that it is practically a different bill. Therefore I believe before this matter goes to conference it ought to be referred to the Committee on the Judiciary. And as there has been no arrangement as to referring it to the conference at this time, I shall be forced to object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 854. An act to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture.

The message also announced that the Senate had passed with amendments the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, had insisted upon its amendments, had requested a conference with the House, and had appointed Mr. COLT, Mr. DILLINGHAM, and Mr. KING as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10864. An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer Rebellion and are patients of the United States Veterans' Bureau; and

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 854. An act to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture; to the Committee on Claims.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. To-day is set apart for consideration of bills on the Calendar for Unanimous Consent. The Clerk will call the first bill on the calendar.

LANDS IN FORT FETTERMAN MILITARY RESERVATION, WYO.

The first business in order on the Calendar for Unanimous Consent was the bill (H. R. 10002) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10002) to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming.

Be it enacted, etc., That the provisions of section 2455 of the Revised Statutes of the United States be, and the same are hereby, extended to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming, which were restored to entry under the homestead laws only by the provisions of the act of July 10, 1890 (26 Stat. L. p. 227), and the act of December 22, 1892 (27 Stat. L. p. 408): *Provided*, That sales of land in said abandoned military reservation heretofore made in good faith under assumed authority of section 2455 of the Revised Statutes be, and are hereby, confirmed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LAKE GEORGE, YAZOO COUNTY, MISS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice and take its place on the calendar. Is there objection?

There was no objection.

MESCALERO RESERVATION INDIANS, NEW MEXICO.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6294) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, I ask that the bill be passed without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

SALE OF PITTSBURGH STORAGE SUPPLY DEPOT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10925) to authorize the Secretary of War to sell real property known as the Pittsburgh storage supply depot, at Pittsburgh, Pa.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10925) to authorize the Secretary of War to sell real property known as the Pittsburgh storage supply depot, at Pittsburgh, Pa.

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to sell at either public or private sale, upon terms and conditions deemed advisable by him, the land and improvements thereon erected, situated in the city of Pittsburgh, State of Pennsylvania, lying between Thirty-ninth Street, Fortieth Street, Butler Street, and the Allegheny River in said city, comprising an area of approximately 19⅔ acres, and also a certain parcel of land in said city of Pittsburgh located at the northwest corner of Geneva Street and Forty-fourth Street, comprising approximately one-half acre, together with easements and rights of way leading thereto, all of which said property is generally known as the Pittsburgh storage and supply depot, and to sell the same as a whole or in parcels, as the Secretary of War may determine, and to execute and deliver in the name of the United States and in its behalf any and all deeds or other instruments necessary to effect such sale.

SEC. 2. That all moneys received as the proceeds of such sale, after deducting the necessary expenses connected therewith, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk proceeded to read the bill H. R. 10772.

Mr STAFFORD. Mr. Speaker, as to the bill that was just passed, I do not know what the printed copy in possession of the Clerk shows, but I notice on page 2, line 6, a typographical error. The word "many" should be changed to "may." I do not know what the bill in possession of the Clerk shows.

The SPEAKER. Without objection, the proceedings are vacated, and the amendment offered by the gentleman from Wisconsin is agreed to.

The amendment on page 2, line 6, to change the word "many" to "may" was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAINTENANCE OF INCOMPETENT INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10772) providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family, shall be a charge against the said Indian or his estate.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I have no objection to the bill, but I notice in the report the committee adopts the recommendation of the Secretary of the Interior, but fails to include it in the printed bill. I would like to inquire of some member of the Committee on Indian Affairs if that was merely an oversight?

Mr. MANN. That was just an error in handing in the copy.

Mr. STAFFORD. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in extending relief to any incompetent or restricted Indian, as provided by law, either in furnishing food, clothing, fuel, medical or hospital care, or other necessary assistance, or to the members of the family of any such Indian, to charge the actual cost of the relief so extended to such Indian.

SEC. 2. That any amount expended and charged against any Indian as herein provided may be reimbursable and paid from any funds that may accrue to the credit of such Indian, and, in case of death, any part of the amount so charged remaining unpaid may be paid from the proceeds of the sale of any property or from any funds belonging to the estate of such Indian.

Mr. STAFFORD. Mr. Speaker, I wish to offer the following amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 1, line 9, after the word "Indian," strike out the period and insert "in his discretion and under such rules and regulations as he may prescribe."

Mr. BURTNESS. Is that the committee amendment included in this report?

Mr. STAFFORD. Yes.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

STATUE OF EDMUND BURKE.

The next business on the Calendar for Unanimous Consent was the resolution (S. J. Res. 165) authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to inquire if the gentleman from Ohio knows where it is intended to erect this statue?

Mr. FESS. I have no definite information as to where it would be located. I presume the Fine Arts Commission would be consulted as to the best place.

Mr. MANN. Usually I think it has been the practice in recent years to know in advance where they propose to locate a statue. I am not going to object to this resolution, but there have been times when, having acquired authority like this, they have put up statues in places where they had no business to be, and it has been customary, I think, for quite a number of years to receive that information before we actually pass a bill of this kind.

Mr. FESS. I think perhaps the information was given to the gentleman from Massachusetts [Mr. LUCE], who is not present.

Mr. WALSH. My colleague from Massachusetts [Mr. LUCE] has just come in.

Mr. FESS. The question has been asked as to the location of this proposed statue.

Mr. LUCE. I do not think that matter has been considered.

Mr. MANN. I was just saying to the gentleman from Ohio [Mr. FESS] that in recent years it has been the practice, I think, of the Committee on the Library to ascertain where it was proposed to locate a statue before a resolution was passed. I am not going to object to the consideration of this resolution, but we have had difficulty at times in the past.

Mr. LUCE. The question has not arisen since I have been a member of the committee, and I was not aware that there was any occasion for it.

Mr. MANN. I am aware of the fact that since the gentleman from Massachusetts became a member of the committee the only resolutions passed were for statues already constructed. It is a good thing, however, to know in advance.

Mr. LUCE. I appreciate the suggestion of the gentleman, and I am very glad to have this called to my attention.

Mr. WALSH. Does not my colleague from Massachusetts think it would be well for Congress to have some idea as to where this statue is to be placed before the resolution is passed? Would it not be best to postpone consideration of this resolution until some information is obtained as to where they will place this statue?

Mr. LUCE. I have no objection to that. The restriction here is that the statue shall be placed somewhere other than in the grounds of the Capitol, of the Library of Congress, of Potomac Park, and of the White House. I had not expected that we should be asked to go that far.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. FESS. We can get that information, I think. The Library Committee has the call on Calendar Wednesday.

Mr. MANN. You would not have any trouble, probably, in passing it by unanimous consent. No indication is given as to where they want the statue erected. The people who want to erect statues always want the very best place in the District of Columbia. Perhaps they ought not to have it, and it is a little difficult at times to resist the pressure.

Mr. LANGLEY. Mr. Speaker, will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. LANGLEY. I understand the general rule is not to name the location in the act authorizing the erection of the monument. That was true in the case of the Grant Memorial and also in the case of the Meade Monument.

Mr. MANN. That was true in the case of the Grant Memorial, and where a great majority of this House earnestly protested against the location.

Mr. LANGLEY. I think that is true, and I hope this monument will not be erected in the Botanic Garden.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman allow me to interject a statement?

Mr. MANN. Yes.

Mr. COOPER of Wisconsin. The Grant Monument was located by a commission—at least, they suggested it—and the head of that commission was Elihu Root, of New York.

Mr. Howard, a distinguished Democratic Member from Georgia, brought in an adverse report opposing a resolution to change the location and supporting the suggestion of Senator Root and the rest of the commission, and it went through this House by a large majority.

Mr. MANN. This House voted by a large majority to change the location of the Grant Monument after it had been started. That is the fact.

Mr. REED of New York. What is the rule with reference to these locations? Does the Fine Arts Commission now have the entire say with reference to that?

Mr. MANN. They are consulted.

Mr. REED of New York. And then is the matter submitted to the House?

Mr. MANN. The Chief of Engineers, which at the present time means, I suppose, Colonel Sherrill, as good a superintendent of Public Buildings and Grounds, perhaps, as we ever had, makes the selection.

Mr. REED of New York. After he makes the selection, is the matter submitted to the House at all?

Mr. MANN. It is not.

Mr. STAFFORD. The proviso with which the gentleman is acquainted leaves the selection of the site subject to the approval of the Joint Committee on the Library of Congress, with the advice of the Fine Arts Commission, so the Joint Committee on the Library has the final say before the permanent site is finally selected.

Mr. LUCE. I had the understanding that in any case it was within the jurisdiction of the Committee on the Library.

Mr. WALSH. Mr. Speaker, I will not object, I withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission to the Sulgrave Institution for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, District of Columbia, other than those of the Capitol, the Library of Congress, Potomac Park, and the White House, of a monument to the memory of Edmund Burke, champion of American liberty: *Provided*, That the site chosen and the design of the memorial shall be approved by the Joint Library Committee of Congress, with the advice of the Commission of Fine Arts, and it shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of said monument.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

The SPEAKER. The Clerk will report the next bill.

SECTIONS 5549 AND 5550 REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. VOLSTEAD. I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

EDUCATIONAL LEAVE TO EMPLOYEES OF THE INDIAN SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9814) amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I rise to inquire of the gentleman from North Dakota [Mr. BURTNESS], who reported the bill, as to whether these teachers in the employ of the Indian Service are annual employees or are they merely seasonal employees during the period of instruction?

Mr. BURTNESS: They are annual employees.

Mr. STAFFORD. So whether they are granted this additional 30 days' leave or not in addition to the 30 days that all Government employees have, they will receive their salaries, regardless of whether they are at home, at the school, or whether they are at some institute receiving special educational training?

Mr. BURTNESS. That is not exactly the situation. They receive the regular annual leave of 30 days that all employees receive. Then, in case they desire to attend some teachers' institute or take a course of instruction, they may now have 15 days' additional leave, but only in the event that they take a course of that sort. The purpose of this bill is to increase that educational leave from 15 days to 30 days.

Mr. STAFFORD. Are these Indian teachers paid on a 12 months' basis or paid for the period that they are actually instructing?

Mr. BURTNESS. They are paid on a 12 months' basis, the same as any other permanent employees of the Government are paid. They receive now one month's vacation, the same as any other Government employee does, with the additional provision that if they desire to take a course of instruction at some institute they get 15 days' additional educational leave, for which they are paid.

Mr. STAFFORD. But even now if they do not take that 15 days' educational leave, they would not be employed at the schools, but would be more or less resting?

Mr. BURTNESS. They would have to be at the schools.

Mr. STAFFORD. The traveling expenses connected with their going to these educational summer schools are borne by the teachers themselves?

Mr. BURTNESS. By the teachers themselves.

Mr. STAFFORD. I withdraw the reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the proviso of the act approved August 24, 1912 (37 Stat. L., p. 519), allowing educational leave to employees of he Indian Service, is hereby amended by striking out the word "fifteen" in the sixth line of the sixth paragraph of said act, and inserting in lieu thereof the word "thirty," so that the proviso shall read: "*Provided*, That hereafter employees of the Indian schools may be allowed, in addition to annual leave, educational leave not to exceed 30 days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred."

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. BURTNESS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS SAVANNAH RIVER NEAR HAILEYS FERRY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10240) to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read as follows:

Be it enacted, etc., That the time for commencing and completing the construction of a bridge authorized by act of Congress, approved March 4, 1921, to be built by J. J. Smith and J. E. McGee, both of Starr, S. C., across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DOMINICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

RATES OF POSTAGE ON CERTAIN KINDS OF PRINTED MATTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6954) fixing rates of postage on certain kinds of printed matter.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I notice that the gentleman from Minnesota [Mr. STEENERSON], chairman of the Post Office Committee, is present. When I first read this bill I thought the purpose of it was to permit publishers of newspapers to print large numbers of additional sheets and send them in bulk through the mail at second-class rates to be distributed by private establishments that had inserted the advertisements reprinted on the additional sheets. On reading the report it shows that that is not the purpose of the bill, but it is a question in my mind whether the phraseology would not permit the sending of large numbers of single sheets through the mails at the second-class rate instead of the higher third-class rate. The language of the bill is—

That single sheets or portions thereof from any publication entered as second-class matter sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the zone rates of postage applicable under the law to the advertising portions of such second-class matter.

Would not that language "single sheets" in the plural permit the publisher to send not only one sheet but many sheets through the mail at second-class rates? I have had a little experience in campaigns where it was very serviceable to have full-page advertisements reprinted in the same type for distribution among the voters.

Mr. STEENERSON. I do not think this bill authorizes that.

Mr. STAFFORD. It seems to me the phraseology is broad enough to bear that construction. Would not the purpose of the bill be obtained by amending so as to provide in the singular that a single sheet or portion thereof from any publication entered as second-class matter might be sent at second-class rates?

Mr. STEENERSON. The author of the bill [Mr. SUMMERS of Washington] is here, and perhaps he can answer the gentleman better than I can.

Mr. SUMMERS of Washington. What was the gentleman's question?

Mr. STAFFORD. I have no objection to the purpose of the bill as reflected in the report. The objection I had in mind was the phraseology, which I fear will bear the construction permitting the publisher of the newspaper to send at second-class rates large numbers of advertising sheets that might be demanded, whereas now they go at third-class rates. The phraseology is—

that sheets or portions thereof from any publication entered as second-class matter sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement.

Mr. SUMMERS of Washington. That latter part makes the purpose certain.

Mr. STAFFORD. It might be qualified and limited to one. Would not the publisher have the idea that many might be sent? I admit that it is a strained construction, but I think it can bear that construction.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. MANN. The job printer sends printing through the mail at third-class rates. The gentleman thinks it might be possible for the job printer who owned a newspaper to print advertisements in the newspaper and send the advertisements at second-class rates.

Mr. STAFFORD. Yes; in large numbers.

Mr. MANN. Well, we all know if it is possible to do it it will be done.

Mr. STAFFORD. There is no question about that.

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. Is not this another attempt to lower the rates of postage on second-class matter?

Mr. STAFFORD. No; its purpose is to send one single advertising sheet in an envelope rather than the paper or magazine which contains the individual or the firm's advertisement.

Mr. WALSH. It goes at a lower rate of postage.

Mr. STAFFORD. You do not have to send the whole paper.

Mr. MANN. It permits the sending of a part of a paper instead of sending the whole.

Mr. STAFFORD. Under the existing rules and regulations any publisher may send out a sample copy of a publication and has a right to send one or several copies at second-class rates to the persons or firms who order the insertion of the advertisement.

Mr. MANN. This bill provides that this shall be done under rules and regulations of the department. Does the gentleman think there is any danger at all of the department allowing large quantities of job printing to be sent through the mail at second-class rates?

Mr. STAFFORD. Not large quantities, but the way publishers make up and ship the second-class matter it is impossible for the department to keep a very close surveillance over the publications inclosed in the sack. The publisher could without detection by the postmaster ship large quantities, because they are dispatched to the terminals, especially in the cities, in sacks, and there could be many advertisements go at second-class rates. I thought that might be obviated by authorizing it in the singular; that a single sheet or portion thereof from any publication entered as second-class matter, and so forth.

Mr. SUMMERS of Washington. If the gentleman will permit me, instead of littering up the mails with something that is of no profit to the Government, they would be sending single sheets at the end of the week or the end of the month. If we adopt the suggestion of the gentleman from Wisconsin, it would make it necessary to send them every day. If there is any other amendment which the gentleman thinks would make it more certain, I would be willing to adopt it.

Mr. STAFFORD. If we adopt the singular instead of the plural, wherein would it necessitate the publication being sent every day instead of at the end of the week? The single sheet from any publication of second-class matter could be sent at the end of the week or the end of the month.

Mr. SUMMERS of Washington. If it could be so construed, there would be no objection.

Mr. MANN. But if the law provides that the singular shall be construed as the plural and the plural as the singular in all statutes, I do not think it would make any difference.

Mr. STAFFORD. I simply desire to obviate any abuse that might arise by shipping large numbers of advertising sheets——

Mr. SUMMERS of Washington. That is not the purpose of the bill.

Mr. STAFFORD. I know; I so stated at the beginning.

Mr. SUMMERS of Washington. It applies only to second-class matter, and it must be passed on by the Post Office Department, and under rules and regulations issued by them. This is a double check.

Mr. STAFFORD. Mr. Speaker, I am not certain that it will not be subject to abuse, but it is left to the Postmaster General to prevent any abuse that might arise, and I will withdraw my reservation of an objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That single sheets or portions thereof from any publication entered as second-class matter shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails by the publisher to his advertisers or their agents at the zone rates of postage applicable under the law to the advertising portions of such second-class matter.

With the following committee amendments:

On page 1, line 4, after the word "matter," insert "sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement."

And, in lines 6 and 7, strike out the words "by the publisher to his advertisers or their agents."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WAPATO IRRIGATION PROJECT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9951) to amend section 28 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, this is an amendment to a section of the existing law. The existing law provides, page 2 of the bill, that the Secretary of the Interior be authorized and directed to collect on or before December 31 of each calendar year hereafter, including 1920, from landowners a certain amount per acre. The bill under consideration seeks to change that so as to read 1922, and it supersedes entirely the present law. What are you going to do about the dues for 1920 and 1921, which have not been collected?

Mr. SUMMERS of Washington. That is fully provided for in the bill.

Mr. MANN. Oh, no; it is not. It is fully provided in the law that you collect for each calendar year, including 1920, but when you amend that law so as to read 1922, that leaves no authority to collect for 1920 and 1921.

Mr. SUMMERS of Washington. Does not the language in line 19 cover that? It there provides that as to any unpaid amount due for the years 1920 and 1921 the Secretary of the Interior——

Mr. MANN. Is authorized to grant an extension of time, but he is not authorized to collect the amount due.

Mr. SUMMERS of Washington. An amendment offered by the gentleman to cover that point will be satisfactory, if it is not thoroughly covered.

Mr. MANN. I wondered if it ought not to be left, so far as time is concerned, as it is in the existing section. Undoubtedly whoever drafted the bill thought that providing for 1922 would be sufficient, because the amendatory law would not be passed until 1922. There is another suggestion I desire to make. The section of the appropriation act had three paragraphs which are not in this bill at all, and if this bill is passed those three paragraphs will be entirely eliminated from the law. I am quite confident that is not the desire of the gentleman.

Mr. SUMMERS of Washington. Those paragraphs provide for an appropriation which was expended two years ago.

Mr. MANN. I think they provided for a good deal more than that, if my recollection serves me correctly. I looked it up. I do not remember what the paragraphs are, but I know that my impression was when I read the language that it was not the intent to repeal them. Of course I might be mistaken about that. I think the gentleman had better look that up.

Mr. SUMMERS of Washington. I did look it up at the suggestion of the gentleman some time ago, and I was of the opinion that that covered only an appropriation which has already been expended.

Mr. MANN. If the gentleman has looked it up, I am perfectly satisfied. I had forgotten that I spoke to the gentleman about it.

Mr. SUMMERS of Washington. It amends only following the words:

And provided further, etc.

Mr. MANN. But this amends the section to read "as follows," and anything that is not in this bill which is in the existing section is left out when this bill becomes a law.

Mr. BURTNESS. Does it not amend simply that portion which is in the section following the words "and provided further"?

Mr. MANN. Oh, the three paragraphs I speak of are following those words.

Mr. WALSH. Mr. Speaker, what is the necessity for reducing the amount paid to $2.50 an acre per annum from $5?

Mr. SUMMERS of Washington. This amount was fixed at $5 a few years ago, rather arbitrarily, and at a time when the farmers were very prosperous. They were producing good crops and receiving good, high prices. Before the first payment fell due, however, the bottom dropped out of the prices of agricultural products, and the men who had gone onto this project had invested everything and found it difficult—in fact, almost impossible in some cases—to continue operations. Then, under the irrigation law the repayments are supposed to be distributed over a period of 20 years. This brings it down to not to exceed 12 years, which would still be 8 years less than the other projects, and this project, of course, should not be discriminated against in that manner.

Mr. WALSH. If they have three or four prosperous years in 1925, 1926, and 1927, are they coming back here with a bill to raise the rate again?

Mr. SUMMERS of Washington. If this bill becomes a law, they are not coming back to make any changes or reductions. I trust the gentleman will not object to the consideration of this bill.

Mr. MONDELL. What is the total construction charge of this project per acre?

Mr. SUMMERS of Washington. Something over $30.

Mr. MONDELL. It is from one-half to one-third of the total construction charge of the irrigation projects generally, and this is perhaps the best alfalfa section in the Northwest.

Mr. SUMMERS of Washington. It is a very good project. There is no question about that, and they are repaying. This is one project that is repaying. They are making desperate efforts to do so.

Mr. MONDELL. How much have they repaid on this perfectly splendid project?

Mr. SUMMERS of Washington. The project is not completed yet, but we passed a law——

Mr. MONDELL. Oh, the man who is on his land and has it under irrigation and is getting his water does not care much whether there is some storage still to be constructed at public expense somewhere up in the mountains, which is the case in respect to this particular project. So far as he is concerned, his part of the project is constructed, and he is getting the benefit.

Mr. SUMMERS of Washington. From the time we called on them for repayment two years ago the majority have been making repayments. This bill came out a little earlier to-day than I expected, and I have not those figures before me. They were gone into by the committee. The bill once passed the Senate, but was dropped in conference in order that it should be considered and come from the Indian Committee. They have considered it and have held hearings on it, and the chairman, who is not especially disposed to the consideration of the matter, has made a very favorable report upon the bill.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. SUMMERS of Washington. Yes.

Mr. BURTNESS. In response to the question asked by the gentleman from Massachusetts [Mr. WALSH], I think it might be well to emphasize the fact that since the original bill was passed the prices of farm products have decreased 50 per cent, so that——

Mr. WALSH. That is an argument against the bill.

Mr. BURTNESS. So at that time it was very much less than it is now. As a matter of fact, in providing for the amount suggested in this bill as recommended, the entire project will be paid off in less than 20 years.

Mr. WALSH. If that is the entire argument the gentlemen are raising in behalf of this bill, I am going to object.

Mr. BURTNESS. It is one of the reasons that appealed to the committee to allow a smaller amount, because the rental value of the land is less than it was during war times.

Mr. WALSH. What has the rental value got to do with it?

Mr. BURTNESS. The rental value, generally speaking, on any project, whether it is operated by the man who farms it himself or it is leased out to some one, surely determines how much you can pay from the proceeds of the land, whether it be a case of farm land, or a residence, or something else.

Mr. SUMMERS of Washington. Will you permit me to say at this time that the farmers on this project are mortgaging their this year's crops in order to get the water turned on for this present season? Now, that is actually taking place at this time. Otherwise presumably the land would have to lie idle. Repayment charges can not be met, with it lying idle. They have to have the water. The season is on. I know this from correspondence.

Mr. WALSH. Will the gentleman yield for a question?

Mr. SUMMERS of Washington. Yes.

Mr. WALSH. How many other projects will be affected if this legislation is enacted?

Mr. SUMMERS of Washington. I do not know of any other. I do not know of any other that was placed on the same basis as this one. The amount was fixed arbitrarily, as I say, at a time just before the agricultural conditions changed, and it is a fact that many of these people are having to mortgage their this year's crop in order to get water so as to grow a crop this year. Now, this does not sacrifice anything. They pay interest on their charges that are carried over. They have to pay the

full amount that has been assessed, of $5 per annum on the past two years, if they have not already paid it. Most of them have. And they have to pay the charge fixed annually straight through, and they finish paying, instead of in 20 years, in a period of not to exceed 12 years.

Mr. WALSH. Well, of course, if they have another crop failure this year, it will not make any difference whether it is $2.50 an acre or $5.

Mr. SUMMERS of Washington. I beg the gentleman's pardon. They have not had a crop failure, but the price they received for their alfalfa was below the actual cost of production during two years. That is what put them in this condition. These are good citizens, who are working hard and trying to comply with the law, but alfalfa at low prices has to be shipped long distances, with high freight rates, and they were able to realize only $4 or $5 a ton, whereas they usually get about $10 or $12 on the ranch. Such conditions undoubtedly are not going to prevail in the future.

Mr. WALSH. Will the gentleman tell me if the words in lines 16, 17, and 18, reading "shall be available for expenditure under the direction of the Secretary of the Interior for continuing construction work on the said system" are part of the present laws?

Mr. SUMMERS of Washington. As I understand it; yes.

Mr. WALSH. That is not new phraseology?

Mr. SUMMERS of Washington. I do not think so.

Mr. WALSH. Well, I think this matter ought to be passed without prejudice. But if the gentleman feels confident that the three paragraphs which the gentleman from Illinois has directed his attention to, which have been omitted from this amended proviso, are not material to the operations of the law, I will not object, but this is establishing a precedent that I think we will be called upon to follow here a little later on by bills being introduced covering these other projects. Every time they have a high wind or a cloud of grasshoppers Uncle Sam will have to come in and lower the rates.

Mr. SUMMERS of Washington. I think I can assure the gentleman that will not be the case.

Mr. STAFFORD. Reserving the right to object, then I understand the gentleman deems it advisable to follow the suggestion of the gentleman from Illinois [Mr. MANN] that it will be necessary to change the amending phraseology so as to read in line 3, page 1, in the last proviso of section 22——

Mr. MANN. Oh, no.

Mr. STAFFORD. The last proviso.

Mr. MANN. No. This only provides for an amendment of that part of the section following the words "*And provided further.*"

Mr. STAFFORD. That part following the paragraph, as the gentleman pointed out, contains three other distinct matters.

Mr. MANN. I understand. That may be repealed.

Mr. STAFFORD. Maybe that money is desirable for further work and it is not intended to be repealed.

Mr. MANN. I spoke to the gentleman from Washington about it some time ago, and he says he looked it up.

Mr. SUMMERS of Washington. So far as that appropriation is concerned, it has been expended.

Mr. STAFFORD. Of course, by just merely changing a word in line 3, page 1, as to the last proviso of section 22, the gentleman does not take any risk at all.

Mr. SUMMERS of Washington. It is agreeable.

Mr. STAFFORD. I do not want to interpose my view if the gentleman says that the money has been expended.

Mr. MANN. The money has been expended, but likely there are bills that have not been paid.

Mr. STAFFORD. But the money may have been obligated and not paid out of the Treasury.

Mr. SUMMERS of Washington. In 1920.

Mr. STAFFORD. And, if so, the money can be expended two years after the fiscal year 1921. I would suggest that in line 3 the gentleman insert "the last proviso of section 22 of an act," because it is the proviso that is being amended, and then there would be no doubt whatsoever of the following three appropriating sections remaining in the bill.

Mr. SUMMERS of Washington. Will the gentleman please repeat his suggestion?

Mr. STAFFORD. Page 1, line 3, after the word "That," insert "the last proviso of."

Mr. HOCH. If that were done, you ought to change the words further on.

Mr. MANN. Yes. That would require another amendment on page 2.

Mr. HOCH. Would it not be well to place after the word "that" the words "section of"?

Mr. STAFFORD. And then strike out in line 3, page 2, as suggested, the following: "Following the words, '*And provided further.*'" It is the last proviso of section 22. Now, we are amending the last proviso.

Mr. HOCH. That would be agreeable.

Mr. STAFFORD. So that the way to really amend it as desired by the gentleman from Washington [Mr. SUMMERS] without doing violence to the other three sections that are not intended to be amended——

Mr. HOCH. I think if the gentleman will read further he will find there is another proviso to that section.

Mr. STAFFORD. Yes. There is another proviso, but it does not contain the words "*Provided further.*" There is a proviso in the paragraph following.

Mr. MANN. Then that would not be the last proviso in the section.

Mr. STAFFORD. It would be the last proviso in the section.

Mr. MANN. Not if there is another proviso there.

Mr. HOCH. Why would not my suggestion meet the situation? There is only one place where it was not provided for. Insert in line 3, after the word "That," the words "portion of," so that it will read "That portion of section 22."

Mr. STAFFORD. That is a good suggestion.

Mr. MANN. All the rest of the section follows those words.

Mr. HOCH. Then there is nothing further there to be amended.

Mr. MANN. If there is nothing further it requires no amendment.

Mr. WALSH. If there is any question about it, it ought to be passed over without prejudice, so as to give time to consult the existing law.

Mr. SUMMERS of Washington. I hope the gentleman will not object. I do not think it omits anything that refers to an appropriation. I trust the gentleman will not interfere.

Mr. BURTNESS. It is one of the up-to-date communities.

Mr. WALSH. You would reduce the rate and save money.

Mr. STAFFORD. Would not this suggestion overcome all the difficulties, "That the last proviso of the eighth paragraph of section 22 of an act," and so forth? It is the eighth paragraph. There is no question about that. We have the statute before us. It is the eighth paragraph. Does the gentleman from Massachusetts withdraw his objection?

Mr. WALSH. Yes.

Mr. SUMMERS of Washington. Mr. Speaker, he withdraws his objection.

Mr. STAFFORD. Question, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 28 of "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921, pertaining to the collection of charges from landowners on the Wapato project of the Yakima Indian Reservation, Wash. (41 Stat. L. 431), following the words "*And provided further,*" be amended to read as follows:

"That the Secretary of the Interior is hereby authorized and directed to collect on or before December 31 of each calendar year hereafter, including 1922, from landowners other than Indians under the said system the sum of $2.50 per acre for each acre of land to which water for irrigation purposes can be delivered from the said system, which sum shall be credited on a per acre basis in favor of the land in behalf of which it shall have been paid and be deducted from the total per acre charge assessable against said land when the amount of such total charge can be determined, and the total amount so collected, including any money collected from Indian allottees, shall be available for expenditure under the direction of the Secretary of the Interior for continuing the construction work on the said system.

"That upon the failure of any landowner to pay annually the construction charge as herein provided within the year within which it is chargeable, and as to any unpaid amounts due for the years 1920 and 1921, the Secretary of the Interior, in his discretion, is hereby authorized to grant an extension of time within which such payments may be made for such time and upon such terms, including interest charges, as he may determine, and under such rules and regulations as he may prescribe: *Provided*, That no extension for the payment of any amount due for the years 1920 and 1921 shall in any event be extended beyond January 1, 1925."

With committee amendments as follows:

Amend page 1, line 3, after the word "Section," by striking out the figures "28" and inserting in lieu thereof the figures "22."

Amend page 2, line 19, after the word "That," by striking out the words "upon the failure of any landowner to pay annually the construction charge as herein provided within the year within which it is chargeable, and."

Amend the title so as to read: "A bill to amend section 22 of an act approved February 14, 1920, entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes,' for the fiscal year ending June 30, 1921."

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. MANN. Mr. Speaker, it seems to me, I will say to the gentleman, that you ought to change "1922," in line 7 of page 2, to "1920," and not strike out the language in lines 19 and 20 and 21. You have got to establish that there is a construction charge for those two years of 1920 and 1921. That has to be a statutory construction. If you follow the existing law as to that, you establish that construction charge. Then, in lines 19, 20, and 21, you provide that on the failure to pay the amount of that construction charge for the years 1920 and 1921 the Secretary shall extend the time. You accomplish your purpose, but leave the liability for the payment of this construction charge. I know that no one wants to avoid that liability.

Mr. SUMMERS of Washington. They are given an extension of time in which to pay it.

Mr. MANN. The construction charge is changed by this bill for those years. It would be changed to $2.50. You do not want to do that.

Mr. SUMMERS of Washington. I will say that it was not the intention of the bill to change any charges that accrued prior to this time. If that should be changed to 1920——

Mr. MANN. If it were to be changed to 1920, of course, it would make a construction charge for those two years, $2.50. If it is left out, I am inclined to think there will be no construction charge payable at all for these two years, because there is no authority for doing it.

Mr. WALSH. Would not the better way be to add the proviso to the proposed amendment to cover the years 1920 and 1921?

Mr. MANN. I expect it would be. Now, what is the construction charge against the Indian?

Mr. SUMMERS of Washington. There is no definite charge. They simply collect as rapidly as they can from the Indians. That is the policy. But it is a definite charge against the whites.

Mr. MONDELL. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. MONDELL. We are amending a statute which now provides for charges at the rate of $5 per annum, and amending it so that the charges for each year after 1922 shall be $2.50 instead of $5. It does not seem to me that that affects in any way the responsibility to pay the charges that have accrued.

Mr. MANN. Where is the authority of law for collecting it?

Mr. MONDELL. The authority is in the statute.

Mr. MANN. No. We wipe that out of the statute when we amend it. Suppose we should repeal that law. Would there be any authority to collect it?

Mr. MONDELL. There would be authority to collect it so far as sums became due while the law was in effect.

Mr. MANN. After we repealed it?

Mr. MONDELL. The gentleman is a good lawyer and I am not a lawyer at all, but——

Mr. MANN. I am not a good lawyer, but I am quite satisfied that if we authorize the collection of a sum and then repeal the authority, you can not collect it. A man would not want to pay it. I would not want to pay it if it was not due.

Mr. SUMMERS of Washington. Does the gentleman from Illinois think that should be amended to read "1920"? Do you see any other way than that?

Mr. MONDELL. If that is done, then there should not be the extension that there is in the last proviso, to the year 1925.

Mr. SUMMERS of Washington. No.

Mr. MONDELL. Because after having relieved these people from their payment for two years it is hardly fair to give them a further extension to 1925, an extension which we have not given in the case of any other reclamation project.

The SPEAKER. Is there objection?

Mr. MANN. We have passed the right to object.

Mr. STAFFORD. We wish the bill was back at the objection stage. I think all of us wish that now.

Mr. MONDELL. Mr. Speaker, I rise in opposition to the amendment. A bill similar to this was introduced in the Senate and was placed on the House bill as an amendment. It went off that bill in conference, as it should, because it was not germane to the bill which it amended. The gentleman from Washington [Mr. SUMMERS] is, of course, embarrassed by the fact that a bill of this kind was introduced in the Senate. I suppose the people in that section are under the impression that that practically meant that they were to secure the relief under the bill.

There is no finer irrigation project in the world than the Yakima. There is no portion of the Yakima which is better than the Indian section of it. There is no reclamation project in America that has been built at public expense that has been so liberally treated as this particular Indian project. There was a decision under which the Indians were granted a certain amount of the water of the river without regard to the need of other lands. An agreement was entered into under which a certain amount of water was to be diverted for the use of these lands. Later it developed that the amount of water was not sufficient. Then they secured legislation under which the general Public Treasury pays for a large portion of the storage for this project. This is the only reclamation project I know of where there is not a charge against the landowner for the entire cost of the project. So large a part of the project is charged against the Treasury that the total cost per acre to the settler is, I think, below $30, as compared with anywhere from $50 to $100 under the reclamation law projects. That difference is largely due to the fact that the Treasury bears the burden of a large portion of the expense of storing the water for the project. It is true these people paid large prices for their lands. They paid more than they would have paid otherwise because the reclamation charge was low. The value of the lands was assumed to be a certain amount.

The Federal Government was to get only so much, and then the Indian owner received the balance of the estimated value of the land. If the charge had been higher the Treasury would have been reimbursed fully, the Indian owner would have gotten less money, while the settler would have paid no more. But while the settler pays no interest on the money expended by the Federal Government, he does pay a high rate of interest on the land purchase price. The difficulty with these settlers is not the reclamation charge. It is the heavy obligation they are under to the people from whom they purchased, to whom they paid high prices, and to whom they are paying high interest charges. The legislation is very liberal. I do hope that these people will have sufficient public spirit now to meet their obligations. We hope the gentleman from Washington [Mr. SUMMERS] will return here continuously for years. He says he will not introduce another bill to reduce these charges. It is well for him to make that promise. I want to say to him that the bankers who hold the obligations of these settlers, the storekeepers to whom they owe bills, will be on his back just as heavily in the future for further reductions as they are now. The probability is that those are the gentlemen who are now pressing this matter much more than the settlers themselves. The banker in the locality who does not want to see a dollar go out of the community to help pay even a portion of the cost of these projects, the storekeeper who wants to be sure that his bill is paid, whether the Government ever gets a dollar or not, are the men who will be wanting further legislation of this kind.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Washington.

Mr. SUMMERS of Washington. I should like to say that this legislation has been asked for by the settlers, who are mortgaging their this year's crop in order to make a crop. The gentleman's statement as a general proposition may be entirely correct, but I assure him that that is not the case on the Wapato project. This legislation comes from the demand of men who have invested their all and who are trying to struggle through and make their payments and who will not come back here and ask for further reductions.

Mr. MONDELL. It is because of our very great sympathy for these men who have been having a hard time that we agree to the passage of this bill. But their hard time has not been altogether owing to low prices. They have been having a hard time because they have been held up in the prices that they paid for their lands, because they have been paying a heavy interest charge on the sums still due, and I imagine a great many of them still owe heavily on their lands.

Mr. SUMMERS of Washington. They do.

Mr. MONDELL. Those are the sources of their difficulties quite as much as low prices. I have said what I have for the protection of the gentleman from Washington [Mr. SUMMERS]. I think his constituents ought to know that these reductions and extensions are allowed because the Congress does not want to do an injustice to the settler; and yet in a case like this it is done with a very considerable reservation as to whether or not this relief will in the long run be really helpful to the settlers themselves, and whether it would not be better for them to make the effort necessary to meet these obligations within the near future.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. STAFFORD. I offer the following amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 3, after the word "that," insert "the eighth paragraph of."

Mr. MANN. What about the part of the eighth paragraph preceding the proviso?

Mr. STAFFORD. I do not intend to modify the language found on page 2—

Following the words "and provided further" be amended to read as follows.

Mr. MANN. All right; I see.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. SUMMERS of Washington. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. SUMMERS of Washington: At the end of line 19, page 2, insert "that nothing herein shall be construed to modify or release any charge that may have accrued prior to the year 1922 and"—

Mr. SUMMERS of Washington. I think that takes care of the objections raised by the gentleman from Massachusetts and the gentleman from Illinois.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I want some information out of curiosity. I would like to know what the difference is between this provision and the existing law. The existing law provides that the white landowners shall pay so much. In this you leave out the word "white" and say that the landowners other than Indians shall pay so much. What other kind of owners are there?

Mr. STAFFORD. They have Japanese on the Pacific coast.

Mr. MANN. I assume that when a man moves to change the law he has some reason for it. It may be that he has not.

Mr. SUMMERS of Washington. Suppose an Indian had come in from some other part of the United States and had purchased land there.

Mr. MANN. He would not be a white landowner.

Mr. SUMMERS of Washington. This applies to landowners who are not Indians.

Mr. MANN. The existing law fixes a charge against white landowners. In this you fix a charge against owners other than Indians. What others are there?

Mr. SUMMERS of Washington. Well, there might be a colored man; I do not know that there is. This is supposed to exclude Indians.

Mr. MANN. At whose suggestion was it put in?

Mr. SUMMERS of Washington. I think it came out of the department.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TO ISSUE TRUST AND FINAL PATENTS ON LANDS WITHDRAWN OR CLASSIFIED AS POWER OR RESERVOIR SITES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10611) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat. p. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes.

The SPEAKER. Is there objection?

Mr. McCORMICK. Mr. Speaker, at the request of the author of the bill I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

EXTENSION OF UNITED STATES BOTANIC GARDEN.

The next business on the Calendar for Unanimous Consent was House Joint Resolution 298, authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, I would like to ask the chairman of the committee if there is any other Government land south of the tract to be reserved in this bill?

Mr. LANGLEY. I think there are a few tracts not covered by this resolution.

Mr. RAKER. This is the land on the east side of James Creek Canal?

Mr. LANGLEY. Yes; it includes all that the government of the District of Columbia can at the present time conveniently turn over to the Botanic Garden.

Mr. RAKER. Does this includes the tract that runs to the Potomac River—Anacostia branch?

Mr. LANGLEY. To the War College.

Mr. RAKER. There is a strip of land on the east side of the War College that runs clear to the Potomac. Does this include the land that runs to the Potomac?

Mr. LANGLEY. No; I do not think it covers the entire tract.

Mr. RAKER. Why did you not include all the land to the end of the point?

Mr. LANGLEY. It is the intention to include it all.

Mr. RAKER. There is nothing there but a few old shacks.

Mr. LANGLEY. This takes in all of that land to which the gentleman refers.

Mr. RAKER. Let me put my question this way: Where they unload the garbage there is a strip of land on the east side of the river that runs down and makes a point, and I want to know if it includes that entire point?

Mr. LANGLEY. I think it does.

Mr. RAKER. Clear to the Potomac?

Mr. LANGLEY. I do not recall the exact point to which this line goes, but I will say that Senator FERNALD, chairman of the Senate Committee on Public Buildings and Grounds; Senator BROUSSARD, of the Library Committee; myself as chairman of the House Committee on Public Buildings and Grounds; the gentleman from Indiana [Mr. WOOD]; Col. C. O. Sherrill, in charge of public buildings and grounds; Colonel Keller, District Commissioner; General Beach, Chief of the Engineer Corps; and Director George W. Hess, of the Botanic Garden, all together went over that entire piece of property, and all reached a unanimous agreement as set forth in this resolution.

Mr. RAKER. The gentleman has been over the entire piece of property, and the end of this point is about due east from the War College.

Mr. LANGLEY. Yes.

Mr. RAKER. What I want to know is whether or not it is the intention to include that point?

Mr. WOOD of Indiana. It is. It oozes out to a very narrow point as it runs down along the land of the War College. The first contemplation was to end at the end of the dump, but this new resolution includes that on the other side of the dump, clear down to the river.

Mr. STAFFORD. Will the gentleman state the acreage in this tract?

Mr. RAKER. There must be 15 acres, about.

Mr. WOOD of Indiana. Oh, more than that.

Mr. LANGLEY. I should say 30 acres or more, now available.

Mr. WOOD of Indiana. It is of an irregular shape.

Mr. RAKER. There is a street on the east side that has two large rows of trees.

Mr. WOOD of Indiana. Yes.

Mr. RAKER. This land lies on the west side of the street where the trees are?

Mr. WOOD of Indiana. Yes.

Mr. RAKER. From the dump down to the end—that would be the south point?

Mr. WOOD of Indiana. Yes.

Mr. RAKER. What I am interested in is whether it takes that point in?

Mr. MANN. The point is in the War College grounds.

Mr. RAKER. No; it is not.

Mr. MANN. I was there this morning.

Mr. RAKER. I was there yesterday and went all over it. On the south side is where the dump is, at the end of that canal.

Mr. LANGLEY. There are several dumps there, and that is what we want to get rid of.

Mr. RAKER. At the north end of the present canal there is a place where they unload garbage on boats.

Mr. WOOD of Indiana. Yes.

Mr. RAKER. This tract of land runs south on the east side of the canal and comes to a point in the Potomac River, and what I want to know is whether or not this tract from the dump on the south takes in all of the land on to where it ends in the river?

Mr. WOOD of Indiana. That is right.

Mr. MANN. Does it join the War College grounds?

Mr. RAKER. No.

Mr. WOOD of Indiana. It is on the left side of the War College grounds looking east.

Mr. RAKER. There is a canal there between the War College and this land.

Mr. WOOD of Indiana. Yes.

Mr. RAKER. All of this land is on the east side of the canal?

Mr. WOOD of Indiana. Yes; and it is the intention to include all of what was originally a part of the James Creek Canal bed.

Mr. MANN. There are some sand operating provisions down there. Where is it from them? They are right close to the War College, where the sand boats come up.

Mr. RAKER. It is about 300 yards on farther east, onto another tract of land.

Mr. MANN. Where the sand barges come up is some distance east of the War College grounds.

Mr. LANGLEY. I will state to the gentleman that the engineers have made a blue print of it showing the metes and bounds.

Mr. MANN. Then it is a wonder they do not keep it where somebody can see it.

Mr. LANGLEY. I hope to have it here in a minute.

Mr. RAKER. What I am trying to get at is this: This point properly taken care of outside of the War College and the Speedway is one of the most beautiful places in Washington, if it is properly put in shape and used with the rest of the grounds.

Mr. WOOD of Indiana. Yes; and it is about as unsightly now as you could possibly have it.

Mr. LANGLEY. It is a disgrace to the city in its present condition.

Mr. MANN. Oh, no.

Mr. RAKER. It is a perfect slump hole of everything.

Mr. MANN. But people do not have to go there. This is land awaiting development. It is on the river front.

Mr. LANGLEY. Awaiting cleaning up.

Mr. WOOD of Indiana. If this project is carried out, it will mean the improvement of all that tract of ground which used to be a part of the James River Canal, from immediately back of the Botanic Garden clear down to the War College and beyond to the river.

Mr. MANN. The gentleman does not mean that it goes down to the river?

Mr. WOOD of Indiana. Whatever you call it, it is some sort of a creek down there.

Mr. MANN. How far is it away from the navy-yard grounds?

Mr. WOOD of Indiana. It is clear to the right of the navy-yard grounds.

Mr. MANN. It is between the navy-yard grounds and the War College?

Mr. WOOD of Indiana. Yes.

Mr. MANN. How far is it from either one? Does anyone know?

Mr. WOOD of Indiana. Yes. It joins directly to the War College.

Mr. MANN. It does not join directly to the War College down at the water's edge or come anywhere near it, I should judge.

Mr. WOOD of Indiana. I think the gentleman is mistaken.

Mr. LANGLEY. I do not know exactly, by feet or yards, how far it is from the War College to the navy yard.

Mr. CHALMERS. Mr. Speaker, has anyone made objection to this bill as yet?

Mr. STAFFORD. Mr. Speaker, unless the gentleman can bring in a chart so as to show the Members of the House what is contemplated in the improvement of this unimproved land, I shall make objection, because there is another day coming for the consideration of this bill.

Mr. LANGLEY. I have sent for the chart and it will be here in a moment.

Mr. STAFFORD. Mr. Speaker, I object.

Mr. WOOD of Indiana. I hope the gentleman will not object.

Mr. STAFFORD. It will be only two weeks from to-day.

Mr. WOOD of Indiana. I do not think there could be any objection to it if the gentleman understood the matter.

Mr. FESS. Will the gentleman withhold the objection until I ask a question?

Mr. STAFFORD. I withhold it temporarily.

Mr. FESS. If there is any portion omitted in transferring to the Joint Committee on the Library, the Government does not forfeit any rights from what is omitted, but the question with me is that the Director of the Botanic Garden is ordered to take such portion of the fence down as he sees fit in order to have this proper dedication of the monument on the 27th.

Mr. LANGLEY. That is a part of the understanding.

Mr. FESS. He has declined to do it, because he still has the authority to do so, until there is a place located to transfer these shrubs. If we wait two weeks, what is going to happen?

Mr. LANGLEY. The fence is being removed to-day, pursuant to this understanding. Mr. Hess wants to do what is right.

Mr. STAFFORD. There are not many shrubs that will be impaired down there by the delay of two weeks.

Mr. WOOD of Indiana. Just a moment. It is a matter of good faith. I have understood, and was led to understand, that there was not any opposition to this, and the Director of the Botanic Garden is taking the fence down, and these shrubs must be removed. There is no question about their being valuable. You could not replace them with a king's ransom.

Mr. MANN. They are not worth 10 cents.

Mr. FESS. They are worth inexhaustible riches to those who appreciate botany, because representatives——

Mr. MANN. I know every shrub down there. They are worthless, so far as that is concerned. They are not worth moving, and most of them will never be moved.

Mr. HICKS. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore (Mr. HUSTED in the chair). The regular order is, Is there objection?

Mr. STAFFORD. I object.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that it go to the foot of the calendar.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that the resolution remain on the calendar at the foot of the calendar. Is there objection? [After a pause.] The Chair hears none.

TABLET TO THE OFFICERS OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

The next business in order on the Calendar for Unanimous Consent was House Joint Resolution 304, to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the House joint resolution? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 190, identical with the resolution which has just been reported, and that it be considered instead.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to take from the Speaker's table Senate Joint Resolution No. 190, it being identical with the House resolution, and asks unanimous consent that the Senate joint resolution be considered in lieu of the House joint resolution.

Mr. WALSH. Let the resolution be reported.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 190) to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

Resolved, etc., That the President is hereby authorized to present a tablet in the name of the Government of the United States to the officers of the National Society of the Daughters of the American Revolution as a token of appreciation for making available Continental Memorial Hall for the sessions of the Conference on Limitation of Armament, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350 for the expenses of producing a suitable tablet in conformity with this resolution.

Mr. MONDELL. Mr. Speaker, I beg to call the attention of the House to the fact that the two resolutions are not entirely identical, as the Senate resolution makes an appropriation of $350, whereas the House resolution authorizes an appropriation of $350. I did not recall that when I said they were identical. But I assume, however, there would be no objection to making a direct appropriation of that small sum.

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman why the tablet is presented to the officers of the society rather than to the society itself? It would look, under the phraseology, under a hasty reading of it, as though this was presenting a tablet to the officers of this society as a personal recognition of some action of those officers rather than recognition of some action taken by the society. Why should not the tablet be presented to the organization itself?

Mr. MONDELL. Well, I agree with the gentleman that that would seem to be an entirely appropriate procedure, and I assume that the presentation of the tablet is to the officers who allowed the use of the building. Of course, they were not able to secure the acquiescence of all the members of the society in that, but did it on their own responsibility. And I assume that the presentation to the officers is, of course, a presentation to

the society. The resolution in the form in which it is presented is as drafted by those instrumental in securing the use of the building.

Mr. MANN. I notice that the President of the United States in his communication does not suggest either that it be presented to the officers or that it be presented to the "National Society," because I believe there is no such institution, but does suggest that the Government has promised in the name of the Government to present a tablet to the Daughters of the American Revolution, which, I believe, is the name of a corporation incorporated by act of Congress.

Mr. MONDELL. The gentleman is generally so accurate in his information that I would not question the accuracy of the explanation he has just made. But the society is known as, and I believe carries on its stationery the title, "National Society of the Daughters of the American Revolution."

Mr. MANN. Very well, if they want to take it that way. We incorporated it. I am under the impression that I never heard it referred to—and I have frequently heard it referred to—as the "National Society of the Daughters of the American Revolution," but I have always heard it referred to as the "D. A. R."

Mr. MONDELL. The gentleman has been away for a day or two, and he has missed some of the discussion with regard to experts. We are accepting the language and the phraseology of the experts.

Mr. MANN. I thought the President was an expert, and that is not his language. He controlled the House's action the other day. Maybe the gentleman did not agree with him then, and does not agree with him now.

Mr. WALSH. Experts had rather rough sledding, I am told, last week.

Mr. STAFFORD. The experts rough sledded over the House Members.

Mr. WALSH. Is that it?

Would the gentleman have any objection to having the phraseology modified in accordance with the request of the President, in order that this may be plain and clear?

Mr. MONDELL. In order that this may all be thoroughly understood, I will say that with the President's letter came the resolution in the form in which it is now before the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield in that particular?

Mr. MONDELL. The chairman of the committee shakes his head and indicates that I should not make that announcement. The gentleman from Massachusetts wants to follow, as I desire to, the view of the President, so that the resolution is now before us in exactly the form in which it came with the President's letter. I think it an entirely proper form.

Mr. MANN. The House resolution or the Senate resolution?

Mr. MONDELL. They are both indentical.

Mr. MANN. They are not.

Mr. MONDELL. Except that I wrote in the House resolution the words "authorized to be appropriated" instead of the words "are hereby appropriated."

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. As I read the President's letter, he desired the Congress to authorize an appropriation for the erection of a tablet in Continental Memorial Hall in commemoration of the Conference on the Limitation of Armament. The bill as submitted is not in commemoration of the Conference on the Limitation of Armament, but is to mark the appreciation of Congress for the use of that building for holding the conference—an entirely different purpose.

Mr. GARRETT of Tennessee. Mr. Speaker, we can not hear on this side just what the differences are between the leaders and the President. May we have order? [Laughter.]

Mr. MONDELL. There are no differences whatever, happily.

Mr. STAFFORD. There were some differences last week, but I do not know whether there are any differences to-day or not.

Mr. MONDELL. The measure is in the approved form.

The SPEAKER pro tempore (Mr. HUSTED). Is there objection to the present consideration of the joint resolution?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Wyoming, who is interested in this matter, if he thinks it would in any way invalidate the object and purpose of this resolution if we make the presentation directly to the Daughters of the American Revolution, rather than to the officers thereof?

Mr. MONDELL. Well, this request is made on behalf of those who had the most to do with the conference, and it is made in the language suggested by them, and personally I would rather prefer to use the language they have suggested.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CHINDBLOM. I understand there is to be a change of officers of the organization. There is not any danger that the present officers would carry the tablet away?

Mr. WALSH. The gentleman does not know anything about that. It depends on what the tablet says.

Mr. STAFFORD. Does not the gentleman believe that the House approves the idea of the President providing for a tablet to be erected in Memorial Hall in commemoration of the conference, as suggested in his letter, rather than a tablet expressing the appreciation of Congress for allowing the conference to be held there?

Mr. MONDELL. The gentleman from Wisconsin lacks imagination.

Mr. STAFFORD. In this particular there is no question about that.

Mr. MONDELL. The tablet will be a tablet commemorating the holding of the conference. That is what the tablet will commemorate and set forth. It is proposed to present it to the society through their officers out of appreciation, or as a token of appreciation, of the fact that they allowed the conference to be held in their hall. But the tablet will set forth in appropriate language the fact that in the Continental Hall of the National Society of the Daughters of the American Revolution on a given date the Conference on the Limitation of Armament was held.

Mr. STAFFORD. I am glad the gentleman from Wyoming is reading into the bill something that is not present at all. Reading it as closely as a Philadelphia lawyer would read it, you could not find anything to carry out that intendment.

Mr. MONDELL. Oh, yes; I think you can.

Mr. STAFFORD. Oh, no. Let me read you what it says:

That the President is hereby authorized to present a tablet in the name of the Government of the United States to the officers of the National Society of the Daughters of the American Revolution as a token of appreciation for making available Continental Memorial Hall for the sessions of the Conference on Limitation of Armament.

For "making available Continental Memorial Hall"; for making it available.

Mr. MONDELL. Yes; the resolution states the reason for presenting the tablet. It will be presented out of appreciation for the use of the building. But the tablet itself will set forth in appropriate terms the fact that in that hall at a given time was held the Conference on the Limitation of Armament.

Mr. STAFFORD. The gentleman reads that into the bill, but there is nothing in the bill to warrant that assumption.

Mr. MONDELL. That is the fact.

Mr. WALSH. How much rent did the conference pay for that hall?

Mr. MONDELL. That is a question that ought not to be either asked or answered at this time. I do not know that they paid anything.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman from Wyoming has the floor, will he yield for a moment?

Mr. MONDELL. If I have the floor, I yield.

Mr. GARRETT of Tennessee. I would like to ask the gentleman this question: If it is a fact, as stated by a distinguished authority one day last week, that the treaties which resulted from the conference held have apparently now been reduced to the condition of scraps of paper, whether he thinks it desirable to press the presentation of this tablet at this time? [Laughter.]

Mr. STAFFORD. It will be of some historical consequence at least.

Mr. MONDELL. The treaties have not as yet been treated as scraps of paper. I hope they will not be.

Mr. LONDON. Mr. Speaker, will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. LONDON. Is not the very language presenting a tablet to the officers of the society absurd? You do not present the tablet to the officers of the society. You present the tablet to the society.

Mr. MONDELL. Did the gentleman hear what was said——

Mr. LONDON. A part of it.

Mr. MONDELL. In regard to the genesis of this question? I think, when we are performing an act such as is proposed, it is proper to do it in the form in which those most directly interested in the great event referred to think appropriate. I do not want to be critical. They seemed to think that it was appropriate to make the presentation to the officers. In fact, it is to the society.

Mr. CHINDBLOM. In other words, the persons who will be physically present will be the officers?

Mr. MONDELL. Yes.

The SPEAKER pro tempore. Is there objection to the consideration of this resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the President is hereby authorized to present a tablet in the name of the Government of the United States to the officers of the National Society of the Daughters of the American Revolution as a token of appreciation for making available Continental Memorial Hall for the sessions of the Conference on Limitation of Armament, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350 for the expenses of producing a suitable tablet in conformity with this resolution.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

The SPEAKER pro tempore. Without objection, House Joint Resolution 304 will be laid on the table.

There was no objection.

The SPEAKER resumed the chair.

LEAVE TO EXTEND REMARKS.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the two bills introduced by me which were passed here to-day.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the two bills indicated. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. SUMMERS of Washington. Mr. Speaker, when governmental expenses mount into billions of dollars annually and we seek innumerable ways of reducing the taxpayers' burdens I am pleased to bring to your attention this bill, to ask your favorable consideration, and to urge its passage.

If fully cooperated in, it will save the taxpayers from a quarter to a half million dollars annually.

This bill does not shift the tax burden from one shoulder to the other. It makes an actual saving by providing a way to stop a great economic waste.

The bill reads as follows:

A bill (H. R. 6954) fixing rates of postage on certain kinds of printed matter.

Be it enacted, etc., That single sheets or portions thereof from any publication entered as second-class matter, sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the zone rates of postage applicable under the law to the advertising portions of such second-class matter.

Under existing law newspapers and periodicals may be sent by the publishers thereof to advertisers or advertising agents for the purpose of having the advertisement checked at second-class rates. But to go at this rate an entire copy of the paper must be sent. If only a page or a portion of the newspaper is sent, it goes at third-class rate with postage stamp attached.

The purpose of this bill is to enable newspaper publishers to send single sheets, or portions of the newspaper, to advertisers or advertising agencies at the second-class rate.

The objects to be gained by the passage of this bill are two-fold:

1. If the system of furnishing to advertisers or advertising agencies only that portion of the magazine or newspaper containing the advertisement were generally adopted, there would unquestionably be a great saving of print paper. It is believed that the passage of this bill would encourage this practice very greatly and that it would soon become practically a universal custom, and that the saving in paper would run into thousands of tons.

2. It is generally agreed that second-class matter is handled by the Post Office Department at a considerable loss to the Government, so any reduction in weight of second-class matter carried through the mails is a distinct gain. Considering the fact that over 25,000 publications send out a few advertisers' copies every issue, it can be seen that this system might result in a substantial reduction in the volume of this unprofitable class of mail. Most of these advertisers' copies of newspapers go to the large cities, like New York and Chicago, where the large advertising agencies are located and where the post-office facilities are sadly overburdened.

Newspapers would no doubt adopt a system of inclosing the single sheet in unsealed envelopes properly labeled, and these would unquestionably be easier handled in the post offices and much easier carried by the carriers than the bulky newspapers.

This legislation is recommended by newspaper men, advertising agencies, and by those who understand the working of the Post Office Department. The bill specifically states that the privilege shall run "under such rules and regulations as may be prescribed by the Postmaster General."

The system authorized by this bill being voluntary, there can be no objection on the part of anybody to it, and there are many who strongly recommend its passage.

This very complete and lucid committee report was written by Representative HARDY of Colorado, a lifetime publisher, and but recently president of the Editorial Association of America.

After I had prepared and introduced this bill two years ago, it was submitted to publishers and advertising agencies throughout the United States. The replies, which were received in large numbers, indicate that 90 per cent or more of the big publishers will avail themselves of the provisions of the bill, and will forward single sheets at the end of each month. To appreciate the probable saving to the Government, it must be borne in mind that second-class mail is carried at an average loss to the Government of approximately 5 cents per pound. This amounts to from $50,000,000 to $70,000,000 annually. However, except for low postal charges, the subscription rates on all publications would have to be increased.

From information furnished me by the Congressional Library it seems altogether probable that if this bill is enacted into law and fully cooperated in by publishers and advertisers that it will mean—

An annual saving to daily, weekly, and monthly publications of 60,000,000 copies;

An annual saving of 8,000,000 pounds of print paper;

It would mean to each individual publisher a very considerable saving in print paper and in dollars and cents;

At 10 cents per pound for print paper, it would mean a saving of $800,000 to the publishers of the United States; and

An annual saving to the Federal Government of approximately $400,000, and this is the prime object of this legislation.

Mr. LANGLEY. Mr. Speaker, I was granted the privilege of extending my remarks in the RECORD on the bonus bill and on the hospital bill for five days. I was called out of the city on urgent business, and since my return have been ill. I ask unanimous consent that I be granted five additional days in which to extend my remarks on these same bills. It will be only a brief extension of my actual remarks on the floor.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks for five days on the bills indicated. Is there objection?

There was no objection.

BRIDGE ACROSS SAVANNAH RIVER, SAVANNAH, GA.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand the remaining bills on the Calendar for Unanimous Consent have not been there a sufficient number of days to allow them to be considered to-day under the rule.

Mr. MONDELL. I understand that is correct.

Mr. GARRETT of Tennessee. But the last bill on the calendar is a bridge bill which was presented by our colleague from South Carolina [Mr. BYRNES]. Would the gentleman from Wyoming be willing that that bill be considered?

Mr. MONDELL. I think the gentleman would be entirely within his rights in requesting unanimous consent for the consideration of that bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10407) authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

The SPEAKER. The Chair would like to state that he has been quite scrupulous in trying to observe what he thinks is the spirit of the rule in not recognizing Members to make requests for unanimous consent on any day, or on this day, except for bills properly on the calendar, but has made an exception for bridge bills, thinking them to be a perfunctory class of bills which nobody could possibly object to. The Chair recognizes the gentleman from Tennessee, who requests immediate consideration of the last bill on the Calendar for Unanimous Consent, althought it has not been on the calendar for three days. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the counties of Jasper, S. C., and Chatham, Ga., be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Savannah, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock p. m.) the House adjourned until Tuesday, April 18, 1922, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8800) granting an increase of pension to Lucy S. Faser, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. REECE introduced a bill (H. R. 11338) to empower the Bureau of Efficiency, subject to the approval of the President, to establish a system of efficiency ratings for the classified service in the several executive departments and independent establishments, in the District of Columbia and elsewhere, based upon records kept in each department and independent establishment, with such frequency as to make them as nearly as possible records of fact, which was referred to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KINCHELOE: A bill (H. R. 11339) granting an increase of pension to Johanna Slaton; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 11340) to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps, so that he will take rank next after Maj. John R. Henley; to the Committee on Naval Affairs.

By Mr. ROBSION: A bill (H. R. 11341) granting a pension to Mike Grubb; to the Committee on Pensions.

Also, a bill (H. R. 11342) granting a pension to William H. Stanberry; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11343) granting an increase of pension to Nannie E. Scott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5149. By Mr. ELLIS: Petition of the Central Labor Union assembled in Kansas City, Mo., favoring modification of the Volstead law so as to permit the manufacture and sale of beer; to the Committee on the Judiciary.

5150. By Mr. FULLER: Petition of the Illinois Automotive Trade Association, protesting against any further special taxation on the automobile industry; to the Committee on Ways and Means.

5151. Also, petition of the Carolina Bagging Co., favoring protection for the jute-bagging industry by the imposition of an adequate tariff duty; to the Committee on Ways and Means.

5152. Also, petition of the Chamber of Commerce of La Salle, Ill., favoring adequate provision for the Army and Navy, and opposing reduction of the enlisted personnel below the recommendation of the President and the Secretary of the Navy; to the Committee on Appropriations.

5153. Also, resolutions of the Illinois Manufactures' Association, favoring bills for Federal aid to the merchant marine, and the maintenance of the Navy as provided in the treaty at the 5-5-3 ratio; to the Committee on Appropriations.

5154. Also, petition of the National Association of Casualty and Surety Agents, opposing the Fitzgerald bill (H. R. 10034) relating to workmen's compensation in the District of Columbia; to the Committee on the District of Columbia.

5155. Also, petition of the Union League Club, of Chicago, and the Chamber of Commerce of the United States of America, opposing proposed reduction of the personnel of the Army and Navy; to the Committee on Appropriations.

5156. Also, petition of Mrs. Raymond Morgan, legislative representative of the American Association of University Women, favoring the naval appropriation bill as reported, for reduction of the personnel of the Navy; to the Committee on Appropriations.

5157. Also, memorial of the city council of the city of Rockford, Ill., protesting against the proposed establishment of a Federal reformatory at Camp Grant, on the outskirts of said city of Rockford; to the Committee on Military Affairs.

5158. By Mr. LINEBERGER: Petition from 28 citizens of the city of St. Paul, Minn., favoring the Towner-Sterling bill; to the Committee on Education.

5159. By Mr. SINCLAIR: Petition of F. W. Stedman and 45 others, of Berg, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

SENATE.

TUESDAY, *April 18, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, the Author of all our good, constantly dispensing Thy blessings and assuring us of Thy care for us and asking from us the fullness of desire on our part in the expression of devotion and consecration to the highest interests of the world as well as of our loved country, be pleased to reveal Thyself to us to-day, and may the hours be freighted with the consciousness that we live and move and have our being in Thee. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ALTERNATIVE ESTIMATE, ARMY QUARTERMASTER CORPS, 1923 (S. DOC. NO. 186).

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting an alternative estimate for the War Department, fiscal year 1923, not involving any increase in the total amount heretofore estimated for, but simply a rearrangement of amounts for certain items under the Quartermaster Corps, in total amount $73,000,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERMENT OF SOLDIER DEAD.

The PRESIDENT pro tempore laid before the Senate a communication from the Quartermaster General of the Army, transmitting lists of American soldier dead returned from overseas who are to be reinterred in the Arlington National Cemetery, Thursday, April 20, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

MR. BORIS BAKHMETEFF, AMBASSADOR OF RUSSIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State relative to the subpœna served upon Mr. Boris Bakhmeteff, ambassador of Russia, by the Sergeant at Arms of the Senate, which the Chair will request the Secretary to read.

The communication was read, as follows:

DEPARTMENT OF STATE,
Washington, April 17, 1922.

SIR: A representative of Mr. Boris Bakhmeteff has brought to the attention of the department the following telegram said to have been sent to him by the Sergeant at Arms of the Senate:

"You are requested to appear before the Committee on Education and Labor of the United States Senate on Monday, April 17, 1922, at 11 o'clock and to testify relative to matters under consideration by said committee. Your necessary expenses will be reimbursed. Will you accept this notice as service of subpœna and appear at the time named. Answer paid here.

"(Signed) DAVID S. BARRY,
"Sergeant at Arms, United States Senate."

Mr. Bakhmeteff presented his letter of credence to the President of the United States and was officially received by the President as the ambassador extraordinary and plenipotentiary of Russia on July 5, 1917, and since that time this Government has recognized him in that capacity and has recognized no other Russian ambassador.

Since Mr. Bakhmeteff, in accordance with the general diplomatic practice in such cases, has brought the telegram to my attention, I deem it to be incumbent on me to point out that an ambassador is not required to respond to process. The provisions of sections 4062 to 4064 of the Revised Statutes of the United States are declaratory of the law of nations with respect to the immunity of diplomatic officers.

I have the honor to be, sir,
Your obedient servant, CHARLES E. HUGHES.

The PRESIDENT pro tempore. Unless the Senate otherwise orders, the communication will be referred to the Committee on Education and Labor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following Senate joint resolutions:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; and

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

The message also announced that the House disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Washington, Mr. SIEGEL, Mr. VAILE, Mr. SABATH, and Mr. RAKER, managers of the conference on the part of the House.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 6954. An act fixing rates of postage on certain kinds of printed matter;

H. R. 9814. An act amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service;

H. R. 9951. An act to amend section 28 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921;

H. R. 10002. An act to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation, in the State of Wyoming;

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.;

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.;

H. R. 10772. An act providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family shall be a charge against the said Indian or his estate; and

H. R. 10925. An act to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts; and

H. R. 10864. An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau.

PETITIONS.

Mr. ELKINS presented resolutions adopted by the River City Club, of Parsons, W. Va., favoring annual payments by the Federal Government to districts and counties in which lands have been purchased to be used as part of national forest reserves for water conservation, equivalent to the revenue which would accrue to such districts or counties if the lands were assessed and taxed by the local authorities, etc., which was referred to the Committee on Public Lands and Surveys.

Mr. TOWNSEND presented a petition of sundry citizens of Detroit, Mich., praying for the passage of an adequate protective tariff law based on American valuations, which was ordered to lie on the table.

Mr. WILLIS presented a resolution adopted by the First Presbytery of Ohio, at the United Presbyterian Church, of Morning Sun, Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the First Presbytery of Ohio, at the United Presbyterian Church, of Morning Sun, Ohio, favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a resolution adopted by Corporal Thomas R. Iverson Post, No. 404, Veterans of Foreign Wars, of Cheyenne, Wyo., favoring the passage of House bill 9578, providing for the exemption of war tax on admissions to entertainments, bazaars, etc., given by posts and ladies' auxiliaries of the Veterans of Foreign Wars, which was referred to the Committee on Finance.

He also presented a petition of Morgan F. Knadler Camp, No. 19, United Spanish War Veterans, of Laramie, Wyo., praying for the passage of Senate bill 3263, to extend the provisions of section 127–A of the national defense act, as amended, so as to grant retired pay and allowances of warrant officers on the retired list to retired enlisted men who served as commissioned officers in the United States Army during the World War, etc., which was referred to the Committee on Military Affairs.

REPORTS OF THE COMMITTEE ON PUBLIC LANDS AND SURVEYS.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

S. 2140. A bill to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land (Rept. No. 609); and

S. 2460. A bill to amend an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (Rept. No. 608).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 3472) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

By Mr. PITTMAN:

A bill (S. 3473) to amend section 2 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture and Forestry.

A bill (S. 3474) to establish a Government Indian School at Elko, Nev.; to the Committee on Indian Affairs.

A bill (S. 3475) for the relief of Fannie E. Turner; to the Committee on Claims.

A bill (S. 3476) to amend an act to grant to citizens of Modoc County, Calif., the right to cut timber in the State of Nevada for agricultural, mining, or other domestic purposes, and to remove such timber to Modoc County, Calif.; to the Committee on Public Lands and Surveys.

By Mr. FERNALD:

A bill (S. 3477) granting a pension to Amelia D. Crocker (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3478) for the relief of George W. Trowbridge; to the Committee on Claims.

TARIFF DUTY ON CYANIDES.

Mr. ODDIE. Mr. President, on Friday last I offered an amendment to the pending tariff bill to restore the language of the bill as passed by the House relating to cyanide. I desire now to present a substitute for that amendment.

My reason for asking this substitution is that since the presentation of the first amendment I have learned that the Tariff Commission, in a volume containing a summary of tariff information, which has just appeared, prepared for the use of the Finance Committee, has suggested that all cyanides be classified under one paragraph. Acting upon this suggestion, the Finance Committee adopted the language which is found in paragraph 33a of the pending bill, and which is carried in the substitute amendment I now offer.

The suggestions of the Tariff Commission are found at page 1435 of the Summary of Tariff Information, 1921, and are as follows:

> It has been represented to the Tariff Commission that it would be advisable to classify all cyanides under one paragraph. This suggestion has also been made by a domestic manufacturer before the Senate Finance Committee. (See pp. 1109–1118, hearings before Committee on Finance, Tariff Schedule 1, H. R. 7456.) The various cyanides are used for practically the same purposes. It is their cyanogen (CN) content, and not their metal content which is of importance to the consumer. Therefore this classification is logical. If the committee desires to adopt this suggestion, the following paragraph will accomplish the purpose:
>
> "Cyanides: Potassium cyanide, sodium cyanide, all other cyanide salts, and all combinations and mixtures of cyanides, — per cent ad valorem."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

ALIEN PROPERTY CUSTODIAN ATTORNEYS.

Mr. KING. Mr. President, several days ago the Alien Property Custodian submitted a report pursuant to a resolution theretofore adopted by the Senate. In that report it is shown that a large number of attorneys were employed and received compensation.

I am in receipt of a telegram from a distinguished lawyer, in which he refers to the fact that there were a great number of attorneys and men of standing who during the war volunteered their services and served for a considerable period, some of them during the war, not only in the Alien Property Custodian's office but in other branches of the Government.

He seemed to think, and perhaps justly, that the inference was properly to be drawn from the report that every attorney who served in the Alien Property Custodian's office was compensated. He thought the public ought to know—and in that view I share his opinion—that there were lawyers of ability and standing who gave their services and rendered very splendid service in that office as well as in other branches of the Government during the war.

Mr. MOSES. For a dollar a year, was it not? They all had to be compensated.

Mr. KING. The Senator from New Hampshire may take such comfort as he pleases from his observation.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title, and referred as indicated below:

H. R. 6954. An act fixing rates of postage on certain kinds of printed matter; to the Committee on Post Offices and Post Roads.

H. R. 10002. An act to extend the provisions of section 2455, United States Revised Statutes, to the lands within the abandoned Fort Fetterman Military Reservation in the State of Wyoming; to the Committee on Public Lands and Surveys.

H. R. 10925. An act to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.; to the Committee on Military Affairs.

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry and between the counties of Anderson, S. C., and Hart, Ga.; and

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.; to the Committee on Commerce.

H. R. 9814. An act amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service;

H. R. 9951. An act to amend section 28 of an act approved February 14, 1920, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes," for the fiscal year ending June 30, 1921; and

H. R. 10772. An act providing that relief extended to any incompetent or restricted Indian in furnishing food, clothing, fuel, or medical care, or necessary assistance to him or to his family shall be a charge against the said Indian or his estate; to the Committee on Indian Affairs.

THE CALENDAR.

The PRESIDENT pro tempore. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that the call of the calendar begin where we left off on yesterday.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the call of the calendar shall begin at the point at which the Senate left off yesterday. Is there objection? The Chair hears none, and it is so ordered. The Secretary will report the first bill on the calendar at that point.

ACQUISITION OF LANDS FOR MILITARY PURPOSES.

The bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes, was announced as the first bill on the calendar; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WADSWORTH. Mr. President, the bill which has just passed is the bill which was under consideration yesterday when the Senate proceeded to other business at 2 o'clock. At that time the senior Senator from Wisconsin [Mr. LA FOLLETTE] had expressed doubt as to the wisdom of one of the items in the bill. It just occurs to me now that in a sense I owe a certain obligation to the Senator from Wisconsin to give him an opportunity to express his opinion of the measure. While I do not at this time make a motion to reconsider the vote by which the bill was passed, I desire to say that I shall make an endeavor immediately to communicate with the Senator from Wisconsin, and, if he so desires, I shall then make such a motion.

JOHN H. GATTIS.

The bill (S. 2017) for the relief of John H. Gattis was announced as next in order.

Mr. KING. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection is made. The bill will be passed over.

J. B. WATERMAN.

The bill (S. 1059) for the relief of J. B. Waterman was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. B. Waterman, of Belpre, Ohio, the sum of $483.25, being the amount paid the Government by him for that value of stamps and money taken from his custody as postmaster of Belpre, Ohio, by burglars on February 13, 1911.

Mr. SMOOT. Mr. President, bills of this character are continually coming before the Senate. In my opinion there ought to be some legislation enacted requiring all men handling funds of the Government to give a bond. There is not a day on which the calendar is up for consideration when bills of this character are not considered. In fact, it seems the way we have been passing bills to reimburse postmasters under these circumstances has been only an invitation to them to handle money carelessly and allow it to be loosely cared for. It seems to make no difference to them whether it is stolen or not, and I think they become careless.

I am going to take steps to see if some legislation can not be passed requiring postmasters who handle money of the Government to give a bond to the United States, whether it be a bond against theft or a bond against other cause for loss on the part of the Government. It makes no difference what is the cause the Government ought to be protected against the stealing of so much money from postmasters.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1352) for the relief of Benjamin F. Spates, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1405) for the relief of William Collie Nabors, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 403) for the relief of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré, was announced as next in order.

The PRESIDENT pro tempore. The bill has heretofore been considered as in Committee of the Whole and has been reported to the Senate. It is now in the Senate and open to amendment.

Mr. SMOOT. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 404) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

MONTHLY PAYMENT OF PENSIONS.

The bill (H. R. 2158) to provide for the monthly payment of pensions was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BURSUM. Mr. President, I move that the Senate proceed to the consideration of the bill which has just been objected to by the Senator from Utah [Mr. KING], notwithstanding the objection.

The PRESIDENT pro tempore. The Senator from New Mexico moves that the Senate proceed to the consideration of the bill named by him.

Mr. KING. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state his inquiry.

Mr. KING. If the motion of the Senator from New Mexico [Mr. BURSUM] should prevail and the bill for which he asks consideration be taken up, would it not mean that there would

be no limitation upon debate, that the five-minute rule would not be applicable, and that we might discuss the bill during the remainder of the day?

The PRESIDENT pro tempore. The Senator has stated the situation as the Chair understands it.

Mr. KING. So that we should then depart from the calendar for the purpose of considering the bill at great length, if we should decide to consider it?

The PRESIDENT pro tempore. The Chair desires to qualify the statement he has just made by further stating that, of course, at 2 o'clock the bill for which the Senator from New Mexico moves consideration would cease to be before the Senate. The question is on the motion of the Senator from New Mexico.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. BURSUM. My understanding is that under Rule VIII debate is limited to five minutes?

The PRESIDENT pro tempore. But that rule would not be applicable if the bill be taken up by motion. The question is on the motion of the Senator from New Mexico. [Putting the question.] The "noes" seem to have it.

Mr. BURSUM. I ask for the yeas and nays.

Mr. FLETCHER. I wish to make a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Florida will state the inquiry.

Mr. FLETCHER. The inquiry is this: We are proceeding, not by unanimous consent, to consider only bills that are not objected to; but we are now proceeding regularly, as I understand, on the calendar under Rule VIII.

The PRESIDENT pro tempore. The request for unanimous consent was limited to designating the point at which the call of the calendar should begin.

Mr. FLETCHER. That I understood. The calendar is now under consideration; the bill of the Senator from New Mexico is reached on the calendar; a Senator has made objection to the consideration of the bill; and the Senator from New Mexico has moved that the bill be taken up. Has he the right to make that motion; and, in case the motion is agreed to, will the debate be limited to five minutes?

The PRESIDENT pro tempore. The Chair is of the opinion that the unanimous-consent agreement does not prevent the Senator from New Mexico making the motion which he has made. The Senator from New Mexico asks for the yeas and nays upon his motion.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

Mr. McKINLEY (when his name was called). I have a permanent pair with the junior Senator from Arkansas [Mr. CARAWAY], who is not here. I transfer that pair to the Senator from Maryland [Mr. FRANCE], and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL], and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD], and vote "yea."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Pennsylvania [Mr. CROW], and vote "yea."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Missouri [Mr. REED], and vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I am informed that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote, and vote "yea."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Iowa [Mr. RAWSON], and vote "yea."

The roll call was concluded.

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. OVERMAN (after having voted in the negative). I have a general pair with the Senator from Wyoming [Mr. WARREN], who is absent. I therefore withdraw my vote.

Mr. FLETCHER (after having voted in the affirmative). I have a pair with the Senator from Delaware [Mr. BALL], who is absent. I therefore withdraw my vote.

Mr. KENDRICK. I have a general pair with the Senator from Illinois [Mr. McCORMICK]. I understand that if present he would vote as I am about to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. FERNALD (after having voted in the affirmative). I inquire if the Senator from New Mexico [Mr. JONES] has voted?

The VICE PRESIDENT. The Senator from New Mexico has not voted.

Mr. FERNALD. I have a pair with that Senator, which I transfer to the Senator from Delaware [Mr. DU PONT], and allow my vote to stand.

Mr. EDGE. I transfer my general pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from California [Mr. SHORTRIDGE] and vote "yea."

Mr. KING (after having voted in the negative). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. LENROOT. I wish to announce the absence of the Senator from New York [Mr. WADSWORTH] on official business.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. He is paired with the senior Senator from Massachusetts [Mr. LODGE]. I ask that this announcement may stand for the day.

Mr. STANLEY. I inquire if the junior Senator from Kentucky [Mr. ERNST] has voted?

The VICE PRESIDENT. The junior Senator from Kentucky has not voted.

Mr. STANLEY. I have a pair with the junior Senator from Kentucky, and for that reason withhold my vote.

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] is detained from the Senate by illness.

I also with to announce the following pairs:

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 49, nays 4, as follows:

YEAS—49.

Ashurst	Heflin	Newberry	Spencer
Broussard	Jones, Wash.	Nicholson	Sterling
Bursum	Kellogg	Norbeck	Sutherland
Capper	Kendrick	Norris	Swanson
Curtis	Keyes	Oddie	Townsend
Edge	Ladd	Page	Walsh, Mont.
Elkins	La Follette	Pepper	Watson, Ga.
Fernald	Lenroot	Phipps	Watson, Ind.
Gerry	Lodge	Poindexter	Weller
Glass	McKinley	Pomerene	Willis
Gooding	McNary	Sheppard	
Hale	Moses	Simmons	
Harris	Nelson	Smoot	

NAYS—4.

Culberson	Dial	King	Myers

NOT VOTING—43.

Ball	Ernst	McKellar	Shortridge
Borah	Fletcher	McLean	Smith
Brandegee	France	New	Stanfield
Calder	Frelinghuysen	Overman	Stanley
Cameron	Harreld	Owen	Trammell
Caraway	Harrison	Pittman	Underwood
Colt	Hitchcock	Ransdell	Wadsworth
Crow	Johnson	Rawson	Walsh, Mass.
Cummins	Jones, N. Mex.	Reed	Warren
Dillingham	McCormick	Robinson	Williams
du Pont	McCumber	Shields	

So Mr. BURSUM's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2158) to provide for the monthly payment of pensions, which had been reported from the Committee on Pensions with an amendment.

The bill was read, as follows:

Be it enacted, etc., That payment of pensions shall be made monthly, on the 4th day of each month, beginning not later than September, 1921.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. BURSUM. Mr. President, the original bill provided that the date of commencing monthly payments should be not later than September, 1921. On account of the delay in the consideration of the bill, this provision was changed by the committee to July, 1922. At this time it will be necessary to defer that date until September, 1922. I move, in lines 4 and 5, that

the word "July" be stricken out and the word "September" inserted in lieu thereof.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from New Mexico to state the scope of this bill. As I read it and interpret it, it would mean that every person drawing a pension from the Government—not only military and naval pensions, but civil pensions—must be paid monthly; and, as I interpret the bill the payments are made not only to the soldiers of the Mexican and Civil Wars and the Spanish-American War but would embrace all private pension claims, which amount to thousands and perhaps tens of thousands, and would apply to all of the pensions that have been granted and may hereafter be granted by reason of services during the World War. I should like to ask the Senator whether or not the interpretation just suggested is correct?

Mr. BURSUM. Mr. President, the object of the bill is to make payment of pensions to veterans of the Civil War monthly. The civil pensions mentioned by the Senator have not been taken into consideration. There are on the pension rolls at the present time approximately 560,000 veterans and widows of veterans. The law has been asked for and proposed in order to place veterans of the Civil War upon an equal footing and basis with those of the World War. The veterans of the World War are all paid monthly. It was also suggested in order to give the veterans the opportunity of having a cheaper rate of living. The time for long credits has passed. There is no doubt but that every veteran coming under this act will be saved from $5 to $15 per month in the amount of his necessary bills. There is no institution in the country nowadays that pays quarterly. There is no corporation in the land that is not required by law, in most of the States, including the railroads, to pay its employees twice a month. The Veterans' Bureau pays once a month. Every civil employee of the Government is paid twice a month.

The only person I know of who is compelled to wait three months is the soldier who served the country in the Civil War and in the Indian wars and in the Spanish-American War.

The cost involved is nothing outrageously excessive. The cost to the Government of providing this system of payments will not exceed 3 cents per month for each soldier in addition to the present cost. It will cost approximately $160,000 annually to make this change, and to start out with it will cost, in accordance with the estimates of the Secretary of the Interior, $44,000. That is necessary to install different machinery. The Secretary of the Interior, to my mind, strikes the essence of this proposition in the latter part of his recommendation to Congress on this bill:

> Assuming that the Congress did right in making the payment of compensation by the Bureau of War Risk Insurance monthly and that no change will be made in the law, there is no apparent reason why the Congress should not be asked to authorize monthly payments to pensioners paid by the Bureau of Pensions.
>
> Under the existing law it appears that there is a discrimination in favor of a comparatively youthful list of beneficiaries receiving compensation and against a large list of very aged beneficiaries receiving pension.
>
> The payment of pensions monthly would enable very many Civil War pensioners to receive one or two months' more pension than they get, for the reason that they are dying at the rate of about 4,000 a month and very many of them live until within a few days of the quarterly payment. If paid monthly they would receive pension up to the 4th day of the month of their death if they died after that date.

That is the concluding statement of the Secretary of the Interior in commenting upon this bill. It seems to me that there ought not to be any controversy on this subject; that this bill is so eminently fair and just, and so clearly the decent thing to do, that it ought to pass without any opposition.

Mr. KING. Mr. President, may I make an inquiry of the Senator? The Senator stated, as I understood him, that the additional cost figured by the Secretary of the Interior is $160,000.

Mr. BURSUM. That is my last estimate, since this report, coming directly from the Pension Bureau.

Mr. KING. I suppose the Senator means that the cost in the Interior Department will be $160,000?

Mr. BURSUM. The cost to the Pension Bureau; yes.

Mr. KING. Of course, the Senator knows that that is only, I was about to say, a small part of the cost incident to this change, if it shall be made. The Senator knows that, because of the very perfect system of bookkeeping employed by the Government, it will involve a large number of employees in other departments of the Government, particularly in the Treasury Department.

Mr. BURSUM. That was all taken into account by the Pension Bureau. This is an estimate of the total additional cost.

Mr. KING. As I understood the Senator, the $160,000 additional cost related only to the Pension Bureau.

Mr. BURSUM. No; the statement was made that it would cover the entire additional cost.

Mr. KING. Has the Senator there the statement of the Secretary of the Interior?

Mr. BURSUM. I have here the statement of the Secretary of the Interior, yes; but in addition to this I have a verbal statement from the officials of the Pension Bureau. I made further inquiry about the cost of this measure for this reason: It was first contended that the cost would be only $44,000. It was later contended that it might be as much as $400,000. For those reasons I made special inquiry, and the answer I received was that it would probably cost $160,000 in addition to the present cost and in addition to the $44,000 required to make the immediate changes in the departments.

I take it, Mr. President, that these veterans who served this country in the greatest peril in its whole history, who were extremely lenient in their demands upon the Government for pensions, who for years and years and years were content to receive a very modest sum in aid of their existence in the shape of a pension, who for years and years received only six, seven, eight, nine, or ten dollars a month—these veterans, who are now living close to the sunset of their lives, ought to be given the same privileges that are given to those who served in the World War.

They are paid monthly. The world knows that the pensioner of necessity must be a poor man. He must be in need of the pension. He is not a man who has credit; and the time of long credits, of three months' credits by grocery men or hotels or merchandise houses or any other kind of business, has passed. To-day most business is done on a cash basis, and anyone who is willing to run the risk of trusting a pensioner will necessarily charge a much higher price than the cash price of the article, and especially so now that the hazard is still greater. The pensioner may die before the end of the three-month period, as has been suggested by the Secretary of the Interior, and under those circumstances there will be no security for the payment of his bills. This monthly payment will save those poor veterans many a pension payment, and it will save them $5, $10, or $15 a month to help them in getting along. I submit that it is absolute justice, and that we ought not to quarrel or quibble about the few dollars extra that it will cost to give this service to which the veterans are entitled.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. KING. Mr. President, I agree with the Senator that if soldiers and sailors of the World War obtain pensions monthly, there is no reason why pensions should not be paid monthly to the veterans of the Civil War and the Mexican War.

Mr. BURSUM. That is true.

Mr. KING. It is not a matter of quibbling, as the Senator knows, to inquire as to the cost. I do not think the Senator has come within two or three hundred per cent of the cost in the estimates which he has given, as will be demonstrated when this bill is put into operation.

The Senator states that this bill is to apply, as I understand him, only to soldiers of the Mexican War, the Civil War, the Indian wars, and the Spanish-American War.

Mr. BURSUM. Yes; they are the only veterans who are drawing pensions.

Mr. KING. The point I had in mind was this: The Senator states that the purpose of this bill is not to interfere with existing pension laws, other than those applying to veterans of the wars I have just named, and particularly it is not intended to relate to the civil pensioners.

Mr. BURSUM. We did not have those in mind at all. They were not considered.

Mr. KING. I know that. I was wondering whether the Senator would consent to having the bill amended so as to make it clear that it is not intended that it shall apply to civil pensions.

Mr. BURSUM. I have no objection.

Mr. KING. Perhaps the words which I am about to suggest may not reach the situation, but I suggest to the Senator that at the conclusion of the sentence on line 5 there be added these words:

> *Provided*, That this act shall apply only to those obtaining military and naval pensions arising out of the Mexican War, the Civil War, Indian wars for which pensions have been allowed, and the Spanish-American War.

Mr. BURSUM. I suggest to the Senator that perhaps it would be better to insert, after the words "payment of pensions," the words "to veterans of wars, their widows, and dependents."

Mr. KING. That is entirely agreeable to me.

Mr. BURSUM. That would include all wars.

Mr. KING. There was no disagreement between the Senator and myself. I wanted to limit it as he desired it to be limited.

Mr. BURSUM. That was intended to be done.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Secretary will report the amendment just offered.

The ASSISTANT SECRETARY. On line 3, after the word "pensions," insert the words "to veterans of wars, their widows, and dependents."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BURSUM subsequently said:

Mr. President, in order to clarify an amendment adopted to House bill 2158 and to save, probably, a conference on the same, I ask unanimous consent that the unfinished business be temporarily laid aside and that the vote by which that bill was passed may be reconsidered.

The PRESIDING OFFICER. The Senator from New Mexico asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of reconsidering the vote by which House bill 2158 was passed. Is there objection to temporarily laying aside the unfinished business? The Chair hears none. Is there objection to reconsidering the votes by which the bill was ordered to a third reading and was passed? The Chair hears none.

Mr. BURSUM. I now move to reconsider the vote by which the amendment which I offered to the bill was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

Mr. BURSUM. I ask that the amendment be rejected.

The amendment was rejected.

Mr. BURSUM. I move to amend by adding at the end of the bill the following proviso:

Provided, That the provisions of this act shall not apply to civil pensions.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 1948) for the relief of Virgil O. McWhorter was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 942) for the relief of James Johnson was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2967) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. JONES of Washington. That may go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. The consideration of that would take more time than we have at our disposal this morning, and I suggest that it go over.

The VICE PRESIDENT. The bill will be passed over.

COLLECTION OF INDEBTEDNESS FROM GENERAL PRISONERS.

The bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes, was announced as next in order.

Mr. KING. Reserving the right to object, I would like to have some explanation of the bill. Can the Senator from Montana explain it?

Mr. MYERS. I am not the author of the bill, nor did I report it, and I am not familiar with it.

Mr. KING. I ask that it be temporarily laid aside until the Senator from New York [Mr. WADSWORTH] comes into the Chamber.

The VICE PRESIDENT. Without objection, it will be temporarily laid aside.

Mr. WADSWORTH subsequently said: Mr. President, during my absence at an important committee meeting Senate bill 3111 was passed over. I ask unanimous consent that we may return to it. I think in a moment of time I can explain the bill to the satisfaction of the Senate.

Mr. KING. I asked that it should go over until we could send for the Senator from New York, and I have no objection to its being considered now.

The Senate, as in Committee on the Whole, proceeded to consider the bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes, which was read, as follows:

Be it enacted etc., That if at the time of restoration to duty as an enlisted man, from the status of a general prisoner, such enlisted man is indebted to the United States or its instrumentalities, or to any Government agency, the amount of such indebtedness will be collected in monthly installments of not exceeding an amount equal to two-thirds of his monthly pay: *Provided*, That if such indebtedness of the enlisted man so charged against him at the time of his restoration be not fully liquidated before the date of expiration of his current enlistment or on such date thereafter to which he may be required to serve under the provisions of the one hundred and seventh article of war and his service subsequent to his restoration has been honest and faithful, then at the time of such enlisted man's discharge from his current enlistment the Secretary of War, if he deem such action to be in the interest of justice and for the best interest of the military service, under such regulations as he shall prescribe, may remit and cancel the portion of such indebtedness then remaining unpaid.

Mr. WADSWORTH. Mr. President, this bill is in the interest of generosity and humanity in the treatment of military prisoners. This is the situation: We will say that a soldier deserts from the Army, is apprehended, and brought back and tried. The penalty may be imprisonment for a stated time, plus a fine assessed against him to meet the cost of paying the reward to those who apprehended him as a deserter.

The soldier goes to a military prison. Under the existing statute, if his behavior is good he is returned to duty with his unit, under regulations prescribed by the War Department. The fine, however, still lies against him, and under existing law that money must be collected from his pay as fast as the pay is credited to him, with the result that a soldier who, on good behavior, has been returned to duty and is serving again with his unit, finds that for some months he draws no pay whatsoever. He is left in an impossible position. He can purchase nothing. He has not a penny in his clothes.

This bill will authorize the Secretary of War to withdraw from his pay in installments, from month to month, the amount of money which he owes the Government. It will leave in his pockets a portion of his pay.

Mr. KING. Under the bill can the Secretary fix the amount to be drawn each month?

Mr. WADSWORTH. The bill provides for that. The language is:

The amount of such indebtedness will be collected in monthly installments of not exceeding an amount equal to two-thirds of his monthly pay.

It is in the interest of generous treatment of men who have shown on a second trial that they are good soldiers, and they certainly should not be placed in a position where there is not a penny left in their pockets.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses was announced as next in order.

Mr. KING. Let the bill go over.

Mr. BURSUM. This is a bill to increase the pensions of certain persons from $12 to $20. I think we ought to dispose of the bill.

The VICE PRESIDENT. The Senator from Utah asks that it go over.

Mr. KING. I suggest that we take it up when we come to the other general pension bills. The calendar is being considered in the morning hour, and I think we ought to proceed with the consideration of unobjected bills.

Mr. BURSUM. I will be glad to do that if the Senator will not object to having the bill taken up to-morrow. This bill has gone over several times, but it can be postponed until

to-morrow. We shall probably have another day on the calendar this week.

Mr. MYERS. This is the kind of a bill that will take a long time to consider, and I hope the Senator from New Mexico will not insist on having it taken up now.

Mr. BURSUM. There ought not be any debate on it. It is a most meritorious bill.

Mr. MYERS. It can be taken up by motion at any time.

Mr. BURSUM. But when can I get a chance to make the motion?

Mr. MYERS. I think the Senator will get a much better chance than if he tries to have it passed now.

Mr. BURSUM. I will yield for the present, reserving the right to make a motion later on.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutant generals of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

The VICE PRESIDENT. The bill has been amended, read and passed, and a motion has been entertained to reconsider, made by the Senator from Iowa [Mr. CUMMINS].

Mr. SMOOT. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was announced as next in order.

Mr. McNARY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

MAUDE H. MOSHER.

The bill (H. R. 1274) for the relief of Maude H. Mosher was announced as next in order.

Mr. KING. Let that go over.

Mr. CAPPER. Mr. President, with regard to this bill, it is for a small amount; it has been on the calendar a long time, and I do not believe there will be any question about it. It was carefully considered by the Claims Committees of both the Senate and the House.

Mr. KING. When we get through with the calendar we can take it up.

Mr. CAPPER. We might not get back to it on the calendar for a month. It involves a small appropriation, only $1,250.

Mr. KING. But there is a question of liability, and I ask the Senator to let it go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE VAN DERBURGH BROWN.

The bill (H. R. 3057) for the relief of George Van Derburgh Brown was announced as next in order.

The VICE PRESIDENT. A Senate bill covering this matter was passed yesterday. Is there any objection to passing the House bill, which is just like the Senate bill which went through yesterday?

Mr. KING. Is it proposed to reconsider the vote by which the Senate bill was passed?

Mr. WADSWORTH. It will die in the House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3057) for the relief of George Van Derburgh Brown, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Van Derburgh Brown, of Brookline, Mass., who was severely injured, and whose wife was killed by being struck by a mail truck in use in the Boston postal district and operated by the Post Office Department, as a result of negligence on the part of the driver, on the night of Sunday, January 2, 1921, the sum of $5,000, from any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. LEPLEY.

The bill (H. R. 4504) for the relief of Annie M. Lepley was announced as next in order.

Mr. KING. Let the report be read.

The VICE PRESIDENT. The Secretary will read the report.

The Assistant Secretary proceeded to read the report submitted by Mr. CAPPER from the Committee on Claims March 7, 1922.

Mr. KING. I do not ask for any further reading. I object to the present consideration of the bill.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 820) for the relief of the Hunter-Brown Co. was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1651) for the relief of Prairie View State Normal and Industrial College was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1026) for the relief of Albert E. Magoffin was announced as next in order.

Mr. KING. I object. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2346) for the relief of Ellen B. Monahan was announced as next in order.

Mr. KING. Let that go over, so we may have an opportunity to look into it.

The PRESIDING OFFICER. On objection, the bill will go over.

GOVERNMENT BUILDING, BIRMINGHAM, ALA.

The bill (S. 3258) to provide for the renting of the old Government building in Birmingham, Ala., was announced as next in order.

Mr. SMOOT. Mr. President, I would like to know what is the purpose of the bill?

Mr. WARREN. I wish to assure the Senator from Utah that there is no money consideration of any consequence connected with the bill. The building is standing there empty, and it is the desire to use it for soldiers who are there; that is, the State troops. The matter was very carefully gone into by the committee.

Mr. SMOOT. It is for the Alabama National Guard, is it not?

Mr. WARREN. Yes; I said for the State troops. I think there will be no objection to its passage.

The PRESIDING OFFICER. The Assistant Secretary suggests that he is under the impression we have already passed a House bill covering the matter. The Chair would suggest that the bill go over temporarily until that question can be investigated.

Mr. WARREN. Yes; if there is any question about it, let it go over temporarily. It is a bill introduced by the senior Senator from Alabama [Mr. UNDERWOOD]. I was familiar with the case at one time, because it was considered by our committee, but if there is any idea that a similar bill has passed, although I think it has not, let it go over for the present.

The PRESIDING OFFICER. The Chair will ask the junior Senator from Alabama [Mr. HEFLIN], who has just entered the Chamber. We have just reached on the calendar the bill (S. 3258) to provide for the renting of the old Government building in Birmingham, Ala. The Assistant Secretary has suggested that a House bill was passed by the Senate involving the same matter. Can the junior Senator from Alabama enlighten the Chair?

Mr. OVERMAN. Mr. President, I remember that the senior Senator from Alabama [Mr. UNDERWOOD] discussed the matter on the floor, and I think it was passed in some form.

Mr. WARREN. I think it passed as an amendment to an appropriation bill.

Mr. HEFLIN. My colleague had the matter in charge and I do not know what disposition was made of it. I understand that a bill of like character passed the House and that that bill was later passed by the Senate.

The PRESIDING OFFICER. That is the Assistant Secretary's recollection.

Mr. WARREN. My recollection is a little different from that. I now recall that it was offered on the floor by the senior Senator from Alabama [Mr. UNDERWOOD] as an amendment to an appropriation bill and was not objected to, and I think we will find it in the appropriation act.

Mr. HEFLIN. I suggest that the bill on the calendar be passed over until we can look into it.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WARREN subsequently said:

Mr. President, referring to the bill (S. 3258) to provide for the renting of the old Government building in Birmingham, Ala., I desire to say that I have looked up the appropriation act to which I referred a few moments ago, and I find that after the appropriation bill had been favorably reported by the Committee on Appropriations Senate bill 3258 was moved as an amendment on the floor of the Senate to the appropriation bill by the Senator from Alabama [Mr. UNDERWOOD] and was agreed to. So I move to strike from the calendar Senate bill 3258.

The PRESIDING OFFICER. Without objection, Senate bill 3258 will be indefinitely postponed.

BRIDGE ACROSS LITTLE COLORADO RIVER, ARIZ.

The bill (S. 2563) to provide for the completion of the bridge across the Little Colorado River, near Leupp, Ariz., was considered as in Committee of the Whole.

Mr. KING. Mr. President, reserving the right to object, I would like to have an explanation of the bill.

Mr. ASHURST. Mr. President, I move to amend on line 3, after the word "hereby," by inserting the words "authorized to be," so that the line will read, "that there is hereby authorized to be appropriated," and so forth.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ASHURST. Objection, of course, may be made at any time. I concede that. I should like to have the amendment considered.

The PRESIDING OFFICER. The Senator from Arizona offers an amendment, which will be stated.

The ASSISTANT SECRETARY. On line 3, after the word "hereby," insert "authorized to be," so the line will read, "That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated," and so forth.

The amendment was agreed to.

Mr. ASHURST. I ask that the committee report be read.

Mr. SPENCER. Mr. President, I wonder if I could not save some time by giving in a sentence or two the substance of what the report contains? The report is a little long.

Mr. ASHURST. I will withhold the request for the moment.

Mr. SMOOT. I would like to have the report read.

Mr. SPENCER. Very well; the Senator from Utah wants the report read.

The PRESIDING OFFICER. The report will be read as requested.

The Assistant Secretary read the report submitted by Mr. SPENCER March 11, 1922, as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 2563) to provide for the completion of the bridge across the Little Colorado River, near Leupp, Ariz., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in the following letter from the Acting Secretary of the Interior, under date of October 26, 1921, which is appended hereto and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, October 26, 1921.

Hon. CHARLES CURTIS,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I submit, in compliance with your request of the 9th instant, the following report on the construction of the bridge across the Little Colorado River near Leupp, Ariz., Indian Agency, to be considered in connection with Senate bill 2563, introduced by Senator ASHURST, and providing for the relief of the Allied Contractors (Inc.) by the payment of $17,471.25 as additional compensation for completing the bridge.

This bridge was constructed under contract with the Allied Contractors (Inc.), whose bid was $31,000 for the work installed in accordance with the drawings and specifications prepared by the construction section of the Indian Bureau from data submitted by Mr. Walter Dubree, former superintendent of construction in the Indian Service.

In making his original borings for the abutments of the bridge, Mr. Dubree found what he believed to be solid rock at a few feet below the surface, and this level was fixed by him and appeared both in elevation figures and profile sent out by the Indian Bureau with the advertised drawings and specifications. On excavating for the abutment the contractor found, at the level fixed by Mr. Dubree, only a thin layer of shale, upon which it would have been folly to place the weight of the abutment and that of the transmitted weight of the bridge; consequently a safe foundation bed had to be secured and excavations were therefore made to solid rock, which was found at a considerable depth below the level given on the contract drawings, this necessitating a considerable amount of extra concrete in the abutment below the water line. Further extra cost was incurred in lengthening walls of the original wing of the abutment, which wisdom advised, after considering the alluvial formation of the river banks and the liability of their being eroded at flood stages of the river and leaving the abutment exposed to danger of undermining.

Mr. William Donner, also former superintendent of construction in the Indian Service, was in charge of the construction of the abutment at the starting of the work, but left the construction section before the completion of the bridge, and the work was supervised by Mr. Janus, superintendent of the Leupp Indian school. Both of these representatives have recommended payment to the contractors for extra work under their contract and both have certified to the excellent construction of the bridge.

The first claim for final payment presented by the contractors included extra work in the amount of $21,045.92, which was considered excessive by the Indian Bureau, and accordingly a conference was arranged in June, 1921, between the contractors' representatives and those of that bureau, whereby the contractors' original claim was reduced to $17,471.25. It is believed, since an agreement was made to consider any claim by the contractors for additional payment, at a previous conference in April, 1920, by former Assistant Secretary Hopkins, Mr. Towle, representing the contractors, and representatives of the Indian Bureau, that proper justification is present for approving the payment to the contractors, as provided by the Senate bill.

Sincerely,

E. C. FINNEY, *Acting Secretary.*

Mr. KING. Mr. President, in order that we may have a full explanation, I shall object to the consideration of the bill. I hope the Senator from Arizona will move to take up the bill, and we shall not then be hampered by the five-minute rule.

Mr. ASHURST. The bridge is wholly on the Indian reservation. The Navajo Indian Reservation comprises about 30,000 square miles, and it lies in Arizona and in New Mexico. The bridge is across the Little Colorado River and at times that stream, which is a flashy, erratic stream, rises to such an extent as to make it impassable without the bridge. The Navajo Indians, who are flockmasters there, must get their wool to market. Until the bridge was built the Indians, who frequently brought their wool to the river bank, the railroad being some 15 miles south, would be required to wait on the northern bank of the river for days and even for weeks until the waters subsided. It is a substantial bridge and is of much value to the Indians.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. ASHURST. Certainly.

Mr. WARREN. The Senator proposed some amendment to the bill?

Mr. ASHURST. I proposed an amendment in line 3, after the word "hereby" to insert "authorized to be," so that it will read, "That there is hereby authorized to be appropriated," and so forth.

Mr. KING. May I inquire of the Senator whether this sum is to be charged against the funds of the Indians; and if not, why not?

Mr. ASHURST. The appropriation was made in 1916, and, unless my memory is defective, it is to be charged against the Indians.

Mr. KING. As I understand the Senator, then, the cost is to be met by the Indians themselves from their funds?

Mr. ASHURST. That is my remembrance.

Mr. BURSUM. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BURSUM. The Navajos have no funds of their own.

Mr. KING. Why should the Government, for their particular advantage, pay for this bridge? I am inquiring for information.

Mr. MYERS. Because they have no money.

Mr. KING. Mr. President, I think the objection had better stand.

The PRESIDING OFFICER. The Senator from Utah objects, and the bill will be passed over.

ALBERT E. MAGOFFIN.

Mr. WILLIS. I desire to ask unanimous consent to return to Calendar No. 533, being the bill (S. 1026) for the relief of Albert E. Magoffin. I was called from the Chamber temporarily to answer the telephone, and during my absence that bill was reached on the calendar and passed over.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to return to the bill named by him. Is there objection?

Mr. KING. I do not object to returning to the bill.

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill, which proposes to pay to Albert E. Magoffin $225, in full settlement of all pay, bounty, and allowance due by reason of his service in the Eighty-ninth Regiment Ohio Volunteer Infantry during the Civil War.

Mr. KING. I reserve the right to object to the consideration of the bill.

Mr. WILLIS. Mr. President, I desire to make a brief statement concerning the bill. My attention was drawn to the bill, in the first place, through an examination of the papers in the case, and the finding amongst those papers of an affidavit from

one of the most distinguished men who ever occupied a place in this Chamber. I refer to Hon. J. B. Foraker, of Ohio, who knew this claimant well. I particularly call the attention of the Senator from Utah [Mr. KING] to what former Senator Foraker said in his statement on page 2 of the report on the bill. I ask unanimous consent to incorporate that statement in my remarks at this point, without taking time to read it.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The affidavit referred to is as follows:

Hon. J. B. Foraker, of Ohio, who says he was personally acquainted with claimant for 50 years and was with claimant on the raid or scouting expedition in the spring of 1863, and also says:

"While on the same the claimant was somehow badly injured in his left ankle, which injury finally culminated in an amputation of same. I saw claimant from time to time, almost daily, while he remained with the regiment. He was plucky and courageous in the performance of his duty and continued to discharge it for some time after he should have been relieved.

"He finally became unable to march and was compelled to go to the hospital, where he was discharged for disabilities; the ankle being, as I have always understood, the most serious of his ailments; it was so serious that in time it became necessary to amputate the same, as above stated."

Mr. WILLIS. Mr. President, the facts in this case were simply these: Albert E. Magoffin, while serving as a soldier in the Civil War, received a serious injury. As is stated in the beginning of the report, which is very carefully drawn:

On April 4, 1863, on a raid at Snow Hill, Tenn., in the line of duty and under orders, he injured his left leg below the knee, from which he never recovered, and which later, in 1893, resulted in the amputation of his limb.

Singularly enough, when this man was mustered out of the service no reference was made to that disability; he was mustered out because of other disabilities. It is to that singular omission that former Senator Foraker calls attention in his statement. There are various statements to the same effect by his comrades. It is one of those errors that will inevitably occur when large numbers of cases are being handled. He was, however, mustered out and has been drawing a pension for other causes, but this injury has never appeared as a matter of record. There can not be the slightest question as to the fact which Senator Foraker clearly sets forth.

I read further from the report of the committee:

The claimant is receiving a pension now of $72 per month, based on his disabilities mentioned in his discharge, which has never included the injury to his leg.

As a matter of fact, the man's leg is off. It is not proposed to grant him an additional pension at all, but to help the old soldier a little bit. He was at the time he enlisted promised a bounty of $100 a month; $25 were paid him but $75 remain unpaid. This bill proposes to pay him the $75 with accrued interest. The old man now lives in California, and I personally know he is very much in want. The committee thought this would be in the interest of justice and they accordingly recommend that he be paid $225, which is $75 with accrued interest. It is not a pension proposition at all. In view of the fact that his disability, through an error in the record, was never included, and he was never pensioned for it, it seems to me this is a case that has very exceptional merit, and I hope the Senator from Utah will not object. I do not believe he is going to do so.

Mr. KING. I should like to inquire of the Senator from Ohio if he approves of civil claims which are presented 60 years after the maturing of the alleged claim? If this claimant was entitled to a bounty in the sixties, why did he not present his claim then when the facts were accessible to the Government?

Mr. WILLIS. I should say that if this man had not received this injury, and if the peculiar circumstances which I have described did not exist, I should not be in favor of recognizing any such claim.

Mr. OVERMAN. I do not know why former Senator Foraker did not get this bill through for the relief of this man. Senator Foraker was himself on the Committee on Pensions.

Mr. WILLIS. I do not know why Senator Foraker did not do so.

Mr. OVERMAN. What did Senator Foraker say about the claim?

Mr. WILLIS. Let me read what Senator Foraker said, though I have already incorporated it in my remarks.

Mr. OVERMAN. I know that Senator Foraker was on the Committee on Pensions.

Mr. WILLIS. Yes; and the Senator from North Carolina knew Senator Foraker well.

Mr. OVERMAN. Yes.

Mr. WILLIS. Here is exactly what Senator Foraker says about the matter, and frankly this is what attracted my attention to the claim, because I had great confidence in the judgment of Senator Foraker. Senator Foraker says, speaking of the expedition in which this man was injured:

While on the same the claimant was somehow badly injured in his left ankle, which injury finally culminated in an amputation of same. I saw claimant from time to time almost daily while he remained with the regiment. He was plucky and courageous in the performance of his duty and continued to discharge it for some time after he should have been relieved.

He finally became unable to march and was compelled to go to the hospital, where he was discharged for disabilities; the ankle being, as I have always understood, the most serious of his ailments; it was so serious that in time it became necessary to amputate the same, as above stated.

But through one of those singular errors which sometimes occur this injury was not one of the grounds of the soldier's discharge; the man was discharged for other causes and because of other disabilities, and he is drawing a pension for them. The proposition here is simply to grant him this little amount of $75, with accrued interest, with the idea that it will help him out.

Mr. KING. May I inquire of the Senator from Ohio whether the Government at that time paid bounties?

Mr. WILLIS. Yes; that is my understanding.

Mr. KING. I wish also to inquire whether this claimant was promised a bounty by the Government or by the State?

Mr. WILLIS. My understanding from the report is that he was promised a bounty by the Government.

Mr. KING. Many of the States paid bounties; and my understanding is that they redeemed their promises, and that all to whom bounties were promised obtained them.

Mr. WILLIS. I understand what the Senator from Utah is driving at; but it is my understanding from the report on the bill that only $25 of the bounty was paid.

Mr. KING. If this applicant was promised a bounty by the Government, it seems to me that he is a monument to which we should point with a great deal of pride, if for 60 years, with that amount due him, he never made application for it. I can not quite believe it.

Mr. WILLIS. I have no personal information upon that phase of the matter, but here is the statement which is contained in the committee report:

At the time claimant enlisted he was promised a bounty of $100. Twenty-five dollars was paid on the bounty in July, 1863, and the balance still remains unpaid.

Mr. WARREN. It has never been the practice of the Government to pay interest on claims against the United States previous to their adjudication.

Mr. WILLIS. For the sake of the argument, I am perfectly willing to admit that that is the case. The plain fact is, however, that, while this old soldier has been pensioned, he has not been pensioned on account of this particular disability. He lost his leg as the result of his military service, but through an error in the record he has never received any compensation for that injury. He might have had a pension bill introduced here on his behalf for that reason, but no such action was ever taken.

Mr. OVERMAN. Is it proposed to pay interest on this claim?

Mr. WILLIS. The Senator from North Carolina knows very much better about that than do I. I suppose the Committee on Pensions, however, thought the amount for which he asked was so small, anyway, being only $75, that they allowed him the interest.

Mr. OVERMAN. But the interest amounts to twice as much as the claim.

Mr. WILLIS. I know it does; the bill provides for the payment of $225 to an old soldier who has but one leg.

Mr. OVERMAN. I am willing to take care of the old soldiers.

Mr. WARREN. But the Government never pays interest on claims against it until they are adjudicated.

Mr. WILLIS. I understand that.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I have no objection to the bill if the provision for the payment of interest is stricken out. I do not think that interest should be allowed; it never has been allowed by Congress since I have been a Member of the Senate. I understand it has been the practice both of the House and the Senate not to provide for the payment of interest except in the case of such claims as have been adjudicated.

Mr. OVERMAN. I will ask the Senator what is the amount of the principal?

Mr. WILLIS. The principal is $75. I do not desire to attempt to deceive the Senator and could not if I wished to do so. I read from the third page of the report, as follows:

The claimant asks for payment of $225, which is the balance on bounty of $75 and interest. This is equivalent to about 3½ per cent simple interest from date of discharge.

Mr. OVERMAN. Will not the Senator strike out the amount representing the interest and provide merely for the payment of $75? I shall object to the bill if it carries the payment of interest.

Mr. WILLIS. If the Senator from North Carolina desires to move such an amendment he may do so.

Mr. OVERMAN. As the Senator from Utah [Mr. SMOOT] has said, if we pass the bill in its present form it will constitute a precedent.

Mr. WILLIS. I understand the practice of the Government has been as stated.

Mr. OVERMAN. I do not care to make any motion in reference to the bill, but I shall object if it carries interest.

Mr. SMOOT. If the beneficiary of the bill had a claim for $225, I should not object to appropriating that amount, but I must object if the bill provides for the payment of any more than the original claim.

Mr. WILLIS. I ask the Senator to note what the bill provides. Of course, there has been discussion of it here which is now a matter of record, but the bill says nothing about the payment of any interest. It reads:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert E. Magoffin, out of any money in the Treasury not otherwise appropriated, the sum of $225 in full settlement of all pay, bounty, and allowances due by reason of his service—

And so forth.

So far as the bill itself is concerned, it does not say anything about interest. Does the form of the bill satisfy the Senator from Utah?

Mr. SMOOT. From the report of the committee, however, if it is ever looked up it will be found that the payment of interest was provided for, and that will constitute a precedent.

Mr. WILLIS. Very well.

Mr. SMOOT. I ask the Senator to amend the bill by striking out $225 and inserting $75, so as to provide merely for the payment of the amount which is due.

Mr. WILLIS. Very well; I will accept that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. In line 6, after the words "sum of," it is proposed to strike out "$225" and insert "$75."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF INDIANS OF MONTANA.

The bill (S. 249) for the relief of certain tribes and nations of Indians in the State of Montana was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 3, line 3, after the word "cause," to insert "nor more than $25,000 to be paid by any tribe or tribes occupying one reservation," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature which the Blackfeet, Blood, Piegan, Gros Ventre, River Crow, and Assiniboin Tribes or Nations of Indians residing upon the Blackfeet, Fort Belknap, and Fort Peck Indian Reservations east of the Rocky Mountains, and the Flathead Tribe of Indians west of the Rocky Mountains, in the State of Montana, may have against the United States may be submitted to the Court of Claims, with the right of any party to appeal to the Supreme Court of the United States, for the determination of the amounts, if any, due any of said tribes from the United States under the treaty of October 17, 1855, or any other treaty or law for the misappropriation of any funds and property due said tribes or any of them, or any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear, try, and determine all legal and equitable claims, if any, of said Blackfeet, Blood, Piegan, Gros Ventre, River Crow, Assiniboin, and Flathead Tribes, or any of them, against the United States, and any legal or equitable defense, counterclaim, or set-off which the United States may have against said tribes, or any of them, and to enter judgment. The Court of Claims shall have the authority to adjudicate all rights, legal or equitable, of said tribes and the United States, notwithstanding the lapse of time and the statutes of limitations, and the final judgment and satisfaction thereof shall be in full settlement of all claims of said tribes against the United States. The suit or suits shall be commenced within one year by the filing of a petition or petitions, and verified by an attorney or attorneys employed by said tribes, or each tribe, upon information and belief as to the facts alleged. The attorney or attorneys shall be selected and employed by the said tribes with the approval of the Secretary of the Interior and the fees fixed by the Court of Claims, and said fees approved by the Secretary of the Interior, and said fees shall be paid out of any sum or sums found due any of said tribes: *Provided*, That in no case shall the fee or fees exceed more than 10 per cent of the amount of the judgment recovered in said cause, nor more than $25,000 to be paid by any tribe or tribes occupying one reservation.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to have the Senator from Montana explain the bill briefly, or else I should like to have a little time to read the report to ascertain whether there is any change in the practice respecting the Indians named in the bill, comparing the pending bill with other bills for similar purposes which have heretofore passed.

Mr. WALSH of Montana. There has been no change, except the committee has recommended the amendment touching attorneys' fees and providing that in no case shall they exceed $25,000.

Mr. SMOOT. I notice that amendment.

Mr. WALSH of Montana. The attorneys' fees are limited to 10 per cent, but in no case shall they exceed $25,000. Otherwise the bill is in the usual form.

Mr. SMOOT. This bill has not passed the Senate heretofore, has it?

Mr. WALSH of Montana. No.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROW INDIANS OF MONTANA.

The bill (S. 250) authorizing the Crow Tribe of Indians, residing in the State of Montana, to submit claims to the Court of Claims, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That all claims of whatsoever nature, which the Crow Tribe of Indians, residing in the State of Montana, may have or claim to have against the United States, under any treaty or law of Congress, or for the misappropriation of any funds of the tribe, or the failure to pay any moneys when due, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the case or cases upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Crow Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun by the Crow Tribe of Indians as parties plaintiff and the United States as party defendant. The petition or petitions may be verified by the attorney or attorneys employed in said claim by the Crow Tribe of Indians upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, and in no case in excess of $25,000, to be paid to the attorney or attorneys employed by the said Crow Tribe of Indians, who shall be a member or members of the bar in good standing of the highest court of the State, District, or Territory in which he or they reside, and the same shall be included in the decree and shall be paid out of any sum or sums found due said tribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPENCER subsequently said: Mr. President, while I was out of the Chamber for a moment the Senate passed Senate bill 250, a bill authorizing the Crow Indians to have their rights adjudicated by the Court of Claims. The Indian Department were against the bill, but the committee was in favor of it. However, there is an amendment to which I am sure there will be no objection, which is generally put on those bills, providing that attorneys should act under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, in accordance with existing law.

I move that the votes by which the bill was ordered to a third reading and passed be reconsidered, so that this amendment may be incorporated in the bill.

Mr. KING. May I inquire of the Senator whether the Senator from Montana [Mr. WALSH] is in favor of this amendment?

Mr. SPENCER. I went to see that Senator, but he had left the Chamber. I conferred with the Senator from Arizona [Mr. ASHURST], a member of the committee, and he tells me that he thinks there can be no objection to it, and I am sure there could not be.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. SPENCER. I move to amend, on page 2, after line 10, by inserting after the word "Indians" the following:

Under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, in accordance with existing law.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 514) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes, was announced as next in order.

Mr. KING. I have been asked to request that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

ALLOTMENTS ON CROW RESERVATION, ETC.

The bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes, was considered as in Committee of the Whole.

The bill has been reported from the Committee on Indian Affairs with an amendment in section 1, page 2, line 9, after the word "Oklahoma," to insert "and to prosecute all appropriate proceedings to recover for such members any excess-income tax which may have been paid by or exacted of them, respectively," and in line 20, after the word "act," to insert "and that such contract shall obligate the firms or individuals with whom the same are made to prosecute to a final determination all claims included in such contract, unless the Secretary shall otherwise direct," so as to make the section read:

SECTION 1. That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to make or approve contracts with competent and experienced firms or individuals to prepare and submit, through the Superintendent for the Five Civilized Tribes, amended income-tax returns covering the years 1919, 1920, and 1921, for the restricted members of the Five Civilized Tribes of Indians in Oklahoma, and to prosecute all appropriate proceedings to recover for such members any excess-income tax which may have been paid by or exacted of them, respectively: *Provided*, That the compensation paid for the preparation and submission of such amended income-tax returns shall not exceed for any year 10 per cent of the actual net savings in taxes allowed such taxpaying Indians either by reason of deductions for depletion or other proper allowances actually secured in their behalf as a result of the work and efforts of the firms or individuals with whom such contract or contracts are made in pursuance of this act, and that such contract shall obligate the firms or individuals with whom the same are made to prosecute to a final determination all claims included in such contract, unless the Secretary shall otherwise direct: *Provided further*, That the Secretary shall make payment of such compensation out of the funds belonging to the several restricted Indians who shall be the beneficiaries of such contract.

Mr. SMOOT. Mr. President, I doubt the wisdom of the amendment on page 2, beginning in line 9, reading:

And to prosecute all appropriate proceedings to recover for such members any excess-income tax which may have been paid by or exacted of them.

I shall ask that the bill go over unless that amendment is rejected.

Mr. WALSH of Montana. Mr. President, I have no interest in that feature of the bill at all, but the subject had very careful consideration by the committee, and it was deemed advisable to put that amendment in as well as the amendment which follows it. The members of the Five Civilized Tribes have become the owners of very valuable oil properties; they were called upon to make returns for taxation, and in many cases it is claimed that their returns called for a very much higher tax than they were obliged to pay.

This bill authorizes the employment of an attorney to prosecute before the Commissioner of Internal Revenue a claim to recover the excess taxes paid. Of course, it is conceivable, and not at all improbable, that the commissioner will indorse the action that was taken. The ordinary individual then would have an opportunity to go before a court and sue to recover the excess tax, and we want to give the Indian exactly the same privilege that the white man has.

Mr. SMOOT. He has that right now.

Mr. WALSH of Montana. Oh, he has it, Mr. President, but the trouble is that he has no opportunity to employ an attorney, having no funds at his command, and being practically prohibited from entering into any agreement with an attorney, and being unable to do so, as a matter of fact, being under guardianship; so we simply wanted to authorize him, through the Commissioner of Indian Affairs, to employ an attorney to prosecute the claim for the recovery of the money which he claims to be due him. It is simply giving him an opportunity to go into court and establish his claim against the Government, which it seems to me we ought to be very glad to accord to all Indians.

Mr. SMOOT. There is no limit whatever here. This amendment would authorize any attorney, at any time in the future, to proceed against the Government for the collection of "any excess income tax which may have been paid by or exacted of them," meaning the Indians. The Senator from Montana knows that these Indian cases in the past have been the means of many attorneys exacting from the Indians excessive attorney fees, and, in fact, many of them were originally worked up by the attorneys for the very purpose of getting large fees out of the Indians whom they defended. It seems to me that if we are going to give this right by law, it ought to be limited to some time.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do.

Mr. WALSH of Montana. I want to say to the Senator that this is a matter in which the Senator from Kansas [Mr. CURTIS] is particularly interested, and the amendment was made at his suggestion.

Mr. SMOOT. It would not make a particle of difference in my view of the matter who suggested it.

Mr. WALSH of Montana. I understand. I merely make this statement so that the Senator will have my position with respect to the matter clear; but I think the Senator has not stated the case exactly. It will be observed that this bill authorizes the Secretary of the Interior to make or approve contracts with firms or individuals for the preparation for restricted members of the Five Civilized Tribes of amended income-tax returns; that is, they made income-tax returns which they now insist were not correct, and this bill authorizes the Secretary of the Interior to employ an attorney to make for them amended income-tax returns with a view to recovering from the commissioner, when the amended return is approved by him, the amount of the excess. It is altogether likely, however, that the Commissioner of Internal Revenue will not approve the amendment, and then the Indian is left helpless, and he can not recover the amount that is due him. He could, of course, go on himself and hire an attorney, as the Senator suggests; but we want to repose the power in the Secretary of the Interior to look after his interests. If the Secretary of the Interior feels that a suit ought to be begun, he is authorized under this bill to hire an attorney to prosecute the suit.

Mr. SMOOT. I should think if the Indian who had paid the tax was told by some attorney that he had overpaid the Government, and that there was really some money coming to him because of that overpayment, and he in turn went to the Secretary of the Interior and appealed to him to select some attorney or approve some attorney that might be selected by the Indian to enter into a suit for the recovery of this money from the Government of the United States, it would place the Secretary of the Interior in rather an embarrassing position to refuse it, and I doubt very much whether the Secretary of the Interior would do so. At least he would not do so until he had looked up the case himself, and decided in his own mind that there was no just claim on the part of the Indian.

The Senator knows that these Indians are exploited by attorneys from one end of this country to the other. He knows that men have been made wealthy by fees charged to and collected from the Indians for prosecuting their claims in the courts against the Government of the United States. I have no objection at all to this bill if the time is limited. The Government ought to have some time fixed in which suit can not be brought against it for the recovery of taxes paid.

Mr. WALSH of Montana. Mr. President, the general limit is applicable to everybody.

Mr. SMOOT. Oh, yes.

Mr. WALSH of Montana. No right is conferred here at all, and I want to say this much to the Senator: The bill as it stands, without this amendment, authorizes the Secretary to employ these attorneys.

Mr. SMOOT. Then there is no need of the amendment.

Mr. WALSH of Montana. Yes; the simple question is, How far shall the attorneys go? Shall they quit when they have presented the matter to the Commissioner of Internal Revenue, or shall they go on and prosecute the case in the courts if the Secretary of the Interior desires them to do so?

I appreciate what the Senator says, that these are often made speculative matters; but we are already authorizing the employment of these attorneys, and it is simply a question of how far their powers shall go.

Mr. SMOOT. I hardly agree with the Senator that this gives them no rights in addition to those that they have under existing law. This amendment, if it should become a law, would be passed since the passage of the law which limited the time in which the suits could be brought. It seems to me that the construction which would be put upon it, that being the case, would be that this is giving the Indians a privilege and an advantage that is not given to any other taxpayer in the United States. All other taxpayers must conform to existing law. They must make their applications within the period limited by that law, but it seems to me that if this bill passes there will be no limitation at all.

Mr. WALSH of Montana. This could not possibly be construed to extend the period of the statute of limitations.

Mr. SMOOT. Then, if that is the case, I do not see any necessity whatever for the amendment. If it gives them no additional right, if it grants no extension of time over that which is provided for in existing law, I can not see any reason why the amendment is offered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I will ask that it go over to-day.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the calendar.

FRED SUMPTER.

The bill (S. 3176) for the relief of Fred Sumpter was announced as next in order.

Mr. WALSH of Montana. Mr. President, a recent ruling of the department makes unnecessary this relief to the claimant, and I accordingly move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

LANDS IN NEW MEXICO.

The bill (S. 2014) to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in township surveys hereafter to be made in the State of New Mexico, if it shall be made to appear to the satisfaction of the deputy surveyor making such survey that any person has, through himself, his ancestors, grantors, or their lawful successors in title or possession, been in the continuous adverse actual bona fide possession, residing thereon as his home, of any tract of land or in connection therewith of other lands, all together not exceeding 160 acres, in such township for 20 years next preceding the time of making such survey, the deputy surveyor shall recognize and establish the lines of such possession and make the subdivision of the adjoining lands in accordance therewith. Such possession shall be accurately defined in the field notes of the survey and delineated on the township plat, with the boundaries and area of the tract as a separate legal subdivision. The deputy surveyor shall return with his survey the name or names of all persons so found to be in possession, with a proper description of the tract in the possession of each as shown by the survey, and the proofs furnished to him of such possession.

Upon receipt of such survey and proofs the Commissioner of the General Land Office shall cause careful investigation to be made in such manner as he shall deem necessary for the ascertainment of the truth in respect of such claim and occupation, and if satisfied upon such investigation that the claimant comes within the provisions of this section, he shall cause patents to be issued to the parties so found to be in possession for the tracts respectively claimed by them: *Provided, however*, That no person shall be entitled to confirmation of, or to patent for, more than 160 acres in his own right by virtue of this section.

All claims arising under this act shall be filed with the surveyor general of New Mexico within two years next after the passage of this act, and no claim not so filed shall be valid. No tract of such land shall be subject to entry under the land laws of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN NORTH AND SOUTH DAKOTA.

The bill (H. R. 9710) authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That any homestead entryman or purchaser of Government lands within the former Cheyenne River and Standing Rock Indian Reservations in North Dakota and South Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension to the 1923 anniversary of the date of his entry or contract of purchase upon payment of interest in advance at the rate of 5 per cent per annum on the amounts due from the maturity thereof to the said anniversary; and if at the expiration of the extended period the entryman or purchaser is still unable to make the payment he may, upon the same terms and conditions, in the discretion of the Secretary of the Interior, be granted such further extensions of time, not exceeding a period of three years, as the facts warrant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLERKS OF UNITED STATES DISTRICT COURTS.

The bill (H. R. 8342) to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and empowered to increase or decrease the salary of any clerk of a United States district court within the limits prescribed by the act approved February 26, 1919, where upon investigation the Attorney General finds that there has been such material increase or decrease in the volume of business transacted in any such district when contrasted with the volume of business upon which the said salaries have been heretofore fixed as to justify such increase or decrease, but in all cases the said increase or decrease shall be based upon the amount of business transacted by the court and the fees and emoluments collected by the clerks and by them paid into the Treasury of the United States during the four years last preceding the time of such increase or decrease of salary to be made by the Attorney General under the power hereby conferred: *Provided*, That no change in the salary of any clerk having been hereafter fixed under power hereby conferred shall be made until after the lapse of four years from the date of such change.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUNICIPAL PARK, BUTTE, MONT.

The bill (H. R. 5762) providing for a municipal park for the city of Butte, Mont., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the municipality of Butte, Mont., to designate and segregate for municipal recreational development any lands, not to exceed 3,600 acres, within the Deerlodge National Forest which, in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperation with the said municipal authorities as, in his opinion, will permit the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Lands so designated and segregated under the provisions of this act shall not be subject to the mining laws of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2281) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MILES SWIFT.

The bill (H. R. 7234) for the relief of Miles Swift was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the naval record of Miles Swift, who served in the United States Navy from November 12, 1861, until August 15, 1864, be corrected, and that in the administration of the pension laws he shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided*, That no back pension, pay, bounty, or other emolument shall accrue or become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2130) changing the name of Vernon Street, in the county of Washington, D. C., to U Street was announced as next in order.

Mr. CAPPER. I ask that that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LASSEN VOLCANIC NATIONAL PARK.

The bill (H. R. 5588) to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916, was announced as next in order, and was read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916 (39 Stat. L., p. 442), be, and the same is hereby, repealed.

Mr. KING. Mr. President, I should like an explanation of that bill.

The PRESIDING OFFICER. The Senator who reported the bill is not present.

Mr. SMOOT. The bill was reported out of the committee at a time when I was not present. I will ask the Secretary to read the letter of Hon. E. C. Finney, Acting Secretary of the Interior, dated February 15, 1922. The letter gives a full explanation of what the bill is and why it is recommended for passage.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read the letter.

The reading clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1922.

Hon. NICHOLAS J. SINNOTT,
Chairman Committee on the Public Lands,
United States House of Representatives.

DEAR MR. SINNOTT: I have your request of July 1, 1921, for a report on H. R. 5588, Sixty-seventh Congress, first session, which is a bill to repeal section 5 of the organic act approved August 9, 1916, to establish the Lassen Volcanic National Park, in the State of California, which places a limitation on future annual appropriations of said park to $5,000 unless previously authorized by law.

This park is located in northern California and contains, in addition to its chief scenic feature—the only active volcano in the United States proper—innumerable other attractions for the enjoyment and

pleasure of the people. The small annual appropriations heretofore made have not permitted active development, administrative or protective work, nor has this been contemplated. The available funds have been expended in their entirety in road construction near the park boundaries. In the past two years great interest in the attractions of this park has been shown by the touring public, it being estimated that the visitors increased from 2,000 in 1920 to 10,000 in 1921. The time is obviously close at hand when active administration of the park must be undertaken in order to provide for the necessary protective and maintenance work, which will require more than the small amount of $5,000 permitted under existing laws.

I recommend that the bill providing for the repeal of this inhibitive clause be favorably reported by your committee.

Respectfully,

E. C. FINNEY, *Acting Secretary.*

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FLETCHER. One moment. I desire to inquire about that. At present there is a limit of $5,000 a year; and is the object of this bill to remove that, so that there will be no limit on what may be expended?

Mr. SMOOT. That is the object of the bill.

Mr. KING. I object.

The PRESIDING OFFICER. The bill will be passed over.

DANIEL S. GLOVER.

Mr. SWANSON. Mr. President, the bill (S. 2281) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover was passed over, and I want to make a little statement in reference to it. I am sure that any Senator who looks into it will not object to its consideration.

It is a case where a man was working in the navy yard here, drilling on some very dangerous work, and a piece of metal flew into his left eye, on January 28, 1913. At that time they did not think it was very serious, and he got compensation under the law at that time of only about $46. His eye got worse and worse from the little piece of metal which flew into it, and on November 8, 1916, which was only two months after the employers' liability act was passed, a very serious condition developed in regard to his eye, and he lost his left eye. He spent a little over $1,700 in getting treatment. He has lost his left eye entirely and has nearly lost the sight of his right eye. He is still kept at work there, because he is an expert. It is only a question of time when the sight of his right eye will be gone.

The chairman of the board of compensation has recommended that this be allowed, and the only difficulty was that the disability came in November, 1916, and the act was passed on September 7, 1916. The original injury was from a piece of metal getting into his eye in 1913. The record shows that he has spent $1,700 for medical treatment, and he and his family are entirely dependent. It is therefore a case in which the Government ought to make this allowance. If it were a private corporation, I do not believe there would be a moment's hesitation. I ask unanimous consent that we go back to that bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. SMOOT. Before I decide whether to give consent or not, I want to ask a question in regard to it.

Mr. SWANSON. There is a report on it from the board which has charge of it—compensation for injuries. They recommend it, and set out the facts which I have stated.

Mr. SMOOT. I will ask the Secretary to read that report, because I do not find it in my file.

Mr. SWANSON. It was not in my file, but a report was made by the Senator from California [Mr. SHORTRIDGE].

The PRESIDING OFFICER. The Secretary will read the report.

The reading clerk read the report submitted by Mr. SHORTRIDGE May 14, 1922, as follows:

Report to accompany S. 2281.

The Committee on Education and Labor, to whom was referred the bill (S. 2281) to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

Mr. Glover while an employee of the Washington Navy Yard was injured during the performance of his duties on January 28, 1913. He would have been entitled to all the benefits of the act of September 7, 1916, if it had been effective at the time he was injured. The United States Employees' Compensation Commission has reported favorably on the bill in the following letter:

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION,
Washington, March 1, 1922.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate.

MY DEAR SENATOR: You have made inquiry in regard to the case of Daniel S. Glover, in whose behalf a bill has been introduced in the Senate (S. 2281) by Senator SWANSON to grant relief in the terms of the employees' compensation act of September 7, 1916, on account of the results of an injury sustained January 28, 1913, while employed as a machinist at the Washington Navy Yard.

Mr. Glover, whose home is now at 1405 King Street, Alexandria, Va., called at the offices of the commission July 11, 1921, to make inquiry with reference to the possibility of receiving compensation under the terms of the present compensation act on account of the injury above mentioned. At the time of his call upon me he was employed at the naval torpedo station, Alexandria, Va.

Mr. Glover's injury in January, 1913, was a laceration of the left eyeball, due to flying particles of metal striking the eye. At that time he was disabled for work for 15 days and was paid compensation, under the compensation law of May 30, 1908, for 13 working days to the amount of $45.76. Unfortunately, however, one of the particles of metal penetrated the eyeball, so that on November 23, 1916, he was again disabled and was under treatment by an eye specialist until June 1, 1917. It was impossible, however, to save the sight of the left eye, and since this time Mr. Glover has been blind in this eye. At the time of his call upon me in July the sight of the right eye had been failing for some time, so that his vision in this eye at that time was limited to 20/200, even with properly fitted glasses. He had continued to do his work at the naval torpedo station because long experience and skill acquired and a very sensitive touch supplemented the little remaining vision. Mr. Glover was convinced that it would be impossible for him to continue this work for more than a very limited time.

When Mr. Glover, at the time of his disability and medical treatment between November 23, 1916, and June 1, 1917, made claim for further compensation, it was necessary to disallow the claim because the law of May 30, 1908, limited the payment of compensation to one year from the beginning of disability. The total benefits received by him on account of his injury therefore amount to $45.76. The costs to him of the results of the injury are in excess of $1,700, this including very heavy medical and hospital bills.

Mr. Glover is not entitled to any benefits under the present compensation law, because it applies only to results of injuries occurring after September 7, 1916. The case is one in which, if the accident had occurred after September 7, 1916, total disability compensation would now be payable at the rate of $66.67 per month. In addition to this, all of the medical treatment which has been at Mr. Glover's personal expense would have been furnished without charge to him. The compensation payments would continue for life, and any medical or hospital treatment needed would be furnished without expense to Mr. Glover. The case is one which illustrates in a very striking manner the utter inadequacy of the provisions of the act of September 30, 1908, under which Mr. Glover was compensated.

Yours very truly,

CHAS. H. VERRILL, *Commissioner.*

Mr. SMOOT. I shall not object to the consideration of this bill, but I do not want to have it pointed to in the future as a precedent under which every person who received the slightest injury before September 7, 1916, while in the Government service, can come later and claim by special act the privilege of being put under the employers' liability law.

Mr. SWANSON. I think the Senator is entirely correct in his position. This development did not come until November, 60 days after September 7. He lost the sight of his eye then, and it might have been considered almost a new injury. It is disallowed mostly on a technical ground.

Mr. SMOOT. It is a rather serious case, and perhaps we can pass this special bill in this man's behalf, but I hope it will not be pointed to as indicating that the practice of Congress hereafter will be to take care of all such cases, no matter whether the claimant has a scratch upon his hand or on his foot, or whether he is just laid up for a few days from some temporary illness.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Daniel S. Glover, on account of the results of an injury sustained January 28, 1913, while in the performance of duty as an employee of the navy yard at Washington, D. C., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3310) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3309) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3296) to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. That bill will take considerable time, and I think we had better let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3326) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Ma-

rine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3295) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1282) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MISSISSIPPI RIVER FISH-RESCUE STATION.

The bill (H. R. 2393) to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce, was announced as next in order.

Mr. KING. I understand that this is as important as the bill which was introduced in the House of Representatives many years ago by Private John Allen, about the unborn generations in Tupelo. So I think perhaps it is quite important, and it ought to go through.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, line 1, to strike out "$75,000" and insert in lieu thereof "$60,000"; and, beginning with line 5, to strike out section 2 and to insert in lieu thereof a new section, so as to make the bill read:

Be it enacted, etc., That there shall be established on the Mississippi River, at a point to be selected by the Secretary of Commerce, a station for the rescue of fishes and the propagation of mussels in connection with fish-rescue operations throughout the Mississippi Valley, to be under the direction of the Bureau of Fisheries of the Department of Commerce, and for this purpose there is authorized to be appropriated the sum of $60,000 for the construction of buildings and the purchase of equipment, boats, and such other accessories as may be deemed necessary for the successful operation of such station.

SEC. 2. That in connection with the establishment of such fish-rescue station there is authorized the following personnel, namely: One district supervisor, at $2,500 per annum, to have general charge of fish-rescue and fish-cultural operations in the Mississippi Valley; a superintendent, at $1,500 per annum; 2 field foremen, at $1,200 each per annum; 4 fish-culturists at large, at $960 each per annum; 1 engineer at large, at $1,200 per annum; 1 clerk, at $1,200 per annum; 2 coxswains at large, at $720 each per annum; and 2 apprentice fish-culturists, at $600 each per annum.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SPRINGFIELD ARMORY MILITARY RESERVATION, MASS.

The bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and empowered to convey by quitclaim deed to the city of Springfield, Mass., for public street purposes, and for no other purpose, all the right, title, and interest of the United States of America in and to all or any part of certain strips or parcels of land within the Springfield Armory Military Reservation, Mass., now used as streets, and known as Byers Street, Pearl Street, Federal Street, Lincoln Street, and Mill Street, the areas to be so conveyed being particularly described as follows:

BYERS STREET.

Parcel No. 1: Beginning at a point in the north line of Frost Street, located 3 feet westerly from a stone bound that marks the present limit of that part of Byers Street that is public; thence north 49 degrees 30 minutes 30 seconds west, 851.89 feet to the southerly line of Pearl Street; thence north 42 degrees 13 minutes 20 seconds east, about 54 feet to the easterly curb of Byers Street; thence on a curve of 65 feet radius about 32 feet; thence on a curve of 20.14 feet radius, 5.95 feet; thence south 49 degrees 30 minutes 30 seconds east, 818.42 feet to that part of Byers Street now public; thence westerly across Byers Street 36 feet to the point of beginning.

Parcel No. 2: Also a second parcel, located adjacent to the parcel above described and described as follows: Beginning at a point in the southerly line of Pearl Street, located north 42 degrees 13 minutes 20 seconds east, 241.39 feet from Spring Street; thence north 42 degrees 13 minutes 20 seconds east, 9.25 feet; thence south 49 degrees 30 minutes 30 seconds east, 558.23 feet; thence south 40 degrees 29 minutes 30 seconds west, 9.25 feet; thence north 49 degrees 30 minutes 30 seconds west, 558.51 feet to the point of beginning.

It is intended by the description of the two above parcels to describe all the land located between the easterly curb line and the private property on the westerly side of that portion of Byers Street now owned by the United States of America. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Byers Street, Bk. 276, pp. 45, 46, Dec., 1921."

PEARL STREET.

Beginning at a point in the northerly line of Pearl Street, located 243.82 feet easterly from Spring Street, said point being at the easterly end of that part of Pearl Street now public; thence north 41 degrees 11 minutes east, 814.93 feet; thence north 59 degrees 25 seconds east, 1,293.46 feet to Federal Street; thence by Federal Street 48.78 feet to the southerly curb line of Pearl Street; thence on the southerly curb line of Pearl Street by a curve of 50 feet radius, 32.6 feet; thence south 59 degrees 25 seconds west, 1,235.46 feet; thence on a curve of 127.54 feet radius, 39.69 feet; thence south 41 degrees 11 minutes west, 706.84 feet; thence on a curve of 20 feet radius, 13.24 feet; thence on a curve of 65 feet radius, about 11 feet; thence south 42 degrees 13 minutes 20 seconds west, about 63 feet to the part of Pearl Street now public; thence across Pearl Street, 48.5 feet to the point of beginning; intending to describe all of the land between the southerly curb line and the private property on the northerly side of Pearl Street between that part of Pearl Street now public and Federal Street. Said property being shown on blue print "Springfield, Mass. Department of streets and Engineering, Pearl Street, Bk. 276, pp. 45 and 46, Dec., 1921."

FEDERAL STREET.

Beginning at a point in the easterly line of Federal Street, located 570.96 feet southerly from Worthington Street, said point being at the southerly end of that part of Federal Street which is public; thence south 29 degrees 5 minutes 15 seconds east, 215.33 feet to the westerly line of Armory Street extended; thence north 9 degrees 53 minutes east, 16.54 feet; thence south 29 degrees 5 minutes 15 seconds east, 154.67 feet to the line of the southerly curb of Lincoln Street extended; thence westerly by the line of the southerly curb of Lincoln Street extended 15 feet; thence north 71 degrees 34 minutes 45 seconds west, 58.38 feet to the westerly curb line of Federal Street; thence north 29 degrees 5 minutes 15 seconds west, by the westerly curb line of Federal Street, 345.76 feet to that part of Federal Street now public; thence across Federal Street by the line of the southerly end of that part of Federal Street now public, 54.82 feet to the point of beginning; intending to describe all of the land located between the westerly curb line and the private property on the easterly side of Federal Street from the present end of that part of Federal Street that is public near Pearl Street to lines near the trolley track at Lincoln Street. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Federal Street, Pearl to Lincoln St., Bk. 276, pp. 47, 48, Dec., 1921."

LINCOLN STREET.

Beginning at the intersection of the easterly line of Federal Street and the northerly line of Lincoln Street; thence north 64 degrees 50 minutes 45 seconds east, 864.58 feet to the intersection of the northerly line of Lincoln Street with the easterly line of Magazine Street; thence 34.38 feet across Lincoln Street on the easterly line of Magazine Street to the southerly curb line of Lincoln Street extended; thence south 64 degrees 50 minutes 45 seconds west, 867.29 feet by the line of the southerly curb of Lincoln Street to the easterly line of Federal Street; thence northerly by the easterly line of Federal Street 34.08 feet to the point of beginning; intending to describe all of the land between the southerly curb line and the private property on the northerly side of Lincoln Street between Federal Street and the easterly line of Magazine Street. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Lincoln Street, Bk. 276, pp. 48–50, Dec., 1921."

MILL STREET.

Beginning at the intersection of the easterly line of Dickinson Street and the southerly line of Mill Street; thence 34.31 feet to the fence on the northerly side of Mill Street; thence by said fence about 575 feet to Hancock Street; thence across Hancock Street about 51 feet to the intersection of the easterly line of Hancock Street and the northerly line of Mill Street; thence on a curve of 295.24 feet; 109.17 feet; thence on a curve of 442.24 feet radius, 77.2 feet to the intersection of the westerly line of Chester Street and the northerly line of Mill Street; thence north 85° 47′ 20″ east, 53.34 feet to the intersection of the easterly line of Chester Street and the northerly line of Mill Street; thence north 85° 47′ 20″ east, 48 feet; thence on a curve of 144.24 feet radius, 75.88 feet; thence on a curve of 848 feet radius, 334.02 feet; thence on a curve of 1,086.89 feet radius; 377.75 feet; thence north 12° 49′ 55″ east, 161.12 feet to the southerly line of Central Street; thence north 76° 35′ 5″ west by the southerly line of Central Street 46.14 feet; thence north 20° 40′ 5″ east, 234.7 feet; thence north 48° 51′ 35″ east, 56.49 feet; thence south 27° 35′ 20″ east, 59.17 feet to the line of the southerly curb of Mill Street; thence on a curve of 49.86 feet radius, 43.14 feet; thence south 12° 49′ 55″ west, 145.42 feet to the easterly line of the proposed Central Street extension; thence still south 12° 49′ 55″ west, 50.73 feet to the westerly line of the proposed Central Street extension; thence still south 12° 49′ 55″ west, 160.71 feet; thence on a curve of 1,108.89 feet radius, 391.89 feet; thence on a curve of 888 feet radius, 349.77 feet; thence on a curve of 184.24 feet radius, 96.92 feet; thence south 85° 47′ 20″ west, 382.32 feet; thence south 42° 13′ 50″ west, 491.92 feet to the point of beginning at Dickinson Street; intending to describe all of the land in Mill Street from Dickinson Street to a point north of the northerly side of Mill River and from that point all of the land located between the private property on the northerly side and the edge of the sidewalk on the southerly side of Mill Street. Said property being shown on blue print "Department of streets and engineering, Springfield, Mass. Plan showing proposed layout of Mill Street from Orange Street to watershops; also proposed extension of Central Street from Mill Street to Allen Street, October, 1921."

Provided, That the conveyance herein authorized shall be upon condition that the city of Springfield, Mass., shall improve and maintain each and all of said streets as public streets: *Provided further*, That there shall be reserved in the conveyance herein authorized the right to construct and maintain over, under, and across said streets water, gas, and sewer mains, electric light and telephone wires and cables, and any other utility which the operation and use by the Government of said armory may require: *And provided further*, That the said city of Springfield shall not sell or convey the said described premises, nor devote the same to any other purpose than street purposes; and in the event said premises shall be used for any other purpose or shall not be cared for and maintained as are other public streets of said city, the right, title, and interest hereby authorized to be conveyed shall revert to the United States.

SEC. 2. That the Secretary of War be, and he hereby is, further authorized, in his discretion and under such conditions, rules, and regulations as he may prescribe, to permit the extension of Central Street by said city of Springfield to connect with Allen and Oakland

Streets at the junction of the latter streets in said city, and to permit the said city to construct, operate, and maintain a bridge and approaches thereto across the Mill River Canal at the point where such extension of Central Street crosses said canal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERBERT LANGLEY.

The bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PAGE. Did some one ask that that go over?

Mr. OVERMAN. Yes; it is 2 o'clock.

Mr. PAGE. If it goes over because the hour of 2 o'clock has arrived, I have nothing to say.

The PRESIDING OFFICER. It went over because it was objected to when it was reached on the calendar.

KETCHIKAN POST, AMERICAN LEGION, ALASKA.

The bill (H. R. 8460) to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to permit Ketchikan Post No. 3, American Legion, to erect a building upon and use and occupy, for post purposes, so much of that certain tract of land adjacent to Tongass Narrows, Alaska, described as follows: Beginning at corner No. 1, within the corporate limits of the town or city of Ketchikan, Alaska, from which a stone marking the intersection of Mission and Stedman Streets bears north 16 degrees 16 minutes east 22 feet distant, and United States locating monument No. 4 bears south 37 degrees 15 minutes east 1,289.27 feet distant; thence south 49 degrees 7 minutes east 100 feet along the southwest side of Stedman Street to corner No. 2; thence south 81 degrees 39 minutes west 165.30 feet to corner No. 3; thence north 8 degrees 21 minutes west 75.74 feet to corner No. 4, on the south side of Stedman Street; thence north 81 degrees 39 minutes east 100 feet along the southerly side of Stedman Street to corner No. 1, the place of beginning; containing 10,046.90 square feet: *Provided*, That the permit hereby authorized may not be assigned, shall be subject to such terms and conditions as to occupancy and use as may be prescribed by the Secretary of the Interior, and shall be revocable by the Secretary of the Interior, after due notice to the permittee, when, in his opinion, the public interests so require: *Provided further*, That the title to all buildings erected on said lands by the permittees shall remain in them at all times, and said permittees may remove said buildings at any time; and if the permit be lawfully revoked, a period not exceeding one year shall be allowed for removal of buildings or improvements.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PAGE. I would like to know the status of House bill 7415. The Senator from North Carolina objected to its consideration, because the hour of 2 o'clock had arrived.

The PRESIDING OFFICER. It went over on objection. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. CALDER obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	Lodge	Poindexter
Borah	Hale	McNary	Sheppard
Broussard	Harreld	Moses	Smoot
Bursum	Harris	Nelson	Spencer
Calder	Harrison	Newberry	Stanley
Capper	Heflin	Nicholson	Sterling
Caraway	Hitchcock	Norbeck	Sutherland
Culberson	Johnson	Norris	Townsend
Curtis	Jones, Wash.	Oddie	Wadsworth
Dial	Kendrick	Overman	Walsh, Mass.
du Pont	Keyes	Owen	Warren
Edge	King	Page	Watson, Ga.
Fernald	Ladd	Pepper	Watson, Ind.
Fletcher	La Follette	Phipps	Williams
Glass	Lenroot	Pittman	Willis

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

THE ST. LAWRENCE WATERWAY.

PROBLEMS OF TRANSPORTATION AND THEIR RELATION TO THE FARMER.

Mr. CALDER. Mr. President, problems of transportation challenge attention in increasing measure. The figures involved startle those not yet accustomed to think in terms of billions. But the immensity of our transportation problems is not their only claim upon our interest. Their immensity is only equaled by their diversity. A stranger, perusing our public prints, would inevitably be led to the conclusion that we had but recently discovered our railroads, our rivers, and our canals and were engaged in our initial effort to forge them into a workable, efficient, national system.

In one respect such a conclusion would state the fact. Our railroads, our rivers, and our man-made inland waterways are not new, but neither have they been forged into an efficient, practical transportation system. We are still a land of transportation units that await the design of the master organizer.

The transportation facilities of our Nation were not projected as links in a national system. The early settlements were planted at the mouths of rivers. Colonists pushed their way up the rivers into the wilderness. From widely separated communities the tide of migration pushed its way to the Alleghenies, crossed the mountain barriers, and swept into the lands beyond. A few national highways, the Erie Canal, and some timid railroad ventures represented our first large-scale transportation endeavors. The problem was always to meet present necessities. There were few who even dreamed what the future held for them. Pioneers pushed their way westward, westward, westward, building as they went, but building for their own needs and for their own time. Each district met its own transportation problems and solved them as best they could. And there were always new districts to be developed. We have now reached the point where we are touching shoulders clear across the continent. It has become necessary for us to link our isolated transportation units, designed primarily to meet sectional needs, into a transportation system that will be truly national in its scope.

Therefore, if we are to solve our transportation problems, and solve them we must, we can not permit ourselves to forget the needs of the system as a result of our enthusiastic devotion to some one of the particular units that ultimately will compose that system.

In this particular I believe we can, all of us, subscribe to a very excellent doctrine that has come out of the West and which was recently enunciated by Congressman A. P. NELSON, who said:

> We should not have a competition between the railroads and our inland waterways, but sympathetic cooperation. Indeed, we must supplant destructive competition between railways and waterways by a program of constructive cooperation. There is plenty of room for growth and expansion of railways in legitimate territory void of inland waterways. The whole country, the producers and the consumer, should have the benefit of the full and complete development of both railways and waterways through cooperative harmony.

SOME ARGUMENTS PROVE TOO MUCH.

That is sound in theory, and, so far as it has been exemplified in action, sound in practice. But programs of constructive cooperation involve more than extravagant emphasis upon some detail in the general plan. Deeply concerned as I am regarding our transportation problems, I am becoming more and more suspicious of arguments regarding them that prove too much. Doubtless the pooling of railroad equipment, the joint use of terminals, the consolidation of existing lines into logical systems will prove steps that will be of very material assistance in meeting our transportation difficulties. But I do not believe we can afford to go all the way with those who assert any one of these particular steps will insure our transportation salvation.

We are, relatively speaking, a young Nation, but we nevertheless have some history back of us. There was a time when national turnpikes were relied upon to serve all our transportation needs. We had our day, too, when we gazed upon the possibilities of artificial inland waterways through a mist of glory. Those were the times when enthusiasts not only proclaimed the canal as the ultimate highway but contended for the doctrine that through public works taxation, as a State or even governmental institution, would forever be annihilated. Public works were to make possible the complete development of the inexhaustible resources. They were relied upon not only to maintain State governments but as a source of possible revenue to the individual citizen, who was to receive a dividend from the public works his State controlled.

BUBBLES EXPLODED.

That vision vanished when the bubbles of Van Buren's day exploded. Then railroads came into being one by one. They were to be our salvation. Later it was the Interstate Commerce Commission that was to make it possible for the roads to meet our every transportation problem. Plan after plan, theory after theory, flashed across the screen.

The St. Lawrence waterways project has been presented as the answer—final, complete, conclusive—to a transportation problem. To that extent it is a masquerader. It is at best, in view of its existing conditions, an attempt to answer a price

problem. The St. Lawrence project is vital to-day, because it represents a dream. Farmers, laboring under the glare of hot prairie suns, in years when prices were low, paused to wipe their brows, count their costs, tabulate their gains, and, gazing through the prairie haze, conjured up the vision of a cooling ocean beating upon the confines of their prairie homes. Well, the prairies are peopled by men and women whose forefathers lived by the sea.

SHADOW ACROSS NATION.

The St. Lawrence waterways project casts its shadow across the Nation because farmers worked long hours under the hot sun raising wheat that sold in the world market for a price they considered far too low.

The transportation problems of our people can not be solved except upon the basis of an all-American transportation system—a system that will link the railroad, the auto truck, the canal, the river, the ocean into one great union intelligently planned and executed in conformity with the plan devised to meet our national needs.

If we are to avoid the evils that inevitably follow patchwork effort, if we are to build symmetrically, each major transportation problem must be met upon a national rather than upon a sectional basis. We can not logroll ourselves to a state of maximum efficiency.

I have called your attention to the fact that the St. Lawrence project is, under present conditions, an answer to a price problem rather than a solution of a transportation difficulty.

SURPLUS OF FREIGHT CARS.

There was during the year of 1921 on an average transportation day a surplus of railway freight cars sufficient to entirely fill 23 tracks reaching all the way from New York City to Philadelphia, 90 miles distant, with enough cars left over to reach from Philadelphia to the seat of Princeton University. Or, in terms of tonnage, on any average day there were sufficient freight cars idle to move 13,431,520 tons of freight.

Idle freight cars in the United States during the past year ranged from 507,479 during the week of greatest surplusage to 80,203 during the week of least surplusage, and these figures do not include the idle cars owned by others beside the railway companies. On any average day there were 316,036 idle cars.

It could be urged, and perhaps with some measure of justice, that figures from 1921 are not thoroughly representative of our national experience. But neither are the figures of 1919, and it is upon the basis of the 1919 showing that the wheat farmer contends his crops rot upon the farm because the avenues of transportation are clogged with traffic. The answer to that claim is the daily average of 316,036 idle freight cars. This idle equipment is worth approximately $2,000,000,000. Figuring the investment on this idle equipment at 5 per cent, we have an annual interest loss of $100,000,000, a loss not alone to the railroads but to the country at large, which ultimately pays it.

MORE CENTS PER BUSHEL NEEDED.

No; it is not a transportation burr under the saddle that is causing the Middle West to gallop so madly. Price is the impelling motive. More cents per bushel and more bushels is the slogan of the wheat belt. From the wheat growers' standpoint, therefore, the St. Lawrence waterway must be judged upon the basis of its effect upon a bushel of wheat laid down in Liverpool.

Mr. Charles P. Craig can be presumed to speak with authority concerning the St. Lawrence project. He lays down two axioms in connection therewith.

First, he says the price of wheat at home is determined by the price paid for the surplus abroad. Very well, let us accept that. Then, says Mr. Craig:

> The Canadian Northwest can double its acreage, multiply it fourfold, eightfold even, before its land is utilized to the last acre.

That is the vision—a Canadian acreage multiplied eightfold—with which Craig would comfort the American wheat grower. Let us pause to consider the economic significance of these figures.

The peak wheat acreage in the United States was 75,694,000 acres, reached in 1919, an increase of 35 per cent over the acreage in 1910. Canada's peak was 19,125,968 acres in the same year, an increase of 115 per cent over the 1910 figure. Canada's wheat production increased from 132,000,000 bushels in 1910 to 263,000,000 bushels in 1920, an increase of 100 per cent. The production in the United States increased from 635,000,000 in 1910 to 833,000,000 in 1920, an increase of approximately 33 per cent. While production in the United States increased 33 per cent during the 1910 period, the value of the wheat crop increased 100 per cent, the 1910 value being $560,000,000, the 1920 figure being $1,197,000,000. During this same period the value of Canada's wheat crop increased 400 per cent, being $99,530,000 in 1910 and $427,356,000 in 1920.

The average price per acre of the land devoted to wheat in 1920 was $92. The average price of Canadian land now devoted to the production of wheat is $43.

Mr. President, I have here two tables, showing the increase in the value of wheat lands in Canada and in the principal wheat States in the United States. I ask unanimous consent that the tables may be printed in the RECORD.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, it is so ordered.

The tables referred to follow.

The following tables show the relative increase in Canadian and American wheat-growing lands:

Average value farms per acre in Canadian wheat Provinces.

Provinces.	1910	1920	Per cent increase.
Manitoba	$29	$39	34
Saskatchewan	22	32	45
Alberta	24	32	33
Ontario	48	70	45

Average value farms per acre in United States wheat States.

States.	1910	1920	Per cent increase.
Indiana	$74	$125	66
Illinois	108	187	80
Michigan	47	75	50
Wisconsin	57	98	100
Minnesota	45	109	100
Iowa	96	227	125
North Dakota	28	41	45
South Dakota	38	71	100
Nebraska	46	87	100
Montana	18	22	20
Wyoming	11	19	75
Idaho	46	69	50

CANADA JUST ENTERED LISTS.

Mr. CALDER. But this is only part of the picture. Canada has but entered the lists. Its wheat growers have not even begun to fight. There are in Manitoba, Saskatchewan, and Alberta 120,894,000 acres under private ownership. The total number of acres surveyed up to January, 1920, was 199,757,000. Of this total, approximately 25,000,000 acres are now available for homestead entry. In addition to the surveyed areas there are large tracts in these Provinces which have been only partly surveyed. The partly surveyed tracts contain more than 250,000,000 acres.

A quarter section of land may be obtained as a homestead in these Provinces on the payment of an entry fee of $10. In northern Ontario a quarter section can be obtained for 50 cents an acre, one-quarter in cash.

Now here is the question: Granted equal transportation facilities, what will be the result of a contest in which 250,000,000 acres of land, valued at from 50 cents to $43 an acre, is pitted against 75,000,000 acres of land with an average value of $92 an acre?

Bear in mind that this proposed canal is ostensibly being built primarily to carry wheat. Divorce the project from its aggressive agrarian support and it collapses. I concede that perhaps this canal, if built, may carry wheat, but whose wheat, I ask you? The answer is unescapable—Canada's.

I will not venture an attempt to prophesy regarding the future of the United States as a wheat-exporting Nation. Herbert Hoover has given it as his opinion that within 10 years we will have become a wheat-importing people. I neither reject nor accept that conclusion. But I know of no one better qualified to speak upon this subject than our very able Secretary of Commerce.

MAY IMPORT WHEAT.

Before the war the United States imported wheat from Argentina. Europe's average demand for wheat in normal times was half a billion bushels. Canada supplied 200,000,000 bushels in good years and 100,000,000 bushels in poor years. Asiatic Russia, India, Argentina, and the United States supplied the remainder of the deficit. There is nothing in our past experience indicating that we can base our commercial future upon wheat exports. Indeed, there is no reason even for the hope we will have unlimited quantities of wheat to export. If you want to figure approximately how far the biggest wheat crop will go, allow 6 bushels of wheat per head for our population of 110,000,000 people; then set aside 100,000,000 bushels for seed. The rest of the crop we can export. Our normal produc-

tion is well under 900,000,000 bushels. Our normal export figure is less than 100,000,000 bushels.

With these figures that I have submitted to you in mind, it is very easy indeed to understand why our Canadian brethren should be willing, even anxious, for us to construct a highway to the sea that will bring Manitoba, Saskatchewan, and Alberta a few days nearer to Liverpool. And it is easy to understand why Great Britain, the master wheat merchant of the world, should look with favor upon any plan we undertake that will make the resources of her own rich Provinces in any way more accessible to her.

CANADA NOT DEPENDENT ON OUR BOUNTY.

The time has come, I believe, when we should cease to regard either Canada or Great Britain as in any way dependent upon our bounty. It is quite possible for us to be a worthy cousin without attempting the rôles of father, mother, kindly uncle, and maiden aunt. We can, I believe, rest assured that our English and Canadian cousins are intelligently alive to their own interests.

If, after reading the glowing literature distributed in ton lots by the proponents of the St. Lawrence project, Canada does not proceed immediately to build the proposed St. Lawrence waterway, it can only be because her people do not believe the testimony so far offered.

Just what do the proponents of the St. Lawrence project assert they have proven?

First, that the proposed waterway will, in the amount of commerce that it carries, exceed the Panama Canal, rival the Suez Canal, and render the Nile a Mississippi River bayou in comparison. The St. Lawrence Canal is to be the mightiest artery of commerce on earth. Mr. Craig says so.

Montreal is to become a combined London, Liverpool, New York, Hamburg, and Hongkong.

Four hundred million tons of commerce a year—200,000,000 out, 200,000,000 in. These are the figures some St. Lawrence waterways proponents use. When they fairly hit their stride six hundred million tons a year become a vivid possibility.

ST. LAWRENCE ADVOCATES OVERENTHUSIASTIC.

Four hundred million tons of commerce a year carried by 3,000 ships! Allowing three weeks for the round trip from Montreal to Duluth and conceding that the St. Lawrence will be free from ice and fog at least seven months of every year, approximately 14 ships would pass a given point every day, going one way or the other.

This would indeed be quite a procession, particularly in view of the fact that the import and export tonnage of the United States was only 100,384,206 tons in 1920—a banner year.

In order in any way to give credence to the figures proclaimed by the St. Lawrence waterway enthusiasts, it is necessary to conclude that their expectations are based not upon the tonnage that is going out but upon the tonnage that is coming in. The proponents of the plan may have visioned the St. Lawrence Canal as the answer to the riddle of how Europe intends paying its debt with imports. Regarding this aspect I can only venture the sheerest surmise. What will the St. Lawrence deliver at the door of the Middle West?

Cargoes of crockery, perhaps at cut-rate prices to solace and sustain the crockery interests of Ohio.

Steel bars and plates delivered at the nearest Lake port—a contribution to Pittsburgh.

Shiploads of furniture for Grand Rapids.

And for the farmer, what? If the canal works as well as the enthusiasts say it will, it will deliver for the use of the middle western farmer shiploads of wheat and shiploads of beef from the Argentine. Yes; and mutton from Australia.

These are the possibilities if this proposed waterway works out one-half as well as its proponents would have us believe.

But there is more to the plan than commerce. There is the water power. Do not forget the water power. One million five hundred thousand horsepower! Four million five hundred thousand horsepower! That depends upon who is telling the story.

Indeed, when the case is stated by its most enthusiastic friends the proposed waterway stands forth, looms up as the greatest opportunity for private investors that has appeared upon the financial horizon in 10 generations. There is some support for this suggestion. One of New York's leading financial journals, in the course of a recent editorial, said:

INVESTIGATION DISCLOSES WEAKNESS.

Private interests have spent several hundred thousand dollars within the past few years investigating the whole question from end to end. As a result of the reports of their engineers they are now ready to place high funds of their own in the development of power along the river. All they ask and all they should ask is that they be given the opportunity of undertaking these enterprises under reasonable terms and conditions (including proper Government supervision) at their own expense and risk. At far less expense than would be the case under the commission plan, the Governments of Canada and the United States could obtain better navigation facilities by combining their plans with those of private capital and bearing only that part of the expense which is properly chargeable to navigation. If the canal is to be justified on any basis, it is one of this sort.

The proper course for the authorities, both in Washington and Albany, and of course in Canada, to pursue is clear enough. Water-power rights should be leased on equitable terms (under arrangements such as those outlined in the Federal water power act) to the highest responsible bidder, and along with the developments undertaken by private capital the Governments of the two countries—if prospective traffic justifies it—should erect proper canal facilities.

All of this suggests that when the wheat chaff enveloping this project has been blown, some hydroelectric grain will be found.

There are other reasons why Canada should be interested in the canal. She is a growing country. Her own commerce is increasing by leaps and bounds. She is particularly concerned with the fuel problem, being, as her editors and statesmen are accustomed to remark, now dependent upon the United States for coal. The Canadian Deep Waterway and Power Association makes out a very convincing case—for Canada. It says:

During 1919 Canada imported 13,000,000 tons of bituminous coal from the United States at a cost of $130,000,000.

In Alberta and in the maritime Provinces, Canada has a plentiful supply of bituminous coal, but the high rail freight rates prevent its distribution.

Open the St. Lawrence locks to large freighters and Canadian bituminous coal will supply the Canadian market.

EXCELLENT PROPOSAL FOR CANADA.

Very excellent reasons why the canal should be constructed—by Canada. The power situation is equally interesting. Concerning this the Canadian Association says:

The power contained in the rapids of the St. Lawrence River can be developed to yield 4,200,000 horsepower of electrical energy, of which amount 3,200,000 horsepower will belong to Canada.

Three million two hundred thousand electrical horsepower is equivalent to 64,000,000 tons of bituminous coal annually.

The St. Lawrence power can be developed and a deep waterway through the rapids can be constructed for an estimated cost of $200,000,000, only 50 per cent more than one year's bill for Canada's importation of American bituminous coal.

By this showing Canada's interest in the proposed waterway outruns that of Uncle Sam's by the ratio of 3 to 1. Then, too, Canada looks to the canal to save it 5 cents a bushel on its wheat. It is seeking an outlet for its millions upon millions of undeveloped land. This is the story the Canadian Deep Waterway and Power Association tells:

During the year ending March 31, 1920, Canada imported goods valued at $1,064,516,169.

The Provinces west from and including Ontario consumed over two-thirds of all imports, representing a value in round figures of $709,000,000.

This left only one-third of the value of $354,000,000 for distribution in the Provinces served directly by the ports of Montreal, Quebec, Halifax, and St. John.

Ontario, Manitoba, Saskatchewan, Alberta paid high freight rates for a long rail haul from one of the eastern seaports.

Open the St. Lawrence to ocean steamers and have your imports carried at a cheap water rate to your nearest lake port.

I cite these facts for the purpose of calling your attention not only to Canada's interest in the proposed waterway but to its preponderance of interest.

Its wheat farmers have a greater stake in the proposed canal than our own.

CANADA HAS WATER-POWER INTEREST.

Its manufacturing interests have a greater stake in the water power it is proposed to develop and for Canadians generally the proposed waterway is potentially far more important than it is to the people of our own country.

If these facts prove anything, and they are Canadian facts, they prove that if our Canadian and English cousins are smart traders they will build this canal on their own territory. And I, for one, am willing to concede they are smart traders.

Our Canadian cousins, when they are discussing matters among themselves, point out that it is important that Canada should look to itself. Both the United States and Canada, they say, should as far as transportation facilities are concerned "develop along sound economic lines." These are words of wisdom. Sound economic development for us calls for the projection of the all-American transportation system in which inland and coastal waterways must be given their proper place. The Middle West has two highways to the sea.

The Mississippi River, the Illinois River, and the drainage canal present the possibilities of a through route from New Orleans to Chicago and the Great Lakes—the New York Barge Canal, a route to New York. The proper development of either one, the proper utilization of either one, would in time inevitably compel the construction of the St. Lawrence waterways project by the Canadians themselves if the plan possesses the merits its proponents claim for it.

A sane program providing for water transportation requires the development of our intercoastal system, the improvement of our inland rivers, and the construction of essential inland canals.

WILL COST OVER A BILLION.

Estimates of the ultimate cost of the St. Lawrence waterways plan, completed in all its details, run from $1,100,000,000, the figure quoted by the New York State Commission, to $1,450,000,000, which is the estimate of Hugh L. Cooper. The cost of finishing division four of the proposed waterway is conceded to be in excess of $250,000,000 by the friends of the project. Estimates that are based upon facts rather than upon hope and enthusiasm all tend to show that $500,000,000 is a minimum figure.

The average annual expenditures of the United States for improvement of rivers and harbors during the last 20 years has been $30,000,000. The actual expenditure for the maintenance and improvement of rivers and harbors in 1921 was $40,811,000.

FUNDAMENTALLY UNJUST.

With these figures in mind, the fundamental injustice of stepping across the border to spend $500,000,000 for waterways improvements is apparent. For the amount of money that it will be necessary for us to invest in the St. Lawrence scheme, under the plan as now projected, it would be possible to finish the intercoastal ocean highway along the Atlantic, construct a canal across Florida, provide the necessary intracoastal development from Florida to Galveston, make necessary improvements on the Mississippi system from New Orleans to St. Louis, canalize the Illinois River, and convert the Chicago drainage canal into a practical transportation link. This series of improvements would provide practical waterways from New York to Chicago by way of the Gulf, every mile of the route being one that could be traversed by craft built to navigate an inland system.

And when the New York to Chicago waterway had been constructed there would still be money enough available to go far toward connecting Pittsburgh to the Lakes and with the Mississippi by means of practical inland waterways.

New York is ready to unite with all her sisters in this mighty galaxy of independent Commonwealths in creating this great scheme of intersecting national waterways. We do not want any money from you to help finance our inland waterways. We are not asking for a single dollar to pay for the upkeep of the barge canal. We gladly defray these expenses out of our own resources, and we would with equal gladness pay our share of any expense involved in the more complete development of the waterways, which can be made so useful to commerce, industry, and agriculture in this country.

Somehow there is an impression in Congress and in the country that those who ask for money to improve indispensable harbors and useful rivers are seeking a share of the contents of a national "pork barrel." This is a very unfortunate position to take in relation to such vital improvements. Every plan is treated on its merits. If what is proposed is impracticable or is evidently a mere attempt to raid the Treasury in the interests of some locality, then it should be instantly and finally rejected.

But there are many legitimate projects proposed or in contemplation, and they are all within American territory. Somebody in authority in Illinois recently said that navigation for comparatively deep-draft ships would be open from Chicago to the Gulf of Mexico in a very few years. If this is so, then I can only say that I congratulate the people and the States through which the Mississippi River runs. It is an all-American project, and if sound should have the support of every section.

New York will not stand aside and sulk if the ports of New Orleans, Galveston, Charleston, Boston, San Francisco, Seattle, and Portland enjoy more than usual prosperity by bringing them through the development of inland waterways in closer touch with the great producing sections of the Nation. We will do our best to help you. We will not grumble if some of the trade, or a large part of it, is diverted from our great port. If other ports can be made rich and prosperous through the building of canals, through the larger use of navigable rivers, and through the improvement of inland shipping conditions generally, the Empire State will not be impoverished. On the contrary, the benefits obtained through such a policy of inland waterway expansion will be reflected in the increased volume of trade between the Atlantic seaboard and the inland States.

Let the Mississippi, the Ohio, the Missouri, and other rivers be improved. If it can be shown that money spent on them is going to be productive of increased national wealth and improved transportation facilities, New York will joyfully join in a concerted drive to complete these enterprises.

And I submit to you that this series of improvements is more essential to our agricultural and industrial welfare than any possible canal in Canada, which the Canadians must inevitably construct themselves without calling for our assistance, if the project is feasible.

The country has recently been deluged with statistics tending to prove that New York is the "neck of the bottle" for the entire Nation.

How untrue these statements are is shown by the following comparative figures giving the exports from southern ports in millions of dollars during the year 1920 as compared with the year 1890.

Here are the figures:

Ports.	1890	1920
Baltimore	74	339
Norfolk and Newport News	21	226
Wilmington, N. C.	7	35
Charleston	14	32
Savannah	31	261
Jacksonville		12
Pensacola	3	11
Mobile	3	88
New Orleans	108	589
Galveston	24	598

New York is not even the neck of the bottle as far as wheat exports are concerned, as the following table shows:

Custom district.	Bushels.	
	1917	1920
Maryland	27,539,000	27,798,000
Virginia	115,000	17,684,000
Florida	34,000	21,000
Galveston	21,822,000	46,561,000
Mobile		
New Orleans	25,270,000	48,696,000
San Antonio		77,000

NEW YORK PLAYING BIG RÔLE.

But even though New York were the "neck of the bottle" it by no means is playing a minor rôle in our transportation drama. Its offering to the Nation, its helping hand extended to the Middle West, holds half a billion dollars for port improvements and $167,000,000 already expended upon the barge canal.

This $667,000,000 is contributed unconditionally. It will strengthen the position of New York, that is true; but it will likewise strengthen the position of the Middle West. This contribution to the Nation's transportation facilities does not come from the Federal Treasury. It is New York's contribution. Therefore let those who are without sectional rancor answer this question:

Given equal facilities in either direction would the Middle West prefer to route its commerce through Canada or through American ports? When half a billion more expended upon the port of New York is added to the $167,000,000 investment in the barge canal, the West's outlet to the sea will be all or more than is sought through the proposed St. Lawrence route.

MIDDLE WEST LOOKS TO EUROPE.

The eyes of the Middle West are now turned toward Europe, war-stricken Europe, as the means of our economic salvation. The tides of American commerce, if our Nation is to play its part in the world, can not all make Liverpool their ultimate goal. They must flow to the south—to Mexico, Cuba, the West Indies, South America, and through our own Panama Canal—on to the Far East. It is not the old lands—the war-wrecked lands—that will be the theaters in which the contest for commercial supremacy is decided. The new lands, the undeveloped territories, are the lands of opportunity.

The path of the Middle West to the Far East does not lie by way of Labrador.

In recent literature issued by the Great Lakes Tidewater Association statements are made concerning the savings upon the following commodities if commerce moved by way of the St. Lawrence:

Millions of feet of mahogany from South America.
Millions of feet of cedar from Yucatan.
Trainloads of pineapples from Cuba.
Thousands of tons of sugar from Cuba.
Scores of tons of chicle from Yucatan.
One hundred and fourteen thousand two hundred and four tons of coffee from Brazil.
Fruits, nuts, and vegetable oils in almost unlimited quantities.

All of these products come from the south. On the basis of its own figures the magical highway for which the West is searching extends from the Gulf to the Great Lakes, and here is the evidence.

In the fiscal year of 1921 exports to South America and the Far East were as follows:

Cuba	$420,399,940
Japan	253,210,035
Argentina	124,299,424
Uruguay	17,564,731
Mexico	154,993,154
Brazil	147,520,940
Chile	113,193,507

Not all our commercial future lies in Europe. Our argosies must sail south and to the Far East as well.

Much has been said concerning the economic misfortunes that have been visited upon agriculture. No one realizes more keenly than I the tragedy of unrequited toil or the blight that touches a nation when the sower and the tiller, faithful to his task, finds in the harvest no adequate reward. From this center of industrialism we can extend to the Middle West the hand of comradeship and tell them that we understand. We, too, have suffered; and we know, moreover, that whatever misfortunes he may have experienced, the farmer has at least not been forced to eat out his heart in idleness.

It is not within reason to expect that when millions of our artisans lack employment agriculture will be uniformly prosperous. The fortunes of the consumer and producer are linked in an eternal bond. Prosperity can not be fenced in any narrow district nor can economic misfortune be confined to a single class or locality.

But the economic skies are brightening. There are better days ahead. Even so, we can not solve our problems solely upon the basis of a localized water cure. We must beware of the arguments that prove too much, of the remedies that are cures for every ill.

Pictures of the *Leviathan* docking at Chicago—a steamship drawing 42 feet of water arriving at its destination through a 23-foot channel—may represent a pleasantry inspired by enthusiasm. Tales of a canal that will straightway convert Chicago into a city of 10,000,000 souls may be a permissible form of propaganda. But such enthusiasm entails certain penalties, and under its smile there are hidden many cruelties.

NOT A HEALTHY CONDITION.

It is not a healthy condition when every little hamlet bordering upon our inland lakes sees for itself a metropolitan future. These dreams are pictured in terms of the docks that will one day grace the village water front, and keen-witted real estate men proceed diligently to capitalize local credulity. It is not a healthy sign when villages 60 miles from the Great Lakes proceed to plan futures that will be made possible solely through the improvement of the St. Lawrence as a waterway. Prosperity does not come this way. It is not dumped upon us suddenly in bucketfuls. We can only assure our commercial future by diligent work and careful planning and we can not achieve our destiny upon the basis of sectional appeals, rivalries, or animosities.

I would not in any way hamper the commercial development of Canada, neither would I rob our own rivers and harbors in order to secure funds with which to conduct an experiment in which Canada has a preponderant interest. If we build to meet our needs and Canada builds to meet her needs, both will develop along sound economic lines. And upon such development we can confidently face our future friendship and mutual prosperity.

COST TEN TIMES GREATER THAN SUEZ.

No great waterway is local in its effects. All the nations of the earth derive benefits from the canals at Panama and at Suez. They are benefited by an open Bosporus and by an unobstructed Danube. Yet while all great waterways benefit all nations, none of the links in the systems that we have dug are under international control. The final cost of the proposed St. Lawrence Canal would be ten times that of the Suez Canal and four times that of the Panama Canal. Great Britain controls the Suez. The Panama Canal is ours. The flag has followed our investments. Somehow I feel that when we finance a scheme we should also control it, and control it absolutely.

This was the view of that great American citizen, the late Theodore Roosevelt. In digging the Panama Canal he might have gone into partnership with France, Great Britain, Colombia, or other Latin-American Nations. It was suggested at that time by many men whose advice could not lightly be disregarded that international partnership in the construction of the great waterway would be a wise policy to adopt. There might be little fear of international complications following such an agreement. But the then President determined that if America was to finance any part of the effort she would finance the whole of it. Then he determined that the canal would be wholly in American territory.

Complete control of the canal or the abandonment by America of any part in it was the wise policy of Mr. Roosevelt. Events have justified that course. The President acquired for America what is known as the Canal Zone. No question of sovereignty has arisen, and the world recognizes the right of the American flag to float there and respects fully the authority of this country.

If England and France had united with America in building the canal and had created a tripartite authority over it Germany might very well have bottled it up during the early stages of the World War. Mr. Roosevelt insisted that America should not enter into partnership with other powers in the construction of canals or any other means or facilities for transportation. It would not now be wise to depart from that policy.

Notwithstanding our investments there and our undisputed ownership our ships still pay toll and enjoy no privileges not accorded the vessels of other nations. We have been invited to double the investment we made at Panama for the purpose of constructing a waterway we will not control, and our ships will enjoy no rights upon the St. Lawrence not extended to our keenest competitors.

While we must play our part as a builder, I believe I am echoing the sentiments of every patriotic citizen when I say that where we build with the Nation's funds there our flag should float as the symbol and token not only of our ownership but of our control.

Mr. TOWNSEND. Mr. President, I dislike very much to interfere with the regular order of business, in which I know the Senator from New Jersey [Mr. EDGE] is deeply interested, but I had not anticipated such an address as we have listened to from the Senator from New York [Mr. CALDER]. It was pertinent to nothing before the Senate. I can not, however, allow that speech to go unchallenged. At this time I shall make no extended speech on the St. Lawrence waterway project, but I must make a brief statement in order that the RECORD may not show my assent to what the Senator has said.

It is a most remarkable thing that Senators and others who advocate general waterway improvement can see benefits only when such improvement lies within the borders of their own States. It does not come with good grace from representatives of New York State to deprecate the expenditure of public money in the development of a proposition which would result in such great general good not only to the Northwest, and especially to the Middle Northwest, but to the entire country in general. We have spent more money upon the port of New York, many times over, than the wildest estimator would ever figure this particular development would cost.

The Senator has quoted figures as to the cost of the project, ignoring absolutely the report of the engineers who were appointed by Canada and the United States not only to determine the feasibility of the project but to investigate and report its probable cost. The cost of the development, as reported by the International Joint Commission, would be $252,000,000. But suppose it costs twice that much, which no one informed believes it would cost unless we develop a larger amount of electrical power, which of itself would be self-supporting, the project reported upon would justify the expenditure. The work we are contending for would cost $252,000,000, approximately about half the cost of the Panama Canal and but a fraction of the Federal money spent on New York harbor. That cost was estimated at the time of the high prices which existed during the last two or three years, and we all know that those prices are now coming down. It is a well-known fact, sir, that if there were nothing but water power developed, if no other practical thing were achieved, the cost of the enterprise would be warranted by that particular item alone.

The Senator from New York said that the project is to be conducted to some extent in Canadian waters. Of course, that is true. The St. Lawrence River is the one great outlet from the Middle West through the Great Lakes to the ocean which in some of its course is an international boundary and in some of the balance of its course is within the borders of Canada. But we get the full benefit of whatever improvement is made.

The Senator from New York said he can see that it is for the advantage of Canada in her wheat-producing sections to have the waterway completed. Why, sir, Canada could not under any circumstances profit as much by the waterway as will the United States. Canada is not excited over the proposition; she is not overenthusiastic over it, because her railroads to-day afford her practically ample facilities for getting her products to market. That is not the case in the United States. We are short of railroad transportation facilities. We must have more and better transportation. If there was any one thing fully demonstrated in the late war it was that the port

of New York and the other Atlantic seaboard ports were congested to an extent which prevented the early termination of that war. It meant the loss of American boys, it meant the loss of foreign sons, because we could not get our products to the seaboard and onto the ships.

The Senator has said that New York furnishes ample facilities for the admission of imported products into the Middle West. Why, sir, the Great Lakes region is within an hour's ride of the center, not only of the population of the United States but of production. The Senator asked what will go into the Middle West from abroad. The products that now come from abroad through New York and some of the other Atlantic ports will go through this new facility from point of origin to point of consumption. Why should the great Middle West pay tribute to New York? Oh, it may be an idle dream to think of extending the seaboard into the Great Lakes region—a thousand miles farther into the interior of the country. We are not suggesting, and no one has suggested, that ships with 42 feet would pass through this waterway. It is a well-known fact, however, that about 80 per cent of all the ships which sail the seas between the United States and Europe to-day draw less than 25 feet of water, and that is the depth which it is proposed the canal shall have.

Mr. President, the project can not be defeated by the opposition of New York. And that is practically the only State from which organized opposition comes to-day. Yet it is the State of New York which has received more from the Federal Treasury in the development of her great water ports than any other State in the Union. I do not object to that. I do not hesitate to vote for the appropriation of money that is necessary to improve a harbor which from the national viewpoint should be improved, but I shall look with a great deal of complacency upon the proposition of carrying population a little farther into the West in order not to congest it at the seaboard. It will make for a better country. It will make for greater economy.

When the Senator confines his argument largely to wheat and other grain, and admits at the same time that Canada would save perhaps 5 cents a bushel on her wheat for the Canadian farmers by this improved waterway, and then scoffs at the proposition that the American farmer would receive any benefit, I would remind him that it has been figured out conclusively that all kinds of grain that are shipped from the Middle West to the seaboard contribute to the State of New York, either at Buffalo or New York City, from 6 to 8 cents a bushel simply in the handling and rehandling of the grain from the trains to the elevator and from the elevator onto the boats and back again to the elevator.

No; we can not get away from the proposition, sir, that this improvement spells economy. It is going to succeed, the selfish opposition of any particular section to the contrary notwithstanding. This is a great natural outlet. If Senators will look at the map, they will find that the St. Lawrence River is the most direct line to Liverpool from the Middle West. Not only that, sir, but it is not true that the benefits of the proposed waterway will be confined simply to exports and imports. Much of the stuff that is raised in the Northwest or Middle Northwest and consumed on the Atlantic seaboard can be carried there directly by the ships with one loading and one unloading. I repeat, sir, that the proposed waterway is going to be accomplished. It is with no enmity to New York, and it is with no enmity to any part of the country that I say this. It is simply a realization of a natural demand which the country is bound to recognize.

I repeat, Mr. President, that I had not known the matter was to come up at this time for discussion. It is a live question. No ridicule and no misstatements of fact will prevail against it. I know that the Senator from New York did not wish to misstate facts—he did nothing of the kind intentionally—but he is not acquainted with the facts. If he had been he would have made a different speech from the one which he so carefully prepared and presented here to-day.

I have said this much, Mr. President, and I beg the pardon of the Senator from New Jersey [Mr. EDGE], who I know is anxious to proceed with the consideration of the unfinished business, because I did not feel that the Senator should go unchallenged and I by my silence, perhaps, be understood as acquiescing in his statements. Nothing is further from my mind or the minds of those who are interested in the project than agreeing to the alleged arguments of the Senator from New York this afternoon.

INDUSTRIAL CONDITIONS.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Mr. EDGE. Mr. President, it is not my intention to speak on the pending unfinished business further than to call attention to the pending motion, which is that the joint resolution shall be referred to the Committee on the Judiciary.

Mr. CURTIS. Will the Senator yield in order that I may make the point of no quorum?

Mr. EDGE. I yield for that purpose.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PEPPER in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Nelson	Smoot
Broussard	Harris	Newberry	Spencer
Bursum	Heflin	Nicholson	Stanley
Calder	Jones, Wash.	Norbeck	Sterling
Capper	Kellogg	Norris	Sutherland
Caraway	Kendrick	Oddie	Swanson
Curtis	Keyes	Overman	Townsend
Dial	King	Page	Wadsworth
Edge	Ladd	Pepper	Walsh, Mass.
Elkins	La Follette	Phipps	Walsh, Mont.
Ernst	Lenroot	Poindexter	Warren
Gerry	Lodge	Reed	Watson, Ga.
Gooding	McNary	Sheppard	Willis

Mr. WALSH of Massachusetts. I desire to announce that the Senator from North Carolina [Mr. SIMMONS] and the senior Senator from New Mexico [Mr. JONES] are absent on official business of the Senate.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum is present.

Mr. EDGE. Mr. President, I propose to take but five minutes of the time of the Senate this afternoon merely to draw attention to the parliamentary situation as I understand it. The pending motion is to refer the joint resolution to the Committee on the Judiciary. The bill which I introduced at the same time I introduced the joint resolution has already, by unanimous consent, been referred to the Committee on the Judiciary, which I believe is the perfectly proper committee to consider the merits of the bill. I hope they will give public hearings and consider those merits. The joint resolution now before the Senate, however, is quite a different proposition. It is not in any way confined to legal questions, but quite the contrary. I can not conceive that the Committee on the Judiciary, composed as it is entirely of lawyers, would want to assume the responsibility which is imposed by the joint resolution. The joint resolution was referred in the ordinary way to the Committee on Commerce, because in its text it included an investigation of foreign and domestic commerce. It was reported by the Committee on Commerce to the Senate, then referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and was by that committee reported to the Senate. So that a motion to refer the joint resolution to the Committee on the Judiciary would seem to me to be entirely out of place.

I should like to have as expeditiously as possible all the debate which is desired on the joint resolution and then secure a direct vote on it, but the reference of the resolution in this way to a committee would seem to me to be entirely inconsistent. Section 2 of the joint resolution reads:

> SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Certainly the text of the joint resolution itself furnishes plain evidence that the Committee on the Judiciary would hardly, in the ordinary way, be concerned with a resolution providing for the appointment of a committee to investigate business situations throughout the United States and the possibility of obtaining foreign markets. Almost all of the debate on yesterday centered upon the one thought which is carried out in the bill which is now before the Committee on the Judiciary, the one thought of ascertaining if it were legal to delegate to a governmental tribunal the power to furnish those applying for it information as to what they could or could not do under the provisions of the Sherman Antitrust Act or other acts of a similar

character. The discussion was mostly between the lawyer Members of the Senate. The Senator from Iowa [Mr. CUMMINS] took the position that Congress undoubtedly had that power and could delegate certain administrative functions to the Federal Trade Commission or any other tribunal they might elect. Other Senators took the counter view; but so far as that question is concerned it can, and in my judgment should, be considered by the Committee on the Judiciary, and they now have before them a bill which will enable them to give that matter consideration.

The joint resolution before the Senate is quite a different matter. It relates entirely and exclusively to an investigation upon the part of a congressional joint committee to hear from business men their suggestions, and so forth, as to how, if any congressional action can assist, the present depression in industrial circles can be to some extent improved. They are asking for nothing but an official congressional body to whom they can come and tell their story and their troubles, and it seems to me that a debate on the possibility of amending or repealing the Sherman Act is entirely apart from any contemplated action so far as this joint resolution is concerned.

This joint resolution establishes no policy. It simply delegates to a committee of Congress the power to investigate and report if they find it is possible to suggest any remedial legislation, and that is the only question before the Senate to-day. I appreciate that any question in regard to the Sherman Act, its amendment or its operation, would necessarily involve the Senate in an endless debate. When this committee, if it is authorized, comes back to the Senate and to the House with recommendations, whatever they are, then, of course, the Senate and the House will consider those recommendations. It seems to me it is a reflection upon the Senate or upon the House to anticipate in advance that those recommendations can not be satisfactorily considered and disposed of when that committee makes its report.

In conclusion, I simply want to emphasize the point that I believe it is the duty of Congress to provide an opportunity for the business interests of this country, large and small, to be able to tell of their troubles in a way that may develop proper legislative cooperation. This joint resolution has been introduced in the House by Representative MCARTHUR, of Oregon. It is not sectional in its viewpoint. We can not get farther apart than from the Atlantic to the Pacific. Every State in the Union is interested in trying in some way to overcome the present industrial depression. It involves exchange; it involves the use of our merchant marine; it involves all those matters that industry and commerce must necessarily deal with; and this committee, just as the agricultural inquiry committee listened to the difficulties and troubles that the agriculturists of the country were undergoing, will listen, I assume, to the difficulties and troubles of the industrial world, the millions of men and women who are involved to-day from the standpoint of their employment or nonemployment. Will Congress refuse the business men of this country an opportunity to have that type of a committee to whom they can appeal?

Mr. KING and Mr. OVERMAN addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Jersey yield; and if so, to whom?

Mr. EDGE. I yield to the Senator from Utah.

Mr. KING. I ask the Senator if the paramount object of this joint resolution is not to enable business organizations and corporations to organize in such a way that they may secure the benefits of combination and yet avoid the penalties of the Sherman antitrust law?

Mr. EDGE. Not at all. It is one of the suggested subjects that the committee would investigate or look into, so specified in the joint resolution.

Mr. KING. The Senator has used several times the expression "remedial legislation." Is not the only remedial legislation which the Senator seeks to have an act passed by Congress that will legalize trade combinations such as the Eddy combinations of which we have been hearing so much, particularly in the Hardwood Lumber case?

Mr. EDGE. Absolutely not. I tried to make that just as plain and clear as I could in my argument yesterday. If the Senator wishes me to repeat what I said, the possibility of delegating to a Federal bureau certain interpretive administrative powers certainly should be given consideration. If such powers can be delegated—and lawyer Members of the Senate say that they can—I am sure that the Senate of the United States would be glad to see business men kept out of the courts, if by conference with representatives of the Federal Trade Commission they were given such advice as would keep them out of the courts; but so far as going any farther than that is concerned, and as to whether or not that is possible, that is a matter for the committee to report back to Congress. I contend that this continued suggestion, anticipating that an effort is to be made to build up combinations in restraint of trade, is not justified by the facts; and, after all is said and done, when the committee come back and reports, if they should say, "The Sherman Act should be repealed," or whatever they might report, it would be entirely up to Congress to give it every consideration, as they do any recommendation that comes to this body.

Mr. KING. If the Senator will pardon me, the Senator knows that in practically every business in the United States to-day—manufacturing business as well as the agencies organized for the purpose of disposing of the products of manufacture—there are organizations, and those organizations meet together, from the Standard Oil Co. down, and directly or indirectly they fix prices, and they contribute by their action to the maintenance of a monopoly, more or less, or to the stifling of competition. It seems to me that in view of the recent decision of the Supreme Court of the United States many of these combinations which I believe are illegal are considerably frightened, and they want Congress to legalize their organizations or to point the way by which they can organize and maintain organization in order to bring about combinations or to restrict competition.

Mr. EDGE. Mr. President, the Senator from Utah implies very plainly that a large majority of the business men of this country are not honest; in other words, that they want to be given immunity from existing laws, or words to that effect. I can not think that any Senator of the United States believes that a majority of the business men of this country are not good citizens or are dishonest. As a matter of fact, speaking of the Standard Oil Co. and other large corporations, as I think I pointed out yesterday, the large companies are not members of these trade associations. None of them are members of these trade associations. It is not necessary for them to be. They have all the information in their own organizations. The members of these trade associations are the smaller business interests scattered all over the country.

Suppose for a moment—and then I am through—that the trade associations were practically legislated out of business. Does not the Senator realize that that would naturally compel large monopolies? If these small concerns in Texas and Louisiana and other States did not have the benefit of these organizations to be given information and standardization and various things that help most naturally in cooperation, they would naturally be more or less consolidated and amalgamated. The very existence of trade associations, instead of making for monopoly, prevents monopoly.

Mr. OVERMAN. Mr. President, will the Senator allow me to ask him a question?

Mr. EDGE. I yield the floor.

Mr. OVERMAN. Does not the Senator know that a few years ago an investigation by an industrial commission, such as the Senator asks for, was held at a cost of $800,000, and now there are 80 volumes that can be had that will give the Senator all the information he wants?

Mr. EDGE. Yes; I know something of that; but I am sure the Senator realizes that since then we have gone through a great war. Business has been entirely put out of gear and joint. The situation between this country and other countries abroad is entirely changed. Anything that we did 8 or 10 or 15 years ago, so far as economic and business life is concerned, is practically worthless to-day. We can not live 15 years ago. We have to live in the present period and under present conditions, and bring our knowledge and our investigations down to date.

Mr. OVERMAN. After we get the report, will we not be in the same position that we will with the other reports? Nobody will ever read them. They will be put up here in the top of the Capitol and sold as waste paper.

Mr. EDGE. We did not do that with the agricultural inquiry committee, did we?

Mr. STANLEY. Mr. President, will the Senator yield to me for just one question?

Mr. EDGE. Gladly.

Mr. STANLEY. The Senator from New Jersey, I think, misapprehends the statement of the Senator from Utah. Because a man or a concern is not prepared to obey to the letter a given law, it does not necessarily follow that he is dishonest. For instance, there are great numbers of people in this country who do not obey the Volstead law, but I do not think they are all crooks.

Mr. CURTIS. Mr. President, I had intended to ask the Senator to lay aside this measure in order that I might take up the appropriation bill; but I have been informed that one of the Senators desires to study the appropriation bill further, and I shall therefore wait until to-morrow to take it up. I think I shall give notice to the Senator, however, that if his joint reso-

lution is not disposed of by to-morrow I shall move to take up the appropriation bill.

Mr. STANLEY. Mr. President, there is much more in this apparently innocuous joint resolution than appears on its face. Were I speaking to-day not in behalf of the honest enforcement of the law prohibiting combinations in restraint of trade or monopolizing or attempting to monopolize the business of these United States; had I a brief only for big business; did I speak only in the interest of great incorporated concerns, I should be just as much opposed to this pernicious proposition as I am to-day.

I distinctly recall that 10 or 12 years ago the chairman of the board of directors of the United States Steel Corporation, appearing before a committee of which I was chairman, earnestly insisted upon the naming of a commission authorized to fix prices for that concern; and I advised him most respectfully then that he was a socialist, and did not know it. It was my great pleasure the other day to review a little volume, "The State against the Man," a compend of the essays of Herbert Spencer, and I read a very able introduction to one of those essays by Judge Elbert H. Gary, the chairman of the board of directors of the United States Steel Corporation, in which, adopting the aphorism of Jefferson that "they are best governed who are least governed," he made the most complete and conclusive answer I have ever read to the argument he had made 10 years ago before the committee investigating the affairs of his great corporation.

The Senator from New Jersey is fundamentally wrong in his diagnosis of the case. What business needs is not pap, is not subsidy, is not supervision; it is air, a chance to breathe. It is not a few hundred yards more of red tape about its puissant limbs, but it is somebody with wisdom enough and somebody with courage enough and somebody with candor enough to admit that no party, Democratic or Republican, and no government that ever was devised by the wit of men, ever made this or any other people rich or prosperous. The only thing that government can do for business, the only thing that doctors can do for the human body, is to give it a chance to cure itself, give it a wholesome atmosphere. Give business all the liberty consistent with the peace and security of society and with the legitimate rights of others engaged in similar occupations.

The trouble now is, and the trouble from the beginning has been, that you have attempted all sorts of legislative nostrums. The Senator from North Carolina has very wisely called the attention of the Senator from New Jersey to the fact that but a few years ago we had an industrial commission which spent nearly a million dollars, and compiled tomes of statistics, which now litter the cellars of this Capitol, hundreds of thousands of pages. You can find in the report of that commission every conceivable plan by which Governments ever attempted to make men rich or prosperous, and they are so much waste paper.

I say, Mr. President, that from the beginning this Government has done but two things for business. I maintain, and I invite contradiction on the part of the Senator from New Jersey, that neither the Government of the United States nor the Government of any other country in the history of the civilized world has or ever can do more than two things for business. One is to subsidize and the other is to supervise it. That is all. It is all any Government ever will do. The first is always pernicious and the last is usually unnecessary, and generally unwholesome.

Let us get down to the bedrock. Prosperity means nothing more nor less than an industrial state in which the great majority of the citizens of the United States or any other country engaged in productive enterprises are operating at a profit, are accumulating wealth.

Wealth can only be accumulated in one of two ways. You must either make it or you must take it away from him who has made it. There are only two sources of wealth in this country. One is production and the other is plunder. You may plunder like a medieval marauder. You may plunder with a battle ax and a mace. You may plunder with a dark lantern, a club, and a jimmy, or you may plunder by the misuse of the law, but money that is made by crudely taking it away from the man who produced it, or money that is made by perverting the powers of government to make an unprofitable support a profitable business, are essentially immoral—are industrially pernicious.

Why should we waste months of time and millions of money in a vain and foolish effort to find new ways to either subsidize or supervise the business of the United States? You have exhausted a morbid ingenuity in that direction already. If there is any new way by which the powers of this Government may be used to subsidize those who are politically persona grata, and to plunder those who are helpless, I believe you will fail to find it.

Let us see what this resolution does. After a multitude of whereases, it provides:

> That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade—

Think of it!—

> to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

You have covered the scope of inquiry of every political economist from Adam Smith to the present day. You have covered everything that every parliamentary, legislative, and judicial body has ever attempted to do since the governments were ordained by man. It is said that Sir Francis Bacon took all knowledge for his province, but the scope of this inquiry makes the activities of Bacon seem narrow and contemptible in comparison.

If this committee does what this resolution proposes it shall do, it will be wiser than Bacon, more patient in its inquiries than Adam Smith, more ingenious than John Stuart Mill, and you will evolve from six Members of the House and Senate more wisdom than the House and Senate have ever displayed since the first Congress was assembled. All this is just plain "moonshine," legislative "bunk."

Here is the milk in the coconut; it is proposed to distinguish between illicit combinations in restraint of trade and cooperative organizations of various kinds. That is the essence of the thing when you clear the rubbish out of the way. To quote a homely expression we use in the South, that is "the nigger in the woodpile," and I know it, because the Senator from New Jersey introduces with it a companion piece, which proposes the creation of a commission, to be composed not of lawyers but of hard-headed business men, who shall investigate all the business concerns of this country, their methods of operation, their by-laws, constitutions, and minutes, and shall determine, from the method of their organization and the method of their operation, whether or not they are violating the Sherman Act. If they are, they shall be told to cease and desist. If they are not, they are to be given a certificate of good character. They shall receive a certificate which they can file with the Department of Justice securing absolute immunity from Federal interference or indictment by any court in the United States.

Such a combination, so fraught with folly and corruption, has not been proposed since I have been a Member of either the House or the Senate. Think of it! This is proposed by a leader in that administration which solemnly promised the people of the United States that it was going to take politics out of business and take business out of politics. This creates a great and infallible tribunal with the power to grant a plenary indulgence, without the right of appeal, to every crooked concern between Cape May and the Golden Gate, between the north woods and the Everglades of Florida.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New Jersey?

Mr. STANLEY. Certainly.

Mr. EDGE. Does the Senator assume from the line of argument that if such a bill became a law any governmental tribunal that should be delegated with administrative and interpretative authority, as the term is used, would be crooked and would give to business the right to do those things which they should not do under the law? He must assume, from what he says, that the Interstate Commerce Commission, which to-day has very large powers to give orders, as I understand it, is not honest. Does he for one moment assume that these governmental bureaus are not honest?

Mr. STANLEY. Certainly not. Suppose the Senator from New Jersey should introduce a bill to do away with the right of trial by jury and I should oppose it as a pitiless and archaic piece of tyranny. Would the Senator from New Jersey rise in his place and say that I assumed that judges were cruel and pitiless because I did not give them the right to draw the halter about the neck of every man charged with crime in this country? The greatest Attorney General of his day, Jeremiah S. Black, declared that the judge who does away with the functions of a jury and sends a man to his doom murders him as

effectually as if he rolled up the sleeves of his robe and stabbed him through the heart.

If it should be proposed that that provision of the Constitution prohibiting the union of church and state, or the guaranties of liberty of speech and freedom of the press should be abolished, would the Senator from New Jersey rise in his place and say that I assumed that Congress and the Executive are corrupt and that they would abuse a power to supervise the press, to censor it?

Mr. EDGE. No; Mr. President.

Mr. STANLEY. I say to the Senator from New Jersey that the power to say who is obeying the law and who is not, save alone the courts that have been tried by a thousand years of experience, save alone by the process of law that is hoary with the proscription of centuries, is replete with danger and is the fecund mother of possible corruption.

Mr. EDGE. Mr. President, I think the Senator would agree as a lawyer that if legislation can be devised which would provide for business information from properly constituted Federal bureaus which would keep business out of the courts, that through cooperation with such a bureau, discussing the possibilities of the activities of the trade associations, not giving them immunity, as he puts it, but with an understanding between them and the Government, as far as it is possible, just as the Interstate Commerce Commission, as I understand it, now administers a portion of their responsibility, certainly it is for the best interests of the people of the country to keep them out of the courts. The courts we all know are very congested. If we can devise a method to lessen litigation, with its terrific expense and burden, it seems to me we are accomplishing something in the interest of all the citizenship of the country.

Mr. STANLEY. Mr. President, I wish there were a Santa Claus; I wish there was such a thing as an infallible source of wisdom and power that could tell the people just what to do to be saved and tell the people just what to do to be rich. But I do not share the faith of the Senator from New Jersey. I regret that the same pernicious delusion, from which, thank God, the founders of the Constitution were eternally free, that there is vested in the men in the aggregate, clothed with the pomp and circumstance of power, a wisdom which ordinary men not in office do not enjoy, can not once and for all be sent to the eternal depths of exploded delusions. In Kentucky, away back yonder shortly after the adoption of the Constitution of the United States, her legislature approved certain resolutions written by Thomas Jefferson, in which they declared, in opposition to the alien and sedition laws, that governments are a necessary evil; that they must be constantly watched with eternal vigilance; that they have a tendency to insidiously increase and to abuse their powers; and that only delegated powers, tested by experience, should ever be given to any Government, however wise, or to any officer, however good and pure. Personally there are few better men than that poor Czar whose body festers in an abandoned mine in northern Siberia, but that did not make him a good tyrant. Few men were more exemplary in their early youth than Commodus or Caligula, but that did not prevent authority from festering their very souls and converting well-meaning men into monsters.

After years of experience, after declaring from the foundation of the Government that the vesting of unlimited power anywhere in any body for any length of time and for any purpose was eternally pernicious, it is proposed in the twentieth century, it is proposed after 150 years of experience, to create an industrial tribunal which the Senator from New Jersey admits has absolutely unrestricted power, in the hope that its wisdom will increase with its power and that it will not abuse its authority.

Why, Mr. President, think what it would mean. The Senator proposes to create a commission, unbound by any of the precedents or forms or mandates of the law, from which there is no appeal, which is not required to try causes in the white light of day, which does not give defendants or plaintiffs an opportunity to meet and confront and to cross-examine the witnesses against them, which holds its sessions in some dark corner of some marble sarcophagus here in Washington, which can issue decrees that can make and unmake fabulous wealth, which can divert billions in or out of the coffers of great concerns, with no means of detection, or redress, or review.

The Senator says we must give these plenary powers to this crazy commission because they are honest men. They were honorable men whose daggers stabbed Cæsar. The way to keep men honest is to keep them where they can not be dishonest without detection. That is plain common sense.

Why, the Senator from New Jersey, if he would pursue the same policy in ordinary business for himself that he is attempting for the people of the United States would smash every cash register in his concern, because it is of no earthly use if all men are going to be honest even in the handling of a few dimes.

Mr. EDGE. Mr. President, I can assure the Senator from Kentucky I would not come to him for advice in connection with a matter of that kind.

Mr. STANLEY. It is a pity the Senator does not do so. The Senator from New Jersey does not need to come to me. If in governmental matters he would wait at the back door of some high school and get a boy who had read the Constitution five minutes before and had studied civil government for two hours, that boy would tell him that this thing was puerile, wicked, and absurd. I feel that I waste the time of the Senate, to say nothing of my own time, in exposing the folly of such a proposition. Of course, the Senator would not come to me for advice, nor to any other man who is supposed to have any insight into the thinly veiled iniquities that this proposal—I will not say is designed, I will not say it is the purpose—but the result of this legislation will make every crooked concern from Androscoggin to Yubadam call its author blessed.

Mr. President, the purpose of the proposed legislation is very simple and very plain. For years and years business concerns—and I am not blaming big business for it—all over the world have desired to make money. The easiest way in the world to make money is to keep the other fellow from underselling. Men invest hundreds of millions in great concerns and they naturally object to the dangerous and embarrassing effect of some competitor with more ingenuity and more enterprise getting into the same business and underselling. The doctor feels resentful toward the charlatan who makes a visit to his patient more cheaply than he does. I know as a lawyer that the reputable lawyer does not enjoy it when some shyster who has not half his ability takes a case for a third what he would charge. So the great head of some great industry, who has built it up and believes he is charging a reasonable price for his product, naturally looks for some method of coming to an understanding with his competitors and preventing a fall in price.

We all want to make just as much money as we can by the exertion of our energy and our talent. I am not inveighing against business because of self-interest, because of that desire to accumulate and to prosper which is inherent in the hearts and minds of all of us. But it remains, nevertheless, Mr. President, that the good of society demands that doctors should not have the right to get together and fix fees; that lawyers should not have the right to absolutely fix their charges; that merchants nor farmers nor anybody else should have the right to violate or to prevent the operation of the wholesome laws of supply and demand. For that reason, not the Sherman Act, but the common law has prohibited, has inhibited, has punished combinations in restraint of trade from the dawn of Anglo-Saxon civilization.

This is nothing new. The Sherman Act simply applied the rules of common sense and of common law to interstate trade. Away back in Addyston Pipe case the present Chief Justice of the United States, a former President, in Eighty-fifth Federal Reporter, very aptly declared:

> It is certain that if the contract of association which bound the defendants was void and unenforceable at the common law because in restraint of trade, it is within the inhibition of the statute if the trade it restrains was interstate.

In other words, the only thing the Sherman Act, that they talk so much about, ever did was to apply the rules of the common law to interstate trade, to apply principles that are as old and as immutable as justice and civilization itself.

What was it that the Sherman antitrust law was intended to prevent? Does that law deprive men, as the Senator from New Jersey would have us believe, of the enjoyment of the rights that are necessary to prosperity, of privileges that are essential to a revival of business? Is there anything that men are to gain by violating the Sherman law, which ought to be the foundation and the basis of honest and legitimate business?

Mr. President, no man ought to know better about the things which the Sherman law was intended to prevent and to prohibit than the great former president of the Steel Corporation, who, in my opinion, is the greatest genius the steel industry has ever produced; a man who is to steel what Edison is to electricity; the greatest executive which that great business has produced in the history of steel in the United States—Charles M. Schwab. No man had a more accurate knowledge of the character and effect of such agreements than Charles M. Schwab, once the president of the United States Steel Corporation. Speaking of the very combinations which the Senator

from New Jersey says we ought not to try to prohibit, Mr. Schwab says:

> No man has a clearer appreciation than myself of the evils that lurked in the trust scheme. * * * It was founded on misconception and promoted along the lines of self-destruction. Its fundamental principles were the restraint of trade, increase of price, and the throttling of competition—a trinity that would wreck any proposition, business, political, or social.

The whole idea of combining and restraining trade, which the Sherman Act was designed to prevent, the whole idea of cooperative selling and cooperative buying for great industrial concerns, says Mr. Schwab—

> was founded on misconception and promoted along the lines of self-destruction. Its fundamental principles were the restraint of trade, increase of price, and the throttling of competition—a trinity that would wreck any proposition, business, political, or social.

And there never was a business association which had no desire to throttle competition, to restrain trade, or to increase prices which was in any danger of violating the Sherman law, and there never will be.

Mr. President, I know of nothing in which men have shown a greater or more morbid ingenuity, except in the desire to create perpetual motion, than the idea of business men that they can devise some means under which, by agreement among themselves, they may restrict competition or fix prices or restrain trade; by which they may sell cooperatively, without violating the plain letter of that brief act. It looks so easy that they have not yet ceased the attempt. Occasionally, as in the Knight case and a few others, they have managed temporarily to avoid the meshes of that wonderful act, but ninety-nine out of one hundred of them sooner or later have come to grief in the courts when the purpose of the combination was understood.

Mr. President, think of the wonderful ingenuity that these men have exercised. For instance, if I own a share of stock, there is absolutely no harm in my selling that share of stock to the Senator from Georgia [Mr. WATSON]; it could hardly be called commerce; it is absolutely innocent; and yet that is all that was done in the formation of one of the most gigantic monopolies that ever menaced the industrial peace of the world.

The Great Northern and the Northern Pacific first invented that device. It was hatched in the fecund brain of Victor Morawetz, the man who, it is said, wrote the charters and by-laws of the Northern Securities Co., of the United States Steel Corporation, and of the Standard Oil Co. He said, "It is easy enough to get around that law; all that the stockholders have to do is to sell their stock, transfer it to a holding company"—that is what was done in the case of the Northern Securities Co.—"and on the basis of that stock issue other stock." So the Great Northern and the Northern Pacific put their stock into hodgepodge, into a pool; the stock was preserved, and the holding company issued pro rata stock of the securities company in lieu of the old stock of the several companies. There was not a word said about freight rates; not a word said about wages; not a word said about concurrent operation; not a word said about pooling interests or anything of that sort; but that immortal jurist, Mr. Justice Harlan, said, "It matters not how innocent the thing which was done; to a practical, hard-headed, common-sense man it is a moral, physical, and intellectual impossibility for a hundred thousand to have all done the same thing at the same time, except for one purpose, and that purpose was to secure the union of these two great corporations for the purpose of regulating rates and fares and controlling prices"; and so the court dissolved the Northern Securities Co. on the face of its organization.

The Steel Corporation drew up its charter and by-laws with that in view, and attempted to avoid it. It is very difficult to prove that the Steel Corporation ever in its history entered into a combination with any other concern to fix the price of a nail or a lock or a plate of tin. It found out that they could leave the whole field of coal and ore and semifinished steel untouched. They were charged with forming a coal trust. I examined into that allegation for six months, and stated publicly that there was not a suspicion of a trust in coal; there was not and is not now. They did not pay any attention to the coal fields or the ore fields; but it takes $10,000,000 or $20,000,000 to operate a battery of blast furnaces, the most costly apparatus in the whole business. So they seized upon the idea of controlling pig iron, and then they adopted the custom of charging for the cost of converting pig iron. That simple expedient gave the United States Steel Corporation an iron hold upon the steel industry of the world. It took me 18 months, with a committee composed of some of the ablest Members of the House of Representatives, among whom were some of the greatest jurists who ever adorned bar or bench, to find that out. It took years and twenty-odd volumes of investigations for a half dozen Federal courts and the Supreme Court of the United States to detect the sinister, subtle arrangements by which the Standard Oil Co. evaded the law.

Now, will the Senator from New Jersey tell me that a commission composed of a few "hard-headed" business men can do what the greatest jurists who ever sat on a bench have only been partially able to do, to discover the purpose and the effect of these subtle arrangements? They would know as little about it as would the Senator from New Jersey. They would make monkeys, cats'-paws, dupes, of any "hard-headed business men" who ever sat as a body to play pins with Victor Morawetz and the greatest lawyers in the world. Think of it—

> Six men of Hindustan,
> To learning much inclined,
> Each went to see the elephant,
> Though all of them were blind.

A select set of hard-headed business men, appointed by a Republican administration, are going to regulate everybody's business; to give one a certificate of good character and another the privilege to plunder. Not one of these hard-headed business men must know anything about the law, because the Senator from New Jersey says a knowledge of the law is a "suspicious circumstance," while the greatest lawyers in the world would be plying them with every cunning lie a lawyer ever uttered. If it were not so tragic it would be pathetically absurd.

I do not believe lawyers are any better than anybody else, but I do believe it takes a thief to catch a thief; I believe that it takes a lawyer to understand the machinations of a lawyer. More than that, where is the Senator from New Jersey going to find the wise men—2 or 10 or 20 wise men—who will know more about everybody's business than the persons directly interested know about it themselves? Members of the House of Representatives and of the Senate are paid $7,500 a year. Members of the Interstate Commerce Commission are paid $12,000. That would not pay a healthy millionaire's cook for six months; that would not pay a decent overseer. A man who has sense enough, a man who has technical skill, a man who has the patience to understand the details of any great business, whether it be the production of oil or steel or copper or anything else, can command $100,000 a year; and surely the Senator from New Jersey is aware of the fact that they are only expected to know their own business; but the members of the proposed commission are expected to know about everybody's business.

The trouble, Mr. President, is not that we have not regulated business enough, but that we have regulated it too much. The trouble, I say to the Senator from New Jersey, with business to-day is not that there is no power, civil or ecclesiastical, to grant immunity to those who wish to violate the law, or to grant plenary indulgences to those who wish to plunder; the trouble is that somebody has not smashed half of the commissions which have been attempting to regulate business; the trouble is that we do not go back to the plain old rule that every man is entitled to manage his own business just as he pleases so long as he does not violate the simple principles of law and decency, and so long as he does not invade the tangible rights of his neighbor.

I would say to every individual in the United States: "Regulate your own household, your own appetites, your own aspirations, your own faith, your speech, your personal relations to God and to man, and so long as you concede that every other man has the same right and so long as you do not invade the legal rights of your neighbor you shall be absolutely secure and absolutely immune." I would say to every business in the United States, from the highest to the lowest, no matter how rich or poor: "So long as you obey the plain dictates of common law and common sense and refrain from doing that which the combined wisdom of the world and civilization has said is pernicious and immoral and industrially unsafe and unsound, so long as you keep within the plain, common-sense rules of the law of the land you may proceed as you will." I would take spies out of factories and inspectors out of warehouses; I would remove the long, pernicious, everlasting, cadaverous nose of every unnecessary inquisitorial supervisor into the morals, business, and health of this people, and I would put them to plowing corn or cracking rocks or doing something to earn their bread, instead of becoming nuisances and menaces to the peace and security and the honor and the safety of my country.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. STANLEY. I yield.

Mr. EDGE. I did not want to interrupt the Senator's flow of oratory at that particular moment.

Mr. STANLEY. That is not oratory; that is truth.

Mr. EDGE. I wanted to thank the Senator that he seemed to be in agreement with me in one direction at least, and that is that business is decidedly overregulated.

Mr. STANLEY. "I thank thee for teaching me that word."

Mr. EDGE. That is exactly the thing we are endeavoring to bring about by such legislation as has been suggested—to do away with some of this regulation and overregulation and give business an opportunity to go to some tribunal that has some authority to help them out a little bit without their being continually haled into court.

The Senator speaks about investigating committees and says he has nothing to do with any of them. I am sure the Senator recalls the committee known throughout the country as the Stanley committee, which it seems to me was well known as an investigating committee years before I ever came to Congress. Apparently the Senator was in sympathy with his own investigation; was he not?

Mr. STANLEY. I wish the Senator from New Jersey could have been on that investigating committee.

Mr. EDGE. I wish I could.

Mr. STANLEY. He would not have diagnosed one disease and prescribed for another. Why, I will say to the Senator from New Jersey that I endeavored to lay that great corporation upon the dissecting table, not to destroy it, but, as a kindly surgeon would do, to cure its ills. My purpose was not further to regulate and restrict its activities, but to discover what device these people were using, if any, and not they particularly, but all concerned—for the purpose of restraining competition, stifling trade, interfering with the free course of commerce. I am an advocate of personal liberty, but I would not hesitate to take a jimmy away from a burglar who was about to break into a house. I did not want to destroy the legitimate rights of that corporation or any other, but I wanted to find its jimmy, if I could, and I think I did.

I will say to the Senator from New Jersey that I have not changed one iota, I have not moved an inch, I have not stirred from my tracks since I pursued that investigation for 18 long months, on an average of 14 hours a day, without one feeling of anger or resentment toward the Steel Corporation or toward organized wealth, without one thought of personal hostility or aggrandizement; in a sincere desire to find the truth I labored as the chairman of that great committee. We did not have any experts. The work was done by the committee. My only reward, my only purpose, was to find out some way to keep open the great channels of commerce. Yet every great daily, almost without exception, in the United States at one time or another took me for its text. I was a "red-handed anarchist." I was a "flannel-mouthed demagogue." I was "playing to the wild, unclean, unholy passions of an ignorant mob"; and to-day many of those same great metropolitan dailies are good enough to speak of me as a conservative.

I said then to the chairman of the board of the United States Steel Corporation, I said in an address before the Chamber of Commerce of Pittsburgh, that I was a conservative, and that unless great corporations obeyed the law they would find themselves in the hands of pernicious, inquisitorial governmental tribunals like the Trade Commission and like this abominable thing the Senator from New Jersey would have if he gets a chance. I went before the President of the United States and pled with him with all the earnestness of my soul not to approve the creation of any kind of a trade commission; to leave the regulation of trade to the courts, where it belongs, and not to Congress, and not to bodies exercising legislative authority; and I to-day reaffirm with emphasis all I said and all I stood for as chairman of the committee investigating the United States Steel Corporation. That report of nearly 200 pages, that I wrote with my own hand, I shall leave as a heritage to my children and my children's children; and if they will read it when they are able to read, before they are out of their teens, they will repudiate the heresies of the Senator from New Jersey.

Mr. President, I wish to call the Senator's attention in conclusion to the fact that our greatest prosperity, perhaps, was enjoyed at a time when there was absolutely no industrial supervision over the business activities of the people of these United States. There perhaps never was a time in the history of this country—perhaps the Senator from Georgia [Mr. WATSON] knows better than I do about that, but it is my opinion that there never was a time in the history of this country, from the discovery of America until now—when the people of what are now these United States advanced more rapidly in culture, refinement, knowledge of government, and all the things that make for great and prosperous citizenship, than during the 30 years prior to the American Revolution. Considering their numbers, their wealth and their mastery of new enterprises was the marvel of the world.

The greatest English statesman, the most learned, the most versatile of all the parliamentarians of Great Britain—he towers in my mind above Fox and Grattan and Pitt and Chatham in the versatility of his knowledge, in the splendor of his intellect, and in the vast range of his clear and unobstructed vision; I refer to Edmund Burke. In defending these Colonies in the British Parliament he paid the wonderful tribute to which I would call the attention of the Senator from New Jersey:

"As to the wealth which the Colonies have drawn from the sea by their fisheries," he continued, speaking specially of the bill then in its last stage before the house, "you had all that matter fully opened at your bar. And pray, sir, what in the world is equal to it? Pass by the other parts and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudsons Bay and Davis Straits, whilst we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition is but a stage and resting place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that, whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland nor the activity of France nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things—

And I commend this to the attention of the Senate—

When I contemplate these things; when I know that the Colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection—

I bespeak for the business of this country from the Senator from New Jersey, from the Federal Congress, from pernicious interference everywhere, that wise and salutary neglect. Better, a thousand times better, leave us as old England did, in the wilderness, to work out our own salvation, than to bind our limbs, fetter us, manacle us, wrap us in red tape, subtle, silent, resistless and suffocating as the coils of a boa constrictor.

Forty years ago, Mr. President, the greatest of foreign critics of our institutions—in 1840, I think, nearly a hundred years ago—saw the first symptoms of this pernicious, devastating, damnable paternalism. In the sixth chapter of his Democracy in America de Tocqueville has wisely warned us:

I had remarked—

Says de Tocqueville—

during my stay in the United States that a democratic state of society, similar to that of the Americans, might offer singular facilities for the establishment of despotism. * * *

I seek to trace the novel features under which despotism may appear in the world. The first thing that strikes the observation is an innumerable multitude of men all equal and alike. * * * Above this race of men stands an immense and tutelary power, which takes upon itself alone to secure their gratifications, and to watch over their fate. That power is absolute—

Oh, think how he describes the legislation of the Senator from New Jersey, how minutely he describes a propaganda that is in the air, making at times the atmosphere of the Senate Chamber fetid and debasing as the dungeon of a slave!

That power is absolute, minute, regular, provident, and mild. It would be like the authority of a parent if, like that authority, its object was to prepare men for manhood; but it seems, on the contrary, to keep them in perpetual childhood. It is well content that the people should rejoice, provided they think of nothing but rejoicing. For their happiness such a government willingly labors, but it chooses to be the sole agent and the only arbiter of that happiness; it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances—what remains—but to spare them all the care of thinking and all the trouble of living.

* * * * * * *

I have always thought that servitude of the regular, quiet, and gentle kind which I have just described might be combined more easily than is commonly believed with some of the outward forms of freedom, and that it might even establish itself under the wing of the sovereignty of the people. Our contemporaries are constantly excited by two conflicting passions—they want to be led and they wish to remain free; as they can not destroy either one or the other of these contrary propensities, they strive to satisfy them both at once. They devise a sole, tutelary, and all-powerful form of government, but elected by the people. They combine the principle of centralization and that of popular sovereignty; this gives them a respite; they console themselves for being in tutelage by the reflection that they have chosen their own guardians. Every man allows himself to be put in leading strings, because he sees that it is not a person or a class of persons, but the people at large, that holds the end of his chain.

Oh, deliver us from this wild, this insane, this pernicious political delusion that because everybody can vote, a mass of voters can not destroy the last vestige of personal liberty, of our industrial independence, our security, and prosperity.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to, and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, April 19, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 18, 1922.

PROMOTION IN THE REGULAR ARMY.

To be major.

Capt. Theodore Whiting Sidman, Infantry, from April 12, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. John Kramer Miller, Infantry, with rank from June 28, 1920.

Col. John Edwin Woodward, Infantry, with rank from July 1, 1920.

Col. William Kelly, jr., Cavalry, with rank from July 1, 1920.

Lieut. Col. Alfred James Booth, Infantry, with rank from July 1, 1920.

Maj. William Vaulx Carter, Cavalry, with rank from July 1, 1920.

Maj. James Alexander Ulio, Infantry, with rank from July 1, 1920.

Maj. Michael Joseph O'Brien, Quartermaster Corps, with rank from July 1, 1920.

Capt. Rene Eugene Fraile, Quartermaster Corps, with rank from July 1, 1920.

Maj. John Nicholas Smith, jr., Infantry, with rank from July 1, 1920.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

MARINE CORPS.

First Lieut. Thomas R. Shearer to be a captain in the Marine Corps from the 18th day of October, 1921.

Second Lieut. William H. Hollingsworth to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Norman E. True to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

The following-named noncommissioned officers in the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 11th day of February, 1922:

Gunnery Sergt. Wallace C. Harding.
First Sergt. William W. Davies.
Corpl. Everett H. Clark.
Sergt. Augustus W. Cockrell.
Sergt. Paul F. Jones.
Corpl. Delbert D. Spangler.
Corpl. James M. Smith.
First Sergt. Lewis A. Hohn.
Corpl. Bayard L. Bell.
Corpl. Vernon E. Megee.
Corpl. Joseph D. Humphrey.
Corpl. Orin H. Wheeler.
Corpl. William H. Doyle.
First Sergt. Harold S. Levis.
Corpl. Ernest E. Linsert.
Corpl. Thomas L. Cagle.
Sergt. James G. Hopper.

The following-named citizens to be second lieutenants in the Marine Corps for a probationary period of two years from the 15th day of March, 1922:

Edwin A. Pollock, a citizen of Georgia.
John R. Streett, a citizen of Maryland.
Cornelius J. Eldridge, a citizen of Virginia.
Randolph McC. Pate, a citizen of Virginia.
Dudley W. Davis, a citizen of Maryland.
Robert S. A. Gladden, a citizen of Maryland.
Franklin C. Hall, a citizen of Maryland.
John D. Christian, a citizen of Maryland.
Beverley S. Roberts, a citizen of Maryland.
Lucian C. Whitaker, a citizen of South Carolina.
William O. Brice, a citizen of South Carolina.
Francis M. Wulbern, a citizen of South Carolina.

POSTMASTERS.

ALABAMA.

Charlie S. Robbins to be postmaster at Good Water, Ala., in place of W. L. Crew. Incumbent's commission expired July 23, 1921.

John F. Fraser to be postmaster at Lafayette, Ala., in place of J. F. Fraser. Incumbent's commission expired July 21, 1921.

CALIFORNIA.

Clarence A. Dickison to be postmaster at Compton, Calif., in place of A. M. Carson. Incumbent's commission expired January 24, 1922.

ILLINOIS.

Fred J. Bohnenkemper to be postmaster at Germantown, Ill. Office became presidential April 1, 1921.

Mathias A. Grenning to be postmaster at Glenview, Ill. Office became presidential October 1, 1921.

Paul Bleser to be postmaster at Gross Point, Ill. Office became presidential October 1, 1921.

Lucian D. Lyons to be postmaster at St. David, Ill. Office became presidential October 1, 1921.

KANSAS.

Robert B. Slavens to be postmaster at Lecompton, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Bud Morgan to be postmaster at Lothair, Ky. Office became presidential January 1, 1922.

Thomas D. Tapp to be postmaster at Springfield, Ky., in place of S. W. Sims. Incumbent's commission expired February 18, 1922.

MINNESOTA.

Elmer O. Haugen to be postmaster at Pelican Rapids, Minn., in place of C. R. Frazee, resigned.

MISSISSIPPI.

Joseph R. Weathersby to be postmaster at Taylorsville, Miss. Office became presidential October 1, 1918.

Alabama Akers to be postmaster at Iuka, Miss., in place of J. C. Jourdan. Incumbent's commission expired January 24, 1922.

NEW YORK.

John E. Gubb to be postmaster at Batavia, N. Y., in place of J. F. Ryan. Incumbent's commission expired January 24, 1922.

Everett H. Axtell to be postmaster at Deposit, N. Y., in place of M. F. Axtell, removed.

Philip I. Brust to be postmaster at Medina, N. Y., in place of J. M. Tuohey. Incumbent's commission expired July 21, 1921.

Sarah M. Taylor to be postmaster at Westbury, N. Y., in place of John Scally. Incumbent's commission expired January 24, 1922.

NORTH CAROLINA.

Charles N. Bodenheimer to be postmaster at Elkin, N. C., in place of J. H. Ball, resigned.

OHIO.

Ernest C. Ludwig to be postmaster at Anna, Ohio. Office became presidential January 1, 1921.

James B. Emery to be postmaster at London, Ohio, in place of C. E. Gain. Incumbent's commission expired January 31, 1922.

Reinhart W. Kuck to be postmaster at New Bremen, Ohio, in place of L. W. Kunning. Incumbent's commission expired January 31, 1922.

PENNSYLVANIA.

Lucille B. Fillinger to be postmaster at Ralston, Pa. Office became presidential January 1, 1921.

Margaret Pilson to be postmaster at Morton, Pa., in place of F. W. McCall. Incumbent's commission expired August 22, 1920.

SOUTH DAKOTA.

Jennie Dodge to be postmaster at Egan, S. Dak., in place of C. F. Jenks. Incumbent's commission expired July 23, 1921.

TEXAS.

Lucy A. Carhart to be postmaster at South San Antonio, Tex. Office became presidential October 1, 1921.

VIRGINIA.

Claiborne W. Beattie to be postmaster at Chilhowie, Va., in place of J. S. Snavely, removed.

Edward M. Blake to be postmaster at Kilmarnock, Va., in place of H. W. Brent, resigned.

WASHINGTON.

Jennie A. Smith to be postmaster at Peshastin, Wash. Office became presidential April 1, 1921.

Joseph H. Dean to be postmaster at Castlerock, Wash., in place of Joseph O'Neill. Incumbent's commission expired January 24, 1922.

Rees B. Williams to be postmaster at Ilwaco, Wash., in place of M. E. Sprague. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Joseph Kuchenmeister to be postmaster at Almena, Wis. Office became presidential July 1, 1920.

Nels O. Neprud to be postmaster at Coon Valley, Wis. Office became presidential October 1, 1920.

Edward Stackman to be postmaster at Ontario, Wis. Office became presidential April 1, 1921.

Alvin E. Hafer to be postmaster at Roberts, Wis. Office became presidential October 1, 1920.

Stanleigh K. Caveney to be postmaster at Arcadia, Wis., in place of Albert Hess. Incumbent's commission expired January 24, 1922.

John B. Thelen to be postmaster at National Home, Wis., in place of A. R. Curtis. Incumbent's commission expired January 24, 1922.

WYOMING.

Chester A. Lindsley to be postmaster at Yellowstone Park, Wyo., in place of George Whittaker, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 18, 1922.

POSTMASTERS.

CONNECTICUT.

Edwin H. Powell, Burnside.

GEORGIA.

Lavonia L. Mathis, Bullochville.
Olivia F. Anderson, Chipley.
Jefferson B. Hatchett, Greenville.

NEVADA.

Anna S. Michal, Round Mountain.
Emanuel Bollschweiler, Wells.

NEW YORK.

Hobart R. James, Cherry Creek.
Warren G. Hasbrouck, Highland.
John W. Bow, Romulus.
James McLusky, Syracuse.

TEXAS.

Scott F. Benson, Alvin.
James D. Heaton, Barry.
Maude P. Williams, Brookeland.
Maye B. Fitzgerald, Marfa.
Mamie Milam, Prairie View.
Thomas F. Lindley, Seminole.
Raymond C. Ditmore, Waskom.
Benjamin F. Huntsman, Winters.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 18, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, we thank Thee that we are still the creatures of Thy thought, will, and love, and may these be more perfectly developed in us. Thy blessings are so manifold that they overflow and transcend all our needs. May they spur us to our duty, lift us to the mountain, strengthen us for the valley, and we would have these consecrated by the thought that God shares them. Bless us with true estimates and high standards, such as quiet homes, books of the master minds, worthy friends, and helpful pleasures. Let us always feel the higher reaches of life and being. Amid the changes of time and thought, O be Thou changeless and steadfast in the solemn issues of our public and private lives. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A DELEGATE.

Mr. CURRY. Mr. Speaker, I have the pleasure of introducing to the House the Hon. H. A. BALDWIN, the Delegate elect from the Territory of Hawaii, and request that the oath of office be administered to him.

The SPEAKER. The Chair understands that the certificate has been duly filed with the Clerk.

Mr. CURRY. It has.

Mr. BALDWIN appeared at the bar of the House, and the oath of office was administered to him by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 927. An act for the relief of Capt. Fred S. Johnston;

H. R. 3270. An act for the relief of Estella Barnett; and

H. R. 2004. An act for the relief of Frank Ferrin.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2179. An act for the relief of Richard Parke.

The message also announced that the Senate had insisted upon its amendments disagreed to by the House on the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, had agreed to the conference asked by the House, and had appointed Mr. TOWNSEND, Mr. STERLING, and Mr. WALSH of Massachusetts as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3177. An act declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Ill., to be a nonnavigable stream; and

S. 1297. An act for the relief of George Van Derburgh Brown.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1297. An act for the relief of George Van Derburgh Brown; to the Committee on Claims.

S. 2179. An act for the relief of Richard Parke; to the Committee on Military Affairs.

S. 3177. An act declaring a portion of the West Fork of the South Branch of the Chicago River, Cook County, Ill., to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the House Joint Resolution 268, disagree to the Senate amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Washington calls up from the Speaker's table House Joint Resolution 268, and the Clerk will read the title.

The Clerk read as follows:

House Joint Resolution 268, extending the operation of the immigration act of May 19, 1921.

The SPEAKER. The gentleman from Washington asks unanimous consent to disagree to the Senate amendments and agree to the conference asked for by the Senate. Is there objection?

Mr. GARNER. Reserving the right to object, will the gentleman make the required statement?

Mr. JOHNSON of Washington. I have conferred with the minority members of the Committee on Naturalization and Immigration, including the ranking member. We have all agreed that we ought to go to conference on the Senate amendments.

Mr. GARNER. I am not captious in objecting, but I want to state once more that I do think that when a Member asks unanimous consent to send a bill to conference he ought at least to state that he has conferred with the minority.

Mr. JOHNSON of Washington. I meant no disrespect. I have conferred with the minority, and the ranking member of the minority is on the floor and can speak for himself.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS SAVANNAH RIVER, SAVANNAH, GA.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to reconsider the vote whereby the bill (H. R. 10407) authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a

bridge across the Savannah River at or near Savannah, Ga., was passed yesterday, and that that motion lie on the table.

The SPEAKER. Without objection, that will be done.

There was no objection.

Mr. VARE. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following-named Members failed to answer to their names:

Anthony	Foster	Lee, N. Y.	Sears
Barkley	French	Lehlbach	Shelton
Bond	Gahn	McFadden	Siegel
Brand	Gorman	Maloney	Slemp
Britten	Gould	Mansfield	Snyder
Brown, Tenn.	Greene, Mass.	Michaelson	Stiness
Buchanan	Griest	Moore, Ill.	Sullivan
Cantrill	Hammer	Nelson, J. M.	Sweet
Carew	Hardy, Tex.	Newton, Mo.	Taylor, Colo.
Chandler, Okla.	Hooker	Parker, N. J.	Taylor, Tenn.
Clark, Fla.	Hudspeth	Porter	Upshaw
Copley	Ireland	Pou	Walters
Crowther	Jefferis, Nebr.	Pringey	Ward, N. Y.
Davis, Tenn.	Johnson, Ky.	Radcliffe	Wason
Dempsey	Johnson, Miss.	Rainey, Ala.	Williams
Drewry	Jones, Pa.	Rainey, Ill.	Winslow
Driver	Kelly, Pa.	Reber	Wood, Ind.
Dunbar	Kiess	Robertson	Woodruff
Edmonds	Kirkpatrick	Rossdale	Yates
Evans	Kitchin	Ryan	Young
Fairchild	Kunz	Sabath	Zihlman
Fields	Lampert	Sanders, Ind.	
Focht	Langley	Schall	

The SPEAKER. Three hundred and thirty-nine Members have answered to their names; a quorum.

Mr. KELLEY of Michigan. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

NAVAL APPROPRIATIONS.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11228, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The Clerk will read, beginning at page 24.

Mr. McCLINTIC. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCLINTIC. According to the agreement that was entered into a few days ago when this section was under consideration, the amendment which I offered was to be considered after the pending amendments which related to the personnel had been disposed of.

Mr. KELLEY of Michigan. Mr. Chairman, I think the understanding was that we would pass over the bureau appropriations until after we had fixed the strength of the personnel and then return to the bureau appropriations again. The amendment which the gentleman offered, of course, will be pending when we reach that, in due course, but it is not my understanding that we were to take that up prior to the bureau appropriations.

Mr. McCLINTIC. Very well.

The CHAIRMAN. That was the understanding with the Chair, and the Clerk will read.

The Clerk read as follows:

BUREAU OF ORDNANCE.

ORDNANCE AND ORDNANCE STORES.

For procuring, producing, preserving, and handling ordnance material; for the armament of ships, for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; for the maintenance, repair, or operation of horse-drawn and motor-propelled freight and passenger carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations, and for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots; in all, $9,500,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots for the fiscal year ending June 30, 1923, shall not exceed $935,000.

Mr. STEPHENS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: Page 29, after line 24, insert the following: "That no part of this appropriation or any other appropriation contained in this act shall be available for expenditures at the naval proving ground, Dahlgren, Va., except so much as may be necessary to maintain the station on a closed-down basis."

Mr. STEPHENS. Mr. Chairman, this amendment which I have presented has to do with the Dahlgren Proving Ground, situated about 60 or 70 miles below Washington, in Virginia. The original proving ground was at Indianhead, about 25 miles down the river. The naval proving ground consists of three separate and distinct places. First, the proving ground at Indianhead; second, the powder factory at Indianhead; third, the proving ground lower station at Dahlgren, Va. On account of the long ranges of modern guns it was thought necessary during the war to establish a new proving ground at Dahlgren, Va. Transportation to Indianhead, Md., both for the powder factory and the proving ground, is effected by railroads by the way of White Plains, Md., and by barge on the Potomac River. Transportation to Dahlgren, Va., is effected by railroad or barge to Indianhead, and thence by reshipping 33 miles on the Potomac River to Dahlgren, Va. This primarily was a war activity. In the fall of 1918 the Naval Affairs Committee, upon the recommendation of the Bureau of Ordnance, introduced a bill appropriating $1,000,000 for a lower station proving ground at Dahlgren, Va. In 1919 the Bureau of Ordnance appeared before the Appropriations Committee and asked for an additional appropriation of $980,000 in the deficiency appropriation bill. This was without the knowledge of the members of the Naval Affairs Committee. The original appropriation of $1,000,000 was made by this committee, and the $980,000 additional was appropriated, as I said before, in the deficiency appropriation bill. The original plan presented to the committee was for an expenditure of $1,000,000. By this additional deficiency appropriation there was added to that expenditure $980,000, which gave to them in all $1,980,000. This has developed until there has been expended $2,200,000 at Dahlgren, Va. This is the lower station.

The original proving ground is at Indianhead. At Indianhead during the war there was expended over $7,000,000 in developing the Indianhead powder plant and the proving station, and in this they provided for officers' quarters and a railroad running into Indianhead station, so that the Indianhead station was complete in everything. It is complete in its powder factory and it was complete in its proving ground.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. OLIVER. Has the gentleman any naval authority to the effect that you can satisfactorily test our long-range guns at Indianhead?

Mr. BUTLER. They are doing it at Aberdeen, Md.

Mr. STEPHENS. I have authority that we can test our long-range guns at Indianhead; yes. There is a difference between proving a gun and ranging a gun. Indianhead is complete. In proving a gun you do not need a high elevation. You prove the gun, prove the capacity of it; that is, you prove whether it is all right or not. In ranging a gun you range it at a certain elevation. In ranging these large guns will carry 25,000 or 30,000 yards. It was primarily for that purpose that the lower station was selected to range guns. It was a war activity.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUTLER. Mr. Chairman, inasmuch as this is a very important restriction which the gentleman proposes to place upon the bill, I ask that he have five minutes additional time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS. Mr. Chairman, as I said, there is a difference between proving and ranging a gun. The lower station was for the purpose of ranging large guns, an absolute war activity. The war is over. The necessity for this proving ground has disappeared. The capacity of the ground at Indianhead is complete. They have complete and full equipment for the proving of these guns.

Mr. KEARNS. Mr. Chairman, does the gentleman take the position that a gun in peace times ought not to be proved as to range, as to how far it will shoot?

Mr. STEPHENS. No. I do not claim that you need not range guns during peace times, but there are other methods of ranging guns. When these guns are taken aboard the battleships they are taken out for target practice and for ranging. There is no reason why these guns can not be ranged as they have been ranged heretofore, from the battleships.

Mr. KEARNS. If I understand, this place down here which the gentleman proposes to eliminate is about 60 miles below

Washington. That is the place where they have been taking the range of the guns, is it not?

Mr. STEPHENS. They have tested some of the guns; yes.

Mr. KEARNS. Has the gentleman any other place in the United States in mind, if this place be discarded, where we can range the guns?

Mr. STEPHENS. Yes. There is a place at Aberdeen, Md., where you can range guns.

Mr. MUDD. Does the gentleman recall that Admiral McVay stated to the committee they could test these large guns at Aberdeen, Md.?

Mr. STEPHENS. It has already been stated before the committee that Aberdeen was a proper place for the ranging of large guns, if necessary, but I want to impress upon you the difference between the proving of guns and the ranging of guns. Dahlgren, Va., is on the Potomac River. There is no railroad within 35 or 40 miles of Dahlgren on that side of the river, and the only way you can get there is to go down to a certain point in Maryland and cross over 5 or 6 miles in a tug or any kind of a vessel to Dahlgren.

Mr. BUTLER. Right there, how many months of the year are they cut off from that point?

Mr. STEPHENS. If they have cold weather, if they have a freezing time, they would be cut off entirely. The harbor there is not of the proper depth. If we retain Dahlgren as a working unit there probably will have to be spent another million dollars at that place. I have the testimony of practical men who have been in the proving business for the last 20 or 25 years, stating that Indianhead is sufficient in all ways to conduct this proving station, and that it will save thousands and thousands of dollars to the Government in the way of transportation and in the way of men. We have at Dahlgren at the present time nearly 400 men, and Indianhead can handle this business with less than 100 men.

Mr. BUTLER. How many officers?

Mr. STEPHENS. At present at Dahlgren there are 17 naval officers. At Indianhead before the war there were six.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KELLEY of Michigan. How much more time does the gentleman think he needs in order properly to explain this matter to the committee?

Mr. STEPHENS. I think I have properly explained it now, unless somebody wants additional information. I could go on and give facts for the next hour, if necessary.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

Mr. KELLEY of Michigan. We do not desire to take up too much time on this unless the gentleman has some other important matters he desires to give the committee. We do not want to dally too much.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the time of the gentleman from Ohio be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. I desire to ask the gentleman how much this would save the Government in expense?

Mr. STEPHENS. It would save the Government in ordinary expenses at least $500,000 a year, and it would save an additional expenditure of the further finishing of Dahlgren at least $1,000,000.

Mr. MUDD. The appropriation for ordnance supplies does not limit the Navy Department to expend as much as they please on Dahlgren, as a matter of fact?

Mr. STEPHENS. No.

Mr. MUDD. Is it not a fact the Navy Department asked for more money this year for Dahlgren than they asked for Indianhead?

Mr. STEPHENS. Well, I do not know but what the gentleman is right. At Dahlgren they have 1,468 acres, and they have erected 70 buildings. They have built 4½ miles of railroad, and they have two hangars for airplanes. In their original proposition there was not any mention made of airplanes.

Mr. STEVENSON. Will the gentleman yield for a question?

Mr. STEPHENS. I will yield.

Mr. STEVENSON. How do you propose to do away with the discretion of the Navy Department and naval experts; they do not want this, do they? Leave them to select the place which is best and most efficient for the carrying out of this business.

Mr. STEPHENS. I will say to the gentleman the head of the Bureau of Ordnance recommended this place as a war activity.

Mr. STEVENSON. And does he recommend it now?

Mr. STEPHENS. I believe he does.

Mr. BUTLER. Explain to the committee the outfit they have there so that the committee will understand what has been done and how, at Aberdeen, they have every facility for testing these long-range guns that can be made, and we know that no more long-range guns for the Navy are now being considered.

Mr. STEPHENS. I will say that in the table given by the Chief of the Bureau of Ordnance the original estimate was $1,000,000, and it was stated positively to the members of the Naval Affairs Committee that that would cover the expenditure at Dahlgren, and then seven months thereafter this same bureau appeared before the Appropriations Committee and got an additional $980,000 without the knowledge of the members of the Naval Affairs Committee. And I will say further that they enlarged their plan there to equal their $980,000, and finally ran the expense to $2,200,000. In that they erected for the commandant's home a building that was estimated by some at $100,000; but the figures show that the house will cost not over $60,000. In that they built three other houses for their junior lieutenants at an expense of $30,000 apiece. And what I want to call your attention to is that this money has not been expended for the absolute proving business, but it has been expended for buildings that were not necessary.

Mr. FESS. Will the gentleman yield?

Mr. STEPHENS. I will.

Mr. FESS. Did the gentleman say that houses were built for residence purposes at the rate of $30,000?

Mr. STEPHENS. That is what I say; that one house was built for a commandant's home at $60,000, and other homes for the lieutenant officers at $30,000 apiece.

Mr. FESS. By what authority?

Mr. STEPHENS. I can not tell by what authority. It seems the only authority I can discover is the proving ground itself, and I made inquiries as to who is the proving ground, and I am told that the proving ground is the commandant, and the commandant can enlarge and can expend money according to his own ideas, and that is what has been done.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. PADGETT. Mr. Chairman——

Mr. KELLEY of Michigan. Mr. Chairman, before the gentleman begins, I wish to say that the gentleman from Wyoming [Mr. MONDELL] desired to ask the gentleman from Ohio a question, and I ask unanimous consent that he have a couple of minutes more.

Mr. MONDELL. Mr. Chairman, I desire to ask the gentleman how many of these structures, costing from $30,000 to $60,000 for officers, were built?

Mr. STEPHENS. Well, there was one for the commandant. There were three for some of the other officers, at $30,000 apiece.

Mr. MONDELL. Were they built before the actual work on the proving grounds was completed?

Mr. STEPHENS. They were built before the actual work on the proving grounds was completed, because the proving grounds are not yet fully completed.

Mr. MONDELL. Who estimated for these buildings?

Mr. STEPHENS. From as much information as I can get, the commandant of the proving grounds.

Mr. MONDELL. Did the Navy Department approve the estimates?

Mr. STEPHENS. I am not informed.

Mr. MONDELL. My idea was just what expert recommended the $60,000 building for the commandant and the $30,000 buildings for junior officers?

Mr. STEPHENS. In my investigation I can find no authority except that of the commandant in charge, who proceeded to recommend it.

Mr. MONDELL. The gentleman has investigated this matter carefully, and does he know of anyone in the Navy Department that has criticized this expenditure, or that has taken any steps to call to task the men who are responsible for it?

Mr. STEPHENS. I have not heard of any criticism from the Navy Department or of anyone called to task.

Mr. MONDELL. These buildings were deemed essential, I suppose, for the maintenance of the Navy?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS. They might have been deemed essential by some.

On January 18, 1918, at a hearing before the Naval Affairs Committee, the matter of appropriating for a naval proving ground and for increasing facilities for the proof and tests of ordnance material, including necessary buildings, construction, equipment, railroad facilities, land, and damages and losses to persons, firms, and corporations resulting from the procurement of land for this purpose $1,000,000.

Rear Admiral Earle stated that $1,000,000 would be enough to buy the land and make all the improvements necessary for a proving ground at the place which afterwards became Dahlgren, Va. He stated that they wanted to purchase 1,000 acres of land and that the estimated cost of the land would be about $100,000, perhaps $130,000.

In the hearing Mr. Talbott asked:

Have you ascertained about what it will cost to purchase the land and install the plant?

To which Admiral Earle replied:

Yes, sir; $1,000,000 covers it.

Mr. BUTLER. Will the admiral leave that estimated statement, and will you leave the map so that we can look at it?

Admiral EARLE. Yes, sir. (See statement appended marked "Exhibit A.")

In estimating the expenditures necessary at Dahlgren, which would come out of the $1,000,000 appropriation, Admiral Earle gave the following figures (Exhibit A, p. 100, Hearings 1918):

For railroad	$175,000
Dock and the bridge at Mathias Point	100,000
Land (1,000 acres)	100,000
Magazines:	
1 S. P	5,000
1 B. P	5,000
Shell house	5,000
Gun pits	20,000
Power house	50,000
Employees' barracks	24,000
Purchase or erection of quarters	50,000
Bombproof	30,000
Lookout towers	15,000
Screen poles	5,000
Workshop	10,000
Small boat anchorage and docks	4,500
Office, chronograph room, and instruments	15,000
Steam locomotive or crane transfer	15,000
Water system	5,000
Telephone system	1,000
Ranging stations, land, and shelters	10,000
Miscellaneous	25,500
Total	1,000,000

In July, 1921, I requested a complete statement of expenditures in connection with the lower station proving grounds at Dahlgren, Va.

The following was submitted:

SPECIAL COMMITTEE OF THE COMMITTEE ON NAVAL AFFAIRS,
Tuesday, August 2, 1921.

The committee this day met, Hon. A. E. B. STEPHENS presiding.

Mr. STEPHENS submitted for incorporation in the record the following letters and statements:

EXPENDITURES.

NAVAL PROVING GROUND,
Indianhead, Md., July 26, 1921.

From: Supply officer.
To: Inspector of Ordnance in Charge.
Subject: Expenditures at Dahlgren, Va.

1. In compliance with the request of the Hon. A. E. B. STEPHENS, of the Naval Committee of the House of Representatives, there is submitted herewith a complete statement of expenditures in connection with the establishment of the lower station proving grounds at Dahlgren, Va. In this connection, and in response to Mr. STEPHENS's inquiry, there has been no material used in the construction work at Dahlgren which has been previously charged to Indianhead and then used at Dahlgren without charge. The only buildings moved from Indianhead have been those which were taken from the abandoned "white" camp on the Neck and which were torn down and used in the construction of one set of barracks, one 3-family house, five single-family cottages at the colored settlement, and one set of barracks for white employees at a cost as noted in the appended summary.

2. The following figures show actual expenditures for all projects up to July 1, 1921. Some figures were given Mr. STEPHENS during the progress of the inspection, but it will probably be found that the figures beneath are in excess of those figures, in view of the fact that the expenditures for June have now been entered and included:

Temporary buildings (this figure includes all buildings originally erected to house the labor personnel and administration offices, such as two large 2-story barracks for white laborers, one 2-story mess hall and barracks, one colored barracks, storehouse, carpenter shop, dispensary, recreation hall, and various smaller structures for temporary use)	$79,048.48
Roads (includes 4 miles of completed and surfaced roads and 1.1 miles graded but not surfaced)	60,938.09
Railroads (includes 4.7 miles)	208,777.54
Sewer system (2.8 miles ranging from 6-inch to 12-inch)	56,057.86
Fresh-water system (3.2 miles)	71,644.77
Operation of suction dredge for obtaining sand and gravel	16,758.52
Drainage system (surface drainage of swamp tracts)	5,248.99
Lighting and power circuits (1.5 miles and 1,600 feet of conduit)	25,212.98
Bulkheads for retaining mud in filling marshes	2,779.40
Wharf (15,650 square feet timber pile wharf, 8-foot bents)	46,407.56
Artesian well (includes erection of old tank from Winthrop)	7,053.66
Dredging (does not include dredging done by Army)	9,058.51
Survey work, Mathias Point	2,732.16
Installing chronograph system	37,798.36
Installing dynamos and boilers	14,810.63
Lighting circuits	$330.45
Telephone line	756.97
Temporary fuse butts and battery	2,261.12
Radio station	2,394.88
Garage at Morgantown	369.16
Administration building	53,980.71
Float and pile driver	615.76
Guard house at wharf	889.41
Telephone line to Cobb Point and Blackistone Island	2,548.55
Commandant's quarters	46,694.52
Three aid type houses (quarters for assistant inspector, proof officer, and experimental officer)	83,323.30
Two Arcadia type houses	30,144.82
Two type A bungalows	33,230.20
Gun emplacements (all emplacements at main battery, including major and minor caliber batteries, and also emplacements at the plate battery)	146,619.33
Seaplane hangar	32,602.95
Proof officer's office and physical laboratory	46,690.46
Bombproof and powder-heating house at main battery	61,720.14
Magazines and shell house	16,555.62
Bombproof at plate battery	9,226.42
Range, observation, and screen towers	7,767.05
Storehouse (permanent)	40,728.49
Oil and tank storehouse	9,188.37
Storage for gasoline	3,116.73
Land plane hangar	5,301.92
Machine shop (incomplete)	39,845.98
Power house (incomplete)	71,406.72
Schoolhouse	20,015.08
Mess hall and gallery	26,096.17
Recreation hall	10,619.66
Eight 4-room cottages	42,337.69
46 cottages, erection (obtained from Housing Corporation)	67,378.47
Gambo Creek trestle (includes contract driving piles, etc., $15,807)	50,154.14
Balloon-filling house	418.68
Warehouse on wharf	1,079.15
Range tower for calibration range	3,794.12
Enlarging dock at Blackistone Island	231.64
Garage	1,275.91
Stable	3,485.08
2 civilian dormitories	50,358.69
1 civilian dormitory (removed from Indianhead)	3,081.24
1 bachelor officers' quarters (formerly a temporary building moved and addition put on)	3,500.00
Colored quarters removed from Indianhead (as noted in paragraph 1)	9,500.00
New water tower (contract)	10,680.00
Girders, etc., Washington Navy Yard (this item includes all the specially constructed girders for large caliber guns and the gun circles for minor caliber battery with all heavy bolts necessary for holding down in concrete)	273,094.12
Land (1,377 acres at Dahlgren; includes shell deposit, $26,015)	154,836.70
Land, Blackistone Island, 69.394 acres	21,060.00
Total	2,145,607.08

In June, 1921, I submitted a number of questions to the chairman of the Naval Affairs Committee, Mr. BUTLER. He forwarded them to the Navy Department for reply. The following information was furnished as a result of the inquiry:

JUNE 9, 1921.

Hon. THOS. S. BUTLER,
Chairman Committee on Naval Affairs,
House of Representatives.

MY DEAR MR. BUTLER: Supplementing my letter of May 27, and replying more fully to your letter of May 26, 1921, the following information is furnished with regard to expenditures at the naval proving ground, Dahlgren, Va., reference being made to the several numbered paragraphs of your letter:

Question 1. What amount of money has been expended since July 1, 1918, for buildings, officers' quarters, and improvements of all kinds at the proving grounds, Dahlgren, Va.?

Answer. $2,210,205.11.

Question 2. Amount yet to be expended for same purposes under outstanding contracts?

Answer. Approximately $250,000 for one gantry crane for handling heavy guns.

Question 3. Amount of all authorizations for expenditures not covered by contracts and not yet expended?

Answer. $274,100.

Question 4. Statements showing the estimated cost or contract price of the commandant's quarters; and the total amount spent and to be spent for the improvement of existing buildings for use as such quarters, including therein the cost of all material and the cost of all labor, and from what appropriation taken; and also the cost of furniture for such quarters.

Answer. The total estimated cost of the commandant's (inspector's) quarters is $52,000, of which $40,262 has been expended up to May 1, 1921, the entire cost of the commandant's quarters being borne by the appropriation "Increasing facilities for the proof and test of ordnance materials." The cost of furniture for these quarters was $8,406.95, purchased under the appropriation "Ordnance and ordnance stores." The commandant's quarters have been built entirely without the use of materials from any other buildings.

Question 5. Statement showing the cost of all other officers' quarters, whether for building, moving, or remodeling, including the cost of all material and labor used for such purposes and the appropriation from which defrayed, and also the cost of furnishing and equipping such quarters.

Answer. Eight sets of officers' quarters, including the rehabilitation of the Arnold farmhouse, have cost $140,191, with an estimate of about $10,000 to complete. Eight additional sets of junior officers' quarters were built at an expenditure of $42,327. All of the above expenditures have been made from the appropriation "Increasing facilities for proof and test of ordnance materials." The furniture for the above quarters cost $20,505, out of appropriation "Ordnance and ordnance stores."

Question 6. Statement showing the several funds from which expenditures for all of the above purposes has been or will be taken.
Answer. Expenditures since July 1, 1918.

Appropriation:	
Engineering, 1921 (radio station)	$2,386.55
Increase, Navy, armor and armament	51,965.05
Increasing facilities for proof and test of ordnance materials	601,794.79
Ordnance and ordnance stores	1,554,058.72
Total	2,210,205.11

Authorizations not covered by contracts and not yet expended.

Appropriation:	
Increase in facilities for proof and test of ordnance materials	$58,300
Increase of the Navy, armor and armament	154,100
Ordnance and ordnance stores	61,700
Total	274,100

All expenditures incurred and authorizations for expenditure under the appropriation, "Increase of the Navy, armor and armament," pertain exclusively to the test of new ordnance material.

Question 7. If any portion of the above-named expenditures is charged to the Indianhead account, give detailed statement showing amount of same.

Answer. The above expenditures and authorizations refer to Dahlgren, Va., exclusively.

Sincerely yours, EDWIN DENBY.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is recognized.

Mr. PADGETT. Mr. Chairman and gentlemen, this matter has been considered for years and years by the Naval Committee, and I differ materially and substantially with the gentleman from Ohio [Mr. STEPHENS]. This matter was recommended and investigated by the committee for a number of years before it was established. That at Indianhead had grown up sort of like Topsy. It was first a powder factory, and they had connected with it the testing of guns, and in the development of guns, passing from 8, 10, and 12-inch guns up to 14 and 16, it became very necessary to have longer ranges. The ranging and the testing of the guns at Indianhead became a very great menace and danger to navigation, and Dahlgren was authorized for that purpose, where we have a range of more than 50,000 yards. At Indianhead our range is limited somewhere from 8,000 to 12,000 yards.

Mr. LINTHICUM. Was that investigation made before the establishment of the Aberdeen proving ground, and does not the Aberdeen proving ground fill all the purposes for testing a long range also?

Mr. PADGETT. No; it does not.

Mr. LINTHICUM. Why not?

Mr. PADGETT. Simply because that matter has been gone into by a board of Army and naval officers. Aberdeen is an Army testing plant, and that matter was considered very fully and very carefully, and it was found impracticable to operate it for both activities, both the Army and the Navy. And we have the other one there. The Secretary of the Navy was before the committee and went into the matter very fully, and the point-blank question was asked him as to which was the more important in the Navy, Dahlgren or Indianhead, and he said:

> Gentlemen, we need both. The activities are different, but if one or the other is to be closed, I prefer that Dahlgren be kept open, because it is absolutely necessary for the Navy to have the long range of the guns.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. PADGETT. In a moment.

The gentleman from Ohio [Mr. STEPHENS] stated the guns could be ranged from battleships. That is in direct conflict with the statements of the officers. You have got to have a permanent base. You have got to have fixed ranges, and you have got to have all of the paraphernalia that is attached to the land base in order to get the full benefit and the accuracy and the test of your guns. And I want to say that from years and years of investigation, and from a thorough investigation by the Naval Committee, it is to-day one of the most important activities that we have for the efficiency of the Navy.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GRAHAM of Illinois. I, for one gentleman in the House, am not particularly concerned about what some board of Army officers or Navy officers have said or about what the Secretary of the Navy has said.

Mr. PADGETT. Yes.

Mr. GRAHAM of Illinois. In answer to the question of the gentleman from Maryland [Mr. LINTHICUM], I would like to have the gentleman himself say to this House why those two ranges are necessary.

Mr. PADGETT. I can only be governed by the opinions of men who have to do the work, and they say that the location and the grounds and the conditions at Aberdeen are not adequate and sufficient for the operation and the testing of the guns of the Navy and the guns of the Army. They are entirely different.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. I say to you, gentlemen, that it is very, very important that they be maintained.

May I have five minutes more?

Mr. BUTLER. I would like to ask the gentleman from Tennessee a straight question.

Mr. PADGETT. Yes.

Mr. BUTLER. Is it not a fact that these great guns have been tested at Aberdeen?

Mr. PADGETT. Not that I know of for the Navy.

Mr. MUDD rose.

Mr. KELLEY of Michigan. Mr. Chairman, I would like to see how much time is needed.

Mr. BYRNS of Tennessee. The gentleman from Tennessee has five minutes more, has he not?

Mr. PADGETT. Let these other gentlemen have an opportunity to speak. I do not want to take up the time. The gentleman from Alabama [Mr. OLIVER] and the chairman of the committee [Mr. KELLEY] and others want to speak.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the debate on this amendment and all amendments to the paragraph close in 20 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Maryland [Mr. MUDD].

Mr. REED of West Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Virginia. I wanted to ask the gentleman from Tennessee [Mr. PADGETT] a question.

Mr. REED of West Virginia. The time of the gentleman from Tennessee [Mr. PADGETT] has been extended, has it not?

The CHAIRMAN. I understood it was requested.

Mr. PADGETT. Was my five minutes included in the 20 minutes?

The CHAIRMAN. It was not.

Mr. PADGETT. Do I have five minutes in addition to that?

Mr. KELLEY of Michigan. No, Mr. Chairman; the gentlemen I had in mind were the gentleman from Maryland [Mr. MUDD], the gentleman from West Virginia [Mr. REED], the gentleman from Alabama [Mr. OLIVER], and the gentleman from Maryland [Mr. LINTHICUM].

Mr. MOORE of Virginia. Mr. Chairman, by unanimous consent I ask that the gentleman from Tennessee may have five minutes additional.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Tennessee may have five minutes additional. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. REED of West Virginia. My colleague is evidently well informed on these questions. Can he tell me or the committee when these costly residences were built?

Mr. PADGETT. During the war. They were completed since the war. They were started during the war at peak prices, and they cost too much money. But that is water that has run under the bridge.

Mr. REED of West Virginia. They were built under cost-plus contracts, were they?

Mr. PADGETT. I do not know as to that, but they were built under war conditions and at the peak of high prices.

Mr. REED of West Virginia. Does each of these costly residences furnish a home for a single officer?

Mr. PADGETT. No. I am under the impression they have a number of officers in some of them.

Mr. REED of West Virginia. For a $30,000 building?

Mr. PADGETT. Yes.

Mr. BUTLER. Oh, no. How many officers live in the commandant's house, a $65,000 house?

Mr. PADGETT. There are no hotel accommodations for anybody there, and the commandant is forced by the necessity of things to entertain the officers that come there—the Secretary of the Navy and other officers that come there—and his

house has to be a little larger on that account. But as I said, these houses, built as they were under the conditions that then prevailed, cost more than they should have cost. But that is water that has run under the bridge. But I want to emphasize the fact that the activities done there, the work done there, is the most important and the most essential work for the efficiency of the guns, because what are the ships worth if your guns do not shoot straight and hit? And right there has been the great demonstration of the efficiency of the gunfire of the Navy. Do not let us make a mistake and do away with that very important and essential station.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MOORE of Virginia. Has the gentleman visited this proving ground and made a personal inspection of those activities there?

Mr. PADGETT. I have.

Mr. MOORE of Virginia. From my understanding of the hearings, Admiral Earle and his associates, who selected that ground, considered it the most available on the coast?

Mr. PADGETT. Yes. That was selected by a board of officers, and not only Admiral Earle but the admiral in charge before him—the Chief of the Bureau of Ordnance before Admiral Earle—assisted in the selection. We have gone into it time and time again, and Congress authorized by special bill the acquisition of that site and the purchase of land because it was represented to us, after careful investigation, as the most available; and right down on the water front it gives us a range of more than 52,000 yards that we can not get anywhere else.

Mr. MOORE of Virginia. Mr. Chairman, may I ask the gentleman another question?

Mr. PADGETT. Yes.

Mr. MOORE of Virginia. In the recent hearings before the Committee on Naval Affairs have not the Secretary of the Navy and also Admiral McVeagh, the head of the Ordnance Department, expressed themselves as considering the maintenance of this proving ground absolutely essential?

Mr. PADGETT. Oh, tremendously so.

Mr. BYRNES of South Carolina. I want to ask the gentleman from Tennessee if, in his investigation of the commandant's house, of which we have heard so much, he found that the commandant's house is not exactly like the homes of commandants at other places, and that the total cost was $52,000, including furniture? That was the information we secured after a most lengthy investigation last year.

Mr. PADGETT. That is what I understood, that it cost $52,000, including the furniture. Whether it was exactly like the houses at other places I do not know, because I have not seen the other places.

The CHAIRMAN. The gentleman from Maryland [Mr. MUDD] is recognized for five minutes.

Mr. MUDD. Mr. Chairman, I do not unnecessarily intend to take up the time of the House, but believing that I am rather fairly informed concerning the details of this very important matter before us, I desire to appeal to you to support the pending amendment so that the activities at Dahlgren shall cease and the station be abandoned entirely by the Government. My colleague, Mr. STEVENS, who introduced the amendment, has very ably presented to you the salient facts in relation to this proving ground. I served upon the subcommittee of the Committee on Naval Affairs, of which I am a member, that investigated the expenditures at this so-called lower station. The committee made a most thorough and complete investigation, and I say to you gentlemen of the House that inasmuch as this was, to my mind, purely a war-time, emergency, auxiliary proving ground, as it was then represented so to be to the members of the Naval Committee, we should pass this amendment, and by our action make sure that no part of this appropriation or any other appropriation shall be available for expenditures at Dahlgren, Va., except as much as may be necessary in maintaining the establishment on a closed-down basis only.

When the naval officers appeared before us in 1918 Admiral Earle, who was then Chief of the Bureau of Ordnance, said that it had been the desire of the Navy Department for several years to have a proving ground for the testing of long-range guns, and that Dahlgren had been observed by naval experts as the most desirable site in the country, because the course of the river from that point for about 20 miles or more to Blackistone Island is a straight course of open water, over which the guns could be fired and the projectiles recovered. He said to the committee specifically and definitely that this amount of $1,000,000 was sufficient to purchase 1,377 acres of land at Dahlgren and for the completion of the station. He did not state to the committee that it was the purpose of the Navy Department to build a station separate from Indianhead, thereby to maintain two distinct activities. He did not say to us that it was the intention of the Navy Department to build a house there for a commandant at a cost of $60,000, three aid-type houses at $83,323.30, and quarters for assistant inspector, proof inspector, experimental officer, and many other expensive dwellings for officers; but later on, and without the knowledge of the Naval Committee, the Bureau of Ordnance, upon the representation that it needed more money for the completion of the Dahlgren station and the testing of guns, obtained $980,000 from the Appropriations Committee. It was the distinct understanding of the Naval Committee that only the guns of larger caliber should be tested at Dahlgren, and that guns of 8-inch and lower caliber would continue to be tested at Indianhead, as is evidenced by the fact that Admiral Earle, for the safety of such testing, requested and obtained $80,000 for the purchase of additional land of 1,000 acres or more known as Cornwallis Neck. It was not contemplated then by Admiral Earle and his associates to dismantle Indianhead; it was never understood by the Naval Committee that such a course should be pursued; and it was never intimated to the committee that the faithful employees of Indianhead should be forced to leave their homes and families to live in this isolated section, upon which so much money had been recklessly and extravagantly wasted in the building of outrageously expensive houses for officers, with unsatisfactory quarters for the men, to whom I have referred, some of whom have not yet completed payments upon their homes at Indianhead.

Why, Mr. Chairman, if you leisurely take a walk on the Virginia side of the river, you can not help but run into a naval station here and there. I realize that Members of the House who have navy yards located in the districts are called "big Navy men," and their arguments are given not much consideration by the membership of this House who are opposed to a big Navy. I expect one of you gentlemen to ask me if Indianhead is in my district, and if, for that reason, I am not selfishly interested in this proposition; but I say to you that Indianhead is no longer in my district, because, during the war, you took it and put it over in Virginia. Of course, I am selfishly interested, and I am glad that my friend and colleague from Ohio [Mr. STEPHENS], who comes from a State where there are no naval stations, who knows the justice of my plea to you, has offered this amendment, which I am asking you to adopt in the interest of economy; that you give back to the State of Maryland what you took away from Indianhead.

There is no earthly use for the continuation of this expensive and useless proving ground. It is a fine resting place for officers, and a beautiful spot, but it does not justify the expenditure of more millions as a station, distinct and separate from Indianhead, where guns have been successfully tested for 30 years. Dahlgren not only interferes with navigation very seriously in the waters of southern Maryland, on the Potomac, but it interferes with the fishing industry, depriving the thrifty oystermen of my district from dredging in the oyster beds during the proper season.

It is contended that big guns can not be tested at a range over 18,000 yards at Indianhead, and that it is vitally necessary that they should be tested at higher elevations. Why, Mr. Chairman, I have been reliably informed that they have practically made no tests of over 18,000 yards at this place. It can not be contended that the smaller guns can not be as satisfactorily tested at Indianhead as at Dahlgren. Great elevations for guns of this caliber are not necessary. For high-elevation testing a big gun could be tested at Aberdeen, if necessary, though, for all necessary purposes, they could be tested once or twice a year at Dahlgren without great expense and without the necessity of continuing the construction or the maintaining of this place as a naval station. I am asking you, however, to close down this station entirely, because, in the 10-year holiday ahead of us for peace-time efficiency, Indianhead serves all purposes.

It is not surprising to me that the membership of this House is not aware of the existence of this station. When we were called upon during the war to appropriate funds for war purposes, we unhesitatingly approved of those of such recommendations at the request of the Military Establishment of the Government, because we felt it our duty to patriotically support the President of the United States and the Government in every respect to the end that we might win that war. Hundreds of millions of dollars were wasted throughout the country that Members of Congress do not know about, and it is time that when such information is brought to you of useless

activities created for war purposes, it is the duty of Congress, for the sake of economy, to sell, or otherwise dispose of, great tracts of land that were purchased and are now of little or no value whatever to the Naval Establishment.

The work at Dahlgren is unquestionably a duplication of the work that has been done so successfully at Indianhead for 30 years. We had before us a committee of civilian employees who have been employed at this station for many years, including the powder expert, his assistant, and the quartermen, who have charge of the powder-making function of the proving ground at Indianhead. It is unnecessary for me to remind you that these gentlemen made a splendid impression upon the committee, and it can be well understood by you and me that, on account of their long experience in the work of making powder and the expert testing of guns, they are as equally qualified as are the experts of the Navy Department to furnish information to the Committee on Naval Affairs that the naval proving ground at Indianhead, which is a complete establishment, upon which millions of dollars have been spent for 30 years, is thoroughly equipped for the most satisfactory testing of all guns to be used by the United States Navy, and for the information of the House I submit to you a petition, signed by hundreds of employees at Indianhead, including the civilian experts, in support of my contention that there is no need for a separate institution at Dahlgren.

The petition referred to is as follows:

To the honorable Members of the United States Senate and House of Representatives:

We, the undersigned, respectfully petition the honorable Members of the United States Senate and House of Representatives to initiate means necessary to prevent the moving of the United States Naval Proving Ground from Indianhead, Md., to Dahlgren, Va.

We ask that you give the following facts your careful consideration, and trust that same will be deemed of sufficient moment and good reasoning to convince you of the rightful cause and justness of our claims:

The only real, vital need for an additional naval proving ground is that range work may be done at longer ranges than are now available at Indianhead. However, in view of the fact that there is danger to the inhabitants from flying fragments consequent to plate, shell, and fuse work, it is granted that it would be better to remove such work to a more remote location. However, during the past 30 years the proving of all manner of guns, plates, shell, and powders at Indianhead has not caused a single fatality, except among employees actually on duty in the proving ground area, and but one instance is recalled of damage to private personal property, the damage in question being negligible.

But with the above exceptions—that is, the comparatively small volume of the work that is admitted to be of a dangerous nature—we petition you as we set forth herewith that there is no logical reason why millions of dollars should be spent for equipment at Dahlgren that is now provided at Indianhead, and which would be obviously a total loss in the event of transfer of all proof work to Dahlgren, and we request that retention of such activities of the Indianhead Proving Ground at Indianhead as can best be performed there; that is, proof of all medium and minor caliber guns, powder, and ammunition; proof of star shell; proof of tracers; proof of such major caliber guns and powder as do not require high-angle fire; experimental work in ordnance which can not be carried on with larger caliber routine tests.

It is believed that it has been demonstrated that the location and general facilities at Indianhead for this class of work are unsurpassed. Ranging of shell in this comparatively narrow river (the Potomac) allows splashes to be properly observed as they can not be at Dahlgren. Stump Neck, as has been repeatedly shown, allows recovery of fired shell of all calibers, even the largest. The only place at Dahlgren where shell can be landed for recovery is at Blackistone Island, 30,000 yards away. This requires high velocity and elevation, causing the shell to bury itself to an extraordinary extent, thereby entailing great cost for recovery. With minor caliber shell it is out of the question to recover shell after firing. With medium caliber star shell work recovery of shell or parachute is possible at Indianhead range and is not possible at Dahlgren.

The battery facilities and housing at Indianhead are already provided. At Dahlgren facilities other than for long-range work, plate shell, and fuse tests, together with housing for other employees, are yet to be provided, at a tremendous cost, which would be unnecessary with the retention of Indianhead Proving Ground for work within its capacity.

The work handled at Indianhead during the war is all the evidence necessary as to capacity and facilities, and the fact that Indianhead is now connected by rail with every source of supply of naval ordnance. It is without question the logical proving ground, if for no other reason than that of cost. In the event of a national emergency the proof work could be conducted with a dispatch that would be physically impossible at Dahlgren, and in the event of a cold winter and heavy freeze transportation to the Dahlgren station would virtually cease.

For many years the proving ground at Indianhead was seriously handicapped by the lack of transportation facilities and housing accommodations for its employees. During the late war this was entirely overcome by the construction of a steam railroad at a cost of about $1,000,000, the erection of a new concrete dock and slip and connecting railroad spur at a cost in the neighborhood of $1,000,000, and the erection of over 100 houses for employees at a cost of $1,000,000.

To make Dahlgren serviceable and its operation practicable in case of war the same conditions as existed at Indianhead prior to the late war, only on a greatly exaggerated scale, would have to be surmounted, and owing to its greater distance from ordnance material sources and difficulty of approach, the cost would be very much greater.

Owing to lack of appropriation of funds for employees' quarters at Dahlgren, Va., houses from the Indianhead Proving Ground are now about to be moved to Dahlgren, Va.

(Copy of a petition signed by 456 persons.)

(Presented to the Hon. SYDNEY E. MUDD, M. C., and the Hon. O. E. WELLER, United States Senate, by the following committee: C. N. Dement, N. T. Dutton, F. D. Cary, R. J. Carpenter, W. W. Farnum, R. W. Bellman, R. Dement, W. R. Halla, J. M. Dement.)

C. N. DEMENT, *Chairman.*

When our committee visited Dahlgren on the U. S. S. *Sylph*, which is a small yacht owned by the Navy, we were astonished upon our arrival to learn that the channel in which we anchored was 3 miles distant from the shore. We ascertained upon our investigation that big guns can be transported from the 3-mile point to the Dahlgren shore only upon barges towed by a small tug. The docking facilities are very unsatisfactory, all of which means, Mr. Chairman, that if this place is to continue and Congress sanctions its growth as a future big Navy station Congress will be called upon to appropriate several million dollars for the dredging of a channel, which undoubtedly is needed, and for docking accommodations and for other facilities which we now possess at Indianhead out of the funds of the United States Treasury, to maintain and to construct what we already have upon the Maryland side, where we were called upon and did build a railroad, which cost us nearly a million dollars, where we have 2,000 acres of land, including Cornwallis Neck and Stump Neck, in order that guns could be tested at Indianhead before Dahlgren was conceived of or mentioned to the Naval Committee.

Mr. Chairman, I repeat, at Indianhead we have a complete naval station, which has been in the process of construction for 30 years, beginning as a modest Government reservation, purchased for the single purpose of testing all guns for the United States Navy. I do not approve of expending further funds for the proving of the guns of our Navy elsewhere. It is a well-known fact that in actual engagements if our guns are to be fired at a range of 30 or 40 miles that range in battle must be obtained during the encounter by necessary military observations in the air. I ask you, therefore, why should we unnecessarily test the guns at very high elevations on land at a prohibitive cost? [Applause.]

Mr. Chairman, I know that my time has expired. I make no apologies for the fact that I am a "big Navy man," and I am proud of the fact that I live in a naval district, where are located the Naval Academy at Annapolis and the naval proving ground at Indianhead. I believe that the Limitation of Arms Conference put us in a better position than we were before the conference, because under the terms of the treaty our Navy can be equal in strength to the navy of Great Britain and greater than Japan. I believe in keeping pace with these other nations in the maintenance of the Navy that is second to none in the universe. I believe, however, that wherever we should find opportunity to economize we should do so. Certainly this is an instance where Congress can save money, which would otherwise be entirely wasted upon the development of a war-time project which has now lost its usefulness. Therefore I sincerely hope and I appeal to my colleagues to adopt the amendment before us. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. MUDD. Yes.

Mr. TILSON. What is the practical difficulty of using the Aberdeen testing ground for both the Army and the Navy?

Mr. BUTLER. They have done it.

Mr. MUDD. Mr. BUTLER, our chairman, states that they have done it. Personally I think these activities of the Army and Navy should be separate.

Mr. TILSON. That is, providing proper cooperation can be brought about between the War and Navy Departments.

Mr. MUDD. Admiral McVay has testified before the Naval Committee that these big guns could be tested at Aberdeen, if necessary, for long-range purposes.

Mr. TILSON. Surely there are not enough guns to keep both places busy.

Mr. MUDD. No. And both Admiral McVay and Admiral Earle admit that all guns can be satisfactorily—except for high elevation—tested at Indianhead, particularly smaller guns. They have two batteries at Dahlgren, and Indianhead with one battery can do it at half the cost that they can at Dahlgren. [Applause.]

Mr. STEPHENS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, neither of these proving grounds is in my district, but I do happen to know something about both Indianhead and Aberdeen, especially Aberdeen, which is on the direct line between Washington, Philadelphia, and New York. There are some thousands of acres of land at Aberdeen, and there is not a proving ground in this world as well equipped as that one, with two trunk-line railroads, with miles of railroad trackage throughout the grounds, and with a water front and every conceivable advantage as a proving ground. There is no reason in the world why guns of any caliber can not be tested at that place. When the proving ground was first suggested there was a strong sentiment that it be established at Kent Island, on the other side of the bay, in Maryland, but there was strong opposition to that because it interfered with navigation. Therefore the Army officials went to Aberdeen, and there they procured this vast acreage of land, a large part of which is marsh land and not susceptible of tillage.

Mr. MONDELL. Will the gentleman yield?

Mr. LINTHICUM. I have only five minutes. If the gentleman will get me more time, I will be glad to yield for any question. So there is not a particle of use in the world to go down there 60 miles from Washington and spend $1,500,000 for the completion of the proving ground at Dahlgren. It has not even been completed yet, and there is no use of spending over a million dollars or somewhere around a million and a half of dollars to complete it. Indianhead has been in existence as a proving ground for some 30 years. It has been constructed and completed gradually by the Government. It has met every requirement of the tests, and will continue to do so. It is only 26 miles from Washington, connected by rail and water, whereas Dahlgren is connected only by some 60 miles of water, and often closed by ice in winter. I do not know whether gentlemen here observed it, but only the other day the press carried a dispatch stating that a large barge had upset in the storm and dumped two of the large guns in the water. Now, you would not have such a condition as that at Aberdeen nor Indianhead, because you have direct rail connection by the Baltimore & Ohio and by the Pennsylvania to Aberdeen and by the Pennsylvania to Indianhead, and you have all the water front you need at both places. I can not conceive why the Navy and the Army can not combine to test their guns at Aberdeen when they are too large to test at Indianhead. There is no necessity for other places.

But more than that: If we are to have a treaty Navy, if one of the great purposes is economy, why should we continue to develop proving grounds and all those things as though the war still continued? I do not see why what we have at Indianhead and Aberdeen should not cover every possible necessity without the expenditure of further money.

Now I have a little time and I gladly yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I think the gentleman has answered the question I had in mind; that is, so far as he seems to have information. I can not understand how it happens that, having acquired the proving ground at Aberdeen, which is a very long-range proving ground, we should have started another proving ground. I can not understand why Aberdeen is not available for both services.

Mr. BUTLER. It is, and they have used it for both.

Mr. LINTHICUM. I do not know, unless it was thought that we went into the war on such an immense scale that it was considered that the Army and Navy should be separated during the war; but now that we have peace and have entered into a treaty between the four great powers, I can see no further necessity for the separation and the consequent expense. Indianhead and Aberdeen meet every requirement, and they are completed and fully equipped.

Mr. MONDELL. The ranges are quite as great at Aberdeen as at Dahlgren.

Mr. LINTHICUM. There is any range at Aberdeen you want; you shoot over marsh lands and water that is not used. There is any range you want, without any danger to property.

Mr. MONDELL. And the railroads reaching into Aberdeen are good.

Mr. LINTHICUM. The best possible in the world. The great trunk lines of the Baltimore & Ohio and the Pennsylvania system both traverse it with miles of trackage and switches. In addition to this, you have miles of water front. It is accessible from every point in the country.

Mr. OLIVER. Mr. Chairman, I feel that the appropriation as recommended by the committee should be retained. It would be a serious blow not to provide sufficient funds to maintain and operate the naval proving ground at Dahlgren. In this connection permit me to read from the hearings before the Appropriations Committee some questions asked by me of Admiral McVay, the present head of the Bureau of Ordnance, and his answers thereto. To my mind, it states the situation very fully:

Mr. OLIVER. Do you find Dahlgren is a better station for testing your guns than the one you abandoned?

Admiral McVAY. Indianhead has not been an efficient station for the last 20 years.

Mr. OLIVER. In other words, you are not prepared at Indianhead to test your large guns?

Admiral McVAY. It is not possible to range a modern gun at Indianhead without taking a risk which I will not take.

Mr. OLIVER. And you find that at Dahlgren you can test both the small and large guns?

Admiral McVAY. Yes, sir. At Indianhead you can not range a gun, under ordinary conditions, beyond 12,000 yards, although on an exceptional day you can range it to 14,000 yards; but at Dahlgren we have a line of fire of 30 miles. We found that none of our range tables were correct because they had been calculated from firing at 8 degrees elevation only, and beyond a small range of 14,000 or 15,000 yards the ranges were calculated and were not determined as a result of firing and, therefore, were not checked; they were all incorrect, and that is a matter of the greatest importance in opening ranges for battle as well as throughout a battle, and it has not been possible since long-range guns came into being to properly range them at Indianhead, nor can it be made possible to do it there.

To the same effect is the statement of the Secretary of the Navy before the House Naval Affairs Committee, where in reference to a resolution looking to the abandonment of Dahlgren he said:

If the resolution is intended to stop activities in Dahlgren, then I should again very vigorously oppose it. I can not see the crippling of the Navy without entering a protest; the committee will then do exactly as it chooses. If it becomes a question of going to Dahlgren and concentrating the activities there or at Indianhead, I should most assuredly advise that Dahlgren be the place, because of the superior range.

Mr. LINTHICUM. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. LINTHICUM. I notice that nothing is said there about Aberdeen. Why could not they test their guns there?

Mr. OLIVER. I do not think anybody had Aberdeen in mind, except the gentleman from Maryland. The gentleman from Maryland [Mr. MUDD] did not. It may be that some day we will have the Army and the Navy cooperating together as to these activities. But up to this time for some reason, whether satisfactory or not, they have not occupied the same ordnance testing grounds. Some legislation by Congress will be necessary to require them to do so if the gentleman from Maryland deems it wise and feasible. So far as the pending amendment is concerned, it seeks to deny to the Navy further use of the property that is absolutely essential to testing its large guns.

Mr. STEPHENS. Will the gentleman yield?

Mr. OLIVER. Yes.

Mr. STEPHENS. I want to ask the gentleman if he would expect the Bureau of Ordnance to say anything else than to approve what the bureau has done?

Mr. OLIVER. I will say that my information is that Admiral Strauss, the predecessor of Admiral Earle, and a naval board and Admiral Earle strongly favored and recommended Dahlgren as the best place for the proving ground. If Admiral McVay and the Secretary of the Navy are correct in the statements they make, then civilians can understand the importance of this station. In other words, they found that at Indianhead they had been unable to test the large guns, and the attempted tests resulted in many errors as to ranges, and they were only able to correct those errors after the tests at Dahlgren, and surely there should be no objection to retaining it for this important naval purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. STEPHENS].

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were 57 ayes and 45 noes.

Mr. PADGETT. I demand tellers.

Tellers were ordered, and the Chair appointed Mr. STEPHENS and Mr. PADGETT.

The committee again divided, and the tellers reported that there were 106 ayes and 67 noes.

So the amendment was agreed to.

The Clerk read as follows:

Not to exceed 200 graduates of the Naval Academy of the class of 1922 shall be commissioned as ensigns in the Navy, and the graduates to be commissioned shall be selected by the academic board of the Naval Academy after giving equal consideration to the scholastic standing and adaptability for naval service of each graduate: *Provided*, That each graduate of the Naval Academy of the class of 1922 who is not commissioned as an ensign in the Navy shall be paid mileage at the rate of 5 cents per mile from the Naval Academy to his home and a sum equal to three months' pay of a midshipman, such payments to be made from the respective appropriations in this act providing for the transportation and pay of midshipmen.

Mr. KELLEY of Michigan. Mr. Chairman, I think there is an amendment pending offered by the gentleman from Oklahoma [Mr. McCLINTIC] to an item on page 33.

Mr. McCLINTIC. The gentleman from California [Mr. RAKER] made a point of order against the section——

The CHAIRMAN. A point of order was reserved to the paragraph on page 33, lines 8 to 20.

Mr. KELLEY of Michigan. What is the point of order?

Mr. RAKER. The point of order is that it is legislation on an appropriation bill.

Mr. KELLEY of Michigan. Well, it is legislation that is in order, because it reduces the number of officers from 541 to 200.

Mr. RAKER. That is for the Chair to decide. In the first place, they are not officers.

Mr. KELLEY of Michigan. Oh, yes; they are officers; a midshipman in the Naval Academy is an officer.

Mr. RAKER. Not yet. In the second place, it is legislation as to mileage, it is legislation as to compensation, and it is not a reduction in expenditure.

Mr. KELLEY of Michigan. It is a reduction in every way. It is a reduction in number from 541 to 200. If they were commissioned in the Navy they would receive the pay of an ensign instead of the pay this bill provides for, the pay of a midshipman. So it is not only a reduction in number but a reduction in pay.

The CHAIRMAN. The gentleman from California will state the proposition upon which he bases his point of order.

Mr. RAKER. First, it is legislation on an appropriation bill. Second, if it is intended to reduce the number of officers——

Mr. KELLEY of Michigan. That is why it is in order.

Mr. RAKER. Just a moment. If it is intended to reduce the number of officers, then it does not comply with the Holman rule, because subdivision 2 of Rule XXI provides that it must not only reduce the number of officers but must reduce their pay.

Mr. KELLEY of Michigan. Well, it does do both, and the rule does not require that both should be done.

Mr. RAKER. That is what the rule says. Third, it is legislation with regard to mileage; fourth, it is new legislation with regard to payment of men who have been left out of the school without graduation; fifth, it disposes of these young men without authorizing them for graduation. On the first proposition I have looked for a decision, but I could not find one in regard to retrenchment. The rule provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

And so forth.

That is a conjunctive requirement which must be complied with. It does not apply here.

Mr. LONGWORTH. Will the gentleman read the entire paragraph?

Mr. RAKER. I am reading that one thing which relates to officers. Let me read it again. There are three provisions—the one I read and the two others—but I shall read them all:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

You find interpretations on the other provisions, but I do not believe the gentleman will be able to find that you can reduce officers except that in addition to that there must be a reduction in pay. That is what the language says, and undoubtedly that is what it means.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN. Under the existing law is it not provided that all of these men in the graduating class at Annapolis shall be commissioned as ensigns?

Mr. RAKER. If they pass the required examination; yes.

Mr. MANN. If we limit the number to less than the total, is not that a reduction in the number of officers on the pay roll?

Mr. RAKER. But that is a future proposition. That does not cover this.

Mr. MANN. Oh, this is all for next year; it is a future proposition. It is for the next graduating class. This reduces the number of officers in the Navy, whether it is for this year or next year. That provision takes effect when the bill becomes a law.

Mr. RAKER. Mr. Chairman, I think the point I make on that is good.

Mr. MANN. Is it not a fact that it does reduce the number?

Mr. RAKER. I do not know so much about that.

Mr. MANN. Why, the very reason the gentleman is opposed to it is because it does reduce the number. Does it not reduce the compensation to say that a man shall get only 3 months' compensation when without that provision he would get 12 months?

Mr. RAKER. Then it must be a reduction of expense.

Mr. MANN. The rule provides for a reduction in the number of officers or the compensation of officers. If this does not do that, then I can not read English.

Mr. RAKER. I imagine the gentleman can read English very well. On the other proposition, Mr. Chairman, it is a serious question whether or not it is a reduction, a saving to the Government. These men have cost the Government in the neighborhood of $350,000 up to the present time. They are all needed in the service, and for every one that we take out another will take his place. It is not a saving for the Government. It is depriving these men of the rights by new legislation that they are entitled to upon an appropriation bill, legislating them out of these rights, fixing compensation and mileage, and compensation for three months after they have retired. I submit the matter to the Chair.

The CHAIRMAN (Mr. CAMPBELL of Kansas). The Chair would inquire of the gentleman from Michigan the number of men affected by this amendment.

Mr. KELLEY of Michigan. There are 541 in the senior class at Annapolis and this provides that 200 of them shall be commissioned.

The CHAIRMAN. The Chair is ready to rule. On page 33 of the bill, beginning at line 9, there is a provision that not to exceed 200 graduates of the Naval Academy of the class of 1922 shall be commissioned as ensigns in the Navy. If this paragraph as a whole were not carried in the appropriation bill there would be graduated from the academy for this year 541.

Mr. MADDEN. And, Mr. Chairman, they would be commissioned officers.

The CHAIRMAN. Yes; and they would be commissioned as ensigns in the Navy. According to the paragraph but 200 of these will now be commissioned, leaving 341 without commissions. Clearly the amendment is germane to the bill, and it is within the Holman rule. It makes a reduction of an amount easy to be determined of the amount of the appropriation carried in the bill. Therefore it is in order, and the Chair overrules the point of order.

Mr. RAKER. Mr. Chairman, I offer to amend by striking out all of lines 8——

The CHAIRMAN. But there is an amendment pending.

Mr. RAKER. This is to strike out the whole proviso on page 33.

Mr. McCLINTIC. Mr. Chairman, but a perfecting amendment is in order first.

The CHAIRMAN. The gentleman from Oklahoma has offered a preferential amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 33, strike out lines 8 and 9, including the word "Navy," in line 10, and insert in lieu thereof: "That in determining the number of members of the 1922 Naval Academy graduating class who shall be commissioned the Secretary of the Navy is hereby directed to bring about the retirement of 75 per cent of such officers in the Navy as are eligible for retirement. He shall cause to be commissioned out of 1922 Naval Academy graduating class 200 members, and an additional number equal to the number of officers retired under the provisions of this section."

Mr. KELLEY of Michigan. Mr. Chairman, I reserve a point of order on the amendment.

Mr. McCLINTIC. Mr. Chairman and gentlemen of the committee, the object of this amendment is to make it possible for all members of the 1922 graduating class at Annapolis to be commissioned.

Every young man who enters the Naval Academy is made to believe, either by his Congressman or the Government regulations, that if he will comply with the rules and regulations of the Naval Academy and make the necessary grades that after four years he will be graduated and commissioned as an ensign.

This being true the Government is morally obligated to extend to each graduate this consideration. From my own personal knowledge many parents have made sacrifices in order to allow their son to qualify for an appointment. When it is taken into consideration that the majority of these young men have labored diligently for years in order that they may finally receive this reward, I can not see how any Member would be willing to vote legislation which would cause the Government to break faith with those who are entitled to be graduated and commissioned.

The amendment I have offered provides that the Secretary of the Navy shall cause to be retired 75 per cent of those officers who have a service record of over 30 years. It will allow him to retain in the service 25 per cent of such officers as are needed in the Navy. It also provides that for every officer retired a graduate of the 1922 class shall be commissioned as an ensign

and in my opinion if the amendment is adopted it will be possible to graduate the entire 1922 class. Everyone realizes that the number of officers in the Navy is based upon the number of enlisted personnel, and unless some such amendment of this kind is adopted there can be found no way of graduating and commissioning the members of this class.

The young men at Annapolis at the present time represent the best blood of the Nation. They are the ones that must be depended upon in the future to take care of this arm of our Government. They have had the opportunity of being trained along different lines from those who have a service record of many years in that they have had the advantage of all the new lessons of naval warfare that have been discovered as a result of the World War. Their minds are in a receptive mood. They are susceptible to the right kind of training, and I do not believe that anyone could say that it would be the best policy of the Government to deny them the opportunity of being commissioned and at the same time retain hundreds of officers who should be retired.

Now, I respectfully call the attention of the committee to what I consider the highest authority at the present time on this subject. On Wednesday, March 1, 1922, the Secretary of the Navy, Mr. Denby, came before the committee of which I am a member, and he testified as follows, found on page 501:

Mr. McCLINTIC. I take it that it is your opinion it would be better to retire those at the top who have served 30 years—it would be better for the Navy to let these old men retire and commission this class of 541 rather than commission the class and let these men remain in the service?

Secretary DENBY. Yes, sir; that is true.

I also wish to call attention to the testimony given by Admiral Coontz on Wednesday, February 22, found on page 403:

Mr. McCLINTIC. I just want to know if you can give me the approximate number of officers in the Navy at this time who have a continuous service record and have reached the age that entitles them to be retired?

Admiral COONTZ. I can come pretty close to it. I should say, including the warrant officers, 250 officers have been in the service over 30 years and are entitled to retirement under the 30-year law, if the President would allow it.

Mr. McCLINTIC. The reason I asked that question is that I am in accord with the recommendation of the Secretary of the Navy relative to commissioning these graduates, but it was my thought, inasmuch as they had been taught all the latest ideas relative to naval warfare, and they represent the best blood of the Nation, it would be far better to retain them for service in the Navy, to take active charge of the Navy and be trained, and retire these men who are entitled to be retired, or will be retired.

Admiral COONTZ. Yes, sir; you are right.

Mr. KELLEY of Michigan. Will the gentleman yield at that point?

Mr. McCLINTIC. I will yield.

Mr. KELLEY of Michigan. Did the Navy Department furnish the gentleman with figures to show how many people there are in the Navy in line who would be eligible for retirement who ordinarily do not retire?

Mr. McCLINTIC. Yes, sir; I would be very glad to give that information. It will be found on page 502 of the hearings, which were held March 1, 1922. The distinguished gentleman from Ohio [Mr. STEPHENS] asked:

Mr. STEPHENS. If I may ask, probably Admiral Washington could give the number; how many officers would it be possible for the Navy to retire?

Admiral WASHINGTON. Who are eligible in every way?

Mr. STEPHENS. Yes, sir; all those eligible or nearly so; about how many officers?

Admiral WASHINGTON. I think there are about 90 warrant officers. There would be exceeding 500.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLINTIC. I would like to have five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Five hundred officers in the Navy eligible to be retired at the present time?

Mr. McCLINTIC. That is the testimony.

Mr. KELLEY of Michigan. That undoubtedly means if they elect to retire, those who have served a certain length of time but would not be eligible for retirement as far as the Government was concerned—that is, compulsory retirement.

Mr. McCLINTIC. If I understand the present law, after an officer has served 30 years, he can make application for retirement.

Mr. KELLEY of Michigan. The gentleman's proposition is to put upon the retired list 75 per cent of all those who have served 30 years in the Navy?

Mr. McCLINTIC. Yes, sir.

Mr. KELLEY of Michigan. And the estimate of the probable number is about 500?

Mr. McCLINTIC. Yes, sir.

Mr. KELLEY of Michigan. Does not the gentleman think we would have so much of a list here that it would break the personnel of the Navy——

Mr. McCLINTIC. No; if my amendment is adopted, it will make it possible for every member of the class to be commissioned, and inasmuch as there are a number of officers who are at the present time eligible for retirement capable of performing excellent service in the Navy, it would seem that by retaining one out of every four that those officers could be relieved from their duty without destroying the efficiency of any department.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. GRAHAM of Illinois. Has the gentleman found out how this would affect the aggregate expense? For instance, if these officers are retired, what salary are they retired on, what proportion of the original salary?

Mr. McCLINTIC. They are retired on three-fourths pay.

Mr. GRAHAM of Illinois. If they are retired on three-fourths pay——

Mr. BUTLER. Under the law which we passed——

Mr. GRAHAM of Illinois. That would be a reduction in the grade if your plan was adopted, then?

Mr. BUTLER. Yes.

Mr. GRAHAM of Illinois. Would this retirement affect a lot of good officers of higher grades that ought to be kept in the service?

Mr. McCLINTIC. I do not figure that it would, because one out of every four would be retained, according to my amendment.

Mr. GRAHAM of Illinois. Who is to do that?

Mr. McCLINTIC. The Secretary of the Navy.

Mr. BYRNS of Tennessee. Would not this happen if the amendment is adopted, namely, that those retired would be of the higher rank; that they would retire on three-quarters pay, which would necessitate the reduction of officers to these higher ranks, and would not you have a double expense in that way, by the retired pay and the pay of these others?

Mr. McCLINTIC. It would provide a sufficient number of vacancies in the officer personnel, so that these graduates could be eligible to be commissioned. Under the present law the number of officers in the Navy is based upon the enlisted personnel, and unless there is some such amendment as this adopted it would not be possible to have a sufficient number of vacancies in order to allow all the members of the 1922 class to be graduated.

Mr. BYRNS of Tennessee. Would you not be largely adding to the expense of the Government on account of the pay paid to these retired officers? You would put over 300 in retirement.

Mr. McCLINTIC. At the present time they are drawing 100 per cent pay. It would simply mean the pay of the officers would be reduced 25 per cent, and these young men, who represent the very best blood of the Nation, would be given the opportunity to be commissioned as ensigns.

Mr. BYRNS of Tennessee. As a matter of fact, it would mean the Government would have upon its back the expense of providing for three-quarters of the pay of all these officers who are retired.

Mr. McCLINTIC. The law provides that that shall be done at the present time.

Mr. BYRNS of Tennessee. Your amendment makes it compulsory.

Mr. McCLINTIC. My amendment provides a way so that every one of these 1922 graduates can be commissioned, and I am of the opinion that this kind of an amendment should be adopted or something should be done in order not to break faith with those who have met the requirements and regulations of the Navy Department.

Mr. ROSE. I want to say that I am in entire sympathy with the amendment of the gentleman from Oklahoma, and I would like to add to the statement he has made to the House that a great many of the boys are fearful they will not be given the commissions that they expected upon the completion of their course at the academy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I make a point of order.

Mr. McCLINTIC. Mr. Chairman, I would like to ask for two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROSE. I have letters from fathers of boys who are about to enter the academy, and they lodge serious objections to the possibility that their sons may successfully complete the required course and in the end be denied the commission they so earnestly sought. The fair thing to do is to continue the present plan until the present body of students has been graduated, after which time all who enter will know that a commission is an uncertain quantity.

Mr. McCLINTIC. In view of the testimony which I have read, which was given before the committee by Admiral Coontz and the Secretary of the Navy, and in view of the fact that one officer out of every four can be retained, it does seem to me that this House should keep faith with the members of the 1922 class and be willing to adopt some such amendment which will make it possible for those young men to be commissioned as ensigns.

Mr. REED of West Virginia. Is it true that there is a law that an officer about to be retired is advanced a grade?

Mr. McCLINTIC. No, sir; it is not. These officers at the present time are drawing full pay. If they are retired, they will draw 75 per cent.

Mr. REED of West Virginia. Will they be advanced just before that?

Mr. McCLINTIC. They will not be advanced. And that being true, it will provide a sufficient number of vacancies to allow the members of this class to be commissioned as ensigns.

Mr. McSWAIN. I want to ask my friend, if his argument of a moral obligation on the part of the Government would apply to the class of 1922, why would it not apply in a like manner to those who would constitute the class of 1923 or 1924? We would have to retire officers of the Government in order to have these boys get a commission.

Mr. McCLINTIC. I dare say there is not a Member of Congress that ever appointed a boy to the Naval Academy but what has said to the young man and to his parents that he would have a commission when he graduated.

Mr. OLIVER. Mr. Chairman——

Mr. KELLEY of Michigan. Mr. Chairman, I reserve the point of order for five minutes.

Mr. OLIVER. I wish to ask my friend [Mr. BUTLER], the chairman of the Naval Affairs Committee, a question. What officers did the committee have in mind should be retired in the next two years in the bill reported to the House?

Mr. BUTLER. Beginning with the rear admirals and going on down to the ensigns.

Mr. OLIVER. Did you have especially in mind those who after the war were taken into the commissioned personnel of the service without examination?

Mr. BUTLER. Without the others.

Mr. OLIVER. I merely want to make this statement to the House. The Appropriations Committee, as I understand, in the matter now before the House and in reference to other matters that may follow, was simply carrying out what they understood to be the recommendation of the Naval Affairs Committee.

Mr. BUTLER. This is our bill here.

Mr. OLIVER. The Appropriations Committee desired not to express an opinion, one way or the other, about the matter, but simply desired to bring these matters to the attention of the House in order that you might take such action as the House thought best. This condition obtains in the Navy now, namely, that there were commissioned in the Navy after the war about 700 or 900 officers without examination. They had a long enlisted service, and had served most efficiently in the enlisted and warrant grades.

Many of these men will never be selected for promotion to the higher ranks in the Navy where promotion is by selection. I had understood that the Naval Affairs Committee, in drafting the bill for the retirement of a large number before 1925, had in mind the retirement of those who had been taken in after the war. The officer pay of those is large on account of their long enlisted service, entitling many to full longevity pay. My thought is that if the House wishes to approve and pass the bill recommended by the House Naval Affairs Committee action should be promptly taken thereon, and you would then have sufficient vacancies to provide commissions for the Naval Academy graduates, and if the others are retired in advance, the promotions in the upper grades referred to by some of the Members would not occur. One of the most important and growing services of the Navy is the Air Service, and old officers are not qualified for this service; and since you must have young men in the Air Service, you can not find better material for this service than those young men who are to be graduated in June. But unless the House is in sympathy with the recommendations of the bill reported by the House Naval Affairs Committee, and in sympathy with it to the extent that you are willing to make the bill effective now, I can well understand why you should hesitate to unduly add to the ranks of the commissioned personnel.

Mr. BUTLER. Will my friend permit me to ask him a question?

Mr. OLIVER. Always glad to yield to you, Mr. BUTLER.

Mr. BUTLER. Does the gentleman anticipate for one moment that the House will remove one officer after the vote taken by the House the other day? I want to ask my old friend, who has had experience, what his judgment is?

Mr. OLIVER. I think the House should give very serious consideration to the bill which your committee has recommended; if the committee will be perfectly frank with the House, as the gentleman from Pennsylvania has been and always is, stating whom the committee desire to separate from the service and the reasons therefor I think the House will look with favor on the bill. You are retaining some in the service at great expense, and it would seem to be a mistake to miss the opportunity of taking into the service these sound, capable young men who are so well prepared to qualify later as efficient naval officers in any branch of the service to which they may be assigned.

Mr. KELLEY of Michigan. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan makes a point of order on the amendment. The Chair would like to hear the gentleman from Michigan on the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, the subject matter of the paragraph relates merely to the graduating class at the Naval Academy for one year. It provides that only 200 out of the 541 shall be commissioned. The gentleman from Oklahoma [Mr. McCLINTIC] offers an amendment according to the terms of which the entire class would be commissioned. But then he goes on further than that and provides that officers not in any way connected with the Naval Academy, and who are in the service under existing law, shall be forcibly retired, contrary to the provisions of the existing law, in order to make places for the young men who are to graduate from the academy; so that the amendment which the gentleman offers, relating to other officers of the Navy outside of the graduating class at the academy, of course would not be germane to the paragraph, and therefore is subject to a point of order.

Mr. McCLINTIC. Mr. Chairman, I do not think the point of order is well taken, for the reason that the effect of my amendment does not produce any result different from that which would be accomplished if the paragraph were stricken out. If this paragraph were removed from the bill, then 541 graduates of the 1922 class would be commissioned. If my amendment is adopted, I am not in a position to say whether all of them will be commissioned or not, but approximately 500 of them would be commissioned. In other words, it is more likely that the number of graduates that would be commissioned under the provisions of my amendment would be a less number than it would be if the paragraph was not in the bill, and that being true it would necessarily bring about a reduction in the appropriation, and therefore I think the point of order is not well taken.

The CHAIRMAN. The Chair would ask the gentleman from Oklahoma upon what theory can the provision in his amendment providing for the retirement of 75 per cent of the naval officers eligible to retirement be germane to the amendment?

Mr. McCLINTIC. Mr. Chairman, the present law provides that officers who have served for 30 years can be retired.

The CHAIRMAN. But does the amendment offered by the gentleman from Oklahoma apply to the paragraph in question, and is it germane thereto?

Mr. McCLINTIC. Inasmuch as this is legislation which is for the purpose of bringing about the commissioning of the 1922 class, and inasmuch as all classes heretofore who have graduated have been commissioned, in my opinion it will probably bring about a reduction in expenditures, therefore I would naturally think that the point of order should be overruled.

The CHAIRMAN. The Chair is ready to rule. The paragraph to which the amendment is offered by the gentleman from Oklahoma [Mr. McCLINTIC] refers and relates wholly to the Naval Academy, the graduating class in the Naval Academy. The amendment proposes a method by which it might be possible for the Secretary of the Navy to graduate a few members of that class which, according to the operation of the law as it now stands, would include 541 in number, who would receive their commissions as ensigns. The major proposition in the amendment offered by the gentleman from Oklahoma appears to the Chair to be the retirement of 75 per cent of the officers eli-

gible to retirement who are now in the naval service, and therefore it is not germane to the paragraph in question, and the Chair sustains the point of order.

Mr. McCLINTIC. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the paragraph.

Mr. RAKER. Mr. Chairman, I desire to be heard. I have a motion pending.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I have read the hearings in relation to this matter, and the only things in the hearings relating to it are found on page 626 and on for about four pages, and they all show that these men should be graduated and commissioned.

Admiral Wilson, speaking to the committee, as found on page 629, says as follows:

In my days as a midshipman graduate many good officers were lost and sent into civil life who would have been of great value later on, and the amount expended to get people to fill their places was much more than what it would have cost to retain them.

All evidence before the committee goes to show that it would be a large expense to the Government not to graduate these men; more of an expense than it would be to graduate them and take care of them, outside and beyond the question of the right of these young men to be graduated and to receive the consideration which the Government intends to give them. Being somewhat interested, as all Members are, in what is going on, and having visited the academy a number of times, I went to the Navy Department last week. I saw Admiral Washington, and I have a statement here approved by him that I wish to read to the House to show the impropriety in allowing this paragraph to remain in the bill and the propriety of striking it out. It is as follows:

In response to your telephonic request of this afternoon for information relative to the number of line officers in the naval service and to the question of whether or not we have vacancies for or could use to advantage the number of midshipmen of the graduating class of the Naval Academy of June next, totaling 535, I would reply as follows:

There are to-day in the line of the Navy 4,093 officers on the active list, which includes 196 former chief warrant and warrant officers who were commissioned after 15 years' enlisted and warrant service, and 813 officers who were found qualified as a result of the examinations held in May last, in accordance with the act of June 4, 1920. The total number of the graduates of the Naval Academy in the line to-day is approximately only 3,080.

Should Congress allow 86,000 enlisted men for the Navy, which number the House has just agreed to, we would then need 5,135 line officers for that many men, in order to properly officer and carry on the Navy under the operating plan as contemplated and approved. As we have only 4,093, this indicates a shortage of practically 1,042 line officers necessary to meet the fleet requirements. If the 535 graduates of the Naval Academy were commissioned and taken into the service it would then increase the number of available line officers to 4,628, so that we would still be short 507 of the number actually needed to properly officer the fleet and shore stations—5,135. As a partial offset to this existing shortage of line officers we are using the services of 272 officers of classes 2, 3, and 6 of the Naval Reserve Force in the auxiliary vessels and elsewhere, under the provisions of the act of June 4, 1920, which authorized their employment. However, under the terms of the House appropriation bill, No. 11228, now before the House, page 33, lines 21 to 24, inclusive, is a provision rescinding this authorization, and if this provision of the bill should pass it would be necessary to discharge these reserve officers and their places would have to be filled by officers of the regular service, which would further reduce the effective number of the Regular Navy for properly manning the combatant ships. This fact makes it more pressing and necessary that the total number of graduates of the Naval Academy should be taken into the naval service and none of them discharged.

It is therefore clear that the number of the graduating class—535—if taken into the Navy at the present time, could not only be used to great advantage, but would still leave us short of the actual number needed.

In addition to the present existing shortage there are a number of applications on file from officers who have 30 years or more of active naval service, many of whom are ex-warrant officers, who desire to go on the retired list. The department, in accepting these applications, placing these officers on the retired list and making allowances for the annual attrition, due to deaths, resignations, dismissals, etc., could reduce the number now on the active list by about 200, and if the entire graduating class of 535 were commissioned it would only mean a net increase of the present existing number of line officers by about 335. This would be but a moderate addition above what we now have, and all of whom are greatly needed for the efficiency of the fleet.

It also should be noted that the source of supply for line officers is from the Naval Academy and that a graduate is not available for service until he has completed four years of study. It does not seem wise under the present existing shortage of officers that we should fail to take into the Navy these young men who are now within less than six weeks of graduation.

[During the reading of the paper Mr. RAKER's time was extended eight minutes.]

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. KELLEY of Michigan. Does the letter indicate whether the officers whom they request here are for the treaty Navy or for all the ships left in the Navy?

Mr. RAKER. This is a statement handed me by one of the officers of the Navy and is approved by Admiral Washington and the Secretary of the Navy.

Mr. KELLEY of Michigan. The number of officers the gentleman speaks of is the number necessary if we keep in commission 200 ships of war in addition to the treaty Navy.

Mr. RAKER. Not at all. I had a statement showing in detail the officers and the vessels and the necessity of it, but I am not an expert in this matter, and these men have had years of experience and are competent and qualified, and I can not see why I should not take their evidence.

Mr. KELLEY of Michigan. Has the gentleman the list of ships he speaks of?

Mr. RAKER. I did not bring it with me.

Mr. KELLEY of Michigan. How many destroyers are included in the list?

Mr. RAKER. I have referred to that; I did not bring the statement, because I did not think it necessary. The gentleman has it and knows what it is. It includes all the vessels provided for by the 5-5-3 pact.

Mr. KELLEY of Michigan. And all the rest of the vessels.

Mr. RAKER. None of the rest of the vessels.

Mr. KELLEY of Michigan. Mr. Chairman, this situation is a good illustration of the fact that everybody wants reduced armament in the abstract, but nobody wants it, apparently, in the concrete. Whenever it strikes at any particular locality, then it seems to be a bad thing. We increased the number of midshipmen at the Naval Academy a few years ago for the sole purpose of furnishing officers for this great fleet which is not to be built. You remember that each Member of Congress had two appointments until 1916, and then came on this great building program of 16 capital ships and hundreds of other similar ships to go with them. The officers said, and they were right about it, that when this great fleet was finished we would need a large number of additional officers, and so we increased the number of midshipmen in the academy from two appointments to five for each Senator and Representative. This class of 541 is about the first fruit of that increase.

Now, although the purpose for which the additional officers were needed, namely, to supply the fleet which we had provided for in 1916, no longer exists, yet we have a letter read here by the gentleman from California [Mr. RAKER] from one of the officers of the Navy, saying that we need as many officers now as though the building program were to be completed instead of discontinued. [Applause.] The cat is out of the bag. [Laughter.]

This whole business that we have been discussing here for days revolves around the question of the number of officers. It is the heart of the question of the increase in the enlisted personnel which we put into the bill on Saturday and which ought not to be sustained when we get into the House. [Applause.] The officers want kept in commission these 200 extra destroyers.

On these 200 extra destroyers there will be 1,600 officers, and these 200 destroyers are to furnish work for the navy yards. The men were provided Saturday for the extra ships, but those who carried that through Saturday did not have the courage to put through the corresponding increases for the navy yards to-day. [Applause.] They hope that when the bill gets over to the other end of the Capitol the job will be completed. But there is many a slip between the cup and the lip. [Laughter and applause.] But no one is to be fooled by the failure to offer amendments to these navy-yard items. The carcass is in plain view. [Laughter.] Under the circumstances it seemed better to stop with the 20,000 enlisted men and leave the Senate to finish the job. [Laughter.]

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that he may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Does not the record show that if the amendment offered by the gentleman from Oklahoma should prevail, it will increase the expenses each year $1,057,897, and will create 3 rear admirals, 13 captains, 23 commanders, 47 lieutenant commanders, 109 lieutenants, and 140 lieutenants of the junior grade?

Mr. KELLEY of Michigan. The gentleman is undoubtedly correct.

Mr. BUTLER. And it will cost this Government $1,200,000 a year.

Mr. KELLEY of Michigan. Mr. Chairman, while I am on this subject I want to make another observation or two. I

have said that these increases are engineered by officers of the Navy in combination with the navy-yard localities of the country. I want the House to know and know in time before Members answer the roll call, because the roll will be called, just what the situation is. Here is a notice that I hold in my hand that I wish to call to the attention of the House. It is a most illuminating document. It is signed by Captain Vogalgesang, of the United States Navy, commandant, New York Yard, New York. Here is what he says:

At a meeting of the ships trade committee at 11 a. m. this day with the commandant, the discussion ensued as follows:

"The commandant desires to reaffirm his interest and cooperation in the splendid work that is being done by the yard committees in the matter of arousing public interest, not only in the amount of work to be assigned to this yard but also in the maintenance of the Navy as a whole.

It is not the treaty Navy, it will be observed, but the Navy—every ship in it. Listen to what he says:

To this end invitations have been extended and accepted by the Brooklyn Chamber of Commerce to visit the yard in order to familiarize themselves with existing conditions. Moving pictures are to be taken, and the general campaign to increase publicity is gaining headway each day.

Mr. Chairman, we saw the fruitage of it here last Saturday. [Applause.]

An appropriation by Congress of $250,000,000 for the navy will not suffice. At least $350,000,000 are required.

This disinterested officer in charge of the yard in New York says that we must have $350,000,000 for the Navy. That explains why there is something about the atmosphere in navy-yard localities that puts a little finer brand of patriotism into a man's soul than the atmosphere of any other community in the land. [Laughter.]

Mr. TEN EYCK. Mr. Chairman, will the gentleman yield for a question?

Mr. KELLEY of Michigan. Just as soon as I finish this illuminative notice to the workmen in the New York Navy Yard.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Let me continue the reading:

The fight will be staged on the floor of Congress, and the result thereof will determine in a positive manner whether the Navy as a whole—

That means all of the ships in the Navy, in order that they may be repaired in these shops and stations scattered up and down the seaboard so thick that you could almost throw a baseball from one station to another.

We must not rest content or cease our efforts on any less substantial assurance that the yard is to be kept open than that which will be embodied in an adequate appropriation for the entire Navy by the Congress. A general discussion followed touching upon the several details of the publicity campaign.

In behalf of the Brooklyn Navy Yard strong speeches were made by William T. Probert and other gentlemen. The necessity for arousing active interest and participation in this campaign was strongly emphasized. It was urged that every man having the interest of the yard at heart seek an opportunity to inform his friends in civil life of the conditions actually existing to-day and threatening conditions that confront us in the immediate future. The chairman of the executive committee of the yard reported a balance of approximately $300 from contributions recently received.

Information at hand indicates that the city of Boston has staged a monster demonstration, parade, and mass meeting to be held on the 8th instant, with a view to arousing public sentiment favorable to the local yard and the Navy—it is highly desirable that similar interest be created in this locality. In June of 1921 there were 10,000 men employed in the yard. At the present time the number approximates 3,500. With a small appropriation for the next year it is inevitable that there will be a further reduction in the yard forces on July 1, 1922.

We must not be discouraged in the seeming indifference of those in civil life—they have their own problems and worries, but it is possible to arouse their interest and there is every reason to believe that once this interest is aroused and the voice of the people is heard in Washington an adequate appropriation will be provided. Assuredly we are not content to let this matter go by default—people in Boston, Philadelphia, and Norfolk are awakening to the conditions and the people of Greater New York will be no less responsive once the matter is forcibly brought to their attention.

Appeal is made for a united, a continuing, and an enthusiastic campaign upon the part of every individual attached to or in any way identified with the Brooklyn Navy Yard.

Mr. TEN EYCK. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. TEN EYCK. Does the gentleman from Michigan object to publicity and the spread of proper information to the citizens of the United States? [Applause.]

Mr. KELLEY of Michigan. Oh, no. I do not blame the workmen in the city of New York who are employed in these navy yards. I do not blame them for desiring employment in the navy yard. But I do not believe that it is the proper function of the commandant of the New York yard to set on foot a campaign of this character. It is forbidden by law. [Applause.] I ask the gentleman if he thinks that it is proper for the commandant of one of these yards to encourage the workmen to make contributions for the purpose of influencing the naval policy of the country or for the purpose of securing increased appropriations?

Mr. TEN EYCK. I will answer the question. I believe in the utmost publicity. I believe as Secretary Hughes, the chairman of the peace conference, when he recommended to this House that we maintain 86,000 in the Navy personnel, and I am glad to be for an adequate Navy for the protection of the United States.

Mr. KELLEY of Michigan. Oh, yes; Secretary Hughes said that if the statements made by Mr. Rogers in his letter were accurate, then the personnel suggested was not sufficient; but as to the facts in the case he had no information. That is what the Secretary said. [Applause.]

Mr. TEN EYCK. Will the gentleman yield for another question? Had the President of the United States any facts when he made his recommendations?

Mr. KELLEY of Michigan. Oh, the same people who furnished Mr. Hughes with his information also furnished the President with his. That is the trouble about this whole situation. I want to repeat for the benefit of navy-yard localities that these 20,000 extra men will not furnish additional employment in the navy yard in New York or Boston or any other yard, unless they are put on ships in addition to the ships that the committee proposes should be kept in commission under the treaty Navy. The whole thing goes right back to the proposition of whether or not we intend to keep in commission the whole Navy—all the additional ships, particularly the 200 extra destroyers. I can well understand how the delegations from the States of Ohio or Indiana or Michigan may very well be in favor of keeping in commission the full treaty Navy, but are they willing to go out into the great Middle West and say that they are not only willing to maintain the treaty Navy but that they want to put in commission 200 extra warships over and above the number required under the agreements reached at the conference? That is the situation, and every man in this House will have to face it at the election next fall. [Applause.]

Mr. NORTON. Mr. Chairman, we have all listened to talk on baseball, moving-picture shows, and other things for the last 10 minutes, but nothing has been heard about the question that is now before you. The motion is made to strike out the paragraph which provides that the boys who are to graduate from Annapolis shall not be commissioned. No Navy man put them there. You yourselves put there one or two of them; I do not know how many. [Applause.] I did not put anybody there.

Mr. KELLEY of Michigan. Will the gentleman yield for a question?

Mr. NORTON. Yes.

Mr. KELLEY of Michigan. Does the gentleman think that because we put these boys in the academy to get ready for this great fleet which is now not to be built, that therefore we ought to put them into the Navy and pile them up like cordwood, almost, making it impossible, even, for them to obtain anything like reasonable promotion until they are old and gray-haired men? They never could get past the grade of lieutenant in the Navy if you put these 500 men in there, unless you want to put into commission all the riffraff, all the other stuff, that is in the American Navy to-day in order to make jobs for the navy yards for repairs.

Mr. NORTON. Those boys were put there by agreement on your part that every man that went through that academy and passed that examination should be commissioned. That was the agreement you made with those boys. Now you are going back on your agreement, everyone of you that votes against it. Every man in this Congress made that arrangement with them, as solemn an agreement as could possibly be made. They left their homes. The war was on. We said, "We need your services; go up there and be educated and, having graduated, you shall be commissioned." That was the agreement, absolutely. There are no "ifs" and "ands" about it. Make your arrangements from now on. Next year cut it to 100 if necessary. Those boys spent four years in being educated in certain specific lines. They left their high schools in taking this course, and gave up preparing for other vocations in life.

Mr. KELLEY of Michigan. What does the gentleman think the Conference on Limitation of Armament was for?

Mr. NORTON. I think it was to assist in maintaining peace to a certain extent. No conference on earth will ever prevent all wars.

Mr. BUTLER. Will the gentleman yield? Now, let me ask my friend, Does he not know that this will increase the officers of the Navy 540 men? While there might be some question about the increase of enlisted men to fill these jobs, this would be an awful thing to do.

Mr. NORTON. I do not care if it increases them. I say, cut them off in the future; but these boys have gone down there with an understanding, every man that is there, that he was to be graduated, and that if he was graduated he should be commissioned as an ensign. The law provided for it and it has not been changed.

Mr. McSWAIN. Will the gentleman make the same argument for the class of 1923 also? That class went there under similar circumstances.

Mr. NORTON. Any boys that went there under those arrangements.

Mr. McSWAIN. So that it will continue four years longer.

Mr. NORTON. You had no business to pass a law of this kind if you did not intend it should be carried out.

Mr. McSWAIN. How much has it cost these boys, anyway?

Mr. NORTON. Four years of life and hard study, and the giving up of another vocation.

Mr. McSWAIN. My education cost me the same amount of work and time out of my own pocket.

Mr. NORTON. So did mine.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ROSENBLOOM. Mr. Chairman, I move that the gentleman be granted two minutes more. Does the gentleman have any knowledge as to how many of this graduating class have received their education under false pretenses?

Mr. NORTON. I do not think anyone who ever graduated at Annapolis received his education under false pretenses. I want to say to you that there is not a school in the United States that is more careful.

I want to cite one instance: Two men graduated from Annapolis that served in the war between Japan and Russia, and they did as much or more in the war between Japan and Russia to bring victory to Japan than any other two men.

These men in this class ought to be commissioned.

Mr. ROSENBLOOM. Mr. Chairman, I move to strike out the last word.

Mr. KELLEY of Michigan. Mr. Chairman——

The CHAIRMAN. The Chair can not recognize the gentleman from West Virginia to move to strike out the last word. The gentleman from Oklahoma offered an amendment and has not been heard. The Chair will hear the gentleman now.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that debate on the amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on this paragraph and all amendments thereto shall cease in 20 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Oklahoma [Mr. McCLINTIC] is recognized.

Mr. McCLINTIC. Mr. Chairman and members of the committee, the distinguished gentleman from Michigan, the chairman of the committee, made a statement a few minutes ago the substance of which was that the debate on this floor this afternoon illustrates the attitude that will be taken by some who are loud in favor of the disarmament agreement, but when it comes to vote for anything in which their interests may lie, they immediately turn about face. The gentleman from Michigan [Mr. KELLEY] knows very well that I am one who voted with him a few days ago when he sought to have the enlisted personnel of the Navy reduced to 67,000; and I want to say further, that I have not any appointee in the 1922 graduating class at Annapolis. The only reason I offered this amendment was that the Secretary of the Navy and Admiral Coontz, who appeared before the committee, thought, according to their testimony, that it would be better to retire a number of the officers who have served for 30 years rather than to refuse to commission the members of the 1922 class who have met the requirements and made the necessary grades. It is for this reason that I have stood here to-day on this floor arguing that the Members of this House should not break faith with those splendid young men who represent the very best material we have to select from. So, Mr. Chairman, I have offered this amendment to strike out the section, believing that it would be far better to commission the members of the 1922 class than to deny them the hope they have held for years.

I want to say, further, that if I have the right understanding relative to the present law the number of officers in the Navy is regulated according to the enlisted personnel. If my amendment is adopted, what will happen? It will mean that the members of the 1922 class will be graduated, and then the Navy Department would be forced to retire that excess of officers over the number that are authorized by law. It is for that reason that I have offered the amendment.

Mr. VAILE. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. VAILE. Does not the gentleman think it would be better for the country, as well as fairer to the men, if we limited the size of the classes and take advantage of the training that we have already given them at the academy—four years' expense to the taxpayers of the country?

Mr. McCLINTIC. The Committee on Naval Affairs at this time has reported a bill which will take care of this situation in the future. I want to say to you that if you ever appointed a young man to the Naval Academy at Annapolis, or if you have ever carried on any correspondence with the parents, you have informed them——

Mr. VAILE. Certainly.

Mr. McCLINTIC. That it is the policy of the Navy to graduate and commission every cadet who meets all of the requirements.

Mr. VAILE. And the taxpayers have paid for those four years for the tuition which these young men have received at the academy.

Mr. McCLINTIC. I will never vote for any legislation that breaks faith with those whom the Government has led to believe that they are to be given a certain consideration. I am in favor of reducing the enlisted personnel of the Navy and the retirement of as many officers as will be necessary to make places for the graduates of the 1922 class.

Mr. KELLEY of Michigan. Mr. Chairman, if there is any time remaining to the gentleman, I would like to call his attention to this fact: I know, of course, it is a disappointment to these boys, and I sympathize to that extent. But there are now 1,230 ensigns just above them and 541 lieutenants of the junior grade and 1,324 lieutenants. Of course, under the law they would be promoted up to the grade of lieutenant by reason of length of service. When they get to the grade of lieutenant promotion beyond that would have to be by selection to fill vacancies. Now, the number of vacancies in the line of the Navy is about 135 per year at the present time. Now, the gentleman can readily see what would happen with all of these officers ahead of these boys, and especially with 1,324 in the grade of lieutenant. The vacancies above that would be so few and the opportunities for promotion so slight that when these young men get up to the grade of lieutenant it would be just like a hump on a camel, beyond which the boys could never go; and if they did—if there was any possible way——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLINTIC. One minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. If by any chance opportunity was made for them through retirement it would put so many officers on the retired list that it would not be very long before the list would become so unpopular in Congress and elsewhere that it would break down the entire naval personnel. We must be very careful in working this thing out not to get too heavy a retired list. If I had a boy of my own graduating from the academy this year in a class of 541 members, with only 135 vacancies to fill, I am sure I would not want him to be commissioned.

Mr. McCLINTIC. Mr. Chairman, just a second. I want to say that, in the main, I am in accord with the gentleman from Michigan [Mr. KELLEY]. I have voted with him all the way through. I am the only member of the Naval Committee who voted to reduce the enlisted personnel to 67,000. But I think we owe a moral obligation to these young men and I do not want to see their hopes blighted. [Applause.]

Mr. BUTLER. Mr. Chairman, I agree with my friend from Oklahoma [Mr. McCLINTIC] in the main, but I never felt when I nominated a boy to the Naval Academy at Annapolis that I could guarantee to him that he should remain in the service. He or his people knew as much about his chances for a naval career as I did. In my time I have named 18 boys to the Naval Academy, and it is a pleasure for me to say in a public place to their credit, so that it will go on a public record, that not one of them failed, not one of them has been, to my knowledge, court-martialed, and all are now in the service. [Applause.]

Mr. NORTON. Were any of them cut out when they were graduated?

Mr. BUTLER. No. They knew very well, as all of them might have known—perhaps it is not fair to say that they should

have known—that they would have to take their chances. But it seems to me that if I were a young man who had had the opportunity to obtain an education at Annapolis I would thank my Government for that opportunity, and I have never felt that I was under any obligation to see that they were either commissioned or retained in the service thereafter. It costs $18,000 to educate a boy at Annapolis.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. FESS. Speaking in sympathy with all boys in education, I want to raise this question: After the young man has been graduated at Annapolis at the expense of the Government, is he seriously handicapped on leaving the academy without a commission, or is he well equipped, better than the usual person, to fill a place in the business world?

Mr. BUTLER. Of course, he is better equipped. He may be, for example, a mechanical engineer. There are many opportunities for them along that line. And more than that, we have on the calendar a bill which authorizes the Government to give to each graduate a degree.

That was asked for by the superintendent of the academy to help the boys along hereafter, and if that legislation now on the calendar becomes a law the degree conferred upon the graduates by the Naval Academy will be a better degree and a more useful certificate than he might have obtained at any other institution. There can be no just complaint, my friends, none whatever, because these boys can not remain in the service.

The point made by the gentleman from Michigan [Mr. KELLEY] is the real one. These young men will not all have an opportunity to obtain commissions. If they should they will be unhappy and dissatisfied with their slow promotions. I helped in a small way to frame the act of 1916, when we supposed we were providing for officers for a great fleet of 157 ships, the larger of which will now go by the board under the terms of our recent treaty.

Mr. FESS. How many young men would be able to go through the universities at their own expense if it would cost them $18,000 to do it?

Mr. BUTLER. I have had three boys that I educated, and I was delighted to do it, and it cost me many hundreds of dollars; but I could not send them to any institution that would have cost me $18,000 in four years. I could not have afforded it. I can not answer for my rich associates in the House. I do not know their financial abilities. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. One second more. I must talk rapidly to get through. Here is the point for us: Are we going to increase this commissioned personnel in view of what happened in Washington a few weeks ago? We are limited to the number of ships. While we differ upon the number of enlisted men to fill the ships there can be no mistake made here upon the commissioned personnel established and fixed by law upon the urgent request of the officers themselves. [Applause.]

Mr. ROSENBLOOM. Mr. Chairman, I am not a member of the committee, and I am not chairman of any committee. The question I asked of the gentleman from Ohio [Mr. NORTON] when he was on the floor, as to whether or not all these cadets at the Naval Academy at Annapolis were entitled to a commission from the Government as a part of the contract that the Government made with them, was asked because I happen to have personal knowledge of the fact that a great many of the midshipmen at Annapolis are being educated at the expense of the Government illegally, and when I say they are being illegally educated I say so for this reason, that the statute providing for the appointment of the midshipmen uses the words that they must be actual residents of the district from which they are appointed.

Let me relate briefly to you some of the experience that I have had. I have named young men who have been disqualified. After that fact had been reported to us, in some mysterious way, a few days before the time of appointment has expired, there appears an unusually bright young man, usually accompanied by an officer of the Navy or a relative, who says, "Why not give this young man an opportunity?" And the unusually bright young man is appointed as a cadet. I say that it is largely for that reason that a great many of the candidates that I have named, I not being chairman of the committee, are being rejected, and I believe an investigation of that situation ought to be made to see how many of these cadets are at the academy in violation of the law, and to see whether or not they should not be required to reimburse the Government for the expense incurred in educating them. That matter should be looked into. [Applause.]

I have taken it on myself to inquire at the Naval Academy concerning the actual residence of boys who superseded the boys whom I had nominated and who were rejected, and I have never been able to get that information. I was informed that "it was not information that should be given out." [Laughter.] I say we might well look into that before we say we owe every graduate of the Naval Academy a commission in addition to his education. If we concede that we owe him a commission, we might also be said to owe him a war, too. [Applause.]

Mr. TAGUE. Mr. Chairman, I have never had a boy rejected from the Naval Academy, and I never certified for membership in the Naval Academy a boy unless he lived in my district. [Applause.]

Mr. Chairman, I believe when we send a boy to the Naval Academy, and he goes there and signs a document that admits him, then the Government of the United States enters into a contract, not only with that boy but with the parents, to the effect that he shall receive not only an education but, if qualified, he shall also receive his ensignship in the United States Navy. I do not think any law placed on the statute books now can wipe away the obligation of the Government, unless you want to defraud a boy of his rights. Much has been said here to-day by the distinguished chairman of the committee as to the vote that was taken on last Saturday. It evidently rankles in the breast of my good friend from Michigan when 178 Members of this House, just as patriotic as you, sir, stood up here and told the country that they believed in a Navy of 86,000 enlisted men; that they believe in an adequate Navy. We were within our rights as Representatives of the people of this Nation in saying so by our votes. It does not become you, Mr. Chairman of this committee, or any other Member of this House to criticize the action of the 178 Members who voted in this manner, any more than we should question you and those who voted with you. [Applause.]

Mr. Chairman, it is tiresome to sit here as a Member of this House and hear Members, one after another, criticize those who come here within their rights as Members to vote as they see fit. I never questioned the vote of any Member of this House, and you have no right to question my vote when I vote here, even if I do represent a district that is made up of men who have worked patriotically for their Government and a district wherein lies a navy yard of the United States Government. It was not the people of that district that put it there; it was this Congress of the United States that established the navy yard in Boston, an institution that is of benefit to the Government of the United States and to the Navy.

Mr. Chairman, I have certain rights as a Member, and I am going to express them. I have just the same right as the chairman of this committee, and although perhaps I am not a naval expert, I have the same right to express myself on the floor as had the President of the United States when he sent a letter to the distinguished Member from Ohio; just as much right as the Secretary of State or the Secretary of the Navy, and their methods have not been questioned nor their motives impugned.

Now, if this Congress wants to say that 86,000 men shall constitute the Navy, we have a right to say it. If we want to say that 100,000 men shall constitute the Navy, we have a right to say it. We are the body that fixes the size of the Navy and the size of the Army, and no committee that has been delegated by this House to act for them has the right to establish the size.

Your report is before this House, your report is before us for consideration, and it is being considered fairly upon its merits. It is being considered by the representatives of the people of this country, it is being considered by us, and we have a right to say what the size of the Navy shall be; 178 Members against 130 on Saturday expressed by their vote the will of their people what should be the size of the Navy. Whether or not that shall be the vote on the final passage I do not know, neither does any other Member, but I venture to say that the gentleman from Michigan was overexcited when he said if he was placed on the conference he would never vote for 86,000 men, that it would "be many a cold day" before he would vote in conference what this House instructed him to vote.

Mr. KELLEY of Michigan. The gentleman is mistaken; I never said that.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MCCLINTIC].

The question was taken; and on a division (demanded by Mr. MCCLINTIC) there were 32 ayes and 95 noes.

So the amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 33, line 20, insert as a new section:

"The Secretary of the Navy is hereby directed to cause to be commissioned, out of the 1922 Naval Academy graduating class, a sufficient number to fill all vacancies in the grade of second lieutenant in the Marine Corps occurring during the fiscal year ending June 30, 1923."

Mr. KELLEY of Michigan. Mr. Chairman, I do not know that personally I would have any objection to that, but the Committee on Appropriations has not considered it and naturally I can not agree to it. I make a point of order on it.

Mr. GARRETT of Tennessee. The gentleman will reserve it?

Mr. KELLEY of Michigan. I will reserve the point of order.

Mr. HAYDEN. Mr. Chairman, I am not willing to concede that the amendment is not in order. My object in presenting it is to grant commissions to a number of young men who will otherwise be deprived of an opportunity to serve their country. Under existing law vacancies occurring in the grade of second lieutenant in the Marine Corps are filled by appointments from civil life, although it is optional on the part of the Navy Department to accept graduates of the Naval Academy to fill such vacancies. Much to my regret, the committee has just voted that over one-half of the graduates from the academy next June are not to obtain commissions in the Navy. I believe that it would be good policy to commission every one of them; but if that is not to be done, then the next best step is to provide that they shall obtain commissions to fill all vacancies in the Marine Corps. There can be no question but that a graduate of the Naval Academy is better equipped by reason of his four years' training at Annapolis to serve as an officer in the Marine Corps than would be the average person selected from civil life.

It seems reasonable to me, Mr. Chairman, that inasmuch as this bill contains legislation upon the subject of what shall become of the graduates of the Naval Academy that it should be in order to vote on an amendment placing some of them in another branch of the Navy Department. My amendment will in no way increase the expense to the Government, because their compensation as second lieutenants would be the same as the pay and allowances of lieutenants who come into the Marine Corps from civil life. I am glad to know that the gentleman in charge of the bill agrees that this should be done, but only questions the propriety of having it done as a part of this measure. If it ought to be done, why not do it now?

Mr. KELLEY of Michigan. I have no information about it, but I know that the number of officers in the Marine Corps is full, and if this provision was adopted there would be a surplus of officers there.

Mr. HAYDEN. In the hearings I find the following statement made by the commandant of the Marine Corps with reference to the appointment of graduates of the Naval Academy as officers in the Marine Corps this year:

Mr. BYRNES. What percentage of the academy graduates are generally assigned to the Marine Corps?

General LEJEUNE. Up to this year the needs of the line of the Navy have been so great that we have not gotten very many. Beginning in 1915 they began to make some appointments from among the graduates of the Naval Academy, but prior to that time there had been no appointments for 16 years. To-day there are about 75 Naval Academy graduates among the officers of the Marine Corps, and we hope to get this year, to help the Naval Academy and help us, about 25. That is the number we would like to get.

My amendment does not provide how many shall be commissioned as second lieutenants in the Marine Corps, but simply provides that all vacancies that may occur shall be filled by appointments from the class of 1922 at Annapolis.

Mr. KELLEY of Michigan. The gentleman can readily see that as a member of an appropriating committee I might not have information enough about it to be willing to put the Appropriations Committee back of it, so I would have to make the point of order, though I think there is some merit in what the gentleman says.

Mr. HAYDEN. The gentleman from Michigan understands that the amendment does not direct that any additional officers be added to the Marine Corps, but that all vacancies occurring therein during the next fiscal year shall be filled from this source.

Mr. BUTLER. But the gentleman would not want to kill the spirit of the Marine Corps, would he? He knows that five-sixths, if not seven-eighths, of the officers who come into this corps come from the ranks. They are men who earned it on the battle field. They earn it through the grades, and the gentleman certainly would not want to destroy that spirit. I know he would not. It would kill the corps if you adopt an amendment like this.

Mr. HAYDEN. Certainly the adoption of the policy that I have proposed for one year only would not destroy the spirit of the entire Marine Corps.

Mr. BUTLER. They come up from the ranks of the different grades and then finally are examined and commissioned in the corps. I should say that from five-sixths to seven-eighths of the officers commissioned in the last two or three years have come from the ranks. It would kill the corps.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. KELLEY of Michigan. I make the point of order, Mr. Chairman.

The CHAIRMAN. This is offered as a new paragraph and constitutes independent legislation. The Chair sustains the point of order.

The Chair is informed that a point of order was reserved against the next paragraph by the gentleman from California——

Mr. SWING. Mr. Chairman, I reserved a point of order on Saturday.

The CHAIRMAN. On the next paragraph?

Mr. SWING. On the next paragraph. My colleague from California [Mr. RAKER] also reserved a point of order. We both reserved a point of order.

Mr. KELLEY of Michigan. What is the point of order?

Mr. SWING. I ask recognition for the purpose of making my point of order.

Mr. MADDEN. The gentleman does not have to get recognition to make a point of order.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SWING. Mr. Chairman, the point of order I desire to make is that this section constitutes new legislation on an appropriation bill, and therefore is not in order because it is not within the Holman rule. I desire to argue that point.

The law of 1921 provides that 500 reserve officers are also authorized to be employed in the aviation and auxiliary service. It is to be presumed that these men are performing some useful service, and that they are not, in the language that has been bandied about here so frequently, "piled up on top of one another like cordwood," doing nothing. The fact that they are performing active service in the Navy, and that they are now to be forcibly separated from the service, does not justify the conclusion that the service which they are now performing will hereafter go unperformed; but, on the contrary, other officers will be found to take their places. These reserve officers range in grade from ensigns to captains. When a captain who is a reserve officer is taken out under this provision, some one below him will be promoted to take his place, and so on down the line.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. SWING. Certainly.

The CHAIRMAN. Does not this paragraph necessarily result both in a reduction of the personnel and in the amount of money carried in the appropriation?

Mr. SWING. The section of the naval appropriation act of 1921, just preceding the authorization of this number, fixes the number of commissioned officers, both active and reserve, at a certain per cent of the enlisted personnel. So, assuming that these 500 are taken out, still the Navy is authorized to maintain the number of officers at 4 per cent of the enlisted strength of the Navy. The total number of officers will not be less; merely a different set of men will constitute those officers.

Mr. KELLEY of Michigan. Will the gentleman yield at that point, if it will not interrupt him?

Mr. SWING. Certainly.

Mr. KELLEY of Michigan. While it is true that the Navy can take in 4 per cent of the enlisted personnel in the way of officers, the only avenue for officers under existing law is through the Naval Academy.

Mr. SWING. Oh, not at all. I think the gentleman will recall on reflection that the law provides that they may be taken into the Navy by examination as to their qualifications, first, from the reserve officers, and, second, from warrant officers as well as through the Naval Academy. I was so informed by the Judge Advocate General of the Navy, who is supposed to be an authority on naval law.

Mr. KELLEY of Michigan. That was a temporary act which expired last January.

Mr. SWING. I hope the gentleman will advise the Judge Advocate General of that, so he will become informed of it.

Mr. KELLEY of Michigan. I shall be glad to give advice to anybody who needs it, including the gentleman from California. [Laughter.]

Mr. SWING. The gentleman from Michigan has differed from the experts so much that I suppose he must continue to do so in order to be consistent. The section which I desire to read, Mr. Chairman, is the section of the general law that is now in effect:

The number of commissioned officers of the line—permanent, temporary, and reserve—on active duty shall not exceed 4 per cent of the total authorized enlisted strength of the regular Navy.

Mr. KELLEY of Michigan. I will say to the gentleman that these are not officers of the line. They are practically civilians working on the colliers.

Mr. SWING. Oh, no; they are not civilians. They are in the service of the United States Navy, taken in by an act of Congress.

Mr. KELLEY of Michigan. Do not get excited about it.

Mr. SWING. I will not get any more excited about this than the gentleman from Michigan did about the vote of this committee fixing the strength of the Navy at 86,000. [Laughter.]

Mr. KELLEY of Michigan. The gentleman must follow my virtues, not my faults.

Mr. SWING. And the gentleman has many, I admit. The point I desire to make is this: There is a total number of officers which the Navy is authorized to have, based on the authorized strength of the enlisted personnel. When we simply say that the men who are known by the name of reserve officers must be taken out of this 4 per cent, that does not mean that there is going to be a hole in the 4 per cent, but it means that the Navy will fill those vacancies by examinations and other methods, and other men will take their places. It simply amounts to writing a qualification into the law as to who may serve as a commissioned officer in the Navy, and it provides in a negative way that no reserve officer may serve. It would be the same as if it said that no men with blond hair should be officers in the United States Navy. I think it is clearly legislative and it ought to be taken up by the legislative Naval Committee and seriously considered. Some of these men have been for 20 years in the service of the United States, and some just and fair provision for their retirement should be made for them by the legislative committee, and they should not after a lifetime of faithful service be simply cut off here arbitrarily with hardly a month's notice.

Mr. KELLEY of Michigan. Mr. Chairman, the law provides 4 per cent of the authorized strength of the Navy for the line of the Navy. In addition to that the law provides that 500 reserves might be appointed for the auxiliary service—the colliers and the oilers—and to serve in aviation. Those are in addition to the regular officers of the line of the Navy. They are not included in the 4,100 officers now in the line. They are not included in the staff. Inasmuch as the Navy Department increased the line of the Navy last January by 900 officers, most of whom were warrant officers, who would make fine masters of the auxiliaries, the reserve force need not longer be continued. It amounts to a reduction of 389 officers. It comes squarely within the Holman rule providing for a reduction in the number of officers.

The CHAIRMAN. The provision against which the point of order is made is as follows:

The authorization contained in section 2 of the naval appropriation act for the fiscal year 1921 for the employment of 500 reserve officers in the aviation and auxiliary service is hereby repealed.

The provision which is sought to be repealed is as brief as the reference to it. It reads as follows:

Provided further, That 500 reserve officers are also authorized to be employed in the aviation and auxiliary services.

They are also authorized to be employed in the auxiliary and the aviation services, and the provision of the present act is to repeal that section. It necessarily results in so far as the matters affected by it are concerned in a reduction. Therefore the point of order is overruled.

Mr. RAKER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 33, beginning with line 21, strike out the paragraph.

Mr. RAKER. Mr. Chairman, I do not believe that it is my duty to sit idly by and take statements from gentlemen, even though they be chairmen of committees, to the effect that every man who votes against them must be in the navy-yard district or have some personal interest in a navy yard. That is wholly unjustified. It is unbecoming on the part of the chairman of a great committee, and I trust the chairman of the committee did not mean what he said by those statements. He takes for granted the fact that figures from men of the Navy, from an admiral of the Navy, from the Secretary of the Navy, must necessarily be all wrong, because he differs with those figures that these distinguished men who have given years, as those officers of the Navy have to that subject, have prepared. If we want to get information, it seems to me that we should go to the men of the Navy, who have given most of their lives to the subject and who are in the position to give competent testimony. We were quite willing to let them take our boys across the sea without any loss of life. We have been quite willing to send them into battle whenever it was necessary from the beginning of this country to the present time. We have always found them ready to meet every obligation. However, when it comes to a question of a small amount of appropriation which these gentlemen favor, then the chairman of the subcommittee and other members of the Committee on Appropriations endeavor to browbeat the other Members of the House, and, because they do not agree with them, say that these figures are all wrong, that everything that is before the House is wrong, and, therefore, that we should discredit them. I know the gentleman does not mean that. If he does, he certainly is as wrong as wrong can be in every conceivable thing, and the mere ambition or the desire of the chairman of the committee should not impress him and imbue him with the importance of his position to the extent of charging that those who do not vote with him have some ulterior purpose in mind, some navy yard or some individual in the navy yard that they hope to help.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield.

Mr. VAILE. There is not a navy yard in the gentleman's district.

Mr. RAKER. There is not a navy yard in my district or within 100 miles of my district.

Mr. VAILE. And there is not one within 1,500 miles of mine, and I agree with the gentleman.

Mr. RAKER. I state what I believe to be right, and I have a right to use my own judgment. I do not think the chairman of this committee should accuse members of being in favor of a navy yard simply because the member does not agree with him. My judgment is just as good as his, and my right to exercise my judgment is just as good as his. There is no need of the chairman coming in here and claiming that he is going to jam through the bill and say "Oh, wait until the roll call, and I will show you fellows." Of course, we will be here when the roll is called, and we are going to vote in the House just the same as we voted in Committee of the Whole. I have been here for 11 years, and I have never answered present once. I vote either yes or no, and will continue to do so, notwithstanding the criticism of my distinguished friend from Michigan [Mr. KELLEY].

Mr. QUIN. Mr. Chairman, I am not surprised at the arguments that have been made on this naval bill. You have the pork grabbers coming from the East, the pork grabbers coming from the West, the pork grabbers coming from the South, and the pork grabbers coming from the North, and all of them stand for special privilege in this instance with the big interests of the United States that are always reaching their greedy hands down into the pockets of the people. [Applause.] These Democrats that will vote with the big interests of this Republic will learn something some of these days, it matters not what they may heap upon the neck of the patriotic statesman from Michigan [Mr. KELLEY] after he has made his splendid argument and demonstrated to a certainty so that every man, though he be a wayfarer or a fool, must know that 67,000 men are more than are necessary to man the Navy of the United States for the coming fiscal year. [Applause.]

In the face of the armament conference called in the city of Washington this powerful God-fearing, Christian Nation that is supposed to stand out as the torchbearer of liberty and the exponent of the religion of the Christ and the living God—in the face of the work of that great conference of patriotic statesmen of three continents, we are to have this Congress stamping epochal work under their feet and repudiating it. Who is at the back of it? These navy-yard fellows that are trying to reach into the Treasury, the barons of Wall Street and their henchmen that seek to ruin the gentleman from Michigan [Mr. KELLEY], but PAT KELLEY will be standing high in Michigan when a lot of these plunderers, these people [laughter], who are bowing to the golden calf, will be licking his hands. The people of the United States are awake to-day. The same men who demanded the taking off of the excess-profits tax, the same men who reduced the income tax, the same men who drove this outrageous Fordney tariff bill through this House to rob the mass of the American people are the same interests coupled up with the pork-barrel navy yard who are endeavoring to put this program through to-day

satisfy the rapacious demands of big business. Why, a woodsman can find from the tracks what kind of game is there. He does not have to see the bear, rabbit, or squirrel. He knows they have been there as soon as he sees their tracks. Any man who is well acquainted can tell that the big interests have been making tracks around, and they are here to-day under different forms. [Applause.] But though they might come with a sheepskin on them, we can tell where the wolf is; it is there. But you can say what you please, the American people expect this Congress, through its authorized representatives, to live up to the American provision of the armament conference, and the one great step that has been made after this World War was ended, after the high-sounding declarations were made, this Congress is coming now to repudiate that work. Instead of setting an example that the European and Asiatic nations may know that the people of the United States are acting in good faith, you are proposing to repudiate the good work of the wise statesmen who have laid the foundation for world peace, and by such ignominious repudiation you will again put this Nation in a position to be suspected by all of the world. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

PROVISIONS, NAVY.

For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes in case of death or desertion upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Supply Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, chief pay clerks, and chief sailmakers) at 50 cents per diem, and midshipmen at 80 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 75 cents per ration to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessel to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); subsistence of men on detached duty; subsistence of officers and men of the naval auxiliary service; subsistence of members of the Naval Reserve Force during period of active service; expenses in handling provisions and for subsistence of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, $15,586,862, to be available until the close of the fiscal year ending June 30, 1924: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of United States Army emergency rations as required.

Mr. SWING. Mr. Chairman, I offer an amendment to the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SWING: Page 37, line 15, strike out the figures "$15,586,862" and insert in lieu thereof the figures "$19,724,928."

Mr. SWING. Mr. Chairman, this amendment is offered to bring this section of the bill in conformity with that part of the bill which was amended on Saturday by this committee. It provides the provisions or the food for the 86,000 men who were inserted in this bill by our vote on Saturday. There are increases in one or two small items in order to carry out the percentages which have been proven by years of experience, such as the increase of courts-martial, the increased number of sick, and so on. Otherwise it is simply a provision to feed the men who were provided for in the bill last Saturday. It is absolutely necessary to provide the food for those men. It is an increase of $4,138,066. I hope the chairman of the committee——

Mr. GRAHAM of Illinois. Where did the gentleman get the figures for this?

Mr. SWING. The figures were furnished me by the Bureau of Supplies and Accounts of the Navy Department, which is in charge of this subject matter.

Mr. GRAHAM of Illinois. And that much will be required for 86,000 men?

Mr. SWING. Exactly. I hope that the chairman of the committee will not oppose the amendment as it simply places this section of the bill in conformity with the section upon which we acted last Saturday and upon the same basic pay as the committee itself adopted.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the amendment.

I have been a little surprised that amendments have not been offered to other sections of the bill. I am wondering just why it was that certain gentlemen asked to pass over certain paragraphs of the bill, the Bureau of Engineering and the Bureau of Construction and Repair, until we had voted on the size of the Navy, in view of the fact of having voted on the size of the Navy we passed the paragraphs providing for these bureaus without any amendments having been offered to them. If it was not the intention of the gentlemen who are supporting the increased personnel to offer amendments to the items carried on pages 24 to 32, why did they ask to pass over those sections?

Mr. SWING. Will the gentleman yield until I answer the question?

Mr. MONDELL. I will be very glad to do so. It is information I am seeking.

Mr. SWING. I do not know, because I did not make the request, but I presume it will be reasonable to presume that Members who were here on Saturday and desired to go home for Sunday and Monday wanted to vote on the crucial question before the House and get through. And we did get through at a late hour on that day.

Mr. MONDELL. I see gentlemen present who were the most active Saturday. I think the gentlemen who made the requests are present here.

Mr. SWING. A great many were absent on Monday, though.

Mr. MONDELL. And in order that they need not be here on Monday, we did not take up the naval bill. They are here to-day. And yet they offer no amendments to these items which they asked to have passed over. Of course, they could have had no purpose at the time in having them passed over except to have the opportunity to offer amendments to them later. They have been read without any amendments being offered. Now, we have reached other items in the bill not having to do with engineering, not having to do with construction and repair, not having to do, in other words, with navy yards and naval stations, and we have an amendment increasing the amount. I am at a loss to understand the theory on which gentlemen are proceeding. Do the gentlemen lack the courage of their convictions? Is there embarrassment in offering on the floor of the House the amendments they expect will be placed on the bill in the Senate? If gentlemen will frankly avow that, we will none of us be disposed to say anything more about it. But I do not like to have the gentleman pass over these sections without some explanation at least. How are they proposing to explain to their constituents the fact that, having made a fight for certain increases which were demanded, insisted upon, having had the House pass over certain sections of the bill before that question was temporarily settled, they then declined to offer any amendments, under the Bureaus of Engineering and Construction and Repair, absolutely essential from the standpoint of those who have urged the increase of personnel. Is it any more essential to the Navy that they shall have additional provisions and additional clothing than that we shall care for the additional ships? Do the gentlemen expect there will be no increases in the appropriations for navy yards and naval stations? I think not.

I rose simply for the purpose of having some gentleman inform us as to the theory on which they are proceeding. I assume, of course, it is all in the best of faith, and yet I am wondering what the folks down at the navy yards are thinking as they hear that the House of Representatives and their representatives here present are passing over the items that mean so much to them, without any request for increases, with no suggestion of an increase until we reach an item in which they have no particular interest.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. MONDELL. I am craving information.

Mr. KELLEY of Michigan. I was about to suggest that might it not be possible for the gentleman from Wyoming to ascertain from some of the gentlemen present, the gentleman from Massachusetts [Mr. ROGERS], perhaps, whether or not the Navy Department desires that these navy yard items should be passed over and have the items added when the bill reaches the Senate?

Mr. MONDELL. The experts, of whom we have heard so much in days recently passed, have insisted on increases for all these items. Where are the champions of the experts to-day? Where are the gentlemen who were so insistent that we should meet the view of the experts as to the needs of the Navy? The gentleman says they will be here at the roll call, but that will do no good if the amendments are not offered and presented.

Mr. CONNALLY of Texas. I suggest that these gentlemen are writing letters to their constituents that they have got the bacon.

Mr. MONDELL. I do not like the use of the word the gentleman has just used, but the paragraphs that contain the appropriation—not to use the word "bacon"—for the navy yards—have been passed. Is it hoped that at a later date and elsewhere these items will be increased?

Mr. KELLEY of Michigan. Would it be out of place to renew my suggestion of a moment ago to inquire whether any of the gentlemen present has had any communication from the Navy Department as to whether it would be advisable to pass these items over in order that they may be inserted in the Senate?

Mr. MONDELL. There may be some gentlemen that may answer that question. I can not.

Mr. JOHNSON of Washington. Why does not the committee rise and the House adjourn or else proceed in an orderly way, instead of fussing along with this kind of a farce? [Applause.]

Mr. MONDELL. I agree with the gentleman, for I can think of nothing so utterly farcical, so utterly illogical, as to have gentlemen vote for and carry an increase of naval personnel of 20,000 men and then decline to offer the amendments which are absolutely essential if we are to accept the arguments on which those increases are made. [Applause.] I do not want to offend any gentleman, but I believe in men having the courage of their convictions.

Mr. JOHNSON of Washington. The gentleman understands that not all the members of this Committee of the Whole House on the state of the Union are on the Appropriations Committee or the Committee on Naval Affairs. We plain, everyday Members desire to fix this up in a way that is right. We do not want to sit here and have a post mortem. The thing to do is to rise and make some figures that we want. We have a leader.

Mr. MONDELL. I agree with the gentleman that the most illogical performance that has occurred here in many a day is what we have just seen in passing these items without gentlemen who favored and voted for the increase offering any amendments in harmony with the increase in the personnel for which they voted Saturday. Gentlemen must not blame the committee for not offering increases they do not believe necessary. I certainly can not offer them, for I do not believe any increases should be made. It is the duty of those who favored the increase in personnel to offer the increases to the various items to correspond with the increased personnel. Why do not they do it?

Mr. McARTHUR. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to proceed for 10 minutes. Is there objection to the gentleman's request?

There was no objection.

Mr. McARTHUR. Mr. Chairman, each member of the Committee of the Whole House on the state of the Union enjoys certain rights and privileges, and among those rights is that of offering amendments to bills as those bills are read; and I submit this proposition to you, that the gentleman from Wyoming [Mr. MONDELL] or any other gentleman in this House, as these separate paragraphs were read, ought to have offered amendments to perfect the paragraphs or else hereafter forever held his peace.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. No; not just now. The House last Saturday, in the Committee of the Whole House on the state of the Union, by a vote of 177 to 130 determined to increase the enlisted personnel in this bill from 67,000 men to 86,000 men. We have seen men of straw built up in the newspapers of this morning and built up here this afternoon by the eloquent and distinguished gentleman from Michigan [Mr. KELLEY], who comes here and tells us that the purpose in increasing this enlisted personnel from 67,000 to 86,000 is to put into commission these 200 additional destroyers.

I say there is nothing to that argument. I have talked with the Secretary of the Navy since the gentleman made his eloquent speech here a few moments ago, and the Secretary of the Navy, the head of our Naval Establishment, tells me that with the 86,000 enlisted personnel, if it is carried in the bill when finally enacted, not one additional destroyer will be commissioned.

Mr. KELLEY of Michigan. Did the Secretary tell you whether or not the items carried for construction and engineering and all the other items in the bill were sufficient?

Mr. McARTHUR. That question was not raised. I never put the thing up to the Secretary of the Navy. But I did put up to him the question suggested by the gentleman from Michigan, that the purpose of this increase in the enlisted personnel from 67,000 men to 86,000 men was to put 200 additional destroyers in operation. That is not the purpose, but the purpose merely is properly to man those battleships and other ships provided for in this bill, which would not be properly manned with a personnel of 67,000.

Mr. CLOUSE. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Yes.

Mr. CLOUSE. The gentleman has stated that the Secretary of the Navy has stated this morning that it will not add an additional destroyer to the number whose commissioning is provided for in the report of the committee. I wonder how he will reconcile that statement with the report inserted in the RECORD by Mr. ROGERS on April 14, found on page 5551 of the RECORD, in which he said it would be possible only to commission 65 destroyers with 67,000 enlisted men, whereas he would have 103 under the 86,000 figure.

Mr. McARTHUR. In both instances I submit that the figures are 103, just exactly what the gentleman read; both sets of figures—103, just exactly as provided in the report by the gentleman from Michigan. [Applause.]

Mr. KELLEY of Michigan. The list of ships as submitted by the distinguished gentleman from Massachusetts [Mr. ROGERS], as compared with the list provided for by the committee, is a smaller list of ships, is it not, and we have the spectacle now of our being "great Navy men" instead of "little Navy men"? [Laughter and applause.]

Mr. McARTHUR. The gentleman has been converted. [Applause.]

Now, Mr. Chairman, the greatest authority in the world is "They say," and I have heard that authority—"They say"—quoted around here several times to-day. "They say" that if the President had been aware of certain facts and figures before the gentleman from Ohio [Mr. LONGWORTH] visited him the other morning he would not have written the letter that he wrote. I want to know from the gentleman from Ohio [Mr. FESS] whether this talk of "They say" is correct, or has been conjured up here merely for the purpose of influencing the voting when the yeas and nays are called? I simply want to know if there is any truth in the report that the gentleman from Ohio [Mr. FESS] went to the White House on Saturday, taking certain figures with him, and that the President said that if he had seen those figures before he wrote the letter to Mr. LONGWORTH he would not have written the letter? Is there any truth in that statement or not?

Mr. FESS. I will say to the gentleman that I went to the White House to talk with the President about the facts. He told me that he could not carry the facts in his mind. He said if I would go over to the Navy Department they could explain them. He said nothing to the effect that if he had seen the facts he would not have written that letter. [Applause.]

Mr. McARTHUR. I am glad the gentleman from Ohio has set the matter right. I know that celebrated authority "They say" has done an injustice to the gentleman from Ohio. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McARTHUR. Yes.

Mr. GARRETT of Tennessee. I would like to know if the gentleman from Ohio [Mr. FESS] would be willing to go further and say whether the President said he would not explain it because he did not know anything about it, and therefore sent him to the Navy Department? [Laughter.]

Mr. LONDON. That is what he said in substance.

Mr. McARTHUR. Mr. Chairman, some gentlemen do not seem to know when they are licked, and they do not take the vote of 177 to 130 on last Saturday as indicative of the feeling of this House on the question of the size of the enlisted personnel.

Some gentlemen are terribly disappointed. They thought we were coming in here to-day to load this bill up with a lot of pork. They are so disappointed that the tears are running down their cheeks, because they know now that all we propose to do in this bill, by increasing the personnel, is decently and properly to man the ships provided for in the bill reported by the gentleman from Michigan [Mr. KELLEY]. [Applause.]

Mr. KELLEY of Michigan. Does the gentleman think that the other items in the bill as reported by the committee are ample to take care of the treaty navy?

Mr. McARTHUR. I have no information about the other items except the report of the hearings printed and sent out only a day or two before the bill came into the House, for the function of legislating has been taken away from the committee of which I am a member and lodged in the committee of which the distinguished gentleman from Michigan is a member.

Mr. KELLEY of Michigan. Has not the Navy Department advised the gentleman?

Mr. McARTHUR. The Navy Department has not advised me, and I can not consider all these things. Perhaps I have only a single-track mind, I do not know; but I went into this enlisted personnel fight because I did not believe the ships in

our Navy would be properly manned in the bill reported by the gentleman from Michigan [Mr. KELLEY]. I do not live in a navy-yard district and never expect to, because I am satisfied with the district where I live. It is the best district on God's earth, but we are never going to have a navy yard there.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. McARTHUR. I yield to the gentleman from Ohio.

Mr. COOPER of Ohio. Can the gentleman give the committee any information as to how much the total appropriation will be increased by the adding of these 19,000 men? I will say that the statement has been made that it will probably take anywhere from $60,000,000 to $100,000,000. I should like to have some information about that.

Mr. McARTHUR. I am glad the gentleman raised that point. I have heard it said on the floor that it would cost $60,000,000. I have heard it said in the cloakroom that it would cost $100,000,000. I called up the Chief of the Bureau of Supplies and Accounts, Admiral Potter, a few minutes ago and asked him what it would cost, and he said as far as his bureau was concerned—the wages of the men, clothing, and food—it would cost $22,000,000. Of this amount over $4,000,000 will come from unexpended balances of this year, leaving less than $18,000,000 to be added to this bill.

Mr. KELLEY of Michigan. And that would merely be the pay of the men and their food.

Mr. McARTHUR. And clothing.

Mr. KELLEY of Michigan. And clothing. Now, suppose the men are put on other ships.

Mr. McARTHUR. They will not be put on other ships. They will be put on the ships authorized in the bill reported by the gentleman from Michigan. [Applause.]

Mr. KELLEY of Michigan. Then, in that event there will be no need for increasing any of these other appropriations.

Mr. McARTHUR. I think not. The gentleman has allowed them to go through here without being increased.

Mr. KELLEY of Michigan. When the bill comes back from the Senate will the gentleman stand with the committee?

Mr. McARTHUR. Not necessarily. [Laughter and applause.] I will stand with the committee if I think the committee has done the right thing, and I believe under the leadership of the gentleman from Michigan, after the spanking the House has given him and his committee on the matter of the enlisted personnel, the committee will do the right thing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. KELLEY of Michigan. I would like to address the House for a few moments.

Mr. VARE. Is the gentleman going to address the House in order or is he going to deviate from the pending amendment to discuss other matters?

Mr. KELLEY of Michigan. I am going to speak about this matter of provisions and possibly some other matters.

Mr. VARE. Then if the gentleman will permit, it seems to me we have devoted a great deal of time to other matters, and we ought to get down to the amendment before the committee.

Mr. KELLEY of Michigan. I know the gentleman does not relish what I am saying. I appreciate that very fully, and he will not relish what I am going to say now. I am saying this now chiefly for the comfort of the gentlemen who have been urging an increase in these appropriations for the purpose of furnishing employment or continuing employment in those localities affected adversely in a business way by the treaty. If it is true that the 20,000 extra men are not to be put on ships other than the treaty ships, but are to be piled up on those, then, of course, there will not be any additional repairs and no additional work in the navy yards.

Mr. McARTHUR. Will the gentleman yield?

Mr. KELLEY of Michigan. Just a moment until I state this, and then I will yield. One of the reasons given by the commander of the Atlantic Fleet for the additional men is to increase the repair force afloat. This will still further reduce the repair work done in the yards. I commend this new possibility of further navy yard inactivity particularly to my good friend from Pennsylvania [Mr. VARE], and I ask other gentlemen in navy yard districts to take notice of it.

Admiral H. J. Jones, of the Atlantic Fleet, in a letter in answer evidently to a request from the Navy Department, on April 3, 1922, with reference to the condition of the fleet, says he is short of men, and one of the reasons why he is short of men is because he requires a larger repair force personnel afloat. He wants to increase the number of men in his machine shops on the ships and his tenders that go with the ships by 25 per cent, in order that the ships shall be self-sustaining. In other words, he wants to take away from the navy yards that which they now have. He wants the repairs, as far as possible, all done aboard the ships or on tenders accompanying the fleet, except when they go into dry dock. So I fear we come to the unhappy situation of virtue being its own reward. [Laughter.]

Now, as to this particular amendment. Of course, if the number of the enlisted personnel is to stand at 86,000—which I am hoping will not be the case—the provisions will have to be supplied, but this is one of the items on account of which the Navy Department may incur a deficiency; and I would much prefer to see this proposition go over until we have finally determined upon the size of the Navy. I am hoping that the House will reverse the action of the Committee of the Whole and provide men only for the treaty Navy and not for a great fleet of 200 warships in addition. [Applause.]

In addition to that the Navy Department has not submitted to the committee the necessary figures. I hope, Mr. Chairman, that the amendment will be rejected.

Mr. NEWTON of Minnesota. The gentleman from Michigan has expressed himself so often upon the floor as having no confidence in the Navy Department that perhaps that was the reason they did not send the figures to the committee.

Mr. KELLEY of Michigan. I think that is true. I am glad the gentleman mentioned it, because last year they insisted that the ration would cost 68 cents per man. We fixed the amount at 50 cents, and yet they have no deficiency. We furnished them with plenty of money to feed the boys, although they said it would cost much more. [Applause.] So I admit their figures might not be controlling.

Mr. NEWTON of Minnesota. I am surprised in view of that, that the gentleman has not manifested more confidence in the department.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BYRNES of South Carolina. Do I understand that the gentleman from Oregon says that the Navy Department with 86,000 men will not keep in commission any more ships than it would if it had 67,000 men?

Mr. KELLEY of Michigan. Sure.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, each day more definite evidence is offered us of how impossible it is to rely upon information that is furnished us by the Navy Department in reference to these matters. When the gentleman from Oregon announces to this committee that the Navy Department advises him to-day that with 86,000 men they will keep in commission no more ships than they will with 67,000 men, I ask each and every one of you to take up the RECORD under his seat and look on page 5551 of April 14, at a statement inserted by the gentleman from Massachusetts [Mr. ROGERS]. He stated it was sent to him by the Navy Department and I remember with what solemnity he announced it to the House.

Mr. McARTHUR. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; not now. I will yield in a moment to find out what the gentleman from New York just suggested to the gentleman from Oregon. [Laughter.] Turn to page 5551 and you will find a table furnished by the Navy Department wherein the Navy Department assures the House that with 67,000 men they will keep in commission 257 ships, and with 86,000 men they will keep in commission 321 ships. [Applause.]

Now, the gentleman from Oregon, the author of the amendment, comes here and tells us that with 86,000 men they will not keep in commission any more ships than they would with the 67,000 men. So much for the information from the department. Now, is there anyone who does not know what is going to happen to this bill? The gentleman from Oregon knows it, and he would be unhappy if he did not know that when the bill goes to the Senate the amendments referred to by the gentleman from Michigan will be added, and it will come back as it did last year, when it had $100,000,000 added to it. One hundred million dollars added last year is only an indication of what is going to be done this year. Read your newspapers, the same papers that have been advocating the increase of the personnel. Yesterday afternoon the Evening Star says: "What about the Army? Only one-half of the fight is won. See to it that you have more than 115,000. Now is the time for true economists to come to the rescue and increase the size of the Army." They want more men for the Army because they think your action has justified them in making the demand. I showed the other day that this bill as it stands will cost $300,000,000 when you include the appropriation for construction of aircraft and increase of pay. Then you put on the $60,000,000 referred to by

the gentleman from Illinois [Mr. MADDEN] for cancellation costs and you have $360,000,000. Every man you add will cost $3,000. The man who is relied upon to furnish the figures when we make the appropriations, and who has made the computations, says $3,000 a man is the cost when you add all items. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWING. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. KELLEY] may have two minutes to answer a question.

Mr. KELLEY of Michigan. Mr. Chairman, I will move to strike out the last word in order that the colloquy may go on.

Mr. SWING. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. SWING. I understand the chairman of the subcommittee is opposed to any increase in this item even to bring it into conformity with the 86,000 personnel.

Mr. KELLEY of Michigan. That is correct.

Mr. SWING. I take it that you are willing to leave it to the Senate when it gets over there to provide for these men?

Mr. KELLEY of Michigan. There is no use in having a vote on two propositions when we get into the House. One will be just as good as two. If in the course of time it develops that there are to be 86,000 men in the Navy, even though the Senate does not put on an amendment, the Navy will have full authority to feed the men under existing law.

Mr. SWING. And the gentleman would advocate their creating a deficit?

Mr. KELLEY of Michigan. I do not think that they will have to create a deficit.

Mr. SWING. Has the gentleman any criticism to offer of my statement that these figures were prepared by the Bureau of Supplies and Accounts based on the same unit of 45 cents?

Mr. KELLEY of Michigan. Oh, no; I do not doubt the authenticity of the gentleman's figures. If he says they are official, I know they are.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. KELLEY of Michigan) there were—ayes 73, noes 69.

Mr. KELLEY of Michigan. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. KELLEY of Michigan and Mr. SWING to act as tellers.

The committee again divided and the tellers reported—ayes 86, noes 77.

So the amendment was agreed to.

The Clerk read as follows:

For additional personal services in the Bureau of Supplies and Accounts, as the Secretary of the Navy may deem necessary, to be employed only in the Bureau of Supplies and Accounts, including the Navy Allotment Office, the Navy Disbursing Office, and the Navy Property Accounting Office, $676,160: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum except the following: One $5,000, two at $4,500 each, one $3,000, two at $2,500 each, one $2,400, three at $2,350 each, one $2,300, three at $2,250 each, one $2,200, one $2,150, three at $2,100 each, nine at $2,000 each, and three at $1,950 each.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the spelling of the word "personal" be corrected in line 8, page 40.

The CHAIRMAN. Without objection the correction will be made.

There was no objection.

The Clerk read as follows:

BUREAU OF AERONAUTICS.

AVIATION, NAVY.

For aviation, to be expended under the direction of the Secretary of the Navy, as follows: For aircraft and accessories in course of construction or manufacture on June 30, 1922, $400,000; for navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1922, $165,000; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, $5,475,000, including $475,000 for the equipment of vessels with catapults; for continuing experiments and development work on all types of aircraft, $1,116,950; for drafting, clerical, inspection, and messenger service for aircraft stations, $710,000; in all, $7,866,950, and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing laws as "Aviation" and for that purpose shall constitute one fund: *Provided*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $250: *Provided further*, That all claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy: *Provided*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

Mr. HERRICK. Mr. Chairman, I have a couple of amendments which I desire to offer.

Mr. HICKS. Mr. Chairman, I offer the following amendment, and I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HICKS: Page 49, line 2, strike out "$5,475,000" and substitute "$7,093,000."

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, may I ask the chairman of the subcommittee if it is his expectation to finish the vote on this bill this afternoon?

Mr. KELLEY of Michigan. It is nearly 5 o'clock now, and possibly we may quit at about 5 o'clock.

Mr. LONGWORTH. Is it the intention of the gentleman to ask to dispense with Calendar Wednesday to-morrow?

Mr. KELLEY of Michigan. That was our original intention, and I rather think we will do so.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HICKS. Mr. Chairman, I have asked for 10 minutes in which to speak on what is probably one of the most important sections of the bill, one certainly in which I think most of the Members are very much interested, and which is vital for the Navy.

Of course, we all realize that aviation is an expensive item. There must be continual replacement, and the upkeep and operation is very large. A plane is not like a battleship, which will last for 20 years. We build a plane and it may last for six months or six weeks, and then has to be replaced or repaired. The amendment which I have offered is to increase the amount appropriated for the operation and maintenance of aviation. It does not pertain to new construction, items which must be authorized by the Committee on Naval Affairs, and which the Committee on Appropriations realizes must come from that committee and which their report refers to.

I am not going to speak of the work of aviation for the past year except briefly. The experiments which have been carried on and which have been brought to a successful conclusion have demonstrated that aviation is more and more important as an arm of the naval service. The greatest achievement of naval aviation in the past year consists in having perfected and placed in production a device known as a catapult for projecting airplanes into the air without a platform to run on, and before the next fiscal year expires we propose to have a catapult upon every battleship of the Navy and upon many of the smaller craft, so that we will be able to project the planes into the air without the use of a runway, which we have found not to be practical. During the last year we had runways on many of the gun mounts of the Navy. They have all been taken off. We have now on the *Maryland* one catapult, and it works successfully; and, as I say, we are going to put them on every battleship. We have now at Norfolk a landing platform on which we can land airplanes successfully and bring them to a full stop in a distance of 150 feet. We are going to put such platforms on the great airplane carriers which I hope this House will soon authorize to be built.

We are experimenting with a variable camber with a variable propeller, and we are carrying forward as fast as possible all these improvements which it is thought will make naval aviation more practical and more efficient, but with the amount of money appropriated by this bill for the operation of our airplanes it will not be possible for us to carry forward the work as it is deemed it should be carried on to obtain the best results and make aviation a real factor.

Mr. STEPHENS. Will the gentleman yield?

Mr. HICKS. In a moment. We have set aside in this bill practically $5,000,000 for operation; the $475,000 of the amount in the item is for these catapults I spoke about. It cost this year $5,000,000 to operate our naval aviation activities on a very much reduced basis and one not inducive to development. To do that we had to take $500,000 out of the construction fund to properly run the stations and conduct the flying. This reduced our construction activities. This item supplies the fuel, the oil, the replacement of planes which are damaged, the heat, upkeep of buildings, and so forth, and to do it properly will cost about $6,600,000; and this is what this amendment is asking you to do. This is the Budget figure, and I do not think it is exorbitant.

Unless this is done, this is what you will be confronted with next year. You will have these stations of ours of which now we have only two for operation, one for training, one for

experimental work, and one for the marines, equipped with planes, and yet it will be impossible for our aviators to take those planes from the ground except on limited flights, because there will not be fuel enough, and if they are broken or damaged there will not be sufficient money with which to repair them. We will be unable to carry forward properly the helium plant. This item provides for carrying forward that important adjunct for lighter than air, and which means perhaps the safety of human lives.

Mr. STEPHENS. If the gentleman will yield, may I ask whether the airplane activity at Dahlgren, and the expenditure of money that has been reported as uselessly expended there, would come under this appropriation in reference to the airplane business?

Mr. HICKS. That comes under experimentation; it does not come under this item. This is an item for operation, and the item of which the gentleman speaks is experimental.

Mr. STEPHENS. It has not anything to do with this, because they have built hangars there and a great deal of money has been expended and wasted.

Mr. COOPER of Ohio. May I ask the gentleman how much his amendment proposes to increase the bill?

Mr. HICKS. About $1,600,000, and it is in order that aviation may go forward and be developed as a vital part of the Navy in reference to bombing, coast defense, observation, and so forth, so that it will be one of the great weapons of defense. Those who saw the bombing experiments down off the coast last July realize the importance of aviation in reference to air attack on battleships and the taking care of the defensive work of our coast. To carry forward that work is the purpose of this amendment, and I hope it will carry.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. HICKS. I will.

Mr. ANDREWS of Nebraska. Did the Conference on Limitation of Armament accomplish anything as to the reduction of the naval expenditures?

Mr. HICKS. I should say it did.

Mr. ANDREWS of Nebraska. To what extent and in what way?

Mr. HICKS. I imagine the gentleman is perfectly able to read the report of the conference and to figure out the results. It cut out new construction of capital ships for many years to come.

Mr. ANDREWS of Nebraska. If what we have done here for the last two or three days is going to increase our expenditures for the next fiscal year, how can we claim——

Mr. HICKS. I hope the gentleman will address himself to the item which increases it far more than this amendment——

Mr. ANDREWS of Nebraska. I thought the gentleman, who has a wide range of knowledge upon this subject of naval affairs and aviation, having explored the air as well as the earth, could answer the question, and that is the reason I gave it to him.

Mr. HICKS. With profound appreciation of the compliment, I want to say to my friend from Nebraska that I thoroughly believe in every accomplishment of the Washington conference. I believe my friend from Nebraska is a sincere friend of aviation and wishes to see it advanced, and for that reason I ask him to vote for this amendment.

Mr. ANDREWS of Nebraska. I can not now.

Mr. GRAHAM of Illinois. This is a question that does not arise out of the conference. A year or so ago I think I raised the question in the House here as to why the aviation departments of the Army and Navy could not be consolidated and the necessity of duplication of our flying fields, and all that sort of thing, be done away with. How far and to what extent have we attempted to do that?

Mr. HICKS. I will say to my friend there have been no efforts up to the present time to bring about a consolidated Air Service, except that a number of bills have been introduced to that end.

Mr. GRAHAM of Illinois. All over the country the Navy is running its aviation and the Army is running its aviation.

Mr. HICKS. We have only five stations of the Navy on the land, including two for operation, one for training, one for experiments, and one for the marines.

Mr. STAFFORD. Of course, the Navy, as the gentleman well knows, has its experimental station at League Island, Philadelphia, and is duplicating exactly the work that is being done by the Army at McCook Field, at Dayton, Ohio. There is duplication all along the line.

Mr. HICKS. I want to say to my friend, that until we bring forward a bill to effect a united Air Service we can not shut down our aviation activities for the Army and the Navy, unless you want to strangle the whole service.

Mr. GRAHAM of Illinois. Why is not somebody doing something?

Mr. HICKS. Senator NEW introduced a bill for that about two years ago, and so did several others.

Mr. CURRY. I introduced a bill about a year or so ago. Senator NEW's bill does not go as far as mine. My bill was referred to the Committee on Military Affairs, and I have not been able to get any action on it.

Mr. HICKS. I dislike to go into that, because it is a bigger subject than this amendment to carry forward naval aviation for the coming year.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on agreeing to the amendment.

Mr. KELLEY of Michigan. Mr. Chairman, the gentleman from California asked for a couple of minutes, and after that I think I will ask that the committee rise.

Mr. CURRY. Mr. Chairman, I usually agree with appropriation items in the committee bill, although I supported the increase of the enlisted personnel of the Navy from 67,000 to 86,000 men, and I believe the amendment offered by the gentleman from New York [Mr. HICKS] should be adopted. I wish to call the attention of the House to the fact that I have some information that probaby the House would like to hear. Great Britain, after the Limitation of Armament Conference adjourned, appropriated $97,000,000 for army and navy aviation purposes, and France appropriated $84,000,000 for the ensuing year; and Japan has authorized the expenditure of $200,000,000 for experimentation and production, to be used over a period of seven years. Now, any person conversant with modern warfare and who has paid any attention to the experiences of the late war knows that in the future, to a great extent, we will have to depend for offensive and defensive warfare on aviation, on undersea boats, and bombs and gas. I think the appropriations made by the House for Army aviation were too small, and that the appropriation in this bill is too small. We ought, at least, to maintain the 5-5-3 naval program, and to insist that the Navy of the United States, in ships and men and in the air, be maintained on an equality with that of Great Britain. The appropriation asked for in the amendment that is submitted will not place the aviation of the Navy of the United States on an equality with the aviation of the navy of Great Britain, France, or Japan.

I hope the amendment will be adopted, although I usually agree with the committee estimates.

To obtain the best results in aviation we must provide for a unified air service, as Great Britain, France, Italy, Japan, and all other great nations, with the exception of the United States, have done. During the last Congress and early in this Congress I introduced a unified air service bill. It was referred to the Committee on Military Affairs, and I have been unable to induce the committee to hold hearings or take action on it. My bill has the indorsement of all of the men who fly, who actually navigate the air, in all branches of the Government service, as well as the flyers in private commercial enterprise; but it has not the support of the high Army and Navy officers not in the Aviation Service.

Mr. HERRICK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. HERRICK. Mr. Chairman and gentlemen, I am not going to take much of your time. I am going to talk very briefly.

A year ago we voted an appropriation of $650,000,000 to complete a lot of first-class battleships, some of them costing $40,000,000 or so. They are all practically completed now. And we have had a conference down here, a so-called peace conference, in which all of our hereditary enemies practically pulled the wool over our eyes and caused us to agree, after spending $40,000,000 to build each of these valuable ships, to spend $20,000,000 probably to tear them down, and then we will find that they have refused to ratify the treaty. And where will we be at? [Applause.]

Fortunately aviation does not appear to have been included in this wholesale scrapping program; it may be fortunate for us in the long run that it was not, because if that which I have predicted might happen does happen we may have to fall back on airplanes to sink an invading enemy fleet; and from what we saw last summer I believe if we have enough airplanes it can be done, and maybe in the future we shall not have to build $40,000,000 battleships.

I have an amendment pending which I wish the House to seriously consider when the committee reconvenes to-morrow. On page 48, line 21, I wish to strike out the figures "$400,000"

and insert the figures "$500,000." And on page 49, line 22, I want to strike out the following words:

That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

I wish to say that I am fully aware of the fact that some of these private airplane manufacturers are charging two or three prices. They think the Government is rich, maybe, and can pay the bill. It reminds me of a remark of a young man back where I used to live. His father was pretty well to do, and the young man would never do anything, and some one says, "Why don't you go to work?" And he says, "Oh, I don't have to work. Dad's rich and will pay the bill." [Laughter.]

That seems to be the impression throughout the country concerning the Government. If you sell something to the Government at four times its value, the Government is rich and can pay the bill. My amendment provides for the setting up of airplane factories.

That is all I have to say to-day. I wanted to speak last week on increasing the enlisted personnel from 67,000 to 86,000, and I ask unanimous consent to include it in my remarks. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN (Mr. DOWELL). The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. HERRICK. This is what I wished to include:

Mr. Chairman and gentlemen of the House, I arise to oppose this amendment—increasing the personnel of the Navy from 67,000 to 86,000. A year ago we passed the naval construction bill, carrying an appropriation of $650,000,000 for the completion of the naval program inaugurated by the late Democratic administration, and at that time we were given to distinctly understand that these ships had been contracted for and were in various stages of completion; and that we would have to pay the contractors their 10 per cent profit on the contract price, regardless of the fact whether the ships were ever completed or not, and that fact, and that fact alone, caused many Members of Congress to vote for the completing of these ships, of which I was one, because we having been given to understand that we could take our choice between paying these contractors their contract profits and the cost of the material which they had procured or claimed to have procured for the completion of these ships, without getting any ships in turn for our money, or we could appropriate the $650,000,000, complete the ships, and thus surpass the British Empire in naval power and make of the United States Navy the most powerful navy in the world. This fact, and this fact alone, caused the passage of this appropriation bill. These ships are now virtually completed, but have not yet been placed in commission.

Thus with the completing of these ships the United States have become the foremost world power, while the British Empire has reached the point of disintegration, as witnessed by the Empire allowing Ireland to become a free State, granting the independence of Egypt, and the unrest of other outlying portions of the Empire. Just at this point, where the United States became the dominant world power, the President, wholly forgetful or willfully ignoring the decision of the jury of the United States voters, which brought in a verdict against the treaty of Versailles by 7,000,000 majority, called the so-called peace conference at Washington, which conference drafted the infamous four-power treaty which bolsters up the tottering British Empire and restores it to first place as a world power, and turns over the domination of the seas to Great Britain and her slant-eyed yellow allies, the Japs, and voluntarily relegates the United States to a bad second place. I contend that this four-power treaty is just as infamous and fully as much in contravention of the time-honored policy of the United States of no foreign entangling alliances, which policy has been the policy of the United States of America from 1776 to 1922.

The jury of American voters rendered a verdict against the treaty of Versailles by 7,000,000 strong, the largest verdict against any administrative policy that has ever been rendered since the independence of the United States, and yet the judge—President Harding—who was elected to office at the same time that the voters brought in this stupendous verdict, has flaunted the will of the voters, and arrogated to himself the right to set this verdict aside and commit the United States to an era of 10 years' duration of embroilment in entangling foreign alliances, which may at any day involve us in a war against some nation with which we have absolutely no quarrel whatever and actually compel us to spend American money and sacrifice American lives in behalf of Japan, who is both our racial and political enemy; and after we have gone to the enormous expense of completing these powerful new battleships calls for us to undergo an additional enormous expense of cutting them up and reducing them to junk without their ever having been placed into commission or put to any use; and should we be too hasty in the destruction of these ships we might find after we had destroyed them that the wily Japs and their British allies might refuse to ratify the treaty.

Then we would have destroyed our own Navy, while the enemy would be in full possession of all their ships, and be in a position to treat us as they treated Russia when they launched an attack against the Russians without having made any previous declaration of war; and our Navy having been destroyed by our own hands we would be at the mercy of the enemy upon the seas and the enemy would be enabled to carry home to us the war upon our own continent, and we would have to fight out the war upon United States soil with the resulting destruction of many of our American seacoast cities.

We now having gone to the enormous expense of constructing a Navy which was not only adequate and powerful enough to defend the United States against the navies of the world and to enforce peace throughout the world, at least in so far as the United States' interests were concerned, we commit the monumental folly of destroying this safeguard of peace, after the enormous expense to which we have gone to acquire it. For it is a fact that both the congested Japanese Empire and the British Empire were already burdened to the limit and would have been compelled to desist from further naval construction through sheer inability to further finance any additional construction, and we, with the most powerful Navy in the world, could easily have enforced world peace by being in a position of being too powerful to be attacked.

This would have kept the foreign nations at peace with us. And it is a fact that we as a nation have never yet been guilty of aggression upon the weaker nations, nor is there any national tendency or inclination to covet the lands of our neighbors or even to collect all that is justly due us. This is fully borne out by the United States entering into the European war, in which we incurred an expense of $34,000,000,000 to save the Allies from defeat at the hands of Germany, and then allow the Allies to gobble up all of Germany's colonial empires and parcel them out amongst themselves, the lion's share, of course, going to that international pirate, the mangy old yellow British lion, while we retire empty-handed and do not even force the collection of the $10,000,000,000 which we loaned to the Allies, or even interest thereon, for did we enforce the collection of the interest we would not be wondering where the money is to come from to pay our veterans adjusted compensation, but could pay our veterans a decent bonus in cash rather than leaving it in the hands of the Allies to pay their veterans' bonus with and to further strengthen their militarism.

But since President Harding has involved us in foreign entangling alliances and virtually delivered us into the very foreign bondage that ex-President Wilson sought to deliver us into and which the American people by the enormous majority of 7,000,000 votes rendered their verdict against, and which verdict has been set aside by the President and a subservient Senate, acting under the party leash and committed us to be a tail to the British kite and a cat's paw to pull the Siberian chestnuts out of the fire for Japan for a period of 10 years, it is irrelevant and immaterial whether during that period of time we have any Navy at all or not, or at least until this infamous treaty can be abrogated. Desperate sickness sometimes requires desperate remedies and the patient is required to take terrible nasty medicine, and while it would be a temporary misfortune, I am inclined to take the view that it would be a blessing in disguise if after we have wantonly destroyed the Navy which we have been at enormous expense to build, some little third-class nation was to declare war on us and bombard some of our coast cities we, of course, would build new ships and ultimately defeat them; but after the war was over it would undoubtedly teach us the lesson which our forefathers knew but which we have seemingly forgotten that the United States has no business whatever in being involved in foreign entangling alliances.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ACKERMAN, for three days, on account of death in the family;

To Mr. DRIVER (at the request of Mr. OLDFIELD), indefinitely, on account of sickness; and

To Mr. BLANTON, indefinitely, after the conclusion of the naval bill, on account of needing rest after five years' continuous hard work.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the subject under consideration to-day.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on the pending bill. Is there objection?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS TO-MORROW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with business under the Calendar Wednesday rule to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, I presume if that is done this bill will be proceeded with and in all probability will be concluded?

Mr. MONDELL. I think so.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 19, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. H. R. 6110. A bill amending section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; with an amendment (Rept. No. 908). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ELLIS: Committee on Claims. H. R. 9614. A bill for the relief of H. L. Koester; without amendment (Rept. No. 907). Referred to the Committee of the Whole House.

Mr. KEARNS: Committee on Military Affairs. H. R. 6130. A bill providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army; with an amendment (Rept. No. 909). Referred to the Committee of the Whole House.

Mr. KEARNS: Committee on Military Affairs. H. R. 1741. A bill for the relief of John M. Green; with an amendment (Rept. No. 910). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11335) for the relief of the widows of certain officers and enlisted men of the United States Navy, and the same was referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 11344) to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky.; to the Committee on Military Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11345) authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 11346) authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon, known as the old lighthouse property, at Lighthouse Point, in the city of New Haven; to the Committee on Military Affairs.

Also, a bill (H. R. 11347) authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale; to the Committee on Military Affairs.

By Mr. SHAW: A bill (H. R. 11348) governing the withdrawal of water from Lake Michigan by the Sanitary District of Chicago; to the Committee on Rivers and Harbors.

By Mr. LEE of Georgia: A bill (H. R. 11349) to amend section 9 of the Federal reserve act to authorize State banks with a capital of less than $25,000 to become members of the Federal reserve bank of their district, and for other purposes; to the Committee on Banking and Currency.

By Mr. FOCHT: A bill (H. R. 11350) to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ELLIS: Joint resolution (H. J. Res. 306) designating and naming an historical ocean-to-ocean highway and recognizing patriotic organizations which have promoted it; to the Committee on Roads.

By Mr. FISH: Joint resolution (H. J. Res. 307) expressing satisfaction at the re-creation of Palestine as the national home of the Jewish race; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served in the United States during the World War; to the Committee on Ways and Means.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the immediate passage of legislation to provide adjusted compensation for men and women who served the United States during the World War; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to recognizing Palestine as the homeland of the Jewish people; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNN: A bill (H. R. 11351) granting an increase of pension to Nancy W. Fuller; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 11352) granting a pension to Edward R. Baker; to the Committee on Pensions.

By Mr. SNYDER: A bill (H. R. 11353) to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to a different appropriation from the one used in payment; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 11354) granting a pension to Ambatt Haego, alias Agert Hugo; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 11355) validating a certain application for and entry of public lands; to the Committee on the Public Lands.

By Mr. KRAUS: A bill (H. R. 11356) granting a pension to Rebecca J. Rush; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 11357) granting a pension to Sarah Beason; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11358) to correct the military record of Emmett Goodwin; to the Committee on Military Affairs.

Also, a bill (H. R. 11359) granting a pension to Albert P. Ramsey; to the Committee on Pensions.

Also, a bill (H. R. 11360) granting a pension to Ellen Stout; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 11361) granting an increase of pension to Robert Longstaff; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5160. By Mr. BARBOUR: Petition of the executive council of the California State Federation of Labor, protesting against Senate bill 3217 and House bill 10644, known as the "ship subsidy bills"; to the Committee on the Merchant Marine and Fisheries.

5161. By Mr. BURROUGHS: Petition of Greenwood Council, No. 34, Junior Order United American Mechanics, of Kingston, N. H., advocating the passage of the Towner-Sterling bill; to the Committee on Education.

5162. By Mr. GALLIVAN: Resolutions adopted by city council of the city of Boston, Mass., by William J. Doyle, assistant city clerk, April 3, 1922, protesting against closing of the Boston Navy Yard; to the Committee on Naval Affairs.

5163. By Mr. KISSEL: Petition of the Chamber of Commerce of the United States of America, of Washington, D. C., regarding the tariff; to the Committee on Ways and Means.

5164. Also, petition of the Metal Trades Council of Brooklyn, of Brooklyn, N. Y., urging the passage of House bill 10967; to the Committee on Naval Affairs.

5165. By Mr. LINTHICUM: Petition of Charles F. Nash, of Baltimore, Md., registering opposition to Senate bill 2919; to the Committee on the District of Columbia.

5166. Also, petitions of Louis Curdish, president Shaarei Tiloth Congregation; I. W. Davidson, president Hebrew Young Men's Sick Relief Association; J. H. Lipnick, president Roidphei Tzedeck Synagogue; B. Stern, president of the synagogue; Harry Zax, president of the Mogen Abraham Synagogue; I. Brown, president Beth Hamedreth Hagodel Synagogue; Harry Heyman, president Congregation Tzemach Tzedeck Synagogue; and David Schumer, all of Baltimore, State of Maryland, favoring the establishment of a Jewish national home in Palestine; to the Committee on Foreign Affairs.

5167. Also, petition of the Service Star Legion, of Baltimore, Md., favoring continuance of appropriation for hostess houses; to the Committee on Appropriations.

5168. Also, petitions of George W. Houck and John J. Greer & Co., of Baltimore, Md., favoring the Towner-Sterling bill; to the Committee on Education.

5169. By Mr. MERRITT: Petition of sundry citizens of Greenwich, Conn., praying for the passage of House bill 2193; to the Committee on Interstate and Foreign Commerce.

5170. By Mr. NEWTON of Minnesota: Petition of C. E. Mattison and sundry others of the Soldiers' Home at Minneapolis, Minn., protesting against the passage of House bill 9753 or other Sunday bill, such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5171. By Mr. SMITH of Michigan: Resolutions adopted by Butterworth Post, No. 109, Department of Michigan, Grand Army of the Republic, of Coldwater, Mich., favoring the passage of the Bursum pension bill; to the Committee on Invalid Pensions.

5172. Also, resolutions adopted by the Army and Navy Club, at Lansing, Mich., favoring the passage of the Army pay bill (H. R. 10972); to the Committee on Military Affairs.

5173. Also, resolutions of the Kalamazoo Club, of Little Gardens, protesting against the transfer of the United States Forest Service and national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5174. By Mr. SINCLAIR: Petition of the Rotary Club of Minot, N. Dak., protesting against the repeal of the transportation act of 1920, or the enactment of legislation tending to interfere with proper readjustment and development of railroad transportation; to the Committee on Interstate and Foreign Commerce.

5175. Also, petition of the Rotary Club of Devils Lake, N. Dak., opposing the repeal of section 416 of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

5176. By Mr. SNYDER: Petitions of William McCabe, Owen J. Kearns, Herbert E. Love, J. G. Aichler, S. C. Baldwin, J. J. Carson, J. T. Seddon, and August H. Uhl, members of Fort Stanwix Post, No. 58, Sons of Veterans, of Rome N. Y.; committee of Volunteer veterans, National Soldiers' Home, of Hampton, Va.; Robert Byars, Utica, N. Y.; William G. Bowen, Clinton, N. Y.; and Edward T. Shaughnessy, Lebanon, N. H., favoring passage of the Chandler bill (H. R. 9198), providing for an increase in pension for veterans of the War with Spain; to the Committee on Pensions.

5177. Also, petition of Seifert Corners (N. Y.) Grange, favoring equal privileges in grange and land banks which other American banks enjoy; to the Committee on Banking and Currency.

5178. By Mr. WINSLOW: Petition of sundry residents of Worcester, Mass., regarding Joint Resolution 244, regarding the recognition of Armenia; to the Committee on Foreign Affairs.

5179. Also, petition of residents of Worcester County, Mass., re House bill 9753; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *April 19, 1922.*

(Legislative day of Tuesday, April 18, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Smoot
Ball	Gerry	McNary	Spencer
Borah	Gooding	Nelson	Stanley
Brandegee	Hale	Newberry	Sterling
Broussard	Harris	Nicholson	Sutherland
Bursum	Harrison	Norbeck	Swanson
Calder	Heflin	Norris	Townsend
Capper	Hitchcock	Oddie	Wadsworth
Caraway	Johnson	Overman	Walsh, Mass.
Culberson	Jones, N. Mex.	Page	Warren
Curtis	Jones, Wash.	Pepper	Watson, Ga.
Dial	Kellogg	Phipps	Watson, Ind.
du Pont	Keyes	Poindexter	Weller
Edge	King	Ransdell	Williams
Ernst	Ladd	Reed	Willis
Fernald	La Follette	Sheppard	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is unavoidably detained on official business.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I will let this announcement stand for the day.

Mr. DIAL. My colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may continue through the day.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present.

GREETINGS FROM ENCAMPMENT OF SPANISH WAR VETERANS.

The VICE PRESIDENT laid before the Senate the following telegram, which was ordered to be printed in the RECORD:

MALDEN, MASS., *April 19, 1922.*

CALVIN COOLIDGE,
Vice President United States, Washington, D. C.:

Twenty-third annual encampment of Department of Massachusetts, United Spanish War Veterans, in meeting assembled, send hearty greetings to you and to Members of the Senate.

GEORGE B. WILLIAMS,
Department Commander.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a letter in the nature of a petition from D. W. Ogilbee, Wyoming department commander, American Legion, of Casper, Wyo., praying for the retention in the soldiers' bonus bill of the land settlement provision contained in title 8 thereof, which was referred to the Committee on Finance.

Mr. TOWNSEND presented a resolution of the Kalamazoo Club, of Little Gardens, in the State of Michigan, protesting against changing the jurisdiction over the national forests from the Department of Agriculture to another department, which was referred to the Committee on Public Lands and Surveys.

Mr. SHEPPARD presented petitions of sundry citizens of Gillespie County, Comanche, Aubrey, Stockdale, and Bridgeport, all in the State of Texas, praying for inclusion in the tariff bill of adequate duties on peanuts and peanut oil, which were ordered to lie on the table.

Mr. NORBECK presented petitions of sundry citizens of Lake City, Hillhead, Veblen, Argonne, Dowling, Hilland, Plankinton, Stickney, Wetonka, Mina, Langford, Britton, Ellingson, Wessington Springs, Miller, Gannvalley, Eagle Butte, Lantry, Fulton, Artesian, Eden, Grenville, and Sisseton, all in the State of South Dakota, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted by the California Cattlemen's Association, at Los Angeles, Calif., favoring the enactment of legislation extending the operation of the War

Finance Corporation until July 1, 1923, which was referred to the Committee on Banking and Currency.

He also presented memorials of sundry citizens of Wichita and Labette Counties and Enterprise, all in the State of Kansas, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. JONES of Washington presented a memorial of sundry citizens of Ferndale, Wash., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution of the Commercial Club of Yakima, Wash., protesting against reduction in the personnel of the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Seattle (Wash.) Laundry Owners' Association, remonstrating against the proposed imposition of tariff duties on oils used in soap manufacture, which was ordered to lie on the table.

Mr. LADD presented resolutions of the Cottonwood Unit, Park County Farm Bureau, of Clyde Park, Mont., favoring the passage of the soldiers' bonus bill and opposing increased parcel-post rates, which were referred to the Committee on Finance.

He also presented resolutions of the Rotary Club of Minot, N. Dak., protesting against the repeal of the transportation act of 1920, which were referred to the Committee on Interstate Commerce.

He also presented a resolution of the North Bellingham Progressive Grange, of Bellingham, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented the petition of Mrs. J. W. Grum and 21 others, of Woodworth, N. Dak., praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions of East Dalkena Local Grange, No. 30, of Dalkena, Wash., favoring the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. POINDEXTER presented a telegram in the nature of a petition from the military affairs committee of the Spokane (Wash.) Chamber of Commerce, favoring the making of an appropriation for maintaining the Organized Reserves of the United States Army, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Stevens County, Wash., praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Yakima (Wash.) Commercial Club, protesting against proposed reduction in the personnel of the United States Navy, which was referred to the Committee on Naval Affairs.

Mr. WILLIS presented a resolution adopted by the City Council of Toledo, Ohio, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

A resolution in furtherance of movement for construction of the Great Lakes-St. Lawrence waterway.

Whereas the commercial prominence of the city of Toledo, known throughout the country as one of the greatest railroad centers, will be materially and substantially increased, thereby adding to the growth, prosperity, and welfare of the city, if additional transportation facilities are provided; and

Whereas the proposed Great Lakes-St. Lawrence waterway would be of immense value and advantage to Toledo and the vast hinterland in reducing transportation charges and would give to Toledo its true place as an exporting and importing center and as a gateway to the sea and attract more and larger industries to this locality: Therefore be it

Resolved by the council of the city of Toledo, That it hereby heartily approves the proposed waterway, and further urges Congress and the President of the United States to take such action as will be necessary to provide for the construction and completion of the proposed waterway as speedily as possible; and be it further

Resolved, That a copy of this resolution be forwarded to Representative CHALMERS and Senators POMERENE and WILLIS and to the President by the clerk of this council.

Adopted April 10, 1922.

E. D. CULLEN,
President of Council.

Attest:

A. W. PAYNE,
Clerk of Council.

I, A. W. Payne, clerk of the council of the city of Toledo, State of Ohio, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by council April 10, 1922, approved by the mayor April 15, 1922, and published in the Toledo City Journal April 15, 1922.

[SEAL.]

A. W. PAYNE,
Clerk of Council.

TOLEDO, OHIO, *April 17, 1922.*

Mr. WILLIS also presented memorials of sundry citizens of Eaton, West Alexandria, Lewisburg, Brookville, Phillipsburg, Trotwood, Troy, Dayton, Osborn, West Sonora, Eldorado, West Manchester, New Paris, Farmersville, Tippecanoe, Germantown, West Middletown, New Lebanon, New Carlisle, Verona, Greenville, Potsdam, Arcanum, Union, Gratis, and Camden, all in the State of Ohio, remonstrating against the proposed increase in duty on wrapper tobacco, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 3479) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes"; to the Committee on Patents.

By Mr. CALDER:

A bill (S. 3480) to amend and modify the war risk insurance act; to the Committee on Finance.

By Mr. SWANSON:

A bill (S. 3481) to advance Maj. Ralph S. Keyser on the lineal list of officers of the Marine Corps; to the Committee on Naval Affairs.

By Mr. BALL:

A bill (S. 3482) for the relief and retirement of William J. Wingate (with accompanying papers); to the Committee on Civil Service.

A bill (S. 3483) to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. NELSON:

A bill (S. 3484) fixing the salaries of United States attorneys and United States marshals; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 3485) authorizing the United States Shipping Board to reimburse builders of wooden ships for losses sustained as the result of the cancellation of contracts and the abandonment of wooden-ship construction; to the Committee on Commerce.

By Mr. HITCHCOCK:

A bill (S. 3486) to continue the district land offices at Alliance and Broken Bow, Nebr.; to the Committee on Public Lands and Surveys.

By Mr. BALL:

A bill (S. 3487) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE.; to the Committee on the District of Columbia.

By Mr. STERLING:

A bill (S. 3488) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

TARIFF BILL AMENDMENT.

Mr. JOHNSON submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

AGNES MALLOY KILMARTIN.

Mr. SWANSON submitted the following resolution (S. Res. 279), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Agnes Malloy Kilmartin, daughter of Robert C. Kilmartin, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

EXAMINING DIVISION OF CIVIL SERVICE COMMISSION.

Mr. STERLING. Mr. President, under the resolution (S. Res. 199) a select committee was appointed for the purpose of investigating the proceedings of the examining division of the Civil Service Commission, and so forth, the resolution having been introduced by the senior Senator from Arkansas [Mr. ROBINSON]. Under the terms of the resolution the committee was to report its proceedings and findings to the Senate within 90 days.

The time is about to expire and the committee is not as yet prepared to make a report, this largely on account of the absence of the two minority members of that committee. When one of the members of the committee, the junior Senator from Tennessee [Mr. MCKELLAR], left the city he asked that the consideration of post offices in Tennessee and some others be deferred until his return. I agreed with him that such consideration would be so deferred. In view of those conditions I ask unanimous consent that the time of the committee in which to make report be extended 30 days from this date.

Mr. HARRISON. Mr. President, reserving the right to object, may I ask the Senator from South Dakota when the special committee was appointed? Was it not about January 20?

Mr. STERLING. The resolution was reported by the Senator from New York [Mr. CALDER] from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment January 9, and it was passed January 19. Some days after that, January 25, the committee was appointed by the Vice President.

Mr. HARRISON. May I ask the Senator, because he doubtless has it before him, when the first meeting of the committee was held under the resolution?

Mr. STERLING. I can not give the date now when the first meeting was held. It was not very long, I think, after the committee was appointed.

Mr. HARRISON. May I ask how many meetings have the committee held?

Mr. STERLING. We have had several meetings; we have taken testimony, heard statements, and so on. I think we shall, within the 30 days asked, easily be able to make a report.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

PROPOSED LEGISLATION.

Mr. HARRIS. I ask permission to have inserted in the RECORD resolutions adopted by the Georgia Country Bankers' Association relative to agricultural credits, the suggested bonus plan, and the Muscle Shoals development.

The members of this association represent practically all the banks in the State, except a few of the city banks. That is one of the largest bankers' associations in the United States. They make loans direct to farmers, and their judgment as to rural credit legislation I would consider very important. The officers of these banks are among the leading citizens of their towns and counties.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

AGRICULTURAL FINANCING.

The events of the past two years have taught us that there is a vital link missing in our financial structure; that while commerce is taken care of through the present banking system, and land ownership and development is provided for through the Federal land banks and long-time loans from mortgage companies, there is no system provided for properly financing the intermediate time loans so necessary to the proper development of agricultural production.

We therefore urge upon Congress to complete the work it has so well begun through the establishment of the Federal reserve system to care for the commercial interests of the country and the Federal Farm Loan Board to finance long-time land loans by creating an additional structure on a permanent basis that will enable banks in agricultural communities to find funds that will enable them to safely make loans of from one to five years for legitimate agricultural production.

HENRY FORD AND MUSCLE SHOALS.

We have noted with very great interest the offer of Mr. Henry Ford to purchase or lease the Government properties at Muscle Shoals and to develop same for the benefit of the South and the entire country, and especially the agricultural interests. It is with deep regret that we have observed the very apparent desire of certain interests to prevent Mr. Ford and his associates from securing possession of this property for the purpose stated, and especially the apparent sympathy of high and influential officials of the Government with those obstructive interests.

We urge upon our Representatives in Congress to use every effort to secure the acceptance of Mr. Ford's offer at the earliest possible period.

SOLDIERS' BONUS.

As it would seem that the soldiers' bonus measure that has recently been passed by the lower House in Congress seeks to transfer the financial burden of the bonus to the banks for many years to come and would have the effect of tying up a considerable portion of the assets of banks that should remain liquid under our present system of commercial banking, we urge our Senators in Congress to make every effort to so change the measure that this burden be met by some method that will raise the necessary funds in some other and more satisfactory way.

TREASURY DEFICIT.

Mr. HARRISON. Mr. President, some weeks ago the distinguished leader of the Republican Party in the Senate, the senior Senator from Massachusetts [Mr. LODGE], made a very interesting speech in Boston. In the course of his speech, which was carried in all the press of the country, he made the statement that appropriations of $5,337,000,000 asked by the departments have been cut to $1,428,000,000. Whether he made that statement or not I do not know. Of course, he was speaking as a candidate and laboring under the enthusiasm of speaking to his constituents, and it was but natural that he should get his figures a little confused. Whether he made the statement or not, the papers carried it that way.

Mr. LODGE. Mr. President, there was an error of one word in the statement, and I corrected it here on the floor and corrected it in the permanent RECORD.

Mr. HARRISON. I say that the papers must have carried it wrong.

Mr. LODGE. They did carry it wrong.

Mr. HARRISON. But they did carry it that the Senator from Massachusetts had made the statement. It was not confined to one paper, but it was carried in all the press of the country, and when an impression is once created it is difficult to remove that impression. The statement carried as made by the Senator from Massachusetts in his Boston speech was that appropriations of $5,337,000,000, as asked for by the departments, had been cut to $1,428,000,000. That was about the wildest statement that has been made by any Republican spellbinder recently, although many grossly exaggerated claims have been made.

I noticed the other day that the junior Senator from Ohio [Mr. WILLIS] made a speech in New York and laid great claim to big changes and big cuts. Of course, we knew you Republicans were going to bungle the Budget, but we did not know to what extent you would do it. I want to call the attention of the Senate to a letter that came to the chairman of the Finance Committee yesterday, the senior Senator from North Dakota [Mr. MCCUMBER], from the Secretary of the Treasury, in which the Secretary said that the estimates of $167,000,000 deficit for the fiscal year 1923 have increased now under the alleged splendid management of the new administration to $484,000,000, and that will be the amount of the deficit for the coming fiscal year. Of course, there may be another mistake in that estimate. It may be more than this amount when the true facts are known. Anyway, the Secretary of the Treasury says now the estimate of $167,000,000 was all wrong and it has been increased to $484,000,000 as the amount of the deficit, and he lays it largely to the falling off of the income tax. I think that is true. There is depression everywhere. Nobody is making any money, scarcely, under the promised prosperity under this administration. So it is perfectly natural that incomes should be greatly diminished. You who have been laying and may in the future lay large claims of savings should study the deficits and remember this report of the Secretary of the Treasury.

SURVEY OF POTOMAC RIVER TO GREAT FALLS.

Mr. FERNALD. Mr. President, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 192.

Mr. KING. Mr. President, I think we had better proceed with the regular order, as we have before us the joint resolution of the Senator from New Jersey [Mr. EDGE].

Mr. FERNALD. I think if the Senator from Utah will allow me to speak about one minute and explain the object of the joint resolution for which I ask consideration he will withdraw any objection to my request.

Mr. KING. I have no objection to that, but I wish to call the attention of the Senator from Maine to the fact that the joint resolution of the Senator from New Jersey is the unfinished business——

Mr. FERNALD. While the discussion has been proceeding I am quite sure we could have passed the joint resolution for which I have asked consideration.

Mr. KING. And the Senator from Nebraska [Mr. NORRIS] is ready to speak this morning on that joint resolution.

Mr. FERNALD. I shall not detain the Senator from Nebraska for any appreciable length of time. I simply ask that the joint resolution to which I have referred may be considered and passed, because I know there can be no objection to it.

Mr. KING. The Senator has presented his request so seductively that I think I shall not object.

The VICE PRESIDENT. The joint resolution will be read by title.

The ASSISTANT SECRETARY. A joint resolution (S. J. Res. 192) providing for survey of the Potomac River banks from Washington, D. C., to Great Falls, with a view to possible extension of the District park system.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maine for the immediate consideration of the joint resolution?

Mr. KING. I think it will be necessary to have a little discussion of that joint resolution, and I therefore ask for the regular order.

Mr. FERNALD. I still have the floor, have I not, Mr. President?

The VICE PRESIDENT. The Senator from Maine.

Mr. FERNALD. If the Senator from Utah objects to the consideration of the joint resolution, I shall have to make a motion that it be taken up.

Mr. HARRISON. Let the Senator from Maine make his motion to take up the joint resolution.

Mr. FERNALD. I think I can displace the unfinished business if I have votes enough to do so. I am sure, however, that it will not consume five minutes of the time of the Senate if the joint resolution shall be taken up, because there is no objection to it from any source and there can not possibly be. I move that the Senate proceed to the consideration of the joint resolution.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Iowa [Mr. RAWSON], and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD], and vote "yea."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Pennsylvania [Mr. PEPPER], and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON], which I transfer to the senior Senator from Tennessee [Mr. SHIELDS], and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON], who does not appear to be present. Therefore I withhold my vote.

The roll call was concluded.

Mr. SHEPPARD. I wish to announce that the Senator from Montana [Mr. WALSH] is unavoidably detained on official business.

Mr. KELLOGG. I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the senior Senator from Pennsylvania [Mr. CROW], and vote "nay."

Mr. KING (after having voted in the affirmative). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence, I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

Mr. CARAWAY (after having voted in the affirmative). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the senior Senator from Ohio [Mr. POMERENE], and let my vote stand.

Mr. HARRISON (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. As he is not present, being unable to secure a transfer of my pair, I withdraw my vote.

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] is absent on account of illness.

I also wish to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR].

The result was announced—yeas 38, nays 18, as follows:

YEAS—38.

Ashurst	Gerry	La Follette	Stanley
Brandegee	Gooding	Nelson	Sterling
Broussard	Hale	Nicholson	Swanson
Bursum	Harris	Norris	Walsh, Mass.
Capper	Heflin	Oddie	Warren
Caraway	Hitchcock	Overman	Watson, Ga.
Culberson	Jones, N. Mex.	Poindexter	Weller
Dial	Keyes	Ransdell	Willis
Fernald	King	Reed	
Fletcher	Ladd	Sheppard	

NAYS—18.

Ball	Jones, Wash.	Newberry	Sutherland
Calder	Kellogg	Page	Townsend
Curtis	Lenroot	Phipps	Wadsworth
du Pont	Lodge	Smoot	
Edge	McNary	Spencer	

NOT VOTING—40.

Borah	Glass	Moses	Shields
Cameron	Harreld	Myers	Shortridge
Colt	Harrison	New	Simmons
Crow	Johnson	Norbeck	Smith
Cummins	Kendrick	Owen	Stanfield
Dillingham	McCormick	Pepper	Trammell
Elkins	McCumber	Pittman	Underwood
Ernst	McKellar	Pomerene	Walsh, Mont.
France	McKinley	Rawson	Watson, Ind.
Frelinghuysen	McLean	Robinson	Williams

So Mr. FERNALD's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 192) providing for survey of the Potomac River banks from Washington, D. C., to Great Falls with a view to possible extension of the District park system.

The joint resolution was read, as follows:

Resolved, etc., That the Chief of Engineers is hereby authorized and directed to make an examination and survey of the banks of the Potomac from Washington, D. C., to Great Falls, and to submit an estimate of the cost and a recommendation as to the advisability of the creation of an extension of the park system of the District of Columbia in this area.

SEC. 2. That there is hereby authorized to be appropriated, from any moneys now available in the Treasury of the United States, the sum of $5,000 to defray all expenses of this survey.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed——

Mr. NORRIS. Mr. President, if there is to be no debate or explanation of the joint resolution, I desire to say a few words.

Mr. FERNALD. Mr. President, I was about to make an explanation of the joint resolution.

Mr. NORRIS. I yield if the Senator from Maine desires to speak.

The VICE PRESIDENT. The Senator from Maine is recognized.

Mr. FERNALD. Mr. President, the purpose of the joint resolution, as will be readily understood by its reading, is to provide for a survey with a view to the possible extension of the park system of the city of Washington. I have felt that the city of Washington ought to be, and, if it were in my power to make it so, it would be the most beautiful city in the world. We have already provided for an extension of the Botanic Garden in the section of the city contiguous to the Capitol. On either side of the Potomac may be found scenery comparable to that anywhere in the Appalachian system of the United States. The area between Washington City and Great Falls has never been surveyed with a view to its utilization for park purposes. There are thousands of acres there in primitive forest. There are creeks and gorges and forest scenery unexcelled in this section of the country. The joint resolution merely provides that this area may be surveyed.

I know the desire of the Senators of the United States to beautify their homes, wherever they may live. I have the pleasure of sitting in the shade of trees that were set out by my great-grandfather 110 years ago, and hardly a year passes that I do not add some shrubs and trees to my home grounds where I live. To pass on to the coming generation this year I have ordered 200 shrubs to be set in my garden, that my children and my children's children may enjoy the pleasure of having these flowers and shrubs, and sitting, as I do, in the shade of the trees set by my great-grandfather.

We are all desirous of beautifying our homes, and yet here in the city of Washington it is doubtful if any man expects to enjoy his home for more than a few years, and then it will pass on, perhaps, to the next generation or two, and finally go to strangers; but the city of Washington is to be the home of the Congress of the United States from now to the end of time, and it ought to be the duty of every Congressman and Senator to undertake to beautify this city, to make it more beautiful for those who are to come after us. It is doubtful if any of us may remain here more than 20 or 30 years at the most—some of us probably will not remain here quite that length of time, although I expect to—but there will be other Senators here, and we should pass on this city to other generations, beautifying it by parks and by avenues, and beautifying the streets and all the grounds of this city.

So far as I know, there is no opposition to this joint resolution. Certainly no one living in the city could object to it; and I am sure that it is not only the privilege but the duty of Senators to do precisely what is asked to be done here in this joint resolution.

Mr. KING. Mr. President——

Mr. FERNALD. I yield to the Senator.

Mr. KING. I invite the Senator's attention, however, to this matter: It has been discovered that whenever projects were contemplated by the Government to improve Washington, or to erect buildings, and it became known that land was to be pur-

chased, the prices immediately assumed altitudinous heights. The Senator may recall reading some years ago that a very distinguished and a very public-spirited citizen of Washington quietly obtained options upon a large amount of land for the purpose of increasing the area of Rock Creek Park. For some reason or other Congress failed to avail itself of the options which he tendered to the Government, and the day of the maturing of the options passed, and the lands were not purchased. Those lands to-day could not be purchased for perhaps from ten to fifty times the price for which the options were obtained.

To make the application of what I had in mind, if we pass this joint resolution, and the owners of the land upon either side of the Potomac within the area that will be surveyed know that there is a possibility of the public-park system being extended and those lands acquired, they will attribute to those lands values that will be fabulous. Does not the Senator think that it might be the part of wisdom to obtain options before we make surveys?

Mr. FERNALD. Oh, no. This land can be condemned by the Government and taken for what it is worth, and as time goes on it will become more valuable. Every year every forest in the United States is worth a little more than it was worth the year before. As time goes on these lands will advance in price and we would simply have to pay more next year than we would this year. This joint resolution simply contemplates the purchase of this land, so that from now to the end of time the poor as well as the rich may enjoy this park. It is adjacent to the city, and on either side of the Potomac for 15 miles there is as fine scenery as human eyes have ever witnessed. It ought to be taken in hand now, before these lands advance any more than they have advanced now, and under the law we have a right to condemn this property and take it for its real value.

I do not concede that the argument of the Senator from Utah is valid or ought to be considered in connection with this joint resolution. I do not think there is any opposition to the joint resolution from anybody. Certainly the poor would like to have an opportunity to go out in these free lands and forests and enjoy the afternoons; and if this property is ever to be developed for water or for power it would be more accessible and we would have roads there whereby we might develop this property with much less expense than could be done if it were to be developed now.

Mr. BRANDEGEE. Mr. President——

Mr. FERNALD. I yield.

Mr. BRANDEGEE. I have not read the Senator's joint resolution, but I ask for information. Does the Senator have in mind the condemnation of extensive areas of land, or simply enough for a driveway?

Mr. FERNALD. This joint resolution simply provides for a survey.

Mr. BRANDEGEE. A survey of what?

Mr. FERNALD. Of these lands, to see what might be done and how they could be developed and the sort of a park that we might have there. The joint resolution simply provides for a survey and makes a small appropriation of $5,000, and directs that a report be made back to the Senate. I do not think it is necessary to go into the matter to any great extent.

Mr. JONES of Washington. Mr. President——

Mr. FERNALD. I yield.

Mr. JONES of Washington. I notice that the joint resolution does not pretend to describe the boundaries of the land that is intended to be surveyed. I just want to get what the Senator has in mind and how much land he thinks we might or ought to get.

Mr. FERNALD. On both sides of the river there are thousands of acres. I do not know just the extent of it.

Mr. JONES of Washington. The land, of course, goes out on either side indefinitely.

Mr. FERNALD. I do not expect to take in all of the State of Virginia or all of the State of Maryland; but I think after surveying these lands we might determine how much ought to be taken, and we never will be able to determine until they are surveyed and we get an idea. I think these lands could be purchased now at a very reasonable price.

Mr. JONES of Washington. The Senator contemplates that the Chief of Engineers can survey just as much of the territory as he desires within the limits of the $5,000?

Mr. FERNALD. Yes.

Mr. JONES of Washington. Of course, the survey may be a sort of reconnaissance; he may go out there and look it over and report to Congress what he thinks we ought to take. He could recommend a pretty large area, of course.

Mr. FERNALD. That, of course, will come to the attention of the Senate.

Mr. JONES of Washington. Oh, of course.

Mr. FERNALD. And with that in mind we can provide for taking just as much as seems practicable for a park.

Mr. JONES of Washington. The idea in the Senator's mind is to take in as much as possible of the territory out there?

Mr. FERNALD. As much as practicable.

Mr. JONES of Washington. On both sides of the river, up to Great Falls?

Mr. FERNALD. Yes.

Mr. KING. Mr. President, it seems to me that the joint resolution is rather too restricted. I will say to the Senator that I am very much in favor of this measure. I am very much in favor of any policy that will enlarge and extend the parks of Washington. I think the cities of the United States as a rule have been negligent in establishing and promoting a proper parking system. The result is that we have these congested areas, with no breathing spaces for the people. I think Washington ought to set an example in the establishment of beautiful parks.

It seems to me, as I have suggested, that the joint resolution is too restricted. I am not sure that, taken literally, this would not confine the examination and the survey to the banks proper. It would not permit a survey or an examination back from the banks a quarter of a mile or any distance. Will not the Senator accept the amendment I am about to suggest, because it is clear that they ought to make a survey not only of the banks but some distance back, as far back as in their judgment, if Congress shall make the appropriation, the land would be suitable and proper for park purposes. I think the Senator from Washington clearly indicated that idea a moment ago.

Mr. JONES of Washington. That is what I had in mind in asking the questions I did—the language of the joint resolution.

Mr. KING. So I offer this amendment, and ask the Senator to accept it: After the word "Potomac," on line 5, add the following words:

And lands on either side thereof which would be suitable for a public park.

So that, if amended, it would read:

That the Chief of Engineers is hereby authorized and directed to make an examination and survey of the banks of the Potomac and lands on either side thereof which would be suitable for a public park from Washington, D. C., to Great Falls.

Mr. FERNALD. I am very glad to accept that amendment. I think it is a very good one.

Mr. KING. I offer that amendment.

Mr. FERNALD. Having made the very brief explanation that I have, I am quite willing to have the joint resolution acted upon.

Mr. NORRIS. Mr. President, I have no objection to having this survey made. In fact, I am rather inclined to favor the proposition; but I desire to call attention now to the fact that it may be, if we enter upon the improvement that is contemplated by the passage of this joint resolution, that the action of Congress ultimately, at some future day, will be used as an argument against the development of the water power at Great Falls, on the Potomac River.

This joint resolution provides only for a survey and appropriates only enough money to make the survey. It does not contemplate the purchase of any real estate. If it did, I should oppose it at this time, unless the improvement were made in connection with the improvement for water-power purposes at Great Falls.

Mr. President, I suppose the argument would be made at once that we would not dare to flood any of this land for power purposes, because it would destroy the beauty of the land to be used for park purposes; and I am not willing to bind the Government of the United States to the improvement of this section of the country and the acquiring of title to this land if by so doing we are going to forestall the action that the Government might take at some time for the improvement of the water-power possibilities of the Potomac River between here and Great Falls. I do not think for a moment that the Senator from Maine has any such idea in his mind.

Mr. FERNALD. I have not.

Mr. NORRIS. I do not think he believes he is taking any action now that might preclude that in the future, and I do not believe this step would do so. It might facilitate it, in fact, because it would give us a survey of the country between here and Great Falls, much of which would have to be overflowed with water in case the power possibilities were developed.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. POINDEXTER. The Senator from Nebraska has perhaps given more attention to the matter of the development of power from the Potomac River than any other Senator, and

I wish to ask him, for information, whether the project he has in mind, in general outline, is the development of power from Great Falls itself or from the Little Falls below the Great Falls? The Senator has just remarked that the development of the power project would overflow lands between here and Great Falls. Of course, if it had that effect, the dam in the river would then be, not at the falls or at the head of the falls but it would be somewhere much farther down the river. What is the reason against the use of the power of the Great Falls itself, taking the water out of the river at the head of the falls instead of lower down? By the former process, it always seemed to me, we would get the largest amount of power.

Mr. NORRIS. Making a direct answer to the question of the Senator, which is very pertinent, there is no reason, in my judgment, against it. About 10 or 15 years ago, when this matter was first seriously considered by Congress and I was a Member of the House of Representatives, an appropriation of $20,000 was made for the purpose of having a survey and a report made as to means to enable the officials to increase the water supply of the District of Columbia and develop the power. At that time, and for several years afterwards, there was quite an agitation, I will say to the Senator from Washington, against any improvement which would interfere with the beauty of Great Falls, and the development which was proposed by Colonel Langfitt, whose survey was up to that time the most complete as to the water-power possibilities of the Potomac River that had ever been made in the history of the country, although it had been surveyed many times, did not contemplate the destruction of the scenic beauty of Great Falls. His plan was the construction of a dam at or near the District line, which would be about 9 miles this side of Great Falls, a dam, as I remember it now, 115 feet high, which would make a lake 9 miles long and 115 feet deep at this end, but which would back up the water only to the foot of the falls.

Senators will remember that on two or three different occasions the Senate has put on various bills an appropriation and an authorization for the development of Great Falls. It has always been rejected by the House, it has come back to the Senate, and has been eventually stricken out in conference.

I am sorry the conferees who represented the Senate when that was done the last time are not present. Some of them were in the Chamber when I began talking, but I have had the usual effect, and they have disappeared. The conferees reported a substitute for the provision that was put in by the Senate authorizing the development of this power, appropriating money to make another survey, and the argument was used that this survey had become old and that we had better have another one. That contention prevailed and another survey was made. The last survey came at the time when prices were at their peak. Estimates were made. I am sorry the Senator from Washington [Mr. POINDEXTER] has disappeared, as what I am saying is principally in answer to his question.

Mr. FERNALD. The Senator from Washington is in the chair.

Mr. NORRIS. He will give better attention, then, than he would if he were in his seat. He can not help listening now.

I will say to the Senator from Washington that the next survey that was made did provide for a development which would interfere with the falls. The item provided for the construction of two dams; there were several others contemplated, but there were to be two main dams in the Potomac River. One was similar to that I have heretofore described, in the same place where Langfitt's report put it, at the District line, making the same sort of a lake, 9 miles long; but to add to the power there was to be constructed another dam up there to get the benefit of the drop of the water which comes over the falls, a development which, as far as financial considerations are concerned, would be cheaper than the other, and would add greatly to the power possibilities, increasing them about a third.

The Senate again took that up, and put the provision in the Army appropriation bill. The House again rejected it, it came back, and, although I did what I could in my feeble way to prevent the Senate from taking favorable action on the conference report, the Senate adopted the report, and the provision was stricken out. The conferees on the part of the Senate were not friendly to it, as a matter of fact, and most of them, anyway, went into the conference unfriendly and came back into the Senate with the provision stricken out, and it went out of the bill again.

Time is passing. It will not be more than a few years before it again can be said, "This survey is old. We shall have to make a new one. Maybe the water is running the other way in the Potomac River by this time. It may be that it is going uphill instead of down, and we will have to have a different kind of a development." We will spend $20,000 or $25,000 more to make another survey. If the survey is honestly made, the same report will come in again; that is, "Develop it. It is one of the greatest water-power possibilities in the world." Then it will be stricken out again.

A Senator asks me why, and echo answers, "Why?" It is just the same as everything else of that kind. There is always enough power and influence in people and corporations who do not want the development made to prevent action. So far they have succeeded every time. It does not follow, of course, that any Member of the Senate or of the House is derelict in his duty, because this comes as an improvement for the District of Columbia, principally, and, as everybody knows, Members of the Senate and of the House have more than they can attend to in their own States and in their own districts, and they can not give attention to this. But, Mr. President, it is a moral sin, an economic sin, that the water going down the Potomac River, which would make power enough to turn every wheel in the District of Columbia, light every home and every street, should go to waste year after year, year after year, that wonderful water tumbling down over the rocks within sight of the dome of the Capitol. Yet we talk of efficiency, yet we talk of conservation, and we go out and preach conservation, when at our very feet there is tumbling down the power that would save 140,000 tons of coal in the Capital City every winter, with coal now $15.50 a ton.

It is almost enough to drive a man insane to think that an intelligent Government, that wise statesmen under this Capitol dome, should year after year throw aside public money to make surveys which always tell the same story of great power possibilities unharnessed going to waste down to the sea, as they have been for the hundreds of years that have passed, we sitting idly by while it goes on, spending the money of the people for other purposes, when every light that shines in the District, every car that runs, every wheel that turns, every house that has a light ought to be supplied and furnished by this great white power. After the plant was once constructed it would cost comparatively nothing to keep it going year after year.

The last report which was made was one of the best. The weak point in the Potomac power as a power proposition—and it has only one weak point—is that there is a great difference between the maximum and the minimum flow of the Potomac River.

I am speaking only from memory, of course, but it was estimated that the average power which would be developed through the year by this one dam, not speaking of the other, would be 66,000 horsepower. It went up to as high as 90,000 horsepower, and a few days in the year, on an average only a day or two every year—and in some years there would be no such condition—it went down to as low as eleven or twelve thousand horsepower.

So the development of storage dams in the tributaries of the Potomac River is important, and the last report goes into that. The last report of the Army engineers shows how that can be done, and shows how this expenditure can be made, building two dams on the Potomac; yes, and the third dam. One is to increase the present dam, which exists up there for the water supply of the District, and then there are to be several other dams in the tributaries, which will store large quantities of water and equalize the flow of the Potomac River over those dams, so that we would have a steady flow the year around.

This report shows that, paying war prices for labor and for materials, at the very peak, in 50 years, as I remember it, it would pay back every penny it cost. In the meantime it would reduce the cost of electricity to the consumers of the District by 50 per cent, and there could be enough set aside, as I said, to pay the whole cost back in 50 years, and there could be enough set aside to keep it in repair; so that at the end of 50 years we would have saved 140,000 tons of coal every year, and we would have saved the people of this District and this city one-half of the cost of their electricity, and we would have it all on our hands, all paid for, without a cent of expense thereafter. From that on, all we would have to consider would be the cost of operation. It would make electricity so cheap that when you turned it on in your house you would never stop to turn it off, because it would cost you more to turn it off than it would to pay the bill for the electricity.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. NORRIS. I yield.

Mr. ASHURST. If I understand the Senator aright, his statement was that the maximum amount of horsepower which might be developed at Great Falls would be 60,000?

Mr. NORRIS. No; it would be more than that. I was speaking only of the one dam.

Mr. ASHURST. What would be the maximum?

Mr. NORRIS. I can not give that. I can not give the figures from memory, but it would be more than that.

Mr. ASHURST. More than 60,000 horsepower?

Mr. NORRIS. Yes; more than that.

The demand for horsepower in the District of Columbia in 1920 was 95,000 horsepower. I agree with the Senator that it is a pity that the people of this District should be fleeced monthly by being required to pay not two prices but three prices for electric current. No people except the quiescent people of this District would permit such extortion as the electric light and gas companies practice upon them; but the people are helpless, having no representation, and it seems to me that Congress should at the earliest moment develop the horsepower at Great Falls.

I join with the Senator from Nebraska in his repeated demand that the hydroelectric power at Great Falls, now dormant, ought early to be developed.

I announce here and on all other opportunities that may be presented to me I shall contribute my modest mite, small though it be, toward the development of these falls.

I am in favor of the joint resolution proposed by the Senator from Maine. I believe if the project that he advocates were adopted there would be no city whose environments were garnished more beautifully than would be the environments of Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. NORRIS. Mr. President, I would like to offer an amendment. Of course, I did not know this matter was coming up, or I would have been prepared for it. I would like to have the joint resolution go over, so that I can prepare an amendment. I want to offer an amendment that in effect will say that in making the survey the surveyor or the department shall have in contemplation the development of the water power of Great Falls as outlined in a Senate document which I can get and to which I wish to refer.

Mr. CURTIS. Mr. President——

Mr. NORRIS. I hope, therefore, at this stage the Senator from Maine will consent to let the joint resolution go over until to-morrow.

Mr. CURTIS. If the joint resolution should go over until to-morrow, I am going to move to take up the appropriation bill which I have in charge, and I shall be glad to consent to lay that aside temporarily at any time to dispose of the joint resolution.

Mr. NORRIS. I will be ready to present the amendment to-morrow.

Mr. FERNALD. Could not the Senator from Nebraska prepare his amendment now? I think he can explain it, so that the Assistant Secretary can frame it. I am perfectly willing to accept it.

Mr. NORRIS. It would be in the form of a new section, section 3, that in making the survey provided for in section 1 the department shall make such survey on the theory that the development of water power at Great Falls shall be considered as outlined in Senate Document No. —, and I will have to supply the number.

Mr. FERNALD. If the Senator will perfect his amendment, I have no objection to it. I think I understand very well what he has in mind.

Mr. NORRIS. The Senator from Maine has no objection to the amendment?

Mr. FERNALD. None at all.

Mr. EDGE. Mr. President, I suggest to the Senator from Maine that he expedite the passage of the joint resolution, and I hope it will not go over until to-morrow. It is well known that it has displaced other business that has been before the Senate and debated for several days. I have a statement concerning the proposed legislation which was displaced that I would like to make. I trust that the joint resolution will be disposed of in order that the way may be cleared for the consideration of the joint resolution which was displaced by it.

Mr. FERNALD. I feel quite certain that the Senator from Nebraska and myself have a very good understanding about the matter, and I am willing to accept an amendment such as he has suggested. I am sure he will have it perfected very shortly.

Mr. NORRIS. I have the amendment perfected now, and I will ask the Assistant Secretary to read it. I think it will be satisfactory.

The PRESIDING OFFICER. The proposed amendment will be read.

The ASSISTANT SECRETARY. Add a new section, as follows:

SEC. 3. In making the survey provided for in section 1 of this joint resolution, the Chief of Engineers shall take into consideration any and all plans for the development of the water power of Great Falls and the dams and bodies of water made necessary thereby.

Mr. FERNALD. I accept the amendment.

Mr. JONES of Washington. Mr. President, I want to suggest that there be added a provision that the department or Chief of Engineers shall make no suggestion that will interfere with the development of the contemplated park system.

Mr. NORRIS. That is the object of it all. I shall be glad to have that added.

Mr. ASHURST. Mr. President, I know the Senator from Kansas [Mr. CURTIS] desires to bring up an appropriation bill and I join with him in desiring early action. I am not disposed to be captious and punctilious, but I understood, and I believe Senators generally understood, that the calendar was to be called.

I refer in particular to one bill that has passed the House providing for the application of the reclamation law to irrigation districts. It is necessary at the earliest date that a bill should be passed that will make lands within the Federal irrigation projects eligible for farm loans. An amendment will be offered by the senior Senator from Idaho [Mr. BORAH], and I believe there will be no objection to it as it has been carefully worked out.

I know that every Senator here desires to observe every agreement made, whether in writing or not. I believe that it was the implied understanding that we should take up the calendar and go through with it to the end. We broke off on Monday at 2 o'clock under the rule, and yesterday the hour of 2 o'clock came and the Senator from New York [Mr. CALDER] delivered a very able address. No one felt like asking for the calendar because we were interested in his speech. But I submit that at this time we should recur to the calendar where we left off yesterday and go through with it.

Mr. CURTIS. Mr. President——

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. Monday is calendar day and undoubtedly we can finish the calendar on that day. I pledge the Senator that I shall ask unanimous consent that we may meet some night to complete it if we can not complete it in the daytime. I think the appropriation bill which I have in charge will only take a short time, and after it is disposed of I am willing to go on with the calendar. I am just as anxious to have the calendar disposed of as is the Senator from Arizona.

Mr. ASHURST. I believe that.

Mr. CURTIS. I have some bills on the calendar in which I am specially interested.

Mr. ASHURST. I have sat here three days believing that we were to go through the calendar, and I want to know if I was correct. I wondered if I was in error when I absorbed the idea that we were to call the calendar from one end to the other.

Mr. CURTIS. That was the intention, and had not the speech been made yesterday by the Senator from New York [Mr. CALDER] the calendar would have been completed. No doubt we can complete the calendar on Monday. There are only two or three more pages of it left.

Mr. FERNALD. Mr. President, may I ask that the joint resolution be disposed of?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS] as modified, which will be stated.

The ASSISTANT SECRETARY. Add a new section to the joint resolution to be known as section 3 and to read as follows.

SEC. 3. In making the survey provided in section 1 of this joint resolution the Chief of Engineers shall take into consideration any and all plans for the development of the water power of Great Falls and the dams and bodies of water made necessary thereby, and shall make no suggestion for an extension of the park system of the District that shall interfere with such water-power development.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INDUSTRIAL CONDITIONS.

Mr. EDGE and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Kansas?

Mr. CURTIS. I rise to present a privileged motion. Of course I am perfectly willing the Senator shall go on to the extent of presenting the unanimous-consent request which he

has prepared, but I rise for the purpose of saying that at the first opportunity I am going to submit a privileged motion to proceed to the consideration of an appropriation bill.

Mr. JONES of Washington. Mr. President, I want to question the statement of the Senator from Kansas that the presentation of an appropriation bill is privileged. It is to be taken up in the same way that any other bill is proceeded with.

Mr. EDGE. As is well known now, the joint resolution which I sponsored has been displaced in order to consider the very interesting joint resolution which has just been passed. I have no objection to that in the slightest degree. However, I do think in all fairness to the business interests of the country, who I think in no uncertain manner have demonstrated their interest——

Mr. LA FOLLETTE. Mr. President, I ask for the regular order. There is no motion before the Senate.

Mr. EDGE. I think I am adhering to the regular order in making a statement at this time.

Mr. LA FOLLETTE. I make the point of order that there is no question before the Senate. There is no bill before the Senate to which the Senator is addressing himself.

Mr. EDGE. I desire to present a unanimous-consent agreement so that it will be before the Senate, and upon which I think I am privileged to speak.

Mr. LA FOLLETTE. Not without unanimous consent.

Mr. OVERMAN. I shall object to the unanimous-consent request.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The proposed unanimous-consent request will be read.

The ASSISTANT SECRETARY. The Senator from New Jersey asks unanimous consent that at not later than 2 o'clock p. m. on the calendar day of Monday, April 24, 1922, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, through the regular parliamentary stages to its final disposition.

Mr. OVERMAN. Mr. President, I rise to a point of order. There is no such joint resolution before the Senate.

The PRESIDING OFFICER. The point of order is overruled. The request is for unanimous consent to vote at a certain date on the joint resolution.

Mr. EDGE. Mr. President, as I understand it, unanimous consent can be asked at any stage of any proceeding. It is now before the Senate.

Mr. OVERMAN. I gave notice that I would object to it, and therefore there is no use to call the roll to secure a quorum. I shall object to it.

Mr. EDGE. Do I understand the Senator from North Carolina to object to a vote on the joint resolution at any time?

Mr. OVERMAN. I do. The joint resolution never came before the Senate properly. It has never had consideration by the committee. It is true it is here by a poll of nine members of the committee, but half of those who signed the report are against it. I shall make a point of order on the ground that the practice of polling committees on an important joint resolution or important bill is out of order. Every bill and every joint resolution should be considered by the committee and not reported by a poll. The practice of polling a committee is all wrong.

Mr. EDGE. The joint resolution has been considered by the committee and reported by the committee in the way in which 90 per cent of all bills and resolutions are reported, as the Senator from North Carolina very well knows.

Mr. OVERMAN. I do not know of an important bill that has ever been reported by a poll of a committee. I know local bills are, and I know confirmations are, but important resolutions and important bills are considered by the committees, and they ought to be considered by the committees. There ought to be no poll of a committee on an important measure, and I shall object to it hereafter.

Mr. EDGE. Now, Mr. President, I wish to give notice, if I may—and then I shall be through—that I, in order that the question may be fully determined before the country, shall ask the Committee on the Judiciary to hold public hearings on the bill which is now before that committee which provides for carrying out many of the important details which are included in the joint resolution.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

Mr. CURTIS. I move that the Senate proceed to the consideration of House bill 11065, making appropriations for the Departments of State and Justice.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent to dispense with the formal reading of the bill, that the bill may be read for amendment, and that the committee amendments may be first considered.

The PRESIDING OFFICER. Without objection, the consent asked for by the Senator from Kansas is granted.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 3, line 13, to increase the appropriation "for temporary employees in the Department of State" from "$250,000" to "$275,000."

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "State," to insert "to be immediately available," so as to make the paragraph read:

For the exchange of a passenger automobile for official use of the Secretary of State, to be immediately available, $4,500.

The amendment was agreed to.

The next amendment was, on page 4, line 11, after the word "maintenance," to insert "including rent outside the District of Columbia"; and in line 15, after the name "Louisiana," to strike out "$50,000" and insert "$55,000," so as to make the paragraph read:

For salaries and expenses of maintenance, including rent outside the District of Columbia, of passport bureaus at New York City, N. Y.; San Francisco, Calif.; Chicago, Ill.; Seattle, Wash.; and New Orleans, La., $55,000.

The amendment was agreed to.

Mr. KING. Mr. President, I have only just come into the Chamber, and I desire to ask the Senator from Kansas [Mr. CURTIS] in charge of the bill a question. First, directing his attention to page 3 of the bill, I desire to ask what is the necessity for the large list of temporary employees which are there provided for?

Mr. CURTIS. Mr. President, there are 267 of those employees in the Passport Division. As the Senator from Utah will remember, prior to the World War only a few persons going abroad took out passports. Now, no American citizen may go abroad without a passport, and those applying for passports are standing in line in the various places where passports are issued awaiting their turn to have their applications granted. Provision has been made here for 267 extra clerks in order properly to perform that work.

I may add that the income of the passport division has increased until it now amounts to $10,000,000 annually, and the division more than pays its expenses. In view of that fact, your committee thought that the division should be granted these temporary clerks in order to perform the duties of the office as speedily as possible.

Mr. KING. Mr. President, I very much doubt the wisdom of charging Americans such a large sum—now that we have resumed peace relations with foreign countries—for obtaining passports for travel abroad. I think citizens desiring passports, of course, should pay whatever the costs are, but I do not think the Government should derive any revenue therefrom.

Mr. CURTIS. Mr. President, of course, the Senator from Utah knows that in the pending bill we could not change the existing law, for that would be legislation.

Mr. KING. Yes.

Mr. CURTIS. But naturally the Senator from Utah wishes that those who desire passports from the Government to obtain them as soon as possible after filing their applications?

Mr. KING. Undoubtedly.

Mr. CURTIS. Your committee took occasion to investigate the matter, and we found that in many places citizens were standing in line to be waited upon, that condition resulting from the lack of sufficient clerks. The object of this appropriation is to provide for 267 temporary clerks in the Passport Division in order that the work may be kept current.

Mr. KING. In addition to those who are already there?

Mr. CURTIS. Most of the temporary clerks in that division were provided for in the appropriation last year, and if this

appropriation is not now made those clerks will have to be discharged.

Mr. KING. Does the Senator from Kansas think that the large sum here proposed to be appropriated is required?

Mr. CURTIS. The committee investigated the matter very carefully, and we gave them the amount of the estimate; but, as the Senator knows, the work is increasing.

Mr. KING. Did not the other House make a full investigation in order to reach the conclusion to provide the sum which is carried in the bill as it came from the other House?

Mr. CURTIS. The House did so; but I think if the Senator from Utah will take the time to read the House hearings, as the chairman of the subcommittee did, he will find that the House placed the amount too low. The fact is that if the work of this division continues to increase as it did last year—and there are more applications now being filed, as the Senator from Utah no doubt knows—the department will have to come back here for a deficiency appropriation—and we are all anxious to avoid deficiency appropriations—or the clerks will have to be discharged and those who desire passports will be greatly delayed in securing them upon their applications.

Mr. KING. Mr. President, in order that I may not have to return to this matter again, I should like to ask the Senator from Kansas a question with respect to a clause on page 5, under the heading of "Ambassadors and ministers," where $300,000 is appropriated. The Senator will observe the words "Dominican Republic" and also "Haiti" in line 2.

Mr. CURTIS. Yes.

Mr. KING. I should like to ask the Senator whether any appropriation has been made for General Russell?

Mr. CURTIS. My understanding is there has not been; but it is the hope and desire, as I understand, to have a minister appointed, and of course if we have one appointed we shall have to make an appropriation to pay his salary. There is no appropriation in this bill for the officer mentioned by the Senator from Utah.

Mr. KING. Does the Senator from Kansas know how General Russell is paid?

Mr. CURTIS. I do not.

Mr. KING. The Senator will recall that General Russell has been named as an envoy extraordinary and minister plenipotentiary, as I recall, to go to Haiti; and there has been considerable query as to his status and how he is paid for the services which he is rendering there.

Mr. CURTIS. I will frankly state to the Senator from Utah that question was not raised in the committee, and I therefore made no inquiry in reference to it, because I had understood from what I considered a reliable source that it was likely a minister would be appointed to Haiti for the coming year. I judge that General Russell is not paid at all out of the general fund, but that he is simply drawing his salary from the appropriation from which he has been paid heretofore. If, however, he is drawing a salary from the diplomatic appropriations, then of course he does not draw his salary from the Army.

Mr. KING. Coming now to another question, I should like to ask the Senator what, if any, steps have been taken in this bill or in other bills before the committee of which the Senator is a member to avoid the duplication which heretofore has existed and which now exists by reason of the activities of consular officers and officers and employees and agents of the Department of Commerce?

Mr. CURTIS. I am very glad the Senator has asked that question, because there is such a duplication of work, and as chairman of the subcommittee I have made considerable investigation regarding it. I took that question up, as the chairman of the Committee on Appropriations will remember, with the officers of the department, and I am advised data are now being secured and steps are being taken by the joint committee of which the Senator's colleague [Mr. SMOOT] is chairman to correct that duplication through the medium of a bill, which the joint committee expects to report, consolidating various functions of the governmental departments. The senior Senator from Utah advises me that he thinks an arrangement will be brought about which will be satisfactory to the Department of State and the Department of Commerce.

I regret to say that I found considerable duplication of work. I know that the department is doing all it can to get rid of that duplication, but it can not be done until all of this work is put under one department. I brought to the attention of the officers of the State Department the information which I myself had gathered by writing letters and from such other sources as were open to me, and I know that steps are being taken to remedy the situation complained of, and it is hoped that by the time of the next appropriation bill, or long before that such changes will be made as to avoid all duplication in this branch of the service.

Mr. KING. I am very glad to learn that, because it seems to me that we are maintaining two organizations which are bound to come into conflict.

Mr. CURTIS. I should like to state, further, to the Senator that, if the report of the joint committee does not take care of the situation, or if that report should not be adopted, then, if I am chairman of the subcommittee next year, I am going to ask the committee to recommend some legislation, to be offered here on the floor of the Senate, designed to bring an end to that duplication, which, of course, should be ended.

Mr. KING. However, if we pass this bill and the bill which deals with the activities of the Department of Commerce, the evils which exist will be continued for the next fiscal year.

Mr. CURTIS. I doubt the accuracy of that statement, for I think—in fact, I know—that already steps are being taken to eliminate that duplication. I know that from inquiries I have already made, and while it may not all be done away with, I feel confident that it will be done away with to a great extent.

Mr. KING. May I inquire of the Senator whether there was brought to the attention of his committee any complaint as to the paucity of information furnished by the consular agents through the medium of the consular reports which are transmitted from various foreign countries?

Mr. CURTIS. No complaints of that character have been brought to my attention from any source whatever. Had such complaints been brought to the attention of the chairman of the subcommittee or to the attention of the committee, I should have investigated them. I am advised by the chairman of the Committee on Appropriations that no such complaints have been received by the committee.

Mr. KING. I have had a number of complaints relative to the lack of information furnished by our consular representatives.

Mr. CURTIS. If the Senator will forward those complaints to me, it will give me pleasure to bring them to the attention of the State Department and to urge the State Department at once to take steps to remedy the situation to which the Senator refers.

Mr. KING. May I inquire of the Senator whether the attention of the committee was called to the lack of—I was about to say ability, but I will not use that term—the lack of interest exhibited by many of the subordinates in the ambassadorial and ministerial branches of the Government?

Mr. CURTIS. The attention of the committee was not brought to any such complaints; but I have had letters from and have talked with some Americans who have been abroad—and I am sorry a certain Senator is not here, because he spoke to me of the matter—and I find that such complaints of that character as have been made have been due in great measure to the fact that we have not in some of our embassies and other branches of our foreign service a sufficient number of clerks and assistants to perform the duties and to give to visitors the attention which they really require.

Mr. KING. A good many visitors have told me that clerks and subordinates in the offices of ministers show very little interest in Americans, and very much of a disinclination to exhibit any courtesy or to aid them in getting their passports viséed, or to furnish them information with respect to other countries to which they are going.

Mr. CURTIS. As I said a moment ago to the Senator, if he will bring any complaints of that character to my attention, as chairman of the subcommittee, it will give me pleasure to take them up with the State Department.

Mr. KING. I called the attention of some of the State Department officials to some such complaints.

Mr. CURTIS. I shall be glad to cooperate with the Senator in his efforts if he will let me know what they are.

Mr. KING. I shall be glad to communicate with the Senator.

May I inquire of the Senator as to just one further matter? How does the appropriation for the Department of State compare with the appropriations, say, in 1916 and 1917, before we got into the war?

Mr. CURTIS. I have not the data with me, but I should judge that there is a small increase over those years. I may state that we are gradually cutting down the expenditures, and that our appropriation in this bill is some $6,000,000 less than it was for the current fiscal year, which will expire on July 1. I think that shows that the committee and the department are trying to reduce expenditures.

Mr. KING. Of course, during the war it was imperative that the expenditures should be increased.

Mr. CURTIS. They were very greatly increased, yes; and the committee is doing everything it can. I want to say that the subcommittee went into every item in this bill. We did not take anything for granted. We asked questions and asked for an explanation upon every item contained in the bill.

Mr. KING. How do these items compare with the Budget recommendations?

Mr. CURTIS. There is not a single increase over the Budget, and the bill carries a million dollars less than was estimated by the Budget.

Mr. KING. Then the Senate is more economical than the Budget?

Mr. CURTIS. I do not want to put it that way. We thought that in some cases the Budget had estimated amounts which we, from our experience in making appropriations, could afford to reduce; and so we have reduced the appropriations a million dollars below the estimate of the Budget.

Mr. KING. I think the Senator will agree with the view that some of us expressed at the time we passed the Budget law, that if any economies were effected they would have to be effected by the legislative branch of the Government rather than by the executive branch.

Mr. CURTIS. Mr. President, I would hardly say that, because the Budget report was several million dollars below the amount carried last year, and I think the Budget has shown a disposition to reduce appropriations.

Mr. KING. The Senator must know that during the war, in all departments—the War Department, the Navy Department, the State Department, and others—the expenses were very much greater than they would be in normal times.

Mr. CURTIS. The Senator realizes that; but the Senator also realizes that in this passport matter the expenses are bound to be more now than they were before our entering the war.

Mr. KING. That is quite likely; but, generally speaking, the departments of the Government during the war assumed responsibilities and duties and obligations very much larger than those in peace times, and the expectation was that as soon as possible we would get down to pre-war conditions.

Mr. CURTIS. That is true.

The PRESIDING OFFICER (Mr. PHIPPS in the chair). The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, line 1, to increase the salary of the Turkish secretary of embassy to Turkey from "$3,600" to "$5,500."

The amendment was agreed to.

The next amendment was, on page 6, line 7, to increase the salary of the Turkish assistant secretary of embassy to Turkey from "$2,000" to "$4,000."

The amendment was agreed to.

The next amendment was, on page 6, line 8, to increase the total appropriation for salaries of secretaries in the Diplomatic Service from "$403,600" to "$407,500."

The amendment was agreed to.

The next amendment was, on page 6, line 12, to increase the appropriation for employment of necessary clerks at embassies and legations from "$300,000" to "$394,828."

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the word "interpreters," to insert "translators"; in line 5, after the word "compensation," to insert "and rent"; and at the end of line 17, after the word "mission," to strike out "$700,000" and to insert "$800,000," so as to make the paragraph read:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, typewriters, including exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, translators, and the compensation and rent of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, including such loss on bills of exchange to officers of the United States Court for China, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized: *Provided*, That no part of this sum appropriated for contingent expenses, foreign missions, shall be expended for salaries or wages of persons not American citizens performing clerical services, whether officially designated as clerks or not, in any foreign mission, $800,000.

Mr. KING. Mr. President, I am not advised as to the reason for such a large appropriation for contingent expenses. It seems to me that $800,000 is rather excessive, in view of the liberal appropriations made in other parts of the bill for embassies and for clerks and for transportation and various incidentals.

Mr. CURTIS. They had $992,000 for this work in 1921. They had $800,000 last year and they estimated $800,000 this year. There has been a great increase in the telegraph bills and other expenses, rents, and messengers. I will state to the Senator that we went over this item article by article, as will be shown by the notes on the margin of the bill, and the committee was unanimous in favor of the increase that is made there.

Mr. SMOOT. I will say to my colleague also that 20 new legations are to be established this year out of this appropriation that were not established in the years past on account of the war.

Mr. KING. Let me say to my colleague that the other provisions of the bill carry appropriations for those legations.

Mr. SMOOT. No; not the general expenses. These cover the general expenses for all of the legations.

Mr. KING. The rent of the legations?

Mr. CURTIS. Rents, telegrams, messengers, and so forth.

Mr. SMOOT. Translators, and so forth, for all legations; and I will say to the Senator that this is much less than it used to be in ordinary times.

Mr. KING. Was evidence brought before the committee showing the reason for increasing the appropriation $100,000 above the amount allowed by the House?

Mr. CURTIS. Yes; there was, as I stated a moment ago. We asked the department to present to us an itemized statement, and we have it here in the notes on the margins of our bills, showing each item asked for, and they total up this $800,000. They had that amount last year and used it. They had $992,000 in 1921.

Mr. SMOOT. I will say to my colleague right here that the reason for the various increases in the bill is that these new legations must be established now, and, of course, in establishing them we have to provide money for their maintenance.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 9, line 5, to increase the appropriation for salaries of consuls general, consuls, and vice consuls from "$1,874,500" to "$1,974,500."

The amendment was agreed to.

The next amendment was, on page 9, line 10, to increase the total appropriation for salaries of the Consular Service from "$1,909,500" to "$2,009,500."

The amendment was agreed to.

The next amendment was, on page 9, line 23, to increase the appropriation for allowance for clerk hire at consulates from "$1,350,000" to "$1,400,000."

The amendment was agreed to.

The next amendment was, on page 10, line 20, to increase the appropriation for contingent expenses, United States consulates, from "$1,100,000" to "$1,200,000."

The amendment was agreed to.

The next amendment was, on page 11, line 2, to increase the appropriation for relief and protection of American seamen in foreign countries, and in the Panama Canal Zone, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Philippine Islands, and the Virgin Islands, from "$150,000" to "$220,000."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 15, on page 11, the last paragraph read being:

EXPENSES, PASSPORT CONTROL ACT.

For expenses of regulating entry into the United States, in accordance with the provisions of the act approved May 22, 1918, $350,000.

Mr. KING. Mr. President, I should like to inquire about the item of $350,000 for expenses, passport control act, in view of the liberal appropriations made for the Immigration Inspection Service and the liberal appropriation made in this bill for the passport division.

Mr. CURTIS. They had last year $600,000. The department asked the Bureau of the Budget to give them $425,000, and the House gave them $350,000, and after very careful consideration the Senate committee left the appropriation at the amount put in by the House. That, if the Senator will notice, is $250,000 less than they had this year, and it is some $75,000 less than the estimate. The committee took that into consideration. That is why they reduced the appropriation, but we thought it was cut just as much as it could be this year.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 11, line 24, after the word "Statutes," to strike out "$50,000" and to insert "$65,000," so as to make the paragraph read:

To pay the salaries of ambassadors, ministers, consuls, vice consuls, and other officers of the United States for the period actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes, $65,000.

The amendment was agreed to.

The next amendment was, on page 12, line 10, after the word "absence," to strike out "$275,000" and to insert "$300,000," so as to make the paragraph read:

To pay the itemized and verified statements of the actual and necessary expenses of transportation and subsistence, under such regulations as the Secretary of State may prescribe, of diplomatic and consular officers and clerks in embassies, legations, and consulates and their families and effects in going to and returning from their posts, or of such officers and clerks when traveling under orders of the Secretary of State, but not including any expense incurred in connection with leaves of absence, $300,000.

The amendment was agreed to.

The next amendment was, on page 12, line 18, after the word "Statutes," to strike out "$100,000" and to insert "$400,000," so as to make the paragraph read:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $400,000.

The amendment was agreed to.

The next amendment was, under the subhead "Embassy, legation, and consular buildings and grounds," on page 13, after line 12, to insert.

For expenses of the alteration, repair, and furnishing of the American Embassy building in London, England, located at Nos 13–14 Prince's Gate, including the installation and repair of heating, lighting, and electrical apparatus, and such other items as the Secretary of State shall deem proper, $150,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, in the item for International Boundary Commission, United States and Mexico, on page 14, at the end of line 24, to strike out the proviso in the following words:

Provided, That no part of this sum shall be expended for the salary of a commissioner.

Mr. KING. Mr. President, I should like to inquire the reason for the elimination of the proviso.

Mr. CURTIS. The committee was satisfied that with that amount of money they could appoint a commissioner there. There is no commissioner now. The work is being done by a clerk. Mexico has a commissioner, and a number of complaints are coming up from Texas and from New Mexico and from the border States, and they are all asking for a commissioner. We thought that the department ought to be given authority to appoint a commissioner if they saw fit.

The Senator can realize that with a commissioner on the Mexican side a great deal of damage might result to an American citizen claiming damages for anything that might have occurred when it had to be determined where the river ran at a certain date, for instance; and we must have somebody to protect our interests. This is very strongly urged by the State of Texas. The Representative from that district appeared before the committee and made a strong showing, and the Senator from New Mexico [Mr. BURSUM] appeared before the committee in person and made a very strong appeal. They asked us to put in $25,000. That was the amount estimated by the department. The House reduced the amount, and the Senate committee accepted the amount put in by the House, but thought the department should be given authority to appoint a commissioner, if necessary.

Mr. KING. Let me inquire of the Senator if this is a permanent commission?

Mr. CURTIS. It is a treaty commission, and will last as long as the Rio Grande River is a boundary between the two countries.

Mr. KING. It adjusts the boundary resulting from the fluctuations of the river?

Mr. CURTIS. It does.

Mr. LODGE. Mr. President, if the Senator will allow me one moment, because the matter has been before our committee a great deal, I think the commission has been in existence something like 30 years or more, and there never will be an end of the matter until we make a new arrangement and run an arbitrary line. The river shifts every year, and they have to make a new arrangement about the bancos, and so forth. It ought to be entirely changed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 15, at the end of line 23, after the word "State," to strike out "$30,000" and to insert "$54,000", so as to read:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $500, and commutation to members of the field force while on field duty or actual expenses not exceeding $5 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $54,400.

The amendment was agreed to.

The next amendment was, on page 16, line 16, to strike out "$1,500" and to insert "$2,550," so as to make the paragraph read:

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $2,550.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the word "and," to strike out "that," so as to make the paragraph read:

For printing and binding for the Pan American Union, and the Public Printer is authorized to print an edition of the monthly bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1923, $20,000.

The amendment was agreed to.

The next amendment was, on page 18, line 7, to reduce the appropriation for the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1923 from $19,577 to $8,000.

The amendment was agreed to.

The next amendment was, on page 18, line 15, to reduce the total appropriation for the International Institute of Agriculture at Rome, Italy, from $29,577 to $18,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to strike out:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographers for arbitrators, for three months, at $120 per month, $360; traveling expenses of arbitrators, $4,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $10,330;

For rent of office for joint secretaries, $480;

Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, $5,000 per annum; counsel and joint secretary, who shall also act as disbursing clerk, $3,000 per annum; two counsel, at $2,750 each per annum; one law clerk, $2,240 per annum; two stenographers, at $1,440 each per annum; and messenger, $840 per annum; in all, $26,960;

Expenses, United States agency: Necessary and contingent expenses, $15,000.

And in lieu thereof to insert:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including salary and expenses of the tribunal, and of the agent, counsel, joint secretary, and other assistants, contingent expenses, and personal services and rent in the District of Columbia and elsewhere, to be expended under the direction of the Secretary of State, $72,430.

The amendment was agreed to.

The next amendment was, under the subhead "International Research Council," on page 22, after line 15, to strike out:

To pay the annual share of the United States, as an adhering member of the International Research Council and of the Associated Unions, organized at Brussels, July 18–28, 1919, as follows: International Research Council, $129; International Astronomical Union, $772; International Union of Pure and Applied Chemistry, $290; International Union of Geodesy and Geophysics, $1,338; International Union of Mathematics, $129; in all, $2,658, to be expended under the direction of the Secretary of State.

And in lieu thereof to insert:

To pay the annual share of the United States, as an adhering member of the International Research Council and of the Associated Unions, organized at Brussels, July 18–28, 1919, as follows: International Research Council, $200; International Astronomical Union, $1,200; Inter-

national Union of Pure and Applied Chemistry, $450; International Union of Geodesy and Geophysics, $2,080; International Union of Mathematics, $100; in all, $4,030, to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 24, after line 3, to insert:

INTERNATIONAL TRADE-MARK REGISTRATION BUREAU QUOTA OF UNITED STATES.

For the annual share of the United States for the expenses of the maintenance of the International Trade-Mark Registration Bureau at Habana, including salaries of the director and counselor, assistant director and counselor, clerks, translators, secretary to the director, stenographers and typewriters, messenger, watchmen, and laborers, rent of quarters, stationery and supplies, including the purchase of books, postage, traveling expenses, and the cost of printing the bulletin, $9,600.

The amendment was agreed to.

The next amendment was, on page 25, line 9, after the word "appropriation," to strike out "of $275,000," so as to make the paragraph read:

The appropriation for the transportation of diplomatic and consular officers carried elsewhere in this act shall be available for the transportation of the officers of the United States Court for China to the same extent as for the transportation of such diplomatic and consular officers.

The amendment was agreed to.

The next amendment was, on page 25, after line 13, to insert:

REVISION OF CHINESE CUSTOMS TARIFF.

To enable the United States Government to carry out its obligations arising under the treaty relating to the Chinese customs tariff signed February 6, 1922, $47,750, to be immediately available.

Mr. KING. I would like to ask the Senator from Massachusetts just exactly what the modus operandi is for enforcing the treaty?

Mr. LODGE. The appropriation is desired to carry out the terms of the treaty which provides for the establishment of a commission, on which each one of the signatory powers has a member, for the revision of the customs tariffs. It is a treaty obligation.

Mr. KING. I am familiar with the treaty. It seemed to me, from my point of view, an improper treaty, and I voted against it.

Mr. LODGE. We have had a treaty since 1853.

Mr. KING. I was wondering why it required so large an appropriation. The work seems to me to be rather clerical, the assembling of data already available, and amplifying regulations already in existence.

Mr. LODGE. It was hoped that we would be able to take this step toward bringing about the autonomy of China. In the first place, we have to revise the customs tariffs in order to carry out this provision of the treaty:

That the customs schedule of duties on imports into China adopted by the Tariff Revision Commission at Shanghai on December 19, 1918—

That is, the treaty we ratified a month or more ago—

shall forthwith be revised so that the rates of duty shall be equivalent to 5 per cent effective, as provided for in the several commercial treaties to which China is a party.

A revision commission shall meet at Shanghai—

And so forth.

The commission shall be composed of representatives of the powers named and of representatives of any additional powers having governments at present recognized—

And so forth.

This is for that work, which is expected to last a year, and which is very difficult work, indeed. We pay our tariff commissioners a good deal more than that.

Mr. KING. I do not object to a reasonable amount to carry out the terms of the treaty. Though I opposed the treaty, I realize that we are in honor bound to live up to its terms. I believed we were interfering with the fiscal autonomy—indeed, with the sovereign rights—of a friendly nation when we entered into the treaty, and that our course was in contravention of the traditional policy of the United States, which was not to interfere with the territorial integrity or the political independence of a friendly nation.

Mr. LODGE. That is perfectly true, it does interfere with the autonomy of China, and that is a thing we have been interfering with for about 80 years. These treaties exist, and, as the Senator knows, as it was all set out by the Senator from Alabama [Mr. UNDERWOOD], the Chinese did not want to have a return to autonomy immediately, and the best we could do was to give them these increases. Of course, China has the right, as the Senator from Alabama pointed out, to renounce these treaties.

Mr. KING. Yes; I appreciate that fact.

Mr. LODGE. It is not a question as to what is right or what is wrong; it is a question of what is best to be done under these circumstances. As to the appropriation, I know that the estimates have been made as closely as possible. I think the Senator from Kansas probably has the detailed estimates, showing what this appropriation is to be used for. I do not think the work can be done possibly for less.

Mr. KING. I did not rise for the purpose of challenging the making of an appropriation, but merely to inquire as to whether so large an amount is necessary, in view of the fact, as I supposed, that the data are already available.

Mr. LODGE. It is a very complicated and difficult thing to collect data and to settle all the treaties with all the different nations and revise the tariffs.

Mr. KING. I shall ask for no record vote on it.

The amendment was agreed to.

The next amendment was, on page 27, line 18, after the word "pardons," to strike out "$3,600" and to insert "$4,200," so as to read:

Attorney in charge of pardons, $4,200.

The amendment was agreed to.

Mr. LODGE. Mr. President, I had not noticed that we had come to the end of the provisions for the Department of State, and I should like at this point to be allowed to offer one or two amendments.

Mr. CURTIS. Unanimous consent was given that we would complete the bill before any outside amendments were offered. However, if the Senator desires to leave the Chamber, I am perfectly willing that he should offer his amendments now.

Mr. LODGE. No; I do not want to leave the Chamber.

Mr. CURTIS. I prefer to have the bill completed and then to have outside amendments offered.

Mr. LODGE. Of course, I have nothing to do with the Department of Justice appropriations, but I have some amendments that I desire to offer to the diplomatic and consular provisions, and I do not want to be foreclosed.

Mr. KING. I suggest that the Senator offer his amendments now, and then we can vote on them later.

Mr. LODGE. The amendments are all here. I shall offer them when we are ready to dispose of them.

Mr. CURTIS. I would prefer that that course be followed.

Mr. KING. Mr. President, I direct the attention of the committee to an item which appears not to be an amendment of the House text. It provides for six assistant attorneys general. Does that change existing law?

Mr. CURTIS. It is the same number they had last year.

Mr. KING. During the war, and particularly when there was so much complaint about the activity of aliens, because of the vast amount of work which devolved upon the Department of Justice on account of the war, my recollection is that we increased the number of employees of that department. May I inquire of the Senator whether there has been any reduction?

Mr. CURTIS. There is a reduction in this bill in the number of attorneys and as to several other employees, although they state that on account of the claims of various kinds which are pending there is a great deal more work to be done now in that department than there was before.

Mr. KING. Can the Senator state the cost of the Department of Justice now as compared with the cost in 1916?

Mr. CURTIS. I have not those figures at hand. I had no idea that that question would be asked, or I would have had them. I can give the Senator the information later on if he desires to have it.

Mr. KING. My recollection is that the cost now is very much greater than it was.

Mr. CURTIS. That naturally would be the case. The Senator must remember that there are suits pending between the United States and other countries, the crime wave has increased all over the country, and there are many more cases pending.

Mr. SMOOT. Prohibition cases.

Mr. CURTIS. There are cases under the prohibition enforcement laws, cases involving unsettled contracts growing out of the war, and cases under the patent laws. I have here a memorandum of the amount of money recovered by the Government for the departments, and my recollection is that in two or three cases they have recovered amounts, in individual suits and for the Treasury Department, somewhere between $100,000,000 and $200,000,000. That is money already recovered or to be recovered.

Mr. KING. I think the Senator means by that that back taxes have been collected.

Mr. CURTIS. No; it refers to actual recoveries in cases which were brought and where there were contests.

Mr. KING. Growing out of war contracts or growing out of cases where it was alleged taxes had not been paid?

Mr. CURTIS. Growing out of various subjects where there were broken contracts and violations of the law.

Mr. KING. Those arose under the Internal Revenue Bureau of the Government, did they not?

Mr. CURTIS. Out of the Crucible Steel cases, and various other claims. They recovered specifically in one case $8,000,000, in another case $10,000,000, and in another $8,500,000. Those were separate cases brought by the Department of Justice, where the money went through the Department of Justice; and then there were controversies which turned into the Treasury between $100,000,000 and $200,000,000, or will, when they are settled.

Mr. KING. I repeat, Mr. President, rather by way of interrogatory than a declaratory statement, that it has been alleged by the Treasury Department that there were cases involving more than $1,000,000,000 of uncollected taxes, some of which cases were contested, and it was reported that the Government of the United States would derive from that source a very large amount, indeed, hundreds of millions of dollars, which would go to meet the supposed deficit which would arise in meeting the obligations of the Government.

Mr. CURTIS. That class of claims is not included in this item. The claims I have referred to were suits which had been brought by the Department of Justice directly for violations of the law, as in the Crucible Steel case, and in other cases. The controversies where there was a recovery of between $100,000,000 and $200,000,000 were suits which came from the Treasury Department. They were not for the nonpayment of taxes, the class mentioned by the Senator from Utah.

Mr. KING. I would be glad to know, if the Senator can advise me, what those cases were which came from the Treasury Department.

Mr. CURTIS. I have not the information as to the cases here. They gave us simply a statement of the total amount, and we were satisfied from the statements made by the Department of Justice that they were doing that work, and that they needed this amount of money, and we gave it to them.

Mr. SMOOT. Mr. President, my colleague speaks of claims on the part of the Government involving a billion dollars. Many of those claims have been settled, but I want to say frankly that of late the Government has been compelled to refund about as much money as we have collected—that is, on account of overtaxation—and I think that the estimate of a billion dollars that would be collected because of false returns is exaggerated. We can not collect that amount——

Mr. KING. I agree with the Senator.

Mr. SMOOT. I do not think many of the Government claims were just. Upon the face of the returns as reported it might tend to show that there was an endeavor to evade taxation, but in a great many of the cases, involving great sums of money, after the investigation had been made and the parties' books examined it has been demonstrated beyond question of doubt that the Government of the United States owed the taxpayer rather than the taxpayer owing the Government.

Mr. KING. I think my colleague is right. I recall that only recently within a deficiency bill there was an item of some twenty-odd million dollars as a refund for taxes which had been improperly collected.

Mr. SMOOT. And there will be for a number of years, I will say to my colleague, appropriations of that character.

Mr. KING. Undoubtedly.

Mr. SMOOT. As to the number of employees in the Department of Justice, I have the statistics for perhaps a year back showing every one of the employees, together with the increases or decreases. In the Department of Justice there have been, with the exception, I think, of two months, gradual decreases in the number of employees, not very many, but all the way from 2 to 20 each month. The work of the department has, in fact, doubled in many cases.

Mr. KING. I am entirely willing to vote for whatever is necessary for the enforcement of all laws. It is often claimed that there is a growing disrespect of law and all proper authority. Without commenting upon these claims I do not hesitate to aver that failure to enforce criminal statutes will ultimately weaken authority and undermine government. With reference to the Attorney General's office, I have upon several occasions mentioned Colonel Goff and the excellent work which he is doing. I think he perceives the importance of enforcing the Sherman law and preventing the oppressive and destructive projects of trusts, monopolies, and combinations in restraint of trade and to stifle competition.

I have felt, however, that the Department of Justice has not accomplished all that it could or should have accomplished in its attacks upon illegal combinations which are treating with contempt the provisions of the Sherman antitrust law. During the war, as was indicated yesterday in the debate upon the so-called Edge joint resolution, many combinations in the industrial field and in business enterprises were formed. We were mobilizing all our strength and resources on the prosecution of the war, and many corporations as well as individuals took advantage of the situation and organized combinations to advance prices and to destroy competition. Conspiracies in restraint of trade were formed and monopolies multiplied. They invaded many lines of business, and ramified all parts of the law.

There were many retail organizations formed, and they exploited the people. Manufacturing concerns were drawn within the vicious circle of confederacies and combinations—all having for their object the maintenance of high prices, the limiting of production, the prevention of competition, and the exploitation of the people. We had the Cement Trust and the lumber combines, and the plumbers' conspiracies and the builders' corrupt agreements, and hundreds of organizations, secret and open, all oppressing and robbing the consuming public. The high prices were in part due to these criminal combinations—the promoters of which should have been prosecuted criminally and sent to the penitentiary. There are combinations to-day which defy the Sherman law.

The Department of Justice should not in its zeal to prosecute small offenders overlook these great malefactors whose acts so disastrously affect the social and economic life of the people. This administration has been in power more than one year. I have felt that it has not been sufficiently earnest in bringing before the criminal courts those who are transgressing the provisions of the Sherman and the Clayton Acts. It has been said that the Sherman law is a dead letter. I deny it. All that is needed is vigorous prosecutors. If the Department of Justice will vigorously enforce the criminal provisions of the law there will be convictions and a speedy revision of the methods of business upon the part of many corporations; and the law of supply and demand will operate more freely to the advantage of the entire country.

As stated, I shall gladly give to the Department of Justice whatever it requires to enforce the laws of Congress. And I particularly desire that it receive such appropriations as will enable it to enforce the Sherman and Clayton Acts. Efforts are being made to nullify these statutes and to give to business a free field to form combinations such as was revealed in the Hardwood Lumber Co. case.

Our economic and industrial system was founded upon the competitive theory. Adam Smith gave to us his great plan, and our people have grown in power and in wealth under the policies established by the fathers of this Republic. If we do not prevent combinations and trusts, then the people will demand the destruction of business enterprises, big and little, which are within confederations. If business is wise, it will not challenge public opinion. There must be freedom in business and the free application of the competitive theory. If not, then an irresistible demand will be made that the Government take charge of business and place it under the authority of Federal commissioners and bureaucrats. It is either freedom of trade, freedom from combinations, or Federal control.

Mr. CURTIS. Mr. President, the Attorney General advised the committee that he has 27 attorneys ready to go to work, and in fact who are already working on that matter now.

Mr. KING. To enforce the Sherman antitrust law?

Mr. CURTIS. Yes.

Mr. KING. I am very glad to know that. I am sure that will be reassuring to the legitimate and honest business interests of the United States. There have been too many cases like the Hardwood Lumber case and the Lumber Companies case from the Northwest, the report of which was recently filed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 27, in line 20, after the numerals "$2,000," to insert "Chief of division of investigation, $4,000."

Mr. KING. May I inquire what the item is?

Mr. CURTIS. That is for an office that had not been filled for four months, and for some reason the House left it out.

The amendment was agreed to.

The next amendment was, on page 28, line 7, under the subtitle "Division of Accounts," after the word "chief," to strike out "$3,000" and insert in lieu thereof "$3,500."

Mr. KING. What is the reason for the increase in this item?

Mr. CURTIS. A showing was made, and the committee was asked to give this chief $3,500. He has as much work to perform as other chiefs, but as the other chiefs are being paid $3,500 the committee thought it best to fix his salary at $3,500 and so bring him in the same class with the others.

Mr. KING. May I inquire whether his duties relate merely to work in the Department of Justice?

Mr. CURTIS. Yes; entirely.

Mr. KING. Is it necessary to have a separate division of accounts there?

Mr. CURTIS. It is. I think he is about the busiest man in the department.

Mr. KING. I think it is a bad time to increase salaries.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 28, line 11, in the total of the items for the office of the Attorney General, to strike out the numerals "$478,110" and insert in lieu thereof "$483,510."

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, Department of Justice," on page 29, line 3, to increase the appropriation for furniture and repairs, including floor coverings, file holders and cases, from "$5,000" to "$6,000."

The amendment was agreed to.

The next amendment was, on page 29, line 16, to increase the appropriation for stationery for the Department of Justice and its several bureaus from "$12,500" to "$15,000."

The amendment was agreed to.

The next amendment was, on page 29, line 22, to strike out "$37,000" and insert "$40,000," so as to make the paragraph read:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car fares not exceeding $300, and other necessaries, directly ordered by the Attorney General, $40,000.

The amendment was agreed to.

The next amendment was, on page 30, line 4, to strike out "$36,000" and insert "$75,000," so as to make the paragraph read:

For rent of buildings and parts of buildings in the District of Columbia, $75,000, if space can not be assigned by the Public Buildings Commission in buildings under the control of that commission.

Mr. FLETCHER. Mr. President, this seems to be a very considerable increase.

Mr. CURTIS. I will ask the Senator from Utah [Mr. SMOOT], who is chairman of the Public Buildings Commission, which has been looking into the matter, to explain that to the Senator from Florida.

Mr. FLETCHER. It seems to be a pretty large increase in the rental.

Mr. SMOOT. Mr. President, I shall be glad to explain it to the Senator from Florida. The Department of Justice made a lease of the building in which they are now located for $36,000 a year for a period of five years, with the privilege of renewing for five years. About six months after the lease was first made there developed an amendment which was desired to be made to the lease by the department, and thereupon they made a new lease a little over five years ago. The making of the new lease, by the change that was made in it, cost them the privilege of the five-year renewal period, because immediately that lease was made they began on the second period of the lease, it being a renewal of the lease. The renewal term expires now on either August 2 or November 2; I have forgotten the exact date.

The owners of the building have ordered the Department of Justice out of the building unless they pay $3 per square foot, which would mean over $300,000 a year instead of $36,000. The Department of Justice appealed to me as chairman of the Building Commission to know what to do, and whether we could place them in some Government building. We have not the room at present to do it. We are in hopes of making a shift so as to move them out of the building soon, however. I told the Department of Justice that we would recommend an appropriation of $75,000 for the rent of the building now occupied by them and no more, and if the owners of the building get any more out of the Government of the United States they will have to bring suit. That would give them a little more than 70 cents a square foot.

I recognize that is a small rent compared to what was paid in the District during the war, but the war is over, and I think we had better begin right now to say that, so far as the Government of the United States is concerned, we are not going to pay war prices for rent in the District of Columbia. I do not know of a better building to start with than the Department of Justice Building, and if the Congress of the United States will support us we are going to follow that plan, and we will pay them no more than $75,000 rent if we are compelled to remain in the building. However, if we can get them out of there, we are going to do so. That in brief is the story.

Mr. FLETCHER. How does that rental compare with the rent of other buildings similarly located?

Mr. SMOOT. It is a lower rent than we are paying in some of the other buildings, I will say to the Senator, but it is not a lower rent than we paid before the war. It is, as a matter of fact, a higher rent than we paid before the war.

Mr. FLETCHER. I was in hopes we might utilize some of the Government buildings elsewhere.

Mr. SMOOT. We have every foot of space in them utilized now.

Mr. FLETCHER. I am referring to some of the temporary buildings.

Mr. SMOOT. The temporary buildings are all filled, and the departments in many of them are complaining most bitterly to the commission that they have not room and that we are crowding them so it is unhealthy for the employees. But I will assure the Senator and the Senate that every foot of space in Government buildings in the District of Columbia is going to be used if it is within the power of the Public Buildings Commission to do so.

Mr. DIAL. Mr. President, if we have not room and do not expect to have room, would it not be cheaper to erect new buildings?

Mr. SMOOT. That would lead us into a long discussion, but if the Senator and I had to pay all the expenses of the Government and run it as a business proposition, I know what the Senator would do, and I know what I would do. I would not pay a dollar of rent in the District of Columbia.

Mr. DIAL. I agree with the Senator from Utah.

Mr. HARRISON. Mr. President, the Senator has said that all the space in the Government buildings is being utilized.

Mr. SMOOT. Yes.

Mr. HARRISON. During the war there were erected a number of not temporary buildings but very permanent buildings in Potomac Park—the Munitions Building and the Navy Building—and I do not know how many thousand square feet of space we have there. Is it not possible to have more of the employees and offices in one room and utilize more space in those buildings?

Mr. SMOOT. I will say to the Senator that it has been the policy of the Government, recommended by the Public Health Service, that each employee shall have 70 feet of space. They say it is unhealthy unless they have that amount of space. We have many bureaus that have not nearly 70 feet of space for each employee. If the Senator were to go down into those buildings now he would find that they are filled with a great many more people than have been occupying them in the past.

Mr. HARRISON. In both the buildings there in Potomac Park?

Mr. SMOOT. In all the buildings. We have moved out of many of the rented buildings all over the city. I know that Senators do not realize the number of buildings that were rented in the District of Columbia, rooms here and rooms there, part of a building here, a floor in this building, half of a building somewhere else. What we are trying to do is to take every one of the Government employees out of rented buildings and put them into Government-owned buildings. Every foot of space in the Government-owned buildings is going to be occupied by Government employees. What we are trying to do now is to make a shift in the different departments of the Government where we can make a thorough investigation and find that they are occupying too much space to take some employees out of one building or section of a building and move them elsewhere. We are in hopes of being able to make sufficient moves so that we can provide for the Department of Justice. That is the largest building we are now renting in the District of Columbia.

Mr. HARRISON. Of course, the Senator is thoroughly familiar with this subject, being chairman of the Public Buildings Commission; but it appears to some of us that such buildings as the two in Potomac Park—which some one has suggested cover 162 acres, although I have no idea as to that—are too large, and that we should crowd more employees together and get rid of some of the rented buildings, or, if that is impossible, that we should construct buildings to take care of the employees of the public service.

Mr. SMOOT. The commission is going to make a full and complete report just as soon as it can get this matter settled permanently and can know what space will be available and what space will be required. When those facts are known we are going to tell Congress how much money we have saved in leases by making these moves and just what space we have got to provide in order to erect new buildings to care for all of the employees in the District of Columbia.

Mr. HARRISON. The rooms in the two buildings in Potomac Park are quite large. If they could be divided up, of course, more space would be available. It is natural that the head

of every little bureau should want a big room to himself and another room for his stenographer, and all that; but it does seem to me as though we could do more than we are doing toward reducing to a minimum the necessity of renting quarters.

Mr. SMOOT. I will say to the Senator that about a month and a half ago I took General Sherrill and the secretary of our commission down one morning to the Arlington Building. We went into most of the rooms from the basement to the top floor; we took an account of the space. The following day an order was issued requisitioning two complete floors in that building for other employees of the Government. Immediately upon the issuance of that order there was complaint, of course, made that the force there could not vacate the floors; that they did not have space enough; that it was more than they could possibly do; or, in other words, that the other nine floors were not sufficient for the employees of that bureau.

They stated that they could not possibly surrender the space, but the commission immediately told them if they did not have the men who could make the necessary changes the commission would send a man there to see that it was done. Then the question of the strength of the floors came up, whether we could put an additional number of people in the restricted space, together with the files, as it was intended to arrange them. It was claimed that the building had not been constructed with a view of having such an amount of weight upon the floors. Immediately the commission requested the Government architect, Mr. Wetmore, to go there and to go over the building and make an examination of them and report. He did so, and a report was made.

Then the order of the President was issued to transfer all of the agencies of the Public Health Service affecting the war veterans to the Veterans' Bureau, taking with them about 478 employees, as I remember. We are waiting now until that order is put into effect. When that is done, and those employees are transferred, the remainder of the space will be occupied by the employees of some other bureau of the Government. Until that is done, however, we can not make the moves which will be necessary; and I can not say now that we can take care of the employees of the Department of Justice.

Mr. HARRISON. Can the Senator tell approximately what rental the United States Government pays now for buildings in the District of Columbia?

Mr. SMOOT. I think it has been cut down now to about $400,000.

Mr. OVERMAN. It used to be $800,000, did it not?

Mr. SMOOT. Oh, more than that.

Mr. FLETCHER. Can the Senator say whether or not the question of rental for the Department of Justice Building will come under the Ball Rent Act? Would that law apply to that building? In other words, would the rent of that building have to be determined by the Rent Commission?

Mr. SMOOT. I think it would if complaint were made.

Mr. FLETCHER. If the Government should get out, that question could be raised?

Mr. SMOOT. I want to say frankly to the Senator that 70 cents a square foot is a very low rent as compared with other rents paid for office buildings in the District of Columbia.

Mr. DIAL. Mr. President, I am satisfied that the corridors of some of these buildings are so crowded that it is hardly possible to get around them. Instead of enlarging the corridors we might dispense with some of the useless employees. I feel that it is a reflection upon our intelligence to employ so many messengers to guide us to the rooms of the various officials.

Mr. SMOOT. Mr. President, I want to say that some time in the near future there will be established in all of the departments of the Government, in each of the buildings, a central office for messengers, so that whenever anybody in a particular department wants a messenger he will ring a bell for a messenger, and the messenger will be sent to him. The practice will not be followed, as it has been in the past, of having a messenger, and sometimes two or three, for every official of the Government.

Mr. DIAL. If the names of the officials were placed on the doors, we could find them without the necessity of having so many escorts.

The PRESIDING OFFICER (Mr. STERLING in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 31, line 12, after the word "binding," to strike out "the Attorney General may allot from appropriations applicable to the enforcement of law carried elsewhere in this act under the Department of Justice not to exceed a total of $150,000: *Provided*, That the Attorney General shall report to Congress in connection with the estimates of appropriations for the department for the fiscal year 1924 a detailed statement of such allotments and the purposes for which they are being expended," so as to make the paragraph read:

For the enforcement of the provisions of the national prohibition act of October 28, 1919, including the employment, as authorized by said act, of experts, clerks, and other employees in the District of Columbia or elsewhere, and the purchase of such supplies and equipment as may be deemed necessary by the Attorney General, including also the expense of necessary printing and binding.

The amendment was agreed to.

The next amendment was, on page 32, line 7, after the name "United States," to strike out "the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time," so as to read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice or the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, including not to exceed $3,750 for purchase of one automobile, and including not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General, whose certificate as to the expenditure thereof shall be conclusive on the accounting officers of the Treasury Department; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, including not to exceed $250,000 for necessary employees at the seat of government, and including a director of the bureau of investigation at not exceeding $7,500 per annum, to be expended under the direction of the Attorney General, $2,250,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 17, to insert:

For the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time, $75,000.

The amendment was agreed to.

The next amendment was, on page 34, line 4, to increase the appropriation for enforcement of the antitrust laws from "$225,000" to "$300,000."

The amendment was agreed to.

The next amendment was, on page 34, at the end of line 4, to strike out the following:

Provided, however, That no part of the money appropriated by this act shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or of any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of the money appropriated by this act shall be expended for the prosecution of producers of farm products or associations of farmers who cooperate or organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

And in lieu thereof to insert:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. FLETCHER. Mr. President, reading over rather hastily the amendment beginning on line 5, page 34, striking out two provisos and inserting the provisos which begin in line 15, I can not see any difference in the language except in the first few words.

Mr. CURTIS. If the Senator will permit me, the only difference is that the proviso inserted by the Senate committee is existing law and is in the same language which has been carried in previous appropriation bills, and only applies to the particular section of the bill, whereas the provision which was inserted in the House, and which the Senate committee recommends be stricken out, I think by an inadvertence, was made to apply to the whole bill, which, of course, it should not do. That is the only difference.

Mr. FLETCHER. They are practically the same in substance.

Mr. CURTIS. Yes; except that the amendment recommended by the Senate committee applies only to the immediate section, while the provision embodied in the House bill applies to the entire bill. The Senate committee followed the existing law.

Mr. FLETCHER. The amendment reported by the Senate committee provides "that no part of this money shall be spent," and so forth, and the provision of the House bill reads "that no part of the money appropriated by this act shall be spent."

Mr. CURTIS. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of line 12, page 36, the last clause read being as follows:

Porto Rico: District judge, $7,500.

Mr. FLETCHER. Under the head of "District courts" I do not find any provisions for the judges of the Supreme Court of the District of Columbia. Are they carried in some other bill?

Mr. CURTIS. Yes; they are carried in another bill.

Mr. FLETCHER. They are carried in the District bill, I presume?

Mr. CURTIS. Yes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 36, line 24, before the word "stenographic," to strike out "three" and to insert "five," and on page 37, line 2, to strike out "$59,140" and to insert "$62,340," so as to make the paragraph read:

COURT OF CUSTOMS APPEALS.

Salaries: Presiding judge and four associate judges, at $8,500 each; marshal, $3,000; clerk, $3,500; assistant clerk, $2,000; five stenographic clerks, at $1,600 each; stenographic reporter, $2,500; messenger, $840; in all, $62,340.

The amendment was agreed to.

The next amendment was, on page 37, at the end of line 10, to strike out "$3,965" and to insert "$5,385," and at the end of line 11, to strike out "$10,965" and to insert "$12,385," so as to make the paragraph read:

For rent of necessary quarters in the District of Columbia and elsewhere, $7,000; books and periodicals, including their exchange; stationery, supplies, traveling expenses; heat, light, and power service; drugs, chemicals, cleansers, furniture, and not to exceed $500 for printing and binding; pay of bailiffs and all other necessary employees not otherwise specifically provided for; and for such other miscellaneous expenses as may be approved by the presiding judge, $5,385; in all, $12,385.

The amendment was agreed to.

The next amendment was, on page 39, at the beginning of line 17, to strike out "$2,250,000" and to insert "$2,300,000," so as to read:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS.

For salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the District of Alaska, and hereafter the Attorney General shall pay the office expenses of United States marshals in the District of Alaska from the appropriation, "Salaries, fees, and expenses of United States marshals and their deputies," services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, alteration, repair, and operation of horse-drawn and motor-driven passenger-carrying vehicles used in connection with the transaction of the official business of the office of United States marshal for the District of Columbia, $2,300,000.

The amendment was agreed to.

The next amendment was, on page 40, line 10, after the word "attorney," to strike out "$900,000" and to insert "$950,000," so as to read:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, $950,000.

The amendment was agreed to.

The next amendment was, on page 40, line 20, after the word "compensation," to strike out "$550,000" and to insert "$600,000," and in line 24, after the word "exceeding," to strike out "$3,000" and to insert "$3,500," so as to make the paragraph read:

For regular assistants to United States district attorneys who are appointed by the Attorney General at a fixed annual compensation, $600,000: *Provided*, That except as otherwise prescribed by law the compensation of such of the assistant district attorneys authorized by section 8 of the act approved May 28, 1896, as the Attorney General may deem necessary may be fixed at not exceeding $3,500 per annum.

The amendment was agreed to.

The next amendment was, on page 41, at the end of line 9, to strike out "$850,000" and to insert "$1,000,000," so as to make the paragraph read:

For assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, including $200,000 for assistant attorneys to enforce the national prohibition act, and including not to exceed $50,000 for clerical help for such assistants, and for payment of foreign counsel employed by the Attorney General in special cases (such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States), $1,000,000, to be available for expenditure in the District of Columbia.

The amendment was agreed to.

Mr. BROUSSARD. Mr. President, I desire to call the attention of the Senate to the provision of the bill following the amendment just agreed to and beginning in line 11. That provision reads:

For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, expenses of travel and subsistence, and other expenses of conducting their respective offices, in accordance with the provisions of the act approved February 26, 1919, $1,300,000—

I direct especial attention to the proviso, which reads:

Provided further, That from and after July 1, 1922, office expenses of clerks of United States circuit courts of appeals, also the personal compensation of said clerks, their deputies, and other assistants, and their expenses of travel and subsistence, when absent from official headquarters on official business, shall be allowed after authorization and approval by the Attorney General, and shall be paid from this appropriation by the respective United States marshals designated by the Attorney General: *Provided further, however*, That the salaries of clerks of the United States circuit courts of appeals shall not be fixed at a rate in excess of $5,000 per annum. All fees and other moneys of every character and description received by said clerks, by virtue of their offices, shall be paid into the Treasury, as in the case of clerks of United States district courts: *And provided further*, That from and after July 1, 1922, the salary of the clerk of the United States district court for Hawaii shall be fixed in the same manner as salaries of clerks of United States district courts under the act of February 26, 1919.

Mr. President, it occurs to me that the provision I have read deserves some consideration at this stage of the proceedings on the bill. I fear that the committee is not clearly informed with reference to this matter if they acted upon the information which the committee in the House furnished that body when the bill was under consideration there.

I find on page 4982 of the RECORD of April 4, 1922, that Mr. HUSTED made the following remark:

The third item is one in relation to the clerks of the United States circuit courts. The clerks of the United States circuit courts are paid a salary of $4,500 each, but in addition to that the fees of the clerk's office go into their own pockets.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Kansas?

Mr. BROUSSARD. I do.

Mr. CURTIS. The Senate committee was not deceived by that remark in any way whatever. We knew what the law was, and the practice, namely, that the salary was fixed at $4,500, and they were allowed $500 out of the fees collected, so as to make their salaries not to exceed $5,000.

Mr. BROUSSARD. I am glad that the committee knew better, because there was displayed in the House a total lack of knowledge and capacity to consider such a measure.

Going on, Mr. President, it will be found that this speech would go to show that these clerks are putting all the fees into their pockets. Such is not the case. I have here a statement sent me by the clerk in the fifth circuit for the purpose of correcting this misinformation which was given out. This statement shows the excess fees paid into the Treasury of the United States for the past 12 fiscal years. These are the excess fees after all expenses connected with the office have been settled.

In 1910 there was $4,880.53 turned into the Federal Treasury.
In 1911, $2,712.78.
In 1912, $2,761.31.
In 1913, $3,451.44.
In 1914, $1,081.88.
In 1915, $1,318.63.
In 1916, $2,095.02.
In 1917, $2,876.56.
In 1918, $4,026.04.
In 1919, $1,902.41.
In 1920, $2,098.82.
In 1921, $2,880.92.
Making a total of $32,086.34.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Florida?

Mr. BROUSSARD. Yes.

Mr. FLETCHER. I do not understand that this bill reduces the pay of the clerks of the United States circuit courts of appeals.

Mr. BROUSSARD. No. I will say that my interpretation of the provisions to which I object is that they do not reduce it, but that they fix the same maximum limit of $5,000 and leave it to the Attorney General to fix the salary.

Mr. FLETCHER. Does the Senator propose to amend that in any way?

Mr. BROUSSARD. Not to amend it; but I think that the present law, which places the clerk under the jurisdiction of the circuit judge and really makes him responsible to the judge, should not be removed and then have him placed under the Attorney General, who may fix his salary at any figure not to exceed $5,000.

Mr. OVERMAN. Mr. President, the clerk is now under the circuit judge. He appoints him and has control over him; but the policy of the Government in regard to all these clerkships has been to allow the Attorney General to fix the salaries instead of the fees, and we made the limit $5,000, knowing that the Attorney General would make the salary $5,000, because most of them are getting that now. Some of them do not, but those that make it have been getting $5,000; that is, they get $4,500 salary and $500 additional. As I say, I had a letter the other day from Judge Bryan, as did the Senator from Florida and others, on this same subject. I do not think the Senator can object to allowing the Attorney General to do in this respect that which he does with regard to every other clerk in the courts of the United States, and of course he will fix the salary at $5,000 where they make it.

Mr. BROUSSARD. He will fix it, under this law, at not to exceed $5,000?

Mr. OVERMAN. At not to exceed $5,000.

Mr. FLETCHER. I understood that there was a bill introduced in the House to reduce the salary, and that was perhaps the cause of the complaint.

Mr. OVERMAN. That is right.

Mr. FLETCHER. This bill does not do that.

Mr. OVERMAN. There was a good deal of complaint made in the House. Mistakes were made by the Congressmen who made those statements.

Mr. FLETCHER. I quite agree that those salaries are not too large. The clerk of the circuit court of the State in my county in Florida gets $7,500. I do not see why the clerk of the circuit court of appeals should get less than $5,000.

Mr. BROUSSARD. Mr. President, if the Senators will permit me, I should like, in conclusion, to show just exactly what it costs the United States Government to pay these circuit clerks. For instance, here is a statement showing all of these receipts and the amounts paid into the Federal Treasury:

Nineteen hundred and ten to 1920, inclusive, 11 years at $3,500, $38,500.

Nineteen hundred and twenty-one, one year at $4,500—that was the time when the salary was increased—$4,500.

Total salary paid clerk in 12 years by appropriations of Congress, $43,000.

But there were turned into the Federal Treasury $32,086.34 excess of fees after paying all expenses, including traveling expenses for the clerk and his assistants, and all the help connected with the court; so that in the 12 years this office cost the United States Government $10,903.66, or an average of $909.47 per year. So the statement made in the other House that these clerks are pocketing all of these fees is purely an extravagant and an untruthful statement.

I shall not read the present law, Mr. President, but it is to be found in Thirty-first Statutes at Large, at page 639; and I ask that I may be permitted to insert that part of the statute in connection with my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Provided, That clerks of the United States circuit courts of appeals, annually and within 30 days after the 30th day of June in each year, shall make a return to the Attorney General of the United States of all the fees and emoluments of their offices respectively. Such return shall cover all fees and emoluments earned during the preceding year and also the necessary office expenses for such year, including clerk hire, the compensation of the clerk not to exceed $500 per annum as now provided by law. Such expenses, including clerk hire, shall be certified by the senior circuit judge of the proper circuit and audited and allowed by the proper accounting officers of the Treasury Department. The respective clerks of the circuit courts of appeals, after deducting such expenses and clerk hire, shall at the time of making such returns pay into the Treasury of the United States the balance of such fees and emoluments. In case the amounts claimed for such expenses and clerk hire have not been audited by such accounting officers prior to the time fixed for making such returns and payment, said clerks may retain the sums claimed by them respectively until the audit is made, and in case any sum so claimed and retained is not allowed the amount disallowed shall within 10 days after notice of disallowance be paid into the Treasury of the United States. All laws and parts of laws so far as in conflict with this proviso are hereby repealed.

Mr. BROUSSARD. It will be seen that in addition to the $4,500 fixed by the law the clerk may not receive more than $500 out of the fees of the office, thus fixing his salary at not to exceed $5,000.

Having corrected the misstatements made, I desire to make a point of order against that part of the bill which I first read, beginning on page 16 with the words "*Provided further.*"

Mr. SMOOT. Mr. President, I call the attention of the Senator to the fact that a point of order would not lie against that provision. It is a House provision. The Senate did not change the House provision. The only way in which the Senator could do that would be to move to have it stricken from the bill.

Mr. BROUSSARD. This provision was not inserted by the committee, then?

Mr. SMOOT. Not at all; it was a House provision.

Mr. BROUSSARD. Then I move to strike it out.

Mr. SMOOT. Before the Senator does that, let me say that the unanimous-consent agreement was that we should consider all committee amendments first. Then, if the Senator wants to offer the amendment, he can move to strike it out.

Mr. BROUSSARD. Then, at the proper time, I shall offer an amendment to strike out that part which I first read with reference to the fixing of these salaries by the Attorney General.

The PRESIDING OFFICER. The reading of the bill will be continued.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 43, at the end of line 23, to strike out "$80,000" and to insert "$100,000," so as to make the paragraph read:

For supplies, including the exchange of typewriting and adding machines for the United States courts and judicial officers, to be expended under the direction of the Attorney General, $100,000.

The amendment was agreed to.

Mr. KING. Mr. President, I did not know that we had passed the item of $1,000,000 on page 41.

The PRESIDING OFFICER. That amendment was agreed to.

Mr. KING. I will recur to it; and I desire to ask the Senator from Kansas, in view of the very liberal appropriations carried in the bill for attorneys, assistant attorneys, and so forth, what is the necessity for this large sum—"$1,000,000 for assistants to the Attorney General"?

Mr. CURTIS. This is largely for the enforcement of the prohibition act.

Mr. KING. Two hundred thousand dollars of it is for the enforcement of the prohibition act.

Mr. CURTIS. Two hundred thousand dollars of it is for that purpose. Last year they had $850,000, and had to ask for a deficiency appropriation. The year before they had $1,000,000, and they have the attorneys employed now and at work under this provision, and in order to carry on the work they must have these lawyers. If they discharge them, it means that the work will stop. The Senator said a few moments ago that he wanted the cases prosecuted. The only way for them to prosecute the cases is to have these lawyers employed.

Mr. KING. I do not think there are 50 cases under the Sherman antitrust law now pending. I may be wrong, but very few cases have been brought.

Mr. CURTIS. My judgment is, from reading the hearings, that the Senator is mistaken. There are quite a number of cases pending, and more are going to be brought; and the officers of the department told the committee that they wanted to proceed to bring other cases just as fast as possible.

Mr. KING. There are a number of old cases where injunctions have been sought that have dragged along for a number of years; but my recollection is that the new cases brought by this administration to enforce the Sherman antitrust law have been very few, and there have been but a few indictments. When Mr. Untermyer was acting in New York recently, some convictions were secured. Convictions can be obtained, where criminal actions are instituted, if the cases are vigorously prosecuted. If the Department of Justice will get the facts—and act with courage and vigor—there will be no difficulty in obtaining convictions for violations of the Sherman antitrust law. There has been in the past too much of a desire to proceed civilly and to ignore the criminal features of the act.

Mr. CURTIS. They have 27 attorneys who are paid now under this section. Six of these attorneys are especially engaged in New York City in prosecuting violations of the antitrust act; and they have not enough attorneys now on the pay roll, they say, to bring the cases they want to bring, and to enforce the act. There is quite a statement made here showing that they are bringing these cases in the different cities and sections of the country; and the information furnished the committee was that they wanted to proceed and prosecute all these cases where prosecutions should be brought.

Mr. KING. Further back in the bill, the Senator will recall, provisions were made for various assistant district attorneys, and so forth.

Mr. CURTIS. I gave the number employed under that section—27 under that section, on page 34—and there are 31 employed under this provision of the bill.

Mr. KING. Then, as I understand the Senator, this $1,000,000, aside from the $200,000 for assistant attorneys to enforce the national prohibition act, is to be expended in the prosecution of those who have violated the Sherman law?

Mr. CURTIS. The Sherman antitrust law; yes.

Mr. SMOOT. In 1921 we appropriated $1,000,000 for the purpose, and then they came to Congress for a deficiency appropriation in the year 1921, and the following year they thought they would cut it and we agreed to cut it to $600,000, thinking that perhaps there would not be the same amount of work called for. We immediately had to make an appropriation of $250,000 in the first deficiency bill; so the committee decided it would be better to give them now what we know we will have to give them ultimately, rather than to have them come in here with a deficiency bill.

Mr. KING. The Senator has not here the report showing what suits were instituted and what results were obtained by reason of this large appropriation?

Mr. CURTIS. I have not; but I will state to the Senator that the next time I have the bill up I shall bring all those data for the information of the Senator.

Mr. KING. I examined it hastily some months ago, but I have forgotten now the results obtained from these large appropriations. I have heretofore indicated that I was in favor of very liberal appropriations for the enforcement of this law, and if this is needed I shall not oppose the appropriation.

Mr. CURTIS. I do not think there is any question but that it is needed. The subcommittee was unanimous for it, and so was the full committee; and, as I said a few moments ago, the subcommittee examined each of these articles, and cross-questioned the officers of the department, so that we would not make any mistake. Our idea was to keep the amount carried by this bill as low as possible.

Mr. KING. Let me say to the Senator, however, that I think most of the Attorneys General—and I have no particular one in mind—have gotten into the habit of employing special counsel to do some work which ought to be done by the district attorneys and their assistants in the various States. I know in my own State special counsel have been sent to aid in prosecutions who did not know as much about the cases as local counsel, and who made but very slight contribution to the prosecution of the cases. The trouble is that the Department of Justice has drifted into the habit of employing a large number of special counsel, and they go roving throughout the country, giving here and there some aid to the local attorneys in prosecutions in particular States; that is, the district attorneys within the State or within the district who have the ability and are sufficiently familiar with the cases to prosecute them with as much zeal and with certainly as much success as the special counsel who may be designated. I am afraid that we are perpetuating a policy which I think it rather expensive, and certainly not proper, of relieving district attorneys of duties which they should perform and sending special counsel into their districts to perform their duties, although they are competent to discharge the same and are willing to do so.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Secretary will state the next amendment.

The next amendment was, in the item for purchase and rebinding of law books, on page 44, at the end of line 6, to strike out "$20,000" and to insert "$25,000," so as to make the proviso read:

Provided, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be marked plainly, "The property of the United States," $25,000, of which not to exceed 10 per cent, in the discretion of the Attorney General, may be used for the purchase of United States Reports and the Federal Reporter.

The amendment was agreed to.

The next amendment was, on page 47, line 6, under the subhead "Penal institutions," in the items for the Leavenworth (Kans.) Penitentiary, after the word "printer," to insert "blacksmith," and at the end of line 6 to strike out "$3,600" and to insert "$4,800," so as to make the paragraph read:

For foreman, laundryman, tailor, printer, blacksmith, and shoemaker, at $1,200 each when necessary, $4,800.

The amendment was agreed to.

DISMISSALS FROM BUREAU OF ENGRAVING AND PRINTING.

Mr. CARAWAY. Mr. President, I do not care to interrupt the consideration of the pending bill, but I want to call the attention of the Senate to some statements and ask permission to insert in the RECORD certain newspaper clippings. I shall, then, not occupy the floor longer.

In the desperate effort to find some reason which would justify the President in issuing his Executive order striking from the rolls of the Government certain civil-service employees the Director of the Bureau of Engraving and Printing and twenty-odd chiefs of divisions, we are daily furnished with an "explanation" which is alleged to have been the reason which actuated the President in this indefensible act.

An attorney who represented Mr. Hill, the newly-appointed director, both in his contest to get this office and in his suit with his wife, who is suing him for a divorce, gave out a reason, he said, that affidavits which had been filed were the cause. It was immediately shown that those affidavits dealt with a question which the Secretary of the Treasury had previously investigated, and in connection with which he had approved everything Mr. Wilmeth had done. So that "excuse" failed.

Congressman MCFADDEN the other day was credited with a statement in which he is quoted as saying that the President is about to "find" a reason for having taken this action. That is not exactly the language he used, but is in effect what he said. Although I am not at liberty yet to publish the correspondence, but I hope to do so shortly, we all know this much, that the Congressman mentioned was very active, together with several other Congressmen and some Senators, in having the changes made for purely political reasons. I am not falling out with them about it. I presume they wanted patronage for their constituents, needed it to justify their continuation in office, and therefore sought these places. These statements, however, are discredited, as Mr. Davis, the attorney, knew that the statement he fathered was not true when he gave it out, because he knew the investigation had been had and knew of the vindication of these men of the charges.

The editor of the Plate Printer, a publication gotten out here in Washington, next came forward with a "happy" solution a day or two ago, which was published in the Post, which paper, of course, seizes upon every rumor in order to justify the President. The headlines of that article are as follows:

Back bureau change—Expert workmen praise Harding's step, union again says—Shoddy work era at end—Inefficiency sole cause of shake-up, Plate Printer asserts—Nation-wide counterfeiting of United States securities, made possible by inferior product of bureau, will now cease, it is declared—Highest art to be followed—Sure President will correct mistakes.

I ask leave to insert this article as it appears in the Post.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

President Harding's action in changing executive personnel of the Bureau of Engraving and Printing has the approval of the expert workmen employed in the big Government plant on the ground that an improvement was vitally necessary along the lines of efficiency of operation and workmanship. The position of the men was made known yesterday through the Plate Printer, official organ of the Plate Printers' Union, composed of highly skilled workmen employed in the bureau. Poor quality in the money and securities turned out by the bureau under the direction of the discharged executives, making counterfeiting easy, is the reason which the workmen declare made a change necessary. Their statement of position reads:

COUNTERFEITING REQUIRED SHAKE-UP.

"With the country flooded from coast to coast with millions of counterfeit Federal reserve notes, United States notes, Federal reserve currency, national bank notes, silver certificates, war savings stamps, postage stamps, internal-revenue stamps, and all issues of the war bonds and their coupons, drastic action was required to stop it, and drastic action was taken."

The President's statement to the effect that the changes were made "for the good of the service" are upheld by the skilled employees of the bureau, who point out that the printers themselves have frequently complained in the past of the deterioration of standards allowed under the administration of Director Wilmeth and his associates.

"Efficiency" is the one word that explains the action of the President, the plate printers' statement declares, and hints of other motives actuating the administration which have been circulated since the change in executive personnel was announced are not credited by skilled workmen in the bureau.

INSINUATIONS ARE DEPLORED.

Their opinions to what was "back of" the removal order is indicated as follows:

"We deplore the insinuations that have been cast upon the integrity of the deposed officials of the Bureau of Engraving and Printing, as we are confident that their honor is beyond reproach.

"We insist, however, that the greater majority of those removed from the service by President Harding were inefficient and largely responsible for the poor quality of product that has been issued from the Bureau of Engraving and Printing in the past several years. We also believe that one or two mistakes have been made in the general list, and where mistakes have been made they should be rectified, as President Harding has stated that if mistakes have been made they will be corrected. The Plate Printer, however, approves of the change of administration in the Bureau of Engraving and Printing."

IMPROVEMENT IS PREDICTED.

Confidence is expressed that the changes in the bureau will result in a great improvement in the quality of the money and securities produced there, and the new director, Louis A. Hill, is praised as a "practical portrait engraver and one of the foremost picture engravers of the country." "He knows what good engraving and plate printing means to the securities of this country, and has announced as his policy the accepting of only the highest style of the engravers and plate printers' art from the engravers and plate printers employed in the bureau."

Officials of the union last night declared that intimations have been received of impending changes in methods in the production of money and securities in the bureau to eliminate the possibilities of counterfeit-

ing, which they ascribe to the introduction of inferior standards during the régime of the discharged officials. Better materials will be used also, the union paper declares, "as soon as the present stock has been used up."

BACK TO FORMER STANDARDS.

Skilled employees of the bureau have frequently complained that some of the methods of printing and engraving that have been installed in the bureau during the past few years have resulted in a very inferior product. They believe the changes made by the Executive order will put the bureau back to its former standards of excellence. "The Bureau of Engraving and Printing was thus restored to the country as an engraving and printing bureau and orders issued to engrave and plate print our Government securities in the future in the highest style of the art," is the way the employees describe the action of the President.

"The shoddy work that has been the source of many a protest from the columns of the Plate Printer will no longer be tolerated and every employee of the bureau will be compelled to render first-class workmanship in every particular."

Mr. CARAWAY. In this article Mr. Coleman, the editor of the Plate Printer, said there was a perfect swamping of all the Government activities—a flooding of this country with counterfeits of Federal reserve notes, of bonds, of thrift stamps; that there was a saturnalia of counterfeiting, due to the inefficiency of the men who had been running the bureau. Or course, everybody, including Mr. Coleman, knew when he made the statement that he was "joking," but he doubtless hoped somebody away from here might accept it.

Mr. Mellon, the Secretary of the Treasury, a man whose stand on this question is exciting the admiration of men who believe in justice and fair play, yesterday said that the statement of Mr. Coleman was untrue and called on Coleman for evidence to sustain his charge. That appeared in Tuesday's Washington Herald. I wish, without objection, to insert that article in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

DENIES NATION FLOODED WITH COUNTERFEITS—SECRETARY MELLON REPLIES TO ASSERTIONS MADE IN PRINTERS' ORGAN—CHALLENGES EDITOR TO PRODUCE PROOF—DIRECTOR ADMITS CHARGES WELL FOUNDED—FORMER CHIEF DISPUTES CLAIM.

[By Arthur Sears Henning.]

Charges that the country is flooded with millions of counterfeit currency notes and Government securities brought the faction now dominating the Bureau of Engraving and Printing into a head-on collision with the Treasury Department yesterday.

Secretary of the Treasury Mellon emphatically denied the assertions, called the authors of the charges sharply to account, and demanded that proof be produced.

In an article lauding Louis A. Hill, the new director, and President Harding for his summary discharge of Director Wilmeth and 29 other employees, the Plate Printer, official organ of the plate printers' union, said:

FLOODED WITH COUNTERFEITS, HE SAYS.

"With the country flooded from coast to coast with millions of counterfeit Federal reserve notes, United States notes, Federal reserve currency, national-bank notes, silver certificates, war-savings stamps, postage stamps, internal-revenue stamps, and all issues of the war bonds and their coupons, drastic action was required to stop it, and decisive action was taken."

After a conference with Assistant Secretary Wadsworth, who has jurisdiction of the Engraving Bureau, and Chief Moran, of the Secret Service, Mr. Mellon issued the following statement:

"In view of the statements made in a publication known as the Plate Printer, which are receiving wide publicity, to the effect that the country is flooded with millions of counterfeit bank notes, bonds, war-savings and other stamps, and war bonds and coupons, the Secretary of the Treasury deems it proper to make public announcement that no such condition exists.

CLAIMS TREASURY ON ALERT.

"No information has come to the Treasury of any overissue or counterfeiting of United States bonds or coupons attached to the same.

"As regards war-savings and other stamps, bank notes, and other forms of currency, attempts are made from time to time to counterfeit the issues or raise the denominations of genuine issues. The Treasury is constantly on the alert to stop such attempts. In substantially every case where efforts have been made on any considerable scale the guilty parties have been apprehended and brought to trial, and their activities ended.

"The Secretary of the Treasury desires to state in the most emphatic terms that the public need have no apprehension as to the genuineness of the Government securities and currency now outstanding."

Secretary Mellon also addressed a letter to Frank J. Coleman, editor of the Plate Printer.

"I request," the letter said, "that you immediately furnish me with any evidence upon which you based the statements referred to. The Treasury will be glad to receive such evidence and will at once investigate it with the greatest care."

MAINTAINS HE CAN PRODUCE PROOF.

Coleman said that he could produce the proof of the charges, but declined to go into details. Director Hill said he knew that the charges were well founded, but to what extent he was unable to say.

"Developments of photomechanical processes have made counterfeiting easy," he said. "The best safeguard against counterfeiting lies in the use of a better grade of ink by the bureau, the use of better paper, and a more rigid inspection of work."

This statement is disputed by George U. Rose, former chief of the engraving division and the immediate superior of Hill, who was discharged by the President at the instance of Hill.

"A photomechanical counterfeit is easily detected," said Rose. "In a photomechanical counterfeit the lines in portraits particularly are blurred. The best safeguard against counterfeiting is in the quality of engraving on the notes and securities turned out by the Government. The assertion that the country is flooded with counterfeits is absolutely untrue."

Mr. CARAWAY. This morning Mr. Coleman has an interview in the local papers stating that his charge about counterfeiting was based on "reports." I presume he intends to say street-corner rumors. He admits he has no evidence to warrant him in having made his charge, and in the face of the demand made upon him by the Secretary of the Treasury to produce his evidence he admits he has no evidence. In other words, it is just a part of a continuous slander that is carried on by certain interests who profited by the shake-up and are trying to satisfy the minds of the public with reference to President Harding's action in the matter.

I am not surprised that they should do it. I am only surprised that they should be so stupid in doing it. It would seem they ought to get together and give out a story that small children could not detect its flagrant insincerity. They change their statements daily. I shall say—but I do so with regret—that since "they" have seen fit, day after day, to slander these men who have been discharged by circulating false rumors, I intend to call attention to the character of some of the men who have profited by this change.

The present director of the bureau, Mr. Hill, is the defendant in a divorce suit in which rather salacious charges are made by his wife, which were published in a local paper the other day. It is charged, among other discreditable things in reference to his conduct toward his family, that he had the brutality to strike his own daughter in the face with his fist.

His assistant was at one time a bookmaker and a gambler in the department; and the wife of the man who took Mr. Ashworth's place, on the day he got his promotion, got an order of the court in a suit for limited divorce she had filed, in which she alleged that he was guilty of statutory offenses and named a corespondent.

These are the men in charge of a great bureau where more than 2,000 white girls, who are subject to their supervision and control, work. These are the men for whom decent citizens are thrown out of employment and disgraced, and these are the men who are constantly busy, they and their paid attorneys and their satellites, conjuring up slanderous stories against the men whom they displaced, trying to account for the discharge of those men, men like Rose, men like Wilmeth, and men like Ashworth.

I am not falling out with them because they got the places. They got the places because they were in position to command influences which persuaded the President to override the law and discharge these other men and give the places to them. But they ought to have the decency, after they have the places, to do what the President is doing, and remain silent. Since they can not give any valid reason why the President should have violated the law to put good men and women, former soldiers and sailors, out of employment to place them in their places, they should copy the President and make no statement. The President has maintained silence. He knows he had no right to remove these men and women to pay a political debt, and he is offering no excuse, but these men and their paid apologists, after they have been the beneficiaries of this illegal order, are conjuring up slanderous, slurring falsehoods to blacken the names of the men and women whom they succeeded, and they should have at least enough sense of decency to cease.

I am calling attention to-day to three of these men's reputations. I do so that the country may know their character when they read their statements. I would like to have the country know also what was the effect of this great "moral" upheaval in the Treasury, in the Bureau of Engraving and Printing. I want the country to know these three men, one dismissed from the service for being a gambler and bookmaker, two of them being sued by their wives on statutory charges and for cruelty and neglect—these three men who are put in charge of more than 2,000 white women, many of them young girls. I do not think any comment is necessary.

Mr. President, I ask leave to print in the RECORD the story which appears this morning in the Washington Post, purporting to be the statement of Mr. Coleman, seeking to justify both men, apologizing for the slanderous statement he made the day before.

There being no objection, the statement referred to was ordered to be printed in the RECORD, as follows:

BASED COUNTERFEIT STORY ON REPORTS—F. J. COLEMAN, MANAGER OF PLATE PRINTER, REPLIES TO LETTER FROM SECRETARY MELLON—ADDED UP WARNING TOTALS—OBTAINED SUM REFERRED TO, HE SAYS, FROM OFFICIAL FIGURES—RECALLS BOLSHEVIK PLOTS.

Secretary Mellon's request for information as to the authority for statements to the effect that the country is "flooded" with millions of dollars' worth of counterfeit Government securities, as charged in the Plate Printer, official organ of the International Steel and Copper Plate Printers' Union of North America, will be complied with, according to Frank J. Coleman, editor and business manager of the publication. Discussing Secretary Mellon's protest against the statements, which

were contained in an editorial praising the administration for its recent changes in the personnel of the Bureau of Engraving and Printing, Mr. Coleman said that bulletins issued by the Treasury Department itself are the basis for his allegation of counterfeiting.

"As the Secretary of the Treasury says," Mr. Coleman declared yesterday, "warnings are sent out from time to time of attempts to counterfeit various issues of Government notes and securities. These warnings are the basis for my statement that the country is flooded with millions of dollars' worth of counterfeit paper. I have simply taken the trouble to compile these warnings, and evidently the Treasury has not thought to do so."

QUOTED REPORTS BY TREASURY.

The detailed information which, Mr. Coleman says, "consists simply of reports and warnings issued by the Treasury Department itself" will be furnished to the Secretary in conformity with his request, it was said. The letter and documents will be mailed this morning.

Mr. Coleman last night said that he is confident that his declaration as to the extent of counterfeiting under the administration of the discharged officials of the Bureau of Engraving and Printing will be sustained. "There is nothing mysterious about it," he said. "We have simply taken the Government warnings at their face value and added up the totals."

There has been a considerable amount of publicity regarding counterfeiting during the past few years, Mr. Coleman added, expressing surprise that there has been any question as to the existence of the condition which he referred to in the Plate Printer. In addition to the warnings issued by the Government authorities, there have been several stories printed in many of the leading newspapers and in the Plate Printer itself during the past few years, he said.

RECALLS BOLSHEVIST PLOTTINGS.

One of the most spectacular exposés of this nature, he said, was that which occurred in January, 1920, when it was discovered that the Bolshevist Government of Russia had planned to flood the United States and other nations with counterfeit currency in an effort to disrupt their financial systems. Numbers of counterfeit $50 and $100 bills were detected in circulation at that time, he said, and evidence in the possession of the Government, according to the published accounts at that time, revealed plans to circulate $200,000,000 in counterfeit currency in the United States, of which an undetermined amount was actually placed in circulation.

The Plate Printer of January 15, 1920, printed the following in reference to the Bolshevist plot:

"In this country alone, it is officially reported, the reds planned to circulate bogus bills of an apparent value of $200,000,000, as well as counterfeit Liberty bonds and war savings stamps. These were to be put into circulation through certain agents of the Russian Soviet Government in this country and through bands of communists and of the Russian Socialist Federation.

WITHHOLDS THE TOTAL SUM.

"Just how much of this counterfeit they have succeeded in getting into this country is not known. Government agents who are working on the case have refused to divulge the results of their investigations. Certain of the bills and notes, however, have been detected by bank tellers and turned over by them to the Secret Service. They are said to be so expertly made that detection is extremely difficult. Their chief fault is that the counterfeiters used heavier paper than that used for genuine United States bills."

While Mr. Coleman said that the figures of his compilations of the amount of counterfeit in circulation, according to Government reports, will bear out his previous assertions, he would not make public the actual totals which will be included in his letter to the head of the Treasury. This information, he said, he would not make public until after the Secretary of the Treasury has had an opportunity to study it.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the Judiciary for the fiscal year ending June 30, 1923, and for other purposes.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, on page 47, at the end of line 13, to increase the total of the appropriations for the Leavenworth (Kans.) Penitentiary from "$756,600" to "$757,800."

The amendment was agreed to.

The next amendment was, on page 47, at the end of line 17, to strike out "$175,000" and to insert "$200,000," so as to read:

Atlanta (Ga.) Penitentiary: For subsistence, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $200,000.

The amendment was agreed to.

The next amendment was, on page 47, at the end of line 20, to strike out "$110,000" and to insert "$120,000," so as to read:

For clothing, transportation, and traveling expenses, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $120,000.

The amendment was agreed to.

The next amendment was, on page 48, line 3, to strike out "$6,500" and to insert "$7,500," so as to make the paragraph read:

For hospital supplies, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $7,500.

The amendment was agreed to.

The next amendment was, on page 48, line 13, after the word "guards," to strike out "$92,800" and to insert "$97,980"; and at the end of line 13, to strike out "$127,000" and insert "$132,180," so as to read:

For salaries: Warden, $4,000; deputy warden, $2,000; chaplains—one $1,500, one $1,200; chief clerk, $1,800; physician, $1,800; pharmacist and physician's assistant, $1,000; bookkeeper and record clerk, $1,200; stenographer, $900; clerks—one $1,200, one $1,000, four at $900 each; engineer and electrician, $1,500; two assistants, at $1,200 each; steward and storekeeper, $1,200; superintendent of farm and transportation, $1,200; two teamsters, at $600 each; head cook, $1,000; three captains of watch, at $1,500 each; guards, $97,980; in all, $132,180.

The amendment was agreed to.

The next amendment was, on page 48, at the end of line 21, to increase the total of the appropriations for the Atlanta (Ga.) Penitentiary from "$552,500" to "$593,680."

The amendment was agreed to.

The next amendment was, on page 48, at the end of line 26, to strike out "$35,000" and to insert "$41,000," so as to read:

McNeil Island (Wash.) Penitentiary: For subsistence, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., and for supplies for guards, $41,000.

The amendment was agreed to.

The next amendment was, on page 49, at the end of line 3, to strike out "$20,000" and to insert "$26,750," so as to read:

For clothing, transportation, and traveling expenses, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $26,750.

The amendment was agreed to.

The next amendment was, on page 49, at the end of line 9, to strike out "$1,500" and to insert "$3,500," so as to read:

For hospital supplies, including the same objects specified under this head for the penitentiary at Leavenworth, Kans., $3,500.

The amendment was agreed to.

The next amendment was, on page 49, at the beginning of line 15, to strike out "$24,000" and to insert "$26,000," and in the same line, after the words "in all," to strike out "$36,800" and to insert "$38,800," so as to read:

For salaries: For warden, $2,000; deputy warden, $1,200; physician, $1,600; steward and cook, $1,000; chief clerk, $1,200; stenographer, $900; captain of watch, $1,500; engineer and electrician, $1,200; superintendent of boats, $1,200; chaplain and teacher, $1,000; guards, $26,000; in all, $38,800.

The amendment was agreed to.

The next amendment was, on page 49, line 19, to increase the total of the appropriations for the McNeil Island (Wash.) Penitentiary from "$143,300" to "$160,050."

The amendment was agreed to.

The next amendment was, on page 51, line 16, to strike out "$1,000,000" and insert "$1,100,000," so as to make the paragraph read:

Support of prisoners: For support of United States prisoners, including necessary clothing and medical aid, discharge gratuities provided by law, and transportation to place of conviction or place of bona fide residence in the United States or such other place within the United States as may be authorized by the Attorney General; support of prisoners becoming insane during imprisonment, and who continue insane after expiration of sentence, who have no friends to whom they can be sent; shipping remains of deceased prisoners to their friends or relatives in the United States and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying and pursuing escaped prisoners and for rewards for their recapture; and not exceeding $2,500 for repairs, betterments, and improvements of United States jails, including sidewalks, $1,100,000.

The amendment was agreed to.

The next amendment was, on page 51, at the end of line 23, to strike out "$11,000" and insert "$12,000," so as to make the paragraph read:

Inspection of prisons and prisoners: For the inspection of United States prisons and prisoners, and for the collection, classification, and preservation of criminal identification records and their exchange with the officials of State and other institutions, including salary of the assistant superintendent of prisons, $2,500; to be expended under the direction of the Attorney General, $12,000.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 1, after the word "Ecuador," insert the word "Egypt."

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 6, in the total appropriation envoys extraordinary and ministers plenipotentiary, strike out "$300,000" and insert "$310,000."

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 9, strike out "Agent and consul general at Cairo, $7,500," and insert:

The President is hereby authorized to appoint as the representative of the United States an envoy extraordinary and minister plenipotentiary to Egypt, who shall receive as compensation the sum of $10,000 per annum, and there is hereby appropriated for the fiscal year 1922 for said salary the sum of $600 in addition to the unexpended balance of the amount already appropriated for salary of an agent and consul general, which amount is also made available for the salary of a minister when appointed.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 13, in the total for ambassadors and ministers, strike out "$583,500," and insert in lieu thereof "$586,600."

The amendment was agreed to.

Mr. CURTIS. I understand that the Senator from Texas [Mr. CULBERSON] desires to offer an amendment, and I will delay offering other amendments which I have until he has offered his amendment.

Mr. CULBERSON. I offer the following amendment.

The PRESIDING OFFICER. The Senator from Texas offers an amendment, which will be stated.

The READING CLERK. On page 12, after line 26, insert:

PAYMENT TO DAISY CRAWFORD CARROLL.

To Daisy Crawford Carroll, widow of B. Harvey Carroll, late consul to Cadiz, Spain, $3,500, one year's salary of her deceased husband, who died while at his post of duty from illness incurred in the Consular Service.

Mr. KING. Mr. President, I ask whether that is the usual procedure?

Mr. CURTIS. It has been the practice to put items of this character in appropriation bills, but the subcommittee and the full committee thought under the new rule it might make the bill subject to that rule, so it was suggested that the amendment be offered on the floor of the Senate. Similar items have been carried in appropriation bills at nearly all sessions. There is another item similar to this from New York.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I now offer the following amendment.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment, which the Secretary will report.

The ASSISTANT SECRETARY. On page 18, line 1, after "Arbitration," strike out the words "at Brussels, Belgium," so as to make the item read:

For the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, $4,000.

The amendment was agreed to.

Mr. HARRISON. Mr. President, I desire to offer an amendment along the lines of the amendment adopted just a moment ago. I send the amendment to the desk.

The PRESIDING OFFICER. The Senator from Mississippi offers an amendment, which the Secretary will report.

The ASSISTANT SECRETARY. On page 31, after line 20, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States of America not otherwise appropriated, the sum of $1,500 to the estate of W. L. Dunham, deceased, of Richton, Miss., on account of the death of said Dunham while in the discharge of his duty as a posse man under the Federal prohibition enforcement officer for the southern district of Mississippi.

Mr. HARRISON. Mr. President——

Mr. CURTIS. I wish to make a point of order against the amendment.

Mr. HARRISON. I hope the Senator will not make it until he has heard my explanation.

Mr. CURTIS. I withhold the point of order to hear what the Senator from Mississippi has to say.

Mr. HARRISON. Then I am sure the Senator will not make the point of order. The facts in the case are these: Dunham was a marshal in a little town in Mississippi and was deputized by one of the prohibition officers to assist in arresting some "blind tigers." The "blind tigers" proved to be desperadoes. They were hiding out in the swamps, making their "hooteh," so to speak. These men went there and found them. The "blind tigers" opened fire upon the prohibition officer and the deputized marshal. The marshal was killed and the prohibition officer was killed, and two of the "blind tigers," I think, were killed.

This man Dunham left a wife and nine children. They are absolutely penniless. They have not a nickel in the world, I am informed. It would seem to me, since he was deputized by the agent of the Government—and under the authority of law there is no place else for them to go to get any money—that the Government would be doing a generous act to appropriate $1,500 for his family.

Mr. CURTIS. I judge from the Senator's statement that the man was not an employee of the Government, and therefore would not come under the general law.

Mr. HARRISON. He was deputized by an agent of the Government.

Mr. CURTIS. We have had nothing submitted from the department on the subject. So far as I am personally concerned, while I think that the item is subject to a point of order, I am willing to accept it so far as I can, and take it to conference, and ascertain what the department has to say about it.

Mr. HARRISON. I would be very glad if the Senator would do that.

Mr. CURTIS. I would not want to commit myself to the item unless the department approved it.

Mr. HARRISON. It is a case that will appeal to the sense of justice of any man.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

Mr. CALDER. Mr. President, I submit the following amendment, to follow the one introduced by the Senator from Texas [Mr. CULBERSON].

The PRESIDING OFFICER. The Senator from New York offers the following amendment, which the Secretary will report.

The ASSISTANT SECRETARY. After the amendment proposed by Mr. CULBERSON insert:

To Alice Potter, widow of Julian Potter, late consul to Rouen, France, $3,000, one year's salary of her deceased husband, who died as a result of illness incurred in the Consular Service.

The amendment was agreed to.

Mr. NELSON. Mr. President, by direction of the Committee on the Judiciary I move the following amendment.

The PRESIDING OFFICER. The Senator from Minnesota offers an amendment, which the Secretary will report.

The ASSISTANT SECRETARY. Insert, after the salaries of the judges of the Court of Claims, as follows, to wit: In line 14, page 37, strike out the words and figures "chief clerk, $3,500," and insert in lieu thereof the following words and figures: "Chief clerk, $5,000."

Mr. KING. Mr. President, I make a point of order against the amendment offered by the Senator from Minnesota.

Mr. CURTIS. Will the Senator withhold that until the Senator from Minnesota explains the purpose of the amendment?

Mr. KING. Certainly.

Mr. NELSON. Mr. President, I have moved the amendment by direction of the Committee on the Judiciary. The facts in the case are these: Clerks of circuit courts of the United States receive a salary of $4,500 a year, and in addition to that they are allowed fees amounting in all to about $5,000. None of the clerks of the circuit courts have anywhere near the amount of business that is handled by the clerk of the Court of Claims. Most of the clerks of the district or circuit courts get a salary of from $4,000 to $5,000. The clerk of the Court of Claims has more work than any clerk of the circuit court in the country. His calendar will show the amount of business transacted. In addition to that the clerk of the Court of Claims can perform, and is at times required to perform, the duties of a master, to take testimony, reduce it to writing, and make a report thereon to the court.

In order to equalize the pay and put him on a parity with the clerks of the circuit courts and on a parity with most of the clerks of the district courts, the Judiciary Committee have agreed to this amendment and recommend its adoption.

Mr. KING. Mr. President, I am opposed to the amendment as well as to the large salaries which are paid to the clerks of the Federal courts generally. In my own State the clerk of the district (State) court in Salt Lake City has more to do than the clerk of the Federal court. The business in the State court in that district is very much greater than that in the Federal court. The clerk of the State court receives, as I remember, less than $3,000. The clerk of the Federal court receives a larger salary.

Mr. President, there is no reason for marked differences in the rate of compensation paid to clerks of the Federal and State courts. If we should fix the compensation of the clerks of the Federal courts at $2,500, or in the large districts such as New York at $3,500, there would be a hundred applicants from men of standing and probity for every vacancy. The trouble is, Congress has the habit of spending the people's money with lavish hand. We are multiplying the offices and increasing the office-holders in the Government far beyond its needs.

Doubtless what the Senator from Minnesota has said is true, namely, that the present clerk of the court to which the Senator refers does perform many duties. Perhaps his work is more important than that of some of the clerks in other Federal courts.

Mr. NELSON. Mr. President, will the Senator from Utah yield to me?

Mr. KING. Certainly.

Mr. NELSON. I omitted to state that, as a consequence of the war, there are a multitude of war claims that have arisen, and where they are not settled amicably the Senator knows well as a lawyer that they have to go to the Court of Claims. There is only one exception. Where the claim is less than $10,000 the claimant can sue in the district courts; otherwise all these

claims have to pour in to the Court of Claims. That court has within the last two years been overwhelmed with business, and it is growing more and more all the time. That entails more work on the clerk of the court, of course. I just wanted to suggest that to the good Senator from Utah.

Mr. KING. Mr. President, it is always distressing for me to disagree with the Senator from Minnesota. He is so delightful and so thoroughly honest and conscientious that when he espouses a cause any courage that I may possess in opposition usually evaporates.

Yet, returning to what I was observing when the Senator interrupted me, it does seem to me that we are culpably extravagant in creating offices and in fixing salaries. The clerk of the Court of Claims to whom the Senator refers is a man of ability and competent to fill positions much more responsible than the one he now occupies. I know his case. I have talked with him, and he has furnished me a statement showing the services which he performs. I know that by reason of war claims the court has been required to perform more work than in pre-war years. However, that fact does not warrant the change in the salary of the clerk.

Mr. President, I believe that the salaries paid to clerks and to marshals are too great. There is a bill now pending to increase the salaries of many of the clerks and marshals. Since I have been in the Senate a number of bills of like character have been before the Committee on the Judiciary; these I have uniformly opposed. I believed that it was not the proper time during the war to begin raising salaries; and, in view of conditions following the war, I felt it was unwise to revise salaries upward. In most positions in private employment salaries and compensations are being reduced from the war levels. There will probably be further reductions in many lines of business. While salaries are coming down in private enterprises, we are increasing salaries and the compensation of Federal employees in many of the departments. In my opinion we should wait until, in the language of President Harding, "normalcy has arrived." I might add, in parentheses, that I hope we shall never return to some of the conditions of normalcy that obtained in the past. I believe in a living wage; I believe that the laborer is worthy of his hire; but I think that it is a mistake to make the salaries in Government service so attractive that there are a hundred or a thousand applicants for every job. Scarcely a day passes that I am not visited by one or more persons who have been separated from the public service asking my influence in their efforts to secure a position in the Federal service. I ought to add that since the Republicans have come into power the Democratic Senators are not bothered as much as they previously were. Apparently it is not felt that the influence of a Democratic Senator with this Republican administration, particularly in view of the great and overpowering devotion of the Republican administration to civil service, is of much advantage.

However, Mr. President, it is a fact that for practically every position under the Government there are a multitude of applicants. Men in many of the positions in Government employ are receiving much higher compensation than they can obtain for like service in private employment. I grant that during the World War, and for a short period thereafter, many experts in various lines of activity were better paid in private employment than in the Government service, but many persons who resigned their positions with the Government because of the promise of higher salaries in private service are now anxious to get back into Government service.

Mr. President, the fact that the Government requires usually only seven hours' work a day for about 10 months in the year and that after a certain number of years of service pensions are granted makes such service exceedingly alluring. If one will make a critical examination of the conditions of service with the Government and then investigate the conditions attending the work of thousands scattered throughout the country who are in private employment they will understand why there are so many seeking positions with the Government. Why should a clerk in a Government position obtain $3,500, whereas for similar employment in many of the States where the work is just as great the compensation is from $2,000 to $2,500? There is no reason for that distinction, but we proceed upon the theory that when a person enters the Federal service he must have a higher salary than is paid in private service or is paid by States or municipalities.

I am reminded of the fact—the suggestion was made sotto voce by my colleague [Mr. SMOOT]—that a classification bill may soon be before us. My understanding is that the classification bill will deal with clerks—indeed, with substantially all employees of the Government.

The passage of such a measure was promised during the closing hours of the last administration, and is also one of the pledges of the present administration. I know that my colleague, who has given attention to the subject, and who is interested in the reform which will be effectuated by the passage of a measure of that kind, will use his influence, as will other Republican Senators, to enact a proper classification law.

Mr. SMOOT. But not in the shape in which the bill has already been reported to the Senate. I am opposed to the so-called Sterling classification bill as presented to the Senate and referred to the Committee on Appropriations. However, I shall express my views in regard to the bill when it comes before the Senate for consideration.

Mr. KING. Of course, when I spoke of the classification bill, I did not have reference particularly to the bill that is now before a Senate committee, but to the subject generally.

Now, why should we begin in this stepladder fashion to adjust and readjust salaries? If we raise the salary of one official it creates a disparity with respect to other salaries and other officials, and the latter will immediately come to Congress and demand that as we have increased the salary of Mr. A, whose work is no more important than theirs, a bill shall be passed increasing their compensation. When these demands are granted and the salaries increased, other demands will be made, and so on ad infinitum. Thus in this stepladder fashion we are proceeding and will continue to act.

The sensible, the rational, and the proper thing to do is to deal with the entire subject in a comprehensive manner in one bill, then we could deal with it justly; but if we proceed in this piecemeal fashion, injustices and inequalities inevitably will result.

So, Mr. President, without detaining the Senate further, and without in any manner depreciating the valuable service of the present clerk of this court, I feel constrained not only to oppose the amendment but to raise the point of order against it, for the reason that it attempts to change existing law, and to effect such change by means of a general appropriation bill; and further, that it is not estimated for by the Budget Bureau.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken, the requirement of clause 2 of Rule XVI having been complied with.

Mr. CURTIS. Mr. President, if the amendment is general legislation, then it is subject to the point of order. The only exception making an item in order is where an amendment not estimated for comes from a standing committee. I can cite, if the Chair desires, an authority upon that question. I am in favor of the amendment, and I very much dislike to make this argument on the point of order, but I do not want the Chair to make a mistake. If the point of order is made against the amendment on the ground that it is general legislation, and the Chair should hold that it is general legislation, then the point is well taken even though the amendment is reported from a standing committee.

Mr. KING. I made that point; that was the first point I suggested, that it is general legislation; and if it is not general legislation, then, I most respectfully submit to the Presiding Officer, we may fix any salary we please, or make any amendment to the general laws of the United States we desire in this general appropriation bill. Of course, this has not been reported by a standing committee.

Mr. OVERMAN. It has been reported by a standing committee.

The VICE PRESIDENT. The Chair understood that it had been so reported, and that that was the point of order made.

It appears from the caption that the amendment was referred to the Committee on the Judiciary in order to be printed on the calendar day, February 10, and on the calendar day, February 27, it was "reported by Mr. NELSON, with amendments, and referred to the Committee on Appropriations." So clause 2 of Rule XVI has been complied with.

Mr. CURTIS. That is true; and that relieves it from the necessity of an estimate. That, however, is all it does relieve it from.

Mr. KING. I respectfully submit it was never designed that an amendment was to be relieved from the rule forbidding general legislation upon an appropriation bill.

The VICE PRESIDENT. The Chair understood the point of order to be that the amendment had not been moved by the direction of a standing committee.

Mr. KING. No.

The VICE PRESIDENT. It has been so moved.

Mr. KING. If the Vice President will pardon me, I first suggested that, or attempted so to do, and then later I suggested an

additional reason, that it was general legislation upon an appropriation bill.

Mr. CURTIS. If the Chair will turn to Gilfry's Precedents, on page 62, he will find a precedent on this question.

Mr. NELSON. Mr. President, it seems to me that the amendment does not propose general legislation. General legislation is that character of legislation which applies generally and deals with more than a single case. The amendment relates merely to one particular official. The amendment was presented, referred to the Judiciary Committee, approved by that committee, reported by it, and referred to the Committee on Appropriations.

Mr. OVERMAN. I suggest to the Senator that it is not general legislation, because legislation on this subject already has been enacted; the salary has been fixed by legislation. Now, another standing committee comes in and reports a provision to increase a salary which has been adopted under general legislation. Therefore the amendment is not subject to the rule.

Mr. WARREN. It is special legislation.

Mr. OVERMAN. It is not a matter of general legislation, because the question has already been legislated upon; the salary has already been fixed by law; and the amendment merely provides an increase in a salary fixed by general legislation.

Mr. KING. Mr. President, the Senator from North Carolina knows a great deal about the rules, but, if I understand him, I respectfully suggest that he is in error. The amendment proposes legislation which seeks to change existing law. It is general, because it applies to an existing law which can not be denominated special, although it may refer to only one clerk. There is an existing statute, a general statute, and this amendment aims to modify such statute. It proposes to change a general law, and by means of a general appropriation bill. There is a general statute defining the duties of this office and defining the compensation which the incumbent shall receive. Now, by this proposed special enactment it is sought to change an existing statute. An existing statute can not be changed by this species of special legislation upon an appropriation bill.

Mr. WARREN. Mr. President, while they are not before me at the moment there are at least two rulings by Vice President Marshall on similar points of order. In the instances that I have in mind he termed the legislation sought to be enacted "special legislation" and not subject to the rule which forbids general legislation on appropriation bills. Under those rulings the amendment would be special legislation and not general legislation.

Mr. OVERMAN. It is not general legislation at all.

Mr. KING. Do I understand the Senator from Wyoming because he denominates this "special" to contend that it is not subject to the point of order?

Mr. WARREN. I am stating that heretofore it has been ruled twice that similar amendments were special and not general legislation.

Mr. KING. Do I understand the Senator, because he labels it "special" and assumes that it is "special," to contend that it is not subject to the point of order?

Mr. WARREN. I am not assuming anything about it, but the fact remains that it is special in that it applies merely to one clerk at one time for one year.

Mr. OVERMAN. And the Vice President has ruled that it is in order.

Mr. KING. I do not concede the Senator's position.

The VICE PRESIDENT. Does the Senator from Kansas find any precedents bearing on this matter?

Mr. CURTIS. I had a note citing a precedent on page 62 of Gilfry's compilation, but in looking at page 62 of the volume I have before me I do not find the decision. I have a note in my book, however, that there is a decision to the effect that if the provision reported from a standing committee is general legislation it is still subject to a point of order.

The VICE PRESIDENT. It seems to the Chair that this comes explicitly within the second section of Rule XVI:

> All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate—

This is moved by direction of the committee.

Mr. CURTIS. Yes; but that only makes amendments in order by reason of the fact that they have not been estimated for. The clause in regard to general legislation is a separate provision. Of course, if the Chair holds that this is not general legislation, then it is in order; but if it is general legislation no committee can report it out and make it in order. If a committee could do that, the rule in regard to general legislation would be useless, and items of general legislation could be added regardless of the action of the Committee on Appropriations. If this is not general legislation it is in order, but if it is general legislation under the next provision of the rule it is not in order.

Mr. OVERMAN. It can not be general legislation.

Mr. CURTIS. If the Chair will read the next section, he will find that no legislation is in order on an appropriation bill. Why, we can not bring in general legislation on an appropriation bill from the Committee on Appropriations. The Committee on Appropriations can not report legislation on an appropriation bill. Such an item would be subject to a point of order.

Mr. OVERMAN. If that were so we could not report increases of anybody's salary except by statute, which we have done in this very bill. Therefore, I say it is not general legislation; it is special legislation in regard to one man, increasing his salary. It is not general legislation.

Mr. LODGE. Mr. President, on the point of order, as the Senator from Kansas says, the point of order of general legislation can not be gotten rid of by reporting the matter from a committee. Nothing can get rid of that point of order except the fact that it is not general legislation.

It seems to me, under the previous rulings as I remember them, though I have not looked at them lately, that this is special legislation. The confusion arises from the fact—and I have seen it arise again and again in the Senate—that Senators think of the House rule, which is an entirely different one. The House rule is "change of existing law." That is not the rule of the Senate. The rule of the Senate is "general legislation"; and the sole point to be decided here in this question is whether or not the matter is general legislation. Personally, I do not see that it is general legislation.

Mr. KING. Mr. President, I differ from the position of my distinguished friend from Massachusetts. The question of whether a matter is general legislation or special legislation is not to be determined by the smallness or the bigness of the subject or of the appropriation. We have a general statute. Certainly it is general legislation that created this office. It is general legislation which fixed the salary of this office at $3,500. That is general legislation, though it related to only one office and one salary. It does not cease to be general legislation if it deals with the same office or with the salary. If we may in this manner on appropriation bills bring in special or general legislation, whatever it may be labeled, increasing or diminishing salaries, changing existing law, then we open the door to the conversion of appropriation bills into general salamagundi measures dealing with all forms, subjects, and matters. There would be no end to the amendments which might be put upon an appropriation bill. That, I submit, is one of the vices of legislation in the Senate. We have loaded our appropriation bills with all sorts of legislation of the most important character as well as of the most insignificant character, and a person examining an appropriation bill of the Senate will be astounded to find legislation upon almost every conceivable subject with which legislative bodies deal. Whoever dreamed that appropriation bills should deal with the multitude of matters that we have dealt with in our general appropriation bills?

Coming back to this specific matter, a general law was passed creating this office. The general statute fixed the salary of this office. I submit, Mr. President, that that can be changed only by legislation dealing with that or with cognate questions, but we can not upon this appropriation bill change that salary, any more than we could increase the number of clerks and provide for two clerks in this court instead of one.

Only the other day I proposed an amendment to the Agricultural bill diminishing a salary, and the point of order was raised that I was attempting to change the existing law. It was an appropriation bill. The Chair held that if I would limit it for one year—the Senator from Wyoming [Mr. WARREN], as I recall, made that suggestion—it would not be subject to the point of order. So I concede, under that ruling, that if the Senator from Minnesota should offer his amendment so that it would provide only for the current year——

The VICE PRESIDENT. Does the Senator say that this appropriation bill runs for more than one year?

Mr. KING. No; but this is an attempt to change the present statute and make the appropriation, as I read it, for more than one year.

Mr. LODGE. No.

Mr. WARREN. No; only for one year—that is all.

Mr. OVERMAN. Only for one year.

The VICE PRESIDENT. The appropriation is for one year.

Mr. LODGE. The word "hereafter" is not used.

Mr. KING. May the Secretary state the amendment?

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 37, under the heading "Court of Claims," on line 14, it is proposed to change the sal-

ary of the chief clerk for the fiscal year ending June 30, 1923, from $3,500 to $5,000.

Mr. KING. Then I should like to inquire of the Senator from Minnesota what would be the salary for the next year? Would it drop back to $3,500?

Mr. OVERMAN. It certainly would.

Mr. NELSON. It would be left that way.

Mr. WARREN. If the Senator will allow me to say so, that same matter has come up already from the House, and in all cases it has been put back to where it was sent to us in the first instance.

Mr. OVERMAN. I call attention to the fact that this is a bill—

Making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923.

That is what this bill is for. Our next appropriation bill may provide for $4,800, or may not.

Mr. KING. But the Senator knows that the appropriation for the preceding year is always adopted as the basis of the appropriation for the year under consideration, whether it is for compensation or for anything else.

The VICE PRESIDENT. The question is not what may be done hereafter. The question is what is being done now.

Mr. KING. I insist on my point of order, Mr. President.

The VICE PRESIDENT. This appears to be for one year. Under that interpretation the Chair understands that it is the general rule of the Senate that it is special and not general legislation; so the Chair overrules the point of order.

Mr. KING. Of course, while we are dealing with legal matters we are allowed exceptions; but as we are not in court, I can not take an exception to the ruling of the Chair.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. LODGE. Mr. President, I offer an amendment, which I send to the desk, to go on page 13, after line 19.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 13, after line 19, it is proposed to insert the following:

The appropriation of $300,000 for the fiscal year 1922 for the acquisition of embassy, legation, or consular buildings or grounds at any or all of the following places: Rome, Brussels, Berlin, Christiania, Athens, Belgrade, Bucharest, Prague, Monrovia, Vienna, Budapest, Canton, Hankow, and Amoy, contained in the diplomatic and consular appropriation act approved March 2, 1921, is hereby reappropriated and made available for the same purposes and under the same conditions for the fiscal year 1923, and the commission created to approve such acquisitions is hereby continued for that purpose for the fiscal year 1923, with the same powers and duties.

The PRESIDING OFFICER (Mr. EDGE in the chair). The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. Mr. President, I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 13, after line 21, it is proposed to insert:

POST ALLOWANCES TO DIPLOMATIC AND CONSULAR OFFICERS.

To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make certain allowances by way of additional compensation to diplomatic and consular officers and consular assistants and officers of the United States Court for China in order to adjust their official income to the ascertained cost of living at the post to which they may be assigned, $200,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. I offer another amendment, which I send to the desk, to be inserted on page 23, after line 22.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 23, after line 22, it is proposed to insert:

INTERNATIONAL HYDROGRAPHIC BUREAU.

For the second annual contribution of the United States toward the maintenance of the International Hydrographic Bureau, $3,860.

Mr. OVERMAN. Mr. President, I should like to inquire whether or not that is a matter of treaty?

Mr. LODGE. That has been carried in many bills.

Mr. OVERMAN. I know it has. A great many of these appropriations have been carried in bills heretofore.

Mr. LODGE. Yes; but if the Senator will allow me to finish——

Mr. OVERMAN. Yes.

Mr. LODGE. It is an agreement to which we have adhered. It is not a treaty. We adhered to this agreement, and have always been a subscriber to it; and it is a very useful matter, which concerns the navigation and the hydrographic work of the whole world.

Mr. OVERMAN. Do I understand that the United States is a party to an agreement in connection with this matter?

Mr. LODGE. The United States adhered to an agreement of the nations; yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. I offer another amendment, to go on page 24, after line 20.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 24, after line 20, it is proposed to insert:

INTERNATIONAL CONFERENCE ON MARITIME LAW.

For expenses necessary for the representation of the United States at the International Conference on Maritime Law, to be held at Brussels, Belgium, for the purpose of considering draft conventions relating to collisions, salvage, the liability of shipowners, and cognate subjects, $5,000, or so much thereof as may be necessary, to be made immediately available.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. On the same page, after line 20, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Following the amendment last agreed to, insert the following, with the heading:

FIFTH INTERNATIONAL CONFERENCE OF AMERICAN STATES, SANTIAGO, CHILE.

For the expenses of the United States in participating in the Fifth International Conference of American States, to be held at the city of Santiago, Chile, in 1923, including the compensation of delegates and employees, travel, and subsistence, notwithstanding the provisions of any other act, and such miscellaneous and other expenses as the President shall deem proper, $75,000.

Mr. KING. I wish the Senator would give us a little further information about this appropriation.

Mr. LODGE. Ever since the formation of the Pan American Union we have had at long intervals a Pan American conference of this kind. It is a mere question of policy on the part of the United States to take part in these Pan American conferences. We have never failed to do so hitherto, and in view of our relations with those countries I think it would be very unfortunate to refuse to attend a conference of this kind. This is the fifth annual conference, and we have never failed to attend one of them.

Mr. FLETCHER. The amendment provides for the compensation of delegates and employees. I never understood that delegates were compensated.

Mr. LODGE. It is not intended that any compensation shall be provided for the delegates.

Mr. FLETCHER. I do not understand that there ever has been any compensation provided for delegates.

Mr. LODGE. There is no compensation provided for them. It is simply to pay their expenses.

Mr. FLETCHER. The language of the amendment includes the compensation of delegates.

Mr. LODGE. It was not intended that there should be any compensation paid to the delegates. I think the word "compensation" ought to come out.

Mr. SMOOT. There will be some compensation paid.

Mr. FLETCHER. There may be compensation paid to the employees.

Mr. SMOOT. That is what it is for.

Mr. LODGE. Compensation of employees, but not of delegates.

Mr. SMOOT. I can tell the Senator from Florida about what the detailed costs of it will be.

Mr. FLETCHER. I am not concerned about that, but it struck me that it was not the intention to compensate the delegates.

Mr. LODGE. I am very sure the delegates are not to be compensated.

Mr. CURTIS. The act provides $20 per diem for the delegates.

Mr. LODGE. That is for expenses.

Mr. KING. How many delegates are there and what employees will be required?

Mr. LODGE. That is all given in the statement.

Mr. CURTIS. There are to be eight delegates.

Mr. SMOOT. Twenty-one persons will go, the cost of passage will be $30,000, the hotel expenses will be $15,000, and the per diem is $20.

Mr. KING. What employees are there?

Mr. SMOOT. There are to be 21 persons in the party altogether—8 delegates and 13 employees.

Mr. FLETCHER. I do not know what the practice has been before, but my impression is that delegates have never been compensated. The delegates to the conference at Buenos Aires were not compensated.

Mr. LODGE. I have always understood that there was no compensation paid to delegates.

Mr. FLETCHER. I think the expenses ought to be provided for, as well as the compensation of employees.

Mr. LODGE. I find that this is the form in which it was submitted as an estimate. I did not suppose they received compensation. That can be disposed of in conference.

Mr. CURTIS. I was going to suggest that we strike out the words "delegates and."

Mr. LODGE. Yes; those words can be stricken out.

Mr. CURTIS. That would make it read "including compensation of employees."

Mr. LODGE. I accept that amendment.

The amendment as modified was agreed to.

Mr. LODGE. I offer another amendment, to be inserted on the same page, following the amendment just agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. To follow the amendment last agreed to insert:

COMMISSION OF JURISTS TO CONSIDER AMENDMENT OF LAWS OF WAR.

For one-half year's salary for a representative of the United States on the commission of jurists to consider the amendment of laws of war in accordance with the resolution adopted by the Conference on Limitation of Armament on February 4, 1922, $3,750, to be immediately available.

The amendment was agreed to.

Mr. LODGE. I offer also another amendment, which is simply to carry out an agreement in a resolution adopted unanimously by the conference.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 25, after line 18, insert with a heading:

INQUIRY INTO EXTRATERRITORIALITY IN CHINA.

To enable the United States Government to carry out its obligations arising under resolution No. 4 adopted by the Conference on the Limitation of Armament at the fourth plenary session, December 10, 1921, regarding extraterritoriality in China, including the compensation of delegates or other representatives, clerks, and employees, rent of offices, expenses of transportation, and subsistence, notwithstanding the provisions of any other act, stationery and supplies, telegraph, and such other objects as the President may deem necessary, to be disbursed under the direction of the Secretary of State, $21,000, to be immediately available.

The amendment was agreed to.

Mr. LODGE. I offer one other amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 26, after line 11, insert with a heading:

CLAIMS OF GOVERNMENT OF NORWAY.

To pay, out of humane consideration, without reference to the question of liability therefor, to the Norwegian Government as full indemnity to Trygve Andersen, Sigurd Nilsen, and Arthur Rasmussel for hardships and expenses suffered by them as the result of their detention as witnesses to the damage caused the Norwegian vessel *Ingrid* by an explosion at Jersey City, February 1, 1911, $2,200.

The amendment was agreed to.

Mr. SMOOT. I offer an amendment to be inserted on page 24, following line 3.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 24, after line 3, insert with the heading:

WORLD WAR FOREIGN DEBT COMMISSION.

For the expenses of the World War Foreign Debt Commission, to be immediately available, $20,000.

The amendment was agreed to.

Mr. SMOOT. On page 31, line 2, I ask that $83,000 be changed to $86,100. As a reason for that amendment, I wish to say that I have a letter from Hon. Charles D. Lawrence, United States special attorney for the customs division of New York, in which he calls my special attention to this item, and states that if we do not adopt the amendment just offered by me the attorney who has charge of the customs division at New York will be out of a job on July 1 of this year, and they can not get along without him. The amendment is on page 31, line 2, to strike out "$83,000" and in lieu to insert "$86,100."

The amendment was agreed to.

Mr. SMOOT. I am asked by the Secretary of Commerce to offer an amendment, on page 20, line 25, to strike out "$19,600" and insert in lieu thereof "$25,000."

The Budget asked for the $25,000. This work has been under way for a number of years past. It is the United States section of the Inter-American High Commission. They have never had less than $25,000. Their organization is complete, and if they are to get satisfactory results from this work the $25,000 must be provided. If only $19,600 is allowed, the Secretary of Commerce tells me that it will interfere with the organization they have to-day, and the work can not go on as they have intended it to.

Mr. OVERMAN. What line is that?

Mr. SMOOT. Line 25.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 20, line 25, to strike out "$19,600" and in lieu thereof to insert "$25,000."

Mr. OVERMAN. I would like to know what these people have to do. We gave them $19,600. I know very little about it, and before I agree to it I would like to know something more about it. We have consular agents, and we appropriated a large amount of money for them, and now there is some sort of a commission that is asking for an appropriation, the Inter-American High Commission. I do not know how it was established or anything about it.

Mr. SMOOT. It has been established for some time.

Mr. CURTIS. Since 1915.

Mr. FLETCHER. It is commonly called the Latin American Commission.

Mr. OVERMAN. What was the appropriation last year?

Mr. SMOOT. Twenty-five thousand dollars.

Mr. OVERMAN. How much was expended?

Mr. SMOOT. The whole of it.

Mr. OVERMAN. Is the Senator certain there was no unexpended balance?

Mr. SMOOT. There was none whatever.

Mr. OVERMAN. Why did the House cut it down to $19,600?

Mr. SMOOT. For the very reason that they cut a good many of these appropriations down, simply to cut them down.

Mr. OVERMAN. I think the House would not cut down an appropriation like this unless they had some reason for it. I would like to know about this.

Mr. CURTIS. If I may be permitted to state, this is the result of the Pan American Financial Conference held at Washington, D. C., in 1915. The object is to bring together the ministers of finance of the various countries and adopt resolutions, hoping to bring closer financial cooperation between the Republics of the American Continent.

Mr. OVERMAN. Is this the same thing Secretary McAdoo had in session here?

Mr. CURTIS. It is the same thing. They have gathered a lot of data which has not yet been published. They claim they have two experts working in the preparation of it, and that if this appropriation is not made they will have to discharge one of those experts.

Mr. OVERMAN. Why was this not brought to the attention of the committee?

Mr. CURTIS. It was brought to the attention of the subcommittee, and the subcommittee refused to put the amount in. After the subcommittee refused to put the amount in, it was reported to the full committee, and no discussion of it was had there. Then the Secretary of Commerce brought the matter to the attention of the chairman of the subcommittee, and he refused to consider it, because the committee had already taken action. Then it was referred to the Senator from Utah, who is a member of the committee.

Mr. OVERMAN. I object to this kind of legislation. This is a matter which has been before the House of Representatives. They fixed the sum at $19,600. We have an Appropriations Committee, and we have a subcommittee of that committee. The subcommittee went into this thoroughly, examined into it, and refused to increase it, leaving it where the House fixed it. Then the full committee fixed it at $19,600, the amount at which the House fixed it. I do not generally criticize the Senator from Utah, but I can not understand why he should come and ask for this increase after the subcommittee has turned it down, after the full committee has turned it down, and after the House has turned it down, just because Mr. Hoover comes in and asks for the increase.

Mr. SMOOT. The Senator from Utah has a good excuse for doing it. Mr. Hoover called my attention to it, and told me of the organization that they had. By cutting this down we will not save any money in the end, because this work is going to be done. There will not be any economy in having them take a longer time to do it.

Mr. OVERMAN. Mr. Hoover did not come before the committee on this matter.

Mr. CURTIS. I think, in justice to the Secretary, I ought to say that he asked to be heard, and I advised him that the subcommittee had completed its hearings, had reported the bill to the full committee, that the full committee had directed a report, and that there would be no further hearings. I think I ought to say that in justice to the Secretary.

Mr. OVERMAN. I am glad the Senator stated that, because I never saw the Secretary there, and if he wanted an increase he could have been there. The chairman of the committee is very courteous and invites everybody to come who wants to be heard. The Secretary was not heard by the committee, and it has been turned down everywhere, including the House of Representatives. Now the Secretary comes in and asks for this increase through the mouth of the Senator from Utah. It is not right. It is not the way to legislate.

Mr. SMOOT. It is not a question of legislation. It is a question as to whether we want to carry out what we have already instructed the Secretary of Commerce to do. If we do not want him to do it and if we want to cut it out entirely, why not cut it off and be done with it?

Mr. OVERMAN. He has $19,600 with which to do it, and it only requires an expert, as he has said.

Mr. SMOOT. There are a number of cases in this bill of exactly the same kind. The House cut them down and the Senate committee has restored them in order to have the work finished. For instance, there is the case of the boundary between Canada and the United States. The House cut it even lower than it has ever been before; yet the Senate said, after hearing what the commission had to say, that it ought to be raised to $54,000—and why? Because with $54,000 the work can be concluded in a very short period of time.

Mr. OVERMAN. Because we had a hearing and went into the matter.

Mr. SMOOT. Certainly.

Mr. OVERMAN. We have had no hearing on this matter.

Mr. SMOOT. It does not make any difference whether we had a hearing if the facts are now before us.

Mr. OVERMAN. I have not had an opportunity to go into the matter, and the Senator knows that the committee turned the proposition down for some reason. If there is some reason for the item they would have known it and had a hearing. We never had a hearing, we never had the Secretary before us; and I am not going to agree to it unless I see some good reason, and no good reason has yet been stated here.

Mr. SMOOT. The purpose of it was distinctly stated by Mr. Rowe when he appeared before the House committee. He said:

> The purpose of that conference was to bring together the ministers of finance of the Republics of the American Continent for the purpose of considering the financial situation that had developed as a result of the outbreak of the European war and the position in which the American Republics were placed financially and commercially as a result of the outbreak of the war. That conference met here and adopted a series of resolutions, the purpose of which was to bring about closer financial cooperation between the Republics of the American Continent.
>
> Mr. TINKHAM. During the war or for all future time?
>
> Mr. ROWE. For all future time, but with a view of bringing about closer relations, especially at that time when the finances of all the Republics had been thrown into a very unfavorable condition by reason of the outbreak of the war. As the discussions proceeded here at Washington it became evident that one of the important things which the conference would have to do would be to make provision for the removal of certain obstacles to international trade in order to secure closer financial and commercial cooperation. The conference found, for instance, a great diversity in commercial legislation, such as laws relating to conditional sales, to bills of lading, to notes and bills of exchange; great diversity in fiscal regulations relating to customs; great diversity in statistical methods and the classification of merchandise in the statistical publications. It also found that one of the real obstacles to closer relations was the fact that there was as yet no valid adequate protection for industrial property rights as between the Republics of the American Continent. All of these matters required not an international agreement so much as changes in domestic legislation. The great disadvantages of all international conferences is that after meeting and adopting resolutions those resolutions are not carried into effect by some, sometimes by none, of the countries participating.

Mr. OVERMAN. That is the reason for the $19,000. Now, will the Senator give me a reason for increasing it to $25,000?

Mr. SMOOT. Because they have the organization and need $25,000.

Mr. OVERMAN. They have $19,000 to carry on the organization, and the Senator has not shown me any reason for increasing it from $19,000 to $25,000.

Mr. SMOOT. In 1915 John Bassett Moore, then the representative of the United States, at the first conference held—and Mr. McAdoo, I think, was the father of the organization—was given $25,000, and they have had $25,000 since, and now Congress is cutting it down just when the work is being brought to a point where we will get some results from it.

Mr. OVERMAN. I never thought it amounted to anything, although Mr. McAdoo instituted the whole proposition and brought these men here. What do we know about it to-day?

Mr. SMOOT. Then cut it out altogether. The Senator ought to vote to strike out the whole proposition.

Mr. OVERMAN. I would do so.

Mr. SMOOT. That is what the Senator ought to do.

Mr. FLETCHER. Mr. President, let me make this suggestion: The International Joint High Commission, afterwards changed to the American High Commission, was organized, I think, by Mr. McAdoo when he was Secretary of the Treasury. The present Secretary of the Treasury is ex-officio chairman. They have done splendid work, and there is no question about that. Some very excellent results have followed from the organization and from their conferences held in Buenos Aires and held in Washington. They have to have a certain number of experts. A great deal of the literature has to be translated from English into Spanish——

Mr. OVERMAN. This is what I thought the $19,000 was for.

Mr. FLETCHER. And from Spanish into English. They are doing very good work and they need some experts. It requires one or two of them to do the detailed routine work in the office. I suggest to the Senator that he let the amendment be agreed to and let the matter go to conference, and unless the House can be satisfied about it they will disagree on it. That would merely put the matter where it could receive further consideration.

Mr. OVERMAN. I would like to knock the whole thing out. These men all travel around and do nothing.

Mr. SMOOT. If that is the fact, then the item should go out.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. Mr. President, the amendment I am about to offer is not a committee amendment. It is offered because of the fact that the United States marshal for the District of Columbia now is forced to use a horse that is 18 years old, and the expense for maintaining the horse and vehicle is $618 a year. The amendment authorizes the War Department to give the marshal an automobile without any expense to the Government.

The VICE PRESIDENT. The amendment offered by the Senator from Kansas will be stated.

The ASSISTANT SECRETARY. On page 39, after the numerals "$2,300,000," insert a comma and the following:

> And the Secretary of War is authorized and directed, if available, to deliver to the office of the United States marshal for the District of Columbia, without payment therefor, one passenger-carrying motor vehicle.

Mr. KING. Mr. President, I do not object to the amendment, provided the Senator adds to it a further provision, and yet I shall not insist upon it. The point I make is this: I think it is unfair to charge the War Department, as we have done, with millions of dollars for the purchase of vehicles and war supplies, and then every once in a while pass a bill taking away from them that property and giving them no credit for it. If they would get credit for this automobile, I would not see any objection to it. Of course, it is a mere matter of bookkeeping, but I think the War Department ought to get credit where we take from them these vehicles.

Mr. CURTIS. I understand the general law provides that they shall be given credit. It is my recollection that there is a general statute to that effect.

Mr. KING. I remember suggesting such a provision.

Mr. CURTIS. If there is not, I have no objection to the Senator offering his amendment.

Mr. KING. The Senator from New York [Mr. WADSWORTH] promised that that should be done, as I understood him, but I do not know whether we have made that provision. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. BROUSSARD. Mr. President, on page 41, I move to strike out, beginning in line 16 with the words "*Provided further*," down to and including line 11, on page 42.

I will state, in addition to what I have already said, that this language transfers from the circuit judge to the Attorney General the right to fix the compensation of circuit court clerks and their deputies and assistants and transfers from the jurisdiction of the circuit judge to the Attorney General the approval of the expenses of travel, subsistence, and so forth. I think the present law is ample to cover the subject. The circuit judge accompanies the clerk and is more familiar with the expenses incurred than the Attorney General ever could be.

Mr. OVERMAN. Mr. President, I hope the amendment will not be adopted. There has been a fight made for 50 years against the fee system. We were successful about 10 or 12 years ago in abolishing the fee system, which was a scandalous

and outrageous proposition. The Committee on the Judiciary, as the Senator from Minnesota [Mr. NELSON] knows, proposes to allow the Attorney General, who knows more about these things than any other person because the items all come to his office, to pass on all such matters. We allow the Attorney General to fix the salaries of the clerks. Now, we place the same power in his hands as to clerks of the circuit courts of appeals of the United States, providing, however, that the salaries shall not exceed $5,000. They are now getting $4,500 and the judge can allow them to retain $500 of the fees collected, which would give them a total of $5,000. I hope the amendment will not be adopted.

Mr. CURTIS. Mr. President, I join in the statement made by the Senator from North Carolina, and I, too, hope the amendment will be defeated. The object of the provision is to put the clerks of the courts of appeals on exactly the same basis as the clerks of the United States district courts. This will not prevent the judges from fixing the fees and the salaries, but the fees and salaries do not become effective until they are approved by the Attorney General. That is what is required as to the district courts. I think the clerks of the circuit courts of appeals should be treated just the same as are the clerks of the district courts. This does not take anything away from the clerks. It authorizes their fees and salaries to be fixed not to exceed $5,000. Under the existing law they get a $4,500 salary, and they may deduct and retain $500 from the fees collected, thus giving them a total salary of $5,000. I hope the amendment will be defeated.

Mr. NELSON. Mr. President, I desire to explain the matter briefly to the Senator from Louisiana. By the act of February 26, 1919, the Attorney General was authorized to fix the salaries of the clerks of the district courts throughout the entire country within a limit of not less than $2,500 and not to exceed $5,000. Under that provision he has fixed the salaries of many of the clerks in the district courts at $5,000. But lately the Comptroller of the Currency ruled that once he acted under the law and fixed the salary he had exhausted his power and could not make any further change.

Yesterday we passed in the Senate a bill which came from the House, on the recommendation of the Attorney General, which authorized the Attorney General once in four years—not oftener than once in four years—to revise the salaries of the clerks. He can raise or lower them, based on the business done in the particular office and the emoluments and fees there received. This puts the clerks of the circuit courts exactly on a par with the clerks of the district courts, and the present law in respect to the clerks in the district courts has worked exceedingly well.

Mr. BROUSSARD. Mr. President, all I desire to say further is that the present law is not based on the fee system. The present law provides an annual salary of $4,500 and that the clerk may receive out of the fees collected in his office an additional sum of $500, but the total shall not in any case be in excess of $5,000.

In the fifth circuit the result of the operations of the law for the last 12 years was read into the RECORD by me. After paying all the expenses of the office, the salaries of the clerk, deputy clerk and assistant, traveling expenses, subsistence and incidental expenses due to holding court in different localities in that circuit, the cost to the United States Government was a little over $908 per annum. I have heard from a number of prominent law firms in my State and in other States within that circuit, who protest against the methods proposed and who prefer to see the present law continued. They believe the circuit judge could pass upon the expenses incurred and approve them better than the Attorney General here in Washington could pass upon small items, with which the circuit judge is necessarily familiar because the clerk accompanies him, whereas in the way proposed in the bill the Attorney General, who is far distant from that circuit, is supposed to pass upon all those incidental expenses.

I hope that the Senate may agree to strike this provision out of the bill. The present law was recently amended—I think only a couple of years ago—and it seems to be working well.

Mr. KING. May I inquire of the Senator is it his purpose to restore the fee system in part?

Mr. BROUSSARD. No, indeed. The present law carries a salary of $4,500, and, in addition to that, out of the fees collected after other expenses are paid the clerk may receive $500.

Mr. KING. The Senator now is referring to clerks of the circuit courts of appeals?

Mr. BROUSSARD. I am referring to the clerks of the circuit courts of appeals.

Mr. KING. And not the clerks of the district courts?

Mr. BROUSSARD. No.

Mr. KING. And the Senator objects to conferring any authority upon the Attorney General to raise or lower the present statutory compensation?

Mr. BROUSSARD. I object to transferring that authority to the Attorney General.

Mr. KING. From the judge?

Mr. BROUSSARD. I object to transferring the authority from the judge to the Attorney General. I think there is too much of a tendency to centralize everything in the departments at Washington. It might happen that a lawyer, instead of having something done by the clerk, might, in some instances, be compelled to appeal to the Attorney General; in other words, everything is drifting toward the centralization of power here at Washington. The circuit judges have in the past approved such bills, and the present law is not working an injury to anybody. The emoluments are not on the fee system but on a salary basis.

Mr. KING. Mr. President, I should like the Senator from Louisiana to explain to us the reason for this change. If the present system works admirably and satisfactorily, why should there be any change? Are economies to be effectuated, or will greater efficiency result? If not, why the change, unless it is to centralize all power in Washington, as the Senator has said? Of course, that is important, in view of the centralizing tendencies and the consolidation of all governmental activities in Washington.

Mr. BROUSSARD. I can see no reason for it, and that is why I object to it.

Mr. KING. I think the Senator is right, if that is the only reason.

Mr. WALSH of Montana. Mr. President, I think the position taken by the Senator from Louisiana is eminently sound. There is a growing tendency, I observe, to reduce the officers charged with the administration of justice locally to the position of mere clerks, to act in accordance with directions which emanate from the city of Washington. That tendency is observable, and regretably so, in connection with the office of the United States district attorney. That officer is no longer vested with any kind of discretion whatever, but merely carries out instructions which emanate from the Department of Justice here in the city of Washington. He can not turn either one way or the other without asking the consent and moving in accordance with the direction of that department. I do not, understand me, make any complaint about the present administration, because it is a vice that has been growing in the Department of Justice for many, many years.

Mr. CURTIS. Mr. President, I wish to state that I do not construe this provision in that way. I think under this provision the judges will continue to fix the salary and allowances, but their action will not become operative until approved by the Attorney General.

Mr. BROUSSARD. Indirectly, then, the Attorney General will fix the salary.

Mr. OVERMAN. The Senator from Montana [Mr. WALSH] and myself were on the subcommittee, and we agreed upon and reported to the Senate the bill, which is the law to-day, providing that the Attorney General shall fix the salaries of the clerks. What is the difference between that provision and this?

Mr. WALSH of Montana. The Senator from Minnesota [Mr. NELSON] will observe that the provision under discussion does not refer at all to the matter of fixing the salaries of the clerks. I agree that perhaps it was a wise policy to fix limits within which the Attorney General might establish the salaries of the various clerks of the district courts and of the circuit courts of appeals; but I do not agree with the Senator from Kansas [Mr. CURTIS] that this provision does not effect a change in the existing law; nor does it, in my judgment, supplement the existing law.

Mr. CURTIS. I do not want my remarks to be construed that I meant that it would not change existing law. I think it does change existing law, of course, when it requires that the Attorney General shall approve the allowance; but my statement was that the judges of the local courts would fix the fees and the salaries, and then they would not become operative until approved by the Attorney General. Of course, that addition requiring the approval of the Attorney General is a change of existing law.

Mr. WALSH of Montana. Again, I observe, Mr. President, that the provision under consideration does not deal with salaries at all. It merely relates to the fees, office expenses, and traveling expenses. It reads as follows:

Provided further, That from and after July 1, 1922, office expenses of clerks of United States circuit courts of appeals, also the personal

compensation of said clerks, their deputies, and other assistants, and their expenses of travel and subsistence, when absent from official headquarters on official business—

I do not know what "personal compensation" means. It certainly does not mean salary, or it would say so. If it is intended that within certain limits the Attorney General shall say what the salary of the clerk shall be, I would be disposed to give my approval to that; but when it comes to his allowing and authorizing office expenses and expenses for travel and clerk hire, and that kind of thing, we are concentrating here in Washington the administration of justice throughout the whole country.

Mr. CURTIS. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Kansas.

Mr. CURTIS. I drew the conclusion I did from the wording of the proviso, which reads:

That the salaries of clerks of the United States circuit courts of appeals shall not be fixed at a rate in excess of $5,000 per annum.

I drew the conclusion from that provision that, as the existing law fixes the salary at $4,500 and allows $500 out of the fees collected, it was intended that the Attorney General should approve not only the salary but what was allowed from fees, but that the total should not exceed $5,000.

Mr. WALSH of Montana. Take the circuit court of appeals for the eighth circuit, which, according to my recollection, sits at St. Paul, St. Louis, and at Denver——

Mr. CURTIS. Mr. President, as there seems to be a misunderstanding concerning the provision, if there is no objection, I am willing that the amendment may be adopted and go to conference. We can then send for the Attorney General and arrange the matter in conference.

Mr. OVERMAN. Let me ask the Senator from Montana if all items of expense, including compensation, traveling expenses, and so forth, do not now go to the Attorney General for his approval? Every court sends its accounts here to the Attorney General to be passed upon. That has been the practice for 50 years.

Mr. WALSH of Montana. I do not know what the practical operation is, but the law provides that these expenses shall be authorized by the judge in case of the clerks of the district courts. The usual plan is for the United States attorney to check over the accounts of the subordinate officers, to submit the matter to the judge, and usually, as a mere matter of form, the judge approves or disapproves as the district attorney recommends. I see no reason for departing from that procedure and putting the obligation upon a central office here under this great Government and calling upon the Attorney General to audit all these accounts for expenses incurred away out in the State of California, for instance.

Mr. OVERMAN. I repeat that for 50 years it has been the practice that all accounts covering the expenses of courts are sent to Washington for audit and investigation. We have had that matter up before our committee.

Mr. BROUSSARD. Mr. President, will the Senator from North Carolina yield to me?

Mr. OVERMAN. Yes.

Mr. BROUSSARD. How would the clerks be paid if their accounts had to be audited here at Washington before payment could be made?

Mr. OVERMAN. I did not say that was the case; I said that every account has to be approved by the judge and then the account is sent here and goes, under the new system, to the Comptroller General upon the approval of the Attorney General.

Mr. BROUSSARD. I think the Senator from North Carolina must be mistaken about that. I do not deny that the accounts are audited, but they are audited after the transaction is completed and settlement has been made. Under this provision, however, a clerk traveling from Denver, say, to some other point in the circuit would have to send his accounts here and have them approved before settlement could be made.

Mr. OVERMAN. The accounts have to go through the Attorney General to the auditor.

Mr. BROUSSARD. How long will that take?

Mr. OVERMAN. The accounts are audited at intervals throughout the year and payment is sent by check from the Treasury after they have been audited. All receipts, as the Senator knows, must go into the Treasury, for no official is allowed to retain Government funds.

Mr. CURTIS. Mr. President, if the Senator from North Carolina will yield, he will be a member of the conference committee, and, if Senators will accept my suggestion, we will send for the Attorney General and ascertain if we can not work this matter out satisfactorily.

Mr. BROUSSARD. But the disposition of the committee is to do exactly what the Attorney General wants in this matter, and I am opposed to that. Why should he be consulted about it?

Mr. CURTIS. This provision was not put in the bill on the suggestion of the Attorney General, but was put in by the House. Neither the Attorney General nor any official for the Attorney General recommended this provision or asked for it before the committee; but, after considering the matter, we thought it best to follow the suggestion of the House.

Mr. BROUSSARD. It appears to me that the Attorney General, in addition to the duties which he already has, could hardly wish to have imposed upon him the duty of examining and checking up, for instance, the price of a railroad ticket from one station to another and then to ascertain how many meals may have been eaten by various clerks and other employees in attendance upon the court.

Mr. CURTIS. I have stated that the Attorney General and the department did not ask for this proposed legislation.

Mr. BROUSSARD. Then, why should we ask him what he wants done about it?

Mr. CURTIS. In order to ascertain the attitude of the department in reference to the provision. I presume the House was influenced by the fact that the clerks of the district courts were treated in this way; I know that had an influence upon our committee; and, after going over the matter, we thought the House provision was better than existing law. There has been much complaint about the fee system.

Mr. BROUSSARD. May I ask the Senator from Kansas if the present law is based on the fee system?

Mr. CURTIS. To the extent of $500 of the compensation allowed, it is; yes. There has been a great deal of complaint about it, as the Senator must know, in view of the action of the House after complete hearings and the remarks of the chairman of the subcommittee of the House which have been read here. I am satisfied that he was mistaken and misconstrued the law, but at the same time it can be appreciated from his remarks that there exists a great deal of agitation about the fee system.

Mr. BROUSSARD. Or misinformation. We are discussing the facts of the situation, and it looks to me to be perfect folly to expect the Attorney General to pass upon the traveling expenses and the subsistence accounts of the clerks and their assistants.

Mr. OVERMAN. How would the clerk ever get his traveling expenses; how would he ever get his per diem unless the Attorney General approved his accounts?

Mr. BROUSSARD. I understand such accounts are approved by the circuit judge.

Mr. OVERMAN. They are approved by the circuit judge, but how is the clerk going ever to get his money? If one dollar of Government money is taken from the Treasury without a warrant the person taking it is guilty of a penitentiary offense. Everything is paid from the Treasury Department here; all fees go into the Treasury. How would the clerk get his money?

Mr. BROUSSARD. I understand that upon the approval of the circuit judge the Treasury pays out the money.

Mr. OVERMAN. Who pays it out—the clerk?

Mr. BROUSSARD. No. It is paid out of the Treasury.

Mr. OVERMAN. It has to be audited by somebody before it is paid out.

Mr. BROUSSARD. When it comes here, approved by the circuit judge, the Attorney General does not have to investigate it. That is what I am talking about—that necessarily there will be delay, because the Attorney General does not know.

Mr. OVERMAN. The judge almost never investigates; he approves.

Mr. BROUSSARD. But he is present, and the Senator will admit that he knows more about the matter than the Attorney General does.

Mr. OVERMAN. He ought to; but everybody knows that it comes here and is audited here, and it has to go not only to the Attorney General but through the comptroller before any man gets his money.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Louisiana.

The amendment was agreed to.

Mr. CURTIS. I ask unanimous consent that the Clerks be authorized to correct the totals.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KING. Mr. President, if I may ask the indulgence of the Chair, will the Secretary kindly turn to the amendment which was offered increasing the appropriation for the South American organization that was charged with obtaining certain statistics? The senior Senator from Utah [Mr. SMOOT] offered the amendment, which was accepted. Will the Senator from Kansas accept an amendment that the commission—that is, the American part of the commission—shall conclude its labors at the expiration of the coming fiscal year?

Mr. CURTIS. I am perfectly willing to accept that amendment, but we can not bind another Congress in the next bill. We can put in this provision, of course.

Mr. KING. It looks as though this machine that was set in operation by Mr. Secretary McAdoo is going on forever.

Mr. CURTIS. So far as I am personally concerned, I should like to close out all these commissions.

Mr. KING. I think if we put in that amendment it will have a salutary effect.

Mr. CURTIS. I am perfectly willing.

Mr. KING. Will the Secretary kindly state the amendment that was adopted, so that I can tender an amendment?

The READING CLERK. The amendment is to the paragraph relating to the United States section of the Inter-American High Commission, where "$19,600" was stricken out and "$25,000" inserted.

Mr. KING. Will the Secretary kindly read the section as it is now amended?

The reading clerk read as follows:

To defray the actual and necessary expenses on the part of the United States section of the Inter-American High Commission, $25,000, to be expended under the direction of the Secretary of State.

Mr. KING. Now I move to add the following:

Provided, That said commission shall conclude its labors and submit a final report on or before the 30th day of June, 1923.

Mr. LODGE. Let the amendment be read from the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to add, after the words "Secretary of State" and before the period, the following proviso:

Provided, That said commission shall conclude its labors and submit a final report on or before the 30th day of June, 1923.

Mr. CURTIS. What effect would that have upon their getting their pay from month to month? We would not want to interfere with that. Why not say that the commission shall make its report at the end of the year, or conclude its work before the end of the year?

Mr. KING. I am only interested in having the commission wind up its work and go out of business; we have so many of these commissions.

Mr. CURTIS. Why not strike out the word "provided," and say that the commission shall do this?

Mr. KING. Yes; strike out the word "provided." If it is not right, we can fix it in conference.

Mr. CURTIS. I suggest striking out the word "provided" and inserting the word "and." Then let the amendment be adopted, and we can work it out in conference if necessary.

Mr. KING. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah, as modified.

The amendment, as modified, was agreed to.

Mr. WALSH of Montana. Mr. President, I notice that the bill carries an appropriation to meet the expenses of arbitrating outstanding pecuniary claims between the United States and Great Britain in accordance with the special agreement concluded for that purpose August 18, 1910. I observe that the chairman of the Committee on Foreign Relations is present. I want to inquire if any steps are being taken to adjust claims of American nationals against Great Britain arising out of injury claimed to have been done to American shipping and American cargoes prior to our entry into the war?

Mr. LODGE. The Senator means the general provision about carrying on the pecuniary claims arbitration?

Mr. WALSH of Montana. No; I say, there is a provision here for arbitrating the claims in accordance with the agreement made in 1910.

Mr. LODGE. Yes.

Mr. WALSH of Montana. But I am asking the Senator whether, so far as he knows, any steps are being taken by the State Department looking to the adjustment of claims of our citizens against Great Britain arising out of the acts of Great Britain during the time that we were neutrals in the late World War and before we became participants in it?

Mr. LODGE. I do not think this provision covers any claims except those arising prior to our entry into the war.

Mr. WALSH of Montana. Oh, no; I appreciate that it does not. I ask the Senator if any steps are being taken?

Mr. LODGE. Not to my knowledge.

Mr. WALSH of Montana. I was of the impression that practically all of those matters had been adjusted in some way that was satisfactory to the claimants; but, much to my surprise, I learned recently that nothing had been done toward the settlement and adjustment of a large number of those claims which arose out of alleged interferences with our rights as neutrals, against which the State Department at the time protested very stoutly.

Mr. LODGE. I can only say to the Senator that I have heard nothing in regard to those claims. I do not know just what they amount to. I suppose some of them must be very large, but I have heard of no negotiations for their settlement. I assume, of course, that there will be negotiations.

Mr. WALSH of Montana. I was asked to interpose at one time on behalf of some shippers from Chicago claiming property to the amount of $57,000 which they alleged had been illegally seized, and I have not heard anything about the matter.

Mr. LODGE. These are claims against Great Britain?

Mr. WALSH of Montana. Against Great Britain; but I learned within the last day or two that they have not been able to make any progress whatever toward securing satisfaction. I merely desire to say that, as a matter of course, if our Government does not secure satisfaction for those claimants from Great Britain they will have a just claim against the Government of the United States, which we will eventually be obliged to pay.

Mr. LODGE. I had supposed that those claims were all in the hands of the State Department for arrangement by negotiation or by arbitration.

Mr. WALSH of Montana. I imagined myself that they had practically all been adjusted, but I have learned that that is not the case.

Mr. LODGE. I do not know whether they have been settled or whether anything has been done; but I am very sure that those claims were filed with the State Department.

Mr. WALSH of Montana. Oh, yes.

Mr. LODGE. And I assume that they have been pressed. I know about one claim that has been pressed by the State Department. I do not know that it has been settled, but I know of one of that nature that has been taken up and pressed by the State Department. They may be trying to settle them by negotiation. I can not tell the Senator about that. That is all I know about those claims.

Mr. WALSH of Montana. I may ask for information from the department on that subject.

Mr. LODGE. I know that they have been prosecuted.

Mr. CURTIS. I may state to the Senator that a list of the claimants is given on page 262 of the report, but the nature of the claims is not given; simply the names of the claimants.

Mr. WALSH of Montana. Is that in connection with the item found on page 20?

Mr. LODGE. The Senator from Montana is not asking about those claims.

Mr. CURTIS. The Senator from Massachusetts advises me that they are not the same claims.

Mr. LODGE. No; what is in the bill relates only to claims arising prior to the war.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. I move that the Senate take up for consideration House bill 4, Order of Business 509.

Mr. KING. Let it be stated.

The VICE PRESIDENT. The Senator from New Mexico moves that the Senate proceed to the consideration of House bill 4, the title of which will be stated by the Secretary.

The READING CLERK. A bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses.

Mr. KING. Mr. President, I do not think we ought to take up that bill this evening. The hour is late, and I can tell the Senator that he will not get through with it to-night.

Mr. BURSUM. I submit that unless we do take it up there will be very little time to consider this legislation. The tariff bill will come on to-morrow. The bill is very important. It passed the House several months ago and ought to be considered.

Mr. KING. Mr. President, I had intended this afternoon to address myself to the situation in Mexico and devote considerable time to a discussion of the conditions there prevailing, to the Obregon government, to its failure to establish order, protect American lives and American property, and make reparation for the wrongs which have been done to American citizens. I pretermitted entering upon that discussion, which would have consumed considerable time, in order that we might proceed

with the consideration and the conclusion of the bill which has now been passed.

My understanding was that if I would not enter upon that discussion this afternoon, at the conclusion of the consideration of that bill we would take a recess. I sincerely hope that we will not undertake now to take up this bill, because, if so, I shall have to start in on the address which I intended to enter upon some time ago.

I can assure the Senator from New Mexico that he will make nothing by taking up the bill to-night. It will not advance the bill at all. It may retard it.

Mr. BURSUM. There is no need of having any great length of debate on this bill. It is a very simple bill.

Mr. CURTIS. I wonder if we could not agree to have a night session some day next week in order to dispose of these pension bills?

Mr. KING. We will talk of that when we see what we do to-morrow with the tariff bill, and what arrangements are made respecting it. I am sure the Senator will find on this side a desire to accommodate him in every reasonable way.

Mr. CURTIS. Of course, we want these pension bills disposed of. They have been here a long while. Some of them are House bills, and because of the work of the former chairman of the Committee on Pensions in the Committee on Finance they were held in committee. The chairman has reported them out. Many of them are very old, and we would like to get rid of them. I doubt if we could go on with them to-night. If the Senator would consent, we might see if we could not to-morrow agree upon some night this week or next week to take them up and dispose of them.

Mr. KING. I shall be glad to meet to-morrow with the Senator from New Mexico and the Senator from Kansas and see what is done to-morrow with the tariff; and we can then steer our course a little better, when we know what our friends upon the other side are going to do with the tariff bill.

Mr. BURSUM. If there is any way of having an assurance that the bills will be considered, I shall have no objection to waiting until then; but it seemed to me that under the program for consideration of the tariff bill there would be no opportunity to have these bills considered except by unanimous consent.

Mr. KING. I can assure the Senator that they will be considered before the session adjourns.

Mr. BURSUM. During the morning hour it has been habitual with the Senator from Utah to object to the consideration of all these bills. So that there will be no chance to take the bill up during the morning hour.

Mr. KING. I can assure the Senator that his bills will be considered before we adjourn. He need not worry.

Mr. BURSUM. I want to have an arrangement made as to a time to have them considered.

Mr. KING. I will be glad to talk with the Senator to-morrow about it.

The VICE PRESIDENT. The question is on the motion of the Senator from New Mexico, to take up House bill 4.

Mr. KING. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of executive business.

Mr. BURSUM. What became of my motion?

Mr. CURTIS. The Senator from New Mexico can move to-morrow morning that his bill be taken up. I move that the Senate adjourn.

Mr. HEFLIN. I thought we were to have an executive session.

Mr. CURTIS. There are very few matters on the Executive Calendar, and we can have an executive session to-morrow.

ADJOURNMENT.

The VICE PRESIDENT. The Senator from Kansas moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 20, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 19, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord be gracious unto us according to our necessities; have compassion upon our weakness and ignorance, and give us great desire to be Thy children of light and truth. Day by day help us to live well, not because we are going to die but because we are going to live. Deepen our thoughts, inspire our purposes, and bring us into complete harmony with the very best that is in human thought and action. Above all transient things, may we still feel how supremely essential are the truths of the unseen and the eternal. When we separate to-day dismiss us with Thy blessing and go home with us. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEATH OF EX-REPRESENTATIVE LAFEAN.

Mr. BUTLER. Mr. Speaker, I notice by the public prints that a former colleague of ours, Hon. Daniel Lafean, of Pennsylvania, died yesterday. It is thought appropriate by some of us who sat here with him that this statement be made in the RECORD so that the public may know that we have not forgotten him and that our esteem for him still continues.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1059. An act for the relief of J. B. Waterman;

S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes;

S. 1026. An act for the relief of Albert E. Magoffin;

S. 249. An act for the relief of certain tribes and nations of Indians in the State of Montana;

S. 250. An act authorizing the Crow Tribe of Indians residing in the State of Montana to submit claims to the Court of Claims;

S. 2281. An act to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover;

S. 3307. An act authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within Springfield Armory Military Reservation, Mass., and for other purposes; and

S. 2014. An act to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 2158. An act to provide for the monthly payment of pensions; and

H. R. 2303. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota;

H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 7234. An act for the relief of Miles Swift; and

H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post, No. 3, American Legion, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1059. An act for the relief of J. B. Waterman; to the Committee on Claims.

S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes; to the Committee on Military Affairs.

S. 1026. An act for the relief of Albert E. Magoffin; to the Committee on War Claims.

S. 249. An act for the relief of certain tribes and nations of Indians in the State of Montana; to the Committee on Indian Affairs.

S. 250. An act authorizing the Crow Tribe of Indians residing in the State of Montana to submit claims to the Court of Claims; to the Committee on Indian Affairs.

S. 2281. An act to extend the benefits of the employers' liability act of September 7, 1916, to Daniel S. Glover; to the Committee on Claims.

S. 2014. An act to provide for the settlement of small holding claims on unsurveyed land in the State of New Mexico; to the Committee on the Public Lands.

S. 3307. An act authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within Springfield Armory Military Reservation, Mass., and for other purposes; to the Committee on Military Affairs.

COMMITTEE ELECTIONS.

Mr. GARNER. Mr. Speaker, I offer a privileged resolution.

The SPEAKER. The gentleman from Texas offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 327.

Resolved, That HARRY ST. GEORGE TUCKER, Member of Congress from the tenth district of Virginia, be, and he is hereby, elected a member of the Committee on Education.

The resolution was agreed to.

Mr. GARNER. Mr. Speaker, I have another privileged resolution.

The SPEAKER. The gentleman from Texas submits another privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 328.

Resolved, That JOHN N. SANDLIN, Member of Congress from the fourth district of Louisiana, be, and he is hereby, elected a member of the Committee on the Census.

The resolution was agreed to.

ADDITIONAL COPIES OF THE TARIFF BILL.

Mr. KIESS. Mr. Speaker, I desire to make a privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania presents a privileged report from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate, be printed as a Senate document with an index, and that 27,000 additional copies be printed, of which 10,000 shall be for the Senate document room, 15,000 for the House document room, 1,000 for the Committee on Finance of the Senate, and 1,000 for the Committee on Ways and Means of the House.

With the following committee amendments

In line 6, strike out "twenty-seven" and insert in lieu thereof "fifteen."

In line 7, strike out "ten" and insert "five," and in line 8, strike out "fifteen" and insert "eight."

Mr. GARRETT of Tennessee. Mr. Speaker, has it been customary in the past to print in this way as a document the bill as reported to the Senate?

Mr. KIESS. Mr. Speaker, yes; it has been. I hold in my hand a copy of the bill which was printed as a Senate document last summer, and the resolution which has been reported by our committee is in exactly the same form.

Mr. GARRETT of Tennessee. Is it to be printed in bill form?

Mr. KIESS. No; in document form with an index, and the Senate resolution provided for 27,000 copies. The House committee thought that number was excessive and reduced it to 15,000. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. WALSH. Will the gentleman yield?

Mr. KIESS. I will.

Mr. WALSH. None of the amendments provide for the distribution of this document through the folding room, do they?

Mr. KIESS. No, Mr. Speaker. The resolution provides that the copies shall be distributed through the document room, which has been the form heretofore used with reference to tariff bills.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NAVAL APPROPRIATIONS.

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to inquire of the gentleman from Michigan [Mr. KELLEY], in charge of the naval appropriation bill, whether it is his purpose to complete the bill to-day? I mean not only to carry it to the previous question, but to have the final vote to-day?

Mr. KELLEY of Michigan. I will say to the gentleman from Tennessee that I do not see any reason why the bill may not be fully disposed of to-day.

Mr. GARRETT of Tennessee. I merely ask that because numerous gentlemen are calling upon me to know whether or not we are going to vote to-day.

Mr. KELLEY of Michigan. I do not see anything in the way of finishing up the bill to-day.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 11228).

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. VARE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. As many as are in favor of the motion of the gentleman from Michigan will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 344, nays 0, not voting 85, as follows:

YEAS—344.

Almon	Davis, Tenn.	Kinkaid	Perkins
Andrew, Mass.	Deal	Kirkpatrick	Perlman
Andrews, Nebr.	Denison	Kissel	Petersen
Ansorge	Dickinson	Kline, N. Y.	Porter
Anthony	Dominick	Kline, Pa.	Pringey
Appleby	Dowell	Knight	Purnell
Arentz	Drane	Knutson	Quin
Aswell	Dupré	Kopp	Radcliffe
Atkeson	Echols	Kreider	Raker
Bacharach	Elliott	Lanham	Ramseyer
Bankhead	Ellis	Lankford	Rankin
Barbour	Evans	Larsen, Ga.	Ransley
Barkley	Fairfield	Larson, Minn.	Rayburn
Beck	Faust	Layton	Reber
Beedy	Favrot	Lazaro	Reece
Begg	Fenn	Lea, Calif.	Reed, N. Y.
Bell	Fess	Leatherwood	Reed, W. Va.
Benham	Fisher	Lee, Ga.	Rhodes
Bird	Fitzgerald	Lee, N. Y.	Ricketts
Bixler	Focht	Lineberger	Riordan
Black	Fordney	Linthicum	Roach
Blakeney	Frear	Little	Robertson
Bland, Ind.	Freeman	Logan	Robsion
Bland, Va.	French	London	Rogers
Blanton	Frothingham	Longworth	Rose
Boies	Fuller	Lowrey	Rosenbloom
Bond	Fulmer	Luce	Rouse
Bowers	Funk	Lyon	Rucker
Bowling	Gahn	McArthur	Sanders, Tex.
Box	Gallivan	McClintic	Sandlin
Brennan	Garner	McCormick	Scott, Mich.
Briggs	Garrett, Tenn.	McKenzie	Scott, Tenn.
Britten	Garrett, Tex.	McLaughlin, Mich.	Shaw
Brooks, Ill.	Gensman	McLaughlin, Nebr.	Shreve
Brooks, Pa.	Gernerd	McLaughlin, Pa.	Sinclair
Browne, Wis.	Gilbert	McPherson	Sinnott
Buchanan	Glynn	McSwain	Sisson
Bulwinkle	Goldsborough	MacGregor	Slemp
Burdick	Graham, Ill.	Madden	Smith, Idaho
Burke	Green, Iowa	Magee	Smith, Mich.
Burroughs	Greene, Vt.	Mann	Smithwick
Burtness	Griest	Mapes	Speaks
Burton	Griffin	Martin	Sproul
Butler	Hadley	Mead	Steagall
Byrnes, S. C.	Hardy, Colo.	Michener	Stedman
Byrns, Tenn.	Harrison	Miller	Steenerson
Cable	Haugen	Mills	Stephens
Campbell, Kans.	Hawes	Millspaugh	Stevenson
Campbell, Pa.	Hawley	Mondell	Stoll
Cannon	Hayden	Montague	Strong, Kans.
Carew	Hays	Montoya	Strong, Pa.
Carter	Herrick	Moore, Ill.	Sullivan
Chalmers	Hersey	Moore, Ohio	Summers, Wash.
Chandler, N. Y.	Hickey	Moore, Va.	Sumners, Tex.
Chandler, Okla.	Hicks	Moores, Ind.	Swank
Chindblom	Hill	Morgan	Swing
Christopherson	Himes	Morin	Tague
Clague	Hoch	Mott	Taylor, Ark.
Clarke, N. Y.	Hogan	Mudd	Taylor, N. J.
Classon	Hooker	Murphy	Temple
Clouse	Huddleston	Nelson, Me.	Ten Eyck
Cockran	Hukriede	Nelson, A. P.	Thomas
Codd	Hull	Nelson, J. M.	Thompson
Cole, Iowa	Humphreys	Newton, Minn.	Tillman
Collier	Husted	Newton, Mo.	Tilson
Collins	Hutchinson	Nolan	Timberlake
Colton	Jacoway	Norton	Tincher
Connally, Tex.	James	O'Connor	Tinkham
Connell	Johnson, Ky.	Ogden	Treadway
Connolly, Pa.	Johnson, Wash.	Oldfield	Tucker
Cooper, Ohio	Jones, Pa.	Oliver	Tyson
Cooper, Wis.	Jones, Tex.	Olpp	Underhill
Coughlin	Kahn	Osborne	Vaile
Crago	Kearns	Overstreet	Vare
Cramton	Keller	Padgett	Vestal
Crisp	Kelley, Mich.	Paige	Vinson
Crowther	Kennedy	Park, Ga.	Volk
Cullen	Ketcham	Parker, N. J.	Volstead
Dale	Kiess	Parker, N. Y.	Walsh
Dallinger	Kincheloe	Parks, Ark.	Ward, N. Y.
Darrow	Kindred	Patterson, Mo.	Wason
Davis, Minn.	King	Patterson, N. J.	Watson

Weaver	White, Me.	Wise	Woodyard
Webster	Williamson	Wood, Ind.	Wright
Wheeler	Wilson	Woodruff	Wyant
White, Kans.	Wingo	Woods, Va.	Zihlman

NAYS—0.

NOT VOTING—85.

Ackerman	Goodykoontz	Lehlbach	Shelton
Anderson	Gorman	Luhring	Siegel
Brand	Gould	McDuffie	Snell
Brown, Tenn.	Graham, Pa.	McFadden	Snyder
Cantrill	Greene, Mass.	Maloney	Stafford
Clark, Fla.	Hammer	Mansfield	Stiness
Cole, Ohio	Hardy, Tex.	Merritt	Sweet
Copley	Hudspeth	Michaelson	Taylor, Colo.
Curry	Ireland	O'Brien	Taylor, Tenn.
Dempsey	Jefferis, Nebr.	Pou	Towner
Doughton	Jeffers, Ala.	Rainey, Ala.	Upshaw
Drewry	Johnson, Miss.	Rainey, Ill.	Voigt
Driver	Johnson, S. Dak.	Reavis	Walters
Dunbar	Kelly, Pa.	Riddick	Ward, N. C.
Dunn	Kendall	Rodenberg	Williams
Dyer	Kitchin	Rossdale	Winslow
Edmonds	Kleczka	Ryan	Wurzbach
Fairchild	Kraus	Sabath	Yates
Fields	Kunz	Sanders, Ind.	Young
Fish	Lampert	Sanders, N. Y.	
Foster	Langley	Schall	
Free	Lawrence	Sears	

So the motion was agreed to.

The following pairs were announced:

Mr. Sanders of Indiana with Mr. Kitchin.
Mr. Lehlbach with Mr. Jeffers of Alabama.
Mr. Graham of Pennsylvania with Mr. Sears.
Mr. Williams with Mr. Driver.
Mr. Walters with Mr. Doughton.
Mr. Merritt with Mr. Brand.
Mr. Johnson of South Dakota with Mr. Hudspeth.
Mr. Dunbar with Mr. Hammer.
Mr. Gorman with Mr. Rainey of Illinois.
Mr. McFadden with Mr. Taylor of Colorado.
Mr. Lawrence with Mr. Clark of Florida.
Mr. Dempsey with Mr. O'Brien.
Mr. Free with Mr. Ward of North Carolina.
Mr. Shelton with Mr. Cantrill.
Mr. Ackerman with Mr. Fields.
Mr. Luhring with Mr. Kunz.
Mr. Lampert with Mr. McDuffie.
Mr. Ireland with Mr. Pou.
Mr. Winslow with Mr. Upshaw.
Mr. Maloney with Mr. Mansfield.
Mr. Young with Mr. Sabath.
Mr. Michaelson with Mr. Drewry.
Mr. Foster with Mr. Johnson of Mississippi.
Mr. Snell with Mr. Hardy of Texas.
Mr. Dunn with Mr. Rainey of Alabama.
Mr. Greene of Massachusetts with Mr. Swank.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LONGWORTH in the chair.

Mr. KELLEY of Michigan. Mr. Chairman, when the Committee of the Whole suspended last night we were discussing an amendment offered by the gentleman from New York [Mr. HICKS]. I am not quite clear whether the gentleman from New York had finished the discussion or not.

Mr. HICKS. I will say to my friend that I would like to add a few words at the conclusion of the discussion. There are several gentleman who have expressed a desire to speak on this matter, one of whom is the gentleman from Texas [Mr. LANHAM].

Mr. KELLEY of Michigan. The amendment of the gentleman from New York is before the committee.

Mr. LANHAM was recognized.

Mr. GARRETT of Tennessee. Will the gentleman from Texas yield for a moment, not to be taken out of his time?

Mr. LANHAM. Certainly.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Michigan, now that there are more Members here than when his statement was made previously, if he will not again advise the House as to his purpose to vote to-day?

Mr. KELLEY of Michigan. I will say that I do not see anything in the situation which would prolong the consideration of the bill beyond to-day. It seems as though we might easily conclude the bill and have a final vote upon it this afternoon. That is my hope and expectation.

Mr. LANHAM. Mr. Chairman and gentlemen of the committee, from the study which I have given to this measure and the corresponding Army appropriation bill, I realize somewhat, I think, the importance of the respective items for aviation, both with reference to the heavier-than-air and the lighter-than-air machines. I have given probably more study to that feature of the question which deals with the lighter-than-air craft. The helium project has been carried on in this country on a 50-50 basis by the Army and the Navy, and consequently the appropriations for it have been made through the appropriation bills for those two services. In the Army appropriation bill which recently passed the House an item was carried of $400,000 for the helium project during the coming fiscal year. In order to carry out the 50-50 plan between the two departments, it would be necessary for a corresponding sum to be carried in the present bill.

I read with a great deal of interest the hearings, and I see by a statement made on page 935 of the hearings that that fact is recognized by the chairman and other members of the subcommittee, and that it is intended that of the total sum specified in the bill the amount of $400,000 shall be used for the helium project to meet and match the $400,000 in the Army appropriation bill. I should like to inquire of the gentleman from Michigan if I am correct?

Mr. KELLEY of Michigan. The gentleman is entirely correct as to the amount included for the helium plant.

Mr. LANHAM. I have seen in the last day or two a statement in the press to the effect that a high naval officer gave the opinion that, owing to the "excessive reduction" of the lump-sum aviation appropriation, the operation of the helium plant would be curtailed as much, if not more, during the next fiscal year as it has been during the present fiscal year.

I do not know what the purpose of those in charge of the administration of the appropriation may be. Realizing the importance of the helium project, if it be true that the lump sum made available will necessitate the curtailment of the operation of the helium plant, I think it most important that the item should be increased, at least by a sufficient sum to take care of that project.

Last year the naval appropriation bill carried an item of $400,000 for the helium project, and the Army bill carried only $250,000. The practical operation was that, instead of having $650,000 available for the operation of the helium plant, when the Army appropriation of $250,000 was exhausted, inasmuch as the two departments worked on a 50-50 basis, the Navy Department went no further, and so the total expenditure was $500,000. If the statement in the press be true, we are going to have the situation reversed, with the smaller sum coming from the Navy, but with the practical operation the same as to the amount available.

Mr. MANN. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. MANN. What assurance would the gentleman have if we increased the lump-sum appropriation that any part of the increase will be used for the helium plant?

Mr. LANHAM. I will say that unless there was some amendment appended providing that it should be expended for the helium project, I do not know that there would be any assurance in fact that the increase would be used for that purpose. I think that if the sum were increased, as requested by the Navy Department for aviation, the whole program would be carried out.

Mr. MANN. It is just as easy to insert an amendment in the pending paragraph providing the $400,000 as to insert a similar amendment if the lump sum was increased.

Mr. LANHAM. I have in mind the offering of an amendment to that effect, inasmuch as that is the position of the chairman of the subcommittee.

Mr. GREEN of Iowa. Mr. Chairman, I rise in opposition to the pro forma amendment. I am opposed to increasing this appropriation, and in fact I am opposed to making any appropriation for the purpose of attempting to use for military purposes these large dirigible balloons. I had something to say on this subject in connection with the Army bill. The gentleman from Texas [Mr. LANHAM], who has just taken his seat, on that particular occasion saw fit to criticize my remarks to some extent, but if he will read in the RECORD what I had to say, and read also what he had to say, he will see that there was no difference whatever between him and myself with reference to the properties of helium gas, although he said at that time that I was very much mistaken about it. If the gentleman will take my remarks as I made them, he will be compelled to admit that every statement of fact that I made was absolutely correct.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. LANHAM. Has the gentleman since that time had the opportunity of hearing the illustrated lecture by General Mitchell with reference to the availability of lighter-than-air aircraft as carriers over heavier-than-air aircraft and the prospective use of helium in that important work?

Mr. GREEN of Iowa. I would say to the gentleman that, due to sickness in my family, I was unable to attend that lecture, which did not relate to the subject of the production of helium, but I have made some considerable study of the subject. I have read a long article that recently appeared in the Scientific American, as perhaps the gentleman has, with reference to helium gas. However, I do not think it is worth while to continue the discussion of whether we will use these big dirigibles, because the House on a former occasion has voted that we would do so. I merely wanted at this time, so far as that matter is concerned, to make my position clear, in order that if I should be in Congress a year or two longer I might, as I believe I will be able to do, at some future time show how useless these great elephants of the air are for military purposes. This, of course, is a matter of opinion, upon which experts differ.

What I rose to call the attention of the committee to at this time is the fact that we have already expended $8,000,000 on helium gas. It can not be made for commercial purposes on account of the great expense connected with it. It is true that it is noninflammable; it has that great advantage for use in dirigible balloons, and they can not be set on fire either by sparks from the engine or by explosive bombs; but the question still arises whether it is worth while for us to continue our expenses until we have expended probably $15,000,000, as we will have to if we carry out this program, for the purpose of filling balloons that will be, as I think, of no use for military purposes after they have been constructed. I am for that reason opposed not only to an enlargement of the appropriation, but I regret that there is any appropriation whatever for this purpose.

Mr. TINCHER. Mr. Chairman, I suppose there is not a Member of Congress who does not appreciate the fact that in the next war, if we have a war, a determining factor in it will be the aircraft of the Nation. I do not believe there is a Member of Congress, although our duties are complex and sometimes are hard to fathom, who does not believe with me that there should be a saving in the obsolete methods and preparations for war, and that that saving should be used in the interest of the national defense in the air. Man has conquered the air to such an extent that if we have another war that war will be decided and won by the nation having the best aircraft.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. LAYTON. Does the gentleman not also recognize, as of equal if not superior importance, synthetical chemistry?

Mr. TINCHER. Certainly, of equal importance, at any rate. What is the situation? Every Member of this Congress arose this morning to find what? To find a statement from the Secretary of the Treasury showing the depleted condition of our Treasury. Read on and what do we further find? We find the Secretary of War over at the Senate demanding an increase in the standing Army, and we came here to find in the galleries, with badges on and on the streets with badges on, the representatives of the navy yards and the Navy Department demanding a larger Navy. So long as these great departments have their representatives demand every dollar that is in the Federal Treasury, we are supposed to turn a deaf ear and be blind to the real way to prepare for national defense for the future. There is not a man here who would not in private conversation say to me that he would gladly take off the Army bill $50,000,000 and that he would like to take off the Navy bill $50,000,000, two great expenditures of this Government, and use it for a real American defense, for real defense for this Nation, in the way that will be used if we ever have another war, in the way that will be effective if we have another war, in the organization of a department that would not permit any nation to excel us in the development of aircraft. [Applause.] But we will not do that; we are in the old rut. We will not have an aircraft department of any importance in this Nation so long as the Secretaries of the War and Navy Departments through their organizations can take from the Federal Treasury every dollar that it is possible for the taxpayers to put into the Treasury. I have no patience with the arguments that have been made on either side of the big and little navy proposition. I believe the men in this House who voted for 67,000 personnel were firmly convinced that that number is sufficient to maintain the treaty Navy, and I am willing to go further and say that I believe the average Member of the House who voted for a larger personnel voted for it upon the theory that it would require that many men in the treaty Navy, but the country through the press has no way in the world of arriving at that conclusion, because a picture has been drawn here through the influence of these departments, that the man who stands for a 67,000 personnel wants to scuttle the Navy and that has been answered by those in favor of that number by saying that the man who stands for an 86,000 personnel is favoring some shipyard, and as confirmation of that to some extent here come the navy yard men this morning with badges on, with the plea to save the navy yards. However, the average Member of Congress does not pay much attention to those things. I wish this House might rise in its dignity as the representatives of the people of this country and, with the letter of the Secretary of the Treasury before us as to the condition of the Treasury, with our own opinions which we have, with the information which we have gained because of the experiments of last summer with reference to the use of aircraft on the Navy, with the information that we have concerning the probabilities of our needing a large standing Army in the near future, do what we all know to be our duty, viz, tell the Secretary of War and the Secretary of the Navy that we are going to think of America first, and that we are going to take from them, which is the place the money is spent, sufficient money to maintain an aircraft division equal to if not in the lead of any nation in the world. That is the way the next war will be decided. There is no more prospect of these battleships that we are going to maintain or the standing Army that we are maintaining now winning the war than there is of the rifle that was used in the Civil War deciding the next war, and we all know it. I want to vote conscientiously for the best national defense possible, but you will all agree with me how hard it is to do that with this clamor that is going on. I say that if this Congress is able before its adjournment to pass a bill consolidating the departments of the Army and the Navy, it will have done a great work for this Nation, because then we will have only one man to fight if we want to get a little money for real progress. [Applause.]

Miss ROBERTSON. Mr. Chairman [applause], my voice is not all for war but for peace. What is the emblem we always have of peace? Peace following Winged Victory. The sacred poet cried, "Oh, that I had the wings of a dove that I might fly away and be at peace." It is always a brooding peace or the gentle flight of the peace dove with her white uplifted wing. We have, too, the winged eagle, watching always, vigilant-eyed, over our homeland. So I come with just a word, only a word, for the wings and eyes of our national defense—the great winged birds of the Air Service, whose vigilance is that we may have peace. Our adventurous young men, in or out of the Army and Navy, are going to push forward into the wonderful realm of the air. Our General Government can do much for peace and for saving life by going forward in the development of knowledge, of safe transit for its messengers of peace through an adequate Air Service. On this one thing let us not fail our country, but through our strong aviation service strengthen the wings of vigilant eagles and gentle doves so that the great winged birds may fly over our country from shore to shore, from north to south, and by their vigilance help keep not only American peace but world peace. [Applause.]

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I have been listening for the past week to the debate on the bill now under consideration and have not expected to say anything, but after the vote of 177 to 130 on Saturday, in favor of increasing the personnel of the Navy from 67,000 to 86,000, I propose to let the people of the seventh district of South Carolina, as well as the committee, know why I voted with the subcommittee, which stood for 67,000 men.

The opponents of the bill, most of them able speakers, have been hashing and rehashing the same old story, "ye must be prepared." The experts say that a Navy with a personnel of 67,000 means war and destruction. This is but the same kind of propaganda being scattered by the Navy officials, naval experts, and practically all newspapers; even the crossroads country papers are carrying cartoons showing the United States with a 67,000-man Navy standing in third place with Great Britain and Japan. The United States Chamber of Commerce, the mouthpiece of big business, true to their calling, are yelling the same kind of propaganda, while big business, as represented by them, has used the big stick over this Republican Congress so successfully that they have removed or cut to the core the surtaxes and the excess-profits taxes. This same Chamber of Commerce is standing up for a sales tax, unmindful of the masses who are almost bankrupt on account of heavy taxation.

I voted for a Republican peace resolution because it was part of the program leading to an association for the purpose of arranging for disarmament; knowing, as I did, of the delay of two or more years after the war on the part of the United States to call together in conference or association the bleeding nations of the world, in order to further show them

that we are a peace-loving people, that we did not enter the war for the purpose of enlarging our territory but for the purpose of putting an end to the spilling of blood, and for the further purpose of showing the world that we of the United States of America would not stand for such uncivilized conduct.

When Secretary Hughes told Great Britain, France, and Japan that we would fix the standing of the Navy of the United States along with that of Great Britain and the others according to their class, he showed clearly that we stand for peace. In doing this he proposed to scrap the finest ships that we now have under construction, which would mean millions of the people's money wasted. These so-called experts, who seem to dictate the wording of all important legislation in Congress and who would break the Treasury for their personal gain, no doubt brought about the building of the large ships and began the large program which, since it is necessary for us to destroy, is helping to break the people and put the country in a bankrupt condition. It is no wonder that the agricultural interests, the laboring people, and legitimate business are saying to-day that Congress is failing to function. I agree with the gentleman from New York [Mr. LONDON], and the American people have agreed, that it would be better for Congress to adjourn. I said in my campaign, and I say it on the floor of this House, that we need less speech making and more business in connection with legislation in Congress. Seventy-five per cent of the Members of this Congress are professional men, who are supposed to be capable of building constructive legislation; but I charge you that too many of you have your ears too close to the ground wires. You are listening to the politician and lobbyist and are not heeding the cries of the poverty-stricken miner, whose family has been deprived of a home, and even of the tents in which they lived; the cries of men, women, and children who are toiling 15 hours in the day that the world might be fed and clothed; the cries from legitimate business, which has been stifled by the premeditated high-handedness on the part of big business, the Money Trust, the Fertilizer Trust, and the Railroad Trust. We have thousands of parasites operating between the producer and the consumer who are sapping the very lifeblood out of them. You know this, and yet you have suggested no remedy to eliminate these wrongs. Banks, merchants, and farmers in the West and South are going daily into bankruptcy, losing their homes and all that they have been toiling for, and in a great many instances that which their forefathers worked for.

If you will look at this bill from any other standpoint than that of "I have a navy yard in my district or my State," or that big business is doing millions of dollars of business in foreign countries and it needs the protection of a large Navy at any price, although, as I stated a few minutes ago, these same big business interests find it necessary to be relieved of paying surtaxes and excess-profits taxes, then you will agree with Mr. KELLEY, the chairman of the subcommittee; my colleague [Mr. BYRNES]; and others who have shown you that this bill will come up to the full standard of the 5-5-3 ratio.

The rest of the world is watching the United States at this time to see if we propose to carry out the plans of the conference. I contend that since we are to be in a continued session that it would be much better to even come a little below the 5-5-3 ratio than to have an excess of 20,000 men. Should we find that we are below this ratio it would be an easy matter to increase the personnel of the Navy at any time. These gentlemen—Mr. KELLEY of Michigan, Mr. BYRNES of South Carolina, and Mr. OLIVER—have given you facts and figures to prove conclusively that the 67,000 personnel will be a gracious plenty to bring our Navy up to the 5-5-3 ratio. This being true, the addition of an excess of 20,000 men will tend to embarrass other nations who so willingly accepted our proposition.

Much has been said about "who are we going to fight?" You had better put it, "Who are we going to let perish?" During the past few months you have voted twenty millions to save starving Russia, you have voted to give Austria the twenty-five millions that she justly owes us in order to keep her from sinking by the roadside. Your experts, that you so much rely on for advice when you wish to pass important legislation, would to-day cancel the eleven billions which are owed to us by our allies, who say that they are unable to pay and that they are nearly bankrupt. Yet if you should want to give a decent cash bonus to the men who bled and died that we might live these same so-called experts and financiers object, saying that it would mean the breaking of the Treasury.

On April 28, 1921, I made a speech on the floor of this House and quoted figures from the Secretary of the Treasury to show where our money goes. I proved to you that 93 per cent of every dollar spent by the Government of the United States was spent for past, present, and future wars, and here you propose to keep it up.

I want to call your attention to the speech of the gentleman from Illinois [Mr. MADDEN], chairman of the Committee on Appropriations, and he is in a position to know what he is talking about—

> If you increase the personnel of the Navy from 67,000 to 86,000, the additional cost, with bills now pending and others that will be pending, you will bring the expense of the Army and Navy at this time to $800,000,000, as against the expense during 1916 of $280,000,000.

We are told further by Mr. MADDEN that with this additional expenditure we will have a deficit of $455,000,000, which means that you not only eat up all revenue coming in from an already tax-burdened people but you will have to increase taxes many millions to pay off the deficit.

I have a letter from a lady in South Carolina stating that at the beginning of the war she and her husband had a home, had money in the bank, and stood well in society, but he felt it his duty to take up arms in defense of his country. He was promoted several times, wounded, and placed in a hospital where, in order to ease his pain, he was given dope until he became a drug addict. To-day he is in the hospital on his own expense, unnoticed and uncared-for by the Government. He has lost his home and his money and his wife is dependent on friends and neighbors for the support of herself and their three children. There are hundreds of such cases and thousands of ex-service men and others out of work. Yet we who have over one-third of the gold of the world, which should be used in developing our national resources and for the education of the people of our Nation, under the control of the influence of these experts and a Republican administration you propose to maintain a large Army and Navy during peace times. To show further how you propose to carry out your destructive plans, which are absolutely against the interests of the masses of people, you are using millions of this money in building skyscrapers for the Federal reserve banks in New York and elsewhere. These same banks, however, in the fall of 1920 put the agricultural interests in statu quo.

Some of you who claim to represent the laboring man, the agricultural interests, the one interest that if made prosperous means prosperity to all other legitimate business, thought when you created the Federal reserve bank system—and it is a great one—when you created the War Finance Corporation and the Interstate Commerce Commission, that you had completed the job. In a great many of these you have wonderful structures and instruments for the welfare of the country, but you need to go a step further and amend these laws so as to have some say-so in the matter as to how they are to function. Do you think it wise to allow seven men to be able to dictate the policies of these great financial institutions so as to make or break any section of the country at will? Do you think it right to give all power to the Interstate Commerce Commission that they, in turn, may allow the railroad owners to not only break down railroading but rob the American shipper at the expense of the producer and consumer? I stand for the extension of the War Finance Corporation, but I challenge the committee in charge of the loaning of this money in the Southern States to show me that even 10 per cent of the loans made to the banks have gone direct to the producer. On the other hand, I am satisfied that I can show you that 90 per cent of all the money borrowed by the various banks in the South have gone to liquidate frozen debts of the banks to their correspondent banks, mostly in New York. I agree with you who are ready to question this statement that by relieving the banks it, to a certain extent, relieves the farmer, but only in the granting of time by renewing his paper with his banker.

Check over the banks in the South who are in a position to carry not only whatever amounts are now owing to them by their customers but who are able to borrow of this War Finance Corporation and lend to the needy farmer and merchant. I charge that you will not find one out of ten doing it.

When my colleague [Mr. BYRNES] introduced last year an amendment to reduce the Army from 175,000 or more to 150,000 we had the same kind of propaganda from the newspapers and from the Members of the House, saying that we were going to destroy the Army. Even the Republican floor leader [Mr. MONDELL] made an extended argument on the floor of the House against any such procedure, and he, or some one of the other Republican Members, said it was a scheme to wreck the Republican Party. We, however, passed the amendment and saved several millions of dollars to the taxpayers. Contrary to Mr. MONDELL's contention and that of the experts, it worked so well that we voted a further reduction of 35,000 the other day.

I am ready to go to the limit in spending the people's money if you will do it along business lines, as you would in your own

private business. The laboring people, the farmers, and the business men are getting tired of promises, and I predict that unless changes are made in the type of legislation passed here you are going to see in this House a different type Representative in the near future. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, when the Conference on the Limitation of Armament concluded its work on the subjects it considered I blistered my palms applauding the steps taken in the direction of disarmament. You did. That conference, however, did not take up the question of limiting the activities of the several Governments with respect to the development of their air service, which is by its limitation a means of defense at home and not of conquest in distant lands or seas. But the most effective weapon of defense, now and hereafter, will be in the air. A $40,000 airplane, manned with three men, carrying ammunition that costs less than $20,000, will be a match for a $40,000,000 battleship manned by 1,100 men and 125 officers, with ammunition that costs hundreds of thousands of dollars. I witnessed bombardments from airplanes 60 miles at sea, and I know how absolutely effective these weapons of defense can be and are. I am amazed, I was amazed last summer, at the inertia of men in high places in the Army and in the Navy whose duty it is to promote the national defense in the air. Instead of helping, they did much to smother every activity, so far as it was possible for them to do so, the development of means of defense in the air. The propaganda from the War Department and from the Navy Department—from the old, fossilized bureaus of those departments—was to the effect that there were no important developments in the achievements of the airmen. It was their contention that the sinking of a battleship with an airplane did not change the old methods by which the Nation must be defended in the future; that we must go on with our enormous battleships, with our great guns on land; that we must pursue the old methods. And the newspapers played into their hands, and the most untruthful statements with respect to what was accomplished and what was really developed were published daily while these experiments were being carried on on the sea and in the air with respect to what can be done by airplanes in the national defense. The secret of it is that you can provide for the national defense with hundreds of thousands of dollars in the air where it takes hundreds of millions of dollars [applause] with great battleships and large armies. You can with a few hundred officers and a few thousand men do the same work for the national defense in the air that it takes thousands of officers and hundreds of thousands of men on ships and in armies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ARENTZ. If the gentleman will yield, I think all Members who went on that trip last summer observed the same condition I did, namely, that instead of the airplanes being permitted to attack at once they were kept waiting for 30 or 45 minutes circling the air, and instead of the ships being 30 or 40 miles from shore they were 75 miles from shore, and everything possible done to make the bombing expedition a failure.

Mr. CAMPBELL of Kansas. Yes. The gentleman from Nevada is correct. The most that could be done to make a failure by those in charge was done. They would not permit the planes to go out and make the attack as they had planned to make it. Their plan of attack was not carried out according to the plan developed by those interested in the development of aviation, but by those interested in the development of large armies and large navies. If those in charge of the air activities last summer had been permitted to make the attack as they had planned it, they would have shown the development of a means of national defense that will make it unnecessary hereafter for any nation to maintain great armies and great navies at the expense of hundreds of millions of dollars.

Mr. McSWAIN. I want to ask my friend if, having that in his mind, he does not think it would be necessary to establish an independent air service?

Mr. CAMPBELL of Kansas. I do.

Mr. McSWAIN. If it is left under either the Army or the Navy, these ultraconservative men will so completely throttle the progress of the work that it will not accomplish its possibilities.

Mr. CAMPBELL of Kansas. Men who have been trained as naval officers in the management of battleships, men who have been trained as cavalrymen and infantrymen, are not the men to aid in the development of the Air Service. Many officers are converted to the value of this service. The men who will develop the Air Service are men who are as enthusiastic to the possibilities of developing that service as are those to-day who are developing the other arms of national defense.

Mr. MANN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. MANN. Are not the officers of the Army and Navy, both, who are in charge of the Air Service in the respective services just as actively interested in the Air Service as anybody else could be?

Mr. CAMPBELL of Kansas. They are; but they do not have the last word. They are subordinates in both the Army and the Navy. That is where the trouble lies.

Mr. MANN. Does the gentleman think it would be in the interest of anything to have an independent air service in control of our ships at sea with a Navy and not under the command of the Navy?

Mr. CAMPBELL of Kansas. The Air Service would coordinate, of course.

Mr. MANN. Maybe the independent air service would be in control of it, then. It is ridiculous to possess an air service that is independent in war.

Mr. McSWAIN. Do not the Army and Navy have to cooperate under one Commander in Chief in time of war?

Mr. CAMPBELL of Kansas. Of course they do. This is true, that when you send men into the air with a well-equipped airplane they are under the control of the pilot, and should be. They should and must do what they think is the proper thing to do.

Mr. LAYTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LAYTON. What is a well-equipped airplane?

Mr. CAMPBELL of Kansas. One that has been thoroughly developed and has a good pilot and a good observer, with all the essentials of a fighting plane.

Mr. LAYTON. All of which is not worth a hill of beans unless they have got something to drop, to explode, and to destroy.

Mr. CAMPBELL of Kansas. Surely.

Mr. LAYTON. And that depends upon synthetical chemistry.

Mr. CAMPBELL of Kansas. Oh, yes. And that does not cost a great deal of money, either; they go prepared with it.

Mr. KNUTSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. KNUTSON. Does the gentleman get the information he is giving to the House to-day from a certain officer of the Air Service who has more ability to break in on the front pages of a newspaper than in anything else?

Mr. CAMPBELL of Kansas. I got my information from experience in the air. I have been 60 miles out at sea in an airplane and I have seen bombs dropped from the plane and hit a target. [Applause.] We dropped six bombs from the airplane on which I happened to be at the time and hit the target four times out of the six.

Mr. KNUTSON. I congratulate the gentleman on his narrow escape.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas have five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from Kansas have five minutes more. Is there objection?

There was no objection.

Mr. ARENTZ. I suppose that the gentleman from Minnesota [Mr. KNUTSON] is talking about the man who made the expedition with airplanes 60 or 70 miles from shore and took his chances with his subordinates and taught them the greatest lesson that he could teach them—a man who made a record in France that can not be beaten by anyone. I refer to General Mitchell. [Applause.]

Mr. CAMPBELL of Kansas. I do not think any officer in the late war made a more dashing or exceptional record than General Mitchell. [Applause.] No man to-day stands out more conspicuously as an expert in the line of work in which he is interested and engaged than he. Those who have been trained under his direction are enthusiastic airmen. They will take their lives in their hands any moment and go to the duties to which he directs them.

Mr. KNUTSON. I did not have General Mitchell in mind, and I am very sorry the gentleman from Nevada would connect General Mitchell with what I said.

Mr. CAMPBELL of Kansas. I did not take anybody's propaganda as to what might be done in the air. In company with the gentleman from Massachusetts [Mr. WALSH] we went to Langley Field in the air. We went from Langley Field 60 miles to sea in the air. We dropped bombs on a target at sea. We know what can be done with bombs from airplanes. It is not

a matter of hearsay. It is a matter of experience and observation. And I am in favor of this amendment. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, the amendment offered by the gentleman from New York [Mr. HICKS] will increase, if adopted, the appropriation for maintenance of shore stations and for repairs about $1,000,000. The amount carried in the bill is about $500,000 more than the amount being expended for a similar purpose this year. We went into the matter very thoroughly when the chief of the bureau was before the committee. There was one item of about $500,000 set down as a miscellaneous item. The chief of the bureau was not able to give the committee any information to speak of as to what the $500,000 miscellaneous item was for. Ordinarily miscellaneous items are small items, and the committee did not feel that we would be justified in allowing $500,000 out of an item of $5,000,000 under the head of miscellaneous expenditures unless the bureau chief could give in much greater detail what he intended to do with the $500,000. So we eliminated it entirely.

Mr. MONDELL. Otherwise you gave them what they asked.

Mr. KELLEY of Michigan. Well, not just that. Now, the other reductions made were various smaller reductions at different stations, where the committee did not feel that it was necessary to spend as much money as was spent last year. They asked for more money than was spent last year, and while the committee granted some increases over last year we did not in every instance give quite all that was requested. We could not see any reason why, with the same shore establishments, and with wages for civilian employees being somewhat reduced and expenses for material somewhat reduced, there should be an expenditure in excess of $500,000 over last year, and I am inclined to think that the committee was reasonably generous in the allowance.

Let me say that the committee was in full sympathy with everything in the bill which had for its purpose the putting of aviation into the fleet. We gave them all the men that they asked for for the two carriers that are to go into commission, or rather for the one carrier and one tender. We gave them 500 additional men to go on the battleships when the catapults are completed, and we carry the necessary funds for the construction of the catapults; so that the committee was thoroughly in sympathy with this air development, so far as it is made effective in the fleet, and we did not stint the department in any way in the funds which they asked for for fleet purposes. But we felt that we should make whatever reductions could properly be made in the upkeep of these shore establishments.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. CAMPBELL of Kansas. Was the importance of inspecting planes and having expert mechanics on the shore in connection with these planes brought to the gentleman's attention?

Mr. KELLEY of Michigan. Yes.

Mr. CAMPBELL of Kansas. Was it called to the attention of the gentleman that recent accidents in the Air Service have been largely due to the fact that pilots took their planes into the air without having been properly inspected because of a shortage of men and skilled mechanics to make the inspections?

Mr. KELLEY of Michigan. Well, I rather doubt the accuracy of the statement of my good friend from Kansas as to the cause. The fact may be correct, but I am inclined to think that the Navy Department, with 96,000 men in the Navy, could have properly assigned to aviation such men as were necessary for inspection.

Mr. CAMPBELL of Kansas. But did not.

Mr. KELLEY of Michigan. If they did not do so, of course that is beyond the control of the legislative branch of the Government.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Will the gentleman yield there?

Mr. KELLEY of Michigan. I will yield first to my friend from New York.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HICKS. Mr. Chairman, I want to pay my compliments to the gentleman from Michigan for his very liberal attitude toward aviation. He and I have worked together in regard to this matter, and I am sincere in saying that he is a friend of aviation. In the past he has very kindly consulted me in this matter, and, on the whole, I think his bill is liberal toward aviation. In certain matters we disagree, however. The department asked for more men than he has given. He has given them 2,000 men less than they asked for.

Mr. KELLEY of Michigan. I spoke of that the other day. Perhaps the gentleman was not then on the floor. The chief of the bureau did ask for a greater number from the department itself, but the department never brought to the Committee on Appropriations any such request for men as the Chief of the Bureau of Aviation conveyed to the department.

Mr. HICKS. I think there is a little confusion in regard to what came from the department, but I will not press that matter now because that water has gone over the dam. This last year we spent about $4,500,000 for these shore stations, which was $500,000 less than they were able to get along with, and they had to take that amount from construction account, which means that we curtailed the construction of planes that much. In order to continue on last year's basis it would take $5,000,000, which is the amount provided for, but this will only permit aviation to operate on a very reduced basis. I feel it should operate on a full basis.

It seems now, when we have cut down battleship construction, aviation should go ahead, and in order that it should go ahead we ought to have the additional amount as provided for in my amendment.

Mr. KELLEY of Michigan. This is a department that has been recently organized. The Chief of the Bureau of Aviation has been at the head of the bureau only four or five months, as I recollect, and he had to bring together an organization picked out from the various other bureaus of the Navy, and he was not in a position, because of that fact, to supply the committee with as much information as he, no doubt, will be able to supply at a later date, and we excused some shortcomings as to the information furnished on the ground that he had been connected with the bureau only a short time. But there is this fact to be considered in connection with what the gentleman from New York says: That because this bureau is a new one we have provided that the fund for aviation shall be continued as it was last year, as one fund, so that if we have made any error in supplying an amount too small for one purpose and they have an excess in some other fund, as they had last year, they can use the excess to make up the shortage.

Mr. HICKS. I do not think they had an excess in any item. What they did was absolutely to stop construction of planes by $500,000, and they took that money to make up the deficit in shore stations, a deficit caused by a too heavy reduction in this year's appropriation bill.

Mr. KELLEY of Michigan. Well, the whole question of what they are going to do in aviation down there is still in a rather unsettled state. Their plans are not complete as to what they are going to do with lighter-than-air craft. They do not know how much they are going to spend on that. They do not know whether it is going to be a development which is worth while in war or not—the development of these dirigibles. And so there may be funds carried for that which they will not need. I am inclined to think that altogether we have been very liberal with the department for the upkeep of these shore establishments, and we have been very liberal in making the necessary appropriations to carry the work into the fleet.

Now, I want to call the attention of the gentleman from New York and the House to the further fact that this bill is now some $8,000,000 or $9,000,000 short of what it will be for aviation, because under the rules of the House we are not able to provide anything for new aircraft in this bill. Last year we put into the bill a provision for new aircraft, but it went out on a point of order, the Chair holding that aircraft were ships and that they had to be authorized before they could be appropriated for.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. So this bill, carrying an aircraft item of $7,000,000 or $8,000,000, will have to be augmented further by some $8,000,000 or $9,000,000, so that the total for aircraft will be about $16,000,000.

I want to call attention now briefly to what we are doing for aircraft, taking the Army and Navy together.

Mr. SISSON. Before the gentleman begins to discuss that, will he yield?

Mr. KELLEY of Michigan. I yield to the gentleman from Mississippi.

Mr. SISSON. During the consideration of the Army bill I consulted with the gentleman in reference to the amount of money that the Navy would be willing to appropriate for the production of helium. It was understood at that time that the Navy were to meet the Army in whatever appropriation the Army bill might carry for that purpose. The Army bill carries $400,000. Now, is it understood that $400,000 will be carried in this bill for the production of helium?

Mr. KELLEY of Michigan. The gentleman is entirely right about that.

Mr. SISSON. I am very glad to know that that is understood also in the department, because we had quite an extensive hearing on that subject, and we feel that they can get the maximum result by adding enough to keep the helium plant running 12 months in the year. I do not know that this is quite enough to do that, but it will come very near doing it; and if we can get helium produced in that great quantity, we then will have enough to make our lighter-than-air craft a real adjunct of the Army and Navy in time of war.

In order that this may be properly understood, will the gentleman have any objection to a proviso in this clause providing that $400,000 shall be used for this purpose?

Mr. KELLEY of Michigan. I shall not have the slightest objection to that.

Now, Mr. Chairman, something was said a while ago, or a colloquy took place between the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. CAMPBELL] as to a separate air establishment. Of course, I do not know whether that would be an advisable thing or not, but it has a good many elements about it that appeal to me. It is the way the air service is handled in Great Britain. They have one air establishment. We have an air establishment in the Army and another air establishment in the Navy.

Mr. OLIVER. The gentleman might add also that we have a separate air establishment in the Marine Corps.

Mr. KELLEY of Michigan. We have a separate air establishment in the Marine Corps. We have in the Army about 8,000 enlisted men in aviation, and there are about 8,000 more civilians in aviation in the Army, making a total air force in the Army of about 16,000, exclusive of the officers. We have provided in the bill here before the House about 3,200 enlisted men for naval aviation, and there are about 1,800 civilians, making a total of 5,000 men in aviation in the Navy, exclusive of officers. In the Army and Navy there is an air personnel of 21,000 men, enlisted and civilians, at the present time.

General Mitchell returned from Europe a few days ago and we asked him to come before the committee and give us some information relative to the British establishment. He testified that they have an authorized force in Great Britain of 30,000 men, but that up to the present time they have enlisted only 23,000 men, so that the British establishment of 23,000 men will be fairly comparable with our Army and Navy aviation forces added together. I asked Mr. Mitchell this question:

Is the total of enlisted men in the British air force 23,000?

General MITCHELL. Yes; about 23,000, and the total number of officers that they have at the present time is about 2,800.

He then testified that they did not have any civilians to speak of in the British air service; that all the men who were performing air duty in the British air service were enlisted men, so that we have a fairly comparable force in the two countries. I asked General Mitchell this question:

In the assignment of men and officers to the ships of the Navy have you any information as to what ships in the British Navy have aviation upon them and as to the number of officers and men so employed on each ship?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, this is a rather important matter, and I ask for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Then, General Mitchell went on and detailed ship by ship all the British airplane carriers and other craft carrying any air force, and said that the entire number of officers and men afloat in the British Navy was 188 officers and 850 men.

Mr. HICKS. That is, connected with the air service in the British Navy?

Mr. KELLEY of Michigan. Yes; afloat. I said:

That would represent every man and every officer afloat on account of aviation in the British Navy?

General MITCHELL. Yes, sir.

Mr. KELLEY of Michigan. One hundred and eighty-eight officers and 850 men represent every officer and every man afloat that can be chargeable to aviation in the British Navy at the present time?

General MITCHELL. Yes, sir.

Then I asked him this question:

In addition to the number that are carried afloat, is there any other part of the British air service that can be properly charged against the navy?

He said:

Yes; and in that connection you must take into consideration their schools, supply points, etc.

Then I said:

Suppose you give us all the other units of the British air force which may be properly charged against the navy, giving the number of officers and the number of men in each unit.

Then he went down through the entire list of shore stations that are in any way connected with the British Navy, giving the name of the station, the number of men and officers at each station all through the British Empire, and finally gave this figure for such shore establishments—250 officers and 1,197 men. Then I said to General Mitchell:

If you add the 188 officers and the 850 men afloat to the 250 officers and 1,197 men that you have just mentioned, that makes a total for the British air force chargeable to the navy of how many officers and men?

General MITCHELL. Four hundred and thirty-eight officers and 2,047 men.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GRAHAM of Illinois. They have a united air service—the army and the navy have no separate service?

Mr. KELLEY of Michigan. That is right. Then I said:

The royal air force has shops and repair plants at which aircraft and equipment for the air service are kept in repair?

General Mitchell replied:

They have central shops where they keep up the equipment that is on duty with the units.

Then I asked:

Now, what proportion of all the aircraft in the British Royal Air Service assigned afloat and to those shore activities that you have mentioned here would be properly chargeable against the navy?

And General Mitchell said:

Not over one-tenth.

Then I said:

The repair of the equipment which is assigned to the Navy is done on board the mother ships and at those various places where the units are located?

And General Mitchell replied:

Yes, sir; some of it.

Then I asked:

What proportion of the entire repairs for the British Royal Air Service on account of aircraft would be assignable to those repair shops which are operated by the Royal Air Service?

And General Mitchell said again:

About one-tenth.

Then I said:

I do not suppose you know how many men are employed in the central shops that do repair work on aircraft?

And General Mitchell replied that practically all of them come within the 23,000 men. Then I asked:

But do you know what proportion of the entire force is so employed?

And he said:

No, sir; not exactly.

Then I said:

Out of the 23,000 men how many mechanics would be engaged in the repair of airplanes?

And General Mitchell replied:

Well, about one-half.

I said:

That would be about 11,000 men?

And General Mitchell replied:

Yes, sir.

I said:

One-tenth of 11,000 men would be working on airplanes used afloat and at navy shore stations?

General Mitchell replied:

Not that many.

I asked him how many there would be, and he replied:

I should think not over 500 men.

I said:

Five hundred men in the shops would take care of everything in the way of repairs on that portion of the service operated afloat and at the coast stations chargeable to the Navy?

And General Mitchell replied:

Yes, sir.

Then I said:

Counting everything you can think of that is properly assignable to the Navy and considering the coastal supervision which in this country would probably be taken care of by the Army, and then considering a

proper allowance for mechanics to keep that equipment in condition, these 500 extra men, besides the number you have given, you think would be an ample allowance?

And General Mitchell replied:

Yes, sir.

Then I said:

That would make a total of 2,500 men chargeable to the naval air service?

And General Mitchell replied:

That is about the maximum at present in use in England by the Royal Air Force.

And in this connection I want to call the attention of the House to the fact that the Navy Department advised the President that there were 30,000 enlisted men in the British air force and that 10,000 of them were properly chargeable to the navy. Whereas the facts are as testified to by General Mitchell that there are 23,000 men in the entire force and only 2,500 chargeable to the navy.

Mr. HICKS. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. HICKS. The gentleman appreciates the fact that he is speaking of the personnel, whereas my amendment is directed to the operation and maintenance of aircraft. What the gentleman is reading has nothing to do with my amendment, I think he will admit.

Mr. KELLEY of Michigan. No.

Mr. SWING. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. SWING. Does the gentleman say in his statement that the figures he gave included the enlisted men and officers operating the airplane carriers?

Mr. KELLEY of Michigan. Yes; he not only gave the total number but he gave the number of men and officers on each carrier, also the number of men and officers at each station and the name of each station. I will say further that General Mitchell said he had just come back from England, and because of the fact that he had cooperated with the British officials in the war and had been on the most friendly terms with them in France, they said to him, "Go into the offices and get any information you desire; everything is open to you." But remember that the President was advised by the Navy Department that there were 10,000 men in naval aviation in Great Britain, whereas the best information obtainable from the best authority is to the effect that it does not exceed 2,500. They even fooled my good friend from Tennessee [Mr. PADGETT]. [Laughter.]

Mr. OLIVER. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. OLIVER. The gentleman will confirm this statement, that every member of the subcommittee was in full accord and agreement as to the importance of the Naval Air Service, and that we have endeavored to adequately provide for that service at this time. The subcommittee saw where sane and safe economy would be practiced, it was well to do so because the most urgently needed matter in the Air Service is the aircarrying ships, and this Congress will be asked to provide many millions for the purpose of constructing those ships. We only have one now.

Mr. KELLEY of Michigan. Yes; they want forty-eight millions for that purpose. I now yield to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman, I just wanted to say to the gentleman that I am informed by the Chief of the Bureau of Aeronautics that they have taken up those figures given to the committee by General Mitchell, and they say that they have verified the figures that they gave, which I used, and that my figures are absolutely correct. They dispute the accuracy of General Mitchell's statement.

Mr. KELLEY of Michigan. Personally, I am disposed to believe that General Mitchell's information is more reliable. He has just returned from a personal study of aviation in England.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KELLEY of Michigan. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HICKS].

The question was taken; and on a division (demanded by Mr. HICKS) there were—ayes 34, noes 75.

So the amendment was rejected.

Mr. LANHAM. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 49, line 19, after the word "Navy" insert: "*Provided*, That the sum of $400,000 of this appropriation shall be expended for maintenance, repair, and operation of helium plants."

Mr. KELLEY of Michigan. Mr. Chairman, while that would be subject to the point of order I have no desire to make it, and I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the word "further" be inserted after the word "provided," in line 19, page 49.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. HERRICK. Mr. Chairman, I offer an amendment, which I sent to the desk last evening, and I ask that it be now reported.

The Clerk read as follows:

Amendment offered by Mr. HERRICK: Page 48, line 21, after the figures "1922," strike out "$400,000" and insert in lieu thereof "$500,000."

Mr. HERRICK. Mr. Chairman, I shall not emulate some of my illustrious colleagues and while away a whole day here talking about a very small matter. I am just going to say a very few words and ask for a vote. There is one thing that I want to call to the attention of the House, connected with the Air Service, about which I have not heard anything in this discussion, and which might be pertinent. That is this: In some of these congressional inspection trips I have eaten with the officers' mess of the Air Service, I have eaten with the officers' mess of the Army service, and I have eaten with the officers' mess of the Navy service. I would say that if I were to make a choice in respect to boarding permanently with any one of them, I would choose the Navy service, because the food served there is better than that served in most of the hotels in Washington. The food served in the Army officers' mess is better than that served in some of the hotels in Washington, but I do consider that the subsistence of the air force, if the sample I had of it is to be taken into account, is grossly inadequate, and I certainly would not want to subsist upon it very long. That is just one little point that I want to bring to your attention. It seems to me that a little bit more money could be spent upon it, because these men are risking their lives every time they leave the ground, and at least we ought to give them decent food if we are going to ask them to do that.

Another little point I want to make is that in all the time that I have been around these different aviation stations the only complaint that I heard is as to the inadequacy of the equipment, the inadequacy of everything all the way down the line. It does seem to me that if we can spend $40,000,000 on a battleship, which an airplane can sink in five minutes or less, we ought to be able to spend a few hundred thousand dollars on the airplanes to do the job with, because we can lose several dozen aeroplanes and not lose the cost of one subchaser, to say nothing of a torpedo boat, or a destroyer, or a cruiser, or a battleship. So far as the loss of life is concerned, when we lose an airplane we lose one or two, while in the loss of a battleship it involves several hundred, at least, and sometimes several thousand at the most.

I am digressing in this discourse more than I had intended, but I want to come to another point, and that is this: I have offered this amendment to provide an additional $100,000 with this thought in mind. By increasing this appropriation $100,000 we might establish an airplane factory and keep down some of the excessive costs that we are paying to the private manufacturers. The gentleman from New York [Mr. HICKS] informs me that we already have a factory, but that it is labeled "experiment station." If that is true, and I have no doubt it is, then this $100,000 would come in very handy in connection with the work of the experiment station.

There is another thing that I want to call to your attention, and that is this matter of increasing the personnel of the Army from 67,000 to 86,000——

A MEMBER. The gentleman means the Navy.

Mr. HERRICK. That is correct. That is a mistake on my part; but we are human, all of us make mistakes, and the man who never made a mistake is dead, if he ever lived. [Laughter.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HERRICK. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HERRICK. Mr. Chairman, I understand there is to be a yea-and-nay vote on the matter of the personnel for the Navy before this bill is finally passed. There will be ample time for all of the Members who have not done so before that vote is taken to read the extension of my remarks, which I placed in

the RECORD yesterday evening, to be found on page 5692. [Laughter.] They may exert a little influence on the vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. HICKS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HICKS: Page 49, line 6, after the word "service" strike out the words "for aircraft stations."

Mr. HICKS. Mr. Chairman, the matter is simply to faciliate the part of the bill referred to above, and I think the chairman has no objection to it.

Mr. KELLEY of Michigan. Mr. Chairman, I have no objection to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

NAVAL ACADEMY.

Pay, Naval Academy: Pay of professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, $346,500.

Mr. DENISON. Mr. Chairman, I offer the following amendment.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 50, line 14, after the word "librarian" in line 14, strike out "$346,500" and insert in lieu thereof the following: "$421,500, provided that not more than $36,500 shall be paid for masters and instructors in swordsmanship and physical training."

Mr. DENISON. Mr. Chairman, when the bill was under discussion under general debate I asked for and was given 20 minutes to discuss this subject; I afterwards waived the time allowed me on account of the time being short, with a sort of understanding that I could have a little extra time to discuss it when we came to this item in reading the bill, and therefore I ask unanimous consent to have 15 minutes in which to discuss this subject.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Mr. Chairman, the amendment I have offered adds $75,000 to this item and makes it $421,500, which brings the appropriation for the civilian instructors at the Naval Academy back to the amount that is carried in the appropriation for the current year. In other words, my amendment simply brings the amount appropriated for civilian instructors at the academy to the amount carried this year and last year also, adding $75,000 to the amount carried in the bill. Now, in order that the committee may better understand this, I will say that the subcommittee have added to this item $36,600, which heretofore was carried in the item just below in the bill, so it is not an increase in expenditure, but a shifting or change of the place where the amount is allowed in the bill. That item covers instruction in swordsmanship and physical training, so that now instead of there being in this bill specific appropriations for instructors in swordsmanship and physical training, and instead of having an itemized appropriation for that purpose, the bill as it is reported by the subcommittee carries a lump-sum appropriation for that purpose of $36,500.

The committee have carried it up and placed it in the lump-sum appropriation for civilian instructors; so that the amendment which I have offered simply increases the appropriation back to where it is this year, with the proviso that not more than $36,500 shall be expended for that particular purpose. Now, I think that that proviso ought to be approved: We are making a lump-sum appropriation for civilian instructors; a great deal of discretion is allowed to the superintendent in expending the money. In training the cadets for their athletic contests a number of coaches and trainers are employed. For years such men have been employed and paid by the Naval Athletic Association, composed of the alumni of the academy. Many naval officers think they ought to be paid from the Public Treasury. I do not think a lump-sum appropriation ought to be turned over to the superintendent so that he can pay them out of that fund if he wants to, and therefore I think this proviso limiting the amount that can be expended for athletic training is proper, and I think the chairman of the subcommittee ought to accept it as being proper.

Now, as to the question of whether or not we want to increase the appropriation back to where it is at this time, namely, $385,000. Gentlemen, I hope this will receive the serious consideration of all the members of the committee. There has now been started by the superintendent a policy of undoing at the academy a great deal of what has been accomplished there in recent years upon the advice of the very best educators of the country. This is but the beginning of a policy of getting rid of all the civilian instructors at the academy and substituting naval officers in their places. The academic board, consisting of 11 heads of departments, including the superintendent, is supposed to decide all questions of policy at the academy. But the superintendent of the academy, Admiral Wilson, came before the subcommittee without having consulted anyone at the academy, without having mentioned it to any of the academic board, without having given anybody the slightest intimation of his intention—as I say, he came before the committee and recommended the immediate removal of 78 civilian instructors and substituting in their places lieutenants and lieutenant commanders of the Navy. Of course, the subcommittee would not stand for anything of that kind, but they yielded to this extent, of decreasing the appropriation for civilian instructors $75,000, which would mean the elimination this year of about 28 or 30 civilian professors.

Think of it, gentlemen. The present corps of civilian professors and instructors has been assembled and selected in accordance with carefully considered plans and after years of investigation. Boards of Visitors, appointed by the President, the Vice President, and the Speaker of the House, have annually visited the academy, studied its needs, observed its operations, and carefully considered this whole question of the personnel of the academic instructors. These Boards of Visitors have included many of the country's most successful educators. Their recommendations have received the approval of former superintendents and of former Secretaries of the Navy. Civilian professors and instructors in nontechnical subjects, such as modern languages, English, mathematics, history, physics, and international law, have become the accepted policy for the academy. But Admiral Wilson, who had not been at the academy in 40 years, except perhaps as a casual visitor, is made superintendent, and, without consulting with anyone, recommends the removal of 78 civilian teachers.

Next year, of course, if the admiral can have his way, there will be a further elimination of the civilian instructors and substitution of naval officers, and the question is now presented to the House whether or not we are going to undo what has been done at the academy; whether we are going to, in my judgment, wreck the academy as an educational institution by the substitution of naval officers as teachers and instructors of the young men we send there.

Mr. MUDD. Is it a fact that the commandant of the Naval Academy, Admiral Wilson, asked the Appropriations Committee to recommend that 78 of these civilian instructors should be dismissed from the academy?

Mr. DENISON. Seventy-five or seventy-eight. I think the hearings show 78.

Mr. MUDD. If the appropriation remains as it is, you state that 25 or 30 of these men must be dismissed?

Mr. DENISON. Yes. In other words, gentlemen, the way they are going to get rid of the civilian instructors is to take away the appropriation, and, of course, their places will have to be filled by naval officers.

Mr. NEWTON of Minnesota. I wish to say that, reading from page 12 of the hearings, Admiral Wilson says the appropriation ought to be cut down to $140,000 or $150,000.

Mr. DENISON. That means the getting rid at one stroke of 75 or 80 of the civilian instructors.

Let me give you the history of this question. In 1913 there was another naval officer who was superintendent of the academy. He had the same Prussian idea that the present superintendent seems to have, of wanting to get rid of everybody there who wore civilian clothes and put naval officers in their places. He did not want to have them around. So he came before the Committee on Appropriations with this same recommendation, and there was a complete hearing in 1913 upon this whole subject. Congress went into it fully, and after a thorough hearing and investigation, turned the proposition down, refused to follow that policy, and inserted in the appropriation bill of that year, 1913, in order to prevent such a policy being carried out, this proviso:

No part of any sum in this act appropriated shall be expended in the pay or allowance of any commissioned officer of the Navy detailed for duty as instructor at the United States Naval Academy to perform duties which were performed by civilian instructors on January 1, 1913.

And that limitation was carried in every appropriation bill for the Naval Academy from 1913 until 1917.

Mr. NEWTON of Minnesota. I notice this statement by Admiral Wilson:

The civilian instructors came into the Naval Academy during the war, when officers were doing other work and could not be obtained.

That statement is not in keeping with the facts, because we had civilian instructors before the war.

Mr. DENISON. Certainly that statement is not in keeping with the facts.

Mr. KELLEY of Michigan. I think, in justice to Admiral Wilson, that his statement is very accurate, that during the war there was such great need for naval officers that they detailed them out of the stations and the academy and wherever they could get them, and supplemented them with civilian instructors.

Mr. NEWTON of Minnesota. He certainly did not speak accurately, to use this language.

Mr. KELLEY of Michigan. As naval officers go, I think he did.

Mr. DENISON. The committee understands, of course, that during the war we increased the number of cadets, and therefore had to increase the number of instructors. This limitation had to be carried in every appropriation bill from 1913 to 1917. In 1917, when we were in war, the committee, of course, left it out, because there was no need for its being there, there being no naval officers to send to the academy, all of them being needed at sea.

Mr. OLIVER. I do not think any member of the subcommittee was in sympathy with Admiral Wilson's recommendation that naval officers be substituted for civilian instructors. The committee felt that perhaps there would be a smaller attendance at the academy next year and some economy could be made on this account. However, if the attendance next year should be as large as it is this year and Members of Congress feel that this appropriation should be increased to retain the civilian instructors now employed at the academy, the committee will not seriously oppose the pending amendment.

Mr. DENISON. I am very glad to hear the gentleman make that statement—there will not be a decrease in the number of cadets this year. If we want to decrease the expenditures of the academy, then Congress ought to provide for a less number of cadets; but while we have such a large number there we must have competent instructors for them, if we keep faith.

Mr. LAYTON. The gentleman has not stated it in explicit language, but I take it for granted that he thinks the civilian instructors are more competent as teachers than men who wear the uniform of the Navy.

Mr. DENISON. I certainly do think so. Gentlemen, it ought to be apparent to anyone. These young men graduate from the academy and they soon go to sea. Very often many of them barely make passing grades. They do not look into their books again, perhaps, until in some future years when they are given orders to go to the academy to teach. They go there absolutely without preparation to instruct.

Mr. BEGG. Is it not a fact that 12 years is the least possible time before a man is ever detailed from outside duty to act as an instructor at the academy?

Mr. DENISON. It is true, as I understand it.

Mr. LAZARO. I would like to call the gentleman's attention to the fact that in Great Britain they rely on civilian instructors in their school.

Mr. OLIVER. The gentleman from Illinois and I were on the Board of Visitors last year, and he will recall that the superintendent of the academy, Admiral Scales, told us that the Bureau of Navigation made the assignment of officer instructors to the academy, and that if such policy was continued the Bureau of Navigation should be required to specially consider the qualifications of officers assigned to the academy in future, with a view of ascertaining their adaptability to teach. We were told that many officers in the past had been assigned who were not well qualified as instructors.

Mr. DENISON. That is true, and Admiral Wilson testified at the hearings on this bill that he had no choice as to who should come there. They are assigned there. There is another thing, gentlemen, that the House should take into consideration in determining the question involved in my amendment. When officers are sent to the academy they only stay two years and then have to go back to sea under the rules. So we will have the ridiculous situation, if this policy is carried out, of practically all the instructors at the academy changing every two years; that would ruin any educational institution. The Naval Academy is the cradle of our Navy. The officers of our future Navy begin there. It is there their careers are largely determined. There ought to be at least some permanency in the teaching force as well as in the policies and traditions of the institution. No educational institution can ever amount to much that is continuously changing its teaching staff every two or three years. Admiral Wilson would have known this if he had been around such an institution in the last 40 years.

Now, the business of teaching young men in a college and helping to give them an education is a serious matter, and we ought to have men at the head of the different departments in the Naval Academy who are trained instructors. We have a corps of fine teachers there, men of college education, men who are trained instructors; and I want to say this, that there can not be found anywhere in the world, in my opinion, a naval academy with a finer set of civilian instructors and professors than those we have at the Naval Academy at Annapolis. At the British naval academy at Dartmouth, England, all of the academic subjects, except technical subjects like navigation, gunnery, ordnance, and perhaps marine engineering, are taught by civilian instructors. In fact, the head master of the British naval academy is a civilian. The same is true of the naval academy of France and of Italy and other European countries, and also of Japan.

Mr. LINTHICUM. What is the gentleman's intention in his amendment?

Mr. DENISON. My amendment will increase the appropriation to an amount sufficient to pay the salaries of all the present civilian instructors. I propose also to insert a provision that would prevent naval officers from being substituted for the civilian teachers.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. REED of West Virginia. When a naval officer is assigned to the faculty, does he go without any increase in emolument or pay?

Mr. DENISON. He goes without any increase in emolument or pay. I am glad the gentleman from West Virginia suggested that. It may occur to some members of the committee that this policy recommended by Admiral Wilson would be in the interest of economy, but I think I can show you that it will not be.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Illinois asks for five minutes additional. Is there objection?

There was no objection.

Mr. DENISON. Gentlemen, it is not economy to substitute naval officers for civilian professors at the academy. Even if they could do the work as well it would not be economy, because the compensation allowed naval officers is at least a third more than the compensation paid to civilian professors. The compensation of a naval commander with allowances is $5,661 per year, and that of a lieutenant commander is about $4,975 a year; the compensation of a lieutenant varies from $2,400 to $3,360, depending on length of service. These amounts are on the average a third more than the compensation paid to the civilian professors. Civilian professors receive about $4,300; associate professors, $3,700; assistant professors, $3,200; and intructors, $2,800 per year.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. KELLEY of Michigan. Of course when this conference on disarmament was proposed we naturally supposed that there would be some slight reduction in the number of officers and in the amount of expense in the Naval Establishment. But I am beginning to think that possibly that was a great mistake; that it never was intended for that purpose. But I will say to the gentleman this, That while we have the officers, as he says, and must pay them, and there must be given effect to this conference treaty—the treaty growing out of the conference—there has to be a reduction in the establishment, and there will be a great number of officers whose duties will not be urgent, to say the least, and they might be assigned to the academy if they could render to the Government the proper service in that capacity. If, on the other hand, the House thinks that the naval officers should not be assigned, to the extent provided in the bill, to teaching in the academy, that would be a different matter. But so far as the expense is concerned, I think it would be a saving of expense to displace the civilians by the naval officers, because naval officers will have nothing else to do.

Mr. DENISON. I see the point of view. But, gentlemen, we can not take care of all the naval officers from the scrapped ships by sending them down to Annapolis and imposing them on the boys at the Naval Academy. We may go ahead and scrap some of the battleships; we may go ahead and scrap some of the personnel of the Navy; but let us not scrap the Naval Academy by substituting naval officers who have never instructed anybody and who know nothing whatever about the principles of teaching for the staff of highly educated, carefully

trained civilian teachers who have been doing such fine work at the academy in recent years.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BEGG. Is it not also a fact that a naval officer who is assigned as a teacher has never had any academic instruction beyond the second year boy at the Naval Academy, the fellow he is trying to teach, and he had that 12 or 15 years prior to his assignment?

Mr. DENISON. That is true.

I have some telegrams and letters here which I would like to read. They are as follows, the first one being from Benjamin Ide Wheeler, president of the University of California. The second is a letter from Mr. Frank Aydelotte, president of Swarthmore College; the third from Prof. A. N. Talbot, of the University of Illinois. I also insert a quotation from an article by Prof. Arthur Gordon Webster, of Clark University, one of the greatest teachers of the country, and a telegram just received from 35 members of the faculty of De Pauw University, Greencastle, Ind.:

BERKELEY, CALIF., *April 11, 1922.*

Hon. E. E. DENISON,
Washington, D. C.:

Appropriations Committee is making a serious mistake in recommending the displacement of civilian teachers at Naval Academy. Teaching is a profession. The teaching of subjects like history, English, modern languages, and international law presumes special preparation both as to knowledge of the subject and conveying the same. Going back to teaching by naval officers will mean practical annulment of the science of education as developed in the last generation.

BENJAMIN IDE WHEELER, *President.*

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SWARTHMORE COLLEGE,
PRESIDENT'S OFFICE,
Swarthmore, Pa., April 12, 1922.

Hon. EDWARD E. DENISON,
House of Representatives, Washington, D. C.

DEAR SIR: I am informed that the naval appropriation bill now being considered by the House of Representatives proposes to replace a large number of civilian instructors in the Naval Academy by naval officers. While I realize that many of the officers in the Navy are excellent teachers, I nevertheless believe that such a policy would be fatal to the present educational efficiency of the institution.

No matter how well qualified for teaching an officer may be, he can in most cases not reach the same excellence as a civilian who makes teaching his life work. I believe it is the policy of the Navy to change men from one position to another every few years, thus making it impossible for them to make the same continuous study of the problem of teaching that can be made by a man who is in it for life.

Furthermore, scholarship and teaching ability are so rare that no institution can be successful which depends upon a certain group for recruiting its force. Denominational colleges find it necessary to go outside their denominations, and in the same way the Navy, if it wants first-class instruction, must, I think, be willing to go outside its ranks to recruit the staff of the Naval Academy.

The academy has a long and distinguished educational record. To put into law a proposal which, like this one, would inevitably destroy its educational prestige would be to earn the condemnation of that vast majority of the citizens of the United States who are interested in education.

Yours respectfully, FRANK AYDELOTTE.

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UNIVERSITY OF ILLINOIS,
Urbana, Ill., April 12, 1922.

Hon. E. E. DENISON,
Member of Congress, Washington, D. C.:

DEAR MR. DENISON: In response to your request of April 11, I wish to present my views on the proposed displacement of civilian instructors with naval officers at the United States Naval Academy.

The two types of instructor at the academy, the naval officer and the civilian-trained instructors, both have important functions.

There are important reasons why such subjects as seamanship, ordnance, navigation, and marine engineering should be directed and taught almost exclusively by officers of the Navy. This arrangement not only brings in men familiar with the practice of the Navy and the latest developments of the sea, but the spirit of the Navy is brought to the academy and instilled into the embryo officer. The officer-teacher as a liaison member between the school and the Navy is a valuable part of the organization.

There are equally important reasons why the teaching of other subjects, such as physics, mathematics, English, and languages, should be done largely by the civilian instructor. Teaching is a profession. To be a good teacher in such subjects requires preliminary training, preparation, and experience. Most of the civilian instructors have been chosen by competition from men who have prepared themselves for teaching as a life work. They have come from a variety of schools and have the best of training. They are scholarly in character. If they do not prove to be good teachers after a short period of probation, they do not remain. There are distinct advantages in having civilian instructors in such branches: 1. They may be expected to bring a broader and deeper training in the subject taught and in related subjects and to have a knowledge of the viewpoints of teachers engaged in similar work in civil institutions and in civil life. They bring with them modern pedagogical ideas. 2. In the technical lines the contact that civilian instructors have had with men trained away from the Naval Academy and their knowledge of the views of technical men in civilian pursuits will give an opportunity for the instructors who are naval officers to discuss and measure the effectiveness and adequacy of the methods and views taught to midshipmen. 3. In any event, care should be taken to avoid too much inbreeding—a condition which all colleges and universities have to be upon the alert to prevent. In judging of the usefulness of the civilian instructor, it should be kept in mind that the Naval Academy is both a vocational school and an educational institution.

In the last few years there have been brought together at the Naval Academy a body of civilian instructors who are as capable, well-trained, and proficient teachers as may be found anywhere. The quality of the instruction in these branches has greatly improved and is of high grade. Without discredit or criticism of the naval officer-teacher, it is apparent that men brought in from the sea, detailed for a brief period to teaching work, may not be expected in general to give the quality of instruction in such branches that will be provided by the trained teacher.

It seems to me, then, that the proposal to replace civilian instructors with naval officers in any large number would be extremely detrimental to the best interests of the midshipmen and the Navy. I feel this is all the more strongly after seeing the gain that has come to the educational standards of the school in recent years through the development of civilian instructors. The combination of civilian instructors in general subjects and of naval officers for naval subjects is an ideal one, and any change would result in serious injury to the effectiveness of the academy instruction.

I shall be glad to give my views in more detail on any part of this matter in case it is wished.

Very truly yours, A. N. TALBOT.

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[Quotation from Scientific Monthly, November, 1920.]

EDUCATION AND LEARNING IN AMERICA.

(By Prof. Arthur Gordon Webster, Clark University.)

Within the last few years I have personally visited both the Naval Academy at Annapolis and the Military Academy at West Point, and during the five years of my membership in that at first much overadvertised and lately too much forgotten institution, the Naval Consulting Board of the United States, I have had the opportunity of meeting many officers of both services. These officers are always extremely agreeable gentlemen, accustomed to the handling of men and thoroughly competent in the ordinary duties of their stations. They are all alike in one thing, however. They have been deprived of the opportunities of a really superior education. Army and Naval officers do not, as a rule, originate ideas, nor do they contribute to the advancement of science, even in their own professions.

During my visit to Annapolis, where I was received with the greatest hospitality by the superintendent, who personally conducted me all over the school; when we came to the physical laboratory, as I am a physicist, I asked some questions of the young instructor in order to show my interest. He regretted that he was unable to answer; excusing himself because he had but recently come. That night at dinner I could not resist asking the superintendent, who told me that he had brought these officers with him, whether he could make a physicist out of any officer. "Oh," he replied, "they had very distinguished records at sea." I had nothing to say, but it occurred to me that no amount of distinction at sea would have made a physicist of me.

In the Army and Navy the theory is that anybody can teach anything if ordered to. Of such a theory, the less said the better. They should have as professors the most distinguished scientific men that the country can afford. They need not necessarily wear chickens on their shoulders. It is high time that the feeling of self-sufficiency which impregnates officers of the regular Military Establishments should be somewhat dissipated. They may as well learn that occasionally a person not in uniform can give them some advice.

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GREENCASTLE, IND., *April 11, 1922.*

Representative EVERETT SANDERS,
Washington, D. C.:

The faculty of De Pauw University protests against decreasing appropriation for the Naval Academy, and ask that enough money be appropriated to pay the salaries of all civilian instructors in full for the coming year.

THIRTY-FIVE MEMBERS DE PAUW FACULTY.

Mr. Chairman, I also wish to have read here three letters from prominent educators that were presented in the hearings before the committee in 1913, when this same subject was then under consideration.

HARVARD UNIVERSITY,
Cambridge, Mass., January 5, 1913.

Hon. E. W. ROBERTS,
Committee on Naval Affairs, Washington, D. C.

DEAR SIR: I hope I may win your attention for a matter which is, I think, now before the House Committee on Naval Affairs. In the pending naval appropriation bill the number of junior or $1,800 civilian instructors is reduced from 10 to 4. This is merely the first step in carrying out the stated policy of the present Secretary of the Navy "to reduce the number of civilians at the academy as fast as the number of officers available to replace them permits." (Hearings before Committee on Naval Affairs, p. 1907.) It may be shown that this policy, aside from its possible injustice to civilian instructors, would, if carried out, decidedly lower the standards and efficiency of the academy.

The present civilian instructors are trained teachers, most of them college graduates, several of them scholars and writers of distinction, men who have devoted years to the profession and made it their life work. Their places would be taken by officers who have not such special training or experience, who devote but a limited period—two or three years—to the work, and whose interests are very properly not in the classroom but in their duties as naval officers.

It is not true "that anyone can teach school," least of all in this day of steady specialization and expert training in limited fields. If this change were to take effect, the teaching in such purely academic branches as English, foreign languages, and mathematics would become what it was in years past—antiquated and bungling, below the standard of the average high school.

It is, of course, absolutely essential that midshipmen should be under military discipline, in constant contact with officers and imbued with the splendid ideals of the Navy. But all this is abundantly provided for by the conditions in which they live, their daily drills and technical instruction, and their experience in the summer cruise. There are now over 100 officers engaged in teaching, and not more than 25 civilians. Intercourse with this limited number of university-bred men, instead of doing harm, tends to prevent the narrowing and inbreeding effect of an education wholly removed from ideas other than those of the service.

In the most important naval schools of the world—England, Germany, Italy, France—both advanced and preparatory, the instruction is very largely by civilians. In England there are both "naval" and "professional" staffs, the first composed of officers for discipline and

technical instruction, the second composed of Oxford and Cambridge graduates for instruction in academic subjects. The question with us involves not merely the dismissal of a few instructors; it is a question whether instruction in academic subjects is to be haphazard and perfunctory or in line with the best practice of our colleges and technical schools.

I hope it is not too late for a hearing in the matter, or at least for its consideration by the committee.

Very respectfully yours,

C. H. GRANTGENT,
Professor of Romance Languages.

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CAMBRIDGE, MASS., *January 9, 1913.*

MY DEAR SIR: I understand that the naval appropriations bill now before Congress provides fewer salaries for civil instructors at the Naval Academy than formerly, in accordance with the policy advocated by the Secretary of the Navy "to reduce the number of civilians at the academy as fast as the number of officers available to replace them permits."

This policy strikes me as wasteful, and inexpedient on many other grounds; but my present concern is with its sure effect on the academy itself as the school for our naval officers. From the point of view of an educational administrator nothing could be worse than teaching English and other modern languages and the applied sciences through young naval officers who know nothing about teaching and serve as so-called teachers for very short terms in the intervals of sea service. In the technical subjects young naval officers can make pretty good instructors; and the rapid replacement of the teachers of technical subjects at the academy is not very disadvantageous, because experience at sea keeps a naval officer tolerably fresh in the technical subjects. To employ that kind of teacher for the academic subjects is highly inexpedient. Indeed, there is nothing to be said for it. To begin with, it makes it sure that the whole teaching staff of the academy will consist of graduates of the academy. West Point and Annapolis have already suffered severely from the amount of breeding in-and-in there indulged in. This present proposal would aggravate the difficulty at Annapolis very much.

One would have supposed that the Secretary of the Navy, in the present scarcity of commissioned officers, would be reluctant to detail more officers for service at the academy. To effect economies can not be the motive of the Secretary, for the salaries of the civil instructors are lower than those of lieutenants in the Navy. The academy is the worst possible place in the whole Navy administration to make inexpedient economies, for the investment of the country in the thorough education of naval officers is the best and most durable investment the country makes on behalf of the Navy.

I believe that you are a member of the House Naval Committee. May I beg you to bring this letter to the knowledge of your colleagues in that committee?

Very truly yours,

CHARLES W. ELIOT.

Hon. ERNEST W. ROBERTS.

—

GEORGE PEABODY COLLEGE FOR TEACHERS,
OFFICE OF THE PRESIDENT,
Nashville, Tenn., January 3, 1913.

Hon. L. M. PADGETT,
Member of Congress, Washington, D. C.

MY DEAR MR. PADGETT: I have learned with a great deal of distress that there is an extraordinary and impracticable proposition coming up soon before the committee of which you are chairman. It looks toward the ultimate elimination of civilian professors at the Naval Academy.

Now, I do not wish to take up your time by arguing this matter, but as the head of a great teachers' college devoting its entire energies to the study of problems of education and with what experience I have, it is my duty, and I hasten to make it my privilege, to protest against any such unwise and hasty legislation.

It is the judgment of educators over the country (and it is they who have practical knowledge about such matters) that to limit the selection of the teaching staff of an institution to a ridiculous minority of the teaching profession would practically guarantee the decadence of efficient instruction in the Naval Academy or in any other institution. If military tactics alone are to be taught at the academy the proposition might be practicable, but it is no guaranty of inherent ability or acquired fitness as a teacher of any of the academic subjects to say of a gentleman that he has had military discipline.

It is well known among educators that the instruction given at Annapolis now is below college grade. I earnestly beg, therefore, that your committee do nothing more to lower the standard of work.

Yours sincerely,

BRUCE R. PAYNE, *President.*

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, may I have two minutes more? Then I will close, and will not ask for any more time.

Mr. KELLEY of Michigan. I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DENISON. You will note that the telegram from the 35 members of the faculty of Depauw University in Indiana was addressed to Congressman EVERETT SANDERS of Indiana; Congressman SANDERS being away sick, he asked me to present it to the House. You will also notice they say that in their judgment it would be very injurious to the Naval Academy to decrease the appropriation for civilian instructors. If you talk to Naval Academy boys, any of them—just pick them up on the street indiscriminately and talk with them—they will tell you that the naval officer instructors at the Academy are more or less of a joke. They do not instruct the boys. They simply assign them problems and give an order to "man the boards." That is the phrase they use, "man the boards," and the boys go to the blackboard and write down their answers to the problems or questions, whatever they may be, even if they are questions in history or in geography, or in any other subject of that kind. The officers do not ask the boys to stand and give their answers. They must go to the board, "man the board" as the expression is, and write their answers, and when the recitation hour is up the boys have to leave; then when the instructor has time he grades the work to suit himself by looking in the back of the book and finding what the answer is. In other words, when a naval officer is teaching, he simply acts as a sort of referee between the boys and the textbook. He does not explain, he does not instruct. He is hardly ever prepared to instruct. So the recitations under such instructors is nothing more than a sort of continuing examination or test, instead of teaching or instructing.

Let us keep the trained civilian teachers at the Academy.

Mr. KELLEY of Michigan and Mr. RAKER rose.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. KELLEY of Michigan. I desire to be recognized as chairman of the committee.

The CHAIRMAN. In opposition to the amendment?

Mr. KELLEY of Michigan. Yes.

Mr. RAKER. I am in opposition to the amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Michigan.

Mr. KELLEY of Michigan. Mr. Chairman, the committee listened with a great deal of interest to Admiral Wilson, of the Naval Academy, and we were impressed with the fact that Admiral Wilson showed a disposition to cooperate with the committee to the very best of his ability in the matter of making economies where they could be effected reasonably.

There are at the academy 133 officers who are now teaching and 115 civilian instructors and specialists, making a total of 248 members of the faculty of that fine institution. The admiral thought that it would do no injury to the academy if the number of civilians were reduced by about 78 and their places filled by officers. The committee did not view that suggestion with entire favor for two reasons: First, because we felt that in the case of teachers, if such a reduction as that were to be made without the teachers having a little more notice than they would have between the time that this bill would become a law and the 1st of July, the time would be too short. Teachers must find employment at a certain season of the year or they are apt not to be employed at all, differing in that respect from mechanics and others who, when they lose a position in one place, may find it in another. So we felt that the notice of dismissal would not be adequate. Some of these teachers have contracts for five years. Many of them are married men, with homes at the academy. To cut them off on such short notice seemed rather drastic. So we made a reduction in the amount only to the extent of reducing the number of professors and instructors by about 28 instead of 78, as recommended by the head of the academy. We thought that the superintendent of the academy could probably find 28 young men instructors, probably not married, who had been there but a short time, who would be able to find positions elsewhere without much difficulty, and that there would be no great hardship in making that much of a reduction.

Now, of course, if the House does not desire to have the number of civilian instructors decreased, the amendment offered by the gentleman from Illinois [Mr. DENISON] ought to prevail. Personally I do not know about it. In my younger days I was in the school business to some extent, and my inclination rather leads me to the belief that perhaps a half-and-half proposition is about right—half officers and half civilians. At the same time I realize that Admiral Wilson is a magnificent officer, that he is one of the finest men in the Navy, that he is giving great satisfaction and great service at the academy, and I was impressed by his views. Besides, he was one officer who appeared before the committee who seemed to consider the fact that it might be advisable to save a dollar to the taxpayers of the country wherever possible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I ask that the gentleman from Michigan may have five minutes additional time. I want to ask him some questions.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Michigan [Mr. KELLEY] be extended five minutes. Is there objection?

There was no objection.

Mr. BUTLER. Will the gentleman answer me some questions? Is he of the same opinion that I am, that we should graduate all these young men who are now attending the academy?

Mr. KELLEY of Michigan. Yes; my opinion is, Mr. Chairman, that the boys who have made their plans and who have entered the academy should not be disturbed; that they should be permitted to finish their courses, no matter what classes they may be in, and those who are not needed by the Government on graduation should go into civil life. That is no hardship. It is, of course, a disappointment, but you will realize that the Government has taken these fine boys and put them into the academy, given them magnificent training without expense to themselves or their parents, and if it turns them out into civil life where they will be able to make good, the Government will not have done the boys any harm, but, on the contrary, will have bestowed great benefits.

Mr. BUTLER. No; it will have done them good. Now, my friend, we are as thoroughly in accord about this thing as we are about many other things; let us reason together a little. I am thinking of these young men who will be required to go into civil life. In view of the action of the committee, which was three or four to one, I am assuming that many of these young men will have to go into civil life. Now, is not the gentleman of the opinion that we should retain these civil instructors at this time? These classes are very large, and the teachers should not be reduced in number. In 1927, when these classes are likely to be reduced in number, it may be advisable, when all the young men who graduate from the academy will be taken into the service, to let military instructors take the place of civil instructors; but until that time it would seem to me that we should continue these civilian instructors. These young men should be taught something besides gunfire and gun pointing and navigation. They should be instructed in a way that will prepare them for the work of civil life. I do not desire, however, to oppose my friend from Michigan.

Mr. KELLEY of Michigan. I have such a great affection for the gentleman from Pennsylvania, having served under him for a number of years on the Committee on Naval Affairs, and know that his heart is always in the right place as well as his head, that if he says that this amendment ought to prevail, I will withdraw the slight opposition I have already expressed to it. [Applause.]

Mr. BUTLER. Mr. Chairman, I am grateful to my friend from Michigan, but I do not understand the amendment. I ask the gentleman whether it would not be a good thing to retain these civilian instructors until all the boys who are now in the Academy are graduated? Then, in 1927, when the classes are so reduced in number that all those who graduate will go into the service, the substitution may be made.

Mr. KELLEY of Michigan. Of course this adds about $75,000——

Mr. BUTLER. I do not know what it will be.

Mr. KELLEY of Michigan (continuing). But when we add $40,000,000 to this bill without batting an eye we can properly do this without much difficulty.

Mr. BUTLER. I suppose so, but I am only appealing to my friend, because I think his views are like mine.

Mr. MANN. May I ask somebody two questions? [Laughter.]

Mr. KELLEY of Michigan. The gentleman may ask me one and the gentleman from Pennsylvania the other.

Mr. MANN. First, I would like to know if the naval officers are incompetent to give instruction.

Mr. BUTLER. No; but I fear that perhaps they would not give the same attention to the young men in some particular branches that the civilians would.

Mr. MANN. What have we got over 100 of them there for now; has there any complaint been made?

Mr. BUTLER. I have not heard of any.

Mr. MANN. We have a surplus of naval officers with nothing to do, and they are competent to teach, therefore we hire somebody else to do the work.

Mr. FRENCH. Mr. Chairman, I am in accord with much that has been said upon the advisability of retaining at the Naval Academy civilian professors and instructors in approximately the ratio they have been retained heretofore. Generally speaking, those who make teaching their business are better fitted to teach than are those whose business or profession is in another line entirely. Again, the gentleman from Pennsylvania [Mr. BUTLER] has pointed out the probability that many of the students at the academy who will graduate during each of the next several years will not be commissioned in the Navy but will enter upon careers in private life. The observation that he has made that these men should have teachers at the academy who will be comparable to the teachers in colleges and universities rather than specialists in naval branches is well taken.

There is another feature of this question to which I desire to direct the attention of the House.

From 1913 to 1916 the ratio of civilian professors and instructors to officer professors was as 27 to 73—that is, 27 per cent was civilian. But with the beginning of the World War officers were called to active service and their places were largely taken by civilian professors, so that beginning with 1917 and continuing till now the civilian personnel on the faculty list has been nearly one-half. It was 48 per cent from 1917 to 1921, and is 46 per cent to-day.

To build up an adequate and able corps of civilian professors and instructors, at the beginning of the war colleges and universities throughout the country were combed of such of their faculty as would go to the academy. Naturally the question arose as to whether or not the tenure of service there would make it worth while for professors to accept academy positions. The department issued a circular which I have in my hand, in which there was this statement on page 5 pertaining to the appointment of civilians, which must be regarded as a condition of employment.

The paragraph pertaining to appointment as instructors and professors reads as follows:

3. (a) That appointment as instructor be annual; to all higher grades appointments be for five years, if service is satisfactory.

This language was included again in a letter from the superintendent of the academy dated June 21, 1920, and addressed to the Secretary of the Navy. The letter of June 21, 1920, is referred to as reference "C" in letter of the Chief of the Bureau of Navigation, dated July 1, 1920, and addressed to the Superintendent of the Naval Academy. This latter letter is included by reference in the notice of appointment to the several professors, associate professors, and instructors employed at the academy.

I checked up with the Navy Department to see how many of these professors and assistant or associate professors at the academy would be eliminated by the expiration of the current fiscal year, and I found that, apart from the instructors, there is not one. I have here a list of the professors, associate professors, assistant professors, and instructors, and aside from the instructors there is not one whose contract expires prior to June 30, 1924. The contracts for the others expire in 1925 and in 1926. We did not think we ought to cause the department to vitiate those contracts and wipe them out.

I do not believe that any college or university would terminate the period of service of its professors employed on the basis of such representations as I have indicated in the manner that has been urged upon our committee and suggested by Members of the Congress. I do not believe that those who have urged this course have grasped the situation, and that they have realized the injustice that would be done professors at the academy by having, what amounts to, their contracts of employment annulled.

Mr. DENISON. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. DENISON. For the gentleman's information I want to state that Admiral Wilson has issued an order countermanding the order which the gentleman has read and providing that any instructor may be dismissed by him or, in other words, he has wiped away all that has been done heretofore, and he now claims the right to discharge any professor on giving immediate notice.

Mr. FRENCH. I think the gentleman will find that even now it requires six months' notice. I have read the new order and have a copy of it here.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. WILLIAMSON. Is it not a fact that civilian instructors are more efficient than the officers, because all of the education that the officers receive is what they have received there?

Mr. FRENCH. Outside of the special naval branches my personal judgment is that the man who follows the business of teaching is better equipped, generally speaking, than those who by reason of assignment to shore duty are detailed to the academy to teach. I think, generally speaking, that is correct. They usually have training beyond that offered at the academy.

Mr. MANN. In the administration of the naval schools where there is real work, do they hire civilian teachers or take naval officers?

Mr. FRENCH. I understand they take naval officers in special branches.

Mr. MANN. They specialize in all kinds of branches, but they get the best teachers from the naval officers.

Mr. FRENCH. At the Naval War College doubtless that is correct, but at the academy for even the postgraduate work I understand they employ civilian lecturers largely.

Mr. RAKER. Mr. Chairman, this is one opportunity to reduce expenses and get efficiency. Two-thirds of these civilian instruc-

tors, if not all of them, ought to be released from service and naval officer instructors put in charge. That has been demonstrated by the experience of the officers and by the Naval Academy; but evidently somebody wants a job. Many of these men went in during the war, and they want to hang on. That is about all. It is to give these men a job and prevent the naval boys having the best instructors they should have, and they are the naval officers. As a matter of fact, if you would investigate you would find out that the first year these boys are in school they never see a naval officer or instructor in the classrooms. Just think of that. You are sending them there for a purpose. Outside of the naval instructors, the civilian instructors, I am advised by those who have been there, give them their lessons and then put the result on the board, and the boys leave the room, and then the civilian instructor goes and marks the boys' standing from what appears on the board; and those are the instructions that the civilian instructors are giving. I was advised by one of the high officers yesterday on this question. He has been there and he knows what he is talking about. The entire result here shows that these civilian instructors are not needed; that we ought to have naval officer instructors. These men must have been in high school or have had a collegiate education or must pass a certain examination before they can go to the Navy. They then spend four years there. Then from 2 to 4 or 6 or 8 or 10 years are spent in actual service of the Navy, in all its instructions and practical work. They come back ripe and experienced men for the purpose of educating young men to become officers, to become proficient in the very things for which the Navy is established. Go down here to the school that they have been maintaining at Fortress Monroe, one of the best educational institutions in the world to-day, and they are all naval officers. That is what we ought to have here at the Naval Academy.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. CONNALLY of Texas. Does the gentleman from California think, for instance, that a man who has had only four years in the Naval Academy would be regarded as a great authority on mathematics, we will say; and is not mathematics the very heart of the basis of all navigation?

Mr. RAKER. I would not give the snap of my finger for the best mathematician on earth if you had him in the Navy and he did not know how to put the cartridge into the gun and use it when it was necessary, or how to sail the ship, and so forth. That tests whether or not he is a mathematician, and that is the reason they give them those instructions after they get their schooling. They send them out on these various cruises. They become not only educated men in all that relates to the Navy mathematics, but they become experienced men in handling ships and doing things; and what you want of these officers and these men is that they may be able to handle the ships and the men and all that pertains to a fighting Navy. I shall insert what Admiral Wilson said before the committee (hearings, pp. 610 to 615). This is in accord with what I have said. Admiral Wilson's statement and the questions and answers on this subject of civilian instructors are as follows:

REDUCTION OF INSTRUCTORS.

Admiral WILSON. You asked me a short while ago about the ability to change this appropriation, and I feel it could be cut to a very large extent without interfering with the interests of the Naval Academy. I would not advocate all officer instructors at the Naval Academy any more than I would advocate all civilian instructors. We need some of both to balance the work, but the proportion at the present time, about equal in number, does not, in my opinion, combine efficiency and economy. For this reason, and also because of the probable reduction in the number of appointments to the Naval Academy, I suggest, in accordance with your question to me, that the sum for "Pay of professors and others, Naval Academy," etc., be reduced at least one-half of the estimate. This would be a step toward bringing the proportion of officer instructors to civilian instructors back to what obtained before the war, and I believe such a step would not be hurtful to Naval Academy interests.

USE OF NAVAL INSTRUCTORS IN PLACE OF CIVILIAN.

There is much to be said in favor of using naval officers as instructors at the Naval Academy. In many ways the Navy is an excellent normal school. The routine duties required of naval officers involve a good deal of teaching. Success in the naval profession depends in a considerable degree upon the development of capacity to teach. The advance of naval science, with its attendant processes of change and improvement, demands mental alertness both to grasp new ideas and to instruct subordinates in them. We have a shifting enlisted personnel, and there are always recruits to be taught new duties and to be instructed in the operation of complicated machinery.

Officers themselves frequently do not appreciate the extent to which their naval experience fits them to become instructors at the Naval Academy. It has not been uncommon for a young lieutenant, on his first tour of shore duty at Annapolis, to be assigned to teach a subject from a new textbook quite different from any he had studied when a midshipman. An officer so placed alongside professors who have devoted years to specializing in the subject is at first inclined to deprecate his ability to teach. He is indeed confronted with obstacles, but, in accordance with his naval training, he bends his energy to overcome them. Then he usually discovers that the difficulties had been somewhat exaggerated in his own mind, and that he had not appreciated the extent to which experience afloat had fitted him to become an instructor of midshipmen.

An important advantage that a naval officer has over a civilian in teaching is that, by virtue of rank and experience, he is in a more favorable position to present incentives for midshipmen to learn well the subject matter set before them. Even in nontechnical subjects the value of an essential point can often be illustrated by some apt allusion to service life. Whether the subject is physics, history, or naval science, midshipmen feel that illustrations and explanations of officers are backed by experience with ships and men. As I see it, success in teaching hinges to a great extent on ability to inspire midshipmen with ambition to learn, and I believe that officer instructors have a knack for doing this.

The mission of the Naval Academy is not to produce intellectuals or scholars but intelligent naval officers, with healthy minds in healthy bodies. Moral, mental, and physical training go hand in hand. The intellectual side is not neglected, but character building is given particular stress. Discipline and drill are so interwoven with the academic work as to be part and parcel of it. Here again the experienced officer has the advantage over the civilian instructor. The officer knows the service, realizes that the midshipmen of to-day will be his brother officers of to-morrow, and therefore contributes to Naval Academy work an understanding, cooperative effort which can be paralleled by few civilian instructors.

The criticism has been made that "it is a pathetic sight afforded by the officer instructor who burns the midnight oil to keep one day ahead of the lesson which his class is to recite." The inference to be drawn from this is not quite fair. Granted that, for his first year at least, the officer instructor does have to study his lessons with diligence, does it necessarily follow that his teaching is of inferior quality? The textbook lessons assigned are plenty long enough and contain all that the average midshipman can be expected to absorb with thoroughness. I have heard it said that the officer who has to study along with his class is likely to concentrate on the lesson assigned and make full use of his experience and judgment to drive into the heads of the midshipmen the essential points in the lesson, whereas the professional teacher, being much more familiar with the subject, is likely to underestimate the difficulties with which the student has to contend and, instead of clearing them up, may easily be led to elaboration, introducing complexities which leave the student impressed with the superior knowledge of his teacher, but more confused than ever as to what the lesson is about. It is not unnatural that enthusiasm in a subject should sometimes lead a teacher to go over the heads of his pupils. I do not wish to undervalue the stimulation afforded by learned exposition from a scholar, but I wish to make the point that this is not always an unmixed good, and that the less exhaustive knowledge of his officer instructor is not always an unmixed evil.

It has also been said that we are old-fashioned in our methods at the Naval Academy. In some respects this is frankly admitted. It does not mean, however, that our minds are closed to new ideas. We are constantly on the lookout for new ideas, and adopt them when we are convinced that they are good. But we believe that the country is proud of the high standing the Naval Academy has attained as an educational institution, and we do not propose to kick down prematurely the ladder by which the academy has mounted to this enviable position. For example, the method of teaching called the "direct method" aims to supply knowledge in a sort of predigested form, which can be assimilated by the pupil without effort. We do not use this method to any great extent at the Naval Academy. I believe in the old-fashioned way—"We learn by doing"—and our embryo officers will continue to fit themselves for future tasks by doing a lot of "hard digging" during their four years at Annapolis. We try to give the incentive, point the way, and help them over the hard spots, but conscientious work on their part is required to reach the goal.

NUMBER OF INSTRUCTORS—CIVILIAN AND NAVAL.

Mr. KELLEY. How many professors and instructors have you altogether at the academy?

Admiral WILSON. We have 118 civilian instructors and about the same number of officer instructors.

Mr. KELLEY. What do you think should be the right proportion?

Admiral WILSON. Before the war we had about three officer instructors to one civilian instructor. I think that if this appropriation were cut to about $150,000 or $140,000 from the amount it is to-day, we at the Naval Academy could have the best of what we have now and have ample civilian instructors to keep the balance; that the Naval Academy would not suffer in the least, and that the total number of officer instructors and civilian instructors would be reduced.

Mr. KELLEY. That would mean you would have to let about 50 civilian instructors go at the end of the year?

Admiral WILSON. No, sir; I think we would have to let about 78 go.

Mr. KELLEY. I was just thinking of the possible moral obligation involved in letting so many go at once.

ADVISABILITY OF REDUCING NUMBER OF CIVILIAN INSTRUCTORS.

Admiral WILSON. The civil instructors came into the Naval Academy during the war when officers were doing other work and could not be obtained, and I think, as we are after economy combined with efficiency, that we could save a quarter of a million dollars right there. I do not think it would hurt the efficiency.

Mr. KELLEY. And you do not think it would be an injustice at all? You think there is plenty of time left so that these people could get positions elsewhere? I was just thinking whether or not there would be ample notice of the change in policy.

Admiral WILSON. Of course, my personal feelings would be entirely with the professors and instructors at the Naval Academy. I would not want to see any of them lose their jobs, because they are all good men; but I was speaking strictly as the Superintendent of the Naval Academy in coming before you, who are appropriating money for the Naval Establishment. It is my thought that a quarter of a million dollars could be saved.

Mr. KELLEY. By using about the same number of officers in place of these 78 civilian instructors?

Admiral WILSON. Yes, sir. It is very probable that we would require less officers to take the places of the professors who go out.

Mr. FRENCH. That would be caused by the diminution in enrollment?

Admiral WILSON. No, sir; it would be because the officers at the Naval Academy can be utilized to more advantage than the professors; they can teach more than one subject if necessary, and they can be utilized in the drills.

Mr. FRENCH. What period of contract have the professors there now? Are they employed from year to year?

Admiral WILSON. Some time ago they were given appointments that stated that they were appointed for a certain length of time, but I understand that is governed entirely by the appropriation of Congress.

Mr. BYRNES. You think you would have no trouble in getting officers who would make good instructors?

Admiral WILSON. No, sir. Just now, when we are thinking about keeping our officer personnel until we know there is going to be no more trouble, it would be a very profitable way to use their services.

Mr. BYRNES. I think so, too, if you have no doubt about securing competent men; but a good officer may not be a good instructor.

Admiral WILSON. Mr. Byrnes, we have very little choice about who shall come to the Naval Academy as instructors. If he is an officer in the Navy and his services are available, he is sent to us, and I have not first pick of the men in the Navy who come to the Naval Academy as instructors.

Mr. BYRNES. Who does select them?

Admiral WILSON. When the Bureau of Navigation finds officers becoming available on account of detachment from sea duty they send their names to me. I pass on them, and I pick any one, unless he has something in his make-up which I know personally would not fit him to be associated with the midshipmen.

Mr. BYRNES. You will no doubt agree that it is not every man who has received an education that possesses the gift of imparting knowledge to others.

Admiral WILSON. Yes, sir; at the Naval Academy we have to agree to that to a large extent—that any man who is a commissioned officer and who has gone through the Naval Academy is good material to bring back to teach the midshipmen. Although he may not be the best teacher compared with some civilian instructor, in the end he delivers as much education to the midshipmen as one who is just trained in scholastic work, because there are more things than teaching him his lesson that the officer has to teach a midshipman.

Mr. KELLEY. It has been my understanding that these civilian instructors were employed through an oral contract, or some sort of understanding, that they should remain five years if they were satisfactory.

Admiral WILSON. Well, sir, I do not look upon that as a contract in any way. I look upon it like this, that you say to him if he behaves himself and delivers the proper efficiency there will be no reason to disturb him for a certain length of time. Of course, I realize that their tenure of office is in accordance with the appropriations by Congress.

Mr. FRENCH. What would be the decrease on the basis of the less number of midshipmen you will probably have next year?

Admiral WILSON. I do not think there will be any marked decrease in the number of midshipmen, because probably the same number will come in; but I think there will be a moderate decrease due to the fact that we must be less kind-hearted in carrying those who are not entirely efficient. In the past we have been asked by numerous persons to give this man another show and give that man another show, but now that it is the wish of Congress to cut us down at the Naval Academy, I do not think we will have as many requests along that line.

Mr. KELLEY. About how many of these civilian professors would probably leave, anyhow?

Admiral WILSON. I doubt if any would leave, sir.

Mr. KELLEY. It is your opinion, Admiral, that the academy would not suffer at all if the percentage of officer instructors was increased, and the only element that enters into that at all would be whether or not a little more notice might not properly be given to the civilian instructors to get out of the positions?

Admiral WILSON. Yes, sir.

Mr. KELLEY. Mr. Secretary, I should like to have your opinion as to the recommendation of Admiral Wilson to reduce the number of civilian instructors by from 33⅓ per cent to 50 per cent and to replace them with officers at the academy for the coming year?

Secretary DENBY. I would approve that suggestion, Mr. Chairman.

Mr. FRENCH. In the event of the reduction of the number of cadets in the academy, what ratio would the reduction of the members of the faculty bear to the reduction of the students; that is, would it bear the same ratio or some other ratio?

Secretary DENBY. I understood there would not be any reduction.

Mr. FRENCH. I do not know. I am simply asking that question, putting it in a hypothetical way, so in the event there should be.

Admiral WILSON. Yes, sir; it would be about the same, except that it would be gradual, due to the fact that the entering class has one line of subjects to learn and that the older classes have more technical subjects which require officers entirely to teach.

Mr. FRENCH. And probably in the more advanced lines one officer or teacher would not have as many pupils?

Admiral WILSON. No, sir. I think the number of pupils to each instructor would be about the same. It averages anywhere from 12 to 14, according to the number of instructors.

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AMOUNT SAVED BY REDUCING NUMBER OF CIVILIAN INSTRUCTORS.

Mr. KELLEY. Do you know, Admiral, how many of the civilian professors at the academy are married men?

Admiral WILSON. I think the majority of them.

Mr. KELLEY. You do not know offhand, I suppose, whether they own homes in Annapolis?

Admiral WILSON. I think most of those to be retained would be those who have families and homes. That is, those who at the academy contribute to the academy other than their teaching. We have instructors who help in athletics, who help in the entertainments, who help in our Naval Academy work. They give themselves to other work besides their regular required routine work, and naturally those men would be the ones that the academy would want to keep, and also the academy would give attention to the length of service.

Mr. KELLEY. You could administer this in such a way that those who have homes there, if they were to be let go, would have a little longer time to get ready for the change?

Admiral WILSON. Yes, sir. It is the desire of mine not to hurt anybody.

Mr. KELLEY. If you carry out this policy you can reduce the amount from $385,000 to what?

Admiral WILSON. One hundred and fifty thousand dollars, I said.

Mr. KELLEY. Instead of $385,000?

Admiral WILSON. Yes, sir.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate upon this amendment and all amendments thereto close in 15 minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, in view of the fact that it is now nearly 3 o'clock and that we have read but two pages of the bill to-day and are not through with them, and that there are 15 pages remaining to be read, is it still the idea of the gentleman from Michigan that we have to stay here and have a roll call vote to-night?

Mr. KELLEY of Michigan. A number of gentlemen seem to want to speak on this proposition. I am trying to bring it to a head as quickly as possible. I think the suggestion of the gentleman from Illinois is timely, if we expect to finish the bill to-night.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TEMPLE. Mr. Chairman, I should like to say just a few words about this question of civilian instruction. I notice in the testimony of Admiral Wilson in the hearings before the committee that he said:

> We have 118 civilian instructors and about the same number of officer instructors.

The figures given by the gentleman from Michigan, as usual, differ from those given by the naval officers. The gentleman from Michigan said they had 103 officers and 115 civilians. The difference in this case is not very great. When the reduction in the appropriation was proposed the gentleman from Michigan asked Admiral Wilson the following question:

> That would mean that you would have to let about 50 civilian instructors go at the end of the war?

Admiral Wilson replied that it would mean that they would have to let about 78 go.

The question later came up as to the qualifications of the officers who would act as substitutes for these civilian teachers, and I quote now from the hearings:

> Mr. BYRNES. You think you would have no trouble in getting officers who would make good instructors?
>
> Admiral WILSON. No, sir. Just now, when we are thinking about keeping our officer personnel until we know there is going to be no more trouble, it would be a very profitable way to use their services.
>
> Mr. BYRNES. I think so, too, if you have no doubt about securing competent men; but a good officer may not be a good instructor.
>
> Admiral WILSON. Mr. BYRNES, we have very little choice about who shall come to the Naval Academy as instructors. If he is an officer in the Navy and his services are available, he is sent to us, and I have not first pick of the men in the Navy who come to the Naval Academy as instructors.
>
> Mr. BYRNES. Who does select them?
>
> Admiral WILSON. When the Bureau of Navigation finds officers becoming available on account of detachment from sea duty, they send their names to me. I pass on them and I pick any one, unless he has something in his make-up which I know personally would not fit him to be associated with the midshipmen.

Mr. Chairman, it may be that there are to be found among the naval officers men who have a knack for teaching, but certainly if it is necessary to train men for the profession of a naval officer it is also necessary to train men for the profession of a teacher. [Applause.] The question was asked a little while ago whether the civilian instruction would be superior to the officer instruction, whether the officers would be competent to teach. You may as well ask whether the civilian command of a warship would be as competent as the command of the officers who were trained for that purpose. [Applause.] Either there is nothing in training at all or the men trained for a profession are superior to the men who have not that training.

As to the statement made by the gentleman from California [Mr. RAKER] with regard to the methods of civilian instruction, he has completely reversed the facts—not that he intended to do so.

The fact is that it is the officer's teaching that he is describing——

Mr. RAKER. Will the gentleman yield?

Mr. TEMPLE. The gentleman has made his statement, let me make mine. The officer issues orders to man the blackboard; the men are put to work at the blackboard, and when they have finished they stand at attention until they are dismissed. If there is a blunder the instructor takes it into consideration in grading the pupil, but frequently calls no attention to it and does not correct it nor make it an opportunity for instruction.

I do not mean to say that this is the uniform method pursued by naval officers who are on the teaching force at Annapolis, but my attention has been called to it more than once or twice

by midshipmen who are deprived in this fashion of the effective instruction they are entitled to at the Naval Academy. We must have teachers, not merely men in authority, who will command their pupils to learn.

I am interested in this question of teaching. [Applause.] We ought to give the men in the Naval Academy the best education we can give them. [Applause.] Officers are needed for the instruction of the men in technical subjects in the academy, and the civilian instructors are needed to teach certain other courses—modern languages, mathematics, history, international law, and subjects they have specialized in not only as students of those subjects but also in the art of training men and communicating to them knowledge of the subjects in which the instructors have specialized.

Mr. McSWAIN. Does the gentleman recall a few years ago that Dr. Charles W. Eliott criticized the pedagogic practice at West Point for the same reason that it was a sort of psychological inbreeding of——

Mr. TEMPLE. West Point has always lacked the civilian training element, but they turn out good men, provided they have had the proper foundation before they go there. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS. Mr. Chairman, last year I was on the Board of Visitors at Annapolis, but I did not see any civilian instructors there. I have not seen any since. None of them has asked me to interfere on behalf of the civilian instructors, but on the Board of Visitors at that time were Dr. Benjamin Ide Wheeler, of California; Prof. Irving Fisher, of Yale; Dr. Kenneth Sills, of Bowdoin College, Maine; Doctor Talbert, of Illinois; and Doctor Riddick, of North Carolina. I talked to them about it. They said that the weak point of Annapolis was instruction in the classroom. I had naturally a great deal of respect for their opinion. They were men eminent in their profession. When this matter came up I took occasion to write to them, and I am going to ask consent to print their letters in the RECORD. I wrote to Doctor Alderman, of the University of Virginia, for a number of years on the Board of Visitors, and they all agree that it was a very great mistake to reduce the number of civilian instructors at this academy. Personally I think it would be of very great advantage if we would reduce the number of naval officers there who are there as instructors. We send a boy there at great expense to the Government and with a great expense of time to him. If he does not have competent and efficient instruction during the session—the first year, the second year, the third year, or the fourth year—he fails in his examinations. Many boys fail after being there two or three years, fail when they would not have failed if they had had the instruction of efficient, trained, competent, educated civilian instructors. For that reason it occurs to me it would be a most unwise thing to embark upon this policy at the suggestion of Admiral Wilson.

He is a very capable man in his line, but that is not his line. I am advised that it is his opinion and the opinion of others high in authority in the Navy that they should get rid of all civilian instructors, because, as a very distinguished naval man said, he did not want any civilian instructors "snooping" around Annapolis. So, in my opinion, it would be advantageous to the boys, and I personally think it would be very advantageous, if the head master at that school were a civilian; I think it would be a very good object lesson to the boys to have daily occular demonstrations of the fact while they are there that the civil in this good country is above the military. [Applause.] I feel it would be a good thing for him to have a thorough education during the four years of his training before he goes into the Navy, and I do not agree with the statement of Admiral Wilson in the hearings, that what we want at Annapolis is to train men to be officers and not scholars. If that be true, there is no occasion to waste money at Annapolis, but simply certify the boys in from the high schools, certify them onto ships without wasting time at Annapolis in their education. They can there get the technical training that the officers can give, and which alone they can give.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following are the letters referred to:

BOWDOIN COLLEGE,
OFFICE OF THE PRESIDENT,
Brunswick, Me., April 3, 1922.

Hon. B. G. HUMPHREYS,
House of Representatives, Washington.

MY DEAR MR. HUMPHREYS: I received last Saturday afternoon your telegram asking me my opinion of the proposition to replace civilian instructors at Annapolis with naval officers. As it happens, I expect to be in Washington on Thursday and Friday of this week—April 6 and 7—and shall endeavor to see you then and talk the whole matter over. In the meantime, however, I am perfectly willing to go on record to this extent:

For five years, from 1917 to 1921, inclusive, I was a member of the Board of Visitors to the Naval Academy. The board, or that part of it that was composed of college men, was unanimous, I think, in believing that the weakest thing in the academy was the teaching in the classroom. If the naval authorities intend to confer the degree of B. S. on the graduates of the Naval Academy hereafter, it is vitally important that the course there should be the equivalent of that given by our best civilian engineering schools, and I do not see how this can be done unless in certain departments expert civilian instructors are employed. Furthermore, I believe that in assigning the naval officers to the academy for instructional purposes the department should be much more careful than it has been in the past about assigning men who have some qualifications as teachers. Undoubtedly there are in the Navy a certain number of officers who have the gift of teaching and who would do very well in classroom; but only such men should be assigned for that important duty.

In the emergency now before the Navy Department, under which it may be necessary to train a number of men who will never become naval officers, it seems to me all the more necessary to see to it that the teaching is equal to that of the best institutions of collegiate or university rank in the country. Of course, the academy exists primarily to train naval officers, but the morale is so good there that discipline will not break down if civilian instructors are employed much more generally in the classroom. No fair-minded man can visit the academy without being aware that the methods in many of the departments are antiquated and not nearly so effective as they ought to be. Personally, I hope very much that Congress will increase the number of civilian instructors there rather than eliminate them.

Very truly yours,

KENNETH C. M. SILLS, *President.*

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NORTH CAROLINA STATE COLLEGE OF
AGRICULTURE AND ENGINEERING,
PRESIDENT'S OFFICE,
West Raleigh, April 11, 1922.

Hon. B. G. HUMPHREYS, M. C.,
Washington, D. C.

MY DEAR MR. HUMPHREYS: I have received your letter of April 7, and must confess that I am somewhat surprised at the turn matters seem to be taking at the Naval Academy. I was, as you perhaps know, on the Board of Visitors for two years, and I think the unanimous opinion of the members was that the employment of civilian instructors should be encouraged to an even greater extent perhaps than at present.

Personally, I believe that in those departments which are not purely technical there should be a large percentage of civilian instructors, whose profession is teaching and who are interested in this work and who will stay at the academy long enough to acquire the experience necessary to make them really proficient. I firmly believe that if these civilian instructors are dispensed with, and the entire teaching force of the academy should consist of men detailed from the Navy for a few years whose principal interest is not teaching, that the standards of the academy would be very much lowered and that as an educational institution it would not be on a par with the other colleges of our country. I should hate very much to see the policy suggested in your letter adopted.

With best wishes,

Sincerely yours,

W. C. RIDDICK, *President.*

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UNIVERSITY OF VIRGINIA,
OFFICE OF THE PRESIDENT,
Charlottesville, April 10, 1922.

Hon. BENJAMIN G. HUMPHREYS,
House of Representatives, Washington, D. C.

MY DEAR MR. HUMPHREYS: I am glad to have your letter of the 7th instant. My own judgment is entirely against the proposed policy to reduce and finally replace civilian instructors at Annapolis with officers from the Navy assigned to the academy as instructors. In the fields of English, history, and the modern languages, at least, this policy would be destructive of good teaching and of real scholarship, and would, I think, tend to lower the whole educational status of those subjects in the scheme of instruction at the Naval Academy. I understand that the Naval Academy is a very technical institution, existing not to make scholars but technical men known as naval officers, but they have great responsibilities. They need some knowledge of the language and history and literature of their own and other countries to enable them to represent this country with propriety and power and to do their duty in the largest possible way. Doubtless money could be saved by the process, because it is a penny-wise and pound foolish policy, in my judgment. I served for four years, I think, upon the Board of Visitors of the Naval Academy as its chairman. I do not pretend to have knowledge of the technicalized subjects there taught, and do not doubt that they are taught splendidly—certainly with devotion and skill—by officers of the Navy. The best teaching I saw, however, was that done by the civilian instructors, and it would be a sad day, I believe, for the institution, which all of us honor and respect, if the teaching power and scholarly spirit of the civilian instructors should be removed from its life.

Faithfully yours,

EDWIN A. ALDERMAN,
President.

Mr. NEWTON of Minnesota. Mr. Chairman, I shall support the amendment permitting the retention of the present force of civilian instructors. One year ago it was my privilege to serve upon the Board of Visitors to the Naval Academy. We spent some three or four days there. I have always been a great admirer of the school at Annapolis, and my admiration in the school was greatly increased by reason of my service on the board. It is truly a great school and I do not believe it has its equal anywhere. The success of the school is due in part to the excellent naval officers who are detailed for duty there and in part to the very fine work performed by the civilian instructors. There are something like 248 instructors of all kinds, of which about 132 are naval officers and 116 are civilians. The course of study is four years. A considerable portion of

the work during the first two years is of the kind that one would receive in the better colleges in the country. This instruction is largely under the charge of civilians. They are skilled teachers and professors who instruct in history, languages, mathematics, literature, international law, and other subjects in keeping with a cultural or academic course in college. The appropriation provided for would necessitate a reduction in the staff of civilian instructors. They would be replaced by naval officers. In other words, naval officers would be placed there to instruct in these cultural subjects.

Mr. Chairman, this would be a mistake, and a great mistake. The hearings disclose that the Superintendent of the Academy, Admiral Wilson, recommended dropping 78 of these civilian instructors, which is over 50 per cent of the number engaged. It seems to be pretty fairly understood that the reason for this is not to cut down expenses but to do away eventually with civilian instruction and have all of this done by naval officers. I think this would be a mistake. The committee thought it would be a mistake, for it turned down this request of the superintendent. It has been suggested by the proponents of the bill that we will need fewer instructors this next year. However, there is no legislation as yet cutting down the number of midshipmen at the Naval Academy. Certainly, then, with an enrollment of from 2,250 to 2,400 midshipmen for the next year, we ought not seriously to consider cutting down the teaching force.

If it be maintained that these civilian instructors would be replaced by naval officers, I want to say that I do not believe that it is possible to get naval officers competent enough to fill the position of civilian instructor. A man may be a most excellent naval officer and yet make a very poor teacher. The hearings of the committee disclose the difficulties that the Superintendent of the Academy has had heretofore in getting competent naval officers to teach these academic and cultural subjects.

The whole proposition to me seems to arise out of a desire upon the part of some one in the Navy Department to eventually get rid of civilian educators.

I do not know whether it is true or not, but it is said the request was made this year that the Board of Visitors, instead of having five civilian educators from different universities, should have five business men; that the Superintendent of the Academy did not care to have skilled educators on the Board of Visitors. I am wondering if the gentleman from Michigan can bear out that statement? Possibly the gentleman from Illinois [Mr. DENISON] can.

Mr. DENISON. I can bear it out. There was not a single educator placed on the Board of Visitors this year.

Mr. NEWTON of Minnesota. It seems to me that that is just simply evidence of what a lot of us have been feeling here, that instead of the Superintendent of the Academy doing this on the ground of economy, he is taking advantage of the desire of the committee to economize to put forth a policy that is wholly at variance with the former policy of Congress.

Mr. KELLEY of Michigan. I will say to my good friend from Minnesota that I think the desire of the Superintendent of the Academy was to utilize men on the Government pay roll when they were competent and all right for this purpose. I would be very far from criticizing any officer of the Government who pursues that course.

Mr. NEWTON of Minnesota. The Superintendent of the Academy said he had but little free choice; that they gave him men eligible for shore duty and he had to take what was given him; that he had a limited selection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, is there any time remaining of the time originally fixed? I think the gentleman from Maryland [Mr. MUDD] did not use all of his time.

The CHAIRMAN. All time has expired. The question is on agreeing to the amendment.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent for five minutes.

Mr. KELLEY of Michigan. Mr. Chairman, I have been very generous, and we want to finish this afternoon. Of course, I would be glad to accommodate my friend from Maryland——

The CHAIRMAN. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to proceed for five minutes.

Mr. KELLEY of Michigan. Will the gentleman wait until the next paragraph is read?

Mr. LINTHICUM. If the gentleman wants to object——

Mr. KELLEY of Michigan. I do not object; but I think I ought to do so.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Maryland [Mr. LINTHICUM]? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I dislike to take up any time of the committee this afternoon on the amendment, but I feel that, being from the State of Maryland and living within 25 miles of the Naval Academy, I am not imposing upon the House by saying a few words. I have known the academy all my life. It is located in the county of which I am a native, and I feel very deeply interested in it. I feel that if we remove these civilian instructors it is bound to be a very severe blow to the Naval Academy. Certainly we do not want to take any chances with the education at the Naval Academy when we have limited the Navy under the disarmament conference.

Mr. KELLEY of Michigan. We have not limited it——

Mr. LINTHICUM. I know the press said that the gentleman from Michigan [Mr. KELLEY] was a little peeved because we increased the personnel the other day. We have limited to 18 battleships, and if the gentleman is talking about the increase of the number of the personnel to 86,000 men, then I can only say many of us deem it essential if we want to keep up the 5-5-3 ratio.

As for the Naval Academy, these men are trained instructors and have been performing this service for some time. No naval officer can become an instructor until he has seen 12 years of sea duty, or other duty away from the academy. Certainly the gentleman from Michigan, the chairman of the subcommittee, who was a school-teacher, as he intimated this morning, knows that when you take a man away from his studies 12 years and put him back to teach, he can not do it. He has forgotten a considerable part of the work in that time. I happen to have taught, myself, at one time, and I know well that it requires constant study and work to teach a lot of men who are highly proficient, like these academy boys are.

I sincerely hope this committee will not refuse to continue these civilian instructors. The amount is not large, and the question is a very important one, and not only is the present amendment important, but, I think, as the gentleman from Illinois [Mr. DENISON] intimated a while ago, it is equally as important to follow this up with another amendment, so that they can not be dismissed, because this amendment in itself will not keep them from being dismissed if the Superintendent of the Academy wishes to do so. And I shall also favor the amendment which prohibits dismissal of teachers from the academy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DENISON].

Mr. CRISP. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. DENISON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 50, line 14, insert a new paragraph, as follows:

"No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922."

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the amendment. The hearings before the committee show that before the war the ratio of civilian instructors to naval officers instructing at the academy was one civilian instructor to three naval officers. The reason why the naval-officer personnel was reduced was because of their need in active service. I wish to call the attention of the membership of the House to a comparison of the instructors at the Military Academy to that at the Naval Academy if this amendment is adopted. At the Military Academy all the instructors except four are officers of the Army, and the civilian instructors give instruction solely in languages. The argument advanced here to-day is that the character of instruction given to our military officers in the past has not been as efficient as it might have been under civilian instructors. But again we find the old, old rule that when once a civilian gets connected with the Government teat it is very hard to separate him. He will certainly find advocates on the floor who will advance arguments that the policy that has been in force in the instructing of Army cadets and naval midshipmen from the foundation of these institutions has been wrong, and that in order to give employment to civilians the new policy should be continued.

I am not in favor of this amendment that has just been proposed, that will keep out of the academy naval officers who may be usefully employed there. You have appropriated a sufficient amount of money to engage civilian instructors, and I think it

should be left to the superintendent of the academy, who is the responsible accounting head for the efficient administration of that institution and the character of the instruction that is to be given, to determine whether the men to be employed there shall be officers or civilian instructors. I think it is going pretty far when we as a legislative body seek to set up our judgment against the judgment of the Superintendent of the Naval Academy as to who shall be the instructing force while he is in charge of the academy. I hope this amendment will be rejected.

Mr. KELLEY of Michigan. Mr. Chairman, I am inclined to think that the gentleman from Wisconsin [Mr. STAFFORD] is right about this. The gentleman from Illinois [Mr. DENISON] undertakes through his amendment to direct the Secretary of the Navy and the superintendent of the academy not to employ a naval officer, even though there should be a vacancy in the force of civilian instructors. I am quite sure that the House will not be justified in going that far.

Mr. FESS. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield to the gentleman from Ohio.

Mr. FESS. Under the amendment that we have just passed is there any guaranty against the dismissal of the civilian professors and instructors?

Mr. KELLEY of Michigan. I presume there is no guaranty, but I am satisfied that the Secretary of the Navy and the Superintendent of the Naval Academy will realize from what has taken place here that it is the intention of Congress that the civilian and officer teaching personnel shall be about evenly balanced, and I do not believe there will be any abuse along that line. It might be very important that an officer be designated for service where there is now a civilian instructor, and I think legislation to prevent that would not be wise. I do not think we ought to adopt this amendment.

Mr. REED of New York. Will the gentleman yield?

Mr. KELLEY of Michigan. I yield to the gentleman from New York.

Mr. REED of New York. Who has the selection of these civilian teachers provided the amendment of the gentleman from Illinois [Mr. DENISON] is adopted?

Mr. KELLEY of Michigan. The head of the Bureau of Navigation has complete control of all the officer personnel, and he assigns them to ships, to stations, or wherever in his judgment they can be most useful. Now, of course, it has been said that he does not always select wisely in sending officers as teachers to the Naval Academy; but the superintendent of the academy is a very brilliant and able administrator, and he will be very quick to discover any officer who is a misfit. I think we can leave the matter very properly with the Secretary of the Navy and the superintendent of the academy.

Mr. VAILE. The gentleman is willing to trust the naval expert who is now at the head of the academy and the Secretary of the Navy? [Laughter.]

Mr. KELLEY of Michigan. I am willing to trust the Secretary of the Navy in all matters when we are in accord. [Laughter.]

Mr. DENISON. Mr. Chairman and gentlemen, the amendment which we have just adopted will not accomplish the purpose desired unless we follow it with this amendment. This whole question came before Congress in 1913, and the Congress at that time—including, I think, my friend from Michigan [Mr. KELLEY]—supported the idea and put it into the bill. Every year after that we put this same provision in the bill in order to carry out the will of Congress. It is not a direction. It is a limitation; that is all. No doubt we did it with the approval of my friend from Michigan. In 1914 we adopted the same language, and in 1915 and 1916 and 1917, and it would have been there to-day if it had not been for the fact that when we got into war in 1917 there was no need to put it in, because there were no surplus naval officers to send there. That was the reason why it was left out of the appropriation bills of 1917 and subsequent years. Now, gentlemen, I think I know what I am talking about. If you want to accomplish the purpose we are trying to accomplish, we must put this provision in the bill. I know what the superintendent of the academy intends to do. He intends to carry out that policy of getting rid of all civilian instructors if he can, and it is for Congress to say whether he shall do it or not.

We may as well face the issue squarely and settle it again as we settled it in 1913. Shall we maintain the Naval Academy as an educational institution of merit and high standing, or shall we allow it to be made into a mere naval training station? If the superintendent is allowed to displace the civilian professors and instructors with naval officers, we should let the country know it, and then when we appoint young men to the academy we should tell them and their parents that we are not sending the boys to a school for higher education but to a mere naval training school. Let us adopt this amendment and save the Naval Academy.

Mr. LAZARO. Will the gentleman permit me to read the language inserted in the act of 1913?

Mr. DENISON. I will be glad to have the gentleman do it.

Mr. LAZARO (reading):

That no part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as an instructor at the United States Naval Academy to perform duties which were performed by civilian instructors on January 1, 1913.

Mr. DENISON. That is the same language carried every year for five years from 1913, and is the language carried in the amendment I have proposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DENISON].

The question was taken, and on a division (demanded by Mr. STAFFORD) there were 85 ayes and 53 noes.

So the amendment was agreed to.

The Clerk read as follows:

Assistant librarian, $2,500; cataloguer, $1,800; two shelf assistants, at $1,400 each; secretary of the Naval Academy, $3,000; clerks—2 at $2,100 each, 2 at $1,900 each, 2 at $1,800 each, 9 at $1,600 each, 4 at $1,400 each, 23 at $1,300 each, 7 at $1,200 each; repair man or seamstress, $1,000; surveyor, $1,700; services of choirmaster and organist at chapel, $1,700; captain of the watch, $1,600; second captain of the watch, $1,500; 30 watchmen, at $1,400 each; 5 telephone switchboard operators, at $840 each; mail messenger, $1,200; in all, $134,900.

Mr. DUPRÉ. Mr. Chairman, I move to strike out the last word. In my mail this morning I received a letter from an old and dear friend of mine in New Orleans, and it contained a passage which I want to read to the committee. The letter was in no sense propagandist, such as had been so savagely reprobated by the gentleman from Michigan on yesterday and previously. The letter is entirely personal and covered a great many subjects besides this particular matter. But I thought it would be well to bring the matter to the attention of the committee at this time, so apt is it. I may say that the writer of the letter is a trained lawyer, an honored judge, and is in no sense a jingo. I have of course deleted names, but probably some Members may understand whom he refers to. I notice the gentleman from Michigan smiles. Probably he recognizes himself. [Laughter.] This is what this gentleman writes to me:

I see by to-day's dispatches that the Navy wreckers were defeated in the House. Such exhibitions as * * * have been given make me at times despair of popular government and despair of the Republic. The late war showed that a Navy must be first or nowhere. An inferior Navy must go into port or go to the bottom.

Unless we are willing to tax ourselves and have a Navy that can keep the seas, not be sent to the bottom and not be driven into port, we should be logical enough to abolish the Navy and save the millions which would be worse than foolishly spent on a second-class Navy.

If you need a pole 40 feet long to knock down the persimmon, you should buy yourself a 40-foot pole or none at all. The money spent on a 30-foot pole is worse than wasted.

For one I shall be very glad to wait the long roll call with which the gentleman from Michigan has been menacing us so long, and I shall be very glad to register my views on the subject which my constituent has better expressed than I could. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, I am very glad that the distinguished gentleman from Louisiana [Mr. DUPRÉ] has spoken. It appears that people have widely different views as to what the Conference on the Limitation of Armament was for. People who live up at Squantum, near the historic city of Boston, where they built destroyers during the war, think that the purpose of the Conference on the Limitation of Armament was to continue the building of destroyers in Squantum, although we have 200 destroyers now more than are necessary.

Mr. DUPRÉ. Will the gentleman yield?

Mr. KELLEY of Michigan. Not yet. I will come to the gentleman in a minute. [Laughter.]

Mr. DUPRÉ. I will be right here. [Laughter.]

Mr. KELLEY of Michigan. Then we come along down the line to Charleston, W. Va., where there is a great armor-plate factory. They have an idea that the Conference on the Limitation of Armament was for the purpose of continuing the manufacture of armor plate, although the vessels on which that armor plate was to be used are not to be built.

Then we come to the Washington Navy Yard, and people in Washington apparently have the idea that the purpose of the conference—unless it was for the purpose of giving them an opportunity to raise rents in the city—was for the purpose of allowing the men down in the Washington Gun Factory to complete the guns that were to be placed on these great monsters of

the deep, the 16-inch guns that are never to fire a shot. They have the idea that the purpose of the Conference for the Limitation of Armament was to complete the manufacture of these guns, whether we ever needed to use them on a battleship or not.

Then we go on down the coast and we come to the city of Charleston, S. C., where they have a navy yard there up in the country somewhere. [Laughter.] Somebody has said that every naval vessel that goes up the river to the navy yard at Charleston, S. C., must be preceded by a dredge. Whether that is true or not I do not know, but the gentleman from South Carolina the other day insisted with all his might and main that his idea of the Conference for the Limitation of Armament was at least to keep the navy yard there in operation and the dredge working full blast.

Mr. LONGWORTH. Did the gentleman have an opportunity to visit Ohio? [Laughter.]

Mr. KELLEY of Michigan. The gentleman from Ohio held out valiantly against the League of Nations, but has fallen an easy victim to the league of navy yards. [Laughter.]

Now, let me go on. I am really very much indebted to my friend from Louisiana [Mr. DUPRÉ], who has given me this opportunity to lay this situation calmly before the House. We have come now to the great historic State of Louisiana. Down at New Orleans they had a navy yard once, but it is now closed up, and apparently the idea of our distinguished friend from New Orleans as to the purpose of the Conference on the Limitation of Armament is to open up defunct navy yards and to breathe a new breath of life into deceased war plants. Then we cross the mountains over to the Pacific coast and we start with Los Angeles. Over there their idea of the Conference on the Limitation of Armament seems to be to make two navy yards grow where only one grew before. [Laughter.]

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. LINEBERGER. I will say to the gentleman that there is not a navy yard within 500 miles of Los Angeles.

Mr. KELLEY of Michigan. Yes; and as long as I have anything to do about it there will not be, either. [Laughter.]

Mr. LINEBERGER. If the prestige of the gentleman continues to shrink in naval matters during the next year as it has in the last week, I am afraid that he will not have anything to say about it. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KELLEY of Michigan. Oh, let me have five minutes more in which to finish the picture.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent that he have five minutes additional time.

Mr. KELLEY of Michigan. I thank the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OSBORNE. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. I did stir up Los Angeles, did I not? [Laughter.]

Mr. OSBORNE. I want to ask the gentleman if he ever heard of a navy yard being proposed at Los Angeles? I never did.

Mr. KELLEY of Michigan. My friend is only juggling with terms. They have been demanding a submarine base at Los Angeles ever since I have known anything about things here. The naval officers have recommended a submarine base there.

Mr. OSBORNE. But the gentleman spoke of a navy yard.

Mr. KELLEY of Michigan. Oh, ho! Have navy yards become so obnoxious that gentlemen now seek to call them by some other name? [Laughter.]

Mr. OSBORNE. Will the gentleman yield for another observation?

Mr. KELLEY of Michigan. Surely; though I would prefer not to be interrupted until I have finished the picture.

Mr. OSBORNE. Will the gentleman from Michigan let me ask him a question? I do not interrupt very often.

Mr. KELLEY of Michigan. Certainly.

Mr. OSBORNE. When the gentleman makes a palpable misstatement in regard to a matter in which I am interested, I think he ought to give me an opportunity of showing where he is wrong.

Mr. KELLEY of Michigan. If I have spoken lightly of Los Angeles, it is not because I do not greatly admire its able Representatives on this floor.

Mr. OSBORNE. But the gentleman got five minutes just now, and he knows very well that this submarine base is not in any sense a navy yard.

Mr. KELLEY of Michigan. It has the same intentions, so far as the Treasury goes. [Laughter.]

Mr. OSBORNE. It has not the uses of a navy yard.

Mr. KELLEY of Michigan. Of course, a submarine base is only a navy yard for the repair of submarines.

Mr. OSBORNE. And, further, the gentleman tries now to make it appear that there is some matter of selfishness involved in this.

Mr. KELLEY of Michigan. Oh, perish the thought! [Laughter.] It is nothing but pure, unadulterated love of country—nothing else! [Laughter.]

Mr. OSBORNE. The gentleman knows that I have not as good a voice as he has nor an eloquence equal to his.

Mr. KELLEY of Michigan. Well, give us the facts. That might help some.

Mr. OSBORNE. The gentleman knows that the city of Los Angeles has offered the United States Government a tract of land there worth $4,000,000.

Mr. KELLEY of Michigan. She had better keep it.

Mr. OSBORNE. Is not that so?

Mr. KELLEY of Michigan. I do not know how much it is worth to Los Angeles. I know it is not worth a copper to the Government of the United States for a naval base.

Mr. OSBORNE. That is where the gentleman and I differ, and I have got just as much right to my opinion as he has to his.

Mr. KELLEY of Michigan. I can not yield to the gentleman any more.

Mr. OSBORNE. The gentleman has yielded enough. That is all I wanted to say.

Mr. KELLEY of Michigan. I thank the gentleman. I am glad to have him permit me to go on. Down at San Diego they have a magnificent harbor, a harbor large enough to hold all the ships of the United States Navy, a magnificent location, and yet they want another base for the submarines at Los Angeles. They can not repair them down at San Diego, and they want another one up at Los Angeles, 80 miles away, and the war experts have said, and have put it in the hearings, that if we ever do build a submarine base at Los Angeles, it will be good only in time of peace; that we would have to get away from there in the event of war.

Mr. LONGWORTH. Mr. Chairman, will the gentleman advise us as to where the President of the United States wants a navy yard?

Mr. KELLEY of Michigan. I will say to my friend that the President of the United States is abundantly able to take care of himself; but the President of the United States——

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KELLEY of Michigan. May I have five minutes more to run along up the coast a little farther?

Mr. DUPRÉ. And then will the gentleman yield to me?

Mr. KNUTSON. Mr. Chairman, I give notice now that after the gentleman has had five minutes I shall object to any more extensions.

Mr. KELLEY of Michigan. Sure, the gentleman will object. I know he is not enjoying himself.

Mr. KNUTSON. Mr. Chairman, I feel that the galleries have been amply entertained for one afternoon.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. I now want to pass by Los Angeles to San Francisco, the great city of the Golden Gate.

Ah, they have been trying to get a navy yard at San Francisco, lo, these many months, and they have——

Mr. LINEBERGER. San Francisco or Mare Island?

Mr. KELLEY of Michigan. Just a moment. They are asking for an appropriation for a new navy yard at San Francisco to cost the Government $80,000,000, and that is San Francisco's idea of the meaning of a Conference on the Limitation of Armament. [Applause.] And that in spite of the fact that we have a great naval station at which some of our greatest battleships have been built at Mare Island, only 28 miles away, and upon which we have spent $40,000,000.

Now, I yield to my friend from Louisiana——

Mr. BANKHEAD. Is the gentleman going on up the coast to our friend MCARTHUR?

Mr. KELLEY of Michigan. I suppose I should.

Mr. DUPRÉ. I want to say——

Mr. KELLEY of Michigan. Yes. My friend MCARTHUR comes from the great State of Oregon, and up there at the mouth of the Columbia River——

Mr. DUPRÉ. Is this an omnibus bill of indictment?

Mr. KELLEY of Michigan. They are getting ready up there on the Columbia River for another naval station. They have the land already bought, have they not, Mr. BUTLER? And of what use is a conference on the limitation of armament unless it hatches out a navy yard or two in Oregon? [Laughter.]

Mr. BUTLER. They have got something up there. [Laughter.]

Mr. KELLEY of Michigan. And so it turns out that we were after all wholly mistaken as to the objects of the conference. It never was intended to lift the burdens of armament from the backs of humanity but to keep all our navy yards going on the Atlantic, resurrect defunct navy yards on the Gulf, and build new navy yards on the Pacific. [Laughter and continued applause.]

Mr. DUPRÉ. I understood the gentleman to yield to me. I want to say to the gentleman who has yet so kindly failed to yield to me that I had no idea the effect of my friend calling him a naval wrecker would make him writhe so much, but that is what he is doing, and he is the man my friend wrote about. [Laughter.]

The Clerk read as follows:

Department of buildings and grounds: One messenger to superintendent, $1,001.60; necessary building attendants, $145,436.40; in all, $146,438.

Mr. VAILE. Mr. Chairman, I move to strike out the last word.

Mr. McARTHUR. Has the gentleman navy yards in Colorado?

Mr. VAILE. Well, not right in Colorado, but there are a lot of navy yards that belong to Colorado, and that is what I want to talk about.

Mr. Chairman, we have had so many compliments paid just a minute ago to all of the navy yards that I want to get my town into this league. I come from a city and a congressional district which is 1 mile above the level of the sea and fifteen hundred miles away from the sea. Our navy yards, if you please, are scattered on both coasts of the country, from Massachusetts to California [applause], wherever ships have been built from the days of the Revolution to the days of the World War, for the protection of the trust handed down to us by our ancestors. We are told that the country is safe because it is protected by the sea. So it is; just so long as we have an adequate Navy upon the sea and no longer. My inland State of Colorado is just as safe from invasion as Massachusetts or California, and no safer. Now, those navy yards belong to us of Colorado, because they belong to the whole country, just as Paul Jones and Decatur and Farragut and Dewey belong to the whole country. We of the mountains are proud of our ships—our ships, I say—and of our men who make them and of our towns where they are made and of our men who stand behind the guns. Colorado can supply only its share of the latter, but it does supply those. We do not build ships in my town; we do not make the armor plate that covers them. We do build a lot of the men who sail them and who on their decks have defended the whole of this country, that belongs to all of us.

Now, I have risen to protest most solemnly against the imputation which has been running through this debate for the last week that the majority of my colleagues are actuated by selfish, local, sectional motives. [Applause.] Is it possible that 177 men in the House of Representatives, representing, as the advocates of a second-class navy would make it appear, 177 navy yards—is it possible that all of these 177 men are actuated by a spirit of narrow, local sectionalism? Are the only Simon-pure patriots in this House—the only men inspired by an ideal of national duty—the 130 who on Saturday followed the lead of the chairman of the subcommittee in charge of this bill? No; Mr. Chairman, all the advocates of adequate national defense, all the advocates of a navy as large as is provided by the treaty for the limitation of armament, do not live in navy-yard districts, but as to my colleagues who do live in the splendid cities which have built the ships for our defense, I refuse to believe that they are less patriotic on that account.

We are asked by the advocates of a small navy to undo the magnificient work of a Republican President and a Republican Secretary of State by disregarding their advice and repudiating their leadership, by fixing our Navy personnel at a figure which the President tells us would put the United States far below the ratio of 5-5-3 provided by that treaty, the outstanding achievement of the age.

And the gentleman from Michigan [Mr. KELLEY] has the assurance to ask how we men of the Middle West and the Mountain States will justify our action to our constituents. Let me say to the gentleman that my constituents do not take the narrow, sectional view which he so generously imputes to all who disagree with him. The action of the Members with whom I stand is its own ample and abundant justification.

There will be no criticism in my district of a vote to keep the Navy of the United States as large as the navy of Japan. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, during this debate I certainly have not reflected in any way upon the motives of gentlemen who advocate 86,000 instead of 67,000 men. I know that, just like the gentleman who has preceded me, they may be absolutely sincere in their advocacy of the larger figure, for the reason that they have been informed that this bill provides a Navy equal to Japan's and smaller than Great Britain's. But this is not true, and when he returns to the Middle West I want the people there to be under no misunderstanding of the facts in this case. The facts are that the bill provides for the ships the Navy wishes to keep in commission, the same number of men that the experts of the Navy had on those ships on January 1 of this year.

The facts are that with 67,000 men they can keep in commission sufficient ships to maintain our ratio under the treaty, and I have heretofore demonstrated that we will have more men than Japan will.

Now, as to Great Britain, I have on my desk there the official record of the debates in the House of Commons upon the naval estimates, and the statement of the Secretary of the Admiralty accompanying the naval estimates which have been adopted and are now the law of Great Britain. They show that Great Britain, without waiting for our action, has made reductions that will make them have in commission a fleet smaller than ours. I read from the official statement of the Secretary of the Admiralty that among the proposed economies are:

(a) The scrapping of 12 capital ships, in addition to the 8 recently sold for breaking up, and the maintenance of only 15 in full commission (as compared with 38 in March, 1914).

My friend from Colorado doubtless reached his conclusion, as did the President, from information furnished by the department that Great Britain is maintaining 18 capital ships. But the official record shows they are to keep in full commission only 15, while this peace-loving Nation will under this bill or the proposed amendment keep in commission 18.

Now, as to submarines, the Secretary of the Admiralty informed the Commons:

The number of submarines in full commission will also be reduced from 46 to 40, 6 submarines on the China station being kept in reserve.

With the 67,000 men provided in this bill we propose to keep in commission 84 submarines, just 44 more than Great Britain will have.

Now, as to destroyers; let me read:

One of the destroyer flotillas belonging to the Atlantic Fleet was, for financial reasons, reduced to two-fifths complement last year. In view of the urgent need of economy, another flotilla will now be similarly reduced.

The total number of destroyers in full complement with the Atlantic Fleet is thus brought down to 40, the smallest number which can provide for the vital part played by destroyers in all modern fleet exercises and for the training of officers and men.

Twenty-three destroyers of the local defense flotillas, now on a reduced complement, will also be reduced to reserve.

So that with the Atlantic Fleet Great Britain will keep in commission only 40 destroyers. With the Mediterranean Fleet, only half the size of the Atlantic Fleet, certainly they will not keep in commission much more than 20, and the United States under this bill will keep in commission 103. [Applause.]

You have been told that having reduced the number of ships it is essential they should be fully manned in order to equal Great Britain, because Great Britain will maintain war complements, or at least the complements they have had the last few years. Listen to this official statement:

The Admiralty have come to the conclusion that the improved international situation now makes it possible to reduce in peace the complements of the ships of the Atlantic Fleet below the establishment laid down as the result of war experience. The average reduction effected, in the case of capital ships, will be 15.7 per cent.

All of which goes to show that the English are a serious people. They have taken seriously the armament conference and the four-power pact and believe that faith could be placed in the good intentions of the signers, and especially in America.

While to-day we have 96,000 men in the Navy alone, Great Britain, according to the official Record of the Commons, has directed a reduction of the personnel to 98,000 men, including marines and officers, naval officers, and officers and men of the coast guard. The Admiralty states that if the men in these various services in the United States are added to the total suggested by the committee of 67,000, it will make the personnel of the two nations approximately equal. They are correct. If you add to our 67,000 the 19,500 marines and 1,000 marine officers and the approximately 6,600 naval officers and approximately 4,000 officers and men of the Coast Guard, you have 31,100, making the total for the United States 98,100. I am satisfied that we should add our 2,500 midshipmen, because

I think they are included in the English figures; but I include only those items as to which there can be no dispute. If we increase to 86,000 we are going to have in the service, comparable to Great Britain, just 20,000 more men than they have.

Gentlemen may say that information as to the Navy of Great Britain should come from the experts of our Navy Department, but it takes no naval expert to read the law of Great Britain, and the figures I give are taken from the English naval estimates, which have been adopted and are now the law, and there is no higher evidence.

Now, let me say something to those who believe in the limitation of armament. The President says he felt compelled to accept the conclusion of the naval experts. The naval experts want disarmament just as much as you want this House abolished. If we never limit armament until they of their own accord agree to it, it will never be limited.

Now, as to the result of this conference. On December 1 last the Secretary of the Treasury submitted an estimate of naval expenditures for the fiscal year 1923 based upon the appropriations recommended and the unexpended balances available, and he said they would total $432,000,000.

That was before the conference. On April 14 he wrote Senator McCUMBER the letter made public this morning, in which he states that after consultation with the departments he submits revised estimates, and he estimates the naval expenditures for the next year at $400,000,000 or only $32,000,000 less than he estimated before the conference.

Since he wrote that letter the House, in Committee of the Whole, has added 19,000 men to the bill. If it remains, it will add about forty millions to the bill, and it will mean that instead of there being any decrease there will be an actual increase in the naval expenditures during the next year, and I want the people to know that that is the result of the armament conference for which the people prayed and which your party promised would result in decreased naval expenditures. [Applause.]

Mr. FRENCH. Mr. Chairman, I want to follow the thought a little further that was suggested by the gentleman from South Carolina [Mr. BYRNES] and indicate what is going on at this time in the British House of Commons. If you will read the papers from London you will find the same kind of debate is going on there that is going on here, and the same kind of arguments are being advanced.

One group is urging a large navy for Great Britain; another group is urging that while the 5–5–3 ratio shall be maintained, Great Britain shall keep well within the boundaries that would be possible under the treaty. This group is urging a striking reduction of the enlisted personnel of the British Navy and a striking reduction of the appropriations for next year.

I told you a week ago to-day that the head of the British Admiralty, Lord Lee, had recently made a supplemental report touching the navy for next year, scaling down the personnel of the British Navy 20,000 men and the appropriation by £21,000,000. I find in the London Times of March 17 last the report of the discussion in the House of Commons, that was participated in by a number of members, and among the number Mr. Amery, the financial secretary to the Admiralty.

In this discussion Mr. Amery said that the policy of the country since the armistice had been one of drastic reduction of naval armament. And further on in referring to the particular program for Great Britain he declared that—

the naval staff had agreed on a reduction of the peace complements of the capital ships by nearly 16 per cent.

This statement confirms the statement of the gentleman from South Carolina [Mr. BYRNES]; 16 per cent is practically one-sixth. In other words, the Naval Staff of Great Britain is recommending that 15 and not 18 capital ships be kept in full commission, or else that the personnel upon the ships be scaled down 16 per cent.

Mr. VAILE. Will the gentleman yield?

Mr. FRENCH. I will yield later, if I have the time.

Mr. Chairman, I contend that in the shaping of this bill the Congress should follow such a policy as will make it easy for other nations to reduce their naval appropriations to the minimum. Under the Limitation of Armament Conference agreement there is no limitation as to the number of submarines we may build. Yet does anyone doubt that if we were to engage in the wholesale building of submarines, Great Britain and Japan would follow suit and justify their course by pointing to the activities of the United States? And what I have said as to submarines may be said as to other craft, not specifically limited in the terms of the agreement.

In this same paper, the London Times, for March 17 last, I find the report of the speech of Col. A. Burgoyne, a member from Kensington, in the House of Commons. The name "Burgoyne" is reminiscent of Revolutionary history. Colonel Burgoyne believes that great good must result from the armaments conference. In his speech he declared that the value of what had been done at Washington could not be summed up merely in pounds, shillings, and pence—

it was the most remarkable episode in our naval history, * * * wiping away any possibility of competitive building in the future.

Further on Colonel Burgoyne said:

The submarine was the most offensive weapon for the purpose of murder and the least effective for attacking warcraft.

And then he declared that there is need for additional agreements to prevent recrudescence of competitive preparations for sea warfare, and he urged the Government, with that end in view, to try to persuade other powers to come into another conference on similar lines to that held at Washington.

Gentlemen, I again repeat, the greatest value of the armaments conference is not limited to money, but is found in the directing of the thought of the people of the participating nations and of the world along lines of peace. I do not believe that an enlisted personnel of 86,000 men vitiates the limitation of armaments agreement, but, on the other hand, I do believe that every man you add in addition to 67,000 provided for by the committee is an unnecessary addition, and to that extent makes more difficult the activities of members of the British Parliament and the Japanese Diet in urging moderation in the maintenance of their naval strength.

WHAT WILL THE ADDED 19,000 PERSONNEL COST?

Now, let me refer by way of review to what the additional 19,000 men you propose to add to the Navy will cost. Numerous Members have asked me that question during the debate upon this bill. I told you Saturday that in my judgment the 19,000 men would add an additional cost of from $57,000,000 to $75,000,000. Already by your amendments you have added approximately $19,000,000, but I want to tell you frankly that the amount you have added will not meet the situation, and you must not delude yourselves into thinking that it will. The $19,000,000 added will provide for pay and for provisions for the most part, but this amount will not take care of the appropriation that will be necessary as additional pay; it will not take care of transportation and enlistment; it will not take care of added hospital expense; it will not take care of additional fuel and additional repair work made necessary by the additional ships upon which these men will be placed.

You will soon vote upon the amendment adding to the bill 19,000 men. If that amendment shall prevail, then either you must add more money or the Senate will add the money, and the bill will be brought back here and you will be told that you made it necessary for the Senate to add the money because you added men. You can not hug the sweet delusion that you can increase the personnel of the Navy and not increase the cost; you can not dodge the issue by refusing to vote the money here if you add the men.

When the committee reported this bill to the House it carried, in round numbers, $233,000,000; that figure is approximately $190,000,000 under what was appropriated last year. If you add this amendment to the bill, you will raise thereby, in my judgment, the Navy bill to approximately $300,000,000. Do you want to do it? Are you willing to assume this responsibility?

If gentlemen would maintain an efficient Navy, they must provide officers and they must provide men, but if they would cut down the expense they must economize where it will count the most and hurt the least. The division of pay cost of enlisted men on our ships with the pay cost of officers is as 77 to 23. That is, of the pay cost 77 per cent is for the enlisted men. I am not a prophet, but I know the demand for the strictest economy, and if you insist on pushing through the program of piling up men on your battle craft the people of this country will be disappointed in the cost of their Navy. Do not be surprised if public sentiment will demand sweeping reductions—reductions even further than your committee has proposed, and that will not be satisfied until the number of men shall be cut down and the number of officers as well. Gentlemen, that would be a most serious mistake. Let me urge you not to invite it.

I want to say just one word in conclusion. In 1916 the cost of our Navy in round figures was $147,000,000. To-day we have a larger and a better Navy and expenses are higher generally. But granted all this, in the face of the results of the Limitation of Armament Conference, in the face of world conditions by which the United States is vastly stronger than in 1916, in view of the further fact that the lesser number of men with the lesser appropriations called for, as submitted by your committee, will maintain the part of the United States in the 5–5–3

agreement, I submit that the bill that your committee has brought in should be sustained.

Mr. REED of New York. Mr. Chairman, I have been interested in this debate. The arguments made on both sides of the issue have been ably presented. There has been a line of criticism against the officers of the Navy, however, in which I do not concur. There have been times in the past when the American people thrilled at the mention of the American Navy and of American naval officers.

It was not many years ago when people throughout this country were speculating as to the strength of a certain flotilla on the high seas after we had declared war against Spain. Along the coast, on the Pacific and on the Atlantic, men were wondering what might happen if that Spanish flotilla should happen to enter some one of our harbors and start a bombardment. And then you will recall that after a time our Navy searched out the Spanish fleet—located it down in Santiago Harbor. You will also recall that on that occasion a young man went to his superior officer, the officer in command, and said that he knew how they could bottle up the Spanish fleet in the harbor of Santiago. The superior officer said to the young man, "How?"

"Why," he said, "seven men could sail an old boat into the neck of the entrance to the harbor, sink it, and in that way lock up the fleet." The officer replied, "It would be murder to ask seven men to take that boat into the channel under the direct fire of the Spanish guns." The young man said, "If you call for volunteers it will not be murder." So one evening without any band playing, when the boys were far from home, the order was sent out to the 11 American battleships to lower their small boats and bring seven volunteers to the flagship *New York*, to take the old boat, the *Merrimac*, into the channel and sink it. How many men do you think responded to that call to lay down their lives for their country? Not seven men, but 970 of America's best boys crowded into the small boats and rowed over to the flagship *New York*.

Whence came that fine spirit? It was inspired by the high order of leadership in the Navy. The people of this country were thrilled at this manifestation of American spirit, inspired in no small degree by the splendid leadership of the officers in the Navy. Again, the American people were stirred to a high pitch of enthusiasm when they learned that our American fleet had rounded Cape Horn, breaking the world's record for speed and arriving at Manila Harbor long before the enemy had reason to suspect its presence. On this occasion it was not only the men who manned the ships above deck but the firemen working far below the water line, stripped to the waist, heaving in tons of coal, hour after hour, that made this record possible.

I believe that every man in the American Navy, from the officer on the bridge to the man below the water line, has the respect and admiration of the American people. I believe it is time that criticism of the officers of our Navy should cease. [Applause.] We did not criticize them during the war. The officers of the Navy and the personnel of the ships made a record of achievement and heroism during the World War which does not warrant the unrestrained criticism we have heard on the floor of this House during this debate. It may be well for us to recall that our Navy kept the path across the ocean so free from enemy warcraft that only one transport carrying our soldiers was sunk. The officers and men of our Navy are responsible for this splendid record, in which we all share a common pride. We did not question the accuracy of their statements then with reference to the needs of the Navy, which they maintained at the highest point of efficiency, and I believe that we can trust them now.

There has been frequent reference made during this debate to the Limitation of Armament Conference recently held in this city, at which Secretary Charles E. Hughes acted as spokesman for the United States. I want to say to you men that you may not be quite so well acquainted with Secretary Charles E. Hughes as we are up in New York State. We know that when he goes before a court he goes prepared with all the facts. I believe that when President Harding, Secretary of State Hughes, Secretary of the Navy Denby, and Assistant Secretary Theodore Roosevelt appeared before the experts of the world at the Limitation of Armament Conference they were quite as well prepared with reference to the facts in this case as any group of men in this House. [Applause.] And I for one propose to follow the leadership of President Harding, Secretary Hughes, Secretary Denby, and Secretary Roosevelt with respect to the required personnel necessary to maintain the treaty ratio, rather than follow the leadership of the subcommittee, in so far as the facts in this case are concerned. [Applause and cries of "Vote!"]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FUEL, MARINE CORPS.

For heat, light, and commutation thereof for the authorized allowance of quarters for officers and enlisted men, and other buildings and grounds pertaining to the Marine Corps; fuel, electricity, and oil for cooking, power, and other purposes; and sales to officers; $850,000.

Mr. OSBORNE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. OSBORNE. Mr. Chairman, in the face of the eloquence of the distinguished chairman of the committee [Mr. KELLEY of Michigan], I did not say all I should have said when I was on the floor before. I dislike to say anything unpleasant of or to the distinguished chairman of the committee. He is of such an amiable character that I would not say a word that would hurt his feelings, or that would in any way impinge upon him, unless it was absolutely necessary to do so in order to keep within the bounds of truth. [Laughter.]

Mr. Chairman, reference was made at that time to what the city of Los Angeles has done or has not done, and as to the reasons, as to whether they were selfish or otherwise. I want to say that on page 323 of the hearings before the committee will be found what testimony was taken before the committee on this subject. The distinguished chairman [Mr. KELLEY of Michigan] stated that this port would have to be abandoned in time of war, this proposed submarine base. I have looked over the hearings, where Admiral Coontz and other distinguished naval officers testified, and the distinguished chairman is the only one who made any such reference. The others refuted that statement, as you will find by looking over the hearings. The fact is that the city of Los Angeles, prior to the war, had completed a magnificent wharf in the harbor there, at a cost of a million dollars or more, and that wharf was turned over to the Government for a submarine base, and it has been used by the Government without cost from that date until this.

Mr. LINEBERGER. Mr. Chairman, will the gentleman yield?

Mr. OSBORNE. Certainly.

Mr. LINEBERGER. Did not the city of Los Angeles pay for that wharf herself?

Mr. OSBORNE. To be sure.

Mr. LAYTON. Has not the Pacific coast the right to be defended the same as the Atlantic coast?

Mr. OSBORNE. I think the question carries its own answer. It surely should.

Now I read from what Admiral Coontz says here in reply to Mr. KELLEY. He says one particular reason is that when you get outside of San Pedro you can dive in deep water inside of 20 or 30 minutes, whereas at the other ports it would be two or three hours before they would get on proper grounds.

Mr. Chairman, I ask unanimous consent to extend my remarks by printing pages 323 and 324 of the hearing, and I will take no further time.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The extract from the hearing referred to is as follows:

SAN PEDRO SUBMARINE BASE.

Mr. KELLEY. We have no submarine base at San Pedro, have we?
Captain DAY. Yes, sir.
Mr. KELLEY. But it is one we do not own?
Captain DAY. Yes.
Admiral COONTZ. It is a free base.
Secretary DENBY. Did we do much building there?
Captain DAY. No; it is an adaptation of what was there on the pier; they had a great big freight shed and a big two-story building on the end of the pier.
Secretary DENBY. And it did not cost very much to convert it?
Captain DAY. Not much.
Secretary DENBY. But we do not own it?
Captain DAY. No, sir.
Mr. KELLEY. How much have you spent at San Pedro, Mr. Reed?
Mr. REED. $190,000 for improvements.
Mr. KELLEY. How did we get in there?
Admiral COONTZ. We got in there unquestionably during the war.
Mr. KELLEY. It is your intention to keep that up this coming year?
Admiral COONTZ. Yes, sir.
Mr. KELLEY. Why do you not go down to the other place where you have shops?
Admiral COONTZ. The one particular reason is that when you get outside of San Pedro you can dive into deep water inside of 20 or 30 minutes, while at San Diego you know the number of miles you have to go to get out to deep water, so that San Pedro means a great saving in time and everything else. It has been gone into by a number of boards and was gone into by the House and Senate committees a year ago, and they unanimously reported in favor of keeping San Pedro.
Mr. KELLEY. Have you an option on the land?
Admiral COONTZ. We either have an option on the land or they are offering a large amount of land for $1.

Mr. KELLEY. Is it a steep and rocky shore there?

Admiral COONTZ. A part of it is on the beach level and the rest is probably as high as this room, and then there is a level place.

Mr. KELLEY. You will have to grade it?

Admiral COONTZ. No, sir; we will not have to do any grading that I know of.

Mr. KELLEY. There is no harbor there?

Admiral COONTZ. You are inside of the breakwater.

Mr. KELLEY. But it is an artificial harbor?

Admiral COONTZ. Yes, sir.

Mr. KELLEY. I remember somebody's report to the effect that in case of war we would have to move away from there.

Admiral COONTZ. That might be said of New York City—the same thing.

Mr. KELLEY. Well, New York City is pretty well fortified, is it not?

Admiral COONTZ. Yes, sir.

Mr. KELLEY. Do you intend to fortify this place?

Admiral COONTZ. I imagine the War Department does in time.

Mr. KELLEY. You are right out in the open there, and there is no protection for these little boats at all.

Captain DAY. We would not want anything better than to have somebody come in there and try to shoot us up.

Mr. KELLEY. I am only quoting what I remember of a naval officer's report.

Admiral COONTZ. It was considered a satisfactory naval station by the committees of the Senate and the House who went there last year.

Mr. KELLEY. Who was at the head of the board that made that first report?

Admiral COONTZ. The first report was the report of Admiral Helm.

Mr. KELLEY. The Helm report says that you can not stay there in time of war; that you would have to move out and go down to the other place.

Admiral COONTZ. I would not dispute that without looking at the book.

Secretary DENBY. Do you recall it, Commander Hill?

Commander HILL. I do recall it, because I was with Admiral Helm at the time, and the Helm report on San Pedro mentions it as being the best available site for a submarine base.

Mr. KELLEY. In peace time?

Commander HILL. No; at any time.

Mr. KELLEY. It specifically states in just as plain English as can be written that in time of war you would have to move away from San Pedro and go to the other place.

Secretary DENBY. That might refer to the outer harbor.

Commander HILL. Only two battleships can lie behind the breakwater, but the submarine base is at the extreme inner end of the artificial harbor, and I do not know of any place that will ever be smoother in time of storm than that place.

The Clerk read as follows:

In all, for the maintenance of Quartermaster's Department, Marine Corps, $8,993,577; and the money herein specifically appropriated for the maintenance of the Quartermaster's Department, Marine Corps, shall be disbursed and accounted for in accordance with the existing law as maintenance, Quartermaster's Department, Marine Corps; and for that purpose shall constitute one fund.

Total, Marine Corps, exclusive of public works, $24,983,522.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I did not take any time during the general debate on this naval appropriation bill, and I shall be very brief now. I wish to say that I have no sympathy with this continued attack on those Members of this House who do not agree with the views of the subcommittee. Nor can I enthuse at all with this entire battle that has raged here the past week, which I think has been largely in the nature of a manufactured battle. I look upon it as a sham.

I suppose that in every Congress since we have had a Navy there has been a struggle over the building program. All Members who have been here any number of years know that the big fight on the naval bill every time has been over the number of battleships and cruisers—a four-ship program as against a two-ship program, or two new ships against no new ships. But this year, thanks to the results of the great disarmament conference, there was no necessity for a fight over the building program. Hence we have staged here for the benefit of certain persons and the gallery, apparently, and for the confusion of the country generally, a great fight about a difference of twenty thousand and odd men in the Navy.

Mr. VARE. Nineteen thousand.

Mr. JOHNSON of Washington. Yes; 19,000 are the subject of all this fight, whereas our fights in previous years used to be over the construction of great ships, such as the U. S. S. *Tennessee*, which cost, I believe, $42,000,000.

Mr. KELLEY of Michigan. What is the occasion for it all?

Mr. JOHNSON of Washington. That is it. What is the occasion? I have never been for a paper Army. I am not for a paper Navy. I am glad we went into the disarmament conference and limited the number of our ships; but I do hope that whatever ships we have will not be tin-can ships with not enough men on them. [Applause.]

I withdraw the pro forma amendment.

The Clerk read as follows:

INCREASE OF THE NAVY.

The Secretary of the Navy may use interchangeably the unexpended balances on the date of the approval of this act under appropriations heretofore made on account of "Increase of the Navy," including any balance then remaining under the appropriation "Increase of the Navy, torpedo boat destroyers," for the prosecution of work on vessels under construction on such date the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the present session; for the conversion into aircraft carriers, including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty, 2 of the battle cruisers the construction of which had been heretofore commenced, when the conversion of such battle cruisers shall have been authorized; for the settlement of contracts on account of vessels already delivered to the Navy Department; for the completion of torpedoes under manufacture on April 8, 1922, not to exceed 400; and for the installation of fire-control instruments on the U. S. S. *Maryland* and on 12 destroyers heretofore constructed, and such balances shall not be available for any other purposes.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina: Page 62, strike out the paragraph and insert:

"For the prosecution of work on vessels under construction on the date of the approval of this act the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the present session; for the conversion into aircraft carriers, including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty, 2 of the battle cruisers the construction of which had been heretofore commenced, when the conversion of such battle cruisers shall have been authorized; for the settlement of contracts on account of vessels already delivered to the Navy Department; for the completion of torpedoes under manufacture on April 8, 1922, not to exceed 400; and for the installation of fire-control instruments on the U. S. S. *Maryland* and on 12 destroyers heretofore constructed; in all, $46,250,000: *Provided*, That any unexpended balances on June 30, 1922, under appropriations heretofore made on account of 'Increase of the Navy,' including any balance then remaining under the appropriation 'Increase of the Navy, torpedo boat destroyers,' shall be covered into the Treasury."

Mr. BUTLER. Mr. Chairman, I reserve a point of order on that. It seems to me it is legislation. We would like to have a little left for the Naval Affairs Committee if possible.

Mr. BYRNES of South Carolina. I think I can satisfy the gentleman——

Mr. BUTLER. We would like to have a spoonful left. That is a part of the bill that I have just reported.

Mr. BYRNES of South Carolina. I am in accord with the gentleman from Pennsylvania.

Mr. BUTLER. But leave a little for us.

Mr. BYRNES of South Carolina. I am simply seeking to have this bill make an appropriation instead of legislating to authorize appropriations.

Mr. BUTLER. Does the gentleman desire to appropriate in advance of legislation? There is no authority yet to convert these ships.

Mr. BYRNES of South Carolina. This paragraph in the bill makes available for the increase of the Navy $46,250,000. The Navy Department, through Admiral Taylor and Admiral McVay, Chief of Ordnance, advise us that under increase of the Navy they have unexpended balances amounting to $70,000,000 as of the date of the hearing; that of that amount they expected to spend such a sum as will reduce it by July 1 to $46,250,000. Now, this amendment contains the exact language of the section of the bill with the exception that instead of providing that unexpended balances shall be available for the increase of ships, the amount which the Navy Department says will be available, $46,250,000, is appropriated and the unexpended balances are covered into the Treasury.

Mr. McARTHUR. Is the gentleman willing to take the recommendation of the Navy Department in this matter?

Mr. BYRNES of South Carolina. I am not willing to take it if it is desired to provide that the unexpended balances shall be available. I am opposed to that.

Mr. McARTHUR. Will the gentleman take the recommendation of the Navy Department on anything?

Mr. BYRNES of South Carolina. Yes; when I think they are right. But the Navy Department has not recommended this authorization. This is the work of the committee. Instead of legislating to provide that the unexpended balances shall be available for the next fiscal year, I am asking that we appropriate the amount that they say will be available, so that that amount of $46,250,000, and that amount alone, shall be available to be expended, and not an indefinite and uncertain amount represented by the unexpended balances.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. Is that the amount that the Navy Department estimates will be needed for the purposes included in this section?

Mr. BYRNES of South Carolina. Yes; and the amount they say will be available. Now, I know that with that statement my friend from Oregon [Mr. McARTHUR] will accept it, because it is their statement that $46,250,000 will be available and will be the proper amount, and if I am willing to accept the recom-

mendation of the department on this item surely the gentleman from Oregon is not going to oppose it.

Mr. McARTHUR. If the gentleman is willing to accept the figure recommended by the department, I will certainly accept it also.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BYRNES of South Carolina. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. On what date will the unexpended balance be covered into the Treasury?

Mr. BYRNES of South Carolina. July 1 of this year by my amendment. They say that on July 1 the sum of $46,250,000 will be available. Therefore why not appropriate that amount, $46,250,000, instead of providing that the unexpended balance shall be made available?

Mr. CHINDBLOM. Might there not be outstanding accounts which have been drawn against the unexpended balance which could not be paid if you cover the unexpended balance into the Treasury?

Mr. BYRNES of South Carolina. To pay any obligations the $46,250,000 would be available. This is only one-third of the amount to be finally spent under this item. They can contract for additional sums and pay out of subsequent appropriations. I am satisfied the Navy Department will be entirely willing to have direct appropriations made.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. STAFFORD. Does not the proposed amendment go further than the authorization carried in the bill, in this, that the gentleman provides for building two aircraft cruisers?

Mr. BYRNES of South Carolina. My amendment is taken from the printed bill—the exact language.

Mr. STAFFORD. In the bill there is an authorization to use this fund when the building of the cruisers has been authorized, and as I heard the gentleman's amendment there was an authorization for the building.

Mr. BYRNES of South Carolina. My amendment is taken from the printed bill. I took the bill as printed and simply provide the appropriation instead of the authority to use unexpended balances.

Mr. BUTLER. It is taken from the legislative bill on the calendar.

Mr. MANN. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MANN. Does not the gentleman's amendment and the provision in the bill both accomplish the same thing in a different way?

Mr. BYRNES of South Carolina. It does.

Mr. MANN. The bill provides for using the balances, and the gentleman's amendment states the amount and makes the appropriation of those balances.

Mr. BYRNES of South Carolina. The same thing is accomplished. The only thing is, I believe, we ought to put this in the bill, so that when we get through the people can know what we have appropriated without asking the Secretary of the Treasury as to the total of the unexpended balances.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MANN. I ask that the gentleman from South Carolina have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. I ask the gentleman—it is not his purpose to make the amount of the appropriation bill larger than it is now, but does not the gentleman think it is going to be big enough, anyhow?

Mr. BYRNES of South Carolina. I want the bill to show exactly what the committee appropriates. I want the bill to speak the truth and let the people know what is appropriated. There is no man in this House who will not say that that is correct. The Secretary of the Treasury at the beginning of the session urged Congress to stop legislation appropriating unexpended balances because it makes it more difficult to keep accounts in the Treasury.

It is only to accomplish the same purpose by making plain the amount appropriated by the bill, so that any man can take up the bill and tell you how much is appropriated, instead of having to communicate with the Secretary of the Treasury to find out what the unexpended balance is. Reading the bill, no man can tell what is appropriated. By my amendment he will know what is appropriated.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. GARRETT of Tennessee. My attention was diverted for the moment and I did not clearly catch the reading of the gentleman's amendment. If I understand the amendment proposed by the gentleman, he proposes to deal candidly with the American people and tell them what is appropriated.

Mr. BYRNES of South Carolina. I had no other purpose. The $46,250,000 is made available, and I see no objection to saying so and letting the people know that appropriation is in the bill.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. ANDREWS of Nebraska. Is not the unexpended balance available for contracts between now and June 30?

Mr. BYRNES of South Carolina. Yes; but of the $70,000,000 their contracts are such that they will not use more than twenty or twenty-five millions. That is the statement of the department.

Mr. ANDREWS of Nebraska. They might go on and obligate all that and then use this.

Mr. BANKHEAD. Mr. Chairman, the gentleman from Pennsylvania reserved a point of order against this amendment, and I think we ought to have it disposed of first. I call for the regular order.

The CHAIRMAN. The gentleman from Alabama calls for the regular order. Does the gentleman from Pennsylvania make the point of order?

Mr. BUTLER. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BUTLER. In this amendment it is provided for the construction of vessels, and under the law of the House as found in the rules that belongs to the Committee on Naval Affairs. The gentleman's amendment is taken bodily from the bill now on the calendar reported from the Committee on Naval Affairs. I have not anything further to say. It is for the conversion into aircraft carriers, including the complete equipment of aircraft carriers, and that can not be appropriated for in this bill. It may not be subject to a point of order; I do not know.

Mr. KELLEY of Michigan. I am opposed to the proposition, but I do not think it is subject to a point of order.

The CHAIRMAN. The Chair does not think it is subject to a point of order. The only change between the amendment and the original provision of the bill lies in the fact that the original provision of the bill makes the appropriation of an indefinite unexpended balance in the Treasury, and the amendment makes the appropriation specific in amount. The Chair thinks that the objection is not well taken, and overrules the point of order.

Mr. KELLEY of Michigan. Mr. Chairman, this is the last paragraph of any importance in the bill. If it would not be imposing on the House in any way I would like to have 10 or 15 minutes to explain this particular section and to make a few general observations before the committee rises.

Mr. KING. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan have 15 minutes.

Mr. McARTHUR. Reserving the right to object, which I shall not do, I want to inquire if the gentleman is going to explain the paragraph or make a political speech?

Mr. KING. What is the difference?

Mr. KELLEY of Michigan. I am sure the gentleman does not ask me that seriously.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan may proceed for 15 minutes. Is there objection?

Mr. NEWTON of Minnesota. Reserving the right to object, how much of the 15 minutes is the gentleman going to devote to the paragraph and how much to general observation?

Mr. KELLEY of Michigan. I think the bulk of it will be on the paragraph. Of course, I have not actually allocated the time to each of the two purposes.

Mr. LINEBERGER. Reserving the right to object, is the gentleman going to launch into a tirade and further impugn all those who opposed him in the bill?

Mr. KELLEY of Michigan. If I have been oversevere with the gentleman, I beg the gentleman's pardon. [Laughter.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, after the Conference on the Limitation of Armament had concluded its labors, it became necessary to cancel contracts and stop work on a large number of ships that were under construction, and also to discontinue the manufacture of guns and other equipment which were intended to go on those ships. We had the department come before the committee and we ascertained that there was a balance as of March 1, 1922, in the construction funds of about $71,000,000 out of the appropriations that have heretofore been made on behalf of the program inaugurated in 1916. It was estimated that for the balance of the year, upon the

ships of the Navy that were not to be discontinued but were to be finished, they would expend all of that except about $46,000,000, so that upon the 1st of July next there would be a balance available to go forward with the ships that are to be finished of about $46,000,000. The major part of that money was in the Bureau of Ordnance, being a surplus resulting from stopping work on the 16-inch guns which are not to be built. Therefore we put a provision in the bill making available for the coming year those funds for new construction, for continuing the work upon ships that are to be finished. Of course, that money under the law is a continuing appropriation. It does not need to be reappropriated because it has already been appropriated for any ships authorized in the 1916 building program, the language in the bill making it available for building for the coming year, not only for ordnance but for the building of the ships.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GRAHAM of Illinois. This fact occurred to me as I listened to the gentleman from South Carolina [Mr. BYRNES], that if we appropriate specifically the sum of $46,000,000, it may well be taken by the Navy Department as an expression of congressional opinion that we think that much ought to be expended, whereas if we carry the provision that is in the bill they probably will save some of it.

Mr. KELLEY of Michigan. The gentleman has more faith—yes; that is possible. What I am getting at is this: There is no difference, in fact, between the two propositions, but the amendment presented by Mr. BYRNES is unnecessary and if adopted might lead to the mischief suggested by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. MANN. The proposition presented by the committee provides for the use of the unexpended balance on the date of the approval of the act.

Mr. KELLEY of Michigan. That is correct.

Mr. MANN. It provides that no part of this shall be used for any other purpose.

Mr. KELLEY of Michigan. That is correct.

Mr. MANN. The proposition in the amendment is to make an appropriation which would be available July 1, and between the date of the approval of the act and July 1 any part of this money might be expended in addition to the $46,000,000 that is appropriated.

Mr. KELLEY of Michigan. That is true, and so it is highly desirable, unless we feel extremely prosperous this afternoon, that the amount of money for next year's building program be confined to the unexpended balances. That leaves the situation like this: All charges for cancellation of these contracts with shipbuilding interests, manufacturers of steel and armor plate, and so forth, will have to be settled under a separate bill, which will follow along in due course because of the cancellation of these contracts. In order to draw the line straight across and prevent a general mix-up of cancellation charges and new construction for the coming year we found it advisable to stop all payments at a certain date upon the canceled ships or upon the matériel which was to go upon those canceled ships, and if any payments are made out of the balance of $71,000,000 which is here put down when the cancellation matter goes through they will be reimbursed out of the cancellation fund, and then the chairman of the committee, Mr. MADDEN, will be able to present to the Congress exactly what the cancellation of contracts really has cost us. This keeps the new construction perfectly straight for the coming year. There is therefore no occasion for adopting the amendment of the gentleman from South Carolina.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BUTLER. If I understand it, this is to provide that these balances that remain unexpended may be used?

Mr. KELLEY of Michigan. Shall be.

Mr. BUTLER. May be used hereafter for such purposes as Congress may direct?

Mr. KELLEY of Michigan. No. The balances are to be used for the construction of those ships which under the treaty may be completed, and any other ships which Congress may authorize to be completed. I know what the gentleman has in mind. The gentleman undoubtedly has in mind these provisions with reference to the airplane carriers.

Mr. BUTLER. Yes.

Mr. KELLEY of Michigan. No part of this money can be expended for the conversion of those two cruisers into airplane carriers until the gentleman's committee reports to the House a bill authorizing the conversion and Congress passes the law.

Mr. BUTLER. Then I read it upside down. I am taking the gentleman's statement.

Mr. KELLEY of Michigan. This bill makes no authorization respecting the carriers but makes certain balances avoidable after authorization.

Mr. BUTLER. In other words, this is preparation in advance of what the Congress may do?

Mr. KELLEY of Michigan. It simply makes available a sum which, if legislation is provided to support it, will be available for that purpose.

Mr. BUTLER. I think this House ought to understand perhaps this money will never be used for that purpose; it may be.

Mr. KELLEY of Michigan. A great many people have lost sight of the fact that we are not through with this building program. A large number of ships are to be finished under the treaty. Many people seem to think that the entire 1916 building program is to be discontinued.

Mr. BUTLER. No; that is true.

Mr. KELLEY of Michigan. If these two cruisers are converted into airplane carriers, and probably they should be, it will cost to complete the ships that are permissible under the treaty and the two cruisers converted into airplane carriers $150,133,000, just to build the ships which the conference has not touched at all. Now, if there is included in this bill a balance of $46,000,000, or such matter, to take care of new construction for next year that will leave to be appropriated hereafter, next year probably, to finish the 10 cruisers and these airplane carriers and other craft a supplemental sum of $104,000,000. That must be added to the naval bill next year, not as a conversion of funds which have been heretofore appropriated, but we must make a new appropriation out of the Treasury next year of $104,000,000 to complete the program.

Mr. BUTLER. Look here, my friend——

Mr. KELLEY of Michigan. Wait a minute, let me finish this up.

Mr. BUTLER. But the gentleman is putting things into my head.

Mr. KELLEY of Michigan. Will my friend let me get this straightened out? Now, then, that brings us up to this very interesting proposition. We have had a Conference on the Limitation of Armament, and where do we stand financially as a result? I have received this afternoon a letter from the Secretary of the Navy—my good friend from Massachusetts [Mr. ROGERS] is not the only person who is entitled to get mail—a letter which I will ask to have printed in the RECORD as a part of my remarks, in answer to a letter which I wrote to him yesterday. The letter which I wrote is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C., April 18, 1922.

Hon. EDWIN DENBY,
Secretary of the Navy.

MY DEAR MR. SECRETARY: On Saturday, the 15th instant, the House in Committee of the Whole accepted an amendment to the pending Navy Department and naval service appropriation bill providing for an enlisted force of 80,000 men and 6,000 apprentice seamen, instead of 65,000 enlisted men and 2,000 apprentice seamen, as proposed by the Committee on Appropriations. To-day the bill was further amended to provide subsistence funds for the increased personnel.

Will you kindly supply me with information as to other increases in the bill to correspond with the enlisted force of 86,000 men? Kindly advise me particularly what additions will be needed to the pending bill under appropriations "Engineering," "Construction and repair of vessels," "Ordnance and ordnance stores," "Maintenance, Bureau of Yards and Docks," and "Maintenance, Bureau of Supplies and Accounts," and also under "Transportation and recruiting, Bureau of Navigation," and "Fuel and transportation."

I shall greatly appreciate it if this information can be supplied to me by the opening of Congress to-morrow, Wednesday, the 18th instant.

With kindest regards and best wishes, I am,

Very respectfully yours, P. H. KELLEY.

From the Secretary's letter it appears that in addition——

Mr. MCARTHUR. Will the gentleman yield there?

Mr. KELLEY of Michigan. Yes.

Mr. MCARTHUR. I think we would all like to hear the letter.

Mr. KELLEY of Michigan. I will read it after making this statement. That in addition to the amount added yesterday, as stated to the House by my good friend from Oregon [Mr. MCARTHUR], as amounting to $22,000,000 for food, pay, and clothing——

Mr. MCARTHUR. That is the information given for food, clothing, and wages.

Mr. KELLEY of Michigan. Twenty-two million dollars. The gentleman has not later information as to any other sum? [Laughter.] I understood that there was some error. Has the gentleman some correction to make?

Mr. McARTHUR. I have nothing later.

Mr. KELLEY of Michigan. In addition to that, other items have been increased to make the sum total of the increase due to the addition of the 19,000 men as follows: Pay and subsistence, which the gentleman from Oregon included yesterday, $22,000,000. Now, from the Secretary's letter, transportation and recruiting——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman be given five additional minutes.

Mr. KELLEY of Michigan. I think I had better have 10.

Mr. MADDEN. Ten minutes.

Mr. KELLEY of Michigan. Because this is information which I know that the House desires.

[Cries of "Vote!"]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Michigan be extended 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. These increases are for the navy yards, and I am sure gentlemen will want to hear how much the expedition is likely to net. [Applause.]

The CHAIRMAN. The time of the gentleman has been extended for 10 minutes.

Mr. KELLEY of Michigan. Transportation and recruiting, increase of $1,850,000; engineering, $4,781,000; construction and repair, $4,241,000; ordnance and ordnance stores, $1,200,000; maintenance, Bureau of Supplies and Accounts, $600,000; fuel and transportation, $3,894,662; maintenance, Bureau of Yards and Docks, $1,250,000; or a total of $39,816,662, as estimated by the Navy Department as the additions made necessary by the increased personnel of 19,000 men.

Mr. McARTHUR. Is it not true that in the food, clothing, and wages of the men there is an unexpended balance of $4,000,000 that will not be taken out of the appropriation?

Mr. KELLEY of Michigan. Oh, no.

Mr. HICKS. Is it not a fact that my friend made a statement a few days ago that this represented an increase of $70,000,000?

Mr. KELLEY of Michigan. I do not think I put it as high as that, but I would not be at all surprised if the gentleman's figures were nearer correct. [Applause.]

Mr. MADDEN. I made the statement that it would run to $60,000,000, and I stand by my statement.

Mr. KELLEY of Michigan. I will ask the gentleman from Massachusetts [Mr. ROGERS] if he has had any figures from the Secretary of the Navy as to any of these items?

Mr. ROGERS. I have seen some figures.

Mr. KELLEY of Michigan. Have you had any yourself?

Mr. ROGERS. I have seen the figures.

Mr. KELLEY of Michigan. Are they more or less than these?

Mr. ROGERS. They are very much less. Is the gentleman going to read the letter from Secretary Denby to the House?

Mr. KELLEY of Michigan. Indeed, I am.

Mr. ROGERS. Instead of starting in with figures that mislead the House, I suggest the gentleman read the Denby letter in full.

Mr. KELLEY of Michigan. But the gentleman from Massachusetts can not get away from my question so easily. He has been in consultation with the Navy Department, lo, these many days.

Mr. ROGERS. Is that a disgrace?

Mr. KELLEY of Michigan. No; indeed. I do not find any fault with it. I am only looking for light on account of it.

Mr. ROGERS. Very well. The gentleman has mentioned it several times.

Mr. KELLEY of Michigan. I understand in a roundabout way—I do not vouch for the truth of it—that figures have been supplied to the gentleman indicating how much these increases are to be, and I ask my friend now how much were the sums given him?

Mr. ROGERS. I have repeatedly had those figures furnished me at my request by department officials. Every one of them is in the Denby letter, I suspect, and I ask the gentleman to read that letter.

Mr. KELLEY of Michigan. Does the gentleman refuse to put into my hands a statement of the figures furnished him by the Navy Department as to these various items?

Mr. ROGERS. I am perfectly willing to tell the gentleman and the House the facts about this thing. I have seen a copy of the letter that the Secretary of the Navy sent to Mr. KELLEY, and I ask that the gentleman read the letter. [Applause.]

[Cries of "Read it!"]

Mr. KELLEY of Michigan. I know how to read it. Let us come down to brass tacks. The gentleman from Massachusetts has undoubtedly in his possession figures furnished him before to-day for these supplemental appropriations, and I ask him now to present them before these are read. Will the gentleman do it in my time?

Mr. ROGERS. How many times must I say to the gentleman that the figures I have from the Navy Department are in the Denby letter?

Mr. KELLEY of Michigan. Let us see. I do not wish to be put in the attitude, of course, of questioning the word of my good friend, the gentleman from Massachusetts.

Mr. ROGERS. I do not think he does.

Mr. KELLEY of Michigan. But I do still say that if the gentleman from Massachusetts has had prepared for him before to-day, before last night, before the receipt of my letter by the Secretary of the Navy—if he has any figures before the receipt of that letter as to what these items ought to be, I think in justice he ought to present those figures to the House. [Applause.] I ask the gentleman now again, in all kindness, has he in his possession any figures prepared by the Navy Department prior to last night as to what these supplemental estimates should be?

Mr. ROGERS. I have some figures that were prepared and are incorporated in that letter. Why this mystery?

Mr. KELLEY of Michigan. Now, then, I will read the letter. But I call the attention of the House——

Mr. LONGWORTH. The time of the gentleman is running.

Mr. KELLEY of Michigan. I know if I have not time enough to finish what I have to say the gentleman from Ohio [Mr. LONGWORTH] will ask to have my time extended.

Mr. LONGWORTH. Provided you read the letter within a reasonable time. [Laughter.]

Mr. DUPRÉ. Get the Clerk to read it. [Laughter.]

Mr. KELLEY of Michigan. Now, then, it says:

Replying to your letter received about 10.30 yesterday evening—

So you see it was pretty late in the evening, later perhaps than the gentleman from Massachusetts had any communication. It is important to read it, because it discloses not an increase of $22,000,000 but $40,000,000, and no one can say whether those estimates will meet the situation or not. I assume that the figures have not been overstated at this stage of the proceedings. [Laughter.] [Cries of "Read it!"]

Gentlemen, this has come to be a great center of correspondence. [Laughter.] I read:

THE SECRETARY OF THE NAVY,
Washington, April 19, 1922.

MY DEAR MR. KELLEY: Replying to your letter received about 10.30 yesterday evening, in which you state that the House, in Committee of the Whole, accepted an amendment to the pending Navy Department and naval service appropriation bill providing for an enlisted force of 80,000 men and 6,000 apprentice seamen, and on Tuesday accepted a further amendment providing subsistence funds for the increased personnel, and requesting that I supply you with information as to other increases in the bill to correspond with an enlisted force of 86,000 men, particularly what additions will be needed to the pending bill under appropriations "Engineering," "Construction and repair of vessels," "Ordnance and ordnance stores," "Maintenance, Bureau of Yards and Docks," "Maintenance, Bureau of Supplies and Accounts," "Transportation and recruiting," "Fuel and transportation," the following is submitted:

The amendments already accepted by the House provide for the pay and subsistence of the personnel. The other expenses connected with personnel are clothing furnished upon first enlistment and recruiting and transportation. As there is a surplus of clothing now in stock in the Navy, no increase in the appropriation bill will be required for clothing. Under transportation and recruiting it is believed that the appropriation should be increased to the $6,000,000 submitted in the Budget.

While the above-referred-to increases in appropriations are the only ones involving personnel, the department is of the opinion that the appropriations recommended by the Committee on Appropriations for the maintenance of the matériel of the Navy are wholly inadequate to maintain its efficiency and to permit it to carry on its duties. This is true whether or not the ships in commission are those covered by the Appropriations Committee's distribution for 67,000 men or the department's proposed distribution for 86,000 men, as shown on page 5551 of the CONGRESSIONAL RECORD of Friday, April 14, 1922, there being practically no difference between the two lists.

It is believed that the additions under the subheads mentioned in your letter should be as follows for the maintenance of the efficiency of the matériel:

Bureau of Engineering, page 25, line 2, from $12,100,000 to $16,881,000, an increase of $4,781,000.

Bureau of Construction and Repair, page 27, line 20, from $14,200,000 to $18,441,000, an increase of $4,241,000.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed until he concludes the reading of the Denby letter.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Michigan may proceed until he has concluded the reading of the letter.

Mr. WINGO. Mr. Chairman, I object to that, and ask unanimous consent that the gentleman from Michigan may have five minutes' additional time.

The CHAIRMAN. The request is made that the gentleman's time be extended five minutes. Is there objection to that request?

There was no objection.

Mr. KELLEY of Michigan. I read further:

Bureau of Ordnance, ordnance and ordnance stores, page 29, line 18, from $9,500,000 to $10,700,000, an increase of $1,200,000.
Bureau of Supplies and Accounts, maintenance, page 38, line 23, from $7,069,260 to $7,669,260, an increase of $600,000.
Fuel and transportation, page 39, line 24, from $16,000,000 to $19,894,662, an increase of $3,894,662.
Bureau of Yards and Docks, maintenance, page 44, line 17, from $5,500,000 to $6,750,000, an increase of $1,250,000.

Sincerely yours,

EDWIN DENBY,
Secretary of the Navy.

Hon. PATRICK H. KELLEY,
House of Representatives, Washington.

He did not foot up the amount, but I have done so. Taking the figures furnished by the department and used by the gentleman from Oregon [Mr. MCARTHUR] yesterday, and not included in the letter signed by the Secretary as $22,000,000, together with these increases as I have given them, it makes $39,816,862 as the estimated increase due to the increase of the enlisted personnel from 67,000 to 86,000 men.

SEVERAL MEMBERS. No!

Mr. KELLEY of Michigan. Who said "no"?

Mr. MONDELL. Does the gentleman anticipate that these will be the only estimates that will be offered on the bill?

Mr. KELLEY of Michigan. Well, the gentleman has been here in Congress longer than I. I wish I could advise him that there would be no other or different estimates submitted.

Mr. MONDELL. I am rather pleased in a way with these estimates. My estimate was $40,000,000. This estimate is almost within $100,000 of my estimate.

Mr. KELLEY of Michigan. That is almost clairvoyancy. [Applause.]

Mr. MCARTHUR. Or a conspiracy. [Laughter.]

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. MILLS. I want to say to the gentleman from Michigan that I was one of those who said "No."

Mr. KELLEY of Michigan. I shall be very much gratified to know why my very able friend from New York said "No."

Mr. MILLS. I said "No" because the Secretary of the Navy in his letter states very clearly that while the first part of his letter refers to expenditures connected with the increase of personnel, the estimates aggregating $19,000,000, more or less referred to in the latter part of his letter, have nothing whatsoever to do with the increase in the personnel.

Mr. KELLEY of Michigan. Then will the gentleman advise me why any increases were made at all?

Mr. MILLS. Well, they are for the maintenance of the matériel of the Navy. He says:

While the above-referred-to increases in appropriations are the only ones involving personnel, the department is of the opinion that the appropriations recommended by the Committee on Appropriations for the maintenance of the matériel of the Navy are wholly inadequate to maintain its efficiency and to permit it to carry on its duties. This is true whether or not the ships in commission are those covered by the Appropriations Committee's distribution for 67,000 men or the department's proposed distribution for 86,000 men.

Mr. KELLEY of Michigan. Oh, the gentleman from New York——

Mr. MILLS. Will the gentleman permit me to complete my statement?

Mr. KELLEY of Michigan. My time is running. I have one or two things more that I want to say.

Mr. BUTLER. I want to ask the gentleman a question.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman from Michigan may have five minutes more. Is there objection?

Mr. BUTLER. Do I understand from this letter that these statements are facts?

Mr. KELLEY of Michigan. Just a minute, gentlemen, including the gentleman from New York [Mr. MILLS].

Mr. JOHNSON of Washington. I reserve the right to object, Mr. Chairman.

Mr. Chairman, I withdraw the reservation.

Mr. KELLEY of Michigan. I thank the gentleman very much. The gentleman from New York says these increases are not due to the increased personnel, that the amounts stated in the letter are needed for the treaty Navy. When the department came before the committee did they ask for these amounts for the treaty Navy? Not at all; these sums are modest in comparison. Why, they asked $25,000,000 for fuel. We gave them $16,000,000, and now they want $19,000,000. What did they want the extra $6,000,000 for? If $19,000,000 is sufficient, why did they ask for $25,000,000? The same way all down the line.

I will tell you how we made these items. We took the appropriations for the current year and deducted the expenses incident to repairs and incident to fuel because of the ships that they said they did not need to keep in commission, based upon the actual expenses of repairs and fuel for the first three months of this quarter, simply taking out of the current appropriation the expenses of maintaining the ships which they themselves declared they did not need to keep in commission, and the balance is the amount carried in the bill. Gentlemen will say that the additional amounts are not intended for additional vessels to be kept in commission. That is the heart of this controversy and I do not intend to discuss that any further. This is what I want to call attention to in closing, and if I may have a couple of minutes to state it, then I will conclude and thank the Members of the House. While this has been a most heated debate, I thank you indeed for the kindly and courteous consideration which I have had, and when we get through with this, whatever way it goes, it will be all right. [Applause.]

If you put into this bill the $40,000,000 extra because of the 19,000 additional men, and if it turns out that we will have to pay $75,000,000 for canceling contracts, we will have spent on account of the Navy for the coming year $426,000,000, or $12,000,000 more than it is costing us the current year. Furthermore, if we keep the Navy up to 86,000 men and that same number is continued for 1924 and we go ahead and appropriate the money necessary to finish the ships that are on the ways and are to be completed under the treaty, it will cost us in 1924, $401,000,000, or nearly as much as for 1922. I ask what has become of the conference claims that burdens of armament were to be lifted? Gentlemen, the work of the conference is at stake. We are on the point of turning it into an empty, meaningless performance. Let us not dash the cup from the lips of the world just as it is about to be sipped. [Applause, Members rising.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The question being taken, the amendment was rejected.

The Clerk read as follows:

No part of any appropriation made for the naval service shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services, except as herein expressly authorized.

Mr. VARE. Mr. Chairman, I move to strike out the last word. I hope the members of the committee will bear with me just a few minutes. This is the first time I have attempted to talk on the amendment which I offered to the House. I first offered the amendment to increase the personnel of the Navy in the Committee on Appropriations a week ago Saturday, proposing the increase from 67,000 men to 86,000 men.

The naval appropriation bill has been under consideration for 10 days, and during that time we have listened to practically the same arguments which were used in the Appropriations Committee when the bill was there considered.

From the standpoint of expert naval information we have in favor of a small and inefficient Navy the chairman of the appropriations subcommittee [Mr. KELLEY of Michigan] with his expert knowledge, the members of his subcommittee, and the distinguished leader of the House, the gentleman from Wyoming [Mr. MONDELL], whose knowledge of naval matters is not expert.

On the other hand, we have in favor of an adequate Navy, to meet our treaty obligations, the expert testimony of the former chairman of the House Naval Affairs Committee, the gentleman from Tennessee [Mr. PADGETT], as well as many members of the Appropriations and Naval Affairs Committees.

In addition, the amendment providing for a personnel of 86,000 men, which was adopted last Saturday by the Committee of the Whole House by a vote of 177 to 130, has the support of the board of naval experts, Assistant Secretary of the Navy Roosevelt, Secretary of the Navy Denby, Secretary of State Hughes, and President Harding himself.

I do not claim to have any expert knowledge of the Navy. Therefore, with the preponderance of testimony in favor of the larger Navy, I am unwilling to take the responsibility of interfering with the administrative officers of the Government carrying on the great work of the Navy in accordance with our treaty obligations.

It might be well for Members of the House to consider that while every great nation of the world is recognizing the power of this Goverment through President Harding, Members of Congress, of his own party, are taking issue with him, thereby attempting to undermine his policies.

I have heard criticism of the President for his strong and unqualified stand for an adequate Navy. The Nation would feel much better toward our party if the President would take a similar stand on other issues and if we would listen to his advice by adopting such measures as he suggests and urges.

Members of Congress who do not feel they should follow the President are only destroying their own congressional usefulness; for, mark you, the President is much stronger in the eyes of the people than is Congress. Congress would do well to keep up with the President. In this I could say much about congressional leadership.

It was interesting yesterday, during debate, to notice the chagrin and disappointment of the chairman of the subcommittee [Mr. KELLEY of Michigan], as well as that of the majority leader [Mr. MONDELL], because of the failure of the "conference Navy" Members of the House to offer a series of amendments which would have increased the amount of money carried in the bill. They would have condemned us if such amendments had been introduced, and they condemned us because they were not. In other words, Members who failed to carry out the frenzied desires of the gentleman from Wyoming would have been damned if they did, and were damned when they did not.

It is to be regretted that the distinguished Republican leader would so forget his high and exalted position that he would use it for the purpose of ridiculing and belittling the naval officers of the country. I had hoped that having been fairly beaten last Saturday he would have shown bigness of mind and cooperated with Members of the House in completing the bill in accordance with the expressed wish of the Committee of the Whole, when out of 307 Members present a majority of 47 declared for an adequate Navy. I had hoped that the Republican leader would have shown broader vision and have upheld the dignity of his leadership.

I appeal to Members of the House to stand by the vote of the Committee of the Whole fixing the personnel at 86,000, upholding the President and thereby maintaining our foremost position among the nations of the world.

The Clerk completed the reading of the bill.

Mr. KELLEY of Michigan. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HOGAN. Mr. Chairman, before that motion is put I ask unanimous consent to extend my remarks in the RECORD by printing the report of a meeting of the shop trades committee of the navy yard at New York.

Mr. KELLEY of Michigan. That is the one I had yesterday.

Mr. HOGAN. Yes; but I would like to have it inserted in the RECORD in full.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The report is as follows:

NAVY YARD,
New York, April 5, 1922.

At a meeting of the shop trades committee at 11 a. m. this date with the commandant the discussion ensued as follows:

I. PRELIMINARY REMARKS BY THE COMMANDANT.

(a) Attention was called to the apparent falling off in the attendance of committeemen and supervisors at the regular monthly meetings. The mutual advantage accruing from this monthly "get together" are considered to be of great value, and it is urged that every effort be made by all concerned to be present at future monthly meetings.

(b) Announcement was made of the recent death of Mr. John Jongberg, member of the yard executive committee, and expressions of sympathy and condolence were voiced.

(c) Where vacancies exist in the regularly constituted shop trade committees steps should be taken toward the election or appointment of new members.

(d) The commandant is pleased to inform the employees that on the occasion of his recent visit to the Navy Department he noticed a marked improvement in the attitude of the department with reference to the navy yard, New York. There is an open recognition of the good work we are doing and the results that we are obtaining, and the several bureaus seem anxious to cooperate with us to the fullest possible extent in the matter of procurement of additional work for the yard.

(e) All yards have recently been called upon by the Navy Department to submit actual costs for the performance of certain specific items of work. In comparing costs submitted by this yard with those submitted by other yards for identical work it would appear that our labor charges are running too high. In other words, that our man-hours on a job are too long. This is something that can be corrected by the individual worker by increasing his output. It is not influenced by overhead or material costs.

(f) We are in receipt of a circular letter written by the department to all navy yards and stations, setting forth the financial status and accomplishments of the several yards. It is a pleasure to report that the standing of this yard is extremely satisfactory, and that in this instance we have nothing to explain or account for. A brief of the letter in question will shortly be published for the information of all employees.

(g) While we have in the past been subject to unfavorable criticism for our high overhead rates, conditions have now resolved themselves so that we are, comparatively speaking, on "easy street," and if your past cooperation in this matter is continued we have nothing to fear for the remainder of this fiscal year. Everything indicates that the navy yards at Boston, Norfolk, and Philadelphia are confronted with the necessity of applying at once a very high overhead rate in an attempt to square their books.

(h) The commandant desires to reaffirm his interest and cooperation in the splendid work that is being done by the yard committees in the matter of arousing public interest not only in the amount of work to be assigned to this yard but also in the maintenance of an adequate and efficient Navy as a whole. To this end invitations have been extended and accepted by the Brooklyn Chamber of Commerce to visit the yard in order to familiarize themselves with existing conditions; moving pictures are to be taken, and the general campaign and increased publicity are gaining headway each day.

(i) An appropriation by Congress of $250,000,000 for the Navy will not suffice; at least $350,000,000 are required if the Navy is to be maintained in a high state of efficiency and readiness for service; the fight will be staged on the floor of Congress and the result thereof will determine in a positive manner whether the Navy as a whole is to be maintained. We must not rest content or cease our efforts on any less substantial assurance that the yard is to be kept open than that which will be embodied in an adequate appropriation for the entire Navy by Congress.

II. REMARKS BY THE MANAGER.

(a) It is a pleasure to announce that increased allotments from all bureaus for the month of April will permit of recalling to active service a large number of men now out on leave without pay status. The public works officer has reported that he has considerable work for laborers, wharfbuilders, masons, hod carriers, and painters, and that the responses to call are not sufficient to fill up numbers required. It is urged that if any employee knows men of these ratings now out of work that they bring this opportunity of securing employment to their attention.

(b) The chairman of the executive committee of the yard employees reported a balance of approximately $300 from contributions recently received for publicity purposes. It was suggested that the accounts, receipts, and expenses be audited and that a statement be prepared for publication so that all who have contributed may know where the money already has been spent.

(c) After an examination of existing civil-service regulations, it has been possible to issue instructions to all divisions, with a view to securing uniformity of procedure, to the effect that hereafter the conduct mark for all men on last call, i. e., discharged for missing six musters, would be 59 per cent. This is the highest mark that can be given in view of the civil-service requirements that such employees shall be regarded as ineligible for reemployment for a period of one year.

(d) Attention was called to the apparent epidemic of "spring fever" now prevalent in the yard, and an appeal was made to resist the inclination to sit down and rest or to congregate on street corners for purposes of discussion. Inactivity of this sort increases our labor costs, handicaps us in comparison with other yards, creates a bad impression, and in extreme cases leaves no alternative but disciplinary action. The manager disclaimed any intent or purpose of inaugurating a driving campaign and desired to leave the matter in the hands of the individual employees, feeling sure that they would respond to an appeal for an honest effort upon their part. In matters of this kind we must all work together.

(e) Announcement was made of the procurement of additional outside work from the Customs Service—the hauling out and repair of five of their motor boats; also the possibility of obtaining an award from the War Department for the construction of an oil and water barge. An effort will be made to obtain authority to submit bids for the reconditioning of the *Agamemnon* and the *Mount Vernon*. Negotiations are under way to have the manufacture and procurement of all Government paints, used by the several departments in this neighborhood, assigned to the navy yard, New York.

(f) Information at hand indicates that the city of Boston has staged a monster demonstration, parade, and mass meeting, to be held on the 8th instant, with a view to arousing public sentiment favorable to the local yard and the Navy. It is highly desirable that similar interest be created in this locality. It is necessary to immediately arouse local interest here in both Brooklyn and New York. Briefly, the proposition resolves itself into the question whether the Navy as a whole is to be maintained in accordance with the 5–5–3 ratio. Information at hand leads us to believe this matter will be fought out on the floor of the lower House within the next few weeks if Congress provides an appropriation equal to the estimates submitted by the Secretary of the Navy, there need be no worry on our part with reference to the continued operation of the New York yard. If, on the other hand, the annual appropriation is cut below the estimates of the Navy Department, then it must follow that several of the navy yards will have to be closed. They may be left technically open, but the amount of work that they will be called upon to do will be performed by a skeletonized organization.

III. GENERAL DISCUSSION.

A general discussion followed, touching upon the several details of the publicity campaign that is now being waged in behalf of the Brooklyn Navy Yard. Strong speeches were made by William T. Probert, Sam Wright, John Flemming, Joseph McDonough, and others.

The necessity for an aroused active interest and participation in this campaign upon the part of every employee was strongly emphasized; and it was urged that every man having the interest of the yard at heart seek opportunity to inform his friends in civil life of the conditions actually existing to-day and the threatening conditions that confront us in the immediate future.

In June of 1921 there were 10,000 men employed in the yard; at the present time the number approximates 3,500. With a small appropriation for the next fiscal year it is inevitable that there be a further reduction in the yard force on July 1, 1922.

We must not be discouraged in the seeming indifference of those in civil life. They have their own problems and worries, but it is possible to arouse their interest, and there is every reason to believe that once this interest is aroused and the voice of the people is heard in Washington, an adequate appropriation will be provided.

Assuredly we are not content to let this matter go by default. The people in Boston, Philadelphia, and Norfolk are awakening to the conditions, and the people of Greater New York will be no less responsive once the matter is forcibly brought to their attention.

Appeal is made for a united, a continuing, and an enthusiastic campaign upon the part of every individual attached to or in any way identified with the Brooklyn Navy Yard.

C. T. VOGELGESANG,
Captain United States Navy.
Commandant Navy Yard, New York.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The motion of Mr. KELLEY of Michigan was then agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11228, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. KELLEY of Michigan. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. KELLEY of Michigan. I ask for a separate vote on the two amendments relating to the personnel, and if there is no objection, inasmuch as they go together, it might be well to vote on the two amendments together.

Mr. MCARTHUR. There are three amendments, the Vare amendment, the Swing amendment, and my amendment.

Mr. KELLEY of Michigan. One in relation to the 86,000, one to the sum of money involved because of the change, and the other as to provisions.

The SPEAKER. If there is no other demand for a separate vote, the Chair will put the other amendments in gross.

The other amendments were agreed to.

Mr. KELLEY of Michigan. Now, Mr. Speaker, I ask unanimous consent that all three amendments be voted on together.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the three amendments specified be voted on together. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, I do not recall that we ever voted on more than one amendment at a time. As I understand, these amendments all stand or fall together. Would it not be satisfactory to have a vote on one amendment and the others abide by it?

Mr. KELLEY of Michigan. In this way we can do it with one roll call, and in the other way it will take three roll calls.

Mr. GARRETT of Tennessee. You can do it in this way with one.

Mr. ROGERS. Reserving the right to object, I have no objection to combining the two personnel amendments, the McArthur amendment and the Vare amendment, but I think the provision amendment should be separated.

Mr. KELLEY of Michigan. Very well, Mr. Speaker, I will modify my request and ask that the two personnel amendments be voted on together, and that they be voted on first.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question now is on the two personnel amendments, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MCARTHUR: Page 32, line 10, strike out the figures "$3,772,000" and insert in lieu thereof the figures "$5,981,900."

Page 32, line 15, strike out the figures "$51,832,351" and insert in lieu thereof the figures "$62,108,534."

Page 32, line 16, strike out the figures "$520,520" and insert in lieu thereof "$858,000"; page 32, line 19, strike out the figures "$422,400" and insert in lieu thereof "$1,207,200"; page 32, line 20, strike out the figures "$366,720" and insert in lieu thereof the figures "$447,580"; page 32, line 25, strike out the figures "$93,814,016" and insert in lieu thereof the figures "$107,503,239."

Amendment by Mr. VARE: Page 34, line 7, strike out the figures "2,000" and insert in lieu thereof the figures "6,000," and on page 34, line 8, strike out the figures "67,000" and insert in lieu thereof the figures "86,000," making the paragraph read as follows:

"Immediately upon the approval of this act the Secretary of the Navy shall begin to reduce the enlisted strength of the Navy by furlough without pay (and no refunds shall be required of men so furloughed), discharge, or otherwise, under such regulations as he may prescribe, without regard to the provisions of existing law governing discharges, so that the average number of enlisted men, including 6,000 apprentice seamen, shall not exceed 86,000 during the fiscal year 1923."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken.

Mr. KELLEY of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 222, nays 149, answered "present" 2, not voting 56, as follows:

YEAS—222.

Ackerman	Appleby	Barbour	Bixler
Andrew, Mass.	Aswell	Beedy	Blakeney
Ansorge	Bacharach	Benham	Bland, Ind.
Bland, Va.	Freeman	Logan	Ricketts
Bond	Frothingham	Longworth	Riordan
Bowers	Fuller	Luce	Robertson
Brennan	Gallivan	Luhring	Rodenberg
Briggs	Gernerd	McArthur	Rogers
Brooks, Pa.	Gilbert	McCormick	Rose
Bulwinkle	Glynn	McDuffie	Rossdale
Burdick	Goldsborough	McKenzie	Sanders, N. Y.
Burke	Goodykoontz	McLaughlin, Nebr.	Sandlin
Burroughs	Graham, Ill.	McLaughlin, Pa.	Scott, Mich.
Butler	Greene, Mass.	McPherson	Scott, Tenn.
Cable	Greene, Vt.	Magee	Shreve
Campbell, Pa.	Griest	Martin	Sinnott
Carew	Griffin	Mead	Smith, Mich.
Chalmers	Hadley	Miller	Smithwick
Chandler, N. Y.	Harrison	Mills	Snell
Chindblom	Hawes	Montague	Stephens
Clarke, N. Y.	Hawley	Montoya	Stiness
Classon	Hayden	Moore, Ill.	Strong, Pa.
Codd	Hays	Moore, Ohio	Sullivan
Cole, Ohio	Hickey	Moores, Ind.	Summers, Wash.
Colton	Hicks	Morgan	Swing
Connell	Hill	Morin	Tague
Connolly, Pa.	Himes	Mott	Taylor, N. J.
Cooper, Ohio	Hogan	Mudd	Temple
Coughlin	Hooker	Nelson, Me.	Ten Eyck
Crago	Hukriede	Newton, Minn.	Thomas
Crisp	Humphreys	Newton, Mo.	Thompson
Crowther	Husted	Nolan	Tilson
Cullen	Hutchinson	Norton	Tinkham
Curry	Johnson, Ky.	O'Connor	Treadway
Dallinger	Johnson, Wash.	Olpp	Underhill
Darrow	Jones, Pa.	Osborne	Vaile
Deal	Kahn	Overstreet	Vare
Drane	Kearns	Padgett	Vestal
Dunn	Kendall	Paige	Vinson
Dupré	Kennedy	Park, Ga.	Volk
Dyer	Kiess	Parker, N. J.	Walsh
Edmonds	Kindred	Parker, N. Y.	Ward, N. Y.
Elliott	Kirkpatrick	Patterson, Mo.	Wason
Ellis	Kissel	Patterson, N. J.	Watson
Fairfield	Kline, N. Y.	Perkins	Weaver
Faust	Kline, Pa.	Perlman	Webster
Favrot	Knutson	Petersen	Wheeler
Fenn	Kreider	Porter	White, Me.
Fess	Langley	Pringey	Wilson
Fish	Lankford	Purnell	Winslow
Fisher	Layton	Radcliffe	Wurzbach
Fitzgerald	Lazaro	Raker	Wyant
Focht	Lea, Calif.	Ransley	Yates
Fordney	Lee, N. Y.	Reavis	Zihlman
Foster	Lineberger	Reber	
Free	Linthicum	Reed, N. Y.	

NAYS—149.

Almon	Dickinson	Larsen, Ga.	Rosenbloom
Anderson	Dominick	Larson, Minn.	Rouse
Andrews, Nebr.	Dowell	Lawrence	Rucker
Anthony	Echols	Leatherwood	Sanders, Tex.
Arentz	Evans	Lee, Ga.	Shaw
Atkeson	Frear	Little	Sinclair
Bankhead	French	London	Sisson
Barkley	Fulmer	Lowrey	Slemp
Beck	Funk	Lyon	Speaks
Begg	Gahn	McClintic	Sproul
Bell	Garner	McLaughlin, Mich.	Stafford
Bird	Garrett, Tenn.	McSwain	Steagall
Black	Garrett, Tex.	MacGregor	Stedman
Boies	Gensman	Madden	Steenerson
Bowling	Green, Iowa	Mann	Stoll
Box	Hardy, Colo.	Mansfield	Strong, Kans.
Brooks, Ill.	Hardy, Tex.	Mapes	Sumners, Tex.
Browne, Wis.	Haugen	Michener	Swank
Burtness	Herrick	Millspaugh	Taylor, Ark.
Burton	Hersey	Mondell	Tillman
Byrnes, S. C.	Hoch	Moore, Va.	Timberlake
Byrns, Tenn.	Huddleston	Murphy	Tincher.
Campbell, Kans.	Hull	Nelson, A. P.	Towner
Cannon	Jacoway	Nelson, J. M.	Tucker
Carter	James	Ogden	Upshaw
Christopherson	Johnson, S. Dak.	Oldfield	Voigt
Clague	Jones, Tex.	Oliver	Volstead
Clouse	Keller	Parks, Ark.	White, Kans.
Cockran	Kelley, Mich.	Quin	Williamson
Cole, Iowa	Ketcham	Ramseyer	Wingo
Collier	Kincheloe	Rankin	Wise
Collins	King	Rayburn	Wood, Ind.
Connally, Tex.	Kinkaid	Reece	Woodruff
Cooper, Wis.	Kleczka	Reed, W. Va.	Woods, Va.
Cramton	Knight	Rhodes	Wright
Davis, Minn.	Kopp	Riddick	
Davis, Tenn.	Kraus	Roach	
Denison	Lanham	Robsion	

ANSWERED "PRESENT"—2.

Jeffers, Ala.	Stevenson

NOT VOTING—56.

Blanton	Dunbar	Lampert	Sears
Brand	Fairchild	Lehlbach	Shelton
Britten	Fields	McFadden	Siegel
Brown, Tenn.	Gorman	Maloney	Smith, Idaho
Buchanan	Gould	Merritt	Snyder
Cantrill	Graham, Pa.	Michaelson	Sweet
Chandler, Okla.	Hammer	O'Brien	Taylor, Colo.
Clark, Fla.	Hudspeth	Pou	Taylor, Tenn.
Copley	Ireland	Rainey, Ala.	Tyson
Dale	Jefferis, Nebr.	Rainey, Ill.	Walters
Dempsey	Johnson, Miss.	Ryan	Ward, N. C.
Doughton	Kelly, Pa.	Sabath	Williams
Drewry	Kitchin	Sanders, Ind.	Woodyard
Driver	Kunz	Schall	Young

So the amendments were agreed to.

The Clerk announced the following pairs:
Until further notice:
Mr. McFadden (for) with Mr. Stevenson (against).
Mr. Fairchild (for) with Mr. Smith of Idaho (against).
Mr. Graham of Pennsylvania (for) with Mr. Brand (against).
Mr. Lehlbach (for) with Mr. Jeffers of Alabama (against).
Mr. Sanders of Indiana (for) with Mr. Driver (against).
Mr. O'Brien (for) with Mr. Lampert (against).
Mr. Dempsey (for) with Mr. Johnson of Mississippi (against).
Mr. Drewry (for) with Mr. Taylor of Tennessee (against).
Mr. Gorman (for) with Mr. Rainey of Alabama (against).
Mr. Merritt (for) with Mr. Sabath (against).
Mr. Sears (for) with Mr. Young (against).
Mr. Snyder (for) with Mr. Kitchin (against).
Mr. Maloney (for) with Mr. Michaelson (against).
Mr. Dunbar (for) with Mr. Hammer (against).
Mr. Brown of Tennessee (for) with Mr. Ward of North Carolina (against).
Mr. Walters (for) with Mr. Doughton (against).
Mr. Gould (for) with Mr. Hudspeth (against).
Mr. Siegel (for) with Mr. Blanton (against).
Mr. Ireland (for) with Mr. Tyson (against).
General pairs:
Mr. Chandler of Oklahoma with Mr. Buchanan.
Mr. Woodyard with Mr. Fields.
Mr. Jefferis of Nebraska with Mr. Kunz.
Mr. Ryan with Mr. Rainey of Illinois.
Mr. Williams with Mr. Clark of Florida.
Mr. Shelton with Mr. Pou.
Mr. Britten with Mr. Cantrill.

Mr. JEFFERS of Alabama. Mr. Speaker, in view of the fact that the gentleman from New Jersey [Mr. LEHLBACH] was not here, and I promised to pair with him in case he was not here, and as he would have voted "aye," I desire to withdraw my vote of "no" and ask to be recorded as "present."

The name of Mr. JEFFERS of Alabama was called, and he answered "present."

The result was announced as above recorded.

The SPEAKER. The question is on the other amendment, which the Clerk will report.

The Clerk read as follows:

Page 37, line 15, strike out the figures "$15,586,862" and insert in lieu thereof "$19,724,928."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GALLIVAN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts demands the yeas and nays on the passage of the bill. A sufficient number have arisen and the yeas and nays are ordered.

The question was taken; and there were—yeas 279, nays 78, answered "present" 3, not voting 69, as follows:

[Roll No. 112.]

YEAS—279.

Ackerman	Chindblom	Fisher	Hoch
Anderson	Christopherson	Fitzgerald	Hogan
Andrew, Mass.	Clarke, N. Y.	Focht	Hooker
Ansorge	Classon	Fordney	Hukriede
Appleby	Codd	Foster	Hull
Aswell	Cole, Ohio	Frear	Humphreys
Atkeson	Collier	Free	Husted
Bacharach	Colton	Freeman	Hutchinson
Barbour	Connally, Tex.	Frothingham	Johnson, Ky.
Beedy	Connell	Fuller	Johnson, S. Dak.
Benham	Connolly, Pa.	Funk	Johnson, Wash.
Bixler	Cooper, Ohio	Gallivan	Jones, Pa.
Black	Coughlin	Gensman	Kahn
Blakeney	Crago	Gernerd	Kearns
Bland, Ind.	Crisp	Gilbert	Kelley, Mich.
Bland, Va.	Crowther	Glynn	Kendall
Boies	Cullen	Goldsborough	Kennedy
Bond	Curry	Goodykoontz	Ketcham
Bowers	Dallinger	Graham, Ill.	Kiess
Brennan	Darrow	Green, Iowa	Kindred
Briggs	Deal	Greene, Mass.	King
Brooks, Ill.	Denison	Greene, Vt.	Kinkaid
Brooks, Pa.	Dickinson	Griest	Kirkpatrick
Bulwinkle.	Dowell	Griffin	Kissel
Burdick	Drane	Hadley	Kleczka
Burke	Dunn	Hardy, Colo.	Kline, N. Y.
Burroughs	Dyer	Harrison	Kline, Pa.
Burtness	Echols	Haugen	Knutson
Butler	Edmonds	Hawes	Kreider
Byrns, Tenn.	Elliott	Hawley	Langley
Cable	Ellis	Hayden	Lankford
Campbell, Kans.	Fairfield	Hays	Larson, Minn.
Campbell, Pa.	Faust	Hersey	Lawrence
Cannon	Favrot	Hickey	Layton
Carew	Fenn	Hicks	Lazaro
Chalmers	Fess	Hill	Lea, Calif.
Chandler, N. Y.	Fish	Himes	Leatherwood
Lee, Ga.	Newton, Minn.	Riordan	Temple
Lee, N. Y.	Newton, Mo.	Roach	Ten Eyck
Lineberger	Nolan	Robertson	Thomas
Linthicum	Norton	Robsion	Thompson
Logan	O'Connor	Rodenberg	Tilson
Longworth	Ogden	Rogers	Timberlake
Luce	Olpp	Rose	Tincher
McArthur	Osborne	Rosenbloom	Tinkham
McCormick	Overstreet	Rossdale	Towner
McDuffie	Padgett	Sanders, N. Y.	Treadway
McKenzie	Paige	Sandlin	Underhill
McLaughlin, Nebr.	Park, Ga.	Scott, Mich.	Upshaw
McLaughlin, Pa.	Parker, N. J.	Scott, Tenn.	Vaile
McPherson	Parker, N. Y.	Shaw	Vare
Madden	Patterson, Mo.	Shreve	Vestal
Magee	Patterson, N. J.	Sinnott	Vinson
Martin	Perkins	Slemp	Volk
Mead	Perlman	Smith, Idaho	Walsh
Michener	Petersen	Smith, Mich.	Ward, N. Y.
Miller	Porter	Smithwick	Wason
Mills	Pringey	Snell	Watson
Mondell	Purnell	Speaks	Weaver
Montague	Radcliffe	Sproul	Webster
Montoya	Raker	Stephens	Wheeler
Moore, Ill.	Ramseyer	Stiness	White, Kans.
Moore, Ohio	Ransley	Stoll	White, Me.
Moores, Ind.	Reber	Strong, Pa.	Wilson
Morgan	Reece	Sullivan	Winslow
Morin	Reed, N. Y.	Summers, Wash.	Wurzbach
Mott	Reed, W. Va.	Swing	Wyant
Mudd	Rhodes	Tague	Yates
Murphy	Ricketts	Taylor, Ark.	Zihlman
Nelson, Me.	Riddick	Taylor, N. J.	

NAYS—78.

Almon	Evans	Lowrey	Sisson
Andrews, Nebr.	French	Lyon	Stafford
Bankhead	Fulmer	McClintic	Steagall
Barkley	Gahn	McLaughlin, Mich.	Stedman
Beck	Garrett, Tenn.	McSwain	Stevenson
Begg	Garrett, Tex.	MacGregor	Sumners, Tex.
Bell	Herrick	Mapes	Swank
Bird	Huddleston	Moore, Va.	Tillman
Bowling	Jacoway	Nelson, A. P.	Tucker
Box	James	Nelson, J. M.	Tyson
Browne, Wis.	Jones, Tex.	Oldfield	Voigt
Byrnes, S. C.	Keller	Oliver	Volstead
Carter	Kincheloe	Parks, Ark.	Wingo
Clague	Knight	Quin	Wise
Collins	Kopp	Rankin	Wood, Ind.
Cooper, Wis.	Kraus	Rayburn	Woodruff
Cramton	Lanham	Rouse	Woods, Va.
Davis, Minn.	Larsen, Ga.	Rucker	Wright
Davis, Tenn.	Little	Sanders, Tex.	
Dominick	London	Sinclair	

ANSWERED "PRESENT"—3.

Cockran	Jeffers, Ala.	Steenerson

NOT VOTING—69.

Anthony	Driver	Lampert	Schall
Arentz	Dunbar	Lehlbach	Sears
Blanton	Dupré	Luhring	Shelton
Brand	Fairchild	McFadden	Siegel
Britten	Fields	Maloney	Snyder
Brown, Tenn.	Garner	Mann	Strong, Kans.
Buchanan	Gorman	Mansfield	Sweet
Burton	Gould	Merritt	Taylor, Colo.
Cantrill	Graham, Pa.	Michaelson	Taylor, Tenn.
Chandler, Okla.	Hammer	Millspaugh	Walters
Clark, Fla.	Hardy, Tex.	O'Brien	Ward, N. C.
Clouse	Hudspeth	Pou	Williams
Cole, Iowa	Ireland	Rainey, Ala.	Williamson
Copley	Jefferis, Nebr.	Rainey, Ill.	Woodyard
Dale	Johnson, Miss.	Reavis	Young
Dempsey	Kelly, Pa.	Ryan	
Doughton	Kitchin	Sabath	
Drewry	Kunz	Sanders, Ind.	

So the bill was passed.

The Clerk announced the following pairs:
Until further notice:
Mr. Maloney with Mr. Dupré.
Mr. Graham of Pennsylvania with Mr. Brand.
Mr. Lehlbach with Mr. Jeffers of Alabama.
Mr. Sanders of Indiana with Mr. Driver.
Mr. Lampert with Mr. O'Brien.
Mr. Dempsey with Mr. Johnson of Mississippi.
Mr. Taylor of Tennessee with Mr. Drewry.
Mr. Gorman with Mr. Rainey of Alabama.
Mr. Merritt with Mr. Sabath.
Mr. Young with Mr. Sears.
Mr. Snyder with Mr. Kitchin.
Mr. Dunbar with Mr. Hammer.
Mr. Brown of Tennessee with Mr. Ward of North Carolina.
Mr. Walters with Mr. Doughton.
Mr. Gould with Mr. Hudspeth.
Mr. Siegel with Mr. Blanton.
Mr. Ireland with Mr. Buchanan.
Mr. Woodyard with Mr. Fields.
Mr. Jefferis of Nebraska with Mr. Kunz.
Mr. Ryan with Mr. Rainey of Illinois.
Mr. Williams with Mr. Clark of Florida.
Mr. Shelton with Mr. Pou.
Mr. McFadden with Mr. Cantrill.
Mr. Millspaugh with Mr. Garner.

Mr. Chandler of Oklahoma with Mr. Taylor of Colorado.
Mr. Michaelson with Mr. Cockran.
Mr. Steenerson with Mr. Mansfield.
Mr. Luhring with Mr. Hardy of Texas.
Mr. BUCHANAN. Mr. Speaker, I would like to vote.
The SPEAKER. Was the gentleman present and listening when his name was called?
Mr. BUCHANAN. I was not.
The SPEAKER. The gentleman does not bring himself within the rule.
The result of the vote was announced as above recorded.
On motion of Mr. KELLEY of Michigan, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent that those who have spoken on the bill may have the privilege of extending their remarks for five days.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
The extension of remarks referred to are here printed in full as follows:
Mr. ROGERS. Mr. Speaker, under leave to extend remarks in the RECORD, I wish to say that over and over again in this debate the gentleman from Michigan has declared that the sole reason for increasing the enlisted personnel is to put into full commission 200 extra destroyers with 100 men on each—a total of 20,000 men. I deny this. I assert that not a single responsible man, in the Navy or out of it, has said that this ought to be done or would be done with 19,000 additional men over the 67,000 carried in the bill.
Mr. KELLEY of Michigan first intimated this, I think, on Tuesday of last week, during the speech of the gentleman from Illinois [Mr. BRITTEN] (pp. 5338 and 5339). He has mentioned it several times since, most recently yesterday (p. 5681).
His fullest treatment of it was last Saturday. In closing the debate on that day he said (p. 5603):

The gentleman from Massachusetts [Mr. ROGERS] let the cat out of the bag a while ago * * *

For some reason the charge that one has let the cat out of the bag carries with it some odium. I do not know why. The act ought to be regarded as humane and commendable. But for some reason it is not so regarded. So I listened, with outward calm, but inward apprehension, to learn what cat I had let out of what bag.
Mr. KELLEY of Michigan continued:

* * * when he condemned as unwise the policy of not keeping all our fighting ships in full commission.

I deny that I said this or anything remotely resembling it. I challenge him to give you his authority for the quotation.
After apparently suggesting that the gentleman from New Jersey [Mr. PARKER] had let another cat out of another bag, Mr. KELLEY of Michigan went on:

At last we have the reason why the 20,000 extra men are demanded. It proves out with almost mathematical precision. We have 200 surplus destroyers and it takes 100 men for each destroyer. So that if we keep them all in commission it will require exactly 20,000 men to man them.

He then referred to the effect on our people if they were told—

that the American Congress has just appropriated $54,000,000 to keep in full commission and ready for instant war 200 ships of war in addition to those permitted under the treaty. * * * Why have our naval officers taken this position? Why do they desire all these surplus warcraft to be kept in commission?

Mr. KELLEY of Michigan closed the debate on the personnel amendments. No one had an opportunity to answer him.
His speech was intended to convey, and did convey, to the Members of the House:
(1) That I advocated the increase of 19,000 in personnel so as to enable us to keep in full commission 200 extra destroyers in addition to the 103 already provided.
(2) That this was also the viewpoint of naval officers generally.
(3) That the pending amendments carried an increase of $54,000,000.
All three statements were absolutely in error. I will not characterize them more harshly. Perhaps within parliamentary limits I could not.
(1) I do not advocate commissioning more than 103 destroyers, and I never said I did.
(2) Neither does the Navy Department. Evidently Mr. KELLEY of Michigan forgot on Saturday what Mr. KELLEY of Michigan had said on Monday. In opening the debate he said (p. 5235):

We allow in this bill all (the destroyers) that the Navy Department asked for to be kept in full commission—103.

(3) The pending amendments—the only ones before the House Saturday—carried something less than $14,000,000 increase. Mr. KELLEY of Michigan was out of the way only $40,000,000. The only amendment since offered as a corollary to the personnel amendment was for food, and amounted to less than $4,000,000.
Happily the House was not, and will not be, misled by the Kelley bugaboo, unfounded and unfair as it undoubtedly was.
Another point about these destroyers. The department asked for 96,000 men. With this force they announced that they would keep in full commission 103 destroyers and no more. Then the President suggested a compromise of 86,000. The Navy Department was asked how it would use this force. It replied through Secretary Denby that it could still keep in full commission the same 103 destroyers. I put in the RECORD of Friday—page 5551—the official statement to this effect, and it was before Mr. KELLEY of Michigan when he made his speech on Saturday from which I have quoted. That same table shows the dream navy of Mr. KELLEY of Michigan, which I had incorporated for convenience. This shows how Mr. KELLEY of Michigan would use 67,000 men and is a little idea of his own and of no other responsible person. Lo and behold! Mr. KELLEY of Michigan would also keep in commission the same 103 destroyers.
Where, on Mr. KELLEY's own showing, is there evidence of inflation in the Navy Department? Mr. KELLEY's mirage Navy would itself have the 103 destroyers. Where, I repeat, does he get this talk of commissioning 200 more destroyers? I can not learn. They seem to be figments of the imagination. Gentlemen of the committee, this is the reddest red herring I have ever seen in this body. Did some one in some foreign embassy start the story? There seems to be no other parent.
I have referred to Mr. KELLEY's statement as to the cost of the personnel amendments of Saturday. He gave it as $54,000,000. Chairman MADDEN, speaking just before him, said (p. 5598):

Do you know, gentlemen, that if your amendment is adopted it will add $60,000,000 to the recommendations of the committee?

Not that it may cost, or ought to cost, but that it "will" cost $60,000,000 extra. Then he went on to say that other bills that might come before the House later would bring the total increase to $170,000,000 or thereabouts. Of course, this last had nothing to do with the question at issue. It was just atmosphere to scare the Members. When Mr. MADDEN said "this amendment will add $60,000,000," he missed the fact by about $46,000,000. Even with the food amendment added he missed the fact by $42,000,000. How can we safely build on such information as all this?
Just a word about the number of fleet vessels which would be in commission under the several plans. While the comparison is not of value, perhaps, it is interesting to note that the Navy Department's use of 86,000 men would keep in full commission fewer vessels by five or six than the Kelley hypothetical Navy. The true comparison is between what the department would do with 67,000 men and with 86,000. The table on page 5551, to which I have referred, shows this clearly, and I commend its careful study to every Member. Eighty-six thousand men mean only about 15 extra vessels in the fleet over those in the fleet with 67,000 men. The figures are 321 and 306, respectively. Surely the Navy shows no evidence of a desire to expand its fleet unwisely or improperly. The principal difference is that 86,000 allows us to maintain our treaty Navy of 18 battleships in full commission. Sixty-seven thousand leaves 5 of the 18 as naval relics "in ordinary" and 73 other vessels in reserve.
In conclusion, I am tired of the incessant attacks on the ability and even the common honesty of the officers of the American Navy. They are not infallible. They may occasionally be in error in judgment or on a question of fact. But I trust their integrity and their patriotism. I believe their purpose to be disinterested. I prefer their judgment, buttressed by Harding, Hughes, Denby, and Roosevelt, to that of the men who attack them. I am proud of the American Navy, its officers, and men. I want to keep them nationally sound and efficient. Eighty-six thousand is the minimum of safety. I appeal to every Member, when he votes in the House, to stand by the American Navy, its traditions, and its ideals.
Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill and as a part of my remarks to publish an interview with Frank R. Reed, recently nominated in the eleventh Illinois district, given out in the New York World. It is but a short paragraph.
The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?
Mr. WALSH. I do not think we ought to put interviews into the RECORD. I object.

SPECIAL CANCELING STAMPS.

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, presented a conference report on the bill H. R. 10740, authorizing the use of special canceling stamps in certain post offices, which was ordered printed under the rule.

EXTENSION OF REMARKS.

By unanimous consent Mr. COLE of Ohio, Mr. ANDREWS of Nebraska, Mr. RIDDICK, Mr. A. P. NELSON, and Mr. SHAW were granted permission to extend their remarks in the RECORD.

THE PRESIDENT AND CONGRESS.

Mr. RIDDICK. Mr. Speaker, for the third time in the history of America the Republican Party has been called upon to act as a wrecking crew for a national Democratic "smashup."

In 1861 the Republican Party, under Lincoln, came into national authority to find industry prostrate, finances disorganized, and the very perpetuity of the Nation imperiled. Upon Lincoln and his associates fell, as Lincoln said, a task greater than that which devolved even upon Washington. History records the result. The Union preserved, slavery destroyed, the greatest war of all history up to that time financed, the national credit maintained, and the parity of all our currency at last restored until the American dollar was the trade-mark of stability and solidity throughout the world.

REPUBLICAN POLICIES BROUGHT PROSPERITY.

Under the Republican policy of protection to American industries the United States became in the succeeding half century the world's greatest financial power. Let it be remembered that every step taken in the development of the policies which gave to America first place among the nations of the earth in wealth, economic power, and in commercial independence was resisted by Democratic leadership. At the beginning of the Civil War the United States was an agricultural dependency of Europe; after a half century of almost uninterrupted Republican control this Nation was in so strong an economic position that we might at any time close our gates to exports and imports and still exist without serious inconvenience. Such a condition means military and naval as well as economic power. And so it was when the European war began, America was the one nation of the world which was in least fear of isolation. It was the weight of our wealth and industrial and agricultural power that brought the World War to an end and made America, as illustrated in the recent Washington conference, the world's great arbitrating power.

WILSON TARIFF LAW BROUGHT DISTRESS.

Only once during the half century following the inauguration of Lincoln did the Republican Party lose control of the Presidency, the House, and the Senate at one time. This was in 1892 when the party of opposition under Grover Cleveland, denouncing the newly enacted McKinley tariff law as an "infamous" and "damnable" measure designed to oppress the people, gained complete control of Government. The Wilson tariff law was enacted. The very menace of the measure brought panic and prostration to the country while the foundations of protection were being torn out by demagogues and doctrinaires. So came the panic of 1894, with thousands of factories silent, millions of wage earners jobless, with armies of tramps moving over the country, with farm prices so depressed that corn was burned for fuel, with banks, stores, and industries failing, and farms sold by the tens of thousands under the sheriff's hammer.

CONDITIONS CORRECTED UNDER M'KINLEY.

Under such conditions the Republican Party was restored to power under McKinley in 1896. The result, following the enactment of a protective tariff law, was the complete resumption of industry and a period of prosperity the like of which was never before experienced by any nation in history. Again the Republican Party had cleared away the wreckage produced by Democratic mismanagement, and once more had set the feet of the Nation on the highway of prosperity and progress.

WILSONISM AND WASTE.

And now the Republican Party is again charged with the work of national reconstruction. The task allotted is the most difficult in all our national history, for the wreck left by the Democratic Party was more complete than had ever been known before.

When the World War began, in midsummer of 1914, under the operations of the existing Democratic tariff law, there were 3,000,000 men out of work in the industrial centers of the United States. The repeal of the Republican tariff laws and the enactment of the Underwood-Simmons bill resulted exactly as the passage of the Wilson tariff law had 20 years before. In the winter of 1913–14 there were soup kitchens and bread lines in the great cities. Yet the promised reduction in high cost of living had not come. Only the beginning of the European war with its embargo on imports and its great demand for exports saved the country from still greater disaster, and the Democratic Party from overwhelming defeat at the polls in 1914 and 1916.

WILL REQUIRE YEARS TO REPAIR DAMAGE TO NATION.

The Republican Party in its national platform of 1920 did not promise the people a quick return to normal conditions as the result of Republican return to power. There was a too serious realization of the magnitude of the problems to be solved to permit the making of such a pledge.

Never in all history did a political party come to such a heritage of difficulty as that which confronted the Harding administration upon its inauguration.

The interest alone upon the vast national debt, in part a monument to Democratic extravagance and inefficiency, was of itself equal to the entire national expenditures under the last year of Republican national control under Taft. Other fixed charges growing out of the war were as much more. With extravagance running riot, incapacity enthroned in the civil service of the Nation, and with the whole governmenal establishment permeated with the spirit of reckless waste, the job of cleaning up the Augean stable was one demanding the strength and persistence of a Hercules.

OPPOSITION PARTY HINDERS EFFORTS FOR RECONSTRUCTION.

While the Republican Party has been steadily engaged in the work of clearing up the débris of this Democratic wreck, the politicians of the opposition have stood along the side lines jeering the workers, and wherever possible have resisted the progress of the work the party in power was trying to accomplish. Despite these obstacles remarkable progress has been made in the tremendous task of reconstruction.

Congress and the Executive have done their full part. No one will claim that the work has been completed. No reasonable person will expect or demand that it should be completed in so short a time. It will take a quarter of a century to repair some of the damage done to the Nation during the past few years. The critics who believe that the Nation can be made as good as new in a few months are unreasonable in their demands.

PRESIDENT AND CONGRESS WORKING TOGETHER.

Definite and constructive steps are being taken in an orderly manner by President Harding and the Republican majority in Congress toward working out a comprehensive national program that will put an end to the ruinous waste, extravagance, and inefficiency in the conduct of public affairs that characterized the Wilson administration and restore conditions of justice, equal opportunity, and prosperity to the American people.

Either in ignorance or maliciously critics have repeatedly said this is a "do-nothing Congress," and that the President and the Congress are not working in harmony to a common purpose. Nothing is further from the truth. As a matter of fact, no Congress in all our history has done more good constructive work in the same length of time, as the following exhibit will clearly demonstrate.

The best test as to whether the Congress has enacted legislation asked by the President and promised by the Republican Party is the record. In the following parallel columns are set forth:

(1) The specific requests for legislation which President Harding made of the Congress in his message opening the special session, April 12, 1921, and in his annual message to the Congress at the opening of its regular session December 6, 1921.

(2) What action Congress took regarding these presidential recommendations; also what other legislation it enacted.

PRESIDENT HARDING'S RECOMMENDATIONS TO THE SPECIAL SESSION OF CONGRESS APRIL 12, 1921.	ACTION OF CONGRESS ON THE PRESIDENT'S RECOMMENDATIONS.
Let me most heartily commend the enactment of legislation providing for the national Budget system.	Bill to provide Budget system and creating Budget Bureau passed both Houses of the Congress and became a law June 10, 1921.
To establish the state of technical peace (with the Central Powers of Europe) without further delay I should approve declaratory resolution by Congress to that effect.	Joint resolution declaring an end to the state of war between the United States and Germany and Austria-Hungary passed both Houses and was signed by the President July 2, 1921.
The urgency for an instant tariff enactment, emergency in character and understood by our people that it is for emergency only, can not be too much emphasized. * * * The maturer revision of our tariff laws should be based on the policy of protection.	Emergency tariff especially designed to protect agricultural interests passed both Houses and became a law May 27, 1921.
I invited the services of a voluntary committee to inquire into the administration of the Bureau of War Risk Insurance, the Federal Board for Vocational Educa-	Fordney tariff bill passed the House of Representatives July 7, 1921.
	Sweet bill, providing for the consolidation and coordination of all Federal agencies dealing with ex-service men under one head, known as the Veterans' Bureau,

PRESIDENT HARDING'S RECOMMENDATIONS, ETC.—Continued.

tion, and other agencies of the Government in caring for the ex-soldiers, sailors, and marines of the World War. * * * This committee has recommended, and I convey the recommendations to you with cordial approval, that all Government agencies looking to the welfare of the ex-service men should be placed under one directing head. It may be well to make such an official the director general of service to war veterans and place under his direction all hospitalization, vocational training, war insurance, rehabilitation, and all pensions.

It is proper to invite your attention to the importance of the question of radio communication and cables. * * * Active encouragement should be given to the extension of American owned and operated cable and radio services * * * but this should be so far as practicable direct and free from foreign intermediation. * * * Government-owned facilities, wherever possible, without unduly interfering with private enterprise or Government needs, should be made available for general use.

The laws giving Federal aid (to State highway construction) should be amended and strengthened. Congress ought to prescribe conditions to Federal appropriations which will necessitate a consistent program of uniformity which will justify Federal outlay.

I know of no more pressing problem at home than to restrict our national expenditures within the limits of our national income and at the same time measurably lift the burdens of war taxation from the shoulders of the American people. * * * A prompt and thoroughgoing revision of the internal tax laws, made with due regard to the protection of the revenues, is, in my judgment, a requisite to the revival of business activity in this country.

I assume the maternity bill, already strongly approved, will be enacted promptly, thus adding to our manifestation of human interest.

Congress ought to wipe the stain of barbaric lynching from the banners of the free and orderly representative democracy.

We shall hasten the solution and aid effectively in lifting the tax burdens if we strike resolutely at expenditures * * *. Our current expenditures are running at the rate of approximately $5,000,000,000 a year, and the burden is unbearable. There are two agencies to be employed in correction; one is rigid resistance in appropriation, the other is utmost economy in administration. Let us have both.

In addition to the above specific recommendations for particular legislation, President Harding recommended the establishment of a bureau of aeronautics in connection with the Navy Department, and also the creation of a public welfare department.

ACTION OF CONGRESS ON THE PRESIDENT'S RECOMMENDATIONS—Con.

passed both Houses and became a law August 9, 1921.

Bill to give Federal authorities absolute control over all cable landings in the United States passed both Houses and became a law May 27, 1921. A bill to open for public use all radio stations which are now under supervision of the Navy Department passed the House June 22, 1921; passed the Senate February 20, 1922. Bill now in conference committee.

Bill to provide Federal aid for public highways in appropriating $75,000,000 for same passed both Houses and became a law November 9, 1921.

Bill to reduce and equalize public taxes passed both Houses and became a law November 23, 1921. This law lifts $800,000,000 of taxes from the shoulders of the American people during the present year; repeals all taxes on transportation of freight, express, and parcel post; repeals practically all "nuisance" taxes; increases by $500 exemptions of income on all incomes of $5,000 and under, which directly affects 3,000,000 heads of families, who comprise the bulk of the average householders; repeals all excess-profits taxes and decreases surtaxes.

Bill to provide public protection of maternity and infancy and extending Federal aid to States which cooperate with the Federal Government passed both Houses and became a law November 23, 1921. This is known as the "maternity bill."

Dyer antilynching bill, making lynching an offense against the Federal statutes, passed the House of Representatives January 26, 1922.

The Congress followed the advice of the President, offered "rigid resistance in appropriations," and struck resolutely at expenditures, as is evidenced by its reducing over $300,000,000 the amounts requested by various Federal departments, boards, bureaus, and commissions. This saving of a third of a billion dollars in appropriation bills by the Congress was in addition to savings made by the executive departments.

The Congress has taken no action in regard to these two recommendations because it is awaiting the report and recommendations of a commission which is working out a program of reorganization of the various active agencies of the Government. This program, before it is submitted to the Congress, must meet with the approval of President Harding. A major portion of this program has been submitted to the President and his Cabinet for their study, amendment, and final approval.

In addition to the above-enumerated laws, the Congress in special session, which consumed less than six months' actual time, passed a number of other very important laws, among them the agricultural credits act, which amended the War Finance Corporation so that it might make loans to agricultural and live-stock interests, and providing $1,000,000,000 revolving fund for the purpose of making these loans; the farm loan bank act was amended increasing funds available for farm loans in the sum of $25,000,000; a law to regulate grain exchanges and dealing in all "futures" in the grain trade; the packers and stockyards act; the immigration restriction law; amended the Edge Act to facilitate the organization of corporations wishing to engage in foreign trade; the "antibeer" act, which strengthened the enforcement of the Federal amendment providing prohibition; reorganized the Indian Bureau; legislation providing for the reorganization of the Philippine Islands' financial system and providing for an extension of Philippine credit in order to save the islands from bankruptcy as a result of the eight years of government of the islands under the Wilson administration.

PRESIDENT HARDING'S RECOMMENDATIONS TO THE CONGRESS IN HIS ANNUAL MESSAGE, DECEMBER 6, 1921.

There is pending a granting of authority to the administrative branch of the Government for the funding and settlement of our vast foreign loans growing out of our grant of war credits * * *. It will be helpful to ourselves and will improve conditions among our debtors if funding and the settlement of defaulted interest may be negotiated.

Every proper encouragement should be given to the cooperative marketing program.

In addition to the above-specified recommendations, President Harding in his annual message December 6 urged the prompt enactment of a protective tariff; the consideration of an amendment to the Federal Constitution to prevent further issue of nontaxable security; the regulation by law of organized labor and the creation of an industrial tribunal as a medium for the prevention of strikes, lockouts, and boycotts; * * * At this time President Harding informed Congress that at some future time he would lay before it in detail a program for the maintenance of a merchant marine. He also informed the Congress that later on he would make additional recommendations regarding further reductions in taxes.

President Harding in his message to Congress December 6 also recommended an extension and speeding up of reclamation work to reclaim and put under cultivation arid, swamp, and cut-over lands.

ACTION OF THE CONGRESS ON THE PRESIDENT'S RECOMMENDATIONS.

Bill to create a refunding commission to handle foreign debts passed both Houses and became a law February 9, 1922.

Bill authorizing producers of agricultural products to form associations for the purpose of cooperative marketing passed both Houses and became a law February 18, 1922.

The tariff bill has passed the House and has been favorably reported to the Senate by the Senate Finance Committee. A resolution has been introduced for the proposing of an amendment to the United States Constitution to prevent further issue of nontaxable securities. Hearings are being held before a House committee upon this resolution. The President, in conformity with his promise in his annual message, delivered to the Congress a special message upon the subject of the American merchant marine. This message was delivered February 28, 1922. Hearings are already in progress.

The Committee on Irrigation of both the Senate and the House have held hearings on a comprehensive irrigation measure, known as the Smith-McNary bill, which will provide means to carry on this constructive reclamation work. The House committee has favorably reported the bill for passage, and it is now on the calendar.

OUTLINE OF NEW IRRIGATION BILL.

Mr. Speaker, because this measure means so much to the States of the West and because I have had an active part in its consideration and am anxious that every Member of the House may understand it, may I briefly outline its provisions? The Smith-McNary bill provides for agricultural reclamation by contracts executed between the Secretary of the Interior and districts to be organized under State laws for that purpose. Such districts must have authority to issue bonds, which shall be a general charge against all lands in the district and to contract under this act.

The Secretary is authorized to investigate the feasibility of reclaiming lands in such a district, one-half the cost of investigation to be paid in advance by the district, the other half by the United States. The Secretary may contract to construct reclamation works and operate the same as long as necessary to safeguard the interests of the Government, the total cost of construction and operation to be paid by the district. The total cost, including interest and overhead, shall be determined by the Secretary after one season's successful operation, which, with expense of maintenance, shall be paid in not exceeding 40 years, with interest not exceeding 5 per cent.

Before construction commences the size of farms shall be established by the Secretary, not to exceed 160 acres each, of reclaimed land.

Deeded and homesteaded and unentered or unpatented arid and semiarid lands of the United States may be included in the district.

The United States may acquire deeded lands for construction, but not for agricultural purposes. The Secretary may accept and dispose of deeded lands in the district upon terms to be agreed upon with the grantor.

Bonds of a district equal to the proposed expenditure shall be issued and delivered to the United States preceding any expenditure by the Government. The Secretary may require additional issue of bonds if first issue is insufficient or may curtail work. Bonds of district in excess of the cost finally established shall be canceled.

Bonds are to be deposited with Federal Farm Loan Board and sold at public or private sale for not less than par when the Farm Loan Board determines the value of the property of the district subject to the payment of such bonds is twice their par value.

Proceeds of sale of district bonds by the Government shall be applied in satisfaction of the obligations of the district.

So far as practical the services of veterans shall be utilized. They shall have an exclusive right of entry for 60 days.

APPROPRIATIONS.

A national revolving reclamation fund is established.

DEMOCRATIC CHAIRMAN VISITS MONTANA.

Mr. Speaker, in the face of this splendid record being made by this Congress and this administration, the chairman of the Democratic National Committee, Mr. Cordell Hull, recently came up into my State from his home in the South and made a speech in one of the big cities there, in which he complained bitterly that the Republicans had not been able to correct in a single year the damage they had done in eight years. He complained about the disarmament treaty; said the four-power treaty for peace in the Pacific was unwise; and declared that the old Democratic "tariff-for-revenue formula," which has always brought about a depression of prices for farm products and nation-wide hard times, was what the country needed.

WOULD SCRAP THE PRIMARY LAW.

The Montana Democratic leaders who arranged the meeting showed their lack of confidence in the people by presenting a resolution they had prepared for the occasion to do away with the primaries, on the ground that they were "too expensive."

The Democratic national committeeman for Montana, Mr. J. Bruce Kremer, of Butte, Mont., declared that the economic and financial policies of the Wilson administration had brought prosperity to the people. If he meant by "the people" the favorites of the Wilson administration, whose profiteering increased the number of millionaires in the Nation by several thousand during the eight years of the Wilson administration, his statement was correct. They certainly did prosper. But that statement will not be taken seriously by the thousands of farmers of my State and of other Western States who have been brought to the verge of financial ruin by those same economic and financial policies, which restricted their profits and increased the costs of everything they had to purchase, and then denied them credit and deflated the prices of all their products, causing losses among the farmers and live-stock men of the West, which many will never be able to recover from during the rest of their lives.

NO NATIONAL PROSPERITY UNLESS THE FARMER PROSPERS.

President Harding and the Republican Congress have realized that there can be no general prosperity the country over until the farmers of the Nation have a just measure of prosperity. Therefore there has been an unusual amount of legislation recommended and passed in the interest of the farmer. This is not class legislation. It is legislation to benefit the whole country; and the beneficial results are already beginning to be felt the whole country over. Prices for wheat and corn, cattle and hogs, sheep and wool have all been steadily advancing, and prospects are good for the future. On the other hand, freight rates and prices for farm machinery and general living costs are being gradually reduced and approaching normal levels.

TIMES ARE GETTING BETTER.

As the farmers receive better prices they are able to begin making purchases of farm machinery, and lumber, and cement, and clothing, and other merchandise of all kinds, business picks up, the wheels of industry begin to turn, labor is employed more and more extensively, and in turn laborers are able to purchase farm produce and merchandise of all kinds, and thus will we replace the vicious circle of high costs of living and decreasing business, short credits, and hard times with a happy circle of better prices for our farm products, better business, easier credits, more employment, and in the end a full and complete return to prosperity and opportunity for all. That is what the people of the country want, and that is what the Harding administration is bringing to pass. Things do not just happen. They are brought about. These bettering conditions which we all appreciate are the direct result of the adopting and putting into effect sound economic policies. As the weeks and the months go by conditions promise to continue to become better and better.

PRESIDENT HARDING INVITED TO VISIT MONTANA.

The accomplishments of President Harding and his administration have proven a godsend to Montana. The President is very popular there. The people approve his disarmament conference, his personal interest in their welfare and financial condition, his study and understanding of their agriculture and irrigation needs. In July of this year the editors of America will hold a National Editorial Association meeting at the city of Missoula, in the western part of Montana. Side trips will be made to many of our principal cities and to Yellowstone and Glacier National Parks. In behalf of all the people of Montana, I have written the following letter to President Harding, who is a member of that association, urging him to attend that meeting, and in my letter I have stated some pertinent facts about the great State of Montana which are of more than passing interest:

Hon. WARREN G. HARDING,
Washington, D. C.

MY DEAR MR. PRESIDENT: All the people of Montana hope for your attendance at the annual outing of the National Editorial Association to be held in that State in July.

Montana, as you know, was first named for its mountains, but more lately has properly come to be known as the treasure State. A frontiersman once said: "When God made Montana He had so much land and scenery He just piled it up in heaps." No other State has the wealth of scenery, the great diversity of soil and climate, the wide variety of resources that Montana possesses, nor the rich romance of early pioneer life. The explorers and fur traders, the missionaries and Indian fighters, the gold mining camps and the cattle ranches, and even our modern mining feats and electrification of our railroads, and our bonanza farming operations are distinctively of Montana.

Our mountains and lakes outrival Switzerland in grandeur and beauty. Our national parks are the largest and most wonderful in the world. Our river scenes are the most marvelous and enticing in all of outdoors. Our forests are as primeval and unsullied by the hand of civilization as on the day when Columbus set sail in a Spanish galleon in search of a short route to the East. Bears, mountain lions, elk, and deer haunt the dark recesses of these unexplored woods, and game fish in abundance are found in all the numerous lakes and mountain streams.

Your great State of Ohio contains a total of 26,000,000 acres of land. In Montana we have 30,000,000 acres of mountains and forests alone, and 30,000,000 acres of grazing land, and 30,000,000 acres of the finest farming land in America. On this grazing land to-day roam thousands of half wild cattle, bearing their owners' brands, and the cowboy, the chuck wagon, and the picturesque log buildings and corrals of the home ranch of story and moving picture are every-day realities here.

It was formerly believed that Montana was an arid country, unfit for farming, but homeseekers from every State have in recent years migrated there, lured by the prospect of a free Government homestead, and have proven the land to be rich in agricultural possibilities. In some sections of the State these homesteaders have raised wheat, oats, flax, and hay that have excelled in quality and in yield per acre the crops produced on the highest-priced farm land in the East and the Middle West. The wealth of farm crops promises soon to exceed the treasure of mineral and lumber, cattle and sheep, for which the State has long been renowned.

The story of Montana outrivals a modern moving-picture scenario for action, color, variety, scenery, and intensity of interest. For scenery we have our shining mountains, perpetually covered with snow, age-old glaciers, fertile valleys, and rolling plains, all with their distinctive wild animal and plant life. There are the mirror lakes, fringed with evergreens, boiling rivers, and cascades dashing through precipitous banks rising over a thousand feet in height, in close proximity to the modern life of our prosperous cities. Our cast will include the murderous Sioux and the friendly Crow Indians, missionaries, soldiers, and scouts; Plummer and Ives, the outlaws, and the vigilantes; gold miners, dance-hall girls, cowboys, and tenderfeet; and the later generation of sturdy and dependable farmers and progressive and prosperous business and professional men of this modern age. For action the wiping out of General Custer's troops and the avenging of the massacre by the frontier American soldiers outrivals any picture ever imagined. All the human passions at their worst and at their best appear through the early period of development of the State, from the turbulent life in the early mining camps, with the hurdy-gurdy dance halls and gambling, shootings, and hangings, hunting the buffalo and breaking wild horses, to the latter-day struggles of the pioneer farmers and pioneer women, real heroines, facing privations, hard labor, and isolation with a cheerful optimism, until we come to the modern towns and cities, with happy homes and all kinds of business activity, and the development of a prosperous farming country.

Montana is rich in Indian lore. As you will pass through the city of Three Forks, Mr. President, where the Missouri, Madison, and Jefferson Rivers converge, you will see from the windows of the train a hotel called the Sacajawea. Sacajawea was a captive Indian girl, called the Bird Woman, for her soft voice. When Lewis and Clark were exploring Montana in the spring of 1806 they employed Sacajawea's husband for a guide, and the Indian bride induced her husband to take her on the journey. Arrived at the three forks of the rivers, the Indian girl recognized the place of her capture years before and was able to lead the exploring party on westward to her native tribe and to make peace with them for the explorers.

Five miles east of Birdtail Rock, in Lewis and Clark County, will be found stone monuments placed at equal distances in the shape of a great V, inclosing several miles of prairie. According to legend, in early days before the Indians learned to use horses they used this as a buffalo trap. It is said they would hide behind the rocks while the buffalo grazed into the trap. Then starting a stampede from behind the Indians would spring forth and add to the terror of the frightened herd and cause it to dash madly toward the apex of the trap, where many of the animals in the front ranks would be pushed over perpen-

dicular cliffs onto great rocks 80 feet below. This slaughter provided hides and meat in abundance. Bones and other remnants of the success of the trap are still in evidence there.

Miles City is to-day the greatest horse market in the world. Its early settlement was greatly hampered by Sitting Bull and his murderous Sioux, who lived in that part of the country.

At Fort Benton are the crumbling remains of the first adobe building to be erected in Montana. This was a fort to protect the fur traders, who established the oldest town in the State at the head of navigation on the Missouri River. The fort was dedicated on Christmas Day, 1850, with music, dancing, and holiday festivities.

The Indians frequented the numerous hot and medicinal springs in the early days, as their "white brothers" now do, for the relief of rheumatism and other troubles. Those most noted in the State are White Sulphur Springs and the Helena Hot Springs, now famous health resorts.

There are six Indian reservations in the State, all interesting and all worthy a visit.

Bannack, Virginia City, and Hell's Hole were the haunts of Plummer and Ives and other of the gentlemanly bandits, who carried on organized robbery and murder until the early miners, in the absence of courts or peace officers, organized the Vigilantes, and brought these outlaws into miners' courts held in the outdoors, where the evidence was submitted, the verdict rendered, and the guilty desperado hanged, all in an afternoon's time.

The city of Helena, the capital of the State, was first called "Last Chance Gulch." The narrow main street, now lined with modern buildings, follows the winding path the miners made in the early days when they built their cabins on either side of the gulch. Millions of dollars of wealth have been taken from the earth in this locality, and even to-day the excavations for buildings are found to be rich in virgin gold. Helena overlooks the Prickly Pear Valley, which has in recent years been changed by irrigation from a sage-brush flat to an oasis of alfalfa ranches. The capital city of the State is very properly called "The Queen of the Mountains."

Missoula, the headquarters for the association meeting, is located in the Bitter Root Valley. This is the garden spot of the State and is noted for the salubrity of its climate and the productivity of its orchards and farms. Flathead Lake, the largest fresh-water lake in the country, aside from the Great Lakes, is located near by. The surrounding mountains and forests are picturesque beyond description. The State University is located at Missoula. One of my acquaintances, a young man attending school there, recently went out in the near-by woods during a two-hour recess between classes and brought in a fine deer.

Lewistown, in the Judith Basin, is located in the geographical center of the State and is also the center of the great wheat-raising section of Montana. Here powerful tractors draw machinery to plow and plant 40 acres a day. During the harvest time combines, pulled by tractors, cut and thresh in one operation literally hundreds of acres of wheat in a day. Billings, the Empire City of the Yellowstone Valley, is the busy business center of the Huntley project territory. This is the most practical and successful of all the many Government irrigation projects. Many believe Great Falls is destined to be our largest city. Here are located power plants and smelters of such tremendous magnitude that they startle the imagination. Within the city limits of Butte are mountains of copper ore. This is one of the largest, most active, and picturesque mining camps in operation in the world to-day.

During recent years Montana has held first place among all the States in the Union in production of gold. Montana has also held first place for silver production and for copper production and also for the number and value of sapphires and precious stones produced. Montana has also during recent years ranked first of all the States in the production of beef cattle, and has stood first in the quantity and value of its wool. For a 10-year period, ending in 1918, Montana holds the highest record of all the States in the largest yield per acre of wheat, oats, rye, potatoes, and hay, according to official records published by the United States Department of Agriculture.

Yellowstone, our largest national park, is marvelous and indescribable. Here are mountains of glass, petrified forests, boiling hot water pouring from the earth, geysers spouting skyward, bubbling, boiling bogs of colored paint, bears, buffalo, lodges, trails, forests, camps, fishing, motoring over perfect mountain roads, and, in fact, everything to entice the lover of the outdoors. The official entrance to the park is at Gardiner, Mont., marked by an arch dedicated by President Roosevelt in 1903.

Glacier Park is 400 miles distant. In Glacier National Park are more than 15,000 square miles of America's greatest outdoor playground. Nowhere else in the world can one get so close to Nature or find such a varied and exhilarating assortment of Nature's wonders. Gazing over McDonalds Lake, within Glacier Park, an unlettered native exclaimed, from the eloquence of his soul, "Here is where God sat when he made America." For awe-inspiring, soul-stirring scenery the glaciers, the mountains, and the forests of Glacier Park have no equal. From one giant mountain within this park the water drains into three oceans.

Connecting these two parks is a 400-mile automobile driveway along the base of the "backbone of the continent," along which one may have a bird's-eye, ever-changing panoramic view of the old Montana and the new. Here are primeval forests, snow-capped mountain heights, and cool and shady mountain passes. Along the route are old-time cattle ranches and rich and modern farms. One will see relics of Indian days, old placer mines, where gold was sluiced, and fallen trees for the present-day sawmills. Here modern man has harnessed the streams for irrigation and power. The bull team of yesterday and the high-powered motor car of to-day, the blanket Indian of the reservation and the hum of modern life in the towns and cities en route all add the peculiar romance and interest that are a part of this park-to-park trip.

As you visit our State, Mr. President, we invite your particular attention to our schools. Of these we are justly proud, for the Russell Sage Foundation, after a recent survey of the schools in all the States, pronounced ours the best in America.

Our people will all welcome you cordially, Mr. President, and you will find them the most hospitable folks on earth. No doubt you remember that when Marshal Foch was making his tour across the continent he exclaimed when he reached Montana, "Here I have found the heart of the American people."

And, of course, you will want to meet our soldier boys. As their fathers and mothers went "over the top" so splendidly in every drive for Liberty bonds, for Red Cross work, and for all other war endeavors, so our boys at the front made a record for valor and action in service which the records of the War Department show was unexcelled by the boys of any other State. Fifty-three of our Montana boys wear distinguished-service crosses. For volunteer service and casualties in action they established a record above all other States of like population.

We earnestly want you with us on this occasion, Mr. President, and we promise to do our best to insure you a good time.

"Git down an' come in!"
Could words open wider a heart or a door
Than that greeting of plainsmen in days that are o'er—
"Git down an' come in?"

Sincerely yours,

CARL W. RIDDICK,
Member of Congress, Second Montana District.

LEAVE TO ADDRESS THE HOUSE.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent that on Friday, after the reading of the Journal and disposition of matters on the Speaker's table, I have permission to address the House for 20 minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House Friday after the reading of the Journal and disposition of matters on the Speaker's table for 20 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, I do not want to object, yet I have so frequently objected to requests of this sort that I am afraid I must object at this time.

Mr. HUMPHREYS. What is the gentleman going to have up Friday?

Mr. MONDELL. On Friday, if we take up the Private Calendar, the gentleman may have an opportunity. I shall be very glad to be of assistance to him at that time.

Mr. HUMPHREYS. I assume that I would not get time on the Private Calendar. I hope it may be on some other bill.

Mr. MONDELL. The gentleman realizes how embarrassing it is to object to requests of this sort, and yet it is very nearly essential that it shall be done.

Mr. HUMPHREYS. I understand that. I was wondering what bill would probably be before the House on Friday.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, if I may have two minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I wish to say that the probability is that we will take up for consideration to-morrow the conference report on the appropriation bill for the independent offices, after which we shall probably go on with the unfinished business, the bill of the gentleman from Indiana [Mr. VESTAL] relative to weights and measures—the container bill.

Mr. WALSH. The basket bill.

Mr. MONDELL. The basket bill; the gentleman from Massachusetts corrects me. Or it might be the box bill. On Friday, Mr. Speaker, we will probably take up the Private Calendar. I want to explain to the House that this change of program—we having intended to take up the legislation from the Naval Committee—is due to sickness in the family of one of the Members, who desires to be here when the naval legislation is taken up.

FISH RESCUE STATION, MISSISSIPPI RIVER.

Mr. GREENE of Massachusetts. Mr. Speaker, I desire to take from the Speaker's table the bill H. R. 2393, an act to provide for the establishment on the Mississippi River of a fish rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce, with Senate amendments, and move to agree to the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. WALSH. Mr. Speaker, this is not a privileged matter.

The SPEAKER. It would be privileged ordinarily, to be taken up at any time after the reading of the Journal. The Chair is not so certain that it will be privileged now. The Chair understood that there would be no objection to it.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. GARRETT of Tennessee. This is one of the times in which the Senate—think of it—the Senate has made reductions. Had we not better grip that while we can? [Laughter.]

Mr. GREENE of Massachusetts. There is no objection to it on the part of anybody.

Mr. MONDELL. There is no uncertainty about that.

Mr. GARRETT of Tennessee. That is what the figures indicate, and they did not come from the Navy Department. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Agricultural appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the Agricultural bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Is there objection?

Mr. LANGLEY. Reserving the right to object, Mr. Speaker, is the gentleman certain that the Senate passed the garden-seed amendment, providing for the free seed distribution?

Mr. ANDERSON. They passed it by a margin of one vote, as I understand.

Mr. GARRETT of Tennessee. Do they ask for a conference?

Mr. WALSH. We ask for the conference.

The SPEAKER. The gentleman from Minnesota asks for a conference.

Mr. GARRETT of Tennessee. Has the gentleman conferred with the gentleman from Texas [Mr. BUCHANAN]?

Mr. ANDERSON. We have not.

Mr. GARRETT of Tennessee. Then I shall have to object.

ENROLLED JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled joint resolutions of the following titles:

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution; and

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2556. An act to advance Maj. Benjamin S. Berry to the permanent rank of major;

H. R. 7589. An act for the relief of Maj. Ellis B. Miller;

H. R. 10864. An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau; and

H. R. 10429. An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Thursday, April 20, 1922, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUMPHREYS: A bill (H. R. 11362) declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 11363) granting a portion of the rents, royalties, and bonuses received from lands within naval petroleum reserves to the States within the boundaries of which said reserves are located; to the Committee on the Public Lands.

By Mr. LEE of Georgia: A bill (H. R. 11364) for the purchase of a site for a post-office building at Calhoun, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ANDERSON: A bill (H. R. 11365) to authorize the purchase of a site and the erection and completion of a public building thereon at Waseca, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. FISH: Joint resolution (H. J. Res. 308) favoring the establishment in Palestine of the national home for the Jewish people; to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: Resolution (H. Res. 329) requesting a conference on the amendments of the Senate to H. R. 9103; to the Committee on Rules.

By Mr. GALLIVAN: Memorial of the Legislature of the Commonwealth of Massachusetts urging the Government of the United States of America formally to recognize the present status of the Jewish people in Palestine; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 11366) granting a pension to Eugene Goss; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 11367) granting an increase of pension to Edward P. Wolfe; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 11368) granting a pension to Mollie Bailey; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 11369) for the relief of A. B. Taylor; to the Committee on Claims.

Also, a bill (H. R. 11370) granting an increase of pension to Charles S. Kinman; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 11371) granting a pension to Martha J. Jackson; to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 11372) granting a pension to Mary Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11373) granting a pension to William Henry Bush; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 11374) granting an increase of pension to Mary F. Stevenson; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 11375) granting an increase of pension to Harry E. Snyder; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 11376) for the relief of B. Jackson; to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 11377) granting a pension to Harriet Boyer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5180. By Mr. BECK: Petition relating to filled milk and oleomargarine legislation; to the Committee on Ways and Means.

5181. By Mr. CULLEN: Resolution adopted by the general committee on Army and Navy chaplains of the Federal Council of the Churches of Christ of America concerning chaplain legislation; to the Committee on Military Affairs.

5182. By Mr. ELLIOTT: Petition of Emma Williams and 100 others, of Richmond, Ind., remonstrating against the passage of House bills 4388 and 9753 and Senate bill 1948; to the Committee on the District of Columbia.

5183. By Mr. FREE: Petition of citizens of San Jose, Calif., against Sunday closing legislation; to the Committee on the District of Columbia.

5184. By Mr. GALLIVAN: Petition of Joseph Middleby, jr. (Inc.), of Boston, Mass., protesting against passage of Senate bill 3290; to the Committee on Interstate and Foreign Commerce.

5185. By Mr. HAYS: Petition of F. S. Leatherberry and 40 other citizens, of Douglas County, Mo., protesting against the passage of House bills 4388 and 9753 or Senate bill 1948; to the Committee on the District of Columbia.

5186. By Mr. HICKEY: Petition of sundry citizens of South Bend, Ind., opposing the passage of House bill 9753, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5187. By Mr. KISSEL: Petition of the Broadway Association (Inc.), of New York City, N. Y., relative to the Post Office appropriation bill as amended by the Senate; to the Committee on Appropriations.

5188. By Mr. TAGUE: Petition of East Boston Post, No. 608, Veterans of Foreign Wars, urging the enactment of a bonus bill; to the Committee on Ways and Means.

5189. By Mr. WATSON: Petition for the relief of Mordecai Fizone; to the Committee on Military Affairs.

5190. Also, resolution passed by the Quarterly Meeting of Friends at Wrightstown, Pa., favoring the lowest possible figure for the Army and Navy appropriations in the spirit of the recent disarmament conference; to the Committee on Appropriations.

5191. By Mr. WHITE of Kansas: Petition of congregation of First Presbyterian Church of Lincoln, Kans., asking the passage of House Joint Resolution 131; to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 20, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee that Thou hast placed us in such a beautiful world, that everything speaks of the hand that made and that is divine. We rejoice that we have the privilege of adding to the beauty of the world by increasing the moral and spiritual forces and emphasizing in our own lives the strength, the moral and spiritual strength, pledged to us through Thine own wonderful grace. Accept of us this morning. Bless our land, our President, and all the interests that we should bear before Thee. We ask in Jesus Christ's name. Amen.

On request of Mr. LODGE and by unanimous consent the reading of the Journal of the proceedings of the legislative day of Tuesday, April 18, 1922, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the amendments of the Senate to the bill (H. R. 2393) to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce.

The message also announced that the House had passed a bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 21) providing for printing additional copies of the tariff bill, with amendments, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice President:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; and

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions adopted by a conference of the National Federation of Construction Industries, at Chicago, Ill., favoring the enactment of legislation to define the operations of cooperative trade associations, the financing of operations for the construction of small homes with the least possible burden to the home builder, and the enactment of legislation taxing incomes derived from State and municipal bonds on the same basis as other incomes, which were referred to the Committee on the Judiciary.

Mr. LODGE. I present a number of resolutions by telegraph expressing sympathy with the establishment of a national home for Jewish people in Palestine in accordance with the terms of the Balfour declaration. I ask that there be printed in the RECORD not the resolutions but simply the list of organizations which I have had appended.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and the list of organizations was ordered to be printed in the RECORD, as follows:

Resolutions of the Congress committee, representing all local Jewish organizations of Youngstown, Ohio, Oscar H. Altschulter, chairman; Youngstown Zionists District, of Youngstown, Ohio, S. Drabkin, chairman; United Orthodox Rabbis of America, of Philadelphia, Pa., Rabbi B. L. Levinthal, president; Rabbi Congregation Bethel Dorchester, of Roxbury, Mass., David M. Shohet; Rabbinical Assembly of the Jewish Theological Seminary of America, of Boston, Mass., Louis M. Epstein, president; the Jews of Newport News, Va., Max Levinson, chairman; Hyman Astor, secretary; Local Lodge Order B'rith Abraham of Newport News, Va., I. Levinson, president; Local Lodge Independent Order B'rith Abraham of Newport News, Va., J. Reyner, president; Hadassah Chapter, of Pittsburgh, Pa., Gertrude Mets, secretary; all of the Jewish ministers of Newport News, Va., Rabbi M. Speir, Rev. I. Feinberg, Rev. S. Cantor; Congregation Adath Jeshurun, of Newport News, Va., I. Cohen, president; the Young Men's Hebrew Association of New Bedford, Mass., Samuel Bebchick, recording secrejary; B'nai Brith of Salem, Mass., Dr. Charles Aronson, president; Congregation Sons of Jacob, of Salem, Mass., Joseph L. Simon, president; the National Jewish Daily, of New York, N. Y.; Jewish Morning Journal, of New York, N. Y.; Rabbi Hyman Soloman, of Lawrence, Mass.; Congregation Temple Emanuel, of Lawrence, Mass., Joseph Harris, president; Haverhill Jewry, of Haverhill, Mass., Rabbi Hyman M. Yood; the United Synagogue of America, of New York, N. Y., Elias L. Solomon, president; Congregation Beth Hamedrish Hagodel, Congregation Beth Israel, Congregation Beth Hachneseth Hacodesh, Congregation Nusach Ari, Congregation Vaad Hakolel, Congregation Anshe Kipol, Congregation Etz Chaim, Congregation Kneseth Israel, Congregation Anshe Poland, Congregation Anshe Radizkovitz, Congregation Ein Jacob, Congregation Lights of Israel, Congregation Anshe Sfard, Hyman Goldman, president, of Rochester, N. Y.; Hebrew Mutual Aid Association, N. Nathan, president; Gathering of Israel, Rabbi M. Fuhrman; Love of Peace Society, B. Meiefsky; Order of Abraham, Aaron Berkwitz; Zionist Organization, K. Halperin, Rabbi David M. Gross, of Pittsfield, Mass.; Zionist Organization of Bridgeport, Conn., Dr. Samuel Wurtzel, secretary; the Organization of Orthodox Rabbis of America, of New York, N. Y., Rabbi A. Yudelowitz, president; Rabbi Ch. E. Moselson, secretary; Rabbi Simon Glazer, of Kansas City, Mo.; American Star Lodge, No. 308, Independent Order B'rith Abraham, of Salem, Mass., Gerald Winer, secretary; Taunton Lodge, Independent Order B'rith Abraham, of Taunton, Mass., Hyman Baron, president; Zionist District of North Adams, Mass., Phillip Solomon, president; Congregation Agudath Achim, No. 3, of Taunton, Mass., F. J. Dana, president; Toro Lodge, Independent Order B'rith Abraham, of Taunton, Mass., W. W. Ells, president; Salem Hebrew Sheltering Society, of Salem, Mass., H. Winer, president; the conference of representatives of Jewish national and central organizations, representing all elements of the Jewish population of America, indorsed by American Jewish Committee (Louis Marshall, president); Union of Orthodox Rabbis (Rabbi M. Z. Margolis, president); Independent Order B'rith Sholom (Solomon Kraus, grand master); Independent Order B'rith Abraham (Judge Aaron J. Levy, grand master); Zionist Organization of America (Louis Lipsky, general secretary); Progressive Order of the West; Independent Western Star Order; Independent Order B'rith Sholom of Baltimore; Hadassah (Miss Alice L. Seligsberg, president); Order Sons of Zion (Judge Jacob S. Strahl, grand master); Mizrachi Organization of America (Rabbi Meyer Berlin, president); Jewish Labor Party; Poale Zion of America; Histadruth Ivrith; Ziere Zion of America; United Synagogues of America (Rabbi Elias L. Solomon, president; faculty of Rabbinical College of America; Jewish National Workers' Alliance; Federation of Jewish Farmers of America; Hebrew Sheltering and Immigrant Aid Society (John L. Bernstein, president); Federation of Russian Polish Jews; United Rumanian Jews of America; Federation of Ukrainian Jews; Federation of Baltic and Lithuanian Jews; Federation of Bessarabian Jews; Federation of Hungarian Jews; Independent Order Free Sons of Israel; Salem Misrachi Society, of Salem, Mass., H. Freedman, president; Salem Hebrew Ladies' Aid Society, of Salem, Mass., Besse Shribman, president; Salem Hebrew School, of Salem, Mass.; Max Harpel, treasurer; Salem Keren Hayesod, of Salem, Mass., Sam Axelrod, treasurer; Bethel Synagogue, of Dorchester, Mass., Rabbi David M. Shohet; Congregation B'nai B'rith of Somerville, Mass., Rabbi S. U. Friederman; Congregation Sharei Jerusalem, of Boston, Mass., Rabbi Aaron Gorovitz; United Hebrew Orthodox Congregations of Cambridge and Somerville, Mass., Rabbi Henry R. Gold; Blue Hill Avenue Synagogue, of Roxbury, Mass., Rabbi Louis M. Epstein; Crawford Street Synagogue, of Roxbury, Mass., Rabbi B. Boruchoff; Beth Israel and Agudath Achim Synagogues, of Malden, Mass., Rabbi J. Abrams; Temple Ohaibi Sholom, Union Park Street, Boston, Mass., Rabbi H. H. Rubenovitz; Temple Mishkan Tefila, of Roxbury, Mass., Rabbi A. M. Shershevsky; Eretz Israel and Anshei Polan Synagogues, of Boston, Mass., Rabbi Philip I. Israelite; Orthodox Rabbis of Baltimore, Md.; United Synagogues of Jersey City, N. J., Harry Max, president; the Young Israel, of Dorchester, Mass., Moses Lesser, president; Congregational Bethel, of Dorchester, Mass., Rabbi Joseph Levenson, president; Congregation Beth Hamdrash Hagodol, of Roxbury, Mass., S. J. Golding, president; Junior Council of Temple Bethel, of Dorchester, Mass., Dr. A. Shubow, president; the Commercial Appeal, of Memphis, Tenn.; the Hebrew Athletic Club of Worcester, Mass.; Congregation B'rith Sholen, of Niagara Falls, N. Y.

Mr. LODGE. I also present individual petitions of 248 citizens of Massachusetts, favoring the passage of the joint resolution (S. J. Res. 191) for the establishment in Palestine of a national home for the Jewish people, and also telegrams from the Palestine National League, protesting against the joint resolution, which I move be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE. I also present resolutions adopted at a mass meeting of citizens of Boston, Mass., in the nature of a petition, praying for the establishment of Armenia as an independent State. The resolutions are brief. I ask that they may be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

We, citizens of Boston, assembled at Faneuil Hall, on the 16th day of April, 1922, do hereby declare that—

Whereas the Armenians from the beginning of the World War fought on the side of the Allies against the Central Powers and Turkey at a tremendous sacrifice of men and property; and

Whereas the allied powers by the treaty of Sevres recognized them as an ally and solemnly promised independence to Armenia; and

Whereas the President of the United States, Woodrow Wilson, has, at the request of the allied powers, defined the boundaries of the independent Armenia, including the four Armenian Provinces of Van, Bitlis, Erzroom, and Trebizond; and

Whereas at the recent Paris conference the allied foreign ministers have agreed again to subject said Armenian Provinces to the sovereiguty of Turkey, the execution of which agreement would constitute one of the greatest crimes of history, leading to further massacres, to estrangement of peoples, and ultimately to international war; and

Whereas the United States, as an associated power in the World War and by her important contribution to the victory, has the right and duty to be heard in the settlement of this, one of the most momentous of war issues: Be it

Resolved, That the President of the United States be requested to express to the allied powers American disapproval of this betrayal of the Armenian people, and to demand that the pledges made to the Armenian people be carried out by the establishment of an independent Armenian State; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, to the Secretary of State, to the chairman of the Foreign Relations Committees of both Houses of Congress, to the allied powers, and to the League of Nations.

Adopted unanimously.

CHARLES W. ELIOT,
Chairman.
ALBERT BUSHNELL HART,
Secretary.

Mr. KELLOGG presented a memorial of sundry citizens of Fergus Falls, Minn., remonstrating against the passage of a compulsory Sunday observance bill, which was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD without the signatures, as follows:

PETITION TO CONGRESS.

To the honorable the Senate and House of Representatives of the United States:

Believing (1) in the separation of church and State;

(2) That Congress is prohibited by the first amendment to the Constitution from enacting any law enforcing the observance of any religious institution or looking toward a union of church and state or of religion and civil government;

(3) That any such legislation is opposed to the best interests of both church and State; and

(4) That the first step in this direction is a dangerous step and should be opposed by every lover of liberty:

We, the undersigned adult residents of Fergus Falls, State of Minnesota, earnestly petition your honorable body not to pass any compulsory Sunday observance bill which aims to regulate Sunday observance by civil force under penalty for the District of Columbia.

Mr. CAPPER presented memorials of sundry citizens of Oswego, Kans., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WADSWORTH presented resolutions adopted by the United Presbytery of Albany at the United Presbyterian Church of Schenectady, and the Presbytery of Syracuse at the First Ward Presbyterian Church of Syracuse, both in the State of New York, favoring the enactment of legislation providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Syracuse at the First Ward Presbyterian Church of Syracuse and the United Presbytery of Albany at the United Presbyterian Church of Schenectady, both in the State of New York, favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the United Presbytery of Albany at the United Presbyterian Church of Schenectady, and the Presbytery of Syracuse at the First Ward Presbyterian Church of Syracuse, both in the State of New York, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution adopted by the Presbytery of Sidney at the United Presbyterian Church of Bellefontaine, Ohio, favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Sidney at the United Presbyterian Church of Bellefontaine, Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Presbytery of Sidney at the United Presbyterian Church of Bellefontaine, Ohio, favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from Rabbi Israel Miller Heubath Him Gudath Achem Congregation; the Zionist Organization of Lorain, Sam Barker, president, Isadore Jacoby, secretary; and the Hebrew Benevolent Aid Association, I. Blumenthal, president, N. Zadikoff, secretary, of Lorain; and the Congregation Beth Jacob, by Rabbi E. Pelchovitz, M. Beim, president, of Columbus, all in the State of Ohio, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for the Jewish people, in accordance with the Balfour declaration, which were referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEWBERRY:

A bill (S. 3489) to continue the Naval Militia as a part of the Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. LADD:

A bill (S. 3490) to continue the district land offices at Minot and Williston, N. Dak.; to the Committee on Public Lands and Surveys.

TARIFF BILL AMENDMENT.

Mr. DIAL submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table, and to be printed.

ALIEN PROPERTY CUSTODIAN.

Mr. KING. Mr. President, I submit a resolution and ask that it may be read and referred to the Committee on the Judiciary.

The resolution (S. Res. 280) was read and referred to the Committee on the Judiciary, as follows:

Resolved, That a select committee of five Senators be appointed by the President of the Senate, which committee is hereby authorized and directed to investigate the acts of the Alien Property Custodian and the administration of the Alien Property Custodian's office, and particularly to investigate the following matters and things: (a) The seizure and appraisal of property; the care of the property seized, whether or not waste has been permitted in relation thereto and the costs and fees allowed paid for such care; (b) the sale and conversion of property by the Alien Property Custodian, whether or not authorized by law; (c) whether such conversions have been by public sale or through private negotiations; (d) whether or not the moneys received by such conversions were adequate and represent the real value of the properties converted; (e) whether or not sales have been made to agents, officials, attorneys, or other persons having fiduciary relations to such property; (f) the sale of patents, trade-marks, and trade names to the so-called Chemical Foundation, a corporation of Delaware, or to any other persons or corporations, and the sale of properties of the Bosch Magneto Co.; (g) and further, to investigate the relations of the Department of Justice to the business and affairs of the Alien Property Custodian, whether there has been any influence or pressure exerted by any Government official or officials, or other persons, to prevent criminal or civil proceedings in relation to any of such transaction; and generally to investigate all matters touching the legality, good faith, and necessity of all transactions and conversions affecting the property held in trust by the Alien Property Custodian.

The committee is authorized to send for persons and papers, to administer oaths, and to sit during the session or during any recess of the Senate and at such places as may be deemed advisable. Any subcommittee duly authorized thereto shall have the same powers as are conferred upon said select committee by this resolution.

JAMES W. PETERS.

Mr. BALL submitted the following resolution (S. Res. 281), which (with the accompanying paper) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint James W. Peters a messenger, who shall be paid $20 per month in addition to the $40 per month he is now receiving, to be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate until otherwise provided by law.

WITHDRAWAL OF PAPERS.

On motion of Mr. JONES of Washington it was

Ordered, That the papers referred to the Committee on Printing November 17, 1921, relating to "the status of Government-owned and Government-controlled corporations" be withdrawn.

JAPANESE IMMIGRATION AND COLONIZATION (S. DOC. NO. 188).

Mr. KING. Mr. President, some time ago the senior Senator from California [Mr. JOHNSON] presented and secured an order for printing as a public document a brief prepared by Mr. McClatchy in regard to the Japanese question, entitled "Japanese immigration and colonization." It was printed as a public document. A number of citizens of California have sent to me a very short reply brief to that, and they ask that that also be printed as a public document in justice to their views. I ask unanimous consent that this reply brief be printed as a public document.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the matter referred to by him be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

DISTRIBUTION OF FREE SEEDS.

Mr. McNARY. Mr. President, in the consideration of the annual agricultural appropriation bill some statements were made which reflected upon the care exercised by the Secretary of Agriculture in the selection of seeds for free distribution, and a very eminent Senator made the statement that those seeds did not germinate; that they were purchased in order to add to the coffers of the seedmen. These and other statements which were made I think should be refuted, and the refutation comes from the Secretary of Agriculture in a letter addressed to me under date of April 15, 1922. I ask unanimous consent that the letter of the Secretary of Agriculture may be printed in the RECORD.

Mr. LODGE. Mr. President, I hope that may be done. I made the statement referred to by the Senator from Oregon [Mr. MCNARY] in reference to the seeds not germinating. That occurred, however, three or four years ago when I tried the

experiment. I, too, have received a very nice letter from the Secretary of Agriculture in regard to the matter, and I have no doubt that a change has been made in that respect.

Mr. KING. Will the Senator from Massachusetts tell us the result of his experiments?

Mr. LODGE. I did so the other day when the agricultural appropriation bill was under consideration. When I planted those seeds only about one-third of them came up.

The VICE PRESIDENT. Without objection, the letter presented by the Senator from Oregon from the Secretary of Agriculture will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, April 15, 1922.

Hon. CHARLES L. MCNARY,
United States Senate.

DEAR SENATOR MCNARY: As my attention has been called to the discussion in the Senate on the 13th instant of the congressional seed distribution item in the pending agricultural appropriation bill, it has occurred to me that you may be interested in the methods followed by the department in securing seed of desirable varieties suitable for growth in the various sections of the country and of high purity and viability.

In purchasing seed for this distribution it is the practice of the department to secure quotations on the seeds needed from reputable dealers only. The tenders submitted are opened by the department board of awards and the awards are made to the lowest bidder, with the proviso that the seed shall be of satisfactory appearance, true to varietal name and type, and of the highest commercial germinability. As soon as the shipments of seed arrive at the department warehouse samples are drawn from the bulk and these are carefully examined and tested in our seed laboratory for purity and viability.

The standards of purity and viability which the department has set up for the seed purchased are unusually high, in fact appreciably higher than those generally prevailing in the trade. If any lot of seed delivered to the department does not come up to these standards, it is rejected and returned to the shipper at his expense. It may interest you to know that for the distribution just closed, which included approximately 960,000 pounds of seed, the department found it necessary to reject 94,000 pounds, either because of unsatisfactory purity or because of low germination, or both.

Only seed of thoroughly established varieties of vegetable and annual flowering plants is included in the distribution, and in order that every reasonable precaution may be taken to get seed of desirable sorts, the department conducts annual tests in its trial grounds at the Arlington Farm, Rosslyn, Va. In these trial-ground tests each lot of seed that has been purchased for the congressional seed distribution is tested in comparison with packeted seed of the same varieties obtained from the best commercial sources. These trial-ground tests not only indicate the viability of the seed under garden conditions but also its trueness to variety and type. In addition to the regular trial-ground tests at Arlington Farm, less extensive tests are made at certain of our field stations in other parts of the country, these in a measure to serve as a check on the tests made at Arlington Farm. I am advised that in these field tests for a number of years past it has but rarely occurred that a lot of vegetable or flower seed purchased by the department for this distribution has not proved true to varietal name. With vegetable seeds the number of such cases has not exceeded 1 per cent.

The viability of the species and varieties of the annual flowering plants generally grown in American gardens, which include those comprised in the congressional seed distribution, averages considerably lower than is the case with vegetable seeds, this being an inherent characteristic of the seeds of these flowering plants. This is thoroughly established by accurate tests and well known to the seed trade, but in the case of these flowering-plant seeds, the department trial-ground tests have proved fully equal, and in many cases superior, to the packeted seeds of similar type and variety obtainable in the American market.

In the case of bulbs, of course, it is not possible to make tests other than field tests, and the results of such can not be available at the time the bulbs are distributed. However, the department endeavors to deal only with reliable bulb growers and in its purchases of bulbs withholds a certain percentage of the purchase price until the results of the trial-ground tests are available. This has been found to practically assure the delivery of good flower-producing stocks. A considerable proportion of the bulbs recently distributed have been grown by the department in connection with its effort to develop an American bulb industry, and these in general have proved very satisfactory.

The methods of buying and testing seeds and bulbs outlined above have been practiced by the department for several years and have been so thoroughly tested in practice that the evidence of the high quality of the seeds and bulbs which the department provides for this distribution is very convincing. There can, I think, be no question that they are superior to the best average quality of the standard varieties offered for sale by the leading seedsmen of the country.

While in any extensive seed-handling activity there is always a possibility of an occasional error, the department is believed to be exercising every reasonable precaution and making every effort practicable to insure the high quality of the seeds and bulbs included in the congressional seed distribution.

Very truly yours, HENRY WALLACE, *Secretary.*

SPECIAL CANCELING STAMPS.

Mr. TOWNSEND. Mr. President, I submit a conference report on House bill 10740. The House has agreed to the Senate amendments, and I ask for the consideration of the report.

The report was read, considered, and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

CHAS. E. TOWNSEND,
THOMAS STERLING,
DAVID I. WALSH,
Managers on the part of the Senate.

H. STEENERSON,
W. W. GRIEST,
THOS. M. BELL,
Managers on the part of the House.

HOUSE BILL REFERRED.

The bill (H. R. 11228) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PRINTING OF TARIFF BILL.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to Senate Concurrent Resolution 21, providing for printing additional copies of the tariff bill, which were, in line 6, to strike out "27,000" and insert "15,000"; in line 6, to strike out "10,000" and insert "5,000"; and in line 7, to strike out "15,000" and insert "8,000."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

THE TARIFF.

The VICE PRESIDENT. Morning business is closed.

Mr. KING. I ask that the Senate proceed to the consideration of the calendar.

Mr. McCUMBER obtained the floor.

Mr. CURTIS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Kansas.

Mr. CURTIS. I have not yet had time to talk with the Senator from North Dakota about it, but I promised upon yesterday to request that we go on with the calendar until 2 o'clock to-day. I ask the Senator from North Dakota if he has objection to that course? If he has, I shall not press it.

Mr. McCUMBER. I hope we shall not go on with the calendar to-day.

Mr. CURTIS. The Senator desires to go on with the tariff bill?

Mr. McCUMBER. Yes; notice was given that we would proceed with the bill to-day, and I hope we can do so.

The VICE PRESIDENT. The Senator from North Dakota has the floor.

Mr. McCUMBER. I move that House bill 7456, the tariff bill, be laid before the Senate.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Simmons
Ball	Gooding	Nelson	Smoot
Brandegee	Harris	Newberry	Sterling
Broussard	Heflin	Nicholson	Sutherland
Bursum	Johnson	Norbeck	Swanson
Capper	Jones, N. Mex.	Norris	Townsend
Caraway	Jones, Wash.	Oddie	Wadsworth
Colt	Kellogg	Overman	Walsh, Mass.
Culberson	Kendrick	Page	Warren
Curtis	Keyes	Phipps	Watson, Ga.
Dial	King	Pittman	Watson, Ind.
du Pont	Ladd	Poindexter	Weller
Ernst	La Follette	Ransdell	Willis
Fernald	Lenroot	Reed	
Frelinghuysen	Lodge	Robinson	
Gerry	McCumber	Sheppard	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is detained on account of illness in his family. I ask that this announcement may stand for the day.

Mr. WILLIS. I desire to announce that the senior Senator from Florida [Mr. FLETCHER] is detained on business of the Senate.

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present.

Mr. McCUMBER. Mr. President, I now renew my motion that the tariff bill may be laid before the Senate for consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industry of the United States, and for other pur-

poses, which had been reported from the Committee on Finance with amendments.

Mr. McCUMBER. Mr. President, before proceeding with the consideration of the tariff bill in detail I think it appropriate to comment very briefly upon its general purposes and the conditions which are sought to be met by its provisions.

Mr. President, never before in times of peace have such difficult and such serious problems confronted the country, its industries, and its whole social fabric as those which challenge its attention to-day. Never before have the Ways and Means Committee of the House and the Finance Committee of the Senate had presented to them such a difficult task as that involved in the making of this tariff bill. We have been often advised, and the advice is well founded, that of all times in our history this is the very worst time to formulate and put into effect a new tariff measure; but, Mr. President, it is equally true that of all times in the history of the country this is the time in which a protective tariff is most needed to sustain our American industries and our millions of people dependent upon them. The condition demands action, and, no matter how difficult the problem or how slender the hope of enacting a law that will exactly square with every requirement in these most abnormal times, Congress must meet the task with a patriotic determination to enact a tariff law that will at least guide us into the haven of normal prosperity.

Heretofore we have had comparatively little difficulty in applying as the standard of measurement in fixing our rates the difference between the domestic and foreign costs of production. These differences for the most part have been reasonably stable and certain; but since the 11th day of November, 1918, we have lived in a new world. Old landmarks have been swept away; old guides have become misleading.

During the first three years of the World War the principal source of supply for the Allied Governments was the United States. We took advantage of that war condition, and for three years preceding our entry into the conflict this country enormously enriched itself at the expense of the struggling nations of Europe.

This accelerated progress in the accumulation of wealth brought with it a vastly higher standard of wages and vastly increased earnings of capital. The American appetite for both had become so intensified that when we entered the conflict in 1917 the impetus already gained sent us forward into the field of still higher wages and still more enormous capital returns, which continued to mount skyward for nearly two years after the armistice had been signed and the war was over.

But, Mr. President, there came, as there must come, an end to all such mad flights and resulting extravagances. The manufacturer's cost, his increased overhead expenses, the tremendous rise in freight rates, soon brought the prices of our mills and factories up to a point beyond the reach of the consuming public, and a quick and decisive reaction began in the last quarter of 1920. This reaction was aggravated by the sharp decline in the price of agricultural products. The farmers of the country could no longer purchase liberally manufactured products. The millions of clerks, teachers, professional and vocational men and women—those whose earnings had not increased on a parity with the average earnings of organized labor—found themselves unable to continue their purchases of manufactured products. We all found the bottom of our purse at about the same time.

Under normal conditions Europe had been able to absorb most of our surplus of agricultural products at such purchasing prices as gave us some slight profit; but ruined, bankrupt, tax-burdened Europe could no longer absorb this surplus, and agriculture suffered more of a decline than any other industry. The other industries rapidly followed.

While on this side of the ocean the cost of production increased until about January, 1921, just the reverse condition was operating in Europe, with the exception of one country. Wages in the vanquished country enormously declined. In other countries, measured by the only stable currency in the world, the American dollar, the spread between American cost of production and foreign cost of production has been growing ever greater and greater. The depreciated currency of the Old World has helped to widen the breach.

The gulf separating the cost of production at home and abroad is now so deep and so wide that tariffs which would be sufficiently high to protect our markets against the countries of cheapest production would amount to an embargo against all the rest of the world. To reconstruct our commercial bridge across this chasm two things must operate at the same time in the United States. First, a protective tariff law that will bring the cost of the foreign product when landed in the United States to more nearly equal the cost of the American product in our markets. Second, such reduction in the cost of production in the United States as will more nearly approach and neutralize the difference in cost between the home and the foreign product.

Mr. President, we have written our tariff law on the basis of both revenue and protection. We believe we have made no rate so low that it will compel the American producer to surrender the American market to the foreign producer, if he exercises proper economy in the manufacture and marketing of his product. On the other hand, we do not believe we have made any rate so high as to prevent reasonable foreign competition.

We have tried to protect the American producer, believing that he is entitled to first consideration in his own home market. We have tried to sustain the standard of laborers' wages in the United States and to maintain their higher standard of living in this country, believing such a policy is for the very best interests of both the producer and the consumer. At the same time we have tried carefully to guard the interests of the great consuming public against any unjust charge for the commodities which make up their daily requirements.

We are, therefore, Mr. President, brought face to face with the problem of protecting the American standard of wages and the American standard of living through the protection of our American markets.

We are now to answer the question whether or not we shall continue the policy of protection to our American industries or surrender that policy. To continue it means a most stringent protective system. To surrender it, in the light of the distress and calamity that would surely befall the country, is unthinkable. No matter how ardent a free trader one may be, I do not believe there is one living in the United States who to-day would dare, if it were in his power, to attempt to put into operation his free-trade philosophy.

I shall not stop now to discuss the advantages of a higher standard of wages, with its consequent higher cost of living, as against a lower wage scale, with consequent lower cost of living. It is sufficient to say that for nearly three-fourths of a century we have been living upon the higher wage and higher standard of living plane, and any sudden reversal of that policy would disrupt our entire industrial life and bring about a most appalling catastrophe to the country.

We all recognize the stock arugment so often used by the opponents of protection. They say to the individual producer, "What per cent of the entire product consumed in the United States do you produce?" The witness may answer, "Our concern produces less than one-tenth." The retort then comes, "Then you would tax all of the American people a 30 or 40 per cent higher price that you who produce less than one-tenth of their requirements may live?" And so they can select a thousand different industries in the United States which produce less than 50 per cent of the American consumption, or whose employees constitute less than 50 per cent of the population, and make the same comment. But, Mr. President, if we are to sustain this country as a producing country, as a manufacturing country, we must sustain the many units constituting the whole, even though one standing alone may not seem so important. It takes all the units to make the whole, and we can give the policy of protection to the whole only by giving it to the several units.

Our soil to-day produces more than the American public consumes. The depressed prices of agricultural products are due to our surplus, augmented, of course, by the Old World bankruptcy. By decreasing the number of American consumers of agricultural products you would drive them back to the soil, increase the number of producers and the quantity of the product, and bring agriculture to a worse condition than during these most trying times.

A witness before the Finance Committee—and, by the way, he was a stockman—suggested that the packers of the country ought to conduct the retailing of meats throughout the United States; that with their great organization they could sell the meats which they produce at an enormous saving to the American consumers, and even then make profits sufficient to pay the stock raisers a far better price for their stock. The witness cited the enormous spread between the prices which the packer receives for his product and the prices at which the same product is retailed to the consumer. I ventured to ask him what he would do with the hundreds of thousands, including their employees, of little meat-market men in all the country towns, with the meat dispensers in the cities. He replied that they would have to seek other employment. "Would you send them back into the stock-raising business?" He saw danger there, as anyone would—the danger of converting this vast number of live-stock consumers into producers.

This is true of our agricultural situation throughout the whole country. We are already producing such a surplus that our prices are low, and yet many are preaching a policy of inducing more people to go into the farming business, thereby to decrease the number of consumers and increase the number of producers. What a fallacy! What a short-sighted theory! What the farmer needs is the greatest number of consumers of his product. If he can make the home consumption greater than the home production, even though the deficit does not exceed 1 per cent, then, with a proper tariff wall, he can secure a just price for his product.

For the most part, wheat is a drug on the American market. As stated by President Harding in his address to the Congress, a bumper crop of wheat in the United States often brings in less cash to the farmer than a very much smaller crop. We want more acres of farm land planted to other products. We want to encourage the farmers in this country to sow millions of acres to flax, to hemp, to onions, to beans, and other such products. We, therefore, give good protection to flax. We give encouragement to the production of hemp and beans, and like products. We want to reduce the wheat surplus.

So, Mr. President, the real issue in this tariff bill, and the only legitimate issue, is whether the American market belongs to the American producer or whether it belongs to the foreign producer—whether it shall be turned over to the foreigner, who can produce at a lower cost, or be retained by the American, who must produce at a higher cost—whether we shall continue to pay our laborers a wage very much higher than the average foreign wage or force them into competition with the extremely low-paid labor of the Old World.

This Congress comes from the people pledged to the principle of protection to American manufacturers, to American farmers, and to American laborers. In reporting this bill we have done nothing more than to carry out this pledge. We have done nothing less than this.

I think we can justly say that never before in any tariff bill has the interest of agriculture received such favorable consideration as in the construction of this proposed measure. We have guarded the interest of the farmer as much as it is possible for a tariff bill to yield him protection. He has been underpaid for his labor for many, many years. Agricultural depression has made itself felt throughout the country and has been a big factor in the closing of our manufacturing establishments.

Even if this protection means any increase in the cost of living, the public will be more than compensated, because every dollar of benefit to the agricultural class will be reflected in the increased production of our mills to meet the farmers' increased purchasing power and in increased employment of American labor. But, Mr. President, in my opinion it will not increase the cost of living on the whole one cent. It needs but a glance at the farmer's price and the ultimate consumer's price of agricultural products to show that there is a sufficient spread between them to absorb many times over the little additional benefit which the farmer receives.

To show how deeply American agriculture is concerned with the prosperity of American manufactures and how dependent the one is on the other, I wish to give some figures which are furnished by the 1922 report of Armour & Co. In this report it is stated that the farmer is working for 25 per cent, or thereabouts, of what he made two years ago, while the city man is getting nearly as much, and in many cases as much, as he did during the war; that this has put the farmer at a serious disadvantage as a purchaser, and the industries of the country have suffered accordingly; that while his cattle brought him an average of $11.17 per hundredweight in 1919, he received only $6.74 in 1921, and that this was lower than the pre-war price of 1914; that porkers which brought $14 a hundredweight in the fall of 1920 were worth little more than $7 a year later; that while the total exports of meat products for the first 10 months of 1921 were 11 per cent greater in tonnage than the corresponding period of 1920, they were less in dollar value by 30 per cent, reflecting the inability of Europe, with its adverse rates of money exchange and its generally impoverished condition, to buy American products unless the prices were very low.

But here is the principal matter to which I direct attention: Domestic consumption of meat products, which in 1900 was 185.5 pounds per capita, was but 154.3 pounds per capita in 1920, and considerably less than this, although the figures are not brought down to date, in 1921. Hard times mean lessened consumption of farm products.

The tariff-bill reviewers of the country have had much to say about how this bill compares with the present tariff law and the Payne-Aldrich law. I think it proper to say that the committee gave but casual attention to either of these laws. The whole industrial, commercial, and economic world has changed since these bills were enacted. The committee had to deal with present-day conditions and to rest its conclusions upon those conditions and upon such changes as might be reasonably anticipated. Any comparison with either of these old laws would avail little.

The only question now before the Congress is, Does this proposed law meet the present situation as nearly as it can be met by tariff legislation? It may be that in some instances the rate of duty is as low as the present defunct law. We know that on the whole the rates are very much lower than in the House bill. By imposing duties upon some products which have heretofore been placed upon the free list, and also increasing the duty on some articles which were carrying too low a rate of duty, we have been compelled to increase the compensatory duty on the manufactured article into which the dutiable article enters, and in such cases we may have found it necessary to make rates even higher than the Payne-Aldrich Act. Thus, where we placed a duty on hides, which had been on the free list under the Payne-Aldrich Act, it was necessary to give a compensatory duty on the things made from hides. Otherwise the same hides would come in in the form of manufactured articles and nullify the benefit which we sought to give the cattle raiser by imposing this duty.

Mr. President, I have read with interest the criticisms made of this measure since it was reported to the Senate; and when I read the declaration of some of our manufacturers that the duties in any schedule are so low that their business will be absolutely ruined, and then read the declaration of the importers that the duties in that schedule are so high that their importing business will be absolutely destroyed, I am confirmed in my belief that the rates fixed by the committee are about right.

With the rapid changes going on in the world in the cost of production, in the fluctuation of exchange, in the increase of labor's cost in some cases and decrease in others, any rate which we may now establish as being the proper rate may be found to work an injustice either as against the American manufacturer or the American importer. We have attempted to meet this by a provision permitting the Executive, on a finding of fact that the rates are so high that they amount to an embargo or are unjust or too obstructive to fair competition and fair commerce or so low that our industries are being destroyed, to lower or advance the rates within fixed limits to meet those situations. The President will have to guide him all the data which an industrious Tariff Commission has gathered and is gathering in relation to our foreign commerce. That commission, therefore, will become a forum in which any complaints may be lodged as to the unfairness or the injustice of any rate; and, through the President, we will be able to rectify any injustice that may become pronounced by reason of future fluctuations in market prices.

Mr. President, I think that about 60 per cent of our dutiable imports carry an ad valorem rate and about 40 per cent specific duties.

The bill as it passed the House made the valuation of comparable American articles the basis for levying all ad valorem duties. The Committee on Finance of the Senate most fully and earnestly considered this new departure, and in connection with it also considered the taking as a basis the selling price of the imported article in the United States. There are many arguments that can be urged in favor of the American valuation as the basis of our ad valorem duties. No one who has ever given the subject consideration can fail to note the injustice of the foreign valuation standard of fixing tariffs growing out of the disparity between the cost of production of the same article in the different countries. If an article costs to produce 50 cents in Japan, $1 in Germany, $2 in France, and $3 in Great Britain, and we levy a duty of 20 per cent on the foreign valuation, we charge the Japanese importer for the privilege of entering our markets with his product 10 cents, the German importer 20 cents, the French importer 40 cents, and the British importer 60 cents. Thus we have a range of import duties on practically the same article, of the same intrinsic value, of from 10 to 60 cents, or a difference of 600 per cent. We tried to avoid these discriminations by placing a specific duty wherever it was possible to do so. But inasmuch as 60 per cent at least of our imports are such that it is impossible to levy specific duties, we are forced to continue duties which are discriminatory as between the manufacturers in different countries.

Mr. WATSON of Indiana. Of course, the Senator means by that 60 per cent of the dutiable list, not of our entire imports?

Mr. McCUMBER. Yes; about 60 per cent of the dutiable list. The evidence before the committee, however, shows that for the most part the foreign manufacturer, who produces at a cost considerably below pre-war cost, is selling in this country very close to the American price and reaping enormous profits. If

an article costs 20 cents to manufacture and is shipped from the foreign country to our American market, and the same article costs $1 to produce in this country and place on the market, and both the American manufacturer and the foreign producer sell the same in the American market for $1.10, the American producer has a profit of 10 cents and the foreign producer a profit of 90 cents. The American valuation system would compel the foreign manufacturer to share to some extent these abnormal profits with the Government of the United States for the privilege of using our markets. Therefore, the American valuation—the wholesale selling price in this country—if it could be applied, would, of course, be the fairest and most equitable system. The Government would receive the same amount on a given value, no matter from what country imported. The importers would be treated alike, and exact justice would be done as between the exporting nations.

There is a general impression, which is entirely erroneous, that the adoption of the American valuation would increase the amount of duty. Of course, if we simply apply the same rates under the American valuation system as upon the foreign valuation, that would be the case. But if the American valuation should be adopted the rates imposed would be very much lower, so much lower as to bring about the same equality between the duty that would be obtained under the one rate and that which would be obtained under the other.

While the Committee on Finance considered it best at this time under present abnormal conditions to continue the old system of basing the rate upon the foreign value of the article, it nevertheless, as it established a rate for each item, had its experts make an estimate of what would be an equivalent rate of duty based on the American valuation, so that if Congress should finally adopt that standard we could quickly change the rates to meet the views of Congress.

I shall not repeat here the difficulties which the majority of the committee considered of sufficient importance to induce them to continue the old system of foreign valuation as the basis of our ad valorem rates. They are fully set out on pages 4 to 9, inclusive, of the committee's report. I especially invite the consideration of that portion of the report when we consider the question of the basis of valuation.

Mr. President, in reporting this bill the committee has done all it can do to help the American people to help themselves by proposing such tariff legislation as will give confidence to business and by assuring them an American market to operate in. This proposed legislation will open the way to prosperity in the United States, but it will not unaided bring about this result. The American people must do the rest, and right here I want to say a word to the American manufacturer and the American laborer in our factories. This bill is intended to, and I believe it will, sufficiently protect your market against any excessive foreign invasion, but just remember that your great customer is the American public. Just remember that over 90 per cent of all your products must be consumed in the United States, right here at home.

I think I am clearly within the actual facts when I say that two-thirds of the American people, the breadwinners in the United States, are not receiving an income any greater than their pre-war income. The net earnings of the agricultural class are, on the whole, below the pre-war income. When we deduct the rents, or in lieu of rents the added taxes and cost of up-keep of the homes, of another one-third of our population who are also breadwinners, it will be found that their net income is also below their pre-war income.

These people are all consumers of the products of our American factories. They are their principal customers. They purchase more than nine-tenths of all their products, and when I say that these people can not spend any more than they earn, I think I have sufficiently foreshadowed the necessity on the part of the manufacturers of bringing down the production cost of their commodities to within the purchasing reach of this vast army of American farmers and American wage earners—a reach that can not extend one inch beyond the limit of their earnings.

We have tried to help bridge this gulf between the production cost of manufactured articles and the consumer's ability to buy them by doing what we can to increase the purchasing power of the latter, and it is now up to the manufacturer to do his part to bring his cost down to meet the size of the consumer's pocketbook. With the present high cost of living it would be most unjust to start his economy by forcing a reduction in the wages of his employees. I am not a manufacturer or an employee, but being an American citizen who must buy the articles that result from the capital of one and the labor of the other, and knowing that the principal cause of idle mills and idle men is this disparity between manufacturers' cost of production and consumers' ability to pay, I think I can suggest a course that will do more for our national prosperity than can be accomplished by any kind of law, tariff or otherwise. Let the manufacturer be satisfied with a most meager return upon his investment for a while, then let the employees increase their efficiency to the highest possible degree. It is a healthful sign that this efficiency is being increased, but it is true that it has not yet reached its pre-war standard. Then if the retailer will just follow the manufacturer, the great American public, now hungry for more and better things, will give employment to all to supply its demands and old-time prosperity will again reign throughout the land.

Mr. President, the Actuary of the Treasury Department has not had time to complete in detail his estimate of the revenue which will probably be derived from this bill. As soon as he completes the estimate I shall have it printed in the RECORD. I can say now, however, that it is expected that this bill, if enacted into law as reported by the committee, will yield a revenue, in round numbers, of about $350,000,000.

Mr. President, I ask unanimous consent to dispense with the formal reading of the bill, that the bill may be read for amendment, and that the committee amendments may be first considered. I would avoid the necessity of reading the whole bill unless Senators on the other side of the aisle so desire.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Is there objection to the request of the Senator from North Dakota?

Mr. SIMMONS. Mr. President, ordinarily I would not object to such a request, but I feel that I must do so under the circumstances. I have stated to the Senate heretofore the utter inability of the minority members of the committee to prepare themselves for the consideration of the bill within the time which has elapsed between its presentation and to-day. We have been working, and working very diligently, in order to get ourselves ready in the hope that in readiness we might find facility in the consideration and disposition of the different items in the bill.

I want to say to the Senator from North Dakota that I am not ready to-day to present my views with respect to the bill. I am not ready to-day nor are my associates composing the minority of the committee to begin the discussion of the amendments proposed by the committee to the bill. I assure the majority that as soon as we are ready to do so we shall not obstruct, but shall do everything we can to facilitate the speediest possible final determination of this very important measure.

For these reasons I feel compelled to object to the proposition of the Senator from North Dakota that we shall immediately begin the consideration of amendments to the bill.

I have had to do with tariff bills for the last 21 years in this body. I can not recall an instance where we began the consideration of Senate committee amendments until after there had been weeks of general discussion not only of the bill but of the different schedules of the bill. I am of the opinion, speaking out of my experience in connection with the other tariff bills, that detailed action upon specific amendments will be greatly facilitated by a reasonable general discussion, familiarizing Senators with the contents of the different schedules, and making it unnecessary when the amendments are reached to have the detailed discussion that would otherwise be necessary.

I do not think any time would be lost by a reasonable general discussion, but the proposition here is within an hour after the bill has been taken up for the first time that we shall begin the consideration of the amendments, with absolutely no discussion except the report of the majority of the committee, which I wish to say now is a very meager report, though I do not want to criticize it, and the general discussion of the Senator from North Dakota this morning. The Senator's speech, of course, we all recognize possessed those qualities of force and vigor which characterize all his utterances, but his discussion has been of general principles and not of any of the particular provisions of the bill. Under the circumstances, Mr. President, I shall have to object, and I ask for the reading of the bill.

Mr. McCUMBER. Mr. President, just one moment. Possibly the Senator from North Carolina misunderstood the request which I made. It was that the bill might be read informally and that instead of going through the formal reading of the bill it might be taken up for action on the amendments. That did not mean, of course, that there was any proposition to force a vote upon any amendment before Senators had plenty of time and were ready to vote upon such amendments. It was simply to avoid the long time that would be necessarily taken by the Secretary in the reading of the bill, which, of course, would take all the afternoon, and perhaps very few would follow it or understand it as it would be read. That course seemed to me to be practically a waste of time, and I

thought we could have the formal reading dispensed with and probably go on with the discussion of the bill any time to-day or to-morrow, or a discussion of any amendments that Senators might desire to discuss. I do not expect to call up an amendment and have that amendment voted upon to-day. That would be unfair.

Mr. SIMMONS. I did not understand that the Senator expected amendments would be voted on to-day, but I understand the Senator expected, after the Secretary had devoted a few minutes to reading, that he would take up the first item in the bill which has been amended by the committee, and that we would begin at once the discussion of that specific amendment.

Mr. McCUMBER. Does the Senator object that the formal reading of the bill may be dispensed with?

Mr. SIMMONS. If the bill could go over——

Mr. McCUMBER. Of course, it would take all afternoon for the Secretary to read it, and I dislike to impose that task either upon the Secretary or upon the Senate, because the reading will not be listened to.

Mr. SIMMONS. I have told the Senator very frankly that I am not ready to begin the discussion of the amendments to-day.

Mr. McCUMBER. May there not be others who are ready?

Mr. SIMMONS. I know of no one who desires to speak, and I know of no one who has read the bill sufficiently to enable him to begin its consideration at this particular time.

Mr. SMOOT. I ask the Senator if he will object to the formal reading being dispensed with, with the understanding that we shall begin the reading of the bill now and pass over the amendments, so that we can have the bill read for the record, and consider no amendments until after the bill is read and then refer back to the amendments, beginning with Title I of the bill.

Mr. SIMMONS. What would we do if the bill is to be kept before the Senate after it is read except to begin the consideration of the first amendment, if there is no one ready to speak?

Mr. SMOOT. I should think the Senate could take up the first title of the bill, and the amendments which are in that title, I assure the Senator, will take some time to discuss. That is the chemical schedule. I think there are Senators on both sides who want to discuss that schedule, and we might as well get that back of us. We need not do that until the bill has been read as suggested.

Mr. SIMMONS. I will state to the Senator that the Senator who has been agreed upon to take special charge of that particular schedule advises me that he is not ready now to begin the consideration of the amendments in the schedule.

Mr. JONES of New Mexico. The Senator from North Dakota in his address this morning rather intimated that the question as to whether we should frame the bill on the basis of the American valuation or the foreign valuation would be presented to the Senate. I should like to know whether the Senator wants to present that phase of the bill first or proceed to amendments upon the theory that we are going to have the foreign valuation?

Mr. McCUMBER. The committee reported in favor of the foreign valuation, and the committee, through its chairman, will take that stand all the way through. I do not know that there is anyone in the Senate who will raise the question of the American valuation. The bill came over from the House with the adoption of the American-valuation basis. The Senator has undoubtedly read some of the comments by the chairman of the Committee on Ways and Means of the House, showing a very strong purpose to raise that question. I do not think that it will be raised in the Senate, although I may be in error.

Mr. JONES of New Mexico. I hope the Senator has stated what will be the result. So far as I am concerned I hope no one will insist that we shall take the so-called American-valuation or American-price plan. But the Senator indicated this morning that the committee has prepared a series of rates which would be applicable to the American-price plan, and it occurred to me that if there is anyone who is going to contend seriously for the American-price plan as the basis of the bill, we had better take that question up first and dispose of it before we begin the consideration of the amendments. The amendments proposed are on the basis of the foreign valuation or the foreign price, and if we are even to consider the question of the American-price valuation in fixing the rates we had better dispose of that question now.

Mr. McCUMBER. Let me explain the matter to the Senator so that there may be no misunderstanding. The majority of the committee in framing this bill had under consideration three standards of valuation as the basis of tariff rates: First, that which was contained in the Fordney bill, which based the rates upon the selling price of comparable articles in the United States. Early in the discussion, I think, the committee were unanimous that that was an impossibility; that it could not be carried out. The next suggestion which was presented was the basing of our rates upon the selling price of the foreign article in the American market; but as that required a great deal of thought and discussion it was considered best to fix the rates upon the old system of foreign valuation, and at the same time to have made a comparison between the respective rates under the various standards to ascertain whether some other system could be properly applied, and to consider the administrative features. Therefore, to guide us as to whether in the end we should adopt the one or the other, we had one of our experts convert the foreign-valuation rates into equivalent rates of duty based upon the American selling price of the same article, so that we would have that before us before finally determining which basis we should adopt. After full consideration the majority of the committee thought it was best to formulate the bill and put it through upon the old basis of foreign values; and, of course, we then discarded both of the American-valuation bases. So, unless some Member of the Senate raises the question and discusses it, we shall go ahead and put this bill through the Senate upon the foreign-valuation basis.

Mr. JONES of New Mexico. Does not the Senator believe that it would be advisable, first, to take up that section of the bill which specifies the basis of the valuation and have that question first settled?

Mr. McCUMBER. I should say not. I should say it would not be a good plan to take that question up unless it is raised in the Senate, and I hope it will not be raised. If it is raised in the Senate, of course, we shall have to discuss it pro and con.

Mr. JONES of New Mexico. Why not adopt that section of the bill first? If there is no objection to it, it can be adopted by unanimous consent.

Mr. McCUMBER. I certainly should be very glad to have that done.

Mr. JONES of New Mexico. Suppose the Senator brings that question up now and let us adopt the plan of valuation proposed by the committee without any discussion.

Mr. SIMMONS. Mr. President, the very question which the Senator from New Mexico [Mr. JONES] has raised is inevitably presented by the parliamentary situation which we have without any Senator introducing the question by special amendment. We are considering amendments to the House bill. The House bill provides for the American valuation scheme. The Senate committee proposes to amend that. That situation raises the question, and it can not be escaped. Of course, we may desist from any discussion of it if we wish to, and we may vote on it when the Senate committee amendment to the House bill is offered; but, Mr. President, the situation that exists, in my judgment, makes it imperative that we shall discuss this very question.

The Senator from North Dakota advises us that a majority of the committee have agreed to substitute the foreign for the American valuation principle of the House bill, but he at the same time advises us that the committee had their experts make rates which his committee agreed to or was satisfied with in case the American valuation principle was ultimately agreed upon. It will not be agreed upon, I am sure, in the Senate; but that does not mean that it will not be agreed upon in conference. The House bill contains certain rates based upon the American valuation. Those rates were not satisfactory to a majority of the Finance Committee, and the committee have prepared a schedule of rates based on the American valuation, which, if we are going to have the American valuation, will be satisfactory to them. They are, we will say, lower than the House rates. Now, when the measure gets into conference, how easy it would be, if a deadlock should be created upon the question, for the Senate conferees, opposed by the House conferees, to accept the American valuation, substituting for the House rates the Senate rates; and if the conference report should be presented in that shape——

Mr. WATSON of Indiana rose.

Mr. SIMMONS. Just a moment. If the conferees should agree upon a report carrying the American valuation principle, with a different set of rates from those which are provided in the House bill, then we would be in the position that we could not vote against that principle without voting against everything in the conference report.

The point I make is this: The situation, in my judgment, requires that there should be at least reasonable discussion upon this question with a view of informing the country and with a view of influencing the House of Representatives, if you please, so that there will not be that pressure in the conference to force upon the conferees the House view of this matter.

I do not see how we are going to escape a discussion of that question. I think it would be bad policy for those who believe, as I believe and as the majority members of the Committee on

Finance believe, in the foreign valuation principle as against the American valuation principle to refrain from such a discussion. I think we should buttress our position by an open discussion here in the Senate of the weaknesses and the faults of the American valuation system in order that we may influence, as I have said, opinion upon that question, which opinion will be reflected upon the Members of the House and the conferees, with a view to safeguarding whatever action the Senate may take with reference to the basis of valuation. In other words, Mr. President, it is not sufficient for the Senate to vote down the House proposition upon this question, but the Senate ought to put itself in a position of strength with the country and with the other side of the Capitol upon it.

I do not know what discussion of this question was had in the House. I know that they devote only a few days to the discussion of a tariff bill over there and could not devote more than a few hours to the discussion of this great question. I have not read the House debates, but I assume that the discussion of this question in the House was of the most inadequate and meager character, and that there has not been ample and sufficient discussion of the question before the country, and we ought to have it here. This is the great body which in the last analysis solidifies or strengthens the public opinion of the country upon a question of this character.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield to the Senator from North Dakota.

Mr. McCUMBER. I think the Senator undoubtedly misapprehends the purpose in ascertaining what duty a rate fixed upon the basis of the foreign valuation would impose as compared with a rate fixed on the American valuation basis. What the committee wanted to do was before we reported the bill to the Senate to have some guide in determining what standard of valuation we should follow. After most thorough consideration we adopted the old foreign valuation standard. We have given our reasons at great length in the report why we adopted the old standard instead of changing to the new.

I myself never believe in taking any time in discussing an issue which may never arise, and for that reason I was perfectly willing to accept the suggestion of the Senator from New Mexico [Mr. JONES] that we settle that question unanimously here and have no discussion of it. By so doing we will gain this much—that question will be determined by the unanimous action of the Senate; and I do not see how it will be possible for the conferees on the part of the Senate ever to back down from that position. I still strongly believe that the House will agree to the valuation which we will submit to the House; but if it should not and we get into a deadlock, then there will be time enough to discuss the question upon which we are deadlocked. Nothing can prevent the Senator from discussing it fully, but we may never have to reach that condition, and I do not believe we will reach it. Why, then, the necessity of arguing the question here for days and possibly weeks when all the time will be entirely wasted? Having charge of this bill, I can say to the Senator most candidly that if, after it passes, the conferees on the part of the Senate should ever come back with an American valuation scheme, there will be full and ample opportunity to debate that question and to take the sense of the Senate upon it.

Mr. SIMMONS. I understand that.

Mr. McCUMBER. But inasmuch as I do not believe for one moment that there will be any such change, why take weeks in discussing a matter that may never become an issue?

Mr. SIMMONS. Mr. President, it will not become an issue here in this Chamber, because we all seem to take one view of this question, but it is certainly going to be an issue in the conference. The Senator from North Dakota says the Senate conferees will never yield.

Mr. McCUMBER. I have not stated that.

Mr. SIMMONS. And the chairman of the Ways and Means Committee of the House has said that the House will never yield upon that question.

Mr. McCUMBER. Mr. President, I hope the Senator will not put me in that attitude, for that would be a very discourteous way upon my part of discussing a bill which comes here with a strong vote from the House of Representatives. I stated simply that, with unanimous action on the part of the Senate of the United States in favor of the foreign-valuation plan, I did not see how it will be possible for the conferees to yield that point; but we must go into a conference without any declaration such as I have heard from the other side that we would not reach an agreement. I think we will.

Mr. SIMMONS. Mr. President, I do not know how that may be; but if it shall transpire that there is a deadlock upon this question in conference and that that deadlock is compromised by accepting the prepared rates of the Senate committee instead of the House rates, then the question would arise on the conference report; and upon that question, while we might discuss it, we could not express our views by a negative vote without voting against the whole bill. My theory about this matter is that there ought to be some reasonable discussion of it, because there has been practically none or but little in the House, with a view to avoiding the possibility of a deadlock, with a view to creating a sentiment by enlightening the country and also furnishing information to the House that it probably did not get out of its immediate discussions, which would lead to a condition that would make it impossible for the American valuation to be substituted.

In addition to that, Mr. President, I want to say that you will have to discuss this question, because the principle of American valuation is written in the Senate amendment; not in its general application to the schedules of this bill, but in the powers which you have conferred upon the President of the United States. By your amendment you have delegated to the President of the United States extraordinary powers with reference to this bill. You have provided that the President, under certain conditions, may set aside the foreign valuation with reference to specific articles and specific schedules, and substitute for that basis of valuation the American valuation. Therefore you have by this amendment, indirectly it is true, but nevertheless substantially, brought this question before the body for its discussion in one of your own amendments. In other words, in one of your amendments you have conferred upon the President power to do a thing with reference to specific articles and specific schedules which you say the unanimous sentiment on the other side of the Chamber condemns as a vicious principle upon which rates are to be fixed.

Mr. McCUMBER. Mr. President, will the Senator yield to me for a moment?

Mr. SIMMONS. Yes.

Mr. McCUMBER. I will ask the Senator one more question, and then I shall not bother him any more if he desires to have the bill read. The Senator from Utah [Mr. SMOOT] will be ready to go on in the morning with the discussion of some of the administrative features of the bill, he tells me; and I am going to ask the Senator if he will not consent that the formal reading of the bill be dispensed with, so as to avoid the long reading this afternoon, and then take it up in the morning?

Mr. SIMMONS. The Senator means to lay the bill aside temporarily?

Mr. McCUMBER. Yes; on the understanding that the formal reading will be dispensed with and that it will be laid aside until to-morrow morning.

Mr. SIMMONS. And the Senator will not press for any further consideration to-day unless some Senator is ready to speak?

Mr. McCUMBER. Not to-day.

Mr. LODGE. Mr. President, some of us want to be considered in regard to the dealings with this bill. There is only one reading of the bill to be had. We can have a formal reading and dispose of the third reading in that way, after which the bill is open for amendment and there has to be no further reading, or the third reading can be had by reading the bill for amendment. I think we had better go on with the bill, let it be read, and take its regular course.

Mr. SIMMONS. I rather agree with the Senator, because I think it is a bill that probably the Senate ought to hear read.

Mr. LODGE. Let the bill be read, and then, when it is read, there will be no further reading of the text.

Mr. SIMMONS. That is true.

Mr. LODGE. That is, the third reading of the bill.

Mr. McCUMBER. I am willing that that course shall be followed if the Senator from North Carolina desires it.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

Mr. LODGE. But, Mr. President, before the reading begins, of course, when what is called the formal reading is completed, there is no further reading of the text. Any part of the bill is then open to amendment.

The PRESIDING OFFICER. That is the order. The Chair understands that after the bill has been read the amendments will be proceeded with in order.

Mr. LODGE. Yes; that has been decided before.

The PRESIDING OFFICER. The bill will be read.

The Assistant Secretary proceeded to read the bill; and after having read for some time,

COAST GUARD SUPERINTENDENTS ON THE RETIRED LIST.

Mr. GERRY. I ask unanimous consent to call up for immediate consideration Senate bill 1075, giving permanent rank to district superintendents of the Coast Guard on the retired list.

Mr. SMOOT. Of course, it is understood that if it leads to any discussion it will be withdrawn.

Mr. GERRY. Certainly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 9, after the word "lieutenant," to strike out "commander" and to insert "on that list," so as to make the bill read:

Be it enacted, etc., That a district superintendent, a commissioned officer of the Coast Guard, who has been retired for age, or after having served 40 years in either the Coast Guard or the former Life-Saving Service, or both, while holding temporary rank under the provisions of the naval appropriation act approved July 1, 1918, shall have, on the retired list, the rank, pay, and allowances of a lieutenant on that list.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The reading clerk resumed and concluded the reading of the bill.

WILLIAM COLLIE NABORS.

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of Senate bill No. 1405, for the relief of William Collie Nabors, of Alabama. My colleague [Mr. UNDERWOOD], who is absent on account of illness in his family, is the author of the bill and desires that action be had on it as early as possible. This is a meritorious measure and is favorably reported by the Committee on Claims with the recommendation that the bill be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on line 6, to strike out "$10,000" and insert in lieu thereof "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Collie Nabors the sum of $5,000 for damages suffered by reason of his being struck and seriously injured by a Government motor cycle which was ridden or driven by a regularly enlisted soldier of the United States Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEFLIN. Mr. President, in connection with this bill I desire to have printed in the RECORD a part of the report of the committee.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Extract from report of the Committee on Claims on the bill (S. 1405), submitted by Mr. BROUSSARD (for Mr. TRAMMELL) February 2, 1922.]

A board of three officers under orders investigated the accident. The said board reported as follows:

"1. That on or about the 9th of March, 1918, between the hours of 7 and 9 p. m., at or near the junction of the Anniston-Jacksonville Pike and the road leading eastward to the area of the One hundred and thirteenth Infantry, Camp McClellan, Ala., William Collie Nabors, a civilian, resident of Jacksonville, Ala., was struck by a motor cycle, the property of the United States, then being driven by Charles W. Stevens, private, Twenty-ninth Division, Headquarters Troop.

"2. That said William Collie Nabors was then exercising such care as was reasonable under the circumstances.

"3. That said Pvt. Charles W. Stevens was then driving said motor cycle at an excessive rate of speed, the conditions considered, and failed to give any warning of his approach.

"4. That said William Collie Nabors sustained severe injuries about the head and legs, and has been unable to work since said accident, and will be unable to work for some time to come."

—

PIEDMONT, ALA., *November 23, 1921.*

Hon. OSCAR W. UNDERWOOD,
Washington, D. C.

DEAR SIR: In regard to Mr. W. C. Nabors's present condition, we find him both mentally and physically unbalanced. He has stages of extreme melancholia and his uncertain temper is a source of great distress and apprehension to his family. On account of these misfortunes he is unable to make a living for his family.

Respectfully,

W. A. KINABREW, M. D.
O. SARGENT, M. D.
JNO. W. VANSANT, M. D.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 21, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 20, 1922.

UNITED STATES MARSHAL.

Jesse D. Moore, of New York, to be United States marshal, eastern district of New York, vice James M. Power, resigned.

POSTMASTERS.

IDAHO.

Andrew Christenson to be postmaster at Laclede, Idaho. Office became presidential October 1, 1921.

ILLINOIS.

Robert McIntyre to be postmaster at Bellflower, Ill. Office became presidential April 1, 1921.

INDIANA.

Katheryn L. Huckleberry to be postmaster at Whitestown, Ind. Office became presidential April 1, 1921.

Fred Dunn to be postmaster at Windfall, Ind., in place of D. C. Zehner, resigned.

KANSAS.

David E. Hill to be postmaster at Nortonville, Kans., in place of A. F. Hamm. Incumbent's commission expired February 4, 1922.

KENTUCKY.

George R. Holt to be postmaster at Campbellsville, Ky., in place of F. G. Wilson, resigned.

Herbert C. Hall to be postmaster at Hardinsburg, Ky., in place of John O'Reilly, resigned.

MAINE.

Earle R. Hayes to be postmaster at National Soldiers' Home, Me., in place of W. L. Phoenix, deceased.

MARYLAND.

Mary Stevens to be postmaster at Hurlock, Md., in place of W. E. Hurlock. Incumbent's commission expired January 3, 1921.

MASSACHUSETTS.

Walter L. Burt to be postmaster at Canton, Mass., in place of J. J. Haverty. Incumbent's commission expired January 24, 1922.

MINNESOTA.

Otto Rakness to be postmaster at Alpha, Minn. Office became presidential January 1, 1921.

Oliver A. Matson to be postmaster at Kiester, Minn. Office became presidential April 1, 1921.

Anna E. Miller to be postmaster at Kelliher, Minn., in place of A. B. Kobe, resigned.

Orville G. Nichols to be postmaster at Mazeppa, Minn., in place of N. P. Seivert, resigned.

MONTANA.

Margaret H. Lehmicke to be postmaster at Bigfork, Mont. Office became presidential April 1, 1921.

John E. Cameron to be postmaster at Bigtimber, Mont., in place of L. C. Bade. Incumbent's commission expired March 8, 1922.

NEW JERSEY.

Elizabeth Transue to be postmaster at Delaware, N. J. Office became presidential April 1, 1921.

Peter A. Greiner, jr., to be postmaster at Woodbridge, N. J., in place of J. E. Harned. Incumbent's commission expired February 19, 1922.

NORTH DAKOTA.

J. Rodney Williams to be postmaster at Hampden, N. Dak. Office became presidential October 1, 1921.

OHIO.

John J. Haines to be postmaster at East Liberty, Ohio. Office became presidential April 1, 1920.

Leo Mutach to be postmaster at Marblehead, Ohio. Office became presidential January 1, 1921.

Fred O. Bates to be postmaster at Bellevue, Ohio, in place of M. J. Callaghan, resigned.

PENNSYLVANIA.

William E. Parsons to be postmaster at Hazel Hurst, Pa. Office became presidential April 1, 1921.

Ralph L. Snyder to be postmaster at New Tripoli, Pa. Office became presidential October 1, 1921.

TEXAS.

Clarence R. Redden to be postmaster at De Leon, Tex., in place of S. R. Haynes. Incumbent's commission expired July 21, 1921.

VIRGINIA.

Wilbur H. Palmer to be postmaster at Greenville, Va. Office became presidential July 1, 1921.

Laurie D. Marshall to be postmaster at Thaxton, Va. Office became presidential October 1, 1921.

David R. Jones to be postmaster at Cambria, Va., in place of J. D. Crenshaw. Incumbent's commission expired July 21, 1921.

William P. Nye, jr., to be postmaster at Radford, Va., in place of H. M. Brown. Incumbent's commission expired January 24, 1922.

WASHINGTON.

Bert L. McCarty to be postmaster at Battle Ground, Wash. Office became presidential October 1, 1920.

Walter W. Shore to be postmaster at Farmington, Wash., in place of W. E. Overholt, resigned.

Elva N. Hamilton to be postmaster at Mansfield, Wash., in place of N. B. Burke. Incumbent's commission expired January 24, 1922.

Millard E. Meloy to be postmaster at Winlock, Wash., in place of G. P. Wall. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Henry J. Altschwager to be postmaster at Columbus, Wis., in place of W. J. Riedner. Incumbent's commission expired January 24, 1922.

Helen Pickett to be postmaster at Spencer, Wis., in place of A. A. Pickett, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1922.

REGISTER OF THE LAND OFFICE.

Dudley S. Valentine to be register of land office, Los Angeles, Calif.

RECEIVER OF PUBLIC MONEYS.

Brainerd B. Smith to be receiver of public moneys, Los Angeles, Calif.

POSTMASTERS.

ALABAMA.

John F. Frazer, Lafayette.

COLORADO.

Harrison E. Thompson, Hot Sulphur Springs.

CONNECTICUT.

William M. Logan, West Cheshire.

FLORIDA.

Dexter R. Milton, Watertown.

ILLINOIS.

James E. Jontry, Chenoa.
Frances Baker, Golconda.
Rola Eubanks, Omaha.
Clara A. Hollow, Trenton.
Russell P. Garrison, Wayne City.

KENTUCKY.

Joseph H. Fortney, East Bernstadt.

MICHIGAN.

Ira N. Dowd, Ontonagon.
George A. Cook, Ypsilanti.

MISSISSIPPI.

John W. Crane, Blue Springs.
Joseph M. Scribner, Derma.
James H. Spence, Grenada.
James S. Niles, Kosciusko.
Sidney M. Jordan, Louisville.

NEW JERSEY.

Eva H. Ketcham, Belvidere.
John Boyd, Greystone Park.

NORTH CAROLINA.

Richard S. White, sr., Elizabethtown.
Otis Banner, Newland.
Alfred A. McDonald, Parkton.

OHIO.

Ray V. Chase, Archbold.
James E. Davis, Belmont.
Addie F. Hosler, Kingston.
Arthur R. Hurd, Lawndale.
Helen E. Sawyer, New Paris.
William M. Freeman, Otway.

OKLAHOMA.

George Rainey, Enid.
John M. Dorchester, Pauls Valley.

PENNSYLVANIA.

Albert S. Leiby, Bath.
Robert S. Bowman, Berwick.
Grant Piper, Petersburg.
Herman Raithel, Smithton.
James A. Stickel, Vandergrift.

TEXAS.

John C. Wood, Big Sandy.
Florence M. Geyser, College Station.
Alfred R. Vernon, Hermleigh.
Robert M. Hazelwood, Leander.
William F. Viereck, Sealy.
Don A. Parkhurst, Tahoka.

VIRGINIA.

Paul E. Haden, Palmyra.
Jessie H. Cox, Washington.
Herbert T. Thomas, Williamsburg.

WASHINGTON.

Helen M. Purvis, Sumner.
Herman L. Leeper, Yakima.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 20, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou ever-blessed God, we are kept in that divine love which makes Thee our Father. O bestow upon us the spirit that discerns Thee with unclouded vision. Hold us closely to the things we know to be right, and let these work mightily against the things that are wrong. In all situations enable us to be temperate, forbearing, and patient. May our laws be so just and so wisely administered that our Nation shall be an example for all humankind. Prosper our land through the diligence and fidelity of all our citizens. Bless all influences that are promoting and tending toward greater unity and cooperation. May Thy kingdom come and Thy will be done in all the earth. For Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. COLE of Iowa. Mr. Speaker, on roll call 112 I am recorded as not voting. I wish to say that on the assurance of the managers of the naval bill I assumed that there would be no second roll call and so left the Chamber on official business. If I had been present I would have voted "yea" on that roll call, and I would like to be so recorded.

THE LATE REPRESENTATIVE JAMES.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the order setting apart Sunday, May 7, for addresses on the life, character, and public service of the late Representative ROBER A. JAMES, of Virginia, be vacated.

The SPEAKER. The gentleman asks unanimous consent that the order setting apart Sunday, May 7, for memorial addresses on the late Representative JAMES be revoked. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolution of the

following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 192. Joint resolution providing for survey of the Potomac River banks and adjacent lands from Washington, D. C., to Great Falls, with a view to possible extension of the District park system.

The message also announced that the Senate had passed with amendments the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, in which the concurrence of the House of Representatives was requested.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 192. Joint resolution providing for survey of the Potomac River banks and adjacent lands from Washington, D. C., to Great Falls, with a view to possible extension of the District park system; to the Committee on Public Buildings and Grounds.

BRIDGE ACROSS MISSISSIPPI RIVER, BELTRAMI COUNTY, MINN.

Mr. KNUTSON. Mr. Speaker, I ask to take from the Speaker's table the bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn., and put the same on its final passage. A similar House bill (H. R. 10716) has been favorably reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Minnesota calls up from the Speaker's table S. 3317, a similar House bill having been favorably reported. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the State of Minnesota be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. KNUTSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent the bill H. R. 10716 was laid on the table.

AGRICULTURAL APPROPRIATIONS.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Agricultural appropriation bill (H. R. 10730) and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, and to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. ANDERSON, Mr. WATSON, and Mr. BUCHANAN.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT (H. REPT. 997).

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the independent offices appropriation bill (H. R. 9981).

The SPEAKER. The gentleman from Indiana calls up a conference report on the independent offices appropriation bill. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment inserted the following:

"Salaries: Comptroller General, $10,000; Assistant Comptroller General, $7,500; assistants to Comptroller General—4 at $6,000 each; chief clerk, $3,000; chiefs of divisions—7 at $3,000 each; chief of appointment division, $2,500; assistants to chiefs of divisions—3 at $2,750 each, 4 at $2,500 each; chiefs of sections—10 at $2,500 each, 13 at $2,250 each, 2 at $2,000 each; assistant chiefs of sections—11 at $2,000 each, 1 at $1,900; chiefs of subsections—3 at $2,000 each; disbursing officer, $3,000; deputy disbursing officer, $1,800; private secretary, $1,800; attorneys—1 $5,000, 4 at $4,000 each, 4 at $3,600 each, 1 $3,100, 5 at $3,000 each, 1 $2,750; law clerks—1 $2,500, 4 at $2,400 each, 4 at $2,250 each, 2 at $2,200 each, 9 at $2,000 each, 4 at $1,800 each, 1 $1,600; accountants—1 $2,500, 2 at $2,400 each, 3 at $2,100 each, 3 at $2,000 each; investigators— 1 $4,000, 1 $3,000, 20 at $2,000 each; reviewers—8 at $2,100 each; principal clerks—17 at $2,000 each; clerks—164 of class 4, 218 of class 3, 255 of class 2, 267 of class 1, 56 at $1,000 each, 70 at $900 each; check assorters—4 at $1,000 each; duplicating machine operator, $900; carpenter, $1,400; foreman of messengers and laborers, $1,400; chief messenger, $1,000; messengers—1 $1,000, 15 at $840 each; assistant messengers—29 at $720 each; laborers—1 $720, 21 at $660 each; messenger boys—14 at $480 each, 1 $420; forewoman of charwomen, $660; charwomen—22 at $240 each; and temporary clerks, stenographers, typists, and other assistants, to be paid at a rate not exceeding $1,800 per annum, $375,000; in all, $2,293,190.

"Contingent expenses: For traveling expenses, rent, telephone service, purchase and exchange of books, office supplies (including stationery) and equipment, repairs and maintenance, and miscellaneous items, $175,261."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000, except the following: Six at $25,000 each, two at $20,000 each, and two at $15,000 each."

And the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 28, 29, and 31.

WILL R. WOOD,
EDWARD H. WASON,
T. W. HARRISON,
Managers on the part of the House.

F. E. WARREN,
W. L. JONES,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 21: Appropriates $2,468,451 for the General Accounting Office in the detailed manner proposed by the House, instead of $2,496,101 in a lump sum, as proposed by the Senate. The detailed salaries proposed in the House bill have been reduced in amounts of individual salaries and in number of salaries in the aggregate of $400,000, of which $375,000 is made available for temporary clerks, stenographers, typists, etc., with a salary limitation of $1,800, and $25,000 is added to the appropriation of $150,261 proposed in the House bill for contingent and miscellaneous expenses. The aggregate proposed in the substitute for the House provision is $150 less than the amount carried and is $27,650 less than the amount proposed by the Senate under the lump sum.

On No. 35, relating to salary limitations on Shipping Board and Fleet Corporation funds: Inserts a substitute for the House and Senate provisions, which allows 6 employees at $25,000 each, 2 at $20,000 each, and 2 at $15,000 each, instead of 13 in excess of $11,000, as proposed by the Senate, and 6 between $11,000 and $25,000 each, as proposed by the House.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 28, relating to an appropriation of $1,500,000 for the purchase of land in the city of Washington.

On No. 29, increasing the appropriation for the Tariff Commission from $300,000 to $375,000.

On No. 31, relating to the authority granted the United States Shipping Board to continue to use sums received from the liquidation of assets up to $55,000,000.

WILL R. WOOD,
EDWARD H. WASON,
T. W. HARRISON,
Managers on the part of the House.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. WOOD of Indiana. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Fairchild	Lehlbach	Schall
Ansorge	Fess	Lineberger	Sears
Anthony	Fields	Linthicum	Shelton
Bankhead	Fish	McCormick	Shreve
Bland, Ind.	Focht	Madden	Siegel
Bland, Va.	Foster	Maloney	Sisson
Blanton	Free	Mansfield	Slemp
Brand	Funk	Mead	Snell
Brennan	Gorman	Merritt	Snyder
Briggs	Gould	Michaelson	Speaks
Britten	Graham, Pa.	Moore, Va.	Stafford
Brown, Tenn.	Greene, Mass.	Moores, Ind.	Stiness
Browne, Wis.	Hammer	Mudd	Strong, Pa.
Burdick	Hardy, Tex.	Nelson, J. M.	Sullivan
Burke	Hays	O'Brien	Summers, Wash.
Cantrill	Hicks	O'Connor	Sweet
Chindblom	Hogan	Olpp	Taylor, Ark.
Clark, Fla.	Hudspeth	Paige	Taylor, Colo.
Cockran	Hukriede	Patterson, N. J.	Taylor, N. J.
Codd	Hutchinson	Perkins	Taylor, Tenn.
Cole, Ohio	Ireland	Perlman	Upshaw
Connell	Jefferis, Nebr.	Porter	Vare
Connolly, Pa.	Jeffers, Ala.	Pou	Walters
Cooper, Wis.	Johnson, Miss.	Purnell	Ward, N. Y.
Copley	Johnson, S. Dak.	Rainey, Ala.	Ward, N. C.
Davis, Tenn.	Kahn	Rainey, Ill.	Wheeler
Dempsey	Kennedy	Ransley	White, Me.
Doughton	Kindred	Reavis	Williams
Drewry	Kitchin	Riordan	Wilson
Driver	Knight	Rogers	Yates
Dunbar	Kreider	Rossdale	Young
Dyer	Kunz	Ryan	Zihlman
Echols	Langley	Sabath	
Ellis	Lee, Ga.	Sanders, Ind.	

The SPEAKER. Two hundred and ninety-five Members are present; a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

CONFEREES ON AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The Chair announces the following additional Members to the conferees on the agricultural appropriation bill: Mr. MAGEE and Mr. LEE of Georgia. The committee on the part of the House consists of Mr. ANDERSON, Mr. MAGEE, Mr. WATSON, Mr. BUCHANAN, and Mr. LEE of Georgia.

INDEPENDENT OFFICES APPROPRIATION.

Mr. WOOD of Indiana. Mr. Speaker, the conference report has been read. I do not know whether there is any objection to it or not. If there is no objection, I do not care to take the time of the House in explaining what has been done.

Mr. WALSH. Will the gentleman yield?

Mr. WOOD of Indiana. For a question.

Mr. WALSH. In reference to the provision that the conferees have adopted relative to the employment by the Shipping Board, amendment 35, does that cover the employment of attorneys or counsel?

Mr. WOOD of Indiana. It does.

Mr. WALSH. So the Shipping Board under this provision would be prohibited from making a contract with an attorney who would receive anything in excess of $25,000?

Mr. WOOD of Indiana. Yes. I yield to the gentleman from Virginia [Mr. HARRISON] five minutes.

Mr. HARRISON. Mr. Speaker, I signed the conference report containing the provision as to salaries, as a matter of compromise. Under the compromise six employees can receive not exceeding $25,000 a year and four at a less amount. That is considerably less than the amount that is now being paid. I am still opposed to big salaries, but I felt it due to gentlemen on the conference committee, who are experienced men, careful business men, and who desire to protect the Government, to yield to their judgment to that extent in regard to the payment of these salaries. The compromise is within the instructions of the House, and I do not feel that further contention with the Senate would save anything to the Government. In regard to the proposition of giving the $55,000,000 to the Shipping Board without restriction, that comes up as an independent proposition entirely, and I am opposed to that. As to the purchase of real estate, that will be submitted to the House, but I consider that the purchase should be authorized.

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, this question of salaries to be paid by the Shipping Board has been discussed many times. I have had the privilege of discussing it a good many times myself. I do not wish to detain the House by further discussion, except to call attention to what the report means. We were told in the newspapers yesterday that the Secretary of the Treasury had informed a committee of the Senate that in the year 1923 there would be a certain deficit of $359,000,000. He expressly said in that statement that he did not take into consideration in presenting these figures the passage of such legislation as the ship subsidy bill and other matters to which he referred. If that legislation passes, I think it very clear, according to the Secretary of the Treasury at this time, that there will be a deficit in 1923 of much more than $400,000,000, and, for my part, I think the gentleman from Illinois [Mr. MADDEN] was conservative in his statement the other day, that in 1923 there will be a deficit of at least $500,000,000.

Mr. EDMONDS. Will the gentleman yield?

Mr. BYRNS of Tennessee. For a question.

Mr. EDMONDS. The ship subsidy will not amount to as much as the present losses by the Shipping Board.

Mr. BYRNS of Tennessee. Even if that be true, the ship subsidy will entail an additional expenditure from the United States Treasury. The Secretary of the Treasury evidently does not agree with the gentleman from Pennsylvania. He took occasion to expressly except the ship subsidy legislation from the statement he made, showing that he expected it to add to Treasury expenses. Now, I merely made that statement by way of preliminary to what I want to say.

Mr. WALSH. Will the gentleman permit me to ask the gentleman from Pennsylvania how he knows that the ship subsidy will not equal the present losses by the Shipping Board?

Mr. BYRNS of Tennessee. I will yield if I can get additional time.

Mr. EDMONDS. Because we know what the ship subsidy will cost, and we know what the present losses of the Shipping Board are.

Mr. WALSH. I have not heard of the ship subsidy being enacted into law.

Mr. EDMONDS. Of course not.

Mr. BYRNS of Tennessee. Now, gentlemen of the House, in view of this immense deficit which the Secretary of the Treasury says under the present legislation will be $359,000,000 for the next year, and the chairman of the Committee on Appropriations says will be $500,000,000, I want to ask Members of this House if they are willing to fix salaries for attorneys for the Shipping Board at a sum which has never been paid to any official by the National Government, except the President of the United States.

Mr. JONES of Texas. Does not this provision remove the salary limit of $11,000 on the 78 lawyers now employed by the Shipping Board, so that if this conference report is adopted they can pay some of them more than $11,000, and yet retain all of them?

Mr. BYRNS of Tennessee. Yes; and that is the reason for making this report.

Mr. CRAMTON. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CRAMTON. Does the gentleman recall whether any letter came to Congress or to any Member of Congress from the Secretary of the Treasury advising an increase of $60,000,000 on the naval bill?

Mr. BYRNS of Tennessee. No.

Mr. CRAMTON. And the Secretary of the Treasury apparently was not consulted about it.

Mr. BYRNS of Tennessee. I am satisfied that the Secretary of the Treasury was not consulted as to the increase in the naval bill yesterday by those who voted for it. They probably knew what would be his reply.

Mr. CROWTHER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. CROWTHER. Does the gentleman think that the issuing of the statement yesterday by the Secretary of the Treasury as to the deficit was premeditated, in view of the fact that the House was about to vote on the increase in the Navy?

Mr. BYRNS of Tennessee. No; I would not bring any such charge against the Secretary of the Treasury. He was simply answering inquiries of the Finance Committee of the Senate.

Mr. WYANT. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. WYANT. The gentleman is a member of the committee, is he not?

Mr. BYRNS of Tennessee. Yes.

Mr. WYANT. There are a number of salaries provided for in this bill, some as low as $720. Did the committee take into consideration living conditions in Washington when it fixed these salaries?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask for five minutes more.

Mr. WOOD of Indiana. I yield the gentleman five minutes.

Mr. BYRNS of Tennessee. I am not a member of the subcommittee that prepared this particular bill. The committee does not take into consideration the facts to which the gentleman refers. We were limited in authority by the rules of the House, for these salaries have been fixed by legislation in the past.

Mr. WYANT. Does the gentleman think that any man could live on a salary of $720 a year?

Mr. BYRNS of Tennessee. I think that matter ought to be taken up by a legislative bill and suitable salaries provided.

Mr. WYANT. Does not the gentleman think it ought to be taken up now in connection with these salaries of $25,000 a year?

Mr. BYRNS of Tennessee. I do, and I expected to call attention to the point the gentleman is making. At the present time the Shipping Board is authorized to employ six persons at a sum exceeding $11,000 a year.

They have now, as I understand it, two operators at $35,000 each, whose salaries are fixed by the Shipping Board and not by the Congress, and another one at $30,000 and possibly one at $25,000. Just to show you that big salaries do not always mean efficiency, I call attention to a letter which I received yesterday from a gentleman who wanted to do business with the Shipping Board. He had a lot of lumber that he wanted to ship from Seattle to Balboa, in the Canal Zone. He wrote to the Shipping Board on April 12, and I have a copy of that letter in my hand, asking them to please put in his hands by mail or telegram on or before April 25 the ocean freight rates from the railroad dock at Seattle to the Government docks at Balboa, Canal Zone, and so forth. He received a telegram on April 15 from Boston, Mass., which, by the way, was addressed incorrectly and not to the man who sent the letter, although he received it, as follows:

Ocean rate, car siding Pacific north coast ports to Baltimore, carload lots, 60 cents hundred pounds.

I cite that simply to show that large salaries, even though they be as high as $35,000 a year, have not brought efficiency to the Shipping Board, and neither will $25,000 paid to some attorney who comes here not so much for the purpose of rendering legal services as to enjoy for himself and his family the social advantages of Washington. You will not get efficiency in the legal department, for which we all hope and which we all want, by that method. You know and I know that we can get attorneys all over this country for $11,000 or less a year who can render efficient service in the Shipping Board in its legal department, and, in view of the contemplated deficiency, in view of the necessity for reducing appropriations, why should we put upon the statute books a provision authorizing the Shipping Board to pay—in fact, actually fixing the salary—men at $25,000, $20,000, and $15,000 a year, as contemplated in this report?

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MILLER. As I understand it, that telegram was asked to fix the rate on a shipment of goods from Seattle to Balboa.

Mr. BYRNS of Tennessee. Yes.

Mr. MILLER. How did it find its way into the legal department?

Mr. BYRNS of Tennessee. Oh, I was not referring to the legal department at that time. I was simply citing this for the purpose of showing that large salaries do not always bring about efficiency and have not brought about efficiency in the Shipping Board.

Mr. MILLER. The answer was sent by the traffic department, was it not?

Mr. BYRNS of Tennessee. I presume so.

Mr. MILLER. And that is where some of these expensive men are?

Mr. BYRNS of Tennessee. Yes. That is where these expensive men are to-day, but now it is proposed not only to have expensive men in the traffic department but to give some of these attorneys who are now on the rolls at $11,000 salaries at the rate of $25,000 and $20,000. Why should we do it? I dare say, and I make the prediction here now, that if this House will vote down this conference report and stand firm in its determination to save the people's money and keep these salaries at not exceeding $11,000, the very same attorneys who are serving there in the Shipping Board to-day will be found there a year from now if the Shipping Board desires to keep them. That was the result a year ago. Gentlemen will remember that we passed a provision that not more than six employees should be paid more than $11,000 a year, and at that time we were met with the proposition that the Shipping Board would go on the rocks if we did any such thing, that they would lose their valuable employees. As a matter of fact, they are there to-day, and they gladly and willingly accepted the reduction in salary to $11,000. I hope the House will vote down this conference report. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, we have had from high authority in the last two or three days estimates as to the probable deficiency in the coming fiscal year. I am sure that both the chairman of the Committee on Appropriations and the Secretary of the Treasury in making their estimates felt that those estimates were at least reasonably accurate in the view of matters as they now stand. I am very much in hopes that it will be proven that both of the estimates that have been referred to are excessive. I realize that if we are to continue to add large sums to our appropriation bills, not only shall we have these deficiencies which have been suggested but possibly even greater ones. I very much hope that no further great additions will be made to our present estimates of the totals of appropriations. While I do not desire at this time to go into the details of the estimates made by either of the gentlemen to whom I have referred, I am of opinion that time will prove that certain of the items included in the sums which make up the deficiencies as estimated by them will not be charges upon the Treasury. We shall, I believe, secure greater revenues from certain sources than have been estimated, and certain sums have been suggested as charges against the Treasury which it will not, in my opinion, be necessary to meet. If I am correct in my views, we shall be able to get through the next fiscal year with a comparatively small deficit. At least I hope that will be the case, and I trust the developments of the future will indicate that I am sound in that belief.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BYRNS of Tennessee. Has the gentleman any inside information with reference to the revenues and expenditures of the next fiscal year that the Secretary of the Treasury and the Treasury Department do not have?

Mr. MONDELL. No. I do not pose as an expert. However, I do not always agree with the experts. The Secretary of the Treasury intended to be accurate and entirely fair in his estimates. We realize, of course, that the Secretary of the Treasury has constantly upon him the duty of advising that outlay be kept within income, and that it is no part of his duty to underestimate probable deficiencies. The estimate made by the chairman of the Committee on Appropriations was one that certainly will prove to be accurate if the House is not careful in its appropriations from now on. I believe, Mr. Speaker, that time will prove that both of these estimates were high.

In regard to these salaries of the Shipping Board, the Government of the United States commands a very great deal of talent of a very high order generally at very low salaries. That is true of this House. There are a great many men here who could earn many times the salary they receive here in private life, giving private business no more time and attention than they do the public business. There is no question about that. In all of the departments of the Government there are many men—there always have been and there always will be—who are giving to the people and the Government their services at much less than those services are worth, measured by the ordinary rewards of private life. That is a very happy and a very fortunate condition for the Government.

That condition, let us hope, will always exist with regard to governmental business. I believe it always will. When the Government embarks upon a great business enterprise quite a different situation is presented. Men for patriotic reasons, out of a desire to render public service, out of a proper legitimate impulse of ambition, render very valuable service at a very small stipend in the ordinary affairs of Government. But if we are to embark on great business enterprises we must expect to have to meet the competition to a certain extent of private employment. We have embarked upon a great shipping enterprise, one of the very largest business enterprises and projects of the world, requiring talent of the highest order and great experience, and outside of the general line of public business. When we seek men to perform for the Government the same class of duties and assume the same class of responsibilities that private enterprise demands, we must to a certain extent meet private competition. I wish it were possible, not in view of possible deficiencies, but out of regard for proper economy in the discharge of public business, we could engage in the shipping business or continue the shipping business, and not be compelled to compete with private enterprise in the matter of salaries, but I do not believe we can. I hope we shall get out of this class of business. I hope we may be able to keep out of purely business enterprises of all sorts, but so far as we are or should be engaged in them we must to a certain extent at least meet the competition in the payment of salaries of private employment and private enterprise. I do not think the salaries provided for are excessive as compared with the compensation men receive in similar employment in private life. Much as I should like to have these sums reduced, I believe so long as we remain in the shipping business we must pay some considerable salaries. I hope the conference report will be adopted.

Mr. APPLEBY. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The time is in the control of the gentleman from Indiana.

Mr. WOOD of Indiana. How much time does the gentleman wish?

Mr. APPLEBY. Five minutes.

Mr. WOOD of Indiana. I yield five minutes to the gentleman.

Mr. APPLEBY. Mr. Speaker and Members of the House, I am opposed to this conference report based on the ground that it is paying too much money and employing too many men. I recall the first bill in the House called for a deficiency of, I think, $40,000,000 or $50,000,000 for the Shipping Board. The chairman of the Committee on Appropriations, as I recall it, told us that this was something left over from the last administration, and this money would probably carry through the deficiency for some time. Since then I think a second deficiency bill was offered and passed by this House. Personally, I believe the Shipping Board is an expensive proposition that sooner or later you are going to pay for very heavily or you are going to get out of that business. I have not much sympathy for hiring half a dozen men, lawyers or otherwise, at salaries of $25,000 a year. I do not think they are worth it. My humble opinion as a layman is that there are too many members of the Shipping Board; in the first place, the responsibility is divided and there are too many employees, and it costs too much to run it under present conditions.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. APPLEBY. I will.

Mr. BYRNS of Tennessee. Mr. Schlesinger, head of the legal department of the Shipping Board, was asked in the hearing what reductions they were making, and I read to the House what he said:

> Mr. Chairman, we have been cutting down our expenses as much as we can. For instance, we recently sent a man in our New York office who has cut down all the stenographers in that office. He has cut them down, I think, from $150 to $100 a month. We have cut down all the stenographic force and the messenger force.

The gentleman does not think, as he has indicated, that the saving made by the cutting down of the small salaries of these stenographers ought to be taken and applied to the payment of high-priced attorneys, as proposed in this conference report?

Mr. APPLEBY. No. In other words, if you went through this bill, you would find the people drawing the least money are probably underpaid, and those who get from $10,000, $15,000, and $25,000, in my judgment, are overpaid. It is not only this particular proposition I object to, but it seems to me we have on our hands a liability here that is going to continue month by month, and the question that this House has to determine is whether we are going to cover these deficiencies every time a deficiency bill comes in, or whether we are going to get down to an economical basis of running the Shipping Board.

As I recall it, the other day when the gentleman from Massachusetts [Mr. WALSH] opposed this conference report, the sentiment of the House was overwhelmingly in favor of the reduction of these expenses, and it seems to me there is no time like the present for action. I hope the report will be returned to the conferees for further consideration.

I thank you. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I do not know what explanation the gentleman from Indiana [Mr. WOOD] may give as a reason for reporting the provision in reference to Shipping Board salaries in just this form, but the actual saving in this amendment is not going to be very great. It is true that the conferees have acted within the $25,000 provision. But I recall that when the Shipping Board was first organized under this administration and Mr. Lasker took charge he employed two practical ship operators who were to receive, I think, $35,000, and he brought another ship operator, a Mr. Frye, from the Pacific coast at $25,000 per year. Mr. Frye had formerly been a very efficient employee and director of the Shipping Board during the period of its construction work. He came here from the Pacific coast at $25,000 a year, and rendered service up to recently, I am told, when they increased his salary to $35,000. It is my judgment if they would give that gentleman $25,000 a year they could eliminate the other two ship operators which they have, and that he could run the active ship-operating work of the Emergency Fleet Corporation at this time.

Now, something has been said about this thing being governmental business. It is governmental business. It is a business the Government embarked upon. It was, of course, greatly because of the war, but it is a business in which this Government is engaged and in which, I think, it will be engaged for some years to come, whether the ship subsidy bill becomes a law or does not. It would seem to me that the number of these high-salaried men brought back here by the conferees is too great. We ought not to increase the number of men receiving $25,000 and $20,000 a year as proposed by the conferees. And I venture to state that if the chairman of the Shipping Board would use some of these steel ships and these wooden ships that are tied up in the rivers and lakes and other waters of the country, and use one of them for a year's salary for some of these officers, we would find not only a very good way for getting rid of the ships, but find a good way of paying adequately for the services performed by some of these gentlemen who are to receive high salaries, and the Government would be relieving itself of a lot of these ships it now has on its hands and can not sell, or, if it does sell, will sell at $1,800 apiece to a concern which, under the inspiration and the encouragement of the present Shipping Board, will in the future, I believe, control the shipping interests on the Pacific coast, just as the shipping interests on the Atlantic coast will, under like encouragement on the part of the Shipping Board and its officials, in the future be under the control of another gigantic shipping concern on the Atlantic coast.

Mr. TILSON. Does the gentleman know why it is necessary to have seven heads to a concern of this kind and why Mr. Lasker could not do it alone if the law was changed?

Mr. WALSH. Of course, the law required that there should be seven commissioners, and it fixed their salaries, and we thought when we passed the so-called Jones bill with seven commissioners at $12,000 a year, a salary equal to that of a Cabinet officer, we should solve the problem, and that all the waste, extravagance, and mistakes would cease, but instead of that we have seven commissioners at $12,000 a year each, not one of whom is a practical ship man, but one of whom, the chairman, is a practical advertising man. And he is advertising to his heart's content. And as soon as we can furnish him with subordinates at $25,000 a year the chairman of the Shipping Board will find himself in governmental clover. We should have one practical shipping man on the Shipping Board, and we should have among some of these high-salaried officers men who are willing to accept employment at some sacrifice, just the same as Mr. Powell did when he came down here and organized the Emergency Fleet Corporation.

Mr. WOOD of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Speaker, it was very fine and sweet to hear the Republican leader, the gentleman from Wyoming [Mr. MONDELL], felicitate the membership of this House, or the legal gentlemen who are Members of this House, upon the great sacrifices that were made to serve their country here. I do not know whether, quartered, it is even one part ambition and three parts patriotism. I can not say. I doubt if the lawyers of the country are so prosperous or their fees are so munificent that we could not now, as was insisted only

about two years ago by the gentleman who now reports this conference report, get the best kind of men, men as good as we have, for a much less salary.

The first group of lawyers that I remember to have read about in history were at the close of the day standing idle in the market place. I suppose they were lawyers, although it is not definitely stated in the narrative, because in answer to the question of, "Why stand ye here all the day idle?" they said, "Lord, no man has hired us." And that is true to-day with many of the lawyers, and it must be so. There is no diminution of the crop. They are coming along all the time. Gentlemen, it is a pernicious and indefensible precedent to establish by a vote of Congress these salaries that are out of all reason or justification. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this is a practical proposition. The House passed this bill with a limitation of six employees drawing over $11,000. The Senate provided for 13 employees drawing over $11,000, and for four salaries of $35,000. I think the House conferees have done very well.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MANN. For a question or correction, but not for a speech.

Mr. BYRNS of Tennessee. I think the gentleman is mistaken in the statement he made that the Senate provided for four at $35,000. Their provision was for 13 at sums exceeding $11,000.

Mr. MANN. Yes; but the conferees afterwards agreed, at the insistence of the Senate, on four at $35,000. My statement was substantially correct. The House does not legislate by itself; the Senate is coordinate with us. And after all a conference is a compromise. The conferees have eliminated all salaries over $25,000, and they have provided for 10 at over $11,000; 2 at not over $15,000, I believe; and 2 at not over $20,000, I think; and the other 6 at not over $25,000.

I would be glad if the Shipping Board could be well operated with no salary over $10,000; but I know perfectly well that that will not be done, and you know perfectly well that it will not be done. I would be glad, if I knew the Shipping Board would be well operated, to pay somebody $100,000 if we cut it off somewhere else, although I do not believe in paying any salary to any Government officer over $25,000. But I think in view of what has taken place that the House may well afford to agree to the conference report and to the compromise that has been agreed to by the committee.

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, it has just been stated by the gentleman from Illinois [Mr. MANN], and well stated, that we can not have our own way. If we were the entire legislative body, we could insist upon many things that we do not like to give up, but as it is we have to yield in order to effect a compromise. I am thankful indeed that, under the instructions we received when we were last before you, made on the motion of the gentleman from Illinois [Mr. MANN], this limitation was placed at $25,000. I am frank to say to you that had it not been, we could not have reached an agreement at all. We have done absolutely the best that we can, and one of the best evidences of that fact is in the action of a member of this conference, the gentleman from Virginia [Mr. HARRISON], in signing the conference report. You all know that he was just as violently opposed to these high salaries as anybody, as I was myself, and he is not entirely in sympathy with them as they are now, but he believes with his coconferees that the best has been done that possibly can be done.

Now, I want to call your attention to what we have done, and in what we have done we have acted in accordance with our instructions. The House instructed the conferees not to agree to any provision which proposed the payment of salaries in excess of $25,000. We did not agree to any provision proposing any salary in excess of $25,000. The House bill as passed proposed 6 officers or employees with salaries in excess of $11,000. The Senate bill provided for 13. In this compromise that we propose we have eliminated all salaries of $35,000, and we have limited the number to 10 who may receive a possible salary of $25,000. Of these there will be only 6 that will receive a salary of $25,000, 2 that will receive a salary of $20,000, and 2 at $15,000 each.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. KINCHELOE. I do not think the gentleman intended to state what he did, when he said that 10 should receive $25,000. What you do provide is 6 at $25,000, 2 at $20,000, and 2 at $15,000 each.

Mr. WOOD of Indiana. Yes. I say that only 10 shall receive a salary in excess of $11,000.

Mr. KINCHELOE. I think that is right.

Mr. WOOD of Indiana. Some reflection has been made upon lawyers here. I am not holding any brief for the lawyers. They are worthy of their hire. But it is not the purpose, if the relief be granted, to spend all this money in the employment of lawyers.

I think at most they intend to employ only two additional lawyers—one an admiralty lawyer and the other an expert trial lawyer. They do propose out of this sum, if it is granted, to employ some extraordinarily high-class, efficient men in the specialties in which they are engaged.

The gentleman from Massachusetts [Mr. WALSH] elaborated on the fact that we have a number of commissioners here not one of whom is a practical shipbuilder or knows anything about the shipbuilding business. I suppose that is true, but we have nothing to do with that. We did not alone create the law providing for them. But, gentlemen, we ought to see the necessity of employing somebody who knows something about this business.

Mr. APPLEBY. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. I regret I can not yield.

We are informed that because they did not have a competent insurance man last year they lost $200,000. You know that we are losing money because we have not admiralty lawyers who can cope with the admiralty lawyers on the other side.

Now, this thing is not to be of long duration. We hope that with this coming year the thing will end. They claim that they have an organization there now that is equipped to do this work. They contend that they can not keep that organization unless we provide what they are now asking. I do not want to take the responsibility of disrupting that organization, which at best can only last temporarily. They think that unless they are permitted to keep this organization it will result in untold losses to the Treasury of the United States.

Some complaint has been made about the deficit that may occur at the end of the next fiscal year. It may be the amount estimated by the Secretary of the Treasury of the United States. It may be dependent upon the administration of our fiscal affairs. It may be greater if we disorganize this organization, so that instead of recovering what is justly due us and saving the most that we can out of this mess that loss may be very greatly enhanced. These gentlemen are supposed, at least, to know what they are talking about. They have this thing in charge. Theirs is the responsibility. They come before us with their recommendations, and I confess that in all my experience here I have never heard a fuller report made by any administration or the head of any bureau than has come from this Shipping Board.

Mr. GRIFFIN. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from New York.

Mr. GRIFFIN. As a member of the committee I would like to ask the gentleman will he explain the evolution of this particular section of the bill? The House bill provided for six employees with salaries in excess of $11,000, and the Senate provided for 13 employees in excess of $1,100, but specifically mentioned seven attorneys. In the conference report the attorneys seem to have been lost in the shuffle. I should like to ask the gentleman what understanding there is in regard to the employment of attorneys?

Mr. WOOD of Indiana. I will state to the gentleman the reason why that change was made. It was because, realizing that there must be some compromise, realizing that they must sacrifice beyond the point to which they think they ought to make sacrifices, they consented that the number of lawyers first designated should not be employed, in order that they might have some expert shipping men. There is nobody here who would dare set himself up as being an expert shipping man. They are very scarce, because that is a very peculiar business, and, as I stated here before, they are invited to come from here, there, and yonder for a temporary employment; not that they are receiving a life job, not that they are going to enhance their fortunes under the Government, for, if we are to believe what those who are at the head of governmental affairs are telling us, the Government is trying to get rid of this whole business, and get rid of it as quickly as possible.

Mr. APPLEBY. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from New Jersey.

Mr. APPLEBY. Is my understanding of this report correct, that 10 men are to receive a total of $220,000—6 men at $25,000, 2 men at $20,000, and 2 men at $15,000, making a total of $220,000—which, divided among 10 men, makes an average of $22,000 each? Is that correct?

Mr. WOOD of Indiana. That is correct.

Mr. JONES of Texas. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Texas.

Mr. JONES of Texas. The gentleman referred to the Senate amendment limiting the number to seven attorneys, but in the conference report I do not see any limitation at all. They can employ all of these 10 for attorneys, can they not?

Mr. WOOD of Indiana. I tried to explain a moment ago in answer to the gentleman from New York [Mr. GRIFFIN] that because of the fact that they could not get the entire number they wanted, it was agreed to eliminate the designations, so that they might have some discretion in making selections.

Mr. JONES of Texas. But you leave it so that they can use the whole 10 as attorneys.

Mr. WOOD of Indiana. They are not going to use the whole 10 as attorneys.

Mr. JONES of Texas. They can use any number of them that they want to.

Mr. WOOD of Indiana. Of course they could; but they are not going to do it.

Mr. JONES of Texas. There is nothing to keep them from doing it, is there?

Mr. WOOD of Indiana. Of course there is not; but why should there be? These men have been placed at the head of this institution to run it. They ought to know best how to run it. It is our business to furnish them with the sinews of war, and if they are not careful with reference to the application of those sinews it is for them to answer. They tell us that if we do not disrupt this organization they will pay off these claims and get rid of this thing and collect this money that is coming to us and get out of the business if provision is made to transfer this property to our merchant marine.

Mr. HARRISON. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from Virginia.

Mr. HARRISON. I should like to have the gentleman call attention to the fact that if this bill is defeated we shall go back to the present status, where there is no limitation at all on the maximum to be paid to any of these employees. They are paying some of them $35,000 a year now, but they could pay them $50,000 if they chose.

Mr. WOOD of Indiana. The gentleman is absolutely correct. But here is something to which I want to call your attention. The salaries involved are not all that makes it important that this report should be adopted. There are men now in Washington who have been here since the 1st of January to my knowledge trying to get what is due them.

Men have come here repeatedly trying to make settlements of accounts that are just and about which there is little or no dispute; but until this bill is passed these men who are suffering in their business every day have got to continue to suffer. The amount of the difference about which we have been quibbling so much has been lost ten times over during the time that we have been quibbling. Here are men in private business whom we are injuring by this delay, and we ought to have some little regard for them.

Mr. APPLEBY. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from New Jersey.

Mr. APPLEBY. Are the salaries of the members of the Shipping Board included in this limitation of 10 men?

Mr. WOOD of Indiana. They are not.

Mr. APPLEBY. They are outside of that?

Mr. WOOD of Indiana. Yes.

Mr. APPLEBY. Will the gentleman tell the House what salary each member of the Shipping Board is receiving and how many members of the board there are?

Mr. WOOD of Indiana. The number and the salaries paid them are fixed in the bill creating the Shipping Board. There are six at $12,000 each.

Mr. APPLEBY. They get less than these men whose salaries are $25,000?

Mr. WOOD of Indiana. Yes; and if what the gentleman from Massachusetts [Mr. WALSH] says is true—and I suppose it is true—they are paid far too much; but what we want and what we should have is somebody who can bring order out of this chaos, and we have got to pay high-priced men to get them.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WOOD of Indiana. Yes.

Mr. MILLER. I notice in the report also that Senate amendments 28, 29, and 31 are not agreed to. Can the gentleman give the House any idea whether there is likelihood of an early agreement upon those amendments or is there a deadlock?

Mr. WOOD of Indiana. No; those are matters that have to come back to the House.

Mr. MILLER. That is true, but what is the prospect of an agreement?

Mr. WOOD of Indiana. As far as the conferees are concerned we are not in material disagreement.

Mr. MILLER. I agree with what the gentleman has said, that the quibbling about this matter has occasioned enormous loss to the business interests of the country.

Mr. WOOD of Indiana. There is no doubt about that.

Mr. BURTNESS. Will the gentleman yield?

Mr. WOOD of Indiana. I yield to the gentleman from North Dakota.

Mr. BURTNESS. As a practical proposition the only increase suggested by the conferees above the amount provided by the House bill originally applies to four people only?

Mr. WOOD of Indiana. That is all.

Mr. BURTNESS. Providing that two might get $20,000 and two might get $15,000, because the six were included in the first place, and they might get the maximum?

Mr. WOOD of Indiana. Yes; the gentleman is absolutely correct, it only increases the number by four.

Mr. BURTNESS. And as to the four it does not increase the amount beyond $25,000.

Mr. WOOD of Indiana. No; and, on the other hand, it reduces some to $25,000.

Mr. TINCHER. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. TINCHER. If we agree to the conference report, these salaries will not take effect until July 1.

Mr. WOOD of Indiana. Yes.

Mr. TINCHER. I do not see how the delay which the gentleman speaks of affects the business interests of the country.

Mr. WOOD of Indiana. We have appropriated $50,000 000 for the purpose of compromising the settlement of claims. This bill passed this House more than three months ago, and passed the Senate two months ago. These gentlemen who paid out their good money in good faith have been trying to get their pay, and felt that within a reasonable time after the action of the House and the Senate they would get their pay; but they have not. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. WALSH and Mr. HARRISON) there were 55 ayes and 33 noes.

Mr. WALSH. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Massachusetts makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on agreeing to the conference report.

The question was taken; and there were—yeas 140, nays 154, answered "present" 3, not voting 132, as follows:

YEAS—140.

Anderson	Evans	Leatherwood	Robertson
Andrew, Mass.	Fairfield	Lee, N. Y.	Robsion
Ansorge	Faust	Luce	Rogers
Arentz	Fenn	Luhring	Rose
Bacharach	Fish	McArthur	Rosenbloom
Barbour	Fitzgerald	McCormick	Sanders, N. Y.
Begg	Focht	McFadden	Shaw
Bixler	Fordney	McPherson	Sinclair
Bond	Frear	Madden	Sinnott
Brooks, Ill.	Freeman	Magee	Slemp
Brooks, Pa.	French	Mann	Smith, Idaho
Burdick	Fuller	Miller	Smith, Mich.
Burtness	Gahn	Mondell	Sproul
Burton	Green, Iowa	Moore, Ill.	Steenerson
Butler	Griest	Moore, Ohio	Stephens
Cable	Griffin	Moores, Ind.	Stiness
Cannon	Hadley	Morin	Swing
Chalmers	Hardy, Colo.	Mott	Temple
Chandler, N. Y.	Harrison	Murphy	Thompson
Chandler, Okla.	Hawes	Nelson, A. P.	Tilson
Chindblom	Hawley	Nelson, Me.	Timberlake
Christopherson	Hickey	Newton, Minn.	Tinkham
Clarke, N. Y.	Hill	Newton, Mo.	Treadway
Clouse	Hogan	Nolan	Underhill
Codd	Johnson, Wash.	Ogden	Vaile
Colton	Jones, Pa.	Osborne	Vestal
Crago	Kearns	Paige	Volstead
Cramton	Kennedy	Parker, N. Y.	Wason
Cullen	Kiess	Petersen	Watson
Curry	King	Pringey	Webster
Darrow	Kirkpatrick	Purnell	White, Me.
Davis, Minn.	Kissel	Reber	Williamson
Dickinson	Kline, N. Y.	Reed, N. Y.	Winslow
Edmonds	Knutson	Reed, W. Va.	Wood, Ind.
Elliott	Larson, Minn.	Ricketts	Wurzbach

NAYS—154.

Almon	Appleby	Beck	Bird
Andrews, Nebr.	Bankhead	Beedy	Black
Anthony	Barkley	Bell	Blakeney

Boies	Garner	Linthicum	Rouse
Bowling	Garrett, Tenn.	Little	Rucker
Box	Garrett, Tex.	London	Sanders, Tex.
Briggs	Gensman	Lowrey	Sandlin
Browne, Wis.	Gernerd	Lyon	Scott, Mich.
Buchanan	Gilbert	McClintic	Scott, Tenn.
Bulwinkle	Graham, Ill.	McDuffie	Sisson
Burke	Haugen	McSwain	Smithwick
Byrnes, S. C.	Hayden	MacGregor	Steagall
Byrns, Tenn.	Hays	Mapes	Stedman
Campbell, Kans.	Herrick	Martin	Stevenson
Carew	Hersey	Mead	Stoll
Carter	Hoch	Michener	Strong, Kans.
Clague	Hooker	Millspaugh	Sumners, Tex.
Cole, Iowa	Huddleston	Montague	Swank
Collier	Hukriede	Nelson, J. M.	Tague
Collins	Hull	Norton	Ten Eyck
Connally, Tex.	Jacoway	O'Connor	Thomas
Cooper, Ohio	James	Oldfield	Tillman
Cooper, Wis.	Johnson, Ky.	Oliver	Tincher
Coughlin	Jones, Tex.	Overstreet	Towner
Crisp	Keller	Padgett	Tucker
Crowther	Kelly, Pa.	Park, Ga.	Tyson
Dallinger	Ketcham	Parks, Ark.	Voigt
Davis, Tenn.	Kincheloe	Patterson, Mo.	Walsh
Deal	Kleczka	Porter	Weaver
Dominick	Kline, Pa.	Quin	White, Kans.
Dowell	Kopp	Radcliffe	Wilson
Drane	Kraus	Raker	Wingo
Dupré	Lampert	Ramseyer	Wise
Favrot	Lanham	Rankin	Woodruff
Fisher	Lankford	Rayburn	Wright
Foster	Larsen, Ga.	Reece	Wyant
Frothingham	Lawrence	Rhodes	Yates
Fulmer	Lazaro	Riordan	
Gallivan	Lea, Calif.	Roach	

ANSWERED "PRESENT"—3.

Aswell	Cockran	Rossdale

NOT VOTING—132.

Ackerman	Fields	Langley	Ryan
Atkeson	Free	Layton	Sabath
Benham	Funk	Lee, Ga.	Sanders, Ind.
Bland, Ind.	Glynn	Lehlbach	Schall
Bland, Va.	Goldsborough	Lineberger	Sears
Blanton	Goodykoontz	Logan	Shelton
Bowers	Gorman	Longworth	Shreve
Brand	Gould	McKenzie	Siegel
Brennan	Graham, Pa.	McLaughlin, Mich.	Snell
Britten	Greene, Mass.	McLaughlin, Nebr.	Snyder
Brown, Tenn.	Greene, Vt.	McLaughlin, Pa.	Speaks
Burroughs	Hammer	Maloney	Stafford
Campbell, Pa.	Hardy, Tex.	Mansfield	Strong, Pa.
Cantrill	Hicks	Merritt	Sullivan
Clark, Fla.	Himes	Michaelson	Summers, Wash.
Classon	Hudspeth	Mills	Sweet
Cole, Ohio	Humphreys	Montoya	Taylor, Ark.
Connell	Husted	Moore, Va.	Taylor, Colo.
Connolly, Pa.	Hutchinson	Morgan	Taylor, N. J.
Copley	Ireland	Mudd	Taylor, Tenn.
Dale	Jefferis, Nebr.	O'Brien	Upshaw
Dempsey	Jeffers, Ala.	Olpp	Vare
Denison	Johnson, Miss.	Parker, N. J.	Vinson
Doughton	Johnson, S. Dak.	Patterson, N. J.	Volk
Drewry	Kahn	Perkins	Walters
Driver	Kelley, Mich.	Periman	Ward, N. Y.
Dunbar	Kendall	Pou	Ward, N. C.
Dunn	Kindred	Rainey, Ala.	Wheeler
Dyer	Kinkaid	Rainey, Ill.	Williams
Echols	Kitchin	Ransley	Woods, Va.
Ellis	Knight	Reavis	Woodyard
Fairchild	Kreider	Riddick	Young
Fess	Kunz	Rodenberg	Zihlman

So the conference report was rejected.

The following pairs were announced:

Mr. Johnson of South Dakota with Mr. O'Brien.
Mr. Denison with Mr. Aswell.
Mr. Shelton with Mr. Woods of Virginia.
Mr. Michaelson with Mr. Brand.
Mr. Himes with Mr. Cockran.
Mr. Connolly of Pennsylvania with Mr. Goldsborough.
Mr. Dunn with Mr. Kitchin.
Mr. Ellis with Mr. Lee of Georgia.
Mr. Patterson of New Jersey with Mr. Moore of Virginia.
Mr. Maloney with Mr. Clark of Florida.
Mr. Williams with Mr. Bland of Virginia.
Mr. Olpp with Mr. Pou.
Mr. Greene of Massachusetts with Mr. Sears.
Mr. Ireland with Mr. Campbell of Pennsylvania.
Mr. Dempsey with Mr. Hudspeth.
Mr. Shreve with Mr. Doughton.
Mr. Young with Mr. Johnson of Mississippi.
Mr. McLaughlin of Michigan with Mr. Rainey of Alabama.
Mr. Kendall with Mr. Cantrill.
Mr. Volk with Mr. Blanton.
Mr. Sanders of Indiana with Mr. Drewry.
Mr. Atkeson with Mr. Humphreys.
Mr. Bland of Indiana with Mr. Logan.
Mr. Ackerman with Mr. Mansfield.
Mr. Connell with Mr. Kindred.
Mr. Dunbar with Mr. Hammer.
Mr. Graham of Pennsylvania with Mr. Rainey of Illinois.
Mr. Snell with Mr. Fields.
Mr. Free with Mr. Jeffers of Alabama.
Mr. Brennan with Mr. Kunz.
Mr. Gorman with Mr. Taylor of Arkansas.
Mr. Hutchinson with Mr. Vinson.
Mr. Kahn with Mr. Driver.
Mr. Lehlbach with Mr. Upshaw.
Mr. Merritt with Mr. Sabath.
Mr. Taylor of New Jersey with Mr. Taylor of Colorado.
Mr. Snyder with Mr. Sullivan.
Mr. Walters with Mr. Ward of North Carolina.
Mr. Perlman with Mr. Hardy of Texas.

The result of the vote was announced as above recorded.

The doors were opened.

On motion of Mr. WALSH, a motion to reconsider the vote whereby the conference report was rejected was laid on the table.

Mr. WOOD of Indiana. Mr. Speaker, I do not know whether it is necessary to ask for a further conference on this bill or not; but if it is the wish of the House that a further conference should be had, then I think that the two or three matters in disagreement ought to be brought up and we should know the sense of the House on them. It would expedite business if these matters could be taken up and determined at this time. I therefore ask unanimous consent that the matters in disagreement be considered at this time.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). The gentleman from Indiana asks unanimous consent that the matters in disagreement be considered by the House at this time. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, unanimous consent is not required for the consideration of the matters in disagreement.

Mr. MANN. All of the amendments have to be considered.

Mr. MONDELL. The gentleman has a perfect right to call up these matters in disagreement.

The SPEAKER pro tempore. The Chair so understands it. It is a matter of right.

Mr. WOOD of Indiana. Mr. Speaker, before we enter upon the consideration of these matters I move that the House further insist upon its disagreement to amendments of the Senate Nos. 21 and 35.

The motion was agreed to.

Mr. WOOD of Indiana. Mr. Speaker, I now call up the amendments in disagreement.

The SPEAKER pro tempore. The Clerk will report Senate amendment No. 28.

The Clerk read as follows:

Page 28, line 24, after line 24, insert:

"The commission in charge of the State, War, and Navy Departments buildings, to wit, the Secretary of State, the Secretary of War, and the Secretary of the Navy, is hereby authorized and directed to acquire by purchase, so far as they may be able to at prices deemed by them to be reasonable and fair, otherwise by condemnation in accordance with the provisions of the act of Congress approved August 30, 1890, providing for a site for the enlargement of the Government Printing Office, the following squares of land for public purposes, to wit, the whole of squares known as numbers east of 87; east of 88; 124; 125; 145; 146; and 147, in the city of Washington, D. C., as officially recorded in the office of the surveyor, District of Columbia. The commission is further authorized to reduce the area to be acquired where by reason of improvements constructed or unreasonable prices asked, or for other reasons in their judgment the public interests may require: *Provided*, That if acquired by purchase, the cost of the squares, including expenses incident thereto, shall not exceed the sum of $1,500,000, which sum is hereby authorized and the same is hereby appropriated: *Provided further*, That the squares authorized to be acquired herein shall be under the control of the superintendent of the State, War, and Navy Departments buildings."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede and concur in Senate amendment No. 28. I yield 10 minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Speaker, this matter was reported to the House a short time ago and I trust that all are familiar with it. At that time there was doubt in the minds of many Members just what the provision related to. In order that you may all understand, there has been prepared this map, and the part of the map that is indicated in yellow indicates the seven buildings that are on leased land, that are involved in the recommendation of the committee. Gentlemen will notice that the map shows the location of the temporary buildings as being north of B Street, between Eighteenth and Twenty-first Streets NW. South of B are buildings occupied by the Army and the Navy. They were the more permanent of the war structures.

Mr. CANNON. The cement buildings are on the Mall.

Mr. WASON. Those are the semipermanent buildings that were erected during the war and that are now occupied by the Army and the Navy.

Mr. MONDELL. And the ground in question is across the street from the Army and Navy building?

Mr. CANNON. The cement buildings that are permanent and good.

Mr. WASON. Yes. The buildings that are across the street from the Army and Navy buildings on the north side of B Street and extending up practically to New York Avenue are on leased land. During the war the Government took a lease of this area. Those leases expire this year. The leases were drawn differently from the way most business men would draw leases. They provided a rental to the owners which aggregates $52,000 for all of them. At the expiration of the lease the Government must put the land back in the same condition it was in when the lease was executed, or when the Government entered into possession. In order to put these temporary buildings on the land leased it was necessary to destroy some of the old structures, and they were destroyed or taken off and new structures put on. When the lease expires, the lease requires putting that land back in practically the same condition that it was in when the lease was executed and the Government took possession, or we must settle in damages.

Mr. STEPHENS. Can we not renew the lease?

Mr. WASON. They say not. There is no provision for that.

Mr. STEPHENS. We could condemn and take the property.

Mr. WASON. Yes; but the condemnation proceedings, I might say, in the opinion of men who ought to know, would cost more than the option which the Government has on most of that land.

Mr. SMITH of Idaho. Are all of these buildings now occupied by Government offices?

Mr. WASON. Many of them are, though all of them at this moment are not.

Mr. SMITH of Idaho. Has the gentleman any idea of the amount of rent it would take to lease buildings in place of these?

Mr. WASON. I want to come to that a little bit later.

Mr. KEARNS. For what terms did the leases run?

Mr. WASON. The leases were for five years. They will expire this year. To put the lots back in the condition they were in at the time the leases were executed would cost about what the buildings thereon now could be salvaged for. We have had some experience in salvaging temporary buildings during the war, down at Sixth Street. It is estimated that the salvage value of these buildings, if they were wrecked this summer, might possibly yield $75,000 to $80,000, and it is also estimated that the Government would have to pay under these leases to settle with the owners about that much, perhaps a little more, for the damages they have done to the property while in possession. So that the salvage value of the temporary buildings would practically liquidate the damages that the owners could claim at the expiration of the lease.

Mr. BYRNS of Tennessee. Has there ever been any hearing on this proposition by the proper legislative committee of the House, or by any committee of the House?

Mr. WASON. There has been no hearing before a committee of the House.

Mr. BYRNS of Tennessee. Was there a hearing before the Senate committee?

Mr. WASON. I have never seen a copy of one.

Mr. BYRNS of Tennessee. Is it not a fact that they have had no hearings, and that this amendment was put on on the floor of the Senate by a Senator and that we have absolutely no information before any committee of the House or the Senate with reference to the advisability of the proposition?

Mr. WASON. I am not informed as to the procedure in the Senate, but since the matter came to the attention of the conferees we have gone into the matter very carefully in some detail.

Mr. BYRNS of Tennessee. Can the gentleman furnish the House information as to the owners of the land, as to the amount they paid for it, as to the amount of assessment there is on the land at the present time, and the testimony of outside disinterested persons as to its probable and actual value at this time upon the market? I think the House ought to have that information before it votes a million and a half dollars out of the Treasury for some land down there.

Mr. WASON. If the gentleman will let me go on, I will come to that point, and if I do not cover it generally I will be glad to answer so far as my knowledge goes. The proposition comes to the conferees from the Senate, as the gentleman from Tennessee [Mr. BYRNS] stated. There is a Public Building Commission that has to do with the allotment of space for Government activities, and the Senator to whom the gentleman referred is the chairman of that commission. He made the motion in the Senate, as the CONGRESSIONAL RECORD shows. Now, then, here is this land leased with these buildings on it and leases about to expire. A Government official has options on practically all the land generally on the map they have leased, and the average price on those options is $2.20 per square foot. Whether that is high or low is a matter where men can differ, but we have some comparison to make. The United States Government paid $2 per square foot for that lot years ago [indicating]. They paid $2 a square foot for the lot there, where the new Interior Building is, some years ago. Recently the easterly portion of that lot on the north side of New York Avenue has been sold for the Memorial Hall, and the price paid for that is a trifle over $4 per square foot. On all of this down here we have options, or nearly all. I think there is one lot we have not, which brings the average price to $2.20 per square foot.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. WASON. I will.

Mr. GRAHAM of Illinois. When this conference report was up before, the gentleman from Indiana [Mr. WOOD] stated, as I understood him, that some of the options were about to expire, and I know it made quite an influence on my mind at the time, and that if we were going to get any advantage of those options we had better operate pretty quickly. I understood that some were going to expire about the time he was speaking.

Mr. WASON. They did.

Mr. GRAHAM of Illinois. What is the situation about that now?

Mr. WASON. Some of them did expire, and some did not, but let me say to my friend, who is a good lawyer, that if some man had an option and it expired at midnight——

The SPEAKER. The gentleman has consumed 10 minutes.

Mr. WASON. I will ask the gentleman from Indiana for some more time.

Mr. WOOD of Indiana. How much time does the gentleman desire?

Mr. WASON. I will ask for five minutes.

Mr. WOOD of Indiana. I yield the gentleman five minutes additional.

Mr. WASON. If some one is attempting to gouge the Government who owns land right beside somebody who sells his land for $2.20, my friend from Illinois would welcome the opportunity to represent the Government in condemnation proceedings, and that is the situation in several instances. But on most of the options, I think, there will be no difficulty in carrying out, if the authorization is allowed. Now, we have paid already for these temporary buildings over $2,000,000 in construction. The life of them is from 12 to 15 years. They are already being occupied and being used. The heat is put in by the Government from the heating plant in the Army and Navy Building, the wiring is there, the lights are there, the sprinklers are in there to prevent serious fire damage. They are of concrete construction outside, good floors, and many of them are occupied by Government activities.

Mr. FROTHINGHAM. Will the gentleman yield?

Mr. WASON. I will.

Mr. FROTHINGHAM. Do I understand there is a clause in the lease whereby the Government claims ownership of these buildings, or would they have to be torn down?

Mr. WASON. They can abandon if they want to. The Government only had the lease upon the land, and of course the lessee can take the buildings off before the leases expire.

Mr. WURZBACH. Will the gentleman yield?

Mr. WASON. I will.

Mr. WURZBACH. Were there any improvements or buildings on any of this leased property at the time the contract went into effect?

Mr. WASON. There were some buildings there, but they have been destroyed and these temporary buildings put in place thereof, and under the lease the owners can oblige the Government to put the structures back in the condition they were when the Government took them under the lease or settle damages.

Mr. WURZBACH. That would be, as a matter of fact, impossible of performance, would it not?

Mr. WASON. The probable thing would be damages.

Mr. WURZBACH. Does the gentleman think the owners of that land would be satisfied to accept the property in the present condition of the buildings on it?

Mr. WASON. That would be impossible, because there are so many owners in fee.

Mr. WURZBACH. Do you think the owners of that land would be willing to accept the buildings on the land?

Mr. WASON. I can answer only for myself. If I owned one lot there with buildings on it, I should say no.

Mr. WURZBACH. You think, then, they would insist upon those buildings being removed or upon payment of damages?

Mr. WASON. If they view the property the same as I do, they would.

Mr. WURZBACH. What is the nature of the improvements that were on this property at the time the Government leased it?

Mr. WASON. I know about one. It was of brick construction and was used as a tenement. It was not in very good condition.

Mr. WURZBACH. Has the gentleman information as to the improvements on the balance of the property?

Mr. WASON. What property?

Mr. WURZBACH. On the different pieces of property?

Mr. WASON. On a large portion of that property there were no improvements at the time the Government took the lease.

Mr. WURZBACH. No improvement at all?

Mr. WASON. No; on some of it there was.

Mr. MANN. Will the gentleman yield?

Mr. WASON. Certainly.

Mr. MANN. I may say that I am in sympathy with the gentleman. Who has supervision of these buildings now?

Mr. WASON. It comes under Colonel Sherrill, acting for the Government.

Mr. MANN. Has any reason been given here why the Government ought to purchase this land, and why the proposition was not made to the legislative end of the Government in the proper way at the proper time for consideration by the proper committee, instead of offering it offhand as a Senate amendment?

Mr. WOOD of Indiana. I will explain to the gentleman from Illinois. There was an independent bill introduced in the Senate.

The SPEAKER. The time of the gentleman from New Hampshire has expired.

Mr. WOOD of Indiana. I yield to the gentleman five minutes more.

There was an independent resolution introduced in the Senate for the purpose of doing this thing, because the leases expired, and because of the desire on the part of the committee to get the Government activities to use the space in order to avoid rent. That was the reason they urged upon us as the necessity for passing this bill. And I will say that they are trying to raise now the rental of the Department of Justice Building $300,000 a year.

Mr. MANN. But there was no estimate made for it?

Mr. WOOD of Indiana. No.

Mr. MANN. There was no request for this which came through the ordinary and proper channels, and while I am inclined to think that we ought to buy the land I think somebody somewhere is subject to severe criticism for not bringing this to the attention of Congress in the proper way. Now, having relieved my mind in that way, may I ask the gentleman if these buildings are now all occupied by the Government?

Mr. WASON. Yes.

Mr. MANN. The space is needed by the Government?

Mr. WASON. Yes.

Mr. MANN. And if we abandon these buildings, as I understand, we have got to go out and rent privately owned buildings with equal space?

Mr. WASON. Yes, sir; that is right.

Mr. MANN. And at a considerable and probably more cost than it would be in the course of three or four years to buy this land?

Mr. WASON. It is estimated by a member of the Public Building Commission that the floor space that is available for use in Government activities in these temporary buildings will, if hired of private owners in Washington, be of such an amount that the rentals will equal the $1,500,000 that we can acquire the land for in three years. In other words, it is estimated it will cost $500,000 a year.

Mr. WALSH. Does the gentleman know whether all the floor space is taken and availed of in the Army and Navy Building down near the Lincoln Memorial?

Mr. WASON. I know that the activities occupying them claim that it is all needed, but I think they are going to be crowded into a smaller space if the Committee on Public Buildings and Grounds has its way, and I believe they will.

Mr. BYRNS of Tennessee. Who is responsible for tearing down Government buildings in Seaton Park and making the argument for us now to buy property?

Mr. WASON. What park?

Mr. BYRNS of Tennessee. Seaton Park, on the Mall. Three or four buildings have been torn down there in the last year. Who is responsible for it?

Mr. WASON. Congress is responsible for that.

Mr. MANN. We provided by legislation that they should be torn down.

Mr. WASON. The Committee on Appropriations last year—and the gentleman from Indiana and myself were on the subcommittee—provided that instead of laying out any more money in keeping the buildings so they could be used they should be salvaged at once.

Mr. BYRNS of Tennessee. Is it not true that those buildings were in better condition and far more convenient to the general public than these other buildings?

Mr. WASON. No, sir; it is not.

Mr. BYRNS of Tennessee. And has not the very fact that they have been torn down made it possible to come here now and say that we must buy this property without a hearing and without an opportunity to investigate by the Committee on Public Buildings and Grounds and get the exact facts, and without a hearing on the part of the committee in either branch of Congress, in order to avoid having to rent those buildings?

Mr. WASON. I will say no, because at the time you and I recommended to this House the disposition of those temporary buildings down there on Sixth Street last year, I did not know that these temporary buildings on the north side of B Street were on leased land. But in regard to the condition of the buildings, that is essential. I can say to my colleague candidly that those buildings that were destroyed and were situated between Sixth and Seventh Streets are no comparison to these buildings, either in construction or condition, as they existed when they commenced to salvage those and destroy them.

Mr. BYRNS of Tennessee. The Senator from the State of Utah, if I may be permitted to quote from him, stated in the Senate yesterday, as reported in the newspapers, that there has been a demand made by the owner of the building occupied by the Department of Justice for $300,000 per annum at the expiration of that lease on June 30. The Government now pays $36,000, and the Senate adopted an amendment to the bill providing for an appropriation for the Departments of Justice and State of $75,000 per annum. He was asked what the Government was going to do. He said the Government was going to stay there until the Supreme Court passed upon it.

Now, why can not the Government stay in this property for a few months until we can get information upon this matter and thus be enabled to vote intelligently? I do not know whether, so far as I am personally concerned, I would vote for it or not, if I had all the facts; but I certainly do not want to vote for a proposition involving a million and a half dollars when there has been no hearing by a committee of the House or Senate on the subject and we are not supplied with the information which I think we ought to have before we vote for an appropriation of that kind.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

Mr. WASON. Certainly, for a question.

Mr. PADGETT. Is it not apparent and evident that these buildings will not be in demand from anybody else except the Government? And is it not also true that they are in the off part of the city, out of the business area, and out of the business section, and that the owners of the buildings will be more than glad of an opportunity to renew the leases to the Government if they should expire? Because if the leases expire there will be absolutely no demand, and they will have the property on which they will have to pay taxes, and they will be absolutely glad of the opportunity to lease them.

Mr. WASON. I wish the statement of my friend from Tennessee coincided with the facts. But the facts are exactly the opposite. The owners of the buildings refuse to re-lease.

Mr. PADGETT. Of course, they want to force a sale, and they say now that they will not lease; but if the Government calls their bluff and they have vacant property on their hands and taxes to pay, they will rejoice at the opportunity to release that property.

Mr. WASON. I will say to my friend that I do not know whether they will or not. The gentleman probably knows more about real estate in Washington than I do, but I know that there is a contention here——

Mr. PADGETT. Let the Government call their bluff, and——

Mr. WASON. There is no bluff. All you have to do is to ask the Government to make them live up to the contract entered into with the Government five years ago. It was not such a contract as a few of us who knew about real estate would have signed. We would have drawn the leases different.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. WASON. Yes.

Mr. ROSE. Is it not true that the Government can condemn at any time?

Mr. WASON. Certainly.

Mr. ROSE. Does the gentleman believe that the condemnation proceedings would result in such an enormous expenditure as is now asked for?

Mr. WASON. I do not know what the result of condemnation proceedings would be here. I know that the lawyers who

would have to handle them have plenty of work to do without any additional work.

The SPEAKER. The time of the gentleman from New Hampshire has expired.

Mr. WASON. Mr. Speaker, may I have two minutes more?

Mr. WOOD of Indiana. I yield two minutes more.

Mr. WASON. I know that it takes time to go through the necessary steps in condemnation, and I believe that before a jury or before a court, from what I have investigated here, they could easily show that that land is worth more than $2.20 a square foot on the average, in view of the fact that recently that little lot right there [indicating] has been sold for over $4 a square foot. Before the Pan American Building was constructed some years ago the United States Government paid $2 per square foot then.

I have been told by a real estate man who is not interested in this vicinity but who has lived in Washington for a great many years and has owned a great deal of property here, that $2.20 per square foot in his opinion was cheap. I will not tell you his name, but this was his language: "If the Government will not take it, I think I would be willing to go in with you and buy it at that price and hold it for speculation." That was his statement.

Mr. WILLIAMSON. About what is the life of the present building on the property?

Mr. WASON. From 12 to 15 years.

Mr. RICKETTS. Mr. Speaker, will the gentleman yield?

Mr. WASON. Yes.

Mr. RICKETTS. What department of the Government made this lease in the first instance?

Mr. WASON. The War Department.

Mr. RICKETTS. Have you a copy of the leases?

Mr. WASON. I have seen some of them.

Mr. RICKETTS. It is a straight-out lease for five years at a certain sum per year?

Mr. WASON. They are different. They are not written alike.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WASON. Yes.

Mr. GARRETT of Tennessee. Do I understand that this is to be used as an extension of the Government Printing Office?

Mr. WASON. No, indeed.

Mr. GARRETT of Tennessee. That is what was read, or what some gentleman said.

Mr. WASON. No. These are temporary buildings at Eighteenth and B Streets, right across from the Army and Navy buildings.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. WASON. Certainly.

Mr. TILSON. Would it not be practicable and proper to use these buildings for the Department of Justice in case we are unable to secure a reasonable lease of the property now occupied by that department?

Mr. WASON. Yes. It is contemplated that unless the Department of Justice can get satisfactory terms they will move down there. The Alien Property Custodian is going to be put in there. The Agricultural Department, that is scattered all over Washington, will be put in there, and for the rent that we will have to pay private owners we will pay for this land in three years and own it at a fair price.

The SPEAKER. The time of the gentleman from New Hampshire has again expired.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Indiana moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Senate amendment.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. GARRETT of Tennessee. A division, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee asks for a division.

The House divided; and there were—ayes 48, noes 21.

Accordingly the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 29: Page 30, line 8, strike out "$300,000" and insert in lieu thereof "$375,000."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede from its disagreement to the amendment and concur in the same with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. Wood of Indiana moves that the House recede from its disagreement to amendment No. 29 and agree to the same with an amendment as follows:

"In lieu of the sum proposed in said amendment insert $325,000."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 31: Page 32, line 22, after the word "ships," strike out the colon and insert: "and (d) $55,000,000 from moneys collected from mortgages, leases, accounts and bills receivable other than those arising from current operations, and from moneys collected from the sale of ships, plants, material, securities, and other assets prior to July 1, 1923, less such portion of said $55,000,000 which shall have been collected during the fiscal year 1922 under the provisions of an act entitled 'An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes,' approved March 4, 1921."

Mr. WOOD of Indiana. Mr. Speaker, I move that the House recede and concur, with the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. Wood of Indiana moves that the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and (d) not to exceed $25,000,000 from moneys collected from mortgages, leases, accounts and bills receivable other than those arising from current operations, and from moneys collected from the sale of ships, plants, material, securities, and other assets during the fiscal year 1923."

Mr. BYRNES of South Carolina. Will the gentleman yield me five minutes?

Mr. WOOD of Indiana. I yield to the gentleman five minutes.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, I think the House is familiar with this proposition. It has been voted upon, and by an overwhelming vote has been rejected on at least two occasions. The question is whether we are going to change our minds and give to the Shipping Board this additional amount of $25,000,000. Whatever you do, I want at least to put the facts before the House.

The facts are that though early in this session the Committee on Appropriations took the position that it would not report to the House an amount in excess of that which was estimated for by the Budget, in the case of the Shipping Board—of all departments of the Government—the bill as originally reported to the House contained, in addition to the $100,000,000 asked for by the Shipping Board, this legislation making available whatever balance there was on July 1, 1922, out of this total fund of $55,000,000. It was estimated that this balance would be $30,000,000. Now, the only change that is presented to you by the amendment offered by the gentleman from Indiana [Mr. Wood] is that the Shipping Board will certainly have $25,000,000 instead of $30,000,000, as it would have had if the original provision was agreed to.

Now, let me show you what money the Shipping Board wanted for the next fiscal year. The original request submitted to Congress was for $50,000,000. They then came before the committee and discovered how generous the committee was. Therefore, after they had had the hearing on January 4, they went back and submitted a supplemental estimate which I hold in my hand. In this estimate the Director of the Budget submits a request for $50,000,000 additional for claims, making the total estimate $100,000,000, as against the amount appropriated for the current fiscal year of $73,500,000.

Now, their hearings began on January 3. If, as late as January 7, four days after the hearing began, they asked for only $100,000,000, why will you vote for this provision giving them $25,000,000 more? Some gentlemen say they want it for claims. Not exactly.

Mr. Lasker said he would like to have this $55,000,000 made available during the next fiscal year for the following purposes:

We ask you to simply authorize the $55,000,000 as a continuing appropriation, and we will use only such part as we need in the liquidation of debts, including the payment of the United States mail obligations and the reconditioning of the *Leviathan*, and to generally clean up for general purposes.

"To generally clean up for general purposes." In other words, on general principles they want you to give them $25,000,000 more than they ever estimated for to the Budget Bureau. To this date no estimate has come from the Director of the Budget

for this $25,000,000. Now, why are you going to do it? What is there in the record of the Shipping Board to justify you in giving them $25,000,000 more than they asked the Director of the Budget to recommend? What are you going to have the Bureau of the Budget for if you are going to have the Shipping Board submit supplemental estimates increasing their estimates by $5,000,000 at a shot, and then, after they get that recommendation from the Budget Bureau, come and ask you for $25,000,000 more? Do you know of any other department of the Government that comes to this Congress and asks for $100,000,000, and then after getting the $100,000,000 asks for $25,000,000 more, just for good measure, and gets it?

Let me call your attention to another thing. This bill as it stands provides that the Shipping Board, for the general expenses of the Fleet Corporation for the next fiscal year, shall have: (a) The amount on hand July 1, 1922. You do not know what that will be and I do not know what that will be.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I ask the gentleman to yield me five minutes more.

Mr. WOOD of Indiana. I yield the gentleman five minutes more.

Mr. BYRNES of South Carolina. First, they are authorized to spend the amount on hand July 1, 1922. We do not know what that is, (b) $50,000,000, (c) the amount received during the fiscal year 1923 from the operation of ships, (d) $55,000,000 of the unexpended balances. They get not only that but whatever is received from the operation and whatever amount of money is on hand July 1, and in addition to that my friend from Indiana wants to give them this $25,000,000. Then they have $50,000,000 for claims.

Now, they may say that they need this $25,000,000 for claims. They have $50,000,000 to pay the claims, and I have read the statement of Mr. Lasker that he wants it for general purposes to clean up. They do not need it. Furthermore, if during the year there is any necessity for more money, you know that Congress is going to be in session for some time during the balance of the fiscal year. As the gentleman from Illinois [Mr. MANN] suggested when the matter came up last, is there any reason why they can not come back during this session if they need it and ask for it through the Budget instead of coming directly to Congress?

Mr. WALSH. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. WALSH. Is this money to be used in the settlement of claims?

Mr. BYRNES of South Carolina. That statement has been made on the floor, but the statement of Mr. Lasker is that they want it as "a continuing appropriation, and will use only such part as we need in the liquidation of debts, including the payments of the United States mail obligations and the reconditioning of the *Leviathan*, and to generally clean up for general purposes."

Mr. WALSH. Did not he further elaborate it?

Mr. BYRNES of South Carolina. No; having asked for it, he knew he was going to get it, and that is all that appears in the hearings.

Mr. WALSH. Then it can all be applied to the settlement of claims?

Mr. BYRNES of South Carolina. It can be applied to all purposes. The statement was general enough to leave him so that he could spend it for any purpose—I see no tying of his hands. I know that this was not estimated for through the Budget.

Every dollar they asked for through the Budget has been granted them, and in addition they get the amount on hand July 1 and the amount they get from the operation of the ships. Furthermore, if you do this you serve notice upon the department that after they get all they ask for through the Budget Bureau they can come to Congress and get additional amounts. Even a Congress as generous as this one is can not afford to give it to them.

Mr. DALLINGER. Will the gentleman yield?

Mr. BYRNES of South Carolina. Certainly.

Mr. DALLINGER. Is it not true that, on page 33 of the bill, we have already appropriated $50,000,000, of which $30,000,000 will be immediately available for the payment of claims?

Mr. BYRNES of South Carolina. They asked for $50,000,000 for claims and got it. If they had asked for $100,000,000 they would have got $100,000,000, but fortunately they were mild in their demands.

Mr. SNELL. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. SNELL. Has anything new arisen since we voted on this before?

Mr. BYRNES of South Carolina. Nothing except that it appears that we are to have a deficit next year of $480,000,000. My good friend the gentleman from Indiana is ordinarily a watch dog of the Treasury, but when it comes to the Shipping Board, he goes to sea, and he is at sea now. [Laughter.]

Mr. WOOD of Indiana. That is what the Shipping Board is for.

The SPEAKER. The time of the gentleman from South Carolina has again expired.

Mr. WOOD of Indiana. Mr. Speaker, the gentleman from South Carolina does not wish, I am sure, to confuse the minds of the membership with reference to the payment of these claims. The $50,000,000 we appropriated, authorizing the payment of claims, are for the payment of claims that were created prior to the present administration during the war and for war material. They have nothing to do with the present operations of the Shipping Board. That is to say, suppose a man in Michigan furnished a certain number of ships during the continuance of the war under a contract about which there might have been some dispute and that dispute compromised. That is one of the items that would be included in the $50,000,000 appropriation for claims.

Now, the manner in which the money is collected, including the $55,000,000, is for the purpose of paying debts incurred since the war and outstanding indebtedness from the operations of the Shipping Board.

Mr. SNELL. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. SNELL. When they made the estimate for the appropriation did not they take into consideration the outside expenses and debts?

Mr. WOOD of Indiana. No. I want to point out the peculiar condition that we are in in reference to the $55,000,000 item. The Jones Act provided that these collections should be paid into the Treasury. Last year we changed the Jones Act and said to the Shipping Board if you are going to have any money to defray the expenses of operation or the paying of debts you owe for operation you will have to collect your own money and apply it. Therefore we authorized them to collect the $50,000,000 and apply it.

Mr. BYRNES of South Carolina. Did not we give them the cash and also give them the authority? This year you gave them the cash, and now they want the authority.

Mr. WOOD of Indiana. No; we are only extending the authority. The gentleman is trying to confuse the minds of the Members on this $50,000,000. The $50,000,000 has nothing to do with the operation or the paying of debts that were created through the operation. Here is the situation we are in: A year ago, or when the bill was passed authorizing the collection of this $55,000,000, they were given the right within the fiscal year of 1922 to collect that $55,000,000. That was before this present board came in. When this board came in they stopped that whole process and commenced taking an inventory of stock and the property on hand and the debts of the Shipping Board, and in consequence there was a great space of time in which they did not collect any money. Up to the last three or four months they only collected six or seven million dollars, and since then they have collected some $15,000,000. Now they want authority to collect the $25,000,000 before the last day of June, 1923.

They are not asking for any more authority, but that the time be extended during the next fiscal year for the collection of this sum. Belgium owes us a large amount of money, and it is a part of their business to collect it. England owes us a large amount of money, and it is the business of the Shipping Board to collect it. Those gentlemen over on the other side of the sea are hoping that this Congress will do what some of you gentlemen are advising shall be done, namely, that the authority of these gentlemen to make these collections may end on the 30th of June.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SNELL. There seems to be a misunderstanding. Certainly it is not clear to me. Is it absolutely necessary to do anything as far as their authority to collect this money is concerned?

Mr. WOOD of Indiana. No.

Mr. SNELL. That is what I want to get clear in my mind. If it is necessary to do anything so that they will be allowed to collect the money, we want to do that, but the only question is whether we will give them authority to spend it for the Shipping Board after they collect it.

Mr. WOOD of Indiana. That is what is included in this. It is the same authority that was had last year.

Mr. SNELL. Why does it have anything to do toward the collection then?

Mr. WOOD of Indiana. It is their business to collect the debts. These are debts contracted by these foreign governments, due to the Shipping Board.

Mr. SNELL. We understand that, and we want them to collect those debts, but we do not want to give them authority to expend the money after they have collected it. It seems to me that unless we pass this as the gentleman asks us to they can not collect it.

Mr. WOOD of Indiana. They can collect it if it is collected before the 1st of July.

Mr. SNELL. Why not after the 1st of July?

Mr. WOOD of Indiana. Simply because the authority which you gave them under a rule would expire.

Mr. BYRNES of South Carolina. Oh, does the gentleman from Indiana contend that under the Jones Act there is anything that restricts or prevents them from collecting that money? Is not this the fact, that they are directed to go ahead and collect it, but after July 1, when they do collect it, it goes into the Treasury and is not available for them to spend?

Mr. SNELL. That is the only question that we are discussing.

Mr. BYRNES of South Carolina. My friend from Indiana will not question the correctness of that.

Mr. WOOD of Indiana. Absolutely not, but here is the trouble. Anyone who has had anything to do with collecting indebtedness from a foreign government knows how much trouble there is involved.

Mr. SNELL. But the gentleman is now getting onto another question. We are not discussing that. We want to collect that money, but we do not want to spend it, as I understand it.

Mr. WOOD of Indiana. Mr. Speaker, the gentleman is a business man conducting a business, we would say. He has authority if he collects money within a certain time, due to a certain concern, to apply that money in his own business. Suppose in order to collect that you have to make reductions, because you need the money to run your business.

Mr. SNELL. What authority have they got for making a reduction?

Mr. WOOD of Indiana. They have ample authority. They have a right to compromise. The men who are charged with the administration of the Shipping Board have the right to conduct their business just as the gentleman would conduct his own business, in the absence of fraud.

Mr. BYRNES of South Carolina. Does the gentleman mean to give out the impression that Mr. Lasker, in charge of the Shipping Board, would absolutely sacrifice the interests of this country and consent to a discount rather than have the money go into the Treasury after July 1?

Mr. SNELL. That is the purport of the gentleman's statement.

Mr. WOOD of Indiana. I shall make my own statement, and gentlemen can draw their own conclusions. Here is what Mr. Lasker would do, or might be inclined to do, just as the gentleman would. If you have a given policy, if you have a given amount of work laid down and you have to have a certain amount of money to do that work, and you knew that by making a reduction you could save your employer, the Government of the United States in this case, some money you would do it, because by waiting and going through the dilatory tactics employed it would cost you more. What would be your duty in such a case?

Mr. SNELL. That does not seem to be the question before us.

Mr. WOOD of Indiana. That is the only question.

Mr. SNELL. I maintain the question before us is whether we will give them authority to spend this money after they collect it. Let the gentleman refute that and show us why that is not the question.

Mr. WOOD of Indiana. That is one of the questions.

Mr. SNELL. That is the only one that we are contending about at this time. We all want them to collect the money.

Mr. WOOD of Indiana. If the gentleman wants a little time, I will give it to him; but I will ask him to please let me speak for a little while.

Mr. BYRNS of Tennessee. Mr. Speaker, is it the gentleman's purpose to move the previous question when he concludes?

Mr. WOOD of Indiana. Yes.

Mr. BYRNS of Tennessee. I would like to have about two minutes.

Mr. WOOD of Indiana. Very well; I yield the gentleman two minutes now.

Mr. BYRNS of Tennessee. Mr. Speaker, I simply want this time to keep the record straight. The gentleman from Indiana [Mr. WOOD] made a remark a little while ago to the effect that those who are opposing this proposition are trying to cripple the Shipping Board. Those who are opposing this proposition are acting in accord with Mr. Lasker's own opinion and his own earnest protests to Congress made last July. Gentlemen will remember when this was up before that I read from hearings some very strong statements made by Mr. Lasker on this subject. To make the record complete, I want to read to you a portion of a statement issued by Mr. Lasker to the press on July 18, 1921, when he was new in the business and fresh from the people and the taxpayers. Here is what he had to say about this particular proposition, and he was referring to the $55,000,000 which is carried in the present bill. He says:

> This is a basically wrong thing to do, anyway. Therefore I am going to ask Congress to withdraw that permission and require us to cover into the Treasury all money derived from sales. I do not want to be at the head of a business that is run in any such fashion. If department heads do not have to account for money they use, it is easy enough for them to fool me and fool themselves. It makes for criminal waste and extravagance just as undoubtedly it has in the past.

That was Mr. Lasker in July, 1921. I would like to know what has come over the spirit of his dreams after six or seven months' service on the Shipping Board.

Mr. WOOD of Indiana. I will try to tell the gentleman. Mr. Lasker made the statement the gentleman attributes to him, and he did it immediately or within a few days after taking charge. He was laying down then a business policy to which we will all subscribe. There are a thousand things that happened during the war that make exceptions to general business and the very creation of this Shipping Board is one of them. Mr. Lasker found out that he had gotten himself into something entirely new, the like of which he never before confronted. Let me give you one of the reasons why he thinks this should be extended. He says:

> The Lloyd Royal Belge owes the Shipping Board on our books approximately $12,000,000. We have had the matter of settlement with them under negotiation with the company and with the Belgian ambassador. They offered us some two weeks ago $8,200,000 in settlement of the claim. We offered to take $9,300,000, which we considered a fair amount. Our reason for making this offer is that they threatened us with extended litigation in the courts abroad, which would drag along for years, giving, as a basis for the claim, technicalities which could tie us up indefinitely.
>
> To-day I received a letter from the Lloyd Royal Belge refusing to pay $9,300,000 withdrawing their offer of two weeks ago of $8,200,000, and virtually giving us an ultimatum to immediately accept $6,500,000 or have a lawsuit.

The Royal Belgian Government now is hoping that you gentlemen will take and do the thing here you are attempting to do and thereby give them time to take this thing through the courts.

Mr. BYRNES of South Carolina. How will this affect it one way or the other——

Mr. WOOD of Indiana. It will affect it in this way: If we do not take and extend this time, so far as being able to compromise is concerned——

Mr. BYRNES of South Carolina. What will stop them from compromising? They can wait a year. They can settle in 30 days. That does not——

Mr. WOOD of Indiana. I think the gentleman from South Carolina in conducting a business of his own would exercise authority and use his best judgment in the transaction of that business, and he would not want to come to Congress every time he makes a settlement and get the sanction of Congress.

Mr. BYRNES of South Carolina. This does not require it.

Mr. WOOD of Indiana. That is the whole trouble about this business. This Shipping Board is something entirely new, the like of which we never had to deal with before. It is a business of the Government and we are not recognizing it as such, but simply recognize it as a pure business function which it is not.

Mr. STEPHENS. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. STEPHENS. Has not Mr. Lasker or the Shipping Board authority to settle these claims at any future time? If this amendment is not passed, will it not have the same authority to collect all of this money that is due just the same as if this were passed?

Mr. WOOD of Indiana. Under the Jones bill they have the general authority to transact this general shipping business, but they have not the authority that is given under this amendment; and here is the peculiar thing about this business: The Congress is simply playing a shuttlecock game with this thing. In the Jones bill we make one provision under which this business shall be done, and under the amendment in last year's appropriation bill we make an entirely different provision. They have accepted the last amendment and have proceeded under that until this time, and if you wish and can force them they may collect the whole amount within the next two months, or before the 1st day of July.

Mr. STEPHENS. Can not they collect now, whether we give them the authority to use it after it is collected, or not?

Mr. WOOD of Indiana. Yes.

Mr. STEPHENS. Is not the only question whether they can use this money after it is collected?

Mr. WOOD of Indiana. That is absolutely true.

Mr. STEPHENS. But they can collect, whether we give them that authority or not, and it is the gentleman's idea that they have not got the authority to use this money after it is collected, and therefore they will not make any effort to collect it.

Mr. WOOD of Indiana. No; I do not say that. If we give them the right to collect this money, they will not only use their best judgment in collecting it but also they can use it in their business to advantage.

Mr. STEPHENS. That is the question.

Mr. WOOD of Indiana. Some gentlemen here say that they should come to Congress, and in the main that is a good proposition and should be followed.

But here is a business with ramifications all over the world. They need something to-day that they did not anticipate yesterday, and they are going to need something to-morrow that they had no conception of to-day. Now, they must come to Congress and state whether or not they have spent any of this money. Under the Jones Act they must collect it and put it in the Treasury.

Mr. STEPHENS. The only question is whether they will have authority to use and expend this money as they collect it?

Mr. WOOD of Indiana. That is it.

Mr. STEPHENS. And that has not anything to do with the extension of time, so far as they have authority to collect it?

Mr. WOOD of Indiana. They have authority to collect. It is simply a matter of business expediency and business policy. You gave them this very authority and power. Now, then, you are going to take it away from them right in the middle of its execution. It was the contemplation of Congress that they had the right to collect this money and use it in the operating expenses.

Mr. SNELL. You would not want to leave the impression that the Shipping Board was sacrificing some particular interest in order to get this money collected before the 1st of July in order that they might have it to spend?

Mr. WOOD of Indiana. I do not want to leave that impression, but I want to leave this impression, that if you do not do this thing you are going to encourage the dilatory tactics of gentlemen who are on the other side and who owe us large sums of money.

Mr. SNELL. Just explain how it will be possible to encourage dilatory tactics?

Mr. WOOD of Indiana. It was explained in the letter I have just read you, where they are attempting to make these compromises, and they have told them that unless we accept the amount of money they offer they will extend this thing and drag it through the courts for time immemorial.

Mr. SNELL. What has that to do with the extension of the time? You have not made it clear.

Mr. WOOD of Indiana. I am trying to make it plain. Perhaps I am unfortunate in so doing. I do not know how much money it is going to take for the upkeep of the Shipping Board during the next fiscal year. No man can tell.

Mr. SNELL. I guess that is true.

Mr. WOOD of Indiana. I know that the best guesses they have had in the past have missed it by many, many millions of dollars. I know that if these men had a little bit of surplus money with which to make a just contract, they could save money, rather than letting the man who is going to contract with them know that before we could pay him he must come down to Congress and get a bill through here.

I want to say to you, gentlemen, that by reason of the bad faith practiced by the Government upon men who have contracted with it we have brought ourselves into very great disrepute, these men knowing that they are taking the greatest chances in the world, no matter how good the faith of the man might be who represented the Government, or how much he may believe at the time he made the contract on behalf of the Government that the bill would be paid. Every one of you has constituents now who are appealing to you to help them get the money that has been due them for years and years.

Mr. DOWELL. Will the gentleman yield there?

Mr. WOOD of Indiana. I yield.

Mr. DOWELL. Does the gentleman mean to say that this $25,000,000 is to be used for operating expenses?

Mr. WOOD of Indiana. It is to be used; yes.

Mr. DOWELL. Has not the proper appropriation been made for that purpose?

Mr. WOOD of Indiana. No. We made an appropriation of $50,000,000 for the purpose of covering a deficit in operating expenses, upon the evidence that we had at the time. But they are running behind now at the rate of $4,000,000 a month.

Mr. DOWELL. Originally this was for the purpose of paying claims?

Mr. WOOD of Indiana. No; it was not.

Mr. DOWELL. Now it is for the purpose of operating expenses?

Mr. WOOD of Indiana. No; it is for the purpose of paying debts. Here is what happened: When this $50,000,000 was given it under the old bill they owed debts all over the world. They asked us to give the money. We said, "You go and make the collections and apply them to the extent of $50,000,000."

Mr. DOWELL. Does the gentleman not think the board should come before the committee and show what the expenses are?

Mr. WOOD of Indiana. It is simply a matter of business expediency, and if you think these gentlemen can save more money to the Treasury by doing it that way, than by using their judgment, it is all right. If it was purely a governmental function, I would say all right, but it is a business conducted by the Government and ought to be conducted on business principles.

Mr. BYRNES of South Carolina. I understood the gentleman to say in response to the gentleman from Iowa [Mr. DOWELL] that the $50,000,000 appropriation was not available for the general expenses and administrative purposes, such as reconditioning and repair of ships and other general purposes.

Mr. WOOD of Indiana. Which $50,000,000?

Mr. BYRNES of South Carolina. In subsection (b).

Mr. WOOD of Indiana. The $50,000,000 was based on the theory of the deficit created from month to month; that it would take $50,000,000 in addition to what they might collect in order to cover the deficit.

Mr. BYRNES of South Carolina. Does the gentleman from Indiana agree that the Shipping Board did not ask for $50,000,000 for general expenses of the Shipping Board, and you gave them $50,000,000, and for claims?

Mr. WOOD of Indiana. The gentleman confuses that item with the $50,000,000. The $50,000,000 other than the $50,000,000 for the payment of claims was for the purpose of anticipating a deficit of $50,000,000.

Mr. BYRNES of South Carolina. The gentleman provides this for all purposes?

Mr. DOWELL. Did the gentleman state a moment ago that proper appropriation had not been made for the running expenses of the board, and that this $25,000,000 was to be used in addition to what had already been appropriated for that purpose?

Mr. WOOD of Indiana. I said that if this was expended, whatever was appropriated, could be used for the conduct of the business.

Mr. DOWELL. But you have already allowed $50,000,000 for that purpose?

Mr. WOOD of Indiana. It is purely a question of business policy. Take the proposition made by the gentleman from Tennessee [Mr. BYRNS]. That $50,000,000 is for the purpose of operating and this $25,000,000 for the purpose of operating, and then you would have $75,000,000 for the purpose of operating. Now then, if at the end of the year they have got a surplus, or anything left over, they have got to use it for the payment of claims. I say it is good policy to let them collect this money in a business sort of way and apply it in a business sort of way for the payment of claims, rather than to come here in a tedious way and tie up the money and accomplish no good results.

Mr. EDMONDS. As the matter stands to-day, the $50,000,000 will about cover the operating deficit of the Shipping Board?

Mr. WOOD of Indiana. That is right.

Mr. EDMONDS. They will not need more than that. They are losing now about $4,000,000 a month. But times are getting a little better in the shipping business, and it is possible they will not lose that much money. Now, would it not be well if you were to take this $25,000,000 and apply it in your amendment just to the payment of claims and leave it stand that way? Then there can be no doubt in the minds of Members as to how you want to apply it.

Mr. WOOD of Indiana. I do not care how they apply it, whether in paying debts or in the operation of the business, so as to show a surplus at the end of the year.

Mr. WALSH. Mr. Speaker, will the gentleman from Indiana permit me to submit a parliamentary inquiry to the Chair in his time?

Mr. WOOD of Indiana. Certainly.

Mr. WALSH. If this amendment is voted down, will a motion that the House still further insist on its disagreement be in order?

The SPEAKER. Certainly.

Mr. WOOD of Indiana. Now, gentlemen, I have told you all I want to say to you about this business, and it is for you to determine it. I believe it is the part of good business to continue in the hands of those gentlemen the power to collect this $25,000,000 in the year 1923 and spend it in the best manner possible in the conduct of the affairs of the Shipping Board.

Mr. DOWELL. If they needed this $25,000,000, why did they not present their estimate in the first instance, when they asked for $50,000,000 and you gave it to them?

Mr. WOOD of Indiana. They thought they could collect the entire $55,000,000 before the expiration of the year, but after that time and before the termination of the hearing before the committee they concluded that because of the long delay in completing the inventory that they had to make and other conditions which they could not anticipate they found that up to that time they had collected only $7,000,000, and that unless they made an extraordinary effort they could not collect more than $20,000,000.

Mr. DOWELL. Ought not that to have been provided for at the time?

Mr. WOOD of Indiana. Yes. If a mistake was made, it was made at that time. But that was the policy we adopted then, to encourage them, and they started out along that line of policy and conducted their business in that way. Now, we propose to take and reverse it.

Mr. CLOUSE. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CLOUSE. I wonder if the gentleman can tell us, if he has the facts in his possession, the facts with respect to the amount of money that is likely to be available and left on hand July 1?

Mr. WOOD of Indiana. It is only an estimate or assumption that they will have collected by the 1st of July $20,000,000.

Mr. CLOUSE. And that will be available for defraying the necessary operating expenses?

Mr. WOOD of Indiana. Yes; and I suppose it has all been used in refitting vessels and for other purposes.

Mr. SNELL. Mr. Speaker, the gentleman from Indiana [Mr. WOOD] is just throwing a smoke screen all around this proposition. He wants you to believe that this is a plan to collect debts from foreign debtors and others. If you want to increase the appropriation for the Shipping Board, then adopt the amendment as recommended by the Committee on Appropriations; but if you do not want to appropriate any more money than we have already appropriated, vote down the amendment. I understand that we gave them all that was asked for by the Budget Bureau. If you do not want to appropriate any more money than we have already appropriated, then you want to vote down this proposition. But it has nothing whatever to do with their ability to collect these accounts.

Mr. STEENERSON. Mr. Speaker, I desire to proceed for five minutes.

The SPEAKER. The Chair will recognize the gentleman from Minnesota.

Mr. STEENERSON. Mr. Speaker, I think there is some confusion on the point involved here. It seems to me the reason for that is that originally the law provided for the expenditure of the receipts of the Shipping Board. But that was terminated by the Jones Act, and after that goes into effect the money goes into the Treasury.

Now, it is very analogous—and that is the reason why I took the floor—it is very analogous to the system that governs the Postal Service. The Postal Service, we will say, is in receipt of about a million dollars a day in cash, but the Constitution provides that that money shall go into the Treasury unless it is appropriated by Congress. Now, then, to avoid the difficulty of coming in here for an act of Congress to pay everybody's salary every month, Congress passes a Post Office appropriation bill every year for the next fiscal year, authorizing the money required to be paid out of the postal receipts. That obviates the necessity of stopping the wheels of Government, because the money is appropriated out of the postal receipts instead of out of the Treasury.

Here you say the Shipping Board is in receipt of revenues, but, as it is explained here by the gentleman from Indiana [Mr. WOOD], that money will go into the Treasury, and they can not pay their debts with it unless Congress appropriates for each specific item due to the creditor. Of course, that is impossible, and therefore the money will be paid in, but it has to lie there in large sums until Congress makes provision for its disposal.

Now, I can not see that there is any danger whatever in adopting the motion of the gentleman from Indiana, because the only difference is that if you do not pass it this money will go into the Treasury and have to wait the pleasure of Congress when it wants to authorize its expenditure, whereas under the provisions of this bill the Shipping Board will not only have authority to collect it, but authority to spend it in their business to pay their audited and honest debts.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. STEPHENS. Would it not be a pretty good idea, then, to appropriate $25,000,000 more for the Shipping Board now, but to let all this money that is collected go into the Treasury, the same as is done in the Postal Service?

Mr. STEENERSON. It does not go into the Treasury in the Postal Service, because before it is collected you passed a bill to pay all expenditures out of the postal revenues. You appropriate a year in advance from that revenue to pay the salaries of postmasters and other salaries before you get the money.

Mr. BEGG. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. BEGG. It is a fact, however, is it not, that we have appropriated for the operating expenses of the Shipping Board all that they asked?

Mr. STEENERSON. I do not know about that.

Mr. BEGG. The records show it.

Mr. STEENERSON. You certainly have not appropriated for the debts they owe. They ought to have authority to pay these out of receipts instead of waiting till the money is in the Treasury and then appropriated by Congress.

Mr. BEGG. We have appropriated all they asked—$100,000,000.

Mr. STEENERSON. I do not so understand it. That was for operating expenses, but there are claims that are undisputed and should also be paid.

Mr. BEGG. Now, if we give them this other $25,000,000 we are simply boosting the ante $25,000,000 more, are we not?

Mr. STEENERSON. No; you are not losing a cent. They are not assumed to pay out anything that they are not obliged to pay, any more than the Post Office Department will pay out anything that it is not required by law to pay. If you should fail to pass the Post Office appropriation bill, the postal receipts would go into the Treasury, and the men working for the Government would get nothing until you made an appropriation to pay them.

Mr. BEGG. Does the gentleman believe the House ought to go on record as appropriating $25,000,000 to allow the Shipping Board to scatter around as they see fit?

Mr. STEENERSON. I believe the House ought to act on business principles. When you engage in a business analogous to the business of the Post Office Department the running expenses and debts must be paid right away, and you should pass a law authorizing that institution to pay those running expenses and debts, as soon as they are incurred, out of the receipts. If you send out an agent to do a commercial business for you, you authorize and expect him to pay the bills honestly incurred out of money coming in, as well as collecting for articles sold. If you can not trust him to keep honest accounts, he is not fit for the job. We must assume the same here.

Mr. WOOD of Indiana. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana [Mr. WOOD] that the House recede and concur in the Senate amendment with an amendment.

The question being taken; on a division (demanded by Mr. WOOD of Indiana) there were—ayes 27, noes 48.

Accordingly the motion was rejected.

Mr. WALSH. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment numbered 31.

The SPEAKER. The gentleman from Massachusetts moves that the House further insist on its disagreement to Senate amendment numbered 31.

The motion was agreed to.

Mr. WOOD of Indiana. Mr. Speaker, I move that the House request a further conference with the Senate on this bill.

Mr. GARRETT of Tennessee. Does the gentleman offer that as a motion or ask unanimous consent?

Mr. WOOD of Indiana. I offer it as a motion.

Mr. GARRETT of Tennessee. I would like to make a parliamentary inquiry, Mr. Speaker, if I may.

The SPEAKER. The Chair will first put it as a unanimous-consent request. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, if the House should not ask for a further conference, it would then simply be a matter of the Senate accepting the bill, would it not?

Mr. WOOD of Indiana. My understanding is that if a further conference should not be asked by the House, the Senate could request it, and then we would either have to grant their request or refuse it. As we are the latest ones acting upon it, it occurs to me that we ought to be the first ones to make the new move.

Mr. GARRETT of Tennessee. It seems to me the House has expressed itself on these propositions often enough so that the Senate ought to know how the House feels about them, and I do not see the necessity for a further conference. I shall not object, however, if the gentleman desires to take that course.

Mr. MANN. The customary thing is for the House, when it rejects a conference report, to further insist upon its amendments or its disagreements, and ask for a further conference.

Mr. GARRETT of Tennessee. I know that is customary.

Mr. MANN. And that is the courteous thing.

Mr. GARRETT of Tennessee. That is the courteous thing, and I shall not object.

Mr. MANN. It is not a matter that requires unanimous consent.

Mr. GARRETT of Tennessee. The House has expressed itself often enough so that the Senate ought to know how the House feels about it, I think.

Mr. GARNER. How long will it take before some conclusion is reached?

Mr. WOOD of Indiana. That is something I can not tell the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. WOOD]?

Mr. MANN. It is a matter of right to make the motion.

The SPEAKER. It is; but the Chair thought it would save time to put it first as a request for unanimous consent. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON.

DEPARTMENTS OF STATE AND JUSTICE APPROPRIATIONS.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year 1923, and for other purposes, to disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Departments of State and Justice appropriations bill, disagree to the Senate amendments, and ask for a conference with the Senate. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I assume that the gentleman has conferred with the minority of the subcommittee?

Mr. HUSTED. I have conferred with the gentleman from Kentucky [Mr. JOHNSON], and he is quite agreeable to this course.

The SPEAKER. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. HUSTED, Mr. TINKHAM, and Mr. JOHNSON of Kentucky.

LEAVE TO EXTEND REMARKS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the defenses of the Panama Canal.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject of the defenses of the Panama Canal. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. TILSON. Mr. Speaker, the Panama Canal is one great national institution of which the entire country is proud. It was built under the direction of the Army and entirely without scandal or accusations of graft. Under the direction of Army officers, detailed for that purpose, it is now being operated with most gratifying success and with complete satisfaction.

The canal was built more for national defense than for commercial use, but the use of it for commerce, even thus early, has proved to be greater than was anticipated by the most sanguine. It is becoming more and more evident that its use for commercial purposes is destined to increase year by year in the time to come.

It was properly determined that the United States should fortify the canal. This work was begun while the canal was under construction and has since continued. The plans for its fortification were all made prior to the outbreak of the war in Europe, and the armament was projected and constructed on that basis. In naval parlance we speak of pre-Jutland and post-Jutland navies, meaning that the Battle of Jutland marked a very material change in naval armament and construction. The same may be said of the war in Europe in its relation to land armament.

One of the great changes brought about by the war was the increase in the range of artillery by means of increasing the angle of elevation at which the gun is fired. The large guns placed in the fortifications at Panama are all of the pre-war type of carriage construction. For instance, the 14-inch guns on Flamenco Island at the Pacific end of the canal are good guns, but their range is limited because of the fact that they can be elevated only 15 degrees. Likewise the 16-inch gun on Naos Island was almost antiquated before it was finally placed in position. The mortar batteries on Flamenco Island, however, are quite up to date, and in case of attack would probably prove to be about the most effective pieces of ordnance at either end of the canal.

About 12 miles to the northwest of the Pacific end of the canal is Toboga Island. Prior to the last war it was supposed that this island was so far distant that it need not be taken into account in the construction of fortifications. It now seems that in this we were mistaken. With the present range of naval armament it is entirely possible for warships to take advantage of Toboga Island to do great damage to the Pacific end of the canal. With the development of naval aircraft it is also possible for a hostile naval air fleet to make a rendezvous under the protection of Toboga Island, entirely safe from our present guns. I concur with those who contend that Toboga Island should be fortified with modern guns. Bear in mind that Toboga Island is more than 1,000 feet in height. Therefore while it remains unfortified it will serve as a protection to an enemy, whereas, on the other hand, if fortified it will make secure and impregnable the Pacific end of the canal.

In making a careful study of the defenses of the canal attention has been called to several points of possible weakness. One of these is the so-called Cano Saddle, which is on the northeast side of Gatun Lake. Gatun Lake was formed by building a dam across the valley of the Chagres River, just north of where the Trinidad River enters the Chagres. The lake, therefore, occupies these two river valleys and backs up in a number of places almost to the height of land or water divide. Cano Saddle is the most noteworthy of these places. It is about a thousand feet long measured by the shore of the lake and is almost level for the entire distance. At the lowest point it is exactly 87.4 feet above mean sea level on the Atlantic side. The gauge at Gatun on the day I was there last February showed the surface of the lake to be just 87 feet above sea level. This means that if the level of the lake were raised 6 inches the water would overflow through Cano Saddle, as it was originally, and flow down into the Atlantic. A steel barge, reinforced with concrete, has been sunk across the lowest point in the saddle and a loose-earth fill, 20 feet high and about 50 feet thick at the base, has been made throughout the length of the saddle.

So far as making an attack on the canal at this point is concerned, the loose-earth fill may as well be left out of consideration, because it would not be a very large task to dig a ditch through it. In order to injure the canal it would be necessary not only to dig through the loose-earth fill, but also to sink a ditch through the original soil to the depth of at least 20 feet in order to lower the level of the lake below the using point. In the light of modern digging operations it would seem that this might not be a difficult matter, and fears have been entertained for the safety of the canal on this account. In my judgment, however, these fears are not well founded, and for this reason: Surprise would be the only reason that would justify an attack at this point. Being in the jungle, as it is, would aid surprise, but would likewise render difficult the assembling of the necessary personnel and implements for digging the ditch.

The undertaking is made still more difficult by the terrain itself. The saddle is very flat. It would be necessary for the ditch to be excavated for a distance of at least 300 feet in order to run the water out of the lake. The earth is heavy jungle loam, and I am informed is underlaid with decomposed rock at a depth of about 10 feet. Digging a ditch of the size necessary to lower the lake materially under the conditions prevailing at this point would be an operation of such magnitude as to render its accomplishment by surprise well-nigh impossible. It would therefore seem to me that a reasonably careful patrol

of the lake by the garrison on the Canal Zone would be sufficient protection against possible surprise. An attack other than a surprise attack would, of course, be made at a more vulnerable part of the canal, such as the locks or the spillway at Gatun.

It was unfortunate that in the original building of the canal provisions were not made for crossing the canal at a number of places. While construction was going on, waterproof concrete tunnels could have been placed across the canal at a number of places without material additional expense. Unfortunately this was not done, and the question at this time is whether means should be provided now for crossing the canal, even though the cost would be considerable. I believe that it should be done. At the present time there is no way of crossing the canal with heavy transportation except by ferry. For a long time a pontoon bridge was maintained at Pedro Miguel, on which railroad trains crossed the canal. As the canal came to be used more and more, this proved to be such a serious inconvenience that it was discontinued about January 1, 1921. The result is that the Canal Zone itself is divided into two equal halves, and the Republic of Panama is likewise divided into two substantially equal parts.

In my judgment the use of the Canal Zone for homes, for agriculture, for grazing, and for other purposes should be encouraged. More of the supplies used on the zone should be produced there and less should be shipped from the States. The people of the Republic of Panama also should be encouraged to produce as much as possible for their own support as well as for supplying the needs of our employees on the Canal Zone. The construction of means for crossing the canal would be most helpful in this direction.

Whether it would be practicable to tunnel under the canal now, or whether a bridge or bridges would be necessary, I am not prepared to say, but the subject should be taken up and thoroughly considered from every point of view.

Another most important matter, which is not necessarily related to the defense of the canal, but is of the greatest importance to the future use and operation of the canal, is an additional reserve water supply. The difficulty of getting rid of the surplus waters of the Chagres was considered one of the most difficult problems in connection with the construction of the canal from the beginning. This problem has been completely solved. No longer is danger anticipated from the surplus waters of the Chagres, and the day is coming when there will be need for all the water that the river can supply.

At the present time there is a hydroelectric power plant at the Gatun spillway which furnishes power for the entire Canal Zone. During the rainy season there is always an abundance of water for this power plant in addition to the water that is needed for lockage purposes. During the dry season, however, if there should be an unusually large number of lockages, there might prove to be even now a lack of a sufficient supply of water. In order to meet an emergency of this kind, an auxiliary steam power plant has been established at Pedro Miguel. As a matter of economy this steam power plant should, of course, be used just as little as possible.

The entire problem of an ample water supply can be solved by the erection of a dam across the upper Chagres Valley near Alhajuelah, thereby forming an immense reservoir for the impounding of the surplus water that now runs to waste during the rainy season. By so doing the amount of water to be wasted at the Gatun spillway during the height of the rainy season will be greatly diminished and at the same time an ample reserve supply for the dry season will be gathered and maintained.

One advantage of having this reserve supply would be that by erecting a hydroelectric plant at the Alhajuelah Dam an abundance of power could be produced even during the dry season. As the water is drawn from Gatun Lake for the Gatun spillway power plant all of the water used is gone and must be subtracted from the total supply available for lockage purposes. With the reserve reservoir there would be the unusual condition of eating one's cake and having it too. That is, the same water that would be used for generating power at the Alhajuelah Dam would also be used for lockages at Gatun, Pedro Miguel, and Miraflores.

As I now recall, the highest number of ships that have gone through the canal in one day has been 21, and the average number is about 10 per day. The number is increasing and there is every reason to believe that the number will continue to increase indefinitely. It is now generally agreed that an average of two lockages per hour, or 48 per day, would be a comfortable maximum. Long before this maximum is reached, however, a reserve water supply would have to be furnished or the use of the hydroelectric plant at Gatun would have to be discontinued during practically the entire dry season. Therefore, in view of the substantial increase in the use of the canal which everyone confidently expects, it would seem to be the part of wisdom to begin at once to carry out the proposed plan for a reserve supply of water. Everyone should look forward hopefully to the time when the canal will be used to its maximum in carrying commerce for the benefit of mankind, and as a forward-looking people we should be prepared in advance to take care of it. Meanwhile an additional water supply would insure against the expense of operating the auxiliary steam-power plant at Pedro Miguel and would assure an abundant supply of cheap hydroelectric power for an ever-increasing use on the Canal Zone.

BASKETS.

Mr. VESTAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 7102.

Mr. WALSH. Mr. Speaker, a point of order. As I recall the number of that bill, that is the basket bill.

Mr. VESTAL. Yes.

Mr. WALSH. I think the statute of limitations has run against that bill, and that there ought to be a quorum here. Will the gentleman state what the situation is with reference to the general debate?

Mr. VESTAL. General debate has been concluded.

Mr. WALSH. What is the situation now?

Mr. VESTAL. We commence reading the bill from the beginning for amendment.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7102) fixing standards for hampers, round stave baskets, and splint baskets for fruits and vegetables.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk began the reading of the bill.

Mr. STEVENSON. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from South Carolina makes the point that no quorum is present. Evidently there is no quorum present.

Mr. CONNALLY of Texas. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question was taken, and the motion was lost.

The CHAIRMAN. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Driver	Kahn	Morin
Ansorge	Dunbar	Kelley, Mich.	Mott
Anthony	Dunn	Kennedy	Mudd
Atkeson	Echols	Kindred	Nelson, Me.
Beedy	Ellis	Kirkpatrick	Newton, Minn.
Bixler	Fairchild	Kitchin	Newton, Mo.
Blakeney	Faust	Kleczka	Nolan
Bland, Ind.	Fenn	Knight	O'Brien
Blanton	Fess	Kreider	Olpp
Brand	Fields	Kunz	Parker, N. Y.
Brennan	Fish	Lampert	Patterson, N. J.
Briggs	Foster	Langley	Perkins
Britten	Free	Lee, Ga.	Perlman
Brown, Tenn.	French	Lehlbach	Porter
Burroughs	Funk	Linthicum	Pou
Butler	Goldsborough	Little	Pringey
Campbell, Pa.	Gorman	Logan	Rainey, Ala.
Cantrill	Gould	Longworth	Rainey, Ill.
Chandler, Okla.	Green, Iowa	Luhring	Ransley
Clark, Fla.	Hammer	McArthur	Reavis
Classon	Hardy, Tex.	McFadden	Reber
Clouse	Haugen	McLaughlin, Nebr.	Riddick
Codd	Hersey	McLaughlin, Pa.	Riordan
Cole, Iowa	Hicks	McSwain	Robertson
Connell	Himes	Maloney	Rodenberg
Connolly, Pa.	Hogan	Mansfield	Rogers
Cooper, Wis.	Hudspeth	Martin	Rosenbloom
Copley	Hutchinson	Merritt	Rossdale
Crowther	Ireland	Michaelson	Rucker
Dale	James	Mills	Ryan
Davis, Minn.	Jefferis, Nebr.	Montague	Sabath
Dempsey	Jeffers, Ala.	Moore, Ill.	Sanders, Ind.
Doughton	Johnson, Miss.	Moore, Va.	Schall
Drewry	Johnson, Wash.	Moores, Ind.	Scott, Mich.

Sears	Sullivan	Towner	Wheeler
Shelton	Summers, Wash.	Treadway	Williams
Shreve	Sweet	Upshaw	Winslow
Siegel	Tague	Vaile	Woods, Va.
Slemp	Taylor, Ark.	Vare	Yates
Snyder	Taylor, Colo.	Voigt	Young
Sproul	Taylor, N. J.	Volk	Zihlman
Stafford	Taylor, Tenn.	Walters	
Steenerson	Timberlake	Ward, N. Y.	
Strong, Pa.	Tincher	Ward, N. C.	

The committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 7102) fixing a standard for hampers and baskets for fruits and vegetables, found itself without a quorum; that he caused the roll to be called and 256 Members answered to their names, and he presented a list of the absentees.

The committee resumed its session.

The Clerk read as follows:

SEC. 2. That the standard round stave baskets for fruits and vegetables shall be the one-half bushel basket, five-eighths bushel basket, 1-bushel basket, 1½-bushel basket, and 2-bushel basket, which, respectively, shall be of the capacity and conform to the specifications set forth in this section.

(a) The one-half bushel round stave basket shall contain 1,075.21 cubic inches, and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 13½ inches; the average inside depth shall be not less than 8½ inches; the web shall consist of 20 intersecting staves, of such length that they will form the sides and bottom of a basket which shall contain 16 quarts, standard dry measure.

(b) The five-eighths bushel round stave basket shall contain 1,344 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 13½ inches; the average inside depth shall be not less than 10½ inches; the web shall consist of 20 intersecting staves, of such length that they will form the sides and bottom of a basket which shall contain 20 quarts, standard dry measure.

(c) The 1-bushel round stave basket shall contain 2,150.42 cubic inches and conform to the following specifications: The inside diameter at the upper inner edge of the top inside hoop shall be 17 inches; the average inside depth shall be not less than 10⅝ inches; the web shall consist of 20 intersecting staves, of such length that they will form the sides and bottom of a basket which shall contain 32 quarts, standard dry measure.

Mr. QUIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting on page 1, line 5——

Mr. VESTAL. Mr. Chairman, I make the point of order that we have passed section 1.

The CHAIRMAN. The gentleman from Indiana makes the point of order that section 1 has been passed.

Mr. QUIN. I hope the gentleman will reserve his point of order and let me offer this amendment for information, and then go back to section 1 afterwards and consider it. I may not be here when we revert to section 1, as I may be called out. We have another committee at work and I may not be here, as I am engaged in that work. Let the amendment be read, and then one of my colleagues can take care of it when we go back to section 1.

Mr. MANN. Let some one offer it when we go back to section 1.

Mr. VESTAL. I have no objection to the amendment being read for information of the committee.

The CHAIRMAN. Without objection, the Clerk will report the amendment for information.

The Clerk read as follows:

Amend by inserting on page 1, line 5, after the third word, "seven-eighths bushel hamper," and by inserting on page 3, between lines 6 and 7, "(C-1) the standard seven-eighths bushel hamper shall contain 28 quarts, or 1,881⅗ cubic inches, and conform to the following specifications: The inside diameter between staves at the upper edge of the top inside hoop shall be 15½ inches; the inside diameter of the bottom shall be 9¾ inches; the inside length of staves shall be 15⅞ inches, the inside top hoop shall be set with its upper edge even with the upper ends of the staves; and the bottom shall be set with its lower edge even with the lower ends of the staves."

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that on May 16 this committee reported out H. R. 4900, and on June 17 they reported out the pending bill. What is the substantial difference between the two measures? I notice that in H. R. 4900 the title is very similar, and the first two or three sections seem to be identical.

Mr. VESTAL. Yes.

Mr. WALSH. What was the necessity for reporting out two measures?

Mr. VESTAL. There were two or three amendments to the bill—I do not remember just exactly what they are now—which the committee had agreed upon, and rather than put them in the bill as amendments I had the bill rewritten and introduced the bill with the amendments that the committee had agreed on.

Mr. WALSH. So that there would be no committee amendment?

Mr. VESTAL. So that there would be no committee amendments in the bill.

Mr. CONNALLY of Texas. Mr. Chairman, I move to amend, on page 6, line 3, by striking out the words "sixty-three one-hundredths" and inserting in lieu thereof the words "sixty-four one-hundredths."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CONNALLY of Texas: Page 6, line 3, strike out the words "sixty-three one-hundredths" and insert "sixty-four one-hundredths."

Mr. CONNALLY of Texas. Mr. Chairman, I am very much gratified that I have the opportunity to offer this amendment. I believe that in vital legislation of this character we should be very careful to be certain that all parties get full measure. The committee has written this 63/100 cubic inches. I believe that if there is any doubt at all, that the purchaser ought to receive the benefit of the doubt, and I propose to make it 64/100 cubic inches. I know there are some gentlemen who are opposed to this bill. I know that in every legislative body there are always trimmers and dodgers; but I want to serve notice now that in the coming campaign you are going to have to face this issue of whether this bill shall provide 64/100 cubic inches or 63/100 cubic inches.

The Republican Party is pledged to this legislation. It has gone before this country and it has received the mandate of the American people, and Republican campaign workers propose to see to it that this legislation is written into the statute books. [Applause.] It is true that some farmers, some agriculturists throughout the country are concerned about what they are going to get in money for their products—for their wheat, for their hogs, for their cattle—but some gentlemen seem indifferent as to that anxiety. The question with them seems to be, How big shall the basket be? How will it be possible for farmers to market their produce at all unless we provide with some degree of accuracy, unless we standardize these measurements, so that they can carry their produce properly to the market? Why not provide how many potatoes should be in a bushel and prescribe the standard of weights and fineness without the consent of any foreign nation? Of what concern is it to the Congress whether or not international trade shall be improved? Trade with the rest of the world can wait. What we are concerned with is right here at home. The question is, What size shall the hamper be in this Republic of ours? [Applause.] It is true that some countries, some international statesmen, have absolutely missed the point.

They are engaged now over at Genoa, with Lloyd-George representing the British Empire, with the representatives of the Russians and the Germans and the other European countries there, having in a moment of weakness, of error, conceived the idea that the proper matter to adjust is the economic rehabilitation of Europe, the value of coinage, the exchange, the re-establishment of trade and commerce; but what have these paltry questions to do with the matter, when this country is face to face with a great problem like this: How big shall the hamper be? Some people do not seem to properly appraise the importance of this problem. I want to say that it has got to be faced, and it has got to be faced now. We disposed of the naval question only a short time ago. We have adjusted the matter of international disarmament. Why not now solve this question? Let us settle it now. The tariff question can wait for another year in a Senate committee, but an important question like this ought to be settled, and it ought to be settled now. Of course, a great many people are interested in legislation to continue the War Finance Corporation, the bill for agricultural representation on the Federal Reserve Board, and other important and useful measures, but a Republican Congress must pass the basket bill. The people of the Republic are anxiously looking to this Congress for action on this consuming question, and the gentleman from Indiana [Mr. VESTAL] has heard their cry and has revived this old friend of ours.

Mr. QUIN. Mr. Chairman, it is very amusing to this House that this old basket-bill corpse has been dragged up [laughter] after all these weary months. [Laughter.] After all this long sleep, with nothing else to do, the Republican majority are figuring out the difference between sixty-three one-hundredths and sixty-four one-hundredths of an inch in the size of a hamper. Listen, you Republican folks. They have been around here trying to rob the farmer in every conceivable way. You robbed him on this nasty tariff bill you put through this House. You robbed him when you took off the excess-profits tax from the profits of the rich. You robbed him when you took off the income tax and reduced it down, and, by the way, it then took the United States Senate to come in with a mess on that measure. You robbed him when you put the railroad rates on him in the Esch-Cummins bill. And now, after he gets up in the morning at daylight, goes out to his field and works all day,

not stopping except when 12 o'clock comes and the dinner horn is blown, he goes to his house, where his wife has fixed him a little food to eat, and while she is getting it ready she says, "John, go out and cut some wood while you are resting." [Laughter.] Then he goes back to the field and ploughs as long as he can see. These vegetable farmers throughout the South actually build torchlights in their fields and work at night. You are here with this little old mess of a basket bill, allowing one section of the country to have a five-eighths hamper and another one a hamper of a different kind, but you make it a crime for a farmer to ship in truck in a seven-eighths hamper. But with all these things you are figuring around what to do and trying to see that the farmer can not get a square deal in his hamper, after you failed to give him a chance to make a crop, after you failed to give him implements and fertilizers at a decent price, after you fix it so that the tax grabber can go into all of his pockets, after you fix it so that he is going to be robbed if he ships his produce to the consumers of this country, you come along with a specified hamper to further hamper him [laughter] on the kind of hamper that his produce is to be put in before it is shipped. Do you think the farmers of the United States will be very enthusiastic over such legislation as this when on every hand they are being pressed down by the oppressive hand of the commercial fertilizer manufacturer and the railroad magnates that charge him 100 per cent more than they did four years ago on his freight—and remember the farmer is paying seven-tenths of all the freight that is paid, aggregating billions of dollars of freight charges that are collected in the United States by the transportation companies?

The farmer must pay the freight on his equipment and the things necessary to raise his crop; that man must pay the freight on his produce before it reaches the table of the consumer; that is the man you are legislating against by this sort of a bill. Why do not you put up a bill and say that a sack of fertilizer must be of a certain kind, that the sack must be so many inches in diameter, so many inches high, and tied with hickory bark, slippery-elm bark, or twine string? Why do not you say that the plowstock the farmer gets shall be made out of hickory wood, with the grain running crosswise and curved in the middle? [Laughter.] Why do not you say the collar the farmer must put on his mule shall be stuffed with long-staple cotton, that the leather shall be of rhinoceros hide, sewed together with alligators' tails? Why do not you say the farmer shall have all of these discomfitures and miserable things inflicted upon him? This hamper or basket bill is just as unreasonable as the other suggestions. What else do you do?

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. You have done all these things to injure him, and you are still hankering after something else with which to hamstring him. [Applause.]

Mr. VESTAL. Mr. Chairman, we have had 10 minutes of discussion, and I now ask for a vote on the amendment.

The question was taken, and the amendment was rejected.

Mr. QUIN. Division, Mr. Chairman; it is a very important amendment.

The CHAIRMAN. The Chair did not understand the gentleman from Mississippi.

Mr. QUIN. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and one gentlemen are present; a quorum. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, and 24-quart basket, standard dry measure.

(a) The 4-quart splint basket shall contain 268.8 cubic inches and conform to the specifications in one of the two following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 7 inches by 12 inches. The approximate inside dimensions of the bottom at the corners shall be 5⅝ inches by 10⅛ inches. The inside depth at the corners shall be 4 inches.

(2) The inside dimensions of the square-cornered splint basket at the top shall be 6 inches by 12 inches. The inside dimensions of the bottom shall be 5⅛ inches by 11⅛ inches. The inside depth at the corners shall be 4 inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 8 inches by 14 inches. The approximate inside dimensions of the bottom at the corners shall be 7 inches by 12 inches. The inside depth of the corners shall be 5 inches.

(2) The approximate inside dimensions of the top across the center shall be 9⅛ inches by 16⅛ inches. The approximate inside dimensions of the bottom at the corners shall be 7⅛ inches by 14⅛ inches. The inside depth at the corners shall be 4 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 7⅝ inches by 15⅛ inches. The inside dimensions of the bottom shall be 7 inches by 14⅛ inches. The inside depth at the corners shall be 5 inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 9⅛ inches by 16 inches. The approximate inside dimensions of the bottom at the corners shall be 8⅛ inches by 14 inches. The inside depth at the corners shall be 5⅛ inches.

(2) The approximate inside dimensions of the top across the center shall be 11⅛ inches by 17⅛ inches. The approximate inside dimensions of the bottom at the corners shall be 8⅛ inches by 14⅛ inches. The inside depth of the basket at the corners shall be 5 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 8⅝ inches by 17⅛ inches. The inside dimensions of the bottom shall be 8 inches by 16⅝ inches. The inside depth at the corners shall be 5⅝ inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 10⅛ inches by 18⅛ inches. The approximate inside dimensions of the bottom at the corners shall be 8⅛ inches by 16 inches. The inside depth at the corners shall be 6⅛ inches.

(2) The approximate inside dimensions of the top across the center shall be 11⅛ inches by 19⅛ inches. The approximate inside dimensions of the bottom at the corners shall be 8⅛ inches by 16⅛ inches. The inside depth at the corners shall be 6 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 9 inches by 19 inches. The inside dimensions of the bottom shall be 8⅛ inches by 18 inches. The inside depth at the corners shall be 6⅝ inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches, and conform to the specifications in one of the three following numbered subdivisions:

(1) The approximate inside dimensions of the top across the center shall be 12 inches by 20 inches. The approximate inside dimensions of the bottom at the corners shall be 10 inches by 17⅛ inches. The inside depth of the basket at the corners shall be 7⅛ inches.

(2) The approximate inside dimensions of the top across the center shall be 12 inches by 23 inches. The approximate inside dimensions of the bottom at the corners shall be 9 inches by 19 inches. The inside depth of the basket at the corners shall be 7 inches.

(3) The inside dimensions of the square-cornered splint basket at the top shall be 10⅝ inches by 22⅛ inches. The inside dimensions of the bottom shall be 9⅝ inches by 20⅛ inches. The inside depth of the basket at the corners shall be 7⅛ inches.

Mr. WINGO and Mr. JONES of Texas rose.

Mr. QUIN. Mr. Chairman, I make the point of no quorum. It seems that we ought to have a quorum here.

The CHAIRMAN. The gentleman from Mississippi makes the point of no quorum. The Chair will count. [After counting.] Eighty-two gentlemen are present; not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Fish	Lyon	Sabath
Ansorge	Focht	McArthur	Sanders, Ind.
Anthony	French	McKenzie	Sanders, N. Y.
Bankhead	Frothingham	McLaughlin, Nebr.	Schall
Beck	Funk	McLaughlin, Pa.	Scott, Mich.
Bell	Gahn	McSwain	Sears
Bixler	Gorman	MacGregor	Shaw
Black	Gould	Magee	Shelton
Blakeney	Graham, Pa.	Maloney	Shreve
Bland, Va.	Hammer	Mansfield	Siegel
Blanton	Hardy, Tex.	Martin	Sisson
Boies	Haugen	Merritt	Slemp
Brand	Hawes	Michaelson	Smithwick
Brennan	Hawley	Mills	Snell
Briggs	Herrick	Montague	Snyder
Britten	Hersey	Montoya	Stafford
Brown, Tenn.	Hicks	Moore, Ill.	Steenerson
Burke	Hill	Moore, Va.	Strong, Pa.
Burroughs	Hogan	Moores, Ind.	Sullivan
Butler	Hudspeth	Morin	Summers, Wash.
Cantrill	Hull	Mott	Sumners, Tex.
Chandler, N. Y.	Husted	Mudd	Sweet
Chandler, Okla.	Hutchinson	Murphy	Tague
Clark, Fla.	Ireland	Nolan	Taylor, Ark.
Classon	James	O'Brien	Taylor, Colo.
Clouse	Jefferis, Nebr.	Oldfield	Taylor, N. J.
Cockran	Jeffers, Ala.	Olpp	Taylor, Tenn.
Codd	Johnson, Miss.	Padgett	Ten Eyck
Cole, Iowa	Johnson, Wash.	Paige	Tincher
Connell	Kahn	Parker, N. J.	Treadway
Connolly, Pa.	Kelley, Mich.	Parker, N. Y.	Underhill
Cooper, Wis.	Kelly, Pa.	Patterson, N. J.	Upshaw
Copley	Kennedy	Perkins	Vaile
Crisp	Kindred	Perlman	Vare
Crowther	Kitchin	Porter	Vinson
Dale	Kleczka	Pou	Voigt
Dallinger	Knight	Pringey	Volk
Davis, Minn.	Kreider	Rainey, Ala.	Walters
Deal	Kunz	Rainey, Ill.	Ward, N. Y.
Dempsey	Lampert	Ramseyer	Ward, N. C.
Doughton	Langley	Ransley	Webster
Drane	Layton	Reavis	Wheeler
Drewry	Lea, Calif.	Reber	Williams
Driver	Lee, Ga.	Riordan	Williamson
Dunbar	Lehlbach	Robertson	Winslow
Echols	Linthicum	Rodenberg	Wise
Fairchild	Little	Rogers	Woods, Va.
Faust	Logan	Rosenbloom	Yates
Fenn	Longworth	Rossdale	Young
Fess	Luce	Rucker	Zihlman
Fields	Luhring	Ryan	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint

baskets for fruits and vegetables, and for other purposes, and finding itself without a quorum, he had directed the roll to be called, whereupon 226 Members answered to their names—a quorum—and he presented a list of absentees for entry in the Journal.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. WINGO. Mr. Chairman, I had not expected that I would have to expend any energy in explaining and elaborating my views on this bill any more. I have endeavored in the last two or three years in the consideration of this bill to explain to the House my fundamental objection to it. Of course, each time it is changed it presents a new face. But, Mr. Chairman, while I have never had any hopes of defeating this bill, I can at least have the consolation of seeing that the proponents of it have at least confessed some of its wickedness and have cut out some of its glaring inconsistencies.

I see no hope of defeating legislation of this kind, and I say it seriously because in every district throughout the land, as is the case in my district, there are men urging the passage of bills like this and other similar measures, by which they wish the Federal Government to create more Federal agents, establish more Federal regulations, and impose more Federal restrictions. Of course, this is a representative body, Mr. Chairman, and while in one breath they condemn us for keeping our ears to the ground, condemn us for having no more backbone, yet in the next breath they flood us with petitions and with demands that we continually rob the people of the States of the little authority they have left and lodge it in some bureau in Washington.

Mr. Chairman, I speak seriously when I say I think the greatest danger to our free institutions to-day is the tendency of the American people to make a mad rush to Washington and demand that everything be done by the Federal Government. [Applause.]

You are creating new judges, and if you keep up this business you will have a greater number of Federal judges in this land than you have district judges in the State courts. Not long ago I became interested in the conditions existing in my State, and I found, much to my surprise, that to-day, going upon the soil of Arkansas, marching up and down its highways and byways, and nosing into people's smokehouses and their orchards and their vineyards——

Mr. MILLER. And into their stills. [Laughter.]

Mr. WINGO. Yes; and into their stills, the gentleman from Washington says, although they are not so busy with the stills now in the mountain districts as they are in the cities, among the clubs, and other places. But to get back to the proposition, I found Federal agents nosing into our little fruit gardens, even into the flower beds of the little children at the schools. They are going into the bathrooms, into the pantries, into the business houses; they are nosing into the books; and to-day I say in the State of Arkansas there is a greater number of these Federal agents being supported by the taxpayers of America than there are State, county, and municipal officers.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. No; I am serious, and therefore I am not going to follow your "still." The gentleman can not get any relief or sustenance from me along that line. [Laughter.]

If anyone had suggested to the founders of this Government that the day would ever come when in a State like Arkansas—not a great industrial State, but with just a few industrial centers—that the day would ever come when Federal officers and Federal agents would outnumber the State, county, and municipal officers, they would have thrown up their hands in horror.

Mr. Chairman, hardly a day passes that I do not get an inquiry from some anxious constituent of mine wanting to know if Congress has passed a law forbidding this thing or that.

I venture the assertion that my experience is that of other Members of this Congress. This morning I got a letter from an old gentleman who said he had been advised that the Federal Congress had enacted a law making it a Federal offense for a boy to play baseball on Sunday and asking me to advise him if that was true. [Laughter.] Why, even the boys are afraid to play upon the streets of the land for fear they will be nabbed by some Federal officer. Gentlemen, whenever the time arrives that there is throughout this land a resentment against the Federal Government which becomes an overwhelming sentiment, then your Government will be destroyed. People are absolutely in terror. They do not know when they will be haled down from the mountains or up from the valleys to go before some Federal commissioner to answer to some charge predicated upon some honest act of theirs growing out of the habits and customs of the people for a lifetime or for generations, with no criminal intent, with the purest motives, following their daily customary habits. Yet they are dragged into court.

Why, under this bill, if some farmer dares to practice that economy that we are preaching to everybody and happens to use a basket or a bunch of baskets that he has carried over in the loft year after year in taking his stuff to town and marketing it from door to door in his little wagon, if he happens to use a basket that comes in between these quarts, some Federal agent snooping around will nab him up and take him down to Texarkana or Fort Smith, in my district, and make him plead to a charge that he has attempted to overthrow the liberties of the people by using a basket that does not fit the measurements of Congress. Oh, we talk about experts. Since when did this Congress become an expert on baskets?

Mr. DENISON. Will the gentleman yield?

Mr. WINGO. Let me conclude my thought and then I will yield. Congress recognizes the fact that it does not know anything about this. It recognizes the viciousness of this bill, because it says, "Notwithstanding the fact that we have muddled along here for years and twisted in and twisted out and changed first one specification and another, yet further along we will have a saving clause"; and that saving clause, in effect, is that if Congress makes a fool of itself, if it enacts a bill that stirs up too much resentment, then the Secretary of Agriculture has absolutely the authority to correct it.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HERRICK. Will the gentleman yield for a question?

Mr. WINGO. Always.

Mr. HERRICK. How large a basket would be required to put in it all the good that this Congress has done for the common people, and how old would a child have to be in order to be able to carry that basket? [Laughter.]

Mr. WINGO. Mr. Chairman, I can appreciate the inquisitive mind of the gentleman from Oklahoma, a representative of the Republican Party upon this floor, overwhelmingly elected by a great constituency against a distinguished Democrat, and one of the leaders on that side. He is not deceived by the song sung every few days by the Republican leader [Mr. MONDELL], and I have been expecting the gentleman from Wyoming [Mr. MONDELL] before we adjourn to-day to expatiate on the wonderful harmony between the Republican organization in this House and the Chief Executive. [Laughter.] I can understand how the gentleman from Wyoming will answer the question of the gentleman from Oklahoma. I am not going to answer it; but you go to your constituents in November and answer that question. That is what they are going to ask you and every other Republican about your legislation. [Applause and laughter.]

But to get back seriously, gentlemen, turn to the top of page 12, where you seriously say, after we have spent months and months in perfecting this bill, if it proves to be a mockery and a failure—

> the Secretary of Agriculture, whenever he finds it necessary, may, in his regulations, prescribe specifications and tolerances with respect to the strength of the material used, or the dimensions thereof, for such hampers, round stave baskets, splint baskets, or parts thereof, in addition to, differing from, or superseding those set forth in sections 1, 2, and 3 of this act, but not departing from the respective capacities therein prescribed.

Nobody objects to Congress fixing the standard of measure for the bushel, for the quart, or anything else, but the viciousness of this thing is that you undertake to prescribe the material and the shape and the dimensions, even to the fraction of an inch. You absolutely do the humiliating and childish thing, after having done that, of saying, "Well, if we have made a failure of the law, some bureaucrat, some officer may rewrite the law and simply give six months' notice, and that will be sufficient."

Oh, where is the boasted capacity of the Republican Party. I do not blame you; whenever you get on ground like this you are getting into trouble. Gentlemen, I know you are going to pass this, but I want to bring it home to you that day after day you are yielding to clamor, you are continually setting up a Government not of law, not of local law, but you are yielding to these bureau chiefs and Cabinet officers the right to prescribe

and make by executive edict the law of the land. There is not a lawyer in this House that can take this bill and in two hours tell a farmer whether the basket he has in his wagon is a violation of the Federal statute; and you will not be able to do it until the Secretary of Agriculture has made the rules and regulations fixing the tolerances. Of course, there has to be provision for tolerances in this intolerant bill. You have to have some saving grace.

Mr. QUIN. Mr. Chairman, I make the point that no quorum is present.

The CHAIRMAN. The gentleman from Mississippi makes the point that no quorum is present. The Chair will count. [After counting.] One hundred Members are present; a quorum.

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, and had come to no resolution thereon.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry. Has any order or agreement been entered into whereby unobjected bills on the Private Calendar will be in order to-morrow?

The SPEAKER. There has not.

RECOMMITTING A BILL.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill H. R. 10611, on the Union Calendar, be recommitted to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill H. R. 10611 be recommitted to the Committee on Indian Affairs. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is that at the request of the committee?

Mr. SINNOTT. It is a bill that I introduced myself and was inadvertently reported out.

Mr. WALSH. What is it about?

Mr. SINNOTT. It has reference to water-power sites on Indian lands.

Mr. GARRETT of Tennessee. Does the gentleman mean that the committee did not in fact act on it, and that it got on the calendar by error?

Mr. SINNOTT. Yes; it got upon the calendar by error.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. VESTAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Friday, April 21, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

591. A letter from the Secretary of War, transmitting request for the passage of Senate Joint Resolution 90, empowering the director of aircraft production to dispose of assets of the corporation, to impose conditions upon such, and likewise authorizing the postponement of the dissolution of the corporation if the Secretary of War deems it necessary; to the Committee on Military Affairs.

592. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Monongahela River, Pa. (H. Doc. No. 288); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Military Affairs. H. J. Res. 300. A joint resolution authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment, to be held in Riverside, Calif., in May, 1922; without amendment (Rept. No. 913). Referred to the House Calendar.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 11347. A bill authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale; without amendment (Rept. No. 914). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 11346. A bill authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as the old lighthouse property at Lighthouse Point, in the city of New Haven; without amendment (Rept. No. 915). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 11378) authorizing the use of special canceling stamps in first-class post offices in Oregon and Idaho; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: A bill (H. R. 11379) authorizing and directing the Postmaster General to permit the use of special canceling stamps in the post offices of the first class in the State of Arkansas, bearing the words and figures, "Visit Arkansas State Fair and Exposition, October 4–14, 1922"; to the Committee on the Post Office and Post Roads.

By Mr. PARKS of Arkansas: A bill (H. R. 11380) for the protection of property and the relief of destitute sufferers from floods in the State of Arkansas and other States; to the Committee on Appropriations.

By Mr. MUDD: A bill (H. R. 11381) exempting junior high-school teachers on permanent tenure from the requirement of examination for the position of teacher in the junior high school in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MEAD: A bill (H. R. 11382) to provide study periods for post-office clerks; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 11383) granting a pension to Jennie A. Robinson; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 11384) granting an increase of pension to Harriet Myers; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill (H. R. 11385) granting a pension to Jane C. Watkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11386) granting a pension to Martha R. Potts; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11387) granting a pension to Adolph G. Reinert; to the Committee on Pensions.

By Mr. KINDRED: A bill (H. R. 11388) for the relief of John Guigel; to the Committee on Claims.

By Mr. MICHENER: A bill (H. R. 11389) for the relief of Robert Guy Robinson; to the Committee on Naval Affairs.

By Mr. REECE: A bill (H. R. 11390) providing for the retirement of W. L. Allen; to the Committee on Reform in the Civil Service.

By Mr. TOWNER: A bill (H. R. 11391) granting a pension to Lottie J. Thomas; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 11392) granting a pension to Ernest W. Larson; to the Committee on Pensions.

By Mr. A. P. NELSON: Resolution (H. Res. 330) for the appointment of an additional clerk to the Committee on Accounts; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5192. By the SPEAKER (by request): Resolutions adopted at the National Construction Conference in Chicago April 5 relative to different legislative matters and urging early consideration of them; to the Committee on Ways and Means.

5193. By Mr. CRAGO: Resolution adopted by the Pittsburgh Coal Exchange, of Pittsburgh, Pa., urging the early completion of the slack-water system on the Ohio River; to the Committee on Rivers and Harbors.

5194. By Mr. DRANE: Resolution from Tampa (Fla.) Board of Trade, favoring full complement of officers and enlisted men for the United States Navy; to the Committee on Appropriations.

5195. By Mr. FRENCH: Petitions of citizens of Lewiston and citizens of Kootenai County, Idaho, protesting against en-

actment of H. R. 9753 and other Sunday bills; to the Committee on the District of Columbia.

5196. By Mr. FULLER: Petition of the Bellrose-Standard Silica Co., of Ottawa, Ill., opposing the Capper bill, S. 1150, and the Sweet bill, H. R. 6861; to the Committee on Interstate and Foreign Commerce.

5197. Also, petition of the Chicago section of the Society of American Military Engineers, favoring adequate appropriations for the Army and Navy and opposing unreasonably curtailing the personnel of the armed forces; to the Committee on Appropriations.

5198. By Mr. KIESS: Petition of citizens of Potter County, Pa., protesting against the passage of H. R. 9753; to the Committee on the District of Columbia.

5199. By Mr. KISSEL: Petition of the Central Trades and Labor Council, New York City, N. Y., urging the passage of H. R. 10034; to the Committee on the District of Columbia.

5200. By Mr. MEAD: Petition of George A. Edwards, of East Aurora, N. Y., indorsing the Morgan pension bill; to the Committee on Pensions.

5201. By Mr. MOORE of Ohio: Petition of the Presbytery of Muskingum of United Presbyterian Church at New Concord, Ohio, indorsing H. R. 9753; to the Committee on the District of Columbia.

5202. Also, petition of the Presbytery of Muskingum of United Presbyterian Church at New Concord, Ohio, indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5203. Also, petition of the Presbytery of Muskingum of United Presbyterian Church at New Concord, Ohio, indorsing House Joint Resolution 131; to the Committee on the Judiciary.

5204. By Mr. OSBORNE: Petition of J. B. Baker, 1151 Orange Grove Avenue, Hollywood, Calif., and 113 other residents of Los Angeles County, Calif., protesting against the passage of House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

5205. By Mr. SNYDER: Petition of Frank Grizzo and others, against observance of any religious institution as provided by the first amendment to the Constitution; to the Committee on the District of Columbia.

5206. By Mr. STEENERSON: Petition of C. M. Corliss, Augustus Lewis, and other residents of Fergus Falls, Minn., protesting against proposed compulsory Sunday observance bills for the District of Columbia; to the Committee on the District of Columbia.

5207. By Mr. TEMPLE: Petition of Mercer Presbytery, United Presbyterian Church, New Wilmington, Pa., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5208. Also, petition of Mercer Presbytery, United Presbyterian Church, New Wilmington, Pa., in support of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; also Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5209. Also, petition of Beaver Valley Presbytery, United Presbyterian Church, New Brighton, Pa., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; also Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5210. Also, petition of Beaver Valley Presbytery, United Presbyterian Church, New Brighton, Pa., indorsing H. R. 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5211. By Mr. TOWNER: Petition of Mr. Thomas J. Denley, of Jackson, Mich., and 82 other citizens of the State of Michigan, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5212. Also, petition of Mr. B. M. Ransom, of Cincinnati, Ohio, and 94 other citizens of the State of Ohio, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5213. Also, petition of Mrs. E. P. Deming, of Algonquin, Ill., and 132 other citizens of the State of Illinois, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5214. By Mr. WEBSTER: Petition of John S. Gnagy and other residents of Colville, Wash., and vicinity, requesting the passage by Congress of legislation providing for the reestablishment of the Government Grain Corporation; to the Committee on Agriculture.

SENATE.

FRIDAY, *April 21, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ANDERSON, Mr. MAGEE, Mr. WASON, Mr. BUCHANAN, and Mr. LEE of Georgia were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HUSTED, Mr. TINKHAM, and Mr. JOHNSON of Kentucky were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 28; that the House receded from its disagreement to the amendment of the Senate numbered 29, and concurred therein with an amendment, in which it requested the concurrence of the Senate; that the House further insisted upon its disagreement to the amendments of the Senate numbered 21, 31, and 35, requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON were appointed managers on the part of the House at the further conference.

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF STATE, 1922 AND 1923 (S. DOC. NO. 189).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State (foreign intercourse), fiscal years 1922 and 1923, for salaries of ambassadors and ministers, $10,600, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MEAT PACKERS IN UNRELATED LINES OF INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to Senate Resolution 211, further information relative to a proposed modification of the consent decree in the meat packers' case, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry.

PROSECUTIONS UNDER ESPIONAGE AND OTHER WAR ACTS (S. DOC. NO. 190).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to Senate Resolution 226, of January 25, 1922, a supplemental statement showing the persons indicted in the northern district of Illinois, whose cases have not been disposed of under the war-time statutes, which, with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE.

Mr. CURTIS. I ask that the Chair may lay before the Senate the action of the House on House bill 11065.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. WARREN, Mr. LODGE, Mr. OVERMAN, and Mr. HITCHCOCK conferees on the part of the Senate.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist on its amendments, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. McNARY, Mr. JONES of Washington, and Mr. OVERMAN conferees on the part of the Senate.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes; receding from its disagreement to the amendment of the Senate numbered 28; receding from its disagreement to the amendment of the Senate numbered 29, and concurring therein with an amendment, in which it requested the concurrence of the Senate; insisting upon its disagreement to the amendments of the Senate numbered 21, 31, and 35, and requesting a further conference with the Senate on the disagreeing votes of the two Houses.

Mr. WARREN. I ask that the action of the House on amendment numbered 29 may be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, concurring in the amendment of the Senate numbered 29 with an amendment as follows:

In lieu of the sum proposed in said amendment insert "$325,000."

Mr. WARREN. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

The motion was agreed to.

The VICE PRESIDENT also laid before the Senate the action of the House of Representatives insisting on its disagreement to the amendments of the Senate numbered 21, 31, and 35, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate further insist on its amendments still in disagreement, agree to the request of the House for a further conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate at the further conference.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the Juneau (Alaska) Commercial Association favoring the enactment of legislation to regulate the salmon fisheries of Alaska, which was referred to the Committee on Territories and Insular Possessions.

Mr. JONES of Washington presented a resolution adopted by Neuwaukum Home Grange, No. 622, Patrons of Husbandry, of Enumclaw, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

Mr. TOWNSEND presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 889) further to assure title to lands granted the several States, in place, in aid of public schools, reported it with amendments and submitted a report (No. 610) thereon.

Mr. WATSON of Georgia, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 910) for the relief of Frank Grygla (Rept. No. 611); and

A bill (S. 1723) for the relief of William Hensley (Rept. No. 612).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 449) for the relief of the Cornwell Co., Saginaw, Mich. (Rept. No. 613);

A bill (H. R. 1009) for the relief of H. C. Mullins, his wife, and minor children (Rept. No. 614);

A bill (H. R. 3346) for the relief of the heirs of Oscar Chrysler (Rept. No. 615);

A bill (H. R. 6525) for the relief of the Cortez Oil Co. (Rept. No. 616); and

A bill (H. R. 6686) for the relief of George Ciszek and Anna Ciszek (Rept. No. 617).

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 5775) for the relief of Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; Mineral City Bank, Mineral City, Ohio; Robbinsdale State Bank, Robbinsdale, Minn.; and Farmers and Merchants' State Bank, Kenmare, N. Dak., reported it with amendments and submitted a report (No. 618) thereon.

Mr. BROUSSARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 907) for the relief of Ellen B. Walker (Rept. No. 619);

A bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased (Rept. No. 620);

A bill (S. 2584) for the relief of John H. Walker (Rept. No. 621);

A bill (H. R. 6523) for the relief of John Burke, former Treasurer of the United States, for lost bonds without the fault or negligence on the part of said former Treasurer (Rept. No. 622); and

A bill (H. R. 6524) to permit the correction of the general account of John Burke, former Treasurer of the United States (Rept. No. 623).

ENROLLED JOINT RESOLUTIONS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that April 20, 1922, they presented to the President of the United States the following enrolled joint resolutions:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke; and

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHIPPS:

A bill (S. 3491) to continue the land office at Del Norte, in the State of Colorado, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. DIAL:

A bill (S. 3492) for the relief of Ernest Elmer Hall; to the Committee on Claims.

By Mr. STERLING:

A bill (S. 3493) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Civil Service.

By Mr. McNARY:

A bill (S. 3494) granting a pension to Mary E. Brown; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3495) to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to a different appropriation from the one used in payment; and

A bill (S. 3496) providing for notice to the Secretary of the Interior in cases involving the condemnation for public purposes of land included in any Indian allotment; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A bill (S. 3497) granting a pension to Sarah M. McKinnis (with accompanying papers); to the Committee on Pensions.

TARIFF BILL AMENDMENTS.

Mr. LODGE submitted two amendments and Mr. JOHNSON submitted an amendment, intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

AMENDMENT OF BANKRUPTCY LAW.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, which was ordered to lie on the table and to be printed.

AMENDMENT OF WAR DEPARTMENT APPROPRIATION BILL.

Mr. SPENCER submitted an amendment proposing to increase the appropriation for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, from $42,815,661 to $47,815,661, intended to be proposed by him to House bill 10871, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

NAVAL OIL RESERVE LEASES.

Mr. LA FOLLETTE. I submit a resolution, which I ask may be read, and I also ask to have it printed and lie on the table.

The resolution (S. Res. 282) was read, as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate:

(a) A list of all oil leases made by the Department of the Interior within naval oil reserve No. 1 and, separately, naval oil reserve No. 2, both in the State of California, and naval oil reserve No. 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued; the name of the lessee; the date of the lease; the area of the leased property; the amount of the rent, royalty, bonus, and all other compensation paid and to be paid to the United States.

(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

(c) All correspondence, papers, and files showing and concerning the applications for such leases and the action of the Department of the Interior and its bureau thereon and upon the several claims upon which such leases were based or issued, all in said naval reserves.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

Mr. LA FOLLETTE. In connection with the resolution I ask to have printed in the RECORD a letter which I have just received from former Secretary of the Navy, Hon. Josephus Daniels, in response to one written to him.

There being no objection, the letter was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

RALEIGH, N. C., *April 18, 1922.*

DEAR SENATOR: I am in receipt of your esteemed favor of April 6, stating that the report has been given out that the proposal to receive bids for the oil land of the naval reserve was inaugurated under my administration. I am astounded that any such impression prevails. I devoted many hours while I was in office, and some of them very strenuous ones, in an effort to preserve intact the oil reserve that had been set aside for the Navy. I remember one night toward the end of a session that Mr. Roosevelt and I remained at the Capitol all night long, watching the legislation of closing hours, fearing that some act might be passed that would turn over these invaluable oil reserves to parties who made claim to them without even decent shadow of title.

I, with the Attorney General, fought, contested, and opposed the action of the Land Office in the Honolulu land question, which would have given oil lands worth many millions of dollars to a company which in my judgment had no shadow of right to them. To the very last days of my administration I opposed all the suggestions toward the leasing of these oil reserves set apart by President Taft and President Wilson. During the war there was a hard drive by those who claimed ownership to these lands and the matter was so pressed then that the Navy had to stand in the way of the exploitation of this oil reserve. Even then I opposed the proposal; I felt that this oil had been set apart for the Navy and that exploitations by those who claimed an interest was not necessary to win the war and the day would come when the Navy must depend upon its own oil reserves for a part of its supply.

Ten days before March 4, 1921, I more than once saw the Secretary of the Interior, to whom application had been made to lease the oil, and I presented the Navy's claim and opposition to any lease of these reserves. Secretary Payne refused to approve the applications for leases, and he was very wise and far-seeing in so doing. I never at any time even inferentially agreed to proposals made, but held steadfastly for the whole eight years to the protection of these reserves and holding the oil in the ground for the use of the Navy.

The legislation enacted went further than I desired, but it was impossible to stand out against it. In my judgment it would be a great wrong to lease these oil reserves. The wisest policy of conservation, as well as the Navy's efficiency in the future, depends largely upon holding these naval oil reserves intact.

If you will apply to the Navy Department, you can obtain letters written by me with reference to these oil lands, and you will see that if anybody suggested that I at any time was willing to make any concession looking toward the leasing of these lands, their statements are not borne out by facts. If you will have your secretary look over my annual reports, you will find that I have touched upon this matter many times, and in one you will find an appendix which will give you several of my references to these oil lands, showing why these reserves ought to be preserved.

You may be interested in knowing that when I first looked into this matter, when the first application was made, I found that the claims on the Navy oil reserves were asked for in the name of parties working in the stock yards in Chicago, who, upon inquiry, declared that they had never made application for the oil lands, and the applications presented bearing their names were in fact signatures that they had made in Chicago, supposing that they were signing a petition for an election. Many of these applications were grossly fraudulent and nearly all of them were made after President Taft set the reserve apart for the use of the Navy.

The hearings before the Public Land Committee of both the House and Senate will give you the story as it came out and will show the position of the Navy Department while I was Secretary of that department.

The persistent attempts to lease these lands began in 1913 and were kept up until my term of office expired. It was a battle during my entire term, and I was happy upon retirement to private life that the Navy Department, aided by Attorney General Gregory and Secretary Payne, blocked the insidious propaganda to exploit these reserves.

In 1913, after conference with the Department of the Interior, the Navy Department decided upon the policy of building all naval ships as oil burners. The experiences of the war demonstrated the wisdom of the course. In my judgment, not one acre of the naval reserve should be leased, and Congress should set a face of flint against the present exploitations.

Sincerely yours,

JOSEPHUS DANIELS.

To Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

MARIA M'ARTHUR.

Mr. CURTIS submitted the following resolution (S. Res. 283), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate for the fiscal year 1921, to Maria McArthur, widow of James McArthur, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ARTICLE BY COL. ROBERT E. OLDS—EUROPE'S DEBTS.

Mr. KELLOGG. I ask unanimous consent to have printed in the RECORD an article by Col. Robert E. Olds, formerly commissioner for Europe of the American Red Cross, on the international situation. I think it will be of value to Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia (Pa.) Public Ledger, Sunday, March 12, 1922.]

The following article, by Colonel Olds, analyzing the international debt situation, is based on first-hand observations of the economic conditions in practically every European country. These were made during his direction of the Red Cross activities covering three years up to last summer and during which he dispensed many millions of dollars. He has intimate contacts in nearly every nation and has been received as a sort of special ambassador wherever he has gone.

[By Col. Robert. E. Olds, former commissioner in Europe of the American Red Cross.]

PARIS, March 1.—With the calling of the Genoa conference we may fairly say that the pendulum has nearly completed its slow but inevitable swing from the purely political to the economic view of world affairs. The change is momentous. It has taken some time to effect it. One has only to recall the memorial presented to the American Government and to the principal European Governments more than two years ago, declaring that the basic problem was essentially economic and requesting on grounds of "extreme urgency" that an international conference of experts be called to consider it. The subjects of inflation, instability of exchanges, decline of credit, production, taxation, public expenditures, and international debts were all there suggested as matters of imminent concern.

Although the memorial carried an almost unprecedented array of distinguished signatures, among others from the United States, Morgan, Root, Eliott, Warburg, Vanderlip, Hepburn, Reynolds, Hoover, and Hadley; from England, Bryce, Inchape, Cecil, Asquith, Grenfell, Clynes, McKenna, and Leaf, it made little stir. Now, for the first time, the voice of the man of affairs and the student of actual conditions is being heard.

Throughout the political phase the United States played a difficult rôle. It was asked to enter an alliance with France and England and to join the League of Nations. To both of these proposals it finally gave a negative answer. In the economic phase we are faced at once by the exceedingly troublesome and complex question of the allied debts. Whether we like it or not, we stand forth as the greatest creditor Nation of all time, and must admit that it is a position of grave danger to ourselves as well as to others. The future in no small degree depends upon our ability to see clearly and to act wisely on the issue now before us.

CONFUSED BY LINKING OF DEBTS.

The issue calls for accurate definition. The public on both sides of the Atlantic is manifestly being confused by the linking of the allied debts, in turn, with the questions of reparations, European militarism, taxation, public expenditures, the bonus bill, and other more or less relevant matters. Under the circumstances there is much to be said for the idea of isolating the problem of the allied debts and considering it by itself on the merits.

The European Governments owe the United States altogether (with accrued interest) about $11,000,000,000, of which approximately $3,500,000,000 lie against France and $4,500,000,000 against England.

No interest is being paid, and so the staggering liability goes right on piling up. This black cloud, casting its sinister shadow over an entire continent, necessarily tends to promote pessimism and destroy hope. It is coming to be more and more recognized as the dominant fact in the minds of statesmen and in the lives of peoples. Hardly a newspaper in Europe fails to mention it in some connection every day. Statesmen are interviewed and economists are writing books about it. There is undoubtedly a growing conviction that no way out of the present difficulties can be found until the debts to America are somehow eliminated from the problem.

From the European point of view the discussion presents some curious and interesting features of which America should take note. There is, in the first place, the bold but not always profound thinker, of the Wells type, who comes forward with this simple formula: The debts are fantastic; they can not possibly be paid, so why let them block the way? Let us forget this legendary indebtedness and get on with the real business of world reconstruction. More serious writers of the economic school, who have recently reviewed the situation as a whole, find no ready solution, and can by a strange non sequitur leap to the conclusion that the world can be saved only by a cancellation of the loans outright.

Gustav Cassel, the eminent Swedish economist, in his second memorandum prepared for the League of Nations, after a pessimistic survey, suggests cancellation as almost the last hope. Mr. Keynes, the British economist, arrives by a different route at virtually the same destination. He would have the United States and England form a sort of underwriting syndicate to settle the reparations problem by canceling France's debts in return for a proportionate release of the German indemnity.

ADVICE AGAINST PAYMENTS.

Moreover, the bankers and economists seem to be agreed that under present conditions the United States can not afford to exact even the interest payments. It is said that if by any possibility the payments could be met, the results would be distastrous; abnormal payments of this nature would only postpone still further final recovery.

Now, it is quite impossible, in this memorandum, to follow the argument in all its involutions. It is reasonably clear, however, that if we want to work toward a restoration of trade equilibrium, the last thing we ought to do is to make a drive for the collection of these debts. They can not be paid in gold, because the gold is not there. Payment could in no event be made except in goods, and we do not want the goods. The only way we can accept commodities safely is in the normal course of trade. These conclusions appear to be well founded, but the step from them to the sweeping generalization that the allied debts should be at once completely wiped out is by no means so easily taken.

The picture of a torn and distressed Europe, weighed down by an impossible load of debt which keeps her from rising at all, is appalling, but is it quite accurate? On the face of things the load is to-day nothing but an acknowledged liability to be discharged some time in the distant future. There are no penalties to be enforced or mortgages to be foreclosed for default. America holds no security beyond the honorable engagements of the nations concerned. If Europe can not pay presently, she wont, and there will be an end of the matter for the time being. Let us be practical and face the facts. Nobody with practical sense expects the European Governments to come to us with "a pathetic light in their eyes and the cash in their hands." It is scarcely conceivable that any substantial payment, on account of principal at least, can be made within the next 25 years.

Why not look at this business as what it really is—an affair between two generations of men not yet in being. A present discharge would be like a quit claim running from a coming generation of Americans to a coming generation of Europeans. Just how that is going to reconstruct the great devastated region of international trade in the year 1922 and set the present generation in Europe on its feet perhaps some banker-economist—Otto Kahn, for instance—will explain. If it can be made clear to the lay mind, it ought to be made without further delay.

GIVE EUROPE A FIGHTING CHANCE.

After all, is it not the uncertainty alone that is doing the damage? As it stands, the indebtedness is to be compared to a "call loan." Naturally a finance minister in Paris is seriously embarrassed by it, because he can not know what provision, if any, should be made on that account. If the loan is called, France would have to pay or repudiate. With an outstanding account against Germany upon which not a centime has been collected, and an enormous debit to England and America occupying this doubtful status, the situation can not fail to continue desperate.

Suppose our Government said, "We can not go so far as to tear up these obligations, but we can and will come to an understanding with you about the time of payment. We can agree definitely not to demand the principal for X years or the interest for Y years. Tell us what you think you may eventually be able to do, and let us see if we can not make an arrangement." The reply would be probably along these lines: "We appreciate your reluctance to convert a loan of this nature into a gift. If, however, you can grant us X years to work out of our present difficulties without embarrassment from the loans, we shall do the best we can; and we should like to have the privilege of discussing the subject again at the expiration of that period in the light of the facts as they may then appear, it being fully understood that the loans are regarded by both parties as subsisting obligations to be eventually met." It goes without saying that a negotiation of this general nature, approached in the right spirit on both sides, would lead to a definite agreement. To the ordinary observer trying to take a common-sense view and maintain a proper perspective, it is the only way to satisfy public opinion in the United States and at the same time give the European Governments a good fighting chance to pull through.

If the allied debts can be thus removed as a complicating factor in the problem of settling European budgets for the next 25 years, for example, the pressure will be immediately released and plans for reconstruction can go forward. It is hard to see how anything more could be accomplished by outright cancellation. What the European Governments must have is definite assurance that demands which would surely throw them into complete bankruptcy will not be made pending the critical reconstruction period.

ENTITLED TO UNITED STATES VIEW.

Europe is plainly entitled in this connection to a frank disclosure of the American point of view. There is much misunderstanding and some bitterness being engendered by a failure to make full explanations. Absolutely nothing is to be gained by controversial talk about militarism; there is no end to such a discussion. The urgent need is to tell these peoples who owe us so much money exactly what we propose to do, and why.

Now, it should not be hard to state the American case so as to make it understood. The allied powers were waging a war for their existence. After a time we came in with them and began to loan them money in addition to financing our own war operations. In order to get the money we swelled our national debt to a point never before dreamed of. Those familiar with the Liberty loan drives know that the funds produced were not merely loose cash which we did not know what to do with. Thousands of persons had to borrow and mortgage to subscribe. It was a virtual levy upon capital—productive capital. In the form of cash or its equivalent in goods or munitions it went out of the country and has never come back. According to John Stuart Mill, productive capital so diverted is taken from wages and operates as a tax upon the laboring classes.

However that may be, the State remains charged with the interest and must pay the principal of the Liberty bonds when they fall due. The interest charge alone calls for an annual tax of nearly $10 for every man, woman, and child in the United States. These are familiar facts to Americans, but they are not appreciated in Europe. Nor does Europe understand how a public debt of $25,000,000,000 looks to us as a Nation. We have never been committed to the fallacy that a large debt of this character is a blessing. In 1800 we owed $83,000,000; in 1840 we had cut it down to $3,500,000, or 21 cents per capita; after the Civil War it stood at $2,300,000,000; at the beginning of the Spanish War we had paid it down to one-third of that sum; in the spring of 1917 our debt was a trifle over $1,000,000,000; it jumped immediately to $12,000,000,000 and later to $25,000,000,000; last year it worked out to $216 per capita. With this national policy behind him it is no satisfactory answer to the American taxpayer to tell him that France owes fifty billions and England thirty-seven billions. It is too much like asking a man to compare the distance from here to Uranus with that to Arcturus. He knows he doesn't want to have to walk either of those distances.

CHARGE ON POSTERITY.

This revolutionary rise of the national debt entails a heavy charge upon posterity. To us it is bound to appear that we have mortgaged the future beyond all precedent. Moreover, we have not the justification of having created this debt for the purpose of developing resources or making permanent improvements which would inure to the benefit of our successors; and is it not going a little too far to say that we did it to save the national existence? Public morality demands that debts passed on to a new generation shall have some solid justification. Here a distinction may be made between principal and interest. If we forego the interest for the time being that is our own affair, the money belongs to us. With the principal it is obviously quite different, and there we may well pause and ask: "Have we the right?" The future citizen who must redeem the bonds, the proceeds of which were handed over to our allies in the great war (some of these proceeds, it should be remembered, were used to "peg" exchange) can not speak, save through us. We are his trustees. If we cancel the obligations, we are giving away his money, perhaps impoverishing him in the distant future, which may not be so bright after all.

In this matter of public finance one is bound to look beyond the exigencies of the passing moment. Where is this mad career of indebtedness leading us? In 1913 the aggregate public debt of the civilized countries of the world was $43,000,000,000. It is now $354,000,000,000. If debt piled up by the municipalities, as many competent authorities assert, hastened the decline of the Roman Empire by a couple of centuries, may not our civilization be wrecked on this rock also? Public expenditures are, of course, in the same case. Gardiner states that in the first part of the reign of James I the expenditures of the British Government averaged £400,000 per annum. Adam Smith says that in his time (1776) the peace revenue of the country was £10,000,000, which he asserts, with proper management and without contracting a shilling of new debt, ought to be sufficient to carry on the most vigorous war. The ordinary disbursements of the United States Government last year exceeded $5,000,000,000. Europe will surely not blame America if she pauses while there is yet time. Somebody in this topsy-turvy world must try to keep right side up. Whose interest is it that we should all go down together in universal bankruptcy?

PROBLEMS FOR AMERICA.

Those who summon us to save the Old World from economic ruin by an act of amazing but futile altruism should also understand that America does not enjoy any miraculous immunity. In the long run this planetary economic chaos is likely to hit America hardest of all; she has furthest to drop if the crash comes. Already our foreign trade is at the vanishing point. Forty per cent of the clerical force of the country is out of work. Great industrial sections, such as the Pittsburgh district, are said to be operating at 30 per cent of normal capacity. The farmers complain that the 1920 and 1921 crops were marketed at an actual loss. What is the advantage to us from the gold heaped up in our Treasury, when one ounce of that metal buys 201 hours of labor in Germany, 117 hours in France, 97 hours in Japan, and only 17 hours in the United States?

The demand for cancellation manifestly can not be conceded by any American Government. The demand for collection within 25 years, as contemplated by the recent act of Congress, can not be met by the European Governments. The danger is that this deadlock—and it can be nothing else so long as the two extreme views are maintained—will keep the question of the allied debts alive to plague us all for many years to come. The effect upon our trade, as well as upon international relations generally, can not be other than baneful. More than any other single factor, this uncertainty, with its attendant evils of bitter controversy and misunderstanding, is liable to precipitate the final crisis.

There are those who would like to hold the club over Europe. Do they realize what that means? Does any right-minded American citizen, on reflection, want to take on the task of dictating European policies, settling budgets, arranging boundaries, and defining military establishments? America should hesitate long before deciding to go about the world for the next 25 or 50 years carrying a club. It is rather a time for firmness, patience, sympathy, frankness, and, above all, for definite action.

LUTHER B. TURNLEY.

Mr. STERLING. Mr. President, on April 14, at page 5499 of the RECORD, the junior Senator from Arkansas [Mr. CARAWAY] had inserted a letter from Mr. Luther B. Turnley criticizing or making charges against the Civil Service Commission in Mr. Turnley's case. I present a letter from the Civil Service

Commission, received this morning, in answer to those charges of Mr. Turnley and in refutation of the charges made. I ask that the letter may be printed in the RECORD.

Mr. CARAWAY. Mr. President, what is the Senator asking to have printed in the RECORD?

Mr. STERLING. A letter from the Civil Service Commission, in answer to a letter of Mr. Turnley, which the Senator from Arkansas put in the RECORD the other day.

Mr. CARAWAY. Let it be read. I have three resolutions sleeping in the Civil Service Committee now, and I would like to know what the chairman of the committee is proposing to put in the RECORD on the subject.

Mr. STERLING. The statement is entirely gratuitous.

Mr. CARAWAY. And it is meant to be entirely gratuitous.

Mr. STERLING. I refer to the statement of the Senator from Arkansas in regard to the Civil Service Committee.

Mr. CARAWAY. I want to know what the Civil Service Committee is doing with the resolutions. If they do not know what they are doing, I intend to know.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

Mr. KING. The Senator from Arkansas asks that the letter may be read.

Mr. CARAWAY. I ask that the letter be read. I want to know what is in the letter.

Mr. STERLING. I have no objection to having it read. I will be glad to have the letter read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., April 20, 1922.

Hon. THOMAS STERLING,
United States Senate.

DEAR SENATOR STERLING: There has just come to my attention the copy of letter quoted on page 5499 of the CONGRESSIONAL RECORD for Friday, April 14, 1922, from Mr. Luther B. Turnley, in which he makes certain charges against the Civil Service Commission. The facts in his case are as follows:

Mr. Turnley, two years ago, entered the clerk examination and attained a rating of 70.40 and was granted military preference. His name was certified in due course to the Interdepartmental Social Hygiene Board, where he was appointed July 21, 1920. As that board was required last July to make a very material reduction in force, it dropped Mr. Turnley, effective June 30, 1921.

As you know, the commission recommended to the President the issuance of a special order creating the reemployment registers, on which were to be entered the names of employees dropped from the service by reason of necessary reduction of force and not for inefficiency, in order that these persons might be considered in their order for certification to vacancies in other Government establishments needing the services of persons having their qualifications. As soon as the general military preference status was passed the commission placed at the head of this reemployment register the names of persons entitled to preference and has certified their names when reached for vacancies in other departments.

It will be observed that Mr. Turnley attained a rating slightly above 70 per cent, and there are the names of a large number of ex-service men ahead of his on the reemployment register and, therefore, first entitled to certification. Mr. Turnley has expressed willingness to accept appointment at the comparatively low salary of $900 plus the bonus, and yet to-day there are 12 preference eligibles on the reemployment register who have attained higher ratings than his who are likewise willing to accept this salary. Under the law, of course, their names must first be certified.

The commission has never advised Mr. Turnley that his name could not be certified until after he had served three years in office, nor has any employee of the commission so informed him. The fact is simply that his name is not within reach among the preference eligibles on the reemployment register because he attained so low a rating in the examination.

There is a clear distinction between being certified from an eligible register and being transferred from one department to another without reference to a person's standing on any eligible list. In a transfer case there is a law of Congress requiring three years' service, and the commission has no power to waive this.

The commission has done its utmost to accord ex-service men every possible consideration and has gone beyond the usual powers inhering in its organization for the purpose of assisting these men in finding employment.

We are addressing you in this matter because as chairman of the Committee on Civil Service, United States Senate, it seems to be a matter within your jurisdiction. We trust you will be able to secure the publication of this letter in the RECORD.

Very sincerely yours,

G. R. WALES, *Commissioner.*

Mr. CARAWAY. Mr. President, I want to say merely a word in regard to the letter. I put the letter of Mr. Turnley in the RECORD not as a criticism of the Civil Service Commission. If they had read it, they would know there is a law of Congress which provides that no department may drop a soldier or sailor who has been honorably discharged in the reduction of forces if his record in the department is good. It provides a penalty that if the head of the department shall disregard the law he shall be immediately removed from office, and upon conviction fined in a sum not more than $1,000, and he may be imprisoned.

Here are the facts: This former soldier had a place; his record was good, because the letter of the chief of his bureau was put in the RECORD also; but he was dropped in reducing the force, although the law says he should not be dropped.

That is the reason why the letter was put in the RECORD. It had nothing to do with the Civil Service Commission. If the Senator from South Dakota, in his anxiety to answer it without reporting the resolution, had read it, he would have found that the letter was put in the RECORD not to criticize the Civil Service Commission, because it had nothing to do with the dropping of a former service man from his employment, but it was put in the RECORD to show that a department was dropping ex-service men whose records were good, notwithstanding the fact that Congress had said the departments should not do so.

The resolution I introduced was intended to find out why, in disregard of law, the departments were dropping former soldiers and sailors, honorably discharged, who were entitled to keep their places. That is all.

The Civil Service Commission could not prevent, I presume, this department from dropping the man. No reference was made in the statement which I gave touching the Civil Service Commission. I have said about all I care to say about that commission, and I have nothing more to say about it. I am satisfied that the commission is very senstive in this particular instance. I do say that the department which dropped this man in the reduction of forces did so in violation of law, and a resolution is pending before the Civil Service Committee, which I have no hopes of ever seeing reported, which would demand the reason why these things have been done.

That is all I know. I have no criticism in this particular case of the Civil Service Commission, although I presume it is amply subject to criticism on most grounds.

Mr. STERLING. Mr. President, the Senator from Arkansas [Mr. CARAWAY] may not have intended by the introduction of this letter into the RECORD to have criticized the Civil Service Commission, but the letter itself does severely criticize the Civil Service Commission, and hence the reply of the Civil Service Commission.

With reference to the resolution to which the Senator from Arkansas has more than once referred, in discussing which he has reflected somewhat upon the Civil Service Committee, all I have to say is that that resolution in regard to soldiers and sailors and marines who have been discharged or dropped from the civil service will receive due consideration and a report will be made upon the resolution. The report will probably call the attention of the Senator from Arkansas to some features of the law in regard to the case which have escaped his notice.

The VICE PRESIDENT. The letter which has been read will be referred to the Committee on Civil Service.

PROTECTION OF MISSISSIPPI RIVER LEVEES.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 309) appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission, in which it requested the concurrence of the Senate.

Mr. WARREN. I ask the Chair to lay the joint resolution from the House before the Senate, and that it be read at length.

The joint resolution was read the first time by its title, and the second time at length, as follows:

Be it resolved, etc., That there be appropriated out of any money in the Treasury not otherwise appropriated the sum of $1,000,000 to be immediately available as an emergency fund to be expended by the Mississippi River Commission during the present flood in the Mississippi River for the purpose of preserving, protecting, and repairing the levees under its jurisdiction: *Provided*, That the Secretary of the Treasury shall deduct $1,000,000 from the appropriation that shall first hereafter be made for the use of said Mississippi River Commission under the terms of the flood control act of March 1, 1917, and said $1,000,000 be carried to the surplus fund and covered into the Treasury: *Provided further*, That any unexpended balance of the sum hereby appropriated remaining after the present flood emergency has passed may be expended by the Mississippi River Commission under the authority and subject to the provisions of the said flood control act.

Mr. WARREN. In order to make the record straight I ask that the joint resolution be referred to the Committee on Appropriations.

The VICE PRESIDENT. It will be so referred.

Mr. WARREN. I wish to say that I have consulted with every member of the Committee on Appropriations, and I am authorized to report back the joint resolution favorably without amendment. I ask for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON. Mr. President, for myself and my colleague, the Senator from Arkansas [Mr. CARAWAY], and for other

Senators who represent a very large section of the country at present threatened with disaster from the overflow of the Mississippi River, I desire to express appreciation for the very prompt action taken by the two Houses of Congress to-day in making available the sum of $1,000,000 for use in maintaining the Mississsipi River levees and protecting against flood conditions.

The chairman of the Committee on Appropriations [Mr. WARREN], fully appreciating the nature of the emergency, polled the members of the Committee on Appropriations, and every member of that committee very gladly, in view of the circumstances, consented to an immediate report of the joint resolution which has just been passed. The House of Representatives had pursued a similar course. This was very prompt action and it is very gratifying.

Mr. HARRISON. Mr. President, may I add that the Secretary of War also, I understand, and the Chief of the Board of Army Engineers cooperated to the very limit in this matter.

Mr. ROBINSON. I thank the Senator from Mississippi, because I had no intention of omitting mention of the very prompt and efficient manner in which the matter has been handled by the War Department.

Mr. HARRISON. I am sure our people appreciate their efforts.

Mr. ROBINSON. The Secretary of War himself has been very prompt in the matter, and everyone charged with responsibility has been quick to act in anticipation of threatened loss of life and property.

Mr. RANSDELL. Mr. President, may I add one word? I do not wish to have General Dawes, the Director of the Bureau of the Budget, omitted. He has been doing, as everyone has been doing, his utmost in this emergency. They are all entitled to full credit, and I hope it will be given to them. As one of the Representatives from Louisiana, I am delighted at the very prompt action taken by both the House and the Senate. I believe this appropriation will avert a very great disaster and save a very much larger sum than the amount appropriated.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, yesterday there was presented to the Senate the result of months of work by the Finance Committee of the Senate. The minority thought that the senior Senator from North Dakota [Mr. MCCUMBER] in presenting the tariff bill would submit a detailed analysis of its provisions, would point out wherein it differed from existing law as well as from former tariff bills, would analyze the various schedules, and indicate the results claimed by the majority which would follow such changes. It was supposed that he would justify such changes and show their effect upon the industrial and economic life of our country. The Senator's speech was notable because of its omissions and the beautiful complacency which characterized its exposition of tariff and economic questions.

The Senator from North Dakota became beatific in dealing with the corporations and trusts and manufacturing interests, who are so beneficially affected by the bill. His gentle words of admonition as to how they should proceed in business will be as welcome to them as an assessment upon one's holdings and will be as quickly disregarded as the law of supply and demand have been by violators of the Sherman antitrust law. The Senator meant well; he apparently felt that the bill would permit exploitation, but hoped that the selfish interests who will benefit by it will not rob the people too much. The Senator's cure for the evils in our present economic life will be ineffective. He places too much power in the hands of special interests and should know that they will oppressively use it. I was somewhat surprised at the naive faith of the Senator in the claims of those who had appeared before his committee and whose voices no doubt were persuasive in framing the schedules found in the pending measure. I can not understand his supreme and perfect confidence in the interests which have appeared before his committee pleading for extortionate tariff rates. I hope before the bill shall have been passed that the Senator from North Dakota, with his splendid ability, will show us precisely what the bill is, what it proposes to do, and what its effects will be upon the economic and industrial life of the people if it shall become a law.

Mr. President, later on I shall have something to say upon some of the schedules, particularly the chemical and dye schedule, but this morning I propose to address myself to another subject not quite cognate to the measure under consideration.

It would seem that the Senate does not take much interest in this tariff legislation. On the Democratic side we have few Senators this morning, and upon the Republican side the number is not much greater. I wonder, Mr. President, if the Republican majority believe they are going to put the bill through by force of numbers. They have been so in the habit of employing the big stick, or having it employed, that I presume they expect the speedy passage of the bill. Moreover, we are told there has been a marriage between the two important blocs, that the agricultural bloc and the manufacturing bloc are in happy accord. Each, it is assumed, has been rewarded, and has written into the bill the demand which must be met. Thus it is thought the bill will go through the Senate without the slightest difficulty. It is dangerous to have too much power. Defeat and humiliation often follow the triumphant hosts. The Payne-Aldrich tariff bill was the product of selfish greed and unrestrained party power. Should our friends not take warning from the experiences of the past?

Mr. WATSON of Indiana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. KING. I yield.

Mr. WATSON of Indiana. I understand the Senator is going to talk about Mexico.

Mr. KING. Yes.

Mr. WATSON of Indiana. It is a very inconsequential matter and yet one which the Senator saw fit to dignify by a reference in his remarks. I think it worth while to call his attention to the fact that, while there are four Democratic Senators on the floor, there are 20 Republican Senators.

Mr. KING. Let me say to the Senator that four Democrats are worth, perhaps, more than 20 Republicans.

Mr. WATSON of Indiana. I am not going to discuss that intimation, although there are many things that might be said with reference to it. I should, however, like to say to the Senator, not in any controversial spirit, but purely as a statement of fact——

Mr. KING. The Senator knows that I spoke jocularly in my last observation. I appreciate the importance and the learning and the wisdom of my Republican friends, especially my friend from Indiana.

Mr. OVERMAN. Since the suggestion has been made concerning the Senators present, let us have a quorum.

Mr. WATSON of Indiana. The suggestion of the Senator from Utah is complimentary, but I want——

Mr. OVERMAN. I suggest the absence of a quorum, in view of the suggestion which has been made.

Mr. WATSON of Indiana. That is very timely and very appropriate.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Lenroot	Rawson
Ball	Gerry	Lodge	Robinson
Borah	Glass	McCumber	Sheppard
Brandegee	Gooding	McNary	Shortridge
Broussard	Hale	Moses	Simmons
Bursum	Harris	Myers	Smoot
Calder	Harrison	Nelson	Spencer
Capper	Heflin	Newberry	Sterling
Caraway	Johnson	Nicholson	Sutherland
Colt	Jones, N. Mex.	Norbeck	Townsend
Culberson	Jones, Wash.	Norris	Walsh, Mass.
Cummins	Kellogg	Oddie	Warren
Curtis	Kendrick	Overman	Watson, Ga.
Dial	Keyes	Page	Watson, Ind.
Ernst	King	Phipps	Weller
Fletcher	Ladd	Poindexter	Williams
France	La Follette	Ransdell	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is unavoidably detained on official business.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

CONDITIONS IN MEXICO.

Mr. KING. Mr. President, I approach a discussion of what many call the Mexican problem with profound sympathy for most of the Mexican people. I entertain no antipathy toward Mexico or her people, although I confess to a feeling of just resentment against the military chieftains and corrupt politicians and other elements of the Mexican population who have for years conspired against the welfare of Mexico, and who have worked irreparable harm and injury not only to millions of the Mexican people, but to Americans as well as to citizens of various countries residing in or having property interests within the boundaries of Mexico.

During the eight years in which Mr. Wilson was President the Republican Party denounced his Mexican policy and insisted upon a course which would have inevitably led to war. Many fervid, and, indeed, perfervid, speeches were delivered in this Chamber and in the House of Representatives in which President Wilson was bitterly assailed and his policy of "watchful waiting" denounced in unmeasured terms. Republican orators and leaders often advocated intervention and the sending of military forces into Mexico for the purpose of protecting the lives and property of American citizens. In the presidential campaign of 1916, so aggressive and virulent were the Republican attacks upon the Democratic administration for its failure to intervene in Mexican affairs, that a sharp issue was presented to the country, and the people were called upon to choose whether they indorsed Mr. Wilson's policy of patience and forbearance or the bellicose and military plan advocated by Republicans, which would have involved the United States in a war with the Mexican people. During the campaign Democratic speakers frequently declared that Mr. Wilson had "kept our country out of war," and the Republicans, with that "bunting patriotism" which so often characterizes some Americans, condemned in bitter terms the foreign policies of the administration, and did not hesitate to denominate his Mexican policy as "pusillanimous and cowardly" in the extreme. The Republican jingoists clamored for war with Mexico when some Americans were killed and many were driven out of Mexico and their property destroyed or confiscated. Republican orators, as well as leaders in the Republican Party, insisted upon intervention, and urged that our military forces cross the Rio Grande and compel the Mexican Government to redress the wrongs committed against American citizens.

The present Secretary of the Interior, who was a distinguished and able Senator from New Mexico, upon many occasions criticized the President and denounced the policy of the Democratic administration in dealing with Mexican affairs. I supported President Wilson and opposed intervention, though I believed there was justification for the United States declaring war against Mexico, and feared that if Mexico persisted in her wayward and criminal course war would result. The attitude of the Mexican Government had not only been exasperating, but those in authority seemed to have deliberately sought to provoke the United States to embark upon an aggressive course in vindication of the rights of American citizens and, indeed, the honor of the Nation. But perhaps the great mass of the people of Mexico were not parties to the hostile and belligerent acts of the Mexican Government and the military chieftains and cabal who were in control. Indeed, many of them did not know of the acts of Mexican officials which were provocative of war. I believed that this great Republic could afford to submit to indignities at the hands of an ignorant people and of a week and incompetent government, though the same acts, if committed by a strong nation, would be regarded as a challenge which should be instantly met. I have thought that we could not apply to Mexico the same standards that should measure the conduct of progressive and highly civilized peoples. The great mass of the people of Mexico are illiterate. They are living in the darkness of past centuries. Millions of them are Indians speaking different languages and bound together by no national spirit.

One who reads the history of Mexico will be filled with compassion for the great bulk of her people. He will feel that neither the church nor the state has done its full duty in their behalf, and that selfish and corrupt politicians and brutal and despotic military chieftains have too often controlled the Republic and have had no concern for the millions of ignorant and unresponsive peons or for the progress and welfare of their country.

The governing class, both in the States and in the Federal Government, have uniformly exploited the people and have, in the main, sacrificed the interests of their country to promote their personal ends and to perpetuate themselves in authority and power. Proclaiming patriotism and national pride and deep devotion to their country, and a high sense of personal honor, the great majority of those who have held positions in Mexico have been either corrupt and dishonest or have intrigued and plotted for place and power. They have not hesitated to plunge their country into civil and internecine war and to rob and plunder the Mexican people as well as the nations of other countries who were seeking to promote the welfare of Mexico and her people.

Ignorant and brutal military chieftains have risen to positions of power through murder, assassination, and brigandage. They have driven from their own country patriotic and enlightened men and women who desired the welfare of their country and were striving to advance it to a firm position among the enlightened and civilized nations of the earth. Even now there are hundreds of thousands of Mexicans living in the United States and in other countries who have been driven from Mexico by the cruel and bloodthirsty officials who have exercised authority, Federal and State. Mexicans of high purpose and pure lives have been brutally murdered by military chieftains and by executive authority because they would not subscribe to revolutionary, unconstitutional, and degrading policies projected by ambitious and wholly unworthy leaders.

When I speak in criticism or condemnation of Mexico, let it be understood that I am not speaking of the great mass of the Mexican people, for whom, as I have said, I have not only sympathy but deep compassion. I grieve when I behold a class of malcontents, of intriguing politicians, of shiftless and shifty and wicked militarists, of quasi intellectuals, prostituting their powers for their own enrichment and for the exploitation of their country and who form groups and confederations warring against one another for the control of the State, with never a thought for the helpless, unfortunate, downtrodden, and oppressed masses upon whose prostrate forms must finally rest the awful consequences of their misdeeds and crimes. Such is Mexico. Such has it been for many years.

President Wilson, with that deep love for humanity which always found expression in his public utterances and in his official acts, believed that a new day was dawning for Mexico. He perceived the great gulf which separated the millions of ignorant persons from the military, professional, and trading and business classes. He perceived that there was an agrarian problem that must be solved if permanent progress was to result. I think he attributed to what have been called the higher classes in Mexico a patriotism and moral integrity which many of them did not possess. I think, perhaps, he attributed to the people generally a higher degree of intelligence and a stronger spirit of nationalism than they possessed. If he erred, it was on the side of mercy and generosity. It was because he abhorred war, particularly with a weak people. His generous and sympathetic course was misconstrued by the Mexican people, and many of them scoffed at his efforts to promote international amity and to advance the interests of the Mexican people.

Cowardly and cruel military, and, indeed, political, leaders sought to inflame the minds of the people against the Americans and our Government. They treated the forbearance and kindness and generosity of the American people and the administration as evidence of cowardice, and so we were regarded with contumely. Hundreds of American nationals who were rightfully in Mexico were murdered, their property confiscated or destroyed, and thousands compelled to flee to escape the persecutions, abuses, indignities, and in many instances death, with which the ignorant and infuriated populace in many districts, led by corrupt politicians and military chieftains, threatened them.

Perhaps Mr. Wilson was disappointed in his efforts to promote amity and peace between this Republic and the Mexican people. Perhaps he felt that the manifold evidences of his sympathy were not appreciated by the Mexican people.

Speaking for myself, I felt that Mexico did not respond to the genuine friendship which was exhibited in her behalf and the patent evidences of the desire of President Wilson and the American people to aid Mexico and her people. I believed that Carranza and his associates and the majority of the Mexican people who made pretensions to enlightenment and civilization exhibited the basest ingratitude toward the administration and the United States, and were guilty of perfidy, if not treachery, in their pro-German attitude and their bitter hostility to the United States when it and Great Britain, and Italy, and France, and other nations were fighting in the interests of civilization and world freedom.

The Republican Party, in the last presidential election, again denounced the policy of the Democratic administration in dealing with Mexico, and promised, if it came into power, to inaugurate a vigorous policy in dealing with Mexico, and, indeed, with all nations. It was declared that Americans would receive redress for the wrongs committed, for losses sustained, and that guaranties for future protection, both of life and property, would be exacted from Mexico. The Republicans have been in power for more than a year. There has been no change in the situation; indeed, conditions in Mexico perhaps are more chaotic and unsatisfactory now than before President Harding was inaugurated. Americans are still being murdered upon Mexican soil, the property of Americans is still being confiscated, and thousands of Americans who have property interests in Mexico are unable to secure redress. Americans who were driven from Mexico are afraid to return.

Many are dying in poverty, though they had large possessions in Mexico when they were expelled from that country. Notes are being written to the Mexican Government by our State

Department and protests are being lodged with the executive authorities in Mexico against the confiscatory acts of the Federal Government of Mexico or by the various States. Obregon refuses to negotiate a treaty, the terms of which, though moderate and just, have been indicated by the Secretary of State. He indicates no purpose to reimburse American nationals for the wrongs and injuries inflicted upon them and to protect them in their personal or property rights within the Republic of Mexico.

Bolshevism is lifting its ugly head in some of the States of the Mexican Republic and some of Obregon's principal advisers are followers of the odious principles of the third internationale. American rights have not been vindicated and we are still in the blind alley which seems to be a cul-de-sac.

Our Republican friends who were so loud in their denunciation of Mr. Wilson, so boisterous in their Americanism and in their affirmation that a vigorous and bellicose policy toward Mexico would be pursued, are saying but little nowadays, but they must perceive how unjust were their aspersions and how partisan their criticisms.

I am not calling attention to their statements for the purpose of denouncing the present administration, but rather to invite their attention to the fact that Mexico has presented, and still does present, a problem complicated and most difficult of solution.

I referred to the fact that thousands of Americans were driven out of Mexico during the closing days of Mr. Taft's administration and during the incumbency of President Wilson. Mr. Henry Lane Wilson, in testifying before the Senate committee in 1920, stated that more than 660 Americans were murdered on Mexican soil and on the border; that it had cost our Government half a billion dollars to support the Carranza government, and he further stated that a million of the best Mexicans had left their own country and taken refuge in the United States; that 300,000 Mexicans had been killed, 100,000 had died from pestilence and starvation, and that during the Presidency of Carranza approximately 30,000 Americans left Mexico, and that the aggregate Americans who had fled from Mexico during the recent revolution amounted to 55,000. Thousands of Americans who were driven out of Mexico arrived in the United States penniless. They have been unable to return to Mexico, where all their possessions were, and thousands now in want are found along the Rio Grande and in Arizona and New Mexico. Nothing is being done to enforce their rights or to secure from Mexico reparations for their great wrongs to which they have been subjected.

Four days ago I received a series of resolutions recently adopted by a large number of persons who had been driven out of Mexico or who had property interests in Mexico. I might add, in passing, that several thousand American citizens went from my State to Mexico, some to engage in mining and stock raising, others to engage in agricultural pursuits. Thousands of acres of land were purchased from the Government and from private individuals, most of which was arid and sterile. These American citizens constructed dams and canals, built homes and towns, erected churches and schoolhouses and mills, and transformed desert wastes into fruitful fields and farms. Many of them had ranches and cattle, horses and sheep, as well as other property, real and personal, in various parts of Mexico. Thousands of them were driven from their homes, their personal property was confiscated, many of their homes destroyed, and a portion of their lands seized and parceled out among Mexicans who were placed in possession of the same. Most of the Americans were driven from Mexico and deprived of their property, and have been living in penury and want since the date of their expulsion. Death has come to some, but neither they nor those who survived have been recompensed to the extent of a single penny for the wrongs and outrages inflicted upon them. Several hundred of these persons returned to Utah, and they recently met and adopted a series of resolutions, a copy of which was forwarded to me and which I present to the Senate. The resolutions are as follows:

Resolutions.

Whereas citizens of the State of Utah prior to 1910 were invited and encouraged by the late President, Porfirio Diaz, and his associates of the Republic of Mexico to colonize and invest capital in the lands, mines, and industries of said country, in accord with the provisions of the treaties between these two countries; and

Whereas hundreds of our citizens accepted said invitations and entered said country and invested their means in the industries thereof, and were very successful under the favorable administration of President Diaz; and

Whereas during the latter part of 1910 a revolution broke out in said country, President Diaz was banished, law and order ceased to be maintained, life and property became insecure, and hate, injury, and outrages to life and property of citizens of the United States, particularly, were inaugurated and acquiesced in by Mexican State and Federal officials, who treated our citizenship with the utmost contempt and committed affronts to us, our flag, and our country with impunity, forcing us out of Mexico with heavy losses of life and property; and

Whereas many of our citizens being thus robbed of all their earthly possessions returned to Utah destitute, discouraged, and dependent upon their former friends and charity for existence, filed claims years ago with the State Department at Washington for redress and damages thus sustained, and others are prepared to file such claims when the same will receive attention: Now, therefore, be it

Resolved by the Association of Utah Claimants Against Mexico, assembled at Salt Lake City, Utah, this 8th day of April, A. D. 1922, That we urge and request the President of the United States, the Secretary of State, and Congress to terminate forthwith the "watchful waiting" policy of the past, and that our rights as citizens of the United States for redress and reimbursement for our said losses according to authentic claims be enforced against said Republic without further delay.

Resolved further, That each member of this association enlist the services of their friends and political parties and candidates in making our present and future Senators and Representatives in Congress acquainted with the outrages committed against us and our rights and property as citizens of the United States by military forces and nationals of Mexico with the knowledge, and, in many cases, the consent of the officials of said Government.

Resolved further, That the president and secretary of this association officially sign and forward to the President of the United States, the Secretary of State, and our Senators and Congressmen copies of these resolutions.

I. C. THORESEN,
President of the Association of Utah Claimants Against Mexico.
G. M. RICHARDS,
Secretary of said Association.

Mr. WATSON of Indiana. Will it interrupt the Senator if I ask him a question?

Mr. KING. I yield to the Senator.

Mr. WATSON of Indiana. I understand that the Senator intends to speak at some length on the tariff, via Mexico. Does the Senator expect to state later on what course this Government should pursue with reference to Mexico? Does the Senator believe in intervention? Does he believe in the recognition of Obregon? What does he believe in as a means of improving or curing the existing situation?

Mr. KING. The Senator is anticipating.

Mr. WATSON of Indiana. I am asking whether or not later on the Senator intends to address himself to that subject.

Mr. KING. Let me play the part of the Yankee and ask the Senator from Indiana, who is a seasoned statesman, one of the leaders of the Republican Party, what suggestion he made as to redress when Mr. Wilson was in power and when Americans were suffering damages? Did he advocate intervention then?

Mr. WATSON of Indiana. Yes; I did on the stump and elsewhere.

Mr. KING. Does the Senator advocate intervention now?

Mr. WATSON of Indiana. No; because I think it can be cured without it; but I am not making this speech. The Senator is making a speech on conditions in Mexico, and I am trying to find out what remedy he proposes, or whether his speech is just one of general castigation or animadversion on the policy of the present administration without suggesting a remedy for existing evils? Does the Senator believe in intervention; and if so, does he think it should be armed or peaceful? Does he believe in the recognition of Obregon, or what policy does he expect us to pursue in order to protect American lives, American rights, and American property in Mexico?

Mr. KING. My able friend from Indiana is somewhat like the impatient maiden who is unable, after reading the first chapter of a novel, to peruse the entire book, but hastily turns to the concluding chapter to learn the finale. The Senator is unwilling to permit me to develop my theme and state my views after I have presented certain facts which I regard as important, preliminary to the submission of any conclusions.

I shall not, however, as suggested by my friend, pursue the course adopted by him and other Republicans, when they were "castigating," to use his expression, Mr. Wilson and the Democratic administration; I shall not castigate the Republican Party, although the Lord knows they deserve it. Perhaps they need mercy more than they need castigation. Let me say, however, that I shall, before concluding, speak in commendation, in part at least, of the course pursued by the distinguished Secretary of State in dealing with the Mexican situation. While commending generally his Mexican policy, I shall express regret that he has not acted with somewhat greater firmness and insisted upon a settlement of the live questions which now divide the two nations.

The Senator asked me if I favored intervention. I promptly respond that I do not. As I have indicated, I opposed intervention at a time when he favored it. As I understand it, now he is opposed to intervention. In that respect we occupy the same position.

The Senator asked me what remedy I suggest. Later in my remarks I hope to submit some observations as to what policy should now be adopted in dealing with the Mexican problem. But lest the Senator may feel that I am not meeting squarely at the moment his questions, I am willing to state that I ap-

prove of the course of the President in not according recognition to the Obregon régime, and I think that under no circumstances should there be recognition until the plan suggested by Secretary Colby and the present Secretary of State be accepted by Mexico. In other words, I think that accompanying the act of recognition there should be a treaty between the two Republics by the terms of which provision will be made to compensate the families of the more than 700 American citizens who have been killed upon Mexican soil or along the border.

The Senator knows that many of these Americans who were murdered were men of ability and character. Many were mining men—metallurgists and engineers—and others whose earnings were of such a character as to make their lives in a pecuniary sense valuable. Lawyers know that when suits are brought to recover for the death of an individual by reason of the neglect or tort of the defendant the pecuniary value to the family of the deceased is an important issue in the case. Most of these Americans who were murdered left families, who should be compensated for the loss of their husbands, fathers, and protectors.

I repeat there should be as a condition precedent to recognition full provision made for the ascertainment of the damages due to the families of these deceased persons and assurances given of payment of the awards made. There should also be reparation in behalf of the thousands of Americans who have been assaulted or injured in their persons and damages for the loss of property, for which, in international law and in harmony with well-established principles of justice, Mexico would be liable.

It is possible that the Mexican Government is not responsible for all property which was destroyed or stolen, and perhaps it should not be held liable in damages for all Americans who have been killed upon Mexican soil. My contention is, however, that many were killed under such circumstances as that, under well-established principles of international law, the Government of Mexico must be held responsible in damages; and the same is true with respect to much if not all of the property which was expropriated or destroyed.

The hearings before the Senate subcommittee conclusively establish the fact that many of the crimes committed and wrongs perpetrated were with the connivance and, indeed, in many instances, with the consent of the Mexican Government or the executive and military authorities. Moreover, there was back of the military movements in Mexico a strong anti-American spirit and a widespread propaganda conducted by the executive and military commanders against the United States and all Americans within Mexico. Officials of the Government became agitators and inflamed the people against this Republic. There was a general purpose in view by many of the constituted authorities to drive all Americans from Mexico and confiscate their property. Therefore, perhaps the Mexican Government is legally and morally responsible for the wrongs committed against the United States and its citizens.

Mr. WATSON of Indiana. Will the Senator permit another interruption?

Mr. KING. Certainly.

Mr. WATSON of Indiana. Does the Senator know whether any steps have been taken along the lines he suggests?

Mr. KING. My information is that no effective steps have been taken to bring about those results.

Mr. WATSON of Indiana. Suppose demands were made——

Mr. KING. I have not fully answered the Senator's question as to what I would suggest; but I yield.

Mr. WATSON of Indiana. Let me ask this question right on that point: Suppose we make demands on Obregon? The Senator says, and doubtless truly, that many of those outrages were committed with the assent if not with the direct connivance of the Government. Suppose they declined to accede to our demands, or to acknowledge them in any way. Then where would we be? Does the Senator propose that this Government should go on pursuing the present policy?

Mr. KING. No.

Mr. WATSON of Indiana. Then what does the Senator expect the Government to do?

Mr. KING. If the Senator will be patient I will endeavor to answer his questions. But let me complete the other statement. The Senator asked me what course I would pursue, and I attempted to reply and said that reparation should be demanded for those who were killed and for whose death Mexico is responsible. Damages should also be demanded for injuries done to Americans, to their persons and feelings, growing out of assaults and maltreatment as well as imprisonment. The records show that hundreds of American citizens were subjected to great indignities at the hands of Mexican authorities, and under such conditions as clearly establish the responsibility of the Government itself for the torts and wrongs committed.

I suggest further that, contemporaneous with the negotiation of a treaty between the two Governments, and indeed as a part of the treaty, or a proper and necessary supplement thereto, provision should be made to compensate American citizens for the confiscation and destruction of property by them, real and personal, amounting to hundreds of millions of dollars, the responsibility for which is chargeable to the Mexican Government. In other words, I believe that our Government should take immediate steps to obtain redress for the wrongs which have been sustained by American citizens at the hands of the Mexican Government.

I do not, of course, expect Mexico to pay whatever the United States or American citizens demand shall be paid, but our Government should insist that Mexico adopt that course which civilized nations under like conditions would follow. American citizens have been outraged, and it is the duty of their Government to protect them. Mexico, not satisfied with past indignities and spoliations and outrages, is now pursuing a policy of expropriation and destruction of American property. Our Government should demand that Mexico, professing adherence to international law and that spirit of comity which exists among civilized and enlightened nations, should meet her just obligations; that where the damages or obligations are unliquidated, provision should be made by treaty for the erection of proper tribunals to pass upon the claims and demands, and to make awards consistent with justice and recognized principles of international law.

Mr. WATSON of Indiana. I entirely agree with the Senator as to that, but of what value to make demands? Why make a demand on the Mexican Government unless we intend in some way or other to back it up? Why make demands when they have been made over and over again in the years gone by?

Mr. KING. Oh, the Senator is just as impatient in this as he is to get his iniquitous tariff bill passed.

Mr. WATSON of Indiana. I am very anxious about the tariff bill, or else I would not be asking the Senator with reference to something that is about as far away from it as heaven is from the Democratic Party.

Mr. KING. When the Senator speaks of heaven and the Democratic Party in the same breath, he puts them together. They are in the same category because Democracy leads to justice and justice leads to heaven, and if my friend will join the Democratic Party and help it establish the principles of justice, I can assure him of celestial rewards in the great hereafter.

But the Senator will not let me conclude my answer, so I will stop here and attempt to answer that point. The Senator says, "What would you do; would you continue to make demands?"

No. I think our Government would be not only justified, but that it would be its duty to proceed further. It should submit to the Mexican Government such claims and demands as would meet the conscience of civilized nations and be sanctioned by enlightened people everywhere. It should, among other things, ask for the appointment of an international tribunal to pass upon all claims which the nationals of the respective Governments might make, as well as claims which either Government might submit against the other. When such tribunal makes its awards a demand should be made that Mexico meet the same. Our Government should also demand that Mexico cease its confiscatory policy and its assaults upon and assassination of American citizens. If Mexico refused to accede to these requests or demands, then the President should submit the entire matter to Congress. Congress should then authorize the President to appoint an international tribunal, if jurists of ability and character would consent to act, and, if not, then Americans of ability and integrity, to whom would be submitted all claims by the United States and American citizens against Mexico, with authority to make such findings as the facts warrant. If awards are made by such tribunal and it finds that there is liability upon the part of Mexico, then our Government should notify Mexico of such findings and demand that payment be made or steps taken to compensate the claimants conformable to such awards.

If Mexico then refused to make payment or exhibited unwillingness to make any adjustment and stubbornly refused to discharge her international obligations, then it would appear that the only alternative remaining would be for the United States to seize one or more ports and collect import duties, applying the same pro rata upon the liquidation of the awards. If this course were taken, the United States would doubtless hold the ports until Mexico was brought to her senses and was willing to make rectification for her wrongs and meet the just and righteous demands of this Nation.

In my opinion, if our Government announced that it intended pursuing this policy, it would bring about improved conditions and prepare the way for the negotiation of a fair and just treaty, containing full provisions necessary to amicably adjust all controversies existing between the two Governments and their nationals.

I have hastily and imperfectly submitted these statements in reply to my friend, who tells me, sotto voce, that he is compelled to immediately leave the Chamber. Of course, I have only sketched, and that imperfectly, the plan which I think should be pursued, and doubtless I have omitted important conditions and qualifications, or unduly stressed some points which, upon examination of my statements, as they will appear in cold type, I might feel constrained to modify.

Mr. WATSON of Indiana. In other words, in the last analysis—a much abused expression—the Senator favors war on Mexico if he can not get what he wants in any other way.

Mr. KING. I do not want the Senator to put those words into my mouth.

Mr. WATSON of Indiana. Does not that mean war?

Mr. KING. No; I do not think it means war.

Mr. WATSON of Indiana. When we blockade the ports of a nation, and when we scatter our troops along the border of that nation for the purpose of enforcing the collection of revenues, which we intend to keep, is not that war?

Mr. KING. It may or may not be war; that would be for Mexico to determine; but as I said a moment ago, and I am sure the Senator remembers that part of my sentence——

Mr. WATSON of Indiana. Certainly.

Mr. KING. In which I stated that in my opinion if the administration would announce the policy which I indicated there would be improved conditions in Mexico. I believe there would be a reversal of the present policy of confiscation under article 27 of the new constitution, and under the numerous acts of confiscation, passed by Sonora, Chihuahua, Tabasco, Yucatan, and other Mexican States.

Let me say to the Senator that such a policy would receive the indorsement of tens of thousands of Mexicans who are patriotic and loyal to their country and who have been driven from Mexico by the revolutionary governments and by the military dictators and cruel executives who have controlled Mexico since the Diaz régime. These Mexicans of whom I speak desire that the most cordial relations should exist between the United States and their country. They are opposed to the Bolshevik schemes which were adopted by Carranza and which are being enforced by Obregon. They have been opposed to the murder of Americans and to the expropriation of their property. They long for the day to come when Mexicans and Americans and other nationals can live in peace in Mexico and devote their energies to the development of the resources of their country. They believe that wrongs have been done to Americans and to this Republic.

In my opinion the great mass of the Mexican people do not sympathize with the narrow, intolerant, and destructive policy which has guided those who have controlled the destinies of Mexico for a number of years. They and thousands of intellectuals, both in Mexico and beyond her borders, are not in sympathy with the political and economic policy which Obregon's government is executing. We all know that Obregon has not been an unwilling disciple of De la Huerta, who is a member of his cabinet—an important one, I may add—and who was a follower of the Rand school, in New York, and attempted upon his return to Mexico to establish a Bolshevik State in Sonora. Anyone who reads his proclamations and decrees when in authority in Sonora will recognize his Bolshevist propensities. I may add in passing that Obregon placed in his cabinet Calles, who is confessedly a Bolshevist and a follower of Lenin and Trotski.

Another prominent Bolshevist was in Obregon's cabinet, and only recently retired. It is difficult to believe that Mexico will be regenerated if controlled by men of this character. Mexico's regeneration is retarded because so many of her most illustrious citizens, men of merit and ability, have been driven from Mexico. In addition to the tens of thousands of intellectuals who have taken refuge in the United States there are over 475,000 Mexicans living in the United States, many of whom will never return. Within the boundaries of this great Republic they enjoy peace and prosperity and liberty. They have expatriated themselves, and perhaps in time many of them will take upon themselves the responsibilities of American citizenship.

I repeat that it is most unfortunate that so many men of high character and of great ability, lawyers, professors, writers, bankers, statesmen, and men whose learning and scholarship would give them a high place among the most advanced people of the world, have been driven from Mexico by the military chieftains, the cruel and merciless leaders of revolutions, the bigoted, intolerant, and tyrannous executives, who have and still control the Federal and State governments of Mexico. Mexico needs in this great crisis men whose wisdom and statesmanship, if accepted by the people, would place her upon the path of progress and sure advancement. These men of whom I speak, and who have been banished from Mexico, learned in the law, in international questions, in economic and industrial matters, are in France, Spain, South America, and in our land. What a glorious thing it would be for Mexico if an enlightened constitutional government were inaugurated. But it seems as though that is impossible and that petty military chieftains rise to power and men of honor and ability and patriotism are outlawed and driven from their native land.

Mr. President, if we are to judge the future by the past, it may be safely affirmed that Mexico will present for an indefinite period a most serious problem. For nearly 100 years she has taxed the patience and forbearance of this Republic and has been a diplomatic plague which still persists. By the forbearance of the United States Mexico has been given ample opportunity to put her house in order and to assume among the free States of the world that station of equality and independence generally accorded to civilized States. But looking back with the perspective of nearly 100 years, we witness to-day a recurrence of the same old symptoms of anarchy, brigandage, and disregard of municipal and international law which has almost universally characterized Mexican administration, except during the Diaz administration.

Professor Jones, in his work called "Mexico and Its Reconstruction," declares that—

> for more than a half century Mexico has been a country in which civil dissension was seldom absent.

He refers to the—

> contrasts and conflicts arising out of the native elements of the population—

And—

> the lack of communication between the various districts of the country. As a result, from a cultural standpoint, the Republic has been a collection of units rather than a single State; a situation, obviously, which makes a satisfactory solution of Mexican relations difficult in the extreme.

He declares that—

> there must be created within the Republic a government that can establish order, that will respect individual rights, put the great resources of the nation again at the service of those living within its borders, and enable it to contribute its due share to the maintenance of the family of nations.

The true friends of Mexico will wish that a government may be established in Mexico which recognizes the rights of its own nationals as well as the rights of the nationals of other countries, and a government which will respect its treaties and the international usages of civilized and enlightened nations.

I stated that Mexico presented no new problem. Let me invite attention to some historical facts which demonstrate how serious has been that problem to the United States and how patient our Government has been in dealing with the same.

The independence of Mexico was recognized by the United States on January 1, 1825. At that time there was already an accumulation of claims against the Mexican Government for injuries inflicted upon the persons and property of American citizens, for which redress had been sought in vain. Under date of March 20, 1826, Henry Clay, who was then Secretary of State, in a letter addressed to Poinsett, the American minister, instructed him to demand redress for the forcible seizure of the schooner *Fair America*, in the course of which the Secretary said:

> Respect for the authorities of the United States alone forbids my characterizing it by the epithet which belongs to the transaction. I can not doubt that upon a representation which you are now requested to make to the Government of Mexico on behalf of Mr. Wilson, it will promptly order the restoration of his property with a just indemnity for its iniquitous seizure and detention.

The Mexican authorities in those days as to-day were adepts at delays and in the intervention of verbal excuse and circumlocution to avoid responsible consideration of the business in hand.

Thus the American chargé d'affaires, August 5, 1833, reported:

> When a delayed and apparently reluctant answer is wrung from the secretary we are merely told that the disorganized state of the political system precludes the General Government from exercising those powers with which they have been invested by the constitution, and we are admonished to forbear complaints and remonstrances until the restoration of order may enable the executive to discharge its functions and enforce the law; in the meanwhile, however, the interests of foreigners, their persons and property, are exposed to daily violation and outrage by every petty officer either of the general or of the State governments, and often without even a plausible pretext to excuse the delinquency.

The situation described finds a parallel in the relations between the two Republics during the past 25 years, except during the régime of Porfirio Diaz.

In a private letter to President Jackson, under date of September 14, 1827, the American chargé d'affaires said:

Since the present party (Santa Anna and Gomez Farias) came into power I have been able to do nothing. During the last two months I have not even received a reply to the many official notes addressed to the department of foreign affairs on affairs previously before it, as well as on many new cases that are daily occurring; the British minister informed me that he was similarly situated.

Senators will perceive the similarity of conditions then and now. The same difficulties existed in the days of President Jackson. Outrages were committed then; Americans were murdered; property was destroyed; diplomatic notes were written not only by the representatives of America but by representatives of Great Britain and other countries to the Mexican authorities, which dealt with the evils and wrongs then as they have dealt with them during the past 12 years.

During the following year, on June 24, 1834, the Secretary of State addressed the American chargé d'affaires as follows:

The President, dissatisfied with the continual delays which have taken place in adjusting the points at issue between the two governments, directs that you will take an early occasion, after the receipt of this communication, to bring them again before the Mexican Government and to obtain a prompt and definite answer.

The language of this note is somewhat reminiscent of the communications by our State Department addressed to the Mexican authorities during the past 10 or 15 years. Many communications were forwarded to the Mexican Government protesting against the injustices suffered by American citizens and the apparent disinclination of the Mexican Government to afford that protection to life and property which is due from a civilized state. Generally speaking, these communications were answered in diplomatic language, but with evasion and indirection. No sincere desire was exhibited upon the part of the Mexican officials to remove the causes which led our Government to make complaint or to pursue a course which the standards of international usage required of the Mexican Government.

Recurring to the note which I was reading, it proceeds:

You will state that the United States holds the Federal Government of Mexico alone accountable for such injuries to their citizens as merit national interposition; and that the requirement of the minister of foreign affairs in his note to you of the 24th of October last, that the claimants should present their demands in person at the Mexican treasury, is too unreasonable to be submitted to. Indeed, taken in connection with the refusal to examine any of the claims until all shall be submitted, it is tantamount to a denial of justice.

On December 17, 1835, Mr. Powhatan Ellis, the new chargé d'affaires, was appointed by President Jackson. The instructions given him, under date of January 29, 1836, referring to the pending claims, used this language:

Provision for their payment is pertinaciously withheld, and the justice of most of them has not been acknowledged. * * * Though the President is willing to look with indulgent consideration upon the almost incessant commotions in Mexico which, by weakening the authority of the federal government, may have encouraged the perpetration of the acts complained of, and by exhausting its resources have perhaps made it impossible to grant immediate relief to the injured, he thinks that they afford no sufficient apology for refusing or declining thus long to examine the claims.

Mr. President, the situation depicted in these notes must have been a severe trial to the stern and implacable Andrew Jackson, but even he pleaded and appealed to the Mexican people to right the wrongs which they had done and to pursue a course of honor and justice. There is a striking similarity between conditions then and those which still prevail in Mexico, and if one were not optimistic he would declare that it will be a long and tragic course which Mexico must pursue before she can assume an honorable station among the civilized States of the world.

Under date of April 30, 1836, Mr. Ellis, referring to the attitude of the Mexican Government, reported:

They look upon us as either too imbecile or afraid to vindicate our just rights, and hence the continual injuries inflicted upon the persons and property of citizens of the United States. So long, then, as these impressions prevail here I am deprived of the power of rendering but little service to my countrymen * * * I would respectfully suggest the propriety of pursuing a different policy in our intercourse with the Mexican States. They ought to be made to understand that the seizure and condemnation of the property and the imprisonment of the American citizens, without in some instances even the color of law to warrant it, will be arrested by a Government whose uniform policy has been to resist violence and aggression from all foreign power.

Under date of July 20, 1836, the Secretary of State sent another communication to the American chargé d'affaires in regard to an American schooner stranded near Tabasco, in which he said:

If, contrary to the present hope, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican Government that unless redress is afforded without unnecessary delay your further residence in Mexico will be useless. If this state of things shall continue longer, you will give formal notice to the Mexican Government that unless a satisfactory answer shall be given within a fortnight you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States, bringing with you the archives of the legation.

Pursuant to these instructions, Ellis presented the American demands in this language:

The undersigned, therefore, in compliance with instructions from the President of the United States, demands that full reparation be made to all persons who have sustained injury from the several cases now set forth; that all private claims of citizens of the United States on this Government be promptly and properly examined and suitable redress afforded; and that due satisfaction be given for the numerous insults offered to the officers and flag of the United States as heretofore represented.

After the usual delay the Mexican foreign office sent back a meaningless and evasive response. After several weeks waiting, Ellis advised the Mexican foreign office that his longer residence as representative of the Government of the United States in Mexico would be useless. After further vacillation and asking for more time for the examination of claims which had been pending for many years, the Mexican foreign office replied that the Mexican courts were open for the claimants and that the grievances complained of were the subject of diplomatic action.

Senators will perceive that American citizens were subjected to the same indignities in those days as they have been during the administrations of Madero, Carranza, and Obregon. They were imprisoned and despoiled of their property then as they have been during the past 12 years. Protests made by our Government against the wanton and willful conduct of the Mexicans toward American citizens brought no relief and failed to change the policy of the Mexican Government.

Returning to the historical matters which I am presenting, Mr. Ellis, failing to accomplish his object, left the City of Mexico on December 27, 1836, and returned to Washington, where he reported personally to President Jackson.

President Jackson, in his message of December 7, 1835, had taken rather a temperate view of the difficulties in Mexico. He said:

Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a government sufficiently stable is erected to justify expectation of redress, ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing Government after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and make satisfaction for them.

In his next annual message of December 5, 1836, before the return of Ellis, President Jackson, referring again to the Mexican claims, used this language:

The just and long-standing claims of our citizens * * * are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peaceably, though tardily, acknowledged and paid * * * unless the irritating effect of her struggle with Texas should unfortunately make her immediate neighbor Mexico an exception. * * * The ancient complaints of injustice made on behalf of our citizens are disregarded, and new causes of dissatisfaction had arisen, some of them of a character requiring prompt remonstrance and ample and immediate redress. I trust, however, by tempering firmness with courtesy and acting with great forbearance upon every incident that has occurred or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

The patient and friendly efforts of President Jackson, to induce Mexico to change her course, were of no avail.

In the following February, as I have already stated, Mr. Ellis returned to the United States and reported the status of our affairs with Mexico to President Jackson, who, on February 6, made it the subject of a special message to Congress, in which he said:

At the beginning of this session Congress was informed that our claims upon Mexico had not been adjusted, but that notwithstanding the irritating effect upon her councils of the movements in Texas I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not the redress, of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national char-

acter from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my cooperation in any other course that shall be deemed honorable and proper.

President Jackson was unable to secure redress for the wrongs committed against American citizens. Mexico continued her acts of spoliation and treated with the utmost disdain and contempt the pacific and pleading efforts of our Government to maintain friendly relations.

On May 27, 1837, Martin Van Buren in the meantime having become President of the United States, and it being deemed inadvisable to resume regular diplomatic relations with Mexico, the Secretary of State dispatched a special messenger, Robert Greenhow, to Mexico with instructions to deliver to the minister of foreign affairs a diplomatic package containing a letter from the Secretary and a categorical statement of pending American claims, and to obtain a written acknowledgment of its receipt. In his letter to the minister of foreign affairs of Mexico the Secretary of State said:

The direction of the President of the United States has made it the duty of the undersigned, the Secretary of State of the United States, to address the minister of foreign affairs of the Mexican Republic for the purpose of inviting for the last time the serious attention of the Government of that country to the numerous, various, and long-standing complaints of injuries to the citizens and insults to the officers, flag, and Government of the United States by Mexican authorities, and to make a solemn and final demand of satisfaction for them.

I pause to direct the attention of Senators to the indictment contained in the foregoing communication against the Mexican Government. This strong State paper points out the continued misconduct of the Mexican Government and its insults to the flag and to the Government if the United States. But then, as now, the protests of our Government were unheeded and the outrages and indignities continued.

Recurring again to this subject, in his annual message of December 5, 1837, President Van Buren said:

A sincere believer in the wisdom of the pacific policy by which the United States has always been governed in their intercourse with foreign nations, it was my particular desire, from the proximity of the Mexican Republic and well-known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that Government and in restoring to the intercourse between the two Republics that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply to have found in the recent communications of that Government so little reason to hope that any future reference of mine for the accomplishment of these ends would be successful, although the larger number, and many of them aggravated cases of personal wrongs, have been now for years before the Mexican Government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, had been received from the Mexican minister. * * * On a careful and deliberate examination of their contents, as considering the spirit manifested by the Mexican Government, it has become my painful duty to return the subject as it now stands to Congress, to whom it belongs, to decide upon the time, the mode, and the measure of redress.

It was the view of Congress that any affirmative action by our Government would have to be that of war. Facing this eventuality, a convention was finally signed on September 11, 1838, to settle the American claims by arbitration. Mexico, however, true to her dilatory character, did not ratify this convention and it was necessary to make a new convention in 1840 before the arbitration could proceed. The commissioners of Mexico and the United States could only agree on the amount of $450,000, but the umpire, appointed by the King of Prussia, awarded $2,026,149.68, and it must be remembered that these claims had accrued within the first 10 years after the recognition of the independence of Mexico by the United States.

Senators will note that the award made by the umpire appointed by the King of Prussia embraced but a few claims which had arisen during the first 10 years following the independence of Mexico. The numerous claims arising during nearly two decades, following this 10-year period, were not considered, and Mexico refused to meet these claims or to compensate for the wrongs done by her to American nationals and to the American Government during this period of nearly 20 years.

But the mere liquidation of these claims did not assure their payment by Mexico. It seemed that the only way by which payment could or would be obtained was by the cession of territory. To this effect Mr. Thompson, the American minister to Mexico, wrote Webster, Secretary of State, under date of April 29, 1842:

I believe that this Government would cede to us Texas and the Californias, and I am thoroughly satisfied that that is all we shall ever get for the claims of our merchants on this country. As to Texas, I regard it of very little value compared to California, the richest, the most beautiful, and the most healthy country in the world. Our Atlantic border secures us a commercial ascendancy there, with the acquisition of upper California we should have the same ascendancy on the Pacific. * * * It is a country in which slavery is not necessary, and therefore, if that is made an objection, let there be another compromise. France and England both have their eyes upon it.

Great Britain was approached on this subject, and Lord Ashburton replied that England would make no objection to it. In 1845 John Slidell was appointed minister to Mexico, and in his instructions from Buchanan, Secretary of State, is the following:

Under these circumstances it is the desire of the President that you shall use your best efforts to obtain a cession of that Province from Mexico to the United States. Should you accomplish this object you will render immense service to your country and establish an enviable reputation for yourself. * * * Should you, after consulting the Mexican authorities on the subject, discover a prospect of success the President would not hesitate to give, in addition to the assumption of the just claims of our citizens on Mexico, $25,000,000 for the cession.

In his first annual message to Congress on December 2, 1845, the President reviewed the situation as to Mexican claims and said:

The independence of Texas is a fact conceded by Mexico herself, and she had no right or authority to prescribe restrictions as to the form of government which Texas might afterwards choose to assume. But though Mexico can not complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two countries continue to exist, growing out of unredressed injuries inflicted by the Mexican authorities and people on the persons and property of citizens of the United States through a long series of years. Mexico has admitted these injuries but has neglected and refused to repair them. Such was the character of the wrongs and such the insults repeatedly offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of the 5th of April, 1831, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the 6th day of February, 1837, the President of the United States in a message to Congress declared that "the length of time since some of the injuries have been committed, the repeated and unavailing application for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary minister of Mexico, would justify in the eyes of all nations immediate war." * * * Since these proceedings, more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens.

A special agent was sent to Mexico in the summer of 1838 with full authority to make another and final demand for redress. The demand was made; the Mexican Government promised to repair the wrongs of which we complained, and after much delay a treaty of indemnity with that view was concluded between the two powers on the 11th of April, 1839, and was duly ratified by both Governments. By this treaty a joint commission was created to adjudicate and decide on the claims of American citizens on the Government of Mexico. The commission was organized at Washington on the 25th day of August, 1840. Their time was limited to 18 months, at the expiration of which they had adjudicated and decided claims amounting to $2,026,139.68 in favor of citizens of the United States against the Mexican Government, leaving a large amount of claims undecided. Of the latter the American commissioners had decided in favor of our citizens claims amounting to $928,627.88, which were left unacted on by the umpire authorized by the treaty. Still further claims, amounting to between three and four millions of dollars, were submitted to the board too late to be considered and were left undisposed of. The sum of $2,026,139.68 decided by the board was a liquidated and ascertained debt due by Mexico to the claimants and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence, and, in that spirit of liberality and forbearance which has ever marked the policy of the United States toward that Republic, the request was granted, and on the 30th of January, 1843, a new treaty was concluded. By this treaty it was provided that the interest due on the awards in favor of claimants under the convention of the 11th of April, 1839, should be paid on the 30th of April, 1843, and that—

"The principal of the said awards and the interest accruing thereon shall be paid in five years, in equal installments every three months, the said term of five years to commence on the 30th day of April, 1843, aforesaid."

It was postponed practically five years.

The interest due to the 30th day of April, 1843, and the first three of the twenty installments have been paid. Seventeen of these installments remain unpaid, seven of which are now due.

The claims which were left undecided by the joint commission, amounting to more than $3,000,000, together with other claims for spoliations on the property of our citizens, were subsequently presented to the Mexican Government for payment, and were so far recognized that a treaty providing for their examination and settlement by a joint commission was concluded and signed at Mexico on the 20th day of November, 1843. This treaty was ratified by the United States with certain amendments to which no just exception could have been taken, but it has not yet received the ratification of the Mexican Government. In the meantime, our citizens, who suffered great losses—and some of whom have been reduced from affluence to bankruptcy—are without remedy unless their rights be enforced by their Government. Such a continued and unprovoked series of wrongs could never

have been tolerated by the United States had they been committed by one of the principal nations of Europe. * * * We have, therefore, borne the repeated wrongs she has committed with great patience, in the hope that a returning sense of justice would ultimately guide our councils and that we might, if possible, honorably avoid any hostile collision with her. Without the previous authority of Congress the Executive possessed no power to adopt or enforce adequate remedies for the injuries we had suffered, or to do more than to be prepared to repel the threatened aggression on the part of Mexico.

Not only did the succeeding months not bring any adjustment of our difficulties with Mexico, but on May 11, 1846, President Polk in a special message advised Congress that a state of war existed with Mexico because of the aggression of Mexican forces upon American territory and the shedding of American blood in Texas. The President referred to "the long-continued and unredressed wrongs and injuries committted by the Mexican Government on citizens of the United States in their persons and property," as briefly set forth in his annual message of the preceding December.

The President further said:

In communicating to Congress a succinct statement of the injuries which we have suffered from Mexico, and which have been accumulating during a period of more than 20 years, every expression that could tend to inflame the people of Mexico or defeat or delay a pacific result was carefully avoided. An envoy of the United States repaired to Mexico with full powers to adjust every existing difference. But though present on the Mexican soil, by agreement between the two Governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican Government not only refused to receive him or listen to his propositions but after a long-continued series of menaces have at last invaded our territory and shed the blood of our fellow citizens on our own soil. * * * Thus the Government of Mexico, though solemnly pledged by official acts in October last, to receive and accredit an American envoy, violated their plighted faith and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy who came, because they had bound themselves to receive him, nor can it be said that the offer was fruitless from the want of opportunity of discussing it; our envoy was present on their own soil. Nor can it be ascribed to a want of sufficient powers; our envoy had full powers to adjust every question of difference. Nor was there room for complaint that our propositions for settlement were unreasonable; permission was not even given to our envoy to make any proposition whatever. Nor can it be objected that we, on our part, would not listen to any reasonable terms of their suggestion; the Mexican Government refused all negotiations and had made no proposition of any kind. * * * The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed, the solemn treaties pledging her good faith for redress have been disregarded. A government either unable or unwilling to enforce the execution of such treaties fails to perform one of its plainest duties. * * * Our commerce with Mexico has been almost annihilated.

It was formerly highly beneficial to both nations, but our merchants have been deterred from prosecuting it by a system of outrage and extortion which the Mexican authorities have pursued against them, whilst their appeals through their own Government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved. * * * In the meantime we have tried every effort at reconciliation. The cup of forbearance had been exhausted even before the recent information from the frontier of the Del Norde. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon American soil. She has proclaimed that hostilities have commenced and that the two nations are now at war. As war exists, and notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country. * * * The most energetic and prompt measures and the immediate appearance in arms of a large overpowering force are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination. In making these recommendations I deem it proper to declare that it is my anxious desire not only to terminate hostilities speedily but to bring all matters in dispute between this Government and Mexico to an early and amicable adjustment; and in this view I shall be prepared to renew negotiations whenever Mexico shall be ready to receive propositions or to make propositions of her own.

At that time there were outstanding against Mexico liquidated claims in the sum of $2,026,139.68 and unliquidated claims in the sum of $8,491,603, making a total of outstanding claims of $10,517,742.68, together with the interest thereon. These claims had accumulated in the 20 years succeeding the recognition of the independence of Mexico by the United States. The result is well known. Santa Anna, the Mexican President, who had provoked the war, was decisively defeated at Buena Vista by the forces of Gen. Zachary Taylor on February 22 and 23, 1847.

Later General Scott captured the city of Mexico, and the war ended. A treaty of peace was signed at Guadalupe Hidalgo on February 2, 1848, and subsequently ratified by the two Governments. The independence of Texas had been achieved in 1836, and the outstanding dispute as to the Texas boundary was definitely fixed at the Rio Grande. California, independent of the American occupation, had declared its independence of Mexico, and its separation from that country was inevitable without any intervention on the part of the United States. The new boundary of Mexico followed the Rio Grande to the southern boundary of New Mexico near El Paso, thence by the line of the south boundary of New Mexico and the Gila River to its junction with the Colorado and thence westward to the Pacific Ocean. For the cession of New Mexico, barren and unoccupied as it was, and of California, which would have been independent of Mexico without the United States, the United States paid Mexico $15,000,000 in gold—a greater sum than was paid France for the cession of the imperial domain of Louisiana. No money indemnity was exacted from Mexico covering the American cost and losses in the war and as part of the settlement the United States assumed and paid in addition thereto outstanding claims of its own citizens against Mexico for illegal outrages and spoliations in the sum of more than $11,000,000.

The result was that American honor received a tardy vindication by a last resort to force that the principles of American liberty and law, of order and progress, were extended over the Territories of New Mexico and California for the assurance of the wealth of these territories and the welfare of their inhabitants, whether of Mexican or American antecedents. California was admitted into the Union in 1850 and Arizona and New Mexico were admitted into the Union in 1912. It goes without saying that the good people of Mexican antecedents within these States are infinitely better off with respect to their lives, the enjoyment of liberty, and the occupation and use of their lawful possessions than they would be under the present Mexican régime, and that the States of Arizona and New Mexico have a much more satisfactory status from every standpoint as members of the American Union than they could possibly have as members of the Mexican confederation.

Mr. President, in referring to the benefits derived by the inhabitants of those States, now a part of the Union, but which at one time constituted a part of Mexico, I have no intention of conveying the thought that the United States should annex a single foot of Mexico's territory. I have merely stated a fact which is easily demonstrable if one looks at the growth and progress of that great domain now a part of the United States, and which was ceded by Mexico under the terms of the treaty of Guadalupe Hidalgo. In the very nature of things this last domain could not have remained a part of Mexico unless the latter kept pace with the civilization, development, and liberal thought of the nineteenth and twentieth centuries. That great territory was destined to be inhabited by a progressive and civilized people. California has more wealth than all Mexico. Notwithstanding Mexico's failure to discharge her duties as a civilized State and despite the wrongs which she has committed in respect to American citizens, I am opposed to any policy which contemplates the annexation of any Mexican territory. Our Government has no lust for territory. It seeks no conquest. It has no imperialistic ambitions. We will soon withdraw from the Philippine Islands, and that archipelago will be governed by the people who inhabit it and to whom it belongs. And we will not retain control over Santo Domingo or Haiti, but our military occupation will soon terminate, as it should, and the people of those States will be permitted to establish such governments as they desire.

This Republic, more than any other nation, must be the outstanding figure demanding justice for weak peoples and for all races. Because of the wealth and power of the United States, it must scrupulously regard the rights of all peoples and respect the sovereignty and integrity of the lowliest of nations. This Republic must help by sympathy and in every proper way the oppressed in all lands.

It must exhibit the most disinterested friendship in behalf of all people and regard with genuine sympathy the efforts and aspirations of peoples who are struggling for freedom and advancement, nor must we with smug complacency and with contempt and disdain look upon the culture and racial characteristics of other peoples.

I have sometimes thought we have been intolerant of racial differences and have ascribed to ourselves virtues which we may not claim. Mexico has no reason to fear this Republic. All that we desire is that Mexico shall do her duty to her own people and to other nations. We have no desire to interfere with her internal affairs or to superimpose upon her a form of government not desired by the Mexican people. We have a right to demand that she shall pursue a course of justice toward American citizens who have interests in Mexico. We ask no greater rights for American citizens in Mexico than we accord to Mexican citizens who have interests within the United States.

I have no disposition to exploit the distress of Mexico in the 30 years following the Mexican peace until the advent of Porfirio Diaz in 1877. These years were but a recurrence of the revolutions and disorders which had characterized the history of Mexico from the beginning. Dictator after dictator seized political power by violence and in turn himself came to a vio-

lent end, so that the history of Mexico from 1810 until 1877 was a history of successions of revolution, disorders, and dictatorships following each other as year succeeded year.

With the accession of Diaz to political power a new era opened for that country. There was continued peace with the United States and all the world. Commerce flourished and expanded. Americans entered the country and built thousands of miles of railroads, opened the forests and the mines, constructed great smelters, built public works, redeemed great plantations from jungle and desert, and by their efforts increased the wealth of Mexico a thousandfold and the welfare of the Mexican people to an unprecedented degree. The mines of Mexico developed by Americans had in many instances been properties that had been abandoned by Spaniards and Mexicans as incapable of profitable operation. They were in all cases private properties, the legal titles of which were obtained from the legal owners and were not dependent since upon concessions or favors from the Mexican Government.

The same is true of the forest and the oil lands upon which Americans developed the great oil production of Mexico. These were all private lands purchased by Americans from the legal owners and with the legitimate use, occupation, development, and exploitation of which the Mexican Government had no right to interfere. The rents, issues, and profits of these lands belonged to their American owners without concession or favor from the Mexican Government. The lands had for centuries been in the possession of Mexican citizens who were unable, because of lack of knowledge, lack of enterprise, and lack of capital, to exploit or develop their potential uses and productiveness. The passing of these lands into the hands of Americans and their consequent development and improvement was a great benefit to Mexico and to the Mexican people. There was nothing illegal or impolitic or detrimental about it. The whole history of Americans in Mexico has been one of benefit to that country. Americans have not impoverished Mexico. There is no Mexican who is the poorer because of the presence or property of Americans in that country.

I call attention later to the fact that thousands of Americans have small landed interests in Mexico. They have converted barren deserts into fruitful fields and thus added to the wealth of Mexico. Thousands of Mexicans have received profitable employment at the hands of Americans at wages much in excess of those formerly paid, or paid by Mexican employers, and it may be truthfully said that where Mexicans have been employed by Americans they have been treated better by their American employers than they were by their Mexican taskmasters. The wages paid in Mexico have steadily risen since the advent of Americans, and particularly since they have become interested in the development of mines, railroads, and other important enterprises. It is quite likely that lands have been acquired from the Government or from Mexican citizens at relatively small prices, but no American has acquired lands that might not have been obtained by others, including Mexicans themselves, under the same conditions and at the same values.

I have referred to the fact that thousands of Mexicans have taken up their residence in the United States, and many have become naturalized citizens. There have been no obstacles interposed to the acquisition by Mexicans of property in the United States. In the States of California, Arizona, New Mexico, and Texas, as well as other Western States, thousands of Mexicans own real estate and other property, and are protected in their enjoyment of the same to the same extent as are Americans. Their rights are vindicated as quickly by the courts as are the rights of American citizens. They rejoice in the blessings of peace and liberty under the flag of this Republic. American citizens desire only the same protection upon Mexican soil as is granted to Mexicans upon American soil.

It was suggested to me this morning, when I remarked that I expected during the day to speak upon conditions in Mexico, that Americans should remain at home and not make investments in other lands.

Well, Mr. President, that would seem to be the policy of our Republican friends, because the tariff bill reported by them and which is now before us seeks to cut off our trade with all nations. The Fordney-McCumber bill is calculated to bring about economic isolation and to commit the American people to the greed and avarice of domestic producers and manufacturers. While boasting of the greatness of America and its importance as a world power, they seek to cripple its influence and to drive its commerce from the seas. The schedules found in the bill range from 150 per cent to 1,000 per cent above the rates found in the Payne-Aldrich law, and Republican orators shudder with fear when the suggestion is made that there is a possibility of the products of other lands being brought to our shores for consumption by the American people.

But let me analyze for a moment this suggestion that Americans should stay at home. If that be a sound principle, it is equally applicable to foreigners and they should not come to the United States or make investments in our country, and if that view is to prevail, then each country should withdraw from all intercourse with all other lands and erect impassable barriers so that there may be no migration or immigration, no imports of commodities, and no exports of surplus products. That would lead to a condition of Nirvanna, sought by East Indians—rest, stagnation, inanimateness. But the world is vibrant with a broad and generous spirit of internationalism. We send our thoughts and our intellectual wealth to other lands and receive in return the intellectual riches produced beyond the seas. We more and more appreciate that we belong to a glorious cosmogony which is bound together by ethical and moral and spiritual ties which in their development bring us closer together industrially and economically and confirm the thought of great teachers and philosophers that humanity is governed by the same laws and united by indestructible ties.

Millions of American citizens were born in other lands, but are now a part of this Republic and have made contributions to the progress and development of our country. Hundreds of millions of foreign capital found investment in the United States, in mines and smelters and railroads and mills and factories and great enterprises which added to the wealth of the Nation and the prosperity of the people. There may be investment without robbery and exploitation. Who shall say that Holland and Belgium and other nations who invested millions in the United States robbed and oppressed the American people?

Americans have invested in Europe more than $7,000,000,000, and European nations owe our Government eleven billions. We therefore are interested in other nations. It ought not to be said that our interest is only that of creditors. Is it to be the policy that Americans may not invest in other lands? Is it morally wrong to trade with China and Japan and the nations of Europe? Is it in contravention of the principles of justice and righteousness that our overflowing wealth should not in part be used to aid in the development of other countries? Is it to be the future policy of this Republic that we will make no investments of capital beyond the limits of the United States?

I concede that there have been many instances in the history of the world where capital has sought undue advantages when invested in impoverished countries. I have no doubt hard bargains have been driven between capitalists and bankrupt Governments, and undoubtedly there are instances where foreigners have sought to interfere with the governments in which they had investments and to instigate internal strife, if not revolution. These things, of course, are to be condemned. They should not be tolerated. They are not in harmony with that true and genuine international spirit which should bind peoples and nations together in amity. There are buccaneers and profiteers within every land, and there are international buccaneers and pirates who attempt to prey upon weak and defenseless peoples. But these odious instances, which are exceptions, must not be regarded as the rule nor the basis for future relations among peoples and nations.

Americans are investing in Canada. They have invested hundreds of millions in Mexico and have holdings in many other countries. If we are to become a great factor in international trade and commerce, we must make capital investments in other countries. Germany's phenomenal growth is due in part to her large investments in other countries. Great Britain has sent her sons into every land and clime, and they have been advance agents of British goods and products.

I am not prepared to indorse a policy that forbids Americans from making investments in other countries, nor am I willing to approve a policy which prohibits foreign investments being made in the United States. Indeed, I would like to see reciprocal investments and treaties entered into which would guarantee private property of nationals from seizure in the event of war between nations. Our country has always contended for the immunity of private property from seizure or confiscation when international conflicts arose. One may be truly nationalistic and devoted to country and yet promote the intimate relations which do and must exist between races and peoples. Devotion to one's family broadens one's sympathies and increases affection and love for humanity. We can be Americans in all that the term implies, loving our country with a devotion that leads to the sacrifice of life itself, and yet feel the spirit of world union and international concord and amity.

Of course, our Government can warn Americans against going to other lands or acquiring property therein, although we might deny its power and authority so to do, and it can refuse to protect them or to vindicate their rights against wanton attacks by other nations. Such a course, however, would be universally regarded as cowardly and unworthy of a self-respecting and independent nation.

The question, may I add at this point, will soon be presented to the Government, and it will have to determine it, whether Americans will be protected in their persons and in their property against wanton and malicious assaults and the expropriating policies of nations in which such Americans have investments or may temporarily reside.

If it is to be the policy not to protect citizens of the United States when they are beyond its shores, and if they are to visit other lands or make investments therein at their peril, then announcement of that policy should be made.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. FLETCHER. Before the Senator proceeds along that line of thought, I wish to ask him with reference to the situation in Mexico. He spoke about the rights of our nationals, and so forth. What is the situation to-day? Can the Senator tell me whether or not there are prospects of recognizing the Government of Mexico and how far proceedings have progressed in that direction? What have we to look forward to in that connection? Without violating any confidences or any State secrets or anything of that sort, if the Senator can enlighten us on the subject, I would like for him to do so.

Mr. KING. I was diverted by the suggestion of Americans remaining at home, and I return to a discussion of the Mexican situation. I intended before concluding my remarks to refer to some of the matters involved in the questions propounded by the Senator from Florida.

Replying briefly to his questions, I think I am accurate in my statement when I say that the situation in Mexico to-day is wholly unsatisfactory, not only to the Mexican people but to all foreigners, and particularly those who have interests in Mexico. As I view the situation, conditions have improved, if at all, but little since Obregon seized the reins of power. On the surface at times there seems to be some improvement, but fundamentally conditions are bad, and in my opinion there is no promise of any immediate reforms. There is still brigandage, rapine, and murder and the confiscation of property, both that of Mexicans as well as of foreigners. As I have already said, thousands of the best people of Mexico have sought refuge in the United States and in other countries and dare not return to their homes. Brutal and ignorant soldiers and venal and corrupt politicians control many of the States as well as the Federal Government.

Communists control a number of the States and their influence is powerful in the affairs of the Mexican Government. Poverty and distress exist among the great mass of the people. Disease and pestilence have carried hundreds of thousands to an untimely death. Indeed, it seems as if there is a dark and deadly pall over the entire land. The property of Americans is still being stolen and confiscated. Nothing is being done by the Mexican Government to right the wrongs committed in the past or to make reparations for the hideous crimes and the confiscations which have taken place.

I receive many letters from American citizens inviting attention to the anarchy and brigandage existing in Mexico and to their inability to obtain any redress for the outrages to which they have been subjected. Our own Government seems to be powerless to protect Americans or to secure for them any compensation for the property of which they have been despoiled. Valuable plantations which have been developed by Americans and upon which they have expended large sums have been destroyed, houses and mills have been burned, peaceful Mexican employees have been driven from homes which were built by their American employers, and lands that have been developed have grown up to weeds and underbrush.

A friend of mine advised me by letter, which I received this morning, that he desired to return to Mexico to try and save his real estate, but dared not do so. He spent 18 years in developing this property, and he and his father expended thereon perhaps hundreds of thousands of dollars.

They took wild and sterile lands and converted them into cane fields and producing farms and plantations. They built commodious houses and erected suitable structures for hundreds of employees. They built a schoolhouse and mills and other extensive improvements. They were driven from their lands a number of years ago. Their buildings were burned, their cattle and horses and all personal property were stolen or destroyed, and their fine fields and farms and plantations have reverted to their original state. He was notified by the Government that he must pay immediately $58,000 or the real estate would be confiscated. He was driven out by the Carranza government and he has been afforded no protection by the Obregon government.

Mr. WATSON of Georgia. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I remind the Senator in that connection that because the Greeks in a certain riot attacked the dwelling of one English subject and ransacked the house, destroying the furniture, the British Government compelled the Greek Government to pay that man fourfold, sent warships into the Greek harbor, and would have gone to war if the money had not been paid.

Mr. KING. And the Senator will remember what happened to China. Various nations combined and imposed upon China indemnities and conditions which I think were unjust and too oppressive.

Recently my attention was called to the action of the Mexican Government in ordering the confiscation of 100,000 acres of land upon which Americans had lived and upon which they had placed valuable improvements. Many of the Americans had been driven out of Mexico, but some had returned, and, as I understand, were endeavoring to rebuild their homes and restore the cultivated land to its former productivity. The act of confiscation was an executive order and made no provision for compensation to the owners. The State Department, at my request, made representations to the Mexican Government, and it was finally restored to the owners; but within the past few weeks, I have been advised, another order has been issued which results in the confiscation of a portion of this tract of land.

The hearings conducted by the Senate committee in 1920 show that Americans have sustained damages to their properties in Mexico amounting to at least $500,000,000. Real estate is now being taken under the form of law, but no compensation is awarded to the owners. Industrially perhaps Mexico is in as serious a situation now as ever before, and the illegal and confiscatory decrees, both of States and the Federal Government, are obstacles to the rehabilitation of the country.

Mr. WATSON of Georgia. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. If what the Senator from Utah says is true—and I have no doubt in the world that it is—have we not now at least as strong a cause for war against Mexico as we had against Germany?

Mr. KING. Mr. President, Germany wronged American citizens, but Germany did not do the damage to American property that Mexico has done, nor did she kill as many American citizens as has Mexico. So if the standard be life and property, and those be put in the scale as determining whether there is cause for war, then I am inclined to the view that we have as great cause for war against Mexico as we had against Germany.

Mr. WATSON of Georgia. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I ask the Senator from Utah whether he remembers the "olive-branch" speech which our ambassador, Mr. Gerard, made to the Kaiser's ministers in Berlin on the night of January 28, 1917; and I will also ask him to state, if he can, what causes of war arose after that speech was made?

Mr. KING. Mr. President, I esteem my friend from Georgia, and pay tribute to his historical knowledge. I have some recollection of the speech referred to; but my good friend, I am sure, will pardon me if I do not digress too far from the subject which I am attempting to discuss. Already I have been led into digressions, so that there will be no continuity in my remarks and no concise or logical presentation of matters under discussion.

Mr. FLETCHER. Mr. President, if I may, I desire to ask the Senator from Utah a question. He has referred to certain destruction of property and life in Mexico and he has also referred to the Obregon government. I desire to ask whether or not that destruction has taken place through the operations of irresponsible groups of people here and there——

Mr. KING. No——

Mr. FLETCHER. Or whether all of the destruction to which he refers may be attributed to the Government of Mexico as it exists—in other words, the Obregon government—and whether or not that government is responsible for these things which have happened?

Mr. KING. In 1917, when Carranza was in power, a constitution was adopted which contained provisions authorizing

the expropriation of private property. The constitution has been declared by many to be communistic, or at least to evidence a spirit of Bolshevism upon the part of those who drafted it. Under this constitution, and particularly since Obregon became President, hundreds of thousands of acres of land have been confiscated, not alone by the Federal Government but by a number of the States constituting the Mexican Republic.

As I have heretofore stated, many Mexicans have suffered through the application of this constitution, and their property has been taken from them, as the property of Americans and other aliens have been taken. These acts of spoliation can not be denominated judicial. Indeed, they are forcible seizures and confiscations of privately owned property. Obregon's government has confiscated large areas, and State governments have also seized and disposed of vast tracts of land, the title to which no one could question. Let me say to the Senator that under this constitution Americans and, for that matter, foreigners are denied the right to acquire any property; that is, land, streams, mines, and so forth, within a hundred kilometers of the northern and southern boundaries of Mexico, and within 50 kilometers of the seashore.

It is within these prohibited areas that most of the real property owned by Americans is situated. If the Senator from Florida had acquired by his toil and efforts a tract of land within 62½ miles of the northern boundary of Mexico, or within 31¼ miles of the Gulf of Mexico, or the Gulf of California, he could not, under the provisions of this constitution, transmit it to his children or dispose of it to a citizen of the United States. Indeed, if permitted to sell at all, the sale could be made to a Mexican only.

Mr. FLETCHER. Mr. President, has the Mexican Government manifested no disposition to get away from that harsh and absurd provision of the Mexican constitution?

Mr. KING. As I interpret the actions of the Obregon government, I am compelled to answer in the negative.

Mr. FLETCHER. I had understood that they would probably change that provision of the constitution.

Mr. KING. I think the Senator refers to the interpretation placed upon article 27 of the constitution, which is construed to be retroactive and which deprives persons of property which they lawfully own and the title to which can not be challenged. The Senator will recall that Carranza attempted, under the retroactive provisions of this constitution, to seize the oil lands owned by Americans and others. These lands were acquired in good faith many years ago, and under laws and a constitution which recognized private ownership in lands and a complete and indefeasible title thereto. Our Government has insisted that the constitution should not be given a retroactive interpretation. What will finally be done by the Mexican Government, no one can determine. The courts have held that the constitution was retroactive, but in the Texas case it was decided in favor of the private owner of the property. However, that decision is not final, or at least it constitutes no precedent and may not be relied upon by any owner of property or regarded as any assurance that the validity of his title may not at any moment be assailed.

I repeat, the Mexican Government is constantly seizing private property. In some instances it pretends to divide it among the peons. However, as I am advised, in most instances where they have been placed in possession they have not been satisfied and have evinced no great interest in retaining or holding the lands parceled out to them.

The Senator asked me what the prospects were of recognizing the Government of Mexico and what progress had been made in that direction. I do not think I can give any satisfactory answer to the Senator, but he will recall that Secretary Colby and Secretary Hughes have indicated to Mexico upon what conditions recognition would be accorded the Obregon régime. The suggestions contained in the notes referred to were such as any fair and honest government should promptly accede to. Indeed, many think the conditions named did not sufficiently provide for the protection of Americans or require sufficient assurance that citizens of the United States would be recompensed for the injuries sustained and for which the Mexican Government, upon principles of justice, should be held accountable.

Mr. President, when interrupted by the Senator from Florida I was speaking, by way of digression, of the policy of the Republicans to cut off our trade with other nations. I was combating the thought that Americans should not make investments abroad and that a policy of national isolation should be adopted by this Republic. That view belongs to the Dark Ages and the days of the troglodytes. Our prosperity has resulted from trade and commerce. Great Britain's supremacy for so many centuries grew out of her world commerce, and Germany, when she began to trade with all nations, became a powerful factor in the industrial and financial world.

We have built a mighty fleet that our products may be carried to all lands. Our ships will rot while tied to our wharves if we follow the reactionary policies of those who now control the Republican Party. President Harding is demanding an enormous ship subsidy and we will be asked to appropriate tens of millions of dollars annually from the Treasury to meet the expenses of our merchant marine.

Why build ships and why retain them if we have no commerce? The world is moving forward not backward. Antediluvian policies do not meet the present-day situation, and fossilized leaders in the political arena must give place to men of vision and enterprise, who properly visualize the world's problems and the responsibilities of great nations. We must send argosies to all lands and bring back the treasures of those beyond the seas. Young men of genius and courage will go into other lands. They will seek the oil fields of South America, of Asia, and of far-off lands. They will find markets for our surplus products and be messengers of the American agriculturists and business men and the great industries whose success largely depends upon foreign markets.

Recently we passed a bill permitting the formation of corporations to engage in business in far-off China. It was defended by the able Senator from Iowa [Mr. CUMMINS], as well as other Senators, and the avowed purpose was to enable American business men to secure a fair share of China's trade. It was contended that we were not obtaining our share of the oriental trade and would be unable to unless corporations were formed in which the Chinese could participate.

We must have an outlet for our surplus products. With our inexhaustible resources, particularly those comprising the primary and fundamental products, our prosperity will be arrested unless we can secure a large share of the world's commerce. Shall we penalize Americans who are endeavoring to carry the American flag to the ports of the world? Shall we announce that neither they nor their property will receive governmental protection in foreign lands or upon the high seas? Shall we say to Americans, "You did wrong in building railroads and smelters, mills, and electric plants, and waterworks in Mexico and in turning the streams out upon the deserts and causing the latter to blossom as the rose"? Shall we say to the more than 475,000 Mexicans who are living in the United States, not to speak of the several hundred thousand who are refugees, that they have no right upon American soil and must return to Mexico? Shall we say to Americans who had real and personal property in Mexico of the value of more than $1,000,000,000, as found by the Senate committee, that they must abandon Mexico and their property? Shall we say to the widows and children whose husbands and fathers have been ruthlessly murdered in Mexico that the dead were trespassers and that no reparation can be exacted for their foul and cowardly assassination? These questions, sooner or later, this Government must determine.

Mr. President, I do not want my position misunderstood. I am not advocating or defending the exploitation of any country or the adoption of any imperialistic policy, but I am contending in favor of a broad and liberal international policy which encourages international trade and commerce, which brings the peoples of all nations into closer relations, which not only justifies but approves of legitimate and proper investments being made by the nationals of all countries outside the boundaries of their own States. An American is no less a patriotic American because he builds an electric light plant in Canada or in Mexico, nor does a Mexican lose his citizenship or his right to protection from his Government because he acquires property in the United States or in Guatemala.

I am told that a former Secretary of State declared that Americans should keep out of Mexico and should make no investments therein. If he did, I do not approve of his position. I repeat that the narrow and provincial spirit of the past, which locked persons within their own country, is not the spirit which should guide the nations to-day. Knowledge is bringing the people together; ignorance divides. Our great philosophers and teachers recognized the unity and solidarity of the human race, and the efforts of great statesmen and prophets and leaders should be directed toward world peace and fellowship.

The United States clings to the Monroe doctrine as a national policy. Without discussing the reason for this doctrine or its limits and implications, I most earnestly submit that, in any aspect of the case, it is the duty of the United States to seek the most cordial and friendly relations in dealing with the Latin American Republics. Our Nation should pursue a course that will secure their confidence, respect, and, indeed, affection in all our dealings with them; diplomatic, official, or otherwise. It

should not be forgotten that by reason of propinquity, as well as other reasons, this Nation feels a special interest in the Republics to the south of it.

While this is not germane to the subject under consideration, permit me to say that I have felt that American business men have not cultivated as they might have done the peoples of Latin America, nor have they adopted the wisest course to secure a larger and more enduring trade. Inquiry will confirm the statement so often made by our ministers and consular agents that European business houses have pursued a course in their dealings with South and Central America which has resulted in giving to them much of the trade and commerce arising therein which the United States might have secured.

European business houses, in the development of their foreign trade, have sent representatives to various countries, where they resided for limited or indefinite periods. They thus came into contact with the people and constituted a binding link between them and their own countries. Germans and Britishers and representatives of European countries before the war could be found in large numbers in practically all the Latin-American Republics. They pushed the trade and commerce of their respective countries. They identified themselves to a greater or less degree with the communities to which they went and thus secured for the business enterprises which they represented much of the commerce to which we were entitled and which we could have obtained if we had sought it in a proper and effective manner.

I return to the matter which I was discussing before the last interruption, namely, the interests of Americans in Mexico. At the overthrow of the Diaz government in May, 1911, there were 75,000 Americans resident in that country, not including transients and visitors. There were 2,000 Americans engaged in the railway, 5,000 engaged in mining, 8,000 engaged in other lines of business or residing in the country for reasons of health or diversion. There were 4,000 Americans engaged in agriculture in the American colonies of Chihuahua alone, and perhaps 15,000 more in other parts of Mexico.

There have always been more Mexicans in the United States than Americans in Mexico, but the relatively few Americans in Mexico have exercised an interest in the commerce, industry, and economy of the country of much greater proportions than would be indicated by their numbers. Those who may be interested in the activities of Americans in Mexico and who desire to learn the conditions which have existed in Mexico for a number of years past should acquaint themselves with the report of the subcommittee of the Foreign Relations Committee appointed to investigate conditions in Mexico.

Pursuant to a resolution which I had the honor of offering in the Sixty-sixth Congress, second session, this subcommittee, consisting of Senators Albert B. Fall, of New Mexico, Frank B. Brandegee, of Connecticut, and Marcus A. Smith, of Arizona, was named. The resolution is as follows:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, is authorized and directed to investigate the matter of damages and outrages suffered by citizens of the United States in the Republic of Mexico, including the number of citizens of the United States who have been killed or have suffered personal outrages in Mexico at the time Porfirio Diaz retired from the Presidency of Mexico, outrages, the quantity of damages suffered on account of the destruction, confiscation, and larceny of personal property and the confiscation and deprivation of the use of lands and the destruction of improvements thereon; the number of citizens of the United States residing in Mexico at the time Porfirio Diaz retired from the presidency of Mexico, and the number of citizens of the United States at present residing in Mexico, and the nature and amount of their present holdings and properties in said country; and in general any and all acts of the Government of Mexico and its citizens in derogation of the rights of the United States or of its citizens; and for this purpose to sit at any time or place during the sessions of Congress or during recess and with authority to subpœna such witnesses and documents as may be necessary, and to make a report of its findings in the premises to the Senate; and the said committee shall further investigate and report to the Senate what, if any, measures should be taken to prevent a recurrence of such outrages.

The subcommittee conducted a most thorough and searching examination extending over a number of months. Scores of witnesses, both Mexicans and Americans, were examined, and many documents of importance obtained and made a part of the record. The record consists of more than 3,200 pages of closely printed matter, and was submitted to the Senate, accompanied by the report of the subcommittee, in May, 1920. The facts presented to the committee conclusively establish that Mexico failed in the discharge of her international obligations and robbed and pillaged and murdered American citizens. These pages constitute a strong indictment of Mexico and the Mexican Governments.

The testimony established, and the committee so find, that between 1910 and 1920, 461 Americans were killed in Mexico, and 126 along the border but within the United States. In addition, a large number were wounded and subjected to cruel and brutal treatment. Since that time a number of Americans have been murdered in Mexico. Perhaps the number of Americans who were killed in Mexico during the past 15 years will never be accurately known.

The committee report that the value of all property in Mexico at the outbreak of the Madero revolution exceeded the amount reported by Marion Letcher, American consul at Chihuahua, and which was filed with the State Department. That statement is as follows:

Valuations.

Class.	American.	English.	French.	Mexican.	All other.
Railway stocks	$235,464,000	$81,237,800	.....	$125,440,000	$75,000
Railway bonds	408,926,000	87,680,000	$17,000,000	12,275,000	38,535,380
Bank stocks	7,850,000	5,000,000	31,000,000	31,950,000	3,250,000
Bank deposits	22,700,000	.....	.....	161,963,042	18,560,000
Mines	223,000,000	43,600,000	5,000,000	7,500,000	7,830,000
Smelters	26,500,000	.....	.....	7,200,000	3,000,000
National bonds	52,000,000	67,000,000	60,000,000	21,000,000	.....
Timberlands	8,100,000	10,300,000	.....	5,600,000	750,000
Ranches	3,150,000	2,700,000	.....	14,000,000	.....
Farms	960,000	760,000	.....	47,000,000	1,250,000
Live stock	9,000,000	.....	.....	47,450,000	3,800,000
Houses and personal	4,500,000	680,000	.....	127,020,000	2,760,000
Cotton mills	.....	450,000	19,000,000	6,000,000	4,750,000
Soap factories	1,200,000	.....	.....	2,780,000	3,600,000
Tobacco factories	.....	.....	3,238,000	4,712,000	895,000
Breweries	600,000	.....	178,000	2,822,000	1,250,000
Factories	9,600,000	2,780,000	.....	3,270,200	3,000,000
Public utilities	760,000	8,000,000	.....	5,155,000	275,000
Stores:					
Wholesale	2,700,000	110,000	7,000,000	2,800,000	14,270,000
Retail	1,780,000	30,000	680,000	71,235,000	2,175,000
Oil business	15,000,000	10,000,000	.....	650,000	.....
Rubber industry	15,000,000	.....	.....	4,500,000	2,500,000
Professional	3,600,000	850,000	.....	1,560,000	1,100,000
Insurance	4,000,000	.....	.....	2,000,000	3,500,000
Theaters	20,000	.....	.....	1,575,000	500,000
Hotels	260,000	.....	.....	1,730,000	710,000
Institutions	1,200,000	125,000	350,000	74,000,000	200,000
Total	1,057,770,000	321,302,800	143,446,000	792,187,242	118,535,380

NOTE.—From the testimony taken and other evidence in the possession of the committee, the committee reports that the total amount of American investments in Mexico in 1911 were more nearly $1,500,000,000 than the total set forth in the column above, $1,057,770,000.

The committee report that from the testimony taken, and other evidence which came to them, they find that the total amount of American investments in Mexico in 1911 was approximately $1,500,000,000. However, referring to the above report, the committee state:

The total wealth of Mexico, as it appears in this table, was $2,434,241,422, of which Americans owned $1,057,770,000; English, $321,302,800; and the Mexicans, $793,187,242. The figures given in the table as to British ownership should, from the best information in my possession, be increased from $321,000,000 to at least $800,000,000. The figures for American investment in mines should be increased very largely.

The committee further state that the American investments are in tax-paying and labor-employing operations. An examination of the report will show that millions have been invested in railroads, mines, factories, oil, rubber-producing property, and so forth. Seventy-eight per cent of the mines were owned by the Americans and 72 per cent of the smelters. There were 16,000 miles of railroads (national), in which American and English capital was invested to the extent of about 88 per cent.

The committee further state that that part of Mr. Letcher's report dealing with the American investments in ranches, timberlands, farms, houses, lots, and personal property is incorrect, and say that the testimony before their committee shows that more than 3,000 American families, of an average of five members each, owned their own homes either in colonies or in separate locations and were engaged in agriculture.

They further find that the actual average loss to such families has been $30,000,000, not taking into consideration the value of the land or the houses and other improvements which have not been destroyed.

The committee also find that in addition to the thirty millions lost by the smaller agriculturists who have been driven out of Mexico, and but few of whom have been able to return, the losses to the railroads have been eighty millions through the destruction of rolling stock and injury to the actual corpus of the property.

In addition, the committee find that the nonnational railroads have suffered damage to the extent of $60,000,000, so that it would require one hundred and forty millions to place the 24,000 kilometers of railways in Mexico in the condition in which they were found in 1911.

From the evidence taken by the committee it is apparent that the amount of damages sustained by Americans, which I have said was at least $500,000,000, has greatly increased since

then. It is difficult, and, indeed, impossible at this time, to determine the aggregate, because many of the owners have been unable to return to Mexico and have not been advised of the status of their property.

As I have indicated, many of the great properties of Americans in Mexico have been abandoned under the compulsion of brigands masquerading in the uniform of soldiers of the country and of the various governments, de facto and de jure, which have controlled the Republic. These properties have been overrun by military leaders and their armies, and everything which could be carried away has been appropriated by the Government or its military forces or marauding and thieving Mexicans. A categorical narration of the outrages to which Americans have been subjected would make no impression upon the political authorities of Mexico.

Unfortunately, because of the venality and corruption of many public men, their ears are closed to any appeals for relief, and their sense of morality or justice is so unresponsive that there would seem to be no hope of a favorable response to the appeals for a rectification of these wrongs. Many of the Mexican courts are corrupt and impotent, and afford no protection either to Mexicans or to aliens. Proof of assassination of Mexican officials, or of aliens, excites no indignation and brings no punishment.

Senators are familiar with the callous indifference exhibited by Huerta when it was incontrovertibly established that he caused the assassination of Madero and Suarez, the vice president. It has been repeatedly charged that Carranza was assassinated, pursuant to orders of Obregon. I recall reading some time ago in the La Tribuna, an illustrated Spanish weekly, published in New York, a charge by Emeterio de La Garza that Carranza was assassinated. His letter is almost equivalent to an indictment of Obregon himself. Carranza's daughter charged openly that Obregon was responsible for the murder of her father, and the officer in command of the troops has in effect declared that he was obeying the orders of Obregon. And yet this situation, which should scourge from place and power any person so charged, is regarded indifferently by those in control in Mexico and the groups to which they belong.

Ybanez, who visited Mexico within a recent period, describes Obregon. He is not a lovely figure, and in but a few countries in the world could such a person rule, even for a day.

Secretary Lansing, in a remarkable note dated June 20, 1916, addressed to the Secretary of Foreign Relations of the de facto Government of Mexico, submits an indictment of the then Government of Mexico which shows how little progress had been made from the days when Andrew Jackson and other American Presidents were endeavoring to protect Americans from outrages by Mexican authorities. Mr. Lansing in his note declares that the lives of citizens of the United States have been—

barbarously taken, and the murderers have neither been apprehended nor brought to justice. It would be difficult to find in the annals of the history of Mexico conditions more deplorable than those which have existed there during these recent years of civil war.

He refers to American garrisons which have been attacked at night, and the killing of American soldiers, the robbing of American ranches, the wrecking of trains, and the plundering of American citizens. He refers to the attacks on Brownsville and to other places on American soil, and declares that these attacks on American territory were—

participated in by the supporters of Carranza and that his soldiers took part in looting, burning, and killing.

Secretary Lansing declares that notwithstanding representations made and the promise by the Mexican Government to prevent further wanton attacks, a passenger train was wrecked and persons killed, and that—

the Mexican Government was so far indifferent to the atrocities that the leaders were not only received but protected and encouraged by the Government.

Reference is made to the—

barbarous slaughter of inoffensive Americans, and that the Government of Mexico made no effectual attempt to frustrate hostile designs against Americans.

Reference is also made to the recognition by the United States of the Carranza government, but that, notwithstanding this evidence of its desire for friendly relations—

the Government of the United States has waited in vain for protection for American citizens and for the Mexican Government to discharge international obligations toward citizens of the United States.

The efforts of Mr. Wilson to secure protection for citizens of the United States, who were interested in Mexico, were unavailing. Helpless men and women were killed and American citizens suffered unspeakable indignities. We know the names of more than 600 Americans who have been the victims of murder and hundreds who have been subjected to personal outrages in Mexico by the Mexican authorities or Mexican nationals, besides thousands who were exiled from their homes and possessions and who have suffered poverty and distress untold. Many have gone to their graves without a shroud to cover them, having been robbed of their possessions by the Mexican Government, or as a result of its indifference to its international obligations.

Claims on behalf of individual American citizens for debts, personal outrages, and spoliation in the sum of $65,000,000 have been filed with the State Department, and besides this the damage suffered by railroad, mining, and oil corporations, by stock ranches, coffee, sugar, and rubber plantations, factories, banks, power plants, irrigation systems, and so forth, are estimated at more than $500,000,000.

The Senate committee above referred to reported that the railroads of Mexico had suffered a loss conservatively estimated at $80,000,000 through destruction of railroad stock, the burning of bridges and railroad stations, and the tearing up of sidings and track. The committee states:

Power lines have been cut; power plants destroyed; irrigation works dynamited; canals cut; factories burned; railroad and mining contractors and subcontractors' supplies, tools, stock, and equipment destroyed; banks, trust companies, investment companies, money exchanges, etc., looted of cash and put out of business; brokers, commission men, general agents, wholesale and retail merchants have lost their investments and as well their books of trade, implements of their profession, and their stocks of merchandise, etc. Those who have tended to continue business by going back to their locations when temporary peace appeared to justify their return have been held up and compelled to pay blackmail to every new bandit and tribute to every old one in their community.

An eyewitness, describing the condition in the agricultural colonies in Chihuahua, said:

The stores were broken into and looted of hundreds of thousands of dollars' worth of merchandise. Private homes were treated in the same manner. Live stock was appropriated until almost every available thing was carried away or destroyed. At Colonia Diaz the better part of the residences and public buildings were burned.

Senators will recall that in the closing days of Mr. Taft's administration it was suggested that the threatening condition in Mexico justified, if it did not demand, that citizens of the United States depart from Mexico. Following this suggestion, many Americans returned to the United States. They were compelled to abandon their possessions, and upon reaching American soil were wholly without means of support. Appropriations were made by Congress to grant temporary relief and to feed for a limited period many of those who had been driven from Mexico. All personal belongings of those who were compelled to leave were appropriated by Mexican military authorities, or in some instances by guerrilla bands. Houses were burned and destroyed by Mexicans and a determination manifest to not only drive Americans from Mexico but to deprive them of all their property and possessions found therein.

If time permitted I would show the connection between those who committed crimes and offenses against citizens of the United States and the Mexican Government and examine the authorities and the writers in international law in support of the proposition that the Mexican Government is responsible for such offenses and outrages and must respond in damages therefor.

Theodore Roosevelt, in a speech made at Detroit on May 19, 1916, spoke of the indignities suffered by our people in Mexico in these words:

We have tamely submitted to the murder of our men and the rape of our women. We have permitted foreigners to be plundered in Mexico and our own people to be plundered in Mexico; and murder has been added to plunder. Many of our troops have been shot. While we have been nominally at peace with Mexico, the Mexicans have killed more American citizens that the Spaniards have killed in the entire Spanish War. Moreover, when the Spanish War was through, it was through; and Cuba, Porto Rico, and the Philippines were started on a career of peace and prosperity such as had never been known in all their history. But in Mexico, after all the bloodshed, the trouble has only begun, and we are no nearer a solution than we were three years and a quarter ago.

On the 18th of September, 1912, a Mexican general, in threatening death to a small party of Americans at San Jose, declared:

Your President Howard Taft is a vile dog, a low-down coward. Your Nation is rotten. * * * We are going to run all the Americans out of Mexico. We will kill those who do not run before us. The plan of our revolution is simply to run the American dogs out of this country, confiscate their property, and divide it among Mexicans. * * * Mexico is for the Mexicans, and the United States for the gringoes. * * * Now, we are going to kill them or run them out of the country. We have executed their men, we have ravished their women, we have insulted their men and their women in every possible way to force them to take up arms and fight us. They do not fight because they are cowards and afraid of us. Their own Government despises them and abandons them and dares not protect them and orders them to run away and to escape. In Colonia Dublan and all the other American colonies in Chihuahua we have taken all the homes of Americans, killing some of them, and we have outraged their women, seized their

lands and their houses, and all of their other property, and we force them to flee from the country with nothing but the clothes they had on. But they do not wish to fight and run like dogs. We will not let them return. We will kill all who try to return to their lands. We divided their lands and their property among Mexicans and now they have nothing to return to Mexico for. We are going to do the same in Colonia Morelos, Colonia San Jose, and Colonia Oaxaca. We are going to divide all their property among the Mexicans, among those who will swear to kill every gringo that returns here.

And the soldiers shouted in response—

Muera los gringoes (murder the gringoes) and "Chinga."

We have in these words a reflex of the animus of the so-called Mexican revolution, and vile and cowardly and contemptible as these declarations are, they were spoken without shame in Mexico and were blinked and indeed condoned and connived at by those in authority in that country. It has been said that one of the purposes of the revolutionary leaders was to drive Americans from Mexico and to confiscate their property. The protection of American property in Mexico was not of the slightest concern to any of the 101 generals who were operating in that country. Plunder and brigandage was their principal passion and occupation, and the incapacity of the country to sustain progressive and unlimited brigandage is the one thing that diminished this wicked business. But the field of the brigands has only been transferred from that of the country to that of the Mexican courts and the chambers of legislation and the offices of executives, and we now have confiscation under the guise of law, as distinguished from the spoliation under the guise of the uniform of the Mexican "generals." It is vain for the Government of Mexico to attempt to evade the responsibility for the damages done by their marauding military commands, because not only did the Government wink at and directly connive at and condone, not to say encourage, such unlawful outrages and larcenies, but the Government, in the so-called constitution of Queretaro, January 31, 1917, has confirmed and attempted to legalize the anti-American program which, as many believe, has been the motive and the mainspring of the murders, arsons, larcenies, spoliations, and outrages to which Americans have been subjected in that country for the last 10 years. The Queretaro constitution was designed to make Carranza dictator of Mexico. He was given power to expel any American from Mexico by his arbitrary order, without hearing and without recourse to law.

Under the Queretaro constitution the Government of Mexico was given the right to expropriate private property without indemnification for reasons which the Government regarded as of public utility. And among these reasons was the division of large landed estates. There is hardly any land owned by Americans in Mexico that is not for sale in whole or in part at reasonable prices and which can not be obtained by honest men without the arbitrary and confiscatory intervention of the Mexican Government. The Queretaro constitution seeks to invest in the Government all metalliferous minerals, mineral deposits, petroleum, coal, and natural gas, as well as of rivers, lakes, and streams. These provisions, I concede, may legally be applied to lands within the public domain of Mexico and may well operate to interdict the alienation by the Government of such species of property within its domain. The mining and oil lands owned by Americans in Mexico, however, have not been acquired from the Government, and it is not believed that any considerable area of mining or oil lands are within the public domain of Mexico. The purpose of this provision was to confiscate the oil measures and the mines which had been discovered and developed by Americans upon their own private lands, and was a part of the anti-American program. The Queretaro constitution provides that only Mexicans may acquire ownership in lands, waters, or their appurtenances or obtain concessions to develop mines or mineral fuel. This also is a parcel of the shortsighted and spiteful anti-American program. It need not be said that there will not be any notable exploitation and development of oil or mining properties if no concessions are to be granted to Americans, especially if it were the rule that no mines or oil properties could be developed without a concession from the Government. In our own country we have been so anxious to have the metalliferous minerals extracted from the veins, lodes, and deposits that we have freely given such minerals to any person who, on the public domain, might discover, locate, and extract them. But metalliferous minerals and deposits of whatsoever nature within the lands of a private owner are an intrinsic part of his property and not subject to any restrictions as to their extraction, separation, use, and sale by the owner.

The foolish policy announced by the Mexican Government of impeding the extraction of minerals from private lands is not only confiscatory and illegal but is contrary to every dictate of sound policy. The Queretaro constitution undertakes to enact that no American shall under any conditions acquire the lands within a hundred kilometers of the American frontier and within 50 kilometers of the seacoast. This is also part of the vindictive anti-American program. The interdicted area comprises the great part of the American-owned lands in Mexico. It is a part of this scheme that Americans shall not be permitted to sell their lands to other Americans and that such lands shall not pass by inheritance or devise to their American heirs.

This is but another example of the anti-American malice which found expression in this impossible socialistic constitution. And this seems to be the only result of the Mexican revolution—the enactment of futile, nugatory, and impolitic decrees against foreigners and the inauguration of impossible and destructive socialistic schemes; and for this we have forborne and suffered upon the theory that revolution was the way of liberty and that there was no other way for a democratic readjustment of Mexican affairs and politics.

But we may have expected as much in view of the fact that Madero was a socialistic zealot, that Carranza was only a captious casuist dominated by anti-American malice and Mexican vanity, and that the other leaders of the revolution were all to a greater or lesser extent affected with the virus and fallacies of a European socialism and bolshevism.

Salvador Alvarado became governor of Yucatan during the days of Carranza. Yucatan at that time was a rich State and her people were prosperous and giving evidence of cultural development. He attempted to convert their State into a soviet government and imposed upon the people a cruel and relentless despotism, such as Lenin and Trotski imposed upon Russia four years ago. Bolshevism has invaded the States of Tobasco, San Luis Potosi, as well as other political subdivisions of Mexico, with most disastrous consequences. Alvarado, Villareal, De la Huerta, Calles, and other communists influence, if they do not control, Obregon and are spreading the poison of their pernicious economic policies throughout the entire Republic. The fallacies and pernicious policies adopted by Obregon and the rulers of Mexico have not only brought Mexico, but great States like Yucatan, Campeche, Pueblo, and Sonora, to the verge of economic ruin and poverty.

If time permitted, I would call attention to statements made by Obregon indicating his communistic views and his hatred of America and Americans. He shared with Carranza the latter's pro-German views and his antipathy toward the United States. Senators will remember that Carranza hoped to unite the Central American States and to become an ally, secret or open, of Germany. Testimony offered before the subcommittee of the Senate furnishes interesting information in regard to this conspiracy as well as the uncompromising attitude of Obregon toward the United States.

It has been said by some that Obregon has seen a new light and that he is intent upon leading Mexico back into the comity of civilized States and is resolved that Mexico shall keep her international obligations and progress with firm step and upon sound principles into a position of stability and national self-reliance. I wish that were true. However this may be, we must face the facts that the Obregon government has inherited all the liabilities and responsibilities which had been fastened upon Mexico by the imprudent, improvident, and illegal acts and neglects of his predecessors in the government of that country.

Our business with the Mexican Government is of a great deal more importance than the mere resumption of diplomatic relations. Our Government refrains from the use of force for the protection and vindication of American life and American rights on the theory that Mexico should have liberty of action and responsibility for the events which adversely affect American rights and interests.

And we expect that Mexico shall make indemnification for the damages which have been visited upon our people and their property in that country. It has been said that the United States might easily have occupied Chihuahua and all of northern Mexico down to the latitude of the mouth of the Rio Grande and thus have avoided untold suffering and unspeakable outrages which have been perpetrated almost within sight and in many cases within one or two days' marches of the frontier. And the claim has been made that the United States could thus have protected many thousands of Americans in their lives and peace and in the possession, use, and occupation of their lands, and relieved them of insufferable outrages as well as have vindicated its dignity and commanded the respect of the Mexican people.

However, as I have indicated, I did not advocate such a policy, nor do I now. But Mexico's treatment of citizens of

the United States has not only resulted in the injuries and wrongs to which I have referred but it has imposed upon the United States a very heavy financial burden.

Yesterday I telephoned to the War Department and asked for information as to the cost of maintaining American troops on the Mexican border and in Mexico since 1911. I am in receipt of a communication from Robert C. Davis, Acting Adjutant General, in which he states that—

There are no exact figures available as to these costs, but it is believed that the nearest approximation to such costs can be made by assuming that that part of the expenditures under "Military Establishment, support of the Army and National Guard" for each year, which was devoted to troops on the border, was proportional to the strength of the troops on the border. These figures are as follows:

Then follows a table which I ask to insert in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The table is as follows:

Fiscal year.	Active Army,[1] June 30.	Troops on border on June 30.	Per cent of troops on border.	Expenditures for "Support of the Army and National Guard."	Per cent for troops on border.	Amount for troops on border.
1911	80,300	[4] 19,000	23.7	$100,251,142.44	23.7	$23,759,520
1912	88,000	7,000	8.0	96,677,086.82	8.0	7,734,230
1913	92,000	[5] 16,000	17.4	98,641,559.12	17.4	17,163,630
1914	98,000	[6] 25,000	25.5	105,686,730.94	25.5	26,950,120
1915	106,000	[5] 24,000	22.6	106,732,218.30	22.6	24,121,480
1916	[2] 260,000	[2] 150,000	57.7	116,222,492.49	57.7	67,066,150
1917	[3] 418,000	[2] 125,000	29.9	1,882,691,868.08	29.9	562,924,890
1918	.....	.....	.....	4,209,611,619.35	.....	.....
1919	.....	.....	.....	5,926,201,274.62	.....	.....
1920	.....	.....	.....	620,648,766.51	.....	.....
1921	227,000	15,800	7.0	501,120,687.17	7.0	35,073,450

[1] Includes Regular Army, Philippine Scouts, National Guard in Federal service, reserves on active duty, and emergency officers.
[2] Includes National Guard in Federal service.
[3] Includes National Guard in Federal service and Reserve Corps.
[4] Includes Maneuver Division.
[5] Includes Second Division at Texas City.
[6] Includes Second Division and troops at Vera Cruz, except marines.

Mr. KING. Briefly, the table shows this:

In 1911 we had 19,000 troops on the border, or we had to maintain on the Mexican border 23.7 per cent of all of our Army. The cost was $23,759,520.

In 1912 only 8 per cent of our troops were on the border, and the cost that year, under these figures, was nearly $8,000,000.

In 1913, 17.4 per cent of our troops were on the border, at a cost of more than $17,000,000.

In 1914, 25.5 per cent of all the American troops were on the border, at a cost of $26,950,120.

In 1915, 22.6 per cent of the Army was maintained on the border, at a cost of more than $24,000,000.

In 1916, 57.7 per cent of all the Army of the United States were on the Mexican border, at a cost of $67,066,150.

In 1917, 29.9 per cent of our troops were upon the border, at a cost of $562,924,890.

I have not the figures for 1918, 1919, and 1920; but during 1921, 7 per cent of our Army, or 15,800 troops, were upon the Mexican border, at a cost of $35,078,450. It is somewhat paradoxical that during that period, when we were presumed to be at peace with Mexico, we were compelled to keep 15,800 troops along the international boundary for the protection of the lives and property of Americans. In 1916 we had 150,000 troops on the border. In 1917 we had 125,000 troops on the border. Aside from the years 1918, 1919, and 1920—and I have not the costs for those years—we have expended for the maintenance of military forces along the border $762,798,470.

Mr. President, there is another interesting item here:

No amounts are given for the fiscal years 1918, 1919, and 1920, due to the fact that there are no reliable figures as to what troops were regarded as on border duty. For example, one division which was organized with a view to its use on the border was later diverted to France.

The Acting Adjutant General further states:

The total cost of the expeditionary forces engaged in the punitive expedition under General Pershing was approximately $59,000,000, including regular maintenance, cost of subsistence, and equipment of the troops involved.

The total, as shown in the table above, as the cost for maintenance of troops on the border, not including the years 1918, 1919, and 1920, amounts to $762,798,470. It is quite apparent, if we were furnished the costs for those years the aggregate amount would approximate $1,000,000,000. Thus it appears that to protect our territory from Mexican invasion and to protect American citizens and their property within the confines of the United States our Government has been compelled to maintain thousands of military forces along its southern border, at a cost of approximately $1,000,000,000, for the years 1911 to 1921, inclusive. But there was no protection for citizens of the United States in Mexico, nor was their property therein immune from seizure and confiscation.

Recurring to the Mexican constitution of 1917 and its confiscatory provisions I have been asked upon a number of occasions whether I denied the right of the Mexican people to adopt that or any other constitution which they desired. I have uniformly replied that I believed in the right of peoples to determine the form of government under which they live. It is for them to determine whether they shall have a monarchy, an oligarchy, a communistic form of government, or an enlightened and progressive republic. I concede the right of the Mexican people to frame such organic law as they desire, even though it may be reactionary or communistic, nor has the United States or any other government the right to superimpose upon the Mexican people a government which they do not approve.

The Mexican people, if they wish, may deny the rights of aliens to enter Mexico or to acquire property therein. In my opinion, however, the Mexican people have not legally adopted the 1917 constitution nor do they approve of many of its provisions. Undoubtedly the Bolshevist element of which Carranza and Obregon and De la Huerta and Calles were the representatives approved of the terms of the constitution and hoped thereunder to despoil Americans and other foreigners of their possessions in Mexico.

The intellectuals and the patriotic Mexicans have disapproved of the communistic provisions of the Queretaro constitution, and perhaps millions of the people of Mexico are either unfamiliar with its terms or are so apathetic as a result of years of revolution and oppression that they are indifferent to their situation or the political forms under which they are forced to exist.

I desire to insert into the RECORD at this point an excerpt from an "Essay on the reconstruction of Mexico," which, as I understand, was written by a number of distinguished Mexicans in collaboration, among them being Mr. Manuel Calero, who was secretary of foreign affairs and at one time ambassador to the United States; Mr. Francisco S. Caravajal, who was at one time chief justice of the Federal supreme court; and Mr. Jorge Vera Estanol, at one time secretary of public instruction. The excerpt is from chapter 4 on "The naturalization and civil status of aliens," and is as follows:

Article 27 of the Queretaro constitution embodies the principle that aliens may not own real estate, nor be granted concessions covering waters, mines, and the like, except by the grace of executive authority, after the interested party has made formal waiver of the right to invoke the protection of his government.

While it is true that certain countries do not grant aliens the right to acquire real estate, we are, nevertheless, of the opinion that Mexico should return to the liberal system that prevailed under the constitution of 1857. Having due regard for the cultural and economic situation of our native population, coupled with the facts of its sparseness, it appears advisable to encourage the establishment of foreigners in Mexico. Experience has shown them to be elements of moral progress and factors in the development of public and private wealth.

Provisions fixing the civil capacity of aliens have no place in the political constitution of the Republic. They belong in general statutes, in special laws on naturalization, and in international treaties. In the absence of express treaty stipulations, Mexico must accept, in general terms, the principle of equality of civil capacity of Mexicans and aliens, excepting limitations required by the principle of reciprocity, and such other limitations as arise out of the needs of domestic safety or of insurance against international complications.

With regard to foreign corporations, we believe that the incapacities placed on them by the Queretaro constitution, in provisions similarly incongruous in a constitution, reveal in the framers a mistaken appreciation of the present-day needs of the country. We are not opposed in principle to the establishment of the incapacities in so far as they are confined to the ownership of real property, but at the same time we believe that the legislator should mitigate the severity of his theories when the great interests of the nation so demand. The position in which Mexico now finds herself as the result of the internecine strife and the condition of the world money market caused by the European war compel the Mexican statesmen to adopt a generous policy which shall attract to the country capital to develop our resources and contribute to the moral and economic betterment of our downtrodden people. In harmony with this policy, it is necessary to return to the former system and to permit foreign companies to enjoy the same rights they enjoyed before the Queretaro constitution as the most practical method of inducing foreign capital to engage in Mexican enterprises. At a later date, when the political equilibrium has been restored, when the methods of government admit of no question as to their probity, when, in a word, we have conquered the confidence abroad which we once enjoyed, the time will have come slowly to force foreign capital to operate in Mexico within the forms of association prescribed by Mexican law; but everything which at the present moment is done in this regard will affect adversely the economic progress of Mexico.

There is no doubt but what the constitution of 1917 never received the approval of but an insignificant fraction of the Mexican people. Carranza before he was controlled by his anti-American animus and by his Bolshevik associates, and before he became military dictator, declared that he intended to restore the constitution of 1857, which, I may add, was a reasonably progressive and liberal organic act. Under it, as well

as by the provisions of laws enacted by the Mexican Federal Congress, real property had been acquired, including all forms of mineral lands, by Mexicans, Americans, and citizens of various countries, and the titles held by the owners were recognized as valid and as granting indefeasible rights to the same.

Senators know that during Diaz's régime the Federal Government of Mexico and the courts recognized the fee simple title under which not only Mexicans but aliens had acquired land, agricultural and mineral.

Foreigners were invited by Diaz to make investments in Mexico and to acquire lands and engage in mining operations. They were guaranteed protection by the constitution and by the law, as well as by proclamations of the President of the Republic. Carranza, in order to secure adherence to his revolutionary movement, contended that the constitution of 1857 had been abrogated and he purposed restoring it. However, when success was achieved he renounced his intention to restore the constitution and the rights of the people and forced upon Mexico the constitution of 1917. By decree of December 12, 1914, he provided that those only could vote upon the question of its adoption who had demonstrated their adhesion to the constitutionalists' cause, meaning, of course, his revolutionary cause.

Speaking of the animus of Carranza and the purpose of his Bolshevist confederates to confiscate the property of Americans, I desire to briefly refer to the testimony of Mr. W. W. Canada, former American consul at Vera Cruz. His statements will be found in the committee's hearings. In substance Mr. Canada stated that at a banquet given to Carranza in October, 1914, Mr. Luis Cabrera, who held a cabinet position under Carranza, stated that they, speaking of the Carranza régime, "were going to drive Americans out and take their property and not allow them to buy any more." The evidence, in my opinion, is conclusive that the communistic element in Mexico prepared and forced upon Mexico the 1917 constitution. Many of its objectionable features are denounced by the patriotic and enlightened elements in Mexico, as well as by thousands of the intelligent Mexicans who had been banished from their country, and its enforcement is condemned by many honorable and patriotic Mexicans who dare to express their views.

In the issue of May 21, 1921, of the El Informador, of Guadalajara, the following statement is made editorially:

> Right at this moment, when the Government, as well as the workingmen, should dedicate all their efforts to reconstruction of what has been destroyed, to repair the damages of the past, and to better general conditions, the Government is trying to disorganize the agricultural industry of the country, dividing the farms in common amongst the villages, which will result in the destruction of cultivation and abandonment of the lands, leaving the real farmers with only an absurdly small plot of land to cultivate in order to allot the lands to those who have never been and never will be farmers. The result of this ridiculous policy is beginning to show its effects in the increased prices of cereals, cattle, etc., and the people are leaving the farms on account of the suspension of work and the paralysis of agriculture. Nobody will lend money on mortgage on these properties, and all of the disillusioned ranchers are preparing to reduce, and in some cases entirely stop, planting for the coming season.
>
> But, as though this did not signify in itself the complete ruin of the country, the tendency to deposit savings in banks of other countries, principally in the United States, is well known, and when they sell their interests or make money, this also goes to American banks. And our ablest men are taking this precaution in order to be able to leave the country where everything is against them and where they have no guaranties.

One of the leading newspapers published in the city of Mexico is the El Universal. Its editor, Mr. Palavicini, has frequently criticized the Obregon government and the Mexican Congress—

> as incompetent, divided against itself, and wasting its time in personalities and petty matters, forgetful of the needs of the nation.

Referring to the radical constitution of 1917, he states:

> The right to property has disappeared in Mexico, and no landowner considers his titles valid. Land is now of no value in Mexico and there is no agricultural credit. If there is no guaranty for the possession of land, what hope is there for any citizen of fair legislation and justice? What incentive is there to work and save? If this is a communist State, then we should amend our laws to conform. The department of agriculture is Mexico's greatest deterrent to amicable foreign relations, and the department of commerce and industry is of the same type.

It is known to everyone that this statement of this distinguished Mexican editor is true; that private property is being confiscated, either under direct constitutional sanction or by taxation, and, indeed, by direct seizure. Many of the States of Mexico have under executive decree or legislative enactments entered upon the seizure and confiscation of private property. Measures have been enacted in an adroit and subtle way intended to facilitate, under the guise of law, the expropriation of private property. Estates of Mexicans are being taken from them and no compensation awarded. Worthless State bonds have been promised in some instances for valuable properties forcibly taken from their owners.

As stated, I concede the right of the Mexican people to adopt such constitution as they may desire, but they have no right to rob, under the guise of law or otherwise, citizens of the United States or nationals of other countries of property which they had lawfully acquired in Mexico. It would be as immoral and illegal to take the property of aliens by force as it would be to take it under the guise of a federal constitution or legislative enactments. Undoubtedly, Mexico has the right to provide that the title to all mineral deposits within lands belonging to the Government shall be reserved and that purchasers shall acquire no right to such deposits. But I deny the right of Mexico, by constitutional provision, legislative enactment, or executive decree, to deprive either Mexicans or aliens of property, either real or personal, which they own. I admit that the Mexican Government would have the right to condemn private property, either of Mexicans or aliens, for public use upon giving just compensation therefor.

Nations may adopt many policies with respect to the acquisition and ownership of property by aliens which are inexpedient and unwise, but upon the question of expediency such nations are to be the exclusive judges. But among civilized peoples governments have no right to confiscate the property of aliens who have acquired the same under treaty rights or under the sanction of international law. Neither the United States nor any State of the Union would have the right to seize or confiscate property owned by Mexicans within the United States, nor would the Federal Government or any State have the right to enact retroactive laws for the purpose of depriving Mexicans of their property rights in this country.

Undoubtedly a nation has the technical right to forbid aliens from entering or residing therein. I am assuming, of course, that no treaty obligation is violated. Such law might be inexpedient and unwise; and a Government has the technical right to expel, in the absence of treaty, any alien from its borders without cause or hearing. But such a course would be not only impolitic but inconsistent with the liberal and enlightened spirit which is obtaining in the world to-day.

Article 33 of the Mexican constitution of 1917 gives to the executive exclusive right to expel forthwith, and without judicial process, any foreigner whose presence he may deem inexpedient. Of course, this is a despotic power to confer upon the chief executive and can not be defended in morals. Under this same constitution only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters, and other appurtenances, or to obtain concessions to develop mines, waters, or mineral fuels in the Republic of Mexico. It is provided, however, that the nation may grant this right to foreigners provided they agree before the department of foreign affairs to be considered Mexicans in respect to such property and not to invoke the protection of their Governments in respect to the same, under penalty of forfeiture. The same article of the constitution contains the provision which I have referred to which prohibits, within a zone of 100 kilometers from the frontiers and 50 kilometers from the seacoast, any foreigner, under any conditions whatever, from acquiring direct ownership of lands and waters. I have conceded the right of Mexico to adopt a constitution containing these oppressive and impolitic provisions, but I have denied her right to give retroactivity to the same.

Much could be said in condemnation of the provision requiring an alien to waive protection at the hands of his own government in order to avail himself of the right to acquire property. Of course, it is obvious that the provisions of the constitution constitute a cloud upon the title of properties owned by Americans. Carranza and other officials have attempted to deprive the owners of oil lands of their holdings, and have insisted that under the provisions of article 27 of the constitution the petroleum deposits belonged to the State. Americans are forbidden to sell their farms or their real estate holdings to any persons other than Mexicans, and the latter have no need to purchase from the owners, because the Federal Government or the States are rapidly confiscating the same. As a matter of fact, the federal constitution and the organic law of the States of the Mexican union are deliberately framed to effectuate the confiscation of foreign investments by taxation or direct seizure or under constitutional sanction or the forms of law.

If time permitted, I should call attention in detail to the provisions of the constitution of 1917, as well as to executive decrees and to State enactments and decrees which fully sustain the statements which I have made. So oppressive has become the conduct of the political authorities of Mexico that not only are aliens being robbed and plundered but, as I have stated, Mexicans as well.

The following protest to the National Congress and to the President of Mexico was sent on April 7, 1921, by a number of Mexican landowners who resided in Jalisco:

AN APPEAL TO PUBLIC OPINION.

It is not our desire to write at length with regard to the prejudicial effect which this nefarious national agrarian commission is causing to the Nation and to the landowners. Such commissions are nothing more than partisan centers where laws, reason, and justice are mocked.

This atrocious work will be judged by public opinion as soon as the deep and serious damage which has been done is known, and history will in time establish the responsibility. Suffice it to say that in every case it has been a work of destruction and never of construction.

It is useless to contend that the agrarian law at least be correctly applied. Not even this can be obtained, and obstinate authorities, blinded by prejudice, have threatened the social order by attacking it at its foundation and seemingly with a desire to destroy it for their own personal benefit and pleasure.

The local agrarian commission are inventing fantastic plans of taxation, confiscating large and small properties, and sugar, mescal, and orange plantations, which have cost their legitimate owners years of toil and the investment of considerable capital. The Federal tribunals, deaf to all appeals, follow an invariable line of conduct in every case against the landowners. Should the landowner invoke in his behalf the same doctrines which have been applied to the benefit of others, he finds out that these same doctrines are never interpreted in his favor. The authorities only favor those they wish to favor, and to accomplish this end they do not hesitate to override justice and reason.

AGRICULTURAL ASSOCIATION OF JALISCO,
By A. G. ARCE, *Director*.

Obregon is making frantic efforts to obtain recognition at the hands of this Government. Various persons in the employ of the Mexican Government have been extensively canvassing the United States to develop sentiment favorable to a de jure recognition of the Obregon régime. A former State Senator from Arizona has visited the legislatures of a number of our States and secured the adoption of resolutions asking for recognition. Notwithstanding the character of Obregon, his hatred of our Government and the American people, and his communistic views, it might perhaps be wise to accord recognition to the present Mexican Government, provided certain conditions were complied with.

Secretary Hughes, on the 7th of June last, declared that—

the fundamental question confronting the United States is the safeguarding of property rights against confiscation.

He stated that—

Mexico was free to adopt any policy which she pleases with respect to her public lands—

But was—

not free to destroy, without compensation, valid titles obtained by American citizens under Mexican laws.

The Secretary further declared:

A confiscatory policy strikes not only at the interests of particular individuals but at the foundations of international intercourse, for it is only on the basis of the security of property validly possessed under the laws existing at the time of its acquisition that commercial transactions between the peoples of two countries and the conduct of activities in helpful cooperation are possible.

This question should not be confused with any matter of personalities or of the recognition of any particular administration. Whenever Mexico is ready to give assurances that she will perform her fundamental obligation in the protection both of persons and of rights of property validly acquired, there will be no obstacles to the most advantageous relations between the two peoples.

This question is vital because of the provisions inserted in the Mexican constitution promulgated in 1917. If these provisions are to be put into effect retroactively the properties of American citizens will be confiscated on a great scale. This would constitute an international wrong of the gravest character and this Government could not submit to its accomplishment. If it be said that this wrong is not intended, and that the constitution of Mexico of 1917 will not be construed to permit, or enforced so as to effect, confiscation, then it is important that this should be made clear by guaranties in proper form. The provisions of the constitution and the executive decrees which have been formulated with confiscatory purposes make it obviously necessary that the purposes of Mexico should be definitely set forth.

Accordingly this Government has proposed a treaty of amity and commerce with Mexico, in which Mexico will agree to safeguard the rights of property which attached before the constitution of 1917 was promulgated. The question, it will be observed, is not one of a particular administration but of the agreement of the nation in proper form, which has become necessary as an international matter because of the provisions of its domestic legislation. If Mexico does not contemplate a confiscatory policy, the Government of the United States can conceive of no possible objection to the treaty.

The proposed treaty also contains the conventional stipulations as to commerce and reciprocal rights in both countries. It also provides for the conclusion of a convention for the settlement of claims for losses of life and property, which, of course, means the prompt establishment of a suitable claims commission in which both countries would be represented, in order to effect a just settlement. There is also a provision for a just settlement of boundary matters.

The question of recognition is a subordinate one; but there will be no difficulty as to this, for if General Obregon is ready to negotiate a proper treaty, it is drawn so as to be negotiated with him, and the making of the treaty in proper form will accomplish the recognition of the Government that makes it. In short, when it appears that there is a government in Mexico willing to bind itself to the discharge of primary international obligations, concurrently with that act its recognition will take place. This Government desires immediate and cordial relations of mutual helpfulness, and simply wishes that the basis of international intercourse should be properly maintained.

Accordingly, on the 27th of May last, Mr. Summerlin, American chargé d'affaires at Mexico City, presented to General Obregon a proposed treaty covering the matters to which reference has been made. The matter is now in the course of negotiations, and it is to be hoped that when the nature of the precise question is fully appreciated the obstacles which have stood in the way of a satisfactory settlement will disappear.

It will be observed that no conditions are suggested by the able Secretary of State which should not be promptly complied with by Obregon if he were animated by a proper spirit and with a desire to observe the principles that should govern nations desiring justice.

Carranza sought recognition, and finally obtained it. We had the right to believe that the generous treatment accorded Mexico by Mr. Wilson would inspire Carranza and those in authority to adopt a policy of justice and fair treatment to American citizens. His course, however, following recognition was reprehensible in the highest degree. He persisted in his bigoted and intolerant and dishonest course and executed his oppressive and confiscatory policies. He was unworthy his high position, and did not deserve either de facto or de jure recognition at the hands of the United States. He treated with scorn and contumely the pacific efforts of our Government to establish cordial relations and to promote international fellowship and good will. There is no assurance that Obregon, if recognition were accorded to his Government, would pursue a different course or make reparations for the wrongs done to citizens of the United States.

There is no promise that American rights will be respected or that protection will be accorded to American citizens. At the present time neither the lives nor the property of citizens of the United States are safe in Mexico, nor is the Obregon government willing, if we are to judge by its refusal to enter into the treaty suggested by Secretary Hughes, to give any guaranties that Mexico will shape its course in harmony with those policies which govern enlightened and civilized nations.

An important question suggests itself in considering the question of recognition of the Obregon government. Senators will remember that several months ago a trade agreement was entered into between Great Britain and the soviet régime at Moscow. Some timbers were sold by the Russian owners before the soviet government was formed, but later a decree of confiscation was entered by the soviet régime and the timber was exported and sold by it in Great Britain. Thereupon the owner instituted proper proceedings to recover the property, and the question arose in the English courts as to whether the trade agreement constituted recognition, and if so, whether the owner could maintain his action. The lower court found for the plaintiff, holding that the soviet régime had not been recognized, and that the owner of the property could therefore recover. Upon appeal the judgment of the lower court was reversed. The appellate court held that the trade agreement was tantamount to a recognition of the soviet régime, and its acts were therefore validated, and its seizure of the property and subsequent sale could not be questioned, and that therefore the vendee obtained a valid title.

The same principle was announced in the case of Oetjen *v.* Central Leather Co. (246 U. S. 297), wherein it was held that the recognition by the United States of the Carranza government validated the confiscatory acts of Villa when acting as a military commander under the orders of Carranza. Villa had seized the property in question in the State of Coahuila, and upon its being brought into the United States the Mexican owner brought an action in replevin upon the ground that the property had been unlawfully seized and confiscated. The Supreme Court of the United States, in view of the recognition of the Carranza government, felt compelled to deny the plaintiff relief, holding that—

Recognition by the political department of the United States of a government which originates in revolution or revolt as being the de jure government of the country in which it is established is retroactive in effect, and validates all the actions and conduct of the government so recognized from the commencement of its existence.

Before the United States recognizes the Obregon régime it should canvass the results of such recognition and be entirely satisfied as to the effect of such act upon the confiscatory decrees and proceedings of the Mexican Government. Can this Government afford to ratify these illegal seizures and the countless acts of robbery and spoliation committed by State and National authorities in Mexico? I can not comprehend how we could justify before the bar of public opinion a course which would involve the recognition of Obregon without effective safeguards and conditions which would protect American citizens. In my opinion it would be highly improper for President Harding to give recognition to Obregon until the controversies between the two Governments are adjusted and until

American citizens are fully protected and their rights guaranteed and assured.

We can not afford to be put in the attitude of legalizing the robberies and the acts of pillage committed by the Mexican Government. American citizens, if the Obregon régime were recognized without adequate steps being taken for the protection of their persons and property rights, could with much justice demand that the United States make good to them the losses which they had sustained by reason of the trespasses and robberies committed by the Mexican Government or the political subdivisions of the Mexican Republic.

Under our form of government the States have no right to enter into diplomatic relations with Mexico or seek reparation for the wrongs committed against Americans residing within their borders. It is the duty of the National Government to throw around citizens of the United States its shield of protection and power. American citizenship is not a mere shadow, a tenuous, intangible thing. Citizens owe allegiance to the Government, but the Government owes a duty to protect its citizens. A Roman citizen did not appeal in vain to the Cæsars. Shall the appeals of American citizens to their President and the constituted authorities of their National Government fall upon deaf ears?

I submit that before the Obregon régime or any other government in Mexico is recognized, not only assurances but unequivocal and satisfactory guaranties be given that such government is willing to fulfill its international obligations and is competent to maintain law and order within its own borders.

Writers upon international law point out with great clearness the conditions which may be exacted precedent to either a de facto or de jure recognition of a government.

Mr. Seward, writing to Mr. Foster in 1877, stated that in view of the difficulties on the Rio Grande he should—

> wait before recognizing General Diaz as President of Mexico until it shall be assured that his election is approved by the Mexican people and that his administration is possessed of stability to endure and of disposition to comply with the rules of international comity and the obligations of treaties.

As I stated a few moments ago, recognition of Carranza was accorded, and subsequent events demonstrated that perhaps such a course was unwise. Carranza by proclamation declared that the—

> constitutionalist government shall afford to foreigners residing in Mexico all the guaranties to which they are entitled by our laws and shall amply protect their lives, their freedom, and the enjoyment of their rights of property.

And his representative, Arredondo, in his note to Secretary Lansing, gave assurances that the Carranza government would afford guaranties to foreigners and would observe its international obligations and protect the lives and property, in accordance with the practice established by civilized nations, of all aliens.

Following these protestations the Carranza government was recognized, but in no respect did it observe its solemn assurances. It failed to pay its international debts or to protect its own citizens or the lives and property of foreigners.

Mr. President, the time is come when there should be a reckoning with Mexico and when Mexico and the Mexican people must be made to understand that restitution and reparation must be made for the murder of Americans and the citizens of other lands, for the ransoms that have been exacted and the kidnaping, torture, and imprisonment of innocent men, for the outrages committed upon women and children, for the arsons and larceny and destruction of property, and for the vicious anti-American policy pursued by the Government.

The fact that the demand that Mexico pay her debts and make restitution and reparation for her offenses and the offenses of her people may be offensive to the Mexican Government and the vanity of those Mexicans who assume to speak for the country, does not invalidate the claim for the rendition of that which is due or afford any reason why our demands may be denied or ignored. Offenses are not to be paid in offenses but by reparation and restitution.

And this is the business that we have presently to settle with Mexico, and it must have precedence over any question of the resumption of diplomatic relations with the Government of that country. We do not question the legality of the present Mexican Government. Prudence, indeed, might dictate that we wait a seemly time until the stability of the Government should be firmly demonstrated, but that is not the reason that we are waiting. We are waiting for an adjustment of American grievances against that country, the confirmation of American rights in that country, a proper indemnification for the damages our people have suffered, and a settlement of all outstanding controversies so that we may look forward to a day of better relations of amity and of peace.

The Republic of Mexico has recently celebrated the hundredth anniversary of its political independence. As I have shown, the United States recognized the new Republic January 1, 1825, and ever since has recognized the existence of Mexico as an independent nation. The real situation is therefore not the failure on the part of the United States to recognize the present Government of Mexico but rather the withholding by the United States of diplomatic relations with the present Obregon government. We all know perfectly well that Obregon is President of Mexico and there will never by any disposition on the part of the United States to question the legality of the Obregon government or interfere with its jurisdiction or powers in Mexico. That is not the question.

The question is one of the resumption of diplomatic relations and for reasons which are to the Government of the United States sufficient, we have not seen fit, or have not regarded it as advantageous or politic, to enter into regular diplomatic relations with the present Government of Mexico. There have been, however, informal exchanges and correspondence which are perhaps tantamount to a de facto recognition of the existence of the present Obregon government and of its authority in Mexico. The impediment to the resumption of diplomatic relations consists of outstanding differences and unsatisfactory conditions which this Government desires to have rectified both as to indemnification for past wrongs and assurances as to the future which this Government regards as imperative to any just resumption of relations and of the continuance of amity and peace with Mexico. There is no desire to impose upon Mexico humiliating conditions or to make unreasonable exactions, but only to apply to the outstanding controversies the principles of international obligation and morality which Mexico herself professes to recognize and respect.

We had ample evidence of the tenacity of Mexico as to the technical forms and niceties of diplomatic correspondence, all of which has been accompanied by a profound disdain of the substantial duties and moral precepts of international law and custom. We have grown tired of deference to diplomatic forms and discussion, and the necessities of the case now require that we get behind these formalities at the substance of the facts and the essence of Mexico's national duty and responsibility under the facts of the existing situation.

The ratification of a treaty of amity with Mexico and including the settlement of all outstanding controversies will constitute a resumption of diplomatic relations and a formal recognition of the Obregon government. This treaty, which is really necessary to the amity and good relations of the United States and Mexico, should as primary and irreducible conditions—

First. Stipulate that the native or natural-born citizens of the respective parties shall enjoy within the territories of the other party the right to acquire and hold without reservation or limitation estates in lands, tenements, and hereditaments, including the natural resources and appurtenances that go with the free tenure of land, with full rights of occupation, use, and enjoyment, together with the rent issues and profits thereof, and including the inalienable rights of inheritance, testamentary devolution, and contractual disposition.

Second. That the title and possession of lands in Mexico which at the resignation of the Diaz government on May 10, 1911, was vested in citizens of the United States, shall be recognized and confirmed notwithstanding any facts in court or in pais which have intervened in the meantime; that in all cases American citizens shall be restored to the possession, use, and occupation of such lands and protected in such rights.

Third. That in cases where lands, tenements, or hereditaments were actually occupied and subjected to profitable use by citizens of the United States at the fall of the Diaz government, or subsequent thereto, and such citizens of the United States had been constrained to leave Mexico or their tenants had abandoned or been expelled from such lands, that the annual use, value, or proper rent for such lands shall be ascertained and that Mexico shall indemnify such citizens of the United States in an amount equal to the use value of the same during the period of dispossession and disuse.

Fourth. That in all cases where buildings, appurtenances, fixtures, or other improvements have been destroyed or damaged the cost of the restoration or reparation for such damages at the present time shall be ascertained and that Mexico shall indemnify such citizens on account of such restorations and reparation.

Fifth. That in all cases where chattels or personal property have been appropriated, carried away, destroyed, or damaged the value of such property or the damages thereto shall be ascertained and that Mexico shall indemnify the owners of the same accordingly.

Sixth. That in all cases where American citizens have suffered death or have been subjected to detention, imprisonment, insult, abuse, batteries, wounds, suffering, or other outrages of a personal nature that Mexico shall make proper and adequate indemnification as well as apology and regret for such wrongs.

Seventh. That citizens of the United States shall be confirmed in all rights, easements, franchises, concessions, liberties, privileges, or other rights of an incorporeal nature with which they were invested at the fall of the Diaz government.

Eighth. That the Government of Mexico shall make expression of its intention of taking adequate measures in the future to prevent a recurrence of the wrongs for which indemnification is provided to be made in the treaty.

Mr. President, I would not have undertaken to discuss this vexed and vexatious question except for the fact that the efforts to secure recognition for Obregon are so persistent, and so many statements are made which I regard as inaccurate, attributing to the Obregon régime a willingness to do justice to our Government and to those who have been wronged at the hands of the Mexican Government. I repeat what I stated at the outset, that Mexico presents a problem—one which is serious and difficult of solution. To speak dogmatically of what should be done may be highly imprudent and unwise. That conditions, as they exist, should continue indefinitely can not be tolerated. If Mexico refuses to make reparation to citizens of the United States and persists in her policy of spoliation and robbery, and denies to Americans protection of their persons, then the United States, by every principle of national honor, must take the necessary steps to protect the lives of its citizens as well as their rights. This is necessary in vindication of its rights and honor as a nation. Undoubtedly there is a sentiment in Mexico that the United States will resent no affront, nor will it interpose to protect its citizens. Mexico must be taught that it may go too far; indeed, that the time has now arrived when it must adopt a course toward the United States and its citizens that is demanded of civilized nations and those States which claim a standing among the enlightened nations of the world.

I am not here to denounce the present administration or to embarrass it in any way in dealing with a question which presents perplexing and difficult angles.

But we have a practical question to deal with, and the time has come to deal with it in a practical way. In my opinion, there should be no recognition of Obregon or any government in Mexico until assurances and guaranties such as I have indicated have been given. I am sure those upon this side of the Chamber will support the administration in any policy that will conform to the standards of international justice and comity and vindicate the rights of American citizens and the honor of this Republic.

ADDRESS OF SENATOR MOSES IN NEW YORK CITY.

Mr. HARRISON. Mr. President, on last evening in the city of New York the distinguished Senator from New Hampshire [Mr. MOSES] made a very important address. I notice from the New York Times of this morning that in introducing the Senator from New Hampshire, George Henry Payne referred to him "as a man whom the country would like to see in the White House." Because of that introduction, and because of the remarks made on that occasion, I think the article appearing in the New York Times of this morning should be read into the RECORD, and I ask that it may be read at the Secretary's desk.

The PRESIDING OFFICER (Mr. LADD in the chair). Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

MOSES DENOUNCES CONGRESS COWARDS—APPEALS TO WOMEN TO "THROW A SCARE" INTO THEM TO AID TAX REFORM—ATTACKS THE FARM BLOC—CALLS THE BONUS "AN OUTRAGE" AND SAYS "NOISY MINORITIES" CONTROL OUR DESTINY—WANTS STATES LET ALONE—ONCE "THE LAND OF THE FREE," AMERICA NOW "THE REGION OF THE REGULATED."

Nothing short of a thorough revision of our system of taxation will enable this country to return to "normalcy" and American business to prosper anew, United States Senator GEORGE H. MOSES, of New Hampshire, told some 300 women who assembled yesterday afternoon at the residence of Mr. and Mrs. Otto H. Kahn, 1100 Fifth Avenue. They had come at the invitation of the committee of American business men. Senator MOSES, a follower of the late Colonel Roosevelt, urged his feminine audience to throw a big scare into Congress in the interest of necessary reform.

Senator MOSES denounced Congress as cowardly. He insisted that far too large a proportion kept their eyes constantly on the ballot box. As a result, Senator MOSES said, this country was now ruled by well-organized, aggressive, and noisy minorities, of which he singled out as the noisiest and consequently most powerful the so-called "farm bloc."

"That bloc, composed of 19 lawyers, 1 editor, 1 well driver, and 1 manufacturer of sewer pipes," Senator MOSES said, "is now, through sheer terrorization of cowardly Members of Congress, able to control the economic destiny of the United States."

CALLS BONUS "AN OUTRAGE."

In pointing his object lesson, Senator MOSES made passing reference to the Republican Senate caucus held in Washington yesterday.

"Every Senator who comes up for reelection this year and attended that caucus voted in favor of the bonus bill, which will saddle more than $4,000,000,000 in taxes on the already overburdened taxpayer," he said. "I was one of the nine Republican Senators voting against that outrage. All these things take place because of the cowardice of men in public life in America at this moment." He then appealed to his women hearers to "throw a scare into as many cowardly Congressmen as have been terrorized by any other group. And I implore you to go out and try it for the good of your country."

The women applauded this appeal with unwonted vigor. Then one woman arose and asked a little timidly:

"Will a frightened Congressman be better than a Congressman who is not frightened?"

"On the contrary," Senator MOSES said in flashing back his answer. "I prefer the other kind. But if we must have the kind we now have in Congress, I would rather have them scared into doing the right than into doing the wrong thing."

Senator MOSES admitted that while he personally had benefited by direct primaries and the election of United States Senators by popular vote, he had reached the conclusion that they did not make for good government.

"It has been said," he remarked, "that a country deserves the sort of government it gets. But when I look on the performances of some of my colleagues and listen to their ravings, I can not help but wonder why my country should have had visited upon it such an awful affliction.

"As a result of the sort of government we have, our statute books are cluttered up with legislation wholly socialistic, and, in my opinion, entirely mischievous in deference to the desires of minorities aggressive enough to make themselves felt and become the masters of legislative bodies.

THE LAND OF THE REGULATED.

"There was a time when this was the land of the free; now it is the region of the regulated," said Senator MOSES. "With Congress meddling in the business of the States more and more, the House of Representatives has become as parochial as the House of Commons ever was. Nothing is left to the initiative or the determination of the individual any longer.

"A man goes to work. The fare he pays on the trolley car is fixed by a commission. When he gets to the factory his hours are fixed by the statute and his wages and the amount of work he is permitted to produce by the even more dictatorial rules of a labor union. If he goes to the movies in the evening, the picture he sees has been censored by a commission whose good taste generally is in doubt. And the chances are he sleeps in a bed made up according to directions in a pamphlet issued by some department of the Federal Government."

Senator MOSES criticized "the so-called dollar-for-dollar system under which the Federal Government contributes one dollar for some State purpose, such as road building, for every dollar raised by the State itself."

"For the building of roads," he continued, "the Federal Government had already spent under this plan some $350,000,000, and $1,250,000,000 more will be spent. This will work special hardships to the taxpayers of New York."

In introducing Senator MOSES, Secretary George Henry Payne had referred to him as a man whom the country would like to see in the White House.

"In regard to that flattering allusion to the future, I must enter a disclaimer," said Senator MOSES in beginning his speech. "I have no hopes and no ambitions. There are too many candidates now. In the Senate alone there are not less than 95 of them. The nomination of Mr. Harding while a Member of the United States Senate has played irreparable havoc with the morale of that body."

Mr. HARRISON. I ask that that article be dedicated to the next Republican campaign textbook.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 309) appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission, and it was subsequently signed by the Vice President.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the tariff bill.

The ASSISTANT SECRETARY. The first amendment of the Committee on Finance——

Mr. KING. Does the Senator from North Dakota wish to proceed with the consideration of the bill at this time? If so, I shall have to make a speech upon another subject.

Mr. HARRISON. Mr. President, the Senator from North Dakota, I am sure, realizes the situation confronting us. The pending tariff bill was reported out of the Committee on Finance only a few days ago, and the minority members of that committee have since been working day and night in order to prepare themselves for the consideration of the bill. The minority members of the committee were not permitted to be in conference with the majority members. There is no desire on the part of any Senator on this side of the aisle unnecessarily to delay the consideration of the bill at all. On the contrary, it is the desire on this side of the Chamber to cooperate with Senators

on the other side of the aisle and to get the bill out of the way as soon as we can, of course, after full and free discussion. The ranking member of the minority of the committee, the Senator from North Carolina [Mr. SIMMONS], is now in his office working with experts and other minority members of the Committee on Finance, as the Senator from North Dakota knows, in order to prepare for the discussion of the bill. Under those circumstances I was wondering if the Senator from North Dakota would not consent to the Senate adjourning over until Monday, in order to give minority Senators further time to prepare for the consideration of the bill? I am sure time will be saved in the consideration of the tariff bill if my suggestion is followed, and that the consideration of the measure will thereby be expedited.

Mr. McCUMBER. Mr. President, I certainly join with the Senator from Mississippi in the desire to facilitate the passage of this bill. I do not wish to do anything or to say anything that would delay discussion. My expectation was that we should proceed with the discussion of the bill to-day and perhaps dispose of some of the committee amendments. If I felt that an adjournment over until Monday would facilitate the passage of the bill, I should gladly agree to that. However, while the able speech made by the Senator from Utah [Mr. KING] was most interesting—and I think he was nearly four and a half hours in delivering that enlightening address—somehow I failed to connect it with the pending tariff bill.

Mr. KING. If the Senator from North Dakota will permit me to interrupt him, I desire to say that if the Senator had been here he would have discovered that about an hour of my address was devoted to a discussion of the effects of the high tariff bill which has been reported to the Senate. I commented upon the purpose of the Republicans to become troglodytes and to cut off all trade with other nations. I called attention to the manifest effects of the bill. I am sorry the Senator was not present, because had he been here he would have found that I was discussing the tariff bill a part of the time.

Mr. McCUMBER. After listening for about two and a half hours to the Senator, I concluded that he was not coming back to the tariff bill at all, and consequently I must have missed the hour's discussion upon the tariff bill to which he refers; but I shall read with pleasure what the Senator said, if I find it in the RECORD to-morrow.

Mr. KING. The Senator will later find it in the RECORD; but, perhaps, not to-morrow morning.

Mr. HARRISON. Of course, if it is desired to consider other business to-morrow—for instance, the calendar—we might take it up for consideration; but will not the Senator from North Dakota withhold the discussion of the tariff bill until Monday? I am informed by the Senators on the subcommittee that in all probability they will be ready on Monday to begin the discussion of the tariff bill.

Mr. McCUMBER. Does the Senator from Mississippi think that, should we adjourn over, we would have a continuous discussion of the tariff bill then until disposed of, or would we spend a great deal of time in the discussion of many questions outside of the tariff?

Mr. HARRISON. There are many questions outside of the tariff which probably would be discussed, but there will be a disposition on this side to try to facilitate the consideration of the tariff bill.

Mr. WILLIAMS. Mr. President, will the Senator from North Dakota pardon me for a moment?

Mr. McCUMBER. Certainly.

Mr. WILLIAMS. If either one of the two theories which seem to rest within the Senator's mind be true it would still follow that we should make time by doing what my colleague [Mr. HARRISON] suggests. If, as the Senator seems to think, some of the Senators on this side are trying to consume time, he must know that they are trying to do so in order that Democratic Senators on the Finance Committee, who are studying and trying to analyze the bill, may be prepared to proceed with the discussion, so that it may be carried on in a continuous manner. If, upon the other hand, it is merely one of those chronic habits of the Senate which has been illustrated of some Senator talking about something which is not before the Senate at the time, that can not be helped either; but if the object is to give minority Senators the time to study and analyze the bill—and frankly I am partially of that opinion myself—it would not be at all helped by other Senators speaking upon something else to-morrow. I am satisfied that by Monday morning it will be possible for the Senators on this side of the Chamber to proceed with the discussion of the bill.

It will be remembered that I requested the senior Democratic Senator upon the committee not to place me upon the subcommittee which is carrying forward this work, because I did not feel well enough to assume the immense amount of intense and quick labor that I saw would be necessary in order to be ready within a reasonable time; and so my place was taken by another Senator, who is now cooperating with the Senator from North Carolina [Mr. SIMMONS].

In all candor, I really think that it would be better all around and less time would be wasted and less time misconsumed, and discussion would begin under better auspices and would proceed upon the bill more continuously, if my colleague's request be acceded to, than if we get into a sort of a bad disposition with one another at the very beginning.

Mr. CURTIS. Mr. President, I hope the Senator from Mississippi will not ask for an adjournment over to-morrow. I promised the other day, in open session, that we would devote some time to the calendar. If the Senator wants to let the matter of the tariff go over until Monday we could take up the calendar under Rule VIII to-morrow by unanimous consent, and probably finish it.

Mr. WILLIAMS. Why could we not take up the calendar for an hour now, and then adjourn immediately after that?

Mr. CURTIS. It is half-past 4 now.

Mr. SMOOT. We shall have to meet to-morrow anyway.

Mr. McCUMBER. Mr. President, I am very much impressed with the expressions of good faith and good purpose to hurry the discussion and final passage of this bill through the Senate. We have been engaged on it in committee for a long time, I will admit; but it required very long and careful consideration. Conditions were so abnormal that we had nothing of the past to guide us to any great extent, and every schedule and every item was fought most bitterly by those having opposing views upon it.

When the Senator from North Carolina made a suggestion for further time the other day, when we reported the bill, his first suggestion was for 10 days. Afterwards some of his colleagues thought that was too short a time, but we accepted that finally as the basis for the time which would be necessary. The Senate committee has had at its disposal two of probably the most thoroughly equipped experts in the country upon tariff matters, and I had hoped very much that we could go on with the bill to-day, but I will accept the suggestion of the Senator from Kansas to dispose of other matters to-morrow and let us all get ready to go right on with the tariff bill on Monday.

Mr. SMOOT. Mr. President, let me suggest to the Senator from North Dakota that I think myself we ought to run through the calendar and clear the calendar of the bills to which there is no objection. I think the calendar ought to be disposed of, as far as possible, before we begin the daily discussion of the tariff bill. Why not have it understood, then, that we will recess to-day until to-morrow, and take up the calendar at that time, and go through with it, and consider bills to which there is no objection?

Mr. LODGE. Do not limit it to that.

Mr. SMOOT. Then, of course, we will not get very far with the consideration of unobjected bills, because if one bill to which there is objection is taken up that will settle it for the day. I do not know whether it is best to limit it or not, but I really think that there are so many bills here to which there is no objection that they ought to be gotten off the calendar.

Mr. KING. May I say that I understand that there will be an effort to take up certain pension bills to-morrow. If that is the desire, they will have to be discussed, and I shall have to be here and discuss them. I prefer that we should take up just the unobjected matters. I want to say further that I expect to discuss the chemical schedule. That is the first schedule, and I am ready to go on this afternoon, but I could not go very far; and if I shall have to be here to-morrow to discuss the pension bills it will not give me the opportunity which I should like to examine the chemical schedule. The Senators of the majority have had the advantage of weeks of study, and have had the assistance of experts. Some of us have had neither.

Mr. CURTIS. Mr. President, I suggest that we agree by unanimous consent to take up the calendar to-morrow, beginning at the first of it and go through the calendar, and dispose of unobjected bills. Then, if there is any time left, I suggest that it be devoted to the consideration of other bills which may be taken up on motion.

Mr. KING. That is all right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

Mr. SIMMONS. Mr. President, I wish to say to the Senator from North Dakota that while his statement made a few moments ago was technically correct—I did consent to the 10

days—before that I had asked for a longer time, and it became evident that I could not get it when I said I would try to content myself with 10 days and do the best I could to get ready.

Mr. McCUMBER. The Senator is correct.

Mr. SIMMONS. And I have been doing that. I do not know what may have been said by the junior Senator from Utah before I came into the Chamber, but I judge from what the Senator from North Dakota has stated that something was said about the facilitation of the consideration of this bill. I want to say again—I said it, I think, yesterday—that I think, so far as this side of the Chamber is concerned—I am sure so far as the minority of the committee is concerned—we have not the slightest disposition to resort to any dilatory tactics whatever in connection with the consideration of this bill. We are anxious that it shall be considered and disposed of as soon and as speedily as possible consistent with a proper discussion of the important questions which it involves. I assure the Senator from North Dakota that I shall cooperate with him fully within those limitations.

Mr. McCUMBER. I thank the Senator. I think we shall have no trouble in speeding up as rapidly as possible.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 22, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 21 (legislative day of April 20), 1922.

COLLECTOR OF CUSTOMS.

A. R. Noble, of Anniston, Ala., to be collector of customs for customs collection district No. 19, with headquarters at Mobile, Ala., in place of Joseph H. Lyons.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Wilbur Oscar Manchester, of New York, to be aid, with the relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice A. G. Katz, promoted.

APPOINTMENT IN THE REGULAR ARMY.

GENERAL OFFICER.

Col. Paul Bernard Malone, Infantry, to be brigadier general from April 27, 1922, vice Brig. Gen. Charles Gould Treat, who is to be retired from active service April 26, 1922.

PROMOTIONS IN THE REGULAR ARMY.

To be captains.

First Lieut. Ernest Andrew Thompson, Signal Corps, from February 22, 1922.

First Lieut. William Andrew Gray, Air Service, from February 22, 1922.

First Lieut. Franz Joseph Jonitz, Quartermaster Corps, from February 24, 1922.

First Lieut. William Valery Andrews, Air Service, from February 24, 1922.

First Lieut. George Stetekluh, Quartermaster Corps, from February 25, 1922.

First Lieut. Frank Marion Barrell, Quartermaster Corps, from February 28, 1922.

First Lieut. Stanton Higgins, Cavalry, from February 28, 1922.

First Lieut. Holden Spear, Quartermaster Corps, from February 28, 1922.

First Lieut. Frank Merrill Bartlett, Air Service, from March 2, 1922.

First Lieut. Benson Glenwood Scott, Field Artillery, from March 2, 1922.

First Lieut. Redding Francis Perry, Cavalry, from March 2, 1922.

First Lieut. Walter Arthur Metts, jr., Field Artillery, from March 5, 1922.

First Lieut. Frank Camm, Field Artillery, from March 6, 1922.

First Lieut. Robert Morgan Burrowes, Infantry, from March 7, 1922.

First Lieut. Richard Oscar Bassett, jr., Infantry, from March 9, 1922, subject to examination required by law.

First Lieut. Percy Stuart Lowe, Coast Artillery Corps, from March 12, 1922.

First Lieut. Lewis Alonzo Murray, Corps of Engineers, from March 14, 1922.

First Lieut. Rene Edward deRussy, Coast Artillery Corps, from March 23, 1922.

First Lieut. Marion Gardner Putnam, Air Service, from March 27, 1922.

First Lieut. Clyde Grady, Infantry, from March 29, 1922.

First Lieut. Walter Drake Williams, Air Service, from March 29, 1922.

First Lieut. William Henry Payne, Quartermaster Corps, from April 1, 1922.

First Lieut. Thomas Tilson Conway, Infantry, from April 2, 1922.

First Lieut. Edgar Ambrose Jarman, Infantry, from April 4, 1922.

First Lieut. Regeon Victor Love, Coast Artillery Corps, from April 5, 1922.

First Lieut. Svening Johannes Bang, Cavalry, from April 6, 1922.

First Lieut. Allan Sheldon Willis, Infantry, from April 6, 1922.

POSTMASTERS.

ALABAMA.

Charles E. Brooks to be postmaster at Fort Deposit, Ala., in place of C. E. Brooks. Incumbent's commission expired January 24, 1922.

ARKANSAS.

Carl J. Lauderdale to be postmaster at Stamps, Ark., in place of A. P. Massey, resigned.

CALIFORNIA.

George A. Weishar to be postmaster at Hanford, Calif., in place of F. V. Dewey, resigned.

COLORADO.

Pearle L. Gabbett to be postmaster at Orchard, Colo. Office became presidential January 1, 1921.

CONNECTICUT.

Mary H. Newton to be postmaster at Uncasville, Conn., in place of M. E. Tooker, resigned.

GEORGIA.

Awtrey C. Moore to be postmaster at Powder Springs, Ga. Office became presidential October 1, 1920.

Stevens R. Owen to be postmaster at Gordon, Ga., in place of J. A. Stokes. Incumbent's commission expired February 5, 1922.

Charles H. Travis to be postmaster at Senoia, Ga., in place of B. A. Nolan. Incumbent's commission expired May 2, 1921.

ILLINOIS.

Charles H. Collins to be postmaster at Casey, Ill., in place of Ross Lee. Incumbent's commission expired February 4, 1922.

Charles E. Van Buren to be postmaster at Victoria, Ill., in place of M. B. Sloan. Incumbent's commission expired January 31, 1921.

IOWA.

James V. Frew to be postmaster at Hiteman, Iowa, in place of W. H. Frew. Incumbent's commission expired January 24, 1922.

KANSAS.

John L. Lee to be postmaster at Atlanta, Kans. Office became presidential January 1, 1921.

Francis B. Brungardt to be postmaster at Victoria, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Melvin C. Bray to be postmaster at Hindman, Ky. Office became presidential January 1, 1921.

Grant North to be postmaster at Hustonville, Ky. Office became presidential April 1, 1920.

Allen E. Bell to be postmaster at Moreland, Ky. Office became presidential January 1, 1921.

Phoebe Howard to be postmaster at Salyersville, Ky. Office became presidential January 1, 1921.

Harvey B. Ogden to be postmaster at Worthville, Ky. Office became presidential January 1, 1922.

Marvin L. Whitnell to be postmaster at Murray, Ky., in place of E. C. K. Robertson, removed.

Samuel C. Hedden to be postmaster at Shelbyville, Ky., in place of O. D. Todd. Incumbent's commission expired July 21, 1921.

Henry Hall to be postmaster at Waynesburg, Ky., in place of Cora Singleton, resigned.

MARYLAND.

Charles R. Day to be postmaster at Marion Station, Md., in place of E. A. Lankford, removed.

MASSACHUSETTS.

Helen K. Hoxie to be postmaster at Sunderland, Mass. Office became presidential July 1, 1921.

William F. Searle to be postmaster at Peabody, Mass., in place of D. J. Dullea. Incumbent's commission expired January 24, 1922.

MICHIGAN.

John H. Boehm to be postmaster at Fountain, Mich. Office became presidential April 1, 1921.

MISSOURI.

Jessie F. Huff to be postmaster at Des Arc, Mo. Office became presidential April 1, 1921.

NEW MEXICO.

Ernest A. Hannah to be postmaster at Artesia, N. Mex., in place of G. U. McCrary, resigned.

NEW YORK.

John A. Rapelye to be postmaster at Flushing, N. Y., in place of A. J. Kennedy. Incumbent's commission expired July 21, 1921.

Henry C. Windeknecht to be postmaster at Rensselaer, N. Y., in place of W. I. Williams. Incumbent's commission expired March 22, 1920.

Joseph W. Kratoville to be postmaster at Riverhead, N. Y., in place of O. E. Griswold, resigned.

NORTH DAKOTA.

Martin H. Weber to be postmaster at New Leipzig, N. Dak., in place of A. E. Briggs, resigned.

OHIO.

George S. Laskey to be postmaster at Custar, Ohio. Office became presidential October 1, 1921.

Ruth G. McWilliams to be postmaster at Grand Rapids, Ohio, in place of W. J. Connolly. Incumbent's commission expired March 16, 1921.

Everett F. Funk to be postmaster at Warsaw, Ohio, in place of R. E. Clark, resigned.

OKLAHOMA.

Cosmo Falconer to be postmaster at Cheyenne, Okla., in place of W. P. Madden. Incumbent's commission expired February 4, 1922.

Robert R. Sutton to be postmaster at Claremore, Okla., in place of A. L. Kates. Incumbent's commission expired February 4, 1922.

Hiram H. Snow to be postmaster at Sand Springs, Okla., in place of V. A. Schiefelbusch, resigned.

OREGON.

Ora S. Banister to be postmaster at Paisley, Oreg. Office became presidential January 1, 1922.

PENNSYLVANIA.

Ralph V. Parthemore to be postmaster at High Spire, Pa. Office became presidential October 1, 1920.

William B. Baker to be postmaster at Claysburg, Pa., in place of C. E. Burket. Incumbent's commission expired March 16, 1921.

Zola K. Rodkey to be postmaster at Spangler, Pa., in place of J. B. Esch. Incumbent's commission expired February 5, 1922.

SOUTH DAKOTA.

Susan E. Endicott to be postmaster at Hill City, S. Dak., in place of E. E. Blight; appointee failed to qualify.

TENNESSEE.

Clyde A. Jamison to be postmaster at Millington, Tenn., in place of V. E. Williams, resigned.

Claris E. Akin to be postmaster at Rutherford, Tenn., in place of L. W. Davidson. Incumbent's commission expired August 26, 1920.

TEXAS.

Velma Scott to be postmaster at Graford, Tex. Office became presidential April 1, 1921.

John C. Beever to be postmaster at Perryton, Tex. Office became presidential January 1, 1921.

Herman C. Feist to be postmaster at Rowena, Tex. Office became presidential October 1, 1920.

Joseph D. Powell to be postmaster at Archer City, Tex., in place of H. L. Robertson, deceased.

Wyatt O. Selkirk to be postmaster at Blessing, Tex., in place of J. H. Logan, resigned.

Roy B. Nichols to be postmaster at Houston, Tex., in place of T. W. House. Incumbent's commission expired January 24, 1922.

Thomas B. White to be postmaster at Rogers, Tex., in place of B. T. Gardner. Incumbent's commission expired July 21, 1921.

UTAH.

Claude C. McGee to be postmaster at Lewiston, Utah, in place of J. M. Anderson, deceased.

VERMONT.

William H. Startup to be postmaster at Proctor, Vt., in place of J. L. Welsh, resigned.

VIRGINIA.

Mary P. Moon to be postmaster at Cartersville, Va. Office became presidential October 1, 1920.

WASHINGTON.

Amy E. Ide to be postmaster at Outlook, Wash. Office became presidential October 1, 1920.

WEST VIRGINIA.

Daniel M. Shakley to be postmaster at Hollidays Cove, W. Va. Office became presidential July 1, 1920.

Winnie O. Law to be postmaster at Mount Clare, W. Va. Office became presidential October 1, 1920.

WISCONSIN.

Leslie H. Thayer to be postmaster at Birchwood, Wis. Office became presidential July 1, 1920.

John A. Mathys to be postmaster at Casco, Wis. Office became presidential January 1, 1921.

Oliver R. Weinandy to be postmaster at Cochrane, Wis. Office became presidential July 1, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 21 (legislative day of April 20), 1922.

POSTMASTERS.

ALABAMA.

James D. Segars, Carbon Hill.

ILLINOIS.

May S. Williams, Hanover.
Herman W. Behrens, Kampsville.
Paul P. Shutt, Paris.
Walter A. Foster, Steward.
John J. Barton, Sublette.

KANSAS.

Robert B. Slavens, Lecompton.

MICHIGAN.

Wynne C. Garvin, Millington.

MINNESOTA.

Alton E. Martin, Woodlake.

NEBRASKA.

Henry J. Steinhausen, Creighton.
Ray H. Surber, Davenport.
Earl R. Lewis, Humphrey.
James E. Scott, Osmond.
James D. Finley, Sargent.

NEW YORK.

May M. Ferry, Edwards.
Arthur H. Wyatt, Huletts Landing.
Raymond C. Green, Sanquoit.

OKLAHOMA.

Guy E. Reece, Braggs.

PENNSYLVANIA.

Elwood S. Rothermel, Fleetwood.
Elwood M. Stover, Kulpsville.
Mabel M. Myer, Ronks.

WASHINGTON.

John L. Harris, Kelso.
William R. Wells, Mount Vernon.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 21, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, we approach Thee not with protest but with willing submission. We do not murmur nor complain, for Thy gracious providences are so manifold. O may they preserve in us the high instinct to live at our best. We beseech Thee to keep the power of our moral resistance unbroken. Bless us each day with the right attitude of mind toward life, with its urgent duties and its countless mercies. Ever keep before us our country's need. May our past be our inspiration, the present the call of opportunity, and in the discharge of every obligation direct us to do the best we know and give the best we have. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. DUNN. Mr. Speaker, I ask unanimous consent that Mr. LEWIS HENRY, who has been elected a Member of the House of Representatives from the thirty-seventh district of New York, be allowed to take the oath of office.

The SPEAKER. The gentleman from New York asks unanimouse consent that Mr. HENRY, recently elected a Member from the State of New York, whose certificate of election has not yet been received by the Clerk, be allowed to take the oath of office. Is there objection?

There was no objection.

Mr. HENRY appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices.

The message also announced that the Senate had agreed to the amendment of the House to Senate Concurrent Resolution 21 providing for printing as a Senate document with an index the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, as reported to the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1075. An act giving permanent rank to district superintendents of the Coast Guard on the retired list;

S. 1405. An act for the relief of William Collie Nobors; and

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1075. An act giving permanent rank to district superintendents of the Coast Guard on the retired list; to the Committee on Interstate and Foreign Commerce.

S. 1405. An act for the relief of William Collie Nabors; to the Committee on Claims.

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes; to the Committee on Military Affairs.

CONTESTED-ELECTION CASE—PARRILLO *v.* KUNZ.

The SPEAKER laid before the House a letter from the Clerk of the House transmitting testimony, papers, and documents relating to the contested-election case of Parrillo against Kunz, which was referred to the Committee on Elections No. 1 and ordered to be printed.

CONTESTED-ELECTION CASE—GOLUMBIEWSKI *v.* RAINEY.

The SPEAKER laid before the House a letter from the Clerk of the House transmitting testimony, papers, and documents relating to the contested-election case of Golumbiewski against Rainey, which was referred to the Committee on Elections No. 2 and ordered printed.

MONTHLY PAYMENT OF PENSIONS.

Mr. BLAND of Indiana. Mr. Speaker, I call up the bill (H. R. 2158) to provide for the monthly payment of pensions, with Senate amendments thereto, and move to concur in the Senate amendments.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry. Is not that a bill that should be considered in the Committee of the Whole House on the state of the Union in order to agree to the Senate amendments? Is not that a charge on the Treasury?

The SPEAKER. The rule does not require that every bill which must be considered in Committee of the Whole House on the state of the Union, when it comes back from the Senate with a Senate amendment thereto, must be considered in the Committee of the Whole House on the state of the Union for the consideration of the Senate amendment, unless the Senate amendments require such consideration. The Chair is informed that these amendments do not require such consideration. The Clerk will report the Senate amendments.

The Clerk reported the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

MISSISSIPPI FLOOD DISASTER.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Joint Resolution 309.

Be it resolved, etc., That there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be immediately available as an emergency fund to be expended by the Mississippi River Commission during the present flood in the Mississippi River, for the purpose of preserving, protecting, and repairing the levees under its jurisdiction: *Provided*, That the Secretary of the Treasury shall deduct $1,000,000 from the appropriation that shall first hereafter be made for the use of said Mississippi River Commission under the terms of the flood control act of March 1, 1917, said $1,000,000 to be carried to the surplus fund and covered into the Treasury: *And provided*, That any unexpended balance of the sum hereby appropriated, remaining after present flood emergency has passed, may be expended by the Mississippi River Commission under the authority and subject to the provisions of the said flood control act.

Mr. MADDEN. Mr. Speaker, in that connection I ask to have read a letter from the Secretary of War.

The SPEAKER. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, April 21, 1922.

Hon. M. B. MADDEN,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR CONGRESSMAN: The Mississippi River is in extreme flood, the water being higher at many places than ever known before, and the condition is such that the levees protecting extensive tracts of the States of Illinois, Missouri, Arkansas, Tennessee, Mississippi, and Louisiana are seriously threatened.

The water of the river is above the tops of the levees in some places for 20 miles at a stretch, and it is only by the utmost vigor and watchfulness on the part of the people that these levees are not overtopped or breached. The loss of life and property, should a break in the levees occur, would be incalculable and would amount to a national disaster.

The funds under the control of the Mississippi River Commission have been practically exhausted, and breaks in the levees at various points are certain to occur unless funds are immediately provided to keep up the work now being carried on. It is known that the local levee boards and parties interested have already made as great sacrifice in the fight against the water as they have been able and can not furnish funds longer.

I therefore most urgently recommend the passage of the joint resolution, copy of which is inclosed, which makes immediately available the sum of $1,000,000 from the pending appropriation for the Mississippi River. This amounts to nothing more than an advance of funds for the purpose, and I urge its adoption at the earliest possible moment.

Very respectfully,

JOHN W. WEEKS,
Secretary of War.

Mr. MADDEN. Mr. Speaker, I think it is proper that I should explain the situation. Under the flood control act of 1917 appropriations are authorized to be placed at the disposal of the Mississippi River Commission. The bill for the Military Establishment recently passed by the House carries an appropriation for this purpose amounting to $6,670,000, to be available after the 1st of July next. This resolution provides that out of that $6,670,000, $1,000,000 shall be taken. It may be that the Senate in the consideration of the military bill will deduct the million dollars, but if the Senate should fail to do that, then the power is in the Secretary of the Treasury to take it out of that bill. So that in the consideration of the resolution before us we are not appropriating any money but are

simply making available for immediate use the $1,000,000 which would be at the disposal of the Mississippi River Commission after the 1st of July in any event. I hope the resolution will be passed.

The SPEAKER. Is there objection to its present consideration?

Mr. WALSH. Mr. Speaker, reserving the right to object, is this million dollars that is to be expended to be used for any different work than the $6,670,000 which is carried in the bill?

Mr. MADDEN. Exactly the same.

Mr. WALSH. Are we making any headway in this work on the Mississippi to overcome these annual or biennial floods?

Mr. MADDEN. I understand that great progress is being made, that sooner or later the danger will be obviated by the construction of such levees as are adequate.

Mr. WALSH. Of course, it is apparent that there must be no delay in this, if this money is to be of some use, that it ought to be had to-day.

Mr. MADDEN. There ought not to be any delay.

Mr. WALSH. Mr. Speaker, I have no objection to the consideration of the resolution.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARNER. If progress had not been made in this work, the flood would now cover the entire valley, would it not?

Mr. MADDEN. I have not any doubt about that.

Mr. GARNER. The loss of life and property would be tremendous?

Mr. MADDEN. Yes. Mr. Speaker, I ask for a vote.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the joint resolution was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BILLS ON THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, this being the day set aside for the consideration of bills upon the Private Calendar, I ask unanimous consent that the House take up unobjected bills upon the Private Calendar and consider them in the House as in Committee of the Whole House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that unobjected bills on the Private Calendar be taken up in order in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first bill.

LUKE RATIGAN.

The first business in order on the Private Calendar was the bill (H. R. 2614) for the relief of Luke Ratigan.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill. It was objected to once before, and I would like to know something in regard to it.

Mr. KAHN. Mr. Speaker, Luke Ratigan is a man who is 80 years of age at the present time. He was formerly in the revenue service at San Francisco. I want to say frankly that he was a very faithful employee, and one day the commander of the vessel on which he was acting attempted to jump overboard—tried to commit suicide. Luke Ratigan, an oiler on the vessel, jumped and caught him and saved him. They wrestled around the deck for quite a little while. His back was badly strained in the struggle. He had been appointed an oiler only a few weeks before and was acting in that capacity. Then he was put temporarily in the appraiser's building, so as to be able to regain his strength. While he was feeding the furnaces a crazy man came down there, attacked him, and tried to blow up the furnaces. Ratigan held the man until relief could come to him. The man was arrested and sent to the insane asylum. Ratigan had to resign from the higher position of oiler and serve in the lower position of fireman because he had defended the property of the United States. That is all there is in the matter, and I certainly hope the House will allow this bill to pass. It will give him a rating a little higher than he would get otherwise.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Whereas Luke Ratigan, of San Francisco, Calif., was employed in the United States Revenue-Cutter Service as fireman for a period of over 25 years; and

Whereas the said Luke Ratigan, while in the discharge of his duty in said service and in the saving of human life, received physical injuries which compelled him to relinquish the position of a petty officer, to which he had just been promoted, and continue in the said United States Revenue-Cutter Service at the lower rating; and

Whereas by act of Congress approved January 28, 1915, the Revenue-Cutter Service and the Life-Saving Service were combined as the Coast Guard: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place the name of Luke Ratigan on the retired list of petty officers of the Coast Guard with the retired pay and allowances of a petty officer in said Coast Guard.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to place the name of Luke Ratigan on the retired list of the Coast Guard as an oiler, first class, retired, at the rate of pay he would be entitled to receive had he held the rating of oiler, first class, when retired."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

DR. O. H. TITTMANN.

The next business on the Private Calendar was the bill (H. R. 6245) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

EDWARD J. SCHAEFER.

The next business on the Private Calendar was the bill (H. R. 1723) authorizing the payment of compensation to Edward J. Schaefer for the death of Ruth Stone Schaefer through an unlawful shot fired by a soldier in the service of the United States at Camp Alexander, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I objected to this measure before. I do not know whether there are any other facts connected with the incident which have been developed, and unless there are I shall feel constrained again to object.

Mr. MACGREGOR. Mr. Speaker, if the gentleman will permit, I have never had a chance to explain. It seems to me a very meritorious bill.

Mr. WALSH. Well, of course, the gentleman and I have a sharp difference of opinion right there——

Mr. MACGREGOR. Usually.

Mr. WALSH. And I am afraid anything further he might say to elucidate the measure would probably not be very convincing. I suggest that the gentleman make a brief statement, if he desires, and I will reserve the right to object.

Mr. MACGREGOR. Mr. Speaker, in July, 1919, Mr. Schaefer and his wife in an automobile went into Camp Alexander, Va. While they were upon one of the roads of that camp one of the sentries shot at the automobile. The shot went through the back of the automobile and killed Mrs. Schaefer. Now, it appears from the Inspector General's report that this sentry had never fired an Army rifle before in his life. He had never been instructed as to guard duty. Ball ammunition was issued to this sentry instead of guard ammunition. There were no signs posted with reference to the entry of people into this camp. No warning had been given or restrictions made in reference to people going into this camp. These people and many other people had for months before that been going into this camp. It was in time of peace, it was not in time of war, and this sentry, not properly instructed by the officers, without having been properly instructed as to the use of firearms or as to the time to use them, not properly instructed in guard duty, fired the shot which resulted in the death of this woman, a young woman less than 30 years of age, leaving two children, one 8 and one 3 years old. I think that under those circumstances the United States Government, having placed a man on duty at that camp in such a negligent manner, should make reparation to some extent for depriving this man of his wife and those children of their mother.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. MACGREGOR. Certainly.

Mr. MILLER. On what theory of law or otherwise do you ask the United States to make reparation?

Mr. MACGREGOR. My theory is that the Government placed this man there. Of course, there is no legal obligation.

Mr. MILLER. On what theory do you claim the Government should pay for the loss of this very estimable lady, even though the Government did place this man on guard duty?

Mr. MACGREGOR. We do it in many, many other cases. We have done it in the cases of military drivers of trucks running down people in the streets of our cities. We have recompensed them for the injuries received. We have recompensed other governments for the killing of their subjects by men of our Navy. Now, certainly in such a case as this, which is far greater than doing some slight injury to some individual by an automobile truck, we should go to that length in recompensing this family for the loss of the mother and wife.

Mr. SNELL. How long had this man that did the shooting been a member of the United States Army?

Mr. MACGREGOR. I think for two or three months.

Mr. SNELL. He knew nothing whatever about the care——

Mr. MACGREGOR. Never fired an Army rifle before, and never had been instructed.

Mr. BARBOUR. Did the guard warn these people that they could not travel on this particular road?

Mr. MACGREGOR. He claims he called to them; but the fact is that they did not hear any calling or warning to stop.

Mr. BARBOUR. And then he just deliberately shot at them?

Mr. MANN. He shot at the wheel.

Mr. BARBOUR. Shot at the automobile?

Mr. MANN. Yes.

Mr. BARBOUR. He took the chances of hitting the occupants?

Mr. MANN. Surely.

Mr. MACGREGOR. I think there ought to be some recompense to these people. If you will allow, on page 5 of the report of the Inspector General you will see the conclusions:

> It is believed that the shooting and killing of Mrs. E. J. Schaefer * * * would probably not have occurred had the military authorities at Camp Alexander exercised due diligence to prevent indiscriminate shooting on the part of the guards and military police, nor is it believed that had guard ammunition been issued Mrs. Schaefer would have met her death.

And he states with reference to this particular sentry:

> Though he had never fired any Army rifle, nor been taught the proper use of the same, he was issued ball ammunition and prior to going on post on the tour of guard above referred to loaded his rifle with the same. Private Nichols had been on duty at Camp Alexander two and one-half months before the occurrence of the fatal affair in which he figured. His company commander and his commanding officer both professed ignorance, to a greater or lesser degree, of exactly what instruction he had received in the handling of a rifle. The administration of the Headquarters Company and of Companies H and I, Twelfth Infantry, to which organizations Private Nichols had at various times belonged, appeared to be lax and recruit instruction in preparation for guard duty indifferently prosecuted.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

> A bill (H. R. 1723) authorizing the payment of compensation to Edward J. Schaefer for the death of Ruth Stone Schaefer through an unlawful shot fired by a soldier in the service of the United States at Camp Alexander, Va.
>
> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Edward J. Schaefer the sum of $50,000 as compensation for the death of his wife, Ruth Stone Schaefer, who was unlawfully shot by a soldier in the service of the United States at Camp Alexander, Va., on July 7, 1919.

Also the following committee amendments were read:

> In line 6, page 1, strike out "$50,000 as compensation" and insert in lieu thereof "$5,000 in full settlement of damages."
>
> Line 2, page 2, strike out the words "unlawfully" and insert in lieu thereof the word "accidentally."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The title was amended to read as follows: "A bill for the relief of Edward J. Schaefer."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MACGREGOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRED H. GALLUP.

The next business on the Private Calendar was the bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

> A bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army.
>
> *Be it enacted, etc.*, That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Fred H. Gallup, formerly a captain of Field Artillery, whose nomination as major of Field Artillery was confirmed by the Senate in June, 1916, a major of Field Artillery, to take rank at the foot of the list of majors of Field Artillery, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of majors of Field Artillery now authorized by law by reason of the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DICKINSON a motion to reconsider the vote by which the bill was passed was laid on the table.

TORAHACHI URATAKE.

The next business on the Private Calendar was the bill (S. 1077) to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MILLER. Mr. Speaker, I shall object to this bill without some explanation. There have been a number of bills that have gone through without explanation, and I shall object to this bill unless there is some explanation by the party who introduced the measure or the committee who made the report. Hearing none, I object.

Mr. MANN. Will the gentleman reserve that for a moment?

Mr. MILLER. If there is any explanation coming.

Mr. MANN. This is a case where there was a Japanese subject killed by the War Department. Of course, the Government has no liability. The practice of the Government has been for a number of years, where Congress would make compensation for the death of an American citizen without admitting liability to the Government, as a matter of grace, on the recommendation of the State Department, to make the appropriation to pay for the death of a foreign citizen. It has been done in a good many cases. I think probably it is the proper thing to do. We obtain the same consideration from foreign Governments for citizens of the United States who are killed under such circumstances abroad.

Mr. BEGG. Will the gentleman permit a question?

Mr. MANN. Yes.

Mr. BEGG. Why is it that S. 1077 is for $5,000 and S. 1078 for $2,000. They seem to be very much alike to me.

Mr. MANN. I presume for the reason that the State Department has recommended $5,000 in one case and $2,000 in another. The gentleman might ask me why a moment ago we passed a bill to pay $5,000 for the death of somebody, when there might be a bill on the calendar to pay $151 for the death of somebody else.

Mr. BEGG. I did not mean that. What are the extenuating circumstances in one case that warrant $5,000 and in the other case only $2,000. It seems to me if they are parallel cases equity would say to give them both $5,000 or both $2,000.

Mr. MANN. The $5,000 is not excessive, and in the other case they ask for only $2,000, and they are satisfied with that amount.

Mr. BEGG. Then I am satisfied.

Mr. MANN. I think it is desirable to do these things graciously. It undoubtedly would be done sooner or later. We have quite a long line of precedents for this thing. It is a matter of friendly intercourse between our Government and foreign governments.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, the explanation of the gentleman from Illinois [Mr. MANN] is not full. I know nothing, and I doubt if any other Member of the House knows, of the circum-

stances under which this citizen of Japan lost his life, whether it was by his own negligence or by what other means, and in the absence of advice on that point I shall take it to be my duty to object.

The SPEAKER. The gentleman from Washington objects. The Clerk will report the next bill.

TATSUJI SAITO.

The next business on the Private Calendar was the bill (S. 1078) to authorize the payment of $2,000 to the Government of Japan for the benefit of the family of Tatsuji Saito, a Japanese subject, killed at Camp Geronimo, Mexico, May 15, 1916.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MILLER. On the same ground, I shall object to this one unless there is a fuller explanation of the circumstances under which this death occurred.

The SPEAKER. The gentleman from Washington objects. The Clerk will report the next bill.

J. W. LA BARE.

The next business on the Private Calendar was the bill (H. R. 4845) for the relief of J. W. La Bare.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, J. W. Le Bare, late of Company B, Forty-third Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 23d day of February, 1865: *Provided*, That no bounty, pay, or allowance shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, I move to amend by inserting after the word "no" in line 10 the word "pension."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: On page 1, line 10, after the word "no" insert the word "pension."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

ALBERT HAMILTON.

The next business on the Private Calendar was the bill (H. R. 5820) to place Albert Hamilton on the retired list of the United States Marine Corps.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to place Albert Hamilton, formerly first lieutenant, United States Marine Corps, on the retired list of the Marine Corps, with the rank and retired pay of a first lieutenant of the Marine Corps: *Provided*, That in computing his pay credit shall be given for all his continuous service in the Marine Corps: *Provided further*, That no pay shall accrue prior to the passage of this act.

With a committee amendment as follows:

On page 1, line 10, after the word "act," insert: "*And provided further*, That the retired pay allowed the said Albert Hamilton pursuant to this act shall be in lieu of the pension which he is now receiving."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. TREADWAY. Mr. Speaker, I move to amend the title of the bill just passed so as to read: "On the retired list of the United States Navy," rather than "on the retired list of the Marine Corps."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I move to reconsider the vote whereby the bill was passed, and move to lay that motion on the table.

Mr. MANN. You put it in the title and leave it unchanged in the bill.

Mr. TREADWAY. The Navy Department has made that request in the report.

Mr. MANN. Why put it in the title and not in the bill itself? Why not recite the fact when the bill provides to put the man on the retired list of the Marine Corps? I was wondering why they did not also put it in the bill.

Mr. TREADWAY. The Secretary of the Navy——

Mr. MANN. Oh, that is expert advice. [Laughter.]

Mr. TREADWAY. Then I withdraw my request.

Mr. MADDEN. It was argued the other day that the Marine Corps was not in the Navy. I want to inquire now if it has been changed? [Laughter.]

The SPEAKER. The Clerk will report the next bill.

CORNELIUS DUGAN.

The next business on the Private Calendar was the bill (H. R. 1290) for the relief of Cornelius Dugan.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint Cornelius Dugan, who served with distinction as chief gunner in the United States Navy during the War of the Rebellion, a lieutenant commander in the United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant commander with the retired pay and allowances of that grade.

With a committee amendment as follows:

Strike out all after the enacting clause and insert: "That the President is hereby authorized to advance on the retired list of the Navy, to the rank of lieutenant commander, Cornelius Dugan, who served with credit in the United States Navy during the Civil War and the war with the German Government: *Provided*, That the said Cornelius Dugan shall not in consequence of such advancement be entitled to any increase in the pay which he is now receiving as a retired officer of the Navy."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DARROW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

LIEUT. COL. HENRY C. DAVIS.

The next business on the Private Calendar was the bill (H. R. 5210) for the relief of Lieut. Col. Henry C. Davis.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice that at one time the Navy Department recommended that this bill be not passed. I think perhaps it had better go over. I ask that it be passed over.

The SPEAKER. Without objection, this bill will be passed over.

There was no objection.

The SPEAKER. The Clerk will report the next one.

ALVAH B. DOBLE.

The next business on the Private Calendar was the bill (H. R. 5768) to amend and correct the military record of Alvah B. Doble.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, this form of bill is very unusual. Has anybody on the Committee on Military Affairs examined the form?

Mr. MILLER. I have examined the form, and it should be amended after the word "That," in line 3 of the bill, so as to read——

Mr. MANN. And not provide that the Secretary of War is directed to issue an honorable discharge as of that date.

Mr. MILLER. That should be eliminated.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That Alvah B. Doble shall hereafter be held and considered to have been honorably discharged as a private of Company F, Seventh Regiment Maine Volunteer Infantry, as of the date of January 28, 1863; and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Alvah B. Doble an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

Mr. MILLER. Mr. Speaker, I move to amend the bill in line 3, after the word "that," by inserting the words "in the construction of the pension laws."

Mr. McKENZIE. Should not the word "administration" be used instead of "construction."

Mr. MILLER. I will accept that amendment.

The SPEAKER. The gentleman from Washington offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLER: In line 3, after the word "that," insert "in the administration of the pension laws."

The amendment was agreed to.

Mr. MILLER. Mr. Speaker, I offer a further amendment, in lines 6, 7, and 8, to strike out the words "and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Alvah B. Doble an honorable discharge as of that date."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Speaker, may I direct the attention of the gentleman from Washington to the language of the proviso? The proviso usually reads that no pay, bounty, or other emoluments shall accrue or become payable prior to the passage of this act.

Mr. MILLER. That is correct.

Mr. WALSH. Will the gentleman accept an amendment to that effect?

Mr. MILLER. I will.

Mr. WALSH. Mr. Speaker, I offer an amendment, in line 9, after the word "no," insert the word "pension" and a comma, and in line 10 strike out the words "by virtue of" and insert "prior to."

The SPEAKER. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 9, after the word "no," insert the word "pension," and in line 10, after the word "payable," strike out the words "by virtue of" and insert in lieu thereof the words "prior to."

Mr. MANN. Aside from the changes made by these amendments, I take it the bill as reported was in very good form. [Laughter.]

Mr. MILLER. I think that as amended it is a perfectly good bill.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. MILLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROBERT RUSSELL.

The next business on the Private Calendar was the bill (H. R. 5791) for the relief of Robert Russell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Robert Russell, a citizen and resident of St. Cloud, Minn., who, without fault on his part, was, on the 16th day of February, A. D. 1920, severely injured by reason of the icy condition of the steps leading to the Federal building, or post-office building, at St. Cloud, Minn., the sum of $1,000, and the sum of $1,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

With the following committee amendment:

On page 1, line 9, strike out the figures "$1,000" and insert in lieu thereof the figures "$218"; and on page 1, line 10, strike out the figures "$1,000" and insert in lieu thereof the figures "$218."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

RUPERTO VILCHE.

The next business on the Private Calendar was the bill (H. R. 5251) for the relief of Ruperto Vilche.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Ruperto Vilche, of Guantanamo City, Cuba, in full compensation for the loss of his daughter, Idelisa Vilche, and for injury to his daughter, Ofelia Vilche, the former having been killed and the latter injured by a bullet fired from his rifle by Pvt. Ralph F. Carter, United States Marine Corps, who became suddenly insane while on sentry duty at the marine camp near Guantanamo City, and for all expense incurred by the said Ruperto Vilche in connection with the said death and injury.

With the following committee amendment:

Page 1, line 4, after the word "authorized," insert "and directed," and in line 4, after the word "pay," insert "out of any money in the Treasury not otherwise appropriated."

Mr. MANN. Mr. Speaker, this is to pay a citizen of Cuba for being shot by a soldier of the United States who was in Cuba. I think it is a proper payment. A few moments ago the gentleman from Washington objected to a bill for the payment of a Japanese who was killed by a lot of American soldiers who got drunk in Mexico. I suppose he thinks it is more according to regulations for the soldiers to get drunk and kill some one that it is to be killed by an insane man, but I hope the Japanese will not hold it up against all of us, because he was a Japanese, and the gentleman comes from where they do not like Japanese.

Mr. MILLER. Oh, Mr. Speaker, I did not object on so narrow a ground as the gentleman from Illinois would seem to indicate. I stated in my objection that unless there was some one on the floor who could explain the circumstances of the death I should object. The gentleman from Illinois came forward with nothing to comply with my suggestion. Whether it is a Mexican, a Japanese, or citizen of the United States, or whether it is in Mexico or in Cuba, it makes no difference to me. I simply want to correct the impression that I objected because it was a Japanese who was killed. I asked the gentlemen on the floor of the House if any of them knew any of the circumstances. Now, if the gentleman had stated the facts and circumstances to the membership, I would have had no objection.

Mr. ROGERS. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. ROGERS. I think one of the two Japanese bills—my attention was diverted at the time it was called up—is particularly meritorious. I refer to the bill for the benefit of Torahachi. As to the other I know less and feel very much less interest. I wonder if the gentleman would permit me to say a word as to the Torahachi bill?

Mr. MILLER. I should be very glad to have the gentleman do so.

Mr. ROGERS. This is the situation: Some years ago, I think in 1915—I have not refreshed my memory lately—this Japanese laborer was lying asleep in a cabin near Schofield Barracks, in Honolulu. An American sentry a mile away was at his post. He fancied that there was something suspicious, became, apparently, a little bit excited, and discharged his rifle, which was loaded with ball. That bullet sped on its way into the cottage where the Japanese laborer was lying asleep and killed him. The bill is to provide a sum of money for the widow and, I think, four or five children of the killed Japanese. The Secretary of State now in office and at least two former Secretaries of State have represented in the strongest possible way to the Committee on Foreign Affairs that it would be an extremely gracious and courteous thing for the American Congress to see that some compensation was made.

Mr. MILLER. In answer to the gentleman from Massachusetts I will say that if he had made that statement prior to my making the objection there would have been no objection on my part. I simply asked for some information concerning the bill.

Mr. MANN. I would like to butt in long enough to apologize to the gentleman from Washington. The fact is that the report does not sufficiently state the facts. I remembered the case, but I could not have told it as well as the gentleman from Massachusetts.

Mr. ROGERS. After the present bill is disposed of, I should like to ask unanimous consent to return to this particular bill.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 309) appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate No. 29 to the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments Nos. 21, 31, and 35 to said bill, had agreed to the further conference asked by the House thereon, and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11065) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. WARREN, Mr. LODGE, Mr. OVERMAN, and Mr. HITCHCOCK as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCNARY, Mr. JONES of Washington, and Mr. OVERMAN as the conferees on the part of the Senate.

GEORGE W. POSEY.

The next business on the Private Calendar was the bill (H. R. 4894) for the relief of George W. Posey.

The SPEAKER. Is there objection?

Mr. CLARKE of New York. Mr. Speaker, reserving the right to object, I would like to have a little explanation of this bill. No one seems to offer any information, and I object.

Mr. MANN. This is an old soldier——

Mr. CLARKE of New York. Mr. Speaker, I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion against George W. Posey, late of Company A, Twentieth Regiment, and Company B, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, and issue to him an honorable discharge.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:
"That in the administration of the pension laws George W. Posey, late a private in Company A, Twentieth Regiment, and a private in Company B, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States: *Provided*, That no pension shall accrue prior to this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

W. W. M'GRATH.

The next business on the Private Calendar was the bill (H. R. 2722) for the relief of W. W. McGrath.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, this is a bill for damage to an automobile. I notice that the committee has an amendment, and I would like to ask how it arrived at the sum of $459.50?

Mr. EDMONDS. The department recognized that the damage to the car amounted to $180.50. Doctor McGrath had to employ an automobile, at $3 a day, for 93 days. That would amount to $279, which, added to the $180.50, makes $459.50.

Mr. WALSH. I do not believe the committee ought to report bills giving damages on that basis. He might claim that the automobile he hired could not travel as fast as the one he owned and, therefore, he should receive a little extra compensation.

Mr. EDMONDS. We thought that $3 a day was very reasoncompensation for the use of an automobile for a doctor in active practice. We did not think he was out of the way in the amount that he asked.

Mr. WALSH. The gentleman is satisfied that he was deprived of the use of this machine, and that this is not an exorbitant allowance in that section of the country with which to hire one of the products that has made the State of Michigan famous in order to help this doctor out?

Mr. EDMONDS. The committee felt that was fair compensation for the damage that he suffered.

Mr. WALSH. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $930 to W. W. McGrath, in full of all claims he may have against the Government for damages done to his automobile by a United States Army truck on October 21, 1918.

With the following committee amendment:

Line 6, strike out "$930" and insert "$459.50."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, I move to strike out the last word. The War Department has authority to settle this claim up to the sum of $500.

Mr. EDMONDS. They offered to settle the claim upon the basis of the actual damage, $180.50, to the automobile. The doctor refused to accept that because he felt that he should receive proper reimbursement.

Mr. MANN. I understand why he refused.

Mr. EDMONDS. The department could not pay the balance.

Mr. MANN. When we passed the law giving authority to the War Department to settle claims up to $500, and giving to certain other departments the same authority, it was the understanding that the committee on claims would cease to report to the House bills for claims which the War Department was authorized to settle. I do not object to this claim, but I hope the Committee on Claims, after urging Congress to pass legislation to relieve them from looking after these small bills, will not start in to consider all those bills because the War Department will not settle for the amount that the man claims.

Mr. EDMONDS. I hope so, too.

Mr. MANN. And if any more of them come in while I am here I think they shall have to be contested. That would have been the case with this probably, except that I did not want to quarrel with my most estimable colleague [Mr. MCKENZIE].

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES T. FARRILL.

The next business on the Private Calendar was the bill (H. R. 1482) for the relief of James T. Farrill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James T. Farrill, alias James Toy, alias James Butler, who served as a private in Company E, Sixteenth Regiment New York Volunteer Cavalry, and in Company D, Fifth Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization the 1st day of May, 1895.

With the following committee amendment:

Page 2, line 1, strike out the figures "1895" and insert in lieu thereof "1865": *Provided*, That no pension, pay, or bounty shall be held to have accrued prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN B. H. WARING.

The next business on the Private Calendar was the bill (S. 667) for the relief of John B. H. Waring.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to restore to John B. H. Waring, late a captain in the Medical Corps, the files of which he was deprived, and, by and with the advice and consent of the Senate, appoint him an officer of the Medical Corps in the Army of the United States as of May 5, 1917, with such rank as he would have attained had he not been discharged, and when so appointed he shall be placed on the retired list of the Army.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

EDWARD SHORT.

The next business on the Private Calendar was the bill (H. R. 546) authorizing the Secretary of the Treasury to pay war-risk insurance to the foster parents of Edward Short.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILLER. Mr. Speaker, I should like to have some explanation from some Member of the House. This is rather an unusual bill, and while I hesitate to object to it, I would have to do so unless some explanation was given.

Mr. EDMONDS. Mr. Speaker, Edward Short, after entering the Army took out an insurance policy which is made payable to himself. He was killed in action. Upon investigation it was found that when he was about 15 years old he was found in a barn as a waif by Charles A. Thornton. Mr. Thornton took him, raised him, educated him, and he lived with Mr. Thornton for over 15 years. There appears to be no other heirs to this man Short. He would have come under the Sweet amendment, approved December 24, 1919, which included foster parents, if it had not been for the fact that he did not designate Mr. and Mrs. Thornton as the people to get the money under the policy. As long as there are no other heirs, the committee thought that the money justly belonged to somebody, and, inasmuch as by the placing of the names of Mr. and Mrs. Thornton in the policy they would have gotten the money, the committee felt that it is only fair that it should be paid to them.

Mr. MILLER. In view of the explanation, I withdraw my objection.

Mr. McCORMICK. Mr. Speaker, was this man regularly adopted?

Mr. EDMONDS. No; and the Sweet Act does not require that.

Mr. MANN. He was not legally adopted?

Mr. EDMONDS. No.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles A. Thornton and Elizabeth Thornton, foster parents of Edward Short, formerly a member of Company B, One hundred and thirty-second Regiment United States Infantry, the sum of $10,000 in 36 installments, as provided in the war risk insurance act, and upon the death of the said Charles A. and Elizabeth Thornton the remainder of such sums unpaid be paid to the children of said Charles A. and Elizabeth Thornton.

With the following committee amendments:

Page 1, line 9, strike out the words "thirty-six" and insert in lieu thereof the words "two hundred and forty."

Page 2, line 1, after the word "Thornton," strike out the words "the remainder of such sums unpaid be paid to the children of said Charles A. and Elizabeth Thornton" and insert in lieu thereof the words "all payments shall cease."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

L. A. M'MULLEN.

The next business on the private calendar was the bill (H. R. 1892) for the relief of L. A. McMullen.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to L. A. McMullen, Gardiner, Mont., the sum of $73.75, payment in full to compensate him for clothing lost while engaged as a government employee in fighting forest fires in Yellowstone National Park, September 4, 1919.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BELLS FOR CHURCH IN GLOUCESTER, MASS.

The next business in order on the Private Calendar was the bill (H. R. 5495) to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill S. 1610, which is identical with this bill, and that the Senate bill be considered in place of the House bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 1610) to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of duty a certain carillon of 25 bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TREADWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection the House bill will be laid on the table.

There was no objection.

TORAHACHI URATAKE.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 60 (S. 1077), to which the gentleman from Washington [Mr. MILLER] objected a moment ago and as to which I think he has been somewhat enlightened since.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none. The Clerk will report the bill:

An act (S. 1077) to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915.

Mr. MILLER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. ROGERS] explain the facts connected with this claim.

Mr. ROGERS. Mr. Speaker, the facts as I gave them to the House were substantially correct with one exception. I stated previously that the United States soldier became frightened and discharged his musket at some supposed enemy. The fact was that while on night sentry duty he was shifting his rifle from one shoulder to the other and the rifle was accidentally discharged. The bullet went into the heart of this Japanese lying in his hut asleep nearly a mile away. The soldier was court-martialed, was found guilty, and was sentenced to six months' imprisonment at hard labor, which seems to indicate that in view of the military authorities the soldier was negligent. The other facts are exactly as I have stated. There are a widow and four minor children. The War Department has approved the passage of this bill. Three Secretaries of State have approved the passage of the bill, and I have in my possession an elaborate argument in behalf of the measure signed within the last year by Secretary of State Hughes. I think there can be no doubt that the Government owes an obligation in this matter, and that it will be gratifying to the Japanese Government if the Congress of the United States should recognize this obligation in such a way as this.

Mr. MILLER. Mr. Speaker, if the explanation had been rendered, which the gentleman from Massachusetts has so ably made just now, there would have been no objection I think to the taking up of this bill. I simply objected to it in the absence of facts before the House, and I am very glad now to withdraw any objection, as I think it is a meritorious claim and should pass.

The Clerk read as follows:

Be it enacted, etc., That there is authorized to be paid, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor to the Government of Japan, $5,000 for the benefit and consolation of the family

of Torahachi Uratake, a Japanese subject killed on November 25, 1915, at Schofield Barracks, as set forth in the letter from the Acting Secretary of War dated February 19, 1916, and printed as House Document No. 785, Sixty-fourth Congress, first session.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES E. CONNORS.

The next business in order on the Private Calendar was the bill (H. R. 7695) for the relief of James E. Connors.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, I would like to hear any facts in connection with this case and will reserve the right to object.

Mr. ROSE. Mr. Speaker, this claim has been before the House on several occasions and I endeavored to acquaint the Members with the facts in the case as they have been developed by the testimony. This bill is for the relief of James E. Connors, a boy a little over 7 years of age, who in October, 1918, in broad daylight, on his way home from school, was attracted by a siren horn blown in the navy yard at Brooklyn, the usual method employed for fire alarm. The boy was standing on the pavement, where he had the right to stand in my opinion, and a truck came out of the navy yard, without any indication of its coming at all, no noise was made of any kind, and when the driver came to the gate he made a sharp turn to the right and the rear right wheel of this big truck ran over this boy's foot and made amputation necessary.

Your committee have agreed upon the sum of $2,500 for the relief of the little fellow, as we are convinced that he can not be charged with negligence. His mother is a poor woman, is unable to maintain herself except by her own labor, and the boy is utterly incapacitated, and will remain so for a period of years. They have no money with which to buy a new leg for the unfortunate boy. We were impressed by the testimony given by the various witnesses summoned by the naval board which investigated the matter. The policeman at the gate says that it was his business to watch pedestrians at the time of the fire, and opened the gates for the large truck and while his back was turned toward the boy the latter was injured by the truck, and was picked up by some spectators and given first aid. Now, it will be found by reading the testimony in the case that the operator of the car was discharged because of inefficiency, and the committee believes, as a matter of right, this claim should be allowed. There is no legal obligation on the part of the Government, of course, to pay this little boy, guilty of no negligence whatever, not required to have a guardian with him on his way home from school, and who was injured in the manner I have indicated. The committee reduced the amount from $25,000 to $2,500. We considered in our deliberations the awards made by the compensation laws of the various States, and we concluded that a disability of this kind would be paid likely upon a basis of 45 per cent. And taking it for granted that that boy, if he could have gotten any compensation at all, could have earned $50 a month, on the basis of 45 per cent he would be awarded at that age over $4,000. But, of course, we can not consider the payment to the boy under the compensation law, because we did not have such a law at that time. I am firmly convinced that it is clearly right that we should award this poor boy $2,500 for the suffering that he sustained in that accident, especially when it was no fault of his own, and the further reason that he is crippled for life. And in view of the fact that we have paid $5,000 for the loss of life of a mature man, it is certainly not wrong to pay $2,500 to a boy who was injured under such conditions, and I think that amount is only fair compensation for this accident.

Mr. SMITH of Michigan. How old is he now?

Mr. ROSE. He was less than 8 years old at the time of the accident.

Mr. MILLER. Will the gentleman yield for a couple of short questions?

Mr. ROSE. I gladly yield to the gentleman from Washington.

Mr. MILLER. Was the boy on the sidewalk when he received the injury? Did the truck mount the sidewalk?

Mr. ROSE. He was standing on the sidewalk. There was a curbing to protect the gate, and the boy had his foot out beyond that curbing and turned to look at the truck coming out. The man made a quick turn, and the policeman heard the boy cry and picked him up. He was on his way home from school.

Mr. MILLER. Did the truck mount the sidewalk where the boy was standing, or did the boy get out beyond the curbstone?

Mr. ROSE. I want to say that this stone that I speak of was the stone buffer near the gate. The driver made a quick turn and the wheel ran over the boy's foot.

Mr. MILLER. It was a Government truck?

Mr. ROSE. It was a Government truck, and the driver of it was discharged in less than 30 days.

Mr. HOGAN. Mr. Speaker, I desire to supplement what the gentleman from Pennsylvania has stated, that there was this buffer there, and the truck turned short and knocked the boy down, causing the accident which necessitated the amputation of his leg.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7695) for the relief of James E. Connors.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of James E. Connors the sum of $2,500 in compensation for injuries caused by a Navy automobile, resulting in the amputation of his left foot.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RELIEF OF J. B. WATERMAN.

The next business on the Private Calendar was the bill (H. R. 2742) for the relief of J. B. Waterman.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILLER. Mr. Speaker, reserving the right to object, I would like some explanation of this bill.

Mr. EDMONDS. I would like to ask for the discharge of the committee from further consideration of the bill H. R. 2742, and have substituted in place of it the bill S. 1059.

The SPEAKER. No unanimous consent has been given for the consideration of the bill. The gentleman from Washington asks for an explanation of it.

Mr. MOORE of Ohio. Mr. Speaker, this bill is for the relief of J. B. Waterman, postmaster at Belpre, Ohio. There were several robberies of the post office, and this is for a particular robbery in 1911, when money and stamps to the value of $483.25 were taken. Mr. Waterman was ill at the time. He was the postmaster and, of course, reimbursed the Government after the robbery. The post office was in charge of two clerks, and affidavits that are in the report state that these stamps and money were put in the safe and that the safe was locked when they left the office. When the clerks returned the next morning they found that the stamps and the money were missing. They instituted a search around the building and also made other observations, and they could not find where anyone had entered the building except through the door, likely by the use of a skeleton key. But the safe had been opened and the money and the stamps were missing.

As I have said, Mr. Waterman was ill at the time and absent. This is the report that was given by those who were in charge of the post office and by the village marshal, so far as he knew anything about it. This is in the usual form, I think, of bills to reimburse postmasters under similar circumstances. I should like to say in addition that this bill has twice passed the Senate. During the Sixty-sixth Congress it was introduced by our distinguished President, who was then a Senator from Ohio, and it passed the Senate, and just the other day the bill introduced by Senator WILLIS for the same purpose also passed the Senate, the one that the chairman of the committee asks to have substituted.

Mr. WILLIAMSON. Was this safe locked?

Mr. MOORE of Ohio. That is the testimony of the clerk.

Mr. WILLIAMSON. Was it blown?

Mr. MOORE of Ohio. It was not blown. It was doubtless opened by some one familiar with the opening of safes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MANN. That is the House bill. The gentleman asked unanimous consent to substitute a Senate bill.

Mr. EDMONDS. I ask for the consideration of the bill S. 1059 in lieu of the bill H. R. 2742.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 1059) for the relief of J. B. Waterman.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. B. Waterman, of Belpre, Ohio, the sum of $483.25, being the amount paid the Government by him for that value of stamps and money taken from his custody as postmaster of Belpre, Ohio, by burglars, on February 13, 1911.

Mr. EDMONDS. Mr. Speaker, I would like to offer an amendment to the bill.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Line 4, after the word "directed," add a comma and the following: "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. EDMONDS. Mr. Speaker, I move to lay the House bill of similar tenor on the table.

The motion was agreed to.

The SPEAKER. The Clerk will report the next bill.

PAN AMERICAN PETROLEUM & TRANSPORT CO.

The next business on the Private Calendar was the bill (H. R. 9866) authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, reserving the right to object in conformity with the others, I would like to have some explanation of this bill, and I think the Members of the House would.

Mr. EDMONDS. Mr. Speaker, this is one of the usual bills that the House has passed any number of in connection with collisions. The bill is in the usual form. The Secretary of the Navy says:

As it appears that the naval vessel was responsible for the collision and the resulting damages to the *Doheny*, it is believed that the Pan American Petroleum & Transport Co., the owner of the damaged vessel, is entitled to have its claim passed on by a court of law, and it is respectfully recommended that bill H. R. 9866 receive favorable action.

Mr. MILLER. That is all the committee is trying to do—to put the matter into court, to have it passed on according to law?

Mr. EDMONDS. Yes.

Mr. ROSE. Mr. Speaker, I have thought that right here might be a good time and place to state to the House the policy of the committee on measures of this kind. When any person comes before the committee and asks for the right to bring an action against the United States Government in order to determine the justice of a claim, the subcommittee of which I have the honor to be chairman has made an affirmative report on every request of that kind. We are not familiar with the facts at all. There is nothing given to the committee, but the privilege is asked to bring suit against the Government and have the case taken to the Court of Claims.

I think it is only a matter of right, but they are required, of course, to pursue the course laid down by the laws of our country. I believe that in all of these cases the committee is justified in permitting the claimant to bring his action before the proper tribunal of this Government in order to determine whether or not the claim has any merit, just as a citizen can sue another citizen. We give anybody the right to bring his action. As one who believes the Government ought to come into court with clean hands, I for one am always in favor of allowing claimants to bring suit against the Government when permission to do so is requested under the usual conditions.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ROSE. Yes, sir.

Mr. GARRETT of Tennessee. The gentleman says the committee knew nothing of the facts. I assume, of course, that the committee inquired enough to ascertain that there was some shadow of a claim?

Mr. ROSE. Oh, yes. I would not have the gentleman from Tennessee understand that the committee had not received information from the claimants. They have always stated in their report the reason for asking the amount, and the committee, of course, have considered the reports that are given to them, showing upon what ground the claim is made, and usually we have a report from the department of the Government affected, in which they tell us that the Government in many instances is responsible for the accident. In this particular case we have that information from the proper department of the Government affected, showing that the negligence was on the part of the Government vessel.

Mr. GARRETT of Tennessee. If the gentleman will permit me, I will say that I was sure that the practice the gentleman stated is the practice of the subcommittee, but I feared that his former statement to the country might be construed to mean that when anybody came along and said, "I want to sue the Government," the committee would say, "All right."

Mr. ROSE. I thank the gentleman for mentioning it. I did not intend to convey any impression of that kind. I am sure all the Members of the House know that something must be presented to the committee to warrant a finding, and that we depend largely upon the written opinions of the heads of the various departments of the Government.

The SPEAKER pro tempore (Mr. DOWELL). Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Pan American Petroleum & Transport Co., a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business in the city and county of Los Angeles, in the State of California, owner of the oil tank steamer *Edward L. Doheny, Jr.*, for damages caused by collision between said vessel and the torpedo-boat destroyer *Henley*, a naval vessel belonging to the United States, in the North Atlantic Ocean in the neighborhood of Fenwick Shoal Light Vessel, on or about the 14th day of July, 1918, may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court in admiralty and acting under the rules in admiralty governing said court, in an action in which said Pan American Petroleum & Transport Co. is hereby authorized to commence against the United States for the recovery of said damages. Said court shall have jurisdiction to hear and determine said action and enter its judgment or decree therein for the amount of such damages, if any, as shall be found to be due against the United States in favor of said Pan American Petroleum & Transport Co., or against the Pan American Petroleum & Transport Co. in favor of the United States, upon the same principles and according to the measure of liability prevailing in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of said action shall be given upon or after the commencement of said action to the Attorney General of the United States, as may be provided by order of said court, and it shall be the duty of the Attorney General upon receipt of such notice to cause the United States attorney in such district to appear for and defend the United States in such action: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FIRST NATIONAL BANK OF WALTHILL, NEBR.

The next business on the Private Calendar was the bill (H. R. 8186) for the relief of the First National Bank of Walthill, Thurston County, State of Nebraska.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. EDMONDS. Mr. Speaker, at the request of the gentleman from Nebraska [Mr. EVANS] I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice and take its place on the calendar.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

OWNER OF THE DERRICK "CAPITOL."

The next business on the Private Calendar was the bill (S. 1767) for the relief of the owner of the derrick *Capitol*.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MILLER. Reserving the right to object, Mr. Speaker, I think an explanation should be given of this bill.

Mr. EDMONDS. Mr. Speaker, this is exactly on a par with the other case. The Assistant Secretary of the Navy, Franklin D. Roosevelt, writing to the committee under date of November 6, 1919, states:

The bill (S. 3293)) inclosed with your letter of November 1, 1919, has for its sole purpose the authorization of a suit against the United States on account of damages sustained by the derrick scow *Capitol* while being towed by the United States Navy tug *No. 80*, and it in no sense admits liability on the part of the Government. Without admitting liability of the Government the department is of the opinion that the claimant company is equitably entitled to have its claim adjudicated in a court of competent jurisdiction.

Mr. MILLER. Will the gentleman yield?

Mr. EDMONDS. I yield to the gentleman from Washington.

Mr. MILLER. The title of the bill is different from that of the preceding bill. This is a bill for the relief of the owners. The other was a bill authorizing the bringing of a suit. Should not the title be corrected if the object is the same in both cases?

Mr. EDMONDS. Either form has been used before, and it has seemed to make no difference. That question has never been raised before.

Mr. WALSH. The title is not a part of the bill anyway.

Mr. EDMONDS. The owners are really asking for the right to bring suit. It does not give them any relief unless they get a verdict.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the claim of the owner of the derrick *Capitol*, arising out of collision while in tow of the United States Navy tug *No. 89* on April 3, 1919, at Harlem River, N. Y., for and on account of the losses alleged to have been suffered in said collision by the owner of said derrick *Capitol* by reason of damages to said derrick, may be submitted to the United States District Court for the Eastern District of New York under and in compliance with the rules of said court sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said derrick *Capitol* or against the owner of said derrick *Capitol* in favor of the United States, and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

STEAMER "MAYFLOWER."

The next business on the Private Calendar was the bill (H. R. 4365) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, Mr. Speaker, I notice that the Navy Department is not willing to admit that there was any liability or responsibility on the part of the Government vessel, the *L-10*, which, I believe, was a submarine. I believe this accident occurred during a dense fog in Boston Harbor or in Nantasket Roads. I should like to ask if the committee are satisfied, from the circumstances as stated by the Navy Department, that there was such negligence or culpability on the part of the parties in charge of this submarine as to make the case one which should be referred to the courts?

Mr. EDMONDS. Mr. Speaker, of course it is impossible for the committee to decide which vessel was at fault where a controversy arises as to how two ships were running at sea. It appears that the Navy Department contend that they were right and the owners of the steamship *Mayflower* contend that they were right. There is no way of having that question adjudicated unless we allow it to go to the court, so that it may be settled conclusively.

The department has not acknowledged responsibility for the collision nor assumed liability for the damages suffered by the *Mayflower* or by any of her passengers, but as the bill H. R. 4365 proposes to refer the claims to a Federal court to be determined, it is respectfully recommended that it be given favorable consideration.

That is the statement in the report. Of course, it is absolutely impossible for the committee to find out which ship was improperly handled in a collision at sea.

Mr. WALSH. Is it the attitude of the committee that if there is responsibility on the part of this submarine for this injury the owners of the steamboat should have the right to go in and have their damages recovered, but that the passengers on that steamboat must suffer whatever injury they received without any recompense?

Mr. EDMONDS. The relationship of the passengers to the collision is entirely different from that of the two boats. The passengers, of course, have their opportunity to collect from the steamer. Whether the steamer could pass that damage along to the Government in event the Government was found to be at fault I do not know.

Mr. WALSH. Does the gentleman state that the passengers can collect from the steamer if the steamer was not at fault?

Mr. EDMONDS. If the steamer was not at fault I presume that the damage would be passed along to the Government.

Mr. WALSH. To the Government?

Mr. EDMONDS. I would presume so. I presume that the court in hearing the case would take up all the facts.

Mr. WALSH. But you have stricken out that part of the bill which provides for the hearing of the claims of the passengers.

Mr. EDMONDS. We do not want the court to hear the claims of the passengers until there is a determination which of the steamers was to blame.

Mr. WALSH. Apparently the Navy Department contends, from its letters signed by the Secretary, that the submarine was not at fault?

Mr. EDMONDS. Yes.

Mr. WALSH. Now, suppose that the district court finds that the submarine was at fault. Is it the gentleman's position that the passengers must then come in and file individual claims?

Mr. EDMONDS. The passengers can not file claims against the Government. They will file claims against their own steamer.

Mr. WALSH. Supposing their own steamer was not at fault, to whom are the passengers to look?

Mr. EDMONDS. I do not know.

Mr. WALSH. That is just what I am emphasizing, that here is a claim against the Government of the United States because some property has been damaged, and you are permitting the owner of the property to go into the United States district court on the theory that a Government officer was negligible, whereas if some passengers were injured in that same accident and by reason of that same negligence those passengers have got to whistle.

Mr. MANN. Surely the gentleman will recall that it never has been the policy of the Government to permit people to sue the Government for personal injuries, and it is not now the policy of the Government and will not be begun with this bill, I take it.

Mr. WALSH. I think that has been changed by legislation.

Mr. MANN. No.

Mr. WALSH. Since we have been operating the Shipping Board.

Mr. MANN. They may sue the Shipping Board. I do not know whether it will come at some time, but it has not come yet. The Government would be at the mercy of friendly juries throughout the country if a man in any locality could sue the Government for $50,000 for personal injuries caused by the negligence of some Government officer.

Mr. WALSH. Of course, the Government is at the mercy of a friendly jury in a case of injury to a steamboat amounting to $11,000 or $12,000.

Mr. MANN. This case may not be heard by a jury. It is an admiralty case.

Mr. ROSE. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Pennsylvania.

Mr. ROSE. Does the gentleman from Massachusetts take the position that the owners of this vessel that was injured should be deprived of the right of bringing their action before a proper tribunal to determine the facts of the case?

Mr. WALSH. No; I am not taking any position.

Mr. ROSE. To go one step further, this committee has not been called upon with respect to any damage done to the passengers.

Mr. WALSH. The committee was called upon because it was contained in the original bill and the committee struck it out.

Mr. ROSE. When it was presented we took the ground, as the chairman has already said, that it might be well to determine whether or not the Government was at fault in this instance before we considered the claims of the passengers.

Mr. WALSH. The gentleman means to let the court determine it?

Mr. ROSE. Yes; for the reason that they did not have the right as individuals to sue the Government; neither does the resident of any State have the right to sue the State government without an act of the legislature. This is the only means provided by which claimants against the Government can have their claims adjusted.

Mr. WALSH. I am in favor of the gentleman's amendment, but I wanted the theory or policy upon which the committee was operating. I predict that if the Government is found at fault this committee will be passing on the claims for injury received in the collision by individuals.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to consider the bill S. 1813 instead of the House bill.

The SPEAKER pro tempore. The gentleman asks unanimous consent to consider the Senate bill instead of the House bill. Is there objection?

Mr. WALSH. Reserving the right to object, let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owner of the steamer *Mayflower* rising out of a collision between said steamer and the United States submarine *L–10* in President Roads, Boston Harbor, on the 11th day of August, 1917, for and on account of the losses alleged to have been suffered in said collision by the owner of said steamer *Mayflower* through damage to and detention of said steamer *Mayflower*, may be submitted to the United States court for the district of Massachusetts, the district in which said collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty: *Provided*, That the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania to consider the Senate bill in lieu of the House bill?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, lines 8 and 9, strike out the words "and detention of."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

By unanimous consent, the House bill was laid on the table.

FRANK W. KNIGHT.

The next business on the Private Calendar was the bill (H. R. 8374) for the relief of the estate of Frank W. Knight.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MILLER. Reserving the right to object, I would like to hear from some Member who knows the facts.

Mr. GARRETT of Tennessee. Mr. Speaker, I have the report in my hand, but I am not acquainted with the circumstances. It was reported by the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Speaker, this man, Frank W. Knight, was employed in the Revenue Service. He was ordered to lead a posse to raid a certain still which they knew was being operated at some place in the hills. He lead the posse, and in that raid he was shot, and died from the effects of it. He lived 30 days. He was a high-class man, faithful to the service, and efficient. He died in the discharge of his public duty.

Mr. MILLER. Who shot him, the resisting party?

Mr. COLE of Iowa. Yes. They did not know the particular man who shot him. There were a number of men connected with it. The leader of the resisting party was a notorious man by the name of Harmon, and the presumption was that he was shot by Harmon.

Mr. MANN. They may not have known, but they sent him to the penitentiary for 20 years [laughter] for having killed a man.

Mr. COLE of Iowa. Then they knew. [Laughter.]

Mr. EDMONDS. This is the customary way in which the committee has handled these cases.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the estate of Frank W. Knight, of Cary, Wake County, N. C., the sum of $1,500, on account of the death of said Knight while in the discharge of his duty as posseman under the collector of internal revenue for the eastern district of North Carolina.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman from Pennsylvania—I may be in error about the matter, but I have an impression that in cases of this sort the committee has been allowing more than $1,500.

Mr. EDMONDS. The committee has allowed a year's salary; that has been the custom.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BELL OF THE WRECKED CRUISER "MILWAUKEE."

The next business on the Private Calendar was the bill (S. 1733) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee*.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the president of Milwaukee Press Club, Milwaukee, Wis., for the use of the said press club, the bell of the wrecked cruiser *Milwaukee*, said bell now being in storage at the Mare Island Navy Yard: *Provided*, That no expense shall be incurred by the United States through the delivery of said bell.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DARROW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2004. An act for the relief of Frank Ferrin;

H. R. 927. An act for the relief of Capt. Fred S. Johnston;

H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce;

H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota;

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes;

H. R. 7234. An act for the relief of Miles Swift; and

H. R. 3270. An act for the relief of Estella Barnett.

MATTIE ALEXANDER.

The next business on the Private Calendar was the bill H. R. 8845 for the relief of Mattie Alexander.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MILLER. Mr. Speaker, reserving the right to object, I think the House is entitled to some statement regarding the merits of this measure.

Mr. BOWLING. Mr. Speaker, this bill provides that the Secretary of the Interior shall issue a patent to Mattie Alexander for the north half of the northeast quarter of fractional section 35, township 17 north, range 14 east, St. Stephens meridian, survey in Alabama. Miss Alexander is about the twelfth or fourteenth person who has had possession of this land in the last 100 years under color of title. There seems to have been an inaccuracy in the early records of the Land Office with respect to this section of land, 35. This fractional section contains less than 640 acres of land by reason of the meandering line of the Alabama River on one side of it, which makes it small. It appears from the statement of the Acting Secretary of the Interior that one entry which referred to this land as fraction A was, in fact, identical with and intended to cover the northeast quarter of the land, although the description "fraction A" was somewhat indefinite. For that reason the department is of opinion that although the record of the Land Office does not show that the northeast quarter was actually patented originally, yet the conflict in interest tends to show that it was the purpose of the Land Office to include and it did include this northeast quarter of the section under the description "fraction A" instead of making it the north-

east of the southeast quarter. The land was first patented in 1819, the year Alabama was admitted into the Union. The first patent carried the whole section. Then the first entryman transferred to a man whose name I do not remember, but the second owner of the land secured the whole section. He then relinquished all of the land except the fractional southeast quarter of it, and returned it to the Government. Of course, that return would have carried the northeast quarter to the Government, but later on, he having specifically reserved the southeast quarter, the Government then issued him a patent to fraction A, the southeast quarter of the land, which he already had.

There was no question about his having owned it, and it is the opinion of the department, as I read from the report—

There is reason, however, to believe that this last-named tract, fractional northeast quarter, was intended to be covered by the credit system certificate and patent of Bonnell, above referred to. The acreage given in that certificate and in the patent more closely approximates the area of the east half northwest quarter and the fractional northeast quarter than it does the east half northwest quarter and the southeast quarter. Then, too, there is the conflict as to the southeast quarter, as the entries now stand, and the further fact that there is no entry of record for the fractional northeast quarter.

Then in the communication of Mr. Finney, the Acting Secretary of the Interior, we find the following:

It appearing from the records of the General Land Office that Bonnell received a patent for the SE. ¼, while Cottrell received one for lot A, practically the same land, and that there is no entry for the N. ½ NE. ¼, it was assumed that one of these entries was intended to cover the last described tract, of which Miss Alexander appears to be in possession under color of title, but the proof of title furnished the office was not sufficient to warrant the amendment of either of the entries. Hence the department knows of no reason why the proposed bill should not be enacted into law.

Mr. MILLER. Are there any conflicting rights in this case?

Mr. BOWLING. There are no conflicting rights. I have in my possession an abstract of title which traces it from 1819 to Miss Alexander, and this includes 60.69 acres of land, a part of a tract of land of about 800 acres which she owns. There is no conflict of ownership at all.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue a patent to Mattie Alexander for the north half of the northeast quarter of fractional section 35, township 17 north, range 14 east, St. Stevens meridian, survey in Alabama.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. BOWLING, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH ZITEK.

The next business on the Private Calendar was the bill (H. R. 8448) for the relief of Joseph Zitek.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILLER. Mr. Speaker, reserving the right to object, I think the House is entitled to some explanation of the measure.

Mr. WALSH. Mr. Speaker, I object.

F. E. TAYLOR AND B. C. BROOM.

The next business on the Private Calendar was the bill (H. R. 8767) for the relief of F. E. Taylor and B. C. Broom.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I notice that in this bill the committee carries a small sum for compensation for personal injuries. Upon what theory was the award made?

Mr. UNDERHILL. Mr. Speaker, the theory was based upon the facts in the matter. These two men were injured through no fault of their own. An Army truck, driven by a civilian employee, came down one of the main streets in this town and the chain of the tailboard was hanging loose, with a hook on the end of the chain. It caught in the spokes of the wheels of a buggy that had been pulled up as near the curbing as possible to get out of the way of the truck. The buggy was dragged for some 50 feet, was wrecked, and the horse was injured, and the two men who were in the buggy at the time of the accident were also injured.

Both of these men showed a commendable spirit in not asking for large damages, but for just the amount which would recompense them for their doctors' bills, and nothing for loss of time, except in the case of Mr. Taylor, where the amount asked is about $500. The man's knee was severely injured, his leg was broken, and he was laid up for three months. He asked for $500. The committee thought from the reports received and the investigation that was made that it was a very reasonable amount. The other man asked for $100, and on my recommendation that was reduced to $50, the committee thinking that he had not suffered more than that amount of damages.

Mr. WALSH. How much of this is for damage to the horse and buggy?

Mr. UNDERHILL. Sixty-five dollars.

Mr. WALSH. The horse and buggy were owned by Mr. Taylor?

Mr. UNDERHILL. The horse and buggy were owned by Mr. Taylor.

Mr. WALSH. And this was upon a public highway?

Mr. UNDERHILL. One of the main streets of the town. They could not get further out of the way on account of the curbing.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. E. Taylor the sum of $565 as compensation for personal injuries and damages to horse and buggy sustained by being run into from the rear by a United States Army truck belonging to Company 47, then stationed at Camp Greene, Charlotte, N. C.; and to B. C. Broom the sum of $100 as compensation for personal injuries sustained in the same manner.

With the following committee amendment:

Line 10, strike out "$100" and insert in lieu thereof "$50."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ZAH BARMON.

The next business in order on the Private Calendar was the bill (H. R. 7425) for the relief of Zah Barmon.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Zah Barmon, of Spokane, Wash., doing business under the trade name of "Mikes' Trading Store," the sum of $3,625, to reimburse her for said amount of money deposited by her in connection with a bid submitted for certain surplus property advertised for sale by the Surplus Property Division of the War Department and erroneously covered into the Treasury of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBSTER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRADLEY SYKES.

The next business in order on the Private Calendar was the bill (H. R. 540) for the relief of Bradley Sykes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, I think we ought to have an explanation of this bill. The last bill was by my colleague, and, of course, it illustrates the teamwork of the Washington delegation.

Mr. MANN. And the gentleman let the last bill pass without even a report from the War Department.

Mr. MILLER. I think that further illustrates the teamwork of the Washington delegation.

Mr. MANN. I notice; the rest of us had better get busy.

Mr. BOX. Mr. Speaker, Bradley Sykes, the party injured in this case, was crossing a Chicago street at a crossing, and as she approached the middle of the street she stopped at or about the middle of the street watching several automobiles moving in the street across her path from the west, when a truck belonging to the Post Office Department and driven by one of its employees, approaching at a very rapid rate from the other direction, struck her as she stood about the middle of the street waiting to proceed, knocked her down, injured, and disabled her for some nine months, causing her to spend a large amount, as shown in the bill, for medical expenses, hospital treatment, and other incidental items. It appears to be a case of very gross negligence on the part of the driver of

the truck and no fault on the part of the claimant. The items constituting the amount of the claim have been gone into carefully by the committee. We are convinced that the claim is just and the amount reasonable.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $2,000 to Bradley Sykes, for injuries sustained as the result of being struck by a Government-owned automobile in Chicago on June 28, 1920.

The committee amendment was read, as follows:

Page 1, line 5, strike out "$2,000" and insert in lieu thereof "$1,727."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Box, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORA T. DERING.

The next business in order on the Private Calendar was the bill (H. R. 5668) for the relief of Cora T. Dering.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLER. Mr. Speaker, reserving the right to object, I think there ought to be some explanation of this bill, as I think the House would like to have it.

Mr. GLYNN. Mr. Speaker, I shall be very happy to inform the gentleman from Washington. This is a case of a man who was sitting in his own house, in his own dining room, when a rifle in the hands of a soldier in the Federal service was discharged and this man, John Dering, was killed. This was on April 7, 1917, just before the declaration of war. This soldier was a member of the National Guard and had been called into the Federal service a day or two before. It was the accidental discharge of a rifle in the hands of a soldier guarding a bridge and, as I say, killed this man who was sitting in his own dining room, and, in accordance with the judgment of the Committee on Claims, I am inclined to believe that even though a man may be a citizen of the United States perhaps he is entitled to as much protection as if he came from Japan or Cuba.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cora T. Dering, of Sullivan County, N. Y., out of any money in the Treasury not otherwise appropriated, for herself and in behalf of her children, the sum of $57.50 per month for a period of 10 years, in full settlement of all claims against the United States for the loss by death of her husband, John Dering, caused by carelessness in the use of a rifle or other firearm issued to Private John T. Kelley, while on duty as guard in the service of the United States at Callicoon, N. Y., on or about the 7th day of April, 1917, said compensation to be payable from and after April 7, 1917: *Provided*, That the said money shall be applied to the support of the widow and the said children during their respective minorities, but if she again marries the entire amount thereafter shall be used by her for the benefit of the minor children, and if the mother dies the money shall be paid the oldest child for the minors.

The committee amendments were read, as follows:

Page 1, line 6, after the word "appropriated," strike out "for herself and in behalf of her children the sum of $57.50 per month for a period of 10 years" and insert in lieu thereof "the sum of $5,000."

Page 2, line 1, after the figures "1917," strike out the remainder of the bill.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

G. C. CALDWELL.

The next business in order on the Private Calendar was the bill (H. R. 7052) for the relief of G. C. Caldwell.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to G. C. Caldwell, out of any sums in the Treasury not otherwise appropriated, the sum of $132.85 for damages to his automobile by an Army truck belonging to the Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULMER a motion to reconsider the vote by which the bill was passed was laid on the table.

ANNE C. SHYMER.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 6134) for the relief of the estate of Anne C. Shymer.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, this is a claim for loss of jewelry on the *Lusitania?*

Mr. EDMONDS. It occurred through the sinking of the *Lusitania.*

Mr. MANN. It did not occur through the sinking of the *Lusitania;* that is not the way——

Mr. EDMONDS. The loss occurred in the Consular Service; they are holding jewelry taken off the body of somebody sunk with the *Lusitania.* It is something like the house that Jack built.

Mr. WALSH. Well, as I understand it, this lady was a passenger on the *Lusitania.* She had some very valuable jewels. The steamer was torpedoed and sunk, and when her body was recovered the American consular or diplomatic officer took charge of this jewelry. They endeavored to transmit it by mail, and it was lost, or was lost in transit between one place and another, was it not?

Mr. EDMONDS. It was evidently lost in the consul general's office in London, as near as can be ascertained. It was transmitted by the consul at Cork to the office in London. There is no record of it after leaving the London office.

Mr. COLE of Iowa. There is a record of its having been placed in a sealed pouch of the Consular Service.

Mr. EDMONDS. But no record after that.

Mr. WALSH. It says that the department has no record of having received such a package in the pouch from London.

Mr. COLE of Iowa. The record is they were placed in the pouch.

Mr. WALSH. The American consul at Queenstown, Cork, was instructed by mail to endeavor to trace the package. The list of the jewelry is set out, and they evidently have been unable to verify——

Mr. EDMONDS. I think the gentleman is mistaken there. At the bottom of page 1 of the report you will notice that Leslie E. Reed, the American vice consul at London, wrote to Miss Justice:

At the request of the American consul at Cork, Ireland, the consul general has to-day forwarded to you, in care of the Department of State, a small parcel containing jewelry which formely belonged to Mrs. R. D. Shymer, who, I am informed, was one of the unfortunate *Lusitania* victims.

The record seems to have been lost after leaving the consul general's office in London.

Mr. COLE of Iowa. Yes; it was placed in the sealed pouch.

Mr. MILLER. Will the gentleman from Massachusetts yield so that I may ask the gentleman from Pennsylvania a question?

Mr. WALSH. Certainly.

Mr. MILLER. Who is to be the beneficiary of this legislation?

Mr. EDMONDS. Miss Maibelle Heikus Justice, of New York.

Mr. MILLER. A daughter?

Mr. EDMONDS. A sister.

Mr. MILLER. Now, would she be the heir at law?

Mr. EDMONDS. I presume so.

Mr. MILLER. Are there any children or direct heirs?

Mr. EDMONDS. I do not think so. It is supposed to be given to a legal representative.

Mr. MILLER. What is the amount?

Mr. EDMONDS. We gave $3,900. We arrived at that by a different valuation of the jewelry. The heirs valued the jewelry at the new, higher price. We had the estimate made on the price of the jewelry at the time it was purchased, and we gave them that.

Mr. MILLER. What is the explanation of this property being missing? Is there a thief in the service, or was there an accident?

Mr. EDMONDS. Nobody can tell that. There is no report about it. All that is known is that the consul at Cork, without legal responsibility, as near as I can find out, but with absolute moral responsibility, took possession of these jewels. He put them in a package and sent them to the consul general in London.

Mr. MILLER. Through the mails?

Mr. EDMONDS. I do not know whether it was or not. But the jewelry arrived at London. It is so acknowledged. Appli-

cation was made by Miss Justice for this property, probably after some search by the department. I do not know as to that. Mr. Reed, I think it was, put this package in the mail in a sealed form. Now, we do not know any further than that. It did not arrive on this side.

Mr. MILLER. Will the gentleman yield further for a short question?

Mr. EDMONDS. Surely.

Mr. MILLER. This property was lost in the mails between England and the United States?

Mr. EDMONDS. Probably in the diplomatic pouch.

Mr. MILLER. Is there no system of recovery from the parties transporting the mails?

Mr. EDMONDS. If it was sent in a sealed diplomatic pouch I doubt if anybody would be responsible for it except the Department of State. Surely no foreign government, or even our own Government, could open a diplomatic pouch until it arrived at the Department of State.

The question you gentlemen have to decide is this: There may be a consular regulation requiring a consul to take charge of an American citizen who dies abroad within his jurisdiction. There is a law on the statute books that the consul shall take possession of the effects of a sailor who dies at a foreign port—an American sailor. I say there may be a regulation, but there is no law that I can find that makes us responsible for an accommodation we are doing for somebody in sending their property forward in case of death. However, the United States Government took possession of this property. They forwarded it to the State Department to be forwarded to the heirs. The property has disappeared. It is acknowledged that it has disappeared, and it is now up to the House to decide as to whether they desire to pay the value of the property to heirs of the party who lost it.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6134) for relief of estate of Anne C. Shymer.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the personal representatives, for the next of kin, out of any money in the Treasury not otherwise appropriated, the sum of $12,000, as full compensation for the loss of jewelry, the property of Anne C. Shymer, who was lost in the sinking of the *Lusitania*, which jewelry was transmitted to the State Department in a sealed Government pouch by the consul general at London, and was lost upon its receipt at the department.

Also, the following committee amendments were read:

Line 4, strike out the words "personal representatives, for the next of kin" and insert: "legal representatives of the estate of Anne C. Shymer."

In line 7 strike out "$12,000" and insert in lieu thereof "$3,900."

Line 8, after the word "of," insert "the aforesaid."

Line 10, after the words "State Department," strike out: "in a sealed Government pouch by the consul general at London."

Line 12, strike out "upon its receipt at the department," and insert in lieu thereof "in transit."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ED. E. RICHARDSON CO. (INC.).

The next business on the Private Calendar was the bill (S. 2147) to authorize patent to the Ed. E. Richardson Co. (Inc.) of certain lands.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to patent to the Ed. E. Richardson Co. (Inc.) lot 2, section 26, and lots 2 and 5, section 27, township 18 north, range 10 east, Louisiana meridian, embracing 104.81 acres, upon payment to the Government of $1.25 per acre, lands which they and their grantors have occupied under claim and color of title and open and notorious possession for 50 years: *Provided*, That proper application for the purchase of these lands be filed hereunder in the district land office within six months from the passage of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale is made.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

The next business on the Private Calendar was the bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the exclusive right to use, occupy, and enjoy the possession of all of lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark., is by this act granted to the Leo N. Levi Memorial Hospital Association, a corporation organized under the laws of the State of Arkansas, for the purpose of erecting and maintaining thereon an addition to or extension of its present hospital building, located on adjoining lots, Nos. 3 and 4, in said block 114, in said city of Hot Springs, Ark. The rights and privileges granted under this act shall continue as long as the property is used and occupied for the purposes mentioned in this act, subject, however, to the following conditions and limitations, namely, that unless said Leo N. Levi Memorial Hospital Association shall within five years after the passage of this act erect and equip a suitable and sightly addition to or extension of its present hospital building, or if said Leo N. Levi Memorial Hospital Association shall at any time hereafter use or permit the premises to be used for any other purpose than that herein granted, or if at any time pay wards are maintained in any buildings erected upon the lots hereby granted, then and in either event all the rights, privileges, and powers by this act granted and conferred upon said association shall be forfeited to the United States.

With a committee amendment as follows:

Page 1, line 4, insert, after the word "possession," the words "for hospital purposes."

The SPEAKER. The question is on agreeing to the committee amendment.

The committe amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Arkansas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

JOSEPH ROBICHEAU.

The next business on the Private Calendar was the bill (H. R. 463) granting a patent to Joseph Robicheau.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Joseph Robicheau to the following land: Northwest quarter of the southeast quarter and south half of the southeast quarter section 27, and the northwest quarter of the northeast quarter section 34, township 47 north, range 3 east, Boise meridian, Coeur d'Alene (Idaho) land district.

With a committee amendment as follows:

In line 9, after the colon, insert "*Provided*, That nothing herein contained shall be held to interfere with or defeat any sale heretofore made by the Forest Service of timber upon the land herein granted."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill, as amended, was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. VAILE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROSEN REICHARDT BROKERAGE CO.

The next business on the Private Calendar was the bill (S. 157) for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Rosen Reichardt Brokerage Co., of St. Louis, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $372.24, the same being a refund of duty paid on certain walnuts imported on December 15, 1915, and covered by New York warehouse bond No. 88451.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time; was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

OWNER OF THE STEAM LIGHTER "CORNELIA."

The next business on the Private Calendar was the bill (S. 1814) for the relief of the owner of the steam lighter *Cornelia*.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owner of the steam lighter *Cornelia* rising out of a collision between said steam lighter and the United States destroyer *Bell* in Broad Sound, Boston Harbor, Mass., on the 9th day of August, 1918, for and on account of the losses alleged to have been suffered in said collision by the owner of said steam lighter *Cornelia* by reason of damages to and detention of or the loss of said steam lighter, her boats, engines, boilers, tackle, apparel, furniture, and supplies, may be submitted to the United States Court for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability with costs as in like cases in admiralty between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

With a committee amendment, as follows:

Page 1, line 9, strike out the words "and detention of."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

AMERICUS ENFIELD.

The next business on the Private Calendar was the bill (H. R. 10179) for the relief of Americus Enfield.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Americus Enfield, postmaster at Bedford, Pa., in the sum of $41,148.94, due to the United States on account of war-savings stamps and postage stamps which were lost as the result of burglary of said post office on November 7, 1918.

Mr. ROSE. Mr. Speaker, I think it well to bring to the attention of the House a few remarks in connection with this bill. It is for the relief of Americus Enfield, postmaster at Bedford, the county seat of one of the counties I have the honor to represent. I would like to say for the benefit of the membership of the House that I am acquainted with the postmaster and have known him for many years. He is beyond the age of 70 years. He is a man of exceedingly high standing in the community, and so far as I can learn has discharged his duties as postmaster to the satisfaction of the patrons of the office.

Mr. EDMONDS. He is a Democrat?

Mr. ROSE. Yes; I will admit that he is a Democrat and that his commission will expire during the present year. It is altogether likely that he will not be reappointed should an appointment be made while I have the honor of serving the district. Mr. Enfield is too big a man to expect it. Following the burglary a very searching and comprehensive examination was made, and it was plainly shown by the evidence that neither the postmaster nor any of the clerks employed in the office was guilty of negligence. A voluminous report was made to the Postmaster General, a copy of which is attached to the report of the committee, and I suggest that if further information be desired that it can be easily obtained by a perusal of the report mentioned. Under existing law the department is without power to bring relief to Postmaster Enfield, for the reason that the amount involved exceeds the sum of $10,000, and hence it is Mr. Enfield is obliged to ask for relief at the hands of Congress. I am firmly convinced that the claim is meritorious and that the high standing and integrity of Postmaster Enfield have not been questioned. With these few words, I ask for favorable consideration of the bill.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House out of order.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House out of order. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, at the time of the debate on the adjusted compensation bill for the soldiers, commonly called the bonus bill, the prediction was several times made that the result of the passage of the bill would be to depress the value of national securities. Nevertheless the bill passed the House and is likely to soon pass the Senate. In the meantime the market value of United States bonds has been going up every day.

It was also predicted that the passage of the bill would make money rates higher and that the Government would have difficulty in borrowing money as cheaply as before. Since the passage of the bill the Government has marketed its short-time certificates at 3¼ per cent, the lowest rate at any time since the European war broke out. This is another dire prediction that has not been fulfilled. The Government has since the war reduced our national obligations three and a half billions of dollars and at the same time the taxes have been greatly lowered. A Government that can do this will have no trouble in finding means to pay the adjusted compensation in 20 years.

Mr. Speaker, the original bonus bill, passed two years ago, provided for the payment of the compensation for the soldiers in cash if desired. Upon its reconsideration, my committee concluded that the Government was not in a position to pay all this compensation in a short time and the committee also had doubts whether this would be the best plan for the soldiers themselves. At the same time the committee realized it was necessary to devise some plan whereby the soldier in need could obtain assistance when necessary. While the Ways and Means Committee was considering this feature of the case my colleague, Mr. HULL, appeared before it and stated that, as the soldiers were to receive what was practically a paid-up endowment insurance policy, if the certificate was given a loan value, with proper restrictions, the difficulties in the situation would be overcome. My recollection is that he was the first to mention this plan, the details of which he left for the committee to work out. The committee accordingly considered this proposition and found it could be worked out satisfactorily. From it there was evolved the bank loan plan which forms so important a feature of the bonus bill, and my colleague is entitled to great credit for having presented it to the committee.

Money is now getting so much easier that many of the banks in the East have more than they can place upon absolutely secure loans like those provided for by this feature of the bill and even in the West, where the banks have been harder pressed, there is no longer any talk that they can not easily furnish the money for their share of these loans. It is not likely that the certificates can be issued much before the beginning of the next year if the bill becomes a law, as it will take several months to organize the proper force to issue these certificates. I predict that by that time most of the banks will be glad to get these loans which have the Government guaranty back of them.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. CHANDLER of New York. I followed very closely the debates in the House on the subject of the soldiers' bonus bill. Nearly all the speeches which referred to the matter prophesied that if the bill finally became a law it would depreciate the Liberty bonds. The mere passage of the bill through the House did not have that effect. The bill has not passed the Senate yet or been signed by the President of the United States. I renew the prediction here that the passage of that bill will depreciate every Liberty bond in the Republic.

Mr. EDMONDS. Mr. Speaker, I ask for the regular order.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

MICHIGAN BOULEVARD BUILDING CO.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, how did the committee arrive at this amount? I notice that they have practically cut it in half.

Mr. MADDEN. I understand that the committee arrived at the amount by deducting a claim made by the owners of the building for 18 months' rent, and allowing them for only 5 months' rent instead of 18 months.

Mr. WALSH. That accounts for the deduction?

Mr. MADDEN. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, do pay to the Michigan Boulevard Building Co., a corporation of Chicago, of the State of Illinois, the sum of $18,931.69 in full satisfaction of all claims of the Michigan Boulevard Building Co. growing out of or pertaining to the occupancy of office space in the building of the Michigan Boulevard Building Co., at the southwest corner of Washington Street and Michigan Avenue, in the city of Chicago, by the War Department for Central Department headquarters during the period from December 15, 1917, to November 30, 1918, both inclusive.

With the following committee amendment:

Page 1, line 6, strike out "$36,931.69" and insert "$18,931.69."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

SETH J. HARRIS ET AL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2694) for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, through the United States Employee's Compensation Commission, to pay to the following-named persons the sums designated as compensation for personal injury and death suffered through the explosion of a certain shell fired by the student officers of Fort McPherson, Atlanta, Ga., on the south side of Kenesaw Mountain, Cobb County, Ga., on August 8, 1917:

To Jimmie Lou Martin, on account of the death of her husband, Charlie Martin, the sum of $35 per month until her remarriage or death, and $3.50 additional per month for each of her six minor children; and in the event of the remarriage or death of said Jimmie Lou Martin payments on account of said minor children shall be paid to their guardian or guardians until such time as they shall have reached the age of 18 years, respectively.

To Mary Holloman, on account of the death of her husband, James Holloman, the sum of $35 per month until her remarriage or death, and $3.50 additional per month for each of her two minor children; and in the event of the remarriage or death of said Mary Holloman payments on account of said minor children shall be paid to their guardian or guardians until such time as they shall have reached the age of 18 years, respectively.

To William Henry Coleman, for personal injuries, the sum of $300.

With the following committee amendments:

Page 2, line 3, after the word "years" insert "monthly compensation to commence from the date of the accident."

Page 2, line 12, after the word "respectively" insert "monthly compensation to commence from the date of the accident."

Page 2, line 21, after the word "respectively" insert "monthly compensation to commence from the date of the accident."

Mr. MANN. Of course, these bills are somewhat new. I do not know whether this form has been recommended by the Compensation Commission, though I somewhat doubt it. The Compensation Commission is not under the Treasury Department, is it?

Mr. COLE of Iowa. No; it is separate.

Mr. WALSH. It is not under any executive department.

Mr. MANN. Why should we say—

That the Secretary of the Treasury be, and he is hereby, authorized and directed, through the United States Employees' Compensation Commission to pay—

certain money? Why should we not say that the United States Employees' Compensation Commission be directed to pay? Would not that be better? Then I take it that they would pay the money out of the annual appropriation which is made for the payment of compensation.

Mr. COLE of Iowa. This does not come under the Compensation Commission. This happened before the Compensation Commission was created.

Mr. MANN. That is all true.

Mr. COLE of Iowa. We simply want to make it appear that we intend to bring this under the compensation act, and we simply want the Treasury to use this commission as the means of making the payment.

Mr. MANN. It is just as easy to direct the Compensation Commission directly to pay the compensation as it is to go through the circumlocution of saying that the Secretary of the Treasury shall pay through the Compensation Commission.

Mr. UNDERHILL. I do not know that that can be done.

Mr. MANN. I know it can be done if we direct it to be done by law.

Mr. UNDERHILL. Well, it rests with the House to declare what policy they desire to pursue in these bills based on the compensation tables that the committee will bring in from time to time. If the House prefers to have the Compensation Commission pay them directly from its appropriation, it makes little or no difference as far as the committee or the beneficiaries are concerned.

Mr. MANN. Does the gentleman expect we are going to make an appropriation every year for these items? Some years ago we provided for the payment of $1,500 a year to two Army officers and $1,200 to another, and every year we have had to carry those items in the Army appropriation bill, and nearly every year, not every year, for the last 15 or 20 years it has provoked discussion because Members did not know what it meant.

Mr. UNDERHILL. Personally, I think the suggestion of the gentleman from Illinois is a mighty good one, and I would like to see it applied not only to this but to other bills of a similar character on the calendar.

Mr. EDMONDS. These people are not in the employ of the United States Government.

Mr. MANN. I understand that.

Mr. EDMONDS. I think the gentleman is right, that we should say the commissioner is authorized to pay these people, and that would take care of the appropriation in the future.

Mr. WALSH. Will the gentleman yield?

Mr. MANN. Yes.

Mr. WALSH. What is the idea of the committee starting off on this policy of paying damages in monthly payments?

Mr. MANN. It is easy enough to explain in this case. Here are some colored people of the South, probably not very provident, who were killed under very distressing circumstances by men in gun practice. These are the young children. If you paid them a lump-sum appropriation, the chances are that some one would get it away from them inside of six months or a year, and it would be squandered.

Mr. COLE of Iowa. That is the very idea we had in mind.

Mr. WALSH. That is very considerate, of course. There may be white people where payments are made in lump sums and where people get it away from them. If we are going to do that—and it seems to be an anomaly to provide that the Employees' Compensation Commission should now be made the conduit through which payment should go to people who are not employees of the Government, and who are not subject to the rules and regulations of that commission with reference to Government employees to whom payments are made for injuries. If we are going to take over the Employees' Compensation Commission for that purpose, it seems to me it is going to require a lot of additional machinery.

Mr. MANN. I do not think it will require any additional machinery. These children are only to be paid while they are under 18 years of age.

Mr. WALSH. Some of these payments are to keep on until remarriage or death. Here is one payment to a wife.

Mr. MANN. It will not be long before she is remarried.

Mr. WALSH. She probably will not remarry and lose the revenue.

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VINSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ANNA M. TOBIN.

The next business on the Private Calendar was the bill S. 2323.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, I can not quite see how there is any obligation on the part of the Federal Government to pay for this damage. As I understand it, there was an offer to restore the property to its original condition, which was refused, although that is in dispute in the letter of the executrix of the estate. But why should the Government pay for damages of this sort, evidently inflicted by some men in the militia companies who came from New England?

Mr. BOX. The basis is that the men were in the militia service of the United States; they had access to this private property and were beyond the control of the officers, and it was not in the power of the people to protect it. They were there, and in various ways damaged the property to the extent represented in the bill.

Mr. WALSH. It was a sort of malicious mischief, apparently. Why should not the boys that inflicted the damage bear the burden of it? Why should the Government be responsible?

Mr. BOX. If the claimant is remitted to that, it is equivalent to a denial of relief.

Mr. WALSH. Even granting that, why should she then be permitted to collect from the Federal Government?

Mr. BOX. The theory on which the bill was introduced and, I presume, passed the Senate was that the soldiers were in the employ of the Federal Government, and not being properly controlled, damaged this private property.

Mr. WALSH. I do not think there was much theory on which it passed the Senate. This kind of measure passes the Senate sometimes without theory or anything else.

Mr. BOX. If there was no theory at the other end of the Capitol, on what principle would the gentleman say that these parties ought to bear this loss without fault on their part? The damage was done by our servants—men in our service—who were not controlled so as to prevent depredation on private property. Of course, it was done by soldiers in mass, and we do not know who they were. We have absolutely no recourse if the Government does not protect us. The gentleman can realize that the people who suffered this loss are absolutely without redress and without remedy. There is no protection at all.

Mr. WALSH. That is the reason they are coming to Uncle Sam.

Mr. BOX. Because he caused it.

Mr. WALSH. Oh, he did not cause it. This was not anything that was done in the line of duty by these young men. They broke some windows and wrote upon the wall and otherwise damaged the property. It is not anything that was done in the line of duty. Apparently they were out on a frolic, and because these people do not know who did it and they can not make the individuals compensate them they say, "Well, we will let the Federal Government pay it."

Mr. BOX. We do know that it would not have occurred if the Government had not established a military post there and if the men in the service had not depredated on the property. There are a great many cases, as the gentleman will recognize, in which the individuals are responsible and where the principle is also responsible. It is not contended here that there is absolute legal liability, as the gentleman will recognize.

Mr. WALSH. Mr. Speaker, this does not appeal to me as one of the claims that should be settled by the Federal Government, and therefore I object.

LIZZIE ASKELI.

The next business on the Private Calendar was the bill (H. R. 3034) for the relief of Lizzie Askel.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, let us have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay the sum of $5,000 to Lizzie Askel, widow of Charles Askel, and that the said sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

With the following committee amendments:

Lines 4 and 5, strike out the words "Askel" and and insert in lieu thereof the words "Askeli."

Mr. WALSH. Mr. Speaker, reserving the right to object, how was the sum of $5,000 arrived at here?

Mr. UNDERHILL. Mr. Speaker, the committee has tried to devise a uniform system for settling claims for personal damages. We have made some reports where the amount is less than $5,000, but that is because the claimant has drawn the bill for a lesser sum, and the committee did not feel justified in raising the amount. The committee has settled upon $5,000, not that they had any basis for settling on that amount but simply because it is the best thing that they could evolve—$5,000 in case of the death of an adult. We tried to base the amount as far as possible upon the table of rates of the workmen's compensation commissions, but in the State of Oregon had the workmen's compensation table of rates been used the widow of this man would have received at least $7,500. Having placed a limitation of $5,000 in case of death, the committee did not see that they could use that table of rates.

Mr. WALSH. Why is the payment to be made in a lump sum in this instance?

Mr. UNDERHILL. Because the people are fully able and competent to care for the amount invested, so that it may bring in some income, draw upon it for necessities, and, in addition to that, help pay for some land that the man had bought and partially paid for before his death.

Mr. WALSH. Earlier in the day a bill was passed where all those conditions would seemingly apply and the payment was made in the form of an annuity. Of course, if it is put in the form of an annuity and there is no provision for continuing the payment in case of death, sometimes it would not cost the Government so much.

Mr. UNDERHILL. I think the gentleman is mistaken in regard to the conditions being the same. They are not the same in this case as in the previous case. In the previous case it was the judgment of the committee that the Workmen's Compensation Commission would be better able to see that justice was done than if the payment were made in a lump sum. In this instance a lump sum was almost necessary to assist in securing to this widow, in part at least, the support she would have had had her husband lived.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of objection.

Mr. MANN. Mr. Chairman, reserving the right to object, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. MANN. When did the committee adopt the policy of $5,000 in case of death, if the gentleman recalls?

Mr. UNDERHILL. Soon after the first few meetings of the committee that question came before us. We had various bills in the committee asking for sums varying from less than $5,000 to $25,000.

Mr. MANN. The gentleman means in this Congress?

Mr. UNDERHILL. Yes.

Mr. MANN. Within the last year?

Mr. UNDERHILL. Yes; so far as I know.

Mr. MANN. Previously the committee had adopted the policy of paying not to exceed a year's compensation to the beneficiaries of anyone who lost his life.

Mr. UNDERHILL. I think probably the gentleman is right, but he does not go far enough. The year's compensation was laid down in the compensation law of 1908. That compensation law was abrogated by the law of 1916. So that in instances previous to the adoption of the law of 1916 when any case of death occurred we have used the provisions of the compensation law of 1908.

Mr. MANN. Neither compensation law governs the case. The law is not applicable in any case, because if it came within the compensation law it would not be here as a special bill.

Mr. UNDERHILL. That is correct.

Mr. MANN. For a long time after I came here there was nothing paid in any of these cases. Then when they started in to pay these claims they put them in at various amounts, reporting bills which seldom passed for $5,000 or less. The committee then adopted the policy of paying one year's compensation, analogous to the compensation act. However, I am not complaining about the $5,000. I would like to make this suggestion, however. These bills are getting so now that they are presented by ambulance chasers, as we used to call them. Attorneys are interested in most of these bills. They take them on contingent fees, and an attorney can give considerable time to presenting a claim which may be $5,000 if he is to get one-half of it. I think there ought to be a policy adopted by the committee in reporting these bills which would limit the amount of money which can be paid for attorneys' fees.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. UNDERHILL. Mr. Speaker, I do not recall a case that this committee has reported favorably thus far this year where any attorney is interested in any way, shape, or manner.

Mr. MANN. That might all be, but I have several letters from attorneys interested in some of these bills.

Mr. UNDERHILL. Most every one thus far has been presented by the Member from the district in which the deceased lived.

Mr. MANN. I have no doubt of that, but that does not interfere with an attorney being interested.

Mr. EDMONDS. I think the gentleman from Illinois is absolutely right. There are attorneys in some of these claims and in this case he is Mr. William H. Powell, Chamber of Commerce Building, Portland, Oreg. It is only recently that the clerk of the committee and myself have been going over this matter with the idea of making provision for some limited fee.

Mr. MANN. I think that ought to be done. That ought to be the policy of the committee, as I do not think these attorneys ought to be allowed exorbitant fees, and in these cases the person will make most any kind of an arrangement on the basis of a contingent fee.

Mr. ROACH. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. ROACH. I could not hear the conversation, but did I understand the gentleman to state that the Committee on Claims at this session adopted a maximum of $5,000 in a death claim?

Mr. UNDERHILL. Not absolutely $5,000 in all cases, but $5,000 is the maximum.

Mr. ROACH. That is what I say, that is the maximum amount?

Mr. UNDERHILL. That is the maximum amount.

Mr. ROACH. The Committee on Claims have adopted that amount in case of a death without any regard to the earning capacity of the deceased or the relative merits of the claim.

Mr. UNDERHILL. We put all on the same basis.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay the sum of $5,000 to Lizzie Askel, widow of Charles Askel, and that the said sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The committee amendments were read as follows:

Page 1, line 4, strike out "Askel" and insert "Askeli"; page 1, line 5, strike out "Askel" and insert "Askeli."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Lizzie Askeli."

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

OWNERS OF THE SCHOONER "HORATIO G. FOSS."

The next business in order on the Private Calendar was the bill (S. 1817) for the relief of the owners of the schooner *Horatio G. Foss.*

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Horatio G. Foss*, arising out of a collision between said schooner and the United States collier *Jupiter* off Winter Quarter Light Vessel on the 18th day of May, 1918, for and on account of the losses alleged to have been suffered in said collision by the owners of said schooner *Horatio G. Foss* by reason of damages to and detention of said schooner, may be submitted to the United States Court for the District of Massachusetts, under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The committee amendment was read, as follows:

Page 1, line 9, strike out the words "and detention of."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

KINEO TRUST CO.

The next business on the Private Calendar was the bill (H. R. 8073) for the relief of the Kineo Trust Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money not otherwise appropriated, to the Kineo Trust Co., of Dover, Me., a banking corporation existing by law, or its assigns, the amount of the principal and interest due it as owner of a lost, unregistered Treasury certificate of indebtedness, No. 6768, for $5,000, series T-10, issued September 15, 1919, due September 15, 1920, bearing interest at the rate of 4½ per cent, upon said bank or its assigns filing in the Treasury of the United States a bond in a penal sum double in amount of the lost Treasury certificate No. 6768 and the interest accrued thereon to the date of its maturity, with sufficient surety or sureties, to be approved by the Secretary of the Treasury with conditions to indemnify and safeguard the United States from any claim upon said Treasury certificate of indebtedness No. 6768, the amount to be so paid, however, not to exceed the amount that would have been paid if the certificate of indebtedness had been presented in the Treasury of the United States, or any authorized agency, at the date of its maturity—

The committee amendment was read as follows:

Page 1, line 4, after the word "pay" strike out all down to and including the word "maturity," page 2, line 12, and insert in lieu thereof the following: "to the Kineo Trust Co., of Dover, Me., a banking corporation existing by law, or its assigns, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 with interest at the rate of 4½ per cent per annum from September 15, 1919, to September 15, 1920, the amount of the principal and interest due it as owner of a United States Treasury certificate of indebtedness of series T-10, No. 6768, dated September 15, 1919, and maturing March 15, 1920, of which the Kineo Trust Co. has established loss from its possession; and shall require the Kineo Trust Co. to furnish to the Secretary of the Treasury a bond in a penal sum of double the principal amount of the lost United States Treasury certificate and the interest accrued on such obligation, with such security or surety as the Secretary of the Treasury may require to indemnify the United States against any loss from any claim that may subsequently be made upon such lost United States Treasury certificate of indebtedness."

The question was taken, and the committee amendment was agreed to.

Mr. EDMONDS. Mr. Speaker, I offer the following amendment, and that is to strike out the comma at the end of line 3.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: At the end of line 3, page 1, strike out the comma.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

FIDELITY & DEPOSIT CO. OF MARYLAND.

The next business in order on the Private Calendar was the bill (S. 2765) for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WATSON. Mr. Speaker, reserving the right to object, I desire to ask the chairman of the committee if there was carelessness on the part of the bank in guarding the bonds? I notice from the report that the bonds were kept in a truck safe on the outside and not returned to the bank vault until night.

Mr. MANN. What did the gentleman say?

Mr. WATSON. I desire to know what carelessness there was on the part of the bank in taking charge of the bonds.

Mr. MANN. I know; but where does the gentleman say they were kept?

Mr. WATSON. According to the report, they were kept in a truck safe during the day outside the main vault, and they were lost between the 26th day of April and the 29th day of April. During the day they were kept outside of the main vault, and I desire to know whether there was carelessness on the part of the bank?

Mr. MANN. Where does the gentleman find that?

Mr. WATSON. Page 3, Exhibit No. 1. There have been a great many claims presented to the Congress since I have been a Member which have shown carelessness on the part of those having money and securities in charge.

Mr. MANN. For instance, suppose they threw them away, the Government owes the money to somebody.

Mr. WATSON. I wanted to inquire as to the carelessness.

Mr. MANN. The Fort Dearborn National Park, in which I have been a great many times, was one of the big banks of Chicago, and where I do not think they ran things carelessly, but——

Mr. WALSH. That statement has nothing to do with this claim. That was with reference to another incident.

Mr. WATSON. But it states the bonds were stolen while on the trucks.

Mr. EDMONDS. I will state that the committee has never gone very closely into the circumstances in regard to the loss of bonds where we have the numbers of the bonds, because the security company is forced to give us a bond for twice the amount of the bonds, and should they turn up they re-collect. If they are lost they are lost, even if it was by carelessness, and I do not think, if the bonds can be identified, we should refuse to give the man who offers to give us twice the security an opportunity to get his money back.

Mr. MANN. This statement is that the trust safe was out in the daytime, where he had to get at it, and was kept in the vault below during the night. Of course, the trust safe is not left open for strangers to walk into.

Mr. WATSON. It was not necessary for these bonds to be outside of the vault during the day. They should have been downstairs in the vault.

Mr. MANN. These bonds held by the bank are on sale, I take it.

Mr. WATSON. I do not know that these bonds were for sale.

Mr. MANN. All bonds owned by banks, I think, are for sale. I do not know. Of course, the bank is not interested in this question at all.

Mr. WATSON. I wanted to get the facts.

Mr. MANN. The bank is out of existence now.

Mr. WATSON. I withdraw my reservation, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2765) for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, after the 15th day of December, 1921, 4½ per cent United States Treasury certificates of indebtedness No. 13387 and 13388 of the denomination of $10,000 each, series TD–1920, dated January 2, 1920, and maturing December 15, 1920, with interest from June 15, 1920, to December 15, 1920, in favor of the Fidelity & Deposit Co. of Maryland without presentation of the certificates, the said certificates of indebtedness having been stolen, lost, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal and interest of the said certificates of indebtedness of the United States of America in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the stolen, lost, or destroyed certificates of indebtedness hereinbefore described.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. HILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

LINK-BELT CO., OF PHILADELPHIA, PA.

The next business on the Private Calendar was the bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa.

Be it enacted, etc., That the claim of the Link-Belt Co., of Philadelphia, Pa., a corporation organized under the laws of the State of Pennsylvania, for damages alleged to have been sustained by a certain coal chute under construction by said Link-Belt Co. for the Norfolk & Western Railroad on its coal pier No. 3 at Lamberts Point, in the city of Norfolk, Va., by reason of collision therewith by the U. S. S. *Buitenzorg* on the 1st day of March, 1919, may be submitted to the United States District Court for the Eastern District of Virginia at Norfolk, which court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the legal damages sustained by reason of said collision either for or against the United States, upon the same principles and measure of liability as in like cases in admiralty between private parties.

SEC. 2. That should damages be found to be due from the United States to the Link-Belt Co., the amount of the final decree or decrees therefor shall be paid to those entitled thereto, or their proctors of record, out of any money in the United States Treasury not otherwise appropriated: *Provided*, That appropriate proceedings to determine such damage shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

Also the following committee amendment was read:

Page 2, line 1, after the word "Norfolk," strike out the remainder of line 1 and all down to and including the word "States," in line 19, and insert in lieu thereof the following: "under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS.

The next business on the Private Calendar was the bill (H. R. 10643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and such soldiers and sailors.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10643) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws:

The name of Joseph Holtz, late of Battery B, First Colorado Field Artillery, and pay him a pension at the rate of $17 per month.

The name of Anna E. Herrington, widow of Charles E. Herrington, late of Company C, Tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $2 per month for minor child in lieu of that she is now receiving.

The name of Mary Callaway, widow of Hugh R. Callaway, late of Company F, Second Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Hugh R. Callaway until they reach the age of 16 years.

The name of James H. Stevens, late of Company I, Third Regiment Georgia Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Ferrill, late of Company L, Second Regiment Arkansas Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of George R. Cott, late of Company C, Twenty-third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Foley, dependent mother of Lawrence A. Foley, alias Lawrence A. Ryan, late of Troop M, Third Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of John V. Blum, late of Company H, First Regiment Georgia Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Van Name, late of Company G, Second Regiment New Jersey Infantry, War with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of William D. Warren, late of Company G, First Regiment Territorial United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Peter F. Weasel, late of Company I, Sixteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lillie Guffey, widow of Robert S. Guffey, late of Company I, Thirteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Robert S. Guffey until they reach the age of 16 years.

The name of Mary E. Steepy, widow of William F. Steepy, late of Company C, Fifty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William M. Davis, late of the medical department First Regiment Arizona National Guard Infantry, and pay him a pension at the rate of $17 per month.

The name of John G. Pearson, late of Company B, Thirty-fourth Regiment Michigan Infantry, and pay him a pension at the rate of $15 per month.

The name of Charles B. White, late of Troop E, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month.

The name of Thomas V. Hunt, late of Company E, Second Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Mary E. Frederick, widow of Henry Frederick, late of Troop E, Seventh Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George B. Allard, late of Company D, Twenty-first Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of William J. Shirley, late of Company A, Fifth Regiment Pennsylvania Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lester H. Greer, late of Company A, Second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert L. Hester, late of Battery A, Georgia Light Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sidney Payne Smith, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James D. Silman, late of Company C, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Israel J. Mazerall, late of Troop H, Seventh Regiment United States Cavalry, and United States Navy, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Joseph Watts, late of Troop L, Tenth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Arthur D. Warden, late of Quartermaster Corps, United States Army, and Company M, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Jane Myers, dependent mother of Joseph S. Myers, late fireman, first class, United States torpedo boat *Tingey*, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John N. Day, late second lieutenant Company F, Third Regiment Tennessee Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Carl L. Setchell, late of Company F, Thirteenth Regiment Minnesota Infantry, and pay him a pension at the rate of $15 per month.

The name of Pleasy J. Graham, late of the United States Coast Artillery Corps, unassigned, and pay him a pension at the rate of $40 per month.

The name of Nancy M. Oglesby, widow of William W. Oglesby, late captain of Company G, Second Regiment Oregon State Militia, Indian wars, and pay her a pension at the rate of $12 per month.

The name of William W. Rowan, late of Company E, Battalion United States Engineers, and pay him a pension at the rate of $24 per month.

The name of William M. Metzger, late of Capt. W. W. Oglesby's Company G, Second Regiment Oregon State Militia, and Capt. John L. Sperry's company, Umatilla County Guards, Oregon Militia, Indian wars, and pay him a pension at the rate of $20 per month.

The name of James Carnes, late of Capt. M. R. Green's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Oscar A. Badder, late of Company I, Thirty-fourth Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Harrison, late of Troop C, Sixth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Oscar Ernst, late of the Eighth Battery United States Field Artillery and of Company K, Twenty-sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Earl B. Durham, late of the Sixty-eighth and Sixty-ninth Companies United States Coast Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Burton, late of Company A, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John S. Cisco, late of Company E, Second Regiment Kentucky National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Capt. L. L. Tackitt, late of First Company Parker County Minute Men, Texas State troops participating in the Indian wars, 1865 and 1866, and pay him a pension at the rate of $20 per month.

The name of Catherine A. Long, widow of William F. Long, late of Battery E, Third Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Stella Joplin, widow of Arthur T. Joplin, late of Company A, Nineteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $20 per month, with a continuation of the $2 per month for each of the soldier's minor children until they reach the age of 16 years, in lieu of that she is now receiving.

The name of William E. Heglin, late of Company I, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary A. McKay, widow of Robert McKay, late seaman, United States Navy, and pay her a pension at the rate of $25 per month, with the customary $2 per month additional for minor child until it shall attain the age of 16 years, in lieu of that she is now receiving.

The name of William Adamson, late of Company L, Second Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Robert Farewell, late of Company C, Second Regiment California National Guard Infantry, and pay him a pension at the rate of $30 per month.

The name of Martha C. Davis, dependent mother of Albert E. Dennis, late of Company H, Thirteenth Regiment Minnesota Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles C. Sterling, late of the U. S. S. *Ossippee*, United States Navy, and pay him a pension at the rate of $17 per month.

The name of Willard M. Girton, late private Company D, First Regiment Nebraska Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin C. Maham, late of Twenty-third Battery, United States Field Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen T. Barnes, late of Company L, Fifth Regiment Illinois Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Malvern H. Miller, late of the United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Downs, late of Company I, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marcel H. Poirier, late of Troop C, Thirteenth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Inklebarger, late of Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles C. Cooper, late of Company F, First Regiment Arkansas Infantry, and pay him a pension at the rate of $12 per month.

The name of George Eppens, late of Company A, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month.

The name of John Cunniff, dependent father of Thomas Cunniff, late of Company F, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of La Verne Allen Brown, late of Company G, First Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sophia Salyards, mother of Lester Salyards, late of Company C, One hundred and fifty-ninth Regiment Indiana Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John A. Ott, late of Company E, Thirteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month, without recovery of any pension heretofore to him paid.

The name of Thomas McBride, late of Company C, First Regiment Wisconsin Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles A. McComb, late of Company G, Twentieth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leslie V. Murrell, late of Company D, Twelfth Regiment Minnesota Infantry, War with Spain, and pay him a pension at the rate of $12 a month.

The name of George H. Higgins, dependent father of George H. Higgins, jr., late of Company F, Second Regiment Massachusetts Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Rudolph Zoch, alias Zack, late of United States Navy, and pay him a pension at the rate of $24 per month.

The name of Jacob Copeland, late of Company F, First Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Williams, late of U. S. S. *Marcellus*, United States Navy, and pay him a pension at the rate of $18 per month.

The name of Herbert L. Lemon, late of Company I, Thirty-third Regiment Michigan Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John W. Welliver, late of Company K, Thirty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Samuel J. Haslett, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Alfred T. Koopman, late of the United States Navy, and pay him a pension at the rate of $24 per month.

The name of Edward M. Carter, late of Battery A, First Battalion Field Artillery, National Guard of Georgia, in the World War, and pay him a pension at the rate of $12 per month.

The name of John Prater, late of Company K, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Owens, late of Company D, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Elizabeth H. Burns, dependent mother of Joseph W. Burns, late of Company M, Third Regiment Missouri Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward F. Henderson, late of Company K, One hundred and sixty-first Regiment Indiana Infantry, War with Spain, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Rutherford H. Bowsher, late of Company K, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Edmund Willis, late of Company G, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $17 per month.

The name of Leander W. Springer, late of Company K, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George H. Netcher, late of United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Annie Estelle Moore, widow of Benjamin F. Moore, late of Company D, Second Regiment Mississippi Infantry, War with Spain, and pay her a pension at the rate of $20 per month and $2 per month additional on account of each of the minor children of said Benjamin F. Moore until they reach the age of 16 years, in lieu of that she is now receiving.

The name of William G. Shotwell, late of Company E, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The name of Harry W. Weston, late of Troop M, Third Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Anna R. Wright, widow of Orlie Wright, late of Company E, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Carrie A. Boggess, widow of Charles L. Boggess, late of the Coast Artillery School Detachment, United States Army, and pay her a pension at the rate of $12 per month, with $2 additional for each minor child of the soldier.

The name of William R. Holt, late of Company H, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank A. Klein, late of Hospital Corps, United States Army, and pay him a pension at the rate of $14 per month.

The name of Jacob Dossenback, late of Companies A and H, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert O. Thomas, late of the United States Marine Corps, and pay him a pension at the rate of $12 per month.

The name of William J. Grimm, late of Company G, First Regiment West Virginia Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Melvin B. Krause, late of Company M, Fourth Regiment Pennsylvania Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George L. Hollis, late of Troop F, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John Ford, late of Company G, Second Regiment New York National Guard Infantry, and pay him a pension at the rate of $10 per month.

The name of Harry M. Isbell, late of Company L, Third Regiment Nebraska Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John F. Harmon, late of Company H, Twenty-ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Scott, late of Company M, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Briney, late of Company L, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per cent in lieu of that he is now receiving.

The name of Willard F. Bradford, late of Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Mabel P. Hubbell, widow of John D. Hubbell, late of Troop A, First Regiment United States Volunteer Cavalry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of the soldier's minor children until they shall attain the age of 16 years.

The name of John T. Phillips, late chaplain, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of John P. Prowse, father of Frank O. Prowse, late of Company E, Third Regiment Kentucky Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Margaret C. Miller, mother of Ralph C. Dunlap, late of band, Fortieth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Michael J. Monahan, late of Company L, Fifteenth Regiment, and Company D, Second Regiment, United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Abel B. Conger, late of Company A, Thirty-first Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary H. Swats, widow of John G. Swats, late of Company L, Fourth Regiment Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John M. Quinlan, late of One hundred and sixth Company, United States Coast Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Alexander, late of Company F, First Regiment Tennessee Infantry, and Company D, Thirty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Sarah Christensen, mother of Alfred Christensen, late of Company C, Sixth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ebbin A. Irvin, late of Company G, Second Regiment United States Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Anna Miller, widow of August Miller, alias August Metz, late of Troop B, Fifth Regiment United States Cavalry (North Cheyenne and Sioux campaign), and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The SPEAKER pro tempore (Mr. TILSON in the chair). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The foregoing bill is a substitute for the following House bills referred to the said committee:

H. R. 2031. Joseph Holtz.
H. R. 2636. Anna E. Herrington.
H. R. 2810. Mary Callaway.
H. R. 2859. James H. Stevens.
H. R. 6591. Charles W. Ferrill.
H. R. 6700. George R. Cott.
H. R. 6978. Mary E. Foley.
H. R. 7220. John V. Blum.
H. R. 7237. William H. Van Name.
H. R. 7248. William D. Warren.
H. R. 7409. Peter F. Weasel.
H. R. 7477. Lillie Guffey.
H. R. 7613. Mary E. Steepy.
H. R. 7813. William M. Davis.
H. R. 7957. John G. Pearson.
H. R. 8012. Charles B. White.
H. R. 8068. Thomas V. Hunt.
H. R. 8154. Mary E. Frederick.
H. R. 8231. George B. Allard.
H. R. 8249. William J. Shirley.
H. R. 8628. Lester H. Greer.
H. R. 8360. Robert L. Hester.
H. R. 8388. Sidney Payne Smith.
H. R. 8429. James D. Silman.
H. R. 8466. Israel J. Mazerall.
H. R. 8480. Joseph Watts.
H. R. 8487. Arthur D. Warden.
H. R. 8502. Jane Myers.
H. R. 8518. John N. Day.
H. R. 8530. Carl L. Setchell.
H. R. 8531. Pleasy J. Graham.
H. R. 8534. Nancy M. Oglesby.
H. R. 8535. William W. Rowan.
H. R. 8537. William M. Metzger.
H. R. 8545. James Carnes.
H. R. 8547. Oscar A. Badder.
H. R. 8559. Charles F. Harrison.
H. R. 8574. Oscar Ernst.
H. R. 8586. Earl B. Durham.
H. R. 8594. Joseph Burton.
H. R. 8595. John S. Cisco.
H. R. 8599. Capt. L. L. Tackett.
H. R. 8609. Catherine A. Long.
H. R. 8619. Stella Joplin.
H. R. 8622. William E. Heglin.
H. R. 8629. Mary A. McKay.
H. R. 8630. William Adamson.
H. R. 8631. Thomas Robert Farewell.
H. R. 8634. Martha C. Davis.
H. R. 8699. Charles C. Sterling.
H. R. 8703. Willard M. Girton.
H. R. 8706. Benjamin C. Maham.
H. R. 8710. Stephen T. Barnes.
H. R. 8735. Malvern H. Miller.
H. R. 8759. William A. Downs.
H. R. 8774. Marcel H. Poirier.
H. R. 8787. Samuel Inklebarger.
H. R. 8802. Charles C. Cooper.
H. R. 8803. George Eppens.
H. R. 8806. John Cunniff.
H. R. 8823. La Verne Allen Brown.
H. R. 8829. Sophia Salyards.
H. R. 8851. John A. Ott.
H. R. 8853. Thomas McBride.
H. R. 8855. Charles A. McComb.
H. R. 8870. Leslie V. Murrell.
H. R. 8872. George H. Higgins.
H. R. 8884. Rudolph Zoch.
H. R. 8895. Jacob Copeland.
H. R. 8913. Benjamin F. Williams.
H. R. 8916. Herbert L. Lemon.
H. R. 8918. John W. Welliver.
H. R. 8934. Samuel J. Haslett.
H. R. 8935. Alfred T. Koopman.
H. R. 8968. Edward M. Carter.
H. R. 9042. John Prater.
H. R. 9078. Lewis Owens.
H. R. 9090. Elizabeth H. Burns.
H. R. 9108. Edward F. Henderson.
H. R. 9130. Rutherford H. Bowsher.
H. R. 9142. Edmund Willis.
H. R. 9144. Leander W. Springer.
H. R. 9150. George H. Netcher.
H. R. 9153. Annie Estelle Moore.
H. R. 9163. William G. Shotwell.
H. R. 9172. Harry W. Weston.
H. R. 9192. Anna R. Wright.
H. R. 9230. Carrie A. Boggess.
H. R. 9244. William R. Holt.
H. R. 9250. Frank A. Klein.
H. R. 9281. Jacob Dossenback.
H. R. 9304. Robert O. Thomas.
H. R. 9353. William J. Grimm.
H. R. 9379. Melvin B. Krause.
H. R. 9398. George L. Hollis.
H. R. 9424. John Ford.
H. R. 9470. Harry M. Isbell.
H. R. 9475. John F. Harmon.
H. R. 9503. James W. Scott.
H. R. 9504. William Briney.
H. R. 9522. Willard F. Bradford.
H. R. 9535. Mabel P. Hubbell.
H. R. 9589. John T. Phillips.
H. R. 9714. John P. Prowse.
H. R. 9729. Margaret C. Miller.
H. R. 9783. Michael J. Monahan.
H. R. 9784. Abel B. Conger.
H. R. 9829. Mary H. Swats.
H. R. 9837. John M. Quinlan.
H. R. 9983. James Alexander.
H. R. 10087. Sarah Christensen.
H. R. 10095. Ebbin A. Irvin.
H. R. 10235. Anna Miller.

ADDIE MAY AULD AND ARCHIE WILLIAM AULD.

The SPEAKER pro tempore. The Clerk will report the next bill.

The next business on the Private Calendar was the bill (S. 518) to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided.

The SPEAKER pro tempore. Is there objection?

Mr. CARTER. Mr. Speaker, I ask that the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 7 of the agreement with the Kansas or Kaw Indians, approved July 1, 1902 (32 Stat. L. 638), setting aside and reserving from allotment 160 acres, including the school and agency buildings, be, and the same is hereby, amended so as to authorize the Secretary of the Interior in his discretion to allot to Addie May Auld and Archie William Auld 150 acres of said reserve, excepting from allotment all school and agency buildings and not exceeding 10 acres of land, the conveyance to the said persons named to be of the same form as to other Kaw allottees: *Provided*, That the allotments of the said land shall be in full settlement of all back annuities and any other claims or rights of said persons as enrolled members of the Kaw Tribe of Indians.

Mr. CARTER. Mr. Speaker, reserving the right to object, I would like to ask some gentleman a question in reference to the bill.

Mr. CHANDLER of Oklahoma. I happen to know something about this bill. What is it that the gentleman from Oklahoma desires to know?

Mr. CARTER. I wanted to know, first, what has become of the land allotted for the farm work? What has become of the school?

Mr. CHANDLER of Oklahoma. The school has been abolished.

Mr. CARTER. Is there still an agency there?

Mr. CHANDLER of Oklahoma. No, sir. This tribe is under a different agency, near there, and that other agency looks after this tribe.

Mr. BURTNESS. Will the gentleman yield for a suggestion?

Mr. CARTER. Yes.

Mr. BURTNESS. The gentleman will notice that if the bill is passed there will be 10 acres retained in connection with the school, which would be sufficient for the school grounds and garden purposes, so that the school could be reestablished if there was any need for it.

Mr. CARTER. But the school has been suspended?

Mr. BURTNESS. Oh, yes.

Mr. CARTER. Now, the other information I wanted to get was how much is to be allotted to each of these?

Mr. BURTNESS. Seventy-five acres each. Each member of the tribe when the land was allotted got something like 400 acres each, and the money was all divided among the other members of the tribe, but these two children were inadvertently left off the roll at the time of the division of the property. This is simply giving them what is left.

Mr. CARTER. The bill does not make quite clear what is to be allotted to each allottee.

Mr. BURTNESS. They are to get 150 acres together.

Mr. CARTER. Is it to be allotted to them jointly?

Mr. BURTNESS. That is the way in which I construe the bill.

Mr. CHANDLER of Oklahoma. I did not draw the bill. It is Senator CURTIS's bill, and I know nothing about what his intentions were about the allottees of the land. It says here "in the discretion of the Secretary of the Interior," so I suppose the Secretary of the Interior will allot it.

Mr. MANN. The Interior Department drew this bill.

Mr. CARTER. It says here—

To authorize the Secretary of the Interior, in his discretion, to allot to Addie May Auld and Archie William Auld 150 acres of said reserve.

I think the language ought to be a little more definite as to what each one shall get.

Mr. CHANDLER of Oklahoma. It is my understanding, after talking with the Indian Bureau, that they propose to divide these 150 acres equally between these two children.

Mr. CARTER. I think it would be much more desirable to have it allotted separately than to have it allotted jointly. I do not see how that could be done.

Mr. CHANDLER of Oklahoma. I think that is what the Secretary of the Interior will do.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That section 7 of the agreement with the Kansas or Kaw Indians, approved July 1, 1902 (32 Stat. L. p. 638), setting aside and reserving from allotment 160 acres, including the school and agency buildings, be, and the same is hereby, amended so as to authorize the Secretary of the Interior in his discretion to allot to Addie May Auld and Archie William Auld 150 acres of said reserve, excepting from allotment all school and agency buildings and not exceeding 10 acres of land, the conveyance to the said persons named to be of the same form as to other Kaw allottees: *Provided*, That the allotments of the said land shall be in full settlement of all back annuities and any other claims or rights of said persons as enrolled members of the Kaw Tribe of Indians.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. BURTNESS, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC PARK FOR ESCAMBIA COUNTY, FLA.

The next business on the Private Calendar was the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I should like to ask the gentleman who introduced this measure why the usual provision for the payment of $1.25 an acre is eliminated?

Mr. SMITHWICK. Our people do not think the land is worth that much. It is a bed of sand. The land is located about 15 miles from Pensacola, one of the oldest towns in the United States, yet the land has never been taken up as a homestead. All except about 30 acres of it is covered with water when the tide runs high. There is a precedent for donating this land without compensation.

Mr. WALSH. Is this the tract down there that they are going to use for a boulevard or speedway when it is improved?

Mr. SMITHWICK. They are going to build what is known as the Gulf Beach Highway across it.

Mr. WALSH. Is there going to be an embankment wall along there?

Mr. SMITHWICK. I do not think they will do that.

Mr. WALSH. They are going to protect it in some way so that it will not be under water, are they not?

Mr. SMITHWICK. No; I do not think they will do that. That would be very expensive. What they propose to do is to build the Gulf Beach Highway to go out to the beach, 17 miles from Pensacola, and that highway is going across this particular land. What they want to do with the land is to make a park of it. When the tide gets high, the logs and débris of one kind and another float over portions of it. What they want to do is to maintain this as a park and put up tents on it. They expect to build quite a resort at the terminus of the Gulf Beach Highway.

Mr. WALSH. About how many acres are there in this?

Mr. SMITHWICK. Two hundred and fifty-three and a fraction.

Mr. WALSH. Of course it is very seldom that the Congress gives away land in this way. Does not the gentleman think an amendment ought to be adopted providing for the payment of a nominal sum?

Mr. SMITHWICK. This land will really go to the public. This is for the purpose of building a highway for the public to use. I am satisfied that the land will never be of any use to the Government, for the reason that, as I say, Pensacola is one of the oldest towns in the United States, and this land is there within 15 miles of Pensacola and nobody has ever homesteaded it so far, although it has been open to anybody, and I doubt if *anybody* ever would homestead it. The timber on it is practically nothing, just a little scrub pine.

Mr. WALSH. If the gentleman will permit, the difficulty is that after the county authorities of Escambia County, Fla., have improved this and made use of it it will be pointed to as a precedent that Congress gave the land to the county without requiring any compensation. People will forget how the land looked at the time the grant was made, and they will come in and say that other lands situated like this should be granted free.

Mr. SMITHWICK. This Congress, as I understand it, has donated to one State over 3,000 acres in the West. I think the bill was introduced by the gentleman from Wyoming [Mr. MONDELL]. The land was donated without compensation.

Mr. MANN. For what?

Mr. SMITHWICK. For park purposes, the same as this.

Mr. MANN. For a municiaplity?

Mr. SMITHWICK. No; to the county, and this is to the county.

Mr. MANN. I should like to ask some member of the Public Lands Committee a question. We have had quite a considerable number of bills of this character at different times, mostly, of course, for lands in the West. My impression is that they almost invariably have provided for the payment of $1.25 an acre for the land. I may be mistaken about that, but I would like to get information from some member of the Committee on Public Lands.

Mr. LARSEN of Georgia. I will say to the gentleman from Illinois that I reported this bill, and I have been on the Committee on Public Lands for some time. We have reported some bills like the one the gentleman has mentioned; but I think it is a fairly well-established principle that where land is of no value for timber, agricultural, or other purposes, and it is proposed to improve it for the public benefit, to authorize the grant of the land without any price.

Mr. MANN. I was rather under the impression that we had established the principle that they must pay something. So far as the particular land here is concerned, it makes no difference, but it makes a great deal of difference as to the demand made for lands, whether you have to pay something for them or get them for nothing.

Mr. LARSEN of Georgia. The rule depends on the purpose for which the land is to be used. Where the land has no value, where it is to be improved at public cost and is to be used by the public, it is a fairly well-established principle to grant the land without cost.

Mr. MANN. Of course, a municipality has no use for any land unless it improves it in some way.

Mr. LARSEN of Georgia. This is not exactly a municipality.

Mr. MANN. A county is no better off than a city, so far as that is concerned.

Mr. LARSEN of Georgia. Perhaps not so well off. As the gentleman from Florida [Mr. SMITHWICK] has said, these lands are subject to overflow. They are situated about 15 miles from Pensacola, a very progressive city, one of the oldest cities in the United States. The fact that the lands have not been homesteaded and are vacant is because they are of no value.

Mr. MANN. Are they of any value for park purposes?

Mr. LARSEN of Georgia. Only in so far as they would permit one to park his car on the highway.

Mr. MANN. It says "for the purpose of a public park." Is the real purpose of the bill to run a highway through the land?

Mr. LARSEN of Georgia. They propose to construct a highway through the land. This is practically at the end of the line, and they want some place where people going down for the purpose of a little outing can park their cars.

Mr. MANN. That is the purpose for which it is intended—the purpose for which Potomac Park is now being used—for parking?

Mr. LARSEN of Georgia. Perhaps; but the Potomac Park is being used for a little more than that, but that is due to its close proximity to the city of Washington. This land is off some distance from the city of Pensacola.

Mr. McCORMICK. Mr. Speaker, being a member of the Committee on the Public Lands, I can say that this bill received the considerate attention of the committee. If the gentleman from Massachusetts [Mr. WALSH] will rustle the leaves of his memory a little he will recall his objection on the floor of the House to what he dubbed "the Senator Mondell park bill," to which he offered an amendment requiring a certain county in the State of Wyoming to pay $1.25 an acre for something like 3,200 acres. The amendment of the gentleman from Massachusetts was not adopted by the House, and so the members of the Committee on the Public Lands rather thought that inasmuch as the leader of the House had enjoyed a favor of that character it might be just as well to reciprocate to the gentleman from Florida [Mr. SMITHWICK], inasmuch as the land, as I understand it, is somewhat like a Florida crocodile—submerged a part of the time, but with the nose of the crocodile, you might say, sticking up out of the ocean. As the gen-

tleman from Florida eloquently brought out before the committee, the purpose of the park was partly to accommodate those who went south to enjoy the peculiar proximity which Florida has to Cuba and the island of Bimini. [Laughter.]

Mr. WALSH. Well, they ought not to encourage that. [Laughter.]

Mr. McCORMICK. If the gentleman does not wish to encourage traffic in that direction, he at least ought to suffer no obstacle to traffic coming north from there.

Mr. WALSH. There can not be any traffic coming north until they go south first for the purpose mentioned. Of course, the people of Florida are not going to use this highway for any such purpose.

Mr. LARSEN of Georgia. There is no purpose or intention on the part of anyone to commercialize this highway, nor will anyone be benefited in that sense of the word. The entire committee was in accord on the proposition that there should be no charge made for this land.

Mr. WALSH. I do not agree with the committee. I think, Mr. Speaker, we ought to impose the usual condition. However, I am not going to object to the consideration of the bill, but I am going to offer an amendment, to let the House vote it down, as they did upon the occasion of the amendment being offered when the bill to which the gentleman from Montana [Mr. McCORMICK] has referred was under consideration. I think perhaps you will vote it down, but I want to follow the long-established custom.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the public lands within the areas hereinafter described be, and the same are hereby, granted and conveyed to Escambia County, Fla., in trust, for the purposes of a public park, reserving, however, to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same, to wit: The north half northeast quarter section 34, township 3 south, range 32 west; south half southwest quarter section 26, township 3 south, range 32 west; lot 3, section 26, township 3 south, range 32 west; lot 1, section 27 south, range 23 west, comprising 253.9 acres, all Tallahassee meridian, within Escambia County, State of Florida; but nothing herein contained shall in anywise affect any claim of title heretofore acquired or asserted to any of the lands herein described.

With a committee amendment as follows:

Section 1, page 2, line 4, after the words "twenty-seven" insert the words "township 3."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WALSH. Mr. Speaker, I offer the following amendment: Page 1, line 3, after the word "described" insert the words "upon the payment of $1.25 per acre."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 3, after the word "described" insert "upon payment of $1.25 per acre."

Mr. WALSH. I do not care to discuss the amendment.

Mr. BURTNESS. Mr. Speaker, I desire to oppose the amendment. The suggestion made by the gentleman from Massachusetts [Mr. WALSH] is the very same suggestion that I made before the Committee on Public Lands at the time the bill was being considered. I am one of those who believe that as a general rule we ought not to establish a precedent of giving land away. But after hearing the evidence that was submitted before the committee I felt that this case was similar to a few other cases that have been reported by the committee in this, that the land was deemed practically worthless for ordinary uses, absolutely worthless for agricultural purposes, and that instead of benefiting this county, if they were compelled to pay for it, it would be a detriment. Because of that fact the committee, after considering this very point, unanimously agreed that this was one of the cases where it was proper to allow the municipality to have the land without paying therefor. In view of that I trust that the proposed amendment will be voted down.

Mr. MANN. The gentleman says it would be a detriment to them. We are not asked to pay them anything for taking it, are we? [Laughter.]

Mr. BURTNESS. No.

Mr. TILSON. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. TILSON. What is meant by conveying it in trust? Does that mean that in case the United States wants it for military or naval purposes that they could not take it?

Mr. BURTNESS. I have not the exact language before me, but the purpose of the bill as reported out of the committee was that it was to be used for public purposes for the county. I do not recall whether it provided for a reverter or not in express words; that was the intent.

Mr. MANN. The words "in trust" do not mean anything one way or the other. It will be just the same whether they are in or out.

Mr. TILSON. Usually when there are pieces of property that are declared surplus and turned over to the public for park purposes there is a proviso that in case they are needed for military purposes they can be taken by the Government for that purpose.

Mr. LARSEN of Georgia. Let me say that this bill was patterned after a bill that conveyed land for park purposes in the State of Wyoming. The words "in trust" were used in that bill. I think, however, it is the intention to be used by this Gulf Beach Highway Co.

Mr. BURTNESS. I want to add that the matter which the gentleman from Connecticut has in mind is covered, I think, by section 2. Whether the words "in trust" in section 1 mean anything or not is a moot question, but the provisions of section 2 amply protect the Government if any attempt should be made to use the property for a purpose other than that intended.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was considered and the amendment was rejected.

The Clerk read the second section of the bill, as follows:

SEC. 2. That the grant herein is made upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the county clerk shall submit to the said Secretary of the Interior a report as to the use made of the land herein granted the county during the preceding period named in such request, showing compliance with the terms and conditions stated in this act; and that in the event of his failure to so report, or in the event of a showing in such report to the Secretary of the Interior that the terms of the grant have not been complied with, the grant shall be held to be forfeited, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

The following committee amendment was read:

On page 2, line 18, after the word "report" insert the words "or otherwise."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LARSEN of Georgia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE LLOYD MEDITERRANEO SOCIETA ITALIANA DI NAVIGAZIONE.

The next business on the Private Calendar was the bill (H. R. 4622) for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk report the committee amendment in lieu of the original bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Clerk report the amendment in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That the claim of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*, arising out of a collision between said steamer and the United States *S. C. 121*, which occurred at the south side of pier No. 2 of the Norfolk & Western Railway Co., Lamberts Point, Va., on July 18, 1919, for and on account of the losses alleged to have been suffered by the owners of said steamer by reasons of damages to said steamer, may be submitted to the United States Court for the Eastern District of Virginia, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. CRAMTON. Mr. Speaker, in view of the fact that today's session is not likely to be long continued, I want to ask unanimous consent to take up out of order the bill S. 3268,

Calendar No. 246, on this calendar. The bill is far down on the calendar and is not likely to be reached to-day. It is urgent that it be passed as soon as possible, as it will make possible the construction of a plant which will give employment to 200 men. I am sure that no one will have any objection to the bill itself.

Mr. WALSH. What kind of a plant does the gentleman refer to? No one knows what the bill is.

Mr. CRAMTON. It is S. 3268, to construe a grant of land made to a railroad company in Michigan some 60 years ago. The land was granted to a company which is using it and will continue to use it; it can not be forfeited as long as the railroad company makes use of the land. Now they want to lease a portion of the land to a concern that is going to put up a cement factory, using some buildings on the land and constructing others.

There is a question as to whether the original grant was broad enough to permit the railroad to make a lease to another party for a cement factory. It seems to me the original grant was broad enough. In any event, the land when granted was paid for and the Government can not declare a forfeiture now, because the land is used by the railroad and will continue to be so used. It is just a question of clearing up the record so that the people will be willing to go ahead and put their money in the construction of this factory and give employment to these men. Naturally, there has been some delay, and because of the urgency of putting it in shape so that they can go ahead with the work I ask that it be taken up out of order, fearing it would not be otherwise reached to-day.

Mr. GARRETT of Tennessee. I shall not object to the gentleman's request, Mr. Speaker, and there may be some good reason for not running a little while longer; but why can we not run until about the usual hour, 5 o'clock?

Mr. CRAMTON. That does not rest with me. Whether I get the bill through now or an hour later would make no difference. It is quite a way down on the calendar, and I fear it will not be reached.

The SPEAKER. It obviously could not be reached to-day in its regular order. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, is hereby authorized and empowered to lease lot No. 1, or any portion thereof, and any buildings thereon, as described in the patent dated March 8, 1859, issued to such railroad company under the provisions of the act entitled "An act granting the right of way over and depot grounds on the military reserve at Fort Gratiot, in the State of Michigan, for railroad purposes," approved February 8, 1859, as amended: *Provided*, That any such lease shall be made subject to the condition in said act that the grant to said railroad company shall cease and determine in the event that such railroad shall be discontinued.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEASING OF CERTAIN RAILROAD LAND, FORT SHERIDAN, ILL.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to take up out of order Calendar No. 234, being H. R. 241, to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois. This relates to the construction of a road adjoining the Fort Sheridan Reservation. Unless the bill can be passed, so that the work can be started soon, it will not be possible to finish the work during the season. I dislike very much to inconvenience any of the Members of the House, but I am afraid that it will be some time before we call this calendar again.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take up out of order the bill H. R. 241. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 241) to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the Chicago, North Shore & Milwaukee Railroad, a railroad corporation organized and existing under and by virtue of the laws of the State of Illinois, its successors and assigns, a perpetual easement, for railroad purposes over and upon the following-described property, being a part of the military reservation of Fort Sheridan and of the public highway adjoining the same, to wit: All that part of the northwest quarter of section 10, township 43 north, range 12 east, of the third principal meridian, described as follows, to wit: Commencing at a point in the north line of said section 10 distant 100 feet easterly of measured at right angles from the easterly line of the right of way of the Chicago & North Western Railroad Co.; thence southeasterly along a line parallel to the easterly line of said right of way 1,513.44 feet to a point of curve; thence southerly along a curved line (convex westerly) having a radius of 11,409.2 feet, a distance of 597.38 feet, to a point of tangent; thence southeasterly along a line tangent to said curved line 355.13 feet to a point of curve; thence southerly along a curved line (convex easterly) having a radius of 11,509.2 feet, a distance of 526.68 feet, to a point in the north line of the south 66 feet of the northwest quarter of said section 10, being the north line of the highway running east and west; thence west along the north line of the highway to the east line of the right of way of the Chicago & North Western Railway Co.; thence northwesterly along the east line of said right of way 2,963.8 feet, more or less, to the said north line of section 10; thence easterly along said north line of section 10 to place of beginning; with full power to locate and construct railroad tracks, sidings, switches, and other appurtenances thereon and to use said property for all purposes appurtenant to its business: *Provided*, That no part of the property hereby granted shall be used for any other than railroad purposes, and that when such property shall cease to be so used it shall revert to the United States of America.

SEC. 2. That the Secretary of War be, and he is hereby, authorized to permit the location, grading, and paving of a public highway 46 feet in width to connect with the public highway known as McKinley Road at the north boundary of the military reservation of Fort Sheridan, and extending thence south to an intersection with the east and west road north of Fort Sheridan station upon, along, and over the following-described property: All that part of the northwest quarter of section 10, township 43 north, range 12, east of the third principal meridian, described as follows, to wit: A strip of land 46 feet in width extending from the north line of section 10 to the north line of the south 66 feet of the northwest quarter of said section 10, being the north line of highway running east and west, the westerly boundary line of said strip being described as follows: Commencing at a point on the north line of section 10, 100 feet easterly of the easterly line of the right of way of the Chicago & North Western Railway Co., measured at right angles thereto; thence southeasterly along a line parallel to said right-of-way line and 100 feet therefrom 1,513.44 feet to a point of curve; thence southerly along a curved line (convex westerly) having a radius of 11,409.2 feet, a distance of 597.38 feet to a point of tangent; thence southeasterly along a line tangent to said curved line 355.13 feet to a point of curve; thence southerly along a curved line (convex easterly) having a radius of 11,509.2 feet, a distance of 526.68 feet to a point in the north line of the south 66 feet of the northwest quarter of said section 10, being the north line of the highway running east and west, to be and become a highway for public travel in perpetuity.

SEC. 3. The grant to the Chicago, North Shore & Milwaukee Railroad, herein above in section 1 authorized, shall be upon the express condition that the said Chicago, North Shore & Milwaukee Railroad shall, at its own expense, construct and build a roadway having a brick surface upon a concrete foundation extending from the north boundary of said reservation to an intersection with the east and west road located on the south line of the northwest quarter of section 10 upon the strip of land hereinbefore in section 2 described, the pavement of which roadway shall be 22 feet in width, and that the said Chicago, North Shore & Milwaukee Railroad shall, at its own expense, construct a wire fence, with wooden posts, along the eastern boundary of said strip from the north end to the south end of said strip of like character to the present boundary fence of said Fort Sheridan Reservation, and the location of the public highway authorized in and by section 2 hereof shall be upon the express condition that the city of Lake Forest shall at all times after the completion thereof maintain the pavement to be constructed by said railroad upon said highway in a good and proper condition at the sole expense of said city of Lake Forest.

With the following committee amendments:

Page 1, line 8, after the word "easement," insert the words "subject to the proviso in section 4 herein."

Mr. STEVENSON. Mr. Speaker, I would like to know if there is any compensation that the Government is to have? This seems to be a very valuable franchise, a perpetual one, and I do not see any provision in the bill for any compensation to the Government at all.

Mr. CHINDBLOM. I should be very glad to go into that at this point.

Mr. STEVENSON. It strikes me as a rather important easement to be granted for nothing.

Mr. CHINDBLOM. At the present time there is a temporary permit granted by the Secretary of War for a strip of land 34 feet in length west of the Fort Sheridan Reservation, which is being occupied by this railroad for the purposes of its right of way. This bill, so far as that strip is concerned, grants only an easement. There is now a temporary right of way.

Mr. STEVENSON. How long does the temporary right of way continue?

Mr. CHINDBLOM. It is a temporary permit, and it is, of course, terminable within the will of the department.

Mr. STEVENSON. It can be revoked any time?

Mr. CHINDBLOM. Yes. With reference to the balance of the land covered by this bill, there are 46 feet to be used for a public highway for the benefit of the general public as well as for the benefit of the Government. The Government needs this highway. At present the only two roads which are available running east of the railroad tracks of the Chicago & North Western Railroad run through the reservation itself, and in going north persons driving must cross two railroad tracks in order to pass the north end of the reservation. This whole matter has been under consideration by the War Department

for a considerable time, and all parties concerned have now reached this agreement.

The railroad company undertakes under this bill to pay the costs for the paving of the road, a pavement 22 feet in width, running for half a mile along the western line of Fort Sheridan Reservation, at a total cost of approximately $30,000.

Mr. STEVENSON. How much land is involved?

Mr. CHINDBLOM. About 3 acres of land are involved. The War Department not only recommends this legislation but urges its passage, as will be found from the report. In a letter signed by John W. Weeks, Secretary of War, I read the following:

The bill as drawn has been reviewed and approved by the local military authorities as well as the railroad company and the city of Lake Forest. For reasons as stated it is urgently recommended that the bill in its present form be enacted into law.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. McCLINTIC. I notice on page 5 where the railroad company is required to construct a wire fence——

Mr. CHINDBLOM. That wire fence will belong to the Government. That is along the western part of the reservation, and we need a fence there very badly.

Mr. McCLINTIC. Inasmuch as this is a perpetual lease, would it be all right to amend that portion of the bill by inserting the words "and maintain," so as to provide that it shall be constructed and maintained?

Mr. CHINDBLOM. If the fence is constructed, we will be in exactly the same position as we are in now. That will be on the land of the Government and will be built along the old fence which is now on the reservation.

This is all in pursuance of agreements which have been made. I have no doubt——

Mr. STEVENSON. I notice another provision which strikes me as rather peculiar, which provides that the city of Lake Forest shall maintain this road.

Mr. CHINDBLOM. Yes, sir.

Mr. STEVENSON. What authority has Congress to impose upon the city the duty of the maintenance of a public highway?

Mr. CHINDBLOM. The city of Lake Forest has passed an ordinance which provides that it will maintain the road. One of the conditions of this perpetual easement is that the city of Lake Forest shall maintain the road.

Mr. STEVENSON. Do I understand that if the city of Lake Forest fails to maintain the road the easement is revoked?

Mr. CHINDBLOM. Absolutely.

Mr. STEVENSON. Suppose it fails to discharge its part of the agreement and the railroad discharges its part, where will they be?

Mr. CHINDBLOM. The tripartite agreement will insure that all terms will be carried out.

Mr. RANKIN. Suppose the railroad should abandon the road and cease to use it as a railroad?

Mr. CHINDBLOM. Then the perpetual easement ceases.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 5, after line 22, insert:

"SEC. 4. That the said conveyance shall be subject to the conditions and reversion hereinbefore provided for, and shall be used for the purposes hereinbefore described only, and shall be subject to the right of the United States at any and all times and in any manner to assume control of, hold, use, and occupy without license, consent, or leave from said corporation any or all of said land for any and all military, naval, or lighthouse purposes, free from any conveyance, charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said corporation: *Provided*, That the United States shall not be or become liable for any damages or compensation whatever to the said corporation for any future use by the Government of any or all of the above-described land for any of the above-mentioned purposes."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 6, line 12, strike out——

Mr. MANN. Mr. Speaker, I move to strike out the last section.

The motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CHINDBLOM, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORT, SPECIAL CANCELING STAMPS IN CERTAIN POST OFFICES.

Mr. STEENERSON. Mr. Speaker, I call up the conference report on the bill H. R. 10740.

The SPEAKER. The gentleman from Minnesota calls up the conference report, which the Clerk will report.

The Clerk read as follows:

Conference report on H. R. 10740, authorizing the use of special canceling stamps in certain post offices.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

H. STEENERSON,
W. W. GRIEST,
THOS. M. BELL,
Managers on the part of the House.

CHAS. E. TOWNSEND,
THOMAS STERLING,
DAVID I. WALSH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices submit the following written statement explaining the effect of the action agreed on:

The effect of said action is to restore to the bill the language of the Senate amendments as adopted by the Senate.

H. STEENERSON,
W. W. GRIEST,
THOS. M. BELL,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, I think we ought to have some little explanation of this conference report.

Mr. STEENERSON. The conference report is on the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices. The conference report agrees to the Senate amendment which added two post offices at which special canceling stamps could be used.

Mr. WALSH. What is going to happen in the two communities where the two offices are located?

Mr. STEENERSON. Well, one, I think, is in New Hampshire and the other in the State of Washington, at Tacoma. I move the previous question on the adoption of the conference report.

The previous question was ordered.

The question was taken; and the conference report was agreed to.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to take out of order Calendar No. 241, for the relief of John B. Elliott.

Mr. WHITE of Kansas. Mr. Speaker, reserving the right to object, it seems to me we might reach these bills in their regular order. I do not wish to object, but I have a bill on the calendar——

Mr. OSBORNE. It may be probably six weeks or two months before we get to this point again, and I have been waiting for three years——

Mr. MANN. The gentleman could not have been waiting three years because it has not existed that long.

Mr. OSBORNE. Well, it has seemed that long.

Mr. MONDELL. I have no objection, if the House has not, to have this bill taken up, but I want to say to the gentleman and other gentlemen that we hope to reach this calendar again in about two weeks, and when we do I hope we shall take it up as we have to-day, bills not objected to, beginning at the point where we conclude this evening.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GARRETT of Tennessee. I understand this particular bill which the gentleman from California desires to call up now is to pay some two months' salary of some sort to a Democrat.

Mr. WHITE of Kansas. Mr. Speaker, I withdraw my objection. [Laughter.]

Mr. GARRETT of Tennessee. I have not any doubt that the Democrat needs the money under this administration, and I hope——

Mr. MONDELL. If the gentleman will yield, is this a Democrat who has been separated from the service?

Mr. GARRETT of Tennessee. Not yet.
Mr. MONDELL. Or about to be?
Mr. GARRETT of Tennessee. I think probably from what I have heard as a matter of rumor maybe he is about to be.
Mr. MONDELL. I think, by all means, he should be paid.
Mr. LAYTON. I object, Mr. Speaker.
Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.
Mr. MONDELL. Mr. Speaker, I wish the gentleman would withhold that until I make a unanimous-consent request.
Mr. MANN. I will withhold it until the gentleman makes the request.

ADJOURNMENT OVER.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.
The SPEAKER. The gentleman from Wyoming moves that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:
S. 3317. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 N., range 32 W., Beltrami County, Minn.
Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:
H. R. 2158. An act to provide for the monthly payment of pensions.
H. J. Res. 309. Joint resolution appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:
To Mr. COCKRAN (at the request of Mr. GARRETT of Tennessee), indefinitely, on account of important business.
To Mr. WHEELER, for five days, on account of business.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p. m.) the House, under its previous order, adjourned until Monday, April 24, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:
593. A letter from the Clerk of the House of Representatives, transmitting testimony, papers, and documents in the contested-election case of Dan Parrillo against Stanley H. Kunz, eighth district of Illinois (H. Doc. No. 289); to the Committee on Elections No. 1 and ordered to be printed.
594. A letter from the Clerk of the House of Representatives, transmitting testimony, papers, and documents in the contested-election case of John Golombiewski against John W. Rainey, fourth district of Illinois (H. Doc. No. 290); to the Committee on Elections No. 2 and ordered to be printed.
595. A communication from the President of the United States, transmitting an estimate of appropriation for the United States Veterans' Bureau for the construction of hospital facilities, and provision of medical, surgical, and hospital services and supplies, $17,000,000, to be immediately available, and to remain available until expended (H. Doc. No. 291); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9793) granting an increase of pension to Richard H. Atkinson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. MADDEN: A bill (H. R. 11393) to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress; to the Committee on the Library.
By Mr. KING: A bill (H. R. 11394) for the erection of a public building at Abingdon, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.
By Mr. RHODES: A bill (H. R. 11395) for repairing levees, protecting property, and for the immediate relief of flood sufferers along the Mississippi River between the mouth of the Ohio and the mouth of the Missouri Rivers; to the Committee on Appropriations.
By Mr. HAUGEN: A bill (H. R. 11396) to regulate foreign commerce in the importation into the United States of the adult honeybee (Apis mellifica); to the Committee on Agriculture.
By Mr. SNELL (by request): A bill (H. R. 11397) to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes; to the Committee on War Claims.
By Mr. PARKS of Arkansas: Joint resolution (H. J. Res. 310) for the relief of sufferers in the flooded district of the Mississippi River, and for other purposes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:
By Mr. BENHAM: A bill (H. R. 11398) granting an increase of pension to Mary J. Green; to the Committee on Invalid Pensions.
Also, a bill (H. R. 11399) granting a pension to Margaret White; to the Committee on Invalid Pensions.
By Mr. CHANDLER of New York: A bill (H. R. 11400) for the relief of the estate of Katherine O'Melia; to the Committee on Claims.
By Mr. IRELAND: A bill (H. R. 11401) granting a pension to Catherine Hinkle; to the Committee on Pensions.
By Mr. PURNELL: A bill (H. R. 11402) granting an increase of pension to Elizabeth Stout; to the Committee on Invalid Pensions.
By Mr. SWANK: A bill (H. R. 11403) for the relief of Seth A. Welch; to the Committee on Military Affairs.
By Mr. WATSON: A bill (H. R. 11404) for the relief of Mordecai Fizone; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:
5215. By Mr. BARBOUR: Petition of the San Francisco Presbytery of the United Presbyterian Church, of Monmouth, Calif., indorsing House Joint Resolution 131; to the Committee on the Judiciary.
5216. Also, petition of the San Francisco Presbytery of the United Presbyterian Church, of Monmouth, Calif., indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.
5217. Also, petition of the San Francisco Presbytery of the United Presbyterian Church, of Monmouth, Calif., indorsing House bill 9753; to the Committee on the District of Columbia.
5218. By Mr. COLTON: Petition of the Association of Utah Claimants against Mexico; to the Committee on Foreign Affairs.
5219. By Mr. CURRY: Memorial of Lodi growers and the Shippers' League, of Lodi, Calif., in favor of House bill 10786, to punish the unlawful breaking of seals of railroad cars containing interstate and foreign shipments with felonious intent; to the Committee on Interstate and Foreign Commerce.
5220. By Mr. FENN: Petition of hundreds of citizens of Hartford, Conn., against passage of House bill 9753, or any other bill for enforced Sunday observance; to the Committee on the District of Columbia.
5221. By Mr. FESS: Petition of the United Presbyterian Church Presbytery, of Sidney, Ohio, indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce and urging its early passage by Congress; to the Committee on the Judiciary.
5222. Also, petition of the United Presbyterian Presbytery, of Sidney, Ohio, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia and urging expedience in its passage; to the Committee on the District of Columbia.
5223. Also, petition of the United Presbyterian Church Presbytery, of Sidney, Ohio, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

5224. By Mr. FRENCH: Petition of the Walla Walla Presbytery, of Lewiston, Idaho, indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5225. By Mr. GRAHAM of Illinois: Petition of the Presbytery of Monmouth, Ill., relative to Senate Joint Resolution 31, House Joint Resolution 131, and House bill 9753; to the Committee on the Judiciary.

5226. Also, petition of Mr. E. Sanstrom, of Moline, Ill., and others, relative to Senate bill 1948; to the Committee on the District of Columbia.

5227. By Mr. KING: Petition of A. P. Heidbreder and 18 other members of the Pattern Makers' League of Quincy, Ill., urging passage of House bill 10967, a bill to relieve unemployment, to remove the financial incentive to war, etc.; to the Committee on Naval Affairs.

5228. By Mr. KISSEL: Petition of the Retail Dry Goods Association, of New York City, N. Y., relative to American valuation plan; to the Committee on Ways and Means.

5229. By Mr. LEA of California: Petition of residents of Sonoma County, Calif., protesting against the compulsory Sunday observance bills for the District of Columbia (H. R. 4388 and 9753); to the Committee on the District of Columbia.

5230. By Mr. MAGEE: Petition of the Presbytery of Syracuse, N. Y., indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5231. Also, petition of the Presbytery of Syracuse, N. Y., indorsing House bill 9753; to the Committee on the District of Columbia.

5232. Also, petition of the Presbytery of Syracuse, N. Y., indorsing House Joint Resolution 131; to the Committee on the Judiciary.

5233. By Mr. RAKER: Petition of the California Federation of Women's Clubs, Mrs. W. A. Fitzgerald, president, of Berkeley, Calif., indorsing the Sterling-Towner bill; to the Committee on Education.

5234. Also, petition of the Brotherhood of Locomotive Engineers, Feather River Division, No. 800, of Portola, Calif., indorsing House bill 10798 and urging its passage; to the Committee on Interstate and Foreign Commerce.

5235. Also, petition of Alameda District, California Federation of Women's Clubs, indorsing the Johnson bill for the establishment of a forest experiment station in California in connection with the State university; to the Committee on Agriculture.

5236. By Mr. SNYDER: Petitions of North Star Grange, of Cold Brook, N. Y.; East Schuyler Grange, of Frankfort, N. Y.; and Little Falls Grange, of Little Falls, N. Y., favoring equal privileges in grange and land banks which other American banks enjoy; to the Committee on Banking and Currency.

5237. Also, petition of G. A. Mickle, F. G. Harkins, and U. D. Teepell, of Rome, N. Y.; P. F. O'Toole, F. J. Flanagan, and John Manier, of Utica, N. Y., favoring passage of the Chandler bill (H. R. 9198) providing for an increase in pensions for veterans of the War with Spain; to the Committee on Pensions.

5238. By Mr. STRONG of Pennsylvania: Petition of Kittanning (Pa.) Presbytery, indorsing House bill 9753 to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5239. By Mr. TILSON: Petition of the Connecticut Fish and Game Protective Association, urging the passage of House bill 5823; to the Committee on Agriculture.

5240. By Mr. WEBSTER: Resolution recently adopted by the Presbytery of Wenatchee, State of Washington, indorsing Senate joint resolution 31 and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

5241. Also, resolution recently adopted by the Presbytery of Wenatchee, State of Washington, indorsing House bill 9753 and urging its early consideration and passage by Congress; to the Committee on the District of Columbia.

5242. Also, resolution recently adopted by the Presbytery of Wenatchee, State of Washington, indorsing House joint resolution 131 and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

SENATE.

SATURDAY, *April 22, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the amendments of the Senate to the bill (H. R. 2158) to provide for the monthly payment of pensions.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10740) authorizing the use of special canceling stamps in certain post offices.

The message further announced that the House had passed without amendment Senate bills of the following titles:

S. 157. An act for the relief of the Rosen Riechardt Brokerage Co. of St. Louis, Mo.;

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided;

S. 667. An act for the relief of John B. H. Waring;

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee;*

S. 1767. An act for the relief of the owner of the derrick *Capitol;*

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; and

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 1059) for the relief of J. B. Waterman;

A bill (S. 1813) for the relief of the owner of the steamer *Mayflower;*

A bill (S. 1814) for the relief of the owner of the steam lighter *Cornelia;*

A bill (S. 1817) for the relief of the owners of the schooner *Horatio G. Foss;* and

A bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 241. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois;

H. R. 463. An act granting a patent to Joseph Robicheau;

H. R. 540. An act for the relief of Bradley Sykes;

H. R. 546. An act authorizing the Secretary of the Treasury to pay war risk insurance to the foster parents of Edward Short;

H. R. 1290. An act for the relief of Cornelius Dugan;

H. R. 1482. An act for the relief of James T. Farrill;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 1892. An act for the relief of L. A. McMullen;

H. R. 2614. An act for the relief of Luke Ratigan;

H. R. 2694. An act for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman;

H. R. 2722. An act for the relief of W. W. McGrath;

H. R. 3034. An act for the relief of Lizzie Askeli;

H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;*

H. R. 4845. An act for the relief of J. W. La Bare;

H. R. 4894. An act for the relief of George W. Posey;

H. R. 5251. An act for the relief of Ruperto Vilche;

H. R. 5668. An act for the relief of Cora T. Dering;

H. R. 5768. An act to amend and correct the military record of Alvah B. Doble;

H. R. 5791. An act for the relief of Robert Russell;

H. R. 5820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;

H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.;

H. R. 6134. An act for the relief of estate of Anne C. Shymer;
H. R. 6966. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;
H. R. 7052. An act for the relief of G. C. Caldwell;
H. R. 7425. An act for the relief of Zah Barmon;
H. R. 7695. An act for the relief of James E. Connors;
H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park;
H. R. 8073. An act for the relief of the Kineo Trust Co.;
H. R. 8374. An act for the relief of the estate of Frank W. Knight;
H. R. 8767. An act for the relief of F. E. Taylor and B. C. Broom;
H. R. 8845. An act for the relief of Mattie Alexander;
H. R. 9866. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision;
H. R. 10179. An act for the relief of Americus Enfield; and
H. R. 10643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message also further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3317. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 N., range 32 W., Beltrami County, Minn.;
H. R. 927. An act for the relief of Capt. Fred S. Johnston;
H. R. 2004. An act for the relief of Frank Ferrin;
H. R. 2158. An act to provide for the monthly payment of pensions;
H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce;
H. R. 3057. An act for the relief of George Van Derburgh Brown;
H. R. 3270. An act for the relief of Estella Barnett;
H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;
H. R. 7234. An act for the relief of Miles Swift;
H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;
H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes; and
H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota.

NAVAL PETROLEUM RESERVE IN WYOMING (S. DOC. NO. 191).

The VICE PRESIDENT laid before the Senate a joint communication from the Acting Secretary of the Interior and the Secretary of the Navy, transmitting, in response to Senate Resolution 277, information relative to negotiations with private parties for the operation of lands included in Naval Petroleum Reserve No. 3, Wyoming No. 1, commonly known as the "Teapot Dome," which was ordered to lie on the table and to be printed.

REPORT OF NEAR EAST RELIEF (S. DOC. NO. 192).

Mr. LODGE. I present a report to the Congress of the United States from the Near East Relief, as required by law, which I ask be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present petitions in favor of the joint resolution for the homeland of the Jews in Palestine, and ask that the names of the organizations be printed.

The petitions were referred to the Committee on Foreign Relations, and the list of organizations petitioning was ordered to be printed in the RECORD, as follows:

Chevra Mishraye Shabor, of New York City, Samuel Thomas Hefsky, president; Congregation Agudat Ahim, David Abrahams, president; Orange City Lodge, T. O. B. B., Joseph Shurkin, president; Daughters of Israel, Mrs. Sara Pinsky, president; Orange Zion District, Sam Friedlander, president, all in the State of New Jersey; the Organized Jews of Port Arthur, Tex., William Plettman, president; the Zionist Organization of Fargo, N. Dak., Harry Lashkowitz, president; the Jewish Fund Volunteers' Association of Detroit, Mich., P. Slomovitz, president; of the Joint Session of B. N. A. I., Israel Hebrew Ladies Aid Society, the Mizrachi Society, the Y. M. H. A. and the Y. W. H. A., of Steubenville, Ohio; the Young Men's Hebrew Association, of Boston, Newburyport, and Fall River, in the State of Massachusetts; the Independent Order of Brith Abraham, of Fargo, N. Dak.; the Communial Hebrew School, the Independent Order of Brith Abraham, the Congregation Beth Israel, the Jewish Library of New Orleans, the Ladies' Auxiliary Chevra Thilim, United Ben Lodge, I. O. B. S., the Hebrew Fraternal Association, Congregation Chevra Ihilum, Ladies' Rachael Ben Association, United Brotherlove Association, and the Young Jadaeah, of New Orleans, La.

Mr. KELLOGG. I present a telegram in the form of a petition, which I ask be printed in the RECORD, together with a list of names, from each of whom I have received a similar telegram or communication in the form of a petition.

There being no objection, the telegram and list of names were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

DULUTH, MINN., *April 19, 1922.*

Hon. FRANK B. KELLOGG,
United States Senate, Washington, D. C.:

I trust and hope that you will use your best endeavors to report favorably the Lodge resolution for a Jewish homeland in Palestine. I believe that the vast majority of Americans, whether Jew or gentile, are strongly in favor of this resolution. Your wonderful record for fairness to all should urge you to work for it.

JOSEPH VERTELNEY,
President Duluth Hebrew Brotherhood.

L. Fox, president Sons of Israel Lodge, Duluth; Kodrivrim Club of Duluth, Duluth; Dr. I. L. Rypins and Dr. Maurise Lefkovits, St. Paul; Samuel K. Davis, president Young People's League, Duluth; Samuel Lewis, president Independent Order B'nai B'rith, Hibbing; Joseph Vertelney, president Hebrew Brotherhood, Duluth; Sam Kaner, president Adath Israel Synagogue, Duluth; John Salem, Palestine National League, St. Paul; A. I. Mogelson, Duluth; E. Friedman, president B'nai Israel Congregation, Duluth; A. Horwitz, president Tiffereth Israel Congregation, Duluth; J. S. Saari, Eveleth; Anton Leohovic, pastor Holy Family Church, Eveleth; L. C. Smith, pastor Presbyterian Church, Eveleth; P. J. Maloney, pastor St. Patrick's Church, Eveleth; I. B. Aarons, president Duluth Zionist District, Duluth; C. A. Whitman, president First National Bank, Eveleth; Solomon Sax, vice president Eveleth Library, Eveleth; J. Weiner, president Eveleth Zionist District, Eveleth; Abe Goldberg, president Eveleth Lodge, No. 895, Eveleth; Harry Ellis, president Congregation Agudath Achim, Eveleth; Victor E. Essling, mayor, Eveleth; Dr. N. N. Cohen, president Western State Bank, Minneapolis; Sol. Fligelman, St. Paul; Philip Kleinman, St. Paul Zionist District, St. Paul; Rabbi Philip Kleinman, St. Paul; Rabbi J. B. Hurwitz, St. Paul; Rabbi J. Meyerowitz, St. Paul; Rabbi H. Simon, St. Paul; E. H. Hatch, Eveleth; Fr. McKeogh, pastor Italian Catholic Church, Eveleth; Zionist Organization, Chisholm; Rabbi S. Tetlitz, Duluth; Rabbi I. Lebendiger, Duluth; Jewish Ladies' Aid, Chisholm; B'nai Zion Congregation, Chisholm; Rabbi C. David Matt, Minneapolis; Joseph H. Schanfeld, president Adath Yeshurun Congregation, Minneapolis; Leo H. Frisch, American Jewish World, Minneapolis; Max Davis, president Kennesseth Israel Congregation, Minneapolis; Anna Goldvarg, president Young Women's Hebrew Association, Minneapolis; B. Bankman, president Zionist Organizations, Virginia; A. N. Bearman, president Temple Beth El, Minneapolis; Alfred E. Koenig, Council of Americanization, Minneapolis; Rabbi A. M. Heller, Minneapolis; Mrs. Alex Berman, president Ladies' Auxiliary of Talmud Torah, Minneapolis; M. D. Mirviss, Minneapolis; Jesse B. Calmenson, editor American Jewish World, St. Paul; Dr. Myron Sherper, physician, 336 Lowry Building, St. Paul; Harry Rosenthal, wholesale general merchandise, St. Paul; Dr. S. N. Magilner, physician, St. Paul; Milton P. Firestone, lawyer, St. Paul; Gustavus Loevinger, attorney, St. Paul; Moses W. Skorish, wholesale jobber, St. Paul; Dr. George J. Gordon, physician, Minneapolis; Louis B. Feigelman, jeweler, Minneapolis; Barney Tremblatt, president Bloom Bros. Co., Minneapolis; Dr. I. W. Marcus, editor Saturday Post, Minneapolis.

Mr. MYERS presented a resolution of the Kalispell (Mont.) Kiwanis Club, favoring inclusion of a provision for the reclamation of logged-off land in the McNary reclamation bill, which was referred to the Committee on Irrigation and Reclamation.

Mr. JONES of Washington presented a resolution of East Dalkena Local Grange, No. 30, of Dalkena, Wash., favoring the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. LADD presented a resolution of East Dalkena Local Grange, No. 30, of Dalkena, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

Mr. BORAH presented a resolution adopted by the annual conference of the Indian Valley Cattle and Horse Growers' Association, at Indian Valley, Idaho, favoring retention of the administration of the national forests in the Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Drummond, St. Anthony, Roxburg, and Squirrel, all in the State of Idaho, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented resolutions adopted by the Oklahoma State Association of Cleaners and Dyers, of Tulsa, Okla., favoring the passage of the so-called Capper-French truth in fabric

bill, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Twenty-fourth Annual Congress, Kansas Daughters of the American Revolution, at Pittsburg, Kans., favoring the enactment of legislation to create a national military park embracing the revolutionary fortifications at Yorktown, Va., which was referred to the Committee on Appropriations.

Mr. HARRIS presented a resolution adopted by group 5, Georgia Bankers' Association, at Cordell, Ga., expressing appreciation for the aid rendered by the Georgia delegation in Congress in securing the passage of the War Finance Corporation act and favoring further extension of such act, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by group 1 of the Georgia bankers, at Tifton, Ga., favoring further extension of the War Finance Corporation act, which was referred to the Committee on Banking and Currency.

Mr. ASHURST presented resolutions adopted by the Chamber of Commerce of Phoenix, Ariz., favoring the enactment of legislation to create a department of education, which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Chamber of Commerce of Phoenix, Ariz., in regular session assembled, respectfully represent that—

"Whereas the world-wide extension of popular Government has placed upon the masses of the people responsibilities never borne by their forefathers; and

"Whereas enlightenment and the development of wise leaders can only be brought about by educational process; and

"Whereas it is evident, from a consideration of conditions now existing in this country as regards illiteracy and the unsatisfactory assimilation of immigrants that methods of handling these problems now in force are inadequate; and

"Whereas a bill is now pending in the Congress of the United States providing for the acceptance of national responsibility for and aid to public education through the appropriation of $100,000,000 to the several States, and the establishing of a Federal department of education: Therefore be it

"*Resolved by the Chamber of Commerce of Phoenix, Ariz.*, That we hereby memorialize Congress to enact into law the Towner-Sterling bill, known as the education bill; be it further

"*Resolved*, That a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

Passed by the board of directors this 12th day of April, A. D. 1922.

[SEAL.] JOHN A. BARBER, *President.*

Attest:

HARRY WELCH, *Secretary.*

REPORTS OF COMMITTEES.

Mr. STERLING, from the Committee on Civil Service, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3472) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920 (Rept. No. 624); and

A bill (S. 3488) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920 (Rept. No. 625).

Mr. STERLING, from the Committee on Civil Service, to which was referred the resolution (S. Res. 258) requesting the President to furnish the Senate information concerning appointments by Executive order, reported it with an amendment and submitted a report (No. 628) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4368) for the relief of the owners of the barge *Havana* (Rept. No. 626); and

A bill (H. R. 7272) for the relief of Monroe B. Shealy (Rept. No. 627).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 3498) for the creation of a national monument in Montana, to be known as Battle of the Bear's Paw; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3499) to provide credits to secure the successful production and profitable and orderly marketing of agricultural products and live stock in the United States; to the Committee on Banking and Currency.

By Mr. SHORTRIDGE:

A bill (S. 3500) granting an increase of pension to Abigail R. Ellet; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3501) for the relief of the dependent widow and children of Herman Mednick, deceased; to the Committee on Claims.

By Mr. SPENCER:

A bill (S. 3502) to cancel an allotment made to Mary Crane, deceased, embracing lands on the Winnebago Reservation in Nebraska; to the Committee on Indian Affairs.

TARIFF BILL AMENDMENT.

Mr. HALE submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

THE CALENDAR.

Mr. HARRISON. Mr. President, may I ask, before we proceed with the calendar, that the resolution (S. Res. 258) which has just been reported from the Committee on Civil Service by the Senator from South Dakota [Mr. STERLING] may be considered. It calls for certain data and there will be no objection to it at all if we can consider it. There will be no discussion.

Mr. LODGE. If there is no discussion I have no objection, but the Senator must remember we are under a unanimous-consent agreement.

Mr. CURTIS. I suggest that the Senator from Mississippi wait until we get through with the calendar under the unanimous-consent order and then he can call up the resolution.

Mr. HARRISON. Very well.

Mr. CURTIS. Under the unanimous-consent order the calendar is to be called, beginning at the first number, and gone through with, and unobjected bills disposed of. Then if there is any time other business may be taken up on motion.

The VICE PRESIDENT. The Chair does not find any unanimous-consent agreement printed on the calendar.

Mr. ASHURST. The Chair will find it at page 5814 of the RECORD, about the middle of the left-hand column.

Mr. SMOOT. That was the understanding had on yesterday.

The VICE PRESIDENT. The Senate will proceed to the consideration of the calendar.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. KING. I would like to inquire—and if the Chair can not advise me perhaps the Senator from Kansas [Mr. CURTIS] can—whether under the unanimous-consent agreement an objection carries over a bill objected to?

The VICE PRESIDENT. The understanding was that on the first call of the calendar an objection could be raised and the bill would go over, but on the second call bills can be taken up on motion.

Mr. KING. On the first call they can not be taken up on motion?

The VICE PRESIDENT. That is the understanding.

MORGAN MILLER.

Mr. TOWNSEND. Mr. President, there are two claims bills on the calendar which went over at the last call of the calendar at the request of the junior Senator from Utah [Mr. KING]. I think he stated that possibly he might not object when they came up again. It is necessary for me to be away this afternoon, and I ask unanimous consent that those two bills—Senate bill 103 and Senate bill 1245—be called to see if there is objection to them or whether they can be considered under the unanimous-consent agreement.

Mr. KING. I have no objection to the Senator asking to advance them and take them up first, and I shall not object to their consideration. I may ask some questions and may feel constrained to vote against them, but I shall not object to their consideration.

Mr. TOWNSEND. That is what I understood. Therefore I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, the bill (S. 103) for the relief of Morgan Miller.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$6,000" and insert "$3,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Morgan Miller the sum of $3,000 for injuries sustained on February 3, 1920, while standing in the safety zone waiting for a street car at the corner of Fort Street west and Artillery Avenue, in the city of Detroit, Mich., by being struck by a United States mail truck which was running at a rapid rate of speed and without lights, it being 6 o'clock and 10 minutes a. m. and quite dark. Said Morgan Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn. He was in the hospital

about five days and has been confined to his bed for three months, and it will be eight months before he is able to do any kind of work whatever.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT JUNE.

Mr. TOWNSEND. I now ask that the other bill, Calendar No. 445 (S. 1245), for the relief of Robert June, be considered. It was read and discussed to some extent the other day.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert June, of Detroit, Mich., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $5,000 as compensation to him for injuries sustained in the month of June, 1908, on the Panama Canal, while employed by the Isthmian Canal Commission in the capacity of foreman.

Mr. KING. This is the bill to which the senior Senator from Utah [Mr. SMOOT] called attention the other day?

Mr. TOWNSEND. It is.

Mr. KING. And the Senator from Michigan was to obtain some information, I believe?

Mr. TOWNSEND. The information was whether this case comes under the law or not. The accident occurred before the law referred to was enacted. The man from that time to this has been either in the hospitals of the United States or under medical care. The case was not covered by the employees' liability act.

Mr. KING. Let me say to the Senator that in a number of instances where applications were made for relief and it was proven that the applicants were without the law, a bill was passed simply transferring them to a status under which they could invoke the law. Why should not that be done here?

Mr. TOWNSEND. The reason is, to my mind, very clear. The accident occurred without any fault on the part of the claimant at all. Colonel Goethals stated the facts of the case, and all connected with it say there is no dispute on that proposition at all. The man, after receiving the injury, went to work, thinking he could get along without making any claim, and he did work at times as best he could until he was discharged. Then he went to the hospital shortly after that. He thought, in the first place, that he was getting along all right, but shortly afterwards, as the result of the injury, which nobody disputes, his side became practically useless, involving his knee, ankle, and hip as well. This young man in the employ of the Government is incapacitated for his life's work. The bill is simply to relieve him.

Mr. SMOOT. The question I called attention to is the amount that is appropriated. The law as originally passed provided that an injured employee of the Government on the Panama Canal should receive one year's salary, and we have followed that year in and year out. The pending bill appropriates $5,000 for a man who was injured on the Panama Canal. Does the Senator know what his salary was?

Mr. TOWNSEND. I believe it was $175 a month.

Mr. SMOOT. That would be $2,100 a year. Would it not be the proper thing to amend the bill so as to give the man $2,100?

Mr. TOWNSEND. It does not seem to me that it would be proper at all, for the reason that the man has paid out much more than that amount in hospital bills. I think he paid out more than that at Johns Hopkins alone, where he went. He stayed there for treatment during practically a year and was discharged in this crippled condition. All of the doctors who have testified say that there is no hope of his recovery.

Mr. KING. Mr. President, I should like to ask the Senator how he justifies a proceeding by which we propose to discriminate in favor of persons who sustain injuries at the hands of the Government? Congress in its wisdom has passed a law and has fixed certain standards under which payment shall be made for any injuries received. Everybody who may be injured in the Government service since the passage of that law receives compensation under those standards and under that act. Now, here is a man who was injured prior to the passage of that law——

Mr. TOWNSEND. He was injured a month before that law became operative.

Mr. KING. It would seem to me that he ought to be more than gratified if Congress makes the law retroactive so far as he is concerned and places him in a position where he may receive the same compensation for the same character of injuries as other beneficiaries of the law receive.

Mr. TOWNSEND. If that is the position the Senate shall take, it is all right. I have, however, presented the case on account of its peculiar merits. I do not introduce all the bills which are presented to me; but I look into every case with as much care as possible. This case appealed to me very strongly. This man was of good ability. The Senator from Utah may put himself in this man's place. If the Senator from Utah were an employee of the Government and had suffered an injury as a result of which he became dependent, practically, and his opportunities for earning a living were destroyed through no fault of his, but through the fault of another employee of the Government, it would seem to me that, at least, we ought to make him whole. So in this case I think that we should not only pay Mr. June a year's salary but that we ought to pay his doctor's bills which have been incurred in order that he might regain his health.

Mr. KING. Mr. President, the argument of the Senator from Michigan is the argument which has been urged in every State against the passage of workmen's compensation acts, but the States and the Federal Government, in the exercise, I believe, of sound wisdom, and in the interest of a sound public policy, have considered that it was better to have the workmen's compensation acts prescribe certain standards and to bring everybody within those standards.

I say to the Senator now, with a due appreciation of his position and with the utmost sympathy for this man, that if we break down the standard, if we say now that the act which we have applied to every other man who has been hurt, perhaps just as badly and in some instances worse than this man, shall not apply, if we break the law down for this man, we shall have to break it down for the others; we shall be called upon over and over again to pass special pension bills which would nullify the general act which we have enacted, and which was enacted in the first instance to avoid appeals for the passage of special bills.

I ask the Senator to modify his bill so as to put this man into the same status as other men who have received like injuries. I think that he ought not to claim any greater advantage than anybody else who has been hurt.

Mr. TOWNSEND. All I can say is that the law seems to me to be very unjust in its application to this particular case. I do not care to make any motion; but if the Senator from Utah desires to amend the bill, and that shall be the sense of the Senate, that will be all right.

I do not wish to take up time out of order for the consideration of this bill, but, believing as I do that the amount fixed in the bill is the proper amount, I do not wish to move to reduce it.

Mr. KING. I do not know exactly in what form an amendment to the bill should be proposed.

Mr. SMOOT. The proper motion for my colleague to make would be to move to strike out the "$5,000" which is proposed to be appropriated by the bill and to insert in lieu thereof whatever amount he may think to be proper.

Mr. KING. No. I wish to amend the bill so that the claimant would get the benefits of the workmen's compensation act.

Mr. SMOOT. I think if my colleague should move to amend the bill by inserting "$2,500" he would practically cover the case.

Mr. KING. I think the claimant would receive more if he were brought under the workmen's compensation act; that he would get a certain amount for life——

Mr. TOWNSEND. For life?

Mr. KING. Yes; he would get a certain amount each month for life.

Mr. TOWNSEND. Oh, no. The bill as drawn provides for a lump-sum appropriation of $5,000. If it shall be amended so as to provide a lump sum of $2,500, that would not be sufficient to pay the man's doctors' bills; but if the Senator desires to amend the bill in that way——

Mr. KING. Mr. President, I confess I do not like to move that amendment. I think the claimant ought to be put under the workmen's compensation act; but I will move to strike out "$5,000" and to insert in lieu "$2,500."

The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The ASSISTANT SECRETARY. On page 1, line 6, it is moved to strike out "$5,000" and to insert "$2,500."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was rejected.

Mr. KING. Mr. President, I desire to move another amendment to the bill, but I shall have to state it hurriedly, and I am afraid that the amendment which I shall propose will hardly be in proper form. I move, however, to strike out all after the enacting clause of the bill and to insert the following:

That Robert June, of Detroit, Mich.——

Mr. TOWNSEND. I think his home is at Toledo.

Mr. KING. That is immaterial.

That Robert June, of Detroit, Mich., be placed upon the list of those obtaining the benefits of the workmen's compensation act, and that he shall receive the same benefits that are paid under said act to persons receiving like or similar injuries.

That amendment is, of course, inartistically drawn.

Mr. TOWNSEND. I am afraid the Senator's proposed amendment would tend to complicate the matter. Under the motion which the Senator made a few moments ago this man would receive practically one year's compensation, which is substantially the same amount that would be paid, as I understand, under the workmen's compensation act.

Mr. SMOOT. And that is what the law provided shortly after his injury.

Mr. TOWNSEND. Yes; within a month or so after the injury occurred.

Mr. KING. Let me ask the Senator from Michigan if, under the operation of the workmen's compensation act, he would not receive an allowance from month to month during life?

Mr. TOWNSEND. He would not; there is no question about that at all. If that were so I would move to repeal the act. The bill now under consideration is a plain relief bill, similar to hundreds of such bills which have been passed by Congress. The beneficiary under the bill has no status under the law now for any compensation; he does not come under the workmen's compensation act. Under the motion the Senator made a few moments ago he would be granted a lump sum of money to compensate him for the injury.

Mr. KING. Let me ask the Senator why should he not be put under the workmen's compensation act?

Mr. TOWNSEND. I have tried to state that to the Senator as best I could. If I did not know the case so thoroughly I would not so strongly urge the passage of the bill; but to me the case is a most appealing one. Here was a young, active, and promising man, who has been crippled for life, and who has spent almost as much as the bill reported proposes to give him in his attempt to recover his health. If I did not feel that the circumstances so strongly warranted it I would not ask for him special relief at all; I would not come here asking Congress to enact a special bill.

Mr. KING. I made a reply to the Senator a moment ago which I am compelled to make again, that that argument is always made against the adoption of workmen's compensation acts; but experience has demonstrated that in the long run injured persons obtain more by receiving a comparatively small amount under workmen's compensation acts than by resort to litigation, as a result of which some of them may get more, but after dividing with attorneys and paying court expenses, and so on, in the long run it has been demonstrated that injured persons receive less than they do even by having no limit upon the verdicts which juries might render. If we single this case out and give this man special consideration every man who has been injured or is hereafter injured in the Government service who would come within the workmen's compensation act would say, "My injuries are so serious that I do not wish to put myself under the workmen's compensation act; I will get a special bill through; the Senator from Michigan presented a special bill; he was not willing to put an injured employee in whom he was interested under this law. Why should I, with my serious injuries, come under that law?"

Mr. TOWNSEND. I think I know what a majority of the Senate wants in reference to this matter; but I know that it is not fair for me to stand here and occupy the time of the Senate when other measures are waiting to come up, and Senators are anxious to secure consideration for them. So, Mr. President, I ask unanimous consent to reconsider the vote by which the amendment offered by the Senator from Utah [Mr. KING] proposing an appropriation of $2,500 instead of $5,000 was rejected, in order that I may accept the $2,500 amendment.

The VICE PRESIDENT. Is there objection to reconsidering the vote by which the amendment was rejected? The Chair hears none, and the vote is reconsidered. The question now is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

The VICE PRESIDENT. The Secretary will state the first bill on the calendar.

A bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "exceeding," to strike out "$100,000" and to insert "$50,000," so as to make the bill read:

Be it enacted, etc., That paragraph 20 of section 24 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended to read as follows:

"20. Concurrent with the Court of Claims of all claims not exceeding $50,000 founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided, however,* That nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the late Civil War and commonly known as 'war claims,' or to hear and determine other claims which had been rejected or reported on adversely prior to the 3d day of March, 1887, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the 27th day of June, 1898, shall abate or be effected by this provision: *And provided further,* That no suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made: *Provided,* That the claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

The amendment was agreed to.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS TRANSFERRED TO THE CALENDAR UNDER RULE IX.

Mr. STERLING. Mr. President, in regard to the two bills next following on the calendar, the bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year, and the bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," I desire to say that the subject matter of those two bills is involved in the reclassification bill now pending before the Committee on Appropriations. Therefore those two bills may go over.

Mr. SMOOT. Why should they not be definitely postponed?

Mr. STERLING. I do not like to ask that they be definitely postponed.

Mr. SMOOT. Then, let them go to the calendar under Rule IX, so that they will not come up and go into the record every time the calendar is called.

Mr. STERLING. What will be the effect of that?

Mr. SMOOT. If the bills go over under Rule IX, they may be called up at any time.

Mr. STERLING. Very well. Then, I ask that the two bills to which I have referred may be placed on the calendar under Rule IX.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. SMOOT. I ask that that bill may also be transferred on the calendar to Rule IX.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. BORAH. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. JONES of Washington. I ask that that resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

RURAL HOMES.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, some time ago the Senator from Oregon [Mr. MCNARY] objected to that bill, as I have done, and it was understood that we were to see the Secretary of the Interior, Mr. Fall. I telephoned the other day to the Interior Department, but the Secretary was about to leave the city. As soon as he returns, the Senator from Oregon and myself will have an interview with him, and we hope to reach some understanding with respect to this measure.

Mr. SMOOT. Mr. President, all I have to say is that Secretary Fall is very much in favor of the bill; he has favorably recommended it, and I can not for the life of me see why there should be objection to it. I think that it will reclaim more land in the United States than any other act which has been presented to the Congress. Of course, however, if there is objection the bill must go over.

Mr. MCNARY. Mr. President, I assume objection has been made by the junior Senator from Utah [Mr. KING] to the present consideration of the bill; but in answer to the senior Senator from Utah [Mr. SMOOT] I wish to remark that this bill does not entirely fit in with the proposed larger scheme of reclamation. While I feel a great and deep interest in the subject, I want to discuss the matter in a practical way with the Secretary of the Interior. The junior Senator from Utah and I, in good faith, arranged to call on the Secretary of the Interior, but he has recently departed from the city. I can assure the senior Senator from Utah that there will be no unusual delay in the consideration of the bill.

BILLS PASSED OVER.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

Mr. KING. Let that go over.

Mr. CALDER. Mr. President, will not the Senator permit that bill to be considered now?

Mr. KING. No, Mr. President; I regret that I can not do so. I believe that possibly one additional district ought to be granted to New York; but, as I stated to the Senator from New York the other day, there is no reason why the Secretary of the Treasury and the internal revenue officers should not take from one State a district and create another one in New York. In some of the States there are too many districts now. Secretary McAdoo was willing to reduce the number that then existed and that now exist, notwithstanding the fact that the revenue then collected was more than is collected now or will be collected in the next year or two, if we are to believe the promises of our Republican friends. Now that we are diminishing the revenue, it is proposed to increase the number of revenue districts and necessarily the number of revenue officers. I am opposed to it.

Mr. CALDER. I hesitate to prolong the discussion, but the facts are that a great many more reports are being filed each year and the increasing of these districts tends to facilitate the Government's business, and from the standpoint of the Internal Revenue Department they insist that it would largely increase the amount of revenue collected.

Mr. KING. I think I can convince the Senator——

Mr. LODGE. Objection is made, Mr. President.

Mr. CALDER. Will the Senator permit the bill to be considered now?

Mr. KING. I object to it.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. ASHURST. Let the report be read.

Mr. KING. Mr. President, in frankness I shall have to state to the Senator that I shall object to the consideration of that bill.

Mr. ASHURST. Of course, if my friend is going to object, I do not wish to consume the time of the Senate by having the report read. I presumed that having objected five or six times, he had exhausted his objections.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. POMERENE. I object, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

GEORGE A. ROBERTSON.

The bill (S. 496) for the relief of George A. Robertson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries while in the performance of their duties, and for other purposes," are hereby extended to George A. Robertson for the loss of his right eye while employed by the Department of the Interior in Glacier National Park in the year 1913, and that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations, owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. Mr. President, I do not see the chairman of the committee, the Senator from Delaware [Mr. BALL], here. I understand that efforts are being made now by the companies to bring about a merger. If that can be done without legislation, it is very desirable. I suggest that the bill be passed over for the present.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. KING. The discussion of that bill will take some time. I suggest that it be passed over for the present.

The VICE PRESIDENT. The bill will be passed over.

RELIEF OF GOVERNMENT CONTRACTORS AND OTHERS.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders, was considered as in Committee of the Whole.

Mr. KING. Has the bill been read, Mr. President?

The VICE PRESIDENT. It was read when reached before on the calendar.

Mr. KING. I should like an explanation of the bill from the Senator from Washington. I reserve the right to object.

Mr. POINDEXTER. Mr. President, in substance this bill simply gives authority to the Secretary of the Navy to settle contracts made during the war. Many of these contracts were interfered with by the Government itself after they had been entered into. At the conclusion of the report of the committee on the bill there is a statement, which the Senator will notice, from the Secretary of the Navy, in which he says:

I am strongly in favor of legislation of this kind, which will do justice to the contractors and still safeguard the interests of the Government. I urge speedy action by the Congress. These claims have been pending for some time, and, with many of the small contractors, their allowance may mean the difference between solvency and insolvency. Our inability to meet all the claims works a hardship that should be removed as soon as may be.

There is a limitation on the bill that nobody who has made as much as 6 per cent on his entire volume of business can have any claim, regardless of any profit that he may be losing by reason of Government orders. It is intended simply within that limitation to relieve contractors from the interference of the Government with the performance of the contracts.

Mr. KING. May I inquire of the Senator what has been done with the numerous claims made by persons having contracts or alleged contracts with the Government for damages because of the breach of the contracts by the Government?

Mr. POINDEXTER. In the case of the War Department, the Post Office Department, public works under the Treasury Department, and rivers and harbors there has been more or less remedial legislation, and many of these claims have been settled; but there has been none so far as the Treasury Department is concerned.

Mr. KING. As I understood, a commission was appointed by the War Department to pass upon the claims presented; and Secretary Weeks sent to the Senate, in response to a resolution which I offered, a letter showing the number of claims which had been presented, the number allowed, the number disallowed, the amounts allowed, and so forth, and the fact that some of the claims had been reopened; and that is what induced the resolution. A commission was appointed, with quasi-judicial powers, to make a thorough investigation into all of those claims, and it did investigate, and paid very large sums and settled very large amounts. Was not some commission appointed in the Navy Department?

Mr. POINDEXTER. No; there was not. That is the great need for this legislation. Of course, it has been delayed by the expectation that there would be a general omnibus legislative bill relating to the Navy, since the division of appropriations from legislative matters in the House of Representatives, and the Senate has been expecting that the bill which has been reported out of the committee in the House would be acted upon and come to the Senate, and there would be an opportunity in connection with that bill to take up such matters as this.

Mr. KING. In view of the length of time that has elapsed since the alleged breach of contract by the Government, does not the Senator think that the matters ought to go to the Court of Claims?

Mr. POINDEXTER. That would simply mean ruin to the smaller contractors. They could not possibly maintain themselves in the Court of Claims and wait the length of time that would be necessary to get an adjudication. It would amount to a denial of justice; and the committee, after careful examination, was of the opinion that there is no danger that the Secretary of the Navy is going to be too liberal with these people. The strictest sort of limitations are placed upon the allowance. The object is to give the head of the department, representing the Government in these matters, the same sort of power to settle a contract that a private individual would have in the case of parties with whom he is dealing.

I hope the Senator will not insist upon his objection, but will allow this measure to go through.

Mr. KING. I ask that the report may be read. It will take a little time, but it will give us further light on the matter.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the report.

The Assistant Secretary read the report (No. 191), submitted by Mr. POINDEXTER on June 29, 1921, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders, having had the same under consideration, report favorably thereon and recommend that the bill do pass with amendments, as follows:

After the word "order," line 2, page 2, strike out the words "or action."

After the word "authority," line 2, page 2, insert the words "not authorized by the contract."

After the word "mentioned," line 3, page 2, change the semicolon to a period and strike out the remainder of section 1.

The bill seeks to provide means for reimbursing contractors under the Navy Department on contracts made between the declaration of war and the signing of the armistice for losses and damage caused by governmental action.

Section 1 covers claims on contracts entered into between April 6, 1917, and November 11, 1918, inclusive, and requires that such claims shall be in writing, verified under oath, and shall be submitted to the Secretary of the Navy within six months from the date of approval of the act.

Section 2 prohibits claimants whose entire volume of business with the Government during the aforesaid period yielded a net profit of not less than 6 per cent from obtaining the relief carried in the bill.

Section 3 authorizes the Secretary of the Navy to obtain data, to make rules and regulations, to summon and examine witnesses, and to procure the books and papers of claimants, in carrying out the duties of the act.

Section 4 authorizes and directs the Secretary of the Navy to decide, find, fix, and determine the sum due any claimant, and also directs that in like cases should it be found that any liquidated damages are due the Government against such claimants the Secretary of the Navy shall so find.

Section 5 appropriates the sum of $25,000 to enable the Secretary of the Navy to carry out the provisions of the bill.

Similar legislation has already been enacted to apply to contracts of the Post Office Department, public-buildings work under the Treasury Department, and rivers and harbors and other War Department contracts. This bill does not seek to legalize informal contracts but only to open the way for the correction of apparent injustices which have arisen under contracts formally entered into and which were not foreseen when the contracts were made.

The measure has the approval of the Acting Secretary of the Navy, and the following is quoted from his letter of June 8, 1921:

"I am strongly in favor of legislation of this kind which will do justice to the contractors and still safeguard the interests of the Government. I urge speedy action by the Congress. These claims have been pending for some time, and, with many of the small contractors, their allowance may mean the difference between solvency and insolvency. Our inability to meet all the claims works a hardship that should be removed as soon as may be."

Mr. KING. I regret that the report does not state more fully what the claims are, the aggregate amount, or the possible liability of the Government. We are asked practically to shoot into the dark. Is this a million or ten million or one hundred million dollars that we are obligating the Government to pay?

Mr. POINDEXTER. It is impossible to tell, of course, what the amount will be, but somewhere in the neighborhood of a million dollars, so far as claims have been filed.

Mr. KING. A million dollars only?

Mr. POINDEXTER. Yes; that is my information. I inquired of the department in regard to that in response to a similar question asked by the Senator on another occasion.

Mr. KING. Do these contracts relate to warships or munitions and supplies, and so forth?

Mr. POINDEXTER. They relate to munitions, supplies, and to the construction of ships, buildings, and various other war activities. It is confined entirely to contracts made during the period of the war.

Mr. KING. Is the Secretary of the Navy authorized to make payment?

Mr. POINDEXTER. The Secretary of the Navy is authorized simply to find the amount due. I assume that an appropriation by Congress would have to be made subsequently to pay any award made by the Secretary of the Navy.

Mr. KING. Is there a provision in the bill that he shall report his findings to Congress, and that Congress then shall pass upon the same?

Mr. POINDEXTER. No; there is no provision to that effect. Of course, it would be absolutely necessary, in applying for appropriations, for his report to be made to Congress.

Mr. KING. Will the Senator agree to an amendment to this effect, that the Secretary of the Navy shall make a full and detailed report of his proceedings under this act to Congress on or before such date as the Senator may suggest?

Mr. POINDEXTER. I have no objection at all to such an amendment.

Mr. KING. I suggest that as an amendment. Probably it should be made a part of section 4.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. KING. Before it is stated, may I inquire of the Senator what time he thinks should be inserted in the amendment?

Mr. POINDEXTER. I would say six months.

Mr. KING. Say, on or before December 1 next?

Mr. POINDEXTER. Yes.

Mr. KING. That will be satisfactory.

Mr. POINDEXTER. May we not have a vote on that amendment?

Mr. KING. Let us make it on or before December 1, 1922.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. Add, at the end of section 4, the following proviso:

Provided, That the Secretary of the Navy shall make a full and detailed report of his proceedings under this act to Congress on or before December 1, 1922.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the committee amendments in their order.

The amendments of the Committee on Naval Affairs were, on page 2, line 6, after the word "order," to strike out the words "or action"; on page 2, line 6, after the word "authority," to insert the following words "not authorized by the contract"; on page 2, line 7, after the word "mentioned," to strike out the semicolon and the rest of the paragraph down to and including line 14, as follows: "and the execution of a final settlement or release by such claimant prior to the approval of this act shall not be a conclusive bar to his relief hereunder if such claimant is otherwise entitled to such relief under this act, but such settlement or release may be considered by the Secretary of the Navy as a circumstance bearing upon the question of the justice and equity of such claim" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to make thorough investigation and determination of the merits of all claims which may be submitted to him in writing, and verified under oath, within six months from the date of approval of this act, for any loss or delay alleged to have been caused to any contractor, subcontractor, or material man in the performance of any contract entered into by any person, firm, corporation, or association with the United States through the Secretary of the Navy or the Navy Department from April 6, 1917, to November 11, 1918, inclusive, which loss or delay was caused to such contractor, subcontractor, or material man, by the action of any Government agency by reason of priority orders for material or transportation, commandeering of property or material, or other order of Government authority not authorized by the contract, on or between the dates above mentioned.

SEC. 2. No claimant shall obtain such relief whose entire volume of business with the Government or as a subcontractor or material man upon contracts with the Government during the period aforesaid shall have yielded a net profit of not less than 6 per cent.

SEC. 3. In the performance of the duties of this act, the Secretary of the Navy is authorized to make such rules and regulations, not inconsistent therewith, as may be proper and necessary for the orderly conduct of his duties thereunder, and is hereby authorized to summon witnesses and examine them under oath, acting either in person or through such agencies as he may establish, and to require claimants to exhibit their books and papers, and to obtain from the Secretary of the Treasury income tax and other financial reports, where the same may be pertinent to the question under inquiry.

SEC. 4. The Secretary of the Navy shall decide each claim presented under this act in accordance with the principles of justice and equity with a view of relieving claimants or petitioners hereunder from any loss caused by the action of the Government hereinbefore stated, and if it shall be found that on account of such action of the Government any sum of money shall be due to such claimant, not exceeding a net profit of 6 per cent upon the entire volume of business which such claimant may have had with the Government on account of contracts during the period mentioned, the Secretary of the Navy shall fix and determine the same, and if it shall be found that by reason of any such act of the Government, as stated above, the Government shall have a claim for liquidated damages against any such claimant or petitioner on account of any such contract mentioned in the first section of this act for delay in its performance, which delay shall have been caused by such Government action, the Secretary of the Navy shall so find, and such Government claim for damages on account of such delay shall be canceled and become of no effect.

SEC. 5. The sum of $25,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to enable the Secretary of the Navy to carry out the purposes of this act.

The amendments were agreed to.

Mr. DIAL. I notice that in section 4, line 19, the bill refers to any claim for liquidated damages which the Government may have. I do not know that it would have any claim for liquidated damages. It looks to me as if it should read "unliquidated" damages. At any rate, the Government should have a right to set up a claim either for liquidated or unliquidated damages.

Mr. POINDEXTER. I have no objection to striking out the word "liquidated," if the Senator prefers.

Mr. DIAL. I suggest that the Senator agree to an amendment making it read "liquidated or unliquidated."

Mr. POINDEXTER. I have no objection.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. After the word "liquidated," on page 3, line 19, insert the words "or unliquidated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEBATE UNDER RULE VIII.

Mr. LODGE. Mr. President, I desire to call attention to Rule VIII, under which we are proceeding. That rule provides that each Senator shall be entitled to speak once, and for five minutes only, upon any question. I shall ask for the enforcement of that rule while I am in the Chamber.

RURAL HOMES.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. MCNARY. Before anyone suggests that this bill shall go over, I want to say that it has been displaced by a bill later reported by the committee, Senate bill 3254. So I ask that this bill be indefinitely postponed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and Senate bill 2170 is indefinitely postponed.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Mr. CAPPER. I ask unanimous consent that we shall go back to Senate bill 2040, which appears on the calendar just before the bill that was acted on a few moments ago. It is a bill which relates to a school census of the District of Columbia and is known also as the compulsory school attendance bill. I have been trying for several weeks to get it before the Senate. There is a great demand from the school authorities here for the prompt consideration of the measure.

Mr. SMOOT. I know the importance of the bill. It is a long measure, and I am quite sure the Senator is aware it could not be passed under the limitation of five minutes on speeches and permitting only one speech by each Senator.

Mr. CAPPER. I do not know of any opposition to the bill.

Mr. SMOOT. There is opposition to it. I suggest that the Senator wait until we get through with the calendar, and then if he wants to move to take it up, under the agreement he can do that; but I would like to have it go over now until that time.

Mr. CAPPER. That is all right, if I can have an understanding to get it up after we conclude the consideration of the bills on the calendar.

Mr. SMOOT. Under the unanimous-consent agreement we are to consider the bills on the calendar to which there is no objection, and after the consideration of those bills has been concluded, any bill may be taken up by the order of the Senate.

Mr. CAPPER. I wish to give notice now that as soon as we get through the calendar I shall ask that this bill be taken up.

The bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. KING. Let me ask the Senator whether he will not consent to that bill being passed over until the joint committee of which the Senator is chairman and I am a member makes its report to the Committee on the District of Columbia?

Mr. CAPPER. This measure has been considered by the Senate District Committee, and I do not think it is a matter the joint school committee has under consideration especially. The House District Committee has already considered the measure, and my understanding is that they have made a favorable report, so that it is really not a part of any program which might be presented by the joint school committee.

Mr. KING. The Senator no doubt knows that the method of appointing the school board in this District is the subject of discussion in the joint committee. Some have suggested that the members of that board be appointed by the President, others by the judges of the Supreme Court, others by the commissioners, and others that they be chosen by an election upon the part of the people. I know it is the subject of discussion in our joint committee, and I am sure we will make a recommendation, I hope unanimously.

Mr. JONES of Washington. I will save time by objecting to the present consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

BILLS, ETC., PASSED OVER.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. That may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person when reimported into the United States was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2515) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 268) for the relief of William O. Mallahan was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2035) for the relief of William M. Carroll was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2573) to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

The VICE PRESIDENT. That bill has been considered and amended. There is an amendment pending offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. OVERMAN. Let it go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 748) to remove the charge of desertion from the military record of Charles F. Getchell was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ORIN THORNTON.

The bill (S. 1655) for the relief of Orin Thornton was announced as next in order.

Mr. KING. Let the report be read in that case, Mr. President. I reserve the right to object.

The Assistant Secretary proceeded to read the report submitted by Mr. ROBINSON November 23, 1921.

Mr. OVERMAN. The bill had better go over, Mr. President.

Mr. CARAWAY. I hope the Senator will not object.

Mr. OVERMAN. If the Senator from Arkansas is interested in it, I will withdraw the objection.

Mr. SMOOT. Let the Secretary continue reading the report. If there is nothing in the report other than what we have heard already, I shall object.

The Assistant Secretary resumed and concluded the reading of the report, which is entire as follows:

Mr. ROBINSON, from the Committee on Military Affairs, submitted the following report to accompany S. 1655:

The Committee on Military Affairs, to which was referred the bill (S. 1655) for the relief of Orin Thornton, having considered the same, report favorably thereon with the recommendation that the bill do pass with an amendment as follows:

At the end of line 8 strike out the period and insert a colon and the following: *"Provided,* That no back pay, bounty, or other allowances shall be considered to have accrued by reason of the passage of this act."

A report from the War Department on the case of Orin Thornton is appended hereto and made a part of this report, as follows:

Case of Orin Thornton, alleged former member of Company A, Third Regiment Arkansas Volunteer Infantry.

The name Orin Thornton has not been found on the rolls on file in this office of Company A, or any other company of the Third Regiment Arkansas Infantry, Civil War. That regiment was also known as the Fourth Regiment Arkansas Cavalry.

A record is found, however, showing that one ——— Thornton was enrolled November 17, 1863, at Benton, Ark., and was mustered into service at that place December 8, 1863, with a detachment, as a private of the Third Arkansas Cavalry, to serve one year, which regiment (or battalion) subsequently became the Fourth Arkansas Cavalry (Fishback's). No later record of this ——— Thornton has been found in this office; hence there appears to be no official record showing whether he rendered any actual military service or whether he died in service, deserted, or was discharged either honorably or dishonorably. The Auditor for the War Department has informed this office that no record is found of any payment made to this man.

It has repeatedly been alleged in communications to this office by one Aren, Oren, or Arin Thornton, Aren B., Oren B., or Arin B. Thornton, that he served as a private in Company A, Fourth Arkansas Cavalry (Fishback's), said to have been previously known as Company A, Third Arkansas Infantry. The latest allegation is that he (as Orin Thornton) was mustered in about November 17, 1863, and was mustered out about March 28, 1864.

Respectfully submitted.

P. C. HARRIS,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
May 19, 1921.

The records of the War Department, as set forth in a letter from The Adjutant General, dated June 4, 1921, to Senator FRELINGHUYSEN, show that two persons named Thornton (one bearing the name of "William R." and the Christian name of the other being omitted) were enrolled November 17, 1863, at Benton, Ark., and were mustered into the service at that place December 8, 1863, as members of Company A, Third Arkansas Infantry, which was later known as the Fourth Arkansas Cavalry (Fishback's). Concerning this command, The Adjutant General in his letter of June 4, 1921, says:

"The above-mentioned Company A was one of the four incomplete companies of said regiment or battalion, which were mustered into the service in the latter part of 1863. Apparently, they were never formally mustered out of service, but it has been ascertained by this department that the duly mustered recruits of the organizations were disbanded March 28, 1864, at Little Rock, Ark. It is held by this department that this disbandment constituted a muster out of service and that the men were mustered out for the reason that their services were no longer required."

It seems conclusive, therefore, that said command was in the service from the date of enrollment, November 17, 1863, until March 28, 1864, when disbandment took place.

Concerning the identity of the Thornton whose Christian name does not appear in said records, this is made clear from affidavits of two of Thornton's former comrades, still surviving, Montgomery O. Campbell, now of Hot Springs, Ark., and Richard A. Wright, of Point Cedar, Ark., both of whom served with Orion Thornton in the command mentioned, Company A, Third Arkansas Infantry, afterwards known as Fourth Arkansas Cavalry (Fishback's).

Mr. SMOOT. The last report of the War Department, I think, justifies favorable action on the bill. I feel that wherever there is a reasonable doubt, we should give the man the benefit of the doubt. There is a reasonable doubt here, and I think it ought to be given to him. I have no objection to the passage of the bill.

Mr. CARAWAY. The captain of his company undertook to make a subsequent return of the men who served with him, and his affidavit is on file with the War Department that this man was on his muster roll, but the sergeant who disbanded them evidently did not know his given name and just omitted it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to add at the end of the bill the following proviso: "*Provided,* That no back pay, bounty, or other allowance shall be considered to have accrued by reason of the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Orin Thornton, late of Company A, Third Regiment Arkansas Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of said company and regiment: *Provided,* That no back pay, bounty, or other allowance shall be considered to have accrued by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 726) for the relief of George Emerson was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment was announced as next in order.

Mr. KING. Let the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The VICE PRESIDENT. It goes over.

The bill (S. 2328) for the relief of Margaret I. Varnum was announced as next in order.

Mr. KING. I do not find the bill on my file. Let it be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

ALBERT HAMILTON.

The bill (S. 548) to place Albert Hamilton on the retired list of the United States Navy was announced as next in order.

Mr. KING. Let the bill go over.

Mr. LODGE. Mr. President——

Mr. KING. I withhold the objection.

Mr. LODGE. I merely wish to state the case briefly before the bill goes over. This officer's health broke down owing to service in Panama and the trouble, of a malarial nature, came back after his return to the United States. The fact was his health broke down entirely, and while he was in a mentally disturbed condition he resigned when he could then have been retired. The report is signed by former Secretary Daniels, and in the report the department said:

The department is in general opposed to special legislation for the benefit of an individual. It tends to create dissatisfaction and inefficiency in the service by establishing undesirable precedents which may be cited by others in endeavoring to secure like consideration or relief. The evidence in this case, however, would seem to warrant the belief that the disability existed in its primary stages at the time of the officer's resignation, that it originated in the line of duty, and that his separation from the service, precluding his being placed on the retired list, was brought about through no fault of his or of the department, his case being at the time under consideration to determine whether or not a rest and relief from official duties would effect a restoration to health.

As Mr. Hamilton is now receiving a pension of $50 per month from the Government, it would appear that his case is receiving very liberal consideration, yet, in view of all the circumstances, if the Congress should deem the case of sufficient merit to warrant the placing of this man on the retired list of the Navy by special enactment, the department will not interpose objection.

The fact is that the man's health is entirely gone, and he is dependent on what he receives from the Government. It was not through his fault or the department's fault that the opportunity to retire was lost. I think it is only an act of justice to allow him to be retired with the rank of lieutenant, the rank he then held.

Mr. KING. May I inquire of the Senator, if the bill shall pass whether it will not be regarded as a precedent under which numerous applications may be made for similar relief?

Mr. LODGE. Such applications, of course, are made constantly, and each one has to be decided on its merits. We are constantly considering bills of this nature. There are many meritorious cases and good reasons given why officers should be placed on the retired list.

Mr. KING. It seems to me there should be a general law——

Mr. LODGE. I think there is no general law.

Mr. KING. There is a general law providing for retirement.

Mr. LODGE. Oh, yes; for retirement in due course.

Mr. KING. It would seem to me to be a questionable policy to pass special bills providing for retirement.

Mr. LODGE. I do not think it establishes any precedent at all. I think each case should be decided on its individual merits. It establishes no precedent, in my opinion.

Mr. KING. The Senator will observe that there is no very great enthusiasm on the part of the Navy Department in the recommendation. They say the man has been very generously treated by the Government.

Mr. LODGE. They say he has a pension of $50 a month; that he is entirely dependent on that pension, and his health is gone owing to disease contracted in the Tropics. There is no dispute about the facts.

Mr. KING. As the Government seems to be a big eleemosynary institution and everybody comes to it for help, I shall not object.

Mr. OVERMAN. Does the Senator from Massachusetts notice that there should be a change in the title? The title should read, "To place Albert Hamilton on the retired list of the United States Marine Corps," instead of "United States Navy."

Mr. LODGE. The Senator is correct.

The VICE PRESIDENT. That will come after the passage of the bill.

The bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to place Albert Hamilton, formerly a first lieutenant, United States Marine Corps, on the retired list of the Marine Corps with the rank and retired pay of a first lieutenant of the Marine Corps: *Provided*, That in computing his pay credit shall be given for all his continuous service in the Marine Corps: *Provided further*, That no pay shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill to place Albert Hamilton on the retired list of the United States Marine Corps."

BILLS PASSED OVER.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. JONES of Washington. The Senator from New York [Mr. CALDER] is necessarily absent. He asked me if the bill came up in his absence to request that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 140) for the relief of Peter Shell was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2498) to correct the military record of Alonzo C. Shekell was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2493) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JESSE L. CLAY.

The bill (S. 2258) for the relief of Jesse L. Clay was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from Texas [Mr. SHEPPARD], who seems to be sponsor for the bill, the reasons for it, and why, if the man is entitled to relief, he does not seek it under the compensation act?

Mr. SHEPPARD. It is a case which was presented to the Compensation Commission, and that commission, by a divided opinion, decided against the claimant. However, the committee, after giving the case careful investigation, found that his illness was brought to a serious crisis by the accident in question, although not directly produced by it. Under the rules followed by the Compensation Commission, the commission itself held by a divided opinion that relief could not be granted. The committee believed and found that the man had an equitable claim. A similar bill passed the Senate during the last Congress.

Mr. KING. Where we set instrumentalities with full power to deal justly between employees and the Government, I think it is wise to adhere to their ruling, and we ought not, except for most extraordinary reasons, to ignore their proceedings. I object to the consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. SMOOT. May I inquire of the Senator from Kansas if this is a claim for the use of a patent for revetment work in the Mississippi River?

If that is the old claim—and I think it is—I have objection to it, and I shall have to look up the papers in the case.

Mr. CAPPER. I am not informed as to that.

Mr. SMOOT. Let it go over. I think it is the old claim. I went into it very carefully at the last Congress, and I do not think it is a just claim.

Mr. CAPPER. I think the Senator from Minnesota probably knows something about it.

Mr. SMOOT. I am quite sure that this is the old claim; so I ask that it may go over.

The VICE PRESIDENT. Objection being made, the bill will go over.

ALFRED SJOSTROM.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2372) for the relief of Alfred Sjostrom, which had been reported from the Committee on Claims with an amendment in line 6, after the words "sum of," to strike out "$5,000" and to insert "$720," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred Sjostrom the sum of $720 for injuries sustained by him while in the performance of his duties as an employee of the Government at Battle Mountain Sanitarium, Hot Springs, S. Dak., on December 3, 1910, in an accident in which he lost all the fingers of his right hand.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE VESSEL "MARIA ARTAU."

The bill (H. R. 5965) for the relief of the owner of the vessel *Maria Artau* was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

OFFICERS IN SUPPLY CORPS OF THE NAVY.

The bill (S. 2390) to redistribute the number of officers in the several grades of the Supply Corps of the Navy was announced as next in order.

Mr. PITTMAN. Mr. President, on a prior occasion when the bill the title of which has just been stated came up its consideration was objected to by the junior Senator from Utah [Mr. KING]. I placed in his hands at that time a memorandum in regard to the matter, but that memorandum was lost.

Mr. KING. No; the memorandum was taken from my desk.

Mr. PITTMAN. In order that the bill may be understood, I ask that a letter received from Admiral Potter on the subject may be read. The bill simply proposes a redistribution of the officers in the Pay Corps of the Navy, and it has passed the Senate at a previous Congress.

Mr. KING. Reserving the right to object to the consideration of the bill, I shall be glad to hear read the letter which the Senator from Nevada has presented.

The VICE PRESIDENT. The Secretary will read as requested.

The Assistant Secretary read as follows:

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., August 1, 1921.

MY DEAR SENATOR POINDEXTER: Because of the prospect of passage by the House of Representatives within a few days of the bill (H. R. 7864), providing for sundry matters affecting the Naval Establishment, I venture to write you at this time to remind you of the matter of readjusting the ranks in the Supply Corps of the Navy so that instead of 4 out of every 100 officers of the Supply Corps being pay directors with the rank of captain there may be 6 pay directors with the rank of captain, and instead of 8 out of every 100 officers of the Supply Corps being pay inspectors with the rank of commander there may be 12 pay inspectors with the rank of commander.

You will recall that an amendment providing this legislation was offered on the floor by Senator PITTMAN during the consideration of the naval bill for 1922 but did not receive full consideration because of a point of order.

The need for this readjustment continues to be urgent, and as an illustration of its necessity a request has just been received from the Director of the Budget for the detail of four officers of rank and experience—which implies the rank of captain—to assist in the coordination of purchases for the Government and the sales of surplus materials. The Shipping Board is also about to request the detail of two officers of similar rank to assist in the work of that board. These are merely examples of the demands which are constantly arising for the services of officers of rank and experience.

The Secretary of the Navy, the Chief of Naval Operations, and the Chief of the Bureau of Navigation are all in favor of this legislation, and its enactment is of great importance to the efficiency of the Navy. The total additional expense involved is only a little over $25,000 per annum, and because of the provision that after January 1, 1923, the number of officers in the grades of pay directors with the rank of captain and pay inspectors with the rank of commander shall be reduced as vacancies occur, the increased annual expense will gradually decrease and eventually be eliminated.

The legislation recommended at the time the naval bill was under consideration provided that vacancies in the upper grades of the Supply Corps should not be filled after July 1, 1922, until the numbers are reduced to those authorized by the act of August 29, 1916, but because of the failure to have this legislation included in the naval act for 1922 this date has been advanced to January 1, 1923, this being the only change in the legislation as previously recommended.

For your information I inclose copies of the letter of the Secretary of the Navy to the chairman of the Senate Committee on Naval Affairs, dated May 7, 1921, and his letter of July 18, 1921, to the Speaker of the House of Representatives, together with a draft of an amendment which, if enacted, will carry the recommendation of the Secretary of the Navy into effect.

I feel quite sure that a majority, if not all, of the members of the House Committee on Naval Affairs are in favor of this legislation, although there is apparently a desire temporarily to postpone action, and there is reason to believe that if the bill (H. R. 7864) is amended in the Senate so as to carry the legislation relating to the Supply Corps the conferees on the part of the House will probably agree to the amendment.

In view of the foregoing, therefore, I take the liberty of asking that, if possible, you use your good offices in having this legislation added as an amendment to the bill H. R. 7864.

Yours sincerely,

DAVID POTTER,
Paymaster General of the Navy.

Hon. MILES POINDEXTER,
Acting Chairman Committee on Naval Affairs,
United States Senate.

Mr. PITTMAN. Mr. President, I now wish to call attention to the fact that the pending bill does not affect any of the officers of the Pay Corps with the rank of admiral; it affects only those officers in the Pay Corps with the rank of captain and commander. If Senators will make a comparison between the other corps of the Navy and this corps, they will see that the Pay Corps is deficient in those officers. If we take captains, for instance, in the Construction Corps, 8½ per cent of the force are captains; in the Civil Engineering Corps, 5½ per cent are captains; while in the Supply Corps or Pay Corps, 4 per cent are captains.

Now, take commanders. In the Construction Corps, 14 per cent are commanders; in the Civil Engineering Corps, 14 per cent are commanders; while in the Supply Corps—and that is the one with which this bill proposes to deal—8 per cent are commanders. In other words, the ratio that has been established in the Navy for these various officers fails to exist in the Supply or Pay Corps. The object of this bill is to readjust that condition; it is proposed to increase the percentage of captains allotted to that corps from 4 per cent to 6 per cent. It is not proposed to increase the number of officers in the corps, but of the percentage of officers allotted to that corps the number of captains will be increased from 4 to 6 per cent and the number of commanders from 8 per cent to 12 per cent. Then the number of inspectors in the corps will be reduced from 87 per cent to 81 per cent. It is an attempt to readjust the situation in that corps.

The passage of the bill, of course, would result in an addition of about 12 or 13 captains, and an addition of the same number of commanders in that corps, and at the same time in a reduction of about from 30 to 40 in the number of pay inspectors. As a result of this readjustment, the total cost to the Government will be about $25,000 a year. Mind you, this is only temporary, because on the expiration of the terms of these officers there is no reappointment in those positions. It is an attempt to meet a condition which was not taken care of in the naval appropriation bill, as Admiral Potter states. I have before me a letter from the Secretary of the Navy, addressed to the chairman of the Committee on Naval Affairs, very strongly urging that this action be taken.

Mr. McNARY. Mr. President, I rise to a parliamentary inquiry. I should like to inquire of the Chair if we are proceeding under Rule VIII?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Chair understands so.

Mr. McNARY. That rule imposes a limitation on a debate.

Mr. PITTMAN. Of course, under Rule VIII, the Senator has a right to object to the consideration of the bill.

Mr. McNARY. I merely make the point because I understand that there are other measures on the calendar to which there is no objection, which I think ought to be considered. Then, after those bills have been acted upon we can recur to other measures and the Senator will have a perfect right to discuss the bill now under consideration for the remainder of the afternoon.

Mr. PITTMAN. I was merely making an explanation for the benefit of Senators who wanted information concerning the bill before an objection should be interposed. Some Senators object without knowing anything about a measure, while others do not.

Mr. McNARY. I do not understand that any Senator has objected to this bill.

Mr. KING. Mr. President, reserving the right to object, I will say frankly that I have had very serious opposition to the bill.

The PRESIDING OFFICER. The Chair will state that he was in error. The unanimous-consent agreement to proceed with the consideration of the calendar to-day does not refer to Rule VIII at all.

The suggestion for unanimous consent as presented by the Senator from Kansas [Mr. CURTIS] reads as follows:

Mr. President, I suggest that we agree by unanimous consent to take up the calendar to-morrow, beginning at the first of it and go through the calendar and dispose of unobjected bills. Then, if there is any time left, I suggest that it be devoted to the consideration of other bills which may be taken up on motion.

That was agreed to, so that an objection will take the bill over.

Mr. KING. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. KING. Under the construction placed by the Chair upon the agreement, does it permit any debate at all; and if so, the amount of the debate?

The PRESIDING OFFICER. Nothing is said about that at all; it does not prohibit debate, but an objection at any time, of course, will close the consideration of a bill.

Mr. KING. The inquiry I make, if the Chair will pardon me, is, Is there a limitation upon debate?

The PRESIDING OFFICER. The Chair does not think so under the unanimous-consent agreement, but if a Senator objects that limits it, of course.

Mr. PITTMAN. I was not debating the bill, I was merely trying to explain its provisions so as if possible to avoid objection being made.

The PRESIDING OFFICER. It can be debated indefinitely, so long as no Senator objects.

Mr. PITTMAN. I think that I have said all that I care to say about it.

Mr. LODGE. Mr. President, I was very certain that in connection with the agreement to consider the calendar a statement had been made about Rule VIII. I read from the RECORD of yesterday as follows:

Mr. CURTIS. Mr. President, I hope the Senator from Mississippi will not ask for an adjournment over to-morrow. I promised the other day, in open session, that we would devote some time to the calendar. If the Senator wants to let the matter of the tariff go over until Monday we could take up the calendar under Rule VIII to-morrow by unanimous consent, and probably finish it.

He did not put it in his direct request, but I think it was clearly understood that the calendar should be considered under Rule VIII.

The PRESIDING OFFICER. That probably might be understood, but yet it was not provided in the agreement.

Mr. LODGE. I think when the Senator from Kansas made the request it was understood in that way.

The PRESIDING OFFICER. One objection, of course, will take a bill over. An objection can be made at any time. Is there objection to the present consideration of the bill?

Mr. KING. That would mean that five minutes will be allowed to each speaker in opposition or in advocacy of the bill.

Mr. LODGE. Yes.

Mr. KING. I addressed a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The Chair begs the Senator's pardon, but he was diverted for a moment.

Mr. KING. Does the Chair, then, construe the unanimous-consent agreement to imply that debate shall be limited to five minutes for any one speaker?

The PRESIDING OFFICER. No; the Chair does not construe it in that way. The consideration of the calendar under Rule VIII refers to the morning hour, but we have had no morning hour to-day, the Senate having met after a recess. The Chair will hold, no matter what his personal opinion may be, that under the language of the agreement the only limit is an objection to the consideration of a bill, which would close it at any time.

Mr. LODGE. I think the Senator from Kansas when he made the request for unanimous consent contemplated that bills would be considered under Rule VIII. I certainly understood that they would be considered under Rule VIII.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. In view of the fact that the Senate committee now has the appropriation bill before it, and there is legislation upon that bill, and the bill involves the personnel of the Navy, and the personnel, of course, is so closely related to the officers that it would determine the number of officers, may I inquire whether the Senator would object to this bill going over, so that the matter may be considered in that bill? I wish the Senator would allow that to be done.

Mr. PITTMAN. I should like to have it considered in that way if it will not be subject to a point of order.

Mr. SMOOT. I will object to it at this time.

The PRESIDING OFFICER. Objection is made. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2380) for the relief of Henry P. Collins, alias Patrick Collins, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2654) for the relief of Almond S. Root was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2632) to correct the military record of Martin Cletner was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

The PRESIDING OFFICER. That bill may go over. It can not be disposed of under this order of business.

JOHN H. GATTIS.

The bill (S. 2017) for the relief of John H. Gattis was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on line 4, after the words "sum of," to strike out "$2,000" and insert "$200," and on line 7, after the words "sum of," to strike out "$2,000" and insert "$200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Gattis the sum of $200 in full payment for permanent injury caused by a fall from a ladder while working at the Government Printing Office, and the said sum of $200 is hereby appropriated for such purpose out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 1352) for the relief of Benjamin F. Spates, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 403) for the relief of Louise St. Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré, was announced as next in order.

Mr. KING. Let the bill be read.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 404) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1948) for the relief of Virgil O. McWhorter was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 942) for the relief of James Johnson was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2967) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

The PRESIDING OFFICER. That may go over.

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4) granting relief to soldiers and sailors of the war with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

The PRESIDING OFFICER. In the case of that bill a motion to reconsider has been entered by the Senator from Iowa [Mr. CUMMINS]. It will be passed over.

The bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was announced as next in order.

Mr. KING. Reserving the right to object, let the bill be read.

The reading clerk read the bill.

Mr. KING. Let the bill go over. I have some serious objections to it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1274) for the relief of Maude H. Mosher was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4504) for the relief of Annie M. Lepley was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HUNTER-BROWN CO.

The bill (S. 820) for the relief of the Hunter-Brown Co. was announced as next in order.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

The reading clerk read the report (No. 540), submitted by Mr. ROBINSON March 7, 1922, as follows:

The Committee on Claims, to whom was referred the bill (S. 820) for the relief of the Hunter-Brown Co., having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

In line 6, strike out the figures "$2,423.08" and insert in lieu thereof the figures "$1,198.08."

The findings of fact before the board of contract adjustment of the War Department is appended hereto and made a part of this report, as follows:

FINDINGS OF FACT.

1. This claim is presented in accordance with General Order No. 103, War Department, 1918, and is for $1,198.08, under the following circumstances:

2. On or about the 29th day of August, 1918, claimant entered into a formal written contract with the Quartermaster Department, represented by Maj. George M. Alden, for furnishing 20,000 cords of wood in the stick; 128 cubic feet to the cord, not less than 50 per cent hardwood and the balance softwood, in 4-foot lengths not over 10 inches in diameter, as per specifications attached; deliveries to be made in such quantities and at such time as required by the camp quartermaster, Camp Forrest, Ga.; completing deliveries not later than November 1, 1918, at the price of $6.24 per cord f. o. b. Lytle, Ga., a total price of $124,800. Owing to the congestion of freight at Lytle, the railway station of Camp Forrest, the Government extended the time for the completion of deliveries under the contract to December 31, 1918. On November 23, 1918, claimant received a telegram from the Government directing it to suspend deliveries of wood under its contract until further instructions.

3. The claimant made every effort to suspend such deliveries, but 12 carloads of wood, which were in transit at the time of receipt of said message, could not be stopped and in due time arrived at the point of delivery and were refused by the subdepot quartermaster at Camp Forrest, Ga. It remained on the siding there until on or about January 11, 1919, the Central of Georgia Railway Co. hauled same to Chattanooga, Tenn., and there sold it to satisfy the railway company's demand for freight and demurrage. At such sale the claimant bought in said 12 carloads of wood, consisting of 192 cords, and shipped same back to Lytle for Camp Forrest, having paid the freight charges from Lytle to Chattanooga and return and war tax thereon, amounting to $158.31, in addition to the cost of repurchasing the wood, the total expenditures made by the claimant in this connection being as follows:

12 carloads (192 cords) of wood, at $3.50 per cord, including war tax	$692.16
Freight charges, including war tax	158.31
Total	850.47

4. On December 30, 1918, one day prior to the date on which under its contract all deliveries were required to be completed, the Government wrote claimant authorizing it to complete delivery of wood to Camp Forrest under its contract.

5. The record shows that claimant repeatedly and earnestly, but without avail, requested the Government representative at Lytle to accept delivery of the 12 carloads of cordwood while it stood on the track at Lytle; and that prior to the date when claimant was notified by the Government to proceed with its deliveries under the contract, the Government was fully informed of the charges for demurrage and freight that were accruing against these cars and that additional expense would accrue through reshipment of the wood to Chattanooga and its sale there.

6. The contract contains no cancellation clause nor any agreement whereby the Government was permitted to suspend deliveries unless it be argued that the provision of the contract relating to times of delivery be so construed. That provision calls for deliveries "in such quantities and at such times as will be required by the camp quartermaster, Camp Forrest, Ga." It is further shown by the evidence before the board, however, that it was the intention of the officer who made the contract and who gave the notice of suspension, Maj. George M. Alden, Quartermaster Corps, zone purchasing officer, not merely to temporarily defer deliveries in order to meet the requirements or convenience of the camp quartermaster but to absolutely cancel the contract, because in a letter to the claimant dated December 12, 1918, he says:

"Subject: Cancellation of contract.

* * * * * * *

"Your attention is called to the statement made in paragraph 8 of your affidavit, to the effect that you are holding your organization intact during the terms of suspension of your contract. From the time this office has sent you notice of such suspension, namely, November 23, there has been no possibility that you would be allowed to complete this contract. You will therefore disband any organization held together upon that expectation."

That the same officer at the time of such suspension intended to completely cancel and terminate the contract appears also from his letter of December 20, 1918, to claimant, which reads in part as follows:

"Subject: Termination of contract.

* * * * * * *

"You are advised that it is entirely unnecessary for your subcontractors to place in the hands of attorneys their claims against you. If those contractors are not sufficiently patriotic to accept the cash settlement in lieu of delivery of wood, then, of course, they will have to be paid and you will have to file with your claim for losses the amount of money you paid them.

"As to the wood remaining unloaded at Lytle, Ga., that is a matter with which you are not concerned, provided, however, you gave the shippers due notice to cease further deliveries.

"The wood is not Government property and its final disposition should be left to the (sub) contractors. If, however, you eventually have to take the wood, your claim for losses on this will also be considered. The zone board of review fully appreciates your position and is willing to cooperate with you to the limit of its power, and any claim that you make will receive just and fair consideration."

7. The claimant under its written contract with the Government was obligated to deliver these 192 cords of wood, f. o. b. at Lytle, itself absorbing freight and war tax thereon from original point of origin of the wood to Lytle. This freight with its war tax was not paid by the claimant. Owing to the loss of records by the railroad company, it is not practicable to fix the amount of this freight and war tax. But it has been ascertained by the representatives of the Government and of the claimant that the amount of freight, including war-tax charges, aggregating $158.31, which was paid by claimant on returning the wood from Chattanooga to Lytle, was approximately equal to the freight and war tax which should have been but was not paid by claimant for freight and war tax from original point of origin to Lytle. The claimant has indicated its willingness to offset the claim of $158.31 paid by it for freight and war tax from Chattanooga to Lytle against the amount of freight and war tax it was obligated to but did not pay on the original shipment of the 12 carloads from original point of origin to Lytle.

8. It appears from the letter of Major Alden, of the Quartermaster Corps, to the claimant, acknowledging claimant's letter of March 5, 1919, and a letter to this board from R. R. Wright, special representative, claims board, director of purchase, zone supply officer, Atlanta, Ga., dated October 24, 1919, that no settlement of this contract has ever been made between the Government and the claimant, and that while the claimant has been paid the contract price per cord for all wood delivered thereunder to the Government, there still remain to be delivered under the contract about 11 cords, the delivery of which is no longer desired by either party.

DECISION.

1. The act of the Government, on November 25, 1918, in directing the claimant by wire to suspend deliveries of wood under its contract until further instructions, and in subsequently, on December 12, 1918, and December 20, 1918, declaring to claimant that from the date of such suspension there had been no possibility that the claimant would be allowed to complete its contract, and in recognizing the claimant's right to recover for losses sustained by it, and in advising claimant of the course it would take for the recovery from the Government of such losses, is incompatible with the view that such action was taken solely for the purpose of temporarily deferring deliveries to such times as would suit the greater convenience of the camp quartermaster or the necessities of the camp for firewood. It is doubtful from the whole correspondence and discussion of the matter, as shown by the evidence before this board, whether the Government official responsible for the order of suspension could himself give any intelligent reason why or with what intention he gave the order. To hold that the provision of the contract respecting deliveries would cover and warrant the action taken by the Government in this case would place within the power of the camp quartermaster authority to vitiate and render null and void the entire contract. This can not reasonably be considered the intention of the parties.

2. Whatever may have been the camp quartermaster's intention, it is clear in law that any notice given under the clause quoted, either to cease or to resume deliveries, must be reasonable in its requirements. It should give ample time to the contractor to communicate with its various subcontractors in various localities and thence with the laborers cutting wood in the forests at numerous widely separated and more or less inaccessible points where usual modes of communication were not available. Reasonable time was also necessary to enable the contractor to direct and control the obtaining or releasing of cars for loading and shipping from many different and isolated sidings in distant sections of the country on various railroads which were being operated under war-time Government transportation conditions, which both as to the obtaining of cars, having them handled, and diverting them in transit were extraordinarily difficult, uncertain, and unusual.

The notice in this case was telegraphic and took effect immediately, thus giving the contractor no reasonable opportunity to communicate with and stop the forces he had set in motion to fulfill his contract, much less to stop and divert shipments that were already on the road. It is therefore reasonable for this board to conclude that the Government intended by its notice to stop deliveries permanently, as indicated by Major Alden's letter of December 12 above quoted, rather than that it was attempting to exercise reasonable rights as to times and quantities of delivery.

3. In the case of J. W. Parish & Co. *v.* the United States, decided by the United States Supreme Court April 12, 1880, claimants contracted to furnish ice to the Government in "such quantities as might be needed, and that the ice should be ordered from them (the claimants) from time to time as needed." The order for this ice was suspended, in consequence of which the ice was lost. The court held that "where, in the effort to fulfill an order for a large amount of ice for the use of the Government, which claimants were bound to furnish by their contract, they purchased ice, which was lost by the suspension of the order * * * they are entitled to recover the cost of the ice so lost and the expense of the care and attempt to preserve it." (100 U. S., p. 500, Lawyers' Ed., book 25.) This case in its facts and circumstances is in such accord with the case before this board as to warrant its application here.

4. In view of all the evidence before it, the board finds that the act of the Government in directing the claimant to suspend deliveries under its contract and in refusing to receive 12 carloads (192 cords) of wood which were offered for delivery by the claimant at the place and within the time specified in the contract for such deliveries, constituted a breach of the contract by the Government, whereby the claimant sustained damages which have been duly proven before this board.

5. Notwithstanding the foregoing facts, relief can not be given claimant by this board, because it must hold that there has been a substantial completion of the contract by performance. The right of the claimant for damages must be determined by the courts and can not under the law be settled or adjusted by the Secretary of War.

DISPOSITION.

An order of this board denying relief will be entered accordingly.

BOARD OF CONTRACT ADJUSTMENT,
By FRANCIS T. A. JUNKIN,
Lieutenant Colonel, United States Army, Member.

I concur.

JOHN ROSS DELAFIELD,
Colonel, Ordnance Department, Chairman.

A true copy.

In testimony whereof I have hereunto set my hand and affixed the seal of the Board of Contract Adjustment, at Washington, D. C., this 22d day of April, 1920.

WILLARD A. DOERR,
Major, Field Artillery, Recorder.

Attest:

FLOYD G. WHITNEY,
Captain, Ordnance Department.

Mr. ASHURST. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will go over.

PROTECTION OF MIGRATORY BIRDS.

Mr. LODGE. Mr. President, Senate bill 1452 was passed over on my objection. I objected simply because the Senator from Indiana [Mr. NEW] was not here. I have seen the Senator since, though he is not here at this moment, and I should like to have that bill taken up and disposed of. I withdraw my objection.

Mr. KING. That is the bill relating to migratory birds?

Mr. LODGE. It is.

Mr. KING. I object to it.

The PRESIDING OFFICER. Objection is made.

PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL COLLEGE.

The bill (S. 1651) for the relief of Prairie View State Normal and Industrial College was announced as next in order.

Mr. KING. Let that go over.

Mr. SHEPPARD. Will the Senator withhold his objection?

Mr. KING. I withhold my objection temporarily.

Mr. SHEPPARD. This college furnished subsistence and quarters for a certain number of troops, including men of the Medical Corps, during the war at cost, but on account of a technicality their bill could not be allowed in full by the accounting officer. It was found necessary for them to come to Congress for that part of the claim which could not be properly audited on account of the fact that the original voucher in the case was lost. The original voucher covered the entire bill.

A representative of the War Department visited the college in order to settle the matter, but he had no authority to attend to that part of the matter which related to the Medical Corps men. The college representatives made an agreement with him accepting what he offered for that part of the claim over which he had authority, and agreed to cancel the rest, thinking that the Medical Corps authorities would pay the canceled portion.

It developed afterwards that this could not be done, and it is therefore necessary for Congress to make an appropriation for the remainder due. There is no question that the service was rendered, and rendered at actual cost.

Mr. KING. May I ask the Senator if the person who made the contract, whether it was express or implied, had the authority so to do?

Mr. SHEPPARD. It was an express contract, entered into by the representatives of the Army having authority to make it.

Mr. KING. I have no objection.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Prairie View State Normal and Industrial College, Prairie View, Tex., out of any moneys in the Treasury not otherwise appropriated, the sum of $581.42 for meals and quarters furnished enlisted men of the Medical Corps of the Army from October 15 to December 21, 1918.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RURAL HOMES.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. KING. Let that go over.

Mr. McNARY. I was about to make that request.

The PRESIDING OFFICER. The bill will be passed over.

ELLEN B. MONAHAN.

The bill (S. 2346) for the relief of Ellen B. Monahan was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. Mr. President, that is a meritorious bill. The report is full and ought to be conclusive. I ask the Senator if he has had an opportunity to read it. If so, I can not imagine that he would make any objection to the bill.

Mr. KING. I will say to the Senator that I have not had time to read the report. If the Senator will have the report read, I may withdraw my objection.

Mr. SHORTRIDGE. It is too long; I do not want to take the time of the Senate to have the report read.

Mr. KING. I shall be glad to have the Senator state the substance of it. I will withhold my objection for that purpose.

Mr. SHORTRIDGE. I will read the conclusions, which are found on page 7 of the report, as follows:

It is incumbent upon all employers to provide a reasonably safe place for their servants to work, and any negligence in the discharge of this obligation renders the employer liable for resulting injuries in the absence of assumed risk or contributory negligence on the part of the employee.

The room where claimant was directed to work was rendered unsafe by reason of the escaping gas. This danger was not apparent to claimant; therefore she did not assume the risk.

She did nothing to contribute to the cause of her injuries. The negligence of plumbers in leaving the open gas pipe uncapped was not the act of a fellow servant, but clearly a negligence with which the master must be charged.

That claimant suffered serious injuries that clearly impaired her health for a period of about two years, if not permanently, is not denied. That the Government, as her master, is liable is clear.

The time she lost away from her duties without pay is admitted. The expenses incurred by her in efforts to regain her health and strength were reasonable in amount.

She makes no claim for mental or physical pain and suffering. Neither does she make claim for permanent injuries resulting, if there are any.

We therefore approve her claim as presented and recommend the passage of the bill for her relief (S. 2346) without amendment.

The bill is so meritorious that I hope it may be disposed of favorably here and now.

Mr. KING. Let me ask the Senator why the claimant does not seek compensation under the Federal employment act, or, if that was passed after the injuries were received, why we do not place her under that act so that she can get the advantages of it?

Mr. SHORTRIDGE. I understand the facts are such, as to time and circumstance, that it is necessary to pass a special relief bill. I am so advised, and I think that is set forth in this report.

Mr. KING. It seems, from what I can learn, that this accident occurred away back in 1911.

Mr. SHORTRIDGE. Yes; on the 14th day of June, 1911, while she was in the employ of the Government.

Mr. KING. I ask the Senator, who is always so courteous and so generous, to let the bill go over, in order to give me a chance to learn the facts.

Mr. SHORTRIDGE. I will do that, certainly.

Mr. KING. I make the request because, as I see it now, there is no liability. If there is, she ought to come under the Federal employment act and take her chances with other employees of the Government, so that we will not be making fish of one and fowl of the other.

Mr. SHORTRIDGE. I do not wish to make an exception of this case.

Mr. KING. I know the Senator does not. His sense of justice would prevent that.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BRIDGE OVER LITTLE COLORADO RIVER.

The bill (S. 2563) to provide for the completion of the bridge across the Little Colorado River, near Leupp, Ariz., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,471.25 for payment to the Allied Contractors (Inc.), of Omaha, Nebr., as additional compensation for the construction of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., under contract approved by the Secretary of the Interior on November 10, 1919, funds for said bridge having been appropriated by the acts of March 2, 1917 (39th Stats. L., p. 975), May 25, 1918 (40th Stats. L., p. 570), and June 30, 1919 (41st Stats. L., p. 11), and the cost thereof to the contractors having exceeded the contract price by said sum.

Mr. ASHURST. Some days ago when the calendar was called the Senator from Utah [Mr. KING] objected to this bill for the reason that it was uncertain as to whether the amount expended in constructing this bridge and the amount here appropriated were to be charged to the Indian tribe or treated as a gratuity out of the Treasury. I was unable to assert with positiveness that the money was not a gratuity but a charge on the tribe, although that was my remembrance. I have since refreshed my memory; indeed, I have looked at the act and find that bill, which passed on March 2, 1917, provided:

That the sums are reimbursable to the United States from any fund or funds now or hereafter placed to the credit of the Navajo Indians in Arizona, to remain a charge and a lien upon such lands and funds of such tribe until the sum is repaid to the Government.

I have examined the statute, and that meets the objection of the Senator, I presume.

Mr. KING. May I inquire of the Senator, first, whether they have any lands or funds which are now subject to this lien?

Mr. ASHURST. Not at this time, so far as I know. Lands have not been allotted to the individual Indians on that reservation. That they will have a tribal fund in due course is obvious.

Mr. KING. Does the Senator know whether in the past there have been any funds in the Treasury of the United States available for this tribe for any purpose?

Mr. ASHURST. If my memory serves me correctly, a treaty was concluded with this Indian tribe in 1868, by the terms of which we have since that time paid them annually $100,000 for schools and other sums of money for civilization and support and are bound perpetually so to do.

Mr. KING. Could this be deducted from those funds, or will we be compelled to wait until some other treaty is negotiated?

Mr. ASHURST. My opinion is that before the United States could be reimbursed for this expenditure the Government would be required to wait until timber was sold, which would be a long time, or there were some avails of royalties received on leased lands. In my opinion, the money which is made a charge on their lands will be derived solely from the sale of timber as the avails of leases.

I do not want to take any more time, but I have said this much so that the Senator from Utah may have all the facts before him.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I do not object, if the Senator will consent to one amendment, although I do not think the Government ought to be charged with this. I will state my amendment in a very inartificial manner, if the Secretary will note it. The amendment is as follows:

Provided, That said amounts so advanced shall be a charge upon any fund that may be available now or hereafter.

Mr. ASHURST. I certainly have no objection to that amendment. I think the amendment is a wise amendment, but I suggest that the Senator use the language of the original act, which I have sent to the desk.

Mr. KING. Very well; but I did not have it before me.

Mr. ASHURST. Here it is.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. Add to section 4 the following proviso:

Provided, That said amount shall be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid.

Mr. KING. That is satisfactory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 514) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes, was announced as next in order.

Mr. SPENCER. That bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes, was announced as next in order.

Mr. SPENCER. That bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

ORDER FOR RECESS.

Mr. LODGE. Mr. President, I wish to make a request for unanimous consent, as I shall have to leave the Chamber in a moment. I ask unanimous consent that at the conclusion of the session to-day the Senate shall stand in recess until 12 o'clock Monday.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate, when it shall conclude business to-day, shall take a recess until 12 o'clock Monday. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 2130) changing the name of Vernon Street, in the county of Washington, District of Columbia, to U Street was announced as next in order.

Mr. CAPPER. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LASSEN VOLCANIC NATIONAL PARK.

The bill (H. R. 5588) to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916, was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916 (39 Stat. L., p. 442), be, and the same is hereby, repealed.

Mr. KING. The Senator from Washington [Mr. POINDEXTER] is here. I think he is interested in the bill. I would be gratified if he would explain it.

Mr. POINDEXTER. It is a bill that relates entirely to California, a bill in connection with which the Representative from that district appeared before the Senate Committee on Public Lands. There was quite a full hearing and the matter was very thoroughly considered. There is a letter from the Department of the Interior, reading as follows——

Mr. KING. Generally speaking, the object of the bill is to remove the limitation upon expenditures which may be made, so that larger appropriations may be called for and larger expenditures made, for which the Government is chargeable. That is the purpose, is it not?

Mr. POINDEXTER. The letter is addressed to Mr. SINNOTT, chairman of the House committee, and reads as follows:

DEAR MR. SINNOTT: I have your request of July 1, 1921, for a report on H. R. 5588, Sixty-seventh Congress, first session, which is a bill to repeal section 5 of the organic act approved August 9, 1916, to establish the Lassen Volcanic National Park, in the State of California, which places a limitation on future annual appropriations of said park to $5,000 unless previously authorized by law.

Mr. SMOOT. I will state to the Senator that that is the object of the bill.

Mr. POINDEXTER. I had not concluded reading the letter.

Mr. SMOOT. I did not know the Senator was going to read the balance of it. The object of the bill is to remove the limitation of $5,000 expenditure each year on this park.

Mr. POINDEXTER. Yes; that is the object, but I would like to read the concluding paragraph of the letter, which is as follows:

This park is located in northern California and contains, in addition to its chief scenic feature—the only active volcano in the United States proper—innumerable other attractions for the enjoyment and pleasure of the people. The small annual appropriations heretofore made have not permitted active development, administrative or protective work, nor has this been contemplated. The available funds have been expended in their entirety in road construction near the park boundaries. In the past two years great interest in the attractions of this park has been shown by the touring public, it being estimated that the visitors increased from 2,000 in 1920 to 10,000 in 1921. The time is obviously close at hand when active administration of the park must be undertaken in order to provide for the necessary protective and maintenance work, which will require more than the small amount of $5,000 permitted under existing laws.

That is the condition, and the committee thought it absolutely necessary that the limit of $5,000 should be increased subject, of course, to such further limitations as the Committee on Appropriations places upon expenditures from year to year.

The bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT HAMILTON.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 5820) to place Albert Hamilton on the retired list of the United States Marine Corps was read twice by its title.

Mr. LODGE. Mr. President, the Senate has to-day passed an identical bill with that which has just been laid before the Senate. I ask that the Senate take up the House bill and act on it now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to place Albert Hamilton, formerly first lieutenant, United States Marine Corps, on the retired list of the Marine Corps, with the rank and retired pay of a first lieutenant of the Marine Corps: *Provided*, That in computing his pay, credit shall be given for all his continuous service in the Marine Corps: *Provided further*, That no pay shall accrue prior to the passage of this act: *And provided further*, That the retired pay allowed the said Albert Hamilton pursuant to this act shall be in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I move to reconsider the vote by which the Senate bill 548 was ordered to a third reading and passed this afternoon.

The motion to reconsider was agreed to.

Mr. LODGE. I move that the bill be indefinitely postponed.

The motion was agreed to.

NATIONAL BANKING ASSOCIATIONS.

Mr. CALDER. Mr. President, there is a bill on the calendar, Order of Business No. 605 (S. 3255), to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations.

This is a measure of very great national importance. The bill was reported by me from the Committee on Banking and Currency. I am compelled to leave the city at 3 o'clock, and I ask unanimous consent that we may take up the bill at this time. It proposes to extend the powers of national banks.

Mr. OVERMAN. Mr. President, the bill has never been reported by a committee and has never been considered by a committee. It proposes to extend the corporate powers of national banks and is one of the most important bills on the calendar. It ought to be sent back to the committee and reported from the committee before action on it. I am opposed to having important bills brought before the Senate which have not been even considered by a committee. I raise the point of order that it is improperly on the calendar.

The PRESIDING OFFICER. The point of order will be taken up when the bill is reached. There being objection, the bill will be passed over. The Secretary will report the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 3310) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. SMOOT. The junior Senator from Utah [Mr. KING] was called from the Chamber and asked me to have all pension bills go over, as he objects to their consideration at this time.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3309) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

The PRESIDING OFFICER. At the request of the junior Senator from Utah the bill will be passed over.

The bill (S. 3296) to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes, was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3326) to readjust the pay and allowances of the commisioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3295) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1282) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

HERBERT LANGLEY.

The bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps, was announced as next in order.

Mr. PAGE. Mr. President, this bill came over from the House and was very carefully examined into by the Committee on Naval Affairs. It simply raises the question whether the man is or is not dead. The record is that the man in this case is a deserter, but upon a very careful examination we find that he is unquestionably dead. The report of the committee reads, in part:

The sole purpose of this bill is to correct the record by eliminating the technical charge of desertion and showing the facts instead.

If there is any objection, I would like to explain the bill further.

The bill was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the charge of desertion upon the service and military records of Herbert Langley, late a private in the One hundred and fifteenth Company, Second Provisional Brigade, United States Marine Corps, and also late of headquarters detachment, Third Regiment, Second Provisional Brigade, United States Marine Corps, shall henceforth be treated and considered as removed, and the Secretary of the Navy is hereby ordered and directed to correct and amend the said service and military record of the said Herbert Langley by entering upon the said service and military record of said Herbert Langley, in appropriate words, the fact that said Herbert Langley died on February 24, 1919, at Santo Domingo City, Dominican Republic, by accident while in the line of duty, and that the charge of desertion was erroneously entered upon said service and military record, and the same shall be hereafter disregarded.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAWAIIAN NATIONAL PARK.

The bill (H. R. 8690) to add a certain tract of land on the island of Hawaii to the Hawaiian National Park was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1345) to amend an act entitled "Interstate commerce act," approved February 28, 1920, was announced as next in order.

The PRESIDING OFFICER. The Senator from Iowa [Mr. CUMMINS] has asked that this bill should be passed over when reached. The bill will be passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in order.

The PRESIDING OFFICER. The Senator from Iowa [Mr. CUMMINS] asked that this bill also be passed over, which will be done.

AMENDMENT OF JUDICIAL CODE.

The bill (H. R. 9671) to amend section 87 of the Judicial Code was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 87 of the Judicial Code is hereby amended to read as follows:

"SEC. 87. That the State of Massachusetts shall constitute one judicial district, to be known as the district of Massachusetts.

"Terms of the district court shall be held at Boston on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; at Springfield, on the second Tuesday in May and December; and at New Bedford, on the first Tuesday in August: *Provided*, That suitable rooms and accommodations for holding court at Springfield and New Bedford shall be furnished free of expense to the United States: *And provided further*, That all writs, precepts, and processes shall be returnable to the terms at Boston, and all court papers shall be kept in the clerk's office at Boston, unless otherwise specially ordered by the court, and the terms at Boston shall not be terminated or affected by the terms at Springfield or New Bedford.

"The marshal and the clerk for said district shall each appoint at least one deputy to reside in Springfield and to maintain an office at that place."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECLAMATION IN IRRIGATION DISTRICTS.

The bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in carrying out the purposes of the act of June 17, 1902 (32 Stat., p. 388), and acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable he may contract for such penalties or interest charges in case of delinquency in payments as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 1, 2, 3, 5, and 6 of the reclamation extension act approved August 13, 1914 (38 Stat., p. 686). The Secretary of the Interior may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due nor the interest or penalties, if any, accruing upon said balance: *Provided*, That no contract with an irrigation district under this act shall be binding on the United States until the proceedings on the part of the district for the authorization of the execution of the contract with the United States shall have been confirmed by decree of a court of competent jurisdiction, or pending appellate action if ground for appeal be laid.

SEC. 2. That patents and water-right certificates which shall hereafter be issued under the terms of the act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912 (37 Stat. L., p. 265), for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under the said act of Congress, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor: *Provided*, That no such lien so reserved to the United States in any patent or water-right certificate shall be released until the owner of the land covered by the lien shall consent in writing to the assessment, levy, and collection by such irrigation district of taxes against said land for the payment to the United States of the contract obligation: *Provided further*, That before any lien is released under this act the Secretary of the Interior shall file a written report finding that the contracting irrigation district is legally organized under the laws of the State in which its lands are located, with full power to enter into the contract and to collect by assessment and levy against the lands of the district the amount of the contract obligation.

SEC. 3. That upon the execution of any contract between the United States and any irrigation district pursuant to this act the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of the act entitled "An act to promote the reclamation of arid lands," approved August 11, 1916: *Provided*, That no map or plan as required by section 3 of the said act need be filed by the irrigation district for approval by the Secretary of the Interior.

Mr. FLETCHER. Mr. President, with regard to this bill there is no report from the committee in my file. I presume it was acted on by the committee and that they reported it favorably, but there is no report in my file. May I inquire if there was any written report made in connection with it?

Mr. McNARY. I will state to the Senator from Florida that no written report was made by the Senate committee on account of the very full report made by the House committee.

Mr. SMOOT. Will the Senator from Oregon explain the bill more fully?

Mr. McNARY. In a word, it is to the advantage of the Federal Government and the entrymen and water users in various irrigation projects. It simply provides a method by which the irrigationists can organize in the districts under the laws of the State and the Government takes the bonds of the district rather than the securities of the individual entrymen. The security is very much better because the Government is dealing with organized irrigation districts rather than the various individual entrymen who take water in the projects. The bill passed the House and was reported on favorably by the Secretary of the Interior and also by the Senate Committee on Reclamation.

Mr. FLETCHER. I have not had time to examine the bill, but it appears to apply exclusively to reclamation by irrigation. I have been in hopes that we might establish rather a national policy on the question of reclamation, which would include not only reclamation by irrigation, but by drainage. I do not know whether the bill might be amended so as to provide for that.

Mr. McNARY. May I state to the Senator from Florida that there is now on the calendar a bill of the character mentioned by him, which is to be brought up during this session; but the pending bill refers to irrigation on Government projects in the West, and nothing could be done to make it applicable to drainage in the South, because that is entirely in private hands and is a matter of private enterprise.

Mr. BORAH. Mr. President, I offer an amendment to the bill, to be inserted as a new paragraph.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment, which will be stated.

The READING CLERK. At the end of the bill it is proposed to insert the following as a new section:

SEC. 4. The lien reserved to the Government of the United States, however, created, for payment to it of construction charges, and charges for operation and maintenance, and all penalties required to be paid under the reclamation act approved June 17, 1902, and acts amendatory thereof or supplementary thereto, shall not be construed to be a lien or incumbrance as contemplated by this act, wherein loans under this act shall be secured by first mortgages on farm lands, to the end that the provisions of said Federal farm loan act shall extend to lands within all Government reclamation projects, without regard to Government liens for payment of said charges, and the provisions of said Federal farm loan act are hereby extended to apply to lands within all Government reclamation projects.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. BORAH. I do not care to discuss the amendment.

Mr. FLETCHER. The Senator's amendment would not require the Federal farm loan banks to take a second mortgage, would it? The law requiring such banks to take only first mortgages would still be in force and effect, would it not, if the amendment proposed by the Senator should be adopted?

Mr. BORAH. Yes.

Mr. SMOOT. I ask that the amendment may again be read.

The PRESIDING OFFICER. The Secretary will again read the amendment.

Mr. BORAH's amendment was again read.

Mr. POMERENE. Mr. President, this amendment refers to some act with which I am not familiar, and I should like the Senator from Idaho briefly to state what would be the effect of the amendment if adopted, so far as farm loan mortgages are concerned.

Mr. BORAH. Mr. President, first permit me to say that this amendment has gone through several stages, but in the form in which it is now presented it was, I think, drawn and approved by the department. There has been no report to the Senate upon this particular amendment, but it was introduced in the House of Representatives as a bill and a report from the department on the House bill was sent in and is now a part of the House proceedings.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I yield.

Mr. McNARY. While the statement made by the Senator from Idaho that there has been no report made from the committee on the proposition involved in the amendment is true, I have in my possession a letter covering the amendment from Judge Lobdell, of the Federal Farm Loan Board, which I should like to have the Secretary read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, March 20, 1922.

Hon. CHAS. L. MCNARY,
United States Senate.

DEAR SENATOR MCNARY: I am to-day in receipt of yours of the 18th instant, inclosing copy of H. R. 4382 as intended to be proposed by Senator BORAH.

I think that the Federal Farm Loan Board would be willing to authorize the Federal land banks to give consideration to applications for loans on lands under reclamation projects if this bill were enacted, though, as I assume you know, each of the land banks operating in irrigated territory maintains its own engineering department and would, of course, exercise the privilege of examining and rejecting any project, notwithstanding it were a Government one, where, in the judgment of its engineer, water supply or construction were insufficient or proper provision had not been made for drainage.

The last proviso of the bill is very essential, and without it loaning in these districts could not be at all undertaken.

Respectfully yours,

CHAS. E. LORDELL,
Farm Loan Commissioner.

Mr. BORAH. I desire further to state to the Senator from Ohio that the only effect of this amendment, as I understand, is to permit the Federal farm loan banks to make loans if, after examination, they themselves think there is sufficient security. The purpose of the amendment is to remove the inhibition which now exists under the law which practically prevents the Federal land banks from considering loans on irrigation projects.

Mr. POMERENE. I asked the question because I thought from listening to the first reading of the amendment that it might prejudice some of the Federal Farm Loan Board's securities.

Mr. BORAH. No.

Mr. POMERENE. That was what I had in my mind, but if the amendment has not that effect, I am content.

Mr. FLETCHER. I infer that really the purpose is to postpone the Government lien, so far as the security of the Federal land banks are concerned. If that is true, and, of course, if the Government or the banks are protected, I can see no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3220) to amend section 2 of the United States warehouse act approved August 11, 1916, was announced as next in order.

Mr. SMOOT. There is no report on that bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The next two bills will be passed over at the request of the junior Senator from Utah [Mr. KING].

The bills referred to are as follows:

The bill (H. R. 7340) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

The bill (H. R. 6569) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over, Mr. President, as I wish to make a little further examination of it.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. SPENCER. I ask that that bill go over. There are some amendments which it is desired to propose when the bill is considered.

The PRESIDING OFFICER (Mr. MOSES in the chair). The bill will go over.

The bill (S. 2371) to further amend an act entitled "An act for making further and more effective provision for the national defense, and for other purposes," approved June 3, 1916, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill just stated by title, being the unfinished business, will be passed over.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. OVERMAN. Let that joint resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 7210) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7827) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SUPERINTENDENTS OF NATIONAL CEMETERIES.

The bill (S. 151) to amend sections 4874 and 4875 of the Revised Statutes relating to compensation for superintendents of national cemeteries, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That sections 4874 and 4875 of the Revised Statutes be amended to read as follows:

"SEC. 4874. The superintendents of national cemeteries shall be selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the Regular, Volunteer, or National Army who may have been disabled for active field service in the line of duty.

"SEC. 4875. The superintendents of the national cemeteries shall be assigned to duties by the Secretary of War and shall be divided into three classes, according to the extent and importance of the cemeteries to which they may be respectively assigned, of which 29 shall be in class 1, who shall each receive a compensation of $1,320 per annum; 19 shall be in class 2, who shall each receive $1,200 per annum; and 26 shall be in class 3, who shall each receive $1,080 per annum: *Provided*, That in addition to the superintendents hereinbefore enumerated there shall be a superintendent of the Arlington Cemetery at Arlington, Va., and a superintendent of the National Cemetery at Mexico City, Mexico, who shall each receive a compensation of $1,500 per annum: *Provided further*, That all superintendents shall be furnished with quarters and fuel, and upon honorable discharge or resignation shall receive transportation for themselves and household effects to their respective homes."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT FOR FIRE-FIGHTING EXPENSES IN MONTANA.

The bill (S. 256) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919 was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $26,746.17, which is hereby directed be paid to the State of Montana on account of money expended by the State in the suppression of forest fires on Government lands during the year 1919.

Mr. KING. Mr. President, I should like to have the Senator from Montana give an explanation of that measure, particularly as to whether the Government, morally or legally, is responsible for the expenditures incurred. I have no doubt the bill contemplates either legal or moral responsibility.

Mr. WALSH of Montana. Mr. President, there is a full report on the bill from the Forestry Service of the Department of Agriculture, and its purpose is fully disclosed here. There was a fire raging in the national forest. The Forestry Service was not available in some way or other, but the State had a forestry service guarding the State lands, and they went out and fought the fire on the forest reserve and extinguished it, and the Forestry Service recognized the justice of reimbursing the State for the expenditures actually incurred. They figured out accurately the acreage which was actually destroyed, and corrected the acreage so that the amount was reduced slightly, just a few hundred dollars, below the figure that was asked by the State.

Mr. POMERENE. Mr. President, what is the amount?

Mr. WALSH of Montana. Twenty-seven thousand dollars.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? If not, the bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LYN LUNDQUIST.

The bill (S. 583) for the relief of Lyn Lundquist was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, directed to permit Lyn Lundquist, notwithstanding he has heretofore exhausted his homestead right, to make homestead entry of the west half of the northeast quarter and the east half of the northwest quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, and to give him credit upon his making final proof, showing residence and cultivation as required by law for any improvement he may heretofore have made thereon.

Mr. POMERENE. Mr. President, I note that the bill says, referring to this claimant, "notwithstanding he has heretofore exhausted his homestead right," and so forth, and yet he is to be given additional rights; but there is no report here indicating why that should be done.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Ohio to the fact that according to the calendar there is a report, No. 601.

Mr. POMERENE. I have not seen it. [A pause.] A copy of the report has just been handed to me, but it indicates no reason at all for this. I will say to the Senator from Montana, who reported the bill, that the bill seems to indicate that the claimant has already exhausted his homestead rights, but nevertheless he is given other rights, and so forth; and there is nothing here to indicate why any special favoritism should be shown to him.

Mr. WALSH of Montana. Mr. President, I have no personal interest at all in the bill. It was introduced by the Senator from Idaho [Mr. BORAH], who is not present.

Mr. POMERENE. I ask that it go over.

Mr. WALSH of Montana. Let me say, however, in explanation of it, that the bill was considered by the Committee on Public Lands and Surveys, and I was simply charged with the duty of preparing the substitute which expressed what the Committee on Public Lands and Surveys thought was fair and just to be done in the premises; and that is embodied in the substitute which has been reported.

The claimant went into a very remote section of the State of Idaho at an early day and settled upon this tract of land. It was not available for settlement in some way or other, but he went on and put a large amount of improvements upon the land, my recollection is at the expense of something like $2,500 or $3,000; and the committee thought that the expenditure of that amount of money on the land was sufficient evidence of the perfect good faith of this man in going into this remote and difficult region.

We have provided, however, not that he should have the land at all, but, notwithstanding the fact that he had once exercised his homestead right and his entry had been thus canceled, as he did not make his proof within the period limited by the statute, which was then seven years, we simply waive that requirement and permit him to make a new entry of the land. Then, residing upon the land and cultivating it, he will be entitled to patent to it.

Mr. POMERENE. This gives him how many acres in addition to the usual homestead rights?

Mr. WALSH of Montana. Nothing additional. It simply practically restores his homestead right as to that tract.

Mr. SMOOT. Mr. President, I am sure the Senator from Ohio will not object to the bill, because it is a meritorious bill. In early years this claimant settled, by what is known as a squatter's right, on land on which he had a perfect right to settle. In 1906 the Government of the United States withdrew the land and put it into a forest reserve, before he secured title to it, although he had spent $3,000 on the land itself. He carried out every requirement of the law as to the amount of time he should live upon the land, but when that blanket withdrawal was put over him as well as others in that forest he had not received the title to his land, and therefore he can not get title to that land. As long as he has spent his $3,000, as long as he has lived there, and as long as he has done all that the law required him to do, the least that Congress can do is to give him a chance to take 160 acres of public land to-day, and that is all that the bill does.

Mr. POMERENE. The explanation seems to give him some equitable rights. It does seem to me, however, that the bill is unfortunately phrased.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF BANKRUPTCY LAW.

Mr. WALSH of Montana. Mr. President, I ask unanimous consent that the Senate return to the consideration of the bankruptcy bill, objection to which was made a short time ago.

The PRESIDING OFFICER. The Senator from Montana requests unanimous consent that the Senate return to the consideration of Order of Business 589, Senate bill 2921. Is there objection?

Mr. SPENCER. There is objection. There is an amendment to that bill, which was adopted by the committee of the American Bar Association, which I introduced yesterday. There is a brief filed with that bill, which I have in my office, which I thought I had here. If that amendment appeals to the Senator from Montana, and can be incorporated in the bill, I have no objection to the consideration of the bill; but if it does not, I think the Senator will want to hear the reasons which the American Bar Association advanced.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri to object to the unanimous-consent request.

Mr. SPENCER. Unless the amendment is agreeable to the Senator from Montana; and I have not had time to discuss it with him.

Mr. WALSH of Montana. I want to say to the Senator, by way of explanation, that I know that the greater portion of the amendment introduced by him has had the careful attention of the committee, and, so far as that part is concerned, I thought the Senator might be able to present his reasons why the amendment ought to be adopted and the committee could easily explain the considerations that induced them to reject it, and we might dispose of the matter.

Mr. SPENCER. As I said when I started, the reasons which I really want to present to the Senate are reasons not so much of my own but of the committee of the American Bar Association, and I have not them at hand. It would be very unfair to them for me to repeat merely what I remember of them.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

COMMISSIONING OF MIDSHIPMEN IN THE MARINE CORPS.

The joint resolution (H. J. Res. 274) authorizing the commissioning in the Marine Corps of midshipmen under certain conditions was announced as next in order.

Mr. KING. Let that go over.

Mr. WALSH of Montana. Mr. President, I trust that no objection will be made to the consideration of the joint resolution.

Mr. KING. Mr. President, the joint resolution was before the Committee on Naval Affairs. At the time it was presented I believe the Senator from Michigan [Mr. NEWBERRY] and the Senator from Virginia [Mr. SWANSON] indicated, and I also indicated, some objection to it. It is fair to say that since that time the Senator from Virginia has represented to me that he had no opposition to the measure, and, indeed, he asked me to give support to it. I told him that with the understanding that I had—that understanding being largely the result of the discussion in the committee, in which the Senator from Virginia participated—I could not consent.

If the facts were different from what I understood them to be, I might have no objection; but I understand that the bill is merely in the interest of one particular person who failed to pass the examination, and it is sought now, because of that failure, to give him a standing to which otherwise he would not be entitled.

Mr. WALSH of Montana. Mr. President, I shall be very glad to state to the Senator the facts as they were disclosed.

Mr. KING. I withhold objection pending the explanation of the Senator.

Mr. WALSH of Montana. I believe that the joint resolution is a very meritorious one and ought to be passed. There is a general statute to the effect that no midshipman or former midshipman of the United States Naval Academy shall be commissioned by appointment in the Marine Corps so that his commission shall precede the date when his class graduated. That is a very proper provision, in view of a practice that had grown up of midshipmen resigning from the Naval Academy, or being dismissed for any reason, and, having some political influence, securing an appointment and a commission in the Marine Corps, or in some of the staff corps of the Navy. It was to prevent that abuse that the statute was provided; but since the enact-

ment of that statute the law has permitted anyone who enlists as a private in the Marine Corps to take the examination eventually in the Marine Corps and get a commission in that way. That law enables any enlisted man in the Marine Corps to take that course and get his commission.

The Senator refers to a particular case. The joint resolution, as a matter of fact, does have application to a particular case just now; but the statute will be general and applicable generally hereafter. If this boy, in particular, who at one time was a midshipman in the Naval Academy, had never been in the Naval Academy, he would be able to take the examination as he did take the examination and be entitled to his commission. He simply sought to be relieved from the operation of that statute and put upon the same footing as any other enlisted man in the Marine Corps. In other words, having endeavored to get a commission under the provisions of one law by going through the Naval Academy, and not succeeding in that way, he enlisted as a private in the Marine Corps, and there prosecuted his studies with such success that he eventually took an examination and became entitled to a commission but for this particular statute, while his fellows who also enlisted in the Marine Corps with him and who took the examination are entitled to get their commissions. So that the existing statute is eminently unfair to him or to any young man who goes into the Naval Academy, and then, finding for some reason or other that he is not able to go through there, is still determined to fit himself for service in this way, and enlists as a private in the Marine Corps, and then fits himself by proper study and that kind of thing, and eventually takes the examination. There is not any reason on earth why he should be penalized, and he is obliged to serve 12 months before he can take the examination.

Mr. KING. It means, then, Mr. President, if I understand the Senator, that a young man may fail at Annapolis, after attempting to obtain his commission there, and go out and enlist as a private and take the examination prescribed by law——

Mr. WALSH of Montana. After he has served a year.

Mr. KING. Which examination perhaps is not as severe as the examination at Annapolis; or is it?

Mr. WALSH of Montana. I could not say as to that; but it is severe enough to warrant the giving of a commission to an enlisted man.

Mr. KING. When he obtains a commission would it be a higher commission than he would have obtained if he had been a diligent student and obtained a commission at Annapolis?

Mr. WALSH of Montana. They all come in as ensigns, as the Senator knows.

Mr. KING. Would it give him a higher rating and a higher place on the list of officers than if he had succeeded in Annapolis?

Mr. WALSH of Montana. His commission would antedate, of course, those of the men who went through in the other way.

Mr. SWANSON. If the Senator will permit me, when I first looked at this joint resolution casually I had an idea that it repealed a law which I favored and which I think was largely instrumental in having passed. There had grown up a method by which people who had failed at the examination at the Naval Academy were immediately put in as officers in the Marine Corps, getting commissions higher than those given the men who were their classmates; but those were cases in which the man did not enlist as a private.

Recently we have tried to encourage young men to enter both the Navy and the Marine Corps as privates and give them the privilege, when they stand certain examinations, of being commissioned as officers. They do that in the Navy now with enlisted men.

There was no intention, when the act was passed, to in any way affect the right of enlisted men who could stand the examination prescribed by the department, showing their qualifications to be commissioned when they had passed the examination. Nobody had an idea it would operate in this way until this case came up.

This is the case of a young man at the Naval Academy who for some reason failed. I do not know the particulars of it, but he was devoted to the service, and instead of trying to get a commission as a marine officer immediately, as heretofore had been done, enlisted as a private. He served as a private for 12 months, as prescribed by law, and then came up and stood an examination as an enlisted man, a private, to get his commission. When the department were preparing to commission him they looked up the statute, which provided that he could not be commissioned until the other men who were classmates of his had been commissioned.

He had served faithfully. The law simply put all enlisted men on an equality. If a man fails at the academy and enlists in the Navy or the Marine Corps he has a chance to get a commission under the law relating to enlisted men. He can not get a commission except under that law. When the matter is brought before the Senate there seems to be a prejudice against him because at one time he attended the academy.

Mr. WALSH of Montana. Let me put the case this way: Let us suppose that there are two young men, one of whom goes to Georgetown University, studies at Georgetown for two years, and then enlists in the Marine Corps. The other boy gets into the Naval Academy at Annapolis. We will suppose that they are chums, that one stays at Annapolis for two years, then quits and enlists in the Navy, and they both take the examination for a commission, and both pass. The boy who came from Georgetown gets his commission and the boy who came from Annapolis and received whatever benefit there is to be obtained from a course in that academy, instead of an ordinary college, can not get a commission. Of course, the Senator can see that that is not right.

Mr. KING. Let me ask either of the Senators whether the boy who was at Annapolis gets precedence over those in his class because he may have passed the examination before they had obtained their commissions?

Mr. SWANSON. If he passes his examination and comes up for his commission, and the examination and commission antedate the graduation of the class he was in, he does get a commission ahead of them, as any other enlisted man would do.

Mr. WALSH of Montana. I am sure the Senator would not want to have it otherwise. If a boy in the Naval Academy quits the Naval Academy and enlists in the Marine Corps, and goes on and takes his examination and reaches a result, by determination upon his part, sooner than the men who remain at the Naval Academy, why should he not have a commission?

Mr. KING. It simply means that if two young men go to the Naval Academy and take the examination, and one passes and the other fails, and the one who fails goes out and takes another examination, after enlisting as a private in the Marine Corps, and passes, he may get a higher rating and be commissioned in advance of the man who did his duty and passed an A1 examination at Annapolis. It is rather paradoxical.

Mr. SWANSON. To encourage men to enlist and get a high order of men in the Marine Corps, we allow men to enlist as privates and under certain conditions receive commissions as officers. First, their record has to be fine, and service as a private in the Marine Corps for 12 months, with all of its privations and hardships, is a pretty stiff test. After they have stood that test as enlisted men, they have then to stand an examination to show their mental qualifications, and any man who can enlist as a private and do that should not be discriminated against, whether he did or did not attend the Naval Academy. This discrimination occurs under a statute passed to get rid of an abuse, and we require them to serve 12 months as enlisted men before they can be commissioned. I think it is a good thing to encourage the men.

Under the old conditions, if a man failed at the Naval Academy he could go and stand an examination at once and get ahead of his class. Under the existing statute he must first enlist as a private and serve 12 months, and then he may obtain his commission.

Mr. KING. I follow the Senator from Virginia in the Naval Affairs Committee because of his superior knowledge. I think I shall follow him now, and I am sure to be right one way or the other, and he is sure to be wrong one time or another.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That any midshipman of the United States Naval Academy who has heretofore failed to graduate therefrom and who shall have served honorably in the Marine Corps for a period of one year, and who has passed satisfactorily the examination for appointment as a commissioned officer of the Marine Corps, may be commissioned prior to the graduation of the class at the Naval Academy of which he was a member.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY CORDES.

The bill (S. 3291) for the relief of Henry Cordes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to deduct from the time required of Henry Cordes, of Fort Laramie, Wyo., to perfect title to a new homestead entry the time he spent in residence and cultivation upon homestead entry, Cheyenne, 027226, which was canceled because erroneously allowed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT.

The bill (S. 2436) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act, was announced as next in order.

Mr. WATSON of Georgia. I object.

Mr. EDGE. If the Senator will withhold his objection for a moment, I will state that the only object of the bill, as I understand it, is to permit these banks to become members of the Federal reserve system, as other institutions are. I think that is all the bill does. At the present time they are outside of the system, and it was thought they would have better supervisory control over them if they were members of the system, just as other banking institutions are. I think that is as far as the bill goes.

Mr. WATSON of Georgia. There does not seem to be any need for haste, and I would like to look into it.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

EXCHANGE OF LANDS IN NEW MEXICO.

The bill (S. 2743) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 6, to strike out the words "or near the" and to insert in lieu thereof "the exterior boundaries of the existing," so as to make the bill read:

Be it enacted, etc., That section 10 of the act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, be, and the same is hereby, amended, subject to the consent to the terms hereof by the State of New Mexico, by adding the following: "*Provided*, That the Secretary of the Interior be, and he is hereby, authorized to accept on behalf of the United States title to any land within the exterior boundaries of the existing national forests in the State of New Mexico, title to which is in said State, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of unappropriated ungranted national forest or other Government lands belonging to the United States within the said State of New Mexico, as may be determined by the Secretary of Agriculture and the Secretary of the Interior and acceptable to the State as a fair compensation, consideration being given to any reservation which either the State or the United States may make of timber, mineral, or easements. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of the national forest within or near to which they are situated."

Mr. KING. I would like to have the Senator from New Mexico explain the purpose of the bill generally. There is no report here. I do not object to the bill at all.

Mr. BURSUM. The purpose of this act is to authorize the State of New Mexico to make exchanges within the forests of school sections. In order to do that it is necessary to amend the enabling act authorizing New Mexico and Arizona to form a constitution. It will be necessary, unless the bill is passed, for the people of New Mexico to amend the constitution and provide legislation authorizing this exchange.

Mr. POMERENE. The Senator from New Mexico said it authorized them to make exchanges of school lands. Exchanges with whom?

Mr. BURSUM. With the United States, to surrender to the Forest Service school sections within the forests for public lands of equal value outside of the forests.

Mr. POMERENE. Is that to be done under the authority of the Secretary of the Interior?

Mr. BURSUM. It is.

Mr. POMERENE. And subject to his approval?

Mr. BURSUM. Yes; subject to his approval and subject to the approval of the Secretary of Agriculture.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS IN NEW MEXICO.

The bill (S. 3163) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," was announced as next in order.

Mr. SMOOT. I ask that that may go over.

Mr. JONES of New Mexico. Mr. President, I trust the Senator will withhold his objection. The object of this bill is to make available an appropriation which was made over nine years ago for a post-office building at Las Vegas in New Mexico. This legislation becomes necessary because the amount of money appropriated is not sufficient to erect the kind of a building authorized under the previous legislation.

The legislation at present on the statute books provides for the erection of a courthouse and a post office, and the amount of money available is not sufficient for that purpose. The object of the bill is to provide that they may use the money, which has already been appropriated, for the construction of a post office only. The matter has been taken up with the Treasury Department on different occasions, and this bill is recommended by the Treasury Department. At Las Vegas there are two post offices now, and the result is great confusion in the mails. The purpose of the bill is to erect one building to provide for the two communities.

It will reduce the expense of the post offices there and avoid that very great confusion which results from the fact that there are two post offices, one under the name of Las Vegas and one under the name of East Las Vegas. It so happens the post office of East Las Vegas is in the city of Las Vegas and the post office of East Las Vegas is in the town of Las Vegas. I sincerely hope that the Senator will withhold his objection to the consideration of the bill.

Mr. SMOOT. I suppose there is not a State in the Union that is not somewhat in the same condition. I know that in my own State we have authorized appropriations for post-office buildings at Spanish Fork, Eureka, Manti, Ephraim, and I know there are at least half a dozen others that do not come to my mind now. The only way we are ever going to get any relief is to wait until there is an omnibus bill passed. The Senator knows that we put items on appropriation bills time and time again on the floor of the Senate for the same purpose that is contemplated in the pending bill. The House has invariably objected to those items. They say they will not pass a bill of this character until an omnibus bill is presented. Why is there any use of going to the expense of passing these bills in the Senate and sending them to the House when we know the House will not act on them?

Mr. JONES of New Mexico. The situation in this case is a very peculiar one. I do not know of another instance in the history of the United States where conditions are such as they are at this place. We want to consolidate two post offices. The appropriation was made back in 1913 when my predecessor was in office. It was through his action that the appropriation was then made.

Las Vegas is the second largest town in the State of New Mexico. It has no public building whatever, and there are the two post offices rented now, with two postmasters and two sets of clerks. It is more expensive to carry the mail from the railroad station to those offices than it will be under the new régime. For business purposes and business reasons and to facilitate business the bill should be passed. Hundreds of letters every day go to the wrong post office and must be transferred from that post office over to the right one. The situation is almost intolerable.

The appropriation was made back in 1913, and it is only by reason of the fact that during the war all public building work was stopped, and since the war the cost of building has increased so that they could not erect the building according to the original design for the amount of money which was appropriated.

Mr. SMOOT. That is the same reason advanced in all the other cases. I am quite sure the bill will not pass the House, but if it is going to assist the Senator from New Mexico in any way to go to the expense of passing the bill here and sending it over to the House, I shall not object. I am quite sure, I will say to the Senator from New Mexico, that their policy is a fixed policy, and if the future is to be judged by the past, if we can tell from what has been going on in the House for years past, they will not consider the bill.

Mr. JONES of New Mexico. I thank the Senator for withdrawing his objection to the consideration of the bill by the Senate.

Mr. SMOOT. I will say to the Senator that if this bill passes I am quite sure we can then insist upon at least 100 or more similar bills passing, and insist upon the House passing other bills in the same way. The appropriation of $50,000 for erecting a building back in 1912 and 1913, at the very time when authorization for the appropriation was made, perhaps would have erected such a building as is required at this place. Building costs have advanced so that they can not now erect any kind of a building, nor can they erect the building which the

department wants to erect. Therefore, all the appropriations are being held up in all such cases.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 11, to strike out "$115,940.41, and said building shall be so constructed that accommodations for the United States courts and other governmental offices may be provided at a later date at an increase in the limit of cost to be hereafter fixed," and to insert in lieu thereof "$115,930.40," so as to make the bill read:

Be it enacted, etc., That so much of section 16 of the act of Congress approved March 4, 1913 (37 Stat., p. 883), which directed the Secretary of the Treasury to purchase a site, or acquire it by condemnation or otherwise, on land at a convenient point between the incorporated city of East Las Vegas, N. Mex., and the incorporated town of Las Vegas, N. Mex., and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the post office, courthouse, and other governmental offices, and so forth, be, and the same is hereby, amended so as to authorize and direct the Secretary of the Treasury to cause to be erected, on the site heretofore acquired by the United States for the purpose, a suitable and commodious building, including fireproof vaults, heating and ventilating apparatus, approaches, etc., complete, for the use and accommodation of the post office, at a limit of cost not to exceed $115,930.40.

Mr. JONES of New Mexico. I desire to state that there was an error of 1 cent in the amount of money which it was found necessary to change, and the remainder of the matter which is stricken out by the amendment was considered unnecessary, both by the Committee on Public Buildings and Grounds and by the Treasury Department. I therefore think it advisable to adopt the amendment proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. EDGE. Mr. President, I ask unanimous consent to return to Order of Business 600, the bill (S. 2436) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act. The Senator from Georgia [Mr. WATSON] objected to the consideration of the bill, but he has just informed me that after reading the bill he will withdraw the objection.

Mr. WATSON of Georgia. Mr. President, having examined the bill, I have no objection to it, although I am opposed to the entire Federal reserve system.

Mr. KING. I would like to ask the Senator from New Jersey the purpose of the bill?

Mr. EDGE. The purpose of the bill is simply to permit any corporation engaged in the kinds of business described in section 25 of the Federal reserve act to become members of the Federal reserve system, so the Federal reserve system can have much greater supervision over their activities.

Mr. KING. I would like to ask the Senator if existing law prohibits that?

Mr. EDGE. Under existing law there is no way for them to apply for membership and to become members of the Federal reserve system. The pending bill provides an amendment of section 25 (a) of the Federal reserve act, under which corporations engaged in the kinds of business described in that section may make application to the Federal Reserve Board and by the purchase of the necessary stock in a Federal reserve bank become members of the Federal reserve system.

Mr. KING. This is not for the purpose of forcing banks into the Federal reserve system?

Mr. EDGE. Absolutely not. It is entirely voluntary.

Mr. KING. There is nothing here that would be discriminatory against State banks and be used as a club to compel them to join the Federal reserve system?

Mr. EDGE. Absolutely not. It is absolutely voluntary. It simply provides that they can apply for membership, and by the purchase of stock in a Federal Reserve Bank can then become members of the Federal reserve system. It is entirely voluntary.

Mr. KING. The Senator knows there has been a good deal of complaint that there was discrimination against certain banks and an effort made to force all of them into the Federal reserve system willy-nilly.

Mr. EDGE. I will read the Senator the first three lines of the proposed amendment of the act, and he will see that it does not contemplate that—

Any corporation engaged in business of the kinds described in section 25 of this act, and any corporation organized under the provisions of this section, may make application to the Federal Reserve Board—

And so forth.

Mr. GLASS. Mr. President, may I inquire of the Senator from New Jersey whether the provisions of the bill will permit private corporations to become members of the Federal reserve system?

Mr. EDGE. No; it simply provides for that class of banks organized under section 25 (a) of the Federal reserve act, and which are known, if I may remind the Senator, as Edge banks, to become members of the Federal reserve system.

Mr. GLASS. Foreign banking corporations?

Mr. EDGE. Yes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts approved February 27, 1921, and June 14, 1921, be further amended by striking out that paragraph of said section which reads as follows: "Shareholders in any corporation organized under the provisions of this section shall be liable for the amount of their unpaid stock subscriptions. No such corporation shall become a member of any Federal reserve bank," and by substituting in lieu of said paragraph the following:

"Shareholders in any corporation organized under the provisions of this section shall be liable for the amount of their unpaid stock subscriptions.

"Any corporation engaged in business of the kinds described in section 25 of this act, and any corporation organized under the provisions of this section, may make application to the Federal Reserve Board, under such rules and regulations as said board may prescribe, to subscribe to stock of the Federal reserve bank of the district within which the applying corporation is located in an amount equal to 6 per cent of the paid-up capital and surplus of the applying corporation. The Federal Reserve Board, subject to such conditions as it may prescribe, may, in its discretion, permit the applying corporation to become a stockholder of such Federal reserve bank. All such corporations becoming members of the Federal reserve system shall be subject to the provisions of this act which relate specifically to member banks: *Provided*, That such corporations shall not be subject to examination by examiners of the Comptroller of the Currency under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act, and shall not be subject to any limitations upon the exercise of the power to accept drafts and bills of exchange drawn upon them, except such as are imposed by regulations prescribed by the Federal Reserve Board."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORPORATE POWERS OF ASSOCIATIONS.

The bill (S. 3255) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

HOMESTEAD EXEMPTION.

The joint resolution (H. J. Res. 57) making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof was considered as in Committee of the Whole and was read as follows:

Resolved, etc., That the provisions of section 2296 of the United States Revised Statutes have been and are applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIVERSITY OF ARIZONA.

The bill (S. 2140) to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, in line 4, to strike out "in fee simple" and to insert in lieu thereof "as hereinafter limited," so as to make the sentence read:

That the Secretary of the Interior be, and is hereby, authorized and directed to issue patent as hereinafter limited to the University of Arizona, State of Arizona, of Tucson, Ariz., for the following-described tract of land.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I wish to ask the Senator from Arizona [Mr. ASHURST] if the designation of the university is right? It seems to be a little awkward. It reads "University of Arizona, State of Arizona, of Tucson, Ariz."

Mr. ASHURST. That is the designation on the calendar.

Mr. SMOOT. Yes; "University of Arizona"; but then it reads "State of Arizona, of Tucson, Ariz."

Mr. ASHURST. The Senator is reading from the bill?

Mr. SMOOT. I am reading from the bill.

Mr. ASHURST. The bill read that way when it was considered in the Sixty-sixth Congress and was considered by the Department of the Interior.

Mr. WALSH of Montana. I wish to address an inquiry to the Senator from Utah. The State of Arizona is, of course, an incorporated body. I think the grant should be made to the State of Arizona for the use of the University of Arizona. I think the bill had better go over.

Mr. SMOOT. I think so, too. I will say to the Senator that I never noticed that in the bill and I believe the bill is not properly drawn in that respect. I think we ought to consider it before we pass it. I ask that the bill may go over.

Mr. ASHURST. I am willing that the bill should be recommitted to the Committee on Public Lands and Surveys for correction.

Mr. SMOOT. Oh, no; that can be done on the floor, and there is no necessity for sending it back to the committee. There is no objection to the bill itself.

Mr. ASHURST. Do the Senators who have addressed the Senate believe the grant should be to the State of Arizona for the use and benefit of the State of Arizona?

Mr. SMOOT. Yes.

The VICE PRESIDENT. On objection, the bill will be passed over.

WITHDRAWAL OF MINERAL LAND IN UTAH.

The bill (S. 2460) to amend an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Mines and Mining with an amendment to strike out all after the enacting clause and to insert:

That for the period of 12 months from and after the approval of this act the provisions of section 18a of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stats., p. 437), be, and the same are hereby, extended to land in Utah embraced in the Executive order of withdrawal issued October 4, 1909: *Provided*, That nothing herein shall be construed as otherwise enlarging, continuing, or extending the provisions of the aforesaid section 18a of the act approved February 25, 1920 (41 Stats., p. 437).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat., p. 437), to certain lands in Utah."

TITLE TO SCHOOL LANDS.

The bill (S. 889) further to assure title to lands granted the several States in place, in aid of public schools, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with the following amendments: On page 1, line 9, after the word "listed," insert the words "not exchanged for other lands of the United States"; strike out all of the first proviso, beginning with the word "*Provided*," on page 1, line 12, and ending with the word "office," on page 2, line 6; on page 2, line 7, strike out the word "further"; on page 2, line 9, strike out the second "of"; on page 2, line 10, strike out the words "at all" and insert in lieu thereof the following: "it has attached, nor to deprive any court of jurisdiction it may now have to determine any controversy which may arise touching the title of the State or any of its assignees to any such land"; on page 2, line 11, strike out the word "designated" and insert in lieu thereof the word "granted"; on page 2, line 15, insert, after the word "Office" the following: "in proceedings initiated under the provisions of this act"; on page 2, line 20, after the word "States," insert the following: "and of rights to prospect for, mine, and remove the same in accordance with the provisions of existing laws"; on page 2, line 21, after the word "reservation," insert the following: "except as to metalliferous minerals," so as to make the bill read:

Be it enacted, etc., That where a grant of lands, in place, has heretofore been made or may hereafter be made to any State in aid of public schools the governor of any such State may cause to be listed with the Secretary of the Interior any sections or parts of sections as designated in the grant, and it shall be the duty of the Secretary of the Interior to issue patent to the State in further assurance of title of all tracts thus listed, not exchanged for other lands of the United States, and found to be of the character granted and free from valid, adverse claim at the time when the rights of the State attach: *Provided*, That nothing herein contained shall be so construed as to postpone the time of the attachment of the grant of such lands under the law existent at the time the State's right attached thereto, if it has attached, nor to deprive any court of jurisdiction it may now have to determine any controversy which may arise touching the title of the State or any of its assignees to any such land.

SEC. 2. That in any case wherein lands so granted have been purchased in good faith from any State and hereafter are found by final decree of a Federal court or final judgment of the Secretary of the Interior or Commissioner of the General Land Office in proceedings initiated under the provisions of this act to have been of known mineral character at the time the grant to the State would have otherwise attached, the transferees of the State, mediate or immediate, shall have a right to a confirmatory patent from the United States with reservation of the mineral deposits in the land to the United States, and of rights to prospect for, mine, and remove the same in accordance with the provisions of existing laws, upon payment of $1.25 per acre, or to a patent without such reservation, except as to metalliferous minerals, upon payment of the appraised price of the land as such purchaser may elect: *Provided*, That 50 per cent of all moneys received from sales under the provisions of this act shall be paid by the Secretary of the Treasury, after the expiration of the fiscal year, to the State within the boundaries of which the lands are located, said moneys to be used by such State for the support of public schools therein, and the balance thereof shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the reclamation act, approved June 17, 1902: *Provided further*, That until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this act.

SEC. 3. That hereafter, on approval by the Secretary of the Interior of selections made by any State under grants made by Congress, he shall direct the issuance of patent for the land so selected and approved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WALSH of Montana. Mr. President, before the pending bill passes, I believe that a statement concerning its purposes should be made, inasmuch as the passage of the bill marks somewhat of a departure in the practice in relation to grants which are made to various States for the benefit of schools. If I may be permitted, I shall undertake to state the object of the bill.

All of the States on their admission to the Union have been granted sections 16 and 36 of nonmineral public lands and certain States have been granted four sections. I think the State of Utah was amongst those.

It has always been held that any land which was not known to be mineral at the time the State was admitted into the Union passed to the State under that grant, but if a certain section 16 or section 36 was then known to be mineral it did not pass. No patent is given to a State for its lands in place sections 16 and 36; but whether they were mineral or not at the time the State was admitted into the Union is the determinative question upon which the title of the State depends. That may be brought into question at any time—that is to say, 20 years after the State has been admitted into the Union, during all of which time it has claimed title to sections 16 and 36, and no question has been raised that the land was nonmineral at the time the State was admitted, some one may go upon that land, locate it as mineral land, claiming that it was known to be mineral at the time the State was admitted into the Union—and then the question is tried out in the courts. So the title of one purchasing from the State a portion of either section 16 or section 36 is always more or less clouded by reason of the fact that some one at some time or other may come in and assert that the land was, in fact, mineral at the time the State was admitted into the Union.

Mr. SMOOT. Will the Senator from Montana yield to me?

Mr. WALSH of Montana. I yield.

Mr. SMOOT. The Senator from Montana has made a very clear statement in reference to the matter, and I merely wish to refer to a case of which I am aware which is illustrative of what he has stated. Twenty-two years ago a part of a section in my State was purchased by an individual from the State. Later some one went upon it and claimed that at the time of the admission of Utah to Statehood the land was known to have been mineral. The question immediately arose as to title of the property, and, no matter what the purchaser may have expended upon the land, even though he may have expended upon it his entire means, there still rests a cloud upon his title.

Mr. WALSH of Montana. The purpose of this proposed act is to permit the State to apply to the Secretary of the Interior for a patent to lands granted to it in place sections 16 and 36. It will then be obliged to claim that the lands are nonmineral, and the Secretary of the Interior will institute an inquiry thereupon as to whether or not the land is mineral or was known to be mineral at the time the State was admitted into the Union. If he determines that it was not known to be mineral at that time, but was known to be agricultural, a patent to the State will issue, and that settles the controversy for all time, so anyone thereafter buying from the State will know that he gets a good title to the land. The condition which I have stated has given rise to many unfortunate controversies, which this bill endeavors to prevent in the future.

Mr. SHEPPARD. What is the meaning of the expression "in place"?

Mr. WALSH of Montana. Lands granted to a State are either "in place" or by selection. As I have indicated, place grants are always of sections 16 and 36. Besides that, the State receives grants in bulk for its educational institutions, its State university, its agricultural college, and its college of mines, and so forth; that is, of a certain number of acres of land which it may select throughout the State. Having selected those lands, the Secretary enters upon an inquiry as to whether or not they are mineral, and finding them not to be mineral, patents will be issued to those lands. That is a floating grant, as the Senator will see; it does not attach to any particular lands until the State selects the lands.

The other lands the State does not select at all, but they are already fixed "in place"; that is, sections 16 and 36. We find no difficulty at all, so far as the lands are concerned, which the States are obliged to select, because as to those the States get patent now under the law. It is only as to those lands which are "in place" with respect to which the States do not get title; so that it always remains a matter of doubt as to whether or not the State has title.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

CLAIMS OF CHEROKEE, CREEK, AND SEMINOLE INDIANS.

Mr. OWEN. I ask unanimous consent to recur to Order of Business 545, being the bill (S. 514) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to have the Senator briefly explain the measure.

Mr. OWEN. The bill was carried over on my objection. I now withdraw the objection and have no objection to its passage as it came from the committee.

Mr. OVERMAN. What does the bill provide?

Mr. OWEN. It provides that the Indians named in the bill may go into the Court of Claims and wind up their affairs in connection with certain claims which they have against the Government.

Mr. SMOOT. The compensation of attorneys is limited, is it?

Mr. OWEN. Yes; it is limited both as to percentage and as to the gross amount which may be paid.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, on page 3, line 22, after the name "United States," to insert "nor more than $25,000 to be paid by any one nation or tribe," so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, examine, consider, and adjudicate any and all claims arising under or growing out of any treaty stipulation or agreement of the United States with the Cherokee, Creek, or Seminole Indian Nations or Tribes, or any act of Congress in relation to Indian affairs which said Cherokee, Creek, or Seminole Indian Nations or Tribes may have against the United States and which claims have not heretofore been determined or adjudicated: *Provided*, That said Court of Claims shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations: *Provided further*, That the suits be instituted within two years from date of approval of this act: *Provided also*, That from decisions of the Court of Claims in said suits appeals may be taken as in other cases to the Supreme Court of the United States: *Provided further, however*, That the provisions of this act shall not be construed to confer jurisdiction upon the court to hear, examine, consider, and adjudicate any balance claimed to be due on the so-called Loyal Creek Claim, or any amount claimed to be due to equalize allotments among members of the Five Civilized Tribes.

The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suits any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

The claim or claims of each of said Indian nations shall be presented separately or jointly by petition in the Court of Claims, and such action shall make the petitioner party plaintiff or plaintiffs and the United States party defendant. Such petition on the part of any such nation or tribe shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract or contracts with the principal chief or governor of the nation or tribe interested and approved by the Secretary of the Interior. A copy of the petition shall, in each case, be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice, to be designated by him, is hereby directed to appear and defend the interests of the United States in said cases.

Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed in the Court of Claims within two years from the date of approval of this act as provided herein. Upon the final determination of any suit or action instituted under this act the Court of Claims shall decree such amount or amounts as it shall find reasonable to pay the attorney or attorneys employed therein by any of the above-named Indian nations for their services and expenses, and in no case shall the aggregate amounts decreed by said Court of Claims be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per centum of the amount of recovery against the United States, nor more than $25,000 to be paid by any one nation or tribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK GRYGLA.

The bill (S. 910) for the relief of Frank Grygla was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. JONES of New Mexico. Mr. President, I trust the Senator from Utah will withhold his objection.

Mr. KING. I will withhold it in order to hear the explanation the Senator may make.

Mr. JONES of New Mexico. The explanation is simply that Mr. Grygla in his lifetime was improperly suspended, and his salary was not paid during the time of such suspension. No reference was made in the suspension order as to the payment of salary. The matter has been investigated and the Secretary of the Interior reports that Mr. Grygla could have gotten his claim allowed through the Court of Claims, but there would still have to be an appropriation for it. So this means of securing relief was adopted rather than resorting to the Court of Claims and then securing an appropriation.

Mr. KING. Mr. President, let me inquire of the Senator, if I may, when was the employee suspended? Of course, he rendered no service during the time of his suspension?

Mr. JONES of New Mexico. He was, of course, engaged during that time in clearing up the charges which had been made against him. He was not discharged from the service; he was merely suspended from the performance of his duties, and he was engaged in the interim, of course, in bringing about an investigation of the charges. The charges were found to be unfounded, and he was restored to his status in the Government service. The Secretary of the Interior reports that the Court of Claims has allowed such claims as this where cases have been presented to that court. Under the law he is entitled to this amount of money.

Mr. KING. If a man in private employment is suspended, which means, of course, discharged and later hired; if he is discharged because the master feels that he has been inattentive or inefficient, or believes that he has been guilty of some embezzlement or other criminal act, it would not legally, and I do not think morally, entitle him to compensation from the master. If the Federal Government runs the risk of having to pay every person who may be discharged or suspended it seems to me it might deter——

Mr. JONES of New Mexico. I can state to the Senator that it is a common occurrence in the different departments of the United States Government—such cases arise almost daily—for some employee who has been suspended pending investigation to receive his salary right along during the period of suspension.

Another employee, through a failure so to provide in the order, or for some other reason, does not receive pay during the period of suspension; but if he is restored to duty, and the charges prove to be unfounded, then under the law he is entitled to his salary, and the Secretary of the Interior so reports upon this bill.

Mr. KING. Would not the Secretary be authorized to make payment after the man had been exculpated from the charges against him which led to his suspension?

Mr. JONES of New Mexico. He can not, because the appropriation for such purposes lapses at the end of each fiscal year.

Mr. KING. But if the exculpation occurred prior to the lapsing of the appropriation he would have that authority?

Mr. JONES of New Mexico. I can not answer the Senator with assurance.

Mr. KING. It seems to me that it comes down to the question as to whether or not he was an employee of the Government. If not, if the suspension operated to sever his relations with the Government, then it seems to me the Government is not legally liable.

Mr. JONES of New Mexico. I will read to the Senator a paragraph from the report of the Secretary of the Interior:

In view of the fact that Mr. Grygla was fully exonerated after investigation of the charges, of the fact that the Interior Department can not under the law reimburse him for losses incurred by his suspension, and of the further fact that similar claims have been allowed by the Court of Claims (41 C. Cls. R. 514, case No. 27948), I think it proper that relief as proposed in Senate bill 2701 be granted.

That is signed by John Barton Payne, Secretary of the Interior. The bill has been pending in the Committee on Claims for some time, as Senators will observe, and the committee has recently made the report.

Mr. SMOOT. Mr. President, I can not bring myself to believe that a person who is not serving the Government, who is doing no work whatever, should be paid by the Government the salary that he would have drawn if he had continued in the service of the Government. There was some reason why these charges were preferred against that man, and the Government, the employer of the man, thought they were of sufficient importance to suspend him. During that time he could have worked anywhere he wanted to, providing he could have gotten work. The Government received nothing from him. His services were of no use whatever to the Government. Why the Government should be called upon to pay him compensation during the time when he was not serving the Government, I can not see.

Mr. JONES of New Mexico. Mr. President, I can state to the Senator that just that sort of thing is being done every day in the departments of the Government. Where employees are suspended, pending an investigation, in many cases the order specifically provides that the suspension shall not be without pay. In the other cases where they have been suspended and the charges have proven unfounded, upon reinstatement the employee has his claim against the Government.

Mr. SMOOT. Mr. President, this happened 21 years ago. It seems to me that if this man had any just claim against the Government of the United States he would have made that claim long before this; and upon the face of it I shall have to object to the consideration of the bill.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 1723) for the relief of William Hensley was announced as next in order and was read.

Mr. KING. Mr. President, there is no report here. I am going to object to this bill, not because I am not in sympathy with this man if he is entitled to compensation, but because we have a general compensation act to deal with persons who are injured in the employ of the Government; and if we constantly pass special bills we might just as well repeal the general compensation act.

Mr. MOSES. Mr. President, let me ask the Senator a question: The operation of the compensation act is within a certain time limit, is it not? Certain injuries for which claims might be brought here can not be considered by the compensation commission. It is possible that this bill may refer to one of those.

Mr. KING. Let me say to the Senator that in a number of instances where the injury occurred anterior to the time of the passage of the act we have passed bills that gave the claimants the status of persons who were injured similarly after the passage of the act; and if this man is entitled to compensation we ought to give him the benefit of that act.

The VICE PRESIDENT. Objection is made. The bill will be passed over.

THE CORNWELL CO., SAGINAW, MICH.

The bill (H. R. 449) for the relief of the Cornwell Co., Saginaw, Mich., was announced as next in order.

Mr. POMERENE. Mr. President, this bill seems to authorize the repayment of a fine which was assessed, and there is no report on it.

Mr. SMOOT. I have no report on my calendar.

Mr. POMERENE. There is none on my calendar; and until there is some explanation of the bill, I am going to object.

Mr. CAPPER. I ask that the bill go over, because the member of the committee who had charge of it is not present.

Mr. POMERENE. A page has just handed me a copy of the report, which has just come in. There has been no opportunity to go over it, and I still object to consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

H. C. MULLINS AND OTHERS.

The bill (H. R. 1009) for the relief of H. C. Mullins, his wife, and minor children, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. C. Mullins, of Fort Worth, Tex., the sum of $4,522.50, in full compensation for injuries sustained by the said H. C. Mullins, his wife, Ovilla Nelson Mullins, his minor child, Ina Flora Mullins, and for the death by reason of said injuries sustained by his minor child, Leona Pearl Mullins, due to an airplane, owned by the United States Government, while engaged in practice flying in Tarrant County, Tex., on the 20th day of June, A. D. 1918.

Mr. SMOOT. Mr. President, I should like to have some explanation of this bill. Can the Senator from Kansas explain the details of the bill? I have no report on it.

Mr. KING. I think the facts will show that a lieutenant was flying in one of the fields in Texas, being engaged in a sort of practice flight; people gathered there from some distance around to witness the exhibition; and in attempting to rise above the fence which circumscribed the limits of the field, the machine caught against the top of the automobile in which Mr. Mullins and his wife and children were sitting, overturned it, injured all of them quite seriously, and killed one member of the family. It is simply a question as to whether or not the Government of the United States ought to make compensation. There was no carelessness upon the part of the flier. It was one of these very unfortunate circumstances that occur in life.

Mr. CAPPER. The report shows that the War Department investigated the matter pretty carefully, and says that there is merit in the claim. That is all the information that we have. The bill has passed the House.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF OSCAR CHRYSLER.

The bill (H. R. 3346) for the relief of the heirs of Oscar Chrysler was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,400 to Birdseye Knox Chrysler, Laura A. Chrysler, Harriet L. Chrysler, and Frederick Knox Chrysler, widow and minor children of and heirs at law of Oscar Chrysler, late surgeon in charge at the National Soldiers' Home at Milwaukee, Wis., who was killed while in discharge of his official duty on October 29, 1913, without fault or negligence on his part.

Mr. KING. Mr. President, reserving the right to object, I should like an explanation of that bill.

Mr. LENROOT. Mr. President, this is a bill to compensate the heirs of Doctor Chrysler, who was killed while in the discharge of his official duty on October 29, 1913. Doctor Chrysler was chief surgeon of the Milwaukee National Home for Disabled Soldiers. He had been in the service for 21 years at the time of his death. His death occurred through an inspection by him of a sterilizing apparatus which had been put into the home, which had been inspected twice before and found to work satisfactorily, but at this time they put it into real operation; and in some way unknown, apparently through some defect in the apparatus, but what particular defect never has been discovered, an explosion occurred which almost instantly killed Doctor Chrysler. There was a very complete investigation. There was no fault or negligence upon the part of Doctor Chrysler, and apparently the particular defect could not be found that would hold the makers of the appliance for negligence in the making.

Mr. KING. Mr. President, I should like to ask the Senator from Wisconsin, who is a very just man and a good lawyer, what policy he thinks the Government ought to pursue in view of the large number of claims that are presented against the Government for the torts or the negligences or the alleged negligences of the hundreds of thousands of employees of the Government. I do not mean to say that hundreds of thousands are guilty of torts or negligences, but scarcely a day passes that some claim or a good many claims are not filed with some branch of the Government.

It is alleged that some man in the employ of the Government—for instance, somebody driving the mail or some boy riding upon a bicycle, carrying a message from one department to another, runs into some person upon the street and overturns him, and the person is injured, or, as in the case which we have just considered, a flying machine is under the control of some official of the Government, some soldier or person in the Air Service, and the flying machine runs into a house or some person and inflicts injury either upon property or upon person. In view of the fact that there are perhaps a million employees of the Government, and a large number in the Army and in the Navy—and of course the number in the Government service will increase as the years go by—in view of the fact that those persons are bound, no matter how careful they may be, to do some act or be guilty of some omission that results in injury, and some of them by acts of omission and some by acts of negligence, perhaps some of them willful negligence, do injury to other persons—in view of all those facts, I ask the Senator whether we can recognize or ought to recognize the theory that the Govern-

ment is responsible and must pay compensation for all the injuries to person and property?

Mr. LENROOT. Mr. President, of course the Senator's question is not directed to the class of cases covered by this bill.

Mr. KING. No; to the general proposition.

Mr. LENROOT. There is a very clear distinction between the moral obligation upon the part of the Government to make compensation for injuries occurring to its own employees and its own officers and its obligation to make compensation for injuries occurring to a stranger through some act of a Government employee or officer.

I take it the latter is the condition about which the Senator inquires my view. I would say, with reference to that, that I think the Government should occupy exactly the same status occupied by a private employer. If there be any negligence on the part of a Government employee or Government officer which injures a stranger, the Government ought to compensate that third party for the injury sustained, just as a private employer is compelled to do under the law.

Mr. KING. The Senator knows that under the common law, which applies in most of the States, the torts of municipal officers and of county officers do not fix liability upon the municipality or the county.

Mr. LENROOT. No; and there was an old doctrine also of the common law further back that the king can do no wrong, and that each municipality occupies a position of sovereignty. But while that is true in law, it is not true in morals. I think the moral liability of a Government, a State or a municipality, should be as great as that of a private individual or corporation, and, as the Senator knows, in every State in the Union that liability upon the part of a municipality is now established by statute, with certain limitations of damages.

Mr. DIAL. Would it not be going far enough for Congress to refer these cases to a court? We do not look into the cases of accidents sufficiently. I am not speaking of this case especially, but I am embarrassed about a good many of these cases, because I regret to have to object. I want to treat everybody fairly, but whether or not it would be going far enough for us to authorize them to sue is a question which should be inquired into.

Mr. LENROOT. I should think that might well be done in all these cases where the obligation, if there be any, rests on a party outside of the service of the Government; but as to a Government employee, I do not think he should be called upon to sue.

Mr. KING. The Senator knows that Government employees come under the Federal compensation act.

Mr. LENROOT. Most of them do. This particular case does not. But the same rule of compensation is applied in this particular case, though it does not come under it. It is one year's salary.

Mr. KING. It seems to me that with the large number of employees of the Government, and the large number of soldiers, the fact that we have perhaps 200,000 automobiles operated by the Government directly and indirectly, possibly more, unless some policy shall be adopted, we are going to have these claims here by the thousands, and the Government will be called upon to pay millions of dollars.

Mr. LENROOT. The Senator does not think the Government should not assume the same liability that a private corporation under the law would be compelled to assume? Is it fair to make the individual who has been injured suffer alone?

Mr. KING. The Senator knows that none of the States and, so far as I know, none of the counties, at least, account for the torts of their officers, and they do not pay damages unless it is by special act of the legislature. If any of the counties permit suits, it has been provided for recently by statute.

Mr. LENROOT. Certainly. I do not happen to know of a single State that does not provide by statute for damages where, for instance, there is a hole in the sidewalk.

The VICE PRESIDENT. Under Rule VIII the Senator's time has expired.

Mr. SMOOT. I am going to ask the Senator from Wisconsin a question. The doctor in this case was a surgeon in charge at the National Soldiers' Home at Milwaukee, Wis.?

Mr. LENROOT. He was the surgeon in charge. He was not in command of the home.

Mr. SMOOT. He was killed, while in the discharge of his official duties, on October 29, 1913, according to the report. What official duty was he performing when he went to make the examination?

Mr. LENROOT. He was examining a sterilizing apparatus.

Mr. SMOOT. A sterilizing apparatus for whom?

Mr. LENROOT. For the hospital.

Mr. SMOOT. It was in the hospital itself?

Mr. LENROOT. Yes; in the hospital of the home. He was clearly acting in the line of duty, and General Wood so held in his report.

Mr. KING. Why has this case not been presented sooner?

Mr. LENROOT. It has been. I presented it once, and I am afraid it is true of this as of many other cases, that there has been some neglect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN LIBERTY LOAN SUBSCRIBERS.

The bill (H. R. 5775) for the relief of Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; Mineral City Bank, Mineral City, Ohio; Robbinsdale State Bank, Robbinsdale, Minn.; and Farmers & Merchants' State Bank, Kenmare, N. Dak., was announced as next in order.

Mr. KING. Let that go over.

Mr. POMERENE. Mr. President, I hope the objection will not be insisted upon. This is for the relief of the subscribers to certain Liberty loans. Under the regulations of the Treasury Department different banks were often made agencies of the Treasury. In certain other instances the committee which solicited these loans were invited to ask them to have the subscribers pay to their own banks. I have special knowledge as to one bank, at Mineral City, Ohio, and I think from the hearings the facts were substantially the same in all the cases.

These subscribers, most of whom were people of very, very modest means, paid on account of their subscriptions to these banks. The banks failed for one reason or another before the bonds were delivered. In the case of the Mineral City Bank, subscriptions were made and paid in aggregating over $25,000. One of the executive officers of the bank got to speculating, and, as I now recall, later on committed suicide as a result of his mental state.

The question simply is, shall these bond subscribers who were subscribing out of the patriotism of their own hearts be made the losers? It does seem to me that the great Government of the United States ought to protect these unfortunate subscribers to the amount of the money that has been paid in. That is the purpose of this bill.

Mr. FLETCHER. May I ask the Senator why it is that the Government is not to be protected in a case like that? It is in the position of having appointed an agent or trustee who has received a lot of money for the Government. If the bank is an agent or trustee, it has received the Government's money. It is not merely a claim by the Government against these banks, but it seems to me that puts them on the basis of an ordinary creditor of the bank. They can insist on this money being paid, or they can prosecute the officers of that bank, and it looks as if the Government ought to be protected.

Mr. POMERENE. What are we to do with the individual losers, who paid their money into these banks?

Mr. FLETCHER. The Government ought to collect that money and pay it.

Mr. POMERENE. But when the only man in the case I have in mind, and to which I have referred, was a man who, because of his criminality, dissipated the funds of the bank and afterwards committed suicide, there is no relief for anybody, and the question is whether the Government shall stand by the acts of its agents in this matter, or let these poor people sustain the loss.

Mr. JONES of Washington. These people did not get the bonds?

Mr. POMERENE. No; they did not. They were only partially paid for.

Mr. JONES of Washington. They did not tender the balance due?

Mr. POMERENE. I can not answer as to that.

Mr. CAPPER. In most cases the banks sold the bonds. They were part of the assets of the banks.

Mr. SMOOT. If they sold the bonds, and the bonds belonged to the Government, then the Government of the United States ought to collect the money obtained for them from the officers of the bank. The bonds belong to the Government of the United States and were partly paid for, the Government having deposited those bonds with them to be sold.

Mr. KING. The Government would have a lien upon everything the bank had.

Mr. SMOOT. There is no doubt but that the Government can collect the money from the officers of those banks.

Mr. POMERENE. If the facts are such as to permit the Government to do it, certainly the Government ought to.

Mr. SMOOT. I agree with the Senator that the good people who subscribed to those bonds should not lose 1 cent, and there is no need of losing 1 cent, because the Government not only

can collect from the officers of the banks what those good people paid and then pay it back to them, but they can collect from them every dollar they got for those bonds.

Mr. POMERENE. That is a matter for the Government to look after later on, and it should not keep these people out of their money. I hope the objection will be withdrawn.

Mr. WALSH of Montana. I notice a provision in the bill to the effect that these people have assigned to the Government any claim they may have against anybody for these bonds. So the Government is subrogated to their rights. But what troubles me about it is, how did these banks become the agents of the United States?

Mr. KING. That is the point; they are not.

Mr. WALSH of Montana. It seems to me they were simply the agents of the purchasers, and that the purchasers there stand upon just exactly the same footing as if they put money into a bank to purchase stock on the exchange.

Mr. POMERENE. Mr. President, I do not know how this matter was conducted in other sections of the country, but I do know that the Treasury Department, through the Federal reserve bank officers, had committees appointed, as we had in my own home city. Those committees divided up the city, made their drives for the subscriptions, and the subscription blanks provided that the money was to be paid into the particular bank where the subscriber did his business, and bonds were sent to those banks to be delivered when they were paid for.

Mr. WALSH of Montana. Then the contention of the Senator is that the banks became the agents of the Government for the purpose of selling the bonds?

Mr. POMERENE. Undoubtedly so. I know, for instance, in making my own subscriptions I several times subscribed through the bank in Canton where I keep my account. The bonds would be delivered at the bank. A part of these subscriptions were paid in installments and a part of them in cash. Whenever they were paid up the bond was delivered. There can not be any question about these various banks being the agents of the Government.

Mr. SMOOT. The matter may have been handled in that way in Ohio, but it was not handled in that way in Utah. For instance, the Provo Commercial and Savings Bank acted for the committee appointed to sell those bonds. They subscribed for the bonds they were asked to subscribe for by their customers. They paid for those bonds. The bank was responsible to the Government for the bonds, and in many, many cases there was a part payment to the bank made upon the bonds, and the interest which the bonds provided would be paid to the bank for carrying the bonds. The bank was entirely responsible. It is more than likely that it was that way in this case. I am not sure about that, however, I will say. That was the practice in vogue in the West.

Mr. POMERENE. If the Senator will permit me, I will read a paragraph from the report, which shows the plan which prevailed. It is as follows:

> The method of securing the applications of these subscribers by the Government was according to the plan followed generally throughout the country. Applications were required to reach the Treasury Department, Federal reserve bank, "or some incorporated bank" before a specified date. Application blanks on Government forms were widely distributed for this purpose, addressed directly to the Secretary of the Treasury. A notice, relating to the third Liberty loan, provided: "It is strongly recommended that subscribers avail themselves of the assistance of their own banks and trust companies, in which case they will, of course, make payment through such institutions." After applications were received by the banks, notice to subscribers to pay was given on mail carried under Government frank and in the name of the "United States Treasury Department," instructing the subscribers to call upon the bank to complete their subscriptions.

That was the general practice which prevailed in my section of the country. This little bank is in a village about 15 miles from my home. I have seen a good many of these people, and in a general way I know how they made their payments to this particular bank. It would be a burning shame if the Government should seize upon any little technicality to deprive of their money people who through patriotic impulses subscribed for bonds and paid their money into the bank, and many of whom could not afford to do so.

Mr. SMOOT. I am not so much interested in the Government paying the money here involved as I am in the Government getting back the money for which the bonds were sold and which was paid into the banks.

Mr. POMERENE. If there is any liability there, I am in entire accord with the Senator.

Mr. FLETCHER. Another point is, have these banks made final settlement? Do we know whether or not there will be other dividends paid to these people? They have reduced the losses somewhat by dividends collected from the banks.

Mr. POMERENE. I have gone hastily over the matter, and I find in connection with one of the banks they say there will be a further dividend. The Senator from Kansas [Mr. CAPPER] was chairman of the committee which had hearings and heard the evidence, and I think he can give further information with reference to the matter.

Mr. FLETCHER. There is one national bank involved, and the others are probably not national banks. In the case of the national banks all their stockholders are liable. It would take some time to wind up their affairs. The receivers are perhaps not yet discharged, and it may be that there will be other dividends coming to these people.

Mr. WALSH of Montana. The Senator from Florida will observe that they are required to assign all claims they have to the Government. The bill provides that the Secretary of the Treasury—

> shall thereupon have power to pay claimant such sum upon the claimant assigning to the said Secretary for the benefit of the United States all interest he may have in any additional sum which may become payable to such claimant from said banks or the receiver thereof on account of his payment for such Liberty bonds.

Mr. FLETCHER. My point is that we do not know what we are appropriating. We may be appropriating the entire amount.

Mr. POMERENE. Oh, no. The matter is referred to the Comptroller General, and he is to make an investigation. We are not appropriating it directly.

Mr. FLETCHER. We are directing the Secretary of the Treasury to pay whatever is ascertained to be due these people.

Mr. POMERENE. That is true; but it is after an investigation by the Comptroller General of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I objected and, at the risk of incurring the displeasure of my good friend from Ohio, I shall persist in my objection.

The VICE PRESIDENT. There is objection, and the bill will be passed over.

Mr. KING. May I have one moment? I would like to say that I am objecting principally because we do not know the facts. It is not clear yet whether the banks were the agents of the individuals who deposited the money in the banks or whether the banks were the agents of the Government. If they were the agents of the individuals, obviously there is no liability on the part of the Government. If the banks were the agents of the Government, of course the Government ought to pay; but the Government, as I recollect the law, would have a lien upon all the assets of the banks, or, at any rate, upon the money which was deposited there, and would have the first claim in payment. In that event undoubtedly the assets of the bank would be sufficient to liquidate any claims of the Government. Then, too, there is the stockholders' liability.

Mr. FLETCHER. And the trust fund.

Mr. KING. Yes. When the facts are a little more clearly presented to us, as well as the amount involved, I have no doubt the Congress will make a just disposition of the matter; but I wish to say to my friend from Ohio that I shall not be willing to vote for this until we know approximately what it is, whether it is $1,000 or $100,000.

Mr. POMERENE. The report shows the amount.

Mr. KING. I have not the report here.

Mr. POMERENE. This statement is found on page 2 of the report:

> The total amount of sums paid to said banks are approximately as follows: North Penn Bank, $165,000; Mineral City Bank, $25,000; Santa Rosa National Bank, $92,000; Robbinsdale State Bank, $31,000; Farmers & Merchants State Bank, $7,000. Dividends already paid have reduced the losses to the subscribers of the Santa Rosa National Bank to $38,000, and of the Robbinsdale State Bank to $19,000. Further dividends to be paid will somewhat reduce the total liability to such bond purchasers, which now does not exceed $254,000, and which sum may now be accepted as the maximum liability under this bill. This sum will be reduced by whatever additional dividends are paid to the subscribers.

Mr. KING. I hope the Senator, before the next calendar day, will get further facts. If not, I shall in the meantime get them myself.

Mr. POMERENE. The Senator from Kansas [Mr. CAPPER] can correct me if I am mistaken, but I think the Treasury Department already has detailed information about the matter. Am I not right about it?

Mr. CAPPER. The Treasury Department has gone into the matter very fully. I think myself, I will say to the Senator from Ohio, that it would be well to let the bill go over for the day, because some other Senators are better informed as to the Pennsylvania case, for instance. I will say that every effort that is possible to be made to recover before appealing to the Government for relief has been made, in my opinion. The committee held hearings, and I regret that the report of the hearings does not seem to be here for the use of Senators. The Senator from Pennsylvania [Mr. PEPPER] I know is particularly well informed as to that case.

The details as to the four banks are quite different in each case. There is not the slightest doubt in my mind but that these are meritorious claims, and I think that there is no Senator who will object to the provision for payment when the facts are presented to him. However, there are four States involved, and if the Senator from Ohio will permit I would suggest that he let the bill go over.

Mr. POMERENE. Objection has been made, and, of course, any Senator has the parliamentary right to do that. I shall try to call up the bill at a very early date.

The VICE PRESIDENT. Objection having been made, the bill will be passed over.

EXECUTIVE AND SUNDRY INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I ask permission to present the conference report on the Executive and sundry independent offices appropriation bill.

The VICE PRESIDENT. The conference report will be read.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Salaries: Comptroller General, $10,000; Assistant Comptroller General, $7,500; assistants to Comptroller General—4 at $6,000 each; chief clerk, $3,000; chiefs of divisions—7 at $3,000 each; chief of appointment division, $2,500; assistants to chiefs of divisions—3 at $2,750 each, 4 at $2,500 each; chiefs of sections—10 at $2,500 each, 13 at $2,250 each, 2 at $2,000 each; assistant chiefs of sections—11 at $2,000 each, 1 at $1,900; chiefs of subsections—3 at $2,000 each; disbursing officer, $3,000; deputy disbursing officer, $1,800; private secretary, $1,800; attorneys—1 $5,000, 4 at $4,000 each, 4 at $3,600 each, 1 $3,100, 5 at $3,000 each, 1 $2,750; law clerks—1 $2,500, 4 at $2,400 each, 4 at $2,250 each, 2 at $2,200 each, 9 at $2,000 each, 4 at $1,800 each, 1 $1,600; accountants—1 $2,500, 2 at $2,400 each, 3 at $2,100 each, 3 at $2,000 each; investigators—1 $4,000, 1 $3,000, 20 at $2,000 each; reviewers—8 at $2,100 each; principal clerks—17 at $2,000 each; clerks—164 of class 4, 218 of class 3, 255 of class 2, 267 of class 1, 56 at $1,000 each, 70 at $900 each; check assorters—4 at $1,000 each; duplicating machine operator, $900; carpenter, $1,400; foreman of messengers and laborers, $1,400; chief messenger, $1,000; messengers—1 $1,000, 15 at $840 each; assistant messengers—29 at $720 each; laborers—1 $720, 21 at $660 each; messenger boys—14 at $480 each, 1 $420; forewoman of charwomen, $660; charwomen—22 at $240 each; and temporary clerks, stenographers, typists, and other assistants, to be paid at a rate not exceeding $1,800 per annum, $375,000; in all, $2,293,190.

"Contingent expenses: For traveling expenses, rent, telephone service, purchase and exchange of books, office supplies (including stationery) and equipment, repairs and maintenance, and miscellaneous items, $175,261."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000 except the following: Six at not to exceed $25,000 each, two at not to exceed $20,000 each, and one at not to exceed $15,000"; and the Senate agree to the same.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.
WILL R. WOOD,
EDWARD H. WASON,
Managers on the part of the House.

Mr. WARREN. I ask that the report may be agreed to.

The report was agreed to.

CORTEZ OIL CO.

The bill (H. R. 6525) for the relief of the Cortez Oil Co. was announced as next in order on the calendar.

Mr. KING. Mr. President, I should like to ask whether this claim has been referred to the Court of Claims, or is this a direct appropriation without reference to the Court of Claims? In the absence of explanation, I must object to the consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

GEORGE CISZEK AND ANNA CISZEK.

The bill (H. R. 6686) for the relief of George Ciszek and Anna Ciszek was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Ciszek and Anna Ciszek the sum of $1,500 for damage done to their dwelling house on July 1, 1919, due to the explosion of the United States Navy dirigible balloon *C–8* at a point near Camp Holabird, Md.

Mr. KING. Mr. President, I would like to ask whether the Navy Department has recommended the passage of the bill?

Mr. CAPPER. I will say to the Senator from Utah that the Navy Department very strongly recommends its passage. I call the Senator's attention to the last paragraph on page 2 of the letter from Assistant Secretary Roosevelt, in which he says:

I strongly recommend that the present bill—H. R. 6686—be amended so as to carry an appropriation of $1,500 and passed.

He gives a very clear statement of it, and I think there is no question that it is a meritorious claim.

Mr. KING. I have no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN B. WALKER.

The bill (S. 907) for the relief of Ellen B. Walker was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Ellen B. Walker, of Albuquerque, N. Mex., as full compensation for the death of her husband, Thomas A. Walker, who, while in the employ of the United States Government, in the Bureau of Indian Affairs, lost his life by the collapse of a water-tower structure at Paguate, N. Mex., on July 17, 1915.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. WALKER.

The bill (S. 2584) for the relief of John H. Walker was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,690.52 to John H. Walker, of Pasadena, Calif., as compensation in full for services rendered by him in the matter of the survey of public lands under contract No. 385, New Mexico.

Mr. KING. Mr. President, may I inquire if there is any report accompanying the bill?

Mr. JONES of New Mexico. There is a report, but I can state briefly just what the facts are. Mr. Walker did some surveying under a contract with the Government and his accounts were not allowed until the appropriation for the work had lapsed. This bill proposes to make a special appropriation for his work. The account has since been allowed by the Interior Department, and the Interior Department asks that the appropriation may be made.

Mr. KING. It is not an appropriation in addition to the regular contract price?

Mr. JONES of New Mexico. It is for the contract price of the work.

Mr. KING. I have no objection to the bill.

Mr. JONES of Washington. I merely want to ask the Senator from New Mexico why it is that under the state of facts which he has recited the department could not send in a supplemental or a deficiency estimate and have the claim taken care of in that way instead of having it possibly come before two or three Congresses before the claim will be finally paid under the method which has been followed. It seems to me, in view of the statement of facts which the Senator has made, the Secretary of the Interior could send down a supplemental or deficiency estimate and the matter could be taken care of in that way.

Mr. JONES of New Mexico. I am inclined to agree with the Senator from Washington, but that has not been done. It did not occur to me to request the department to proceed in that way; that is all.

Mr. JONES of Washington. I suggest to the Senator that he propose that course to the department.

Mr. JONES of New Mexico. I thank the Senator from Washington for the suggestion, and I may yet have to adopt it so far as this claim is concerned. I will look into the Senator's suggestion and see if it is not advisable to get the claim put on a deficiency appropriation bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATES OF DAVID B. LANDIS AND JACOB F. SHEAFFER.

The bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

JOHN BURKE.

The bill (H. R. 6523) for the relief of John Burke, former Treasurer of the United States, for lost bonds without default or negligence on the part of said former Treasurer, was announced as next in order.

Mr. KING. Mr. President, my attention was called to this bill this morning by a Senator who, I think, has some objection to the bill.

Mr. WALSH of Montana. I hope no objection to this bill will be interposed. The situation is rather critical just at the present time. Mr. Burke, it will be remembered, is in some financial difficulties.

Mr. KING. Yes. Let me state to the Senator what I understand the objection to the bill is, namely, that Governor Burke in transferring bonds from one building to another or from one department to another, or, possibly, from one bank to another—I have not inquired into the matter, but I am only stating the situation as the matter was hurriedly detailed to me—failed, it is charged, to exercise reasonable diligence; he did not follow up the transmission of the bonds to ascertain whether or not there was a delivery; he asked for no receipt; and the whole circumstances, it is claimed, indicate negligence upon the part of the proposed beneficiary of this act.

Mr. WALSH of Montana. I have examined with very great care the reports which have been submitted to us in this connection and they all assert—and the assertion seems to be fully sustained by the recital of the facts—that no kind of culpability may be attached to Governor Burke at all in the matter.

Mr. SMOOT. Mr. President, I did not expect the bill to come up to-day, but I have a letter in reference to this matter, calling my attention to the circumstances as, it is claimed, they actually happened. I do not know whether the statement in the letter is correct, but if there was gross negligence on the part of the department, and particularly on the part of Mr. Burke—I do not know that that is the case—I should not want the bill passed upon now.

Mr. WALSH of Montana. The facts are very briefly stated in the report as given by the Secretary of the Treasury. The report of the Senate Committee on Claims states:

> In December, 1918, the Peoples National Bank of Hillsboro, Ill., wrote the Reserve Bank of St. Louis, Mo., to forward to the Treasurer of the United States five $1,000 coupon bonds for postal savings securities, and instead of sending bonds to the Treasurer of the United States, the reserve bank sent them to the Secretary of the Treasury. The Treasurer's Office knew nothing about the bonds until a letter was received from the bank of Hillsboro, Ill., about 10 days later, and upon investigation a receipt book in the Secretary's Office showed the signature of a girl in the Treasurer's Office, and a colored messenger claimed to have brought the package to the Treasurer's Office at 4.30 in the evening, just at the time when everyone was going home. The lady in the Treasurer's Office recognized her signature but did not remember the occasion, it being about two weeks later. A thorough search was made for the bonds, but they have not been found.
>
> On July 14, 1920, the First National Bank of Fairmount, N. Dak., sent to the Treasurer of the United States coupon bonds amounting to $2,950 to be exchanged for registered bonds. The Treasurer has nothing to do with registered bonds and in this case the bonds should have been sent to the Secretary of the Treasury, Loans and Currency Division. A record was made of them in the Treasurer's Office and they were sent to the Secretary's Office by messenger, but the records do not show that they ever reached there.
>
> These are the only losses of the kind, and there would have been no loss in either case if the bonds had been sent to the proper office. Congress has always relieved the Treasurer for losses without fault on his part. The losses seem very small when the tremendous volume of business the war brought to the Treasurer's Office is considered.
>
> Attached hereto and made a part of this report are two letters from the Secretary of the Treasury addressed to the Speaker of the House of Representatives, giving the facts in these two cases more in detail.

That is a recital of the facts, which seems to be fully supported by the letter of the Secretary of the Treasury. I think it would be an exceedingly harsh rule to hold the Treasurer liable under such circumstances, and I can not conceive how he would be in any manner culpable. The bonds were sent to the Treasurer's office by the two banks when they should not have been sent there.

Mr. KING. Will there result an entire loss to the Government?

Mr. WALSH of Montana. Apparently so. In one case a letter was received by the Treasury from some one who returned a number of the bonds, including some of these bonds, amounting to about $500 worth, who said he had picked them up on the floor and needed them very much and would keep the remainder in the nature of a loan. So evidently the bonds were stolen either by the messenger or by some one who picked them up on the floor where they were dropped by the messenger. I can not see how, if the facts are here correctly stated, there could be any negligence on the part of the Treasurer.

Mr. KING. I shall make no objection to the present consideration of the bill.

Mr. SMOOT. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6524) to permit the correction of the general account of John Burke, former Treasurer of the United States, was announced as next in order.

Mr. SMOOT. I ask that that bill also may go over.

Mr. WALSH of Montana. That is quite different from the other bill, and I hope the Senator from Utah will not object to its consideration.

Mr. SMOOT. I should like to have that bill also go over, because I desire to make some examination of the letter to which I have referred. I will say to the Senator that I received the letter only day before yesterday.

Mr. WALSH of Montana. Let me remark in this connection that I hope the Senator will make an immediate investigation. I will ask that the bill be taken up some day during the ensuing week in the morning hour unless the calendar is proceeded with again in the meantime.

Mr. SMOOT. Very well.

Mr. WALSH of Montana. The Senator from Utah is aware of the situation in which Governor Burke is at the present time?

Mr. SMOOT. I know Governor Burke very well, and I understand the situation to which the Senator refers.

Mr. WALSH of Montana. These matters are an embarrassment to him in the arrangements which he is desirous of making for the adjustment of his financial affairs, and I hope the Senator will find it possible to consent to the early consideration of the bills.

Mr. SMOOT. I recognize that what the Senator says is true, but really I have not had an opportunity to make an investigation or even answer the letter which I have received. The letter is from a person in the department and recites, in substance, information which the writer contends he possesses. I do not know whether or not there is a word of truth in what he says.

The VICE PRESIDENT. The bill will go over. This completes the calendar. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title and referred as indicated below:

H. R. 463. An act granting a patent to Joseph Robicheau; to the Committee on Patents.

H. R. 546. An act authorizing the Secretary of the Treasury to pay war-risk insurance to the foster parents of Edward Short; to the Committee on Finance.

H. R. 1290. An act for the relief of Cornelius Dugan; to the Committee on Naval Affairs.

H. R. 2614. An act for the relief of Luke Ratigan; to the Committee on Commerce.

H. R. 10643. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park; and

H. R. 8845. An act for the relief of Mattie Alexander; to the Committee on Public Lands and Surveys.

H. R. 241. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois;

H. R. 1482. An act for the relief of James T. Farrill;

H. R. 4845. An act for the relief of J. W. La Bare;

H. R. 4894. An act for the relief of George W. Posey;

H. R. 5768. An act to amend and correct the military record of Alvah B. Doble; and

H. R. 6966. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army; to the Committee on Military Affairs.

H. R. 540. An act for the relief of Bradley Sykes;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 1892. An act for the relief of L. A. McMullen;

H. R. 2694. An act for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman;

H. R. 2722. An act for the relief of W. W. McGrath;

H. R. 3034. An act for the relief of Lizzie Askeli;

H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;*

H. R. 5251. An act for the relief of Ruperto Vilche;

H. R. 5668. An act for the relief of Cora T. Dering;

H. R. 5791. An act for the relief of Robert Russell;

H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.;

H. R. 6134. An act for the relief of the estate of Anne C. Shymer;

H. R. 7052. An act for the relief of G. C. Caldwell;

H. R. 7425. An act for the relief of Zah Barmon;

H. R. 7695. An act for the relief of James F. Connors;

H. R. 8073. An act for the relief of the Kineo Trust Co.;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 8767. An act for the relief of F. E. Taylor and B. C. Broom;

H. R. 9866. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision; and

H. R. 10179. An act for the relief of Americus Enfield; to the Committee on Claims.

PENSIONS AND INCREASE OF PENSION.

Mr. BURSUM. I move that the Senate proceed to the consideration of Calendar No. 509, being House bill 4.

Mr. KING. What is the title of the bill, Mr. President?

The VICE PRESIDENT. The Secretary will state the bill by title.

The ASSISTANT SECRETARY. A bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses.

Mr. KING. That bill will take some time, and I shall have to ask for a quorum if the Senator is going to insist upon taking it up this afternoon.

Mr. BURSUM. I have no objection to the Senator calling for a quorum, but the Senator from Kansas [Mr. CAPPER] has a bill which I understand he is desirous of having considered, and if that bill may be considered and no objection is offered to it, I shall make no objection to withholding the motion I have made pending the consideration of the bill in which the Senator from Kansas is interested, provided it will not lead to debate.

Mr. KING. I am sure the Senator does not want a call for a quorum this afternoon. It will be impossible to obtain one at this hour.

Mr. BURSUM. Mr. President, that is the attitude of the Senator from Utah every time a pension bill comes up.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Bursum	Jones, N. Mex.	Nelson	Sheppard
Capper	Jones, Wash.	New	Smoot
Dial	Kendrick	Oddie	Spencer
Gooding	King	Overman	Watson, Ga.
Harris	Lodge	Page	
Heflin	Moses	Phipps	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family.

The PRESIDING OFFICER. Twenty-two Senators have answered to their names. There is not a quorum present.

Mr. DIAL. I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair will state that, pursuant to the unanimous consent entered into to-day, when the Senate concludes its business this afternoon it must recess until Monday.

Mr. KING. I move that the Senate stand in recess.

Mr. SHEPPARD. I make the point of order that that can not be done without a quorum.

Mr. LODGE. Oh, yes; a recess may be taken.

The PRESIDING OFFICER. A unanimous-consent agreement has heretofore been made that the Senate shall take a recess at the conclusion of business this afternoon.

Mr. DIAL. I did not know of that order, Mr. President. If I had known of it, I should not have made the motion to adjourn.

Mr. LODGE. The order was made early in the day. It is now half past 4 in the afternoon, and I do not think it is worth while to endeavor to obtain a quorum.

Mr. SHEPPARD. The Senate can not conclude its business without a quorum.

RECESS.

Mr. LODGE. I move that the Senate stand in recess until 12 o'clock noon on Monday.

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement heretofore entered into, the Senate will stand in recess until Monday at 12 o'clock noon.

Thereupon (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until Monday, April 24, 1922, at 12 o'clock meridian.

SENATE.

MONDAY, *April 24, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Sheppard
Borah	Hale	McKellar	Smoot
Brandegee	Harreld	McNary	Spencer
Broussard	Harris	Moses	Stanley
Bursum	Harrison	New	Sterling
Capper	Heflin	Newberry	Sutherland
Caraway	Johnson	Nicholson	Swanson
Colt	Jones, N. Mex.	Norris	Townsend
Culberson	Jones, Wash.	Oddie	Wadsworth
Cummins	Kellogg	Overman	Walsh, Mass.
Curtis	Kendrick	Page	Walsh, Mont.
Dial	Keyes	Pepper	Warren
du Pont	King	Phipps	Watson, Ga.
Ernst	Ladd	Poindexter	Watson, Ind.
Fletcher	La Follette	Pomerene	Weller
Frelinghuysen	Lodge	Ransdell	Willis
Glass	McCormick	Rawson	

Mr. STANLEY. I wish to announce that the Senator from Missouri [Mr. REED] is necessarily absent.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained by illness. I ask that this announcement may continue through the day.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. CURTIS. The Senator from Maryland [Mr. FRANCE] is necessarily absent on business of the Senate.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present.

INVITATION TO VISIT QUANTICO (VA.) MARINE CORPS BASE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, inviting Members of the Senate to visit the Marine Corps base at Quantico, Va., May 5, 1922, which was ordered to lie on the table and to be printed in the RECORD, as follows:

NAVY DEPARTMENT,
Washington, April 20, 1922.

MY DEAR MR. VICE PRESIDENT: You may recall that about a year ago a number of the Senators visited the Marine Corps base at Quantico, Va., and I feel that it would be advisable to again make arrangements for a similar visit on May 5 next. Quantico is the station of the Marine Corps Expeditionary Force, which is held in readiness for active service in an emergency either at home or abroad.

The President has placed the U. S. S. *Mayflower* at the disposal of the Navy Department for this occasion, and that vessel will sail from the navy yard for Quantico at 8 a. m. on the above-mentioned date, and will leave Quantico on the return trip to Washington at about 6 p. m. the same day. Dinner and supper will be provided at Quantico. Those who desire to return to Washington earlier than the return trip of the *Mayflower* may do so by train on the Richmond, Fredericksburg & Potomac Railroad.

I will thank you to extend this invitation to the Members of the Senate, and I would be glad if a large number of them could arrange to make the trip. A ticket will be issued, through the Senate Committee on Naval Affairs, to each Senator desiring to visit Quantico. These tickets should be presented at the navy yard gate and at the gangway of the *Mayflower.*

Trusting that I may have the pleasure of welcoming a large delegation from the Senate, and with my best personal wishes, I am,
Most sincerely yours,

EDWIN DENBY,
Secretary of the Navy.

Hon. CALVIN COOLIDGE,
Vice President of the United States, Washington, D. C.

J. B. WATERMAN.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1059) for the relief of J B. Waterman, which was on page 1, line 4, after the word "directed" to insert the words "out of any money in the Treasury not otherwise appropriated."

Mr. WILLIS. I move that the amendment of the House of Representatives be concurred in.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented resolutions adopted by the Presbytery of Toledo, at Tiffin, and the Presbytery of Xenia, at Columbus, both in the State of Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Presbytery of Toledo, at Tiffin, and the Presbytery of Xenia, at Columbus, both in the State of Ohio, favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Toledo at Tiffin, the Presbytery of Xenia at Columbus, and the Presbytery of Lima at Lima, all in the State of Ohio, favoring the enactment of legislation providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented a resolution of the Hamilton County Memorial Association, of Cincinnati, Ohio, favoring the maintenance of a strong and efficient Navy, both in vessels and in personnel, which was referred to the Committee on Naval Affairs.

He also presented a resolution of the Kiwanis Club, of Youngstown, Ohio, indorsing the Zionist movement and favoring the passage of the Lodge joint resolution for the establishment in Palestine of the National Home for the Jewish people, which was referred to the Committee on Foreign Relations.

Mr. SPENCER presented a petition of members of the Needlecraft Club, of Kansas City, Mo., praying for the enactment of the Dyer antilynching bill, which was referred to the Committee on the Judiciary.

Mr. LODGE presented resolutions adopted by the executive committee of the American Steamship Owners' Association, favoring the enactment of legislation providing for the acquisition by the Government of the Cape Cod Canal, which were referred to the Committee on Commerce.

He also presented resolutions and telegrams in the nature of petitions from the United Hebrew Orthodox Congregations of Pittsburgh, Pa.; of the Tikwath Jehuda Zion Club, the Kartuz Brezer Congregation, the Yorkville Synagogue, the Jewish Tribune, of New York City; the Jewish Synagogues, the Vaad Hakohol, the Temple Bethel, and the Young Men's Hebrew Association, of Utica, N. Y.; the Jewish Congregation of Bnai Emunah and the Ohel Congregation, of Tulsa, Okla.; the Zion Land Enterprise, the Congregation Hadrat Israel, the Congregation Agudath, the Palestine Youth Society, the Greater Boston Jewish Congress Committee, and the Young Israel of Greater Boston, all of Boston, Mass.; Jewish citizens of Fall River, Mass., by Rabbi Abraham Lipschitz; the Congregation Anshi and the Congregation Ahabat Shalom, of Lynn, Mass.; the Daughters of the White and Blue, the Tikvas Zion, and the Knights of Judaea, of Detroit, Mich., praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for the Jewish people, which were referred to the Committee on Foreign Relations.

CAREY SEGREGATION PROJECT IN COLORADO.

Mr. PHIPPS. From the Committee on Irrigation and Reclamation I report back favorably with an amendment the bill (S. 3195) to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11, and to issue patent therefor, and I submit a report (No. 629) thereon. I ask unanimous consent for the present consideration of the bill. If it shall lead to any discussion I will, of course, withdraw the request. The Department of the Interior has reported favorably on the measure. It is simply a matter of authorization.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Irrigation and Reclamation was, on page 1, line 7, after the word "therein" to strike out the proviso in the following words: "*Provided, however,* That the State shall thereafter issue patent only to the individual settlers upon payment to the Mutual Carey Irrigation Co. by such settlers of such sums as, together with the assessments already paid in, shall aggregate a total of $40 per acre, to be expended under the direction of the State land board for extension of irrigation works for said project," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to accept work already performed and the proof submitted under Carey segregation No. 11, State of Colorado, and to issue patent to the State of Colorado for lands embraced therein.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5634) for the relief of Frank William Brown and Clara Bryan Brown (Rept. No. 630);

A bill (H. R. 7923) for the relief of the Canadian Pacific Railway Co. (Rept. No. 631); and

A bill (H. R. 7984) for the relief of James Kelly (Rept. No. 632).

Mr. NELSON, from the Committee on the Judiciary, to which was referred the resolution (S. Res. 249) requesting the Committee on the Judiciary to investigate the power of the President to appoint an ambassador to Haiti without the advice and consent of the Senate, reported it without amendment, and submitted a report (No. 633) thereon.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that April 22, 1922, they presented to the President of the United States the enrolled bill (S. 3317) to authorize the State of Minnesota to construct a bridge across the Mississippi River between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 3503) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.; to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 3504) granting an increase of pension to Nancy Heffelfinger (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3505) in reference to the summoning of grand juries in the District of Columbia; to the Committee on the Judiciary.

APPOINTMENTS BY EXECUTIVE ORDER.

Mr. HARRISON. Mr. President, I ask unanimous consent to call up Senate Resolution 258 requesting the President to furnish the Senate information concerning appointments by Executive order. There will be no discussion of it.

Mr. SMOOT. I shall not object if it leads to no discussion.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Civil Service with an amendment, in line 3, to strike out the words "setting aside" and to insert in lieu thereof the words "whose appointment is by such order excepted from," so as to make the resolution read:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order since March 4, 1921, whose appointment is by such order excepted from the civil-service rules, and to furnish to the Senate the reasons therefor.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 274) authorizing the commissioning in the Marine Corps of midshipmen under certain conditions, and it was thereupon signed by the Vice President.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. SMOOT obtained the floor.

Mr. GOODING. Mr. President, will the Senator yield to me for a moment?

Mr. SMOOT. I yield to the Senator from Idaho.

Mr. GOODING. I wish to present several petitions from various peanut growers. I shall ask that only one petition be read.

Mr. SMOOT. I will ask the Senator from Idaho, if it is going to take very long, to allow me to proceed, as I have an important meeting to attend this afternoon, and I desire to get through my speech in time to attend that meeting.

Mr. GOODING. I think, unless there is objection, it will not take more than a minute or two. If there is objection, I shall withdraw the request.

I present 13 petitions from peanut growers of Virginia, 2 from Florida, 33 from Texas, 22 from Georgia, 7 from North Carolina, 1 from South Carolina, 4 from Tennessee, and 1 from Alabama, praying for a duty on imported peanuts. I ask that only one of the petitions may be read, together with a short letter from Mr. P. D. Bain, president of the United Peanut Associations of America.

Mr. SMOOT. I ask the Senator from Idaho to allow me to proceed now, and after I have finished he can have the letter and petition read.

Mr. GOODING. Very well. I will withhold the request until the Senator from Utah concludes.

Mr. SMOOT. Mr. President, I am not now going to undertake to discuss any of the rates of the pending bill. What I have to say to-day will relate to its administrative features. I think those features of the bill are most important, and I have given considerable time to their consideration and study. I intend now as briefly as possible to present my views upon them.

BASIS OF VALUATION AND THE ELASTIC TARIFF.

The President, speaking in his message of December 6 of tariff legislation, expressed the hope that a way would be found "to make for flexibility and elasticity so that rates may be adjusted to meet unusual and changing conditions which can not be accurately anticipated." At first the full force of this constructive proposal escaped the attention of many. At present an awakening sense of its significance is being reflected in the press and is commanding more and more support for the Senate bill. The elastic tariff proposals not only provide a satisfactory solution of the particular tariff problem now before Congress, but it also suggests a practical basis for a continuing scientific adjustment of the tariff in the future. Once they are understood, I believe, every Member of Congress will welcome legislation which will in part free us from dealing with burdensome details and from the exactions of putting through a general tariff revision in a single bill.

Mr. President, never in the world's history has there been a time when commercial and economic conditions were in so unsettled or unsatisfactory condition. No two countries have identical problems, but all are planning, working, struggling, and hoping for a successful solution of the horrible conditions brought about through the recent World War. Your committee was confronted with the fact that in some cases a fairly protective rate against one country was next to prohibitory against another; but, fortunately, in the great majority of such cases the goods made in such countries are not comparable, and the rates imposed are on a basis of fair protection of American industries under existing conditions. The rates based upon foreign valuation, as reported to the Senate, are much lower relatively than the House rates based upon American valuation. A detailed study of these conditions occupied a great deal of the time of your committee in the consideration of the bill and in the final conclusion as to the proper rates to impose.

I need not enlarge upon the amount of time which it has required to bring this tariff revision to its present stage. Senators know only too well to what extent it has delayed other important legislation. But I may call your attention to the fact that with the progress of invention and the development of American industry, the number and diversity of the articles with which a tariff necessarily deals, increase from one revision to the next. The tariff of 1890, including the free list and omitting all administrative regulations, covers 47 large pages, the act of 1909, 71 pages, and the present tariff act is likely to cover 85 pages of the same size of type. It must be expected that every conscientious revision of the tariff will encroach to a greater extent than the previous one upon the time of the legislative branch. We are already in almost continuous session, and it becomes increasingly necessary for us to delegate to executive and administrative agencies the working out of detailed adjustments. Business interests also will, no doubt, welcome measures which will render less frequent and less violent the upheavals incident to tariff revision and which will accordingly contribute to commercial and industrial stability.

SUMMARY OF PROPOSED MEASURES.

Flexibility in tariff rates is not by any means a new departure in American tariff legislation. In the act of 1909 there was a maximum and minimum provision, the object of which was to protect our foreign commerce against discriminations. In existing law, when it is found that any foreign government grants a bounty on the production of any product, countervailing duties shall be imposed upon such products when imported into the United States. This provision is incorporated in the bill now before the Senate and is strengthened by providing that countervailing duties shall apply not only to bounties granted by governments but also to bounties granted by persons, partnerships, associations, cartels, or corporations. Our antidumping statutes have also been an application of the principle of flexibility in tariff making in order that the tariff might be a means of protecting our industry against unfair competition. Following these precedents and extending them to meet the new conditions which to-day confront us, it is now proposed to authorize the President:

(a) To modify tariff rates either upward or downward within prescribed limits and in accordance with definite rules laid down by Congress, so that the rates may at all times conform to existing conditions.

(b) To change the basis for the assessment of ad valorem duties on selected items from the foreign value to the value of the domestic article in the American market when the foreign value is not a certain basis for the assessment of duties on such items.

(c) To impose penalty duties or prohibit the importation of particular goods for the purpose of preventing unfair methods of competition in the importation of goods.

(d) To impose additional duties on the whole or any part of the imports into the United States from any country which discriminates against our overseas commerce. These additional duties are limited to the amount of the discrimination, but if the discrimination is maintained the importation of the merchandise may be prohibited.

Mr. WATSON of Georgia. Mr. President, before the Senator from Utah leaves the topic which he is now discussing will he allow me to ask him a question?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I should very much prefer, only I will say to the Senator, to conclude my speech, and then I shall answer any question that any Senator may desire to ask.

Mr. WATSON of Georgia. Very well.

Mr. SMOOT. I think the subject which I am discussing is of sufficient importance to be stated and discussed in consecutive order, for until the administrative features of the bill are really understood it seems to me that we had better not discuss the rates which are proposed to be imposed by the bill.

II.

CONSTITUTIONALITY OF THESE PROPOSALS.

Senators will, no doubt, have asked themselves whether or not it is constitutional to grant these powers to the President. Many statutes and decisions bear upon the question whether authority conferred by Congress upon the President to suspend or fix rates of import duties is a delegation of legislative power. Some of the statutes are reviewed in Field *v.* Clark (143 U. S. 649). This is the leading case upon the subject. The particular law in question in Field *v.* Clark was section 3 of the tariff act of October 1, 1890, which reads as follows:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever, and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country as follows, namely. (Here follows an enumeration of the articles and duties.)

The power vested in the President was (a) to ascertain whether the laws of a foreign country imposing duties or other exactions were "reciprocally unequal and unreasonable"; (b) to suspend by proclamation the provisions relating to the free introduction of sugar, and so forth; (c) to cause duties to be

levied, collected, and paid at the rates prescribed by the Congress; and (d) to decide the length of time such law could be justly suspended. Mr. Justice Harlan, speaking for the court in the Field case (at p. 694), referring to Locke's appeal (72 Pa. St. 491, 498), said:

> The proper distinction the court said was this:
> "The legislature can not delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend."

An examination of other statutes and decisions makes it clear, in my judgment, that Congress may authorize and direct the President to increase or decrease rates of duty upon the ascertainment of a state of facts or conditions prescribed by law. The vesting of power in the President to ascertain the existence of prescribed conditions and to predicate duties thereon is within constitutional limitations.

I call attention to the following additional cases sustaining a delegation of power to the President to vary rates of duty:

(1) Congress may delegate power to ascertain facts. (The Aurora, 1813, 7 Cranch 382.).

The act of May 1, 1810, provided that the nonintercourse act of March 1, 1801, was to be revised in case Great Britain or France failed to revoke their edicts. The President was to declare the existence of this fact. This delegation of power was sustained by the Supreme Court.

Union Bridge Co. *v.* United States (1906) (204 U. S. 364); Hannibal Bridge Co. *v.* United States (1911) (221 U. S. 194); Rider *v.* United States (1899) (178 U. S. 251); Monongahela Bridge Co. *v.* United States (1909) (216 U. S. 177); Intermountain Rate cases (1913) (234 U. S. 475); Atchison, Topeka & Santa Fe Railway Co. *v.* United States (1911) (191 Fed. 856); Mutual Film Corporation *v.* Industrial Commission of Ohio (1915) (236 U. S. 230).

The above cases seem to sustain the powers conferred upon the President to ascertain the facts specified in section 315. However, it is submitted that a different question is presented in the delegation of power to prescribe the rate of duty to be imposed. The following paragraph presents the cases in which similar questions were involved:

(2) Congress may delegate power to prescribe the rate of duty to be imposed.

This power differs in nature from the power discussed under paragraph (1), supra, for it is a power to prescribe rules of general future application. Delegations of similar powers have been frequently sustained by the Supreme Court. In fact, it is a fact of no slight importance that the court has never held such a delegation unconstitutional. In sustaining this grant of power the test of the Supreme Court is whether or not a sufficient standard has been established by the law so that the exercise of the power is properly safeguarded. The question is whether the 50 per cent limitation is a sufficient standard. The following cases would seem to uphold the delegation:

Butterfield *v.* Stranaham (1904), 192 U. S. 470, 493: Congress prohibited the importation of the lowest grades of tea by the act of March 2, 1897, and authorized the Secretary of the Treasury to adopt uniform standards to determine such grades. The act was held constitutional.

American Sugar Refining Co. *v.* United States (1908), 211 U. S. 155: Congress imposed duties upon sugar in the tariff act of 1897. The Secretary of the Treasury was empowered to issue regulations and prescribe a method of determination. The court held that there was no constitutional question raised.

United States *v.* Grimaud (1911), 220 U. S. 506: The Secretary of Agriculture was authorized to make regulations for the use of forest reserves, and a violation of any such rule was made punishable by a fine and imprisonment. The constitutionality of the act was sustained.

Wayman *v.* Southard (1825), 10 Wheat. 1: The grant of power to the Federal courts to make rules was sustained.

Interstate Commerce Commission *v.* Louisville & Nashville Railroad (227 U. S. 88): The Hepburn Act granting power to the Interstate Commerce Commission to determine "just and reasonable" rates was sustained.

Interstate Commerce Commission *v.* Goodrich Transit Co. (1912) (224 U. S. 194): The commission was given power to prescribe the manner in which the required annual reports were to be made. The provision was upheld.

United States *v.* Antikamnia Co. (1913) (231 U. S. 654): The Secretary of the Treasury was given power to make rules and regulations for carrying out the food and drugs act. The act was held constitutional and a regulation of the Secretary was sustained.

III.

The practical value of these elastic tariff provisions should appeal to both Members of Congress and business men. A frequent general revision of tariff schedules is undesirable both from the standpoint of Congress and from the standpoint of trade and industry. Nevertheless it is impossible to frame a law on the basis of conditions to-day which will fit the conditions of a few years hence, or even one year from now, as conditions are changing so rapidly. The near future will bring changes—in some cases radical changes—in economic conditions in the United States and foreign countries which can not now by any means be foreseen. Every report which we receive of industry in Europe, as well as in our own country, confirms the truth of this assertion. We are therefore confronted either with the possibility of another general revision of the tariff law in a short time or with the reduction to legislation of the President's admirable proposals.

IV.

AUTHORIZATION TO THE PRESIDENT TO INCREASE AND DECREASE DUTIES.

In the first place, then, it is proposed to make it the duty of the President to ascertain differences in conditions of competition in trade of such or similar products in the United States and competing foreign countries, which will enable him to find what rates of duty upon imported merchandise will equalize any differences which he may find to exist in favor of foreign producers in marketing such products in the United States. This is the rule which Congress should lay down for the guidance of the President in adjusting tariff rates. At the same time the law provides definite limits within which increases and decreases may be made, namely, not to exceed 50 per cent of the duty fixed in the law. In determining the differences referred to above the President is permitted to take into account comparative prices and wages in this country and abroad and other items in the cost of production of such or similar products in the United States and competing foreign countries. Upon the basis of this information and in accordance with the rule prescribed by Congress, it is proposed to permit the President to change classifications and forms of duties and to increase or decrease any rate of duty in the tariff act so that the will of Congress may be carried out in those cases where economic conditions have changed.

It is the desire of all parties that the tariff shall be equitable to the producer and consumer alike, and that it shall not unnecessarily burden our foreign commerce. But to achieve this result under world conditions existing to-day frequent modifications of rates are necessary. Present conditions can be met in a far better way through administrative action than by legislative enactment. In spite of our care and diligence and in spite of the expert help we have had, we can not claim that this bill, reported by the committee, is perfect. Probably even after it has been passed both by this body and by the House, it will still contain a few rates which will be found as soon as they are applied to be either too high or too low in respect to the conditions in the industries affected and to the related tariff rates. But whether maladjustments in the tariff rates are due to the fallability of the tariff makers or arise through a change in conditions, Congress can not be constantly considering individual cases calling for adjustment. In time it is the accumulation of such cases which force a general revision. Would it not be better to have these cases each handled as it arises and on its merits? There may be, on the one hand, cases where because of unusually severe competition the existing tariff rates are too low and justice to the American producer requires that they be increased; or, on the other hand, cases where the existing tariff rates prove too high and the consumer is entitled to a reduction. Congress should not hesitate to heed the warning of the President against "making our tariffs prohibitive."

I believe some misconception exists concerning the effect of the elastic-tariff provisions on business. The fear has been expressed that they will result in a degree in uncertainty to business. An appreciation, however, of the way in which the elastic tariff will operate should remove doubt upon this point. Changes of rates under it will never be sudden or arbitrary. I feel confident that as soon as these provisions are enacted into law the President will turn their administration to one of the regularly constituted agencies of the Government, probably the Tariff Commission. This agency will establish rules and regulations under which requests for changes in rates and classifications may be filed. In the proceedings which follow interested parties will have ample opportunity to be heard both in the presentation of testimony and in argument. The final decision in every case will rest upon a well-considered record. The mere investigation of cases of possible tariff changes should have no disturbing influence upon industry and trade, but, on the contrary, the adjustment of tariff rates from time to time should have a stabilizing influence and prevent the accumulation of cases which ultimately forces the upheaval of a general tariff revision.

Those who urge that the elastic tariff would result in instability apparently assume that the President would make changes in the tariff which are not justified by the facts. The principle laid down in the bill for the determination of the rates of duty is definite, and limits are fixed within which the rates may be changed either upward or downward. I think it can safely be assumed that the detailed information obtained through investigations by experts will never be so grievously at fault as to lead the President to proclaim changes in tariff rates which would work serious or permanent damage to an American industry.

V.

BASIS OF VALUATION.

The most discussed point in the tariff bill now before the Senate is the basis of valuation.

Mr. JONES of New Mexico. Mr. President, I observe that the Senator is passing from the consideration of sections 315(a) and 316 to a different subject.

Mr. SMOOT. Yes.

Mr. JONES of New Mexico. Is it the desire of the Senator to postpone discussion on the subject which he has just been discussing until he has concluded his entire address?

Mr. SMOOT. It is.

After long consideration the Finance Committee has based all ad valorem rates in this bill on the foreign values of imported merchandise. This decision was reached after long and careful consideration of three plans of valuation:

(1) The value of American products comparable and competitive with the imported article.

(2) The value or wholesale selling price of the imported article in the United States.

(3) The value or wholesale price of the imported article in the country of origin.

The first plan was abandoned early in the discussion, first, because of the limited number of exactly comparable domestic and foreign products; second, the difficulty and probable litigation involved in defining comparability to the satisfaction of importers, domestic manufacturers, and customs officials; and third, the disturbance to business while these difficulties were being adjusted.

To those unfamiliar with our import trade it is often assumed that because imported articles have the same generic name as domestic articles they are similar and competitive; as a matter of fact, however, relatively few products manufactured here and abroad are sufficiently similar to permit of price comparisons. Cotton cloth, chinaware, shoes, watches, and, in fact, most imported articles resemble the American product chiefly in name. The finish of a fabric, the decoration of a vase, or the adjustment of a watch render each article peculiar and unique in its field, and its price has little relation to other supposedly comparable products. In fact, even the trade-mark name on most articles of commerce has almost as much to do with their value as the physical qualities of the goods.

In view of these facts, any duties based on the prices of comparable American articles could be assessed with certainty on relatively few imported commodities.

If duties are based on American valuation, assuming an average margin of profit which might be inadequate for the importer to continue his business without materially advancing his price, the rate becomes higher than actually intended, and if the new price level the importer is forced to is more than his market can stand the duties may easily become prohibitive.

Assuming average landing charges of 10 per cent and average overhead and profit of 25 per cent is an extremely dangerous assumption upon which to base American valuation equivalent rates of duty.

Freight rates vary from a very small percentage to as high as almost the full value of the imported goods. Heavy and bulky commodities carry very high freight rates. Glass, for instance, might carry a freight rate of 40 per cent.

Overhead and profit items vary from a commission of 5 or 6 per cent to sometimes as high as 100 per cent upon landed cost. With these great variations in freight and profits the only rate that would accomplish its purpose would be upon a commodity where the actual freight percentage and the actual overhead and profit conformed, respectively, to the average of 10 and 25 per cent.

An ad valorem rate of 60 per cent, using these averages of 10 per cent for freight and 25 per cent for overhead and profit, can be reduced to an American ad valorem equivalent of 28 per cent, using the following arbitrary formula:

Formula.

	Per cent.
Foreign value	100
Freight, etc	10
Duty at 60 per cent of foreign valuation	60
Landed cost	170
Plus 25 per cent overhead and profit	42½
	212½
American valuation equivalent (60 per cent)	28

Sixty per cent of foreign value (100 per cent) equals 28 per cent of American value (212½ per cent).

In other words, on that basis the 60 per cent of the foreign valuation is equal to 28 per cent of the American valuation.

An actual application of this rate under varying conditions would mean rates, however, upon foreign valuation ranging from 46 per cent to 83 per cent. The following examples demonstrate this:

EXAMPLE NO. 1.

(33⅓ per cent overhead and profit.)

	Per cent.
Foreign value	100
Freight rate	10
Duty, at 28 per cent on American valuation (234 per cent)	65½
Landed cost	175
Plus 33⅓ per cent overhead and profit	58
American valuation	234

EXAMPLE NO. 2.

(50 per cent overhead and profit.)

	Per cent.
Foreign value	100
Freight rate	10
Duty, at 28 per cent on American valuation (285 per cent)	80
Landed cost	190
Plus 50 per cent overhead and profit	95
American valuation	285

EXAMPLE NO. 3.

(33⅓ per cent overhead and profit; freight, 40 per cent.)

	Per cent.
Foreign value	100
Freight, etc	40
Duty, at 28 per cent on American valuation (297 per cent)	83
Landed cost	223
Plus 33⅓ per cent overhead and profit	74
American valuation	297

EXAMPLE NO. 4.

(5 per cent commission.)

	Per cent.
Foreign value	100
Freight, etc	10
Duty, at 28 per cent on American valuation (164 per cent)	46
Landed cost	156
5 per cent commission	8
American valuation	164

Summary of above.

	Freight.	Profit.	American value.	Foreign value equivalent rate.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
Formula	10	25	212½	60
Example No. 1	10	33⅓	234	65½
Example No. 2	10	50	285	80
Example No. 3	40	33⅓	297	83
Example No. 4	10	5	164	46

Thus it is seen that 28 per cent ad valorem, the American valuation equivalent of 60 per cent on foreign value, would result in American valuations varying from 164 per cent to 297 per cent.

One of the chief objections to adopting the American selling price of the imported article as a basis for the assessment duty lies in the danger of an importer reducing the selling price of any particular article of his line he desires to make closely competitive as against a comparable domestic article manufactured in the United States. This low-priced article is usually referred to by merchants as their "leader," and these "leaders" are usually sold at a very small margin of profit and sometimes under cost, as a bait to the trade for a greater volume of business.

The remaining items of the line are sold at varying profits advancing to the greatest profit that the importer can secure on the higher priced items of his line where the competition is not so great and where the values are not so well known to the trade as the values of the lower priced competitive articles are. American valuation permits the importer to sell his "leader" below the average level upon which the American valuation equivalent rate of duty would necessarily have to be based.

This can be demonstrated as follows: The rate of duty, under foreign valuation, set by Congress on any particular line to measure the difference between foreign and domestic costs would, let us say, be 60 per cent. In changing to the American valuation equivalent rate, if this change is to be made with any effort at accuracy, the average overhead and profit of the importer on this particular line and the average transportation charges should be ascertained. Investigation, let us say, shows

that the average overhead and profit upon landed cost of this particular line is 25 per cent and the average freight 10 per cent. Items of the line are actually sold with profits ranging from 5 per cent low to 25 per cent average and 45 per cent high. The sum of these profits equals 75 per cent and the average would be one-third, or 25 per cent. The following examples demonstrate what would result under American valuation:

Actual overhead and profit, 25 per cent.

Leader (5 per cent).		Average (25 per cent).		High profit (45 per cent).	
	Per cent.		*Per cent.*		*Per cent.*
Foreign value	100	Foreign value	100	Foreign value	100
Freight	10	Freight	10	Freight	10
Duty on American valuation, at 28 per cent	46	Duty on American valuation, at 28 per cent	60	Duty on American valuation, at 28 per cent	75
Landed cost	156	Landed cost	170	Landed cost	185
5 per cent profit	8	25 per cent profit	42½	45 per cent profit	83
Selling price	164	Selling price	212½	Selling price	268

It will be noted from the above examples that the "leader," the article in closest competition with the American manufacturer, is sold at a price expressed in percentage, 164 per cent, materially below the average price level—212½ per cent—which the American valuation equivalent rate of 28 per cent aims at. It will also be noted that the equivalent foreign valuation intended is 60 per cent, but the "leader" is only paying an equivalent foreign value rate of 46 per cent.

The overhead expenses and profits of an importer are always figures in a percentage based on his landed cost. He then adds the amount of such percentage to his cost to reach his selling price. Importer's costs are, first, the price he pays for his merchandise in the foreign market; second, the transportation charges to this country; and third, the amount of duty he has to pay. He must know these three elements of cost before he can add his overhead expenses and profit.

If the duty is to be assessed upon the selling price of the imported article, the element of the amount of duty is lacking and the importer can not ascertain his landed cost until he knows the amount of this duty. Inasmuch as the duty is to be based upon his selling price he is in further difficulty, for he can not ascertain his selling price until he knows his duty.

The importer in this situation is faced with rather an intricate problem in arithmetic. The way out of the difficulty is to take his selling price at 100 per cent. This selling price is necessarily made up of landed cost, duty, and the percentage item of overhead and profit added to landed cost and duty.

The importer knows his landed cost in actual money, but he only knows his duty and overhead and profit items in expressions of percentage.

Let us say duty is 30 per cent of his selling price, and overhead and profit, based on his selling price, is 40 per cent. The sum of these two percentage items is 70 per cent. The difference between 70 per cent and 100 per cent would necessarily equal the amount of his landed cost, a known amount. By dividing this percentage into this amount and multiplying by 100 the importer would then arrive at his selling price.

It can readily be seen that any system of valuation that requires such intricacies of arithmetic, and where the results are entirely dependent on unknown percentage items, would render a tariff entirely at the mercy of foreign shippers and importers in their manipulation of these fluctuating items.

Where duty is figured upon duty, and upon overhead expenses and profits in this country, and where these items necessarily vary to such an enormous extent, the dangers to the American manufacturer and to our revenues must be quite apparent.

No importer will pay duty upon profits and expenses in the United States if it is possible to avoid it. One simple device to avoid such payment would be for the foreign manufacturer to place an agent in the United States. This agent could probably sell in large quantities on a commission basis of 5 or 6 per cent, or he could be an employee of the manufacturer and his selling expenses in the United States absorbed in the overhead expenses of the foreign manufacturer. A simple device of this kind would render many of the rates based on average percentages of freight and profits ridiculous.

Where ad valorem rates of duty are imposed the principal safeguard to the revenue lies in the accuracy of securing true foreign values. Fundamentally no matter what system of value may be adopted, the ad valorem rate is always based upon the original foreign price or cost, either directly or changed into an equivalent.

Adding to such price or cost a lot of shifting and variable items, such as freight, insurance, brokerage fees, cartage, and selling and advertising expenses in the United States, and assessing the equivalent lower rate on such sum, accomplishes nothing. It merely multiplies uncertainties.

The proponents of American valuation advance as an argument in favor of this method of appraisement that American selling prices are more accessible and much more readily secured than prices in foreign countries. Foreign prices are often secured under great difficulties, but other difficulties would arise in determining the correct American selling value that would more than offset the obstacles in the way of securing foreign prices. As a rule, the market places in foreign countries are limited in extent. Foreign prices are secured at their manufacturing source and most foreign products are manufactured in some districts of foreign countries easily accessible. In securing distributing prices in this country the prices in many market places would have to be considered and these prices would differ, depending very much on locality. Factory prices are much more regular and stable than distributing prices.

Imported merchandise in the United States is sold to various trades—the jobbing, the small wholesale, the large wholesale, and the retail trades. The selling price of an importer to any of these trades might be construed by our courts to be a wholesale price, but there would be great variance in these prices, depending upon credits, discounts, quantities, and distance from the various markets, involving greater or larger transportation charges. The American selling price of the same commodity might vary considerably in the markets of the Pacific coast, the Middle West, or the Atlantic seaboard. These variable elements apparent in distributing prices render American selling prices extremely uncertain and unreliable as a definite or a fair and equitable basis upon which to assess ad valorem duties.

The second plan, that of assessing ad valorem duties on the American selling price of the imported articles, was abandoned largely because of the unstable basis for assessing duties growing out of the importers' profits when selling in the American market. In many cases the importers' margin was over 100 per cent of the foreign cost price; therefore, a reasonable duty assessed on a price which includes such a high margin would become inadequately low when importers' margins and, therefore, their prices are reduced under competition to a more normal figure. That is to say, a 25 per cent duty on a $2 price—$1 foreign cost and $1 importers' margin—yields a revenue of 50 cents, but if for one reason or another the importers' margin falls from $1 to 25 cents, the protection is 25 per cent of $1.25, or 31¼ cents, instead of 50 cents, the original protection sought.

This question of margins between the foreign price of an article and the importers' selling price in this country was recognized to be of such importance as to justify extensive investigation. Accordingly, the committee obtained an appropriation to be expended in the study of the customs records in New York and the books of importing and manufacturing firms in the United States for the purpose of determining the price differentials on all important items in the proposed bill which are subject to ad valorem rates.

The details of this investigation are published in the valuation report which is available to all those interested in the subject. As an example, however, of enormous variations in importers' margins for different products in the same schedule a few cases may be cited. The first 10 items of Schedule I in the valuation report show the following importers' margins:

Schedule I.—Chemicals, oils, and paints.

IMPORTERS' MARGINS.

Description of articles:	Per cent.
Lactic acid, technical, 80 per cent	19.8
Lactic acid, technical, 80 per cent	25.9
Formic acid, technical, 90 per cent	27.2
Formic acid, technical, 90 per cent	9.3
Oxalic acid, crystal, technical	19.6
Phosphoric acid, anhydrous, C. P	90
Gallic acid, medicinal, U. S. P	24.4
Atropine sulphate, U. S. P., an alkaloidal salt	19.05
Brucine sulphate, U. S. P., a by-product in the manufacture of strychnine. Brucine sulphate crystals, an alkaloidal salt	122.2
Colchicine, U. S. P., the active principle of colchicine semines	36

SCHEDULE II.—*Wool, and manufacturers of.*

IMPORTERS' MARGINS.

Description of articles:	Per cent.
Wool tops, 64s, combed in oil	13.2
Wool tops, 64s, combed in oil, Australia	2.8
Worsted tops, 56s, oil combed	3.7
Wool tops, 58s, oil combed	13.1
Wool tops, 60s, combed in oil	15.75
Wool tops, 70s, combed in oil	4.5
Worsted yarn, 2/26s of 56s tops; dry-combed in skeins; knitting yarn	3.38
Ladies' dress goods; all-wool ottoman; width, 40/41 inch; weight per linear yard, 3.69 ounces; warp, 96 ends per inch of 1/41 worsted; weft, 47 picks per inch of 1/41 worsted	12.5
Ladies' dress goods; cashmere henrietta; width, 40 inches; weight per linear yard, 3.18 ounces; warp, 67 ends per inch of 1/49 worsted; weft, 84 picks per inch of 1/62 worsted	37.1

The margins on the chemical products listed here run all the way from 9 per cent on one shipment of formic acid to 122 per cent on brucine sulphate. The margins in the wool schedule, however, run much lower than in chemicals, although the variation is large—from 2.8 per cent on wool tops to 37 per cent on ladies' dress goods.

From these examples it will be seen that there would be a great uncertainty in basing duties on American values which include so great a range of profits as those shown above. Reasonable duties on prices, including 100 per cent importers' margin, may be cut in half if for any reason the margin should fall to a few per cent.

In addition to the high margins of the importer, which may be greatly reduced in the future, especially if duties were levied on importers' selling prices, the price investigation referred to above showed that the ad valorem rates in the House bill were much higher in dollars and cents than they were meant to be. The House bill based the dutiable values, first on the wholesale price of the domestic article comparable to the imported article, and second, in the absence of such comparability, upon a constructive American value of the imported article; but in many, if not a majority of cases, the American prices were determined not by actual investigation but by derivation from the foreign selling price. The formula used was simple and may be illustrated as follows: Assume that a 50 per cent duty on foreign value is found, after due investigation, to be proper. Then for each $1 of foreign cost add a duty of 50 cents. This $1.50 divided into 50 cents (the desired specific protection) equals 33⅓ per cent—the proper duty on the American selling price of the same or comparable article. It will be observed that this calculation allows no profits, expense, nor transportation charges to the importer, a situation which has given rise to the belief that the ad valorem rates in the House bill are higher than necessary for protection.

Mr. KING. And, of course, if my colleague will permit me, if the American valuation should prevail the duties would be greatly increased. Is not that self-evident from the Senator's argument?

Mr. SMOOT. If the House duties prevail they would be higher than the duties on the foreign valuation basis reported by the Senate committee.

After it was determined by an examination of the importers and customs records that the ad valorem rates in the House bill were too high because they made no allowance for importers' margins and transportation charges, and that, on the other hand, rates based on American values which included actual importers' margins would be too low, a medium ground was sought which allowed 25 per cent for importers' margins and 10 per cent transportation and landing charges in the conversion of rates from foreign to American values, or vice versa.

For purposes of illustration a table showing the rates of foreign values ranging in multiples of 5 from 5 to 100 per cent is shown, together with the equivalent duty on American valuation under an assumed profit and overhead to the importer of 25 per cent and landing charges of 10 per cent.

(Basis: Landing charges, 10 per cent; profit and overhead, 25 per cent.)

Foreign selling price, per cent.	Landing charges, per cent.	Duty rate, per cent.	Total landed cost, per cent.	25 per cent profit, per cent.	American selling price, per cent.	Equivalent duty rate, per cent.
100	+10	+5	=115	+28.75	=143.75	3.48
100	+10	+10	=120	+30.00	=150.00	6.67
100	+10	+15	=125	+31.25	=156.25	9.60
100	+10	+20	=130	+32.50	=162.50	12.31
100	+10	+25	=135	+33.75	=168.75	14.82
100	+10	+30	=140	+35.00	=175.00	17.14
100	+10	+35	=145	+36.25	=181.25	19.31
100	+10	+40	=150	+37.50	=187.50	21.34
100	+10	+45	=155	+38.75	=193.75	23.23
100	+10	+50	=160	+40.00	=200.00	25.00
100	+10	+55	=165	+41.25	=206.25	26.67
100	+10	+60	=170	+42.50	=212.50	28.24
100	+10	+65	=175	+43.75	=218.75	29.72
100	+10	+70	=180	+45.00	=225.00	31.11
100	+10	+75	=185	+46.25	=231.25	32.43
100	+10	+80	=190	+47.50	=237.50	33.69
100	+10	+85	=195	+48.75	=243.75	34.87
100	+10	+90	=200	+50.00	=250.00	36.00
100	+10	+95	=205	+51.25	=256.25	37.08
100	+10	+100	=210	+52.50	=262.50	38.10

These calculations are simple and run as follows: If the foreign price is $1, landing charges 10 cents, and the duty 5 cents, the total landed cost is $1.15; 25 per cent on the landed cost is 28¾ cents. This amount added to $1.15 equals $1.43¾, the American selling price of the imported article. This selling price divided into 5 cents, the assumed rate of duty on foreign value, gives 3.48 per cent as the equivalent duty on the American value of the imported article. Proof of this calculation is furnished by taking 3.48 per cent of $1.43¾, which equals 5 cents, the duty sought.

A bill based on American values was drawn on the basis of this calculation, but after due consideration it was abandoned, because of the great divergence of actual importers' profits and expenses from the assumed 25 and 10 per cent. Goods imported on a 5 per cent basis would be inadequately protected when the rate was determined on an assumed 25 per cent margin, but goods imported at 50 per cent margin—as some of them must be to yield a fair profit—would be overburdened by the duty.

The only alternative to this arbitrary way of converting rates based on foreign values into rates on American values is to take the bill item by item and determine a normal price differential between the American and foreign product. Obviously under the present disturbed condition of the industry no such normal difference can be found.

The proposed bill, however, does provide for this method of basing rates on American valuation in that it gives the President power, after due investigation of particular cases, to change the basis of duty from the foreign to the American selling price. Such a change, if any, will not be made suddenly, however, for the law as a whole, to the great disturbance of industry and our customs administration, nor by schedules, nor even by whole paragraphs in some cases, but only for particular commodities or groups of related commodities when it is found, after a detailed investigation, that the American value of such or similar articles is a more certain basis for assessing duties than the foreign value of such articles.

I am convinced of the wisdom of the decision reached by the committee on the subject of valuation. Nothing could be more disturbing to business conditions than a revolutionary change in the basis of valuation. Business conditions to-day are sufficiently unsettled, and it should be our object to retain all factors possible which will contribute to stability.

American valuation has made a peculiar appeal to many people who do not understand it because it carries the label, "American." Naively, many persons have assumed that if it is a choice between something "American" and something "foreign" they, of course, prefer the former. This distinction has nothing whatever to do with the merits of the controversy and should have no weight in the final decision.

If any doubt existed in my mind concerning the undesirability of the wholesale adoption of American valuation it was removed by the so-called Reynolds investigation. This investigation, for which an appropriation of $100,000 was provided, was made by the Treasury Department to assist the Finance Committee in fixing tariff rates in case it was decided to base ad valorem duties on American valuation. The advocates of American valuation expected this investigation to demonstrate beyond doubt the desirability of their proposal. On the contrary, the facts brought out by this investigation demonstrated conclusively the inadvisability of breaking completely with the present practice of valuation in our customs service. It disclosed, as I have pointed out, wide fluctuation in importers' margins. It showed also that the value of imported articles in the American market fluctuated more widely than the value of articles in foreign markets. Manufacturers even who had first favored American valuation now hesitate to accept the Senate rates when converted to the American valuation basis. And well they may, for the Senate rates on foreign valuation offer them greater security than equivalent rates based on American values disclosed in the Reynolds investigation.

VI.

THE DYE EMBARGO.

The bill before the Senate provides—Title III, section 321—that the dye and chemical control act of 1921, approved May 27, 1921, shall continue in force for one year after the date of the passage of this act. It is further provided—section 315d—that the provisions of this embargo act may be extended by the President upon the finding of certain facts after a further period of one year. I regret that I feel called upon to express my disapproval of the continuation of this war measure. It may have had its justification in the period immediately following the armistice, but its incorporation now in a permanent tariff bill seems to me to be a serious departure in commercial policy. Furthermore, it is entirely unnecessary. The coal-tar chemical industries in the United States have grown strong, and those plants which are entitled to survive can do so with the protective rates provided in the bill supplemented by the provisions of the elastic tariff. When that schedule is reached, Mr. President, I shall show what effect those provisions will have. Inevitably certain of the weaker plants will be eliminated in competition with the stronger domestic concerns and the embargo will do little to help them and it will place an unnecessary burden on our large and important dye-consuming industries.

VII.

DUMPING AND OTHER UNFAIR METHODS OF COMPETITION IN IMPORTATION.

Dumping and other unfair methods of competition in importation have been recognized as a menace, particularly under postwar conditions, to American industries. For this reason the bill permits the President to impose additional duties on goods imported into the United States by any person or corporation found guilty of dumping or other unfair methods of competition in importation, and in extreme cases he may prohibit such importations. If any doubt whatever exists as to the effectiveness of the tariff rates and the provisions of the elastic tariff as means to protect the coal-tar dye industries, the addition of this effective unfair competition statute should remove it. We have in this measure an antidumping law with teeth in it—one which will reach all forms of unfair competition in importation. This section (316) not only prohibits dumping in the ordinary accepted meaning of that word; that is, the sale of merchandise in the United States for less than its foreign market value or cost of production; but also bribery, espionage, misrepresentation of goods, full-line forcing, and other similar practices frequently more injurious to trade than price cutting.

The antidumping statute which we enacted as a part of the emergency tariff is not sufficiently broad in its scope nor flexible enough in its administrative provisions. Furthermore, an antidumping statute, I believe, should not be confused with customs administration. It should not, on the one hand, hinder the usual and fair importation of goods; but, on the other, it should prevent effectively those importations which are injuring unfairly American business. The administration of a dumping statute involves primarily a study of the effect upon American industries of foreign trade practices, and when any person is found guilty of any unfair practice tending to injure substantially or destroy an American industry he should be compelled to pay a penalty or be prohibited from bringing goods into the United States until such unfair practices are conclusively discontinued. This is provided for in the Senate bill.

In the economic uncertainty of the present, manufacturers in some lines of merchandise have asked for high tariff rates more because of what they fear than because of what they are experiencing. Such a law as I have suggested would assure American producers that they will not be subjected to unfair competition from countries abroad.

VIII.

ADDITIONAL DUTIES TO PREVENT DISCRIMINATION AGAINST AMERICAN INTERESTS ABROAD.

Finally, the elastic tariff provisions provided effective protection against discriminations for American overseas commerce. The law now in force and the present bill as it passed the House contain no provisions for penalizing discriminations against our exports. Foreign countries may now openly levy higher duties upon our exports than upon the same product when imported from other countries or they may discriminate by their tariff classifications; for instance, giving a separate classification to and levying a higher rate upon cottonseed oil than upon olive, palm, or other competing oils, or by so adjusting their automobile duties that those types of cars which we export are subject to the highest rates. At present the State Department can make diplomatic protests against such discriminations, but is equipped with no weapon against them. We now propose to arm the President with power to penalize them whenever they are found and whether the discrimination lies in the rates, the classifications, the customs regulations, or in the manner in which any of these are administered.

At the same time we do not intend that the United States should play among the nations the part of a man with a chip on his shoulder, and in recognition of the fact that there may arise cases, say, in the administration of quarantine laws, where a special restriction upon American trade may be reasonable, we have empowered the President to take action only against unreasonable discriminations. There are also special relations existing, for instance, between Spain and Portugal, which have the sanction of usage and which on other grounds it would not be reasonable to consider offensive discriminations. The President of the United States, of course, remains the judge of the reasonableness of any discrimination, and the presence in the law of the qualifying word "unreasonable" therefore in no way jeopardizes American interests. The maximum and minimum provision in the tariff act of 1909 was similarly qualified by the word "unduly."

We do not propose to reenact that penalty provision, because it was entirely too rigid. It was the well-known maximum and minimum provision which established maximum duties to be imposed against any country which did not accord to American commerce the same treatment which it accorded to the commerce of other powers. The late Senator Knox, when Secretary of State, administered this provision with the cooperation of the Taft Tariff Board and succeeded in freeing American commerce from many burdens imposed by foreign countries. But he found the provision unwieldy. There was only one penalty, and therefore it was not feasible to apply the statute in every case, just as it would not be feasible to use a rock crusher for cracking nuts. Senator Knox, therefore, in 1911 suggested a revision of the section to give it flexibility. Upon his revision our proposed measure is based. It provides that the President may impose additional duties within certain limits on the whole or any part of the commerce of any foreign nation which refuses to American commerce treatment equivalent to that accorded to other countries.

This provision defines the scope of the President's action on the one hand, but on the other hand it enables him to penalize any offending country by imposing new or additional duties upon those particular products thereof upon which additional duties will be least burdensome to American consumers and most detrimental to the foreign producers or manufacturers. For Congress to attempt to specify in advance the amount of the penalty and the articles to be penalized, regardless of the country, of the kind and amount of the discrimination, appears to us futile and unwise. The measure which we propose will allow the President and his expert advisers to realize the ambition attributed in the opera to the Mikado—

> My purpose all sublime, I shall achieve in time,
> To make the punishment fit the crime,
> The punishment fit the crime.

We propose that the President shall penalize the foreign country only to the extent to which it discriminates against us. But we do not leave him without further powers in case the foreign country should maintain its discriminations or should undertake a tariff war against us. In that case we would authorize the President to go even to the extent of excluding entirely the products of the offending country. If need arose the President might thus employ the full economic strength of the United States. But again the provision is left flexible; the President can use the precise amount of pressure which he and his advisers determine to be most advantageous to the interests of the consumers and producers of the United States.

It will be observed that we have stricken from the bill as it passed the House sections 301, 302, and 303. These sections are based upon principles which we, after mature consideration, have found in conflict with, and far less useful than, those upon which we propose to base American commercial policy. We propose that the United States shall apply one tariff to all countries alike—with the natural exception of Cuba—and shall force all countries to give to American products treatment equal to that which they give to other countries generally. In conflict with this principle of equal treatment sections 301 and 303 of the House bill embody the principle of reciprocity treaties. These sections were based upon provisions of the acts of 1897 and 1913. The provision of the act of 1913 remained a dead letter, but under the act of 1897 a number of reciprocity treaties were negotiated.

The country has had also some experience along the line of reciprocity treaties whose negotiation was not affirmatively authorized by law. But a review of our history shows that these treaties, even when successfully negotiated and ratified, have yielded meager results. One of the most important of these treaties and the only one now in force is our treaty with Cuba. At first glance it might appear that this treaty has greatly stimulated our exports to that island; but when consideration is given to the general growth of our export trade during the period in which the treaty has been in force, and particularly to the development of our exports to the other Caribbean countries, with the additional consideration of the stimulus due to the huge investment of American capital in Cuba, it becomes evident that only a minor part of our increased exports to Cuba can be attributed to the reciprocity treaty.

This comparatively small result has been obtained only by the remission of duties on Cuban sugar to the extent of upward of $50,000,000 during those years in which the Tariff Commission has shown that the benefit of the remission of duties inured to the Cuban grower and not to the American refiner or consumer. And even if it could be shown that the United States has gained or is likely in the future to gain from its reciprocity treaties some net profit above the cost of its concessions, there are other objections to such treaties, objections, so to speak, both external and internal. The concessions granted to one country constitute discriminations against other countries, and while the statesmen of foreign countries generally understand that the American interpretation of the most-favored-nation clause permits these mutual and reciprocal concessions, the

mass of the people either do not understand or consider that our action is none the less an unwarranted discrimination. The negotiation of these treaties, their discussion, and their denunciation are likely to promote ill will rather than good will between the countries concerned, as may be illustrated from our relations with Canada. Friendly as that country is, our commercial relations with her would unquestionably be better had we never had any reciprocity negotiations with her.

Internally reciprocity treaties create difficulties because they lower the rates and disturb the balance established between protected industries. There are, no doubt, exceptions, but normally the concessions which the foreign country is most desirous of obtaining are those which allow successful competition with American industries or those which, because they affect only part of the supply of necessary imports, reduce the revenue of the Government without relieving the American consumer. When these treaties require ratification by the Senate or approval by Congress—and the acts of 1897 and 1913 show the unwillingness of Congress to allow these treaties to come into force without such approval—they open up anew the whole tariff controversy. As an illustration of this, I need but recall to your mind the discussion of the Kasson treaties negotiated under section 4 of the Dingley Act.

Section 302 of the tariff bill as it passed the House of Representatives is not only objectionable from the standpoint of policy, but in addition it will be in practice ineffective. It authorizes the President to impose penalty duties on specific products of a country which imposes duties or other exactions, and so forth, upon "like or similar" products of the United States "which in view of the duties imposed thereupon when imported into the United States he may deem to be higher and reciprocally unequal and unreasonable." Paragraphs 369 and 371 of the House bill contain provisions similar in principle to be applied automatically by the customs authorities to automobiles and motorcycles. Consistency requires that we strike out these provisions.

The purpose of section 302 and of these paragraphs in Title I was not to obtain for the United States treatment in foreign markets equal to that accorded third countries, but to force the lowering of foreign rates which, although applicable to goods imported from all countries, seem to American export interests undesirably high.

There are many reasons why these provisions should be excluded from the bill. In the first place, the levying of half a dozen different tariff rates upon identical products simply because they originate in half a dozen different countries is contrary to our commercial treaties. We have pledged to many countries to levy upon no products of theirs any higher or other duty than that which we levy upon the like product of the most-favored nation. It is true that under the American interpretation of this clause we may grant concessions from the established rates if other countries compensate us by equivalent concessions. But the provisions under discussion do not contemplate any concessions from our established rates, nor do they contemplate necessarily any special concessions to us by any foreign country.

Our lowest rates are to be given to certain countries without their making any concessions and are to be extended to other countries only if the latter reduce their rates, either to us or generally by varying amounts. The enactment of these provisions would therefore be followed immediately by protests from foreign countries. These protests would be armed with precedents from the history not alone of European States but of the United States as well, for the United States has hitherto maintained that such clauses in our treaties prohibited foreign countries from levying, as the result of general legislation, diverse rates of duties—except, of course, as the lowest rates were applied to American products and American ships. The State Department has not changed its views and considers the provisions under discussion clearly contrary to the most-favored-nation clause of our commercial treaties.

This conflict with our treaties should be conclusive against the enactment of these provisions. But I regret to say that even in this body there are men upon whom the treaty obligations of the United States seem to rest but lightly. Their attitude seems to say, "Let us legislate as we please and let the State Department worry about the complications; let all the world accuse us of being treaty breakers so long as our constituents vote for us." For the benefit of these men I shall add five reasons of policy why these provisions should be omitted from the bill.

First of all, section 302 of the House bill could operate only in cases in which we both export to and import from the same country the same or similar articles. That is obviously not the normal course of trade. Exporters have asked us to do something to induce certain South American States to reduce their duties. We should like to do so, but this section is useless for that purpose, since there is nothing which we export to South America which is similar to the products we import from those countries. In our trade with Canada and the industrial countries of Europe there are a few cases in which we both export and import similar articles to and from the same country; but unless the courts will give a very broad construction to the word "similar" the total trade which could possibly be affected by the application of section 302 of the House bill is very restricted. That a measure has a limited field of possible application is not, of course, by itself a strong argument against it; but where the measure is certain to involve us in international difficulties the scope of the measure becomes a weighty argument.

Secondly, even where this section is applicable there is no reason to suppose that it will effect its purpose of reducing the foreign tariff rate. Take, for instance, the case of the duties upon automobiles, in regard to which the House bill made the application of this principle mandatory, though I shall call it rather a method or device than a principle. The manufacturers have asked for a rate of only 25 per cent ad valorem; they do not fear extensive competition in the American market. On the other hand, in 1920 they surmounted a barrier of 35 per cent and sold $44,000,000 worth in Canada alone. Canada is a small country, and this amount represents very serious competition. Do you think that the Canadians are going to lower their protective barrier and expose a market which it may well be argued is already insufficiently protected merely for the sake of trying to invade the market of the country which makes more automobiles than all the rest of the world put together? Similarly, in other cases the application of section 302 would not be likely to result in a reduction of foreign duties on articles which we export in large quantities.

The more we export of the given article the more likely it is that our duty thereon will be low and that section 302 might be applicable; but if a foreign country finds a high duty necessary to protect that industry the more we export of the article the more certain is that country to maintain that protection against us. Needing protection in the home market they surely can not compete in ours. Then why should they expose their own industry merely to obtain a reduction of our tariff rate? It follows that the only case in which it could be reasonably expected that section 302 would be successful in reducing foreign rates is in respect to products of which we import larger quantities than we export. Therefore, the very condition upon which the successful application of the device rests shows its futility—it is a device for promoting our export trade in those products with which we can not supply our own demand.

Another reason for striking out section 302 of the House bill and the similar provisions relating to automobiles and motor cycles is that, in so far as they could be applied, they would discriminate first of all against Canada, Great Britain, and France. These countries are most friendly to us. Germany, on the other hand, would not be affected—except as she would obtain a competitive advantage through the higher duties on other automobiles.

The danger of retaliation is a fourth reason for striking out the measures under discussion. In the defense of the American standard of living we have proposed in this bill many substantial rates of duty, rates higher than those generally found in Canada, Great Britain, Japan, and the countries of continental Europe whose standards of living do not call for such high protection. It would, therefore, not be wise for us to enact this formula for measuring our tariff rates by those of foreign countries without a serious examination of the scope and effect of the retaliation to which we might be exposed should foreign countries adopt the same device.

Finally, we have rejected these provisions of the House bill because we do not believe that the amount of a tariff rate of a foreign country is a proper basis for the determination of our own rate. This is contrary to the fundamental doctrine that no country has a right to object in any way to the tariff rates of another country which, in the exercise of its sovereignty, it considers necessary to impose for revenue or for the purpose of encouraging the development of industry. From the American standpoint, for example, a duty, of say 20 per cent, may be deemed to be sufficient for the production of revenue or for the protection of industry, but a foreign country may wish to impose upon "like or similar" products a higher duty and have very good reason from its standpoint for doing so. Certain countries may very naturally feel that because of the less advanced stage of their industrial development they need relatively higher duties upon certain products, e. g., automobiles, than are imposed by the United States. Nevertheless, this section would authorize the President to impose a penalty duty

upon the foreign country for its "impertinence" in adjudging that its manufacturers need a higher rate of protection than ours.

This country has always affirmed that its rates were based upon the needs of domestic producers and manufacturers and of the public revenue; that these were purely domestic questions and of no concern to any foreign country. As long as we did not discriminate against any country but made the same rates applicable to all, our position has been that no foreign country had any just cause for complaint or any reason for imposing any penalty upon our commerce. For many years our State Department has maintained this position against France, which has insisted that our high rates on wines, laces, and articles of fashion and the fancy trade constituted in themselves unfavorable or discriminatory treatment of French trade. If we should enact section 302, we should be reversing our position, leaving our State Department in the lurch, and giving plausible support to the French claim that our products should be subject to the discriminatory rates of the French maximum tariff simply because our rates, though uniform, happen to be high on some of the most characteristic exports of France.

The Senate bill is drawn with the idea of penalizing any foreign country which discriminates against our commerce, but if that country desires to levy high customs duties either for revenue or for protection, we believe that the United States must recognize its unassailable right to levy such duties, and we should not attempt to penalize it because circumstances require it to give to a certain industry a higher rate of protection than that required in the United States.

In short, Senators, we would base the commercial policy of the United States upon the twin ideas of granting equal treatment to all nations in the market of the United States, and of exacting equal treatment for the commerce of the United States in foreign markets. We do not believe that the United States should pursue a general policy of special bargains and special reciprocity treaties.

Such bargains in the past have not brought the results hoped for, and alike in foreign and domestic politics they cause complications and bickerings. Nor do we believe that we should follow any such policy as that contained in the House bill, namely, the penalizing of foreign countries merely because they maintain certain rates higher than our own. This policy would be contrary to treaty. Its field of operation would be very limited, it would be ineffective within that small field, it would discriminate first of all against the countries which are most friendly, it would expose us to retaliation, and it would be an unwise reversal of the position for which the United States has consistently stood for many years. Both the policy of reciprocity treaties and that of section 302 of the House bill would lead to complicated and contentious international relationships. We stand for a simple, straightforward, friendly policy of equal treatment for all, with no discriminations against any country except as that country has first discriminated against us.

Mr. JONES of New Mexico. Mr. President, I have listened to the remarks of the Senator from Utah [Mr. SMOOT] with more than ordinary interest. He has been discussing some of the very important features of the bill. To these features I have given considerable thought and study, especially to that relating to the American valuation plan, and I wish to say that, in my judgment, the Senator from Utah has discussed that subject in a masterly way. I believe that his discussion demonstrates the inadvisability of the adoption of any such basis for an American tariff. I think his argument is conclusive upon the subject, and I not only heartily concur in his conclusion, but I wish to compliment him upon the magnificent way in which he has handled the subject and the very clear and lucid manner of the discussion,

Having come to the conclusion which the Senator from Utah has reached, and being so deeply convinced of the soundness of that conclusion, I am at a loss to know why the majority of the Senate Finance Committee has, by section 315(b), given to the President of the United States the right to adopt any such basis for a tariff. The majority of the Finance Committee have repudiated that, and have done so in a most vigorous manner, and may I ask the Senator from Utah to advise us why they are willing to repose an authority in the President to do a thing which the Senator has so vigorously condemned?

Mr. SMOOT. Mr. President, I intended to answer that question when a certain title in the bill was taken up and when I discuss the rates, but, succinctly, I will state to the Senator that there are certain items in the bill as to which a hundred per cent duty would not measure the difference between the German cost of producing and the cost of producing in the United States. The only way to protect the industries concerned in those items, which are small in number and small in size, is to give the power to the President which we have given.

If I had a blackboard here in the Senate Chamber I am sure I could convince the Senator from New Mexico that there are goods made in the United States which can not be protected in any other way. I was going to say frankly to the Senator when those schedules were reached just what the conditions are, and state frankly that I expect the President of the United States in those few cases to use the authority granted to him in section 315(b). I could at this moment call the Senator's attention to a few lines of goods. He has had experience enough in making a tariff bill to know what those lines are, and I think when his attention is called to them he will himself admit that 50 per cent or 60 per cent or 100 per cent will not be sufficient to equalize the difference in cost between Germany and this country.

I also want to say frankly to the Senator that that applies only to goods made in Germany, so far as I can call to mind now. I hardly think this is the proper time to discuss it in detail, but I assure the Senator that when those items are reached we will give him the figures, and we will give him the reasons why that action was taken.

I know the Senator is fair enough, if the information convinces him that that is the only way to reach it, to say so frankly to the Senate.

Mr. JONES of New Mexico. I am glad the Senator made that last remark. I am at a loss, however, to conceive of any case where it is necessary to change from the foreign valuation plan to the American valuation plan in order to protect any industry in this country, either reasonably or unreasonably.

It is true that in the investigation of the subject of rates which some manufacturers wanted to have placed upon certain commodities, it developed that those rates would have to be very high in order to give the degree of protection which the manufacturers wanted, but in no case, so far as I can recall, was it suggested that a rate could not be made which would be sufficient. The objection to naming a rate upon the foreign valuation was based solely on the argument that the rate would have to be so high that it would shock the public conscience.

Mr. SMOOT. The Senator does not want to be unjust, I know. The rates were named because of the fact that conditions are changing so rapidly that the President ought to have power to reduce the rates, as well as to increase them, when conditions change.

Mr. JONES of New Mexico. Not at all.

Mr. SMOOT. I think I have been perfectly fair in presenting the whole subject matter, and I intend to be fair in every question that is discussed during the consideration of the bill. I have nothing to conceal. I am perfectly willing to make any statement that I know to be a fact, and therefore I will say to the Senator that that was not the reason, because I know, or I think I know, that as to some of the items I have in mind it will not be many years, and perhaps not two years, before we can name the rates. I want the power of the President to be exercised if it becomes necessary to save them, and then I want him to exercise that power in reducing the rates when necessary.

Mr. JONES of New Mexico. The Senator is evidently confused as to the real purport of my question. It is not a question of rates about which I am seeking light. What I want to know is why the basis of the rate shall be changed. I do not contend, nor do I want any inference to be drawn that I am saying, that the Senator from Utah is unwilling to fix any rate because of the amount of it. I made the remark which I did on account of the testimony of one of the witnesses who appeared before the Committee on Finance.

Mr. SMOOT. I misunderstood the statement of the Senator if he made it then as he makes it now. What the Senator desires to know is why the change in classifications from foreign valuation to American valuation was included within the power given to the President?

Mr. JONES of New Mexico. That is precisely my question.

Mr. SMOOT. I want to be just as frank with the Senator on that matter as I was in the other case. On the basis of foreign valuation, with the items that appear in the bill, the 50 per cent increase would do no good at all. We might as well give the President no power at all as to give him only that power. The spread in certain items is so great between the foreign valuation and the American valuation that the only way we could protect at all by giving the President the power to increase to the extent of 50 per cent would be on the basis of the American valuation. We could not do it on the foreign valuation. We might as well not give him any power, because of the fact that it would not protect on the foreign valuation basis.

Mr. JONES of New Mexico. Then, if I understand the Senator, the purpose in conferring power upon the President to

change the basis of classification is to enable the President to impose a duty which would be beyond 50 per cent of the foreign valuation?

Mr. SMOOT. Absolutely; and I want to say frankly to the Senator that there are cases to which the attention of the Senate will be called when we reach the schedule that will illustrate the situation. There are not many, as I said, there are very few indeed, but I know that no one wants to destroy an industry. I know the Senator does not desire to do so. I think that when we present to the Senate the facts they will convince everyone beyond any doubt that a 50 per cent increase on the foreign valuation would not save those particular industries.

Mr. KING. Mr. President, I desire to remind my colleague that in addition to the valuation which the President has the power to add to the foreign valuation there is the tax imposed by the bill itself, which is no inconsiderable one, in many instances being 50 or 60 or more per cent. So there would be the tax levied by the bill which comes from the Finance Committee plus the foreign valuation tax which might be levied by the President and which in many instances would make a tremendous tax.

Mr. SMOOT. I want my colleague to understand that I know that and I frankly admit it. There is no question about it. We will either have to do it or let these few industries die, and the question is whether we shall let them die or not.

Mr. JONES of New Mexico. Then the effect of that provision of the bill is practically to give to the President of the United States the power to fix tariff rates without limit.

Mr. SMOOT. No; not without limit. There is a limit of 50 per cent on the American valuation.

Mr. JONES of New Mexico. That would be in addition to the rates fixed in the bill.

Mr. SMOOT. It is 50 per cent increase of the rates in the bill on the American valuation.

Mr. OVERMAN. What rule is to be fixed by which the President is to act?

Mr. SMOOT. The rule is laid down in the bill itself. It covers the difference in wages in foreign countries and here and the conditions surrounding the industry not only in this country but in foreign countries. The bill itself specifically states what the rule shall be, and it is laid down in plain words.

Mr. JONES of New Mexico. The Senator in his discussion to-day has called attention to the vast difference between the imposition of a rate on the American price plan and on the foreign cost or valuation plan. It seems to me that a rate of 50 per cent of the American valuation plan added to some of the rates in the bill would practically make the duty without any reasonable limitation whatever.

Mr. SMOOT. It is not 50 per cent additional rate. It is 50 per cent of the rate named in the bill. That is the limit.

Mr. JONES of New Mexico. But after a change in the classification——

Mr. SMOOT. The rate in the bill applies after it is changed into the American valuation plan. The President has the authority to increase that rate 50 per cent. In other words, if it was a 10 per cent rate, it would then be 15 per cent; if it was a 30 per cent rate, it would then be 45 per cent.

Mr. JONES of New Mexico. The Senator has illustrated, I think, just what that means, and I should like to know if I am right about it. He has estimated that ordinarily the transportation charges on foreign commodities to this country are about 10 per cent. He has shown us in a very graphic way the variation in the overhead and profits of the importer, and I think he has figured that those on an average are about 25 per cent. Let us see what the result of it would be. Let us assume an article which sells in the United States at $8 and see the difference between the tariff duty levied under the American valuation plan and the tariff duty levied upon the foreign valuation plan.

An article sells for $8. If the tariff rate is 50 per cent, that would mean a $4 tariff. The Senator allows 25 per cent as the overhead and profit of the importer. That would be another $2. He allows another 10 per cent as the transportation charges, which would be 80 cents. So of the $8 he has taken up $4 of it in duty, he has taken up $2 of it for overhead and profit of the importer, and he has taken up 80 cents for the cost of transportation. In those three items he has taken up $6.80.

Therefore the article which costs only $1.20 in the foreign country must sell for $8 in this market in order to pay the 50 per cent tariff under the American valuation plan. He has $4 of tariff under that plan. But if it were 50 per cent upon the foreign valuation plan he would have only 50 per cent of $1.20, which would be 60 cents. We have there a variation ranging from a 60 per cent tariff upon an article to $4 upon the same article, and that is what is meant by the proposed change from a foreign to an American valuation plan. When anyone talks to me about giving the power to the President to change the duty from 60 cents to $4, I say that for all practical purposes it is an authority without limit.

Mr. SMOOT. I must disagree with the Senator. The statement he has just made is absolutely without foundation, so far as the bill is concerned. If there are 10 per cent landing charges and if there is a 25 per cent profit with a 50 per cent duty on foreign valuation, it would equal a 25 per cent duty on American valuation. It is difficult to visualize by words just how it works out, but if the Senator will follow me, I will endeavor to show him. I ask him to work it out with his pencil, and I believe he will find that I am correct.

The landing charges are 10 per cent. The rate of duty is 50 per cent. If the article is $1, that makes $1.60. Twenty-five per cent profit on $1.60 is 40 cents. That means that the American selling price is $2.

Mr. JONES of New Mexico. The Senator's only criticism upon the illustration which I gave then, I take it to be, that in my figures I put the 25 per cent profit of the importer and his overhead expenses upon the selling price, whereas the Senator would only have that apply upon the landing price plus the duty.

Mr. SMOOT. No; that is not the only difference. Let me carry my illustration to its conclusion. Twenty-five per cent of the landing cost will be 40 cents, which would make the American selling price $2. Twenty-five per cent of $2 is 50 cents. Fifty per cent of $1 is 50 cents. So they are equal in that case. The transfer of an article from the American valuation plan, where the rate of duty is 25 per cent, to the foreign valuation, with 10 per cent landing charges and 25 per cent profit, equals a 50 per cent tariff on foreign valuation. That is all there is to it.

Mr. JONES of New Mexico. The Senator is quite right about that.

Mr. SMOOT. I will take any other figure.

Mr. JONES of New Mexico. But I will ask the Senator to point out the defect in the illustration which I gave, if he can.

Mr. SMOOT. There is no such case as that to which the Senator refers that would ever happen. It is impossible for it to happen. So why take a case and work it backwards upon a basis that can not be figured out? The instances cited are mathematically correct or they are mathematically wrong. If the Senator desires, I will have made for him a chart showing the rate figured both ways, with a 2½ per cent landing charge, a 5 per cent landing charge, a 10 per cent or a 40 per cent landing charge; and the profits beginning with 10 per cent and running on up to 15 per cent, 25 per cent, 30 per cent, 35 per cent, 50 per cent, or even higher, if the Senator desires it.

Mr. JONES of New Mexico. I will say to the Senator that I have such tables myself, and I have gone through them very carefully; but the bill provides that the President may change the basis so that thereafter these duties shall be based upon the American selling price. Now, let us stay with the illustration which I gave. The American selling price, we will say, is $8; the rate of duty is 50 per cent. I will ask the Senator from Utah how much the duty would be in that case?

Mr. SMOOT. In such a case as that the duty would be $4.

Mr. JONES of New Mexico. Then, if the importer charges 25 per cent of the American selling price for his overhead and other expenses, how much would that be?

Mr. SMOOT. The American importer never pays a duty upon the American selling price; that is a thing that is never known; that is a thing he could not do. That is where the Senator from New Mexico is wrong.

Mr. JONES of New Mexico. Well, the Senator speaks with a good deal of assurance, and I hesitate to express any thought differing from his; but some people calculate it one way and some in another. The overhead charges, according to the Senator from Utah himself, vary from 5 per cent to 100 per cent. Instead, then, of saying that the particular importer adds 25 per cent on the American prices of $8, or $2, for his overhead and other expenses—and we might take some other percentage and bring about the same result—suppose the importer charged 50 per cent for his overhead and profit; then that would be equal to about 33⅓ per cent; but, whatever it is, I will ask the Senator, according to his own figures, how much overhead and profit would be allowed to the importer on an article which sells for $8? What does the Senator think the average would be?

Mr. SMOOT. Mr. President, I could not state that until I knew at what price the importer was going to sell the article for in the United States.

Mr. JONES of New Mexico. I stated that the importer was to sell the article for $8.

Mr. SMOOT. Why cite an impossible case? If the cost to the importer of the article delivered in America is $8, and then

he has to add to that price for his overhead and profit, and the American article sells for $8, everybody knows that he could not sell it. So it is not appropriate to bring such a case before the Senate.

Mr. JONES of New Mexico. Then I will figure the matter according to the Senator's own plan. The Senator says that the importer fixes his overhead and profit on the landed cost of the article after the duty is paid; that is the way the Senator figures it. Now, let us figure it in the same way and see how much of a variation there is between these plans.

The duty is $4; the cost of transportation is 10 per cent of the selling price.

Mr. SMOOT. Whose duty is $4? The duty is not being collected on the American valuation.

Mr. JONES of New Mexico. But the Senator's bill is proposing to give the President the right to do that.

Mr. SMOOT. Yes; in certain cases the President could do it under this proposed law.

Mr. JONES of New Mexico. I desire to show the extent of the power which it is proposed to confer upon the President; that it amounts almost to conferring upon him the right to fix the tariff rates without limit, or, anyway, without any reasonable limit.

Mr. SMOOT. Mr. President, the Senator from New Mexico asks me a question in reference to an article which sells in America for $8.

Mr. JONES of New Mexico. I will ask the Senator as to an article selling for $8 in the American market, the tariff on which is 50 per cent of the American selling price, to figure in his own way what was the original cost of the article in the exporting country?

Mr. SMOOT. No living man can tell what the cost of the article was in the foreign country; nobody has ever claimed to be able to do that.

Mr. JONES of New Mexico. How much could it cost? What would be the maximum foreign cost in order to enable the exporter to make his usual profit and pay 50 per cent duty based upon the American selling price?

Mr. SMOOT. Mr. President, if he were to make a profit of 25 per cent and the article sold for $8, which is the American price, the landing cost in this country would be $6.40; 25 per cent on $6.40 would be $1.60, which would make the total $8. The Senator is now trying to figure on a case that is absolutely impossible; it simply can not happen that when the American article sells for $8 the foreign article in competition is going to pay a duty of 50 per cent on the American valuation and allow the importer to pay his overhead and figure any profit. That is preposterous; it can not be done.

Mr. JONES of New Mexico. Now, Mr. President, I will take the Senator's own mathematics for this proposition. So we have, then, on the article which sells for $8 a duty of $4, which must be added to the original foreign price. To that original foreign price must be added the cost of transportation, amounting to 10 per cent. So the result is that if the selling price is $8, $4 of it is duty, and the Senator has just figured out that the overhead and profit of the importer will be $1.60. In the illustration which I previously used it was $2, so that there is a difference of 40 cents.

Mr. SMOOT. I said that if the foreign article was delivered in America for $6.40, and the importer made 25 per cent profit, after figuring his overhead, that would equal $8, the price at which the American sells his article. If there was any greater expense than that, the foreign article could not be sold. I recognize, I think, what the Senator is getting at, and I will admit, as I have heretofore done, that whenever this power is exercised it will be because of the fact that the tariff rate based on foreign valuation will not protect the industry, and therefore the article must be transferred to the American valuation, with the rate attached under the American valuation. In that event, of course, the duties will be exceedingly high. There is no doubt about that; no one is trying to deny it; in fact, I will say to the Senator now that if the duty under the foreign valuation were 60 per cent, which did not give sufficient protection, and the article were transferred to American valuation, and the President exercised all the power which he is authorized to exercise under this bill and increased that 60 per cent duty to one of 90 per cent, under the American valuation that would mean there would be a 900 per cent duty on that article. I do not deny it; there is no question about it. The American people might just as well know it now as at any time, and I do not want Senators to be deceived about it.

I wish to say further that I do not know of any item that would require that to be done. I will modify that and say there are very few such items, and in connection with those items there is the question involved whether the President will want to save the industry in the United States. The items I have in mind are found only in schedule 1 of this bill, and they are merely items which it is thought are vital to our national defense.

So far as this side of the Chamber is concerned we do not want any misunderstanding about this question at all. We know that the power which is authorized to be exercised is given for a certain purpose, and we know that the President of the United States is not going to exercise the full power except in cases where it is absolutely necessary for the protection of our country.

Mr. JONES of New Mexico. Does the Senator want us to understand that he has in mind now some item in this bill the situation with respect to which he believes to be such that the basis of the duty should be changed from the foreign valuation to the American valuation in order to protect a given industry? In other words, is the bill based upon such a flimsy foundation that the Senator can not tell now within the range of 100 per cent or 1,000 per cent whether the duties assessed here are right or not? Does the Senator mean that?

Mr. SMOOT. I have not said that, and the Senator can draw his own conclusions; but I do say to the Senator that I doubt very much whether the toy industry is going to continue in the United States under the rate, based on the foreign valuation, which the bill provides. I feel positive that it can not. I think that I can bring into this Chamber illustrations which will demonstrate that beyond a question of doubt, so that even the Senator will acknowledge it to be true. I believe that I can also bring into the Chamber illustrations of other industries the products of which compete with those made in Germany under conditions which no American laborer would ever tolerate, and God grant they may never be called upon to tolerate them.

Are we going to say that those few industries shall be destroyed? Are we going to say that the millions which have been invested in them must be wiped out because of conditions existing in Germany to-day? So far as I am concerned, I wish to say that I am not going to countenance any such course, and I do not believe the Republican Party is going to do so. We are willing to take whatever censure there may be on the part of the people, but before the discussion is over the American people will know the reason for the action taken. I have no more doubt than that I breathe the breath of life that when the American people know the true situation, when they are advised of the conditions existing, they will prefer to have American labor working and American plants running rather than to offer objections to a high rate of duty.

I am not an embargoist; but I am a protectionist. When I say a "protectionist" I do not mean that I favor protection that borders upon an embargo; I mean that I advocate protection that just equals the difference between conditions incident to manufacturing goods abroad and here. I believe, Mr. President, with the exception of some rates which I personally think are too high, the bill can be defended from one end of the country to the other, and it will be a great deal easier for us to defend the very items that will have of necessity to be transferred from the basis of foreign valuation to the basis of American valuation than it will be some of the other rates based on foreign valuation.

Mr. JONES of New Mexico. Mr. President, so far as the toy industry is concerned, that is a story all its own, and that will be discussed when we reach that schedule. I do not propose to discuss it now; but I do want to say to the Senator that in his prepared speech, to which I listened with so much interest, he called attention to the fact that in this whole tariff schedule there are relatively few comparable articles entering into international trade. That was his statement, and it is a fact. It was demonstrated by the so-called Reynolds report that while we have these foreign articles coming in here, relatively few of them are comparable to American-made goods. It is true that there are some classes of toys which can be made in Germany which are not made in the United States, and I do not believe that there is an American citizen who would ever want to make such toys. They are not comparable to anything produced in the United States. Is the Senator going to put an embargo on them? Is the Senator going to shut out goods which do not compare with the goods produced in the United States?

Mr. SMOOT. No; and I want to say to the Senator that I can fill this Chamber with toys as to which the Senator can not tell to save his soul whether they were made in Germany or whether they were made in America, and I will say that very few comparable goods are made in America and in foreign countries; but there is comparability with toys, and if the Senator wished me to do so I could fill the RECORD with the names of the items. I expected this matter to come up, Mr. President; I knew it would come up here, and I knew that the

Democrats, or at least some of them, would try to make capital out of it; but before the debate is over the American people will know why.

Talk about a protective rate! I have before me just a few of the dyes, with prices, some of them of the most vital importance; others I do not take any stock in at all. There are some that are vital; and those items, as far as I am concerned, are to be protected in this country with a rate, and not with an embargo, and I am willing to say what rate that is, and I will say right now that it can be 900 per cent under the authority of law granted to the President of the United States.

Mr. JONES of New Mexico. That is precisely what I wanted to have appear in the RECORD. I recall one particular class of main dyes, where the American manufacturer said that the reason why he did not want to have a tariff based upon the foreign valuation was because the rate would have to be too high, and I asked him how high it would have to be in order to protect that particular dye, and he said it would have to be 1,000 per cent.

Mr. SMOOT. Oh, I will go the Senator one better than that. There was one of them that said it would have to be 2,000 per cent.

Mr. WATSON of Indiana. And he was right.

Mr. SMOOT. Yes; that is, from the figures he presented.

Mr. WATSON of Indiana. From the figures that we had, he was right.

Mr. JONES of New Mexico. Mr. President, I recall that incident about dyes. We will assume that it applies to toys; that there are some toys made in families in Germany so cheaply that they have an insignificant price when coming to this country. We have a great toy industry in the United States. They make a class of toys that are sold all over this land; and I want to say to the Senator now that of all the toys sold in the United States not over 3 per cent of them are imported toys.

Mr. SMOOT. Mr. President, why have we a toy industry in the United States? We did not have it before the war. It was built up as a war industry, and there never would have been a toy industry in the United States that amounted to a pin if it had not been for the war. Now that we have established that industry are we to protect it, or are we to let it die? The Finance Committee, or a majority of the Finance Committee, thought that it would be wrong to let it die.

Mr. JONES of New Mexico. The Finance Committee evidently thought more than that. They thought that they would not allow any of these foreign toys to come in here, because when they put it within the power of the President to change the basis of this rate, and by that means in some cases, as the Senator says, gave him the right to run the rate up to 900 or 1,000 per cent, they gave the President the right to create an absolute embargo upon such importations.

Mr. SMOOT. For the benefit of the Senator, I want to tell him that I do not think 20 per cent of the toys made in the United States will have to be transferred to the American valuation under the authority given to the President; but why not keep that 20 per cent? We have the industry started here. Why do we want it destroyed? Why do we want to drive the people that are making these toys out on to the street? We have enough unemployed people in the United States now, without driving any more out of a job in order that some poor, half-starved children and women working at their homes all times of night and all times of day may get that pittance of work. Why, Mr. President, it would be better for us to send over the money and feed them—better from a humanitarian standpoint, better from the commercial standpoint—than to allow the trade in this country to be destroyed.

Mr. JONES of New Mexico. Mr. President, the Senator is wide from the effect of doing just what he proposes to be done. That can be illustrated by reference to a particular article. There are pocketknives sold in the 5-cent stores of this country for 5 cents. The rates already provided in this bill are sufficient to prevent those knives from coming into this country at all.

Mr. SMOOT. Then they never will be transferred.

Mr. JONES of New Mexico. It means, then, that no opportunity will be given to any American boy or girl who has only the 5 cents to get a pocketknife, and that is what the Senator would do. He would take from the children of this country those cheap toys which they are able to buy, and tell them to go without. That is what the Senator would do.

Mr. SMOOT. No.

Mr. JONES of New Mexico. I want to know whether the people of this country will tolerate depriving of amusement the poor people of this country with even meager means?

Mr. SMOOT. The Senator is wrong again. The Senator knows from past experience that all we would have to do would be to wait and permit the American industry to be destroyed, and when it was destroyed our friends across the water would make us pay for it, as they did when we did not have any industry. Does the Senator know that the toys that are now offered to destroy the American industry are offered by the German Government at one-quarter of what they were offered for before, when we had no competition? Does the Senator know that the American people paid them then not what they pay the American manufacturer to-day but even higher prices? That is what would happen again if the American industry were to be destroyed.

I am not worried about the 5-cent pocketknives. They will be made in America; they will be sold at the 10-cent store; but while they are being sold there American-made knives are not going to be driven out of the market by some firm over in Germany sending them here for the very purpose of displacing the American product and ruining the industry and the concern that makes them in America.

Mr. JONES of New Mexico. Mr. President, it will appear from an examination of the schedules of this bill that under its terms the knives which I have been talking about will be absolutely kept out of the United States and no American boy can buy a knife for less than 25 cents. There is not a knife produced in the United States which can be sold for less than a quarter; and this bill levies a specific duty of 12 cents apiece upon such knives and an ad valorem duty besides. I do not care to discuss these phases of the bill now, but I want to say that if we have in this country an industry which can not compete with foreign industries under the duties which have been levied in this bill—take the toy industry, for example; the duties levied there are now so high that they will put many of these toys beyond the reach of the American child—if that duty is not sufficient to keep this industry alive, then, I say, for God's sake let it die, and let us get toys from somewhere that the poor children of this country can afford to buy; but no such dire result as that will happen.

The Senator well knows that the American producer of toys is going to produce toys. He can produce certain classes of toys in competition with the world and the toys that are most used in this country. The industry will not be destroyed, and the Senator is only using the old stock argument when he says, "Build up the industry at any cost, and then, after it is built up it will be beneficent enough to let the children have toys at a reasonable price." The duties in this bill are so high that if the industry can not survive under it, I say that it ought not to thrive.

Mr. President, I rose really for the purpose of asking the Senator regarding another phase of this bill which he has been discussing this afternoon. This power conferred upon the President is clothed in very peculiar and I am inclined to think significant language. It is language which I have never seen before in connection with the subject. I want to read it:

That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President—

Now, mark the language—

upon investigation of the differences in conditions of competition in trade, in the markets of the United States, of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown—

That the duties fixed in this bill do not equalize the differences in conditions of competition in trade, he then shall have the right to change the duty and increase or withdraw it.

I would like to ask the Senator whether he interprets that language as confining the condition to that to which the Senator referred in his address, and also in this colloquy which has been going on between us. Does the Senator believe that there is any restriction there to competition because of any difference in the mere cost of production? What is meant by "competition in trade"?

Mr. SMOOT. Mr. President, the Senator should know that if an investigation were made, not only the question of wage would be taken into consideration but the question of depreciated currency would no doubt be taken into consideration also. That is one of the great difficulties we have had in making a tariff bill. In every country in the world the conditions existing will be different from those existing in any other country. I think it would have simplified this whole tariff matter if we could have had a provision in the bill equalizing the exchanges of the countries. But it was held by our State Department that such a provision would be violative of our treaties with foreign countries. That would have done away with a great deal of the trouble we have experienced in making this bill, and I have no doubt that will be taken into consideration by the President, or the agencies which may act for the President, in determining whether those conditions are

such as to justify him in transferring an item—not a title, not a paragraph, but an item in a paragraph—or a paragraph itself, from foreign valuation to American valuation.

I wish to say to the Senator that there are also numerous other considerations. I do not think it is wise for me to say here what I was going to say in relation to the unfair practices which are being carried on in the world to-day against the United States.

Mr. JONES of New Mexico. There is a provision in the bill to take care of unfair practices.

Mr. SMOOT. Yes; we have such a provision in the bill, and it has teeth in it, too; but I say that that will be taken into consideration, I have no doubt, in the investigation, and we intend to correct that under the provisions of this bill. But there are some few discriminatory features which it will not be possible to reach even with the provision we have in this bill, drastic as it is, in my opinion, because of the fact that the business is not done between the foreign country and our own country; it is done in a roundabout way.

Mr. JONES of New Mexico. Mr. President, I recall very well listening to a speech by the Senator from Iowa [Mr. CUMMINS], who is now present, defining his position upon the tariff, back in 1913. I was not then a Member of this body, but I listened to the Senator from Iowa, and he defined his position so clearly that it impressed my mind then, and I have carried it with me ever since. What the Senator from Iowa was asking for was that the producers of these commodities, both domestic and foreign, be put upon a competitive basis as to the cost of production. This bill does not say one word about cost of production. It says "competition in trade."

Mr. SMOOT. If the Senator had read on, he would not have made that statement.

Mr. JONES of New Mexico. I have read the whole section several times.

Mr. SMOOT. Let me read paragraph (c) to the Senator, and see if it does not give sufficient reasons for action on the part of the President. It reads:

(c) That in any investigation provided for in this section account may be taken of the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production of such similar merchandise in the United States and competing foreign countries and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same; that no proclamation shall issue under this section unless reasonable opportunity shall be afforded to all persons directly interested in the production and distribution of such merchandise affected by such proclamation; that the President, proceeding as hereinbefore provided for the proclamation of such rates of duties, may, when he shall determine that it is so shown that the competitive advantages have changed or no longer exist which led to such proclamation, accordingly as so shown modify or terminate the same.

Mr. President, the Senator from Iowa could not have expressed it any more clearly than it is expressed in paragraph (c) as the basis of action by the President in making the change.

Mr. JONES of New Mexico. I call the attention of the Senator from Utah to the fact that paragraph (c), which has just been read, is couched in this language, "That in any investigation provided for in this section account may be taken" of the things to which he just referred, but there is absolutely no requirement that they shall be taken into consideration or that they alone shall be considered. The door is left absolutely wide open, so far as the power under section (a) is concerned, through which it is conferred upon the President of the United States. It throws the door wide open. He can take into consideration any element on earth. If he chooses to say that the American producer ought to receive 100 per cent profit, he can take that into consideration. He may be one of those who believes in profiteering, and that if you build up a few rich people in this country you benefit all. That may be; but there is absolutely nothing in this bill which limits the President as to the factors which he shall take into consideration. While he may do these things, there is no obligation that he shall do them, and there is, further, no restriction that he shall not take into consideration any other thing. It leaves the door absolutely wide open.

Mr. SMOOT. So careful were the committee in drafting this provision that they limited the action of the President, and stated that—

No proclamation shall issue under this section unless reasonable opportunity shall be afforded to all persons directly interested in the production and distribution of such merchandise affected by such proclamation.

Does the Senator think there is a living man on earth who could be elected President of the United States who would do just what the Senator is suggesting now? The President of the United States can not make these examinations. The President of the United States is not going to listen to the parties interested, and the President of the United States can not issue a proclamation until all the interested parties have had a hearing. That the President of the United States would do the thing pictured by the Senator from New Mexico is beyond belief.

Mr. CUMMINS. I ask the Senator from New Mexico to yield to me, not to indulge in this debate, because I have not yet become sufficiently familiar with the bill to have a mature judgment in regard to some of its provisions, but I desire to present a conference report upon House bill 4810, and to ask that it be printed and lie on the table until the House has acted upon it. It must act first.

[The conference report appears later in the proceedings.]

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from New Mexico yield to the Senator from South Carolina?

Mr. JONES of New Mexico. I yield.

Mr. DIAL. I expect to leave the city in a day or two, and I would like to call up a bill on the calendar and have it passed. It is House bill 7272.

Mr. JONES of New Mexico. I can not yield at this time for that purpose. The Senator from Utah wants to leave the Chamber, and in connection with this other discussion I wanted to call attention at this time to the next subdivision of the section.

The next subsection which has a bearing upon this same subject goes even further than the one which I have just read. It reads as follows:

That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions—

To which I have referred—

shall find it thereby shown that an industry in the United States is being or likely to be materially injured—

And so forth.

That language is used.

Mr. SMOOT. Does the Senator want to know why it was used? I think I can tell him very briefly.

Mr. JONES of New Mexico. I would be glad to have the Senator give us his explanation of it.

Mr. SMOOT. Let us take, for instance, a chemical really vital to the defense of the United States. Unless the President were given power to act in a case like that, they could send a shipload of the stuff to this country at once, and that would destroy the business in the United States.

Mr. JONES of New Mexico. Is there not an antidumping provision in the bill and an unfair competition provision?

Mr. SMOOT. It may not be antidumping, and it may not be unfair competition, because they may offer the material to all the countries of the world. To be frank with the Senator, I never expect this power to be used except in a case of that kind, but in such a case the Senator would not object to its use. That is exactly what we had in mind.

Mr. JONES of New Mexico. Such a thing has never happened in the history of the country.

Mr. SMOOT. There have never existed in this country and in other countries conditions such as exist now.

Mr. JONES of New Mexico. But I desire especially to call attention to the fact that where the President concludes that there are differences in conditions in competition in trade which are likely to injure any business he may take action. Injury to what degree? If profits of 100 per cent are reduced to 75 per cent, will you call that an injury? There is no specification of what is a reasonable profit, even. It may be any profit which the President of the United States, in his generous disposition, may see fit to allow to any particular industry, friendly or otherwise.

Mr. SMOOT. Mr. President, any concern that is making over 10 per cent can not be injured by competition in trade.

Mr. JONES of New Mexico. That may be the opinion of the Senator from Utah, but I remember very well when the Senator from Utah stood here and talked until he was almost exhausted trying to convince us that we should not levy a tax upon excess profits, that the manufacturers ought to be permitted to earn all they could get out of their business.

Mr. SMOOT. Mr. President, I deny that statement.

Mr. JONES of New Mexico. If that was not the effect of the Senator's argument, I was unable to interpret it.

Mr. SMOOT. The Senator has made a statement that was never made by me. I did oppose the excess-profits tax being over 32 per cent. I was in favor of an excess-profits tax of 32 per cent, and the Senator will yet live to see the time when he will acknowledge that that position was well taken, and it will be demonstrated beyond the question of a doubt that it would be to the best interests of the United States.

Mr. JONES of New Mexico. The Senator was talking about surtaxes. The Senator wanted surtaxes reduced to 32 per cent, but the Senator contended absolutely against any excess-profits taxes being levied upon the profits of corporations. The RECORD I am sure will bear out the statement which I made and which shows that the Senator himself has been unwilling to say that a 10 per cent profit should be the limit. I ask the Senator now if he is willing to have an amendment placed in this section providing that in considering the profits which anybody shall make, in order to effect an injury, such profits shall not exceed 10 per cent?

Mr. SMOOT. I do not want to take the time of the Senate to get off into another subject. Let us consider the bill now before us. I can answer for whatever I have said in relation to excess profits and any other taxes upon the business of the United States. The question just asked by the Senator is not for the Senator from Utah to decide. It is for the committee to decide, or it is for the Senate to decide. If the Senator wants to offer an amendment, then we can vote upon it, but I do not think there is any necessity at this time to discuss it at all.

Mr. JONES of New Mexico. I did not expect to come to any agreement with the Senator. I asked the question for the purpose of emphasizing the fact that there is at the present time no limit under the language of the bill. That is what I meant to emphasize. The language used confers upon the President of the United States the right to take into consideration a profit of any amount which he may choose to consider, and, if competition reduces the profit below that amount, to consider it an injury to the business and then bring into operation all the drastic provisions of the bill.

Mr. President, I have consumed a good deal more time in this colloquy than I had any thought of doing when I rose to ask a few simple questions. The general subject I expect to discuss at some subsequent time. I merely want to make this concluding statement, that in my humble judgment, whether wise or unwise, constitutional or unconstitutional, under the provisions of the bill, as they are framed, and under those sections we have been talking about this afternoon, the whole power of taxation is practically transferred to the President. I recall the past when we wanted a tariff commission to take the tariff out of politics. What should be done is to get this economic question out of politics, but instead of doing that, instead of bringing to fruition some of the suggestions of years ago, when the Tariff Commission was created, it is now proposed absolutely to turn the engine in the other direction. Instead of getting this thing called "tariff" out of politics, the effort is being made to throw it bodily into the very vortex of politics by conferring upon the President of the United States any such power as is conferred by the section of the bill which we have been discussing.

I expect to discuss the matter at some length at a later time, but I thought at this early stage it might be well enough for the people to understand just what that section contemplates.

Mr. GOODING. Mr. President, I present certain letters from the United Peanut Associations of America, the Enterprise Oil Co., the Southern Tariff Association, and the Southern Fisheries Association, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the letters were ordered to lie on the table and to be printed in the RECORD, as follows:

THE UNITED PEANUT ASSOCIATIONS OF AMERICA,
OFFICE OF SECRETARY,
Norfolk, Va., April 15, 1922.

Senator FRANK R. GOODING,
United States Senate, Washington, D. C.

DEAR SENATOR: Our association has been sending you a lot of petitions asking for tariff on peanuts, and I surely would thank you to present these petitions, as to represent us. * * * I am sure 90 per cent of the farmers and dealers are for protection.

The emergency tariff which passed last May has saved the peanut industry surely a good many millions of dollars. The year before the emergency tariff went into effect there was imported from China mostly in round numbers 232,000,000 pounds of peanuts and peanut oil, but a good many of these peanuts did not go into consumption before the following season, and had effect on the market, but the price of peanuts in Georgia advanced something over 100 per cent and, of course, we know the emergency tariff was responsible and it saved the peanut farmers in the South several millions of dollars.

I really believe the people interested directly and indirectly in raising and handling and manipulating peanuts is from 750,000 to 1,000,000 people and without a protective tariff on peanuts the Southern States will have to abandon raising peanuts, as they can not compete with the pauper labor, and if they do there will be around 1,000,000 people that will have to look to something else for a livelihood.

I surely thank you for what you have done for us and I hope that you will see that we get a tariff, namely, 3 cents on hull goods and 4 cents on shelled goods.

Very truly yours,

P. D. BAIN,
Chairman, United Peanut Associations of America.

THE UNITED PEANUT ASSOCIATIONS OF AMERICA,
OFFICE OF SECRETARY,
Suffolk, Va., March 7, 1922.

Senator GOODING, *Washington, D. C.*

DEAR SIR: I inclose you copy of a resolution which was passed by the directors of the Peanut Growers' Exchange covering the peanut sections of Virginia and North Carolina. Copies of this resolution have been sent to the Senators from the two States, as well as the Representatives.

In addition, this office is sending out blank petitions for signatures to our members in Georgia, Alabama, South Carolina, Florida, and Texas. These to be sent to yourself, with exception of those from Texas, which we think should go to Senator SHEPPARD, as he is their Senator who is in favor of tariff on farm products. We are also requesting our members to write personal letters to their Senators.

Hope that this work will help you in helping us get peanuts included in the tariff bill to be enacted by Congress.

Yours very truly,

M. M. OSBORN, *Secretary.*

Each district meeting is requested to adopt the following resolution adopted by the board of directors at their meeting March 1:

"Whereas the peanut growers of America can not successfully compete in our own markets with foreign growers of peanuts without a tariff thereon sufficient to cover the difference between the cost of labor abroad and in this country; and

"Whereas the present emergency tariff on peanuts has been of decided benefit to the peanut farmers: Therefore be it

"*Resolved*, That the directors of the Peanut Growers' Exchange (Inc.), representing more than 5,000 farmers in Virginia and North Carolina, appeal to the Representatives and Senators of Virginia and North Carolina to secure such a competitive tariff on peanuts as is now provided for in the pending tariff bill, which is not more than sufficient to cover the difference between the cost of production here and abroad, and that a special appeal be made to the officials of peanut organizations in other peanut-growing States to appeal to their Representatives and Senators in Congress to assist us in securing this much-needed legislation."

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THE UNITED PEANUT ASSOCIATIONS OF AMERICA,
OFFICE OF THE SECRETARY,
Suffolk, Va., February 10, 1922.

Senator GOODING,
United States Senate, Washington, D. C.

DEAR SIR: We understand that the Finance Committee of the Senate is not going to or has not approved our suggestion for rates on peanuts because we have Democratic Senators who will not vote for the bill.

When we appeared before the Finance Committee we were told that they were going to frame this bill without regard for sectional lines. Of course we will admit that we are handicapped by reason of having Senators from the South who are bound down by political ideas possibly more than for doing good to their people. However, that does not represent the sentiment of the South to-day. And I believe that the Republican Party is missing one of its best opportunities to get in a wedge that will break the solid South, if it fails to give the southern interests a part in the tariff bill. This is your chance to get started in the South.

Another matter, Is the Republican majority going to overlook the fact that we have Senator SHEPPARD, of Texas, Senator RANSDELL, of Louisiana, and the other Senator from that State who will support this tariff bill? Then why not give us protection on peanuts by reason of these three southern Senators if you haven't any other good reason? Then in addition the National Milk Federation has asked for a rate of 4 cents and 4½ cents per pound on vegetable oils, peanut oil at 4½ cents. This is to protect their butter products. Now if you want to keep the oil protected don't you see that if you let peanuts from the Orient come in free of duty that the oil crushers on the west and southern coasts can import these cheap peanuts and produce the oil here in America? That will get their peanut oil in free.

Very truly yours,

M. M. OSBORN, *Secretary.*

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SOUTHERN TARIFF ASSOCIATION,
Washington, D. C., January 24, 1922.

Senator F. R. GOODING,
United States Senate, Washington, D. C.

DEAR SENATOR: Mr. M. M. Osborn, secretary of the United Peanut Associations of America, sends me the inclosed letter in which he calls attention to the omission of peanuts in their raw state from the schedule presented to the Senate Finance Committee. If Mr. Osborn's information is correct, I presume this is an oversight.

Yours very truly,

J. A. ARNOLD.

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THE UNITED PEANUT ASSOCIATIONS OF AMERICA,
OFFICE OF SECRETARY,
Suffolk, Va., January 21, 1922.

Mr. J. A. ARNOLD,
Washington, D. C.

DEAR MR. ARNOLD: In looking over the schedule of rates which the agricultural bloc of the Senate have agreed to support, which was submitted to the Finance Committee a few days ago, I note that peanuts have been omitted.

Senator GOODING presented this schedule and included almost every southern product except peanuts. I am sure that this was an oversight and not intentional, as he included cotton seed at three-fourth cent per pound, and you will remember Mr. Holman asked for a tariff to be placed on vegetable oils and products from which they were made; now this includes peanuts. Soya beans should also be included.

I am sure that you can advise us after seeing Senator GOODING that he will see that peanuts are included, also I think it would be well for him to include soya beans, as if a tariff of 4 cents is placed on soya-bean oil, and soya beans are admitted free. Soya beans will be imported. Whereas if a tariff is placed on soya beans you are going to see another crop added to the South—that of soya beans, as the Senator from Louisiana told us.

Let me hear from you as soon as possible.

Yours sincerely,

M. M. OSBORN, *Secretary.*

ENTERPRISE OIL COMPANY,
Enterprise, Ala., March 22, 1922.

Senator GOODING, *Washington, D. C.*

DEAR SIR: As we understand it, you are a member of the so-called agricultural bloc, and in favor of tariffs for the benefit of the farmer, and to ascertain somewhat the sentiment of our people on this vital question the writer circulated yesterday a petition as regards the tariff on peanuts, peanut oils, and other vegetable oils, and in less time than one hour the names as affixed to the petition as per copy inclosed were signed. Without a single exception, every person to whom it was presented for signature signed it without question, our people having studied the question and knowing what they want.

If it were practical and possible to get and present such a petition, think that at least 90 per cent of the people in this Coffee County, Ala., one of the largest peanut-producing sections of the South, would sign same. The writer has no doubt but that this same sentiment as relates to peanuts prevail over the entire peanut section, and if you find it possible your influence will be appreciated to have written into the permanent tariff bill the figures as mentioned in the petition herewith inclosed.

Yours very truly, C. Y. SAWYER.

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To honorable Members of the United States Congress:

We, the residents of Enterprise, Ala., interested in the maintenance, development, and prosperity of the South, realizing the extent to which our agricultural interest, directly, and our entire community indirectly, are affected by the practically unrestricted flow of foreign-grown peanuts and other agricultural products, vegetable oils, etc., into our country because of the approximately free-trade conditions existing before the emergency tariff bill was enacted, and fully appreciating that the failure to include peanuts at 4 cents per pound and peanut oil at 5 cents per pound, as well as a like rate on other vegetable oils in the permanent tariff bill, which is to supersede the emergency tariff, will take from the South its one cash crop that has proven a great blessing as substitute crop for cotton in boll-weevil-infested territory, where cotton can not be grown profitably on account of this pest, earnestly request your consideration of this vital matter to the end that you help to secure rates stated above which are not more than sufficient to cover the difference between the cost of production here and abroad.

J. W. Goff, E. W. Nickols, Alto Hutchison, E. L. Murdock, W. E. Peters, Rev. J. O. Colley, G. E. Lasseter, M. Dillon, jr., Henry Watson, J. M. Donaldson, T. W. Morgan, J. W. Searcy, A. D. Wright, V. O. Warren, J. L. Warren, W. O. Byrd, C. H. Heath, Will Warren, A. M. Owen, Arrie Owen, J. L. Hildreth, J. W. Ryder, P. H. Searcy, C. L. Ellis, M. P. Adams, S. L. Brunson, G. W. Carlisle, H. M. Pippin, J. W. Nickols, L. K. Ogletree, M. H. Bracken, R. C. Fleming, G. M. Heath, G. W. Shiver, R. T. Adams, W. C. Stapleton, Bud Blackmon, F. T. Price, W. J. Mitchell, C. R. Walls, R. A. Miller, S. C. Odom, H. O. Whittle, J. C. Boyette, A. R. Pouncey, Ben W. Clendenen, jr., J. E. Caldwell, A. M. McIntosh, A. R. McIntosh, J. A. Holloway, J. B. Holloway, O. L. Skipper, W. B. Slawson, John T. Benson, G. W. Boghton, G. W. Jones, J. D. Heath, Q. O. McGee, L. H. Sessions, H. M. Sessions, L. Corbett, W. O. Weems, J. R. Colson, John Stanley, R. B. Martin, Judge J. M. Loflin, K. W. Harrison, J. J. Faulk, M. M. Faulk, E. F. Price, W. O. Pittman, Flossie Shanks, Jim T. Grimes, E. T. Grimes, C. F. James, H. D. Harrison, J. P. Mitchell, C. H. Windham, H. B. Grimesley, Z. C. Hundley, Dothan, J. W. Marsch, J. A. Brock, J. S. Amos, C. Y. Sawyer, C. S. Sawyer, L. L. Conner, W. E. Conner, M. O. Forehand, T. T. Brooks.

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SOUTHERN FISHERIES ASSOCIATION (INC.),
Jacksonville, Fla., January 23, 1922.

Hon. FRANK R. GOODING,
United States Senate, Washington, D. C.

MY DEAR SIR: Our attention has been called to Senate bill 2878, introduced by Senator CAPPER, of Kansas, to allocate the control, administration, and supervision of all functions of the Government, principally affecting agriculture, forestry, and food, to the Department of Agriculture.

We note among the provisions of this bill is one to transfer to the Department of Agriculture the work of the Bureau of Fisheries of the Department of Commerce. The Southern Fisheries Association wish to protest against the transfer of the Bureau of Fisheries from the Department of Commerce to the Department of Agriculture.

It is felt by this association that a transfer at this time would be a grave misfortune to the fish industry. Mr. Hoover has taken a personal interest in the fish industry of the country, and has through conferences and committees commenced a great work to help the industry get on its feet so that it could be in a position to prosper. He has also been of great benefit to the fish industry in the matter of transportation rates and service, and we would dislike very much to see this change made, as we believe that the industry would suffer accordingly.

We respectfully ask that you give this your earnest consideration, and, if you can consistently do so, we will appreciate it if you will allow the Bureau of Fisheries to remain under the Department of Commerce.

Very truly yours, F. D. FANT, *President.*

Mr. GOODING. I also present petitions of sundry citizens praying for inclusion in the tariff bill of adequate protective duties on peanuts and peanut and other vegetable oils, which I ask may lie on the table. I also request that one of the petitions be printed in the RECORD without the signatures and that the number of signatures on each of the petitions be noted in the RECORD.

The petitions were ordered to lie on the table and noted in the RECORD, and one of the petitions without the names was ordered to be printed in the RECORD, as follows:

To the honorable Members of the United States Congress:

We, the residents of Wakefield, Va., interested in the maintenance, development, and prosperity of the South, realizing the extent to which our agricultural interests directly and our entire community indirectly are affected by the practically unrestricted flow of foreign-grown peanuts and other agricultural products, vegetable oils, etc., into our country because of the approximately free-trade conditions existing before the emergency tariff bill was enacted, and fully appreciating that the failure to include peanuts at 4 cents per pound and peanut oil at 5 cents per pound, as well as a like rate on other vegetable oils in the permanent tariff bill, which is to supersede the emergency tariff bill, will take from the South its one cash crop that has proven a great blessing as a substitute crop for cotton in boll-weevil-infested sections where cotton can not be profitably produced on account of this pest, earnestly request your consideration of this vital matter to the end that you help to secure rates stated above, which are not more than sufficient to cover the difference between the cost of production here and abroad.

Petitions of 66 citizens of Greensville County; of 22 citizens of Southampton County; of 38 citizens of Franklin County; of 11 citizens of Petersburg; of 25 citizens of Prince George County; of 17 citizens of Bland district, Prince George County; of 18 citizens of Disputanta, Prince George County; of 40 citizens of New Bohemia; of 10 citizens of Wakefield; of 42 citizens of Newsoms, Southampton County; of 27 citizens of Franklin, Southampton County; all in the State of Virginia; petitions of 45 citizens of Malone, Fla.; of 19 citizens of Waverly, Tenn.; of 47 citizens of Benton County, Tenn.; of 18 citizens of Perry County, Tenn.; and of 22 citizens of Decatur County, Tenn.; resolutions adopted at a mass meeting of farmers and business men at Marianna, Jackson County, Fla.; petitions of 19 citizens of Charleston, S. C.; of 48 citizens of Hertford County; of 34 citizens of Tyner, Chowan County; and of 34 citizens of Pendleton, all in the State of North Carolina; petitions of 32 citizens of Adel; of 16 citizens of Bluffton; of 90 citizens of Meigs and Thomas Counties; of 100 citizens of Edison; of 43 citizens of Lumpkin; of 42 citizens of Baldwin County; of 21 citizens of Morris; of 14 citizens of Early County; of 30 citizens of Benevolence; of 91 citizens of Hahira; of 70 citizens of Colquitt; of 34 citizens of Damascus; of 27 citizens of Arlington; of 32 citizens of Decatur County; and of 17 citizens of Pelham, all in the State of Georgia; petitions of 76 citizens of Aubrey; of 185 citizens of Bridgeport; of 104 citizens in the State of Texas; of 35 citizens of Stockdale, Wilson County; of 56 citizens of Comanche, Tex.; of 52 citizens of Gillespie; of 34 citizens of Park Springs; of 57 citizens of Stephenville; of 57 citizens of Boyd; of 115 citizens of Joshua; of 19 citizens of Henderson; of 29 citizens of Hughes Springs; of 76 citizens of Paradise; of 17 citizens of Garner; of 24 citizens of Jack County; of 18 citizens of Palo Pinto County; of 22 citizens of Weatherford; of 61 citizens of Hood County; of 38 citizens of Perrin; of 59 citizens of Santo; and of 57 citizens of Chico, all in the State of Texas.

Mr. KING. Mr. President, I regret that the able Senator from North Carolina [Mr. SIMMONS], the ranking minority member upon the Finance Committee, owing to indisposition, is unable to present at this time for the consideration of the Senate his views upon this bill. He will, however, within the next day or two submit to the Senate and to the country an analysis of the pending measure and conclusive reasons why it should not receive the approval of this body. His acknowledged ability and his thorough acquaintance with tariff legislation will give to his address national importance. He will point out the evil and indefensible features of the bill and demonstrate its disastrous effects upon American commerce.

I am not a member of the Finance Committee, but have been asked by the distinguished Senator from North Carolina and other minority members of the committee to join with them in the consideration of this bill, particularly those paragraphs found in Schedule I, which comprises oils, paints, and chemicals, and to those provisions dealing with dyes and embargoes.

Mr. President, the Senate is entering upon the consideration of a measure of the highest importance to the American people.

The so-called Fordney tariff bill came to the Senate some months ago and has been reported back to this body by the Finance Committee with numerous changes and drastic modifications. Contrary to the wishes of the American people, and under the whip and spur of the predatory interests and trusts and combinations, which have been and will be beneficiaries of tariff exactions, this Republican Congress immediately after the last election began the preparation of a tariff bill. There are reactionaries and "die hards" in the Republican Party who believe that governments exist only for the purpose of enacting tariff laws in the interest of the manufacturers and special interests; and they are utterly unable or unwilling to comprehend the economic and industrial problems of the United States or of the world. Political economy is to them a sealed book, and the limpid streams which bear the argosies of trade and commerce and bring prosperity to peoples and countries strike terror to their provincial souls. It was thought by some that the Republican Party had become liberalized, and many loyal and patriotic Americans were led to believe that the party of

Lincoln was freeing itself from sinister influences which controlled it at the time Theodore Roosevelt, an indurated Republican, denounced his party and led a revolt against its oppressive, reactionary, and Tory policies. Many of the followers of Mr. Roosevelt, who had protested against the medieval and buccaneering policies of the Republican Party, reentered that organization after the demise of the Progressive Party, hoping that the chastisement which the Republican Party had received had purged it of its reactionary leadership and given it a wider vision and a broader spirit and a nobler attitude toward the social and industrial problems of the hour. But the Progressive forces in the Republican Party have found to their profound dismay that the leopard does not change its spots and that the Republican Party of to-day follows the plans of Quay and Aldrich and Payne and CANNON and other powerful leaders who controlled and still control the Republican Party. These policies seem to be wholly materialistic and are conceived in greed and selfishness and measure patriotism by devotion to what are denominated "business and financial interests."

It is remarkable that so many who seek riches and speedily acquired wealth and are willing, in order to obtain it, to prostitute the powers of the Government, should be so ignorant of the inexorable laws of trade, of supply and demand, and of the fundamental principles to which adherence must be given if there shall be genuine and continued individual or national prosperity.

It is true that prohibitive tariffs may bring temporary gains and enrichment, but in this age they react to the disadvantage of the peoples and countries enacting them, and such tariffs become destructive of prosperity, particularly in those countries having the resources of and situated as is the United States. This Republic is the great creditor nation of the world, and it possesses raw materials and primary products almost sufficient to meet the demands of all peoples. Important as its domestic trade is, its foreign trade and commerce will determine to a large degree its industrial development and financial growth and progress. With its inexhaustible supplies of iron and copper and zinc and lead, its limitless agricultural resources, its unmeasured productive power, the genius and strength of its people, these and other factors give to the United States world leadership and the basis for material prosperity unparalleled and unapproachable.

"Main Street" politicians and the narrow zealots and bigoted partisans center their vision upon some local industry or some provincial enterprise and close their eyes to the Nation and its interests and to the questions, fundamental and vital, which in the end must be controlling if there shall be national development and growth. The history of progress is the history of trade whether among peoples of a restricted area or of a nation or continent. The nations that have led the world in civilization, in morals, and in true progress have been the nations that carried aloft the banner of trade and commerce.

Intellectuals have broken the crusts of a perverted nationalism and shattered the policies which crystallized the thoughts of people into small and unexpanding forms. They have carried their philosophy and their political economy and their conceptions of justice and of international morality and sympathy, if not union, into other lands. They have removed senseless and cruel barriers and brought peoples and nations into contact, and with the advance of science the world, which seemed at one time to be so big, has grown smaller and the elbows of peoples and nations have touched, and looking into each other's eyes they have discovered their resemblances and have realized that they were akin.

Too many politicians and so-called statesmen dwell in the valley and in the shadow of narrow ravines and gorges that cut their way through man's creations as well as through nature's mighty handiwork. There are some of our so-called statesmen who treat international questions as a thing apart from trade and commerce. They seem to think that a nation has two completely separated divisions, and, indeed, consists of two distinct entities; one being or entity is concerned with purely what is denominated domestic and the other with international questions.

Some of our greatest publicists and world writers have shown that international problems are inseparably connected with local and domestic problems and that many of the clouds that have obscured the international horizon and have resulted in storms and tempests have been occasioned by controversies arising out of, or connected with, domestic or national issues.

Great Britain saw how imperative it was that she should secure raw materials and food supplies from other nations. Her growing population, congested in a limited insular field, was doomed to penury and the nation to decadence if foreign trade could not be secured. She built ships to carry from foreign shores food supplies and raw materials and to send to all ports and to all lands the products of her mills and factories.

It may be true that Great Britain's trade policies have brought about international conflicts. Aside from religious and dynastic wars, I think it can be stated with historical accuracy that most of the other conflicts between nations were the outgrowth of commercial rivalries. There are many who believe that the great World War was, indirectly if not directly, caused by fears upon the part of certain European nations that their foreign trade was in danger. Great Britain regarded a navy as necessary to defend the British Isles and also to protect her commerce upon the high seas. Germany looked upon Great Britain as a commercial rival. She pushed her trade into all lands and became an active competitor of Great Britain as well as other nations in almost every market of the world. The Pan-German element demanded a mighty navy and looked for an opportunity that would enable Germany to acquire foreign territory and to secure what was denominated "a place in the sun."

But because controversies have arisen as a result of international trade there is no ground for the contention that there should be no trade among nations.

There are disputes and controversies among merchants and manufacturers within a city or a county or a State. These controversies are not arguments against business dealings and trade and traffic among the inhabitants of cities and States. As mankind grow in intelligence, and as desires for justice increase, controversies diminish. Municipal law is developed and courts are established and laws are enacted under which contentions are determined and order and justice secured. International law is bringing all nations within its beneficent influence, and international treaties and conventions are destroying causes which have contributed to international strife. Notwithstanding the spirit of perverted nationalism which exists in many quarters, and the racial antipathies which still persist, there are unmistakable evidences of a growing spirit of international amity; an international conscience is being developed and the old theory that there is no law to restrain nations is being abandoned under the pervasive spirit of an enlightened and rational internationalism which arraigns before the bar of public opinion and the conscience of civilized nations peoples and nations who defy the spirit of justice and the rights of individuals and states.

The philosophy, the science, the literature, the moral precepts, no matter from whence they come, are the patrimony of all peoples. The seas no longer divide nations. We speak across the waters and hold converse with friend and stranger far out upon the mighty deep. People everywhere are beginning to think internationally and to appreciate how profoundly each nation, whether great or small, is affected by the conditions among peoples, even in the antipodes.

Discontent and revolution in India affect Great Britain and other European nations, and reactions result which affect our industrial condition. With poverty and revolution in India the output of the mills of Great Britain is reduced, and this affects the price of cotton grown upon the plantations of the Southern States of this Republic.

Before the war Russia purchased more than $600,000,000 annually of Germany's products. Germany in turn sought our shores and purchased enormous quantities of copper and other primary products of our country. Owing to Russia's catastrophic condition she can not buy from Germany, and Germany's purchases from America are correspondingly restricted. If Russia were prosperous she would not only purchase from Germany and Germany in turn purchase from America, but if we were buying commodities of which she has an excess, she would take in payment therefor hundreds of millions of our manufactured products. Thus would our foreign trade be expanded, our domestic production increased, and our prosperity enhanced.

Mr. President, there are those in the Republican Party who refuse to see the truth or to follow the pathway of safety and progress, or be guided by the lamp of experience. They exhibit a blind pertinacity that is inconceivable in the light of world conditions and the impressive lessons of the past, which in blazing letters are thrown athwart the pathway of the American people. Professing high patriotism and undiluted Americanism, they seek to convince the people that their prosperity will be promoted by putting into the hands of domestic producers of the commodities and products which comprise the very life and well-being of the people, the unrestricted power to create and maintain monopolies in those commodities, and to fix and perpetuate such price levels as may be dictated by their greed and avarice. They speak volubly of the domestic market, of its colossal proportions, and seek to convince the people that

the foreign market is unimportant; or, at least, if important, is unavailable for America's surplus products, even though an embargo interdicts all foreign imports.

Mr. President, if Europe were prosperous to-day our exports, if they did not reach the high levels of 1919 and 1920, would approximate them, provided that reactionary Republicans were not in control of this Republic. Of course, if they did control and insisted upon the "hermit" policy for which they now contend, then our exports would dwindle, and the tide of American prosperity, which would otherwise exist, would recede.

While a sufficient quantity of gold is required under the monetary systems in the world as a basis for credits and exchange, it may, I think, be safely affirmed that metallic money plays a less important part in the commerce of the world and the prosperity of the world than is usually supposed. Notwithstanding America has the greater part of the gold supply of the world, millions of persons are unemployed, and financial depression has brought paralysis to our industrial and economic life. Our gold does not give us foreign trade, nor does it vitalize our moribund business organism. Exchange of commodities is the life-giving blood that builds the sound tissue of national and international progress.

Wealth is not gold, though gold may constitute a part of a nation's wealth. Wealth consists of the products and commodities created and fashioned by the genius of man. There may be potential wealth, and in that America is fabulously rich. With our great coal measures and our stupendous deposits of copper and zinc and lead, with our forests and fisheries, and other natural resources too numerous to be mentioned, we stand at the gateway of unexampled prosperity. The gate will open and riches will enter if only we are guided by wisdom and the principles of sound economic philosophy, if I may so speak, the infallibility of which have been demonstrated in this and in past ages. The conception that if we possess gold prosperity is inevitable, is archaic; it was the basis of the mercantile system from which the protection theory is derived. Professor McLeod states that—

> Midas was the parent of the mercantile system, and for several centuries every Government in Europe was imbued with his ideas. * * * Midas saw that with treasure in his hand he was wealthy—he could obtain whatever he wanted and could command the services of others. * * * The very same ideas gradually grew up in Europe. Sovereigns saw that their chief power consisted in the treasure they could accumulate. It then became a cardinal point in their policy to encourage the importation of money as much as possible and to prohibit its export. * * * The Spaniards, dazzled with the brilliant prospect of securing the greatest part of the wealth of the world without labor, imagined that the well-being of the country consisted in amassing enormous heaps of gold and silver.

I referred a moment ago to what constituted wealth. Adam Smith says—

> A nation may import to a greater value than it exports for half a century, perhaps, together; the gold and silver which comes into it during all this time may be all immediately sent out of it; its circulating coin may gradually decay, different sorts of paper money being substituted in its place, and even the debts, too, which it contracts in the principal nations with whom it deals may be gradually increasing; and yet its real wealth, the exchangeable value of the annual produce of its lands and labor, may, during the same period, have been increasing in a much greater proportion.

Adam Smith further states:

> It would be too ridiculous to go about seriously to prove that wealth does not consist in money, or in gold or silver, but in what money purchases, and is valuable only for purchasing. Money, no doubt, makes always a part of the national capital; but it has already been shown that it generally makes but a small part, and always the most unprofitable part of it.

I am not attempting to minimize the importance of gold in our fiscal system, or in our international exchanges, but I am emphasizing the fact that it is production and exchange of commodities which, after all, produce wealth. When our foreign commerce was thirteen billions annually, as it was in 1919 and 1920, we enjoyed unexampled prosperity. The more we produce and save the greater is the wealth of the Nation. When the annual product of all the people of the United States was approximately $35,000,000,000 it was all consumed in wages and in the process of production, except approximately $5,000,000,000. This was the residuum which was added to the general stock of the Nation's capital and constituted a part of the Nation's wealth. When the value of the products of our country increased to sixty or sixty-five billions of dollars per annum, then there was a larger surplus which was available for investment and which constituted an accretion to our capital and to the Nation's wealth. But the increase in wealth came from production and savings. A people may produce a large volume of commodities, but the volume will shrink unless there is a market for such products. The increase in individual and national wealth is measured by the volume of trade and commerce. The key which will unlock the door which now imprisons the American people is not a golden key nor an iron or steel key forged by high protectionists. Indeed, the lock can only be turned and the door opened by confidence, and just and liberal policies and the removal of odious measures which are impediments to the flow of just and natural laws. It were well if statesmen would remember these words of Adam Smith:

> Man is generally considered by statesmen and projectors as the materials of a sort of political mechanics. Projectors disturb nature in the course of her operations on human affairs, and it requires no more than to leave her alone and give her fair play in the pursuit of her ends that she may establish her own designs. * * * Little else is required to carry a State to the highest degree of affluence from the lowest barbarism but peace, easy taxes, and a tolerable administration of justice, all the rest being brought about by the natural course of things.

Mr. President, the issue before us is not that of proctection or free trade. The distinguished chairman of the Finance Committee, in opening the discussion Saturday, referred to free trade, and reactionary Republicans are constantly erecting a "bogey man" labeled "free trade" and exhibiting the grotesque figure throughout the land.

No one upon this side of the Chamber is advocating free trade, and no amendments will be offered by the minority to the pending bill which will call for free trade. The Underwood-Simmons law, which was enacted in 1913, was not a free-trade measure. Republicans denounced it as such and sought to frighten American people by declaring that under that act the mills would close and ruin and disaster would overwhelm the American people. The doleful predictions of Republicans were not verified, and the people soon discovered the disingenuousness, if not the hypocrisy, of Republican protestations. They lost interest in the tariff as an issue and were entirely reconciled to the Underwood tariff law. They did not demand in the 1914 or the 1916 elections, or the 1918 or the 1920 elections, that the Underwood-Simmons tariff law be repealed. American business men who were satisfied with reasonable and fair profits, and who were guided by the principles of justice as well as patriotism, did not demand the repeal of that law or the formulation of the Fordney tariff bill or of this measure which has been reported from the Senate Finance Committee. Politicians and partisan Republicans and selfish and predatory interests, when they found that the Republican Party was so powerful in both branches of Congress, fancied they saw an opportunity to fasten upon the country a tariff law which would legalize monopolies and put it in the power of domestic manufacturers of most of the commodities required by the people to exploit them. They perceived that under the influence of natural laws of trade and commerce readjustments in the economic and industrial world were inevitable, readjustments which would affect the prices of commodities as well as other factors entering into production and consumption. They determined, so far as they could, to secure a monopoly of the home market, to arrest the decline in prices, and prevent the operation of competitive forces.

I do not mean to include in this general statement all of the business interests of the United States. There are thousands and tens of thousands of men of the highest character who are governed by the keenest and most enlightened spirit of justice, who have been and still are unwilling to see the powers of the Government debased, as they will be if this bill passes, though the result thereof might swell their profits and add to their fortunes. The business interests of the United States controlled by men of this character apply in their dealings the highest standards of ethics and broad and enlightened policies. But there are others who are willing to use the taxing power of the Government to further their private ends. They desire tariff rates so high as to constitute an embargo. Not content, they would repeal the Sherman antitrust law and form combinations and trusts which would enable them to destroy domestic competition, and thus prey and fatten upon the consuming public.

The evidence in the Hardwood Lumber Co. case, recently decided by the Supreme Court of the United States, reveals that a large number of lumbermen of a certain section of the United States combined and conspired to destroy competition and to maintain or to increase prices upon their products. I have made considerable investigation, and I assert that there are hundreds, and it has been said by some investigators thousands, of these "price-fixing" or "open-price" organizations who have acted in open violation of the Sherman law and are conspiring against legitimate business for the purpose of increasing prices to the American people.

Mr. President, in my opinion a very large part of the manufacturers who are supporting this bill desire an undue advantage, and are seeking undue, if not inordinate, profits. There are very many business houses and corporations and business concerns who are opposed to this bill, who do not desire the advantages which it would give them, who prefer that busi-

ness be conducted somewhat in harmony with the laws of supply and demand and the legitimate and natural laws of trade and commerce. When I denounce predatory interests and those who are robbing and exploiting the American people I do not, of course, include within that category corporations and individuals and business enterprises of the class just referred to, but I do not hesitate to aver that there are interests, greedy and voracious and oppressive, which are back of this bill and which expect under its provisions to reap enormous profits and to swell their treasures and to add to their colossal fortunes.

I repeat, Mr. President, the issue tendered by this bill is not "free trade" or "tariff for revenue," or a "reasonable tariff"; but the issue is whether certain manufacturing and other interests in the United States shall be permitted to prey upon the people and continue prices at levels inordinately high, or increase them or prevent a decline to such levels as would be fair and just to the American consumer, and in the end conducive to the greatest felicity of the American people.

Confessedly this is not a tariff in the interest of infant industries. It is not a tariff to afford moderate protection to adolescent enterprises. It is not a bill which seeks to place upon a parity with foreign producers the domestic producer because of the supposed higher wages paid to American labor.

Mr. President, I submit that a careful analysis of this iniquitous bill will demonstrate that, regardless of the professed purposes which prompts its enactment, its true object is to give to domestic producers a complete monopoly of the domestic market and to maintain domestic prices at levels so high as to be oppressive to the American people and which, it is hoped, in the end will force world prices to substantially those fixed by the monopolies and combinations in the United States.

Before the consideration of this bill is completed, attention will be challenged to scores of items named in the bill, notwithstanding the fact that there is no foreign competition and there is no prospective foreign competition. There are scores, if not hundreds, of items where the imports have been less than 1 per cent, where the tariff rates have been increased above the Underwood bill from 150 per cent to 400 per cent, 500 per cent, and 600 per cent. It is patent to every fair-minded man who examines the bill that in its application domestic monopolies will inevitably be created, and it is equally clear that no possible competition is anticipated—even though commodities were left upon or added to the free list—with respect to hundreds of items named in the pending bill.

Mr. President, this bill is protectionism run mad. It is the apothesis of the narrow and restrictive policies which prevailed in medieval times or among nations and peoples who were at war with all other nations and peoples and who believed that intercourse among nations was inconsistent with national honor or growth and development. This bill, Mr. President, is a bad bill. It is, in my opinion, so bad as to call for condemnation by the American people.

There have been tariff bills characterized as wicked and oppressive and vicious and un-American. All these terms, and more, with propriety and with truthfulness, can, in my judgment, be applied to this bill.

Of course, it will pass. The stage is set and sooner or later the curtain will be rung down, the farce or tragedy, whichever it may be denominated, will be ended. It will be signed by the President. It will become a law and the American people—the great army of workers—the victims of this legislation, will then be called upon to pay toll and tribute to the barons and overlords and the rich and the mighty.

The brilliant newspaper men who furnish the American people, and particularly public men who are in Washington, with so much of pleasure and profit by their periodical Gridiron Club banquets, presented on Saturday night one view of the Fordney tariff bill, or at least its journey through Congress. Irving's immortal Rip Van Winkle appeared in the banquet hall in his tatters and rags, awakening from his long slumber. With feeble voice he inquired whether the Fordney tariff bill had been passed. Upon being advised in the negative he retired, declaring that he would slumber on for another period. Mr. President, I am frank to confess that if I had my way Rip Van Winkle would sleep for many years before this bill was enacted into law. I regret the triumphant majority of the Republicans which will enable them to drive it through this body. They will win a victory here, but that victory will presage a defeat when the American people learn of its provisions and behold its operations.

Mr. President, this measure in various forms has been before the House and Senate committees for more than a year, and tentative schedules have been examined and studied, doubtless with the utmost care, by the majority members of the Committee on Ways and Means of the House and the Finance Committee of the Senate, and also by the minority members. However, it must be said that the minority members of the Finance Committee had no voice in the preparation of the bill. The Republican members, after the hearings were closed, excluded the Democratic Senators and for weeks and weeks have been engaged in the preparation of the bill.

When prepared it was promptly submitted to the Senate, the Democratic members having no opportunity afforded them to discuss with their associates upon the committee any of the schedules or any of the provisions of the bill itself. Though I am not a member of the Finance Committee, as I have heretofore stated, I have attempted to acquaint myself with the provisions of this measure, which, as reported, contains 438 printed pages. It covers practically all of the commodities and products that affect the lives and health of the people of our land. It deals with food and clothes and medicines and chemicals and metals and building materials and books; indeed, it covers the Nation, it covers the people. It envelops the people and rests upon the mass and presses upon every part of our social and domestic life. It is unfortunate that our method of preparing tariff bills is so crude and antiquated and results in such injustice and inequalities. So long as predatory interests and selfish and greedy men and corporations can influence legislation, tariff bills will be monuments of wrong and injustice and oppression.

It was hoped by President Roosevelt that a tariff commission would take the tariff question out of politics. When the Democrats created the Tariff Commission it was thought that many of the evils attending tariff legislation of the past would be abated. I am afraid the Tariff Commission has not justified all of the hopes entertained, nor does it possess the confidence which all believers in genuine reform would be glad for it to enjoy. Whenever tariff bills are being framed there are unmistakable evidences of selfishness upon the part of many who seek to have tariff duties laid that will either create a monopoly or diminish competition. The distinguished Senator from Iowa [Mr. CUMMINS] became a national figure when he opposed oppressive tariff rates that were demanded by various interests throughout the country. Senator Dolliver, that brilliant Iowan, in eloquent terms pleaded for more liberal and just policies in tariff legislation, for policies which would not build up monopolies and lead to the oppression of the great agricultural classes as well as the overwhelming majority of the American people. Who does not remember his denunciation of the Payne-Aldrich tariff bill? Since coming to the Chamber this morning I thought of one of his great speeches and asked that the record of the debate upon that legislation be brought to my desk. Permit me to read a few words from one of Senator Dolliver's great speeches. As stated, he had severely arraigned the Republicans for the betrayal of the people and the predatory interests for their greedy selfishness. He stated that he had been—

> charged here and elsewhere with a betrayal of the protective-tariff system, and the humble suggestions which I have felt it incumbent upon me to make have been met with a tone of malice and derision which ought not to intrude upon proceedings such as ours. * * * The efforts I have made to modify some of these schedules, instead of being the efforts of a free-trade enthusiast or an enemy of the tariff system have been those of a consistent protectionist, standing not only by the platform of his party but by the historic standard which the party has interpreted in the legislation of the last 30 years.
>
> What has been the sum of my offense? I asked the Senate to retain the Dingley law upon the cotton schedule and to reject an underhand attempt to raise it without anybody knowing it. I asked the Senate to open Schedule K, which has for 42 years stood substantially without change upon our statute books, not to destroy its protective efficiency but to equalize its burdens and to distribute its benefits fairly among the manufacturing industries interested in it.

He then refers to Senate leaders, who arrogate—

> to themselves the right to determine the status of those within the ranks of the Republican Party, stood on this floor charging me with "reading importers' briefs" for the destruction of the protective-tariff system.

He referred to the efforts to drive him out of the party, and declared that—

> It will be a long time before the Senator from Iowa will be read out of the Union or out of the Republican Party by reason of an open and straightforward effort to reduce the rates on the clothing of the American people, which have for more than a generation fattened the men who made them and which at last have been capitalized by the handful of promoters who enjoy their dividends.

He further stated:

> We have seen in this Congress a spectacle that has discouraged my heart, the spectacle of men being compelled to bargain with the authorities which control the Senate for the protection of the interests of their own people.
>
> We have seen the majority obtained here not by an appeal publicly and squarely made to the judgment and conscience of the Senate but by a sort of reciprocity of benefits, all centering in the so-called "citadel of protection."

What a frightful picture of the manner in which the Payne-Aldrich tariff law was enacted.

Both he and the present senior Senator from Iowa [Mr. CUMMINS] led a revolt against the leadership of their party, which was controlled by corporations and trusts and by highly protected interests, who dictated schedules and secured legislation to add to their enormous fortunes. The senior Senator from Iowa was the exponent of what was denominated as the "Iowa idea." He was a gallant leader in the Republican Party against its anachronisms and its effete, selfish, and oppressive policies, which in their reactions were injurious to the economic and industrial life and progress of the people, and destructive of that spirit of fellowship and fraternity which should exist between the United States and other nations of the world. Notwithstanding the appeals of these two able Senators and other liberal statesmen in the Republican Party, the illiberal and reactionary forces were supreme, and the Republican Party turned its back upon the people and became the complacent tool in the hands of special interests, who dictated the policies of that party and thus became the governors of the Republic.

Mr. President, I was a Member of the House of Representatives when the Dingley tariff bill was under consideration. I well remember the lobbyists and the special interests who thronged the capital and the almost unrestricted power which they exercised in the formulation of that bill. It was not written by the American people or to aid the American people. Avarice and greed dictated its schedules, as they dictated the provisions of the Payne-Aldrich tariff bill. Under the Dingley bill huge corporations were developed, gigantic trusts were established, enormous fortunes were made, and certain manufacturing centers increased in wealth and power until they thought that the Government and its taxing power and its great forces existed only to promote their selfish ends. But the Dingley bill was an innocent measure when compared with this Fordney-McCumber bill which is now upon our desks.

Mr. President, a word respecting the manner in which the Senate bill was prepared. After the House passed the Fordney bill and it came to the Senate it was referred to the Finance Committee. Hearings were had, the witnesses in the main being representatives of interests desiring embargoes or tariffs almost, if not quite, prohibitive. The testimony given is not very illuminating and but little data of a credible or fundamental character is submitted.

Generalizations are indulged in. Piteous appeals, in some instances, are submitted for increased tariff duties. But few, if any, facts are submitted upon which the committee could act intelligently in the formulation of tariff schedules. There are hysterical cries about the menace of foreign competition. The specter of a resurrected Germany is thrown upon the screen by the clamorous volunteer witnesses whose interest and expected profits and benefits prompt them to appear. They state nothing of importance about the cost of production, about profits, about the basic facts connected with the industry or enterprise. But little is submitted which would aid in preparing a just and fair tariff bill.

Upon the conclusion of the hearings the Democratic Senators were excluded from the committee room. The Republican members then proceeded to frame the bill. Those Senators who were here during the period when the bill was being incubated by the Republican members saw almost daily the corridors of the Senate Office Building and those adjacent to the Finance Committee room overflowing with men who were representing the interests and who hoped to profit by the tariff bill. They were watching the doors of the committee room, and many entered therein. What they said, what testimony they gave, what views were submitted no Democratic member of the committee has been advised. The minority members were not permitted to hear these witnesses or to know what they stated to the Republican members of the Finance Committee day after day and week after week. Washington was filled with these lobbyists and representatives of protected industries who were seeking opportunities to impress upon the Republican members of the committee their demands for their extortionate tariff rates now found in this bill.

Mr. President, I concede the right of the Republicans, as they are in the majority, to write the tariff bill; that is, I concede the technical right of the majority to frame the measures which are to be brought into the Senate for consideration. I deny, however, the propriety, indeed, I deny the moral right of the majority to frame legislation without consultation with the minority. Under the rules of the Senate committees are organized. The party in control of the Senate has a majority upon every committee, but the committees are arms of the Senate. Bills and resolutions offered are referred to appropriate committees.

A committee consists of Republicans and Democrats, not Republicans alone. Bills referred to the committee are to be considered by the members of the committee, both majority and minority members. The majority members have no right to exclude the minority from the committee room and hear testimony and fashion the legislation without giving the latter an opportunity to hear the testimony, to express their views, and to offer such suggestions as they may desire with reference to the bills or measures to be reported back to the Senate.

But conceding that the majority members of the committee have the right to meet secretly and to exclude the minority and to frame legislation, I deny their right to hear testimony in secret—testimony relating to the measures before them and which in the very nature of things influences them in their action. And the vice of this procedure is emphasized when such testimony is not stenographically reported and no minutes are taken in order that the minority members or the Senate may not know its character. As stated, there were hearings before the committee when the Democrats were permitted to participate. Those hearings have been published and are available to Senators. It is presumed that these published hearings were the basis of the action of the committee, and that the bill reported rests upon the same. Senators who read the bill may desire to know what testimony was offered in support of a given item or paragraph or schedule appearing in the bill. An examination of the printed record will show whether the testimony given warrants the provision of the bill to which the testimony refers. But if testimony is received in secret and not reported, and is not available either to the minority members of the committee or to other Senators, except the majority members of the Committee on Finance who heard it, then not only the minority members, but all Senators who were denied the opportunity to know what the testimony was, are placed at a disadvantage. It is unfair to them. Every Senator is entitled to know what reasons justify, or were regarded as justifying, a particular measure. No testimony should be received in secret by members of any committee where either the majority or the minority are excluded. Such a course subjects the party in control to just criticism and will arouse suspicions upon the part of the public as to the honesty and integrity of Congress. It can not be otherwise.

When it is known that representatives of a powerful chemical company were heard in secret by the majority members of the committee, and their testimony was not taken down, and that the bill when finally reported contained provisions exceedingly favorable to their interests—provisions which give them a monopoly and an embargo—there will be just indignation, and many Americans will feel that the methods employed in legislation are dark and devious, if not corrupt; or, at any rate, such procedure will afford just grounds for suspicions which will tend to undermine the confidence of the people in the legislative branch of the Government.

Mr. President, I desire to briefly refer to the provision of the bill discussed by my colleague [Mr. SMOOT]. In my opinion it is unwise to commit to the Executive the power to raise or lower rates.

Both my colleague and the Senator from North Dakota [Mr. MCCUMBER] support these provisions of the bill. Doubtless they were inclined to do so in order to continue the House provisions calling for the American valuation. I shall not at this time point out what I conceive to be the evils of the House provisions, nor shall I balance the points in favor of and against the two plans with the purpose of determining which is the more objectionable.

The Senate bill sets up a Federal agency to determine and fix tariff duties. The President—and of course that means subordinate officials of the Government, upon whose recommendations the President must rely—is authorized to materially increase the duties laid in the bill. In other words, high as the duties are as fixed in this bill, they may be materially increased by an appeal to the President by those who may affect to be displeased with existing rates.

Mr. President, I am unwilling to commit to executive agencies and commissions the power which this bill seeks to give them. If the President, upon advice of the Tariff Commission, is authorized to increase tariff rates upon the application of beneficiaries of higher duties, then any usefulness the Tariff Commission now has will cease and it will become the football of the special interests and those seeking increased tariff duties. Let me add parenthetically that some have already lost confidence in the Tariff Commission; but under this system its usefulness will be destroyed and it will be regarded as an instrumentality to be employed in increasing the rates fixed in this bill upon the demand of trusts and predatory interests.

Mr. President, under this provision authorizing the President to increase tariff rates the tariff will never be taken out of politics, and no tariff bill will ever settle any schedule or definitely fix rates. Appeals will be made by selfish corporations or individuals for an increase in rates. The law will be regarded as an invitation for persons to make appeals for an increase in rates. Senators know that no matter how high tariff rates may be there will be persistent efforts to secure higher duties. The McKinley bill gave to the country rates that were unprecedented and shocked the American people. High as they were, selfish and greedy persons were soon demanding still higher rates, and a nation-wide propaganda was carried on which culminated in the Dingley bill, which greatly increased duties over the McKinley bill. The Dingley bill was regarded as the ne plus ultra of protectionism. No statesman of standing, when that bill was passed, believed that higher duties would ever be imposed, and yet manufacturing and other interests in the United States soon after began an agitation for a revision of the tariff. Many Republicans insisted that the tariff be revised downward, but the beneficiaries of high tariffs controlled the Republican Party, and by their false appeals secured control of the legislative and executive branches of the Government and the Payne-Aldrich tariff law was enacted. Notwithstanding the disastrous effects of that bill and though it divided the Republican Party, the selfish and greedy zealots who feed and fatten upon protectionism have continued the propaganda for higher rates. And their efforts have found fruition in this iniquitous and oppressive bill which some will call the Fordney-McCumber bill.

Mr. President, under the provision authorizing the President to increase rates the beneficiaries of the tariff system will maintain permanent lobbies at Washington. Witnesses appearing before the Ways and Means Committee and the Finance Committee, and who demand higher duties, will transfer their activities to the executive agencies. The tariff question will not only be projected into but kept in the political arena. The President will constantly be drawn into it. Pressure will be brought upon him and the executive agency which will represent and speak for him.

Let me illustrate. Some manufacturer will represent to the Senators and Congressmen of his State that the rates upon the commodity which he manufactures are too low. He will insist that the matter be called to the attention of the President, to the end that the rates may be increased. He may be a powerful political factor in the State. He may have thousands of employees, and other manufacturing institutions may be interested in the success of his efforts, realizing that if he wins the door of opportunity will be open for them to increase rates upon their products. Accordingly they will join with him in bringing pressure upon the Executive to revise and increase the duties upon the commodity in question. And so political pressure will be brought to change the tariff law, and if the plan wins all other manufacturers or producers of like or of similar commodities will immediately demand that the rates be raised upon their products, and the circle will widen until thousands and tens of thousands of applications will be made for increases. Washington will be the Mecca to which the agents of these interests will direct their footsteps, and the tariff question, instead of being settled, will be transferred from Congress to the President and will be a virulent and cancerous growth, invading more and more the tissue of the entire economic and business life of the Nation.

Mr. President, the senior Senator from Utah in the able address just concluded referred to the importance of stability in tariff rates, or rather showed how important it was that business should know what the tariff rates were, and that when tariff laws were enacted they should continue unimpaired unless impelling reasons called for their modification. It is patent that if tariff laws are to be frequently changed business will be seriously interrupted. Business men desire to know what the law is, what their obligations are, what the tariff duties are, and if they are left in doubt and uncertainty they are restrained from bold and aggressive business activity and from movements which would enlarge their business and make for national development and progress.

Mr. President, if this bill passes in its present form, with the power committed to the President to change tariff rates, I repeat, instability in business will result and tariff schedules and tariff laws will be prepared and enacted by the President and minor executive officials instead of by the Congress, as the Constitution provides.

However, Mr. President, I am told that this bill will pass, no matter what its infirmities or evils or iniquities may be. The "manufacturers' bloc" and the "tariff bloc" and perhaps some other "blocs" are behind it. These are strange and remarkable developments in our parliamentary and legislative experience. In the early days of the Republic parties were formed. Jefferson became the leader of a mighty party which has guided for many years the destinies of this Republic and whose influence has contributed greatly to its phenomenal development. Hamilton and his associates founded a political party which passed away to be succeeded by others. For years the Republican and Democratic parties have been in control of this Republic. The policies of these parties, policies stated in their various platforms, have found expression in national legislation and have determined the international course which our Nation has pursued. Leaders in both parties doubtless have made serious mistakes and both parties have often failed to carry into effect the pledges made to the people; but they have been militant and aggressive political organizations, seeking through the machinery of party organization to control in a political way the Nation as well as the States of the Union. The people have intrusted one or the other of these parties with power, and when placed in position the people have expected that they would, with fidelity, execute the mission given them.

The people understood that the present Republican administration was in control in Congress and that the various committees would report legislation; that the Republican Party, as such, would carry into effect the platform pledges of the party. But a new theory of legislation has been devised, and new forces have arisen which threaten the destruction of the parliamentary system of the past and the plan of Government which has, with all its defects and imperfections, been of incalculable benefit to the American people. We are now to be governed not by parties but by blocs and groups and combinations. We have a "tariff bloc" and a "manufacturers' bloc" and these are to unite to drive through the legislative mazes this most astounding tariff bill.

Mr. President, if we are to be governed by blocs and groups, I repeat, our party system, our parliamentary system, as we now know it, will be destroyed. We will have a farmers' bloc and a bankers' bloc and a manufacturers' bloc and a labor bloc and all sorts of blocs and groups and combinations. There will be intrigues between groups; rings within rings and combinations within combinations and groups within groups, trading and bartering and buying and selling—all these things and more will occur, until disaster will result to the Republic.

Mr. President, we need political parties, and courageous and patriotic men and women must support political parties and carry out political policies. It is true parties may become corrupt, and they sometimes betray their people. Party leaders at times are recreant to their trust and false to their supporters, but in my opinion through political parties the best government will be secured by the people. We are often displeased with our parties. We frequently feel that they have departed from the fundamental principles upon which they rest. If political parties do lose their virtue and cease to function in the interest of good government and for the promotion of the welfare of the people and the preservation of the Republic, then they should be destroyed and other political organizations erected to execute the people's will. In our Government two vigorous, earnest, and honest political parties can meet the legitimate demands of the people. One party will necessarily be more progressive and more liberal than the other. It will be devoted rather to the interest of the masses, to the welfare of the toilers, and to individuals rather than to property. It will speak for the oppressed and seek liberty and justice rather than power and the gaudy trappings of imperialism. One party will attribute to property a sacredness far above that to which it is entitled. It will be inclined to be reactionary, and unresponsive to the great moral and humanizing forces that in the end will control the world.

Of course, I believe the Democratic Party is the party of progress, of liberty, and justice; that its mission was proclaimed by Thomas Jefferson; that its mission is to defend the rights of the individual, preserve the States of the Union, and maintain unimpaired the Constitution of the United States. It would, in my opinion, be most unfortunate if these political parties were destroyed and blocs and groups, racial or religious or industrial, should arise upon their ruins.

Europe has been cursed with blocs. They have overthrown governments, precipitated national and international controversies, and in some instances provoked wars that have desolated nations. There are clerical groups and combinations and federations based upon sectionalism or religious issues or other matters which tend to weaken government and to prevent the adoption of any settled fixed national or international policies.

Since coming into the Chamber to-day I have been handed a letter dated April 19, written by Mr. J. A. Arnold, vice presi-

dent of what is called the Southern Tariff Association. The letterhead indicates that the association has headquarters, or at least branch headquarters, at the Raleigh Hotel in this city. It denominates itself as "nonpartisan," and at the top of its printed letterheads are the words, "Organized to protect and promote the interests of those engaged in productive pursuits. 'To equalize the cost of production.'"

Many of these national and nonpartisan movements, Mr. President, are exceedingly partisan, but often they are mercilessly selfish, and frequently engage in procuring impolitic, sectional, or class legislation, or defeating sound and merited enactments. May I say in passing that there appear to be scores, if not hundreds, of organizations having permanent headquarters in Washington, which seems to be the mecca to which groups and blocs and those seeking special and class legislation come. Expensive offices are maintained and highly-paid lobbyists are retained.

I do not disparage movements against oppression or unwise and un-American policies or efforts to secure just and constitutional legislation. Many persons come to Washington with truth upon their lips and with a desire to aid in securing legislation promotive of the public welfare or to defeat legislation, projects, and policies that would be injurious to our country and to the American people. It is eminently proper that facts be presented to Congress. Hearings are ordered for the purpose of obtaining facts by which the action of Congress may be determined. In my criticism of reprehensible and sinister influences and organizations and groups and confederations I do not strike at efforts and movements which are promoted by patriotism and by a sincere desire to advance the public weal. It is altogether proper that men and women throughout the land should be alert and vigilant, and when they discover improper or dangerous tendencies or the projection of unwise or sectional or selfish policies they should make known their opposition and present to executive departments and to the legislative branch of the Government, as well as to the public, the dangers and evils to be apprehended and avoided.

This letter to which I refer was sent to a chemical company—one that is profiting by this bill before us. The letter states:

> At the meeting of our schedule committee here on April 12–13 we reiterated our position favoring a dye embargo, and in filing our schedule with the tariff bloc, President Kirby called attention to our North Carolina resolution demanding an embargo on dyes. We are inclosing a copy of the schedule sheet containing the dye reference.
>
> Am also inclosing copy of report of our meeting to our membership.

It is apparent from the letter, as well as from the annexes, that this so-called "Southern Tariff Association" is cooperating with other organizations and seeking confederation with industries and organizations which are to be beneficiaries if the odious schedules found in this bill are enacted into law. The evidences are multiplying of the log rolling, combining and confederating of groups and industries and associations, to secure the enactment of the Fordney bill. This letter indicates that this so-called "nonpartisan" tariff association is willing to combine with the dyestuffs industry and secure the adoption of an un-American policy, to wit, the enactment of an embargo law.

It has been known for some time that interests which have for years profited by high tariffs have been seeking a rapprochement with the agriculturists, and we now behold the "agricultural bloc," and the manufacturers' bloc yoked together. It is an unholy alliance and an unequal yoking to push tariff rates to levels unprecedented.

There is no common ground upon which the special interests who have dictated tariff laws for nearly 50 years and agriculturists can stand, and yet during most of this period the majority of the farmers in the United States have been deceived by the protectionists and have supported their un-American and selfish policies. The agriculturists, with their surplus products selling at prices fixed in the world's market, and the manufacturers and beneficiaries of our tariff laws have grown enormously rich by selling to the domestic consumer, including agricultural populations, their products at price levels inordinately high and maintained by unfair tariff rates. The farmers have sold their wheat and corn and their products not only in the American but in foreign markets too often at prices which brought no returns, but the protected industries have compelled the American consumers to purchase their products not at world prices but at levels which were oppressive to the domestic consumer, and as stated, enormously profitable to the tariff beneficiary. The agricultural interests are still being deceived, and in the language of the street "buncoed" and "fooled," and are being drawn into an alliance with the selfish and predatory interests which in the past have plundered the farmers and the American people and which in the future propose to continue their exploiting activities.

The letter speaks of the "tariff bloc" and "the filing of our schedule with this bloc." If it were not for extraneous evidence, there might be some doubt as to what was meant by the "tariff bloc," but we are not left in doubt because the report accompanying the letter reveals the character and personnel of the bloc, and information which we obtain from time to time has revealed that the tariff bloc consists of distinguished Republican Senators who are not members of the Finance Committee.

I had supposed that the distinguished Senator from South Dakota, the chairman of the Finance Committee, and his able associates, were to determine the form of the bill which was to be submitted to the Senate for consideration. When the House sent the Fordney tariff bill to the Senate it was promptly referred, as by the rules of the Senate required, to the Finance Committee of this body. That committee is composed of 10 Republican and 6 Democratic Senators, who are all able and distinguished Members of this body.

We had supposed that this committee would examine the House bill, weigh carefully its provisions, order hearings, if they thought proper, and after a painstaking and careful examination, because the subject is one of vast importance to the country, they would report back to the Senate a measure which reflected their matured judgment. Perhaps I should qualify that by stating that the Democrats, and doubtless the country, knew that the bill, as reported back, would not express the views of the Democratic Members of the Finance Committee. But it was supposed that if hearings were had Republicans and Democrats would participate and that the views of all members of the committee would be considered in preparing the amended bill for the Senate. And it was thought that the bill when presented would be, if not the composite production of both the majority and minority members of the committee, at least a bill that was prepared by the majority of the Finance Committee and not by outside and external forces and interests.

But it would seem as though the tariff bloc, which has united with the manufacturers' bloc, were dominating—I shall not say controlling—factors.

Accompanying the letter is a report to the membership of this Southern Tariff Association. I invite attention to a few sentences from this remarkable document:

> We were given a special hearing by the Senate tariff bloc and presented to them our memorial and schedules and such changes as desired in the Senate Finance Committee's report.

Why did not this Southern Tariff Association and its Washington lobby go to the Senator from North Dakota and to members of the Senate Finance Committee for changes which they desired? Why seek the so-called tariff bloc? Of course, the reason is obvious. They must have understood that the tariff bloc was sufficiently powerful to dictate schedules, to force its will upon the Finance Committee. Proceeding, the report says:

> Copy of the memorial is first attached and copy of our schedules will appear in the next issue of the Southern Tariff Advocate of May 1. The Senate tariff bloc received us at 10 a. m., Room 128, Senate Building, Senator GOODING, chairman of the bloc, presiding. We were given a satisfactory hearing and feel that we have rendered southern industries a distinct service. We inclose second attached list of 25 Senators present.

Let me add, Mr. President, that none of the Senators upon this list is a member of the Senate Finance Committee. Mr. President, this is an astounding revelation. We find a tariff bloc sitting in state, apparently in the Senate Office Building, receiving representatives of organizations and those who are trying to influence legislation and obtain higher tariff rates.

The report says:

> The Senate tariff bloc received us at 10 a. m.

Of course, this tariff bloc is not holding receptions. What are its functions? From whom does it obtain its authority? Why were interests seeking to promote special legislation for the advantage of groups and organizations appearing before this, I shall not say political but certainly extra, legislative body? May I inquire who appointed this tariff bloc of 25 Senators to receive delegations and to consider their schedules and their suggestions? Were they fashioning legislation? Were they writing the bill which is before us, or preparing the various schedules to be submitted to the Senate Finance Committee upon which the latter should put its seal of approval? Has the Finance Committee abdicated its functions? Has the Senate lost its legislative power and authority and committed it to a tariff bloc? If that be true, let us abolish the Finance Committee and permit these outside and extraneous organizations to take charge of the legislation of the country. No wonder the influence of this legislative body is diminishing.

Mr. President, when the Ways and Means Committee of the House was organized in March, 1920, the lobbyists and representatives of protected interests, like the locusts in ancient

Egypt, settled down upon Washington, and they, uniting with organizations claiming to represent the agriculturists, have exerted every influence possible to secure the passage of tariff legislation which would place the American consumer at the mercy of what Mr. Roosevelt called "the predatory interests" of the country. They have demanded schedules and tariff provisions and tried to squeeze the Finance Committee of the Senate as the strong man would compress the clay within his hands.

We hear that the schedules in this bill are "satisfactory" to the tariff bloc and to the manufacturers' bloc and the manufacturers' representatives and lobbyists. Think of the unction of the Southern Tariff Association:

We were given a satisfactory hearing and feel that we have rendered southern industries a distinct service.

Did they get promises from the tariff bloc? If so, what service did they render? The bill before us reveals what those benefits are. Tariff rates are increased. Hundreds of articles that should be free are placed upon the dutiable list. Upon hundreds, if not thousands, of articles the tariff rates have been increased. The domestic market, instead of being a competitive market, is to be a restricted market, with the manufacturers and the producers of many commodities so intrenched as to compel the payment of prices far beyond the value of the commodities. This remarkable report continues:

We are planning to hold congresses in each of the Southern States and arouse the industrial South to a unanimous expression in favor of a protective tariff, American valuation, and the immediate enactment of the permanent tariff measure. This work to be followed with the organization of congressional districts into working units.

Mr. President, this is a fair warning that these organizations, these tariff associations, these manufacturers' combinations, are to attempt to control the political parties in the South. They are to organize in each congressional district. For what reason? To name Congressmen or force those who are named, at the risk of their opposition, to support embargoes and prohibitive tariffs in behalf of the selfish combinations who would use the taxing power of the Government in an illegal and unconstitutional way, and increase their profits and swell their fortunes. I denounce these schemes and plots as un-American, as destructive of the integrity of political organizations, and as harmful to the Republic and injurious in the highest degree to the people themselves.

It seems, Mr. President, the plan is to use political parties if they may be used; or, if not, to destroy them and to combine tariff blocs, manufacturers' blocs, and other blocs and groups and confederations to control Congress and dictate legislation. The political parties, or at least the Democratic Party, is to be destroyed, and interests, held together by the cohesive power of plunder, are to run the Government. The report further proceeds:

Among those who addressed our meeting were Senator GOODING, chairman of the Senate bloc; Chairman FORDNEY, of the Ways and Means Committee; and Senator HARRELD, of Oklahoma.

I am led to inquire, Why was the distinguished chairman of the Ways and Means Committee present?

The letter to which I referred approves of the American valuation plan. We may speculate, but I do not think we go far astray as to the reason of the presence of the distinguished gentleman. Further reading from the report:

President Kirby addressed the agricultural House bloc in the evening, and was given a warm reception by quite a considerable number of our Congressmen.

There is a memorial, which, I understand, was submitted for the RECORD a few days ago by the Senator from Idaho. It is entitled "Memorial of the Southern Tariff Association," presented to the Senate tariff bloc April 13. It speaks of the downfall of Rome, and then drifts into what amounts to a threat that the enlightened business judgment of the South may be rapidly becoming a political "pronouncement." It does contain a statement which shows an appreciation of the iniquities of past Republican tariff laws:

The farmer protests, as he ought to protest, against having to sell in a free market and buy in a protected mart.

Of course, everybody knows that with the enormous agricultural surplus the American farmer is compelled to, and will be compelled to, sell in the markets of the world, and that tariff laws will prove of no advantage whatever to him. Why should the farmer protest against buying in a "protected mart"? The reason is obvious, but the farmers have had that fact concealed from them. The "protected mart" is the one which enables the manufacturer and the beneficiary of Republican protective legislation to increase prices far above world prices and far beyond the level at which legitimate profits would follow. The memorialists confess that protection means higher prices for the manufacturer and greater burdens for the consumer.

But they are trying to reconcile the farmers of the country to this exploiting policy by promising them an equal opportunity for exploitation. The morality of this proposition evidently satisfies these memorialists.

The Senator sitting near me asks sotto voce the names of the Senators of this historic organization known as the "tariff bloc." In view of the fact that this bill before us will become historic, it is eminently proper that the tariff bloc, who undoubtedly have been so powerful in promoting it and will be so potential in passing it, should be preserved to history, and the names of the organization immortalized, if not canonized. I therefore feel it my sacred duty to have the names entombed in the CONGRESSIONAL RECORD. The Senator sitting at my side [Mr. CARAWAY] suggests that I should say "embalmed" instead of "entombed." The report from which I read contains the following list of Senators present at the hearing given the schedule committee of the Southern Tariff Association by the Senate tariff bloc April 13, 1922, held in room 128, Senate Office Building:

Senators GOODING, Idaho, chairman; MCNARY, Oregon, secretary; ODDIE, Nevada; NICHOLSON, Colorado; JOHNSON, California; HARRELD, Oklahoma; TOWNSEND, Michigan; LADD, North Dakota; NEW, Indiana; POINDEXTER, Washington; SPENCER, Missouri; STERLING, South Dakota; BURSUM, New Mexico; SHORTRIDGE, California; WILLIS, Ohio; NORBECK, South Dakota; CAMERON, Arizona; CUMMINS, Iowa; CURTIS, Kansas; CAPPER, Kansas; STANFIELD, Oregon; JONES, Washington; WARREN, Wyoming; KEYES, New Hampshire; WELLER, Maryland.

I hope that Senators will pardon me for not giving the full names, but I am presenting their names just as they appear in the report.

I see the name of my distinguished friend from South Dakota [Mr. STERLING] who has been regarded as a stalwart in the Republican ranks. His white plume has been seen for a quarter of a century upon every sanguinary battle field where the fight raged between the militant forces of Republicanism and Democracy. It is sad, but it seems as if he has deserted and joined the tariff bloc.

I see the name of my distinguished friend from Iowa, Senator CUMMINS——

Mr. CUMMINS. What is that?

Mr. KING. The report says "CUMMINS, Iowa."

Mr. CUMMINS. I must say, Mr. President, that that disparages the entire communication, because I have not been present at any meeting of this sort nor have I ever been invited to any meeting of the kind.

Mr. KING. Mr. President, I hope there are others who will arise and confess that they have not abandoned the faith and joined the tariff bloc. Now is the time for confessions, and I hope others will come to the front.

Let us discover who are Republicans and who are Democrats, and whether we have any Republican Party or any Democratic Party, and whether this country is to be governed by political parties or by blocs and groups and combinations and organizations—racial, religious, industrial, economic, or what not. If we are to be governed by agricultural blocs and manufacturers' blocs and tariff blocs and groups who organize to secure legislation or to shape the policies of the country, regardless of the welfare of the masses, it is time that we should be so advised. Mr. President, in the language of the street, it is "time for a show-down." Let us know whether the principles upon which this Republic was founded are to be preserved, whether the policies announced by Jefferson are to be followed by Democrats and the policies and principles which sincere and patriotic Republicans of the past have declared are to be the guide of the Republican national party. Let us discover who is to frame legislation. It is time that we should learn whether Senators and Representatives are mere delegates or Representatives in all that that term implies.

At the risk of being charged with repetition, I affirm, Mr. President, that the best interests of our country require the maintenance of vigorous, militant political parties—parties who submit their platforms to the people and who, when triumphant, sincerely and courageously, in the interest of the public, seek to carry them into effect.

Political parties may and do frequently err. They depart from proclaimed principles and are guilty of infidelity to great ideals which they profess. But they have their place in this Republic. While I am contending for political parties and their importance in our political life, I am far from asserting that every person should affiliate with the two great national organizations. Oftentimes both parties may be wrong upon one or many great issues.

Independent forces, guided by lofty ideals and noble resolves, may be necessary to bring them back to the paths of safety and justice. Politicians and those controlling the machinery of political organizations may at times, while preserving the forms and principles of political creeds, lose the spirit which is neces-

sary to carry out the creed and the policy. Political parties may sometimes be shells and whited sepulchers. Such should be pushed into oblivion. But the great political parties of our country in the main represent the political issues and differences among the people, and the battle lines drawn by them have generally called for and have generally brought to the contending forces substantially all of the electorate of the land. Imperfect as our political parties are, they serve a most useful purpose in our political and economic life. Let us not destroy them until something better is offered. In my opinion, bloc government is not a fit substitute for party government.

I have just been handed a statement dealing with the tariff bloc, which was issued by the distinguished Senator from Idaho [Mr. GOODING], which in part is as follows:

As chairman of a committee of 25 Senators who desire an all-American tariff bill passed by Congress before adjournment this summer, I desire to make the following statement on the eve of the reporting of the Fordney-McCumber bill:

The Senate Finance Committee, after months of the most painstaking study and care, has about completed its work on the first all-American tariff bill in our history. This measure will protect agriculture and industry alike, not only in the West and South, but in the East and North. Under the leadership of Chairman MCCUMBER and with the support of my committee I am firmly convinced that the tariff bill when finally enacted will be one which every section of this country will gladly support. As there never has been such a need for a tariff which recognized all sections alike, and as there never has been such a unanimous demand for tariff legislation, I think I can safely say that this Congress will never adjourn until the tariff bill is passed.

This is the sentiment of both the Senate and the House.

Furthermore, those interests which have been camouflaging their opposition to any tariff legislation by attacking the principle of American valuation as a basis for ad valorem duties are, in my opinion, not going to succeed with their anti-American propaganda. This tariff bill when it passes both Houses is going to be all-American in every respect. * * *

The following is a list of Senators who have expressed a willingness to accept the schedules in the new tariff bill proposed by the national farm organizations, including the National Grange, the National Farm Bureau, the National Dairy Association, the National Poultry Association, the National Wool Growers' Association, the American National Live Stock Association, and the Southern Tariff Association:

Senators GOODING, Idaho, chairman; MCNARY, Oregon, secretary; JOHNSON, California; CAPPER, Kansas; NICHOLSON, Colorado, forming the executive committee; and

PHIPPS, Colorado; NORBECK, South Dakota; JONES, New Mexico; POINDEXTER, Washington; STANFIELD, Oregon; SHORTRIDGE, California; ODDIE, Nevada; LADD, North Dakota; BURSUM, New Mexico; CAMERON, Arizona; WARREN, Wyoming; SPENCER, Missouri; WILLIS, Ohio; HARRELD, Oklahoma; NEW, Indiana; WELLER, Maryland; KEYES, New Hampshire; TOWNSEND, Michigan; STERLING, South Dakota; RAWSON, Iowa.

It will be observed that there is a tariff bloc, and the chairman declares that as head of a—

Committee of 25 Senators who desire an all-American tariff bill passed by Congress before adjournment this summer, I desire to make the following statement on the eve of the reporting of the Fordney-McCumber bill.

I observe in this statement a severe condemnation of the proponents of the foreign valuation plan. The tariff bloc seems to think that the American valuation, as a basis for ad valorem duties, is the only proper plan and that any different one is "anti-American." That means, of course, that the tariff bloc wants a prohibitive tariff.

It was shown in the able speech of my distinguished colleague [Senator SMOOT] that the American valuation plan was not only unworkable but was unscientific and indefensible. It would seem that the tariff bloc and the greedy manufacturers are clamoring for rates which will constitute an embargo, that they may maintain such prices upon the domestic products as human selfishness, raised to the "nth" degree, demands. I do not think I am transgressing the rule when I say that the press carries a statement from the chairman of the Ways and Means Committee of the House [Mr. FORDNEY] to the effect that if the American valuation provision is not preserved in the bill Congress will sit until the "snow flies." I think there are others who will say that if it does carry that provision Congress will remain beyond the period when the white mantle covers the earth. The months are short, winter will soon arrive, and the 4th of next March is not far distant.

The tariff bloc, if the Senator from Idaho speaks for them, have reached the peaks of the mountain of protectionism. There are no higher peaks to climb. The expedition which has for months unsuccessfully sought to reach the summit of the Himalayas should obtain the services of the tariff bloc. They seek the heights—the heights of protection, the heights of exaction, the heights of isolation. All hail the tariff bloc, with its foreign valuation scheme, its latitudinous tariff rates, and its vision of an America selfish, self-sufficient, self-centered, and self-contained, withdrawn from the great movements which are drawing the world together in amity and peace!

The able senior Senator from Utah [Mr. SMOOT] and the few other Republican Senators who are opposing the American valuation plan, must rest under the imputation of being anti-American in the judgment of the tariff bloc. May I repeat that our Republican friends, the members of the tariff bloc, may just as well know now as later that we will be here many months before that policy shall be engraved upon this bill.

Permit me to invite attention for a moment to the announcement of the Senator from Idaho. This is most amazing:

The following is a list of Senators who have expressed a willingness to accept the schedules in the new tariff bill proposed by the national farm organizations, including the National Grange, the National Farm Bureau, the National Dairy Association, the National Poultry Association, the National Wool Growers' Association, the American National Live Stock Association, and the Southern Tariff Association.

Then follows the list of Senators above given.

The clear implication of the statement is that these organizations have prepared tariff schedules which appear in this bill. Senators will recall that in Mr. Arnold's letter which I have just referred to the Southern Tariff Association stated that it had "filed a schedule with the tariff bloc, including an embargo on dyes." Apparently these organizations have covered substantially all products and commodities produced in the United States, and their schedules are the ones appearing in "the new tariff bill proposed by the national farm organizations."

May I again inquire who prepared these schedules and fashioned this bill? Was it these organizations referred to by the Senator when he said that the "following list of Senators expressed a willingness to accept the schedules in the new tariff bill proposed" by them? Did they prepare these schedules? There is a dye embargo provision in the bill. Is this part of their plan? Apparently it is, because it is on their schedules. Of course, we know that the dye monopoly, consisting of the E. I. du Pont de Nemours & Co., the National Aniline & Chemical Co., and the Chemical Foundation, and others, prepared it. The dye embargo law, which is now upon the books, was prepared by agents and attorneys of the dye industry, and their handiwork evidently is accepted by these organizations of whom the Senator from Idaho speaks.

Mr. President, the members of this tariff bloc are men of character and ability. I express my profound regret that they feel it is necessary to form blocs in order to secure legislation.

The Senator from Idaho, in his announcement, as well as the distinguished Senator from North Dakota [Mr. MCCUMBER], in his able opening address, stated in substance that this bill would put men "back to work upon the farm and open the factories and bring prosperity." I shall pause long enough to observe that if limited exports will accomplish those results, there is no reason why, since the Republicans have been in power, the results should not have been realized. Our imports for a considerable period of time have been unimportant in a large number of commodities produced in the United States and entering into the lives of the people. Indeed, for 1921 they were less than one-half of the imports in 1920. In 1919 our exports were nearly eight billions, and in 1920 they were in excess of eight billions. In 1921 they were $4,379,000,000, and our imports were $2,250,000,000. The theory of the Senators from North Dakota and Idaho is that the less the imports the greater our domestic prosperity. Manifestly, if there were no imports, then our prosperity should reach the flowering period. Men of that school can not conceive of advantages resulting from trade, or, at any rate, if they perceive any benefits, they are to be derived only by the seller and not by the buyer, and sales and exports can be had without corresponding purchases and imports. If the philosophy of the Senators be sound, then our prosperity should be greater now than it was in 1919 and 1920, because our imports have shrunk from five and a quarter billions to two and a half billions of dollars within a year. There is not always a perfect ratio between exports and imports; and some countries, because of extraneous conditions which I have not time now to examine, may export more than they import and become prosperous. But, generally speaking, the exporting nations are importing nations, and the measure of prosperity is gauged by production and sale, whether the sales be made in the domestic market or in foreign markets.

With diminishing imports as well as exports factories have closed, mills have become silent, mines have ceased to produce, and millions of courageous and efficient men and women have been compelled to join the mighty army of the unemployed. As soon as Europe is in a position to buy our surplus products, both primary and finished products, then we will have returning prosperity. Europe could consume all of our surplus agricultural products, including cotton, as well as copper and many other mineral products which we classify as raw materials, and also finished products. Every country in the world wants American products.

With political stability in Europe, with returning confidence in the permanency or at least stability of European nations, there will be demands for American products which have never

been surpassed, unless during the war, and those demands will increase with returning economic and industrial development throughout the world. China will soon be ready to purchase millions of American products. Manchuria and Siberia will afford markets for American goods. Indeed, the world will seek our shores to buy our products and to contribute to our prosperity and national wealth.

Mr. President, this great tide of wealth and advantage will flow to our shores if we will but pursue a wise and sound economic course. Our greatest prosperity came to us when tariffs were not prohibitive; but now the reactionaries and the unsound political economists who are dictating the financial and economic policies of the Republic, blinded by selfishness and controlled by the demands of trusts and special interests, are determined to interfere with the returning tide of prosperity and to close the door of opportunity to the American people. I repeat, Mr. President, if restricted imports or no imports bring prosperity, why is there not prosperity in the United States to-day? There is more capital, there is more wealth than when Mr. Taft and Mr. Roosevelt were Presidents. Our wealth, I may add, is in great part the result of Democratic administration.

When President Wilson came to the Presidency the wealth of the United States was approximately $187,000,000,000. When he left the White House our national wealth exceeded $300,000,000,000. But our wealth and our capital have not since the Republicans came into power brought us prosperity, and our constantly diminishing imports have not resulted in putting the men upon the farms or opening the mills or reviving the languishing and despairing business of our country.

Mr. President, there can be and will be a certain amount of prosperity and progress if we do not export American products. One hundred and ten millions of people in a rich country such as this is require commodities of tremendous value for their support. We will have in the future, as in the past, an enormous domestic market, and under a most illiberal and restrictive tariff policy there is sure to be enormous production for domestic consumption and a reasonable degree of prosperity.

So the Fordney-McCumber bill, with all of its odious, discriminatory, archaic, and destructive features, will not destroy American production nor kill American demands for food and clothing and the multitudinous commodities essential to life and health.

May I digress, Mr. President, to briefly emphasize the prosperity which came to this Nation and to the American people under the eight years of Mr. Wilson's administration. Measured by every standard that determines the progress and advancement of the people, the history of the world furnishes no parallel to that found in our country during that period. In material wealth we outstrip the world. The value of the property of our country nearly doubled. Our foreign commerce rose from a few billions to thirteen billions of dollars. During that period our country participated in the greatest war of all time, and under the leadership of Woodrow Wilson our resources were mobilized, our armies marshaled, and our flag, carried before millions of gallant American soldiers, saw retreating military forces fall back discomfited, beaten, and routed until finally the enemy laid down his arms. The eight years of Woodrow Wilson were the golden age of this Republic. In the centuries that shall follow that period will be remembered as a most glorious one in the history of this Republic, and the leader of the Nation during that period will be remembered for all time as the noblest figure of his age.

The Republican Party, appreciating the financial depression and the industrial paralysis which their foolish policies have largely brought about, are attempting to find some excuse therefor. They promised the American people a complete reversal in the policies of Mr. Wilson. They came in not to construct but to destroy, not to build but to act as iconoclasts; and blinded by prejudice and passion they have gone about like foolish workmen knocking and seeking to destroy the noble edifice which had been erected by the Democratic Party.

Their policies have brought ruin and disaster to agriculture as well as unparalleled suffering to labor. Indeed, business of all kinds has been caught in the deadly calm that has attended Republican success. Unable to devise constructive policies to advance the interests of our country and of the world, they seized upon the Underwood-Simmons law, under which our prosperity was greatest, as a pretext for the industrial depression in the land. I repeat what I said a few moments ago, if we had a wise and liberal foreign policy and a sane and national domestic policy we would not be in the slough of despond. World conditions inevitably would have caused a recession in our tide of prosperity, but the low levels reached since the Republicans have come into power are to be charged to the unwise policies of the administration.

I am prompted to tell Senators upon the other side of the Chamber that they pledged the country to retrenchment and economy. They promised to promptly separate from the service 40,000 employees in Washington and to materially reduce the taxes; indeed, to get back to a pre-war basis. Revenue legislation enacted during the war because of the enormous demands called for in mobilizing four and one-half millions of our gallant sons for military and naval service was to be promptly replaced by peace-time tax laws. The war ended nearly four years ago, and yet the burdens of taxation have been but inappreciably reduced and our annual expenditures exceed pre-war appropriations four or five hundred per cent.

I notice by this morning's paper that the Secretary of the Treasury, notwithstanding the heavy tax burdens, warns the country that there will be a deficit for the coming fiscal year of $500,000,000. The tax law enacted by the Republicans contains most of the provisions in the war legislation revenue act, provisions which were justified in war, but are to be condemned in peace times. I think inquiry will disclose that even now the deficits resulting from the enormous expenditures made by the Republican Party are met by frequent short-time loans negotiated by the Treasury Department.

Mr. President, the Republicans, with great flourish and glee, announced a Budget system which would prevent deficits, reduce expenditures, and diminish taxes.

Deficits are here, appropriations mounting into the billions continue, and the tax burdens still oppress the people. Distress, poverty, unemployment, discontent—these are the direct and immediate fruits of Republican control of all branches of the Government. The statesmanship of the Republican Party seems to reach the zenith of its perfection and glory in the proposition to enact the Fordney-McCumber tariff bill and to convert the eleven billions of Europe's obligations into long-time bonds, which, in turn, are to be used to meet obligations and as the basis for further extravagant and foolish expenditures.

I venture the opinion, Mr. President, that when we obtain these bonds from debtor nations there will be an orgy of extravagance that has not been witnessed in this Republic at least since the period between 1870 and 1880. Unless safe and wise counsels prevail, the eleven billions owing us from Europe will be a detriment and not a benefit. If these bonds are to become the basis of huge appropriations for all sorts of schemes with the United States guaranteeing their payment, it is easy to perceive that instead of being a benefit or a blessing they will be a positive menace and danger. Unless the American people are aroused there will be schemes to have the United States underwrite these bonds and borrow money to pay bonuses and bounties and to meet all sorts of chimerical and visionary schemes.

Some plan should be devised to utilize these bonds as soon as they are received to meet the outstanding bonds of the United States. By that I do not mean that the holders of our bonds should surrender them for foreign bonds, but legislation should be enacted or some plan devised that will preserve these bonds when obtained to meet the obligations of our Government, or to impress them with a lien for the outstanding obligations of the United States. They must not be left free in the Treasury to be hypothecated or used for further loans or for the extension of credits. They must be used to meet the bonded indebtedness of the Government, and unless this is distinctly understood, I repeat, they will be squandered and there will be a saturnalia of extravagance that will shock the conscience of patriotic Americans.

Several months ago in discussing the question of the bonus I ventured an opinion that whatever bonus was paid to the ex-service men it would not be met by taxation, that the Republicans would dodge that course, the course of honor and of sound public policy, but would utilize foreign bonds for the purpose of raising the funds to meet such bonus. I have not changed my views, although I sincerely hope there will be enough patriotism and statesmanship in the Republican Party to prevent the adoption of such an unsafe and unsound economic, if not political, policy.

I have had letters, Mr. President, demanding that $500,000,000 be immediately expended in the reclamation of swamp lands and cut-over lands and privately owned lands as well as public lands of the West. The letters have stated that the bonds of France or Great Britain could be utilized for this purpose. Others have written suggesting that we spend $1,000,000,000 for the construction of highways throughout the United States, and that we employ a part of the foreign loan for this purpose. Others have written demanding that the Government spend $200,000,000 in completing the Muscle Shoals project and establishing suitable plants for the production of fertilizers for the

agriculturists in the United States. One letter which I received called attention to the St. Lawrence Canal proposition, which will cost several hundreds of millions of dollars, and it was stated that this huge sum could be raised from the sale of the European bonds, providing the United States would underwrite them. And so it goes, Mr. President, and so it will continue to go until the eleven billions are squandered, unless Congress sets itself resolutely against these improvident and dangerous propositions.

Mr. President, repeating somewhat, permit me to state that the Republican Party seems unable to grasp world conditions and international economics. The people are told that if we prevent imports under the provisions of the pending bill the world will nevertheless buy from us whatever surplus of commodities may be produced in the United States. The intimation is made that they can pay for these products in gold. Of course, those who make these suggestions know of their inaccuracy. The world has but little available gold; indeed, too little to establish sound financial systems or inaugurate and maintain wise and safe fiscal policies. The United States has a plethora of gold—more than 60 per cent of the world supply. Europe owes the United States Government and the American people more than sixteen billions of dollars. At present it is unable to pay any part of the principal; indeed, it is unable to pay all interest due upon this stupendous sum. Europe never can pay these obligations except by means of trade and exchange of commodities. As her trade and commerce increase, the credit of European nations will be strengthened. In time the gold reserves of European nations will be strengthened and the paper issues will more nearly approximate gold values. What the world needs to-day is political security, economic rehabilitation, and a proper nationalism, accompanied by deeper and broader world sympathies. In the light of these needs the Republican Party turned against the world and committed the great mass of the American people to the merciless greed of trusts and combinations and gigantic corporations, who control and seek to control the industrial and business life of this Republic.

Mr. President, I suggested the other day to the Senator from North Dakota that this bill reminded me of the peoples known to the past as Troglodytes. Senators will recall that classic authors, such as Strabo and Herodotus, speak of the prehistoric tribes who lived in caves and refused intercourse with other tribes or peoples. Those who dwelt near Mentone, in Italy, and other countries bordering upon the Mediterranean Sea have been described by writers and historians. They lived in seclusion. They sought isolation. Indeed, families living as cave dwellers avoided contact with other families. This bill seeks to make of the people of the United States Troglodytes. We are to refuse contact with other peoples and to forbid their having commercial intercourse with us.

Mr. President, such a bill might have been expected in prehistoric times or during medieval ages, but in this age it is an anachronism. Prof. Clive Day, of Yale, in his admirable work upon commerce states that the isolation of the earlier States of antiquity is their most striking feature.

> Each one lives only unto itself. It rises in civilization and then declines without sharing its gains and losses with other States. * * * The modern world, with its common fund of culture and its community of interests uniting different peoples, could arise from the conditions only after long centuries of struggle. The unity of the Christian faith was needed to confirm the union of peoples in a common civilization.

Mr. President, there are those who proclaim their culture, their advanced ethical standards, their profound belief in a common civilization, and yet they advocate policies that create fissures and cleavages and chasms among peoples and nations which must be bridged and which are provocative of international controversies and contributory to world decadence. Professor Day speaks of the unity of the Christian faith, and implies that it should influence, if not control, the relations of peoples and nations and point the way in commercial and political intercourse.

Christianity seeks to allay racial antipathies and to bring all peoples into one spiritual faith and one noble and all-embracing fellowship. While we proclaim in our churches world solidarity and international brotherhood and devoutly pray for world peace, we forge the thunderbolts of war, promote a narrow and arrogant spirit of nationalism, and seek to erect barriers in trade and commerce and in other fields of international relationship which develop animosities and are calculated to breed international disputes fruitful of wars and rumors of war.

We have condemned China because of her isolation and her disinclination to accept the cultural influences of the world and seek a union with the peoples of the world in a common civilization. In the middle of the last century an American admiral, with fighting ships and smoking cannon, compelled Japan to abandon her seclusive policy and to accept our commodities and to enter into commercial relations with the people of the United States. Japan responded to the spirit of the times and has become a world force. Like the fabled Minerva, she seems to have sprung from the brow of Jove, equipped and competent to play a great part in the affairs of the world. But the troglodytes upon the other side of the aisle and the troglodytes in the Republican Party want us to assume Japan's former position of isolation and seclusion and exclusion, so they offer to us this bill, the prototype of which we must seek in the Dark Ages or in medieval times or among prehistoric peoples.

The Republican Party now seems to affect a profound solicitude for the farmers. This bill is to help the farmers. It is to quench their thirsty souls and lift from their bowed backs their present burdens. But we are not told how this bill will furnish markets for the wheat and the corn and the agricultural products of the American farmer. But the reactionaries say we have given the farmers high rates upon wheat and agricultural products. Doubtless some people will be fooled by this sophistry. But every thinking farmer knows that the prices of his products are fixed in the markets of the world. He produces a surplus and that surplus must find buyers beyond our shores. They will buy all of the surplus products and, indeed, more of the American farmer if they can pay for their purchases with their products, with commodities which the farmers must have and which under this bill they will be compelled to purchase at inequitable and extortionate prices. But, Mr. President, there are many items not produced in the United States upon which enormous tariffs are laid in this bill and which the American people must have and for which they will be compelled to pay higher prices.

Mr. President, this bill is designed to give a monopoly to great corporations and trusts in hundreds, if not thousands, of commodities which the great mass of the people are compelled to have. It is expected by some who perceive the necessity of foreign markets that these trusts and monopolies will make such enormous profits upon their sales to the American people that they will be able to drive from foreign markets many foreign producers. Mr. President, the evidence shows that most of the articles produced in the United States can meet world competition, and our great natural resources, our unlimited supply of raw materials, our superior mechanical appliances, our modern machinery and modern methods, together with the great skill and genius and ability of American experts and technicians and workingmen, will enable the United States to dominate in trade and commerce the world's markets. Much of the talk about the cheap labor of the world is made to deceive the people and as a pretext for demanding the high rates found in this tariff bill. For years, Mr. President, we have sold agricultural implements, sewing machines, and hundreds of articles produced in the United States in foreign markets, competing with all nations.

We have sought quantity production, and in some fields, because of the larger profits in what might be denominated the primary and more important articles of commerce, we have voluntarily left to other nations the production of finer articles—those which in their production require a vast amount of patience and hand labor.

Mr. President, during the past year, notwithstanding our shrinking commerce, we have met all competition, and now that the reservoir of prices in the world is rising we will encounter less difficulty and the competition will be less keen than during the past year. Mr. President, for more than a year the many protected industries have been engaged in a nation-wide propaganda to frighten the American people into believing that Germany was ready to destroy our industries, if not to devour the people. Appeals have been made to the passions and prejudices of the people, and efforts have been made to keep alive the war spirit and the bitterness against Germany which grew out of the war. This position is somewhat paradoxical when we remember the flattery bestowed upon and the insincere and deceptive appeals made to Americans of German birth or descent in the last election to secure their support of Mr. Harding and the Republican ticket.

Senators on both sides of the Chamber know that throughout the land the Republicans and their organizations and campaigners denounced the Versailles treaty as being harsh and severe in its treatment of Germany and her people. Mr. Wilson was criticized because he set his hand to a treaty which, it was contended, was equivalent to forging the chains of industrial servitude upon the German people. Mr. Keyne's book was extensively quoted by Republicans, and the speech of Senator Knox, when he denounced the Versailles treaty because of its

alleged oppression of the German people, was referred to again and again. The purpose seemed to be to inflame those Americans of whom I have spoken against Mr. Wilson and the Democratic Party and to profess a sympathy for Germany and the German people which, it was alleged, was not felt by Mr. Wilson or the Democratic Party. In other words, the Republican Party deliberately sought to deceive millions of our American citizens—men and women who vote and whose votes in many sections determine the result of local and State elections, and in the aggregate, perhaps, of national elections. No more insincere and hypocritical appeal was ever made to a great and intelligent electorate than was made by the Republican Party in 1920.

Yet we all remember that before President Wilson went overseas to join in the Paris conference the leader of the Republicans in the Senate [Mr. LODGE] and other Republican leaders criticised President Wilson and the Democrats and charged that a "soft peace" was to be made with Germany; that Mr. Wilson and the Democrats were too considerate of Germany and proposed to relieve her from reparations which Republican leaders said must be imposed upon her.

The Senator from Massachusetts, in a number of speeches in the Senate, demanded what the terms of the peace should be. He spoke for his party, and those terms were quite as severe as those found in the Versailles treaty. But now, after having by their deception induced millions of German-American citizens to vote the Republican ticket, they turned upon Germany and denounced her as a menace to the prosperity of our country.

The dye manufacturers, and particularly the Chemical Foundation, which is an adjunct of the dye monopoly, have for more than two years been active in their propaganda against Germany and the German people, and some of their agents have assailed as pro-German and as enemies to America any person who attempted to speak the truth concerning the economic and industrial conditions of Germany.

In the hearings before the Senate Finance Committee, when the threat of foreign competition was echoed, Germany seemed to be in the minds of some witnesses.

The able Senator from Indiana [Mr. WATSON], in a speech which he delivered some time ago in defense of an embargo upon dyes, referred to Germany as the great menace to the chemical industries of the United States. And I make the prediction that during these debates the defenders of these iniquitous schedules will, directly or indirectly, hold Germany up to the Senate and to the country as the great danger to returning prosperity and as a reason for these prohibitory tariffs and for un-American policies which find expression in embargo statutes.

Mr. President, I protest against this insincerity and hypocrisy upon the part of the Republican Party. Germany is bankrupt. The greater part of her territory in which were found raw materials—coal and potash and iron—have been taken from her. She has been stripped of her ships and her colonies and burdened with reparations and severe economic conditions which constitute what some contend are insuperable obstacles to her rejuvenation industrially and will bind her to the treadmill of toil and arduous labor for many years, if not decades, to come.

I am not mentioning these things, Mr. President, by way of criticism of the Versailles treaty. Germany provoked the war. The military régime in Germany, in my opinion, was responsible for the war. Germany deluged Europe with blood. She must pay for her transgressions.

But, to develop a sentiment favorable to this bill, many of its proponents are telling the people that Germany has revived and is about to seize the economic control of the world. Germany is the specter that these high protectionists would place over the door of every American to frighten the people into supporting this bill, which seeks to plunder the American people and to enrich corporations and trusts. As stated, most of Germany's raw materials have been taken from her. She is compelled to purchase in the markets of the world raw materials in order to manufacture many of the finished products required for her people or for foreign export.

In order to obtain raw materials she must have gold. This she has to buy in the markets of the world, making enormous sacrifices therefor. She will be compelled to tax her people higher than any other nation in the world. This morning Mr. Walker, one of the financial experts sitting upon the other side of the Chamber, handed me a pamphlet showing the enormous taxes levied upon the German people—income taxes, excess-profits taxes, and property taxes, which in some instances amount to 100 per cent. During the past few months prices have risen in Germany, the increase in some commodities being several hundred per cent. Rents have increased, fuel has increased, railroad transportation has increased, wages have shown a remarkable advancement, and everything indicates that prices in Germany will soon equal, if they do not exceed—indeed, in my opinion they will exceed—in many commodities the pre-war levels. So, Mr. President, we must expose this conspiracy upon the part of some of these selfish and greedy cormorants who are attempting to frighten the American people by pointing to Germany as the devouring monster of the world.

Speaking for myself, I feel that the war is over. Germany was our enemy. We defeated her. We should not live in the past but in the present. The spirit of hate, that implacable, vengeful spirit upon which some people feed and fatten, must not be permitted to corrode the soul of this Nation. That is the trouble with the world to-day—the racial antipathies, the hates, and the fears. This Nation should lead the way in sympathy, indeed, in love and in fellowship and in the broad, generous spirit of humanity which the wounds and sorrows of the world are crying for, and which will heal the world and bring to the sorrowing nations that peace for which men and women are longing and praying.

Mr. President, in 1921 the products of the United States were approximately sixty billions of dollars. Germany was able to send us commodities of the value of eighty-eight millions of dollars. She took from us more than we took from her. She bought oil and food and other commodities which she so sorely stood in need of. Her purchases aided the American producers of the commodities which she bought. They profited by Germany's purchases and Germany likewise received benefit. And yet our troglodyte friends point to these limited imports from Germany as justification for the intemperate and odius provisions found in the pending bill.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. KING. I yield.

Mr. FLETCHER. I want to ask whether the Senator thinks the hope of the chairman of the committee is justified, by past experience or otherwise, which he expressed in this language on page 5765 of the RECORD:

> We have tried to help bridge this gulf between the production cost of manufactured articles and the consumer's ability to buy them by doing what we can to increase the purchasing power of the latter, and it is now up to the manufacturer to do his part to bring his cost down to meet the size of the consumer's pocketbook.

Did the Senator ever hear of a manufacturer doing that in this country? Is there anything to found such a hope upon in all our past experience? Does not the Senator think that the manufacturer is going to take all that the traffic will bear, and that it is a false foundation to build upon to plead with him to have mercy on the poor consumer if we give him this advantage by the tariff duties which this bill fixes?

Mr. KING. Mr. President, I was interested in the able speech delivered by the Senator from North Dakota when he submitted this bill to the Senate. I remember that part of his address to which the Senator from Florida refers. I thought then, as I do now, that my friend from North Dakota attributed to the manufacturers of the United States and the beneficiaries of this bill an unselfishness which many of them do not possess, and I felt then, as I do now, that his admonitions that they should be satisfied with a most meager return upon their investments, for a limited time at least, would fall upon deaf ears. Many of these manufacturers at this very time are charging inordinate prices and seeking to bring about a situation that will enable them to swell their profits far beyond what justice and fairness demand. There are trusts and combinations now, and efforts are being made to secure legislation that will permit combinations and organizations to control prices.

Since the decision of the Supreme Court in the Hardwood Lumber case there has been great consternation among hundreds, if not thousands, of the open-price organizations, many of whom constituted conspiracies and combinations denounced by the Sherman antitrust law. Fearing prosecution under it, they have sought, and are seeking, legislation to permit the continuation of criminal organizations. In my opinion, some of these combinations should be proceeded against under the criminal law and their promoters sent to the penitentiary. We have the Cement Trust and the Raisin Trust and the Plumbers Trust and the Building Trust and the Milk Trust and hundreds of combinations which have conspired to keep up prices and destroy competition in order that greater profits might be put into the coffers of such organizations.

Mr. FLETCHER. May I interrupt the Senator again to call his attention to some further observations in this plea of the chairman of the committee? After reporting a measure under which the American people will have to go down in their pockets for something like $4,000,000,000 a year, and not only

making it possible but practically assuring that the manufacturer will extort from them from an average of 30 per cent up to 200 per cent, the Senator observes this:

Let the manufacturer be satisfied with a most meager return upon his investment for a while, then let the employees increase their efficiency to the highest possible degree.

Then he says:

Then if the retailer will just follow the manufacturer, the great American public, now hungry for more and better things, will give employment to all to supply its demands and old-time prosperity will again reign throughout the land.

Mr. KING. Mr. President, the manufacturer will not, in my opinion, if this bill becomes a law, heed the wise suggestions of the Senator from North Dakota, nor will the retailers. And many of the laboring men will fail to attain that efficiency which is necessary for that prosperity which is so much desired. The Senator from North Dakota, being a just man, thinks that others should be just, and that they should not discriminate and plunder and use laws which may give them power to the disadvantage of the people. But, in my opinion, he is mistaken as to many of those who come within the categories mentioned by him. The Senator is like the prophet of old. His is the voice of one crying in the wilderness, but the selfish interests, while recognizing his sincerity and his desire for the public weal, will attribute to him an unsophistication which will provoke their smiles. While they will regard him as an honest man, they will feel that he is a poor psychologist and that he does not comprehend the heights and depths of this bill.

Mr. President, this bill will aid the trusts and combinations. It will contribute to the destruction of competition and thus lead to the oppression of the people. The senior Senator from Utah [Mr. SMOOT] in his address stated in substance that his party could defend and justify this bill before the American people. My able colleague is a courageous man, and I have no doubt of his sincerity in the statement just referred to, but I respectfully submit that he is mistaken. The challenge which he and other Republicans make will be welcomed by the minority. In my opinion, the American people will not indorse this bill. When they understand its odious features they will denounce it as they did the Payne-Aldrich tariff bill, and they will rebuke the Republican Party for its reactionary policies and its devotion to the interests of the corporations and trusts which are carefully guarded and protected in this bill.

Mr. President, is the Senator from North Dakota willing to adjourn or take a recess at this time?

Mr. McCUMBER. In just a minute. I wish to say a word or two before we take a recess.

Mr. KING. I will say to the Senator that I am not through. I shall suspend for the day, but I have not concluded all that I want to say.

Mr. McCUMBER. If the Senator does not wish to say anything more to-day, I will just take up one or two of his statements, and then we can go into executive session.

Mr. KING. Let me say to the Senator that if the Senator from North Carolina [Mr. SIMMONS] is not ready in the morning to proceed, I shall resume the floor. If he is ready to proceed, when he concludes I shall take the floor, and the Senator can reply to me then, if he prefers, or he can do so now.

Mr. McCUMBER. I will do it now.

Mr. KING. Very well.

Mr. McCUMBER. Mr. President, I have never thought it necessary in any kind of an argument to go down on my knees to any class of people in the United States. I try to be fair in the presentation of a tariff bill, the same as in the presentation of any other bill.

There may be those, even good Republicans, who think that all we have to do is to pass a tariff bill and the American people will immediately jump into the seventh heaven of prosperity. There may those who believe, as does the Senator from Florida [Mr. FLETCHER], that no benefit will inure to the American people from a protective tariff. On those two subjects we may differ. I do not claim that a tariff bill will produce everything that every enthusiastic tariff man or manufacturer may think it will produce.

I never thought for a moment that it was bending the knee to say that $2,000,000,000 would not buy $4,000,000,000 worth of goods. It never occurred to me when I presented the fact that under the present condition of the country, when the agriculturist was not receiving any more money than he did in 1914, and when another third of our population were not receiving any greater number of dollars after paying their rents and taxes than they received in 1914, that they could not pay any more out than they received, and I considered it rather timely to intimate that in order that all of these two-thirds may buy the same quantity of goods the prices of those goods would have to go down to meet their ability to purchase them.

It never occurred to me that I was crying or that I was asking anybody to be merciful. Every man will sell his goods for all he can get for them, but he can not get for them a dollar more than his purchaser has in his pocket to pay for them.

I think the manufacturers in the United States have done exceedingly well since 1920 in reducing the cost of their products. I am not complaining that the retailer has not reduced his prices to the same extent the manufacturer has reduced his. The retailer, purchasing his stock at a higher price, may feel that it is necessary for him to hold up the old prices at least until he gets rid of his old stock, but, in either event, they both will have to be governed by the law of supply and demand, and the law of supply and demand means that the one who purchases must have the money to meet the supply, and if the cost of a supply is twice the size of his pocketbook he can only buy half of that supply.

I thought I was making it clear that it was necessary to reach that condition before we could buy the entire product of the mills or the capacity of the mills. I considered that I was not far out of the way in presenting that condition, which exists to-day in the United States.

I think no Senator has the right to say of me that I am begging of anybody, not even of the Senator from Utah, for any favors. I think he must agree with me that I very properly placed the rule that would govern the opening of our markets; that we had given the American manufacturer and the American laborer an American market; had given him his opportunity or at least a chance in his own market. Then it is up to him to produce at a price at which the American people could purchase all the American mills could produce.

That is not begging and that is not getting down on your knees and asking anybody to be merciful. No principle of mathematics has any mercy in it. It is simply a matter of pure logic as applied to the matter of trade.

I do not think all people who make a success in life are per se wicked. I think we are all a great deal alike. I think we are, nevertheless, governed by the law of supply and demand. We try to prevent the foreigner from importing such an influx of goods into the United States as shall so increase the quantity as to drive the price below the cost of American manufacture. We have to keep the mills going and the farms going and people at work. That is the theory on which we are working.

Some may not agree with me in the matter of protection. I am not complaining that they do not. I consider that they are acting honestly. It never occurred to me that they were down on their knees, that they were begging, because their views differed from mine. I do not agree with the Senator from Utah, for instance, that we must trade with a country on even terms, practically, in order that both of us may be prosperous, and that we must always buy where we sell. If the Senator will go back and look over the trade statistics of the commercial intercourse between foreign nations and the United States, he will find that, with the exception of three years, since 1879 the balance of trade has been in favor of the United States. In the case of Great Britain we have sold hundreds of millions, and even as high as nearly $2,000,000,000 more to her than she has sent to the United States. In only one instance during all of that period since 1898 have we had less than three hundred millions of a balance of trade in our favor.

We sell to Great Britain. Of course, she must make the money somewhere else. She may get it from India; she may get it from Africa or South America; but we are not looking for the source of her money. We are hunting for markets, and she will not buy from us unless she can buy at better advantage from us than she can anywhere else. That is all there is to that law of trade.

Let us consider the tariff question as Senators who really believe that there is just as much integrity in the heart and mind of one Senator as in those of another, and that we may differ without having any sinister motives charged to us. I think the principle of protection is better for the industries of this country. I can see a great many arguments which can be made in favor of free trade, but whatever those arguments may have been in times past, I think this would be the worst time in the history of the country for the American people to change the policy of protection to American industries.

Mr. President, I think the Senator who accused me of being a supplicant should not have made that statement. The Senator knows me too well to believe even for a moment that I would approach either an individual or a class in that spirit.

Mr. KING. The Senator from North Dakota knows that heretofore upon the floor of the Senate I have paid tribute to his courage and his lofty patriotism, and I would not for the world impute to him any lack of courage upon any occasion. When I spoke of his supplicatory speech, it was more by way of

general interpretation that some would place upon it, and with some humor, rather than a serious insistence that my friend, who is so courageous here and elsewhere, and whose courage I hope will be rewarded by his nomination for the Senate, because he is so useful, had acted in other than a courageous manner. I am sure he will not attribute to me any desire to challenge his integrity, his courage, his ability, or his high sense of honor.

Mr. McCUMBER. I want to thank the Senator and to say to him that cold print does not always indicate the humor of an expression, and I have to meet it as the cold print would look.

Mr. FLETCHER. Mr. President, I take it, of course, that the Senator did not imagine that by calling attention to his remarks as I did I attributed any sinister motive or any other improper motive to the Senator when he was making that speech. I referred to it because, in the first place, I think it a perfectly frank statement, and one altogether creditable to the Senator. I mentioned it because it seemed to me very largely to answer his argument in favor of this bill. He recognized, as I gathered from that argument, that the bill would make the tariff duties so high that the manufacturers of this country would be limited really in their demands only by the ability of the consumer to pay.

I do not think that is the right standard, and I do not think we ought to put it in the power of the manufacturers to charge for their goods such prices as they might see fit to charge, limited only by the power of the consumer to buy the goods.

The statement is made by the Senator to-day very much in line with that position, as I understand it, that he was appealing to the manufacturer upon the basis that there could be no business done if the power to purchase the goods did not obtain and there would be no goods sold, there would be no goods of the manufacturer taken by the consumer where the consumer did not have the money to pay for the goods. What I am trying to suggest is whether or not it is a wise thing to build a tariff wall so high that the consuming public will be in the power of the manufacturer and we would have to depend upon our appeals to them to deal fairly and justly with their customers.

Mr. McCUMBER. I wish the Senator would leave out the word "appeal."

Mr. FLETCHER. Well, argue to them.

Mr. McCUMBER. I am not appealing to them.

Mr. FLETCHER. I mean appeal, of course, in the broad sense.

Mr. McCUMBER. I am simply stating that $2,000,000,000 will not buy $4,000,000,000 worth of goods.

Mr. FLETCHER. Well, argue to them, then. Ought we to enact a piece of legislation that will work provided the manufactures, for whose benefit the legislation is enacted, will so conduct themselves as to rid themselves of selfishness and greed and enable everybody in the whole country to be considered and dealt with justly. Is it a wise thing to trust them? Are we not depending upon a vain hope if we give the power to those protective interests to impose upon the public to their own advantage and benefit, exclusive of the general good? If we give them the power to do it, are we not depending, as I said, upon a false basis, a basis that we can not safely rest upon at all, to say that we can reason with them, we can argue with them, we can show them how it would be bad policy to indulge their ability to impose upon the public, and thereby we can get along satisfactorily with everyone?

Mr. McCUMBER. Mr. President, let me reply to that suggestion. We are giving them no such opportunity. If there was no competition between manufacturers in the United States, and if then we raised practically an embargo against the importation of products, of course the argument would be in point. But we have both of those factors in the United States. We have our competition for our home markets for the most part between very many manufacturers. We have tried, and I believe that we have succeeded, to write the bill in such a manner as to permit a reasonable amount of competition for imported articles along every line. If I could be shown that, outside of the dyes, as to which the licensing system is continued, the bill will cut off the importation of any class of goods, I would be in favor of an amendment.

But now let us look at the situation, and to which I direct my remarks at all times. The manufacturers in the United States as a class are not making money to-day. They all made it in 1920, some in 1921, but in most instances the profits are very meager in 1922 and in the latter part of 1921. They have been running on a high-wage scale. The wages are perhaps almost double what they were in 1914. The cost of the raw material would average at least 75 per cent higher than in 1914. When we produce with that higher price labor and that higher cost of raw material, we can not reduce down to the old standard, but it is necessary that it come down.

Unless the purchasing price of the agriculturists and the thousands of salaried people and clerks go up, it is necessary for other prices to come down in order to run our mills at their full capacity. There is more profit in running at full capacity than there is at half capacity, even though manufacturers receive almost double price for what they sell. The remarks which I made in the opening were directed along that line, that we might raise the tariff wall to the skies and still it would not enable our farmers to buy any more unless they got more for their products, and we sought to protect them as much as a tariff law can protect. I admit that in some instances the protection can be but little and in some instances it is greater, but I could not ask even the manufacturers to drop down suddenly. Their laborers would not stand for it. They could not do it if they would try to.

But I did suggest that wages and prices must come down gradually until we can get the purchasing public and the producing public on an equality. That was not begging. That was putting the facts just as they are, and in all this I tried to help the American laborer, who is also a purchaser and a consumer, to continue the very best wages that can be paid; the American farmer, who is both a producer and a consumer, to secure just as much as he possibly can secure for his product. I am simply objecting, if the Senator will allow me, to the use of the terms that were used in describing the reasons for which I made that statement.

Mr. FLETCHER. Of course, I did not employ any of those terms and therefore no explanation is due under that head. I want to ask the Senator this question: He said the manufacturers are not making any profit and have not been for some two years past. The Senator does not attribute that to importations. If we concede that the manufacturers of the country are not to-day, and have not been for a year or two past, making profits it is not because of the importations of products from foreign countries. That is a thing we want to effect by the tariff. We want to restrict and limit importations. It is not the incoming of products from foreign countries that is causing manufacturing to languish, as the Senator seems to indicate.

Mr. McCUMBER. I admit that the principal cause at present, up to the present time, is the inability of the great consuming public to pay the prices of products as they are to-day. I am trying to be perfectly fair in that.

Mr. WILLIAMS. Mr. President, in so far as manufactures are languishing in the United States to-day at all—and they are not languishing to any very alarming extent—the cause of it consists not only in the fact that the American consumer has not the purchasing power, but it consists to a very much larger extent in the fact that the foreign consumer has lost his purchasing power.

So far as the farmers of the country are concerned, if we were to divide their present distress into five equal factors, we would find at least four of those factors which contribute to agricultural distress and depression consisting of the inability of Europe and Asia to purchase. That is owing to the fact that even in the present depression of agriculture in the United States the farmer has raised so much more than was sufficient for American consumption that he was compelled to export a price-fixing surplus.

How is the purchasing power of the foreigner to be restored? In the first place, of course, it must be by legislation in foreign countries, in so far as legislation anywhere has anything to do with it, and it has not much to do with it anywhere. But it must be chiefly owing to the fact that the foreigner restores normal conditions of production, transportation, and exchange, and thus recovers a part of his former purchasing power. The moment he recovers a part of his former purchasing power he restores to the American farmer a part of his former selling power, and this recovery of selling power can not be accomplished in any other way.

Now, what is the remedy, in brief and in summary, offered by the Senators of the protective school?

It is to help the foreigner pay what he owes and restore his exchange and trade with the world by cutting off to the utmost extent of our legislative power his capacity to sell to us; in other words, to raise the walls of the tariff to such an extent that at the customhouse we meet his goods with a veto, absolute or suspension.

How can he pay? He has not the money; he has not the credit; he has nothing but his labor; and his labor is represented in the markets of the world by his products, so that he can pay only with his products. Now you are trying to meet

a situation where the American farmer chiefly and the American manufacturer partially are confronted with the lack of a market in Europe and Asia and Africa by denying to the foreigner a right to pay his debts here and to buy his goods here with money procured by selling his products here. Is not that true?

On one hand you are attempting to pass a great ship subsidy bill. It is, by the way, the first time in the history of the country that any man advocating it has dared even to call it a "subsidy"; you are trying to do that with a view of encouraging the foreigner to send his goods to our ports, and on the other hand you are saying to him through your tariff bill, "But if you do get your goods here, if an American merchant marine can bring them here, we will meet them at the port with a customhouse officer who will refuse to let them in or who will hamper their introduction to our market and sale in it by an increased cost."

Mr. President, to use the much-abused word "normalcy"—how are you going to return to "normalcy"? Are you going to do it by isolating the United States not only in its international relations, politically speaking and economically speaking, but by isolating it industrially at the same time? Are you going to say to the world, "We are willing to sell you anything we have; you are not paying us enough; we wish you would pay more; but we are not willing to let you sell us anything that whereby we can help you pay or buy?"

Under the worship of the false goddess Protection—who is really the goddess of protectionism, one of the numerous false goddesses that go with "ism" at the end of their names—we are saying to the world, "We would like to have your trade; we would like to have you pay us the billions of dollars that you owe us; we know you have not the money; we are not willing to credit you, because you have not the securities to render us safe in extending you credit; we know you can not pay except in products; we know that you can not support your labor in peace without revolution unless it is well enough paid; we know that if it is well enough paid its products must sell to a large extent in our markets and in the other solvent markets of the world"; and yet we want to throw a still higher Chinese wall about us, higher than the rates of the Dingley bill, as is confessed by the proponents of the pending measure.

Mr. President, some time ago I said upon the floor that I saw but one way to do what a great many Americans seem to want to do—isolate ourselves—and that was somehow or other to exterminate the populations of the other countries of the world, to get rid of them, and to get rich by swapping jackknives among ourselves. We can not do that. I do not care about the particular items of taxation under this bill; it is the general principle involved about which I am concerned; the utter stupidity, the utter stultification of attempting to carry on a profitable international commerce without permitting the other nations to sell us much of anything by making it too expensive for our suffering consumers to buy much of anything.

Above all things this bill has been chiefly constructed—I will not say with the idea of deluding the farmer; I will not say that, because I know at least one Senator upon the Finance Committee, who is the chairman of the committee, who would not attempt to delude the farmers, who, if he knew it, would not try to fool them, who, if he knew it, would not take any advantage of them; so I will not say that it is constructed with the idea of deluding the farmer; but it is constructed under a self-delusion of benefiting the farmer.

How are you going to benefit a man who can not sell his cotton, and his wheat, and his corn, and his other commodities, because the man who under normal conditions takes the surplus in foreign commerce and buys it can not now buy because he has neither cash nor credit, by saying to him, "We close our markets almost hermetically to your products, to the fruits of your labor, to the only thing in the world with which you can either pay or buy"? Must not my cotton, then, year by year sell for less because its price is fixed by the price of the surplus in the world's market? Must not the wheat of the Senator from North Dakota sell for less and less the longer this condition exists for the same reason, although not in the same degree, and yet for the same reason in kind, to wit, that the price of his wheat depends also to a great extent upon the price of the surplus which he sells abroad?

If you want to raise the price which the foreigner can pay for the surplus you must enable the foreigner to sell something. Where is he going to sell it? Are you going to leave bankrupt Russia, crippled Germany, devastated France, hampered Belgium to restore themselves to normal conditions by selling to one another? Mr. President, that time passed within 251 years after the discovery of America when that could happen. The prosperity of Europe began then to depend upon their colonial and foreign trade, even then there came into being the great transoceanic market for them, and they became at the same time the great market for the people who inhabited the countries which were across seas, and their greatest market became these United States of America and Canada and Australia and other countries of the New World enjoying great prosperity for the masses in comparison with Europe. That condition exists to-day.

Mr. President, if Canada and the United States and South America and Australia were all to unite in a common policy of restricting to the utmost possible degree all importations from Europe into their respective countries, Europe would either starve or go into revolutoin in 12 months' time; her statesmen could not help it.

What does this bill purport to do? It purports to "protect" manufacturer, agriculturist, everybody in the United States. Mr. President, in the first place, no bill is possible for human ingenuity to draft which can protect everybody without at the same time taxing everybody. If you protect me just as much as you do the Senator from North Dakota, and if you protect the wheat of the Senator from North Dakota and my cotton in no higher measure than you protect the products of the manufacturer of Massachusetts, and if you protect the mining properties of the West and of Pennsylvania to exactly the same extent that you protect the textile products of Massachusetts and the agricultural products of North Dakota and of Mississippi, then you have drawn up a bill which results in what? Merely in swapping dollars, minus the cost of administering the law; that is all. If you protect my constituents by the operation of law so that they can get 20 per cent more out of the constituents of the Senator from North Dakota and of the Senator from Massachusetts and of the Senator from Pennsylvania than my constituents could otherwise get out of their constituents, and if you protect their constituents so that they can get out of my constituents 20 per cent more than they could get without the operation of the law, and if you protect everybody else everywhere—the producers of Louisiana sugar, of Florida oranges, and of California lemons—so that they can get 20 per cent more out of all of us than they otherwise could get without any law, you have just given each one of us 20 per cent at the expense of each one of the balance of us, and you have swapped the money from one pocket to another, minus the cost of paying the salaries of the men who administer the law and collect the taxes, and minus the general overhead expenses and the added transportation costs which would necessarily come from the added value or, rather, artificial price of the product in the American market. There is no escape from that conclusion. There is nothing new about it, except that it is new in its application to present conditions.

The other day I noticed—and it was somewhat pathetic to me—that my friend, the Senator from North Dakota, said that his committee had undertaken a most difficult task. Mr. President, that is true. Any man who attempts the impossible has a difficult task. It is impossible in the present abnormal condition of the world, agriculturally, industrially, militarily, and politically, to frame any bill that will not be out of date within 12 months. The wise thing to have done would have been to recognize the fact and to have taken courage in hand and said: "It is beyond the ability of the human intellect to frame any bill at this moment, whether upon a protective theory or upon a tariff-for-revenue theory, that will answer the purpose beyond a year or two." Better let things work themselves out to some sort of stability. You can measure still water, but you can not for the life of you measure a mountain torrent's present capacity so as to be able to say what that capacity will be next week, unless you can control the snows and the rainfall. The stream is moving; it is revolutionizing itself; it is cutting banks; it is going now more swiftly, and now more gently. That is the present condition of the world's trade; and the wise thing to do would be to do nothing until you can at least halfway find out what to do.

PROMOTION OF TRADE IN CHINA—CONFERENCE REPORT (S. DOC. NO. 193).

Mr. CUMMINS submitted the following conference report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment

as follows: In lieu of the matter proposed by the Senate amendment insert the following: "That this act may be cited as the 'China trade act, 1922.'"

DEFINITIONS.

"SEC. 2. When used in this act, unless the context otherwise indicates—

"(a) The term 'person' includes individual, partnership, corporation, and association;

"(b) The term 'China' means (1) China including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign Government, (2) the Crown Colony of Hongkong, and (3) the Province of Macao;

"(c) The terms 'China trade act corporation' and 'corporation' mean a corporation chartered under the provisions of this act;

"(d) The term 'Federal district court' means any Federal district court, the United States Court for China, and the Supreme Court of the District of Columbia;

"(e) The term 'Secretary' means the Secretary of Commerce; and

"(f) The term 'registrar' means the China trade act registrar appointed under section 3.

REGISTRAR.

"SEC. 3. The Secretary is authorized to designate as China trade act registrar an officer of the Department of Commerce. The official station of the registrar shall be in China at a place to be designated by the Secretary. All functions vested in the registrar by this act shall be administered by him under the supervision of the Secretary; except that upon appeal to the Secretary, in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable.

ARTICLES OF INCORPORATION.

"SEC. 4. (a) Five or more individuals (hereafter in this act referred to as 'incorporators'), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a District of Columbia corporation for the purpose of engaging in business within China.

"(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed. The articles of incorporation shall state—

"(1) The name of the proposed China trade act corporation, which shall end with the legend, 'Federal Inc. U. S. A.,' and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

"(2) The location of its principal office, which shall be in the District of Columbia;

"(3) The particular business in which the corporation is to engage;

"(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock;

"(5) The duration of the corporation, which may be for a period of not more than 25 years, but which may, upon application of the corporation and payment of the incorporation fee, be successively extended by the Secretary for like periods;

"(6) The names and addresses of individuals, a majority of whom are citizens of the United States and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors; and

"(7) The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and paid in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors.

"(c) A China trade act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in any form of insurance business.

CERTIFICATE OF INCORPORATION.

"SEC. 5. The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this act have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of $100 has been paid him, (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this act, and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporators or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal status of any act of a China trade act corporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation.

GENERAL POWERS.

"SEC. 6. In addition to the powers granted elsewhere in this act, a China trade act corporation—

"(a) Shall have the right of succession during the existence of the corporation;

"(b) May have a corporate seal and alter it at pleasure;

"(c) May sue and be sued;

"(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;

"(e) May make contracts and incur liabilities;

"(f) May acquire and hold real or personal property necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;

"(g) May borrow money and issue its notes, coupon, or registered bonds, or other evidences of debt, and secure their payment by a mortgage of its property; and

"(h) May establish such branch offices at such places in China as it deems advisable.

SHARES OF STOCK.

"SEC. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at par value only, and shall be paid for in cash or in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued each share shall be held to be full paid and nonassessable, except that if any share is, in violation of this section, issued without the amount of the par value thereof having been paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof.

"SEC. 8. No share of stock of a China trade act corporation shall, for the purposes of section 7 or of paragraph (7) of subdivision (b) of section 4, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property.

BY-LAWS.

"SEC. 9. The by-laws may provide—

"(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for, the meetings, annual or special, of the stockholders or directors;

"(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China; and

"(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer, and the manner of their representation at stockholders' meetings.

STOCKHOLDERS' MEETINGS.

"SEC. 10. (a) Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail

The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

"(b) The following questions shall be determined only by the stockholders at a stockholders' meeting:

"(1) Adoption of the by-laws;

"(2) Amendments to the articles of incorporation or by-laws;

"(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

"(4) Authorization of the voluntary dissolution of the corporation; and

"(5) Authorization of application for the extension of the period of duration of the corporation.

"(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the Secretary to conform to the requirements of this act.

"(d) A certified copy of the by-laws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar.

DIRECTORS.

"SEC. 11. The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China trade act corporation except such as are conferred upon the stockholders by law or by the artices of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable.

REPORTS AND INSPECTION OF RECORDS.

"SEC. 12. (a) For the purposes of this act the fiscal year of a China trade act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

"(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this act. The Secretary shall file with the registrar copies of all applications for a certificate of incorporation, and certificates received or issued by the Secretary under the provisions of this act. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed.

DIVIDENDS.

"SEC. 13. Dividends declared by a China trade act corporation shall be derived wholly from the surplus profits of its business.

REVOCATION OF CERTIFICATE OF INCORPORATION.

"SEC. 14. The registrar may, in order to ascertain if the affairs of a China trade act corporation are conducted contrary to any provision of this act, or any other law, or any treaty of the United States, or the articles of incorporation or by-laws of the incorporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China trade act corporation are or have been so conducted, may institute in the United States Court for China proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings, the court may, at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable.

"SEC. 15. (a) For the efficient administration of the functions vested in the registrar by this act he may require, by subpœna issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within 50 miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. The registrar or any officer, employee, or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this section shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

"(b) In the case of failure to comply with any subpœna or in the case of the contumacy of any witness before the registrar, or any individual so authorized by him, the registrar or such individual may invoke the aid of any Federal district court. Such court may thereupon order the witness to comply with the requirements of such subpœna and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.

"(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"(d) For the efficient administration of the functions vested in the registrar by this act he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China trade act corporation. Any person who upon demand refuses the registrar or any duly authorized officer, employee, or agent such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than $5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States.

"SEC. 16. In case of the voluntary dissolution of a China trade act corporation or revocation of its certificate of incorporation, the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the United States Court for China by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may in its discretion appoint as the trustees such persons, other than the directors, as it may determine. The trustees are invested with the powers, and shall do all acts necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees.

REGULATIONS.

"SEC. 17. (a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this act.

"(b) That the Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary of the registrar to any person in the administration of the provisions of this act. All fees and penalties paid under this act shall be covered into the Treasury of the United States as miscellaneous receipts.

PENALTIES.

"SEC. 18. No stockholder, director, officer, employee, or agent of a China trade act corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer,

employee, or agent of a China trade act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statement or advertisement in any form stating the amount of the authorized capital stock without also stating as the amount actually paid in a sum not greater than the amount paid in. Any person violating any provisions of this section shall upon conviction thereof be fined not more than $5,000 or imprisoned not more than 10 years, or both.

"SEC. 19. No individual, partnership, or association, or corporation not incorporated under this act or under a law of the United States, shall engage in business within China under a name in connection with which the legend 'Federal Inc. U. S. A.' is used. Any person violating this section shall upon conviction thereof be fined not more than $1,000 for each violation.

JURISDICTION OF SUITS AGAINST CORPORATION.

"SEC. 20. That the Federal district courts shall have exclusive original jurisdiction of all suits (except as provided by the act entitled 'An act creating a United States Court for China and prescribing the jurisdiction thereof,' approved June 30, 1906, as amended) to which a China trade act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States Court for China, or in the Supreme Court of the District of Columbia, or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business.

FEDERAL TAXATION.

"SEC. 21. Title II of the revenue act of 1921 is amended by adding at the end thereof a new section to read as follows:

'CHINA TRADE ACT CORPORATIONS.

"'SEC. 264. (a) That for the purpose only of the tax imposed by section 230 there shall be allowed, in the case of a corporation organized under the China trade act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by individual citizens of the United States or China, resident in China, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

"'(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the commissioner (1) the amount which, during the year ending on the date of filing the return, the corporation has distributed as a special dividend to or for the benefit of such individuals as on the last day of the taxable year were citizens of the United States or China, resident in China, *and* owned shares of stock of the corporation, (2) that such special dividend was, in addition to all other amounts, payable or to be payable to such individuals or for their benefit, by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such individuals in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificate shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such individuals, and that the amount certified has been distributed in accordance with the method so provided.

"'(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

"'(d) As used in this section the term "China" shall have the same meaning as when used in the China trade act, 1922.'

"SEC. 22. Subdivision (b) of section 230 of the revenue act of 1921 is amended to read as follows:

"'(b) For each calendar year thereafter, 12½ per cent of the amount of the net income in excess of the credits provided in sections 236 and 264.'

"SEC. 23. Subdivision (f) of section 238 of the revenue act of 1921 is amended by adding after the figures '262' the word and figures 'or 264.'

"SEC. 24. Subdivision (c) of section 240 of the revenue act of 1921 is amended by adding at the end thereof a new sentence to read as follows: 'A corporation organized under the China trade act, 1922, shall not be deemed affiliated with any other corporation within the meaning of this section.'

"SEC. 25. That section 2 of the revenue act of 1921 is amended by adding at the end thereof a new paragraph to read as follows:

"'(12) A corporation organized under the China trade act, 1922, shall, for the purposes of this act, be considered a domestic corporation.'

"SEC. 26. Subdivision (b) of section 213 of the revenue act of 1921 is amended by striking out the period at the end of paragraph (12) thereof and inserting in lieu thereof a semicolon, and by adding after paragraph (12) a new paragraph to read as follows:

"'(13) In the case of an individual, amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if, at the time of such distribution, he is a citizen of China resident therein and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.'

"SEC. 27. Subdivision (a) of section 216, paragraph (6) of subdivision (a) of section 234, and paragraph (3) of subdivision (a) of section 245, of the revenue act of 1921, are amended by inserting in each after the word and figures 'section 262' a comma and the words 'and other than a corporation organized under the China trade act, 1922.'

RESERVATION OF RIGHT TO AMEND.

"SEC. 28. The Congress of the United States reserves the right to alter, amend, or repeal any provision of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "An act to authorize the creation of corporations for the purpose of engaging in business within China"; and the Senate agree to the same.

ALBERT B. CUMMINS,
T. J. WALSH,
FRANK B. BRANDEGEE,
Managers on the part of the Senate.

A. J. VOLSTEAD,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

MEMORIAL OF GEN. ULYSSES S. GRANT.

Mr. WADSWORTH submitted the following concurrent resolution (S. Con. Res. 22), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed upon the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies on April 27, 1922, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

MONROE B. SHEALY.

Mr. DIAL. Mr. President, I ask unanimous consent to call up for consideration a bill on the calendar, and if there is any objection to it I will withdraw it. It is House bill 7272.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from South Carolina asks unanimous consent out of order to proceed with the consideration of H. R. 7272, for the relief of Monroe B. Shealy. Is there objection?

Mr. LODGE. Let it be read.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Monroe B. Shealy, out of any money in the Treasury not otherwise appropriated, the sum of $414.66 for damages to his automobile by an Army truck belonging to the Government.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, April 25, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 24 (legislative day of April 20), 1922.

UNITED STATES DISTRICT JUDGE.

John Foster Symes, of Colorado, to be United States district judge, district of Colorado, vice Robert E. Lewis, appointed circuit judge. (Mr. Symes is now serving as United States attorney, district of Colorado.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24 (legislative day of April 20), 1922.

PROMOTIONS IN THE ARMY.

William Henry Hay to be brigadier general.
Edmund Wittenmyer to be brigadier general.
Ira Adam Crump to be captain, Ordnance Department.
John Colford Daly to be captain, Cavalry.
John Joseph Campbell to be chaplain, with rank of captain.

POSTMASTERS.

CALIFORNIA.

Etta Thomas, Lost Hills.

GEORGIA.

Martha C. Vinson, Byron.
Jacob L. Roberts, Pinehurst.
Ezekiel E. Sego, Rebecca.

KANSAS.

William S. Smith, Rozel.

MISSOURI.

Anna A. Brown, Bunker.

UTAH.

John A. Israilsen, Hyrum.
Reid H. Gardner, Lehi.
Victor A. Neilson, Magna.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 24, 1922.*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we thank Thee that there is nothing that is able to separate us from divine love. We bless Thee that whatever is strong, excellent, or noble in us are the gifts of our God. For the promise and the beauty of the springtime, we give Thee thanks. Help us to be in harmony with all the signs and tokens which it suggests. Bless all instruments of usefulness and may they carry intelligence and justice to all. Stay the things that minister to evil and may they be suppressed and done away. Be gracious to all children and shield them from all enemies; give wisdom and direction to all parents and be the heavenly guest in the households of our land. Through Christ. Amen.

The Journal of the proceedings of Friday, April 21, 1922, was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana, by direction of the Committee on Appropriations, filed for printing, under the rule, conference report and accompanying statement on the bill (H. R. 9981) making appropriations for the Executive and sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 103. An act for the relief of Morgan Miller;
S. 1245. An act for the relief of Robert June;
S. 496. An act for the relief of George A. Robertson;
S. 32. An act for the relief of contractors and subcontractors and material men who suffered loss by reason of Government orders;
S. 1655. An act for the relief of Orin Thornton;
S. 2372. An act for the relief of Alfred Sjostrom;
S. 2017. An act for the relief of John H. Gattis;
S. 1651. An act for the relief of Prairie View State Normal and Industrial College;
S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.;
S. 151. An act to amend sections 4874 and 4875 of the Revised Statutes relating to compensation for superintendents of national cemeteries;
S. 256. An act to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919;
S. 583. An act for the relief of Lyn Lundquist;
S. 2436. An act to amend section 25(a) of the act approved December 23, 1913, known as the Federal reserve act;
S. 3291. An act for the relief of Henry Cordes;
S. 3163. An act to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to athorize the purchase of sites for public buildings, and for other purposes";
S. 514. An act conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes;
S. 907. An act for the relief of Ellen B. Walker;
S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat., p. 437), to certain lands in Utah;
S. 2584. An act for the relief of John H. Walker;
S. 889. An act further to assure title to lands granted the several States, in place, in aid of public schools; and
S. 2743. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government, and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 4382. An act to provide for the application of the reclamation law to irrigation districts.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;
H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaiian National Park;
H. J. Res. 274. Joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions;
H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;
H. R. 5820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;
H. R. 9671. An act to amend section 87 of the Judicial Code;
H. J. Res. 57. Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof;
H. R. 1009. An act for the relief of H. C. Mullins, his wife and minor children;
H. R. 3346. An act for the relief of the heirs of Oscar Chrysler; and
H. R. 6686. An act for the relief of George Ciszek and Anna Ciszek.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 103. An act for the relief of Morgan Miller; to the Committee on Claims.
S. 1245. An act for the relief of Robert June; to the Committee on Claims.
S. 496. An act for the relief of George A. Robertson; to the Committee on Claims.

S. 32. An act for the relief of contractors and subcontractors and material men who suffered loss by reason of Government orders; to the Committee on Naval Affairs.

S. 1655. An act for the relief of Orin Thornton; to the Committee on Military Affairs.

S. 2372. An act for the relief of Alfred Sjostrom; to the Committee on Claims.

S. 2017. An act for the relief of John H. Gattis; to the Committee on Claims.

S. 1651. An act for the relief of Prairie View State Normal and Industrial College; to the Committee on War Claims.

S. 151. An act to amend sections 4874 and 4875 of the Revised Statutes relating to compensation for superintendents of national cemeteries; to the Committee on Military Affairs.

S. 256. An act to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919; to the Committee on Claims.

S. 583. An act for the relief of Lyn Lundquist; to the Committee on the Public Lands.

S. 2436. An act to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

S. 3291. An act for the relief of Henry Cordes; to the Committee on the Public Lands.

S. 3163. An act to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes"; to the Committee on Public Buildings and Grounds.

S. 889. An act further to assure title to lands granted the several States in place in aid of public schools; to the Committee on the Public Lands.

S. 514. An act conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

S. 907. An act for the relief of Ellen B. Walker; to the Committee on Claims.

S. 2584. An act for the relief of John H. Walker; to the Committee on Claims.

S. 2743. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government, and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; to the Committee on the Public Lands.

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat., p. 437), to certain lands in Utah; to the Committee on the Public Lands.

S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.; to the Committee on Interstate and Foreign Commerce.

LEAVE TO ADDRESS THE HOUSE.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for 20 minutes. Is there objection?

Mr. CAMPBELL of Kansas. Reserving the right to object, Mr. Speaker, on what subject?

Mr. HUMPHREYS. Porto Rico.

Mr. CAMPBELL of Kansas. On the resolution pending?

Mr. HUMPHREYS. Yes.

Mr. CAMPBELL of Kansas. Oh, that is such a debatable question——

Mr. HUMPHREYS. I wanted to get an opportunity to debate it.

Mr. CAMPBELL of Kansas. The gentleman has already debated it.

Mr. HUMPHREYS. I have some more observations to submit.

Mr. CAMPBELL of Kansas. I do not care to submit mine, and therefore I shall be constrained to object at this time.

The SPEAKER. Objection is heard.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

Mr. DYER. Reserving the right to object, Mr. Speaker, I wanted to inquire if there are not some bills here on which it will be necessary to go into Committee of the Whole House?

Mr. WHEELER. There are probably two.

Mr. DYER. Then, Mr. Speaker, temporarily I object until we get into committee.

The SPEAKER. Objection is made.

EXTENSION OF REMARKS.

Mr. VAILE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the working of the prohibition law.

The SPEAKER. The gentleman from Colorado asks unanimous consent to insert his remarks in the RECORD as indicated. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. To-day the business of the District of Columbia is in order.

Mr. WHEELER. Mr. Speaker, I call up for consideration the bill S. 2616.

CONVEYANCE OF CERTAIN LAND.

The SPEAKER. The gentleman from Illinois calls up the bill S. 2616, which the Clerk will report.

The Clerk read as follows:

A bill (S. 2616) to empower the Commissioners of the District of Columbia to convey certain land.

The SPEAKER. This bill is on the Union Calendar.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman in charge of the District of Columbia Committee what has become of the bill that we had up last District day, on which there has been considerable debate, the bill known as the pawnbrokers' bill?

Mr. WHEELER. I will state to the gentleman that the chairman of the Committee on the District of Columbia is out of the city, and he requested that consideration of that bill be deferred until he returned. There seems to be some opposition to that bill, and so the committee, with that advice and in deference to the chairman, decided not to call it up.

The SPEAKER. Is there objection?

Mr. WALSH. I think this ought to be considered in Committee of the Whole. I object.

Mr. WHEELER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 2616. The question is on agreeing to that motion.

The motion was agreed to.

Mr. WHEELER. Has the gentleman from Kentucky [Mr. GILBERT] any request for time on this bill, S. 2616?

Mr. GILBERT. We would like to have an hour.

Mr. WHEELER. Well, Mr. Speaker, I ask unanimous consent that the time be limited to two hours, one half to be controlled by the gentleman from Kentucky [Mr. GILBERT] and the other half by myself, to be confined to the subject matter of the bill.

Mr. WILLIAMS. I object to that.

Mr. GARRETT of Tennessee. I object to the debate being confined to the bill.

Mr. WHEELER. Well, then, let us modify that request and limit the debate to two hours, half to be controlled by myself and one-half by the gentleman from Kentucky.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the debate be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Kentucky [Mr. GILBERT]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Ohio [Mr. BURTON] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 2616, with Mr. BURTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 2616. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to convey to the owners of the abutting property the land contained in the bed of Seaton Place and in

the bed of S Street east of Fourth Street NE., and extending to the line of the Metropolitan branch of the Baltimore & Ohio Railroad Co., in the city of Washington, D. C., upon the payment therefor to the District of Columbia of an amount not less than $1.50 per square foot, the amount so paid to be deposited in the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. WHEELER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. ZIHLMAN].

The CHAIRMAN. The gentleman from Maryland is recognized for 10 minutes.

Mr. ZIHLMAN. Mr. Chairman, this is a Senate bill, unanimously passed by the Senate, which provides that the Commissioners of the District of Columbia be authorized to convey to the owners of the abutting property the land contained in the bed of Seaton Place and in the bed of S Street east of Fourth Street NE.

The subcommittee to which this bill was referred personally inspected this land. They find that it is a triangular piece of property abutting on the Metropolitan branch of the Baltimore & Ohio Railroad Co. The street is now closed by the railroad tracks running into Union Station, and all of the property on both sides of these two small plats of land is owned by the Sanitary Grocery Co., which desires to erect a large warehouse on this square. The Senate amended the bill to provide that the commissioners should not convey the land at less than $1.50 per square foot.

We took up the matter with the assessor's office of the District of Columbia and found that no land has ever been sold in that square for more than $1.40 per square foot; so that the restriction on the District Commissioners to convey this land at $1.50 per square foot is in excess of any price paid in that square. The land that is now lying vacant is shut off by the railroad company's track, and that portion of the land which rested in the bed of what was S Street is a small triangular piece, while the small tract in what was the bed of Seaton Place is 50 by 134 feet.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman from Michigan.

Mr. CRAMTON. The gentleman referred to sales of adjacent property at $1.40 per square foot.

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. When was the last of those sales made?

Mr. ZIHLMAN. Some of them were made within the last few months.

Mr. CRAMTON. Can the gentleman state the reason why it is proposed to credit this money to the revenues of the District of Columbia rather than to miscellaneous receipts of the Federal Treasury? Is not the land the property of the United States?

Mr. ZIHLMAN. That is a debatable question, I will say to the gentleman. I have no knowledge as to why that language was inserted in the bill. I understand it is the usual language.

Mr. CRAMTON. There are some people in the District who are always protesting because the Federal Government owns half or more of the land in the District. Does not that include the land in the streets? What reason is there, if this sale is to be made, why the money should be turned over to the revenues of the District of Columbia?

Mr. ZIHLMAN. I presume it has been the custom to turn over to the credit of the District of Columbia in the Federal Treasury moneys received from lands of this nature. I have no fixed idea as to that. I have no objection to the gentleman modifying that provision by an amendment if he desires to do so.

Mr. McSWAIN. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman from South Carolina.

Mr. McSWAIN. Were there any hearings had on this bill?

Mr. ZIHLMAN. No; the subcommittee inspected the land. There is no one interested that I know of, except the Sanitary Grocery Co., which owns the adjoining property. We took the matter up with the District Commissioners and with the assessor of the District of Columbia.

Mr. McSWAIN. We do not know whether other people would be interested or not if we should give them a chance to become interested.

Mr. ZIHLMAN. I will say to the gentleman that I do not think so.

Mr. McSWAIN. I should like to see this plat. The gentleman refers to this as a small piece of land. The word "small" is a relative term. Two acres would be small in Texas.

Mr. ZIHLMAN. Mr. Chairman, if there are no further questions to be asked, I will yield back the remainder of my time.

Mr. WHEELER. I will ask the gentleman from Kentucky [Mr. GILBERT] to use some of his time now if he desires to do so.

Mr. GILBERT. I yield so much of my hour as may be necessary to the gentleman from Kentucky [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] is recognized.

Mr. DYER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-nine Members present; less than a quorum. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Drewry	Kleczka	Riordan
Andrew, Mass.	Driver	Knight	Rossdale
Ansorge	Dunn	Kreider	Ryan
Anthony	Echols	Kunz	Sanders, Ind.
Benham	Ellis	Lampert	Sanders, N. Y.
Bird	Fairfield	Langley	Sears
Bixler	Fenn	Lee, N. Y.	Shelton
Bland, Ind.	Fess	Lehlbach	Shreve
Bland, Va.	Fields	Logan	Sinnott
Blanton	Fish	London	Sisson
Bond	Focht	Lyon	Slemp
Bowers	Fordney	McArthur	Smithwick
Brand	Foster	McClintic	Snell
Briggs	Frear	McLaughlin, Nebr.	Snyder
Britten	Goldsborough	McLaughlin, Pa.	Stafford
Brooks, Pa.	Gorman	Maloney	Stiness
Brown, Tenn.	Gould	Mann	Strong, Pa.
Burke	Graham, Pa.	Mansfield	Sullivan
Burroughs	Greene, Mass.	Mead	Sweet
Butler	Griest	Michaelson	Swing
Cantrill	Griffin	Montoya	Tague
Chalmers	Hardy, Tex.	Moore, Ohio	Taylor, Ark.
Chandler, N. Y.	Henry	Moore, Va.	Taylor, Colo.
Clark, Fla.	Hickey	Morin	Taylor, N. J.
Classon	Hicks	Mott	Taylor, Tenn.
Cockran	Himes	Mudd	Tinkham
Codd	Hogan	Newton, Mo.	Towner
Cole, Iowa	Hudspeth	O'Brien	Treadway
Cole, Ohio	Husted	O'Connor	Upshaw
Collier	Hutchinson	Olpp	Vare
Connell	Jefferis, Nebr.	Paige	Voigt
Connolly, Pa.	Johnson, Miss.	Perlman	Volk
Copley	Kahn	Petersen	Ward, N. Y.
Crago	Kelley, Mich.	Porter	Wingo
Cullen	Kelly, Pa.	Pringey	Winslow
Darrow	Kennedy	Rainey, Ala.	Wood, Ind.
Deal	Kiess	Rainey, Ill.	Woodyard
Dempsey	Kindred	Reber	Wyant
Doughton	Kirkpatrick	Reed, N. Y.	Yates
Drane	Kitchin	Riddick	

The committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill S. 2616, and finding itself without a quorum, he had ordered the roll to be called, whereupon 271 Members responded to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. JOHNSON of Kentucky. Mr. Chairman, during the last two or three District of Columbia days in the House the time has been spent in discussing what is known as the pawnbrokers' bill. That is on the calendar as unfinished business. Much has been said about it and much misinformation given. A diligent propaganda is at work on one side of this question. I served 14 years on the Committee on the District of Columbia, during 8 years of which I was chairman. I have grown up with this matter; and, feeling that I know the history of it, I deem it best that the House should have the benefit of that history.

Some years back, in 1913, the gentleman from Missouri [Mr. DYER] introduced a bill for the purpose of regulating the loan sharks. That bill was referred to the District Committee; was reported to the House; and, with some amendments, became law. That bill now is the law relative to the lending of money in the District of Columbia, except such as is loaned by bankers, building and loan associations, and perhaps some others.

But one important feature, and the most important feature of this controversy, has never been given to the public. We have in Washington what is known as the Monday Evening Club, the membership of which is composed of some of the best people in the world and some of the ugliest. [Laughter.] That organization has been taken advantage of for the purpose of exploiting and helping along an unsavory scheme. One important fact to be borne in mind is that upon one occasion a man by the name of Exnicios, then a loan shark in the War Department (first hearing, page 76), joined the Monday Evening Club. About the same time a man named William H. Baldwin, then an employee in the Department of Corporations (first hearing, page 46), also joined the Monday Evening Club. Through the management of these two men a man by the name of Hamm, from New York, interested in extending societies all over this country for the lending of money to small borrowers, came to Washington and

appeared before the Monday Evening Club and made a speech. (Second hearing, page 46.)

Accompanying him and also making a speech before the Monday Evening Club was a man whose name has been given in the hearings merely as "Mr. Finley," from Baltimore (second hearing, p. 46). I understand that he was president of a loan association in Baltimore. I said his residence was in the city of Baltimore. I am informed that since he appeared before the Monday Evening Club with Mr. Exnicios and Mr. Baldwin he has been sent to the penitentiary for stealing money from one of these loan societies. I understand that recently he has been released before the expiration of his term. But Mr. Baldwin and Mr. Exnicios are still here. Except for these two men I believe there would be little opposition to this bill.

Who is Mr. Baldwin? My information is that he came first from Ohio with a good reputation; but, after leaving Ohio, he fell into the hands of this bunch of money lenders here in Washington, and is now their main reliance. Who is he? He himself gives his residence as New York (second hearing, p. 44), but spends his time here, not to lower the rate of interest but to raise it. He lives in New York, so he says, where, I understand, the rate of interest is 10 per cent a month; but he appeared before the good people of the Monday Evening Club as seeking to destroy the loan-shark business in Washington, but really for the purpose of increasing rates rather than lowering them. On coming to Washington he passed through the city of Philadelphia, where, I am informed, the rate is 10 per cent a month; but he did not stop there to regulate rates. He passed through Baltimore, where again, I understand, the rate is 10 per cent a month. He passed them unnoticed in his work for humanity, came to Washington, and stopped within a few hundred yards of the Virginia shore, where, again, 10 per cent a month is the legalized rate. But I may say, if I am correctly informed, that at the other end of the bridge no loan has been made by that pawnbroker at exceeding 3 per cent a month. But Mr. Baldwin passes through those cities, and comes within a few hundred yards of the Virginia shore to regulate the rate of interest.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Ohio. The gentleman does not intend to leave the impression that Mr. Baldwin is asking for a bill providing for 10 per cent interest?

Mr. JOHNSON of Kentucky. No; I do not. I intend to leave the impression in the House that Mr. Baldwin seeks to double the rate of 1 per cent a month and to exclude others, thereby destroying competition in lending money to small borrowers.

Mr. Baldwin appeared on two different occasions before the District Committee—in 1913, 1914, or 1915, I forget which was the first time, and again in 1920—when the bill now before the House was being prepared. In answer to questions, he said that his residence was in New York. (Second hearing, p. 42.) He said that he was not a wealthy man, that he had no occupation and no business other than promoting the schemes to which I have just made reference. (Second hearing, p. 42.) When he was before the committee last I noticed that he had a young woman by his side, and that he had a great mass of papers before him. Whenever he wanted a paper that young woman was so familiar with them that she could turn to the papers he had before him and hand him any paper instantly that he wanted. I said to him:

Mr. Baldwin, you have a great mass of stuff before you, typewritten, and you have a young lady here by your side who is so familiar with them that she can turn to any paper you need and hand it to you in an instant. May I ask you in what capacity she is here with you?

He replied that she was his secretary. I said:

I hesitate to inquire into your private affairs, but may I ask you how much you pay her?

He said that he paid her $100 a month to help him. (Second hearing, p. 45.) Therefore, we have Mr. Baldwin living in New York, spending his time here lobbying for a bill which will exclude the pawnbrokers from entering into competition with Exnicios's company; not a wealthy man, having no business, no occupation, but employing out of his own pocket at $100 a month a secretary. If any gentleman wishes to know upon what page of the hearings the assertions which I am now making can be found, I hope I have before me sufficient memoranda to enable me to turn to the page and read Mr. Baldwin's testimony and that of others.

The act of 1913 passed and became a law, limiting the rate of interest to 1 per cent a month. Every small lender of money went out of business, every pawnbroker went out of business; but shortly thereafter Mr. Exnicios, who was running the loan-shark business while he was a clerk in the War Department, set up an outside institution, and it is that institution that all these years Mr. Baldwin has been defending and protecting and sending out erroneous propaganda for.

Virginia at one time was called the mother of Presidents. I believe Ohio now challenges the title; but however that may be, the Monday Evening Club is the mother of officials for the District of Columbia. During the administration which preceded the present one very few appointments were made to official positions in the District of Columbia that the appointee did not come out of the Monday Evening Club. The Commissioners for the District of Columbia, corporation counsels for the District—every position nearly that you can name—came out of the Monday Evening Club, and it was to the Monday Evening Club that these gentlemen, with sinister designs upon the public and for selfish purposes, went to obtain influence.

Mr. Baldwin, in giving his testimony, stated that neither he nor anyone associated with him relative to Mr. Exnicios's loan concern was in any way, directly or indirectly, concerned in the loan business, or in the lending of small sums, as I prefer to put it. One of the best women in all the world—Mrs. Hopkins—belongs to the Monday Evening Club; and, to give Baldwin and Exnicios standing in the community, she in some way or somehow was made a member of a so-called "citizens' committee." Mr. Baldwin testified that in no way was he connected with the loan concern, and to bolster up his case he brought this good woman before the committee to file her as an exhibit, or else to have her make statements which perhaps might not be sufficiently inquired into to develop the real situation.

When Mrs. Hopkins testified about Mr. Exnicios she said that he was associated with the Russell Sage Foundation, which lends money all over the country to the smaller loan concerns and they rob the public with it. The Russell Sage Foundation! We know how that great fortune was amassed. Since you all know, and since because of circumstances I decline to say, I shall drop it with that. Mrs. Hopkins in testifying said, "We now have 32 remedial loan associations," and then she seemed to doubt her own statement. She then turned to Mr. Baldwin as if for confirmation; and finally Mr. Baldwin said, "Thirty-four." (First hearing, p. 109). Therefore his statement stands contradicted by as good a woman as lives, and who, in my judgment, has been imposed upon with the other good people of that club to foster and push along this Exnicios scheme. Many of you have received communications from Mr. Baldwin on a stationery across the top of which was either printed or engraved, I remember not, "The Citizens' Association," and those communications have been signed by William H. Baldwin as chairman or president, I forget which, of the "Citizens' Association." Every one of you who has received one of those letters, every one of you who has heard him testify at hearings, every one of you who has seen his articles in the local newspapers, every one of you who has seen reference made to him as "chairman of the Citizens' Association" believed there was such a thing in existence. The cold matter of fact is that there is no such association, there is no such committee, and Mr. Baldwin is the self-constitutor of the thing to which he subscribes himself. (Second hearings, pp. 43, 52–54.) There is no such concern at all. That fraud daily is being practiced upon you and is daily being practiced upon this community.

On the evening when Mr. Exnicios and Mr. Baldwin and Mr. Hamm, from New York, and Mr. Finley, recently of the Maryland Penitentiary, met down here at the Monday Evening Club that club appointed a committee of five persons to look after remedial loans, and in response to the speeches of Mr. Hamm, from New York, and Mr. Finley, recently from the penitentiary, they made Mr. Baldwin the chairman of the committee of "five." Mr. Baldwin himself admits that for a while he sailed before this public as the chairman of that committee of "five" (second hearing, p. 52), but later along he abandoned that and struck out for himself independent of the Monday Evening Club (p. 52), and he appointed a committee of 20 of the reputable citizens of this city with which to surround his own name, in order that the Exnicios concern might be able to continue extortion from this public. Mr. Baldwin admitted that the so-called "citizens' committee" is self-constituted (p. 52). When he had gotten away from his committee of five, as he himself admitted under cross-examination before the committee, he commenced to pick out various and sundry people (second hearing, pp. 52–54). Ambassador White was before the committee, or Mr. Baldwin had Ambassador White before the congressional committee to give tone to his self-constituted committee. When Mr. White was asked how he became a member of the committee he did not know exactly how, but that somebody had said to him that he was to be a member, and next his name was found upon their letter heads and stationery. Then there was Mr. Galliher, president of one of the banks downtown, who was also a member of the committee. He came before the committee at the

request of Mr. Baldwin, but after he had sat in the room and heard the testimony that was being given relative to the matter, to his praise, after a few words in support of a pawnbrokers' bill, he got up and walked out; and as he went out—but this does not appear in the record—he said to somebody that he did not know the exact nature of the matter in controversy, and away he went. Mr. Galliher said, however, that he did not get his appointment from the Monday Evening Club, but that Mr. Baldwin asked him if he would be interested in a proper pawnbrokers' bill. He answered affirmatively, in substance. Then, ipso facto, he became a member of Mr. Baldwin's self-constituted "citizens' committee" (p. 65).

Now, let us get down to a more material thing. Mind you, now, that the District Building was filled with people from the Monday Evening Club—commissioners, attorneys, and many others. When this 1 per cent a month law went into effect all the money sharks closed up. A man by the name of Horning was running a pawnbrokers' shop down at Ninth and D Streets. He said that he could not operate under the 1 per cent a month. He went over to the other end of the Highway Bridge and on Virginia soil set up a pawnbrokers' shop. Then he was a little too far away for the patrons of such institutions to reach him conveniently. Then he advertised that all those who wished to go over to his place for the purpose of transacting business would find an automobile at his old stand at Ninth and D Streets and that this automobile of his would take them across the river free of charge, where they might transact their business and then be returned. A warrant was gotten out for Mr. Horning upon the suggestion of Mr. Baldwin. Horning was arrested, the charge being that he was doing a business in part in the District of Columbia by soliciting; that he used his automobile to send contemplated borrowers across the river that there they might borrow. He was tried for that offense and acquitted. In a little while he was arrested again. Mr. Baldwin was still persistent down at the District Building to get Horning into such legal trouble as he might. While he knew the fact, as I will state presently, that his man Exnicios was charging an illegal rate, he never sought to have Exnicios arrested. But Mr. Horning was arrested a second time and tried and acquitted upon this charge. He had now been tried twice and acquitted.

Then Mr. Baldwin went to one of the assistant corporation counsel whose name appears in the hearings, and then he went to the judge of the court. The judge and the assistant corporation counsel, before a warrant was issued, before an information was filed, agreed together exactly what the judge was to do when the information should have been filed, after the arrest, and when the man was brought to trial. When he was brought to trial, there, upon motion of the assistant corporation counsel, or without motion—I am not sure—the judge quashed the information, so that the man could not have the right of trial by jury, as he had had upon these two former occasions. Then that case was taken to the upper court. The upper court held that the actions of Mr. Horning in running his automobile across the river for the purpose of carrying prospective borrowers was a violation of the law. Then the case came back to the original court. This man Horning was then put upon trial for the third time before a jury. The jury was instructed, and retired. After they had been out some hours and had not reached a verdict, the judge sent for them to come into court. They came, and he insisted that they should find a verdict. They went out again and were gone hours, when he called the jury back and insisted they should find a verdict. Then, after they had been out 11 or 12 hours the court called them back, and again he gave them instructions. I will read you the instructions that he gave the jury which found Horning guilty. Here is what he said to the jury:

The court of appeals has decided that such course of dealing is a violation of the law. Their decision is binding upon me and upon you alike. It is my duty to be controlled by it. It is your duty under your oaths as jurors to accept as correct and be governed by the exposition of the law which I give you. In a criminal case the court can not peremptorily instruct the jury to find the defendant guilty. If the law permitted it, I would do so in this case. In conclusion—

Says the court—

I will say to you that a failure by you to bring in a verdict in this case can arise only from a willful and flagrant disregard of the evidence and the law as I have given it to you and a violation of your obligation as jurors.

Then Mr. Davis, counsel for Mr. Horning, interrupted and said:

I except, if your honor please, to this as a peremptory instruction to the jury to render the verdict, and give notice on that ground that I shall take the usual course as prescribed by statute.

Then the court said (second hearing, p. 275):

Of course, gentlemen of the jury, I can not tell you in so many words to find the defendant guilty, but what I say amounts to that. The facts proved before you are in accord with the information. The court of appeals has said that that constitutes a violation of the law, and that is all there is to the case.

As a matter of course, Horning was convicted. Now, in the existing law there is a provision which says that if a man has ever been convicted for violating that law that never thereafter shall he be granted a license to do business in the District of Columbia.

There are two bills pending, the present bill, relative to pawnbrokers, and the one sailing under the misnomer of being the "commissioners' bill." But even if it could be called a commissioners' bill, it came from the Monday Evening Club, through the District Building, from the guiding hands of Mr. Exnicios and Mr. Baldwin, alias the "citizens committee," to the commissioners, with the recommendation that the rate be increased. (P. 202). Mr. Baldwin does not want this bill passed, because if it should pass, then Mr. Horning, who was convicted under the instructions I have just read, can not come back into the District of Columbia and do business at the rate provided in the bill.

Mr. ROSE. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. ROSE. I have been very much interested in the details of these several trials of Mr. Horning, and was waiting to see whether his attorney would take exception to the ruling of the court. Was that the end of the case?

Mr. JOHNSON of Kentucky. No; it was not. Mr. Davis, the attorney for Horning, took it to the Supreme Court of the United States.

There, by a divided court, the court said in substance that no wrong had been done the defendant by the instructions, because the information, which in our country we call the "warrant," had set up facts that they thought constituted an offense.

The opinion was rendered by only five of the court. It was dissented from by Mr. Justice White, Mr. Justice Brandeis, and, perhaps, Mr. Justice Holmes, and the other I do not remember. But now, mind you, with this conviction brought about in this way, if Mr. Baldwin's bill should be passed Horning can not come back into the District and do business. This is a selfish movement on the part of Mr. Exnicios and Mr. Baldwin to crowd out of the District of Columbia everybody except Exnicios's concern.

The accountant from the Interstate Commerce Commission, E. R. Leibner, appeared before the committee and testified that one of Exnicios's loans had been presented to him; that he had figured it out, and that it showed a rate of 22 per cent. (P. 37 of first hearing.) Mr. Baldwin testified that according to his figures it was only 16.2 per cent that Exnicios, his protégé, was getting. (Second hearing, p. 48.) Therefore Mr. Baldwin knew that he was upholding a concern that was doing an unlawful business.

During the hearings it was brought out beyond any sort of controversy that Exnicios's concern was doing an unlawful business. I say that even Mr. Baldwin admitted that he was getting 16.2 per cent. Then the discussion was running along lines of why Horning was prosecuted and why Exnicios was not.

A member of the police force, Lieutenant Evans, had had something to do with it theretofore, and he testified. His testimony can be found on page 305 of the second hearings which were had. Without taking the time to read all of Lieutenant Evans's testimony, he testified that he went down to the District Building; that he went to the corporation counsel and told him how Exnicios's concern was violating the law. He went to the assistant corporation counsel and told him how the law was being violated by Exnicios; and he demanded a warrant for Mr. Exnicios's arrest. Then Mr. Stevens, who is now the present corporation counsel, was appealed to for his opinion as to whether Exnicios was doing a lawful or an unlawful business. He pronouncedly said that Mr. Exnicios was doing an unlawful business. But Mr. Stevens was not then corporation counsel. He was merely an assistant, and associated with him was the other assistant corporation counsel, who had arranged with the judge exactly what would be done to Horning before he was ever arrested, before the warrant was ever issued for his arrest. Lieutenant Evans came back to that committee and testified that the authorities there, in the face of that information and in the face of his demand, refused to let a warrant go for the arrest of Exnicios. Beyond any sort of question he was given protection by the authorities in the municipal building. The principal part of his testimony is on page 306 of the hearings to which I just referred.

Can any fair-minded man tell me why those upon whom the execution of the law is imposed should arrest Horning twice for the same offense, and, in addition, arrange for his arrest the third time, and also arrange for his conviction, and when an

officer of the law appeared before them and demanded the arrest of Exnicios, refuse to issue a warrant for his arrest?

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. ROSE. Are these charges of collusion which the gentleman is giving us against this judge and corporation counsel supported by testimony before the committee?

Mr. JOHNSON of Kentucky. Absolutely. (Second hearing, pp. 305–306.)

Mr. ROSE. Well, I have never heard anything to equal it in my life.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. STEPHENS. Is this gentleman still employed in the Army?

Mr. JOHNSON of Kentucky. Lieutenant Evans was not in the Army, he was on the police force.

Mr. STEPHENS. I mean Exnicios.

Mr. JOHNSON of Kentucky. He separated himself from the War Department, or they separated themselves from him, I do not know which; but he is out. Mr. Baldwin, who persecuted Horning and has the other man protected by the highest authorities in the District of Columbia, said on the witness stand that he knew the expenses of the Exnicios concern's salary and office expenses amounted to 12 per cent on their capital stock.

How, in the name of heaven, Mr. Baldwin, can you defend a thing as being within the law when you yourself state that the salaries and expenses of the concern amount to 12 per cent of its capital stock? (First hearing, p. 203.)

But that is not quite all of this unholy affair. Mr. Baldwin testified before the committee that he was familiar with the Exnicios company's affairs, and he knew that it could not make any money. In the face of his own knowledge Exnicios induced this good woman, Mrs. Hopkins, to prevail upon her own sister to put $500 of her savings in Exnicios's concern. (First hearing, pp. 109–111, 206.) In addition to that, he took in a minister of the gospel here in town, who put his money into that concern, so thoroughly had he intrenched himself before the public by associating the good men and the good women around him in this nefarious scheme. (First hearing, p. 120.)

Mr. WARD of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. WARD of North Carolina. It sounds from what the gentleman says as though Mr. Exnicios has got the key to the Augean stables. Does he propose any way to get it out of his hands and get the stables cleaned out?

Mr. JOHNSON of Kentucky. I want to say that the bill introduced by the gentleman from Missouri [Mr. DYER], which was the first loan-shark bill, was intended to get the loan sharks out, and it would have gotten them out even if it had passed without amendment. But I endeavored to see the rate of interest put as low as possible and made a fight in the committee that the bill should not be reported out giving a rate of interest above 1 per cent. They outvoted me in committee, and the bill as finally reported to the House permitted a rate of interest at 2 per cent a month. On the floor, perhaps with some help of mine, the 2 per cent rate was stricken out and the 1 per cent rate put in. Now, as long as the 1 per cent rate prevails every other concern excepting the protected one—Exnicios—is out of business in the District of Columbia; and as long as the other bill stands, Horning having been convicted, he can not come back; and as long as Mr. Baldwin has the pull that he has been exercising Exnicios's concern, which has always been under his protecting wing, will have the business without competition.

Mr. WOODS of Virginia. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman from Virginia.

Mr. WOODS of Virginia. Has the gentleman looked up the published statements of the assets of the Exnicios concern?

Mr. JOHNSON of Kentucky. Yes; I have.

Mr. WOODS of Virginia. Does it not show that the assets of that concern have quadrupled?

Mr. JOHNSON of Kentucky. Yes. They started out with $62,600, and they now have assets, according to their statement, of about $750,000. After the fight got so warm that it was uncomfortable for Mr. Exnicios and his protectors, Mr. Baldwin and the others down at the District building, he closed up that particular concern and called it by another name. He now calls it some sort of a banking concern. I forget what the name is, but my information is that the same old robbing scheme goes on.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman from West Virginia.

Mr. REED of West Virginia. In what way do they secure business? How do they advertise it? Do they advertise as pawnbrokers?

Mr. JOHNSON of Kentucky. I can not answer the gentleman's question, but I say that if he has followed the columns of the local press, particularly one of them, he will see that every avenue for publicity has been given in favor of Mr. Exnicios's concern. You have seen articles in one of the afternoon papers here time and again in the last few weeks. Every one of those articles except one can be shown to have been written by Mr. Baldwin.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. Who is this Mr. Exnicios?

Mr. JOHNSON of Kentucky. His name is Exnicios; that is all I know.

Mr. COOPER of Wisconsin. Where does he live?

Mr. JOHNSON of Kentucky. I do not know.

Mr. COOPER of Wisconsin. Where does he work?

Mr. JOHNSON of Kentucky. I do not even know his address, but if the gentleman will get the name of his banking institution—and I can get it for him—he will find it, no doubt, in the telephone book.

Mr. COOPER of Wisconsin. Is he the man that the gentleman said was a clerk in one of the departments?

Mr. JOHNSON of Kentucky. He was a clerk in the War Department, and according to the admission of Mr. Baldwin, and I think of Mr. Exnicios himself, was running a loan-shark business while in the War Department (first hearing, p. 76).

Mr. ROSE. I merely want to state, if the gentleman will allow me, that a gentleman by the name of Exnicios is now taking a very prominent part in the prohibition enforcement. I do not know whether it is this man or somebody else.

Mr. JOHNSON of Kentucky. I do not know, but I will venture to make this assertion without fear of contradiction, that if Mr. Exnicios, or Mr. Baldwin either, can associate himself with any number of good people who are on the popular side of any question he will be found knocking at the door for admission.

Mr. COOPER of Wisconsin. I understood the gentleman to say that this man Exnicios is the head of this corporation.

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. He is the president of it?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. He is the president of that $750,000 corporation at this time?

Mr. JOHNSON of Kentucky. That is what they say.

Mr. COOPER of Wisconsin. He is the head of it?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER of Wisconsin. How can he consistently be in Government employ?

Mr. JOHNSON of Kentucky. But he is not now in Government employ.

Mr. COOPER of Wisconsin. I understood the gentleman to state that he is.

Mr. JOHNSON of Kentucky. No; I stated clearly that he has been separated from the Government service.

Mr. ROSE. I wanted to have that matter cleared up on account of the work that a gentleman by the name of Exnicios is doing in prohibition enforcement in the State of Pennsylvania.

Mr. JOHNSON of Kentucky. In my opinion, he is working every State he possibly can.

Mr. ROSE. I mean the Mr. Exnicios I have in mind.

Mr. TEMPLE. I think it ought to be clearly understood that the Mr. Joseph T. Exnicios in Washington and the Mr. John Exnicios, prohibition-enforcement officer in Pittsburgh, are two different men.

Mr. ROSE. That is what I wanted to have cleared up.

Mr. JOHNSON of Kentucky. I said I did not know anything about that part of it.

Now as to the propaganda you have seen in the papers: This genuinely good woman, Mrs. Hopkins, recently had an article in the paper urging the defeat of this bill and the passage of the other which would put Horning out of business and give the exclusive right for loans here to the Exnicios company.

Mr. UNDERHILL. Does the gentleman contend that Horning ought to come back into the District and do business here?

Mr. JOHNSON of Kentucky. I am not making any contention about that just now. I am telling the history of the

scheme. Horning is better, and does a cleaner business than Exnicios does.

Mr. UNDERHILL. Is there any other feature of the present law that is objectionable to the gentleman, with the exception of the limitation of the rate of interest to 1 per cent a month?

Mr. JOHNSON of Kentucky. How is that?

Mr. UNDERHILL. Are the other provisions of the law——

Mr. JOHNSON of Kentucky. Which law?

Mr. UNDERHILL. The present law, which provides only 1 per cent a month—are any of the other provisions of that law objectionable to the gentleman?

Mr. JOHNSON of Kentucky. No; I think not. Oh, yes; under the present law two violations of the law must be shown in order to convict for "being in the business."

Mr. UNDERHILL. Then why all this fuss? Why can not that bill simply be amended by striking out 1 per cent and inserting 2 per cent and allowing each one to do business?

Mr. JOHNSON of Kentucky. That is just exactly the thing that Exnicios and Baldwin want done. They want to strike out 1 and get 2. They are already getting nearly 2, and if that were done God knows where they would go to; they have been getting 22 under the law now, and then they would get 44 from the way they are doing it.

Mr. UNDERHILL. If the gentleman has all that information, is not the district attorney's office the place to lodge it and put these people out of business?

Mr. JOHNSON of Kentucky. How under the name of high heaven is that going to be done when Lieutenant Evans went down there ready to swear out a warrant and they would not let him do it?

Mr. UNDERHILL. Does the the gentleman imply that that was done with the knowledge and consent of the district attorney?

Mr. JOHNSON of Kentucky. The district attorney has nothing to do with it. The counsel for the District of Columbia, called the corporation counsel, and the assistant corporation counsel are the ones that handle this business. I was about to say that this good woman, Mrs. Hopkins, had been prevailed upon to issue a statement in the paper. Then Mr. Gude issued a statement in the paper as a part of the propaganda. Mr. Gude's name appears in Mr. Baldwin's self-constituted committee—the "citizens' committee"—which is not in existence and never has been. Mr. Baldwin gives the business location of the so-called citizens' committee as at his own private residence here in Washington. As I say, Mr. Gude gave a statement. I know Mr. Gude; he is a flower man. In his part of the propaganda he goes into detailed statements, and he quotes the hearings and gives the pages where such and such things can be found. I believe that I know as well as I am standing here that Mr. Baldwin wrote it. He is a digger. He will dig into archives to find anything that he needs as a lobbyist, and he will search until he finds, if it can be found. Mr. Gude does not say in a newspaper article what he wishes to say; he says it "with flowers." Mr. Gude does not know anything more about this matter or what was in that paper than does the man in the moon.

Another piece of propaganda has been issued by the then corporation counsel defending the bill for which Exnicios and Baldwin stand. He endeavors to defeat the one that has come before the House as a compromise measure from the Committee on the District of Columbia. He, so Lieutenant Evans says, refused to permit Exnicios to be prosecuted. One of the assistant corporation counsel who was in the office when this warrant was applied for and denied also has been helping along in that propaganda.

Mr. MILLSPAUGH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MILLSPAUGH. Just for information, I would like to ask is this Mr. Gude the same Mr. Gude that was a member of the Rent Commission?

Mr. JOHNSON of Kentucky. I think so. And I might say that Mr. Gude is the same man who several years ago came before the Committee on the District of Columbia in behalf of the erection of a bridge across the river from the steel mills to the other side, and who sat on the opposite side of the table from me, and to whom I put a number of questions, and then went out and denied that he had ever been there or had ever seen me.

Mr. REED of West Virginia. Is it not true that this Mr. Gude died a few weeks ago?

Mr. JOHNSON of Kentucky. Not that I know of.

Mr. REED of West Virginia. He kept a flower store.

Mr. JOHNSON of Kentucky. There are two of them.

Mr. REED of West Virginia. One of them died a few weeks ago.

Mr. JOHNSON of Kentucky. I want to say that I did not recall that any Mr. Gude had died or I would not have referred to him. Whether it is this man or not, I plead ignorance as to his death and apologize for having mentioned him if he be dead. But dead or alive there appeared in one of the papers only a few days ago the article which I said I believed was written by Mr. Baldwin.

But to get back to where I was. The propaganda comes from the very people themselves who have kept the hands of the law off Mr. Exnicios and his concern; while he and his lobbyist demand the passage of the other bill and the defeat of this.

This is a pawnbrokers' bill and confined only to pawnbrokers. It provides that for the first $35 the pawnbroker may charge 3 per cent a month and over and above $35 a smaller sum, into all of which it is not now necessary to go.

Let me tell you more about this Exnicios concern. Everybody testifying before the committee stated that there is no possible way where a small sum of money can be borrowed (p. 207, first hearing, and p. 42, second hearing). The average loans of the Exnicios concern run from $60 up to $125 (p. 207). The Exnicios concern would not lend to a negro (p. 109), neither would it lend small amounts. It is in the testimony before the committee that the Exnicios concern up to this time had loaned $585 in $5 sums (p. 207); that it had $200 loans in $10 sums that would amount to $2,000. So out of the $750,000 they have got in this business they have $2,585 invested in $5 and $10 loans. Where is the negro or the white man or anybody else who is in destitution to get a $5 or $10 loan if you do not let the pawnbrokers loan it? If you allow this concern of Exnicios to control the money-lending business, where are they to get small sums? The borrowers of small amounts have been driven to secondhand dealers. Instead of taking a watch or a ring and getting a few dollars on it as their destitution may call for, the poor are compelled to go with furniture to the secondhand dealer and there borrow. One of those whose names appear upon Mr. Baldwin's literature testified that one should be permitted to mortgage his bed (p. 65). And yet the propagandists for this philanthropic (?) concern are insisting that nobody but Exnicios shall do business in the District of Columbia in making small loans.

As my time is about to expire, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The hour of time of the gentleman from Kentucky [Mr. GILBERT] has expired.

Mr. WHEELER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman, I do not rise at this time to discuss the pending pawnbrokers' bill, because I am frank to say that I do not know very much about the measure. My purpose in rising at this time is to say a word in behalf of Mr. Baldwin, who has been attacked on this floor by the gentleman from Kentucky who just preceded me. For many years I have known William H. Baldwin. My first recollection of him goes back to the time when as a little chap I attended the Sunday school where he had a large class of boys who would gather around him every Sunday afternoon. His splendid Christian spirit and manhood left an impression upon these boys which I am sure will never be forgotten. For many years he was a prominent business man and manufacturer of eastern Ohio, contributing much to the building and promoting of the great industrial district in which I live and have the honor to represent in Congress at this time. He is now one of the trustees of the Western Reserve University, located in Cleveland, Ohio, and only a short time ago his name was mentioned in connection with the presidency of this splendid institution of education.

Mr. William H. Baldwin is known from one end of the country to the other for his philanthropic work, for the unselfish service that he has rendered for the benefit of mankind. He has spent thousands of dollars of his own money in going from one end of this country to the other trying to better the conditions and to build up communities and make them better places in which men and women can live. I do not know anything about the so-called loan shark bills, but knowing Mr. Baldwin as I do, I want to say to the Members of this House that with my personal knowledge of him, knowing his honesty and fine splendid character, I can not stand by and hear it intimated that he is now in the District of Columbia trying to put through some crooked deal relative to a pawnbrokers' bill which has been reported and is now on the House Calendar.

I believe a little later on the gentleman from Ohio [Mr. BURTON] who now occupies the chair will speak on this question. He knows Mr. Baldwin just about as well as I do, and I am sure that he will concur in what I have said about this man and the wonderful philanthropic and social work that he has carried on throughout the country in the last 20 years.

Mr. WHEELER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I am not acquainted with Mr. Baldwin, Mr. Exnicios, Mrs. Rogers, nor any of these people, but I am acquainted with the testimony offered before the committee regarding this pawnbrokers' bill. Just remember that this is not a loan shark bill, this is a pawnbrokers' bill. One would think that these philanthropists (?) who wish to establish a pawnbrokers' business in the District of Columbia are the beneficiaries of mankind, to hear them talk, but the particular interest which they displayed before the committee was that 1 per cent a month, 12 per cent a year, is not sufficient return on which to do business, insisting that they wanted 3 per cent a month, or 36 per cent a year, in order to make a dollar.

The gentleman who served so long on the committee, Mr. JOHNSON of Kentucky, when the Dyer bill was introduced, according to his own statements, opposed the 2 per cent which the Dyer bill carried and asked for a reduction to 1 per cent, which the House at that time established, and which is the present law. The law to-day covers every phase of the situation. It covers every requirement that is necessary to carry on and control the pawnbrokers' business. The only thing that everybody seems to be united upon is that 1 per cent a month is not a sufficient return to the pawnbroker to induce him to do business. Any Member of this House who would offer an amendment to the present law replacing the 1 per cent with 2 per cent would accomplish all that is desired in this long bill. Not another thing is necessary, and I say it is my firm conviction that if a pawnbroker can not do business successfully and profitably on 2 per cent a month, we ought not to inflict that philanthropist on the community.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SIEGEL. While the New York Philanthropic Organization in New York charges only 1 per cent a month and has conducted a very successful business there for a number of years, why can it not be done here? What is the difference between their conducting their business in New York and a similar business being conducted in a city like Washington?

Mr. UNDERHILL. Oh, there is hardly a large city in the country to-day that is not blessed with some banking organization, such as the Morris plan, or which does not have credit loan associations carried on by large business organizations, in some instances by wealthy men and in some instances by philanthropic men. It was almost disgusting to have these good people come before the committee and plead for the poor man and then, when you ask them if they had tried to do anything toward forming one of these associations, to hear them say that they had never concerned themselves about the matter.

In the city of Boston the pawnbrokers have been practically driven out of existence, not by legislation but by the establishment of these organizations. There were formerly scores of pawnbrokers in the city of Boston, and I believe now there are less than ten.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. COOPER of Ohio. Can the gentleman from Massachusetts tell us how many there are in the business here in the city of Washington?

Mr. UNDERHILL. According to the testimony offered before the committee, none.

Mr. COOPER of Ohio. Does the gentleman know whether or not Mr. Horning, just over the bridge, is doing a land-office business in the pawnbrokerage business?

Mr. UNDERHILL. It was so stated, and it was also denied.

Mr. COOPER of Ohio. Could the gentleman inform the committee as to just what bill Mr. Baldwin is back of?

Mr. UNDERHILL. I never heard of Mr. Baldwin until this afternoon.

Mr. COOPER of Ohio. I understand that he is back of a bill which has been indorsed by the District Commissioners, by the citizens' committee on remedial loan law, and also by the Washington Chamber of Commerce. They have all gone on record indorsing the bill which I believe Mr. Baldwin favors, which provides for 2 per cent a month.

Mr. UNDERHILL. I shall not deny the gentleman's assertion. I know nothing to the contrary. I take the position that this whole bill, all this discussion, all this time is practically wasted, that one little action on the part of anybody who is enough interested to do it, in the form of an amendment to the present law, substituting 2 per cent for 1 per cent, would accomplish all that is desired and all that is necessary.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. JOHNSON of Kentucky. The gentleman from Ohio [Mr. COOPER] a moment ago, in addressing a question to you, said that this bill behind which Mr. Baldwin stands had been indorsed by the citizens' committee. The gentleman from Ohio evidently was not in the House or did not understand me when I said there is no such committee. It is self-constituted by Mr. Baldwin. He prints false stationery and falsely signs himself, and then—I may be misinformed about it, but I have been told that—when the chamber of commerce or the board of trade or whatever it was that indorsed his so-called commissioners' bill met, there were only 13 members present, and they had been asked to be present by Mr. Baldwin and his associates.

Mr. UNDERHILL. Mr. Chairman, I am not interested or influenced by the citizens' committee or the chamber of commerce or any other organization. I draw my own conclusions. There is so much legislation passed in consequence of what is called "propaganda" that it is a disgrace to our form of government. We no longer legislate on the merits of a bill; we legislate almost entirely upon the amount of pressure which can be brought to bear through legitimate channels for or against various bills.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. TINCHER. Can the gentleman specify legislation that has been passed by Congress in consequence of propaganda?

Mr. UNDERHILL. Yes; the maternity bill and the bonus bill; two of them.

Mr. TINCHER. That is the legislation that the gentleman is ashamed of his associates for passing?

Mr. UNDERHILL. Yes; I am rather ashamed of it.

Mr. WOODS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WOODS of Virginia. There are two classes of loans—one that of the pawnbrokers and the other the small loans?

Mr. UNDERHILL. Yes, sir.

Mr. WOODS of Virginia. Now, is it not the judgment of the gentleman and of the District Committee that for the small loan 1 per cent a month is sufficient, whereas the pawnbroker is hampered by being required to make reports and things, and he does not do business on 1 per cent per month, so that there is no necessity for increasing the rate of interest charged on the small loans, according to the Morris plan and all that? The amendment simply allows the small-loan man to charge more than he is entitled to, whereas on that same rate the pawnbroker can not exist.

Mr. UNDERHILL. I am not in favor of either one of the propositions.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MILLSPAUGH. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. I would be glad to yield if I had the time.

Mr. WHEELER. Mr. Chairman, I yield to the gentleman two minutes more.

Mr. UNDERHILL. I yield to the gentleman from Missouri.

Mr. MILLSPAUGH. The gentleman spoke of the amount of legislation passed here as the result of propaganda. Did he mean to include the rent bill in that?

Mr. UNDERHILL. That has not passed.

Mr. MILLSPAUGH. Oh, yes; twice.

Mr. UNDERHILL. It is awaiting action.

Mr. COOPER of Ohio. The only thought I had in calling the attention of the committee and of the gentleman to the action of the chamber of commerce and the citizens' committee and the District Commissioners in indorsing the 2 per cent bill was this, that the gentleman from Kentucky [Mr. JOHNSON] tried to leave the impression on the minds of the members of the committee that there was no one back of this bill, only Mr. Baldwin and his friend, Mr. Exnicios, whatever the name is.

Mr. UNDERHILL. My impression is that the men behind this bill wanted to go into the pawnbroker's business and wanted to get 3 per cent per month out of the poor people of the community, and I am against it.

Mr. WHEELER. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. BURTON. Mr. Chairman and gentlemen, I dislike to take part in personalities, and I think this House gives altogether too much of its time to little things. But I am here to enter a vigorous protest against the attack made upon Mr. Baldwin. If my neighbor's dog had been treated in such a way I would have gone across to defend him.

There is no man who has come out of Ohio who leads a purer life, with higher aims, than W. H. Baldwin. I do not think the breath of scandal or suspicion has ever been raised against him except upon the floor of this House to-day. I can not refrain from raising my voice against using the privilege which Members of the House of Representatives have to make a personal attack of that nature. Mr. Baldwin is at present on a sick bed, hovering between life and death. The last 20 years of his life he has given to philanthropic work. He was the promoter here of a bill which has now been followed by numerous States, requiring the registration of tubercular patients. The doctors at first opposed it, but after its passage here it has become a model in other States. He is the treasurer and actively interested in the Anti-Tubercular League of the United States.

Oh, how touching it is, the appeal that has been made for this martyr, Mr. Horning, who is doing business over in Virginia, where they can charge 10 per cent a month. Let us hear what the Supreme Court of the United States said in regard to Mr. Horning and his business. I read:

> If an essential part of it is done there and a Washington office is used as a collecting center, it does not matter that care is taken to complete every legal transaction on the other side of the Potomac. We can not suppose that it was intended to allow benefits so similar to those coming from business done wholly in the city to be derived from acts done here and yet go free. We are of opinion that upon the undisputed evidence the defendant was guilty of a breach of the law.

That breach of the law was that he put a sign up over his Washington office, inviting applicants for pawnbroker's loans to go over to Virginia, where he could charge any rates.

The appeal is made that there is a provision in the old law that one who has been convicted of a crime or offense under it can not engage in business again. Ordinarily that is a very salutary provision.

Now, let us eliminate Mr. Exnicios, this bogey man who is brought up here. I do not know him. I do know that Mr. Baldwin has stated to me that he has now no connection or association with him, and I believe Mr. Baldwin in that respect. I do not see how Mr. Exnicios could make these illegal loans here in the District, because, as I recall, the penalty for usury is the forfeiture of the whole debt. There may have been an increase in his deposits from $60,000 to $700,000. I do not care about that; but what is all this to-do about? A law was passed here in 1913 providing that on pawnbrokers' loans and on loans of less than $200 the maximum rate of interest allowed should be 1 per cent a month. That law has proven absolutely ineffective. Special rates are allowed for loans of that kind in other jurisdictions. Mr. Reginald Heber Smith, who has given a great deal of study to this subject, has put out pamphlets in which it is stated that the amount that should be charged is 3½ per cent a month. The Sage Foundation favors that rate. I do not believe it. I think 2 per cent is the rate that ought to be adopted here in the District of Columbia. Mr. Baldwin favors a law, and so does everyone in the District with whom I have talked, and so do the District Commissioners, and so do the legal force, and so does the unanimous voice of the newspapers—and I think we will hear from this discussion in the press of the city before many days—favor a law by which the rate of 1 per cent a month, which has proven impracticable, may be raised to 2 per cent a month.

The CHAIRMAN (Mr. MAPES). The time of the gentleman has expired.

Mr. BURTON. I should like five minutes more.

Mr. WHEELER. I yield to the gentleman five minutes more.

Mr. BURTON. The committee, whose bill apparently the gentleman from Kentucky [Mr. JOHNSON] is defending, bring in a bill here recommending 3 per cent for loans of $30 and less, or $35, I have forgotten which, and above that a rate of 2 per cent. That treats only of pawnbrokers' loans. Now, I can not agree with what I think was the spirit of the question of the gentleman from South Carolina that the rate should be less on a loan of $200 or less where there is no security, where a great risk is taken, than where adequate security is taken, as by the pawnbroker. Mr. Baldwin favors a law limiting to 2 per cent loans of these two kinds. The committee has reported in favor of a rate of 3 per cent up to $35, which would include the great majority of the loans made to poor people, and because of that, because of his favoring a 2 per cent rate instead of 3 per cent, this flood of accusation and vituperation is emptied on Mr. Baldwin's devoted head.

I appeal to the justice of this House. How about the other side? In the hearings conducted a few years ago by the committee headed by the gentleman from Tennessee [Mr. GARRETT] it appeared that a slush fund, or whatever you may call it, of $5,000 was raised by Mr. Horning and his associates to defeat any legislation here. They were having a good time, and if they could not do business here they could go over into Virginia, where they could charge 10 per cent a month, as I understand the law to be.

Gentlemen of the committee, when we are discussing a subject, let us cling to cold facts. Let us compare these two measures. Let us seek to eliminate this flood of accusation, which does not have anything to do with it. Propaganda has been circulated, and a very able lawyer engaged at $5,000 or more, it was shown, to defeat this bill which Mr. Baldwin has brought forward, and I am afraid that, unconsciously perhaps, some Members of this House have been influenced by that coterie and that slush fund.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. JOHNSON of Kentucky. Does not the gentleman recall that the $5,000 to which he has just referred was paid to an attorney by the name of Davis?

Mr. BURTON. Yes.

Mr. JOHNSON of Kentucky. Who went before President Taft for the purpose of inducing him to veto the bill, but which the President did not?

Mr. BURTON. I did not understand from the hearing, and I do not think it will so appear, that it was limited to any special purpose. If they could raise $5,000 to get an attorney to go to President Taft for that single purpose, to urge him to veto a bill, it looks as if there were unlimited resources behind them, as if they were raising a great deal of money. Now, this discussion does not come up upon the bill that is before the House at all. It is interjected here. When we come to the so-called pawnbrokers' bill we will discuss it. I believe the Baldwin bill, supported by the District Commissioners, by Mrs. Hopkins, by those who have had the welfare of the people of the District at heart, will meet with your approval. My reason for rising here, Mr. Chairman, is that when reputation, the immortal part of a man is attacked, and attacked unjustly, I am ready to rise in my place to protest. [Applause.] That is all I have to say.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. JOHNSON of Kentucky. The gentleman speaks of interjecting speeches at this particular time relative to this subject. The gentleman himself some two or three weeks ago made a speech upon this subject.

Mr. BURTON. Yes.

Mr. JOHNSON of Kentucky. I wish to ask him who wrote a large part of the matter composing the gentleman's speech, and which went into the RECORD?

Mr. BURTON. I will assure the gentleman most decidely that no speeches go into the RECORD under my name unless they are written by myself. There was a memorial from certain associations in the District which was included, which was clearly shown on the face of the matter itself. The rest of the material was my own. I indulged in some dissertations about the general policy in regard to usury laws and said there were some arguments against them.

Mr. JOHNSON of Kentucky. The memorial to which the gentleman refers was an argument on this subject, was it not?

Mr. BURTON. Certainly.

Mr. JOHNSON of Kentucky. May I ask where the gentleman got it?

Mr. BURTON. It came from Mr. Baldwin.

Mr. WHEELER. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois has 28 minutes remaining.

Mr. WHEELER. I yield to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, a few days ago I saw a telegram from Mr. Barcelo, the president of the Porto Rico Senate, addressed to the Resident Commissioner here, Judge FELIX CORDOVA DAVILA, in which he said that the Associated Press carried the information that Gov. E. Mont Reiley was to remain on the job in Porto Rico. In that telegram he said if that be true, the flag of mourning will be raised throughout the island of Porto Rico.

It occurred to me then to look up the record somewhat to see just what happened in 1898 when our troops entered Porto Rico, and I found that on the 28th of July, 1898, Gen. Nelson A. Miles,

major general, commanding the United States Army, issued this proclamation to the people of Porto Rico:

HEADQUARTERS OF THE ARMY,
Ponce, P. R., July 28, 1898.

To the inhabitants of Porto Rico:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the island of Porto Rico. They come bearing the banner of freedom, inspired by a noble purpose, to seek the enemies of our country and yours and to destroy or capture all who are in armed resistance.

I believe the general spoke the truth in that declaration. No soldier in the history of this world, no crusader, ever answered the call of his country inspired by a loftier purpose, or took up the gauge of battle in a more unselfish cause than did the men who came to the colors in 1898. We coveted nothing the Spanish Empire possessed. Her sins were against others, but out of the Caribbean there came a voice of the oppressed calling to us for succor, and though the cry was in an alien tongue, it begged for liberty and we understood and answered it.

Continuing, he said:

They bring you the fostering arm of a Nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence the first effect of this occupation will be the immediate release from your former political relations, and it is hoped a cheerful acceptance of the Government of the United States. The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation. We have not come to make war upon the people of a country that for centuries have been oppressed, but, on the contrary, to bring you protection, not only to yourselves, but to your property, to promote your prosperity, and bestow upon you the immunities and blessings of the liberal institutions of our Government. It is not our purpose to interfere with any existing laws and customs that are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.

NELSON A. MILES,
Major General, Commanding United States Army.

That proclamation was issued by our commanding general some 24 years ago. Now I find in this message from the president of the Porto Rico Senate that they are about to fly the flag of mourning throughout the island. It would be interesting to note just what the conditions were when we landed in Porto Rico and how we were received.

On the 5th of December, 1898, President McKinley, in his message to Congress, said:

At most of the points in the island our troops were enthusiastically welcomed. Protestations of loyalty to the flag and gratitude for delivery from Spanish rule met our commanders at every stage.

And Richard Harding Davis, who was with the Army, wrote:

The people of Ponce were certainly the most friendly souls in the world. Nothing could surpass their enthusiasm or shake their loyalty.
* * * *
The natives gave our men freely of everything; and the richer and better class of Porto Ricans opened a Red Cross hospital at their own expense and contributed money, medicines, cots, and doctors for our sick soldiers.

They did not raise the flag of mourning then, they raised the flag of mercy, the flag of brotherly love.

This was the welcome our Army received from the people of Porto Rico. I read further from the McKinley message to show what the conditions were there politically:

The system of civil jurisprudence now adopted by the people of this island is described by competent lawyers who are familiar with it as thoroughly modern and scientific, so far as it relates to matters of internal business, trade, production, and social and private right in general.

This was the condition, Mr. Chairman and gentlemen, which obtained in Porto Rico when our invading Army landed.

Further on in this same message he says:

I have not thought it wise to commit the entire government of the island to officers selected by the people, because I doubt whether in habits, training, and experience they are such as to fit them to exercise at once so large a degree of self-government; but it is my judgment and expectation that they will soon arrive at an attainment of experience and wisdom and self-control that will justify conferring upon them a much larger participation in the choice of their insular officers.

Following this good lead, through 20 years Congress did from time to time enlarge the measure of their participation in the government of their island, and in 1917, believing that the judgment and expectation expressed by Mr. McKinley had been realized and that they had attained that experience and wisdom in self-control that would justify conferring upon them a much larger participation in their choice of insular officers, we enacted the Jones law.

During all these years until now the joy with which the Porto Ricans greeted our soldiers as their deliverers has found its full warrant in our experiences together, and, while they naturally, and it may be justly, believing themselves entirely capable of self-government, were sometimes impatient in their years of waiting for local self-government, the ties that bound them to our flag were strengthened and the spirit of Americanism, with all that it means to those who seek for liberty, grew increasingly with the process of the suns.

In commenting in his second inaugural, Mr. McKinley, then speaking of the Spanish War, said:

The result was singularly favorable to the American arms and in the highest degree honorable to the Government. It imposed upon us obligations from which we can not escape and from which it would be dishonorable to seek to escape.

I want to call especial attention to that particular paragraph in Mr. McKinley's message—"it imposed upon us obligations from which we can not escape and from which it would be dishonorable to seek to escape."

The Senate of Porto Rico, speaking the voice of Porto Rico, states to this House that the rights and the liberties that were given to them in the Jones Act, which is the organic act, are being denied to them—are being not only disregarded but are being taken away from them by the unlawful and unwarranted action of the Governor of Porto Rico. They ask us to investigate. They do not ask that we accept their unsupported declaration. They ask us to set up a tribunal before which they can appear and submit the proof; and the only answer we have made to them is that it is a matter for the Executive and not for Congress; that, regardless of these obligations, which Mr. McKinley acknowledged, we will pass the buck to the President.

Mr. Chairman, this is exactly the procedure that was followed by Pontius Pilate, and I hope that he may be permitted to enjoy the monopoly of the glory and credit which go with that kind of conduct. He said he would wash his hands of his responsibility. Can we wash our hands more successfully of our responsibilities? The President of the United States did not give the rights and guaranties to Porto Rico contained in the organic act.

They were given by the Congress of the United States and they are being denied to these people now, if their charges are correct. What they ask is that a tribunal be set up before which they may appear and submit the proof. We were told the other day by the chairman of the Committee on Rules, who holds this matter in the hollow of his hand, that if the governor should make the request—or, rather, he strongly intimated that—that then an investigation would be had; but neither the governor nor any of his friends has appeared to make that request. The only answer we have from the governor is that all this trouble is caused because when he went there he raised Old Glory and hauled down the flag of Porto Rico. I deny that absolutely. The men who raised our flag in Porto Rico were the men of the Sixteenth Pennsylvania and the men of the Second and Third Wisconsin and their brave comrades, who fought on the battle fields in the hills about Coamo and in the mountain passes around Aibonito in 1898. They are the men who raised the flag in Porto Rico. [Applause.]

And now we see this Governor of Porto Rico, this counterfeit, this vice of governors, dressed in his little brief authority, cutting such fantastic tricks before high heaven as make the angels weep, walking up and down the earth proclaiming to a trembling world, "I did it." [Laughter.] I deny that. The flag which the Governor of Porto Rico has raised is not the Stars and Stripes. He pulled down the flag of Porto Rico in the presence of the people there and denounced it as a "dirty rag," but the only flag that has been raised there since he came that was not there when he arrived is the flag of mourning.

These gentlemen from Porto Rico, these officials, the senate, who alone can speak for Porto Rico, have made their charges against the governor, and have specified wherein he has violated their laws. They have filed their bill of particulars, and our only answer to them is that it will take too much time to make the investigation. We have had time and have investigated everybody else on the face of the green earth. Not only have we had the time, but we have had the money with which to do it. We have investigated the Shipping Board, we have investigated Hog Island, we have investigated Muscle Shoals, we have investigated aircraft production, and all of the infinite varieties of activities in the War Department at the expense of great time and much money, because we thought that somebody perhaps was taking some of our money away from us; but when the charge is made officially to us by our fellow citizens in Porto Rico, not that their money is being taken from them but that their liberties are being taken away, our answer is to them that we have not the time to make the investigation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. WALSH. Is this one of the offices the incumbent of which is liable to be subject to impeachment?

Mr. HUMPHREYS. It is. He is the governor, appointed by and with the advice and consent of the Senate. He is sub-

ject to impeachment when upon investigation we find that he is guilty of high crimes and misdemeanors.

Mr. WALSH. He is on trial for impeachment, when you find that out, is he not?

Mr. HUMPHREYS. Oh, no. We will find out, if we make this investigation, whether these charges be true or false.

Mr. WALSH. But impeachment is not usually preceded by an official investigation upon the part of the House. It is usually preceded by an investigation upon the part of somebody who, upon his responsibility, later rises and impeaches the official.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. GARRETT of Tennessee. I think perhaps the gentleman from Massachusetts [Mr. WALSH] is somewhat in error as to the modern practice. My recollection is that before a formal impeachment—that is to say, an impeachment by the Judiciary Committee itself bringing in the articles of impeachment—of a Federal judge in Georgia, there was a somewhat elaborate preliminary investigation made by a subcommittee of the Committee on the Judiciary, and I think the same thing is true in respect to the impeachment of Judge Archibald, from Pennsylvania. Those are two cases I recall in recent times, in which, before the formal articles of impeachment were filed with the House or adopted by the House, there was an extensive preliminary examination.

Mr. HUMPHREYS. That is all we ask for here. My resolution provides that the Committee on Insular Affairs make the investigation. Have we the time? Why, the Committee on Insular Affairs has not had a half dozen meetings since this Congress assembled in December, and there is no prospect that I know of, and I am a member of that committee, of our having any meetings in the future. We have nothing else to do. Why have we not the time to make this investigation to determine if these charges are true or false, so that the House may then proceed intelligently?

Mr. WARD of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. WARD of North Carolina. I understood the gentleman to say that the chairman of the Committee on Rules suggested the asking of an investigation by the governor himself. I ask the gentleman from Mississippi if the conversation between him and the chairman of the Rules Committee indicated to him that the chairman of the Committee on Rules was serious in suggesting that the governor under these circumstances would ever or could be expected to ask for this investigation?

Mr. HUMPHREYS. It was not a private conversation. It was a colloquy on the floor of the House which I had with the chairman of the Committee on Rules the other day. He said it would be impractical to make this investigation now to impeach the governor, because it would take too much time.

Mr. WARD of North Carolina. Has the gentleman information as to facts or policies of the Government or Congress upon which he thinks such an investigation can be seriously made, where the man under charges of that sort would be expected to ask the investigation himself before the Congress could act?

Mr. HUMPHREYS. Mr. Chairman, I have a very strong personal attachment for the gentleman from Kansas [Mr. CAMPBELL], and a very high regard for his ability as a Member. I would not say that what he said was not said seriously. I take it that it was said seriously; but the fact remains that there has been no investigation ordered, and neither the governor nor any of his friends have requested one. As I say, we investigated everybody in this country that we thought probably was taking some of our money, and now the grand jury in Porto Rico have met and after investigation officially suggested that possibly the governor and his auditor and his private secretary, whom he took with him all the way from Kansas City, might be guilty of misappropriation, or at least of the misuse of public funds. Under the system of criminal procedure there the grand jury makes a report to the court, setting forth the facts. That is turned over to the district attorney, and the district attorney frames an indictment. That indictment is then presented to the grand jury, and they indorse upon it either "dismissed" or "a true bill." This grand jury made an investigation and made a full report. For instance, they said that the governor had drawn $5,000 out of the public funds to pay the expenses of the trip to Washington, the expenses of himself and his retinue that he brought with him.

The round trip from here to Porto Rico on the steamer is $180. I do not know whether these facts are true or not. The grand jury, however, charged that he drew out of the public funds this $5,000, and after they began the investigation the governor came before them and said:

I have $2,000 of that money left—

Which he pulled from his pocket and exhibited—

and the reason that I have not made any account of it is because Judge Bonner, the former auditor, has not rendered an itemized statement of his expenses, but as soon as that is done I will make a report.

Judge Bonner said he told the governor to start with that he would not permit his expenses to be paid out of money from the public treasury, because it was an unlawful use of public funds, and that he was not going to render an expense account to him. He said he told the governor that to start with.

When they began to investigate the matter of the use of public funds for his household necessities they found he had drawn unlawfully some $1,500 for that purpose, but the governor sent a check to the treasury to cover that. The check was dated before the grand jury began its investigation, but for some reason it failed to arrive at the treasury until after the investigation had proceeded some days.

Mr. DAVILA. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. DAVILA. The gentleman knows that the Governor of Porto Rico removed the district attorney before the indictment was made ready to be presented to the grand jury?

Mr. HUMPHREYS. Yes; the story of that is, as I am advised, about like this: Under their law, as stated, upon the filing of the report of the grand jury in the nature of an information, the district attorney is required to prepare the indictment.

Before this was done the governor removed the district attorney. His statement is that he removed the district attorney because that officer came to him and asked to be assigned to some other position in the island. This fact is also attested by the attorney general, who was present at the conference. But on the day following this conference the governor wrote the district attorney to proceed with the indictment, and it was not until a day or two after that when the district attorney was preparing the indictment to be delivered to the grand jury that the governor removed him. The district attorney refused to vacate the office, because he claimed that under the law he could not be removed by the governor in this summary way. The governor thereupon sent the police to the district attorney's office and ousted him and took possession of all the papers in the matter which had been turned over to the district attorney by the grand jury.

Those are the facts as they have come to me in the newspapers and through other sources.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HUMPHREYS. Will the gentleman give me five minutes more?

Mr. WHEELER. I am sorry I can not, but I can give the gentleman three minutes.

The CHAIRMAN (Mr. BURTON). The gentleman is recognized for three minutes more.

Mr. HUMPHREYS. The judge of the court, who had just been appointed by the governor, thereupon dismissed the grand jury altogether, although the grand jury protested that they were not yet through with the business. Thus endeth the first chapter; and so the governor and the auditor and the private secretary remain unindicted.

Before I close let me read one more sentence from the last message which William McKinley ever sent the American people. In his second inaugural he said:

The American people, entrenched in freedom at home, take their love for it wherever they go, and they reject as mistaken and unworthy the doctrine that we lose our own liberties by securing the enduring foundations of liberty to others. Our institutions will not deteriorate by extension, and our sense of justice will not abate under tropic suns in distant seas.

God save the mark!

As heretofore, so hereafter will the Nation demonstrate its fitness to administer any new estate which events devolve upon it, and in the fear of God will—

Take occasion by the hand, and make
The bounds of freedom wider yet.

Once again, the cry comes to us out of the Caribbean, but this time the call is not in an alien tongue. It is the call of our fellow citizens. Will we heed it as we did that voice which called in '98?

Gentlemen of this Congress, occasion now stands before you and proffers her hand, to see if our sense of justice has been lost under tropic suns in distant seas. Will you take that hand so proffered or will you say, "Excuse me; we have not time?"

I thank you. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. WHEELER] has six minutes remaining.

Mr. WHEELER. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. RANKIN. Mr. Chairman, I wish to use the five minutes allotted to me to enter a protest, on behalf of the 600,000 ex-service men who are still carrying war risk insurance, against an order, or a statement, issued by the Veterans' Bureau recently, relative to the time in which their insurance policies may be converted.

In a pamphlet recently sent out by the bureau to those who hold these policies this statement is made:

The premium for yearly renewable term insurance increases with the age of the insured, and becomes prohibitive at the older ages. It was necessary, therefore, to provide for conversions into insurance at level premium rates. Provision was made in the original act for the conversion of the yearly renewable term (war-time) insurance into permanent United States Government life insurance at any time within five years after the date of the termination of the war as declared by proclamation of the President of the United States.

In that same article it is stated that—

It will be necessary, therefore, in order to retain life insurance with the United States Government, that the yearly renewable term insurance be converted on or before March 3, 1926, at which time all yearly renewable term insurance will automatically terminate.

I wrote to the Secretary of State to find out just when the war did terminate, according to the President's proclamation, and I have a letter from him inclosing both proclamations, the one issued on November 14, 1921, terminating the war with Germany, and one issued on November 17, 1921, terminating the war with Austria-Hungary. In both of them it is stated that the war "terminated on July 2, 1921," instead of the 3d day of March, 1921. I took this question up with the Veterans' Bureau, and they replied that their ruling was based on the joint resolution of Congress, approved on March 3, 1921, nullifying certain laws, the termination of which was contingent upon the close of the war.

My contention is that that resolution does not cover war-risk insurance, and if it is made to do so it will be merely by a technical construction, thereby depriving these boys who have struggled along and kept up these policies of four or five months they are justly entitled to carry them at the present rate under the law. I do not feel that, as a Member of Congress who knows these facts, I ought to sit quietly by and acquiesce in this order or statement until these policies begin to terminate and the boys begin to raise the question, and then have it said to us that we admitted by our silence that this order was correct, because none of us protested at the time.

I shall introduce a resolution asking that July 2, 1926, be fixed as the date upon which these policies shall terminate unless they are converted into term insurance. A good many of these boys have strained a point to carry these policies up to now. They have gone through this period of depression, and a great many of them will never be able to convert their policies, because when this term lapses or expires then they are going to be forced, in a great many instances, to drop them.

I just wanted to enter my protest here and to say to the House that I expect to introduce a resolution asking that the date of the termination of these policies, or the last day on which they may be converted, be fixed not at March 3, 1926, but at July 2, 1926.

Let us give these boys the full benefit of the law and also the benefit of the doubt. [Applause.]

Mr. Chairman, I yield back the balance of my time and ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman yields back one minute.

Mr. WHEELER. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. MILLSPAUGH].

Mr. MILLSPAUGH. Mr. Chairman, I was a member of the subcommittee which went out to investigate the piece of land with which this bill deals, and found it was a part of a triangular piece of land, at present unoccupied, through which a street formerly ran, but it is now closed by the Metropolitan branch of the Baltimore & Ohio Road, and also a small apex of the triangle at the south, which was formerly a part of S Street. It would be very advisable, indeed, to dispose of this land, and the company to whom it will be sold propose to build a warehouse there, covering the entire tract, and utilizing it in that way instead of leaving it unoccupied, as it is at the present time.

Mr. SISSON. Will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. SISSON. I notice this money is to be paid into the District treasury. How did the District government get the title to this land?

Mr. MILLSPAUGH. An amendment will be offered to put it into miscellaneous receipts.

Mr. SISSON. That will put it into the United States Treasury then?

Mr. MILLSPAUGH. Yes.

The CHAIRMAN. Debate on this bill is exhausted. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to convey to the owners of the abutting property the land contained in the bed of Seaton Place and in the bed of S Street east of Fourth Street NE., and extending to the line of the Metropolitan branch of the Baltimore & Ohio Railroad Co., in the city of Washington, D. C., upon the payment therefor to the District of Columbia of an amount not less than $1.50 per square foot, the amount so paid to be deposited in the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. The gentleman from Missouri [Mr. MILLSPAUGH] stated that this was intended to cover a triangular piece of land, and also the apex of a triangle which is to be conveyed. I think perhaps he inadvertently stated that it was a triangular piece of land when he meant the rectangular piece of land which is now Seaton Place.

Mr. MILLSPAUGH. I intended to say that this sale covered a part of a triangular piece of land.

Mr. WALSH. Who is it expected will purchase this property, and is it to be sold at private sale or is it to be offered to the highest bidder?

Mr. ZIHLMAN. If the gentleman will permit me, it is my impression that under the language of this bill the District Commissioners are authorized to sell it at private sale at a price not less than $1.50 per square foot. They can sell it to the highest bidder if they see fit, or to the purchaser who offers the most money.

Mr. WALSH. But it is confined to the property owners abutting on the land contained in the bed of Seaton Place. The Baltimore & Ohio Railroad is one of the abutters. Who abuts on the other side of Seaton Place?

Mr. ZIHLMAN. The property of the Sanitary Grocery Co.

Mr. WALSH. On each side?

Mr. ZIHLMAN. On each side.

Mr. WALSH. So it must be either the Sanitary Grocery Co. or the Baltimore & Ohio Railroad?

Mr. ZIHLMAN. Yes; Fourth Street being on the other side.

Mr. WALSH. Does the gentleman believe $1.50 a foot is adequate compensation for land in that section—land bordering upon the railroad yard and also upon the public street?

Mr. ZIHLMAN. I will say to the gentleman that the committee took the matter up with the District officials, and the District assessor assures us that $1.50 is a very fair price for the land and is more than any land in the neighborhood has brought at either private or public sale.

Mr. WALSH. How long since there has been a sale there? That would make some difference. Has there been a sale there recently?

Mr. ZIHLMAN. There have been sales there within the past few months. The highest price paid for land in that section of which we can find any record is $1.40 per square foot.

Mr. WALSH. I suppose this land will be conveyed in accordance with the provisions of the District Code, under which the commissioners are authorized to give deeds?

Mr. ZIHLMAN. I presume so. They are authorized to convey to the purchaser, which I suppose they will do in regular form.

Mr. WALSH. What kind of a deed are they going to give—a quitclaim deed?

Mr. ZIHLMAN. I can not answer that. There is no provision in the bill as to that.

Mr. WALSH. I think the District Code has some provision that the District Commissioners in conveying land previously laid out or occupied for street purposes shall do so by means of a quitclaim deed. There is nothing in this bill to indicate that it is to come under the general provisions of the code, but I assume that the commissioners intend so to convey it.

Mr. ZIHLMAN. I presume so.

Mr. WALSH. Did the committee make any inquiry as to that?

Mr. ZIHLMAN. We made no inquiry as to the method by which it was to be conveyed.

Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. ZIHLMAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 1, line 11, after the word "be," strike out the language "deposited in the Treasury of the United States to the credit of the revenues of the District of Columbia" and insert in lieu thereof "be covered into the Treasury of the United States as miscellaneous receipts."

Mr. HOCH. Mr. Chairman, the amendment repeats the word "be."

Mr. ZIHLMAN. It is unnecessary to repeat it. It should be—

covered into the Treasury of the United States as miscellaneous receipts.

The CHAIRMAN. Without objection, the Clerk will make the proper modification. The question is on the adoption of the amendment.

The amendment was agreed to.

On motion of Mr. ZIHLMAN the committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 2616) to empower the Commissioners of the District of Columbia to convey certain land, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendment to the final passage.

The motion was agreed to.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROMOTION OF TRADE WITH CHINA.

Mr. VOLSTEAD, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, presented the conference report for printing under the rule.

FANNIE ARMINDA CORDELL.

Mr. IRELAND. Mr. Speaker, I call up privileged report from the Committee on Accounts.

The Clerk read as follows:

House Resolution 288.

Resolved, That there be paid, out of the contingent fund of the House, the sum of $900 to Fannie Arminda Cordell, widow of Wayne W. Cordell, late assistant clerk to the Committee on Pensions, by detail from the Bureau of Pensions, pursuant to law, for extra and expert services rendered to said committee from March 4, 1921, until the date of his death, November 22, 1921.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, this is the usual resolution passed for an employee assigned to the Pension Committee from the Pension Department. This amount was due the late Mr. Cordell at the time of his death, but inadvertently the resolution has not been presented either to the committee or to the House. The appointee to the other Pension Committee was paid at that time, but the only recourse we now have is to pay this sum to his widow. He was not technically an employee of the House, so the usual resolution for funeral expenses and six months' salary can hardly be taken into consideration.

The resolution was agreed to.

EVELYN WALTHALL LEE.

Mr. IRELAND. Mr. Speaker, I call up House Resolution 316.

The Clerk read as follows:

House Resolution 316.

Resolved, That there shall be paid, out of the contingent fund of the House, to Evelyn Walthall Lee, widow of Joseph C. Lee, late an employee of the House of Representatives, a sum equal to six months of his compensation as said employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said Joseph C. Lee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

STELLA M. WEIGEL.

Mr. IRELAND. Mr. Speaker, I call up House Resolution 320.

The Clerk read the resolution, as follows:

House Resolution 320.

Resolved, That there shall be paid out of the contingent fund of the House to Stella M. Weigel, clerk to the late Hon. Lucian W. Parrish, a Representative in Congress at the time of his death, March 27, 1922, the sum of $266.67, being an amount equal to one month's clerk hire allowance to a Representative in Congress.

The following committee amendment was read:

Line 2, strike out the comma and all the remaining language of the resolution and insert in lieu thereof the following: "the sum of $140, and to Buelah S. Given the sum of $166.66, being the amount received by them per month as clerks to the late Hon. Lucian Parrish, a Representative in Congress.

Mr. IRELAND. The original resolution was drawn in error, and this amendment is to conform with the records of the Clerk's office.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ADDITIONAL CLERK TO COMMITTEE ON ACCOUNTS.

Mr. IRELAND. Mr. Speaker, I call up House Resolution 330.

The Clerk read as follows:

House Resolution 330.

Resolved, That there shall be paid out of the contingent fund of the House compensation at the rate of $3,000 per annum for the services of an additional clerk to the Committee on Accounts during the remainder of the present Congress, whose duty it shall be to audit vouchers pending before the committee and do such other work as the chairman of the committee may direct.

Mr. WALSH. Mr. Speaker, I reserve a point of order on the resolution.

Mr. IRELAND. Mr. Speaker, the resolution has been made necessary largely due to the additional duties imposed on the committee and that largely due to changes in form of handling the telegraph business of the House. About a year ago we were forced to enter into a different arrangement for handling the messages franked by Members. That work was formerly done by the Western Union, and that threw the work onto the Committee on Accounts. We had no alterative in this unless we very greatly inconvenienced all the Members in their use of the wire for official business. We now have to handle all the audit checking and revising and accounting that was formerly attended to in the local office of the Western Union, and it has accumulated to an extent that it is physically impossible for us to handle it with the present employees. In addition to that the duties of auditing that we have inherited through the Western Union give us further additional work which is impossible to handle with the present force. I do not believe that the appointment should be permanent, and I shall endeavor to extricate ourselves from the difficulty by the end of this Congress, and either relieve this committee of some of the detailed work now inherited, or else make some other arrangement, but it is absolutely necessary at present that some such arrangement be made. My present clerks have not left the office until 7 o'clock for the last three months. I can not further impose upon them and have done much of the work myself.

Mr. WALSH. Mr. Speaker, the explanation is entirely satisfactory, and I withdraw my reservation of an objection.

Mr. IRELAND. I hope the House will not believe me inconsistent in requesting this, because I have opposed the appointment of clerks to some other committees that were not so active.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

REGULATING BANKING BUSINESS IN THE DISTRICT OF COLUMBIA.

Mr. WHEELER. Mr. Speaker, I call up the bill S. 3170, regulating corporations doing a banking business in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That no corporation that is not now engaged in the business of banking in the District of Columbia shall, after the passage of this act, be permitted to enter upon said business in the said District, or to establish branch banks in said District, until after it shall have secured the approval and consent of the Comptroller of the Currency; and each one of the officers of such corporation so offending shall be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

Mr. WHEELER. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. MILLSPAUGH].

Mr. MILLSPAUGH. Mr. Speaker, the banking situation in the District of Columbia is in a precarious condition. There are in the District at the present time 15 national banks, which, of course, are incorporated under the Federal law. There are 31 so-called State banks, of which number 16 have their charters from the State of Arizona, 3 are organized under the savings bank law of the District, 1 under the Alabama law, 5, I believe, under the Virginia law, and 6 under the West Virginia law. The law here in the District in regard to banking is so loose and so indefinite that a promoter may secure a charter from any State in the Union which will issue him a charter and come into the District and open a bank without asking permission from anyone. The favorite plan seems to be to secure a charter from the State of Arizona, 16 of the banks

having secured charters from that State. There are banks here operating upon a capital stock of $1,000,000 down to $9,000. The law permits a bank to get a charter from Arizona for an authorized capital stock of $1,000,000 and to open up here with a nominal amount of capital stock, a small part of that million dollars, so that this bank now operating under a $9,000 capital, I think, was chartered under an authorized capital of $1,000,000. There are 5 banks trying at the present time to organize and come into the District to do business. There is 1 bank in particular which is promoting its stock upon the basis of a million dollars capital stock, and their plan is to sell their shares at a par value of $10, but on a market value of $15, the proposal being that of the $15, $10 shall be the par value, $2 shall go to the surplus fund, and the other $3 shall be used to pay the expenses of promotion, and out of that fund they propose to furnish the fixtures and promotion expenses. Of course it is necessary for them to offer some consideration to get this $3 out of the $15, so that they state they will furnish the fixtures, but they do not state how much.

There is no State in the Union which will permit a bank from any other State to come in and do business without its first being licensed or without its having permission from the bank commissioner or some such authority. After a bank opens here, under the law the Comptroller of the Currency is authorized to examine the bank. The bank also must make reports to the Comptroller of the Currency, but there is no provision in the law that gives the Comptroller of the Currency any authority to make any restrictions other than to close the bank. He has the authority to close the bank. Up to the present time he has, through his examiners, been able to make recommendations to the board of directors which practically all the banks have complied with, but no one knows when a bank will come in here that will refuse to accede to his wishes along this line of safety. Under the law at present a bank chartered in Arizona may come in here with a million dollars authorized capital, but with $25,000 of paid-up capital, and may loan the whole $25,000 to one man if the bank cares to do so. The fact of the matter is, if the bank has deposits of $200,000 it may loan the whole $200,000 to one man if it wishes to do so, and the only recourse that the comptroller has is to close the bank.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. WALSH. This legislation will not prevent that, will it?

Mr. MILLSPAUGH. Absolutely.

Mr. WALSH. Does the gentleman say that it will prevent banks now organized from doing what the gentleman says can be done?

Mr. MILLSPAUGH. No; it will not do that. May I say to the gentleman that the object of the committee is to pass this bill to prohibit the formation of these fly-by-night banks, until the committee can draft a comprehensive bill for the District along lines that have been followed by the different States in their banking laws.

The purpose of this bill is to keep these other banks, the fly-by-night banks, from organizing here until that can be done. Under the present law in the District if a national bank wants to organize it makes application to the Comptroller of the Currency, and he investigates the standing and the ability of the men who propose to open the banks, and as to whether there is a good chance of their making a success of the business. That is likewise the case in the different States where a State bank seeks to organize. The banking commissioner in the State has the right to investigate the character and the standing of men who desire to open a bank, and whether there is a good chance for their success, and if there is not he may refuse them a charter.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. GARRETT of Tennessee. This bill will prevent any corporations that are not now engaged from proceeding in the future to the organization of a bank, but it will not prevent banks that are now in existence from organizing branches, will it?

Mr. MILLSPAUGH. I think so.

Mr. GARRETT of Tennessee. I call the gentleman's attention to that language very particularly. It seems to me that as it is worded these banks now in existence can still continue to organize branch banks, and it occurs to me that if that be the case, and the situation be as the gentleman describes it, the bill ought to be amended.

Mr. MILLSPAUGH. I see the point that the gentleman makes.

Mr. GILBERT. Mr. Speaker, I would call the gentleman's attention to lines 6 and 7, and I ask if the language there does not cover his objection.

Mr. GARRETT of Tennessee. No. If we leave out what goes before, it reads in this way:

> That no corporation that is not now engaged in the banking business in the District of Columbia shall, after the passage of this act, be permitted * * * to establish branch banks in said District.

In other words, as it is worded, one of these banks now doing business under the laws of Arizona or Alabama, or any other State, can go ahead and organize branch banks if it chooses to do so, unless some amendments preventing it be adopted.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. MILLSPAUGH. Yes.

Mr. CRAMTON. Did I understand the gentleman to state, in reply to the gentleman from Massachusetts, in respect to any one of these banks heretofore established under a charter from Arizona or Alabama, that the Comptroller of the Currency has no jurisdiction over the banking methods obtaining in such an institution?

Mr. MILLSPAUGH. He has jurisdiction to this extent: His examiners examine the bank, and the banks are required to make reports to him, but he has no authority to determine the amount that they shall loan to any one party or to impose any of those restrictions that should apply to banks.

Mr. WALSH. Will the gentleman permit an inquiry which I think may elicit an answer to the gentleman's question?

Mr. CRAMTON. Certainly.

Mr. WALSH. Is it not true, however, that with reference to trust companies and State banks the District Commissioners exercise the same supervision over those institutions that the comptroller does over national banks?

Mr. MILLSPAUGH. That is true as to trust companies.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLSPAUGH. Mr. Speaker, I ask for five minutes more.

Mr. WHEELER. Mr. Speaker, I yield five minutes more to the gentleman from Missouri.

Mr. CRAMTON. If the gentleman will yield further, that is the situation as to a trust company; but as to a bank that was organized under some State charter, as was included in the question of the gentleman from Massachusetts [Mr. WALSH], there is no supervision except as the gentleman from Missouri has stated?

Mr. MILLSPAUGH. Absolutely none.

Mr. CRAMTON. Hence the legislation proposed here is at the best only a very limited step. It will simply prevent other institutions coming in here who may possibly conduct their affairs in a very loose fashion, whereas there are already 31 institutions that can now conduct their affairs just as loosely as they may desire to do.

Mr. MILLSPAUGH. I may say in reply to the gentleman that that is true, and that it is the intention of the committee to as quickly as possible draw a comprehensive bank bill that will control the banks that are now in business, a banking bill fashioned along the lines of the best bills that are in force in the different States in the Union. That is our intention. That, however, is a matter that will take some time to accomplish.

Mr. CRAMTON. The gentleman states that as to any one of these 31 institutions now doing business under the present laws there is nothing to prevent its lending all of its available cash to one person?

Mr. MILLSPAUGH. There is nothing except the pressure which the Comptroller of the Currency and the clearing house of the District may bring upon them. Up to this time we have not had much trouble under this law.

Mr. CRAMTON. It seems that a comprehensive bill such as the gentleman refers to is so urgent it is hardly worth our while to fool along with a makeshift law like this, that does not get us anywhere.

Mr. MILLSPAUGH. If the gentleman will allow me to suggest, the barring of any one questionable bank that proposes to enter here would be sufficient reason to pass the bill.

Mr. CRAMTON. The comptroller will be able to close the bank at any time that he thinks it insolvent. On the other hand, while this bill will refer to some one bank that may come in, it does not reach the situation as to 31 banks that are now here.

Mr. MILLSPAUGH. That may be true. But a run on one bank in Washington might produce results that we could not overcome for years.

Mr. EVANS. If you would make the law applicable to national banks apply strictly in the District of Columbia, would you not have solved many of your difficulties? And, if not, why not?

Mr. MILLSPAUGH. I will say, in answer to the gentleman, that the banking law which it is eventually proposed to offer should follow along the lines of the national banking laws, but

it will be impossible to make the national banking laws to apply to State banks in the District without making some exceptions.

Mr. EVANS. You certainly could make it apply to any bank coming in.

Mr. MILLSPAUGH. You mean restrictions?

Mr. EVANS. Restrictions.

Mr. MILLSPAUGH. That is what this bill does. It must have the permission of the Comptroller of the Currency.

Mr. EVANS. But it does not require the bank to operate under the national banking laws?

Mr. MILLSPAUGH. I will say to the gentleman that my impression is there should be no bank from Arizona or any other State allowed to do business in the District of Columbia.

Mr. EVANS. Then, if you would adopt the suggestion, by making the national banking law apply to any new bank or new branch you would accomplish that result, would you not?

Mr. MILLSPAUGH. I did not understand the gentleman.

Mr. EVANS. Suppose you would make the provisions of the national banking law apply to any new bank coming into the District to do business, or to any new branch to be created, you would then cover the present situation?

Mr. MILLSPAUGH. This bill does just that thing. The new bank must get the permission of the Comptroller of the Currency, and that is what this bill does. That is all that it does.

The SPEAKER. The time of the gentleman from Missouri has again expired.

Mr. WHEELER. Mr. Speaker, I yield five additional minutes to the gentleman from Missouri.

Mr. MILLSPAUGH. In regard to the question of the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Tennessee [Mr. GARRETT], I see your point here, and I am of the opinion that an amendment to correct that situation should be presented.

Mr. GARRETT of Tennessee. I think the gentleman from Kentucky [Mr. GILBERT] has an amendment prepared.

Mr. MILLSPAUGH. I thank you. I think that should be done.

Mr. DOWELL. Agreeing with the gentleman from Michigan [Mr. CRAMTON] that this is a very small item so far as curing the defect suggested by the gentleman from Missouri is concerned, is it not true that in most States there is a very definite banking law that in most respects is quite uniform, and is it not possible for the committee to submit a banking law for the District that will be in accord with the best banking systems in the States, and can it not be done in a very short time? It seems to me, as suggested by the gentleman from Michigan [Mr. CRAMTON], that we are losing a lot of time in trying to enact legislation that may prevent further banks from coming in; but, according to the statement of the gentleman from Missouri, enough evil has already entered to make the situation very dangerous here now, and it ought to be cured by submitting a set of laws that will regulate the conditions as they exist, according to the statement of the gentleman from Missouri [Mr. MILLSPAUGH]. Would the committee not better take their time in submitting a comprehensive bill to the House for enactment at a very early date?

Mr. MILLSPAUGH. In answer to the gentleman, I will say that this bill is an emergency bill, which should be passed at once. It ought to have been passed a month ago.

Mr. DOWELL. I am for this as far as it goes.

Mr. MILLSPAUGH. Wait a moment. In answering you in regard to the other bill, I want to say that there are 48 States with banking laws, and, inasmuch as I have promised to present the bill or to take charge of the framing of it, I want time enough to frame a law out of the experience of the 48 States. And it is my desire to present the bill here afterwards through the committee that will be a model banking law, based on the experience of the 48 States that already have these laws.

I will say to the gentleman that we have a most excellent law in the State of Missouri, but I should hesitate to take that Missouri law and offer it to the District, because it might not be entirely applicable. It is a matter that would take some days to examine and study over and think of before a law of that kind can be drawn, and I should hestitate to say that I could do it in a month or six weeks or two months. And the emergency exists at the present time.

Mr. DOWELL. But the emergency has existed for some time, as I understand. According to the gentleman's own statement, this emergency has existed for some time.

Mr. MILLSPAUGH. I did not know it until quite recently.

Mr. DOWELL. I do not desire to question the gentleman's statement in the matter, but my thought is I am for doing anything that will help restrict this character of banking described by the gentleman from Missouri. My only suggestion was that this condition existing, as stated here, there should be no time lost in curing the situation.

Mr. MILLSPAUGH. May I say to the gentleman that there are some conditions existing here that I would hesitate to state to the gentleman at this time, and I am going to ask him to take my word for a part of it that the emergency exists. I should hate to make it public.

Mr. DOWELL. I shall support the gentleman's proposition.

Mr. PARKER of New Jersey. Mr. Speaker, we have so good a national banking law and it is so liberal that I want to ask the gentleman whether in his judgment it would be oppressive simply to enact that within a certain time, probably a year or six months, no bank should do business in the District of Columbia that had not incorporated under the national banking law?

Mr. MILLSPAUGH. I will say to the gentleman that I think there are some provisions in the national banking law that should not apply to the District, and that is the reason I am not offering that at the present time. I want to make a study of it.

Mr. PARKER of New Jersey. Conditions that ought not to apply in the District of Columbia?

Mr. MILLSPAUGH. Yes. I have followed the banking business for 25 years, and I have given the committee the benefit of my judgment.

Mr. PARKER of New Jersey. The gentleman thinks the national banking law is not applicable?

Mr. MILLSPAUGH. Yes.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. WHEELER. I yield to the gentleman three minutes more.

Mr. SUMMERS of Washington. Mr. Speaker, it seems to me the provisions of this bill are very inexact. Would the gentleman object to making it read like this: "Hereafter no corporation shall engage in the banking business in the District of Columbia until after it has secured the approval and consent of the Comptroller of the Treasury"? I think that would cover it and is much more definite.

Mr. MILLSPAUGH. I understand the gentleman from Kentucky is drawing an amendment that will probably cover that situation.

Mr. CRAMTON. I am not sure that I correctly understood the gentleman. The gentleman spoke of one bank chartered under the laws of Arizona with a capital of $1,000,000 and $9,000 paid in. Is that a bank that is coming, or one that is already here?

Mr. MILLSPAUGH. That is already here.

Mr. CRAMTON. Now, the emergency that the gentleman refers to is to keep out some institutions that the 31 banks, or those that are already here, think is about to come in?

Mr. MILLSPAUGH. I did not say that.

Mr. CRAMTON. I understand there is an emergency, and it is to keep out a particular institution which desires to come in?

Mr. MILLSPAUGH. I did not say that.

Mr. CRAMTON. Is not that the situation?

Mr. MILLSPAUGH. There are five organizing at the present time or endeavoring to promote themselves. I have simply mentioned that bank to show what an unfavorable proposition confronts us.

Mr. CRAMTON. For how many years has this present situation prevailed?

Mr. MILLSPAUGH. I could not say; but with 25 years of previous banking back of me, I was astounded when I found that condition.

Mr. CRAMTON. The condition is that for many years past the doors have been wide open, as the gentleman says they are now?

Mr. MILLSPAUGH. That is true.

Mr. CRAMTON. And there are 31 banks that have come in through that wide door and are here, with very defective supervision, and we are to permit them to continue, but we are to shut the door to prevent the competition that wants to come in to meet these 31 banks that are already here?

Mr. MILLSPAUGH. The gentleman does not understand me.

Mr. CRAMTON. I am trying to get information.

Mr. MILLSPAUGH. I do not think the 31 banks that came in here with foreign charters are bad banks at all.

Mr. CRAMTON. I do not want to be understood as stating that, but the authority for supervision over them by the District authorities is defective.

Mr. MILLSPAUGH. The situation was that there was no law under which a bank could incorporate here, so that some very excellent banks got their charters from outside, from the States.

Mr. CRAMTON. I would not want what I have said to be understood as criticism of the management of existing banks; it is, rather, criticism of the law under which they operate.

Mr. MILLSPAUGH. I will say to the gentleman that there are some conditions in regard to this situation which I would hesitate to make public on the floor, conditions which I have investigated; and I feel that, with the experience that I have had in the banking business, I am correct in asking for the enactment of this bill.

Mr. CHINDBLOM. I understand some amendments are to be offered which were under discussion when I was out of the Chamber. Is there to be an amendment offered which will clarify or amplify or modify the words, in line 7, "so offending"? Does the gentleman think that those words in the connection in which they are used would prove ample to make possible a prosecution for a violation of this law? What does that mean by saying "so offending"?

Mr. MILLSPAUGH. Opening a bank here in the District of Columbia without securing the permission of the Comptroller of the Currency.

Mr. CHINDBLOM. Has it any relation to the establishment of branch banks?

Mr. MILLSPAUGH. I think so. But the amendment that is being drawn by the gentleman from Kentucky will cover that feature, I assume.

Mr. CHINDBLOM. I will say this language is altogether too general to make successful a prosecution for a criminal offense.

Mr. MILLSPAUGH. After the amendment of the gentleman is offered, if that is not correct I shall be glad to accept an amendment.

Mr. CHINDBLOM. I have got the information I wanted.

The SPEAKER. The time of the gentleman from Missouri has expired again.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended.

Mr. WALSH. I want to ask a question for information.

The SPEAKER. The gentleman from Missouri still has the floor.

Mr. WHEELER. I have yielded to the gentleman one additional minute.

Mr. DOWELL. Unless further legislation is enacted the question will arise, as suggested by the gentleman from Michigan [Mr. CRAMTON], that it will prevent other banks from coming in, as these banks have already entered. Now, if this is to be a temporary matter, that is another thing; but if it is the intention of the committee to enact this legislation and then not put the law into such shape as to permit every bank to stand on an equality that applies for admission here, then this will be entirely unfair by admitting those already here and preventing others from coming here afterwards unless you correct it.

Mr. MILLSPAUGH. In line 7 there is a provision which permits any bank to come in here when this bill is passed by procuring the permission of the Comptroller of the Currency.

Mr. DOWELL. But there should be a basis on which a bank should enter by complying with a specific statute, as in any one of the States.

Mr. MILLSPAUGH. That is true——

Mr. DOWELL. Without reference to whether anybody wants them in or does not want them to come in.

Mr. MILLSPAUGH. But if we can hold an undesirable situation in leash until we can get the other bill ready, is not that a good thing to do?

Mr. DOWELL. Yes; but suppose the committee does not recommend further legislation? Then they are here to the exclusion of everybody else.

Mr. MILLSPAUGH. Oh, no.

Mr. DOWELL. With those already in having the power to proceed with the character of banking that they are carrying on now.

Mr. MILLSPAUGH. Oh, no.

Mr. WHEELER. I yield three minutes to the gentleman from New Jersey [Mr. APPLEBY].

Mr. APPLEBY. Mr. Speaker and gentlemen, I have had some experience as a bank director. I am very much surprised to learn that the District of Columbia has not up-to-date banking laws. I think in the District of Columbia there are some of the best banks in the United States. Legislation of this sort is not necessary for the large banks, but what my friend from Missouri [Mr. MILLSPAUGH] is trying to do is to shut out proposed banks which are in the process of organization. If there are banks from some of the States which, as has been stated, have very limited capital and a very limited amount paid in, you certainly do not want any more of them in the Capital City. The question is whether you can make this law retroactive to cover those that are now in; but it seems to me that the Comptroller of the Currency should have the same jurisdiction in Washington as the commissioner of banking and insurance has in Iowa, New Jersey, Ohio, or any other one of the States which are safeguarding the public. That is what this bill proposes to do.

Mr. DOWELL. But should he not have the same power over a bank that has already entered the District under conditions described by the gentleman from Missouri?

Mr. APPLEBY. He should have; but the question is whether you can make a banking law retroactive as to the people already in.

Mr. DOWELL. There is no doubt that we can legislate to compel every bank to comply with certain regulations and laws that we may prescribe, whether it is in here now or whether it is to come in hereafter.

Mr. APPLEBY. But the advantage of this bill which has already passed the Senate, as I understand it, is that it will meet an acute situation here. Why not pass this and then have another law presented later?

Mr. STEVENSON. Will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. STEVENSON. This overlooks one principle that we have been rather careful about. It implies that the banks that are already here can establish all the branches they want to. No bank can come in hereafter without the consent of the comptroller, nor can any bank establish a branch except those banks that are already here. Does not the gentleman think the Comptroller of the Currency ought to be given visitory powers as to all these banks?

Mr. APPLEBY. Yes.

Mr. STEVENSON. And that no bank without his consent should have the right to establish a branch?

Mr. APPLEBY. I understand there will be an amendment offered to that effect.

Mr. WHEELER. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. HAMMER].

Mr. HAMMER. Mr. Speaker, I desire to include in my remarks in 8-point type the speech of my colleague [Mr. POU] as temporary chairman of the Democratic State convention at Raleigh, N. C., on April 20, 1922.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in 8-point type, as indicated. Is there objection?

There was no objection.

Mr. HAMMER. Mr. Speaker, under the leave given me I desire to print the following speech of my colleague, Hon. EDWARD W. POU, delivered at the Democratic State convention at Raleigh, N. C., on Thursday, April 20, 1922:

PROMISE OF DEMOCRACY BASED ON RECORD IN STATE AND NATION.

Mr. Chairman Norwood, ladies, and gentlemen of the convention, 21 years ago last January Charles B. Aycock succeeded Daniel L. Russell as governor. Since then our party has had control of both legislative and executive departments of this State. We are responsible for whatever has been done, and responsible for whatever has been omitted. We will not evade the issue, nor will we hide behind excuses. What we have done the world knows.

We are proud of our record. We challenge our critics to show any land upon which the sun shines with a record of greater achievement during the 21 years our party has had charge of the government of this State. Let us contrast conditions now and then:

The common schools.

	1900	1920
Value of school property	$1,097,654	$24,057,838
Average value of each schoolhouse	158	3,009
Number of log houses	1,190	94
Number of new schoolhouses built since 1900		6,805
Average length of school term in days for white race	78	136
Average monthly salary paid white teachers	$24.79	$60.55
Average monthly salary paid colored teachers	$20.43	$46.35
Total school population	657,949	840,961
Total school enrollment	400,452	691,249
Average daily attendance	206,913	473,552
Number of rural libraries		4,636
Per cent of school population in average daily attendance	31	58
Appropriations State educational institutions, 1900–21:		
Permanent improvements	$8,000	$2,005,000
Maintenance	$47,000	$1,282,200
Per cent illiteracy for State	29.4	13.1
Per cent white	14.0	8.2
Per cent negro	28.6	24.5

HIGHER EDUCATION.

North Carolina College for Woman, at Greensboro: Enrollment for 1900, 490; present enrollment, 984.

The University: Enrollment 1900, 512; present enrollment, 1,662.

State College of Agriculture and Engineering: Enrollment, 1900, 298; present enrollment, 1,234; value of college buildings 1900, $125,000; present value, more than $2,000,000.

Negro Agricultural and Technical College: Enrollment 1900, 235; present enrollment, 426.

Since 1900 Eastern Training School at Greenville, Appalachian Training School at Boone have been established, and the Training School at Cullowhee, if not established since that time, has been greatly enlarged.

CHARITABLE INSTITUTIONS.

In 1900 the State Hospital at Raleigh took care of 424 patients; now it has 1,110.

The State Hospital at Morganton in 1900 had 454 patients; now has 1,061.

State School for the Blind and Deaf, Raleigh, 1900, 269; despite strenuous efforts to enroll every blind child, there are only 301, an increase in 22 years of only 32, despite the great increase in population, a remarkable demonstration of the success of the State's efforts to reduce blindness among children.

ORPHAN ASYLUMS.

In 1900 assistance to the Oxford Orphan Asylum, $10,000; present assistance, $30,000; children in that institution, 1901, 221; in 1922, 381.

Colored Orphanage, at Oxford: Appropriation, 1901, $5,000; appropriation, 1922, $20,000; children in institution, 1901, 78; now, 200.

CONFEDERATE SOLDIERS.

In 1900 there was paid in Confederate pensions $118,276. For 1922 there is appropriated for distribution among them a round million dollars.

In 1900 the appropriation for maintenance of the Soldiers' Home was $10,000; 1921, $60,000.

In 1900 there was no provision to take care of widows of Confederate soldiers. Now the State has established a home for widows of Confederate soldiers at Fayetteville. As we have long ago determined no Confederate soldier should be sent to a county home, so it is now determined that no widow of a Confederate soldier need go to a county home.

BENEVOLENT INSTITUTIONS.

In 1900 the State had provided no place for the treatment of tubercular patients. Now we have the great institution at Sanatorium.

In 1900 there was no institution where deformities in children might be treated and corrected. Now the State gives generous aid to the wonderful orthopedic hospital at Gastonia.

In 1900 there was no place where those threatened with the horrors of hydrophobia could be treated. Now we have an institution in Raleigh that treats these patients for moderate compensation, if able to pay, and, if unable to pay, free.

In 1900 we had no place where the vaccines, serums, and antitoxins so necessary in preventive medicine could be prepared. Now the institution at Raleigh prepares and distributes, at trifling cost to those able to pay and free to those who are not, antitoxins to prevent diphtheria, tetanus or lockjaw, typhoid fever, whooping cough, and smallpox.

In 1900 the State had no institution for the care and training of mental defectives. Now it has the Caswell Training School at Kinston.

DISCIPLINARY INSTITUTIONS.

In 1900 the State had provided no institutions whereby delinquent youths might be disciplined, trained, and reformed. Now it has Samarcand for wayward girls and Stonewall Jackson for boys.

The State's institutions, original and additional, have cost money, but who would close one of them? Not only has the State increased the service rendered along the lines I have described in the last 21 years but it is now at work doubling in size nearly all of its institutions of learning and its charitable institutions as well, so that every person desiring an education may be admitted, and every person unfortunate enough to require it may be admitted into the institutions devoted to this protection.

Heretofore the sad duty has been imposed upon the executive officers of our institutions to select those who were to receive their benefits. Some were admitted; some were refused for lack of room. Hereafter the State has determined that no citizen applying for admission, either to an institution of learning or into a hospital for the unfortunate, shall be denied admittance for lack of room or facilities.

PUBLIC ROADS.

In 1900 the roads were maintained generally by unpaid labor. The old system obtained of "warning out the hands," and requiring of every person between 16 and 50, living in the county, not less than six days' work upon the public roads without pay. A few counties supplemented this with taxes levied either upon the entire county or upon some road districts, and this money was used in working prisoners convicted of petty crimes. In this manner the roads were built and maintained.

It was common criticism and reproach that the work of maintaining the roads was largely imposed upon those who owned neither animal nor vehicle. It was charged with some bitterness that we required men to give six days' free labor that others better off than they might travel our roads with more ease and comfort. Think of the injustice of requiring the farm laborer who owned no vehicle at all to contribute the same amount of work on public roads as the man who owned a dozen vehicles and perhaps twice that number of horses or mules.

If any of this antiquated system remains, it is only in a few isolated cases. The system of compulsory unpaid labor upon the roads is gone and gone forever. Our roads are built and maintained by two methods. The counties, either by a vote of the people or at the request of the people by legislative act, have levied taxes to maintain the county system of roads suitable to each county and meeting the approval of each county. Not a cent of road tax is imposed unless the representative of the people have, in response to popular demand, secured legislative authority for such tax.

We have also a State system of road building, for which no direct tax is imposed upon the people. This system is sustained entirely by tax upon motor-driven vehicles and upon the oils and gasoline consumed by such vehicles. The man who has no such vehicle pays nothing whatever toward the building or upkeep of the State system of roads. The man who has such vehicles saves in repairs and the fuel and lubricating oils used far more than the tax he pays. That is, appropriating a given sum of money for the upkeep and operation of a motor-driven vehicle, the owner can deduct enough from the fund expended to pay the taxes and then traverse probably twice as many miles with the balance remaining over improved roads as he could have for the whole amount of money over unimproved roads.

We have then this remarkable situation. To the great majority of the people the building of the present State system of hard surface highways is costing nothing, and no tax whatever is imposed upon them. The man who has a horse-propelled vehicle, the man without vehicle, uses the hard surface road at will without paying directly or indirectly one single cent. The man who has an auto-propelled vehicle pays his tax out of what he saves by being permitted to travel a hard surface road, and in addition thereto doubles the efficiency of his machine.

Another feature of this work is that the tax is collected almost without cost. The license fees are collected through the secretary of state's office, and the gasoline tax is voluntarily collected without cost by the manufacturer. It is difficult to conceive a more ideal scheme than the State has adopted for the building of a system of hard-surface roads; and it is only fair to say that the Morrison administration, and particularly the State highway commission, presided over by Mr. Frank Page, are now doing a work which will be remembered with pride and gratitude when most of us shall be forgotten.

The road commission is composed of 10 trained business men. These men are devoting their time for nominal pay merely to the great work in hand. They are all, each and every one, entitled to the thanks of the people of the State.

LABOR LAWS.

In 1900 there were few, if any, laws upon our statute books for the protection of labor. Now we have a code of laws intended and designed as far as possible to lessen the dangers of employment; to add to the comfort of the workers; to protect the worker from exploitation and injustice; and to provide convenience and emergency assistance, which benefits both employer and worker. We have laws which protect the North Carolina workman from garnishment by shylocks who would send their doubtful claims to other States when they fear to trust their claims to our own courts.

Every one of these laws tending to the benefit or protection of the workingman was enacted since Governor Aycock was inaugurated in 1901.

PUBLIC HEALTH AND WELFARE WORK.

In 1900 the State had done but little to promote public health and welfare work. The State board of health was struggling manfully, with meager appropriations and comparatively little support from the public, to do its work. The county boards of health considered that their duty required them to

look after the jails, the county home, and, if one existed, the convict camp. If an epidemic of smallpox appeared, the board was active and did what it could with the meager means at its disposal. Beyond this the county boards of health were instrumentalities in name only. What a difference there is now.

We now recognize that the promotion of public health is one of the highest duties of the State. The work done in behalf of public health can not be measured by material standards. We can not compute it in terms of feet or bushels or tons or dollars. But it can be read in the face of our children. Their bright eyes and clear complexion speak louder than words what has been accomplished by sanitation and preventive medicines in the past 20 years. No longer do we fear epidemics of smallpox, diphtheria, or typhoid fever. Malaria is being rapidly reduced, and another generation will practically see its elimination. Other diseases which tended to reduce the vitality and efficiency of our people have been completely eradicated, or rapid progress is being made in that direction.

Likewise in the field of public welfare work. Not only do we have a State superintendent of public welfare, with generous appropriation for welfare work, but each county has its county superintendent, whose duty it is to look after the unfortunate and sometimes forgotten members of society.

DEPARTMENT OF AGRICULTURE.

The department of agriculture has greatly increased its usefulness and has taken under its supervision certain branches of work heretofore unknown to it, such as promoting animal industry, inspection of food, feed, and so forth, and at the same time the tax on fertilizer has been reduced 20 per cent.

EXPENSES OF STATE GOVERNMENT.

The expenses of our State government, like everything else, have increased since 1900. The expense of living, and consequently the expense of everything which living requires, has increased in the past 20 years. Like the individual, the State must pay more than it did then for material and services.

In 1900 the governor's salary was $3,000. The judges were paid $2,700 each, and the State superintendent of public instruction was paid $1,500. These and other salaries have been increased, but not to a point to arouse any just criticism.

TAXATION.

Much has been said about taxes. People forget sometimes that the lowest rate of taxation is in the countries having the lowest development and the highest rate of taxation is in those countries having the highest development. The rate of taxation is in no small sense the barometer which shows the height to which development has reached. In its final analysis taxation is the measure of the cooperative spirit of any State or community. The more the people are willing to put into a common fund, to be used for common and universal development, the higher is that spirit of cooperation and fraternity. Conversely, the smallness of the sum that people are willing to contribute to the common purpose indicates a lower degree of the cooperative and fraternal spirit.

Universally it is admitted that public money wisely and economically expended is the highest form of cooperative development. Many things particularly relating to public health and education can only be done effectively through governmental agencies, and the greater the amount of money which the people are willing to contribute to those purposes the higher is the standard of citizenship of that people. So much as a general principle.

In the application of taxation the purpose should be to equitably lay the burden upon those able to bear it, and to lay the burden in proportion to the ability to carry the same. In former days, favoritism and privilege provided for a very unequal distribution of the burden. The weak and lowly carried an undue proportion. Since 1900 our State has made marked progress toward a scientific and humane tax system. Let us examine it for a moment.

In 1900 the poll tax in many cities reached $6 or $7 per annum, and the man who had nothing but his labor and the burdens of his family was called upon out of this poverty to pay this tax. Now, by constitutional amendment adopted in 1920 the poll tax is limited to $3, including both State and municipal. Article 5, section 1, of our constitution reads:

The general assembly may levy a capitation tax on every male inhabitant of the State over 21 and under 50 years of age, which said tax shall not exceed $2, and cities and towns may levy a capitation tax which shall not exceed $1. No other capitation tax shall be levied.

In 1900 the taxpayer was allowed as exempt from taxation household and domestic property to the amount of $25. On all above that amount, whether he owed for his property and whether it was encumbered by mortgage or not, he must pay tax. Now he is allowed an exemption of $300. In 1900 the workingman was taxed: If he lived in the city, $5 to $7 poll tax, and all of his property above $25 was likewise taxed. Now his poll tax is limited to $3, and he pays no tax if he does not possess property in excess of $300; and if he be married his wife has a like exemption of $300. The $300 exemption has been criticized as being favoritism and savoring of agrarianism. But the critic forgets that the rich man is allowed this exemption as well as the poor man. It is universal, therefore, and can not be discriminatory. No person need pay on anything except upon the excess over $300.

In 1900 only $1,000 could be deducted from the taxable income, even though the taxpayer might be married and have a house full of children. He was required to list and pay his taxable income all above $1,000, regardless of his situation or condition in life. Now, the married man with five children under 18 years of age has an exemption of $3,000, instead of $1,000, and he need pay tax only upon the excess of his taxable income above $3,000.

The income tax has been severely criticized by some. I will enter into no defense of that system further than to say that the people of this State, after two years of consideration, adopted it in 1920 by a huge majority, and I need only say that almost every civilized country in Christendom has adopted a similar system.

Briefly stated, the principle of that law is to tax the surplus income. If there be no income, there is no tax. If there be an income but no surplus thereof, there is no tax. If there is an income, and after all exemptions shall be deducted there remains a surplus, it is taxable; and as the surplus increases in size, so likewise does the tax, both in amount and percentage. As the ability to pay increases, the amount to be paid also increases.

The wit of man has yet to devise a more equitable tax system than this. It is here to stay. It is righteousness written into the tax law. It will be an important element of all future tax systems, National and State. We neither apologize for nor defend it. We are proud of it and we boast of its enactment. The rights, the welfare, the best interest of the army of wage earners have been carefully safeguarded by the Democratic Party in this State. Whenever the man who has nothing but his labor, the tenant farmer votes against the Democratic Party he strikes at his best friend. He can have but one excuse, and that is ignorance of what the party has done for him. In summing up this history of Democratic achievement since 1900, I quote this from the Manufacturers' Record:

The following facts about North Carolina appear in the current issue of the Manufacturers' Record:

"North Carolina, with over 2,559,000 people, has nearly doubled in population in 40 years, but according to statistics compiled in the Blue Book of Southern Progress, published by the Manufacturers' Record, of Baltimore, the Old North State has made a much greater progress in material advancement. The capital invested in manufactures in that State is over $669,000,000, or three times what it was 10 years ago, and nearly ten times that of 20 years ago. The value of her manufactured products is now about ten times the value of the State's manufactured products in 1900. North Carolina now has about 1,000,000 more cotton spindles than the entire South had 20 years ago, the increase in 20 years in the State being over 350 per cent. The value of the mineral products of the State in 1920 was $7,650,000, nearly double that of 1910 and over five times that of 1900. Last year North Carolina's farm crops were valued at $262,880,000, which is twice the value of her farm crops 10 years ago and over three and one-half times the value of the farm crops of the State 20 years ago. With national bank resources of over $316,000,000, North Carolina's national bank resources nearly equal those of the entire South in 1880, and her total bank deposits are larger by $126,000,000 than the entire bank deposits of the South in 1880. North Carolina is now spending on public schools over $12,000,000, which is nearly thirteen times the expenditure on public education in the State 20 years ago, and about equal to the public-school expenditures of the entire South in 1880. The assessed value of taxable property in North Carolina in 1920 was $3,139,000,000, which is over five times the 1910 values, and over ten times the assessed value of taxable property of the State 20 years ago."

Ladies and gentlemen of the convention, the foregoing statement of the development and progress of our State under Democratic rule since 1900 is a record of which every North Carolinian may forever be proud. Doubtless some mistakes have been made, but it is a record singularly free from extravagance or scandal. All honor to Aycock, Glenn, Kitchin, Craig, Bickett, and Morrison. These names are linked inseparably not only with the redemption of this State but they stand forth also as leaders of progress, of development of the State under modern conditions. Each of these men, the living and the dead as well, engaged in most honorable contest of service to the State. I say now what I believe to be the solemn truth, that no selfish thought or motive ever found lodgment in the minds of any one of these great leaders of progress.

And it is only fair to pay tribute to the general assemblies which made it possible to put into practical operation the respective programs of this roll of Democratic governors. Without the full cooperation of Democratic legislatures these men,

of course, could have done nothing. And yet the men and women of this State will be asked seriously to elect a Republican general assembly in November, and two years hence they will be asked to elect a Republican governor. I say reverently, as I love my State, Almighty God forbid!

Our party in its platform which this convention will adopt can make no better pledge than that of giving to the people of the State a continuance of the Democratic administration of the past. We point with sincere and reverent pride to the great Vance. We point to the records of all our governors and the legislatures which held up their hands, and we say to the men and women voters of the State: "This is our record. We can not do better than promise you a continuance of that record of honest service, keeping step with the development of modern civilization." Will the Republican Party dare make such a promise? Will that party call by name a single Republican governor and promise if elected to give the State just such an administration? Of course not. Their leaders are too wise to make such a promise, for such a promise would invite certain defeat. It is a lamentable truth that the reputation and good name of the State suffered most during Republican or fusion rule. I am not here to speak of 1868, or to talk about negro rule, and yet there is no way to judge the future except by examining the past, and any man or woman in North Carolina who is finding fault with Democratic rule should read the history of Republican or fusion rule and then decide whether any voter who loves the State can afford to risk the experiment of another Republican or fusion general assembly.

Taxes are high, and yet taxes are lower in this State than in any State in the Union, with possibly one or two exceptions. If the taxes of any particular county are deemed to be too high, the voters of that county have the remedy in their own hands. Are assessed valuations too high? If so, the voters of the respective counties have the remedy in their own hands. The policy of the Morrison administration has been, and is now, to leave the determination of these matters to the respective counties.

Is there anyone outside an insane asylum who for one second believes that taxes would be lowered by a Republican general assembly. When the Republicans were in power they certainly did not reduce taxes. And there was scandal everywhere. There was scandal in the capitol. There was scandal in our State institutions. The State was then poor, but the Republican Party stole from the people of the State even in their poverty.

Our people have decided to make North Carolina a better place in which to live. The Morrison administration has announced and is now carrying into practical operation a great program of road building and rural development. A bond issue was, of course, necessary. Great sums will be expended for the benefit of all the people. Would anyone who loves the State be willing to trust the Republican Party to complete any part of this great program? Does not the program itself constitute the best of all reasons for keeping the Republican Party out of power? Does anyone believe the Republican Party in North Carolina has moral courage to resist the temptation which this great program would offer? The men and women who pay the highest taxes ought to be and, I believe, are the very persons who would utterly refuse to try another experiment of Republican rule, and this is not a charge of dishonesty. I make no such charge, but I do say the principles and rules of ordinary good business administration would utterly debar the Republican Party from control over any part of the State's progressive program.

That there are thousands of high-minded men and women in the Republican Party in this State I cheerfully admit, but I make this charge in the light of history. If anything has been overwhelmingly proven, it is that in North Carolina the Republican Party is incompetent to give to the people the kind of administration they have a right to expect and to which they have become accustomed under Democratic rule. Now, I think that is a fair and somewhat moderate statement. It is not personal nor is it abusive. It is, however, a statement of fact. It is the solemn truth, taking into account the history of the Republican Party when it had opportunity to make history. So the issue this year is perfectly clear. The Democratic Party proudly points to the past. The Republican Party will be silent. It has a past to which no Republican speaker ever alludes.

The great development of which I have spoken is by the mandate of the people of the State in charge of Gov. Cameron Morrison. It should be the pleasure, as I believe it is the duty, of every patriotic North Carolinian to hold up the hands of our governor. Every man and woman who loves the State will aid Governor Morrison in carrying forward this program to full measure of success. His duty is plain. That he is doing his full duty as God gives him light to see, that his heart and soul are in the great task, even his political enemies must admit. Even in the face of criticism forward he will go. Even as it was the dream of Aycock that the morning ring of the school bell should link in one unbroken chain the music of the mountain cataract and the song of the sea, so also it is now the dream of Governor Morrison to make North Carolina as far as practicable independent of any unjust railroad rate or practice by covering the State with a network of hard-surface rural highways. Aycock did not escape criticism, but North Carolina reveres his memory and calls it blessed. The day will come when the people of this State will thank Morrison for his courage in carrying on this splendid work to completion.

Ladies and gentlemen, let us be very frank. Taxes must be levied and collected if people are to enjoy the facilities of progress and civilization. People demand warm, comfortable school buildings. I well remember the schoolroom in which I was taught as a youth. It was provided with an open fireplace at least 6 feet in width. Each school day it was the duty of two boys to keep the fire burning, and I am sure on cold days it required a cord of wood to keep the fire going. We did not even have a stove, and the backs of the hard seats instead of sloping backward to fit the body projected forward so that the boys and girls were forced to sit perfectly straight. When one leaned back he felt the edge of the top of the desk immediately behind cut in under the shoulder blades. The building was at least a century old and the wind whistled through the cracks and loose windowpanes on a cold winter day. To-day in place of that old academy we have a modern steam-heated brick building. Do you imagine there is a single person in our community who would be willing to give up our new building? Of course not. It required thousands of dollars to build and equip it with comfortable desks for the pupils and the money necessary was contributed by the people in the form of taxes. We all remember the muddy roads of our boyhood days. We have not forgotten how the mules and horses strained and how the wagons creaked as a small load was hauled to market. Bad roads are the most expensive institutions any people ever paid for. Where is the man who would be willing to exchange the modern graded, well-drained road or the hard-surface road for the mud roads of our boyhood days? In some places the public road was actually used as a drain for the fields on each side. This is no exaggeration.

Good roads and comfortable school buildings cost money, and no man has any right to complain if the taxes he pays are honestly expended, provided, of course, his property is fairly assessed as to value. Nobody can charge any dishonesty under Democratic rule in this State; nobody can charge extravagance. If taxes are larger in amount than they were in the old days, let no man blame Morrison or the Democratic administration, for the people themselves have demanded better schools and better roads. Are the people getting value? That is the test. North Carolina is to-day ten times richer than the North Carolina of 1900. The State was only a millionaire 22 years ago. To-day she is a billionaire three times over. Those who complain about taxes should not forget that the State is no longer a millionaire, but has become so rich under Democratic rule she is now a billionaire. There should be no complaint if there is no extravagance, and if the citizen has been fairly treated in the assessed value of his property; and if, in his judgment, he has not been fairly treated let him take his case before the board of commissioners of his own county. They have power to correct any injustice. If there is within the borders of this State any man or woman who is opposed to these modern comfortable school buildings, to these modern, well-drained, graded roads, who is opposed to the welfare work the State is doing, who just will not be satisfied because we go forward instead of standing in our tracks, I suppose we will have to let him join the Republican Party, if indeed they will take him, which is exceedingly doubtful.

The State of North Carolina does not now levy a single cent of tax on the property of the State for any State purposes whatsoever. The State is collecting its entire revenues from taxes on inheritance, incomes, franchises, insurance policies, and licenses. From its funds collected from these sources it pays the entire cost of the State educational work, including State colleges and the special work conducted by the superintendent of public instruction, and appropriates the entire equalizing funds of something over $700,000, which is given to the weaker counties in the State to equalize their schools. Every other department of the State government, including all of the special work done throughout the State, is also paid from State funds which are collected from the special sources of State

taxes and not from any tax on the property of the people in the State.

This fact can not be emphasized too much: That at this time the State of North Carolina does not levy or collect one single dollar of tax upon the property for the support of the State government and the great institutions maintained by the State government.

It may be that what I am saying now is in the nature of a repetition of what I have already said, but the practice of the State in not taxing property is so unusual and so remarkable that I think I may be pardoned for such repetition.

There are people in North Carolina who it seems can not realize that the State is not now imposing any ad valorem tax whatever. I venture this assertion, there is not a State in the Union wherein a great program of road building and road improvement is being developed without taking one single cent of tax on property, either real or personal, and I venture the further assertion that there is no State wherein the person without means is so completely exempt from any tax whatever except possibly the $2 poll tax. The Democratic Party is a party of economy. While by law it takes no tax whatever, except the $2 poll tax, from any man or woman unless that man or woman possesses property of the value of $300 it does not exact taxes from those able to pay except for necessary improvements which the people themselves have demanded.

MR. HARDING'S ADMINISTRATION.

One who loves his country must approach the discussion of present national conditions with emotions of deepest chagrin. From the hour of their restoration to control of Congress by the elections of 1918 until now the Republican majority have floundered in confusion and dawdled with pitiful incapacity. It is profoundly regrettable, but, after all, it is not strange when viewed in the light of recent history and the psychology of recent years is considered.

The Republican Party had its inception in 1856, and since that time five Democrats have been elected to the Presidency of the United States. One of them, Andrew Johnson, the Republicans themselves elected under the peculiar conditions of the Civil War, and him they impeached and sought to destroy. From another, Samuel J. Tilden, they stole the election; and three others—Buchanan, Cleveland, and Wilson—they slandered with every vile resource at their command.

Apparently the one whom they have hated most is the one still living. Him they hate and him they have hated from the beginning of his career because of that transcendent ability and impeccable character which have placed him in the foremost ranks of the world's immortals.

Because of envy they hated him in the days of his activity, and even now as he sits in dignified retirement their bitterness goes out toward him and their venom they still continue to spread upon him. It could not be expected that a party which sees red and then goes blind with madness at the very mention of a name would or could approach the solution of grave problems in a spirit of intelligence or of sincere patriotism.

I believe it to be literally true that even to-day certain Republican politicians would rather do some act that would in some way reflect upon the career and fame of Woodrow Wilson than to pass the most beneficent legislation which the human mind can frame.

And that is why the present administration, with more than one-fourth of its time gone, has fallen so far short of public hope and popular expectation. It is only when they have followed the lines laid down by the Wilson administration that they have been able to approximate success in any endeavor. They have tacitly abandoned any hope of successfully appealing to the electorate at this year's election by reason of any achievement of a legislative character along domestic lines and are casting their hopes upon the results of the Limitation of Armament Conference and the treaties there accepted.

Bear in mind, my friends, that for three full years the Republican Party has held absolute control of the legislative branches of the Government. The elections of 1918 gave them a majority of about 40 in the House of Representatives, and by the most shameful debauchery known to the history of America they obtained the nomination and election of a Senator from the State of Michigan which enabled them to organize the Senate, take full control of all the committees, defeat the treaty of Versailles, and check for a time the greatest movement for world peace ever developed and formulated by the faith and genius of man.

I wish you to keep certain history clearly in mind. It is essential as a proper background for a study of present conditions.

After the election of 1918 had returned a Republican majority in the two Houses of Congress, there remained the short session of the Sixty-fifth Congress, which began in December, 1918, and expired by limitation of law on March 4, 1919. It was determined by the Republican leadership that that session should not be permitted to function. It was easy for them to prevent it by parliamentary devices in the Senate. Back of this determination the underlying purpose was to thwart President Wilson in whatever he should do in peace negotiations. His administration had, after a four-year period of domestic achievements unparalled in history, waged the greatest, most successful war in the annals of mankind. The President himself stood then upon a pinnacle, the height of which no man had ever before touched. He was literally the hope of the world.

Conscienceless politicians, marplots, deliberately determined that he should be broken at the wheel; that he should not emerge from the Paris conference successful in peace as he had been in war.

For the accomplishment of this purpose they desired to create a condition that would force the calling together of the Republican Congress before the peace negotiations should be concluded. Accordingly, certain Republican Senators were put forward to conduct a filibuster against the appropriation bills. It was easy to talk these bills to death, and so it was done.

This made necessary the calling of a special session of the new Congress while the President was yet abroad, struggling midst the jealousies and passions and selfish purposes of Europe to bring forth a chart for the everlasting peace of the world.

He met the situation then created with that quiet dignity and decent courtesy which ever marked his course.

A session was called in May, 1919, and to his implacable foes the President addressed a message of such dignity and power as to place it among the greatest of the country's state papers.

He avoided recommendations upon any subject that might be legitimately construed as having a partisan aspect, and outlined a comprehensive program for meeting the conditions which all experience had taught that the reactions following war would inevitably bring. He stated that the railroads must be restored to their owners, and invited prompt passage of legislation essential.

They dallied with it until he had to extend the time originally fixed. It was almost a year before they placed before him the present law, which is in so many respects unsatisfactory, but which had to be taken, or Government operation, with all its burdens, continued.

And then they proceeded to try to make the country believe the Executive was responsible for all the ills of governmental control. He proposed that there should be an immediate readjustment of the internal-revenue taxes which had been passed as a war measure to meet war needs, pointing out the evil effect to be anticipated by the business world until this was done.

The Republican members of the Ways and Means Committee, excluding all the Democratic members, had a few secret meetings and determined that nothing should be done. This, too, they did deliberately and designedly. They scarcely tried to conceal the fact that their motive was to let the burdens continue to the end that blame might face the Executive.

They were looking to the elections of 1920. They hoped to thrive upon popular dissatisfaction and to win upon public unrest. They were not disappointed.

Throughout that entire Congress they persistently and consistently did nothing, or worse than nothing. They said, in substance, "We will not work in harmony with Mr. Wilson even upon a nonpartisan matter. Wait until we have the executive branch. Give us complete power, and we shall then do the great things of government."

As I have said, their appeal was heeded. In 1920 they elected the President. They obtained a majority of 169 in the House and 22 in the Senate. All was given unto them. But with what result?

I repeat. They dare not risk their cause at the polls upon their domestic legislation. They failed to provide against the reactions that follow all wars. They held the United States aloof from the world, with the result that our foreign markets were destroyed, and as against the prosperity of Democratic days we witnessed, with the beginning of Harding's term, a continuation of that depression already begun with the defeat of the treaty.

We saw business failures in every community. We saw labor thrown out of employment, and we saw once again the steam of the charity soup kitchen take the place of the smoke of the factory. Farm products sold even below cost of production. For their sins men and women everywhere in the world have paid in infinite suffering and indescribable sorrow. We

fell from our high estate as a leader of all nations to a point where, literally, we had no real friends among them; and it was perhaps not an extravagant remark by the gentleman who said "but for the fact that so many nations owed us money it was doubtful if our flag would be saluted upon the high seas of the world."

They have demoralized the civil-service system in their hunger for jobs; and the pitiful fact is that they have done it with hypocrisy. When they have desired jobs, instead of frankly saying so and taking them as spoils, they have, by cunning orders, cast aspersions upon faithful employees discharged.

Their disregard of the civil service law in respect to the appointment of postmasters is so open, notorious, and flagrant that we might as well have no civil service law at all. There are many instances in North Carolina where examinations have been held, three eligibles certified, only to be ignored by the Postmaster General and the President.

In the fourth congressional district, in the city of Henderson, an examination was held and three eligibles were certified, all Democrats and men of character and standing. Yet up to this good hour that examination has been ignored and no appointment made.

Even ex-service men, who stood at the top of the list of eligibles certified, have been ignored and a partisan henchman appointed who would carry out the will of the local organization.

It would be infinitely better, more manly, if the administration would frankly announce a purpose to ignore entirely the civil service law. There are in Washington to-day more than a score of men and women, devoted public servants, thrown out of employment, without even the semblance of an excuse. We are told it was done to promote efficiency of the service.

And that is all we have been told. No charge of any kind has been preferred against any one of the Government workers recently dismissed from the service in the city of Washington. Not even one day's notice was given them. Some of them have families, and almost all were dependent upon their salaries for support. To dismiss them in this manner was punishment undeserved and cruel. And the order of the President raises the question whether he himself is obliged to respect and obey the law.

It is very true that the President has always possessed the power of removal, but in 1897 President McKinley established a rule that reasons should be given when a removal was made, with opportunity for the person whose removal was sought to make reply.

On August 24, 1912, Congress embodied this rule substantially in an act which provides—section 6—that "no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal."

It would seem that this administration has deliberately resolved to take care of the faithful, even though it becomes necessary to violate the letter and spirit of the law in order to make places for them.

I do not know whether the American people will tolerate such a crude partisan course or not. At least, it is only fair that they should know the facts.

The policy of the Democratic Party with respect to the ex-service man was and is now not only a policy of justice but of generous justice. We recognize the debt we owe to these men, and the party will not cease its struggle to secure justice and fair treatment for them in generous measure.

NORTH CAROLINA IN CONGRESS UNDER WILSON.

Under the administration of Mr. Wilson the State was represented in so many of the great committees of the House and Senate as to cause considerable comment. In Senate Mr. SIMMONS was chairman of the Finance Committee, while Senator OVERMAN was chairman of the Committee on Rules.

During the Sixty-fifth Congress the State had the chairmanship in the Senate of the Finance Committee, while in the House we had Mr. KITCHIN as chairman of the Ways and Means Committee. There may be a precedent for this, but if so it has never been called to my attention. Not only did our State have these great places, but it was a matter of frequent comment that no chairman of the Senate Finance Committee and no chairman of the House Ways and Means Committee ever knew more about the details, provisions, and hundreds of items of taxation in the bills under their charge than did SIMMONS and KITCHIN. It is only fair to say that our two Senators are now and have been for years national figures, wielding powerful influence for righteous legislation. We had, as everyone knows, Hon. Josephus Daniels as Secretary of the Navy. More than 80 committees or subcommittees of the House and Senate have at one time or another conducted investigations of expenditures under the Wilson administration. The Navy Department under Secretary Daniels was intrusted with the expenditure not only of millions but billions of money which Congress deemed necessary to carry on the war to successful conclusion. From beginning to end not one whisper of scandal has ever touched Josephus Daniels. In our grim determination to win the war as quickly as possible, and thereby save as many American lives as possible, doubtless money was wasted, but during all the investigations of the billions expended be it said to the everlasting honor of the Wilson administration not only was there no outstanding scandal proven but no dishonesty was proven against any high official, and no scandal was developed similar to the scandals proven in the Civil War and the Spanish-American War, which even partisan Republican organs, filled with hate and prejudice, would dare take the risk of printing.

Concerning those who represent the State in the House of Representatives, it may not become me to speak, and yet I can not refrain from saying there is no jealousy amongst us; but, on the contrary, a most generous spirit of cooperation in respect to all measures which, in our judgment, promote the interest of the American people. All of us cherish the hope that Leader KITCHIN will be restored to health and vigor, for while he fights hard he never strikes below the belt, and by his splendid courage he has justly won the affection and respect of his colleagues of both parties in the House.

It should not be forgotten that there was not a break in the prosperity of the Nation until after the final defeat of the Versailles treaty. Moreover, it should not be forgotten that Mr. Wilson had only been in office 17 months when war broke upon the world. And yet when America declared war the great Federal reserve law had been enacted, farm loan banks had been created, and the fairest tariff law in the Nation's history had been enacted. But for the Federal reserve law it is exceedingly doubtful if we could have successfully financed the war. After the war ended and the country was threatened by panic, caused, as many believed, by the policy of the Republican Party, that law saved many individuals and corporations as well from financial ruin. The farm loan system was a companion law. The farmers of America certainly can not forget that Wilson was the first President who clearly saw the necessity for a system in financing agriculture. Up to this date $600,742,060,000 have been loaned to the farmers of America on long time at a low rate of interest; of this huge sum $9,915,700 has been loaned in North Carolina. Many farmers have been helped, but not all who deserve help. A Democratic Congress will pass such legislation as experience may demonstrate to be necessary to make the Wilson Farm Loan Act a national success.

There was Republican opposition to both these laws. Examine the roll calls and you will see just where the opposition was. They are all Democratic laws, recommended by a Democratic President, enacted by a Democratic Congress. Some of the Republicans in power do not scruple to abuse the former President, but you have not heard any suggestion that they intend to repeal either the one or the other of these great constructive legislative acts for financing the people of America. Our Republican friends are fond of talking about a great American merchant marine. Under Democratic rule in ante bellum days the Nation possessed a flourishing merchant marine, which was killed by the policies of the Republican Party after the Civil War. Under President Wilson the greatest merchant marine in the Nation's history was built up. I heard President Harding declare in a message delivered in person, according to a custom revived by Mr. Wilson, that his administration was pledged to provide a great merchant marine; that the pledge must and would be kept. How do you suppose they are going to restore the American flag to the high seas? By a subsidy, of course. They are again building a high tariff wall; and if anything kills a merchant marine a tariff too high certainly does. It is axiomatic that a ship loaded for a foreign port must also return loaded. Otherwise the loss would be too great. So our Republican friends, when they decided to rebuild this high tariff wall knew they could not maintain a merchant marine without the assistance of a subsidy. There is a good deal of grumbling about this proposed subsidy among Republicans. Particularly is that grumbling heard from that farm bloc which President Harding considers so unnecessary in a Nation run by political parties, and which farm bloc is to him so objectionable. Never-

theless, there are enough Republicans still under the influence of the President to pass the subsidy bill. They are going to have a merchant marine if they have to tax the people to make good a loss which is certain so long as the high tariff wall remains.

So against the Federal reserve law, the farm loan act, the Underwood-Simmons tariff law, and other measures during Wilson's period of administration prior to the Great War, you have the do-nothing policy of the Republican administration up to this hour.

THE INIQUITOUS SHIP SUBSIDY BILL.

You have, however, the promise of the President that he is going to build up a great American merchant marine by means of a subsidy, which he hopes will cover the loss of the shipowner if he fails to bring a full return load, because he knows he must scale that high tariff wall in order to get rid of the return load. The American people in November will, of course, decide whether they are willing to be taxed to provide the subsidy which the President has recommended. The bill proposed by the administration authorizes the Shipping Board to sell any or all of the 1,447 steel ships belonging to the United States at their own price, for cash or otherwise, on terms, with or without advertisement, at 2 per cent interest for deferred payments on 15 years' time. A higher bid may be rejected for a lower. There is no restraint or positive rule to prevent favoritism.

A revolving fund of $125,000,000 is set aside from sales and operations of ships which may be loaned at 2 per cent on such terms as the board sees fit to aid in constructing or equipping ships, the only limitations being that two-thirds of the value of the ships built or to be equipped when completed can be loaned.

Owners of vessels can deduct from their net incomes for taxation amounts equal to the net earnings of the vessel, so that the entire income of the vessel is free from taxation, if an amount equal to the taxes remitted is set aside for investment in improvements. This practically frees all shipowners from taxes.

Any person selling a vessel built prior to 1914 is exempt from paying income tax on profits of the sale, giving advantage to speculators who buy ships at $20 a ton and sell for $50 a ton, for instance.

All Army and Navy transport service is to be abandoned, and contracts may be made with private vessel owners for all transportation in time of war or peace, either of persons of property, on 10-year contracts. No contract can be interfered with even by Congress.

Provision is made for owner of every vessel of 1,500 tons or more, subsidies, regardless of speed, of one-half cent per 100 miles for each gross ton. The subsidy increases with the speed of the vessel until the speed reaches 23 knots, when the subsidy is 2.6 cents per ton for 100 miles. Under this law a vessel like the *Leviathan* would earn in subsidies alone more than $1,500,000 a year.

The iniquity of this subsidy is that the Shipping Board may double or cut all the subsidy off if they want to.

No more unjust or unscientific plan for maintaining a merchant marine could be devised. Government subsidy is hateful to the American people. Let Mr. Harding try out his plan and await results. No party can successfully defy the laws of common sense, and no political party, in my humble judgment, will for any long period of time be permitted to tax the people to raise funds to be handed over, practically gratis, to certain shipowners of the Nation.

Ladies and gentlemen, looking backward over the span of years since the summer of 1914, what have we seen? First of all we saw the black cloud of war suddenly gather and the deluge break. We saw the President of this Nation doing all that mortal man could do to maintain perfect neutrality. We heard the criticism and abuse hurled against him because he would not ask Congress to declare war when the *Lusitania* was sunk. At last Germany crossed the dead line. She sank our ships, murdered not only our sailors but noncombatant civilians, men, women, and even helpless children. We then heard the President come before Congress, sum up the crimes committed against us, and conclude his immortal message by declaring, "God helping us, we can do nothing now but go to war."

And then we saw the Nation undergo a second birth. Even as a human soul is born again, so also this Nation was born again unto the cause of righteousness, of generous sacrifice for the good of all mankind. We heard the drums beat and we saw the boys go, and every minute we were praying, "O dear God, if they must go, do let them come back." We did verily believe we were waging war to banish that bloody scourge forever from the world. We heard the news flashed that 12,000 of our marines had turned the Germans back. We heard of the victory of Chateau-Thierry. We heard of the wedge our men had driven through the Argonne. Then the news came that the Hindenburg line had been broken, and forthwith we heard the whine Germany set up begging for peace. The armistice was agreed to. The President was at the pinnacle of world leadership. Men and women throughout America were filled with exaltation of high purpose. More than this, material prosperity undreamed of was seemingly part of our reward for generous service rendered.

And then commenced the happening of a course of events almost as amazing as the splendid march of the Nation upward. The historian of the future will pause in wonder and disgust when he records the details of a political plot concocted to defeat the treaty. Do not forget that Mr. Harding, Mr. Hughes, Mr. Root, Judge Taft, Senator Lodge, Secretary Hoover, and other members of the President's Cabinet were all supporters of the treaty. Some with reservations, others without any reservations at all, and yet the treaty was defeated. You mother, you father, who lost your boy, what balm has been given for your wounded heart? What spiritual compensation have those in power offered to ease that wounded heart? We saw our boys go and heard the promise made, which appeared to have the unanimous indorsement of the American people, that the boys must go to war in order to free the world as far as humanly possible in all the future from that bloody curse.

Who will say that President Wilson did not offer all, even his own life, to keep the faith? The solemn pledge has not been kept by the Republican Party. There are some who can not rid themselves of a feeling that the Republican Party through its hatred for Wilson and in its determination to get back into power by fair or foul means blasted for the time being the hope of mankind for world peace. And, worst of all, the ugly work was done by mobilizing every German sympathizer, every coward masquerading as a conscientious objector, every traitor, under the banner of the Republican Party.

What the future policy of this Nation is to be in world affairs God in heaven only knows. Mr. Harding has not told us. Mr. Hughes has not told us. If they have any fixed world policy, they have not taken the American people into their confidence. The suggestion of the recent conference in Washington did not come from the President or from his Secretary of State. The suggestion came from Congress long before anyone dreamed that Mr. Harding would be President. A Democratic House had written the suggestion in a bill passed by that Democratic House. God grant the work of the conference may be successful. We can only wait and hope.

One word in conclusion. There is a wounded soldier in Washington now, a private citizen, who even in his retirement wields greater influence for good than any living man. What shall I say about this wounded soldier? Perhaps I had best answer in this way. All rational persons believe in Almighty God. Faith in God was the rock of ages which held this Nation steady during the World War. But for this faith untold thousands of men and women would have been driven to madness. Faith in God was the only light in the darkened firmament of the universe. It was the only refuge for the soul, sickened by the horrors of the war. God lives. He is merciful. The soul is immortal and goes back to its God. This faith was the balm of Gilead for the broken heart.

My friends, even as I have faith in a heavenly Father, so also I believe His providence in the supreme crisis in the world's history raised up Woodrow Wilson to lead all nations to a plane of nobler action and to point out to the children of men the pathway which leads to liberty and to universal peace.

Mr. WHEELER. Mr. Speaker, I move the previous question on the bill.

Mr. WALSH. The gentleman agreed to allow an amendment.

Mr. WHEELER. I beg the gentleman's pardon. I withdraw my motion.

Mr. GILBERT. Mr. Speaker, I wish to offer an amendment.

The SPEAKER. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 1, line 6, strike out the word "or" and insert "nor shall any corporation now engaged in the business of banking be permitted."

Mr. WALSH. If the gentleman will permit, that is confined to corporations now engaged in business. It ought to include those now or hereafter engaged in business.

Mr. GILBERT. Those that are now engaged in business are the ones attempted to be covered by the amendment, as the bill itself takes care of future enterprises, I understand.

Mr. WALSH. It does not take care of them with reference to establishing branches. It only takes care of permitting them to enter business here in the future. You say that no corporation not now engaged in the banking business shall be permitted to enter the District of Columbia, nor shall any corporation now engaged in business be permitted to establish

branches. The gentleman will see that unless we make the inhibition apply to those now engaged in business or hereafter engaged in business those that come in hereafter might be permitted to establish branches by plain implication from the reading of the law. If the gentleman will modify his amendment, there certainly can be no question about it.

Mr. GILBERT. As we are all agreed on the purposes of this bill, I will accept the gentleman's amendment.

Mr. WALSH. After the word "now," insert the words "or hereafter."

Mr. GILBERT. Modified by inserting the words "or hereafter."

Mr. DOWELL. How is it possible for a bank hereafter to enter into business under that provision? Will not your language destroy what you are trying to get?

Mr. GILBERT. I thought it was very plain as it was, and I do not think the gentleman's suggestion will have that effect. I do not think it adds anything to it, neither do I think it does any hurt.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "or" and insert in lieu thereof the following: "nor shall any corporation now or hereafter engaged in the business of banking be permitted."

Mr. WALSH. Mr. Speaker, I ask that the Clerk now read the section as it will read if this amendment is agreed to.

The Clerk read as follows:

That no corporation that is not now engaged in the business of banking in the District of Columbia shall, after the passage of this act, be permitted to enter upon said business in the said District, nor shall any corporation now or hereafter engaged in the business of banking be permitted to establish branch banks in said District, until after it shall have secured the approval and consent of the Comptroller of the Currency; and each one of the officers of such corporation so offending shall be punished by a fine not exceeding $1,000 or imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WHEELER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOORE of Virginia, for one day, on account of attending the funeral of a friend.

To Mr. MORIN, indefinitely, on account of death in family.

To Mr. SMITH of Michigan, for 10 days, on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 274. Joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions.

ADJOURNMENT.

Mr. WHEELER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 25, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LARSEN of Georgia: Committee on the Public Lands. H. R. 10517. A bill confirming and validating the title of certain purchasers from the State of Louisiana of certain lands formerly included in the Fort Sabine Military Reservation, in Cameron Parish, La., now abandoned; with amendments (Rept. No. 917). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 11405) providing Federal aid in the construction of sea walls, bulkheads, and jetties and other approved devices necessary and proper to protect the inland waterways, navigable rivers, and waterways of the coast of the State of New Jersey, from Sandy Hook to Cape May, from destruction by encroachments of the Atlantic Ocean; to the Committee on Rivers and Harbors.

By Mr. CARTER: A bill (H. R. 11406) to authorize appropriations for the survey, construction, and maintenance of highways on or adjacent to untaxed Indian lands; to the Committee on Indian Affairs.

By Mr. FULLER: A bill (H. R. 11407) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 11408) granting the consent of Congress to the county of Winnebago and the town of Rockton, in said county, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Rock River in said town of Rockton; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11409) granting the consent of Congress to the city of Ottawa and the county of La Salle, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: A bill (H. R. 11410) to create Federal local option districts, to provide money to pay the expected deficit in the Treasury, to amend the revenue act of 1921, and for other purposes; to the Committee on Ways and Means.

By Mr. KING: A bill (H. R. 11411) to provide credits to secure the successful production and profitable and orderly marketing of agricultural products and live stock in the United States; to the Committee on Banking and Currency.

By Mr. SHAW: A bill (H. R. 11412) for improvement of the Illinois River and a section of the Mississippi River, removal of locks and dams in the Illinois River, and the control and regulation of the withdrawal of water from Lake Michigan; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 11413) for improvement of the Illinois River, Ill., and a section of the Mississippi River, and removal of locks and dams in Illinois River; to the Committee on Rivers and Harbors.

By Mr. VOLSTEAD: A bill (H. R. 11414) to authorize the summoning of a grand jury for the District of Columbia when the exigencies of the public service may require it; to the Committee on the Judiciary.

By Mr. SINCLAIR: A bill (H. R. 11415) to amend the United States grain standards act; to the Committee on Agriculture.

By Mr. CHINDBLOM: A bill (H. R. 11416) to repeal section 1 of the act approved May 19, 1852, as to certain lands affected thereby; to the Committee on the Public Lands.

By Mr. KELLY of Pennsylvania: A bill (H. R. 11417) for the improvement of the Monongahela River; to the Committee on Rivers and Harbors.

By Mr. SMITH of Idaho: A bill (H. R. 11418) to grant to the State of Idaho the use of certain islands in the Snake River for a rifle range for the Idaho National Guard; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNBAR: A bill (H. R. 11419) granting a pension to Mary J. Morgan; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11420) granting an increase of pension to Alice Kingrey; to the Committee on Pensions.

By Mr. KINCHELOE: A bill (H. R. 11421) granting an increase of pension to Johanna Staton; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11422) granting a pension to Agnes E. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11423) granting an increase of pension to Elizabeth Lippert; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 11424) granting an increase of pension to Charles N. Kelley; to the Committee on Pensions.

By Mr. ROACH: A bill (H. R. 11425) granting a pension to Susan A. Sims; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 11426) granting a pension to Mary D. Griffith; to the Committee on Invalid Pensions.

By Mr. LARSON of Minnesota: Joint resolution (H. J. Res. 311) to pay the actual and necessary expenses and compensation of James I. Coffey; Wah-be-zhay-zheence, chief of the

Leech Lake Chippewa Indians in Minnesota; Wah-boose, chief of the White Oak Point Chippewa Indians in Minnesota; and Benjamin Caswell, delegates of the Chippewa Indians in the State of Minnesota, in coming to Washington in the interest of said Chippewa Indians; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5243. By the SPEAKER (by request): Resolutions adopted by the Juneau Commercial Association, relating to the regulation of the salmon fisheries of Alaska; to the Committee on the Merchant Marine and Fisheries.

5244. Also (by request), resolution adopted by the Presbytery of Binghamton, N. Y., indorsing Senate joint resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5245. By Mr. ANSORGE: Petition of Metropolitan Chapter, No. 140, Royal Arch Masons, of New York City, urging the passage of the Towner-Sterling educational bill; to the Committee on Education.

5246. By Mr. BARBOUR: Petition of residents of Gustine and Newman, Calif., protesting against House bills 9753 and 4388 or Senate bill 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5247. Also, petition of residents of Corcoran, Calif., protesting against House bills 9753 and 4388 or Senate bill 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5248. Also, petition of the council of the city of Modesto, Calif., indorsing House bill 10212; to the Committee on the Judiciary.

5249. By Mr. BROWNE of Wisconsin: Petition of citizens of the eighth congressional district of Wisconsin, protesting against the passage of House bill 9753 or any compulsory Sunday observance bill, such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5250. By Mr. CRAMTON: Resolution of the Michigan State Farm Bureau, of Lansing, Mich., urging that there be no reduction in Federal funds for agricultural extension work; also, letter from the board of directors, Tuscola County Farm Bureau, Caro, Mich., urging the same thing; to the Committee on Appropriations.

5251. By Mr. FROTHINGHAM: Resolution adopted by the council of the Appalachian Mountain Club, opposing the transfer of the administration of the national forests, either in whole or in part, from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5252. By Mr. FULLER: Petition of the Illinois Agricultural Association, protesting against the importation of blackstrap molasses free of duty; to the Committee on Ways and Means.

5253. Also, resolutions of the general committee on Army and Navy chaplains of the Federal Council of the Churches of Christ in America, protesting against any drastic reduction in the number of chaplains for the Army and Navy; to the Committee on Appropriations.

5254. Also, petition of the American Farm Bureau Federation conference for the prevention of grain rust, favoring an appropriation of not less than $500,000 for the eradication of the common barberry bush; to the Committee on Appropriations.

5255. Also, petition of The Wilson Shoe Co., of La Salle, Ill., opposing any tariff duty on hides and shoes; to the Committee on Ways and Means.

5256. By Mr. KAHN: Petition of citizens of Oakland, Calif., against Sunday legislation; to the Committee on the District of Columbia.

5257. By Mr. KISSEL: Petition of Samuel Black, Z. V. Conway, Francis Gough, Miss Jennie N. Lewis, Richard W. Matthews, Robert H. Montgomery, all of New York City, N. Y.; Robert F. Dean, of Mount Vernon, N. Y.; and W. C. Ingalls, of Kingston, N. Y., relative to the emergency tariff act; to the Committee on Ways and Means.

5258. Also, petition of E. F. Carey, John J. Cowley, John Jacobs, and Antoinette E. Searle, all of Brooklyn, N. Y., relative to emergency tariff act; to the Committee on Ways and Means.

5259. By Mr. LAMPERT: Certified copy of resolution adopted by the council of the city of Oskosh, Wis., giving the voters of Oshkosh, Wis., an opportunity to express their opinion on the question of the amendment of the Volstead Act permitting the manufacture and sale of light wine and beer, together with certified copy of the result of the vote on said question submitted, which is as follows: For such manufacture and sale, 5,310; against, 2,669; to the Committee on the Judiciary.

5260. By Mr. MORIN: Petition of the Pittsburgh Chapter of the Pennsylvania Institute of Certified Public Accountants, favoring bill introduced by Representative ZIHLMAN creating a board of accountancy in the District of Columbia; to the Committee on the District of Columbia.

5261. By Mr. ROSENBLOOM: Petition of the Presbytery of Wheeling, W. Va., indorsing House bill 9753 to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5262. Also, petition of the Presbytery of Wheeling, W. Va., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5263. Also, petition of the Presbytery of Wheeling, W. Va., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5264. By Mr. ROSSDALE: Resolution adopted by the Women's Republican Club of New York City (twenty-third assembly district), to restore the tube system of transportation of mails in New York City; to the Committee on Appropriations.

5265. Also, resolution adopted by the Woman's Republican Association, State of New York, to reestablish the postal tube service in New York City; to the Committee on Appropriations.

5266. By Mr. SMITH of Michigan: Protest of M. C. Haase and 144 citizens of Eaton Rapids, Mich., protesting against the passage of House bill 9753 or any other Sunday bill, such, for example, as House bill 4388 or Senate bill 1948, providing for the regulation of Sunday observance by civil force under penalty for District of Columbia; to the Committee on the District of Columbia.

5267. Also, petition of the Larrowe Milling Co., in favor of the enactment of the Fordney tariff bill; to the Committee on Ways and Means.

5268. By Mr. SNYDER: Memorial of the officers and standing committee of the Central New York Chapter, Society of Military and Naval Officers of the World War, favoring the adoption of the military policy developed by the War Department as a practical memorial to those who gave their lives to their country; to the Committee on Military Affairs.

5269. By Mr. TAGUE: Resolutions adopted by the Appalachian Mountain Club, 1878, protesting against the transfer from the Department of Agriculture to the Department of the Interior of the administration of national forests; to the Committee on Agriculture.

5270. By Mr. TINKHAM: Resolution adopted by the council of the Appalachian Mountain Club, relative to the proposed transfer of the administration of the national forests; to the Committee on Agriculture.

SENATE.

TUESDAY, *April 25, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McKinley	Ransdell
Ball	Hale	McLean	Rawson
Borah	Harreld	McNary	Sheppard
Brandegee	Harris	Moses	Smoot
Broussard	Harrison	Myers	Spencer
Bursum	Heflin	Nelson	Stanley
Capper	Johnson	Newberry	Sterling
Caraway	Jones, N. Mex.	Nicholson	Sutherland
Colt	Jones, Wash.	Norbeck	Swanson
Culberson	Kellogg	Norris	Townsend
Cummins	Kendrick	Oddie	Wadsworth
Curtis	Keyes	Overman	Walsh, Mass.
Dial	King	Page	Watson, Ga.
du Pont	Ladd	Pepper	Watson, Ind.
Edge	La Follette	Phipps	Weller
Ernst	Lodge	Pittman	Williams
Fletcher	McCumber	Poindexter	Willis
Frelinghuysen	McKellar	Pomerene	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is necessarily absent. This announcement may stand for the day.

The VICE PRESIDENT. Seventy-one Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed Senate bills of the following titles, each with an amendment, in which it requested the concurrence of the Senate:

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 1009. An act for the relief of H. C. Mullins, his wife and minor children;

H. R. 3346. An act for the relief of the heirs of Oscar Chrysler;

H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;

H. R. 5820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;

H. R. 6686. An act for the relief of George Ciszek and Anna Ciszek;

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park;

H. R. 9671. An act to amend section 87 of the Judicial Code;

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. J. Res. 57. Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof.

PETITION.

Mr. LADD presented a resolution of Stevens County District Progressive Grange, No. 5, of Colville, Wash., favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Naval Affairs, to which was referred the bill (S. 3356) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy, reported it without amendment and submitted a report (No. 634) thereon.

Mr. WATSON of Georgia, from the Committee on Claims, to which was referred the bill (S. 531) for the relief of Ivy L. Merrill, reported it without amendment and s bmitted a report (No. 635) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 3506) to regulate foreign commerce in the importation into the United States of the adult honeybee (Apis mellifica); to the Committee on Agriculture and Forestry.

By Mr. McNARY:

A bill (S. 3507) to allow officers and employees of the United States to be commissioned in the Officers' Reserve Corps and to receive pay and allowances when on active duty; to the Committee on Military Affairs.

By Mr. WILLIAMS:

A bill (S. 3508) providing for defendant's attorney fee in certain cases; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 3509) regulating the production of wares which enter into interstate commerce; to the Committee on Education and Labor.

By Mr. McKINLEY:

A bill (S. 3510) granting the consent of Congress to the city of Ottawa and the board of supervisors of the county of La Salle, in the State of Illinois, to construct a bridge across the Fox River; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 3511) to provide for the protection and development of the lower Colorado River basin; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A bill (S. 3512) to regulate the rate of interest that may be paid by national banks in certain cases; to the Committee on Banking and Currency.

TARIFF BILL AMENDMENT.

Mr. LADD submitted an amendment, intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

ADJUSTED COMPENSATION FOR EX-SERVICE MEN.

Mr. WALSH of Massachusetts. Mr. President, I request the attention of the chairman of the Finance Committee, the Senator from North Dakota [Mr. McCUMBER]. I wish to call attention to a newspaper article in the Washington Post of this morning, the headlines of which read as follows:

Bonus discussed at secret session. Senators take up various plans with MacNider, of Legion, and other leaders of veterans. Approve bank loan idea. Agreement on final features may be reached at another meeting to-day. (MacNider's statement.)

The news article follows.

Mr. President, I wish to protest vigorously against any committee of the Senate holding secret sessions to hear evidence in regard to legislation in which the whole country is interested, and in which the minority is as keenly interested as the majority. I can understand and appreciate the desire upon the part of the majority of the committee, charged with the responsibility of drafting bills that represented the majority views, to hold secret sessions and to deliberate in secret about the form and character of the bill to be reported, but I can not understand why it is necessary for any committee of this body to hold secret sessions for the purpose of hearing testimony from witnesses upon contemplated legislation. I am informed that yesterday the majority members of the Finance Committee held a meeting at which there were present several witnesses representing the American Legion and possibly others; that testimony was heard; that the press was excluded; that the minority was excluded; and that again this morning witnesses appeared and testimony was taken in the same way before the majority members only.

I want to protest, I repeat, against the practice of hearing evidence from witnesses summoned or invited before a committee without the full committee being present. The minority has some rights, and one of the rights which the minority ought to have is to know all the facts, to know all the evidence that is disclosed upon which legislation is framed and drafted. I think, especially when a bill of this character, in which there is so much public interest, is being heard that the hearing of evidence by the majority members is not the proper course to pursue in a legislative body of this character. I would like to have the chairman of the committee make some explanation for such a policy, and I wish that the minority might be informed whether or not we are to be excluded from hearing all the evidence presented for or against proposed legislation on the various issues which are being presented from time to time for legislation.

I repeat there may be some excuse or justification for secret sessions to draft the provisions of a bill, but when it comes to evidence, we of the minority can not present our views in the Senate properly, we can not argue the technical features of the legislation, unless we have heard all the evidence. We are being put in the position where the minority may hear only a part of the evidence, hear only a part of the arguments, and hear only a portion of the case that is presented upon which the demand for legislation is based. I think it is time for a protest to be registered by the minority against practices of this kind. I would like the chairman of the committee to let us know how long this is going to continue. How long must the minority remain dumb? Are we to tell the people of the country that our functions and duties consist only of attendance here upon the floor and expressing our opinions here or are we going to be permitted to maintain our position as members of the various committees, share all the responsibilities of committee membership, and hear all of the evidence that is presented?

The Senator from Utah [Mr. KING] yesterday called attention to the fact that secret sessions have been held and witnesses were present and heard in the drafting and framing of the tariff bill. I think it will appear before the discussion is over that witnesses were actually heard, and the selfish or disinterested interests of those witnesses, the propositions which they present to a part of the committee, ought to be a matter of public record and ought to be known to the whole committee and the general public. Legislation formed in secret session upon testimony from which either side of the Chamber is excluded can not but have a suspicion attached to it and will certainly fail to merit the full confidence, approval, and support of the American people.

Mr. President, as a member of the minority, I wish to ask how long we are to be debarred from our right to participate in the deliberations of Senate committees in so far as the hear-

ing of testimony is concerned? I think, especially when we are considering a measure of this kind, a measure in which the people of the country are, perhaps, more interested than even in the tariff bill, we should be informed to what extent and for how long the minority are to be excluded from the deliberations of the committees of this legislative body.

Mr. McCUMBER. Mr. President, the junior Senator from Massachusetts [Mr. WALSH] erected a man of straw and then proceeded to knock him to pieces. After he had succeeded in doing that, he asked me if there was any such man. I think he would have saved himself some trouble if he had merely asked the question in the first instance whether or not there had been a meeting of the majority members of the committee and whether or not witnesses had been subpœnaed in order to take testimony and whether or not the testimony had been taken. Had he done so, I should have told him that no witnesses had been subpœnaed and that no testimony had been taken by any number of Senators.

The Senator, of course, in the matter of the consideration of tariff bills knows what has heretofore been the uniform custom. There has been no testimony taken in reference to the pending tariff bill since we concluded the taking of testimony by the entire committee. Senators, however, have been allowed to come before the members of the committee who were preparing the bill. Senators from both sides of the Chamber have come to consult us in reference to the various schedules of the bill. They were always very welcome to come. The Republican majority of the committee, however, on the question of the policy of protection, in reference to which there is a marked difference between the two parties, have always framed protective tariff bills. The Democrats when they have been in the majority have always framed their tariff for revenue bills after the hearings have been closed. In the framing of the pending bill the Republicans have followed the same rule. If it is desired to expedite business I think the present method is really the best, although very often I should have liked to have been present when the Underwood-Simmons bill was being framed, but I was denied that privilege. On the whole, I think I would have gained nothing, probably, had I been permitted to be present.

In reference to the soldiers' compensation bill, however, I have not considered the condition to be similar. The Senator from Massachusetts understands the differences that exist between the President and some of the members on this side of the Chamber who are in favor of the soldiers' compensation bill; differences growing out of the means by which revenue is to be secured to meet the obligations of that legislation. As chairman of the Committee on Finance, I am ready to consult with those representing the soldiers at any and all times in order to explain to them, as nearly as I can, the differences that arise and to obtain their views. I also may wish to talk the matter over sometimes with two or three other Senators, desiring to have their views as well. However, when we reach the consideration of the bill the Committee on Finance will be called together and we shall discuss all of the matters which are therein involved.

The Senator from Massachusetts undoubtedly consults with persons representing the soldiers of the World War just as I do. Both of us try to get all the information we can before the committee finally meet together and enter upon a consideration of the question.

I do not think it will be necessary to take any additional testimony so far as the cause of the soldiers is concerned. Whether or not it will be necessary to draft a bill which will provide a method of raising revenue is a question which we shall have to consider hereafter; but, if it shall be found necessary to do that, such a measure will have to be framed by the House of Representatives, the Constitution requiring such measures to originate there.

So the Senator from Massachusetts is mistaken if he thinks for a single moment that there has been an attempt to hold a secret session of the committee or of any members of the committee in merely talking the matter over with any of the soldiers. Sometimes I have talked with the soldiers alone; sometimes I have had the Senator from Utah [Mr. SMOOT], who sits to my left, and one or two other Senators to join with me in the discussion of some feature with those who represented the soldiers' view. Such discussions as we have had were preliminary to hearings, if any hearings shall be had, and also for the purpose of securing the viewpoint of those who are interested in the proposed legislation and the obstacles which we must meet and overcome. There has been no stenographer present and no word has been taken down.

Mr. WALSH of Massachusetts. The Senator from North Dakota has suggested that I have erected a man of straw. I desire to ask, Is it not a fact that certain members of the majority of the Committee on Finance met in the Finance Committee room on yesterday?

Mr. McCUMBER. Oh, yes; I think four of us were there present.

Mr. WALSH of Massachusetts. Is it a fact that the head of the American Legion, Mr. MacNider, and a delegation of representatives of the legislative committee of the American Legion met with the Senator from North Dakota and other Senators of the majority party in the committee room?

Mr. McCUMBER. A number of gentlemen met with us.

Mr. WALSH of Massachusetts. Is it not also a fact that there was a discussion, that arguments were made pro and con between members of the committee and the gentlemen representing the American Legion?

Mr. McCUMBER. No; that part of the Senator's statement is a little far-fetched.

Mr. WALSH of Massachusetts. Did those gentlemen make no statements?

Mr. McCUMBER. We talked the matter over generally between us, just as gentlemen sitting at a table will talk matters over.

Mr. WALSH of Massachusetts. Was the press excluded?

Mr. McCUMBER. There was no testimony taken. Nobody made general statements or anything of that character, nor was anyone asked to do so.

Mr. WALSH of Massachusetts. The facts are that some of the members of the committee did meet; that there were present persons who were interested in the legislation; that there was some conversation—they were not there for nothing—and there was some discussion of the bonus bill. I protest against such action on this bill particularly, because it ought not to be a party question; it ought not to be a question that should be made a party issue before the American people.

Mr. WATSON of Indiana. Will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. I should like to have the facts absolutely disclosed, and I should like to know whether or not I have been misinformed by this newspaper article, which is to the effect that there were present in the committee room with the members of the majority party various representatives of the American Legion, who, alone and in private, had a discussion about this bill.

Of course, I am not criticizing those present as witnesses. I am objecting to the exclusion of the minority from hearings of the committee.

Mr. McCUMBER. Some of the majority members of the committee were present.

Mr. WATSON of Indiana. Mr. President, two or three days ago there were present in my office several representatives of the American Legion and three or four Senators, and we discussed this question in a general way. Does the Senator from Massachusetts think I ought to have sent out for him to come to my office?

Mr. WALSH of Massachusetts. No, sir; I do not.

Mr. WATSON of Indiana. What difference does it make whether such a meeting is held in my office or held in the office of the Senator from North Dakota?

Mr. WALSH of Massachusetts. I think when such a meeting is held in the committee room and the chairman is present and a number of witnesses who are interested in the legislation appear before any number of members of that committee the whole committee ought to be present. That is my opinion; and I protest, not merely because the Republicans have violated that practice, but I should protest just the same had it been done by Democrats. It seems to me that the practice of having witnesses heard in secret upon matters of legislation will inevitably bring about a distrust of representative government. That is my protest. If the Democrats had done it they would have been just as blamable as are the Republicans. Yesterday Republican members of the Committee on Finance had witnesses present and spent some hours in discussing proposed bonus legislation. I protest, and say that those witnesses ought to have been heard before the whole committee.

Mr. WATSON of Indiana. Mr. President, I fail to catch the viewpoint of the Senator from Massachusetts. On yesterday morning four of us came together——

Mr. WALSH of Massachusetts. I would not make this a political matter. My protest is against any witnesses interested in legislation being heard by any group or any political element of the Senate. I think that the whole committee should have

been present. Because that was not the case, I voice this objection.

Mr. WATSON of Indiana. Four Senators went into the committee room, the Senator from North Dakota [Mr. McCUMBER] having called us up, and we sat there and talked over the question of soldiers' adjusted compensation legislation. There was no hearing; there was no committee meeting, but merely a coming together of Senators. I have had similar gatherings in my office. Does the Senator think that if I call a number of Senators together in my office to talk about a tariff schedule and I have there present some people who may be interested in a given schedule to talk to me about it that I must send for him and ask him to be present? Certainly he does not. What is the difference, whether in the committee room or in my own private office, if four or five of us come together to discuss a tariff schedule or some other question and persons interested in that schedule or in the other question are present? Does the Senator think we are bound to send out and ask for the Democratic minority to be present?

Mr. WALSH of Massachusetts. I think it is a very bad and a very dangerous precedent for the majority of this body to meet in their own committee room and hear witnesses interested in any legislation with no one present representing the Democratic minority. On the Senator's own admission there were four members of the majority, including the chairman of the committee, present at the meeting referred to. I say it is a bad precedent and that such a practice breeds distrust upon the part of our people for our institutions. The only way to safeguard the confidence which the public ought to have in a representative body is to have all discussions in the open, especially when the question of retaining confidence and respect for our laws is involved.

Mr. WATSON of Indiana. Mr. President, I am forced to disagree with the Senator from Massachusetts, as much as I esteem him and as highly as I regard his opinion, as a rule. The majority formulate legislation; they get together and agree on the general provisions, and then they call in the minority members, in accordance with the universal custom, for the purpose of discussing the whole measure. That is precisely what we were undertaking to do, except in a less formal way, with regard to the bonus measure. We simply came together for the purpose of talking it over, and yesterday there were four members of the majority present. I do not know whether other members of the majority were invited to be present or not; I presume they were, but had other business on hand. I do not agree that it is essential that the minority should be brought in every time we want to get together to talk over a schedule of the tariff bill or the provisions of the bonus bill. It is the business of the majority, in the first instance, to formulate the legislation, but, of course, hearings must be had, and the Senator will remember that we had all of the hearings on the tariff bill in the open, for he himself attended most of the committee sessions and was a very valuable member at all of those hearings. The same statement applies, of course, to the preliminary consideration of the proposed bonus bill. The majority get together, discuss it, and undertake to lick it into shape; and then, if hearings are to be had, as a matter of course all the members of the committee will be invited to attend those hearings.

Mr. KING. Mr. President, will the Senator yield?

Mr. WATSON of Indiana. Yes.

Mr. KING. Then, as I understand the Senator's idea of the ethics of legislation, it is that the party in power may hold secret meetings at which witnesses are heard, so long as their testimony is not taken down, may formulate the legislation, and then perfunctorily may invite the minority in and say, "Now we will have some hearings."

Mr. WATSON of Indiana. No. In the first place, the Senator does not discriminate between Senators coming together to discuss a matter and a formal committee hearing. The Senator knows the difference as well as anybody in the world. If a half dozen majority Senators want to get together in a room and talk over some matter affecting tariff or bonus legislation, I think it is the height of folly, with all due respect to my friend, to claim that we have got to send out for some Democrats to come in there to hear the conversation between us. It has not been done, and, with all due respect to everybody, it will not be done.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a moment?

Mr. WATSON of Indiana. Certainly.

Mr. WALSH of Massachusetts. Does not the Senator think there is a distinction in this case, inasmuch as the present bonus bill has never been considered by the committee, but has just come to this body from the House and no hearings have been held? Therefore the conference held was for the purpose of eliciting information of a special character for the benefit of the majority without the minority being present. There has never been a hearing held on the present House bonus bill. This is not a case where, after hearings have been held, the majority go into secret session, but it was the first discussion on the part of the committee of the Senate of a bill that has just come into the Senate and the minority were not invited to be present or given the right to ask questions and to hear what was said upon a pending bill before this body.

Mr. WATSON of Indiana. If the hearings are to be held, the minority will be invited to attend them; but no hearings have been held. There was merely an informal gathering for the purpose of talking over some of the provisions of the proposed measure or some similar measure hereafter to be formulated.

Mr. McCUMBER. Mr. President, I only want to assure the Senator from Massachusetts that I think he and I are not far apart on what ought to be done with reference to this bill; but, as chairman of the committee, a great many people come to see me both on the tariff and on the soldiers' compensation bill. They come to see me every day. I may take them into a private room and talk with them or I may talk with them in the committee room. I shall scarcely refuse to speak with them; and if I meet Mr. Taylor, who is at the head of the legislative committee of the Legion here, I shall still think that I have the right to ask him how he likes the House bill, and, if he has any objections to it, I may go so far as to ask him what his objections are, and I shall not feel that I am called upon to call the committee together before I can have any discussion with him on the subject.

Mr. WALSH of Massachusetts. Mr. President, I think the Senator underestimates the importance of the meeting of yesterday. I have in my hand a bulletin, which was published and distributed, showing the committee meetings that were to be held yesterday. That bulletin reads as follows:

SENATE COMMITTEE MEETINGS, TUESDAY, APRIL 25, 1922.

Appropriations, hearing military appropriation bill, 10.30.
Commerce and Merchant Marine, hearing ship subsidy, 10 o'clock.
Finance, Republican members, representatives of veterans' organizations, 10.30.
Dye-lobby investigation, hearing at Senate Office Building at 10 o'clock.

Does not this bulletin show that an invitation was given out and notice given to the press and public that the Republican members of that committee were to meet for the first time and hear witnesses from veterans' organizations in regard to a piece of legislation that is not partisan, that must not be partisan, that should not have any partisan character?

Mr. McCUMBER. I have stated to the Senator several times that there were no hearings. I shall probably exercise the right to talk about the soldiers' bonus bill with whomever I see fit. I shall probably call to consult with me those whom I feel I can talk the matter over with. I know of no law against it, and I shall continue to follow that course; and when we have our committee hearings I shall ask the good advice of the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I thank the Senator; but this bulletin did not fall out of the sky. This notice did not come out of the ground. Somebody wrote it. Somebody gave it to the proper authorities. Somebody published it, and it must have been done with the knowledge of the chairman or the secretary of that committee.

Mr. McCUMBER. Somebody published that there were hearings and that there was testimony taken yesterday, according to the statement of the Senator, but somebody was mistaken.

Mr. WATSON of Indiana. Mr. President, I want to ask the Senator from Massachusetts whether on yesterday morning four or five Democratic Senators were not together in the office of the Senator from Alabama [Mr. UNDERWOOD] with some soldiers, discussing the bonus question, and if the Senator was not one of them?

Mr. WALSH of Massachusetts. Mr. President, I am very glad to inform the Senator. I was present alone in the office of the Senator from Alabama yesterday between 12 and 1 o'clock with some reserve officers of the Aviation Branch of the United States Navy who had been with me attending a hearing on a resolution offered by me, before a committee protesting against the kind of examinations they were given when being inducted into the Regular Army. The bonus was not mentioned. They had no interest in it, and they had no relation whatever to any legislation pending on that question, but retired for conference after a hearing before the Naval Affairs Committee. We went to the committee room of the Senator from Alabama because I have no committee room in this building and the Senator from Alabama very kindly has permitted members of the minority to use it for conferences.

Mr. McCUMBER. Why were we not invited to be present?

Mr. WALSH of Massachusetts. The hearing was held before the Naval Affairs Committee, at which there were present two Republicans, and the whole evidence was discussed and presented to the committee in the open. The naval officers assembled, after the hearing, in the room in question to discuss with me the matter of witnesses and other questions to expedite the hearings before the Naval Committee.

Mr. WATSON of Indiana. Mr. President, I just want to say to the Senator that I am entirely satisfied that they had the hearing, and I am not at all angry at the fact that I was not invited to be present.

Mr. WALSH of Massachusetts. Well, I am provoked that I was not invited to be present at the committee meeting, of which I am a member, namely, the Finance Committee of the Senate.

LANDS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2616) to empower the Commissioners of the District of Columbia to convey certain land, which was, on page 1, line 11, to strike out all after "be" down to and including "Columbia" in line 2, page 2, and insert "covered into the Treasury of the United States as miscellaneous receipts."

Mr. BALL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

REGULATION OF BANKING IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3170) regulating corporations doing a banking business in the District of Columbia, which was, on page 1, line 6, to strike out "or" and insert "nor shall any corporation now or hereafter engaged in the business of banking be permitted."

Mr. BALL. I move that the Senate concur in the amendment of the House.

Mr. KING. I should like to inquire of the Senator what the amendment is, and how it changes the original bill.

Mr. BALL. The bill itself provides that hereafter no banking institution shall do business in the District of Columbia except under the direction of the Comptroller of the Currency. The amendment takes in the banks that are now doing business, and says that hereafter they shall be placed under the Comptroller of the Currency. It is a very proper amendment.

Mr. JONES of New Mexico. Mr. President, I have noticed some statement in the press to the effect that while no new banks would be permitted in the District of Columbia without permission from the comptroller, any existing bank could establish branches without limit and without such permission. Is that in this bill?

Mr. BALL. The original bill covered that so far as the establishment of any bank in the future was concerned. This amendment will cover in the banks that are doing business now. They will also be placed under the control of the Comptroller of the Currency.

Mr. JONES of New Mexico. But this bill does not limit the number of branches which may be established by any existing bank?

Mr. BALL. Not at all. It merely places the banks that are not now under either the District Commissioners or other authorities under the Comptroller of the Currency.

Mr. JONES of New Mexico. I desire to state that some business people of the District of Columbia have protested against the privilege of existing banks being permitted to establish branch banks ad libitum.

Mr. BALL. This does not affect the establishment of branch banks, except that it provides that those branch banks shall be under the control of the Comptroller of the Currency. They can establish as many as the Comptroller of the Currency sees fit to grant permission to establish.

Mr. JONES of New Mexico. The protests which I have heard have been upon that feature. It is contended that there should be a limitation upon the creation of branch banks, as well as new banks.

Mr. BALL. The bill does not limit branch banks at all. I suppose, as a result of placing it under the Comptroller of the Currency, he might control the number; but at present a certain number of banks in the District of Columbia are under no authority. Anybody can establish a bank here and do business.

Mr. JONES of New Mexico. My judgment is that the bill in that respect is a very salutary one.

Mr. BALL. Very.

Mr. JONES of New Mexico. I think it should go further, however, and limit the establishment of branch banks without some sort of supervision and control of the comptroller.

Mr. BALL. Mr. President, that, of course, is placed under the power of the Comptroller of the Currency by this amendment. The Comptroller of the Currency would have absolute control of all branch banks as well as other banks.

Mr. JONES of New Mexico. Then I received a wrong impression from the Senator's first statement. Do I understand now that under this bill an existing bank can not establish a branch bank without permission of the Comptroller of the Currency?

Mr. BALL. They are under the control of nobody. Anybody could start a bank here before the passage of this bill.

Mr. JONES of New Mexico. But I mean after the passage of this bill.

Mr. BALL. After the passage of this bill they can be started only by the consent of the Comptroller of the Currency.

Mr. JONES of New Mexico. What I am seeking to get information about is this: After the passage of this bill, can an existing bank establish a branch bank without permission of the Comptroller of the Currency?

Mr. BALL. I should say not—absolutely not.

Mr. JONES of New Mexico. That is what I want to know.

Mr. LODGE. The Comptroller of the Currency can control the establishment of branch banks under this bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Delaware that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SUMMONING OF GRAND JURIES IN DISTRICT OF COLUMBIA.

Mr. NELSON. Mr. President, I ask unanimous consent to report back favorably from the Committee on the Judiciary a bill prepared by the Department of Justice; the bill (S. 3505) in reference to the summoning of grand juries in the District of Columbia.

The VICE PRESIDENT. Without objection, the report will be received. The Senator from Minnesota asks unanimous consent for the present consideration of the bill.

Mr. KING. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That whenever the United States attorney for the District of Columbia shall certify in writing to the chief justice of the Supreme Court of said District, or, in his absence, to the senior associate justice of said court, that the exigencies of the public service require it, said chief justice or associate justice may, in his discretion, order a grand jury summoned at such time as he may designate, which jury shall be drawn in the manner now provided by law for the drawing of grand jurors in the District of Columbia.

Mr. KING. I should like to ask the Senator if there is any limitation now upon the power of judges to convene grand juries?

Mr. NELSON. They can only draw them now for the special terms of court. There are five terms of court here—October, December, February, April, and June of each year. Each of them terminates on the second Monday preceding the first Tuesday of the second month thereafter. There is a congestion of the criminal business in this District, and the object of this bill is to allow the court, upon the recommendation of the district attorney, to summon a grand jury. They are to be drawn like other grand juries.

Mr. KING. As I understand, then, under the present law grand juries may be called only at those five terms?

Mr. NELSON. At special terms. This bill authorizes the Attorney General, or the chief justice, or the senior associate justice in his absence, to summon a grand jury.

Mr. KING. It is desired by the district attorney here, is it?

Mr. NELSON. The district attorney here and the Attorney General urge it.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NELSON. I ask that the letter of the Attorney General may be inserted in the RECORD at this point. It is very short.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 22, 1922.

Hon. KNUTE NELSON,
United States Senate.

MY DEAR SENATOR: The situation in the District of Columbia is such that it is necessary that a law be enacted authorizing the selection of additional grand juries when necessary. You are no doubt familiar with the situation, but, if not, we shall be glad to give you full data.

I inclose draft of a bill which I think should be introduced in the Senate and House. I am sending a copy to Mr. VOLSTEAD asking him to introduce the bill in the House, and I would like to have you introduce it in the Senate, or have some one else do so, if you approve it. We will support the measure, and I would be glad to have the matter disposed of as soon as possible.

With high esteem, I am,

Very truly yours,

H. M. DAUGHERTY,
Attorney General.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, it was expected that the ranking member of the Committee on Finance [Mr. SIMMONS] would be able to address the Senate to-day. He expected to be here to present his views for the information of the Senate and the country. Owing to his absence, I shall be compelled to continue the discussion of the tariff measure now before us, addressing myself generally to the chemical schedule.

Before proceeding to such discussion, permit me to submit a few words suggested by the statement just made by the Senator from Massachusetts [Mr. WALSH], and also by the statement by my friend from Indiana [Mr. WATSON]. Yesterday I referred to the fact that committees of the Senate under the present régime seemed to be devitalized and that legislation was framed not within but outside of Congress; that blocs and groups and extraneous forces and agencies seemed to be dominant and determining factors in respect to important legislation.

It develops this morning, from the statement made by the junior Senator from Massachusetts, that four members of the majority of the Finance Committee met in the committee rooms, rooms which are supposed to be devoted to committee hearings and are or should be open to all members of the committee, which are for the use of committees, not Republicans alone but Democrats also, and that there appeared before them representatives of the American Legion. It is now claimed that they merely "sat down and talked"; but it sufficiently appears that the matter before them was the bonus bill, the provisions of the measure, the terms that are to be incorporated within it, and, generally, the character of legislation that is to be reported to the Senate upon the subject of adjusted compensation.

Republican Senators say that no testimony was taken. What, then, was the purpose of the meeting? It would be a futile thing to assemble without some purpose. We complain because there was a meeting at which witnesses or persons urging legislation were present. If there are to be secret meetings by the majority, let them have the goodness and the fairness, if witnesses or other persons appear before them, to have taken down stenographically the information which is conveyed, and which becomes the basis, in part at least, of the action of the Republicans.

The Senator from Indiana, if I understood him correctly, took the position that, as Republicans are in the majority, they have the right to formulate legislation, and to call in the minority for their approval or their disapproval; of course, in most cases it will be for their disapproval, because the great majority of the legislation prepared by our Republican friends is not entitled to the approval of the minority or of the American people. But I deny the wisdom or the propriety or the fairness of that procedure in securing legislation. We have committees of the House and Senate. In both branches bills are introduced and referred to the various committees for their consideration and mature judgment. Hearings are often granted or ordered by the committees in order to ascertain the facts and to inform the committees as to the action that should be taken. This testimony is stenographically reported and usually printed. It is for the benefit of the Senate and the public. In this manner the public may know at least some of the reasons back of the laws and actions of Congress.

How does the Senator from Massachusetts, or any other member of the Finance Committee, know what Mr. MacNider or other gentlemen stated yesterday before the majority members of the Finance Committee, statements of fact or of policy which doubtless will influence them in framing legislation dealing with a matter of vital importance to the American people?

Mr. President, I stated yesterday that the bill before us was in part based upon testimony which was given or statements made after the hearings were closed. These statements and this testimony were not for Democrats and were submitted in secret to Republican members of the committee. I am told that Mr. Irenee du Pont, representing one of the most stupendous and colossal organizations the world has ever seen, went before the Republican members of the Finance Committee after the hearings were closed. What he said we do not know. What testimony he gave the Democrats do not know and have no means of finding out. What influence it had in shaping the present bill we can only surmise. The distinguished Senator from North Dakota [Mr. MCCUMBER], who always endeavors to be fair and just, stated upon the floor of the Senate this morning that some Senators appeared before the Republican members of the committee and that the latter were glad to receive them. Of course the Senators who appeared had the right so to do, and doubtless gave reasons for certain rates to be incorporated in the pending bill. But if the Democratic members of the committee could have heard their views it would have aided them in reaching conclusions as to the course to be adopted in dealing with this important legislation. But my information is that not only a few Senators appeared but a considerable number of persons from various parts of the country, who are deeply interested in securing tariff legislation and the adoption of schedules which will greatly affect their business. These interested parties, these witnesses who had interests to serve, gave testimony and made statements in relation to this bill and the schedules in which they were respectively interested. We do not know what they said, nor can we determine how important their testimony was, or to what extent it influenced, or possibly might, the Republican members of the committee who reported this bill after making perhaps thousands of amendments to the House bill. We can not tell what the form of the bill before would have been except for this secret testimony given in these secret hearings.

Is this the way legislation is to be prepared? Are majorities to meet in secret, and are witnesses to come secretly before them and make statements, statements which never see the light of day, and of which the minority and the country are not advised? Not only are Democratic Members of the Senate left to speculate and guess as to the reasons for certain rates and schedules and provisions contained in this bill, but Republican Senators, not upon the Finance Committee, are left in the same uncertain condition unless their colleagues shall undertake the task of informing them.

The statement of the Senator from Massachusetts [Mr. WALSH] is true; this method of legislation develops suspicion among the people; it undermines their faith in Congress and governmental agencies. It subjects Congress and committees to the charge that their legislation was framed in the dark, in secrecy, and that back of it are sinister and selfish forces and interests. Bills reported from committees when the hearings are not open and when testimony was secured in secret will be, in the minds of the people, tainted and discredited. In my opinion, the course pursued was unwise; this is a dangerous method of legislation; it discredits our parliamentary system; and it will be unfortunate for Congress as well as the Government.

The Republican majority in Congress is evidently of the opinion that the two things which were in the minds of the people when they invested the Republican Party with the administration of the Government were that the country wanted an old-fashioned protective or prohibitive tariff and desired, or at least expected, that the Republican Party would at once appropriate to itself all of the jobs, positions, and patronage covered by the civil service. Protection and patronage seem to be the dominant passion of the party in power. But the victory of the Republican Party was not won upon the tariff issue, nor because the people wanted a new protective or prohibitive tariff, or because the people desired that faithful servants and employees of the Government should be summarily discharged to make place for Republican office hunters and to provide means for the payment of the partisan debts of Republican politicians. It is to be deplored that in the face of the important issues before the country, or rather in the face of the complex problems which affect our public policy, the country, merely because it obtained a change in the administration, was compelled to turn to Republican politicians, who are apparently without judgment or vision or capacity, to meet and solve the questions of policy which demand the attention of Congress, but who, on the other hand, are obsessed with the petty, protective, partisan politics of the Republican Party, which seems to regard archaic and narrow views as the inexorable inheritance of the Republican Party to be treasured as pearls of great price.

Mr. President, the Republican Party has become proud and arrogant by reason of its recent victory. Promising a progressive administration and the execution of policies adapted to new issues and to new world conditions, it surrenders authority to the same old reactionary and antique forces which in the past guided its activities. It seems incapable of meeting the issues of the hour. It offers but one formula—the same which it has proclaimed for half a century—to meet ills, domestic, na-

tional, and international; that is, "prohibitive tariffs and national isolation." It manifests the same traits as are exhibited by narrow and nonprogressive scientists who treat with disdain the new discoveries and the advancing truths of philosophy, which batter down the dark and musty prisons and battlements erected in past ages. Religiously we find sightless persons who refuse to be warmed by the new light of the new day and to have the scales of darkness fall from their eyes, that they may be guided by the illuminating truths which the liberation of spiritual forces in the world manifest to those who seek the light. The days of witchcraft and burning at the stake are past. Old systems are passing away and must pass away, if there shall be political and scientific and religious development. I do not disparage, of course, fundamentals. These persist, but fundamentals are the bases upon which we build the structures of the hour and the age. The trouble is that too often we misconceive the fundamentals, the basic things, and confound them with the superficial and the perishable.

There are moral forces which persist in all ages. The mutations of time do not change them. There are basic principles underlying governments and political philosophy and political economy. They are adequate for all time. It is the misapplication of these principles and the failure to comprehend them and all of their implications that lead to the injustices, inequalities, and chaos so often appearing in the governments of men. In every age and in every country there are people of limited vision, of narrow perspective, and of illiberal tendencies. They wrap the mantle of self-complacency about them and desire their country either to be isolated from the world or to dominate the world. Back of such view is greed and selfishness and an utter ignorance of the vibrant forces that animate and control the world. Our country to-day, more than ever, should pursue a liberal policy. More than ever should American people be the first to catch the dawn of the new day and the inspiration of the new age. More than ever must there be contact with the world.

We have sought during the eight years of Democratic administration to be placed in apposition with the world. We built a merchant fleet to carry our products to every port in the world. We have secured cables that will bring us into touch with all lands, and we speak through the air the language of fellowship and fraternalism to most distant lands. It was supposed that we were learning something of the destiny of humanity and of the bond of unity which more and more must bind all peoples together. But we find the Republican Party erecting impediments to trade and commerce and projecting a policy which must inevitably provoke international controversies and promote national selfishness and isolation.

I saw this morning a cartoon illustrating the McCumber-Fordney tariff bill now before us. The great cartoonist visualized the situation. He represents a huge block of granite being lowered by mechanical means. Underneath the block is the prostrate form of the people, upon whom it rests with crushing force. This tariff law will rest upon the American people. It will crush industry. It will prevent the operation of the natural laws of trade and commerce. It will protect trusts and combinations in restraint of trade. It will build up giant monopolies, and behind its formidable ramparts pirates and buccaneers in our domestic markets will exploit the helpless people. I am not exaggerating, Mr. President, when I say that this bill is not only an economic fallacy, but it is an industrial monstrosity. Our Republican friends speak of opening the mills and the mines and bringing prosperity to the agricultural interests of our land. Mr. President, the mills would open and the mines would send forth their mineral wealth and the fields and the farms would yield abundantly for the sustenance of man and prosperity would come to the American people if we would recognize the inexorable laws of trade and of commerce and conform our course to their currents. Because of world depression, which inevitably would gather this Nation within its sweep, we think to correct the world situation by casting further obstacles into the commercial currents of the world.

No truthful person can say that the financial depression in the United States is occasioned by the Underwood tariff law. Under it our imports have been reduced in many of the commodities of life—reduced to negligible quantities, and in many instances reduced to the vanishing point. Indeed, many commodities upon the free list are not imported because of the abundance and cheapness of domestic production, as well as world conditions. Our exports have likewise been materially reduced from the peak reached in 1919 and 1920 under the Democratic administration.

What we need to-day is to expand our exports, and with the expansion of our exports of necessity there will be an increase of imports. If under the Underwood law imports are limited as they are to-day, it is hypocrisy to charge that such limited imports menace our industrial and economic security, and it is conclusive evidence that the purpose is to cut off all imports regardless of the effect upon our exports. It is sheer madness to strike at our foreign trade through the schedules of this absurd, foolish, and altogether reactionary bill.

I repeat, Mr. President, this tariff bill before us is a measure which interrupts the returning tide of business activity, and if we do have a revival in business it will be not because of this tariff bill but in spite of it and its absurd provisions and inequitable and monopolistic and exclusive features.

It is only proper to say that in the last campaign the tariff was not an issue. It is certain that the tariff was not in the minds of the voters when they went to the polls and cast the majority vote for the Republican administration.

If I understood correctly the speech made by the Senator from North Dakota the other day, he indicated that this bill was in response to the demands of his party's platform. I most respectfully dissent from that view.

Our Republican friends over and over again upon the floor of the Senate have ascribed their triumphant victory to the issue presented by the League of Nations; never to the economic question involved in the repeal of the Underwood tariff bill and the enactment of some other tariff measure. Our Republican friends have repeatedly declared that the American people had by "solemn referendum" declared against the League of Nations. They have said that the American people upon that great issue found with the Republican Party. Now they are shifting their position and are attributing their victory at the last election to their promise to enact a high tariff law, a prohibitive tariff law. I deny that that issue was submitted to the American people.

There was no public interest whatever in the tariff question; the people had discovered that their greatest prosperity had been under a tariff law enacted by the Democratic Party. So great was the indifference upon the part of the people to any sort of tariff measure that Republican orators made little or no mention of the subject during the campaign. I was in many of the States during the campaign of 1920 and heard numerous addresses by Republicans. The entire burthen of their remarks was that the League of Nations was an entangling alliance, and that following the advice of Washington and Jefferson, this Republic should not enter it. It was pictured as a huge Frankenstein that would swallow up the Nation and destroy the sovereignty and independence of the United States. There never was a crusade waged with greater vehemence and passion than the fight against the covenant of the League of Nations. I shall not pause to demonstrate the fallacy of the arguments made or point out the misrepresentations made to the people.

I repeat, the tariff was not an issue. The people were not concerned in the subject. They were satisfied with the Underwood tariff law. Under that bill we had attained the greatest prosperity that had ever come to this Nation. Our exports had increased from a few billion dollars annually to $8,000,000,000, and our foreign trade and commerce had reached the colossal sum of $13,000,000,000 in 1919.

In the Republican platform adopted June 8, 1920, it was stated under the significant title "International trade and tariff":

> The uncertain and unsettled condition of international balances, the abnormal economic and trade situation of the world, and the impossibilty of forecasting accurately even the near future, preclude the formulation of a definite program to meet conditions a year hence.

There was a glimpse of statesmanship in that declaration, Mr. President.

> But the Republican Party reaffirms its belief in the protective principle and pledges itself to a revision of the tariff as soon as conditions shall make it necessary for the preservation of the home market for American labor, agriculture, and industry.

This was a most remarkable declaration and disclosure on the part of the Republican Party. In a temporary lucid interval the platform makers got a glimpse of the light that there was some proper relation between international trade and the tariff, and while their minds were thus illumined they saw clearly that the unsettled and uncertain conditions of international balances and the abnormal economic and trade situation of the world made it inopportune to undertake any tinkering with the tariff at this time. Those platform makers now will see that the formulation of a definite scheme to raise the duties on imports and interdict foreign trade would not meet any response from the American people.

I repeat, Mr. President, that the first part of that platform declaration was a correct conception of the world's condition. How can we draw a proper tariff bill that is to endure for a decade or more with the fluctuating conditions that now exist in the world? The tides of trade and commerce are as undulatory as are the seas when whipped into foam by the storms

and mighty winds. A tariff of 20 per cent ad valorem on one item to-day might be prohibitive in a month or two months from now, or, if protection was desired, a 20 per cent tariff which might afford ample protection to-day would be inadequate in a few months from now.

So, Mr. President, with the world in an abnormal condition, in a condition of flux, the absurdity of trying to draw a tariff bill must be manifest to the most superficial investigator of economics and of industrial questions.

But, Mr. President, our Republican friends, having obtained a temporary glimpse of the truth, the platform makers immediately relapsed into their partisan subconsciousness and reaffirmed their belief in the protective principle of a tariff for the preservation of the home market for American labor, for agriculture, and for industry, and indicate that a revision of the tariff will be made as soon as conditions make it necessary. There was no waiting, however, for conditions to make it necessary.

The new Congress was elected in November, 1920, and did not convene in regular session until December, 1921, more than a year later. But already, in January, 1921, within two months of the election and nearly a year before the regular session of Congress should convene, hearings for the revision of the tariff were inaugurated by the Republican majority of the Ways and Means Committee of the House of Representatives, and those hearings continued intermittently, either by the Ways and Means Committee of the House or the Finance Committee of the Senate, almost down to the very day when the pending bill was reported out of the Senate Committee on Finance on April 10; that is, the 10th day of the present month.

Let us examine this point for a moment. Many of our imports relate to commodities of great importance and constitute about 1 per cent or less of our domestic production. It is contended by the proponents of this bill that the industries of our country are threatened by these negligible imports. To so contend and to insist that the restoration of prosperity is impeded and that our industries are menaced is the height of absurdity. How foolish it is to argue that a domestic product, particularly where it is manufactured in large quantities, will be materially affected, or the industry developing it will be jeopardized by such competition as would result from imports amounting to 1 per cent of such commodity. Such contention taxes the patience of all sensible people.

The very fact that lobbyists and certain manufacturers are here demanding a prohibitive tariff upon commodities where the domestic production is 90 to 99 per cent of all consumption is incontrovertible evidence that they seek a monopoly in the domestic market, and are determined to prevent the lowering of prices to a proper level, and indeed, perhaps to increase them and to make themselves secure from any possible competition, no matter how unimportant it might be. These are the interests and trusts which would impose burdens upon the laborer and the great masses of the people. They would fetter by high prices the workingman, compel him to pay exorbitant prices for food and clothing, and drugs and medicines. They would tax him upon the shoes that he is compelled to purchase out of his slender wage for his wife and children. They would place a tariff-tax gatherer upon the doorstep of every humble home and wring from the people much of their earnings, won by toil and struggle.

For the last 15 months the city of Washington, the Houses of Congress, the committee rooms of the Senate and the House, and the corridors of the office buildings have been literally infested with tariff lobbyists importuning the committees to raise the tariff on practically every article of domestic production, at a time, too, when the interests of the country have had an effectual eight years' embargo against foreign competition incident to the war against Germany and the subsequent crippling of competitive industries in Europe.

The outstanding fact is that at this time, in the fourth year since the conclusion of the war, the balance of trade in favor of our country is relatively greater than before the war. Imports in the great majority of American industries are more than ever balanced by exports of the same commodities, the imports themselves representing but a relatively insignificant proportion of the American consumption, in many cases not amounting to one cent more than the goods are worth. They want to charge the American people, the housewife, the children more for the goods than the goods are worth, and thus increase the burdens upon the consumer, for the purpose of putting additional profits into the already swollen purses and treasuries of the great manufacturing interests and corporations of the United States.

The pending bill should be labeled "A bill to make richer the rich, to give greater power to the corporations and trusts to fasten monopolies upon the American people, and to exploit and rob the consuming public."

As I said, the imports in a great majority of American industries are more than overbalanced by exports of the same commodities, the imports thus representing but a relatively insignificant proportion of the American consumption, in many cases not amounting to 1 per cent.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Utah yield to the Senator from Georgia?

Mr. KING. I yield.

IVY L. MERRILL.

Mr. WATSON of Georgia. I ask unanimous consent for the immediate consideration of the bill (S. 531) for the relief of Ivy L. Merrill, which was reported by me this morning from the Committee on Claims. It is a little claim bill in favor of an Indian woman who was injured in the Government service 13 years ago. The amount is only $500, and the case is perfectly plain.

Mr. SMOOT. Was the bill reported from the committee this morning?

Mr. WATSON of Georgia. Yes; reported from the Committee on Claims, and the report was unanimous.

Mr. SMOOT. What is the character of the claim?

Mr. WATSON of Georgia. I shall be very glad to state it to the Senator. This Indian woman was a cook at one of the Indian schools, the Shawnee Indian school in Oklahoma, and it was her duty to ring the dinner bell. On this particular day she went to ring the bell and it fell, striking her as it fell from the tower, and injured her severely on the shoulder, the arm, and the wrist. She lost a week's time, that much salary perhaps; anyhow she must have suffered considerable pain and the shock must have been great.

The original bill called for $10,000. I am frank to say that after the most careful examination I, still thinking that that was the amount claimed, reported in favor of the payment of $2,500, but I found that the Assistant Secretary of the Interior, after going over all the facts in the case, had on January 15, 1913, recommended the payment of $500. So the Senator from Oklahoma [Mr. OWEN] in introducing the bill in the present Congress changed the amount and made it $500, and the committee have recommended the passage of the bill in that amount, without amendment.

Mr. SMOOT. Was she an employee of the Government?

Mr. WATSON of Georgia. Oh, yes; she was employed by the Government as cook at this Indian school, which is a Government school. She had to go out on the steps outside the kitchen door. The bell was in a tower about 12 feet high. She had to stand on a little platform, 2 or 3 feet high, in order to ring the bell. There had been a fall of sleet and a freeze. The supposition is—in fact, it is almost certain—that the bell had stuck on account of the ice or the sleet. It required extra strength and an extra pull to ring the bell and to unfasten or loosen it from the ice. Evidently the belfry had been badly constructed, a thing which she could not know and for which she was not responsible. The support of the bell gave way; the bell fell; and the wonder is she was not killed, but she was knocked down.

Mr. SMOOT. The bill was favorably reported.

Mr. WATSON of Georgia. Oh, yes; it is reported favorably unanimously, and its passage is recommended by the Assistant Secretary of the Interior.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent for the present consideration of the bill named by him. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ivy L. Merrill, a quarter-blood Pottawatomie Indian, of Pottawatomie County, Okla., the sum of $500, in full compensation for permanent and lasting injuries received, without negligence on her part, while in the employ of the United States Government as a civil-service employee at the Shawnee Indian School in Pottawatomie County, Okla.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill which the Secretary has just read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Myers	Smoot
Borah	Harrison	Newberry	Spencer
Broussard	Heflin	Nicholson	Stanley
Bursum	Jones, N. Mex.	Norbeck	Sutherland
Capper	Jones, Wash.	Norris	Swanson
Caraway	Kellogg	Oddie	Townsend
Curtis	Kendrick	Overman	Walsh, Mass.
Dial	Keyes	Page	Walsh, Mont.
du Pont	King	Pepper	Warren
Ernst	Ladd	Phipps	Watson, Ga.
Frelinghuysen	La Follette	Pomerene	Watson, Ind.
Glass	Lenroot	Ransdell	Williams
Gooding	McKinley	Rawson	Willis
Hale	McNary	Sheppard	
Harreld	Moses	Shortridge	

Mr. CURTIS. I desire to announce that the senior Senator from Maryland [Mr. FRANCE] is detained from the Senate on official business.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the first amendment reported by the Committee on Finance to the bill.

Mr. KING. Mr. President, I desire now to call attention to the chemical schedule, which is one of the most important schedules of the pending bill.

Schedule 1 of the bill, as reported by the committee, covers the duties imposed under the general title of "Chemicals, Oils, and Paints." This schedule consists of 88 paragraphs and imposes duties upon about 300 different items. The schedule is important as covering a wide range of commodities of primary importance, both to the people as consumers and to the industries of the country as the source of their raw materials. An enumeration of a few of the classes of commodities covered by this schedule will disclose the following to be included: Chemicals, medicines, drugs, soaps, oils, paints, varnishes, pigments, fertilizers, perfumery, flavors, edible oils, celluloid, cellulose, tanning materials, dyes, colors, inks, glycerine, starches, dextrine, and flavoring extracts.

It is a fair conclusion, drawn from an examination of the rates imposed, that these rates are designed to be protective in the sense that they are to be prohibitory, and are intended to operate as an effectual embargo against the importation of the commodities embraced within this schedule. The rates can not be warranted from any standpoint of the revenues, because the imports are in many cases negligible, not comprising 1 per cent of the domestic production, and the slight quantity of imports is in most cases counterbalanced many times over by domestic exports of the same commodities.

I will say, in passing, that the record shows that all imports from Germany, not only those covered by the schedule to which I have just referred, Schedule 1, but by all of the schedules, were slightly more than $88,000,000 for the year 1921, against a domestic production which is variously estimated to be from $55,000,000,000 to $65,000,000,000. This little drop of water carried from Germany and thrown into the great reservoir of our domestic production is, according to the apostles of high protectionism to destroy the American market and the American manufacturer and the American laborer, and to bring chaos and ruin to the economic and industrial life of the American people. The suggestion is so preposterous, Mr. President, as to exhaust the patience of sensible and serene persons.

Mr. President, it is astounding to learn of the lengths to which selfish interests will go to secure advantages. A defeated nation, and a people prostrate—with reparations exacted that can only be met, if met at all, by unparalleled sacrifices, and by years, if not decades, of toil, and people who are seeking to bear their burdens and mitigate the hardships and tribulations to which they are subjected—are pointed to as the most serious menaces to which our country is exposed, and the devouring monster which lies athwart our economic and industrial path, and which must be destroyed if America is to live.

I denounce this wicked, cruel, and heartless propaganda which has been carried on for months by sordid and monopolistic industrial and business forces in our country. Efforts are being made by these forces to perpetuate war prejudices and to develop and maintain racial prejudices in the United States against the German people. It is a shameful exhibition, and I protest against it and denounce those who seek legislation by such abominable methods.

I shall have more to say about the "German market" and the "German menace" later in the consideration of this bill; but let me add here, that while Lloyd-George and others at the Genoa conference are attempting, I think, in a patriotic way, to resuscitate Europe, to stabilize economic conditions—and that will mean the stabilization of political conditions—while they are trying to help Germany, because Germany, notwithstanding the views of many of the American people, is the key to European production and European revival and the recrudescence of economic activity—while they are attempting to solve these problems which directly affect them as well as the United States—some Americans, with a selfishness and a sordidness that can not be justified, are holding Germany up to the American people as a frightful specter and monster which will destroy our business enterprises and devour the American people.

The only effect of the rates imposed in this bill in many cases will be the raising of the prices of the commodities affected in the domestic market, a market in which under present conditions the domestic producers have, speaking generally, exclusive sales, there being no appreciable competition of imported articles. It may be that under the present tariff, which imposes only temperate duties upon a large number of commodities in this schedule, and carries others of these commodities on the free list, the American market prices are influenced, not to say determined, by the ruling prices in the open world market. But this is not to be regarded as an evil, but as the only effectual means of maintaining American prices at a reasonable and dependable level, without which trade is disturbed to the disadvantage of the industries of the country and the consuming public.

As a matter of general policy the endeavor ought to be to permit the industries of the United States the widest possible range for the selection and procurement of the raw materials of the respective trades, particularly in the field of primary chemicals and chemical compounds. In these respects our industries should be permitted to draw their supplies from the ends of the earth, without the interdiction of prohibitive tariffs, licenses, or selective embargoes. Moreover, the matter of the health of the people is of such transcendent importance that the medical profession ought to have the freest selection of drugs, medicines, and medicinal articles which the open market of the world affords. The policy of imposing prohibitive duties upon the importation of drugs, medicines, and medicinal materials is not sound, and is not justified by any consideration of the real advantage of the people and the country. The outstanding fact is that in these great fields our own country is the greatest source of these materials in the world. We are exporters rather than importers in this field. There is hardly a chemical of wide general use and consumption of which we do not produce superabundant quantities, and the surplus of which must find an outlet in the markets of other countries. It must be said that labor is not the primary factor of cost in the production of these materials—and I shall analyze that a little later—and therefore that any argument for a prohibitive tariff, based upon the alleged difference in labor costs at home and abroad, can not be sustained with reference to the items covered by Schedule 1 of the bill.

The aim of the American producer is a large production of standardized products, and in pursuit of this purpose the American producer has been willing to remit to the foreign technicians the development and the production of the more refined and complex chemical compounds of small relative consumption, and for which a wide world market alone warrants the investment of capital for their composition and production.

A few examples of the flagrant and unwarranted increase in the rates on important commodities will indicate that these rates have been written at the suggestion of parties who are only concerned with the increase of their facilities for raising the domestic price to unconscionable levels. In conformity to this scheme the duty on calomel is to be raised to 300 per cent of the present rate; on castor oil the duty is to be raised to 200 per cent of the present rate; on Epsom salts the duty is to be raised to 500 per cent of the present rate; on chloroform the duty is to be raised to 400 per cent of the present rate; on carbolic acid there is to be an embargo; on court-plasters the duty is to be raised to 166 per cent of the present rate; on castile soap the duty is to be raised to 150 per cent of the present rate; on varnishes the duty is to be raised to 150 per cent of the present rate; on citrate of lime the duty is to be raised to 600 per cent of the present rate; on citric acid the duty is to be raised to 360 per cent of the present rate; on licorice root the duty is to be raised to 200 per cent of the present rate; on inks the duty is to be raised to 200 per cent of the present rate; on formaldehyde the duty is to be raised to 200 per cent of the present rate; on collodion the duty is to

be raised to 700 per cent of the present rate; on Rochelle salts the duty is to be raised to 200 per cent of the present rate; on ammonium phosphate the duty is to be raised to 150 per cent of the present rate; on fustic extract the duty is to be raised to 533 per cent of the present rate; on sodium chromate and dichromate the duty is to be raised to 233 per cent of the present rate; and upon sal soda and caustic soda, chemicals of wide general use, produced in this country in excess of our requirements and largely exported, the duty is to be raised to 200 per cent of the present rate.

Think of it, Mr. President! Many of these items come under the designation of drugs and medicines and are important to the health of the people. But we are to increase the burdens of the sick and the afflicted to put money into the coffers of the rich manufacturers and compounders of these prime necessities of life. Chloroform has become a vital thing in medicine in the hospital and operating room. But that must be seized upon by the merciless interests who have dictated the schedules in this bill, and the poor and the suffering must pay tribute to the drug men and the chemical men of the United States and increase their already swollen fortunes. They have already preyed upon the American people, and they now demand that the Republican Party commission them not only to continue their predatory course but to increase their exactions from the people suffering from disease and ailments, and who, to alleviate their sufferings, are compelled to meet their demands.

If there are to be monopolies and protection is to run riot, there certainly ought to be enough humanity upon the part of Congress to resist the demands of those interests which manufacture drugs and medicines. So profitable has the drug business become in the United States that there are thousands of druggists where there should be hundreds, and millions of profits where there should be thousands. Large drug concerns like Powers, Weightman & Rosengarten, and Parke, Davis & Co. have derived enormous profits in their business. I should say, in justice to the last-named company, that so far as I know it has not sought an increase in the present schedules and is not directly and, so far as I know, is not indirectly responsible for the changes proposed in the measure before us.

May I add, parenthetically, that Senators know that the E. I. du Pont de Nemours & Co. manufacture various kinds of drugs and chemicals, as does the Allied Chemical Co. The first-named corporation has $353,000,000 invested in its chemical, dye, and allied corporations. It has other holdings. It has interests in other corporations, which increase its holdings and raise the value of its properties to hundreds of millions of dollars.

May I inquire, Is this the infant industry that is to be protected? Is this huge concern, as well as others of large proportions and with enormous holdings, to be granted practical prohibitive tariffs? If so, may I inquire why?

Indeed, this bill lays an embargo upon many of the products manufactured by these colossal organizations, which already control the domestic market and constitute a monopoly.

The Allied Chemical & Dye Corporation, which is a combination of the Barrett Co., the Semet Solvay Co., the Solvay Process Co., the General Chemical Co., and the National Aniline & Chemical Co., has invested capital of $300,000,000, and it is one of the chief beneficiaries of this chemical schedule. These great organizations with their enormous power come to Congress and demand an embargo upon products which they manufacture and prohibitive tariffs upon other commodities which they manufacture. These "infants" are formidable enough to force legislation through Congress as they did in the dye embargo act.

There was a period in the life of our country when honest believers in tariffs could justify legislation in the interest of "infant industries." It is possible there are still some industries which are jeopardized by foreign competition. But there are few such within the scope of this bill. The infants who cried so loudly for protection are giants; they dominate our industrial life; they control much of our trade and commerce, and in many instances produce more than the domestic market requires and are successfully seeking and finding markets in all parts of the world.

They now admit their adult standing and their huge station, but profess great solicitude for labor. They will always discover a reason (?) for demanding exclusive domestic markets.

This bill, responding to their wishes, taxes the chamber of the sick, the life saving and healing drugs that minister to the children in home and in hospital. It not only taxes, but it raises the prices over the schedules of that unusually condemned tax law—the Payne-Aldrich law. The American people discovered the iniquities in that law and denounced it. What must they say of this bill? Its enormities far exceed those of any tariff law ever enacted in our country.

One of the beneficiaries of this bill is the Union Carbide and Carbon Corporation, a combination of the Union Carbide Co., the Carbon & Chemical Corporation, and over 30 other subsidiaries, with invested capital of $275,000,000——

Mr. OVERMAN. Mr. President, will the Senator let me interrupt him there?

Mr. KING. Yes.

Mr. OVERMAN. On a general average of the items under this chemical schedule, what is the difference between the rates under the Payne-Aldrich bill and the Underwood bill and this bill? Has the Senator a general average of the whole schedule?

Mr. KING. Later, if opportunity affords, I shall show the Senate the tariff on every item in this schedule, more than 300 of them; also what the rates are in the Underwood bill and under the Payne-Aldrich tariff bill; the rates fixed in this bill as it came from the Senate committee. Let me simply say, generally—and I will analyze the schedule before we conclude consideration of the bill—that the rates in this bill are on an average of from 40 per cent to 60 per cent higher than those in the despised and hated Payne-Aldrich tariff bill, a bill which brought the Republican Party to defeat.

But our Republican friends, because of their great majority in both branches, feel that they can "put over" on the American people a bill more infamous than the Payne-Aldrich tariff bill. They can force it through Congress, and doubtless will. Thank God, there is another forum to which we can appeal, another great and final tribunal, which will weigh in the balances the conduct of this Republican administration, and I predict that after so weighing it they will find it wanting.

Let me add, parenthetically, Mr. President, that most of our political battles are fought on economic lines. We may from time to time bring in extraneous questions like the League of Nations, vital and important as they may be, but, after all, our political contests are fought over economic and industrial questions. The next campaign will be waged largely upon the questions of taxation, the abuse of the taxing power, the inequalities and injustices of the Fordney-McCumber tariff law, the interruption of our foreign trade, the extravagance and inefficiency of the Republican administration, and the narrow and provincial foreign policy pursued by the party in power.

But let me return to the carbide company. Later I shall call particular attention to it and the swollen fortunes which have been accumulated by those who are controlling its activities. This corporation desires the power to mulct the farmers and to get control of certain elements and factors which are essential in the manufacture of fertilizers. And the tariff bloc in the Senate—and some belong to the agricultural bloc—think they are getting something out of this bill for the farmers, but they will discover that the manufacturers and the trusts and the combinations of the United States have been too sharp for them. There are many jokers in this bill, Mr. President, which my good friend from Idaho and this tariff bloc, whose names I mentioned yesterday, have not discovered; and when they and the American agriculturists discover that this bill is a fraud upon the agriculturists there will be discontent and indignation which, like a mighty storm, will sweep from power the present administration. The Union Carbide & Carbon Corporation has a capitalization of $275,000,000, and this chemical schedule will put millions of ill-gotten gains, wrung from the pockets of the poor, into the coffers of this gigantic corporation.

There is the Sherwin-Williams Co. which is to be benefited by this bill. Its assets are $42,942,067. Is that an infant industry? It has to do with the paints and the varnishes that go to the farms and homes of the people. When we want building prices to come down, and when we are seeking the adoption of a policy which will enable men and women to secure homes, we are now by this bill making it more difficult for them to do so. We swell the mighty fortunes of the Paint Trust and the Varnish Trust and the other trusts, some of which are ancillary to the Sherwin-Williams Co., with its enormous capital.

The Grasselli Chemical Co. is to be benefited by this bill. It is one of the organizations that has had its representative here for months clamoring for increased rates. Its capital is $40,000,000.

The Mathieson Alkali Works has a capitalization of $12,266,369.

The Monsanto Chemical Works has a capitalization of $10,242,660.

The Merrimac Chemical Co. has a capitalization of $7,825,029.

Let me say, Mr. President, that the figures which I have given are merely the value stated by some of the publications, such as Moody's Manual. What the actual assets are perhaps no one except those who control the companies know.

It is interesting to note the fact that the capital invested in our chemical industry in 1914 exceeded $3,000,000,000. Now, these same organizations, and those which have followed them, have increased their capital to $5,200,000,000. A large part of that increase has resulted during the last two years, when we had the rates of the Underwood law in effect.

It will be noted that under the Underwood law, which has been in force since 1913, the amount invested in the chemical industry has almost doubled. This is persuasive evidence that no menace exists from foreign competition. Many of the commodities found in the chemical schedule are on the free list in the Underwood law. Yet the chemical business has increased, and the profits of the business has been great.

There are numerous other chemicals, dye, and medicinal manufacturers in the country whose invested capital exceeds millions, and runs into the hundreds of millions, and indeed billions, of dollars in the aggregate, detailed information of which is not obtainable, because they had not furnished the data to Moody's Manual or to the great organizations which seek to collate information and data concerning corporations, or to the Department of Commerce, or to the Tariff Commission. I have sought what I thought were the available sources of information to ascertain the capital invested in each of the great chemical plants in the United States, but my efforts have in most instances been futile; neither have I been able to obtain accurate information as to their profits. Data, I should say, is available as to some, and so far as that has been obtained I shall present it to the Senate.

Mr. President, I return now to the point I was discussing a moment ago, when I called attention to a number of items and showed that the increase in this bill was from 150 per cent to more than 600 per cent in the matter of chemicals, drugs, and medicines which the people of the United States must have.

There are also many commodities of wide, general use of which the country produces over 99 per cent of the domestic consumption, and of which large quantities are annually exported which have, without warrant or reason, been removed from the free list and made dutiable under this bill. I wish Senators would think of this; I wish the American people would let this fact sink into their minds with a view to determining what their conduct should be. Just think of it. Here are articles and commodities only 1 per cent of which or less are imported from foreign countries, 99 per cent or more being domestic products, and yet in order to help the domestic producer increase his profits we increase the tariff rates from 150 to 600 per cent.

It is hypocrisy which can not be characterized in temperate language in a parliamentary body to say that it is for the protection of home industry, or to enable the domestic manufacturer to secure proper returns on investment, or to protect labor. In these items to which I refer the exports are greater than the imports, showing that our domestic production exceeds our domestic consumption.

If these corporations and trusts who are urging these extravagant tariffs were accurate students of political economy they would see that in the long run they are going to injure their own country. They may monopolize the domestic market and profit by it and rob the American people, but they will cut off foreign trade and drive the American flag from the seas. It may float from the mastheads of war vessels, but this policy of the Republican Party, as exemplified in this bill, will drive from the seven seas the commercial flag of this Republic, and we will become a hermit nationally, economically, industrially, and commercially, and be robbed and plundered by the domestic corporations and trusts which our foolish policy develops.

Talk about reactionism; talk about the atavistic propensities of individuals and races and peoples. This bill is a "throwback" to the Dark Ages, to the periods when men and countries sought isolation, or if contact with others—only for the purpose of plundering them.

Among the articles put on the dutiable list by this bill is common salt, used upon every table in the land, and in the preparation and conservation of foods. Another article is phosphorus, which is an essential ingredient of matches, which everybody uses.

Another is acetic acid, the base of vinegar, and which is used for the preservation of pickles, condiments, relishes, and salad dressings. There is stearic acid, used in the manufacture of candles, necessary for miners and for the poor of our land who live in the more isolated regions of the country.

There is strychnine, an important medicinal product, and also widely used for the extermination of noxious insects and animals. There is oak extract, used in tanning sole leather, the imports of which act only to conserve our own too meager supply.

There is wood alcohol, which is widely used in the arts and of which in 1914 we produced 9,600,000 gallons and of which, for the first nine months of 1921, our export was 300,000 gallons. The imports are so inconsequential they are scarcely noticable, being less than 1 per cent of the domestic consumption. Yet we put a tariff upon wood alcohol and help these trusts and these swollen fortunes.

Soda ash is another article of which we are by far the largest producers in the world, the domestic production for 1920 being 1,238,000 tons, the exports for the first nine months of 1921 being 131,000 tons, the imports for the same period being only 5,800 tons. We export more than we import and our production is so stupendous that when we speak of the imports they are lost sight of because of their inconsequential character.

Soda ash is the most important of our industrial alkalis, as all Senators know. Why put a tariff on that? There is no competition from abroad. We export four or five times as much as we import and our domestic production is nearly fifty to one hundred times more than our imports; but we tax the people of the United States in order to increase the fortunes of those same corporations and others to which I have referred, whose gigantic capital to-day amounts in the aggregate to more than $5,260,000,000.

Soda ash is also used in the glass, soap, wood pulp and paper, caustic soap, dye, and textile industries, and in the manufacture of drugs, enamel ware, and cleaners, and for the softening of water.

Do not Senators see the point? They get a tariff on soda ash. Then they raise the price of soda ash, not because of any competition but because they can. The tariff keeps out any possible competition. Then when they manufacture soap or glass—and high tariff rates are laid on these commodities—higher prices for the soap and the other products are fixed, because there will be taken into account the high tariff on the ash and the tariff on tallow and on the other concomitants entering into the finished product; in this manner they will pyramid the tariff duties, adding one upon another, until the entire burdens will have to be met by the ultimate consumer. No wonder Mr. Procter, the fairy godfather or godmother of a former candidate for the Presidency of the United States, made millions out of a certain brand of soap, which I shall not mention here. I have the testimony of one man—I shall not stop now to read it, though I shall ask to put some of it in the RECORD later in the debate—calling attention to the fact that, instead of needing a tariff upon soap, we are exporting enormous quantities. As I recall the figures, the exports increased from $4,000,000 to $20,000,000 within a short period. We are the greatest consumers as well as the greatest producers of soap in the world. We compete with the world and can drive practically all foreign competitors off the market. There are reasons for our supremacy in this field. The great meat-packing industry yields tallows and fats, which constitute largely the best of our soaps. I wish we could make a soap that could cleanse our consciences as well as our bodies and enable us to see what justice and duty in this hour require in dealing with the American people. As suggested by my friend from Kentucky [Mr. STANLEY], we might use some soap to advantage on this bill. It would require a great many cakes of soap to wash the bill clean.

Another of these important alkalis which is transferred from the free list to the dutiable list is sodium silicate or water glass. Let me add that many of these chemical products which I have been discussing have been on the free list and, notwithstanding they have been on the free list, our production has increased and the importations in many instances have decreased. There has been no competition from abroad. There can be no competition from abroad that is worthy of consideration with respect to many items in this bill. Of course, Mr. President, the chairman of the committee will later on explain these things to our entire satisfaction. I shall listen with greater interest to such explanations.

I was speaking of the domestic production of sodium silicate, which is important in our chemical industry. The domestic production of this alkali exceeds 300,000 tons per annum. Exports for the first nine months of 1920 were nearly 7,000 tons and the imports were 334 tons. Why a tariff? Why raise the tariff wall upon this product when there is no competition? There is only one reason. It is because the big Chemical Trust demands it. I do not want to say, "We know our master's voice," but they have demanded it and they are getting it.

The duty imposed upon this article amounts to about 50 per cent ad valorem. What does it mean? It means an advance in the prices, or, if not an advance in the price, the maintenance of prices at levels so high as to become extortionate and increase the profits of the trust. It is manifest that these rates have

been imposed because interested parties asked that they be imposed, when every consideration of sound policy requires that these alkalis should remain as they are upon the free list. Think of it, on the free list, and yet the imports were only 334 tons and we were exporting nearly 7,000 tons; and yet they say, "Oh, Germany. Germany is about to flood us and inundate the land with her surplus products." Before I get through I shall have something more to say about conditions in Germany. I was bitter against the German military machine during the war, but the war is over.

I deplore this anti-German spirit manifesting itself, I fear, in the Senate, which prompts Senators and others to urge as an excuse for these extortionate rates a German invasion of our markets. I want to see Germany rise from her prostrate position. I want to see the Germans prosper, the English prosper, and the French prosper, and all the nations of the world rejoice in the sunlight of a glorious day, children, as they are, of one common Father who watches over all and even the fall of the sparrow is taken note of by Him.

I want international prosperity, and I want the yoke of servitude, political and economic, lifted from the necks and backs of people, whether they be Americans or Germans, whether white or brown, or yellow or black, so that in the end all people may be brought together in amity and in peace, rejoicing in the common blessings that flow from a Christian civilization and from progressive and enlightened policies. This is not republicanism, but it is theism; it is the political creed, which in the end will dominate the world, because that creed which ultimately will prevail must rest upon the moral law and upon the principles of justice and equity.

But, Mr. President, I have digressed, for which I apologize.

A flagrant example of this method of writing tariff rates is in the case of calcium carbide—and I want Senators to recall this—which is removed from the free list and made dutiable at 1 cent per pound. That sounds innocent. As a specific rate that is not very much, the ordinary superficial observer would say. When it is considered that this commodity is sold by the ton, not to say carload, the imposition of a duty on a pound basis is a mere effort at camouflaging the iniquity of the rate imposed. This rate is actually $20 per ton. The principal uses of calcium carbide, as Senators know, are as a fixation agency for nitrogen, with which it forms calcium cyanamid, which has become the leading nitrogenous fertilizer. We are talking a great deal about the fixation of atmosphere and about the Haber process and about cyanamid and about Muscle Shoals. All those questions are related to the question here.

I stated that it becomes the leading nitrogenous fertilizer, and it is used for the making of acetylene gas for illumination and for the welding and cutting of metal. The rate on calcium carbide was undoubtedly dictated by the Union Carbide Co., a corporation which controls about 90 per cent of the domestic production and owns carbide plants at Sault Ste. Marie, Mich.; Niagara Falls, N. Y.; Welland, Ontario, Canada; and another in Norway. Ninety per cent of the domestic production by this trust, whose power extends beyond the United States into Canada and into Norway. The only competitors in the domestic carbide market of the trust referred to are Canadian concerns, some of which are owned by American interests and whose production costs are equal to the production costs of the Union Carbide Co. in its American plants.

The Union Carbide & Carbon Corporation has a capitalization of how much? Can anyone tell me? Perhaps $25,000,000, Senators would say; but it is $275,000,000. Ninety per cent of the production now is controlled by that corporation, and we must feed to this powerful trust the unwilling victims, the agriculturists and others, of the avarice of the trust.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Utah yield to the Senator from Kentucky?

Mr. KING. I yield.

Mr. STANLEY. I hesitate to interrupt the very lucid and powerful argument the Senator from Utah is making, but if he will pardon me I will call to mind a little incident.

The Committee on Agriculture, with practical unanimity, as I understand, reported in favor of the completion of the plant at Muscle Shoals. As soon as that was done the makers of these materials and the owners of by-product coke oven, whose capitalization mounts into many billions of dollars, got busy. It was a fight on the part of the Government in an effort to supply the farmer with cheaper fertilizer and a fight on the part of the wealthiest and most powerful corporations, not only in this country but in the world, to keep up the price of the fertilizer. The subsequent offer of Henry Ford has but accentuated that fact. Some day some farmer is going to stumble on the roll call of his bogus friends, who supported him whenever it did not offend the Steel Trust and the Carbide Trust.

Mr. KING. Mr. President, the Senator from Kentucky remembers the siege of Troy; he remembers the wooden horse and the armed soldiers therein, which was moved alongside the walls of Troy, thus enabling the victorious Greeks to conquer their foes. There are wooden horses—and in wooden horses we oftentimes find sinister influences and enemies who ravish and destroy the land—now being carefully placed against the fabric of our social and economic structure. Within this bill are wooden horses which conceal deadly foes, who will assail the best interests of this Republic.

Mr. STANLEY. The ancient Greeks went into Troy concealed in a wooden horse, but the emissaries of greedy corporations slip by the farmer in a load of hay. [Laughter.]

Mr. KING. Mr. President, I sometimes think that much of our lives are devoted to discovering the impositions and the deceits that have been practiced upon us, and sometimes because of the deceits and the intrigues practiced on the people we grow pessimistic and think that humanity is deteriorating and that there is nothing honest or just under the sun. I do not feel that way at all. There are injustices and wrongs, but, thank God, there are millions of men and women who want the truth, who are seeking for the truth. Oftentimes they are deceived and the veneer prevents discovery of the genuine from the counterfeit. This tariff bill is a counterfeit; it is veneered in such a way that many will regard it as a bill in the interest of the American people; but sooner or later the veneer will be worn away and they will discover its hideous deformities and the excrescences which cling to it. Then they will repudiate it, as they repudiated the Payne-Aldrich tariff bill, and the party which sponsored it.

But to return: This corporation—little corporation, with a capitalization of $275,000,000—which through its subsidiary, the Union Carbide Co., has a practical monopoly on domestic calcium carbide, paid out in dividends in the three years 1918, 1919, and 1920, $37,900,000. The Union Carbide Co., in the five years from 1913 to 1918, paid cash dividends of 42 per cent and stock dividends of 92½ per cent on its capital stock. This enormous business has been developed and has reached these unprecedented proportions with calcium carbide on the free list.

The Union Carbide & Carbon Corporation owns the following subsidiary companies: Union Carbide Co., the National Carbon Co. (Inc.), Linde Air Products Co., the Prest-O-Lite Co., Electro-Metallurgical Co., the Oxweld Acetylene Co., Michigan Northern Power Co., the Union Carbide Co. of Canada (Ltd.), Electric Furnace Products Co. (Ltd.), the Oxweld Railroad Service Co., Haynes Stellite Co., Dominion Oxygen Co. (Ltd.), Carbide & Carbon Chemicals Corporation, and 20 other subsidiary companies. This combination also, I assume, dictated the imposition of the rates contained in paragraph 2 of the bill, covering the following items—and I want Senators to listen to these items—acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldehyde, ethylene chlorohydrin, ethylene dichloride, ethylene glycol, ethylene oxide, glycol monoacetate, propylene chlorohydrin, propylene dichloride, and propylene glycol, at 6 cents per pound and 30 per cent advalorem.

Although this corporation has a tremendous capital and profits, having paid 40 per cent dividends, as I have indicated, and increased its capitalization 92½ per cent, carbide is transferred from the free to the dutiable list and its products taxed now at 6 cents per pound and 30 per cent ad valorem. These commodities are not produced in this country; but, notwithstanding that fact, this combination was also able to dictate that an embargo be placed upon their importation, which was done in the emergency tariff act, which embargo is continued in force by the terms of the pending bill.

The bill, without necessity, and, indeed, without reason, increases the rates on a large number of articles of which for many years the imports have been negligible, amounting to less than 1 per cent of the domestic production. Even under the temperate rates of the Underwood tariff on these commodities there have been practically no importations, and it is altogether likely that putting of these articles on the free list would not result in any notable increase, the market being dominated by the American producer.

In cases where the American production makes the world market—and I assert this, Mr. President, as an axiom in political economy—there is, of course, no legitimate purpose in a prohibitive tariff or of any tariff so far as the protection of the domestic industry is concerned. Some of the articles of which the imports are negligible but upon which the rates of duty have been increased are covered in a table which I have before me.

Mr. President, I ask the indulgence of the Senate for a moment to examine this table.

I submit it as an illustration of some of the iniquities of this bill. Before this debate is over I shall present other tables of like character for the consideration of the Senate. Take, for instance, Mr. President, oleic acid, found in paragraph 1 of Schedule 1 of the bill. The duty under the bill as reported by the Senate committee is 1½ cents per pound. Senators will know that that acid is used very largely in the manufacture of oleomargarine, a butter substitute for the poor. The rate of duty in the Underwood law is 25 per cent ad valorem, which equals, as I figure it, one-half cent per pound; so that the tremendous increase in the rate is apparent. The domestic production for the fiscal year of 1914 was 40,000,000 pounds; the imports in 1914 were only 367,070 pounds. I have been unable to get the imports for the first nine months of 1921, but the quantity is insignificant. I have been able to obtain figures as to the exports, and they have been increasingly large. The domestic production in 1913–14, which covers the year before the World War, was 40,000,000 pounds, and the importations were only 367,000 pounds.

In paragraph 3 of Schedule 1 of the bill reported by the Senate committee the rate of duty on acetone is 25 per cent ad valorem, which is equal, as I figure it, to 2½ cents per pound. Under the Underwood law the rate is 1 cent a pound. Senators will see that the duty is therefore increased from 1 cent a pound to 2½ cents a pound. The domestic production in 1914 was more than 10,425,000 pounds while the imports were only 2,726 pounds, and the imports for the first nine months of 1921—I was able to obtain those figures—were only 54 pounds. That is the terrible competition to which we are subjected by Germany—an importation of 54 pounds! Yet we must swell the tariff from 1 cent a pound under the Underwood law to 2½ cents a pound. Why? Let Senators and the country answer the question.

On chloroform, found in paragraph 17 of Schedule 1 of the bill, the rate fixed by the Senate committee is 8 cents per pound. In the Underwood law the rate is only 2 cents per pound. The domestic production in 1914 was more than 1,333,000 pounds, and the imports were only 2,444 pounds. The imports for nine months of 1921 were 2 pounds.

That is destructive (?) competition, is it not? We are about to be destroyed by Germany and these awful European and Asiatic nations. Why put this high tariff upon chloroform? It is to increase the profits of the drug manufacturers and the trusts that manufacture chloroform.

Paragraph 29 of Schedule 1: Compounds of pyroxilin, unfinished, under this bill carry a duty of 40 cents per pound; under the Underwood bill, 25 per cent ad valorem. The domestic production in 1914 was valued at $8,876,509. The imports in 1914 were less than 1 per cent. There was no importation to speak of; nothing that could be competitive, less than 1 per cent, so that it was impossible to determine quite what they were. The imports for nine months of 1921 were only $35,311, and the exports for nine months were $1,771,299. There we have a domestic production greatly in excess of the domestic market, and we ship abroad and sell nearly $2,000,000 worth, and we import $35,000 worth, and yet we put this enormous tariff upon it! It can not be defended or justified.

Take formaldehyde. Everybody is familiar with the importance of that, not only for sanitation but for other purposes. The tariff duty fixed in this bill is 2 cents a pound. The duty in the Underwood bill was 1 cent a pound. They have raised it 100 per cent. The domestic production was 8,426,247 pounds in 1914, and the imports in 1914 were less than 1 per cent; not only then but during the war. It was not in competition with us then, in the pre-war days and during the war. Let us see what the situation now is. For nine months in 1921 the imports were only 85,769 pounds, and the exports were valued at $275,901, showing again that the domestic production largely exceeds the consumption and that we must find markets abroad, and we did find markets abroad; and yet we put a higher tariff on this article, not because there is foreign competition but to enrich the manufacturers of the product.

Let me take the item of inks, paragraph 41 of this schedule. Under this bill 30 per cent ad valorem is fixed. Under the Underwood bill it was 15 per cent ad valorem. The rate has been doubled. As a matter of fact, inks ought to be on the free list. Everybody uses inks, the poor as well as the rich; but we must double the tariff on inks, and penalize the American people. The domestic production of inks, writing and printing, in 1914 exceeded $16,000,000 in value. The imports for the same year, 1914, both for writing inks and printing inks, were only approximately $32,000. But they say: "Oh, that was in 1914; but think of the terrible menace that Germany now is, with her tremendous chemical activities," which, of course, is a myth, but it is used as a pretext to support unjust and unjustifiable rates. What are the imports? For the nine months of 1921 the entire value of writing inks was $3,096 and printing inks $4,595.

We are all familiar with castor oil. Some of us as boys remember castor oil. It was the family medicine. If we had a cold, castor oil was administered. If we had a fever, castor oil was the remedy. It was a sort of a universal panacea. Castor oil is still of vital importance, not only in a medicinal way but in other ways. The rate of duty under the Senate tariff bill is 3 cents per pound. Under the Underwood bill it was 12 cents per gallon, or approximately 1½ cents per pound. It is increased 100 per cent. What about the production? One would suppose that as an excuse for laying tariff rates a home industry or a new industry was being established, and that it could not thrive without protection; and yet we find that in 1914 the domestic production was 20,423,000 pounds, and the imports 80,000 pounds. The imports for the nine months of 1921 were 120,000 pounds, and there were exports, as I recall, in excess of that amount, but the exact figures I do not carry in my mind.

Plasters, all sorts of porous and other plasters—25 per cent ad valorem is the tax fixed by this bill; under the Underwood bill, 15 per cent ad valorem. The domestic production in 1914 was in excess of $1,000,000, and the imports were $10,929, and the imports for the nine months in 1921 were only $9,754, and there were some exports; so that the imports are less now than they were in 1914, and the production has increased. So in the future those who use porous plasters are compelled to pay an additional tax to the manufacturer, because the manufacturer of this article has been able to secure the legislation which he wants.

Let me discuss briefly paragraph 63 of schedule 1, paints. The duty on paints under that paragraph amounts to 25 per cent ad valorem under this bill, 15 per cent ad valorem under the Underwood bill. The domestic production in 1914 was more than $112,000,000, and the imports were only $500,000, and the imports for the nine months of 1921 were only $155,000. As the imports have diminished, we must raise the rates. As the possible menace of foreign competition vanishes, we must increase the rates, to enrich still further the domestic manufacturer. How can that rate be justified on the paints that are embraced in that paragraph, which are so important in our domestic and economic life?

Take the item found in paragraph 67, chrome yellow—30 per cent ad valorem under this bill, 20 per cent ad valorem under the Underwood bill. That was entirely too high, in my opinion. The production in 1914 was 5,747,317 pounds. The imports were only 3,678 pounds, and the imports for the nine months of 1921 were 28,957 pounds.

It will be seen that this is all a myth about the inundation of foreign products, and particularly from Germany. Let me pause here to state that soon after the war the producers of dyes in the United States, who I have asserted on the floor of the Senate, and I assert again, constitute a monopoly, contributed to a propaganda that Germany had an enormous surplus of dyes, and was about to destroy the dye manufacture in the United States. It was absolutely untrue, and was known to be untrue.

The propaganda intended to mislead the American people and to pave the way for a dye embargo which was later obtained, and the American public had to pay for it and are paying for it now. For dyes the average cost of which before the war was substantially 25 cents per pound we have been paying under this embargo $1.07 and $1.08 per pound. The American people have been robbed, and, of course, the manufacturers of textiles have been compelled to pay more for the dyes than they formerly did, and that has been reflected in the prices of the finished commodities. Ladies who buy their dress goods and men who buy their shirtings are compelled to pay tribute to the dye monopoly, which was powerful enough to force through Congress a dye embargo, and is powerful enough to procure the insertion of extortionate rates in this bill, as will be seen before we conclude discussing it.

Paragraph 68 covers gas black, lampblack, and so forth. Under this bill the rate is 30 per cent ad valorem. It was 15 per cent ad valorem under the Underwood tariff bill. The production in 1914 was $1,464,000, and the imports for that year were only $26,000. The imports for the nine months of 1921 were only $16,425, and our exports were $905,608. We go out and compete in the markets of the world and sell a large proportion of our domestic product in competition with the world, with Germany and Switzerland and England, where these pigments are made. We competed with those nations and sold nearly a million dollars' worth of these pigments in nine months of 1921 and imported only $16,000 worth. Yet

they demand virtually an embargo. How can it be justified? If we were not selling abroad, there would be some greater excuse; but when we can compete with the world, what is the excuse?

Paragraph 69 covers litharge, on which under this bill the tariff is 2½ cents a pound. It was very high under the Underwood bill, 25 per cent ad valorem, or practically 2 cents a pound. That has been increased in this bill from 2 to 2½ cents a pound. And yet in 1914 we produced 75,478,000 pounds and imported only 35,500 pounds. In the nine months of 1921 for which the figures are available our imports were only 100 pounds. Yet we are asked to erect an embargo and tariff walls to protect us against that frightful invasion.

The rate on white lead is 2½ cents a pound under this bill. White lead is used by the farmers; it constitutes the basis of their paints. It is needed upon the farms, and it is needed in the erection of houses. It is one of the important products of our country, important to the poor as well as to the rich. The rate is fixed at 2½ cents a pound in this bill; it was 2 cents a pound under the Underwood bill, and that was very high, in my opinion. In 1914 we produced nearly 300,000,000 pounds of white lead and we imported only 700,000 pounds. Last year, nine months of 1921, when this great invasion that is to destroy us was coming, we imported 123,116 pounds, but we exported 8,647,947 pounds. Why pay tribute again by this extortionate tariff to this great Chemical Trust, which reaches out and robs the farmer and robs the American people? Yet it goes into the world and competes in the markets of the world and ships abroad tens of thousands and hundreds of thousands of pounds.

On varnishes this bill fixes a tariff of $2.20 per gallon. That is equivalent, as I figure it, to about 35 per cent ad valorem. There is provided a specific tax of 35 cents per gallon, or 35 per cent ad valorem.

Mr. SMOOT. Mr. President, I suppose my colleague does not care about being interrupted, but I thought perhaps wherever we have reduced the Underwood rates, as we have in the case of white lead, which is used by the farmers of the country and so many other people, it ought to be noted in the RECORD. At least let the American people know that we have reduced some of the Underwood tariff rates.

Mr. KING. I will say to my colleague that before I conclude I shall give him and the other Republicans credit for every reduction which they have made in this bill. I am speaking of the schedule I am particularly addressing myself to. I will show the increases, the departures from the Underwood bill, and the transfers from the free list in the Underwood to the tax list in this bill, and I will show wherever there has been a decrease from the rates in the Underwood bill. I can assure my colleague that I want to give him and the Republican Party all the credit they are entitled to. I believe that he is entitled to credit, and has resisted many unjust demands for higher rates. I think I can say, in parenthesis, that if my colleague's views had been followed this bill would not have as many indefensible provisions as now appear.

The domestic production of varnishes for the year 1914 was $33,214,949. What do Senators think the imports were for the same year? They were $55,787, as against $33,000,000. The imports last year, for the nine months for which figures are available, were only $63,000, and we exported, in competition with the world, $2,671,668. Yet we want this enormous tariff.

On potassium iodide this bill lays a duty of 25 cents per pound. The rate in the Underwood bill was 15 cents per pound. The production in 1914 was 521,678 pounds, and the imports were 169 pounds only. The imports for the nine months available of 1921 were only 226 pounds. Yet we are asked to increase the tariff, with only 226 pounds imported.

The next item to which I shall refer is sodium carbonate, or sal soda. Everyone is familiar with the importance of that product. Under the bill a specific rate of one-quarter of a cent per pound is levied, as against one-eighth of a cent under the Underwood bill, or an increase of 100 per cent. The production in 1914 was 106,591 tons. The imports were 80 tons. The imports for the nine months of 1921 available were only 80 tons, and our exports 7,000 tons. That demonstrates, of course, that we had a surplus of production, and we had to find a market. We found it in the world. We imported 80 tons. Many considerations would explain these very small importations, but the deductions to be drawn from these figures are that the surplus was so great that we sought a market abroad and obtained it, found a market for 7,000 tons. Now, we are importuned to pass this bill because the deluge is upon us, and it is necessary to keep back this rising tide which threatens to inundate and destroy our prosperity.

In paragraph 78 a tariff of 1¾ cents a pound is levied on sodium chromate. Three-fourths of a cent per pound was the specific rate of the Underwood bill. We produced in 1914 23,648,000 pounds and we imported 11,146 pounds. There were no imports in 1921, none even threatened, but there were some exports in 1921, the exact amount of which I have been unable to ascertain, because they have not yet been reported. Yet we are asked to raise that rate from three-fourths of a cent per pound to 1¾ cents per pound, or more than 100 per cent; it is 125 per cent, as I hastily figure it in my head.

Now, take sodium hydroxide. Under this bill the rate is a half a cent a pound. Under the Underwood bill the tariff was a specific rate of a quarter of a cent per pound, an increase of a hundred per cent. In 1914 we manufactured 425,078,000 pounds and we imported 668,714 pounds. The imports in the nine months of 1921 were 645,694 pounds and our exports were 26,810,000 pounds. We exported in nine months last year nearly 27,000,000 pounds, finding markets in the world, competing with the world, and imported only 645,000 pounds plus. Of course, our production exceeded 425,000,000 pounds in 1914.

I come now to fustic extract. The tax under this bill is 25 per cent ad valorem. It was three-eighths of a cent per pound under the Underwood bill. In 1914 we produced 4,509,943 pounds. Our imports were only 1,212 pounds. I was unable to obtain the figures of the exports or imports for 1921. They were not available in the Tariff Commission or in the Department of Commerce; at least, I was unable to obtain them.

I will refer briefly to paragraph 37 of this bill, covering flavoring extracts. Twenty-five per cent ad valorem is the rate levied by this bill. Twenty per cent ad valorem was the rate under the Underwood bill. Our production in 1914 was $11,380,423, and our imports were only $4,000. Our imports for the nine months of 1921 were $24,210, and our exports $705,852.

Mr. President, later, at another time, if afforded the opportunity, I shall present to the Senate information with respect to other items in this schedule.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Did the Senator ask permission to have the table printed?

Mr. KING. I would like to have this printed as a part of my remarks.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

Products importations of which in 1914 were 1 per cent or less of domestic production and rates of which in Senate tariff bill are higher than Underwood law.

Paragraph No., Senate bill.	Article.	Rate of duty, Senate tariff bill.	Rate of duty, Underwood law.	Domestic production, 1914.	Imports, 1914.	Imports, 1921 (9 months).	Exports, 1921 (9 months).
1	Oleic acid	1½ cents per pound	25 per cent ad valorem, equals ½ cent per pound.	40,000,000 pounds	367,070 pounds	[1]	[1]
3	Acetone	25 per cent ad valorem, equal to 2½ cents per pound.	1 cent per pound	10,425,817 pounds	2,726 pounds	54 pounds	[1]
17	Chloroform	8 cents per pound	2 cents per pound	1,333,954 pounds	2,444 pounds	2 pounds[2]	[1]
29	Compounds of pyroxylin (unfinished).	40 cents per pound	25 per cent ad valorem.	$8,876,509	[3]	$35,311	$1,771,299.
38	Formaldehyde	2 cents per pound	1 cent per pound	8,426,247 pounds	[4]	85,769 pounds	$275,901.

[1] Statistics not available.
January 1 to July 1, 1920.
[2] Import of unfinished pyroxylin plastics less than 1 per cent of domestic production.
[3] 1921 Tariff Commission Survey—Imports prior to and during war less than 1 per cent domestic consumption.

Products importations of which in 1914 were 1 per cent or less of domestic production and rates of which in Senate tariff bill are higher than Underwood law—Continued.

Paragraph No., Senate bill.	Article.	Rate of duty, Senate tariff bill.	Rate of duty, Underwood law.	Domestic production, 1914.	Imports, 1914.	Imports, 1921 (9 months).	Exports, 1921 (9 months).
41	Inks	30 per cent ad valorem.	15 per cent ad valorem.	Writing inks, $2,500,000; printing inks, $14,000,000.	Writing inks, $21,983; printing inks, $11,155 [1]	Writing inks, $3,096; printing inks, $4,595; all others, $9,176.	$775,127.
50	Castor oil	3 cents per pound	12 cents per gallon (1.5 cents per pound).	20,423,000 pounds	80,000 pounds	128,000 pounds	[2]
61	Plasters	25 per cent ad valorem.	15 per cent ad valorem.	[3]	$10,929	$9,754	[2]
63	Paints	do	do	$112,408,700	$500,000 [7]	$155,000	[2]
67	Chrome yellow	30 per cent ad valorem.	20 per cent ad valorem.	5,747,317 pounds	3,678 pounds	28,957 pounds	[2]
68	Gas black, lampblack, etc.	do	15 per cent ad valorem.	$1,464,000 [4]	$26,000	$16,425	$905,608.
69	Litharge	2½ cents per pound	25 per cent ad valorem (2 cents per pound).	75,478,000 pounds	35,500 pounds	100 pounds	[2]
69	White lead	do	2 cents per pound	285,972,000 pounds	700,000 pounds	123,616 pounds	8,647,947 pounds.
72	Varnishes	$2.20 per gallon and 35 per cent; 35 cents per gallon and 35 per cent; 25 per cent ad valorem.	$1.32 per gallon; 10 per cent ad valorem	$33,214,949	$55,787	$53,000	$2,671,668.
75	Potassium iodide	25 cents per pound	15 cents per pound	521,678 pounds [5]	169 pounds	226 pounds	[2]
78	Sodium carbonate (sal soda).	¼ cent per pound	⅛ cent per pound	106,591 tons	80 tons	80 tons	7,000 tons.
78	Sodium chromate and dichromate.	1¼ cents per pound	¾ cent per pound	23,648,000 pounds	11,146 pounds	None	[2]
78	Sodium hydroxide	½ cent per pound	¼ cent per pound	425,078,000 pounds	668,714 pounds	645,694 pounds	26,810,068 pounds.
36	Fustic extract	25 per cent ad valorem, equal to 2 cents per pound.	⅛ cent per pound	4,509,943 pounds	1,212 pounds	[1]	[2]
37	Flavoring extracts	25 per cent ad valorem.	20 per cent ad valorem.	$11,380,423	$4,000	$24,210	$705,852.

[1] 1921 Tariff Commission Survey—Imports in 1914 less than one-tenth of 1 per cent domestic production.
[2] Statistics not available.
[3] Domestic production in 1914 at least $1,000,000.
[4] Domestic production in 1916.
[5] Domestic production in 1918.

Mr. KING. Mr. President, it is evident from the data contained in the foregoing tabulation that the imposition of increased rates of duty upon the aforesaid articles will neither appreciably increase the consumption nor expand the market for the domestic manufacturers of these commodities. The only effect of the higher rates will be to increase the price of these commodities in the home market to the detriment of the consuming public and of the industries which use these commodities as necessary materials for the fabrication of their products.

Among these articles upon which are imposed higher rates of duty, inks, castor oil, plasters, paints, varnishes, and flavoring extracts are finished products as far as consumption is concerned and pass to the trade in the form in which the duty is imposed. Of the other products in the table, compounds of peroxylin (unfinished) are used for the manufacture of combs, mirrors, and other toilet articles and for artificial leather and artificial silk; chloroform is used as an anesthetic, solvent, and antiseptic; formaldehyde is widely used as an antiseptic, disinfectant, and preservative and for the manufacture of products used in competition with hard rubber; oleic acid is used in the manufacture of textile soaps, patent leather, and lubricating compounds; acetone is used as a solvent for fats, resins, and gums and in the manufacture of chloroform; gas black and lampblack are used as fillers for rubber and in the manufacture of printing inks, stove polishes, and paints; litharge is used in the manufacture of paints, glass, and pottery and as a drier for oils; chrome yellow and white lead are used as pigments in the preparation of paints; potassium iodide is widely used in medicine and photography; sodium chromate and bichromate are used in the tanning of leather, for textile dyeing and printing, for pickling of brass and for bleaching oils and fats; sodium hydroxide, commonly known as caustic soda, is used in the manufacture of soap, mercerized cotton, cleaners, paper, dyes, and drugs; fustic extract is used in textile and leather dyeing and especially for dyeing cotton goods khaki color, used for soldiers' uniforms; and sodium carbonate, generally known as sal soda, has been previously described as being widely used in the arts.

How important these articles are to the great mass of the people must become obvious when we refer to the uses to which they are put, those uses showing that scarcely a day passes that the simplest citizen in the land, as well as the most powerful one, is not called upon to employ some of the products that are the outgrowth of the use, directly or indirectly, of these commodities.

In the case of the following important commodities, boric acid, of which the imports only amount to 5 per cent of the domestic production, the duty is raised to 200 per cent of the present rate; phosphoric acid, of which the imports only amount to 4 per cent of the domestic production, has been taken from the free list and made dutiable at 2 cents per pound; linseed oil, of which the imports only amount to three-tenths of 1 per cent and the exports amount to 20 per cent of the domestic production, the duty is raised to 262 per cent of the present rate; peppermint oil, of which the imports only amount to 5.5 per cent and the exports amount to 20 per cent of the domestic production, the duty is raised to about 200 per cent of the present rate; zinc oxide, of which the imports only amount to 4.5 per cent and the exports amount to 12 per cent of the domestic production, the duty is raised to 225 per cent of the present rate; potassium chromate and bichromate, of which the imports only amount to 5 per cent of the domestic production, the duty is raised to 225 per cent of the present rate; and sodium sulphide, of which the imports only amount to 6 per cent of the domestic production, the duty is raised 200 per cent of the present rate.

It will bear repetition that the imposition of the higher rates of duty in the pending bill upon the foregoing chemicals, medicinals, and allied products, will not expand the domestic market for these materials because the domestic market is at the present time almost exclusively supplied by the domestic manufactures, the imports, as indicated above, being negligible. It is a matter of some significance that among the principal producers of these chemicals, medicinals, and allied products are: E. I. du Pont de Nemours & Co.; Solvay Process Co. and General Chemical Co., subsidiaries of the Allied Chemical & Dye Corporation; Grasselli Chemical Co.; Sherwin Williams Co.; and Dow Chemical Co. These are the corporations which have been making the contention that no rates of duty would be adequate to protect the domestic dye industry. This contention appears to have been adopted by the majority of the Committee on Finance, because in the report of the committee on the pending bill, the committee states:

> It was found that the rates provided for dyes and coal-tar chemicals (in the House bill) * * * were wholly inadequate to protect the domestic industry. * * * Your committee has reached the conclusion that no rates in American tariff history would be adequate to protect this industry.

I wish I had the time to read the statements of many eminent protectionists and writers to the American Economist, one of the ablest protectionist papers that is published in the United States. That great organ of the protected industries has

demonstrated, as a proposition in Euclid may be demonstrated, the un-American character of the embargo, its destructive and deadly consequences. They have charged that in the end it would prove destructive to the entire fabric of protection, and as a protectionist paper, a fair protectionist paper, it sees a menace to any defensible system of protection—I am making no concessions as to the honesty or defensibility of protection per se—in an embargo bill which discriminates in favor of one class of commodities and keeps out certain commodities in order that the domestic producer may force prices to such levels as his cupidity and avarice may dictate.

It is obvious what the result will be. If we give an embargo to the dye manufacturers, other manufacturers will demand an embargo. If it is good for the dye people to have a complete monopoly, it will be good for the woolen mills to have a complete monopoly and the cotton mills a complete monopoly, until finally the protective system is destroyed and the people have been turned over to be devoured by the monopolies which would be erected.

Let me say right here as a warning to those Republicans and to those protected industries and to those great trusts and corporations, if they do not heed the solemn warning of the able Senator from North Dakota [Mr. McCUMBER] when he called attention to the high rates in this bill and when he directed attention to what was needed to bring about prosperity, and refuse to reduce prices and maintain combinations and destroy competition, the American people will revolt against such industrial oppression, if not servitude, and in their wrath the business fabric of our country may be destroyed. If we can not preserve the competitive system, the people will turn to a paternalistic or socialistic régime, and every industry controlled or directed by corporations or trusts will be placed in strait-jackets, and there will be commissions and Federal agencies and Federal officials to take charge of the business life of the country, and private business will thus be destroyed.

As a friend of honest business and as one who is opposed to bureaucracy, to paternalism, to socialism, and believes that the business man should have a free field for success, unhampered by governmental regulations, I want to warn American manufacturers and corporations and the powerful business interests of this country that if they do not treat the consuming public fairly, if they destroy competition, if they perpetuate trusts and combinations in restraint of trade and to maintain high prices, the American people will rise in their wrath and pull down the temple of their prosperity. Then we will be menaced by socialism or other evils. People laugh when we talk about socialism developing and growing. Socialism will always appear as a supposed antidote to the aggressions of predatory wealth. Treat the great mass of the people fairly and there will be no demand for socialism. They believe in individualism. They want the individual to have a free field and an open and a fair fight in the race for life. That is all the average American wants. But he will rise up in his wrath, and he will tear down these gigantic corporations and trusts if they destroy the opportunity for individual initiative and individual development. So I want to warn the corporations and the trusts and those men who are writing these tariff schedules and who are demanding them that they are sowing to the wind and they will reap the whirlwind.

If the shoe manufacturer charges these extortionate prices, if the Steel Trust makes these enormous prices, if other corporations grow rich and distribute their ill-gotten gains until their stockholders can live in affluence and the workingmen, upon whose bowed backs rest our economic and our social fabric, are required to carry the increased burden, soon or later our economic system will crack with consequences few can visualize. It seems a cruel thing that peoples build only to see destruction. I sometimes think we are like little children, building houses upon the sand.

The waves come and wash them away. Men build mighty nations which rise to power and affluence; often they attain a high stage of civilization. Then evils develop, selfishness controls, liberty is taken from the masses, and decadence sets in. Wealth controls, and the rich and powerful in the end fall with the nation which their folly and their vices have corrupted. The historian tells us of such nations, and we wonder if "history hath but one page."

We think that this Republic is different from other nations. It is. Some think that it has the seeds of immortality. I do not know. I know that this Republic will last only so long as there is back of it the sense of justice and righteousness that after all must be the basis of those enduring and persisting things in life. Nothing can long endure that is unjust. No social organism can long persist that works injustice. No system of philosophy long endures if it is founded wholly upon error.

The theory of gravitation may some day be successfully controverted. Einstein is assailing it. So one by one our systems of philosophy perish; all of which demonstrates, Mr. President, that there are certain eternal verities, and that unless we get down to the bedrock of truth and of justice and of righteousness we are building upon the sands.

If we do not deal justly with the people, if we erect organizations that oppress, if we develop an economic system that works unequally and unfairly, there will be discontent and the seeds of social and political decay.

Mr. President, I am digressing. I return to the schedule.

Adverting now to the excerpt which I read from the majority report, the contention made in that report is not consistent with the representations officially made by these manufacturers to the Ways and Means Committee of the House of Representatives in January, 1916, wherein they stated that duties of 15 per cent ad valorem and 3¾ cents per pound on intermediates, and duties of 30 per cent ad valorem and 7½ cents per pound on dyes, were adequate to develop and protect the domestic dye industry, and that these rates would satisfy the demands of the domestic manufacturers of dyes and coal-tar chemicals. In conformity to these representations and with the understanding arrived at by the Ways and Means Committee, the pending bill, as it passed the House, imposed duties of 30 per cent ad valorem and 7 cents per pound on intermediates, and duties of 35 per cent ad valorem and 7 cents per pound on dyes. The bill, as reported by the Finance Committee of the Senate, carries duties of 50 per cent ad valorem and 7 cents per pound on intermediates, and duties of 60 per cent ad valorem and 7 cents per pound on dyes, duties which are practically double the duties imposed by the bill as it passed the House, and which are double the rates asked by the manufacturers in 1916 for intermediates and dyes. Moreover, the manufacturers in 1916 stated that the rates requested would develop and practically perfect the industry within five years, and that thereafter the specific duties would no longer be required.

Mr. President, I may ask later on—I shall not do so now—to put into the RECORD the testimony of these men who went before the committee in 1916 and said that the rates then asked for were all that would be required to develop the dye industry. The dye industry has developed to colossal proportions, but now they not only want the duties to be doubled, but they want an embargo. In addition to that, by an illegal sale of 4,500 patents taken out by Germans and registered in the United States by an illegal confiscatory act, they have taken those so that they can invoke the patents and keep out any competition. Not satisfied, however, with that, they now want an embargo; and not satisfied with that, they want to put, as I shall show later, a provision into this bill that has never found expression in any other tariff bill, a most anomalous thing, to make it a crime to bring in certain products in a certain manner, and confiscation thereupon ensues.

The fact is that in the intervening time the domestic dye industry has expanded its production so that over 91 per cent of the domestic consumption is now supplied by the American manufacturers, and, in addition to that, the exports of dyes for 1920 amounted in value to $25,000,000, or approximately 30 per cent of the value of the domestic production.

The contention that the rates of duty imposed by the bill will not protect the industry can not be sustained. The fact is that these rates will act as an effectual embargo, as far as the bulk of the American consumption is concerned. Not only are these rates without precedent but the bill invests the President with authority to increase by 50 per cent the rates of duty to be imposed upon dyes, intermediates, and other finished coal-tar products, which means that the President may impose duties of 75 per cent ad valorem and 10½ cents per pound on intermediates and duties of 90 per cent ad valorem and 10½ cents per pound on dyes and finished coal-tar products. But this does not represent the limit of the reaching out of the dye manufacturers to prohibit the importation of intermediates, dyes, and coal-tar products. The President is granted authority in the bill to require by proclamation that the ad valorem duties be imposed upon the American market value of the dutiable commodities, which means, of course, that the President may impose duties of 90 per cent ad valorem on dyes and finished coal-tar products based on American valuation. The average American selling price for dyes produced in this country in 1920 was $1.08 per pound. Upon this valuation an ad valorem duty of 90 per cent would amount to $0.972, which, with the addition of a specific duty of 10½ cents, would make the duty per pound come to $1.077, which approximately equals $1.08, the average selling price of the dyes, and is equivalent to an effectual duty of 100 per cent on the American selling price of the dyes. But even under these conditions, if an American manufacturer of

textiles were willing to pay a premium of 100 per cent for some rare or desirable dye, he might import it and thus satisfy his fancy or the need of his business. But this does not meet the demands of the dye combine. It demands an absolute embargo; and accordingly the majority of the committee reports an amendment to the House bill which extends the operation of the embargo enacted in the dye chemical control act approved May 27, 1921, for the period of one year after the approval of the pending bill, and another amendment which invests the President with power to extend the embargo for another year. Mr. President, we have in these provisions the very consummation of monopolistic avarice, exclusion, and domination.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Utah yield to the Senator from Mississippi?

Mr. KING. I yield.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	McKellar	Phipps
Brandegee	Heflin	McKinley	Poindexter
Broussard	Johnson	McNary	Ransdell
Bursum	Jones, N. Mex.	Moses	Rawson
Capper	Jones, Wash.	Myers	Sheppard
Caraway	Kellogg	Nelson	Smoot
Curtis	Kendrick	Newberry	Sutherland
Dial	Keyes	Nicholson	Swanson
Edge	King	Norbeck	Townsend
Ernst	Ladd	Norris	Warren
Fletcher	La Follette	Oddie	Watson, Ga.
Glass	Lenroot	Overman	Weller
Gooding	Lodge	Page	Willis
Harris	McCumber	Pepper	

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] is absent on business of the Senate.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KINKAID, Mr. SINNOTT, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were subsequently signed by the Vice President:

S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.;

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided;

S. 667. An act for the relief of John B. H. Waring;

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee;*

S. 1767. An act for the relief of the owner of the derrick *Capitol;*

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; and

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House on certain amendments of the Senate to House bill 9981.

The PRESIDING OFFICER laid before the Senate the action of the House of Representattives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices.

Mr. WARREN. The situation is such that it can only be handled by getting the bill back to conference. So I move that the Senate still further insist upon the amendments in disagreement, that the House be asked for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate at the further conference.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico obtained the floor.

Mr. HARRISON. Mr. President, will the Senator from New Mexico yield to me for just a moment before he proceeds with his speech?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. JONES of New Mexico. I shall be glad to yield.

Mr. HARRISON. Mr. President, at the beginning of the discussion of this tariff bill it might be well for those who advocate it to know the views of some of the leading agriculturists of the country touching its provisions. I noticed in one of the papers of yesterday, I think, an item which I should like to have read from the desk. Mr. Marsh, who is referred to in the article, is a representative of great farming organizations over the country.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

DECLARES POLICY OF G. O. P. IS "FARMERS BE DAMNED."

The Jones-Green ship subsidy bill, now pending in Congress, will "increase ocean freight rates just as the Esch-Cummins law increased railroad freight rates," Benjamin C. Marsh, director of the Farmers' National Council, declared in a statement yesterday.

"This bill, plus the McCumber tariff bill, will be the last straw to break the farmer's back," Marsh said, "when it is piled on top of the Government's denial of adequate credit to farmers and refusal to enact legislation to stabilize the price of farm products. This combination of measures against the farmers, devised with the approval of the President of the United States, makes it clear that the administration's policy is 'the farmers be damned.'"

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. JONES of New Mexico. If the Senator from Mississippi is through with what he has to say.

Mr. HARRISON. I desire to incorporate another short article in the RECORD. Before I yield to the Senator from Utah, let me say that this statement of Mr. Marsh ought to be a warning to the Senator and his colleagues who propose to vote for the bill.

Now, I yield to the Senator.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. JONES of New Mexico. I yield.

Mr. SMOOT. I just want to say to the Senator from Mississippi that no doubt Mr. Marsh will thank him for putting his statement in the RECORD, because no doubt it will be taken from the RECORD and sent out through the country in order that Mr. Marsh may collect a little money to go on with his propaganda. If the Senator knew Mr. Marsh, I doubt very much whether he would encumber the RECORD with a statement like that.

Mr. HARRISON. That is from one of the leading Republican papers of the country.

Mr. SMOOT. It is not from a Republican paper; it is from Mr. Marsh.

Mr. HARRISON. The statement was printed in a Republican paper——

Mr. SMOOT. Oh, certainly.

Mr. HARRISON. And it quotes Mr. Marsh, and they thought it was a news item. Mr. Marsh is recognized as the representative of a number of farmers' organizations in this country, and I am surprised that the Senator should think that Mr. Marsh would try to advertise himself in any such way.

Mr. President, that statement from Mr. Marsh did not seem to find any welcome on the other side; but the attention of the Senate has already been called to the fact that the other day there was an election for the selection of a nominee in Illinois. A very distinguished member of the present Ways and Means Committee was a candidate for renomination. Running against him was a man by the name of Mr. Frank Reid.

Mr. Reid made his campaign upon certain well-defined issues. Mr. COPLEY, the gentleman I have in mind, being a member of the Ways and Means Committee, naturally espoused the provisions of the Fordney tariff bill, or the "Fordney folly," as I might call it, and no doubt he would be for the "McCumber muddle" if he were a Member of the Senate. After Mr. Reid was nominated by some 5,000 votes over the present member of the Ways and Means Committee he gave out a statement and assigned the reasons why he received this very large majority over the sitting Member of Congress, one who had assisted in drafting a Republican tariff bill. So I want to read, or have read from the desk, a part of the statement of Mr. Frank R. Reid, addressed to the New York World.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

The reading clerk read as follows:

CHICAGO, *April 16.*

To the WORLD:

The Volstead law had nothing to do with my victory. The campaign was waged against the system by which a dozen men of great wealth dominate the action of Congress on matters of tariff and taxation and use their great power to secure legislative protection of their own special interests.

I showed the financial and business interests of the 17 Republican members of the Ways and Means Committee, of which 11, including COPLEY, are millionaires or multimillionaires, and urged the necessity of having a "people's bloc" to oppose this "millionaires' bloc" to return the power of government to the people.

I pledged myself to uphold the policy of progressive, independent men in Congress who believe that the interests of the mass of the people deserve first consideration. I campaigned against the present certificate form of bonus bill in favor of a cash bonus to be paid out of excess-profits tax and surtax or from foreign loans. Condemned COPLEY'S action in supporting the repeal of the excess-profits tax and in supporting the reduction of the surtax on incomes; also the action of COPLEY and the Ways and Means Committee on the dye embargo.

FRANK R. REID.

Mr. HARRISON. Mr. Reid was the nominee by some 5,000 majority.

Mr. JONES of New Mexico. Mr. President, I should like to ask the Senator from Mississippi if he has some of the publicity literature of Mr. Reid, showing what the issues in the campaign were?

Mr. HARRISON. I will ask the Secretary to read the matter just following that statement, issued the day after Mr. Reid's nomination, showing what he said in some of his campaign literature.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The reading clerk read as follows:

LIST OF 11 MILLIONAIRES ON GREAT HOUSE COMMITTEE.

Mr. Reid also sent to the World an extract from his campaign literature, in which he said:

"Who are the men who frame the revenue and impost laws of the Nation which vitally affect the interests of every business man who has something to sell or manufacture, every farmer who produces a bushel of grain or a pound of beef or hogs, and every wage earner in the eleventh district?

"The committee is composed of 17 Republicans and 8 Democrats. The Republicans, of course, control the committee under the present administration; in fact, a bare half dozen of the leading Members dominate the proceedings of the committee and determine its action in respect to legislation on taxation, tariff, and other vital subjects."

He gave this list of the 11 rich men:

Chairman JOSEPH W. FORDNEY, Michigan, millionaire lumberman.

NICHOLAS LONGWORTH, Ohio, a millionaire by inheritance, interested in various banking and industrial enterprises, including an interest in dye and chemical companies.

IRA C. COPLEY, Illinois, multimillionaire, controlling gas companies and three newspapers of the eleventh district, interested also in mining and other properties.

LUTHER W. MOTT, New York, wealthy banker, former president of the New York State Bankers' Association.

ISAAC BACHARACH, New Jersey, millionare real estate broker, first vice president and director of the Second National Bank and also director of Atlantic Safe Deposit & Trust Co., at Atlantic City.

ALLEN T. TREADWAY, Massachusetts, millionaire hotel owner and magnate.

CHARLES B. TIMBERLAKE, Colorado, wealthy banker and stock raiser.

GEORGE M. BOWERS, West Virginia, millionaire banker and orchardist, president of People's Trust Co., Martinsburg, W. Va.

HENRY W. WATSON, Pennsylvania, wealthy retired business man, who made his fortune in various commercial and manufacturing enterprises.

Alanson B. Houghton, New York, a member during the special session, but recently resigned to become ambassador to Germany, a multimillionaire glass manufacturer.

THOMAS A. CHANDLER, Oklahoma, millionaire oil magnate.

Mr. Reid, who is 44, has figured as counsel in some noted cases. He was retained by the Federal Government in the Standard Oil case and other litigation. He was assistant corporation counsel of Chicago and has served in the legislature.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. JONES of New Mexico. I yield.

Mr. WILLIS. The Senate has just been regaled with an expression of the views of the distinguished and eloquent Senator from Mississippi [Mr. HARRISON] relative to the pending tariff legislation. He has very properly, and within his rights, had read into the RECORD certain matters which he thinks bear upon it. I therefore ask unanimous consent to have incorporated in the RECORD at this point editorials from certain papers—the Albany (Ga.) Herald, the Rocky Mount (N. C.) Telegram, the Galveston (Tex.) News, the Fort Worth Star-Telegram, and the Cincinnati Post. These are editorials setting forth the views of those papers and the views which they think are held by people in that section of our Union relative to the pending tariff bill.

Mr. HARRISON. Does not the Senator want to have them read?

Mr. WILLIS. I do not desire to delay the passage of the bill. I am in favor of the passage of the bill, and therefore do not desire to take the time of the Senate in having long articles read. I want to economize time.

Mr. HARRISON. Does the Senator indorse all that is stated in these editorials?

Mr. WILLIS. I think they are very good reading, and that the Senator from Mississippi will profit much if he will follow the advice therein set forth.

Mr. HARRISON. The Senator is not willing to tell us that he indorses them before he puts them into the RECORD?

Mr. WILLIS. Yes; I indorse them. The substance of the editorials is that the tariff bill ought to be passed at the earliest possible moment, without unnecessary delay, and I cordially agree with that sentiment.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

EDITORIALS OF SOUTHERN PRESS ON SOUTHERN TARIFF ASSOCIATION.

[From the Albany (Ga.) Herald, March 17, 1922.]

It may not be true that "the South favors a high tariff," but it undoubtedly is true that there are few parts of the South in which there are not important interests clamoring for the protection of whatever they happen to sell in competition with foreign producers. It has been pretty clearly demonstrated that "the tariff is a local issue."

—

[From the Rocky Mount (N. C.) Telegram, March 17, 1922.]

The rather pointed question of F. R. Gooding, chairman of the farm bloc in the House, that if the South wanted a protective tariff, that they should vote for it, seemed to reach rather receptive ears down at Houston, Tex., recently when the Southern Tariff Association in convention assembled made it plain that they did by some unanimous votes on the matter. At any rate, what the chairman of the farm bloc wants is votes from southern Congressmen and Senators, and really one can wonder how they could reconcile that appeal with the platform on which most of them were elected. Incidentally it looks as though the South is little different from the rest of the Nation and they want to talk of protection for our goods and nonprotection for the other fellows.

—

[From the Galveston (Tex.) News, March 19, 1922.]

The members of the Southern Tariff Association, made up for the most part of men who were once tariff reformers, show all the zeal and intrepidity of the new convert. In their congress at Fort Worth the other day they "congratulated Congress"—though apparently not the country—"on the passage of the emergency tariff bill," and they also indorsed the "American valuation method of levying duties on imports."

—

[From the Fort Worth Star-Telegram.]

The greatest obstacle which stands in the way of obtaining proper recognition for southern products is the attitude of most of the Democratic Congressmen and Senators on this matter. They are assuming an attitude of opposition to the entire tariff program and apparently are willing to have the Republicans pass a measure favoring special industries and sections at the expense of the South in order to make political capital out of it.

—

OLD ORDER CHANGETH.

[From the Cincinnati (Ohio) Post, February 17, 1922.]

We are at the parting of the ways, politically and economically, in this country. "Old stuff," you say. Possibly, but let's see.

The Southern Tariff Association, composed entirely of Democrats, comes out with a declaration for a tariff twice as high as anything heretofore suggested on agricultural products.

Well, if everybody's for it—Democrats as well as Republicans—why not go ahead? Why delay? Why this talk about "no bill before August and probably none at all?"

Mr. JONES of New Mexico. Mr. President, I am in accord with the expressed wish of the Senator from Ohio, that whatever tariff bill shall be passed should be passed at an early date. I think the sooner the people of this country find out what sort of a bill they are going to have, the better for everybody concerned. In my humble judgment, the sooner the disaster comes and the recovery is reached the better it will be for the permanent prosperity of the country. I hope we may begin to vote on some of these items this afternoon.

I do not rise for the purpose of entering into any general discussion of this bill. I believe, however, that the very first item in the bill is typical of the purposes of the bill and that each Senator should thoroughly understand just what is proposed. I think each Senator should understand just what this bill means, and, inasmuch as the first item in the bill is an item taken from the free list and put on the dutiable list, it seems to me that the Senate should understand why this thing is done.

I do not believe the Senate ought to assume that the Committee on Finance would propose to take an item from the free list and put it on the dutiable list unless there were some reason for it. So, Mr. President, I call upon the chairman of the Finance Committee to explain to the Senate why acetic acid is taken off the free list and put upon the dutiable list. If the Senator from North Dakota will kindly furnish us with some information on this subject, I am sure I shall appreciate it, and I hope that all of the Senators will appreciate it, because they will be called upon to vote on each one of those items, and I respectfully request that the chairman of the Finance Committee give the Senate and the country the reason why acetic acid was taken off the free list and put upon the dutiable list. Will the Senator from North Dakota oblige us with some information on that subject?

Mr. McCUMBER. Mr. President, the reason I can give for placing this particular item upon the dutiable list is the reason that permeates the bill throughout; it is to equalize the difference between what is supposed to be, as nearly as we can arrive at it, the cost of production abroad, including the cost of shipment into this country, and the cost of manufacturing in this country. The House itself took this item from the free list. The Senate committee has not amended the provision. Of course, I have not the evidence before me in all the hearings to follow each one of these items, but we believe that the evidence as to this item was such as to justify the committee in agreeing to the House provision, which seeks to place a duty on this article which will be the equivalent of the difference between the cost of production abroad, including the cost of transportation, and the cost of production in the United States.

Mr. JONES of New Mexico. Mr. President, I must confess a surprise at the answer which has been given to us by the chairman of the Finance Committee. I have gone through the House committee hearings; I have gone through the Senate committee hearings, and there is not a word of testimony in the whole record regarding the cost of production of this article either in this country or anywhere else.

That, it seems to me, ought to be an astounding statement to the country. The Senator from North Dakota tells us in a solemn and serious way that they have tried to equalize, by the tariff, the cost of production in this country and the cost of production elsewhere, and here is an item affecting many of the vital interests of this country, about which there is not a line of testimony either in the House hearings or in the Senate hearings.

Mr. SMOOT. The Senator certainly does not want that statement to appear in the RECORD for fear somebody in the future will read his remarks and then find that the statement does not conform to the facts in the case.

Mr. JONES of New Mexico. Mr. President, if my statement does not conform to the facts, I hope the Senator will state what the facts are according to the record. I know there are some statements in the record to the effect that they need this tariff in order to let them keep up this enterprise, but there is not a single line of testimony in the record which shows the cost of production of this article either here or anywhere else.

Mr. SMOOT. Mr. President, I am fearful the Senator has not taken time to read the record.

Mr. JONES of New Mexico. If I am misinformed, of course, I shall be glad to be corrected by the Senator from Utah.

Mr. SMOOT. I know the Senator did not have his attention called to this item, but if the Senator will turn to page 801 of the hearings——

Mr. JONES of New Mexico. I have read page 801.

Mr. SMOOT. He will find that Mr. Bartram, representing the Shawinigan Products Corporation, of New York, testified in quite an extensive way, and beginning on page 804, down to and including 809, there is quite a description of the articles in which acetic acid is used in this country, and the reasons also are given why, in my opinion, there should be a duty imposed.

Mr. JONES of New Mexico. He does give a reason, but he nowhere tells what it costs to produce it, either here or anywhere else.

Mr. SMOOT. That may be the case, Mr. President, so far as the actual production of the acetic acid is concerned; but I simply rose to call the attention of the Senator to the fact that testimony has been given as to this item, and upon that, no doubt, the House based the duty upon acetic acid.

Mr. JONES of New Mexico. Yes, Mr. President, there has been testimony given upon the subject, and I agree again with the Senator from North Dakota [Mr. McCUMBER] that this case is not only typical of all, in many respects, but it is typical in respect to the kind of testimony on which the committee has acted. The kind of testimony which has been produced upon this item, and upon substantially every item in the bill, consists solely of the statements of interested parties as to how much they want. That is the kind of testimony there is in this record.

Mr. SMOOT. The Senator ought to be fair. He ought to say also that the testimony against any duty whatever is also recorded in the hearings, and persons representing that side of the case were heard by the committee on every item about which they asked permission to appear. I recognize that the hearings are too extensive for all Senators to read; that is out of the question; but when the Senator has carefully examined the testimony he will find that in nearly every case interested parties on both sides have been heard.

I recognize that no tariff bill could be framed based only upon testimony either for or against a duty. One exaggerates one side, and the other exaggerates the other. I do not think there was ever a tariff bill taken under consideration by a committee of this body where hearings so extensive were permitted as has been done in connection with this bill. In fact we were criticized severely in the public press, and by Members of Congress as well, for the length of time that was given to the hearings.

Mr. JONES of New Mexico. The committee was kind enough to hear practically everybody who wanted to be heard. There were two classes of people heard, principally those who were interested in getting a tariff upon the importation of the articles. There were comparatively few witnesses who appeared and protested. Some of them appeared and protested vigorously, and upon this very item the only witness who appeared before the Finance Committee of the Senate was a witness who insisted that the item should be kept on the free list.

Mr. HARRISON. Mr. President, may I ask the Senator if he does not think that the reason why they had such long hearings on the part of the committee, and from certain sources from which they wanted to hear, was to find some excuse for perpetrating the bill upon the country?

Mr. JONES of New Mexico. Mr. President, I do not like to question the purposes of other Senators. I can only state what occurred, and the Senate, and I hope the country, will themselves judge as to the purposes behind the bill.

The truth is that the bill could not have been framed on the theory just announced by the Senator from North Dakota, because there was no attempt at any time to obtain evidence as to the cost of the production of the commodities in this country or elsewhere. I make that statement as a general proposition. There may be a few exceptions to it, but I submit that I have no recollection of a single witness bringing before the committee his cost sheets and submitting them to cross-examination.

Mr. SMOOT. No, Mr. President; and that never has been the practice in the making of any tariff bill from the day the first one was made up to the present time. I will say to the Senator, however, that in making the bill there were members and experts of the Tariff Commission with the committee at all times. The price at which the foreign article sold in this market was given to the committee. The price of the domestic article sold in the domestic market was also given. The testimony that they had gathered in the investigations which they had made shows that there was the difference which I have stated. While the hearings may not demonstrate anything as to the cost of this particular item for producing it in the foreign country or in this country, all the evidence that was collected by the Tariff Commission, as well as the evidence collected by the Reynolds investigation, was presented to the committee whenever a rate was to be decided upon.

Mr. JONES of New Mexico. Mr. President, the Senator has made a statement which implies two things; first, that the Tariff Commission furnished some evidence as to the cost of production in this country and abroad. The Tariff Commission itself had no evidence upon that subject.

Mr. SMOOT. I did not say that. I said the Tariff Commission furnished the price at which the foreign article sold in the American market as well as the price at which the product manufactured in America sold in the market alongside of it. It also demonstrated the fact that beginning with the latter part of 1921 the prices of chemicals coming into this country began to drop rapidly. Even for the first nine months of 1921, every report shows that there is not an item in the schedule but what the price involved was then decreasing, and decreasing rapidly.

I do not want to criticize the figures which were presented by my colleague this afternoon as to importations and exportations, but they were unfair from the very fact that he used the year 1914 to show importations.

Mr. JONES of New Mexico. I hope the Senator will not consume time in discussing something that I have had nothing to do with.

Mr. SMOOT. I was only leading up to what I wanted to say to the Senator from New Mexico.

Mr. JONES of New Mexico. Very well.

Mr. SMOOT. I was going to say that it is not fair for a Senator to take the importations of 1914 or the war-time importations, or any importations between that time and 1920, at the close of the war, and then compare them with the nine months of 1921 when the slump in industry came all over the world. Not only did our production in this country fall off more than our exports in many, many cases, in most of them in fact, but our own trade fell off in the United States until it was a mere skeleton of what it had been during the war. Of course, the figures that were presented were absolutely correct, so far as I could follow them and so far as I could remember them, but in order really to get at the position of the committee, in order to criticize the committee, the criticism ought to be based upon a fair statement of the facts.

Now, I will say to the Senator that on the particular item under discussion I have sent for my papers and think I will have them here within a few moments. I will then show the Senator just what the quotations were, what they are to-day, and, I think, the reason why the House made the rate three-quarters of a cent a pound on a certain strength of acetic acid.

Mr. JONES of New Mexico. Does the Senator mean to say that these rates were made up from evidence which is not in the record?

Mr. SMOOT. The information which was given by members of the Tariff Commission, who were sent as experts from that commission, was not recorded; that is, there is no record of it made in our hearings. The Senator knows that has never been done. When the Underwood tariff bill was under consideration a Republican Senator was not allowed to go before the subcommittee even as a witness with relation to the rates. I know I applied in one or two cases for permission to appear before the committee, and I was a member of the Committee on Finance, too. I was told that no one was to appear before the committee unless invited to appear. That is the way we were treated in 1913.

But I will say to the Senator from New Mexico that no Senator and no Congressman has asked the Finance Committee to appear before us unless permission has been promptly granted. We have had Members of the House and we have had Members of the Senate from both sides of the Chamber before the committee, and they have been allowed a hearing upon any item in the bill whenever they have asked for it. It took a great deal of the time of the committee to listen to those statements, too.

Mr. JONES of New Mexico. I am not entering any complaint at this time because I, as a member of the Finance Committee, was not able to get hold of the testimony which was not presented in the record. I am simply endeavoring now by questions to get before the Senate and the country the information on which the majority of the committee finally acted.

Mr. SMOOT. I want to ask the Senator now if he has not had members of the Tariff Commission before him as to the rates in this schedule?

Mr. JONES of New Mexico. I have.

Mr. SMOOT. Certainly, and those statements have not been printed.

Mr. JONES of New Mexico. Certainly not.

Mr. SMOOT. And I do not know anything about what they have told the Senator from New Mexico.

Mr. JONES of New Mexico. They probably told me just what they told the other members of the Committee on Finance.

Mr. SMOOT. Therefore, if they did that, the Senator has the same information that we have.

Mr. JONES of New Mexico. But I should like to know how the other Senators, who are not members of the Finance Committee, and how the country are to know the reasons for the action which the majority of the committee have recommended.

Mr. SMOOT. We expect the Senator from New Mexico to do just what he is doing now—to criticize every rate in the bill. We expect the opposition to do that, and they will do it. I have no objection to that at all. I have no objection to a Senator on this side of the aisle who does not believe in a rate that may be contained in the bill criticizing it. I think the Senator is well within his rights when he says that he thinks there should be no duty upon acetic acid. It is his privilege to say so, of course.

Mr. JONES of New Mexico. If the Senator will pardon me, then we are in this peculiar situation: The majority of the Finance Committee, upon evidence privately disclosed to it, has framed a tariff bill, brings it into the Senate and wants the Senate to vote upon it without a word of explanation, and from the fact that there are only three or four Republican Senators now present in the Chamber, I assume that they expect every Republican Senator simply to appear when the roll is called and ratify what the majority has done in secret session.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. I am not going to ask the Senator how many Democratic Senators are now present, but to clarify one matter with reference to which the Senator has made inquiry, as to printing in the record all the evidence on which the committee may have acted, I wish to make a brief statement.

We ceased taking testimony, as the Senator knows, as a committee. We took no further testimony, but that did not prevent us from reading the commercial summary of cost of production and any other information which we could find. We have the Reynolds report, which the Senator has. That is not printed as a part of the hearings by any means, but it is subject to consideration. We have the monthly summary of the reports of importations and prices.

The Senator asked me a question awhile ago. I can not always turn immediately at a second's notice to give him the figures upon every one of these chemical items, but if he will turn to the report of the monthly summary of our importations and exportations, he will find the cost of acetic acid, at least the latest that we have; that is, the foreign cost here. He will find that for the same kind of acetic acid, which comes in in all characters of strength—but that which is imported, of course, comes in practically 100 per cent pure in condensed form, there is about 2 cents difference between the price at which it is imported and the American manufacturers' price. The latest price given is about 8 cents for the 100 per cent pure, as against 9½ cents for the American article of 80 per cent pure. So I do not think we are very far off in the 2 cents difference.

These were all examined at the time as we passed over the different items in the schedule. We had the monthly summaries before us, the Reynolds report before us, and the report of the Tariff Commission before us, which everyone has, and none of the three did we ever attempt to put in the record because they are already a part of the record.

Mr. JONES of New Mexico. Mr. President, I have listened with a great deal of interest to what the chairman of the Committee on Finance has just told us. He now brings forward some other evidence. I may say that the evidence to which he has referred has been available to the minority members of the committee, and I am quite familiar with it. I want again to call attention to the fact that neither he nor the Senator from Utah [Mr. SMOOT] has presented a line of testimony from any source which bears out the first statement of the chairman of the Finance Committee, that these duties were levied for the purpose of equalizing the cost of production at home and abroad. There is not a line of testimony upon that subject.

The Senator from North Dakota further said that this item was typical of all the other items in the bill. I think he is right about that. The Senator from North Dakota and the Senator from Utah really disclose the basis upon which this bill was founded.

They bring in here the Reynolds report as to prices. There is not a single report as to prices of acetic acid. If the majority of the Finance Committee had any evidence as to the prices of acetic acid in this country or anywhere else, they got it from some source which is not printed in connection with these hearings.

Mr. DIAL. How many manufacturers of that acid are there in this country?

Mr. JONES of New Mexico. I expect to reach that in a little while.

Mr. DIAL. Very well; I do not care to anticipate the Senator's discussion.

Mr. JONES of New Mexico. Mr. President, the replies of the two distinguished Senators, to my mind, reveal the basis which was used by the majority members of the Finance Committee in the preparation of this bill. What is it? The Senator from Utah said that he would send out and get the prices. The Senator from North Dakota has just referred to certain documents whereby prices may be ascertained. In my humble judgment that is all the basis that the majority of the Finance Committee ever had in the preparation of this bill. They simply wanted to ascertain the present prices in the American market and the prices abroad, and then to fix a duty which would give the American producer a monopoly of the American market.

That was done, Mr. President, without any investigation as to the profit which the American producer was making. Is not that an astounding situation to present to the people of this country? Without any regard to whether or not the American producer is still profiteering upon the people, they simply seek by means of this tariff bill not only to protect the American manufacturer with his present prices but in the great majority of cases to give him an absolute monopoly and enable him to increase his prices.

Mr. NORRIS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Nebraska.

Mr. NORRIS. If a tariff were based upon the prices at home and abroad, and those who wanted a tariff here were able in any manner to increase the price, they could, of course, increase the tariff by that operation?

Mr. JONES of New Mexico. The Senator is obviously quite right; it follows as a logical conclusion from the mere statement of the case. Mr. President, in most instances, as I firmly believe from a careful investigation of many of the items of this bill, the Finance Committee not only have put tariff rates in the bill for the purpose of enabling the present producers to sell at present prices but to enable them to increase those prices; and that, in my humble judgment, was the only purpose which the majority members of the Finance Committee had in framing the bill. That is a woeful spectacle, it seems to me; and I wonder how Senators on either side of the Chamber can sit patiently by and permit this thing to be done. They ought to understand each item; they ought to know just what this bill means.

Mr. President, there are some facts disclosed in the record bearing upon this question. It is necessary to reason them out; it is necessary to know the economic effect of the few facts which are presented. I am going to call attention to some of the things which do appear here.

Acetic acid, as I have said, was on the free list in the Underwood-Simmons law. It has now been put upon the dutiable list, but when the Senate is called in session, presumably for the purpose of voting upon the first committee amendment to the pending bill, the chairman of the Finance Committee has not a word to say in explanation of taking the item from the free list and putting it upon the dutiable list. My judgment is that whenever a tax is put upon the American people those who impose the tax ought to be able to justify it. They ought not to assume, or to expect the Senate and the country to assume, that there is a reason for it. That, however, is the woeful spectacle which is presented here to-day. Here is an item that enters into commerce, which enters into the manufacture of various necessaries of life, but not a word is in the printed record, nor have we heard a word from the lips of a single Senator justifying the placing of that tax upon the people.

We are serenely told by the distinguished Senator from Utah that the majority members of the Finance Committee expect the minority members and other Senators, if they hope to secure real light upon this question, to invite into private conversation some so-called expert from the Tariff Commission. I should like to know how that attitude is going to be justified before the people of this country? The majority of the committee come here and ask that a tax be placed upon the people without a word of explanation, and they tell us, if we want any information about it, we will have to go out and hunt it up for ourselves. I submit that whenever a tax is imposed upon the people the burden is upon those who propose it to justify that tax, but there is not a line in this entire record and not a word from the lips of any Senator to justify this item.

Mr. SMOOT. Mr. President, if the Senator does not object——

Mr. JONES of New Mexico. Mr. President, I am going to read, I am sure, from the same book which the Senator from Utah has in his hands before I get through.

Mr. SMOOT. No; I do not think the Senator is going to read from the same book which I have now before me. I wanted to tell the Senator what the Canadian rate is and the condition of the Canadian production of this commodity.

Mr. JONES of New Mexico. I intend to bring out that information.

Mr. SMOOT. I do not care to interrupt the Senator, but I thought he wanted to know the reasons why we retained the duty on the commodity to which he is referring.

Mr. JONES of New Mexico. That leads to something else. The Senator says he thought I wanted to know why the committee imposed the duty. If the Senator can tell us, I will yield to him now.

Mr. SMOOT. I am not asking the Senator to yield.

Mr. JONES of New Mexico. I will gladly yield. If the Senator can give us the information, I hope he will do so.

Mr. SMOOT. It is no favor to me for the Senator to yield. I merely thought, inasmuch as the Senator had asked the question, that I would tell him not only what I have already told him but of the duty which Canada to-day imposes upon acetic acid. The Canadian duty at this time is 25 per cent ad valorem, so that we can not ship a pound of acetic acid into Canada unless that duty is paid upon it on entering Canada.

Furthermore, during the war Canada developed a process of making acetic acid from calcium carbide, the strength of the acid so derived being 100 per cent, while the strongest acid that we can make by any process used in the United States is 80 per cent. Do we want Canada to furnish the American market with acetic acid, or do we want to have a duty of three-fourths of a cent a pound upon it in order to protect it?

I will also say to the Senator, although I do not wish to occupy his time now, that the prices quoted in Germany on acetic acid as compared to the production cost in this country justify the three-fourths of a cent a pound. The answer may not be satisfactory to the Senator, but that is the situation as it exists to-day.

Mr. JONES of New Mexico. Mr. President, I should like the Senator to continue his very enlightening remarks, and particularly to tell us the reasons which led him to believe this duty was justified.

Mr. SMOOT. Mr. President, I think I have already stated a sufficient reason in justification of the duty. To sum up, the reason is that if we want this trade to remain in the United States, as it has in the past, then it will be necessary to impose the duty provided. On the other hand, if we want Canada to take that trade or Germany to take the trade, although Germany has not been a considerable factor so far, then acetic acid should be put on the free list. That is all there is to it. If we do not want our American laboring men to make this commodity in the United States let us put it on the free list; but if we want it to continue to be made here, rather than to be made in foreign countries, leave the three-fourths of a cent a pound duty upon it.

Mr. JONES of New Mexico. The Senator from Utah again wanders from the question. He has told us, however, that Canada imposes a tariff upon importations of these acids.

Mr. NORRIS. Mr. President, may I interrupt the Senator from New Mexico at that point?

Mr. JONES of New Mexico. I am delighted to yield to the Senator.

Mr. NORRIS. I am one of the Senators who are trying to obtain information, and it is immaterial to me whether the Senator from New Mexico or the Senator from Utah answers the question. To my mind, in framing a tariff bill it is extremely important to ascertain the cost of production at home and abroad. I have been one of those who believe in making up that difference by tariff duties. To my mind the prices at which the article is sold in this country and abroad would be proper evidence, but that is merely evidence; it is not conclusive by any means. To my mind the evidence which ought to govern——

Mr. JONES of New Mexico. It is merely a circumstance, if the Senator will permit me.

Mr. NORRIS. It is a circumstance, that is all. We know, however, that prices are controlled and manipulated both here and in other countries, and the evidence, to my mind, which ought to be the predominating factor is the cost of production. I am exceedingly interested in what the Senator from Utah says about Canada, but he still has not told us whether Canada is producing this acid under this new process cheaper than we do, and I should like to know that.

Mr. SMOOT. Mr. President, I do not want to take the time of the Senator from New Mexico now, but I will call the Senator's attention to the matter in my own time.

Mr. NORRIS. All right; I shall be glad to hear the Senator.

Mr. SMOOT. I will give the account of just what happened during the war period in Canada, and the process by which acetic acid is made to-day, how it came about, and why it can be manufactured cheaper under that process than it is manufactured here. The Senator may ask us why we do not have that process.

Mr. NORRIS. Of course I should be glad if we had it, but I know there are a lot of things we do not have that we should like to have. I myself would go a good way to assist the American manufacturer in having that process.

Mr. SMOOT. I will say to the Senator briefly right now, if the Senator from New Mexico will pardon me, that they have a patent on that process.

Mr. NORRIS. Do they have it patented in this country?

Mr. SMOOT. In this country, and in Canada, and in all the countries of the world as far as I know.

Mr. NORRIS. There we get into the law again.

Mr. SMOOT. Now we are getting into the patent law.

Mr. NORRIS. Into the patent law; yes.

Mr. SMOOT. I recognize that in the past the American manufacturer could manufacture acetic acid with the freights in his favor if it were on the free list, although it was established here with just the duty that we have in this bill, three-quarters of a cent a pound, under the Payne-Aldrich bill; but since the development of the manufacture of acetic acid from calcium carbide the cost of producing it has been greatly reduced, and when the Senator gets through I shall put into the RECORD just exactly what has taken place. There is not any doubt, I will say to the Senator from Nebraska, that if we could use the patent we could make it just as cheaply as it can be made in Canada.

Mr. OVERMAN. Have not we a process by which to make it?

Mr. SMOOT. No; we can not make it, because it is patented.

Mr. NORRIS. The legal effect is that the Canadians have a process of making it that cheapens the product?

Mr. SMOOT. They do.

Mr. NORRIS. And our Government has given them a patent by which they have a monopoly of that process in the United States, and they stick that patent in a pigeonhole and do not manufacture it, as I understand.

Mr. SMOOT. In the United States?

Mr. NORRIS. In the United States. They manufacture it in Canada and ship it in. The tariff law will not remedy that situation, no matter what it may be. That is a situation, however, that has been brought to my attention through patent legislation with which I was connected two or three years ago, that I think it is inexcusable for intelligent people to permit to remain on the statute books. There is an illustration of it. It is only one illustration. There are hundreds of them——

Mr. SMOOT. Thousands of them.

Mr. NORRIS. Yes; thousands of them, it would be fair to say, in which that very thing happens; and yet it is an impossibility to get through Congress now a law that will remedy that situation in the patent business.

A firm gets a patent on the manufacture of acetic acid, let us say—in this case it happens to be foreigners, or perhaps our own citizens, in some cases—and perhaps they already have a monopoly on the manufacture of that acid and it pays them better to put the patent in a pigeonhole and not utilize it; so that the United States Government is in the position of giving to somebody a patent by which we give them by law a monopoly that is used to throttle our own people and make them pay exorbitant prices.

Mr. SMOOT. I want to say to the Senator that when I was chairman of the Patents Committee I introduced into this body a bill requiring all patents to be worked in the United States or else to have the patent forfeited, and I never could get any action on it.

Mr. NORRIS. Of course the Senator could not. I know from my experience that that is so. I beg the pardon of the Senator from New Mexico, because we really are not talking about the tariff bill; but this happens to be something that I investigated and know something about.

Mr. OVERMAN. I should like to know if foreign countries do not do that?

Mr. NORRIS. They do; but let the Senator start out with that proposition and see where he will land. I have been at it, and I am glad to learn that the Senator from Utah has been at it, too. The Senator will not even get to first base. I say that without charging any wrong intent on the part of any Member of the House or of the Senate; but they are interested in other things, and you can not get them to consider a patent proposition. There are very few people in the House or in the Senate, perhaps not more than one or two, who understand the technicalities of the patent law; but any man who has investigated monopoly in this country will come in contact with the patent law, and if you start out to get that kind of a law passed you will have the opposition from the Atlantic to the Pacific and from the Lakes to the Gulf of some of the most powerful combinations that you ever ran up against. You will not be able to see them always, but you will always find them there, and somewhere, somehow, they will be able to block you, and you will never get anywhere.

Mr. SMOOT. Mr. President, if the Senator from New Mexico will pardon me——

Mr. JONES of New Mexico. Briefly.

Mr. SMOOT. Perhaps with this short statement I need not say anything more. In the United States acetic acid is made 80 per cent pure, and that is the highest percentage that can be made by several steps in the process. Even then it is concentrated, and that is an expensive step, to make 100 per cent acetic acid. In Canada, with their new process, they make it 100 per cent pure with the first step, only one process, and that one process is cheaper than our first process under the old plan.

Mr. JONES of New Mexico. Mr. President, the very last statement which the Senator has made is not fortified by anything that appears in this record. I have no doubt that he believes it, and he may have some private information on the subject.

Mr. SMOOT. I can give to the Senator now, if he wants it, the source from which I get it.

Mr. JONES of New Mexico. Let us have it. We want all the light we can get.

Mr. SMOOT. It is from the investigation that was made by the United States Tariff Commission and the report that they made upon it.

Mr. JONES of New Mexico. Can the Senator turn to anything printed by the Tariff Commission which says that acetic acid can be produced in Canada cheaper than the lower grades of acetic acid can be produced in this country?

Mr. SMOOT. If the Senator will get Tariff Information Surveys, 1921, Schedule A, Wood Chemical Industry, A-2, volume 1, on page 28, and read that, he will find a description of the Canadian process.

Mr. JONES of New Mexico. The Senator has it before him, and I will ask him to read it.

Mr. SMOOT. Mr. President, this is a description of the process as I think I have already stated it briefly. It is headed:

ACETIC ACID FROM CALCIUM CARBIDE.

Large war demands for acetone as a solvent for explosives led to the commercial development of a process for making acetic acid from calcium carbide. It was intended to convert the acetic acid produced by this process into acetone, but this proved too expensive, and only acetic acid was produced.

This process was developed at Shawinigan Falls, Quebec, by the Canadian Electro-Products Co. Calcium carbide, which is produced at Shawinigan Falls in large quantities, is first treated with water to form acetylene gas, which is then chemically combined with water in the presence of mercury salt as a catalyst to form acetaldehyde. The acetaldehyde is then oxidized to acetic acid. The acid produced is of high purity and concentration in contrast to that produced from acetate of lime, which requires several distillations to concentrate and purify it.

That is the American process, as the Senator knows.

The original plant, with a capacity of 700 to 800 tons of acetic acid (100 per cent) per month, was destroyed by an explosion in the latter part of 1918. During the war the Canadian firm erected another plant with funds advanced by the United States Government.

This was during the war.

This plant was practically completed at the signing of the armistice, and soon after was put into operation. The disposition of claims of the Canadian firm against the United States Government, amounting to over $1,000,000, has not been announced up to the present time (December, 1920). The Canadian firm, however, controls the patent rights on the process and the necessary water power at Shawinigan Falls, and is alone familiar with the technical details.

The productive capacity of the present plant is about 650 tons per month of 100 per cent acetic acid.

Then it goes on with the information, and if the Senator will turn to this he will see that the price——

Mr. JONES of New Mexico. The Senator has not yet read a statement that I have heard to the effect that the acetic acid produced by that Canadian concern can be produced cheaper than the lower grades of acetic acid mentioned in this bill.

Mr. SMOOT. The Senator from Utah has read now that acetic acid 100 per cent pure is made in Canada by one process, and the Senator from Utah has also read from the Tariff Commission report that in order to make 100 per cent acetic acid in this country it is necessary to have two or three processes. No living man can say that they can make acid by the three processes as cheaply as they can make it by the one process.

Mr. JONES of New Mexico. I have limited my inquiry to the grades below glacial acetic acid, or pure acetic acid, to which the Senator has been referring.

Mr. SMOOT. Mr. President, there is where nearly all of it ultimately ends, in glacial acetic acid, because of the fact that it

has to be purified, and the only reason why they do not make it 100 per cent pure is the fact that it takes the refining process. The Senator knows that if it could be done with one process all they would have to do would be to add water to it and make it any strength they wanted. Nobody is going to ship 28 per cent or 60 per cent acid when he can ship 100 per cent acid, and the freight rate would be no more on the 100 per cent acid than it would be on the 28 per cent acid; in other words, it is paying a rate of freight upon the impurities in the acid that must ultimately come out.

Mr. JONES of New Mexico. Now, I will ask the Senator another question: Is there anything in this testimony which shows that they use the glacial acetic acid for the purpose of diluting it and making a lower grade?

Mr. SMOOT. Mr. President, they do not have to do that. The only reason why a lower grade of acid is made in the United States than in Canada is because of the fact that they have no process here by which they can make the 100 per cent acid. It is just the same as it was when the alizarin dyes were first made to take the place of aniline dyes. When they first made alizarin dyes they could only make them of a certain strength, and then they began making them stronger and stronger, and at last, instead of making a liquid, they made them into a powder, and the powder went directly to the user in all parts of the world, instead of having him pay freight upon the water in the liquid. It is exactly the same as this. Everybody wants the 100 per cent if it can be made by the process. It has to be purified to get it to that degree of strength.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. JONES of New Mexico. I yield.

Mr. NORRIS. To me the humiliating thing about it is that if an American wants to get this acid he must go to Canada to get it, where it will be manufactured by machinery that was paid for by the taxpayers of the United States. Having paid for it and constructed their plant, we likewise gave them a monopoly in America, so that even our own citizens are prohibited from making it here without going to Canada and getting the consent of the beneficiaries of our financial benevolence.

Mr. SMOOT. This rate, Mr. President, would not be necessary, perhaps, in a certain part of the United States because of the freight rate, but Canada is at our door on the north, and calcium carbide is made in Canada on account of the wonderful water power they have in Canada. Calcium carbide is made from lime and coal, and in order to make it they have to have extreme heat, which melts the limestone and burns the coal with it, and the calcium carbide comes as the product of that extreme heat being applied to the limestone mixed with coal. They went to Canada because of the cheap water power to be found there.

In the State of New York, or in other States along the border between the United States and Canada, the Canadians have all the advantage in the world over Americans in making this acetic acid to-day. But in Kansas and the other Middle States, where freight rates will have to be paid on shipments from Canada, if it is made there, they would not need this protection. We have imported very little acetic acid in the past, but there is no doubt, with the new process that is under way now, controlled in Canada, unless we have a duty upon the article, the greater part of this industry, as far as the border States are concerned, as well as the Atlantic Coast States, will have its market taken by Canada.

Mr. NORRIS. I will ask the Senator from New Mexico to yield to me again. He has been very kind, and I have been talking about something else most of the time, but I want to say just a word bearing on this item. The Senator from Utah has just suggested something which brought a thought to my mind.

The Senator has said that if we put this tariff on it will equalize the cost of production. That may be, and I do not know now whether I am going to vote for a tariff on this or to put it on the free list. It depends on what the evidence discloses further on. But I want to suggest to the Senator from Utah that if this process is controlled by a patent, a tariff duty is not going to save it. Nothing in the world could save it with our present patent laws. If some one has a patent he is absolutely the monarch. He can refuse to manufacture it himself and he can refuse to let anybody else manufacture it, and if he does consent to its manufacture he can put any conditions or terms or prices he pleases on the manufacture.

Mr. SMOOT. We have provided rates which will equalize the difference between the cost of manufacture in Canada and that in this country. It is a very cheap article.

Mr. NORRIS. I know that, and perhaps its importance is not so great. I would not have said anything about it if it had not been that it is really illustrative of other things. The point illustrates, for instance, the effect of the patent law on other articles which are much more important than this item. But I want to say to the Senator that if the cyanamid process for the extraction of nitrogen from the air is undertaken by the Government or anyone else at Muscle Shoals there will be as a by-product in that operation immense quantities of calcium carbide.

I do not know whether the Senator from New Mexico is familiar with it or not, but one plant at Muscle Shoals is now complete, and they use there what is known as the cyanamid process. It is as complete as any plant in the world, as up to date as any plant in the world to-day, and it is owned by the Government. Personally, I do not think it is the most modern. I think there are scientists who agree with the proposition that it may be thrown in the discard, but we constructed the plant there at a cost, in round numbers, of about $67,000,000. It is one of the largest and most complete plants. There is nothing superior to it anywhere in the world, as far as the plant itself is concerned, and they will use in the manufacture there, as I remember, 1,200 tons of limestone every day, which is converted into lime, and a large portion of it becomes calcium carbide as a by-product.

But we are met at once with the question of patent rights, private individuals having patents, and we are at their mercy to a great extent in the use of some of these by-products. Oxygen is another element that will be produced in immense quantities, but we can not handle it because somebody has a patent on it.

Mr. JONES of New Mexico. Mr. President, I thank the Senators for their contribution to this discussion. I was just wondering whether it would be advisable for me to proceed this evening. I want to put into the RECORD, as briefly as possible, a statement of some of the facts on the production of this commodity, and I believe that I shall be able to demonstrate that the only effect of this tariff would be to aid in the monopolization of the product in the American market.

I understand the Senator from Mississippi desires to offer and have passed a resolution, and as it is getting near 5 o'clock, our usual time to adjourn or take a recess, I yield that the Senator may offer his resolution.

Mr. HARRISON. Mr. President, I ask unanimous consent that the tariff bill be temporarily laid aside merely for the purpose of allowing me to offer a resolution, and I shall ask for its immediate consideration. I feel that there will be no opposition to it, because it calls for information which every Senator would want.

The resolution calls upon the Tariff Commission to send to the Senate as soon as practicable a report of the facts in the commission's possession, as well as their findings, touching the operation of the rates and the results of the rates which were carried in the emergency tariff act.

We were told, when that emergency tariff bill was passed, that it was the panacea for all agricultural ills, and that it would save the agricultural interests of the country. We knew at the time that it was largely "buncombe," but it has been some time since that bill was passed. The Tariff Commission have investigated the matter, I understand, and have information as to certain facts which the country is entitled to know, and which certainly the Congress is entitled to know.

So, in the wise consideration of this tariff bill, containing schedules where rates in some instances are increased over the rates carried in the emergency tariff act, some where the rates are the same, and some in which the rates have perhaps been reduced, I thought the Senate would go a long ways to get the facts from the Tariff Commission.

I therefore ask that this resolution may be read; that the tariff bill be temporarily laid aside; and that there be immediate consideration of my resolution.

Mr. SMOOT. I object to laying the tariff bill aside, but I have no objection to having the resolution read at this time. To-morrow, if it is deemed wise, the Senator can ask unanimous consent for the consideration of his resolution.

Mr. HARRISON. I will ask to have it read, then, Mr. President.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 284), as follows:

Resolved, That the United States Tariff Commission be, and it is hereby, directed to transmit to the Senate, at the earliest practicable date, such facts and findings as it may have in its possession from a study and investigation of the operations and results of the rates carried in the emergency tariff act approved May 27, 1921, and as extended by the act approved November 16, 1921.

Mr. HARRISON. Of course, if the Senator from Utah thinks it is better to let the resolution go over until to-morrow, I can not object.

Mr. SMOOT. I would like to have it go over until to-morrow.

The VICE PRESIDENT. The resolution will go over, under the rule.

BUREAU OF INTERNAL REVENUE.

Mr. KING. Mr. President, some time ago I offered a resolution directing an investigation of alleged inefficiency in the administration of the Bureau of Internal Revenue. May I inquire the status of that resolution? Is it still on the table?

The VICE PRESIDENT. The resolution is on the Table Calendar, next to the last entry.

Mr. KING. I shall seek an early opportunity for its consideration. I shall not ask to have it considered to-night.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. LODGE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to, and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Wednesday, April 26, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 25 (legislative day of April 20), 1922.

UNITED STATES ATTORNEY.

Lafayette French, jr., of Minnesota, to be United States attorney, district of Minnesota, vice Alfred Jaques, resigned.

REGISTER OF THE LAND OFFICE.

Fred E. Sisson, of Colorado, to be register of the land office at Pueblo, Colo., vice James F. Drake, deceased.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Henry Edward Finnegan, of New York, to be aid, with relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice J. D. Crichton, promoted.

POSTMASTERS.

ALABAMA.

Charles D. Kirtley to be postmaster at Robertsdale, Ala. Office became presidential April 1, 1921.

ARKANSAS.

Lela L. Henderson to be postmaster at Waldron, Ark., in place of H. L. Fuller. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

William L. McLaughlin to be postmaster at Sanger, Calif., in place of J. M. Qualls. Incumbent's commission expired January 24, 1922.

FLORIDA.

Thomas Roden to be postmaster at Fort Pierce, Fla., in place of A. B. Brown, resigned.

GEORGIA.

Beulah L. McCall to be postmaster at Hinesville, Ga. Office became presidential July 1, 1921.

Gussie C. Lyon to be postmaster at Roswell, Ga. Office became presidential April 1, 1920.

ILLINOIS.

Thomas E. Cahill to be postmaster at Lake Bluff, Ill., in place of T. E. Cahill. Incumbent's commission expired March 16, 1921.

James M. Carey to be postmaster at Maywood, Ill., in place of J. R. Pyne. Incumbent's commission expired July 7, 1920.

Clare E. Godfrey to be postmaster at Morris, Ill., in place of J. H. McGrath. Incumbent's commission expired February 4, 1922.

Raymond R. Rowland to be postmaster at Rutland, Ill., in place of J. R. Barclay. Incumbent's commission expired February 4, 1922.

KANSAS.

John Woolman to be postmaster at Simpson, Kans. Office became presidential April 1, 1921.

William Russell to be postmaster at West Mineral, Kans. Office became presidential April 1, 1921.

Frank W. Coleman to be postmaster at Oskaloosa, Kans., in place of W. B. Ford. Incumbent's commission expired February 4, 1922.

KENTUCKY.

James Noble to be postmaster at Quicksand, Ky. Office became presidential April 1, 1921.

George D. Montfort to be postmaster at Campbellsburg, Ky., in place of S. E. Coblin. Incumbent's commission expired December 20, 1920.

Ira W. See to be postmaster at Louisa, Ky., in place of Robert Dixon, resigned.

Willie G. Thornbury to be postmaster at Munfordville, Ky., in place of W. H. Atteberry, resigned.

MAINE.

Willard E. Day to be postmaster at Monmouth, Me., in place of E. A. Prescott. Incumbent's commission expired January 24, 1922.

George O. Carr to be postmaster at Norridgewock, Me., in place of C. N. Staples, resigned.

MICHIGAN.

Floyd B. Gates to be postmaster at Mesick, Mich., in place of F. G. Hamilton. Incumbent's commission expired March 14, 1922.

MINNESOTA.

Archie M. Hayes to be postmaster at McGregor, Minn. Office became presidential July 1, 1921.

Arlie R. Wilder to be postmaster at Amboy, Minn., in place of M. T. Randall. Incumbent's commission expired August 7, 1921.

Charles C. Keller to be postmaster at Cloquet, Minn., in place of E. S. Scheibe, resigned.

MISSISSIPPI.

Charles W. Boen to be postmaster at Wiggins, Miss., in place of W. A. Davis. Appointee declined.

NEBRASKA.

Frank R. Morey to be postmaster at Gurley, Nebr. Office became presidential April 1, 1921.

NEW JERSEY.

Nicholas T. Ballentine to be postmaster at Peapack, N. J. Office became presidential January 1, 1921.

NORTH CAROLINA.

Overton L. Snipes to be postmaster at Woodland, N. C. Office became presidential April 1, 1921.

NORTH DAKOTA.

Grace G. Berkness to be postmaster at Wolford, N. Dak. Office became presidential January 1, 1921.

T. H. Hulbert Casement to be postmaster at Fordville, N. Dak. Office became presidential January 1, 1921.

Benjamin J. Schnedar to be postmaster at Pisek, N. Dak. Office became presidential July 1, 1921.

OKLAHOMA.

Howard Blevins to be postmaster at Avant, Okla., in place of A. E. Howell, resigned.

Anna Lynde to be postmaster at Okarche, Okla., in place of C. J. Woodson. Incumbent's commission expired February 4, 1922.

Asa A. Puckett to be postmaster at Shattuck, Okla., in place of Edward Learnard. Incumbent's commission expired February 4, 1922.

PENNSYLVANIA.

Mary E. Collins to be postmaster at Lopez, Pa. Office became presidential January 1, 1921.

McClean Stock to be postmaster at York, Pa., in place of E. C. Peeling. Incumbent's commission expired August 25, 1918.

TEXAS.

William B. McCrary to be postmaster at Cushing, Tex., in place of W. H. Pitman, resigned.

George A. Young to be postmaster at Hallettsville, Tex., in place of D. A. Paulus. Incumbent's commission expired July 21, 1921.

William A. Crawford to be postmaster at Pampa, Tex., in place of Claudine Barnes, resigned.

VIRGINIA.

Mary C. Lewis to be postmaster at Camp Eustis, Va. Office became presidential April 1, 1922.

WASHINGTON.

Carl J. Gunderson to be postmaster at East Stanwood, Wash., in place of C. J. Gunderson. Incumbent's commission expired January 24, 1922.

Ray E. Simons to be postmaster at Leavenworth, Wash., in place of G. A. Hamilton. Incumbent's commission expired January 24, 1922.

WEST VIRGINIA.

Clifford S. Musser to be postmaster at Shepherdstown, W. Va., in place of A. S. Lucas. Incumbent's commission expired March 8, 1922.

WISCONSIN.

Arthur C. Bishop to be postmaster at Bloomington, Wis., in place of A. C. Bishop. Incumbent's commission expired September 8, 1921.

William H. Goldthorpe to be postmaster at Cuba, Wis., in place of H. H. Fiedler. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 25 (legislative day of April 20), 1922.

UNITED STATES MARSHALS.

J. H. Fulmer to be United States marshal, district of Nevada.

Jesse D. Moore to be United States marshal, eastern district of New York.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Elliott Burgess Roberts to be aid with relative rank of ensign in the Navy.

POSTMASTERS.

ALABAMA.

Charles E. Brooks, Fort Deposit.

CALIFORNIA.

Clarence A. Dickison, Compton.
Josephine M. Costar, Greenville.
Margaret R. Faber, McKittrick.
Bernard G. Larrecou, Menlo Park.
John R. Chace, San Jose.

COLORADO.

Hugh L. Large, Longmont.
Pearle L. Gabbett, Orchard.

CONNECTICUT.

Mary H. Newton, Uncasville.

IDAHO.

Andrew Christenson, Laclede.

INDIANA.

Chester F. Morris, Parker.
William S. Matthews, North Vernon.
Katheryn L. Huckleberry, Whitestown.
Fred Dunn, Windfall.

KANSAS.

John L. Lee, Atlanta.
David E. Hill, Nortonville.
Francis B. Brungardt, Victoria.

KENTUCKY.

Bud Morgan, Lothair.
Thomas D. Tapp, Springfield.

MAINE.

Earle R. Hayes, National Soldiers' Home.

MASSACHUSETTS.

Walter L. Burt, Canton.
William F. Searle, Peabody.
Helen K. Hoxie, Sunderland.

MICHIGAN.

John H. Boehm, Fountain.

MINNESOTA.

Olney A. Solberg, Brooten.
Olans E. Burtness, Caledonia.
E. Jay Merry, Fairmont.
Emanuel Nyman, Foley.
Anton E. Rishof, Gary.
John L. Beck, Mountain Iron.
Sarah E. Schumacher, Zimmerman.

NEBRASKA.

Ernest E. Goding, Dix.

NEW JERSEY.

Elizabeth Transue, Delaware.
Peter A. Greiner, jr., Woodbridge.

NEW MEXICO.

Ernest A. Hannah, Artesia.

NEW YORK.

John E. Gubb, Batavia.
Everett H. Axtell, Deposit.
Philip J. Brust, Medina.
Sarah M. Taylor, Westbury.

NORTH DAKOTA.

Carl Indergard, Belfield.
Mary B. Engbrecht, Goldenvalley.

OHIO.

Ernest C. Ludwig, Anna.
Fred O. Bates, Bellevue.
George S. Laskey, Custar.
John J. Haines, East Liberty.
Ruth G. McWilliams, Grand Rapids.
James B. Emery, London.
Leo Mutach, Marblehead.
Reinhart W. Kuck, New Bremen.
Everett F. Funk, Warsaw.

SOUTH DAKOTA.

Thomas J. Dolin, Camp Crook.
Arthur H. Siem, Clark.
Jennie Dodge, Egan.

TEXAS.

Joseph D. Powell, Archer City.
Wyatt O. Selkirk, Blessing.
Clarence R. Redden, De Leon.
Velma Scott, Graford.
John C. Beever, Perryton.
Thomas B. White, Rogers.
Herman C. Feist, Rowena.
John W. Osborne, West Columbia.

WASHINGTON.

Richard A. McKellar, Cashmere.
Joseph H. Dean, Castlerock.
Paul W. Thiele, Grandview.
Martha M. Juvenal, Kahlotus.
Jennie A. Smith, Peshastin.
Frederick J. Fleischer, Prescott.

WEST VIRGINIA.

Daniel M. Shakley, Hollidays Cove.
Winnie O. Law, Mount Clare.

WYOMING.

W. Leroy Call, Afton.
Chester A. Lindsley, Yellowstone Park.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 25, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, Thou dost exceeding abundantly for us more than we can ask or think. We know Thee by all the words that bring us joy and confidence. In a world with such partial glimpses and broken lights we give Thee thanks and praise for such rich blessings. These are the greatest, the strongest, and the deepest facts of life. O keep us in close relationship with Thee. Bless the whole great body of citizens, and may our country always be great in intelligence and in love to God and man. For Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 1009. An act for the relief of H. C. Mullins, his wife and minor children;

H. R. 6686. An act for the relief of George Ciszek and Anna Ciszek;

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;

H. R. 5820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park;

H. R. 3346. An act for the relief of the heirs of Oscar Chrysler;

H. R. 9671. An act to amend section 87 of the Judicial Code;

H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices; and

H. J. Res. 57. Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee;*

S. 1767. An act for the relief of the owner of the derrick *Capitol;*

S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.;

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 667. An act for the relief of John B. H. Waring;

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided;

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan; and

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 22 they had presented to the President for his approval the following bills and joint resolution:

H. R. 3057. An act for the relief of George Van Derburgh Brown;

H. R. 2393. An act to provide for the establishment on the Mississippi River of a fish-rescue station, to be under the direction of the Bureau of Fisheries of the Department of Commerce;

H. R. 2158. An act to provide for the monthly payment of pensions;

H. R. 2004. An act for the relief of Frank Ferrin;

H. R. 927. An act for the relief of Capt. Fred S. Johnston;

H. R. 3270. An act for the relief of Estella Barnett;

H. R. 5762. An act providing for a municipal park for the city of Butte, Mont.;

H. R. 7234. An act for the relief of Miles Swift;

H. R. 8342. An act to empower the Attorney General of the United States to fix the compensation of clerks of the United States district courts;

H. R. 8460. An act to authorize the occupation and use of certain lands in Alaska by Ketchikan Post No. 3, American Legion, and for other purposes;

H. R. 9710. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.; and

H. J. Res. 309. Joint resolution appropriating $1,000,000 for the preservation, protection, and repair of levees under the jurisdiction of the Mississippi River Commission.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 7272. An act for the relief of Monroe B. Shealy.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to bill of the following title:

S. 1059. An act for the relief of J. B. Waterman.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3195. An act to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11 and to issue patent therefor.

SCRAPPING OF NAVAL VESSELS.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to have read the following resolution, which I send to the desk, for the information of the House, and that it may have its proper reference.

The SPEAKER. The gentleman desires it read instead of introducing it through the basket?

Mr. TUCKER. Yes.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the resolution to which he referred may be read. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, to what does this resolution pertain?

Mr. TUCKER. It is in reference to the scrapping bill which is coming up later. The resolution is in a form which has been adopted by this House many times before.

Mr. MONDELL. Mr. Speaker, this is rather an unusual request, and I hope the gentleman will withdraw it for the time being.

Mr. TUCKER. Very well, I shall withdraw it and show it to the gentleman.

PERSONNEL PAY OF ARMY, NAVY, ETC.

Mr. McKENZIE. Mr. Speaker, to-day I expect to file the report of the special committee on the bill (H. R. 10972) to readjust the pay and allowances of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, and I ask unanimous consent that the minority members of that committee may have the remainder of this week in which to file their views.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the minority members may have the remainder of this week in which to file their views on the bill H. R. 10972, the personnel pay bill. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, do I understand that this is to be a report on a bill, or does the gentleman expect to report a bill?

Mr. McKENZIE. It is reporting a bill, and accompanying that bill with a report.

The SPEAKER. Is there objection?

There was no objection.

LIBERIAN LOAN.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the minority members of the Committee on Ways and Means may have the remainder of the week in which to file their views on the Liberian loan bill, not to interfere with its consideration, of course, if it be called up.

The SPEAKER. The gentleman from Texas asks unanimous consent that the minority of the Committee on Ways and Means may have the remainder of the week in which to file their views on the Liberian loan bill, not to interfere with the consideration of the bill. Is there objection?

The was no objection.

INDEPENDENT OFFICES—CONFERENCE REPORT.

Mr. WOOD of Indiana. Mr. Speaker, I call up the conference report upon the bill H. R. 9981, the independent offices appropriation bill.

Mr. GARRETT of Tennessee. Mr. Speaker, do I understand that this is the conference report upon the independent offices appropriation bill?

Mr. WOOD of Indiana. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, and the Sergeant at Arms was directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Brand	Codd	Dale
Ansorge	Briggs	Cole, Ohio	Darrow
Anthony	Britten	Connell	Davis, Tenn.
Bixler	Brown, Tenn.	Connolly, Pa.	Deal
Blakeney	Butler	Copley	Dempsey
Bland, Ind.	Chalmers	Crisp	Doughton
Blanton	Clark, Fla.	Cullen	Driver
Bond	Cockran	Curry	Dunbar

Dupré	Kahn	Mudd	Slemp
Echols	Kelley, Mich.	Newton, Mo.	Smithwick
Edmonds	Kelly, Pa.	O'Brien	Snell
Ellis	Kendall	O'Connor	Snyder
Fairchild	Kennedy	Olpp	Speaks
Favrot	Kindred	Paige	Stafford
Fess	Kitchin	Perlman	Stephens
Fields	Kleczka	Petersen	Stiness
Focht	Knight	Pou	Strong, Pa.
Fordney	Kraus	Pringey	Sullivan
Foster	Kreider	Purnell	Summers, Wash.
Freeman	Kunz	Rainey, Ala.	Sweet
Gorman	Lampert	Rainey, Ill.	Tague
Gould	Lee, N. Y.	Reavis	Taylor, Ark.
Greene, Mass.	Lehlbach	Reber	Taylor, Colo.
Hardy, Tex.	Little	Reed, N. Y.	Taylor, N. J.
Hawes	Logan	Riordan	Taylor, Tenn.
Herrick	Longworth	Rodenberg	Tinkham
Hicks	Lyon	Rossdale	Towner
Himes	McArthur	Rucker	Treadway
Hogan	McLaughlin, Pa.	Ryan	Upshaw
Hudspeth	Madden	Sanders, Ind.	Vestal
Husted	Maloney	Sanders, N. Y.	Volk
Ireland	Mann	Schall	Ward, N. Y.
Jefferis, Nebr.	Mead	Sears	White, Me.
Johnson, Miss.	Michaelson	Shelton	Wilson
Johnson, S. Dak.	Moore, Ohio	Shreve	Woods, Va.
Johnson, Wash.	Morin	Sisson	Woodyard

The SPEAKER. On this vote 286 Members have answered to their names. A quorum is present.

Mr. WOOD of Indiana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

INVITATION TO VISIT QUANTICO.

The SPEAKER. The Secretary of the Navy has sent to me a letter extending an invitation to all Members of the House to visit Quantico, the headquarters of the Marine Corps, on May 5, which is next Friday week. The President has placed the *Mayflower* at the disposal of the Navy Department for the day, and it will leave the navy yard wharf at 8 o'clock a. m., and, returning, leave Quantico about 6 p. m. Dinner and supper will be served at Quantico. Members desiring to go will please secure tickets from the House Committee on Naval Affairs.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT.

The SPEAKER. The gentleman from Indiana [Mr. WOOD] is recognized.

Mr. WOOD of Indiana. Mr. Speaker, I desire to call up the conference report on the bill H. R. 9981.

The SPEAKER. The gentleman from Indiana calls up the conference report which the Clerk will report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Salaries: Comptroller General, $10,000; Assistant Comptroller General, $7,500; assistants to Comptroller General—4 at $6,000 each; chief clerk, $3,000; chiefs of divisions—7 at $3,000 each; chief of appointment division, $2,500; assistants to chiefs of divisions—3 at $2,750 each, 4 at $2,500 each; chiefs of sections—10 at $2,500 each, 13 at $2,250 each, two at $2,000 each; assistant chiefs of sections—11 at $2,000 each, 1 at $1,900; chiefs of subsections—3 at $2,000 each; disbursing officer, $3,000; deputy disbursing officer, $1,800; private secretary, $1,800; attorneys—1 $5,000, 4 at $4,000 each, 4 at $3,600 each, 1 $3,100, 5 at $3,000 each, 1 $2,750; law clerks—1 $2,500, 4 at $2,400 each, 4 at $2,250 each, 2 at $2,200 each, 9 at $2,000 each, 4 at 1,800 each, 1 $1,600; accountants—1 $2,500, 2 at $2,400 each, 3 at $2,100 each, 3 at $2,000 each; investigators—1 $4,000, 1 $3,000, 20 at $2,000 each; reviewers—8 at $2,100 each; principal clerks—17 at $2,000 each; clerks—164 of class 4, 218 of class 3, 255 of class 2, 267 of class 1, 56 at $1,000 each, 70 at $900 each; check assorters—4 at $1,000 each; duplicating machine operator, $900; carpenter, $1,400; foreman of messengers and laborers, $1,400; chief messenger, $1,000; messengers—1 $1,000, 15 at $840 each; assistant messengers—29 at $720 each; laborers—1 $720, 21 at $660 each; messenger boys—14 at $480 each, 1 $420; forewoman of charwomen, $660; charwomen—22 at $240 each; and temporary clerks, stenographers, typists, and other assistants, to be paid at a rate not exceeding $1,800 per annum, $375,000; in all, $2,293,190.

"Contingent expenses: For traveling expenses, rent, telephone service, purchase and exchange of books, office supplies (including stationery) and equipment, repairs and maintenance, and miscellaneous items, $175,261."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $11,000 except the following: Six at not to exceed $25,000 each, two at not to exceed $20,000 each, and one at not to exceed $15,000"; and the Senate agree to the same.

WILL R. WOOD,
EDWARD H. WASON,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 21: Appropriates $2,468,451 for the General Accounting Office in the detailed manner proposed by the House instead of $2,496,101 in a lump sum as proposed by the Senate. The detailed salaries proposed in the House bill have been reduced in amounts of individual salaries, and in number of salaries, in the aggregate of $400,000, of which $375,000 is made available for temporary clerks, stenographers, typists, etc., with a salary limitation of $1,800, and $25,000 is added to the appropriation of $150,261 proposed in the House bill for contingent and miscellaneous expenses. The aggregate proposed in the substitute for the House provision is $150 less than the amount carried and is $27,650 less than the amount proposed by the Senate under the lump sum.

On No. 31: Strikes out the language inserted by the Senate granting authority to the United States Shipping Board to continue to use sums received from the liquidation of assets up to $55,000,000.

On No. 35, relating to salary limitations on Shipping Board and Fleet Corporation funds: Inserts a substitute for the House and Senate provisions, which allows 6 employees at not to exceed $25,000 each, 2 at not to exceed $20,000 each, and 1 at not to exceed $15,000, instead of 13 in excess of $11,000 as proposed by the Senate, and 6 between $11,000 and $25,000 each as proposed by the House.

WILL R. WOOD,
EDWARD H. WASON,
Managers on the part of the House.

Mr. WOOD of Indiana. Mr. Speaker, I desire to state briefly what this conference report is. If it is adopted, it disposes of this bill. The change in the present report as compared with the preference one is as follows:

The Senate has receded from its amendment to the House bill providing that the Shipping Board be authorized to expend $25,000,000 of the $55,000,000 heretofore appropriated during the fiscal year 1923. So that is out of consideration. It also receded with reference to the salaries paid to the officers of the Shipping Board by knocking out a $15,000 position. I desire to state, in order that the membership may know the exact situation, that by reason of the present legislation four $35,000 men that they were authorized heretofore to employ and did employ, and to whom they were paying these salaries of $35,000 each, are eliminated, and these gentlemen, under this act, if it becomes a law, will receive only $25,000 each.

I am confident that we have done the best that can be done. Our work may not be satisfactory to anyone. It is not entirely satisfactory to me, but it is the very best that can be accom-

plished under the circumstances, and I think we labored as best we knew how, at least, to conform to the ideas of this House. As was stated here the other day by the gentleman from Illinois [Mr. MANN], who was in favor of the conference report then under consideration, conferences and results of conferences are a matter of compromise. If we had this whole thing to do ourselves, it might present quite a different picture, but we must get along with gentlemen on the other side. Their ideas and conclusions are entitled to respectful consideration. Their ideas on this matter differed from ours, but they have yielded much in their demands, and we are yielding but little if this report is adopted. In dollars and cents the amount is negligible, and to quibble further over this report will injure others much more than it will harm the Shipping Board.

I desire to impress upon this body again the fact that we are punishing unintentionally a great number of good citizens of this country who are dependent upon this appropriation for the purpose of getting money long since due them, their claims having been agreed upon and settled. As I cited the other day, I know of one instance where a man has been here from Michigan since early in January with a complete agreement between himself and the Shipping Board, and yet without any possibility of relief until this appropriation bill has become a law. That is only one case. I expect there are Representatives here from many States that have similar instances in their own districts. Therefore I ask the gentlemen here to be considerate in this matter of all who are concerned.

Mr. BYRNES of South Carolina. I understand that the provisions of this bill make that amount immediately available?

Mr. WOOD of Indiana. Yes; $30,000,000.

Mr. BYRNES of South Carolina. What $30,000,000?

Mr. WOOD of Indiana. There was $50,000,000 appropriated for the settlement of claims, and $30,000,000 of that is made immediately available.

I have stated as briefly and succinctly as I know how the changes that have been made by reason of this conference report, and I submit it, gentlemen, for your consideration.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. WOOD of Indiana. I yield.

Mr. MILLER. In the previous conference report made on this same bill there was an item, No. 31, in which there was something about $55,000,000, was there not?

Mr. WOOD of Indiana. I say that the Senate has receded on that proposition, and that is now out of consideration.

Mr. MILLER. Will the gentleman state generally that if this conference report is adopted that for all of these settlements that have been made by the Shipping Board money will be available, so that the Shipping Board can go ahead and confirm those settlements by the payment of money?

Mr. WOOD of Indiana. Up to the amount of $30,000,000. The other $20,000,000 would be available after the 1st day of July.

Mr. MILLER. That will relieve the tie-up, then, so to speak, on all of these?

Mr. WOOD of Indiana. That is correct.

Mr. BYRNS of Tennessee. Will the gentleman yield to me five minutes?

Mr. WOOD of Indiana. I will.

Mr. BYRNS of Tennessee. Mr. Speaker and gentlemen of the House, this matter has been before the House several times, to a large extent upon the same proposition. The question before the House to-day, in so far as this report is concerned, is whether or not the House will specifically authorize salaries of employees in the Shipping Board at $25,000 per annum, which is nearly twice as much as the justices of the Supreme Court receive, more than twice as much as any Cabinet member draws, more than twice as much as the Vice President of the United States and the Speaker of this House draw. This report provides that six employees of the Shipping Board shall receive not exceeding $25,000 a year, two not exceeding $20,000 a year, and one not exceeding $15,000 a year.

Mr. WASON. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. I yield.

Mr. WASON. In the original appropriation bill which passed the House did it not authorize these men at a salary not exceeding $25,000?

Mr. BYRNS of Tennessee. It did not.

Mr. WASON. Will the gentleman look at the original bill?

Mr. BYRNS of Tennessee. I have the original bill in my hand now.

Mr. WASON. Page 34?

Mr. BYRNS of Tennessee. Page 34. It provides that six officers or employees of the Shipping Board may be paid an annual salary or compensation in excess of $11,000. The gentleman is correct as to that. I was mistaken. It does read, "but no compensation or salary shall exceed $25,000."

But this report not only provides that six employees shall not exceed $25,000, but it adds three additional employees, who may receive $20,000 for two of them and $15,000 for one. It was the expectation of the House when this bill was pending and the provision referred to by the gentleman from New Hampshire was adopted that those six employees who might receive over $11,000 each were to be the operating heads, because Mr. Lasker stated that in order to get men to operate the Government ships it was necessary to pay them a salary exceeding $11,000. But, gentlemen, I make the assertion that every debate that has occurred in this House upon these conference reports as they have come back here and the amendment in the Senate as adopted by the Senate and the amendment to the old law reported by the House Committee on Appropriations shows that it is the purpose in making these increases to provide additional salaries for attorneys in the Shipping Board. You can not get away from it. That is exactly what this increase is intended for, and the statement has been made time and again, and the amendment adopted in the Senate shows on its face, that this is its purpose.

Now, the gentleman from Indiana [Mr. WOOD] says we will do a great injustice to certain claimants if we do not pass this report to-day, notwithstanding the fact that the provisions of the bill do not become finally effective until July 1; and the basis of that statement is that this bill contains a provision that $30,000,000 of the $50,000,000 that is appropriated for the payment of claims becomes immediately available. I say if the Shipping Board is more anxious to secure big salaries for attorneys in the Shipping Board than they are to take care of these $30,000,000 of claimants, who, I understand, are pressing at their doors for payment, then it seems that the House, in taking that into consideration, should say to the Shipping Board, "If you are as anxious to pay these claims as you say, then drop these high-priced attorneys."

We all know that we can get attorneys down there for $11,000 and less. Everyone knows that if the Shipping Board desires competent attorneys they can get them for not exceeding $11,000. How is it that the Attorney General of the United States, having claims under his jurisdiction amounting to $500,000,000 and over, involving property now in litigation in every Federal court in the United States, from the Supreme Court down—how is it that he can get competent attorneys for $12,000, and most of them for less?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Speaker, may I ask for three minutes more?

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. BYRNS of Tennessee. Gentlemen, this is nothing more or less than an effort, I repeat, to provide salaries for attorneys, some of whom, we know from statements made upon this floor, have come here more for the enjoyment of social advantages in Washington than for the purpose of rendering legal services in the Shipping Board; and I for one am not willing to abandon my convictions on the subject and vote to confirm this report in order to provide these great salaries.

We noticed the other day that there is to be a deficit, according to the statement of the Secretary of the Treasury, of more than $359,000,000, and his statement showed that when you added to the $359,000,000 deficit interest payments of $125,000,000 and the ship subsidy it will run about $500,000,000 next year or more. The Washington Post, which I am sure represents this administration, threw out the intimation, or made the plain statement in effect, that it would be necessary to raise additional taxes to meet that deficit. Are you willing to levy new taxes on an overburdened people in order to pay the big salaries carried in this report? They may amount to but a few thousand dollars in comparison with the great deficit, but I am not willing to vote to increase the salaries in the amount that this report calls for, and I hope the report will be voted down. [Applause.]

Mr. WOOD of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. WALSH. Mr. Speaker, as I recall, the limitation of $25,000 as a maximum that the Shipping Board could pay in salaries was put into the bill when it first passed the House upon my motion, and since that time we have had this matter up before us under conference reports upon two or three occasions. The situation now is that the Senate has acted upon this conference report, so that a motion to recommit would not be

in order, and we are presented now with the alternatives of voting the conference report up or down.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARRETT of Tennessee. Does the gentleman state that the Senate has acted upon this conference report?

Mr. WALSH. I am so advised. The House asked for the conference the other day, and I am advised that the Senate has agreed to this conference report, and that it was agreed to last Saturday.

Now, I have been opposed, as the membership knows, to the payment of these exorbitant salaries, and I am opposed to it now as a matter of principle. But we are confronted with this situation: The Senate has already agreed to this report. We can not recommit it. We have eliminated another objectionable amendment that was put on in another body, namely, this $55,000,000 amendment, and we have also reduced the number of these high salaries from 13, as originally proposed by the Senate, to 9 in this bill, only 6 of whom can receive $25,000 each. And while my views upon paying exorbitant salaries have not changed, and although I believe it is a bad principle to establish, I can readily understand that having engaged men at $35,000 who are now in the midst of very important work, it will be rather difficult to take and say, "You can not get more than $10,000 hereafter." I understand that these gentlemen who have received $35,000 will complete their work, even though their salary is reduced under the provisions of this bill to $5,000.

Now, I doubt whether, as a matter of fact, the employment of these high-salaried officials in the Shipping Board is going to result ultimately in the saving of very much money, but I understand the motives which prompted the officials down there to seek to secure the best talent available, as they stated, in order to wind up these affairs.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. BYRNES of South Carolina. The gentleman from Massachusetts thinks that the Shipping Board has now nine men receiving salaries over $11,000?

Mr. WALSH. No. I stated that the Senate amendment would permit 13, and that has been reduced to 9 by the provisions of this conference report.

Mr. BYRNES of South Carolina. I referred to the statement of the gentleman that some employees now receiving a salary of $25,000 or $30,000 would have to consent to a reduction.

Mr. WALSH. They have, I think, four employees now receiving $35,000, and when this bill becomes a law on the 1st of July, if those gentlemen continue on the pay roll, they will have to suffer a cut of $10,000 each in their salary.

And so, under the provisions of this compromise, with no opportunity to recommit the report with instructions for further elimination——

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. If the House votes down this report the bill will go back to conference, will it not, and will come up again?

Mr. WALSH. If the House votes down this report its action will be a message to the Senate, requiring them to reconsider their vote and to ask for a further conference.

Mr. BYRNS of Tennessee. That would not be particularly unusual. It has been done in other cases.

Mr. WALSH. Very seldom has that been done.

Mr. BYRNS of Tennessee. I want to ask the gentleman another question. The gentleman refers to the fact that some employees down there under the provisions of the present law are drawing more than $11,000. If the House provision is adopted these particular officials will not be disturbed. In other words, this report provides for only three additional employees over and above those who are now on the salary roll at over $11,000.

Mr. WALSH. It will disturb it to this effect, that there will be only two employees getting up to $20,000, and one, as I recall from the report, who will be permitted to receive in excess of $15,000, and now there is no limitation.

Mr. BYRNS of Tennessee. And six at $25,000.

Mr. WALSH. And six at $25,000. But it is the parliamentary situation, Mr. Speaker, which prompts me reluctantly to agree to support this conference report.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. MILLER. Will the gentleman yield for a question?

Mr. WALSH. My time has expired.

Mr. GARRETT of Tennessee. Will the gentleman from Indiana yield me about three minutes?

Mr. WOOD of Indiana. I yield three minutes to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, the mere fact that a parliamentary situation has arisen, brought about by the Senate acting upon this conference report in advance of action being taken by the House, is, I respectfully submit, no legitimate argument why the House should forego the conviction which it has so vigorously and earnestly expressed heretofore upon this subject. The appropriation bill is in no danger. The proceedings of the Congress have not reached that point where there is any danger of the appropriation bill failing. So that there is no coercion of time even upon the House. The House has heretofore expressed itself upon this proposition in no uncertain terms.

I do not propose to criticize the conferees. They had to deal with the conferees of the other body. We do not know what went on in the conference. I do not say this in criticism, but the conferees have failed to maintain the sentiment of the House as expressed to them on this particular matter. There is ample time to pass this bill and to have the will of the House carried out, and no parliamentary subterfuge ought to prevent the House asserting its continuing belief in that policy which it has so resolutely asserted heretofore. [Applause.]

Mr. BYRNES of South Carolina. Will the gentleman from Indiana yield me five minutes?

Mr. WOOD of Indiana. I yield to the gentleman from South Carolina five minutes.

Mr. BYRNES of South Carolina. Gentlemen of the House, I have only this additional thought to submit: During the war and immediately afterwards the Government was paying high salaries to employees. It was the expressed desire of this House that we should discontinue authorizing these high salaries. This year there has been a demand for economy by the people and a demand for economy by the Members of this House. On three occasions we have gone on record reflecting that demand and have attempted to limit the number of high-salaried employees of the Shipping Board. The gentleman from Massachusetts [Mr. WALSH] says to-day he is of the same opinion still, that not more than six should be paid over $11,000, and the only reason he urges the adoption of the report is that the parliamentary situation makes it impossible for us to exercise our best judgment. The gentleman from Tennessee [Mr. GARRETT] has shown that position is not well taken. One other reason, and one other reason alone, is urged. That is that in this bill $30,000,000 is made immediately available for the payment of claims.

One gentleman on the floor asked if that meant that if this conference report is adopted the Shipping Board can proceed immediately to the payment of claims, and when the gentleman from Indiana [Mr. WOOD] answered yes, immediately his inquisitor was satisfied. But can the Shipping Board say to this House that because you have a constituent who may have a claim that the constituent will not be paid unless you come across and agree to pay high salaries to three additional employees of the Shipping Board? Are you going to be coerced because some claimant may desire immediate payment of his claim? If we do not agree, the House conferees can go back and tell the Senate that until they agree to limit these employees this bill can not go through. Let us tell the Senate that while salaries of men engaged in industry are being reduced we are not going to authorize two additional salaries of $20,000. No great harm will be done if this $30,000,000 is not made immediately available for the payment of these claims. But if the Shipping Board thinks it so essential, let them withdraw their demand for these increased salaries. Do not be coerced into voting against your own convictions, expressed on three occasions, in order to pay the claims of some contractors who are demanding immediate payment from the Shipping Board.

Mr. WOOD of Indiana. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, just a moment, to make clear, if I can, exactly what the situation is.

The House provided that not to exceed six employees of the Shipping Board should receive in excess of $11,000, and that they should not receive more than $25,000. The Senate amended that by providing that not more than 13 should receive in excess of $11,000, so that under the Senate provision 13 of the employees might receive any salary that the Shipping Board saw fit to fix. There was no limit whatever placed by the Senate. Now, we are not dealing with the Shipping Board. We are dealing with a coordinate branch of the Congress. And

while we do not always agree with those gentlemen, we realize that we can not always and altogether have our way about matters. The fact is that the report now presented by the committee does give us essentially the provision as written by the House when the bill was passed. The only difference is a matter of $21,000 in salaries in this particular item.

Mr. WASON. Twenty-two thousand dollars.

Mr. MONDELL. They can now give salaries as high as $20,000 to two men who are not provided for by the House. That is the difference between $11,000 and $20,000, and twice $9,000 are $18,000. They can grant a salary of $15,000 to one man whose salary was limited to $11,000 by the House, and $4,000 and $18,000 make $22,000. The gentleman is correct. It is a difference of $22,000. Gentlemen upon the other side have entirely forgotten that the conferees have insisted, and the Senate has receded in this conference report, upon a matter involving the possible expenditure of $55,000,000.

But still gentlemen quibble over a matter of $22,000 in this bill providing for a great establishment.

Mr. BYRNES of South Carolina. The gentleman does not overlook the fact that the $22,000 is to be divided among three men by way of increase in salaries.

Mr. MONDELL. Oh, yes; I think I stated that was to be divided among three men. The House has had its way in this matter, not only in the matter of salaries but in the vastly more important matter of $55,000,000 which the Senate insisted should be made available. I think under the circumstances the committee is to be congratulated on the agreement they have been able to make with the Senate and that the House should adopt the conference report.

Mr. WOOD of Indiana. Mr. Speaker, I desire to add but one word. This report is absolutely saving money to the Treasury of the United States, as has been clearly stated by the gentleman from Wyoming, when compared with salaries now being paid. If these three men were added, it would make a difference of only $22,000, and I want you to bear in mind that there are four who are now getting $35,000 each. We have limited these by this bill to $25,000 each, so there is the difference between $25,000 and $40,000, and we are making a saving of $15,000.

Mr. BYRNES of South Carolina. Did the gentleman say there were four employees getting $35,000?

Mr. WOOD of Indiana. Yes.

Mr. BYRNES of South Carolina. Were these salaries increased since the bill was in the House for consideration?

Mr. WOOD of Indiana. No; but they were paying it under the old law.

Mr. BYRNES of South Carolina. The gentleman will remember that a list of the employees was submitted to the House at the time the bill was under consideration, and there were no four getting $35,000 at that time.

Mr. WOOD of Indiana. Yes; they had a limitation there.

Mr. BYRNES of South Carolina. There were only two salaries of $35,000, and I want to know if since that time they have increased it to four?

Mr. WOOD of Indiana. No; long before the bill was under consideration; and so there is to be a saving of $15,000, anyway.

Mr. WALSH. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. WALSH. I think the statement was made by some member of the committee, as I recall it, during the original discussion of the bill that there were only two members of the Emergency Fleet Corporation getting $35,000, and one $25,000. That may have been an error, but that statement was made.

Mr. BYRNES of South Carolina. It was never before questioned.

Mr. WOOD of Indiana. I possibly may be mistaken. The hearings on this bill, however, disclose that there are three getting $35,000, Smull, Love, and Frey, and another getting $30,000. So instead of a saving of $18,000 we are saving $10,000. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were 74 ayes and 66 noes.

Mr. BYRNS of Tennessee. Mr. Speaker, I object to the vote on the ground that no quorum is present, and I make the point that no quorum is present.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 143, answered "present" 1, not voting 149, as follows:

YEAS—137.

Andrew, Mass.	Elliott	Knutson	Purnell
Appleby	Evans	Kraus	Ransley
Arentz	Faust	Larson, Minn.	Reed, W. Va.
Atkeson	Fenn	Lineberger	Riddick
Bacharach	Fish	Longworth	Robsion
Begg	Freeman	Luce	Rogers
Bland, Va.	French	Luhring	Rose
Bond	Fuller	McCormick	Siegel
Bowers	Gernerd	McKenzie	Sinnott
Brennan	Glynn	McLaughlin, Mich.	Smith, Idaho
Brooks, Ill.	Graham, Pa.	McLaughlin, Nebr.	Sproul
Brooks, Pa.	Green, Iowa	McPherson	Steenerson
Burroughs	Greene, Mass.	MacGregor	Swing
Burtness	Greene, Vt.	Magee	Temple
Burton	Griest	Merritt	Thompson
Cable	Griffin	Michener	Timberlake
Campbell, Pa.	Hadley	Miller	Underhill
Cannon	Hardy, Colo.	Mills	Vaile
Chandler, N. Y.	Harrison	Millspaugh	Vare
Chindblom	Hawley	Mondell	Volstead
Christopherson	Henry	Montoya	Walsh
Clague	Herrick	Moore, Ill.	Walters
Classon	Hersey	Moores, Ind.	Wason
Cole, Iowa	Hickey	Morgan	Webster
Colton	Hill	Murphy	White, Me.
Crago	Hukriede	Nelson, Me.	Williams
Cramton	Hutchinson	Nelson, A. P.	Williamson
Curry	Jefferis, Nebr.	Newton, Minn.	Winslow
Dale	Jones, Pa.	Nolan	Wood, Ind.
Dallinger	Kearns	Norton	Wurzbach
Denison	Kiess	Ogden	Wyant
Dickinson	King	Osborne	Young
Dunbar	Kirkpatrick	Parker, N. Y.	
Dunn	Kissel	Patterson, N. J.	
Dyer	Kline, N. Y.	Pringey	

NAYS—143.

Almon	Fitzgerald	Layton	Roach
Andrews, Nebr.	Frear	Lazaro	Rouse
Anthony	Frothingham	Leatherwood	Sabath
Bankhead	Fulmer	Lee, Ga.	Sandlin
Barbour	Funk	Linthicum	Scott, Tenn.
Barkley	Gahn	Little	Shaw
Beck	Gallivan	London	Sinclair
Beedy	Garner	Lowrey	Speaks
Bell	Garrett, Tenn.	McClintic	Steagall
Bird	Garrett, Tex.	McDuffie	Stedman
Black	Gensman	McFadden	Stevenson
Bowling	Gilbert	McSwain	Stoll
Box	Goldsborough	Mapes	Strong, Kans.
Briggs	Graham, Ill.	Martin	Summers, Wash.
Browne, Wis.	Hammer	Montague	Sumners, Tex.
Buchanan	Hardy, Tex.	Moore, Va.	Swank
Bulwinkle	Hawes	Nelson, J. M.	Ten Eyck
Burke	Hayden	O'Connor	Thomas
Byrnes, S. C.	Hoch	Oldfield	Tillman
Byrns, Tenn.	Hooker	Oliver	Tincher
Campbell, Kans.	Huddleston	Overstreet	Tucker
Carew	Hull	Padgett	Tyson
Carter	Humphreys	Park, Ga.	Vinson
Collier	Jacoway	Parks, Ark.	Voigt
Collins	Jeffers, Ala.	Patterson, Mo.	Ward, N. C.
Connally, Tex.	Johnson, Ky.	Perkins	Watson
Cooper, Ohio	Jones, Tex.	Pou	Weaver
Cooper, Wis.	Keller	Quin	Wheeler
Coughlin	Ketcham	Radcliffe	White, Kans.
Davis, Tenn.	Kincheloe	Raker	Wilson
Dominick	Kline, Pa.	Ramseyer	Wingo
Dowell	Kopp	Rankin	Wise
Drane	Lanham	Rayburn	Woods, Va.
Drewry	Lankford	Reece	Wright
Favrot	Larsen, Ga.	Rhodes	Zihlman
Fisher	Lawrence	Ricketts	

ANSWERED "PRESENT"—1.

Aswell

NOT VOTING—149.

Ackerman	Deal	Kahn	Newton, Mo.
Anderson	Dempsey	Kelley, Mich.	O'Brien
Ansorge	Doughton	Kelly, Pa.	Olpp
Benham	Driver	Kendall	Paige
Bixler	Dupré	Kennedy	Parker, N. J.
Blakeney	Echols	Kindred	Perlman
Bland, Ind.	Edmonds	Kinkaid	Petersen
Blanton	Ellis	Kitchin	Porter
Boies	Fairchild	Kleczka	Rainey, Ala.
Brand	Fairfield	Knight	Rainey, Ill.
Britten	Fess	Kreider	Reavis
Brown, Tenn.	Fields	Kunz	Reber
Burdick	Focht	Lampert	Reed, N. Y.
Butler	Fordney	Langley	Riordan
Cantrill	Foster	Lea, Calif.	Robertson
Chalmers	Free	Lee, N. Y.	Rodenberg
Chandler, Okla.	Goodykoontz	Lehlbach	Rosenbloom
Clark, Fla.	Gorman	Logan	Rossdale
Clarke, N. Y.	Gould	Lyon	Rucker
Clouse	Haugen	McArthur	Ryan
Cockran	Hays	McLaughlin, Pa.	Sanders, Ind.
Codd	Hicks	Madden	Sanders, N. Y.
Cole, Ohio	Himes	Maloney	Sanders, Tex.
Connell	Hogan	Mann	Schall
Connolly, Pa.	Hudspeth	Mansfield	Scott, Mich.
Copley	Husted	Mead	Sears
Crisp	Ireland	Michaelson	Shelton
Crowther	James	Moore, Ohio	Shreve
Cullen	Johnson, Miss.	Morin	Sisson
Darrow	Johnson, S. Dak.	Mott	Slemp
Davis, Minn.	Johnson, Wash.	Mudd	Smith, Mich.

Smithwick	Sullivan	Tilson	Ward, N. Y.
Snell	Sweet	Tinkham	Woodruff
Snyder	Tague	Towner	Woodyard
Stafford	Taylor, Ark.	Treadway	Yates
Stephens	Taylor, Colo.	Upshaw	
Stiness	Taylor, N. J.	Vestal	
Strong, Pa.	Taylor, Tenn.	Volk	

So the conference report was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Cullen (for) with Mr. Knight (against).

Mr. Fairchild (for) with Mr. Driver (against).

Mr. Lee of New York (for) with Mr. Kitchin (against).

Until further notice:

Mr. Treadway with Mr. Cockran.

Mr. Butler with Mr. Upshaw.

Mr. Sanders of Indiana with Mr. Fields.

Mr. Shreve with Mr. Hudspeth.

Mr. Michaelson with Mr. Dupré.

Mr. Taylor of New Jersey with Mr. Kunz.

Mr. Free with Mr. Doughton.

Mr. Lehlbach with Mr. Aswell.

Miss Robertson with Mr. Logan.

Mr. Lampert with Mr. Sisson.

Mr. Gorman with Mr. Mansfield.

Mr. Ellis with Mr. Sanders of Texas.

Mr. Chandler of Oklahoma with Mr. Lyon.

Mr. Shelton with Mr. Sullivan.

Mr. Kahn with Mr. Taylor of Arkansas.

Mr. Ackerman with Mr. Brand.

Mr. Volk with Mr. Blanton.

Mr. Foster with Mr. Smithwick.

Mr. Reed of New York with Mr. Tague.

Mr. McArthur with Mr. Kindred.

Mr. Davis of Minnesota with Mr. Mead.

Mr. Newton of Missouri with Mr. Johnson of Mississippi.

Mr. Olpp with Mr. Rainey of Alabama.

Mr. Snyder with Mr. Crisp.

Mr. Perlman with Mr. Deal.

Mr. Blakeney with Mr. Cantrill.

Mr. Kendall with Mr. Lea of California.

Mr. Johnson of South Dakota with Mr. O'Brien.

Mr. Maloney with Mr. Sears.

Mr. Snell with Mr. Riordan.

Mr. Stephens with Mr. Taylor of Colorado.

Mr. Morin with Mr. Rucker.

Mr. Himes with Mr. Clark of Florida.

Mr. Fordney with Mr. Rainey of Illinois.

The result of the vote was announced as above recorded.

APPLICATION OF RECLAMATION LAW TO IRRIGATION DISTRICTS.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4382, to provide for the application of the reclamation law to irrigation districts, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table the bill H. R. 4382, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. KINKAID, Mr. SINNOTT, and Mr. HAYDEN.

PROMOTION OF TRADE IN CHINA—CONFERENCE REPORT.

Mr. VOLSTEAD. Mr. Speaker, I call up the conference report upon the bill H. R. 4810, to authorize the incorporation of companies to promote trade in China, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota calls up a conference report on the bill H. R. 4810, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "That this act may be cited as the 'China trade act, 1922.'"

DEFINITIONS.

"SEC. 2. When used in this act, unless the context otherwise indicates—

"(a) The term 'person' includes individual, partnership, corporation, and association;

"(b) The term 'China' means (1) China including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign government, (2) the Crown Colony of Hongkong, and (3) the Province of Macao;

"(c) The terms 'China trade act corporation' and 'corporation' mean a corporation chartered under the provisions of this act;

"(d) The term 'Federal district court' means any Federal district court, the United States Court for China, and the Supreme Court of the District of Columbia;

"(e) The term 'Secretary' means the Secretary of Commerce; and

"(f) The term 'registrar' means the China trade act registrar appointed under section 3.

REGISTRAR.

"SEC. 3. The Secretary is authorized to designate as China trade act registrar an officer of the Department of Commerce. The official station of the registrar shall be in China at a place to be designated by the Secretary. All functions vested in the registrar by this act shall be administered by him under the supervision of the Secretary; except that upon appeal to the Secretary, in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable.

ARTICLES OF INCORPORATION.

"SEC. 4. (a) Five or more individuals (hereinafter in this act referred to as 'incorporators'), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a District of Columbia corporation for the purpose of engaging in business within China.

"(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed. The articles of incorporation shall state—

"(1) The name of the proposed China trade act corporation, which shall end with the legend, 'Federal Inc. U. S. A.,' and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

"(2) The location of its principal office, which shall be in the District of Columbia;

"(3) The particular business in which the corporation is to engage;

"(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock;

"(5) The duration of the corporation, which may be for a period of not more than 25 years, but which may, upon application of the corporation and payment of the incorporation fee, be successively extended by the Secretary for like periods;

"(6) The names and addresses of individuals, a majority of whom are citizens of the United States and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors; and

"(7) The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and paid in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors.

"(c) A China trade act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in any form of insurance business.

CERTIFICATE OF INCORPORATION.

"SEC. 5. The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this act have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of $100 has been paid him, (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this act, and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the

certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporators or in respect to the application for the certificate of incorporation, to conform to any requirement of law which is a condition precedent to such issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or alter the legal status of any act of a China trade act corporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation.

GENERAL POWERS.

"SEC. 6. In addition to the powers granted elsewhere in this act, a China trade act corporation—

"(a) Shall have the right of succession during the existence of the corporation;

"(b) May have a corporate seal and alfer it at pleasure;

"(c) May sue and be sued;

"(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;

"(e) May make contracts and incur liabilities;

"(f) May acquire and hold real or personal property, necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;

"(g) May borrow money and issue its notes, coupon or registered bonds, or other evidences of debt, and secure their payment by a mortgage of its property; and

"(h) May establish such branch offices at such places in China as it deems advisable.

SHARES OF STOCK.

"SEC. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at par value only, and shall be paid for in cash or in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued each share shall be held to be full paid and nonassessable; except that if any share is, in violation of this section, issued without the amount of the par value thereof having been paid to the corporation the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof.

"SEC. 8. No share of stock of a China trade act corporation shall, for the purposes of section 7 or of paragraph (7) of subdivision (b) of section 4, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property.

BY-LAWS.

"SEC. 9. The by-laws may provide—

"(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for, the meetings, annual or special, as the stockholders or directors;

"(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China; and

"(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer, and the manner of their representation at stockholders' meetings.

STOCKHOLDERS' MEETINGS.

"SEC. 10. (a) Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation, and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

"(b) The following questions shall be determined only by the stockholders of a stockholders' meeting:

"(1) Adoption of the by-laws;

"(2) Amendments to the articles of incorporation or by-laws;

"(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

"(4) Authorization of the voluntary dissolution of the corporation; and

"(5) Authorization of application for the extension of the period of duration of the corporation.

"(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the secretary to conform to the requirements of this act.

"(d) A certified copy of the by-laws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar.

DIRECTORS.

"SEC. 11. The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China trade act corporation except such as are conferred upon the stockholders by law or by the articles of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable.

REPORTS AND INSPECTION OF RECORDS.

"SEC. 12 (a) For the purposes of this act the fiscal year of a China trade act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

"(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this act. The Secretary shall file with the registrar copies of all applications for a certificate of incorporation, and certificates received or issued by the Secretary under the provisions of this act. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed.

DIVIDENDS.

"SEC. 13. Dividends declared by a China trade act corporation shall be derived wholly from the surplus profits of its business.

REVOCATION OF CERTIFICATE OF INCORPORATION.

"SEC. 14. The registrar may, in order to ascertain if the affairs of a China trade act corporation are conducted contrary to any provision of this act, or any other law, or any treaty of the United States, or the articles of incorporation or by-laws of the corporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China trade act corporation are or have been so conducted, may institute in the United States Court for China proceedings for the revocation of the certificate of incorporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings the court may, at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable.

"SEC. 15. (a) For the efficient administration of the functions vested in the registrar by this act, he may require, by subpœna issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within 50 miles of the actual residence or place of sojourn of such witness, and (2) the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition

or under his direction, and shall then be subscribed by the deponent. The registrar, or any officer, employee, or agent of the United States authorized in writing by him, may administer oaths and examine any witness. Any witness summoned or whose deposition is taken, under this section, shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

"(b) In the case of failure to comply with any subpœna or in the case of the contumacy of any witness before the registrar, or any individual so authorized by him, the registrar or such individual may invoke the aid of any Federal district court. Such court may thereupon order the witness to comply with the requirements of such subpœna and to give evidence touching the matter in question. Any failure to obey such order may be punished by such court as a contempt thereof.

"(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"(d) For the efficient administration of the functions vested in the registrar by this act he, or any officer, employee, or agent of the United States authorized in writing by him, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to the business or affairs of a China trade act corporation. Any person who upon demand refuses the registrar or any duly authorized officer, employee, or agent such access or opportunity to copy, or hinders, obstructs, or resists him in the exercise of such right, shall be liable to a penalty of not more than $5,000 for each such offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States.

"SEC. 16. In case of the voluntary dissolution of a China trade act corporation or revocation of its certificate of incorporation, the directors of the corporation shall be trustees for the creditors and stockholders of the corporation; except that upon application to the United States Court for China by any interested party, or upon the motion of any court of competent jurisdiction in any proceeding pending before it, the court may, in its discretion, appoint as the trustees such persons, other than the directors, as it may determine. The trustees are invested with the powers, and shall do all acts, necessary to wind up the affairs of the corporation and divide among the stockholders according to their respective interests the property of the corporation remaining after all obligations against it have been settled. For the purposes of this section the trustees may sue and be sued in the name of the corporation and shall be jointly and severally liable to the stockholders and creditors of the corporation to the extent of the property coming into their hands as trustees.

REGULATIONS.

"SEC. 17. (a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this act.

"(b) That the Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary or the registrar to any person in the administration of the provisions of this act. All fees and penalties paid under this act shall be covered into the Treasury of the United States as miscellaneous receipts.

PENALTIES.

"SEC. 18. No stockholder, director, officer, employee, or agent of a China trade act corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer, employee, or agent of a China trade act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statement or advertisement, in any form, stating the amount of the authorized capital stock without also stating as the amount actually paid in, a sum not greater than the amount paid in. Any person violating any provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than 10 years, or both.

"SEC. 19. No individual, partnership, or association, or corporation not incorporated under this act or under a law of the United States, shall engage in business within China under a name in connection with which the legend 'Federal Inc. U. S. A.' is used. Any person violating this section shall upon conviction thereof be fined not more than $1,000 for each violation.

JURISDICTION OF SUITS AGAINST CORPORATION.

"SEC. 20. That the Federal district courts shall have exclusive original jurisdiction of all suits (except as provided by the act entitled 'An act creating a United States Court for China and prescribing the jurisdiction thereof,' approved June 30, 1906, as amended) to which a China trade act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States Court for China, or in the Supreme Court of the District of Columbia, or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business.

FEDERAL TAXATION.

"SEC. 21. Title II of the revenue act of 1921 is amended by adding at the end thereof a new section to read as follows:

'CHINA TRADE ACT CORPORATIONS.

"'SEC. 264. (a) That for the purpose only of the tax imposed by section 230 there shall be allowed in the case of a corporation organized under the China trade act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by individual citizens of the United States or China, resident in China, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

"'(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the Commissioner (1) the amount which, during the year ending on the date of filing the return, the corporation has distributed as a special dividend to or for the benefit of such individuals as on the last day of the taxable year were citizens of the United States or China, resident in China, and owned shares of stock of the corporation, (2) that such special dividend was in addition to all other amounts payable or to be payable to such individuals or for their benefit by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such individuals in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock the certificate shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such individuals and that the amount certified has been distributed in accordance with the method so provided.

"'(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

"'(d) As used in this section the term "China" shall have the same meaning as when used in the China trade act, 1922.'

"SEC. 22. Subdivision (b) of section 230 of the revenue act of 1921 is amended to read as follows:

"'(b) For each calendar year thereafter, 12½ per cent of the amount of the net income in excess of the credits provided in sections 236 and 264.'

"SEC. 23. Subdivision (f) of section 238 of the revenue act of 1921 is amended by adding after the figures '262' the word and figures 'or 264.'

"SEC. 24. Subdivision (c) of section 240 of the revenue act of 1921 is amended by adding at the end thereof a new sentence to read as follows: 'A corporation organized under the China trade act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of this section.'

"SEC. 25. That section 2 of the revenue act of 1921 is amended by adding at the end thereof a new paragraph to read as follows:

"'(12) A corporation organized under the China trade act, 1922, shall, for the purpose of this act, be considered a domestic corporation.'

"SEC. 26. Subdivision (b) of section 213 of the revenue act of 1921 is amended by striking out the period at the end of para-

graph (12) thereof and inserting in lieu thereof a semicolon, and by adding after paragraph (12) a new paragraph to read as follows:

"'(13) In the case of an individual, amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if, at the time of such distribution, he is a citizen of China, resident therein, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.'

"SEC. 27. Subdivision (a) of section 216, paragraph (6) of subdivision (a) of section 234, and paragraph (3) of subdivision (a) of section 245, of the revenue act of 1921, are amended by inserting in each after the word and figures 'section 262' a comma and the words 'and other than a corporation organized under the China trade act, 1922.'

RESERVATION OF RIGHT TO AMEND.

"SEC. 28. The Congress of the United States reserves the right to alter, amend, or repeal any provision of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "An act to authorize the creation of corporations for the purpose of engaging in business within China"; and the Senate agree to the same.

A. J. VOLSTEAD,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

ALBERT B. CUMMINS,
T. J. WALSH,
FRANK B. BRANDEGEE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China submit the following statement in explanation of the effect of the action agreed upon by the conferees and submitted in the accompanying conference report:

The amendment of the Senate strikes out all after the enacting clause in the House bill. The House recedes from its disagreement therewith with an amendment which is a substitute for the Senate amendment. The effect of the substitute amendment is explained under the following headings:

SCOPE OF BUSINESS.

The House bill restricted the scope of the business of a China trade act corporation to business to be conducted wholly within China and carried on with persons in China, except that the corporation might purchase in the United States for transportation to China goods necessary to the establishment and conduct of its business, might issue and sell its stock at places outside of China, and might do business outside of China which was approved by the Secretary of Commerce as necessary to the establishment and conduct of its business in China. The corporation could not engage in the banking business, but could engage in the insurance business.

The Senate amendment places one general limitation upon the scope of business in which a China trade act corporation may engage; namely, that the business must constitute commerce between the people of the United States and the people of China, or be business properly connected therewith or necessary and incidental thereto. In effect the business of a China trade act corporation under the Senate amendment might be held limited to the import and export trade.

The bill as agreed to by the conference committee retains the House provision of restricting the business of a China trade act corporation to business within China and to such other business as is properly connected therewith or necessary and incidental thereto, and further requires that the principal business be such as will, in the opinion of the Secretary of Commerce, aid in developing markets in China for goods produced in the United States. This corporation is prohibited from engaging in either the banking business or the insurance business. Corresponding to the scope of business as agreed upon by the conference committee is the provision restricting the privilege of the use of the legend "Federal Inc., U. S. A." to its use in connection with business in China conducted by a China trade act corporation or by any other corporation created under Federal law.

FEDERAL SUPERVISION.

The House bill placed the supervision of a China trade act corporation and the administration of the act in the hands of the Secretary of Commerce; except that, if the Secretary chooses to have the functions vested in him performed in China instead of the District of Columbia he must do so by delegating the performance of such functions to an agent designated jointly by himself and the Secretary of State. The House bill also contained a further provision that the regulations for the administration of the act were to be jointly prescribed by the Secretary of Commerce and the Secretary of State.

The Senate amendment places this supervision and administration solely in the hands of the Secretary of Commerce. It contains no restrictions as to whether the Secretary of Commerce is to perform the functions vested in him in the District of Columbia or in China through subordinates.

The bill as agreed to by the conferees places the supervision of a China trade act corporation and the administration of the provisions of the act in the hands of the Secretary of Commerce, with the limitation that certain of these functions are to be performed, under the supervision of the Secretary of Commerce, by a registrar located in China and appointed by the Secretary of Commerce, while other of the functions are to be performed in the District of Columbia by the Secretary of Commerce.

In order to facilitate supervision in the District of Columbia by the Secretary, the bill as agreed to by the conferees requires the corporation (1) to be a District of Columbia corporation, (2) to file its articles of incorporation and its application for a certificate of incorporation with the Secretary of Commerce and have the application granted and amendments to the articles approved by the Secretary at his office in Washington, and (3) to have as one of the temporary directors a resident of the District of Columbia. On the other hand, such functions as the valuation of property received by the corporation in exchange for shares of stock is left either to the Secretary of Commerce or the registrar, and revocation proceedings are to be instituted in the United States Court for China by the registrar only. The bill as agreed to by the conferees also requires that copies of the report of the corporation, the certificate of incorporation, and all other certificates and certified copies issued by either the Secretary or the registrar in respect to such matters, for instance, as the value of property of the corporation received in exchange for shares of stock, amendments to the articles of incorporation, by-laws, and the minutes of stockholders' meetings shall be filed and open to inspection in the offices of both the Secretary of Commerce and the registrar.

CAPITAL STOCK.

The House bill provided, and both the Senate amendment and the bill as agreed to by the conferees provided likewise, that an amount equal to 25 per cent of the amount of the capital stock must at the time of the filing of the articles of incorporation have been in good faith subscribed and actually paid in cash or personal or real property. The House bill further provided that all shares of stock shall, when issued, be paid for in cash or personal or real property at not less than their par value, and when issued shall be held to be full paid and shall be nonassessable, whether or not they have been full paid prior to issuance.

The Senate amendment provides, as in the House bill, that the shares of stock shall be issued at par value and may be paid for either in cash or personal or real property. The Senate amendment does not provide, however, that the shares when issued shall be full paid and nonassessable, but provides that the amount of the par value that has been paid shall at all times be indorsed upon the face of the certificate representing the share.

The bill as agreed to by the conferees retains the House provisions that the shares shall be issued at par value only, may be paid for in cash or personal or real property, and shall be, when issued, held full paid and nonassessable. The bill as agreed to by the conferees further places the duty upon the corporation not to issue any share until the amount of the par value thereof has been paid in.

The House bill places no liability upon shareholders except that provided in their subscription contracts after the share has been issued to them.

The Senate amendment provides that the shareholder is liable not only upon his subscription contract, but also that the indorsement of the amount of the par value of the share paid shall not relieve the shareholder from liability to creditors, and, further, does not prevent the stock from being assessable even after the subscription price has been paid in full. The Senate amendment also provides that the shareholders shall be individually liable to the creditors to the amount of the unpaid stock held by them for all debts of the corporation until such time as the whole amount of the capital stock has been paid in.

The bill as agreed to by the conferees, while requiring the full par value of the share to be paid at the time it is issued, does not place any liability, either by way of assessment by the corporation or liability to the creditors for its debts, upon the shareholder after the issuance of the share.

AMERICAN CONTROL.

The House bill provided that a majority of the voting shares should at all times be owned by citizens of the United States, that a majority of the temporary directors and a majority of the temporary officers shall be citizens of the United States, and that a majority of the permanent directors and a majority of the permanent officers holding the office of president, treasurer, or secretary shall be citizens of the United States resident in China.

The Senate amendment merely provided that a majority of the temporary directors and a majority of the permanent directors shall be citizens of the United States, with no limitation as to residence.

The bill as agreed to by the conferees requires that a majority of the temporary directors shall be citizens of the United States, that at least one of them shall be a resident of the District of Columbia, and that a majority of the permanent directors and a majority of the permanent officers holding the office of president, treasurer, or secretary shall be citizens of the United States resident in China.

SUITS AGAINST THE CORPORATION.

The House bill provided that suits against a China trade act corporation might be brought in the United States Court for China, the judicial district in which the cause of action arose, or the judicial district in which a corporation has an agent and is engaged in doing business. The House bill further provided that any judgment or decree rendered by the court in any suit against a China trade act corporation should, upon the presentation of a certified copy thereof to the United States Court for China or any Federal district court, be enforced by such court.

The Senate amendment has no provision in this respect, the result being that under the Senate amendment suit might be brought against the corporation only in the place whereof it is an inhabitant.

The bill as agreed to by the conferees retains so much of the House provision as provides for suit to be brought against the China trade act corporation in the United States Court for China, the Supreme Court of the District of Columbia, or the Federal district court for the judicial district in which the corporation has an agent and is engaged in doing business.

FEDERAL TAXATION.

The House bill provided that a China trade act corporation should be totally exempt from the corporation income tax and excess-profits tax unless it derived 5 per cent or more of its gross income from sources within the United States. The exemption was conditioned on the distribution in dividends during the taxable year of at least one-third of the net income of the corporation. The legal effect of the language of the House bill was also to exempt such of the stockholders of the corporation as were United States citizens from normal income tax on dividends received from the corporation. The House bill also provided that a China trade act corporation should be considered a domestic corporation within the meaning of the income tax law, but that it should not be deemed to be affiliated with any other corporation within the meaning of the section of the income tax law providing for consolidated returns of net income.

The Senate amendment provides no exemption from Federal taxation.

The bill as agreed to by the conference committee contains amendments to the income-tax law allowing narrower exemptions than provided in the House bill. It is proposed to allow to a China trade act corporation a credit on its net income of an amount equal to that proportion of its net income from sources within China which its capital stock owned by citizens of the United States or China, resident in China, bears to its entire capital stock. This exemption is, however, allowed only if an amount, equal to the saving in tax, is distributed as a special dividend to such of its stockholders as are citizens of the United States or China and reside in China. Citizens of China, resident therein, are exempted from tax on their dividends, but all other stockholders are subjected to both surtax and normal tax on all their dividends from a China trade act corporation. The provision of the House bill treating these corporations as domestic corporations for the purposes of the income tax law is retained, as well as the provision prohibiting such a corporation from making consolidated returns of net income with other corporations. The conference bill also provides that a China trade act corporation shall not be permitted to avail itself of the privilege allowed other corporations by the revenue act, namely, to credit against its income tax, dollar for dollar, the amount paid to foreign countries as income, war profits, or excess-profits taxes.

A. J. VOLSTEAD,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

Mr. VOLSTEAD. Mr. Speaker, I think it is not necessary to devote a great deal of time to the further discussion of the bill, as the report gives, I hope, in a fairly intelligent way the various changes that have been made in the bill in conference. The Senate bill proceeded upon the theory that what was wanted was power to create corporations that would engage simply in foreign commerce, shipping goods from this country to China, and from China back. The object of the legislation was not to do anything of that kind. The object was to create corporations that might do business practically as domestic corporations in China. The business is being developed over in that country in that fashion by foreign nations—by England, Japan, Germany, and other countries. Up to within recent times our people have taken advantage of English charters. Lately, however, the English Government saw fit to change those charters so as to place the control of their corporations entirely with the English subjects. In that fashion they have been able within the last year or so to exclude Americans from participation in a great deal of Chinese trade which otherwise might have been secured.

The bill, as it has been finally agreed upon by the conference committee of the two Houses, practically restores the House bill. The provisions agreed on authorize the creation of corporations for the purpose of doing business in China. The Senate bill struck out the provision contained in the House bill granting tax exemption. We have in conference substituted a provision in lieu of the one that we have in the House bill, exempting to some extent these corporations from taxation. It is absolutely necessary as we look at it, if we are to do business successfully in China, to place the American citizen upon the same plane in that respect as the English, German, French, or Japanese subjects who do business there. They, as I understand it, have exemption from taxes. The bill, as we have agreed upon it, does not give quite as much exemption as was given in the House bill. Through a mistake in an amendment offered and agreed to on the floor of the House, we actually gave more tax exemption than the House intended, more than the bill as we reported it from the Committee on the Judiciary really gave.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. KING. What further taxes are exempted?

Mr. VOLSTEAD. The citizen resident in this country gets no exemption whatever. If he lives here and does business in China, he pays the same tax as though he was incorporated in some other corporation formed in this country; but an American citizen residing in China, or a Chinaman residing in China, gets an exemption to the extent of the Chinese business only. The normal income and surtax upon the dividends, however, have to be paid by the American citizen resident in China or elsewhere; he gets no exemption except of the corporation tax on business done in China. The Chinaman gets an exemption from all taxes if he is a resident of China, but the American citizen resident in China pays the normal income tax.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. GRAHAM of Illinois. What is the necessity for this exemption feature? What is the reason for this?

Mr. VOLSTEAD. The English, Japanese, and other corporations that are foreign to China are granted an exemption, and it is necessary that our citizens, if they are to compete, must get a certain amount of exemption so as to be on a par with them in doing business.

You can not expect Chinamen who are resident in China to pay taxes to the United States. The foreigner who comes over here, for instance the German or the Englishman, does not pay any taxes to Germany or to England when they become residents of this country. The Chinese who live in their own country can not be asked to pay any tax to this country. We must exempt those people, and to some extent exempt residents of the United States who live in China.

Mr. GRAHAM of Illinois. I have been very much opposed to special charters issued by the Federal Government, by acts of Congress. I do not believe that it is a very good policy.

Mr. VOLSTEAD. These are not special charters.

Mr. GRAHAM of Illinois. Why is it deemed desirable to authorize the corporations to be formed in the District of Columbia? Can they be formed under the State laws of the various States?

Mr. VOLSTEAD. They can be formed under the State laws, but here is the difficulty. The Chinese do not know the States nor their laws, but they do know the United States. The United States is looked upon with favor in China, and if they can secure American corporations in which to do business, it is believed, and I believe they are entirely justified in that belief, that it will be a decided advantage in trying to build up commerce between this country and China.

Mr. GRAHAM of Illinois. I am wondering whether it was that or this tax-exemption feature that could not be managed under the State laws.

Mr. VOLSTEAD. That is another very good reason. I think you have to allow Chinamen to be exempt from American taxes in their own home. You can not expect a Chinaman to become interested in the business we are trying to build up in China if he has to pay taxes in this country in addition to paying taxes in his own country.

Mr. LAYTON. How could a Chinaman living in China be taxed by any authority of the United States, anyhow?

Mr. VOLSTEAD. He might be if he becomes a stockholder in an American corporation.

Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. LONGWORTH in the chair). The gentleman from Minnesota moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

"BLUE-SKY" LEGISLATION.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 332.

Resolved, That upon the adoption of this resolution it shall be in order for the Committee on Interstate and Foreign Commerce to call up for consideration under the general rules of the House H. R. 10598, being a bill to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof. Consideration of the bill not to interfere with bills from the Committee on Appropriations, the Committee on Ways and Means, or conference reports.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution just read makes in order the consideration in the House of what is known as the "blue-sky" bill. It may not be out of place to state that the "blue-sky" bill refers to a bill that prohibits the sale of stocks in spurious companies or companies without assets to the people. Several States have adopted laws of that character.

Mr. DYER. Will the gentleman yield for just a minute?

Mr. CAMPBELL of Kansas. I would prefer that the gentleman let me go on.

Mr. Speaker, 12 years ago the State of Kansas, finding a large number of enterprising gentlemen surveying the sky, and selling large areas of it to prospective buyers, decided to put a stop to that practice. Thereupon the legislation that prevented the sale of stocks in companies of that character that had blue sky to sell was enacted and called "blue-sky" legislation. Up to this time, following the lead of the State of Kansas, 42 other States have adopted similar laws. Much improvement has been made in the character of the legislation, as the States one after another have taken up legislation of this character. It now becomes necessary for the States that have this legislation to be protected from States that are without it. There are still six States in which no laws have been enacted against companies organizing with hundreds of thousands and millions of dollars of capital, but with mere pennies of assets. This bill will prevent the use of the mails and other instrumentalities of interstate commerce in communicating information in respect to or in the carrying of the stock of these companies from one State to another.

Mr. KING. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. KING. I am very much interested in the gentleman's statement as to the "blue sky." It undoubtedly covers, I presume, the blue sky of the United States, but it does not cover the blue sky of Italy, Yugoslavia, and France, and other foreign countries that sell stock in this country now.

Mr. CAMPBELL of Kansas. Many people invest in the blue skies of Italy, and always have. Many are now investing in the blue skies of Yugoslavia, but the legislation now under consideration deals with the United States mails and interstate commerce.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. WALSH. I do not know how careful a study the gentleman has made of this measure, but does it in any way abrogate State laws or affect them in any way?

Mr. CAMPBELL of Kansas. It does not.

Mr. WALSH. They still would be the law and this will not supplant them?

Mr. CAMPBELL of Kansas. On the contrary, this is intended to and is calculated to strengthen the State laws. This is to enable the States to enforce their own laws, such as they have enacted, and it is to prevent interstate commerce in stocks that are prohibited in intrastate commerce.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I would rather move the previous question, after I have yielded some time to the gentleman from Tennessee [Mr. GARRETT], and permit somebody who has studied the details of this bill to answer questions.

Mr. GREENE of Vermont. The inference is that nobody else has studied it?

Mr. CAMPBELL of Kansas. The members of the Committee on Interstate Commerce are thoroughly prepared to answer questions concerning the bill.

Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I think I shall not use all of that time.

This bill came with the unanimous report from the Committee on Interstate and Foreign Commerce, and the question of a special rule for its consideration was presented to the Committee on Rules several weeks—indeed, I think, some months ago—and the Committee on Rules unanimously reported the rule. From my study of the bill, which I confess has been somewhat superficial, it seems to me to be a very important measure and a very meritorious one; at any rate one well worthy of consideration by the House.

I yield back the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. WINSLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10598.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10598.

Mr. WINSLOW. Pending action on that motion, the chairman would ask that we proceed in general debate for three hours, the time to be evenly divided and controlled by the gentleman from Kentucky [Mr. BARKLEY], of the committee, and the chairman of the committee, and the debate be confined to the subject matter of the bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that general debate be limited to three hours on the subject matter of the bill, and that the time be divided equally, one half to be controlled by the gentleman from Kentucky [Mr. BARKLEY] and the other half by himself. Is there objection?

Mr. BARKLEY. Since I had the conversation with the gentleman from Massachusetts as to the time to be allowed for general debate, I have had requests from two or three Members for a short time, but not on the bill. I have had requests for very little time for debate on the bill.

Mr. WINSLOW. Of course, the gentleman realizes that this bill is one upon which the Members may need some information, and it naturally will excite more or less interest as it goes along.

Mr. BARKLEY. I think the gentleman will find that those explanations will be required more during the reading of the bill for amendment than in the general debate. It is rather a technical bill and will provoke interrogatories as the debate proceeds. The only time that I have had requests for so far is for time to be devoted to subjects not limited to this bill. If it is

limited to the bill I will not have requests for the yielding of much time.

Mr. WINSLOW. Will the gentleman promise that the time to be devoted to other subjects will not be unduly prolonged?

Mr. BARKLEY. It will not be more than 30 or 40 minutes.

Mr. WINSLOW. Then I agree.

Mr. WALSH. Is it expected that the House will do any more than conclude the general debate to-day?

Mr. WINSLOW. It would seem that it would not be necessary to do it, so far as I know.

Mr. WALSH. And that the consideration will be continued on Thursday under the five-minute rule?

Mr. WINSLOW. Yes.

The SPEAKER. The gentleman from Massachusetts asks that three hours be the limit for general debate, half to be controlled by himself and one-half to be controlled by the gentleman from Kentucky [Mr. BARKLEY]. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Massachusetts that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Ohio [Mr. LONGWORTH] will please take the chair.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10598, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10598, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10598) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. ARENTZ. I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That when used in this act the term "person" shall mean and include a natural person, firm, copartnership, association, syndicate, joint-stock company, unincorporated company or organization, common-law trust, or any corporation organized under the laws of the District of Columbia or of any State or Territory of the United States or of any foreign government—

Mr. ARENTZ. Mr. Chairman, I ask unanimous consent to withdraw my objection.

The CHAIRMAN. The objection is withdrawn.

Mr. WINSLOW. Mr. Chairman, I yield 45 minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for 45 minutes.

Mr. DENISON. Mr. Chairman, the House has had under consideration for several months the appropriation bills, and it ought to be more or less refreshing to turn for a part of the day to the consideration of a bill that affords an opportunity for real constructive and remedial legislation. Our Congress is, I think, one of the most conservative of all legislative bodies. No reforms ever start here. We usually follow other Governments in progressive legislation, and we act only after other Governments have acted and after we are forced to do so by organized public sentiment.

Now, that has been the case with regard to legislation to prevent the sale of fraudulent and worthless securities. All of the great Governments of the world, except our own, have enacted legislation upon this subject. England passed such legislation as early as 1862. It passed a more comprehensive bill of that kind in 1895, and in 1908 Parliament passed what is known as the consolidated companies act, which regulates the issue and sale of securities in Great Britain. It is a very good measure. In fact, since the passage of that act the people of Great Britain have not been imposed upon by the sale of fraudulent securities as has been the case in the United States. France has also a similar law, as have also Germany and Italy and Belgium and some of the British dominions; and fraudulent security laws have been enacted in at least three of the Provinces of Canada—in Manitoba, Alberta, and Saskatchewan—and other Provinces of Canada are now considering similar laws.

We have what is known as "blue sky" bills in 39 of our States. Kansas, as has been the case with other important questions, blazed the trail for fraudulent securities legislation in the United States by the enactment of the first law in 1911. The banking commissioner of that State discovered that the people of Kansas were being imposed upon by fraudulent flotations, and he began an agitation which resulted in the enactment of the first "blue sky" law, as it is called, in 1911.

Kansas was followed by other States, South Dakota, I believe, and West Virginia, and Michigan and Iowa and other States, until now 39 States have enacted what are called "blue sky" laws. Three other States, namely, New York, Maryland, and New Jersey, have enacted what are called fraud laws, which are not a success, and are not effective to prevent the sale of fraudulent securities. The legislature of the State of Washington passed a bill of this character to prevent the sale of fraudulent securities last year, but the governor of the State vetoed it because he felt it was not what it ought to be. It was too loosely drawn with reference to oil leases or oil stock, and might have allowed the sale of fraudulent oil stocks, and for that reason he vetoed the bill. I am told by the secretary of state of the State of Washington that the next legislature will, in all probability, enact a comprehensive fraudulent securities law. The question is being agitated in other States that have not any legislation of that kind now.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. KNUTSON. I have not had opportunity to study this measure, but I wish to ask the author of the bill what provision is being taken to prevent the formation of legitimate companies that might compete with companies already in operation? I have had in mind a similar case where a company was organized, where the organizers were legitimate business men, and the competitors of the company made it so interesting through the Post Office Department for this company that by process of a lawsuit they put the company out of business.

Mr. DENISON. I will say to the gentleman from Minnesota that this legislation does not deal with the question of the formation of companies, or the issuance of stock, or anything of that kind. That is a question that must be governed by local laws. This legislation, as I will explain in a few moments, deals only with interstate transactions in securities. The question of the organization of corporations and the issuance of stocks, bonds, and so forth, is a question that is, and ought to be, controlled by the local laws of the respective States. Now, the question that arises is whether or not legislation of this kind is needed. Is there any necessity for it?

Gentlemen, I want to give you some information that may be of interest. The complaint that is being made by the officers who are charged with the administration of the different State laws is that their laws are being evaded and violated every day by dishonest and crooked promoters, who are organizing their corporations and sending their stocks and bonds for sale through the United States mails and other agencies of interstate commerce into the different States and selling them contrary to the laws of those States. The States that have blue-sky laws have been very successful in preventing these fraudulent flotations within their borders. They have not prevented all fraud, and no law can be enacted that will absolutely prevent all fraud, but they have controlled it to a large extent, and their laws are working very well, especially those that have been enacted in recent years. But they are being rendered more or less ineffective by reason of the immunities accorded to transactions in interstate commerce, these securities being sent into the States through the agencies of interstate commerce contrary to the laws of those States. During the war we had the War Finance Corporation, and there was a committee known as the Capital Issues Committee that in a general way controlled the issuance of all securities during the period of the war.

We enacted that legislation on the theory that we ought to marshal the credit of the Nation as well as its man power and its finances for war purposes, and so the Capital Issues Committee here in Washington had supervision over the issuance of securities and had a splendid opportunity to observe and study the applications that were made to them for permission to sell their securities. They made a study of this subject, and when they concluded their work and made their final report to the Congress they dealt somewhat with this subject. I want to present their report to the House briefly. I will ask the Clerk to read the part of the report which I have marked. It is illuminating and it shows the necessity for legislation of this kind.

The Clerk read as follows:

The committee desires again to call the attention of Congress to the insistent demand and need for such legislation as will prevent the wholesale distribution of hundreds of millions of worthless or fraudulent stock which is being sold for cash or exchanged for Liberty bonds. The committee, had it continued its activities until the time prescribed in the

act, would not have been able to meet the situation; first, because it was intended as a temporary body only, created for the purpose of conserving money, labor, and capital during the period of the war; and, second, because it had power neither to compel submission to its jurisdiction nor to enforce its findings.

One of the strongest arguments in favor of Federal legislation to check the offering and sale of fraudulent or worthless issues is the magnitude of the traffic. Before the war this traffic amounted to tens of millions of dollars annually, but reports made to the committee from all parts of the country during the past eight months indicate that this traffic has greatly increased during the war, due to high wages and to the further fact millions of people have invested in Liberty bonds. The estimate of $500,000,000 annually devoted to the purchase of such fraudulent or worthless stocks seems to the committee to be too conservative. This sum represents sheer waste and net loss to the people and the Nation not only of dollars but of morale, confidence, and the incentive to save. The Nation's loss can not be measured alone in money values but in terms of those things which make for good citizenship.

Worthless and fraudulent promotions have been reported from all of the 12 Federal reserve districts and from practically every State. One enterprise whose operations were condemned by the committee claimed to have sold its stock in 46 States, and probably there is not a community in the country, large or small, which has not suffered loss.

State regulation of security issues, which has been undertaken in more than half of the States, has been effective only to a limited extent, principally where a company has organized to operate and sell its securities in the State of its creation. But whenever the enterprise has crossed State lines and its securities are sold indiscriminately from ocean to ocean, the State commissions have been powerless, as they can not reach beyond their own boundary lines, and no State system can be devised for complete harmony by which the authorities of the several States may work in unison.

Purveyors of fraudulent and worthless securities do not generally approach the experienced investor, but operate among those who, through lack of experience and failure to consult responsible banking friends, fall easy victims.

In asking for the enactment of a law to protect the interests of the Government and the public investor, the committee calls your attention to the fact that regulation of security issues has long been an established practice among many nations which enjoy highly developed financial systems. This includes the leading countries of Europe as well as the English colonies. In England such regulation has existed in some form since 1862.

In saying that the United States is almost alone among the advanced nations in having no definite means of checking irresponsible forms of finance, the committee is not in ignorance of the work of the Department of Justice and the Post Office Department. Both have been successful in the detection and prosecution of fraud; but in the very nature of that task they do not and can not act until after fraud has been perpetrated. The purpose of new legislation should be to prevent the perpetration of the fraud.

Having in view the inability of the several States to control financial operations beyond their boundaries, it follows that there is but one agency which can check the major part of the traffic in fraudulent and worthless securities, and that agency is the National Government. As long as its powers are not invoked to suppress this traffic, the organization of irresponsible companies, the sale of their securities, and the deception of the public will proceed.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. DENISON. Yes.

Mr. BURTNESS. In glancing over the bill I am not certain as to whether its provisions would apply to the securities of a corporation after it had gone into a certain number of States and obtained there a license and privilege to sell its securities in those States. Would this bill, if enacted into law, prevent the promoters of that organization or the owners of the stock from using the mails in sending their material to States where they had actually gotten their license to operate?

Mr. DENISON. It would not. The provisions of this bill apply only to securities that can not lawfully be sold in the States into which they are sent.

Mr. BURTNESS. It would not apply to States where the company had made its application and been granted the right to issue securities?

Mr. DENISON. Not at all.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. RAMSEYER. Does this bill undertake to exclude matter from the mail that is not fraudulent, or only fraudulent matter, that is relating to companies organized with little or no capital, which issue a lot of stock and have nothing to sell except blue sky?

Mr. DENISON. Let me explain briefly what the bill does.

Mr. RAMSEYER. I should like to know what the scope of the bill is, and what you are trying to exclude from the mails that the criminal statutes do not already exclude from the mails.

Mr. DENISON. I was coming to that in a moment, but if the gentleman prefers to have me divert now——

Mr. RAMSEYER. I beg the gentleman's pardon. I do not want to break into the continuity of the gentleman's argument, and if he will come to that later, that will be perfectly satisfactory.

Mr. DENISON. I was coming to that, but I will stop here and do it now because I want my friend from Iowa to be perfectly satisfied.

The blue-sky laws of 39 States provide in different forms that before any security may be sold to the people of those respective States the issuing company must qualify the security by appearing before an officer of the State, a commission created by the act, or the secretary of state, or the State bank commissioner, or some other official of the State, and present information concerning the security that they propose to sell to the public. The laws require that they come before the official, present all the facts connected with the corporation, showing their assets and the amount of their liabilities, and so forth, and they must show the State officer that the proposition is free from fraud. Then when they make the showing required by the law of the State they are given permission to sell the securities in that State. In other words, the laws of these States provide in different forms that before the securities may be placed upon the market they must be qualified by showing to the State official that there is no fraud in them.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. DENISON. I want to answer the other question fully first, but I will yield.

Mr. LAYTON. As a matter of fact there is hardly one mining corporation in a thousand as to which you can prove the assets in advance. I remember distinctly that I was offered and I wish I had taken a wad of Tonopah Mining for a few cents a share. It was a gamble. Most mining corporations when they are first chartered are gambles. Nobody under heaven knows what they are going to be worth.

Mr. DENISON. I am not able to give much information on mining propositions. I do know this, that the people of the different States ought to have the right, and they do have the right, to enact such legislation as they think proper to protect their own citizens from fraud in the sale of securities. That is a broad proposition, upon which we all may well stand, that this is a matter with which the States ought to have the right to deal and protect their people as they think best. After a State has enacted a law of that kind it ought to be respected, not only by the people of that particular State but by the people of other States as well.

There has been a growing tendency in late years to centralize legislation and governmental activities here in Washington. We have been gradually encroaching upon fields of legislation that more properly belong to the States. I believe the time has come when we ought to decentralize our government as much as we can; and when practically all of the States have enacted legislation upon a particular subject that is being boldly evaded and violated by use of the mails and other Federal agencies Congress ought to act and cooperate with the States to the extent, at least, of prohibiting the use of its agencies for such unlawful purposes. This bill is intended to see that the people of each State respect the law of the other States.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. RAMSEYER. Whether the State laws are limited to fraudulent schemes or not, I want to state that if they are fraudulent they can be kept out of the mails now. For fraudulent schemes such companies are being prosecuted now and their stuff excluded from the mail. We have a comprehensive law on the statute book, which has been there for over 25 years, and any scheme intended to defraud or a device to defraud is a violation of the criminal code.

Mr. DENISON. I will explain that to the gentleman directly. We have postal fraud laws, of course. But they will only punish fraud after the fraud has been committed; the purpose of this legislation is to stop the fraud before it is committed.

Mr. RAMSEYER. After the deal has been made; that is all you are doing.

Mr. DENISON. The gentleman has apparently not read the bill.

Mr. LAYTON. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAYTON. You would have arrested the greater part of the mineral development of the United States if you had had this law in operation.

Mr. DENISON. The gentleman takes the position that all mining operations are pure gamble, and that we ought not to interefere with it in any way. I do not agree to that. I think some mining operations are straight and legitimate, and this bill would not interfere with them.

Mr. ARENTZ. Will the gentleman yield?

Mr. DENISON. I will.

Mr. ARENTZ. Gentlemen have all heard of George Graham Rice. He would hire a big office and spend 95 cents for every dollar he took in. Those are the men the gentleman is referring to as being legitimate dealers in mining stocks. But there are others who do not do that. I never purchased but two stocks in my life and those were in two corporations I was associated with. I never sold a share of stock in my life.

Mr. DENISON. Now, gentlemen, I will proceed if you will permit me to do so, and complete my statement, and then I will be glad to answer any questions that gentlemen may ask if I can. I would like to get an explanation of the provisions of the bill before the House, because I see that some gentlemen do not understand the bill. The Capital Issues Committee estimated that there are $500,000,000 of the people's money being lost each year through worthless securities. The highest estimate of the revenue that the Government will realize from any tariff law is $500,000,000. Think of it, gentlemen, and it is mostly the poor people whose savings are being invaded and who are losing this $500,000,000 each year through these fraudulent stock flotations. There is a duty resting on us as Representatives of the people to try to stop it if we can. Think what a great thing it will be if we can save to the people any great part of that amount that is being stolen from them by these dishonest piratical promoters. That is what this bill will do. It has teeth in it, and if we can pass it in substantially the form that it is reported we will drive the crooks out of the country or put them in the penitentiary. We can do it, and we ought to do it. Congress has been asleep too long now to this public menace. If we had enacted legislation of this kind four years ago, hundreds of thousands of our people who made heavy sacrifices to buy Liberty bonds would have owned their bonds to-day. As it is they have been induced to sell them or exchange them for worthless blue-sky securities that promised a greater return, but were in fact worth no more than so much blue sky.

The Treasury Department estimates that there had been $400,000,000 worth of Liberty bonds taken from the people after the war by dishonest promoters who went to the people and told them that they could not afford to keep the Government securities which only bore 4½ per cent interest. They persuaded them that they ought to change them for securities that would yield 15 to 25 and 50 per cent, and, of course, many fell for it. So many Liberty bonds which people had bought until it hurt out of patriotic motives were taken from them and they were given blue-sky securities pure and simple. Congress has never seemed to take any interest in this legislation, although the Treasury Department has time and again urged that something be done to stop it. President Taft recommended to Congress during his administration the enactment of a blue-sky law; President Wilson did the same, and Secretary GLASS appeared before a committee of the House urging it. But, as I said, we are inflicted here sometimes with inertia and have only after long delay been aroused to the necessity of protecting the people from this class of big-business buccaneers.

The State securities commissioners, the officials who are charged with the administration of the security laws of the different States, have reached the conclusion that they are powerless to prevent these fraudulent flotations unless the Federal Government does something to stop the evasion of their laws by use of the mails and other interstate agencies.

Here is the situation: These promoters have learned that they can not go into the States that have blue-sky laws and sell their dishonest stocks and bonds. They have learned that they can not do it without being prosecuted. So they have worked out their schemes by using the mails and the telephones to carry on their nefarious business through the channels of interstate commerce.

They are doing it to the extent of hundreds of millions of dollars each year. They are robbing the people of moderate means, but they do not disturb the banks or business men. They select men and women of moderate means for their victims. Since I introduced this bill many letters have come to me telling of instances where widow women, whose husbands had been killed in railroad accidents and who had collected damages, have been robbed of every dollar they had by these promoters, who send them lurid literature describing their fraudulent offerings in glowing colors and promising fabulous returns.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. RAMSEYER. Everybody is against these transactions, but the question I want to submit to the gentleman is this: Women who are defrauded out of money and Liberty bonds, is not that done through the men who go to them and sell the stock and not through the mails? My observation has been that these sales are made by persons coming in personal contact with the persons to whom they sell the stock, and such persons can be punished by the State laws, except in a few of the Eastern States which have not seen fit to pass such laws.

The gentleman's bill does not protect the people in the States that have no laws against blue-sky operations. What percentage of these sales is made through the mail or other agencies of interstate commerce and what percentage is made by individual salesmen?

Mr. DENISON. If the gentleman from Iowa expects me to give him the percentage on that, he will be disappointed, because I can not do so. All I know is that the State officials who are charged with the administration of State securities laws tell me that the greater part of these fraudulent transactions is now being done through the mails. Of course, there is an occasional case of a fraudulent sale by persons inside the States, but that is a State matter and the Federal Government is not going to be concerned with that kind of a transaction. However, we can see to it that the Federal agencies—the mails and the other agencies over which the Federal Government has exclusive control—are not improperly used to violate these different State laws.

Mr. RAMSEYER. In 1919 there were a great many stock sales in the Middle West, especially in Iowa. I heard of a great number of them, and in every case I heard of the stock was sold by an individual. I did not hear of any sales being made through the mails or other agencies. Since that time the State has passed a law which prohibits that.

Mr. DENISON. Certainly. The State of Iowa now has a law which prohibits it. Iowa formerly had a securities law, but for some reason that law was held unconstitutional. If my friend from Iowa will consult the official who has charge of the administration of the securities law of that State, he will tell him to what extent the State of Iowa is being imposed on by these dishonest and crooked promoters who are carrying on their sales through the United States mails and other agencies of interstate commerce; and by the way, let me say that the administrative officer of the State of Iowa is very much in favor of this bill and is asking that we enact it as soon as we can in order to protect the people of Iowa from these promoters from other States. I do not believe that there is any State which has been imposed on more than the people of the State of Iowa through the sale of fraudulent stocks. I get that information from one of the Senators of that State and from certain of the members of the delegation of that State in the House.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HILL. Section 7 provides that every sale or contract for sale of any security or securities made or in any manner directly induced by or through any of the acts made unlawful by sections 2 or 3 of this act shall be void at the election of the purchaser. It then goes on to provide for suits in the United States courts. As I understand it, this bill makes it an offense to do certain things with the mail. I would like to have the gentleman discuss this section 7 in the light of whether that does not go beyond any protection of the mails and give rights in the United States courts that do not exist now.

Mr. DENISON. The gentleman has asked that question and I shall answer it now.

Mr. HILL. I do not want to trespass on the order of procedure, but I would like to hear that explanation because it seems to me that is out of the purview of the first two sections.

Mr. DENISON. It is not at all. Let me state briefly what the bill does. It prohibits sending through the mails or through any other agency of interstate commerce any security from a point in one State to a point in another State where it is unlawful to sell that security. It also prohibits the sending through the mails or any other agency of interstate commerce any post card, letter, circular, or prospectus which offers for sale a security when it is sent into a State where that security can not lawfully be sold. In other words, this bill recognizes the right of the States to legislate upon this subject, and it gives to the States the cooperation of the Federal Government to the extent of forbidding the use of its agencies to violate the State laws; and I think the Federal Government ought to do that.

Mr. LAYTON. Right there will the gentleman answer me a question?

Mr. DENISON. If I can.

Mr. LAYTON. If I understand it, the power of exclusion is vested in the sovereignty of the State.

Mr. DENISON. What does the gentleman mean by the power of exclusion?

Mr. LAYTON. The power of excluding transmission through the mail into that State rests simply with that State.

Mr. DENISON. Not at all. The States can not control the United States mails.

Mr. LAYTON. I am not talking about that, but they do this: There is no security that can be sent into the State where the State has not approved of that security.

Mr. DENISON. The gentleman from Delaware is mistaken. That is exactly what is being done to-day, and that is what this legislation seeks to prevent.

Mr. LAYTON. This bill endeavors to prevent that.

Mr. DENISON. Yes.

Mr. LAYTON. Suppose that State tried to exclude something of real value; suppose it arbitrarily attempted to exclude Liberty bonds from that State.

Mr. DENISON. None of the States would do that.

Mr. LAYTON. I am not talking about whether they would or not. Would they have that authority?

Mr. DENISON. They would have that authority, but this bill exempts certain securities from its own provisions, and among them is the security that the gentleman mentions. That is found in a subsequent provision of the bill. If the gentleman from Delaware will examine section 4 of the bill, he will find where securities are classified and certain classes of securities are exempted from the provisions of the bill.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. STEVENSON. Following the question of the gentleman from Maryland, I was myself considering that section.

Mr. DENISON. I have not completed my answer to that question as yet.

Mr. STEVENSON. I shall ask my question while I am on my feet, so that the gentleman can have the benefit of my point of view. Is not the matter of a contract of sale made in a State one of State police regulation? It is determined by the State legislation, as to whether that sale is valid or invalid. In that event, can Congress say that a contract made under certain conditions in a State shall be invalid? That is a question that strikes me about this particular section.

Mr. DENISON. I will answer the gentleman and explain that.

In the first place, we do not deal with any contract made in the State. We are dealing with a transaction in interstate commerce. We are not dealing with any transactions that are intrastate, so that will answer that question. The bill provides penalties; it provides a penalty of a fine and imprisonment for any person who violates its provisions, but in order to better secure its enforcement it provides a double penalty. And it provides in the section referred to by the gentleman from Maryland that if anyone sends a stock through the United States mails into another State and sells it contrary to the law of that State and contrary to the provisions of this act the person who purchases that stock may recover the amount of his purchase price, together with all costs and attorneys' fees, so that the man who violates the law can not profit by his act.

Mr. HILL. May I ask a question about that? Why is not that a matter in which there should be procedure under the State law and not under the Federal law?

Mr. DENISON. Will the gentleman tell me how he could get at the matter in the State courts? This is an interstate transaction under this bill. A man in Texas may sell stock to a man in New Hampshire, but how can the man in New Hampshire get service on the Texas man in the New Hampshire courts?

Mr. HILL. Go to New Hampshire and get after him.

Mr. DENISON. The gentleman must remember that this bill only deals with interstate transactions.

Mr. HILL. Now, section 215 of the Penal Code originally provided that there must have been devised a scheme to defraud and that the mails must be used in pursuance of that scheme. That was found not to be sufficiently broad, and so that section was modified so that anybody having devised any scheme to defraud, and incidentally using the mails, could be prosecuted. That added very largely to the criminal procedure under that section. Now, I would like to know exactly what this bill adds to the existing protection of the mails. It seems to me that sections 2 and 3 deal with protection of the mail, but it seems to me that section 7 goes beyond that and takes up matters which would seem to be normally within the police power of the States.

Mr. DENISON. The gentleman is entirely mistaken. We do not deal with anything that the States can control. It does not deal with any crime that the States can handle, and ought not to do so. This bill only deals with violations of State laws that the State itself can not punish. If a man in Oklahoma, for instance, violates the law of Illinois or Indiana by sending a worthless stock or fraudulent stock through the mails, he is not a refugee from justice. He has not committed any crime in the State of Illinois, and that State has no way of getting him.

Mr. STEVENSON. Will the gentleman yield at that point?

Mr. DENISON. Yes.

Mr. STEVENSON. Has the gentleman looked at the decisions on that question?

Mr. DENISON. I certainly have.

Mr. STEVENSON. I take it that the gentleman has, but I remember a case where a man in the city of Washington here sent some medicine to a young lady in South Carolina, which she took in pursuance of an unlawful purpose, and it killed her. They caught him over here, and they held that he had committed a crime in South Carolina.

Mr. DENISON. These questions have all been looked into by the various attorneys general of the States having "blue-sky laws." And, gentlemen, there are 40 of the States that need this legislation.

Mr. STEVENSON. I am with you on the legislation.

Mr. CONNALLY of Texas. May I be permitted to say that it would depend largely on the decisions of the gentleman's own State of South Carolina in that particular; but is it not a fact that under the common law the sale is supposed to take place in the State where the matter is delivered to the mails or common carrier? If you sell stock from New Hampshire to Texas, in order to get recourse you would have to go to New Hampshire.

Mr. DENISON. There is no question about that. These promoters have learned that they can get around the State laws. The State can not prevent that, and there is only one authority in this country that can stop that class of fraud—that is the Federal Government—and that is the purpose of this legislation.

Mr. MILLSPAUGH. On page 5, subsection (e), it says:

Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes, and not for pecuniary profit.

I suppose that is an exemption. Under that could not organizations be formed for one of those purposes and not for pecuniary purposes, and soak the public very strong through the mails and still be exempt?

Mr. DENISON. You will hardly find any fraud perpetrated by an organization that is organized for purely charitable or fraternal purposes.

Mr. MILLSPAUGH. Then, on page 6, paragraph (g), it says:

Any security issued by a State bank, trust company, or savings institution incorporated under the laws and subject to the examination, supervision, and control of any State or of the United States or of any insular possession thereof.

Is it not a fact that one of the biggest oil fakes or oil-stock fakes we have had was issued by a trust company in Texas, a regularly incorporated trust company, under State supervision, and that they soaked almost everybody that was gullible enough to invest?

Mr. DENISON. I will say to the gentleman from Missouri that I was not aware of the fact that the laws of any State permitted a banking institution or trust company to engage in the sinking of oil wells or promotion of oil stock. Now, I assumed that there would be no such unreasonable law as that in the country. There may be. At any rate, practically all the State laws exempt from their provisions security issued by banks and trust companies and financial institutions of that kind, and properly so; and this act, following the precedent set by the different States, makes a similar exemption.

Mr. MILLSPAUGH. This was within the past two years. It was a monumental fake.

Mr. DENISON. I am not in a position to explain that or to answer the gentleman's question, because I was not aware of the fact that any bank had been perpetrating a fraud upon the people by the sale of oil stock.

Mr. MILLSPAUGH. On page 10, subsection (e), it says:

To any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer: *Provided*, That such broker or dealer is actually engaged in buying and selling securities as a business.

Would not that throw the door wide open to an oil broker?

Mr. DENISON. The gentleman misunderstands that. That provision exempts sales to brokers. Now then, this legislation is not intended, gentlemen, to protect brokers and others who are engaged in the business of buying and selling stocks. They do not need the protection. Banks are in the business of judging the value of securities and so are brokers who deal in these securities. They do not need this protection. They are never imposed upon by stock promoters. It is the individual, the average ordinary business man or workingman, who is not in a position to judge of the value of securities, who has not the information at hand, that we ought to protect; and so all the State laws, generally speaking, exempt sales to banks, to insurance companies, and to brokers who are engaged in the business of buying and selling stocks. The reason for the law would not

apply to such persons, and therefore the law itself should not apply to them.

Mr. MILLSPAUGH. Mr. Chairman, will the gentleman yield further?

Mr. DENISON. Yes; but I would rather defer explaining the different exemptions until we come to the reading of the bill under the five-minute rule. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. TUCKER].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. TUCKER. Mr. Chairman and gentlemen, I do not rise to participate in this debate, but merely to have read a resolution which I offered this morning, to which objection was made.

The CHAIRMAN. The gentleman from Virginia desires to have read a resolution, as indicated. Without objection, the Clerk will read.

The Clerk read as follows:

House Resolution 333, requesting the President of the United States to send the four-power treaty and other papers to the House of Representatives.

Resolved, It being declared by the second section of the second article of the Constitution that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulation on a law or laws to be passed by Congress, and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.

Resolved, further, That in order to facilitate the deliberations of the House of Representatives on the four-power treaty, which requires the action of Congress for its execution, ratified by the Senate of the United States on February 6, 1922, the President of the United States is requested to send to the House of Representatives a copy of said treaty and such explanatory papers as may be necessary for a proper understanding of the same by the House as may not be incompatible with the public interest.

Mr. TUCKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Virginia yields back the balance of his time, two minutes.

Mr. BARKLEY. Mr. Chairman, I do not desire to take up very much of the time of the House in discussing this measure, but I do desire to give expression to my approval of it, and to give a few of the reasons why I favor it.

The gentleman from Illinois [Mr. DENISON] has already explained some of the provisions of the bill very lucidly. Perhaps he did not reach as many of them as he intended on account of the number of questions which were propounded to him with reference to particular provisions of the bill. I desire to reemphasize one or two of the reasons why the committee felt impelled to report this bill favorably, and why we hope it will be enacted into law.

As has already been suggested, some forty or more States of this Union have adopted laws regulating the sales of securities known as "blue-sky" laws. I do not know how it happens that the other States followed in the leadership of the State of Kansas, or why it is that Kansas first found it necessary to pass such a law unless it be that the people of Kansas had more money to invest in securities or were more gullible than the people of other States. [Laughter.] But be that as it may, Kansas did lead off in legislation of this kind.

Mr. HOCH. The gentleman has at least observed that other States have followed the lead of Kansas.

Mr. BARKLEY. Yes; and I am very glad to follow that leadership, and Kansas, as has been suggested, has its share of "blue sky," and it is entitled to that leadership.

But it is found that under legislation which States can enact separately, requiring that a corporation, before it can offer its securities for sale within the State, must go before their securities commission to obtain consent and approval, or before any person might be permitted to come into that State from the outside and sell securities that may or may not have been approved by the State of origin, many promoters have been able to avoid these provisions both in the State of origin and in the State of destination, because they used the United States mails and the express companies and other agencies of interstate commerce to advertise or correspond concerning a proposed issue of stock which had never been before the commission of the State in which it originated, and, of course, would never go before the commission in the State into which it was proposed to send it. And by that method neither the State where the security originated nor the State to which it is destined having any authority over either the issue or the sale or control of the stock, millions of dollars have been wasted by confiding people, who were persuaded by attractive literature to invest in bogus securities of all kinds. Thus the commercial and financial interests of the country have for a long time been looking toward a remedy for the situation which none of the States could handle, and the remedy that they have agreed upon and that they hope will be effective is the bill which we have reported.

Mr. COLTON. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. COLTON. Let me say that I am in sympathy generally with the purpose of the measure as I understand it, but I do not see why you permit stock exchanges in large cities to be exempt from the provisions of this act. It seems to me that if it is good for small cities it is also a good measure for large cities.

Mr. BARKLEY. That same question gave me a good deal of trouble in the committee, and it was a difficult situation for the committee to adjust; but in the commercial world and in the security world there are certain great stock exchanges which are universally recognized all over the country. There may be others that will come in under the exemption when they can qualify under the terms of this bill; but the committee recognized, and the investment bankers' associations recognized, and the regular bankers' associations recognized, and I think the commercial world recognizes that there are certain stock exchanges in the United States whose requirements are so rigid that if a stock is listed upon them we may assume that that stock is legitimate and not intended for fraudulent purposes; and while the limitation fixed here may exclude some other stock exchanges that are equally legitimate, they have not yet the established character that these exempted have, and have not existed a sufficient length of time to give absolute certainty that the stocks which they handle are absolutely safe. We fixed a limitation that could give confidence to the investing world that any stock that was listed upon any stock exchange that came within the definition of this bill might be regarded as safe without any other restrictions being placed upon it.

Mr. COLTON. I think the gentleman shows by his answer that he appreciates the fact that in some of the smaller stock exchanges there are just as rigid requirements as those in the larger exchanges, and this is the point that is in my mind: May not an exchange be organized in these large cities that may do all the damage that is now being done, and yet be exempted simply because of its being organized in the large city? I think the law ought to apply to all cities, irrespective of their size.

Mr. BARKLEY. No; I do not think so. It may be that in the course of time some of these smaller exchanges, organized in a small way, and just as legitimate and safe as the others, may be able to come within these requirements; but certainly no new exchange that might be organized in a city, that did not come within the provisions of this bill, could have its stock exempted from the provisions of the law.

Mr. COLTON. There is the point, if I may interrupt further. I notice that section 4 begins by saying:

That the provisions of this act shall not apply to any of the following classes of securities:

And then in subsection (f)—

(f) Securities issued, outstanding, distributed, and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population.

I have looked over the law and I can not find where it says that an exchange might not be organized in the future or even now be organized, if it has a regular place of meeting in one of the larger cities, and so far as the provisions of this bill are concerned might operate at will.

Mr. HOCH. The gentleman will observe in line 7, page 6, that the exchange must be one where actual transactions in the purchase and sale of United States bonds, and so forth, must have occurred during each of the preceding 20 years. Under that provision, therefore, a new exchange organized in a city of this size would not be eligible to the exemption provided in this bill.

Mr. COLTON. But after it has been in existence 20 years, irrespective of its methods of business procedure, it may then proceed to operate.

Mr. HOCH. That is theoretically true; but it is hardly probable that a concern intended merely for the purpose of floating fraudulent securities would start in with a 20-year record ahead of it in order to get its securities exempted under this statute.

Mr. COLTON. The gentleman misunderstands me. It may be organized in the beginning for perfectly legitimate pur-

poses, but it has to be in existence only 20 years when it may operate at will, irrespective of the provisions of this bill.

Mr. HOCH. But, as a matter of fact, there are no such exchanges in operation, where Government bonds have been listed upon those exchanges for 20 years.

Mr. COLTON. This does not relate to Government bonds entirely, does it?

Mr. HOCH. Oh, yes; I will read the provision:

Provided, That actual transactions on such organized exchange have occurred during each of the preceding 20 years in the purchase and sale of United States bonds or other bonds of any of the classes exempted herein from the provisions of this act.

Mr. BARKLEY. As a matter of fact, the definition there excludes all the exchanges in the United States except three, and that was one of the serious objections urged against that provision by some other exchanges that were just as legitimate and just as safe, perhaps, as these that are included here but that have not that long-established reputation for financial stability and integrity which we felt was necessary in order to entitle a stock exchange to be exempted from the provisions of this bill.

Mr. LAYTON. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Delaware.

Mr. LAYTON. Does this bill affect in any way the sale of securities on the curb?

Mr. BARKLEY. The curb market is not included within the provisions of this exemption.

Mr. LAYTON. I am asking the gentleman what effect it will have upon the sale of securities?

Mr. BARKLEY. It will not have any effect upon the sale of stocks on the curb by men who are purchasing and selling there; but it might affect them if the curb market undertook to sell fraudulent stock by mail or any of the instrumentalities of commerce. It would affect that only in case the sale of that stock was prohibited in the State where the curb market exists and in the State to which it is intended to send the securities.

Mr. DENISON. Will the gentleman from Kentucky allow me to make a statement?

Mr. BARKLEY. I will.

Mr. DENISON. This bill will not affect any stock exchange in the United States, and it is not intended to do so. No stock exchange had anything to do with the framing of this bill. In order to provide for an exemption for the great body of industrial stocks which have been already issued and are outstanding and have been sold and in which companies are no longer interested, we wanted to provide some sort of an exemption of stocks of that kind, and we adopted as a standard the lists on certain national stock exchanges. It will not affect the doing of business with any other stock exchange.

Mr. LAYTON. If the gentleman from Kentucky will pardon me, I am not opposed to the bill. I want to be for any good measure. But I recognize the fact that this is probably the most highly developed mineral country in the world.

I have been a little bit familiar with matters in regard to corporations. It is a fact that there are very few mineral projects that are not developed on the basis of chance. When you think you have discovered a ledge or lode or outcropping it takes money to sink the shaft; it takes money to make the crosscut, to see how much mineral you have, to see how much it will assay to the ton, and they get the money by selling the stock without knowing that there is anything there at all. It may be an absolute fake as far as the result is concerned, not intended to be so, of course, but there is no certainty as to the value involved.

Mr. ARENTZ. If the gentleman will yield, the gentleman should not use the word fake.

Mr. LAYTON. Well, I withdraw that word.

Mr. ARENTZ. Because it is not a fake if the money is spent in the ground. That is the trouble, not spending money in the ground received from the sale of stock.

Mr. LAYTON. If the gentleman had any of his good money out of his pocket, and nothing to show for it but a hole in the ground he would spell it any way.

Mr. ARENTZ. No one would call it a fake if the money was spent in the ground. Now, if with the permission of the gentleman from Kentucky I may say a word further, there is a transition period in the life of nearly every one of these companies when they can not be listed on the Boston, New York, or Chicago Stock Exchange. During that period the work is being done, not by the financiers of Boston or New York or Chicago but by men like yourself and myself, men and women scattered all over the country who think they are interested in a legitimate enterprise. As soon as the company reaches the point where the ore is developed it gets the attention of men in New York, Boston, and Chicago, who purchase it for perhaps $200,000 or a million dollars, and incorporate it for from one to twenty million, and then the company sells the stock to the public without a question of doubt as to its legitimacy, because it is connected with the money interests of Chicago, New York, and Boston. It seems to me that some care should be given to companies that are in this transition period.

Mr. BARKLEY. I appreciate the gentleman's suggestion, but I want to say to the gentleman from Delaware that this bill will not interefere in the slightest degree with the legitimate development of any mineral industry or prospect in the United States, because this bill does not set up any standard of the Federal Government to determine what is a legitimate security. This bill adopts the laws passed by all the States, each State to deal with the company that wants to do business in that State, so that if there is a certain security or promotion project that can not obtain the permission in Delaware or Texas to organize to sell its stock to the people of Delaware or Texas it can not use the United States mails for the purpose of going somewhere else and writing into those States inducing its people to buy stock.

Mr. LAYTON. Suppose A, B, C, D, and E in the State of Kentucky think they have a good mining proposition somewhere. Do they have to go to your bureau or the authorities in Kentucky to get permission to obtain articles of incorporation for that company before they can incorporate?

Mr. BARKLEY. They have to file articles of incorporation with the secretary of state.

Mr. LAYTON. That will come first.

Mr. BARKLEY. Yes.

Mr. LAYTON Suppose A, B, C, and D go to Maine or Delaware and get articles of incorporation, do they have to be submitted to the State authority in Kentucky before they can get permission to do business?

Mr. BARKLEY. Yes; if a corporation organizes in Maine, if they want to go into Kansas, we will say, they can not do business with Kansas citizens without submitting it in some way to the authorities of Kansas. The trouble is now that they stay in the State of Maine and write letters into Kansas.

Mr. LAYTON. The trouble is this: If a corporation is incorporated in Delaware, before it can do business in 41 States under the blue sky laws they will have to get permission from those 41 States.

Mr. BARKLEY. Yes; they would have to do that, but now they will not go into these States as long as they can stay back in Delaware or Maine and carry on their business through the mail.

Mr. LAYTON. But A, B, C, and D can go to New York and, by arrangement with the curb authorities, can sell that stock through the mails all over the country.

Mr. BARKLEY. Not the curb, because the curb market is not exempted from the provisions of this bill.

Mr. LAYTON. Then you are going to put the curb out of business.

Mr. BARKLEY. No; because the curb market in New York for the last 8 or 10 years has promulgated and established and now is enforcing regulations that are almost as rigid as the New York Stock Exchange or the Chicago Stock Exchange regulations.

Mr. LAYTON. I think the gentleman is right.

Mr. BARKLEY. So that as a matter of fact, if the curb market had existed as long as the law requires this, it might be able to come within this law.

Mr. LAYTON. Still the New York Stock Exchange could put the stock on their list and sell it throughout the country.

Mr. BARKLEY. Under the laws as they exist now, they could, but if it were a security that was prohibited in all of these 41 other States, they could sell it by mail without any power in the State to punish it under present conditions.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SMITH of Idaho. Is it not true that in most of these States those wishing to do business there under this bill must put up a fee of about $1,000 or more in order to sell stock, while under existing law this is not required when offering stock by mail?

Mr. BARKLEY. They have to give some sort of security to the State commissions.

Mr. SMITH of Idaho. I understand that on an average about $1,000 is required, so that a company organized to develop a legitimate mining or oil property must have $40,000 in its treasury to distribute around among the different States in order to be able to sell stock by mail if this bill is enacted.

Mr. BARKLEY. Of course, if you assume that each State requires a deposit of $1,000, and that the company wanted to

send its agents into all of the States, then it would have to put up $1,000 in each State, but that is rather an exaggerated illustration. The trouble is that every company that might apply to some State for permission to do business in the State and might be denied it can go outside of the State as it is now and send literature back into the State without being required to go before the State authorities, and that is where these hundreds of millions of dollars are squandered every year.

Mr. SMITH of Idaho. If this law be enacted, it will practically make it impossible for a company of poor men to develop a mining property even if there is every reason to believe it is a valuable mining property.

Mr. BARKLEY. It will not make it any more difficult than it is now, because now if these 41 States require that deposit they would have to put it up before they could do business in the various States. This does not change that. This provides that if any party on the outside attempts by the use of the mails or the facilities of interstate commerce to sell securities in the States that have denied the right to sell those securities, the transaction is unlawful. Of course, if the State should be able to get them the State could punish them, but if they can not get possession of the individual—and that is the principal difficulty—in the absence of that power the Federal Government may punish by fine or imprisonment or by the right of recovery against any individual or corporation that engages in that sort of a transaction by use of the mails or through any other interstate commerce facility.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SUMMERS of Washington. A mining engineer writes to me and says:

> I understand that this bill provides that all stocks and bonds shall be handled by bankers, trust companies, or bond houses or stock exchanges in cities of over 500,000 population.

Has this gentleman the right conception of that?

Mr. BARKLEY. No; he has not the right conception at all. This bill does not require that stocks and bonds shall be handled by any particular class of people. These small stock exchanges and brokers can go on just as they have always and handle stocks and securities, but this bill exempts only from the provisions of the law stocks that are handled by banks, which are recognized by banks and by stock exchanges in cities of 500,000. In other words, the stock exchange in New York City or the stock exchange in Chicago or in Boston, the regular recognized stock exchanges, are permitted under this bill to handle such stocks as they are willing to list, without the restrictions provided in the bill, but it has no effect upon the transactions that occur in other stock exchanges, unless you can imagine a stock exchange organized for the sole purpose of defrauding the people, or unless they would permit fradulent stocks to be sold in States where they are not permitted to be sold, and in that case, I think, the law might cover them.

Mr. SUMMERS of Washington. He further says that the matter of complying with the State laws will entail an expenditure of at least a thousand dollars per State. I do not understand that he means, as the gentleman from Idaho [Mr. SMITH] suggests, that a thousand dollars must be deposited, but that in order to send a representative to a State and satisfy the State authorities the company will be put to an expense of perhaps $1,000. Can the gentleman state anything in regard to that?

Mr. BARKLEY. I do not think there is anything to that. This bill has created a lot of imaginary fears and has erected a lot of purely imaginary barriers in the pathway of legitimate securities. There is nothing like that in the bill. Of course they have to do that now under the various laws. If they send individuals into the States for the purpose of selling securities, they have to comply now with the State laws. This does not increase the requirements of the State laws. It simply withdraws from legitimacy fraudulent securities sent into the State in violation of the State laws.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. ROACH. I favor legislation of this character. While I have not had an opportunity to study the provisions of the bill very closely, I am wondering whether anyone could be convicted for a violation of this law if subsection (c) of section 5, on page 9, is permitted to remain in the bill. That subsection is peculiarly worded to my mind. I appreciate that isolated transactions should be protected in writing a bill of this character, but with the manner in which that subsection is written it occurs to me that it will be next to impossible to convict anyone for any offense under this law, unless it was a repeated transaction, either by the principal or the agent, and I would be glad to have the gentleman elucidate that particular subsection.

Mr. BARKLEY. I do not think that subsection raises any difficulty.

Suppose I as an individual own some stock in a corporation and want to sell it to you. It is perfectly legitimate stock. I want to sell it to you, not through any broker but because I want to get the money on it, and I sell it to you as an individual transaction. That would be an isolated case.

Mr. ROACH. That case would be protected?

Mr. BARKLEY. Yes. What is intended to be meant there by a repetition of the transaction is where men may have a series of stocks that they are trying to sell to numbers of individuals. In that case it could not be said to be an isolated case.

Mr. ROACH. Here is an instance, we will say. The gentleman from Illinois says that we desire to nip these fraudulent transactions in the bud, with which I heartily agree. But here is a transaction in which one of these fellows has fraudulent stock that he wants to impose on the public, and they undertake to nip him in the bud, and he has not repeated the transaction. But his stock is grossly fraudulent, and he sells it to the unsuspecting public. After the first sale he makes he is arrested, and he shows that it is the first sale—that it is not a succession of sales. Is not that an isolated case?

Mr. BARKLEY. I think in that sort of a case, if it was found he had made only one sale, if he had in his possession a succession of stocks he intended to sell, this could not be interpreted as being the kind of an isolated case to which the section refers.

Mr. ROACH. Those things make it hard to enforce this law, if you have to show all those things. My question is, whether, if it is the first offense, it makes it easy for him to get out.

Mr. BARKLEY. If he has started out on a career of making sales——

Mr. ROACH. He has started on this career, and at the very first transaction the authorities arrest him for the very first sale he makes. This law as it is written now provides that unless that is a part of successive transactions he is not guilty.

Mr. BARKLEY. But the gentleman will remember that the burden of proof is on him to show that it is not a series of successive sales, if he is caught with some stock that he has not been able to sell by reason of being caught in the first transaction.

Mr. ROACH. I am afraid that it renders this law inoperative.

Mr. DENISON. I think I can relieve the gentleman from Missouri from any fear on that account. It is a question that has arisen in States that have enacted this legislation. This is the way they solve it. The evil they intended to forbid is the flotation of fraudulent stock. A corporation issues a series of stocks or bonds that have no merit in them and are fraudulent in themselves, and they undertake to float them by putting them on the public. They will not go into a transaction of that kind unless there is prospect of big gains, and so they arrange to sell a big series of them to the public, and that is the evil this legislation is intended to correct. Now, in order to prevent it, we do not want to inflict an injustice upon men as individuals, and so the States have had to meet the problem by not imposing any injustice upon an individual who had a security at home that he wanted to sell as an individual to another individual. And the only way they have been able to solve it is by providing an exemption and exempting the sale by an individual in an isolated transaction.

Mr. ROACH. That is the only way they have solved it, but there ought to be some other solution.

Mr. DENISON. If the gentleman can suggest another solution, I am sure it would be welcome. All the States that have enacted "blue-sky" legislation have enacted this law.

Mr. ROACH. Unfortunately so, I think.

Mr. DENISON. It is the best thing that experience and study has given us in the preparation of this bill. We have used the very best judgment we have had in the light of experience, and we have exempted these individual or isolated transactions.

Mr. BARKLEY. I think all the gentlemen will recognize the hardship it would be to an individual if he was compelled to go through all the processes to sell one share of stock in any corporation in the United States if we did not provide such an exemption.

Mr. ROACH. This bill is subject to that criticism, and this bill does not provide a relief from one fellow passing a fraud onto another. Suppose the gentleman in the State of Illinois had been sold a block of fraudulent stock of no value and he wanted to pass it on to some gentleman in Missouri, under this provision he could do it without a violation of law.

Mr. DENISON. That is true. And I will say this, that there never has been a law devised or thought out that would absolutely prevent every thing or meet every circumstance. We

have got to do the best we can. And this bill is not intended to prevent these individual cases of fraud. We can not do it. What we are trying to do is to prevent wholesale fraud in the flotation of worthless stock.

Mr. ROACH. Could it not be written in the law that in these isolated cases, which I agree should be exempt, where it was apparently a case of gross fraud and intended as a fraudulent transaction on the face of it, the exemption should not apply?

Mr. DENISON. I would be glad to have the gentleman figure out some appropriate language that would carry out the idea and submit it to me, and I will consider it.

But I will say this, that in the preparation of this bill I was advised by the National Association of State Security Commissioners, the executive officer of that association, that represents all the different States which have this class of laws, and this is the very best language that they could suggest, and it is the language that is found in all the State laws.

Mr. BARKLEY. Is it not true that the number of instances in which isolated individuals could take advantage of the United States mails to sell stocks that they own to other individuals are infinitesimal?

Mr. DENISON. Yes; they are very small.

Mr. BARKLEY. They do not amount to anything. The fraud upon the public by the use of the mails is by the men who organize for the wholesale flotation and sale of stocks to the public.

Mr. ROACH. If there is any way of bringing those cases together and prosecuting the offenders it would be a different proposition from the prosecution of men in isolated cases here and there where the public has been imposed upon.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. JONES of Texas. Along the same line as that suggested by the gentleman from Missouri [Mr. ROACH], it would seem that this paragraph would place the burden of proof on the prosecution to prove that the defendant was the owner of the stock in the transaction.

Mr. BARKLEY. Under the general language of the bill in section 9 the burden of proof is on the person claiming to be exempt to show that he comes within the exemptions.

Mr. JONES of Texas. I think there should be a provision, if that paragraph remains in the bill, which should provide that the burden of proof should be in that case of an isolated transaction not upon the prosecutor, but upon the defendant.

Mr. DENISON. We have a special provision, section 9, which provides that the burden of proof is upon the person claiming the exemption.

Mr. JONES of Texas. I did not know of that.

Mr. BARKLEY. Of course, under the general law governing the prosecution of a criminal offense that will apply until the offender shows that he is exempt, and then the burden shifts to him.

Mr. JONES of Texas. There is one other thing that I wanted the gentleman to yield to me to ask about, and that is exemption of sales made through a stock exchange. Does the gentleman think that sales of that character should be exempted from the operation of the laws of the different States?

Mr. BARKLEY. We do not exempt them from the operation of the State laws.

Mr. JONES of Texas. You provide for that through the law you propose here.

Mr. BARKLEY. The provision we make here does not have any effect whatever upon the laws of the States.

Mr. JONES of Texas. The laws of the States would not apply unless you made them apply under the provisions of this bill as to transactions under interstate commerce.

Mr. BARKLEY. The only exemptions we make here of stock exchanges are stock exchanges that come under the definition of the exemptions which are already subject to the State laws. We do not at all diminish the amount of State regulation over these stock exchanges.

Mr. JONES of Texas. They are subject to State laws in the State where the main office is located, but they are not subject to the operation of State laws in an outlying section of the country where they undertake to sell these securities.

Mr. BARKLEY. We do not affect that at all.

Mr. JONES of Texas. But you grant them an exemption which you do not grant to others that are subject to the provisions of the bill. In other words, you make it more onerous on the man who operates in a small way than on the man who operates extensively.

Mr. BARKLEY. We had to draw the line somewhere and we had to make an exemption that would include only those exchanges that are recognized generally by the public, by listing all sorts of stocks with them, as being just as safe as a national bank. We could not take in all stock exchanges. We have made the limitation so rigid that others have complained of it.

Mr. JONES of Texas. I am inclined to dissent from the statement of the gentleman that securities that happen to be listed on the stock exchange are as safe as a national bank. If you notice, the quotations have sometimes changed suddenly overnight, even on the listed stocks.

Mr. BARKLEY. We can not prevent that. I did not say the securities were as safe as a national bank.

Mr. JONES of Texas. But you can avoid granting them exemption under State laws.

Mr. BARKLEY. This does not exempt any that are not exempted by State laws.

Mr. JONES of Texas. It is exemption in all the States except in the States where they have their headquarters.

Mr. BARKLEY. The gentleman from Texas understands that there are certain well-established stock exchanges in the United States that everybody recognizes as sound.

Mr. JONES of Texas. But they do not guarantee the securities.

Mr. BARKLEY. Neither does the national banks. You can buy stock through a bank, but it does not guarantee this stock.

Mr. JONES of Texas. But a national bank operates on a different basis.

Mr. STEVENSON. Does a stock exchange sell all over the United States, or simply on the stock exchange?

Mr. BARKLEY. On the stock exchange; but it sells to people all over the country.

Mr. JONES of Texas. They sell all over the country, too.

Mr. COLTON. Am I right in taking this position, however, that the purchasing public, when it purchases through a stock exchange on the three exchanges of Boston, New York, and Chicago, is not required to make any study of the standing of those companies, but if it purchases through any exchange other than the three it does have to make a study as to the requirements?

Mr. BARKLEY. Not at all. There is no difference as to the transactions that will occur hereafter with any stock exchange in the United States from the transactions that occur now with all those stock exchanges. The only difference is that these three are exempted from the provisions of this law because they are so well recognized all over the country as legitimate exchanges, by reason of their character and the length of time they have transacted business, that we did not feel it was necessary to restrict dealing through these particular stock exchanges by reason of danger of fraud on the public.

Mr. COLTON. They are unrestricted except as they are regulated by the States.

Mr. BARKLEY. Simply regulated by the States. New York regulates its own, and Illinois the same.

Mr. COLTON. The gentleman, then, will admit that these three being unrestricted, all the others are restricted.

Mr. JONES of Texas. Of course.

Mr. BARKLEY. Both gentlemen are mistaken. None of the stock exchanges are exempt. But this bill simply exempts stocks listed on certain well-established exchanges whose long existence and record entitle securities listed on them to the presumption of being legitimate.

Mr. MAPES. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Michigan.

Mr. MAPES. Are not some of the Members confusing the stock exchanges with the securities listed upon those stock exchanges?

Mr. BARKLEY. Yes; I think so.

Mr. MAPES. This bill does not exempt any stock exchange. It does not regulate in one way or the other the business of the stock exchange. It simply says that the securities listed upon three stock exchanges in the United States may be sent through the mails and may use other agencies of interstate commerce.

Mr. JONES of Texas. In other words, when a stock is once listed, then it may be sold in any State of the Union without being subject to the laws of that particular State?

Mr. MAPES. Oh, no.

Mr. BARKLEY. Oh, no; the gentleman is mistaken.

Mr. JONES of Texas. In so far as this bill is concerned.

Mr. BARKLEY. In other words, it is not free from the regulations of the particular State.

Mr. JONES of Texas. The State can not regulate it, because it is interstate commerce, and you exempt it from the operations of this bill.

Mr. BARKLEY. If somebody representing the New York Stock Exchange should go down into Texas and try to sell stock there—which, I admit, is not the usual method of selling

stock by anyone connected with the New York Stock Exchange—he would find that he would immediately come under the jurisdiction of the State laws regulating the sale of stocks in that State.

Mr. JONES of Texas. The New York Stock Exchange can use the mails to send its stocks to Texas without being subject to the provisions of this bill. Now, suppose the Sun Oil Co. lists its stock on the New York Stock Exchange. The exchange itself may be subject to the laws of New York, or the Chicago Stock Exchange may be subject to the laws of Illinois, but after the Sun Oil Co. gets its stock once listed, then the Sun Oil Co. can go anywhere in the United States and sell its stock.

Mr. BARKLEY. Not at all.

Mr. JONES of Texas. Without being subject to the restrictions of this bill.

Mr. BARKLEY. Not at all.

Mr. JONES of Texas. Will the gentleman point out where they will be subject to the provisions of this bill when they are listed? What provision of the bill is there which makes them subject to it? If you will read subsection (f), on page 5, you will find that they are specifically exempted on all these issues of stock after they are once listed on the stock exchange.

Mr. BARKLEY. Let us read that and see:

(f) Securities issued, outstanding, distributed, and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population according to the last preceding United States census and providing facilities for the use of its members in the purchase and sale of securities listed by such exchange, and securities senior thereto or evidences of indebtedness guaranteed by companies the common capital stock of which is so listed: *Provided*, That actual transactions on such organized exchange have occurred during each of the preceding 20 years in the purchase and sale of United States bonds or other bonds of any of the classes exempted herein from the provisions of this act: *And provided further*, That such stock exchange requires financial statements to be submitted at the time of such listing and annually thereafter.

The gentleman will observe that this subsection applies to "securities issued, outstanding, distributed, and fully listed."

Mr. JONES of Texas. Now, if you will read in connection therewith the first provisions of section 4, on page 3, you will see—

That the provisions of this act shall not apply to any of the following classes of securities—

And those listed under subsection (f) are the ones referred to.

Mr. DENISON. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Illinois.

Mr. DENISON. I think I can explain to the gentleman from Texas what that means. Most of the exemption provisions of this act provide an exemption for certain classes of securities as they are issued by the issuing companies, but there are a great many securities of great industrial concerns that are already issued and outstanding and distributed and in the hands of the public. They have an established market value which has been gained by trading, actual buying, and selling in public, but the issuing company is no longer interested in them or concerned with them, because it has already sold them and gotten its money. Now, we do provide some method of exempting securities of that kind. Why? Because they are in the hands of third persons, individuals over the country.

Mr. JONES of Texas. I recognize the necessity of some exemptions along that line.

Mr. DENISON. We have exempted securities of that kind which have an established market value gained by actual trading upon the great national stock exchanges of the country. That is what that exemption is confined to—stocks that have already been issued, that have been distributed and are outstanding, stocks in which the issuing companies are no longer interested.

Mr. BARKLEY. And the presumption is that all such stocks have been listed upon stock exchanges whose requirements are so rigid as to give a presumption of honesty and integrity.

Mr. DENISON. Exactly.

Mr. JONES of Texas. Is this provision limited to securities that have already been issued and distributed?

Mr. DENISON. Yes; entirely.

Mr. JONES of Texas. But it can not apply to new issues that are made hereafter?

Mr. DENISON. The gentleman gets the idea exactly. That is the language.

Mr. MAPES. That is the idea.

Mr. DENISON. It refers to securities already issued and outstanding.

Mr. BARKLEY. I think that gentlemen who on first consideration discover provisions of the bill which arouse their fears will reach the conclusion that the measure is designed not only to punish fraud in the sale of bogus stocks and securities but is intended to interfere with legitimate business as little as possible.

Mr. BARKLEY. Mr. Chairman, I have taken more time than I intended. How much time have I occupied?

The CHAIRMAN. The gentleman has consumed 48 minutes.

Mr. BARKLEY. I yield 10 minutes to the gentleman from Missouri [Mr. HAWES].

Mr. HAWES. Mr. Chairman, there seems to be some misunderstanding about the operation of this proposed law. There are 38 States in the Union with blue sky laws, and the commissioners of these States found that it was impossible to enforce State laws because the salesmen of fraudulent stocks in order to avoid the penalty of a State law would move into another State and use the agency of the mail or express company to do the thing that the State in which they operated prohibited. These blue sky laws are not entirely uniform, but in the main they are the same. The great difficulty of the blue sky law originates from the fact that unless carefully worded it would stop the circulation of millions of dollars of proper stocks and bonds, which would cripple the banking and brokerage business of the entire country. So these State commissioners found there were certain exemptions made in each State of certain forms of securities.

The committee in writing this law, having before it witnesses from the various States, sought to do two things, and only two things. The first was to strengthen the blue sky law, which the various States could not do, and protect them from the outlaw who lives outside of the State; and the next was to permit the free circulation of honest stocks and securities. So this bill will not make a single penalty that is not now upon the statute book of some State. But it does make a penalty for a man from another State who attempts to commit a fraud. The trouble in writing the law was to make the legitimate stock flow easily and freely through the arteries of commerce. These commissioners, acting in conjunction with other witnesses before our committee, investment bankers, associations, and State agencies, have set out in the national law which is now proposed certain exemptions so that legitimate stocks may not be interfered with. Among other exemptions were the stocks that are now listed on the leading stock exchanges of the United States. These leading stock exchanges are in the great cities. It does not mean that stock issued from a smaller city is not a proper and legitimate stock and can circulate, but it does remove from suspicion and interference in interstate transactions 75 or 80 per cent of the legitimate stock in the country. I venture the assertion that there is not a stock exchange in the United States that does not have this large class of securities listed from these three exchanges. That was why this particular exemption was made.

Our committee worked for several weeks trying to define this great volume of legitimate commercial paper in another manner, and we found it impossible to describe it other than by listing in this particular way.

The bill does not say that stock issued from any other State complying with the laws of that State that come under these provisions shall not freely circulate in the mail, but it says that this great class of securities which are not in dispute, that are not attacked by anyone, shall move. I confess that the hearings before the committee will show that I opposed most vigorously the exact language employed here, but our committee was unable to find any other description which would take its place.

It is reported that last year some $500,000,000 in fraudulent stock was sold in the United States, not to banks, not to trust companies, not to brokers, but to ignorant people who did not investigate. Five hundred million dollars in one year was the amount of fraud perpetrated upon the gullible people of the United States. So this law has but two objects—one to make the State laws enforceable, not to add to the penalties of the State laws or to make them more rigorous, but to take from the scoundrel who sells the stock to the unsuspecting public the use of the agencies of the United States Government.

The difficulty came in trying to protect the victims of these people and not to interfere with that great volume of business which was not tainted in any way. To interfere with this great volume of business would check the commercial liquidity of the stocks and bonds of the United States.

This is a technical bill. There is hardly a line in it that has not received close study. The words have been carefully gone over again and again to find out their exact meaning and every shade of meaning, and, after we finish our work, we believe we are doing the two things I have mentioned—strengthening the arm of the States to reach the rascal that defrauds the people of the States and yet leave free for circulation all legitimate stocks and securities. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield 15 minutes to a member of the committee from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I think time will develop that this is one of the pieces of big legislation that this Congress has passed if it becomes a law. I think it is really a measure of superlative merit and one that will rank with the pure food law and other laws of this kind that have been passed. The committee has given it very careful and close consideration. I have been asked by the gentleman from Illinois [Mr. DENISON] to pay some attention to the legal phases of this matter, with the idea that perhaps there might be some doubt in some minds about some of the legal questions in regard to it.

I do not care to weary the House with a long legal argument, but it may be advisable to refer briefly to some of the objections that have been raised by people who have opposed this bill. The bill, it will be noticed, in its first section makes certain definitions. The second section makes it unlawful to transport in interstate commerce certain securities, advertisements, and so forth. The third section makes it unlawful to deposit in the mails the same things. The fourth section exempts certain securities and so does the fifth, and the sixth provides penalties, while the seventh section in general makes void the contracts that were made in violation of this law. The right of the Federal Government to enact this kind of legislation is secured by the constitutional provision in Article I, section 8, giving Congress the right to regulate commerce with foreign nations, and among the several States and with the Indian tribes. From the earliest date our courts and our legislatures, both State and National, have been frequently engaged with the construction of this particular constitutional provision, as to just what it means, how far it goes, and what the particular relations are between the State and the Nation in the matter of commerce. Heretofore the question has always been, How far can the Federal Government go into the regulation of commerce between the States? It has finally come, in my judgment, after looking at the authorities and the laws passed, to the point where the question of commerce between States is not now merely a question of trade between the States but has become a question of intercourse between the States, which may be regulated by the Federal Government under this constitutional clause. It is astonishing to look at the great variety of things which have been held to be interstate commerce by law, and which one on a casual glimpse at the matter would think would not be so. Let me state a few of the acts that have been passed.

The first one is to be found in Third United States Laws, at page 529, and was passed in 1803. It prohibited the importation of slaves into any place where by law of that State importation was forbidden, and provided for suits for damages, and that one-half should go to the informer, and for the confiscation of vessels engaged in such trade.

In the Twenty-sixth Statutes at Large, page 313, the first interstate liquor law was passed. That law prohibited the transportation of liquor from State to State, and provided that all fermented liquors transported into a State for sale shall—and I wish the gentleman would notice the language—

> Upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory.

That was as broad as any statute could be made.

In the Twenty-ninth Statutes at Large, page 512, it was made unlawful to deposit with a common carrier for transportation to another State obscene books, and so forth, and the act contained certain remedial provisions.

In the Thirty-fourth Statutes at Large, page 768, the shipment of adulterated foods or drugs from one State to another was prohibited and adequate punishment provided.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. STEVENSON. The gentleman is right on a point that I am bothered about in respect to this bill. That is the part that provides that any purchaser of these things may void the contract at his own election. None of the laws to which the gentleman has referred go so far as to say that the druggist who purchased the drugs which were not pure should have the right to rescind the contract. Of course, if it was a fraudulent transaction the State law would take care of the matter, and the State law is the proper law to take care of that.

Mr. DENISON. Mr. Chairman, if the gentleman will permit, an answer to the gentleman from South Carolina is the Clayton antitrust law, which provides civil damages and provides that they may recover treble.

Mr. STEVENSON. But it provides recovery of that as a penalty for violation of a Federal law, to be recovered in the Federal courts.

Mr. GRAHAM of Illinois. In this pure-food law the provision was that any article misbranded or adulterated, within the provisions of the law, when shipped in violation of the act, might be libeled, confiscated, taken away, and destroyed.

Thirty-sixth Statutes at Large, page 825, the Mann Act, prohibits the transportation of women for immoral purposes and provides for the prosecution in any court in any jurisdiction through which the woman passed, and provides a penalty for the keeper of a prostitute who does not report that fact to the Commissioner of Immigration, which was the farthest stretch of the interstate commerce clause of the Constitution that had ever been enacted, and yet it was held to be constitutional.

Twenty-eighth Statutes at Large, page 963, prohibited the deposit of lottery tickets in the mail, and that act put an end to the lottery business in the United States.

In the case of Hoke *v.* United States (227 U. S. 392), which was the case deciding the Mann Act, the court said:

> The power reserved to the States and those conferred on the Nation are adapted to be exercised whether independently or concurrently, to promote the general welfare, material and moral. This is the effect of the decision, and surely if the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women, and more insistently of girls.

Therefore, we can see by that brief glance at the laws that have been enacted, and I have not mentioned all of them, but some that are typical of the whole, that the field of regulation of interstate commerce extends much further than the original framers, I imagine, intended, and goes so far as to hold that the regulation of interstate commerce mentioned in the Constitution may amount to a prohibition of that commerce. Many of these statutes that have been passed had the effect of a prohibition of a particular traffic. This is more than a regulation, but it has been held to be a regulation under the commerce clause of the Constitution.

It has been claimed that this kind of a law in its exercise of police powers goes too far and transgresses upon the rights of the States, that the States alone have the right to regulate by the police power these various things sought to be inhibited by this bill.

That is not the law, as I understand it. There can be no doubt that the States have power to control the sale of securities of various kinds within their respective borders and may enforce their regulatory provisions by the exercise of such police powers as are necessary. In support of that proposition permit me to call attention to the recent case of Stewart *v.* Brady (300 Ill. 435). The Legislature of Illinois enacted a blue sky law, very stringent in its terms, providing penalties for a failure to comply with its terms and creating certain classes of exempted securities. The Supreme Court of Illinois, in the Stewart case, held that this was a proper exercise of the police powers of the State. There is no penalty or prohibition created by the bill now under consideration differing in principle from the Illinois statute in question. In Hall *v.* Geiger-Jones Co. (242 U. S. 539) a similar statute of the State of Ohio was held valid. In Merrick *v.* Halsey & Co. (242 U. S. 587) a Michigan statute of the same kind was upheld, and in the same volume, page 559, a South Dakota law of the same kind was held constitutional.

In all these cases, in ruling on statutes where exemptions were made, where classes of exempt securities were made as are made in this bill, where contracts were held to be voidable by the statute or made void, where all sorts of penalties were inflicted, the Supreme Court of the United States and the supreme courts of the various States have held distinctly and at length that those were proper powers to be exercised by the various States, and that laws exactly like this constituted a valid exercise of the police powers of the State.

Now we will go a step further. The Supreme Court of the United States has said in very distinct and positive language, in a long line of cases, part of which I shall cite, that the same police powers which any State has the Federal Government has; that the Federal Government in the enforcement of its laws can exercise exactly the same police powers that any State can exercise. It follows, therefore, as a matter of course, that if that is true, these incidental powers that are given by this bill, intended to be conferred on the various courts, the one as to holding a contract to be void, the other as to the infliction of a certain punishment, is a valid exercise of the power of Congress in passing this sort of legislation.

Let me now call attention to some of these decisions:

> A government intrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally

depends, must also be intrusted with ample means for their execution. (McCullough *v.* State of Maryland, 4 Wheat. 316, 408.)

The government which has a right to do an act and has impressed on it the duty of performing that act must, according to the dictates of reason, be allowed to select the means; and those who contend that it may not select any appropriate means, that no particular mode of effecting the object is excepted, take upon themselves the burden of establishing that exception. (410, supra.)

All admit that the Government may legitimately punish any violation of its laws, and yet this is not among the enumerated powers of Congress. (416, supra.)

The right to punish is a right incidental to the power and conducive to its beneficial exercise. (418, supra.)

The principle established by the cases is the simple one, when rid of confusing and distracting considerations, that Congress has power over transportation among the several States; that the power is complete in itself, and that Congress, as an incident to it, may adopt not only means necessary but convenient to its exercise and the means may have the quality of police regulations. (Mann Act, Hoke *v.* U. S., 227 U. S. 323.)

Mr. Justice Field said:

The power [to regulate interstate commerce] also embraces within its control all the instrumentalities by which that commerce may be carried on, and the means by which it may be aided and encouraged. The subjects, therefore, upon which the power may be exerted are of infinite variety. (Gloucester Ferry *v.* Pa., 114 U. S. 196, 204.)

Congress may establish police regulations as well as the States, confining their operations to the subjects over which it is given control by the Constitution. * * * Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish and to descend to the most minute directions if it shall be deemed advisable. (215, supra.)

We are now arrived at the inquiry. What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed by the Constitution. (Chief Justice Marshall.)

The power * * * is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. (Giffons *v.* Ogden, 9 Wheat. 197, 347.)

In determining the character of the regulations to be adopted, Congress has a large discretion, which is not to be controlled by the courts, simply because, in their opinion, such regulations may not be the best or most effective that could be employed. (Lottery case, 188 U. S. 321, 353.)

We think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional. (McCullough *v.* Maryland, 4 Wheat. 316, 421.)

The Constitution leaves to Congress—

that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional. (Lottery case, 188 U. S. 255.)

The whole subject matter is summarized by Cooley in his Constitutional Limitations as follows:

It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and to descend to the most minute directions, if it shall be deemed advisable. * * * Congress may establish police regulations, as well as the States. (Cooley's Cons. Lim., p. 856, 7th ed.)

So I think there is no doubt, gentlemen, about the constitutionality of that part of this act which provides the penalties and holds contracts void, because such powers are incidental to the general power which is doubtless in Congress.

Mr. STEVENSON. I have been trying to agree with the gentleman that they are void, because it is declared that the contracts are in violation of the State law.

Mr. GRAHAM of Illinois. I believe you are right. But I believe the Federal Government could make them void, if necessary, to enforce this broad provision.

There is one remaining question, and one only, and that is that it is alleged to be a delegation of power to the States, giving them the power to make regulations which we by this act declare to be unlawful as soon as the States enact them. I have looked into that matter with some care.

Mr. HOCH. Right upon that point, the gentleman has made a study of the legal phase of this, and I want to ask him if he has investigated this particular question here as to whether it is an unlawful delegation of legislative power to provide that a thing which the States some time in the future may declare to be unlawful shall constitute a Federal offense? In sections 3 and 4 we provide that where there are certain things unlawful within a State it shall be now unlawful to do them as a Federal proposition.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WINSLOW. Mr. Chairman, I extend the gentleman's time five minutes.

Mr. HOCH. I shall make my question very brief. I do not want to impose on the gentleman. As I understand it—and I am in sympathy with this proposition—we provide here that if at any time in the future any State makes any particular sale unlawfully, it shall then become unlawful to use the interstate commerce for effecting a sale in that State. The question in my mind is as to whether that amounts to a delegation of legislative power to the States—that is, do we permit the States to determine the nature of a Federal offense to such an extent as it might be held to be an unlawful delegation of legislative power? Has the gentleman investigated that?

Mr. GRAHAM of Illinois. Yes; I have. I have looked at all the cases I can find on that subject, and I have examined all the laws I can find that were ever passed by Congress, although I may have missed some. I have examined them and looked at their language to see whether they included things that might happen in the future. As I have called to your attention, I think these statutes do include things that might thereafter be made violations of law by the statutes of a particular State. For instance, the act heretofore cited prohibiting the importation of slaves into a State. This prohibition was made broad enough to include any State that might thereafter enact such slave-prohibiting legislation.

Mr. HOCH. The offense of bringing a slave into a State is determined in the act of Congress to which the gentleman refers. In this case it is not a question of determining it in a particular number of States. The question is whether we have made the offense so uncertain that we have opened it to the constitutional objection to setting up or providing a delegation of legislative power in effect. Take the Webb-Kenyon Act, to which the gentleman refers, and in that case, as I remember, there was no question of there being in the future an offense which was not an offense at the time of the passage of the act. But in this particular case something may become an offense in the future which is not an offense at the time of the passage of this act.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. STEVENSON. Does not the West Virginia act provide that when you ship liquor into a territory which was then dry, or might thereafter be dry, you commit an offense?

Mr. HOCH. Yes. In that case the offense was the same—shipping liquor into dry territory. I think this is closer than that, because something may in the future be an offense which is not now an offense under this act.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. Can the gentleman give me more time?

Mr. BARKLEY. I will give the gentleman three minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes more.

Mr. GRAHAM of Illinois. In many instances the Congress has enacted laws to assist the various States in the enforcement of their local laws and to prevent inhabitants of other States from, in effect, violating such laws through the instrumentalities of interstate commerce. In recognizing the laws of such States and in protecting the people of such States from interstate commerce in violation of the spirit of the same, the Congress is not delegating to such State any of its legislative functions. The first act of Congress of the kind which I have found was the act of August 7, 1789, which provided that all pilots in bays, and so forth, of the United States should continue to be regulated by the laws of the various States where the pilots were located until further provision should be made by Congress.

Other laws making it unlawful to ship in interstate commerce persons or property where, by the laws of a State, trade in such things was forbidden are as follows:

Third United States Laws, 529, already referred to, which made the shipment of slaves into a State forbidding the importation of slaves by law unlawful.

Twenty-sixth Statutes at Large, 313, where fermented liquors could not be shipped into a State where by the laws of such State such liquor could not be sold.

Thirty-fourth Statutes at Large, 768, which recognized the laws of certain foreign countries in this language:

Provided, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped.

Thirty-ninth Statutes at Large, 1069 (Reed amendment), which contained this language:

That no letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous,

malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors, or any of them, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier when addressed or directed to any person, firm, corporation, or association, or other addressee at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to advertise or solicit orders for such liquors or any of them, respectively.

Fortieth Statutes at Large, 755, the migratory bird treaty law, provided, in part:

SEC. 4. That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured, killed, or taken, or from which it was shipped, transported, or carried.

To the same effect, but as to different subject matter, was the Webb-Kenyon Act.

The bankruptcy law of the United States gives to each bankrupt the exemptions assured him by the laws of the State in which he resides. The act has been attacked on the grounds that it gives to different bankrupts different allowances and hence is not uniform in its operation. The Supreme Court, in holding the act constitutional, said, in part:

It was many times ruled that this provision was not in derogation of the limitation of uniformity because all contracts were made with reference to existing law, and no creditor could recover more from this debtor than the unexempted part of his assets. (Hanover Bank *v.* Moyses, 186 U. S. 189.)

In conclusion, I want to call attention to a decision in the case of In re Rahrer (140 U. S. 561, 564). The court, in passing on a statute making shipments of intoxicants into States where sale of such liquors was forbidden unlawful, said in part:

In so doing Congress has not attempted to delegate the power to regulate commerce, or to exercise any power reserved to the States, or to grant a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in State laws in dealing with such property.

Again, on page 564, this statement is made:

Congress did not use terms of permission to the State to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part. It imparted no power to the State not then possessed, but allowed imported property to fall at once upon arrival within the local jurisdiction.

In view of the authorities cited I am of opinion there can be no question about the constitutionality of the bill.

Now, finally, I want to make just a few remarks apropos to the suggestion that has been made here by some of the Members, that this act gave a right to certain securities to circulate in certain States. It does not do anything of the kind. This list of exempted securities here does not exempt anything from the operation of State laws. Nothing could go into a State that can not go in now. The only thing that is done by that particular provision in this bill is that we say as regards certain kinds of securities, "We do not legislate." That is all there is to it. The power of the States remains as it always has been, inviolate. The only thing that this bill does is to help States to keep fraudulent securities out of their borders when they are attempting to do it, and it is a very laudable object. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCFADDEN having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had still further insisted upon its amendments in disagreement to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, disagreed to by the House of Representatives, had requested a further conference with the House on the disagreeing votes of the two Houses thereon and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

"BLUE-SKY" LEGISLATION.

The committee resumed its session.

Mr. BARKLEY. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from South Carolina is recognized for 15 minutes.

Mr. STEVENSON. Mr. Chairman and gentlemen, this bill is one of very considerable importance. The principle enunciated in it is a very proper principle, and while there may be some power conferred that will appear drastic, yet in consideration of the vast frauds that are perpetrated and have been perpetrated for years on the unsuspecting people of this country, I am inclined to think that it is a judicious bill to pass. There may be some amendments that should be adopted.

I wanted to talk for a little bit about taxation this afternoon, and taxation from the standpoint of the Sixty-seventh Congress. We were confronted a few days ago with a statement from the Secretary of the Treasury to the effect that in the fiscal year 1923 we would probably have a deficit of $500,000,000, and it was intimated and it necessarily follows that new legislation in taxation would have to be enacted in order that that deficit may be cared for, because it is inconceivable that this Government in times of profound peace, with the world proclaiming the fact that we are now at peace with all the world and have it nailed down, would sell bonds or borrow money with which to pay its current expenses.

Now, in that matter of taxation which is confronting us, it is a very pertinent question to ask, To whom will be committed the preparation of the proposed taxation in the Sixty-seventh Congress—that part of it which remains? That Congress must make provision if provision is made. I desire to put before this House a discussion made by a very distinguished Republican on that subject, a Republican who hopes to occupy a seat in this House during the Sixty-eighth Congress, although I hope some good Democrat will disappoint him. When this statement was written that gentleman had just been nominated for Congress. He says:

PUT MILLIONAIRE OUT OF CONGRESS—FRANK R. REID TELLS HOW HE DEFEATED COPLEY, HOUSE LEADER, IN PRIMARIES—URGES A "PEOPLE'S BLOC"—WAGED CAMPAIGN AGAINST SWAY OF BIG INTERESTS.

One of the big upsets in the beginning of this year's congressional campaign was the defeat of IRA C. COPLEY, member of the powerful House Ways and Means Committee, in the primaries in the eleventh Illinois district. The World asked Frank R. Reid, the successful Republican opponent, how he accounted for his victory. The reply is below:

CHICAGO, *April 16.*

To the WORLD:

The Volstead law had nothing to do with my victory. The campaign was waged against the system by which a dozen men of great wealth dominate the action of Congress on matters of tariff and taxation and use their great power to secure legislative protection of their own special interests.

I showed the financial and business interests of the 17 Republican members of the Ways and Means Committee, of which 11, including COPLEY, are millionaires or multimillionaires, and urged the necessity of having a "people's bloc" to oppose this "millionaire bloc" to return the power of government to the people.

I pledged myself to uphold the policy of progressive, independent men in Congress who believe that the interests of the mass of the people deserve first consideration. I campaigned against the present certificate form of bonus bill in favor of a cash bonus, to be paid out of excess-profits tax and surtax or from foreign loans. Condemned COPLEY'S action in supporting the repeal of the excess-profits tax and in supporting the reduction of the surtax on incomes; also the action of COPLEY and the Ways and Means Committee on the dye embargo.

FRANK R. REID.

That is signed by Frank R. Reid, recently nominated for Congress by the Republicans in the eleventh district of Illinois. To that he appends a sample sheet of his literature upon which he appealed to the unterrified voters of the great State of Illinois. He says:

Who are the men who frame the revenue and impost laws of the Nation which vitally affect the interests of every business man who has something to sell or manufacture, every farmer who produces a bushel of grain or a pound of beef or hogs, and every wage earner in the eleventh district?

The committee is composed of 17 Republicans and 8 Democrats. The Republicans, of course, control the committee under the present administration; in fact, a bare half dozen of the leading members dominate the proceedings of the committee and determine its action in respect to legislation on taxation, tariff, and other vital subjects.

He gave this list of the 11 rich men:

Chairman JOSEPH W. FORDNEY, Michigan, millionaire lumberman.

NICHOLAS LONGWORTH, Ohio, a millionaire by inheritance, interested in various banking and industrial enterprises, including an interest in dye and chemical companies.

IRA C. COPLEY, Illinois, multimillionaire, controlling gas companies and three newspapers of the eleventh district, interested also in mining and other properties.

LUTHER W. MOTT, New York, wealthy banker, former president of the New York State Bankers' Association.

ISAAC BACHARACH, New Jersey, millionaire real estate broker, first vice president and director of the Second National Bank and also director of Atlantic Safe Deposit & Trust Co. at Atlantic City.
ALLEN T. TREADWAY, Massachusetts, millionaire hotel owner and magnate.
CHARLES B. TIMBERLAKE, Colorado, wealthy banker and stock raiser.
GEORGE M. BOWERS, West Virginia, millionaire banker and orchardist, president of People's Trust Co., Martinsburg, W. Va.
HENRY W. WATSON, Pennsylvania, wealthy retired business man who made his fortune in various commercial and manufacturing enterprises.
ALANSON B. HOUGHTON, New York, (a Member during the special session but recently resigned to become ambassador to Germany), a multimillionaire glass manufacturer.

And I might pause to say parenthetically that since his departure for Germany he has been succeeded by the distinguished gentleman, Mr. Ogden Mills, of New York, reputed also to be a multimillionaire and said to be exceedingly close to the great banking firm of J. P. Morgan & Co.

THOMAS A. CHANDLER, Oklahoma, millionaire oil magnate.

That, gentlemen, is not any of my fiction. If it is fiction, it is the fiction of one of the colleagues of gentlemen on the Republican side of the House in the next Congress if they can elect him from the eleventh district of Illinois. I am inclined to believe his testimony——

Mr. TINCHER. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Kansas.

Mr. TINCHER. Do I understand that the gentleman is indorsing or condemning that platform?

Mr. STEVENSON. I am proposing right now to discuss that question. I call this gentleman from Illinois and prove by him that the members of the Ways and Means Committee, which will frame this taxation bill foreshadowed by the Secretary of the Treasury and properly foreshadowed also by the Chief Executive of this Nation, are men who are interested in protecting and taking care of the millionaires of this country and unloading the burden that must be placed somewhere, upon the shoulders of the common people who have small incomes.

Now, gentlemen, there is another thing in connection with that matter that I want to say. I sometimes turn back and look at the Republican platform of two years ago:

We undertake to end executive autocracy and to restore to the people their constitutional Government.

That is one of the promises made by the Republican platform of 1920—one of its important planks. Well, let us see how much that has been done. In fact, I want to say without hesitation that it is a good thing this "blue sky" law was not passed before 1920. The gentleman told us how many people were defrauded and flimflammed in 1920 and 1921 by selling all sorts of stock and making all sorts of promises as to what they would do. If they had passed this bill before that and made it just a little broader, the Republican Party could have been indicted right now for having flimflammed the people on a promise of decentralizing the Government and reducing taxes and expenses. [Applause and laughter.]

Now, what has happened? Let us see what has happened about this autocracy business. Last year we passed a bonus bill through this House. What happened? It went over to the Senate, and the President of the United States, for the first time in the history of the Congress of the United States since its foundation, appeared on the floor of the Senate in a speech against a measure there pending. We have had Presidents who called both Houses together and advised and consulted with them and told them what ought to be done, but there was the spectacle of a President appearing in proper person and making a plea on the floor of the Senate of the United States to sidetrack the bonus bill that had been promised to the boys and by implication had been promised by the President himself.

Well, let us see another thing. He serves notice that this bonus bill which has lately been passed by the House must have a tax attached to it, and preferably a sales tax, which will hang a tag around the neck of every soldier in this country who receives it saying that he is taking money out of the pockets of his neighbors; because whenever a man goes in and buys a dozen cigars and has to pay a sales tax he remembers that he is paying this bonus tax, and he will say, "Yes; I am paying this to that fellow that is loafing around here in a uniform." That is what it will do, and the President told us that this must be done; and the prediction is made very freely that if the bill is passed he will veto it unless it contains that provision. Yet they were promising to end Executive interference in the Government. They made no such provision in the bill by which they gave the railroads six hundred and forty millions.

The President endeavored to control this House on the surtax bill. I am glad to see that Mr. Reid, if he comes here from the eleventh district of Illinois, is going to be in favor of a high surtax and for the excess-profits tax, and we are going to have it, unless the millionaires on the Ways and Means Committee succeed in putting it somewhere else. I will say, by the way, that the distinguished gentleman from New York [Mr. MILLS] who was added to that committee the other day, when the revenue bill was under discussion on the floor of this House last summer, advocated raising the revenues of this Government by placing a tax on what you spend. Therefore, the man who made $1,000 and had to spend it all would have to pay a per cent of everything he made, while the man who made $1,000,000 and spent $50,000 of it would salt down $950,000 and pay taxes only on the $50,000 out of the $1,000,000, or on one-twentieth of what he made. That is the kind of timber they are adding to this committee that is going to frame this new tax bill.

Now, we had up here the other day the bill making appropriations for the Navy. What did we see? Talk about Executive interference! Why, gentlemen, let us see who all did come here. First we had Secretary of State Hughes. Who ever heard of the Secretary of State undertaking to interfere with the appropriations of the Government, and especially for the Army and Navy? Well, it did not look as if the House was going to get across with it, and then they had Secretary Denby, who had some legitimate right to communicate with us on the naval bill. That went along and did not seem to win, and then they called in the President, and to cap it all they called in Hanford MacNider with his demand for a big Navy and a big Army. Well, you say, "That is all right." Yes; it is all right; but it is not all right in the face of your declaration that you are going to stop the Executive from interfering with the liberties and deliberations of the House of Representatives. Ah, that did not succeed, you say. Well, several times he did not succeed, but he pocketed the bonus bill over yonder. He succeeded there for a good while.

He failed on the surtax. We passed another bonus bill without any tax feature in it; but, gentlemen, about three weeks ago Mr. Daugherty, who is a politician, opened the door a bit and gave out an interview and said that we are going to enforce the civil service in a sensible way, which means in a Republican way. Subsequently after the President turned off 28 men down here at the Bureau of Engraving and Printing, when he called the boys over here this time with just a little fleeting smell of pie, he put his proposition across; that is what happened. Now, those are some of the Executive interferences we have had, but what is the latest? We are going to have a tariff—that is one of the promises that we were to have a tariff adjusted to the new conditions subsequent to the war. We have been in session 13 months and no tariff, and now the Senate of the United States has confessed its inability to write one by doing what? By writing one in which it gives the President the right to shift it up or shift it down; he can go 50 per cent up or 50 per cent down, as he sees fit, as I understand the bill; I do not know whether anybody else can or not. He is given the right to shift the tariff one way or the other, according to his discretion, and yet you say you want no autocracy. The gentleman from Illinois, I think, was exactly right. Now, let us see what the great organ says about this. We had an overturn here the other day on the naval appropriation bill, and, by the way, they are trying to raise the Army bill in the Senate and the President is behind it. [Applause.] The Washington Post had this to say relative to the overturn:

From the point of view of those Republicans in Congress who have seen in the exercise by the President of a general party leadership, the only method whereby unity of party action can be accomplished and legislation enacted in consequence of the development of a composite party opinion, yesterday's events in the House were of far more than passing and momentary significance.

MAY SHIFT LEADERSHIP.

Many see in this instance of exercise of party leadership the beginning of a new policy on the part of President Harding. They appreciate the importance of the influence which the President can exert in directing party action on the bonus and tariff legislation now about to demand attention.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WINSLOW. Mr. Chairman, we have succeeded in extending the credit to a preferred class of membership, and I think it highly important we proceed with the bill to protect the people from the blue-sky frauds. For that purpose I yield five minutes to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. McFADDEN. Can the gentleman from Kentucky yield me 10 minutes?

Mr. BARKLEY. I will yield the gentleman five minutes.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I realize, as many of the rest do, the need of some regulation such as is provided in this

bill. I also realize that it is a delicate matter to provide a law of this character. The probabilities are that if such a law as this had been upon the statute books in the early days we would not have had much of the development that this country has had because of the fact that many of the developments when they first originated might have been subject to the provisions of a technical law like this. After they were developed, of course, they became more substantial. Therefore we ought to be very careful in legislation of this kind that we do not destroy initiative.

This measure seems to have much merit, and so far as it goes is desirable. For some reason, however, people who understand the mortgage business in this country have not been considered in the drafting of this bill and have had no opportunity to be heard at the hearings, and it would seem that there had been no study of the mortgage provisions of the bill by these people until after the bill had been reported out of committee.

I now find that this bill is defective from the standpoint of the legitimate mortgage banker in at least three particulars:

First. It seems to completely forbid the sale of investments secured by mortgage on properties not carrying buildings. This would bar several billions of dollars of mortgage financing of the highest grade and acceptable for the insurance companies and other conservative investors of the country.

Second. It forbids the sale of mortgage investments in the form of bonds, requiring that mortgages be sold to a single investor.

Third. It absolutely prohibits the offering of investments on real estate security outside of the confines of the United States. It puts a complete embargo, in other words, on all foreign investments of this character, although leaving the door wide open for every other type of foreign investment. It hardly seems to be the function of a "blue sky" bill to put a complete embargo on any one type of foreign investment, regardless of merit.

I want to point out that the effectiveness of the bill will not be interfered with in the least by the elimination of lines 4, 5, and 6, on page 7 of the bill, or at least the dropping of the words "60 per cent."

Paragraph "d" of section 4 permits bonds and notes to be issued against collateral securities, the full value of said securities, even though the market value thereof may be less than the amount of the notes or bonds issued against same.

I can not understand why there should be a line drawn between the common stock or collateral securities and the securities offered or secured by mortgages on real estate and to the discouragement of the latter.

The Ways and Means Committee to-day are considering a bill to amend the Constitution to repeal the tax-exemption subsidy. This will remove a barrier and will greatly relieve and facilitate the transactions in mortgage loans, and I want to protest against adding another burden equally as bad by such a proposal as I have just referred to.

I desire to show you that great injustice will be done to agriculture, and the financing of the farmers will be made much more difficult if this bill becomes a law in the form in which it has been reported. Equal injustice will be done to borrowers on city property.

The bill is intended to prevent the sale of fraudulent or valueless securities, and makes it unlawful to offer for sale through the mails or to transport through the mails certain securities with some exceptions. Sections 4 and 5 provide that the provisions of the act shall not apply to any of several classes of securities. Among those enumerated are the following described in section (h):

> Any bond or notes secured by a first mortgage lien on real estate or leasehold situated in the United States when the entire mortgage, together with all the bonds or notes secured thereby, are sold or offered for sale to a single purchaser or at a single sale. Also, any bonds or notes secured by first mortgage lien upon agricultural lands improved with farm buildings and used and valuable principally for agricultural purposes, or upon city or village real estate or leaseholds in the United States improved with buildings used principally to produce income through rental: *Provided*, That the par value of such bonds and notes does not exceed 60 per cent of the then fair value of the property so mortgaged to secure the same.

Within the last five years, since the graduated-income tax has gone into effect, a great change has taken place in the market for bonds and mortgages. Before heavy Federal surtaxes were imposed on wealthy investors who were formerly purchasers of large issues of bonds and of large mortgages it was comparatively easy to sell in large amounts. It is now almost impossible to sell taxable bonds or mortgages in large amounts, because the wealthy investors buy tax-exempt securities. A farm mortgage for ten, fifteen, or twenty thousand dollars is very difficult to sell, and the same difficulty is encountered in selling the bonds or notes of a mortgage of a similar amount to a single purchaser. In order to secure a ready market it is necessary to split up a $25,000 loan into thousand dollar parts or bonds and to sell one, or, at most, three or four of said bonds or parts to an individual. Individuals buying these portions of smaller value are those who receive small incomes not subject to heavy surtaxes. It is difficult to sell the bonds or notes representing a $5,000 loan to a single customer, and it would be almost impossible to finance large loans if obliged to sell under these restrictions.

The section further provides that in order to be salable the notes must be secured by first-mortgage lien upon agriculture lands improved with farm buildings.

A very large part of the most important farm loans are made upon lands not improved with farm buildings. These lands are cultivated and produce income the same as lands equipped with buildings. The farm-tenant problem is one of the most important that confronts American agriculture to-day. We have 2,454,746 farm tenants in the United States. Great efforts are being made to induce farm tenants to own their own homes. Thousands of tenants while occupying the buildings of rented farms purchase land without buildings, hoping to pay for their land while occupying buildings on the rented farm and later to equip their purchased land with buildings of their own. It would be very detrimental to the "own your own farm" movement if the procuring of such mortgage loans is made more difficult by this provision. In tens of thousands of instances farmers desire to extend their holdings by buying additional land for their own use or for the use of their sons. These additional lands are not usually equipped with buildings. It would be a waste of money in many instances to erect farm buildings on each new tract of land acquired. It is usually desirable to mortgage the newly purchased land. In thousands of cases farmers making loans give several mortgages each on a separate tract instead of one mortgage covering the entire farm. This is done for the purpose of making the loans attractive to small investors. The productive value of the land is the most important consideration in determining its mortgage value. Many companies make no allowance for buildings, and under the Federal farm loan act it is unlawful to allow more than 20 per cent of the insurable value of their buildings in determining the value, and thousands of loans are made by Federal land banks on which there are buildings. It would be unfair to borrowers from private investors to impose these additional restrictions. Without amendment, the bill as now drawn would work a great inconvenience to farmers desiring to purchase additional land.

The same sentence continues as follows:

> * * * and used and valuable principally for agricultural purposes.

Congress has made liberal appropriations to aid cattle and sheep men occupying ranches in the West. Grazing lands are not always classified as "agricultural." Until the language of a statute is finally passed upon by the Supreme Court no one can safely interpret its meaning. The Constitution of the United States was amended to provide that Congress might collect taxes on incomes "from whatever source derived." Our present Secretary of State, Charles Evans Hughes, then Governor of New York, addressed a message to the New York Legislature stating that in his opinion the amendment meant what it said.

By an involved and circuitous process of reasoning the majority of lawyers have convinced themselves that the Constitution does not permit the taxation of income from State and municipal bonds. Another amendment to the Constitution is now considered necessary in order to make the words "from whatever source derived" include income from State and municipal bonds. It is never safe to take chances on the meaning of a law. It is best to avoid ambiguity. A great injustice will be done to the cattle industry and the sheep industry unless the words "or grazing" after the word "agriculture" and before the word "purposes" are inserted. Congress ought not to enact laws to discourage cattle raising and sheep raising. The sentence continues:

> * * * or upon city or village real estate or leaseholds in the United States improved with buildings used principally to produce income through rental.

This would make it of doubtful legality for a loan agent to offer for sale bonds or notes secured by mortgages upon property occupied by the owners for dwellings and for business purposes, and would defeat the purposes of the "own-your-own-home" campaign that has been so patriotically supported by the American people. This would make it impossible for a merchant or hotel man or mill owner to borrow money on a large store or warehouse or hotel erected for use of the owner. In order to comply with the law the owner would be obliged to organize another company to hold title to the building, from whom it could be rented. This provision is of no value. It

serves no good purpose and it is an inconvenience to honest business, without affording protection to investors. It would appear that this might be amended to make it more clear.

If this bill is to become a law all classes of securities ought to be treated impartially. All should be placed on the same level. There should be no discrimination against mortgages on farms and homes and factories. No criticism is urged now as to exceptions made in favor of other securities, but a comparison shows that unusual and unnecessary impairments have been thrown in the way of the borrower on real estate security.

Paragraph (i) of section 4 permits the sale of commercial paper with no limitations, except as to date and maturity.

Subsections "a" and "b" of paragraph (3), section 4, permit the sale of preferred stock in corporations at par if the net assets are equal to or exceed 125 per cent of the stock then offered for sale. That makes the preferred stock equal to 83⅓ per cent of the value of the property. Such assets are often some form of personal property, machinery, or merchandise liable to depreciation through obsolescence, fire, business competition, or other causes. Real estate is a much more stable security, and a loan of 100 per cent on the cash value of real estate is usually more reliable than 83⅓ per cent on the assets on the average corporation that could qualify under this act.

The profits possible in the sale of real-estate mortgages on honestly appraised property are too small to attract the high pressure stock salesman or the other get-rich-quick artists. Senator Kenyon, of Iowa, stated last year that the people of his State were defrauded of over $200,000,000 in one year. The Senator was probably conservative in his statement. These losses were not incurred through investment in mortgages on farms or city homes.

In the blue-sky law of the State of Illinois, which is extremely drastic, no prohibition is made against the sale of mortgages on land situated in the Dominion of Canada. In the Denison bill, recommended, Canadian securities are on the prohibited list. Canadian land mortgage securities sold in this country compare favorably with first-class mortgages based on real estate situated in the United States. Probably the attention of the committee was not called to the apparent injustice and unfriendliness of this legislation against Canadian securities. While the Canadian Government may not call attention to this action of the congressional Committee on Interstate and Foreign Commerce, in business and financial circles it will be considered a decidedly unfriendly act.

In its present form the bill seriously reflects on real-estate mortgages. They are not given the standing of common stock (see (c), p. 9), which may equal 100 per cent of the value of the property. Farm mortgages by the bill in its present form may be salable only when they do not exceed 60 per cent of the value of the property. This would cause great hardship to parties with small capital desiring to purchase farms or homes.

The restriction on real-estate mortgages is in marked contrast with the provision in paragraph (d) of section 4. The latter permits bonds and notes to be issued against collateral securities to the full par value of the said collateral securities, even though the market value of the collateral securities may be far less than the amount of the notes or bonds issued against them.

On page 13 of the report of the hearings of February 15, 1922, the following appears:

Mr. GRAHAM. In your fourth proviso under this section 4 you state that bonds or notes or other evidence of indebtedness issued by a holding corporation may be issued when they are backed by the securities mentioned in this clause, but provided that the collateral securities equal in par value the par value of the bonds, notes, or other evidences of indebtedness so secured.

Now, then, you say:

"If any portion of the collateral securities consists of stock of no par value, then for the purpose of this subdivision such stock shall be deemed to have a par value equal to the price at which such stock was authorized to be issued by the public commission having supervision of the issue of such stock."

That is, I assume, irrespective of the face value at the actual time of pledging. It may have been issued at 25 cents on the dollar, and it may be worth at the time the securities are issued 5 cents on the dollar. Why is that value fixed arbitrarily in that way?

The question of Mr. GRAHAM was not satisfactorily answered.

The general purpose of the bill is to prevent the use of the United States mail and common carriers for the transportation of letters advertising matters and securities in order to make sales in violation of the blue-sky laws of the several States. The intent of the law will be approved by every honest lender and by every honest borrower, but it needs careful revision before it will accomplish the purposes intended. Section 12 of the bill provides an exception to the general rule regarding Federal statutes. Nothing in the act shall be construed to supersede "any law of any State now in force or hereafter enacted to regulate the sale of securities within such State."

Sections 4 and 5 of the bill are intended to render dealers in certain classes of securities immune from the penalties of this act. These sections were prepared by exceedingly able attorneys representing these interests. The reports of the hearings before the committee do not show that any representatives of farm borrowers or city real estate borrowers appeared before the committee to discuss paragraph (h) of section 4, relating to real estate loans. Neither did representatives of real estate mortgage dealers appear. Usually bills relating to bonds and mortgages are considered by the Committee on Banking and Currency. As this bill was referred to the Committee on Interstate and Foreign Commerce because of its effect on commerce between the States, it did not come to the attention of borrowers, investors, and dealers until after it had been reported for passage.

In its present form the section relating to real estate loans will be more of an embargo on legitimate business than a hindrance to fraud.

Members of the Farm Mortgage Bankers' Association and other reputable mortgage bankers produce and sell first mortgages on improved farm lands. Their loan limits are 50 per cent of the appraised cash value of the land. They are not directly interested in city mortgages or second mortgages as commodities of commerce, but they realize the handicap which the Denison bill in its present form will impose on deserving borrowers in city and in country.

If the bill were amended by striking out the two immunity sections 4 and 5 entirely, it would serve its purpose much better than in its present form unless paragraph (h) of section 4 is amended.

Real estate securities are not a prolific source of fraud. The public would be amply protected if paragraph (h), on page 6, was made extremely short and to read as follows:

(h) Any bonds or notes secured by a mortgage lien on real estate or leasehold (other than oil, gas, and mining lands) situated in the United States or in the Dominion of Canada, or any mortgage thereon, when the aggregate face value of such mortgage or bonds or notes (but not including interest notes or coupons) secured thereby does not when issued exceed the fair market cash value of such real estate or leasehold.

Mr. BARKLEY. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LANKFORD] such time as he desires.

Mr. LANKFORD. Mr. Chairman, during the World War the United States began and carried far toward completion a great development at Muscle Shoals at tremendous cost for the great purpose, among others, of obtaining nitrogen from the air for war purposes in time of war and for use in fertilizer in peace times.

Everyone was much in favor of the enterprise during the war. The enterprise would have been pushed to fullest capacity had the war lasted. Work would be immediately renewed should war start again. All agree Muscle Shoals, if finished, would be very valuable in a future war and would probably be worth more than many mighty battleships and millions of trained men, for these are of no value without ammunition. Why has the development stopped so suddenly? The answer must be apparent to everyone. There is a strong combination in and out of Congress which do not want the plant operated by the Government or any private enterprise for the benefit of the agricultural interest. There can not be any other reason. All favored it for war purposes. The opposition arose after the war. The development was suddenly stopped only when it became apparent that nitrogen was soon to be furnished at reduced prices for agricultural purposes. Many are extremely anxious to see the Government let go to wreck the work begun and lose many millions of dollars rather than see the enterprise operated for the farmers. Men in Congress have said on this floor that they would be willing for the work to be finished if assured it would be shut down and not operated for the agricultural interests or if they could be assured it would be sold or leased to some private enterprise to be operated for private gain. Those opposing the development do not want cheaper nitrogen for farmers. They would be glad for Muscle Shoals to be owned and operated by a syndicate which would furnish nitrogen at a high price and which would not at all interfere with those making enormous profits out of the farmers.

They think this would be a stimulant to business. They believe cheap nitrogen and cheap fertilizer would injure their business and the business of their friends. I believe cheap nitrogen would injure those making enormous profits out of the importation of Chilean nitrates and those engaged in dealing in nitrates on a large scale at excessive profits. I want to hurt their unfair business. Cheap nitrates would not hurt the small guano concern which is anxious to furnish fertilizer as

cheaply as possible to the farmers. It would certainly be a godsend to the farmers of the country. I quote from the speech of Hon. EDWARD B. ALMON, of Alabama, before the Military Affairs Committee of the House on March 8, 1922:

Mr. Ford not only offers a very fair price for the nitrate plants, but agrees to keep nitrate plant No. 2 at Muscle Shoals in an up-to-date running condition and available to the Government without cost if it should ever be needed for military purposes and the manufacture of munitions. It is now in a stand-by condition, expensive to guard and maintain. The older it grows the more expensive the maintenance charges will be. With the very best care it would rust out and greatly deteriorate in value. The fixation of atmospheric nitrogen is a comparatively new art, and it will be improved from time to time; and in order for this plant to keep pace with the progress of the art and be an up-to-date going concern in the event of a military emergency it must be operated in peace times.

Besides, the act of Congress making provision for its construction provided that it should be operated in peace times for the manufacture of fertilizer. So the acceptance of the Ford offer preserves this plant as a military plant and at the same time makes provision for its operation by private capital in peace time for the manufacture of fertilizer. The maintenance of the plant by the Ford company, relieving the Government of all expense and keeping it in an up-to-date running condition, is of inestimable value and would save the Government many millions of dollars, besides the advantages to agriculture, the basic industry on which the success and prosperity of every other business depends.

Mr. Ford further agrees to operate nitrate plant No. 2 during the entire period of the lease to its full capacity in the manufacture of commercial fertilizer and sell direct to the farmers at a price not to exceed 8 per cent over the actual cost of production, through a board nominated by the farmers' organizations and appointed by the President.

The present capacity of the plant would produce about 2,000,000 tons of fertilizer, which is about 30 per cent of the amount of fertilizer consumed in normal times. It has been clearly shown that with cheap water power the Ford company can make fertilizer at about one-half of the present price. The Nation's fertilizer bill is now nearly $250,000,000 annually. Suppose, for the sake of argument, that the operation of the Muscle Shoals plant should only result in a 20 per cent reduction in prices. That would amount to $50,000,000 a year saving to the farmers, and this amount for 100 years, out on compound interest—as the opponents of the Ford offer have undertaken to do in claiming what Mr. Ford would make from the Government in compounding interest—would be over $5,000,000,000 saved to the farmers of the country.

No one can possibly calculate the great good which will come to the farming interest of this country and to the entire Nation from a proper development of Muscle Shoals. At Muscle Shoals there is all that is necessary to make its development one of the greatest industrial moves of the South and the Nation. Minerals, water power, transportation, both rail and water, climate, and in fact everything that is necessary to make Muscle Shoals and its development one of the great things in our Nation's life are there.

Let us see that it is developed for the good of all the people and not for the good of the corporate interest. Henry Ford's proposition does not appeal to the monopolistic concerns which desire to either have the Muscle Shoals proposition closed down and "junked" or owned by them. His proposition does appeal to the farmers and those who are suffering because of the high price of nitrogen, which is so essential an ingredient in fertilizer and which is now obtained principally from Chile at an exorbitant and unreasonable price. Muscle Shoals is a mighty project, and should be utilized for the good of the Nation both in time of peace and in time of war.

Muscle Shoals has in its very waters a mighty power for the good of the Republic.

Some time in the dim past, no one now knows when, even before the happening of things remembered by the red man, a strange people gazed upon the mighty tumbling waters of the great river in northern Alabama and wondered at and worshiped with their benighted minds the mighty power of the seething, tumbling, roaring waters and felt in their souls that some mystic power was there at their very feet. These strange people have passed away and left no record except the mighty mound of earth where they worshiped, but the mighty magical power of the falling waters at which they wondered and which they worshiped has lasted through the years and is still there. The Cherokee Indians following these strange first children of the forest gazed at the mighty scene in admiration and amazement, and thought that they read within the rushing waves the force of the jagged lightning and that they heard there in the roar of the cataract the power of the thunder and called the shoals thundering waters. The Cherokees were right, the power of the lightning and the thunder was there and is still there.

After the Cherokees came the white man and their great war chief, Andrew Jackson, who saw and understood as man had never done before the tremendous power of the mighty torrent, and prophesied that a great city would be built upon the bluff overlooking the mighty rapids, and that it would probably become the future capital of the Nation. He saw in the power of the rapidly moving waters a force great enough to make and control the destiny of a mighty people.

Nearly a century later, while this Nation was engaged in a mighty conflict with a powerful combination of foreign foes, our statesmen anxiously sought for a mighty force which would make our victory more assured in time of war and which would marvelously enhance the prosperity of our people in time of peace. The tremendous power sought was found at Muscle Shoals on the Tennessee River, and our entire Nation has been aroused to a realization of the power there ready to be harnessed and used for the good of mankind. The red man and the white man, whether worshiper or warrior, were right when they saw in these mighty waters an unknown, tremendous, mystic power. It was there. It is there now. It was placed there by the Creator in the beginning as a part of the eternal plan. The unknown power worshiped by primitive man who first saw the turbulent stream, the power of the lightning and the thunder seen by the red Cherokee, the force sufficient to shape and control the destiny of a Nation admired by Jackson, and the power mighty enough to make our victory assured in time of war and our prosperity vouchsafed in time of peace as seen by the American people during the World War, are all there. They are all there for the everlasting benefit of our people and for the glory of God, if we will only reach out our hands and possess them and use them for the good of all.

Mr. WINSLOW. Mr. Chairman, I yield eight minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. Mr. Chairman, on general principles I am in favor of all legislation intended to compel fair and honest dealing on the part of those who engage in business transactions, but it appears to me that the legislation under consideration is of such a character that great injustice may be done honest men who are engaged in the legitimate development of the resources of the country, especially in mining and oil development. The prospector who discovers valuable minerals is generally a poor man and must necessarily look to those who have money to invest, and who are willing to enter a hazardous undertaking with the hope of reaping a large profit, and in order to secure the necessary money to develop the property a company is organized and shares offered for sale to those who are looking for investments of this character. The pending legislation is of a technical character, and I will not undertake to discuss the merits or demerits of the bill, but desire to read to the House letters received from prominent citizens in my State in whose judgment I have great confidence. The following letter is from Hon. Stewart Campbell, inspector of mines, who is naturally in close touch with the mineral development of the State:

THE STATE OF IDAHO,
MINING DEPARTMENT,
Boise, April 3, 1922.

Hon. ADDISON T. SMITH,
Washington, D. C.

DEAR MR. SMITH: H. R. 10598, introduced in the House by Congressman DENISON, of Illinois, and reported favorably from the Committee on Interstate and Foreign Commerce, is one of the most destructive measures ever offered Congress if considered from the standpoint of western development. Our mines, Carey Act projects, irrigation districts, drainage districts, power companies, manufacturing companies, wholesale houses, etc., owe their life and existence to the sale of their securities, either stocks or bonds; and if all of these undertakings had been compelled to pass the "blue sky" laws of the various States, Idaho to-day would be a vast expanse of sagebrush sparsely inhabited and without operating mines or industries; and, further, if this bill becomes a law all future development will stop, particularly mining, as this industry depends entirely on the sale of stocks or bonds for the money necessary to develop the prospect into a mine. It is almost an impossibility for a mining company to pass the "blue sky" laws of the various States, and if able to do so the cost necessary would often exceed the amount the company expects to raise, and this cost is such that the promoter can not meet it, thus making it impossible to finance an undertaking of any kind.

The work of this office is such that I have had occasion to observe the operations of the "blue sky" laws of a number of States and the way this law is administered by them shows it to be impractical, as invariably the issuance of a permit lies in the hands of some banking clerk, or others equally as unqualified to pass on the merits or demerits of a mining venture; and that it is generally the illegitimate promoter who spends the time and money to procure a permit, which he then uses to further his operations, as this permit is recognized as a State indorsement. In fact, I have seen a number of reports made to the administrators of "blue sky" laws after the property had been visited by one of these examiners. The report generally indorses the venture, and the ignorance of the examiner is pitiful. Yet to these must Idaho bow if this bill becomes a law.

Two important questions come to my mind. Why legislate in favor of cities of over 500,000 population, and who is going to police the law? The Department of Justice or the Post Office Department? If the Department of Justice, would it not be a duplication of the work being done by the Post Office Department?

The necessity of a law of this kind is not clear to me unless it is to prevent the use of the mails, express, and telegraphs to defraud. If such is the case, why kill all legitimate promotions to reach a few illegimate promoters? If this is the intent of the bill, would it not be better to give the Post Office Department a small amount of the appropriation that would be necessary to police this bill, change the postal fraud laws so it will be possible to convict the illegitimate promoter who is now using the mails to defraud yet is able to avoid conviction and continue his operations through cunningly designed literature that is entirely misleading yet within the law? If this is done, and should be, there would be one Federal law that the people of the

United States will have a unanimous respect for, with the reverse being true if H. R. 10598 becomes a law.

Frankly, my opinion is H. R. 10598 should be killed.

Very truly yours,

STEWART CAMPBELL,
Inspector of Mines.

I also desire to submit resolutions adopted by the Ada County Chapter of the Idaho Mining Association:

Whereas the blue sky laws of the various States are not uniform; and

Whereas the administration of the blue sky laws of various States is generally placed in the hands of officials who are not qualified to pass upon the merits or demerits of various business undertakings; and

Whereas experience has shown that the administration of the blue sky laws of various States is coupled with unlawful exaction as a condition precedent to do business; and

Whereas the Denison blue sky bill is rank class legislation; and

Whereas the Denison blue sky bill is the most destructive measure ever offered Congress, in that it will absolutely prevent development of any and all kinds and particularly in the Western States; and

Whereas the Denison blue sky bill is uncalled for paternalism; and

Whereas the Denison blue sky bill will add one more law for which the people of the United States will have no respect; and

Whereas the Denison blue sky bill will jeopardize all mining enterprises; and

Whereas general business enterprises are dependent upon the sale of their securities to a greater extent than the mining industry: Now, therefore, be it

Resolved, That the Ada County Chapter of the Idaho Mining Association respectfully requests that the Idaho congressional delegation use every power within their means to prevent the passage of such malignant legislation; and be it further

Resolved, That the Ada County Chapter of the Idaho Mining Association respectfully requests that the Hon. D. W. Davis, Governor of the State of Idaho; the Boise Chamber of Commerce; and all civic organization in the State take such action that the citizens of Idaho may realize the danger of this legislation.

J. B. ELDRIDGE,
STEWART CAMPBELL,
FRANK E. JOHNESSE,
W. H. PADDOCK,
I. H. FREAR,
JOHN E. LOOK,
JAMES S. BOGART,
Committee.

I have also received the following letter from Hon. Miles Cannon, who is a close student of public affairs:

BOISE, *April 10, 1922.*

Hon. ADDISON T. SMITH,
House of Representatives, Washington, D. C.

DEAR MR. SMITH: Responsive to yours of March 29 relative to H. R. 10598, it is impossible for me to give you an expression as to the merits or demerits of this bill, as I am not a miner and have no idea of the conditions under which stock is sold and mining properties developed. I have no hesitancy in saying to you, however, that I have not talked with a mining man in this State relative to this legislation who has not condemned it in bitter terms. Several meetings have been held denouncing the act as being well intended to destroy the mining industry of the State. You can hear these expressions on any corner of the street wherever you find a mining man, and a large number of attorneys have expressed a similar view.

I want to emphasize, Mr. SMITH, the growing opposition of Federal interference with State industries. We are laboring under a burden of taxation which has reached the limit of our endurance. We are paying the Federal Government now three and a half million dollars per year out of money which we seriously need at home. If you were to ask my advice, I would say to devote every hour of your time from now to the end of the session in opposing further Federal interference in State affairs. It is unnecessary to discuss the merits of Federal bills. The great and overpowering fact is that it is necessary for us to preserve our principles of government, which is of far greater importance than the merits or demerits of any bill. The people who produce the wealth and pay the taxes must perform their functions or else our attempt at free government will fail. This is going to be the political trend for the next 10 years. I have heard any number of people say that they will not vote for any man who favors extension of Federal control. These men are men of affairs, whose influence will be felt. This is the very best of my judgment, and you can accept or reject it as you think best.

Very truly yours, MILES CANNON.

The following letter is from Frank E. Johnesse, a member of the American Institute of Mining and a mining engineer of wide experience, who has brought to the State of Idaho thousands of dollars from eastern investors for the development of the mineral resources of the State:

BOISE, IDAHO, *March 22, 1922.*

Hon. ADDISON T. SMITH,
Washington, D. C.

DEAR CONGRESSMAN: All those with whom I have discussed the Denison bill (H. R. 10598—"blue sky") agree with me that it is devoutly to be hoped you will strongly oppose this amateurish, pernicious measure.

This bill simply tends to entrench stronger than ever the vested interests and to reduce to almost a state of peonage the small operator.

In our business of mining it will mean obliteration of the invaluable prospector and small operator, as no new enterprise could possibly withstand the added cost, for no adequate return, of some $1,000 for qualifying in each one of the numerous States, some $30,000 to $40,000 in all, in order to be in a position to be able to ask for public support. Besides subjecting the prospective shareholder to this added expense, unfair to all concerned, he would be compelled to risk the judging of his property to venal or incompetent officials. This condition will apply to all new industries and, carried to a logical conclusion, no industries could be promoted by other than wealthy people who would not need the new money. There are always accredited experts for the public to consult, men who know their business and whose integrity is unquestionable. Under the Denison scheme the whole country would finally stagnate from lack of new blood.

To-day the alleged "blue sky" laws inflict far more hardship upon honest endeavor than they do good by way of protecting the public from rascality. The good is made to suffer for the bad, a reductio ad absurdum, when the fact is that but a negligibly few people put their all into new ventures of any kind.

Anything more dangerous than to place the control of finance of new projects of a technical character in hands of persons so utterly uninformed, from a practical standpoint, in matters of constructive development as are the bankers as a class would be supremely ridiculous. Useful, undeniably, in their proper sphere, they are invariably singularly obtuse concerning potential values in raw materials; are naturally inclined to want to continue to turn over the gradually wasting old wealth rather than to attempt to visualize the positive economic necessity for continually providing new until the crying necessity for it has slowed down the wheels of progress to the point of impending calamity.

That nation which ceases to speculate dies.

As grown-up men we know that without incurring cheerfully reasonable business risks there can be no such thing as progress.

Respectfully yours,

FRANK E. JOHNESSE.

Mr. WINSLOW. Mr. Chairman, I yield 12 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, two objections have been raised to this legislation. One is raised by those such as the constituents of the gentleman from Idaho [Mr. SMITH], who think that the provisions of the bill are too stringent; the other by those who think the provisions of the bill are not stringent enough. I belive it would help both classes of objectors if they would keep clearly in mind the purpose and theory of the legislation. It is not really a Federal blue sky law. It is in fact a misnomer to speak of it as such. Its purpose is to make effective the blue sky laws of the different States and to make it harder for those who want to evade the State laws to do so. It does not in itself prevent the sale of any security, and it does not in itself authorize the sale of any security. As has been stated by the gentleman from Illinois [Mr. DENISON], the bill recognizes the right of each State to determine that question for itself. The gentleman from Pennsylvania [Mr. MCFADDEN] a few moments ago said that the bill would prevent the sale of farm mortgages. That is far from the fact. He misapprehends the provisions of the bill. It does not prevent the sale of farm mortgages at all. It simply prohibits in certain cases the use of the mails and other agencies of interstate commerce in selling securities in those States where they can not be sold without the consent of the securities commissions until they have obtained that consent. In those few States where there are no blue sky laws at the present time the mails may be used, and the other agencies of interstate commerce may be used without limit to sell any class of securities, as far as this legislation is concerned. In those States which have blue sky laws the mails can not be used to assist in the sale of securities contrary to their own blue sky laws, except these securities, which are specifically exempted by the bill. The legislation will hurt no one who is doing a legitimate business, and it will not unduly hamper anyone in the conduct of such legitimate business.

The gentleman from Illinois [Mr. DENISON] in his modesty has not claimed the credit which he is entitled to for this particular legislation. He is entitled to great credit for originating it and for the work that he has put in upon this bill, and for the shape in which it is finally presented here on the floor of the House this afternoon.

The bill as now presented has the approval of the National Association of Securities Commissioners, the American Bankers' Association, and the Investment Bankers of America. Representatives of these associations met with Mr. DENISON and worked upon this proposed legislation for a long time, literally for weeks, I believe, putting in long hours every day before it was finally whipped into its present shape. As the bill was originally introduced, it met with the opposition of the representatives of some of these associations, but the bill as now presented has their approval. The president of the National Association of Securities Commissioners is the executive officer of the Michigan Securities Commission, Hon. H. N. Duff, a very efficient and capable official. He has taken great interest in this legislation. After the bill was reported by the committee and placed upon the calendar he wrote me a letter in which he said, among other things:

This bill is one in which this commission has unquestioned interest. The bill is designed to aid the Michigan blue-sky law, so called, in that it prevents fraudulent promoters from using the mails from outside the State into Michigan. It will close up the gap in the control of the sale of the fraudulent securities which Michigan at present has. We think it is absolutely necessary, and that as it stands it is a bill which will help nearly everybody and at the same time hurt nobody whose business is legitimate.

Mr. Chairman, the experience of the securities commission in Michigan has been this: It has refused the sale in Michigan of certain securities which that commission, a very conservative commission, thought ought not to be sold within the State.

The promoters of those same securties have gone over the State line into Ohio, established an office in Toledo, or they have gone over the State line into Indiana and established an office in Indianapolis, or into the State of Illinois and established an

office in Chicago, and before anyone knew it the State was flooded with literature offering for sale the same securities which the Michigan Securities Commission had said could not be sold within the boundaries of the State. It is the purpose of this bill to make it impossible for the promoters of that sort of fraud to operate, or to make it possible to put them in jail if they continue to do that. Upon this point Mr. Duff, in a letter to me written some time ago, said:

> This bill is of more importance to the State of Michigan and the blue sky law than many people have any idea of. It would make amenable to the Michigan blue sky law all attempts of promoters outside the State to sell stocks and bonds of a suspicious nature by mail. With the amendments which the last legislature made to our Michigan blue sky law we think we have one of the best laws in the country, and the only hole in our armor plate is the proposition of stocks being sold here by mail from some other States. Many instances of such cases brought to our attention, where farmers and merchants of small towns have fallen for the exaggerated promises of the promoters of oil fields in Texas or sulphur deposits in Louisiana and other industrial work. I recall one case where a farmer and his wife living in Kent were stung $6,000 on a sulphur deposit in Louisiana. We have also had some cases where promoters of stock, which were not of the best type, after disapproval of this commission operated offices in Toledo, Chicago, and Indianapolis, and bombarded Michigan people by mail. Under our State law that the mails belong to the Government and are under interstate commerce we were absolutely helpless, and we have to sit by and see these outside promoters taking money through the mail. It is not only a crime upon our Michigan people but also unfair to Michigan promoters to live up to the letter of the law and take out of the State millions of dollars which should be invested in Michigan industry.

I do not believe that the constituents of the gentleman from Idaho [Mr. SMITH] or that gentlemen from any other State where they have blue-sky legislation, want people to be allowed to sell securities through the mails or otherwise to their people which their own State laws do not allow to be sold when all parties are within the territorial limits of the State. But that is all this bill does. It says no one can sell to the people of Idaho securities in the State of Idaho through the mails or through other agencies of interstate commerce that are not allowed to be sold under the laws of Idaho within the boundaries of that State. The same protection which gentlemen insist upon for the people of their own States they ought to be willing to accord to the people of other States.

Mr. DENISON. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. DENISON. I want to state for the benefit of those who are here that the protest we have just heard through my friend from Idaho, made by a certain organization out there, that they are making the same kind of an objection and the same kind of fight against their own State laws. They are opposing all sorts of laws that are intended to prevent the sale of fraudulent securities. Of course, I do not mean the gentleman from Idaho is doing that, but I mean the men who sent the communication to him are doing it.

Mr. MAPES. Certainly. One of the representatives of the National Association of Security Commissioners, who appeared before the committee in advocacy of the bill, was Mr. Canright, a member of the Wisconsin State Commission. He said of the bill as it was finally reported, referring to the conferences which were had between the representatives of the security commissioners, the investment bankers, and the gentleman from Illinois [Mr. DENISON]:

> The bill was much better than we had hoped it would be possible to achieve, and it is with considerable pride and satisfaction after our long hours of work that we were able to get a bill which to both sides seemed to accomplish the object desired and at the same time not place any substantial or serious burden on the development of proper business enterprises.

Mr. Duff, president of the National Association of Securities Commissioners, in a letter to the chairman of the committee, which is printed in the hearings, very well said:

> The blue sky law of to-day, safeguarded as it is in most cases by court action and subject to enforcement by State officials who are men of experience, not only does not hurt legitimate business but helps legitimate business. Each and every dollar which the blue sky law saves from the crooked promoter goes into legitimate channels. The Denison bill can do no harm to legitimate business. Legitimate business is not so easily hurt nor is legitimate business attempting anything which it is afraid to tell the public, State officials, or anyone else. The theory of the State blue sky laws is merely "throw your cards upon the table." Legitimate business which is afraid to thus display its hand ceases to be legitimate business and becomes illegitimate business, and as such should be stopped by somebody, be it the Federal Government or the State governments.

And again, speaking of the bill:

> It hurts no one but the people it is intended to hurt, the crook who preys upon the widow and the orphan and the aged with alluring promises of great riches and gives them nothing.

In the consideration of the bill under the five-minute rule, Mr. Chairman, it seems to me that it would be well to keep this further thought in mind, which is well brought out in his letter by Mr. Duff, who has the welfare of this legislation very much at heart, when he says:

> This is an intricate bill and has been gone over by men who have made a study of the situation for years and have come in contact with the problem it deals with in all its phases. It is not perfect, but it should be put upon the books just as it comes from your committee, and we would respectfully ask that your committee, once it has agreed to report it, stand back of it on the floor of the House and see to it that it goes through without any emasculations or amendments which will destroy its efficacy and injure its effect.

Mr. Chairman, for the purpose of emphasis I repeat that the bill does not in itself purport to prohibit the sale of any security and it does not in itself make legal the sale of any security. Its aim is to make effective the State laws. [Applause.]

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I consider this a splendid piece of legislation, and am very glad to have the privilege of making an argument in behalf of the bill now under consideration. The conditions growing out of the recent war have greatly facilitated the increasing evil connected with the promotion of unsubstantial stocks and securities.

We have in South Carolina—in fact, in practically all of the States—a very satisfactory blue sky law governing the sale of securities, stocks, and bonds. We need, however, further aid in administering the State law by the help of a Federal statute. Those who have charge of administering the State law tell me that there are organized gangs who prey upon the innocent public by selling them fraudulent stock and worthless securities. We have in the United States thousands of concerns represented by professional experts, who in many instances are crooks. These experts are exploiting the unprotected public whose ignorance permits them to accept the terms of such unfair salesmen. These salesmen use all manner of attractive and enticing advertisements and schemes which fool the untrained man into thinking by investing he will greatly improve his financial status. To the trained business man these same schemes seem unthinkable. The men and women who invest in such stock and securities are usually those of small means and have little, if any, experience in dealing in such matters. They risk their little savings with the thought that they will become rich overnight.

I call your attention to a party in my section of the State who received through the mail some very attractive advertising matter in connection with the sale of oil-well stock which promised exceedingly large returns for a small investment. He purchased some of the stock, and in about three months he received a "handsome" dividend, with a statement showing the wonderful progress of the company. They offered him additional stock, stating that they had only a limited amount and that they wished their stockholders to have first choice. He swallowed the hook and line, baited with the "handsome" dividend, making a much larger purchase of the stock. Soon he found that the stock was worthless and lost all the money invested.

During the past few years, when money was plentiful in the Southern States, these expert salesmen with "get-rich-quick" schemes not only worked the city trade but the farmer as well. Folks living in the rural districts, not being in touch with their bankers and business men, were unable to judge the real value of such investments; therefore they were easily made victims by buying these fraudulent and worthless securities. It has been officially estimated that the people of the United States have lost as much as $500,000,000 annually through the sale of deceitful stocks. When one hears of the discovery of a new oil well or a mine in some distant part of the country these salesmen immediately organize, flooding the country with highly colored advertising matter and promising untold returns for investment in their organizations and in the end robbing thousands of innocent victims. The States are powerless, and unless we pass this kind of legislation they have no means of protecting their citizens. On account of the attractive promises many people even exchange their valuable Liberty bonds for these valueless securities.

A few days ago I received a letter from the Hon. John McMahan, commissioner of the insurance department of the State of South Carolina, stating that it is essential that we have such legislation as proposed in this bill in connection with our State law in order to fill the gap in the protection of the people against the sale of fraudulent securities.

I hope, therefore, that the House will pass this bill, so as to give the States the needed assistance in preventing the sale of worthless stocks and thereby putting an end to the robbery of thousands of innocent people.

[By unanimous consent, Mr. MAPES, Mr. BARKLEY, and Mr. DENISON were granted leave to extend their remarks in the RECORD.]

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and Mr. GRAHAM of Illinois having assumed the chair as Speaker pro tempore, Mr. LONGWORTH, Chairman of the Committee of the Whole House on

the state of the Union, reported that that committee had had under consideration the bill H. R. 10598, the "blue-sky" bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. TILSON, by unanimous consent, was granted leave of absence indefinitely, on account of public business.

MOTION TO RECONSIDER.

Mr. JONES of Texas. Mr. Speaker, I desire to enter a motion to reconsider the vote by which House Resolution 320 was passed on yesterday.

The SPEAKER pro tempore. Was the gentleman present at the time the vote was taken?

Mr. JONES of Texas. Yes. I desire to explain in this connection that I simply wanted to enter the motion in order to preserve the status of the matter for a day or two, until the committee has a chance to see whether an error was made or not.

Mr. LONGWORTH. Will the gentleman advise us as to what the resolution is?

Mr. JONES of Texas. It was to provide a month's salary to the secretary of the late Mr. Parrish. A question rose as to how to apportion the amount. The chairman of the committee is out of town, and no member of the committee desired to take the responsibility, and in order to have it pending, I make this motion. I understand to-day is the last day on which a motion to reconsider could be made, and I desire to make it and not have it acted upon now.

The SPEAKER pro tempore. The gentleman from Texas moves to reconsider the vote whereby House Resolution 320 was passed.

Mr. MONDELL. He enters the motion but does not call it up?

Mr. JONES of Texas. Yes; I just enter it.

CHRISTOPHER COLUMBUS MEMORIAL.

Mr. RUCKER. Mr. Speaker, by request I ask unanimous consent to extend my remarks in the RECORD, giving a brief outline of the ceremonies connected with the unveiling of the Columbus statue on the Depot Plaza, and including an address delivered by the Hon. James T. McCleary, at that time a Member of the House.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following is the account referred to:

THE CHRISTOPHER COLUMBUS MEMORIAL.

Mr. RUCKER. Everyone who has a little time to look around the Plaza in front of the Union Station in this city must be struck by the majesty and beauty of the memorial to Christopher Columbus that stands directly in front of the station. I have lately been looking up that fine memorial. The best account of its dedication that I can find is given in the Columbiad, official organ of the Knights of Columbus. In its issue for July, 1912, a copy of which I hold in my hand, the opening article, by Denis A. McCarthy, who at the banquet in the evening of June 8, 1912, read an original poem in honor of the occasion, tells the story of that ceremonial nearly 10 years ago, when the memorial was dedicated. In part it reads as follows:

UNVEILING A MAGNIFICENT SUCCESS.

In the brilliant sunshine of a day whose summer temperature was modified by a delightfully cool and pleasant breeze, the greatest nation in the New World which Columbus discovered in 1492 paid fitting tribute to his memory when amid scenes of splendor and enthusiasm a national memorial to the admiral of the ocean was unveiled in Washington, Saturday, June 8.

The tribute no doubt was tardy; the full and frank recognition by the United States of America of the debt which this Nation and the world owe to the fearless mariner had been a long time withheld (other men of lesser note being honored in the meantime); but the beauty and impressiveness of the memorial to Columbus, and the dignity and brilliancy which marked the unveiling, were such as to make the spectator forget the long years of neglect.

Standing before the majestic monument, or pacing the streets of the Nation's Capital, all ablaze and aflutter with flags and bunting and signs of welcome and festivity, one could not but feel proud of the order which bears the name of Columbus; for, were it not for the knights, it is safe to say that this long-deferred act of justice to the name and fame of Christopher Columbus would be still longer deferred, if indeed it would ever be performed at all. They it was who initiated it; they it was who untiringly advocated it; they it was whose clear presentation of the propriety of erecting such a monument won for the project the friendship and adherence of just and thoughtful men of all creeds and classes.

Saturday, June 8, was therefore with excellent reason a Knights of Columbus holiday in Washington. They thronged the city. The hotels were filled with them and their ladies; and shops, buildings, and public places were gay with bannerettes and badges of the members of the order from all over the country. Honoring Columbus, Washington and the Nation honored them also; and it may well be said that for them the Capital City hung its banners on the outer walls; for them receptions and other functions were held; for them, and of them, parades were organized; and for them the night sky was bright with fireworks.

THE STORY OF THE MEMORIAL.

The story of the memorial whose unveiling was the cause of all this festal beauty in Washington, though often told before, has a place here. By an act approved March 4, 1907, Congress appropriated $100,000 for the erection in the Capital City of a suitable memorial to Christopher Columbus, and created a commission, composed of the Secretary of State, the Secretary of War, the chairmen of the House and Senate Committees on the Library of the Fifty-ninth Congress, and the supreme knight of the Knights of Columbus, with authority to select a fitting design and to contract for and superintend the construction of the memorial.

On February 4, 1908, the commission selected as a site for the memorial the plaza in front of the new Union Station. In February, 1909, the commission, after carrying out a program of competition, selected Lorado Taft, of Chicago, as the sculptor, and on March 4, 1910, a contract was entered into with Mr. Taft to furnish the models for the sculptural work, to exercise supervision over its execution in stone, and to superintend its erection.

No picture that we have seen gives an adequate idea of the size, beauty, and impressiveness of the memorial. It is constructed of Georgia marble, and is 66 feet broad, 44 feet deep, and its central pylon or shaft is some 45 feet high. This shaft is crowned with a globe which is supported by four eagles connected by garlands. From the front of this shaft a boat's prow extends into the upper basin of the fountain, for the whole memorial is a monumental fountain. The winged figure of decorative prow symbolizes the spirit of discovery. The prow serves as a pedestal for the statue of Columbus, which is 15 feet in height and carved from a single block of beautiful white marble.

This figure—

Writes the sculptor himself in a description of the memorial—

wrapped in its medieval mantle, stands in a quiet pose with folded arms and steady gaze, expressive of the confidence of the great spirit within.

It is the first object to greet the eye of the stranger entering Washington through the Union Station, and, as President Taft pointed out in his address at the unveiling, it leads the gaze to the dome of the Capitol, which is dedicated to human liberty. The whole memorial is a striking example of a noble thought nobly executed, and everybody in any way connected with the placing in Washington of such a work of art to speak to all future ages of the genius of Columbus may well experience gratification. The Knights of Columbus particularly may point to it as one of the many noble works they have accomplished since their organization.

THE DEDICATION EXERCISES.

The assemblage was called to order by Secretary of State Philander Chase Knox, chairman. He introduced the Right Rev. Monsignor Thomas J. Shahan, rector of the Catholic University, who prayed the Almighty and Eternal Ruler to look down benignly on the work that was that day being accomplished; to let the light of His countenance shine on the multitude of His people gathered at their national center to honor—

the illustrious man who threw open to religion, civilization, and liberty the gates of a new world and made free to mankind the high and broad pathways it since has trodden. Increase in all Thy children the spirit of faith in which Thy chosen agent crossed the unknown seas and braved many perils to make Thee known to far-off peoples that sat in darkness of heart and mind. Arouse in us, O Lord, some measure of sublime courage with which Thy glorious agent ever faced adversity.

When the prayer was ended Mr. Knox introduced Hon. Victor J. Dowling, justice of the Supreme Court of New York, who paid eloquent tribute to the great discoverer, saying at the close that it was fitting that after centuries recognition should be given, sincere if tardy, to Columbus's great services to humanity.

It is the appreciation of his nobility of character—

Said Justice Dowling—

which is leading to the spreading movement to make Columbus Day a holiday, in which 30 States have now joined, and to whose ranks it is hoped that the Nation itself will soon be added.

Representative James T. McCleary, of Minnesota, a member of the original commission which chose the design and site for the memorial, then made a much-applauded address, in which he lauded the virtues of Columbus. (This address in full follows.)

Then followed the most dramatic moment of the ceremony, as the Italian ambassador, Marquis Cusani Confalonieri, made a short address in English, followed by another in his native tongue, and then drew the cords which unveiled the memorial.

It was a stirring moment and one that was marked by enthusiastic applause as the flag which had hidden the figure of Columbus was drawn aside and the majestic statue of the fearless mariner was revealed to the expectant throng. As if in answer to the applause of the people in the stand, immediately the artillery began to thunder forth its salute of 21 guns.

After this salute and the playing of the Star-Spangled Banner by the Marine Band, His Excellency William Howard Taft, President of the United States, was introduced and made an address which was listened to intently and vigorously applauded.

It is true—

Said the President—

that there were other mariners as skilled as Columbus, as brave in exposing themselves to danger as he was, in that heydey of Italian, Spanish, and Portuguese manhood. And the risks they ran, the dangers they encountered and survived arouse in the reader of the present day amazement and profound admiration. But the supreme merit was his to do first that which, until he did it, presented unknown terrors to the adventurer.

From Mr. McCarthy's inspiring account of the dedication I have taken enough to enable the reader to get an idea of the occasion.

I was in Congress at the time and I well remember the day. It was a real pleasure and satisfaction to me, as it was to all Members of both Houses, to vote for the bill providing for the memorial. Its spirit and purpose were generally approved. That great organization, the Knights of Columbus, had made known to the country the meaning of it all.

The address of Hon. James T. McCleary at the dedication is so well worthy of presentation in the CONGRESSIONAL RECORD that I ask unanimous consent to incorporate it in the extension of my remarks. It is as follows:

THE MEANING OF MEMORIALS.

Mr. McCLEARY. The framers of this program evidently believe in proverbs. In selecting the speakers and arranging the order of the three formal addresses they have illustrated three of these proverbs. "What is well begun is half done," so for the opening address they were fortunate in securing the eminent jurist from New York to whose address we have listened with so much of pleasure and profit. "All's well that ends well," and the occasion is honored by having the closing address made by the foremost citizen of the Republic. With such an opening and such a closing of the formal speaking program, with its success thus assured, it was not necessary for the committee to look far for the one to deliver the middle address. They need only act on the theory, "The ends justify the means."

With the vision of a poet and the skill of an artist, Justice Dowling has pictured for us the career of Christopher Columbus. To that picture it were idle for me to try to add. On the other hand I am not unmindful of the fact that this occasion has certain aspects, some of them international in character, which can most appropriately be presented by the Chief Magistrate of the Nation. My field, therefore, as the representative of the Columbus Memorial Commission, seems in the nature of the case circumscribed to the memorial itself and some of the things that it suggests.

WHAT ONE SEES DEPENDS LARGELY ON WHAT HE IS.

Our first transcontinental railway was completed in 1869. Westward from Omaha and eastward from the Golden Gate the work of construction had for years been pushed. Across the plains and over the mountain passes strong men had long been building the two sections of the road toward each other. Nearer and nearer month by month they came. Finally not far from Ogden the two sections were united, and to mark the wedding of the east and the west a golden spike was driven.

From all parts of the country prominent men journeyed out to the Sierras to witness the crowning act of the epoch-making achievement. Among those assembled on the day appointed for the ceremony were groups of aborigines. These Indians saw the wondrous locomotives which always impress us with awe. They looked on those engines, but marveled not at their mechanism or their power. On the moving palaces that we call railway coaches they gazed with stolid faces. They saw the wires stretching from pole to pole away off into the distance, and they were told that over those lines men hundreds of miles apart could talk as if face to face. Even this wonderful thing evoked from them no sign of surprise.

But there was one performance that seemed to fascinate them, one that called forth from them great grunts of admiration. On it they gazed with eyes and ears and mouths—every avenue of approach to the brain—wide open with appreciation and approval. As they watched it they became tremulous with excitement; every fiber of their bodies seemed to vibrate with enthusiastic admiration. And what was it that called forth such marked evidences of appreciation? It was the way in which the linemen climbed the telegraph poles to fix the wires!

Why did this comparatively unimportant performance command their admiration while the really great things to be seen were unable even to secure their attention? It was because the climbing of the telegraph poles came within the range of their experience and thus came within their power to appreciate. They had climbed trees. They knew the difficulty of tree-climbing even with the aid of bark and branches. Here were bare trees, barkless and branchless, and yet these wonderful white men climbed them with surprising quickness and certainty!

The powerful locomotives, the beautiful coaches, the wonderful electric telegraph—none of these made any impression on the natives. Why? They failed to admire simply because they could not understand. Under such conditions men always and everywhere are prone to do one of two things, either remain wholly unmoved or else be so overwhelmed that they regard the phenomena as supernatural.

A CREDIT TO THE NATION.

Only those who have themselves achieved can intelligently appreciate achievement. Only she who has patiently day after day run her fingers back and forth over the keyboard can really understand and adequately admire the technique of the pianist. Only those who have participated in the construction of some great work can appreciate constructive achievement at its true worth. Intelligent appreciation of greatness in others argues a measure of greatness in oneself. Monuments to great men are honorable alike to those for whom they are set up and to those who erect them. It is to our own credit as a Nation, therefore, that even though tardily we have erected out of public funds, and are now dedicating with dignified ceremonial, this fine memorial to the world's foremost discoverer, perhaps its greatest secular benefactor.

It is a principle of human nature that what men habitually contemplate they come to resemble. That is the lesson of Hawthorne's story of The Great Stone Face. And every-day observation and experience confirm its truth. Those whose minds habitually dwell on mean and petty things tend to become mean and petty. Those who think often on large and noble things grow day by day in breadth of mind and magnanimity of soul. "As a man thinketh, so is he." And so I extend my hearty congratulations to that great society so numerously represented here to-day on having named their organization after him in whose honor we are now assembled. The very name, Knights of Columbus, is elevating and ennobling. Knights! Columbus! What pictures of chivalry the words conjure up! What courage in the presence of danger! What persistence in the face of discouragement! What kindness to the weak! What generosity to the poor! What sympathy for the suffering! What faith! What constancy! How could a man fail to be bettered by membership in an organization "so conceived and so dedicated?"

It was Italy that gave Columbus to the world. So it seems fitting that this memorial should be unveiled by the distinguished gentleman who as ambassador so worthily represents that great country at this Capital. When in a few minutes now the ambassador shall have performed that pleasant duty it will be found that the memorial is to Christopher Columbus alone. Not a man who accompanied him on his memorable voyage is here remembered. Even Ferdinand and Isabella are honored only by a medallion on the back of the memorial. Is this a just arrangement? To the American people it is more important than may at first appear that the popular answer to this question be right.

The men shared with Columbus the dangers of the deep; should they not here and now be honored with him for the achievement? In a certain sense, yes. But who knows their names? The human mind has limitations. The ability to remember some things depends on the power to forget many things. Only the loftiest mountains can be seen at great distances; the supporting hills at their base soon disappear from view.

COLUMBUS THE CHIEF FIGURE.

Ferdinand and Isabella rendered their own country many and great services, and for those services they are justly honored in the annals of Spain. But the world at large remembers them chiefly as the patrons of Columbus in his fateful enterprise. Their fame is due primarily to his achievement. Their relation to that achievement was such that it seems fitting that their names and faces should appear on this memorial.

And here it seems proper to note that whenever and wherever a great deed for humanity is done, it will usually be found that connected with it in some inspiring and helpful way is a good woman.

Considering now the particular achievement that we are assembled to commemorate, whose brain conceived the enterprise? Whose skill wrought out the details? Whose soul furnished the courage that surmounted all difficulties? Who pushed on when everyone else wished to turn back? Who was the one person for whom there could be no substitute? Who was the one person indispensable to the success of the enterprise? As a matter of inherent justice and the highest equity, whose should be the supreme credit for the result? The world rightfully ascribes to Columbus the chief glory. This memorial is evidence that we concur in the world's opinion. That judgment will never be reversed or recalled.

It would be out of place on this occasion to discuss questions of a partisan character. We have come as one people to pay honor to Columbus. Our hearts are beating in unison with gratitude to our benefactor. The memorial is the tribute of all our people—all sections, all parties, all creeds—to a man who has rendered a service of incalculable value to the entire world. But the very setting up of the memorial to this heroic soul contains a suggestion too vital to the welfare of all our people to be allowed to pass unnoticed here.

In essence, though not in form, the achievement of Columbus is constantly being duplicated.

NEW WORLDS ARE CONSTANTLY BEING DISCOVERED.

Within the lifetime of many in this audience clothing was all handmade. At that time the making of garments was one of the incidents of housekeeping. Few people were able to find in garment making a distinct means of earning a livelihood. Since the invention of the sewing machine the making of clothing has become a great industry, one in which hundreds of thousands of our people find opportunity to earn an honest and useful livelihood. More than that, for every person who a century ago was able to get one new dress or one new suit of clothes a year a hundred can now afford two or more new suits or dresses every year. By inventing the sewing machine Elias Howe opened up a new world to industry, vastly increased opportunity, and placed within the reach of millions of people comforts that but for his invention would have remained wholly unattainable.

One of the honored residents of this Capital City, Alexander Graham Bell, who still moves modestly among us, has opened up another world which but for his invention would have remained closed to mankind. The telephone has made possible a vast number of useful services that without it would be impossible. It has added immensely to the comfort and convenience and safety of the world's teeming millions. The communication of intelligence is the world's greatest civilizer. And for every person formerly employed in transmitting messages hundreds are now so employed. To the wage earner the telephone has opened up a new world of opportunity.

The men on the caravel with Columbus several times threatened to throw him overboard. If they had done so, would they have promoted

or retarded the world's progress? Would they have helped or hurt the great mass of mankind? Suppose that the people of those days in all countries had definitely decided that they would use the power of their governments to prevent men of the type of Columbus from exercising their talents; would they have been wise or unwise? Would it be to the advantage of the mass of our people for our Government to adopt the policy of preventing men from doing the best and the most of which they are capable?

Wonderful as was the nineteenth century, its achievements can be far eclipsed in the twentieth. The men could have thrown Columbus overboard. Progress can be hindered. Shall this great Nation, the flowering century plant of time, promote or retard the opening up of these new worlds waiting to be discovered? Do we really desire progress or do we simply wish to talk about it?

THE SPARTAN SYSTEM.

For a long time ancient Sparta pursued the policy of exposing all puny infants on the hillsides to die. Only those infants could lawfully be nourished that gave promise of growing up into vigorous manhood or womanhood. Under that system Sparta developed a great race and was able to maintain itself in the midst of powerful foes. Since then the world has grown kinder and the Spartan policy of deliberately killing off the weak has been abandoned. But would it not be unspeakably foolish to adopt the opposite policy of deliberately killing off the strong? And who would be the chief sufferers under such a policy? Precisely those whose interest it is professed to serve thereby. *The weak need the strong vastly more than the strong need the weak.*

Among men there are more warm hearts than wise heads. Men differ not so much in their motives as in their methods. Though pain and poverty seem to have been ordained by One infinitely wiser and kinder than we, all of us would like to banish them from the earth. Not everyone knows how to do it, but everyone ought to know how not to do it. The lowly can not be permanently lifted up by pulling down the exalted. The real interest of the many can not be promoted by unjust treatment of the few.

We have met to honor achievement. We pay tribute to-day to the Genoese boy who rose from the deepest obscurity to world-wide, age-enduring fame. He heard the voices of the sea and followed the beckoning waves of the blue Mediterranean. Step by step he solved old ocean's mystery and conquered all its terrors. His achievement enlarged the world for man and gave new glory to the sovereigns who lent him aid. Had he received as his reward an infinitesimal part of what he gave to mankind, he would have been rich beyond the dream of avarice. He would have become rich not by taking from others but by preserving to himself a little of what he created. And it is still a part of the divine law of compensation that in order to do much legitimately for himself a man must do immensely more for others. Exceptions to this rule only go to prove it. If wrongdoing never prospered, no one would ever be tempted to do wrong; if it always prospered, the most virtuous would be sorely tried.

Slowly but surely man is moving upward. Disease and pestilence are being driven from the earth. Before the rising sun of intelligence, ignorance and superstition are vanishing like the mists of the morning. Pain is being mitigated and poverty is being lessened. The average man to-day enjoys comforts and conveniences that a king could not command even a century ago. Perhaps the chief significance of this memorial is its value as evidence that the American people hereby show their recognition and approval of the fact that *in the onward and upward march of humanity the many have always been led by the few*, and that in the nature of the case this must always be true. This is the meaning of memorials.

Let us here and now as a Nation highly resolve that in the future, as in the past, America shall continue to be the land of opportunity. Let us make it more true rather than less true that in this country the man of one talent and the man of many talents shall each be free to achieve the most and the best of which he is capable, and enjoy the full reward that he has fairly earned. Let us keep wide open for everyone the golden gate of opportunity.

THE IMPORTANCE OF INSTITUTIONS.

One other truth this memorial speaks with voiceless eloquence. This Columbus whom we honor has passed from earth. Men, however great, must die. The good work they started would perish with them but for one thing. To insure the carrying on of their work after they have passed away men establish institutions. Before the fateful day on Calvary the Incarnation of Love and Wisdom gathered around Him a body of men to carry on His work. The institution then established has survived the centuries. It still remains blessing and to bless mankind.

One April day in 1865 our country was shocked to hear that the head of the Nation, its best beloved son, had been slain by an assassin. Indignation and anger were felt by every heart. In New York City the editor of a certain newspaper had been saying harsh things about the loved and lost. A crowd gathered and moved toward the building in which this paper was published. The crowd's righteous resentment was to be shown by the demolition of the offending plant. No one can tell what might have happened. But a man appeared on a balcony above the crowd and in a voice that was heard by all he cried, "God reigns, and the Government at Washington still lives." That speech was an inspiration, worthy of the man who a few years later reached the same high station and suffered the same sad fate. Garfield saw that day with the vision of a seer and spoke with the wisdom of a sage. The effect was instantaneous. His words fell like oil upon the troubled waters. The crowd, which was moved by a righteous indignation, but was about to express it in a wrong way, gradually dissolved and the Nation was saved another crime.

Garfield was right. Men die but institutions live. The men who framed our Government have all gone to their reward. But they gave us an institution and a Constitution which for a century and a quarter has served us marvelously well. Our national Constitution has commanded the enthusiastic commendation of the greatest and wisest statesmen of this and other lands. In the words of Gladstone, "The American Constitution is the greatest instrument ever struck off at a given time by the brain and purpose of man." It served well our national purposes when we were a little Nation of thirteen States and four millions of people living along the shores of the Atlantic. It has served us well as we have grown to be the mightiest Nation on the face of the earth, with a hundred millions of people, a Nation that has extended across the continent and covered the islands of the eastern seas. Through all these years it has remained largely unchanged—almost entirely unchanged in its vital principles. That it has been amended shows that it can be amended when the people in their sober judgment think that that is wise.

To the inexperienced all things are possible and most things are easy. Experience shows that there is often a vast difference between promises and performances. Some of the most highly praised mining claims fail to pan out. Whatever in the present agitation is true and wise will remain, the rest will be blown away like chaff in the severe winnowing of public discussion.

I have an abiding faith in the might of right and in the common sense of the common people. We are not always right in the method of carrying out our best impulses, but experience proves that the sober second thought of the American people can be safely trusted.

And now, Mr. President, to you as the Chief Magistrate of the Nation, I have the honor, as a member of the Columbus Memorial Commission, to turn over this memorial. We chose as its site this entrance to the Nation's Capital, this gateway to the District that bears his name. May the Nation preserve the memorial with loving care and may it throughout unnumbered years speak to our people its lessons of sublime faith and unfaltering courage.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 24 they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 274. Joint resolution authorizing the commissioning in the Marine Corps of midshipmen under certain conditions.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3195. An act to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11, and to issue patent therefor; to the Committee on the Public Lands.

S. 1087. An act for the relief of H. L. McFarlin; to the Committee on Claims.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 26, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FORDNEY: Committee on Ways and Means. H. J. Res. 270. A joint resolution authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia; without amendment (Rept. No. 924). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLSPAUGH: Committee on the District of Columbia. H. R. 6258. A bill to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; without amendment (Rept. No. 925). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE: Special Committee on Adjustment of Pay, etc. H. R. 10972. A bill to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; without amendment (Rept. No. 926). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER: Committee on Invalid Pensions. H. R. 11427. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 923). Referred to the Committee of the Whole House.

Mr. KEARNS: Committee on Military Affairs. S. 777. An act for the relief of John M. Green; without amendment (Rept. No. 928). Referred to the Committee of the Whole House.

Mr. KEARNS: Committee on Military Affairs. S. 1880. An act providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army; without amendment (Rept. No. 929). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. S. 3300. An act granting a pension to Marie Doughty Gorgas; without amendment (Rept. No. 930). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11150) granting a pension to Emil Schmitt, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 11427) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11428) to fix the salaries of the Civil Service Commissioners and of certain employees of the Civil Service Commission; to the Committee on Reform in the Civil Service.

By Mr. GREENE of Massachusetts: A bill (H. R. 11429) authorizing the United States Shipping Board to reimburse builders of wooden ships for losses sustained as the result of the cancellation of contracts and the abandonment of wooden-ship construction; to the Committee on the Merchant Marine and Fisheries.

By Mr. PATTERSON of New Jersey: A bill (H. R. 11430) to provide for the purchase of a site and the erection thereon of a public building at Haddonfield, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. CURRY: A bill (H. R. 11431) authorizing and directing the Postmaster General to permit the use of special canceling stamps in the post office at Sacramento, Calif., bearing the words and figures "Come to the Days of '49 Celebration, Sacramento, Calif., May 23–29, 1922"; to the Committee on the Post Office and Post Roads.

By Mr. SWING: A bill (H. R. 11449) to provide for the protection and development of the lower Colorado River Basin; to the Committee on Irrigation of Arid Lands.

By Mr. RANKIN: Joint resolution (H. J. Res. 312) amending section 404 of the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. McKENZIE: Resolution (H. Res. 331) for the consideration of House bill 10972; to the Committee on Rules.

By Mr. TUCKER: Resolution (H. Res. 333) requesting the President of the United States to send the four-power treaty and other papers to the House of Representatives; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 11432) for the relief of John H. Barrett and wife; to the Committee on War Claims.

By Mr. FAUST: A bill (H. R. 11433) for the relief of Bruce Bros. Grain Co.; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 11434) granting a pension to Calvin R. White; to the Committee on Pensions.

Also, a bill (H. R. 11435) for the relief of W. F. Morgareidge; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 11436) granting an increase of pension to Fredericka S. Albee; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 11437) granting a pension to Olive Bosworth; to the Committee on Invalid Pensions.

By Mr. HOGAN: A bill (H. R. 11438) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.; to the Committee on Claims.

By Mr. LEA of California: A bill (H. R. 11439) granting a pension to Olive W. Cox; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 11440) for the relief of Henrietta Greene, E. G. Green, J. B. Howell, Emily C. Vaughn, M. E. Howell, W. G. Howell, and Vivan Howell; to the Committee on War Claims.

By Mr. REBER: A bill (H. R. 11441) for the relief of M. Spector & Co.; to the Committee on Claims.

By Mr. TINCHER: A bill (H. R. 11442) granting a pension to Sophia Wilson; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 11443) granting a pension to George C. Peterson; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 11444) for the relief of the Powell Grocery Co.; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 11445) granting an increase of pension to Charlotte Wirsing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11446) granting an increase of pension to Grace Olive Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11447) granting an increase of pension to James M. Laird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11448) granting a pension to Margaret Anna Colligan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5271. By the SPEAKER (by request): Resolution of the Presbytery of Nebraska City, Nebr., of the Presbyterian Church in the United States of America, representing 7,466 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5272. Also (by request), resolution of the Presbytery of Wenatchee, Wash., of the Presbyterian Church in the United States of America, representing 1,516 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5273. Also (by request), resolution of the Presbytery of Lansing, Mich., of the Presbyterian Church in the United States of America, representing 3,814 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5274. Also (by request), resolution of the Presbytery of Washington, Pa., of the Presbyterian Church in the United States of America, representing 8,957 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5275. Also (by request), resolution of the Presbytery of Walla Walla, Wash., of the Presbyterian Church in the United States of America, representing 2,681 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5276. Also (by request), resolution of the Presbytery of Columbia, N. Y., of the Presbyterian Church in the United States of America, representing 1,676 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5277. Also (by request) resolution of the Presbytery of Shenango, Pa., of the Presbyterian Church in the United States of America, representing 7,940 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5278. Also (by request) resolution of the Wilmington Conference of the Methodist Episcopal Church, representing 48,522 members, in support of the constitutional amendment to prohibit sectarian appropriations (H. J. Res. 159); to the Committee on the Judiciary.

5279. By Mr. ANDREW of Massachusetts: Petition of the Appalachian Mountain Club, opposing transfer of administration of national forests from Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5280. Also, petition of the Massachusetts Society, Sons of American Revolution, opposing the proposed erection in Washington on public land of the so-called George Washington Memorial; to the Committee on the Library.

5281. By Mr. BARBOUR: Petition of the Council of the City of Alameda, Calif., indorsing House bill 10212; to the Committee on the Judiciary.

5282. By Mr. COOPER of Wisconsin. Petition of citizens of Beloit, Wis., protesting against the passage of House bill 9753, or any other Sunday bill; to the Committee on the District of Columbia.

5283. By Mr. CURRY: Petition of the City Council of the City of Alameda, Calif., favoring the enactment of House bill 10212, amending the Judicial Code; to the Committee on the Judiciary.

5284. By Mr. DALLINGER: Resolution of the Appalachian Mountain Club, opposing the transfer of the national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5285. By Mr. GRAHAM of Illinois: Petition of the Keithsburg Woman's Club, of Keithsburg, Ill., and others, relative to House bill 5964; to the Committee on Agriculture.

5286. By Mr. HICKEY: Resolution adopted by the Presbytery of Logansport, at South Bend, Ind., April 18, 1922, indorsing House joint resolution 131, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5287. Also, resolution passed at a meeting of the Presbytery of Logansport, at South Bend, Ind., April 18, 1922, indorsing Senate joint resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5288. Also, resolution passed at a meeting of the Presbytery of Logansport, at South Bend, Ind., April 18, 1922, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5289. By Mr. KISSEL: Petition of the Peoria County Farm Bureau, of Peoria, Ill., of April 8, 1922, also April 10, 1922, relative to the importation of "blackstrap molasses"; to the Committee on Ways and Means.

5290. Also, petition of the Southern Tariff Association, of Washington, D. C., relative to tariff on vegetable oils; to the Committee on Ways and Means.

5291. By Mr. MacGREGOR: Resolution adopted by Grange No. 906, relative to the election of six directors to the Federal land banks; to the Committee on Banking and Currency.

5292. Also, resolution adopted by the corporation counsel of the city of Buffalo, relative to a bill to amend the Judicial Code relating to district and circuit courts; to the Committee on the Judiciary.

5293. By Mr. McLAUGHLIN of Nebraska: Petition of sundry citizens of York County, Nebr., urging revival of the United States Grain Corporation; to the Committee on Agriculture.

5294. By Mr. SINCLAIR: Petition of 300 residents of Marshall, Taylor, Richardton, and other places in North Dakota, urging the revival of the United States Grain Corporation and a stabilized price on wheat and other farm products; to the Committee on Agriculture.

5295. By Mr. THOMPSON: Petition of the Presbytery of Toledo, Synod of Ohio, urging passage of Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5296. Also, petition of the Presbytery of Toledo, Synod of Ohio, urging passage of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5297. Also, petition of the Presbytery of Toledo, Synod of Ohio, urging passage of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5298. By Mr. ZIHLMAN: Petition of citizens of Washington, D. C., protesting against the passage of any legislation looking to the enforcement of the observance of any religious institution, or of taking any step in the direction of a union of church and state, and particularly petitioning Congress not to pass House bill 9753 or any other Sunday bills such, for example, as House bill 4388 and Senate bill 1948; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *April 26, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gerry	McCumber	Pomerene
Borah	Glass	McKellar	Ransdell
Brandegee	Gooding	McKinley	Rawson
Broussard	Hale	McLean	Sheppard
Calder	Harreld	McNary	Smoot
Capper	Harris	Moses	Stanley
Caraway	Harrison	Myers	Sterling
Colt	Heflin	Nelson	Sutherland
Culberson	Johnson	Newberry	Townsend
Cummins	Jones, N. Mex.	Nicholson	Wadsworth
Curtis	Jones, Wash.	Norbeck	Walsh, Mass.
Dial	Kellogg	Norris	Warren
du Pont	Keyes	Oddie	Watson, Ga.
Edge	King	Overman	Watson, Ind.
Ernst	Ladd	Page	Willis
Fletcher	La Follette	Phipps	
Frelinghuysen	Lodge	Poindexter	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is absent on official business.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained on account of illness. I ask that this announcement may continue through the day.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is detained on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-six Senators have answered to their names. A quorum is present.

INTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, inclosing a list of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery Thursday, April 27, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

SUPPLEMENTAL ESTIMATE, NAVY DEPARTMENT, 1923 (S. DOC. NO. 195).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department, fiscal year 1923, for additional employees, Hydrographic Office, $100,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1059. An act for the relief of J. B. Waterman;

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land;

S. 3170. An act regulating corporations doing a banking business in the District of Columbia; and

H. R. 7272. An act for the relief of Monroe B. Shealy.

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions and telegrams in the nature of petitions from the Jewish Ministers' Association of Harlem, N. Y., Rabbi S. Hurwitz, secretary; of the Federation of Hungarian Jews, Samuel Buchler, president, New York City; of the Ladies' Mizrachi Zionists' Organization, of Boston, Mass.; and of the Hadadassh Chapter, the Charleston Hebrew School, the Charleston District Zionist Organization, the South Carolina Jewish Relief Committee, the Beth Israel Congregation, the Society Daughters of Israel, the B'rith Shalam Congregation, in the State of South Carolina, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for the Jewish people, which were referred to the Committee on Foreign Relations.

Mr. NICHOLSON presented a petition of sundry citizens of Fort Collins, Colo., praying for the enactment of legislation favoring the establishment in Palestine of the National Home for the Jewish people, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by the Presbytery of Topeka, at Topeka, Kans., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Topeka, at Topeka, Kans., and the Kansas City Presbytery, at Amoret, Mo., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Presbytery of Topeka, at Topeka, Kans., and the Kansas City Presbytery, at Amoret, Mo., favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented resolutions adopted by the Presbytery of Kearney, at Central City, and the Nebraska City Presbytery, at Fairbury, both in the State of Nebraska, favoring the enactment of legislation providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Kearney, at Central City, and the Nebraska City Presbytery, at Fairbury, both in the State of Nebraska, favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Presbytery of Kearney, at Central City, and the Nebraska City Presbytery, at Fairbury, both in the State of Nebraska, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented a resolution adopted by the Presbytery of Lansing, at Hastings, Mich., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Lansing, at Hastings, Mich., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Presbytery of Lansing, at Hastings, Mich., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at a meeting of citizens of Ann Arbor, Mich., favoring the enactment of a more stringent immigration law, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. ERNST, from the Committee on the Judiciary, to which was referred the bill (S. 2610) in reference to writs of error, reported it with an amendment and submitted a report (No. 636) thereon.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 7847) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 637); and

A bill (H. R. 8624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 638).

MEMORIAL OF GEN. ULYSSES S. GRANT.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Concurrent Resolution 22, submitted yesterday by Mr. WADSWORTH, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed upon the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies on April 27, 1922, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that they presented to the President of the United States enrolled bills of the following titles:

On April 25, 1922:

S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.;

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as an act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided;

S. 667. An act for the relief of John B. H. Waring;

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee;*

S. 1767. An act for the relief of the owner of the derrick *Capitol;*

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.; and

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan.

On April 26, 1922:

S. 1059. An act for the relief of J. B. Waterman;

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKINLEY (by request):

A bill (S. 3513) to repeal section 1 of the act approved May 19, 1852, as to certain lands; to the Committee on Public Lands and Surveys.

By Mr. LA FOLLETTE:

A bill (S. 3514) granting a pension to Frank Yandes (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3515) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.; to the Committee on Claims.

By Mr. PITTMAN:

A bill (S. 3516) to correct the military record of Lieut. Commander Charles O. Maas; to the Committee on Naval Affairs.

By Mr. McKINLEY:

A bill (S. 3517) to appropriate $1,000,000 for the purchase of seed grain and live stock to be supplied to farmers in overflowed areas of the United States; to the Committee on Appropriations.

TARIFF BILL AMENDMENTS.

Mr. McKINLEY submitted two amendments and Mr. KING submitted an amendment intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. HARRISON. Mr. President, on yesterday the junior Senator from Ohio [Mr. WILLIS] had inserted in the RECORD some editorials from certain papers expressing their views about the McCumber tariff bill. I desire to ask unanimous consent that certain editorials from the Republican press touching the tariff bill be inserted in the RECORD, notably from the New York Herald, the New York Globe, the New York Tribune, and the Philadelphia Public Ledger, along with other papers.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The editorials referred to are as follows:

REPUBLICAN PRESS CONDEMNS M'CUMBER-FORDNEY TARIFF BILL.

The Republican and independent press are beginning to make known their views of the Fordney-McCumber tariff bill, and they are far from flattering to Mr. FORDNEY or reassuring to Senator MCCUMBER. Here are some brief extracts:

[From the New York Herald, Republican.]

It rears a tariff wall sky-high all along the line of industry and agriculture. This in itself is bad enough, as it makes for higher living costs in every home in America. But its worst feature is that it completely shuts America out of foreign markets except with our raw materials, notably cotton and copper.

[From the New York Globe, Republican.]

No member of the agriculture bloc in the Senate can be foolish enough to suppose that high duties (on agricultural products) will increase the prices on foodstuffs in a country which, instead of importing, exports them in great volume. * * * When we pass the McCumber tariff, we practically make Europe a present of the $11,000,000,000 she owes us. * * * Whatever reason for high tariff may have existed when we were a debtor Nation before the war no longer exists when, as the creditor Nation of to-day, we have amassed most of the world's wealth.

[From the New York Tribune, Republican.]

It is something of a shock to learn that the rates of the bill are on the whole higher than those of the Payne-Aldrich law, and particularly that the wool duties are higher than those of the House bill, and higher than those against which the late Senator Dolliver made his memorable attack. If the bill is as described, believers in tariff sanity and reasonableness have need to gird themselves for another battle.

[From the Brooklyn Eagle, Independent.]

When Republicanism fails to satisfy its leading newspaper apologists in the East, it is heading straight for the rocks. The proposed tariff measure is bad in almost every respect. * * * The Republican control of Congress is now steering the party straight for disaster.

[From the Philadelphia Public Ledger, Republican.]

Fifteen months ago the farmer wanted a tariff. Now he is not so sure that he wants it. He is discovering that a tariff on hides means a probable increase in shoe prices. He is afraid he may be swapping dollar bills for thin dimes. As a heavy user of potash, he will fight the proposed rates on it; but can he fight well if he is also the supposed beneficiary of other high rates?

[From the Chicago News, Independent.]

Too many of the changes are in the direction of the old Aldrich tariff of painful memory, and too few of the rates have been revised downward. With American exports steadily declining and a favorable trade balance vanishing, excessive protection is absurd.

Mr. HARRISON. Mr. President, on yesterday I offered a resolution (S. Res. 284) and asked for its immediate consideration, but at the request of the senior Senator from Utah [Mr. SMOOT] it was laid over until this morning. I now ask unanimous consent that the resolution may be laid before the Senate and that the Senate proceed to its consideration. I do not suppose that there can be any opposition to the resolution, as it merely calls on the Tariff Commission to transmit to the Senate, at the earliest practicable date, such facts and findings as it may have in its possession from a study and investigation of the operation and results of the rates carried in the emer-

gency tariff act approved May 27, 1921, and as extended by the act approved November 16, 1921.

In support of the resolution may I say, Mr. President, that the emergency tariff act has been in operation now very nearly a year. Very high rates were carried on certain articles in the act. Practically the same rates are proposed in the pending tariff measure. Some of the rates in the pending measure are higher, others the same, and others slightly lower. So the Senate, I am sure, would welcome any facts from the Tariff Commission touching the operation of the so-called emergency tariff act and the results which flowed from its operation.

I need not remind the Senate, because it is fresh in the minds of Senators, that the emergency tariff law was put upon us and the country in the hope that it would cure the agricultural ills. So the information might be important at this time and aid us very much in passing upon the rates which are now proposed in the pending bill. I can not see that there can be any objection to it, and I ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent for the immediate consideration of Senate Resolution 284, which will be read for the information of the Senate.

The Assistant Secretary read the resolution submitted yesterday by Mr. HARRISON, as follows:

Resolved, That the United States Tariff Commission be, and it is hereby, directed to transmit to the Senate, at the earliest practicable date, such facts and findings as it may have in its possession from a study and investigation of the operations and results of the rates carried in the emergency tariff act approved May 27, 1921, and as extended by the act approved November 16, 1921.

The VICE PRESIDENT. Is there objection?

Mr. McCUMBER. I object, Mr. President.

The VICE PRESIDENT. There is objection.

Mr. HARRISON. Mr. President, I serve notice that I shall object to the Senate taking a recess this afternoon, in the hope that there will be a morning hour to-morrow morning, at which time I may ask for the immediate consideration of this resolution.

Mr. McCUMBER. If the Senator from Mississippi desires to have the resolution referred to the Committee on Finance for its consideration, I shall have no objection to its being taken up to-day for that purpose. The resolution was introduced only late on yesterday afternoon, and I have only had my attention called to it a few moments ago. I think, from a very cursory view of the matter, that the committee will undoubtedly wish to ask for some further and more definite information in relation to it; that it will suggest an amendment to the resolution, and then report it back with such suggested amendment. If the Senator from Mississippi will consent that the resolution may go to the committee, the committee will act on it in a very short time.

Mr. HARRISON. Mr. President, of course, if I thought the resolution would be reported out from the Committee on Finance within a reasonable time, I should have no objection to it being referred to that committee, but we are to begin immediately the consideration of each paragraph of the pending tariff bill. The whip and spur are being applied to this side of the Chamber. We on this side of the aisle expect to facilitate the passage of the bill in every way we can. We know, however, what has happened in relation to certain other measures which have gone to the Finance Committee. The tariff bill rested in that committee peacefully for a long time, the soldiers' bonus bill is still resting there peacefully, and I suppose that decent burial would be the fate of this resolution if it should go to that committee. The resolution is simple; it is direct; it calls for information that should be given to us immediately and not after the tariff bill shall have been passed. So I shall try to have the resolution taken up for consideration to-morrow morning, if I can.

Mr. McCUMBER. Mr. President, observing the desire on the other side of the Chamber, as indicated in the last two days, of facilitating the discussion and passage of the tariff bill, I am willing to cooperate with the Senator from Mississippi in that laudable purpose; but let me say to the Senator, so that he may be reassured and will consent that the resolution may go to the Committee on Finance, that the resolution will be reported within a very reasonable time. I hope the Senator will allow the resolution to follow the usual course, which is, after lying over one day, to permit it to be referred to the appropriate committee, with the assurance that the resolution will be reported to Senate within a very reasonable time.

Mr. HARRISON. Then, will the Senator from North Dakota agree that the paragraphs of the pending tariff bill covering provisions which are similar to those embraced in the emergency tariff law may not be taken up and considered until the Senate has acted upon the resolution in the form in which it is proposed to amend it?

Mr. McCUMBER. No; I do not desire to agree to delay any matter now pending before the Senate. I will simply agree to secure at the earliest practicable moment the information which the Senator from Mississippi seeks to obtain by his resolution, together with some added information which it will be necessary to provide for by an amendment of the resolution.

Mr. HARRISON. Will the Senator from North Dakota agree that within five calendar days the Finance Committee shall report the resolution back to the Senate?

Mr. McCUMBER. I think the resolution will be reported back in less time than that.

Mr. HARRISON. Then, the Senator will certainly agree that the resolution shall be reported to the Senate within five days?

Mr. McCUMBER. I do not wish to make any definite agreement as to what the Committee on Finance will do. I will simply say that I will do everything I can to have the resolution reported back to the Senate before five days shall have elapsed. I do not see the necessity of taking five days for its consideration; but I can not bind the committee in its action. I think the committee will want to make some amendments to the resolution and will want to consult with the Tariff Commission in order to ascertain whether or not they have certain information which we would like to secure. I think, however, that we can report the resolution back within three days.

Mr. HARRISON. With that assurance, Mr. President, I shall have no objection to the resolution being referred to the Committee on Finance.

Mr. McCUMBER. Very well. Then, I move that the resolution be referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Finance.

BUREAU OF INTERNAL REVENUE.

Mr. KING. Mr. President, on yesterday afternoon I called attention to Senate Resolution 270, which is lying upon the table. The resolution provides for an investigation by the Committee on the Judiciary into certain matters under the Bureau of Internal Revenue. I am inclined to think, however, that it would be more appropriate for the Committee on Finance to conduct the investigation, and I now ask that the resolution may be taken from the table and referred to that committee.

In view of the assurance of the Senator from North Dakota [Mr. McCUMBER], the chairman of the Committee on Finance, of prompt action upon the resolution which has been submitted by the Senator from Mississippi [Mr. HARRISON], I bespeak for the resolution which I now ask be referred to his committee the same prompt consideration.

Mr. McCUMBER. Will the Senator inform me what is the nature of his resolution?

Mr. KING. Mr. President, I ask that the Secretary read the latter part of the resolution, without reading the whereases.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read the resolution, as follows:

Resolved, That the Committee on the Judiciary of the Senate, or any subcommittee thereof, is authorized and directed to investigate the aforesaid matters, and to report to the Senate whether or not it be advisable to make a public record of tax exemption and tax-refund claims which have been decided or which are pending before the Bureau of Internal Revenue, and whether or not it be advisable to establish a court or public tribunal for the handling and allowance of claims for tax exemptions and refunds filed with the Bureau of Internal Revenue; and to recommend effective measures to relieve the Bureau of Internal Revenue from the influence of partisan politics. The committee is authorized to administer oaths, to send for persons and papers, and to employ such clerical and professional assistance as may be necessary, payment therefor to be made out of the contingent fund of the Senate upon the order of the chairman of the committee.

Mr. KING. The resolution contains a preamble which recites, in my opinion, the necessity for the investigation proposed by the resolution. Mr. President, I wish to modify the resolution by striking out the words "the Judiciary" and inserting in lieu thereof the word "Finance," so as to provide that the investigation may be made by "the Committee on Finance." With that modification, I ask the reference of the resolution to the Committee on Finance.

Mr. McCUMBER. I desire to say that of course the resolution of the Senator from Utah covers a very broad field, in which there is much controversy, and the Senator fully understands the amount of work which is imposed upon the Finance Committee at the present time. All that I can say for the Committee on Finance is that it will act upon the Senator's resolution just as soon as it possibly can, considering the very many other matters that are at this time pressing upon its attention.

Mr. KING. I appreciate the situation of the committee and the tremendous amount of work resting upon the chairman of the committee, as well as upon the other members; but the

resolution is very important and relates to an administrative matter which needs attention. Charges are made as to partisanship and that a very demoralized condition exists in the Internal Revenue Bureau; charges are also made that men are being withdrawn from the work of collecting taxes to the consideration of applications for refunds. They seem to be interested in returning money to those who claim to have overpaid, and not sufficiently interested in collecting Federal taxes. The matter is, I think, important, as the Senator suggests, and I hope it may receive as early consideration as possible.

The VICE PRESIDENT. Without objection, the resolution as modified will be referred to the Committee on Finance.

PENSIONS AND ADJUSTED COMPENSATION.

Mr. DIAL. Mr. President, while we are considering the bill to raise revenue I deem it not inappropriate to refer to calendar No. 509, being the bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses.

I confess, Mr. President, that I am at a loss to understand how Members of Congress can continue to pile up expenditures upon the taxpayers of this country. When I contemplate the recklessness with which we seem to turn the Treasury over to all of those who try to bring themselves under pension legislation my mind is appalled at the extravagance with which the funds of the Treasury of the United States are dispensed. It seems to me that the time has come when we, the representatives of the people, should look at this subject in a sane way.

I can understand why it was that following the Civil War certain sections were very liberal so far as the Treasury was concerned and turned it over at the request of claimants, almost without considering what they were giving, when other sections of the country received none of the bounty; but, Mr. President, at this far distant period from the Civil War it seems to me, inasmuch as we are all one people and all pay taxes, that we should all look to the protection of the Treasury in the same manner.

I am not surprised that the soldiers who fought in the great World War are now knocking at the doors of Congress demanding a bonus, when they look back at the history of Congress in connection with legislation for the benefit of soldiers of previous wars. I have never been an alarmist; in fact, I am an optimist; but I must say that if we consider the acts which Congress has passed it is enough to shake the nerves of any man.

I know it is unpopular to talk about business or to say anything kind toward business, because that is out of fashion, and one indulging in a discussion of that kind might be considered to be out of tune with the times; but, Mr. President, unless somebody is left to work, unless some one is encouraged to create industries, there will shortly be nobody left to pay taxes or to give employment to people.

I myself know men in the section of the country where I live, even with the limited means which we have, who are anxious to get out of business, and will do so at the earliest possible opportunity. No one can blame the man who has a dollar for putting it into tax-exempt securities and relieving himself from the burdens of taxation. Of course it is wrong, and he ought not to be encouraged so to invest his money, but we are doing everything in our power to drive people out of business.

Mr. President, the first year I entered the Senate, as I recall, a bill was introduced to increase the pensions of Federal soldiers to the amount of $65,000,000 a year, notwithstanding the fact that we had just emerged from the greatest war the world had ever known, involving the greatest destruction ever recorded in history and resulting in the increase of the debt of the United States Government from about one billion dollars to some twenty-five billion dollars. It seemed to me, amateur as I was, that we, the representatives of the people, should have looked at the matter in a more businesslike and in a saner way; that we should have given greater consideration to the disorganized conditions in which the business of the United States found itself before taking action the chief result of which would be the piling up of taxes.

I do not personally manage much business, but it would be enough to engage the most serious thought of any sane individual in the world if his indebtedness should increase twenty or twenty-five times within 12 months or 2 or 3 years. He certainly would be facing the bankruptcy court, or the sheriff would be pretty close behind him, or he would be making preparations to retire from business if he did not economize. If he intended to meet his honest obligations, if he were a sane man, he would try to curtail expenditures and to see how he could meet his obligations, spend less, work harder, and economize more. That is the principle that I should like to see Congress follow. I believe in success and economy in private life, and I also believe in it in public life. I am not scolding my colleagues; but I can not understand how it is, when men are elected to Congress, that they so far forget the people back home—the taxpayers of this country.

Why, Mr. President, in every paper that we pick up we see column after column, page after page, of people's property advertised for the nonpayment of taxes; but here let a man claim that he was in the Army, that his name is in a roll, and it matters not whether he was within a thousand miles of a battle; it matters not what means he has; it matters not how long he served; we break our necks to give him a pension. We try to run all over one another, and I believe that one party is no better than the other along that line. I am out of tune with either party on the subject. And now, to cap the climax, we propose in this bill to give pensions to the widows and the after-widows, and the dependents of the soldiers of the so-called Boxer uprising.

Mr. President, I am not a soldier, but my recollection is that there was not much fighting in the Boxer uprising, and what excuse can Congress have for giving these designated people a pension? The bill refers to the Boxer uprising, and the war with Spain, and the Philippine insurrection. There were a few shots fired in the war with Spain—a matter of a little picnic.

What are soldiers for if they are not to fight? Why do they join the Army if they are not going to do their duty and protect the United States? Where is the magic, or where is the fear, or where is the reward, except for votes for Members of Congress, which leads them to tax the people for any such cause as this?

I have not looked up the Boxer uprising recently, but I do not think anybody got killed over there on our side. Certainly it was not much of an affair; but when the men who come under this designation get to be 62 years old Congress goes and dumps a pension on them and their dependents, the report says, irrespective of the means of the dependents, because they are needy. Mr. President, how many people in this country are not needy? If these Members would go home and mix with the people, they would certainly hear cries of poverty all over this country. Agriculture has been depressed. Merchandise and everything else has gone down tremendously. Take the principal product in my country. It went down 75 per cent in 12 months, a decline unheard of in history.

Now, let us go back and look at some of these figures. They are startling figures to me. We will go back to the Civil War. I am not fighting the Civil War over, and yet I will say that I have no apologies to make for our part in it. I always did believe we were right, and I continue to believe so. However, it has been a long time since the Civil War. The report of the commissioner here shows that in 1879 there were 242,755 pensioners, receiving a sum of $33,664,428.92. That number increased in 1902, when it reached the peak of 999,446 pensioners, and that year they received an amount of $137,504,267.99; and away on down in 1921 there were still on the roll 566,053 pensioners, receiving $258,715,842.54—a larger amount in money than had ever been paid out in any one year since the Civil War. If the number of pensioners is to decrease and if the amount of pensions is to be increased, how do we ever expect to get relief from taxation?

I desire to insert in the RECORD the figures of expenditures appearing on page 26 of the commissioner's report, referring to the War with Spain and the other wars, showing that at the present time we are paying out in pensions more money than we have ever paid since those wars.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Comparative table of the value of an average pension of the different wars for the last five fiscal years.

	1921	1920	1919	1918	1917
Civil War	$477.74	$358.77	$373.39	$287.95	$247.71
War with Spain	164.34	142.01	137.28	138.30	133.81
War of 1812	356.63	232.73	218.57	213.31	171.58
War with Mexico	373.37	240.29	256.48	263.60	221.24
Indian wars	203.71	203.49	285.84	221.78	179.44
Regular Establishment	183.49	180.55	192.62	190.30	180.69
World War	238.62	227.63	233.53	223.07	.....
Average for all wars	443.13	339.72	355.78	278.00	242.00

Mr. DIAL. Mr. President, I believe the Senator from Idaho [Mr. BORAH] said the other day that perhaps this last war

would cost the people of the United States something like $75,000,000,000, perhaps a hundred billion dollars. It is well that we can not realize what those figures mean; otherwise I can not see how anyone would muster up courage enough to go along and try to produce and put himself in the position of a taxpayer. The contrast is great with the people in the country, the people at home, the people who work, the people who amount to something. If the Senate will excuse me for a personal reference, I will tell them about a little visit I had the other day in South Carolina, which was so marked with the different spirit that our people show compared to the spirit that we show here. In fact, the whole atmosphere of Washington is to grab something from the Government, to get something for nothing, to get yourself on the pay roll; and we seem to forget our obligations, and try to place everyone on the pay roll who can muster up any kind of an excuse for getting there.

As I was saying, I was in South Carolina the other day. One member of the legislature from my county is a blind man, the only blind member of that body. He has served my county well for the last two years. He announced the other day that he was a candidate again, and I was struck by his announcement. He said he wanted the people to vote for him on his merits and because he had served them to the best of his ability, and he said further in that announcement that he did not want a single vote through sympathy. That is the kind of people we need in this country. That is the kind of spirit that has made this country great.

I went on from the capital of the State to my home town. The next day a poor fellow came into my office. I have known him a long time. He is a hard-working, honest man. He hobbled in, not on one crutch but on two crutches, and yet he performs his daily duties, attends to his business, runs a little farm, and makes a living. He is a man of very limited means. He spoke to me about this legislation in Washington. His eye was clear, Mr. President, and he looked at me and said he thanked God every day of his life that he had never accepted charity from the people, notwithstanding his crippled condition.

We need more of that spirit in this country. After a while we will have practically a dependent population, people who have no more manhood than a sparrow, going around whining, asking for some public pap. We will destroy all of the initiative, we will destroy all of the ambition, we will destroy all of the incentive of the American people that has made this country great since we founded it; and it does seem to me that Senators, people who are big enough to be elected to the United States Senate, ought to stop and remember that there is somebody else in this country besides these people who are forever knocking at the door of the Treasury.

I do not believe it is so much those people who want this legislation as it is some Members of Congress who act in fear, and want to dole money out of the Public Treasury. I do not believe that 5 per cent of the honest people of the United States would approve of this kind of legislation, even in the States where they get a large proportion of it. I do not know how we are going to stop it. I confess that I am alarmed, Mr. President. I have thought that perhaps it would be necessary to amend the Constitution. I have not studied the matter from a legal standpoint, but I do not know now whether we are permitted under the Constitution to make many appropriations and donations that we do make. If we are not, the time has come when some man should rise up in the United States and go to court and get an injunction against it; but if we are allowed to donate to everything that comes along, and if we are not going to have the backbone and the manhood to say "No," then I do believe that the people of this country will rise up and pass a constitutional amendment whereby we will be prohibited from contributing the money of the public in this way, and I would say, "God speed the day."

I have never questioned the stability of the Government of the United States; that thought had never entered my mind until the last few years. When I see the laxity with which we administer our trust, I confess that I am getting a little nervous, and I feel that unless we stop, great disaster will disturb the prosperity of the country.

I have in my hand a most admirable address, delivered by Mr. William D. Melton, a prominent member of the Columbia bar, president of the South Carolina Bar Association, who has recently been elected president of the South Carolina College. I desire to insert as a part of my remarks a few statements from this address of Mr. Melton, found on pages 25 and 26 of this pamphlet. It goes into detail about the different governments of the world, how long they existed, and the reasons for their downfall, and he sounds a warning to the people of the United States. This may be unnecessary, Mr. President, but when I see the lavish expenditures being made by Congress, I feel that those words are timely. I ask that this be printed as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A few years ago Lord Bryce wrote that "the future of the United States during the next half century sometimes presents itself as a struggle between two forces, the one beneficial, the other malign; the one striving to speed the Nation to a port of safety before the time of trial arrives, the other to retard its progress, so that the tempest may be upon it before the port is reached." The writer of a recent magazine writing of the present times says "it is the kind of situation in which former civilizations have gone down." Lord Macauley predicted that the civilization of the United States would be destroyed by lawlessness engendered within her own institutions. Indeed, "the shadows hang heavy on the hills." How long will our country endure? It is for all of us "to take up arms against a sea of troubles and by opposing end them." Even then how long will our civilization last? Other civilizations, ancient and modern, have gone down. How long is left for us? The Chaldean Empire collapsed before Cyrus the Great, who established the Persian Empire. It had not lasted a century. The Persian Empire went down before Alexander the Great, who sighed for more worlds to conquer. It had lasted but two centuries. The empire of Alexander was barely established before his untimely death, whereupon it was divided among his generals. The Roman Empire held her sway for more than five centuries, and then joined the procession of the ages and fell and disintegrated. The empire founded by that interesting and picturesque figure of world history, Peter the Great, lasted less than two and a half centuries. The German Empire, apparently so strong and firm, lasted less than half a century, because it was founded and owed its existence to militarism and the principle that might makes right. The Emperors of Russia, Germany, Austria, and China are dead or in exile. Bourbons, Bonapartes, Romanoffs, Hapsburgs, and Hohenzollerns, former kings, potentates, and princes, bereft of their thrones, principalities, and powers, are wanderers on the face of the earth. Life in all its tragic incompleteness from the thatched roof of the peasant to the palace of the prince has been changed by the mighty cataclysm of war and social revolution, never again to recur to the conditions of former times. The curtain has fallen on a civilization from which it will nevermore be lifted. How long will the great Republic of the United States endure? Who knows? I can only say:

"And the rains descended, and the floods came, and the winds blew and beat upon that house; and it fell not; for it was founded upon a rock."

Mr. DIAL. I also desire to sound a warning against civil pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the concurrent resolution (S. Con. Res. 22) directing the Sergeant at Arms of the Senate and the Sergeant at Arms of the House to purchase a floral wreath to be placed on the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies April 27, 1922.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico. Mr. President, yesterday afternoon we were discussing the first item in the bill. Considerable attention was given to it, because it was stated by the chairman of the Finance Committee that the principle upon which the duty was placed on that article permeated the whole bill, that this item is typical; and I think it will be profitable for us to discuss the general subject, using this item merely as an illustration of what the bill means.

On yesterday I called attention to the fact that acetic acid had been taken off the free list and put upon the dutiable list. I thought it advisable that the Senators and the country should know why that thing was done. I therefore asked the chairman of the Finance Committee why it was done. It seemed to me that the taking of an article off the free list, putting it upon the dutiable list, and putting a tax upon it which would tend at least to increase its price to the consumers of the country ought to have some word of explanation. The distinguished Senator from North Dakota [Mr. MCCUMBER] undertook to give that explanation, and I read now what he said:

The reason I can give for placing this particular item upon the dutiable list is the reason that permeates this bill throughout.

I desire to call particular attention to that language, that the reason is the same as that which permeates the bill throughout. He continued:

It is to equalize the difference between what is supposed to be, as nearly as we can arrive at it, the cost of production abroad, including the cost of shipment into this country, and the cost of manufacturing in this country.

That statement was evidently designed to reconcile the country to the terms of this bill. If that is the basis upon which the bill is founded I am sure there will be great support for it throughout the country. Much can be said in favor of regulating prices in this country by putting a tariff upon the articles which will bring about an equalization of the cost of production abroad, including transportation, and the cost of production at home.

After the distinguished Senator made that statement I asked him upon what evidence the committee had removed this item from the free list and put it upon the dutiable list. I asked him what the difference was between the cost of production at home and the cost in the foreign markets. The result of the colloquy was the discovery that there was not a scintilla of evidence in this record from beginning to end as to the cost of production either in this country or abroad.

After that had developed the statement was made by the distinguished Senator from North Dakota that they had considered the prices which prevail in this country and the prices which prevail abroad, and that those were the bases of their conclusion. I desire to get his statement as to that in the RECORD at this point. He said:

> The Senator asked me a question a while ago. I can not always turn immediately at a second's notice to give him the figures upon every one of these chemical items, but if he will turn to the report of the monthly summary of our importations and exportations he will find the cost of acetic acid, at least the latest that we have; that is, the foreign cost here. He will find that for the same kind of acetic acid, which comes in in all characters of strength—but that which is imported, of course, comes in practically 100 per cent pure in condensed form—there is about 2 cents difference between the price at which it is imported and the American manufacturers' price. The latest price given is about 8 cents for the 100 per cent pure, as against 9½ cents for the American article of 80 per cent pure. So I do not think we are very far off in the 2 cents difference.

Let us examine the testimony which we have upon that subject. Acetic acid has never been imported into this country except from Canada. The kind which the Senator says comes in is the pure acetic acid, and he says that the price is 8 cents per pound, as against the corresponding price of 9½ cents in this country, and that therefore a tariff of 2 cents a pound is about right.

I want to call attention not only to the immediate price, about which I shall have some comments to make, but about the great trend of prices during a series of years, and Senators will be very much interested in knowing that the price in Canada during all this time has been very much higher than the price in the United States.

The Tariff Commission has collected these prices, and they appear in the Tariff Commission's Survey A–2, on pages 30 and 31. We find that in this comparison of Canadian prices and the United States prices the figures include only the years 1918, 1919, and 1920, and the other prices are given in a later publication of the Tariff Commission for nine months of 1921.

These prices are given by months for each one of these years. In February, 1918, the 80 per cent acetic acid compound was selling in Canada at 29 cents, and in the United States at 19 cents.

The commercial crude, or 28 per cent pure, was selling in Canada at from 7.85 cents to 8.50 cents, and in this country at from 5.50 cents to 6.50 cents.

I will not read the statistics for all the months. In 1919 the 80 per cent pure was selling in Canada at 21.50 cents, and in the United States at 10 cents.

In 1920 the Canadian price was 18.50 cents, and the American price was 12.65 cents. During the year 1920 the Canadian price was always above the American price.

The Senator's statement was justified by one little item which appears in this abstract of the summary of the tariff information. Here the quantity imported is given, as well as the prices on the actual importations.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. There must be some mistake in the quotations the Senator is reading, or he does not read them as they are intended to be read. I can not imagine that vinegar of a certain strength will sell for 21 cents, made in Canada, and that the same vinegar sell for 10 cents if it is made in the United States. Surely, in presenting his figures, the Senator must be describing vinegar—which is acetic acid—of different strengths.

Mr. JONES of New Mexico. Not at all. They are put in parallel columns by the Tariff Commission, and before I get through I shall undertake to explain the cause of this difference.

Mr. McCUMBER. Let me explain one error the Senator has made. I stated yesterday that we found about 2 cents difference between the foreign price and the American price. If the Senator would take the report of the Tariff Commission, from which he has read, he would find that for the first nine months of 1921 the invoice price of the importations of 100 per cent pure, or practically 99 per cent pure, was 8 cents. If he will take the last statistics upon this subject, he will find that on March 27 glacial acetic acid, which is 99 per cent pure, the same as that which comes in, was selling for 10 cents. So, according to the latest figures we have, the exact difference is 2 cents, and the range of difference in the tariff bill is from three-quarters of a cent up to 2 cents, which is the greatest amount. It is three-quarters of a cent on the lower grade, and runs as high as 2 cents difference on the 99 per cent pure, which practically represents the difference between the invoice price on the other side and the invoice price of the same article in the United States.

Mr. JONES of New Mexico. I have all of that information, and I expected to present it precisely as broadly as the Senator from North Dakota has done.

Mr. SMOOT rose.

Mr. JONES of New Mexico. May I be permitted to proceed just a little further? I would be glad to do so, if the Senator from Utah will permit me.

Mr. SMOOT. I was simply going to state that, as quoted by the Senator, the prices of acetic acid in Canada and in the United States during the year 1918 are correct. If the Senator wants to know why it was, I can tell him in a very few words.

Mr. JONES of New Mexico. I am not now asking for information. I think I know why myself without being told.

Mr. SMOOT. The tariff has nothing whatever to do with the reason. While the Canadians were asking 29 to 33 cents in Canada for 80 per cent acetic acid in February, 1918, they were selling that same identical product in the United States at the same time for about 17 cents. They were dumping it into this country, and that is the reason why there was that difference. I want simply to say that the figures quoted by the Senator are absolutely correct, so far as the price of acetic acid is concerned in the United States and in Canada, but the reason for it I have already stated.

Mr. JONES of New Mexico. I shall discuss the reason for it.

Mr. WATSON of Indiana. In addition to that, if the Senator will permit me, acetic acid coming into this country from Canada comes free. Acetic acid from this or from any country into Canada bears a tariff of 25 per cent on the low grades and 35 per cent on the high grades.

Mr. JONES of New Mexico. I understand that.

Mr. WATSON of Indiana. So while Canada can make it and get into this country, we could not make it and get it into Canada, and therefore they are dumping it into this country. That is the reason for the disparity in prices of this particular product between the two countries.

Mr. JONES of New Mexico. I quite agree that that is true, and I hope to show before I conclude the effect which the tariff will have upon prices of this commodity in the United States if imposed under this bill.

But to proceed, what do we find? In the first place, I believe I will make some statement as to the production in the United States. The production of acetic acid in 1914 was 75,000,000 pounds—I am using the round numbers—and in 1919 it was 47,000,000. By the way, the price of the 47,000,000 pounds in 1919 was about twice the price of the 75,000,000 pounds in 1914. The glacial acetic acid, which is pure acetic acid, manufactured in this country was 5,000,000 pounds.

Now, let us look at the importations and the prices. We find that in 1918 there were imported, and imported from Canada, of course, 297,000 pounds at a price of 28 cents; in 1919 there were 1,850,000 pounds at a price of 12 cents; and in 1920 there were 2,862,000 pounds at a price of 13 cents per pound.

In 1921, for the first nine months of that year, there were imported 28,042 pounds of the value of $2,315, making a price of 8 cents. It is that which the chairman of the Finance Committee tells us has justified the placing of a tariff of 2 cents a pound upon acetic acid, in order to keep out 28,000 pounds of imported acetic acid, as compared with the ordinary production in this country of 75,000,000 pounds. For that purpose he would impose a tax of 2 cents a pound on the entire product.

Mr. McCUMBER. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I gladly yield to the Senator from North Dakota.

Mr. McCUMBER. Has the Senator given the reason for the sudden drop from an importation of 2,862,000 pounds in 1920 to only 28,000 pounds in the first nine months of 1921?

Mr. JONES of New Mexico. I have not given the reason.

Mr. McCUMBER. Does the Senator understand the reason?

Mr. JONES of New Mexico. If the Senator wishes to give the reason, I shall be glad to have it.

Mr. McCUMBER. I wanted to know whether the Senator understood the reason for that drop?

Mr. JONES of New Mexico. If the Senator wishes to present the reason for it, I shall be glad to listen to it.

Mr. McCUMBER. I will simply state that the effect of the emergency tariff law or the dye industry act, which is practically an embargo except through license on synthetic vinegars or acetic acid, has been such as to suddenly shut off all this amount. That is the only reason why it has dropped so suddenly. The Senator will observe that it was increasing from about 500,000 pounds in 1918 to nearly 3,000,000 pounds in 1920, and then it dropped down suddenly to 28,000 pounds, which, as I have explained, was due to the emergency tariff act. Of course, that law may be changed entirely by the pending bill.

Mr. JONES of New Mexico. Will the Senator also point out the provision in the emergency tariff law which caused that to occur?

Mr. McCUMBER. It is section 501(a) of the emergency tariff law.

Mr. JONES of New Mexico. Will the Senator read it? I have not that paragraph before me.

Mr. McCUMBER. It reads as follows:

SEC. 501. (a) That on and after the day following the enactment of this act, for the period of three months, no sodium nitrite, no dyes or dyestuffs, including crudes and intermediates, no product or products derived directly or indirectly from coal tar (including crudes, intermediates, finished or partly finished products, and mixtures and compounds of such coal-tar products), and no synthetic organic drugs or synthetic organic chemicals, shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the Secretary determines that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions in sufficient quantities and on reasonable terms as to quality, price, and delivery, and that such article in the quantity to be admitted is required for consumption by an actual consumer in the United States or in any of its possessions within six months after receipt of the merchandise.

That is the portion of the emergency tariff act which has twice been extended without any modification, and as vinegar is made through a synthetic process from carbide it has practically been eliminated except, I presume, certain kinds which have been allowed to come in.

Mr. JONES of New Mexico. I have asked the Senator to give us that information at some length for the purpose of putting emphasis on the situation as it exists. I was going to call attention to it.

Vinegar is made from calcium carbide. I was going to refer to that, and why? Because the Finance Committee in fixing the rate in this schedule use the price of an importation of only 28,000 pounds which came in as a freak. Is not that a woeful spectacle? They do not ascertain the cost of producing the commodity in this country or abroad. They are driven from that position. Then they say that they fix this duty because of the difference in price, and what prices did they take? They took the price of a mere freak transaction which was prohibited by the embargo laws of the country. Under the law which the Senator from North Dakota has read it was an unlawful importation. It must have come in and been sold on the market under very peculiar circumstances. Yet when the Finance Committee undertook to use prices as the basis for putting a tariff upon this great commodity they used the price which is a freak, as I have said, based upon an importation which came in contrary to the embargo laws of the country. What a woeful spectacle we have!

Now, Mr. President, in order to show that this was a freak importation I want to give a few other prices.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. JONES of New Mexico. I yield.

Mr. WALSH of Montana. Before the Senator passes from that I want to inquire if it is a fact that the same procedure was pursued in fixing the rates generally in the bill, namely, to put a tariff on which would bring the foreign price up to the price being asked in the American market without any reference whatever to what it cost to produce it in America?

Mr. JONES of New Mexico. It was absolutely demonstrated on yesterday that as to this entire schedule they had not attempted to obtain information as to the cost of the articles, either here or abroad.

Mr. WALSH of Montana. Do I understand that that position was admitted by the chairman of the Finance Committee?

Mr. JONES of New Mexico. The chairman of the Finance Committee yesterday stated that it was based upon the difference between the cost of production here and abroad, but when he was asked for the evidence upon which the committee acted there was a failure to produce any.

Mr. WALSH of Montana. I inquired about it because there is a widespread feeling in the country that there has been an enormous amount of profiteering, and that prevailing prices include not only the cost of production but an unconscionable profit. If the pending bill means that a tariff is to be imposed upon the importation of a foreign article so that the article will bear the same price in this market as the prevailing domestic price, it would be well to be informed about it.

Mr. JONES of New Mexico. Mr. President, let us see what the actual condition of the market is. I obtained this morning the prices of this commodity as of April, 1922, the present month. I find this to be the situation: For the 28 per cent of acetic acid the Canadian price is 4 cents per pound; the New York price is 2.37 cents per pound. The 80 per cent acetic acid in Canada has a price of 12 cents per pound; the price in New York of the same article, the commercial grade, is 6.8 cents per pound; but the pure grade of that percentage is 8 cents per pound, as against 12 cents per pound in Canada.

The glacial acetic acid, the pure acid, with which we must compete, as the Senator from North Dakota has said, has a price in Canada, f. o. b. Shawinigan Falls, the place where it is manufactured, of 20 cents a pound in barrels and 20½ cents in carboys, and the price in the New York market is 8½ cents a pound.

So, Mr. President, we have this wonderful performance: The majority of the great Finance Committee of the Senate undertakes to convince us that the price of this commodity where it is manufactured and whence it is exported is lower than it is in the United States, and therefore, in order to meet the difference in price, the Committee on Finance proposes to put a duty upon it of about 25 per cent, when the fact is that the price in the country whence this product comes is nearly double—in fact, it is more than double—the price in the United States.

We were told yesterday, with all assurance, and we are again told this morning, that the committee fixed the duty because of that freak importation of 28,000 pounds after the embargo law had been passed.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. McCUMBER. Is the Senator from New Mexico certain that one penny's worth of the vinegar was imported after that law went into effect? As a matter of fact, is not the Senator mistaken in that statement? I think he will find that all of the commodity which was imported in the first nine months was imported before the emergency law went into effect.

Mr. JONES of New Mexico. Does the Senator from North Dakota mean to say that the price of that 28,000 pounds, at the time it was imported, was the common, usual price of the imported article?

Mr. McCUMBER. I am not speaking of that; I do not know just what the price of that article was when it was imported. I assume that the import figures show the price at which it was purchased. I assume that the invoice was honest.

Mr. JONES of New Mexico. That is quite true.

Mr. McCUMBER. But this is the point to which I wanted to direct the Senator's attention. He has several times spoken of the importations after the law went into effect as "freak importations." The emergency law went into effect on the 27th day of May, 1921. The figures which are given are for the first nine months of 1921. I think the Senator will find, instead of their being "freak importations," that every one of them was an importation which came into the country prior to the 27th day of May, 1921; and although the figures cover nine months, I think the Senator will find that no importations took place after the law went into effect.

Mr. JONES of New Mexico. Mr. President, let us look at this matter in a really calm and dispassionate way.

Mr. McCUMBER. Certainly, and let us know the facts as they are, without wrong impressions being created by fallacious arguments.

Mr. JONES of New Mexico. That is right. I want the truth, and I hope the Senator will listen to me for just one moment.

The Senator from North Dakota himself called attention to the fact that the importations in 1920 were 2,862,068 pounds. It was the Senator's own conclusion that those importations fell off to 28,000 pounds by reason of the embargo law. If it was not by reason of the embargo law, then I will ask the Senator to state why, during the five months of 1921, when there was no embargo law, the importations fell from 2,862,068 pounds per year to 28,000 pounds, or 1 per cent in five months of the importations for the previous year? The Senator must find some other reason. If the embargo was not the reason, it doubtless was that the price in this country was so low that the Canadian producer could not afford to export it, because the price fell from 13 cents in 1920 to 8 cents in the nine months of 1921. So whichever horn of the dilemma the Senator wishes to take I will ask him if the Finance Committee was justified in

accepting the price of what I still denominate a "freak importation" for the purpose of imposing a tariff upon the 75,000,000 pounds normally produced in this country?

Mr. President, I should like to call attention to the state of this industry, and I shall do so somewhat in detail, because the principle upon which the committee acted regarding this item, using the language of the Senator from North Dakota, permeates this whole bill. It is necessary for us to understand something about the production of this commodity. Acetic acid in the United States is a wood product, which is obtained by heating hardwood. The three products of that process are alcohol, acetate of lime, and charcoal. Alcohol is the most valuable of those products. Wood alcohol has more uses and there is a much more diversified demand for it than for acetic acid. Acetic acid itself, however, is a very valuable chemical in a number of industries.

Now, what happened? What was the situation? Before the war, of the entire production of acetate of lime 40 per cent was exported. Thus it is apparent that we competed with the world. Alcohol is also produced not only in competition with Canada but in competition with the world.

Mr. SMOOT. The Senator knows, of course, that at that time there was no synthetic process known.

Mr. JONES of New Mexico. I am coming to that a little later. The Senator is right about it; but the situation is as I have described. Some Canadians—and, by the way, about 40 per cent of the capital stock of the Canadian company is owned in the United States—discovered a synthetic process of making acetic acid from calcium carbide; but there is no evidence here as to how much it cost to produce the acetic acid by that process, and there is no evidence of how much it cost to produce the glacial acetic acid in this country. So, when Senators undertake to say that there has been developed a patented process for manufacturing synthetic acid and that that process is very much cheaper than production by wood distillation in this country, I say there is not a particle of evidence on which to found the statement.

Mr. SMOOT. Mr. President, common sense tells anybody who knows anything about the production of acetic acid that the synthetic process is cheaper than the process of extracting it from wood. Not only that, but the dust of calcium carbide is used in the synthetic process of making acetic acid, and by that method 100 per cent acetic acid can be made. I know the Senator will agree with me that it can be made cheaper in that way than by extracting it from wood and employing three processes to get it into similar condition.

Mr. JONES of New Mexico. The statement of facts made by the Senator is true. As to his conclusion, however, I am not convinced and I will state why.

Mr. SMOOT. The synthetic process would not be employed if it were not cheaper.

Mr. JONES of New Mexico. In the first place, there is no evidence as to the cost of the calcium carbide. The Senator has stated that the product is made from the dust of calcium carbide, and I think he is right about that, but there is no evidence as to the quantity of that dust which is available, nor is there the slightest evidence as to the cost of production in this country.

As I stated a while ago, the products of the distillation of hardwood are alcohol, acetate of lime, and charcoal. I should like anybody to tell me how it can be said that the acetate of lime costs one amount, the alcohol costs another, and the charcoal another. They are relative terms; and if the price of acetate of lime goes down there is no reason in the world why the producer can not raise the price of his alcohol, and make his entire product profitable, and that is done.

Mr. SMOOT. Mr. President, of course I do not care about getting into a discussion; but the man who makes wood alcohol has to compete with the manufacturer of alcohol by some other process, and I will say to the Senator that there are ways in which alcohol can be made even cheaper than by its extraction from wood. I mean to say that pure alcohol can be made in many ways cheaper than wood alcohol can be made from wood, but, of course, the pure alcohol would have to be denatured or else pay the Government tax. Wood alcohol does not pay the Government tax; and the Senator knows that we thought a few years ago that we were going to run all the automobiles and all the engines in this country by alcohol made from the waste fruits of the country, but we found that it was not really a success.

As to the price of wood alcohol, it can not be raised any higher than the price at which it can be imported into this country. They have better wood facilities and a greater quantity of wood in Canada than we have in this country, so the price can not be raised above the market price. I will say to the Senator also that each process in the extraction of alcohol from wood is a process by itself, and the cost of producing each of the three products named by the Senator can be ascertained just the same as the cost of manufacturing any other article produced in the United States. That has always been the case, and the price at which each article is sold depends entirely upon the cost of the item.

I will state to the Senator that in some cases, where the market will justify it, the principle that he cited could be taken advantage of; but when business is normal and when there is a steady demand for all of the three articles, then it could not be put into operation.

Mr. JONES of New Mexico. Mr. President, that raises the old question about which the Senator from Utah must be an expert. I should like to have anybody tell me what the cost of raising wool is and what the cost of raising the meat of the sheep is. You have the two products coming along together, and no man living can tell what the cost of one is or what the cost of the other is. You can tell the cost of the combined product, but you can not tell the cost of either one in particular; and the price of each one is fixed in accordance with the law of supply and demand.

The Senator says that acetic acid can be produced so much cheaper under this process. I will ask him why it is that the price to-day at the works in Canada is 20 cents a pound and the price in New York is 8½ cents a pound?

Mr. SMOOT. I thought I told the Senator that, but I will tell him again. This is a patented process, and acetic acid is made by this process. The Canadian manufacturers are making the Canadian people pay every dollar that they can. The Canadian manufacturers have a duty of 25 per cent upon every pound of acetic acid that comes into Canada from any other country. Therefore they have that protected market, and they take advantage of it in every way possible; but when they come into the American market, in the past they have come in free, and in order to sell the product in this country they are going to sell it at a lower price than they do at home. The very figures that the Senator submitted to the Senate prove beyond a question of a doubt that that is what they have done in the past, and that is what they are going to do in the future; and the only reason why we ask for protection on acetic acid is from the very fact that we do not propose that Canada shall impose a duty upon acetic acid and then have this market as a dumping ground. That is what she has had, and that is what she would have with free acetic acid. If we do not have this duty, the Canadian plants will run continuously. Canada will control this market. She can sell her product under what it actually costs her to make it, even with the new process, and then make it up on the price she charges for the balance of the product to other parties. Those are the absolute facts of the case, and that is the condition, and that is the only reason why there ought to be a duty upon this item.

Mr. JONES of New Mexico. Mr. President, I thank the Senator from Utah for stating so clearly the next point which I wish to discuss. I know that the statement, coming from the distinguished Senator from Utah, will be accepted as the actual situation, and the inferences which he draws about the tariff in Canada and about the dumping of the commodity in this country will be accepted. So, then, we have this problem to deal with: It is not a question of the actual cost of the commodity in Canada as compared with the cost in this country; it is not a question of prices in Canada as compared with prices in this country; but it is a question of the Canadian producer dumping his product on the American market, and I think the Senator is right.

Mr. SMOOT. That is the question; and not only that, but that is why I prepared as best I could an antidumping provision in this bill, which I designated the other day as one with teeth in it; and I think myself that if this antidumping provision becomes a law and is enforced it will stop a great many of the evils that have existed in the past, not only with acetic acid coming from Canada but with other articles coming from foreign countries as well.

Mr. JONES of New Mexico. Mr. President, there was a very advising witness who appeared before the Ways and Means Committee of the House, a Mr. Stilling, of the Wood Products Co., of Buffalo, N. Y. I will state that the Wood Products Co. produces alcohol, acetate of lime, and charcoal, just the same as all other producers of these wood distillates; and here is what he had to say and the reason he gave for wanting a tariff upon these items. He was talking particularly of alcohol at the time:

> Mr. Chairman and gentlemen of the committee, I represent the Wood Products Co., of Buffalo, N. Y., the largest refiners of wood alcohol in the United States. We are not particularly interested in

protection in the common acceptation of this word, because we believe this country is big enough in natural resources and has the technical skill and ability to enable us to compete with any other country having the same labor costs. We are, however, very much interested in any set of laws which will permit Canada, for instance, to maintain high prices in her domestic market and sell her surplus of wood chemicals in this country at prices below those charged at home. I feel that no argument is needed on this point to convince you of the unfairness of such a condition.

Then, after further testimony, he makes this statement:

While it was shipped in September—

He spoke of a shipment of 250,000 gallons of alcohol into New York in the latter part of 1920; and, by the way, I may state that the whole amount shipped in was purchased by Mr. Stilling's company for the purpose of preventing it from being put upon the general market in competition with American-produced alcohol. He was big enough to buy the whole importation of a quarter of a million gallons in order to protect the industry in this country, which demonstrates that the American market is controlled by a few people, and in my judgment this one concern fixes the price in the American market. So sure were they of being able to fix the price that when an importation of a quarter of a million gallons came into the country, this one concern bought it all in order to control the American market.

Mr. Stilling says, speaking of this alcohol:

While it was shipped in September, it did not arrive in Buffalo until the 1st of October. While we have taken this quarter of a million gallons, at the present time they are only running about 40 per cent capacity, and consequently the domestic consumption is able to take care of the output, but when they start up and begin running 100 per cent capacity they will have a surplus of from sixty-five to eighty thousand gallons a month which undoubtedly would have to come over to this side.

That is the alcohol; but even that amount which could come if they were running at capacity would be a small item compared with the American production.

Mr. Green says:

Now, if we propose a countervailing duty—that is, made a general provision similar to what we did with reference to wheat at one time that in case any other country imposes a duty on alcohol exported to that country that same duty should be applied to alcohol imported into this country—would that help any, or would they just take off their duty?

Now comes what they want:

Mr. STILLING. Well, that, of course, is impossible to state. They probably would reduce it because it is higher than they need for their protection, but we are asking just exactly the same duty coming this way that they have on shipments going the other way.

What does that mean? It means, Mr. President, that this tariff which Canada has imposed upon these products enables the Canadian producer to manufacture his product and receive at home such a price as he sees fit to put upon it, and, if he has any surplus, to dump it upon some other country at any price he can get; and that is precisely what these people want when they are asking for this tariff on acetic acid and many others of the items mentioned in this bill.

While they can compete with the world in production, while they do export 40 per cent of acetate of lime, yet they want this tariff, and they want it at the same rate which Canada has put upon it. Canadians use it for the purpose of making their home people pay a high price for the product, and if they have a surplus to enable them to dump it on the rest of the world at a lower price. That is just one of the conditions which will be produced by this bill, and which I condemn.

I do not want to bring about that situation in this country. I do not want, by means of a tariff, to enable a combine to control prices in this country, to make the American consumer pay an exorbitant profit, and enable the trust simply to dump its surplus on the rest of the world. That, avowedly, is the purpose for which these people have applied for the tariff in this bill, with glacial acetic acid selling at 20 cents in Canada at the factory and at 8½ cents in New York. Imagine that! There is none being imported now, but 8½ cents a pound is the price the American producer is willing to take for it. That is the New York price. This other concern is charging 20 cents for the same article at the factory in Canada, and now they avowedly want to bring about such a condition in this country as will enable the producers of this commodity to raise the price to the American consumer in the same way that that profiteering concern is doing with the people of Canada. There is not a line of testimony here to show the cost of production in this country or in Canada.

Mr. President, I think I have discussed this item sufficiently, and, as I have said, I have done this because the chairman of the Finance Committee refers to this item as involving the principles which permeate this bill; and that is so. The bill is framed not upon the cost of production; it is framed not upon the difference in prices; it is framed in response to the requests of the interested parties who want to exploit the American people, and the majority of the Finance Committee has acceded to the requests. That, in my humble judgment and in my firm conviction, is the purpose which actuated the framing of this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harreld	McKinley	Sheppard
Brandegee	Harris	McNary	Simmons
Broussard	Harrison	Moses	Smoot
Calder	Heflin	Nelson	Stanley
Capper	Johnson	Newberry	Sterling
Caraway	Jones, N. Mex.	Nicholson	Sutherland
Culberson	Jones, Wash.	Norbeck	Townsend
Curtis	Kellogg	Norris	Walsh, Mass.
Dial	Kendrick	Oddie	Walsh, Mont.
Edge	Keyes	Overman	Watson, Ga.
Ernst	King	Pepper	Watson, Ind.
Fletcher	Ladd	Phipps	Williams
Frelinghuysen	La Follette	Pittman	Willis
Glass	Lenroot	Poindexter	
Gooding	McCumber	Ransdell	
Hale	McKellar	Rawson	

Mr. CURTIS. I desire to announce that the Senator from Maryland [Mr. FRANCE] is absent on business of the Senate.

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, a quorum is present.

Mr. SIMMONS. Mr. President, I wish to lay down some general propositions with reference to this bill before I start upon a discussion of its provisions.

1. A careful study of this bill in connection with existing conditions here and abroad make it perfectly clear that it was framed with a view to maintaining present prices and to enable the industries which it protects to further advance these excessively high prices without incurring the risk of foreign competition.

2. It will inevitably lead to higher prices, higher cost of living, and the further monopolization of American industries.

3. In many instances the rates are absolutely prohibitive. Especially is this true with reference to the highly specialized products, and these constitute the bulk of our dutiable imports. It is not difficult to see that the American producers of dutiable commodities protected against foreign competition need only—by recourse to certain well-known devices and expedients—bring about concert of action with respect to production and selling price to enable them to fix and maintain prices as high as the traffic will bear.

4. A comparison of the rates imposed in the bill with those of the Payne-Aldrich bill will show that upon the basis of the prices of products during the two periods, the only basis of a fair comparison of equivalent ad valorems, the proposed rates applied to present import prices average—expressed in terms of equivalent ad valorem are from 40 to 50 per cent higher than the average Payne-Aldrich rates for any year during the life of that act.

5. Whatever may be said—and that proposition will be discussed later—with reference to the volume of our importations during the war period and the aftermath war period, the official statements of imports for the years 1921 and 1922, and especially for the last nine months ending February, 1922, show that they have now reached almost a normal basis and are not excessive, and that, compared with our exports during the same period, they are relatively low.

6. If the reductions thus shown have taken place under the much lower rates of the present law, it must be obvious that the drastic increases of the pending bill will result in reducing to a point where it will be utterly impossible for us, in present international economic conditions, to sell our large exportable surplus of manufactured and agricultural products in foreign markets because of the well-known fact that our foreign customers are now, and for an indefinite period will continue to be, unable to purchase our products except through the process of exchange of merchandise.

7. The two greatest economic problems which confront the American people to-day are (1) the question of foreign markets for our surplus products of the field, factory, and mine, and (2) closely related to the first is the question of unemployment, which already presses hard upon us and which, unless the first problem is wisely solved, will rapidly grow to alarming proportions.

Manifestly the farmer, the manufacturer, and the mine operator can give employment to labor only to the extent to which they can find a market for their products, and therefore unmarketed and undisposed of surplus means unemployment and curtailment of production.

8. The duties imposed upon agricultural products will be mostly inoperative or ineffective either because of (1) practically no importations or (2) such meager importations as could not possibly affect the domestic price or (3) where, on account of our large exportable surplus, the domestic price of the particular article is based upon and fixed by the world selling price.

9. The effective duties upon certain agricultural products, such as wool and sugar, will undoubtedly tend to advance the price of such commodities in the domestic market, just as the effective duties upon manufactured products will undoubtedly tend to advance the domestic price of these products. But the aggregate benefits to the farmer through increases in price will be small, indeed almost inconsequential, as compared with the additional burdens he will have to bear by reason of the increases in the prices, made possible by these higher duties, of the things he must buy and consume in the operation of his business and in supplying his domestic demands.

10. The rule manifestly adopted and followed by the committee in ascertaining the measure of protection which should be accorded a given product or industry in order to effect the measure of protection the bill intends violates every theory or principle of protection heretofore advocated or proclaimed by the champions of protection, including the Republican Party, in this country, and with the superadded rate-making powers conferred upon the President makes tariff-rate fixing almost as much a matter of political and personal patronage as the distribution of the Federal offices.

11. The rates of the bill are based upon the export price of imports as compared with the American selling price, an unstable and constantly fluctuating factor, and to a large extent the prices of imports as found in the report of the Reynolds Investigating Commission are adopted as the basis for this comparison; the American price for making the comparison is predicated upon no definite basis and is largely a game of catch as catch can with all the advantages of the game in favor of the tariff seeker.

12. The Reynolds report is based on prices of foreign merchandise as of August, 1921, mainly the prices of products imported into this country from Germany, the prices of which country seems to have been accepted as the standard. Since August, 1921, eight months ago, the export prices of foreign products have generally increased. In the case of Germany this increase has been very large, indeed in some instances almost phenomenal, so that the increases in prices since the Reynolds report has already thrown the rates ascertained and fixed in the bill as amended out of balance with the principle upon which they were fixed, and, of course, as the processes of international stabilization and adjustment go on they will be still further thrown out of balance.

13. The uprising in 1909 against the excessive rates of the Payne-Aldrich bill, levied upon practically no principle except to satisfy the demands of the beneficiaries of protection, not only forced the Republican Party to adopt and proclaim a fixed rule for measuring the protection to be accorded but brought about the overthrow of that party in 1912. The bill ignores and utterly repudiates this rule of protection measurement.

14. Adoption of this bill with its prohibitive rates based on an uncertain and dangerous principle of measuring differences in competitive conditions here and abroad will mean, in addition to higher prices, higher cost of living and the further monopolization of American industries, also radical reductions in production, unemployment of labor, and the general demoralization and undermining of our past and present economic standards and conditions.

I do not wish to venture into the field of prophecy, but I entertain the firm conviction that if this bill is adopted before another general election the demonstrated effects of these rates will arouse an indignation of more portentous proportions than that which overthrew the Republican Party in 1912, in which election its candidate carried but two States, the little States of Connecticut and Utah.

Mr. President, I have laid down these general propositions as the basis of the discussion to which I propose to proceed as soon as I shall have directed a few general remarks to the opening speech of the senior Senator from North Dakota [Mr. McCUMBER], who is the chairman of the Finance Committee, the majority members of which framed the pending bill.

The Senator from North Dakota [Mr. McCUMBER], who reported this bill for the committee, in his opening speech in support of it, makes bold to warn the country that it should not expect the bill to bring the full measure of prosperity they were probably anticipating. That was indeed a very frank and a very timely warning. In view of the fact that the bill, if adopted, is likely to go into effect only a short time before the election, it was also a wise precaution on the part of the chairman of the committee to warn the country against vain expectations. But the warning of the Senator is in striking contrast with the reiterated assurances of those who have asked these high rates and obtained them. They have confidently predicted and loudly proclaimed that if they were given what they asked and were thus protected against foreign competition, an overwhelming tide of prosperity would at once set in and business would hum as never before. However, in making these predictions of the great prosperity to follow the enactment of the bill, these bounty seekers probably intended no reference to the consumers, but only to the favored few to whom the bill gives what they asked.

If the Senator was addressing to the consumers his warning against entertaining unwarranted expectations, it was most timely and altogether justified, but if he intended his warning for those who, while the bill was in the making, from day to day swarmed about the sacred precincts of the room in which the secret executive sessions of the majority were held, they will doubtless regard his warning as a choice bit of humor, and accept it as a hint or a wink not to be too noisy and not to indulge in too much hilarity over the good things awaiting them, especially not until after the bill has passed the gauntlet of the Congress.

The Senator also offers advice to the fortunate ones upon whom his bill bestows its benefits with wanton prodigality. He advises them to be moderate and content themselves with small profits. Good advice, indeed! But, in view of the fact that the Senator's bill is an invitation to them to take the higher profits which it offers them for the taking, it may be confidently predicted that the very discriminating gentleman to whom this advice and invitation are given and extended will incontinently reject his advice and accept the invitation of his bill.

Taken in connection with the invitation of the bill, the Senator's advice may be construed as a shrewd suggestion to those who are to receive the benefactions provided in it that while they should be thankful to the Republican Party for the blessings they are about to receive, it were wise and prudent to be meek and altogether self-denying until after the bill is passed and the election is over.

Mr. President, I now come to the consideration of the bill proper. The bill is based primarily on three erroneous assumptions of fact:

1. Upon the assumption that present importations are excessive and a menace to the business of the country;

2. The assumption that the home selling price and the export selling price of foreign merchandise are so much lower than the selling price of like or comparable domestic products that greatly higher rates of duty than those of the present law are needed to bring about fair and competitive conditions; and

3. The assumption that the export prices of foreign merchandise as disclosed in the investigations and report of the Reynolds Commission based upon such selling prices in August, 1921, have not changed since that time and are the same to-day as then.

Those are the three bases of this bill, and each one of them is predicated upon a false assumption of the existing facts, as I shall show.

Let me discuss these several propositions in the order mentioned. The first relates to the import situation of to-day and raises the question whether from the protective standpoint present imports are so unduly large as to call for the proposed increases in duties in order to further and sufficiently restrain them.

Undoubtedly importations to this country during the war and the war aftermath period were very great, but our exportations also were not only great but relatively greater, and of course both were much greater than in pre-war times.

But the conditions of 1917, 1918, 1919, and 1920 no longer exist. During the years just mentioned we, together with our allies and adversaries in the world conflict, were seeking markets wherever they could be found throughout the world for our accumulated surpluses and unused war materials, and were selling these surplus goods for whatever price they might bring. This naturally resulted in more or less disturbance in price and economic conditions everywhere. But these accumulations have been practically disposed of; many of them were disposed of a year or eighteen months ago, at which time conditions began to drift back toward normal and have continued to drift in that direction to the present time.

As a result there was a notable falling off in our imports during the year 1921, which recession has continued to a greater or less degree to the present period.

Let me present the facts with respect to our international trade situation during 1921 as compared with 1920—the last year of what may be designated the war aftermath period, the year when, prices having reached their peak, imports having

reached their peak, and exports having reached their peak, recession set in.

In the calendar year 1920 our imports amounted to $5,278,000,000 as against $2,509,000,000 in 1921, showing a falling off in the latter year compared with the former of $2,769,000,000, a reduction of more than one-half. There was also a notable falling off in our exports.

The advocates of further restriction of imports upon the ground that our markets are being flooded with foreign products have laid particular stress upon imports from Europe, especially from Germany, and from Asia, especially China and Japan, and also from North and South America and from Africa.

I have before me the Summary of Foreign and Domestic Commerce of the United States, issued by the Department of Commerce. This official document shows that our imports from all Europe, including Germany, of course, during the year 1921 were only $764,000,000, stated in round numbers, which was $26,000,000 less than our total imports from all Europe in 1910, the first year of the Payne-Aldrich bill; $6,000,000 less than in 1911, the second year of the Payne-Aldrich bill; $136,000,000 less than in 1912, the third year of the Payne-Aldrich bill; and a round $100,000,000 less than in 1913, the last year of the Payne-Aldrich bill; and $24,000,000 less than in 1914, the first year of the Underwood tariff, and $463,000,000 less than in 1920, the last year of what I have described as the war aftermath period.

If the difference in prices during this period measured in dollars be considered the relative drop will be seen to be even greater.

It also shows that our imports from North America, which, of course, includes Canada, were $908,000,000 less in 1921 than in 1920. From South America, $465,000,000 less in 1921 than in 1920.

The advocates of this bill have laid great stress upon the immense volume of imports of cheap goods from China and Japan and have endeavored to create the impression that our markets were being swamped with cheap Asiatic products. This document shows, however, that imports from Asia, including Oceania, in 1920 were $1,476,000,000 and in 1921 only $653,000,000, a falling off during the last 18 months of readjustment of $823,000,000.

It shows that imports from Africa fell from $150,000,000 in 1920 to $40,000,000 in 1921.

These figures taken in connection with our exports tend strongly to confirm the contention that, taking the world at large during the calendar year 1921, our imports reached a practically normal basis, and that our imports from Europe, our best customer, fell in that year below the normal of any year between 1910 and 1914, inclusive.

It may be contended that these enormous drops in our imports in 1921 were due largely to the fall in prices. While that may in a measure account for the slump in 1921 as compared with 1920, the reverse conclusion must be drawn from the fact that our imports from Europe, tested by present prices, are below our imports from that Continent tested by pre-war prices.

As powerfully as these facts confute the contention that our markets are at present being swamped with foreign merchandise, especially from Europe (including Germany) and Asia (including China and Japan), and confirm the statement I have made that imports in 1921 were practically normal and upon a healthy commercial basis, the imports for the eight months ending February, 1922, as compared with the eight months ending February, 1921, furnish even stronger confutation and bring the comparison nearly up to the present time.

The official figures, which I have before me, show that for the eight months ending February, 1921, our imports amounted to $2,757,000,000, and for the eight months ending February, 1922, to $1,629,000,000, or a falling off in eight months of $1,137,000,000, or at the rate of more than a billion and a half a year.

No argument could more conclusively demonstrate the fact than do these figures that the basis upon which the increases in rates in this bill are predicated, namely, a present and dangerous inundation of our markets by a flood of foreign goods, is utterly without foundation.

The official figures I have given would seem to support and establish the contention that under the existing rates present importations are not excessive, but even if it should be conceded, as contended by the advocates of this bill, that present rates are not sufficient to meet all the exigencies of the situation from the protective standpoint, the question arises, Are the unusually and exceptionally high rates of this bill necessary to accomplish that purpose?

In connection with the discussion of this query, it is pertinent to consider to what extent this bill increases present rates. There has been some controversy as to the extent of these increases. It has been stated that they are no higher than the Payne-Aldrich rates, although radically higher than the rates of the present law.

It is estimated that the average equivalent ad valorem of the dutiable articles under the bill is at least somewhere around 45 per cent.

I am advised, I will say in passing, by the Actuary of the Treasury, who has been trying to make this computation, that he has not yet reached a point where he can state with certainty what the increases will be, but from the information I have received from him I am certain that the average ad valorem equivalent rates under this bill are between 45 and 50 per cent—more likely 50 than 45. Forty per cent, I believe, is the rate generally assumed as the one which obtained on an average under the Payne-Aldrich bill, so the present rates are probably 45 to 50 per cent in comparison with 40 per cent—40 per cent under the Payne-Aldrich bill, if you take the estimated ad valorem of the two periods in which these rates are levied.

But in a comparison of averages where duties are partly ad valorem and partly specific ad valorems have but little significance unless they be taken in connection with the prices prevailing at the time of the application of the two rates, because an average ad valorem equivalent for the purpose of comparison at a given time depends upon the relative selling prices of the merchandise to which the respective rates are applied. For this reason the average ad valorem equivalent of the Payne-Aldrich bill varied from year to year according as prices went up or down, being lower when the prices went up and higher when the prices went down. The same is true with respect to all tariffs, and it is because the controlling factor in the calculation is the specific rates. Therefore, in comparing the rates of this bill with the Payne-Aldrich rates the prices of commodities during the two periods must be taken into consideration.

I think it will not be denied that prices of dutiable commodities are to-day something like 50 per cent higher than they were during the period of the life of the Payne-Aldrich bill. If this estimate be true, the average equivalent ad valorem of the present bill applied to Payne-Aldrich prices of dutiable products would be 50 per cent higher than the average when applied to present-day prices, making the potential rates of the present bill as compared with those of the Payne-Aldrich bill between 60 and 65 per cent as against 40 per cent, if taken only in connection with the rates of the present bill. That is to say, the higher prices which obtain to-day than those which obtained during the Payne-Aldrich tariff of themselves constitute a factor which in the calculation of the ad valorem equivalent, by way of comparison, will amount to an increase of 50 per cent over the Payne-Aldrich rates. I think there can be no doubt that the potential rates of this bill are almost, if not quite, double those of the present law.

A mere statement of the increases proposed in this bill makes it clear that applied to present-day imports they would be practically prohibitive as to dutiable products. That would largely confine our imports to nondutiable products and to a few products, fancy designs and novelties, not made in this country at all or in sufficient quantities to supply the domestic demand.

If these rates should prove prohibitive, and if they are 50 per cent higher than the Payne-Aldrich rates—and they are if prices to-day are 50 per cent higher than they were in the Payne-Aldrich period—I say, if these rates should prove prohibitive, as I have predicted, and to the extent indicated, two things must follow:

(1) The further monopolization of our industries, attended with an enormous increase in prices and the cost of living.

(2) A disastrous reduction in our exports; and just as undue curtailment of imports will tend to industrial monopolization and increased prices and higher living costs so will undue reduction of our exports inevitably tend to a reduction of production and curtailment of employment.

There can be no doubt, I think, about the proposition that an undue or unhealthy restriction of imports, not to say a prohibition of imports, will at this time more than at any time during our history prove most disastrous in its effect upon our export trade. Such a policy might not have seriously affected the sale of our surplus products in foreign markets under conditions that obtained before the war, especially our export trade with our allies in the war. These latter nations are the best customers we have for our exportable surplus.

In pre-war times, when we were a debtor Nation to these countries and when they were abundantly able to buy from us what they needed and pay for it in gold, or gold equivalent, and their currency was at par, such rates as those proposed in this bill would even under those conditions have been a serious matter in their effect upon our trade with them; but in the condition

of these countries to-day, with $11,000,000,000 indebtedness to us, with no gold with which to pay us for what they buy unless we freely buy from them, they will of necessity be forced, if we cut off their imports of dutiable products, to limit their purchases of our goods to the amount of our purchases from them of products not produced in this country or of products upon which the bill levies no duty.

It might be that our trusts and monopolies would still flourish and have their inflated profits by restricting their production to the demands of the American market. However that may be, and whatever policy might be adopted by the great captains of industry with respect to this matter, it is certain that if our imports are reduced to a minimum our exports must likewise be reduced to a minimum, and that we will be compelled to reduce our production of all the products which we now largely export or face the ruinous consequences of a glutted market.

Nothing could be more absurd from the standpoint of national welfare than to deliberately and drastically reduce imports from Europe to satisfy the clamor of a few sellers of toys and knives, when our imports from Europe now amount to only $764,000,000, just a little more than the annual interest upon the debt which Europe owes us. So that all that Europe would receive from us in payment of her imports would practically be absorbed by our interest charges against her, leaving her in her present financial condition, with little or nothing with which to liquidate her purchases from us.

In face of the fact that under the present tariff law these imports have, as I have shown, been reduced to such a low level, upon what theory of sanity can we justify doubling present rates and authorizing the President to add 50 per cent to that?

I now proceed to the consideration of the second proposition, namely, the contention made in support of these rates, that the assumed differences between the selling prices here and abroad of dutiable products make these exorbitant increases in duties necessary to protect American business.

Undoubtedly, as a result of the war and war conditions, there were radical changes and fluctuations in the selling prices in all industrial and commercial countries. The changes were invariably upward and were greatly pronounced in 1918, 1919, and 1920. During that period these increases were great and general, but, beginning with 1920, readjustment and stabilization completely changed these conditions and during the year 1921, especially during the last eight months ending February, 1922, export selling prices of imports of foreign merchandise, like imports, reached, approximately at least, pre-war levels.

Mr. President, as a comparison with selling prices of domestic products in this market I wish to have inserted as an appendix to my remarks a table showing the 1921 selling prices of German products compared with those of 1914. It relates to Germany, and it is better that it should be so for the purpose of this argument, because most of the duties in this bill have been based upon the prices of German products, and it has been claimed that German prices were notably below the prices of other European countries. [See Appendix A.]

Let us take hosiery, for instance. In 1914 the German price f. o. b., measured in dollars, was $1.81 per unit for the pre-war period. In 1921 the German price, measured in dollars, was $1.89.

On laces, in 1914, the German price was 35 cents per unit, and in 1921 it was 64 cents, almost double.

On cotton gloves, in 1914, the price was $2.14 in Germany, and in 1921 it was $8. The table is very, very illuminating, and establishes conclusively the contention that the export prices of merchandise imported from Germany and Europe generally, which is the basis taken in this bill as a starting point, have in recent months, and especially in the last 18 months, enormously increased. It would seem to be axiomatic that tariff duties should be levied on the basis of conditions which exist at the time the law is framed and passed, and not the conditions which existed at another time in the past and which have changed.

Surely there is no foundation for this contention with respect to labor costs. We have heard here that we could not compete with Japan and China and Germany because of the excessively low wages paid in those countries. I wish every Senator could have heard the testimony before the committee upon that subject. He would then have fully appreciated the argument I have made. It was stated that German wages were from a fourth to a third of what they were in this country; that the wages in Japan were from a tenth to a sixth of what they were in this country. The fact is that the difference in the price of labor here and abroad is much less to-day than it was before the war, much less than it was when the Aldrich bill was passed, and much less than it was when the Underwood bill was passed.

The facts of the situation show that as labor here has been able, by processes familiar to us all, to protect itself against unreasonable decline in prices, so has labor abroad. In fact, the war brought to labor throughout the world a better understanding of its strength. Under this awakening and inspiration labor has, as never before, been more assertive of its rights of participation in the profits of industry, and the resistance which it has demonstrated abroad to what it regards as undue reductions has resulted in maintaining the approximate equality established during the war. Labor strikes in England, Italy, and many other industrial countries, like labor strikes in our own country, have evidenced this resistance and have demonstrated labor's ability in those countries to protect and maintain the relative international standards which were established during the war, with the result that labor costs in this country and in competing countries, if not quite equal, are much more nearly equal to-day than at any time during the pre-war period.

It is doubtless true that the acutely abnormal conditions for a period after the war were more pronounced in respect to German prices of labor and commodities than as to those of other European countries, and that the disturbing effect was greater and of longer duration. This difference was due to the fact that the German situation was temporarily exceptional. That country had as a result of long and intensive concentration of effort, under the control and direction of the Government, developed a perfect and efficient military and economic organization, working in harmony and concert with each other and directed to two great objectives—one the military and the other the commercial conquest of the world. It was a national dream and obsession. They confidently expected the war to result in the accomplishment of the former objective, and they lent their energies, even during hostilities, to preparation for the latter objective. Working to the same end, they ruthlessly dismantled and destroyed, when possible, the industrial plants and cargo carriers of the Allies, their natural competitors in world trade. In the operation of these various industrial plants, in addition to producing the necessary war material, they sought to accumulate large surplus stocks and provide ample ocean transportation with a view, by quick and expeditious action, to getting possession of the foreign market ahead of their competitors when the war ended.

They failed in their dream of military conquest, but they did not despair of quickly getting on their feet and expeditiously achieving commercial supremacy.

As a result, when the war closed Germany occupied a position of both industrial and commercial advantage over its former competitors except in ocean tonnage. The German people had accumulated a much larger exportable surplus, but their splendid merchant fleet had been scrapped or confiscated by the Allies, and they lacked necessary shipping facilities. In these conditions they did a wonderful thing. After buying, leasing, and chartering tonnage wherever they could get it, by quickly putting their shipyards in operation at full capacity and speed, day and night, they built and assembled in an incredibly short time a reasonably adequate merchant fleet and established regular lines to the main ports of practically all the important countries of the world. At home they inaugurated an effective propaganda cunningly directed to the attainment of their scheme of quick preemption of the world market by temporarily underselling their competitors by drastically reducing their costs of production. Under the impulse of patriotic sentiments there was a ready response to this propaganda. By general concert labor for a time was induced to accept low and inadequate wages and manufacturers to content themselves with small profits, to the end that prices might be reduced to such a minimum as would make possible the wholesale underselling in the world market of which we have heard so much.

But for the stern and effective action of the Allies rendering impotent—except for a brief period—their efforts in this direction, they might have gone far in the accomplishment of this national scheme of commercial conquest and aggrandizement. As it was, they were for a time in a position and they took advantage of it to undersell their competitors, and thus temporarily their exportations grew rapidly and their selling prices at home and abroad were abnormally low, resulting in more or less disturbance of price standards and arousing undue alarm in many competing countries as to the permanency of the situation thus created.

The national conditions and sentiment under which this situation was created in Germany no longer exist. Stocks accumulated during the war and war surpluses have been disposed of. The compelling impulsion of patriotism has abated or subsided. The German laborer is no longer content with underpay nor the manufacturer with low profits—they demand, respectively, full pay and full profits measured by new world

standards; and as a consequence German prices of labor and products have during the past year advanced approximately to world levels and still continue to advance, while the prices of their competitors show recessions. In February of this year German commodity prices advanced 20 per cent, as compared with 23 per cent in March, as shown by the statement of the Federal Reserve Board, issued this month and based on Berlin index numbers, and there is now but little if any appreciable underselling of German products in our markets, and their prices are about the same as those from other foreign industrial countries.

If there existed during the acutely abnormal period of 1918, 1919, and 1920 temporary need for higher duties than those imposed in the present law to further restrict the low-price German importations of those periods from the standpoint of the protectionist, the hard facts of the present international trade situation show that no such need exists to-day, and surely, as I have already said, it will be admitted by all that the levying of tariff duties should be directed not to conditions that have existed and have passed away, but to conditions actually obtaining at the time of their imposition or which were then in reasonable anticipation. To adopt any other rule would be infamous in its effect upon those who have to pay the taxes.

Mr. President, I shall offer as a part of my remarks, without reading, to be printed as an appendix to my speech, the report of the Federal Reserve Board with reference to the radical increases of German prices in recent months.

The VICE PRESIDENT. Without objection, it is so ordered.

(See Appendix B.)

Mr. SIMMONS. Mr. President, in further consideration of the second proposition I laid down a few moments ago, namely, that the effect of these excessively high and prohibitive duties by unduly restricting imports would inevitably result in the destruction of our foreign market for our exportable surplus, I think it must be evident that this of all times is an inopportune time for any action on our part which could possibly precipitate such a result. I think we will all agree that the effect of the exclusion or undue restriction of imports of foreign products at this time, especially the products of our allies during the war, who have always been and are yet the best customers for our goods, would now, of all times, be the most inopportune. Such a restriction in pre-war times would not have seriously affected our export business with Europe. Europe was then our creditor. Our annual interest payments to her were large. We were dependent upon her for our ocean transportation, and our payments to her on this account were also large. Her treasuries were full of gold, her currencies at par, and she was able to pay for what she might buy from us.

That situation has completely changed as a result of the war. We paid off our European indebtedness during the war; we now owe her nothing. The former situation is completely reversed, and to-day they owe us more than $11,000,000,000. She will soon begin to pay us annually between five and six hundred million dollars in interest charges. We now have a merchant fleet adequate to our requirements, and we need no longer employ European ships to transport our products to foreign markets. As a result of the war the gold of the world has been drawn to this country. Millions upon millions of it lies idle in American vaults. Europe has not a dollar of gold she can spare. The little she has is not sufficient to maintain her currency parity. In these conditions—and in a large measure they reflect conditions not only in Europe but in the outside world—if by tariff rates we cut off importations from abroad or materially reduce importations below the low and approximately normal levels which I have shown now exist, it is clear it will be impossible for foreign countries, especially our allies in Europe, to continue to buy our products, because largely the only means they now have of paying for them is that of exchange of merchandise.

The argument has been made by many who favor the high protective tariff rates in this bill that Europe can not pay the interest upon the money she now owes us unless we freely buy her goods. Nobody doubts the soundness of this statement so far as I have heard. If it be true that Europe is only able to pay us interest upon her debt through the processes of exchange of merchandise, it is logically and necessarily equally true that Europe can only pay for her purchases of merchandise from us by way of exchange of commodities. It ought to require no elaboration of argument to show that in present conditions if we cease to buy from the outside world, especially Europe, there will be left to them no way to pay for what they buy from us unless we extend them credit or lend them money with which to buy, and to do that in the face of present conditions, especially of our debtors in Europe, would bring disaster in the end both to us as lender and to them as borrower. Now, the corollary of this situation is that if we can not sell our surplus products abroad we must inevitably reduce production, which would mean increased unemployment. Let us briefly analyze that situation. We now produce an enormous exportable surplus. Heretofore we have sold this surplus abroad, and it has been the foundation of our great national prosperity and the marvelous expansion of our industries of factory and field during the last quarter of a century. If we can not sell this surplus abroad we can not sell it at all and it will become worse than worthless. It will cease to be an asset and become a dangerous liability.

In these circumstances—and they undeniably are actualities in the present situation—the excessively high rate of duties now proposed is insanity pure and simple, the insanity of overmastering selfishness and greed; it is a shortsightedness which can only be accounted for by the blinding influence of avarice upon the human mind. If we lose our foreign markets for our exportable surplus, or to the extent to which we lose these markets by the imposition of these drastic tariff restrictions, unemployment of labor must follow, reduction in production, and a stoppage of further expansion in all of our industrial pursuits. This would be inevitable. Obviously, our farmers, our manufacturers, our mine owners, can give employment to labor only to the extent that they can find markets for labor products. Therefore undisposed-of surplus means not only reduced production but reduced employment of labor to that extent. Our vaunted American markets are indeed fine. Our people are great consumers and buyers—in fact, the greatest—but if the American market is to be the only market for American products we must limit domestic production to domestic consumption; otherwise our boasted standards of prices and living will be superseded by the standards of such countries as have in the past followed the policy of commercial isolation, which the high rates of this bill will tend to inaugurate and ultimately establish in this country. China, the home of the oldest civilization in the world, with vast natural resources and a rich soil, with an industrious and intelligent population, has for centuries followed this policy, and poverty and national impotency are and have been the penalty of her folly.

Mr. President, this bill is the outcome of the frenzied outcries of a lot of tariff beneficiaries and bounty seekers who have been thrown into a panic by a purely temporary situation and who in the panic have greatly magnified and exaggerated the facts. If the conditions out of which this clamor grew had been of a permanent character, and if they existed to-day to the extent that they did during the war aftermath period, there might be some justification for higher rates than those of the present law; but there would be none for the rates proposed in the pending bill; nor could any imaginable conditions growing out of the importation and sale of foreign products in our markets warrant the delegation to the President of the extraordinary powers conferred upon him by the Senate committee amendments over imports, rate classification, and rate bases. If, however, the majority are determined to delegate these plenary powers, unconstitutional, dangerous, and revolutionary as such a grant of power undoubtedly would be, and shall actually do so, the rates of duties of the present law would be sufficient to meet all exceptional conditions existing or apprehended without further increase in rates. In other words, if such an extraordinary power over rates is granted to the President, there would be no necessity for increasing the present rates. On the other hand, if the rates in this bill, in themselves practically prohibitive, are adopted, there could be no justification or excuse for granting these powers to the President.

I now come to one of the most serious aspects of the bill as amended by the Senate committee. The recognition of the principle, specifically written into the bill, as to the basis of ascertaining the measure of tariff protection which should be accorded, is fraught with more danger and possesses greater potentialities of oppression through the exercise of the taxing power than any scheme of legislation ever proposed in this or any other country. The proposition of American valuation is bad both in principle and from the standpoint of public policy, but I fear that more serious consequences will flow from the application of the new principle proposed for determining and fixing the measure of protection which should be accorded. What is that principle?

Everybody knows that the ill-fated Payne-Aldrich law was based upon no fixed rule for measuring the rate of protection to be accorded; indeed, it was framed upon no principle except that of giving what was asked by those to whom the Republican Party was committed by obligations almost as binding as the lien of a mortgage. Rates arrived at in such a way were nec-

essarily unsatisfactory and in many instances oppressive and ruinous. The public sentiment of the country demanded that all tariff rates should be based upon some fixed principle which should take into consideration the interests of the consumer as well as the producer and furnish reasonable safeguards against the imposition of unnecessary and excessive taxes. Under the superb leadership of that master of invective and compelling eloquence, Jonathan Dolliver, an aroused and indignant public sentiment drove the old guard leadership of that day to acquiesce in a definition of the measure of protection which should thereafter be applied in arriving at the tariff duties to be imposed. That definition was deliberately written into the Republican platform of 1912, and from that time up to the advent to power of the present administration it has been proclaimed and lauded by the Republican Party as the true basis of the ascertainment of duties levied upon the protective principle. The rule as thus adopted provided that the rate of duty imposed should be based upon the difference in cost of production here and abroad. If the principle of protection is to obtain, I do not think it can be successfully gainsaid that this formula furnishes the true rule for determining all rates of duty applicable to competitive articles. This bill, as I think I shall be able conclusively to show, not only violates but absolutely ignores and scraps, so to speak, this oft-proclaimed Republican theory of the measure of tariff protection.

In the Senate hearings preliminary to the framing of the bill and which it was supposed were intended to elicit information to enable the majority of the committee in the formulation of the bill properly to apply this Republican formula in the ascertainment of rates the question of the cost of production was tabooed. When the Senator from Wisconsin [Mr. LA FOLLETTE] ventured to make some inquiries with respect to their production costs and profits of certain witnesses representing protected industries, his inquiries were evidently received with more or less surprise, and the answers, almost without exception, disclosed the fact that the witnesses had not prepared themselves with respect to those matters because they did not expect to be called upon to testify upon those points. In many instances promises were made to send in the information later, but I am advised that practically no attention was ever paid to those promises. In short, there was absolutely no effort on the part of the committee to ascertain the cost of production here and abroad, and I do not presume there will be any contention that the duties finally arrived at were intended to measure that difference.

The majority members of the Senate Finance Committee have caused to be printed and circulated among Senators to aid them in the consideration of this bill a book entitled "A Summary of Tariff Information, 1921, relating to House bill 7456." This compilation sets forth the different paragraphs in the House bill in juxtaposition with paragraphs of the acts of 1909 and 1913 dealing with the same subjects, followed by brief statements containing data supposed to be essential in connection with the determination of rates. The summary contains much valuable information with reference to production, exports, imports, and so forth, but as to the cost of production here and abroad that document, prepared to enlighten the Senate, is as silent as the grave. In the report filed by the majority committee and in the meager discussions by majority members of that committee this subject is practically ignored.

Fully aware as I was when I began to study the bill that this principle, which had been so long proclaimed by the Republican Party as the controlling principle in the framing of tariffs, had been ignored, in the beginning of my investigations and study of it I addressed myself diligently to an effort to find out upon what principle the astonishing rates proposed were based. I could not believe they were predicated upon mere guess or upon the demands, however insistent, made by the protected interests for higher rates, but my search was in vain until I reached section 315 (a), which clothes the President with legislative powers such as were never heretofore conferred upon any administrative officer in this country or any other Anglo-Saxon country, and which, if conferred by the Parliament of England upon the King and his ministers, would, under their summary method, result in the instant overthrow of the Government. I do not care to read all of the section, but I will read just enough to illustrate the point I am making:

SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions of competition in trade in the markets of the United States of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in conditions of competition in trade—

Mark the words, Senators, "in trade"—

he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or forms of duty or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in conditions of competition in trade necessary to equalize the same in the markets of the United States; that 30 days after the date of such proclamation or proclamations such changes in classification or in form of duty shall take effect and such increased or decreased duties shall be levied, collected, and paid on such merchandise when imported directly or otherwise from the country of origin into the United States: *Provided*, That until further provided by law the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in this act, or in any amendatory act.

That is declared to put into force and effect the policy of the "Congress by this act intended," and then follows a clear definition of what that policy is, and the President is directed to pursue it in case he shall impose these additional duties.

This section of the bill undoubtedly gives the definition of the principle upon which rates are made, and it is the difference in condition of competition "in trade"—not to equalize differences based on cost of production here and abroad, not to equalize differences based on cost, plus a reasonable profit equally accorded to the domestic producer and the foreign producer, not to equalize differences in intrinsic value at all, but to measure the differences in competition "in trade"; that is, to fix a rate which will bring up the foreigner's price to the price at which the American producer sells his product in the American market, without any reference to what part of the domestic selling price represents production cost and how much of it represents profits, what part of it represents value and what part of it represents water, what part of it is a just return and what part of it is robbery. The President is authorized to bring the foreign price up to that standard.

Mr. STANLEY. Is not that a plenary power to create an embargo?

Mr. SIMMONS. Yes.

The theory of the tariff bill is that however high the selling price of the American article is, however extortionate the profit covered up in that price may be, the price of the foreign article is to be raised so as to make the two articles competitive.

The costs of production are reasonably stable. The prices at which commodities are sold are unstable. They depend much, especially under trust and monopolistic conditions, upon the profit the producer is able to exact and extort.

As a matter of fact, the rates fixed in the bill, in many instances—indeed, in most instances—are far in excess of what is necessary to raise the foreign price up to the domestic selling price and so equalize differences in competition in trade. Under these rates the American producer, especially where domestic competition has been eliminated, as is true of most of the industries, may at once upon the passage of this bill increase his profits by increasing his price without any danger of foreign competition.

As is said, in many instances the rates are too high; but if they are not high enough in a particular case to protect the American manufacturer, the President can raise them high enough to protect him in his present high profits, and if he wants to increase them, the President can come to his relief by increasing his tariff protection against outside competition.

Of course, under such a bill present excessively high prices under which the people are groaning will be maintained and inevitably greatly advanced, so that the people instead of getting a lower cost of living as a result of this legislation will get a higher cost of living, and they will have to continue to pay the present high and unreasonable profits and, in many instances, still higher profits.

Mr. President, undoubtedly informed of these rates, and feeling confident that this bill will be enacted into law, many of the industries of the country are getting ready already to raise their prices, and some of them have already done so.

I want to read a letter which came to me a few days ago, written from the William Penn Hotel, Pittsburgh, April 16, 1922, signed by Mr. Edgar B. Walters, giving his address as Garden City, Long Island, N. Y. He says:

Hon. F. M. SIMMONS,
Washington, D. C.

MY DEAR SENATOR: Pardon me for taking the liberty of addressing you regarding the revised Fordney tariff bill.

I was interested to read your recent statement on this subject, and I wish to relate just a few things that have already happened since your statement, and directly because of the proposed tariff on woolens and clothing.

The American Woolen Co. last Thursday sent notices to the wholesale clothing trade raising their prices from 10 cents to 45 cents per yard. (The Fordney bill proposes to increase the duty from 35 per cent ad valorem plus 45 cents a pound to 55 per cent ad valorem plus 49 cents per pound.) This American Woolen Co. is the one who doubled their capital stock out of war profits (see increase in 1920 from $20,000,000 to $40,000,000 stock dividend), and in 1921, under

the Underwood tariff, earned 8¼ per cent on this inflated capital. I am informed that the president of this company, Mr. Wood, wrote the woolen-goods schedule for the Finance Committee.

Mr. SMOOT. That is a ridiculous statement.

Mr. SIMMONS. Well, I do not know; perhaps the Senator from Utah wrote it.

Mr. SMOOT. I am perfectly willing to say that I had a hand in it; and William M. Wood is not in this country, and that is about as much truth as there is in that letter.

Mr. SIMMONS. Well, Mr. President, the question of who wrote the schedule is merely incidental. I will not go further into that; but does the Senator deny that this company raised its prices from 10 to 45 cents a yard on the Thursday before April 16?

Mr. SMOOT. I do not know as to that. All I say is that, as far as the duties upon wool are concerned, they are even higher to-day than we have them in the pending bill.

Mr. SIMMONS. I do not want to discuss that subject now. I will do so later.

Mr. SMOOT. I did not intend to discuss it.

Mr. SIMMONS. I want to say to the Senator that I care nothing in the world about the statement as to Mr. Wood. I am not reading the letter for that purpose, but I am reading it to get the statement as to the increases in price by the American Woolen Co.

Mr. SMOOT. I never intended to interrupt the Senator. He asked me a question, and I simply answered it.

Mr. SIMMONS. Very well; let it go at that.

Mr. SMOOT. And the letter is not true; that is all.

Mr. SIMMONS. As to Mr. Wood; but does the Senator say it is not true as to raising prices?

Mr. SMOOT. No; but, Mr. President, it is not true about the bill increasing the duty upon wool. I can say that.

Mr. SIMMONS. Mr. President, I want this letter to speak for itself. I shall put the rest of it in the RECORD without reading. It discusses the matter in a very illuminating manner. I wish I had time to read it all, but I have not.

The PRESIDING OFFICER (Mr. LADD in the chair). Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

WILLIAM PENN HOTEL,
Pittsburgh, April 16, 1922.

Hon. F. M. SIMMONS,
Washington, D. C.

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Further, clothing manufacturers were just preparing to open their lines for the fall 1922 season when this bill was reported out of committee, and upon seeing that the duty was increased from 35 to 55 per cent on ready-made clothing the prices then were raised from $1.50 to $4 per suit from the lists then being made up.

The wholesale clothiers had not at that time published their fall prices, and hence this news did not get in the daily press, as was the case with the woolens, so that the retail clothier who is now beginning to place his orders with the clothing manufacturers is forced to pay from $1.50 to $4 per suit more than he would have paid if this enormous increase in duty had not been proposed.

Clothing should have shown a decline of from $4 to $8.50 per suit from prices obtained a year ago, because the wages of workpeople have been reduced all along the line from the spinning, weaving, etc., down to the clothing cutters and operators. I have been a clothing salesman for 20 years and can vouch for the accuracy of the foregoing.

It does seem to me that the public is entitled to some relief. Surely the American Woolen Co., which was indicted for charging 100 per cent profit during 1919 (but thrown out on a technicality) does not need 55 per cent protection when they show by their published statement that they made huge profits on inflated capital under a lower tariff, and that during one of the worst years of depression in the history of the woolen industry—1921. See their public statement. The public will rise up against such iniquity, as the price of clothing is now so high they can barely buy what is necessary for their comfort.

Yours faithfully,

EDGAR B. WALTERS,
Garden City, Long Island, N. Y.

THE REYNOLDS REPORT.

Mr. SIMMONS. Now, Mr. President, let me discuss for a few minutes the Reynolds report. Mr. President, it is evident that in levying duties under the principle defined and carried in the bill, it is necessary to base them upon the export price of the foreign product and the selling price of the American product with which it competes, either directly or indirectly. The bill has been written in recognition of that fact. If the foreign and domestic article are not comparable, they have extended the principle so as to protect the American article against possible displacement by a noncomparable article.

In levying duties upon this basis it would seem to go without saying that the export selling price of the product at the time of the enactment of the law should furnish the basis, and not the export price some time in the past when price conditions were possibly entirely different, or in the future upon the theory that trade conditions and prices will change. Any other course would seem to be absurd, not to say monstrous.

What are the facts with reference to this important matter? I am advised by experts who assisted the committee in ascertaining the basis for this principle that the Reynolds report finding the export prices of foreign products was in the main accepted by the committee as fixing the price upon which the duties should be ascertained and levied.

The Reynolds report is based upon export selling price of foreign merchandise in August, 1921—eight months ago—and presumably upon the selling price of domestic products at that time; but since that time there have been marked changes in price levels in both foreign and domestic prices. Domestic prices during that period have gone downward; export prices during that period, especially German export prices—and this bill is based largely upon German prices—have been upward. The advance in the case of Germany has been almost sensational, based largely upon the elimination of Government control, regulation and subsidies, together with the fact that German labor is no longer content to work for reduced wages and is demanding wages commensurate with those of other manufacturing countries, while the German manufacturer is no longer content with anything but a fair measure of profit upon the same basis. Whatever the reason for the advance in German export prices, the important question in this connection is, What has been the extent of that advance?

Experts of the committee advise me that a comparison of foreign export prices shows the most decided gain, and that the advance in the German export price has been during that period very, very great.

I have here two statements of the Federal Reserve Board—one issued April 1, 1922, and the other April 7, 1922. The one of April 1 shows that wholesale American prices declined during the month of January 3.7 per cent, and that a further decline of 2.5 per cent occurred in February. On the other hand, the statement of April 7 shows that during the month of February, according to the index table which I attach and which I wish to have attached as an appendix to my remarks, there has been an increase of 20 per cent in the general level of wholesale prices in Germany, and during the month of March an increase of 23.6 per cent.

That I may not misrepresent the board, I will use their language. They say:

According to this index, there has been an increase of 20.7 per cent in the general level of wholesale prices in Germany during the month of March, as compared with an increase of 23.6 during February.

Then they attach the index table, which I shall ask to have printed as an appendix to my remarks. (See Appendix C.)

In further confirmation of these statements I have here a table furnished me by one of the experts of the committee showing that to-day many foreign products, chiefly imports from Europe, are selling in the American market at higher prices than the domestic products. I ask permission to insert this table as an appendix to my remarks. (See Appendix C.)

So that we have in juxtaposition the statement of the Federal Reserve Board showing that during the three months while domestic prices have been declining export prices of German products have been increasing and increasing at phenomenal rates.

This report shows that in August, 1921, when the Reynolds report was made and upon which rates were based, the index number as to German food prices was 214, and that in April of this year the index number had risen to 654, and as to all countries it shows that the index number in August was 160, as compared with 525 for the month of April, 1922.

I am giving these facts showing these changes in domestic prices and foreign export prices since last August—the date when the Reynolds report was made—to show (1) that these rates, and any rates based upon the principle of the bill, are grounded upon an unstable and fluctuating basis; and (2) to show that the changes that have taken place in these prices since the Reynolds report have thrown the rates proposed in the Senate amendments utterly out of balance, and that if justified upon the findings of the Reynolds report as to prices they are not justified and can not be justified upon present prices, and that we have a bill based upon a situation which once existed, but which exists no longer.

This bill is to operate in the future and it should be framed with reference to the present situation so far as that situation in any way affects the rates which will be applied under the principle upon which it is framed.

AGRICULTURE.

Mr. President, I shall now briefly discuss agriculture and the agricultural duties of the bill.

I wish to address myself to the question of the effect of the duties imposed in this bill upon agricultural products and upon the farmer as a consumer of between 40 and 50 per cent of the total American consumption of all products, and particularly of those upon which duties are levied under this bill.

I will endeavor to show that American prosperity for many years has been largely dependent upon our finding markets for our exportable surplus, and as we have expanded our production of agricultural and manufactured products. This dependence has grown greater and greater. Owing to the great expansion brought about by war conditions it is difficult to measure the present degree of dependence of American prosperity upon foreign markets for our surplus.

No part of our population is more dependent upon foreign markets for the sale of their surplus products than the American farmer. It is true we produce a number of farm products which are not exported because the amount is unequal to the American demand, but the production of many of the staple agricultural products in this country is enormously in excess of the domestic demand.

Our exports of cotton heads the list. We produce in normal conditions more than twice as much cotton as we need or can use in this country. If we can not sell abroad that part of our cotton production, that portion of the annual production will become valueless, and the congestion which will follow in the American market will so reduce the price of the half consumed in this country as to make it impossible to continue its production, thus making it absolutely necessary for the farmer to reduce his production one-half or face bankruptcy and ruin.

The same is true in the case of tobacco, while not to as great an extent as in the case of cotton, and, speaking generally, it is true with reference to nearly all our staple food products.

We must export our enormous surplus of food products or curtail the production, else the surplus will swamp the American market and reduce the domestic price below the point of profit.

It is therefore evident that the prosperity of the farmer is dependent upon our export trade, and it is too self-evident to require statement or elaboration that the volume of our exports are directly dependent upon and largely measured by the volume of our imports. It is a truism which nobody disputes, and a truism which even the President of the United States has emphasized—that no nation can expect to sell abroad, even under normal conditions, unless they are willing to buy abroad. This is the basis upon which international trade rests.

If this is true in normal conditions it is doubly true in present conditions.

Before the war we were a debtor Nation. Our chief competitors in trade, Great Britain, France, and Germany, were creditor nations. We then depended upon Europe for ocean transportation, which made us further debtors to them. So that without selling us any great amount our annual indebtedness would in part go toward the payment of their annual purchases of us. Besides, the treasuries of Europe were full of gold and any balance of trade against them could be readily liquidated without embarrassment.

That situation has now completely changed. We paid off our European indebtedness during the war. The pre-war situation is reversed, and they owe us around $11,000,000,000. I am repeating this argument because it applies with more force to agriculture than to any other class of producers. These are conditions existing not only in Europe, but in the outside world, and if in these conditions we cut off, by tariff rates, importations from abroad, or materially reduce importations from the present relatively low level, it will be impossible for these foreign countries to continue to buy our products, because largely the only means they have now of paying for our products is that of exchange of goods.

It is therefore apparent that not only the farmer but every other producer in this country is profoundly interested in doing whatever is necessary to support and safeguard our foreign export trade, and that drastic reduction in imports such as would follow the enactment of this bill would undermine and soon utterly destroy our export trade by depriving our foreign customers of the only remaining means of liquidating their purchases.

But there is another reason why what is proposed in this bill is not in the interest of the American farmer. I grant you that some of the duties imposed in this bill, like those imposed upon sugar and wool, will increase the price of domestic sugar and wool. I grant you that increasing the duty on sugar will increase the price of American-grown sugar—cane or beet—and there are undoubtedly other agricultural products that would likewise be enhanced in selling price by the imposition of these duties, but the great bulk of agricultural products upon which these duties are based would not be affected at all, and for the reasons I have heretofore given. This may be illustrated with the duty of 15 cents per bushel on corn. No duty upon corn can affect the American price of corn because practically none is imported into the country, and we produce more than we need for our own consumption. The amount of corn imported compared to the domestic production would be as one ear to a barrel, and probably not much more than a cupful to a bushel. No duty upon these trifling importations would affect the price of corn.

It is estimated by experts, after thorough investigation and careful calculation, that for every dollar increase the farmer will get as a result of such of these increases as are effective, he will have to pay by reason of the higher duties on other products at least $5—$1 in, $5 out. If that is not swapping dollars for dimes, it is swapping dollars for quarters.

Again, most of the effective duties in this bill when applied to products of universal consumption and use when operative at all are produced by but a relatively small number of farmers, or are only produced by farmers in certain sections and in certain groups. Take sugar and wool, for instance. Sugar and wool are consumed by all the people. Sugar is produced in Louisiana and a few Western States. While wool is produced in a good many States, it is mainly produced in certain sections of the country. The number of farmers producing sugar and wool compared with the total number is small, and yet as the farmers of this country purchase from 40 to 50 per cent of all the products consumed in this country they will have to pay one-half of the additional duty paid on these products plus one-half of the increase in the prices of woolens and refined sugar as a result of the additional and compensatory duties allowed the manufacturers of wool and refiners of sugar in this bill.

It is estimated by experts that the producers of wool stand to gain something like $45,000,000 for their wool, but as a result in the increase in the rates of manufactures of wool the additional amount which all the farmers of the country will have to pay for their clothing and other woolen purchases will be from three to four times as much as the woolgrowers gain, and thus it will be taxing the whole body of American farmers $4 that the relatively few farmers engaged in the production of wool may get $1.

Mr. JONES of New Mexico. Will the Senator permit me to call his attention to the fact that the bill reduces the duty on raw wool from 45 cents per scoured pound to 33 cents, and that the growers of wool in this country are not being additionally benefited by the bill.

Mr. SIMMONS. I think the Senator is mistaken about that. Let me repeat that it is estimated by experts that the producers of wool stand to gain something like $45,000,000 for their wool, but as a result of the increase in the rates of manufactures of wool the additional amount which all the farmers of the country will have to pay for their clothing and other woolen purchases will be from three to four times as much as the woolgrowers gain. Thus it will be taxing the whole body of the American farmers $4 in order that the relatively few farmers engaged in the production of wool may get an additional dollar, but the woolgrowers who get the additional dollar will also have to pay their part of the resulting increase in the prices of woolens and clothing, and when one calculates that, as I have had experts do—and I am going to give some figures about it without reading them—even the woolgrower, who gets the benefit of the higher rates of duty, which are operative in his case to the full extent of the duty, because we produce only about one-half the amount of wool that we consume in the country, will find that with the additional price which he will have to pay—and I am not now speaking of the general farmer—will have to pay out in his purchases on account of the higher rates given on manufactures of wool and clothing more, and much more, than he will receive.

Mr. JONES of New Mexico. The point I intended to make——

Mr. SIMMONS. If the Senator will pardon me, I would like very much to continue without interruption.

Mr. JONES of New Mexico. But the Senator misinterpreted what I said a moment ago, and said he did not agree with me. I simply want to put myself right. The point I wanted to suggest was that under the bill all of the commodities which the

woolgrower must buy are largely increased, and that the duty upon his product, wool, is decreased by the bill from the present law, and so the woolgrower is being hurt by the bill rather than helped. The argument which the Senator has made, it seems to me, was inaccurate in that respect. The existing law, commonly known as the emergency tariff law, will remain in force if not supplanted by this bill, and that law imposes a duty at the rate of 45 cents per pound on scoured wool, while this bill proposes a duty at the rate of 33 cents per scoured pound.

Mr. SIMMONS. If the Senator could establish his first proposition, I think it might result in our getting some votes from the other side of the aisle, because I think there are Senators on the other side, belonging to that group which we call the agricultural bloc, who are inclined to vote for the bill upon the theory that the rates upon raw wool have been enormously increased and that the increase will result in advancing the prices received by the grower of raw wool in the United States. I think, however, that I now see what the Senator means to say. He means that the present bill, only to a partial extent, carries forward and continues the admittedly excessive increases in the duty on raw wool in the so-called Emergency Tariff act. I at first thought he was speaking with reference to increases in the pending bill as compared with the Underwood Tariff Act. It is the making permanent in this bill of the emergency rates, even though slightly reduced, that I complain of.

Mr. President, the farmers buy from 40 to 50 per cent of all the sugar consumed in this country. The cane and beet sugar growers of Louisiana and a few Western States will get more for their raw sugar if this bill passes, but for every additional dollar they get the great masses of farmers will have to pay from $4 to $5 additional for the sugar they consume.

In passing it might be said that undoubtedly the full rates of duty imposed upon imported sugar is added to the price of the domestic product. The same would be true as to wool. That is because we produce only about half of the amount of sugar and wool that we consume in the United States and import the balance. Where that condition exists the full duty may be, and always is, added to the domestic price, so that the great mass of the farmers will not only pay half of the duty collected by the Government on imports of these two products but they will pay half of the increase in the price of the domestic product because of the duty for the benefit of the relatively few farmers who produce these two raw products.

Mr. President, I ask to incorporate as an appendix to my remarks, without reading, a brief statement showing the amount which would be gained by the farmers from a number of staple products of the farm upon which these duties will be operative and the additional amount the farmer will have to pay on his purchases of products which he does not produce.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Appendix C.)

Mr. SIMMONS. Mr. President, I have tried to consider this bill with fairness and conservatism. I think no Senator on the other side will accuse me of treating it as a partisan or political question. I do not wish to speak harshly of the bill; I have tried not to do so; and yet when I consider the danger to the happiness, the peace, and the prosperity of the people of this country which, I think, lurks in it, I can not withhold a frank expression of my condemnation and of my fears.

I do greatly fear the effect of this bill if it shall be passed. I think if it shall be passed as it is now written we shall never again, certainly not after it shall have had time to demonstrate itself, hear anything more about Republican tariff-made prosperity. It is my deliberate judgment that this bill is fraught with more danger to the American people and to the institutions under which we live than any bill that ever crossed the threshold of this Chamber.

Its first effect will be oppressive to the masses; it will lead to wholesale monopolization of all the products of protected industry; it will lead to those extortions which always follow unhampered monopoly, and we shall in the not distant future, if this legislative policy is adopted and be long continued, have conditions similar to those which existed under the feudalism of the Middle Ages. That will be inevitable. It will eventuate in a fourfold greater concentration and consolidation of the business and the industries of the American Nation.

Mr. President, I hope I love my country; I hope my heart beats sympathetically for my fellow man; and because I love my country, because I sympathize with my fellow man, I am ready now, until this debate is ended, to dedicate every ounce of my strength and my energy to thwart, by fair and open means and fair and honest discussion, the impending calamity.

I have studied this bill thoroughly, and the dangers which lie in it, some on the surface and some hidden, as I have pursued my investigation and study of it, have, I do not exaggerate when I say, appalled and shocked me, as they have shocked the great majority of the American people, who have come to understand what it really means and what it will do if enacted into law. Editors and responsible heads of many of our great national publications, Republican as well as Democratic, testify to and declare its dangers and iniquities.

Mr. President, in this connection I ask leave to incorporate in my remarks at this point a few excerpts from leading metropolitan newspapers, some Republican and independent and some Democratic, expressing their condemnation of the policy and the rates written in this bill, and denouncing it as fraught with untold evils to the American people and to American business.

The PRESIDING OFFICER. Without objection, leave is granted.

The extracts referred to are as follows:

EXCERPTS FROM NEWSPAPER EDITORIALS.

[From the Chicago Daily Tribune, Republican.]

We can guarantee one thing for the new tariff bill just reported by the Senate Finance Committee. Somewhere in its maze of barbed-wire entanglements each intelligent business man, producer, and consumer who attempts to negotiate it will meet a shock. It is one of the longest, most detailed, and most complex tariff bills ever presented to Congress.

On the whole, it is a very high protective tariff. It bears every evidence of having been built according to the ancient methods of allowing or soliciting every special interest in the country to appear before the committee, argue for a high rate of duty to protect its own special commodity, and obtain such a rate regardless of its effect upon the economic organization of the country as a whole.

[From the St. Louis Daily Globe-Democrat, Republican.]

Its protective sufficiency is not to be doubted, but examination of the schedules fails to reveal any assurance that it will permit "fair competition from other countries." We are in sympathy with the principle of protection where protection is needed, but this bill seems to have applied the principle to everything without regard to specific needs, without regard to present world conditions, and without regard to our altered position in relation to the world's trade.

[From the New York Herald, Republican.]

It will give the American consumer a heavy jolt to see how the Senate tariff makers propose to tax his food, as if it were not already costly enough to eat in this country, compared with pre-war prices.

But its worst feature is that it completely shuts America out of foreign markets except in our raw materials, notably cotton and copper.

[From the New York Tribune, Republican.]

"It is something of a shock to learn, if the analysis of the Associated Press is accurate, that the rates of the bill are, on the whole, higher than those of the Payne-Aldrich law," remarks this staunchly Republican paper.

[From the Ohio State Journal, of Columbus, Republican.]

Our agricultural and manufacturing interests need as never before a wide, free foreign market.

[From the Business Farmer of Michigan.]

Of what benefit to the farmer is a 25 per cent duty on a world grain like wheat, of which we produce a large surplus, when he must turn right around and pay a 40 to 80 per cent duty on the majority of things he buys? The duty on sugar is an affront to every American consumer. Michigan is an important sugar beet growing State, but only 10,000 of her 200,000 farmers grow beets. But three and a half million Michigan people are asked to add several million dollars to their sugar bill for the direct benefit of a few hundred sugar-mill stockholders and the very small indirect benefit of the handful of beet growers.

[From the Southland Farmer, of Houston, Tex.]

Written into law this tariff will bring the farming regions of the West and South under still greater bondage to the industrial sections of the East and North. The emergency tariff showed the fallacy of any tariff-helping prices for farm products to any extent worth considering. This tariff will add nothing worth while to returns for the farmer, but will add hundreds of millions to the cost of what he must buy.

The bill is one written by special interests for such interests, with little regard to the plain people of the country, and it takes no prophet to foretell what its enactment will cost the Republican Party responsible for it.

[From the St. Paul Dispatch, independent.]

Ridiculing the idea that it can "work the miracle of protecting industry and agriculture alike—a patent impossibility unless the fundamental laws of economics are repealed at the same time." "What of the great unregarded masses of consumers?"

[From the New York Herald, Republican.]

This bill completely shuts America out of foreign markets, except in our raw materials, notably cotton and copper.

[From the New York Evening Post, independent.]

It will make trouble for the consumer.

[From the New York Globe, independent.]

If we pass the McCumber tariff, or even the Fordney version of it, "we practically make Europe a present of the $11,000,000,000 she owes us." For "she can't pay in gold, and we wouldn't let her if she

could, for it would be ruinous to us to receive it. She can only pay in goods, and against those goods we now propose to erect impossible tariff barriers."

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[From the Kansas City Star.]

This bill is a serious economic mistake, the immediate effect of which will be to increase the cost of living. The farmer will find that the protection offered his products "is an illusion" while "the protection on what he has to buy will be real."

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[From the Springfield Republican.]

The measure is open to severe attack by those who believe that the price of commodities should not be raised.

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[From the Chicago Daily News.]

The Senate should modify it with a liberal hand in obedience to the logic of the world situation and of the just claims of the American consuming public.

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[From the Indianapolis News.]

The bill represents an outrageous abuse of the taxing power.

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[From the St. Louis Globe-Democrat, Republican.]

The bill as it stands fixes very high rates on all articles that are customarily dutiable and makes dutiable many that have heretofore been admitted free. There is in the schedules little evidence of any discriminating consideration of trade conditions as they relate to the national welfare. The Finance Committee of the Senate, like the Ways and Means Committee of the House, seems to have adopted the easy way of acceding to all class or trade demands and increased everything on the "horizontal" principle.

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[From the Journal of Commerce and Commercial Bulletin, independent.]

The public should be fully informed of the true character of the schemes that are hatching for the effective looting of its pocketbook.

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[From the St. Louis Daily Globe-Democrat, Republican.]

It will appear that the Senate committee has practically ignored the changed conditions and has legislated upon the basis of the conditions of 20 years ago.

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[From the New York Evening Post, April 12, 1922, page 8.]

A TROUBLE-MAKING TARIFF.

"If the bill is as described, believers in tariff sanity and reasonableness have need to gird themselves for another battle." "It will give the American consumer a heavy jolt to see how the Senate tariff makers propose to tax his food." * * *

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[From the New York World, April 15, 1922, page 10.]

NOT PARTISAN BUT LUNATIC.

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This is not a partisan tariff but a lunatic tariff, put together by men who have little understanding of their job or of the world in which they live. Nobody could conceive of William McKinley's doing such a thing. Neither would Nelson Dingley or Nelson W. Aldrich have done it. They were extreme protectionists but they knew that there were limits to the application of the protective principle, and all of them had had experience with popular reactions against tariff extortion.

The leaderless Republicans of the Sixty-seventh Congress do not rise even to the dignity of protection Bourbonism; for while they have learned nothing, they have forgotten everything.

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[From the New York World, April 10, 1922, page 10.]

VOTING OUT A TARIFF SUPERMONSTROSITY.

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Tariff-protectionism even in pre-war days never dared offer so brazen and impudent a measure as this for sweating the American consumer. Coming at a time when world trade conditions prove the American market to be less in need of protection than ever, the monstrosity of it all is the more unspeakable. The reason why committee Senators throw out the plan is that they are thinking of this consumer and his vote.

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[From the Baltimore Sun, April 13, 1922, page 10.]

* * * * * * *

This tariff bill represents postwar party madness. It is little more than a decade since the Payne-Aldrich law sent the Republican Party out into the political wilderness. If in a period of peace and normality such a measure aroused popular indignation and blasting resentment, how much more deeply will its resurrection stir the American people in a time of unrest and business depression like the present? Its stupidity as a trade proposition, as a prohibition of commerce, is only equaled by its gross injustice to the average American householder. We strike at our own commerce with one hand and we pick the pocket of the American consumer with the other. What but madness could dictate this suicidal policy on the top of all the troubles the war left behind it?

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[From the Baltimore Sun, April 12, 1922.]

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When exposed to the pitiless light of critical analysis, the composite Fordney-McCumber tariff measure is likely to prove even more of a "tariff of abominations" than was the Payne-Aldrich bill. It is an echo of past Republican glories. Bankers, economists, exporters, importers, all who envisage the United States as a world commercial power, frankly regard the measure as grotesque and impossible. Even its supporters let the economic argument go by default. * * *

[From the New York World, April 13, 1922, page 12.]

A TARIFF THAT SPELLS CALAMITY.

The Senate Finance Committee's new tariff comes into the world with few friends except among the beneficiaries of legalized extortion.

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STATEMENT SUBMITTED BY H. E. MILES, CHAIRMAN FAIR TARIFF LEAGUE, A PROTECTIONIST ORGANIZATION.

COTTON GOODS.

Of the 16,000,000,000 yards made in the United States, two-thirds are produced as cheaply as in any other country. Notwithstanding this, the Senate rate on cotton cloths averages 45 per cent, in addition to which a new provision, paragraph 905–a, adds 15 per cent to about 80 per cent of all cotton-cloth imports.

The Senate tariff rates permits cotton manufacturers to add about $748,000,000 to their prices, although they are shipping great quantities abroad now at international prices, showing no need of protection whatever on ordinary qualities.

SILKS.

Proposed duties average from 56 per cent up on woven fabrics, many of which are made as cheaply here as anywhere, to 60 per cent on manufactures of silk and 90 per cent on laces and embroideries. There is only 12 to 14 per cent of labor in many silks, crêpes, and almost never more than 30 per cent. The difference in cost between the United States and Europe is 15 per cent. The Orient makes no silks of the kind made in the United States. Chinese or Shantung silk is taxed up to 220 per cent, which will double the price to the American consumer.

The present tariff, averaging 42.6 per cent, allows the manufacturers to add $214,000,000 above foreign prices, while the new tariff, averaging 62 per cent, allows them to add $274,000,000, which would be double at retail to the consumer.

RAW WOOL.

This is a protection of about $78,000,000 on a $65,000,000 wool clip, and will cost the consumers of clothing, blankets, etc., about $200,000,000. As the farmers consume one-half of all of our manufactures, this means that the farmers will pay about $100,000,000 more for their woolen goods in order that the sheep growers may get $78,000,000 protection.

WOOLEN GOODS.

The tariff on these runs from 42 per cent on woven fabrics to 90 per cent on laces, and adds $298,000,000 to the manufacturers' prices and twice this to the consumers at retail. It is very much more than can be justified by the principle of "the difference in the cost of production here and abroad."

KNIT GOODS AND HOSIERY.

We make hosiery of all sorts cheaper than anywhere else in the world and ship large quantities abroad. The Senate bill permits these people to charge domestic retailers $240,000,000 more than they would charge for the same goods for export. This would add nearly $500,000,000 to retail prices of hosiery and knit goods.

MEN'S COLLARS AND CUFFS.

The United States has specialized on this production until domestic costs are minimum, and the profits of the industry are great in good times. The Senate gives an average rate of 35 per cent, or $12,000,000, to the industry.

FILES.

These are made by a trust that charges domestic consumers to-day 25 per cent more than their prices on great quantities which they export. Undoubtedly the cost is as low here as anywhere, and yet Congress gives them 44 per cent, and on some sizes 80 per cent, a straight-out gift to the industry of $6,000,000, costing consumers nearly twice this.

An analysis of 29 industries under the proposed Senate rate shows that Congress allows them to add $3,077,000,000 above foreign prices. This is an addition of $1,000,000,000 to the present duties in these 29 industries and at least twice that on the whole tariff.

This will add two or three billion dollars to the cost of living when times get good, and the manufacturers add the tariff to their prices.

THE FARMER.

As farmers buy one-half of our manufactured output, they stand to lose some $2,000,000,000 from excessive prices on their purchases. Against this they have been given the highest rates they cared to ask for on agricultural products. There is, however, no possibility of their getting much advantage from most of their duties, which apply on such commodities as wheat, corn, oats, cotton, etc., of which we export a great surplus at international prices. Only on wool, sugar, citrus fruits, nuts, and a few small crops, upon which imports are considerable, will the farmer be able to add the tariff and increase the cost of living, as the manufacturers will. The farmers will lose $5 under this tariff for every dollar that they gain on their own rates.

Wage earners would be hurt by these rates in two ways. Their wages are being reduced in all industries and these rates would further reduce the purchasing power of their wages at least 15 per cent.

General buying will be decreased, which will lessen employment, to the hurt of the wage earner. Also our exports exceed our imports annually by more than $2,000,000,000, and we will lose the wages that this $2,000,000,000 carried to foreign countries in so far as other nations can stop buying from us and give their trade to other countries.

Mr. SIMMONS. Mr. President, I assume that this bill will be passed, probably pretty much as it has been reported by the majority members of the Committee on Finance. I understand there will be concert of action on the other side of the Chamber, and, of course, that means that Senators on that side can put these rates through if they wish to put them through, and I think they do; but the bill will be passed, Mr. President, not because it meets the judgment of a majority of this body; it will be passed not because the majority of the Senators subscribe to the excessively high rates imposed on products in general use, or to the delegation of the extraordinary powers which are to be given to the Chief Executive; but it will be passed by the majority, nevertheless, because a considerable part of the majority are willing to forego their opposition to what they regard and what in their hearts they know to be

unjust impositions and oppression upon the masses of the people in order to get concessions—concessions which I believe are worthless in many instances—for those in whom they are especially interested.

Mr. President, may I ask in conclusion, why should I, because I may want something in which the people of my State are deeply interested, be willing to impose upon the people not only of my State but of the whole Nation unjust burdens and oppressive and iniquitous taxation? If there is one Senator here who ought to be the friend of agriculture, it is myself, for I have nothing of this world's goods other than the home in which I live, except farms which I try to operate; but why should the friends of agriculture, whose participation in the benefits and gratuities and subsidies of this bill is inconsequential—as to many things only a "gold brick"—why should the friends of agriculture swap away the birthright of the farmers of this country for a mess of pottage?

Mr. President, if the passage of the bill is accomplished it will be the result of what I am loath to call a swap in the parceling out of the manifold subsidies and gratuities carried in this bill; and thus the log-rolling process by which it is claimed the river and harbor bills are passed will be applied in levying taxes upon the people amounting to billions of dollars for the benefit of the special interests, while of all the vast contributions of the people to the protected interests, running into the billions, only the relatively small and pitiable sum of $350,000,000, it is estimated, will find its way into the Public Treasury.

If the bill shall pass, the only hope lies in an appeal from the action of this body to the judgment, conscience, and patriotism of the American people; and that their decision will in that event overrule and set aside the action of the Congress, I have no doubt.

Mr. President, as I believe in an overruling Providence, I confidently believe that, if this bill is passed and becomes a law, so soon as the people have an opportunity to do so they will express their condemnation; and the Republican Party, which in 1912 because of its oppressive tariff taxation was thrown out of power, will for the same reason meet in the ides of November a more disastrous defeat even than that of a decade ago.

I wish to say in conclusion that we want and that there must be full and free discussion of this bill. The people are entitled to demand that of us. They are entitled to know what this bill means and they have the right to demand that their representatives shall understand what the bill means to the American people before they vote upon it. The interest of the people in this bill is of such a character, it is so far-reaching, and so vital that each of us owes it to our constituents to do what he can to make clear what, if it should pass, will be its effects upon the business and the happiness and the general welfare of the American people as a whole, and to this end we must discuss it to the full measure of what is necessary to make its purpose and probable effects clear to the mind, not only of the American people but of their representatives in the two Houses of Congress in the hope that in view of the light that discussion may throw upon it, the menace of its adoption may be averted and this cup of bitterness pass from the lips of the people of this Republic.

Mr. President, I am sure that on this side of the Chamber there will be no resort to dilatory methods or discussion. There is sufficient in the bill that needs exposure without injecting any extraneous matters, but, if it is to be passed, let us see that it is only passed with full understanding of what it implies and means. If it must be passed after we shall have thrown upon it in our discussions all the light that we can to the end that it may be understood by the people and by their representatives who are to act for them in this Chamber, the more quickly it is passed, if, as I said, it must be passed, the better; for the more quickly, in that event, will begin to gather the righteous wrath of an outraged people that will sweep from power in this Government the party responsible for an act of such consummate injustice and folly.

Now, Mr. President, I have tried to consider this bill with fairness and with conservatism. I do not wish to speak harshly of it, and yet when I consider the danger to the happiness, the peace, and the prosperity of the people of this country which lurks in it, I can not withhold a frank expression of my condemnation and of my fears.

It is my deliberate judgment that when you couple the extortionate rates with the proposition to delegate congressional control of the purse strings of the country, this bill is fraught with more danger to the people of the country and the institutions under which we live than any bill which ever crossed the threshhold of this Chamber. Its first effect will be oppressive to the masses. It will lead to the wholesale monopolization of all the protected products of industry. It will lead to the extortions which always follow unhampered monopoly. We shall in the not distant future see here, if this legislative policy is adopted and long continued, conditions similar to those of feudalism in the middle ages. Our great tariff barons and trust magnates will be as strongly entrenched here as were the feudal lords in those days, followed by the general commercial enslavement of the masses.

I hope I love my country; I hope my heart beats sympathetically with my fellow man; and because I love my country and sympathize with my fellows I am ready to dedicate every ounce of strength and energy I have to thwart by fair and open means this impending calamity.

I suppose the bill will be passed—passed not because it meets the judgment of this body; passed not because a majority of Senators subscribe to the excessive rates imposed on certain products of general use, or in the delegation of the extraordinary powers to the Executive, but passed by a majority because a considerable part of that majority are willing to forego their opposition to what they regard as unjust impositions upon the masses in order to get concessions for those in whom they are specially interested.

I also wish to incorporate as an appendix to my remarks certain data with reference to the effect of these duties upon the price of a considerable number of manufactured products.

APPENDIX A.

Imported articles showing relative costs in marks and dollars in 1914 and 1921.

No.	Items.	F. o. b. Germany.				Value of mark, 1914.	Value of mark, 1921.
		1914		1921			
		Marks.	Dollars.	Marks.	Dollars.		
B/499	Carmalt's artery forceps 6¼-inch, each	1.40	$0.33	52.70	$0.85	$0.24	$0.016
B/624	Straight scissors, 5-inch, each	.55	.13	15.50	.25	.24	.016
C/1425	Graef's cataract knife, each	.85	.20	27.90	.45	.24	.016
B/4547	Langenbeck's metacarpel saw, each	1.70	.40	46.50	.75	.24	.016
C/15904	Tooth forceps, each	1.90	.45	65.72	1.06	.24	.016
1500	Harmonicas, gross	17.40	4.17	403.20	6.45	.24	.016
	Jointed dolls, 60 centimeters, dozen	20.50	4.92	579.00	9.26	.24	.016
2/0	Toy horses, dozen	6.30	1.51	150.00	2.40	.24	.016
6543	Door locks, dozen	9.80	2.33	375.00	6.00	.238	.016
1195	Pliers, dozen	3.00	.71	108.50	1.74	.238	.016
118	Scissors, 4-inch, dozen	4.80	1.14	131.50	2.10	.238	.016
16	Razors, ⅝-inch, dozen	19.45	4.63	429.50	6.87	.238	.016
290	Chiffon velvet, meter	4.70	1.12	106.83	1.71	.238	.016
	Cotton gloves, dozen	9.00	2.14	500.00	8.00	.238	.016
397	Laces, meter	1.47	.35	40.00	.64	.238	.016
860	Hosiery, dozen	7.25	1.81	118.00	1.89	.238	.016

APPENDIX B.

(Federal Reserve Board statement for the press. For release in morning papers, Saturday, April 8, 1922.)

The New York office (50 Broad Street) of the Federal Reserve Board has received a wireless from the American commissioner in Germany, giving the wholesale price index of the Frankfurter Zeitung for April 3, 1922. According to this index there has been an increase of 20.7 per cent in the general level of wholesale prices in Germany during the month of March, as compared with an increase of 23.6 per cent during February. The all-commodities index stands at 5,899 as compared with 100 in the middle of 1914

Wholesale prices index number for Germany.

[Compiled by the Frankfurter Zeitung.]

(Prices January, 1920=100.)

	Foods, etc.	Textiles and leather.	Minerals.	Sundries.	All commodities.
Middle of 1914	11.46	3.75	6.46	12.2	8.9
1921.[1]					
April	136	79	115	180	130
May	133	78	112	194	132
June	127	70	109	196	128
July	145	79	115	191	135
August	214	84	117	186	160
September	211	96	125	193	164
October	227	120	151	208	184
November	317	173	210	251	249
December	362	241	364	295	298
1922.					
January	384	241	260	364	317
February	407	256	292	414	352
March	540	270	365	490	435
April	654	334	418	606	525

[1] Not always the first day of the month.

Wholesale prices index number for Germany—Continued.
(Recomputed with middle of 1914 prices=100.)

	Foods, etc.	Textiles and leather.	Minerals.	Sundries.	All commodities.
Middle of 1914	100	100	100	100	100
1921.[1]					
April	1,187	2,107	1,780	1,475	1,461
May	1,161	2,080	1,734	1,590	1,483
June	1,108	1,867	1,687	1,607	1,438
July	1,265	2,107	1,780	1,566	1,517
August	1,867	2,240	1,811	1,525	1,798
September	1,841	2,560	1,935	1,582	1,843
October	1,981	3,200	2,337	1,705	2,067
November	2,766	4,613	3,251	2,057	2,798
December	3,159	6,427	5,635	3,418	3,348
1922.					
January	3,351	6,427	4,025	2,984	3,562
February	3,551	6,827	4,520	3,393	3,955
March	4,712	7,200	5,650	4,016	4,888
April	5,707	8,907	6,471	4,967	5,899

[1] Not always the first day of the month.

The Frankfurter Zeitung index is unweighted, and is based upon the prices of 77 commodities. The latest figures are subject to revision. Figures have recently been entirely revised.

(Federal Reserve Board statement for the press. For release in morning papers, Tuesday, March 14, 1922.)

The New York office (50 Broad Street) of the Federal Reserve Board has received a cable message from the General Statistical Bureau of France giving the wholesale and retail price indexes for France for the month of February. Wholesale prices, which declined 3.7 per cent during the month of January, showed a further decrease of 2.5 per cent in February. Retail prices also declined 3.8 per cent during February, as compared with a decrease of 1.2 per cent in January, according to these compilations.

Wholesale price index for France.

[Compiled by General Statistical Bureau of France.]
(Prices 1901–1910=100.)

Month.	Animal foods.	Vegetable foods.	Sugar, coffee, and cocoa.	Foods (20).	Minerals.	Textiles.	Sundries.	Raw materials (25).	All.
1921.									
February	533.9	380.8	358.6	437.6	360.5	465.6	463.7	435.3	436.3
March	478.9	386.8	388.8	424.0	346.8	438.6	431.7	409.6	416.0
April	467.6	417.8	380.2	430.2	336.6	367.7	407.9	378.3	401.3
May	447.1	414.6	335.5	411.8	319.6	330.3	390.3	356.1	380.8
June	412.4	441.5	357.8	413.1	313.4	325.8	374.7	345.8	375.7
July	416.2	436.4	416.6	424.4	304.1	338.9	377.1	347.5	381.6
August	437.5	464.7	373.5	411.6	293.8	375.7	391.2	360.2	383.0
September	439.8	373.6	412.1	407.8	303.9	454.2	407.5	389.7	397.7
October	406.6	366.3	323.6	374.0	314.1	456.9	401.0	390.1	383.0
November	390.8	366.8	343.4	371.7	332.6	453.6	398.0	393.0	383.6
December	382.7	363.0	318.1	361.9	323.2	438.5	400.9	388.2	376.5
1922.									
January	364.1	346.8	324.8	349.3	309.2	424.3	385.3	373.3	362.7
February	358.1	345.4	337.1	348.8	290.0	404.2	375.6	358.5	354.2

(Recomputed with prices in 1913=100.)

Months.	Animal foods.	Vegetable foods.	Sugar, coffee, and cocoa.	Foods (20).	Minerals.	Textiles.	Sundries.	Raw materials (25).	All.
1921.									
February	452	317	338	378	300	398	422	378	377
March	406	322	367	366	289	375	392	355	360
April	396	348	359	372	281	314	371	328	347
May	379	346	317	356	266	282	355	309	329
June	349	368	338	357	261	278	341	300	325
July	353	364	393	366	253	290	343	301	330
August	371	337	352	355	245	321	356	312	331
September	373	311	389	352	253	388	370	338	344
October	345	305	305	323	262	391	365	338	331
November	331	306	324	321	277	388	362	341	332
December	324	303	300	313	269	375	364	337	326
1922.									
January	309	289	306	302	258	363	350	324	314
February	303	288	318	301	242	345	341	311	306

Retail prices in Paris.
(Prices July, 1914=100.)

1921:	
February	382
March	358
April	328
May	317
June	312
July	306
August	317
September	329
October	331
November	326
December	323
1922:	
January	319
February	307

The wholesale price index is unweighted and based upon 45 price quotations; the retail on 13 quotations, weighted according to family consumption. The latest figures are subject to revision.

APPENDIX C.

Description.	Selling price foreign article.	Payne-Aldrich.	Underwood.	Senate bill.
Pocketknives	13 per cent above price of domestic.	Specific rates equivalent to 80 per cent.	55 per cent	Compound rates equivalent to 160 per cent.
Surgical instruments.	4 per cent above price of domestic.	45 per cent	20 per cent	Compound rates equivalent to 74 per cent.
Common linen toweling 19 inches wide.	12 per cent under price of domestic.	50 per cent	30 per cent	60 per cent.

Ten per cent advance over the Payne-Aldrich rates brings the selling price of the imported article slightly above the price of the domestic article.

The following imported articles are selling in the United States at a higher price than the comparable domestic articles, noting that the rates of duty in the Senate bill have been materially increased:

Description.	Payne-Aldrich.	Underwood.	Senate bill.
China	60 per cent	55 per cent	70 per cent.
Decorated earthenware	do	40 per cent	50 per cent.
Antifriction balls for use in ball bearings.	45 per cent	20 per cent	10 cents pound and 35 per cent (equals 47 per cent).
Card clothing	45 and 55 cents square foot equals about 28 per cent.	35 per cent	45 per cent.
Fishhooks and fishing tackles	45 per cent	20 per cent	Do.
Metal snap fasteners	50 per cent	15 per cent	55 to 60 per cent.
Willow clothes basket	35 per cent	23 per cent	45 to 60 per cent.
Furniture of wood	do	do	35 per cent.
Cheese	6 cents pound equals 10 per cent to 15 per cent.	23 per cent	Over 30 cents pound 25 per cent.
Ladies' cotton embroidered handkerchiefs.	60 per cent	60 per cent	70 per cent.
Embroidery cotton	20 per cent	20 per cent	25 to 45 per cent.
Scotch gingham	Specific rates	do	Specific rates; minimum about 43 per cent.
English cloth suiting, etc., over 4 ounces.	44 cents pound, 50 per cent.	35 per cent	49 cents pound, 55 per cent.

The selling prices of the above imported articles in the United States range from 10 to 60 per cent higher than the domestic merchandise.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. PHIPPS. I submit a first conference report on the District of Columbia appropriation bill, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the report.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 8, 9, 10, 15, 16, 17, 20, 23, 25, 26, 27, 30, 33, 39, 43, 44, 45, 46, 47, 48, 49, 51, 58, 65 68, 70, 71, 73, 75, 77, 80, 82, 83, 84, 85, 87, 88, 89, 90, 91, 93, 94, 95, 99, 100, 102, 103, 105, 107, 108, 109, 110, 111, 112, 118, 120, 122, 123, 124, 126, 127, 129, 132, 133, 135, 136, 138, 140, 143, 145, 146, 147, 148, 151, 153, 159, 160, 166, 177, 180, 181, 184, and 188.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 11, 13, 14, 19, 21, 22, 28, 29, 31, 32, 34, 35, 36, 37, 41, 42, 50, 52, 53, 54, 57, 59, 60, 61, 62, 63, 66, 72, 92, 96, 98, 104, 113, 125, 128, 130, 131, 134, 139, 141, 144, 156, 157, 158, 161, 165, 167, 170, 171, 173, 174, 176, 178, 179, 182, 183, 185, and 189, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "one $2,000, two at $1,500 each"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,070"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$58,120"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "laborer and janitor, $480;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$182,210"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"Southeast Branch Library: For salaries in operating the Southeast Branch Library, $3,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,200 per annum."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided*, That no money appropriated by this act shall be expended in conducting library stations not now in existence, but this limitation shall not apply to public-school buildings and the Southeast Branch Library"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"PROPERTY YARD.

"For alterations and improvements to the old Mott School for use as a property yard, to be immediately available, $2,500: *Provided*, That a wire fence shall be built around the property."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$233,500"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "apartment houses, and large"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$242,750"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the erection of an eight-room addition to the Lovejoy School, $125,000."

And the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-two"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,694,786.36"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Additional amount required for the completion of a station house on the site already acquired at Seventeenth Street and Rhode Island Avenue NE., $20,000"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$75,000"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For repairs to buildings, including the completion of alterations of the old psychopathic hospital building to provide quarters for female nurses and female employees, $10,000"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "supervisor and placing officer, $1,740; investigator and placing officer, $1,500"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$28,140"; and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$5,040"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the number proposed, insert "fifty-five"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$81,560"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following: "including not to exceed $500 for repairs to the superintendent's residence"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 1, 78, 79, 86, 101, 114, 115, 116, 142, 155, 163, 164, 175, 186, and 187.

L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Conferees on the part of the Senate.

C. R. DAVIS,
ROBERT E. EVANS,
BEN JOHNSON,
Conferees on the part of the House.

Mr. PHIPPS. Mr. President, just a word of explanation. The points of disagreement between the conferees are really reduced to two or three items. The greater number of those reported in disagreement must be submitted back to the House under its rule, so that we should have a further conference. I therefore move the adoption of the report, and that the Senate request a further conference on the amendments still in disagreement, and that the Chair appoint the conferees to represent the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado.

Mr. NORRIS. Mr. President, I desire to make an inquiry of the Senator. An amendment was put on the bill in the Senate, consisting of a bill that had passed the Senate in relation to taxation, and the exemption from taxation of a certain part of the value of real estate that was improved. Is that one of the amendments still in disagreement?

Mr. PHIPPS. That is an amendment still in disagreement; that is to say, it has to go back to the House.

Mr. NELSON. Mr. President, there was a provision in the bill for the purchase of three parks. What has been done with that?

Mr. PHIPPS. That is the other item which is in disagreement. The expression of the Senate was that those park properties should be acquired. The conferees on the part of the Senate are holding out against a recession. We insist that the House conferees shall recede.

Mr. NELSON. One was to buy 80 acres of land out here at $77,000 an acre, was it not?

Mr. PHIPPS. Oh, no; the amount is lower than that, but it is some eighty-odd acres, at a pretty good round price. The House, however, has refused to assent to the desire of the Senate, as expressed in the appropriation bill and by a separate bill which passed the Senate, taking in those park properties. That item is in disagreement.

Mr. KING. Mr. President, I should like to ask the Senator for a statement of the important items that have been agreed upon as reported by the conferees.

Mr. PHIPPS. The ones that were in disagreement that are important are the schools, the streets, the new water plant, and the home for the feeble-minded. I think that about covers the important items that were in disagreement.

Mr. KING. As I understand the Senator, the appropriation for the feeble-minded went through as the bill passed the Senate?

Mr. PHIPPS. Not exactly in terms as it passed the Senate, but the House conferees are recommending that appropriation to the House with an amendment.

Mr. KING. Does the amendment cut down the appropriation?

Mr. PHIPPS. It does reduce the amount of the appropriation by utilizing property already owned by the Government, and reduces the total amount of the authorization by approximately $40,000—I believe $50,000 in total.

The VICE PRESIDENT. The first question is on agreeing to the conference report.

The report was agreed to.

The VICE PRESIDENT. The Senator from Colorado moves that the Senate still further insist upon its amendments in disagreements, and ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. PHIPPS, Mr. JONES of Washington, and Mr. GLASS conferees on the part of the Senate at the further conference.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I do not think I have made the usual request for unanimous consent that the committee amendments be first considered by the Senate, and I make that request at this time.

Mr. KING. I do not want to object to that, and perhaps it is the better way, but may I suggest to the Senator that many of the items as to which amendments have been reported by the Senate committee are so closely connected with items preceding and following, and the discussion of the amendments will relate so closely to other items, it would seem that if amendments are to be tendered to items as to which no amendments have been offered by the committee it might facilitate action upon the bill if we would take up for emendation items as to which no amendment has been offered by the Senate committee.

Mr. McCUMBER. I think amendments will be in order to amendments of the committee, and I think it will facilitate the consideration of the bill if we will follow the usual course of considering the Senate committee amendments first.

Mr. SMOOT. I want to say to my colleague that in every case where a rate depends upon an item in which the rate is changed those changes have been made all through the bill. There is no change made in an item which affects another product cared for in another part of the bill where the committee has not made those changes to compensate for whatever increase or reduction there may be. I think the request made by the Senator from North Dakota is the proper way to proceed, and that has always been done in the case of tariff bills.

Mr. KING. I appreciate that that is the usual procedure, and I shall not interpose any objection, although let me say that some of the items are so closely related to other items which have not been mentioned by the Senate committee that one could scarcely discuss the Senate committee amendments without crossing the line and discussing some other items in the same paragraph, dealing with some other acid or drug or compound analogous to the one as to which an amendment has been offered by the Senate committee. However, I have no objection to the course suggested by the Senator from North Dakota.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. KING. Does the Senator from North Dakota desire to go on with the bill this evening?

Mr. McCUMBER. I thought that we ought to continue at least until from 5 to half past 5 o'clock in the early stages of the consideration of the bill.

Mr. KING. I am at the service of the Chairman.

Mr. McCUMBER. When the Senator suspends for the day I shall ask for an executive session.

Mr. KING. When I yielded the floor yesterday I had not concluded my general observations upon the Fordney-McCumber bill, which we are now considering. I was about to call attention to a provision in the bill dealing with the embargo on dyes.

Mr. President, the Senate Finance Committee, it would seem, surrendered to the dye monopoly when preparing the provisions of this bill dealing with embargoes, and the provisions are such as were desired by the dye monopoly; its demands were impudent, partisan, and un-American. The committee have brought in an amendment to the House bill which is so extraordinary as to call for consideration. It can not be called a "joker," as that word is so frequently employed in legislation, because its effects are so palpable. The provision referred to is attached to paragraph 26 and provides that it shall be unlawful to import dyes or coal-tar products in any package, case, or container which bears a trade-mark or brand registered by any person domiciled in the United States, and further provides that any such article or package imported into the United States shall be seized and confiscated by process of libel for condemnation according to the practice in admiralty, and the court may require the destruction of such merchandise or the obliteration of the trade-mark or brand it bears. This amendment is added to the bill in the interest of the so-called Chemical Foundation, of which corporation practically all the dye manufacturers of the country are members. The Chemical Foundation pretends to hold and to own all the process patents covering the making of dyes and coal-tar chemicals which were seized by the Alien Property Custodian. Even though the Chemical Foundation be the legal owner of these patents and their related trade-marks and brands, there is certainly no adequate reason to accord the foundation any different legal statuts or remedies than are provided by law for the holder of any patent or the registrant of any trade-mark or brand.

A transaction most extraordinary occurred which involves the dye monopoly and is pertinent to a discussion of the bill which is now before us. I desire to briefly refer to it at this point, but shall elaborate the subject at length when we discuss the provisions of the bill dealing with dyes and the dye

embargo and other provisions found in the bill drawn for the purpose of perpetuating the monopoly and destroying competition in the American market.

Senators will recall that under the provisions of the trading with the enemy act the Alien Property Custodian was authorized to sequester the property of German and Austrian nationals found within the United States. I make no comment upon the wisdom or propriety of that legislation, nor shall I at this time refer to the contention made by many that such procedure was in violation of the treaty of 1828, entered into between the United States and Prussia, and which later on was adopted by the German Government and was in existence when the war between this Republic and Germany was entered upon. The Alien Property Custodian seized the property of the value of hundreds of millions of dollars which belonged to German and Austrian nationals; property which had been invested in the United States in good faith under treaty provisions and in the belief that it was safe and secure.

The Alien Property Custodian seized 4,500 patents owned by German nationals, and many of which cover products and commodities manufactured in the United States as well as commodities imported from Germany. I am now making no complaint as to the act of sequestration or the objects which the United States had in view when the law referred to was enacted. I should add in passing that it was the intention of Congress at the time the law was enacted to return the property seized at the conclusion of the war to the owners of the same. After the seizure of these patents, some of which cover dyes, a corporation was formed known as the Chemical Foundation. This corporation was organized by Government officials connected with the Alien Property Custodian's office, and I think the evidence will show that the Du Pont Corporation and other corporations engaged in the manufacture of dyestuffs were parties openly or secretly to the formation of this corporation. The new corporation was officered by officials of the Government who were connected with the Alien Property Custodian's office, and after they had formed the Chemical Foundation Co. they transferred these 4,500 patents to the new corporation, pretending that the transfer was a bona fide and valid sale. In other words, officials of the Government, after having seized the property, formed a company, put themselves and their friends in control of it, and pretended to sell property worth millions to their creatures for a sum much less than the property was worth. Some of these same officials are still officers of the Chemical Foundation.

When they severed their connection with the Alien Property Custodian's Office they continued to hold their positions in the Chemical Foundation Co., and they now insist that that company is the owner of these patents. Their position is that the German owners of the patents have been deprived of the same and all their interests and property therein by this high-handed and what I regard as illegal proceeding.

As stated, these patents had been recognized by the laws of the United States, as Germany had permitted Americans to take out patents in that country. Indeed, as I am advised, many American patents have been registered, or as we say in common parlance, "taken out" in other countries. Treaty regulations, as well as a spirit of comity and a proper application of broader principles of international law, permit the nationals of various countries to acquire and own property in countries other than the ones to which they owe allegiance, and to take out patents in countries other than their own and to protect them in the use and enjoyment of the same. These mutual and reciprocal treaties and regulations deal with these questions in a broad and proper way. Our Government has always contended for the immunity of private property, and has insisted that Americans should be permitted to own and enjoy property in other lands as we have permitted nationals of other countries to own and enjoy the benefits of their property within our country.

Under these patents industries were built up in the United States—some of them owned by Germans, others by Americans, or by Americans and Germans. As stated, these patents, after being seized by the Alien Property Custodian, were confiscated and transferred for a wholly inadequate consideration to the Chemical Foundation. The value of these patents is variously estimated from ten millions to fifty millions of dollars. I regard the transfer of these patents as violative of the treaty to which I referred and as in contravention of the principles of international law. I think it was a shameful procedure. The price paid was so wholly inadequate as to shock the conscience of any person familiar with the facts. No chancellor, in my judgment, would approve the transaction and would promptly set aside the sale. It is the duty, as I view the case, of the Attorney General to promptly bring suit against the Chemical Foundation to set aside the alleged sale as fraudulent. The transaction can not be defended in morals or find support on any theory that should govern the relations between civilized nations. When the sale is set aside and the property retransferred to the Alien Property Custodian, Congress can make such disposition of it as it sees fit. We are not pirates or brigands, although this transaction would seem to indicate a lack of appreciation of the principles of honor which should exist between nations.

When we come to a discussion of the dye embargo and cognate questions, there will be more said about this transaction.

The patent laws give the owners of patents a monopoly for the manufacture and sale of articles under the patents in this country, and also give registrants of trade-marks and brands the exclusive use of such marks and brands in this country. The courts of equity will protect the exclusive use of such patents, trade-marks, and brands by injunction against the sale of any articles manufactured under such patents or bearing such marks or brands, and courts of law will award adequate compensatory damages in cases where sales of such articles have been made. It is a proposition without precedent that the confiscatory process shall be applied to articles of commerce which are in themselves perfectly sound and wholesome, and the passing of which in commerce may merely violate some private contract or right for which private legal remedies are available and adequate. This amendment would invest the customs officers with judicial powers to pass upon questions of the ownership of patents, trade-marks, and trade brands, and would also compel the Government of the United States to assume burdens for the vindication of mere private claims and rights. This amendment is utterly vicious in principle. It is without warrant or justification and should be excised from the bill, and should not receive the approval of even the most reactionary Senator who sits in this Chamber.

The majority of the committee in the report on the chemicals, oils, and paints schedule has weighed the monopolistic demands and animus of a few favored manufacturers who now have an effectual control of the American market against the interests of the public and the welfare of the industries of the country. It is not a public view, it is not even a proper partisan view, it is a private special and selfish view of fiscal legislation which has dictated and determined the rates reported in this schedule.

Mr. President, the senior Senator from Utah [Mr. SMOOT], during the course of the discussion yesterday, suggested that there should be put into the RECORD a list of the items transferred from the dutiable list of the Underwood law to the nondutiable or free list in the pending bill.

Mr. President, I have prepared such a statement, dealing with the items in schedule 1 of this bill, showing the rates fixed in the Underwood-Simmons law, in the Payne-Aldrich act, and in the House bill as well as in the Senate bill now before us. With reference to the matter suggested by my colleague, I will say that I prepared a table which I have here and shall ask to have inserted as an appendix at the close of my remarks. The headings are as follows: "Name of commodity," "Free under Payne-Aldrich," "Free under Underwood," "Same as Underwood," "Same as Payne-Aldrich," "Higher than Underwood," "Higher than Payne-Aldrich"; in other words, the table shows the items which were free of duty in the Underwood law and in the Payne-Aldrich act, the items in which there is no change from the Payne-Aldrich law, and the items which have been transferred to the free list which were formerly dutiable, as well as the increases in the pending bill above the Payne-Aldrich act.

The VICE PRESIDENT. Without objection, the request will be granted and the table printed as requested.

Mr. KING. Of course, there are several thousand chemicals, medicines, and drugs covered by this schedule, not specifically named therein, but which are included in what are called basket clauses or provisions, so that when I mention only a few hundred items I want it understood that those mentioned or grouped do not include, by name at least, the thousands covered by Schedule 1 of this bill.

Mr. President, I have examined with some care the nondutiable list appearing in the Senate bill, and compared the same with the free list found in the Underwood law. There are 23 commodities dutiable under the Underwood law that have been placed on the free list in the Senate bill. The senior Senator from Utah or the chairman of the committee will correct me if I have made any error in my computations.

Mr. SMOOT. Mr. President, I suppose the Senator went into detail and found that there are many items mentioned in Schedule 1 of this bill that have never been mentioned before in a tariff bill.

Mr. KING. Not many. I have them checked here. For instance, stearic acid, chloracetic acid. I am speaking of chemical Schedule 1. I am dealing with that now.

Mr. SMOOT. That is what I speak of. In dealing with the chemical schedule I have in mind the intermediates are found in paragraph 25. If the Senator will take each of the items found in paragraph 25, all of which are intermediate dyes, he will find that in the administration of the tariff laws in the past many of them have been classed not as intermediates but as dyes themselves, some of them on the free list and some of them dutiable.

It was stated here the other day that it was not known whether anyone could read paragraph 25. I will admit that it is difficult to read unless one is well acquainted with chemicals, but every item mentioned in paragraph 25 is specifically designated and the wording of it is such that one can tell just what state of the finished dye has been reached.

I will say to my colleague that it is pretty difficult to state just how many of those items were treated under the administration feature of the tariff laws, whether under the free list or under the dutiable list. I think the figure the Senator gives on dyes themselves, the finished products, more than likely is correct; in fact, I know that it is nearly so.

Mr. KING. To prepare this table was a task onerous and somewhat difficult. I have tried to be accurate, and if any error is discovered, I shall be glad to be advised. The reports at the disposal of the majority members of the committee are correct, even if my findings are inaccurate.

Mr. SMOOT. It is near enough as to the finished product to need no correction.

Mr. KING. Let me repeat, there are 23 commodities that are dutiable under the Underwood law which have been placed on the free list in the pending tariff bill. I am speaking, of course, of the chemical schedule. The list covers 21 essential oils, not produced in this country to any extent, and which are imported and used primarily for the manufacture of perfumes and cosmetics.

I have not consulted with the distinguished leader in charge of the matter upon this side of the aisle [Mr. SIMMONS], or with the senior Senator from Alabama [Mr. UNDERWOOD], who was so prominent in the preparation of the Underwood law; but I make bold to say that one of the reasons why these oils were even placed upon the dutiable list in the Underwood Act was because they were regarded not as essential but as luxuries. They were used in cosmetics and in articles which, because of their high cost, could be purchased only by the rich.

Mr. SMOOT. I think the Senator would be more accurate in stating that they were put there for revenue purposes.

Mr. KING. Undoubtedly the revenue feature was before the minds of the drafters of the Underwood law. It is known that the act was founded upon the theory of obtaining revenue, but it recognized the industrial situation and laid duties upon many commodities so high as to constitute what Republicans are pleased to denominate "protection." The thought was also in the minds of the drafters of the bill that luxuries should be heavily taxed, and that the commodities so important to the lives and welfare of the people should be free or taxed as lightly as the situation and industrial and economic conditions warranted.

No one could call the bill a free-trade measure. I recall that after the law had been enacted a comparison was instituted between the rates of the Payne-Aldrich law and the rates of the Underwood Act and in the general average of all the rates, and surprise was expressed that the difference between the rates of the two laws was so much less than had generally been supposed. I repeat, the Underwood law sought to raise revenue and lighten the burdens of taxation upon the masses of the people and to secure as much revenue as could be justly and properly obtained from luxuries and from those commodities which, because of their great value, would be purchased by people of wealth only. It seems to me, however, that the pending bill is one to tax the poor, to place burdens upon them, and to lighten the burdens that would rest upon the rich because of their large consumption of luxuries.

It will be observed from the table which I have asked to be inserted in the RECORD as an appendix to my remarks that of the 340 articles there provided for by name, or in the general basket clause of Schedule 1, I was able to make but 311 tariff rate comparisons, because a number of those articles, as was suggested by my colleague, were not upon former schedules.

Of the 311 articles so compared, 139 are provided for in the pending bill at rates of duty higher than the Payne-Aldrich tariff law, 33 are dutiable that were free under the Payne-Aldrich law, and 68 have the same rates of duties as under that law.

It will also be further noted that of the 311 commodities, 225 have been accorded rates of duty higher than in the Underwood law, 39 have been made dutiable that were free under the Underwood law, and 44 have the same rates of duty as under the Underwood law.

Mr. SMOOT. Mr. President, again I think the Senator ought to give the Senate the information that the reason for the increased rates is because all intermediate dyes have now been placed upon the dutiable list. In the Payne-Aldrich law all of them were on the free list. Now, we are transferring them to the dutiable list, with rather a high rate of duty, I will say to my colleague, and, of course, these items have to be increased to compensate for the duty that was placed upon the intermediates.

If my colleague will allow me just a moment, so the Senate may understand what was the attitude in 1909 of the Finance Committee of the Senate, I would like to make a brief statement.

Mr. KING. I yield to my colleague for that purpose.

Mr. SMOOT. In 1909 the Senate Committee on Finance made up its mind to have established in the United States a dye industry. That was the first time that action was ever taken by the Senate placing intermediates upon the free list. The House passed the bill with all intermediates on the free list, as had been the case in every tariff bill passed in the history of the country. The Finance Committee of the Senate, as I said, decided to establish the dye industry in the United States, and the only way that it could be done was to place a duty upon the intermediates. The Senate did that. The bill went to conference and the House would not yield to the action of the Senate and so the intermediates went back on the free list.

I want to say now to all the dye manufacturers of the United States that that is when the mistake was made. We only had a few industries in the United States at that time called dye manufactories, and all they did was to import intermediates and make the dyes in this country. The Finance Committee in 1909 decided to change that policy, but the House would not yield, and we had to give it up. If the policy of the Senate in 1909 had been followed, the United States never would have been found in the condition that we were upon the outbreak of the World War; we could have had an established industry. But no. All that those who were interested in it wanted to do was to mix intermediates and make the dyestuffs from intermediates made in Germany, so we had to yield. That is, in brief, the history of the case.

Mr. KING. Mr. President, just one observation in reply to the suggestion of my colleague as to what should be stated with respect to intermediates. What I have submitted to-day was in response to a suggestion made by him yesterday, and is a very comprehensive statement; but before we get through with the debate I shall go into the matter in further detail.

Mr. SMOOT. I knew that my colleague did not want to have the impression go out that the Finance Committee had increased the rate on the number of dyes mentioned by him without some reason for doing so. The reason is as I stated it. I know that my colleague, if he has given attention to the schedule, as of course he has, found the answer in one sentence, and that is that the intermediates have been now placed upon the dutiable list which were originally on the free list.

Mr. KING. In the tables which I have presented I classed paragraphs 25 and 26 as two items, though they compose more than 112, which is giving to this bill a credit to which it is not entitled; but I shall call attention to that later. Of course, it is obvious that when intermediates, employed as the basis of finished products, are transferred from the free to the dutiable list, there must, under the theory upon which this bill was framed, be corresponding modifications in the schedules containing the finished commodities. But I do not admit that the rates of raw materials and intermediates and finished products, as they are found in this bill, bear any just or rational or logical relationship. Generally speaking, I concede that if, after rates have been fixed in a bill, for finished products, upon the theory of free raw materials or intermediates, and later such intermediates and raw materials are transferred to the dutiable list, there is some reason for increasing the rates upon the finished commodities, providing such rates were reasonable when first accepted and were founded absolutely upon the basis of free raw materials and free intermediates.

My colleague has referred to the dye industry. As I understood my colleague there was an implied criticism of the dye industry, because those engaged in the same apparently did not attempt to produce intermediates here, but imported them from abroad.

Mr. SMOOT. It was intended as a criticism.

Mr. KING. I think probably they are subject to criticism; however, it is known that prior to 1909, and since then until quite recently, not much attention was given to the by-products

of coke ovens. But as these by-products have been developed—and they are the foundation not only of the intermediates but also of the dyes themselves—the necessity for the importation of such intermediates has diminished in most cases.

Mr. SMOOT. That is true as to certain intermediates.

Mr. KING. Yes; it is true as to certain intermediates. So in the early stages of the dye industry, when we had not developed the coke-oven products to the high degree of proficiency and efficiency that we have recently done, there was a little more excuse for importing intermediates than exists at the present time.

APPENDIX.

Table showing comparisons of rates of duty on commodities provided for in Schedule 1 of Senate bill with Underwood-Simmons law and Payne-Aldrich law.

(Cross (X) opposite the name of commodity is placed under the various headings to indicate whether free under Payne-Aldrich law or free under Underwood law, or having same rate of duty in Senate bill as in Underwood law, or having same rate of duty in Senate bill as in Payne-Aldrich law, or having higher rate of duty in Senate bill than in Underwood law, or having higher rate of duty in Senate bill than in Payne-Aldrich law.)

Paragraph.	Commodity.	Free under Payne-Aldrich.	Free under Underwood.	Same as Underwood.	Same as Payne-Aldrich.	Higher than Underwood.	Higher than Payne-Aldrich.
1	Acetic acid		X		X		
1	Acetic anhydride					X	X
	Boric acid					X	
	Chloro-acetic acid						
	Citric acid					X	X
	Lactic acid					X	X
	Tannic acid					X	
	Tartaric acid					X	X
	Arsenic acid	X	X				
	Arsenious acid	X	X				
	Formic acid					X	X
	Gallic acid				X	X	
	Oleic acid		(1)				
	Oxalic acid					X	X
	Phosphoric acid	X	X				
	Pyro-gallic acid			X			
	Stearic acid						
2	Acetaldehyde, etc						
3	Acetone				X	X	
	Acetone oil				X	X	
	Ethyl methyl ketone				X	X	
4	Amyl alcohol					X	X
	Butyl alcohol					X	X
	Propyl alcohol						
	Fusel oil					X	X
	Wood alcohol	X					X
	Ethyl alcohol						
5	Chemical salts and compounds, etc				X	X	
6	Aluminum hydroxide					X	X
	Potash alum					X	X
	Ammonia alum					X	X
	Aluminum sulphate					X	X
7	Ammonium carbonate				X	X	
	Ammonium bicarbonate						
	Ammonium chloride					X	X
	Ammonium perchlorate						
7	Ammonium phosphate					X	
	Ammonium sulphate					X	
	Liquid ammonia			X	X		
8	Antimony oxide				X	X	
	Tartar ametic						
	Antimony sulphide					X	X
	Antimony salts					X	X
9	Argols					X	X
	Rochelle salts				X	X	
	Calcium tartrate (crude)			X			
	Cream of tartar				X	X	
10	Copaiba balsam			X			
	Canada balsam			X			
	Peru balsam			X			
	Tolu balsam			X			
	Styrax			X			
	Other balsams			X			
10A	Gum amber			X			
	Amberoid			X			
	Gum arabic (or senegal)			X			
11	Barium carbonate					X	X
	Barium chloride					X	X
	Barium dioxide				X	X	
	Barium hydroxide						
	Barium nitrate					X	X
12	Blackings, etc., for cleaning and polishing				X	X	
13	Bleaching powder					X	
14	Caffeine					X	X
	Tea waste			X			
	Compounds of caffeine			X	X		
15	Calcium carbide				X	X	
16	Calomel					X	X
	Corrosive sublimate					X	X
16	Other mercurial preparations					X	X
17	Carbon tetrachloride				X	X	
	Chloroform					X	

[1] No provision.

Table showing comparisons of rates of duty on commodities provided for in Schedule 1 of Senate bill, etc.—Continued.

Paragraph.	Commodity.	Free under Payne-Aldrich.	Free under Underwood.	Same as Underwood.	Same as Payne-Aldrich.	Higher than Underwood.	Higher than Payne-Aldrich.
	Tetrachloroethane					X	X
	Trichloroethylene					X	X
18	Chalk					X	X
	Putty				X	X	
	Billiard and tailors' chalk					X	X
19	Salts and compounds of gold, platinum, rhodium, and silver				X	X	
20	Salts and compounds of bismuth					X	X
21	Chemicals, drugs, etc., put up in tablets, pills, etc			X	X		
	Crude chicle			X			
	Refined chicle			X			
24	Chloral hydrate					X	X
	Terpin hydrate					X	X
	Thymol					X	X
	Urea					X	X
	Glycero-phosphoric acid					X	X
	Salts and compounds of glycero-phosphoric acid					X	X
25	Coal tar (intermediate)					X	X
26	Coal-tar dyes, medicinals and other finished coal-tar products					X	X
27	Cobalt oxide					X	
	Cobalt sulphate					X	X
	Cobalt linoleate					X	
	Cobalt salt and compounds					X	X
28	Collodion					X	
	Cellulose esters					X	
	Solutions of pyroxylin					X	
29	Compounds of pyroxylin (unfinished)					X	
	Compounds of pyroxylin (finished) (celluloid)					X	
29a	Compounds of cellulose known as vulcanized or hard fiber						
30	Compounds of casein						
31	Crude drugs advanced in value by grinding, crushing, etc						
32	Aconite	X	X				
	Aloes						
	Asafetida	X	X				
	Cocculus indicus	X	X				
	Ipecac	X	X				
	Jalap	X	X				
	Manna	X	X				
	Marshmallow root, leaves, and flowers	X					
	Mate						
	Pyrethrum flowers						
33	Buchu leaves	X		X			
	Cocoa leaves			X			X
	Gentian	X		X			
	Licorice root	X				X	
	Sarsaparilla root	X		X			
	Belladonna	X	X				
	Digitalis	X	X				
	Henbane	X	X				
	Stramonium	X	X				
33A	Potassium cyanide		X				
	Sodium cyanide						
	Compounds containing cyanide						
34	Ergot	X		X			
35	Di-ethyl sulphate					X	X
	Di-methyl sulphate					X	X
	Ethyl acetate						
	Ethyl chloride						
	Ethyl ether			X			
	All other esters and ethers					X	
36	Extracts for dyeing and tanning:						
	Chestnut		X			X	X
	Cutch					X	X
	Chlorophyll					X	X
	Divi-divi					X	X
	Fustic					X	X
	Hemlock		X				X
	Persian berry					X	X
	Logwood					X	X
	Mangrove		X				X
	Myrobalan					X	X
	Oak		X				X
	Quebracho		X				X
	Sumac					X	X
	Saffron					X	X
	Safflower					X	X
	Saffron cake					X	X
	Valonia					X	X
	Wattle					X	X
	All other extracts					X	X
37	Flavoring extracts				X	X	
	Fruit esters, oils, and essences					X	X
38	Formaldehyde					X	
	Paraformaldehyde					X	
	Hexamethylenetetramine			X			
39	Edible gelatine					X	
	Glue					X	X
	Fish glue					X	X
	Glue size					X	X
	Caseine glue			X			
	Agar-agar					X	
	Isinglass			X			
	Fish sounds			X			
	Ossein						

Table showing comparisons of rates of duty on commodities provided for in Schedule 1 of Senate bill, etc.—Continued.

Paragraph.	Commodity.	Free under Payne-Aldrich.	Free under Underwood.	Same as Underwood.	Same as Payne-Aldrich.	Higher than Underwood.	Higher than Payne-Aldrich.
40	Glycerine (crude)			X	X		
	Glycerine (refined)					X	X
41	Ink and ink powders					X	X
43	Bromine		X				
	Bromine compounds						
44	Lead acetate (white)					X	
	Lead acetate (brown)				X	X	
	Lead nitrate					X	X
	Lead arsenate						
	Lead resinate						
45	Licorice extract					X	
	Citrate lime	X				X	
47	Magnesium carbonate					X	
	Magnesium chloride					X	X
	Epsom salts					X	X
	Calcined magnesia (medicinal)				X	X	
	Calcined magnesia (not medicinal)	X	X				
47A	Manganese borate				X	X	
	Manganese resinate				X	X	
	Manganese sulphate				X	X	
	Other manganese compounds				X	X	
48	Menthol			X			
	Crude camphor	X		X			
	Synthetic camphor				X	X	
49	Cod oil					X	
	Seal oil					X	
	Herring					X	
	Menhaden					X	
	Whale oil					X	
	Sperm oil					X	X
	Other fish oils					X	
	Crude wool grease					X	X
	Adeps lanae			X			X
50	Castor oil					X	
	Linseed oil					X	X
	Hempseed oil					X	X
	Olive oil				X	X	
	Poppy-seed oil					X	X
	Rape-seed oil			X			
50A	Coconut oil (crude)	X	X				
	Coconut oil (refined)					X	X
	Cottonseed oil	X	X				
	Peanut oil					X	X
	Soya-bean oil	X	X				
51	Alizarin assistant, etc					X	
52	Hydrogenated fats and oils						
53	Combinations of oils (except essential)				X	X	
54	Lemon oil	X				X	X
	Orange oil					X	X
	Clove oil				X	X	
	Eucalyptus				X	X	
	Peppermint					X	X
	Patchouli				X	X	
	Sandalwood				X	X	
55	Opium			X			
	Cocaine, and salts of					X	X
	Ecogine, and salts of					X	X
	Laudanum			X			X
56	Ambergris	X		X			
	Castorum					X	
	Civet	X				X	
	Musk					X	
	Anethol					X	X
	Citral					X	X
	Geraniol					X	X
	Heliotropin					X	X
	Ionole					X	X
56	Rhodinol					X	X
	Safrol					X	X
	Terpineol					X	X
	Vanillin					X	X
57	Perfumery, cosmetics, and toilet preparations					X	
58	Floral waters (nonalcoholic)			X	X		
	Bay rum					X	X
59	Paris green		X				
	London purple		X				
60	Phosphorus		X				
61	Plasters				X	X	
62	Artist's paints and colors					X	X
63	Paints					X	X
64	Barytes (crude ore)					X	X
	Barytes ore (ground)					X	X
	Barium sulphate (blanc fixe)					X	X
	Blue pigments				X	X	
	Ultramarine					X	X
	Bone black, blood char, etc		X				
67	Chrome yellow					X	X
	Chrome green					X	X
	Chrome colors					X	X
68	Gas black					X	X
	Lamp black					X	X
	Other black pigments					X	X
69	Litharge				X	X	
	Orange mineral						
	Red lead					X	X
	White lead				X	X	
	Other lead pigments					X	X
70	Ochers				X	X	

Table showing comparisons of rates of duty on commodities provided for in Schedule 1 of Senate bill, etc.—Continued.

Paragraph.	Commodity.	Free under Payne-Aldrich.	Free under Underwood.	Same as Underwood.	Same as Payne-Aldrich.	Higher than Underwood.	Higher than Payne-Aldrich.
	Sienna				X	X	
	Umbers				X	X	
70	Ochers, siennas, and umbers, washed or ground				X	X	
	Other iron oxide pigments					X	
71	Precipitated sulphate				X		
72	Spirit varnishes					X	X
	All other varnishes				X	X	
73	Vermilion reds containing quicksilver					X	X
74	Zinc oxide (dry)					X	X
	Zinc oxide (ground in oil)					X	X
	Lithopone					X	X
75	Potassium chromate				X	X	
	Potassium bichromate				X	X	
	Potassium chlorate					X	
	Potassium perchlorate						
	Red prussiate of potash					X	
	Yellow prussiate of potash				X	X	
	Potassium iodide				X	X	
	Potassium bromide						
	Potassium bicarbonate					X	
	Potassium carbonate	X	X				
	Caustic potash	X	X				
	Potassium nitrate (refined)				X	X	
	Potassium permanganate					X	X
76	Santonin		X				X
77	Castile soap					X	X
	Perfumed toilet soap				X	X	
	Unperfumed toilet soap					X	
	Medicinal soap			X			
	All other soaps			X			
78	Sodium arsenate		X		X		
	Sodium bicarbonate			X			
	Sodium borate (refined)			X			
	Sodium bromide						
	Soda ash		X		X		
	Sal soda					X	X
	Sodium chlorate				X	X	
	Sodium chloride (common table salt)		X				X
	Sodium formate						
	Yellow prussiate soda				X	X	
	Caustic soda				X	X	
	Sodium nitrite					X	X
	Sodium sesquicarbonate				X	X	
	Glaubers salts			X	X		
	Anhydrous sulphate (soda)						
	Sodium sulphide				X	X	
	Sodium silicate		X		X		
	Sodium sulphite				X	X	
	Sodium bisulphite						
	Sodium metabisulphite						
	Sodium thiosulphite				X	X	
79	Sodium hydrosulphite, and compounds of					X	X
80	Potato starch				X	X	
	All other starches				X	X	
81	Dextrine from potato flour					X	X
	British gum					X	
	Strontium carbonate					X	X
	Strontium nitrate					X	X
	Strontium oxide	X	X				
84	Sodium oxide					X	X
	Thorium nitrate					X	X
	Other salts of thorium					X	X
	Cerium nitrate					X	X
	Cerium fluoride					X	X
	Other salts of serium					X	X
	Gas-mantle scrap					X	X
85	Tin bichloride				X	X	
	Tin tetrachloride				X	X	
	Other compounds of tin				X	X	
86	Titanium potassium oxalate					X	X
	All other compounds of titanium					X	X
87	Vanilla beans	X		X			
	Tonka bean	X		X			
88	Zinc chloride					X	X
	Zinc sulphate					X	
	Zinc sulphide					X	X
	Total (340 articles)	33	36	44	67	223	135

Mr. McCUMBER. Mr. President, I wish to take about three minutes, and then, before the Senate goes into executive session, I will yield to the Senator from Oregon [Mr. McNARY], and also to the Senator from New York [Mr. CALDER], who, I understand, desires to present some matter to the Senate.

Mr. President, during the greater part of yesterday there was much discussion in reference to the character of testimony which was adduced before the Finance Committee and upon which that committee formulated the tariff rates of the pending bill. If one were to give entire credence to the arguments which are presented on the other side of the Chamber, it would appear as though the committee had heard no one except a lot

of vicious manufacturers, who were intent on getting everything they possibly could, and that the poor importer had been given no consideration. It may be that in number more witnesses testified before the committee who represented manufacturers, because there are far more manufacturers who are engaged exclusively in the manufacturing business than there are importers who are engaged exclusively in the importing business. Therefore, it would naturally be expected that there would be more witnesses on behalf of those who desired a tariff on specific articles than there would be of those who were opposed to such a tariff. However, every importing interest was given full consideration. We did not cease taking testimony until those interested on both sides of every subject had been given a full hearing.

Now, just a word to the Senator from Utah [Mr. KING] and to the Senator from New Mexico [Mr. JONES], who have been discussing the pending matter for the past two days. I shall only consider the general sentiment that seemed to be disclosed in all their expressions, and that is that the American manufacturer is generally most dishonest and desires to rob the American people, while the foreign importer is generally a very honest individual, who desires to protect the American people from the exactions of the American manufacturer. Mr. President, I may be mistaken, although I do not think I am, when I say that I believe it will be found that the average American business man and the average American manufacturer are just as patriotic, just as honest, and just as conscientious as is the foreign importer of merchandise into the United States. I think the American manufacturer is just as much interested in the business welfare of the American people as is the foreign producer. I am not claiming anything more for him, but I really think that he has not subjected himself to the general condemnation which has been visited upon him during the past two days.

I will admit that men are all selfish; that the American manufacturer would like to get as high a protection as he possibly can. I will also admit that in the selfishness of his desires the foreign importer would like to import everything into this country as cheaply as he can. We have had those two opposing forces together, and in many instances we have fixed the rates of the bill in conformity to what each of them thought he could still do business under; and in those cases I think we have got the tariff rates very nearly right.

I remember looking through volumes of the Baedecker Guide to American tourists who desired to travel abroad. I was never able to travel abroad, but I have read some of those volumes. In doing so I noted the warnings which were given; and I noted particularly the advice that when one got over the line into certain countries he should always count his change, if he bought anything, in order to see whether or not it was correct. I noticed, however, that the Baedecker Guidebooks never gave that advice to tourists who came to this country in their dealing with the average American business man. We know our own American citizens, and we know that if we purchase an article which costs 63 cents, nine cases out of ten when we hand to the seller a dollar in payment we do not stop to see whether or not he returns to us the even change of 37 cents. We are confident we are going to be dealt with honestly; but I can refer to a number of countries as to which the Baedecker Guidebook advises that we must be careful in our dealings there because their citizens will take advantage of Americans if they can.

Mr. President, I think the American manufacturer has just as high a degree of honesty in his make-up as has the foreign importer who desires to take advantage of our market. I am not claiming any more than that for the American manufacturer; but I do wish Senators would get over the habit of considering every man who comes before the Finance Committee and asks for a tariff rate or protection is dishonest, and that every man who asks for free trade, that his imports may come in without the payment of any duty whatever, should be regarded as a saint.

Mr. JONES of New Mexico and Mr. WILLIAMS addressed the Chair.

Mr. McCUMBER. I yield first to the Senator from New Mexico, who has been on his feet for some time desiring recognition.

Mr. JONES of New Mexico. I merely want to make a brief observation. I have never impugned the veracity or the integrity of a single witness who appeared before the Finance Committee of the Senate or before the Ways and Means Committee of the House. What I have been trying to develop is this: First, that the pending bill is not framed on the basis of the difference in the cost of production here and in the foreign country. That, I think, was conceded on yesterday. To-day, I think, it was conceded that the bill was not framed upon the difference in prices in this country and in foreign countries. Now, we are told that the bill is framed upon the opinion evidence of interested parties. The opinion, of course, may be thoroughly honest, but the Senator from North Dakota now very adroitly seeks another basis for this bill. He puts it upon the opinion evidence of those interested parties.

Mr. McCUMBER. Mr. President, I did not yield for a speech. If the Senator from New Mexico thinks that that is an honest response to my statement, I am compelled to differ from him.

Mr. JONES of New Mexico. Then, may I ask the Senator why he referred to the statements of those witnesses?

Mr. McCUMBER. The Senator from New Mexico has stated that the Senator from North Dakota now admits that this whole bill was based upon a settlement between the importer and the manufacturer, and the Senator from New Mexico knows the Senator from North Dakota has made no such statement. I have stated again and again—the Senator may conscientiously differ from me in that respect—that we have tried to make the tariff rates measure the difference between what we regarded as the cost of production at home and the cost of production elsewhere, where it was possible to obtain that cost of production. In very few instances, however, can we obtain the actual cost of production in a foreign country. Therefore we must assume that the goods are sold in the foreign country for a price which represents the cost of production, plus a reasonable return for the manufacturer. That is the basis on which we have always levied our duties in the past, because it is the only substantial basis which we can get. It is also, I think, equally true—and I believe we can establish the fact in most cases—that the wholesale selling price in the United States represents the cost of production, plus a reasonable return upon the investment and upon the cost of manufacture. We could not in all cases obtain the actual cost of production in the United States, but in many instances we had figures showing exactly what it cost to produce a given article by different manufacturers, and from that evidence and from the information obtained as to conditions abroad we made up our schedules.

Mr. President, there was discussion yesterday in regard to the enormous increases proposed by the pending tariff bill over the rates in the Underwood tariff law. Let us see as to that. Suppose that the Underwood law levies a duty of 1 cent a pound on epsom salts, and that in this bill we should levy a duty of 5 cents a pound. It is true that would be increasing the tariff 400 per cent; but, after all, it is a difference of 4 cents for a whole pound of epsom salts. I remember that the Underwood tariff law carries a duty on rochelle salts of 2½ cents a pound. We increase it, say, to 5 cents a pound. It is true that is an increase of 100 per cent, just doubling the old rate, and yet it is not a heavy duty when we come to consider it. It is merely an increase of 2½ cents a pound on the rate provided under the old tariff law. On some other chemicals the Underwood law may have provided a quarter of a cent a pound, while the pending bill may provide a whole penny a pound. In that case we have raised the duty, of course, 300 per cent; but, after all, the actual duty is only three-quarters of a cent a pound. After all, if we want to get down to what one of these specific duties means, we should take the ad valorem duty; we should see what a pound is sold for, and then ascertain what relation this 1 cent or half a cent or 3 cents or 5 cents bears to the price of the commodity. We will then get something that the average American citizen will understand as affecting the price of that commodity.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I have heard very many arguments upon the floor of the House and the floor of the Senate in favor of American production and American industries and American operations of one description or another, and as a rule I have been able to answer them by saying that it was to the interest of the consumer to consume the thing referred to. The Senator, however, has just referred to epsom salts, and has confessed that this bill contains an increase of 400 per cent on them. I wish to suggest to the Senate and to him that no consumer, however contemptible a consumer may be—and he is, under a Republican régime, the most contemptible human being who can exist; he really ought not to exist at all, because when he tries to buy things cheaply he is disloyal to the Republican Party and to the American Union, according to the doctrine of the Republican Party—I submit to the Senator from North Dakota that no consumer ever takes epsom salts willingly or anxiously or affectionately.

Mr. McCUMBER. Let me say to the Senator that I understood that all of the objection on the other side of the Chamber came from the fact that we had increased the cost of epsom salts.

Mr. WILLIAMS. I understand; but bringing this discussion back to the particular concrete illustration of epsom salts, and leaving the general abstract position of the advantages of free trade and free commercial relations between men in a republic as citizens, and citizens of various governments over the world as God's people everywhere, it does seem to me that the consumer of epsom salts, who does not want epsom salts, as a rule, and would rather not take it, ought not to be punished in this tariff bill. If the Senator wants to punish me for eating candy, that is all right.

Mr. McCUMBER. Let the consumer buy something else then. I think we can supply Senators on the other side with other articles that will be just as effective and possibly just as cheap.

AGRICULTURAL DEPARMENT APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 194).

Mr. McNARY. I present the conference report on the Agricultural appropriation bill and ask that it be printed and go over under the rule.

The VICE PRESIDENT. The report will be received, printed, and lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, 12, 17, 19, 27, 28, 29, 43, 44, 46, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 13, 14, 18, 20, 23, 30, 31, 32, 33, 34, 35, 36, 48, 52, and 54; and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,425,246"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,968,076"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$582,505"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,030,350"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,527,910"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,097,282"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,562,302"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$954,561"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,277,631"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,381,300"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,585,960"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,769,180"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three persons at a rate not to exceed $6,500 each per annum"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 40, 41, 42, 50, 51, 57, and 58.

CHAS. L. McNARY,
W. L. JONES,
LEE S. OVERMAN,
Managers on the part of the Senate.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

HUDSON RIVER BRIDGE.

Mr. CALDER. Mr. President, I have here several bridge bills which I desire to report from the Committee on Commerce. The passage of some of them is very much desired, and I shall ask unanimous consent for their present consideration.

Mr. KING. These are unanimous reports, are they?

Mr. CALDER. Yes. The first bill is Senate bill 3401, to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York. I report it back favorably from the Committee on Commerce and submit a report (No. 639) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Bear Mountain Hudson River Bridge Co., a corporation incorporated by act of the Legislature of the State of New York, approved March 31, 1922, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, near the village of Peekskill,

County of Westchester, State of New York, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 22, 1906.

SEC. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within three years and completed within seven years from the date of approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WHITE RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably Senate bill 3417, authorizing Independence County, Ark., to construct a bridge across the White River at or near Batesville, Ark., and I submit a report (No. 640) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the county of Independence, Ark., is authorized to construct, maintain, and operate a bridge and approaches thereto across White River at a point suitable to the interests of navigation, at or near Batesville, in such county, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAVANNAH RIVER BRIDGES.

Mr. CALDER. From the Committee on Commerce, I report back favorably without amendment House bill 10240, to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga., and I submit a report (No. 641) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved March 4, 1921, to be built by J. J. Smith and J. E. McGee, both of Starr, S. C., across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CALDER. From the Committee on Commerce, I report back favorably without amendment House bill 10407, authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga., and I submit a report (No. 642) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the counties of Jasper, S. C., and Chatham, Ga., be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Savannah River at a point suitable to the interests of navigation at or near Savannah, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce, I report back favorably Senate bill 3316, to authorize the State of Minnesota to construct a bridge across the Mississippi River, in or about section 17, township 54 north, range 25 west, Itasca County, Minn., and I submit a report (No. 643) thereon. I ask unanimous consent for the present consideration of the bill. It is unanimously reported and has the approval of the War Department.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the highway bridge built by the authorities of Itasca County, Minn., across the south arm of Pokegama Lake, in or about section 17, township 54 north, range 25 west, in said county and State, is hereby legalized and the consent of Congress is hereby given to its maintenance by said State for the use of the general public: *Provided*, That any changes in said bridge which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the said State.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize a bridge across the south arm of Pokegama Lake, in Itasca County, State of Minnesota."

MARIA M'ARTHUR.

Mr. CALDER. I also have three resolutions from the Committee to Audit and Control the Contingent Expenses giving six months' pay to the families of former employees of the Senate who have died recently. The first is Senate Resolution 283. I report it back favorably from that committee and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was considered by the Senate and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate for the fiscal year 1921, to Maria McArthur, widow of James McArthur, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ROSE CROSSEN.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate Resolution 216 directing the Secretary of the Senate to pay to Rose Crossen, sister of Philip A. Crossen, late a laborer in the employ of the Senate, a sum equal to six months' pay, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was considered by the Senate and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Rose Crossen, sister of Philip A. Crossen, late a laborer in the employ of the Senate in the heating and ventilating department, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

AGNES MALLOY KILMARTIN.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate Resolution 279, to pay to Agnes Malloy Kilmartin a sum equal to six months' compensation of the late Robert C. Kilmartin, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was considered by the Senate and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Agnes Malloy Kilmartin, daughter of Robert C. Kilmartin, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 27, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26 (legislative day of April 20), 1922.

COLLECTOR OF CUSTOMS.

Lewis H. Schwaebe, of Los Angeles, Calif., to be collector of customs for customs collection district No. 27, with headquarters at Los, Angeles, Calif., in place of John B. Elliott.

COLLECTOR OF INTERNAL REVENUE.

John F. Jones, of Blacksburg, S. C., to be collector of internal revenue for the district of South Carolina, to fill an existing vacancy.

RECEIVER OF PUBLIC MONEYS.

Miss Amanda I. Frank, of Colorado, to be receiver of public moneys at Sterling, Colo., vice Charles W. Sederburg, resigned.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Arthur Sydney Cowan, Signal Corps, from April 17, 1922.

Lieut. Col. Reginald Edwards McNally, Cavalry, from April 20, 1922.

To be lieutenant colonels.

Maj. William James O'Loughlin, Infantry, from April 17, 1922.

Maj. Herbert Edward Mann, Cavalry, from April 20, 1922.

To be majors.

Capt. Claud Edward Stadtman, Infantry, from April 17, 1922.

Capt. Chauncey Francis Ruoff, Field Artillery, from April 20, 1922.

To be chaplains with the rank of captain.

Chaplain Samuel Eugene Crosby, from April 6, 1922.

Chaplain Charles Wadsworth Ball Hill, from April 6, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Samuel Goode Jones, Cavalry, with rank from January 27, 1918.

Col. Edgar Thomas Conley, Infantry, with rank from July 1, 1920.

Lieut. Col. John Brooke Shuman, Infantry, with rank from July 1, 1920.

Lieut. Col. Wesley Wilson Knox Hamilton, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. James Totten, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. Robert LeRoy Collins, Cavalry, with rank from November 16, 1920.

Lieut. Col. Leo Asa Dewey, Infantry, with rank from April 27, 1921.

Maj. Raymond Sidney Bamberger, Air Service, with rank from July 1, 1920.

Maj. Albert Gilmor, Coast Artillery Corps, with rank from July 1, 1920.

Maj. Thomas Marshall Spaulding, Coast Artillery Corps, with rank from July 1, 1920.

Maj. Daniel Huston Torrey, Infantry, with rank from July 1, 1920.

Maj. Robert Horace Dunlop, Infantry, with rank from July 1, 1920.

Maj. William Clayton Rose, Infantry, with rank from July 1, 1920.

Maj. Livingston Watrous, Infantry, with rank from July 1, 1920.

Maj. Harry Coope, Infantry, with rank from July 1, 1920.

Capt. Jedediah Huntington Hills, Infantry, with rank from September 18, 1917.

Capt. David Andrew Watt, Quartermaster Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

First Lieut. Robert Crane Hendley, Air Service, with rank from November 1, 1921.

POSTMASTERS.

CALIFORNIA.

William F. Hanell to be postmaster at Patterson, Calif., in place of F. S. Harrison. Incumbent's commission expired January 24, 1922.

FLORIDA.

Warren J. Armstrong to be postmaster at Valparaiso, Fla. Office became presidential April 1, 1921.

IDAHO.

George F. Clark to be postmaster at Paul, Idaho. Office became presidential April 1, 1920.

ILLINOIS.

Sidney F. Coffman to be postmaster at Bluford, Ill. Office became presidential April 1, 1921.

Lawrence F. Hake to be postmaster at Hoyleton, Ill. Office became presidential January 1, 1921.

Benjamin F. Welch to be postmaster at Zeigler, Ill., in place of I. A. Foster, resigned.

INDIANA.

Claude B. Thomas to be postmaster at Moores Hill, Ind. Office became presidential January 1, 1921.

Robert M. Waddell to be postmaster at Lagrange, Ind., in place of H. O. Eldridge, resigned.

KENTUCKY.

Yaman Watkins to be postmaster at Clarkson, Ky. Office became presidential January 1, 1921.

Addie Elliott to be postmaster at Glencoe, Ky. Office became presidential April 1, 1921.

Elzie T. Wilson to be postmaster at Sparta, Ky. Office became presidential January 1, 1921.

Charles W. Parrish to be postmaster at Midway, Ky., in place of M. D. Cogar. Incumbent's commission expired February 4, 1922.

MAINE.

Doris A. Day to be postmaster at Corinna, Me., in place of M. P. Hamilton, resigned.

MASSACHUSETTS.

Helen C. Dougherty to be postmaster at Beverly Farms, Mass., in place of L. J. Watson. Incumbent's commission expired January 24, 1922.

MICHIGAN.

Clifford L. Slocum to be postmaster at Addison, Mich., in place of Floyd Sanford. Incumbent's commission expired March 4, 1922.

MINNESOTA.

John B. Smith to be postmaster at Kilkenny, Minn. Office became presidential July 1, 1921.

Gustave A. Krueger to be postmaster at Plummer, Minn. Office became presidential October 1, 1920.

Edward Lende to be postmaster at Appleton, Minn., in place of C. J. Reagan, deceased.

MISSOURI.

Elizabeth E. Letton to be postmaster at Mindenmines, Mo. Office became presidential October 1, 1921.

Andrew S. Swafford to be postmaster at Excelsior Springs, Mo., in place of W. H. Titus. Incumbent's commission expired January 24, 1922.

NEBRASKA.

Cecil E. Mills to be postmaster at Long Pine, Nebr., in place of Ira Lucy. Incumbent's commission expired February 4, 1922.

OKLAHOMA.

Lincoln G. Shoop to be postmaster at Perry, Okla., in place of W. E. Merry. Incumbent's commission expired February 4, 1922.

Ceaf W. Ramsey to be postmaster at Beggs, Okla., in place of D. H. Watson, resigned.

OREGON.

Newton A. Perry to be postmaster at North Portland, Oreg., in place of V. D. Crosby. Incumbent's commission expired January 24, 1922.

John H. Farrar to be postmaster at Salem, Oreg., in place of August Huckestein. Incumbent's commission expired July 21, 1921.

PENNSYLVANIA.

D. Guy Hollinger to be postmaster at Hanover, Pa., in place of E. K. Eichelberger. Incumbent's commission expired February 5, 1922.

Edward N. Dubs to be postmaster at New Hope, Pa., in place of Isaac Scarborough, resigned.

SOUTH CAROLINA.

Henry N. Folk to be postmaster at Bamberg, S. C., in place of A. W. Knight. Incumbent's commission expired July 15, 1920.

TENNESSEE.

Samuel A. Wheeler to be postmaster at Bolivar, Tenn., in place of J. K. Tate. Incumbent's commission expired February 4, 1922.

TEXAS.

Leonard D. Kennedy to be postmaster at Ivan, Tex. Office became presidential October 1, 1921.

William J. Lewis to be postmaster at Itasca, Tex., in place of J. H. Young, resigned.

Comodore V. Varner to be postmaster at Milford, Tex., in place of W. J. Hamlett. Incumbent's commission expired March 8, 1922.

John W. White to be postmaster at Uvalde, Tex., in place of J. W. White. Incumbent's commission expired January 24, 1922.

WEST VIRGINIA.

Roy A. Browning to be postmaster at Barboursville, W. Va., in place of J. J. Haddox, removed.

WISCONSIN.

William H. Howard to be postmaster at Altoona, Wis. Office became presidential January 1, 1921.

James C. Taylor to be postmaster at Gilman, Wis. Office became presidential January 1, 1921.

William McMahon to be postmaster at Lancaster, Wis., in place of E. E. McCoy, deceased.

WYOMING.

Elmer W. Ace to be postmaster at Green River, Wyo., in place of W. B. Cooper, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26 (legislative day of April 20), 1922.

UNITED STATES ATTORNEY.

Lafayette French, jr., of Minnesota, to be United States attorney, district of Minnesota.

POSTMASTERS.

KENTUCKY.

George R. Holt, Campbellsville.
Herbert C. Hall, Hardinsburg.
Henry Hall, Waynesburg.

MASSACHUSETTS.

Frank D. Babcock, Haverhill.

OKLAHOMA.

Cosmo Falconer, Cheyenne.
Robert R. Sutton, Claremore.
Hiram H. Snow, Sand Springs.

WASHINGTON.

Amy E. Ide, Outlook.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 26 (legislative day of April 20), 1922.

POSTMASTER.

Fred J. Gillam to be postmaster at Bloomville, in the State of Ohio.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 26, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, again Thou hast given voice to the day, and Thy hand, so mighty and yet so gentle, is upon us. We would respond to Thy claim. Open our minds and hearts to a knowledge of Thyself, for to know Thee is life eternal. This is the gift of the Father, and the light and the glory forever. As life is so often difficult and discipline is hard, open our lives for Thy wisdom and direct them with its nourishment. Thus may they be as treasures held in trust for God and our fellow men and may not the sense of fear or dejection have rule over us. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the Committee on the Library.

STATUE OF ABRAHAM LINCOLN.

Mr. LUCE. Mr. Speaker, on behalf of the Committee on the Library I call up House Joint Resolution 127, to reerect the statue of Abraham Lincoln upon its original site.

The SPEAKER. This joint resolution is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from Michigan [Mr. CRAMTON] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 127, to reerect the statue of Abraham Lincoln upon its original site, with Mr. CRAMTON in the chair.

Mr. LUCE. Mr. Chairman, debate upon this matter was begun at a previous session. Will the Chair kindly inform me of the situation as to the time?

The CHAIRMAN. The Chair is advised that the affirmative has used 40 minutes. The gentleman from Illinois [Mr. KING] has 20 minutes remaining, and no one has been recognized in opposition.

Mr. GARRETT of Tennessee. Mr. Chairman, may I ask the gentleman from Massachusetts a question?

Mr. LUCE. Certainly.

Mr. GARRETT of Tennessee. Is this a unanimous report from the Committee on the Library?

Mr. LUCE. As far as I know.

Mr. MOORES of Indiana. Mr. Chairman, I am opposed to the resolution.

The CHAIRMAN. The gentleman from Indiana [Mr. MOORES] is recognized in opposition for one hour.

Mr. MOORES of Indiana. Mr. Chairman and gentlemen of the committee, I yield to no man in veneration for the personality, for the character, and for the memory of Abraham Lincoln. I represent a portion of the State of Indiana to which Abraham Lincoln went, as a blue-eyed boy of 7, from the State of Kentucky, and where he spent his youth until he had reached the full stature of manhood, and in the strength of a vigorous maturity left Indiana for the rich prairies of Illinois. It is out of regard for his memory, it is out of respect for Abraham Lincoln that I ask that this resolution do not pass in the form in which it is presented.

Let me give you the story. The statue was erected in 1868 in the middle of D Street, where John Marshall Place, or Four-and-a-Half Street, as it was then called, runs into D Street immediately in front of the courthouse. The statue was built on a mound in the middle of the street. The street at that time was very much wider than it is now. The courthouse had been built flush with the street, leaving a plaza in front of it 250 or 300 feet wide, the center of which was D Street. To the southeast runs Indiana Avenue; branching to the southwest runs Louisiana Avenue, but D Street is the street which the courthouse faces.

About 1871, when Gov. A. R. Shepherd undertook to give Washington up-to-date streets—the streets before that having been all mud except Pennsylvania Avenue, which was cobblestone—it was deemed expedient to narrow D street and to leave a grass plot in front of the courthouse. The statue was not moved. The street was lowered 6 feet. Originally the statue stood on a pedestal 18 feet high. When D Street in front of the courthouse was lowered the pedestal was made 24 feet high. I have illustrations here showing the statue as it stood before it was removed. The narrowing of the street and the putting of the grass plot in front of the courthouse brought the pedestal for the statue into the middle of the sidewalk, and we who remember it at all remember how it stood in the middle of the sidewalk blocking the entrance to the front entrance of the courthouse. For those who do not recall the statue, I have these photographs which were made shortly before its removal. It was removed in contemplation of certain changes in the courthouse. It was not properly taken care of after the removal, a matter which I greatly regret, but fortunately the figure of Lincoln did not suffer from the lack of care.

The statue stood there on a 24-foot pedestal. It was not a beautiful thing to look at. It never was a work of art. It was carved with absolute truth and accuracy by a stonecutter, Lot Flannery, who had the stoneyard right across from the Capitol. It was the only statue that Lot Flannery ever made. He was a man who carved gravestones and put names on them. The pedestal was so high that the features were always distorted to one who was passing, but the statue is not a work of art. Let me explain for a moment. If it were possible to make a plaster cast of me as I am speaking now or of any one of you as you are sitting in your seats, it might be a good likeness. It might be absolutely true to nature. Yet I can fancy that any one of us looking at that plaster-cast portrait would be humiliated and ashamed.

It takes a sculptor who is an artist to make a statue which shall be a work of art, and this statue never was a work of art. It is reasonably and fairly accurate. When it was erected it was put in a part of the town which was then a very desirable residence section. That time has passed. The locality is given over to business and boarding houses. The statue, as I say, was put in the middle of the street. When it was removed it occupied the middle of the sidewalk, blocking the entrance to the courthouse. It ought not to be put back in the

same place. It not only mars the building by contrast, a building which is now a work of art, but the contrast is disagreeable and unpleasant and almost a shock when one thinks of that statue representing Abraham Lincoln. You have only to look at these photographs which I hold in my hand showing the statue as it stood in front of the old courthouse to see that it is not an appropriate place for it. We had a statue of George Washington, not a work of art but not a bad piece of statuary, which stood in front of the Capitol. Many years ago it was removed without a protest from anyone to a better location for it. I think it is now in the National Museum. Anyone of us can see it there. It is worth seeing. It is not a bad portrait of Washington. It is not a work of art. There is an artistic statue of Lincoln, a wonderful piece of artistry in Lincoln Park. There is a very great statue of Lincoln in the Lincoln Memorial. Why should this statue be put in a humiliating situation simply to have it where it formerly stood? Times change, manners change, men change, conditions change. Why should it go back there for a simple sentiment, because it was once put there?

It ought to be taken care of. I have been told by people who knew Lincoln that the statue is absolutely exact as to his features, but it is photographic. That is the objection to it. It does not reveal, as the statue should, the great mind and the great soul that lived in Lincoln's body. It simply represents the physical body of Abraham Lincoln. It is not attractive, and it ought to be put where it can be taken care of. The place is a bad place for the statue because statue and location are not suited to each other.

When Gen. Henry W. Lawton, a native of my State, was killed in battle in the Philippine Islands, the State of Indiana delighted to honor his memory and procured from a great sculptor a statue of General Lawton which is as fine a piece of sculpture as I ever saw. The great monument in the circle in the center of Indianapolis is surrounded by statues of Indiana soldiers and statesmen. At the statehouse are statues of Vice President Hendricks, Col. Richard Owen, and Oliver P. Morton. By common consent this superb statue of that brave soldier, Henry W. Lawton, was placed in a corresponding position to the Lincoln statue, in front of the courthouse, with the result that peddlers of shoe strings, peanut vendors and newspaper vendors, shoeblacks, immigrants from southern Europe surrounded it from morning to night. They obstructed the way in peddling their goods under the magnificent statue of General Lawton.

Representatives from the Grand Army and from the Loyal Legion—I think General Lawton was a member of both—and the societies of the Spanish-American War united in requesting the governor that the statue of General Lawton should be placed in a better location. It was taken away from the courthouse by universal agreement of all the people and placed in a position of prominence in one of the great parks of the city, and no man said nay.

The Lincoln statue ought not to obstruct the way to the courthouse. It ought not to be surrounded in that neighborhood by the class of people who frequent the courthouse—peddlers, loafers, professional jurors, witnesses, and people having business with the various branches of the courthouse. It is no place for a statue like this.

I have an amendment which I propose to offer to this bill, and in making that offer I want to read from a statute we have on the statute books providing for just such emergencies as this. It is not for Congress to decide questions of art, it is not for Congress to decide questions of landscape gardening. We have provided for that adequately and admirably. I read from the statute creating the Commission of Fine Arts:

> A permanent Commission of Fine Arts is hereby created to be composed of seven well-qualified judges of fine arts, who shall be appointed by the President and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States, and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice.

There has been no call for advice by the Library Committee on the Commission of Fine Arts, which has charge of these matters and which has specific charge of the location of statues in the District of Columbia, so far as I know.

Mr. LUCE. Will the gentleman yield?

Mr. MOORES of Indiana. I yield.

Mr. LUCE. I am in complete accord with the purpose of the statute and with the views of the gentleman in regard to the duties and purpose of the Fine Arts Commission. May I ask the gentleman if he does not think the situation may be altered somewhat when the question is the replacing of a statue that had been in existence long before the creation of the Fine Arts Commission?

Mr. MOORES of Indiana. I think the Fine Arts Commission ought to be consulted about all things within its jurisdiction. Conditions have changed vastly since that statue was erected. The street has been lowered and narrowed, and instead of standing as formerly in the center of the street it stood in the center of the sidewalk. It might have been appropriate and undoubtedly was to put the statue there when it was put there, but it ought not to be placed back there. It was taken away because when under the direction of Congress and the Fine Arts Commission in making improvements in the courthouse it became less desirable for the statue to be there than when it was first placed there; it was deemed best to remove the statue to another location.

Mr. LUCE. Will the gentleman yield further?

Mr. MOORES of Indiana. Yes.

Mr. LUCE. The last part of the bill directs that the statue shall be placed upon an appropriate foundation or pedestal in harmony with the statue; that the statue shall be located in the same general position, not necessarily on the precise spot where it was. If it would now be better to have the statue farther to the north, for example, it would, in the minds of the committee, come within the scope of the bill. The jurisdiction of the Fine Arts Commission is usurped only to the extent of determining, without consulting them, that the statue shall go back into the same general location where it was first placed. On that point, possibly, the gentleman may take issue with the judgment of the committee.

Mr. MOORES of Indiana. I understand there is no recommendation from the Commission of Fine Arts, either favorable or adverse, as to restoring the statue. I am not a witness, and I shall not testify as to what members of the commission have told me about the matter, but I am assured they were not consulted, and I am strongly of the belief that no member of the commission would consent that the statue go back into the identical spot where it was formerly situated. I will go that far in the matter. There are other things proposed and movements are on foot, as I have been told. The first which I heard of was a movement of this nature. Those of you who have been in the city of Newark, N. J., at the great square in Broad Street, in front of the courthouse, have seen in the square, fronting the courthouse but at a considerable distance from it, the wonderfully beautiful statue of Lincoln, seated, which, although surrounded by trees in a little park in the center of the city, is so accessible that hardly at any time during a sunny afternoon can you pass it without seeing children playing upon Lincoln's knees. It is almost pathetic to witness how the children of Newark love that statue. It is a beautiful statue; a work of very high art. It is placed in the park adjacent to the courthouse, but with a street between. It is proposed by public-spirited citizens of Washington that a replica shall be made of that statue, and that in Judiciary Park in another portion of the park this replica shall be placed; that a statue of the seated Lincoln, after the manner of the statue in Newark, shall be provided a place in Judiciary Park as much more appropriate.

The second proposition which I have heard is this: As perhaps all of you may not know, President Lincoln was under fire at Fort Stevens, when Confederate troops under General Early surrounded Washington and fired on Fort Stevens. A tablet has been placed at Fort Stevens within the last three or four years, which recites simply the fact that President Lincoln stood there, and that he was under rifle fire from the enemy for quite a while. There is nothing there but the tablet. It is proposed by some people that this statue of Lincoln should be placed in Fort Stevens to commemorate the fact that the President was there under fire. I confess frankly that I am not in favor of that plan, but I do think that some infinitely more appropriate place could be found in Washington than the place immediately in front of the courthouse, in the middle of the sidewalk, blocking the entrance to the front door, as these pictures show.

I am sorry to take the time of the House about a matter of this sort, which ought not to occupy our time. The matter should have been referred at once to the Commission of Fine Arts, and I am very positive that an appropriate position would have been found for this statue and that it would have been well taken care of. I can not think of a less appropriate place for the statue than to return it to where it formerly was. As it is the only portrait statue of Lincoln that there is, as it was made by a man who was careful and accurate, although in no sense a sculptor, it ought to be, I think, somewhere indoors in Washington, where it can be taken care of for all time and pro-

tected against the weather. It is too valuable to lose as a portrait, but it is worse than worthless as a work of art. The amendment which I propose is a very simple one. It provides that the statue shall be reerected under the direction of the Commission of Fine Arts.

Mr. KING. Mr. Chairman, I do not desire to say anything that I said two weeks ago when this matter was under consideration and which was printed in the RECORD. I take it for granted that the Members of the House, as is their custom, are thoroughly familiar with those statements made at that time; but I do desire to present to the House some additional facts which have arisen in connection with the replacement of this statue since the last session of the committee on this subject. I was called upon by Miss Lillian Flannery, daughter of Martin Flannery. There has been great confusion in this House, confusing Martin Flannery with Lot Flannery. They were brothers and had a studio on Massachusetts Avenue. Martin was the man whom the distinguished gentleman from Indiana [Mr. MOORES] is criticizing unwittingly when he says that he was not an artist. Lot was an artist. His niece came to the office after the discussion the other day and she stated that Lot Flannery, who is now a very old man and who lives with them, was a personal friend of President Lincoln; that Lincoln frequently stopped, as was his custom, at the studio of Lot Flannery, on Massachusetts Avenue, and conversed with him, and that frequently they walked about the city together. Lincoln at that time was interested in works of art, and he did associate with this artist and was personally acquainted with him.

Mr. MOORES of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KING. Yes.

Mr. MOORES of Indiana. Until three or four weeks ago did not the name "Lot Flannery" appear over the door of this marble yard, where they make gravestones, right across the street out here?

Mr. KING. I think his name appears there now. That, of course, is a remnant of the business. He did have a studio there at one time, but he never had anything to do with the monument business at any time in his life. His brother ran the gravestone business, as I said in my speech, which I shall not attempt to repeat. Lot was an artist, and did the work of that concern, so far as statues were concerned.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KING. In a minute, I expect to reach that point—yes; I yield.

Mr. GREENE of Vermont. Oh, if I am interrupting some line of thought, I would rather have the gentleman continue than to express my own.

Mr. KING. I yield to the gentleman, even though he was committing such a dastardly act as that.

Mr. GREENE of Vermont. I wondered whether the committee, in contemplating the possibilities that lie in the aesthetic culture of Washington, had ever given the benefit of its valuable thought to some measure for removing that mass of pottery we have on the front portico of the Capitol? There are all sorts of alleged statues there, and I am sure some of them ought to have come out of a brickyard or a pottery.

Mr. KING. The gentleman will understand that this statue to which I refer is one of pure white marble. I do not know what sort of casts those are in front of the Capitol.

Mr. GREENE of Vermont. It is not so much what they are made of but what they were made for that interests me.

Mr. KING. I could not say, not being an authority on plastic art. Mr. Chairman, it has been stated that Lot Flannery was not an artist. His name may appear over the door of the marble yard. He is not there any more. For many years he lived there. He is an old man, now close onto 90 years of age. Evidently they are selling out the marble yard, and I hope some enterprising financier will erect an apartment house on that old lot, because we all need it. That is made incidentally as a utilitarian suggestion, and nothing else. However, if you will go to the Government Printing Office, in the main entrance hall there you will find a marble bust of Benjamin Franklin, which was created by Lot Flannery, the artist, and his name is upon it. It was a present by the Government printers to the United States Government, to the Printing Department, and was outside of the old building for many years.

Afterwards it was removed to the inside. Now, I leave it to anybody who will examine that bust who knows anything at all about art—and the gentleman from Indiana [Mr. MOORES] is one—to decide that question. A very peculiar question was brought up in this matter, which goes to show that this man was an artist, although the question before the House is not whether he was or was not an artist; the question before the House is whether or not a monument paid for by the people of Washington and put up in a certain spot designated by the Government, supposedly forever, shall be removed. It is a question of sentiment. Now, upon the question of art here are a lot of old letters to which I simply desire to refer——

Mr. MOORES of Indiana. Will the gentleman yield?

Mr. KING. I will.

Mr. MOORES of Indiana. Does the gentleman favor or would he be in favor of keeping that hideous caricature of Du Pont in Du Pont Circle, removed some time ago, but which stood there for about 80 years?

Mr. KING. Well, I never thought it was such a caricature of Du Pont. It certainly brought into the public mind things which the present statue there does not bring up. Admiral du Pont had clothes on him as a statue in the circle.

Mr. LAYTON. Will the gentleman yield?

Mr. KING. I will.

Mr. LAYTON. They have got a fountain there, but I understand there is no water.

Mr. MOORES of Indiana. It will not play.

Mr. KING. It seems that Franklin Simmons—but, by the way, I will say this first: From a newspaper clipping, which I will put in the RECORD, if necessary, it appears that in 1888 Lot Flannery made a bust of Gen. John A. Logan, that was on exhibition in Memorial Hall of the Senate, so-called at that time, for a number of weeks, and which Mrs. John A. Logan purchased for $2,500, as being a very fine bust of Logan. She thought it was such a fine bust of General Logan that when the eminent sculptor, Franklin Simmons, was employed to prepare the monument to stand in Iowa Circle of Gen. John A. Logan he sent a special messenger to Washington to interview Lot Flannery and get his permission to take a plaster cast of the face of the Logan bust that Mrs. Logan owned and took it to Rome, where Mr. Simmons then had a studio, and from that he molded the face that is on the statue in Iowa Circle.

Now, I regard that as pretty good testimony. And the gentleman from Indiana has now conceded that that face of the first statue of Lincoln is absolutely correct and perfect. Well, no credit has ever been given to him, but very fortunately among these old papers was this old memorandum. You see the age of it:

> Mr. Flannery, I came to let you know that I have taken a cast from the marble bust of General Logan in Mrs. Logan's house. The marble bust, etc., carved by you. I boxed it up for Mr. Simmons, to be sent to Rome to be used in the execution of the equestrian statue to General Logan to be erected in Iowa Circle in Washington City. Tuesday, December 28, 1893.

This is signed "Antonio Paladina," whoever he was. And there you have it. Therefore one of the finest equestrian statues in the United States has the face of General Logan prepared by this artist, Mr. Flannery, and who carved this statue now in question here to-day. Furthermore, here are a number of letters that prove that he was a prominent and well-known sculptor in his prime. This is a letter written to him in 1898 from the Office of Public Buildings and Grounds:

> In reply to your letter of the 22d instant, addressed to Colonel Bromwell, who is now absent from the city, you are informed that as the evidence furnished by you as to your nationality and your capabilities as an artist are satisfactory, you are hereby invited to enter the competition for the statue of Commodore Barry and are at liberty to submit a model if you so desire.
>
> Very respectfully,
>
> CHAS. J. BROMWELL,
> *Colonel, United States Army,*
> *Executive and Disbursing Officer, Barry Statue Commission.*

Now, it seems to me that all this talk that this man was not an artist is considerably incorrect. My witness is Freeman Thorp, and I will pit him against any other witness in this House, particularly as to the correctness of the face of this statue. He now lives in the district of the gentleman from Minnesota [Mr. KNUTSON], but he did live here in the city of Washington. And in this book, "Works of Art in the United States Capital," by Mr. Charles E. Fairman, which is a very valuable work, which I will not have time to read, it shows that the name of Freeman Thorp appears. He is the artist who painted the picture of Lincoln from life that hangs on the left-hand side of the Senate door now. He is the artist who painted the picture that hangs in the corner of the lobby of James G. Blaine. He is the artist who painted the picture of Schuyler Colfax, and he is the artist who painted the picture of David B. Henderson, which hangs just beyond that wall. There is no doubt about his ability to testify in this case. And in addition to that he painted that magnificent picture, one of the best I have ever seen, of "Uncle Joe" CANNON, which now hangs in the Appropriation Committee room of the Capitol. So Freeman Thorp is entitled to speak, and he is the man whom I told you before found this monument on its back in the rubbish behind the old Bureau of Engraving and Print-

ing after they said they had stored it in the cellar of the courthouse. He is the man who examined the face when he first found it, and he is the man who said, among other things:

I do not know who chiseled the head and face, but it was accurately done by some one who studied Lincoln from life, as I did, and was not done from photographs. It is a better likeness of Lincoln than anything in plaster, stone, marble, or bronze that I have seen, and I have seen about all that have been made. Some have been made that are unquestionably great works of art, but the best of them are not accurate likenesses of him. This one is to those who, like myself, knew Lincoln, pleasing to look at because it is accurately modeled, and in its simple truth is in keeping with the unassuming man we loved.

Now, Mr. Chairman, we have no business with this monument. Congress has not anything to do with it. This monument was erected and paid for by the citizens of Washington and the sailors and soldiers and others who were contributing at that time while passing through the city. Congress had no authority over parks at that time. The city councils of the city of Washington did have authority, and they permitted the Washington Monument Association, of which Mr. Crosby Noyes, then the editor of the Star of this city, was president, to erect this monument here in front of the courthouse and to dedicate it. Later on, instead of giving them a deed for this perpetual easement in order that this monument should remain there, what did they do? They did that which is the best evidence of a title to real estate on earth. They put a fence around it. And on the date of March 30, 1869—and I read from a print obtained from the Public Library—the following act was approved:

An act providing for the erection of a fence around the Lincoln Monument.

Be it enacted by the board of aldermen and board of common council of the city of Washington, That the mayor be, and hereby is, requested to cooperate with a committee of one from each of said boards, to be appointed by the presidents of said boards, respectively, to procure an appropriate design by the artist for a wrought-iron fence, and to cause said fence to be erected around the Lincoln Monument in front of the city hall; and that the sum of $800, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the general fund to pay the expense of erecting said fence.

So those who have conducted an insidious propaganda against this monument for years, those who, as a matter of fact, fooled the Congress into passing a bill appropriating $2,000 to remove it, and those who finally reached up and used force in taking the statue down, might just as well have conducted their activities in some quiet and pleasant graveyard. Congress is not to blame. I am one man who tries to stand up for Congress. There are enough people criticizing us at all times. But some little clerk from some bureau maybe, possibly assisting the clerk of the Appropriations Committee, when the bill came out with this appropriation, left out the word "Lincoln"—$2,000 for cleaning up the yard down there and removing this statue—that is the way the bill read. And with 55 men in the House at that time nobody inquired into it, because they did not know that it was Abraham Lincoln's statue and the first statue that was ever erected and a statue paid for by other people. Do you think we would have sat here and permitted that thing to get by if we had known it? That is the reason we have to do all this work in putting it back which the gentleman from Indiana complains of.

Mr. STEVENSON. I understand that the reason the gentleman from Indiana objected to this location at that place was that some of the common people frequented that place and witnesses and jurors gathered there. I was of the idea that Mr. Lincoln was very close to the common people.

Mr. KING. I thank the gentleman for that. Lincoln would have rejoiced that those people gathered around a statue there in the plaza of the city. Oh, they say, they are erecting a magnificent one down here by the river. But this was the people's statue, a statue of the masses. Those who pass this statue and see Lincoln's face will never see it in the Lincoln Memorial, as beautiful as it may be. This is for the masses. This is for the people who walk; the other is for the people who have limousines. Thousands of people who come to Washington never have money enough to hire a taxicab that will enable them to get down there and look at it. I am not criticizing. You can not erect, as "Uncle Joe" told me in consideration of this before the committee, too many statues to Abraham Lincoln; but the gentleman from Indiana [Mr. MOORES] is going to offer an amendment to put it in an inclosure. This statue has been 56 years on the outside now and can stand it for a longer time. But he wants to put him in an inclosure, in a museum, and make him a sort of character like a curiosity in an Eden Musee.

Greenough's statue of Washington is in a museum, and perhaps it ought to be. It has peculiar features about it. In that bust they have taken off the clothes of George and have put him in the situation, so far as the clothes are concerned, of a Roman gladiator. As an anatomical statue it was good. You could count his ribs on both sides and other parts of his upper anatomy. That statue ought to be in a museum. It ought to be put into a medical school. I agree with the gentleman on that. But this Lincoln statue is an entirely different proposition. A number of resolutions have been introduced, one to take it to Illinois, one to take it to Wisconsin, and one to take it out to Moline, and others to take it to other places. All those places were suggested. But when it was discovered that this statue was paid for by the citizens of Washington the Library Committee bolstered up strongly the present resolution, and they have always been strong for it, and have been reinforced in their position by a letter from the President asking that on account of sentiment it might be restored to its old position. So far as putting it in the street is concerned, this does not apply to that. The proposition is simply to place it on this site. That is the proposition before the committee.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. KING. I will desist now, on account of another gentleman desiring to address the committee for a few minutes. I thank you, gentlemen, for your attention.

The CHAIRMAN. The gentleman from Indiana [Mr. MOORES] has 35 minutes remaining.

Mr. MOORES of Indiana. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I have not followed in detail the struggle over the reerection of the Lincoln statue in front of the courthouse. I have the same impression about the statue that many other Members have, that it is an injustice to the memory of Abraham Lincoln to put it where it was before, on top of a high shaft in front of the courthouse. I have, on the other hand, the sentimental feeling that we must not put this historic statue in some cellar, where it will be inaccessible to those interested in seeing it. To my mind, there may be a solution found by remembering that there is a square in Washington dedicated to Abraham Lincoln, a square, as most of the members of the committee know, which is located 12 blocks east of the Capitol, at the junction of East Capitol and Twelfth Streets, and where North Carolina Avenue and Massachusetts Avenue also intersect. Lincoln Square is a beautiful square. It has, I think, only one statue there now. That is a statue of Abraham Lincoln himself, a very wonderful statue. But the area is a large one. It is hallowed by the name of Lincoln. It is in a section of the city that never has been considered very much in the matter of works of art. To my way of thinking, it would be a desirable solution if we should direct the placing of this stafue there. I do not believe it ought to go in front of the courthouse.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. In a moment. Then I shall be glad to yield. Personally I should be pretty well satisfied with the amendment of the gentleman from Indiana [Mr. MOORES]. But if we can make the eastern section of the city the location of this statue, in view of the fact that the Square of Lincoln is already there, it seems to me we could accomplish a good many things and could avoid many of the pitfalls into which we seem destined to fall as things are now.

Mr. KING. The gentleman speaks of Lincoln Park. Does the gentleman mean this park on the east here?

Mr. ROGERS. Yes; 12 blocks east of the Capitol.

Mr. KING. The gentleman knows, or I presume he does, that there is a Ball statue of Lincoln in that park?

Mr. ROGERS. Yes; I alluded to that when the gentleman's attention was perhaps diverted.

Mr. KING. I beg the gentleman's pardon.

Mr. ROGERS. As to Lincoln Square, I do not see why there should not be two representations of Lincoln placed in that square.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes of his time.

Mr. MOORES of Indiana. Mr. Chairman, I yield three minutes to the gentleman from Delaware [Mr. LAYTON].

The CHAIRMAN. The gentleman from Delaware is recognized for three minutes.

Mr. LAYTON. Mr. Chairman, some time ago my attention was attracted by two declarations concerning a greatly mooted question, which seemed to me of such force and merit as to deserve the widest publicity.

One of these was an address by the ex-president of the largest munitions company in the country, Pierre S. du Pont, formerly president of the E. I. du Pont de Nemours & Co., and the other by Charles M. Schwab, president of the Bethlehem Steel Corporation, one of the largest steel-producing corporations of the United States. My reason for asking—as I shall do—that these

public declarations be printed in the CONGRESSIONAL RECORD is to obtain a larger circulation for statements which will contribute to truth upon a widely misconceived subject, and so enable not only the Members of Congress, but the public, to entertain a just conception where I believe a misconception now rules the public thought.

The statements made in these two articles are so clear and positive that they deserve the acceptance by Congress and the public, if they be true; if untrue, that the opportunity should be given to Congress and to anyone outside of Congress to refute them. In my judgment they are worthy of the careful consideration of all fair-minded men, for justice is the foundation of our national existence. The one supreme danger that threatens the permanency of our institutions is the widespread dissemination of false statements by ignorant people, or deliberately by ambitious demagogues. It seems to be esteemed a mark of high ability by some who aspire to high public regard to seize upon a popular misconception and use it for a demagogical benefit. We will survive as a Nation exactly in proportion to the number of years in which a square deal is given to every national interest, and exactly as we cherish truth, and not prejudice and error. [Applause.]

WAR DOESN'T PAY.

NO MUNITIONS CONCERN CAN LIVE BY WAR ALONE, AND WHEN CONFLICTS DO COME THEY ARE MUCH MORE LIKELY TO BRING SUCH A CORPORATION FINANCIAL RUIN THAN TO PRODUCE A LASTING PROFIT FOR IT.

[By Pierre S. du Pont, chairman E. I. du Pont de Nemours & Co.]

The popular conception of a munitions maker is a sinister individual with a deep hatred for peace and a contempt for the pursuits thereof. He is pictured as doing all in his power to fan the flames of distrust between nations and to delight in the conflicts that ensue, since they create enormous and immediate profits for his corporation.

I called this the popular conception of the munitions maker; in reality it is the popular misconception.

Consider the E. I. du Pont de Nemours & Co., whose history is coincident in point of time with that of the United States. We have furnished a great part of the explosives used in all the wars in which the United States has engaged. Therefore, we feel that our records should show conclusively what war will do for and to a maker of munitions.

No munitions concern can live by war alone. During the 139 years of the existence of the United States as a Nation there were four major conflicts before the World War. They lasted about 10 years in all, or about 7 per cent of the time. How could any independent corporation keep itself alive for 139 years by turning out a product that was only wanted 10 years of the time?

The manufacturer of war materials who was prepared to meet the emergencies of these years was not supported during the intervening time by preparations for the conflicts. Such manufacturers existed through the ownership of factories occupied in making peace-time products. In that way alone could they stabilize their businesses.

Most people, business men included, probably think that war has no dangers for the maker of munitions. The truth is that no one realizes as clearly as do we makers of war necessities the grave financial dangers of modern conflicts. Even for a company as strong and firmly established as our own, it is a gamble whether it can successfully weather the storm.

There is the need for immediate and tremendous expansion; the steady, even flow of peace-time business gives way to a feverish rush for materials and labor. This expansion must be accomplished when there is a demand for money from a thousand sources. You might assume that our factories can turn to the making of war materials without changing their equipment. As a matter of fact, our plants that made powder for commercial purposes could not turn out the explosives used in modern warfare. New plants, then, must be erected; new organizations created when labor is hard to find and not overconscientious.

Wars stop suddenly. The munitions maker finds that his market has vanished overnight. He is left with plants and organizations on his hands that are of little value during peace, and these difficulties are enhanced by the depression that follows conflicts.

Our company has attained its present position not because of, but in spite of, the wars it has helped to fight. To-day we are still busy unsnarling the tangles that resulted from our part in the World War. We are by no means alone in this respect. I could name half a dozen great concerns that turned their energies to war production that are having serious difficulty in pulling through the after-war slump. I could mention a famous automobile company that turned to the production of airplane motors. They came out of the fight without even a factory, and since then they have not built a single car. There is a long list of such industrial casualties left in this country by the Great War.

In war times prices of most materials mount skyward. This is true particularly of foodstuffs, clothing, and many articles that go into the equipment of the fighting man. Manufacturers of such products are given an immense and immediate market at soaring prices. Yet manufacturers of these commodities are not accused of promoting war for the selfish purpose of increasing prices, notwithstanding the fact that the increased demands of war do not require the investment of their capital in special machinery and supplies useless for peaceful pursuits.

Smokeless powder, the chief product of the Du Pont Co. during the war, was the only essential material whose price declined during that period. We believe that is a record. Now, what happened to some of the other necessities? The price of cotton on the farm soared from 6 cents in October, 1914, to approximately 42 cents in July, 1920; the price of wheat on the farm went from 76⅛ cents in June, 1914, to $2.58⅜ in June, 1920. Our price on smokeless powder was reduced from 53 cents to 44 cents during the war period.

It is probable that few munitions makers gained much financially from their operations. In the case of the Du Pont Co., taxes paid to the United States Government during the recent war not only absorbed the entire profit of the company on powder sold to our Government, but, in addition, they wiped out all of the profit made on these powders during the preceding 20 years.

WAR FACTORIES ABANDONED.

The great factories of our company that produced powder during the World War were created for their purpose and were abandoned completely when the war ceased. It is true that the United States Government at all times maintained experiments requiring the production of military explosives, but compared to the industrial business of the Du Pont Co. the quantities were small—not more than 5 per cent of total production during recent years.

It is fortunate, indeed, that the United States encouraged the development of munitions through private enterprise in preference to Government control. The nuclei of manufacturing organizations available to the Government in the late war were undoubtedly a determining factor in the final result. Our European allies concede that they would have failed to withstand the preparedness of the German nation had it not been for the assistance of the munition makers of the United States. Without these same munition makers our own Government would have been powerless; in fact, it would never have had an opportunity to lend its assistance to the Allies, who carried the burden in the early war years.

While the Government of the United States showed wisdom in turning over the production of military explosives in small quantities during times of peace to the industrial manufacturers, still greater wisdom has been shown in the promotion of general industrial enterprise, so that the United States was prepared in many lines of manufacture necessary for war purposes.

It has not been many years since our European friends advised that the people of the United States should restrict themselves to the pursuit of agriculture, to which this country is well fitted, leaving Europe to manufacture from the raw materials won from American ground. Our Government wisely turned a deaf ear to those proposals, and, through the levying of tariffs, gave to the United States industries without which the war would not have been won. The production of steel, of many chemicals, and other products was fostered in the early days by protection that met such criticism, but this protection was a small price to pay for the development of manufactures.

WHERE GERMANY OUTWITTED US.

In one industry Germany contrived to outwit our Government, namely, in the production of dyes, which the German Government recognized as the key to the manufacture of certain military explosives not generally useful in other industry. However, the hand of fate delayed the war sufficiently to enable the manufacturers of the United States to prepare. Had the United States been driven to war a few years earlier there would have been total lack of preparation in a most necessary line of explosives and chemicals. No more cunning plan could be devised than to wrest from the United States the foundation of the manufacture of dyes. In raw materials the United States is not lacking. The skill of its labor and technical men is sufficient, but to establish the dye industry in competition with Germany, enough time must be permitted to work out economically the intricate processes that are required for the successful production of dyes. These latter can be made, in fact have been made, in quality equal to and even excelling the German dyes. But to date economical production through improvement of yield and economical disposition of by-products has not developed sufficiently to enable the industry to withstand unaided the competition of Germany, whose years of unopposed development work give her temporary advantage.

This same question has arisen many times before in the United States, and temporary increase in the prices of productive materials has been opposed by shallow thinkers, but the result of proper protective tariffs has been the employment of many men and women at good wages and the production of manufactured goods of quality and price far more satisfactory than the imported article of earlier years.

In time of war it is not difficult to enlist the capital of the adventurer in war-time pursuits. These adventurers are ready to take advantage of any situation. Their opportunities occur from time to time, not through their own making, and they are disregarded by the public as promoters of war. On the other hand, those industrial manufacturers who, through the production of similar materials, stand ready to help the Nation in the hour of need, are frequently the targets of those who aim to promote discord.

Could anything be more unlikely than that old and well-established industrial corporations should encourage a condition of affairs calling for the gravest financial risk in the preparation of huge quantities of special products in times so uncertain as a period of war? Again, the case of the E. I. du Pont de Nemours & Co. may be cited. At the outbreak of the war we had capital assets of about $80,000,000 and employed about 6,000 men. Our business amounted to about $26,000,000 per annum. Demands of war required the increase of this business to over $300,000,000 per annum, the employment of 68,000 men; and the investment in factories for the production of special military explosives of $220,000,000, equal to 270 per cent of the total assets of the company prior to the war.

The building of these factories and the production of 1,466,000,000 pounds of explosives required the purchase of an enormous quantity of materials in widely fluctuating markets, and in face of possible cessation of hostilities at any moment. Failure to produce on specified time would have entailed most serious consequences. Presence of explosives made the factories particularly liable to successful attack by the enemy, requiring constant guarding at all points. The introduction of thousands of untrained men not only caused grave risk with respect to the quality of product, but through possible carelessness or lack of information, introduced hazards whose consequence might amount to thousands of dollars in a single accident. Witness the wartime destruction of several powder magazines in flares that lasted a fraction of a minute, where the value of material lost amounted as high as $250,000 in one such accident.

I hope that I have made it clear that we makers of munitions who survived the risks to life and capital are not among those anxious to repeat the experiment of war by preventing the establishment of permanent peace. I consider President Harding's move in calling the disarmament conference a long step in the right direction, as it will be held while people still have in mind the physical horrors of warfare and while the nations still are suffering from economic wounds. Sentiment against war has always been strong; added to this sentiment now is the crushing burden of taxation and a disarrangement of all the orderly channels of domestic and international commerce. The conference has an excellent chance to achieve the high aim for which it has been called.

Nothing could contribute more to the ultimate and permanent prosperity and happiness of the world than the conclusion of agreements between the great nations of the world which would eliminate war and the causes of war. And so, let us say to the men gathered in Wash-

ington, let it go out from this gathering of men of the steel and iron industry, that we are solidly behind every effort they make which will hasten the coming of the time when war shall be no more. If disarmament inflicts a money loss upon us, the American iron and steel industry will accept it willingly and gladly.

—

[By Charles M. Schwab, chairman Bethlehem Steel Corporation.]

From the beginning to the end of the war our industry furnished for war purposes nearly 50,000,000 tons of steel. The mere figure does not picture to the mind what that means. And yet 50,000,000 tons of steel would build a modern railway ten times around the earth. During the war we talked of a "bridge of ships" across the Atlantic. Fifty million tons of steel put into the hulls of ships would actually build a bridge of ships from the United States to France.

It was truly a war of material and machines as well as of men, and we, of the American iron and steel industry, like to think, not that we won the war, but that we accomplished in full the part that was assigned to us. The demands then made upon our industry not only produced steel; they produced men who were at any time prepared to outdo in personal effort and sacrifice even the former great achievements of their industry.

After war comes peace. Our own great General Grant, after the Civil War, said: "Let us have peace." The Nation is prouder of that prayer than of any warlike utterance he ever made, and that sublime phrase of General Grant's might well be the motto of the world conference now assembled at Washington.

And I would like to take advantage of this occasion to say something which has long been upon my heart, and which at this significant moment it is clearly my duty to say. It was stated at some of the sessions of the recent League of Nations meeting in Geneva, it has often been carelessly suggested in the press, that the flame of war is in great measure kept alive by those interested in the private building of naval ships and the manufacture of munitions of war. I can, of course, speak only for myself, but I believe I know and express the sentiments of others placed in similar positions to mine when I say this:

I am at the head of the largest war-materials manufacturing works in the world. The shipyards of my company build more naval ships than are built in any other yards under one management in the United States. But I have been thrilled beyond expression, as has every good American, by the brilliant and statesmanlike scheme laid before the conference at Washington by Secretary Hughes. The carrying out of that plan may involve great monetary loss in some quarters, but such a thing as financial loss can be of no consideration when compared to the inestimable boon to mankind which would be involved in the realization of that magnificent plan. What red-blooded American would not, indeed, make any sacrifice if the burden of armament could be lifted from the shoulders of humanity. May God speed the day when this noble conception can be realized!

If the armed protection of our country is necessary, the establishment of which I am the head will devote itself with all its energy to providing means for protection of this country's homes and families. But I say to you from the bottom of my heart that if the statesmen now assembled in Washington under the farsighted leadership of our President and Secretary Hughes should find it possible to bring about disarmament and permanent peace, gladly would I see the war-making machinery of the Bethlehem Steel Corporation sunk to the bottom of the ocean.

Nothing could contribute more to the ultimate and permanent prosperity and happiness of the world than the conclusion of agreements between the great nations of the world which would eliminate war and the causes of war. And so, let us say to the men gathered in Washington, let it go out from this gathering of men of the steel and iron industry, that we are solidly behind every effort they make which will hasten the coming of the time when war shall be no more. If disarmament inflicts a money loss upon us, the American iron and steel industry will accept it willingly and gladly. We will do so not in a spirit of mere idealism and self-sacrifice but in a belief that the greatest permanent material prosperity would be brought about by the concentration of the energies of mankind upon constructive activities; upon means for well-being, and not for the destruction of civilization.

I ask unanimous consent, Mr. Chairman, to print those two addresses as a part of my remarks.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. MOORES of Indiana. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. LOWREY. Mr. Chairman, I have heard a good deal of late about the testimony of experts and of referring matters to experts. I have not always agreed with that idea, but it strikes me that the amendment or the proposition of the gentleman from Indiana [Mr. MOORES] is the sensible thing under present conditions. We are certainly not a group of artists, we Members of Congress, and it seems to me that the Fine Arts Commission is the proper body to handle this proposition, and that we certainly need their advice on this question, on which we are divided, and there is only a handful of us here. I wanted simply to offer a word in favor of that proposition, of that solution of the matter.

Now, the question of the fountain at Dupont Circle does not belong in this discussion, but it has been dragged in. It has been suggested that that fountain is dry, that it has no water in it. I guess that ought to be referred to an expert on that subject. Perhaps I might suggest that my friend from Minnesota [Mr. VOLSTEAD] take that up and consider it with his committee. He is an expert on "water," "drought," and kindred subjects. [Laughter.] But as for this proposition, I shall certainly vote for that amendment, as it seems to me the thing to do is to refer it to the Fine Arts Commission.

Mr. MOORES of Indiana. Mr. Chairman, I yield back the rest of my time.

The CHAIRMAN. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Superintendent of Public Buildings and Grounds of the War Department be, and he is hereby, authorized and directed to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse, city of Washington, D. C., upon an appropriate foundation or pedestal in harmony with the statue.

Mr. LUCE. Mr. Chairman, I move to amend the resolution by inserting in line 5, after the word "upon," the words "or near."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 1, line 5, after the word "upon," insert the words "or near."

Mr. LUCE. Mr. Chairman, in view of the ardent championship of this resolution by the gentleman from Illinois [Mr. KING], the Committee on the Library has gladly given to him the hour at its disposal; but perhaps a word should be said as to the attitude of the committee.

I think I reflect the views of its members when I say that we were largely moved by the wave of sentiment aroused among those who joined in giving the statue to the District, as well as by the fact that the House has never passed deliberate judgment on the question of removal. For my own part I inclined to have the resolution reported to the House in order that the will of the House might be definitely ascertained. It will be recollected that the removal of the statue came about through a provision in an appropriation bill which was not brought clearly to the attention of the House.

We as a committee, I think, feel quite incompetent to pass judgment upon the artistic merits of this or any other statue. We feel that the law and the Executive orders relating to the functions of the Commission on Fine Arts were wisely conceived, and that as a rule it is the best practice to leave the decision in these matters to those who have made a lifetime study of them. In this particular instance, however, we were confronted by the problem of what to do with a work of sculpture that had been accepted and set up long before the modern method of handling these things had been devised. It is probably within the bounds of accuracy to say that there are many so-called works of art within the District of Columbia that would not to-day meet with the approval of the connoisseurs. But a few feet away, in Statuary Hall, are various statues that an expert, a connoisseur, a lover of the beautiful could not commend. What shall we do with them? That is a question to which I have found no answer. Possibly if we could reconstruct the city we would in this, as in many other particulars, abandon the judgment of our predecessors and relegate to obscure locations things which to-day offend the eye. For my part I hope these errors will not be repeated.

I trust that the finer and clearer understanding of what is and what is not beautiful may prevail. I have been disturbed at occasional indications that the House has been unwilling to leave decision in such matters to those trained in the subject, and I would here take this opportunity to align myself definitely and squarely on the side of the experts. Specialization, expert training is the order of the day. It is the secret of our progress. It is the spring of all the advancement that we are making in civilization.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. I ask five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LUCE. In view of that fact, I hope the House will not disparage the judgment of those whom we ought to trust in such affairs. I hope as occasion comes, if support is necessary for this commission, it will be given with a free hand. What can more disturb the visitor to Washington who has a sense of the beautiful than the frightful monstrosity—I used my words with care—perpetrated when the War Risk Bureau building was allowed to extend its ugly height above Lafayette Square and so prevent for many years to come the surrounding of that beautiful spot with harmonious structures, the finest products of the architect's genius, which might make the square the most beautiful on all the continent? The mistake was made under the stress of war conditions. There was no time then to consider exigencies other than those of war. So the thing has been

foisted upon us. And we might find other illustrations of the damage that has been wrought to the glory and splendor of this city by failing to follow the advice of those qualified to advise.

In this particular matter if the question were new and those qualified to advise should urge that this statue be placed somewhere else, their opinion might well prevail. In view, however, of the fact that this was the site given to those of the citizens of Washington, who so generously and in such numbers contributed the fund for the erection of the statue, and in view of the further fact that many of them who survive feel they have not been given fair treatment in the consideration of the question, your committee thought it might wisely come before the House for this full opportunity to determine whether the desires of the givers shall be longer controlling or whether, instead, some location shall be found that will meet the approval of the experts whom we have asked to advise us. Evidently, however, the statue ought not to be placed in the identical spot where it once stood, if perchance that be the middle of the sidewalk or in the street. In order that there may be no doubt about the matter, without consultation with the committee and purely upon my own initiative, I recommend an amendment saying that the statue shall be reerected upon "or near" the original site.

Mr. MOORES of Indiana. Now, Mr. Chairman, I offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Indiana offers a substitute, which the Clerk will report.

The Clerk read as follows:

Mr. MOORES of Indiana offers the following substitute for the Luce amendment: Page 1, line 5, after the word "Lincoln," strike out the words "upon its original site in front of the courthouse in the city of Washington" and insert in lieu thereof the words "upon some appropriate site to be selected by the Commission of Fine Arts."

Mr. KING. Mr. Chairman, I make a point of order against the amendment of the gentleman from Indiana on the ground that it is not germane and is in violation of Rule XVI, section 7. I desire to be heard upon the matter.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois.

Mr. MOORES of Indiana. If the gentleman will yield to me, I suggest to him that this is offered as a substitute and not as an amendment.

Mr. KING. I do not see what change that makes in the gentleman's position. If as an amendment it is not germane, then as a substitute, which is really nothing but an amendment, it certainly is not in order under this rule. Of course, one never knows the attitude of the Chairman's mind. If one did, he might determine just how far he should go with his argument and how much time he should take. The rule, as is well known to every Member of the House, is that no motion or proposition on a subject different from that under consideration shall be admitted under the color of amendment.

The House joint resolution under consideration authorizes and directs the Superintendent of Public Buildings and Grounds—

to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse, city of Washington, D. C.

The motion to amend provides—

upon some appropriate site to be selected by the Commission of Fine Arts.

I make the point of order that the amendment is not germane to the joint resolution, and therefore in violation of Rule XVI, paragraph 7, which I have just quoted. Inasmuch as the subject now under consideration is the reerection of the statue of Abraham Lincoln upon its original site in front of the courthouse, and so forth, it is very apparent that the motion to amend is on a subject most different from the subject under consideration.

Now, Mr. Chairman and gentlemen, the thing to determine, What is the matter under consideration by the committee? It is not the statue under consideration. That is not the question, although at first blush one might say here it is a statue under consideration by this committee. But what is under consideration is a joint resolution reported out of this committee which provides for the reerecting of a statue of Abraham Lincoln upon its original site in front of the courthouse in Washington, in the District of Columbia. There are numerous and divers and great quantities of decisions to be found in Hinds' Precedents, which I have taken some care to go over and which I have had copied, and if the Chair desires I will be glad to hand to the Chair. They are so voluminous and multitudinous that I will only cite a few of them. It is apparent from these decisions that the gentleman's amendment is far removed from the question under consideration, which is to reerect this statue in front of the courthouse. That, and that alone, is the question under consideration, and I will cite to the Chair a few of the decisions upon this question.

The CHAIRMAN. The Chair will hear the gentleman as to one or two precedents upon which he relies.

Mr. KING. Section 5859, page 444, Hinds' Precedents, part 5: To a proposition relating to the sale of internal-revenue stamps in Porto Rico a proposition relating to posting lists of persons paying special taxes in the United States was held not germane. April 23, 1906, the House was considering a bill to provide for the sale of internal-revenue stamps in Porto Rico.

Mr. HUMPHREYS, of Mississippi, proposed as an amendment that collectors of internal revenue post the names of all persons having paid special taxes within the district. Mr. Hill, of Connecticut, made the point of order that the amendment was not germane. Mr. Littlefield, of Maine, Chairman, sustained the point of order.

Mr. WALSH. Will the gentleman yield?

Mr. KING. I will.

Mr. WALSH. Does the gentleman contend that an amendment would not be in order providing that this statue of Abraham Lincoln should be reerected in the rear of the courthouse?

Mr. KING. I do not think that would be germane. As long as this resolution provides for the reerection of the statue where it was once before on its original site, I do not think it would be germane. It is not the erection of the statue but the reerection in the same place, and applies to a particular subject and nothing else. The gentleman, I suppose, has in mind the Canal case. No doubt he refers to that now. If the gentleman will read that case carefully, he will find that that was a general proposition, after all, and not the canal by a certain route, but a plan to put a canal through from the Atlantic to the Pacific, and under that theory it was a general proposition and not a specific one, and the Presiding Officer held that the amendment of Mr. PARKER of New Jersey prescribing the Panama route was germane to the original bill. But that case is entirely different from this.

Section 5862, page 450, Hinds', part 5: An amendment to repeal the duty on coal was held not to be germane to a proposition to pay for the investigation of a strike among coal miners. On December 3, 1902, the Committee of the Whole was considering a bill to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, when Mr. Gaines, of Tennessee, offered an amendment that all import duties on certain coals be abolished. Mr. CANNON, of Illinois, made the point of order that the amendment was not germane.

Mr. Grosvenor, of Ohio, Chairman, held—

it would be quite as germane to provide a great many other remedies for the causes that may be reported to exist as for the House to assume what the report of that commission will be, and thereupon to proceed by appropriation of money, or by repeal of some existing statutes to provide against the contingencies that may be reported in that measure. The proposition is distinct in every particular from the bill here pending.

The Chair cites:

The paragraph to which this amendment is offered proposes to appropriate money for the building of a mint in the city of Philadelphia. The amendment deals with the general question of the coinage of money. It occurs to the Chair that the amendment is obnoxious to paragraph 7, Rule XVI, because it is not germane to the subject under consideration. (P. 1097, Parliamentary Procedure, Hinds.)

The Chair also cited, page 451:

The policy has been under all circumstances to distinguish and keep separate the provisions of a bill which by no means depend upon each other, or which relate to the same subject matter. But the policy of the House having been to separate and keep distinct the several matters of legislation, the Chair is compelled to sustain the point of order.

In the first session of the Fifty-seventh Congress there was before the House in Committee of the Whole a bill to provide reciprocal trade relations with Cuba. An amendment was offered to form a new section, providing for extending to the people of Cuba an invitation to apply for annexation of that island to the United States. Mr. Payne, of New York, made the point of order that it was not germane, and after argument it was sustained by so distinguished a parliamentarian as the gentleman from New York, Mr. Sherman. (P. 447.)

The Chair held the amendment was not germane.

These are but a few of the decisions sustaining my contention, and I suggest to the Chair the following decisions as being even stronger:

Section 5860, Hinds' Precedents, volume 5: To a bill relating to the tariff between the United States and the Philippines, an amendment declaratory as to the future sovereignty over those islands was held not germane.

Section 5863, Hinds' Precedents, volume 5: To a bill granting land to a railroad, an amendment allowing the importation of railroad iron free of duty is not germane.

Section 5867, Hinds' Precedents, volume 5: A proposition for the annexation of Cuba was held not to be germane to a bill providing for reciprocal trade relations with that country.

Section 5877, Hinds' Precedents, volume 5: To a bill relating to the sale of the public lands, an amendment proposing to give them to settlers was held not to be germane.

Section 5881: The distribution of seed grain to a class of destitute farmers was held not to be germane to the regular congressional seed distribution for the improvement of agriculture.

Section 5884: To a provision for the erection of a building for a mint, an amendment to change the coinage laws was held not to be germane.

Section 5886: To a bill relating to the coinage of silver in the Treasury and its use in redemption of notes issued against it, amendments authorizing the issue of bonds, and also authorizing the giving of notes for deposits of silver, were held not to be germane.

Section 5904: To a proposition to give an extra month's pay to the officers and employees of the House, an amendment to include clerks of Members was held not to be germane.

Decision by the Chairman, Hon. JAMES R. MANN.

Mr. Chairman, I shall be glad to hand these various authorities to the Chair. I do not desire to occupy the time of the committee any further. The question before the committee is this: Shall this statue be reerected in front of the courthouse in the city of Washington? The gentleman would delegate the authority to some commission. An entirely different proposition is involved in delegating the authority of Congress to a commission to erect or place a statue. As the gentleman has himself said, the Fine Arts Commission has nothing to do except to advise. This turns over the power of Congress to the Fine Arts Commission and delegates to them that authority. This may be an argument about a simple statue, but the proposition is an important one and will perhaps become an important precedent. I am satisfied the Chair wants to render such a decision as will, 20 years from now, be quoted by Members of the House just as these other decisions which I have cited to the Chair are quoted now.

Mr. MOORES of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KING. Yes.

Mr. MOORES of Indiana. The gentleman says that the Congress has no right to delegate the authority to put this statue back. How does the gentleman expect it to be erected—by the individual Members of Congress?

Mr. KING. The resolution provides how it shall be put back.

Mr. MOORES of Indiana. Shall we do it personally?

Mr. KING. I would sooner trust the gentleman to the personal possession of this treasure than I would the Fine Arts Commission, who have been its enemy from start to finish. They have been determined on getting it down and in some way destroying it and doing away with it. The gentleman knows that, and he knows of the insidious propaganda which has been conducted here by the Fine Arts Commission, which resulted in having its appropriation cut down from $10,000 to $6,000, and very justly. I think it ought to be cut down to the zero mark. I have gone into the activities of the Fine Arts Commission somewhat. I have had occasion to pay my respects to the Fine Arts Commission. The head of the Fine Arts Commission never studied art in his life. He never went to an art school. He had had some experience here in Washington in taking down the Greenough statue of Washington. He went on a junketing trip to Europe with 20 or 30 Senators 10 or 15 years ago, at the expense of the Government.

Mr. LUCE. Mr. Chairman, I rise to a point of order.

Mr. KING. But the gentleman from Indiana [Mr. MOORES] has asked me a question.

The CHAIRMAN. The Chair will be glad to have the gentleman confine himself to the point of order.

Mr. KING. Mr. Chairman, there was no objection made when the gentleman from Indiana interrogated me. I was merely answering his question. The gentleman from Massachusetts [Mr. LUCE] is a good friend of mine. We are on the same committee. Confidentially, however, I doubt whether he has not been trying to damn this proposition with faint praise. [Laughter.] However, the gentleman knows the argument before his committee, and the gentleman knows that the committee reported this bill out in good faith, that the President wrote a letter to the gentleman's committee asking that they report it out, and the committee did report it out. There is no occasion for the gentleman to rise on this floor now and belittle a proposition that comes from his own committee. The statue of Abraham Lincoln will take care of itself.

Mr. Chairman, I think I have nothing further to say on the proposition. I have tried to put it plainly. The amendment has no connection or reference to the resolution under consideration.

Mr. MOORES of Indiana. Mr. Chairman, just a word or two. I cite the Chair to section 782 of the Manual, under Rule XXVI, which contains illustrations of germane amendments:

> An amendment which is germane, not being "on a subject different from that under consideration," belongs to a class illustrated by the following: To a bill providing for an interoceanic canal by one route, an amendment providing for a different route; to a bill providing for the reorganization of the Army, an amendment providing for the encouragement of marksmanship; to a proposition to create a board of inquiry, an amendment specifying when it shall report; to a bill relating to "oleomargarine and other imitation dairy products," an amendment on the subject of "renovated butter"; to a resolution rescinding an order for final adjournment, an amendment fixing a new date therefor; to a bill amending a general law in several particulars, an amendment providing for the repeal of the whole law.

The main thing in this resolution is the reerection of the statue of Abraham Lincoln. That is what the resolution is for. As it seems to me, the substitute is no less germane than the amendment tendered by the chairman of the committee, to which no objection was made. If we are to carry out the argument of the gentleman from Illinois literally, the provision that it shall be at or near is just as objectionable as the amendment which I offer. You have to take the whole thing together. The gentleman had a right to make a point of order on the amendment offered by the chairman of the committee. He did not make his point of order. He waited until the substitute was offered, and then made the point of order on the substitute. The substitute is in precisely the same class, even on his own theory, as the amendment which the gentleman from Massachusetts offered.

The CHAIRMAN. The title of the pending resolution is:

> To reerect the statue of Abraham Lincoln on its original site.

The title well characterizes the resolution. In the text of the resolution it is provided that a certain official is "authorized and directed to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse in the city of Washington." To that language the gentleman from Massachusetts [Mr. LUCE] offered an amendment providing that the same official "be authorized and directed to reerect the statue of Abraham Lincoln upon or near its original site in front of the courthouse in the city of Washington." As a substitute, the gentleman from Indiana [Mr. MOORES] offered to strike out certain language and insert other language so that it would provide that the same official be "authorized and directed to reerect the statue of Abraham Lincoln upon some appropriate site, to be selected by the Commission of Fine Arts."

The gentleman from Illinois makes the point of order that the proposed substitute offered by the gentleman from Indiana is not germane. The great difficulty in passing upon questions of germaneness is the determining of what is the main purpose of the bill under consideration. The resolution that is now before the committee provides for the reerection of the statue of Abraham Lincoln upon its original site.

The motion of the gentleman from Massachusetts proposes to broaden that language so that it would be upon "or near" its original site. If the gentleman from Indiana had deferred his motion until the adoption of the proposed amendment of the gentleman from Massachusetts, then the question of germaneness would have been with reference to the resolution with that amendment—would have been with reference to a resolution providing for erection of the statue "upon or near" the original site. Manifestly the Luce amendment would broaden the resolution. No point of order was made against the amendment proposed by the gentleman from Massachusetts, and while it has not been adopted and that language is not yet embodied in the resolution, the gentleman from Indiana, offering his motion at this time as a substitute for the Luce amendment, the Chair thinks that he is entitled to consider in connection with this point of order the question of germaneness of the Moores substitute to the resolution as it would be modified by the pending Luce amendment. In any event, whether that be true or not, the Chair is impressed that the main idea of the resolution presented is not the erection of the monument upon a certain site but rather the reerection of a statue of Abraham Lincoln.

The word "reerect" does not mean necessarily the erection of a statue in the same spot where it was before. The statue having once been erected and taken down its erection upon any site would be a reerection. The Chair feels that the main purpose of the resolution is not to place the statue upon the same site that it was upon before but that the main purpose of the legislation is the reerection of the statue, and the question of

the place is but a secondary detail. That being the view of the Chair as to the main purpose of the resolution as read from the text of the resolution, the amendment of the gentleman from Indiana is germane, and therefore the Chair overrules the point of order.

Mr. MOORES of Indiana. Mr. Chairman, I wish to speak for one moment on the substitute proposed. We have here a drawing of the courthouse with the statue of Abraham Lincoln on its pedestal occupying the exact center of the sidewalk immediately in front of the main entrance door to the courthouse. It was an actual obstruction, a place not suited for the erection of the statue. My amendment or substitute is simply that the location of the statue when it is reerected should be left to the Fine Arts Commission where it is placed by law.

Mr. KING. Will the gentleman yield?

Mr. MOORES of Indiana. With pleasure.

Mr. KING. I desire to say, Mr. Chairman, as the gentleman has yielded to me, that this drawing which is before the committee was made by Mr. Elliott Woods, Architect of this Capitol, who placed the statue there, and he told me that it would be proper and artistic in that place, with plenty and ample room there, as anybody can see by looking at this simple picture. And it is not out of harmony in the appearance of the courthouse from what it is now. It is not to be erected upon a high pedestal—the gentlemen have seen pictures of the old pedestal—but it is to be placed upon one something like the one under the Daniel Webster Monument and like others in this city.

Mr. WALSH. Will the gentleman yield?

Mr. MOORES of Indiana. I do.

Mr. WALSH. In reference to the statement made by the gentleman from Illinois, does the gentleman know if the Fine Arts Commission is adverse to having this statue reerected, and if they are, is it not likely that they may select a site for it which will be out of the way and in surroundings that will not be considered adequate for this statue by those interested and enthusiastic about having this statue reerected?

Mr. MOORES of Indiana. So far as I know, every member of the Fine Arts Commission is in favor of the reerection of the statue, and every member of the Fine Arts Commission is in favor of the reerection of this portrait statue, and I think without exception, without any breach of confidence, that I may say that without exception there is not a member of the Fine Arts Commission who favors the erection in the place from which it was taken down.

Mr. WALSH. But they are not opposed to having it reerected somewhere and will probably select a site that would be proper for this particular kind of work?

Mr. MOORES of Indiana. I am confident they would.

Mr. KING. Mr. Chairman, I rise in opposition to the amendment largely for the purpose of answering more minutely the question of the gentleman from Massachusetts [Mr. WALSH]. I will say to the gentleman from Massachusetts that the Fine Arts Commission worked continuously for the destruction and tearing down of this monument. That I know personally. In the first place, when they were confronted with the charge of removal they laid it upon the judges. They say that the judges in the courthouse building wanted to erect a statue of some judge out in front of the courthouse and take Lincoln down. They gave another reason to one of the committee that the pedestal was defective, when it appears it is in absolutely perfect condition. And they said at another time that the lawyers demanded the removal of it, and another time they recommended to the committee putting it out here at Fort Stevens, where there is a real estate deal on, amongst the shacks out there and amongst the tin cans, dead cats, rubbish, and the goats. Never was there such animosity exhibited by man to man as that of the Fine Arts Commission toward this monument. If you turn it over to them, it will be in the same position that Julius Cæsar was in the Roman senate house at the time of his assassination. You would not know where you could ever find it again. They promised to put it in the cellar of the courthouse when it was taken down, and instead of that they put it on a rubbish pile down by the river, with the beautiful face exposed to the rain and dust. That was the work of the Fine Arts Commission. I have been down there and talked with them, and they deliberately stated that they were in favor of taking this monument down. And they said, "What are you going to do when they commence to take Farragut down?" I said I would have to fight in my humble way against that. It shows that they think that nothing in this city is artistic but what they themselves have passed upon and said is artistic. And having said it is artistic, therefore it is artistic. [Applause.]

Mr. KLINE of Pennsylvania. If the statue is placed by the curbing, will there be room enough for people to pass on the sidewalk without obstruction?

Mr. KING. The Architect of the Capitol said that there is room enough in which to place it between the sidewalk and the steps of the courthouse.

Mr. KLINE of Pennsylvania. Leaving space enough for the pedestrians?

Mr. KING. Yes.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Indiana [Mr. MOORES].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MOORES of Indiana. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 15, noes 39.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. LUCE].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LUCE. Division, Mr. Chairman.

The committee divided; and there were—ayes 7, noes 47.

So the amendment was rejected.

Mr. LUCE. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with a favorable recommendation.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration House Joint Resolution 127, had directed him to report the same to the House with the recommendation that it do pass.

Mr. LUCE. Mr. Speaker, I move the previous question on the resolution to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WALSH. Division, Mr. Speaker.

The House divided; and there were—ayes 61, noes 3.

So the resolution was agreed to.

On motion of Mr. LUCE, a motion to reconsider the vote by which the resolution was passed was laid on the table.

FLORAL WREATH FOR MEMORIAL OF GEN. U. S. GRANT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution No. 22 and consider the same.

The SPEAKER. The gentleman from Wyoming calls from the Speaker's table the Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 22.

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed upon the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies on April 27, 1922, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ADJOURNMENT OVER THURSDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 531. An act for the relief of Ivy L. Merrill; and

S. 3505. An act in reference to the summoning of grand juries in the District of Columbia.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate Concurrent Resolution 22.

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed upon the memorial to Gen. Ulysses S. Grant at the unveiling ceremonies on April 27, 1922, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may address the House for two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, when the House meets on Friday we will continue the consideration of the "blue sky" bill, so called, and, except for conference reports that may be presented, the probability is that that will be the only legislation we shall consider this week, unless in the meantime it appears that there is some matter of importance that ought to be disposed of.

Mr. GARRETT of Tennessee. Is it probable that we will not have a session on Saturday?

Mr. MONDELL. I am not quite certain that we will conclude the consideration of the blue sky law on Friday. If we do not, I think we should meet on Saturday and conclude the consideration of that measure. But as matters now stand, if the blue sky law is disposed of on Friday, it occurs to me that there will be no very great urgency for a Saturday session.

Mr. DUNBAR. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. DUNBAR. Would the gentleman care to indicate about what time the House may be expected to recess this summer?

Mr. MONDELL. I have frequently expressed the hope that the Congress will adjourn on June 1. [Applause.]

Mr. DUNBAR. Does the gentleman yield again?

Mr. MONDELL. Yes.

Mr. DUNBAR. Does the gentleman anticipate the fulfillment of his hopes?

Mr. MONDELL. Well, I try to be hopeful.

Mr. JOHNSON of Washington. "Hope springs eternal in the human breast."

Mr. MONDELL. It is true that adjournment may be a very few days later than that date, but June 1 is still my date. At any rate, the House program should be disposed before that date.

Mr. DUNBAR. In the event we should not adjourn on June 1, what are the probabilities of recessing for three days at a time during the coming months?

Mr. MONDELL. Well, the House has a considerable amount of rather important business before it. Quite a number of important bills are on the calendar. They will take up the time of the House perhaps for several weeks, after which time it would appear that the business of the House will not be very pressing. I am still hopeful that the consideration of the tariff in the Senate will not take as long as some have anticipated.

The SPEAKER. Has the Committee on the Library any further business?

Mr. LUCE. It has not, Mr. Speaker.

The SPEAKER. The Clerk will call the roll of committees.

The Committee on Printing was called.

CONTINUANCE OF CERTAIN GOVERNMENT PUBLICATIONS.

Mr. KIESS. Mr. Speaker, by direction of the Committee on Printing, I desire to call up Senate Joint Resolution 132.

The SPEAKER. The gentleman from Pennsylvania by direction of the Committee on Printing calls up a resolution, which the Clerk will report by title.

The Clerk read as follows:

Joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications.

The SPEAKER. The bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Michigan [Mr. CRAMTON] will resume the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, with Mr. CRAMTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, having under consideration Senate Resolution 132, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, amended to read as follows:

"That hereafter no journal, magazine, periodical, or similar Government publication shall be published, issued, or discontinued by any branch or officer of the Government service unless the same shall have been authorized under such rules and regulations as shall be prescribed by the Joint Committee on Printing, and such publications shall not contain any commercial advertisement."

With a committee amendment, striking out on page 1, after lines 6 and 7 and on page 2 all of lines 1, 2, 3, 4, and 5 and inserting in lieu thereof the following:

SEC. 3. That the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary to conduct the ordinary routine business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for official business, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but such printing shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government.

Amend the title so as to read: "A joint resolution to authorize the printing of journals, magazines, periodicals, and similar publications, and for other purposes."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KIESS] is recognized for one hour.

Mr. KIESS. Mr. Chairman and gentlemen of the House, during the Sixty-fifth Congress the Joint Committee on Printing ascertained that many journals, magazines, periodicals, and other similar publications of semiofficial nature were being issued by the executive departments and other establishments of the Government at an enormous expense to the public. With a view of reducing these expenditures the committee recommended certain legislation in the Sixty-fifth Congress, third session, which is contained in the legislative appropriation act for 1920 (40 Stat. 1270) approved March 1, 1919, as follows:

Provided, That hereafter no journal, magazine, periodical, or other similar publication, shall be printed and issued by any branch or officer of the Government service unless the same shall have been specifically authorized by Congress, but such publications as are now being printed without specific authority from Congress may, in the discretion of the Joint Committee on Printing, be continued until the *close of the next regular session of Congress*, when, if authority for their continuance is not then granted by Congress, they shall not thereafter be printed.

The term "close of the next regular session of Congress" fixed the date as June 5, 1920.

Pursuant to this law, the Joint Committee began a careful examination and investigation of all publications which were then being printed at Government expense and submitted a report of its findings to Congress, which was printed as Senate Document No. 265, Sixty-sixth Congress, second session. Attention is respectfully invited to the following paragraph of this report:

A careful investigation was made of 266 journals, magazines, and periodicals, which the committee ascertained were being published by various branches of the Government service at a cost of approximately $2,500,000 per annum. As a result of this investigation and the regulations adopted by the committee, 111 of these periodicals, which cost approximately $1,200,000 per annum, have been discontinued.

In order to continue this investigation and to bring about further economy in the printing of periodicals, there was inserted in the legislative appropriation bill for the year ending June 30, 1921, the following provision:

SEC. 8. That section 11 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," is hereby amended by striking out the first proviso and inserting the following in lieu thereof: *Provided*, That hereafter no journal, magazine, periodical, or similar Government publication shall be printed, issued, or discontinued by any branch or officer of the Government service unless the same shall have been authorized under such regulations as shall be prescribed by the Joint Committee on Printing, and such publications shall not contain any commercial advertisements.

This provision did not become a law, however, as the bill was returned to the House of Representatives without the approval of the President, who contended "that this section, which would give the Congressional Joint Committee on Printing power to exercise censorship over the executive departments, is an encroachment on the functions of the Executive and incompatible with good government."

Upon the disapproval of this proposed legislation, there was inserted a provision in the sundry civil act for 1921 (40 Stat. 945) approved June 5, 1920, which extended the life of these publications until the end of the fiscal year 1921. The paragraph reads as follows:

SEC. 4. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds,

until June 30, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

It will be observed that this legislation is an absolute prohibition against the continuance of journals, magazines, periodicals, and similar publications after that date, unless specifically authorized by Congress.

Pursuant to the above act, the joint committee continued to investigate the remaining 155 periodicals that were being printed at Government expense, many of them consisting of newspapers which were being mimeographed or multigraphed in order not to be in conflict with the statute of the Sixty-fifth Congress, which provided that no periodical should be "printed." The sundry civil act approved June 5, 1920, provides that no periodical shall be "issued" by a department or establishment of the Government. This change of the law compelled the discontinuance of many of these publications, including those that were multigraphed or mimeographed.

Some of the executive departments invited attention to the fact that this legislation discontinued some journals, magazines, and periodicals which were deemed absolutely necessary in the transaction of public business. The Joint Committee on Printing, not having power to authorize the continuance of such publications, requested a second extension of time, which was enacted by section 3 of the sundry civil act for 1922 (41 Stat. 1433) approved March 4, 1921, as follows:

SEC. 3. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until December 1, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

During this same session of Congress and in the same law the Committees on Appropriations carried a limitation upon the moneys appropriated to the executive departments for printing and binding which was intended to curtail wasteful printing. The paragraph is as follows:

Money appropriated under the foregoing allotments shall not be expended for printing or binding for any of the executive departments or Government establishments, except such as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive department or Government establishment.

During the closing days of the last session of Congress another effort was made to secure an extension of time until March 1, 1922, but this resolution was not considered in the House and the law specifically prohibiting the issuance of such publications has become fully effective.

On December 1, 1921, when the statute (41 Stat. 1433) discontinuing the printing of periodicals became effective there were approximately 40 of these publications being issued. Some of these are now consolidated and merged with other publications, and of this number probably more than one-half can be discontinued without detriment to the Government service, which will further reduce the cost of printing. When the joint committee first began its investigation of this reckless waste of public money in the printing of periodicals the total number was approximately 266 publications.

From the foregoing facts it will be observed that the Joint Committee on Printing, through its activity in stopping this wasteful practice, eliminated more than 200 nonessential publications which were being printed at Government expense. The annual cost of these publications was estimated at $2,500,000, and taking into consideration the few that now remain, it is fair to assume that more than $2,000,000 a year has been saved the Government.

This certainly is a very good record of economy for the Joint Committee on Printing, and personally I have felt that it would be perfectly proper to place in the hands of the joint committee the power to regulate the different publications.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. KIESS. Not just now.

Senate Joint Resolution 132, which we are now considering, provided that—

Hereafter no journal, magazine, periodical, or similar publication shall be published, issued, or discontinued by any branch or officer of the Government service unless the same shall have been authorized under such rules and regulations as shall be prescribed by the Joint Committee on Printing, and such publications shall not contain any commercial advertisements.

The resolution passed the Senate in that form and came to the House and was referred to the Committee on Printing. While our committee is a small one, we were not entirely unanimous in reporting this resolution as passed by the Senate, and we have amended the Senate resolution, as shown by our report.

The committee recommends the enactment of the proposed legislation, so that Congress may hold the executive departments and the Director of the Budget, who is charged with the duty of furnishing estimates for printing and binding, strictly responsible for the use of money appropriated for such purposes.

Congress having fixed a specific sum to be expended for printing and binding, the responsibility for the proper administration of this appropriation will rest with the executive branches of the Government, who, under the Budget system, are required to submit all requests for appropriations through the Bureau of the Budget.

The first proviso of this amendment authorizes the printing of not to exceed 2,000 copies of these publications for free distribution. This number is specified for the reason that the printing act of 1895 restricts the number to 1,000 copies. The increased number allowed by this legislation is considered adequate for free distribution by the executive departments.

The second proviso authorizes the Public Printer to print additional copies of any journal, magazine, or periodical which he may require for sale to the general public. The sale price is to be fixed at the cost of printing, plus 10 per cent. This proviso also authorizes the Public Printer to reprint for sale any publication issued by Congress. The Public Printer is now authorized by law to print for sale any publication issued by an executive department, but the Comptroller of the Treasury held some years ago that he did not have authority to reprint congressional publications for sale. Your committee is of the opinion that this authority should be granted, but believes that the privilege should be regulated by the Joint Committee on Printing.

By the act discontinuing the issuance of journals, magazines, and periodicals on December 1, 1921, Congress decreed that it was opposed to the executive departments engaging in the magazine business without specific authority of law. The proposed legislation permits the printing of such journals, magazines, and periodicals as are certified in writing to be necessary in the transaction of public business, provided the department has sufficient funds and the Director of the Budget approves thereof.

I am of the opinion that the enactment of this legislation provides a means whereby the departments may print necessary publications and still keep the expenditures thereof within the appropriations for printing and binding.

Mr. CABLE. I should like to ask the gentleman whether it was the intention of the committee to make all publications subject to the regulations of the joint committee or only such publications as shall exceed the original issue as needed by the executive department?

Mr. KIESS. I do not know that I understand exactly. Does the gentleman mean the number to be printed?

Mr. CABLE. In the last part of your committee amendment, in line 25, page 2, you say:

But such printing shall be subject to regulations by the Joint Committee on Printing.

Does that mean that the head of a department must come to your committee and get authority in the first place to issue any publication?

Mr. KIESS. This was called to my attention just as I came on the floor, and I think it will be necessary to offer an amendment in order to clarify it.

Mr. CABLE. I have an amendment to strike out "printing" and insert "additional copies," so that it will read:

But such additional copies shall be subject to the regulations of the Joint Committee on Printing.

Mr. KIESS. I see no objection to that.

I yield to my colleague on the committee, the gentleman from Washington [Mr. JOHNSON].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McLAUGHLIN of Michigan. Under what order are we proceeding—general debate?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KIESS] has one hour.

Mr. McLAUGHLIN of Michigan. I wish to ask to be recognized later in my own right to speak about this matter.

The CHAIRMAN. The gentleman is opposed to the bill?

Mr. McLAUGHLIN of Michigan. In its present form.

The CHAIRMAN. The gentleman has that right.

Mr. McLAUGHLIN of Michigan. The debate is now going on in the hour of the gentleman from Pennsylvania [Mr. KIESS].

The CHAIRMAN. Yes. The gentleman from Pennsylvania [Mr. KIESS] yields to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen of the House, the members of the Committee on Printing at last are in harmony over this measure, which is designed to restore certain Government publications considered necessary,

which publications fell with the general order that knocked out some 255 Government publications—good, bad, and indifferent, but mostly bad and indifferent. I take it that it never was the intention of this Congress or the preceding Congress to destroy all periodicals and magazines issued by the Government; but the clause that was carried in the sundry civil act for 1922, the third extending clause, forced all of the war-born publications and many others to die on a certain date. Numerous good publications died, including the Journal of Agricultural Research, the Experiment Station Record, the Labor Review, and some others. Now, this particular bill, which is a sort of compromise brought out by the committee and which is, I think, based on a bill that I introduced in an effort to solve the situation, proposes to save the good publications and not to permit the revival of the unnecessary ones. It permits the Secretaries of the departments to say what publications they shall establish, and they say that by certifying to the fact that these are necessary for the carrying on of the business of their departments.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. That is just how this crop of 250 or 300 publications originated.

Mr. JOHNSON of Washington. Not quite.

Mr. WALSH. Well, practically so.

Mr. JOHNSON of Washington. Let us see if I can not make that clear. Heretofore if an appropriation were secured in the Agricultural appropriation bill for some activity of the Government—we will say for the extermination of the boll weevil, although it was never done in that particular case—the item would read:

For the extermination of the boll weevil, for expenditures in and outside of the District of Columbia, including printing—

So many thousand dollars. And then under that authority, "including printing," they would take a very considerable proportion of the appropriation made for the particular purpose and use it for printing a magazine. That is how they sprang up. You will notice here in this particular bill that the authority comes with the approval of the Director of the Bureau of the Budget to use from the appropriations available for printing and binding.

Now, if the Budget officials and the members of Appropriation Committees of Congress are not able to sit on the demand of a bureau chief that he be permitted to print a more or less unnecessary newspaper or a magazine, I doubt if Congress should ask the Joint Committee on Printing to try to do that work.

Mr. WALSH. Why should not the Joint Committee on Printing do that work?

Mr. JOHNSON of Washington. Because the Joint Committee on Printing is composed of three Members of the Senate and three Members of the House, and they have other duties than sitting day in and day out to say thumbs up and thumbs down on a proposed United States Beekeepers' Journal or a suggested Shoemaker's Federal Magazine.

Mr. WALSH. Under the original authority of law it was the duty of the Joint Committee on Printing, and what objection would there be to adding, with the approval of the Director of the Budget and the Joint Committee on Printing in lines 8 and 9?

Mr. JOHNSON of Washington. Before the gentleman seriously proposes such an amendment, let me ask if the gentleman has ever been pursued by bureau chiefs who are themselves pursued by the printing bug?

Mr. WALSH. I know the gentleman from Washington has and thrives on it, and the Joint Committee on Printing has done a great work in eliminating these foolish and silly publications that have been going on.

Mr. JOHNSON of Washington. Let me say to the gentleman that I thought really that I had done a little something for my Government in playing a part that struck down some 250 periodicals and magazines and saved by that act several millions of dollars. But I received a letter a short time ago from a constituent who had read my speech on useless Government publications, and this constituent wrote something like this: "So this is all you have been able to accomplish in Congress, is it?" [Laughter.] So I say to my friend, virtue is its own reward. [Laughter.]

Mr. WALSH. If the gentleman will permit, I did not know that they had any individual as benighted and ignorant as that in the gentleman's district. That constituent evidently has not followed the gentleman's career in Congress, for if he or she had, they would know that he is always doing valuable work not only for his district but for the country. [Applause.] And one of the most valuable was this striking out or eliminating these foolish and silly publications by the Government. It was running wild, and they had no consideration for the taxpayer, Congress, or anybody else.

Mr. JOHNSON of Washington. That is very kind of the gentleman from Massachusetts to say that but perhaps this particular constituent of mine had received his education from "School Life," or some other publication of that kind which thrived here for eight years on the ability to exchange compliments between bureau chiefs as to how great and good they were and how poor the rest of us were.

Mr. WILLIAMSON. If the gentleman will yield, it seems to me that under the language of the committee amendment the Government is not sufficiently protected against improper publications and that an amendment of the character suggested by the gentleman from Massachusetts would not only be a safeguard but would carry out the intention of those who have sought to restrict Government printing to the proper official activities of the departments.

Mr. JOHNSON of Washington. This would undertake to put the burden of refusal on the Budget Commission and Appropriations Committee. Because I happen to be a member of the Joint Committee on Printing, why should I be obliged to say that one journal published by the Federal Government is a good thing and another journal published by the Federal Government is a bad thing? How do I know? One might be worthless from my standpoint, but not from the gentleman's viewpoint. Of course, we would both say probably that magazine printing is not truly a Government activity, but we would also agree that we can not now get out of it entirely.

Mr. WILLIAMSON. I think there ought to be some committee in Congress with authority to finally pass upon what publications should be issued by the various departments and bureaus.

Mr. JOHNSON of Washington. Will not the gentleman admit that when Congress goes into the publishing of magazines and newspapers it has gone far afield? And have we got the nerve to stop them all? Or, for instance, should we stop the circulation of the Experimental Station Record?

Mr. WILLIAMSON. No; I would not. I think that is a valuable publication.

Mr. JOHNSON of Washington. From the gentleman's standpoint, and another Member might say the Monthly Labor Review is a more valuable publication. So it is. And so you go clear through the list of Federal publications.

Now, to come back to the text of this bill. I think there is merit in the amendment to be offered by the gentleman from Ohio on page 2, where it says such printing shall be subject to regulation of the joint committee. I think that ought to be tied to the provision beginning in line 18, that the Public Printer shall permit such additional copies thereof, and so forth. That is to say, make that restriction apply to additional copies.

It is also permitted in this part of the bill to reprint certain congressional documents which are out of print and for the reprinting of which there is no authority of law at present.

Mr. Chairman, I think further the bill might be perfected by striking out the beginning of the lines on the first page, lines 3, 4, and 5, which read:

That section 3 of sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, amended to read as follows:

Why not let the bill begin with the words on page 2, line 6, and make this a separate law, a separate act of Congress? With these amendments, which I shall offer at the proper time, I think we may as well go ahead with the bill. If the House thinks it is better to let the Joint Committee on Printing say thumbs up or thumbs down on magazines, then the joint committee will have that work to do; but if that is done, then I suggest that the committee better be enlarged.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. Will it not be somewhat simplified if we provide that they shall go first to the Director of the Budget, and if they get his approval then that they shall go to the Joint Committee on Printing, and the Joint Committee on Printing can then approve or reject? I appreciate that it means quite a little additional work for the gentleman who is on another committee handling very important matters, but does he not think it is well for Congress for a while, at least, to retain some supervision, particularly when there is such a drive on to reestablish a lot of these publications that have been discontinued as a result of the decision of the Joint Committee on Printing?

Mr. JOHNSON of Washington. I agree with that in a way, but we have had some experience. We had these all down, and it was agreed pretty generally that they should stay down until we find a method of bringing them up by some uniform plan.

While a plan was under discussion the Interior Department appropriation bill went through carrying appropriations for two publications—School Life and the Public Park Magazine. That ended the general printing plan. They also sought to carry an appropriation for the Reclamation Magazine, but that went out. Two are now up by law.

Mr. WALSH. For a year.

Mr. JOHNSON of Washington. For a year. It is better in my opinion to allow the Committee on Appropriations, representing a much larger proportion of the House than the Joint Committee on Printing, to say. Right this very day Members from different States have come to me, knowing this bill was about to come up, and have pulled from their pockets some particular Government publication that they think ought to be continued, such as the Good Roads Magazine or some other, and I want to say that unless a man is an expert, is able to say what is good and what is bad, he ought not to be given that discretion. How do I know that the Good Roads Magazine is not a good publication?

Mr. WALSH. The gentleman did know enough about the matter and exercised discretion and judgment very wisely, so that the number was decreased from two hundred and sixty-odd down to about thirty-odd.

Mr. JOHNSON of Washington. Yes; we used a meat ax, and great was the distress thereafter.

Mr. WALSH. If the Joint Committee on Printing were competent to exercise that judgment and save over $2,000,000, it would seem to me that they are competent to pass upon a request from a department seeking to reestablish the printing and publishing of some other magazine. If it gets by the Director of the Budget, it seems to me that the work of the Joint Committee on Printing would be somewhat simplified, and they could require that the bureau chief or the executive head should make out his case with the most convincing evidence before they would give it their approval.

Mr. JOHNSON of Washington. The only trouble is that the case is not made entirely before the Director of the Budget. The case is attempted to be made by asking those interested in this or that magazine all over the United States to write letters to their Members of Congress, and then the Members send them in to the members of this joint committee, and ask that this be done forthwith.

Mr. WALSH. I have not seen the gentleman swept off his feet by any demand of his colleagues or by the demand of people outside. I do not think that requests for reestablishing Government publications would appall him at all.

Mr. JOHNSON of Washington. The gentleman knows that a Government publication is like the proverbial cat, except that it has even more lives than a cat.

Mr. WALSH. And I admit that some of them are not quite so useful as the proverbial cat.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WILLIAMSON. What does the bill contemplate—that the Budget Bureau should first determine what publications shall be allowed to exist; and is it contemplated further that the Committee on Appropriations should take into consideration the recommendations of the Bureau of the Budget with reference to certain publications and make definite appropriations for them?

Mr. JOHNSON of Washington. No. Any publication has first got to have the money with which to print, and in order to get the appropriation from the Budget it must show merit.

Mr. WILLIAMSON. Does it contemplate that the Bureau of the Budget shall recommend that certain publications be continued from year to year?

Mr. JOHNSON of Washington. No; it does not require that. The Secretary can determine what ones he thinks are necessary, and all he has to do is to so certify, and the next thing is to get the money, and when he gets the money he can print them within the limits of this bill.

Mr. WILLIAMSON. I do not know how we could ever keep track of them in that way.

Mr. JOHNSON of Washington. He certifies and then he prints them, and gets what copies he needs for the routine business of his establishment. The Secretary of Agriculture, say, would certify that he needs so many copies of the Experiment Station Record to send to stations throughout the country. That is routine business. He gets them. Then he gets 2,000 copies for free distribution, and that takes care of the magazine and his exchanges. Thereafter all copies printed are sold at 10 per cent above cost. They are all treated alike. Two thousand copies are given for free distribution.

One great trouble with the Government publication of newspapers and magazines and periodicals has been the method of distribution. It is surprising to hear a great hue and cry about the loss of this or that publication, and then on examining the matter to find that it had a circulation of only about 18,000 copies. If we are going to authorize them at all, we should not care about the number of copies, provided people pay for them. We offer them at 10 per cent above cost. In that we have followed the plan of the British Government. The publications of the British Government of all kinds are sold at a price and the price is marked on the publication, printed at the time.

Mr. WILLIAMSON. That would mean that the Reclamation Record could be purchased by the different reclamation projects on a subscription basis.

Mr. JOHNSON of Washington. Yes; and that is the way it was until it legally lost its life.

Mr. STEVENSON. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. WALSH. Mr. Chairman, is the gentleman opposed to the bill?

Mr. STEVENSON. I am.

The CHAIRMAN. The gentleman from Michigan is recognized for 15 minutes.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, at the proper time I wish to offer some amendments to the resolution. Everyone knows that Government publications have been put out, some of them unnecessary, in quantity unnecessary and improper, and that worthy effort has been made to reduce the number, method of printing, and so forth. The purpose of this bill is commendable, but in my judgment it goes too far. My attention was called to it in the first instance by officials of the Department of Agriculture, who examined the bill and found its provisions much too narrow. It would forbid the printing of important and, as they view it, absolutely necessary publications from that department; and, in addition to that, these officials have advised with the comptroller, who, tentatively at least, gives the construction he will put upon the language of this resolution as drafted and presented here if this shall become the law. I call the attention of the committee to page 1, line 13, where it authorizes and permits the printing of publications which are necessary to "conduct the ordinary routine business required by law of a department, office, or establishment." The comptroller construes that to mean just ordinary office business, and that it would forbid the publication of many of the important and necessary publications of the Department of Agriculture. It is suggested an amendment be adopted which will permit the preparation and issuing of publications in the "proper conduct of the activities of the department," instead of carrying on the routine business of the department. I have an amendment to cover this point, which I will offer at the proper time. And I would suggest another amendment, which seems to be acceptable to the chairman of this committee; that is, to change the words in lines 24 and 25 so as to limit the regulation and control by the joint committee to matters set forth in the second proviso, which is the printing and the distribution of additional copies. There will be no difference of opinion as to the wisdom of that amendment. Now, in my judgment the objections which are urged by the officials of the Department of Agriculture limiting them to routine business would make impossible the publication of many papers and documents of the greatest importance to argiculture.

Mr. KIESS. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will yield.

Mr. KIESS. I would like to call the attention of the gentleman from Michigan to the fact that in this language we are merely requoting what is the law now. It is provided in the sundry civil appropriation act of 1922, approved March 4, 1921, that—

> Money appropriated in the foregoing allotments shall not be expended for printing or binding for any executive department or Government establishments except such as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive department or Government establishment.

That is in the present law, and if you take it out of this bill it would not change the existing law.

Mr. McLAUGHLIN of Michigan. In my judgment that word "routine" is too narrow, and as far as the Department of Agriculture is concerned the words ought to be "ordinary activities of the department" because the principal work of the department, its important functions, cover a large number of activities which are not strictly routine business.

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. The department carries on scientific investigations. It is closely connected with agricultural colleges and with experiment stations—one in each State. Colleges and stations are carrying on experiments with money

partly furnished by the Federal Government, and they make reports of work they have done, their findings, their discoveries, results of the experiments, and all that.

These matters ought to be published, and the law ought to provide for their prompt publication and general distribution. The number of them available for distribution ought not to be limited as they would be limited by this bill. They are distributed now, and the distribution ought to be permitted—I will yield to the gentleman in just a moment—to county agents, to colleges, and to scientists, and to a very large number of individuals and associations, and so forth, which cooperate with the department in gathering information.

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. In the gathering of crop statistics and the making of reports as to markets, and so forth. These matters of information ought to be published, and there should be available for distribution, at least to the persons directly concerned with the collection of the information, copies of the publication that are issued relative to those matters.

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will yield.

Mr. WALSH. What business does any executive department engage in that is not routine and ordinary business?

Mr. McLAUGHLIN of Michigan. The Department of Agriculture engages in a lot of business that is not routine, and in the opinion of the comptroller——

Mr. WALSH. Does the gentleman mean to say that the Comptroller of the Treasury has given out the opinion to some Government official in advance of a law to be enacted by the Congress as to what that law would mean if the Congress enacts it?

Mr. McLAUGHLIN of Michigan. I understand this language has been submitted to the comptroller and he has been asked what construction he would put on the word "routine," and he has said that, in his judgment, it would confine the Department of Agriculture within very narrow limits and would forbid the publication of certain of its matters and would limit the number of its publications available for distribution.

Mr. WALSH. Will the gentleman yield for a further inquiry?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. WALSH. Will the gentleman now cite some activity of the Department of Agriculture that is not within the classification of their ordinary and routine business?

Mr. McLAUGHLIN of Michigan. Weather reports and crop reports, also the work the department is doing with the agricultural agents throughout the country, receiving reports from them as to results of their work, the results of the work, and the communications of one kind and another by and between the department and experiment stations, colleges, individuals, and societies, which make experiments and investigations. They are not routine work, but they are among its proper and important activities. They are not routine work carried on in the offices of the department.

Mr. WALSH. What is it? Extraordinary work?

Mr. McLAUGHLIN of Michigan. They are not regular; they are irregular. I do not know how to describe it. They are scientific and investigational, and results are published when known and believed to be valuable.

Mr. WALSH. But they have never published these communications with their county agents in pamphlet form such as desired here?

Mr. MAPES. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Michigan.

Mr. MAPES. The existing law, as read by the gentleman from Pennsylvania [Mr. KIESS], is different from the language of this bill, I would call to the attention of my colleague. The present law reads as the gentleman from Pennsylvania reads it, namely, "ordinary and routine business." This amendment of the committee, as it appears in the pending resolution, leaves out the word "and" and makes it ordinary routine business. It changes the whole meaning of the law.

Mr. McLAUGHLIN of Michigan. I have considerable information as to the length to which some departments went, beginning a few years ago and extending throughout the war, sending out papers, pamphlets, and publications of one kind and another, many of which were improper and altogether unnecessary. And the Congress ought to take up that matter and properly limit the preparation and the printing and the circulation of a lot of these things. My only contention now is, in trying to do that they have made this language too narrow and it will interfere with the proper activities of the Department of Agriculture. And my opinion of that is based on the statement of prominent officials of the department who speak of having interviewed the comptroller and having knowledge of the construction he might put on this language.

Mr. JOHNSON of Washington. Will the gentleman yield to me a minute in regard to this construction?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. JOHNSON of Washington. I think the hypothetical ruling of the Comptroller of the Treasury on a piece of legislation about to be considered by Congress is going a little far, and I think if the comptroller did rule that this would prevent the distribution of the weather reports, he made a mistake. If there is anything routine, it is that. It is not contemplated here at all.

I see no objection, if we are going to loosen up on it at all, to putting in that word. Who is to say as to what is the number? From the general plan a large number of agricultural publications will be required and perhaps a small number of some other bureau of the Government.

Mr. McLAUGHLIN of Michigan. Some one does say what publications shall be issued and the number of them. This matter has to be brought to the attention of the Director of the Bureau of the Budget; officials of a department who are asking money must go before the Committee on Appropriations, and what a department proposes to do can not be done until it has the approval of the Director of the Budget and the Committee on Appropriations.

Mr. JOHNSON of Washington. The chairman of the committee has just informed me that the dropping of the word "and" is a typographical error, which was noticed since this debate began. The words "ordinary and routine business" give a clear meaning.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. Mr. Chairman——

The CHAIRMAN. The gentleman from South Carolina is recognized for 45 minutes.

Mr. STEVENSON. Mr. Chairman, this bill as it came to us and as it is before the House, unless the committee amendment is adopted, contemplates that the Printing Committee shall be the censor of all publications from the executive departments. That Printing Committee is made up of legislators, three from the House and three from the Senate. The publications are such as are necessary for the proper conduct of the business of the executive departments. Now, Congress can do one of two things. It can do what is suggested in the bill that causes all of these publications to stop except those specifically authorized by law and pass a law specifically authorizing certain publications to be made and they will be made. Now, if Congress wants to face the issue it can do that. The committee can provide for the publications to be selected and issued on the judgment of somebody in the executive department, or, as was proposed here, by the Joint Committee on Printing. Let us look for a moment at the natural result of that. Here is the Agricultural Department all the time wanting to expand in its publications, occasionally having a necessity for issuing a new kind of a publication. That is the executive. Contemplate the condition that would exist if the House was of one political faith and the Senate of another. What would be the complexion of your Joint Committee on Printing? There would be three Democrats and three Republicans. The Secretary of Agriculture at the present time is a Republican. He is charged with the responsibility of properly running that department, and the present gentleman, and every one I have known there, has been very earnest in the attempt to carry out the necessary, logical, and proper functions of the Department of Agriculture. He proposes to institute a new publication that he conceives to be absolutely necessary for the proper carrying on of the executive department of which he is the head, and it comes up here to be censored by a committee, and three of them say "no" and three of them say "yes"; then where will you land? There would be a deadlock all the time. You destroy the arm of the executive heads of your departments, because the executive head of a department is of the same complexion as the administration, and an administration ought to have the right to say what should be and what should not be published, without having somebody of an opposite political faith put a veto on it.

Mr. CURRY. Does the gentleman think the Department of Agriculture should have the right of propaganda with its publications? Does the gentleman think that if they were all Democrats or all Republicans the Agricultural Department has the right of propaganda in favor of any party or against any party? Or do you think it has the right to do as it does, to propaganda through its publicity bureau for or against legislation before Congress?

Mr. STEVENSON. The "gentleman from South Carolina" has stated no leaning to the proposition proposed by the gentleman from California.

Mr. CURRY. Do you not think we ought to have rules to stop what they are doing? They propose by this bill, which came from the Senate, to put it on the Committee on Printing to undertake to do that, and let it have the odium of having a controversy with a great executive department as to whether it is or is not properly discharging its functions, and charging it with propaganda in this country when it may be proceeding, in fact, from the very best motives to do what it was created to do. You propose to permit the Department of Agriculture itself to determine what is and what is not propaganda, and what is and what is not proper in legislation pending before Congress?

Mr. STEVENSON. I do not propose, so far as I am concerned, to give the Department of Agriculture the right to propagandize if it is improper to do it, but it does seem to me that when you have a Director of the Budget who can say, "Here you are attempting to publish something that is not proper, and I will not approve the expense account for it," you have got a pretty good check on it, and he is a member of the executive branch of the Government.

Mr. CURRY. Yes; but the Department of Agriculture does not submit to the Director of the Budget the manuscript of the stuff they are to publish.

Mr. STEVENSON. Now, I will meet the gentleman from California on this ground: Is he prepared to-day to stand up here and vote that the Department of Agriculture shall publish a magazine and no other, and pass an act specifically authorizing what shall be published, and assume the responsibility that he wants Congress to assume, or that somebody wants the Printing Committee, divided half and half, to assume?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MOORE of Virginia. I entirely agree with the views expressed by the gentleman, and I wish to call his attention to this point: Here is a provision that, under certain conditions, the Department of Agriculture may print journals, magazines, periodicals, and similar publications. Now, under the ejusdem generis rule that lawyers talk about sometimes would not that confine the printing to journals, magazines, and periodicals, and probably preclude the Department of Agriculture from printing any other kind of publications?

Mr. STEVENSON. If the Department of Agriculture puts out anything which on its face could be detected as propaganda, and not a legitimate publication for the legitimate purpose of carrying on the public business of this Government, the Public Printer himself would call attention to it and be a check on it.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. McLAUGHLIN of Michigan. I think the gentleman from South Carolina has lost the point of the remark made by the gentleman from Virginia. The gentleman from Virginia believes the use of the words "journals, magazines, periodicals, and similar publications" would preclude the publication of anything else except journals, magazines, and periodicals.

Mr. STEVENSON. Then it turns upon what the Secretary of Agriculture shall certify is a journal. What is a journal?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MOORE of Virginia. Would it not depend a good deal upon the view of other officials, the Director of the Budget or some other official?

Mr. STEVENSON. The Director of the Budget is the only man who has a check on it.

Mr. MOORE of Virginia. My point is this, that a narrow construction might be applied that would restrict the Department of Agriculture to the publication of magazines, journals, and periodicals.

Mr. STEVENSON. I get the gentleman's point. But he is getting away from the question I was arguing, that Congress has no business to run away from this question and undertake to put it on somebody else, and that is exactly what this resolution as it comes here proposes. The gentleman is criticizing the terms of the amendment which the committee has reported and for which I shall vote when it comes to that; but the first question is, What shall we do with the Senate bill? That bill is simply a proposition to throw the control into a committee which half the time in the history of this Government is controlled by three Members of one political party and three Members of another political party. That gives the power to a minority, perhaps by sitting still, to deprive an executive department of the power to issue what may be necessary. Therefore, I am opposed to that, and I am in favor of amending the bill.

Mr. MOORE of Virginia. Will the gentleman let me interrupt him to state my own position?

Mr. STEVENSON. Yes, sir.

Mr. MOORE of Virginia. I think the Senate provision is entirely unfair, and I think the House proposition is unsatisfactory, because it leads toward undue restriction.

Mr. STEVENSON. If you are willing to provide that certain publications shall be made, and no other, then we shall stop these encroachments upon public printing. The stoppage of these publications was provided for three years ago.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. JOHNSON of Washington. If the gentleman from South Carolina will permit I would like to call the attention of the gentleman from Virginia [Mr. MOORE] to the fact that the House amendment does not lead in the same direction as the provision in the Senate resolution. In the House amendment the only thing the Joint Committee on Printing is to do is to restrict, if necessary, the extra printing, and stop, if necessary, the resale which might come about in the commercializing of Government publications. Everything else is left to the heads of the executive departments. Congress can not, by the very nature of things, just as the gentleman from South Carolina [Mr. STEVENSON] has said, say what is good or what is bad or what is necessary. We intend this resolution to mean, and I think it does mean, journals, magazines, periodicals, and similar publications. We do not attempt to define them. We do not name them. We are not opposed to printing when it is necessary. If the departments can get the money from Congress on the approval of the Budget Commission, they can go ahead with desirable publications as part of the routine business.

Mr. MOORE of Virginia. I think, though, you would run the risk of having it said that such publications are not within the law because they are not similar to magazines, journals, and periodicals.

Mr. JOHNSON of Washington. But you understand that under the printing law the departments still have the right to print statistical matter. Now, it stands to reason that if the Government goes into the collection of information, statistical and otherwise, for the people, the Government must not sit here like a closed bottle and hold it all. It is really a problem, as the gentleman will see. But I agree with the gentleman now speaking [Mr. STEVENSON] that we can not, through a small committee of Congress, undertake to censor the magazines themselves or to designate the particular magazines to be printed.

Mr. STEVENSON. Mr. Chairman, I am glad the gentleman from Washington interrupted me, because I think he knows more about this than anybody else in the House connected with the printing business.

But, now, to come to the proposed amendment. The original bill is indefensible from any point of view, as it seems to me. But coming to the proposed amendment, you have the provision first that the head of the department who issues the circular, or, as the gentleman from Virginia says, the journals, magazines, periodicals, and similar publications, you require him to certify in writing that they are necessary to conduct the ordinary routine business of the department. Now, the gentleman from Michigan [Mr. McLAUGHLIN] seems to be afraid that that will not be broad enough, and so does the gentleman from Virginia [Mr. MOORE]. What we have found has been that they always get clear away from the home base. They have been too broad, and the danger always is that they will construe these things into a license to carry them everywhere. As King Richard said to Friar Tuck, the holy clerk of Copmanhurst, "I will but assign thee three bucks every season, but if that do not prove an apology for thy slaying thirty, I am no Christian knight nor true king." And that is the way with this. This will certainly give them all the license they need. If they do not get it under the head of journal they will get it under the head of magazine, and if they do not get it under the head of magazine certainly they will get it under the head of periodicals, and if they can not come under that they will get it under the head of "some similar publication." If that does not cover enough territory to give discretion to the executive departments, why, I am not in favor of giving them any discretion. If we have to give them the right to publish the Holy Bible down there, while it would be a very good thing and probably be exceedingly enlightening to a great many Members of Congress and to a good many people in the country, I am not in favor of going that far. You can not lay down a specific hard and fast

rule. You have got to give some little room for the working of the joints of the machinery. You can construct the most perfect machine in the world, and make it absolutely complete, but if you gear it so tight that the joints can not work you will break it all to pieces when you start it. The secretary of the department has in the first place to certify what? We suppose that these gentlemen at least have some respect for their reputation for truthfulness. A man who is going to certify to a thing that is going to be sent all over the country is necessarily careful that his certificate bears at least some resemblance to the truth. If he does not, why he is not fit to be Secretary of the Treasury, or Secretary of Agriculture, or secretary of anything else. He must certify that it is necessary—not merely that it is convenient, not merely that it is desirable, but that it is necessary—for the proper conduct of the business of his department. Now, you say you have got a horseback opinion from the Director of the Budget that he is going to construe it so and so. Well, let us see how he construes it when the case comes before him.

I have heard a heap of judges shoot off their mouths when sitting around hotels and at other places when they were off duty about what they would decide on a certain question before the question was brought before them and before the law was laid down. But when they are confronted with the responsibility of deciding that this shall or shall not be done, and hear the authorities on one side and on the other, and hear the reasons on one side or on the other, they frequently change their minds; and I submit that no Director of the Budget would be so arbitrary as to destroy the legitimate usefulness of a department of this Government because forsooth he had a little difference of opinion in his mind as to whether a certain thing was a journal, a periodical, or some similar publication. So it seems to me that it is our duty to do one of two things, either to kill this bill right here and now and then begin legislation which will specifically define what things shall be published by all the departments and put every one of them in a strait-jacket and say, "You can not go any further than this," or else provide this machinery which does give some discretion and not provide for an interminable tie-up here in case we might have a division of political complexion in the two Houses, as you are likely to have half the time.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. STEVENSON. I yield to the gentleman from Texas.

Mr. CONNALLY of Texas. The gentleman would not restrict these releases that are handed out by the departments every few days, would he?

Mr. STEVENSON. I think so. Those will get into the papers and be published sufficiently without governmental expense.

Mr. CONNALLY of Texas. There is no way for the department heads to get their views before the public except in that way if you cut off all these publications.

Mr. STEVENSON. If that is what is meant by propaganda, I think they usually get into the newspapers. We have some gentlemen up here in the press gallery who generally take care of that end of the business. I think these publications probably would not cover the releases and the reasons therefor, but the less said about those reasons frequently the better. I do not care to go into that.

So that my attitude upon this bill is that the original bill is entirely wrong, that it would be subversive of the best interests of the Government if passed in that form. The best solution I see of it is to take the amendment which the committee has reported and which I shall vote for if it is offered by the committee. [Applause.]

I reserve the remainder of my time.

Mr. KIESS. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I think the Joint Committee on Printing should be commended for the work it has done in reducing the number of Government publications. Nobody wants to interfere with legitimate activities of any executive department, particularly the Department of Agriculture. Their work reaches not only the active cultivator and tiller of the soil but goes into the homes in the cities as well as in the agricultural regions. But there ought to be some limit and some brake upon the discretion of the people who are to have charge of the particular work for which they desire this printing. If you do not have some brake on it, it will not be but a few months before you have 266 other publications here, printing all sorts of information—that the sun rises in the east and, if it is a sunny day, you can expect it to set in the west. That is typical of some of the information that was being conveyed by these publications.

Mr. STEVENSON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. STEVENSON. As I understand, the gentleman is afraid that this will give too much latitude to the departments?

Mr. WALSH. No; I believe that this ratification should be satisfactory not only to the Director of the Budget but to the Joint Committee on Printing. I believe under the original printing law, in view of the peculiar relations of the Government Printing Office to Congress and to the executive department, that we have vested not only by our rules but by law, by an act of Congress, approved by the Executive, peculiar jurisdiction and powers to the Joint Committee on Printing.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. JOHNSON of Washington. The gentleman will remember that during one of the efforts in the last three or four years to curb excess printing we received a veto from the then President on the ground that we were invading Executive rights.

Mr. WALSH. I recall that.

Mr. JOHNSON of Washington. So we have to avoid that; we do not want to be fighting the executive department.

Mr. WALSH. The Appropriations Committee makes a blanket appropriation for the printing of these departments—the Department of Agriculture, the Department of the Interior, and various departments of the Government. This is an attempt to see that the appropriation shall not be diverted into publishing magazines, bulletins, and periodical publications that are not necessary for the efficient and adequate conduct of its ordinary and routine business. The gentleman from Washington read from some of the publications on the floor. I investigated myself, and the only excuse and justification of it was, to the ordinary legislator, that it permitted somebody to hold a position down there, to give employment to some people who are anxious to extend some particular fad or fancy that had crept into this department.

The Government does acquire a lot of useful information, and they ought to have the means of disseminating it, and if it is necessary to print bulletins and periodicals there ought not to be, and there will not be, under this measure any interference with it; but we ought not to encourage and stimulate a demand to print bulletins and publications such as the gentleman from Washington referred to the other day like the "Housewives' Diary" and the "Civic Diary."

I believe, Mr. Chairman, that the amendment suggested by the gentleman from Washington is a good one, and I believe that the suggestion of the gentleman from Michigan should be added. But I think if we put in after the word "ordinary" the word "and" and also add the words "to conduct the ordinary and routine and official business," that that will give them all the scope they need. I would like to ask the gentleman from Michigan if he does not think an amendment along that line will meet with the suggestion of the Department of Agriculture.

Mr. McLAUGHLIN of Michigan. I think it would be improved by putting in after the word "ordinary" the word "and," and also by adding the other words suggested by the gentleman from Massachusetts, but I think it can all be done better by striking out the word "routine" and putting in "activities."

Mr. WALSH. Of course that is what the department would like to have, I appreciate, but that would, it seems to me, soon result in a lot of printing of publications upon matters which are not of sufficient importance to be dignified by the issuance of a Government publication.

Mr. McLAUGHLIN of Michigan. Amended so as to read "to conduct the ordinary activities." That would not be going outside and taking up fanciful matters. The work of the Department of Agriculture is always described by the word "activities." They are engaged in numerous and manifold activities, and it is hard to describe them by any other words. Certainly the routine would be routine office work and would put them in a strait-jacket and make them pursue a given line. It would not be typical of the work of the Department of Agriculture at all.

Mr. WALSH. I will say to the gentleman that if it is described as ordinary routine official business that will include any legitimate activity that the department might engage in. It could not be an activity unless it is official business, and it would seem to me the amendment along that line would meet the objection and come within the suggestion made by the Department of Agriculture.

Mr. KIESS. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by insert-

ing at the conclusion of my remarks some recent correspondence between the Attorney General of the United States and Maj. W. O. Watts.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD by the inclusion of certain correspondence between the Attorney General and Major Watts. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object, what is the idea of this being inserted in the CONGRESSIONAL RECORD?

Mr. JOHNSON of South Dakota. I will say to the gentleman from Massachusetts that Maj. W. O. Watts apparently was discharged by the Attorney General, as shown by this correspondence, because of the fact that it was alleged that he had delivered some information to me at a time when I was acting as chairman of the Committee on Expenditures in the War Department. I expect to state the facts with reference to it and simply want to put these letters into the RECORD. They are a matter of public record already, and it would be shorter to do it in that way than to read them to the House.

Mr. WALSH. Of course that is out of order to-day on Calendar Wednesday.

Mr. JOHNSON of South Dakota. I recognize the fact that it is out of order, and I ask unanimous consent that as these events occurred because of my activities as chairman of the Committee on Expenditures in the War Department I be permitted to discuss them. I hope the gentleman will not make the point of order.

Mr. WALSH. It is as a result of some activities or investigation that the gentleman himself has made.

Mr. JOHNSON of South Dakota. Oh, certainly, as I shall explain.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Mr. Chairman, as I understand the request, it was also that the gentleman be allowed to proceed out of order?

The CHAIRMAN. The gentleman's request did not include that. Does the gentleman from South Dakota desire to make such a request?

Mr. JOHNSON of South Dakota. I do not think anyone is going to make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from South Dakota is recognized for five minutes.

Mr. JOHNSON of South Dakota. Mr. Chairman, a few years ago a young man named Maj. W. O. Watts, a very high type of American citizenship, was employed in the War Department in the surplus property division, and there performed very valuable services for the Government. He had enlisted at the beginning of the Spanish-American War and performed meritorious service in that war. Performing the work assigned to him, he discovered what was, I think, shown to the Select Committee on Expenditures in the War Department, of which Mr. GRAHAM of Illinois was the chairman, conclusive evidence that frauds had been perpetrated upon the Government, and he had much difficulty with some officers of the Army with reference to statements he made concerning some of them at that time. Later, and after the Army was being reorganized, I am reliably informed and believe it to be true, that he was offered a commission as major in the Regular service, to be at the head of the emergency list, if he would withdraw his objections to the settlement of many of these claims.

To the credit of that young man, he did not do so, and consequently was discharged from the War Department. At the request of Representative GRAHAM of Illinois and other members of the Select Committee on Expenditures in the War Department, including myself, he was given a position with the Department of Justice. From that time on I have known little of Major Watts, except that I am satisfied he is the man who has done the major part of the work in the harness case, and I believe that case would not have been brought to public attention had it not been for that work; and I am satisfied that the case against the Old Hickory Co., one of the most infamous cases of war graft, would not have been brought to public light had it not been for his work.

In 1918 Congress passed a statute providing that the Secretary of War should submit to the Congress a complete report of the work of the War Department with reference to the disposal of surplus property and other activities. In accordance with that act of Congress the Secretary of War transmitted to the Speaker of the House a complete report. That report would fill an ordinary sized trunk. The Speaker of the House, in accordance with the rules of the House, transmitted that report from the Secretary of War to myself as chairman of the Committee on Expenditures in the War Department. The report was very voluminous. After having been refused by the War Department certain information which I had asked in behalf of myself as chairman of the committee, and in behalf of Representative MADDEN, of Illinois, chairman of the Committee on Appropriations, I began a rather independent investigation of this report. Later, while Major Watts was working for the Department of Justice, it became necessary for him to get some of that information. I am informed, and I believe it to be true, that he could not secure a copy of that report from the War Department.

In any event, Mr. Chairman, he did not receive any such report, and at the request of his superior officer he came to my office in the House Office Building and requested that I turn over to him, to be turned over to the Department of Justice, this report presented by the Secretary of War. As any Member of Congress, chairman of a committee or otherwise, would do, in order to assist the Attorney General in the investigation of war frauds, I turned this report over to him. It was necessary to get a delivery wagon to take it to the Department of Justice. It is still there. Incidentally, I gave Major Watts the benefit of anything there was in the examination of several months which Mr. WOODRUFF, of Michigan, and several other Members of Congress had been conducting. Major Watts naturally asked me my opinion as to certain of these cases, in respect to what the records show. I was very frank to tell him where I thought there had been fraud, and I gave him data for the Department of Justice which I expected later to present to the Committee on Expenditures in the War Department, believing, of course, that a real, thorough investigation by an executive department of the Government is much better than any congressional investigation, which, as the chairman of the Committee on Rules at one time very aptly said, starts nowhere, ends nowhere, and simply leaves a path while it goes by. I gave that information to Major Watts, and in the course of our discussion I asked him what information he had upon these same cases—cases of graft he inquired concerning, cases that I believe ought to be prosecuted by the Attorney General, cases that have been investigated by the audit department of the War Department, which I believe to be very efficient, and in which I believe there are some very honest and capable men, a department which I think ought to have another million dollars of appropriation.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. STEVENSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty-six minutes.

Mr. STEVENSON. I yield the gentleman from South Dakota 10 minutes.

Mr. JOHNSON of South Dakota. I do not need that much. I thank the gentleman from Pennsylvania [Mr. KIESS], but I know his time is exhausted, and that is the reason I did not prefer a request to him. The gentleman has been more than courteous in allowing me this time.

Some time on or about April 16 of this year Mr. A. F. Myers, who is assistant to Colonel Goff, Assistant Attorney General of the United States, requested Major Watts to send certain information. As I have the time I am going to read the letter. This was a verbal request and this is the reply of Major Watts.

Mr. MOORE of Virginia. What is the date?

Mr. JOHNSON of South Dakota. April 17.

DEPARTMENT OF JUSTICE,
April 17, 1922.

MEMORANDUM FOR THE ATTORNEY GENERAL.

1. I am requested verbally by Mr. A. F. Myers, assistant to Colonel Goff, to inform you:

First. Whether I furnished any information to Hon. ROYAL C. JOHNSON, chairman Committee on Expenditures in the War Department, House of Representatives, on which he based his remarks in Congress on April 11 instant, and if so, why this was done; and

Second. Whether I intended any criticism on the Department of Justice for delay.

2. Answering the first question I must report that I did furnish Mr. JOHNSON with some information. In doing this I was actuated in the public interest when I observed in the CONGRESSIONAL RECORD that the War Department had submitted the name of Maj. Lancelot Marmaduke Purcell, Quartermaster Corps, for promotion to the grade of lieutenant colonel. This officer is guilty of crime in the sale of Government property and the adjustment of claims involving the Government in large losses which I caused to be investigated by the War Department and the congressional committee in 1920, and again by the Inspector General in 1921. The proofs were conclusive and warranted a court-martial and prosecution instead of promotion.

3. Answering the second question: In discussing the Purcell-Miller transactions with Mr. JOHNSON the question arose as to why prosecutions had not been instituted. I informed Mr. JOHNSON that copies of my proofs were brought with me to the department upon my employment as special agent July 6, 1921; that I had rendered a preliminary report on December 3, 1921, which was sustained by an attorney of the Department of Justice, and that the case had been referred to another

attorney on March 17, 1922, and was still incomplete as to all evidence and awaiting the completion of an analysis by me of the Inspector General's report and some evidence yet to be obtained.

4. Under question by Mr. JOHNSON it became necessary for me to inform him that satisfactory progress on the many war fraud cases had been woefully impeded by lack of a competent organization or any definite plan of operation.

5. Such information as I furnished Mr. JOHNSON was given with the sole view of obtaining corrective and constructive improvements in the interest of the Government, and was therefore regarded by me as being in the real and actual interest of the Department of Justice.

6. In this connection attention is invited to my memorandum of February 18, 1922, to Mr. W. J. Burns, Chief Bureau of Investigation, and memorandum of April 1, 1922, to the Attorney General.

Very respectfully,

W. O. WATTS, *Special Agent.*

The reply came April 24 from Rush L. Holland, Assistant to the Attorney General, which is as follows.

Mr. MOORE of Virginia. What is the date?

Mr. JOHNSON of South Dakota. April 24 of this year. The letter is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 24, 1922.

Mr. W. O. WATTS,
Special Agent, Department of Justice.

SIR: By direction of the Attorney General, you are dismissed from the service of this department, effective immediately upon receipt of this letter.

You are removed for disloyalty to the Department of Justice, inasmuch as you knowingly and willfully violated the rules of the department, which, as you must be aware, constitutes a breach of trust.

Upon application to the disbursing office of this department your salary will be paid up to this time.

Respectfully,

RUSH L. HOLLAND,
Assistant Attorney General.
(For the Attorney General.)

To this Major Watts replied, as follows:

718 NINETEENTH STREET NW.,
Washington, D. C., April 26, 1922.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Receipt is acknowledged of letter dated April 24, 1922, signed by Mr. Rush L. Holland, Assistant to the Attorney General, dismissing me "for disloyalty to the Department of Justice."

You are informed that I accept your characterization of my discharge as a distinct compliment, knowing the facts and circumstances involved, although it is wholly false and unjustifiable. It is particularly gratifying to me to note that you either did not feel warranted or have the moral courage to charge me with "disloyalty" to the Government. This, Mr. Attorney General, you can not do. My loyalty to the Government is well founded and of lifelong standing. I have followed and defended the flag in the Spanish-American War, the Philippine insurrection, and the late World War with honor and distinction, and I have performed every duty that has ever been assigned to me in a loyal and faithful manner; my record for loyalty is well known and unimpeachable.

My conception of loyalty in the highest sense is the defense and protection of the Government's interests under all circumstances and at all hazards. I do not recognize or subscribe to your theory of loyalty to corrupt and autocratic authority now so common in Government bureaus at Washington, which subverts the national welfare and public interests.

If you were at all informed on the departmental affairs of your high office, you must be aware of the outstanding facts that I have devoted more than two years of loyal and faithful efforts to protect the interests of the Government when a combination of certain Government officials and other common crooks have been assaulting and raiding the public Treasury on a scale so gigantic as to be almost unbelievable.

You must be aware that even a private citizen is required by statute to report to the authorities the commission of a felony which comes within his knowledge. A public officer is further bound by oath to uphold the law, and when an agency of the Government ceases to function, it is the letter and the spirit of the law that appeal should be made to some authority of the United States which will be interested and enforce correction. The record is clear and clean cut and will show that organized interests are looting the Government, and no man can charge me with a breach of trust, so far as the interests of the people are concerned. The real issue is: Shall this be a government by Harry M. Daugherty and Abram F. Myers, or a government "of the people, for the people, and by the people?"

Disloyalty is a loathsome word, especially when applied to one who has responded to the call to arms in every crisis which has confronted the country during the past 25 years. You have seen fit in the prosecution of the war graft cases to deprive the Government of the services of men who have served their country in both peace and war and to surround yourself in this great work by men who sought and secured exemption from military service when these crimes were being committed. You are entitled to share with yourself your conceptions of loyalty, and the people can judge whether or not the stigma you have attempted to place upon myself and my children is just.

Tens of thousands of people have sojourned in Washington long enough to know that this country is being strangled by an invisible government, and the fight for righteous government has at last been forced into the open. I call upon every man, woman, and child in America and especially my comrades of recent wars and every 100 per cent American in Congress to join in the cry of "Down with Daughertyism."

Respectfully,

W. O. WATTS.

In the permission given to extend I have inserted the letter of date April 26, 1922, addressed by Mr. Watts to the Attorney General so that all of this correspondence will be given to the Congress. I want to say at this time I think the Attorney General has been illy advised in taking this action, for I can carry myself back a few years in the time I have been in public life to 1912, when I can well remember a very distinguished citizen in my State, one of the distinguished Democrats by the name of J. W. McCarter, was then Democratic candidate for governor of my State, South Dakota, and I can remember in my relations with him what sometimes happens to all of us who are Members of this House, which we regret, but which sometimes occurs, in that we develop personal animosity as well as political feeling. In fact, the relations between Mr. McCarter and myself were not the most cordial in the world. After the election of President Wilson Mr. McCarter was brought to Washington to act as Assistant Register of the Treasury Department, a position which he held until 1919. In the course of his duties Mr. McCarter secured information which convinced him that there had been an enormous duplication of Government bonds which possibly had been printed by the Bureau of Engraving and Printing and certainly had gone through the office of the Register of the Treasury.

I think Mr. McCarter took the right attitude when he presented the matter first to a distinguished Democratic Senator from my State and very properly presented the matter to the Assistant Secretary of the Treasury. He was very quickly informed at that time by the former administration that nothing was wrong, that there should be no investigation, and that he should keep his mouth shut or lose his position, and Mr. McCarter, who had developed the fact that will later be shown by official documents, that there are probably hundreds of millions of dollars of duplicate bonds in the United States, was discharged from service by his administration for presenting those facts to Members of Congress. I think a man who took that attitude in the former administration was ill-advised in what he had done. I think the Attorney General has been poorly advised by his assistants in this case, and I take it that those in high authority in either case were not informed of the actual facts.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will.

Mr. MOORE of Virginia. Did the gentleman notice a dispatch carried by the Associated Press this morning, in which the Attorney General is quoted as saying, in discussing the Watts incident, "that whatever Congress might think does not worry me a minute"? Has the gentleman seen that?

Mr. JOHNSON of South Dakota. I had not seen it. I do not think it makes very much difference. Sometimes I have thought that the executive departments under a bureaucratic form of government in any administration oftentimes get to this, that they do not care a tinker's continental for what Congress thinks. I will say to the gentleman that I am not so sure but that sometimes under a form of government conducted by bureaus they get to a place where they do not care what the people think. But I want to say that I believe this Watts dismissal ought to be resented by the people of the country and by the Congress.

We are getting to a peculiar situation in our affairs of government if an employee of an executive department can not come to the chairman of a committee of Congress and give information concerning fraud upon the Government without being discharged from the service. And it is not during one administration, as I have shown. It has been done during other administrations. And I feel that eventually this is a sort of thing that the President of the United States, when it is called to his attention, will set right.

Mr. WINGO. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will yield.

Mr. WINGO. I am somewhat interested in the gentleman's statement about the duplicate bonds. Does the gentleman say that a Democrat from his State called the matter to the Senator's attention?

Mr. JOHNSON of South Dakota. I will say that that is all a matter of public record. I took personally all of this data down to the Department of Justice myself early in the year 1921, after we had tried in every way to secure action from the former administration. These letters that were written to Mr. Leffingwell, at that time an Assistant Secretary of the Treasury, are easily procurable. I have them in my files and I will be glad to insert them at this point. Mr. Chairman, I ask unanimous consent to do so, that the House may have exactly the word that was sent by Mr. McCarter, and extend in the RECORD at this place Mr. McCarter's letter to Mr. Leffingwell.

Mr. WALSH. Mr. Chairman, I object.

Mr. WINGO. My question was the date on which this gentleman brought this information to you.

Mr. JOHNSON of South Dakota. The gentleman sent the information to me in its real definite form in the fall of 1920, when I happened to be in my home State.

Mr. WINGO. You did not bring it to the attention of Secretary Mellon?

Mr. JOHNSON of South Dakota. I did not. I brought it to the attention of the Department of Justice, where I think it ought to have gone.

Mr. WINGO. Does the gentleman have information upon which he can pass a conclusion that there are millions of duplicate bonds printed?

Mr. JOHNSON of South Dakota. I will say to the gentleman that I took down seven typewritten sheets, single space, of numbers of duplicate bonds, and some bonds running 100,000 higher than the bonds issued. There is no man who can tell how many were issued.

Mr. WINGO. The gentleman was furnished a list of them. Has not the gentleman conducted an investigation, or anyone for him, to see whether there was any truth in the allegation?

Mr. JOHNSON of South Dakota. I will say to the gentleman I am satisfied there is truth in it, because I remember at one time it was shown conclusively that a colored taxicab driver in Washington was discovered down in front of the New Willard with 31 $1,000 duplicate bonds, and he was discharged from custody in four days. I will say to the gentleman that I submitted a list of seven pages of duplicate bonds.

Mr. WINGO. What did Mr. Mellon say to the gentleman?

Mr. JOHNSON of South Dakota. I have never discussed it with him. The first notice was given to the administration when Mr. Wilson was in power, and Mr. McCarter was compelled to leave the service because he was bringing this to the attention of the administration with which he was affiliated.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. STEVENSON. I will yield one more minute to the gentleman. I want to ask him a question.

Mr. JOHNSON of South Dakota. I yield.

Mr. STEVENSON. Has the gentleman any information as to what the check up that has just been had at the Bureau of Engraving and Printing, with a view to those things, has divulged?

Mr. JOHNSON of South Dakota. I have no information as to that. That has not been a part of my duties. I will say to the gentleman that my investigation, which was of an independent character, and which not only produced some of the facts which no one denied, came from another branch of the Government, and the exact part in detail which individuals have had in this I am not able to tell the gentleman.

Mr. STEVENSON. Has not the gentleman seen the statement purporting to come from Mr. Mellon that the check up has shown that there was absolutely nothing wrong down there?

Mr. JOHNSON of South Dakota. I will say to the gentleman I do not assume any responsibility for any of the statements made by the Secretary of the Treasury or anyone else.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. STEVENSON. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. WINGO. Mr. Chairman, I take it that no Member of Congress would be so reckless of the public welfare as to stifle the facts with reference to any matter that involves the public credit or instruments of the Government in the hands of citizens and banks and trust companies throughout the country. While the present Secretary of the Treasury belongs to a different political party from that to which I belong, I do not believe he is going to tell the country a falsehood, and when he said a few days ago that there was nothing in the statements that were sent broadcast that hundreds of millions of duplicate United States bonds had been issued and which could have nothing but a bad effect on the credit of the United States and bring uneasiness to investors and banks and holders of trust funds that might hold the bonds of the United States—I say that when Secretary Mellon said that these wild, reckless statements were false, I believe that Secretary Mellon spoke with knowledge of the facts and that he would not deny it if it were true, but that the man certainly would take the American people into his confidence and say so if it were true.

These statements are flying around here, and the gentleman from South Dakota [Mr. JOHNSON] repeats them and said he advised somebody a year or two ago. It is not a question of partisanship. If a Democratic administration suppressed it, I would denounce it. The charge is made that both Democratic and Republican Secretaries of the Treasury and heads of the Department of Justice suppressed a knowledge of the existence of hundreds of millions of dollars' worth of duplicate bonds. I would not believe it of a Republican administration any more than I would believe it of a Democratic administration.

If it is true, and you are going to continue to bandy that thing in the public press and in this RECORD here, you owe it to your party and the country to have an immediate investigation. If it be true, let us find out what the numbers and amounts of these bonds are. Let the banks and the holders of these spurious bonds know it. If it is not true, let us allay the suspicion and the uneasiness which must continue as long as disappointed office seekers bandy it around in the public press. The Secretary of the Treasury denies it. That is sufficient as against statements of irresponsible persons. But when a Member of Congress stands on this floor and says that he got this information from a man who ought to know, and incidentally charges the administration with suppressing the facts, that will breed uneasiness throughout the country, and I do not believe the gentleman ought to make the statement unless he can back it up with proof. But if it is true and the executive departments are suppressing the facts, then Congress ought to act swiftly and have an investigation and disclose the truth to the public.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. MOORE of Virginia. If the statements to this effect are bandied about the country continually, does not the gentleman think the Congress owes it to the country to conduct such an investigation as I proposed in a resolution which I introduced a few days ago and which is now sleeping in the Committee on Rules, a resolution relative to the removal of employees from the Bureau of Engraving and Printing?

Mr. WINGO. Yes. I realize that irresponsible people are running around and making statements, and that the Secretary of the Treasury says it is a lie. But here is a Member of Congress who stands up and says a Register of the Treasury furnished information sustaining the charge and that it was suppressed. He admits that he never brought it to the attention of Secretary Mellon, but took it to the Department of Justice. That carries a reflection on Secretary Mellon. He goes to the Department of Justice. This Member says he saw a list of the numbers of these duplicate bonds, and leads us to believe that the charge is true and can be sustained by available proof.

Gentlemen, do not misunderstand me. I want to reiterate the fact that I have confidence in Secretary Mellon telling the truth about it. I think an investigation will show that he did not lie to the people of the country. But I think we owe it to the Treasury and to the people who own the bonds throughout the country; we owe it to them to investigate this matter and set it at rest once for all. Let us find out about the bonds and find out whether or not it is true. If it is not true, let us brand the statements as false and allay the suspense and uneasiness that must affect the minds of the people. [Applause.]

Mr. KIESS. Mr. Chairman, I want to say a word before the bill is read. As a member of the Joint Committee on Printing and of the House Committee on Printing for 10 years, I submit it is not wise for Congress to give up the control it now has over printing. In other words, while it may be advisable to amend this bill as reported by the committee in some way, I do not want to see legislation passed that will take away from the Joint Committee on Printing its control over the Government printing. The fact that the legislation passed in 1919 by an amendment to the sundry civil bill made it possible for the Joint Committee on Printing to reduce the number of unnecessary publications from 266 to less than 40, saving the Government over $2,000,000 a year in printing, is certainly the best proof that the Joint Committee on Printing has been doing good work.

When these publications were stopped by act of Congress on December 1 there was considerable criticism, and many persons appealed to the Joint Committee on Printing, thinking that it was by its action that the publications were arbitrarily discontinued. The fact, of course, remains that it was done by act of Congress, and the Joint Committee on Printing had no power to continue the unauthorized publications beyond that date.

That is the reason why we are coming before Congress with a measure which will provide some means for continuing the publications which, in the judgment of the heads of the departments and of Members of Congress, should be continued. I think it is only fair that this statement should be made, because there has been more or less misunderstanding as to the discontinuance of these publications on December 1. It was due entirely to the act of Congress, and not to the action of the Joint Committee on Printing.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved, etc., That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, amended to read as follows:

"That hereafter no journal, magazine, periodical, or similar Government publication shall be published, issued, or discontinued by any branch or officer of the Government service unless the same shall have been authorized under such rules and regulations as shall be prescribed by the Joint Committee on Printing, and such publications shall not contain any commercial advertisements."

With the following committee amendment:

Strike out all after the word "follows" in line 5, page 1, and insert in lieu thereof the following:

SEC. 3. That the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary to conduct the ordinary routine business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for official business, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but such printing shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government.

The CHAIRMAN. The question is on the committee amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I have three perfecting amendments, which I will state to the Members so that they can all be understood together.

Mr. WALSH. Let them be reported first.

Mr. JOHNSON of Washington. I will ask to have the Clerk read them, for information.

Mr. WALSH. Offer them.

Mr. JOHNSON of Washington. They will not all be in order to be offered at once.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

First amendment offered by Mr. JOHNSON of Washington: Page 1, strike out all of lines 3, 4, and 5.

Second amendment offered by Mr. JOHNSON of Washington: Page 2, line 6, strike out the quotation marks and the words "section 3" and insert after the word "that" the word "hereafter."

Third amendment offered by Mr. JOHNSON of Washington: Page 3, line 2, after the word "government," strike out the quotation marks and add a new section as follows:

"SEC. 2. That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, repealed."

Mr. JOHNSON of Washington. Mr. Chairman, I think the three amendments read together will be understood by the Members.

The CHAIRMAN. If the gentleman from Washington will permit, the Chair holds that the first amendment is pending and that the other two were read for information.

Mr. JOHNSON of Washington. I thank the Chairman. That was my intention. I think that if the three are read together it will be clear that the intent is to change this from an amendment to the sundry civil appropriation act for a certain year and to make it an independent act, and then repeal the legislation which was a rider in the appropriation act.

The only other change is on page 2, in line 6, the introduction of the word "hereafter," so that it will read:

That hereafter the head of any executive department—

And so forth. I ask for a vote on the first amendment.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. The first and second amendments make this an independent act of Congress, and do not affect the sundry civil act at all. Later the gentleman strikes out that provision that is in the sundry civil act, so that this will be the independent law.

Mr. JOHNSON of Washington. That is it, exactly.

Mr. WALSH. Dealing with these publications.

Mr. JOHNSON of Washington. And repealing a certain section of the sundry civil act and letting it stand on its own.

I ask for a vote on my first amendment.

The CHAIRMAN. Without objection, the question will now be taken on the first amendment offered by the gentleman from Washington [Mr. JOHNSON], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 1, strike out all of lines 3, 4, and 5.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the second amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 2, line 6, strike out the quotation marks and the words "section 3," and insert after the word "that" the word "hereafter."

The amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment.

Mr. WALSH. I offer the following amendment:

Page 2, line 24, after the word "such," at the end of the line, insert the word "additional."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 24, after the word "such," at the end of the line, insert the word "additional."

Mr. CABLE. Mr. Chairman, I offer a substitute amendment.

The CHAIRMAN. The gentleman from Ohio offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. CABLE for the amendment offered by Mr. WALSH: Page 2, lines 24 and 25, after the word "but," strike out "such printing" and insert the words "the printing of such additional copies."

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that that is an amendment in third degree. This is a committee amendment, and the gentleman from Washington has offered an amendment to the committee amendment. The gentleman from Ohio has offered an amendment by way of a substitute, not to the committee amendment but for the Johnson amendment.

Mr. JOHNSON of Washington. That is not the intention.

Mr. WALSH. I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. CABLE. Now, Mr. Chairman, I again offer my amendment.

The CHAIRMAN. The gentleman from Ohio offers his amendment as an amendment to the committee amendment. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 2, line 24, after the word "but," strike out the words "such printing," and insert in lieu thereof the words "the printing of such additional copies."

Mr. KIESS. Mr. Chairman, the committee are very glad to accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CABLE].

The amendment of Mr. CABLE was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 2, line 13, insert the word "properly" as the first word in line 13; page 2, line 13, strike out the words "routine business," and in lieu thereof insert the word "activities"; page 2, line 16, strike out the words "official business" and in lieu thereof insert the words "such official activities."

Mr. WALSH. Will the gentleman from Michigan yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. WALSH. Does the gentleman have any objection in the second part of his amendment, where he strikes out the "routine business" and inserts the word "activities," to inserting after the word "ordinary" the words "and official," so it will read "and official activities"? There are a lot of activities of the department that are not official business and not authorized by law. Let it read "ordinary official activities required by law of such departments."

Mr. McLAUGHLIN of Michigan. I will say in answer to that that I do not think the suggestion of the gentleman from Massachusetts would improve it. Official activities might be construed as limiting the work to the offices of the Department of Agriculture, whereas some activities are going on in a somewhat official way and some in an informal way all over the country; the department is cooperating with a number of individuals and associations, some of them their officials, some of them not their officials, men engaged in investigation and experiment, and when they learn anything of value they report it and the department publishes it throughout the country. I do not know whether to put in the word "official" would limit the department to publishing the results of investigations or not. They are proper activities in the line of proper work of the de-

partment, which, under the enabling act, is to study agriculture and disseminate information in the broadest possible manner.

Mr. WALSH. This applies to other departments than the Department of Agriculture, and you will open the door to them to continue the practice which resulted in their elimination. I am not offering this in any spirit of antagonism to the Department of Agriculture or to hamper their work, but only to indicate that this printing and publication must be of their official work and not permit them to print press releases of social activities of functions such as we have had called to our attention, and not permit the Shipping Board to engage in the publication of ship bulletins at $1 a copy for the benefit of a few shipping folks up in the city of New York.

Mr. JOHNSON of Washington. I would like to suggest that I think the accidental omission of the word "and" in line 13 by the printer has brought about confusion and has caused those interested in the various magazines to offer these amendments. I suggest that we do not go so far afield. If you put in the word "and" where it belongs, you will solve the problem. I think it would be a mistake to put in the word "activities," whereas in the law which governs the Printing Office you have this provision:

Money appropriated under the foregoing allotments shall not be expended for printing or binding for any of the executive departments or other Government establishments, except as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive departments or Government establishments, and except such reports, monographs, bulletins, or other publications as are authorized by law or specifically provided for in appropriations herein.

Now the two should be together.

Mr. ANDERSON. The distinction is named between publications necessary for publication and publications incident to the real activities of the department.

Mr. JOHNSON of Washington. Would not the routine business cover that?

Mr. ANDERSON. Evidently not. It refers to the reports and bulletins which are distinct from the ordinary routine business of the department. It refers to the printing necessary for the business activities as distinct from the ordinary publications.

Mr. JOHNSON of Washington. Let me read the balance of this provision:

All other printing required or deemed necessary or desirable by heads of executive departments or other Government establishments or offices or bureaus thereof shall be done only as Congress shall from time to time authorize.

The whole trouble has been when we use the word "printing" with reference to ledgers and envelopes, the chiefs of the bureaus read it to mean newspapers and other publications. We have gone as far as we can go. I do not like to use the word "activities," because that is the word that came in and we might again have the "Rose garden" of publications up again in every bureau and on every side.

Mr. McLAUGHLIN of Michigan. I am as much opposed as is the gentleman from Washington to issuing unnecessary publications by the Department of Agriculture or any other department of the Government, but the work of the Department of Agriculture is peculiar to itself. Now, in relation to the suggestion made by the gentleman from Massachusetts, I think the language that I offer is far better. I think it is properly protected by the few words that follow: "The ordinary activities required by law of such departments." That would limit them to official activities, and it would not be necessary to put in the word "official." I suggest that the amendment I offer be adopted just as it was offered and not as modified by the suggestion of the gentleman from Massachusetts or the gentleman from Washington.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I have another amendment which I desire to offer. Page 2, line 11, strike out the words "journals, magazines, periodicals, and similar" and insert in lieu thereof the word "such," so that it would read:

for the printing of such publications.

Mr. WALSH. Mr. Chairman, I make the point of order that there is no quorum present. If these agriculturists are going to entirely divert the bill from what was originally intended, I think there should be a quorum present.

Mr. JOHNSON of Washington. Would it not be better to recommit the bill?

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. WALSH. But, Mr. Chairman, I make the point of order that there is no quorum present.

Mr. JOHNSON of Washington. Mr. Chairman, I move that the committee do now rise.

The motion was rejected.

Mr. LONDON. Mr. Chairman, I call for a division on the motion of the gentleman from Washington.

The CHAIRMAN. The gentleman's request comes too late. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count.

Mr. WALSH. [Interrupting the count.] Mr. Chairman, I withdraw the point of order that there is no quorum present.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I withdraw the amendment which I offered.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 3, line 2, after the word "government," strike out the quotation marks and add a new section, as follows:

"SEC. 2. That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, repealed."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The amendment was agreed to.

Mr. KIESS. Mr. Chairman, I move that the committee do now rise and report the joint resolution back to the House with the amendments, with the recommendation that the amendments be agreed to and that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate Joint Resolution 132 and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the resolution as amended be agreed to.

Mr. KIESS. Mr. Speaker, I move the previous question on the resolution and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and agreed to.

The title was amended so as to read: "Joint resolution to authorize the printing of journals, magazines, periodicals, and similar publications, and for other purposes."

On motion of Mr. KIESS, a motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SUTHERLAND (at the request of Mr. CURRY), until June 1, on account of important business.

To Mr. WURZBACH, for 10 days, on account of important business.

To Mr. MCFADDEN, for three days, on account of important business.

To Mr. REECE, indefinitely, on account of important business.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7272. An act for the relief of Monroe B. Shealy.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1059. An act for the relief of J. B. Waterman;

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 531. An act for the relief of Ivy L. Merrill; to the Committee on Claims.

S. 3505. An act in reference to the summoning of grand juries in the District of Columbia; to the Committee on the Judiciary.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KIESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 5 minutes p. m.), in accordance with the order heretofore adopted, the House adjourned until Friday, April 28, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

596. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a letter relating to certain amounts of appropriations resulting from the suspension or termination of contracts and requesting a further extension of time for settlement thereof (H. Doc. No. 292) was taken from the Speaker's table and referred to the Committees on Appropriations and Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GRAHAM of Pennsylvania: Committee on the Judiciary. S. 775. An act to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; with an amendment (Rept. No. 931). Referred to the Committee of the Whole House on the state of the Union.

Mr. BARBOUR: Committee on the Public Lands. H. R. 10767. A bill to exempt from cancellation certain desert-land entries in San Bernardino County, Calif.; without amendment (Rept. No. 932). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHANDLER: Committee on Ways and Means. H. R. 10877. A bill to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue; without amendment (Rept. No. 933). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court Reports and amending sections 225, 226, 227, and 228 of the Judicial Code; to the Committee on the Judiciary.

By Mr. TAYLOR of New Jersey: A bill (H. R. 11451) for the purchase of a site for and the erection of a post-office building at Bloomfield, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. DENISON: A bill (H. R. 11452) to appropriate $1,000,000 for the purchase of seed grain and live stock to be supplied to farmers in overflowed areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. HAMMER: A bill (H. R. 11453) to incorporate the Washington Rapid Transit Co.; to the Committee on the District of Columbia.

By Mr. WEAVER: Resolution (H. Res. 334) relating to pay of E. J. Hill and Marion L. Overby, clerks of the late S. M. Brinson, a Representative in Congress; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 11454) for the relief of W. H. De Long; to the Committee on Claims.

By Mr. DUNBAR: A bill (H. R. 11455) granting a pension to Katie Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11456) granting a pension to Lucina Heath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11457) granting a pension to Laura Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11458) granting a pension to Emma W. Pohimann; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 11459) granting an increase of pension to Louisa N. Noyes; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 11460) granting a pension to George D. Helwig; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 11461) for the relief of John Megrath; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 11462) granting an increase of pension to Elizabeth F. Hampton; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 11463) granting an increase of pension to Fredonia Williams; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 11464) granting an increase of pension to Haywood G. Lewis; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 11465) granting a pension to Thomas A. Brassfield; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 11466) granting an increase of pension to Mary L. Cornell; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11467) for the relief of F. J. Belcher, jr., trustee for Ed Fletcher; to the Committee on Claims.

Also, a bill (H. R. 11468) granting a pension to Henry E. Rubendall; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 11469) granting an increase of pension to George Gorham; to the Committee on Pensions.

Also, a bill (H. R. 11470) granting an increase of pension to Michael Sullivan; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5299. By Mr. BARBOUR: Petition of residents of Kings and Fresno Counties, Calif., protesting against the enactment of House bills 9753 and 4388 or Senate bill 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5300. By Mr. CARTER: Resolutions adopted by the Presbytery of McAlester and the Presbytery of Kiamichi, Okla., urging the passage of Senate Joint Resolution 31 and House Joint Resolution 131; to the Committee on the Judiciary.

5301. By Mr. CRAGO: Resolutions adopted by the International Association of Machinists, Lodge No. 159, of Philadelphia, Pa., indorsing House bill 10967; to the Committee on Naval Affairs.

5302. By Mr. FENN: Petition of citizens of New Britain, Conn., by George L. Gans, declaring its sympathy with Zionist aims in Palestine; to the Committee on Foreign Affairs.

5303. By Mr. FULLER: Petition of the Glidden Co., of Chicago, Ill., favoring House bill 10159, to further protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on Interstate and Foreign Commerce.

5304. Also, petition of E. E. Stevenson, president of the La Salle County (Ill.) Farm Bureau, favoring a tariff duty on blackstrap molasses; to the Committee on Ways and Means.

5305. By Mr. GALLIVAN: petition of Old Colony Division, No. 312, Brotherhood of Locomotive Engineers, urging the passage of House bill 10798; to the Committee on Interstate and Foreign Commerce.

5306. By Mr. KAHN: Resolution adopted by the council of the city of Alameda, Calif., urging the passage of House bill 10212; to the Committee on the Judiciary.

5307. Also, petition of 89 residents of California, urging the passage of the Sterling-Towner educational bill; to the Committee on Education.

5308. By Mr. KELLEY of Michigan: Petition of the Presbytery of Lansing, Mich., favoring legislation for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5309. By Mr. KISSEL: Petition of Lawrence W. Luellen, of New York, N. Y., relative to Senate bill 3410, and urging its passage; to the Committee on Patents.

5310. Also, petition of Pearl & Co., of New York, N. Y., relative to tariff on imported sugars; to the Committee on Ways and Means.

5311. By Mr. MAPES: Petition of George Mattison and others of Grand Rapids, Mich., against the passage of House bill 9753 and similar measures; to the Committee on the District of Columbia.

5312. By Mr. NEWTON of Missouri: Petition signed by 210 citizens of St. Louis, Mo., protesting against the passage of any bills providing for the enforcement of the observance of any religious institution, and so forth; to the Committee on the District of Columbia.

5313. By Mr. RADCLIFFE: Resolution of Board of Commissioners of the city of Bayonne, N. J., indorsing House bill 10202; to the Committee on the Judiciary.

5314. By Mr. RAKER: Resolution No. 477, of the council of the city of Alameda, Calif., indorsing House bill 10212, introduced by Congressman Bacharach; to the Committee on the Judiciary.

5315. Also, petition of the International Brotherhood of Locomotive Engineers, Division No. 415, of Roseville, Calif., indorsing and urging the passage of House bill 6432; also petition of Burnside Post, No. 188, Grand Army of the Republic, Department of California and Nevada, relative to the Morgan bill; to the Committee on Military Affairs.

5316. Also, petition of the Reedley Chamber of Commerce, of Reedley, Calif., indorsing and urging the passage of the soldiers' bonus bill in its present form; to the Committee on Ways and Means.

5317. By Mr. SWING: Petition of various residents of Imperial County, Calif., advocating the passage of the Towner-Sterling bills (H. R. 7 and S. 1252); to the Committee on Education.

5318. By Mr. WOODYARD: Memorial of Huntington Lodge, No. 104, International Association of Machinists, of Huntington, W. Va., favoring the enactment of House bill 10967, by Mr. Hull of Iowa; to the Committee on Naval Affairs.

5319. By Mr. YATES: Petition of the Union League Club of Chicago, protesting against the proposed reduction of the Army and Navy; to the Committee on Appropriations.

SENATE.

THURSDAY, *April 27, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

DEDICATION OF MEMORIAL TO GENERAL GRANT.

Mr. McCUMBER. Mr. President, to-day is the one hundredth anniversary of the birth of General Grant. A great many of the Senators are desirous of joining the exercises in honor of the occasion. I think under the circumstances, even though we are greatly pressed with business, that the Senate ought to take a recess to-day. It is my hope that we can do that in a short time. If Senators desire to have any morning business transacted, we can proceed with that, and then, when we complete our routine business for to-day, I shall move that the Senate take a recess until to-morrow at 12 o'clock.

Mr. KING. Mr. President, may I inquire of the Senator whether anything aside from morning business will be transacted this morning?

Mr. McCUMBER. My expectation is to move for a recess immediately after Senators present such matters as they may have to submit in the way of morning business.

Mr. WATSON of Georgia. Mr. President, coming from the South, as I do, I wish now and here, by unanimous consent, to pay my tribute and that of the South to the memory of the great soldier who at Appomattox refused to accept in surrender the purest of human swords—that of Robert E. Lee. In behalf of the great section whose army of northern Virginia Theodore Roosevelt said was the greatest that ever took the field, I wish to say that we honor General Grant and we love him, because at the surrender he was so kind, so magnanimous, as to say to the ragged and starving Confederate soldiers: "Take your horses home; you will need them in planting your crops."

Had General Grant been President after Mr. Lincoln, we never would have had the agony of reconstruction and the bitterness that followed the Civil War.

I see him on that monument, which is to be unveiled to-day and which I think is one of the sublimest conceptions of the human brain, and I feel like lifting my hat every time I pass it. My heart swells, and I am proud that our reunited country produced this great captain and that his family lived side by side with mine in the old country—his just above the Scotch border and mine just below—and that the clans never had a feud.

We of southern blood and memories bear in mind that, when the administration which followed that of Mr. Lincoln threatened to arrest the paroled Confederate officers, General Grant virtually put his hand on his sword and said to the President, in effect: "You shall not do it. My honor is pledged; I signed those paroles."

And the President of the United States dared not violate the pledged word of General Grant.

After the war I see him with a cancer eating out his life. He knew he was doomed, and yet he put his pen to paper and, with that fortitude which marked George Washington and Frederick the Great, I see him writing those immortal "Memoirs" which, it is said, were equaled only by those of Cæsar. Having read them myself and having read Cæsar, I quite agree that the tribute was deserved.

He was a great man, a big-hearted man, a great general whose sword had no poison on it; who conquered, but who, in the very moment of his victory, acknowledged the sincerity of those who fought him and gave them generous terms, forgave them and loved them. He wanted to bring us all back into a brotherly Union, when he said, amid the torment and tempest of passion: "Let us have peace! *Let us have peace!* LET US HAVE PEACE!"

Without irreverence, may I liken his words to those of the Galilean when He spoke to the turbulent waves of the wind-swept sea and commanded: "*Peace, be still!*"

In the one case, as in the other, the danger passed and the waves sank down.

Mr. McCUMBER. Mr. President, it is always a pleasure to receive such evidences of a united country, and to receive from men of the South such a tribute to the great leader of the national forces. I think we can justly say that for many long years there has been no bitterness between any sections of the United States growing out of the Civil War; that we all feel that we have to-day but one flag, but one country, and we honor the great heroes who fought on both sides in that great conflict.

Mr. KING. Mr. President, may I be permitted in behalf of the minority to express their appreciation of the action of the distinguished Senator from North Dakota in moving the recess of the Senate in honor of the one hundredth anniversary of the birth of General Grant? It is altogether fitting that we should pause in the labors of this day and pay tribute to one who made such rich contribution to the cause of a united and enduring Republic. The skies above this Republic are studded with brilliant stars whose brightness will never fade, and whose glory will forever illume the pathway of our Nation. Ulysses S. Grant is in this immortal galaxy. His mighty achievements upon sanguinary battle fields of our country give him enduring fame as a military commander. Students of the strategy of war recognize his mighty genius, and acclaim him not only as a serene, tenacious, and courageous warrior, but as a technician in the art of war, which places him in the front rank of the military heroes of the world.

In the political field he won the highest honors, and in his private life he left a record to guide patriotic Americans who come after him.

Thousands of gallant soldiers who wore the blue and the gray will, on this notable day, recall the genius, the greatness, the patience, the gentleness, the chivalry, and the high and undying service of this great American; there will be no North and no South, but a deep and abiding spirit of unity and nationalism will bind all of our countrymen together. This great American will be regarded with love and affection in every section of our broad land, and held as a part of the rich inheritance of the past which has entered into the lives of the American people, and all will feel that he constitutes forever a part of that patrimony which lifts this Republic to the heights of moral and spiritual power and crowns it with world leadership. This day will bring inspiration and courage to all true Americans, and upon the morrow, with high resolve, they will go forth consecrating themselves and their lives to the preservation of this Republic and the establishment of peace and justice and righteousness in all the world.

PETITIONS.

Mr. WILLIS presented petitions of D. H. Swinton and sundry other citizens of Toledo and Columbus, in the State of Ohio, praying for inclusion in the tariff bill of a duty upon stained and painted glass windows, which were ordered to lie on the table.

ADMISSION OF WILLEM VAN DOORN TO NAVAL ACADEMY.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the joint resolution (S. J. Res. 169) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands, reported it without amendment and submitted a report (No. 644) thereon.

BILL INTRODUCED.

Mr. NORRIS introduced a bill (S. 3518) to promote the sale of pure seeds, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

TARIFF BILL AMENDMENTS.

Mr. BROUSSARD submitted an amendment and Mr. LADD submitted two amendments, intended to be proposed by them to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

RECLAMATION LAW FOR IRRIGATION DISTRICTS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. JONES of Washington, and Mr. SHEPPARD conferees on the part of the Senate.

RECESS.

Mr. McCUMBER. Mr. President, that we may do honor to the name and the services of our great war hero, I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was unanimously agreed to; and the Senate (at 12 o'clock and 12 minutes p. m.) took a recess until to-morrow, Friday, April 28, 1922, at 12 o'clock meridian.

SENATE.

FRIDAY, *April 28, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Heflin	Nelson	Sheppard
Borah	Jones, Wash.	Newberry	Simmons
Bursum	Kendrick	Norbeck	Smoot
Capper	Keyes	Norris	Townsend
Culberson	Ladd	Oddie	Wadsworth
Curtis	La Follette	Overman	Walsh, Mass.
Hale	Lenroot	Page	Walsh, Mont.
Harreld	Lodge	Phipps	Warren
Harris	McCumber	Pittman	
Harrison	McKinley	Poindexter	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. HARRIS. My colleague [Mr. WATSON of Georgia] is absent on account of illness.

The VICE PRESIDENT. Thirty-eight Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The Assistant Secretary called the names of the absent Senators.

Mr. McNARY answered to his name when called.

The following Senators entered the Chamber and answered to their names:

Calder	Edge	Frelinghuysen	Sutherland
Colt			

The VICE PRESIDENT. Forty-four Senators have answered to their names. A quorum is not present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Brandegee	Glass	King	Sterling
Broussard	Gooding	Ransdell	Swanson
Caraway	Ernst	Shortridge	Watson, Ind.
Dillingham	Hitchcock	Spencer	
Gerry	Kellogg	Stanley	

The VICE PRESIDENT. Sixty-two Senators having answered to their names, there is a quorum present.

Mr. McCUMBER. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site, in which it requested the concurrence of the Senate.

PETITIONS.

The VICE PRESIDENT laid before the Senate a resolution adopted by the board of direction, American Society of Civil Engineers, favoring investigation of the pollution of waters by industries and the review of legislation to determine what, if any, laws may be required to remedy the evil, which was referred to the Committee on Commerce.

Mr. LODGE presented resolutions and telegrams in the nature of petitions of the Sisterhood, Temple Emanuel of Lawrence, Mass.; House of Israel Congregation, Simon Cohen, president, Sharon, Pa.; Sharon Zionist Organization, Maurice Schloss, chairman of the executive committee, Sharon, Pa.; Congregation Sharey Tora, Myer Greenblatt, president, Sharon, Pa.; Western Star Lodge, Max Adler, president, Sharon, Pa.; Petatch Pikvoh Congregation and the Ladies' Auxiliary Petatch Pikvoh, of Baltimore, Md.; the Home of Daughters of Jacob of the Bronx, Mrs. A. J. Dworsky, president, of New York City; teachers of Newark Hebrew schools, Chenitz, secretary, of Newark, N. J., praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for the Jewish People, which were referred to the Committee on Foreign Relations.

Mr. LADD presented resolutions adopted at a meeting of members of Cooperative Marketing Agencies, at Fargo, N. Dak., which were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolved, That we, the members of Cooperative Marketing Agencies designed for the purpose of selling farm products with the minimum of expense and maximum return to growers, fully appreciate the service rendered all agricultural interests by the War Finance Corporation under the direction of Eugene Meyer, jr., and further we believe that any agencies created by Congress during this session will not be able to function in time to furnish credit for marketing the crops of 1922: Now, therefore, we respectfully petition that the powers granted the War Finance Corporation be extended for one year or until such time as an agency is developed by the Government of the United States to perform the service now being rendered agricultural interests by the War Finance Corporation.

EQUITY COOPERATIVE EXCHANGE.
NORTH DAKOTA MEMBERS UNITED STATES GRAIN GROWERS.
NORTH DAKOTA WHEAT GROWERS' ASSOCIATION.
NORTHWEST WHEAT GROWERS.
THE FARMER.
DAKOTA FARMER.
FARM, STOCK, AND HOME.
NORTH DAKOTA FARM BUREAU FEDERATION.
NORTH DAKOTA AGRICULTURAL COLLEGE.

Whereas the flax crushers of the country are closing down on account of the flood of foreign oil now coming in under the present tariff of 10 cents a gallon, which is lowering flax prices below cost of production.

Whereas while the Fordney bill places an adequate tariff on linseed oil the time of passage of that act is very indefinite, it is the sense of this meeting that an amendment of the present emergency tariff act making the linseed-oil tariff the same as provided in the Fordney Act be passed without delay, so that farmers in the flax area will be in position to organize the farm operations for 1922.

Mr. TOWNSEND presented a resolution of the International Arbitration Association (incorporated in the State of Michigan), Woodbridge N. Ferris, president, favoring the enactment of legislation providing for a peace conference of the nations for the purpose of establishing an international republic, in accordance with a plan suggested by Homer L. Boyle, of Lansing, Mich., and indorsed by Alex J. Groesbeck, governor of Michigan, and sundry other citizens, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of the Manhattan (Kans.) Rotary Club, praying for the enactment of legislation to control the traffic in narcotic drugs, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Concordia Presbytery, at Manhattan, Kans., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Concordia Presbytery, at Manhattan, Kans., favoring the enactment of

legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Concordia Presbytery, at Manhattan, Kans., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. HARRISON presented the following concurrent resolution of the Legislature of Mississippi, which was referred to the Committee on Commerce:

House Concurrent Resolution 61.

A concurrent resolution memorializing Congress to appoint a special committee to inspect and investigate the conditions in the territory from Brunswick, Miss., to Baton Rouge, La., on the east bank of the Mississippi River, during the prevalence of the present high water.

Whereas the territory from Brunswick, Miss., to Baton Rouge, La., on the east bank of the Mississippi River, is subject to inundation each year from the waters of the Mississippi River; and

Whereas the situation is at present pathetic and distressing and the people in said territory have not in the past been considered in the granting of relief or redress, while other sections on said river are enjoying great benefits by allotments of the appropriations made by Congress; and

Whereas we do not believe that it is the intention of Congress to neglect said territory or to discriminate against the same in its allotments of appropriations for expenditure by the Mississippi River Commission: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and is hereby, memorialized to appoint a special committee or commission to inspect said territory during the present inundation and to investigate the conditions thereof, whereby proper allotments of the appropriation might be made for the benefit thereof.

Approved by the house of representatives April 3, 1922.

Approved by the senate April 3, 1922.

—

I, Joseph W. Power, secretary of state of the State of Mississippi, do hereby certify that the within and attached copy of House Concurrent Resolution No. 61 is a true and correct copy of the original resolution as the same appears of record in this office.

Given under my hand and seal of office this the 15th day of April, A. D. 1922.

[SEAL.] JOS. W. POWER,
Secretary of State.

OPERATIONS OF EMERGENCY TARIFF ACT.

Mr. McCUMBER. Mr. President, I ask unanimous consent to report back favorably with an amendment Senate Resolution 284, and, as there will be no debate upon the resolution, I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The Assistant Secretary read the resolution (S. Res. 284), which had been submitted by Mr. HARRISON on the 25th instant, as follows:

Resolved, That the United States Tariff Commission be, and it is hereby, directed to transmit to the Senate, at the earliest practicable date, such facts and findings as it may have in its possession from a study and investigation of the operations and results of the rates carried in the emergency tariff act approved May 27, 1921, and as extended by the act approved November 16, 1921.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 3, after the word "facts," to strike out the words "and findings."

Mr. HARRISON. Mr. President, I merely desire to express my gratification at the promptness with which the committee have reported this resolution, and, through its chairman, have asked for its immediate consideration. The amendment to the resolution reported by the committee does not, in my opinion, affect it materially at all.

The amendment was agreed to.

The resolution as amended was agreed to.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3248) to provide for the issuing of a patent to Richard Murphy for a certain tract of land in what is known as the Big Pasture of Oklahoma and upon which he has made full payment of purchase price (Rept. No. 645);

A bill (H. R. 70) to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes (Rept. No. 646);

A bill (H. R. 7109) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes (Rept. No. 647);

A bill (H. R. 7598) authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif. (Rept. No. 648);

A bill (H. R. 8675) to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park (Rept. No. 649);

A bill (H. R. 9499) to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands (Rept. No. 650); and

A bill (H. R. 10443) to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States (Rept. No. 651).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3154) for the relief of C. M. Reives (Rept. No. 652); and

A bill (S. 3235) validating certain applications for and entries of public lands (Rept. No. 653).

Mr. POINDEXTER, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3103) to amend section 2294, United States Revised Statutes, relating to homesteads (Rept. No. 654);

A bill (H. R. 5684) to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916 (Rept. No. 655);

A bill (H. R. 6817) to authorize the Secretary of the Interior to issue patent to the State of Michigan, in trust, of a certain described tract of land to be used as a game refuge (Rept. No. 656);

A bill (H. R. 7862) authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La. (Rept. No. 657);

A bill (H. R. 8358) for the relief of Israel Butts (Rept. No. 658);

A bill (H. R. 9495) for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects (Rept. No. 659); and

A bill (H. R. 10461) to add certain lands to the Siskiyou National Forest in Oregon (Rept. No. 660).

Mr. POINDEXTER, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7812) to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz., reported it with an amendment and submitted a report (No. 661) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3345) changing the name of Keokuk Street in the county of Washington, D. C., to Military Road (Rept. No. 662);

A bill (S. 3448) to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co. (Rept. No. 663); and

A bill (S. 3483) to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes (Rept. No. 664).

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 2083) to regulate the practice of undertaking and embalming in the District of Columbia, and to safeguard the public health, reported it with amendments and submitted a report (No. 665) thereon.

Mr. LADD, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6323) for the relief of Frank M. Stewart (Rept. No. 666);

A bill (H. R. 8119) for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States (Rept. No. 667); and

A bill (H. R. 10554) authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes (Rept. No. 668).

Mr. LADD, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 3123) to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended (Rept. No. 669); and

A bill (H. R. 9275) for the relief of Frances Kelly (Rept. No. 670).

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3332) to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions (Rept. No. 671);

A bill (H. R. 7968) granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes (Rept. No. 672); and

A bill (H. R. 10007) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876 (Rept. No. 673).

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, reported it with an amendment and submitted a report (No. 674) thereon.

Mr. BROUSSARD, from the Committee on Claims, to which was referred the bill (S. 2467) to provide relief for the victims of the airplane accident at Langin Field, reported it without amendment and submitted a report (No. 675) thereon.

He also, from the same committee, to which was referred the bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga., reported it with amendments and submitted a report (No. 676) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURSUM:

A bill (S. 3519) defining the rights of the Mescalero Apache Indians in the Mescalero Indian Reservation, providing for an allotment of certain lands therein in severalty to the Mescalero Apache Indians, and creating and defining the all-year national park; to the Committee on Indian Affairs.

By Mr. NELSON (by request):

A bill (S. 3520) to amend section 117 of the Judicial Code; to the Committee on the Judiciary.

By Mr. LADD:

A bill (S. 3521) to prohibit the transportation and sale of field seeds in packages not properly branded; to the Committee on Agriculture and Forestry.

By Mr. PITTMAN:

A bill (S. 3522) to extend for six months the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; to the Committee on Finance.

TARIFF BILL AMENDMENT.

Mr. LADD submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE.

Mr. SMOOT. House bill No. 463 was referred to the Committee on Patents. The bill relates entirely to public lands, the granting of a patent to Joseph Robicheau. I therefore move that the Committee on Patents be discharged from the further consideration of the bill and that it be referred to the Committee on Public Lands and Surveys.

The motion was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

The joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site was read twice by its title and referred to the Committee on the Library.

NAVAL OIL RESERVE LEASES.

Mr. LA FOLLETTE. Mr. President, on the calendar day of April 21 I submitted a resolution (S. Res. 282) calling upon the Secretary of the Interior for information with regard to the naval oil reserves. When I presented that resolution, sir, I asked that it be printed and that it lie upon the table subject to call. I am not able to call it up this morning, as the unfinished business, the tariff bill, is before the Senate; but I want to give notice now that as soon as I am able to call that resolution before the Senate I am going to avail myself of the right of the introducer of every resolution or bill to perfect it before it is submitted to a vote, and I shall make certain changes in it. As I desire to have those changes appear in the RECORD in connection with some remarks which I am going to submit at this time upon the resolution, I send to the Secretary's desk the resolution in the form in which, as I am now advised, I shall submit it to the Senate, and ask that it be read.

The VICE PRESIDENT. The Secretary will read the proposed modification of Senate Resolution 282, heretofore submitted by the Senator from Wisconsin.

The reading clerk read as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate:

(a) Copies of all oil leases made by the Department of the Interior within naval oil reserve No. 1, and, separately, naval oil reserve No. 2, both in the State of California, and naval oil reserve No. 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued, the name of the lessee, the date of the lease, the area of the leased property, the amount of the rent royalty, bonus, and all other compensation paid and to be paid to the United States.

(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

(c) All correspondence, papers, and files showing and concerning the applications for such leases and the action of the Department of the Interior and its bureaus thereon and upon all the several claims upon which such leases were based or issued, all in said naval reserves; be it further

Resolved, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to report its findings and recommendations to the Senate.

Mr. LA FOLLETTE. Mr. President, I wish to submit some observations upon the resolution in the form in which I have modified it this morning.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. May I inquire of the Senator what was the action of the Senate Committee on Finance as to a duty on petroleum in the tariff bill?

Mr. LA FOLLETTE. As the Senator will see from an examination of the tariff bill, no duty was placed upon the imports of this product.

I desire especially to refer to the condition in which the country finds itself with regard to the reservations of oil lands made for the protection of the Government in supplying oil as the source of motive power for the modern Navy of to-day.

It will be remembered by Senators that some years ago, beginning with the administration of President Taft, it was decided that oil-burning vessels were likely to displace coal-burning vessels in every navy that sought to keep abreast of the advanced policies of naval construction. As soon as that was understood by our Government, the head of the Navy Department sought information as to whether it would be possible, from the public lands owned by the Government, to supply the oil necessary for the vessels of the Navy. He was informed by the Secretary of the Interior of that time, on the authority of the Geological Survey, that there was an abundance of oil on the public domain. It was then determined that there should be a radical change in all naval construction, and that from that time on we should build oil-burning instead of coal-burning vessels.

As the next step in taking care of the public interests a plan was formulated, and urged upon the President, of withdrawing from sale or entry certain oil-producing lands, as indicated by investigations that had been made by the Geological Survey.

Mr. President, as a result of this understanding between the different departments of the Government certain lands known to contain oil were thereupon withdrawn from sale or public entry and were set apart as Government reservations, known as naval oil reservations Nos. 1 and 2, located in California, and No. 3, located in Wyoming.

It must be confessed, to our humiliation and our shame, that private interests, eager to profit out of the exploitation of any natural resource, at once sought to secure a foothold in these oil reserves that the Government had selected and set apart as a source of supply for the Navy. Under various subterfuges private entries were made upon these lands, and contests were raised as to whether the President had a right to make these reservations for the protection of our Navy, and out of these contests there grew up a controversy which developed into what I might say amounted to a national scandal.

The Navy Department tried to protect the naval reserves. Private interests, great oil companies, intruded upon these reserves, questioned the authority of the Government, through

an Executive order by the President, to withdraw them from public entry, and raised technicalities here and there to break down the authority under which the reservations had been made. It is the history of legislation touching this subject that there were men to be found in the Senate of the United States and in the House of Representatives to take the side of the private interests that had invaded these reservations to deprive this Government of the naval reserves that had been thus withdrawn in the public interest.

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I yield.

Mr. HARRELD. I am not sure that I am right, but my recollection is that the Executive order which set aside these naval reserves provided that they should be controlled by the Secretary of the Navy. I do remember that I called on the Secretary of the Navy once about some proposed leases, and at that time he told me that he had control of the situation. I would like to ask the Senator from Wisconsin how it comes that the Secretary of the Interior is now vested with authority to make these leases?

Mr. LA FOLLETTE. These naval reserves were under the authority and control of the Secretary of the Navy down to the time when there was a change of administration following the election of 1920.

Some time after the present administration came into control of the Government the public was informed that a movement was on foot to transfer from the Navy Department to the Interior Department the control of the naval oil reserves. The change of policy under the Harding administration goes much further than that. It involves the forests and it involves the coal lands.

I say now, and I sound it as a note of warning to my Republican colleagues, that we can not afford to permit a record to be made here which will parallel the record of Mr. Ballinger, Secretary of the Interior under the Taft administration.

Mr. President, all sorts of looting goes on in a Government as big as ours in spite of anything that can be done to prevent it. The most scandalous gouging of the public by private interests probably occurs during a war period, and the plunderers operate through the War Department. But, sir, in normal peace times the sluiceway for a large part of the corruption to which this Government of ours is subjected is the Department of the Interior. That department has been befouled under all administrations, in greater or less degree, by the corrupting influences which work through it to plunder our great heritage of public lands, of timber, of coal, of iron, of copper, of oil. All of the wealth deposited by the lavish hand of nature in the public domain belongs to the people of this Government, but it is raided by selfish special interests through the Interior Department.

Mr. KING. May I ask the Senator a question for information?

Mr. LA FOLLETTE. I yield.

Mr. KING. I am very much interested in the Senator's statement as to the change of policy with respect to these lands which were reserved for naval oil supplies. Have they been leased to some person connected with the Standard Oil, or one of its subsidiary organizations? Have there been any limitations in the terms of the lease as to the prices which should be charged? Are they to be the same monopolistic prices which now prevail in the United States? What are the terms?

Mr. LA FOLLETTE. I thank the Senator for bringing me back to the subject of my resolution.

Mr. KING. I hope the Senator will pardon me. I thought he was about to conclude, and I wanted an answer to those questions.

Mr. HARRELD. Mr. President, I think I can answer the question of the Senator from Utah. I think this lease has been given to a new organization known as the Mammoth Oil Co.

Mr. LA FOLLETTE. I am coming to that, Mr. President.

Mr. KING. I suggest that the Senator go on with the line he was following.

Mr. LA FOLLETTE. The throwing open of the naval reserves by leasing the lands to oil corporations by this administration came as a distinct shock to the country when it became known a few weeks ago after the transfer of the control of the naval oil reserves to the Interior Department, after they had been handed over by the consent of the Secretary of the Navy to the Secretary of the Interior. Following that the country was startled with the information that practically all the oil in naval reserve No. 1 and naval oil reserve No. 2 in California and naval oil reserve No. 3 in Wyoming had been leased to private interests.

Mr. President, ever watchful of the public interest, the junior Senator from Wyoming [Mr. KENDRICK] was the first Member of this body to call attention in a public way to what had been done. I myself had overlooked it, and I have had for many years (very near to my heart) an interest in this branch of the public service. The junior Senator from Wyoming introduced a resolution, calling the attention of the Senate and the country to the leasing of naval reserve No. 3, located in Wyoming, the richest of all the naval reserves. He first informed the public that this lease had been made without open competitive bidding to some favored party.

The Senator from Wyoming promptly demanded information on the subject. He introduced a resolution and made a brief statement on the floor. That brought the matter to my attention. Subsequently I introduced the resolution to which I am now addressing myself.

Mr. President, the policy of 13 years of conserving underground oil in naval oil reserves has been abandoned. The three great naval reserves have recently become private oil reserves.

Within the present month the last of the reserves, and the richest, No. 3, in Wyoming, has been leased in its entirety to one oil corporation. The only possible justification which can be offered for this action by the Interior Department is the one which they have put forward, namely, that these valuable reserves are being depleted by the drilling of wells on adjoining privately owned lands. I shall presently call the attention of the Senate to the opinions of competent authority upon that subject, but for the moment I wish to consider the phases of this situation which led up to the action of the Interior Department.

I was astounded when I learned that the Navy Department had turned the administration of these naval oil reserves over to the Interior Department. It can be said for the present Secretary of the Interior that he has always frankly declared his position on public questions. As a Member of the Senate, his attitude toward the public domain generally, and the naval oil reserves in particular, was well understood during his service as a Member of this body. Upon every measure that involved the conservation of natural resources upon the public lands Senator Fall, from New Mexico, was the aggressive opponent of the policy of conservation as established under Roosevelt and thereafter maintained as a general policy of administration by his successors. His position, as shown by speech and vote while a Member of this body, makes it very plain that he was opposed to strengthening and extending conservation and in favor of weakening and impairing the policy.

During the long fight over the naval oil reserves, which was the subject of sharp contention from time to time on the floor of the Senate, the present Secretary of the Interior, then a Member of the Senate, was not conspicuous as a guardian of naval oil reserves. Everybody familiar with his record will admit that to be true. He voted and spoke against provisions offered to safeguard these valuable reserves.

In view of this record it seems almost unbelievable that the Secretary of the Navy would be willing to turn over to the Secretary of the Interior the administration of the naval oil reserves. Especially is this true when one remembers the strenuous fight which the Navy Department had with the Interior Department during President Wilson's administration to prevent the very disaster which has now occurred. In this connection it is significant to note that every officer of the Navy who had been specially detailed to investigate the naval reserves and who had become especially well informed as to these naval oil reserves and who supported Secretary Daniels in that contest have since the advent of the present administration been ordered to sea or to other parts of the world for duty. I have been informed upon very high naval authority that these changes in personnel detail were made after the present Secretary of the Interior had begun his campaign to secure the transfer of these naval reserves to the Interior Department. In fact, it was after a very stormy interview with the former custodians of the Navy oil that Mr. Fall, Secretary of the Interior, requested the Navy Department to send more "reasonable" officers to represent the Navy in conference with him. These naval officers, equipped and efficient, who had proven their loyalty to the naval reserve, were ordered elsewhere, and others who had not been specially associated with or interested in the former policy of the Navy were named to take their places.

Without access to the records in this case it is somewhat difficult to get at all the facts, but there is sufficient material available to make it plain that the naval reserves are being sacrificed to private exploitation at the hands of favored interests.

On the 28th day of February there was organized under the laws of Delaware the Mammoth Oil Co., with a capital stock of 1,000,000 shares without nominal or par value. The articles

of incorporation stated, in article 4, that the actual number of shares with which the corporation commenced business should be 10. The incorporators were T. L. Croteau, of Wilmington, Del., who subscribed for eight shares; M. A. Bruce, of Wilmington, Del., who has one share; C. H. Blaske, of the same place, who also subscribed for one share.

The next record which appears in the files of the secretary of state of Delaware is an amendment to the articles of incorporation of the Mammoth Oil Co., which by this time had blossomed out with a vice president and secretary, who filed the amended articles of incorporation with the secretary of state. They are, respectively, G. C. Wahlberg and H. W. Kenwell. The former appears in the directory of directors of New York City as a director of the Sinclair Central American Oil Corporation.

This amendment increased the authorized shares of capital stock of the Mammoth Oil Co. from 1,000,000 to 2,005,000. There were certain other amendments of the articles of incorporation filed at the same time not material to note at this time.

In passing it may be interesting to observe that this capital stock is divided into two classes—A and B—2,000,000 shares being class A and 5,000 shares constituting class B.

The right to elect directors in this corporation is vested exclusively in the holders of class B stock. This virtually gives these 5,000 shares absolute control of the company.

A conservative estimate of the value of naval reserve No. 3 in Wyoming, known as Teapot Dome, is a half billion dollars. Any Senator with paper and pencil can figure out the value of these 5,000 shares of stock.

At the very time when correspondents of the press were being assured by officials of the Interior Department that no lease of the rich naval reserve No. 3 had been made, a certain gentleman, prominent in oil, racing, and administration circles, published an interview in the New York World in which he asserted that the lease had been made and signed.

Mr. KING. That showed that he was swift. He learned to be so in horse racing probably.

Mr. LA FOLLETTE. Yes. He was very rapid; he was somewhat ahead of the announcement of the Interior Department. This gentleman was none other than Harry Sinclair, of the Sinclair Oil Co.

This lease between the Secretary of the Interior, the Secretary of the Navy, and the Mammoth Oil Co. was signed on April 7, 1922. The fact that this lease had actually been made was not officially admitted until April 21, when its existence was acknowledged in the letter of the Acting Secretary of the Interior and the Secretary of the Navy, in response to Senate resolution of April 15, 1922, introduced by the able and diligent junior Senator from Wyoming [Mr. KENDRICK].

During the time between April 7 and 21, when this mystery surrounded the public's business, speculation in Sinclair oil jumped on the New York Exchange in three days' trading over $30,000,000.

Mr. President, if there was a bill before the Senate granting a concession to the Mammoth Oil Co. of naval oil reserve No. 3 in Wyoming, comprising between six and seven thousand acres of the richest oil lands in the United States, worth at least half a billion dollars, the Senate would certainly demand all the facts and details respecting the matter before taking any action upon the bill. It would not accept glittering generalities. It would not be satisfied with the mystery, evasion, and denials that have emanated from the Interior Department for weeks concerning this Mammoth Oil deal. It would not be satisfied with the answers to the resolution of the Senator from Wyoming that duck and dodge the facts in the case. Would not some Members of the Senate want to know who were the real organizers of the Mammoth Oil Co. who were to be favored by the Government with a special privilege in value beyond the dreams of Crœsus? Would they not want to know something specific about Mr. Harry F. Sinclair and his associates, to whom it was proposed to transfer this naval oil reserve?

If the lease of No. 3 is as loosely drawn as the one given to other favored companies on the naval reserves in California, copies of which have recently come into my possession, I would want to bring certain provisions of it to the attention of the Senate. In any event the Congress of the United States and the public should have all the facts and information regarding the reversal of a great national policy and the surrender of our naval oil reserves, which may involve the Nation's safety, to say nothing of the question which is raised here of granting to favored individuals public properties worth hundreds of millions of dollars which belong to the people.

I shall confine my remarks to-day to naval reserve No. 3, sometimes called the Teapot Dome, because this is the reserve which has been thrown open to private exploitation most recently. Later on I shall have something to say concerning the department's handling of naval oil reserves 1 and 2 in California.

The only possible defense which the Interior Department can make for leasing the No. 3 reserve is that it is being drained by drilling in the adjoining privately owned Salt Creek field. No other valid reason can be advanced, and some reason of paramount importance for the action taken will have to be proven before the public will accept this reversal of an approved Government policy which has been in force for nearly 13 years.

Mr. HITCHCOCK. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I do.

Mr. HITCHCOCK. The Senator is making some amazing revelations, and I think that most of the Members of the Senate are not aware of that fact. Will he yield to me in order that I may suggest the absence of a quorum?

Mr. LA FOLLETTE. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Borah	Gooding	Lodge	Ransdell
Brandegee	Hale	McKellar	Sheppard
Broussard	Harreld	McKinley	Shortridge
Bursum	Harris	McNary	Smoot
Calder	Harrison	Nelson	Spencer
Capper	Heflin	Newberry	Stanley
Caraway	Hitchcock	Norbeck	Sterling
Culberson	Jones, Wash.	Norris	Sutherland
Curtis	Kellogg	Oddie	Swanson
Dillingham	Kendrick	Overman	Townsend
Edge	Keyes	Page	Wadsworth
Ernst	King	Phipps	Warren
France	La Follette	Pittman	Watson, Ind.
Glass	Lenroot	Poindexter	

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present.

Mr. LA FOLLETTE. Mr. President, I repeat that the only possible defense which the Interior Department can make for leasing the No. 3 reserve in Wyoming is that it is being drained by drilling in the adjoining privately owned Salt Creek field.

Mr. HARRELD. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. In just a moment. No other valid reason can be advanced; and some reason of paramount importance for the action taken will have to be advanced and will have to be proven before the public will accept this reversal of an established governmental policy which has been in force for nearly 13 years.

I now yield to the Senator from Oklahoma.

Mr. HARRELD. Mr. President, this report shows that the contracts under which these lands were leased provided for royalties running up to as much as 50 per cent. It also shows that it is claimed that these Governnrent lands are being drained by the operators of the Salt Creek territory. The Salt Creek territory leases provide for only 12½ per cent royalty. Does the Senator's investigation show whether or not the people who got these leases from the Navy Department own any leases in the Salt Creek territory?

Mr. LA FOLLETTE. No, Mr. President. My information is that no drainage of naval oil reservation No. 3 into the Salt Creek field is possible.

Mr. HARRELD. It would seem that if some people are draining this field under leases which provide for 12½ per cent royalty, they certainly would not stop draining it in that way in order to operate under leases under which they would pay 50 per cent royalty.

Mr. LA FOLLETTE. That is perfectly true; and I will ask the Senator from Oklahoma—who, I know, is quite familiar with this whole subject—whether he has any information or knowledge as to the connections of these leases of naval oil reserve No. 3 with the operators in the Salt Creek field?

Mr. HARRELD. No; I am not informed on that subject. I was asking the Senator for information in regard to it. That is a very material question, though.

Mr. LA FOLLETTE. I will inquire of the Senator if he has any indirect information upon that subject, any reports or statements that bear upon it?

Mr. HARRELD. The only interest I have in this matter is that some independent operators claim that they were precluded from being allowed to bid on these leases. That is all the information I have.

Mr. LA FOLLETTE. Mr. President, I am sure the Senator is concerned in this matter not only on account of the independent operators but upon the broad ground of the public interest as well.

Mr. HARRELD. Mr. President——

Mr. LA FOLLETTE. I yield.

Mr. HARRELD. I want to correct my statement. That is not my only interest.

Mr. LA FOLLETTE. I am sure it is not.

Mr. HARRELD. I am interested in this matter for the very same reason that the Senator has expressed.

Mr. LA FOLLETTE. I am certain that must be so, and I am glad to have the Senator say so.

Mr. KENDRICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. I yield to the Senator from Wyoming.

Mr. KENDRICK. As contributing something to the evidence in reference to whether or not the Teapot Dome is being drained, with the Senator's permission I should like to have read a telegram which I have recently received from former Governor Brooks, of Casper, Wyo., who lives in the immediate vicinity of the Dome.

Mr. LA FOLLETTE. I have several telegrams upon that subject, Mr. President, and if the Senator will withhold that until I reach them, I would like to have it offered at that time and in that connection. I think I am approaching the presentation of some testimony upon this question.

Mr. KENDRICK. Very well.

Mr. LA FOLLETTE. The Interior Department has stated, in defense of this leasing of naval oil reserve No. 3, that an "expert of this department" has found that the Teapot Dome was menaced by drainage.

This claim, made by one lone expert of the Interior Department, is contrary to nearly all opinions of geological experts who have heretofore examined and are intimately acquainted with this field.

In order to be possessed of current information, I sent a telegram to Gov. Robert D. Carey, of Wyoming, a Republican, by the way, with whose father I served in the House of Representatives more than a quarter of a century ago. I know the stock. The name Carey carries with it to my mind integrity and honesty and devotion to the public service. The elder Carey, with whom I served in the House, subsequently became the governor of his State, to be succeeded by his son. I read a telegram from Gov. Robert D. Carey, of Wyoming, as follows:

CHEYENNE, WYO., *April 25, 1922.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate:

Reference your inquiry relative Naval Reserve Three: While it is possible agreement may prove beneficial to oil industry in this State, I seriously doubt it, as an increased production may lower prices, causing both State, school, and road funds and United States reclamation fund to suffer accordingly. From such information as I have been able to obtain, I believe there is no chance of the Salt Creek field draining Teapot Dome. Regardless of all other objections to agreement, a great wrong is being done Wyoming to rob it of one of its most valuable natural resources, giving the State nothing in return. Further, the reserve was created to assure the Navy a supply of oil at some future time when oil might not be available from other sources. To use this oil now may mean that at some time this country may be seriously embarrassed in a war for lack of fuel for its Navy. From the standpoint of the Navy, it would appear that the Navy desires this oil in order to be relieved of purchasing oil elsewhere and using naval appropriations for other purposes. No one can justify the bartering away of valuable natural resources, the property of the State and Nation. Maybe there is a possibility that others besides the Mammoth Oil Co. might have made more favorable offers if given an opportunity.

ROBERT D. CAREY, *Governor.*

I also wired Dr. G. B. Morgan, State geologist of Wyoming. His telegram is direct and to the point. It is as follows:

[Western Union telegram.]

CHEYENNE, WYO., *April 23, 1922.*

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.:

No producing wells in neighborhood of Teapot except Salt Creek wells. My opinion is that Teapot and Salt Creek are separate structures and practically no possibility of draining Teapot through Salt Creek wells.

G. B. MORGAN, *State Geologist.*

This is the statement of a scientist in the employ of the State of Wyoming, and I think his testimony should be accepted as disinterested.

A telegram from the Hon. W. A. Blackmore, mayor of Casper, Wyo., which is very close to this reserve, gives very interesting facts. I trust that Senators will listen carefully to this telegram. I read:

[Western Union telegram.]

CASPER, WYO., *April 24, 1922.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate:

The Teapot structure can not be drained by outside wells. The Salt Creek and Teapot Domes are entirely separate. The syncline between contains water—two wells drilled on Salt Creek side proved this. Shannon sand in Teapot carries oil—same sand in Salt Creek carries water. Hence impossibility for outside wells to drain Teapot. These views upheld by geologists who are familiar with actual conditions. Government owns entire Teapot Dome, and I believe it unwise to tap same at this time with 900,000,000 gallons gasoline reserve.

W. A. BLACKMORE, *Mayor.*

I also direct the attention of the Senate to a telegram from Hon. Robert C. Bell, former Special Assistant Attorney General in charge of withdrawn oil lands in Wyoming. He certainly ought to be fully informed as to all matters in controversy regarding Wyoming oil reserve No. 3. In his telegram of April 24 he says:

As former Special Assistant Attorney General in charge of withdrawn oil land matters, Wyoming, I know the situation relative to Teapot structure on naval reserve. To lease this field is positively criminal.

In addition to all the foregoing I had my secretary call Dr. David White, chief geologist of the Geological Survey. In answer to a direct question as to whether or not his office had stated that the Teapot Dome could be drained by contiguous drilling, Doctor White replied:

There is no information in my office upon which I could make any such statement. The only statements which we have are those of interested oil parties. We have considered sending a man to the field to investigate this situation, but have not done so as yet because of our limited appropriations.

Mr. President, now I yield to the Senator from Wyoming to offer as additional testimony the telegram to which he called attention a moment ago.

Mr. KENDRICK. In support of the statement which the Senator has just made, I ask to have read the telegram which I sent to the desk a few moments ago.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read as follows:

CASPER, WYO., *April 19, 1922.*

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.:

Replying to your telegram of the 18th, it is a physical impossibility for wells in the Salt Creek field to drain oil from the Teapot structure. Two wells already drilled struck water in 2,300-foot contour in second wall creek, thus proving conclusively that the saddle between Salt Creek and Teapot Dome contains water. Further proofs show the ridiculousness of any contention that wells in Salt Creek could affect Teapot. Detailed geological proofs of this fact follow by letter. A sharp distinction should be drawn between naval reserves in California that may possibly be drained by offset wells when there is no possibility of such a condition affecting the Teapot Dome in Wyoming.

ROCKY MOUNTAIN OIL & GAS PRODUCERS' ASSOCIATION,
By B. B. BROOKS, *President.*

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Wyoming to state who is the sender of this telegram.

Mr. KENDRICK. Recently, in referring to this subject, I had read into the record a communication from Mr. Brooks, who, as I then stated, was formerly Governor of Wyoming, and one of the ablest governors who ever served the State. He is a very successful business man, and, being a large operator in and producer of oil, and not in any sense a speculator, he is in close contact with the oil industry and is generally considered to be one of the foremost authorities on the subject. He is president of a number of oil companies in the section where he lives, and also, I believe, president of one of the banks of the city of Casper, the largest city in Wyoming. He is probably as well informed on the oil situation in Wyoming as any man not only in the State but in the West.

Mr. LA FOLLETTE. I will ask the Senator from Wyoming if Mr. Brooks is informed not only with regard to the surface situation, the location of wells, and so on, but is he also informed about, and has he made a study of, the geological structure of the oil-bearing formation of that State?

Mr. KENDRICK. On account of Governor Brooks's connection with and investments in oil properties situated in the immediate vicinity of the so-called Teapot Dome and by actual drilling operations carried on to develop the properties, he has acquired not merely knowledge but most detailed information as to the structures of that oil country; in fact, his knowledge, gleaned from drilling operations, is probably surpassed by that of few geologists.

Mr. LA FOLLETTE. I understand the Senator to say that he is a gentleman of the very highest integrity and character?

Mr. KENDRICK. He is one of the most widely and most favorably known men in the State, as well as one of the most highly respected.

Mr. LA FOLLETTE. What are his political affiliations?

Mr. KENDRICK. He is a lifelong Republican, and his record is unassailable.

Mr. HITCHCOCK. Mr. President, I would like to ask the Senator from Wisconsin whether the Interior Department, or whoever it was he quoted, identifies the expert upon whose judgment they based the claim that it would be a loss to the United States to permit operations elsewhere, and that in order to protect this oil it would be necessary to drill for it now? Who is the expert referred to as "an expert in the Interior Department"?

Mr. LA FOLLETTE. He is referred to in a communication which the Secretary addressed to the Senate in response to a resolution which was introduced by the Senator from Wyoming. I have given the language of the department in referring to it just as it is given in the letter, "an expert in the department."

Mr. HITCHCOCK. His identity is not known?

Mr. LA FOLLETTE. It does not appear to be disclosed.

Mr. HITCHCOCK. It is an anonymous authority.

Mr. KENDRICK. Mr. President, will the Senator from Wisconsin permit me to have a letter read in connection with the request for information as to the lease and development of oil fields in the State of Wyoming? The letter is from the author of the telegram just read.

Mr. LA FOLLETTE. If it bears upon the question of the geological structure with respect to drainage, I shall be glad to yield to the Senator to have it read at this point; otherwise I prefer that he offer it a little later.

Mr. KENDRICK. I will take occasion to do that. It has more directly to do with the general effect of the leasing.

Mr. LA FOLLETTE. The excuse that the naval reserve is in danger of depletion by draining into private wells on contiguous lands is as old as the date of its withdrawal. It has ever been the specious plea upon which those desiring to exploit this rich field have based their efforts to secure access to it. But even if the weight of scientific opinion were not against the contention that this field can be drained by outside drilling there is a definite way in which the Government can protect itself against such a ruthless system of pillage. It does not have to surrender to the burglars. The oil in these reserves, under the decision of the Supreme Court of the United States, belongs to the Government. Private interests threaten to draw that oil off by sinking wells on adjoining territory. The policy of the present Secretary of the Interior is to surrender to these pillaging interests.

Mr. President, I do not hold any brief for the Democratic administration. I never had any concessions or any favors or any personal consideration at the hands of the Democratic administration. I have received the same treatment from the bosses of the Democratic Party that I have received from the bosses of the Republican Party. I owe nothing to either side. I pursue my course in public life as I see it in an endeavor to serve the public interests. But the truth compels me to say that when Josephus Daniels was Secretary of the Navy he did not supinely surrender to these oil-grabbing corporations.

Upon this precise point I quote from a recent statement by former Secretary Daniels, made last Saturday while he was in Washington, in which he contradicts the assertion that millions of dollars of naval oil had been lost by drainage while he was the head of the Navy Department. And I assert that what Secretary Daniels said in this statement last Saturday in the city of Washington is sustained by what he did as Secretary of the Navy. I quote:

> There never were any wells drilled near our reserves. Several times owners of adjoining lands intimated that they would sink wells close to the naval reserves. I made it plain to them that if this was done the Navy Department would put marines into these fields and sink a well for every one drilled by them. If they attempted to tap our reserves, we would tap theirs. When they learned that we would not be forced by such methods they abandoned their attempts, and we kept our oil. We made it plain that the United States was a larger business concern than any of the oil corporations, and that we would protect the naval reserves that had been set aside by former President Taft.

Contrast the two policies. On the authority of "an expert in the Interior Department," who states that Teapot Dome naval reserve No. 3 is menaced with drainage by an outside private company stealing Uncle Sam's oil underground, Secretary Fall throws up his hands and leases the land to the pirates. Is that service in the public interest? I do not care, Mr. President, for my part, what party label a public servant bears. No eminence of position should protect him from just criticism if he betrays the public interest.

In another interview while he was in Washington former Secretary Daniels said:

> Any man who permits the oil reserves of the Navy to be tapped is risking the very national existence of the United States. It is outrageous and wicked. When the present scrapping of naval ships is completed we shall have practically nothing but oil-burning vessels in our fighting line. Without plenty of oil for a future emergency, they will be as useless as painted ships upon a painted ocean.
>
> The reasons given by the present administration for turning over the naval oil reserves in California and Wyoming to great private corporations are childish. They say the Standard Oil Co. has bored wells immediately adjoining our reserve in California and is tapping our oil pools. Is this Government impotent to defend its own property? Should the Navy stand by with its hands folded and let the Standard or anybody else steal our oil?
>
> The same threats were made when I was Secretary of the Navy. We decided that, first of all, we should get out an injunction; if that failed, we decided that every time the Standard or anybody bored a well that might tap our oil we would bore one immediately adjoining which would tap their oil. I got an appropriation from Congress for that purpose.
>
> During the last months of my administration I sent an officer out to the Pacific coast to see what steps were necessary to protect the Navy's oil. I have been out of office so long that I do not remember what he reported. But in any event the security of the United States demands that the future fuel supply of our fighting ships be saved from the greedy hands of private oil corporations.
>
> The suggestion that the oil in the naval reserve pool should be pumped out and stored, so that it may be immediately available in case of emergency, is intended to deceive. Oil is now cheap and plentiful. The Navy can buy all it needs at a fair price. And we have great underground tanks at Yorktown, Va., and San Diego, Calif., where enough surplus oil can be stored for any emergency.
>
> The Navy oil reserves were intended to insure a supply of fuel in years to come, when other fields are near exhaustion. Some experts say the oil supply of the United States will be exhausted within 20 years. Others think it will last longer. Everybody knows the rate of consumption is increasing with extreme rapidity. Certainly in 20 or even 10 years a sufficient oil supply will be hard to get unless we maintain a large reserve. That was exactly the object when President Taft and President Wilson set aside the naval oil reserve tracts in California and Wyoming.
>
> The only way to keep an oil reserve is in the ground. To pump it out now is to waste a great deal and to insure the almost immediate use of it all. Other nations are hunting oil reserves for their navies all over the world. We, with such reserves already provided for, have apparently decided to turn them over to be exploited by private corporations. It is, I repeat, simply outrageous. What is more, the time is likely to come when the people who are responsible for using up the Navy's oil reserve will find that they have endangered the very existence of the United States as an independent Nation.

For several years this fight to protect the naval oil reserves against these hungry exploiters has been waged in and out of Congress. From the beginning it has been much more than a question of oil reserves; it has been a question of national safety.

Ever since the Executive withdrawal of 1909 and the creation of the naval oil reserves there have been many bills introduced in Congress which sought to vitiate the Navy's rights in these lands set aside for the exclusive use and benefit of the Navy.

Mr. President, I digress just for a moment to say that it is inconceivable, to my mind, that Members of the House of Representatives and Members of the Senate would introduce and sponsor bills to take away from this Government the oil necessary to supply its Navy in the future, and to do that in the interest of private oil monopolies, such as the Standard Oil. We have had considerable discussion about "disloyalty" in the United States Senate, in the House of Representatives, and in the country during the last four or five years. Show me something comparable to the betrayal of this Government's interest, the undermining of government itself, the serving of special oil interests against the interest of this Government in the preservation and protection of the oil reserves necessary for a modern Navy.

In the Sixty-fourth Congress the general leasing bill (H. R. 406) was so amended by the Senate Public Lands Committee as to virtually abolish the Navy oil reserves. Fortunately it was defeated, together with the entire bill, and the naval reserves saved.

"In the Sixty-fifth Congress the general leasing bill (S. 2812) provided for the disposition of every acre of the Navy's land in reserve No. 2. In the Sixty-sixth Congress the oil leasing bill, in sections 18 and 18a, contained provisions allowing leases on naval oil reserves. This bill was reported from the Senate Committee on Public Lands. I opposed the sections of this bill dealing with the naval reserves, and offered an amendment to strike out the parts of the bill dealing with the naval oil reserves. From the beginning I have opposed in the Senate legislation seeking to destroy these naval reserves.

On September 8, 1919, when the oil leasing bill was under consideration in the Senate, I said, speaking of the naval oil reserves:

> I think that this phase of the question is of such magnitude and is so vital to the position that the Government will occupy as a sea power of the world, that we ought to give special attention to those sections. I am going to ask the Senators present to follow me as I take up the subject.
>
> The bill as drawn will, I believe, destroy the naval reserves set aside for the Navy. This is done by provisions contained in the second paragraph of section 18, aided by succeeding paragraphs of that section. Out of the lands originally withdrawn on or before September 27, 1909, certain areas were set apart to furnish a future supply of oil for the Navy. The reports of the Navy experts of the highest authority, as well as the experience of our own Navy and of the navies of the foreign powers, had established the fact beyond question that naval efficiency, and, therefore, national safety, were dependent

upon the increasing use of oil-burning ships. It is therefore evident that, after a brief moment of time, as the lives of nations are counted, there will not be a sufficient supply of oil in the ground necessary to insure our safety from attack if the existing deposits are to be thrown open to private exploitation without maintaining any reserve for our future naval use. This was the purpose for which the naval oil reserves were set aside. The needs of the Navy require that the oil should be kept in reserve in the ground until future naval necessities require its extraction and use.

I measure my words when I say that what I had fears of then has already transpired. To-day the naval reserves are on the right road to destruction or exhaustion by allowing specially favored private interests to secure leases upon them. They are being scrapped; that is all. Had my amendment to the oil leasing bill of 1919 been accepted, the Interior Department and the Navy Department would have been compelled by law to protect these reserves. Yet I received just eight votes in this body for the amendment which I offered at that time.

On September 27, 1909, in line with the policy of the Navy Department regarding oil-burning ships, a presidential order of withdrawal of oil lands was issued by President Taft. Previously Admiral George Dewey, as president of the General Board of the Navy, had recommended—

that the use of oil fuel both as an auxiliary in large ships and as the sole fuel of destroyers and smaller vessels would be attended with marked advantages, * * * and recommended that in its building programs for the current and proceeding years that vessels be fitted accordingly.

The Taft order of withdrawal, as testified by Director George Otis Smith, was predicated on "the present and future requirements of the American Navy."

On December 6, 1910, the President in his annual message made the following statement:

In September, 1909, I directed that all public oil lands, whether then withdrawn or not, should be withheld for disposition pending congressional action * * * and for the further reason that it seemed desirable to reserve certain fuel-oil deposits for the use of the American Navy. * * *

As not only the largest owner of oil lands but as a prospective large consumer of oil by reason of the increasing use of fuel oil by the Navy the Federal Government is directly concerned both in encouraging rational development and at the same time insuring the longest possible life to the oil supply.

There was some question raised by lawyers as to whether the President had the right to make these oil withdrawals. Thereupon the Pickett Act was passed by Congress, June 25, 1910, giving the President authority by legislative act as an added precaution. On July 2, 1910, the President by Executive order under authority of this act (36 Stat. 847) rewithdrew these lands.

Throughout this entire period the record will show that the Navy Department was in correspondence with the President and the Interior Department urging the necessity of reserves for fuel oil. Finally two petroleum reserves were created by Executive order—No. 1 on September 2, 1912, and No. 2 on December 13, 1912. These were withdrawn by President Taft. Later on President Wilson established, by Executive order of April 30, 1915, naval reserve No. 3, in Wyoming, also known as the Teapot Dome.

In practically every annual report of the Secretary of the Navy there are references to the importance of holding these naval reserves intact for future naval use. For instance, in his report of December 1, 1916, the Secretary of the Navy devotes six pages to the necessity of oil conservation for the Navy.

Likewise on December 9, 1916, the Naval Consulting Board, through Thomas A. Edison, its chairman, declared in an official statement that the national defense would be imperiled if any legislation was enacted which would divert from the Navy any portion of its petroleum fuel reserve.

Hearings before the House and Senate Committees on Public Lands and on Naval Affairs for the past several years show testimony by naval experts support the conclusions of the Edison report.

There are many official reports and statements by experts on the necessity of doing everything possible to keep in the ground intact a supply of fuel oil for the Navy.

My colleague, the late Senator Husting, made a fight against the efforts to destroy these naval reserves, and his minority report as to the naval oil controversy I believe is unanswerable. I quote briefly from this admirable report:

We have entered upon a policy of substituting oil-burning for coal-burning ships. We have entered upon the policy of substituting oil-burning for coal-burning ships, believing it to be essential for the national safety. Other great naval powers have adopted the same policy. It is probable that it will take about 15 years to work out this policy fully, at which time the Navy's needs for oil will reach its maximum. But if we abandon the reserve policy we have only 15 years' supply in sight. The most recent estimates put the total oil reserves of the United States in known fields at 7,629,000,000 barrels and forecast an increase in consumption of 5 per cent per year. At this rate our total oil resources would be exhausted in 16 years but for importations from abroad.

The leasing of the United States government-owned naval oil reserves located in the State of Wyoming to private corporations will come as a distinct shock to the country. The transaction followed close upon the transfer of control of this enormously valuable property from the Navy Department to the Interior Department. Then came the startling information that all the naval reserves, No. 1 and No. 2 in California and No. 3 in Wyoming, had been leased to private parties.

Secretary of the Navy Daniels on February 9, 1916, in testimony before the Senate Committee on Public Lands, said:

I wish to as earnestly as possible impress upon you our conviction, in which not only the Navy Department joins, but the Department of Justice, that this oil land having been set apart for the Navy belongs to the Navy; that this leasing bill would take away from the Government that which in time of peril might change the tide of war; that these gentlemen who have suitable rights should be remanded to the courts or to the regular department of the Government to have their rights tested.

In a letter to the chairman of the Naval Affairs Committee, dated February 17, 1916, Secretary Daniels said:

These reserves were relied upon when the policy of building oil-burning ships was adopted; and now that we have a large and increasing number of ships that depend solely upon oil for fuel it is of the utmost importance that the rights and needs of the Navy be not overlooked in the effort to relieve oil claimants of oil lands. * * * The Navy Department does not desire to produce oil from the naval petroleum reserves at the present time and does not want the oil converted into money at any time, but does want the oil conserved under ground, where it may be stored without cost and free from loss or evaporation until the decreased production and the increased market price renders its production and use desirable.

Assistant Secretary of the Navy Roosevelt, in February, 1916, in an address, said:

If private individuals have valid claims on these lands, they must be adequately compensated for these claims, but they must cease to remove oil from these lands.

Secretary of the Navy Daniels said, in testifying before the Senate Committee on Public Lands, February 9, 1916:

* * * In pursuance of a long and earnest effort to secure oil for the Navy, we are now building all our ships in the Navy to burn oil. The advantages of oil burning over coal is so very great that if there is any policy of practical conservation of oil that can be adopted, I think it is entitled to be put through, especially in view of the plans of preparedness we are now discussing. * * * Every battleship that we build now increases the demand by 90,000 barrels per year. Every destroyer we build increases it by 20,000 barrels. * * * Our country is the greatest oil-producing country in the world, and yet I apprehend if this bill passes—

That is the Phelan bill, which Senators will recall—

before the lives of these ships ended this country will be in the position of having oil ships and no oil except at the very high prices that will prevail. * * *

Whom do Senators and Members of the House of Representatives serve here when they support the policy of depleting and robbing the Government of its oil lands in order to enhance and enrich the oil monopoly? You will find the same Members and the same Senators supporting a policy of naval expansion, large naval building, which means large purchases of oil from private monopoly if these naval oil reserves are surrendered to private interest. Is it possible that Senators and Members of the House of Representatives are stockholders in these private oil companies? I do not know; but I think some explanation ought to be forthcoming for a failure to stand by the interests of this Government as against the interests of Standard Oil and other monopoly oil interests.

I have read from the testimony of Secretary of the Navy Daniels, who during his entire tenure of office resisted the efforts of the oil monopolists of this country to take within their control the last remnants of the public domain reserved for the use of the Navy of the United States.

But, Mr. President, there is a deeper underlying issue involved here than our national safety or the protection of the mere property rights and equities of our Government. It is true that over an unbroken period of more than a decade three Presidents—Roosevelt, Taft, and Wilson—maintained the policy of conservation in respect to the natural resources of the public domain, which has now been repudiated and reversed during the first year of the administration of President Harding. It is true that Admiral George Dewey, as president of the General Board of the Navy, more than a dozen years ago, declared the necessity of an ample oil supply for the Navy, and that Thomas A. Edison, probably the greatest creative technical mind of American history, as chairman of the Naval Consulting Board in 1916, gave his assent to the policy which has now been overthrown. It is true that every competent authority that has written upon the subject in recent years has named oil as the natural resource upon which the industrial and naval strength of the future must depend, and, because of the prodigal waste of our oil resources under the present system of exploitation, that the supply which should have lasted us for a century to come will be exhausted within a brief span of years.

I assert that these propositions are established beyond dispute, and I rely upon unimpeachable authority for that statement. Yet these facts are not the basic fundamental elements involved in this problem after all.

The great issue involved here is whether the Congress of the United States, charged with solemn responsibility under the Constitution as trustees of the public domain, is to take the necessary steps to protect the people of this country from the extension of monopoly control over their natural resources.

The trail of corruption left by the oil monopoly in the pages of American history is not calculated to inspire the confidence of the people in any transaction to which the agents of that monopoly are parties.

Dominated by the Standard Oil Co., the oil monopoly has been the boldest, the most brazen, the most aggressive violator of the law with which any legislative body has ever had to contend. It has forced people all over this country out of business, crushed competition, and driven competitors in many instances to suicide. It has had on its pay rolls the employees of its competitors, who have sold to it the secrets of those competitors.

There are volumes of evidence taken by congressional committees to which I can cite the Senate in support of every statement I make. The oil monopolists have, in a word, corrupted Government servants, ruthlessly seized and exploited the natural resources which Nature gave to man, and systematically robbed the people through extortionate prices. They could not have done that if they did not have servants on this floor and on the floor of the other branch of Congress and in the Cabinets of every administration.

Under the leases which are the subject of the resolutions offered by the Senator from Wyoming and myself, the oil monopolists of the United States have now taken within their grasp the three remaining naval oil reserves of the United States. The great special interests, which are the beneficiaries of these leases, will inevitably withdraw the oil which belongs to the people and sell it back to the Government for its naval vessels at extortionate prices. Not only will oils to the value of hundreds of millions of dollars be lost to the Government, but the oil monopolist will exact his toll whenever the Congress passes an appropriation bill making public money available for the maintenance of the Navy. Moreover, with an increasingly profitable customer, such as the United States Government, bidding against other consumers of oil, the Standard Oil Trust and its allies will find a ready excuse to increase further the already unreasonable prices exacted from the general public.

That is what this conspiracy amounts to, sir. It not only appropriates for private gain the rich natural wealth which the Government holds in trust for the people, but it reaches out and enables the special interests behind this scheme to tighten their grip upon the farmer, the business man, and upon every person who runs a gasoline engine, and upon every family that enjoys the use of an automobile.

I believe I have produced this afternoon the outline of enough evidence to suggest to the minds of Senators that the rights of the Government and the interests of the people are imperiled in these transactions, which involve hundreds of millions of dollars in public property. Congress can not escape its responsibility in this matter. The Ballinger-Pinchot investigation a decade ago, which broke the back of the Taft administration, did not proceed upon more damning evidence that public interests were being violated than is ready at hand at this time bearing upon the leasing of these naval oil reserves.

By that earlier investigation Congress discharged its obligations to the people and set up a precedent, supported by public opinion, which has had a salutary influence upon every administration since then down to the present time.

Congress in the present instance must either call for an investigation which will unearth all the facts, or, by its silence, it must share its responsibility with the executive branch for what has already transpired. There is no escape from that alternative.

The able Senator from Wyoming [Mr. KENDRICK] took the initiative in this matter and by his resolution focused upon it the attention of the public. For that action he deserves the gratitude of the country.

I propose to support and sustain him in the stand he has taken. This is not a partisan question. Men of both parties in the Navy and in the Interior Departments in previous administrations have worked together to preserve the public interests and to protect the rights of the Government in these lands. The resolution I have introduced offers Congress the opportunity to ascertain the truth regarding these leases and to perform its duty to the public.

I propose to press this resolution for prompt passage, and I invite Senators upon both sides of the aisle to examine its provisions, and, if they may conscientiously do so, to give it their support. No matter whom it hits or hurts, let us have the facts. The American people will be satisfied with nothing less.

If I can not have the consent of the chairman of the Committee on Finance to give us time for the consideration of this resolution, the matter is so urgent, Mr. President, that at an early date I shall move to displace the unfinished business and take this resolution up for a long enough time to have it considered and put upon its passage. I shall do that at a very early date.

Mr. POINDEXTER. Mr. President, I have an idea that if the Senator from Wisconsin would ask for the consideration of his resolution and for the adoption of it there would be no objection to its passage at any time it may be brought up; at least, I hope not.

Mr. LA FOLLETTE. If I can have the consent of the chairman of the Committee on Finance, without a roll call, to ask to have the unfinished business temporarily laid aside, I will ask for a vote upon the adoption of the resolution immediately.

Mr. POINDEXTER. If the Senator would ask for unanimous consent, I think he would get it.

Mr. LA FOLLETTE. I ask for unanimous consent now that it may be taken up.

Mr. SMOOT. I really have not read the resolution. I would like to have it go over until to-morrow at least, so that I can read it.

Mr. LA FOLLETTE. All there is of the resolution is that it calls for an investigation with regard to this matter. There are no preambles to the resolution. The Senator can not be ignorant of the fact that we have these reserves. He can not be ignorant of the fact that the public press has carried the announcement of their lease to private interests. I am simply asking for an investigation into the truth of this whole matter.

Mr. SMOOT. I may have no objection to it at all when I have an opportunity to read it, but I really want to have it go over so that I can look into it.

Mr. POINDEXTER. Mr. President, I think that if a request is made for the adoption of the resolution at an early date, it will be adopted.

I may say in connection with the remarks of the Senator from Wisconsin that, of course, it is perfectly obvious that whatever he may say or whatever he may do to preserve the naval oil reserves to the best possible advantage of the Government is in the interest of the public and of the naval service and should have the commendation and support of Congress and of the country.

Listening very carefully to his remarks, it seemed to me that an analysis of the proposition might reduce it to one or two quite simple questions. As he stated, and as has been reported by the department, it is claimed by the department that the oil from naval reserve No. 3 in Wyoming was being drained by private parties through wells sunk on private property adjacent to the boundary of the reserve.

Assuming that that is true, it then appears obvious that it would be necessary for the Government to take some action to protect its reserve of oil under its own land from being drained away by the wells which are alleged to exist upon adjoining property. The Senator from Wisconsin has pointed out the means by which the previous Secretary of the Navy proposed to prevent any such attack upon the Government's interests and the Government reserve of oil during his administration. Those means were the sinking of a Government well for every well sunk by private parties. That might be the proper course to pursue. That might be the best means the Government could adopt to protect its interests under such circumstances as are alleged to exist; but the question remains as to whether it would be advisable for the Government itself to undertake to sink wells by the employment of its own labor, or whether it would be to the advantage of the Government to procure the sinking of these wells, which it is admitted by the authorities cited by the Senator from Wisconsin should be sunk, by some other agency, by contract, on such compensation as might be agreed.

It seems, from the facts presented by the Senator from Wisconsin, that that is the course which the Government has pursued; that instead of sinking wells itself it has procured the sinking of wells by a private corporation, by means of a contract under which the Government is supposed to receive certain compensation in the form of oil, not in its crude form, but converted by a process of partial refinement to the condition of fuel oil, in which shape it can be used by the ships of the Navy, delivered at some reservoirs on the seacoast.

It seems to me there are two questions which ought to be investigated, and which I assume could be investigated under the terms of the resolution proposed by the Senator from Wisconsin, although I have not examined particularly its exact terms. I assume it is broad enough to cover these two questions. One of those questions is, Is it a fact that wells are being sunk by private parties upon private property adjacent to the boundary of the naval oil reserve, through which wells an attack is being made upon the naval oil reserve of the country? We ought to know that. I am in favor of the adoption of this resolution for the purpose of ascertaining what the facts are in connection with that question.

When we know what the facts are regarding that matter, and consequently have arrived at the second degree of the solution of the problem, namely, as to what measures should be taken to meet this attack upon Government property, we are confronted by another question which likewise should be investigated, and which I assume could be investigated under the resolution offered by the Senator from Wisconsin.

That is a question which has not been discussed, I believe, as I understood the Senator from Wisconsin to say that he did not undertake to cover this entire subject in his remarks to-day. That is an inquiry into the reasonableness and the propriety of the terms of this contract, or lease, or whatever it may be called, which was made by the Government with a private party for the sinking of these wells.

I think Congress ought to know, and that the country ought to know, whether or not the interests of the public are being protected by the terms of the contract or lease which has been made for the extraction of the oil from the Government reserve, and that will be ascertained, I assume, by this investigation.

So there are two things to be ascertained. In the first place, was it necessary for the Government to sink wells or to have wells sunk upon its reserve in order to meet an attack upon the oil underneath its own property by which it was being drained? In the second place, are the means which have been adopted by the Government for doing that the proper ones, the best ones, to the greatest advantage of the Government, which could be obtained? So I assume that no one would object to the adoption of the resolution inquiring into those matters.

I may say one thing further as to my observation of this matter, in which I have the same interest as has the Senator from Wisconsin and as, I assume, other Senators have. Some time ago my attention was called to the fact that wells were being sunk on private oil lands in California adjacent to one of the naval oil reserves in that State, by which the oil, as seems to be admitted by all experts and by all persons who are familiar with the conditions of oil pools lying partly under one ownership of land and partly under another, was being drained out of the Government reserves. I took occasion at that time to go to the Secretary of the Navy and to urge that expeditious measures be taken for the protection of the Government interests in this vital matter of fuel for an oil-burning navy, and I may say that, whoever may have been responsible for the delay and whatever may have been the causes of it, I was somewhat disappointed at the apparent apathy or lack of diligence, at least, in proceeding to take steps to counteract this taking of the oil from Government reserves in the manner which has been indicated.

Subsequently that was done, but I felt that it was not done expeditiously and was not done diligently, and I would like to have that matter inquired into in connection with the inquiry which will be held if the resolution of the Senator from Wisconsin should be adopted.

Mr. President, I ask unanimous consent, in fairness to the Departments of the Navy and of the Interior, to print at the conclusion of my remarks and immediately next to them a letter, signed by the Acting Secretary of the Interior and the Secretary of the Navy, in reply to the Senate resolution of April 15, 1922, which has been referred to in the debates.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Senate Document No. 191, Sixty-seventh Congress, second session.]

NAVAL PETROLEUM RESERVE NO. 3, WYOMING.

Letter from the Secretary of the Interior and the Secretary of the Navy in response to a Senate resolution of April 15, 1922, transmitting information relative to negotiations with private parties for the operation of lands in naval petroleum reserve No. 3, Wyoming.

DEPARTMENT OF THE INTERIOR,
Washington, April 21, 1922.

DEAR MR. PRESIDENT: In repsonse to S. Res. 277, relating to naval petroleum reserve No. 3, Wyoming, commonly known as the Teapot Dome, requesting the Secretary of the Interior and the Secretary of the Navy to inform the Senate, if not incompatible with the public interests, whether negotiations are pending with private parties for the operation of lands included in said reserve, and if so, the names of the parties, the terms and conditions of proposed agreements, and whether opportunity will be given the public for competitive bidding for operation of the lands, or whether it is proposed to award a lease or operating contract or agreement for the entire area to one person, corporation, or association, we have the honor to advise as follows:

For more than a year the Secretary of the Interior and the Secretary of the Navy have had under consideration the handling of the two naval reserves in California and the naval reserve in Wyoming, commonly known as the Teapot Dome, with the idea of working out a policy which would secure the greatest conservation and benefit for the Navy of the oils in such reserves, and secure to the Navy an available storage of fuel oil at convenient points readily accessible wherever and whenever needed, particularly for future needs.

The crude oil in none of these reserves, nor in fact any crude oil, is suitable for use by the Navy as fuel in an unrefined state, and before being available for storage and naval use must be placed in the form of fuel oil. Experts state that the storage of fuel oil in suitable tanks results in practically no loss from evaporation, etc.; certainly not exceeding one-tenth of 1 per cent per annum.

The naval reserves in California have, by drilling and production on privately owned lands adjoining, already been drained to a very large extent, involving a loss to the Government of millions of barrels of oil, and from a careful geologic study recently made by an expert of this department it was found that the Teapot Dome was menaced with a similar drainage danger. The naval reserves in California can be reached through existing pipe lines, and the principal problem there was the exchange of the crude oil for fuel oil in proper and available storage.

With respect to the naval reserve in Wyoming, same was not available for naval use or for exchange of fuel oil to the advantage of the Navy, for the reason that the field lies in the interior and is not connected with pipe lines at any point on the seacoast or with the existing pipe-line systems of the country, while the famous Salt Creek field lies immediately contiguous to the naval reserve (Teapot Dome), and the lands in the Salt Creek field having been leased under the general leasing act, that field was without adequate pipe-line or refinery facilities, and independent producers have been unable to dispose of more than 40 per cent of the possible production of existing wells. Manifestly, therefore, the oils in the naval reserve could not be handled with existing facilities, and after careful consideration of the matter the Secretary of the Interior, with the complete concurrence of the Secretary of the Navy, considered proposals from a number of prominent oil companies and individuals for the development of this reserve, with the accompanying guaranty of the construction of adequate pipe-line facilities connecting the field to Atlantic and Gulf of Mexico points, through connection with existing pipe lines. It was also desired that provision be made for the exchange of crude oil produced for fuel oil for naval purposes in such manner and at such points as might be designated by the Navy. After full consideration of all the offers submitted, a contract was entered into by the Secretary of the Interior and the Secretary of the Navy on April 7, 1922, with the Mammoth Oil Co., a Delaware corporation, H. F. Sinclair, president.

The contract is in the form of a lease covering the entire area of naval reserve No. 3, with graduated royalties running up to 50 per cent, according to the production and specific gravity of the oil. It provides for the drilling of at least 20 wells within a limited time, for the construction of a pipe line from the field to existing pipe lines in Missouri, for the exchange of crude for fuel oils, the latter for naval purposes, and for the delivery of Navy specified fuel oil at points designated by the Navy, from Guantanamo, Cuba, to the northeast corner of the United States. It provides for a line of credit under which, in exchange for the crude oil, ample storage for the fuel oil is to be provided without cash outlay by the Government at any point fixed by the Navy Department along the coast described. It provides that the lessee shall, at such or any other points, at its own expense and without obligation on the part of the Navy, provide gasoline, kerosene, lubricating, and cylinder oil at market prices. It provides prior right of transportation for all governmental oils from not only the Teapot Dome but from the Salt Creek field, even prior to the uses of the pipe line by the lessee. It makes the pipe line when built a common carrier for all Government oils. The pipe line already constructed with which the new pipe line will connect involved a present investment of $115,000,000, and this contract calls for an investment on the part of the lessee of not less than $26,000,000 additional. Furthermore, the contract will bring about immediate competition in the Salt Creek field and will add from 40 to 60 cents per barrel to the present prices of governmental royalty oils, now amounting to more than 5,000 barrels per day. This is secured by an option given the Government to sell royalty oil on basis of midcontinent prices, if and when desired.

The production from the Salt Creek field at present is about 40 per cent of the capacity of existing wells, which will be immediately raised to 100 per cent, yielding to the Government for reclamation, State, and Treasury purposes approximately 12,000 barrels of oil per day, with an added value thereto of from 40 to 60 cents per barrel; or, in other words, that added price over and above the amount which the Government and independent producers are now receiving.

It may be further stated that private claims were being asserted under the mining laws to a number of areas within the naval reserve. Before the contract was approved the Mammoth Oil Co. presented to the Secretary of the Interior deeds to the United States for outstanding claims of title of every character in the reserve.

For further information of the Senate we have to advise that naval reserve No. 3, Wyoming, was created by Executive order of April 30, 1915; that in the act of June 4, 1920 (41 Stat. 813), making appropriations for the naval service, etc., Congress provided:

"That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of the act of Congress approved February 25 1920, etc., to conserve, develop, use, and operate the same, in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof and those from all royalty oil from lands in naval reserves, for the benefit of the United States." * * *

At the suggestion of the Secretary of the Navy, the President of the United States directed the Secretary of the Interior to take over the administration of lands in the naval reserves in consultation and cooperation with the Secretary of the Navy. The Interior Department and the Navy Department have been in close cooperation and have been endeavoring, as they saw it, to carry out the purposes for which these

naval reserves were created, i. e., not the sale of oil for commercial or other purposes but the securing of a reserve of fuel oil for Navy purposes.

Respectfully,

EDWARD C. FINNEY,
Acting Secretary of the Interior.
EDWIN DENBY,
Secretary of the Navy.

The PRESIDENT OF THE SENATE.

Mr. LA FOLLETTE. I will say, Mr. President, that the scope of my resolution will include an investigation of that matter. It will also include an investigation of the opening by the present Secretary of the Interior of the Honolulu case, a case which will very much interest the Senate when it comes to go into it fully, a case which had been decided against the dummy operators who had been used as a basis of making the filings on this Government reserve. The case had been fully investigated and decided against the claimants. But it is a significant fact that when this administration came in the whole matter was reviewed and the Honolulu case reopened, a case which had been decided adversely to the claimants.

Filings had been made on the Government oil reserve, as shown by the undisputed testimony, by Chicago stockyard employees who thought they were signing, and testified that they thought they were signing, a petition with respect to an election, when they were in reality signing a document which was used as a basis for making an entry on that very Government naval oil reserve, and was the basis of the claim of the Honolulu Oil Co. to dispossess the Government of the oil there. That was thoroughly investigated. It was decided by Secretary of the Interior Payne as being without claim of right, and yet when this administration came in and the present Secretary of the Interior got an opportunity, he opened up the whole matter, reversed that decision, and turned those wells over to the Honolulu company.

I have drawn the resolution broad enough to investigate the whole subject. It has got to be investigated. There will be no peace and no quiet here until that is done. I hope that the resolution may be taken up to-morrow at the latest and acted upon.

Mr. McCUMBER. Mr. President, from what I have heard of the argument upon the resolution, I have thought at least that I should favor it, and I would also favor its being taken up and voted upon at such time as might be agreed upon without any prolonged debate. Hence I was a little surprised when the Senator from Wisconsin intimated that unless the chairman of the Committee on Finance was willing to allow the matter to be voted upon he would move to lay aside and displace the unfinished business—the tariff bill.

Mr. President, I think the Senator from Wisconsin and all other Senators will agree with me that, being in charge of the bill, I have at all times tried to be courteous and help Senators in morning business as much as it was possible to do so. Knowing that the tariff bill will take considerable time before the Senate, I think it very proper that from time to time I should yield for such pressing temporary business as may come up in the Senate.

However, I want it to be done, not through a threat but because it is right that it should be done. If I yield to have the Senator's resolution brought before the Senate, I want the Senator to feel that I have done so because I think it ought to be brought up and disposed of in order that we may get speedy action upon the investigation which he proposes, and that I am not doing it through a mere threat that the unfinished business will be temporarily laid aside. I think at least there is enough in what has been said to justify an investigation of the subject, even though I have no personal knowledge except what the Senator from Wisconsin has given us to-day and the few remarks made by the Senator from Washington [Mr. POINDEXTER]. After the Senator from Utah [Mr. SMOOT] has examined into the matter, possibly to-morrow or at any time we can have a vote immediately, I can ask that the unfinished business be temporarily laid aside for the purpose of voting before the Senate.

Mr. LA FOLLETTE. Mr. President, I am not a subscriber to the doctrine that any Senator can "boss" legislation on the floor of the Senate. I know we have built up a system here by which the man who comes in as chairman of the committee which reports a bill is the only one who seems to be solely authorized to determine whether we are to have any consideration of other legislation for such period of time as he chooses to keep that bill before the Senate. The tariff bill will be before the Senate probably for two or three months. It will depend upon whether the Members of the Senate think the action of the Senate on the resolution, which I have asked, is more important than the uninterrupted consideration of the tariff bill, and not upon the consent of any one Senator on the floor. I merely say that in all courtesy and good feeling.

I do not subscribe to the doctrine to which I have referred. I think we have had too much of it here. I believe that if we had a more individual and less partisan responsibility for what takes place on the floor we would have a better service of the public interest than we have now.

Mr. KENDRICK. Mr. President, of course a settlement of the question which the Senator from Wisconsin has just been discussing is more important to the Nation than it is to any locality, but as suggesting its importance in relation to my own State I ask unanimous consent to have printed in the RECORD in the regular type a letter which I have received from ex-Governor Brooks, of Wyoming.

There being no objection, the letter was ordered to be printed in the RECORD, in 8-point type, as follows:

ROCKY MOUNTAIN OIL AND GAS
PRODUCERS' ASSOCIATION,
Casper, Wyo., April 21, 1922.

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.

MY DEAR SENATOR KENDRICK: Your telegram of April 20 stating that you had written President Harding a letter requesting that the independent operators be given a hearing before final action was taken on the Teapot lease is received. In reply I wish to make a few comments on the contract made by the Government for the opening of this naval reserve. Yesterday's Denver Post published an Associated Press dispatch, giving details of this contract upon which I base my comments.

In the first place, I think a very clear distinction should be drawn between the naval oil reserve in California and the one in Wyoming. California is a great resourceful State, and, with its important harbors, derives many direct benefits from the Navy which, of course, is not the case in Wyoming. Our State has no precious minerals—only coal and oil. These, together with our forests and public lands, make up the bulk of our natural resources and, should the Government receive the bulk of the income from our natural resources, we are going to have a hard time to maintain the standard of our public schools, keep up our roads, and run the State as it should be run if people expect to make their homes here.

There is no similarity between the California oils and the oil in Teapot—one is black, the other light; one has an asphalt base and is suitable for fuel oil purposes, the other has a paraffin base, is high in gasoline content, lubricants, and other valuable ingredients, which makes the Teapot oil vastly more valuable than an equal quantity of California oil. One can be used for the Navy fuel oil; the other can not. One is near the ocean, the other in the mountains. In a few years the industries of this mountain section of America will be sadly in need of the products of our light oil right here at home; and at this distance from water transportation we can not take advantage of new discoveries in foreign lands.

The royalties in Teapot range from 12½ to 50 per cent. Now, in the sale of the Salt Creek edge lands at Douglas last year, the royalty was 33⅓ per cent, and the few acres sold brought a bonus of over $2,000,000. This contract completely reverses the former established rule of competitive bidding and fairness in disposing of one of the most valuable oil domes in the world.

I have already seemed to prove that there is no possibility of outside wells draining this Teapot Dome; and this Government drainage argument, which probably applies to California, falls flat here. The fact as stated that the Navy Department buys its gasoline and lubricating oil at market prices is no argument in favor of the Teapot lease, as the Navy, like everyone else, always had this privilege. The pipe line, which is to be built, will follow as a matter of course, but the opening of the Teapot dome has little influence in this, because the pipe line would have been built in any event.

Yesterday's dispatch states that the new scheme will immediately open the Salt Creek field and take all the production therefrom. This, of course, is ridiculous, because the present pipe lines to Salt Creek are carrying oil to full capacity and there is no way on earth to take more oil immediately, as additional pipe lines and trunk lines must first be laid. Neither will it affect present prices, which should be fully as high as the prices in the midcontinent field. This price adjustment will probably follow the investigation being made by the Bureau of Mines.

It is also stated that, through the increased sales of Salt Creek oil, a third competitor may be brought into the field. This sounds like another big joke. It intimates that we now have two competitors, when everyone knows that this Mammoth Co. has a joint parentage in both the Sinclair and Standard Oil Co. In fact, the Standard controls, and to-day openly acknowl-

edges that it has an absolute monopoly in the production, transportation, refining, and marketing of all Wyoming oils; and instead of increasing competition by this lease, the action of the Government has simply strengthened the Standard Oil Co.'s hold in Wyoming.

* * * We now have a surplus of oil production in Salt Creek on top of the ground amounting to nearly 75,000 barrels per day. It seems incredible that they would try to open up a new pool at this time.

Owing to past action by the Government in handling unowned acreage in the Salt Creek field, we had every reason to believe that wherever additional acreage owned by the Government was disposed of it would be open on a competitive basis; and the Teapot contract seems like a radical departure and hardly fair to our oil industry here. Of course, all this is a very narrow view to take of it, for, above all, it is absolutely unfair and unjust to Wyoming as well as to all this intermountain country.

Very truly yours,

B. B. BROOKS.

WOODROW WILSON FOUNDATION.

Mr. HARRISON. Mr. President, on yesterday the Commissioner of Internal Revenue rendered an opinion in which he said and held that contributions made to the Woodrow Wilson Foundation are not deductible in making income-tax returns. That was quite surprising, I am sure, to all the people who read it, and it is quite humiliating to a great many. A few weeks before he had held that contributions made to the Theodore Roosevelt Memorial Association are deductible in income-tax returns, and shortly thereafter or just prior thereto he made a similar ruling that contributions made to the William McKinley Memorial Association fund are deductible in income-tax returns.

I desire to place in the RECORD the rulings of the commissioner in these three instances, in order that those who may read the RECORD can interpret the demarcation lines upon which the rulings are based. I ask that the rulings, as printed in the New York World of to-day, may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The rulings are as follows:

THE DIFFERENT RULINGS.

The Roosevelt Memorial Association, organized to erect and maintain monumental memorials to perpetuate the memory of Theodore Roosevelt, with an endowment fund to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people, is an educational organization within the provisions of section 231 (6) of the revenue act of 1918, and that contributions thereto are deductible in the manner and to the extent provided in section 214 (A) (11) of the same act.

D. H. BLAIR, *Commissioner.*

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The McKinley Memorial Association, to perpetuate the name and achievements of William McKinley, late President of the United States of America, by erecting and maintaining in the city of Niles, in the State of Ohio, the place of his birth, a monument and memorial building, is exclusively educational and comes within the provisions of section 231 (6) of the revenue act of 1921. Consequently contributions to said fund are deductible in the individual returns of the donors in the manner and to the extent provided in section 214 (A) (11) of said act.

D. H. BLAIR, *Commissioner.*

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The Woodrow Wilson Foundation was created by a committee of 250 representative men and women who have undertaken to endow it with a fund of $1,000,000 or more to be raised by public subscription.

The articles of incorporation provide that the purpose of this foundation is far beyond the thought of a tribute to the former President. While it is that, it is chiefly to perpetuate his ideals of democracy and human freedom, and as such it is to be both an inspiration and a reward to other men whose ambition it is to "enable the world to live more amply, with greater vision, with a finer spirit of hope and achievement."

The foundation will from time to time make awards—by a nationally constituted committee—to the individual or group that has rendered within a specific period meritorious service to democracy, public welfare, liberal thought, or peace through justice.

AMERICAN NOBEL PRIZES.

The fund is to be perpetual; awards are to be made only from the income; a part of the fund is to establish scholarships at some of the higher universities. In brief, America is to have its Nobel prizes.

The statement is made that the purpose of this organization is to avoid conflict with the civil and political thought of any portion of the citizenry of the country, as is often the case when a foundation or fund is organized in recognition of distinguished service of a certain individual, but that the purpose and activities of this foundation are exclusively educational.

Held that the foundation is civic and not educational; consequently contributions thereto are not deductible in the individual returns of donors in the manner provided in section 214 (A) (11) of the revenue act of 1921.

D. H. BLAIR, *Commissioner.*

Mr. HARRISON. Mr. President, personally I can not see any difference, and the American people, irrespective of party affiliation, will not be able to see any in the rulings. It is a difference such as is found between "tweedledum" and "tweedledee." When contributions were sought for the Theodore Roosevelt Memorial Association, as well as the William McKinley Memorial Association, they came from Democrats as well as Republicans. I was delighted a few weeks ago, when I happended to be in the city of St. Paul, to see there before the gorgeous and magnificent capitol of that State the statue of John A. Johnson, a great statesman and ex-governor of Minnesota. I saw inscribed thereon a statement to the effect that the statue had been erected through $1 contributions of 100,000 contributors of that State. It was erected, not through contributions made solely by Democrats, but through contributions made by independents, Republicans, and Democrats alike. The same was true, as I said, as to the Theodore Roosevelt Memorial Association as well as the William McKinley Memorial Association. I have been delighted and I am sure everyone has been delighted to see so many Republicans contribute to the Woodrow Wilson Foundation fund. I noticed not long ago that ex-Postmaster General Will Hays had made quite a liberal and generous contribution. Thousands of others could be named. It is a most worthy, patriotic, and laudable cause. It seeks to preserve to generations yet unborn ideals that make for the general good and peace of mankind.

So, while the decision of Internal Revenue Commissioner Blair that contributions to the other memorial associations to perpetuate the ideals of those great men were deductible in making income-tax returns, and in the instance of the Woodrow Wilson Foundation fund they are not deductible—which was a decision based upon partisanship, which was puerile, which was picayunish, which was little, which was small—I am quite sure that it does not express the opinions and feelings of any Senator on the other side of the Chamber. When it is read and known by Republicans and independents and Democrats all over the country, they will be surprised and disgusted with the ruling.

So, because I believe it does not express the true sentiments of the American people and of the present administration, especially of Republican Senators and Republican Members of the House, in view of the ruling of the Commissioner of Internal Revenue, I am going to introduce a bill which will change the law so that contributions made to the Woodrow Wilson Foundation fund will be deductible in income-tax returns, the same as those made to the McKinley Memorial Association and the Theodore Roosevelt Memorial Association. If in the one case contributions are deductible, then surely there is no reason, either in justice or law, why the same policy should not be pursued in the other case. If Mr. Blair is correct in his ruling, then the law should be changed. It is that that I seek to do, unless this ruling is modified or changed.

The bill (S. 3523) to amend the revenue act of 1921 was read twice by its title and referred to the Committee on Finance.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico. Mr. President, on day before yesterday just at the close of the session the chairman of the Finance Committee [Mr. MCCUMBER] made some statements which I deem of the greatest importance. During the previous two days I had been endeavoring to obtain from the chairman of the Finance Committee and the senior Senator from Utah [Mr. SMOOT], another active member of the majority of that committee, information as to the basis for the tariff bill. The Senator from North Dakota in his last utterances upon the subject apparently attempted to clarify the situation. I desire to call attention to what he had to say.

He frankly said that there was one basis upon which the bill was prepared. In certain instances he said that the committee had before it the manufacturers in the United States and the importers, and that they furnished the committee very valuable information and aided in adjusting the rates. I read what he said regarding that:

> We have had those two opposing forces together, and in many instances we have fixed the rates of the bill in conformity to what each of them thought he could still do business under.

That in itself is an important statement. There is evidently no scientific foundation for tariff rates upon such a basis as that. We get the importers together; we get manufacturers together; and we let them come to an agreement as to what the rates of duty shall be. That, as I have said, is a decided departure from anything hitherto announced in all tariff legislation; and I should be very much interested in knowing how that is going to appeal to the citizens of this country. The importers bring into the country certain specific commodities; the manufacturers produce certain other articles of the same class. Take cutlery, for instance. There are some classes of cutlery which are imported. There is no comparison between the imported article and the domestic manufactured article. That was made ap-

parent to us by the manufacturers of cutlery who are also importers, and there are a number of them in this country. I suppose in that case, where the manufacturers produced certain lines of cutlery and imported certain other lines, that those manufacturers must have gotten together and agreed upon the rate of duty which should be imposed upon certain lines of cutlery. The same thing may be said of other articles.

That, to my mind, is a matter that deserves very serious consideration. I should like to know, in the individual cases, which one of those parties had the greater influence with the Finance Committee; whether the manufacturer had the greater influence or the importer had the greater influence. Certainly in all cases they did not agree. Just recently I have been talking with gentlemen who are manufacturers and also importers, and they are very much dissatisfied with some of the rates which are fixed in this bill. There, however, is a clearly defined statement of the chairman of the Committee on Finance, that as to certain articles in this bill—how extensive the number we do not know—the importers and the manufacturers got together and agreed as to the rates which should be imposed under the bill; in other words, the Finance Committee surrendered its right, and it is asking the Senate to surrender its right, to fix the tariff rates, to surrender the right to exercise the great power of taxation and impose taxes upon the people of this country simply because interested parties get together and agree upon the rates.

The distinguished Senator admits, however, that the whole bill was not prepared in that way; and while he says that in many instances that occurred, yet he does not advance that as the real foundation for the bill.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. Ordinarily I do not like to interfere with a Senator's address, no matter how unfair he appears to be in that address; but when the Senator from New Mexico again and again makes a statement for which there is no foundation, while I am in the Chamber, I feel that sometimes I must be called upon even in his time to reply to him.

The Senator from North Dakota has never said that any rate which is found in the pending bill was made by the importer and the manufacturer getting together. What the Senator from North Dakota said, or, at least, what he intended to say, was in answer to a statement made by the Senator from New Mexico [Mr. JONES] indicating that the rates were all fixed and based upon testimony that was given by manufacturers. In reply to that, I said, or, at least, intended to say, that in many instances the rates which we fixed agreed with what both the importer and the exporter felt was about right. They did not fix the rates; the Committee on Finance made the rates; but the fact that they agreed, the importers, that they could import under the rates, and the manufacturers that they could still do business in the United States under the rates, caused us to feel that the rates were somewhere near right. We justified ourselves in thinking that we were not far away from the right and that the rates were fairly correct when the importer and the manufacturer agreed that they could do business under the rates.

The Senator from North Dakota has not said at any time or intimated at any time in any way, shape, or manner that any agreement made between the importers and the manufacturers fixed the rates of duty for the Committee on Finance. What the manufacturer agreed was right would naturally have some influence on the committee and what the importer agreed was about right would also naturally have some influence; but in all instances the committee did the best it could in applying a rate which it thought was fair both to the manufacturer and the importer. I am surprised that the Senator from New Mexico should make this studied effort right along in his argument to misinterpret the statements which have been made.

Mr. JONES of New Mexico. Mr. President, I should not have said anything on this subject in the absence of the Senator from North Dakota, because if I am wrong about what I say I am sure he will be glad to correct me. It may be that I stated the proposition in an inverse way, but I should like to know how the Senator from North Dakota interprets the language of the statement which I read a while ago, and, in order to refresh his recollection, I desire to read it again. First, however, I will read a little further from his statement. The Senator did complain that there had been some insinuation that the committee had called before it only the manufacturers. I did not feel that that criticism as to anything I had said was justified, but we will let that go. After reciting that the committee had had not only the manufacturers but the importers before them, the Senator said:

> I will admit that men are all selfish; that the American manufacturer would like to get as high a protection as he possibly can. I will also admit that in the selfishness of his desires the foreign importer would like to import everything into this country as cheaply as he can.

Now, here comes the sentence which I read a while ago:

> We have had those two opposing forces together, and in many instances we have fixed the rates of the bill in conformity to what each of them thought he could still do business under.

Of course, I did not mean to infer that those people signed the report of the majority of the Finance Committee or that they actually wrote it, but when the Senator from North Dakota says that the committee fixed the rates "in conformity to what each of them thought he could still do business under," I should like to know where the difference appears. Is that not, in effect, allowing these people to suggest the rates which the Finance Committee adopted, for the Senator says that they fixed the rates in conformity with the understanding between the importers and the exporters? I therefore respectfully submit the question as to the foundation for my remarks to the judgment of the Senate.

However, as I have said, that is not the most important feature of the statement of the Senator from North Dakota to which I desire to call attention.

The Senator from North Dakota further said:

> I have stated again and again—the Senator may conscientiously differ from me in that respect—that we have tried to make the tariff rates measure the difference between what we regarded as the cost of production at home and the cost of production elsewhere, where it was possible to obtain that cost of production. In very few instances, however, can we obtain the actual cost of production in a foreign country. Therefore, we must assume that the goods are sold in the foreign country for a price which represents the cost of production, plus a reasonable return for the manufacturer. That is the basis on which we have always levied our duties in the past, because it is the only substantial basis which we can get. It is also, I think, equally true—and I believe we can establish the fact in most cases—that the wholesale selling price in the United States represents the cost of production, plus a reasonable return upon the investment and upon the cost of manufacture. We could not in all cases obtain the actual cost of production in the United States, but in many instances we had figures showing exactly what it cost to produce a given article by different manufacturers, and from that evidence and from the information obtained as to conditions abroad we made up our schedules.

Mr. President, that statement is very broad and comprehensive. It lays down the principle upon which the bill is founded, and it also advises us as to the source of information for the application of the principle. What the majority of the committee seek to arrive at is the cost of production abroad and the cost of production in the United States, and to adjust rates in accordance with that difference and thus equalize the costs in such a manner as would bring about an equilibrium or competition in the United States.

That is a very beautiful picture. It is very attractive to many people. It conforms absolutely to many statements of people as to what a tariff bill should do. In order to find out to what extent that principle has been applied to this bill, it will be necessary for us to gain a little further information.

There are many articles coming into the United States of a similar grade, under the same paragraph in this bill, from different countries. The prices vary; and I should like to ask the Senator from North Dakota what prices were taken into consideration in ascertaining the prices in the foreign countries?

The Senator says that the majority of the committee obtained the information as to the cost of production in the foreign countries by knowing the price. They assumed that the price at which the article is sold in the foreign country is the cost of production plus a reasonable profit. We will take some articles that are imported. They come from England, they come from Germany, they come from France. The prices at which those articles are sold in the foreign countries differ very materially; and I should like to know from what country came the prices which were used by the majority of the Finance Committee in framing this bill. Did the Senator take English prices, German prices, French prices, Japanese prices, or from what country did the Senator obtain his prices as to the cost of production abroad? Will the Senator enlighten us on that subject?

Mr. McCUMBER. Certainly. I shall be glad to do so.

Mr. President, the Senator understands the rules of trade well enough to know the impossibility of importations coming in to any great extent from two countries where there is a very material difference in the cost of production in the two countries. In most of those instances the Senator will find that if an article has been coming from Great Britain, and Germany gets into the field on the comparable article and produces and imports at a very low price, lower than the British can manu-

facture and import that article, the importations cease coming in from Great Britain. They come in from Germany. Likewise, if a line of goods which have heretofore come in from Germany at a reasonably low cost are being produced in Japan at a much lower rate of cost, the Japanese will drive the Germans out of the market. So, if the Senator looks over the entire list of importations and finds a certain class of importations coming into this country from Germany in considerable quantities, he will find that the same articles are not coming in from Great Britain in any great quantities, and so of the different countries. Therefore there is not as much difficulty as might appear upon the face of the matter in ascertaining and taking the standard of the valuation.

We look at these articles. Where do they come from? Why, the great bulk of them come from Great Britain or France or Germany or Japan or China, and the trade that one country has the other country has very little of.

There are certain woolen and cotton goods, for instance, that are produced in Great Britain and also in Germany. When we analyze them carefully we find that one is far superior to the other, and while it may go under the same name it will bring a considerably higher price. Therefore Great Britain still imports woolen fabrics into the United States because of their superior quality. Before the war Germany took from Great Britain practically entirely the importation of hosiery, and to a great extent the importation of gloves, and so forth; and instead, then, of going to Great Britain to get the cost price we go to Germany, and we go to India for things that come from India.

Ordinarily, however, two countries do not import comparable articles at the same time. One country drives the other out of the market; and, of course, in many instances here we have had to make the rates such that they will practically exclude entirely the British manufacturer. We base the rate upon the price in the country from which the greatest amount of goods comes.

That is as nearly as I can explain the matter to the Senator. I sometimes have some difficulty in making my explanations, because I think I sometimes find the Senator hardly fair in his reply to what I attempt to make clear.

Mr. JONES of New Mexico. Mr. President, I certainly disclaim any intention to be unfair. The Senator from North Dakota undoubtedly assumes that his judgment upon that subject is not subject to criticism or investigation; but I desire to assure the Senator from North Dakota now that not only have I attempted to be fair in my statements but every time I have made a statement I have called upon the Senator from North Dakota to corroborate what I have said, and to offer any criticism that he might have to make. In all kindness and good will toward the distinguished Senator, I recognize that he is overworked, that his patience may not be all that one would expect on the floor of the Senate in the dealings of one Senator with another, and I shall make allowances for any such condition or frame of mind, and still believe that the Senator from North Dakota does not really intend to go beyond the rules of propriety which should govern in discussions of this sort.

I have not at any time charged that the distinguished Senator from North Dakota was unfair in any of his criticisms of what I have said, and I have accepted all of his castigations in perfectly good humor; and I wish to assure the distinguished Senator, regardless of what he may have to say, that I shall endeavor to preserve my good humor during this discussion.

Coming to what the Senator has just said, I wish to analyze the statements which he has made regarding the duties on these different articles, and to apply in a concrete way what he has said to some of the paragraphs of this bill, and to one of them in particular. I do not want to consume any unnecessary time. We are simply seeking enlightenment upon this subject.

Paragraph 212 of this bill relates to earthenware, which comes in under different designations, and reads as follows:

> Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for, 45 per cent ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for, 50 per cent ad valorem.

Turning to the so-called Reynolds report, which contains the prices of these various articles, which were obtained last fall at the expense of $100,000 for the majority of the Finance Committee, I find that articles embraced in that paragraph come into the United States from England, Holland, Germany, Czechoslovakia, France, and Japan, and a number of articles included under that one schedule come into the United States from every one of those countries.

On looking into the prices, I find that they vary materially for the different countries. Let us take ordinary chinaware, decorated, and so forth, which would come within paragraph 212, which I have just read. That comes from China, from France, from Italy, from Holland, from England, from Germany, from Czechoslovakia, and all comes within the identical paragraph, and precisely the same rate is fixed for each commodity. The Senator knows that there is a vast difference in the cost of these commodities, and he knows that those articles are coming here now from each one of those countries, and it is beside the point, in my judgment, for Senators to say that in framing this bill they fixed on the tariff rate for each article by taking into consideration only the country from which the article was exported in greatest quantity.

I should like to know, in regard to that schedule, how the Senator arrived at his rate. Did he simply ascertain the country whence the largest amount came or did he ascertain the country which was exporting the article at the lowest price? I would like to have the Senator say whether or not some country was selected and the prices ascertained as a basis for the rates levied in this bill. I assume that is so, from what the Senator has just said to us. His argument is that the country which produces at the lowest cost will do the most exporting, and I think that is a sound proposition; but for fear the Senator may claim that I am treating him unfairly again about this matter, I should like to have him confirm once more that position. Is it the statement of the Senator that the Finance Committee selected the country exporting at the lowest price and from the prices in that country fixed the rates under this bill?

Mr. McCUMBER. Mr. President, if the Senator will examine the Reynolds report, which, of course, was before the committee at all times, and will take the earthenware schedule, for instance, he will find that that is being imported from England; that the earthenware carries a certain price; and that it has a certain designation in the trade. He will find that earthenware may be coming from France at a different price or from Czechoslovakia at still a different price, but I think upon a close investigation he will find that the article manufactured in one country differs from the article manufactured in another country. What is true of earthenware is true of chinaware. The articles made in different countries are not exactly the same. We may have an article in the United States comparable to each one of these, but, as a rule, they are not comparable with each other.

In making a designation we follow, for the most part, descriptions which have grown up through a hundred years and more of tariff legislation, modified from time to time to meet a new character of goods. We describe them carefully. We give upon the particular description a rate which we think will be a fair rate applied to that specifically named article.

Of course, we can not designate an article as coming from Germany, or from France, or China, or Japan, or Great Britain. We describe the article. It so happens that, in our descriptions, those that would come under one description are being imported from Germany, those coming under another description from Great Britain, those under still another description possibly from Japan or China, and we apply upon the particular article the rate which we think is proper.

Where it so happens, as I have already stated, that from some countries where the production cost is high the articles can not get in those countries necessarily have to suffer because of that description. It may be true, and undoubtedly is, that in the case of some lines of cutlery, in order to protect against the manufactures in one country, we will put the rate so high that comparable articles can not be imported from Great Britain, for instance, on account of the higher cost. The only rule we have followed is to take the particular article coming in, not only in the greatest quantity but coming in from a country which supplies that particular character of commodity, and put a duty upon it which will measure the difference, as I have suggested, between the cost of production or the selling price in the foreign country and the cost of production or the selling price in the United States.

You can not get a standard that is more specific than that. It has always been the basis of our tariffs. We have had to figure upon the foreign value heretofore, and while that foreign value may not be in exact relation to foreign cost, it is generally so close and so definite that we have regarded it through more than a century as being the safest standard. I can not make it clearer than that.

Mr. JONES of New Mexico. I think the Senator has done the best he could, and I am willing to accept his reply in that spirit.

Mr. HITCHCOCK. Mr. President, will the Senator state at this point how the tariff in the pending bill on earthenware compares with the tariff in existing law?

Mr. JONES of New Mexico. There has been no compilation of that kind of information. I am very sorry that the majority of the committee did not prepare just such a table covering the entire bill. The minority members of the committee have asked the Tariff Commission to prepare a table which will show just that. I think it is highly important, in the consideration of this bill, to have the various rates in front of us, in convenient form, for reference and for comparison.

I can answer the Senator's question as to this particular paragraph, paragraph 212. The bill now under consideration places the duty upon such articles as plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for, at 45 per cent ad valorem; and if painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner the rate is 50 per cent ad valorem.

The rate in the present law is fixed in almost identical language as to description. I will read it, however, because there are some few changes in it, although I do not think it is changed in any essential particular. It is paragraph 79 of the act of 1913, and reads as follows:

79. Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; if plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware not specially provided for in this section, 35 per cent ad valorem.

Under the pending bill it is increased to 45 per cent ad valorem. The next clause is as follows:

if painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware not specially provided for in this section, 40 per cent ad valorem.

That is the present law, and it is increased to 50 per cent under the pending bill. I believe that the description is identical, although I have had no opportunity to make a definite comparison.

Mr. HITCHCOCK. The plain ware has gone up from 35 to 45 and the decorated ware from 40 to 50. Can the Senator state on what theory that advance has been made?

Mr. JONES of New Mexico. That is what I hope to find out before I conclude the discussion of the subject.

Mr. HITCHCOCK. I notice in the statistics of recent imports that the imports, instead of increasing at the present time, are falling off.

Mr. JONES of New Mexico. I think the Senator is quite right about that, and he is correctly informed on the subject. That is my own information.

The Senator from North Dakota will observe that in this paragraph there are various classes of articles put in the same paragraph and under the same rate of duty. I will ask the Senator if he believes that the prices of all these articles in the foreign countries are the same.

Mr. McCUMBER. Of course, Mr. President, they would not be the same, but where there are ad valorem duties, necessarily, of course, you get the same ratio, no matter what the cost is.

As to the different countries, take, for instance, earthenware. Most of that comes from Great Britain and Holland. The chinaware which is imported into this country comes mostly from Germany, and it verifies what I stated to the Senator a short time ago, that where one country imports in any great quantity the other country ceases to be a competitor. So while Germany has been the great manufacturer of chinaware, Great Britain, which in times gone by furnished practically three-fourths of the chinaware used in the United States, is now exporting scarcely none of it. The rate of duty where it is ad valorem is, of course, according to its value, and where we could not get a description that would possibly cover everything, we followed the rule we were compelled to follow, of putting all the others in an ad valorem basket clause.

Mr. JONES of New Mexico. The Senator understands all about the effect of an ad valorem tax, and the Senator recognizes that the higher the price of the article the greater the tax. In this schedule there is included decorated ware of every description if it is made out of earth. The Senator knows that such ware comes to this country from the different countries which I have named. He knows that the prices of those shipments will vary from a small percentage to a very high percentage.

Mr. McCUMBER. Certainly we must realize that, but how would the Senator meet it? Here is an article of decorated chinaware which may contain a little leaf. Another may contain a large gold band, and it may be profuse in decoration. We can not put any line of demarcation between the thousands of classes. One may cost ten times as much as the other. All we can do is to give the ad valorem duty that we think will be right, and if the one costs ten times as much as the other, of course the duty will be ten times as much. That is the rule which was followed in the Underwood tariff law, and it is followed in this proposed law. It is the only rule which can be applied. The only difference between the two lies in the difference in the rates.

Mr. JONES of New Mexico. Mr. President, I realize the difficulty which anyone would have in putting a tariff upon earthenware, but the point which I was trying to test was the principle which actuated the Finance Committee in fixing these schedules. The Senator from North Dakota has dwelt upon the difficulty and was perfectly justified in doing that, but does that relieve the situation? Does that throw any light upon the preparation of the bill?

The Senator stated in his remarks day before yesterday that the majority members of the Finance Committee undertook to fix a tariff based upon the difference in the cost of production at home and abroad. He also stated that they ascertained the cost of production abroad from the prices at which those articles were sold. It now develops that under the same rates are included a variety of articles coming from different countries, of different costs, of different prices, and we find here one blanket rate for them all. I have dwelt upon this for the purpose of getting light upon the basis upon which the bill is founded. Instead of getting much light from the discussion here, it seems to me that the atmosphere is becoming more dense.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. With pleasure.

Mr. McCUMBER. I would like to ask the Senator how he would levy a rate of duty upon decorated chinaware. I am not asking what rate he would put upon it, but if he were to levy a rate of duty, how would he base that levy? If he would take any other system than that which is in the Underwood law and that which is in the present bill, what method would he adopt?

Mr. JONES of New Mexico. I am sorry that in the deliberations of the majority of the Finance Committee I was not invited to participate in fixing the rates under the bill. It seems to me it comes rather late now, after the bill has been presented to the Senate, to call upon me as a minority member of the Finance Committee to give my views upon the subject.

However, I agree that the Senator and his colleagues in the committee were in much trouble over this matter, and I am willing to accord them the view that they did the best they could from their point of view. What I am trying to get at, however, is the point of view. I am not impugning the motives of anyone. I am willing to accord them the belief that they have done the best they knew how, but I am very anxious and I think the country is anxious to know the view of the majority members of the committee. It seems to me now, when the Senator from North Dakota is calling attention to the very serious difficulties under which he labored, that he got far afield from his general proposition that the bill was framed upon the basis of the difference of cost in production in the United States and the cost abroad.

Mr. McCUMBER. Why does the Senator say that in reference to the decorated chinaware? Suppose we come to the conclusion that it costs to manufacture and put upon the market the undecorated chinaware, say, 40 per cent more in the United States than it does in Germany. Suppose we come to the conclusion that as to the decorated chinaware it costs on the average about 50 per cent more, because of the higher cost of American labor, the higher expense for raw materials, and so forth, to manufacture decorated chinaware in this country over and above what it costs in Germany. Then if we have in that instance selected 50 per cent to be the tariff rate, we have measured the difference, have we not?

We could not base it properly upon any other theory. Of course, we could base it upon the weight, or something else, but that would not be fair. There is only one method of levying duties of that kind and that is the ad valorem method. We can not make it a specific duty. I have stated that I think

the ad valorem duty which we have given approximately measures the difference between the foreign cost and the American cost.

Mr. JONES of New Mexico. The Senator has assumed that the American cost is a fixed and known quantity, and I think that is what he must assume in the preparation of a bill of this sort. He must ascertain the American cost if he attempts in any degree to found the bill upon the principle which he has announced.

But there is included in this one paragraph all grades of plain and decorated earthenware. The cost in this country being fixed, the cost in the foreign country not being the same, varying to an extreme extent in many cases, then it does seem to me that the Senator can no longer say that they had fixed the rate for the purpose of equalizing the difference in cost between this country and the foreign country.

Mr. WATSON of Indiana. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I am glad to yield to the Senator.

Mr. WATSON of Indiana. There has never been a bill, apparently, formulated in the history of this country that has not had foreign valuations as a basis. Naturally there will be fluctuations in prices in foreign countries and in this country. But the bills have been formulated, as is this bill, on the theory that prices in the United States will be relatively permanent and therefore we can take the American value and on that basis measure the difference in the cost of construction or production between what we produce in this country and what is produced of like character in a foreign country. Values may be shifted, yet there is enough of permanency about it to establish fairly the difference between the cost of production at home and abroad, and by that yardstick measure the duty to be levied on that particular item.

Now, the foreign valuation has been the rule in the formulation of all tariff measures, whether they were protective or otherwise. What amendment does the Senator propose to this paragraph, and if he is not going to propose an amendment to it, why debate it? What is the point, will the Senator permit me to ask him? Does he propose some substitute for this system; and if so, what is it? How would he change this method of ascertaining the valuation abroad and, from the protective standpoint, if he can imagine himself over on that side of the proposition for a while, how else would he go about it to find the difference between the cost of production at home and abroad?

Mr. JONES of New Mexico. Mr. President, I am very glad to answer the Senator, and in my answer I want to call to the attention of the Senator from Indiana some very fundamental principles which ought to govern all legislation.

In the construction of any statute by a court, what does the court do? It first finds out what the situation was before the law was passed. It ascertains the evil which existed, and then it tries to get from the statute the remedy which was proposed. I submit that on this very paragraph the burden is upon the Senator from Indiana, as a member of the majority of the Finance Committee, to tell us what the evil is under the existing law. Why should the existing law be changed? Then it is for him to bring forward a certain and definite remedy for any evil, if such is found.

Look into the trade regarding this particular item or this paragraph upon earthenware. We do not find the American market being swamped with earthenware from foreign countries. We find articles of decorated earthenware from England, from France, from Japan, from Germany, selling in the American market at higher prices than the domestic articles.

Mr. SMOOT. Mr. President, if the Senator really wants to know why the duty is placed in the bill, perhaps I could call his attention to a few reasons. But I do not want to take the Senator's time, because I know he is anxious to speak.

Mr. JONES of New Mexico. I hope to correct the Senator. I am anxious to have all the light upon the bill that I possibly can. If the Senator from Utah can give us any light, I am more than willing and anxious to yield to him.

Mr. SMOOT. I am sure that any light we may be able to give as to this schedule or upon any other schedule will not be satisfactory to the Senator, but I am going to say to the Senator that this is what the Tariff Commission found as to the difference in the making of china between wages in this country and those abroad:

The average labor cost per unit of product in the American vitreous china potteries was very much greater than in American earthenware potteries, owing to the slower processes of manufacture and the difficulty in firing and in manipulating the material in all stages. The American vitreous china labor cost was 73.3 per cent higher than in American earthenware—

This comparison shows the reason for difference in the rate imposed on the two classes of this article—

182.3 per cent higher than in Austrian china, and 314 per cent higher than in German china potteries.

Does the Senator think that the rates we have placed in this bill now afford a protection more than equal to the difference between the cost of labor in producing these goods in the respective countries? The testimony showed beyond a question of doubt that the difference in the labor costs alone between this country and Germany was 314 per cent. Some protection has got to be given or else the industry can not live in America.

The average wage per full-time week of jiggermen (typical skilled workingmen) was $23.87 in American vitreous china potteries, $6.65 in German, and $6.37 in Austrian china potteries.

I could go on and give the Senator the percentages involved in those figures, but they run all the way from 183 per cent to over 400 per cent. I am sure the Senator knows that the only way to meet that difference is by a protective tariff, for it can not be met in any other way. The plan of imposing the duties proposed in this bill is exactly the same as it was in the Payne-Aldrich bill, in the Underwood-Simmons bill, and in every other bill which has been framed from the time our first tariff law was put upon the statute books.

I repeat, the situation can not be met in any other way unless we should enact a tariff for revenue only law, such as Germany has. Germany imposes a duty on earthenware and chinaware, but it is a specific duty and not an ad valorem duty, as German duties are nearly all specific. In other words, a set of imported china which in this country will cost $300 comes in on an ad valorem rate. That same set, if made in this country or any other country and exported to Germany, would pay so much per pound, and that duty at so much per pound would apply to a $300 set of china as it would if it were the commonest set of china selling for only $10. The $300 set of china would not pay nearly as much as would the ordinary $10 set, because the $10 set would weigh more than would the $300 set.

We are not going to frame any kind of a tariff like that in this country, and I do not believe the Senator would ever vote for such a tariff. I think if he had been called in when the majority of the committee were fixing the tariff rates he would have been one of the Senators who if such a proposition as that had been made would have said, "No; it can not be."

Mr. HITCHCOCK. Mr. President, will the Senator from New Mexico permit me to ask the Senator from Utah a question?

Mr. JONES of New Mexico. I am glad to yield to the Senator from Nebraska.

Mr. HITCHCOCK. I should like to know what is the matter with the present rate under the existing law?

Mr. SMOOT. The present rate is not high enough to protect the American industry under conditions existing in the world to-day. That is the reason for the proposed new rate.

Mr. HITCHCOCK. I have been looking at the figures as to our imports of earthenware, and find that they are at a rate now of 10 cents per capita a year; that is, for 100,000,000 people we are only importing about $12,000,000 of earthenware a year. The American people are certainly consuming a great deal more than that, and where are they getting it? They must be getting it from American factories.

Mr. SMOOT. I will frankly say, Mr. President, that these particular rates were put into this bill because of the very fact that the committee saw invoices of these goods coming from Austria and from Germany, which made it apparent that even the rates in the bill will not be protective.

Mr. HITCHCOCK. Is it not a fact, however, that our imports of earthenware are falling off?

Mr. SMOOT. No; they are not falling off, nor will they fall off from now on.

Mr. HITCHCOCK. Let me read the figures to the Senator.

Mr. SMOOT. I say they will not fall off from now on.

Mr. HITCHCOCK. I say that they have been falling off. The last figures which I have been able to get are for the eight months ending with February last, and the figures for the eight months ending with February of this year show imports of $760,000 less than for the eight months ending with February of last year.

Mr. SMOOT. That is not the total of the different classifications.

Mr. HITCHCOCK. It is all that I have been able to find.

Mr. SMOOT. That is only one particular item; but if the Senator will examine the figures as to all the other classifications, then he will see that there has not been such a falling off as he has indicated.

Mr. HITCHCOCK. The publication before me says that the imports of decorated and ornamented, both of which are in one paragraph, are approximately the same for this year as last year, there being a slight falling off, and that the imports of the other kind, meaning the plain, have fallen off about the same amount, $500,000. So that the last statistics we have show that the imports of earthenware are actually falling off, and that for a whole year the imports only amounted to 10 cents per capita for the people of the United States.

Mr. SMOOT. Mr. President, I should like to proceed with the bill, rather than to indulge in general discussion, until we reach some particular schedule which it is desired to discuss. Then, we will put figures into the RECORD, and I am hopeful when that time comes we can have Senators here to listen to what we have to say. That is one reason why so far I have not undertaken to discuss a single solitary schedule of the bill. I have spoken upon the administrative features of the measure, and that is all; but when we reach the schedules I am perfectly willing, so far as I can do so, to give any information to the Senate as to the reason actuating the committee in fixing the rates found in the bill.

Mr. SIMMONS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I was very much interested in one statement made by the Senator from Utah, because it was so wholly inconsistent with all the facts, as I have understood them in connection with the making of this bill and the fixing of its rates. The Senator stated, as I understood him, that the rates in this bill were based upon the difference between the labor and material costs in this country and those abroad. Does the Senator say that is the basis upon which the committee have fixed these rates?

Mr. SMOOT. That is only one of the elements that enter into the rates as they have been fixed, but it is a very material element.

Mr. SIMMONS. Did the Senator's committee make any serious effort to ascertain the present difference between the labor cost here and the labor cost abroad or the present difference between material costs here and similar costs abroad?

Mr. SMOOT. Mr. President, there was hardly a witness who appeared before the committee who did not testify as to the difference between the wage scales of this country and those abroad. I think the Senator attended a good many of the meetings where that happended. I think he was present when this very schedule was under consideration, and when the labor representative who had just come from Germany testified before the committee as to the scale of wages paid in that country.

Mr. SIMMONS. Oh, Mr. President, there was considerable testimony before the committee as to the low wages paid in Germany and Japan, and probably in some other countries, but there was before the committee no testimony of any consequence at all as to the production costs of the various items that are in this bill in other countries as compared with the production costs in this country.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. I will ask the Senator to wait for a moment. The outcry which has led to the rates which have been fixed in this bill has been to the effect that labor in Germany and in Japan and in China were paid very much less than it is here. Everybody knows, Mr. President, that labor does not constitute the whole of the production cost; everybody knows that the efficiency of labor has as much to do with that cost as has the daily wage paid, and the testimony before the committee on this point related entirely and exclusively to the wages paid and not to the wage cost of production.

I undertake to say that there is not a duty in this bill that is imposed upon a finding based upon any adequate testimony as to the difference between the production costs here and abroad.

So far as wages are concerned, they may be low relatively in some countries as compared with wages in the United States; but I make the assertion here and now—and the statistics will abundantly corroborate and support the statement—that the relative cost of labor in Germany, in China, and in Japan to-day is greater than it was before the war, greater than it was when the Payne-Aldrich bill was framed, and greater than it was when the Underwood bill was framed. While wages now may be low relatively, they are not so low as they were at the time those bills were framed and enacted.

However, Mr. President, material costs in countries like Germany and others of our European competitors, which have to import practically all of their essential raw materials from other countries, are enormously higher, relatively, than their material costs were before the war. Yet the committee in all of its deliberations made no effort in the examination of witnesses to get the definite facts upon which they might ascertain with any degree of certainty the difference in the production costs, either of labor or of material, as compared with those costs in this country.

I assert that there is not a particle of foundation for the contention that the rates in this bill were based, or were intended to be based, upon the difference between labor costs or material costs here and abroad. The rates in the bill are fixed upon an entirely different principle, and the bill itself shows that they were ascertained and were fixed upon a different principle.

Mr. SMOOT. Mr. President, I simply repeat that the rates are based upon not one reason but several reasons, and among those reasons is the difference between the wage scale of this country and the wage scales of foreign lands.

The Senator undertakes to inform us that labor is not the only element entering into the cost of making goods. That is a remarkable statement to make. I did not know that there was a soul living on the earth who even thought that it was. But, Mr. President, if the rates that we have in this bill were based only upon labor they would be double and treble what they are, because I say now, taking this bill schedule by schedule, and taking the labor cost of producing cotton goods or any other commodity—laces or silks, or anything that is made upon a power-driven machine—England and Germany and all other countries have the same kind of machines, run by the same kind of power, and one person handles the same number of machines in each country, and the machines run at the same number of revolutions, and the warps are the same, and the filling is the same, and the shuttles run at the same speed, and they can make just as many yards in each of those countries as can be made in the United States upon each machine.

Mr. SIMMONS. And therefore, Mr. President, the English labor cost of cotton goods to-day is as high as the American cost.

Mr. SMOOT. The Senator can not take both sides of the question. He can not say that no rate is needed because of the fact that they do not produce in a foreign country cheaper than we do, and at the same time say that the efficiency of the labor and the ultimate unit value of the labor is higher in the United States than in any other country. It will not work. The Senator must take one horn or the other of the dilemma.

Mr. SIMMONS. I do take one horn of the dilemma. When I referred to the efficiency of labor I was speaking with reference to Japan, China, and Germany, where the committee have said that there was a great difference.

The Senator is speaking now, however, about the production in an Anglo-Saxon country, where during the war the wages of labor rose as high as they were in America, and where, by reason of the determination of the labor of Great Britain to maintain their war prices and standards, just as we have had the same determination on the part of labor in this country, they have been enabled, through their unions and their organizations, to maintain their war prices at as high a level as our own laborers have been able to maintain their war prices, and have been just as effective in their resistance to reductions of those prices as our laborers have been; and to-day the laborers in the great cotton factories of Great Britain are commanding just as high a scale of wages as is paid in the factories of this country. I have not understood that that has been seriously questioned in the committee, but I have understood that in the committee, in the case of Germany and Japan, they have said that there was a vast difference; and I was simply answering the condition that confronted me growing out of my connection and experience and observation with reference to the hearings in this matter.

Mr. SMOOT. The Senator is not going to get out from this discussion by referring simply to England. The Senator from Utah mentioned Germany particularly. When the Senator from North Carolina says that the wage scale in England or in Germany during the war was the same as the wage scale in this country, I want him to consider the matter well and make an investigation, and I think he will correct that statement.

Mr. SIMMONS. I did not say "Germany." I said "Great Britain."

Mr. SMOOT. I will say, then, in England at any time during the war, or to-day, at this very minute. Why, Mr. President, what is England doing against Germany? Is she undertaking to protect her industries against the invasion of Germany and Austria and the Balkan States and Japan by a small duty? No, Mr. President. England says that certain of the goods of those countries shall be embargoed.

Does the Senator know how many of these safeguarding of industry acts have been passed in England since the armistice was signed? Does he know what goods they cover, and does he know that there is not any question of rates, but it is a question of Germany not being permitted to ship the goods into England? Why, England has gone so far as to say that all her key industries, so designated by her legislators, shall be protected not by a rate, but by an embargo.

Never in the history of this world were conditions so unsettled as they are to-day; and I frankly stated here upon the floor of the Senate last Monday that I did not know whether the rates that are carried in this bill would fully protect the industries of this country or not. That is why I wanted to give to the President the power to increase the rates, or, if they are too high, to decrease them. I hope it will not be long before conditions in the world will become normal again. They are far, far from it to-day.

Mr. President, I am not asking for extra-high protection. I want a rate of protection that at least will give American laboring men and American industries a chance to live against their foreign competitors.

Mr. SIMMONS. Mr. President——

Mr. JONES of New Mexico. I yield further.

Mr. SMOOT. I trust the Senator will pardon me for taking the time that I did.

Mr. JONES of New Mexico. I am very glad to get light on this bill from any source.

Mr. SMOOT. I want to say to the Senator that if we can only get down to the items, and Senators want light upon each item, I think it will be given at the time. I apologize to the Senator for being led off by a statement which was made by the Senator from North Carolina.

Mr. SIMMONS. Mr. President, there is only one statement that the Senator has made to which I desire to reply. The Senator says that he wants only adequate protection against our competitors, especially in the European markets, for he was discussing the European markets.

Mr. SMOOT. The German markets.

Mr. SIMMONS. The German markets, the English markets, all the European markets, were under discussion by the Senator. He wants a tariff rate high enough to protect the domestic manufacturer of this country against the products of Europe. He thinks that at this time the rates of the present law are not sufficient for that purpose.

Mr. President, I want to say to the Senator that in the year 1921, under the rates of the present law, which are not half as high as the rates in the bill that we are asked to pass, the total importations from all countries in Europe were less than the total importations from Europe during the first year of the Payne-Aldrich Act; they were less than the importations from Europe during the second year of the Payne-Aldrich Act; they were $136,000,000 less than the imports from Europe during the third year of the Payne-Aldrich Act; and they were a round hundred million dollars less from all the countries of Europe last year under the rates of the present act than they were during the last year of the Payne-Aldrich Act. I am speaking now of calendar years.

In that condition, Mr. President, I say, first, that there is no foundation for the statement of the Senator from Utah that this market place to-day, under the rates of the existing law, is being flooded with European products. There is no foundation for his statement that this market place needs twice the rates of the present law in order to protect itself against European importations; and the conclusive evidence of that is contained in the facts with reference to importations that I have just related.

Mr. SMOOT. Mr. President, I am not going to take the time of the Senate any longer, but what I said was on the basis of the daily statements issued by the United States Treasury, and I think I can depend upon those statements as to the amount of duty that we collect. I do not think any goods come into the country, if they are dutiable, but that the Treasury knows about them, and I do not think there is a cent of duty ever paid but that it is reported; and it is upon those figures that I make my statement.

Mr. SIMMONS. Mr. President, the figures upon which I make my statement are contained in the monthly summary of imports and exports of domestic and foreign merchandise by countries, issued by the United States Bureau of Foreign and Domestic Commerce, in Secretary Hoover's Department of Commerce, and I want to read that statement.

In the calendar year 1920 the imports from all Europe were $1,227,000,000—very high—but in the calendar year 1921 the imports from all Europe had fallen to $764,000,000. During the first year of the Payne-Aldrich Act, according to this official document, imports from all Europe were $790,000,000; the second year, $770,000,000; the third year, $900,000,000; the fourth year, $864,000,000. Each year under the Payne-Aldrich Act, according to this official document, the imports from all the countries of Europe were more than they were during the year 1921, under the rates of the present law.

Mr. SMOOT. Of course, the Senator meant the Underwood Act instead of the Payne-Aldrich Act.

Mr. SIMMONS. No; was not the Payne-Aldrich Act in effect in 1910?

Mr. SMOOT. Oh, yes.

Mr. SIMMONS. And in 1911?

Mr. SMOOT. I misunderstood the Senator.

Mr. SIMMONS. And in 1912 and 1913. Those were the figures that I read, covering the entire four years of the life of the Payne-Aldrich Act; and I say that in each calendar year the imports from Europe are shown by these figures to have been greater than they were in the last calendar year, 1921, from all the countries of Europe.

Mr. SMOOT. Mr. President, if we undertook to base our judgment upon the amount of business that was done in the United States in 1921, and to make rates upon that basis, we would be far afield. Never in the history of the United States has there been such a time of depression, where overstocks have been so great, where merchants were compelled to so great an extent to dispose of all the goods that it was possible to dispose of, and buy none in many, many cases. That is shown in the returns from the Treasury Department. That is why, I will say to the Senator, at the close of business last night there had been received by the Treasury of the United States during this fiscal year up to the present day, compared with the last fiscal year, over $1,000,000,000 less revenue to the Government.

That is why the figures quoted by the Senator here have no reference whatever to the amount of goods which may come into this country when there is a demand for them.

Mr. SIMMONS. Will the Senator permit me?

Mr. SMOOT. In just a moment I will yield. In the figures the Senator quotes, he also does not take into consideration the question as to whether the goods came in free or whether they came in dutiable. His figures took into consideration all goods, whether they came in free or whether they came in dutiable. The United States never objects, and nobody would ever think of objecting, to allowing goods which are upon the free list to come into the United States. What difference would it make if there were a billion dollars more of such imports? There would be no revenue to the Government, no protection whatever to the interests which are demanding protection. But up to April 26, 1922, there was collected a revenue of $277,780,775.36 on dutiable goods. For the year preceding, or for the fiscal year 1921, as compared with 1922, the figures, under the Underwood law, were $252,872,000. The rates applied were exactly the same, because it was under the Underwood law.

Mr. JONES of New Mexico. I am sure the Senator does not want that statement to remain as he has just stated it.

Mr. SMOOT. Yes; I want it to remain.

Mr. JONES of New Mexico. The emergency tariff law went into effect on the 27th of May, 1921, putting wool upon the dutiable list, and increasing the duty upon sugar and a number of other items. So the Senator is not quite accurate in his statement that these goods came in under the same law.

Mr. SMOOT. The emergency tariff bill, as far as sugar is concerned, did affect this figure, and I thank the Senator for calling my attention to it. But, Mr. President, it should be remembered that the first figure I spoke of, the very highest, obtained at a time when business in this country was as low as it ever was in its history, and I trust, aye, I hope, Mr. President, that the bottom has been reached and that there will be a revival of business from now on.

As far as manufactured goods are concerned, that must be, because of the fact that the shelves are all bare. The merchants have sold until their stocks are just as low as they possibly can have them and at the same time maintain their trade and furnish what is absolutely necessary. They have no surplus now to sell as they had in 1921 and 1920. So that all the goods which are used in this country from now on must either be produced by American labor and American institutions or they must be imported into this country.

The bill we have presented to the Senate has in view the production of a great majority of those goods in this country, and, as far as the results which will follow from that bill are concerned, I have no apology to make, and I believe with all my soul that the American people will accept the policy that has been adopted.

I know that if the rates are too high and there should be an embargo the American people would object to it. They would not approve of the action; but under existing conditions in the world to-day the only fear I have is that some of the rates are just low enough to allow the countries of the world producing more cheaply than we to jump the hurdle. I hope not, Mr. President, and I hope that there will be a fair amount of importations into this country, but that the great bulk of the goods used by the American people will be made by American laboring men.

Mr. SIMMONS. Mr. President, instead of confining himself to the issue which had been made between him and myself, the Senator drifts off into other fields. I do not purpose to permit him in that way to escape the results of the figures applied to the issue which I made with him.

The Senator contended that the European imports were so great under the present law that they threatened the markets of this country. I joined issue with him upon that question. I asserted that they were not any greater during the last calendar year, under the present law, than they were during the four years of the operation of the high rates of the Payne-Aldrich law. I asserted, on the contrary, that they were materially less than they were during any year during the life of the Payne-Aldrich Act.

If my statement of those facts is correct, then there is no foundation upon which to rest the contention of the Senator from Utah that, so far as importations from European countries are concerned, they are more threatening now, under the proposed rates, than they were under the Payne-Aldrich rates. If they are no greater under the rates of the pending bill than they were under the Payne-Aldrich rates, then this market is not in danger of being flooded by reason of the lower rates.

Then the fact that the importations have been less under these lower rates than under the higher rates of the Payne-Aldrich law is conclusive evidence that there is no need at this time for an increase in those rates. It is conclusive proof that importations from Europe, at least—and we are talking about Europe only in this controversy—are not a menace to the American market.

The Senator from Utah, seeing the overwhelming force of the figures I presented, taken from the official records of this Government, certified to this Congress and to the country as correct, sought to shift the controversy to another battle ground; but he shall not do it. His only reply to my figures and to my argument was that the prices of to-day were higher than the prices of former times.

Mr. SMOOT. I never made such a statement.

Mr. SIMMONS. The Senator did say, if I understood him correctly, that this situation was accounted for by reason of facts connected with prices.

Mr. SMOOT. No; I never made such a statement as that.

Mr. SIMMONS. I concede that when you are comparing the imports of the present year with the imports of 1920 or 1919 or 1918, or during the pre-war period, when prices were at their peak, then the drop in importations could be largely accounted for, measured in dollars by the fall in prices. Undoubtedly that would be true. But the slump came in 1921. It began in the fall of 1920, and it came with its full force in 1921. We had imports for that year, measured in dollars, of only $764,000,000, and it is those imports, the imports of 1921, after the slump and after the fall in prices, which I compared with the imports under the Payne-Aldrich Act.

The Senator seeks, as I understood him, to escape the force of that by the suggestion of the differences in prices. Mr. President, when you measure imports of one period with those of another for the purpose of comparison, prices do become important. If the prices of the present time in this comparison are higher than they were during the 4 years of the Payne-Aldrich Act, then, measured in dollars in both periods, the amount of the imports of 1921, under present rates, would be enormously less than those during the operation of the Payne-Aldrich Act, because prices to-day are probably from 40 to 50 per cent higher than they were during the life of the Payne-Aldrich Act.

If you measure imports of to-day in dollars and cents—they are only $764,000,000—and if you make allowance for the increase in prices, you will see that the present importations, expressed in dollars, are very much less than they were during the operation of the Payne-Aldrich Act, likewise expressed in dollars.

In other words, the unit of a certain commodity at this time would sell, we will say, for 40 per cent more than it would during the Payne-Aldrich period. So a dollar would buy a smaller quantity of goods to-day than it would during the operation of the Payne-Aldrich Act. Therefore, that does not break the force of the comparison which I made, but even accentuates, to the extent of 40 per cent, the force of the contention I made, and the significance of the figures I gave.

Mr. SMOOT. Mr. President, the Senator built up a straw man and then proceeded to demolish him, because I never said one word about the prices of the goods affecting the volume of importation, nor did I say one word about the prices in 1911, 1912, 1913, when the Payne-Aldrich bill was in force. The Senator's statement was that the higher the price of the goods the more in volume will be the amount; that if the same amount of goods are imported, the higher the price the greater will be the amount in dollars and cents.

Mr. SIMMONS. And the less amount of goods a dollar would buy.

Mr. SMOOT. Oh, yes, of course; but that is not what I said. I said the higher the price of the goods, if the amount of importations come into the country, then the greater will be the value of the importations. No one can deny that. In the fiscal year 1921, up to the 26th day of the present month, the duty collected was $252,000,000. The prices began to decline and have declined rapidly during that time. I agree with the Senator that perhaps they are 25 or 30 per cent less. Notwithstanding the reduction in prices, the importations were greater for this year up to this very moment as compared to the year before. That is all I said.

Mr. SIMMONS. I am not talking about a comparison of imports for 1920 and 1921. I am comparing the imports of 1921 with the imports of 1910, 1911, 1912, and 1913 under the Payne-Aldrich law.

Mr. SMOOT. But I answered the Senator's statement that the rates in the present law were high enough, and that there were no importations to speak of under it and that there were not going to be. I showed the importations not only were increasing in volume but the prices have been decreasing, showing there are a great deal more goods imported than there were before.

Mr. JONES of New Mexico. Mr. President, I am sure that all will recognize that I have been very generous in yielding. However, I am anxious now to proceed. Before returning to the line of my previous discussion, I wish to call attention to what the Senator from Utah has just presented to us.

He told us that during the corresponding period of 1921 the customs revenue was $252,000,000, and that in 1922 the customs revenue was $277,000,000. He therefore insists that this is conclusive proof that the country is being flooded with foreign goods. One trouble with the figures is that the 1922 receipts were after the emergency tariff law went into effect, and a number of articles were made dutiable beginning with May 27, 1921, which were not dutiable during the earlier months of 1921, and which are brought into comparison.

If the Senator wants to take such temporary figures as that, I call attention to a statement upon the same page of the report from which the Senator read and upon the same line.

There we find that during April, 1921, the revenue receipts were $34,933,000. During the month of April, 1922, the revenue receipts have fallen off to $29,578,000, a reduction this part of the month of April of this year as compared with last year of $5,500,000. Of course, the Senator merely overlooked that in reading from the report and taking the annual report for last year for a period of months previous to the passage of the emergency tariff law.

Mr. SMOOT. Oh, no; the Senator from Utah did not overlook it at all.

Mr. JONES of New Mexico. Oh, I thought perhaps he had. I thought if he had not overlooked it he certainly would have given us the benefit of that information.

Mr. SMOOT. No; but the Senator would not want to base any kind of rate upon one particular month's importation.

Mr. JONES of New Mexico. No; and I would not want to do it on any particular period of three months.

Mr. SMOOT. Nor would I; but it is pretty safe to take it upon the basis of a year.

Mr. JONES of New Mexico. But the Senator from Utah dwelt upon the difference of the cost in labor in Germany and in the United States. I do not know what percentage his figures would finally disclose. At any rate, there is an enormous difference, and it is in the daily wage. I agree with the Senator that there is and has been that difference, but I desire to call attention to this fact.

When the Senator talks about a flood of goods coming in from Germany, I call attention to the fact that in 1910 we imported from Germany $169,000,000 worth of goods. During the whole year 1921, the third year after the armistice, we im-

ported from Germany only $96,000,000 worth of goods, less than one-half the amount we imported from Germany in 1914 and almost one-half the amount we imported from Germany in 1910. At some future date I expect to discuss in a consecutive way the situation in Germany, but for the purpose of the discussion now I think it is important to make a few very salient statements.

We are now three and one-half years from the armistice. The total production in Germany to-day is only about 50 per cent of what it was prior to the war. That means that Germany has been unable to gather together the essentials which are necessary to increase her production. It is true that her man power is cheap and that the wage earners are being subsidized. The Government has been selling bread for less than it costs. It has been practically giving rent without cost. It is true that there is very little unemployment in Germany to-day, brought about, however, by the fact that upon the public utilities, supported by Government taxation, there are about four men running upon the railroads of Germany to-day where one was doing it prior to the war, and they are hauling one-half the amount of freight.

It is impossible for Germany to get the necessary materials together. Her coal mines are necessarily restricted in output, and so with various other conditions there. The Senator from Utah talks about this country being flooded with imports from poor and distressed Germany. I say if that is the basis upon which the majority of the Finance Committee founded the bill, it is a foundation of sand and will not bear the pressure of the condemnation of the people of the country.

Mr. President, I have been trying to find out from what country prices were obtained which were used as the basis in ascertaining the difference in cost of production here and abroad. The Senator from North Dakota [Mr. MCCUMBER] has not yet told us, but I assume that he indorses what was said by the Senator from Utah, that Germany was the one great country picked out, and that everything there is so much cheaper and so much more greatly depressed that they used the prices from Germany as the basis of the bill. If that be so, I would remind the Senator that those prices have vastly changed. They have changed even since the bill came into the Senate.

I read from a document prepared by the Federal Reserve Board, which came from the New York office, 15 Broad Street, of the Federal Reserve Board, received by wireless, stating the wholesale price index of the Frankfurter Zeitung for April 3, 1922. According to this index, there has been an increase of 20.7 per cent in the general level of wholesale prices in Germany during the month of March, as compared with an increase of 23.6 per cent during February. There we have the whole index of prices during the month of February in Germany increasing 23.6 per cent and in March 20.7 per cent. Is that the basis? Is the bill founded upon that situation?

Mr. SMOOT. Mr. President, does the Senator know how the German mark fluctuated in price during that time?

Mr. JONES of New Mexico. Oh, yes; I do.

Mr. SMOOT. Then, did not the mark fall more than the increase in the regulated prices?

Mr. JONES of New Mexico. It did not. I will tell the Senator that the truth is the mark has risen in that time.

Mr. SMOOT. I have not the figures here, and I do not know. I merely asked the Senator; I thought perhaps he had looked it up. I have not looked it up of late, and I simply asked the Senator whether there has been a change in the value of the mark.

Mr. JONES of New Mexico. I must confess the Senator's statement is rather a surprise to me, because it is usually the case that when the Senator from Utah arises and speaks it is like opening a new page of an encyclopedia.

I can say to the Senator that the price of the mark has not fallen in that time. The great depreciation in the price of the mark was last fall, about October or November. During this period of time the gold exchange price of the mark has been around 0.33 of a cent, and is now about 0.34 or 0.35 of a cent. I think in the last day or two it has gone up, probably to 0.36 of a cent, but the price of the mark during the period to which I have referred has ranged from about 0.33 to 0.40 of a cent or under.

Now, Mr. President, if all that we have heard here is to be accepted as the foundation for the bill, if we are to take prices in Germany, with labor as estimated as low as the Senator from Utah has stated, if other prices translated into gold values are so low, and if that is the point from which competition is expected, then I say that the bill has failed to meet the situation. If the factors advanced here by the two distinguished Senators are to be accepted as the foundation of the bill and if it is to be expected that the amount of goods from Germany is going to continue to flow into this country and that that flow will be unlimited in amount, then the rates in the pending bill are far too low to protect the American producer.

I wish to say to Senators on the other side of the Chamber that they need not fear any great influx of goods from Germany. As I have stated, with all their ingenuity, with all the natural characteristics of the German citizens to work and produce, they are to-day, three and a half years after the armistice, producing only about one-half what they produced prior to the World War. We have been importing from Germany for the last two years less than half what we were importing prior to the war. Year before last the imports were only $45,000,000; last year they were only $90,000,000. In the one case there was imported one-fourth of what was imported prior to the war, and in the other case only one-half what was being imported prior to the war.

What are we doing in the matter of exports to Germany? In 1910 we exported to Germany $249,000,000 worth of goods; in 1914 we exported $344,000,000 worth; in 1919, immediately following the war, we exported only $8,818,000 worth. During 1920 we exported to Germany $202,000,000 worth of goods, and we received from Germany only $45,000,000 worth of goods. In 1921 we received from Germany, as I have said, $90,000,000 worth of goods, and we sold to Germany $381,000,000 worth of goods.

I will ask how the American exporter is going to be paid for his goods? This country is exporting to Germany to-day more goods than ever in her commercial history, and how can we be paid unless we receive some commodities from Germany in exchange?

We are sending to Germany to-day foodstuffs; we are also sending her manufactured products to a greater extent than ever before; and yet Germany, struggling as she is, was unable under the existing tariff law to export to this country last year one-half of what she exported to us prior to the World War. Does that look as though this country is going to be flooded with goods from Germany? We are trying to build up a tariff wall here which will shut out those meager importations, amounting to only one-half of what they were before the war. When we are selling to Germany at least one-third more than we sold to her prior to the war, are we going to build up this tariff wall and absolutely prevent the exportation of our surplus goods to Germany? That is what this bill means. It was intended to do just that thing. It was intended, Mr. President, not to bring about a competitive condition but, as I shall show later, it was intended, in practical effect, to place an embargo upon importations, to destroy the market abroad for exports from the United States.

I want some of the Senators who come from manufacturing States to realize what this bill means to their States and to their constituencies. In 1920 we exported of manufacturing materials 103,000,000,000 pounds; in 1921 we exported 66,000,000,000 pounds, or 35 per cent less than in the previous year, and the percentage of income was reduced by 49 per cent. We exported in 1920 of manufactures 32,474,000,000 pounds, and last year, 1921, we exported but 23,699,000,000 pounds. We received one-half less for our exports of manufactures last year than we received for the previous year.

The United States has grown to be a great exporter of manufactured products. I want Senators who come from manufacturing States to realize that those who support this bill are not building up a tariff wall here for the purpose only of preventing exports of farm products, but I hope that they will also realize that they are paralyzing the industrial centers of the country as well.

Mr. President, I think we have ascertained that the prices accepted by the majority of the Finance Committee as a basis for this bill were German prices.

Mr. FRELINGHUYSEN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from New Jersey?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. FRELINGHUYSEN. Will the Senator from New Mexico kindly indicate from what authority he quotes the figures which he is giving?

Mr. JONES of New Mexico. I am sure the Senator from New Jersey has received the document from which I am quoting. The story as to how these figures were arrived at is very interesting. The document from which I am now reading was published by the National City Bank, of New York, which is very near the Senator's home. I believe everybody will recognize that it is at least one of the leading financial institutions of this country. That institution has a statistician, whose

name I do not just now recall, but I will tell the Senator what he has done.

Mr. FRELINGHUYSEN. I should like to have the date of the publication.

Mr. JONES of New Mexico. The date of the publication is March, 1922.

The amount of exports is often given only in value, not in pounds, but the statistician by very careful and, I assume, very arduous labor has reduced to pounds as many of these exported articles as possible. He says in this article he was able to reduce to pounds only about 75 per cent of our exports, and so the figures which are given—and I am glad the Senator from New Jersey made the inquiry—only represent 75 per cent of the exports. The document is very interesting.

Mr. LODGE. Mr. President, am I wrong in thinking that the statistician who compiled the figures is Mr. O. P. Austin?

Mr. JONES of New Mexico. The Senator from Massachusetts is quite right; it is Mr. Austin; and I am sure the Senator from Massachusetts regards him very highly as a statistician.

Mr. LODGE. He is a very good man.

Mr. JONES of New Mexico. He is the man who compiled these figures. I may state that the same document contains the imports for the same period of time, divided in the same way. It sets forth the foodstuffs which were imported and exported; it sets forth the various manufacturing materials which were imported and exported, and also the finished manufactured articles. It gives all those figures in pounds and it adds them up. I will now give the totals.

In 1920 of foodstuffs, manufacturing materials, and manufactures we exported 164,748,000,000 pounds, or, rather, that is estimated to be 75 per cent of our exports in 1920. In 1921 we exported 128,143,000,000 pounds of these combined commodities, including foodstuffs, manufacturing materials, and manufactured products. Of that total the finished manufactured products last year amounted to 23,699,000,000 pounds, and the manufacturing materials amounted to 66,893,000,000 pounds, making the total of those two items alone 90,000,000,000 pounds out of the 128,000,000,000 pounds of all commodities, showing, Mr. President, that the export trade of this country in manufacturing materials and finished manufactured products is much greater than the exports of foodstuffs or farm products.

I hope that the manufacturers of this country will realize what this bill means and will appreciate that whenever this tariff wall is built up their export trade is gone. I hope the laboring men in the manufacturing centers of the country will realize what this bill means. It means more unemployment; it means that only a sufficient quantity of goods will be manufactured in this country for domestic purposes; that the export trade will be destroyed; that ninety-odd billion pounds of manufactured goods and materials must be kept at home. I hope the laborers to whom the Senator from Utah made such an appeal awhile ago will realize this situation and not listen longer to the old stock argument that the tariff is made for the benefit of the laboring man. Mr. President, on item after item, covering hundreds of items in this bill, there is imposed a duty upon importation of over 100 per cent of the entire cost of the foreign article.

The labor that enters into the cost of many of those items is small. It is really, in many cases, an unimportant factor, and yet Senators talk about labor. There is no one in all this land who is more sympathetic with those who toil than am I. I am willing to go any length for them; but under the guise of protecting the laboring men of this country I am unwilling to deceive the American people and extort money from them.

Mr. President, I have here several other questions which I should like to ask the Senator from North Dakota, but it is now 5.30, and I am sure that the great quantity of light which the Senator from North Dakota and the Senator from Utah are able to shed upon this subject can not be dispensed this evening; so, if it is compatible with the wishes of the Senator from North Dakota, I shall be glad to defer further discussion until to-morrow.

I ask unanimous consent to have printed in the RECORD the tables to which I have referred, compiled by Mr. Austin, showing for the years 1920 and 1921, respectively, the imports into and the exports from the United States, by weight and value, of foodstuffs, manufacturing materials, and manufactures.

The VICE PRESIDENT. Without objection, it is so ordered.

The tables referred to are as follows:

Weights and value of United States foreign trade, 1920 and 1921.

Showing relative decline in quantities and values in 1921 when compared with 1920, in all important articles in which quantities can be stated.

IMPORTS.

	Million pounds.		Per cent of increase or decrease.	Million dollars.		Per cent of increase or decrease.
	1920	1921		1920	1921	
Foodstuffs:						
Sugar	8,036	5,967	−26	1,015	237	−76
Coffee	1,297	1,341	+3	253	143	−43
Cocoa	344	305	−11	54	23	−57
Tea	90	77	−14	24	14	−41
Fruits and nuts	4,344	4,689	+8	72	56	−22
Meats	153	59	−61	21	7	−66
Fish	301	304	+1	35	29	−17
Eggs	29	18	−37	7	3	−57
Milk	24	9	−62	3	1	−66
Butter	37	19	−48	19	7	−63
Cheese	16	27	+68	6	9	+50
Wheat	2,148	1,398	−35	75	36	−52
Flour	160	192	+20	9	8	−11
Rice	143	84	−41	14	3	−78
Spices	61	64	+4	12	5	−58
Molasses	1,921	936	−51	5	2	−60
Tapioca	105	55	−47	6	2	−66
Vegetables	716	304	−57	32	8	−75
Oil cake	229	88	−61	4	2	−50
Cattle	332	162	−51	27	6	−77
All other [1]	869	257	−70	57	19	−66
Total	21,385	16,355	−23	1,750	620	−64
Manufacturing materials:						
Cotton	300	139	−54	139	33	−76
Wool	260	321	+23	127	61	−51
Silk	30	45	+50	285	259	−9
Fibers	909	548	−40	80	34	−57
Hides and skins	510	348	−32	244	68	−72
Rubber	603	427	−29	249	76	−69
Gums	142	82	−42	52	23	−55
Soda nitrate	2,961	826	−72	63	18	−71
Fertilizers	2,499	696	−72	51	12	−76
Flaxseed	1,378	684	−50	75	20	−73
Tobacco	82	53	−35	82	54	−34
Copra	248	224	−10	19	10	−47
Wood pulp	1,812	1,394	−23	89	39	−55
China clay	724	328	−55	4	2	−50
Aluminum	40	31	−22	12	7	−41
Iron ore	2,852	707	−75	5	1	−80
Copper ore	116	103	−12	22	14	−36
Tin ore	67	31	−54	19	6	−68
Coal	2,554	2,531	−1	7	7	0
Petroleum	36,552	43,272	+18	55	67	+16
All other [1]	2,633	1,605	−39	128	59	−53
Total	57,372	54,395	−5	1,808	870	−51
Manufactures:						
Cotton cloth	36	21	−41	52	29	−44
Cotton yarn	94	49	−47	29	6	−80
Wool cloth	8	7	−12	20	14	−30
Wool yarn	4	6	+50	8	7	−12
Silk fabrics	3	4	+33	36	24	−31
Silk yarn	3	2	−33	13	6	−54
Fiber fabrics	11	8	−27	26	11	−57
Burlaps	569	472	−16	89	41	−53
Jute bags	51	65	+27	8	4	−50
Paper, printing	1,490	1,585	+9	69	79	+14
Creosote oil	129	232	+80	4	5	+25
Pulpboard	86	39	−55	3	1	−66
Calcium carbide	83	85	+2	3	3	0
Coconut oil	216	190	−14	33	15	−54
Palm oil	42	23	−45	5	2	−60
Soya-bean oil	112	16	−85	13	1	−92
Copper, pigs, etc	369	248	−33	68	31	−54
Tin, pigs, etc	126	54	−57	74	17	−77
Iron, pigs, etc	416	99	−76	13	2	−84
Cigars, etc	6	2	−66	17	6	−64
All other [1]	1,205	1,466	+21	71	41	−42
Total	5,030	4,673	−7	654	345	−47
Grand total [1]	83,787	75,423	−10	4,212	1,835	−56

EXPORTS.

Foodstuffs:						
Wheat and flour	16,979	20,098	+18	822	551	−32
Corn and meal	1,164	7,382	+534	34	96	+182
Oats and meal	478	204	−57	16	5	−68
Rice	393	600	+52	37	21	−43
Rye	3,192	1,669	−47	122	44	−63
Barley	854	1,238	+44	27	21	−22
Fruits and nuts	571	702	+22	49	46	−6
Meats	1,061	796	−24	259	139	−46
Lard and tallow	780	1,116	+43	179	140	−21
Butter	18	8	−55	10	3	−70
Cheese	16	12	−27	5	3	−40
Milk	414	299	−28	65	38	−41
Eggs	27	34	+25	14	11	−21
Fish	118	86	−27	19	10	−47
Sugar	924	934	+1	95	49	−48

[1] For which weight can be stated.

Weights and value of United States foreign trade, etc.—Continued.

EXPORTS—continued.

	Million pounds.		Per cent of increase or decrease.	Million dollars.		Per cent of increase or decrease.
	1920	1921		1920	1921	
Foodstuffs—Continued.						
Cottonseed oil	185	253	+36	35	24	−31
Oil cake	590	1,207	+104	18	25	+38
Vegetables	420	340	−19	21	11	−47
Cattle	72	167	+131	11	12	+8
Hay	141	116	−17	2	1	−50
All other [1]	356	290	−18	21	13	−38
Total	28,753	37,551	+30	1,861	1,263	−32
Manufacturing material:						
Cotton, raw	3,179	3,339	+5	1,136	534	−52
Tobacco	468	515	+10	245	205	−16
Hides and skins	17	30	+76	6	4	−33
Iron ore	2,570	986	−61	6	2	−66
Iron pigs	486	63	−87	10	1	−90
Coal	87,584	55,592	−36	350	168	−52
Coke	1,839	613	−66	10	3	−70
Petroleum, raw	2,360	2,604	+10	29	20	−31
Paraffin	375	226	−39	33	11	−66
Fertilizers	2,396	1,643	−31	10	7	−30
Asphaltum	103	90	−12	1	1	0
Aluminum	9	2	−76	3	1	−66
Lead	39	53	+35	3	2	−33
Zinc	228	8	−96	19	1	−94
Sulphur	1,001	641	−35	9	5	−44
Soda ash	167	35	−79	5	1	−80
Soda, caustic	224	50	−77	11	2	−81
Rosin	326	280	−14	19	5	−73
Turpentine	66	65	−1	15	6	−60
Hops	26	18	−30	17	6	−52
All other [1]	58	40	−31	15	6	−60
Total material	103,521	66,893	−35	1,952	991	−49
Manufactures:						
Automobiles	515	115	−77	212	43	−79
Locomotives	257	152	−40	54	34	−37
Cotton cloth	202	133	−34	238	72	−69
Cotton yarn	24	14	−41	20	6	−70
Wool cloth	9	2	−77	24	4	−83
Binder twine	55	59	+7	8	8	.....
Sole leather	22	14	−36	12	5	−59
Steel rails	1,350	921	−31	36	18	−50
Bars and billets	2,266	488	−78	75	16	−79
Nails	245	75	−70	16	5	−70
Sheets and plates	2,756	1,339	−51	115	51	−55
Pipes, iron	791	882	+11	53	56	+5
Wire	718	222	−69	41	12	−70
Tin plate	507	241	−52	40	17	−57
Copper	624	629	+1	127	85	−33
Petroleum, manufactured	19,327	16,982	−12	520	364	−30
Spirits	221	44	−80	20	3	−85
Tobacco, manufactured	57	35	−39	41	20	−51
Paper	247	100	−59	27	10	−62
Starch	148	258	+74	9	6	−33
All other [1]	2,133	994	−53	119	64	−46
Total	32,474	23,699	−27	1,807	899	−50
Grand total [1]	164,748	128,143	−22	5,620	3,153	−43

[1] For which weight can be stated.

Mr. McCUMBER. Mr. President, the Senator from New Mexico seems possessed with the determination that he will ascertain the method by which we levied our duty according to what he hopes he has established, and so he has declared again and again that we have made the basis of our ad valorem duties the lowest cost-price country in the world. We have done nothing of the kind, Mr. President. If a line of goods come from Japan, of course, we must make our estimate upon the price of those goods in Japan and the price of similar articles, or articles which they displace, in the United States. If a line of goods come from Germany, we must, of course, take the German price for that particular line of goods as the basis of our tariff. If a line of goods come from Great Britain, or Holland, or France, we must take the prices in Great Britain, Holland, or France. We are not guided by the highest price country or the lowest price country, but we are guided simply by the price of the article in the country from which it is exported. That is the only rule that we possibly could follow in either imposing duties for revenue only or imposing duties for both revenue and protection.

The Senator has made complaint about the balance of trade between the United States and Germany. So far as agricultural and meat products are concerned, Germany does not produce enough for her people. She has to import; and if the Senator will look over the list of the articles that make up the mighty balance of trade against Germany, he will find that they are all agricultural or meat products, agricultural products, of course, including cotton, which is the greatest product, and including tobacco, which is of considerable importance.

Germany sells her goods where she can sell to the best advantage. She buys where she can buy to the best advantage. She buys American agricultural products because she can buy them as cheaply in the United States as she can get them from any other country; and if the Senator will look over the trade of the United States with the world from 1918 to 1919—I have not the 1920 figures, and the 1921 list has not yet been published—he will find that in the case of our trade with Germany, taking only those things which run into the millions, our exports of beef were nearly $8,000,000 in 1918; our exports of hog products were $17,370,000; hams and shoulders, $2,000,000; lard, nearly $14,000,000; milk, about $2,000,000; illuminating oils, nearly $2,000,000; naphtha and other light products of distillation, nearly $2,000,000; tobacco, about $1,057,000; and so on. If, however, the Senator will look over the manufactured articles which Germany purchased from the United States, he will see that they are merely a bagatelle in each case. They amount almost to nothing. The real contest between this country and Germany will be a contest upon manufactured articles.

In 1921, as was stated by the Senator from North Carolina, there was a falling off of imports into the United States from all countries. There was a falling off equally of the things which were produced in the United States in about the same proportion. The hard times in this country made the conditions such that we could not purchase articles either from abroad or at home, and both suffered in relatively the same proportion, so that whether or not there was a decrease in the importations of 1921 as compared with the importations of 1920 seems to me to be of very little concern. It was not a question of tariffs; it was a question of condition of trade and inability to purchase.

We shall probably be selling to Germany a great many agricultural products, because we raise an abundance, and we are compelled very often to sell for very meager profits, and sometimes even at a loss, but the fact that we sell a great many of those agricultural products does not mean that we ought in return to surrender the market of the United States for the manufactured products of any country. We wish to keep both in operation, and as profitably as possible to manufacturer, to labor, and to the ultimate consumer, who is both the laborer and the manufacturer.

Mr. President, I understand that it is desired to have an executive session.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to, and (at 5 o'clock and 43 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 29, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 28 (legislative day of April 20), 1922.

COLLECTOR OF CUSTOMS.

A. R. Noble to be collector of customs, customs collection district No. 19, with headquarters at Mobile, Ala.

PROMOTIONS IN THE ARMY.

Paul Bernard Malone to be brigadier general.

John Kramer Miller to be colonel, Adjutant General's Department.

John Edwin Woodward to be colonel, Adjutant General's Department.

William Kelly, jr., to be colonel, Adjutant General's Department.

Alfred James Booth to be lieutenant colonel, Adjutant General's Department.

William Vaulx Carter to be major, Adjutant General's Department.

James Alexander Ulio to be major, Adjutant General's Department.

Michael Joseph O'Brien to be major, Adjutant General's Department.

John Nicholas Smith, jr., to be major, Adjutant General's Department.

Rene Eugene Fraile to be captain, Adjutant General's Department.

PROMOTIONS IN THE NAVY.

IN THE MARINE CORPS.

To be captain.

Thomas R. Shearer.

To be first lieutenants.

William H. Hollingsworth.
Norman E. True.

To be second lieutenants.

Wallace C. Harding.
William W. Davies.
Everett H. Clark.
Augustus W. Cockrell.
Paul F. Jones.
Delbert D. Spangler.
James M. Smith.
Lewis A. Hohn.
Bayard L. Bell.
Vernon E. Megee.
Joseph D. Humphrey.
Orin H. Wheeler.
William H. Doyle.
Harold S. Levis.
Ernest E. Linsert.
Thomas L. Cagle.
James G. Hopper.
Edwin A. Pollock.
John R. Streett.
Cornelius J. Eldridge.
Randolph McC. Pate.
Dudley W. Davis.
Robert S. A. Gladden.
Franklin C. Hall.
John D. Christian.
Beverley S. Roberts.
Lucian C. Whitaker.
William O. Brice.
Francis M. Wulbern.

POSTMASTERS.

DELAWARE.

John S. Dobson, Millsboro.

IOWA.

James V. Frew, Hiteman.

MAINE.

Ralph R. Mathews, Berwick.
Everard J. Gove, Biddeford.
Willard E. Day, Monmouth.
George H. Rounds, Naples.
George O. Carr, Norridgewock.
Osmond S. Waite, North Jay.
Will C. Heldreth, York Beach.

MICHIGAN.

Floyd B. Gates, Mesick.

MINNESOTA.

Patrick W. Moran, Olivia.

NEW YORK.

John A. Rapelye, Flushing.
Henry C. Windeknecht, Rensselaer.
Joseph W. Kratoville, Riverhead.

NORTH DAKOTA.

Edward F. Hamilton, Cavalier.

OREGON.

Ora S. Banister, Paisley.
Hilliard Campbell, Walhalla.

PENNSYLVANIA.

Wharton M. Oswalt, Clarence.
Margaret Pilson, Morton.
Lucille B. Fillinger, Ralston.

TEXAS.

William B. McCrary, Cushing.
George A. Young, Hallettsville.
Roy B. Nichols, Houston.
William A. Crawford, Pampa.
John W. White, Uvalde.

VIRGINIA.

Robert Irby, Appomattox.
David R. Jones, Cambria.
Mary P. Moon, Cartersville.
Claiborne W. Beattie, Chilhowie.
Le Roy Jester, Chincoteague Island.
Wilbur H. Palmer, Greenville.
Frank P. Landon, Hopewell.
Edward M. Blake, Kilmarnock.
William P. Nye, Radford.
Laurie D. Marshall, Thaxton.

WASHINGTON.

Bert L. McCarty, Battle Ground.
Walter W. Shore, Farmington.
Rees B. Williams, Ilwaco.

WISCONSIN.

Joseph Kuchenmeister, Almena.
Stanleigh K. Gaveney, Arcadia.
Frank E. Shults, Baraboo.
Leslie H. Thayer, Birchwood.
John A. Mathys, Casco.
Oliver R. Weinandy, Cochrane.
Henry J. Altschwager, Columbus.
Nels O. Neprud, Coon Valley.
Reginald E. Caves, Dalton.
Ella Barber, Marathon.
Henry A. Elmer, Maribel.
John B. Thelen, National Home.
John E. Wehrman, Prescott.
Alvin E. Hafer, Roberts.
Wilbur S. Wurm, Shullsburg.
Helen Pickett, Spencer.
William R. Homermiller, Tomah.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 28, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou in whom we live and have our being, we come with a common prayer, feeling the sentiments of gratitude and praise toward the Father of us all. How we bless Thee that we are in the counsels of Thy great heart. Let us welcome Thy providences, and may they bring us to duty with noble strength. Forgive, rebuke, and chasten us. If hasty, impulsive, or too apprehensive, restrain us; if weakened in spirit, strengthen us by grace divine. In all things make us strong in faith, clear in vision, and immovable in our allegiance to every great and vital interest of our beloved country. In the name of Jesus. Amen.

The Journal of the proceedings of Wednesday was read and approved.

CONFERENCE REPORT—DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DAVIS of Minnesota. Mr. Speaker, I submit a conference report on the bill H. R. 10101, the District of Columbia bill, for printing under the rule.

The SPEAKER. The gentleman from Minnesota submits a conference report on the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year 1923, and for other purposes.

The SPEAKER. Ordered printed under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, had insisted upon its amendments numbered 1, 78, 79, 86, 101, 114, 115, 116, 142, 155, 163, 164, 175, 186, and 187, disagreed to by the House of Representatives, had asked a further conference with the House, and had appointed Mr. PHIPPS, Mr. JONES of Washington, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry and between the counties of Anderson, S. C., and Hart, Ga.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3401. An act to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York;

S. 3417. An act authorizing Independence County, Ark., to construct a bridge across the White River at or near Batesville, Ark.; and

S. 3316. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River in or about section 17, township 54 north, range 25 west, Itasca County, Minn.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees:

S. 3417. An act authorizing Independence County, Ark., to construct a bridge across the White River at or near Batesville, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 3401. An act to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Interstate and Foreign Commerce.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCNARY, Mr. JONES of Washington, and Mr. SHEPPARD as the conferees on the part of the Senate.

EXTENSION OF REMARKS.

Mr. LINEBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in 8-point type a speech on "Ulysses S. Grant as a Soldier," delivered at McKeesport, Pa., on April 27, by my colleague, Hon. HENRY Z. OSBORNE, of California, the only veteran of the Civil War on the Union side sitting as a Member of this House, the only other Civil War veteran in the House being Major STEDMAN, who fought on the Confederate side.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

ULYSSES S. GRANT AS A SOLDIER.

[Address of Hon. HENRY Z. OSBORNE, of California, at a mass meeting at McKeesport, Pa., on the one hundredth anniversary of the birth of General Grant, April 27, 1922.]

Mr. LINEBERGER. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include a speech on "Ulysses S. Grant as a soldier," delivered at McKeesport, Pa., on April 27 by my colleague, Hon. HENRY Z. OSBORNE, of California, the only veteran of the Civil War on the Union side sitting as a Member of the House. Major STEDMAN, the only other Civil War veteran in the House, fought on the Confederate side.

The address is as follows:

Mr. Chairman, comrades of the Grand Army of the Republic, Sons of Veterans, soldiers of the Spanish War, soldiers of the great World War, ladies, and gentlemen: One hundred years ago to-day there was born at the small village of Point Pleasant, Ohio, within 200 miles of where we are now assembled, in a plain and modest American home, a boy child, who became one of the most notable characters in the history of our country, and without question America's greatest and most successful soldier. His life history reads like a romance, and as it is read by the youth of our country it becomes an inspiration to them, however humble may be their circumstances in life, to faithfully perform every duty as it may arise without fear of consequences. That was the keynote of Grant's great character—devotion to and faithful and energetic performance of duty under all circumstances. No danger deterred him, and although he hated war, when war was on he believed in fighting constantly, though to the best advantage, and bringing it to a close. He considered fighting to be the most humane way of waging war and thus shortening the struggle.

GRANT AS A BOY.

In studying the lives of great men it is always interesting to learn something about their boyhood—what indications may have been given of the future man. Grant's boyhood was much like that of any other healthy boy of that time. His father was a tanner, and also a farmer. Grant hated the tannery but was fond of horses. So most of his work was with the horses on the farm. He began hauling wood when 7 or 8 years of age, and from 11 to 17 did most of the ploughing on the farm. He attended the village school at Georgetown, Ohio, regularly, which had but one teacher of all grades. In his "Memoirs" Grant says:

I did not like to work, but I did as much of it, while young, as grown men can be hired to do in these days, and attended school at the same time.

Of his studies he says:

I never saw an algebra or other mathematical work higher than the arithmetic, in Georgetown, until after I was appointed to West Point. I then bought a work on algebra in Cincinnati, but, having no teacher, it was Greek to me.

Grant's boyhood adventures as related by himself were nearly all associated with horses, which shows his fondness for these noble animals. Illustrating the straightforwardness and simplicity of his character when a lad 8 or 9 years old, he desired to purchase a neighbor's horse. The owner wanted $25 for the animal and Grant's father had offered $20. He begged his father to permit him to make the purchase even at $25. The father agreed, but cautioned him as to the manner of making the purchase. Young Grant went to the owner and said:

Papa says I may offer you $20 for the colt, but if you won't take that I am to offer $22.50, and if you won't take that to give you $25.

Of course, he got the colt.

All the evidence is that Grant was an ordinary, honest, healthy, American boy, and but for the happy circumstance of his appointment as a cadet to West Point his great character and eminent soldierly qualities would have been lost to the country, and he would have lived and died after an honest but unknown and perhaps commonplace life.

AT WEST POINT AND IN THE MEXICAN WAR.

In 1839, at the age of 17, Grant was appointed to the Military Academy at West Point. He had but little enthusiasm for the appointment, partially because he did not believe that he could pass the entrance examinations, and partly because he had no taste for a military life. He was very good in mathematics, however, and, to his surprise, passed. During the four years' course his standing in his classes was about average—never at the head, and never at the foot, but pretty nearly the latter in one study, French. He was very good in Artillery, Infantry, and Cavalry tactics, and in conduct.

In the latter part of 1843, after graduating, Grant was appointed a second lieutenant in the Fourth Infantry, and reported for duty at Jefferson Barracks, St. Louis. It was here that he met Miss Julia Dent, sister of a classmate at West Point, to whom he was married after the close of the Mexican War, in 1848. In May, 1844, the Fourth Infantry was ordered to Louisiana. In 1845 Texas became a part of the United States, and the Mexican War followed.

Grant did not believe in the justice of the Mexican War. As a soldier, however, he fought with great gallantry, and in such a way as to gain the favorable mention of commanding officers in reports. Although in the Quartermaster Corps he managed frequently to get into the fighting. On one occasion he succeeded in getting a stray or abandoned mountain howitzer into the belfry of a church at the San Cosme Gate in the City of Mexico, with which he relieved a sorely-pressed body of American troops.

The various battles of the Mexican War, in nearly all of which Grant was engaged, made a deep impression upon his mind, as is shown in his "Memoirs." Forty years after, while an invalid at Mount MacGreggor, he describes them most minutely and interestingly. No doubt the lessons he learned then in practical warfare were of great use to him when he was fighting the greater battles of the Civil War. He entered the Mexican War as a brevet second lieutenant and came out as a full first lieutenant. He had great admiration for the soldierly qualities of Gen. Zachary Taylor, who was a plain mannered but vigorous and effective commander. He also admired Gen. Winfield Scott—but in spite of the latter's fondness for "the pomp, pride, and circumstance of glorious war." Grant never cared for these things.

FROM THE MEXICAN WAR TO THE CIVIL WAR.

Returning with his regiment from Mexico in 1848, Grant's first business was to marry Miss Julia Dent. For most of the succeeding four years he was stationed at Sacketts Harbor, N. Y. Then, in 1852, the Fourth Infantry, was ordered to our newly acquired territory on the Pacific coast, California having been admitted as a State in 1850. He left his wife and baby boy, Frederick Dent Grant, who afterwards became a major general, with the Dent family at St. Louis. The Fourth went by way of Panama, and had a distressing experience on the long journey, especially crossing the Isthmus, Grant as the quartermaster performing prodigious labor in meeting difficulties of transporting and provisioning the command, rendered more difficult by an attack of cholera.

Conditions were extremely crude on the Pacific coast at that early period. Grant was stationed at Fort Vancouver on the Columbia River near the present city of Portland, and at Fort Humboldt in northern California. Severed from his family and in a new and undeveloped country, these were two unhappy years for Captain Grant, and in 1854, as the result of a difference with his commander, who at that time was known as "the martinet of the Army," he resigned and returned to the East.

From 1854 to 1861 Grant lived successively near St. Louis and at Galena, Ill. He first tried farming near the Dent home,

and put 140 acres in grain and potatoes. The name of the leased farm was Hardscrabble, which appears to have been appropriate. The crops were small, and the brave soldier was made helpless by an attack of fever and ague. Then he tried the real estate business in St. Louis, but his education and temperament were not adjusted to that occupation. For lack of political influence he was refused appointment as county engineer. His circumstances were now at their lowest ebb, and he was reduced to the extremity of asking his father's assistance to an opportunity to work. The best that could be done was a place as clerk in the little store of his younger brothers at Galena, at $800 per year. While this was a small salary, he was not a very valuable clerk. He could not drive a good bargain or stimulate trade. He had become despondent, silent, and was careless of his personal appearance.

All these untoward conditions and heartbreaking experiences undoubtedly had a profound effect upon Grant's mind and character, and may have had a beneficial and refining effect upon his career, upon the theory that "Blessed are the uses of adversity."

THE BREAKING OUT OF THE WAR.

The attack upon Fort Sumter on the 14th of April, 1861, marked a tremendous change in the life of Ulysses S. Grant. The patriotism of the people was suddenly set in motion like a mighty tidal wave. Galena was like every other community in the Northern States. It had a militia company, armed with flintlock muskets and imperfectly drilled. The company at once commenced to drill, but its captain made rather a mess of it. He called on Captain Grant, the quiet clerk, to show his men how the "regulars" did it. Gen. Charles King in his book, "The True Ulysses S. Grant," says of this episode:

The instant that shy, silent, undoubtedly slouchy store clerk took the sword and his station in their front he straightened up like a young pine, his voice rang out full, firm, and clear. With the ease and assurance of old habit he explained in quick, terse words the movement to be executed and gave the requisite commands. That night in Galena "Cap" Grant was the most-talked-of man in town.

A few nights later he was called on to preside at the first war meeting, at which a company was enlisted from among the young men. Grant declined the captaincy of the company, and in his "Memoirs" adds:

I never went into our leather store after that meeting to put up a package or do other business.

He drilled the company, went with them to Springfield. On this occasion he first met the great war governor of Illinois, Richard Yates. Governor Yates's son, of the same name, who was a small boy then and who has since been governor of Illinois himself and is now a distinguished Member of the House of Representatives, recently told me of this meeting as related to him by his father. Grant was about to return to Galena by an evening train, somewhat discouraged at the prospect of getting back into the Army. The governor was standing at the door of the hotel, and as Grant was passing addressed him as "Captain," and said that he understood that he (Grant) was about to leave the city. He replied that he was.

The governor said that he would be glad if he would remain overnight and call at the executive office the next morning. Grant complied, and the governor asked him to go into the adjutant general's office and render such assistance as he could in mustering in troops. From this moment Grant's career in the war was assured and always in command. In this emergency he knew exactly what to do, and in a short time mustered in several regiments and assisted their officers in drilling some of them. About this time, or to be exact, May 24, 1861, Grant wrote a letter to The Adjutant General of the Army at Washington, tendering his services and making this modest statement:

I would say, in view of my present age and length of service, I feel myself competent to command a regiment if the President, in his judgment, should see fit to intrust one to me.

Grant never received a reply to this letter. After the war it was found in The Adjutant General's office, not regularly filed but in some out-of-the-way place.

Governor Yates, however, appointed Grant colonel of the Twenty-first Illinois Infantry, and shortly afterwards recommended him for brigadier general, to which rank he was appointed by President Lincoln.

GRANT'S WESTERN CAMPAIGNS.

In the summer and falls months of 1861, under command of General Fremont, Grant was operating in southern and southeastern Missouri. Neither the North nor South then knew much about war, and in Missouri they were milling about with no very definite object in view. Grant, while still a colonel, was ordered to move against Col. Thomas Harris at Florida, Mo. In his Memoirs, Grant says that—

As we approached the brow of the hill, from which it was expected we could see Harris's camp and possibly find his men ready to meet us—

He felt considerable trepidation, but did not have the moral courage to stop, and kept right on. Harris, however, had evacuated and was nowhere in sight—

it occurred to me at once that Harris had been as afraid of me as I had been of him. This was a view that I never forgot afterwards. From that event to the close of the war I never experienced trepidation upon confronting an enemy; though I always felt more or less anxiety, I never forgot that he had as much reason to fear my forces as I had his.

Grant's first battle in the Civil War was at Belmont, Mo., opposite Columbus, Ky. The movement was in the nature of a reconnoissance in force, and, after accomplishing the objects in view, the troops were withdrawn by steamers. The Union losses in this battle were 485 in killed, wounded, and missing. For lack of experienced staff officers, Grant did most of the staff work himself, riding from one command to another to give orders and see that they were properly carried out. So engrossed was he in this work that while his troops were being embarked at the close of the battle he became detached, and, riding alone past a cornfield filled with rebel soldiers, the last steamer was backing out as he reached the river. A plank was run out, and he ran his horse down the steep river bank and over the single plank to the deck of the steamer.

Maj. Gen. H. W. Halleck succeeded General Fremont in command at St. Louis, in November, 1861, and Grant's command was at Cairo. Early in January Grant submitted to Halleck a plan for the capture of Fort Henry, on the Tennessee. Halleck refused his permission, declaring that the plan was preposterous. With the cooperation of Flag Officer Foote, in command of the little fleet of gunboats at Cairo, in the latter part of January, he renewed his suggestion to General Halleck, stating that, "if permitted, I could take and hold Fort Henry." On the 1st of February he received instructions, and on the 2d the expedition started. On the 6th of February Fort Henry fell into his hands, with its Confederate commander, General Tighlman, and his staff, stores, and ammunition. There were but 90 prisoners, Tighlman having sent most of his force to Fort Donelson before the surrender. Fort Donelson was but a few miles south of Fort Henry, and on another river, the Cumberland, and was a much more formidable fortification.

Grant moved with the greatest rapidity in marching his army across to Fort Donelson, and in reinforcing his numbers and getting the gunboat fleet into the Cumberland from the Tennessee.

By February 15 he had Fort Donelson thoroughly invested, with the gunboats on the river, and about 20,000 men along a front of about 3 miles, the three divisions being under command of Gens. C. F. Smith, McClernand, and Wallace. The enemy made a gallant effort to break through, but without success. Before daylight, on February 16, General Grant received a communication from Brig. Gen. S. B. Buckner, in command of the Confederates, proposing the appointment of commissioners to arrange terms of capitulation, and to this General Grant made immediate reply in the following terms:

Gen. S. B. BUCKNER,
Confederate Army.

SIR: Yours of this date proposing armistice and appointing commissioners to settle terms of capitulation is just received. No terms except an unconditional and immediate surrender can be accepted. I propose to move immediately upon your works.

I am, sir, very respectfully, your obedient servant,
U. S. GRANT,
Brigadier General.

General Buckner demurred no further, immediately accepted the terms, and surrendered about 15,000 men. This success of General Grant electrified the North and he became at once the object of the Nation's attention. Up to this time, in the first year of the war, the real successes of the Union arms had been few, and the reverses many. Probably at this time very few people in the United States had heard the name Grant, and when there flashed from the West news of the really great victory every lover of the Union was encouraged and the curiosity to learn something about him was universal. He was immediately promoted by President Lincoln to the grade of major general of volunteers. General Halleck, alone in command at St. Louis, still did not believe in General Grant notwithstanding his outstanding victory. Halleck wired to General Hunter, with headquarters in Kansas, congratulating him upon sending reinforcements to assist in securing the fall of Fort Donelson, and also telegraphed to Washington that the victory was due to Gen. C. F. Smith, whom he recommended for immediate promotion. He also issued a similar order thanking Flag Officer Foote and incidentally General Grant and the forces under

their command for the victories on the Tennessee and the Cumberland.

Gen. C. F. Smith was one of the general officers serving under General Grant at this time, and Grant admired him very greatly. He had been his instructor at West Point, and there was a strong personal friendship between them. Halleck's feeling toward Grant is illustrated by an order which he issued on March 4, two weeks after the capture of Donelson in the following terms, regarding an expedition into Tennessee and Mississippi:

You will place Maj. Gen. C. F. Smith in command of the expedition and remain yourself at Fort Henry. Why do you not obey my orders to report strength and positions of your command?

Halleck reported to Washington that Grant had gone to Nashville beyond the limits of his command without his authority and that Grant's army—

was more demoralized by victory than the army at Bull Run had been by defeat.

General McClellan on this information ordered that Grant should be relieved from duty and even authorized his arrest. In his Memoirs Grant says:

Thus in less than two weeks after the victory at Donelson the two leading generals in the Army were in correspondence as to what disposition should be made of me, and in less than three weeks I was virtually in arrest and without a command.

On the 13th of March Grant was restored to command, and Halleck wrote to him:

Instead of relieving you I wish you as soon as your new army is in the field to assume immediate command and lead it to new victories.

Immediately commenced the concentration of the various divisions of the Army, which resulted in the battle of Shiloh on April 6 and 7, 1862. This was the greatest battle of the war up to this time. It has always been a disputed point whether the Union Army was surprised by the bringing on of this battle in the immediate presence of the Confederate troops of Albert Sidney Johnson. Whether it was a surprise or not, the Confederates had the undoubted advantage all day of April 6, and at night the Federal forces were pushed back pretty well toward the river, and the losses had been very great. Grant, however, was all the time confident of victory, and on the following day opened the battle with a stiff offensive at many points, forcing the Confederates back. He had a theory in which he had great confidence, which was that the army which took the initiative in the fight had the advantage. That was the policy he pursued at Donelson, and during the battle at Shiloh he recounted the experience at Donelson to General Sherman, and said to Sherman that the same tactics would win at Shiloh. So concerned was the Confederate general, Albert Sidney Johnson, that he led a charge to retake ground, and was shot in the leg and soon died. This undoubtedly confused the Confederate forces, although General Beauregard immediately took command. Before night they had been forced back, and retreated as rapidly as possible to the neighborhood of Corinth, Miss. Thus while the battle of Shiloh was not a complete success for the Union arms it is probable but for Grant's brilliant generalship there would have been a great disaster to the Union arms.

SIEGE OF VICKSBURG.

Notwithstanding the great success that attended General Grant's final efforts in bringing the war to a close, attended by a great many battles in Virginia, it is probable that his fame as a soldier will rest more upon his conduct of the investment or siege of Vicksburg than any other campaign in his career. The difficulties were very great. The winter of 1862 and 1863 was a very rainy one, and the country through which his armies passed were water-soaked and the roads in fearful condition. The expedition went for the most part by steamer from Memphis and landed on the Mississippi side of the river above Vicksburg. Several attempts were made to invest Vicksburg from the north, but they were rendered nugatory as much by natural conditions of swamp and water as by the Confederate defense. After these several failures, Grant conceived the idea of running the gauntlet of the Confederate batteries on the high grounds of Vicksburg with gunboats protected with cotton bales and sandbags and carrying supplies below the city, and by taking his Army overland on the Louisiana or west side of the river to a considerable distance below Vicksburg, then crossing the river to the east side with his army and attacking Vicksburg from the south instead of the north. This was what most soldiers would and did call a desperate venture, but it was successfully carried out. The exertions of the army were almost incredible. The run of the batteries by Admiral Porter's fleet was accomplished with a loss of but one of the gunboats. The ferrying of the army across the Mississippi at Bruinsburg, from the Louisiana to the Mississippi side, which commenced April 30, 1863, was a difficult movement. Once on the east side of the river there were all manner of obstacles to be overcome, several rivers and bayous of considerable size had to be crossed in the face of a courageous and determined enemy. The roads were miserable, and the difficulty of keeping up supplies was so great that the supplies were really not kept up. In 21 days the army had but 5 days' provisions, and whatever else they had had to be supplied from the country through which they were passing. Several severe battles were fought, the most serious of which was that at Champion Hills, which lasted four hours and in which the Union loss was 410 killed, 1,844 wounded, and 187 missing.

In executing this movement Grant also captured the capital city of Mississippi, Jackson, which was being defended by Gen. Joseph Johnston. Jackson was not held, however, and was probably taken in order to discourage Gen. Joe Johnston from attacking Grant on the flank. He immediately turned his army toward Vicksburg, and in a very short time, May 19, had that great fortification invested—just 20 days after crossing the river. Then commenced a siege which lasted until July 4, when the Confederate general, Pemberton, surrendered the fortifications and his entire command. Pemberton endeavored to obtain better terms, but Grant insisted upon his usual terms of "unconditional surrender." Grant did say, however, to Pemberton that—

men who have fought with so much endurance and courage as those now in Vicksburg will always challenge the respect of an adversary, and I can assure you you will be treated with all the respect due to prisoners of war.

Grant permitted all the prisoners to be paroled and took great care that when the paroled prisoners left the city they should be treated with all consideration. He issued the following order:

Paroled prisoners will be sent out of here to-morrow. They will be authorized to cross at the railroad bridge, and move from there to Edwards Ferry, and on by way of Raymond. Instruct the commands to be orderly and quiet as these prisoners pass, to make no offensive remarks, and not to harbor any who fall out of ranks after they have passed.

Without ostentation, Grant entered Vicksburg at the head of his army on July 4, 1863. There were 31,600 prisoners, 172 cannon, and 60,000 muskets.

All professional soldiers regard the Vicksburg campaign as one which all soldiers should study. General Sherman, who was very close to Grant, the most so of any of his associated generals, was so worried over Grant's plan of campaign that he took occasion to caution Grant in regard to its dangers. He did not believe it could be successful. Grant, however, did not change his mind, and Sherman went forward with his part in the campaign with vigor and perfect loyalty. Evidently Halleck was also sure that it would not be successful and had impressed President Lincoln with his views. This is quite certain from the fact of the congratulatory dispatch which President Lincoln sent to Grant after the surrender. This dispatch was as follows:

EXECUTIVE MANSION,
Washington, July 13, 1863.

To Major General GRANT.

MY DEAR GENERAL: I do not remember that you and I ever met personally. I write this now as a grateful acknowledgment for the almost inestimable service you have done the country. I wish to say a word further. When you first reached the vicinity of Vicksburg, I thought you should do what you finally did—march the troops across the neck, run the batteries with the transports, and thus go below; and I never had any faith, except a general hope that you knew better than I that the Yazoo Pass expedition and the like could succeed. When you got below and took Port Gibson, Grand Gulf, and vicinity, I thought you should go down the river and join General Banks; and when you turned northward, east of the Big Black, I feared it was a mistake. I now wish to make a personal acknowledgment that you were right and I was wrong.

Yours very truly, A. LINCOLN.

THE CHATTANOOGA CAMPAIGN.

The successful ending of the brilliant Vicksburg campaign, coming as it did simultaneously with the great Union victory at Gettysburg, marked the turning point of the war. That does not mean that the hardest fighting was over. Far from it. But the preponderating power of the North with the vast improvement in its quality of military leadership in Grant, Sherman, Meade, Thomas, and Sheridan thenceforth made itself constantly felt.

Grant was ordered to meet Secretary Stanton at Louisville in October, and on the 17th was placed in command of the military division of the Mississippi. Rosecranz was in a bad way at Chattanooga after the battle of Chickamauga and was upon the point of retreating from Chattanooga, which would have been a great disaster to the Union cause. Grant's first act was to relieve Rosecrans and put Thomas in command of the Army of the Cumberland, at the same time ordering Thomas to hold Chattanooga at all hazards. Thomas promptly replied: "We will hold the town 'till we starve." There was a

severe shortage of food, and starvation or surrender seemed inevitable. Grant went to the front and by the 24th succeeded in opening up what was called "the cracker line" and relieved the starving Army.

Then ensued that wonderful campaign about Chattanooga. Grant brought in reenforcements from every direction. Halleck by this time had lost his distrust of Grant and sent in the commands of Hooker and Howard from Virginia, and Sherman came in from Memphis. The campaign culminated in the taking of Missionary Ridge, one of the most picturesque charges of the Civil War, and the Battle of Chattanooga. Grant's handling of the bad situation that he found at Chattanooga was most skillful. Before he entered into the final move he had many of the ablest generals of the war under his immediate command and supporting him, among them Sherman, Thomas, Sheridan, and Hooker. Bragg and Longstreet were in chief command of the Confederates. The battle occurred November 25, 1863. Burnside, who had been badly pressed at Knoxville for some time, was relieved.

On December 8, 1863, Grant received the following congratulatory telegram from President Lincoln:

WASHINGTON, D. C., *December 8, 1863—10.2 a. m.*

Maj. Gen. U. S. GRANT:

Understanding that your lodgment at Knoxville and Chattanooga is now secure, I wish to tender you, and all under your command, my more than thanks, my profoundest gratitude for the skill, courage, and perseverance with which you and they, over so great difficulties, have effected that important object. God bless you all.

A. LINCOLN,
President of the United States.

GRANT GOES TO WASHINGTON.

Grant's headquarters during the winter of 1863–64 were at Nashville. On March 3, 1864, he was ordered to Washington. Congress had restored the grade of lieutenant general on February 26. President Lincoln sent his nomination to the Senate March 1, and it was confirmed the next day. On Grant's arrival at Washington he modestly registered at the Willard Hotel, "U. S. Grant and son, Galena, Ill." On March 9 he went to the White House, and President Lincoln in the presence of his Cabinet presented his commission as lieutenant general in these words:

General Grant, the Nation's appreciation of what you have done, and its reliance upon you for what remains to be done in the existing great struggle, are now presented, with this commission constituting you lieutenant general in the Army of the United States. With this high honor devolves upon you also a corresponding responsibility. As the country herein trusts you, so, under God, it will sustain you. I scarcely need to add that with what I here speak for the Nation goes my own hearty personal concurrence.

To which General Grant replied:

Mr. President, I accept the commission, with gratitude for the high honor conferred. With the aid of the noble armies that have fought in so many fields for our common country, it will be my earnest endeavor not to disappoint your expectations. I feel the full weight of the responsibilities now devolving on me, and I know that if they are met it will be due to those armies and, above all, to the favor of that Providence which leads both nations and men.

Then commenced that marvelous campaign of 1864, the bloodiest and most bitterly contested in our national history. Volumes have been written in description of the many terrible battles and in extolling or criticizing the military skill employed. The limitations of an address will not permit us to recount these battles in detail—the Wilderness, Spottsylvania, Cold Harbor—which battles, though in themselves not distinct victories for the Union arms, were such a strain upon the Confederacy as to greatly contribute to the termination of the war within a few months. Grant's theory was to keep the enemy constantly engaged, first at one point and then at another, and never permit him any rest. To carry out this plan required that the Union armies should be kept up with full forces at all times.

From the time that Grant became lieutenant general in 1864 he was not only conducting the campaign of the Army of the Potomac, through its immediate commander, Maj. Gen. G. G. Meade, but he was giving close attention to the campaign in the West—that of General Thomas in eastern Tennessee—which resulted in the battle and victory at Franklin, the most sanguinary battle of the war considering the number of troops engaged, and in which more general officers lost their lives than were lost in all the World War.

Seven Confederate generals were successively killed in gallantly leading charges against the Union line that extended across a narrow neck of land between two rivers, among them the impetuous Pat Cleburne, of Mississippi. In anxiety to bring on immediate action against Hood, General Grant narrowly escaped doing Thomas a great injustice at this time, the conditions of the lack of cavalry, deluging rains, and a fearful sleet storm rendering it impossible for Thomas to move earlier. Fortunately Thomas was able to move and accomplish a great victory before being relieved by Grant, as was for a few days contemplated.

Sherman also was just starting out on his great "march to the sea," but Grant had unbounded faith in Sherman and gave him a free hand to do just what he pleased. Still he kept closely in touch with Sherman's operations.

THE APPOMATTOX CAMPAIGN.

The proper limitations of an address like this will not permit of even the briefest review of the great closing campaign of the war about Richmond. Grant had a clearly defined plan for compelling the evacuation of Richmond and for defeating or capturing Lee's army when he should attempt to retreat south and effect a junction with Johnston, in the Carolinas, who was being forced northward by Sherman. Phil Sheridan had, by Grant's direction, been placed in command of all the Cavalry and had already swept completely around and south of Lee's army. As Grant had planned, the Confederate government left Richmond April 2, 1865. Lee assembled his army at Amelia Courthouse preparatory to joining Johnston, with a view of crushing Sherman, and made a desperate attempt to carry out that plan. It might easily have been successful had the Federal Army been in command of a less capable and vigorous commander than Grant and his support by such generals as Sheridan. The latter, with his swift and powerful Cavalry, got south of Lee and forced his army to stop in the neighborhood of Appomattox. The situation was such that Lee was surrounded and must either be annihilated in battle or surrender. His army had but little food, most of his supply trains from the south having been destroyed or captured by Grant's troops.

At 5 p. m. of April 7 Grant sent Lee the following note, shifting from his own shoulders the further responsibility of bloodshed:

HEADQUARTERS ARMIES OF THE UNITED STATES,
5 p. m., April 7, 1865.

Gen. R. E. LEE,
Commanding Confederate States Army.

The results of the last week must convince you of the hopelessness of further resistance on the part of the army of northern Virginia in this struggle. I feel that it is so, and regard it as my duty to shift from myself the responsibility of any further effusion of blood by asking of you the surrender of that portion of the Confederate States Army known as the army of northern Virginia.

Lee replied the same evening, asking the terms of surrender.

Further letters were exchanged, and on April 9 the two great leaders, with members of their respective staffs, met at the McLean House at Appomattox and completed the arrangements for the surrender.

General Grant will, in my opinion, go down to posterity not alone because of his military successes but also because of his nobility as a man as displayed in his farsighted and generous treatment of General Lee and the armies of the South in the final capitulations; also because of the stand which he took against the wishes of President Andrew Johnson to have General Lee and other military leaders of the South tried for treason. I have frequently observed in speeches made in Congress by southern men that this feature of General Grant's character has apparently made a profound impression upon the South which grows as time advances.

The final result of the negotiations between General Lee and General Grant was contained in the following terms presented by General Grant:

The officers to give their individual paroles not to take up arms against the United States until properly exchanged, and each company or regimental commander to give a like parole for the men of his command. The officers to retain their side arms, private horses, and baggage. This done, each officer and man will be allowed to return to his home, not to be disturbed by the United States authority so long as they observe their paroles and the laws in force where they may reside.

It is to be remembered that at this time his armies were in complete command of the situation, and he might have insisted, had he been so disposed, upon any terms, however humiliating.

In a speech made by the Hon. HATTON W. SUMNERS of Texas in the House of Representatives, April 27, 1920, this distinguished southern man, son of a Confederate soldier, made the following comment:

These terms were made with Lincoln's approval. In addition to these terms, Grant instructed his commissioners designated to receive the surrender of Lee's army to permit the private soldiers to take away the horses to reestablish themselves on the farms, and directed that the hungry men being paroled should receive the rations which Lee requested for them.

During the whole of the negotiations, those who were present tell us, and so does General Grant himself, that Lee was compelled more than once to direct the attention of General Grant to the business which had called them together. On that occasion this rugged man of many battles demonstrated a tender deference and a profound respect and sympathy for General Lee which appeals to the gratitude and to the affectionate regard for Grant of every true southern man; and not only do I feel that gratitude as a southern man but, as a citizen of this Republic who has never felt estranged from it, I realize that General Grant's conduct on that occasion, and especially during the two fate-

ful years which followed, more than anything else has made it possible for the hearts of the southern people to thrill, as now they do, with real vital love for the selfsame flag which waved in final victory that day over Appomattox's bloody fields. The facts permit not a shadow of doubt.

Subsequently President Andrew Johnson was undoubtedly pressed from many quarters to cause trials for treason to be instituted against Gen. Robert E. Lee and other Confederate generals. In the hearings before the Judiciary Committee, House of Representatives, on July 8, 1867, General Grant was called as a witness, and at that time it was divulged that General Grant had stood between the Confederate officers and this desire to bring them to such a trial. General Grant based his opposition to such trials upon the terms that he, representing the United States, had given in the quotation that I have read. In this hearing General Grant testified, among other things, to the following:

I frequently had to intercede for General Lee and other paroled officers on the ground that their parole, so long as they obeyed the laws of the United States, protected them from arrest and trial. The President at that time occupied exactly the reverse ground, viz, that they should be tried and punished. He wanted to know when the time would come that they should be punished. I told him not so long as they obeyed the laws and complied with the stipulation. That was the ground I took.

In reading General Grant's Memoirs I was struck by the fact that with characteristic modesty he makes no mention of this very notable incident, which I believe history will determine to have been one of the most noble displays of his great and generous character.

Thus ended the great War between the States. Men of the same race and blood fought against each other. No braver or more effective armies than those of Grant and Lee ever fought against each other in the whole history of the world, and combined I believe they would have constituted the most formidable armed force ever assembled.

Four years from the day that the humble tanner of Galena left his brothers' store to preside at the war meeting, on April 15, 1861, he found himself the acclaimed hero and conqueror, and in another four years he became President of the United States, and he presided over its destinies for eight years. Was there ever more of romance crowded into a single human life?

What constituted Grant's preeminence as a soldier? In what respect did he differ from other great generals of the war? I asked these questions quite recently of "Corporal" James Tanner, widely known and beloved in the Grand Army, one of the most notable men of the Civil War now living, and who, after having both feet carried away by a connon ball at the second Battle of Bull Run in 1862, celebrated his seventy-eighth birthday on the 4th of this month, at which I had the pleasure of being present. Corporal Tanner was a warm friend of Grant, Sherman, Sheridan, Logan, and other great captains of the Civil War. Tanner informed me that he once asked the same question of General Sherman. The latter smiled and said:

If there were a dozen different plans of a prospective campaign or battle lying on the table, Sheridan and I would study and discuss them a long time. We would bring out their strong features and their weak ones, and probably be quite undecided as to which was preferable. Grant would come along, glance over the different plans, and without a moment's hesitation pick out one and say, "That is the best plan," and immediately proceed to carry it out, without giving a thought to the other plans.

Gen. Charles King, in his interesting book, "The True Ulysses S. Grant," says that one evening before the memorable march to the sea Sherman and Wilson were engaged in a confidential chat, and in speaking of Grant, in his characteristic frank way, Sherman suddenly burst forth as follows:

Wilson, I am a d——d sight smarter man than Grant; I know a great deal more about war, military history, strategy, and grand tactics than he does; I know more about organization, supply and administration, and about everything else than he does; but I'll tell you where he beats me and where he beats the world. He don't care a damn for what the enemy does out of his sight, but it scares me like hell.

Adding further:

He issues his orders and does his level best to carry them out without much reference to what is going on about him, and so far experience seems to have fully justified him.

My own judgment is that Grant's supremacy as a general was due to a rare intuitive knowledge of the military strength or weakness of the situation, upon which knowledge he acted quickly and with absolute confidence. He was not vacillating, but ready to "fight it out on this line if it took all summer." He was invariably aggressive, always anticipating the enemy in attack, as he believed the striking of the first blow to be most important. This he did at Donelson and on the second day at Shiloh.

I do not think that he was indifferent to what "the enemy was doing out of his sight," but that on the other hand he had a pretty shrewd idea of what the enemy was trying to do and that his own movements were frequently for producing a psychological effect upon his opponent. That is shown in his almost invariable practice to strike first, begin the attack, and to that extent disconcert the enemy at the beginning of the battle. He even planned upon what he knew of the personal characteristics of his opponents. General Buckner, after the surrender at Donelson, said to Grant, the two having attended West Point three years with each other, that if he—Buckner—had been in command Grant would not have got up to Donelson as easy as he did.

I told him—

Said Grant in his "Memoirs"—

that if he had been in command I should not have tried in the way I did.

Floyd had been in command, and Grant had little respect for his military sagacity and took a course that he would not have entered upon with Buckner in command.

On July 23, 1885, this great man passed away at Mount McGregor, N. Y. His name and his deeds have passed into history. Without question he stands as the first representative of American military genius. Accompanied by his military successes and abilities were those magnificent traits of character—nobility and integrity of soul that will ever make him in the minds of the American people not only their greatest soldier but one of their noblest citizens. The fact that to-day the North and the South are united in one common country not only by physical and political bonds but by those still more powerful bonds of brotherhood in national ideals in no small degree may be attributed to the moderation and kindness that marked his course toward the revered Lee and his soldiers at Appomattox. The spirit of war and of reprisals was abroad in the land, and it took bold courage to withstand the more radical counsels that at the time were most powerful. The military genius and exalted character of Lee and Jackson had no greater admirer than General Grant. To-day there are none living but are glad that the broad spirit of humanity, brotherhood, and high statesmanship was the controlling motive of the last notable accomplishment of Ulysses S. Grant as a soldier at the field of Appomattox.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House on the order of business.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, there have been numerous inquiries as to the business for the balance of the week. I desire to say I do not now anticipate that we shall take up any important legislation other than the so-called blue sky law. If we conclude the consideration of that measure this evening, I shall ask unanimous consent to adjourn until Monday. If, however, we should not conclude to-day, I think we may also consider to-morrow the conference report on the Agricultural appropriation bill.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. LAYTON. When will the river and harbor bill be permitted to come before the House for consideration?

Mr. MONDELL. As soon as gentlemen most interested shall all of them at one time be ready to have it considered. Quite a number of gentlemen interested in that bill expect to be away from the city part of next week, and out of deference to their wishes the bill will not be considered next week, but I hope it may be considered early the following week, providing the gentleman from Delaware may find it convenient to be here. He is here most all the time.

Mr. LAYTON. Well, I do not think the gentleman ought to make that remark about me, because I am always here.

Mr. MONDELL. I just remarked that the gentleman is always here.

Mr. LAYTON. I would like to ask this question: Are the gentlemen who expect to be away next week members of the Rivers and Harbors Committee?

Mr. MONDELL. I think some of them are, and other gentlemen are interested in the bill.

Mr. LAYTON. That may be true. As a matter of fact, I think I speak for the Rivers and Harbors Committee when I say that they have been ready to report and willing to report and anxious to report their bill for some time, and we can not understand why in the midst of piffling stuff transacted by the House a report on a bill by a standing committee can not be considered.

Mr. MONDELL. I will say to my friend the floor leader is not always in a position to say all that he knows with regard to the desires of gentlemen relative to legislation. Nothing has been lost and nothing will be lost on river and harbor improvement by the delay so far as there has been any delay in the consideration of the measure. We are all anxious to have the

bill passed, and we hope that it may be brought up week after next, but I do not think it would be convenient for quite a number of gentlemen interested to have it brought up next week.

Mr. GARNER. It is not the intention, then, of the organization in the House or in the Senate to defeat a bill at this session of Congress, as I understand it?

Mr. MONDELL. It is not. Of course, I am speaking now for the House. But I have no intimation but that the Senate expects to pass the bill promptly.

Mr. LINEBERGER. I understand, then, from the statement of the floor leader, that so far as he is concerned there will be no opposition on the part of the House leadership toward the bringing up of this bill within the next two weeks?

Mr. MONDELL. Not at all. On the contrary, personally I have been anxious to have the bill considered at the earliest possible date.

On Tuesday of next week, Mr. Speaker, we expect to take up the so-called naval bill, sometimes referred to as the "naval scrapping" bill, and following that, Calendar Wednesday will be consumed, in all probability, by the Committee on Printing; Thursday we will take up a bill authorizing the increase of the bonded indebtedness of the Philippine Islands. At present those two bills are the only two measures on the calendar for next week. In addition, however, there will be several conference reports from the Committee on Appropriations.

Mr. GARNER. May I ask the gentleman from Wyoming if I understand him to assure us that the Liberian bill will not be considered next week?

Mr. MONDELL. I do not think it will be considered next week.

"BLUE SKY" LEGISLATION.

Mr. DENISON. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10598.

Mr. WALSH. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. WALSH. Has general debate been completed on the bill?

Mr. DENISON. It has; and now we are ready for the reading of the bill.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. DENISON].

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10598, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10598) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That it shall be unlawful after the passage of this act for any person at any place in any State, Territory, or District of the United States to deposit in, or cause to be deposited in, or to be carried or delivered by the United States mails, or to deposit with, or cause to be deposited with, or to be carried, transported, or delivered by any railroad company, express company, or other agency of interstate commerce any security or securities for sale or delivery to any person in any other State, Territory, or District of the United States in which it is at that time unlawful to sell, offer for sale, tender for sale or delivery to such person, or solicit from such person, subscriptions to or orders for, such security or securities.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois about the phraseology in lines 12 and 14. It says it shall be unlawful for any person to deposit, and in line 12, "or to be carried or delivered by the United States mails." Should not that be "cause to be carried or delivered by the United States mails"?

Mr. DENISON. In answer to the gentleman from Massachusetts, I will state that our intention was that the words "to be carried" follow and are connected with the word "cause" in line 11, reading: "or cause to be deposited with, or to be carried, transported, or delivered by."

Mr. WALSH. But there is a comma in between them. That relates back to the words to the effect that it shall be unlawful for any person.

Mr. DENISON. Will the gentleman yield?

Mr. WALSH. I will.

Mr. DENISON. In other words, ought not the word "or" in line 12 be eliminated as soon as the suggestion of the gentleman from Massachusetts is adopted? Would not the elimination of the word "or" simplify the language?

Mr. WALSH. I think you ought to put the word "cause" in there in both places. It would clarify the language, having it read "or cause to be deposited in or cause to be carried or delivered by the United States mails or deposited with, or cause to be deposited with, or cause to be carried, transported, or delivered."

Mr. DENISON. Well, the gentleman from Massachusetts has the idea of the committee exactly. It is just a mere question of punctuation, I think. If the gentleman from Massachusetts thinks that that would clarify it and better carry out the purpose, I think the committee would have no objection to that amendment if he wishes to offer it.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. WALSH. In line 12, after the first word "or," insert the word "cause," and in line 14, after the first word "or," insert the word "cause."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment by Mr. WALSH: Page 2, line 12, after the first word "or," insert the word "cause," and in line 14 after the first word "or," insert the word "cause."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That it shall be unlawful after the passage of this act for any person at any place in any State, Territory, or District of the United States to deposit in, or cause to be deposited in, or to be carried or delivered by the United States mails, or to deposit with, or cause to be deposited with, or to be carried, transmitted, transported, or delivered by any railroad company, express company, telegraph company, telephone company, or other agency of interstate commerce, any letter, message, postal card, circular, or pamphlet intended (1) to tender for sale or delivery, directly or indirectly, any security or securities; or intended (2) to solicit subscriptions to or orders for such security or securities; or intended (3) to procure advertisement for sale of such security or securities in a newspaper or other publication, when in either case such letter, message, postal card, circular, or pamphlet is addressed, sent, directed, or consigned to any person at any place in any other State, Territory, or District of the United States in which it is at that time unlawful to sell, offer for sale, tender for sale or delivery to such person, or solicit from such person subscriptions to or orders for such security or securities.

Mr. DENISON. Mr. Chairman, the gentleman from Minnesota [Mr. ANDERSON] desires to offer a bill and report. For that purpose, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10598 and had come to no resolution thereon.

CONFERENCE REPORT—AGRICULTURAL APPROPRIATIONS.

Mr. ANDERSON, from the Committee on Appropriations, submitted a conference report on the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, for printing under the rule.

"BLUE SKY" LEGISLATION.

Mr. DENISON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10598.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10598, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The title was read.

Mr. WALSH. Mr. Chairman, I offer the same amendments as those which were adopted in the previous section to line 25, after the first word "or" insert "cause," on page 2, and on page 3, in line 2, after the first word "or," insert the word "cause."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 2, line 25, after the first word "or" insert the word "cause," and on page 3, line 2, after the first word "or" insert the word "cause."

Mr. DENISON. Mr. Chairman, that presents the same language, and the committee has no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois who introduced this bill why it is that in the concluding paragraph of this section they omit the provision that it shall be a violation to procure advertisements for the sale of such security in a newspaper or other publication in a State in which at that time it is unlawful to procure advertisements for sale of such security?

Beginning on line 15 it refers back to the numbered phrases "in which at that time it is unlawful to sell, offer for sale, tender for sale, or delivery to such person, or solicit from such person subscriptions to or orders for such security or securities." Now, you omit the language "in which it is at that time unlawful to procure advertisement for sale of such security or securities in a newspaper or other publication."

Mr. DENISON. The reason, Mr. Chairman, is that the committee did not think it was necessary to put that in, and then we were not aware of any State that had a law of that kind.

Mr. WALSH. Does the gentleman understand that while the State prohibits the sale of these wild-cat securities and the securing of supscriptions for them they permit them to advertise just the same?

Mr. DENISON. None of the States prohibits the selling of securities in that phraseology. I will say to the gentleman that the laws of the States simply prohibit the sale of all securities, except such as may be exempted under the provisions of their acts, until certain provisions of the laws shall have been complied with. Those provisions generally consist of filing certain information with the respective secretaries of state or other officials under the State statutes and procuring permission from them to sell the securities within the States. I am not aware of any State law which prohibits the advertising in newspapers of any class of securities.

Mr. WALSH. Then it would seem to me that if there should be some States—and I am quite sure there are—that not only prohibit the sale of these worthless securities, that not only prohibit the soliciting of subscriptions for them but also prohibit advertising them for sale in the newspapers published in the States—if there be such laws prohibiting such advertisements in newspapers published in the State, why should not a national law be enacted toward cooperating with the States to prevent that, just the same as it is enacted cooperating with them to prevent the sale and soliciting of subscriptions?

Mr. DENISON. Well, Mr. Chairman, I think if the gentleman from Massachusetts will just pause to think for a moment he will see that that would not be necessary, because if the State law prohibited the publication of such advertisement in that State there would be no need for the Federal law to prohibit it.

Mr. WALSH. If the State law prohibits the sale, why should we pass a Federal statute?

Mr. DENISON. This bill is to prevent the violation of the State law within the State by persons living outside of the State and who are unwilling to go into the State.

Mr. WALSH. That is not all that this act is for.

Mr. DENISON. This bill does not prohibit any act which the State itself can punish for. This bill is intended to prohibit violation of State laws from without the State by means of the Federal agencies.

Mr. WALSH. How can your State law punish anybody for using the United States mails for carrying a worthless stock from the northeast corner of the State to the southwest corner?

Mr. DENISON. They can not; neither does this act.

Mr. WALSH. They can not?

Mr. DENISON. No. This act applies only to interstate commerce and not to intrastate commerce, so that this act is intended to prevent the procuring of advertisements in one State by a person in another State where the person could not sell the stock lawfully.

Mr. LONDON. The mailing of a letter within the State will not constitute a crime?

Mr. DENISON. No. To the States, according to the theory of this legislation, must be left the protection of their own citizens from the commission of offenses within their own territory, and the Federal Government ought to limit its activity to prohibiting the violation of State laws by means of the agencies of interstate commerce, which are Federal agencies.

Mr. WALSH. I have a strong suspicion that I have not made myself entirely clear to the gentleman from Illinois. I would like just to read this section with a hop, skip, and jump, if I may, so that the gentleman will see what I have in mind:

That it shall be unlawful * * * for any person * * * to deposit in * * * the United States mails * * * any letter * * * intended——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to proceed for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WALSH (continuing reading):

any letter * * * intended (1) to tender for sale * * * any security or securities; (2) to solicit subscriptions to or orders for such securities; or intended (3) to procure advertisement for sale of such security or securities in a newspaper or other publication * * * at any place in which it is at that time unlawful to sell * * * or solicit from such person subscriptions for such security.

You leave out there the words—

in which it is at that time unlawful to procure advertisements for sale in a newspaper or other publication.

Mr. DENISON. Mr. Chairman, I would state for the benefit of the gentleman from Massachusetts that so far as I am informed—and I have made a pretty careful study of this matter—there are no State laws which prohibit the advertisement of these securities. But the thing we are trying to get at, after all, and to prevent, after all, in this act is the sale of securities. We do not care so much about the details as that we are trying to prevent the sale of securities. We make it unlawful for a person in one State to send a circular or letter or prospectus to another person or to solicit advertisements in that State of a stock which it is unlawful to sell in that State. If we make it unlawful to send from one State to another a letter soliciting the advertisement, I think we will accomplish all that we can accomplish in this act. That has been considered very carefully by the securities officials of all these various States, and it is their judgment that this will accomplish the purpose we are seeking to accomplish.

Mr. WALSH. If it is unlawful under the law of New York, for instance, to sell these worthless securities this act will close the United States mails to a resident of the State of Pennsylvania who desires to send a letter to one of the New York newspapers to have an advertisement put in such paper relative to the sale of such worthless securities?

Mr. DENISON. That is the idea exactly. I think that will accomplish the purpose.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The Clerk will read.

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word. I should move to strike out this whole section, which is the gist of the bill, if I did not think that would come up on the final argument and vote.

I wish to say just a word about this bill. A former chancellor of my State, a most strict and severe man, said to me one day that the legislative crime of the century was the multiplication of crimes; and this is one of those cases. If a man is trying to sell a stock or any securities that it happens to be unlawful to sell in another State—for instance, in the State of New York—although the man, say, in South Carolina does not know anything about the laws of New York, if he sends a letter addressed to a man in the State of New York concerning that stock it renders him liable to a fine of $2,000 or to imprisonment for not more than two years, and for a second offense to a fine of $5,000 or imprisonment for not more than five years, and he is to be tried in a United States court, either in South Carolina or New York.

Mr. DENISON. Will the gentleman yield?

Mr. PARKER of New Jersey. If I am wrong; yes.

Mr. DENISON. Does the gentleman think a man in Pennsylvania ought to violate the New York law any more than a man in New York?

Mr. PARKER of New Jersey. He ought not to violate it if he knows anything about it; but a man in Pennsylvania or South Carolina is not charged with knowledge of the laws of the State of New York. That is one objection.

The second objection is that the United States courts are now overwhelmed with cases arising under the bootlegging laws, where there is the taking of something substantial from one State into another, and their dockets are so overcrowded that they do not see any possibility of trying those cases for years, and they might not be able to try a man within 10 years on an indictment for such a case as this.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. PARKER of New Jersey. I am making points, and I will be glad to yield if the gentleman can contradict that point or anything that I have said about it.

Mr. GRAHAM of Illinois. I want to ask the gentleman a question about his argument on that point.

Mr. PARKER of New Jersey. I am glad to yield to the gentleman.

Mr. GRAHAM of Illinois. I want to ask what right a man has, when he is a resident of another State, to do business in

the State of New York except in conformity with the laws of that State? What real right has a man who is not a resident of a State to do business in that State except in conformity with its laws?

Mr. PARKER of New Jersey. I think I have a right to write a letter if I tell the truth.

Mr. GRAHAM of Illinois. What right does a citizen of Pennsylvania have to do business in New York except in compliance with the laws of the State of New York?

Mr. PARKER of New Jersey. I am not saying that this law is unconstitutional. We have had a great many things held constitutional. I am saying that this bill is improvident and that it is tyrannical, because a man can not know all that is going on in another State all the while. None of us can know all the laws of the different States.

One thing more. This interference with business does not always work out in the best way. These "blue sky laws" give State commissioners the right to say "amen," to say "O. K." to one set of securities and to say "You can not deal in them" as to another set of securities. That was the principle adopted by the Paris Bourse. If a security is admitted upon the Paris Bourse it is in a way guaranteed as being the right sort. We do not do that on the New York Stock Exchange or the Chicago Stock Exchange. It is simply a statement that it is a fair security to be dealt in. The result of it was that when the Memphis, El Paso & Pacific Railway Co., whose line ran only across the State of Texas, put $4,000,000 of bonds on the Paris Bourse with fraudulent statements that they were guaranteed by the United States, and that they were backed by land, when the State of Texas had revoked the grant of land, and when that certification was secured by bribing the chief officers of the Paris Bourse with commissions on those securities, the result was that it nearly overthrew the French Government. And when the Panama Canal securities were put on the Paris Bourse in just the same way, it did overthrow two or three administrations of the French Government. We can not trust the business of this country to the certification of any commission to say "You shall or shall not deal in such a security," because the commission can not know about it, and it is not fair to tell people who do know about it that they must go all over the United States—in some small ventures of theirs, we will say oil wells, or whatever the venture may be—and get a permit from each and every State at the cost of paying attorneys, arranging and getting evidence, and all that sort of expense in 48 States, before they can sell any of their stock. I say it is tyrannical and unjust.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. I should like five minutes more.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent for an additional five minutes. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I thank the committee. I will not take the whole five minutes.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. PARKER of New Jersey. I am glad to yield to the gentleman from Illinois.

Mr. McKENZIE. Does not the gentleman from New Jersey think that if we enact this law a man will have a greater security and feel much more secure when he buys securities than he now does?

Mr. PARKER of New Jersey. I do not.

Mr. McKENZIE. In other words, will it not put the stamp of approval upon them?

Mr. PARKER of New Jersey. I do not think so. I do not think the stamp of approval of a State board, after a while, when they get to dealing with this business, will amount to very much. I do not think it ought to be asked for anyhow. If a man has property, whether it is shares in a mine that he owns himself or shares of stock that he has bought, he has a right to dispose of it if he tells no lies. Remember, I am not talking constitutional law. I am talking good sense. In this country we are not yet satisfied to become the subjects of police regulation as to all our transactions, whether they be stocks, tangible property, or otherwise. We are not ready to submit ourselves to commissions of all the various States, and when a State happens to pass a law of that sort we are not ready to say that all the powers of the United States shall be used to prevent a man from even sending a letter into such a State, when he has the right to send a letter by mail.

I have spoken on this section. I do not move to strike it out, though it is the gist of the bill, for I foresee that when you get to the particulars you will run into a great many discussions as to those particulars. I object to the principle which multiplies crimes which never can be punished, first, because the United States courts have no time to take care of them; second, because it is an oppression to take a man into those courts; third, because grand juries will not indict a man outside of the State and say that he is certainly to be charged with knowledge of the laws of another State; fourth, because it is a scheme of police regulation such as is foreign to the genius of American institutions, and which I never will stand for.

The Clerk read as follows:

SEC. 4. That the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any Territory or insular possession thereof, or by the District of Columbia, or by any State or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign Government with which the United States is at the time of the sale or offer for sale thereof maintaining diplomatic relations, or by any State, Province, or political subdivision thereof having the power of taxation or assessment.

(c) Any security issued by a national bank or by any Federal land bank or joint-stock land bank or national farm loan association under the provisions of the Federal farm loan act of July 17, 1916, or by the War Finance Corporation, or by any corporation created or acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States: *Provided*, That such corporation shall be subject to supervision or regulation by the Government of the United States.

(d) Any security issued or guaranteed either as to principal, interest, or dividend by a corporation owning or operating a railroad or any other public service utility: *Provided*, That such corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its own securities by a public commission, board, or officer of the Government of the United States, or of any State, Territory, or insular possession thereof, or of the District of Columbia, or of the Dominion of Canada or any Province thereof; also equipment trust certificates or equipment notes or bonds based on chattel mortgages, leases, or agreements for conditional sale of cars, motive power, or other rolling stock mortgaged, leased, or sold to or furnished for the use of or upon a railroad or other public-service utility corporation, or equipment trust certificates, or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States, or of any State, or of the Dominion of Canada, to secure the payment of such equipment trust certificates, bonds, or notes; also bonds, notes, or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause 4 described: *Provided*, That the collateral securities equal in par value the par value of the bonds, notes, or other evidences of indebtedness so secured. If any portion of the collateral securities consists of stock of no par value, then for the purpose of this subdivision such stock shall be deemed to have a par value equal to the price at which such stock was authorized to be issued by the public commission having supervision of the issue of such stock.

(e) Any security issued by a corporation organized exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes, and not for pecuniary profit.

(f) Securities issued, outstanding, distributed, and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population according to the last preceding United States census and providing facilities for the use of its members in the purchase and sale of securities listed by such exchange, and securities senior thereto or evidences of indebtedness guaranteed by companies the common capital stock of which is so listed: *Provided*, That actual transactions on such organized exchange have occurred during each of the preceding 20 years in the purchase and sale of United States bonds or other bonds of any of the classes exempted herein from the provisions of this act: *And provided further*, That such stock exchange requires financial statements to be submitted at the time of such listing and annually thereafter.

(g) Any security issued by a State bank, trust company, or savings institution incorporated under the laws of and subject to the examination, supervision, and control of any State or of the United States or of any insular possession thereof.

(h) Any bonds or notes secured by a first-mortgage lien on real estate or leasehold situated in the United States, when the entire mortgage, together with all the bonds or notes secured thereby, are sold or offered for sale to a single purchaser or at a single sale. Also, any bonds or notes secured by first-mortgage lien upon agricultural lands improved with farm buildings and used and valuable principally for agricultural purposes or upon city or village real estate or leaseholds in the United States improved with buildings used principally to produce income through rental: *Provided*, That the par value of such bonds and notes does not exceed 60 per cent of the then fair value of the property so mortgaged to secure the same.

(i) Negotiable promissory notes or commercial paper: *Provided*, That such issue of notes or commercial paper mature in no more than 12 months from date of issue and shall be issued within three months after the date of sale.

(j) Securities issued by a corporation, firm, trust, partnership, or association owning a property, business, or industry which has been in continuous operation not less than 5 years, and which has shown during a period of not less than 3 years nor more than 10 years prior to the close of its last fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges, including the charges upon prior securities not to be retired out of the proceeds of sale, as follows:

(1) In the case of interest-bearing securities not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest-bearing obligations of equal rank.

(2) In the case of preferred stock, not less than one and one-half times the annual dividend on such preferred stock and on all other outstanding stock of equal rank.

(3) In the case of common stock not less than 6 per cent upon all outstanding common stock of equal rank, together with the amount of common stock then offered for sale by the issuer, reckoned upon the price at which such stock is then offered for sale or sold: *Provided*, That such corporation, firm, trust, partnership, or association, after application of the proceeds of the sale of such securities to the busi-

ness of the issuer, has assets taken at their fair value (not including patents, copyrights, secret processes, and formulæ, good will, trademarks, trade brands, franchises, and other like intangible property), as follows, namely:

(a) In the case of evidences of indebtedness, assets equal to or exceeding 125 per cent of the par value of such evidences of indebtedness, and all other obligations of equal or prior rank outstanding and not to be retired out of the proceeds of the sale of such securities.

(b) In the case of preferred stock, assets of a value equal to or exceeding 125 per cent of the par value of the aggregate amount of all outstanding preferred stock of equal rank and the stock then offered for sale, after the deduction from such assets of all indebtedness which will be existing and all stock of senior rank which will be outstanding after the application of the proceeds of the preferred stock offered for sale.

(c) In the case of common stock, assets of a value equal to or exceeding 100 per cent of the aggregate of all outstanding common stock of equal rank and the stock then offered for sale, reckoned at the price at which such stock is offered for sale or sold, after the deduction from such assets of all indebtedness which will be existing and all stock of senior rank which will be outstanding after the application of the proceeds of the common stock offered for sale.

Mr. COLTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 24, strike out all of lines 24 and 25, and on page 6, strike out lines 1 to 13, inclusive.

Mr. COLTON. Mr. Chairman, this amendment is offered on the old theory that sauce that is good for the goose is good for the gander. As I understand the provision of this paragraph that I move to strike out, it would exempt securities that are listed upon the stock exchange in cities having a population of over 500,000 people. Now, there is no test made as to the issue of stock; the stock is not required to qualify. It is only required that it be listed on the stock exchange of the larger cities. In other words, if, for instance, it happens to be listed on the stock exchange of the city of Baltimore, so far as this bill shows, it does not come under the provisions of this act, but if it happens to be listed on the stock exchange in Denver or Salt Lake City, or some city of less than 500,000, irrespective of the stringent requirement of those stock exchanges, it comes under the provisions of this act.

Now, by what logic is the stock listed on the larger stock exchanges excluded? If the issue were to qualify—that is, whether the stock is qualified stock—there might be some argument, but to have population alone as the only test seems to me entirely unfair. I am reliably informed that, for instance in my own State, it is estimated that of the stocks sent into that State probably two-thirds come from Chicago, New York, and Boston. And yet for that large percentage of stocks coming into that State from these places the provisions of this act do not apply. There is no supervision made of them, so far as this act is concerned.

Mr. WALSH. Will the gentleman yield?

Mr. COLTON. I will.

Mr. WALSH. Does the gentleman read this subdivision as applying to stocks which shall be issued after the passage of this act?

Mr. COLTON. No; I am not saying that, but if they happen to be listed in Baltimore or other large cities, they do not come under the provisions of this act. If the Baltimore exchange has been selling Government bonds for 20 years, they do not come under the provisions of this act, whereas if the stocks are listed in the capital of my own State, that has just as rigid regulations, as I am reliably informed, as the stock exchanges in the larger cities, they come under the provisions of this act. It seems to me an unjust discrimination in favor of the larger cities against the smaller cities. I grant you if there were some qualifying test as to the issue there would be nothing to my argument, but if the restrictions are as strict and as rigid in the smaller cities as they are in the larger cities, why should the smaller cities come under the provisions of the act and the larger cities be excluded? I am making my argument simply on that proposition. I am in sympathy with the purpose generally of this bill, but I see no consistent reason why it should not be applied to all stocks in other cities in the United States. What is good for Denver or Salt Lake is good for New York, Chicago, and Boston. Our people are just as honest and are seeking to do just as legitimate business.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. COLTON. I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. COLTON. In my State we have a stock exchange, and we pride ourselves that it is honest; it is operated by men who are trying to do a legitimate business, and they feel that if they are required to come under the provisions of this act that the stock exchanges of other cities in the Nation ought to come under its provisions.

Further, our blue-sky commission—the Public Securities Commission—will have no way of regulating in any way from one-half to two-thirds of the stock that comes into the State, because they come from the stock exchanges of the large cities.

Mr. BURTNESS. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. BURTNESS. The gentleman's amendment would eliminate this section?

Mr. COLTON. Yes; and let everybody come in under the law on equal terms.

Mr. BURTNESS. Is not the situation practically this: The gentleman referred to the stock exchange of Denver; are not the stocks listed on the stock exchange of Denver, or a large per cent of them, also listed on the stock exchanges of New York and Chicago and Boston, so that those stocks sold in Denver would be exempt from the provision of the law? While if the gentleman's amendment carried, none of those stocks would be exempt?

The CHAIRMAN. The time of the gentleman from Utah has again expired.

Mr. BURTNESS. I ask that the gentleman's time be extended three minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that the time of the gentleman from Utah be extended three minutes. Is there objection?

There was no objection.

Mr. COLTON. That is the very point that I am getting at. While I think the gentleman's statement, if I understand him, is true, we have no means at all, even in the future, of regulating this stock that comes into our States from these exchanges, from cities of over 500,000 population. While it is true that a part of our stock would not come under the provisions of the bill if it were listed on the exchanges of the large cities, it would be a minor part. The main point is that there is no way of regulating or at least bringing the stock that is sold upon the exchanges of the larger cities within the provisions of this act, unless this paragraph is stricken out.

Mr. BURTNESS. Of course, the purpose of this law is not to exempt certain cities but to exempt certain stocks that have recognized values, and the only way in which to draw the arbitrary line, I think, as it appeared to the committee, is to exempt certain stocks that are recognized generally throughout the country as having standard values, and it seems to me that the gentleman by his amendment may be jumping from the frying pan into the fire.

Mr. COLTON. No; I think not. It seems to me it is entirely practical, and the gentleman's question would indicate that he thinks it is not possible to qualify the issue of stock. The stock could be qualified, the issue could be qualified, without adopting as an arbitrary standard the size of the city in which the stock is listed.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. LONDON. What is the necessity for this exemption? Any stock that is not fraudulent should be permitted to be sold. Why make an exception in favor of certain stocks enumerated in section 4?

Mr. COLTON. I do not think there ought to be an exception, and I think particularly that the size of the city ought not to determine the basis of the exception.

Mr. LONDON. Does it not look as though this law undertakes to punish petty larceny but permits grand larceny?

Mr. COLTON. That is the way it looks to me.

The CHAIRMAN. The time of the gentleman from Utah has again expired.

Mr. COLTON. Mr. Chairman, under permission granted, I desire to insert as part of my remarks the following excerpt from the hearings on this bill held February 15, 16, 17, 18, and 20, 1922, at pages 85 and 86:

Mr. WEBSTER. Mr. Chairman, throughout the history of this blue-sky legislation in the several States the fundamental stumblingblock has been the protection of the investing public against fraudulent securities upon the one hand, without imposing an undue burden on legitimate business on the other hand. The task has been to steer a course which will accomplish the one purpose without imposing an unnecessary burden as an incident of it. That is what we are up against right now in connection with this feature of the bill.

In the efforts of these gentlemen to accomplish that purpose I have no doubt they are just as anxious not to interfere with legitimate business as we are anxious that they shall not be permitted to do so if they did want to. They can not have any possible motive in wanting to interfere with legitimate business. Such laws in the end would be their own undoing and would pull the temple down on their own heads without having accomplished their purpose, because if they do amount to undue restrictions upon legitimate enterprise the laws will not last very long.

Now, in an effort to give free access to all the means of intercommunication it is very laudable for these gentlemen to say that securities that are recognized in the business world as having integrity and stability because they have been passed upon by institutions of recog-

nized integrity shall be accepted as such. That is a fine effort, but in the application of it we must be careful not to put the seal of congressional approval upon an institution in Chicago, New York, or Boston which to-day may meet with our approval but which to-morrow may not.

This is permanent legislation. Though I understand the task will be difficult, I would rather see the Congress set up some standard of integrity in securities and have some tribunal, some administrative agency, determine the merit of any given security for the protection of the public than to premiumize the integrity of any exchange, I do not care whether it is located in Chicago or where it may be located. It is a dangerous thing for Congress to say now that because Chicago, New York, and Boston are transacting exchange business within the sphere of their activities honestly and upon a safe business basis we are going to put the permanent seal of our approval upon them and say that we know that they are going to continue to do that, and that consequently we will approve in advance what they do hereafter, and at the same time give governmental recognition to such enterprises while denying it to other concerns engaged in the same activities.

Judge Webster has very clearly and forcibly set forth my position.

Mr. SWEET. And who passes upon the question of whether or not a stock exchange outside of the Chicago Stock Exchange meets with these requirements?

Mr. DENISON. Nobody. The blue sky law itself does that. For instance, in Illinois, among other exemptions are the securities which are listed on the New York, Boston, and Chicago stock exchanges. And the Georgia blue sky law, I believe, also lists the same stock exchanges, and says that the stocks that are listed on those stock exchanges will be exempted from the provisions of the State law. Nobody passes upon anything; they just pick out those stock exchanges, and say, "We exempt stocks listed on those exchanges."

Now, inasmuch as these States, certain of them, have specifically recognized the national character of these three stock exchanges and the high standards of their listing, we thought that in the interest of not interfering with these well-known industrial securities—and that is all this provision applies to—we ought to exempt from the provisions of this act, so as to permit free their commerce between the States, so far as the National Government was concerned we ought to exempt such stocks as are listed upon these few stock exchanges that are national in their character and have such well-recognized standards for listing. It seems to me, that there ought not to be any misunderstanding, and I think that if the committee will study the provision of the bill as it was originally drawn they will see that it is not intended to discriminate against any stock exchange. It is simply a recognition of the high standard of these few really national stock exchanges.

Mr. WEBSTER. Mr. DENISON, I follow your line of thought, I think, with perfect clearness. I have not any doubt at all that this provision of the bill was not designed for the purpose of conferring any special favor upon the enumerated exchanges, but I am not at all sure that it will not have the effect of conferring a distinct benefit upon them. If you say that the exchanges in Chicago, New York, and Boston have attained that distinction in that line of enterprise that the Government of the United States is willing to place the solemn approval of its law-making body upon them and to say that their securities shall have free currency throughout all parts of the Nation without further check, or let, or hindrance, do you not by implication say that other exchanges than those do not measure up to that high standard, and consequently their securities shall not have the same free access to commerce that the securities of the three enumerated ones have?

Mr. DENISON. Yes; it will do that.

Mr. WEBSTER. Well, is it fair to discriminate against the exchanges, even though that is not your purpose?

Mr. DENISON. Well, that is because of the essentially recognized fact that they have fixed the standards themselves and the others have not.

Mr. WEBSTER. You do not say that the standard of eligibility to the agencies of interstate shipment shall be the standards of these exchanges. You say that the stock must be actually listed there. You do not make the standard set up by these exchanges the standard by which some tribunal shall determine the goodness or the badness of a given security, but you say the actual fact of listing determines it. Does not that put a premium upon getting your stocks listed in these exchanges, so that they will have a preference?

Mr. DENISON. Mr. Chairman, I appreciate fully the situation of my friend from Utah [Mr. COLTON]. He has been receiving communications, of course, from certain mining interests that feel that this bill might prejudice some of their rights or interests, but he is wholly mistaken. I want to state for him that he has been looking after the interests of the people of his district very carefully. I have consulted with him a number of times about this provision. I know he has been deeply concerned about it. There is nothing in the bill that will be prejudicial to any of the legitimate interests of his district or State.

Briefly, now, about this exemption. As I stated on the last day when this bill was under consideration, we have provided various exemptions in the bill, and what we are seeking to do by this legislation is to make the bill so drastic that we will catch the fraudulent promoter and yet make it so liberal that we will not injure anyone who is engaged in the sale of legitimate securities. Those are the two ideas and purposes we had to try to assemble and express in legislative form.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. To catch the crooked man and not to unduly interfere with or obstruct the man or company that has legitimate securities to market. I would like to make this statement first, and then I shall be glad to yield. The problem before us was to harmonize those two ideas. In sections 2 and 3 we have provided certain prohibitions and in sections 4 and 5 we have provided exemptions which will exempt various classes of securities and transactions which experience and study and observation have shown are reasonably free from fraud or serious loss.

Mr. COLTON. Mr. Chairman, will the gentleman yield now?

Mr. DENISON. Yes.

Mr. COLTON. I appreciate what the gentleman has said, and I think he is perfectly honest; I know he is, in his contention; but is there any guaranty that all of the stock listed on these exchanges is not tainted with fraud?

Mr. DENISON. I will answer the question, but I want first to make a preliminary statement. We have provided in these various exemptions for the exemption of various classes of securities which experience has shown are free from fraud. There is a class of securities which, as I stated the other day, have already been issued or are outstanding and are distributed and in the hands of the public. Those securities are now in the hands of third persons, and the issuing companies are no longer concerned about them. They have sold them, they have gotten their money, and the securities are in the hands of third persons. In drafting this bill we wanted to provide an exemption for securities of that character already issued and outstanding about which the issuing companies are no longer particularly concerned. Millions, billions of dollars are invested in that class of securities; in fact, a large part of our wealth is daily invested in that class of securities, and there is trading in them to the extent of millions of dollars every day on the great markets of the country. We must provide an exemption that will exempt that class of security. In surveying the field and trying to arrive at appropriate language or standards for exempting that class of securities, the best that could be conceived and framed in legislative form is the exemption which is now under discussion. We have exempted the securities that are fully listed on a certain class of stock exchanges.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAYTON. As I said in a former discussion of this bill, I am in thorough sympathy with the purpose of the committee, but there is one thing that bothers me about the matter. What effect will this have upon the exploitation of the mineral resources of the United States? In asking that question I want to follow it by this statement: Everyone knows that whether it be oil or coal or copper or silver or lead or what not, for the most part all stocks are speculative in the beginning.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAYTON. Will this prevent speculative enterprises from being pursued?

Mr. DENISON. Not at all; in fact, the Illinois blue sky law, for instance, provides for the granting of permission to sell speculative stocks, but you have to plainly designate them as speculative, so that nobody will be defrauded.

Mr. LAYTON. In other words, here is what I am trying to get at: Here is an individual who thinks that he has discovered an outcropping of mineral wealth. He wants to determine whether he has gotten anything. He can not get any money except by the sale of stocks, sometimes as low as a cent a share—I have seen it sold as low as that. No rich man or banker will advance him the money, and the only way that he can get the money is to appeal to the speculative element that lies in people generally, and in that way he may be enabled to get together ten or fifteen thousand dollars and sink a shaft. Will this law prevent that development?

Mr. DENISON. I will say this in answer to the gentleman: Thirty-eight States have passed laws to protect their citizens against fraudulent securities. Now, we start with that assumption, and if you sell your stock, such as my friend from Delaware has just described, to anyone in those States, you have to go before the officials of those States and qualify them and get permission to sell them. You have to make a statement of your assets and liabilities and your method of doing business, and how much commission you are paying, and how much money realized from the sale of the stock is going into the enterprise, and make a showing to the State officials that your enterprise is free from fraud; and you ought to make that kind of a showing.

Mr. LAYTON. Will the gentleman yield?

Mr. DENISON. And if you do not do it, you ought not to be permitted to impose your securities upon the people of the country. I yield.

Mr. LAYTON. Some of the most valuable mining properties of the United States did not have a dollar in the treasury when they began; it was purely speculative. They got money for exploration purposes by the issuing of stock on chance.

Mr. DENISON. I will say to the gentleman from Delaware there is no law in any State that I know of that prevents anybody who wants to gamble in stock from doing so, but there are laws which prevent promoters from selling their stocks and other securities to the people without disclosing to them the facts and full information showing that they are free from fraud. Everyone, it seems to me, who wishes to do business in a State ought to respect the fraudulent securities law of that State just the same as any other law. And I think that mining companies ought to do so the same as anyone else. Mining companies should be willing to comply with the laws of other States just as they have to do with respect to the laws of their own State.

Mr. COLTON. If the gentleman will yield again. Unfortunately, I was called out and I am not sure I heard the gentleman's explanation; but I want to be perfectly fair in this matter. As I understand your bill, this paragraph I have moved to strike out would exempt any stock from the provisions of the bill that is listed upon, say, the three national stock exchanges of the United States. Now, as I understand the gentleman, the only test is whether they are listed, irrespective of the merits of the stock at all?

Mr. DENISON. Yes. Now I will explain that to the gentleman. Those who are charged with the administration of the various State securities laws, and there are 39 of them, those securities officials have made a careful study of all the stock exchanges of the country and they know what the requirements are for the listing of securities; they have investigated that and they have found that certain stock exchanges have requirements for listing that are more rigid than the securities laws of most of the States. Take, for example, the New York Stock Exchange——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAYTON. I ask unanimous consent that the gentleman's time be extended five minutes; this is a very important discussion.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LAYTON. Let me ask the gentleman a question, and I will not bother him any more. It is this: As far as that is concerned—the point that the gentleman just mentioned—they will not list anything on the New York Exchange until it has a value?

Mr. DENISON. Certainly.

Mr. LAYTON. An ascertained value.

Mr. DENISON. Certainly.

Mr. LAYTON. What are you going to do with the vast mineral wealth of the United States under such circumstances as that?

Mr. DENISON. The gentleman from Delaware has asked two or three times in regard to that, and I am going to come to that directly if I can. I was discussing this question of the stock exchanges. It has been found, I think, in reference to the New York Stock Exchange, that before a security can be listed on that exchange those offering it have to go before the governing board and make a showing that is as rigid and as exhaustive and as exacting as any of the "blue-sky" laws of any of the States; and because they have found that to be the case there are a number of the different States that exempt stocks which are listed on the New York Stock Exchange.

Mr. COLTON. Well, that is——

Mr. DENISON. Let me state this: In the preparation of this bill I have consulted with the National Association of Securities Commissioners of the country, members of securities commissions of all the 39 different States.

I have been governed largely by their judgment and their observation and their study of this matter. They know which stock exchanges they can afford to accept and which they can not. Now, there are a great number of stock exchanges that are trying to establish rigid requirements for listing, but this matter can only be settled, gentlemen of the committee, through a long course of years and experience. And besides, there are but a few stock exchanges that are national in character and scope. You take the New York Stock Exchange, for instance, and the stock that is fully listed on that exchange is sold every day in open market by actual sales and purchases, and the prices that the stocks bring are published in practically all the metropolitan newspapers in the United States, so that any person who reads the papers can look at his paper every morning and see what the market price is of stocks that are fully listed on the New York Stock Exchanges. There are other stock exchanges in the country that are only local in character. There is no trading on those exchanges that is of national scope, and so we have got to avoid exempting stock exchanges that are more or less local.

Mr. LAYTON. Will the gentleman answer the question I propounded to him? We know about the fact that the stock exchanges do not list anything unless at the time they are listed they have an ascertained value, but how about the chance for speculative exploitation? How does this bill affect those propositions?

Mr. DENISON. This is the way. These new enterprises that are just starting out and have no established value and have not been listed on any of the larger stock exchanges and are not otherwise exempted, the concerns that issue stocks under those circumstances must go before the securities officials of the State in which they wish to sell them and make the showing before those officials that the stock is free from fraud, and get permission to sell them.

Mr. LAYTON. In that State?

Mr. DENISON. Yes.

Mr. LAYTON. Then they will have to send it to 39 States?

Mr. DENISON. They will if they want to do business in 39 States.

Mr. LAYTON. In that way they never will get the money.

Mr. DENISON. Then they ought not to have the money.

Mr. LAYTON. In that case you would rob the American people of billions of wealth.

Mr. DENISON. Does not the gentleman from Delaware think the laws of the different States ought to be respected?

Mr. LAYTON. I am not talking about that.

Mr. DENISON. I am.

Mr. LAYTON. I am talking about the advisability of the passage of this measure so far as the exploitation of natural resources is concerned.

Mr. DENISON. This bill will not interfere in the least. It will stop the flotation of a lot of fraudulent and worthless securities that are put upon the public in the name and under the guise of developing the natural resources. That is what it will do.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. I agree with all of these gentlemen who have lauded the purposes of this proposed legislation, but I regret that after a somewhat careful examination of the bill I have come to the conclusion that it ought not to be enacted into law. The most important thing to the people of the United States is their personal liberty. The mail is the means of communication between men. It is a matter of right to everybody. It is as large a personal right as to carry on conversation with your neighbor.

Mr. EVANS. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. EVANS. Is it a personal right to send obscene matter through the mails?

Mr. STEENERSON. No, sir.

Mr. EVANS. Is it a personal right to commit, through the mails, a fraud that you could not commit outside?

Mr. STEENERSON. I am coming to that. The gentleman's questions show that he is laboring under the same confusion that the author of this bill and those who support it labor under. The object of this bill is to accomplish indirectly something that Congress can not accomplish directly. We have had this kind of legislation before Congress for the last 20 years that I have been a member of the Committee on the Post Office and Post Roads. It is a distinction between those things which can be done and those things which can not be done. I was a member of the subcommittee that examined the witnesses on the so-called Reed amendment when it passed the Post Office Committee. It was an act to exclude from the mails newspapers carrying liquor advertisements into dry States, and I might say that that act is evidently the model of this one. They have a great deal of language in common. That is the original proposition. I think no doubt that the act will be sustained, although it has never been before the Supreme Court. The only part that has been before the Supreme Court is the so-called Reed amendment, which applied the same doctrine to transportation in interstate commerce either by automobile or railroad, and was sustained as a matter of law. But there was at very nearly the same time another bill that was before the Committee on the Post Office and Post Roads, which was debated a great deal, aimed at the newspaper called the Menace. In substance, that bill directed that the Postmaster General should be authorized to refuse permission to carry in the mail any

publication that was issued by a person who had theretofore been guilty of transmitting scurrilous, obscene, or libelous matter through the mails. In other words, he was authorized to refuse the mails to that man in order to punish him for something he had done previously. However, after an exhaustive examination of the authorities, Judge Moon and I both agreed, as did the rest of the committee, to not report the bill. But it led to an inquiry that I think brought out the distinction between what can be done and what can not be done.

Now, the leading case on this subject of the power of Congress to exclude things from the mails is the case in re Jackson, Ninety-sixth United States—the lottery case. That was attacked because they said that Congress was there doing something by indirection which it could not do directly—precisely the point that I will speak of in this case.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairmain, I ask unanimous consent for 10 minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for 10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. That lottery act was sustained on the ground that Congress could in this way by indirection prohibit the sale of lottery tickets, because lottery was a matter that was demoralizing to the people, just the same as intoxicating liquors are demoralizing to the people. And as the gentleman from Nebraska [Mr. EVANS] lately suggested, they have, of course, always framed laws against carrying obscene matter in the mail and against carrying matter in furtherance of fraudulent schemes in the mail. Neither is the carrying of advertisements or proposals for the sale of intoxicants or matter injurious to morals or public health. The subject of the prohibited correspondence is for all that found in the bill perfectly honest and proper. Its only fault is that its sale has not been authorized in the State where the letter is to be delivered. Then, again, the proposed law is to apply to some mailers and not to others. If it is a book or a stock exchange, and so forth, it is exempt, but if it is a broker engaged in selling securities the law applies. If it is an individual not so engaged, he is exempt.

Exemption (c):

(c) In an isolated transaction in which any security is sold, offered for sale, subscription, or delivery, by the owner thereof, or by his representative for the owner's account, such sale or offer for sale, subscription, or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

But that is not this kind of legislation. The legislation against the sending of obscene matter through the mail, excluding it from the mail, and the legislation against fraud, is directly within the jurisdiction of Congress. That is not in this case. In this case there is no fraud claimed. You need not allege or prove any fraud, or even any intent to mail a letter for the commission of a fraud. All this law requires is that you prove that a man mailed the letter and that it contained a proposition to sell this stock, which was not licensed in the State. You may be as innocent of any knowledge of what is in that letter as a babe unborn, and yet you are condemned to prison. There may be no fraud at all in the transaction of selling the stock, perhaps, in that State. It is not required. There is no need to prove it. All you need to prove is that that State has prohibited it; that it is unlawful to sell that stock in that State. The stock or security may be perfectly good, but its sale has not been licensed in the State.

There is not an element of fraud in this whole bill. It is simply a naked proposition that because the State has forbidden the sale of this stock, therefore it is illegal to deposit in the mail a sealed letter—the most sacred of all communications, a sealed letter, which is just as sacred as your own home, and as your own pocket, as if it were in your own hand—it is stated in this bill that although there is no fraud or any intention to commit a fraud or to cheat anybody, still there is a crime.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. DENISON. You have a law in Minnesota, for instance, which makes it unlawful to sell these stocks unless permission is given to sell them. All the citizens of your State who sell the stock must have permission to do so. Does the gentleman think that the man just outside the State line should be free to do so when your own citizens are not free to do so?

Mr. STEENERSON. I am not talking about that. I am talking about the matter of personal liberty, of the use of the mail. Upon what ground have you the right to deprive a man of the use of the mail by indirection? On the ground that it is a fraud on somebody? No. There is a close similarity between this and the Fitzgerald bill. It was provided in that bill that because a man had been in the habit theretofore of mailing improper matter, the Post Office Department had the right to forbid him the right to mail proper matter. If it is only an isolated matter of selling stock, a man may sell it, but if he is a broker who has habitually sold it he shall not use the mail. It is the prohibition of the right of a man to use the mail that I am talking about. You forbid one to use the mail and permit another to do so for the same communication.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GRAHAM of Illinois. What right has a man to use the mail except such right as is given him by the law of the land?

Mr. STEENERSON. He has the right under the Constitution to the equal protection of the law.

Mr. GRAHAM of Illinois. Yes. But the mails are something created by law, and the same power that created them can lay restrictions on their use.

Mr. STEENERSON. Well, it can in a certain degree. In the case of Burton *v.* United States, 202, page 344, the Supreme Court said if you prohibit the use of the mail in a case, it must be consistent with the rights of the people reserved in the Constitution; it must be consistent with the right of freedom. You have a right to write somebody and deposit your letter in the mail.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. In a moment. The basis of the distinction, Mr. Chairman, ought to be not that a man is a guilty person or that he follows a certain avocation, but that the kind of matter transmitted in the mail is demoralizing. You can not go to work and say that this man, because he has committed a crime somewhere else, is an outlaw and can not communicate by mail.

This whole question, as you will find if you want to consider it elaborately, was thrashed out from beginning to end in the Pujo money investigation, in what was called the "Money Devil" case. There Mr. Untermeyer filed a long brief claiming the right to exclude the New York Stock Exchange, because of its size, and a certain bank because of its size, from the use of the mail. So this bill permits certain stock exchanges and banks to use the mail and forbids it to others. The mail is denied to one and permitted to another. It is an arbitrary distinction.

Mr. EVANS. If I understand the gentleman, his claim is that this act, if passed, is unconstitutional?

Mr. STEENERSON. It certainly is; and it is not only unconstitutional, but it is unconstitutional in such a way that if it is administered before it is declared unconstitutional it will deprive the people of one of the most sacred rights that the people possess.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. TINCHER. Would the crossing by a letter of a State line make the right any more sacred in a State? A man can not sell these stocks without being authorized by the blue-sky board. If he had the right to go over the State line and write a letter and sell the stock, he ought to have the same right to write it within the State.

Mr. STEENERSON. I am not talking about the right to sell stock. I am talking about the right to enjoy the use of the mail. To say that where one is habitually selling stock and another man has an isolated transaction the one can mail a letter and the other can not, that is an arbitrary distinction based upon no facts. It is simply because you do not like the man. Does anybody claim, notwithstanding the decision of the Supreme Court that the power of Congress over the admissibility of mail matter is almost unlimited, does anybody claim or are you going to say that it is absolute; that because one man had red hair it will be a penitentiary offense for him to drop a letter in the mail, and that because another man is baldheaded he can do so? Are you going to make an arbitrary distinction because of the person? Incidentally I call attention to the fact that I have included myself in one of those classes. [Laughter.] The distinction must be based on the nature of the matter to be carried in the mail and not on the individual sender.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. I should like to have five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. STEENERSON. I should like to read an extract from the work of Mr. Lindsay Rogers, of Baltimore, on the postal powers of Congress, in which he points this out, as follows:

Any legislation excluding from the mails must apply directly to the things mailed, not to the persons using the mails. This is a distinction which is evident in the decisions upholding the interstate commerce legislation and which underlies the argument that Congress may exclude commodities manufactured in whole or in part by children. The law would operate directly on these commodities, not on account of their inherent character—which would probably not be different from that of other commodities manufactured by adult labor—but because of the objectionable conditions of production. And by a parity of reasoning Congress could exclude from the mails matter relating to gambling transactions which might be forbidden under the police power of the State, although such matter, on its face, would be harmless. But it is an entirely different proposition absolutely to deny the use of the mails because certain persons have refused to comply with conditions beyond the power of Congress directly to impose which it thinks may result in regulating objectionable practices, although these may be entirely disassociated from the bulk of the matter which has been excluded.

And he refers to these cases that I have referred to, holding that the power of exclusion from the mails, although very extensive, is not unlimited, because it is limited by the constitutional provision that there shall be freedom of the press, that all men shall have the equal protection of the laws. Why, the carrying of first-class mail is a monopoly of the Government. No one else can carry a letter for pay, and if you say that a man's letter shall not be carried in the mail, that man is just about as isolated as if he were put in the penitentiary. This is a very serious matter, because you are trying to impose a penalty on a man, not because he has done anything wrong or attempted to do anything wrong or attempted to defraud anybody, but because you are trying by indirection to enforce the laws of a State. The jurisdiction of this blue-sky proposition is entirely within the power of the States, and Congress has by ample provision protected the mails from all sorts of abuses. We have the most strict and complete code on that subject that can be written. I am reminded that by a certain bill which we discussed here to extend the mail fraud laws recently my friend from Massachusetts sought even to include race-track news published in the papers, to exclude those papers. That is perfectly legitimate if you want to do it, but there is this limit, that when a man is trying to do no wrong, when he has not attempted to demoralize anybody or attempted to defraud anybody, you can not deprive that man of the use of the mail or of the equal protection of the law. He is a taxpayer in the United States and is entitled to the benefits of the Postal Service. The Postal Service existed before the Union was established, and everybody is entitled to that, because it is a public service, and you can not take it away from him unless you are doing it for the benefit of society, because of the injurious effect that otherwise would follow. In this case you have got to stand on your bill. To convict a man under this bill you need not allege or prove any fraud, or even intent to defraud.

You are proposing to make criminal something that has no element of fraud or wrongdoing in it.

Mr. WALSH. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. WALSH. Does the gentleman make any distinction between a letter and a circular or newspaper?

Mr. STEENERSON. There is a distinction. I do not know that it is very vital in this part of my argument.

Mr. WALSH. The gentleman has been referring to a letter all the time. Does the gentleman mean to say that if I write a letter with reference to a matter which is against the law in the State of Minnesota, pertaining to the sale of fraudulent securities, or that if I write a postal card, Congress has no right to pass laws excluding such matter from the mails?

Mr. STEENERSON. I did not say anything of the kind. The gentleman drew an erroneous conclusion, because I emphasized the sacredness of a sealed letter. But that is only incidental to the argument that you are interfering with the most sacred personal rights of the people. It is as much or more within the power of Congress to exclude from the mails newspapers with advertisements or postal cards that are open. That is more within the right of exclusion from the mails.

Mr. WALSH. Then the gentleman does make a distinction between a letter and other classes of mail matter?

Mr. STEENERSON. I make a distinction to this extent, not on principle, but because of the serious consequences that will flow from interfering with personal liberty.

That statute has its sanction in the power of the United States by legislation to designate what may be carried in the mails and what must be excluded therefrom, such designation and exclusion to be, however, consistent with the rights of the people as reserved in the Constitution. (Ex parte Jackson, 96 U. S. 727, 732; in re Rapier, 743 U. S. 110; School of Magnetic Healing *v.* McNulty, 187 U. S. 94; Public Clearing House *v.* Coyne, 194 U. S. 497, 508.)

Take and read this bill and observe the distinction between who may use the mail for the purpose described and who may not and you will note that it is merely a difference of individuals or corporations. One may, the other may not, do the same thing.

This measure, if enacted into law, would violate the very cardinal principles of the Constitution.

Mr. GRAHAM of Illinois. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. GRAHAM], a member of the committee, in opposition to the motion to strike out the last word.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen, I have listened with some interest to the argument of the gentleman from Minnesota [Mr. STEENERSON], and I find myself unable to agree with him either in his argument or his conclusion. He proceeds upon the theory that the right to send material in the mails is a right inherent in every citizen, and that he ought not to be restricted in that right unless it is because of something that the gentleman designates as a thing "demoralizing" to the general public. In the first place, Mr. Chairman, I do not understand that every citizen has a right to the unrestricted use of the mails. The right to establish post offices and post roads was given to Congress by the Constitution, and under that provision the mail system of this country was established. The same Congress that laid down the fundamental law for the regulation of the mail service, the same Congress that makes appropriations to carry on that service, has a right to make such reasonable restrictions in the use of the mails as in the wisdom of Congress is desirable.

Mr. STEENERSON. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. STEENERSON. The gentleman admits that the power of exclusion from the mails must be exercised so as to be consistent with the rights of the citizen as reserved in the Constitution?

Mr. GRAHAM of Illinois. Yes; I admit that. That is fundamental, and what might be called hornbook law. There is no question about that; but the question of what is consistent with the rights of the people is a question to be determined in the discretion of Congress so long as it is reasonable. There can be no question about that proposition.

Mr. STEENERSON. But the Supreme Court says that the power of Congress in that regard is limited.

Mr. GRAHAM of Illinois. The power of Congress is limited by the express language of the Constitution; but the express language of the Constitution gives Congress the right to legislate along proper and legitimate lines. It has been doing it and exercising it from the earliest days of the Republic. The other day I cited a great many authorities here—there were not many Members present at the time—but I cited statute after statute where similar laws have been passed and which were afterwards held constitutional. Congress has full and complete power to regulate the mails of the country, if that is the gentleman's question. Otherwise, why could they exclude circulars advertising lotteries? Why could they exclude circulars advertising lottery tickets or any information about them? Why could they exclude obscene literature? Why, if there is no power, can the Postmaster General by order, as I understand he can, exclude anarchistic literature from the mails or matter that is intended to produce dissension or excite rebellion among the people?

Mr. LAYTON. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. LAYTON. I do not think there is any question about the constitutional right of Congress to pass the measure, but I wish the gentleman, with his power of analysis and clarity of thought, to answer this question: Would not the passage of this bill years and years and years ago have deprived this country of the splendid development of its mineral resources? I want the gentleman to answer the question I propounded to the gentleman from Illinois [Mr. DENISON], who has not answered the question. The reason I am asking it is that I am somewhat familiar with the granting of charters. I have granted thousands of them. I am not going to say that all of them were good, but I will say that many were most excellent. As I said the other day, when I was secretary of state of the State of Delaware I granted a charter to the Tonopah Mining Co.; that stock was distributed all over the country to many speculative men and women. It was put on the market at 25 cents a share. It was a pure chance when the people who bought it did buy it. That has developed into a splendid corporation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. LAYTON. Now, let me finish this, and I will quit.

Mr. GRAHAM of Illinois. The gentleman from Delaware is troubled a good deal like myself; his terminal facilities are poor. [Laughter.]

Mr. LAYTON. That may be true. This corporation got their money and went forward with its exploitation, and it developed into one of the finest mining properties in the United States, and to-day is listed as such. It has developed millions of wealth.

Now, I am going to make a further statement—there have been hundreds of such corporations that have obtained money solely in that way, and could not have obtained money in any other way for development purposes.

Mr. GRAHAM of Illinois. This particular section under discussion gave me more trouble than all the rest of the bill put together when before the committee. My first view was that it legitimatized the dealings of the large stock exchanges of the country. Because of my inherent desire not to do anything that might be designated as Wall Street legislation I rather shied at that section. But I investigated, and we took extensive testimony, looked into the thing, and I became convinced that it was all right.

Here is the reason: This excludes the securities of only three exchanges in the country, and they must be exchanges that for 20 years have been doing business. We made some investigation about these three big exchanges as to the rules and regulations, and we found they are more stringent than any blue-sky law of any State in the Union that I have looked at. Here is what this act does: It does not provide that the stock of the mining company to which the gentleman from Delaware referred can not come into Illinois, can not come into Iowa or Nebraska or Delaware, or any other State, but it does say that so far as that stock is concerned that must be left to the particular State to settle for itself. It does say, so far as the stocks listed by the three large stock exchanges are concerned, that such stocks can travel in interstate commerce so far as this act is concerned. That is all that it does. It does not exclude from any State or market any stock issued by any company; it does not make a single exception or restriction except such as the State itself has established by its laws.

Mr. LAYTON. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes; for a question.

Mr. LAYTON. The gentleman will admit that by reason of the stringency of the Stock Exchange of New York the Tonopah Mining Co. in its incipiency could not have been listed.

Mr. GRAHAM of Illinois. I presume that is true.

Mr. LAYTON. They could not get the money for the necessary exploration and do the work to demonstrate its value.

Mr. GRAHAM of Illinois. The mining company mentioned will be in no different condition after this law is enacted than it was before, because exactly the same conditions exist so far as the stocks of such mining companies are concerned.

Mr. WARD of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. WARD of North Carolina. I want to ask the gentleman about a constitutional phase of this matter. I am in sympathy with the gentleman's bill and I expect to vote for it. As I understand it, it is to be an enforcement of the various laws of the various States with respect to the sale of securities in those States, and the law which the gentleman seeks to have passed is in itself uniform.

Mr. GRAHAM of Illinois. Yes.

Mr. WARD of North Carolina. In its uniform application to the principle, will it discriminate as between the rights of the citizens of the different States, because of the difference in State laws? If so, is not that a serious constitutional objection?

Mr. GRAHAM of Illinois. Mr. Chairman, that question has been considered many times by the Supreme Court of the United States, and that particular point has been directly passed upon. I call the gentleman's attention to a case in point, In re Rahrer (140 U. S. 561), which the gentleman will find cited in the RECORD of yesterday in my remarks. That point is raised there and it is held by the Supreme Court that the law is uniform, and that it does not delegate any powers of legislation to the States.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FRENCH. Mr. Chairman, I rise to support the amendment offered by the gentleman from Utah [Mr. COLTON]. If his amendment shall prevail, the effect of it will be to wipe out the special privilege conferred upon certain stock exchanges in cities of 500,000 population and over. There is one fundamental objection to the paragraph of the bill that has not heretofore been mentioned that it seems to me ought to be recognized by the House. Under the bill as it reads we are conferring certain rights and privileges upon purely private organizations that ought not to be conferred upon any institution apart from the government of State or Nation. Two or three years ago we considered the bill providing for an embargo on dyestuffs. Gentlemen will remember that when that bill was brought into the House from the Committee on Ways and Means it contained a provision that certain dyestuffs could be imported into the country, notwithstanding the law, providing certain importers in this country recognized the desirability of importing the dyestuffs.

I was one of those on the floor that opposed that provision of the bill, as did others. We did so because it was turning over that which should be a sacred governmental function to private institutions in this country. When the matter was considered fully by the House, the House wiped out that provision of the bill, as gentlemen will remember. It seems to me that we have the same proposition here. You are turning over to a private institution or several of them a function that ought to be a function of government.

There is another objection which I have to the paragraph, and I merely mention it in passing. It has been said that these stock exchanges have been operated for 20 years, that they are operating as high-class business organizations. Granting that to be true, have we any assurance that next year, or 10 years from now, they will be operating in that way? We have not, and yet we propose to turn over to these private concerns that which ought to be alone the function of government.

Again, there is another reason why I oppose the paragraph. We are recognizing certain stock exchanges located in certain large centers which, if recognized, will be given, in my judgment, such a monopoly of business as will work to the great detriment of the outlying sections of the country. Yet these outlying sections furnish the very business with which the large exchanges will be given the privilege of handling.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COLTON. Reference has been made here to stock such as Tonopah by the gentleman from Delaware [Mr. LAYTON]. Is it not a fact that the only test is whether or not a stock of that kind or any other kind can get listed on one of these large exchanges? If so, it does not come within the provisions of this act at all.

Mr. FRENCH. Under the language of the pending bill the gentleman has stated the situation correctly. The stock might be sold in violation of every "blue sky" law in the country, save the law of the State where the particular stock exchange might be located.

Mr. DENISON. Mr. Chairman, I ask unanimous consent that all debate upon this subdivision (f) and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Chairman, I desire to reiterate what I have said before, that with the essential purposes of the bill I am in sympathy. I am in sympathy with any legislation that has for its purpose the protection of the people of the country against fraud in any way. My chief concern is whether in flying from one ill, however, we are not flying to others that we know not of. I believe that it is the sentiment of this House, the experience of this House, that if such a law as this had been on the statute books of the United States for the last 75 or 100 years you would have had very little of the development of the mineral resources of the country in such a way as would have made the wonderful difference between what we are and what we would have been. Nobody seems to be willing to look the proposition in the face. My friend from Illinois [Mr. DENISON] did not meet it, and my other friend from Illinois [Mr. GRAHAM] has not met it. What I am trying to get at is this. A purely prospective, honestly legitimate undertaking, a belief and faith in mineral resources in the ground, but which have not been proven, can not get upon any of these stock exchanges.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. LAYTON. In just a moment. That being the case, they can not get any money there.

In the next place, you can not go to the legitimate banking concerns and get money for purely speculative purposes. The consequence is that these various corporations are shut off by this bill. I want to say now that they have brought not only millions but billions in wealth into the pockets of the people of this country. Take the history of Goldfield; take the history of Nevada generally; take the history of all the mining States of this Union and you will find for the most part they used, what? They used the mails in sending out their circulars, believing that they had a good, legitimate proposition, but did not know it. They wanted the money in order to exploit it, to drive their shafts, their crosscuts, and so forth.

Mr. ROACH. Does the gentleman understand that this bill would prevent the sale of that character of stock?

Mr. LAYTON. Yes; and I will come to that in a moment.

Mr. ROACH. I do not so understand it.

Mr. LAYTON. I will show the gentleman how it will. According to the answer of the gentleman from Illinois [Mr. DENISON] he said you could go to the States and by a proper exposition you could get permission to sell the stock in that State; but, then, you would have to go to 39 other States, and in connection with those 39 States you would have to go by agents—you can not go by mail—and so it would cost more money to get capital stock for making the original explorations than would be necessary to carry on the work. These are the facts in the case. In my judgment exploitation and development would be arrested.

Mr. LONDON. Mr. Chairman, the motion made by the gentleman from Utah to strike out subdivision (f) should be adopted. I believe the entire section 4 should be stricken out, as well as the following section. Various States prohibit the sale or distribution of certain stocks within the limits of the State unless certain requirements of the State law have been complied with. In addition to those State laws we are to have a Federal law which is to make it a crime to use the mail or any interstate transportation agency for the evasion of these State laws.

So many stock transactions are exempted from the operations of the law that the law becomes useless. The transactions of stock exchanges of cities with a population of more than 500,000 are not to be subject to this law. These exchanges are legalized gambling institutions. The fact that they are large, the fact that they deal with enormous amounts, the fact they are powerful, does not change their character. They are essentially institutions to encourage gambling on a large scale, and they have been responsible for more wrecked homes, more suicides, more crimes, more bankruptcies, than all the petty gambling houses combined. You make an exception here in favor of a few stock exchanges. You are sanctioning them, you are surrounding them with the glory of a Federal law. The smaller exchanges are to come within the prohibition of the law, but a few big ones are to be held out as infallible. Their stocks are not within the contemplation of this law. Subdivision B of section 4 excepts from the provision of the law securities issued by a foreign government. Some of these foreign securities involve more risk, more hazard and speculation, than any "wildcat" stock that ever came from the oil fields of Oklahoma.

Mr. MACGREGOR. Or any "wildcat State."

Mr. LONDON. Or any "wildcat State." I do not see any object or reason for section 4. Why should any stock transaction be excepted from the operation of the law if the law is a good one, and if the Federal law is to fortify good and reasonable State laws, what is the necessity for section 4 and all these exceptions?

Mr. DENISON. Is the gentleman addressing that question to me?

Mr. LONDON. Yes.

Mr. DENISON. I will state to the gentleman the reason for it. In our effort to prevent the flotation of fraudulent securities Congress does not and ought not to want to obstruct legitimate interstate business in legitimate securities.

Mr. LONDON. But let me say——

Mr. DENISON. Wait a minute. The gentleman asked the question. Now, in order to accomplish that purpose we are exempting from the provisions of this act those classes of securities which experience has shown are not the source of frauds. That is the answer.

Mr. LONDON. This law ratifies the existing State laws, does it not?

Mr. DENISON. This law will lend aid to the Federal Government for the enforcement of the laws of the respective States by forbidding the use of Federal agencies to violate State laws.

Mr. LONDON. State laws now existing or such as may hereafter be enacted?

Mr. DENISON. Exactly.

Mr. LONDON. Both?

Mr. DENISON. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WINSLOW. Mr. Chairman, I raise the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order there is no quorum present. The Chair will count. [After counting.] There is no quorum present. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Fairchild	Kleczka	Rosenbloom
Ansorge	Faust	Knight	Rossdale
Anthony	Fenn	Kopp	Ryan
Appleby	Fess	Kreider	Sabath
Bacharach	Fields	Kunz	Sanders, Ind.
Barbour	Fish	Lehlbach	Sanders, N. Y.
Barkley	Fordney	Logan	Sears
Beedy	Frear	Longworth	Shelton
Begg	Free	Lyon	Shreve
Blakeney	Freeman	McArthur	Siegel
Bland, Va.	Funk	McFadden	Sinclair
Blanton	Gahn	McLaughlin, Nebr.	Slemp
Bond	Gallivan	McLaughlin, Pa.	Smith, Mich.
Brand	Gilbert	Madden	Smithwick
Britten	Glynn	Maloney	Snell
Brown, Tenn.	Goldsborough	Mann	Sproul
Burdick	Gould	Mansfield	Stafford
Burke	Graham, Pa.	Martin	Stephens
Burtness	Greene, Mass.	Mead	Stiness
Butler	Greene, Vt.	Merritt	Strong, Pa.
Campbell, Pa.	Griffin	Michaelson	Sullivan
Cantrill	Hardy, Tex.	Mills	Sweet
Carew	Harrison	Montague	Swing
Chandler, N. Y.	Haugen	Montoya	Tague
Clark, Fla.	Harrick	Moore, Ohio	Taylor, Ark.
Clarke, N. Y.	Hickey	Moore, Va.	Taylor, Colo.
Classon	Hill	Mudd	Taylor, N. J.
Cockran	Himes	Murphy	Tilson
Codd	Hooker	Nelson, John M.	Tinkham
Cole, Iowa	Hudspeth	Newton, Mo.	Treadway
Cole, Ohio	Hull	Nolan	Underhill
Collier	Husted	Olpp	Upshaw
Connell	Ireland	Osborne	Vare
Connolly, Pa.	James	Parker, N. J.	Voigt
Cooper, Ohio	Jeffers, Ala.	Perlman	Volk
Copley	Johnson, Miss.	Petersen	Walters
Crago	Johnson, S. Dak.	Porter	Ward, N. Y.
Crowther	Johnson, Wash.	Radcliffe	Watson
Cullen	Jones, Pa.	Rainey, Ala.	White, Me.
Darrow	Kahn	Rainey, Ill.	Williams
Deal	Kearns	Ransley	Wilson
Dempsey	Kelly, Pa.	Reavis	Woods, Va.
Dowell	Kendall	Reber	Wright
Drewry	Kennedy	Reece	Wurzbach
Driver	Kiess	Reed, N. Y.	Yates
Echols	Kindred	Riordan	Young
Edmonds	King	Rodenberg	
Ellis	Kitchin	Rogers	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 10598, finding itself without a quorum, he had caused the roll to be called; that a quorum responded, and he presented therewith a list of the absentees for printing in the Journal and RECORD.

The committee resumed its session.

The CHAIRMAN. The gentleman from Kansas [Mr. HOCH] is recognized.

Mr. HOCH. Mr. Chairman, the question before the committee is an amendment which proposes to strike out paragraph (f), beginning on line 5 of this bill, and I shall direct my remarks, since there are only five minutes' debate remaining, I understand, directly to the question at issue.

It is a peculiar thing that gentlemen who are opposing this measure upon the ground that it is too drastic now propose to strike out parts of this section 4, the result of which will be to make the bill much more drastic. Here is the situation with reference to paragraph (f):

The committee was attempting to prevent, in so far as possible, the flotation of fraudulent stocks and securities without interfering any more than was absolutely necessary with the flotation of legitimate securities, and consequently in section 4 we set up a number of exemptions. What is the meaning of those exemptions? Simply this, that if any securities fall within the classes provided within these exemptions, those who desire to float those securities will not be required by the Federal statute to investigate the various State laws before they can use the agencies of interstate commerce. Under existing conditions there is no restriction whatever to any security which may seek refuge behind the agencies of interstate commerce in the evasion of State laws. These exemptions provided in the first few paragraphs will probably be accepted without question—Government bonds, and things of that sort—

but when we come to the great body of industrials accepted as legitimate, the committee found, upon consultation and conference with the various State boards having these matters in hand, that these State boards themselves did not desire to be bothered with passing upon securities that flow freely in the legitimate market, and so we provided, as most of the State laws provide, that if certain securities meet certain tests they will not need to be submitted to the State boards.

Mr. COLTON. Mr. Chairman——

Mr. HOCH. In just a moment. My five minutes are nearly up. Now then, we thought this, that if we can find some agency which itself has a severe test with reference to these industrial securities, it would be better to accept that agency in the matter of this exemption than to build up an elaborate agency on the part of the Federal Government. It must be remembered that this is not, technically speaking, a Federal "blue-sky" law, but is rather a bill to make effective State "blue-sky" laws. Now then, here are three stock exchanges, the test of which is as rigid, or more rigid, according to the State commissions, than the test prescribed by the States themselves. Obviously it would be a mistake to permit any stock exchange, no matter how obscure, no matter what its history, no matter how unreliable it may be, no matter how easy its requirements may be, to have securities listed upon it to flow freely and have the benefit of this exemption. And so it was a difficult matter. And the committee does not pretend that the test here found is an absolutely perfect test. But it was the only practicable test suggested and urged by the State "blue-sky" commissions. And so in order to not unduly hamper business, we put in this paragraph (f). And yet the gentlemen who oppose this bill upon the ground that it would hamper business would, by striking out paragraph (f), compel every legitimate security now afloat in this country, no matter how long it may have been afloat, no matter how commonly accepted its reliability—would compel every one of those securities to submit to the requirements of all the 39 States. The result would be, that instead of making the laws less restrictive upon business they would vastly increase the restrictions upon business.

Mr. LAYTON. Will the gentleman yield?

Mr. HOCH. I yield.

Mr. LAYTON. A a matter of fact, then, your judgment is that so far as securities are concerned that have been issued that question will be settled by the three stock exchanges? Is that so?

Mr. HOCH. Not at all. I will answer the gentleman. The whole argument of the gentleman has been in opposition to "blue-sky" legislation.

Mr. LAYTON. That is not my argument.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The question is on agreeing to the amendment offered by the gentleman from Utah [Mr. COLTON].

Mr. BOX. Mr. Chairman, may we have that amendment again reported?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. COLTON and Mr. RAKER asked for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 33, noes 66.

So the amendment was rejected.

Mr. COLTON. Mr. Chairman, I ask unanimous consent to extend my remarks on this bill by inserting less than a page taken from the hearings on this case.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. ARENTZ. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ: On page 9, after line 8, insert a new paragraph, as follows:

"(d) Any security issued by a corporation owning a property, business, or industry within the State of its incorporation, the issuance and sale of said security having been investigated and approved by the said State."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ARENTZ. Mr. Chairman, I wish to say that I am in sympathy with the proposal of the committee to suppress the sale of fraudulent stock, but I do not wish to bring the consummation of this matter about by stifling the promotion of legitimate enterprises for the development of the natural resources of our country. For instance, if the owner of a small property wishes to do development work or raise money on his property he must either have an agent or go himself to the several States of the United States, at a cost of approximately $1,000 for a permit in each State. The chairman of the committee has stated that it will cost approximately $100, but I doubt that figure. It will cost $1,000 or more, for the following reasons:

A man owning this property, wishing to register his stock, I may say, must either go there in person or have an agent go there. He must spend from two months to six months in bringing the matter before the proper commissions of the States, paying the expenses during this time, and in many cases a representative of the State must go to the property, make an investigation, and report back to the commission; and I leave it to you, gentlemen, if it will not cost more than $1,000 to do this. It would mean, then, that for the 39 States it would cost approximately $39,000 for a man who wishes to raise possibly $15,000 or $20,000 for the development of a small property to bring this property to the point where a sufficient amount of ore would be developed or a well would be carried down to a sufficient depth to justify a man of larger means or a corporation in taking up the property and carrying it on. When it reaches this point this man or this corporation could place it in the hands of a dealer in stocks. On page 10, line 17, the bill provides as follows:

(e) To any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer.

He is exempted provided that such broker or dealer is actually buying and selling securities as a business. From actual experience I know that it is just such a dealer who could do this. I could mention several big dealers in New York and Boston and dozens of such men who have the money and have the means to start out with a tremendous big advertising propaganda and bring before the people of the several States their proposition, sell them unlimited shares of fraudulent stock in a property of little, if any, merit; but the small man of small means who has a meritorious property, needing but a few thousand dollars to put his property on a producing basis, would not do this.

There are many such properties in my State of Nevada, properties containing nearly if not all minerals and metals utilized in every human endeavor.

We neither invite or desire fraudulent operators to operate either within our State or to handle shares of stock representing an interest in a Nevada property.

We desire, yes we demand, the right to bring our natural resources to the attention of all the people of the several States. I believe in the man of small means, the owners of small property, and I want him to raise money for his company just as easy as the man of wealth can.

I ask permission to insert in my remarks several letters that I have on this subject.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Following are the letters referred to:

BOSTON & ELY CONSOLIDATED MINING CO.,
Ely, Nev., April 12, 1922.

Mr. S. S. ARENTZ,
House of Representatives, Washington, D. C.

DEAR SIR: I note frequent references made to the Denison blue sky bill now before Congress.

* * * * * * *

Those engaged in mining will cooperate with any measure which will prevent the unlimited sale of worthless stocks, worthless from their inception; the companies frequently being organized to acquire leases or options of doubtful value and those connected with same having no intention of spending one dollar in developing the properties thus acquired. These schemes are formed to reap easy money from the innocent. There is another side of this story. Every big mining district started from nothing but surface indications. The prospector found the vein, and in many cases developed commercial ore by hard work and many privations. He is now at the end of his tether and must look somewhere for some one either to furnish capital to provide him with means, machinery, and supplies, or to buy him out. This capital in ninety-nine times out of one hundred is furnished by people of small means, accepting stock for the money furnished, showing him or her to be a partner in the enterprise, a transaction which is legitimate, practical, and businesslike. In other words, they are willing to take a chance. Should the property and its neighbors prove successful, a consolidation takes place, making possible the enormous mining enterprises to which public attention is then directed. Every prominent mining district in the United States will bear evidence to the above.

If it is a fair question, Whose labor, perseverence, and cash was instrumental in forming or finding the nucleus of the many enormous successful mining companies whose management and standing compare with the best business institutions?

Since it is a well-known fact that the big mining companies will not advance a dollar in such an enterprise as described above, and this being the foundation of all of our big mining districts, to whom must the prospector look for aid?

The big mining companies with a big cash reserve will purchase for cash developed mines on a basis of net values in sight (after the little fellow has taken all the risk). What mode of procedure does Mr. DENISON suggest to advance a mining enterprise to the above stage excepting through the medium of a stock company?

After finding a man who is interested in mining, it is a rare case where one man will undertake to furnish, single-handed, the entire capital for a mining company.

Moreover, those engaged in the production of ore are the first to expose a mining fraud. They are the first to refuse cash or stock for the use of their names.

After 30 years' experience in mining in many parts of the world, my personal observations are that those who ostensibly mourn the public losses through the sale of stock will usually accept a position with or a commission from a company whose treasury was provided with cash from the sale of stock.

The hazards in mining are ample without having to combat measures which, in operation, would succeed in killing one of the cleanest of all industries—the production of mineral wealth.

Leave well enough alone. If protection of the public is what the Denison bill is aimed at, enforce the laws to be found in every State enacted for this purpose.

A law prohibiting or restricting the sale of stock in companies whose avowed intentions are clear and clean would very effectively terminate an industry which is the backbone of Nevada.

I have the honor to remain,

Respectfully yours, S. HERBERT WILLIAMS.

—

NEW YORK, *April 10, 1922.*

Hon. SAMUEL S. ARENTZ,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: Permit me to draw your attention to the Denison bill which has been reported favorably by the House Committee on Interstate and Foreign Commerce.

This bill was prepared and presented by a committee of the investment bankers of America, which of course means the investment dealers. None of the stock exchanges in the country were consulted, but the bill carries an exemption for organized exchanges as appears from subdivision 6 of section 4, to the effect that where transactions on an organized exchange have occurred during each of the preceding 20 years in the purchase and sale of United States bonds and other exempted bonds are exempted from the provisions of the act. In this manner the New York Stock Exchange is exempted but the New York Curb Exchange, which has only been in operation 12 years, is shut out and so are nearly all of the other exchanges. We contend that a legitimate company, which has been carefully examined by an exchange and listed in accordance with the prescribed listing requirements of such exchange, and especially if such exchange has listing requirements which contain the provisions usually adopted by the various bureaus and commissions in the several States having blue sky laws, that such listing should make it possible for the brokers or promoters of any legitimate enterprise to offer their stock anywhere. If this law goes into effect I do not see how it would be possible for a legitimate Nevada enterprise, having its stock listed either in San Francisco or upon the New York Curb Exchange, which is the great primary market for new securities, to avoid rendering itself subject to the penalties of this legislation.

I do not see why trading in stocks or dealing in securities should become a matter to be regulated as Interstate Commerce, nor do I see how the Congress can properly pass legislation such as the Denison bill which undertakes to ratify all of the various blue sky laws of the several States now in effect or any other laws or legislation which may be passed in the future. This legislation, in attempting to do away with fraud in the sale of securities, makes no distinction as to the legitimate enterprises, and it seems to shut out all mining development and industrial enterprises except those enumerated.

I have no doubt you have already heard from some of our constituents, but I take the liberty of drawing the matter to your attention because of my great interest in the New York Curb Exchange, and particularly because of my large investments in the State of Nevada.

With kindest regards, I am,

Very truly yours, FRANKLIN LEONARD, Jr.

—

[From the Silver State.]

THE DENISON PROPOSAL.

The Denison bill, now before Congress, appears to westerners familiar with the development of mines to parallel the thought of a man cutting off an entire leg to cure the aching of one small toe, for that is about what the Denison bill would do were it to become a law. In an effort to guard against the activities of fraudulent stock promoters, the authors of the Denison bill would likewise prevent sale of legitimate mining securities, even though the report they have succeeded in getting before Congress infers otherwise.

The principal objection against the Denison bill is that it would prohibit the activities of the man of small means in the development of mines. This in itself means practical abandonment of the mining industry, in this State at least, for it is well known that it is always the man with little or no capital who goes into the hills to prospect and find mines. It is only after he has done so that the man of means becomes interested. Certainly, wealthy men seldom, if ever, undertake prospecting trips. With incentive destroyed for the prospector, how are new mines to be found for development when those now being operated are stripped of valuable ores?

Only a very small proportion of mines are found with values in the "grass roots." The rest are developed by large expenditures of money, usually derived from the sale of stock. If a mining man should find what he believes will develop into a valuable mine, under the Denison bill he would have to comply with the laws of 42 States, or as many thereof as he desired to sell stock in. He would be liable under the law, and subject to fine of as much as $5,000 and imprisonment should he fail to so qualify his offering. He would also be liable if any of his literature should be distributed, or if a newspaper carrying his advertisement should go to a subscriber in such a State.

It has been estimated that an expenditure of $5,000 would be necessary to comply with the "blue-sky" laws of 42 States, to say nothing of the endless red tape involved. When it is realized that Colorado, Connecticut, Delaware, Nevada, Pennsylvania, and Washington are the only States without "blue-sky" laws and commissions, all with different sets of rules that must be complied with, and 42 sets of commissioners that must be interviewed personally or interminable correspondence carried on, then the magnitude of the task confronting the small mining operator before he can commerce to sell his stock can be seen. Also, where one State will require a complete engineer's report, costing a large sum, another will require something else, equally expensive, to say nothing of the fees collected to maintain the different State "blue-sky" commissions.

The committee report on the Denison bill cites that section 4 provides exemptions from inconveniences created by the bill. It does, but only for securities issued by banks, railroads, etc., and those regularly listed on stock exchanges in cities of 500,000 population or over. During the Divide boom in this State worthless stocks were listed on exchanges, only because a showing was made that the treasuries of the companies contained sufficient money to meet "requirements." But what of the prospector who knows he has a good property but is struggling at all times to keep enough money coming in from the sale of stock to keep the mine operating until on a production basis? To put such requirements before him would be only to have him give up in despair.

People should be protected from fraudulent stock promotions, but knowing how mines are developed in this State, it is easy to see great damage will be done if the Denison bill becomes a law in its present form. It seems unjust to kill an industry as important to Nevada as mining is for the sake of protecting unwary investors. It also seems possible that the end desired can be accomplished in a less drastic manner and in a way that will permit the small mine operator to secure at least a hearing.

A better way would be to pass one Federal law incorporating all good "blue-sky" provisions, abolishing all State commissions having to do with stock sales. Then it would be necessary to comply with only one law and meet requirements of only one set of administrative officers, and the expense might thus be reduced so that ordinary men could develop mines as well as those richer in worldly goods.

Mr. DENISON. Mr. Chairman, the amendment proposed by the gentleman from Nevada [Mr. ARENTZ] would nullify the entire act. The proposition he offers is that if a security is qualified for sale in any one State, it may thereby be qualified for sale in all the States. Of course, Congress can not adopt a proposition of that kind.

In the preparation of this bill that proposition was carefully considered. If that proposition were in the bill, then there may be some State that may have a very loose law, or a very loose official to administer the law, and all that any promoter would have to do in order to get absolute immunity all over the United States would be to go into that State and qualify his securities there. Then he would have immunity in all the States. Of course, I assume that after a moment's thought no Member of the House would seriously consider such a proposition as that.

Now, my friend from Nevada [Mr. ARENTZ] a moment ago referred to a later exemption in the bill, which is included in the exempted transactions as distinguished from exempted securities. Later in the bill there are certain exempted transactions, and among them are the sales of stocks or securities to a banker or broker. That will be explained when we reach that provision in the bill, but for the present I will say that this legislation is not intended to protect bankers and brokers from fraudulent securities. Their business is to judge of the value of securities, and they are hardly ever imposed upon. What we are trying to do by this legislation is to protect the average man and woman who has not the ability to judge of the value of securities or the facilities for making an investigation to ascertain their value.

We are trying to protect the average citizen from the impositions of these crooked promoters, and therefore we have exempted sales to brokers who are engaged in the business of selling and buying securities, and have exempted sales to bankers and others who are in a position, by reason of the character of their business, to judge of the value of such things.

Mr. ARENTZ. Surely the gentleman does not mean to say that these dealers in stocks that he mentioned are in the least philanthropic.

Mr. DENISON. I think the gentleman misunderstands. We do not exempt sales by them. We exempt sales to them. Whenever they want to sell any securities they have to qualify them the same as anyone else.

Mr. ARENTZ. They can underwrite 500,000 or 1,000,000 shares of stock and sell them as they please.

Mr. WINSLOW. Oh, no; that is incorrect.

Mr. DENISON. If the gentleman will read the bill, I think he will find that he is mistaken.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the committee to the wording of this amendment. This is the exempted class that the gentleman from Nevada is suggesting:

(k) Any security issued by a corporation owning a property, business, or industry within the State of its incorporation, the issue and sale of said securities having been investigated and approved by the said State.

You will notice that it is any security issued by a corporation which owns any property. It does not need to be a security issued on that property, but if the corporation owns any property—a mule or an acre of land or anything else—and also issues some securities, those securities can go anywhere, irrespective of any law to the contrary. Certainly the House does not want any proposition like that.

Mr. ARENTZ. I have such respect for the gentleman from Illinois that I thought he might perfect the amendment if he saw any mistakes in it.

Mr. MACGREGOR. Mr. Chairman, I want to get some information on this bill. It seems to me we are going to a great length in supplying brains to the people of the country. This bill would seem to indicate that we have reached the height of our inventive genius and that there is nothing to be done in the future. It would appear to me that it would put chains upon progress. I do not suppose that the telegraph would be in existence to-day if this legislation had been in existence at the time of the development of the telegraph system, because the people at that time said that Samuel Morse was crazy. I do not suppose we would have had the automobile developed. I believe people said that Mr. Ford was crazy about his machine.

Mr. ANDREWS. He proved that in court.

Mr. MACGREGOR. So there are many things in this country which have come to be almost indispensable which were considered to be crazy ideas by the people of their time. They could not get any capital except by going out and putting stock on the market upon a highly speculative basis, convincing people that they had great possibilities and causing them to put their money in concerns which the general run of people would say were foolish.

Mr. HOCH. Will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman from Kansas.

Mr. HOCH. The great State of New York has a blue-sky law. Is the gentleman in sympathy with it?

Mr. MACGREGOR. I am not saying anything about whether I am in sympathy with it or not. I am simply talking about this bill. I want to see what ideas the committee have upon this subject, upon the question as to whether we have in this age reached the limit, whether there is nothing further to be accomplished, whether the inventors of the future are to be hampered in bringing into common use in this country things that will be of great benefit to the people.

That is the proposition I want to have elucidated. This seems to be paternalism going wild.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. ARENTZ].

The question being taken, the amendment was rejected.

Mr. SUMMERS of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 9, after line 8, insert:

(k) Any security that is legally authorized to be sold or offered for sale within three or more States each having a duly enacted law or laws for the regulation of the sale or disposition of stocks, bonds, or securities therein.

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, this bill specifically exempts from its provisions certain classes of stocks and bonds, and then there is a general exemption of those stocks and bonds that may be listed on the stock exchanges of Chicago, New York, and Boston. Otherwise it becomes necessary in dealing in stocks and bonds through the United States mails for the company offering them for sale to go into the several States and qualify under the laws of those several States, we will say 40 separate States. This would be a long and expensive procedure, possibly costing as much as $1,000 to qualify in each of the 40 States. I am not wishing to weaken the provisions of this measure. In the main I am in full sympathy with the objects of the legislation, but I do not believe that we desire to say to anyone "you can not sell your stock unless you go to one of three cities in the United States and list your stock with that stock exchange." In other words, that is one way in which they could qualify. This amendment provides another way. They could go into three States that have duly enacted legislation for the regulation of the sale of stocks and bonds in those States and qualify in three separate States and thus qualify in all. While one State might enact very loose legislation or have an officer who was very lax in the performance of his duty, we can not reasonably suppose that all the States are going to do that. I believe this would be sufficiently restrictive in its operations if we provided that when they have qualified under the laws of three States then they should have access to the mails. It is one way of getting beyond the necessity of going into one of three cities in the United States now and forevermore, unless the law is amended, before they can operate through the mails.

Mr. RAMSEYER. Mr. Chairman, I wish to make a few observations in a general way. This bill is reported by the Committee on Interstate and Foreign Commerce, one of the greatest, most capable, and hard-working committees of the House. The rule prescribing the jurisdiction of this committee is as follows:

To commerce, life-saving service, and lighthouses, other than appropriations for life-saving service and lighthouses; to the Committee on Interstate and Foreign Commerce.

First, I wish to compliment this great committee in extending its jurisdiction from time to time, so that now it has jurisdiction of every conceivable sort of legislation. In this Congress I recall now four bills which this committee has had considered in the House but one of which had anything to do with interstate or foreign commerce. The first bill reported by this committee—and I wish to say handled it very ably—was the soldiers' legislation. This class of legislation even members of this committee admit has no relation to the purpose for which the committee was organized. Second was the baby bill. Think of it, gentlemen, the Interstate Commerce Committee reported the baby bill. [Laughter.]

The third bill the committee had considered was the railroad refunding bill, and that had some relation to interstate commerce. Now, then, you have another bill pending on the calendar, but not yet considered, regulating divorces in the Panama Canal Zone, also reported by the distinguished gentleman from Illinois, the author of the bill now under consideration. The committee has taken over the jurisdiction of babies, their prenatal and postnatal care, and now you undertake to tell people when and how they can become divorced.

The fourth bill to be considered from your committee and now before the House undertakes to regulate the mails. This bill has 99 per cent to do with the mails, and that provision as to "other agencies of interstate commerce" was put in there to bamboozle the parliamentary clerk in order that the Interstate and Foreign Commerce Committee might have jurisdiction of this legislation.

Now, I happen to be a member of the Committee on Post Offices and Post Roads. I did not know that this bill was pending before the Interstate and Foreign Commerce Committee until some time after the hearings were had. After I learned that this bill was to come up I sent for the hearings, consisting of two volumes. If I misstate anything I wish the members of the committee to correct me.

Now, as I stated before, this bill has 99 per cent to do with the mails—a bill that ought to have been considered and reported out by the Committee on Post Offices and Post Roads. You are undertaking to tell the people what securities can be marketed through the mails or what information can be sent out through the mails without first getting consent of the various States where the securities are to be marketed. Other agencies of interstate commerce are mentioned, but what other agencies of interstate commerce do you use to carry information to the people except the mails? It is almost exclusively a bill to regulate the mail. The hearings on this bill show that the Committee on Interstate and Foreign Commerce did not call before it any official of the Post Office Department, although the Post Office Department will have to administer the law. That department has been administering the fraud and lottery sections ever since they have been passed—30 or 40 years ago. They did not call before that committee anybody from the Treasury Department for assistance to write into the bill what securities should or should not be under the ban of the Federal Government. Although this is a bill intending to regulate interstate commerce, they did not have before it any member or any official of the Interstate Commerce Commission.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa asks to continue for five minutes more. Is there objection?

There was no objection.

Mr. RAMSEYER. The only persons that did appear before this committee on the provisions of this bill were the distinguished gentleman from Illinois, the author of the bill, Mr. DENISON, who is also a member of that committee, and certain representatives of the National Bankers' Association and Association of Investment Bankers and a few others along that

line. It appears in the hearings that the gentleman from Illinois spent several weeks in Chicago conferring with the bankers there. I do not know whether he conferred with the newspaper men there also, and because of such conference they succeeded in excluding newspapers from this bill. They prohibit letters, circulars, telephone messages, and telegraph messages, and everything of that sort except the newspapers. You can do all the advertising you want to in the newspapers, but you can not send the information by letter, circular, or pamphlet.

Now, coming to the bill as a whole: Although in general debate the gentleman from Illinois [Mr. DENISON] and the gentleman from Kentucky, the ranking Democratic member of the committee, repeatedly referred to the bill as preventing fraud, fraudulent schemes, or bogus schemes, you can read the bill as carefully as you please and you will not find the word "fraud" in it. If all you seek to do is to keep fraudulent schemes out of the mails, we have a statute covering that, placed on the statute books 30 or 40 years ago. If anything is fraudulent, under section 215 of the Criminal Code not only can the person be prosecuted for placing it in the mails but the Postmaster General has the power to deny the use of the mails to persons engaged in such schemes and prevent the delivery of any mail addressed to the company or person engaged in such fraudulent schemes.

He even has the power to prevent the payment of postal money orders to the concerns or persons or corporations or associations that have had the ban placed upon them by the Postmaster General. So this bill is not a bill to prevent fraud in the mails. It is not a bill to keep bogus schemes out of the mails. If this bill had been before the Committee on Post Offices and Post Roads, which is familiar with the Criminal Code, I doubt that it ever would have been reported out. Of course it is popular here. Gentlemen get up and mention blue sky, saying that they are against blue sky, and everybody is for the bill. A kind of mania seizes the House, just as when you have up some question involving in any way prohibition. The drys all vote one way and the wets all vote the other way, as soon as the word is passed along, without understanding what really is comprehended in the legislation at all. I wish the Interstate and Foreign Commerce Committee would limit its activities to subjects with which its members are familiar and over which it has jurisdiction. The people have been clamoring for the last year and a half for relief from high freight rates. [Applause.] You have not done a thing to relieve them, not a thing. The woolgrowers of the country, the farmers of the country, have been demanding legislation from this committee on the truth-in-fabric bill, and you are not doing a thing. Do you intend to do anything?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Chairman, I for one—and I say this not because of any hostility to the members of the Committee on Interstate and Foreign Commerce, because they are all my friends—I for one would like to have a little information from this committee why certain bills before it are not considered. There is a bill pending on the calendar here, reported by the Interstate and Foreign Commerce Committee, the author of which is Mr. SWEET, of my own State, a similar bill having passed the Senate, which if enacted into law will tend to decrease the valuation of railroads and thus decrease the freight rates. That bill is pending on the calendar and was placed on the calendar before this blue sky bill was placed there. I ask the gentlemen who compose that Committee on Interstate and Foreign Commerce—and they need not answer, because to answer might be embarrassing, but I give them the question to have them ponder over it—have you gone to the Committee on Rules and asked for a rule to consider the Sweet bill which is now pending on the calendar of the House? A similar bill has passed the Senate. It is upon the Speaker's desk. All you have to do is to get to the Committee on Rules and ask for a rule to consider that bill. You have other bills pending before your committee. The people have been writing to me about this truth-in-fabric bill. The National Association of Wool Growers has been sending me copies of letters from various members of the committee; the substance of those answers is, "We are so busy." Of course you are busy, but with what kind of business are you busy? You are busy with business that you have no business to consider under the rules of the House.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. ARENTZ. Regarding the truth-in-fabric bill, the objection I have heard to the passage of that bill is that it would take too much time and so many clerks to put the tags on the cloth. I wonder if this committee has ever considered the infinitesimally small amount of work required to do that as compared with what is required to put stamps on perfumes and toilet articles and things of that kind.

Mr. RAMSEYER. The question answers itself. Then this Interstate and Foreign Commerce Committee comes before you with a report and says that this bill has the approval of the Post Office Department, and cites you to a letter printed in the back part of the report. Read that letter carefully. The Post Office Department does not approve this legislation. The Post Office Department has never asked for this legislation, and has no intention of asking for it. The Post Office Department knows, as everyone knows who is familiar with the postal laws, that so far as preventing fraudulent and bogus schemes from going through the mail is concerned, we have now all the laws that we need, and almost daily the Post Office Department or the Postmaster General issues fraud orders or district attorneys around over the country are instructed to bring prosecutions against men who are conducting fraudulent schemes. What are you doing with this bill? You are not preventing frauds. You are simply permitting 48 States of the Union to engage in making postal regulations——

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Except as to about 50 exceptions which you have placed in the bill. You say to the States, we will let you make postal regulations except as to 50 different exceptions that are in the bill. I yield to the gentleman from California.

Mr. RAKER. Can the gentleman draw any distinction between the provisions of this bill, subsection (f), section 4, which gives to the New York Stock Exchange control, and the truth-in-fabric bill, where the New York Stock Exchange is against the matter? Is there something peculiar there?

Mr. RAMSEYER. I know there is something very peculiar. The woolgrowers, the farmers, the consumers of wool, are for this truth-in-fabric bill. Every honest manufacturer is for it. The only persons against the truth-in-fabric bill are the dishonest manufacturers of wool. You hear much about "a farm bloc," a "New England bloc," and other influential blocs. I want to suggest that there is "a ragpickers' bloc," with apparently tremendous influence, somewhere in the country that is preventing this truth-in-fabric bill from coming out, thus protecting the dishonest manufacturers of shoddy and robbing the people of hundreds of millions of dollars more than the blue-sky sharks ever dreamed of. I insist that this great committee should quit wasting its time with bills over which it has no jurisdiction and get busy and report out bills touching transportation and truth in fabric for the relief and protection of the people. [Applause.]

Mr. WINSLOW. Mr. Chairman, I move to strike out the last word. If it were not for the humor of the situation I would not take the time of the members of this committee to make reply to the remarks of an ill-advised speaker. When the gentleman arose and started off with his attack upon the Interstate and Foreign Commerce Committee, a member of the said committee sitting by my side and I in the same breath said, "Give him time and he will wind up with the truth-in-fabric bill." We knew what he was gunning for when he started to attack the work of the committee. It is not, of course, to be expected that, as chairman of the Committee on Interstate and Foreign Commerce, I shall go down the line and answer seriatim a lot of disjointed, disconnected suggestions that have been flippantly made by a man coming here with an ax to grind. The story about the reference of bills to our committee is not a matter of complaint against the committee. Bills are referred to us, and we are working people, soldiers, and we do our duty as it is meted out. That is why we have tackled this bill. It did not confer any great pleasure to the members of the committee to go fussing along with this blue sky law, which was urged upon us as much as by anybody else by many from the gentleman's own State. All the States in the Union which have blue sky legislation came to us and set forth their views. They had been through all this business of inquiry, they had been the ones who, in the first instance, had looked into the needs of these blue sky laws, and they were satisfied that they needed Federal aid. The bill was referred to us as an interstate commerce proposition. It may be—I do not know—that too many bills on various subjects have been referred to that committee, but I do know that the practice is that anything affecting commerce, interstate commerce, does go there, and until the House or somebody other than the members of the committee have said to the contrary, we are going to tackle those bills that come to us in regular order.

Mr. RAMSEYER. Will the gentleman yield?

Mr. WINSLOW. I gave the gentleman his time and let him go on, but I will yield.

Mr. RAMSEYER. I will extend the gentleman's time.

Mr. WINSLOW. Thank you.

Mr. RAMSEYER. I concede this bill came to the gentleman's committee without his asking for it, but the other bills have also come to his committee, and who determines the order in which they shall be considered and reported on the floor of the House?

Mr. WINSLOW. Automatically the committee.

Mr. RAMSEYER. And the committee reported out this bill instead of the transportation bill and the truth-in-fabric bill.

Mr. JONES of Pennsylvania. And it is not for a member of the Committee on the Post Office and Post Roads to determine.

Mr. WINSLOW. Not yet. Now, it will be a pleasant duty and opportunity to stand here and answer these various suggestions that have been made by my friend from Iowa. But, of course, you do not want to hear it, and for obvious reasons I do not want to indulge in it myself; but he has made a specific reference to a Veterans' Bureau bill bearing the name of a colleague of his from Iowa and wants to know why the committee has not tackled that. Why have not we tackled it? Because, in our judgment, we thought best to tackle the ones we have tackled and take care of them. If it were not, my friends, that the gentleman from Iowa [Mr. SWEET], whose name is on that bill, were a candidate for a high political office at the present time, and if it were not that any careless or flippant suggestion of mine in connection with that bill bearing his name might help his campaign or hurt it, I would answer the question. But as matters stand I do not propose to do so; but I do wish to submit, gentlemen, that there is no veterans' legislation which has been neglected. It is time for us to understand, and as long as I have the opportunity I will put it out now, that the mere stamp of veteran legislation on a printed paper does not by any means prove the merit of what is printed on that paper [applause] any more than it is a proof that the veterans themselves or the Veterans' Bureau or any considerable number of people believe in what that legislation may be intended to bring about.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINSLOW. May I have five minutes additional?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. WINSLOW. We come to the railroads——

Mr. MORGAN. Will the gentleman yield?

Mr. WINSLOW. Gladly.

Mr. MORGAN. I take it from the gentleman's statement that it is a measure of protection to the public of the country and in response to a public demand that this legislation be enacted into law. That is the gentleman's statement—that there is a public demand and a measure of protection.

Mr. WINSLOW. I did not mean to say that, and if I did I shall have to apologize and retract it; but I can tell the gentleman what I meant to say, and what I think I did say, was that it was at the behest of the commissioners of the various States, who represented the public of their States. Your committee would have been equally considerate of a request and behest of a larger per cent of the population of the country if they desired to protect the citizens of the United States through consideration of the truth in fabrics bill.

It is not germane, it does not bear on my undertaking to make a reply to the previous speaker; it does not bear upon this bill; but I will tell you what I will subscribe to. If the gentleman will give me any information, backed up by facts, that the great proportion of the people of this country care about the truth in fabrics bill as of primary legislative importance, I will join the gentleman in aiding to bring the bill before the committee for as early consideration as possible.

Mr. MORGAN. Mr. Chairman, I accept the proposition and will furnish the gentleman with the desired information.

Mr. WINSLOW. It will be thankfully received.

Now, gentlemen of the committee, I am making no defense of the Committee on Interstate and Foreign Commerce. I am making no cry in the way of praise or any other suggestion of adulation, but I do express the hope that you will not allow the appeal of a Member, whose head is sore—maybe because some pet of his has been ignored or who may feel a little yellow in spirit because some bill he wants taken up by his committee has been otherwise assigned—to affect your minds in considering the merits of the bill now before us.

We are here because we are designated by the Speaker to attend to this matter, and we want the bill to have its just due. We are not carried away with a notion that we will not live and survive if the bill is not carried. But the bill is here before you, and we want to have it considered on its merits. Let us take care of the gentleman's other worries when they may be brought up later in a regular and orderly manner.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Washington [Mr. SUMMERS]. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. WALSH. Mr. Chairman, I desire to offer an amendment, on page 4, line 13, to strike out the words "shall be" and insert the word "is."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 4, line 13, strike out the words "shall be" and insert in lieu thereof the word "is."

Mr. DENISON. Mr. Chairman, I think that makes a proper correction, and I have no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I have another amendment which I wish to offer. On page 5, line 20, after the word "commission," insert the words "board or officer."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 5, line 20, after the word "commission," insert the words "board or officer."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the provisions of this act shall not apply when such security is transported in connection with, or when such letter, message, postal card, circular, or pamphlet relates exclusively to securities sold or offered for sale, subscription, or delivery in, any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's, or conservator's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy, or at a public sale by auction held at an advertised time and place.

(b) By or for the account of a pledge holder or mortgagee selling or offering for sale or delivery, in the ordinary course of business, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

(c) In an isolated transaction in which any security is sold, offered for sale, subscription, or delivery, by the owner thereof, or by his representative for the owner's account, such sale or offer for sale, subscription, or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation of capital stock, bonds, or other securities to its stockholders or other security holders as stock dividend or other distribution out of earnings or surplus; or the issue of securities to the security holders or other creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors; or the issue of increased capital stock of a corporation sold or distributed by it entirely among its own stockholders.

(e) To any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer: *Provided*, That such broker or dealer is actually engaged in buying and selling securities as a business.

(f) The transfer or exchange by or on account of one corporation to another corporation of their own securities in connection with a proposed consolidation or merger of such corporations.

Mr. ROACH. Mr. Chairman, I offer the following amendment. On page 9, line 22, strike out all of subsection (c) of section 5.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROACH: Page 9, line 22, strike out all of subsection (c).

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ROACH. Mr. Chairman and gentlemen of the committee, I am inclined to believe that this legislation is desirable and good legislation. I believe the adoption of this amendment would make it even better than it is now proposed. I appreciate the fact that perhaps there are isolated cases which probably should not come within the general purview of this law. Upon the other hand, I want to call the attention of the committee to the fact that unless we do adopt this amendment we are enacting legislation here that will excuse the violation of this law in many, many instances over the country unless violation of the law is repeated from time to time or is a series of violations of the law. Now, there is a question in my mind

whether we should enact legislation of this character or not. It will be recalled when this bill was up under general debate the gentleman from Illinois [Mr. DENISON], in answer to an interrogation by myself, practically admitted that in these isolated cases, such as, for example, where a citizen of one State had been imposed upon by having had sold to him or her, as the case may be, a block of fraudulent stock, that there was nothing in this law as it is written that would prevent that person thus imposed upon from passing that fraudulent stock on to a citizen of some other State.

If this amendment is adopted, such a situation as that will not be allowed or permitted under the law as it will then be written. While the adoption of this amendment may, as I have said, work a hardship in some few instances, I believe that the administrative officers charged with the duty of the execution of this law can be depended on to exercise good judgment in those cases rather than to permit what to my mind would be a fatal omission in this law by leaving the bill in its present form, which permits a violation of this law in isolated instances.

Take it in my own State, and we have a "blue-sky" law there which prevents and declares fraudulent an offense against our law to deal in and sell certain fraudulent stocks. Now, this law is intended as an aid to that law, by saying to the citizens of other States that you can not transmit any mail to the citizens of Missouri that contains fraudulent stock, or attempt to sell them fraudulent stock by mail. This law now under consideration says that unless they commit a series of offenses of that kind, that unless that transaction upon our part is a repeated transaction, they are not guilty of a violation of any law at all. I do not like that provision of this bill a little bit, because of all the numerous instances in which State laws were violated, when the $500,000 worth of fraudulent and spurious stock was sold over this country, which has been referred to, I have no doubt that in many of those cases they were such as would be termed "isolated cases" within the meaning of this law. In other words, some of the most grossly fraudulent transactions that I ever heard of in my life were what we would call "isolated cases" under the meaning of this law. For instance, I have in mind one particular instance in which fraudulent stock was sold through the mails to an old widow over in Missouri, sold to her by a citizen of an eastern State, and transmitted through the mails, by which she was defrauded out of her property. And that sort of a transaction would not come within the provisions of this law. Surely in the wisdom of Congress some means can be found by which a situation of that kind can be corrected in this bill. I believe the adoption of my amendment will correct just exactly that sort of a situation.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DENISON. Mr. Chairman, I rise in opposition to the amendment, and, in doing so, I want to read this statement to the gentleman from a high official of the State of Missouri, the State of which my friend has just spoken. I want to read a paragraph from a letter I received from the securities commissioner, charged with the administration of the "blue-sky" law of the State of Missouri, in reference to this bill. He has considered it with all of its provisions, and he says among other things:

> With reference to the actual bill under discussion, it is my opinion that it is splendidly constructed and plainly shows that it is the work and fruitful labor of the mature and reflective effort of sincere public officials and patriotic business and financial experts.

That is the view taken by the gentleman who has charge of the enforcement and administration of the "blue-sky" law of the State of Missouri.

Now, with reference to the proposed amendment——

Mr. RAMSEYER. Will the gentleman yield there for a question?

Mr. DENISON. I am sorry I can not, I will say to the gentleman from Iowa. I have not the time.

Mr. RAMSEYER. What is the date of that letter?

Mr. DENISON. It is dated March 20, 1922.

Mr. ROACH. Allow me to inquire of the gentleman if the chairman of the commission in Missouri had anything to say in reference to this particular section I am seeking to strike out of this bill?

Mr. DENISON. He did not discuss that particular provision. He had the whole bill before him.

Mr. ROACH. Was that particular provision discussed with the gentleman?

Mr. DENISON. I have not seen him at all. I read from his letter, which was written after he had seen a copy of the bill—the bill which is now pending before the House.

Now, in the provisions of this law we do not want to inflict any injustice or injury upon any individuals. Frequently men have securities of their own—that is, they own them themselves—and want to sell them or offer them for sale to some one in another State. This exemption——

Mr. ROACH. Mr. Chairman, will the gentleman yield right there?

Mr. DENISON. In a moment. This exemption exempts isolated transactions, where the owner of a security himself wants to sell it or offers it for sale. Surely that is a proper exemption in a bill of this kind, because the purpose of this legislation is to prevent the flotation of fraudulent stocks or other securities that are placed out in series through the United States mails to the different States. You must exempt such isolated individual transaction where a person wants to dispose of a security which he himself owns.

Mr. ROACH. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. ROACH. Does not the gentleman admit that if he is the owner of a block of stock that by the laws of the State of Missouri has been declared to be fraudulent it would be an offense against the State laws to sell it in that State, and that the owner of such fraudulent stock should not be allowed to go into the State, by mail or otherwise, and sell that stock?

Mr. DENISON. Occasionally fraudulent stock may be sold in that way.

Mr. ROACH. Why does the gentleman say if a man has a block of fraudulent stock he is to be permitted to pass it on to some other person in a State where the sale of that stock is fraudulent?

Mr. DENISON. While there might be one individual here and there who will sell some security under this individual exemption, if you leave it out there might be thousands of individuals who would want to sell legitimate securities within the State who would be prevented from doing it.

Mr. ROACH. They are the real harmful cases to the interests of the people of this country, these cases of selling isolated shares of stock. That is the trouble.

Mr. DENISON. Individuals who happen to own a security of that kind can not afford to go and should not be required to go before the State commission of any other State and qualify their security.

Mr. ROACH. If it is a fraudulent stock, the owner ought not to be allowed to sell it at all to anybody. He ought to be obliged to keep it himself.

Mr. DENISON. This exempts only isolated transactions, and I think will not result in any serious public harm.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I do so for the purpose of asking the gentleman from Illinois [Mr. DENISON] a question. What does paragraph (e), on page 10, mean? The section starts off by saying that "the provisions of this act shall not apply in any of the following transactions: "(e) To any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer."

I can not quite see the connection between the first paragraph of this section and paragraph (e). That is not a transaction. All these other paragraphs relate to some transaction. The subparagraph relates to an instrumentality of business.

Mr. DENISON. I will read the connection. Section 5 reads as follows:

> That the provision of this act shall not apply when such security is transported in connection with, or when such letter, message, postal card, circular, or pamphlet relates exclusively to securities sold or offered for sale, subscription, or delivery in any of the following transactions: * * * (e) To any bank.

"Delivery * * * to any bank."

Mr. WALSH. "Delivery in * * * to any bank"?

Mr. DENISON. "Sale to any bank."

Mr. WALSH. That is not what it says or what it means.

Mr. DENISON. I have read it: "Transported in connection with"——

Mr. WALSH. It says, "Any of the following transactions." Paragraph (e) does not relate to any transaction whatever.

Mr. DENISON. Does the gentleman know of any language that would make it more clear?

Mr. MERRITT. If you will change it to the word "with," you would make it clear.

Mr. WALSH. As the gentleman from Connecticut says, if the first word in subdivision (e) is changed to "with," it would be clear, or it would be clear if you would insert the language there "for sale, subscription, or delivery by or to any bank, savings institution, trust company, insurance company, or to any corporation, or to any broker or dealer." I submit to the gentleman for careful consideration the fact that this language

as it is now worded does not make an exception at all, as it seems to me.

Mr. DENISON. The meaning and intention is to exempt, among other transactions, a sale that is made to a bank or savings institution or a trust company or any broker or dealer who is engaged in that business. That is the intention, to exempt transactions of that kind, and I think it would clearly be interpreted as meaning that.

Mr. WALSH. I think it would be interpreted to mean nothing, and it might be one of the most important transactions that you wish to have exempted.

Mr. DENISON. I will state to the gentleman from Massachusetts that if it should be found that that does not carry out the meaning, I shall try and have it corrected later on.

Mr. WALSH. I trust the gentleman will examine this a little more carefully before we complete the bill, and if he finds it needs correcting he will ask leave to return to it.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ROACH].

Mr. GRAHAM of Illinois. Mr. Chairman, may we have it read again?

The CHAIRMAN. Without objection, the amendment will again be read.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 10, line 18, after the word "company," strike out the remaining part of line 18 and all of lines 19 and 20.

Mr. JONES of Texas. Mr. Chairman, this paragraph, in the way in which it is worded, if modified as the gentleman from Massachusetts has suggested, and I think even as it is worded now, would authorize any of these sales of any securities, no matter how fraudulent, to be made to any corporation, or to any broker or to any dealer. They could send out their literature or stock to such agencies, without limit and no matter where located. In other words, no matter how fraudulent a transaction might be, if the corporation or its agents were wise enough to find some local dealer, some local corporation, or some local broker to whom they could sell the securities, the transaction would be perfectly legitimate up to that point. Now, it seems to me that would be allowing the fraudulent companies floating these securities to take the first step toward getting them diffused among the people. Why do you want to authorize a company that is trying to float a fraudulent transaction to send out its securities into every State in the Union and put them into the hands of brokers, dealers, and other people?

Mr. DENISON. Will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman from Illinois.

Mr. DENISON. If they send them to a broker, the broker himself can not resell them without complying with the State law, and so the public is protected. We are not trying to protect brokers in this bill. We are trying to protect individuals.

Mr. JONES of Texas. Why permit them to be sent, even to brokers? What is the purpose in that? If it is a fraudulent security, why do you want to send it down to where some local people may have confidence in the local broker and buy it from him? Why not stop it at the fountain source? If it is a fraudulent concern that is trying to put out fraudulent stock, why do you say, "It is all right if you can find some gullible little broker in some little community upon whom you can unload that stock and who, in turn, in accordance with your privilege given in a previous section—that isolated transactions shall be exempt—can at least find some one sucker to whom he may sell a big block of these securities if he happens to have the money." Why extend such courtesies to a fraudulent concern?

Mr. DENISON. If the gentleman will permit me to interrupt him, if the broker should do that he would be violating the State law, and would thereby get himself into trouble.

Mr. JONES of Texas. He might go over into another State and do it.

Mr. DENISON. Oh, no.

Mr. JONES of Texas. He could by sending a post card or by sending information and not going himself.

Mr. DENISON. He could not do it under this act.

Mr. JONES of Texas. Let me give you an illustration where he could. Suppose a New York concern should issue a million dollars' worth of fraudulent securities. They send $100,000 of them out into Iowa and sell them to a broker there. This broker sends out a letter or a post card to some one in Missouri and induces that man to buy one issue of that stock. That is an isolated transaction under the definition of this very paragraph, and he could not be held as a violator of the national law, and he could not be held in Missouri because he is not in Missouri. So why allow this exemption? I do not see any good purpose that can be achieved or accomplished by saying to a man or a set of men who are trying to put over a scheme to defraud people, "It is all right; we will authorize and license you to send your securities to the local dealer and get them out over the country, where they will be more accessible to the people." Why throw the veil of respectability over the first step in a scheme to defraud?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. JONES of Texas. I think this is an important proposition, for the reason that there are going to be some violations of this law, as there are of all laws. Now, there is much less likelihood of a violation of the law if the man who is trying to float fraudulent securities is forbidden to move them to any agency of any State that has outlawed them, if he is forbidden to send post cards, messages, or circular letters anywhere, to any broker, to any dealer, or to anyone else whose sole purpose in securing them would be to unload them onto somebody else. So, why permit them to send them there? Surely, if a man is going to violate the law, he can much more easily escape by scattering these securities broadcast in the hands of brokers who may or may not be in collusion with him, or who may or may not be intending to defraud, but who would have the securities in their hands, where they would be next door to the man to whom they would like to sell them. I do not see any purpose that can be accomplished by this provision of the bill, and I do not see why the chairman or any member of the committee should be wedded to a provision that can have no sensible purpose and that will permit at least one step in the carrying out of a fraudulent transaction.

To permit a concern to send securities, known to be fraudulent, to any bank, broker, dealer, or commission man in any or all States of the Union will permit the man who intends to violate this law a measure of protection until he can get all his machinery organized and ready to swoop down on the unsuspecting.

Mr. DENISON. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. DENISON. If my friend from Texas will examine the different State laws, he will find that nearly every one of them has this same provision, and in conference with the various administrative officers of the different States they have all recommended that this provision ought to be in the bill; that we ought to exempt sales to persons of these classes, because we are not trying to protect them. We are trying to protect the men who need protection. The men in this business are never defrauded, and we do not want to apply the law to them if they are not defrauded.

Mr. JONES of Texas. I have known them to be defrauded, and I will state to the gentleman that if we can not improve a little on the State laws we are not making much progress in national legislation. Further, there might be some excuse for exempting them within the State where all the transactions will be subject to State laws; but here is a law that is going to permit them to go over into another State, where no State will have charge of them. When they send post cards or communications into another State, the State from which they are sent of course would not have jurisdiction of them, and the State to which they are sent would not have jurisdiction, and, therefore, regardless of any provision of any State law, the transaction would be legitimate in so far as sending to the broker is concerned; whereas in the States they have complete control of the transaction, so that an entirely different principle would apply. I can see no reason why this amendment should not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. JONES].

The question being taken, on a division (demanded by Mr. JONES of Texas) there were—ayes 13, noes 35.

Accordingly the amendment was rejected.

Mr. HOCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 17, before the word "to" insert the words "the sale, transfer, or delivery."

Mr. HOCH. Mr. Chairman, this is simply to take care of the suggestion of the gentleman from Massachusetts.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That any person violating any of the provisions of this act shall, on conviction thereof, be punished by a fine of not more than $2,000 or by imprisonment for not more than two years, or by both such fine and imprisonment; and for any subsequent offense shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or by both such fine and imprisonment.

Mr. LONDON. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman whether the penalty in this bill is in addition to the penalty imposed by the various State laws?

Mr. DENISON. There is no penalty under the State law for violation of this law.

Mr. LONDON. This is intended to supplement the State law, and a person violating the State law is subject to punishment.

Mr. DENISON. A person can be punished by the State for a violation of the State law, but this bill is to punish men for violating the law from outside of the State.

Mr. LONDON. Very well. Now, is the gentleman clear about the question I asked him before, whether mailing a letter within a State constitutes a violation of law?

Mr. DENISON. No; it does not.

Mr. LONDON. Is it not the use of an agency of the mail?

Mr. DENISON. Yes.

Mr. LONDON. Section 3 of this bill provides that it shall be unlawful for any person to deposit in or cause to be deposited in the mail any letter, postal card, and so forth. Is not the very depositing of the letter in a post-office box a violation of this law?

Mr. DENISON. Not at all, because if the gentleman will read the latter part of the section it says "when in either case such letter, message, postal card," and so forth, "is addressed, sent, directed, or consigned to any person at any place in any other State," and so forth.

Mr. LONDON. It is all one sentence.

Mr. DENISON. Yes; all to be read together. This bill only applies to transactions through the mail when a person in one State sends his communication to a person in another State. It does not apply to transactions within the State—the theory being that that is a transaction the State ought to handle, with which the Federal Government should not concern itself.

Mr. LONDON. What is the usual penalty provided by the State?

Mr. DENISON. They vary. I think the State of Massachusetts has a very high fine for a violation of the law of that State. In some other States the penalty is less. We have placed this penalty at a point that we thought would be severe enough to inspire a sound respect for its provisions.

The pro forma amendment was withdrawn.

Mr. McPHERSON. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Illinois a question. As I understand, it would be a crime to sell these securities in Oklahoma, say, if they had a law against it.

Mr. DENISON. Yes; if the securities had not been qualified under that law.

Mr. McPHERSON. In Kansas, if there was no law, there would be no crime?

Mr. DENISON. There would be no crime.

Mr. McPHERSON. Does the committee believe and did you investigate the question as to whether or not Congress may make it a crime in one State when the same act committed in another State would be an innocent act?

Mr. DENISON. We do not do that. This bill is based on the theory that the States have and ought to have a right to protect their own citizens in such a way as they think best against the sale of fraudulent securities, and the Federal Government ought to go this far and not permit the use of its agencies to violate the State laws. Now, if a State does not care to protect its own citizens against that class of fraud, the Federal Government will not take upon itself the duty to protect the citizens of that State.

Mr. McPHERSON. I do not think the gentleman quite understood my question. This situation exists: In the transmission of a letter the same stock might be sent in one case, and even though the stock referred to was fraudulent, it would be no offense because there was no local law forbidding it, while in another case if sent in another direction into interstate commerce, the very same letter would be a crime.

Mr. DENISON. Exactly; because in one case it is unlawful and in the other it is not.

Mr. McPHERSON. In other words, the nonexistence or existence of the local law makes it a crime?

Mr. DENISON. Yes; a good instance of such legislation is the Webb-Kenyon law.

Mr. McPHERSON. There was a clear prohibition in that case because of the eighteenth amendment.

Mr. DENISON. Then there is the treaty game law by which we made it unlawful to cause to be transmitted through the agencies of interstate commerce any part of the wild game which had been killed in any State contrary to the law of that State. If it was not killed unlawfully it would not be unlawful to transmit it through interstate commerce. We have followed this precedent in a number of instances. There is nothing novel about this bill or about the theory of it.

Mr. LONDON. Mr. Chairman, will the gentleman from Illinois yield?

Mr. DENISON. Yes; if I have the floor.

Mr. LONDON. This presupposes the knowledge by every citizen of the laws of every State.

Mr. DENISON. It presupposes a knowledge of this law, and when the citizen reads this law and sees that he can not use the United States agencies to send an unlawful stock into another State for sale he will inquire what the law of that State is.

Mr. LONDON. Before he determines whether he can send any particular stock into a State he will have to inquire what the law of that State is.

Mr. DENISON. Exactly; and that is true in the case of putting wild game on the trains to send it from one State to another. It would not be true, of course, in the case of any stock exempted under the provisions of the bill.

Mr. LONDON. I thought the only persons who are charged with the knowledge of all of the laws, as I understand it, are the members of the Supreme Court of the United States.

Mr. DENISON. Well, we must all take notice of the laws of any States in which we wish to do business.

The Clerk read as follows:

SEC. 7. That every sale or contract for sale of any security or securities made or in any manner directly induced by or through any of the acts made unlawful by sections 2 or 3 of this act shall be void at the election of the purchaser; and the person making such sale or contract for sale, and every solicitor, agent, or broker of or for such seller who shall have knowingly performed any act which directly contributed to bring about such sale or contract for sale, and every person who shall have knowingly participated in the benefits or proceeds of such sale or contract for sale, shall be jointly and severally liable to such purchaser, upon tender to the seller or in court of the securities sold or of the contract made, for the full amount paid by such purchaser, together with all taxable court costs and reasonable attorneys' fees in any action brought under this section. Suit to recover such amount may be brought in any State court of competent jurisdiction or any district court of the United States in the district in which the defendants, or either of them, reside or are found, without respect to the amount in controversy: *Provided*, That such suit must be brought within two years from the date of such sale or contract for sale.

Mr. WALSH. Mr. Chairman, I move to strike out, in line 11, page 11, the words "at the election of the purchaser," after the word "void."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 11, line 11, after the word "void," strike out the words "at the election of the purchaser."

Mr. WALSH. Mr. Chairman, this section, in my judgment, from what consideration I have been able to give the bill, is the most doubtful one from the viewpoint of expediency and also from the legal standpoint that there is in the measure. We have provided a punishment for persons utilizing the mail or presumably the telegraph or other instrumentalities of interstate commerce in the sale or disposition of fraudulent stocks or securities. I suppose that this section is in the nature of additional punishment, because it is provided that the sale or contract of sale which was made under the laws of some State shall be void, and it is left to the purchaser to say whether or not it shall be void. I presume the reason for that is that if a man made money out of the transaction he will not want the contract to be void, even though he broke the law in the transaction by using the mails or other instrumentalities of interstate commerce. I do not think we ought to enact a law and then say to the beneficiaries of an illegal act, "If you say so, this contract can stand and be all right," but that the man who employed the instrumentality can be proceeded against and punished by a fine or imprisonment. If the man made some money out of it, it is provided that he may keep his profit and the contract may be all right, and then that the law will take care of the man on the criminal side of the court who violated the law; whereas if the man lost money it is provided that you will punish him for making use of the mails or other instrumentality of interstate commerce, and you will also say because he lost money the contract is void, and the man can

go into the civil side of the United States courts under the provisions of the contract made under the laws of the State.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HOCH. If the gentleman's amendment should prevail, would it not require the purchaser in every case to investigate to ascertain whether the seller had complied with the law?

Mr. WALSH. Since Congress has undertaken this vast program of legislating for the individual and going into fields of legislation that ought to be occupied solely by the States, we seem to have abrogated the maxim, "Let the buyer beware"; and some of these people who are fools enough to buy sections of blue sky ought not to be encouraged by Congress to lay aside all caution, all prudence, simply because we are going to deny the use of the United States mails to them, and the people who are seeking to sell blue sky to them or acres of the ocean.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. DENISON. We are not trying to encourage them to do that, but rather to discourage the other man from selling it to them.

Mr. WALSH. How are you going to discourage them if you are going to let the purchaser who makes any money out of the transaction say that the contract will stand? It will just encourage them to keep on and enter into another contract with the hope of making some money. The only time it will be abrogated or voided is when some of these people lose money, as, of course, they always do when they buy a section of blue sky.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. If the gentleman will yield for another question, of course the gentleman from Massachusetts understands that after all the evil that we are trying to get at is the evil of selling fraudulent stock. If a man gets hold of a stock and it is a profitable investment, he has not been defrauded in any sense, even though technically he may have violated the law.

Mr. VOLSTEAD. Mr. Chairman, may I suggest that this bill covers a lot of transactions that are not fraudulent at all. The ordinary State laws simply require the filing of certain information. Suppose a person fails to file that information properly, and a sale is made innocently, this would allow the purchaser to bring a suit to recover back the purchase price at his option at any time within two years, though the sale was free from fraud or any intentional wrongdoing.

Mr. WALSH. But the gentleman must remember that the sale or contract must be for securities made or in any manner directly induced by or through any of the acts made unlawful by sections 2 or 3 of this act.

Mr. VOLSTEAD. But it is true that this bill makes every act unlawful that is denominated as such by the State law, and a very large number of those acts may be innocent.

Mr. WALSH. This does not apply.

Mr. VOLSTEAD. Oh, surely.

Mr. WALSH. This says "by or through any of the acts made unlawful by sections 2 or 3 of this act."

Mr. VOLSTEAD. Sections 2 and 3 make those acts unlawful because this particular bill adopts the statutes of the States, and in a large number of cases the acts denominated as unlawful by such statutes are innocent of any fraud.

Mr. WALSH. The gentleman is correct. I misunderstood the application he was making. I would like to ask the gentleman from Illinois another question. Having penalized a person who enters into a contract for using the mail in the confirmation of his scheme or plan or contract, which was made under the law of a State, what jurisdiction has Congress then to come in and say that under an act of Congress that contract is void?

Mr. DENISON. Well, I will answer the gentleman. Now, if my friend will read the Clayton Antitrust Act, which covers similar transactions in interstate commerce, he will see it provides that if any person suffered a loss, damage, or injury by reason of the acts forbidden, the person who so suffered loss may recover in a civil suit treble damages, and in preparing this provision we considered similar provisions in a number of Federal acts prohibiting interstate transactions——

Mr. WALSH. The gentleman will remember the Clayton Antitrust Act was a Federal statute that forbids certain transactions by law of the United States. Now, they go in and make a contract under the law of a State and the Federal Congress says that law shall be void if the purchaser or buyer wishes to say so. What authority has Congress to say that in case of a contract made under the law of a State, even though the mail is used in the consummation of that contract and punishment is meted out for the use of those mails, you can go further and say the contract is void? Where do you get jurisdiction over a contract which may in all other respects have complied with the State laws except the use of the United States mails in sending circulars or soliciting for subscriptions for stock?

Mr. DENISON. I want to state this to the gentleman: That the phraseology, if properly interpreted, means that the contract is voidable; that it is void at the option or election of the purchaser. It means it is a voidable contract, but not void absolutely. It is a voidable contract in favor of the purchaser only, and it says that if a person enters into a contract which is brought about or in any manner induced by an act that is prohibited by this law, that it is voidable at the election of the purchaser who has been defrauded.

Mr. WALSH. Now, why should the purchaser be given an election? If they violate the law, if they use interstate commerce instrumentalities in bringing about the negotiations and enter into this contract, why should it be at his election? Why should they be permitted to enter into a contract and the beneficiaries if they benefit say, "No; the contract is all right," and nobody can force him to declare it void, whereas if he suffers monetary loss he can then come in say, "No; I will say this contract is void"?

Mr. DENISON. If the gentleman will pause to think for just a moment, he will see that this provision is put in for the benefit of the purchaser only. Subsequent purchasers can not declare it void.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I will ask for three minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Certainly he would not want the man who committed the wrong to have the privilege of declaring it void. We do not want to give that privilege to the wrongdoer, the man who brought about the contract wrongfully, we do not want to give the privilege to him, but we simply extend the privilege to the man who is first imposed on. Then, if he sells the security to a third person, the third person can not recover from the original seller.

Mr. WALSH. And if he has not been imposed upon, just punish the fellow, fine him, and the man will keep the profits; is that the idea?

Mr. DENISON. Well, we are trying to make the law so plain and the penalties so heavy that no one will violate it. Men will not ordinarily violate a law if they know they can not profit by doing so.

Mr. GRAHAM of Illinois. If the gentleman will just yield for this suggestion, I think I can think of a case where it would appear important to have the right of election in the purchaser. Of course, I understand what is in the mind of the gentleman that in this sort of a transaction you may permit a man to take advantage of this sort of thing and thus encourage the violation of the law. But suppose the purchaser innocently spends the money, buys some of this stock, and his money is gone; all chance of recovery is gone, because the seller is outside of the jurisdiction, and then all the purchaser has left is this stock, which by this law is declared void and therefore worthless. He has not only lost his money, but he has lost his stock. Ought there not be some chance to make a recovery of some part of it? In other words, a man who is defrauded ought to have the right to get whole on the transaction, ought he not?

Mr. WALSH. Then the gentleman takes the position that if a man sells stock which at the time of the sale or transaction is subject to the provisions of this act, and the man loses all his money, he should be permitted to wait and see whether this stock may rise in price and whether he may eventually profit in the transaction; and, if so, then he can dispose of all the stock and put the profits in his pocket, or, if not, that he can declare the contract void and sue for the recovery of his money?

Mr. GRAHAM of Illinois. Now, take the ordinary case of fraud. A man is defrauded. A contract in the civil courts is only declared fraudulent or voidable at the request of the person who is defrauded. Ought it not to be the rule in this law?

Mr. WALSH. It would be the rule if my amendment was adopted.

Mr. GRAHAM of Illinois. That would in itself, as a matter of law, make it void and not voidable.

Mr. WALSH. And he could recover.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Massachusetts [Mr. WALSH].

Mr. VOLSTEAD. Mr. Chairman, I would like to call the committee's attention to this situation: The "blue-sky" laws in the States require that certain things shall be done; usually the filing of certain information with a certain officer. If a person in describing the securities that he expects to put upon the market fails to comply with those requirements, he is punished by the State statutes.

Mr. DENISON. I will state to the gentleman that it is the selling of stock without having first complied with the laws.

Mr. VOLSTEAD. The failure to file those particular statements constitutes for all practical purposes the offense. If you sell anything without having filed these statements with the proper officer, you are guilty. Look at the situation: Here is a man in New York who sends to the State of Minnesota some security to be sold there; that stock has not been properly listed in Minnesota; that is, they have not filed the particular descriptions of that stock. There may not be a fraud in fact. A man may send it from New York to Minnesota and sells it in the utmost good faith and receives every dollar that it is worth. That thing may reoccur in a thousand instances. It runs along for a year, and the fellow who bought finds that that stock has depreciated in value. Under this section you give him an absolute right to bring a suit to recover the whole purchase price. It does not depend on actual fraud, because those statutes do not require that there shall be any fraud. It simply requires that there shall be certain facts filed in the State in the office of some commissioner or some officer—facts that the commissioner deems sufficient to show that the securities are bona fide.

Mr. DENISON. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. DENISON. The officials of your State consider it a fraud for a man to undertake to sell stock in that State without complying with the law.

Mr. VOLSTEAD. I do not care what they consider it. I am telling you what the actual facts are under those statutes. You can not make it a fraud by calling it a fraud if it is not a fraud. I am perfectly willing you should draw a statute punishing fraud and give a right to recover in those cases where fraud or misrepresentation induced the purchase, but it seems to me utterly ridiculous to make a person liable for damages where there is in fact no damage, and to give to the purchaser an option to repudiate the contract and punish him, though he may perhaps have been the one who perpetrated a fraud.

Mr. DENISON. Let me remind the gentleman from Minnesota that his own State law gives the man to whom the stock has been sold, under the "blue sky" law of that State, the right to sue and recover his money. Not only that, but nearly every other State that has a "blue sky" law has the same provision. The gentleman has hit upon the very purpose of this provision. It is a deterrent to stop dishonest promoters.

Mr. VOLSTEAD. I have had occasion to examine a great many of those State laws, because, as I said, we had a hearing before the Judiciary Committee on a similar bill, and I know that a great many failures to comply with certain provisions of State statutes are only punished with slight fines.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from Massachusetts [Mr. WALSH].

Mr. TOWNER. Mr. Chairman, I ask for recognition in opposition to the pro forma amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. Chairman, it seems to me that we are misapprehending the question. We are not punishing fraud by this bill. We are punishing a man who does an unlawful thing. Now, that is the reason, the essence and the gist of this proposition. The statement made by the gentleman from Minnesota [Mr. VOLSTEAD] is based upon the idea that we are trying to correct and punish a fraud. But that is not what we are trying to do.

Mr. Chairman, it seems to me that this ought to be clear, that this bill only declares as unlawful and imposes a penalty upon that which a State has declared unlawful. Under this bill a man may do an unlawful thing by even sending, without selling, fradulent securities of any sort. But if he does sell it, and if the man is fraudulently induced to purchase that which is declared by law to be a worthless thing outlawed by the prohibition and penalties of the law, the victim ought not to be required to wait to see whether it is worth anything or not. The very fact that it is unlawful is sufficient, or ought to be sufficient, for him to have accrue to him immediately the right of recovery. If somebody has sold to him a piece of paper which is unlawful under the law in the State where the purchaser resided, that man then at that time ought to have the right to repudiate it and to bring suit, if necessary, against the man who unlawfully sold him something prohibited by the law. And so it seems to me, that being the case, it answers sufficiently the argument suggested by the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Minnesota [Mr. VOLSTEAD].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. VOLSTEAD and Mr. BARBOUR rose.

The CHAIRMAN. For what purpose does the gentleman from Minnesota rise?

Mr. VOLSTEAD. I want to offer an amendment, on page 12, lines 1 and 2.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. VOLSTEAD. Strike out the words "without respect to the amount in controversy."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 12, line 1, strike out "without respect to the amount in controversy."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. VOLSTEAD. Mr. Chairman, this is a new departure from anything that I know of anywhere in Federal legislation. From the very beginning of this Government we limited the amount that a Federal court could take jurisdiction of. The very first law we passed provided that the amount in controversy must be at least $500. Under existing law it is necessary before a person can go into the Federal court that the amount shall be $3,000. Now, you propose to give to these parties a right to bring an action for, say, $100 in a Federal court.

I think we are all aware that the Federal courts are pretty well congested. It does not seem to be advisable to pass a statute that gives a Federal court jurisdiction in these small cases. I am perfectly willing that the State courts shall be given jurisdiction.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. I do.

Mr. RAMSEYER. Would not this statute prevent the transfer of a suit involving over $3,000, commenced in a State court, to the Federal court, where diversity of citizenship was involved? Under this provision if the amount in suit is $5,000 or $1,000,000, brought by a citizen of one State against a citizen of another State, the defendant can not have the case transferred to the Federal court from the State court of plaintiff's State. Under the existing law defendant could move to have it transferred to the Federal court. This would practically repeal the right which the defendants have now under existing law on account of diverse citizenship.

Mr. VOLSTEAD. I am not prepared to say as to that. But it would give to the Federal court jurisdiction in cases of less than $3,000, which is the limit to-day.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. BARBOUR. I would like to ask a question of the gentleman from Illinois [Mr. DENISON]. I notice that in line 25, on page 11, the jurisdiction of suits brought under section 7 is limited to the United States district court, if brought in a United States district court, "in the district in which the defendants, or either of them, reside." What was the purpose of limiting it to the district in which the defendants reside? This law is intended for the protection of a man who might purchase stock of no value.

Mr. DENISON. I understand you have to go to the district in which the defendant resides in order to get proper service on him.

Mr. BARBOUR. But the district court of that district has jurisdiction and control of the action. Could it not be provided here that the district court of the district in which the plaintiff resides should also have jurisdiction?

Mr. DENISON. I do not think you can drag a defendant from one State to another as a defendant in a civil suit.

Mr. BARBOUR. This is intended to be a protection to the man who has bought fraudulent stock, where a man in New York has sold stock to a man in Missouri, for example. Missouri has been referred to as the residence of the man who might buy this bogus stock. In such case the Missouri man must go to New York and sue in the district court where the defendant resides.

Mr. DENISON. I do not think any other provision would stand the legal test. You can not drag a defendant from one State to another simply because a plaintiff resides in a particular State. I think I am right about that. That is the view of those who advised with me in the preparation of this bill.

Mr. BARBOUR. I would say to the gentleman that I have not looked into the legal phase of it, but in reading this section it occurred to me this would not offer any protection at all to the man who lived at a distance.

Mr. DENISON. That is true, but it is also true of all litigation. If people reside in different States, the plaintiff is obliged to go into a different State where service can be had on the defendant. You can not get service on the defendant outside the district in which he resides in the case of a civil suit.

Mr. BARBOUR. The gentleman thinks this is necessary?

Mr. DENISON. Yes. I think that language should be there.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 11, line 23, strike out the remaining part of line 23, after the word "State," all of lines 24 and 25; and on page 12, line 1 and line 2, down to but not including the proviso, and insert in lieu thereof the following: "or United States court of competent jurisdiction."

Mr. JONES of Texas. Mr. Chairman, the way this measure is worded the person defrauded would be compelled to go into the State or Federal court in the district of the residence of the defendant in order to secure redress. In many of these fraud cases the defendant can not be found. You can sometimes find something—money or property—that belongs to him. I know I have tried several cases brought for the cancellation of notes given for worthless so-called securities, when the defendant was nowhere to be found; I have brought suit and canceled notes and attached money and property in a bank, when the party complained about was in another State or in another district entirely. The way I have drafted my amendment the text will read: "Suit may be brought in any State or United States court of competent jurisdiction." That leaves it under the general law. Then if you can find any money that the man may have to his credit or any property that he may have in one district, even though he may have absconded and run off to escape the law, this would get him, and this would leave all the present machinery of the law available for use, and give to any State or Federal court of competent jurisdiction the right to handle the property.

It seems to me that would be furnishing complete protection, and would accomplish what the committee really intended to do. As the text now reads, if you want to go into the United States court you must go into the district in which the defendants or either of them "reside or are found." Now, suppose a man in a transaction that involves only $500 out in California should be defrauded by mail by somebody in New York. He could not afford to go to New York to sue for $500.

Mr. DENISON. Will the gentleman read his amendment again? I did not hear it.

Mr. JONES of Texas. The amendment will read as follows:

Suit to recover such amount may be brought in any State or United States court of competent jurisdiction.

Then follows the proviso:

Mr. DENISON. The gentleman means State court or United States court.

Mr. JONES of Texas. I started to put it that way. I think this means any State or United States court.

Mr. DENISON. Put the word "court" after "State."

Mr. JONES of Texas. I ask unanimous consent to insert the word "court" after "State," so that it will read "any State court or United States court."

The CHAIRMAN. The gentleman from Texas modifies his amendment. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: On page 11, line 23, after the word "court," strike out the remaining part of line 23 and all of lines 24 and 25, and on page 12, line 1 and line 2 down to but not including the proviso, and insert in lieu thereof "or United States court of competent jurisdiction."

Mr. DENISON. I think that amendment is all right. I have no objection to it.

Mr. RAMSEYER. Mr. Chairman, I wish to be recognized in opposition to the amendment. I doubt whether it is wise to give the plaintiff the right to sue in any State in the United States other than defendant's State or in a State where he can be served by original notice.

Mr. JONES of Texas. Any court of competent jurisdiction.

Mr. RAMSEYER. Defendants have their rights as well as plaintiffs.

Mr. DENISON. This gives them all their rights.

Mr. RAMSEYER. But here is your California citizen, who claims to be defrauded in New York. He files his suit in California, and makes the New York defendant go all the way to California.

Mr. JONES of Texas. You can not do that under the present law. You would not have jurisdiction of the defendant. You have got to obtain jurisdiction of the defendant.

Mr. RAMSEYER. The way your amendment is written, would not that change the existing law?

Mr. JONES of Texas. No.

Mr. RAMSEYER. You can sue the defendant in the plaintiff's State if you get jurisdiction of him—that is, if you can serve process or original notice on him in plaintiff's State, and if the amount involved is below $3,000 you can sue to final judgment, but if the suit is for over $3,000 the defendant has a right to have it transferred to the Federal court. Now, after striking out that clause concerning the amount in controversy by the amendment, which the gentleman from Minnesota [Mr. VOLSTEAD] offered—that is, with respect to the amount in controversy—is not this section as the committee brought it in the law as it is to-day? And if so, why repeat it here?

Mr. NEWTON of Minnesota. If the gentleman will yield there, the gentleman from Texas brought up this situation, where you might not be able to locate the defendant or to find him for service, but you might be able to locate property in the State where the plaintiff resided, thereby getting jurisdiction of the suit, instead of the plaintiff being compelled to bring suit in the place where the defendant resided.

Mr. RAMSEYER. You can bring an action in rem in the State where defendant's property is located. You can attach property.

Mr. JONES of Texas. Not according to the committee provision.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. JONES].

The amendment was agreed to.

Mr. McPHERSON. Mr. Chairman, I offer an amendment to strike out all of section 7.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McPHERSON: Page 11, beginning with line 8, strike out all of section 7.

Mr. McPHERSON. Mr. Chairman and gentlemen of the committee, it appears to me that this whole provision of section 7 is so foreign to any power we have that it makes us ridiculous to pass it. We are all familiar with the fact that each State creates local causes of action for local wrongs. Each State in the Union has either adopted the common law or has created a cause of action for fraud or deceit, and provided the damages to be awarded. They have regulated the liability of those who cooperate with the wrongdoers in the perpetration of the fraud. This act undertakes in this situation, growing out of these transactions, to punish the sending of mail matter or telegraph messages to induce a person to make the bargain. Section 7 in no way relates to the wrong we are dealing with, but undertakes to award damages and create a cause of action for the fraud that might be in part or in whole induced by the sending of these messages. In fact, as I understand it, if we pass this act it will be a crime to use the mails, even though the sender did not succeed in making the sale, if he used the mails at all for that purpose, if he sent a letter, and, of course, we have jurisdiction over interstate messages. But we have not any jurisdiction to say that if somebody goes down into Illinois and sells a citizen there some stock by misrepresenting its value, either by mail or orally or otherwise, we have no right to say that not only that person shall be liable in damages, but that he shall be criminally liable. Yet we undertake to say that every person who makes a sale, every solicitor, agent, or broker for the seller who knowingly performs any act which contributes to bring about the sale, shall be liable. We do not even require that these brokers or other persons shall have any knowledge of the fact that the stock is fraudulent, and, as the gentleman from Minnesota has illustrated, it might not be fraudulent, it might not be valueless. As has been stated, the wrong might consist in having failed to comply with the State law, while the stock itself might have value; but the crime would be complete because the State regulations had not been complied with.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. McPHERSON. In a moment. We say that every person who acted as agent or broker for the seller, or who knowingly performed any act which contributed to bring about the sale—that is, introduced the purchaser to the seller, even if he knew that 20 years ago he was a good citizen—and every person

who knowingly participated in the benefits or proceeds of the sale or contract, shall be jointly and severally liable to such purchaser. I say that that would change the rule of law in every State of the Union in actions of fraud. Do you contend that in Congress we can repeal the police regulations or local laws creating legal causes of action?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. McPHERSON. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. McPHERSON. I will.

Mr. GRAHAM of Illinois. Does the gentleman base his objection to the section on the ground that he does not think it within the power of Congress, that it is unconstitutional, or does he base it on the ground that he does not think it wise?

Mr. McPHERSON. I base it on both grounds. I say there is no question in my mind that we have no right to create a cause of action for legal fraud in Illinois or Missouri.

Mr. GRAHAM of Illinois. If I can get some time I will answer that.

Mr. McPHERSON. I have read the gentleman's argument. He refers to the game laws, where the United States punishes persons for transporting game that was unlawfully taken. That thing which we lawfully had the authority over is the transporting of the game. But no case, in my judgment, can be cited where Congress lawfully undertakes to usurp the police powers of a community successfully, or where Congress was held authorized to destroy the local laws of a State regulating and governing local transactions.

Mr. DENISON. Is the gentleman familiar with the Clayton Antitrust Act?

Mr. McPHERSON. I am.

Mr. DENISON. This provision is identical with that, only in the Clayton antitrust law they collect treble damages.

Mr. McPHERSON. Not at all; the act punished in the Clayton Antitrust Act is the conspiracy, combination, or restraint of trade and commerce, and that act was clearly within the jurisdiction of Congress. The loss resulting from the violation of the act, but the violation of the act in this case is the sending of a letter. You undertake to regulate the proceedings and recover damages from the sale of stock. It is not the sale of the stock which the gentleman says he is trying to punish. It is the sending of the means or inducement to make the sale; it is the use of the mails of the country to deceive people into buying the stock that this bill is designed to punish, and to that extent we have authority over it, because we have a right to punish a man for sending through the mails something intending to deceive or defraud somebody.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. DENISON. I ask that the gentleman from Missouri may have two minutes more, as I desire to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. Among other things, the Clayton Antitrust Act says:

That it shall be unlawful for any person engaged in commerce in the course of such commerce to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, whether patented or unpatented, for use, consumption, or resale within the United States or any Territory thereof.

That is one of the prohibitions between persons of different States. Now, section 4 of the Clayton Act provides:

That any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

The gentleman from Minnesota said that such a thing never was heard of, but here is the exact provision in the Clayton Antitrust Act. In fact, the provision in this act was taken from the Clayton Antitrust Act.

Mr. McPHERSON. But there is a difference in the two situations. One is a provision for recovering treble damages for doing an act that Congress had a right to forbid and punish, but Congress has no right to forbid or create a cause of action by some one in Illinois deceiving some man in another State as to his loss or injury.

Mr. WALSH. Will the gentleman yield?

Mr. McPHERSON. Yes.

Mr. WALSH. Does the gentleman contend that Congress has no right to forbid the sale of worthless stock in the State of Minnesota?

Mr. McPHERSON. I say no.

Mr. WALSH. Of course, it has not. That is the theory on which this is based.

Mr. VOLSTEAD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 8, after the word "sale," where it occurs the second time, insert "induced by misrepresentation or fraud."

Mr. VOLSTEAD. Mr. Chairman, it seems to me that we ought not to write a statute that arbitrarily directs the recovery of money without reference to whether there was any intentional wrong or not. The purchaser of securities may under this statute recover regardless of anything of the kind. That is not just. I have already pointed out that under any number of State statutes a person would become liable under this section where there is no intention of fraud. I think I understand this bill, though I know that some gentlemen here say I do not. I have had occasion to study this subject as much, perhaps, as the Committee on Interstate and Foreign Commerce. We had hearings on this subject before the Judiciary Committee and had the various State statutes before us. I know that in many instances a person may fail to comply strictly with the law, though he tries to comply, in trying to file the statements required by the State statutes. If he fails to comply in describing his security, he becomes technically guilty under the State laws. In many of those State laws only slight penalties are applied. In this bill the slightest violation is subject to very drastic penalties. It seems to me that when you give the one who does the purchasing of this stock the right to recover in case the stock has been misrepresented to him, or in case there has been fraud, it is as far as we ought to go. What Congress ought to give is relief in case of injustice, and not put a premium to be paid the purchaser on some technical violations of the statutes.

Mr. GRAHAM of Illinois. Mr. Chairman, if the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD] be adopted, it seems to me that it takes away from this act one of its best features. The act is not intended as a Federal blue sky law, as has been many times stated. It is intended to help the States enforce their laws and to help the people of the States when they are trying to protect themselves against a certain class of securities to extend the aid of the Federal Government, so that by means of interstate commerce something shall not be done in that State which could not be done if it were not for the general laws regulating interstate commerce.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. WALSH. The gentleman is familiar with the various State statutes?

Mr. GRAHAM of Illinois. Somewhat.

Mr. WALSH. Against these offenses? Do they not permit a recovery from the person who sells these worthless securities?

Mr. GRAHAM of Illinois. Yes; most of them do. I have one in my hand now which I intended to cite as an illustration.

Mr. WALSH. If that be so, what jurisdiction has Congress to enact legislation permitting a recovery under these contracts in the United States courts?

Mr. GRAHAM of Illinois. If the gentleman from Massachusetts will not interrupt for a moment I think I can make that plain. Let me call attention to the act of the State of Illinois which I have in my hand, which contains a provision that every sale and contract of sale made in violation of any of the provisions of the act shall be void at the election of the purchaser. It then goes on and gives a right of action just as this bill does. That act was held to be valid and constitutional in a case in the 300 Illinois, in which the whole ground was covered as to whether that was a valid exercise of the police powers of the State. A similar statute in Ohio, a similar statute in Michigan, a similar statute in South Dakota, were all held to be valid exercises of the police power of the State by the Supreme Court of the United States in the 242 United States report. These authorities I have cited in my remarks in yesterday's RECORD. If that is true, then the Supreme Courts, not only of the States but of the United States, have recognized the fact that the States can constitutionally enact that sort of legislation. The same cases and other cases have laid down the general rule, and I have no doubt that it is the law, that what States can do the United States can do in the exercise and enforcement of its laws. Let me read a brief statement from Cooley:

It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and to descend to the most minute directions, if it shall be deemed advisable. * * * Congress may establish police regulations, as well as the States. (Cooley's Cons. Lim., p. 856, 7th ed.)

That is the law so far as the constitutional features of this section are concerned, and there is no doubt that Congress can

enact this kind of legislation and that it is valid and constitutional. The only question is whether it is wise to do so.

Mr. WALSH. Is this a law forbidding the sale of worthless securities in Missouri or any one of the 48 States?

Mr. GRAHAM of Illinois. It is not.

Mr. WALSH. Then, if it is not a law, how can you write a section into the bill punishing the sale in those States or setting aside a contract for the sale?

Mr. GRAHAM of Illinois. Such a provision can be written into the law in exactly the same way that you can write a criminal penalty for its violation. It is an additional provision in the way of police regulation which the Congress is seeking to make for the purpose of enforcing that law. That sort of provision has been made in many Federal laws. Some provide for the confiscation of property and vessels, some for treble damages, as in the Clayton Antitrust Act, and some provide other remedies. In other words, it is a police regulation which we have a right to make if we want to. It is only a question of whether we ought to do it or not.

In my view of the case I think it is a wise provision and will help stamp out this thing. If you simply make it a criminal act you have got to catch the man and punish him, and if you put in the provision by which the man who is defrauded can sue and get his money back it will help enforce this act.

Mr. BURTNESS. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. BURTNESS. Of course, this section does not apply to the sale made locally within the State?

Mr. GRAHAM of Illinois. No; not at all. It is simply an interstate transaction when the security goes into another State.

Mr. BURTNESS. One other question. Of course, as I understand it, the fundamental part of this legislation is that you are giving a person within a State who has bought a fraudulent security in violation of this law the same right as he would have substantially if that sale had been completed within his own State; that is the right he would have under the existing law.

Mr. GRAHAM of Illinois. Substantially so.

Mr. BURTNESS. Coming down to this particular section, it is true, is it not, that this section may give some different and additional rights perhaps in some cases——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Illinois. I would ask for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTNESS. My point is this; that if you had followed the theory of this bill to its logical conclusion it seems to me section 7 should have gone to the extent of giving the resident of the State the same right he would have had if the sale had been completed within his State.

Mr. GRAHAM of Illinois. Perhaps so. But the fact that the relief given by this provision and that given by the State laws differ does not create a legal objection to the bill.

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Missouri to strike out the section.

The question was taken, and the Chair announced the "noes" appeared to have it.

On a division (demanded by Mr. WALSH) there were—ayes 18, noes 30.

So the amendment was rejected.

The Clerk read as follows:

SEC. 8. That any person or persons violating any of the provisions of sections 2 or 3 of this act may be tried and punished either (1) in the district in which such unlawful matter was deposited or caused to be deposited in the mails of the United States, or was delivered or caused to be delivered to the railroad company, express company, telegraph company, telephone company, or other agency of interstate commerce; or (2) in the district in or to which it was caused to be carried, sent, transmitted, or transported for delivery, according to the direction thereon; or (3) in the district in which it was caused by such person or persons to be delivered to the person or persons to whom it was addressed, sent, or consigned.

Mr. VAILE. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, it seems to me that the argument in favor of this bill is a little inconsistent and is illustrated by the argument just had on the preceding section and which doubtless will be held on this section if there is going to be further argument upon it. This bill is justified on the theory that it is desirable and very meritorious in that we ought to prevent the sales of fraudulent securities. We all agree that that is "a consummation devoutly to be wished." And yet when these very severe penalties are considered, gentlemen rise here and say, "Oh, no; the bill goes beyond that. We are going to do more than punish frauds. We are going to punish acts which are unlawful merely because they are prohibited by the laws of this or that State." The gentleman from Minnesota has called our attention to the fact that under many of these laws the thing is unlawful merely because certain statements have not been filed, an offense certainly not involving any moral wrong at all. My State of Colorado is referred to in the committee's report as one of the few States which has no "blue-sky" law. It is not because the matter has not been very carefully considered in my State by several legislatures. It has been very thoroughly gone over.

It is not because in my State there is any greater disposition than in any other to allow fraudulent transactions, but because there, on account of the nature of a particular business which is extensively carried on in that State, we realize there ought to be a distinction between a business which is fraudulent and one which is merely speculative. Now, every mine was at one time a prospect, though many of them have added millions of dollars to our national wealth. Every mine is yet throughout its entire history largely speculative, even when considerable blocks of ore are in sight. But when the mine was started no man could tell what there was in the ground. The mere discovery of the lode was all they had. And no man can tell when an abundant lode may pinch out entirely. A man locates an oil well in good faith on the evidence of the geologic structure and the history of the vicinity. He locates a mine in the same way. The development of either requires much capital and no man can tell with certainty whether it will be productive. And yet the Government itself encourages that kind of investment.

We recognize claims to mining locations on public lands. We grant title to such claims as the just reward of arduous toil and splendid confidence. We encourage exploration for minerals in order to develop a most important industry. Mining is one of the cleanest businesses in the world. It creates new wealth. It takes away from no man anything which he had. It is a perfectly legitimate and honorable business, even though by its nature it is highly speculative. You are putting into these bills a series of drastic penalties for engaging in acts that involve no moral turpitude, acts that are not in any degree fraudulent, merely because they happen to be forbidden by the laws of some States. Now, it would be impossible for the average mining company, organized in the utmost good faith, to comply with the laws of many States, because those States, having developed different kinds of business on a different theory, require a certain showing of visible assets. Nobody could make a very certain showing of the visible assets of a mine. Yet very few mining enterprises are fraudulent. Many of them may be ill-advised, but the number of actually fraudulent cases is exceedingly small. These corporations are run largely, very often, by poor men. Here is a group of men who form a little corporation, and they have a few friends in the East who are interested with them. Along comes a time when they need $5,000 or $10,000 for further development. They write to their friends in the East and say, "Will you chip in with us? Send us your share," which is $500, perhaps; and they issue stock in return for such advances. If they want to accomplish that after this bill is passed they would either have to comply with the laws of 39 States, filing certain papers and making a showing of visible, definitely ascertained assets, which they could not show, although they are in a business that is honest and legitimate and necessary, or else they would have to comply with the other impossible requirement of being listed on the Boston, New York, or Chicago Stock Exchanges. I think the argument in favor of the bill and in favor of this section is wrong. I appreciate the public spirit and the beneficent purpose of its advocates, but I fear that while they will help to suppress a few frauds they will practically stop the necessary development of thousands of legitimate enterprises which are carried on in the utmost good faith and are none the less meritorious because they are, admittedly, a venture.

It was ventures, it was venturesome courage, which developed our country. Let us find some other way to prevent fraud than by choking this spirit, which is one of our finest national assets.

Mr. LONDON. Mr. Chairman, I move to strike out entire section 8.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 12, beginning on line 5, strike out section 8.

Mr. LONDON. May I ask the chairman of the committee whether there is any precedent in any law for the provisions contained in this section?

Mr. DENISON. This section is taken from the postal laws providing for the punishment of cases of fraud. It is taken literally from present postal laws.

Mr. LONDON. Relating to fraud?

Mr. DENISON. Yes. It was taken after consultation with the Post Office Department.

Mr. LONDON. I distinctly recall that in a case of libel involving one of our New York newspapers the courts held that the defendant could be tried only in the place where the paper was published, not where it was being distributed.

Mr. DENISON. The provisions of the present postal laws have been tested, tried, and found satisfactory, and thus that provision was followed in this act.

Mr. LONDON. I think it is an extremely oppressive provision. Under this section a defendant who may have violated a law not involving any moral turpitude, involving a mere violation of a regulation of a State, may find himself transported from the Pacific coast to the Atlantic coast, or from New York to Texas, to be tried for an offense which is not in itself immoral but which is a statutory offense.

Mr. WALSH. Will the gentleman yield?

Mr. LONDON. I do.

Mr. WALSH. Of course, the gentleman has in mind that the almighty dollar must be protected.

Mr. LONDON. I have not that exactly in mind. My almighty is mightier than the almighty dollar. I think this is an extremely oppressive measure and we should cut it out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Certified copies of the record of, or certificates with respect to, the listing of securities or of striking them from a stock exchange list given under seal by the secretary of such stock exchange under oath, and certified copies or certificates of the approval, nonapproval, termination, or cancellation of the right to sell securities, given under official seal by the securities commission or other proper administrative officer of any State, Terrtiory, District, shall, when properly authenticated, be prima facie evidence, in any court, of the truth of the contents thereof.

Mr. DENISON. Mr. Chairman, the word "Territory" is misspelled. I ask unanimous consent that it be corrected.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: On page 13, line 8, strike out the misspelled word "Terrtiory" and insert the correctly spelled word "Territory."

Mr. DENISON. And also insert the word "or" after "Territory."

The Clerk read as follows:

And also insert, after the word "Territory," the word "or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That within 60 days after this act becomes effective, the Attorney General of the United States shall procure from the various States copies of their laws and regulations relating to the offering for sale and the sale of securities, and thereafter he shall procure copies of any amendments to or changes in the laws and regulations as they occur. Such information, so procured, shall be kept on file in the Department of Justice and shall be compiled, published, and communicated to the various United States attorneys by said department in such form and at such times as the Attorney General may direct. Such compilations shall be furnished any person, upon written application, under such reasonable terms, rules, and regulations as the Attorney General may provide.

Mr. WALSH. Why should not this be the Postmaster General who has this information? This is for violating the postal laws, and the solicitor of the Post Office Department passes on all these questions before they get to the Department of Justice.

Mr. DENISON. Perhaps the gentleman from Massachusetts does not fully realize that the Post Office Department is given no authority whatever in the administration of this act. As the act was originally drafted it contained a mail exclusion provision, and upon consideration by the Committee on Interstate and Foreign Commerce that was excluded. The enforcement of this act was placed entirely in the Department of Justice, and the Postmaster General is given no power whatever in connection with it. The committee did not approve of giving any more power to the Postmaster General in connection with this act.

Mr. WALSH. But the gentleman knows that every infraction of the postal laws is first passed upon by the Post Office Department through the solicitor before it goes over to the Attorney General.

Mr. DENISON. But technically speaking this is no infraction of the postal laws.

Mr. WALSH. That is what you were telling us all along, that you were passing this act so as to make it a violation of the postal laws, and denying to these people the use of the mail. Now you have got past that section, section 7, and another characteristic—and I presume the true characteristic—of the bill makes its appearance. I was wondering, if this is a postal violation law, why should not the Post Office Department pass upon it, as they do upon other violations of the postal laws, before passing it on to the Attorney General?

Mr. DENISON. This bill is for the purpose of preventing the sending through the mails certain things, or sending by express certain things, or by freight, or by telegraph or telephone messages which are intended for certain purposes. The enforcement of the act is placed in the Department of Justice, and I think properly so. This bill does not create a bureau or job or position of any kind, but places its enforcement in the hands of the Attorney General, and I think inasmuch as the enforcement of it is in the Department of Justice and the various district attorneys, the Department of Justice ought to secure this information and furnish it to the district attorneys. If this bill becomes a law, its real value, after all, will depend largely upon the good faith and the ability and the conscientious devotion to duty of the Attorney General and the different United States district attorneys. But, of course, they should be promptly supplied with a compilation of the State laws.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. DENISON. Mr. Chairman, I failed, when we were considering one of the sections, to move to make a slight amendment, which I ask unanimous consent to do now. I ask unanimous consent to return to page 7, subdivision h, for the purpose of offering an amendment which I had agreed with several Members I would offer.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 7 for the purpose of offering an amendment. Is there objection?

Mr. WALSH. Reserving the right to object, what is the amendment?

Mr. DENISON. To change the word "sixty," in line 5, to the word "seventy."

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Illinois will offer his amendment.

Mr. DENISON. It is in line 5, page 7, to change the word "sixty" to the word "seventy."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 7, line 5, strike out the figures "60" and insert in lieu thereof the figures "70."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENISON. Mr. Chairman, I move that the committee do now rise and report the bill with the various amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Illinois moves that the committee rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10598) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof, had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENISON. Mr. Speaker, I move the previous question on the bill and all amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DENISON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

MINORITY VIEWS ON ARMY AND NAVY PERSONNEL BILL.

Mr. KRAUS. Mr. Speaker, I ask unanimous consent that the minority of the committee appointed to consider H. R. 10972 have the time for filing their views extended to include Monday next.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the minority of the committee on the Army and Navy personnel bill have their time extended until Monday next to file their views. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House, under the order previously adopted, adjourned until Monday, May 1, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEBSTER: Committee on Interstate and Foreign Commerce. H. R. 10531. A bill to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes; without amendment (Rept. No. 934). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 11379. A bill authorizing and directing the Postmaster General to permit the use of special canceling stamps in the post offices of the first class in the State of Arkansas, bearing the words and figures "Visit Arkansas State Fair and Exposition, October 4–14, 1922"; with amendments (Rept. No. 938). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 7583. A bill for the relief of Henry Peters; without amendment (Rept. No. 937). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11447) granting an increase of pension to James M. Laird, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 11471) to incorporate the National Society of the Daughters of the Union; to the Committee on the Judiciary.

By Mr. SUMMERS of Washington: A bill (H. R. 11472) authorizing the conferring of brevet rank without additional pay or allowances on certain Regular Army officers who served honorably in the World War; to the Committee on Military Affairs.

By Mr. SHAW: A bill (H. R. 11473) to provide for the control of the floods of the Illinois River and its tributaries, and for other purposes; to the Committee on Flood Control.

By Mr. SNYDER: A bill (H. R. 11474) providing for notice to the Secretary of the Interior in cases involving the condemnation for public purposes of land included in any Indian allotment; to the Committee on Indian Affairs.

Also, a bill (H. R. 11475) to authorize the setting aside of certain tribal lands within the Quinault Indian Reservation, in Washington, for lighthouse purposes; to the Committee on Indian Affairs.

By Mr. TINCHER: A bill (H. R. 11476) to amend the copyright law to permit the United States to enter the International Copyright Union; to the Committee on Patents.

By Mr. LANGLEY: A bill (H. R. 11477) granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of the Big Sandy River in Pike County, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. JEFFERIS of Nebraska: A bill (H. R. 11478) to promote the sale of pure seeds; to the Committee on Agriculture.

By Mr. WINSLOW: Joint resolution (H. J. Res. 313) providing for the disposal of articles produced by patients in the United States Veterans' Bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 314) proposing an amendment to the Constitution of the United States; to the Committee on Ways and Means.

By Mr. RHODES: Joint resolution (H. J. Res. 315) appropriating $1,000,000 for the relief of flood sufferers in the States of Missouri, Illinois, Arkansas, Louisiana, and Mississippi, and for other purposes; to the Committee on Appropriations.

By Mr. CURRY: Joint resolution (H. J. Res. 316) authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission; to the Committee on the Territories.

By Mr. THOMPSON: Joint resolution (H. J. Res. 317) authorizing the erection of a monument to General Wayne and Legion at Defiance, Ohio, and markers for fort site, and retaining walls to prevent erosion at confluence of Maumee and Auglaize Rivers; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 11479) granting a pension to Mary N. Dunlap; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 11480) granting an increase of pension to Lucia M. Bartlett; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11481) granting an increase of pension to Albert C. Roach; to the Committee on Pensions.

By Mr. GALLIVAN: A bill (H. R. 11482) granting an increase of pension to Harriet E. Waterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to James S. Davis; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 11484) granting a pension to Elizabeth Sterling; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11485) granting an increase of pension to Eliza Campbell; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 11486) granting an increase of pension to Annie McNamara; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 11487) for the relief of the heirs of Simon M. Preston; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11488) granting a pension to Sarah J. Shelby; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5320. By the SPEAKER (by request): Resolutions adopted by the Minnesota State Board of Health, urging the enactment of legislation regulating the importation of narcotic drugs and the sale and distribution thereof; to the Committee on Ways and Means.

5321. By Mr. BIXLER: Resolution by the Presbytery of Erie, Mercer, Pa., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5322. Also, resolution adopted by the Presbytery of United Presbyterian Church, of Jamestown, Pa., protesting against polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5323. By Mr. BROOKS of Pennsylvania: Resolution of Gettysburg, Pa., Camp No. 112, Sons of Veterans, favoring a fitting celebration of the sixtieth anniversary of the Battle of Gettysburg; to the Committee on Military Affairs.

5324. By Mr. FROTHINGHAM: Petition of citizens of the fourteenth Massachusetts congressional district, urging prompt passage of the merchant marine act of 1922; to the Committee on the Merchant Marine and Fisheries.

5325. By Mr. HADLEY: Resolution adopted by the Presbytery of Ballingham, Anacortes, Wash., indorsing House bill 9753 and urging its immediate passage; to the Committee on the District of Columbia.

5326. Also, resolution adopted by the Presbytery of Ballingham, Anacortes, Wash., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5327. Also, resolution adopted by the Presbytery of Bellingham, Anacortes, Wash., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5328. Also, resolutions adopted by the Presbytery of United Presbyterian Church, of Albany, Oreg., urging the passage of House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5329. Also, resolution adopted by the Oregon Presbytery of United Presbyterian Church, of Albany, Oreg., urging the passage of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5330. By Mr. HICKEY: Petition of sundry citizens of South Bend, Ind., opposing the enactment of House bill 9753, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5331. By Mr. KAHN: Resolution passed by Post No. 244, Navy Post of the American Legion, San Francisco, Calif., urging that certain rocks in San Francisco Bay be destroyed; to the Committee on Rivers and Harbors.

5332. By Mr. KISSEL: Petition of the A. M. Davis Co., Boston, Mass., urging an increase in second-class postage; to the Committee on the Post Office and Post Roads.

5333. Also, petition of the Hygeia Antiseptic Tooth-Pick Co., New York, N. Y., relative to the Fordney tariff; to the Committee on Ways and Means.

5334. By Mr. LAMPERT: Resolution by the Common Council of the city of West Allis, Wis., requesting modification of the Volstead Act to provide for the legalizing of the sale and manufacture of light wines and beers and that said sale and manufacture be under Government supervision; to the Committee on the Judiciary.

5335. By Mr. NOLAN: Petition of Mr. John C. Schneider, 363 Scott Street, San Francisco, Calif., and 25 other citizens of San Francisco, protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

5336. By Mr. RIDDICK: Petition of citizens of Wilsall, Tampico, Genevieve, Valley County, Hinsdale, Joliet, and Augusta, Mont., urging the passage of the Towner-Sterling bill; to the Committee on Education.

5337. Also, petition of citizens of Valier, Wibaux, and Richey, Mont., opposing the passage of House bill 9753 or any Sunday bill such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5338. Also, petition of farmers of Biem, McCable, Kolin, Comerton, Eight Point, Scobey, Cut Bank, Chester, Geraldine, and other places in Montana, urging the revival of the United States Grain Corporation; to the Committee on Agriculture.

5339. Also, petition of citizens of Judith Gap, Oka, Harlowton, Hysham, and Bercail, Mont., expressing disapproval of House bill 9753, or any other Sunday bill, such as House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5340. Also, petition of farmers of Wendham, Mont., urging revival of the United States Grain Corporation; to the Committee on Agriculture.

5341. By Mr. RIORDAN: Resolution urging the Government of the United States to formally recognize and approve the age-long prayer of the Jewish people for a national home in Palestine; to the Committee on Foreign Affairs.

5342. By Mr. SMITH of Michigan: Petition of 30 citizens of Eaton Rapids, Mich., and 3 other citizens of Michigan, protesting against the passage of House bill 4388, providing for the regulation of Sunday observance by civil force under penalty for the District of Columbia; to the Committee on the District of Columbia.

5343. By Mr. SNYDER: Petition of William J. Gardinier, Mrs. Gogol, Mrs. Draper, Charles Kerasek, and Mrs. Rose Reynolds, of Herkimer, N. Y.; Charles W. Kreitner, Brooklyn, N. Y.; and Edward Bremiller, 510 Main Street, Utica, N. Y., favoring the passage of the Chandler pension bill (H. R. 9193), increasing pensions of volunteers serving in War with Spain or China or Philippine expeditions; to the Committee on Pensions.

5344. By Mr. SWING: Petition of various citizens of Fullerton, Calif., protesting against any compulsory Sunday observance law; to the Committee on the District of Columbia.

5345. By Mr. TEMPLE: Petition of the Presbytery of Beaver, New Brighton, Pa., in support of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; also Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5346. Also, petition of the Presbytery of Beaver, New Brighton, Pa., in support of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5347. Also, petition of Washington Presbytery, Washington, Pa., and Shenango Presbytery, Bessemer, Pa., in support of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5348. Also, petition of Washington Presbytery, Washington, Pa., and Shenango Presbytery, Bessemer, Pa., in support of Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; and also, House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5349. Also, petition of the Pittsburgh Association of Overseas Women in support of House bill 7299; to the Committee on the Judiciary.

5350. Also, petition of Painters' Local Union No. 208, Washington, Pa., requesting radical reduction in duty on linseed oil and flaxseed; to the Committee on Ways and Means.

SENATE.

SATURDAY, *April 29, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

NAVAL PETROLEUM RESERVE IN WYOMING (S. DOC. NO. 196).

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, in further response to Senate Resolution 277, relating to naval petroleum reserve No. 3, Wyoming No. 1, commonly known as the "Teapot Dome," copy of a contract between the Secretary of the Interior, the Secretary of the Navy, and the Mammoth Oil Co., executed April 7, 1922, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10598) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof, in which it requested the concurrence of the Senate.

FISCAL AFFAIRS OF THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. I ask permission to submit a concurrent resolution and have it read and referred to the Committee on the District of Columbia. The concurrent resolution (S. Con. Res. 23) was read and referred to the Committee on the District of Columbia as follows:

Whereas the people of the District of Columbia have paid into the Treasury of the United States during the last few years nearly $5,000,000 more than they have been required to pay toward the expenses of the District; and

Whereas the use of this money by or on behalf of the District is denied for the reason, among others, that advancements have been made without interest from time to time during the last 50 years by the National Government for the benefit of the District, and that revenues which in equity belong to the United States have gone to the credit of the District; and

Whereas for these reasons and others it is claimed that the District of Columbia, instead of being entitled to a credit of nearly $5,000,000, is in equity indebted to the United States: Now, therefore, for the purpose of ascertaining and determining the amount, if any, to which the District is entitled from the United States, or the amount, if any, which it may owe to the United States, be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is hereby created and authorized and directed to ascertain and determine what, if any, indebtedness

there may be owing to the United States from the District of Columbia, or what, if any, indebtedness there may be owing to the District of Columbia from the United States, growing out of transactions or relations existing between them since the passage of the organic act of 1878. The committee in reaching a conclusion shall consider not only legal but equitable claims and obligations, and shall report its conclusions and recommendations to each House of Congress, on or before the first Monday in January, 1923. The committee is authorized to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and expert assistance as may be necessary, and to pay for the same upon vouchers signed by the chairman, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives. The committee is authorized and directed to avail itself of the services of the Bureau of Efficiency and such expert and legal help of the Treasury Department and of the District of Columbia as it may deem practicable so to do.

RELIEF OF CERTAIN PUBLIC LAND PATENTEES IN MINNESOTA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 10007) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876. It is a local bill relating to some lands in Minnesota and is approved by the department. It will provoke no discussion. It relates purely to a local matter in Minnesota.

Mr. KING. I ask the Senator whether it relates to any Indian lands of the Chippewas or any lands which any of the Chippewa Indians claim?

Mr. NELSON. No; it does not relate to Indian lands. It relates to a resurvey of the lakes which have been drained.

Mr. KING. It is not involved in any claims made by the Indians or any lands taken from the Chippewa Indians?

Mr. NELSON. No; not at all.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell for cash at $1.25 per acre any unsurveyed land which may on resurvey be found to exist in sections 28 and 33, in township 149, range 40 west, fifth principal meridian, in the State of Minnesota, to those persons who in good faith, by themselves and their predecessors in interest, have heretofore acquired, occupied, and improved such lands under the public land laws in accordance with a Government survey made in 1876; and the Secretary of the Interior may in like manner on principles of equity adjust, settle, and confirm by patent the title to any lands in said area heretofore claimed, occupied, and improved under descriptions which on resurvey are found to be erroneous: *Provided,* That nothing herein contained shall have the effect of defeating the rights of any other person or persons, which may have attached to such lands or any part thereof.

SEC. 2. The Secretary of the Interior is authorized to make any rules and regulations necessary to carry out and effect the purpose of this act, and any person or persons claiming any benefits hereof shall make the required payments and perform such other acts as may be necessary or required within the time fixed in the regulations; otherwise any right or advantage claimed under this act shall be forfeited.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Hale	McCumber	Rawson
Brandegee	Harreld	McKellar	Sheppard
Bursum	Harris	McKinley	Simmons
Capper	Harrison	McLean	Smoot
Colt	Heflin	McNary	Spencer
Culberson	Hitchcock	Nelson	Sterling
Curtis	Jones, N. Mex.	Newberry	Sutherland
Dillingham	Jones, Wash.	Nicholson	Swanson
Edge	Kellogg	Norris	Townsend
Ernst	Kendrick	Oddie	Wadsworth
Fernald	Keyes	Overman	Walsh, Mont.
Fletcher	King	Page	Warren
France	Ladd	Phipps	Watson, Ind.
Gerry	La Follette	Pittman	Weller
Glass	Lenroot	Poindexter	Williams
Gooding	Lodge	Ransdell	

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement stand for the day.

Mr. CURTIS. I wish to announce that the junior Senator from Ohio [Mr. WILLIS] is necessarily absent.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented resolutions of the Lapeer County (Mich.) Farm Bureau, protesting against the proposed reduction of the appropriation for maintenance of agricultural extension work in the United States, which were ordered to lie on the table.

Mr. NELSON presented resolutions of the Minnesota State Board of Health, favoring the enactment of legislation to control the traffic in narcotic drugs, which were referred to the Committee on the Judiciary.

Mr. ODDIE presented resolutions adopted by Division No. 158, International Brotherhood of Locomotive Engineers, of Sparks, Nev., favoring the enactment of legislation authorizing the Interstate Commerce Commission to approve or disapprove contracts involving the construction or repair of equipment of railroads engaged in interstate commerce, which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented the following resolutions of the Legislature of Massachusetts, which were referred to the Committee on Finance:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year 1922.

An order urging upon Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War.

Ordered, That whereas, as a result of the World War, a large number of citizens in the Commonwealth who saw active service are to-day suffering from various disabilities incurred in the course of such service; some are physically incapacitated; others are mentally incapacitated; many of the disabilities are of a temporary nature; and

Whereas many of these worthy veterans find themselves to-day without proper care, either because of inadequate means of relief or lack of available infirmary facilities; and

Whereas the crowded condition of the State institutions renders the Commonwealth incapable of supplying the needs of this group of deserving veterans, and their condition therefore presents to the State a serious problem: Therefore be it

Ordered, That the general court urges upon Congress the necessity and importance of acquiring or establishing within the Commonwealth a Government hospital to be devoted to the care, restoration, and relief of disabled veterans; and be it further

Ordered, That copies of this order be sent by the secretary of the Commonwealth to the Presiding Officers of both branches of Congress and to the Members thereof from this Commonwealth.

In senate adopted April 17, 1922.

In house of representatives adopted, in concurrence, April 18, 1922.

A true copy.

Attest:

F. W. COOK,
Secretary of the Commonwealth.

Mr. LODGE also presented resolutions and telegrams in the nature of petitions of the Ladies' Auxiliary of the Hebrew Free School, Mrs. A. Zelig, president, Haverhill, Mass.; committee, Hebrew Free School, Eli Rosengard, chairman, Haverhill, Mass.; Hebrew Teachers' Union, of New York City, K. Whiteman, secretary; Bronx Committee of the American Jewish Physicians, Dentists, and Pharmacists, Dr. Samuel Boorstein, chairman, New York City; board of directors of the Talmud Torah Associations of New Jersey, S. Nissenbaum, president, Jersey City, N. J., praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the national home for the Jewish people, which were referred to the Committee on Foreign Relations.

Mr. SPENCER presented a resolution adopted by the Kirksville Presbytery, at Green City, Mo., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Kirksville Presbytery, at Green City, Mo., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Kirksville Presbytery, at Green City, Mo., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution unanimously adopted by the Presbytery of St. Louis, at St. Louis, Mo., favoring the enactment of legislation to prohibit sectarian appropriations, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Carnation Club, of Kansas City, Mo., praying for the enactment of the Dyer antilynching bill, which was referred to the Committee on the Judiciary.

THE MUSCLE SHOALS PROJECT.

Mr. HARRIS. Mr. President, at a mass meeting of the people of Georgia, held in Atlanta, Ga., certain resolutions were adopted in regard to Muscle Shoals, which I ask may be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolved by the people of Georgia in State mass meeting assembled, on April 22, 1922, That we earnestly indorse the offer of Henry Ford and urge its acceptance by Congress without further delay. The country

has begun to realize that upon water power we must rely for the solutions of the problems of transportation, fuel, heat, and industry. The Ford offer carries into effect the objective sought by Congress in the passage of the national defense act of 1916. It puts the fixation of air nitrogen upon a steady and increasing basis, makes the United States independent in war, and provides the farmer with fertilizers at the lowest possible cost in time of peace. In our opinion there is no other offer comparable to that made by Henry Ford, and further delay would be both unwise and unnecessary.

Resolved further, That in our opinion the failure of Congress to commence work on Muscle Shoals this summer would mean another year's delay to the millions of unemployed and the farmers of the United States, who are demanding that Congress shall at once carry out its original purpose, formerly declared, so as to render the farmers, as well as the United States, independent of Chilean nitrate fields.

Resolved, That we oppose the offer of the Alabama Power Co., as well as the offers made by other corporations or persons, as not being comparable to the offer made by Henry Ford, and not in the interests of the public welfare. We have no disposition to interfere with the rights of Congress to give the offers submitted proper consideration, but in our opinion further delay would only be for the purpose of defeating the only offer which, in our judgment, is comprehensive and liberal for the people of the United States, the offer of Henry Ford.

Resolved, That we urge upon the Senators and Representatives in Congress that they shall act immediately upon this proposition, and that they shall accept for the American people, whom they represent, the offer of Henry Ford, so that this great work shall start in the development of Muscle Shoals without further delay.

REPORTS OF THE COMMITTEE ON CLAIMS.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 314) for the relief of Forrest R. Black, reported it without amendment and submitted a report (No. 677) thereon.

He also, from the same committee, to which was referred the bill (H. R. 858) for the relief of Alfred P. Reck, reported it with amendments and submitted a report (No. 678) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 3524) to authorize the setting aside of certain tribal lands within the Quinault Indian Reservation, in Washington, for lighthouse purposes; to the Committee on Indian Affairs.

By Mr. McNARY:

A bill (S. 3525) for the relief of Alvira E. Poindexter, widow of James N. Poindexter, for losses sustained during the Rogue River Indian outbreak in southern Oregon in 1855; to the Committee on Claims.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President approved and signed the following joint resolutions and acts:

On April 21, 1922:

S. J. Res. 190. Joint resolution to authorize the presentation of a tablet to the officers of the National Society of the Daughters of the American Revolution.

On April 25, 1922:

S. J. Res. 165. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a statue of Edmund Burke.

On April 26, 1922:

S. 1077. An act to authorize the payment of $5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915; and

S. 3170. An act regulating corporations doing a banking business in the District of Columbia.

On April 28, 1922:

S. 157. An act for the relief of the Rosen Reichardt Brokerage Co., of St. Louis, Mo.;

S. 1059. An act for the relief of J. B. Waterman;

S. 1610. An act to remit the duty on a carillon of bells to be imported for the Church of Our Lady of Good Voyage, Gloucester, Mass.;

S. 1733. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Milwaukee Press Club, of Milwaukee, Wis., the bell of the wrecked cruiser *Milwaukee;*

S. 1767. An act for the relief of the owner of the derrick *Capitol;*

S. 2147. An act to authorize patent to the Ed E. Richardson Co. (Inc.) of certain lands;

S. 2616. An act to empower the Commissioners of the District of Columbia to convey certain land;

S. 2765. An act for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md.;

S. 3268. An act to authorize the Chicago, Detroit & Canada Grand Trunk Junction Railroad Co., or its successors or assigns, to lease certain of its properties in the State of Michigan; and

S. 3317. An act to authorize the State of Minnesota to construct a bridge across the Mississippi River, between Cass Lake and Bemidji, in or about section 25, township 146 north, range 32 west, Beltrami County, Minn.

On April 29, 1922:

S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided.

HOUSE BILL REFERRED.

The bill (H. R. 10598) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof, was read twice by its title and referred to the Committee on Interstate Commerce.

ADDRESS BY THE VICE PRESIDENT.

Mr. SWANSON. Mr. President, on Thursday, April 27, the Vice President of the United States delivered a very eloquent and splendid address at the dedication of the monument to General Grant. It is broad in its spirit and generous in its expressions regarding the brave soldiers of that great war. It is a notable contribution to the literature of the country because of its broad, generous, manly spirit. I ask unanimous consent that it may be printed in the RECORD in the regular RECORD type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

At the dedication of the monument to Gen. Ulysses S. Grant, at Washington, Thursday, April 27, at 2.30 o'clock p. m., Vice President Calvin Coolidge spoke as follows:

"The world has always worshipped power. As in their humblest beginnings mankind stood in wonder before the forces of nature, so now in their highest development they stand in reverence before the figure of genius. It is in response to an increasing sentiment of gratitude and patriotism that national action has set apart this day to observe the centennial anniversary of the birth of a great American who was sent into the world endowed with a greatness easy to understand yet difficult to describe, the highest type of intellectual power—simplicity and directness—the highest type of character—fidelity and honesty. He will forever hold the admiration of a people in whom these qualities abide. By the authority of the law of the land, with the approving loyalty of all his fellow countrymen, in the shadow of the dome of the Capitol which his work proved and glorified, fittingly flanked on either side by a group of soldiers in action, looking out toward the monuments of Washington and Lincoln, this statue rises to the memory of Gen. Ulysses Simpson Grant. It is here because a great people responded to a great man.

"Such greatness did not spring into being in a generation. There lay behind it a wide sweep of ancestry representing the blood of those who had set the standard of civilization and borne its burdens for a thousand years. Into his boyhood there came little which was uncommon. He had the ordinary experiences of the son of an average home maintained by a moderately prosperous business.

"He went to West Point not so much with the purpose of becoming a soldier as from a desire to secure an education. He liked horses and rode well. He did not appear brilliant, but he had industry. He worked. He made progress. He had that common sense which overcomes obstacles. As a student he is worthy alike of the careful consideration of the young men of the present day and of those who are intrusted with their training.

"After his graduation he remained in the Army for 11 years, rising to the rank of captain. He served through the Mexican War, part of the time as quartermaster and commissary of his regiment. He demonstrated his personal courage by bearing dispatches on horseback over a course which was under heavy fire. In 1854 he voluntarily retired from the Army, and the Secretary of War, Jefferson Davis, refused to reconsider the acceptance of his resignation. Destiny sent him to private life where he could better feel the rising tide of freedom.

"The next few years he spent as a farmer and a business man. He still worked hard, but he did not prosper, scarcely

making a living. He had little taste for small things; it required an emergency to call forth his powers.

"The great crisis found him in Illinois employed in his father's leather business. 'Whatever may have been my political opinions before,' he declared, 'I have but one sentiment now. That is, we have a Government and laws and a flag and they must all be sustained.' He engaged in recruiting and offered his services to the War Department, but received no reply. He sought an interview with McClellan but was unable to see him. Soon, however, being appointed colonel of the Twenty-first Illinois Regiment by Governor Yates, he took command in a speech of five words: 'Men, go to your quarters.' Within four years he was to be recognized as the greatest soldier in the world.

"His regiment was soon disciplined and he was on the march. During the summer Lincoln commissioned him a brigadier general of volunteers. In the following February he captured Fort Henry and Fort Donelson. This was one of the first important victories and it was received with a wild enthusiasm. Grant was at once made a major general of volunteers. During the remainder of 1862 he fought the somewhat ineffective Battle of Pittsburg Landing. A little later he was placed in command of the Department of Tennessee and was soon making his advance on Vicksburg. This town was surrendered on the morning of the 4th of July, 1863. Within a week the Mississippi River was under Union control. The Nation celebrated the double victories of Gettysburg and Vicksburg. Grant was made major general in the Regular Army.

"The campaign for the year closed with the Battle of Lookout Mountain and the heroic storming of Missionary Ridge, relieving Chattanooga. Here Grant demonstrated his great military genius both of plan and execution.

"The following March he was called to the White House and made lieutenant general of the Armies of the United States. He took command of the Army of the Potomac. Then followed blow on blow from the Wilderness to Appomattox. A campaign of a year brought success and victory. His losses were great, but they had been greater during three years of failure. The sacrifices of life had been larger when the result had been little more than a call for more men than they were now when at last the bands could play 'Home Sweet Home.'

"He immediately hastened to Washington where he was received by the President and the people with those expressions of joy which only the end of a war can bring. His work finished, though the President had invited him to attend the theater, he left the city on that fatal evening of April 14. He mourned the loss of Lincoln, but his first allegiance was to his country. His attitude toward Johnson was all that could be required of a general toward his Commander in Chief, until the President, seeking to embroil him in his own political disputes, charged him with bad faith. Although he had received from him a commission as General of the Armies of the United States, and acted a short time as his Secretary of War, he was thereafter in sympathy with those who sought to impeach the President. While Johnson sank in the public estimation, Grant rose, being unanimously nominated and handsomely elected President of the United States.

"He had little taste for political maneuvers. He found his eight years fell on a time of confusion, both of thought and action. He worked as best he could with the contending elements which made up the Congress. 'I shall have a policy to recommend,' he said, 'but none to enforce against the will of the people.' He secured a settlement with Great Britain for the *Alabama* claims and an apology from Spain for the *Virginius* affair. Although he broke with a well-meaning reform element of his party which supported Horace Greeley, he was triumphantly reelected. One of the important contributions which he made to the public service was his veto of the bill which provided for the inflation of the currency by issuing $400,000,000 in greenbacks. At a time when the political ideals of the country were very low, President Grant held to his own high standard of honorable public service. Through the contested-election case of Hayes and Tilden in 1876, he took a course marked by a high spirit of patriotism. 'No man worthy of the office of President,' he said, 'should be willing to hold it if counted in or placed there by fraud. Either party can afford to be disappointed in the result. The country can not afford to have the result tainted by the suspicion of illegal or false returns.' When the man who knew how to command armies took this position for the enforcement of the law the country stood behind him and peacefully accepted the decision of the electoral commission.

"His closing years were marked with great tragedy. Betrayed by one whom he trusted, he saw his property dissipated and large obligations incurred. A lingering and fatal malady added anguish of the body to the anguish of his soul.

"Never was he greater than in these last days. With high courage, without complaint, on a bed of pain, seeking to retrieve his losses, he was preparing his memoirs. Congress hastened to restore him to the rank and salary of a retired general of the Army. At last his writings were finished. He was still thinking of his country, not as a partisan but as a patriot; not even as the general of the armies he had led, but as an American. 'I have witnessed since my illness,' he wrote, 'just what I have wished to see since the war—harmony and good will between the sections.' While he was thus longing for the peace of his fellow countrymen the great and final peace was bestowed upon him.

"Great as he had been, his armies had been greater still. He had been served by officers of commanding ability. He never appeared to maintain for them anything but the most kindly feeling. The greater their ability, the greater was their attachment to him. But the rank and file were more wonderful still. In intelligence, in bravery, in patriotism, and, during the latter years of the war, in military capacity, no armies had ever surpassed those who fought the battles of the war between the States. Their ranks are thin now, but their spirit is undiminished. At an age when others would have quit the field, they remain still holding positions of commanding authority in the service of their countrymen, the soldiers of Lincoln and of Grant. As they supported him in the field their bronze forms support him here.

"Men are made in no small degree by their adversaries. Grant had great adversaries. They fought with a dash and a tenacity, with a gallantry and an enduring purpose which the world has known in Americans, and in Americans alone. At their head rode Gen. Robert E. Lee, marked with a purity of soul and a high sense of personal honor which no true American would ever stoop to question. No force ever quelled their intrepid spirit. They gave their loyalty voluntarily, or they did not give it at all. It is not so much the greatness of Grant as a soldier, but his greatness as a man; not so much his greatness in war as his greatness in peace, the consideration, the tenderness, the human sympathy which he showed toward them from the day of their submission, leaving to General Lee and his officers their side arms and to their men their own horses and baggage, which appealed to that sentiment of reconciliation which has long since been complete. It was not a humiliation, but an honor to remain under the sovereignty of a flag which was borne by such a commander.

"It was Lincoln who said of Grant: 'I can not spare this man. He fights.' It was Grant himself who said: 'Let us have peace.'

"Our country and the world may well consider the simplicity and directness which marked the greatness of General Grant. In war his object was the destruction of the opposing army. He knew that task was difficult. He knew that the price would be high; yet amid abuse and criticism, amid misunderstanding and jealousy, he did not alter his course. He paid the price. He accomplished the result. He wasted no time in attempting to find some substitute for victory. He held fast to the same principle in time of peace. Around him was the destruction which the war had wrought.

"The economic condition of the country was depressed by a great financial panic. He refused to seek refuge in any fictions. He knew that sound values and a sound economic condition could not be created by law alone, but only through the long and toilsome application of human effort put forth under wise law. He knew that his country could not legislate out its destiny, but must work out its destiny. He laid the foundation of national welfare, on which the Nation has stood unshaken in every time of storm and stress. His policy was simple and direct, and eternally true.

"In the important decisions of his life his fidelity and honesty are equally apparent. He was a soldier of his country. His every action was inspired by loyalty. 'Whatever may be the orders of my superiors and the law,' he wrote, 'I will execute. No man can be efficient as a commander who sets his own notions above the law and those whom he has sworn to obey.' When the conflict between President Johnson and the Congress became so acute that it threatened to result in force of arms, being asked which side he would take, he replied: 'That will depend entirely upon which is the revolutionary party.' He never betrayed a trust and he never deserted a friend. He considered that the true test of a friend was to stand by him when he was in need. When financial misfortunes overtook him, he discharged his obligations from whatever property he and his family could raise.

"Here was a man who lived the great realities of life. As Lincoln could put truth into words, so Grant could put truth into action. How truly he stands out as the great captain of a Republic. There was no artifice about him, no pretense, and no sham. Through and through he was genuine. He represented power.

"A grateful Republic has raised this monument not as a symbol of war, but as a symbol of peace. Not the false security which may come from temporizing, from compromise, or from evasion, but that true and enduring tranquillity which is the result of a victorious righteousness. The issues of the world must be met, and met squarely. The forces of evil do not disdain preparation, they are always prepared and always preparing. General Grant gave 15 years of his life to the military service of his country that he might be prepared to respond to a great crisis. The welfare of America, the cause of civilization will forever require the contribution of some part of the life of all our citizens to the natural, the necessary, and the inevitable demand for the defense of the right and the truth. There is no substitute for a militant freedom. The only alternative is submission and slavery.

"The generations shall pass in review before this symbol of a man who gave his service, who made his sacrifice, who endured his suffering for the welfare of humanity. They shall know his good works. They shall look to him with admiration and reverence. They shall be transformed into a like spirit. What he gave, America shall give."

NAVAL OIL RESERVE LEASES.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent for the present consideration of the resolution upon which I addressed the Senate on yesterday, being Senate Resolution 282.

I desire to state that since I submitted the resolution in its original form on the 21st day of April, I have modified it, and I ask that the modified form of the resolution be now laid before the Senate as a substitute for the resolution which I originally presented.

The VICE PRESIDENT. The Senator from Wisconsin asks unanimous consent for the present consideration of Senate Resolution 282, as modified by him. The Secretary will read the resolution, as modified, for the information of the Senate.

The reading clerk read Senate Resolution 282, which had been submitted by Mr. LA FOLLETTE on April 21, as modified, as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate:

(a) Copies of all oil leases made by the Department of the Interior within naval oil reserve No. 1, and, separately, naval oil reserve No. 2, both in the State of California, and naval oil reserve No. 3, in the State of Wyoming, showing as to each the claim upon which the lease was based or issued; the name of the lessee; the date of the lease; the area of the leased property; the amount of the rent, royalty, bonus, and all other compensation paid and to be paid to the United States.

(b) All Executive orders and other papers in the files of the Department of the Interior and its bureaus, or copies thereof if the originals are not in the files, authorizing or regulating such leases, including correspondence or memoranda embodying or concerning all agreements, instructions, and requests by the President or the Navy Department as to the making of such leases and the terms thereof.

(c) All correspondence, papers, and files showing and concerning the applications of such leases and the action of the Department of the Interior and its bureaus thereon and upon all the several claims upon which such leases were based or issued, all in said naval reserves.

Resolved further, That the Committee on Public Lands and Surveys be authorized to investigate this entire subject of leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources, and to report its findings and recommendations to the Senate.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. SMOOT. I have no objection at all to the immediate consideration of the resolution, but I wish to call the attention of the Senator from Wisconsin to the fact that there is no provision made in the resolution for the expenses of carrying on the investigation provided for therein if such investigation shall prove to be extensive. I will say, however, to the Senator from Wisconsin that if there should develop any necessity for an appropriation for that purpose we can ask for it at the time when that becomes apparent.

Mr. LA FOLLETTE. That had already occurred to me, Mr. President. I should like to have present consideration of the resolution if I can get it.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I do.

Mr. McCUMBER. With the understanding that the consideration of the resolution will not lead to any prolonged debate, I have no objection.

Mr. LA FOLLETTE. I have no desire to extend the debate at all. I am ready for a vote on the resolution at this time.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. POINDEXTER. Mr. President, I suggest to the Senator from Wisconsin that, so long as a report is being called for by the resolution on the general subject of naval oil reserves, the resolution might be made somewhat more comprehensive, and ask for a report at the same time upon the contracts for the drilling of oil wells on naval oil reserves, aside from the question of leasing, and the reasons for such contracts; also for a report on the question of the drilling of oil wells on private property adjacent to the naval oil reserves, the number of such wells, and the date when they were drilled. If the Senator from Wisconsin has no objection, I suggest the addition of a subparagraph to read as follows:

(d) And all contracts for drilling wells on naval oil reserves, date and terms of same, reasons therefor, and the number and date of the drilling of wells on private lands adjacent to the naval oil reserves.

Mr. LA FOLLETTE. I have no objection to such an amendment, Mr. President.

Mr. POINDEXTER. I offer that amendment to the resolution.

Mr. LA FOLLETTE. Indeed, I am in favor of broadening the scope of the investigation which is proposed by the resolution to include everything that touches the subject and is material to it.

Mr. TOWNSEND. Mr. President, may I ask whether or not the department would have any information that it could submit to the Senate relative to wells drilled on private property?

Mr. POINDEXTER. Undoubtedly the department must have such information, since that is the reason assigned for the drilling of wells on the Government property.

Mr. LA FOLLETTE. If I may be permitted, I will suggest that if the Government is not in the possession of information with respect to that matter, under the resolution, which authorizes the Committee on Public Lands and Surveys to conduct an investigation, the committee would be able to secure such information.

Mr. TOWNSEND. I concede that may be true, but I can understand that possibly the department may have no information relative to such drilling.

Mr. POINDEXTER. Of course, if the department has no information, it will report that fact. I wish to explain the purpose of my amendment. Entirely outside of the question of the leasing of Government land, in California wells were sunk by private parties adjacent to naval oil reserves; and it was obvious that through those wells the Government supply of oil was being drained off. The only way of meeting that contingency that has been suggested was to drill corresponding wells upon Government land in order to draw from this common pool of underground oil at the same time and in a somewhat similar quantity.

Mr. NELSON rose.

Mr. POINDEXTER. Just one second. So the Government did proceed to call for the contracts for the drilling of the wells on the Government property because of the fact that wells were being sunk upon private property. Of course, the Government knew about it; the whole proceeding was based upon that knowledge, and I should like to know just what the circumstances are.

Mr. TOWNSEND. I have no objection to securing any information that can be obtained. I was merely wondering if we were asking for something over which the department had no jurisdiction. I concede, of course, that under the authority given by the resolution to conduct an investigation the committee may look into all of these questions.

Mr. NELSON. Mr. President, I simply rose to state that a report has already been submitted by the department concerning this matter, and that report indicates that the Government has considered the question of the oil being drained from Government lands by operations on adjoining private lands. The Government evidently has that information now, and no doubt a report on the subject can be secured.

Mr. LA FOLLETTE. Mr. President, I ask for a yea-and-nay vote on agreeing to the resolution.

Mr. POINDEXTER. Mr. President, I should like to know whether the amendment has been agreed to.

Mr. LA FOLLETTE. I accept the amendment, and I ask to have it stated at the desk, so that it may be clearly understood.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. In the resolution as modified, on page 2, after line 14, it is proposed to insert:

(d) And all contracts for drilling wells on naval oil reserves, date and terms of same, reasons therefor, and the number and date of the drilling of wells on private lands adjacent to oil reserves.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the modified resolution as amended, on which question the Senator from Wisconsin has requested the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. KENDRICK (when his name was called). Transferring my general pair with the Senator from Illinois [Mr. MCCORMICK] to the Senator from Arizona [Mr. ASHURST], I vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL], which I transfer to the junior Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. MCKELLAR (when the name of Mr. SHIELDS was called). My colleague [Mr. SHIELDS] is unavoidably detained from the city on business.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "yea."

Mr. HARRIS (when the name of Mr. WATSON of Georgia was called). I desire to announce that my colleague [Mr. WATSON of Georgia] is absent on account of illness.

The roll call was concluded.

Mr. MCKELLAR. I have a pair with the Senator from Indiana [Mr. NEW], which I transfer to the Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Ohio [Mr. WILLIS] and allow my vote to stand.

Mr. HARRIS. I transfer my pair with the junior Senator from New York [Mr. CALDER] to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. COLT. I have a pair with the junior Senator from Florida [Mr. TRAMMELL]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. WALSH of Montana (after having voted in the affirmative). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], who, I observe, is absent from the Chamber. I transfer that pair to the Senator from Louisiana [Mr. RANSDELL] and allow my vote to stand.

Mr. MCKINLEY. I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. ERNST (after having voted in the affirmative). I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from California [Mr. SHORTRIDGE] and allow my vote to stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 58, nays 0, as follows:

YEAS—58.

Borah	Harreld	McCumber	Sheppard
Bursum	Harris	McKellar	Simmons
Capper	Harrison	McKinley	Smoot
Colt	Heflin	McLean	Spencer
Culberson	Hitchcock	McNary	Sterling
Curtis	Jones, N. Mex.	Nelson	Sutherland
Dillingham	Jones, Wash.	Newberry	Swanson
Ernst	Kellogg	Norris	Townsend
Fernald	Kendrick	Oddie	Wadsworth
Fletcher	Keyes	Overman	Walsh, Mont.
France	King	Page	Watson, Ind.
Gerry	Ladd	Phipps	Weller
Glass	La Follette	Pittman	Williams
Gooding	Lenroot	Poindexter	
Hale	Lodge	Rawson	

NAYS—None.

NOT VOTING—38.

Ashurst	Brandegee	Calder	Caraway
Ball	Broussard	Cameron	Crow
Cummins	Moses	Ransdell	Trammell
Dial	Myers	Reed	Underwood
du Pont	New	Robinson	Walsh, Mass.
Edge	Nicholson	Shields	Warren
Elkins	Norbeck	Shortridge	Watson, Ga.
Frelinghuysen	Owen	Smith	Willis
Johnson	Pepper	Stanfield	
McCormick	Pomerene	Stanley	

So the modified resolution as amended was agreed to.

Mr. HITCHCOCK. Mr. President, while I did not desire to speak before the adoption of this resolution, I want to say a word or two now about it.

It has been a great surprise to me to know that our statutes are in the condition claimed by the Secretary of the Interior. He says, in his reply to the resolution presented by the Senator from Wyoming [Mr. KENDRICK], that an administrative department of the Government is authorized by an item in the naval appropriation bill of 1920 to make a radical change in the policy of conservation which the United States had entered upon many years ago. That was to set aside and reserve certain oil lands for the benefit of the Navy hereafter. I feel that the Senator from Wyoming [Mr. KENDRICK] is entitled to great credit for having brought before the Senate and brought before the country the fact that secretly, without any public discussion, without any information to the Congress of the United States, two departments of this Government have agreed to enter upon a radical change in our policy, and turn over this great resource of oil, which was supposed to be preserved for the use of the Navy, into private exploitation. I hope the committee, when it investigates this question, will not stop at revealing whatever may have been the reason and the motives for the action of the Navy Department and the Interior Department, but will recommend to the Congress of the United States some change in this provision of law which appears to have been incorporated in our statutes in 1920.

Certainly, beginning many years ago, the United States entered upon a policy of conserving these great oil reserves for public use, and it was not intended simply to set them aside for the present use of the Navy. It was intended to set aside these great reserves for the future, when oil becomes scarce, as it inevitably must become scarce at the rate at which it is being used. I was under the impression that that policy of conservation was inaugurated under an act of Congress, and could not be changed except upon consideration by Congress. Yet the Secretary of the Interior, in defending this proceeding in secret by which this great reserve has been turned over to exploitation by private interests, justifies his act by citing the following provision of an appropriation bill passed in 1920. He says:

> For further information of the Senate we have to advise that naval reserve No. 3, Wyoming, was created by Executive order of April 30, 1915; that in the act of June 4, 1920 (41 Stat. 813), making appropriations for the naval service, etc., Congress provided:
>
> "That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of the act of Congress approved February 25, 1920, etc., to conserve, develop, use, and operate the same, in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof and those from all royalty oil from lands in naval reserves, for the benefit of the United States. * * *"

Mr. President, this paragraph, inserted in an appropriation bill, is cited by the Secretary of the Interior as a justification for the transfer of the authority from the Secretary of the Navy to the Secretary of the Interior, and is cited by him as a justification for turning over this great Wyoming oil reserve for private exploitation. I must confess that I did not remember anything about or know anything about that provision in the appropriation bill. The original act certainly contemplated that that oil should be conserved for the future, and that that policy should not be changed except by act of Congress; but this provision was run in here on an appropriation bill in 1920, and apparently the Secretary of the Interior feels that he is justified, whenever he pleases, in using this great public reserve for private exploitation.

I do not know how it is with other Senators, but to me that is a shocking surprise; and if that provision did become part of an appropriation bill it should be changed, and the status should be put back where it was before, so that these great oil reserves shall remain for the public use in the future, and not be frittered away at the present time when oil is so cheap.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I yield to the Senator.

Mr. BORAH. I am not familiar with the history of that particular provision, but I am fairly familiar with the history of the leasing bill; and, if I may be permitted to say so, that is now transpiring which the opponents of the leasing bill

prophesied would transpire. I only want to say that in my opinion, unless there is a radical change in the entire structure of legislation with reference to these oil fields, and so forth, we shall not be able to protect the public. I am not alone interested in protecting them for the benefit of the Navy, but I am interested in seeing that the people of the United States, as a people who must use oil for a multitude of things, are protected; and in my opinion, unless the leasing bill is radically reconstructed there will not be very much protection to the public.

Mr. HITCHCOCK. That only aggravates the situation. If the leasing bill is so constructed that the oil supply of the United States is likely to be consumed prematurely and rushed into the markets of the world, so that the future will be starved for oil, it is all the more important that what reserves we had preserved for the use of the United States should be left intact and not despoiled. It was all the time an issue, through a large part of the administration of Woodrow Wilson, whether these oil reserves should be retained as reserves for the future, and during that administration Woodrow Wilson stood firm and his administration stood firm against permitting great oil companies to exploit these properties. He stood firm in favor of preserving them as far as possible for what must be the inevitable need of the future; and I am shocked that in this administration two departments of Government should apparently agree secretly, and without any notice to the public, and without any advice to Congress, to throw them open for private exploitation.

I hope, therefore, that the committee, when it considers this matter, will also consider an amendment of the law so that the power which the Secretary of the Interior has asserted he possesses may be taken away from him and that these oil reserves may be permitted to remain intact for the use of the future.

I want to say in conclusion that the Senator from Wyoming [Mr. KENDRICK] is entitled to the greatest credit for having made the discovery that this secret work of a department, secret negotiations with favored oil interests, had been going on for some time and that he brought it to light here in the Senate; and I also feel that the Senator from Wisconsin [Mr. LA FOLLETTE] conferred a distinct benefit upon the people of the United States when he so forcefully brought it to the attention of the country, as he did in his speech delivered here yesterday, that after 13 years of a settled policy of the United States to preserve this great interest for future use two departments of Government should have entered into a secret arrangement with these oil-exploiting companies to deprive the public and deprive the future of the use of this preserve.

Mr. POINDEXTER. Mr. President, may I ask the Senator from Nebraska, to get his views, what substitute policy he would suggest to take the place of the legislation which he condemns?

I am not at all familiar with the preliminary proceedings leading up to this lease of reserve No. 3 in Wyoming. I did have my attention called to the conditions existing on California reserves 1 and 2.

It was asserted by people who were in a position to know and understand the conditions surrounding the California reserves that wells were being sunk along the lines of the Government reserves on private property adjacent thereto, and that as a consequence of that oil was being drained from the Government reserves. The Senator will notice in the report which he just quoted, from the Secretary of the Interior and the Secretary of the Navy, the statement that millions of barrels of oil had been drained out of the Government reserves in that way.

It was for the purpose of having some authority vested somewhere in the Government to meet such an emergency as that that this legislation was passed, with the approval of Secretary of the Navy Daniels, who had indicated a very faithful interest in the conservation of these reserves for the purposes of the Navy. I scarcely see how the Government interests could be protected if, in the face of an emergency of that kind, in case it did exist, we had to wait for a special act of Congress. The whole matter of the administration of this property would be by the cumbersome and slow and inefficient method of action by numerous legislative bodies, instead of action by an executive authority. I would like to have any suggestion from the Senator from Nebraska on that subject.

Mr. HITCHCOCK. Of course, Mr. President, I can not undertake to frame a bill upon the floor. The Senator will readily see I can not do that; but I think there are several answers to his suggestion which must occur to anyone.

In the first place, if there are fields in California such as the Senator suggests, where Navy oil reserves are being drained, that is a subject for consideration and action. There must be some way of protecting the Government. But whether there is or not, no such statement applies to the Wyoming oil fields. The Senator from Wisconsin showed to the Senate yesterday, as I think, conclusively that practically every geological authority, every authority on the formations of Wyoming, and every experienced man acquainted with the oil field in Wyoming has testified that there was no possibility of private interests draining the oil fields which belong to the Navy reserve in Wyoming; that that danger does not exist there and that that excuse does not exist there.

The Senator from Washington suggests that the naval appropriation bill containing that authorization to the Secretary of the Navy was passed with the full approval of Secretary Daniels. Perhaps Secretary Daniels did approve it; I do not know; but I do know this, and I call it to the attention of the Senator from Washington, that all through his administration as Secretary of the Navy, Secretary Daniels stood like a stone wall against any attempt on the part of private interests to exploit the great oil reserves which belonged to the United States, and he stood that way firmly from the beginning to the end, and he received the backing of the President of the United States. That was the settled policy of this Government when the present administration came into office.

I am inclined to think that legislation is quite possible which can open to the Secretary of the Navy, or, if you please, to the Secretary of the Interior, the use of these oil supplies when they are necessary for the Navy; but they are not necessary at the present time. We have enormous stores of oil, and the oil on these reserves is not being taken on the plea that it is necessary at the present time. It is being taken out on the plea, and only on the plea, that some unknown expert, some anonymous authority in the Department of the Interior, has said that the oil in the Wyoming reserve was being drawn out, or was in danger of being drawn out, by private interests. I think the Senator from Wisconsin [Mr. LA FOLLETTE] yesterday demonstrated here that that was not the fact. Those naval reserves of oil can not be drained out by neighboring wells. These leases can not be justified on that ground. Nor can they be justified on the ground that the Navy needs the oil. The Navy does not need the oil at the present time.

Mr. POINDEXTER. Oh, yes; the Navy does need the oil at the present time. It has a large number of oil-burning vessels. But I can readily see that there might be an opinion that, notwithstanding the present need of the Navy for oil, it would be advisable to purchase that oil under conditions existing now and reserve the Government oil for some future time when oil might be scarcer and more expensive. The Navy does need oil. I am not concerned about the question of whether this oil is being taken out for the immediate use of the Navy, or taken out for some other good and sufficient reason.

I want to call the attention of the Senator from Nebraska to the statement made by the Acting Secretary of the Interior and the Secretary of the Navy. That statement says:

> From a careful geological study recently made by an expert of this department, it was found that the Teapot Dome was menaced with a similar drainage danger. The naval reserves in California can be reached through existing pipe lines, but the principal problem there was the exchange of the crude oil for fuel oil in proper and available storage.

The Senator says he has formed the conclusion that the statement made by the Secretary of the Navy and the Acting Secretary of the Interior is not well founded. He says that he thinks the Senator from Wisconsin demonstrated that it was not. I myself do not think it was so demonstrated. I heard very little stated by the Senator from Wisconsin as to what the actual facts were as to the sinking of wells on adjacent property and the draining of oil from the Wyoming reserve; but my mind is entirely open on that subject. I think it ought to be investigated. That was one of the principal reasons why I asked for the adoption of the resolution of the Senator from Wisconsin [Mr. LA FOLLETTE], but I do not think that at the present time we have sufficient information on which to form a conclusion as to whether the assertions made by the Senator from Wisconsin are well founded. But if the statement made by the heads of the two departments is true, assuming that it is true, upon the hypothesis that it is true, it seems to me the legislation which the Senator from Nebraska condemns is very essential to meet such a contingency. At least, the Senator himself admits that he would require time for reflection and for preparation before he could suggest a substitute means of protecting the interests of the Government.

I want to make another suggestion to the Senator from Nebraska. He condemned the transfer of the control of this matter from the Secretary of the Navy to the Secretary of the Interior. It has not been transferred absolutely from the Secretary of the Navy to the Secretary of the Interior. This report is signed by both the Acting Secretary of the Interior,

representing the Secretary, and the Secretary of the Navy, and the report contains this statement:

At the suggestion of the Secretary of the Navy, the President of the United States directed the Secretary of the Interior to take over the administration of lands in the naval reserves in consultation and cooperation with the Secretary of the Navy. The Interior Department and the Navy Department have been in close cooperation and have been endeavoring, as they saw it, to carry out the purposes for which these naval reserves were created.

So it is a joint rather than a separate control, by the two departments, rather than by one of them.

Mr. HITCHCOCK. Let me stop the Senator there.

Mr. POINDEXTER. Just one word, and then I will yield.

Mr. HITCHCOCK. I have the floor, I advise the Senator.

Mr. POINDEXTER. I beg the Senator's pardon.

Mr. HITCHCOCK. At least, I supposed I had the floor. I will yield in a moment, and then the Senator can speak in his own time.

I want to call attention to this fact: If it is a joint control by the Secretary of the Interior and the Secretary of the Navy, it is one not authorized by law. The very law which has been cited by the Secretary of the Interior provides that it shall be under the control of the Secretary of the Navy, and it has been under the control of the Secretary of the Navy for a good many years for the purpose of conservation.

I want to suggest to the Senator, who is an important member of the committee to which this has been referred, if new legislation is recommended for the purpose of protecting this great interest of the United States, and if the Senator still thinks that the Secretary of the Navy should have some power to make leases under certain conditions, the Secretary at least should be required to do what is required under the leasing bill, to give notice, and have public and open bids, competitive bids, and not transact the matter in secret, and raise the suspicion, at least, that the contracts are made with favored interests. As bad as the leasing bill is said to be, in view of the Senator from Idaho, we at least ought to have that safeguard.

Mr. POINDEXTER. Why does the Senator state that it was done in secret?

Mr. HITCHCOCK. It took a resolution of the Senate to evolve the fact that the contracts were in course of being made. There was no publicity.

Mr. POINDEXTER. The fact that the Senator from Nebraska or even that the Senate did not know about it is no indication that it was done in secret.

Mr. HITCHCOCK. It is every indication. There was no publication in the newspapers, except of the vaguest rumors. Here is a matter involving probably hundreds of millions of dollars of value to the United States. Here is a reversal of the policy we have heretofore adopted, and instead of being done in the open, so that protests could be made, instead of bids being required in the open, so that there could be competition, these contracts are let to favored corporations, in a private and secret way, and the public knows nothing of it until it is a closed transaction.

Mr. POINDEXTER. The Senator is very largely mistaken about that. I take the statement of the Secretary of the Navy and the Secretary of the Interior as true, that they called for offers, and that a large number of offers were received, and that out of all the offers they selected this one.

Mr. HITCHCOCK. That may be, but they called for them secretly. There was no public call.

Mr. POINDEXTER. I disagree with the Senator.

Mr. HITCHCOCK. Will the Senator state what public call was made?

Mr. POINDEXTER. I have personal knowledge of the fact that in the case of the California oil reserves—and I have no reason to think the proceedings in the case of the Wyoming oil reserve was any different—it was known publicly, and a large number of competitive offers were made. My complaint was that too much time was taken up in the consideration of those respective offers. In the meantime, millions of barrels of oil were being drained from the Government reserves.

Mr. HITCHCOCK. Not from the Government reserve in Wyoming, concerning which the greatest scandal exists.

Mr. POINDEXTER. It is stated here that the same condition existed there which existed in connection with the California oil reserves.

Mr. HITCHCOCK. Yes; and it is stated on the strength of an unknown expert, and the Senator from Wisconsin demonstrated here that the chief geologist of the Interior Department had denied he had given any such opinion, and that such opinions were only held by private interests. The Senator from Wisconsin demonstrated that the geologist of Wyoming had declared that there were separate formations there, and that the formations operated by private interests could not by any possibility drain the public formations, and that same opinion was given by men who actually have knowledge of the oil formations in Wyoming, and against that nothing is produced by the Secretary of the Interior except the opinion of an anonymous expert of the department.

Mr. POINDEXTER. If the Senator from Nebraska is correct, of course the Secretary of the Interior and the Secretary of the Navy are wrong, and I am fully as willing to accept the statement of the Secretary of the Navy and of the Secretary of the Interior as conclusive of the facts in the case as I am to accept that of the Senator from Nebraska in a matter that is of such vast consequence to the country as this is. But all those matters can be ascertained, and ought to be ascertained, beyond a doubt, I judge, without a great deal of difficulty.

There is only one more comment I want to make on the question and that is with reference to the statement of the Senator from Nebraska that the policy of the Government has been reversed in regard to the oil reserves, that there has been a revolutionary proceeding in connection with them, that they were intended for the public use for the Navy, that they have instead of that been turned over for private exploitation. Now the Senator has the privilege of placing that interpretation upon what has been done by the department, but others have the same privilege of putting an entirely different construction upon the action of the department, and accepting the statement of the department that they have made this contract in order to carry out the intent and purpose of the act of Congress under which the reserves were established. They give their reasons for it.

We will inquire whether those reasons were sufficient or not, but the statement is made that it was for the purpose of conserving the oil, for the purpose of supplying the Navy, to meet the conditions which threatened the reserves and which would have deprived the Navy of the benefit of the oil in those reserves, that this contract was made and not, as the Senator from Nebraska stated, to turn it over for private exploitation and for private benefit. The intention as stated by the department was that it should be for the public benefit and for the specific use and purpose provided for in the act of Congress.

Mr. NORRIS. Mr. President, as to just how close a well can be drilled to some parcel or piece of land and drain the oil that is under it is a very difficult question and usually an impossible question to decide. I take it that the provisions of the statute which is referred to by my colleague and condemned by him is the identical legislation the passage of which Secretary Daniels said he secured, as stated in his interview quoted yesterday by the Senator from Wisconsin [Mr. LA FOLLETTE]. So if turning our face the one way we condemn this law and then turning around the other way we praise Secretary Daniels to the sky for preserving intact these great oil reserves, we are just a little bit inconsistent, to say the least.

I happen to be somewhat familiar with the work done by Secretary Daniels. I was in entire accord with him. I think he did a good work, but to say, as my colleague has, that we should give the credit all to the Woodrow Wilson administration is going contrary to the facts. I happen to know that there was a great contest on in that administration and that Secretary Daniels represented one side of it. Secretary Daniels did stand firm for the preservation of the oil in those oil reserves. He did everything he could, and he succeeded. I want to render to him all the praise that I think is due him. He acted in good faith. He acted wisely.

But to take the narrow-minded partisan view of it, as my colleague does in discussing anything in an attempt to get a political advantage, and give to the Woodrow Wilson administration all the praise for this national policy is again beside the mark. This is not the policy of Woodrow Wilson. It was a policy that originated before he became President of the United States. To the extent that he carried it out, he is entitled to praise, if any praise is due anyone.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. HARRELD in the chair). Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. BORAH. I think the Wilson administration is entitled to a great deal of credit for passing the leasing bill, but I think the Woodrow Wilson and all other administrations which had anything to do with it will regret it from this time on. I have no doubt that they acted in good faith, and thought they were conserving the natural resources, but just so long as the leasing law remains upon the statute books we will have recurring from time to time precisely the thing which is now recurring. It will not preserve, I venture to say, the natural resources of the country for the benefit of the public. The illustration which we have before us will demonstrate that. We concede that the

only chance to protect the public now is to preserve these three particular oil wells or ponds, or whatever they may be called. All the rest of them are thrown open to be exploited by the same men who, we are afraid, are going to get a chance to exploit these particular propositions. I do not see any reason why the Navy should have any particular protection over them as against the general public. In other words, if we are going to administer these three particular propositions by the public and through the public, why should we not administer the entire oil field through the public in order that the public may be protected? The people who buy oil get it from the same exploiters.

Mr. KING. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield.

Mr. KING. Mr. President, just in the interest of accuracy, the leasing law which my friend from Idaho condemns, and I think that his appraisement of its infirmities is accurate, was passed while Mr. Wilson was President, but after the Republicans had the control of Congress. The distinguished senior Senator from Utah [Mr. SMOOT], chairman of the Committee on Public Lands, as I recall, reported the bill, and the Republican House and the Republican Senate drove the bill through, and it was signed by the President. In its operations it is proving disappointing to the people. It is leading to charges of favoritism. It promotes scandal. It is an impediment to legitimate and proper development, and in the end there will, in my judgment, be a demand that it shall be effectually modified, if not repealed.

Mr. NORRIS. Mr. President, I care not how anyone stands on the leasing law. It is immaterial to me whether it was passed under a Republican administration or a Democratic administration. In fact, I do not care one iota about any of those things so far as a Republican or Democratic administration is concerned. I would not have taken the floor if there had not been an intimation by my colleague, the senior Senator from Nebraska, that all these evils came about because the present administration had failed to follow the Wilson administration. If the Wilson administration had done what this administration has now done, it would be praised by my colleague for the very act, and the Taft administration, which took the very same view as the Wilson administration, would be condemned. There is no question about that.

I do not care when the Senator from Utah says the law was enacted by the Democratic administration, but in an apologetic way he says there was a Republican administration favoring it, but did not let it through. That does not appeal to me at all. I do not believe it appeals to the American people. All parties and all men and all administrations make mistakes; at least they do if they are human, and I have not yet seen one in my lifetime that has been above that. Sometimes I think they get a little below, but if they are acting in good faith, even though they make mistakes, we can give them credit at least.

The thing which is obnoxious to me is trying to make, even in an indirect way, political capital out of anything of this kind.

I am not condemning the leasing system. I think the Senator from Utah and the Senator from Idaho are wrong. They may be right. So far as this question is concerned, it is absolutely immaterial whether they are right or wrong.

Mr. POINDEXTER. The Senator has observed no doubt that the attitude of several Senators on the other side seems to be that President Wilson being in control of the executive branch of the Government and the Republican Party having a majority in the legislative branch of the Government, as a matter of course all the good things in the leasing act were attributable to President Wilson and all the bad things to the Republican legislative majority.

Mr. NORRIS. Now, Mr. President, I am going to take up Secretary Daniels's idea. As I said, I give him credit for acting in absolute good faith. I agreed with his policy of trying to protect the reserves. I do not agree with the policy that seems to be now in vogue. There may be evidence produced that will convince me. I think I have an open mind. However, I want to call attention to the fact that no one ever heard my colleague condemn anything in a Democrat, and no one ever heard him praise anything that came from a Republican administration, and that is why I have taken the floor.

Secretary Daniels, quoted yesterday by the Senator from Wisconsin [Mr. LA FOLLETTE], used this language:

> There never were any wells drilled near our reserves. Several times owners of adjoining lands intimated that they would sink wells close to the naval reserves. I made it plain to them that if this was done the Navy Department would put marines into these fields and sink a well for every one drilled by them. If they attempted to tap our reserves, we would tap theirs. When they learned that we would not be forced by such methods they abandoned their attempts, and we kept our oil. We made it plain that the United States was a larger business concern than any of the oil corporations, and that we would protect the naval reserves that had been set aside by former President Taft.

Not Woodrow Wilson, but Taft. I do not suppose anyone will charge me with being particularly friendly to Taft, but if there is any credit due give it to him.

Mr. WATSON of Indiana. Mr. President——

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. WATSON of Indiana. Was not the order of President Taft the subject of litigation afterwards?

Mr. NORRIS. It was.

Mr. WATSON of Indiana. Did it not get into the courts?

Mr. NORRIS. It did.

Mr. WATSON of Indiana. Did it not go to the Supreme Court of the United States?

Mr. NORRIS. I do not know whether this order did. Probably not this one, but one of them did go to the Supreme Court.

Mr. WATSON of Indiana. I think it was this very order. That is my recollection of it.

Mr. NORRIS. I remember at the time Secretary Daniels was in charge I was a member of the Committee on Public Lands, and we took a great deal of testimony on the subject of these reserves and this question arose. I am not through reading from Mr. Daniels. I am going to read a little further, but just now I want to call attention to the question that is, in my judgment, involved here and that never can be determined with accuracy. We heard the testimony of the experts—I do not think they were unknown, either, but they were the best we could get from our departments that seem to be looked upon somewhat in derision now by my colleague. They appeared before the committee at that time, and the question arose, if we have a reserve now of a certain tract of land bounded by metes and bounds, how will we prevent the owner of the land just over the line sinking an oil well within 2 or 3 feet or 2 or 3 rods of our land and tapping what will very likely be the oil that is under the lands owned by the Government of the United States in one of these reserves?

Mr. LODGE. Mr. President, I am obliged to leave the Chamber, and I would like to ask the Senator from Nebraska one question before I go.

Mr. NORRIS. I gladly yield.

Mr. LODGE. I entirely agree with what the Senator has said about distributing credit and discredit here and there. President Taft issued the order reserving the California field, and I think President Wilson issued the order for the Wyoming field.

Mr. NORRIS. Yes; he did.

Mr. LODGE. And Secretary Daniels made a stanch fight, as I can testify, against giving up any part of the naval oil reserves. But it is just as well not to overlook the fact, in talking about the complexion of the Senate, that the Senate committee had something to do with stopping the raid on the Californian fields.

Mr. NORRIS. I happened to be a member of the committee myself.

Mr. LODGE. I am speaking of the Committee on Naval Affairs.

Mr. NORRIS. The Committee on Public Lands likewise had something to do with it.

Mr. LODGE. Yes; they had. In distributing credit it will be found that it goes in different directions.

Mr. NORRIS. I am going to throw the bouquet at the Naval Affairs Committee. I do not want to give any to the other committee, because I happen to be a member of that other committee.

Mr. LODGE. I happened to be a member of the Committee on Naval Affairs and saw the fight made. I took some little part in it and tried to keep the reserves for the Navy.

Mr. NORRIS. I did the best I could upon the Committee on Public Lands.

Mr. LODGE. And without the help of the Senate the Secretary of the Navy never could have done it.

Mr. NORRIS. When the Government has a piece of land in the oil fields which it reserves and retains for the use of the Navy, and some person who owns the land right across the line sinks a well—and there is no way to prevent him from doing so if he owns the land—the question arises, How far away from the line will a person be able to sink such a well and yet draw from the oil that is under the Government land? No man has ever stated that definitely and no man claims to know definitely; but the experts do not hesitate to testify concerning that problem, and they did so in the hearing before the committee. I have forgotten the distance which they estimated, but they thought that wells could be sunk within a comparatively short distance without interfering at all with the oil which was under the naval oil reservations. The distance probably varies

in different fields; but we must give to our officials, to the Secretary of the Navy, if he is going to control these reserves of oil, the authority, in my judgment, to drill wells in order to effectuate the purpose desired to be accomplished. It may be that if wells were sunk all around the Wyoming reserve the owners of such wells would not get all of the oil, but they would get very much of the oil, as everybody knows.

Mr. LA FOLLETTE. Mr. President——

Mr. NORRIS. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I wish to take exception to that statement. I put into the RECORD yesterday, perhaps, not conclusive proof, but certainly proof which ought to raise a very strong presumption in the mind of any Senator, that what the Senator from Nebraska states is not possible; that the geological formation which is found in the California field is of a very different character from that in the Wyoming field. I also put into the RECORD telegrams from the State geologist of Wyoming, stating that it was an undrainable formation; that it could not be drained at all.

Moreover, that statement was confirmed by a telegram from the governor of the State; it was also confirmed by a statement from the former governor of the State, Mr. Brooks. It has also been stated to me personally by a number of people who are familiar with that formation that the oil in the Teapot Dome of Wyoming was as safe from outside drainage as though it were in an iron basin.

The same thing is not true of the geological structure of the naval reserve No. 2 in California. There a different kind of soil is found, and the oil there could be drained by wells put upon adjacent territory.

The Senator from Nebraska says to me that I am misquoting him.

Mr. NORRIS. I did not say that for the RECORD. The Senator put that in himself. The Senator, however, is misinterpreting what I said.

Mr. LA FOLLETTE. I understood the Senator from Nebraska to say that in the Wyoming field the oil could be drained by the drilling of wells in adjacent territory.

Mr. NORRIS. I am speaking of any field.

Mr. LA FOLLETTE. The Senator was speaking of the Wyoming field at the time.

Mr. NORRIS. I will tell the Senator what I said.

Mr. LA FOLLETTE. I will not trespass further upon the Senator's time.

Mr. NORRIS. After I shall have made my statement the Senator may again interrupt me, if he wishes.

Mr. LA FOLLETTE. I will take the floor later in my own right.

Mr. NORRIS. I do not object to the Senator's interruption.

I said when drilling is done around a reserve next to the line, though probably the well would not get all of the oil that is in the reserve, it would be bound to get some of it. Does the Senator from Wisconsin claim that around the reserves in Wyoming there is a wall that runs down to the center of the earth, so that if a well is drilled 1 foot from the line the one who drills it will get no oil, and that if the well that he drills is 1 foot inside the line it will get the oil? Such a proposition is perfectly preposterous, Mr. President.

If there is oil on one side of a line, the one who drills a well on the other side will get some of that oil unless right straight down from that line there is a wall which may not be penetrated. I heard experts testify, as I said before the Senator from Wisconsin interrupted me, that the conditions varied in different localities, and that the distance at which oil might be drawn which would apply to one field, perhaps, would not at all apply to another.

But I was coming to the point of Secretary Daniels's assertion that he secured legislation. I judge, but I am not sure about it, that it is the same legislation which my colleague now condemns. I am not defending the act; perhaps it should be amended; indeed, I think it ought to be amended, and it seems to me it would not be a difficult thing to change it in order to meet the situation. Quoting from the speech of the Senator from Wisconsin on yesterday, Secretary Daniels said:

> The reasons given by the present administration for turning over the naval oil reserves in California and Wyoming to great private corporations are childish. They say the Standard Oil Co. has bored wells immediately adjoining our reserve in California and is tapping our oil pools. Is this Government impotent to defend its own property? Would the Navy stand by with its hands folded and let the Standard or anybody else steal our oil?
>
> The same threats were made when I was Secretary of the Navy. We decided that, first of all, we should get out an injunction; if that failed—
>
> And it probably would—
>
> we decided that every time the Standard or anybody bored a well that might tap our oil we would bore one immediately adjoining which would tap their oil. I got an appropriation from Congress for that purpose.

It seems to me Secretary Daniels is hitting the nail on the head, although my colleague seems to condemn any law that will give the Secretary of the Navy any authority to bore a well for fear that we shall be killing the goose that lays the golden egg. I agree with Secretary Daniels when he says:

> I got an appropriation from Congress for that purpose.

What purpose? So that he could bore wells when the Standard or anybody else bored one in such proximity to the national reserves as involved a danger of robbing the oil pool under the Government's land. That is what he ought to do. In my judgment the particular act on this subject ought to be changed; but we must not take away from the Secretary of the Navy or some other official—and I think this power ought to be in the Secretary of the Navy, probably—the power to meet private parties when they undertake to sink wells which will drain the oil from under our own lands. Secretary Daniels was in favor of such power being given, and he secured an appropriation for that purpose.

The particular provision was in the act of June 4, 1920. It does not follow, Mr. President, that we ought to have an act that is so broad that the Secretary of the Navy can bore wells, or at least lease them, for any other reason than for the preservation of the oil under the Government reservation.

Mr. President, I do not believe any expert will claim that he can tell definitely—he may, of course, have his judgment about it—that by sinking a well in a certain place it will drain a pool in a certain other place. If the pools thousands of feet, perhaps, underground are connected, they may be drained, but a pool several miles away—I think I said a pool half a mile away—may not be drained. The experts, however, know within limitations, or think they do. If we set aside a reservation for oil for our Navy, and make it so large that we go away beyond the limits of the pool which we are covering, so that around on the outside no one may get oil, then, of course, we are absolutely protected; but whenever the man who owns lands adjoining the Government reservation, there being nothing but an invisible line separating the two, and he is able to get the oil, the chances are 999 out of a thousand that he is getting some oil from under the reservation owned by the Government. The only way to even that up is to grant the power which Secretary Daniels sought. It ought to be limited to that, however, so that the Government may preserve the oil under the Government reservations. As Secretary Daniels said in his statement, the very fact that he had the power and was going to sink a well prevented the other fellow from doing it.

It may be, Mr. President, that we will want to sink some wells later on in order to care for the needs of our Navy; I do not know how soon that may be desired; but we are trying to preserve the oil in the earth for the use of the Navy; yet objection is made by the Senator from Idaho that we ought not to make any difference between the Navy and the people generally. It may be that we ought—I sometimes think that we ought—to preserve for the people generally more of the oil that is underneath the earth than we have preserved; but I believe, Mr. President, if it is possible to hold our oil in the ground for the use of the Navy, that it is a wise precautionary measure to preserve it for the Navy. Compared with all the oil fields in the United States, the amount reserved for the Navy is very small. I think we are justified in reserving it; that it was a wise thing when President Taft set aside the two reservations in California, and it was also a wise act for President Wilson to set aside the third reservation in Wyoming. So far as I am concerned, I want to see everything done that can possibly be done to preserve the oil in both fields for the use of our Navy.

Mr. LA FOLLETTE. Mr. President, I do not care to prolong this discussion. I have no sympathy with the efforts of Senators upon either side of the aisle to make political capital out of a resolution which I introduced bearing upon the preservation of the oil on the naval reserves. I think perhaps the truth of history ought to be served by a statement of fact with respect to the enactment of the general leasing bill, which was followed by an amendment as a rider upon the naval appropriation bill bearing upon the same subject.

Two general leasing bills affecting oil, coal, and other natural resources have been reported in recent years. Both of them came from the Committee on Public Lands, of which the Senator from Nebraska [Mr. NORRIS] is and for several years has been a member. Both of them, so far as conserving the oil or the coal was concerned, were bad bills. The one reported when the Senate was controlled by the Democratic Party came before the Senate in the form of a conference report shortly before the expiration of the Sixty-fifth Congress. The attempt was made to jam it through at the end of the session before that Congress adjourned. It was a bad bill, even more harmful to the public interest than the bill passed by the Sixty-sixth Congresss, when the Republicans had con-

trol of the Senate. Both of them were bad bills. Neither of them properly guarded the Government's interest in the public oil and coal lands. I claim some part in having defeated the consideration of the bill reported at the close of the Sixty-fifth Congress.

In 1919, the Senate then being Republican, the Public Lands Committee reported out the bill which is now on the statute books as the general oil and coal leasing bill. Almost single-handed and alone, without support on either side of this aisle, I contested the provisions of that bill, which were so liberal as to leasing as to jeopardize these naval reserves.

I offered amendments. I offered one amendment in particular, which would have protected the naval oil reserves, for which I was able to get just eight votes. The bill passed, and Secretary Daniels, opposing it at every step, stated that if that bill passed in the form in which it did pass, with section 18 in it and the other related sections, he had fears that it would destroy the naval oil reserves, and permit them to be turned over to private monopoly.

Following the enactment of that law the Committee on Naval Affairs—the Senate then being Republican—reported out as a rider to the naval appropriation an amendment vesting the Secretary of the Navy with authority to lease the naval oil reservations. Why? Because the contention of the oil vandals was that the only way to save the oil of the Government from being withdrawn from naval reserves 1 and 2—there was no discussion as to naval reserve No. 3 at that time—was to lease, and let the Government get what it could out of it in royalties; that otherwise outside owners of property contiguous to these reserves would be able to deplete them. They never were able to deplete them so long as we had a Secretary of the Navy who was loyal to his Government. Daniels, as Secretary of the Navy, said to these outside pirates: "If you drill wells to withdraw the oil from one of these naval reserves, I will put down, under an appropriation I have received at the hands of Congress, two wells near the line for every one you drill, and withdraw from your property more oil than you can withdraw from the property of the Government." He stopped it.

Mr. President, it needs to be stated, in order to get into the RECORD something like an approach to the real situation, that neither of these two naval oil reserves of California was wholly in the possession of the Government. When the lands had been segregated by Executive order that was an announcement to the public that the Government had information, through the Geological Survey, that they were valuable oil lands, and the private interests rushed into this territory and made locations in the face of the Executive order reserving the territory.

They came to Congress, after the Executive order had been sustained by the Supreme Court, and said that they had entered these lands under the advice of attorneys, had expended large sums of money in drilling wells, and that therefore the Government ought to recognize their equities and give them the right to hold those wells under leases and go on, although they were within the territory reserved for the Navy by the Government; and they found plenty of Senators and plenty of Members of the House of Representatives to take up their case and fight for them. So that we did not have simply a question of the Secretary of the Navy protecting an entire oil reservation against drilling by people on outside territory, but we had these squatters who had gone into the reservation and who had their wells located within this territory; and the general leasing bill that I referred to proposed to recognize them as having some rights there, instead of sending them, as I contended they should be sent, to the courts to get a judicial determination as to whether they had any rights at all.

Mr. President, that was the situation down to the time when this general oil leasing bill became the law.

Mr. NORRIS. Mr. President——

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. Can the Senator give the date of the final passage of the general leasing bill? I know when it passed the Senate.

Mr. LA FOLLETTE. The second one which I am referring to now, which became a law, was passed in 1919, in September or October. The first bill I defeated by a filibuster.

Mr. NORRIS. The Senator is mistaken. The Senator defeated the conference report.

Mr. LA FOLLETTE. Well, that conference report was a bill.

Mr. NORRIS. I understand that; but it never could get to the stage of a conference report unless the Senate had first passed the bill. I asked about that.

Mr. LA FOLLETTE. It passed the Senate many months before it was reported on as a conference report.

Mr. NORRIS. I know; a whole session before, I think.

Mr. LA FOLLETTE. I can not tell just when. I think it was in the preceding session of the same Congress.

Mr. NORRIS. It was, I think.

Mr. LA FOLLETTE. And it lay in conference for a year or a year and a half between the two Houses, and was brought in here at the close of the Sixty-fifth Congress. At the close of that Congress it was brought in here in the last hours, and attempted to be put through as an emergency proposition.

Now, Mr. President, I want to bring this matter down a step further.

In order to meet the contention of these private interests that the Government reserves would be inevitably depleted, and therefore must be leased, this rider upon the appropriation bill was passed. It clothed the Secretary of the Navy with authority to do the leasing in particular instances where it was necessary for the preservation of the Government's interests. Mr. President, that was a good law so long as it was executed in the public interest.

The authority conferred upon the Secretary under that provision was never abused so long as Daniels was Secretary of the Navy. When the new administration came in, the present Secretary of the Navy consented to the transfer of the naval oil reserves from the Navy Department over to the Interior Department; and instead of using the authority conferred by this provision of law that was passed as a rider on an appropriation bill for the protection of the Government reserves, it was used through the Secretary of the Interior, after the transfer had been made, to lease these reserves—the Secretary of the Navy joining in the lease—to private interests.

Mr. President, this discussion, which has occupied the attention of the Senate since the passage of the resolution, perhaps serves no good purpose. The committee that has charge of the resolution and the investigation under it will, I am sure, go to the bottom of the whole matter, and will ultimately report all the facts to the Senate.

Mr. HARRELD. Mr. President——

Mr. LA FOLLETTE. I want to say just a word about the Wyoming reservation, if the Senator will permit me.

Mr. HARRELD. I merely want to ask the Senator a question.

Mr. LA FOLLETTE. Certainly; I yield.

Mr. HARRELD. Some question has arisen about how the Secretary of the Interior got control of this matter—how it became his prerogative to make these leases. More than a year ago it was called to my attention that leases were being made on the naval reserve in California, and that some had been made by the Secretary of the Interior. I wrote a letter to the President at that time and called attention to the fact that the Secretary of the Interior was making leases covering naval reserves, and asked by what authority of law he did so. I received a letter from the President inclosing the reply of the Secretary of the Interior to my inquiry, and for the benefit of the Senate I am going to read part of the letter of the Secretary of the Interior at that time in reply to my query as to how he had the authority to make these leases. May I do that in the Senator's time?

Mr. LA FOLLETTE. I was about to conclude with a brief reference to reservation No. 3 in Wyoming. If I might just add this, then I will yield to the Senator to read the communication, which I apprehend is somewhat lengthy. I would like just to say this, that all the information I have been able to get is on authority which I think ought to be recognized as competent—geologists of the State of Wyoming and the head of the oil section of the Geological Survey of our own Government. The information from the State authorities is to the effect that the formation there would prevent the drainage of oil from that reservation by the outside world.

Mr. HARRELD. I have reference to the legal authority of the Secretary of the Interior.

Mr. LA FOLLETTE. I understand, but I was speaking with reference to the colloquy I had with the Senator from Nebraska. The authority of our own Geological Survey, which I quoted yesterday, is to the effect that there is no information in the possession of the survey, excepting that of interested parties, that warranted the statement that it was possible to drain the oil from reservation No. 3 by outside drilling, as contended by those who were supporting the leasing of these lands.

I now yield the floor to the Senator from Oklahoma.

Mr. HARRELD. Mr. President, as I stated, I feel there is some information contained in this letter which ought to be laid before the Senate, and for that reason I am going to read it. The letter was written by Secretary Fall, and reads, in part, as follows:

Answering your letter of June 4, 1921, inclosing a communication addressed to you by Senator J. W. HARRELD, of Oklahoma, questioning your authority under Executive order of May 31, 1921, to transfer the

administration of naval petroleum reserves to this department, and citing a provision of the naval appropriation act of June 4, 1920 (41 Stat. 813), as committing this authority to the Secretary of the Navy, I have the honor to advise as follows:

Section 18 of the oil and gas leasing act of February 25, 1920, provides that the Secretary of the Interior may lease producing wells in naval petroleum reserves. It further provides that the President, in his discretion, may permit the drilling of additional wells by the claimant or his successor, or may lease the remainder or any part of a claim upon which producing wells have been drilled. Under this provision of law authority to administer the producing wells is directly vested in the Secretary of the Interior. The right to permit the drilling of additional wells or to lease the remainder of any such claims is vested in the President, who, undoubtedly, may delegate his authority and supervision to the Secretary of the Interior or any other executive agency he desires.

The clause of the naval appropriation act referred to by the Senator relates only to those portions of naval reserves not included in pending claims, patents, or leases, and authorizes the Secretary of the Navy to conserve, develop, use, and operate the same "directly or by contract, lease, or otherwise." This vests broad discretion in the Secretary of the Navy as to the method, the manner, and the agency to be utilized in conservation, development, use, and operation of such lands. He may do it directly, or by contract, by lease, "or otherwise." The Secretary of the Navy requested you to make the administrative arrangement carried into effect by your said order of May 31, 1921, and, in my opinion, under the foregoing provisions of law, the legal authority for the action taken by you is not open to question.

Mr. KING. May I inquire of the Senator whom he is quoting now?

Mr. HARRELD. This communication was sent to me by the President of the United States.

Mr. KING. Is that in response to the Senator's interrogation?

Mr. HARRELD. My communication was one questioning the authority to make the Executive order. The President submitted the matter to the Secretary of the Interior, and this is Secretary Fall's reply to him sustaining the power of the President to make the Executive order. The letter continues:

If any doubt could exist, the provisions of the act of Congress approved May 20, 1918 (40 Stat. 556), commonly known as the Overman Act, authorizing the President to make redistribution of functions among executive agencies, is still in full force and effect, and would furnish authority for the action taken.

The said Overman Act was by its terms to remain in force during the war and for six months after the termination thereof by the proclamation of the treaty of peace, or such earlier time as the President might designate. The joint resolution of March 3, 1921, declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended: *Provided*, That in interpreting any law or treaty containing provisions contingent upon the duration or the date of the termination of the war "the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency."

Mr. President, the letter is rather long, and I would like to have unanimous consent to insert in the RECORD my letter to the President, to which this is a response, and this letter of Secretary Fall replying thereto.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COPY OF SENATOR HARRELD'S LETTER TO PRESIDENT HARDING.

JUNE 2, 1921.

The PRESIDENT,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: During the early part of April I understand that the Navy Department advertised for bids for the drilling of 22 offset wells on naval petroleum reserve No. 1, in Kern County, Calif.

In response to this advertisement one of my constituents duly submitted his bid, which it was advertised to be opened on April 25. The opening of these bids was delayed, I am informed, pending consideration of the transfer of the administration of the naval petroleum reserves to the Interior Department.

I understand that a few days ago an Executive order was issued which transferred the administration of these naval petroleum reserves to the Interior Department subject only to the approval of the Secretary of the Navy in matters of general policy.

I respectfully call your attention to a provision of law which I apprehend was not called to your attention at the time this Executive order was promulgated, being an act approved June 4, 1920, clearly expressing the legislative intent of Congress, and from which I quote as follows:

"*Provided*, That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of an act of Congress approved February 25, 1920, * * * or pending applications for United States patent under any law; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves, for the benefit of the United States."

In view of the specific provisions of this act, indicating the legislative intent of Congress, directing the Secretary of the Navy to take possession, conserve, develop, etc., the naval petroleum reserves, I beg to respectfully inquire whether the Executive order hereinbefore referred to is not in contravention of such act of Congress above cited?

Very respectfully,

J. W. HARRELD.

DEPARTMENT OF THE INTERIOR,
Washington.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Answering your letter of June 4, 1921, inclosing a communication addressed to you by Senator J. W. HARRELD, of Oklahoma, questioning your authority under Executive order of May 31, 1921, to transfer the administration of naval petroleum reserves to this department, and citing a provision of the naval appropriation act of June 4, 1920 (41 Stat. 813), as committing this authority to the Secretary of the Navy, I have the honor to advise as follows:

Section 18 of the oil and gas leasing act of February 25, 1920, provides that the Secretary of the Interior may lease producing wells in naval petroleum reserves. It further provides that the President, in his discretion, may permit the drilling of additional wells by the claimant or his successor, or may lease the remainder or any part of a claim upon which producing wells have been drilled. Under this provision of law, authority to administer the producing wells is directly vested in the Secretary of the Interior. The right to permit the drilling of additional wells or to lease the remainder of any such claim is vested in the President, who undoubtedly may delegate his authority and supervision to the Secretary of the Interior or any other executive agency he desires.

The clause of the naval appropriation act referred to by the Senator relates only to those portions of naval reserves not included in pending claims, patents, or leases, and authorizes the Secretary of the Navy to conserve, develop, use, and operate the same "directly or by contract, lease, or otherwise." This vests broad discretion in the Secretary of the Navy as to the method, the manner, and the agency to be utilized in conservation, development, use, and operation of such lands. He may do it directly or by contract, by lease, "or otherwise." The Secretary of the Navy requested you to make the administrative arrangement carried into effect by your said order of May 31, 1921, and, in my opinion, under the foregoing provisions of law, the legal authority for the action taken by you is not open to question. If any doubt could exist, the provisions of the act of Congress approved May 20, 1918 (40 Stat. 556), commonly known as the Overman Act, authorizing the President to make redistribution of functions among executive agencies, is still in full force and effect, and would furnish authority for the action taken.

The said Overman Act was by its terms to remain in force during the war and for six months after the termination thereof by the proclamation of the treaty of peace, or such earlier time as the President might designate. The joint resolution of March 3, 1921, declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended, provided that in interpreting any law or treaty containing provisions contingent upon the duration or the date of the termination of the war "the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency."

Therefore, the provisions of the Overman Act are, as stated, still in full force and effect and will be until the expiration of six months from and after March 3, 1921, unless the President shall himself fix an earlier date for the termination of the act.

In view of the fact that these naval reserves are surrounded by public lands, the oil and gas deposits of which are directly under the administration of this department, of the fact that the leasing of producing wells in the reserves is directly committed to it, of the fact that the plats, tract books, and other records of title are in the General Land Office, the geological data in the Geological Survey, and the appropriation and machinery for supervising the drilling and production from wells is in the Bureau of Mines, all of this department, the method of administration proposed by your order is patently in the interests of the most expeditious and economic administration; also, by the terms of your order, the Secretary of the Navy is to be consulted and is to cooperate in any general policy relative to the drilling or reserving of lands in such reserves.

In conclusion, therefore, I feel certain that there can be no legal objection to the method of administration established by your order, and it is in addition highly desirable from an administrative standpoint.

Sincerely yours, ALBERT B. FALL, *Secretary.*

Mr. HARRELD. In my judgment, that letter gives information which the Senate should have. I am not upholding the position the Secretary of the Interior took at that time, as I do not know whether he took the right position or not, but it will be the basis for the investigation that is to be conducted, and it gives light on his position at that time, 12 months ago.

I want to say, further, that I had nothing more to do with it until about the 14th of this month, when I began to hear these rumors about the making of these contracts covering this naval proposition, and I started another investigation. I wrote to the Secretary of the Navy and asked him to furnish me the data concerning all contracts which had been made covering the naval reserves since this administration went into power. On April 20 I received a reply from the Secretary of the Navy, in which he said this, in part:

Replying to your inquiry of April 14, wherein you request information concerning the oil leases executed with regard to the naval reserve lands belonging to the Government since March 4, 1921, the following data are submitted:

The Executive order transferring the care, custody, and operation of the naval reserves to the Department of the Interior was signed May 31, 1921, and since that date the Navy Department is not in a position to give the details of leases that may have been executed. However, between the dates March 4, 1921, and May 31, 1921, it appears that two leases became effective, as shown below.

So, for the information of the Senate, I want to say that the Secretary of the Interior justifies the transfer of this authority by the Executive order of the President from the Navy Department to the Interior Department in this correspondence, and I felt that it should be laid before the Senate for its information.

Mr. NORRIS obtained the floor.

Mr. KING. If the Senator from Nebraska desires the leasing act, I have it here, as well as the extension of it, or some provision enlarging it. May I make an inquiry of the Senator from Oklahoma?

Mr. NORRIS. I yield.

Mr. KING. I would like to inquire of the Senator from Oklahoma what relevancy the Overman Act, so called, has to any procedure taken by the Secretary of the Interior with respect to the matter now under consideration?

Mr. HARRELD. I do not think it has any, but the Secretary quotes it in his reply, and I am simply laying it before the Senate for his information.

Mr. NORRIS. Mr. President, I am not willing that I should be put in a false attitude by the Senator from Wisconsin [Mr. LA FOLLETTE]. The Senator from Wisconsin, after referring to the leasing bills, which came from the Committee on Public Lands as being bad, took particular pains to say that at the time when those bills came out of that committee I was a member of the committee, and there he dropped it. I do not understand the object a Senator may have in coupling me up with the committee and bad legislation which came out of that committee, except to leave the inference that I was in favor of the bad legislation which came out of the committee.

If that be a good argument, let me indulge in it. I do not suppose the Senator from Wisconsin will defend the Esch-Cummins law, for instance; and yet it came from a committee of which he was a member, and at a time when he was a member of it.

I doubt very much whether the Senator from Wisconsin will defend the tariff bill now pending before the Senate; yet it comes from a committee of which he is an honored member and has been for a great many years. I think I would be unfair and unjust to the Senator from Wisconsin if I delivered an address in which I condemned the existing Esch-Cummins law, and then said, "That came from a committee of which the Senator from Wisconsin was a member," and stopped at that.

Mr. President, I could cite some other legislation which has come from the Committee on Interstate Commerce since the Senator from Wisconsin has been a member of it. One measure in particular which passed the Senate, referring to railroads, I thought a vicious piece of legislation, but it was taken up one day by unanimous consent and passed. When the Senator from Wisconsin found it out he made a motion to reconsider it, and had the motion filed before the bill got over to the House of Representatives, I think. A man might devote an entire evening to a discussion of that law and show its evils, and as I looked at it there was not anything in it that was good. Then he could say, "Senator LA FOLLETTE was a member of the committee which reported that bill." If he stopped there and left that impression, the next man who told it might say, "LA FOLLETTE voted for that bill," and the next man who told it might say, "LA FOLLETTE was the author of the bill"; so it would get around like the story of the old black crow.

I was not in favor of that vicious bill which the Senator now says he defeated by a filibuster. I have been unable to get the exact date when it passed the Senate, although I asked the Senator, and he was not able to give the information either. From the clerk who has charge of that matter I have been trying to get the vote. I find that the bill which the Senator defeated by a filibuster was before the Senate on a conference report. There was a roll call on taking up the conference report. There never was a vote on the conference report, of course, because the filibuster defeated it. Congress adjourned on the 4th of March and there never was a vote on it, so the only vote was a vote to take up the conference report.

That was a roll-call vote. I have that roll call here. I find that I voted against taking it up. I was opposed to it. I am on record as opposed to it, although I must confess that I was a member of the Committee on Public Lands at that time. So if that argument be any good, I stand condemned according to my own belief of being in favor of a bad bill.

I find on that occasion that my colleague did not vote with the Senator from Wisconsin and myself. My colleague, who is now so anxious to preserve the rights of all the people by a leasing bill, was—I will not say in favor of it, because the record, so far as I have it here, does not show that. He did not vote at all. He may have been with the Senator from Wisconsin, but at least he was not present to help him by a vote at that time.

I agree that much which has been said here has no direct bearing upon the question. I never would have taken the floor to begin with if it had not been that I thought my colleague left the impression that this was a party matter, that the Democratic Party was always right on the question, when as a matter of fact if he wanted to, if he was so unjust and unreasonable as to make a party matter of it, two-thirds of it at least was Republican and one-third Democratic.

I would not have taken the floor again if it had not been that the remarks of the Senator from Wisconsin in their natural bearing would leave the impression that because I was a member of the Committee on Public Lands I was in favor of the bill. On the general proposition I have always favored a leasing proposition. There are some things in the leasing law that I was very bitterly opposed to, and the record shows that on a roll call I voted against taking it up.

The clerk has just brought me the roll call on the other leasing bill on its final passage, so we have two roll calls now on the leasing propositions. I think a fair construction of the statement of the Senator from Wisconsin would leave the impression upon the reader or hearer that I was in favor of both of them. I have shown already that I voted against one on the only roll call that was had, and now the clerk has handed me the roll call on the passage of the other leasing bill. I find on looking it over that I voted against the passage, as I was satisfied I had done.

In the long hearings that were had on some of the legislation I think the second time I did not participate at all in the committee, but the first time I did. On account of sickness I was unable to attend the hearings on the leasing bill when it was last considered, but I fought it to the best of my ability all the way through. I stood with Secretary Daniels, not because it was Secretary Daniels but because I conscientiously believed he was right. I was opposed to the provisions of the bill which did what the Senator from Idaho now complains about, although I preferred a leasing bill rather than an absolute sale to private parties, and was in favor of a leasing law if I could have had the right kind of a leasing law. In that proposition I was with both the Democratic and the Republican Presidents.

Now, it is interesting again, on this roll call which has just been brought to me, to see how my colleague voted, who is now expressing such awful consternation for fear a Republican Senate might go wrong. Let us see how he voted. On looking it over I find, as on the other roll call, he did not vote at all. So the Senator from Wisconsin at least did not get any assistance from my colleague, who was recorded on this vote as among those "not voting."

Mr. LA FOLLETTE. Mr. President, oftentimes in the stress of debate we are inclined to get a bit personal. I certainly do not want to go on record here as being a critic of the position taken by the Senator from Nebraska [Mr. NORRIS] upon public questions. I have served with him for a great many years. There are very few men whom I have ever known in public life—and I have seen something of the public service in the last 30 years—who I think are more devoted to the public interests than is the Senator from Nebraska [Mr. NORRIS].

We do not all of us fight in the same way. I suppose I would ordinarily be called rather tense in my way of indicating my opposition to measures. I sometimes have felt critical of some of my best friends when I was not able to secure their active support in opposing bad measures or in fighting for good measures which seemed to me to be very vital to the public interests. For my part, I do not always feel that I have discharged my full duty in opposition to bad legislation simply by voting against it, if I am able to do more than that by open and persistent opposition to it in debate. I have many times here resorted to that course in order to protect, as I saw it, the public interest.

When this very bad bill, against which my friend from Nebraska voted, was brought up in the Senate and was, as it seemed to me, almost certain to be passed, I sought personally to get support in order to carry on the debate and insure the defeat of that bad legislation. Combinations had been made, as I believed, which would inevitably result in the legislation passing unless it was debated at such length as to prevent a vote being reached before the end of the then impending adjournment of that Congress. I sought the aid of such Members of the Senate as I thought ought not only to be opposed to it to the extent of voting against it but who ought to lend assistance to opposing it in debate. That is all I care to say upon that proposition, further than to add that I was not able to secure such assistance to defeat the legislation, but it was finally defeated.

The Senator from Nebraska states that I am a member of the Committee on Interstate Commerce, and that the Esch-Cummins law was passed while I was a member of that committee, and that upon that statement alone it might be inferred that I was in favor of that bill. I cite not only the fact that I voted against that bill, but that I spoke against it on the floor. I was the only member of the Committee on Interstate Commerce, composed of some seventeen Senators, who filed a report against it. I thus started my opposition to that legislation—which I believed to be and still believe to be a legislative crime, a most vicious measure—in the committee and continued it for many days throughout the debate upon the floor.

I started in on the floor to oppose it, not knowing that I would receive the support of a single Senator, but I made my opposition to it something more than merely voting against the bill. I was on the floor day after day, speaking against it for the better part of the time that it was before the Senate—for some weeks at least. Fortunately, as the debate developed, opposition to the bill developed. I refer, of course, to the bill as reported first by the Senate committee, the bill known as the Cummins bill, and which was made finally a part of the Esch-Cummins law. As a result of that debate, although I could not get the support of any of my colleagues on the committee to join in a minority report against it, a number of members of the committee finally took part in opposing it before the debate was concluded. When the bill was finally put upon its passage there were 30 votes recorded against it.

It is true, as stated by the Senator from Nebraska, that another bill was reported to the Senate from the Committee on Interstate Commerce which did pass this body and passed it without any opposition. I learned of it, as the Senator from Nebraska has stated, within a few minutes after it passed. It passed when there were but seven Senators on the floor. It had been reported out of the Committee on Interstate Commerce during my absence not only from the committee but from the city of Washington, for following the fight on the Esch-Cummins law I went to the city of Rochester, Minn., for an operation which I had been advised to have performed nearly a year before. That bill was put upon the calendar while I was absent under those circumstances and was passed through the Senate when there were but seven Senators present.

But, Mr. President, I think I made my record on that bill pretty clear, for I not only interposed a motion for reconsideration of the measure, but availed myself of the parliamentary situation in such way that the bill failed of passage. I do not care to say anything more about the matter at this time.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, 19 days ago the pending tariff bill was reported to the Senate. A number of the members of the minority on the Committee on Finance desired further time in which to examine the bill and file a report thereon. Ten days were given for that further consideration. Nine days ago we began the consideration of the bill, spending most of the first day in reading the bill itself. The next day we proceeded with the first item of the first schedule of the bill—acetic acid, which, in common, homely, plain English, is vinegar. We have had that item before us now for eight days, and we still have not passed the vinegar stage.

This morning the Senator from Wisconsin [Mr. LA FOLLETTE] asked unanimous consent that the tariff bill might be temporarily laid aside in order that he might have a vote upon his resolution. He made the request in good faith, I am sure, expecting that there would be no debate on the resolution. I consented to his request, with the reservation that if there were no extended debate upon the matter, and we should merely have a vote, the tariff bill might be temporarily laid aside for that purpose. It took five minutes, Mr. President, to pass the resolution; but since the resolution has been passed there have been two hours and five minutes of discussion of a resolution that had already passed the Senate. While the discussion may be interesting and enlightening on a subject that will again come up, possibly, after an investigation of the matter is over, some six months or a year from now, the discussion has not given us a great deal of enlightenment upon the vinegar item of the pending schedule.

Now, I sincerely hope that we may give our attention to the tariff bill for a while and continue giving attention to it, and take up its items and dispose of them without consuming so much time in the discussion of extraneous matters which have no relation whatever to the bill.

Mr. JONES of New Mexico. Mr. President, I am a little astonished at what the Senator from North Dakota has just said. He complains about the length of time which has been consumed in the discussion, as he said, of the first item of the pending bill, that of acetic acid. I wish to remind the Senator that he himself said the principle upon which the tariff regarding acetic acid had been framed permeated the entire bill; and the Senator knows that during all the time that I have occupied the floor I have been endeavoring to ascertain the principle underlying the bill.

It is true those responsible for the pending bill have shifted from one foundation to another, but that has been done because the first foundation laid down by the Senator from North Dakota did not prove to be firm and sound. That is the reason for this rather extended discussion without voting upon the items in the bill. All Senators should be interested, and I trust are interested, in understanding the basis which underlies the bill. I am sure the country wants to understand it; the people of this Republic want to understand it, because they are the ones who are going to be directly affected by it. I have been trying to develop that thought. We have not proceeded very far. The Senator from North Dakota has on each occasion undertaken to lay down a theory which to the eye is attractive, and which he hopes will be attractive to the people of the country, but I hope to demonstrate—I say hope to demonstrate it, but I rather expect to demonstrate—that this bill is not founded upon the beautiful theory which the Senator from North Dakota has announced to the country. I think I can demonstrate that fact, and I think it is worth while to do so. I do not believe that we should consider amendments to the bill until we can ascertain why the amendments have been proposed.

Mr. President, let us summarize for just a moment. The Senator from North Dakota at first said that this bill was framed for the purpose of equalizing the difference between the cost of production in the United States and in foreign countries. Upon a discussion of that, in the first instance, it was developed that the actual cost of the commodities in this country and abroad was never ascertained. So that theory has been in a way abandoned. But the Senator then followed with the statement that while the committee could not ascertain the cost of the production of commodities abroad, and while they were unable, except in a comparatively few instances, to discover the cost of production in this country, they ascertained the prices abroad and in this country, and assumed that those prices were based upon the cost of production plus a reasonable profit. That is the last statement of the Senator from North Dakota; and I wish to-day to examine that question a little.

As to some of the items in the bill, the Senator has said that the bill was framed in conformity to an agreement between exporters and importers. That eliminates a part of the products covered by this bill from his beautiful theory. When it came to prices, on yesterday it was developed that in many instances the same products covered by the identical paragraph in the bill by the same rate of duty were manufactured in a number of different countries; that the cost of production varied in accordance with the country from which the commodities came; that the commodities themselves varied in an extreme degree as to the cost of production and prices; but yet we find in this bill one rate applicable to this great mass of commodities.

On yesterday I used earthenware as an illustration. Plain earthenware is imported from a number of different countries, and upon all plain earthenware coming from various countries the rate of duty is precisely the same. Mr. President, I should like to know, in view of that condition alone, how it can be said that the rates of duty imposed by the bill are based upon the difference in the cost of production at home and abroad, whether that difference is ascertained by actual investigation or whether the prices alone are used. I say that the statement of the Senator from North Dakota can not be substantiated; it can not be affirmed by the situation as it exists.

The same thing is true regarding decorated earthenware, which comes from various countries of the world. The rates of duty on all decorated earthenware are precisely the same, and so it is with numerous—in fact hundreds of articles in this bill. Moreover, Mr. President, not only the cost of production varies in the different countries from which the goods come, but the cost of transportation from those countries is also a very great item to be taken into consideration.

I may say at this point that the Senator from North Dakota first laid down his proposition that these rates were established to equalize the difference in the cost of production, including the transportation. I wish to remind the Senator of this, which I am sure he knows to be true: Take the case of earthenware, which comes from Germany, which comes from England, which comes from France, which comes from Japan. The difference in the cost of transportation is a very material item. The experts estimate that the cost of transportation of earthenware from Europe is about 10 per cent.

The cost of transportation of earthenware from Japan is 40 per cent. Under one paragraph, including these wares from all these different countries, including these differences in transportation, they lay down one rate and tell us that that rate was framed for the purpose of equalizing the difference in the cost of production and transportation. If that is the theory upon which this bill is founded, if that is what the committee intended to work out, then I say that it has woefully failed. It may develop this beautiful theory; it may try to have the

people of this country believe that it has gone into these questions, that it has studied them carefully, and that it has accomplished nothing more than to equalize the difference in cost of production, including transportation. Upon analysis this bill will not stand; and I want to call the Senator's attention now to the fact that yesterday I only dwelt upon the difference in the cost of production in the different countries. There are other elements entering into that question. There are cases where the export price is different from the selling price at home. In such cases as that, when the Senator from North Dakota was taking prices for the purpose of ascertaining the difference in cost of production and transportation, and in fixing this world level of prices as between the different countries, I should like to ask the Senator which price he took—the home selling price or the export price? Will the Senator from North Dakota please enlighten us on that subject?

I may be able to give the Senator some information. Apparently he does not consider that as material, judging from his refusal to make any reply to my interrogatory. I think the country is interested in knowing that, however, and in this document, entitled "Depreciated Exchange and International Trade," prepared by the Tariff Commission, on page 53, I find a table giving the differences between the prices at home and the export prices of products from Germany.

The Senator has taken these prices, including the prices from Germany as well as the other countries. The Senator from Utah [Mr. SMOOT] yesterday rather referred solely to the situation in Germany as furnishing the reason for the increase of the tariff. The Senator from North Dakota has told us that he has ascertained the cost of production by the prices. Now, I desire to call the attention of the Senator to this statement. The statement is prepared from actual importation prices.

Under the existing law the tariff is imposed upon the price of the foreign commodity, and the price on which the duty is imposed is the home selling price or the exporting price, whichever is higher; so now, under the law, when a shipment of goods is imported, it is necessary for the importer to make a statement under oath as to the home selling price and the export price, and it is from those actual transactions that the Tariff Commission made up this table.

Decorated chinaware: In the case of a shipment of that amounting to 5,141.67 marks at the internal price, the export price was 6,246.5 marks, making a difference of 1,104.83 marks, or a difference of 21 per cent.

Another shipment of chinaware from Germany amounted at the home price to 1,016 marks; the export price was 2,225 marks, a difference of 119 per cent.

In the case of another shipment the home price was 954 marks, the export price 1,414 marks, a difference of 459 marks, or 48 per cent.

Another shipment of china had a price of 448 marks at home, the invoice price was 612 marks, a difference of 164 marks, or 37 per cent.

Another shipment amounted to 263 marks at home, 532 marks for export, a difference of 269 marks, or 102 per cent.

Poreclain: A shipment amounted to 37 marks at home, 84 marks for export, a difference of 46 marks, or 124 per cent.

Another shipment of porcelain: Price at home 802 marks, export price 1,816 marks, a difference of 1,014 marks, or 126 per cent.

A shipment of earthenware: Home price 103 marks, export price 328 marks, a difference of 224 marks, or a difference of 216 per cent.

Another shipment of earthenware: Home price 1,141 marks, export price 3,003 marks, a difference of 1,861 marks, or 163 per cent.

A shipment of locks: Home price 967 marks, export price 1,212 marks, a difference of 245 marks, or 25 per cent.

A shipment of chemicals and laboratory supplies: Home price 79,563 marks, export price 106,364 marks, a difference of 26,801 marks, or 34 per cent.

In sundries, including aluminum ware, pocketknives, dolls, and so forth, there was a difference of 66 per cent.

In one shipment of worsted yarn there was a difference of 174 per cent; in another shipment a difference of 30 per cent; in another shipment a difference of 20 per cent.

Now, I should like to inquire if the Senator from North Dakota can tell us which of these prices was used by the committee as a basis for the tariff upon the items to which I have referred?

Mr. McCUMBER. Mr. President, the Senator seems to be asking questions without any particular object in view. The Senator says that one set of dishes is sold for one price and another set of dishes is sold for another price and a third set is sold for another price, and then he asks me which one of these prices we took. I certainly can not answer that question.

Mr. JONES of New Mexico. No; I will come to that a little later. What I am anxious to know now is this: I have shown that there is a difference between the home selling price and the export price of the same shipment. What I want to know is which set of prices the Senator and his colleagues upon the committee used in ascertaining the difference between the cost of production in Germany and the cost of production in the United States?

Mr. McCUMBER. Mr. President, let me answer the Senator again just as I have answered him some three times before when he asked the identical question. The Senator has made practically the same argument almost in the same words that he made twice before, and I have answered each time that he has closed his argument with a question. In answer to that question I have stated that we have tried to ascertain the cost of production where it was possible in the foreign countries, and where that is not possible, of course, we have then taken the next best standard that could be adopted, the selling price of the article, not for exportation particularly, but the selling price of the article for home consumption in wholesale quantities. That is the basis of all of our tariffs that have been levied in all of the years on an ad valorem basis.

Germany may have a provision whereby she will compel her manufacturers to pay a certain amount for the privilege of exporting, which in effect amounts to an export duty upon the things which are made in Germany and exported. That is a regulation that may be taken away entirely, or it may be continued. We shall have to assume, if we are going to have a protective tariff, that it may be taken away at any time; and if the export duty is removed then it is a question of the competition in the markets of the United States between the foreign product without that export duty and the product that is manufactured in the United States. We have based our duties as nearly as we could upon the only thing that would be competitive, and that is the selling price at home, showing how low they can sell the article, and the selling price in the United States with a reasonable return upon the investment.

I can not make that clearer. That is the basis. That was the basis of the emergency tariff bill. It is the basis of all tariffs in which the duties are levied on an ad valorem basis. All of them have provided that the duties shall be assessed upon the wholesale selling price of the foreign commodities in the foreign markets; not the price at which they may be exported, but the price at which they are sold. We have tried to base our duties upon that and to make them as nearly equal as we can.

Mr. JONES of New Mexico. I thank the Senator for his statement, and I am sure the Senator has answered the question according to his best information, but I am certainly sure that the Senator will not object if I remind him that the duties levied under this bill are to be imposed upon the goods according to the home price or the export price, whichever is the highest.

Mr. McCUMBER. The purpose of that the Senator understands, of course. Where a country does impose an export duty and therefore makes the goods higher priced in the United States, we shall impose a greater duty upon that article. That, I think, is the same also in the case of the emergency tariff law. As I now remember, there is no difference in that respect.

Mr. JONES of New Mexico. I have drawn attention to that for the purpose of developing the fact that there is no certain relation between these prices abroad and the prices upon which the duties are to be levied under this bill, and that those prices to which I have referred furnish no index to the cost of production, and thus does the beautiful theory dwelt upon by the Senator from North Dakota vanish.

I would like to call the attention of the Senator to another thing. Let us suppose that there come to this country five shipments of decorated chinaware from Germany.

Mr. WATSON of Indiana. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. JONES of New Mexico. I yield.

Mr. WATSON of Indiana. Only two or three Senators are paying any attention to this debate, and we might as well have a little conversation about it. One sure way of overcoming all of this is by the adoption of the American valuation plan, of the Fordney variety; that is to say, that they are all brought to a common level of valuation. Would the Senator agree to that? He is complaining about the situation. Would he agree to that one sure remedy?

Mr. JONES of New Mexico. Mr. President, I can not accept the Senator's statement that that is "one sure remedy." On the contrary, I can demonstrate that it is not.

Mr. WATSON of Indiana. Of course, the Senator is entirely mistaken about that, because the American plan of valuation brings them all to one level; but the Senator does not agree to that. He says that is not the remedy. What is his remedy? The Senator has been talking for four or five days about the situation. What is the Senator's remedy for what he says is an evil, which he points out? Will he kindly tell us?

Mr. JONES of New Mexico. I will be glad to answer the Senator. First, as to his statement about the Fordney American valuation plan, that plan fixes the definite amount of the duty on the article, but the difference in the cost of production abroad in the different countries remains the same, and has the same effect. But I do not care to engage in a discussion of the American valuation plan at this time. I expect to do that at some later stage.

Mr. WATSON of Indiana. I am not going into a discussion of that proposition, because it is not imminent; it would not be practical, because it is not here. I merely made that statement to find whether the Senator favored that plan. Then would the Senator favor the plan of placing the valuation on the American wholesale selling price of the foreign article in the American market?

Mr. JONES of New Mexico. That is a modified form of the Fordney plan.

Mr. WATSON of Indiana. Whether modified or not modified, does the Senator favor that plan?

Mr. JONES of New Mexico. That would not in principle alleviate the situation to any greater extent than what the Senator chooses to denominate the Fordney plan.

Mr. WATSON of Indiana. Then I understand the Senator is not for the Fordney plan, and he is not for what we ordinarily denominate the Burgess plan. Is that correct?

Mr. JONES of New Mexico. The Senator is quite right.

Mr. WATSON of Indiana. He is not for either plan, nor is he for the plan of fixing the foreign valuation as the basis of our valuation for tariff purposes. What is the Senator's basis of valuation for tariff purposes?

Mr. JONES of New Mexico. Mr. President, in the first place, I am not framing this bill. In the second place, I desire to refer to an answer which I made to a similar question of the Senator yesterday. He wanted to know what I would do. I told him then, and I desire to repeat, and I trust that not only he but other Senators will realize the importance of the statement, that this is a new tariff bill. There should not be any new bill until there is first ascertained the necessity for a new bill, and it should not be framed unless the ingenuity of the Congress can devise a plan to meet the situation.

The Senator virtually confesses that this bill, as to these things we have been talking about, does not meet the situation. My reply is: Let us not leave the present law until we can assess the remedy with some degree of certainty of the mischief in existing conditions, and then devise a remedy to meet it which will not be disastrous in its consequences.

Mr. WATSON of Indiana. Mr. President, the Senator is attributing language to me that I have not used. He says I make a confession that the measure we propose will not meet the existing situation. No such language has escaped my lips. The Senator wants to continue the existing law. In other words, the Senator is a tariff-for-revenue man, and he is opposed to any bill for protection. That is where he gets in the last analysis. That is true, is it not?

Mr. JONES of New Mexico. No; it is not.

Mr. WATSON of Indiana. What is the Senator for?

Mr. JONES of New Mexico. I will develop that later. It is wholly immaterial——

Mr. WATSON of Indiana. No; it is not immaterial.

Mr. JONES of New Mexico. What my individual view about this measure may be is wholly immaterial. It is a question as to what this bill means, and how it is going to operate. I do not suppose the Senator from Indiana has brought in this great tariff bill because of my views on the subject.

Mr. WATSON of Indiana. No; certainly not. In the first place, I did not know what the Senator's views were, and in the next place I apprehended that, like all members of his party, he was not just quite sure as to what he did believe. Some of them are free traders, some are incidental protectionists, some are for a tariff for revenue only, and some for tariff only for revenue, as two different Democratic platforms have expressed it. While the Democratic platform of 1912 decried protection as a great crime, as unjust, illogical, inequitable, and unconstitutional, it yet stated that because the business of the country was adjusted to it, it should not be at once destroyed, else it might destroy the entire fabric of American industry. Therefore, I would not permit the Senator to frame a tariff bill for me, because I do not know what he believes, and we have never had any way of finding out what he believes.

What I am trying to get at is this: For seven or eight days the Senator has been criticizing the bill because of the system of valuation adopted. I am trying to find out whether he is simply finding fault, pointing out errors, holding up flaws, viewing with alarm, or whether he has something really constructive in his mind as a substitute for what we propose. I am satisfied with this situation. It is precisely the basis that has been used for 150 years of American tariff making. It has not been a perfect system, but it is the best that has yet been devised, and while conditions are now somewhat more chaotic in the industrial and financial world than ever before, nevertheless the principle remains the same, and the basis of valuation is just as fixed as in any previous tariff bill; it is just as fixed as in the one to which my friend from North Carolina [Mr. SIMMONS] has his name attached, the Simmons law, or the Underwood-Simmons law, as we ordinarily call it.

So the basis of valuation is the same in principle that we have always had, and the same objection might have been raised, and I imagine that the Senator has read the same objections made by men in the past, made to the McKinley law, made to the Dingley law, made to the Payne-Aldrich law, since I became a Member of Congress. The same objections were made over and over that we had varying values to deal with, owing to the fluctuation of prices, the difference in wages, and the difference in the cost of production, in the countries that sent their goods to us. They are the same old objections. Yet the appraising officers have gone on in a practical way to administer the law, just as they will this, notwithstanding the vastly varying prices and costs of production in the different countries of the world.

I have told the Senator where I stand on the proposition. Where does he stand on the proposition?

Mr. JONES of New Mexico. Mr. President, I call attention to the fact that the Senator says that we are framing this bill upon the same principle on which other bills have been framed for 150 years. I have no war to make upon levying the duties upon the importations of a foreign article based upon its price. That has not been the burden of my objection, but I have been trying to call attention to the fact that the world situation has changed, and now I hope the Senator from Indiana will not take offense when I say that his last remark amounts to a confession that he and his colleagues have not learned anything for the last 150 years; that they are doing now, in this great changed world condition, the same old thing which they have been doing all during the life of the Republican Party.

It does seem to me that what the Senator has said amounts to this further confession, that whenever disturbances arise in the economic situation of the world affecting conditions here in the United States, they have only one remedy, and they study nothing else. In all the realm of medicine they apply only one remedy. They know of but one remedy for the ills which this country bears. They at once, like the patent-medicine doctor, prescribe a dose of Peruna whenever they find anything wrong in the economic condition, and now, in this extraordinary situation, they say to the people of the United States, "Do not take one dose only, but take half a dozen doses at once."

Mr. WATSON of Indiana. I come back to the old question and ask the Senator what he would do, to which I have had no reply.

Mr. JONES of New Mexico. Mr. President, before I get through with this discussion I expect to do so, but evidently the Senator, by insisting upon an answer to that question, admits that he does not know what ought to be done.

Mr. WATSON of Indiana. Oh, yes; I know.

Mr. JONES of New Mexico. He is not trying to defend the bill.

Mr. WATSON of Indiana. Yes; I am going to defend the bill without any equivocation or reservation, and it is entirely susceptible of defense. But I am trying to find out from the Senator what he would do. He is trying to tear down all that we have done, and he offers no substitute in the world. He is against the Fordney plan of valuation; he is against the Burgess plan of valuation; he is against the foreign plan of valuation. What is he for by way of valuation? Does he want to tear down all the customhouses and have absolute free trade with all the world?

Mr. JONES of New Mexico. The Senator is evidently seeking to force a digression.

Mr. WATSON of Indiana. No; it is not a digression. It is the very thing the Senator has been talking about for four or five days.

Mr. JONES of New Mexico. Not at all; and I am not going to be led off into that discussion at this time. I again remind the Senator that there is one thing I would not do. I would not change existing conditions until I knew the change would be beneficial to the country.

The Senator from North Dakota has been complaining about the amount of time consumed. I do not want to leave the proposition I have been discussing. Here are two different kinds of prices——

Mr. McCUMBER. Mr. President, will the Senator yield to me?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. The Senator from North Dakota has not made any complaint about the time that is consumed in a discussion of the tariff bill. A great many general speeches are being made, which are perfectly proper, and might as well be made now as at any other time. What I complain of is taking up other subjects and spending hours and days on them, as we spent to-day more than two hours in discussing a resolution which had already been passed. I am making no objection to the Senator's discussion of the tariff bill.

Mr. JONES of New Mexico. I am very glad to be advised of that.

Mr. McCUMBER. If the Senator will yield further to me for a moment, I ask unanimous consent that when the Senate concludes its business to-day, it shall take a recess until Monday at 12 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? There being no objection, it is so ordered.

Mr. JONES of New Mexico. Mr. President, I think the proposition which I have been discussing is important. The tariff is levied upon the selling price, either export or domestic, whichever is the highest. In Germany the selling price at home is very much less than the export price. The Senator from North Dakota has advised us that the committee used the home selling price. Of course, the duty is not levied upon that price, and therefore the duty can not measure the difference between the cost of production abroad and in the United States. So, it seems to me, that as to the countries where there is a difference between the home selling price and the export price, the bill is not founded upon the general principle of trying to equalize the difference between the cost of production at home and abroad, including transportation.

I desire to call the attention of the Senate to the fact that in the article to which I have referred—and, by the way, all of these transactions occurred in the same month—there were five shipments of decorated chinaware. The difference between the home price and the export price in one shipment was 21 per cent; in another 119 per cent; in another, 48 per cent; in another, 137 per cent; and in another, 102 per cent. I am sure we would all be glad if the Senator from North Dakota would tell how he reconciles those differences during the same month regarding the same commodities coming from the same country at these greatly varied prices. There are those differences in the home prices during the same month, varying from 21 per cent to 137 per cent.

Is that the basis upon which legislation of this sort should be founded, legislation which affects the welfare of every man, woman, and child in the land? It develops from this instance that there is no stable basis upon which legislation can be founded at this time, and so, replying further to the Senator from Indiana, I would not undertake to change existing conditions until there was a reasonable certainty that the change would be better for the country.

Mr. President, I would like to get a little more information from the Senator from North Dakota. Yesterday I gave a statement, coming from officials of our Government, to the effect that in the month of February wages in Germany had advanced 23 per cent, and in the month of March wages advanced another twenty-odd per cent. Now, I should like to inquire of the Senator from North Dakota as of what date did the committee ascertain the prices on which the rates were based? Can the Senator give that information in just a few words, because I do not want to consume time?

Mr. McCUMBER. In three words—the latest obtainable.

Mr. JONES of New Mexico. Well, Mr. President, that is a short answer. The Senator certainly complied with that part of my request. But I desire to state that what we have hitherto been led to believe was the date when the prices of the great run of articles was ascertained was in August of last year. The so-called Reynolds report, which cost the Government of the United States $100,000, was based upon prices obtained in August of last year. If there has been any ascertainment of prices since that date I am inclined to believe that it was not done in a systematic way. It was done, if done since that time, upon very uncertain conditions. The prices have been varying from time to time, from day to day, and we are now left in the dark as to what time and what date the prices were ascertained. The Senator from North Dakota says the latest available date. We do not yet know what that latest available date was. We do not know whether it was last August or some previous time. The Reynolds report, prepared on prices of last August, covered only comparatively few articles. There has never been, so far as I am advised, any attempt by the majority of the Finance Committee to ascertain all of the prices of the various commodities included in the bill. They have been gathered from time to time, such as were gathered, but I submit that they have not ascertained at any time in any systematic way the prices involving all the commodities in the bill.

Mr. McCUMBER. Mr. President, I think the Senator is mistaken in that. I think that we have obtained the prices and the very latest possible prices involved in each one of the items in the bill. The Senator knows that in these fluctuations we not only have our weekly but our monthly summary of foreign commerce of the United States. We have our many trade journals quoting the prices on imports and quoting the prices of the American articles. We have them before us every day, always giving the very latest reports made upon any subject.

I agree with the Senator that the Reynolds report, being based upon the prices of August, 1921, becomes somewhat ancient, but we have not followed that. We could not consult it except to ascertain what the conditions were at that time and then examine the reports which have been made since to get the changes which have been made. Of course, there will be these fluctuations. We are having them to-day under the present tariff law. The duty which will be received to-day upon an importation may be almost doubled to-morrow by reason of the fluctuation in the value of the imported articles, but that is no reason why we should not continue our duties. We shall have to impose duties, no matter whether the price of the commodity goes up or goes down. We have to meet those troubles whether it be upon a tariff for revenue only or whether it be on a tariff for both revenue and protection. I merely wish to say that we did not confine ourselves at all to the statements that were made in the Reynolds tariff report.

Mr. JONES of New Mexico. The committee went to all sources, and I have no doubt that they did the best they could on the theory that they are supposed to adopt.

Mr. McCUMBER. If we have a report from a trade journal showing what two or three days before were the prices of articles which were being imported into New York, does not the Senator have as late and as reliable data as it would be possible to get? We have the invoices, and we know at what prices the goods were purchased.

I believe that, while there may be some fraud in connection with our importations, as a rule our officials obtain very accurate information as to the foreign cost of any article which is imported. We have such information in the reports that come from the customs service almost daily, in the reports that come from the trade journals, and especially in the governmental report published by the Department of Commerce entitled "The Monthly Summary of the Foreign Commerce of the United States."

Mr. JONES of New Mexico. I think the Senator from North Dakota will agree that those prices fluctuate from day to day and from month to month.

Mr. McCUMBER. Of course they fluctuate, and that adds to the difficulty; there is no question about that. I have stated that it was a difficult task on account of the fluctuations; but believing that it is necessary, notwithstanding those fluctuations, to have a protective tariff law upon the statute books, we intend to place one there.

Mr. JONES of New Mexico. Mr. President, that, of course, I believe is the real foundation of the pending bill. I am going to examine the facts regarding some of its schedules a little later; but it seems to me that the Senator from North Dakota has now stated the real object in framing the bill, and that is the idea of protection. Under paragraphs (a) and (b) of section 315 will be found the measure of protection which this bill itself states is the basis upon which these rates are constructed, and that section of the bill does not indicate that the bill is framed upon the basis of equalizing the difference between the cost of production at home and abroad.

Mr. McCUMBER. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. McCUMBER. Why does the Senator from New Mexico say that the Senator from North Dakota now states that the purpose of the bill is protection to American industry? Did

not the Senator from North Dakota in opening the debate upon the bill so state?

Mr. JONES of New Mexico. Oh, the Senator from North Dakota has always contended for that.

Mr. McCUMBER. Has not the Senator from North Dakota claimed that all along? Can the Senator from New Mexico see any difference between a declaration that the bill is for the purpose of protecting American industries, as well as raising revenue, and a statement that in providing such protection we have sought to secure as just a measurement as we can of the difference between the cost of production at home and abroad? That leaves us protection. If we merely equalized the cost of production, we should still have protection, because the American manufacturer, being in close contact at all times with the American purchaser, will be able to compete, and more than to compete, with the foreigner if he can meet him upon an even basis in the markets of the United States.

Mr. JONES of New Mexico. Mr. President, I submit that there is a vast difference between protection in order to equalize, and to the extent only of equalizing, the difference in the cost of production at home and abroad and protection as defined in paragraphs (a) and (b) of section 315 of this bill. If the Senator from North Dakota will once admit that the bill does carry protection further than for the purpose of equalizing the difference between the cost of production abroad and at home, including transportation, the discussion of the bill will be very much limited, but so long as he contends that the protection carried in this bill does not extend beyond the difference in the cost of production at home and abroad, it will be incumbent upon us who are at least hoping to advise the people of this country what the bill does mean to continue the discussion, and to develop, if we can, the things which this bill really means.

There is a vast difference, as I have said, between protection undefined and protection limited to the difference in the cost of production. What I am trying to demonstrate is that the protection carried in this bill is quite different from the kind of protection for which the Senator from North Dakota is contending. The Senator from North Dakota knows that it sounds very well to the people of this country to say that the pending bill is framed for the purpose of equalization. If he can ever get the people of the country to believe that he will be happy; but, in my humble judgment, if the people ever do believe that, it will be because they have been deceived.

Mr. President, the Senator says that the duties in this bill are levied in order to equalize the cost of production at home and abroad. I hold in my hand a little summary of the articles in the chemical schedule of the bill only, on which the rates of duty provided in the bill are precisely the same as the rates of duty which were provided under the Payne-Aldrich bill, which was passed in 1909. I will ask the Senator from North Dakota if he believes that there has been any change in the cost of the production of all this array of chemical articles, either in this country or abroad, since 1909?

Mr. McCUMBER. Will the Senator repeat his question?

Mr. JONES of New Mexico. I am sorry to take the time, but I know the Senator from North Dakota must have some light to shed upon this situation. I have here some pages merely giving the items taken from the chemical schedule in the pending bill on which the rates of duty provided in the bill and those provided in the Payne-Aldrich bill of 1909 are identical. If the bill is, as the Senator has said, based upon the difference between the cost of production at home and abroad, I should like to ask him if he and his colleagues on the Committee on Finance ascertained that as to all of this array of items there has been no change in the cost of production, either at home and abroad, since 1909?

Mr. McCUMBER. Certainly, there has been a big change in the cost of production in the United States. In some instances there has also been a higher cost of production in foreign countries; but as to some foreign countries, I think the cost of production is much less. On the whole, however, the cost of production in the United States has vastly increased over that of 1909.

Mr. JONES of New Mexico. Then, it is a very peculiar situation that in the pending bill there is a vast array of articles upon which the duties imposed are at precisely the same rates as under the Payne-Aldrich law.

Mr. McCUMBER. Very well. We saw that we could get along with that duty. I think in some instances the rates in the Payne-Aldrich bill were possibly higher even at that time than was absolutely necessary; perhaps I can say that in a great many instances they were higher than was necessary; but I stated when I opened the debate upon the pending measure that the committee paid very little attention to the rates provided by the Payne-Aldrich law, but paid a great deal of attention to the competitive differences between countries at this time. That is what should guide us rather than the Payne-Aldrich bill rates. It may be that in many instances we have practically the same rates as those provided in the Payne-Aldrich bill, while in some instances the rates in the pending bill are less and in some instances more.

The Senator, however, asked me a question which, if I understood him aright, was whether on the whole the cost of production in the United States had increased. I say positively, yes; it has increased. In many foreign countries such as England the cost of production has also increased; in some instances there has been probably about the same ratio of increase, so that the relation between costs is practically the same as at the time the Payne-Aldrich bill was enacted into law. I can not at present refer to any particular article, but on the whole prices have increased almost throughout the world with the exception probably of Germany, Czechoslovakia, southeastern Europe, and possibly to some extent China and to a less extent Japan.

Mr. SMOOT. Mr. President, will the Senator from New Mexico yield to me?

Mr. JONES of New Mexico. If the Senator will pardon me, I should like to know whether the Senator from North Dakota and his colleagues ascertained that the cost of production in the United States and in the various countries from which chemicals are obtained had increased in the same ratio from 1909 to the present time?

Mr. McCUMBER. I think not as a whole. I do not think it has increased in the same ratio. In the case of Great Britain, however, the chances are that the increase has been about in the same ratio, while in the case of Germany, I think it will be found that it has not increased in the same ratio, and that is true of southeastern Europe in general.

Mr. SMOOT. Mr. President, now will the Senator from New Mexico yield to me for a moment?

Mr. JONES of New Mexico. I believe I would rather not yield just now until I conclude the discussion of this question with the Senator from North Dakota. I think it will be helpful if I should go ahead at this time. I hope the Senator from Utah will pardon me.

Mr. President, I hold in my hand a report of the Tariff Commission entitled "Depreciated Exchange and International Trade." The report was prepared this year, and from it I find that, taking 100 as the index figure for the year 1913, prior to the war, in September, 1921, the index figure has changed not only for the United States but for various countries mentioned. The index figure is made of a certain number, usually a considerable number of commodities produced in a given country, and the average of the prices is taken and compared with a certain date. In the report which I hold in my hand the index price for 1913 was fixed at 100. If in 1913 100 was the index price in the United States for these articles and we follow that down to the present time, we can ascertain the advance or depreciation in prices during the given period. We can also ascertain whether there is a variation in the advance of depreciation in regard to the different countries; and so I find this on an examination of this table:

Taking 100 as the price in 1913—and that is the figure taken for all these countries—I find that in this country in January, 1919, that index price had advanced to 195; in September, 1921, that price had decreased to 143.

In England, taking 100 as the 1913 index price, in January, 1919, that index price was 224; in September of last year it was 176.

In France in January, 1919, the index price was 348; in September, 1921, it was 344.

In Germany in 1913 the index number was 100; in March of 1920 it was 1,615; in September of 1921 it was 1,777.

Mr. President, we know that those prices have varied in the different countries; and notwithstanding that we find in this bill, in this chemical schedule, a vast array of rates of duty which are precisely the same rates which were carried in the Payne-Aldrich bill, framed in 1909. What becomes of the boasted theory, when applied to the facts of this case, that this bill was framed for the purpose of equalizing the difference in the cost of production at home and abroad?

Mr. McCUMBER. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. McCUMBER. Will the Senator tell me what he is reading from?

Mr. JONES of New Mexico. I will give the Senator the page.

Mr. McCUMBER. Is it the pamphlet entitled "Depreciated Exchange and International Trade"?

Mr. JONES of New Mexico. I am reading from "Depreciated Exchange and International Trade."

Mr. McCUMBER. The table on page 14?

Mr. JONES of New Mexico. I commenced reading on page 14.

Mr. McCUMBER. Why, Mr. President, that table is a table of the purchasing power, parities, and rates of exchange. It has nothing to do with the prices of commodities in the exchange between countries, but simply shows the purchasing power in the case of the different commodities in the same country. I do not know what the Senator quoted it for.

Mr. JONES of New Mexico. I am sorry the Senator has made that statement. I do not want it to appear to the country that this bill was framed by a Senator who did not know during the time the bill was framed, and does not know even now, the index figures of prices in these countries.

I say to the Senator that if he will only read this document, and inform himself, he will find that the index numbers which I read were the index numbers used for the purpose of ascertaining the parity of purchasing power of money in those countries, but that they are a correct statement of the index prices for those years there is no doubt at all; and it is a woeful situation, it is a pitiable situation, when the chairman of the committee tells us that he has based this bill upon the difference in prices, and now confesses that he does not know what those prices were. If the Senator will only read, on the first page here, just exactly how these figures of purchasing power, parity, and rates of exchange were obtained, he will find out that what I have just said is true, that they used these index figures for the purpose of ascertaining through a mathematical calculation what the parity of purchasing power is; so what I have said as to the index figures is verified by this report itself, coming from the Tariff Commission.

Mr. McCUMBER. Mr. President, I had supposed that the Senator was quoting these figures, and so understood, for the purpose of determining the foreign price and the American price of any commodity upon which we should have based our tariff rates. I can not see even now the relation to this question in the slightest degree of a table designed to show the purchasing power, parities, and rates of exchange on commodities in any other country. The Senator may have quoted the figures for an entirely different purpose than that which I anticipated. My declaration was that in some countries prices had gone up comparatively the same as in our own—the Senator was discussing that subject—that in some countries the prices of commodities had gone down, and that they were not on a comparative basis with the prices in the United States. I assumed that the Senator was discussing that subject, and was attempting to show by this table, when he quoted the German prices, that, as a matter of fact, the prices in Germany had increased rather than decreased. I failed to see the connection, and I fail to see it yet.

Mr. JONES of New Mexico. Mr. President, I am sorry the Senator did not, in the instance, realize the purpose for which I referred to these index numbers, else I am sure that he would not have been led to make the criticism of my citation which he did make. I quite realize that in the examination of these questions we may all get confused at times; and all I care to say further regarding the matter is that the tables which I have given are tables of the index numbers for those different countries, and they show the variation in prices of the index figures of those countries; and alongside of those tables I offer and ask to have inserted as an appendix to my remarks, without reading, the table I have before me, for the purpose of showing this large number of articles taken from the chemical schedule only which are identical with the duties imposed by the Payne-Aldrich Act of 1909; so that if the Finance Committee undertook to frame a bill based upon the difference in the cost of production at home and abroad at the time this bill is to go into effect, it has woefully and miserably failed.

The VICE PRESIDENT. Without objection, the table referred to will be printed in the RECORD.

(See Appendix A.)

Mr. SMOOT. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Utah.

Mr. SMOOT. I understood that the Senator desired to impress the Senate with the index numbers of the different countries as recorded in the report of the Tariff Commission.

Mr. JONES of New Mexico. No; if the Senator will pardon me, I offered those simply for the purpose of showing that changes were made between 1909 and now.

Mr. SMOOT. Yes; but what I want now to call the attention of the Senate to is what the changes would have been if the value of the mark in 1921 upon the basis of the gold standard had been the same as the value of the mark in 1913. In other words, at 100 per cent in 1913 the mark was worth 24 cents, in round numbers. In 1921 it was worth one-third of 1 cent. The index number in 1921 was seventeen times what it was in 1913; but the mark had decreased seventy-two times in value, and therefore the index number of the cost of producing goods in Germany upon a parity of the gold basis of 1913 would have been 7,200 instead of 1,700.

Mr. JONES of New Mexico. Mr. President, at a later date I purpose discussing in detail this question of exchange, including conditions generally in Germany.

Mr. FLETCHER. Mr. President, may I interrupt the Senator there in reference to the value of the mark?

Mr. JONES of New Mexico. I yield to the Senator from Florida.

Mr. FLETCHER. While the gold value of the mark in other countries may be as indicated by the Senator from Utah, in Germany it is actually worth more; its purchasing power is some three times more than it would be in this country, for instance. Is not that true?

Mr. SMOOT. Oh, it is worth more than that, I think, Mr. President. When the paper mark was worth 52 cents in Germany, I asked the leading statistician of Germany, whom I know very well, to let me know what the purchasing power of a gold mark was in Germany at that time, and he told me that in comparison it was worth about 3.54 times the amount upon the items that I named, which were rent, wages paid to employees, and clothing. Those were the three items I asked about, and that was the information I got from the leading statistician of Germany.

Mr. FLETCHER. I think that is quite correct; so that in figuring the cost of production in Germany we must figure it upon that basis, and not upon the basis of the paper mark.

Mr. SMOOT. Of course, if the paper mark was worth one-third of a cent, the gold mark would be worth three and one-half times that much, which would be a little over a cent purchasing power instead of one-third of a cent. Of course, the Senator knows that the paper mark even went below one-third of a cent, and it is true that the purchasing power of the gold mark within Germany for the commodities that I named is worth three times that of the paper mark; but the difference between the paper mark to-day and what it was in 1913, before the war, is seventy-two times.

Mr. JONES of New Mexico. Mr. President, the latter remark made by the Senator from Utah, I am sure, must have been made inadvertently.

Mr. SMOOT. No; it was not.

Mr. JONES of New Mexico. Unless he confines it to gold in foreign markets.

Mr. SMOOT. That was the basis of my statement, and I made the statement on the basis of a comparison between gold to purchase a mark and a paper mark. In other words, if they go out to purchase gold with marks, they have to give 72 marks in paper to get 1 mark in gold.

Mr. JONES of New Mexico. The Senator is right about that; but when we come to this question of the parity of purchasing power, we hear quite a different story. We find that the purchasing power of the mark——

Mr. SMOOT. The paper mark.

Mr. JONES of New Mexico. Of the paper mark, as compared with gold in Germany, has never varied to any such extent as the remarks of the Senator would probably be interpreted to mean. I find on page 16 of this document on "Depreciated Exchange in International Trade" just what this purchasing power parity of German exchange is, and in March, 1920, it was 287.4, compared with 100 in 1913.

Mr. SMOOT. That was in 1920?

Mr. JONES of New Mexico. That was in March, 1920. It has not varied as much as some people would believe. In September it was 196. In other words, the prices in Germany have been rising all the time, reaching such a point that the gold will not purchase in Germany any more than about two times the amount of goods it would have purchased prior to the war.

Mr. SMOOT. I recognize the fact that it is not seventy-two times as much, because when the mark was worth 52 cents it had three and fifty-four hundredths times the amount in purchasing power in Germany that the paper mark converted into gold had. That was in the early part of 1921, when we began the consideration of the tariff bill, when I wrote to find out just exactly what the purchasing power of the paper mark in Germany was, not outside, but in Germany. It was 3.54. So the difference in the purchasing power in Germany between the gold mark and the paper mark would be ascertained by dividing whatever the paper mark is worth compared with the gold mark, which is one seventy-second of what it was in 1913, by 3.54.

Mr. JONES of New Mexico. Mr. President, I do not think it is advisable to consume time upon this subject. The Federal Reserve Board gives us very recent figures upon it.

Mr. SIMMONS. Mr. President, I would like to relate an incident which occurred in the hearings, illustrating exactly what the Senator is referring to.

Mr. JONES of New Mexico. Before we pass to that, I would like to make a statement as to what the most recent figures printed by the Federal Reserve Board show, and, by the way, those figures were incorporated in the remarks of the distinguished Senator from North Carolina [Mr. SIMMONS] the other day. I think we had better refer to those figures and see just what it means at this time. I am sure that the country will be interested in knowing just what is disclosed by that table from the Federal Reserve Board. It is a very interesting table.

In this table it is shown how the prices in marks of these commodities have increased. Taking 100 as the basis on the 1st of July, 1914, before the war, we find that the value of the mark, as expressed in foodstuffs and other commodities, varied. Of foods, and so forth, taking 100 as the basis on the 1st of July, 1914, it varied in this way: In April, 1921, it had increased 1,187, and it has been increasing ever since until in April of this year the price had reached 5,707; in other words, 77 times the price, in marks, in the middle of 1914.

Mr. SMOOT. That is more like it. That is about what I said.

Mr. JONES of New Mexico. Of textiles and leather, the price had increased to 8,907, or eighty-nine times the price in marks in 1914. Measured in gold upon the exchanges of the world to-day, the mark is selling for just about what the Senator from Utah stated, one seventy-second of its value in gold at par, but prices of some commodities have gone up even more than the mark has fallen. Textile and leather prices have gone up eighty-nine times the prices brought in 1914. The prices of minerals have gone up sixty-four times the 1914 prices; the prices of sundries have gone up forty-nine times; the prices of all commodities, on the average, have gone up fifty-nine times. So the purchasing power of the mark in Germany at the present time does not vary very far from its purchasing power prior to the war.

Mr. SMOOT. I could not agree with the Senator on that. I will say this, that it is seventy-two times more to-day, instead of fifty-nine, which he just referred to.

Mr. JONES of New Mexico. Oh, Mr. President——

Mr. SMOOT. Just as when it was eight thousand two hundred times the index price, or eighty-two times the amount. It could not be otherwise.

Mr. JONES of New Mexico. The Senator does not realize just what these figures are.

Mr. SMOOT. The Senator from Utah agrees with the Senator from North Carolina [Mr. SIMMONS] in his figures.

Mr. JONES of New Mexico. I want an understanding of these figures. I have just read them, and if the Senator will listen to them he will find that the figures represent the increases in prices, stated in marks, from July, 1914, up to April of this year, and, in marks, textiles and other commodities have increased from 100 to 8,907, or eighty-nine times the price of leather and textile products in Germany in 1914, which shows that textiles and leather products in Germany are not selling at a depreciated price, represented by marks, or in any other way, more than they were in 1914, but the price in marks of leather and textile products is to-day eighty-nine times what it was in July, 1914, but the mark has depreciated only seventy-two times. It is worth one seventy-second of what it was in 1914 in gold, but these commodities have gone up in price eighty-nine times. This shows how they varied from month to month, and all commodities in Germany, measured in marks, have been climbing and climbing, until the last statement in April of this year showed that the price was practically fifty-nine times what it was in 1914.

Mr. SMOOT. The Senator should not have said "all" commodities. He should have said "all commodities referred to by the Senator from North Carolina." For instance, as to leather and the products of leather, Germany has to pay gold for her skins, and she has to pay the importation cost, and gold in Germany is very high. But when you take the commodities which are made from the raw products produced in Germany, you have quite a different proposition.

Mr. JONES of New Mexico. The Senator, of course, is again right, but his remark is a little disconcerting. In using the words "all commodities," I was, of course, referring to the average.

Mr. SMOOT. It is not the average.

Mr. JONES of New Mexico. It is, and it is so stated here.

Mr. SMOOT. It is the average of the items referred to by the Senator from North Carolina, not the average of all the goods produced in Germany. It is the average of the articles and the prices thereof to which the Senator from North Carolina called attention in his speech, and I think he is right in that respect.

Mr. JONES of New Mexico. All I can do is to read just what this table states. It gives a column of prices of foodstuffs, and so forth, then a column of textiles and leather, then a column of minerals, then a column of sundries, and then a column headed "All commodities."

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I yield.

Mr. McCUMBER. Do we not confuse the real question somewhat by interjecting a consideration of the purchasing power of a medium of exchange in Germany in the purchase of articles produced in Germany? The Government itself, of course, assists the laboring man in many ways. Is not the real question the cost of a commodity, measured by the only standard money there is in the world to-day, the American dollar? The question with us in levying a tariff is what the dollar will buy of products from the manufacturer in Germany, and what that dollar will buy of the same products produced in the United States. Let us be perfectly fair in the matter. As was stated by the Senator from Utah, in those cases in which Germany must import raw material, which has gone up very considerably, in some instances, her costs of production are even more than they were in 1914. In those things generally which she produces in her home country, where the raw material is from the home country, as a rule the production costs are very much lower. There is a little table showing these things upon page 17 of the same pamphlet from which the Senator quoted.

If the Senator will take the German invoice prices in 1914 and 1921, which are reduced to the American dollar standard, he will find aluminum ware tea kettles cost in Germany in 1914 83 cents and in 1921 41 cents, reduced almost one-half. Another style cost 65 cents in 1914 and 37 cents in 1921; another cost 70.9 cents in 1914 and 40.5 cents in 1921. Another one of another class cost 60.8 cents in 1914 and 59.9 cents in 1921, being very close. Then there are two articles here that cost a little more in 1921, such as Berlin kettles, 4 centimeters—I do not know the material, but I suppose they are aluminum—costing 34.5 cents in 1914 and 36.5 cents in 1921. Then we come down to preserving kettles, which were 22.5 cents in 1914 and are now 28.3 cents; another that was 38 cents is now 53 cents, and so on.

On the whole, of course, there has been a considerable reduction, but we must say of the commodities that come into the United States in competition with ours, the price of production there has very materially decreased since 1914, whereas in Great Britain practically all her articles have increased in percentages, I think, comparatively as much, if not more than in the United States.

Mr. JONES of New Mexico. Mr. President, I thank the Senator for making that statement. It illustrates, and I think demonstrates, precisely the thing for which I have been contending. Here we have a vast number of commodities, the larger portion of them coming from Germany, and we find that the rates proposed in the bill are identical with the rates of the Payne-Aldrich schedule prepared in 1909. So I say that if the bill has been framed for the sole purpose of levying duties to equalize the difference in the cost of production in the United States and Germany or the other countries it has miserably failed.

Mr. SMOOT. Mr. President, if the Senator will take the time to examine the items he has placed in the RECORD, where the rates are the same in the pending bill as they were in the Payne-Aldrich bill affecting the first or chemical schedule of the pending measure, he will find that nearly all those rates are exceedingly low reduced into equivalent ad valorem. In fact, if there was any criticism to be made as to rates, I should have thought the Senator from New Mexico would have taken a different schedule than the chemical schedule. I do not want to take the time now, but if the Senator will take the items that he has put into the RECORD and convert the rates into ad valorem duties he will find they are very low ad valorem duties on the average.

There was a reason for that, Mr. President, and perhaps the Senator from New Mexico knows what it was. When the Payne-Aldrich law was enacted in 1909 there was not much of a chemical industry in the United States. The rates imposed in the Payne-Aldrich law under this schedule were perhaps the lowest rates that were in any schedule in the 1909 act. The reason for that was, I will say to the Senator, that there was

no particular effort made in the United States at that time to establish the industry. There was no particular desire on the part of manufacturers in the country to establish it. The rates, therefore, were exceedingly low, taken as a whole, of course. I think, as I said, if the Senator will make the examination which I have suggested, he will find that the lowest rates to be found in the bill are the rates which he is now criticizing.

Mr. JONES of New Mexico. Mr. President, I am not at this time trying to demonstrate why these rates are high or low. What I do not want Senators to forget is that the chairman of the Finance Committee has said that the bill was carefully framed for the purpose of levying duties which would as nearly as possible equalize the difference in the cost of production at home and abroad, and he has further said that he has ascertained this difference by using the prices. Now we find that the prices have been varying from year to year and from month to month. Here we have a very large percentage of the items in the chemical schedule where the rate of duty is precisely the same as when the Payne-Aldrich bill was framed in 1909, and it will not do for the Senator from Utah to talk about high or low duties, specific or ad valorem. We have both specific and ad valorem rates here, where the rate of duty fixed in the pending bill is precisely the same as it was under the Payne-Aldrich law.

I desire to give it as my honest impression and my honest judgment, from an examination of the bill, that when the Republican Party came into power they thought they had to do something, it did not know what, to make a higher tariff upon products. When they got to studying conditions they either levied the duties under the old Payne-Aldrich law or in the main increased those duties, and whenever they did not know what else to do they accepted the figures placed in the Payne-Aldrich law, that law which was so obnoxious to the people of the country that they put the Republican Party out of power only a few months after its enactment.

I want the people of the country now to understand that the rates fixed in the pending bill are either the Payne-Aldrich rates or in the main are much higher rates, and they have been fixed here without any rhyme or reason, not for the purpose simply of equalizing the difference in the cost of production at home and abroad, but for the purpose of protection, and protection to the extent of creating a practical embargo upon the importation of commodities.

The purpose as stated in section 315 (a) is not that now contended for by the distinguished Senator from North Dakota. It said, "for the purpose of equalizing the difference in competition in trade," and I do not want that to be forgotten. It declares upon its face what is the purpose of the bill, and it is entirely different from that stated by the Senator from North Dakota. Now listen to this language, which I read from the bill itself:

SEC. 315 (a). That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended—

Here is your declared policy, and I submit that it is not that stated by the Senator from North Dakota. Here it is, proceeding with the language of section 315 (a)—

whenever the President, upon investigation of the differences in conditions of competition in trade in the markets of the United States of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part growth or products of competing foreign countries—

Then he is given authority to increase or diminish rates.

In the next subsection the policy is again stated in still broader language. There the policy is—

differences in conditions of competition in trade, in the markets of the United States, or articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that an industry in the United States is being or likely to be—

Shut off from competition? That is not the language. Listen—

is being or likely to be materially injured by reason of the importation—

And so forth. That is language as broad as commercial imagination may conceive. What is an injury in trade? I submit that there are in this country hundreds, yea thousands, of industries which would consider their trade injured if they did not have a monopoly of the American market. That is what they seek. They seek a monopoly, and if we permit them to go to the President of the United States and tell him how their business is going to be injured, they will appeal to him to help them create a monopoly because otherwise, forsooth, their trade might be injured. It is not confined to existing conditions. It leaves the country in its imagination to fix the rate of duty on this trade that may be injured before it is ever done; and what do some of the concerns in the Unitd States want? They want a monopoly, and when the Senator from North Dakota stands up and tells us that the bill is framed only for the purpose of equalizing the difference in the cost of production here and abroad, I say that his statement is contrary to the declared purpose as stated in the bill itself.

Mr. SIMMONS. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from North Carolina.

Mr. SIMMONS. Section 315 (a), which the Senator from New Mexico has just read, authorizes the President under certain circumstances to increase the rates of duty and declares the policy upon which those increases are to be based. The policy declared is what the Senator from New Mexico has stated.

Now, I want to ask the Senator from New Mexico if his argument that that declaration is the policy upon which the bill is framed is not greatly reenforced and strengthened by reason of the fact that it is not to be assumed, it is not thinkable, that the framers of this measure would prescribe one rule by which the President was to be governed in increasing the rates and would prescribe a different rule for fixing the original rates? Does not the Senator catch my point?

Mr. JONES of New Mexico. I do; and of course the statement of the Senator from North Carolina is very pertinent just at this juncture. I think the country must assume that what the Senator has just said is true, because it is inconceivable that this bill should be framed upon one theory, and that the bill itself should authorize the President to reframe the duties on an absolutely different theory.

Mr. SIMMONS. And to increase those same duties on a different basis.

Mr. JONES of New Mexico. And to increase the same duties for a different purpose and in a different way.

Mr. SIMMONS. And especially, Mr. President, the declaration of the rule contained in that section of the bill must necessarily be accepted as the rule which must obtain, and did obtain, in the fixing of the other rates in the bill.

Mr. JONES of New Mexico. Mr. President, it is inconceivable that any other conclusion could be reached, because I can not believe that any Senator of the United States, dealing in such troublous times with a subject which affects every man, woman, and child in this land, should deliberately frame a bill upon a theory which he himself felt to be unsound. Here we have the declaration in the bill that it is the policy of the majority that tariff duties should be levied upon one theory, while the Senator from North Dakota says the committee framed the bill upon another theory.

Mr. SIMMONS. Mr. President, if the Senator will pardon me further, the bill lays down clearly, in the section which the Senator has read, the policy upon which it was framed. The bill tells us what the yardstick was that measured the duties which are imposed in the bill, namely, the difference between the export selling price of foreign merchandise in this market and the domestic selling price of domestic products. That is the rule the framers of the bill have laid down; that is the measure of duty to which they have agreed. Having given us the rule, it is our duty as representatives of the people to see whether the existing facts justify the rates which the committee have proposed under that rule of measurement of the protection which should be accorded a given industry. Having given us, in other words, the rule upon which they measured the rate of duty to which an industry was entitled under the protective principle, we can easily, if we can obtain the facts, determine the question of whether the rate is too high or too low; whether the facts justify the rate; we can test the rate and find out whether it is just to the people and necessary to the industry.

When the Senator from North Dakota says, "We framed some of these duties upon another rule than that laid down in the bill, namely, the difference in the cost of production here and abroad," that prescribes another rule; that applies another yardstick for the purpose of determining the amount of protection to which an industry is entitled in fixing a rate. If that were the rule upon which these rates were based, then we could test the rate by that rule and see whether or not the facts justified the duty imposed upon that rule. Therefore I say that the people are entitled to know and the Senate is entitled to know what the rule is in order that we may by the facts test the rate fixed—measure the rate by that yardstick.

Mr. President, that being so, it becomes exceedingly important, it lies at the very basis of the consideration of these rates, that we should know, and know definitely, right at the outset, what was the rule on which these rates were fixed; what was the measure adopted for determining the protection to which an industry is entitled. Was it the rule stated in the bill, the difference between the export selling cost of foreign

merchandise and the selling price of the domestic article in the American market, or was it the difference between the cost of production here and abroad? Until we know according to which one of those measures the rates were ascertained and fixed, we are unable intelligently to discuss the question of the rates; we are unable to apply the facts of the situation to the rule that the committee have laid down and say whether or not the facts justify the rates.

Mr. President, under those circumstances, I think—and I am not saying this in any controversial spirit—that it is absolutely necessary, if we are to get along with this bill, that the majority members of the Finance Committee should advise us definitely, right now, upon which of these two principles for measuring the rate of protection to which an industry is entitled under the protective principle this bill is to be defended and the Senate is to be asked to pass it. If I am told that it is upon the rule which the bill enunciates, then I will say that it is an easy matter for me, if I can secure the facts as to the export selling price of foreign merchandise and the selling price of the domestic article in the American market, to apply the test and ascertain whether the duties which have been imposed are unreasonable, or whether they are necessary in order to accomplish the purpose and carry out the policy of the bill. On the other hand, if I am told that the majority are going to discard the policy defined in the bill, and are going to ask for the adoption of the rates fixed, upon the idea that they measure the rates by the difference between the cost of production here and abroad, then we will have to scramble around and see if we can obtain the facts as to the cost abroad and the cost in this country, so that we may be able to test the rates given us and determine whether or not upon the facts the rates are justified. There is no way in the world by which we can intelligently discuss this matter until we shall have ascertained the basis and the measure of protection which it is proposed to accord to the industries of this country.

The Republican platform has told us heretofore that the basis of protection was to be the difference between the cost of production here and abroad, and protection in this country has been defended upon that basis.

This bill is a departure, as I undertook to show the other day, and proposes to levy tariff rates upon an entirely different rule, namely, the difference between the selling price here and abroad. I think the testimony before the committee, in the hearings, was all directed to the measure of protection proposed in the bill and defined in the particular section referred to; the testimony was all directed to that end. The information furnished in the book which has been given us as a guide to assist us in determining the fairness and the justice and the sufficiency of the rates proposed is addressed and directed to the theory that the rates were fixed upon the basis of the difference between prices here and abroad, and not the difference between the cost of production here and abroad.

Mr. JONES of New Mexico. And without any relation to profits.

Mr. SIMMONS. And without any relation to profits of the American producer, of course. The whole question, however, has been drawn into a state of confusion by the suggestion on the other side, for the first time made yesterday by the Senator from Utah [Mr. SMOOT], which called forth some little controversy in debate between the Senator and myself. The suggestion was that the rates are not based upon that principle at all, but are based upon the principle of the difference between the cost of production here and abroad; and I say if that is to be the basis instead of the basis defined in the bill, we must have other and different facts in order to test the rates. We have not those facts; the committee did not have them; and I think the majority members of the committee owe it to themselves, they owe it to the Senate, and they owe it to the country, to tell us positively and unequivocally whether they are going to defend the rates in the pending bill upon the principle laid down in the bill, or whether they are going to defend it upon the basis of the difference in the cost of production here and abroad. The people of the country are entitled to know that as well as we are, so that they may themselves apply the test and determine whether or not, in their judgment, the rates are justified. At any rate, Mr. President, it is utterly impossible to consider the rates with any degree of intelligence, or with any degree of justice to ourselves and the country, unless we know upon what rule of measuring the rate of protection to which an industry in this country is entitled this bill is written and is proposed here for enactment into law.

Mr. JONES of New Mexico. Mr. President, in substantiation of the view taken of this bill as just announced by the Senator from North Carolina, a view which I also have taken of the bill, I think it wise in this connection to refer to a table which the Senator from North Carolina appended to his speech the other day. I refer to Appendix C, which gives a large list of commodities of which the selling price in the United States today is higher than the price of the domestic commodity, and this bill increases the tariff upon those articles. In the name of Heaven, I should like to know how, upon the theory of the difference in the cost of production at home and abroad, ascertained by prices, as the Senator from North Dakota says he has done, he can ever ascertain the necessity for increasing the tariff upon commodities which are now selling in this country at a higher price than comparable commodities manufactured here in the United States.

In this connection, Mr. President, I should like to have appended to my remarks Appendix C, which was printed as a part of the remarks of the Senator from North Carolina the other day.

The PRESIDING OFFICER (Mr. STERLING in the chair). Without objection, it is so ordered.

(See Appendix B.)

Mr. JONES of New Mexico. Mr. President, I think that if the country realizes the purpose for which this bill is framed it will not tolerate that such a bill shall ever become the law. I sincerely hope and pray that the people of the United States may study this bill, and that before it ever comes to a vote in the United States Senate the resentment of the people will roll up in such unmistakable terms that it will compel the recommitment of this bill, so that a bill shall be framed upon at least some known basis. The committee says one thing; the bill says another; and here we have the bill itself increasing duties upon imported articles which are selling to-day in great quantities for more than the comparable domestic article. Notwithstanding that, the duty is increased!

Mr. President, I dislike to consume so much time in talking about these things, and putting them in so many different ways, but I am doing it for the purpose of letting the people of this country know the very objectionable way in which this bill was framed.

Not only that, but this bill increases the duty upon articles which are not imported into this country at all, or where the importations are merely nominal. This bill increases the duty upon a vast number of articles where the importations are absolutely negligible or none; and why upon any theory—the difference in cost of production or the difference in competition in trade—should you increase the duties upon such commodities? It can only be done for one purpose, and that is to insure the perpetuation of existing monopolies in this country. Why increase the duty upon commodities which are not imported at all, or are imported in such infinitesimal quantities as not to amount to a drop in the ocean? Can you imagine any purpose? Upon what theory are those duties laid? It can not be done for the purpose of measuring differences in cost of production. It can not be done for the purpose of measuring difference in competition in trade, because there is no competition in trade; but the committee has raised these duties. I submit that no other reason can be advanced than that the majority of the committee is determined to perpetuate existing monopolies in this country and enable them not only to keep up their present prices but to raise them even higher.

Mr. President, I do not care to pursue this subject further at this time; but before concluding I want to return to a matter which I was discussing yesterday late in the afternoon.

Some Senators on the other side of this Chamber became very much interested in this discussion when I referred to the quantity of exports of manufactured products from the United States. I had published as an appendix to my remarks of yesterday a table which was very carefully prepared by the statistician of the National City Bank of New York giving some very, very interesting as well as important facts; and I desire to refer to that table again and to call attention to the importance to the manufacturing industries of this country of our export trade.

Those Senators who listened to me yesterday will recall that the exports from Germany are now only from one-half to one-third what they were prior to the war. I called attention to the fact that the production of all commodities in Germany now was just about one-half what it was prior to the war. I called attention to the further fact that our exports to Germany since the war were just about double what they were prior to the war; that our export trade as a rule had been declining with great rapidity, but that so far as Germany was concerned our exports there were increasing. They amounted last year to nearly $400,000,000.

The imports from Germany were only $90,000,000, and yet it was suggested that it was advisable to shut out even the $90,000,000. I call attention to the importance of this subject because we can not much longer continue to export anything from this country unless we get our pay in an exchange of

commodities, and I want to emphasize the importance of this thing to the manufacturers. I apprehend that it is the common impression throughout the country that only the farmers of this country are interested in exports. They, of course, are vitally interested in exports; but when we realize the enormous quantity and value of manufactured products which are exported, the manufacturers of this country should arise and take notice of where they are going to be driven if this bill becomes law.

I shall refer only to the figures of 1921.

In 1921 the imports of foodstuffs into this country amounted to 16,355,000,000 pounds. The exports of food products in that year were 37,551,000,000 pounds.

Of manufacturing materials imported there were 54,000,000,000 pounds. There were exported 66,000,000,000 pounds.

Of manufactured goods, of all manufactures which could be reduced to pounds, the amount imported last year was only 4,673,000,000 pounds, but the exports were 23,699,000,000 pounds.

Mark those figures. These figures were made up by reducing to pounds all of these commodities which could be reduced to pounds, which comprised about 75 per cent of them; and while the export of all food products was 37,551,000,000 pounds, the export of manufactured products was 23,699,000,000 pounds, and when we come to values the situation becomes more striking.

In 1921 the value of all foodstuffs exported was only $1,263,000,000. The value of manufactured products was practically $900,000,000, three-fourths the value of all the exports of food products. When you talk about competition, when you begin to consider the question of protection of industry, and when you look into this bill and find out the industries which are protected, you will observe that this bill is framed primarily for the purpose of increasing the duty upon manufactured products.

Now, let us see where the competition comes in. In 1921, of food products, there were imported into this country 43½ per cent of the amount exported. Of commodities known as manufacturing commodities, materials to become the base materials for manufacture, we imported into this country in 1921 81.8 per cent of the amount we exported. But when it comes to the manufactured article, the manufactured commodity, we imported only 19.7 per cent of the amount we exported.

What reason is there for increasing the duties, in the main, upon manufactured articles at this time? I wish to state, further, without quoting the figures, that the amounts of all of the imports of all these classes are diminishing most rapidly, and in this unsettled condition, when the majority of the Finance Committee can not find any basis upon which to found a bill at this time; when this country is not being injured by any flood of imports; when these foreign countries, who have been our best customers in the past for these commodities, are still struggling under the effects of the war; when their production is not nearly back to normal; when they can not flood this market with goods, when our imports are diminishing, when you can not find any basis or reason for increasing the tariff, I submit to the judgment of the Senate and of the country whether this is the time to bring in a new tariff bill at all.

Mr. President, I understand it is desired, on the part of some Senators, at least, to close a little earlier this afternoon than we did on yesterday, and if it is agreeable to the chairman of the Finance Committee, I shall be glad to suspend at this time.

APPENDIX A.

German internal and export prices, March and April, 1921.

Commodity.	Amount of invoice at German internal price.	Amount of invoice at export price.	Difference.	Percentage increase over internal price.
	Marks.	*Marks.*	*Marks.*	*Per cent.*
Decorated chinaware	5,141.67	6,246.50	1,104.83	21
Do	1,016.09	2,225.53	1,209.44	119
Do	954.58	1,414.16	459.58	48
Do	448.40	612.50	164.10	37
Do	263.27	532.50	269.23	102
Porcelain	37.57	84.20	46.63	124
Do	802.03	1,816.32	1,014.29	126
Earthenware	103.77	328.00	224.23	216
Do	1,141.41	3,003.37	1,861.95	163
Locks	967.50	1,212.70	245.20	25
Chemicals and laboratory supplies	79,563.00	106,364.00	26,801.00	34
Sundries (aluminum ware, pocketknives, dolls, etc.)	2,784.00	4,617.00	1,833.00	66
Worsted yarn	19,413.30	53,282.22	33,868.92	174
Do	12,870.11	16,666.32	3,796.21	30
Do	14,888.94	18,328.77	3,439.83	20

APPENDIX B.

Description.	Selling price foreign article.	Payne-Aldrich.	Underwood.	Senate bill.
Pocketknives	13 per cent above price of domestic.	Specific rates equivalent to 80 per cent.	55 per cent	Compound rates equivalent to 160 per cent.
Surgical instruments	4 per cent above price of domestic.	45 per cent	20 per cent	Compound rates equivalent to 74 per cent.
Common linen toweling, 19 inches wide	12 per cent under price of domestic.	50 per cent	30 per cent	60 per cent.

Ten per cent advance over the Payne-Aldrich rates brings the selling price of the imported article slightly above the price of the domestic article.

The following imported articles are selling in the United States at a higher price than the comparable domestic articles, noting that the rates of duty in the Senate bill have been materially increased:

Description.	Payne-Aldrich.	Underwood.	Senate bill.
China	60 per cent	55 per cent	70 per cent.
Decorated earthenware	do	40 per cent	50 per cent.
Antifriction balls for use in ball bearings	45 per cent	20 per cent	10 cents pound and 35 per cent (equals 47 per cent).
Card clothing	45 and 55 cents square foot equals about 28 per cent.	35 per cent	45 per cent.
Fishhooks and fishing tackles	45 per cent	20 per cent	Do.
Metal snap fasterners	50 per cent	15 per cent	55 to 60 per cent.
Willow clothes baskets	35 per cent	25 per cent	45 to 60 per cent.
Furniture of wood	do	do	35 per cent.
Cheese	6 cents pound equals 10 per cent to 15 per cent.	23 per cent	Over 30 cents pound, 25 per cent.
Ladies' cotton embroidered handkerchiefs	60 per cent	60 per cent	70 per cent.
Embroidery cotton	20 per cent	20 per cent	25 to 45 per cent.
Scotch gingham	Specific rates	do	Specific rates; minimum about 43 per cent.
English cloth suiting, etc., over 4 ounces	44 cents pound, 50 per cent.	35 per cent	49 cents pound, 55 per cent.

The selling prices of the above imported articles in the United States range from 10 to 60 per cent higher than the domestic merchandise.

APPENDIX C.

CHEMICAL SCHEDULE.

Comparison—showing items of 1909 act transferred to H. R. 7456.

H. R. 7456. As Reported to Senate.	Act of 1909. Payne-Aldrich.
SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS.	SCHEDULE A.—CHEMICALS, OILS, AND PAINTS.
Paragraph 1. Acids and acid anhydrides: Acetic acid containing by weight not more than 65 per cent of acetic acid, three-fourths cent per pound; containing by weight more than 65 per cent, 2 cents per pound.	Paragraph 1. Acids: Acetic or pyroligneous acid, not exceeding the specific gravity of one and forty-seven one-thousandths, three-fourths cent per pound; exceeding the specific gravity of one and forty-seven one-thousandths, 2 cents per pound.
Gallic acid, 8 cents per pound. All other acids and acid anhydrides not specially provided for, 25 per cent ad valorem.	Gallic acid, 8 cents per pound. All other acids, not specially provided for, 25 per cent ad valorem.
Par. 3. Acetone, acetone oil, and ethyl methyl ketone, 25 per cent ad valorem.	Par. 3. * * * chemical compounds, * * * not specially provided for, 25 per cent ad valorem.
Par. 5. All chemical elements, all chemical salts and compounds, all medicinal preparations, and all combinations and mixtures of any of the foregoing, obtained naturally or artificially, not specially provided for, 25 per cent ad valorem.	Par. 3. Alkalies, alkaloids, * * * and all combinations of the foregoing, and all chemical compounds, mixtures, and salts, * * * not specially provided for, 25 per cent ad valorem.
Par. 7. Ammonium carbonate and bicarbonate, 1½ cents per pound.	Par. 5. Ammonia, carbonate of, 1½ cents per pound.
Par. 8. Antimony: Oxide, 1½ cents per pound and 25 per cent ad valorem.	Par. 173. * * * antimony, oxide of, 1½ cents per pound and 25 per cent ad valorem.
Par. 9. Cream of tartar, Rochelle salts, or potassium-sodium tartrate, 5 cents per pound.	Par. 6. Cream of tartar and patent tartar, 5 cents per pound.
Par. 12. Blacking, powders, liquids, and creams for cleaning or polishing, not specially provided for, 25 per cent ad valorem; *Provided*, That no preparations containing alcohol shall be classified for duty under this paragraph.	Par. 7. Blacking of all kinds, 25 per cent ad valorem; all creams and preparations for cleaning or polishing boots and shoes, 25 per cent ad valorem.

H. R. 7456—Continued.	Act of 1909—Continued.
Par. 13. Bleaching powder or chlorinated lime, one-fifth cent per pound.	Par. 8. Bleaching powder, or chloride of lime, one-fifth cent per pound.
Par. 14. Caffeine, $1.50 per pound; compounds of caffeine, 25 per cent ad valorem.	Par. 65. * * * all other medicinal preparations, not specially provided for, 25 per cent ad valorem.
Par. 19. Chemical compounds, mixtures, and salts, of which gold, platinum, rhodium, or silver constitutes the element of chief value, 25 per cent ad valorem.	Par. 3. * * * chemical compounds, mixtures, and salts, * * * not specially provided for, 25 per cent ad valorem.
Par. 21. Chemicals, drugs, medicinal and similar substances, whether dutiable or free, when imported in capsules, pills, tablets, lozenges, troches, ampoules, jubes, or similar forms, including powders put up in medicinal doses, shall be dutiable at not less than 25 per cent ad valorem.	Par 65. * * * all other medicinal preparations not specially provided for, 25 per cent ad valorem: *Provided*, That chemicals, drugs, medicinal and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, or similar forms, and intended for medicinal purposes, shall be dutiable at not less than the rate imposed by this section on medicinal preparations.
Par. 37. Flavoring extracts and natural or synthetic fruit flavors, 25 per cent ad valorem.	Par. 3. * * * chemical compounds, mixtures, * * * not specially provided for * * * 25 per cent ad valorem.
Par. 38. Formaldehyde solution or formalin, solid formaldehyde or paraformaldehyde, and hexamethylenetetramine, 25 per cent ad valorem.	Par. 65. * * * medicinal preparations not specially provided for, 25 per cent ad valorem.
Par. 40. Glycerin, crude, 1 cent per pound.	Par. 24. Glycerin, crude, not purified, 1 cent per pound. * * *
Par. 42. Iodine, resublimed, 20 cents per pound.	Par. 27. Iodine, resublimed, 20 cents per pound.
Par. 44. * * * acetate, brown, gray, or yellow, 2 cents per pound.	Par. 58. Acetate, * * * brown, gray, or yellow, 2 cents per pound.
Par. 47. * * * oxide, or calcined magnesia, medicinal, 7 cents per pound.	Par. 31. Magnesia, * * * calcined, medicinal, 7 cents per pound.
Par. 48. * * * camphor, refined or synthetic, 6 cents per pound.	Par. 12. Camphor, refined, and synthetic camphor, 6 cents per pound.
Par. 50. * * * olive oil, weighing with the immediate container less than 44 pounds, 50 cents per gallon. Olive oil, not specially provided for, 40 cents per gallon. Poppy-seed oil, raw, boiled, or oxidized, 2 cents per pound.	Par. 38. Olive oil * * * in bottles, jars, kegs, tins, or other packages, containing less than 5 gallons each, 50 cents per gallon. Olive oil not specially provided for, 40 cents per gallon. Par. 35 * * * poppy-seed oil, raw, boiled, or oxidized, 15 cents gallon of 7½ pounds weight.
Par. 53. Combinations and mixtures of animal, vegetable, or mineral oils or of any of them (except combinations or mixtures containing essential or distilled oils) with or without other substances, and not specially provided for, 25 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.	Par. 3. * * * oils, and combinations of the foregoing * * * 25 per cent ad valorem.
Par. 54. Oils: * * * clove (25 per cent ad valorem); eucalyptus (25 per cent ad valorem); peppermint (25 per cent ad valorem); patchouli (25 per cent ad valorem); sandalwood, and all other essential and distilled oils, not specially provided for, 25 per cent ad valorem: *Provided*, That no article mixed or compounded or containing alcohol shall be classified for duty under this paragraph.	Par. 3. * * * distilled oils, essential oils, * * * not specially provided for, * * * 25 per cent ad valorem.
Par. 55. * * * opium containing less than 8.5 per cent of anhydrous morphine, $6 per pound.	Par. 41. * * * opium containing less than 9 per cent of morphia, $6 per pound.
Par. 57. Perfumery, including cologne and other toilet waters, articles of perfumery whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, tooth soaps, pastes, theatrical grease paints, pomades, powders, and other toilet preparations, all the foregoing, if not containing alcohol, 60 per cent ad valorem.	Par. 67. Same.
Par. 58. Floral or flower waters containing no alcohol, not specially provided for, 20 per cent ad valorem.	Par. 67. Same.
Par. 61. Plasters, healing or curative, of all kinds, and court-plaster, 25 per cent ad valorem.	Par. 66. Same.
Par. 65. Blue pigments and all blues containing iron ferrocyanide or iron ferricyanide, in pulp, dry, or ground in or mixed with oil or water, 8 cents per pound.	Par. 43. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry, or ground in or mixed with oil or water, 8 cents per pound.
Par. 69. Lead pigments: Litharge, 2½ cents per pound; white lead, 2½ cents per pound.	Par. 58. Lead: Litharge, 2½ cents per pound. Par. 53. White lead, 2½ cents per pound.
Par. 70. Ochers, siennas, and umbers, crude or not ground, one-eighth cent per pound.	Par. 47. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, not specially provided for, when crude or not powdered, washed, pulverized, one-eighth cent per pound.
Par. 71. Satin white and precipitated calcium sulphate, one-half cent per pound.	Par. 44. * * * and satin white, or artificial sulphate of lime, one-half cent per pound.
Par. 72. * * * spirit varnishes containing 5 per cent or more of methyl alcohol, 35 cents per gallon and 35 per cent ad valorem.	Par. 51. * * * spirit varnish containing 5 per cent or more of methyl alcohol, 35 cents per gallon and 35 per cent ad valorem.
Par. 72. * * * and all other varnishes, including so-called gold size or japan, not specially provided for, 25 per cent ad valorem.	Par. 51. Varnishes, including so-called gold size or japan, 25 per cent ad valorem.
Par. 75. Potassium: Cromate and dichromate, 2½ cents per pound.	Par. 60. Bichromate and chromate of potash, 2½ cents per pound.
ferrocyanide or yellow prussiate of potash, 4 cents per pound.	Par. 64. * * * yellow prussiate, 4 cents per pound.
iodide, 25 cents per pound.	Par. 62. Hydriodate, iodide * * * of potash, 25 cents per pound.
nitrate or saltpeter, refined, one-half cent per pound.	Par. 63. Nitrate of potash, or saltpeter, refined, one-half cent per pound.
Provided, That for a period of five years, beginning on the day following the passage of this act, there shall be levied, collected, and paid in addition thereto on all the foregoing a duty of 15 per cent ad valorem.	
Par. 77. * * * Perfumed toilet soap, 30 per cent ad valorem.	Par. 69. * * * fancy or perfumed toilet soaps, 50 per cent ad valorem.
Par. 78. Sodium: Arsenate, 1 cent per pound.	Par. 75. * * * arsenate of soda, 1 cent per pound.
monohydrated, one-fourth cent per pound.	Par. 72. * * * monohydrate * * * of soda, one-fourth cent per pound.
chlorate, 1½ cents per pound.	* * * chlorate of soda, 1½ cents per pound.
chromate and dichromate, 1¾ cents per pound.	Par. 71. Bichromate and chromate of soda, 1¾ cents per pound.
ferrocyanide or yellow prussiate of soda, 2 cents per pound.	Par. 73. * * * yellow prussiate of soda, 2 cents per pound.
hydroxide or caustic soda, one-half cent per pound.	Hydrate of, or caustic soda, one-half cent per pound.
sesquicarbonate, one-fourth cent per pound.	Par. 72. * * * sesquicarbonate of soda, one-fourth cent per pound.
sulphate, crystallized, of Glauber salt, $1 per ton.	Par. 77. Sulphate of soda * * * $1 per ton.
sulphide, containing not more than 35 per cent of sodium sulphide, three-eighths cent per pound; containing more than 35 per cent, three-fourths cent per pound.	Par. 73. Sulphide of soda, containing not more than 35 per cent of sulphide of soda * * * three-eighths cent per pound; sulphide of soda, concentrated, or containing more than 35 per cent of sulphide of soda, three-fourths cent per pound.
silicate, three-eighths cent per pound.	Par. 76. Silicate of soda * * * three-eighths cent per pound.
thiosulphate, three-eighths cent per pound.	Par. 73. * * * hyposulphite of soda, three-eighths cent per pound.
Par. 80. Starch other than potato not specially provided for, 1 cent per pound.	Par. 296. Same.
Par. 83. Strychnine and salts of, 15 cents per ounce.	Par. 80. Strychnia, or strychnine, and all salts thereof, 15 cents per ounce.
Par. 85. Tin bichloride, tin tetrachloride, and all other chemical compounds, mixtures, and salts, of which tin constitutes the element of chief value, 25 per cent ad valorem.	Par. 3. * * * all chemical compounds, mixtures, and salts, not specially provided for * * * 25 per cent ad valorem.

Mr. McCUMBER. Mr. President, before moving an executive session I desire to take only one moment.

Senators on the other side, with a vehemence closely approaching a state provocative of apoplexy, have been inveighing against the proposition in the bill allowing the President to fix rates within certain circumscribed limits, and it has been asserted, with all the vehemence possible, that that gives the President the authority, and it is the purpose of it, to allow the President to fix a rate that will amount to an embargo; that what these manufacturers want is an embargo, and they expect to get an embargo under the provisions of this bill.

Mr. President, what is the President authorized to investigate? He is authorized to investigate the difference in the matter of competition in the home markets of the United States between an American produced article and a foreign produced article. He is authorized to investigate the condition of this competition. Then what can he do? Can he apply a rate that will amount to an embargo?

Let us glance at the section on page 273, which provides—

That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended whenever the President, upon investigation of the differences in condition of competition in trade—

And so forth. That is what he is to investigate, the differences in the competition in trade, and if he finds that there is

a difference in competition, then what does he do? The bill proceeds:

That the ad valorem rate or rates of duty based upon such American selling price shall be the rate found upon said investigation by the President to be shown by the said differences in conditions of competition of trade in the markets of the United States necessary to equalize the differences so found in said conditions of competition.

He can not impose a rate which will more than equalize the conditions of competition, so as to give the American manufacturer an equal opportunity in the American market with the foreign manufacturer. He is not empowered to go one inch beyond the purpose of equalizing those differences.

That is not an embargo. It can not be construed into an embargo. It is just exactly what it says. The rates may be increased or they may be decreased in order to give the foreign importer an equal opportunity in the markets of the United States. There is no embargo in that. It can not be tortured into having any purpose of an embargo.

Mr. JONES of New Mexico. Mr. President, in partial response to what the Senator has said and in connection with my previous remarks, I desire to call attention to the fact that the Reynolds Commission, which went out to ascertain the difference in the prices of articles in this country, both domestic and foreign, was unable to find comparable articles in more than about 20 per cent of the cases which they investigated. Where there is no comparable article produced in the United States, I submit you can not levy a tariff based upon the difference between the cost of production at home and abroad, and in only about 20 or 25 per cent of the cases did they find comparable articles, and they were seeking such articles.

Mr. McCUMBER. If there is no instance in which the law can apply, of course the law will not be applied.

EXECUTIVE SESSION.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess, the recess being under the order previously made, until Monday, May 1, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 29 (legislative day of April 20), 1922.

APPRAISER OF MERCHANDISE.

Oscar W. Jackson, of Springfield, Ohio, to be appraiser of merchandise in customs collection district No. 41, with headquarters at Cincinnati, Ohio, in place of Thomas Butterworth.

UNITED STATES DISTRICT JUDGE.

John T. DeBolt, of Hawaii, to be United States district judge, district of Hawaii, vice Horace W. Vaughan, whose term has expired. (Mr. DeBolt is now serving as second judge, first circuit, Territory of Hawaii.)

REGISTER OF THE LAND OFFICE.

Martin Widsten, of Minnesota, to be register of the land office at Crookston, Minn., vice Ole Thompson, resigned.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Leo Clark Wilder, of Vermont, to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy, in the Coast and Geodetic Survey (by promotion from aid with relative rank of ensign in the Navy), vice L. D. Graham, promoted.

APPOINTMENT IN THE REGULAR ARMY.

Maj. William Augustus Mitchell, Corps of Engineers, to be professor of civil and military engineering at the United States Military Academy, with rank from May 10, 1922, vice Prof. Gustav Joseph Fiebeger, to be retired from active service May 9, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Lutz Wahl, Infantry, with rank from January 6, 1920.

Col. Harrison Hall, Field Artillery, with rank from April 20, 1920.

Col. Julius Theodore Conrad, Cavalry, with rank from July 1, 1920.

Col. Charles Curtis Smith, Infantry, with rank from July 1, 1920.

Lieut. Col. Clarence Browning Smith, Coast Artillery Corps, with rank from July 1, 1920.

Lieut. Col. Paul Trapier Hayne, jr., Cavalry, with rank from July 1, 1920.

Lieut. Col. Horace Fennell Sykes, Infantry, with rank from July 1, 1920.

Lieut. Col. John Anderson Berry, Coast Artillery Corps, with rank from July 28, 1920.

Maj. Thruston Hughes, Coast Artillery Corps, with rank from July 1, 1920.

ORDNANCE DEPARTMENT.

Capt. Gordon Marshall Wells, Coast Artillery Corps, with rank from July 1, 1920.

First Lieut. Beverley St. George Tucker, Infantry, with rank from November 10, 1919.

APPOINTMENT IN THE NAVY.

MARINE CORPS.

Corpl. Horace C. Busbey, Marine Corps, to be a second lieutenant in the Marine Corps for a probationary period of two years from the 11th day of February, 1922.

POSTMASTERS.

ARKANSAS.

James A. Skipper to be postmaster at England, Ark., in place of W. L. Hoover. Incumbent's commission expired July 21, 1920.

William H. Taylor to be postmaster at Van Buren, Ark., in place of A. S. Matlock, removed.

FLORIDA.

Mamie E. Barnes to be postmaster at Plant City, Fla., in place of M. H. Stone, resigned.

GEORGIA.

Esther McCollum to be postmaster at Conyers, Ga., in place of T. D. O'Kelley, deceased.

KANSAS.

Abraham L. Hartzler to be postmaster at Haven, Kans., in place of M. E. Henderson. Incumbent's commission expired February 4, 1922.

KENTUCKY.

Elizabeth Porter to be postmaster at Cleaton, Ky. Office became presidential January 1, 1922.

Fannie Sharp to be postmaster at Sharpsburg, Ky. Office became presidential January 1, 1921.

Alfred Gowling to be postmaster at Newport, Ky., in place of Jacob Roll, resigned.

LOUISIANA.

Samuel Y. Watson to be postmaster at Baton Rouge, La., in place of S. Y. Watson. Incumbent's commission expired January 31, 1922.

MARYLAND.

Samuel E. Hartley to be postmaster at Glenarm, Md. Office became presidential January 1, 1922.

Stewart Rodamar to be postmaster at Grantsville, Md. Office became presidential January 1, 1921.

MASSACHUSETTS.

Clark P. Harding to be postmaster at West Medway, Mass., in place of H. E. Madden, resigned.

MICHIGAN.

William Trebilcock to be postmaster at Ishpeming, Mich., in place of T. J. Dundon, resigned.

MISSISSIPPI.

James S. Andrews to be postmaster at Vosburg, Miss. Office became presidential January 1, 1921.

Edgar D. Chapman to be postmaster at Coffeeville, Miss., in place of R. L. Broadstreet. Incumbent's commission expired January 24, 1922.

George H. Flowers to be postmaster at Kilmichael, Miss., in place of O. E. Brannon. Incumbent's commission expired December 20, 1920.

Fred J. McDonnell to be postmaster at Okolona, Miss., in place of F. J. McDonnell, jr. Incumbent's commission expired July 21, 1921.

Clarence W. Bolton to be postmaster at Pontotoc, Miss., in place of C. W. Bolton. Incumbent's commission expired August 7, 1921.

Frank J. Barlow to be postmaster at Tunica, Miss., in place of Patricia Dougherty, resigned.

MISSOURI.

Walter E. Pearson to be postmaster at Clarksdale, Mo. Office became presidential January 1, 1922.

Ferd D. Lahmeyer to be postmaster at Bland, Mo., in place of J. H. Jackson. Incumbent's commission expired March 2, 1919.

MONTANA.

William D. Tovey to be postmaster at Wisdom, Mont., in place of C. J. Bell, resigned.

NEW JERSEY.

Charles R. Blunt to be postmaster at Bloomfield, N. J., in place of E. F. Higgins. Incumbent's commission expired January 24, 1922.

NEW YORK.

Clarence A. E. Churchill to be postmaster at Ellicottville, N. Y., in place of E. E. O'Rourke. Incumbent's commission expired January 24, 1922.

OKLAHOMA.

Earl Ridenour to be postmaster at Hydro, Okla., in place of C. H. Hatfield. Incumbent's commission expired March 16, 1921.

OREGON.

Carrie N. Parker to be postmaster at Gladstone, Oreg. Office became presidential January 1, 1922.

PENNSYLVANIA.

George W. Brelsford to be postmaster at South Langhorne, Pa. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Harold French to be postmaster at Letcher, S. Dak., in place of E. M. Schmida, declined.

TEXAS.

George H. Fricke to be postmaster at Cat Springs, Tex. Office became presidential July 1, 1921.

Walter W. Appling to be postmaster at Louise, Tex. Office became presidential July 1, 1920.

Anastatia M. Tower to be postmaster at Alice, Tex., in place of H. C. Word, resigned.

Joe M. Van Houten to be postmaster at Henrietta, Tex., in place of W. H. Cook, resigned.

Walter J. Lindsay to be postmaster at Miles, Tex., in place of W. D. Foster, resigned.

Lee W. Harris to be postmaster at Seymour, Tex., in place of W. H. Miller, resigned.

UTAH.

George A. Murphy to be postmaster at Storrs, Utah. Office became presidential January 1, 1922.

VIRGINIA.

P. Edgar Lineburg to be postmaster at Stephens City, Va., in place of G. A. Samsell, resigned.

WEST VIRGINIA.

John H. Middleton to be postmaster at Elk Garden, W. Va. Office became presidential April 1, 1921.

Charles E. Brazeal to be postmaster at Maybeury, W. Va. Office became presidential January 1, 1921.

Samuel O. Logan to be postmaster at Yukon, W. Va. Office became presidential July 1, 1921.

Jesse H. Petty to be postmaster at Gary, W. Va., in place of M. W. Scott. Incumbent's commission expired April 30, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 29 (legislative day of April 20), 1922.

COLLECTOR OF CUSTOMS.

Lewis H. Schwaebe to be collector of customs, customs collection district No. 27, with headquarters at Los Angeles, Calif.

REGISTER OF THE LAND OFFICE.

Fred E. Sisson to be register of the land office at Pueblo, Colo.

RECEIVER OF PUBLIC MONEYS.

Mrs. Amanda I. Franks to be receiver of public moneys at Sterling, Colo.

APPOINTMENT IN THE COAST AND GEODETIC SURVEY.

Henry Edward Finnegan to be aid with relative rank of ensign in the Navy.

PROMOTIONS IN THE ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

To be colonels.

Samuel Goode Jones.
Edgar Thomas Conley.

To be lieutenant colonels.

John Brooke Shuman.
Wesley Wilson Knox Hamilton.
James Totten.
Robert LeRoy Collins.
Leo Asa Dewey.

To be majors.

Raymond Sidney Bamberger.
Albert Gilmor.
Thomas Marshall Spaulding.
Daniel Huston Torrey.
Robert Horace Dunlop.
William Clayton Rose.
Livingston Watrous.
Harry Coope.

To be captains.

Jedediah Huntington Hills.
David Andrew Watt.

FIELD ARTILLERY.

To be first lieutenants.

Robert Crane Hendley.

CHAPLAINS.

To be captains.

Samuel Eugene Crosby.
Charles Wadsworth Ball Hill.

POSTMASTERS.

ALABAMA.

Charles D. Kirtley, Robertsdale.

FLORIDA.

Clayton P. Bishop, Eustis.
David B. Raulerson, Lake City.
Roy S. Hanna, St. Petersburg.
John L. Wall, Summerfield.

IDAHO.

George F. Clark, Paul.

INDIANA.

Robert M. Waddell, Lagrange.
Claude B. Thomas, Moores Hill.

MARYLAND.

William A. Brown, Cecilton.
Robert H. Lancaster, Frostburg.
Susie S. Thompson, Hillsboro.
Mary Stevens, Hurlock.
Charles W. Foxwell, Leonardtown.

MICHIGAN.

Clifford L. Slocum, Addison.

MONTANA.

Arthur T. Ruehrwein, Columbus.

NEW JERSEY.

Nicholas T. Ballentine, Peapack.

NEW YORK.

Louise E. Wells, Stony Brook.

PENNSYLVANIA.

William E. Parsons, Hazel Hurst.
Ralph V. Parthemore, High Spire.

TENNESSEE.

Ollie L. Davis, Gates.
Arthur Hall, Lancing.

TEXAS.

Bessie F. Hefley, Cameron.
William J. Lewis, Itasca.
Leonard D. Kennedy, Ivan.
Comodore V. Varner, Milford.

WEST VIRGINIA.

Clifford S. Musser, Shepherdstown.

WISCONSIN.

Paul W. Schuette, Ableman.
Edward Stackman, Ontario.

SENATE.

MONDAY, *May 1, 1922.*

(Legislative day of Thursday, April 20, 1922.)

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Harrison	McCormick
Ball	Edge	Heflin	McKellar
Borah	Fletcher	Hitchcock	McLean
Bursum	Frelinghuysen	Jones, Wash.	McNary
Capper	Gerry	Kendrick	Nelson
Caraway	Glass	Keyes	Newberry
Colt	Gooding	King	Nicholson
Culberson	Hale	La Follette	Norbeck
Cummins	Harreld	Lenroot	Norris
Curtis	Harris	Lodge	Oddie

Overman	Robinson	Sutherland	Warren
Page	Sheppard	Swanson	Watson, Ga.
Phipps	Simmons	Townsend	Watson, Ind.
Poindexter	Smoot	Trammell	Weller
Pomerene	Spencer	Wadsworth	Willis
Rawson	Sterling	Walsh, Mont.	

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present.

REPORT OF BOY SCOUTS OF AMERICA.

The VICE PRESIDENT laid before the Senate a communication from the chief scout executive, Boy Scouts of America, transmitting, pursuant to law, the annual report of the Boy Scouts of America for the year 1921, which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions adopted by a mass meeting of citizens of Washington, D. C., protesting against proposed changes in the fiscal relations of the District of Columbia, particularly increased assessment valuation on real property, as suggested by the conferees on the 1923 District appropriation bill, and praying that before changes are made in the tax system of the District as to any class of property the citizens of said District be granted an opportunity to be heard by Congress through its committees, which were referred to the Committee on Appropriations.

He also laid before the Senate resolutions adopted by the legislative committee of the 23 allied trades organizations, known as the joint conference board, representing employees at the Bureau of Engraving and Printing, protesting against the proposed increase of the assessment valuation on real property in the District of Columbia, and praying that the commissioners of the said District be given a hearing on the merits of the proposed legislation, which were referred to the Committee on Appropriations.

He also laid before the Senate a communication, in the nature of a memorial, from Local No. 27, National Organization of Master Mates and Pilots of America, of Balboa, Canal Zone, remonstrating against inclusion in the so-called ship subsidy bill of the provisions relative to the Naval Reserve, which was referred to the Committee on Commerce.

Mr. CURTIS presented resolutions adopted by the Progressive Business Club, of Elko County, Nev., favoring the making of an appropriation of $175,000 to establish an Indian school at Elko, Nev., which were referred to the Committee on Indian Affairs.

Mr. KING. I present a resolution adopted by the Commercial Club of the City of Nephi, Utah, calling attention to the fact that an appropriation had been made a number of years ago and land purchased for the construction of a public building at that place, and they ask that something be done by Congress toward the construction of a building. I move the reference of the resolution to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. SPENCER presented petitions of the Auxiliary Club of Pullman Porters and of Edgar Wallace and sundry other citizens, all of Kansas City, Mo., praying for the passage of the Dyer antilynching bill, which were referred to the Committee on the Judiciary.

Mr. WILLIS presented a letter in the nature of a petition from the executive board of the Toledo (Ohio) Council of Churches, praying for the passage of the Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented resolutions of the Ohio Associations of Credit Men, indorsing the Federal reserve system and protesting against the imposition of inequitable taxes on corporations as a detriment to business, and the further issuance of tax-free securities by the Federal Government, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WATSON of Georgia, from the Committee on Claims, to which was referred the bill (S. 2753) for the relief of José Louzau, reported it with an amendment and submitted a report (No. 679) thereon.

Mr. DU PONT, from the Committee on Education and Labor, to which was referred the bill (S. 3396) creating the positions of Second Assistant Secretary and private secretary in the Department of Labor, reported it with an amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3526) for the relief of Sylvester P. Hill; to the Committee on Military Affairs.

A bill (S. 3527) granting a pension to John T. Peet;

A bill (S. 3528) granting a pension to Matilda McMurray (with accompanying papers);

A bill (S. 3529) granting a pension to Mary M. Wonsetler (with accompanying papers); and

A bill (S. 3530) granting a pension to Mary J. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3531) to amend section 9 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. ROBINSON:

A bill (S. 3532) for the protection of persons employed on railway baggage cars and railway express cars; to the Committee on Interstate Commerce.

By Mr. WELLER:

A bill (S. 3533) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the National Surety Co.; and

A bill (S. 3534) for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 3535) granting a pension to Clarence W. Failor (with an accompanying paper); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3536) for the relief of the heirs of Nels Rudi; to the Committee on Finance.

By Mr. STERLING:

A bill (S. 3537) granting a pension to Fannie Bonk (with accompanying papers); to the Committee on Pensions.

By Mr. BALL:

A bill (S. 3538) authorizing police matrons to be members of the Metropolitan police force; to the Committee on the District of Columbia.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association, which was, on page 1, line 4, after the word "possession," to insert "for hospital purposes."

Mr. ROBINSON. Mr. President, the amendment does not in any respect change the bill as it passed the Senate. As the bill passed this body it provided for the use and occupation of the lands described in the bill for the construction and operation of an addition to a hospital at Hot Springs, Ark. In my view the adoption of the amendment is entirely unnecessary, and is a mere repetition of provisions already in the bill. There can be no objection to it, and I therefore move that the Senate concur in the House amendment.

The motion was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, I have been interrupted a number of times by adjournments of the Senate or by yielding to other Senators in my preliminary discussion of the chemical schedule. I desire this morning to submit a further analysis of that schedule, and call attention to a number of items therein, particularly as they reveal the great increase in the rates above those laid down in the Payne-Aldrich and in the Underwood-Simmons Acts.

In former tariff acts the chemical schedule has been known as Schedule A. In the pending bill I may remark in passing that the schedules are, for the first time, indicated by number instead of by letter; thus the notorious, not to say odious, "Schedule K" has been changed to Schedule 11, which change was doubtless desired to prevent the public generally from ascribing to any of the schedules in the present bill the antipathy which had been engendered against Schedule K and other schedules of the Payne-Aldrich tariff.

Senators will recall that Schedule K was the one against which Senator Dolliver and other able Republicans, as well as Democrats, leveled their most effective attacks when the Payne-Aldrich bill was under consideration. That schedule became odious and it, with the other indefensible provisions of the bill, brought about the undoing of the Republican Party. No wonder the Republicans are now trying to distract attention from Schedule K and others that received the condemnation of the American people. This they are seeking to accomplish by giving the schedules different names and calling them by numerals instead of letters. Schedule I, the chemical schedule, as well as

Schedule K, will be just as odious, indeed they are just as odoriferous, as if they had other names.

The chemical schedule is not only the first schedule of the bill in numerical order but in many respects it is the first schedule of the bill in importance. The articles covered by the rates in this schedule are articles of primary necessity to the industries of the country. No schedule of the bill is so comprehensive in its scope and in the diversity of the articles covered and in the complex relations of these articles between themselves and to the other industries of the country as is the schedule on chemicals, oils, and paints. Other schedules of the bill are rather narrow and particular and special in their scope. Thus Schedule 2 of the bill covers earthenware and glassware; Schedule 3, metals; Schedule 4, woods; Schedule 5, sugar; Schedule 6, tobacco; Schedule 7, agriculture; Schedule 8, spirits and beverages; Schedule 9, cotton; Schedule 10, flax, hemp, and jute; Schedule 11, wool; Schedule 12, silk; Schedule 13, pulp and paper; and Schedule 14, the last schedule of the bill, covers miscellaneous articles of merchandise and manufacture not covered by other schedules. But none of these schedules is as comprehensive in its scope or affects commodities of more importance than Schedule 1. It may, of course, be said that every material in the world may be referred to in terms of chemistry, and while this schedule excludes the commodities in the 13 other schedules of the bill as far as the imposition of rates is concerned it must be said that the commodities in this schedule have a direct or an indirect relation to all the other schedules of the tariff and especially to all the industries of the country which are obviously concerned with the manufacture and production of the articles covered in the other schedules.

Mr. President, it is a difficult and, indeed, an impossible task to convince Republican Senators of the unwisdom of imposing, as this bill does, such enormous rates upon the primary and fundamental articles employed in commerce and in the industrial life of the Nation. The chemical schedule deals essentially with these primary and fundamental articles. It is obvious that if by laying heavy duties upon them the prices to the American purchasers are thereby increased the burden will be passed on to those who buy such primary products for manufacturing and other purposes, and they in turn must pass on to the ultimate consumer these additional burdens. The prices are pyramided, and they rest finally upon the great consuming public of our land. The chemical schedule is to this bill, as well as to the industrial and business life of the people, what the foundation is to the mighty superstructure erected thereon.

The majority of the commodities covered by the chemical schedule are imperatively required by manufacturers and producers in substantially all the industrial production of the country. The textile trade must have dyes, and whatever burdens are passed on to the textile trade are added to their products, thus increasing the prices ultimately to be paid by the consumer. If we would increase domestic production so far as possible, the fundamental products should be supplied as cheaply as possible. If unjust and extortionate rates are laid upon these primary articles, such an act constitutes an obstacle to business revival and an impediment to increased activity upon the part of the manufacturers and producers of what may be denominated finished products. Our industrial development, then, is largely dependent upon this chemical schedule. If it raises the price foundation to such heights as to prevent the completion of the building, our whole business life will be affected. It is poor economics and it is crude statesmanship to pass a bill of this character—one which has never been duplicated in its inequitable, unjust, and oppressive features by any modern, progressive, and civilized nation. It finds parallel only in medieval ages and in governments whose chief concerns are the extension of imperialism or the preservation of autocratic and despotic government.

This schedule covers by name more than 340 items, not including a long list of coal-tar intermediates, dyes, and other products, which aggregate at least 120 more, as well as thousands of chemical compounds not specifically named but included in general clauses in this bill.

Most of the other items not found within the comprehensive list of the 340, to which I have referred, are found in paragraphs 25 and 26 of this schedule and relate to dyes and intermediates. In order to indicate generally the comprehensive character of this schedule, I will say that these items may be classified under general designations, to which I shall refer.

I appreciate how uninteresting it is to listen to a speech in which figures and long lists of commodities are presented. Nevertheless, a study of these commodities is important in the consideration of a bill of this character, and to the thinking person each item is pregnant with meaning suggestive of benefits or evils to the entire country. This schedule, as I have indicated, embraces a large number of items, not alone those specifically mentioned but those that are embraced in Schedule 1 but not indicated by name. There are what are denominated basket clauses, within which are comprised, unnamed, a large number of commodities covered by a general rate of taxation. In this way the people do not know the far-reaching effects of tariff schedules and the enormous number of items covered thereby. It is no exaggeration to say that this bill covers practically every article, item, subject, or thing which relates to the lives of the people. It touches the person from the time of his birth until he is laid away in his final resting place. It affects his home, his buildings, his clothing, his medicines, his physical, his intellectual, indeed his spiritual, wants. It is a dark and menacing mantle which covers the entire social structure. It is a tax upon substantially everything that we eat and drink and wear.

I said there are hundreds of items referred to in this schedule by name. There are probably six or seven thousand or more embraced within the provisions of this bill and subject to tariff duties, and in substantially every case the rates will be greatly in excess of those in the Payne-Aldrich law.

When we are seeking to get back to normal conditions and to bring price levels to reasonable and fair and just proportions, this iniquitous bill is projected into our economic life, the result of which will be to disarrange the industries of the country and make more difficult the passing from war conditions to the paths of normal peaceful relations. There is bound to be some revival in business despite this oppressive measure, because with our enormous resources it can not be otherwise. But if we may secure these fundamental and primary products without prices so altitudinous as to be obstacles to industrial development, there will not only be a revival in business but the revival will be much sooner, a remarkable growth and permanent improvement and development. But the selfish and greedy are always the first to interpose obstacles to economic reforms and to the dawn of a better day. The greedy, voracious man is not satisfied with small profits and with quick returns. He must have enormous profits, though he robs the public and disturbs the intricate industrial machinery upon whose successful operation the prosperity of the Nation rests.

I desire now to call attention to some of these items which are covered by this schedule and which are important to the lives and to the industries of our country—items upon which the rates have been raised from 50 to 300, 400, 500, and 600 per cent.

I enumerate as follows:

Baking powder and yeasts, which enter into the bread and general cookery; blackings, stains, and dressings, including shoe polishes, stove polishes, etc.; bluing, which is used for the family laundry and the laundry industry; and bone carbon and lampblack used in the refining of sugar.

Let me pause to mention that any tax upon commodities essential for the production of sugar will be reflected in higher prices for sugar. Under this bill all the sugar manufacturers are compelled to pay tribute to the Chemical Trusts, and they will be required to add this unjust tribute to the price named for their product which the ultimate consumer must meet. Bone carbon and lampblack, used by the sugar refineries, are also employed in the manufacture of ink and as filler for rubber compounds and in the manufacture of paints. The agriculturalists must have paints. All who are building houses require paints of various kinds. This bill gives to the Paint Trust and the paint manufacturers higher prices, which are to be passed on to the farmers and the home owners and to the millions of persons who pay hundreds of millions of dollars to the corporations and favored interests who will be benefited to such a great degree by the unjust provisions of this chemical schedule.

Schedule 1 also includes crude chemicals and acids, which are primary articles of manufacture in many industries, and are used to some extent by every industry in the fabrication of finished products. Think of taxing many of these crude chemicals which become the bases of scores and, indeed, hundreds of manufactured products which are fabricated in our country.

This schedule includes cleansing and polishing preparations; drugs, medicines and medicinal materials, which, of course, are second only in importance to the very food which nourishes the people and are of the widest essential and necessary use. How can the Republican Senators defend a schedule that places these enormous burdens upon the great American people? Medicines and drugs are important for the health of the people. These are controlled by the great corporations and trusts, and they are permitted under this bill to swell their

prices to such levels as the most greedy and voracious and conscienceless person or corporation may desire.

It is a favorite saying that corporations have no bodies to be kicked and no soul to be damned. Most of the great industries of the country are owned and controlled by corporations. Certainly some of these trusts in the United States have had no conscience. Those who have demanded these iniquitous schedules furnish convincing proof that their consciences were seared when they asked for the rates found in this bill.

I do not mean that all corporations in the United States are unjust or are oppressive in their dealings with the people. Corporations are necessary in our industrial life and thousands of corporations are controlled by men of the highest character and who seek in their business dealings to apply the principle of the golden rule. Neither do I condemn large corporations or corporations with great capital. Our industrial life seems to lend itself to big enterprises and to corporations with huge capital holdings. It is not bigness that I am criticizing. It is the improper use of authority or power. It is the abuse of privileges of which I complain. If there is any excuse for combinations and trusts—and some people think the steel enterprises of the country are such—there can be no justification for permitting trusts and confederations to control the great chemical industries of our country and particularly those that deal with medicines and drugs and commodities which constitute so important a part in the welfare of the great masses of the people.

This bill compels the poor and the rich alike to pay tribute to the chemical industry for the simplest medicine, for those articles which are necessary to heal our wounds and to cure our bodily ills. This bill, in my judgment, presents hundreds of millions to the chemical trusts and combinations annually. The people must pay this stupendous gratuity and bonus to the beneficiaries under this bill.

Continuing, Schedule 1 embraces:

Perfumery and cosmetics, dyestuffs and extracts, which provide the multiples of colors for the wool, cotton, linen, silk, and other fabrics, for the dyeing of leather and leather goods, wall paper, colored inks, linoleum, carpets, curtains and upholstery, paints and varnishes, and a thousand other articles of necessity or convenience to the people. Explosives used for blasting minerals, coal, and mineral ores from the mines, and natural deposits which furnish the gold and silver, the copper, the iron, the lead, zinc, and metals and minerals, and which blast tunnels for railroads, excavate channels in the rocky beds of rivers for shipways, prepare the bed for the foundations of our great structures, and for hundreds of other uses in the arts and crafts of peace, not to speak of the munitions of war, of ordnance, and projectiles with which wars for the defense of this country are waged and won.

The schedule covers fertilizers, which draw from the riches of the chemical world the mineral salts and organic compounds which vitalize the soil and make it respond in abundant harvests to the toil, the care, of the farmer and husbandman and enable him to supply the food and nourishment of the people and to provide the supply of raw materials of manufacture, as well as to furnish the freight which keep our great railroad systems vibrant with commerce and furnish the cargoes for American ships on the seven seas. Even the flow of money in response to the transactions of trade is a direct result of the stimulus of the fertilizers applied to the fields; in fact, the ultimate income of every man, woman, and child in this country is dependent upon the primary application of fertilizers in agriculture. The chemical schedule also embraces calcium carbide, from which is made illuminating gas and which furnishes the oxy-acetylene flame for the welding of metals, and which will be used for breaking up iron plates, metallic ore, the armor and steel framework of the vessels and battleships which are to be scrapped in the interest of the peace of the world; glue and gelatine, which is the base of all our adhesive materials, from court-plasters to wall papers; grease and tallow, which supply the soap stock, used for the dressing of leather, and for the lubrication of the wheels of commerce and industry; inks for printing and writing, without which the business even of this august body could not proceed; olive oil, for salad dressings, Italian cookery, and medicine; oil cake, for the feeding of dairy cattle; linseed oil, for the making of the paints which cover millions and millions of square yards of painted surfaces on the buildings of the country, and used also in the making of linoleum, patent leather, oilcloth, lithographic inks, soap, and for driers for varnishes; castor oil, used for an essential medicinal material for man and beast and for the lubrication of machinery; cod-liver oil, for the manufacture of medicinal emulsions of particular value to consumptives and sufferers from tuberculosis.

The Republicans who are talking so much about bonuses and about the poor soldiers and the ex-service men would tax the very medicines which the wounded and the disabled are compelled to use and increase the burdens upon the ex-service men and their families, as well as upon the people of the entire country. There is scarcely a medicine for the healing of the wounds or the restoration of health to the sick and the afflicted that is not placed within some category in this bill, and the weak and the sick and the disabled are to be further robbed and plundered by the medicine trust and the other extortionate profiteers under the provisions of this bill. That is the humanity exemplified in the drafting of this bill. Even the poor and the sick and the disabled and the wounded must pay greater tribute to the merciless corporations which manufacture these important commodities.

Included also within this schedule are whale oil and sperm oil, valuable oils for lubrication, soap making, the dressing of leather, and for illumination; wool grease, used for salves, ointments, emulsions, and cosmetics; other fish oils, which have generally the same uses above enumerated and which are valuable articles of commerce; essential oils, which are the essences of fruits, flowers, and herbs, which furnish the natural flavors, perfumes, and medicinal extracts, and oils so essential to the health and pleasure of the people; paints and varnishes; salt, soap, turpentine and resin, and the products of wood distillation, such as acetic acid, acetones, and methyl alcohol, all essential materials for use in the arts and manufactures; cellulose and celluloid compounds, which are used in manufacturing combs, mirrors, toilet articles, toys, artificial leather, and artificial silk.

It is difficult, indeed, to even approximate a complete enumeration of the varied and essential uses to which the materials made dutiable at increased rates in this schedule are put by the industries of the country and the necessities of the people; specifications could be added to specifications respecting the usefulness of these materials, and I have only attempted to indicate in a general way the field of their utility.

I regret, Mr. President, that Senators and the country are unacquainted with this bill and do not know that many hundreds of items found within the schedule, either specifically named or included within general clauses, are assigned higher rates than ever appeared in an American tariff law. I regret that they can not yet appreciate the additional burdens which will be imposed upon the country. May I say by way of parenthesis that after an examination of the hearings before the House and the Senate committees upon this, as well as some other schedules, I discover that in many instances where increases appeared no one is shown to have asked for such increases. I am told that numerous beneficiaries of high tariffs came to Washington and interviewed Senators and did not appear before the committees.

It has already appeared that representatives of corporations went into the committee room, or into the anteroom of the committee room, and made statements which were not taken down, and the nature of which is not known to Senators, other than some Republican Member or members upon the Finance Committee.

But let me inquire, how are we to account for these rates where the record shows that no one appears? Of course, some one asked for these increases. Who were they? Why did they ask? Why did they not appear in the open when Democratic Senators were present in the committee room and were permitted to be present, so that there was opportunity to hear their statements and examine the witnesses? Why were not their statements taken down, so that those who are not members of the committee may be advised as to the reasons, if any there are, for these enormous increases?

Mr. President, the record upon this matter is not clean. We are all familiar with litigation in the courts. When a case is tried, it is tried in the open and the jury decides questions of fact submitted not upon evidence which they hear secretly but upon evidence produced in open court, where both litigants were afforded full opportunity for cross-examination of the witnesses. If a case is tried before the chancellor, he does not receive testimony after the case is closed, except upon motion, with full opportunity for the opposing sides to be heard, nor does he hear arguments unless both contestants are present.

Mr. President, a careful examination of the hearings will not justify the rates laid in this chemical schedule. I challenge any fair-minded man to justify these rates in the light of the facts and in view of the conditions of our country and world conditions. This bill is wrong; it is bad and vicious and harmful to the American people.

Mr. President, in Great Britain there is now a rump organization of the conservatives to which the name is given of the "die hards." The members constituting this organization are the reactionaries, the "standpatters" of the conservative party.

They are opposed to liberal and progressive measures. They are interested more in the House of Lords and in traditions and in the perpetuation of an exploiting capitalistic system than they are in social justice and in liberal and progressive policies. We have "die hards" here. They control the Republican Party. Under the whip and pressure of the trusts and corporations the "die hards" have prepared this bill. This bill will help the trusts, it will profit the great aggregations of wealth. It is a sop to the oppressive and selfish interests who want to run this Government and control the political and industrial life of the American people.

Under this bill, which grants, and in some instances, raises rates so high as to effectively operate as embargoes, our foreign trade will be interrupted and our return to prosperity will be postponed. There seems to be no vision upon the part of the troglodytes, of whom I spoke the other day and who now control the Republican Party. Strabo, Herodotus, Pliny, and other classical historians speak of the troglodytes—cavemen, persons who seek exclusion, isolation, and separation from others. This bill declares for a troglodytian policy. We are to become a nation of troglodytes.

Mr. President, I propose that the name of the Republican Party be changed. As Senators know, at one time the Democrats were known as Republicans, and their party was sometimes known as the Democratic-Republican Party. The Democrats later dropped the name "Republican," and years afterwards it was appropriated by those men who met in Michigan and gathered together the remnants of the Whig and other political organizations. The Republicans under their present leadership are not entitled to the name. They were appropriately dubbed "standpatters" and "reactionaries" in the days of Aldrich and Speaker Reed. The archaic policies then announced have become the present policy of the Republican Party. They are the party of reaction. They are seeking isolation, political and industrial, and, of course, with industrial isolation comes decadence.

So we can with justice and propriety name the party of Harding and Fordney and McCumber "the Troglodyte Party."

It is important at the very outset of this inquiry to get a proper and adequate conception of the magnitude and permanency of the chemical industry of the United States and of allied and cognate industries the products of which are covered by the rates imposed in this schedule. I showed the other day that the chemical industry of the United States had invested in 1914 more than $3,000,000,000, and that now the investment in the chemical industries of the United States, which have been so profitable, exceeds $5,000,000,000. There has been an insidious and widespread propaganda carried on for many months, the purpose of which has been to create the impression that we have had no notable chemical industry in the United States, and that it was necessary to create an industry and to nurse it along with prohibitive tariffs, and some of our protectionist zealots have even advocated and secured an embargo with respect to many items that are found within this schedule.

We all recognize the fact that our country is the wealthiest in the world in its endowment of natural resources, particularly in its endowment of the natural elements and products which come under the head of chemicals and primary chemical materials. There is no country in the world whose natural supply of these materials is comparable to that of the United States. I might add here the fact, with which all Senators are familiar, that with the development of the coal industry in the United States, with the building of our coke ovens and the obtaining of the by-products of the coke ovens, we have placed ourselves in the front rank as the producers of the basic elements of chemical composition and chemical development. No country in the world is comparable to ours. Germany has been deprived of most of her coal by the Versailles treaty. Billions of tons of coal, anthracite and bituminous, are found throughout the United States. It is true that the anthracite coal is limited almost exclusively to the State of Pennsylvania, although Colorado has produced and is capable of producing several millions of tons of anthracite coal, and anthracite coal can also be found in Alaska; but our bituminous measures are inexhaustible. The coal measures found in my State, in Colorado, in Wyoming, in many of the Western States as well as the Eastern States and in the Southern States, can not be paralleled anywhere in the world in extent, in continuity, and in the general average of what might be denominated caloric efficiency. Coal is one of the principal primary products in our chemical production and in our chemical development.

It is to be expected, therefore, that the chemical industry, having as it does an abundance of primary materials of domestic origin to sustain the industry, would have assumed proportions commensurate with the commercial importance of the country; and this, I maintain, is the fact. Every country has its own special industrial methods. The special capacity of the American producer in other branches lies in the field which can be accommodated by a large volume of production of a standardized material, and where the American producer has gone into the production of a particular commodity on a large scale he has not been satisfied merely with acquiring a local market, but has uniformly increased his production to such proportions as have usually required an outlet in foreign markets.

I shall show before I conclude, with respect to scores of the items in this schedule, that we are competing in the markets of the world, that our exports immeasurably exceed our imports; indeed, that in many of these commodities our imports are either 1 per cent or less than 1 per cent.

In Miscellaneous Series No. 82, issued by the Commerce Department, dealing with chemicals and allied products used in the United States, is a list of chemicals imported into the United States in the fiscal year 1913–14 where the imports were less than $100 in value—hundreds of them, literally, Mr. President. I might say that in many of those very items we were exporting to the world large quantities, so that we not only had the domestic market and were suffering no competition from abroad but we were able to export millions of dollars worth of these products in successful competition with the manufacturers of the world; and yet we are now proposing to increase the tariff upon those very articles as to which there was and is no competition.

My distinguished friend, the Senator from North Carolina [Mr. SIMMONS], Saturday afternoon attempted to elicit from the chairman of the Finance Committee the reasons for these rates, the basis upon which these rates were laid. Reference has been made to the Reynolds report. Why, Mr. President, the Reynolds report touches but an inconsiderable number of the items found in this schedule. Mr. Walker, the expert who is aiding the majority members of the committee and sits with them upon the floor, will correct me if I am in error when I state that there are not more than 20 per cent of the commodities in this bill that have comparative prices set forth in the Reynolds report. Mr. Walker nods affirmatively. Then what is the basis of these rates? The Reynolds report was to be the great source of light and the fountain of inspiration to guide us in fixing the rates in this bill; and yet the expert, one of the ablest men we have here to aid Congress and to aid our Republican friends upon the other side, confesses here that not more than 20 per cent of the products found in this bill are embraced in the Reynolds report.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. KING. I do.

Mr. CURTIS. The Reynolds report was intended to cover only ad valorem rates, which amount to only about 20 per cent.

Mr. KING. I think the Senator is right; but the country has been led to believe—I do not say intentionally—by our Republican friends that the Reynolds report was the basis of these rates. Of course, I do not attribute that idea to the Senator from Kansas, who is uniformly fair in the presentation of every subject; but unfortunately the people have gotten the idea that the Reynolds report furnishes the basis for these rates and justifies them, and yet, as is stated now, 20 per cent only of the products contained in the chemical schedule are referred to in this elaborate report for the purpose of obtaining information relative to rates.

I repeat, the Senator from North Carolina [Mr. SIMMONS], the distinguished leader upon this side on the tariff question, attempted to have our Republican friends state the basis of these reports. I shall discuss later on acetic anhydride, for instance, and boric acid, and tannic acid, and citrate of magnesia, and various other compounds and products. What is the basis for the rates upon those items? In the case of a number of them no one asked for an increase. Why were they raised? What is the basis of the increase, in some instances, 150 per cent, and from that up to 600 per cent? Why was it done? Who suggested it? Who are the beneficiaries? The people? No. Who pays the tax? The people—the consumers. The beneficiaries are the great chemical industries and the corporations and organizations that exist in this country to-day.

The American manufacturer has not been especially concerned about making a highly specialized, refined, and complex article of limited consumption, and has not specialized oftentimes in lines of that kind. The American business man, as we see him, ordinarily wants to do big things in a big way. He is not content to sit down and do handwork upon an intricate and complex thing where the consumption is limited,

particularly in this country. He prefers in a large way to engage in the production of the primary things or of the commodities the consumption of which is exceedingly great. We have been content to permit foreign technicians and artisans to work along these special lines, and, it may possibly be said, to excel in some of these lines. There are some industries of a highly special and technical nature for whose production the market is so limited that nothing left for the world market will warrant the investment of capital in these industries, and the American investor has felt that he had better use for his money than to invest in such undertakings. The American business men, as practical men, have put their money in such enterprises as have promised the quickest and most profitable returns.

I am speaking now in a general way.

To illustrate what I mean with respect to unimportant matters, or less important matters, for years we were content to let the Swiss make watches, but now we have undertaken the quantity production of watches, and America makes the only dollar watch in the world, and in quantities which have gone beyond the conception of the watchmakers of the Old World. The Swiss watchmakers, with their infinite capacity for detail and their great technical skill, for years controlled the world market. But the American manufacturer has entered the field and is beating the world. We have let the Irish and the French and the Dutch and the Swiss make fine laces and embroidery, and so long as this industry is confined to handwork we will doubtless let them occupy a dominant position in that field; but even now the making of lace by machinery is expanding, and we shall doubtless in a short time lead the world in the mechanical making of lace.

In 1914 the Bureau of the Census conducted a survey of the manufactures of the United States and published a census of manufactures, showing the production by quantity and value of the industries of the United States.

The Bureau of Foreign and Domestic Commerce has made a critical examination of this census and a careful allocation of the items which come within the chemical and allied industries of the country, or, to speak with more particularity, of the items which come within this Schedule 1 of the bill. The capitulations which were made appear at page 172 of the publication of the Department of Commerce, Miscellaneous Series No. 82, under the title "Chemicals and allied products used in the United States, imports by quantities, values, and countries of origin during the fiscal year 1913–14, and statistics of domestic production." This official publication reports the products of the chemical and allied industries for the calendar year 1914 as of the value of $2,001,634,000. The capital invested in these industries having this product were reported at $3,034,209,000, which brings out the startling fact that one year's production of these industries was two-thirds of the capital invested. The wages paid were reported at $167,494,000, which amounts to but 8½ per cent of the value of the products of the industry for that year.

I wish Senators would take cognizance of those figures. For the fiscal year ending June 30, 1914, the capital invested in the chemical industry in the United States was $3,024,209,000, and for the same fiscal year the value of the domestic production (chemical) amounted to $2,017,794,065.

The wages paid were reported to be but $167,494,000, which amounts to but 8½ per cent of the value of the products of the industry for that year.

These figures are startling and reveal the magnitude of the chemical industry at a time when it was claimed Germany was supreme in the chemical world, that the United States was producing no chemicals and had no chemical industry.

Another significant fact is revealed in these figures. The beneficiaries of high tariffs have always professed great solicitude for labor and have justified their extortionate demands upon the ground that labor must be cared for. Of course, the history of our industrial life shows that too often labor did not receive a just reward. Eight and one half per cent only was paid for the fiscal year referred to, in the chemical industry, to labor. With more than $2,000,000,000 worth of products, labor received but a little more than one hundred and sixty-seven millions. Who were the beneficiaries of these enormous receipts? Labor in part, it is true, but the great fortunes of which we have indubitable evidence, acquired by persons engaged in the chemical industry, show where the profits went.

The cost of materials was reported at $1,289,348,000, from which we may draw the conclusion that the wages paid or labor cost represented but one-eighth as much as the cost of materials. This all indicates such a relatively low ratio of labor cost to total costs as to preclude any argument of the necessity of laying such high duties as are imposed in this schedule upon the pretense that the protection is the wages of the American labor.

For the fiscal year ending June 30, 1914, which was a full month before the outbreak of the World War, the exports and imports of the chemical and allied products covered by this schedule under the Underwood Tariff Act were: Imports, $267,408,785, and exports for the same period $265,019,278, showing on this schedule a practical balancing of imports and exports. (Misc. Doc. No. 82, Bureau of Foreign and Domestic Commerce, p. 13.)

At that time Germany was at the height of her industrial development. Her products were being introduced into all lands, and her supremacy in the chemical field seemed to be unchallenged in any country. Yet in that year our exports of chemicals were substantially the same as our imports. We were able to compete with Germany and all other countries in the markets of the world, and exported to a hundred ports more than $265,000,000 worth of these chemical products. Yet Senators and others who are the defenders of these schedules, when Germany is prostrate and Europe is prostrate and unable to compete as they did compete in the chemical world or otherwise, are demanding prohibitive tariffs. In 1913–14, when Germany was militant and puissant, not only as a military nation but as an industrial nation, we were able to compete with her and to ship abroad and sell in competition with her chemical products exceeding in value $265,000,000.

It should be borne in mind that the foregoing statistics represent the condition of affairs prior to the outbreak of the World War, and this condition was therefore unaffected by the events of the war. The war may be regarded in a certain view as having but transitory effect upon our domestic and foreign commerce. I do not mean to minimize the profound effect the war had upon our commerce during the period of actual hostilities. We had a little more than four years of war, and we have now had nearly four years of peace. We should, of course, address our attention to the condition in the chemical industries to-day, and any legislation should be framed for the present and the future by the fullest examination of the available facts and consideration of the experience of the country, particularly as affecting the relation between fiscal legislation and the industries of the country. The war ended in November, 1918, and I desire now to present the salient facts affecting the chemical and allied industries for the year 1919 and subsequent years.

The value of the products comprehending the items in this schedule produced in the United States in the year 1919 were reported by the Bureau of the Census in the census manufactures for the year 1919 as amounting to $4,968,351,195. The wages paid out on account of this production were reported as $396,512,846, representing 8 per cent of the total value of the product.

The significance of that will be apparent to those who think for a moment. Our Republican friends say that wages now are so much higher; that the cost of labor is so much greater than it was prior to June 30, 1914. Yet when we observe the ratio which wages bore to the products in 1914 and in 1919, the peak of the wages, we find that the ratio is a little less than 8 per cent as against 8½ per cent. In other words, 8 per cent only of this prodigious amount of nearly $5,000,000,000 of products, was the labor cost, whereas in 1914, when the wages were lower, the labor cost was 8½ per cent.

It will be observed that the labor ratio in 1919 was a little less than it was in 1914, which indicates that the ratio of labor costs to total value in this industry has been pretty well stabilized and is uniform at about 8 per cent.

Inasmuch as there has at least been no diminution in the amount of wages paid in the industry, it can not be said that the raising of the rates is necessary in order to stabilize or protect the wage ratio in this industry.

It is also a fact worthy of remark that under the operation of the Underwood law between 1914 and 1919 the production of the chemical and allied industries was increased in value two and one-half times, which ought to be a rather satisfactory condition to concerns engaged in this industry. These concerns apparently have had abundance of money to expend in political propaganda and to impress the country that they require a higher rate of duty on their products, and that the chemical industry was only a withering infant which required special pap protection and patronage from the Government at the expense of the public.

For the calendar year 1919 the imports of chemicals and allied products comprehended within the items of this schedule

amounted to $298,807,438, and the exports for the same period amounted to $828,281,571, which gave us a balance of exports for 1919 of $523,000,000. The imports only amounted to 6 per cent of the domestic production, while the exports were nearly three times the imports. The imports were hardly of sufficient quantity to even have any effect upon domestic prices.

A healthy state in the trade can best be secured by such a temperate rate in the imports as will stabilize prices in the domestic market and bring the prices in the domestic market into some reasonable relation to the prices in the open world market. Without such stabilization commerce is retarded and exchanges fluctuating and uncertain.

Superficial observers will not concede the correctness of the last statements, but they seem to me to be axiomatic. If inordinately high prices are obtained through embargo or high tariffs, imports will be restricted, if not wholly, then to the vanishing point. Cupidity and greed will then have unlicensed authority, and domestic consumers, forced to pay extortionate prices, will reduce, of necessity, their purchases, which will react upon production, and seriously affect the industries and prosperity of the entire country.

Mr. Blaine, as well as Mr. McCUMBER and other eminent Republicans, have admitted that the object of the tariff is to increase domestic prices and that that object is attained. It is conceded that that purpose of this bill is to put prices up to relieve domestic producers of legitimate and proper competition which might result from importations. This bill is to turn the American people over to the tender mercies of the manufacturers and those whose products will be immune from competition.

We have been fighting for lower prices. Republicans during the closing hours of Mr. Wilson's administration complained of high prices and arraigned the Democratic Party because of the extortionate prices which it was claimed consumers were compelled to pay in the domestic market. Now these same Republicans have joined with the profiteers and the trusts and the greedy monopolists and are determined to prevent prices from reaching proper levels or the laws of supply and demand from having proper application. They have surrendered to the predatory interests. The people now, as in the days of oppressors, are the victims of a conspiracy between the standpatters in the Republican Party and the predatory interests in the Republic. This bill is to perpetuate monopolies—things which are odious in the industrial and economic life of the people.

In old times revolutions grew out of monopolies which were granted. The people of France, suffering from injustices resulting from monopolies granted the favorites of the King, were roused to fury and to a bloody revolution. Monopolies were granted for the control of salt as well as hundreds of commodities affecting the lives of the people. They were denied the right to bake bread except in the oven of the one holding the monopolistic right. There were favorites of the monarch who were permitted by grants of authority to plunder the people. We have no Louis the Grand or feudal monarchs to issue charters and monopolistic grants, but we have Republican Congresses to create monopolies and to care for special interests and the favorites of the Government.

I repeat, this bill creates monopolies and will perpetuate monopolies and will permit the oppression of the people as they always have been oppressed when monopolies existed.

Returning to the subject which I was discussing, I will add that no complete information is available as to domestic production in the calendar years 1920 and 1921. It is known, however, that there has been a depression in the domestic trade of our own country and of other countries, which has, of course, reflected itself in the volume of foreign commerce. In 1920 our imports of the items in this schedule amounted to $414,150,477, and our exports $1,035,250,098, which gives us a clear balance of exports of $621,000,000; and the exports amounted to two and one-half times the imports. And notwithstanding the depressed conditions of trade, our balance of exports over imports in this schedule was greater than in 1919.

Mr. President, if Europe, with its so-called cheap labor, if Germany, with her inflation and alleged cheap labor, and the other nations of the world could buy of us chemical products exceeding $1,000,000,000 in value that are embraced within this schedule and could ship to us products of the value of $414,000,000 only, may I inquire what is the justification for the increase in these schedules?

Remember that these exports and imports were under the Underwood-Simmons law, a law which some of our Republican friends denominate a free-trade law, and yet under that act we were able not only to compete with other nations but to go into many of the markets of the world, and in some instances to undersell the foreigner and to dispose of more than a billion dollars' worth of chemical products. Under the Underwood-Simmons law, where many of these items were upon the free list, foreign nations were able to ship into the United States commodities covered by this schedule of the value of but $414,000,000. That, too, Mr. President, was at a time when Germany, in order to pay her reparations, was compelled to bid in the markets of the world for gold, and she reduced, as I am sure my distinguished friends upon the other side of the Chamber will admit, many of her products to a level so low as to deny any possible profit. She did it because she had to have gold. She had to have gold in order to buy primary articles, in order that she might produce the intermediates or the finished products. Notwithstanding her dire extremity, which drove her to sell at those unprofitable levels, we were able to compete in the world with Germany and other nations with respect to chemical products and to sell more than two and one-half times the amount which they sold to us, though, as I have said, many of the articles were upon the free list.

Mr. President, it is short-sighted policy to enact a bill of this kind and thus cut off our trade with other nations. If the chemical industry is to thrive it must have foreign markets. My colleague [Mr. SMOOT], who knows perhaps more about this bill than any other person, will, I think, admit that with our enormous mineral production and with our inexhaustible primary products, many of which are required in the production of chemicals, we occupy a supreme position and can dominate the chemical industry of the world. No nation possesses the resources and the advantages which this Nation does. Germany has but little gold. Most of her potash has been given to France. A large part of her iron deposits have passed to other nations. Italy's primary and fundamental products are limited. The same is true of Great Britain. It is true Great Britain has coal, but she has no iron or copper or mineral wealth. She has no forests and but little agricultural possibilities. Indeed, she must import her raw materials, her intermediates, her primary products. This Nation stands upon the summit of international power. Our domination of the world in a material way can not be challenged. Perhaps in two or three hundred years, when Russia is developed, we may find a worthy rival or, at least, a competitor of no mean strength. The chemical industry of the United States ought not to be limited by the shores of the oceans or by the Canadian and Mexican boundaries. The world lies at the feet of those men in our land who will take advantage of our great resources and utilize and develop them for the good of America and the benefit of the world. I repeat, we must have foreign markets for our chemical industry as well as for our agricultural products. We must have world markets for our wheat, corn, and cotton, and for our copper and hundreds of commodities, both raw and finished, which the world must have and which the waiting people earnestly desire.

Our foreign trade must not only reach the levels of 1919 and 1920 but must exceed those levels. This can be done, but not under this bill nor under the foolish and restrictive policies of the one-sided Republicans or those who see through a glass darkly.

Upon this side of the Chamber we are pleading for a return of prosperity, for policies which will put men to work, develop our international trade and commerce, and expand our foreign markets. We desire a bill that will bring into the Treasury approximately $300,000,000 annually of revenue from tariff duties, and a measure that will encourage domestic production and foreign trade. We are opposing the suicidal policy of placing the domestic production of the United States in the hands of trusts, and of commissioning them to exploit the American people. Upon this side of the Chamber we advocate a policy that will send American products to every land—a policy that will carry the American flag into every port of the world, a policy that will give us a merchant marine and keep the Stars and Stripes upon the sea. We are pleading for a policy of international comity and fellowship, and believe that when we send our products to the people of the world we are drawing them nearer to America and her ideals and bringing all peoples into better relations.

Trade and commerce batter down the prejudices and antipathies that race and distance erect.

In 1921 our imports of items comprehended in this schedule amounted to $258,739,140, and the exports $589,304,801, giving a balance of exports of $331,000,000. The exports for this year maintain the ratio of two and one-half times the imports.

Attempts have been made to frighten the American people with the bugaboo that our markets were about to be inundated with cheap foreign products and that something must be done to cut off importations. In the face of this specter, which has

been presented to affright the people, we had a notable diminution of imports in 1921. Instead of there being an increase in imports, there has been a most remarkable decrease under the so-called free trade Underwood-Simmons law, which is now in operation, modified in respect to some items by the emergency tariff act of 1921. Indeed, the imports for this year were less than they were for the fiscal year ending June 30, 1914, the last pre-war year. With the diminution of imports there has been a diminution of exports, but the ratio of exports of 2½ to 1 has been maintained since 1919. With all of the so-called cheap labor in the world and the inflated currencies of Poland and Germany, and indeed of most of the nations of Europe, we have been able to maintain the ratio just stated. No doubt if we had been able to extend further credits we would have received more of the products of foreign lands, and our exports would have increased so that many of our mills which are now silent would have been active and our mines which are now closed would have been operating.

It is obvious that exports are dependent upon foreign purchases in the American market. Purchases can only be made with credits in favor of the foreign purchasers, and current credits can only be created in favor of foreign purchasers by our imports from abroad. It is certain that every credit created by importations in favor of the foreign exporter to our markets will be expended by him in the purchase for export of American commodities in our markets. One of the certain ways to increase our imports therefore is not unreasonably to inhibit imports, for trade is reciprocal and purchases for export must be balanced by credits created by imports. This is the course in the national trade and exchange, and the controlling principles can not be set aside by arbitrary laws on the part of one country or the other country. Even though our exports have been diminishing, they have, as above stated, maintained a consistent ratio of about two and one-half times the imports since the war. It is a fact also to be noted that our exports in 1921, somewhat diminished as they were, were more than double our largest pre-war exports. What I say in this regard applies exclusively to items covered by Schedule 1 of the pending tariff bill.

Mr. President, we have heard a great deal about the impending danger of imports from Germany, and the statement has been iterated and reiterated that this bill should be framed to exclude German products. It is time that such tenuous and shadowy claims should be dissipated by a consideration of the facts. What are the facts, Mr. President? For the full year 1921 imports from Germany of items covered by the chemical schedule amounted to only $12,211,733. That is the great menace to American industry! Germany was able to sell to us last year, 1921, only $12,000,000 plus worth of goods, and she took in return commodities which were important in the lives of the people.

During the same year our exports to Germany of items in this schedule amounted in value to $29,975,549 only. If the United States had not purchased from Germany chemical products of the value of $12,000,000, Germany could not have purchased from American producers of chemicals products of the value of nearly $30,000,000. In other words, we found a market for $30,000,000 of chemical products in Germany because we were willing to and did receive in part payment therefor chemical products of the value of $12,000,000. The difference between $12,000,000 and $30,000,000 was paid to us largely in other products and perhaps in some credits which were extended to Germany. If we had not found a market for those $30,000,000 worth of chemical products, perhaps some factories would have been shut down and undoubtedly some who had employment would have been placed in the list of the unemployed. In other words, by our trade with Germany we were able to keep factories at work and furnish employment to American workingmen and derive large profits. America profited by these transactions, as did Germany.

I obtained from the Department of Commerce this morning a complete table classifying the items found in the $12,271,733, the value of the imports from Germany, and the $29,975,549, the value of American chemical exports to Germany, during the period mentioned. The first table, which I ask to be inserted at this point as part of my remarks, shows all chemical imports from Germany for the calendar year 1921, the names of the articles, the unit of quantity, as well as the quantity and the value.

The VICE PRESIDENT. Without objection the table will be inserted in the RECORD.

Mr. KING. Here is the table:

United States imports of specified articles from Germany for calendar year 1921.

Articles.	Unit of quantity.	Quantity.	Value.
Chalk:			
Unmanufactured	Tons	20	$573
Ground, precipitated, etc.			1,498
Chemicals, drugs, dyes, and medicines:			
Acids (except coal-tar acids)	Pounds	2,491,835	381,688
Medicinal preparations (see also Coal-tar products).	do	742,506	105,353
Calcium acetate, carbide, chloride, of crude and nitrate.	do	1,209,915	24,821
Coal-tar products—			
Acids	do	11,263	3,012
Aniline oil	do		
Alizarin and alizarin dyes	do	285,007	393,374
Colors or dyes, n. e. s.	do	1,050,028	1,718,776
Indigo, natural and synthetic	do	3,711	4,670
Medicinal preparations			124,862
All other coal-tar products			397,855
Extracts and decoctions for dyeing (see also coal-tar products).	Pounds	1,191	2,224
Extracts for tanning—			
Quebracho	do		
All other	do	1,500	170
Sulphur or brimstone	Tons		
All other chemicals, drugs, dyes, and medicines			5,105,608
Total chemicals, drugs, dyes, etc.			8,262,363
Explosives			17,209
Fertilizers:			
Kainite	Tons	17,570	156,960
Manure salts	do	21,189	261,932
Potash, n. e. s.—			
Muriate of	do	32,144	1,239,737
Sulphate of	do	7,390	367,155
All other	do	5,537	194,877
Total fertilizers	do	83,830	2,220,691
Gelatin, unmanufactured	Pounds	316,962	254,355
Glue and glue size	do	879,607	75,295
Grease and oils, n. e. s.	do	397,702	9,252
Tallow	do		
Oilcake	do	200	56
Paints, colors, and varnishes			574,001
Perfumeries, cosmetics, and toilet preparations			92,338
Oils:			
Animal	Gallons	3,046	1,521
Mineral, refined	do	166,457	32,433
Vegetable oils, expressed			526,037
Vegetable oils, distilled or essential			36,712
Soap:			
Castile	Pounds		
All other	do	16,059	6,760
Tanning materials (see also Chemicals, drugs, etc.).			1,926
Wax:			
Beeswax	Pounds	49,763	10,585
Mineral wax	do	469,756	76,848
Vegetable	do	2,240	370
Starch	do	193,541	10,809

Mr. President, this is the great inundation of German chemicals and allied products comprised within Schedule 1 of this bill which the dye monopoly and the chemical monopolists of the United States are so loudly talking about. They have set on foot a false and intriguing propaganda to deceive the American people as well as Congress and to secure embargoes and prohibitive tariff rates in order that they might be free to continue their exploitation of the American consumers.

Our entire importations from Germany during the calendar year of 1921, as I now recollect, were only $98,000,000. Our domestic production was between fifty-five and sixty-five billions of dollars, and yet this ninety-eight millions of imports from Germany, comprising all merchandise and all commodities, is so enormous, according to this propaganda, as to weigh mightily against our stupendous production of between fifty-five and sixty-five billions of dollars.

Mr. President, I shall not take the time of the Senate to read the next schedule, which shows the exports from the United States to Germany during the calendar year 1921, but it shows the items and their value constituting the table which I heretofore stated of $29,975,549.

The VICE PRESIDENT. There being no objection, the table referred to is ordered to be printed in the RECORD.

The table is as follows:

Exports from the United States to Germany during the calendar year 1921.

Blacking and polishes		$1,194
Chalk, manufactures of		405
Chemicals, etc.:		
Acids	$36,810	
Alcohol, wood	19,479	
Baking powder	1	
Dyes and dyestuffs	20,890	

Chemicals, etc.—Continued.		
Extracts for tannings	$8,052	
Medicinal and pharmaceutical preparations	74,362	
Petroleum jelly, etc	142,208	
Sulphur	352,328	
Other chemicals	810,227	
Total chemicals		$1,464,357
Explosives		4,101
Flavoring extracts and fruit juices		98
Fertilizers		2,184,778
Glue		2,593
Glucose and grape sugar		922,028
Grease		333,523
Mucilage and paste		838
Rosin		669,594
Turpentine, spirits of		594,531
Oil cake		2,939,606
Mineral oil		17,759,852
Vegetable oils:		
Fixed or expressed		882,797
Volatile or essential		43,180
Paints, colors, and varnishes		128,145
Paraffin		308,752
Perfumeries, cosmetics, and all toilet preparations		20
Wax, bees		15
Soap		87,751
Starch		1,648,391
Total exports		29,975,549

Mr. KING. Briefly, let me refer to some of the items. We have sold to Germany, from the schedule under consideration, acids and wood alcohol and baking powder and coal-tar distillates and dyes and dyestuffs—indeed, we shipped dyes and dyestuffs to Germany—medical and pharmaceutical preparations, petroleum jelly, sulphur, lime acetate, and various other chemicals; explosives, flavoring extracts, fruit juices, fertilizers—we sold to Germany fertilizers—glue, glucose, grape sugar, grease, ink, mucilage and paste, resin, turpentine, oil cake, mineral oil, vegetable oils, paints, colors, and varnishes, perfumeries, cosmetics, etc., to the amount which I have just stated. Germany was able to sell us $12,000,000 of these products, and we sold her more than $29,000,000.

The balance of trade, as will be observed from these tables, is in favor of the United States to the extent of $17,764,000 with respect to the items included within this schedule. The entire imports of chemicals and allied products and covered by Schedule 1 for the calendar year 1921 amounted to $258,000,000, of which only $12,000,000 worth were imported from Germany, the imports of chemicals from Germany being less than one-twentieth of the total importations for the last calendar year.

The utter lack of any sense of proportion on the part of the Republican majority in dealing with this schedule is demonstrated by the fact that they would permit one-twentieth of our import trade to be the dominating, indeed, the controlling factor in the determination of a national policy respecting this vital and important schedule, and this is the excuse which the Republican majority brings forward in justification for the imposition of rates which are higher than the unprecedented rates of the Payne-Aldrich tariff. This pretense may satisfy the self-sufficiency and self-centered mentality of the Republican majority, but I predict that it will not satisfy the country.

The inevitable conclusion which we must draw from this survey of the domestic commerce and the foreign trade of the United States is that the American producer in the chemical and allied industries has had a production in excess of the domestic consumption and has had a constant market which has been wider and greater than the domestic market or the market afforded by American consumption, from which it follows that the contention that the increased rates imposed in this bill have been imposed to protect the American producer in the home market is a mere pretense, without shadow, warrant, or justification under the facts which should control the policy of the country on this subject. It is a clear demonstration of the incapacity of the Republican Party to bring to the adjustment and accommodation of this great problem the statesmanship which the country demands, and which alone is adequate to a proper solution, and which alone is sufficient to promote the prosperity of the country and the welfare of the people. The Republican majority has shown itself to be merely a creature of habit, with its mind closed to the light and incapable of accepting the truth or interpreting the statistics which have been compiled by the Tariff Commission and the other official agencies of the Government.

An examination of the rates reported by the committee in this schedule, many of which I desire to say have been increased by the Finance Committee considerably over the rates in the schedule as passed by the House, shows that notwithstanding the utter absence of any necessity or, indeed, of any advantage in raising these rates over the rates in the present tariff, they have been raised to unprecedented levels and, indeed, are the highest rates which have ever been imposed upon the items comprised in this schedule. I have analyzed these rates, and of the 340 or more items contained in this schedule I have been able to get comparative data on 310 of them.

Let me add here that in these figures of 340 and 310 I am not including all of the items found in paragraphs 25 and 26, but have called those two paragraphs two items only instead of more than 100, as they actually are. My distinguished colleague [Mr. SMOOT] the other day, when I was speaking, adverted to that fact, and I want to assure him that in the figures which I then gave I treated paragraphs 25 and 26 as two items instead of more than 120 items.

In that statement, when my colleague addressed me, I stated that I had made a comparative analysis of the rates imposed on the items in the chemical schedule by the pending bill and the rates imposed by former laws upon the same items, and that I had found that out of 311 commodities contained in this schedule upon which comparative rate data were available the rates of duty on 225 have been raised above the rates imposed by the present Underwood tariff. My distinguished colleague interrupted me to suggest that many items in Schedule 1 had never before been specified in any tariff act, and later he said what he had in mind in this connection were the coal-tar intermediates specified in paragraph 25. The inference was drawn that the specifications of these additional intermediates by name had been used by myself in obtaining the total of 225 items in the schedule the rates of which have been raised above the rates of the present law. The Senator, out of his rather complete knowledge of the construction of this schedule, ought to have known that the 90 intermediates specified in paragraph 25 had not been counted in making up the 225 items on which the rates had been raised.

The intermediates specified by name in paragraph 25 take one rate of duty. I therefore, in order to be perfectly fair, counted all the ninety-odd items comprised within paragraph 25 as one item under the title of coal-tar intermediates. In the Underwood Act some intermediates are free; others take a duty of 10 per cent ad valorem. In the 1916 dye amendment to the Underwood law intermediates take a duty of 15 per cent ad valorem and 2½ cents per pound. In the pending bill the intermediates are all made dutiable at 50 per cent ad valorem and 7 cents per pound; so I was well within the truth when I included intermediates as a class in the items of the bill upon which the rates had been raised above the rates imposed by the Underwood law. If I had counted all the intermediates separately, and the dyes separately, the coal-tar drugs and medicinals separately, coal-tar photographic chemicals separately, and coal-tar perfumes separately, those upon which the rates of duty had been increased would have swelled my total of 225 commodities to approximately 350 commodities. This would be the result of adding to the 90 coal-tar intermediates, counted as one item in my estimate, the many dyes and medicinals specified in paragraph 26, which were also counted as one item in my estimate. So, Mr. President, in the discussion, in order to be more than fair, I class as two items only these two paragraphs, which include more than 120 items, so that swells the number of items upon which the rates have been increased above, of course, the Underwood tariff and above the Payne-Aldrich tariff. And of course I have not included as I might the hundreds and perhaps thousands of items included within the basket provisions or clauses of the bills.

There were 33 of these items which were carried on the free list in the Payne-Aldrich tariff which have been made dutiable in the pending bill, and I am not including in this number the items in paragraphs 25 and 26, but have counted them only as two items instead of 120, which I think is substantially the total.

There are 36 of those items which were free in the Underwood tariff which have been made dutiable in the pending bill.

There are 135 items in this schedule exclusive of paragraphs 25 and 26, upon which rates have been imposed which are higher than the rates in the Payne-Aldrich tariff. Of course, if I include all the items of paragraphs 25 and 26, upon which the rates have been increased, the number would be very much greater than the figures which I have just given of 135.

There are 233 items in this schedule upon which rates have been imposed which are higher than the rates imposed in the present Underwood law, and in this statement let it be also understood I count the 120 items as 2 in the interest of fairness.

Mr. POMERENE. Mr. President——

Mr. KING. I yield to the Senator from Ohio.

Mr. POMERENE. Possibly the Senator has explained, but I am not certain, as I have been called out repeatedly during his speech. Is the statement which the Senator has just made based upon the foreign-valuation or upon the American-valuation plan which was adopted in the House? The Senator has just stated that the rates to which he referred are higher than

they were under certain other legislation. My question is, Does he base that statement upon the foreign-valuation scheme as contained in the Senate committee bill or on the American-valuation scheme as contained in the bill as it passed the House?

Mr. KING. I have taken up the Senate Committee bill.

Mr. SMOOT. The foreign valuation?

Mr. KING. Yes. Undoubtedly there will be some controversy as to the effect of the Senate bill upon the rates fixed in the House bill; that is to say, there will be disagreement as to whether the Senate bill in the aggregate has increased or lowered the rates laid in the House bill. The House bill contains the American-valuation scheme. The Senate bill provides a different plan but contains provision for greatly increasing the rates fixed in the Senate bill. That will be discussed later, and I have briefly referred to it in former remarks during the debate upon this bill. Generally speaking, I think the rates in the Senate bill are somewhat less than those found in the House bill, if in determining rates the American-valuation plan is applied to the House bill and the so-called foreign-valuation plan applied to the Senate bill.

My colleague, I think, is entitled to credit for opposing the provision for American valuation, and I think he has in many instances opposed the demands for rates which in their operation would amount to a prohibition of imports. For this work I desire to accord him full credit.

Mr. POMERENE. Has the Senator made any estimate as to the average increases on the dutiable articles?

Mr. KING. Yes; I have made some estimates, but I am unwilling to state them at this time, because I am not satisfied as to their accuracy. The task of preparing estimates is so enormous that no one but an expert of years standing can attempt it with any reasonable hope of success. Any figures which I may give would be more or less of a guess, and I am not willing to submit a guess upon so important a matter. I am analyzing this bill and the schedules with a view to determining, as far as I can, just what they mean and what burdens they place upon the people.

Senators will recall that there was a rather animated dispute, even after experts had reported as to the increase of the schedules or rates in the Payne-Aldrich law over the Dingley law, and I have no doubt there will be controversies as to the difference in rates between the House and the Senate bills, and when this bill becomes a law there will be controversies as to how much it increases the average rates of the Underwood law. I am satisfied, however, from investigations which I have made, that both the House and the Senate bills increase the rates above the Underwood law very much.

I called attention the other day to a number of items showing increases of 150 to 600 per cent. The more one studies the bill the greater will his astonishment be at the present impudence of those who have demanded these high rates and the complacency with which many of the demands have been made by the framers of the House and the Senate bills.

Returning, let me repeat, there are 135 items, excluding paragraphs 25 and 26 of the bill, which have approximately 120 items, in this schedule upon which rates have been imposed which are higher than the rates in the Payne-Aldrich tariff.

There are 223 items in this schedule upon which rates have been imposed which are higher than the rates imposed in the Underwood law, not including the 120 items in paragraphs 25 and 26, which relate to dyes and intermediates.

There are 67 items in the schedule upon which rates have been imposed which are the same as are in the Payne-Aldrich tariff.

Out of the 311 items upon which I have found data for comparison, I have found that the present bill raises the rates on 259 of them—excluding always paragraphs 25 and 26, which would make it more than 100 more—and but 44 items in the whole schedule are reported out at the same rates which are at present imposed in the Underwood tariff. It is apparent, if I wanted to be critical, that partisan animus and protectionist passion, rather than good, common sense and temperate judgment, have dictated the formulation of the rates in this schedule.

Let me refer to the following commodities which were on the free list in the Payne-Aldrich Tariff Act of 1909 and are made dutiable in this bill. No one claims the Payne-Aldrich law had very much regard for the free list, but the pending bill in just this one schedule takes many commodities which were on the free list in that law and transfers them to the dutiable list. I give the following names: Arsenic acid, arsenious acid, phosphoric acid, aconite, asafetida, cocculus indicus, ipecac, jalap, manna, marshmallow root, and buchu leaves.

Why buchu leaves and many of these other items were taken from the free list and transferred to the dutiable list is to me unfathomable. They are medicines pure and simple, with a limited quantity of production, indeed some not produced in the United States at all. Buchu leaves are produced only in one country in the world, and yet we take it from the free list, where the Payne-Aldrich tariff places it, and put it upon the dutiable list.

Mr. SMOOT. For revenue.

Mr. KING. My friend suggests for revenue. I will grant we may get a little revenue, but I aver that was not the reason. I continue the list of items:

Gentian, licorice root, sarsaparilla root, belladonna, digitalis, henbane, stramonium, ergot, and citrate of lime.

It will be apparent why they transfer citrate of lime from the free list to the dutiable list. It is to enable certain interests in California to charge for the acid which is produced prices which I state now are wholly indefensible. We will discuss that when we reach that item in the bill. The Senate committee raises, as I recall, the House rates inordinately to meet the demands of the producers of certain deciduous fruits in California.

Mr. POMERENE. Has anybody been denied any increase in tariff if he asked for it?

Mr. KING. As the Senator knows, I am not a member of the committee, but a perusal of the bill will convince most persons that those who wanted anything were generously received. I may add, though, that I know that one or more Senators, Republican Senators—I shall not give names—have attempted, and in many instances succeeded, in stemming the tide which seems irresistible for increased rates, thus preventing greater extortion than would otherwise have resulted. I am sorry there were not more Senators who took a temperate and rational view in laying duties found in this bill.

I continue reading the items to which I was referring.

Calcined magnesia (not medicinal), crude camphor.

Just think of crude camphor being transferred from the free to the dutiable list—camphor, so important in every household and for such a multitude of purposes.

The list continues: Calcined magnesia (not medicinal), crude camphor, coconut oil (crude), cottonseed oil, soya-bean oil, lemon oil, ambergris, civet, potassium carbonate, caustic potash, strontium oxide, vanilla beans, and tonka beans.

I presume that one purpose of imposing a duty upon vanilla beans and tonka beans, which are the source of the natural vanilla flavors, is to compel the people to consume the chemical vanilla, produced by about two manufacturers in the United States, which is used for flavoring beverages, ice cream, and so forth, in imitation of the true vanilla flavor.

Mr. WATSON of Georgia. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. WATSON of Georgia. Perhaps the Senator would like to know, if he does not already know, for he seems to know pretty much all about the subject, that cotton produced in McDuffie County, where I live, within 37 miles of the big mills on the Savannah River, in Augusta, Ga., is manufactured there, shipped to China, and sold in China at a very much less price than they will sell it to us for in the cotton fields where we produce it, almost in sight of the curling smoke that comes from the factory.

Mr. KING. I thank the Senator for that. I did not know it, and I am glad that he made that contribution to my remarks.

Mr. President, what the Senator from Georgia [Mr. WATSON] has just stated illustrates the fact that in the primary production, as well as in finished products, we can surpass the world. American genius, American skill, American knowledge, practical and technical, together with our inexhaustible resources, will enable us to meet and beat the world in practically every field of endeavor and enterprise. I have indicated that as to some articles, of course, which we do not care to go into, like Irish laces and things of hand production that require so much attention and detail without corresponding profit.

The following commodities, which were on the free list in the Underwood Tariff Act of 1913, are made dutiable in this bill:

Acetic acid, arsenic acid, arsenious acid, phosphoric acid, methyl-alcohol, ammonium chloride, ground aconite, ground asafetida, ground cocculus indicus, ground ipecac, ground jalap, ground manna, belladonna, digitalis, henbane, stramonium, potassium cyanide, chestnut extract, hemlock extract, mangrove extract, oak extract, quebracho extract, bromine, calcined magnesia (not medicinal), coconut oil (crude), cotton-seed oil, soya-bean oil, Paris green, London purple, phosphorus, boneblack, blood char, potassium carbonate, caustic potash, santonin, sodium arsenate, soda ash, sodium silicate, sodium chloride (common table salt), and strontium oxide.

The following commodities have been subjected, in the pending bill, to rates of duty which are higher than the rates im-

posed by the Underwood Tariff Act of 1913. This long list is significant of the character of the bill and the apparent determination of those who drew it to give enormous profits to the chemical producers of the United States:

Acetic anhydride, boric acid, citric acid, lactic acid, tannic acid, tartaric acid, formic acid, gallic acid, oxalic acid, acetone, acetone oil, ethyl-methyletone, amyl alcohol, butol alcohol, fusel oil, chemical salts and compounds n. o. s. p., aluminum hydroxide, potash alum, ammonia alum, aluminum sulphate, ammonium carbonate, ammonium chloride, ammonium phosphate, ammonium sulphate, antimony-oxide, antimony-sulphide, antimony salts, argols, Rochelle salts, cream of tartar, barium carbonate, barium chloride, barium dioxide, barium nitrate, blackings for cleaning and polishing, bleaching powder, caffeine, calcium carbide.

We find calcium carbide appearing in many places, either it or products of the great calcium carbide trust, which manufactures calcium carbide. The list continues:

Calomel, corrosive sublimate, other mercurial preparations, carbon tetrachloride, chloroform, terachloroethane, trichloroethylene, chalk, putty, billiard and tailor chalk, salts and compounds of gold, platinum, rhodium, and silver, salts and compounds of bismuth, chlorohydrate, turpinhydrate, thymol urea, glycerophosphoric acid, salts and compounds of glycerophosphoric acid, coal tar (intermediate), coal-tar dyes, medicinals and other finished coal-tar products, cobalt oxide, cobalt sulphate, cobalt linoleate, cobalt salt and compounds n. s. p. f., collodium cellulose esters, solutions of pyroxylin, compounds of pyroxylin (unfinished), compounds of pyroxylin (finished), licorice root, diethylsulphate, dimethyl sulphate, all other esters and ethers, chestnut extract, cutch extract, chlorophyl, divi-divi, fustic extracts, Persian berry extract, logwood extract, myrobalan extract, sumac extract, saffron extract, saff flour extract, saffron cake, valonia extract, waddle extract, all other extracts, flavoring extracts, fruit esters, oils and essences, formaldehyde, paraformaldehyde, edible gelatine, glue, fish glue, glue size, and agar agar.

Agar agar is a culture which is used for the development of bacteria, and is important in hospitals in determining the nature of the ailments afflicting patients. In our remarkable progress in chemistry and medicine we utilize cultural development for the purpose of isolating germs and for determining the character of diseases, particularly fevers. Agar agar is very important for the culture of bacteria, and yet the tariff on it is increased. Of course, the people have to suffer to help the chemical interests of the United States.

We also find in the schedule: Glycerine (refined), ink and ink powders, lead acetate (white), lead acetate (brown), lead nitrate, licorice extract, citrate of lime, magnesium carbonate, magnesium chloride, Epsom salts, which seemed to afford the Senator from North Dakota so much amusement the other day. He contended that Epsom salts are unimportant; that the duty on a pound of Epsom salts was not great, and upon a dose much less. The Senator's theory was that a high rate could be so small in its effects if the article affected was taken in small doses that no complaint should be made. Mr. President, it is the little burdens and the small taxes which, when multiplied and pyramided, crush the people. Municipal taxes may be small, but when they are added to the school taxes and the district taxes and the State and Federal taxes they constitute a burden which to the people becomes intolerable. So we tax them a little upon Epsom salts, and a little upon licorice, and a little upon chloroform, and a little upon camphor, and a little upon the thousands of drugs and medicines that enter into the lives of the people and into the hospitals and into the sick room; we tax them a little upon their shoes, a little upon their shirts and a little upon other clothing, a little upon their food, and a little upon everything which they are compelled to buy and to use, and when those littles are added together they become monumental in their greatness and they bow the forms of the American people low under the oppressive burdens which they constitute.

Mr. President, the philosophy of those who drew this bill seems to be that, no matter how high the rate levied may be, if the article or commodity upon which it is laid may be divided and subdivided then it is unimportant. Under this theory a tax of 1,000 per cent upon a pound of salt would not matter, because the individual at each meal used but a few grains of salt. Under this view it is unimportant how high the tax may be upon a gallon of olive oil, because the ordinary user of olive oil consumes but a small quantity at a given time or perhaps during a week or a month. A few thousand per cent tax upon calomel, under this view, is unimportant, because when consumed it is divided into small doses and no individual uses a great quantity within a month or a year. And so a few hundred per cent increase in the rates upon shoes and clothes or any of the commodities used is inconsequential in view of the fact that the poor man buys but one or two or three pairs of shoes during the year and but a limited number of suits and but a few dollars' worth of any one commodity or article.

Mr. President, this view to me is not only sophistical but it is absolutely cynical and brutal. We are to justify these extortionate rates, these frightful burdens laid upon the people, by the plea that the articles which they purchase are few and the tax upon any one article is not very large, and therefore they should bear with patience and equanimity the exactions made by Congress to meet the demands of domestic manufacturers.

Mr. President, these rates, regardless of the name or the quantity or the kind purchased by an individual or by a family during the year in the aggregate, will place billions of dollars of burdens upon the American people. When it is comprehended that our domestic production aggregates approximately $60,000,000,000 at current prices and that the greater part of this enormous sum is consumed by the people themselves, it is manifest that billions will be added by this bill to the prices paid by the great consuming public and that these billions so added in the main will constitute the tribute laid upon the masses of the people by the beneficiaries of this tariff bill.

Mr. President, this bill is so bad, so vicious, that those who cried out against the Payne-Aldrich tariff bill will pray for its restoration.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. If the Senator from Utah will yield to me for that purpose, I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Capper	Johnson	Newberry	Simmons
Culberson	Jones, N. Mex.	Norbeck	Smoot
Cummins	Jones, Wash.	Oddie	Spencer
Edge	Kellogg	Overman	Sterling
Ernst	King	Page	Sutherland
Fletcher	La Follette	Phipps	Swanson
Glass	Lenroot	Pittman	Wadsworth
Harris	Lodge	Pomerene	Warren
Harrison	McKellar	Rawson	Watson, Ga.
Heflin	McNary	Robinson	Willis
Hitchcock	Moses	Sheppard	

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Forty-three Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

The reading clerk called the names of the absent Senators, and Mr. POINDEXTER answered to his name when called.

The following Senators entered the Chamber and answered to their names:

Colt	Curtis	Nicholson

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is that motion debatable?

The PRESIDING OFFICER. The Chair thinks not.

Mr. HARRISON. I desire, then, to propound a parliamentary inquiry to the Presiding Officer.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARRISON. It seems that every day in the consideration of this tariff question, which is a very important one, we fail to develop a quorum and we have to go out and arrest absent Senators. The Republicans have a majority of 24. Is it not their business to keep enough Senators here to transact the public business?

Mr. MOSES. Is the Senator pressing for a vote?

The PRESIDING OFFICER. The Chair does not think the Senator from Mississippi has stated a parliamentary inquiry. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of absent Senators.

Mr. BROUSSARD, Mr. CARAWAY, Mr. FRELINGHUYSEN, Mr. HALE, Mr. KEYES, and Mr. WALSH of Montana entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. SMOOT. I ask unanimous consent that the order just made be rescinded.

The PRESIDING OFFICER. Without objection, the order will be rescinded. The Chair hears no objection, and it is so ordered.

EXTENSION OF WAR FINANCE CORPORATION.

Mr. PITTMAN. Mr. President, I take this occasion, while the Senator from Utah [Mr. KING] has temporarily absented himself from the Chamber in the midst of his speech, to call attention to a matter which is, I think, of great importance—of equal importance, undoubtedly, with the consideration of the tariff bill now before the Senate.

There are pending before the committees of the Senate and of the House several measures that, in my opinion, are emergency measures. They are undoubtedly of vital importance to the maintenance of the agricultural industry of this country. These bills have been pending before the various committees of the Senate and the House for many months, and the only excuse I can conceive of for the failure of these committees to act upon them and report them to the Senate is the excuse that is given by members of the committee, that the Senators on these committees have been so busily engaged on the Finance Committee and other committees that they have not had the time to give these bills consideration.

I am not questioning those excuses. I am, however, calling attention to the fact that those excuses now cease to exist. The Finance Committee has finished its chief duties. Other committees of the Senate have also finished theirs. The Senators do not consider that they are required to be present in the Senate Chamber during the time that this tariff bill is debated, as is evidenced by the fact that it is almost impossible to obtain a quorum in this Chamber. In fact, just a few minutes ago it was necessary to make an order directing the Sergeant at Arms to bring Senators in forcibly, if necessary. In looking around the Senate at the present time we ascertain that there are probably only 10 or 15 Senators present, which is an exceedingly large number by comparison with other times. Therefore I assume that the members of the Committee on Finance, Banking and Currency, and other committees to which these very vital bills have been referred have time now to consider them and act upon them.

I have here a report in the form of a bulletin from the American Farm Bureau Federation with regard to these measures. They include a farm credits bill, a bill to place a farmer on the Federal Reserve Board, a bill for the purpose of enlarging and extending the functions of the War Finance Corporation, bills dealing with Muscle Shoals, a bill for the removal of the $10,000 limitation on farm land bank loans, a bill entitled "truth in fabrics," bills for the appropriation of money for the continuation of Federal road building, and a bill for a standard container.

In this American Farm Bureau bulletin the history of these bills is discussed and their present status is set out. I find from investigation that this statement is substantially correct, that these bills have been pending before the Congress for months. With regard to most of the bills, there has been no action at all. In some cases, however, hearings have been had and published. I am simply urging that at the present time, when the Senate of the United States is doing nothing, Senators might utilize their leisure time in at least considering in committee some of these measures.

Several bills have been introduced, in most cases in regard to each one of these subjects on which the American Farm Bureau Federation reports. Undoubtedly, all of these bills have the same purpose with regard to the particular matter. I do not believe that the agriculturists of the country are so much interested in which particular bill is reported, or whether any of these particular bills are reported, just so that the committees having charge of them proceed either to report one of these bills or to draft legislation that will meet the emergencies.

Bills have been introduced extending the functions of the War Finance Corporation with regard to lending money or advancing money for agricultural purposes all the way from 6 months to 18 months. Some time ago I had occasion to introduce a bill extending the functions of the War Finance Corporation in the particular I have just mentioned until the 1st day of January, 1923. I desire to state that Mr. Eugene Meyer, jr., the managing director of the War Finance Corporation, while not opposing the extension of the time of functioning of the War Finance Corporation with regard to advancement for agricultural loans, has heretofore reported adversely upon any congressional action in the matter, that course being pursued so that he might more carefully investiagte the necessity of the extension of those functions. I have had consultations with him with regard to the matter, and I speak from personal knowledge, and I assume that other Senators have, too. Mr. Meyer, however, has made a complete survey of the agricultural conditions of the country, particularly with regard to the necessity of extending and enlarging the functions of the War Finance Corporation in the matter of advancing money for loans to the agricultural interests.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. I do.

Mr. SMOOT. I thought the chairman of the Finance Committee had already reported the bill extending for a year the life of the War Finance Corporation. I will say that the very day the Senator introduced his joint resolution the Finance Committee met, and the chairman was authorized to report a bill that had been referred to the committee some time before; but it extended the life of the War Finance Corporation a year, instead of six months, as proposed by the Senator's bill. I really thought the bill was on the calendar, but I suppose the chairman felt that he wanted to hold it so that at some time he could report it here and ask unanimous consent for its present consideration. I think that is what he intends to do.

Mr. HARRISON. Mr. President, will the Senator yield for a moment?

Mr. PITTMAN. I yield.

Mr. HARRISON. I understood that the Senate Finance Committee took that action, and that afterwards, at the request of Mr. Meyer, they rescinded that action and held back the bill, and that the bill never has been ordered to be reported since then.

Mr. SMOOT. I will say to the Senator that the bill was ordered reported here, I think, just the very day that the Senator introduced his measure. It is true that the report of the Secretary of the Treasury was not favorable to the bill. While he did not say that he opposed its passage, he did not see that there was any real necessity for its enactment; but, notwithstanding that letter, the Finance Committee instructed the chairman of the committee to report that bill favorably and secure its passage just as soon as possible, and I think I am correct in stating that the chairman is holding the bill with a view of asking for its immediate consideration some morning here in the Senate.

Mr. HARRISON. The reason why I made the statement that I did, if the Senator will permit me, was that a bill was introduced and referred to the Finance Committee to extend the life of the War Finance Corporation, and another bill for the same purpose was introduced and referred to the Agricultural Committee. The Agricultural Committee would have taken immediate action had it not been for the fact that they heard that the Finance Committee had ordered a favorable report on the bill. We learned afterwards, however, that Mr. Meyer, from somewhere out West, had telegraphed asking that the committee take no action until he returned to Washington, and consequently the whole matter is now in abeyance. That is the report that came to us.

Mr. SMOOT. I know Mr. Meyer was in the city before we instructed the chairman to report the bill. The action to which I have referred was taken after Mr. Meyer returned to Washington.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. PITTMAN. I yield.

Mr. McNARY. With reference to the bill which has just been referred to by the Senator from Mississippi, with regard to the War Finance Corporation, I can inform the Senator from Mississippi and the Senator from Nevada that a favorable report on a bill to amend the War Finance Corporation act so as to extend the power of that institution to make advances will be made by the Finance Committee to-day.

Mr. PITTMAN. I do not understand the Senator. Did he say the report had been made to-day?

Mr. McNARY. On the 6th day of December, last year, I introduced a bill to amend the War Finance Corporation act so as to extend its power to make advances for one year; that is, from June of this year until June, 1923. The bill was referred to the Finance Committee. That committee has been engaged for several months in the consideration of the tariff bill. To-day that bill which I introduced will be favorably reported to the Senate and go to the calendar for action in a few days.

Mr. PITTMAN. That is very encouraging. On what date does the Senator say he introduced the bill?

Mr. McNARY. On the 6th day of December, the next day after Congress convened in its regular session last December.

Mr. PITTMAN. And the Finance Committee has been so busy that they will report it out to-day. I am glad of that. In fact, that is the reason I rose, to see whether we could not find

out what had happened to these bills. The Senator's bill has not been reported out yet, but it is going to be reported out to-day. I am glad to hear that.

Of course, the Finance Committee has not really been engaged very extensively in any kind of work since the tariff bill was reported out by that committee. I do not know how many meetings they have had since they got through with the tariff bill, but the very fact that they are going to report that bill out is encouraging. I hope the Senator from Oregon will see that they do report it out, if he has any influence with the chairman of the Finance Committee.

The Senator from Oregon says the bill will be reported out to-day and go to the calendar. What I am urging is that the bill do not go to the calendar, because it is very difficult to get a bill off of the calendar. I am urging that unanimous consent be asked for the immediate consideration and passage of the bill.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. In just a moment, when I complete this thought. It seems to me to be a very poor rule for a committee to authorize the chairman to report a bill out and then let him put it in his pocket and keep it there as long as he wants to. But I take the assurance of the Senator from Oregon, who I assume is on the Finance Committee, though I do not know——

Mr. SMOOT. No; he is not.

Mr. PITTMAN. I am mistaken. The Senator from Oregon indicates by shaking his head that he is not on that committee. He undoubtedly has some assurance, however, that the chairman is going to report his bill out to-day; so that will settle that question.

Mr. SMOOT. In justice to the chairman of the Finance Committee, I want to say that he is in favor of the bill and voted for it in the committee. I still think that the statement I made before was his thought, namely, that he wishes to secure early consideration of the bill. I know he intends to seek early action, and in my opinion the only thing that kept him from reporting it last week was the fact that he thought he could get early action on it this week by asking unanimous consent for its consideration.

Mr. PITTMAN. I am glad to hear that, too. Several bills have been passed by unanimous consent since the tariff bill has been before the Senate, and I have no doubt that if the chairman of the Finance Committee could be found, if he would come in right now and ask unanimous consent—and I would be glad to yield to him—the bill could be passed. As a matter of fact, we have no trouble in passing a bill whenever the administration is willing to have it passed. Of course, we realize that the administration has not been willing for this bill to pass until the last few days. But now there is no reason why Congress should not act.

I am going to refer to the consent of the War Finance Corporation that this thing should be done, and that is the reason it is going to be reported to-day.

Mr. SMOOT. Mr. President, I know the Senator wants the history of this correct. The Finance Committee voted to report that bill out when there was no other report before it than that of the Secretary of the Treasury, in which he did not approve of the bill. It made no difference whether the Secretary of the Treasury reported favorably on it or not, a majority of the Republican members of the committee voted to report that bill out, and it would have been reported out whether Mr. Meyer or the Secretary of the Treasury was in favor of it or not.

Mr. PITTMAN. The committee voted to report it out in spite of the Secretary of the Treasury, but it has never been brought into the Senate; so I do not know that it really makes much difference to the farmer whether the committee voted to report it out or not. I know now, however, we are going to get action. I can see it coming, and that is what we all want.

Mr. Eugene Meyer, jr., managing director of the War Finance Corporation, has just released a report to the President of the United States with regard to his survey of the agricultural conditions of the country, and the necessity for legislation as he sees it. I will read his conclusions first. He states:

In conclusion, I suggest that, pending the enactment of legislation along the lines I have indicated and the establishment of the necessary machinery for its administration, the period during which the War Finance Corporation may make loans be extended until January 1, 1923, and that the corporation be authorized up to that date (1) to make advances upon adequate security to cooperative marketing organizations and live-stock loan companies where it appears that they are unable to obtain adequate financing at reasonable rates through other channels; and (2) to make advances to banking institutions on agricultural and live-stock paper in exceptional cases and where it appears that the public interests will be served by such action.

In submitting these observations and recommendations, I do so in the hope that they may be of some value in considering the question of how best to maintain our agriculture upon a sound basis. This problem lies at the very foundation of our national economic and social policies and every intelligent citizen must have a deep interest in its solution.

So I assume that, with that permission, the chairman of the Committee on Finance can report the bill and ask unanimous consent for its passage, and I know of no opposition in this body sufficiently bold to object.

Mr. Meyer, in his report, in dealing particularly with the live-stock industry, which he seems to think has suffered more than any other agricultural industry, and which needs assistance to a greater extent, has this to say:

The live-stock industry constitutes one of our great basic activities and involves a turnover of an enormous aggregate amount, but, in my opinion, it has never been properly financed from two points of view.

In the first place, the financing has not been timed to the requirements of the turnover. The business of fattening live stock, which involves a turnover of six months, more or less, can easily be taken care of by existing machinery. But the longer-time requirements of the live-stock breeding industry, involving a turnover of about three years, have been financed through loan companies, which, selling their paper for a maximum of six months, have been compelled to limit their loans to a similar period. A six months' loan to the owner of a breeding herd, with no assurance of extension, is a hardship to the industry and can not fail to exercise a discouraging influence.

In the second place, there is need for a radical revision in the methods of handling the supervision and inspection of live-stock loans. The ability of the industry to obtain adequate financing at reasonable rates inevitably must depend upon the elimination of some of the unnecessary hazards which have characterized the conduct of the business in the past.

FURTHER MACHINERY NEEDED FOR LIVE-STOCK FINANCING.

After a careful study of the whole problem, in the light of the experience of the War Finance Corporation, I recommend the enactment of legislation specifically authorizing the organization of institutions to rediscount the paper of live-stock loan companies. These institutions, of course, should be related to the existing financial structure and made an adjunct thereto; and, as a condition precedent to their functioning, a system for the more adequate supervision and inspection of the live stock which furnishes security for the paper should be devised and put into opertaion. The importance of this matter in any plan for live-stock financing can not be overemphasized.

With such institutions and with a satisfactory system of inspection and supervision, I feel that capital in adequate amounts and upon reasonable terms may be looked for by the stockmen of our vast western country. The new live-stock loan companies may constitute the nucleus upon which the proposed rediscounting organizations can be developed on a sound basis and in a way that would reasonably meet the financial needs of the live-stock industry.

COOPERATIVE MARKETING ORGANIZATIONS.

While the War Finance Corporation during the past year has entered into agreements to lend approximately $63,000,000 to cooperative marketing associations in all parts of the country, to assist them in the orderly marketing of their products, in most cases only a small part of the credit authorized has actually been used, because the local banks have been able to take care of the needs to a greater extent than had been anticipated. This indicates that the cooperative marketing associations, when they are properly organized and soundly managed, are able, for the most part, to obtain the necessary funds from local banking sources. But it is generally agreed that a good deal of the willingness of the banks to finance the cooperatives in their sections has been based upon the ability of the cooperatives to obtain funds from the War Finance Corporation. This has involved, in part, the element of confidence and, in part, the funds themselves; for it is obviously easier for a local bank to furnish funds to a cooperative marketing organization when it knows that the funds can be borrowed from another source and repaid to the bank in case of need. There is, therefore, a feeling among the managers of the marketing cooperatives, and also to a great extent among their banks, that there should be a continuation of the assurance of a market for their paper outside of the local banks. It is recognized that, with improving financial and agricultural conditions, it will be easier for them to obtain funds during the coming season, but, on the other hand, their operations perhaps will be conducted on a more extended scale and, therefore, the aggregate of funds required will be correspondingly greater.

You desired me especially to report upon these organizations. While in the West I had the opportunity of meeting the directors and managers of many of them, and in some cases of visiting their working headquarters and their warehouses. California was the first State to take up cooperative marketing on a large scale in this country, and there it has been carried on in its most highly developed form. In San Francisco I met the representatives of 26 of the leading cooperative marketing associations of the State and was enabled to get the benefit of their experience and views. These California associations, for the most part, are so well established that their banking credit is equal to that of the best privately owned and managed corporations, and although they market products aggregating in value $250,000,000 annually, they have had occasion to avail themselves of the funds of the War Finance Corporation to the extent of only $1,500,000 during the past season. Their operations were financed almost entirely through their usual banking connections.

The more recently organized cooperative marketing associations in Oklahoma, Mississipi, Arkansas, Texas, Arizona, and in the Northwestern States, while not so firmly established as the California associations, appear to be organized upon sound principles and to be properly and capably managed.

In this connection I wish to say that a similar association has just been completed in Nevada. It was evident to those who organized the association that if the right of the War Finance Corporation to advance money through these associations to the agricultural interests terminated on the 1st day of July, they would be unable to function within the short period of time left. Therefore, this organization, as well as the live-stock

associations of Nevada, have joined, I believe, with nearly all the Western States in urging the necessity of extending the functioning of the War Finance Corporation in these particulars.

As Mr. Meyer said, while considerable money has been advanced through the War Finance Corporation, the organization and construction of the local banks through the western country made it difficult, if not impossible, to advance the money through the existing institutions. That has caused delay in the funds reaching the agricultural interests. This plan of organizing associations was devised only a short time ago, and of course would not have an opportunity to get into general operation prior to the 1st day of July.

Mr. Meyer continues:

Prior to the war the distribution of our agricultural products, in so far as our export trade was concerned, was financed in considerable part by European capital. But fluctuating exchange, added to the fact that European countries are no longer on a gold basis or even on a stabilized exchange basis, has prevented a continuation of this practice. We must, therefore, adjust our own financing machinery to meet the new conditions.

Our financial system has apparently been based on the expectation that the farmer would sell his crops as soon as they matured. And the immediate sale of the season's product by the farmer contemplated its being carried by middlemen until distributed through manufacturers or retailers. As has been stated so often, the farmer's crop is harvested within a short period and consumed throughout the year. The processes of financing should adjust themselves to the natural processes of production and distribution rather than vice versa. We have reached the point where the right of the cooperative marketing organizations to carry the products of their members for orderly marketing, until the consumer is ready to take them, must be recognized and the necessary financing machinery provided.

I therefore recommend that the need for the orderly marketing of our agricultural products in a more gradual way and over a longer period of time be frankly recognized; that existing banking laws and regulations be adjusted with this end in view; and that a rediscount facility be established to make it possible at all times for cooperative marketing organizations to obtain adequate funds for their operations. I recommend also that the powers of the Federal reserve banks be extended to include the purchase in the open markets of eligible paper secured by nonperishable agricultural commodities properly warehoused.

I wish to state in this connection there are several bills pending enlarging the warehouse act, so to speak. I have offered a bill of that kind, which is one among a number, including wool, sugar, sirup, and hides within the definition of agricultural products so that these products of agriculture may also be placed in warehouses, be the subject of loans, and there held until the consumer is ready to purchase them.

Mr. Meyer, continuing, said:

Perhaps I should add here that the need of additional financing, not only for the cooperative marketing organizations but for the live-stock industry as well, was indicated in the report to Congress by the Joint Commission of Agricultural Inquiry.

Then follow his conclusions, which I read previously. Mr. Meyer in the fore part of his report states that the agricultural industry is improving and cites a number of instances. He states that the live-stock industry is improving, slowly of course. He states that the condition of moisture throughout the western country has been of great aid to the live-stock industry. Since he made his survey, however, the amount of moisture that fell throughout the Western States in the form of snow and ice and at such an exceedingly late season of the year, has, according to unofficial reports, resulted in the destruction of fully one-half of the lambs born this year in that intermountain country. It has, in addition to that, resulted in the destruction of a very large percentage of the matured sheep.

The raisers of sheep under ordinary conditions might stand this, but everyone realizes that owing to the abnormal market condition brought on by the war, and particularly affecting wool, the sheep raisers of the intermountain country, where they engage in sheep raising as an exclusive business, have been facing bankruptcy for two years, and in some States, not in Nevada, however, banks have been facing bankruptcy in their attempts to carry the industry.

This statement is only put forward in support of Mr. Meyer's description of the absolute necessity for an additional system of financing of the live-stock industry of the country. I am attempting also to show that there is an emergency for action by the War Finance Corporation. Mr. Meyer's report discloses the fact that an emergency exists for the various kinds of legislation which he recommends in his report and which are embodied in the various bills which are now and for months have been pending in the various committees.

Mr. Meyer in his report refers to the reports made to Congress by the Joint Commission of Agricultural Inquiry as sustaining the position that he is now taking for immediate action on the various legislative matters referred to in his report. That report was made by a very strong representation from this body and from the House of Representatives after a most thorough and careful survey of the agricultural situation in the country. It supports the demand for emergency legislation. It should have induced the Congress to legislate immediately upon the filing of that report with Congress.

But now comes the American Farm Bureau Federation, in its bulletin, to which I have heretofore referred, and deals with the same situation. In its bulletin it is said:

The readjustment in farm prices and values is proceeding so slowly that the need for special financial aid will continue for two or three seasons to come. The aid provided by the War Finance Corporation should not be terminated until a new system of farm credit has been developed sufficiently to take its place. This will require some time even if legislative action is taken immediately. The service rendered by the corporation, while particularly important during the emergency following the war, has, however, met a need which has been growing through a period of years, due to the fact that a general system of financing agriculture has not been properly developed. It would be unfortunate, if not positively disastrous, to remove this aid until permanent aid for this situation has been devised. No great burden would be imposed upon the Government by continuing activities of the corporation for a longer period. In fact, the effect would be the reverse, since the process of readjustment would be more gradual, producers would be reassured, and normal conditions attained with less hardship.

Dealing particularly with the present farm situation, the American Farm Bureau Federation has this to say:

The general condition of agriculture, while showing considerable improvement up to April 1, is still far from satisfactory. As will be seen in the following table, only 1 of the 10 products listed below brings a price that is above the 1913 level in purchasing power.

Then follows a table entitled:

Purchasing power of farm products.
(1913—100 as of February.)

Cotton	$0.84
Corn	.61
Wheat	.99
Hay	.71
Potatoes	1.21
Beef cattle	.57
Swine	.73
Eggs	.87
Butter	.85
Wool	.87

I call particular attention to the item "beef cattle, 57."

The average of all farm products, including the purchasing power of potatoes, which was above par, we find is 83 per cent of their purchasing power in 1913.

The wholesale prices for farm products as compared to other commodity groups for January and February were as follows:

Farm products, January 116, February 126; food, and so forth, 134 in January; in February, 138; cloths and clothing, January 183, February 183; fuel and lighting, January 183, February 283; metals and metal products, January 117, February 115; building materials, January 202, February 202; chemicals, and so forth, January 159, February 159; house-furnishing goods, January 214, February 213; all commodities, January 148, February 151.

PRODUCTION IS BELOW PAR.

The serious depression in agricultural production is obscured by the abnormal price situation. In spite of seasonable conditions justifying a bumper-crop season the last year, we had only two crops up to the average (10-year average, 1910–1919). These were corn and hay. The oat crop was, roughly, 17 per cent below average; cotton, 39 per cent; wheat, about 5 per cent. The January estimate of live stock shows serious shortages, below the 10-year average, in numbers: Horses, 17 per cent below; sheep, 36 per cent; beef cattle, 8 per cent; swine, 11 per cent. At least two of these major industries can be brought back to normal only by unusual extension of credit. These are cotton and sheep.

Mr. President, I have dealt particularly with the report of Mr. Eugene Meyer, jr., and I have quoted from the farm bulletin only with regard to the agricultural situation as bearing upon the passage of the bill, which he urges should be passed immediately; but in the bulletin which I have before me the American Farm Bureau Federation, which, I believe, is the largest association of agriculturists in the country and which is equipped with capable men to survey and report upon and understand the agricultural situation, have gone further and have discussed other measures dealing with farm credits. They have also urged the necessity of the final passage of the legislation insuring the appointment of a farmer on the Federal Reserve Board. They call attention to the fact that the Senate passed a bill so providing months ago, but that it is lying dormant in the committee in the House of Representatives.

The American Farm Bureau Federation also urge the passage of the so-called Dunn bill which is now pending in the House of Representatives providing appropriations to carry out the Federal road act. I wish to say that I am opposed to the Dunn bill, in the first place, because it is unnecessary, and, in the second place, because, in my opinion, it will require amendment.

It is unnecessary because the Senate has already adopted an amendment to the Post Office appropriation bill carrying the necessary appropriations for the maintenance of the Federal road system of the country. That proposed legislation has the

advantage of being embodied in a bill which has passed both branches of Congress and now is in conference. The Dunn bill has not even yet been acted on in the House of Representatives. It is evident that there is great doubt as to whether the Dunn bill could ever become law if at this late day it should pass the House of Representatives and come to the Senate.

Again, while the Dunn bill provides the same appropriation for the maintenance of the Federal road system as is provided in the amendment to the Post Office appropriation bill which has passed the Senate, the Dunn bill carries restrictions which are antagonistic to the interests of a large section of the country. In the first place, it limits the amount of Federal participation in the building of roads. That limitation involves such a small expenditure per mile on the part of the Government that it would be practically impossible on a 50-50 basis to build a substantial Government road in this country. Mind you, under the Federal road law after a road is once built through the participation of the Federal Government with the respective States, from that time on the State is required at its own individual and exclusive expense to maintain forever that road. A makeshift road might be built with the amount of money provided in the Dunn bill, but such a road would have to be practically rebuilt every year of its existence; in other words, by limited appropriations the States would be encouraged to construct roads which they would have to rebuild every year, and that they are not individually able to do.

I am satisfied that when the legislative situation comes to the attention of those who prepared this bulletin they will agree with the Senate in the position it has taken with regard to Federal road legislation as set forth in the amendment to which I have referred which was made and adopted by the Senate to the Post Office appropriation bill, which bill is now pending in conference between the two Houses and will urge the immediate adoption of the conference report on that bill with the Senate amendment in it, instead of the Dunn bill.

Mr. SMOOT. Mr. President, from the Committee on Finance, I ask unanimous consent to report back favorably without amendment the bill (S. 2775) to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921. I also ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah, out of order, submits a report from the Committee on Finance on Senate bill 2775, and asks unanimous consent for the immediate consideration of the bill.

Mr. SIMMONS. Mr. President, I shall not object to the present consideration of the bill; I will agree that the bill may be considered and passed; but when that shall have been done I desire to submit some remarks to the Senate upon the measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the first sentence of section 23 of the War Finance Corporation act, approved April 5, 1918, as amended, is amended to read as follows:

"SEC. 23. That notwithstanding the limitation of section 1, the advances provided for by section 21 and section 22 of this act may be made until July 1, 1923."

SEC. 2. That the last sentence of section 24 of such act, as amended, is amended to read as follows:

"Advances or purchases may be made under this section at any time prior to July 1, 1923."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SIMMONS obtained the floor.

Mr. PITTMAN. Mr. President——

Mr. SIMMONS. I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, I merely wish to congratulate the acting chairman of the Finance Committee for digging up the report and asking for the present consideration of it.

Mr. SIMMONS. Mr. President, I signed the poll which was made of the members of the Finance Committee upon the question of reporting favorably the bill which has just been passed. I did so with the statement and reservation at the time of signing that I would not agree to the report if I thought the passage of the bill continuing the life of the War Finance Corporation would be considered as adequate legislation for this session to meet the necessities of the agricultural and live-stock situation in the country. I was assured by the Senator who presented the bill to me for my signature that, so far as the friends of agriculture on the other side of the Chamber were concerned, the bill would in no way abate their determination and purpose to press for full and adequate legislation.

Mr. President, it is entirely proper, with this reservation of purpose on the part of the Senate, that the life of the War Finance Corporation shall be extended. At the time we revived, in the interests of agricultural credit, the powers which we gave to the War Finance Corporation there was a situation in the country which would brook no delay, which called for immediate action in order to save agriculture from a debacle, but the measure then passed was of a purely temporary character and to an extent a makeshift, designed merely to meet an urgent situation. It has performed its office admirably. It has relieved that situation measurably. But for it, I think this important part of the industrial enterprises of the country would have been in a most deplorable and unfortunate condition; but, Mr. President, the measure is wholly inadequate. It does not give the farmer what he is entitled to. It does not give him what he must have if he is to contend, without serious handicap and serious consequences to the great industry in which they are engaged, with the economic and financial conditions which exist now. The agricultural industry, of course, lies at the very foundation of our industrial and economic structure.

The farmer must have facilities which will afford to him the same degree of credit in the operation of his business that the manufacturer and the merchant now enjoy under the facilities extended to them by the Federal reserve system. I do not think there has ever been established in this world a finer banking system, a finer financial system, so far as our commerce and our industrial requirements go, than the Federal reserve system, properly applied; but that system is adapted only to the requirements of commerce, trade, and of manufacturing. Its very limitations, the very theory upon which it is based—that of dealing only with liquid assets, assets that can be quickly converted into cash—make it unsuited to the farmers' requirements, and suited only to the requirements of those who make quick turnovers in the operation of their business. The farmer makes but one turnover a year. He must therefore have an entirely different system from that provided in the Federal reserve system. It is therefore necessary that he shall have a system of his own, whether or not he shall secure it through amendments to the Federal reserve act—and I think that would be inadvisable, because that would be establishing two bases of operation under one system—in some way he must have just as good facilities for affording him the credit that he requires and that his situation demands as the other industries of our country. Otherwise, he is at a great disadvantage. Otherwise, he is at the mercy of those who wish to prey upon him. Otherwise, he can not protect his product against the exploitation of those who desire to get it at less than it cost to produce it. He must be financially just as independent as the merchant, just as independent as the manufacturer, just as independent as the man engaged in general commerce; and without that equal independence, that equal ability to protect his product against exploitation, he will always be at a ruinous disadvantage, as he has been in the past.

Realizing that, Mr. President, some days ago I introduced in the Senate a bill known as Senate bill 3390, which at my request was referred to the Finance Committee. That bill establishes a completely independent system for financing agriculture and the live-stock industry in the United States, and puts those two great occupations, in my judgment, upon an absolute parity with reference to banking facilities and credit conditions with the balance of the industries of the country.

I had intended, on some early occasion, to go into a detailed statement of how I propose to accomplish that purpose in my bill, but I will not do that now. Instead of doing that, I will say that I had a large number of additional copies of this bill prepared, and I sent it to many of the farm organizations, farm papers, and so forth, and it has received very general discussion, and, so far as I am now advised, very general approval by those in whose interest it is drawn, as well as by others who are willing to do justice to the farmers of the country.

Recently there met in the city of Washington at the same time three great, separate farm organizations. These conventions were called at the same time as a result of a desire to bring about concert of action with reference to many things of great interest to the farmers and stock raisers of the country. After those organizations adjourned, on the same day that they adjourned, I was visited by 10 or 15 representatives of these several organizations at my rooms in the Capitol, and they stated to me that they came as the representatives of these organizations which had just met here. They stated that the bill which I had introduced, S. 3390, together with other bills pending looking to the same general end, had been thoroughly canvassed in the meetings of these organizations, and that as a result of

their discussion and the comparison of their merits as calculated to accomplish the purpose intended and desired by the farmers of the country, practically without exception the bill which I had introduced and had had referred to the Finance Committee had met the enthusiastic approval of those attending the conventions.

I have discussed this bill with quite a number of Senators, and those of them who have taken the trouble to investigate it have expressed their approval. I now have upon my desk an interview which appeared in the News and Observer, of Raleigh, N. C., a daily paper of very large circulation. Its editor is the distinguished ex-Secretary of the Navy, the Hon. Josephus Daniels. Upon the editorial page an interview with Mr. Harvie Jordan, national secretary of the American Cotton Association, appears, and is made the subject of extensive and approving editorial comment. In passing, I may say that for the past 15 or 20 years Mr. Harvie Jordan has been one of the most prominent figures in connection with the subject of agriculture and its promotion and development in the whole South. He has practically given his life to that subject. His judgment is such that he has been by universal assent regarded as a leader in the formulation of legislation and of various and sundry methods of promoting agriculture. His fidelity to the cause can not be called in question. His ability and authority to speak are equally beyond dispute.

I desire now, Mr. President, to ask that the Secretary may read the interview of Mr. Jordan appearing in last Thursday's issue of the Raleigh News and Observer as I have marked it. I want this interview read, because it states more fully than I shall at this time the general purpose and effect of the bill to which I have just referred, S. 3390.

The VICE PRESIDENT. Without objection, the Secretary will read the article.

The reading clerk read as follows:

[From the Raleigh (N. C.) News and Observer, April 27, 1922.]

Mr. Harvie Jordan, national secretary of the American Cotton Association, discussing the need of such legislation as is contained in the Simmons bill, approves it and says:

"In my opinion the most serious economic problems facing the farmers of the cotton-belt States and the balance of the Nation is that of agricultural finance. Gov. W. P. G. Harding, of the Federal Reserve Board, recently interpreted the law of the Federal reserve banking system to the effect that agricultural loans based on farm products as collateral can not be rediscounted for the purpose of holding such products off the market, the inference being that for farmers to borrow money for the purpose of holding cotton or other staple products of the markets is speculation.

"This interpretation of the Federal reserve law means that when staple farm products are ready for market they must be promptly sold, whether markets are stagnant or not. It means an encouragement or enforcement of the dumping method of marketing, which has always carried the penalty of low prices to the growers. The policy now being generally adopted by farmers to market their products slowly and in an orderly manner to regulate supplies to meet the needs only of legitimate consumption will meet a death blow if the law as interpreted by Governor Harding is enforced.

"As a matter of fact, the Federal reserve system was created by Congress to meet the needs of commercial banking for short-time loans of from 30 to 90 days. The farmer's turnover of his crops can not be made during so short a period of time. It requires practically a year in which to plant, cultivate, and harvest a cotton crop, and eight to nine months in which to sell it in an orderly manner. Neither a 90-day nor 6-month loan will serve the needs of the cotton growers. Live-stock growers need a longer period of loans.

"The agricultural industry of the Nation requires a short-term system of finance covering loans from six months to three years, and to be totally divorced from the operations of the Federal reserve banking system of the commercial loans. Such a system has been in operation for many years in all the leading agricultural countries of the world except in the United States. Senator F. M. SIMMONS, of North Carolina, has recently introduced a bill in the Senate entitled 'The agricultural credits act of 1922,' which is broad and comprehensive. The bill provides the creation of the necessary Federal banking machinery that will meet the needs of short-term agricultural finance in the country. The bill provides for making loans direct to cooperative marketing associations, and individual loans to farmers will be negotiated through local banking institutions, which will become members of the Federal short-term agricultural bank.

"The speedy enactment of the Simmons agricultural credits bill is imperative at this time if the farmers are to be properly financed and the agricultural industry of the Nation brought back to a prosperous basis. Farmers require credits to not only plant, cultivate, and harvest their crops, but also to enable them to market such crops in an orderly manner.

"The dumping of farm products on the market means that prices will be regulated and controlled by speculation and the welfare of the producers left in the hands of distributors. This is the most serious matter confronting the agricultural industry of the South, especially as it relates to the future handling and marketing of cotton. Every possible pressure should be brought to bear on Congress to enact this necessary legislation as speedily as it can be done. The farmers are practically without credits and with no well-defined system of finance to meet their needs. National rehabilitation can not be experienced until the purchasing and debt-paying powers of the farmers have been returned to normal. This can not be done until production is reestablished on a satisfactory basis and the price of farm products so marketed as to meet the cost of production plus a reasonable profit to the growers."

Mr. SIMMONS. Mr. President, I have no pride of authorship in connection with this bill. What I want is legislation to meet what I know to be a crying need.

I want to say to the friends of agriculture in this Chamber that I hope that in connection with this effort to get adequate legislation to relieve the agricultural and stock-raising conditions there will be no politics, but that we will act upon every proposition looking to this end upon its merits. So far as the bill I have introduced is concerned, I am perfectly willing to meet with the spokesman of those Senators who especially represent agriculture, or with all of them collectively, and discuss this bill and every other bill which has been introduced looking to the same end and evolve out of them a satisfactory measure to accomplish the purpose which I think we all have in view. I hope that whatever bill we may agree upon as a substitute for these several bills will be introduced as a substitute, and that we will consider and act upon the substitute instead of upon the original bill.

Mr. FLETCHER. Mr. President, it seems to me the bill has been referred to the wrong committee. I have no objection to it going to the Finance Committee, but the Committee on Banking and Currency considered the farm loan act.

Mr. SIMMONS. I was going to discuss that.

Mr. FLETCHER. There are two amendments to that act now before the committee, and there is another bill bearing on this subject, introduced by the Senator from Wisconsin [Mr. LENROOT], which the committee is now considering. It seems to me the bill should have been referred to the Committee on Banking and Currency.

Mr. SIMMONS. With reference to the proposition I have just made, it does not make any difference what committee the bill has been referred to. If we can agree upon a substitute measure which will be satisfactory and which will stand some chance of being passed during this session in the congested condition we have here, then that substitute can be offered and referred for consideration to whatever committee the Senate thinks should have it.

We ought to follow the practical course, and I know perfectly well that in the conditions we have here we are not going to get enacted legislation, even for this vital purpose, to meet this urgent situation, unless we can come together and agree outside of the open sessions of the Senate upon some measure which will be satisfactory to the friends of the purpose of all these kindred bills.

The Finance Committee has had this bill before it now since April 3, nearly a month, and they have not acted upon it. I am not particularly complaining about that. I know that the majority members of the Finance Committee, at least, have been exceedingly busy in connection with the very important and far-reaching legislation which we now have under consideration—the tariff bill—and for that reason probably they have not had sufficient time to consider and report the agricultural credits bill.

There are bills pending before the Banking and Currency Committee looking to the same end, but not as fully accomplishing that end, I think, as this bill (S. 3390) would. Those bills have not received the consideration to which their importance seems to entitle them, because, I suppose, the members of that committee have been very busy; I do not know how that is.

But my purpose in making this statement is to extend here openly an invitation to every Senator who feels the necessity of this kind of legislation, who recognizes the importance of quick action upon it, who feels that it would be a calamity if we did not act during this session, to meet with other Senators in a nonpartisan spirit and consider these various measures which are proposed, to the end that we may, if possible, reach an agreement as to what is necessary to present that, and by the solid front thus presented make it easy to enact the measure during this session of Congress. It can not be done in any other way, and I feel that I am justified in making that proposition and this appeal, because I say to Senators that the action of the War Finance Corporation, although it has met fairly well the situation which has existed during the last year, having at least greatly relieved it, has been a mere ameliorating process and does not reach the heart of the problem which must be solved if agriculture is to come into its own in this country. If this fundamental industry, upon which is based all of our national prosperity, is to be relieved something more is required than an extension of the life of the War Finance Corporation.

I believe, and I think those who have studied the situation and understand it will agree with me, that it will be extremely unfortunate to the farmers and stock raisers of this country, to say the least, if something is not done at this session which will give them more effective relief than the mere continuance of the War Finance Corporation.

Of course, that continuance is better than nothing; but is there any reason why, in our haste to help the manufacturing interests of this country by imposing additional taxes on the

people, we should deny to the farmers the little modicum of time that is necessary to pass this vital legislation?

In my judgment—and I speak out of experience and, I think, knowledge—there is absolutely nothing which can come before this body of greater importance to more people in this country, and which deserves greater consideration from the standpoint of the public welfare, if you please, than legislation to relieve the deplorable and distressful condition of American agriculturists, and while I am not saying it in any spirit of criticism, I believe it would be a crime against this great and deserving portion of our population to neglect, in the interest of any kind of legislation whatsoever—bonus, tariff, or anything, I care not what—this demand coming from 40 per cent of the population of this great country, 40 per cent who are to-day living upon one basis of prices, and that a basis below the cost of production; buying upon another basis of prices, that far above the cost of production, a situation against which they can not relieve themselves or protect themselves unless they are given equally as good banking and credit facilities as are accorded to those who to-day are enjoying, through their ability to protect their prices, prices which are not only compensatory but are upon a high level of profit.

The only way in which we can relieve this situation is by putting the farmer upon a level, a parity, with the others as to his facilities for credit and for financing his business, and as surely as the day follows the night if we will give him that equality of credit and financial facilities he will be able to hold his own in the contest that must go on between the consumer of the product and the producer of the product; between the speculator in the product and the man who creates the product.

There are in the pending tariff bill duties which it is proposed to levy upon agricultural products. They are in large measure a mere counterpart of the emergency tariff rates which were imposed upon the farmer's products. They were imposed upon the ground that he was entitled to an advance and that those duties would enhance the price of the products. Mr. President, that might have been justified, but only justified upon the theory that his prices were below the cost of production; that they were not living prices; that they were bankrupting prices. Legislation might have been justified to raise those prices, but here we are engaged in an effort to raise prices which are now far above the level of the cost of production, the profits upon which at present prices are absolutely fabulous. If we can give time to that sort of legislation, if we can spend weeks and months here for the purpose of increasing the prices of the manufacturers of the country through the tariff, in the name of God why can we not do something here to increase the prices of farm products, now below the cost of production, not by tariff taxes but by giving the farmer the same opportunities under our financial and banking system that we have so graciously extended to the balance of the laborers and producers of the country?

I think that in asking this legislation I am entitled in the name of the farmers to ask it as in the nature of a demand, a demand that they may have justice and equality under the financial system of our Government as well as political equality under the political system of our country.

Mr. President, I hope the importance of this matter will not be overlooked. If the Finance Committee feel that they can not act upon the matter in due time, I am perfectly willing to recall the bill and send it to some other committee, but I do not think that is the way to get results in the matter. I think the way, the only sure and certain way, of getting results, immediate and quick results, is the method I have outlined, and I again ask every friend of agriculture in this body to cooperate, not with me, but to cooperate among themselves in order to frame a bill that will meet the situation. We did that here some time ago. We had a bill introduced to aid agriculture. It met with opposition which might have brought about its defeat, but the friends of the bill got together and agreed upon the substitute, which was speedily passed.

Now, let us do that same thing with reference to this legislation. Let us forget the suggestion that other things are so important that this matter, which is to my mind of paramount importance, shall be overlooked and passed by and the farmer left for perhaps another year to shift as he can under a wholly inadequate system for the relief of the evils which now press upon him and are grinding him and will continue more and more to grind him. Unless he is relieved, we shall witness in the United States in the near future a debacle in our agricultural activities, the disastrous consequences of which can not be measured.

DEFLATION POLICY OF THE FEDERAL RESERVE BOARD.

Mr. HEFLIN. Mr. President, I have been very much interested in what the distinguished Senator from North Carolina [Mr. SIMMONS] has said. I agree with him that it is very important to have legislation along the line suggested by him. I want to tell the Senator that the same power which forced the deflation policy upon the country through the Federal Reserve Board will fight the legislation which he suggests.

This is too fruitful a field, Mr. President, for those people to give up without a struggle. The farmers of the United States have been fleeced by them many times before. When we created the Federal reserve banking system we broke for a time the strangle hold of the Wall Street money power, and all was well for a few years. When that merciless power would undertake to drive the price of agricultural products below the cost of production the Federal reserve banks came to the rescue of the farmer, extended him credits, and enabled him to prevent the sacrifice of his products at destructive prices. Under the old Wall Street banking system the speculators would raid the market at the crop-moving time and beat down the price of farm products. The farmer could get neither currency nor credit with which to fight for living prices, and they forced him to sell at low and unremunerative prices—prices that did not even cover the cost of production. Then when the speculators in that way forced farm products out of the hands of the farmer they put the prices up again, and the consumer was robbed.

They robbed with one hand the farmer, the producer, and then turned and with the other hand robbed the American consumer.

Mr. President, prior to the time that Wall Street got control of the Federal Reserve Board money could be borrowed on farm products. Wheat could be held off of the market when the speculators were beating down the price. The cattlemen of the West borrowed money and were enabled to fight those who undertook to cripple and injure the cattle industry. They could get money; they did get money. The cotton producers of the South also succeeded in doing that under the Federal reserve system before Wall Street got its tentacles wrapped about the Federal Reserve Board and held it hard and fast. We provided in the Federal reserve act that agricultural paper was eligible for rediscount for six months, with the right of renewal.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. HEFLIN. I yield.

Mr. FLETCHER. I wish to interrupt the Senator just at this point before he proceeds further along the line he has indicated to suggest in connection with what the Senator from North Carolina [Mr. SIMMONS] said, that when we framed the farm loan act it provided a financial system to meet the needs of agriculture, especially with reference to long-time credit. At that time the commission reported that the subject of short-time credit would be considered later, but did not then consider that matter was so important as providing the capital needs of the farmers through the farm loan act and through a system of long-term paper.

I agree that we must devise some system of short-term credit. I have not examined the Senator's bill very carefully. I read it over and observed that it was referred to the Committee on Finance. I thought that it ought to go to the Committee on Banking and Currency because that committee has handled such legislation heretofore. However, I am convinced that we do need an extension of the system some way, so as to take care of the short-time needs of the farmer; for six months, or something like that.

I offered an amendment to the farm loan act whereby it would be provided that six months' paper, with farm loan bonds attached as collateral, should be eligible for rediscount in the Federal reserve banks. That would afford an unlimited market for farm loan bonds and in that way supply additional funds needed by the farmers of the country. The Farm Loan Board, however, took the position that there was some question whether the public would absorb any greater quantity or greater volume of farm loan bonds than they had been offering. The amendment I proposed would supply that need of a broader and unlimited market for farm loan bonds.

That matter is pending and, as the Senator from Alabama has indicated, the course of the Federal Reserve Board is to oppose that species of legislation. They consider that a note with a farm loan bond attached as collateral is not liquid security or liquid paper such as is contemplated by the Federal reserve act. I can not see why a farm loan bond at par attached to a six months' note is not just as good as a note taken for the purchase of a horse when before the paper is due the horse may die. That sort of paper is considered perfectly good now and is eligible for rediscount, but the board has said that if it has attached to it a farm loan bond as collateral it is not liquid and therefore not eligible for rediscount.

But there is another feature in connection with this agricultural matter which I draw to the Senator's attention for just a moment, although it is perhaps somewhat foreign to his line of thought. It is having a destructive effect on agriculture and a very discouraging effect. I refer to excessive freight rates, the high freight and express rates obtaining throughout the country, especially the express rates.

I have in my desk here account sales by perhaps a dozen vegetable growers in Florida in which they show conclusively that the producer is taxed on the average about one-half of the gross proceeds of his product in express charges; that is to say, if he ships so many cases of eggplant and his returns are, say, $80, $40 of that amount goes to the express company. That is about the average deducted from the various account sales, nearly one-half of the price paid for the product in the market being taken out by the express company alone. That, of course, is for transportation. That does not include boxing, crating, hauling to the depot, and so forth. That situation ought to be corrected. It is too burdensome. We ship out of Florida over 250,000 carloads of fruit and vegetables, and taxed in this way it is an enormous burden. It is having a more discouraging effect than almost anything that can be imagined.

In that connection I wish to ask permission to insert in the RECORD a clipping from the Washington Star, headlined "Demand for drop in freight rates. Secretary Wallace sees railway concessions or increase in farmers' prices." It is a sort of résumé of an address delivered by the Secretary of Agriculture before the New York Academy of Political Sciences on the 28th of April. It is not very long, and I would like to have it inserted in the RECORD at this point because it stresses some very important features regarding the situation, and especially the need of reduction of freight rates.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

DEMAND FOR DROP IN FREIGHT RATES—SECRETARY WALLACE SEES RAILWAY CONCESSION OR INCREASE IN FARMERS' PRICES.

[By the Associated Press.]

NEW YORK, April 28.—Unless there is a quick reduction in railroad freight rates to "about pre-war levels," or the prices of agricultural products increase sufficiently to equal the rate advance, there will be "profound readjustments" in agricultural production, involving readjustments in industry as well, Secretary Wallace, of the Agricultural Department, declared in an address to-day before the New York Academy of Political Sciences. The "blighting effect" upon agriculture of the present increased level of freight rates, the Secretary said, "can hardly be comprehended."

SUMMARY OF CONCLUSIONS.

What he regarded as the probable effects if present rates were continued "for any length of time" were summarized by Secretary Wallace as follows:

"First, to favor the farmers of South America and Australia at the expense of our own farmers, and all the more so because of the substantial decrease in ocean rates.

"Second, to keep prices of farm products in the large surplus producing States at figures lower than are justified by the investment in land and equipment and cost of production.

"Third, prolong the period of dissatisfaction among farmers and encourage advocates of economic fallacies of all sorts.

"Fourth, improve the position of eastern truck and fruit growers, but add considerably to the cost of milk and dairy products because of the advanced prices of hay and coarse grains necessarily shipped in from the West.

"Fifth, gradually shift industrial enterprises westward, nearer the surplus food-producing territory.

"Sixth, promote sectional rather than national spirit and make more and more difficult large national policies with respect to international affairs."

FREIGHT RATES TAX ON FARMER.

"Present freight rates impose a tax on the farmer of the surplus producing States," Mr. Wallace said, "which must inevitably reduce shipments of coarse grains and hay to the East and which already is causing the fruit and truck growers of the far West and Southwest to turn to water transportation and the wheat growers of the West to use the shorter haul to water for export grains." He cited figures showing that wheat exports passing through Gulf ports had increased from 24 per cent of the total in 1913 to 59 per cent in 1921.

"I am not making a special plea for the farmer as against the railroads. They must work in harmony and understanding. The important point I am trying to make is this, that this Nation has been built up by a system of low railroad rates designed to encourage the movement of our surplus agricultural crops long distances to manufacturing, industrial, and business centers, with a corresponding return haul of manufactured products, and that a sudden reversal of this theory of rate making results in great economic injustice, and if persisted in will keep us in a state of confusion and agricultural and business uncertainty for a long time.

SEES HOPEFUL SIGN.

"The most hopeful sign of the present time is the apparent recognition of the railroad management that our present high rates can not be continued without disaster to the railroads themselves, and that rates must come down to a point not far, if any, above the pre-war levels."

Mr. HEFLIN. Mr. President, I thank the Senator from Florida for the valuable suggestions which he has made. I think it would be a good idea if the Senator from Florida and the Senator from North Carolina were to get together and endeavor to reach an agreement as to what would be the best measure for providing a farm banking system which would answer the needs of the farmer.

As I said a moment ago, before Wall Street secured control of the Federal Reserve Board the farmers borrowed money through the Federal reserve system. There was no complaint in the South in 1918 about getting money to hold cotton against the bear gamblers of Wall Street; we had no trouble about getting money in 1919; neither had the grain growers or the cattlemen of the West. It was not, I repeat, until the deflation policy, which was born in Wall Street, had been adopted by the Federal Reserve Board and took hold of the throats of the farmers of the country that there was hatched up the excuse that the Federal reserve system was not suitable to the needs of the farmer. Well, the law speaks for itself and says that agricultural paper is eligible for rediscount at Federal reserve banks. Mr. President, if I had been in control of the Federal Reserve Board and had wrought the ruin which it has wrought upon the business of two great sections of this country I, too, would say, I suppose, that I had discovered the system was not an adequate one for farm operations. I had rather put the onus on some one else than to confess that I had been responsible for the destruction of property values by the billions of dollars; that I had been responsible for driving men, women, and children penniless from their farms; that I had been responsible, even, for conditions that drove men to take their own lives.

However, Mr. President, if the Federal Reserve Board is to now construe the law to mean that it has not the power and authority to grant accommodations to the farming interests of the United States—which is indeed a late discovery—then we must accept that construction, I presume. I do not know of any power that is going to make the board act to the contrary. This Congress has not—will not do it. The Federal Reserve Board that worked so well and admirably from 1914 to 1920 has fallen under the strange and mystic spell of those who owned and operated the old banking system, hated and despised by honest men and women all over the country.

Mr. President, we were compelled to pass the War Finance Corporation act last year because the Federal Reserve Board failed and refused to meet the credit and currency needs of the agricultural business of the United States. If the Federal Reserve Board had functioned in 1920 and 1921 as it did for four or five years prior to that time, it would have provided every dollar needed for agricultural purposes. We would not have had to pass the War Finance Corporation act. But that board boldly and flatly refused to do as it had done before, perform the functions for which it was created. It permitted the rediscount rate to be raised to 7 per cent, and when we passed the War Finance Corporation bill fixing a lower rate of interest around 5 per cent we forced the Federal reserve rediscount rate down to 4½ or 5 per cent.

What caused them to lower the rate? Walloping them over the head with a club by the War Finance Corporation did it. I helped to pass the War Finance Corporation bill and had a hand in forcing down the rediscount rate of the Federal Reserve Board.

Mr. President, I wish now to comment for a moment upon the suggestion made by the Senator from Florida. He reminds us, in the light of Governor Harding's new position, that while cotton and wheat are not now eligible for loans at a Federal reserve bank, a horse is.

Mr. President, the farmers of the West and those who represent them here will agree with me that wheat may be put into an elevator and preserved, and that there is no danger of spoiling if it is properly cared for, while there is danger of the horse dying in an hour, as the Senator from Florida has said.

One may take a bale of cotton and put it in a dry place; he may put it in a bonded warehouse, and it affords the best security in the world. It may be preserved for 1 year, for 10 years, for 50 years, and longer, and it will then be good to spin. No insect pest can harm it after it has been ginned and baled; no insect ever then attacks it; and yet the ruling is that cotton for holding purposes is not good for collateral now at the Federal reserve banks, but that a horse is as good as gold. Those who produce cotton, the wherewithal to clothe the world, are turned down, but the one who owns a horse can get money on his paper with that horse as collateral.

Mr. President, the Senator from North Carolina has told the truth to this body about the deplorable condition of the farmers of the country. It may be surprising to some of the Senators from the North and West to learn that the plowmules which our farmers of the South bought from their people and for which they paid $250 and $300 apiece are now selling for $20 and $30 and $50. The Senator from Georgia [Mr. WATSON] called our attention the other day to an instance in Atlanta, Ga., where mules had been sold down there under a forced sale for $12 a head.

This is a serious situation to the farmers of the country, Senators. When I look back the picture comes to my mind of the prosperity that existed in 1919. The farmers of the South were prosperous; the farmers of the West were prosperous; everybody had employment, and the country at large enjoyed a large measure of prosperity, but in three short years all of that prosperity has been swept away, and last year, I believe it was, the State of Texas, the greatest cotton-producing State in the Union, by an act of its legislature suspended the payment of taxes by the farmers of that State.

Mr. President, there is something radically wrong when one group of people under a government has such control over the finances of the country, over the very lifeblood which circulates through the body of business, that they can strike down business and absolutely paralyze industry in a few weeks, as they have done in the instance to which I have referred.

I am heartily in favor of passing whatever law may be necessary to meet the needs of the farmers of the country.

The money changers have gotten hold of the governing board of the great banking system which we created, as the Senator from North Carolina has said, the greatest banking system ever devised by the genius of man. What are we to do? We are to drive them out of control just, as I said before, Christ drove the money changers out of the Temple of Jerusalem. Certain changes must be made in the law.

Mr. President, it is a sad sight to me to see men once prosperous and happy standing about despondent, weary of distressing conditions that exist, and looking in vain for deliverance from such conditions. I know farmers who were getting along fairly well two and a half or three years ago who are now dispossessed of their farms; their property has been swept away under mortgages given when the dollar was inflated. The dollar was deflated and they were compelled to pay with a deflated dollar debts incurred under an inflated dollar. So they are stricken down; they are robbed, and the country is in a deplorable condition.

Mr. President, why not compel the Federal Reserve Board to restore to circulation the money which it has in the vaults of the Federal reserve banks? I had a talk to-day with the governor of the Federal Reserve Bank of Atlanta, Mr. Wellborn. He said to me, "We have more money than we know what to do with." Yet, Mr. President, distress prevailing within 30 miles of Atlanta, and not only in Georgia but in my State and in the other Southern States, as it is all through the West.

Money is piled up in the Federal reserve banks; those banks gathered it in under the deflation policy when agriculture fell down; when industry was tied up and 7,000,000 men were driven out of employment. They now say, "We have more money than we have ever had; we have more than we know what to do with." I asked the gentleman to whom I have referred, "Why do you not loan it out?" He replied, "Nobody seems to want it." Think of that! Nobody wants it! Mr. President, if I had control of the purse strings of these banks for a while I could lend in ten or fifteen days a billion dollars and more to the farmers of the South and West on good security, better security, in fact, than is back of a great deal of the money which is loaned in New York on speculative collateral.

If a farmer produces grain to feed the world and you tell him at the bank that you will not help him to get a good price when he comes to the market place and he tells you he will quit raising grain, what is the proposition that confronts you? You are confronted with the proposition that the people are going to starve because you have such a financial system that he who produces the wherewith to feed the world must starve in the process; and no just government will stand for such a policy.

What happened when this deflation policy came on? You tied up cotton and the price commenced to go down, and we came to this board and asked if they were going to let us have money with which to fight this battle against the speculator, and they said they could not let us have it for speculative purposes. What is a speculative purpose? If I have cotton and the price of it is 30 cents a pound, and they beat it down to 25, and I say: "I have got to get 30 cents in order to get the cost of production plus a profit," and I want to borrow money in order to fight the man who is trying to take it away from me, they say it is for speculative purposes; and that board turned its back upon the farmers of the South and refused to let them have money during that trying and terrible ordeal, and what happened?

They drove this cotton out of the hands of the producers, and the foreigners bought it at a low price, and the producers here were impoverished. That is what happened.

Mr. President, I want now to bring to the attention of the Senate another thing—the article read by the Secretary from the newspaper in North Carolina from W. P. G. Harding, stating that he had construed the law to mean that you could not borrow money for the purpose of holding farm products. I know that we used to borrow it, as I said, but he has placed a new construction upon the law. Mr. President, he can not escape, nor can the board escape, the fact that there was a conspiracy to rob the South, to drive this cotton out of the hands of the producers of the South; and I want to invite the attention of the Senator from Arkansas [Mr. ROBINSON] and the Senator from North Carolina [Mr. SIMMONS] and others to this statement: The progressive interest or rediscount rate was employed only at the Atlanta bank, the Dallas bank, the Kansas City bank, and the St. Louis bank. Did you know that, Senators? Does not this fact clearly show that there was a distinct understanding that money was not to be furnished to the cotton producers to enable them to hold their cotton for a profitable price?

The progressive rate was not invoked against a single bank outside of the agricultural South and a part of the West.

Why was it that right in the midst of the battle, at the height of the cotton-moving season, the South had the progressive rate applied to her when she was fighting the gamblers of Wall Street, trying to hold cotton so that she could obtain the cost of production plus a profit? Why was it that Gov. W. P. G. Harding and his board applied the progressive interest rate to the Atlanta Bank, the Dallas Bank, the Kansas City Bank, and the St. Louis Bank, the banks located in the heart of the farming section of the country? Why was that? Those are the only 4 banks out of the 12 to which they applied the progressive rediscount rate; and I assert again that they charged one little bank in my State the progressive rate from 7 up to 87½ per cent. The bank was crying out: "Give us a little more. We will come out if you will help us to fight through. We have got to have it." The board said: "All right; you can have it. You pay 35 per cent," and on up to 50, 60, 70, 85, 87½ per cent.

It reminded me of the struggling swimmer in the ocean who swam up to a lifeboat, and a vicious pirate had a sharp ax in his hand, and when the swimmer reached up and caught his hand on the lifeboat in the effort to save his life, the pirate, with only three others in the boat, chopped off his four fingers. Then he held on with his thumb, and the pirate chopped off his thumb.

Then the swimmer reached up the other hand and the pirate chopped the four fingers off that hand, and then he chopped off the thumb, and down the swimmer went and drowned in the sea. That is what the Federal Reserve Board did to us in the South.

Farmers who obtained 40 cents a pound for cotton in 1919 were coming into the market place in 1920 with cotton that cost 30 cents a pound to produce. The speculators beat the price down below the cost of production, and the farmer reached up his hand and said, "Let us get on the lifeboat; save us; we are sinking; you can do it"; and they commenced the chopping process and chopped off their hands, and the cotton producers drowned in the sea of financial disaster.

Mr. SIMMONS. Mr. President, the Senator has just described one of the organized financial drives against one of the great staple products of this country. It is not an unusual performance. Those drives are common. Their objective is to get the crop for less than it is worth.

Mr. HEFLIN. And then to sell it at a high price.

Mr. SIMMONS. The success of such a drive is made possible by the fact that the farmer, having no adequate facilities of credit and finance, is not able to protect himself against the wolves who make it.

Mr. HEFLIN. Absolutely. I am agreeing with the Senator. Since the Federal Reserve Board has ruled that it has no authority to grant these loans, we must legislate to meet that condition; but I have been showing that they did meet it before, and the Senator from North Carolina has been compelled by subsequent developments to meet a condition that is deplorable, indeed. There is no difference between us, Mr. President. The Senator is right. They make these drives every time the farmer gets ready to sell his crop, whether it is grain or cotton, and when he starts to the market they commence to beat down the price. Why? So that they can buy it at a low figure; and then, when they get it and he has parted with it, they put up the price. Why? So that they can make money by the millions. That is why. It is wrong for a government to permit such a thing to be done. That is where my complaint lies.

Mr. President, I was just about to say that the best way to prevent crime by the wholesale in this Government is to denounce both the crime and the criminal. If you let a man get away with a big deal and steal like that which they perpetrated against the South and West in 1920 and 1921, they will do it again, and trust to their shrewd ingenuity to get away with it.

The condemnation of the deflation crime of '20 must be made so often and so strong that such a crime will never be undertaken again.

BUREAU OF ENGRAVING AND PRINTING.

Mr. STERLING. From the Committee on Civil Service I report adversely Senate Resolution 269, authorizing the appointment of a committee to report the facts and reasons relative to the removal by order of the President of responsible officials of the Bureau of Engraving and Printing, and I submit a report (No. 680) thereon. I ask that the resolution be placed on the calendar.

The VICE PRESIDENT. The resolution will be placed on the calendar.

DISCHARGE OF EX-SERVICE MEN FROM CIVIL SERVICE.

Mr. STERLING. I also report back adversely from the Committee on Civil Service the resolution (S. Res. 271) requesting the President to inform Congress as to alleged demotion, dropping, and discharge of honorably discharged sailors and soldiers from the service since March 1, 1921, and I submit a report (No. 681) thereon. I ask that the resolution be placed on the calendar.

The VICE PRESIDENT. The resolution will be placed on the calendar.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The Secretary will state the first amendment of the Committee on Finance.

The ASSISTANT SECRETARY. On page 2, line 6, after the word "containing," insert the words "by weight," so as to read:

Acetic acid containing by weight not more than 65 per cent of acetic acid, three-fourths of 1 cent per pound.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McCUMBER. I ask unanimous consent at this time that when the Senate closes to-day's session it recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCUMBER. I desire to say that probably after to-morrow I shall ask that we recess over until 11 o'clock, but I felt that inasmuch as Senators probably had made different arrangements for to-morrow morning I would not make the request to apply to to-morrow.

Mr. KING. May I inquire of the Senator how long he desires to have the session continue this afternoon? I think I shall conclude my general observations in perhaps half an hour, and then we will be ready to proceed with the first item, acetic acid, followed by acetic anhydride, and take up the items consecutively, as the Senator desires.

Mr. McCUMBER. Does the Senator think he can get through in about half an hour?

Mr. KING. I prefer to proceed to-morrow morning, and I shall get through in half an hour with the general statement.

Mr. McCUMBER. Could not the Senator finish to-night?

Mr. KING. I will do whatever the Senator from North Dakota desires.

Mr. McCUMBER. I do not want to impose on the Senator, but——

Mr. McNARY. If the Senator from Utah does not desire to go forward to-night, I hope to get unanimous consent to bring up the conference report on the Agricultural appropriation bill.

Mr. KING. May I suggest to the Senator from North Dakota that it will facilitate matters if that is done, although I am ready to proceed to-night if the Senator desires.

Mr. McCUMBER. I want again to call attention to the fact that this is the eleventh day we have had the bill under discussion, and I was in hopes at least to be able to indicate to the country that we had made some progress; that we could probably adopt the first amendment, simply adding the two words "by weight." I would be glad if the Senator would allow us to vote upon that amendment at the present time.

Mr. KING. Mr. President, I would be very glad to gratify the Senator, but I can not, because I am going to discuss acetic acid, and I intend to move that it be put upon the free list. I think I can offer an amendment to the amendment of the committee which adds the words "by weight," the effect of which amendment to the amendment would be to restore acetic acid to the free list.

Mr. McCUMBER. Does the Senator think he can have that ready so that we can have a vote to-morrow on the acetic acid item?

Mr. KING. I shall be ready to proceed with the discussion of it as soon as I complete my general statement. My discussion, I hope, will not be long, and then we can take a vote.

Mr. WILLIS. The Senator from Oregon [Mr. McNARY] advises me that he does not look for any extended discussion of the conference report. Why not let the Senator from Utah finish his general statement to-night, and we shall gain half an hour.

Mr. KING. Why not permit the Senator from Oregon to present the conference report?

Mr. WILLIS. We can do both. I want to hear the Senator's speech. I have heard much of it to-day, and I would like to hear the rest of it this evening.

Mr. KING. Of course, the Senator from Ohio does not mean what he says.

Mr. WILLIS. The Senator from Ohio does mean what he says. He has listened with great delight to the Senator to-day, and he is in the mood now, and would like to hear the rest of the Senator's speech.

Mr. McCUMBER. I shall not object to taking a recess as soon as the Senator from Oregon gets action on his conference report. I ask that the tariff bill be temporarily laid aside for the purpose of taking up the conference report mentioned by the Senator from Oregon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

AGRICULTURAL DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. McNARY. I ask unanimous consent that the conference report on the disagreeing votes of the two Houses on House bill 10730, the Agriculture Department appropriation bill, be taken from the table.

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, 12, 17, 19, 27, 28, 29, 43, 44, 46, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 13, 14, 18, 20, 23, 30, 31, 32, 33, 34, 35, 36, 48, 52, and 54, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,425,246"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,968,076"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$582,505"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,030,350"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,527,910"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$4,097,282"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,562,302"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$954,561"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,277,631"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,381,300"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,585,960"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,769,180"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three persons at a rate not to exceed $6,500 each per annum"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 40, 41, 42, 50, 51, 57, and 58.

CHAS L. MCNARY,
W. L. JONES,
LEE S. OVERMAN,
Managers on the part of the Senate.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

Mr. KING. May I inquire of the Senator whether that is a final disposition of the conference report?

Mr. MCNARY. I may state that the conferees of the House and Senate agreed on every item, particularly those with reference to appropriations. The disagreements are only where there was language employed which went out in the House on a point of order but was reinserted in the Senate, and it has to go back for confirmation to the floor of the House. That is required by reason of the House rules. It does not involve any disputed question so far as the conferees are concerned; it is only a matter of form in order to comply with the rule of the House.

I move that the Senate still further insist upon its amendments still in disagreement, request a further conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. MCNARY, Mr. JONES of Washington, and Mr. OVERMAN conferees on the part of the Senate at the further conference.

THE TARIFF.

Mr. MCCUMBER. I ask that the tariff bill be again laid before the Senate as the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

RECESS.

Mr. MCCUMBER. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess, the recess being, under the order previously made, until to-morrow, Tuesday, May 2, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 1, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, for a day so rare which gives us to feel that we are of the household of God, we give Thee thanks. Vouchsafe unto us the interpreting light of Thy spirit, from which spring the best things in human thought and conduct. Strengthen us in the exercise of all noble aspirations. Grant Thy peace to all hearts and give relief to any who may be weary. Give guidance to the study of all things that make for happiness and prosperity and continue to look with divine favor upon our fair land. Through Christ. Amen.

The Journal of the proceedings of Friday last was read and approved.

EXTENSION OF REMARKS.

Mr. APPLEBY. Mr. Speaker, I ask unanimous consent to extend in the RECORD, in 8-point type, some remarks I made at the dinner of the Ocean County Republican Club, at Lakewood, N. J., on April 27, 1922.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend in the RECORD, in 8-point type, his remarks made at the Ocean County Republican Club, Lakewood, N. J. Is there objection?

There was no objection.

REMARKS OF HON. T. FRANK APPLEBY AT THE DINNER OF THE OCEAN COUNTY REPUBLICAN CLUB AT LAKEWOOD, N. J., APRIL 27, 1922.

The Republican Party has always been recognized as the constructive political party of this country. It has ever been on the offensive, seldom on the defensive. But at the present time so many attacks on Congress are being broadcasted by the Democratic Party that I, as your Representative in Congress, feel constrained to accept the challenge of our opponents who claim that the present Congress has done nothing. The representatives of the Republican Party this fall will present to the voters of this and other congressional districts a record of achievements not only of constructive legislation but rehabilitation of economic and financial conditions that can be measured only by the magnitude of the obstacles it was necessary to surmount before a return to national normality could be brought about.

TWELVE MONTHS OF REBUILDING.

President Harding was inducted into office a little over one year ago, and the Sixty-seventh Congress took up its duties about the same time. Since the signing of the armistice, a little more than two years previous, the former administration had been drifting in the midst of war problems. These problems were hard enough when the war ended, but they became worse and worse as time passed and neglect continued. The Republican Party was confronted with the responsibility of adjusting matters. This Congress took up the work and set itself to the task of not only reducing the enormous governmental expenditures but bringing about a business rehabilitation through the conducting of the Government business in a businesslike manner. Even in this short time it has paid off billions of dollars of debts that were piled up during the war period, provided for other obligations of a short-term character, arranged for the refunding of other debts, and at the same time reduced taxes to as great an extent as possible in accordance with promises made.

PROMISES TO TAXPAYERS REDEEMED.

As an evidence of this reconstruction we may note the rapid rise in the value of Liberty bonds during the past year, which is one of the many indications of returning prosperity.

The rise in these securities in the last 12 months amounts to approximately $2,000,000,000. Among the benefits accruing to the people from the revision of the income tax law by this Congress may be mentioned the increased exemption for married men from $2,000 to $2,500, which affects favorably 60 per cent of the income taxpayers; nuisance taxes have been remitted as well as taxes on athletic goods of all kinds, being a direct benefit to all of our schools and educational institutions; transportation taxes, both freight and passenger, removed; excess-profits taxes removed; surtaxes have been reduced; and small exemption granted on matured building and loan stock.

The enactment of the Budget system, which was vetoed by President Wilson, has exercised a wholesome influence in the limitation of public expenditure, and was a necessary step in the policy of putting more business into Government to which our party is pledged.

VITAL LEGISLATION ENACTED.

Congress very quickly passed the emergency tariff act, which is acting as a stay against the flood of cheaply manufactured European products.

A permanent tariff bill, with the American valuation plan, has passed the House and is now pending in the Senate. Extreme care has been taken in the framing of the measure, and when the bill becomes a law Republican capacity and statesmanship will again vindicate itself and justify the people's verdict.

The soldier's compensation act, commonly called the bonus bill, recently passed the House and will shortly be acted upon by the Senate.

The Veterans' Bureau act, creating the bureau for the care of wounded and disabled veterans of the World War, and which is now being operated at a cost of some $400,000,000 annually, is affording relief to these deserving veterans.

The immigration restriction act amending the immigration laws was passed limiting the annual immigration to 3 per cent in any one year as applied to the various foreign populations as represented in the United States.

The Volstead Act has been amended, which should bring about a better enforcement of the prohibition laws. Regardless of what one may think of national prohibition, there should be no serious difference of opinion among patriotic people as to the importance of enforcing laws, especially laws imbedded in the Constitution. And just here I want to call the attention of the so-called "wets" to the fact that prohibition is not the only issue in the coming campaign.

The Army and Navy appropriation bills have both passed the House, and in each branch the appropriation has been materially reduced. The Navy bill in particular carries out the ideas and thought of the Limitation of Armament Conference called by President Harding. And I might add that the United States Senate has the distinction of being the first interested body to ratify the seven treaties of the armament conference. The Army and Navy bills as vetoed by President Wilson were enacted into law this year and carried appropriations of $600,000,000 less than the amount recommended by Secretaries Baker and Daniels. Secretary Weeks reports a saving of $40,000,000 in one year in his department.

The War Finance Corporation has been revived, and has proven a great assistance to the agriculture interests of the country.

The Federal highways act has been passed, carrying with it an appropriation of $65,000,000 for the coming fiscal year.

The maternity bill, pledged by the Republican Party in the last campaign and advocated almost unanimously by the recently enfranchised women of the land, has been enacted into law.

The antilynching bill has passed the House and is now pending in the Senate.

NEW LEGISLATION OF INTEREST TO NEW JERSEY.

The rivers and harbors bill has been reported to the House and is now on the House Calendar for action. One of the most important items of this bill authorized by the Rivers and Harbors Committee calls for a 30-foot channel starting from Sandy Hook and extending to South and Perth Amboy via Arthur Kill, and thence to upper New York Bay. The bill also authorizes surveys for Double Creek and West Creek, Ocean County.

You will pardon my mentioning some of the bills which I have introduced, which when enacted into law should be of the greatest benefit to this district, such as the oil-pollution bill, of which Senator FRELINGHUYSEN has introduced a similar bill in the Senate, making illegal this evil which is destroying the bathing and fishing; and the joint resolution calling for an international conference on the oil-pollution evil, which was favorably reported to the House by the Committee on Foreign Affairs yesterday, which agreement, if entered into, would stop the dumping of this refuse oil on the high seas. The Barnegat Light legislation has not been completed, but Senator FRELINGHUYSEN is cooperating with me in this matter and we are using our best efforts to secure relief for this historic light. I have secured an appropriation for additional aids to navigation in Raritan River and Bay, which when the new lights are installed will give these waters a 24-hour transportation service. My latest bill, introduced this week, provides for Federal aid to supplement State and municipal aid in the protection of the beaches of the New Jersey coast.

APPROPRIATIONS CUT BY BILLIONS.

With this summary of new legislation, one naturally inquires as to its relation to the promised reduction of the operating expenses of the Government. In reply I would say that I am reliably informed that the cost of running this Government for the current fiscal year will be approximately $3,947,000,000, which will be $1,600,000,000 less than the current expenses of last year. I also want to call your attention to the fact that the rates of discount of the Federal reserve banks are now 4½ per cent for commercial loans, very considerably less than one year ago.

BUSINESS GAINS IN EVERY DEPARTMENT.

Business generally shows an improvement. The building permits of 154 cities of the United States for the month of March, 1922, as compared with this same date last year, shows a gain of 96 per cent. Both freight tonnage and industrial employment is on the increase. What is particularly needed at this time is a little more confidence in our ability to carry on enterprises. We must remember that for the present, at least, our international trade, while important, must of necessity be curtailed until conditions in European countries become more stable. We should remember that legislation, neither State nor National, will cure all the ills of business and commerce. We may not and probably will not be able to complete the program laid out by the administration at this session of Congress, but we have already done much of it, and we will present such a record of real achievement to the people this fall that they will confirm the verdict of the last election.

Thus I have given you in part the constructive program of the Republican Party in Congress for the past year. Personally I have endeavored to give to the high office to which you elected me my best efforts, not only in constant attendance but in offering bills to the House providing for constructive legislation. Our party will go before the voters of the country upon the record of the entire Congress, both Senate and House. Our endeavors have been to cooperate with President Harding in carrying out a program of national reconstruction. You and I have abiding faith in the future of America, and believe in the restoration of and the continuation of prosperity. The achievements of the first year of the Harding administration have been partially enumerated and with which we gladly go to the country for the people's verdict. The American people are fundamentaly just, and in their aggregate and ultimate decision they are right, and upon their verdict we rest our case.

RELIEF OF CERTAIN PERSONS EMPLOYED IN POSTAL SERVICE.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to strike from the Union Calendar House Joint Resolution 113, for the relief of certain persons employed in the Postal Service. It does not belong there; it is a part of a law that was passed last year.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to strike from the Union Calendar House Joint Resolution 113, to relieve certain persons employed in the Postal Service, and that the bill be laid on the table. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the bill (H. R. 10007) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry and between the counties of Anderson, S. C., and Hart, Ga.; and

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that April 26 they had presented to the President of the United States, for his approval, the following bills:

H. R. 10740. An act authorizing the use of special canceling stamps in certain post offices;

H. R. 7415. An act to correct and amend the service and military record of Herbert Langley, United States Marine Corps;

H. R. 8690. An act to add a certain tract of land on the island of Hawaii to the Hawaii National Park;

H. R. 9671. An act to amend section 87 of the Judicial Code;

H. R. 1009. An act for the relief of H. C. Mullins, his wife, and minor children;

H. R. 6686. An act for the relief of George Ciszek and Anna Ciszek;

H. J. Res. 57. Joint resolution making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof;

H. R. 5588. An act to repeal section 5 of an act entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes," approved August 9, 1916;

H. R. 5820. An act to place Albert Hamilton on the retired list of the United States Marine Corps;

H. R. 3346. An act for the relief of the heirs of Oscar Chrysler; and

H. R. 7272. An act for the relief of Monroe B. Shealy.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day the Calendar for Unanimous Consent is in order, and the Clerk will report the first bill.

LAKE GEORGE, YAZOO COUNTY, MISS.

The first bill on the Calendar for Unanimous Consent was the the bill (S. 1162) declaring Lake George, Yazoo County, Miss., to be a nonnavigable stream.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice and remain on the calendar.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the bill be passed without prejudice and remain on the calendar. Is there objection?

There was no objection.

INDIANS OF THE MESCALERO RESERVATION, N. MEX.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 6294) promoting civilization and self-support among the Indians of the Mescalero Reservation in New Mexico.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to inquire of the gentleman having the bill in charge whether this sum of $250,000 should be available for all time, or whether there should not be some time limit placed on its expenditure?

Mr. MONTOYA. Mr. Speaker, the gentleman from Missouri [Mr. ROACH] has charge of the bill. He is not here, and I ask that it be passed over without prejudice.

The SPEAKER. The gentleman from New Mexico asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

AMENDING SECTIONS 5549 AND 5550 OF THE REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

Mr. CRISP. I was about to ask that, Mr. Speaker; my colleague, Judge BRAND, is very much interested in it, and he is in the hospital.

The SPEAKER. The gentleman asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

TO VALIDATE CERTAIN DEEDS EXECUTED BY THE FIVE CIVILIZED TRIBES.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 11054) to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I think some explanation should be given to the House before the objection stage is passed as to the need of this measure.

Mr. McCORMICK. I did not understand the gentleman's objection.

Mr. STAFFORD. It is rather an important bill, and I think some explanation should be made as to the need of it before the objection stage is passed.

Mr. McCORMICK. I am glad to give the gentleman a short statement. It is made necessary because under several acts of Congress the Indians of the Five Civilized Tribes of Oklahoma were authorized to alienate their land under certain conditions, and they have in a good many instances done it by specific authorization of the Secretary of the Interior, as provided by law. A part of the land they have alienated is located in Tulsa, Okla., and some cloud has been cast on the title of valuable real estate in Tulsa and other parts of Oklahoma by virtue of the fact that certain of the Indians who heretofore alienated their land, with the consent of the Secretary of the Interior, are now seeking to have the conveyance set aside. It is provided in the bill that wherever the conveyances have been made through fraud or duress this bill shall not apply to defeat the purposes of such litigation. This bill is for the purpose of quieting title and preventing litigation, which, in the opinion of the committee and the Secretary of the Interior, would be useless and unjust at this time.

Mr. STAFFORD. Do I understand the gentleman to hold that the claimants who are seeking to set aside the conveyances of this land have already received full compensation by reason of a prior conveyance?

Mr. McCORMICK. It is the opinion of the committee after hearings that full compensation has been received by all these claimants who are now seeking to recover. I may say that among these claimants are two or three who are endeavoring to disturb settled rights in the city of Tulsa, to the disadvantage of that city and all the people of that region, and in an inequitable manner.

Mr. STAFFORD. What is the reason for seeking congressional aid when the claimants have the courts to resort to for protection, like any other owner of land?

Mr. McCORMICK. The purpose of seeking congressional aid in that where full value has been given Congress ought not to permit litigation to come in after a series of years where the rights have been vested under certain acts of Congress and with the approval of the Secretary of the Interior—Congress should not sit by and allow such rights to be litigated in the courts for years.

Mr. STAFFORD. The claimants are seeking to take advantage of technicalities which are really not in good faith?

Mr. McCORMICK. In so far as these claimants can set up that they alienated their property under duress or fraud of any character the present act does not apply. Congress allows them to go ahead and litigate their cases, but if nothing of that character is set up the Congress absolutely forecloses the bringing of these apparently inequitable suits after this lapse of time.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

Mr. EVANS. Mr. Speaker, reserving the right to object, I want to ask the gentleman another question. Will this act affect the question of heirship, where there is disputed heirship? To make myself clear, when the act was first passed the rules under which heirs were declared were very liberal. Since then, many times cases where there has been a declaration of heirship have been set aside and subsequent heirs have been discovered who were lawful heirs. Will a case of that kind be affected by this act?

Mr. McCORMICK. Of course, the gentleman will understand that where there is an alienation in the first place, the right of the heirs is foreclosed so far as holding under the one who alienates is concerned. This bill does not affect the right of any heir who can prove that the land was originally alienated through fraud or duress.

Mr. EVANS. Suppose a case of mistake.

Mr. CHANDLER of Oklahoma. This will not affect that.

Mr. McCORMICK. In cases of mistake there is the usual equitable remedy. If it can be proved that a substantial mistake has been made I am certain that heirs can come in.

Mr. CARTER. Mr. Speaker, reserving the right to object, is not the purpose of this bill really curative legislation to take care of cases where the courts had decided some deeds to be invalid?

Mr. McCORMICK. The only litigation I know of that would be affected by this bill, that is now pending, is litigation that has gone to the Supreme Court of Oklahoma, where certain claim-

ants received a favorable verdict in the lower court, but which verdict has been reversed by the Supreme Court of Oklahoma. One or two of them now propose carrying their cases to the Supreme Court of the United States to the entire unsettling of realty and business conditions in the city of Tulsa, Okla.

Mr. CARTER. Let us take, for instance, this case. Prior to April 26, 1906, the Secretary of the Interior was authorized to remove restrictions on Indians whom he thought competent, or to grant what is known as a qualified removal of restriction, authorizing the sale of these allotted lands under supervision of the department. That proceeded for a while, and the Secretary found that in some cases advantage was being taken of the allottee, because the purchaser of this particular tract of land or the prospective purchasers had an agent here in Washington who immediately wired them when the restrictions were removed. As they were the only men who knew the restrictions had been removed, they would be the only purchasers. Because of no competition the land would naturally bring less. In order to prevent that the Secretary inaugurated a plan of removing restrictions 30 days in advance; that is to say, he would issue an order to take effect 30 days after its issue. If Johnny Jones applied for a removal of restrictions and they were removed on April 10, 1905, say, the removal did not become valid until May 10, 1905.

On April 26, 1906, an act was passed which prevented the Secretary from removing these restrictions and left that power solely in the hands of Congress. Prior to April 26, 1906, within 30 days of that time, the Secretary had issued several of these orders which made the actual removal of restrictions take place after the passage of the act of April 26, 1906. Those cases have gone to the court, and the court has decided that since the actual removal of restrictions was to take place after the act of April 26, 1906, was passed, although the order was issued before, the deeds did not come within the act and were invalid. It is true that the purchasers paid, perhaps, the full price for all those lands, and they ought to be protected, but it is furthermore true that in some cases since that time valid deeds have been given for these same lands by allottees to other innocent purchasers. There ought to be some protection, it seems to me, afforded those later purchasers, who are bona fide purchasers.

Mr. McCORMICK. Of course, the gentleman will not contend that any of these lands have been alienated without the consent of the Secretary of the Interior.

Mr. CARTER. Perhaps I did not make myself clear.

Mr. McCORMICK. All of these alienations have taken place with the consent of the Secretary.

Mr. CARTER. No; the Secretary had nothing to do with it. By the act of May 27, 1908, Congress removed the restrictions on about 9,000,000 acres of these lands, and allottees have since that time transferred these lands without consulting the Secretary.

Mr. McCORMICK. The gentleman does not contend that these Indians have not received full price for the value of the land as it was sold at that time, for the purpose of this objection.

Mr. CARTER. I know of no case where the Indian did not. The only fault I find with the bill is this, that in a case where one of those deeds was held invalid, if some innocent purchaser has since come in and bought the land and procured a valid deed for it, there ought to be some protection given to him.

Mr. McCORMICK. On the other hand, the gentleman will understand that there have been several transfers of property that were in the first place alienated by the Indian allottee. There has been a variety of transactions, extending to transfers, perhaps, to the third and fourth degree in the city of Tulsa, Okla.

Mr. CARTER. Yes.

Mr. McCORMICK. And these transactions will likewise be seriously disturbed. It was the opinion of the committee that it would serve public interest and operate to the quieting of business conditions in the city of Tulsa, and other parts of Oklahoma, if this remedial legislation were enacted, especially as it never has been contended that the Secretary of the Interior did not give his consent to the original alienation.

Mr. CARTER. There is no doubt about the Secretary's action. The difficulty is that the courts have held the Secretary's action unauthorized by law. The gentleman has one thing in mind, and he is not discussing the matter I brought up. The matter he has in mind is the town-site cases, and the matter I have in mind, which comes under the same act, is the case where a man sold his land and that deed has been declared invalid by the Supreme Court of the United States. The man received an adequate price for his land; I do not contend that he did not. The purchaser at that time gave an adequate price, but he did not receive a valid deed. The courts held it to be invalid, and that allottee, the Indian, has since sold that land and given a valid deed to the land to some other purchaser. Where does he come in?

Mr. McCORMICK. Of course this legislation, the gentleman will understand, operates to validate the first alienation. In other words——

Mr. CARTER. That is what I am speaking of. Suppose——

Mr. McCORMICK. Is not that the transfer which we would seek to validate rather than a subsequent one?

Mr. CARTER. The gentleman means validate?

Mr. McCORMICK. Yes.

Mr. CARTER. That is true; but suppose the court held that the transfer was invalid, and after the courts had already passed upon it and it had become res adjudicata, then along comes another man and in good faith purchases that land—pays as much or more—is not he entitled to some protection?

Mr. McCORMICK. The gentleman has not in mind any specific cases passed on by the Supreme Court——

Mr. CARTER. Yes, I have. Where the Indian received adequate pay for his land, and where there was no fraud or duress, that deed ought to be declared valid unless subsequent to that time a valid deed has been given to some other purchaser.

Mr. McCORMICK. The gentleman has not in mind any subsequent deed, has he, that has been made after the first alienation?

Mr. CARTER. I know it would be possible.

Mr. McCORMICK. It would not be possible if this legislation were enacted.

Mr. CARTER. Not hereafter.

Mr. McCORMICK. We are trying to remedy that situation by this legislation.

Mr. CARTER. I am speaking of deeds already executed under subsequent acts, such as the act of May 27, 1908.

Mr. McCORMICK. Of course, the gentleman understands deeds are recorded, and this would not permit of the practice of a man alienating his land twice.

Mr. CARTER. If the court holds the old deed is invalid, not on the vendor's account but on the account of the fellow who purchased the land innocently and who purchased it after the court had held the other deed was invalid, I think that ought to be taken into consideration.

Mr. McCORMICK. If there are any cases where the Supreme Court or the court of last resort has finally held the deeds invalid and the property rights existing by virtue of the subsequent deeds have been adjudicated by the court, this bill has not for its purpose the disturbing of any adjudication by such court of last resort.

Mr. CARTER. Let me read what it says:

That any conveyance of allotted or inherited Indian lands by any member of the Five Civilized Tribes, or his or her heirs, which may have been heretofore approved by the Secretary of the Interior, or any order heretofore issued by the Secretary of the Interior authorizing the removal of restrictions from lands belonging to such Indians under and in accordance with or purporting to be under and in accordance with the acts which are named.

Mr. McCORMICK. Of course, the gentleman has raised a very nice legal point. It is my contention that where the question of alienation has been decided by the court of last resort that establishes a vested interest which could not be possibly affected by an act of Congress.

Mr. CARTER. I think the gentleman is correct about that; but still it would appear that this bill undertakes to do that very thing.

Mr. McCORMICK. The bill, in so far as it undertakes to do that, and certainly such language could not be read into the bill, would be absolutely unconstitutional. It would not be operative at all.

Mr. CARTER. Perhaps the gentleman from Oklahoma [Mr. CHANDLER] can give us some light on this. He is familiar with it. What I wanted to know is, what becomes of the fellow who makes the second purchase under this bill, a valid purchase of lands in cases where the courts have declared the first deeds invalid?

Mr. CHANDLER of Oklahoma. Since talking with the gentleman from Oklahoma [Mr. CARTER] this morning I had a talk by phone with the Assistant Commissioner of Indian Affairs, Mr. Meritt, and he advises me that the bill takes care of that very situation; that it does not affect those already adjudicated by the court; that they have gone over this bill very thoroughly, and the matter which the gentleman complains of is taken care of in this bill. For your information I wish to say that I drew a bill which I introduced, and it was referred to the Department of the Interior. They objected to it because they claimed it did not take care of the situation that the gentleman speaks of.

I wrote another bill, and I introduced that, and they still complained of it. I went to the Interior Department, and after a number of conferences they corrected the bill and drew this particular one, so as to take care of the situation complained of, and they say that this will not apply to the cases the gentleman mentions.

Mr. CARTER. I am glad to have that assurance. I shall not object to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11054) to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes.

Be it enacted, etc., That any conveyance of allotted or inherited Indian lands by any member of the Five Civilized Tribes, or his or her heirs, which may have been heretofore approved by the Secretary of the Interior, or any order heretofore issued by the Secretary of the Interior authorizing the removal of restrictions from lands belonging to such Indians under and in accordance with, or purporting to be under and in accordance with, the acts of March 1, 1901 (31 Stat. L. p. 863), June 30, 1902 (32 Stat. L. p. 503), March 3, 1903 (32 Stat. L. p. 996), April 21, 1904 (33 Stat. L. p. 204), April 26, 1906 (34 Stat. L. p. 145), June 21, 1906 (34 Stat. L. p. 373), and May 27, 1908 (35 Stat. L. p. 312), or under any of said acts be, and the same are hereby, confirmed, approved, and declared valid from the date of such conveyance or order: *Provided*, That nothing in this act shall be construed to confirm, approve, validate, or affect any conveyance, order, or action procured through fraud or duress.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CHANDLER of Oklahoma, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEAD ENTRIES ON DIMINISHED COLVILLE INDIAN RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2440) extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2440) extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation.

Be it enacted, etc., That the period provided by law for the filing of homestead entries upon the lands of the south half of the Diminished Colville Indian Reservation in the State of Washington, as provided in the act of Congress approved March 22, 1906, be, and is hereby, extended for a period of five years from and after the 4th day of September, 1921.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SUMMERS of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPORT OF CONDITION OF NATIONAL BANKS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 8996) to amend paragraph 440, section 5211, act June 3, 1864.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask what has occurred that seemed to make it necessary to lessen the number of examinations of banking institutions under the jurisdiction of the Comptroller of the Currency?

Mr. LAWRENCE. Mr. Speaker, so far as I know, nothing in particular has occurred, but the call for five examinations a year we consider absolutely unnecessary, and so does the comptroller. Most of the State banks and trust companies have only two statements a year to make, and the national banks also have two examinations a year, and three statements are provided for in this bill; also as many additional statements as the Comptroller of the Currency may see fit to call for.

Mr. WALSH. Well, they have been operating under this law for a great many years, and it has worked satisfactorily, has it not?

Mr. LAWRENCE. Yes.

Mr. McFADDEN. Will the gentleman permit an interruption?

Mr. LAWRENCE. Yes.

Mr. McFADDEN. To further elucidate what the gentleman has already said in regard to that, I would say that under the present system of examination of the banks there has been a considerable charge. The directors of the banks are now directed to appoint committees to audit their books semiannually, and certified accountants are called in to do this work. And the two examinations called for by the comptroller are continuing, and the additional work which the compilation of these various reports, now that there are so many minute details to be cared for in the officer of the Comptroller of the Currency, requires an unusual amount of labor and work to continue, work which is practically useless.

Mr. WALSH. That excuse might serve for eliminating all examinations. Because somebody gets tired going over columns of figures and poring over reports down here in the comptroller's office it should not be very persuasive as to why we should reduce or eliminate the examinations. This is for the protection of the public interests, as I understand it.

Mr. McFADDEN. I will say to the gentleman in that connection that the public interests are being cared for when you consider first that two examinations by national-bank examiners are made annually, and under the present procedure of the past administration, when six annual reports were made out by banks and published, and in addition the examination and reports by directors twice a year, certainly cares in an elaborate way for the public interests.

There is no reason why a bank should continue to make those elaborate reports every two months in addition to all the other examinations which are made. It is a burden not only on the bank itself but is an additional expense to the banks as well, as in the work of the comptroller's office.

Mr. LAWRENCE. And perhaps will result in an increase in the comptroller's office unless something is done along this line.

Mr. WALSH. If we lessen their duties, they will need more help. That is the experience in most departments. However, I withdraw my reservation.

Mr. STAFFORD. Mr. Speaker, I renew the reservation. I have always considered that the published reports that are issued from time to time are valuable to the public. I remember that when Comptroller of the Currency John Skelton Williams was in office he did burden the banks with requirements for additional information. Whether or not it was of value I do not know. It is not obligatory upon the present comptroller to continue the call for the varied information if it is not desired. I have read the report very carefully, and there is nothing in it that convinces me that this is for the benefit of the public. It may result in not requiring so many clerks here in the comptroller's office, but what of the public? The public should know from time to time as to the condition of their banks. The public does not survey these compiled returns from the Comptroller of the Currency. What objection is there to calling upon the banks at least five times a year for a report of the condition of their financial affairs?

Mr. McFADDEN. I will say to the gentleman that this was very carefully considered by the Federal Reserve Board and the Comptroller of the Currency. And there is nothing in this law to prevent the comptroller from asking for additional reports.

Mr. STAFFORD. Nothing to prevent the comptroller from asking a bank for additional reports, but as soon as the comptroller should ask a bank for a special report, as under existing law, and which is continued in this bill, it would cast suspicion as to the safety of the bank.

Mr. LAWRENCE. The comptroller can call for five of these regular statements per annum, if he wants to, under this act.

Mr. STAFFORD. But the practice has been that he has called for only five.

Mr. LAWRENCE. The practice has been that he is calling——

Mr. STAFFORD. I do not see wherein there can be any objection from sound banks making a full disclosure as to their financial stability, and have it advertised in the papers, so that the citizens of the community may know the condition of the banks.

Mr. McFADDEN. There is no attempt, I will say to the gentleman, on the part of the banks to avoid giving the public all the information it should have concerning the condition of the banks. The banks outside of this do furnish the public with the results of examinations by committees frequently and by the reports of certified accountants.

Mr. STAFFORD. The only reports that the banks furnish to the public are those which from time to time are furnished to the Comptroller of the Currency. They are posted in the banks and given broadcast circulation.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WINGO. I think the gentleman has possibly overlooked this, that very rarely has there ever been anything in the way of the general reports that all banks make that disclosed any fraud in banks that subsequently failed. Generally what has been discovered has been from special examinations and special reports. Now, if you have three general reports for all the banks of the United States in a year, which are published in the papers of the communities where the banks are located, that apprises the depositors in a general way and in a specific and detailed way as to what the bank officials claim is their condition. But the real protection to the depositor and the stockholder is that examination which is conducted in the nature of a special examination, when the examiner drops in without the bookkeepers knowing anything about it, and takes charge of the books. My observation has been that the public reports are not worth a continental, except to gum up the files of the comptroller's office and possibly to advertise the banks.

Mr. STAFFORD. That argument should have been made to the last Comptroller of the Currency, who increased the number of reports from five to six.

Mr. WINGO. This does not cover that proposition. The practice that you refer to ought to cause you to support this bill. The real objection is that the banks are put to the expense and trouble of making so many unnecessary reports. I do not think that we ought to compel the banks to make any reports except such as are really necessary to the office of the Comptroller of the Currency and the public concerning their affairs, and if there is anything in the published report showing that that published report is false or colored in any way, then the comptroller may call for a special report in detail, or he will put a bank examiner on the train without the bank having any notice and have him walk into the bank in the morning and take charge and make an investigation. They frequently do that. My observation as a bank director and as a member of the Committee on Banking and Currency is that the minute examination that is entered upon and conducted without notice is the only real protection that the stockholders and the depositors have, and these other examinations just lead to a lot of useless piling up of records. I think two reports would be sufficient, with authority to the comptroller's office to go in at all times and make a special examination.

Mr. McFADDEN. I hope the gentleman from Wisconsin will not object to the present consideration of this bill.

Mr. STAFFORD. The burden of the gentleman's argument for passing this bill is to relieve the Comptroller of the Currency of the clerical burden of compiling all these reports.

Mr. McFADDEN. They are clearly unnecessary, as has been stated.

Mr. STAFFORD. What burden is it upon the local banks to prepare two more reports in a year? I know from actual experience and observation that these reports are of value to the depositor. They wish to know the condition of the banks. They wish to know how much money they have received as an aid from the Federal Reserve Board and the like, and a sound bank has no objection to raise against the publication of these reports. The public is entitled to know. Now, you propose to cut them down from six to three. That is going pretty fast.

Mr. APPLEBY. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. APPLEBY. The real argument in favor of this bill is, the greater the time allowed the greater the probability of safety; that is, if you have three instead of five examinations, the bank officials will not know when the examiners are coming.

Mr. STAFFORD. It is in the discretion of the comptroller to call for these reports at any time, and he calls for them so that the banks may be taken unawares, when the banks have not the opportunity to cover up their affairs. Cutting down the number of examinations from six to three is going altogether too fast if you are going to consider the interests of the public. Of course, if you consider only the banks you can do away with examinations entirely, and rest upon the examination of the special examiners. I object, Mr. Speaker.

The SPEAKER. Objection is made. The Clerk will report the next one.

SUCCESSION TO CORPORATE POWERS OF BANKING ASSOCIATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. LONDON. I object, Mr. Speaker.

The SPEAKER. Objection is made. The Clerk will report the next bill.

EXTENSION OF UNITED STATES BOTANIC GARDEN.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 298) authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden.

The title of the resolution was read.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, in the absence of my colleague, Mr. LUCE, I will say he is very much interested in this matter, and he is unavoidably detained. I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that this resolution be passed over without prejudice. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, this resolution is a matter of some importance, for this reason: The Botanic Garden is crowded for room, not only on account of the removal of the hothouses but——

Mr. WALSH. If the gentleman does not care to have it passed over without prejudice——

Mr. LANGLEY. I wanted to ask the gentleman if he felt compelled to object to this?

Mr. WALSH. I would, for this reason: I know that this matter is rather important, but my colleague particularly asked me if I would do this, and asked to have it passed without prejudice.

Mr. LANGLEY. And he is absent.

Mr. WALSH. He has one or two matters with reference to this, and it is going to the committee of which he is a member, and I feel that perhaps it is a reasonable request for him to make.

Mr. LANGLEY. I understand the gentleman's position; but this matter has been pending a month. It was passed over two weeks ago. The plants from the Botanic Garden are being moved out of the grounds where they are constructing the Gallinger Hospital, and there is no room to locate these plants permanently. There is no objection to this proposition so far as I know. Colonel Sherrill, who is in charge of public buildings and grounds, and the Senate Library Committee and the House Library Committee, the District Commissioners, the District engineer, and everybody concerned, as far as I know, have agreed that this is a proper measure to be enacted. The Senate passed it unanimously more than a month ago, and there is that urgency existing. I can say to the gentleman that personally I have remained over here and changed some engagements that I had in order to be here to-day with the understanding that it would be taken up. I spoke to the Speaker about it, and understand his embarrassment in the matter. Of course, if the Speaker can not recognize me to move to suspend the rules, and if the gentleman from Massachusetts [Mr. WALSH] makes the objection which he promised his colleague to make, I am helpless in the matter.

Mr. WALSH. I stated to my colleague that I would ask to have the matter passed without prejudice.

Mr. LANGLEY. The trouble is I am afraid I can not be here two weeks from now, and I am very anxious to be here when the matter is considered.

Mr. STAFFORD. Mr. Speaker, what is the urgency of considering this matter to-day or even a month hence? Twelve years ago the transfer of the Botanic Garden from its present site out to Rock Creek Park was favored. The bill passed the House, but it met with the violent opposition of one Senator, who was more responsible than anyone else for blocking its transfer.

Mr. LANGLEY. That involved the purchase of private property, did it not?

Mr. STAFFORD. No; it did not, as I recall.

Mr. LANGLEY. It involved the removal of the Botanic Garden from its present site.

Mr. STAFFORD. I understand the gentleman from Massachusetts [Mr. LUCE] has given very careful consideration to the proposed change of the site of the Botanic Garden. Everyone who has studied the question realizes that this is not the proper site for a permanent Botanic Garden if we are to have a real Botanic Garden.

Mr. LANGLEY. I do not think the gentleman is correct. I for one do not agree with his statement.

Mr. STAFFORD. I am accepting the statement of the gentleman from Massachusetts [Mr. LUCE] as a member of the Committee on the Library, which has had hearings on the question of the proposed location of the new Botanic Garden. I understand the gentleman from Massachusetts is only asking that the bill be passed over without prejudice. What is the urgent need of taking the bill up to-day?

Mr. MONDELL. Mr. Speaker, I think it is rather urgent, because, among other things, the folks in charge of the Botanic Garden now have some pecan trees that have been presented to them which they desire to transplant. They desire to do some work on this ground, and it is rather important that we should transfer the jurisdiction. My own thought is that this does not settle the question of a botanic garden. If we are to have a botanic garden really worthy of the name, it must be transferred eventually to some very considerable area of land, because a proper botanic garden can not very well be maintained within the boundaries of the city.

Mr. LANGLEY. Will the gentleman yield?

Mr. MONDELL. In just a moment. In the meantime these lands are now an eyesore. They are covered with débris. They are a storage and dumping ground. Nothing can be done to improve the existing conditions there until some legislation is had. I think Congress is under obligations to make some small expenditure there, and the only expenditure made will be such as is provided for by the Committee on Appropriations, of which the gentleman is a member, and I am sure he will see to it there are no improper or extravagant expenditures made.

Mr. STAFFORD. I have heard that persuasive appeal in times past when authorizations were asked here, but after the authorizations were made the Committee on Appropriations came in with the full amount, because I am a very minor and feeble member of the committee.

Mr. MONDELL. Personally I do not look upon this as the settlement of the question of a permanent Botanic Garden. It is a question of whether or no we shall somewhat improve and render tolerable the appearance and conditions of some areas adjacent to the Capitol, between the Capitol and the river, or whether we shall allow them to remain in their present state indefinitely, without any purpose as to their improvement or beautification. Whatever may ultimately be done with these areas, whatever the ultimate disposition may be, it occurs to me that for the time being they should be under the supervision of the Superintendent of the Botanic Garden, with the idea of cleaning them up somewhat, removing some of the rubbish at least, grassing them, planting some trees, doing those things and only those things which the Committee on Appropriations may provide for. That is all that can be done. It is wholly under the jurisdiction of the committee, and these lands ought not to be allowed to continue as an eyesore and nuisance right here under the shadow of the dome of the Capitol. This is the only present disposition we can make of them.

Mr. LANGLEY. The location of the Meade Memorial and the room taken by the Grant Memorial necessitates the removal of a lot of valuable plants and trees and things of that sort. The construction of the Gallinger Hospital necessitates the immediate removal of a number of plants and trees that the director has in those grounds. He is terribly crowded for space, and the Commissioners of the District of Columbia, the War Department, Colonel Sherrill, in charge of public buildings and grounds, are in favor of it, and also the Senate Committee on the Library; I did not know but what the entire House Committee on the Library was in favor of it until the gentleman from Massachusetts [Mr. LUCE] indicated through his colleague [Mr. WALSH].

Mr. WALSH. Would the gentleman have any objection if I asked that this be passed over and return to it later?

Mr. LANGLEY. No.

Mr. WALSH. Mr. Speaker, I understand my colleague is expected to be here later, and I ask unanimous consent that it be temporarily passed over and return to it later.

Mr. LANGLEY. That arrangement is satisfactory to me.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RIGHT OF WAY THROUGH GOVERNMENT PROPERTY.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 6313) authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized to convey to the county of Skagit, Wash., a right of way for a public highway, not more than 50 feet wide, through the property of the United States in Skagit County, Wash., used as a fish-cultural station and hatchery: *Provided*, That such conveyance of right of way shall not be construed as affecting the right or title of the United States in said property or as in violation of any stipulation or condition in the conveyance of the same to the United States, and on the further condition that the land or right of way authorized to be conveyed hereunder shall be constructed and maintained as a highway free of any expense to the United States, and all work thereon shall be such as not to interfere with the operations and efficiency of said fish-cultural station, and in a manner satisfactory to the Secretary of Commerce: *Provided further*, That the right is hereby reserved to alter, amend, or repeal the provisions of this act.

With the following committee amendment:

On page 1, line 7, after the word "hatchery," insert the following: "Such right of way being more particularly described as follows: All that portion of the northeast quarter of the southeast quarter of section 15, township 35 north, range 7 east of the Willamette meridian, lying and being within lines 25 feet on each side of the following described center line, to wit: Beginning at a point on the east and west center line of said section 15, south 88° 59′ west, 730 feet, more or less, west of the east quarter corner of the above-said section 15, township 35 north, range 7 east, Willamette meridian; thence south 88° 59′ west along the east and west center line of the above said section 15, 75 feet; thence south 57° 49′ west, 340 feet; thence south 88° 0.07′ west, 250 feet, more or less, to the west line of the northwest quarter of the northeast quarter of the southeast quarter of said section 15, township 35 north, range 7 east, Willamette meridian, containing seventy-one one-hundredths acres, more or less.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I notice that there is a clause providing that it shall not be construed as affecting the right of the United States in said property if it is in violation of any stipulation or condition in the conveyance of the same to the United States. When the Government received the deed to this property, was it of a restrictive character, so that it was limited to a certain use?

Mr. HADLEY. I will say that I never investigated the title of the United States. The text of this bill, barring the amendment and excepting the local designation, is that of a bill passed by Congress several years ago, I think in 1917. It was submitted to me by the Bureau of Fisheries when I took the matter up with them as to the necessity for the legislation as a form by way of precedent which had been employed in the State of Tennessee. I merely adopted that text and applied it to the local situation.

Mr. STAFFORD. Mr. Speaker, I withdraw the pro forma amendment.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HADLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TOMBIGBEE RIVER.

The next business on the Calendar for Unanimous Consent was the bill H. R. 4898, a bill to declare the Tombigbee River nonnavigable from its source to its intersection with the boundary line between the counties of Itawamba and Monroe.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALSH. Reserving the right to object, I notice that the gentleman who reported the bill is not here, and I notice also that the War Department reports unfavorably on the bill. I wonder if the gentleman would object to having the matter passed over without prejudice?

Mr. RANKIN. I have no particular objection. The gentleman from Mississippi [Mr. JOHNSON], who reported the bill, is not here at present, but I think I can explain away all the objections that the War Department has offered.

Mr. WALSH. Possibly. The War Department states that it does not know why the legislation is necessary unless it is to dispense with the necessity of coming to the Chief of Engineers and having the plans approved by him. It would seem that this stream, of which we have heard considerable in the past of its great beauty—and I think it is an important stream in that section of the country—ought not to be made an exception of as far as construction is concerned.

Mr. RANKIN. The object of this legislation is to enable the people who own the land along this stream to organize a drainage district, float bonds, and cut a canal so as to drain their lands and put them in cultivation. The War Department seems to be under the impression that we want to build bridges across the river. Nothing of the kind; we could get permission to build the bridges, but it is practically impossible to organize a drainage district, float bonds, and do this drainage work as

long as the river is technically navigable. That is all it is now, that part near its source.

Mr. WALSH. If the gentleman will permit, if legislation was secured permitting this contemplated work to be done with the approval of the Chief of Engineers, that would still preserve the navigability of the river for other purposes, and it would seem to me to be of sufficient indication of Federal approval to assist in the flotation of the bonds and other securities.

Mr. RANKIN. Evidently the gentleman is not familiar with the routine that is necessary to go through in order to organize a drainage district.

Mr. WALSH. No; I am not.

Mr. RANKIN. If that were practical, we would be more than glad to do it, but if this legislation, or some similar legislation, is not put into effect the river will never be drained in that way.

In the first place, it is a very hard matter to get all of the people who own land along a stream to go into one of these drainage districts, and after you have gone through that and have thrashed it all out and have got them in the notion of going through with it you have still to sell the bonds, and they must be sent to a bonding house and examined and approved by an attorney, who must be assured from the record that there will be no hitch whatever in completing the project. Now, you can not have that assurance so long as an Army engineer has the right to come in and dictate or control the construction of the canal. The gentleman will see from the report there that the river is at low water from three-tenths of a foot to a foot and a half deep, and that there are 79 gravel bars along that part of the stream covered by this bill.

Mr. WALSH. Will this in any way affect or interfere with the use of that part of the river for which we have heretofore made appropriations in the river and harbor act?

Mr. RANKIN. The only use that has been made of that part of the river in recent years is to float timber down it. This will not interfere with that.

Mr. WALSH. Mr. Speaker, in view of the statement of the gentleman and the information that he has given, he being very familiar with the project, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Tombigbee River from its source to its intersection with the boundary line between the counties of Itawamba and Monroe, in the State of Mississippi, is hereby declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. With reference to the phraseology of the bill in line 6 I notice the language "not a navigable water." Is that the language used in the act relating to navigable waters?

Mr. RANKIN. I am not sure as to that. I think my original bill stated it "not a nivigable stream." Possibly that amendment was made by the committee.

Mr. WALSH. I think if it read "is not navigable water of the United States" it would be preferable. Has the gentleman any objection to striking out the article "a" before the word "navigable."

Mr. RANKIN. I have not.

Mr. WALSH. Then, Mr. Speaker, I offer that as an amendment.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 1, line 6, before the word "navigable," strike out the article "a."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RANKIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF RURAL POST ROADS.

Mr. DUNN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11131) to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes, which I send to the desk.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed and the Sergeant at Arms directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Driver	Lee, N. Y.	Ryan
Bacharach	Edmonds	Linthicum	Sabath
Bankhead	Ellis	Longworth	Sanders, Ind.
Barbour	Fairchild	Lyon	Sanders, N. Y.
Beck	Fields	McArthur	Schall
Beedy	Fish	McSwain	Sears
Benham	Focht	Madden	Shelton
Blakeney	Fordney	Maloney	Shreve
Bland, Ind.	Freeman	Mann	Siegel
Blanton	Gallivan	Martin	Slemp
Bowers	Gilbert	Mead	Smith, Mich.
Brand	Glynn	Michaelson	Smithwick
Brennan	Goldsborough	Mills	Snell
Britten	Gould	Montague	Stedman
Brooks, Ill.	Graham, Pa.	Moore, Ill.	Stephens
Brooks, Pa.	Greene, Mass.	Moore, Ohio	Stevenson
Brown, Tenn.	Hardy, Tex.	Morin	Stiness
Browne, Wis.	Hogan	Mott	Strong, Pa.
Burke	Hooker	Mudd	Sullivan
Butler	Hudspeth	Murphy	Sweet
Campbell, Pa.	Humphreys	Nelson, Me.	Tague
Carew	Husted	Nelson, J. M.	Taylor, Ark.
Chandler, N. Y.	Hutchinson	Newton, Minn.	Taylor, Colo.
Clark, Fla.	Ireland	O'Brien	Temple
Classon	Jeffers, Ala.	Olpp	Tilson
Cockran	Johnson, Miss.	Osborne	Treadway
Codd	Johnson, S. Dak.	Parker, N. Y.	Underhill
Cole, Ohio	Kahn	Perkins	Upshaw
Collins	Kearns	Petersen	Vare
Connell	Kelley, Mich.	Porter	Vestal
Connolly, Pa.	Kelly, Pa.	Pringey	Ward, N. Y.
Copley	Kendall	Purnell	Watson
Coughlin	Kennedy	Rainey, Ala.	Williams
Crago	Kiess	Ransley	Wilson
Cramton	Kindred	Reber	Winslow
Crowther	Kitchin	Reece	Wurzbach
Cullen	Knight	Reed, N. Y.	Wyant
Darrow	Kraus	Riddick	Yates
Davis, Minn.	Kreider	Riordan	
Davis, Tenn.	Kunz	Rogers	
Dempsey	Lampert	Rosenbloom	
Drane	Lee, Ga.	Rossdale	

Two hundred and sixty-six Members have answered to their names; a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved June 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such act:

The sum of $65,000,000 for the fiscal year ending June 30, 1923.

The sum of $75,000,000 for the fiscal year ending June 30, 1924.

SEC. 2. That for the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sum, to be available until expended, in accordance with the provisions of said section 23: The sum of $6,500,000 for the fiscal year ending June 30, 1924.

SEC. 3. That for the purposes of this act and of the acts heretofore making appropriations to aid the States in the construction of rural post roads the term "bridges" includes railroad grade separations, whether by means of overhead or underpass crossings.

SEC. 4. That if any State, for a period of one year from the date the Secretary of Agriculture approves or has heretofore approved a road project, shall fail to put under contract such road project, the Secretary of Agriculture may require the said State to submit one or more projects to replace the said project; and if the said State shall fail to submit such other projects within the time set by the Secretary of Agriculture for the State to act, the Secretary of Agriculture may order the sum of money allotted to the said road project returned to the general road fund, and he shall then reapportion said sum of money among all the States as provided by the Federal highway act and all amendments thereto.

SEC. 5. That section 5 of the act entitled "An act to provide appropriations for the Post Office Department, and for other purposes," approved February 28, 1919, is hereby amended to read as follows: "That the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, is hereby amended to provide that the term 'rural post roads,' as used in section 2 of said act, shall be construed to mean any public road, a major portion of which is now used, or can be used, or forms a connecting link not to exceed 10 miles in length of any road or roads now or hereafter used for the transportation of United States mails, excluding every street and road in a

place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart: *Provided*, That section 6 of said act be further amended so that payments which the Secretary of Agriculture shall make from sums appropriated under the provisions of this act or any act amendatory thereof or supplemental thereto for the fiscal year ending June 30, 1923, shall not exceed $12,500 per mile, exclusive of the cost of bridges of more than 20 feet of clear span: *Provided further*, That the payments which the Secretary shall make from sums appropriated under the provisions of this act or any act amendatory thereof or supplemental thereto, after the fiscal year ending June 30, 1923, shall not exceed $10,000 per mile, exclusive of the cost of bridges of more than 20 feet of clear span: *Provided further*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,"' approved November 9, 1921."

SEC. 6. That section 24 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,'" approved November 9, 1921, is amended to read as follows: "That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit."

SEC. 7. That if any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal highway act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal highway act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal highway act or acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed $10,000, or by both fine and imprisonment within said limits.

SEC. 8. That if any provision of this act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 9. That all acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. HAYDEN. Mr. Speaker, I demand a second.

Mr. BEGG. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Ohio opposed to the bill?

Mr. BEGG. I am.

The SPEAKER. The Chair has conferred with both gentlemen. The Chair understands that the gentleman from Ohio is opposed to the whole bill in principle, and that the gentleman from Arizona is opposed to a portion of the bill. The Chair will recognize the gentleman from Ohio.

Mr. DUNN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is entitled to 20 minutes and the gentleman from Ohio to 20 minutes.

Mr. DUNN. Mr. Speaker, since about last December there have been introduced in the Good Roads Committee about 29 bills carrying different amounts on account of proposed road appropriation. Those bills carried amounts from $500,000,000 to $250,000,000, varying in amounts as written. Finally, after a conference with the committee and with several others who were much interested in the road question, it was finally decided to hold a series of meetings and hearings, and on March 3 we commenced a series of hearings which lasted until March 30. In the meantime there was a variety of amendments offered to the bill, and finally we decided that it was impossible to pass a five-year program with $100,000,000 a year for each year, and after considerable debate it was decided to lower the limit to three years' appropriation, if possible, and not to exceed a gross amount of $150,000,000 for the three years. I will say that in all of the bills which were introduced and referred to the Roads Committee there was no question of reducing the Government participation. There was found to be quite an insistent demand that the proposed amount of Federal aid appropriation be liberally cut and reduced to the former amount carried in the organic bill, which was $10,000 per mile. For quite a time we considered putting the amount at $15,000 per mile and again to $12,500 per mile for the three years. Then we decided that a two-year program was all that we should pass at this time, and we sought to make the amount $12,500 per mile for the two years' program. We finally decided on $12,500 per mile for the first year of the two-year program and $10,000 per mile thereafter. Now, as a matter of fact, with the reduction of expense in road construction and the fact that $12,500 per mile, if met with 50 per cent from the States, or rather 100 per cent of that amount from the States, it would provide a total of $25,000 per mile for completed construction. This bill does not seek to interfere with the money already in the hands of the Agricultural Department, some $180,000,000, and for 1923 and 1924 these rates would remain in force if this bill is passed by the House.

Mr. BARKLEY. Will the gentleman yield?

Mr. DUNN. I will.

Mr. BARKLEY. As to this $180,000,000, which the gentleman says is now available, that is not in such condition that it can be distributed and apportioned among the States, is it?

Mr. DUNN. No; it has been allotted, as it is called.

Mr. BARKLEY. But some of the States have not used their allotment, and it is still available for those States?

Mr. DUNN. I suppose they can use that on the $20,000 a mile basis.

Mr. BARKLEY. Can the gentleman inform the House what average amount has been expended during the last two or three years per mile in building Federal-aided roads?

Mr. DUNN. I understand the average is $20,000 per mile.

Mr. BARKLEY. What is the average per mile of expenditure to build hard-surface roads?

Mr. DUNN. It varies in different States. The gentleman means cement roads?

Mr. BARKLEY. Yes; concrete and cement outside the ordinary gravel road that is built.

Mr. DUNN. I have heard some have been reconstructed at $27,000 a mile, and that others reach as high as $62,000 a mile for entirely new construction.

Mr. LAYTON. And some as high as $80,000 a mile.

Mr. BARKLEY. Does the average of $20,000 consist of all the roads that are built by Federal aid in the United States, including those built of gravel or loose stone and those built with cement or concrete?

Mr. DUNN. No; I think not. I do not understand that is the case. I think it is a better class of roads, or certain percentage of the roads, which are called Federal-aid roads.

Mr. BARKLEY. Does this limitation which the committee has made in this bill for per mile of road construction meet with the approval of the Road Department here in the Department of Agriculture?

Mr. DUNN. I can not say definitely, but I think it does.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. DUNN. I have not much time at my disposal.

Mr. SUMMERS of Washington. The bituminous concrete is $31,400, and for the Portland cement concrete it is $36,075 on an average all over the country.

Mr. PADGETT. Will the gentleman yield just for a moment?

Mr. DUNN. Just for one question.

Mr. PADGETT. Section 1, page 1, line 6, you will notice the act is referred to as approved June 11, 1916, and in section 5 the same act is quoted as being approved July 11, 1916, in line 11, page 3. I want to ask if that is not a misprint, and if the gentleman should not correct it by unanimous consent before putting the bill on its passage?

And June 11, 1916, I understand, is the correct date. And in line 11, section 5, page 3, it says the same act "approved July 11, 1916."

Mr. DUNN. "July" should be "June"?

Mr. PADGETT. Had you not better ask unanimous consent to make that June 11, 1916, before you put the bill on its passage?

Mr. DUNN. Mr. Speaker, I ask unanimous consent to make the correction. The word "July," in line 11, page 3, should be changed to "June."

The SPEAKER pro tempore (Mr. WALSH in the chair). Pending the motion for suspending the rules and passing the bill, the gentleman from New York [Mr. DUNN] asks unanimous consent that, on page 3, the word "July," in line 11, be changed to "June." Is there objection? [After a pause.] The Chair hears none.

Mr. KINCHELOE. I understood the gentleman to say that the hearings developed that the average cost in the construction of these roads has been about $20,000 a mile. What I wanted to ask the gentleman is, Was it the judgment of the committee after the hearings that material and labor had so decreased now that the same character of roads could be built at an average of $12,500 per mile for the year 1923?

Mr. DUNN. I merely wish to say in presenting this bill that we handled that matter very thoroughly, and, of course, the remedy and responsibility rests with the House. This is the only bill we thought it was wise to offer at this time.

Mr. KINCHELOE. I was wondering how the committee arrived at this amount.

Mr. DENISON. May I ask one question in respect to the bill?

Mr. DUNN. Yes.

Mr. DENISON. This limitation of $10,000 a mile will result in the Government contributing different amounts in the different States for the construction of roads, will it not? In other words, in one State the Government will contribute, perhaps, half the cost of the roads, whereas in other States it will not contribute more than one-third?

Mr. DUNN. According to the character of the roads.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. BEGG] is recognized for 20 minutes.

Mr. BEGG. Mr. Speaker and gentlemen of the House, I want to say that in my judgment this bill is at least 100 per cent better than the previous bill that permitted the Federal Government to give $20,000 a mile for highway construction. If the bill were to cut from $12,500 and $10,000 for the years 1923 and 1924 to about $5,000 and $4,000 for Federal assistance for highway construction it would not be nearly so obnoxious as it is at the present time.

Mr. LANGLEY. Obnoxious to whom?

Mr. BEGG. The gentleman asks, obnoxious to whom? I will say obnoxious to the people who are required to pay the Federal taxes, and that is almost everyone in the gentleman's State as well as all other States. [Applause.]

Mr. LANGLEY. Will the gentleman yield?

Mr. BEGG. I can not yield until I get through, and then I will yield to anybody who wants to ask me a question.

In other words, I can not refrain from calling attention to the direction and tendency of legislation at the present time. You are asking the Federal Government to assume control and responsibility for everything, and then howling about the autocracy of government. Under the present road law you have made the Secretary of Agriculture an autocrat. He decides where you build a road, how wide it is to be, of what kind of material, and unless you subvert the wishes of the State to the autocracy of the Federal highway department, he has the authority under this bill to tax your State and take your money and build roads in other States. There never was a more autocratic power conferred on a Federal official; not even the President has the same power to nullify and stultify the wishes of a State. You talk of home rule and the right of the people to decide whether or not they are to be taxed. This bill nullifies that guaranty of the Constitution. The constitution of my State—Ohio—says that not even the State legislative body—which is certainly nearer to the people than the United States Congress—not even they can levy a tax for the purpose of building roads without first submitting the proposition to the people to be taxed. Yet by this law you tax the people of my State, already overburdened, and then say to them that unless they turn around and tax themselves twice as much more for their own help and twice as much more than that for some other State they will not even get the taxes collected by you for the purpose of building roads.

I hope I am wrong in my conclusions, but the only ultimate end I can see to that principle of government, if established in the national legislative body, is that there will be a revolt of the taxpayers in this country against the terrible burdens you are laying on them, always under some deceptive guise. You have already asked the Federal Government to assume the responsibility for the health of the American people, and the most ardent advocates of that program have gone so far as to state in printed matter that it was the duty of the United States to provide every one of its citizens with a hospital bed and doctor. This I deny. I not only deny it but call your attention to the fact that that is removing from the individual the responsibility for his own welfare, and such an act is on a par with the doctrine of Lenin and Trotski. It is paternalistic to the nth degree. It is revolting to the doctrines of the Constitution of the United States.

We have already surrendered 90 per cent of the police powers of the State to the Federal Government, and have nationalized our local police force. We have nationalized our transportation system. There are those—and the members are legion—who would have us nationalize our educational system. Now, according to the power of reasoning given me, if we are to nationalize the highways, the railroads, the education, the health, and the police, it is only a very short step to nationalize industry, and the sad part about the whole story is that every time the Federal Government has undertaken to nationalize any of these their usefulness has been curtailed, their efficiency lessened, and the cost to the consumer increased, and if we continue to go in the same direction in a legislative way as we have in the past 10 years for the next 10 or 20 years, I warn you men in this House that you will have destroyed the principles of a representative government and established an autocracy in every department.

Every activity of the human being will be supervised and controlled and regulated by some functionary in the Government called a bureau chief. As it is to-day it is hard to find a group or a community relying on their own ingenuity and inventive genius for solving the problems affecting their locality; but on the contrary, they are all getting up petitions and appealing to Congress to pass some law to do for them that which they should do for themselves.

This tendency breeds unrest, dissatisfaction, agitation, and discontent. And let me say that no nation ever existed after a majority of its people became dissatisfied with its workings. A few serious debates by men unafraid might have a sobering influence. Mob psychology seems to be the controlling factor in much of our legislation.

Mr. Speaker, I do not want to be classed as a pessimist, because I am not. I believe in our form of government and in the American people and their good sense, but I fear the price we will ultimately have to pay for our thoughtless folly. In the early days when a political unit like the State or county wanted a road, how did they get it? They taxed themselves and built it. If the neighboring State or neighboring county chose to ride in mud, that was their own business, but to-day the people in a county or State have no control over the kind of a road to be built, or where it will be built under Federal construction, but must abide by the decision of some politician appointed to the position by whomsoever happens to be the President.

Mr. LAYTON. Will the gentleman yield?

Mr. BEGG. I am sorry that I can not yield now.

Mr. MONDELL. Will the gentleman yield?

Mr. BEGG. I can not yield. I would like to yield to the floor leader, but I can not.

Time will not permit a discussion of that particular trend of affairs, and I want to get down to the fundamental principles. The only difference between the United States of America and other Governments of civilized people in the past thousand years has been that the people everywhere lived for the Government, while in the United States, a country which has produced progress, the Government existed for the benefit of the people, and responsibility has rested squarely on the shoulders of every man as to his own welfare. When men began to live in groups, the responsibility rested upon the group. But we have been getting away from that every time we have passed a law. And I want to say again that unless we begin to vote our convictions in this House and buck up our courage, I hate to think of what will happen in the next 25 years.

There has never been a government fall since the dawn of history that did not fall because of oppressive taxation. I read in the New York Times last week an excoriation of the Senate in its consideration of the bonus bill, and they pointed their finger to Rome and to Greece and to other ancient countries, and then added, "Remember, men, there was a Boston tea party once held over the question of taxation."

I want to ask you men if you have any notion of the amount of taxes now on the American people? When you figure your Federal tax, your State tax, your municipal and city tax, you find that about half of the income of a man has gone into the support of his Government, and the worst part is he does not get his money's worth. If I had my way, if I were powerful enough to do it, I would pass an amendment to the Constitution taking away the right of Congress to levy a direct tax on the States in all times save war times. That would stop some of this wild stampede to spend money raised by taxation to pay the salaries of the great army of Government supervisors and regulators of human activities, which are none of the Government's responsibility or business.

The Treasury Department says that the United States Government under Republican administration faces a deficit of half a billion or more dollars. This bill will carry, directly and indirectly, an appropriation of almost half a billion dollars more, because the fact that we do not appropriate it here does not keep the States from being compelled to appropriate it, because we put a penalty clause in here to compel them to do it, and the States now, the farms in this country, are bonded for nearly a billion dollars for highways that you have already built. I want to ask you again, where are you going to stop?

Now, I want to give you a few figures of what it is going to cost my State under this bill. I put some figures in the RECORD a while ago on the other bill, which I think will furnish interesting reading. Of course, if you come from a State that gets its road taxes from outside its soil or its industries, you may form one opinion, but if a man comes from a great tax-paying State I surmise he would be in the same position that I am.

I question the statement that Federal roads can be built for $20,000 a mile in face of the bids submitted for Ohio roads up to May 27, 1921. I find that the average cost of the mono-brick road per mile was $58,238; that the average cost per mile of the bituminous slag was $74,354; of the sheet asphalt, $21,115; and of the bituminous concrete, $47,223. It is my judgment that there has not been a mile of brick or concrete road built in Ohio under Federal jurisdiction since the year 1914 for any such figure as $20,000 per mile. The following table will show the average cost per mile of the different kinds of roads in Ohio for 1919 and 1920:

Kind of road.	Average cost in 1919.	Average cost in 1920.
Waterbound macadam	$13,241.20	$20,728.75
Bituminous macadam	20,313.92	33,130.90
Concrete	32,194.83	47,450.90
Brick	41,835.05	59,012.16

Now, inasmuch as most of the Federal highways in Ohio are built of brick and concrete, one can readily see that if the same were true throughout the United States this $140,000,000 would amount to an additional tax burden of about $400,000,000 that would have to be assessed by the States in order to get the $140,000,000 of Federal money, making a total of over half a billion dollars this bill really levies in taxation either directly or indirectly.

Mr. LAYTON. What width are the roads?

Mr. BEGG. I do not know what width. I think it is a 16-foot road.

Mr. LAYTON. It will cost $80,000 a mile in my State.

Mr. BEGG. Right now in Ohio the whole road-building program has been suspended waiting for Washington to act, to determine whether the highway commissioner, who is the Secretary of Agriculture, shall refuse to O. K. the roads they want to build in Ohio. I ask you, Is there anything in the Constitution of the United States that says it is according to republican principles laid by those men who framed this Constitution that says we ought to take the right away from the people back home to decide whether or not they will have a brick highway of 14 or 18 or 20 foot width, or whatever it may be?

Now, I want to came back to the figures. Supposing we could build a mile of Federal highway for $25,000. That is the contract price. I do not care what the material is. I am going to show you what it will cost Ohio and the other big tax-paying States in the Union; that is, under the supposition that every State will get a mile of road. If every State gets a mile and the contractors bid $25,000 a mile, here is what it will cost Ohio: The contract price is $25,000. The amount that the State government will receive under this bill from the Federal Government is $12,500, one-fourteenth of which came from the State itself; one-fourteenth is $900. How do I figure that? Why, I subtract the amount that Ohio pays herself into that Federal-aid fund, or $900, that comes back to her, and that makes the Ohio State aid per mile $11,600, but all the other 47 States each get $12,500 per mile, or a total of forty-seven times $12,500, which is $587,500. Ohio pays one-fourteenth of that, or $41,968, which must be added to her cost of $25,000 contract price, less $11,600 Federal aid, which makes Ohio's $25,000 road cost $55,368, but the taxpayers only get a $25,000 road.

Suppose we take the actual figures of road cost in Ohio instead of theoretical figures of $25,000 per mile. Let us take $40,000, which is a fair average, and suppose that Ohio would pay to the contractors $40,000 for a mile of Federal highway. The State of Ohio would receive $11,600 from the Federal Government, none of which comes from the taxpayers; but in order to get that $11,600 Federal aid the State is compelled to levy a tax of $41,968 on its citizens in order to assist the various other States in their road-building program. Now, if you will subtract the $11,600 from the $40,000 supposed cost, the road would cost Ohio $28,400; but in order to be fair you must add to that $28,400 the $41,968 which must be given away in order to get the $11,600, and you will find that every mile of $40,000 Federal highway built in Ohio costs the taxpayers of that State $70,368, or almost twice as much as it should.

If my colleagues in Congress believe in that kind of a principle, and unjust discrimination and taxation should be fastened on the American people at this time, when everybody is crying out against the enormous Federal taxes, of course they will indicate that belief by voting for a continuation of this proposition. I want some of my colleagues who vote to tax the Ohio citizen $70,368 for a $40,000 road to explain to me their mathematics. It is no justification to say that Ohio gets five or six million dollars a year for harbor facilities, and it is no justification to say that Ohio has to pay her share of the Army and Navy, and that Ohio has her share of the soldiers, because every State in the Union has its soldier pensions; and to those States which do not get any appropriation for harbor facilities it can be said that almost every one of them have had some kind of a reclamation scheme that has cost the Government more money than all the harbor development in Ohio. The statement made on the floor that Ohio got back all the money she paid into the Federal Treasury only serves to illustrate the carelessness with which some men make statements, as the actual figures compiled will show that the citizenship of Ohio does not get back 20 cents on the dollar. I would have no complaint to make if every State in the Union bore the same burden of taxation, but I do think it unfair to tax the citizenship of my State to build roads that are not needed for a military necessity or an economic development in some other Commonwealth than Ohio. You may call that position provincial if you will, but so long as reduction of the taxes is the prime interest of everybody and the aim of every man in public life I shall continue to try to get a dollar's worth of service for my people for every dollar I vote to put on them in the way of taxation.

Now let us look at New York and see what it costs her to build a $25,000 per mile road under Federal construction. By the same process of reasoning as was used in the case of Ohio, New York would get $9,400 from the Federal Government for her $25,000 mile of road, leaving the amount to be raised by local taxation at $15,600; but to get the $9,400 New York would have to tax her people $146,875 to give away to the other States in the Union for their $25,000 road, making New York's mile of road actually cost her taxpayers $162,475.

Suppose that the mile of road that New York builds costs $40,000 instead of $25,000. From $40,000 subtract the $9,400 Federal aid; that leaves $30,600. Add that to the amount she has to give away, $146,875, and you have the cost of the $40,000 mile of highway in New York at $177,475. I do not believe the taxpayers of the State of New York are willing to have their citizenship taxed at the rate of $177,475 per mile for a $40,000 mile of road in the face of the strenuous efforts that Governor Miller has made in the past two years to relieve the tax burden of the already oppressed people. I say again, of course, if there were any military or economic necessity for this the citizens of New York would respond without a murmur, but in times of peace and under the burdens resulting from a great war, I think they are justified in crying out against this added burden. The United States now has a debt of approximately $25,000,000,000. New York's share alone is around $6,000,000,000, which must be raised by taxation.

Mr. DUNN. Mr. Speaker, will the gentleman yield?

Mr. BEGG. I am sorry I can not.

Mr. DUNN. Has the gentleman considered how much they will save in the expense of the 47 different States by paying a less proportion?

Mr. BEGG. I have done that. I congratulate the chairman of the committee on this bill. It is 100 per cent better than the $20,000 a mile.

Let us take up the State of Pennsylvania. I do not know whether there are any Pennsylvanians here or not. I do not see them at this moment, although there are some scattered around.

Mr. ROSE. Here is one.

Mr. BEGG. Yes; you, Mr. ROSE, under this bill will pay $79,160 a mile for every mile of highway you build under Federal aid in this bill, and you will get only a $25,000 a mile road, but if you build a $40,000 per mile road it will cost your taxpayers $94,160 per mile.

Take Illinois. Every mile of $25,000 road you build in your State will cost your taxpayers $66,910 a mile, and if you build a $40,000 per mile road it will cost your taxpayers $81,910 per mile.

In Michigan a $25,000 mile road will cost the taxpayers $48,529, but if they build a $40,000 per mile road it will cost them $63,529 per mile.

In Massachusetts a $25,000 mile road costs the people of that State under Federal control $45,840, and a $40,000 mile road will cost $60,940.

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has consumed 15 minutes.

Mr. BEGG. Just one minute more and then I will close. I simply call your attention to the fact that the Navy this year is going to cost practically the same as last year. The Army is putting out a propaganda to make it cost as much as it did last year. The soldiers will cost more next year and for the next five years than they have in the past, and that runs to half a billion dollars, and there is not a man in Congress who can make it any less. All these funds are on the constant increase. And yet we have the courage to come in here and put, directly and indirectly, another taxation of nearly half a billion dollars on the already overburdened taxpayers. [Applause.]

Mr. DUNN. I yield three minutes to the gentleman from Ohio [Mr. CABLE]. [Applause.]

Mr. CABLE. Mr. Speaker and gentlemen of the House, the improvement of highways is for the general good of all. Federal aid not only stimulates the construction of the system of highways upon which it can be apportioned—that is, upon not to exceed 7 per cent of the total highway mileage of the State—but also causes and induces construction of good roads on the other 93 per cent of the highway mileage of each State. My good friend and colleague from Ohio [Mr. BEGG] voted against the last road bill. He, no doubt, intends to vote against this one. The Federal act of June 11, 1916, determines the method of apportioning Federal-aid money among the various States, yet since I have been here in the House my colleague has never offered one constructive suggestion on this feature of the law so as to change the method of apportionment. The Federal aid road act became a law on June 11, 1916. As a direct result 17 States, that had not established sufficiently equipped and adequate highway departments to obtain the benefits of the act, promptly did so. One year after the passage of the Federal act more constructive legislation was placed upon the State statute books than had ever before been enacted in a similar period in the history of the country. It is estimated that during the present fiscal year almost three times as much money will be expended in the construction and repair of public highways than was expended the year the Federal law was enacted, chiefly by reason of the impetus given to road construction under the Federal act.

The road-building business in the United States is the greatest construction enterprise in the whole world. During the present fiscal year it is estimated that $600,000,000 will be expended in the construction and repair of public roads. Of this amount 14 per cent will constitute the Federal Government's portion, while the balance will be raised by State and local taxes and assessments. The size of this great enterprise is best illustrated by the fact that in the years 1879 to 1883, inclusive, occurred the greatest development of our railway systems, when 40,000 miles of system were built, at a cost of $800,000,000.

The method of apportioning Federal aid money among the States is provided by law. My friend, so far as I know, has never suggested the introduction of a bill or an amendment offered on the floor of this House any different method of procedure. Not only is the expenditure of this money limited to the 7 per cent of the total highway mileage of the State, but under the present bill not more than $12,500 may be expended on any one mile of construction, exclusive of the cost of bridges, of not more than 20 feet of clear span, for the next fiscal year, and thereafter the amount is limited to $10,000 per mile, exclusive of such bridges. The money is apportioned by law in the following manner:

One-third in the ratio which the area of the State bears to the total area of all the States;

One-third in the ratio which the population of the State bears to the total population of all States, as shown by the last available Federal census; and

One-third in the ratio which the mileage of rural delivery routes and star routes in each State bear to the total mileage of rural delivery routes and star routes in all States at the close of the next proceeding fiscal year, as shown by the certificate of the Postmaster General.

The percentage of allotment, together with the amount of Federal aid apportioned to the various States from the year 1917 to the year 1922, is as follows:

OCTOBER 24, 1921.

Federal aid apportionment.

PERCENTAGE OF ALLOTMENT.

Alabama	2.124335956
Arizona	1.440384875
Arkansas	1.715066267
California	3.366972347
Colorado	1.834086418
Connecticut	.657637988
Delaware	.500000000
Florida	1.212753083
Georgia	2.732249086
Idaho	1.283468969
Illinois	4.439358731
Indiana	2.678776620
Iowa	2.875723405
Kansas	2.874914896
Kentucky	1.938022103
Louisiana	1.363404644
Maine	.950646513
Maryland	.876073862
Massachusetts	1.499044154
Michigan	3.076283657
Minnesota	2.904064375
Mississippi	1.770811921
Missouri	3.347868206
Montana	2.115399415
Nebraska	2.162310425
Nevada	1.303845154
New Hampshire	.500000000
New Jersey	1.289396167
New Mexico	1.627108844
New York	5.054971581
North Carolina	2.337550630
North Dakota	1.592771864
Ohio	3.860518350
Oklahoma	2.396361628
Oregon	1.617318161
Pennsylvania	4.648142175
Rhode Island	.500000000
South Carolina	1.451264746
South Dakota	1.646578200
Tennessee	2.253254339
Texas	6.051517834
Utah	1.161596169
Vermont	.500000000
Virginia	1.992244071
Washington	1.509346092
West Virginia	1.097244127
Wisconsin	2.591201175
Wyoming	1.278109577

APPORTIONED FISCAL YEARS 1917 TO 1922, INCLUSIVE.

Alabama	$7,329,973
Arizona	4,824,633
Arkansas	5,874,072
California	10,846,453
Colorado	6,121,240
Connecticut	2,170,222
Delaware	813,280
Florida	4,036,938
Georgia	9,405,536
Idaho	4,298,926
Illinois	15,270,548
Indiana	9,374,148
Iowa	10,042,216
Kansas	9,997,591
Kentucky	6,787,243
Louisiana	4,739,514
Maine	3,341,124
Maryland	3,031,378
Massachusetts	5,148,741
Michigan	10,210,828
Minnesota	9,938,980
Mississippi	6,246,449
Missouri	11,770,204
Montana	7,045,713
Nebraska	7,447,951
Nevada	4,480,713
New Hampshire	1,508,714
New Jersey	4,208,170
New Mexico	5,579,618
New York	17,385,250
North Carolina	7,980,025
North Dakota	5,387,202
Ohio	13,025,952
Oklahoma	8,090,585
Oregon	5,514,842
Pennsylvania	16,031,598
Rhode Island	1,006,791
South Carolina	5,007,855
South Dakota	5,656,943
Tennessee	7,875,830
Texas	20,525,577
Utah	3,966,624
Vermont	1,607,729
Virginia	6,908,559
Washington	5,075,385
West Virginia	3,724,864
Wisconsin	8,899,097
Wyoming	4,313,176
Total	339,875,000

The State, through its highway department, selects or designates the system of not more than 7 per cent of its highway mileage upon which Federal aid is apportioned, not to exceed three-sevenths of which shall be known as a primary system, and the balance—four-sevenths of the 7 per cent—what I might call "farm-to-market" roads.

The money that will be appropriated in this road bill for the next fiscal year would equal a tax of not to exceed 62 cents for each person in the United States for the entire fiscal year, beginning July 1, 1922, and ending June 30, 1923. Efficient rural mail service, better and quicker transportation of farm products to market, schools of easy access to the pupils, all are expedited by good roads. Progress and prosperity are found where transportation is best and easiest. It is worth the 62 cents a year to the people in Ohio and the other States to have the best of transportation facilities in the country.

However, it is not necessary to levy such a tax for the purpose of obtaining Federal aid for good roads. The manufacturers' excise tax, levied and collected this last year upon auto-

mobiles, trucks, motor cycles, tires, parts, and accessories is sufficient to take care of next year's Federal aid appropriation and have $50,000,000 to spare. This does not include the Federal tax upon passenger automobiles for hire.

The Federal aid money being expended this fiscal year amounts to 14 per cent of the total sum used in the construction and repair of highways. The expenditure of the other 86 per cent is stimulated and encouraged by the 14 per cent. Many good roads would not otherwise be built or repaired but for this Federal encouragement.

My colleague [Mr. BEGG] contends that the States having the heavy taxpayers do not receive their just proportion of Federal aid money. To the wealthy and to those who are raising the issue in their behalf, I would remind them that a good road improvement may be of a local nature, and at the same time be an integral part of a national system of highways that benefit all. In the great debate of 1830 in the United States Senate, Daniel Webster replied to Senator Hayne, of South Carolina, on the question, "What interest has South Carolina in a canal in Ohio?"

"If a canal appears to me to be of national importance or national magnitude," said Webster, "the power of the Government extends to the encouragement of works of that description.

"I look upon a road over the Allegheny, a canal around the falls of the Ohio, or a canal or railway from the Atlantic to the western waters as being objects large and extensive enough to be fairly said to be for the common benefit."

I also direct your attention to that great leader, Abraham Lincoln, when he rose in the House of Representatives in reply to the President's veto message against internal improvement by Federal aid:

If the Nation refuses to make improvements of the more general kind because their benefits may be somewhat local, a State may for the same reason refuse to make any improvement of a local nature because its benefits may be somewhat general. A State may well say to the Nation, "If you will do nothing for me, I will do nothing for you."

The State of Ohio receives the same percentage of Federal-aid money for roads as her basic products from the farm, forest, and mine compare to the entire production of all the States. My friend, who has just spoken against Federal aid for good roads, has failed to cite the source of the figures he used. The Secretary of Agriculture has prepared two statements showing the Federal revenues for the last fiscal year ended June 30, 1921, from the various States and the Federal expenditures so far as can be allocated to these various States. The money allotted to the various States does not equal the amount received, for the reason that our appropriation bills for the executive department of our Government, including huge Army and Navy appropriations, as well as the appropriations for the judicial and legislative branches of our Government, can not be said to be expended in any one State but throughout the United States for the benefit of all, and therefore the allocation being for all must be on a basis of population. The State of Ohio is only exceeded in population by New York, Pennsylvania, and Illinois, and therefore it must stand fourth in the benefits received from these various appropriations. These two charts or records show that the taxpayers of Ohio pay into the Federal Treasury 5.815 percentage of the total revenues of the Government, and in return received from such tax money 5.563 of the money allotted to the various States. It should be noted that Ohio stands first in the amount of pension money paid out by the Federal Government and expended within the State, even exceeding the State of New York, with twice the population, by more than $4,000,000. She stands fourth in the amount of money expended by the Post Office Department within the State, and sixth in the amount of money expended for rivers and harbors; and also sixth in the total amount of money that is specifically allocated and expended within the State. These two charts are as follows:

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
February 28, 1922.

Federal revenues for fiscal year ending June 30, 1921.

State.	Internal revenues.	Postal receipts.	Customs. revenues.	Miscellaneous receipts.[1]	Total receipts.	Per cent of total.
Alabama	$18,330,956.82	$3,441,548.48	$67,097.05	$17,856.23	$21,857,458.58	0.406
Arizona	4,282,088.67	979,700.54	121,273.81	729,854.95	6,112,917.97	.114
Arkansas	10,577,816.80	2,989,882.42	81,794.42	184,331.09	13,833,824.73	.258
California	180,306,894.61	19,034,485.20	9,272,061.34	7,914,483.34	216,527,924.49	4.031
Colorado	34,214,459.72	4,645,519.38	205,277.52	545,208.21	39,611,464.83	.737
Connecticut	72,597,425.64	6,020,143.56	968,429.84	238,075.00	79,824,074.04	1.486
Delaware	11,810,148.12	798,334.23	9,332.19	35,000.00	12,652,814.54	.235
Florida	16,529,725.86	3,586,421.64	1,725,873.21	32,018.24	21,874,038.95	.407
Georgia	37,194,130.91	6,375,567.68	2,225,484.21	5,642.80	45,800,825.60	.853
Idaho	4,632,986.07	1,244,129.91	32,519.22	480,570.69	6,350,205.89	.119
Illinois	387,042,698.98	53,267,081.24	10,609,551.61	12,010.76	450,931,342.59	8.395
Indiana	77,726,389.56	10,112,459.10	666,023.01	.....	88,504,871.67	1.648
Iowa	37,696,274.59	9,709,555.44	95,590.72	.....	47,501,420.73	.884
Kansas	39,115,567.07	5,885,058.09	305,002.25	6,227.99	45,311,855.40	.843
Kentucky	50,729,066.48	4,794,334.16	159,308.85	.....	55,682,709.49	1.037
Louisiana	40,122,735.68	4,262,211.04	9,750,366.04	24,532.13	54,159,844.89	1.009
Maine	17,954,975.71	3,092,826.78	149,865.89	3,209.90	21,200,878.28	.395
Maryland	71,201,956.28	5,674,810.38	2,202,585.93	.....	79,079,352.59	1.472
Massachusetts	258,120,664.51	19,726,502.71	14,192,280.56	.....	292,039,447.78	5.437
Michigan	271,641,398.86	13,892,361.28	1,866,443.49	15,736.60	287,415,940.23	5.351
Minnesota	77,339,432.46	11,971,092.10	903,088.10	118,163.97	90,334,776.63	1.682
Mississippi	9,019,114.09	2,373,119.94	17,591.68	15,459.15	11,425,294.85	.213
Missouri	126,100,492.17	19,822,026.69	1,600,000.00	4,915.55	147,527,434.41	2.747
Montana	5,480,127.47	2,074,196.52	30,000.00	986,412.41	8,827,736.40	.165
Nebraska	24,001,870.76	5,599,161.99	506,785.39	20,564.84	30,128,382.89	.561
Nevada	1,191,816.20	404,931.33	10,000.00	104,925.63	1,711,673.16	.031
New Hampshire	10,305,771.27	1,632,160.77	167,506.25	22,169.60	12,127,607.90	.226
New Jersey	142,350,119.05	10,436,841.52	227,980.23	34,405.94	153,049,345.77	2.850
New Mexico	1,753,617.55	915,176.61	50,000.00	386,392.35	3,105,186.51	.057
New York	1,122,200,182.17	79,354,443.63	207,772,455.64	.....	1,409,327,080.94	26.239
North Carolina	124,457,124.42	4,338,104.73	3,404,654.33	30,804.90	132,228,688.33	2.462
North Dakota	3,048,277.25	2,013,723.54	55,794.00	79,286.00	5,197,080.79	.033
Ohio	288,023,095.20	26,269,222.99	1,919,993.67	50,000.00	314,262,311.85	5.851
Oklahoma	27,707,591.51	5,060,688.94	77,287.92	20,615,271.77	53,460,840.14	.995
Oregon	28,186,548.16	3,705,666.13	494,212.27	960,909.80	33,347,330.36	.621
Pennsylvania	485,008,623.33	36,150,436.74	23,840,730.43	.....	545,999,790.50	10.165
Rhode Island	41,233,382.18	2,112,498.59	459,711.49	.....	43,805,592.25	.816
South Carolina	28,539,504.51	2,298,014.24	31,407.60	586.60	30,869,512.95	.575
South Dakota	5,051,873.29	2,084,236.99	56,000.00	481,204.90	7,673,315.18	.143
Tennessee	34,402,179.96	5,605,266.93	37,739.63	21,765.32	40,066,951.84	.746
Texas	78,162,997.47	13,131,333.81	2,527,032.35	663,000.00	94,484,363.63	1.759
Utah	10,624,234.53	1,711,569.79	14,257.32	387,490.45	12,737,552.09	.237
Vermont	6,338,621.23	1,294,346.52	634,386.06	.....	8,267,353.81	.154
Virginia	62,066,090.46	6,000,209.53	1,680,660.12	23,198.90	69,770,159.01	1.299
Washington	36,376,269.53	5,995,201.97	4,138,633.31	464,098.22	46,974,603.02	.875
West Virginia	41,936,457.86	3,523,968.43	[2]	734,441.80	46,194,868.09	.860
Wisconsin	73,504,268.50	9,747,906.86	662,452.09	747,522.58	84,662,150.03	1.576
Wyoming	3,268,859.95	784,860.64	[3]	4,084,061.86	8,137,782.45	.151
District of Columbia	18,934,969.90	3,661,760.30	174,881.16	16,641,432.85	39,413,044.21	.734
Total	4,557,421,873.37	449,720,813.05	306,204,802.15	57,903,253.32	5,371,250,741.89	[4]

[1] Includes receipts from War and Treasury Departments for sales; from Interior Department for sales of public and Indian lands, fees and commissions of land office, and receipts under mineral leasing act of Feb. 25, 1920, from national parks, reclamation, and Indians; from Department of Agriculture on account of forests.

[2] Included in Pennsylvania.

[3] Included in Nebraska.

[4] This figure, exclusive of postal receipts, amounts to $4,921,529,928.84, or 88 per cent of total ordinary receipts of the Government, which were $5,584,517,045.23.

Federal expenditures within the several States during the fiscal year ending June 30, 1921.

State.	Rural post and national forest roads.[1]	Pensions.[2]	Post Office Department.[3]	Public buildings.[4]	Rivers and harbors.[5]	National parks[6] and land office.[7]
Alabama	$739,597.27	$907,264.10	$3,500,571.45	$290,551.43	$109,823.76	
Arizona	1,143,791.87	371,132.72	379,483.88	49.58		$180,753.97
Arkansas	854,459.64	2,649,119.76	2,463,418.44	10,819.50	389,989.67	224,706.37
California	1,735,133.31	10,603,729.00	6,319,525.94	108,568.06	5,209,556.52	348,165.22
Colorado	1,410,134.09	2,577,818.40	1,964,175.35	5,486.84		129,895.02
Connecticut	82,269.56	3,056,456.36	2,304,451.41	4,535.50	391,500.27	
Delaware	194,061.24	635,313.40	438,943.88	5,371.94	125,448.36	
Florida	357,268.48	1,629,428.90	1,640,063.80	30.00	441,439.86	505.93
Georgia	3,152,497.02	889,895.82	4,939,221.33	17,314.82	558,755.02	
Idaho	1,716,825.37	665,575.50	879,214.67	1,190.00		59,684.79
Illinois	4,672,736.46	18,271,887.62	15,030,376.73	11,963.90	413,440.16	
Indiana	741,769.23	15,849,926.68	6,793,981.79	11,440.80	2,598,150.20	
Iowa	1,573,566.62	8,711,563.60	7,077,627.01	3,812.94	146,351.58	
Kansas	1,397,587.46	10,494,097.60	5,761,113.02	85,786.91		
Kentucky	944,547.99	6,413,008.86	3,521,657.53	3,074.72	556,243.19	
Louisiana	1,426,890.43	1,385,805.92	1,895,092.39	61,420.94	6,018,207.09	
Maine	325,981.54	4,212,310.02	2,017,057.34	8,847.36	898.00	20,490.95
Maryland	783,326.75	3,243,754.82	2,646,407.97	165,767.00	358,200.43	
Massachusetts	736,064.27	10,375,941.36	7,647,782.37	160,616.24	346,507.00	
Michigan	574,309.06	10,951,157.60	8,037,397.05	39,180.64	1,232,119.06	
Minnesota	3,346,483.09	4,142,791.84	6,534,289.28	3,298.16	518,533.16	
Mississippi	750,419.32	868,871.06	2,766,240.11		4,409,250.49	
Missouri	751,459.00	12,834,701.86	8,490,836.66	36,649.20	266,693.11	
Montana	1,919,349.50	715,298.90	1,102,584.89	2,721.25	968.88	285,927.30
Nebraska	1,435,194.04	4,204,952.00	3,779,371.80	15,851.44	50,000.00	32,555.87
Nevada	559,084.65	123,406.20	154,548.15	35,612.69		57,170.39
New Hampshire	453,358.64	2,136,755.50	1,145,630.27	258.00		
New Jersey	458,633.55	5,978,344.80	4,554,684.48	497.00	222,354.90	
New Mexico	939,075.34	592,349.76	486,223.52	43,584.15		75,715.30
New York	169,424.96	22,167,410.00	21,715,096.21	1,633,736.67	4,339,071.40	
North Carolina	2,865,903.32	906,265.66	4,028,790.51	30,810.23	950,083.79	
North Dakota	591,019.47	800,312.06	2,090,328.81	183.59		
Ohio	1,649,711.33	26,542,880.33	11,913,508.92	28,212.81	2,952,137.51	
Oklahoma	670,636.57	3,382,244.00	3,896,199.76	78,033.51		8,212.45
Oregon	2,097,337.77	2,333,748.36	1,669,995.70	20,280.33	186,581.79	89,594.88
Pennsylvania	2,824,914.19	24,549,655.25	14,720,191.09	98,048.78	3,345,972.44	
Rhode Island	210,043.20	1,295,765.10	832,227.70	79,065.29	253,113.46	
South Carolina	986,012.31	471,228.86	2,480,684.41	154,359.19	536,752.92	
South Dakota	781,596.46	1,637,188.92	2,045,855.27	27,012.83	50,000.00	12,949.77
Tennessee	439,846.43	4,982,888.12	4,636,038.61	67,898.85	928,899.26	
Texas	3,164,850.18	2,731,390.56	7,600,997.20	94,116.78	622,928.68	
Utah	618,298.36	629,371.62	670,684.46	11,352.00		109,517.21
Vermont	129,051.63	2,030,717.58	1,139,993.74			
Virginia	786,549.98	1,743,683.90	4,352,887.84	137,346.49	791,600.77	
Washington	2,742,637.33	3,245,123.00	2,608,557.32	1,187.00	280,923.19	119,737.23
West Virginia	935,562.43	3,326,025.62	2,236,847.34	3,597.32		
Wisconsin	1,176,225.26	5,704,565.86	6,161,983.92	22,421.53	170,809.90	
Wyoming	1,312,445.03	336,853.22	345,060.45	193.95		394,034.82
Total	59,327,941.00	254,309,961.98	209,417,911.97	3,622,158.09	39,773,305.82	2,149,617.47

State.	Reclamation.[8]	Indian Service.[9]	Interest payments on bonds.[10]	War[11] and Navy[12] Departments.	Miscellaneous.[13]	Total.[14]	Percentage of total.
Alabama					$2,453,711.51	$8,001,519.52	0.477
Arizona	$56,793.44	$1,603,877.44			305,460.36	4,041,343.23	.241
Arkansas			$781,199.25		1,093,984.03	8,467,696.66	.505
California	87,192.51	308,258.29	40,353,753.31	$27,151,788.66	6,423,331.93	98,649,002.75	5.879
Colorado	242,855.78			1,844,355.59	3,423,618.04	11,598,339.11	.691
Connecticut				1,578,024.51	1,183,833.77	8,601,076.38	.513
Delaware				1,245.81	285,030.70	1,685,415.33	.100
Florida				5,100,451.13	584,243.41	9,753,431.51	.581
Georgia			10,011,085.13	907,607.74	2,471,152.05	22,947,528.94	1.368
Idaho	1,363,079.05	56,739.43			396,102.46	5,138,411.27	.306
Illinois			91,408,686.17	10,305,328.96	6,350,174.27	146,464,594.27	8.729
Indiana					2,261,622.61	28,256,891.31	1.684
Iowa		74,129.44			1,586,597.46	19,173,648.65	1.143
Kansas		231,889.96		140,977.15	1,493,255.24	19,604,707.34	1.168
Kentucky			5,956,122.39		1,585,695.91	18,989,350.59	1.131
Louisiana			6,562,042.05	2,294,458.47	1,840,547.15	21,484,464.44	1.280
Maine				295,980.61	337,164.04	7,218,729.86	.430
Maryland			11,475,197.08	11,083,921.57	1,907,091.86	31,663,667.48	1.887
Massachusetts			64,686,998.40	10,166,928.87	8,367,557.23	102,488,395.74	6.108
Michigan		124,511.51	10,598,717.13	59,959.22	2,154,498.83	33,771,850.10	2.013
Minnesota		459,514.65	15,375,629.55	49,874.86	3,782,774.87	34,213,189.43	2.039
Mississippi		48,554.63		783,551.71	1,971,415.03	11,598,302.35	.691
Missouri			40,499,549.66		2,987,978.75	65,867,868.24	3.926
Montana	577,418.34	1,011,224.19	290,757.53		588,550.72	6,494,801.50	.387
Nebraska	910,431.07	157,612.04	2,723,539.85		590,525.16	13,900,033.27	.828
Nevada	206,727.88	94,141.69			70,950.54	1,301,642.19	.078
New Hampshire				4,983,876.05	363,206.28	9,083,084.74	.541
New Jersey				4,294,546.14	1,503,779.94	17,012,840.81	1.014
New Mexico	1,163,720.26	505,971.52			700,227.28	4,506,867.13	.269
New York		12,282.45	290,419,126.28	29,964,782.23	14,615,871.27	385,036,801.47	22.947
North Carolina		37,749.51		578,566.81	1,259,301.71	10,657,471.59	.635
North Dakota	48,101.28	385,952.90			423,406.62	4,339,304.64	.253
Ohio			46,029,380.85	55,302.42	4,164,850.75	93,335,984.93	5.562
Oklahoma		[15] 25,554,690.61			838,451.79	34,428,468.69	2.058
Oregon	458,012.48	223,799.83	4,211,823.73		1,425,063.91	12,716,238.78	.756
Pennsylvania			91,285,936.24	20,802,828.14	11,262,983.19	168,890,530.32	10.069
Rhode Island				8,891,646.44	770,282.09	12,332,143.28	.735
South Carolina				4,362,033.01	592,908.78	9,583,979.48	.571
South Dakota	169,780.25	2,575,797.17		233,464.38	481,717.69	8,015,372.74	.478
Tennessee			1,739,342.31	79,568.83	2,000,167.87	14,874,630.28	.886
Texas			9,663,739.51	455,082.78	3,447,400.64	27,780,506.33	1.656
Utah	82,666.88	555,433.09	2,218,872.72		857,852.30	5,754,048.64	.343
Vermont					117,131.57	3,416,894.52	.204
Virginia			10,599,025.88	34,685,726.65	972,327.39	54,069,148.90	3.222
Washington	491,170.19	485,093.61	6,278,875.77	7,685,555.70	1,604,329.67	25,543,193.21	1.522

[For footnotes see page 6151.]

Federal expenditures within the several States during the fiscal year ending June 30, 1921—Continued.

State.	Reclamation.	Indian Service.	Interest payments on bonds.	War and Navy Departments.	Miscellaneous.	Total.	Percentage of total.
West Virginia				$8,170,823.13	$485,744.35	$15,158,600.19	.903
Wisconsin		$930,464.64		31,247.51	2,071,403.71	16,269,122.33	.969
Wyoming	$933,688.17	326,743.46			109,526.00	3,758,545.10	.224
Total	6,791,637.58	35,764,432.06	763,169,400.79	197,039,505.08	106,564,807.75	1,677,930,679.59	100.000

[1] Amounts spent for construction under sections 3 and 8, the 10 per cent fund, and F. F. R. C.
[2] From p. 21, Exhibit 12, of report of Commissioner of Pensions in Vol. II, in Annual Reports of the Department of the Interior, 1921.
[3] From Annual Report of Postmaster General for fiscal year ending June 30, 1921, pp. 204-205, showing expenditures for compensation of postmasters and for City and Rural Delivery Services.
[4] From combined statement of receipts and disbursements, balances, etc., of United States during fiscal year ending June 30, 1921, pp. 63-73 (referred to hereafter as combined statement).
[5] From pp. 116-127; combined statement. Includes only funds allocated to States.
[6] $1,148,665.78 from pp. 156-157, combined statement.
[7] Total $1,090,951.69 from report of Commissioner of General Land Office in Annual Reports of Department of Interior, 1921, p. 96, "expenditures * * * in connection with 'Surveying activities,' and from p. 160 of combined statement, under 'Special funds.'"
[8] From annual report of Reclamation Service in Vol. I of Annual Reports of Department of Interior, p. 60, Table 10, "Total expenditures" less "Collections and transfers."
[9] From combined statement, pp. 163-193. Includes only funds which were allocated among States.
[10] Annual Report of Register of Treasury for fiscal year ending June 30, 1921, p. 71, Table 31.
[11] Total, $5,476,503.74. Includes only those items shown as allocated to States from combined statement, pp. 92-116.
[12] Annual Report of Paymaster General of Navy for fiscal year 1921, statements 8 and 9.
[13] Includes expenses of internal-revenue collection from p. 176 of Annual Report of Commissioner of Internal Revenue for fiscal year ending June 30, 1921; total, $13,617,322.84; and expenditures of Federal Board for Vocational Education from their report for fiscal year 1921. Expenditures totaling $91,309,012 were shown only by districts from which the amounts spent in the State were estimated on the basis of number of trainees in each State. Expenditures of independent treasuries, mints, and assay offices, from combined statement, pp. 60-63, total, $1,638,472.91.
[14] The total ordinary disbursements of United States (excluding public debt and Postal Service) were $4,468,713,468.10 (p. 237 combined statement). The items shown here are all that could be allocated to States from available information.
[15] Includes $23,351,446.66 proceeds of Indian labor (p 173, combined statement). Doubtful whether all should be allotted to Oklahoma, but treated as both a receipt from and a payment to Oklahoma.

In order to determine whether a State receives its just proportion of money from the Federal Government, it is necessary to consider all the benefits that it receives, not only money for Federal aid of roads but also for pensions, internal improvements, waterways, as well as the benefits per capita of those national activities that are paid for by the Federal Government and used for the benefit of all. Ohio stands fourth in population. The citizens of Ohio can, therefore, be said to receive the fourth greatest benefits of any State of the Union in the expenditure of all money that can not be allocated to the various States.

The farmers of our country favor Federal appropriation to aid and stimulate the construction of good roads. At the national agricultural conference held in this city a resolution was passed on January 27, 1922, approving appropriation of Federal aid for road building, which said resolution is, in part, as follows:

> We approve the action of Congress in continuing Federal aid for the building of interstate, postal, and farm to market highways under the Department of Agriculture, and making appropriations therefor. We believe this policy to be equitable and constructive. We urge Congress to continue this policy for a definite period so that the States may plan adequate cooperation.

The American Farm Bureau Federation at its third annual meeting, held at Atlanta November 21 to 23 last year, went on record as favoring the principles of Federal aid in highway construction and the cooperation between the States and the Federal Government. The American Association of State Highway Officials at their meeting held December 28, 1921, at Omaha, Nebr., passed a resolution highly indorsing the action of Congress in adopting a policy of Federal aid for highways to be applied to a different system of highways as provided in the Federal highway act.

Transportation aids civilization. The country with the best system is the most prosperous and successful. Good highways are a means of better schools and higher standards of living; they are the lanes of commerce. Industry and development abound where transportation is the best. It is not only the production of goods that has made our Nation great, but the facility in the exchange between the various parts of the country.

Mr. DUNN. I yield two minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION. Mr. Speaker, I strongly favor this bill carrying $140,000,000 for Federal aid in the construction of roads.

Some days ago the Senate passed a bill carrying $115,000,000 of Federal aid for roads for the next two years, beginning July 1, 1922. Some of the members of our Road Committee in the House and others urged our committee to agree to the Senate bill, but a number of the members of the Road Committee, including myself, felt that $115,000,000 for the next two years was not enough. We made a fight for $140,000,000, and a majority of our committee agreed to this increase, and we were able to get a favorable report to the House for this amount, so the bill now under consideration carries $140,000,000 for road aid instead of $115,000,000, as provided in the Senate bill. The Department of Roads here, as well as the representatives of the various road departments of the various States of the Union, advised us that $140,000,000 will take care of the road program for the next two years.

HEAVY PENALTIES FOR FRAUD.

If this bill becomes a law, the Federal Government will have provided something like $500,000,000 altogether to aid in the construction of roads. The States, counties, and other taxing districts have put up, and will put up, even a larger sum to match this Federal aid. Road building is one of the very great enterprises of the Nation, and it will continue to increase, both in importance and in the amount of money spent. Our people everywhere want good roads. They do not object to paying taxes for good roads if the money is honestly expended and they get a dollar's worth of value for every dollar of tax money expended.

There has been a great deal of fraud in connection with the building of public roads. Millions of dollars have been wasted or stolen. Frauds have been committed in many ways, in the making of false statements as to the character and quantity of material used, or as to the amount of labor and cost thereof. Up to this time the Federal Government has provided no law to punish grafters and other rogues for frauds committed in connection with the expenditure of Federal funds in the construction of roads. This bill provides a penalty in the way of a fine not to exceed $10,000, or imprisonment not to exceed five years, or for both fine and imprisonment in the discretion of the court and jury for any fraud committed by any officer or agent of the Federal Government, any officer or agent of the State or county government, or any officer or agent of any person, firm, or corporation in connection with the construction of any road where Federal funds are used. If any of these officers or agents make any false statement in the submission of maps, plans, or specifications or contracts, or in any claim or claims or charges for work, or in the kind or quality of materials used, or in the quantity of materials, or labor, or the cost thereof, they will be subject to indictment and prosecution in the Federal court. I consider this an important and forward step in our great road-building program. The taxpayers' money must be protected. The road money must go into roads and not into the pockets of grafters.

UNDERPASS AND OVERPASS CROSSINGS.

The Federal road department has adopted a rule, as I understand, that they will not approve for Federal aid any main-line road to cross a main-line railroad at grade; that is, hereafter all of the main-line public roads built with Federal aid must either cross under or cross above main-line railroads. Travel has become so great on these main-line roads that this is necessary for the protection of human life, so they say.

Too many people are being killed at railroad crossings where the road crosses at grade. Under the present Federal-aid road law the Federal Government can contribute to the building of bridges on Federal-aid roads, but it can not contribute to building the underpasses at railroad crossings. In our own State of

Kentucky there will be a great number of underpasses and overpasses on these Federal-aid roads. This is true as to every other State. These underpasses or overpasses will cost as much as a bridge in many instances. If this bill becomes a law it will permit the Federal Government to put up one-half of the cost of these underpasses and overpasses on Federal-aid roads, just the same as it does now for the construction of bridges on a Federal-aid road. I think this a very important provision of this bill and should be adopted.

LESS WAR, BETTER HOMES AND SCHOOLS.

The World War cost in money and in destruction of property $338,000,000,000. About 9,000,000 men were killed and over 18,000,000 were wounded. Of these 1,000,000 or more have died since the war ended. Other millions were so badly wounded as to take them from the productive industries of the world and make them a charge upon their respective governments and the public. We lost hundreds of thousands of men on the battle field and by disease. The war cost us about $40,000,000,000. We still owe about $24,000,000,000 of this sum. We must pay every year about $1,000,000,000 interest on this debt. We are paying about $500,000,000 annually for compensation and insurance for the World War soldiers and their dependents. Perhaps we have not reached the peak in this expense, and it will continue at this sum or more for the next 20 years, and we will not see the end of it for the next 50 years.

The Civil War has been over nearly 60 years, but we paid last year something like $250,000,000 for pensions to the Civil War veterans and their dependents, and we did not have half as many men in the Civil War as we did in the World War. There are quite a number of Mexican War veterans and their dependents who are still on the pension roll, and quite a number of the widows and dependent children of the War of 1812 are still on the pension rolls. I am not complaining because we are paying pensions to these veterans and their dependents, but on the other hand, I have always supported measures for their relief and benefit. I am merely calling attention to these matters to show some of the evil effects and far-reaching effects of war.

Nearly ninety cents out of every dollar of the people's tax money is used to pay for wars that we have already had and making preparation for future wars. We use a little more than ten cents of every dollar of taxes to pay the great army of civil employees of the Government, pay for roads, education, agriculture, home economics, industrial training, and public health. The American people are wanting less of preparation for war and more preparation for peace. They want more good roads, good schools, good health, good farms, better industrial conditions, and better homes.

This body and the Senate passed a resolution concurring in the calling of the disarmament conference. It was held. The leading nations met with us, and we agreed to greatly reduce our naval armaments and agree to declare "A naval building holiday" for 10 years. The Senate has adopted the treaties made by the disarmament conference, and we feel confident that the other nations represented at this conference will likewise approve these treaties. All of the leading countries of the world are bankrupt. We have made these treaties of peace. There certainly now is no danger of war for many years to come. Anyhow, we have about 4,000,000 trained men in the United States who are veterans of the World War. We have a well trained and well organized National Guard of over 150,000 men.

I am one of those who voted to reduce our standing Army to about 122,000 men. In this way we can save the American taxpayers nearly $100,000,000 each year on the Army. I am one who also voted to reduce the Navy as provided in the disarmament treaty. I voted to provide every dollar to maintain the Navy as set forth in that treaty, but not a dollar more. This would save to the American taxpayers something like $200,000,000 per year. There is no reason why we should not save something like $250,000,000 to $300,000,000 per year on the Army and Navy, as compared with our expenditures heretofore on the Army and Navy. I know that some urge that we are in danger of being destroyed by some other nation. The history of the world is that no great nation was ever destroyed by forces without. A great nation is always destroyed by the forces within. This Republic will never be destroyed except through evil and sinister forces within our own borders. It means more for the real defense and perpetuity of this Nation to use more of our money in the development of a great system of highways; in the building up of our schools, farms, homes, and in making a righteous and patriotic citizenship, than it does to impose heavy taxes on our people for the construction of a great Navy and maintaining a large standing Army.

GREAT SYSTEM OF FEDERAL HIGHWAYS.

Under the bill that the Congress passed last year, and which I had the honor to have charge of in the House, and which became a law in November, 1921, there is provided a great system of interstate and intercounty highways embracing nearly 200,000 miles of Federal-aid roads. This system will penetrate every county of the Nation. Nearly 70,000 miles of this system has been built or is now under construction. When it is completed it will be one of the greatest factors in national defense that this country has ever provided. A first-class battleship now costs about $40,000,000. This sum put up for Federal aid and matched by a like sum from State aid would build 4,000 miles of pike road, at $20,000 per mile.

Four thousand miles of pike road would cover the system of highways laid out for the whole State of Kentucky by the Kentucky Legislature in March, 1920. These 4,000 miles of pike road would last for many years and would be of incalculable benefit, while the $40,000,000 battleship becomes obsolete, out of date, and worthless within a few years. We are astounded when we stop to consider the fact that if we had spent the $40,000,000,000 for roads instead of war, the Federal Government could have built 1,000,000 miles of pike road and paid $40,000 per mile. Kentucky would have received more than 20,000 miles of pike road at $40,000 per mile. This sum would have built a $40,000 per mile pike road on every main line and every crossroad in the United States. While I favor an adequate Navy and an adequate Army, yet I am insisting to-day and shall continue to insist upon building more roads, more schools, and less battleships. It is time for men to begin to think of the time spoken of by Isaiah the prophet, when swords shall be beaten into plowshares and spears into pruning hooks and nation shall not make war against nation any more. I am not a pacifist, but I do contend that all thoughtful men must realize the futility of war, and we must begin to think in terms of peace. President Harding has well said that great problems can be settled more justly and equitably around the conference table than in the hate and strife of the battle field.

PEACE AND PROGRESS POLICY.

At the beginning of this year there were more than 10,000,000 motor vehicles in this country and about 1,500,000 of these were motor trucks. About half of these motor vehicles are in the hands of the farmers of this country. The motor-truck transportation business is growing by leaps and bounds. In the year 1921 more than 6,000,000 head of cattle, hogs, sheep, and so forth, were transferred by trucks. Every other commodity is being transported by trucks. These are bringing the farmer and other producers of the country in quick connection with the consumer. This means progress and prosperity. I know of nothing we can do to promote the general prosperity of the country more than by encouraging the construction of good roads. Good roads must penetrate every section of the Union. Federal aid for roads must be considered an accepted policy of our Government. While there may be some few people in this country like the gentleman from Ohio [Mr. BEGG] who still project themselves in the way of progress, yet this great country of ours is marching on in the direction of a great highway system. [Applause.] I do not insist upon great width for the highways through the rural sections. It is of more interest to the people of this country to have a good, hard-surfaced road of moderate width all the way than to have a road 18 or 20 feet wide only half of the way. I think this is a good bill, and we should pass it and carry forward the road policy of this country. [Applause.]

Mr. HAWES. Will the gentleman yield?

Mr. ROBSION. I yield to the gentleman from Missouri.

Mr. HAWES. Is this bill in this form approved by the Federal highway department or State highway department of any State in the Union?

Mr. ROBSION. I certainly think it is.

Mr. BEGG. Mr. Speaker, I yield the remainder of my time to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arizona asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Speaker, it may be ungracious to say, but I had made up my mind to vote against the passage of this bill until I heard the speech of the gentleman from Ohio [Mr. BEGG], who has just yielded the remainder of his time to me. [Laughter.] If his State has been as badly imposed upon by the rest of the country as the gentleman would have us believe, it is a great wonder that Ohio has not seceded from the Union.

I totally disagree with the gentleman from Ohio on principle. In 1916 I voted for the original act to provide that the United States shall aid the States in the construction of roads. I have voted for all appropriations to carry out that act, each one of which the gentleman has opposed since he became a Member of this body. I have supported the various bills that have been passed amending and improving the original law, but I hesitated about voting for this measure which, I am convinced, has some reactionary and dangerous features, but I do not want to be recorded as opposed to any and all appropriations for Federal aid as is the gentleman from Ohio.

My first objection is to section 1 of the bill, in that it does not authorize appropriations for more than two years, and that the limit of $65,000,000 for the next fiscal year and $75,000,000 for the following fiscal year are too low. The State highway departments should know for at least three years in advance just what may be expected in the way of Federal aid, so that they may make their plans accordingly. In many instances the funds to match the sums allotted from the Federal Treasury must be raised by State or county bond issues, and before such bonds are voted the citizens and taxpayers interested should be fully advised as to the contribution which will be made on behalf of the United States. Most of the State legislatures meet but once every two years, and the same information should be available in order that the State road appropriations may be intelligently made. It is for these reasons that the American Association of State Highway Officials have indorsed the bill introduced by the gentleman from Michigan [Mr. WOODRUFF] providing for a five-year program of Federal aid to the extent of $100,000,000 each year.

It has been generally understood that Congress would appropriate $100,000,000 each year to aid the States in the construction of roads. That is a modest sum for a Government all the activities and expenditures of which will require at least three billions annually for many years to come. It represents less than a dollar per capita, which can not be considered a heavy Federal tax in support of better means of transportation. At the rate of $100,000,000 a year it will take 10 years to complete the 7 per cent system of primary highways provided for in the Federal highway act approved last November. To reduce the annual appropriations to $75,000,000 and less, as provided in this bill, simply means that the American people must wait at least 15 years before the interstate and intercounty system of highways is completed. Do you believe that those who sent you here to represent them are willing to wait 15 years for the completion of a road system which proposes nothing more than to connect the county seats in each State? And remember also that when this work is done that not more than one-third of this road mileage will consist of paved roadway.

In 1910 there were about 500,000 automobiles in the entire United States. To-day there are over 10,000,000 registered motor vehicles in this country, valued at $8,790,000,000. In 1910 the expenditures for all highway purposes were only $120,000,000. Last year the total road expenditure was $600,000,000, of which the Federal Government contributed but 14 per cent. These figures clearly demonstrate why there is such a tremendous demand for good roads, and conclusively prove that the building of roadbeds is lagging far in the rear of the rolling stock ready to use these ways of travel. The report on this bill admits that some States will be compelled to curtail their building programs by reason of these reduced Federal appropriations, and do so at a time when the need for improved highways is greater than ever before.

The only excuse given for this cut in the sums to be appropriated is the present industrial depression. If the money expended for Federal aid was wasted, I would concede that this argument was sound. Instead of being wasted it is invested in a business enterprise that pays dividends every day in the year—the business of transportation which benefits all of our citizens. The only way for business to resume activity is to start productive work wherever practicable. The worst possible policy for Congress to pursue in this situation is to reduce the appropriation for public works. There are millions of men out of employment to-day who would welcome an opportunity to engage in highway construction. Instead of giving way to a feeling of panic this Congress should proclaim its faith in the future of the United States of America by increasing instead of diminishing the appropriations for good roads.

The last Republican national platform, adopted at Chicago in June, 1920, contains this plank:

> We favor liberal appropriations, in cooperation with the States, for the construction of highways, which will bring about a reduction in transportation costs, better marketing of farm products, improvement in rural postal delivery, as well as meet the needs of military defense.

That platform was adopted almost two years after the war was over and ought to mean what it says: "We favor liberal appropriations." Does that mean that the amount to be appropriated should be less than the sum provided by Congress for that very year, which was $100,000,000? Can it be possible that those who are in charge of this bill are afraid to let the Republican majority in this House carry out this solemn pledge made in their party platform Were they fearful that a motion to increase these appropriations to $100,000,000 annually might prevail? Was that the reason why this bill is called up for consideration under suspension of the rules, so that no amendment of any kind or character could be offered or considered?

I also object to the reduction of the amount to be expended for forest roads and trails to $6,500,000 for the fiscal year ending June 30, 1924. It should be the fixed policy of Congress to appropriate $1 for this purpose for every $10 that is made available for Federal aid generally. If the forest lands belonging to the United States could be taxed by the States and counties as other privately owned property is taxed to build roads the Federal Government would be required to pay at least $14,500,000 a year toward highway improvements in the States where the forest reserves are located. It is unfair to reduce the appropriation for this purpose for any year to less than half that amount. To do so also violates another plank in the Republican platform, which reads:

> In determining the proportion of Federal aid for road construction among the States, the sums lost in taxation to the respective States by the setting apart of large portions of their area as forest reservations should be considered as a controlling factor.

My strongest objection is to section 5 of the bill, which reduces the Federal-aid payments to $12,500 per mile during the next fiscal year and to $10,000 per mile thereafter. At present the United States may contribute as much as $20,000 a mile toward road construction by the States, which is none too much, where permanent highways are to be built, or where the route adopted is in a mountainous country. Last week the Miami-Superior highway in Arizona, 20¼ miles in length, was opened to travel. The total cost of this road through the Pinal Mountains was $887,960, or at the rate of $43,356 per mile. There are a number of roads in my State that have cost from $75,000 to $100,000 per mile, which does not include paving.

I have some figures here taken from the April issue of the Highway Engineer and Contractor which clearly demonstrates the menace of this proposed reduction in the limit of Federal-aid payments:

> Average costs per square yard of various types of paving for country roads have recently been issued by the Bureau of Public Roads. The figures cover 68,000,000 square yards of paving constructed with Federal aid in all parts of the United States during the period 1916–1921. The costs per square yard are as follows: Sand-clay, $0.18; gravel, $0.46; plain and surface treated macadam, $0.95; bituminous macadam, $2.10; bituminous concrete, $2.50; plain cement concrete, $2.57; reenforced cement concrete, $2.74; and brick, $4.10. These figures cover only the cost of the paving; they do not include the cost of grading; and it must not be assumed that roads of the several types can be constructed in any locality at the figures given.

It will be observed that these figures are based upon a five-year average, and do not represent the high peak of construction costs during the war. For an 18-foot pavement, allowing nothing for right of way, grading, drainage, or other expenses, the following table shows the average cost of providing a hard road surface to meet the requirements of modern traffic conditions:

$2.10 per square yard equals $22,176 per mile.
$2.50 per square yard equals $26,400 per mile.
$2.57 per square yard equals $27,139.20 per mile.
$2.74 per square yard equals $28,934.40 per mile.
$4.10 per square yard equals $43,296 per mile.

I venture to say without fear of contradiction that neither the Department of Agriculture nor any State highway department recommended this reduction to $10,000 a mile, which, as I have demonstrated, will not cover one-half of the cost of the average 18-foot hard-surfaced road. The only result will be that the State authorities will be compelled to give preference to the construction of long roads of a cheap type over level country. Permanent roads will not be built and mountain roads will be delayed indefinitely. The gentleman from Virginia [Mr. MOORE] has just handed me this telegram from his State highway commissioner, who is also chairman of the executive committee of the Association of State Highway Officials, which shows that this limitation is proposed against the advice of those who know the most about road building in the United States:

RICHMOND, VA., *April 26, 1922.*

Hon. R. WALTON MOORE,
Washington, D. C.:

Limit of $10,000 set by new Federal bill would seriously affect highway construction in this State. I believe that it would be a mistake to change the present law.

G. P. COLEMAN.

Certainly it will be a mistake to reduce the limit of Federal participation as here proposed. The chief reason why I am going to vote for this measure is because I hope and believe that the bill will be amended in the Senate so that the full amount of $100,000,000 will be appropriated each year and that the limitation will be raised to $20,000 per mile. With that confident expectation I shall vote for the bill.

Mr. DUNN. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, it is difficult to discuss this question in three minutes. I believe the bill is entitled to the support of all Members who believe in the road policy which we adopted several years ago. There are some people in the country who do not believe it was wise to begin or to continue Federal contributions to the building of public highways. But those people are in the very small minority. In the main our people approve and are pledged to the policy we are proposing to carry forward in this bill. The bill does not make as large an authorization as some gentlemen would like, but it makes a very liberal authorization, considering the state of finances. I think the committee arrived at a very fair compromise amid the divergent opinions on that subject. There is some objection to the provision of this bill, section 5, which restores the policy adopted by the first good-roads bill limiting the Federal aid to $10,000 a mile, beginning with the fiscal year 1923. But so far as the majority of the States are concerned, I think it is proper to return to the original policy. The amendment increasing the Federal participation was made for and on behalf of the State of New York. At that time practically all of the State delegations objected, or at least there was some objection to it, although now we have come to a time when costs are much lower than they were immediately following the war, and we may very well return to the original policy of participation by the Federal Government to the extent of $10,000 per mile, and I believe the authorization here is in a sufficient amount to carry on the work. [Applause.]

The SPEAKER. All time has expired.

Mr. MONDELL. Mr. Speaker, I am told that on page 1 of the bill, line 6, the word June should be July. I am also told that a modification was made on page 3 instead of page 1. Is that true?

The SPEAKER. The modification was made on page 3.

Mr. MONDELL. The correction should have been made on page 1, and not page 3. On page 3 it is correct.

Mr. WALSH. Mr. Speaker, I call for the regular order.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and on a division (demanded by Mr. BEGG) there were 129 ayes and 23 noes.

Mr. BEGG. Mr. Speaker, I object on the ground that no quorum is present, and I make the point of order that no quorum is present.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 31, answered "present" 1, not voting 158, as follows:

YEAS—240.

Almon	Cantrill	Favrot	Herrick
Anderson	Carter	Fess	Hersey
Anthony	Chalmers	Fish	Hickey
Aswell	Chandler, Okla.	Fisher	Hill
Atkeson	Christopherson	Fitzgerald	Himes
Bankhead	Clague	Foster	Hoch
Barkley	Clarke, N. Y.	Free	Huddleston
Beedy	Clouse	French	Hukriede
Bell	Cole, Iowa	Fuller	Hull
Benham	Cole, Ohio	Fulmer	Jacoway
Bird	Collier	Funk	James
Bixler	Connally, Tex.	Garrett, Tenn.	Johnson, Ky.
Black	Cooper, Ohio	Garrett, Tex.	Johnson, Wash.
Bland, Ind.	Cooper, Wis.	Gensman	Jones, Pa.
Bland, Va.	Crisp	Gernerd	Jones, Tex.
Boles	Crowther	Goodykoontz	Keller
Bond	Curry	Gorman	Ketcham
Bowling	Dale	Graham, Ill.	Kincheloe
Box	Davis, Minn.	Green, Iowa	King
Brennan	Deal	Greene, Vt.	Kirkpatrick
Browne, Wis.	Denison	Griest	Kissel
Buchanan	Dickinson	Griffin	Kleczka
Bulwinkle	Dominick	Hadley	Kline, N. Y.
Burdick	Doughton	Hammer	Kline, Pa.
Burroughs	Dowell	Hardy, Colo.	Lampert
Burtness	Drewry	Hardy, Tex.	Langley
Burton	Dunbar	Harrison	Lanham
Byrnes, S. C.	Dunn	Hawes	Lankford
Byrns, Tenn.	Dupré	Hawley	Larsen, Ga.
Cable	Echols	Hayden	Larson, Minn.
Campbell, Kans.	Elliott	Hays	Lawrence
Cannon	Fairfield	Henry	Lazaro
Lehlbach	Nolan	Rouse	Towner
Lineberger	Norton	Rucker	Tucker
Little	O'Connor	Sanders, Tex.	Tyson
Logan	Ogden	Sandlin	Vaile
London	Oldfield	Scott, Mich.	Vinson
Lowrey	Oliver	Scott, Tenn.	Voigt
Luhring	Overstreet	Shaw	Volk
McClintic	Padgett	Sinclair	Volstead
McCormick	Paige	Sinnott	Walters
McDuffie	Park, Ga.	Sisson	Ward, N. C.
McFadden	Patterson, Mo.	Smith, Idaho	Wason
McKenzie	Patterson, N. J.	Speaks	Weaver
McLaughlin, Mich.	Pou	Sproul	Webster
McLaughlin, Pa.	Purnell	Steagall	Wheeler
McPherson	Quin	Steenerson	White, Kans.
McSwain	Rainey, Ill.	Stoll	White, Me.
Magee	Raker	Strong, Kans.	Williams
Mapes	Ramseyer	Summers, Wash.	Williamson
Merritt	Rankin	Swank	Wingo
Michener	Rayburn	Swing	Winslow
Miller	Reavis	Taylor, N. J.	Wise
Millspaugh	Reed, W. Va.	Taylor, Tenn.	Wood, Ind.
Mondell	Rhodes	Ten Eyck	Woodruff
Montoya	Ricketts	Thomas	Woods, Va.
Moore, Va.	Roach	Thompson	Woodyard.
Morgan	Robertson	Tillman	Wright
Nelson, Me.	Robsion	Timberlake	Young
Nelson, A. P.	Rose	Tincher	Zihlman

NAYS—31.

Ackerman	Dyer	Layton	Newton, Mo.
Andrew, Mass.	Faust	Lea, Calif.	Parker, N. J.
Andrews, Nebr.	Fenn	Leatherwood	Radcliffe
Appleby	Frear	Luce	Snyder
Arentz	Frothingham	McLaughlin, Nebr.	Stafford
Begg	Jefferis, Nebr.	MacGregor	Tinkham
Colton	Kinkaid	Mott	Walsh
Dallinger	Kopp	Nelson, J. M.	

ANSWERED "PRESENT"—1.

Moores, Ind.

NOT VOTING—158.

Ansorge	Fields	Lee, N. Y.	Rossdale
Bacharach	Focht	Linthicum	Ryan
Barbour	Fordney	Longworth	Sabath
Beck	Freeman	Lyon	Sanders, Ind.
Blakeney	Gahn	McArthur	Sanders, N. Y.
Blanton	Gallivan	Madden	Schall
Bowers	Garner	Maloney	Sears
Brand	Gilbert	Mann	Shelton
Briggs	Glynn	Mansfield	Shreve
Britten	Goldsborough	Martin	Siegel
Brooks, Ill.	Gould	Mead	Slemp
Brooks, Pa.	Graham, Pa.	Michaelson	Smith, Mich.
Brown, Tenn.	Greene, Mass.	Mills	Smithwick
Burke	Haugen	Montague	Snell
Butler	Hicks	Moore, Ill.	Stedman
Campbell, Pa.	Hogan	Moore, Ohio	Stephens
Carew	Hooker	Morin	Stevenson
Chandler, N. Y.	Hudspeth	Mudd	Stiness
Chindblom	Humphreys	Murphy	Strong, Pa.
Clark, Fla.	Husted	Newton, Minn.	Sullivan
Classon	Hutchinson	O'Brien	Sumners, Tex.
Cockran	Ireland	Olpp	Sweet
Codd	Jeffers, Ala.	Osborne	Tague
Collins	Johnson, Miss.	Parker, N. Y.	Taylor, Ark.
Connell	Johnson, S. Dak.	Parks, Ark.	Taylor, Colo.
Connolly, Pa.	Kahn	Perkins	Tempie
Copley	Kearns	Perlman	Tilson
Coughlin	Kelley, Mich.	Petersen	Treadway
Crago	Kelly, Pa.	Porter	Underhill
Cramton	Kendall	Pringey	Upshaw
Cullen	Kennedy	Rainey, Ala.	Vare
Darrow	Kiess	Ransley	Vestal
Davis, Tenn.	Kindred	Reber	Ward, N. Y.
Dempsey	Kitchin	Reece	Watson
Drane	Knight	Reed, N. Y.	Wilson
Driver	Knutson	Riddick	Wurzbach
Edmonds	Kraus	Riordan	Wyant
Ellis	Kreider	Rodenberg	Yates
Evans	Kunz	Rogers	
Fairchild	Lee, Ga.	Rosenbloom	

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Chindblom and Mr. Briggs (for) with Mr. Greene of Massachusetts (against).

Mr. Stevenson and Mr. Driver (for) with Mr. Moores of Indiana (against).

Until further notice:

Mr. Madden with Mr. Cullen.

Mr. Treadway with Mr. Cockran.

Mr. Moore of Ohio with Mr. O'Brien.

Mr. Porter with Mr. Tague.

Mr. Longworth with Mr. Brand.

Mr. Reed of New York with Mr. Montague.

Mr. Snell with Mr. Collins.

Mr. McArthur with Mr. Sumners of Texas.

Mr. Bacharach with Mr. Wilson.

Mr. Brooks of Illinois with Mr. Kindred.

Mr. Knight with Mr. Gilbert.

Mr. Stephens with Mr. Sears.

Mr. Kendall with Mr. Parks of Arkansas.
Mr. Smith of Michigan with Mr. Carew.
Mr. Brooks of Pennsylvania with Mr. Davis of Tennessee.
Mr. Shelton with Mr. Hooker.
Mr. Lee of New York with Mr. Kitchin.
Mr. Johnson of South Dakota with Mr. Linthicum.
Mr. Kiess with Mr. Sullivan.
Mr. Michaelson with Mr. Garner.
Mr. Strong of Pennsylvania with Mr. Drane.
Mr. Butler with Mr. Riordan.
Mr. Vare with Mr. Sabath.
Mr. Kahn with Mr. Hudspeth.
Mr. Olpp with Mr. Johnson of Mississippi.
Mr. Shreve with Mr. Taylor of Colorado.
Mr. Graham of Pennsylvania with Mr. Smithwick.
Mr. Perlman with Mr. Fields.
Mr. Connell with Mr. Gallivan.
Mr. Osborne with Mr. Humphreys.
Mr. Tilson with Mr. Jeffers of Alabama.
Mr. Sanders of Indiana with Mr. Kunz.
Mr. Kreider with Mr. Upshaw.
Mr. Blakeney with Mr. Lee of Georgia.
Mr. Burke with Mr. Martin.
Mr. Hogan with Mr. Lyon.
Mr. Coughlin with Mr. Mansfield.
Mr. Ellis with Mr. Clark of Florida.
Mr. Wurzbach with Mr. Blanton.
Mr. Maloney with Mr. Stedman.
Mr. Hutchinson with Mr. Taylor of Arkansas.
Mr. Connolly of Pennsylvania with Mr. Mead.
Mr. Knutson with Mr. Rainey of Alabama.
Mr. Reece with Mr. Goldsborough.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

EXTENSION OF UNITED STATES BOTANIC GARDEN.

Mr. LANGLEY. Mr. Speaker, a while ago House Joint Resolution 298, authorizing the transfer to the jurisdiction of the Joint Committee on the Library of certain reservations in the District of Columbia for use in connection with the Botanic Garden, was under consideration. The matter was passed over at the request of the gentleman from Massachusetts [Mr. WALSH] because his colleague [Mr. LUCE], who is interested in the matter, was temporarily absent. I ask that that matter be taken up now.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk reported the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some explanation should be made of this important resolution before the objection stage is passed, and I call upon my genial and lovable friend from Kentucky [Mr. LANGLEY] to give us an explanation.

Mr. LUCE. Mr. Speaker, I desire to oppose the bill.

The SPEAKER. The gentleman will have that opportunity if the bill comes up in its regular course. If there is no objection, there will be opportunity to discuss the bill. The Chair understands the gentleman from Wisconsin reserves the right to object.

Mr. STAFFORD. I do.

Mr. LANGLEY. Mr. Speaker, the gentleman from Wisconsin [Mr. STAFFORD] requests some explanation of this measure.

Mr. WALSH. Mr. Speaker, is this past the objection stage?

The SPEAKER. It is not. The gentleman from Wisconsin reserves the right to object and desires some explanation of the bill.

Mr. WALSH. If there is going to be objection, what is the use of sitting here and listening to the explanation?

Mr. LANGLEY. I will say to my friend that the gentleman from Massachusetts [Mr. LUCE], his colleague, desires to speak in opposition to the bill, but informs me that he does not desire to object to its being reported. That is entirely satisfactory to him.

Mr. CHALMERS. Mr. Speaker, I ask for the regular order.

Mr. LANGLEY. Mr. Speaker, I have made an explanation of the bill earlier in the day and——

The SPEAKER. The gentleman from Ohio demands the regular order. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. LANGLEY. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 186, of which this is an exact copy.

The SPEAKER. The gentleman from Kentucky moves to suspend the rules and pass the Senate joint resolution which the Clerk will report.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 186) authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

Resolved, etc., That the Chief of Engineers, United States Army, is hereby authorized and directed to transfer to the jurisdiction of the Joint Committee on the Library the following United States reservations for use in connection with the Botanic Garden: Nos. 6–A, 6–B, 6–C, 6–D, 6–E, 6–F, 6–G, 6–H, 6–I, 6–K, 6–L, 6–M, 6–N, 6–O, 6–P, 6–Q, 6–R, 292, and 293, all of which lie along the site of the old James Creek Canal, from Maryland Avenue to P Street SW., Washington, in the District of Columbia.

Passed the Senate March 31, 1922.

The SPEAKER. Is a second demanded?

Mr. LUCE. Mr. Speaker, I demand a second.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kentucky is entitled to 20 minutes and the gentleman from Massachusetts to 20 minutes.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Fordney	Little	Rosenbloom
Bacharach	Free	Longworth	Rossdale
Barbour	Freeman	Lyon	Rucker
Barkley	Funk	McArthur	Ryan
Beck	Gallivan	McClintic	Sabath
Benham	Garner	McKenzie	Sanders, Ind.
Blakeney	Gilbert	McLaughlin, Nebr.	Sanders, N. Y.
Blanton	Glynn	Madden	Schall
Bowers	Goldsborough	Maloney	Sears
Brand	Gould	Mann	Shaw
Britten	Graham, Pa.	Mansfield	Shelton
Brooks, Ill.	Greene, Mass.	Martin	Shreve
Brooks, Pa.	Haugen	Mead	Siegel
Brown, Tenn.	Hawley	Michaelson	Smith, Mich.
Burke	Hersey	Mills	Smithwick
Burton	Hicks	Millspaugh	Snell
Butler	Hogan	Montague	Snyder
Campbell, Pa.	Hooker	Moore, Ill.	Stedman
Cantrill	Hudspeth	Moore, Ohio	Stephens
Carew	Humphreys	Morin	Stevenson
Chandler, N. Y.	Husted	Mudd	Stiness
Clark, Fla.	Hutchinson	Murphy	Strong, Pa.
Clarke, N. Y.	Ireland	Nelson, J. M.	Sullivan
Classon	Jeffers, Ala.	Nolan	Sweet
Cockran	Johnson, Miss.	O'Brien	Tague
Codd	Johnson, S. Dak.	Oliver	Taylor, Ark.
Collins	Kahn	Olpp	Taylor, Colo.
Connell	Kearns	Osborne	Temple
Connolly, Pa.	Kelley, Mich.	Parker, N. Y.	Tilson
Copley	Kelly, Pa.	Parks, Ark.	Treadway
Coughlin	Kendall	Perkins	Tyson
Cramton	Kennedy	Perlman	Underhill
Cullen	Kiess	Petersen	Upshaw
Darrow	Kindred	Porter	Vare
Davis, Tenn.	Kitchin	Pou	Vestal
Dempsey	Kline, Pa.	Pringey	Ward, N. Y.
Denison	Knight	Rainey, Ala.	Ward, N. C.
Drane	Knutson	Ransley	Watson
Driver	Kraus	Reavis	Williams
Echols	Kreider	Reber	Wilson
Edmonds	Kunz	Reece	Wise
Ellis	Lampert	Reed, N. Y.	Wurzbach
Fairchild	Leatherwood	Riddick	Wyant
Fenn	Lee, Ga.	Riordan	Yates
Fields	Lee, N. Y.	Rodenberg	
Focht	Linthicum	Rogers	

The SPEAKER. Two hundred and forty-eight Members have answered to their names; a quorum is present.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 268.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to present a conference report on the disagreeing votes of the two Houses on House Joint Resolution 268, for printing under the rule.

The SPEAKER. The Clerk will report the joint resolution by title.

The Clerk read as follows:

House Joint Resolution 268, extending the operation of the immigration act of May 19, 1921.

The SPEAKER. Ordered printed under the rule.

BOTANIC GARDEN.

The SPEAKER. The question before the House is suspending the rules on the motion of the gentleman from Kentucky. The gentleman from Kentucky is recognized for 20 minutes and the gentleman from Massachusetts for 20 minutes.

Mr. LANGLEY. Mr. Speaker, will the Speaker kindly notify me when I have used seven minutes? Mr. Speaker, perhaps I had better begin this brief explanation by stating that this map runs from north to south. Here is the present Botanic Garden. The need for action—as I said earlier in the day and which I will repeat for the information of those gentlemen who were not in the Chamber then—arises from the fact that the Meade Memorial, in the northwest corner of the garden, has taken 100 square feet, which is now covered with rose bushes and other valuable plants and shrubbery. The Grant Memorial has taken a large space over at this end of the Botanic Garden facing the Capitol. Director Hess has been using grounds surrounding the Gallinger Hospital as a sort of nursery, and he has a lot of shrubbery and things of that sort there, which must be moved immediately because of the improvement work that is now in progress on that institution, and they have notified him that he must move immediately. In addition to that fact the Botanic Garden——

Mr. JONES of Texas. Will the gentleman yield?

Mr. LANGLEY. In a moment. The Botanic Garden is very much overcrowded for space, in addition to the situation I have referred to——

Mr. JONES of Texas. Now, it is not the purpose in enlarging this to make room for more monuments down there, is it?

Mr. LANGLEY. I certainly hope that it is not. That matter, of course, rests with the Congress and with the commission that may be appointed to pass upon it. That is not the idea of the committee reporting the resolution, however.

Mr. JONES of Texas. They would not put any more monuments there without getting the approval of the Congress?

Mr. LANGLEY. They could not do so.

Mr. CRISP. If the gentleman will permit, is this land to be incorporated in this park now the property of the United States?

Mr. LANGLEY. I was coming to that. All of this land here included in these yellow diagrams is owned by the Government of the United States, and is under the War Department. Most of it is unoccupied now, and it is very fine soil.

Some portions of it here—for instance, out Maryland Avenue—are occupied by the government of the District of Columbia. Two other blocks along here somewhere [indicating] are covered by débris of various sorts, which has been deposited there by the District government, which has been using those particular sections as a sort of dumping ground.

Mr. MILLER. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. MILLER. Has the gentleman made an estimate of the probable cost of making the land of which he is now speaking suitable for Botanic Garden purposes, or is it in that condition now?

Mr. LANGLEY. Most of it is practically ready now for utilization for that purpose. This bill does not propose to buy a single foot of land. It merely proposes that it be placed under the supervision of the Joint Committee on the Library and its use by the Director of the Botanic Garden, subject to the control of that committee.

Mr. RAMSEYER. For what purpose is that land now being used?

Mr. LANGLEY. Most of it is not being used for any purpose.

Mr. RAMSEYER. It is just lying idle?

Mr. LANGLEY. Some of it is occupied by the District government, and the Commissioners of the District have agreed that they can not easily move off of the portions which they occupy. There is a space here occupied by the District government for stables which they propose to abandon, and which buildings can by a nominal cost be converted into greenhouses.

Mr. RAKER. Will the gentleman put his pointer as to wherein N Street is? There is a dumping ground now where they pick up the sewage and put it on a boat?

Mr. LANGLEY. I think so.

Mr. RAKER. Why did not the committee take these blocks that are on farther south than 6-R?

Mr. LANGLEY. Because that is as far as James Creek Canal has been filled up. The balance of the canal bed is in its original condition—filled with water.

Mr. RAKER. I know; but there are at least 10 blocks from N Street on south to the river?

Mr. LANGLEY. This is P Street.

Mr. RAKER. From N Street on south, clear on down to the point to east of the War College, is one of the finest tracts of land in the city of Washington to-day that is unimproved.

Mr. LANGLEY. That is not the James Creek Canal bed. The gentleman has a wrong impression about that. Some portion of this property, I wish to say to the House, is really an eyesore to the city of Washington. Within three or four blocks of this Capitol Building there is refuse of various sorts, loose brick and stone, broken wagon wheels, and various things of that kind, and it is a habitation, they tell me—I do not know personally—for dope vendors, bootleggers, and other leggers [laughter] and this——

Mr. STAFFORD. The gentleman does not mean to say that there are moonshiners in the District of Columbia?

Mr. LANGLEY. The gentleman from Wisconsin is from a wet city and I am from a dry State, and he ought to know better than I do.

Mr. STAFFORD. I acknowledge myself to be a "wet."

Mr. LANGLEY. Well, I do not. [Laughter.] I never admit anything. The result of this legislation will be to move all of that unsightly——

The SPEAKER. The gentleman has occupied seven minutes.

Mr. LANGLEY. I will take two or three minutes more.

Mr. LUCE. Will the gentleman explain to the House what is the need of this legislation from a legal point of view? The land is now in the control of the District of Columbia, is it not?

Mr. LANGLEY. Part of it is under the control of the District, by authority of the War Department, but it is, of course, Government property, and Colonel Sherrill and all other officers directly interested—the Commissioners of the District, the Chief of Engineers, and everybody else who has had anything to do with this matter—state that it would require action of Congress to make it other than a temporary improvement.

Mr. WOOD of Indiana. It is under the control of the War Department, all of it.

Mr. LUCE. The War Department?

Mr. WOOD of Indiana. Yes.

Mr. LUCE. Why does the District of Columbia use this strip through here for its stable?

Mr. WOOD of Indiana. By permission of the War Department.

Mr. LUCE. And this could be used for temporary purposes without legislation?

Mr. LANGLEY. I do not know how long is could be used.

Mr. LUCE. It could be used temporarily.

Mr. LANGLEY. The original proposition was that it be used temporarily, but the officers who have directly to do with this matter said that this action by Congress is necessary.

Mr. LUCE. One other question. Does the gentleman wish the House to understand that there is at present on this strip which it is proposed to turn over a single dwelling house?

Mr. LANGLEY. There is certainly no private dwelling house there privately owned. There may be some squatters on it.

Mr. LUCE. The gentleman's suggestion that this would aid in getting rid of anything disreputable or unsightly was not quite pertinent, then?

Mr. LANGLEY. I think it was pertinent, because, as I have explained, several blocks of this property were covered all over with refuse.

Mr. LUCE. Is there any structure at all on the Government property from the railroad down, any kind of an edifice—factories, or anything else?

Mr. LANGLEY. Yes. I saw yesterday a good many covered wagons and things in which law violations could be concealed.

Mr. LUCE. The gentleman's eyesight differs from mine.

Mr. LANGLEY. Yes; because I am younger than the gentleman from Massachusetts. [Laughter.]

Mr. Speaker, that is about all I care to say.

Mr. GRAHAM of Illinois. Tell us something about the size of that strip.

Mr. LANGLEY. I thank the gentleman for making the suggestion. I had overlooked that. I have a list here which gives it. The entire area, included in these yellow marks here, is 15.093 acres. I have here somewhere an estimate of the number of square yards and the number of square feet and the number of square inches, that I intended to give to the gentleman from Wisconsin if he wanted it, as he wanted more specific information two weeks ago. There are 94,678,832 square inches, 657,478 square feet, and 73,053 square yards. I talked with some of the officials about getting the number of cubic inches of rich, productive soil, and ascertained that that was impracticable. [Laughter.] There is no question in my mind about the advisability of the adoption of this resolution. It will not

only relieve the congestion in the Botanic Garden but at the same time the improvement will fit into the parking system of Washington, and it will beautify a section of the city that has been sadly neglected heretofore.

Mr. STAFFORD. Will the gentleman yield?

Mr. LANGLEY. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used 12 minutes.

Mr. STAFFORD. Will the gentleman state how wide the tract is?

Mr. LANGLEY. Two hundred feet to the inch.

Mr. STAFFORD. That is very definite, about as definite as the gentleman can give me.

Mr. LANGLEY. It is definite enough, it seems to me, for all practical purposes. I think everybody understands all the essential facts.

The SPEAKER. The gentleman from Massachusetts [Mr. LUCE] is recognized.

Mr. LUCE. Mr. Speaker, by statute the Committee on the Library has the somewhat unique duty of control of the Botanic Garden. For that reason the general subject of the Botanic Garden has been before the committee, I imagine, for many years; I refer particularly to the change in its location. We had about two years ago an exceptionally illuminating and instructive hearing that gave at least one member of the committee such a vital interest in the matter that he has taken no small number of hours in attempting to reach a conclusion in his own mind as to what ought to be done.

When it became necessary to make preparations for dedicating the Grant Memorial, the superintendent of the garden came before the committee and pointed out that by taking down the iron fence much valuable shrubbery would be endangered. We already knew that his palm houses were too small, and in view of these two things the Joint Committee on the Library very readily and cheerfully authorized the superintendent of the garden, for whom we have a high regard and whose work we would help all we can, to take a stretch of land from the Botanic Garden down as far as the railroad along Canal Street. It is perhaps 40 or 50 feet wide, now covered by ugly stables, hardly deserving the name of stables, that might be supplanted usefully by greenhouses. It is cut by several streets, as everyone here who lives in Congress Hall knows very well. It is unsuited to any park purpose other than possibly a parkway. It would for the most part be unfit for anything botanical except greenhouses, and for that or any other practicable purpose we very gladly said Mr. Hess might use the property.

Somewhat to the astonishment of some of us, there appeared not long afterwards in one of the Washington papers a long and highly colored story to the effect that there was unanimous consent in Congress to creating a wonderful botanic garden down in the tin-can district between the railroad and the river, the filled-in district.

The ground for this story I do not know. The Committee on the Library had never had any such proposition laid before it, and was unable therefore to give any view on it, and it was a little disconcerting to find that the newspaper writer said that the proposition had the hearty and unanimous support of the whole Committee on the Library, which had never heard anything about it, at least in any meeting of the committee.

Mr. LANGLEY. Mr. Speaker, will my friend yield to me?

Mr. LUCE. Certainly.

Mr. LANGLEY. Speaking about the newspaper article being disconcerting, I have in days gone by been myself disconcerted by newspaper stories; but I have since then recovered from that susceptibility, and I am sure my worthy and distinguished and learned friend from Massachusetts will not blame me for anything colored that appears in the papers. [Laughter.]

Mr. LUCE. My wonder was increased when I discovered in the report accompanying this bill that in it is quoted a recommendation from the Superintendent of Public Buildings and Grounds which covered precisely that which the Committee on the Library had in mind, and that alone. The superintendent was present at the meeting of the Committee on the Library, and it was our agreement, and I should be delighted now to see the Congress decide, to transfer this strip from here to the railroad [indicating on map] to Mr. Hess. But the Committee on Public Buildings and Grounds, while quoting this recommendation of the superintendent, uses it as the basis of a bill to transfer all this tract on the other side of the railroad, which was so elaborately described by the newspaper man as the site of the future Botanic Garden.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CAMPBELL of Kansas. What legal or other objection is there to this bill transferring the land beyond the railroad on down to the river?

Mr. LUCE. I know of no legal objection, and I am in the singular position of having no serious personal objection to its transfer for the purpose for which it logically and properly might be used. But the public has been told with great enthusiasm that this is to be used for another purpose; and if it is to be used for another purpose I strenuously and earnestly remonstrate, and that is why I take the floor now, and hope that we may provide, if there is a parliamentary way of doing it, that this dream shall not be carried out until Congress has decided that it is desirable.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. LUCE. In a moment. This land down beyond the railroad might be usefully employed as forcing grounds, as bedding places, and for the productive purposes of a flower garden—that is, for the growing of flowers, plants, and shrubs. It can not be made a thing of beauty. It can not be made a place that anybody will visit. It will have none of the attractiveness of a botanic garden, but can be used simply for raising the shrubs, plants, and flowers which the superintendent of the garden distributes, I presume, through the parks of the District, the hospital grounds, and other places, and from which to a delightful degree the Members of the House themselves benefit.

Mr. LANGLEY. Mr. Speaker, if the gentleman will yield, I will say to the gentleman that I think that is what the Director of the Botanic Garden and others agreeing to the proposition have in mind. Some of this land may be used as an arboretum, whatever that is. I have heard them mention that. I am not myself an expert on the subject.

I will say to the gentleman that the reason for including in this resolution more territory than the Director of the Botanic Garden mentioned when he was before your committee was that when Colonel Sherrill, in charge of public buildings and grounds, and representatives of both the Senate and House Library Committees and others went over it they said, "There is some more land, Mr. Hess," and one of the District Commissioners said, "You can use that also"; and they drew this resolution as it was unanimously passed by the Senate, and it is now introduced in the House, and it turns over to the Joint Committee on the Library, of which the distinguished gentleman is a very active and influential member, the authority to do whatever he and his associates care to do with that land.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. WALSH. Referring to the statement of the gentleman from Kentucky [Mr. LANGLEY], in any event all that is accomplished by this resolution is to turn over that property to the jurisdiction of the Committee on the Library, of which my colleague is a member, and in future that committee can recommend and control the use that is made of this tract?

Mr. LUCE. Absolutely; and if the gentleman stopped at that point there would be no objection whatever. But my friend from Kentucky [Mr. LANGLEY] lets the cat out of the bag when he uses the word "arboretum." By the use of the word "arboretum" he supplements and enforces the newspaper story, which is based on the theory that this is to be an arboretum, a most preposterous proposition. An arboretum is a place where great trees are grown. An arboretum ought to have a capacity of several hundred acres. A thousand or 2,000 acres would be none too small for an arboretum.

Mr. LANGLEY. Will my friend yield again?

Mr. LUCE. Does the gentleman desire to withdraw the word "arboretum"?

Mr. LANGLEY. I desire to say that I heard the word "arboretum" used in the discussion of this question, and the gentleman from Massachusetts knows much better than I do what it means. I do not see any reason why we could not grow trees down there if we wanted to; but again let me call attention to the fact that the committee of which the gentleman is a distinguished and powerful member will have control of that entire thing, and if you found that an arboretum might do some damage down there you might veto the arboretum and not let it be put down there. [Laughter.]

Mr. LUCE. The gentleman from Massachusetts happens to be acquainted with the word "arboretum," because one of the beauty spots in the suburbs of Boston is the Arnold Arboretum, perhaps the first and certainly the best of its kind in the country, a large area of land devoted to the raising of trees and a great help to botanists and to the students of arboriculture. Now, the danger here is that it might be thought, from what has been said on the floor and from what has been said in the press, that Congress by this bill had given its sanction to the use of

this land for such a purpose as that. The danger of growing trees upon this ground is that it would totally upset any permanent plan for the improvement of this whole district sought of the Capitol extending to the river. Most of it is land privately owned and must in time be bought. It is intersected by streets that have been leveled up, and in between the trees are sink holes that are on the original level of the meadows. It will take, I venture to prophesy, not less than $1,000,000 to buy and improve that property for public purposes, perhaps a good deal more.

Mr. RAKER. Will the gentleman yield for a question?

Mr. LUCE. Yes.

Mr. RAKER. Is it not a fact that on this street, from about M on down to the river, about eight blocks, there is to-day the finest row of trees in or about the city of Washington?

Mr. LANGLEY. Absolutely true.

Mr. LUCE. It is a row of very beautiful trees, and doubtless they will be preserved in any reconstruction of the area down there. The gentleman refers to the trees on First Street, does he not?

Mr. RAKER. Yes.

Mr. LUCE. Now, First Street runs away over here, several hundred feet.

Mr. RAKER. Over beyond here is the Navy property?

Mr. LUCE. Yes.

Mr. RAKER. I will ask the gentleman if it is not a fact that the two beauty spots of Washington, where more people go than to any other place in Washington, are the War College and around the Speedway, which have been improved as this would be improved?

Mr. LUCE. Yes.

Mr. RAKER. Then why not improve this property?

Mr. LUCE. I will support that proposition with both hands if the gentleman and the House will join me. But this is not that proposition. This is a proposition to take a narrow strip, with no certainty that the remaining land will be taken, and with the possibility, as the gentleman suggests, that trees will be planted which will become great, and in time will interfere with the laying out of this region. Until there is a permanent decision as to the location of the Botanic Garden I doubt whether you ought to put this land beyond the railroad in the hands of the Committee on the Library. In common with most other people, I am not going to object to an accession of power. If you desire to give more power to the Committee on the Library, I, as a single member of it, will attempt to exercise that power as best I can to the public advantage. But I want to get it in the RECORD here now that at least one Member of this House does not contemplate that any action to be taken to-day shall bind the House to this as a permanent location for the Botanic Garden.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. If this is transferred to the gentleman's committee, it does not impose any liability on the committee or the House to make an arboretum or anything else out of it. As a matter of fact, you can simply exercise your discretion and good judgment, can you not?

Mr. LUCE. Absolutely, but this statement in the Washington paper was reprinted in a paper in my own city, and I presume elsewhere, and it announced that the Committee on the Library and the Committee on Public Buildings and Grounds and the Committee on Appropriations and everybody else had agreed that this was the site for the Botanic Garden; and I did not want somebody to rise in the Seventy-eighth or the Ninety-fifth Congress and say that we were unanimously of the opinion that such a thing should be done and that we took this action with that intention.

Mr. GRAHAM of Illinois. If the gentleman from Massachusetts will bear with me, I have observed that what the Washington papers have expressed as the opinion of Congress is usually just exactly the opposite from the opinion of Congress.

Mr. RAKER. Will the gentleman yield to me for one more question?

Mr. LUCE. Yes.

Mr. RAKER. I will ask the gentleman again if it is not true that this row of trees running along here on First Street from M Street to the river is not considered by everybody the finest row of trees in Washington or within hundreds of miles of Washington?

Mr. LANGLEY. That is right.

Mr. RAKER. Now, if we improve this territory down to this point, it is a shame that the Government does not take that property and improve it as it ought to.

Mr. LUCE. I agree with the gentleman on that. I will say that farther down on First Street there are now dwelling houses, between First Street and the canal, and that the canal property is evidently separated from First Street by private property, which in my judgment ought to be taken at the earliest possible moment.

Mr. CURRY. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CURRY. If the gentleman from Massachusetts does not think this is a proper place to develop a botanic garden, where does he think is the proper place?

Mr. LUCE. That would embark me on a controversy that would take much more than 20 minutes to finish.

Mr. CURRY. Is the gentleman's opposition based upon a proposition of some other place where he would like to have the Botanic Garden?

Mr. LUCE. No; not as to the spot. I have examined Mount Hamilton, and I think it would be a blunder if the Government did not add Mount Hamilton to the park system, but I have great doubts of its being the best place for a botanic garden. I think the gentleman must realize that if some petty picayune 20 or 30 acre spot was taken now for a botanic garden it would decrease very much the chance of later getting a proper space to serve as a botanic garden. A botanic garden is more than a place to grow pretty flowers and pretty shrubs. It is to serve as an important center of study by scientific men from all over the land, and for that purpose the site ought to be carefully selected by experts.

Mr. CURRY. Is not this to add to the development of the Botanic Garden?

Mr. LUCE. It is, and if I can get it squarely set forth by any action of this House to-day that it is not the intention of Congress that this shall be a permanent location for the national activities in botanical research, but that the question of a permanent location shall be left open for future consideration, I shall not repine at the outcome. Now, Mr. Speaker, in the few minutes I have left I would like to say a word about the Botanic Garden controversy. I understand that there has been much acrimony in the discussion of the matter. I have no personal choice or preference.

I do not know who owns Mount Hamilton. No man has ever come to me in connection with Mount Hamilton, but after it was brought to the attention of the committee two years ago I went out there alone in order that I might not be biased by the comments of any interested person, and I spent a delightful afternoon examining that tract. If any gentleman here who is as fond of walking as I am will take an afternoon and go out there, I am sure he will find no more attractive spot in the neighborhood of the Capital for a pleasant stroll and enjoyment of the beauties of nature.

The trouble with Rock Creek Park—and I have done my share in walking there, too—is that those who planned it omitted providing enough paths for pedestrians. All you gentlemen who own automobiles—and I hope you all do—get your pleasure by riding through it, but such as enjoy walking and go out there will find it unsuited for men who prefer to walk rather than to ride. It can never be a playground for the masses of the people of Washington. It is too hilly; there is not enough level land. While it is possible at reasonable prices to secure for all time for the use of the people places for playgrounds, recreation spots, beauty spots that everybody can enjoy, it strikes me as a lamentable lack of foresight not so to do. Could I have my way, as soon as we get out of this period when we must look at every dollar two or three times before we spend it, I would gladly see all the available tracts of land acquired for that purpose. I would like to see Mount Hamilton taken for the park system, but let the site of the Botanic Garden await the decision of those qualified to advise.

Mr. LANGLEY. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I can not claim to have given an intimate study of these questions that my distinguished friend from Massachusetts has given. My judgment on the matter is made, I am very frank to say, largely from the advice and suggestion of the superintendent of the Botanic Garden himself. I have confidence in his knowledge of his business and have been quite willing to be guided by his suggestions. So far as Mount Hamilton is concerned, I have seen that, but from what I have seen, that which is called soil would have to be pulverized and manured to make bricks even. [Laughter.] It does not appear to me to be suited to a botanic garden or for general botanic purposes such as has been described by the gentleman from Massachusetts. In this I am fortified also by the statement of the superintendent of the

Botanic Garden. It seems to me that this spot, which I have been over, is suitable for the purposes described by the gentleman from Massachusetts; whether it is suitable for an arboretum I do not pretend to know. It does seem to me to be a most excellent temporary solution, if it be no more than temporary, of this problem in which most of us are interested in having solved, and I hope that the resolution will be passed.

Mr. LANGLEY. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, I can not see why there should be any objection to the transfer of this property from the War Department to the Committee on the Library for the purpose of relieving the congested condition of the Botanic Garden.

What may be the future with reference to a botanic garden the future must determine. I for one am violently opposed to this land proposition to unload Mount Hamilton upon this Nation at an initial cost of $400,000. [Applause.] It would take twice $400,000 to blast the rocks in order to find a place level enough in which to set a hen. [Laughter.]

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. FISHER. Does the adoption of this resolution mean the complete abandonment of the plan which has been suggested whereby there will be a new Botanic Garden, an elaborate one, purchased by the Government in some other section of the city?

Mr. WOOD of Indiana. No; it does not mean anything of the kind. It means that it will afford an outlet to save what the Government has paid hundreds of thousands of dollars to get, in the way of a collection, from going to waste, so that those valuable shrubs and plants may be kept growing until such time as a site may be selected. I am glad to hear the gentleman from Massachusetts [Mr. LUCE] express himself as he has, and I know that he is not a party to the plan of some gentlemen to absolutely destroy this beauty spot down here at the foot of the hill, in order that they may force the purchase immediately somewhere of some other piece of ground, of Mount Hamilton, preferably, for a Botanic Garden. That is the crux of this whole business. There are thousands and thousands of dollars worth of plants out here at the Gallinger Hospital that must be taken care of. The congested condition down here at the Botanic Garden because of the encroachment of the Grant Memorial, which never should have been placed there, and because of the placing of the memorial to Meade, which never should have been placed there, makes it all the more necessary why there should be some outlet to take care of those shrubs. There can be no possible reasonable objection to this. It will afford relief without cost to the Government, and at the same time it will tend to beautify that portion of the town which has been sadly neglected. There are a few, for which I am thankful, that feel that anything that may tend in the least to give permanency to the present Botanical Garden, that will approve this measure of relief; but let us take care of the beauty spot we now have, that has been more than a hundred years in the building, rather than to despoil it at the behest of those who are actuated solely by the mercenary spirit, all too prevalent in this city and country to-day.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. LANGLEY. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, there are two reasons that I think are quite clear why we ought to have immediate action on this resolution. I do not enter into the controversy respecting Mount Hamilton. While I have not been committed to that proposition, I am of opinion that in the light of the past 50 years of growth of this Capital City, the immediate future ought to be looked after, so far as the park system is concerned, for it must greatly develop in the next 50 years. However, I eliminate that entirely. I am not committed to the proposition at all, and I do not know that I would vote for the purchase of Mount Hamilton now if that question were up. I know that I would not vote for it upon such information I now have for a botanic garden; I would be inclined to vote against it for that purpose. I do not know what I would do on the matter of developing the park system, beyond my desire to insure against unwise omissions to take advantage of our opportunities for a wonderful city in the future. The two things I have in mind are, first, the utilitarian side so as to utilize this Government land which is now without any particular use to the country, and is much of an eyesore. It could be made of particular value by the extension of the Botanic Garden, which, in the present quarters, is seriously hampered. This plan will relieve the congestion down here in the garden, where can be found a wonderful treasure in botany. I greatly regretted the statement made on the floor of the House the other day about the value of the collection in the Botanic Garden. There is a collection there which has been gathered in the last hundred years and it would be absolutely impossible to replace it should it be destroyed.

Mr. LANGLEY. One hundred and three years have elapsed since it was started.

Mr. FESS. There is no possibility, either so far as physical accomplishment or price is concerned, or so far as time is concerned, if it were destroyed, whereby it can be replaced. So far as the value of this collection is concerned, I leave that to those who see a particular value in the botanical richness of such a collection in the Capital City. That ought not to be destroyed; it ought to be protected as a treasure not possible to replace.

Those in charge fully recognize what the garden means, and have thus far been able to resist what appears to be a wanton attitude toward it. But the present situation demands an expansion which some Members interpret to mean a removal. The latter can not be done without loss, while the former can be easily accomplished. That is the purpose of this resolution.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. RAKER. Who is responsible for permitting the fence to be cut down as it was around the Botanic Garden?

Mr. FESS. Congress authorized that to be done, conditioned upon the consent of the superintendent of the garden, who came to the Joint Committee on the Library and gave his consent in order to arrange for the dedication of the Grant Memorial. We finally agreed that it ought to be done, inasmuch as the monument was built there. I think it was a mistake to put the monument there, but since that is not the question there was nothing really left for us to do but to remove the fence.

Mr. LANGLEY. There was a unanimous agreement by the gentlemen, in addition to the Library Committee, which I referred to a while ago, if Mr. Hess would withdraw his objection, and the fence was removed two weeks ago, and I think the Congress ought to live up to its part.

Mr. FESS. I personally deplore seeing the fence removed. However, that is done.

Another reason for this resolution is to convert a most unsightly portion of the Capital City near the Capitol into a part of the park system by removing shacks and extending the garden in time to the river. Whatever be the final plans of the Botanic Garden, this resolution transferring this land from the jurisdiction of the War Department to that of the Joint Library Committee will not prevent a complete plan later on in case the Congress decides otherwise.

The immediate approach to the Capitol from the depot, as well as surroundings in other directions, is not designed to impress the visitor. I hope to see the time when the Capitol will take on the beauty commensurate with its importance in the world. This is only one of many steps leading to it.

The SPEAKER. The time of the gentleman from Ohio has expired. All time has expired. The question is on the motion of the gentleman from Kentucky to suspend the rules and pass Senate Joint Resolution 186.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the joint resolution was passed.

By unanimous consent a similar House joint resolution (H. J. Res. 298) was laid on the table.

EXTENSION OF REMARKS.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent that all Members of the House have 10 days in which to extend their own remarks in the RECORD on the road bill which was passed this afternoon.

The SPEAKER. The gentleman from California asks unanimous consent that all Members of the House have 10 days in which to extend their own remarks in the RECORD on the road bill. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I think that is a rather long time. The ordinary time is five days.

Mr. LEA of California. Mr. Speaker, I modify the request to make it five days.

Mr. WALSH. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. LEA of California. Mr. Speaker, I have heretofore supported the various measures providing Federal aid for road

construction. I secured the privilege of extending my remarks to place in the RECORD my reasons for voting against the pending bill.

This bill contains over five pages of provisions proposed to be made a part of our Federal road law. It authorizes the eventual appropriation of over $145,000,000, reduces the limit per mile that may be spent by the Federal Government on road construction, and contains other provisions of more or less importance.

It was presented to the House under a method of procedure which practically denied debate, left no reason for debate, and absolutely denied Members an opportunity of offering amendments to improve the bill.

I voted against this bill as a protest against such methods of legislation. I voted against it because, in my judgment, it places an unreasonable, impractical, and unwise limitation on the proportionate amount of Federal participation in road construction. I voted against this bill, mentally assured that its defeat would furnish the House an opportunity of passing another bill providing for an equal amount of funds, unhampered by what I believe to be an objectionable limitation.

LEGISLATIVE SHACKLES.

By the adoption of special rules, and by suspending the rules, and thus preventing proper consideration and prohibiting the right of amendment of important bills, the House has made a common practice of what is justified only by unusual and exceptional conditions. The motive and effect of these methods of procedure is to deny the Members of the House the opportunity of exercising their discretion on legislative matters. Such methods of procedure are the means by which a small committee or a dominating few, who are able to control procedure, shackle the House and render it impotent to translate its will into legislation. The number of instances in which the House in a similar way has abdicated its function can be indefinitely multiplied from our records during recent years.

Such methods of procedure are becoming an offense against popular government and reflect upon the initiative and courage of Members of Congress.

In the case of this particular bill, the chairman of the committee having the bill in charge moved to suspend the rules and pass the bill. This meant that 435 Members of the House were limited to 40 minutes' debate—20 minutes for and 20 minutes against the bill. It meant every Member was denied the right or opportunity to offer any amendment; that the bill must be passed or defeated exactly as it was presented, without crossing a "t" or dotting an "i." Thereupon the chairman stated, "This is the only bill we thought it was wise to offer at this time." In other words, the House was informed, in effect, that it could take that bill without change or get nothing.

Unquestionably an overwhelming majority of the House desired to authorize this road apppropriation. By a similar majority, I believe, the House was against the limitation proposed. Under ordinary methods of procedure we would have had the opportunity of a separate vote on the question of limiting the Federal expenditure per mile. Then the bill as finally passed would have represented the majority will of the House in all its provisions. But under the procedure followed in this case, many Members who voted for the bill were unwillingly forced to vote for this unwise and impractical limitation upon the use of the funds.

Claiming to be the most popular branch of the greatest of legislative bodies, we unprotestingly again submitted to a practice which deprives our Members of their discretionary functions and yields the power of the House to a committee or a dominating few who happen to be in position to control our procedure. Is the domination of legislation by a few the product of their self-appropriated power or is it a supine concession from the membership of the House? The clear design of such methods is to refuse the Members of the House the exercise of their own discretion. Without the exercise of that discretion and our own judgment, what justifies our existence as legislators? Is our surrender of our functions on the assumption of the greater wisdom and virtue of the few that initiate and control such procedure? Shall we accept the right to exercise our legislative functions as a privilege extended or withheld at the will of a dominating few or shall we reclaim the rights that have been lost only by our own self-forfeiture? Such methods can not be justified or explained on any theory that is credible to the Members of the House.

MILEAGE LIMITATION.

Twenty thousand dollars per mile is the present limit on Federal expenditures for road construction. This bill, if enacted, would fix the limit for the coming fiscal year at $12,500, exclusive of bridges more than 20 feet, and thereafter at $10,000 per mile, except certain additional amounts granted a few public-land States.

The Federal aid road act passed in 1916 naturally and wisely recognized that the only logical basis for apportionment of Federal and State funds in joint road building must be upon a basis of the cost thereof. Any other standard of apportioning State and Federal responsibility is arbitrary, unequal, and therefore unjust in its application.

The Government should have nothing to do with building anything but good roads. Sometimes a good road costs $10,000 per mile, sometimes $20,000, and for equally good reasons sometimes it costs $30,000 or $40,000 or more. Outside of the right of way which the State provides, the cost of a road is dependent upon labor costs, the amount and character of excavations, the difficulty and expense of drainage, the amount and cost of grading, the cost of providing a proper foundation dependent upon the variability of soils, rainfall, freezing, drainage, and other conditions. The cost of surfacing a road likewise varies, not only according to the kind of the surface selected, but also on account of the variety of conditions as to transportation, availability of materials, and other essentials at different localities. To say that we shall expend an amount not to exceed $10,000 per mile means that we will sometimes pay 50 per cent, sometimes 40, sometimes 30, and sometimes 25 per cent of the cost. Such an arbitrary limitation ignores the cost of construction, the amount of traffic served, the character of the traffic, whether light or heavy, and the need, the value, and the usefulness of the road.

It would be about as logical to say that the Government will not spend its money for building a bridge over 50 feet, although the stream requires a 100-foot bridge, or to limit the concrete surface of a road to 4 inches when the traffic requires 8.

Innumerable instances can be named where the States have constructed roads costing much more than $20,000 per mile, and where it would not have been economy to construct roads at less cost. In reference to such roads the attitude of the Government would in effect be, "We will pay 50 per cent of the cost of constructing an inferior road, but if you want to construct a really good road, such as the traffic and building conditions require, then we will pay only a less proportion of the cost." It is not logical to say that we will cooperate liberally where the burden is light and to a much lesser degree where the burden is heavy.

A good road is dependent upon a properly selected route, proper grades and curves, drainage, foundation, and surface. A road upon a properly selected route, pursuing a natural line of travel, is the most enduring improvement on the earth made by man. Everything else built by his hands wastes away, but a properly selected route of a highway will be used by the human race as long as the world endures. It is utter folly to build expensive roads without proper drainage, moderate grades and curves.

One of the fundamental principles of Federal-aid road construction has been to encourage good roads. The participation of the Government would scarcely be justified on any other theory. Yet the tendency of this limitation is to encourage the States to build roads of a more or less temporary and doubtful character, rather than good, enduring types. The general tendency of the State is to slight rather than to overexpend money on substantial roads. The States need no encouragement in superficial road building or in continuing a policy that too long has been wasteful.

The present limitation prohibiting Federal participation above $20,000 per mile limits the equal participation of the Federal Government principally where construction costs are unusual or abnormal. The proposed reduction of this limit to $10,000 per mile will prohibit the equal Federal participation in practically all roads of a really high-class type. It will prohibit the equal Federal participation in many projects such as the States are now commonly constructing.

California now has 13 Federal-aid road projects, in which the estimated cost per mile runs from $30,000 to $43,000. No money is being wasted in building these roads. Those high costs are necessary on account of expensive construction or on account of the high-type road that must be built to accommodate the traffic. The final adoption of this limitation will seriously interfere with State plans as to such roads and will handicap and discourage high-class construction.

There is no extravagance in building roads well. There is no occasion for the Federal Government to place restraints against superior road construction. The waste that we may fear is from the construction of inferior roads. The unwise administration of road funds, incompetent engineers, and unfortunate selection of materials are common sources of waste in

road cost. But these mistakes occur as to the cheaper roads as well as the more expensive ones. This limitation places no restraint on that kind of extravagance.

On the 31st day of March, this year, $340,000,000 of Federal-aid funds had been apportioned since the act of 1916 became a law. These funds have been apportioned to over 37,000 miles of roads located in the various States. Eleven thousand miles of these roads have been constructed. Plans, specifications, and estimates have been made for 18,000 miles, and other projects aggregating 5,000 miles have been approved.

Of these funds over $10,800,000 have been apportioned to California, covering a total mileage of 757 miles. Of these roads 160 miles have been completed. Agreements have been executed for an additional 452 miles. Plans are complete for 73 miles and projects have been adopted for 71 miles.

The average cost per mile of the completed roads in California has been as follows: Graded and drained roads, $14,300; bituminous concrete, $17,300; concrete, $24,200. Bituminous roads under construction in California are costing an average of $21,400 and concrete roads $27,200 per mile.

The State of California has practically accepted the road with a concrete foundation as its most practical road on main lines of traffic. As the Federal-aid share of such roads has been $13,600 per mile, the effect of this bill after June 30, 1923, if enacted, would be to change the relative percentages of the costs now being borne by the Federal and State Governments, with a result that the State would bear an expense of $17,200 per mile while the Federal Government would carry an expense of $10,000 per mile.

On the graded and drained roads, bituminous concrete roads, and the gravel roads the Government would bear a full 50 per cent of the cost, but on the superior-class roads, found most practical, the Federal Government would pay only 37 per cent of the cost and the State would pay 63 per cent. The greatest difficulty this limitation would present would not be as to the average road, but as to particular roads where construction costs are necessarily and properly higher than the average road.

There is no more economy in the cheaper road than in the more expensive concrete road. The need for the concrete road is just as great. Equal economy and necessity exist for its construction as for the cheaper road. When the total amount of funds to be supplied by the Government is not determined or limited by the amount spent per mile there is no economy or logic in arbitrarily placing this limitation that will handicap the State in an efficient, economic, and businesslike handling of its road-construction problems.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Botanic Garden.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks under unanimous consent referred to, on the road bill, are here printed in full as follows:

Mr. HAWES. Mr. Speaker, Federal aid for a highway system is recognized in our Constitution, and from the time of President Washington to President Harding it has met the approval of our Chief Executives.

Congress commenced its assistance in 1812, and made direct appropriations within a few years after that time of over $500,000, and spent money on roads running from $7,000 to $13,000 a mile.

The importance of the subject to-day, due to the introduction of the motor vehicle, which both uses and destroys roads, is understood when we know that there were 10,250,000 licenses for motor vehicles issued in 1922; that the new investment in these motor vehicles in 1921 reached the enormous sum of $8,322,000,000; that it is estimated that 6,000,000 cattle were hauled in trucks from the farm to the packer in 1921.

In the last 10 years the United States and the States invested $2,526,000,000 in good roads.

The Democratic national platform and the Republican national platform both called for liberal appropriations for Federal aid.

Both President Wilson and President Harding have given their unqualified approval to this Federal participation.

The church, the school, the farmer, and every class of our citizens are deeply and vitally interested.

Acting upon the invitation of the United States Government, 48 States have created State highway commissions, have enacted State laws to comply with the Federal provision; the subject has occupied many sessions of the legislatures in many States, including in numerous States special sessions of the legislatures called for this specific purpose.

Most of the States complied with the Federal aid provision on the 50–50 or matched dollar basis, and they have adjusted themselves to the Federal provisions only after long educational work, much discussion, and great difficulties.

Any change, therefore, in the Federal law means increased difficulties, uncertainties, and vexations for each of the 48 States.

I doubt very much whether the members of the Roads Committee of the House understand the complex nature of Federal aid, and that in every change they make they cause embarrassments and trouble for not only the State commissions but the legislatures of the various States.

About one year ago the committee brought in a roads bill under a suspension of the rules allowing but 40 minutes' debate, 20 minutes to those favorable to the bill and 20 minutes to those opposing. No opportunity for amendment was provided, so that the will of the committee must prevail in the House, or any hope for amendment must be expected from the Senate.

Again, on last Monday the committee reported another bill to the House cutting the appropriation from $100,000,000 to $65,000,000 and making certain radical changes, and the House under this rule was not permitted to discuss or suggest amendments.

Representatives of the 48 States were denied the privilege of expressing the will of their States. Twenty minutes of this time was divided by the chairman of the committee into a general discussion of the bill. Answers to questions propounded on the floor of the House could not be given in the time limited, nor could amendments be made.

A Member from Ohio occupied 15 minutes in opposition to the whole theory of Federal aid. He did not discuss the provisions of the bill but frankly stated his opposition to it in any form, and but five minutes was permitted the gentleman from Arizona to even touch upon the subject of a possible amendment.

The rule by committee was never better illustrated than in this case. The doctrine of "take it or leave it as we decide" was never more strongly emphasized.

It is a denial of the right of petition, a denial of the right of discussion, in effect a denial of the right of representation for the committee to proceed along this line.

If all the functions of the House in the matter of amendments are to be transferred to the Senate and the House compelled to vote yea or nay on a matter of this magnitude, then the power of the House is destroyed and representation is denied.

Earnest men and women in every State in the Union have State road organizations, county road organizations, and township road organizations; they are fighting the battle of good roads everywhere; and yet 430 Representatives of these 48 States in Congress are denied the right to discuss, or even to present, the petitions and memorials for their State on the floor of the House, for the purpose of expressing the will of these good people and of the officials of the various States.

The fact that in every congressional district the Democratic platform has been violated, the Republican platform has been violated, and the recommendations of both Wilson and Harding ignored by a committee which refuses the right of discussion to the House, will necessarily become a campaign issue in the fall election. This would be most unfortunate, because there should be no partisan politics in the matter of good roads or the building of highways.

But if year after year a small committee is to decide absolutely the policy of the House, prevent amendment, and prohibit discussion it raises a national issue of importance.

The committee evidently does not understand that when they change the Federal law it may require changes in many State laws.

Whole systems of roads—as in my State, which contemplates the building of 6,000 miles—will have their machinery thrown out of gear and the legislative system disrupted.

When the expenditures of this Congress are criticized and its failure to retrench are discussed, the cutting off of $35,000,000 for roads will be an item which will be compared adversely with the failure to save in other directions.

I desire to enter my protest against any future discussion of the road problems of the Federal Government in a 40-minute discussion. It simply can not be done intelligently.

The issue as presented by the proponents of the bill made it impossible to vote against it without creating the impression that the vote was against Federal aid in any form, so that many Members were forced to vote aye when, if given an opportunity to have discussed proposed amendments, they would have voted nay. I find myself amongst this class.

Disagreeing with the amendments proposed by the committee, and desiring to effect a change which I am sure would have

met with the approval of the majority of the House, I was constrained against my better judgment and wishes to vote for the bill as presented.

I personally know, however, that a number of Members who voted with the small minority of 31 would, upon the general subject being properly presented, have voted aye.

The bill has passed the House, but the poor privilege of discussion is afforded only after its passage. I desire to direct the attention of the Senate, or of the conferees in case there is a disagreement between the House and the Senate, to a very unfortunate change made in the established law by this bill.

Every intelligent roadman understands the simple proposition that a road must be built for the load it is to carry. A road which carries 50,000 automobiles a day must be of a different width, thickness, and form of construction from one which carries 5 automobiles a day. The question of freight tonnage and passenger traffic controls the kind and character of the road which must be built near the denser centers of population.

The cheapest form of road must at all times consider the use for which the road is built. As the road extends back to the farm, 50 or 75 miles away, and as its use decreases, the cost and form of its construction change. But if 5 miles of any road leading from a farm to a market is not properly built and of a substantial character, then the road, so far as transporting the products of the farm to the market is concerned, is useless.

The present law permits the use of $20,000 a mile of Federal money when equally matched by State money.

Section 5 of this bill reduces this limitation to $10,000 per mile in 1924 and thereafter.

Many States have laid out their entire systems connecting the farms with the cities, and have considered the use of the road in the matter of density of population.

Some of these roads can not be built for $20,000 a mile, and road work in many States must stop until the legislatures of the States change the laws and the rules of the various highway commissions are changed.

The question of the expenditure per mile on roads should be one for scientific men employed in the Federal Highways Bureau and the scientific men employed by the various State commissions. It is for the high-class engineer to determine the cost of a road and the type of a road.

This cutting down, therefore, and placing a limitation of $10,000 a mile will work very injuriously, if not disastrously, in many States of the Union.

The following telegram was received by me from the State highway engineer of the Missouri commission:

JEFFERSON CITY, MO., *April 19, 1922.*

Hon. HARRY B. HAWES,
House of Representatives, Washington, D. C.:

Reducing Federal participation from $20,000 to $10,000 per mile will hamper road-building program in Missouri. High-type roads can not be constructed for $20,000 per mile, and reduction of Federal participation would invite serious criticism of roads constructed that will cost more than double Federal participation. This contemplated action in Congress would mean that available Federal aid would have to be applied on a much larger mileage of roads, thereby increasing the overhead charges for both State and Federal departments. Would strongly urge that you do everything in your power to prevent this becoming a law, as it would greatly retard the building of high-type roads. Will take matter up with commission at meeting to be held in Jefferson City to-morrow, April 20.

A. W. GRAHAM.

Followed later by a communication in the form of a resolution reading as follows:

The following resolution was presented to the commission, and upon motion of Mr. Matthews, seconded by Mr. Connett, the resolution was adopted:

"Whereas the Missouri State Highway Commission has been advised that the Federal Congress has pending before it a bill reducing the Federal aid appropriated to the various States, fixing the maximum sum at $10,000 per mile instead of $20,000 per mile, as the law is at the present time: Therefore be it

"*Resolved by this commission*, That the Members of Congress from Missouri be requested to oppose this particular section of the road bill, and to urge the passage of a law which will continue the Federal aid payments at the rate of $20,000 per mile as heretofore: Be it further

"*Resolved*, That the secretary be requested to forward copies of this resolution to each Member of Congress from Missouri."

I communicated with the Bureau of Public Roads, from whom I received the following letter, with inclosures, which are here inserted:

Hon. HARRY B. HAWES,
House of Representatives.

DEAR MR. HAWES: In response to your request for information as to the cost of highway construction of the higher types, I take pleasure in inclosing three tables.

The first of these, a "Summary of mileage and average cost per mile of bituminous concrete, Portland cement concrete, and brick pavements completed, and final payments made under the terms of the Federal aid act," is arranged by States to show the average cost of these pavements per mile by States.

The second table, the "Estimated cost per mile of bituminous macadam, bituminous concrete, and brick highways placed under agreement during the calendar years 1917 to 1921," shows the cost of these pavements during the past five years and indicates the general trend of prices. The amount of new work let this year is hardly sufficient to justify a positive statement as to what the 1922 averages will be, but enough new work has been let to indicate that this year's prices are somewhat less than last year's. It should be remarked, however, that during the past two years there has been a decided tendency to increase the width and thickness of these types of pavement and that, as a result, the total cost per mile has not fallen off as rapidly as would otherwise have been expected.

The third table inclosed shows the mileage and cost by States and by types of all pavements under construction and completed on December 31 last. From this table such information as you may desire on pavement costs in any particular State may be secured.

Should you find this information inadequate for the purposes that you have in hand, I shall be pleased to supply any additional data that you may have occasion to use.

Very truly yours.

THOMAS MACDONALD.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
March 31, 1922.

Summary of mileage and average cost per mile of bituminous concrete, Portland cement concrete, and brick pavements completed, and final payments made under the terms of the Federal aid act.

[Arranged by States.]

States.	Bituminous concrete.		Portland cement concrete.		Brick.	
	Miles.	Average cost per mile.	Miles.	Average cost per mile.	Miles.	Average cost per mile.
Alabama	23.6	$45,300				
Arizona	1.1	63,900	36.2	$30,100		
Arkansas	131.1	21,300				
California	21.4	17,300	74.2	24,200		
Colorado			40.4	37,000		
Connecticut			5.3	23,200		
Delaware			21.9	43,100	6.2	$108,250
Georgia	2.5	84,400	71.2	33,100	0.4	33,950
Idaho	24.5	43,500	7.0	43,000		
Illinois	8.1	39,700	352.7	33,150	3.6	37,500
Indiana	12.0	41,250	61.1	35,700		
Iowa			83.1	45,900	21.2	63,000
Kansas			53.7	45,400	29.2	49,125
Kentucky			10.9	36,100		
Louisiana	5.7	27,600				
Maine			4.7	54,000		
Maryland	5.8	29,650	97.7	33,375		
Massachusetts	4.5	14,530	8.6	35,000		
Michigan	6.3	31,450	59.8	30,000		
Minnesota	18.3	39,950	59.2	32,200		
Mississippi			2.6	38,800		
Missouri	2.6	26,275	37.1	29,625	1.7	38,250
Montana			21.8	41,800		
Nebraska			7.4	36,850	7.5	41,100
Nevada			22.2	45,000		
New Hampshire	20.3	18,000				
New Jersey	2.6	43,400	63.4	45,300		
New Mexico			11.7	24,700		
New York			21.3	36,000		
North Carolina	29.1	37,500	15.6	31,800		
North Dakota			.9	72,100		
Ohio	52.7	37,300	153.0	35,550	125.1	42,700
Oklahoma	10.2	45,500	6.7	33,600	.4	22,100
Oregon	35.0	25,000	25.8	54,000		
Pennsylvania	41.4	38,450	216.0	45,400	18.2	43,700
Rhode Island	21.0	38,700	2.3	48,725		
South Carolina	8.3	29,510	23.5	33,950	.2	24,500
South Dakota						
Tennessee	7.4	38,000				
Texas	8.9	36,100	40.1	38,600		
Utah	.4	45,500	1.8	26,700		
Vermont			1.4	32,500		
Virginia			32.2	29,150		
Washington			117.1	34,000		
West Virginia	5.5	22,700	26.9	30,400	10.3	39,350
Wisconsin			199.7	32,725		
Wyoming	1.2	14,800	6.3	28,350		
Totals and general averages	511.5	31,400	2,104.5	36,075	224	46,875

Estimated cost per mile of bituminous macadam, bituminous concrete, concrete, and brick highways placed under agreement during the calendar years 1917 to 1921.

	1917	1918	1919	1920	1921
Bituminous macadam	$22,290	$21,060	$27,535	$31,118	$33,445
Bituminous concrete	19,040	26,145	27,475	37,760	33,400
Concrete	25,390	27,480	34,915	42,740	42,755
Brick	36,250	47,870	44,210	54,315	53,010

The committee had before it Thomas H. MacDonald, Chief of the Bureau of Public Roads, an expert of the highest attainment, who has supplemented years of service as the chief highway engineer of the State of Iowa by the experience acquired

during many years' service with the United States Government. He is, under the Secretary of Agriculture, the chief administrative officer of Federal aid for the United States Government. I can not find in the hearings any recommendation for this change made by Mr. MacDonald, nor can I find any evidence that the committee took any testimony regarding the advisability of such change.

W. C. Markham, legislative representative of the American Association of State Highway Engineers, who represents 48 State highway departments, a man of high attainment, great experience, and authorized to speak for the highway departments of 48 States, never approved the change and never recommended it.

It was not recommended by the National Agricultural Conference; it was not recommended by the American Farm Bureau Federation; it was not recommended by the American Association of State Highway Officials; it was not recommended by the American Automobile Association, which represents the owners of over 10,000,000 machines, which pay into the State treasuries of the 48 States 95 per cent of the money that has been spent on good roads by the States.

In view of these facts, how the committee could have recommended such change is beyond my comprehension. No reasons were set out, no testimony was taken, no arguments advanced, and not one witness called before the committee approved of the change.

I believe I can state without fear of contradiction that the leading men on both sides of the House did not indorse this amendment.

If the petitions and remonstrances of States are to be denied, if road legislation is to be put through under a gag rule, if the testimony of State and Federal experts is to be eliminated and the right of discussion to be prohibited, then the function of amendment and revision must be transferred to the Senate—a most humiliating expedient.

I hope that when the chairman of the Committee on Roads brings in another bill for discussion in this House, if he feels that he has not sufficient influence with the Committee on Rules to give ample time for a fair, frank discussion of a bill that calls for the expenditure of $75,000,000, that he will at least make the attempt in the future to secure a reasonable latitude for debate and amendment and not present a bill in the future which chokes discussion and prohibits change.

The extension of remarks under unanimous consent referred to, on the road bill, are here printed in full as follows:

Mr. ATKESON. Mr. Speaker, the bill under consideration provides for Federal aid in building and maintaining rural post roads throughout the country for the fiscal years ending June 30, 1923, and June 30, 1924. The Committee on Roads had hearings and heard much testimony. When the bill was considered in executive session the time and amount was thoroughly threshed out in the light of the testimony. In view of the fact that not much road was builded during the last several years on account of the high cost of labor and material; that considerable allotments had not been taken up or paid out because approved projects had not been completed; and results brought about by the late war, the committee concluded that a two-year provision, instead of three, would be the part of wisdom and could not result in harm to any program of building in any State.

They also concluded that as much money is still available for allotments in many of the States that a smaller appropriation for the two years would be abundant for all practical purposes during said time. Director McDonald based his testimony on $50,000,000 for the year 1923; and it was understood that these figures met with the approval of President Harding and the Bureau of Roads under the Secretary of Agriculture. But in view of the conclusion of the committee to make the appropriation for two years instead of three, it finally concluded to report the bill for $65,000,000 for the fiscal year ending June 30, 1923, and $75,000,000 for the fiscal year ending 1924. In addition it provides for forest roads and trails the sum of $6,500,000, to be available until expended in accordance with section 23 of the Federal highway act, approved November 9, 1921.

In order to prevent allotments to projects approved being tied up indefinitely, section 4 of the bill provides that if the work is not contracted and in course of construction within one year after approval and allotment the Secretary of Agriculture "may require the said State to submit one or more projects to replace the said project." This is a new feature of the law and will undoubtedly result in settling many unfortunate contentions, and will make the money once allotted available again, on other projects where work is proceeding or may be contracted.

After much discussion in the committee the amount of Federal aid per mile, "exclusive of bridges of more than 20 feet clear span," was fixed at $12,500 after June 30, 1923, and $10,000 per mile after that fiscal year. The feeling was that these sums would be sufficient and abundant to keep all road projects going until the end of the fiscal year 1924; and by that time, or before, the Congress will have an opportunity to review results and obtain data as to costs of construction, and so forth, and can then make such provisions as the facts demand or warrant. It will be up to the several highway commissions to show Congress what it has done and what it costs to do it. By that time the people—the taxpayers—will demand a showdown at the hands of those directing the construction of our highways in order that they may see they are getting the worth of their money.

By section 7 some new teeth have been put into the law, and I am sure this is a wholesome feature of the law. This is a good bill, and if too conservative it should be attributed to the desire of the committee to move in harmony with the condition of the National Treasury and the general readjustments in the business affairs of the country. If the committee has erred it is in the right direction, and if time shows it in error, its errors may readily be corrected by any subsequent Congress and before any possible harm can come to the continuous building of good roads.

I do not think there is any disposition on the part of Congress to reverse the policy of Federal aid for post roads established in 1916. Good roads is one of the demands of the people, and they are willing to pay for them; but they want every dollar judiciously expended and every mile of road they can get for the money.

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on soldier relief legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Botanic Garden.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on pensions for soldiers and my work in connection with that.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. MACGREGOR. Mr. Speaker, the greatest gratification in being a Member of Congress is the opportunity to be of service to the men who in times of our country's need have willingly doffed civilian attire and donned the uniform of Uncle Sam to fight and die, if need be, that the glory of the flag might be maintained. The obligation of the country can never be paid in money, but the Nation should exercise the greatest diligence to the end that none of those who served should suffer the distress of poverty.

The ranks of the veterans of the Civil War are rapidly thinning. Those who remain and their widows should receive loving care. The effects of exposure, malaria, and so forth, are apparent in many of the boys of the Spanish War. Thousands of them have become more or less incapacitated prematurely by reason of the hardships that they endured. We did well to pass the act of June 5, 1920. It was a fair thing to do. It was also proper that the men in the Regular service should not be forgotten. They rendered service for small compensation. The pay never measured up to the dangers.

It has been my privilege and pleasure to aid many of the men of our various wars or their widows and children in securing what our Government desired that they should have. It is fair to say that the Pension Bureau has always shown a desire to carry out the wishes of Congress in the administration of the pension laws. The work is tremendous, staggering in detail and responsibility. It seeks to do justice and rarely fails.

With the consent of the House I desire to place in the RECORD a statement of pension cases in which I have been of some measure of service during the time that I have been a Member of Congress.

Pension claims completed.

Ackerman, Charles F., 494 Madison Street, Buffalo, N. Y., Company F, Sixty-fifth Regiment	$24.00
Allen, R. H., 129 West Avenue, Buffalo, N. Y., Fifteenth United States Infantry (Regular), Fourth United States Volunteer Immunes; increase	24.00
Bauss, Anton J., 837 Jefferson Avenue, Buffalo, N. Y., Company D, Sixty-fifth Infantry	15.00
Boyer, Isreal, 27 Pawnee Parkway, Buffalo, N. Y., Company G, One hundred and forty-first Infantry, Civil War; increase	72.00
Burdict, Orrin C., Markeen Hotel, Buffalo, N. Y., Company H, Twenty-seventh Connecticut; increase	72.00

Bradley, Arza J., 192 Chester Street, Buffalo, N. Y., Company F, Ninth Infantry $12.00

Burrows, Amelia C., 17 Leroy Avenue, Buffalo, N. Y., widow Nyrum J. Burrows, Company A, First New York Artillery 30.00

Blaney, Charles B., 20 Brooklyn Avenue, Buffalo, N. Y., United States Navy 18.00

Bruce, Fred J., 163 Schuele Street, Buffalo, N. Y., Company H, Two hundred and second Infantry 18.00

Bruring, William, Ebenezer, N. Y., Company D, Seventy-second New York Infantry; increase 72.00

Blair, Anna C., Colden, N. Y., widow George T. Blair, Company A, Two hundred and second Infantry; also infant son 14.00

Backer, Emeline C., Elmira, N. Y., widow Elmer R. Backer, Company A, Two hundred and seventh Pennsylvania Infantry 30.00

Benson, Sophia M., Lancaster, N. Y., widow Myron K. Benson, Company F, One hundred and forty-first Regiment Illinois Infantry, reimbursement of pension and burial expenses 67.50

Beach, Leo, 370 Breckenridge Street, Buffalo, N. Y., Company E, Sixty-fifth Infantry 30.00

Burkert, Charles B., 2035 Fillmore Avenue, Buffalo, N. Y., Company H, Two hundred and second Infantry 18.00

Buxton, Luther D., 998 Ellicott Street, Buffalo, N. Y., Company E, Forty-second Infantry 15.00

Biller, Conrad, 103 Weber Street, Buffalo, N. Y., United States Navy 15.00

Burkard, August, 39 Spiess Street, Buffalo, N. Y., Company F, Third New York Infantry 15.00

Bauer, Jacob F., jr., 581 Masten Street, Buffalo, N. Y., Company B, Two hundred and second Infantry 12.00

Blake, William H., 104 Holland Place, Lancaster, N. Y., Company G, Thirteenth United States Infantry 12.00

Cole, George T., 305 Niagara Street, Buffalo, N. Y., Company A, Ninth United States Infantry 18.00

Coursen, Winfield P., 38 Lester Street, Buffalo, N. Y., Company M, Fourteenth United States Infantry 12.00

Casey, Amma M., widow Daniel Casey, Companies A and D, Thirteenth United States Infantry, 589 West Avenue, Buffalo, N. Y 12.00

Churchill, Susan E., widow C. T. Churchill, Akron, N. Y.; increase 30.00

Cielinski, Michael, 102 Swinburne Street, Buffalo, N. Y., Company C, Thirteenth United States Infantry 12.00

Cullinan, George J., Soldiers and Sailors' Home, Bath, N. Y., Company G, Two hundred and second New York Infantry 18.00

Carl, Caroline A. M., widow of Hugo Carl, Company F, Two hundred and second New York Infantry, 965 Walden Avenue, Buffalo, N. Y., for self and three children 18.00

Connor, Christina, widow Walter J. Connor, Company H, Third New York Infantry, 406 Elm Street, Buffalo, N. Y 12.00

Colie, Elsie A., widow Isaac W. Colie, United States Navy, Niagara Falls, N. Y 30.00

Cook, William, blind son of Fred Cook, Eighth New York Heavy Artilley, Company I, Mill Grove, N. Y.; special act 20.00

Cole, Maria T., widow William F. Cole, Company B, Fifty-first New York Infantry, Town Line, N. Y 30.00

Camp, Edward, United States Soldiers' Home, Washington, D. C., Company H, Fifth New York Infantry 30.00

Campbell, Lucy E., widow William J. Campbell, Company A, Second New York Volunteer Infantry, 370 Hudson Street, Buffalo, N. Y 12.00

Dodds, Samuel D., 81 Briggs Avenue, Buffalo, N. Y., Company K, Thirty-fifth United States Volunteer Infantry 12.00

Dietrick, Laura, widow Lyman A. Dietrick, Company A, One hundred and fortieth Infantry, 148 Cottage Street, Buffalo, N. Y 30.00

Daege, Charles F., 61 Mendola Avenue, Buffalo, N. Y., Company F, Sixty-fifth Infantry 24.00

Decker, Benjamin H., 187 Laurel Street, Buffalo, N. Y., Company H, Sixty-fifth Infantry 18.00

Denny, George H., 220 Maryland Street, Buffalo, N. Y., Company D, Fifth United States Infantry 12.00

Dorr, Catherine, widow Lawrence Dorr, Companies H and F, Twenty-first New York Cavalry, 69 Grape Street, Buffalo, N. Y 30.00

Danser, Clarissa A., widow Julius A. Carmer, Company F, New York Heavy Artillery, Williamsville, N. Y 25.00

Dorr, Lawrence, 41 Gedhardt Street, Buffalo, N. Y., Companies H and F, Twenty-first New York Cavalry 72.00

Day, Frederick, 22 Glen Street, Buffalo, N. Y., United States Navy 30.00

Dobmeier, Joseph J., 656 Goodyear Avenue, Buffalo, N. Y., Company C, Two hundred and second Infantry 18.00

Diehl, Peter F., 197 Grant Street, Buffalo, N. Y., Company K, Thirty-sixth United States Volunteer Infantry 12.00

Davis, Amanda E., widow Ira G. Davis, Sixth Company, First Battalion, New York Sharpshooters, 127 College Street, Buffalo, N. Y.; accrued pension and monthly 30.00

Dorst, Jacob, 39 Eaton Street, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry 15.00

Domras, Gustave, 95 Kehr Street, Buffalo, N. Y., Company H, Thirteenth United States Infantry 30.00

Elbers, Frederick T., 1145 East Delevan Avenue, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry 12.00

Egloff, Mary, widow Conrad Egloff, United States Navy, 30 Hoffman Place, Buffalo, N. Y 25.00

Englehardt, Max E., 290 Peckham Street, Buffalo, N. Y., Hospital Corps, United States Army; increase 17.00

Ernst, Agnes L., widow Joseph Ernst, Company I, Seventeenth Infantry, United States Army, 128 Edna Place, Buffalo, N. Y.; special act 25.00

Flett, William A., 42 Ferguson Avenue, Buffalo, N. Y., Company C, Two hundred and second New York Infantry 12.00
Also increase to 30.00

Fidinger, John, Clarence, N. Y., Company H, New York Heavy Artillery; increase 72.00

Fest, Louisa, widow William P. Fest, Company I, Forty-first New York Infantry, 243 Breckenridge Street, Buffalo, N. Y 30.00

Fromm, George J., 180 Kingsley Street, Buffalo, N. Y., Company D, Two hundred and second New York Infantry 15.00

Gerner, William, 76 East Eagle Street, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry 12.00

Gifford, Mary F., widow of James A. Gifford, Company G, Fourteenth New York Infantry, 486 Woodlawn Avenue, Buffalo, N. Y. Accrued pension and monthly 30.00

Galvin, Harry C., 1439 Michigan Avenue, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry $12.00

Grass, Charles P., 52 Leslie Street, Buffalo, N. Y., Company A, Two hundred and second New York Infantry 18.00

Gertz, Sophia, widow of William C. Gertz, jr., Company G, Sixty-fifth New York Infantry, 910 Northland Avenue, Buffalo, N. Y.; widow's pension $12 per month and $2 each for four minor children 20.00

Grohn, Mary, mother of Thomas Hill, Company I, Thirteenth United States Infantry, 106 Edison Street, Buffalo, N. Y 12.00

Gensler, Frederick G., 304 Peach Street, Buffalo, N. Y., Company I, Two hundred and second New York Infantry; increase 18.00

Gassman, Henry F., 232 High Street, Buffalo, N. Y., Company D, Two hundred and second New York Infantry 15.00

Hemerle, John C., 956 Jefferson Avenue, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry 12.00

Humbert, Mary, widow of Christian Humbert, Twenty-seventh Battery New York Light Artillery, Getzville, N. Y 30.00

Hewitt, Margaret, dependent child of William H. Hewitt, Company H, Third New York Infantry, Angola, N. Y.; special act 20.00

Hill, John, 959 Front Avenue, Buffalo, N. Y., Company D, Thirteenth United States Infantry 24.00

Heintzelman, Maitland, 92 Masten Street, Buffalo, N. Y., Company A, Ninth United States Infantry

Hoover, Henry A, 94 Victoria Avenue, Buffalo, N. Y., Thirteenth United States Infantry; increase 12.00

Howard, Harry D., 49 Union Street, Buffalo, N. Y., Company B, Twenty-sixth United States Colored Infantry; increase 72.00

Hermann, Gustave, 12 Herman Street, Rochester, N. Y., Company H, Sixth Ohio Infantry 12.00

Haentges, Minnie, widow of Nicholas Haentges, Company G, Two hundred and second New York Infantry, 39 Sunnyside Avenue, Buffalo, N. Y 12.00

Hellriegel, William, 179 Carolina Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry 12.00

Holst, Henry A., 211 Clinton Street, Buffalo, N. Y., Company L, Eighth United States Infantry 24.00

Hartzberg, William J., 975 Michigan Avenue, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry 12.00

Haussauer, John, Williamsville, N. Y., Twenty-seventh Independent Battery New York Light Artillery; increase 72.00

Hilton, Charles E., 290 Mulberry Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 24.00

Hewitt, George M., 453 Plymouth Avenue, Buffalo, N. Y., Company A, Two hundred and second New York Infantry 12.00

Humbert, Jacob F., Clarence, N. Y., Company G, One hundredth New York Infantry; increase 72.00

Hartl, Christopher, 54 Spruce Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 12.00

Hettrick, Louis F., 217 Locust Street, Buffalo, N. Y., Company L, Forty-seventh United States Volunteer Infantry; increase 18.00

Hofmeister, Charles, 35 Wyoming Avenue, Buffalo, N. Y., Company C, Thirteenth Pennsylvania Infantry 12.00

Haffner, Julius, 33 Wohlers Avenue, Buffalo, N. Y., Battery F, Fifth United States Artillery; increase 24.00

Haas, Edward W., 161 Zenner Street, Buffalo, N. Y., Company F, Two hundred and second New York Infantry 12.00

Hanley, Winifred C., 666 Woodlawn Avenue, Buffalo, N. Y., widow Thomas J. Hanley, Company C, Second United States Artillery 12.00

Hefner, Joseph A., 30 Milnor Street, Buffalo, N. Y., Company H, 202 New York Infantry 12.00

Harvey, Frank M., 500 Fargo Avenue, Buffalo, N. Y., Company K, Two hundred and third New York Infantry 12.00

Jordan, Lee H., 419 Ellicott Street, Buffalo, N. Y., Company H, Sixth Ohio Infantry 30.00

Jacobs, Patrick, 801 Prospect Avenue, Buffalo, N. Y., Company H, Two hundred and second New York Infantry; increase 18.00

Korn, William, 2004 South Grand Avenue, Los Angeles, Calif, band, Two hundred and second Infantry 12.00

Kink, Albert H., 328 Guilford Street, Buffalo, N. Y., Company L, Tenth United States Infantry 12.00

Kean, John, 163 Fargo Avenue, Buffalo, N. Y., Company C, Two hundred and second New York Infantry 24.00

Keller, Mary A., widow Louis Keller, Company L, First United States Artillery, 455 Normal Avenue, Buffalo, N. Y.; increase 30.00

Kidder, Mary, widow James H. Kidder, Company M, Ninth New York Heavy Artillery, Crittenden, N. Y 30.00

Kite, William G., 176 West Utica Street, Buffalo, N. Y., Troop G, Second United States Cavalry 12.00

Klein, Albert, 382 Genesee Street, Buffalo, N. Y., Company K, Sixty-fifth New York Infantry. Increase 24.00

Kreuzer, Frank X. J., 767 Jefferson Street, Buffalo, N. Y., Hospital Corps, United States Army; increase 18.00

Keenan, Margaret, widow Edward Keenan, United States Navy, 408 Adams Street, Buffalo, N. Y 12.00

Kropp, John, 165 Grey Street, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry; increase 12.00

Kuhn, Alfred, 21 Rosedale Street, Buffalo, N. Y., hospital steward, Two hundred and second New York Infantry 12.00

Kimberle, John J., 352 Goodyear Avenue, Buffalo, N. Y., Company K, Sixty-fifth New York Infantry 15.00

Lussky, Theodore J., 138 William Street, Buffalo, N. Y., United States Marine Corps 15.00

Lapp, Frederick, 743 Walden Avenue, Buffalo, N. Y. Company D, Thirteenth New York Infantry; increase 72.00

Langwith, John, Station H, Rural Free Delivery, Buffalo, N. Y., Company A, Two hundred and second New York Infantry 12.00

Linsman, John, 66 Montana Avenue, Buffalo, N. Y., Company K, Thirty-fourth United States Volunteer Infantry 12.00

Leaycraft, George H., 96 Orange Street, Buffalo, N. Y., Company L, First New York Infantry; special act 12.00

Larsen, Ole L., 11 Ash Street, Buffalo, N. Y., Company L, First United States Infantry; increase 18.00

Lange, Anna, widow August Lange, Company K, Twenty-sixth New York Infantry, Lasalle, N. Y 30.00

Lange, Charles H., 143 Johnson Street, Buffalo, N. Y., Company A, Sixty-fifth New York Infantry 12.00

Lavery, William J., 187 Kingsley Street, Buffalo, N. Y., Company E, Fifth United States Infantry $12.00
McDonough, Seymour, Soldiers and Sailors' Home, Bath, N. Y., Company H, Sixty-fifth New York Infantry 30.00
McKeown, Millie, widow Robert McKeown, Company E, Eighteenth Michigan Infantry. 164 Glenwood Avenue, Buffalo, N. Y.; special act 30.00
McCarthy, James, 197 East Utica Street, Buffalo, N. Y., Company F, Twenty-first New York Infantry; increase 72.00
McDowell, Alice, widow Charles McDowell, Company M, Fifteenth New York Infantry. 22 Hauf Street, Buffalo, N. Y. 30.00
McClenn, William L., 142 Walnut Street, Buffalo, N. Y., Company F, Two hundred and second New York Infantry 18.00
MacNair, George, 405 Koons Avenue, Buffalo, N. Y., Company C, First United States Infantry 15.00
Metzger, John W., 53 Poplar Avenue, Buffalo, N. Y., Hospital Corps, United States Army; increase 12.00
Melton, Frank, 171 Woodward Avenue, Buffalo, N. Y., Company B, Twenty-first Iowa Infantry 18.00
Maeder, Charles A., 55 Galveston Place, Buffalo, N. Y., Company E, Sixty-fifth New York Infantry 18.00
Mueller, Frank, 664 Jefferson Street, Buffalo, N. Y., Company F, Fifth United States Infantry 20.00
Mooney, Catherine, widow of Hugh Mooney, Company I, One hundred and fifty-fifth New York Infantry, 84 Albany Street, Buffalo, N. Y 30.00
Montgomery, Arthur S., 264 Ontario Street, Buffalo, N. Y., United States Navy 12.00
Miller, Henry A., 250 Fox Street, Buffalo, N. Y., Company H, Twenty-first United States Infantry; increase 18.00
Miller, Joseph H., 621 Fourth Street, Buffalo, N. Y., Company G, Two hundred and second New York Infantry; increase 24.00
Miles, Frederick T., 45 Cherry Street, Buffalo, N. Y., Troop G, Sixth United States Cavalry 12.00
Meyer, Michael, 78 High Street, Buffalo, N. Y., Company D, Two hundred and second New York Infantry 12.00
Meyer, Herman C., 141 Genesee Street, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry 12.00
Metzler, Charles A., 21 Newman Place, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry; increase 12.00
Mumm, Joseph R., 581 East Amherst Street, Buffalo, N. Y., Twenty-fourth Company, Coast Artillery; increase 18.00
Morgan, Jacob A., 43 Tremaine Avenue, Kenmore, N. Y., Company D, Sixty-fifth New York Infantry 30.00
Mooney, Arthur J., 248 Herkimer Street, Buffalo, N. Y., Company A, Tenth United States Infantry 15.00
Mitchell, George H., 22 Sycamore Street, Buffalo, N. Y., Company C, Twenty-first United States Infantry 18.00
Marcha, George, Gardenville, N. Y., Company K, Thirteenth United States Infantry 12.00
Munzert, Albert W., 236 East Delevan Avenue, Buffalo, N. Y., Company K, Sixty-fifth New York Infantry 15.00
Mikesell, George M., 55 Burch Avenue, Buffalo, N. Y., United States Navy 15.00
Meisner, Barbara B., widow of Anthony Vilbert, Company C, Forty-ninth New York Infantry, 1454 Genesee Street, Buffalo, N. Y 30.00
Newman, Albert J., 325 Breckenridge Street, Buffalo, N. Y., Company L, Two hundred and second New York Infantry 12.00
Nooey, Carolina, widow Seth Nooey, Company K, Eighty-second Ohio Infantry, 128 North Park Avenue, Buffalo, N. Y 30.00
Oakes, William A., 705 Sycamore Street, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry; increase 12.00
Olskey, Otto J., children of (Marie Scott, guardian), Hospital Corps, United States Army, Darien Center, N. Y 12.00
Olday, William, 190 Stevens Street, Buffalo, N. Y., Company H, Eleventh United States Infantry 15.00
O'Neil, Ellen, widow James O'Neil, Company B, Fourteenth United States Infantry, 190 West Ferry Street, Buffalo, N. Y 12.00
Polen, Harriet, widow Franklin Polen, Company M, Thirty-sixth United States Infantry, 891 Delaware Avenue, Buffalo, N. Y 12.00
Powell, John, 374 Woodward Avenue, Buffalo, N. Y., chief musician, Sixty-fifth New York Infantry 12.00
Pilkey, Addison, 33 Briscoe Avenue, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 15.00
Prinz, Albert, 368 Bissell Avenue, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry 18.00
Quick, George J., 89 Newfield Street, Buffalo, N. Y., Company B, Third Illinois Infantry 12.00
Quarles, Nellie, widow James T. Quarles, Company L, Twenty-fifth United States Infantry, 141 Clinton Street, Buffalo, N. Y 12.00
Quenan, Herbert, 474 East Eagle Street, Buffalo, N. Y., Company A, Tenth United States Infantry 18.00
Reichbold, John J., 791 Genesee Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry 18.00
Redman, Frank, 1071 Sycamore Street, Buffalo, N. Y., Company G, Two hundred and second New York Infantry 30.00
Redman, Maryanna, widow Frank Redman, Company G, Two hundred and Second New York Infantry, 199 Stanislaus Street, Buffalo, N. Y 12.00
Rosebrook, Arthur, 514 Niagara Street, Buffalo, N. Y., Company L, Fourteenth United States Infantry 12.00
Reed, George E., 288 Purdy Street, Buffalo, N. Y., Company B, Two hundred and second New York Infantry; increase 12.00
Rung, Henry F., Clarence, N. Y., Company M, Twenty-first United States Infantry 15.00
Rattke, Frederick, 178 Grey Street, Buffalo, N. Y., Company I, Sixty-fifth New York Infantry 12.00
Roeder, Anthony, 11 Spruce Street, Buffalo, N. Y., Company G, Two hundred and second New York Infantry 18.00
Roberts, William J., 25 Lowell Place, Buffalo, N. Y., Twenty-sixth Battery United States Field Artillery 12.00
Robison, Noble, 284 Franklin Street, Buffalo, N. Y., Company G, Two hundred and second New York Infantry 18.00
Swart, Elmer E., 80 Riley Street, Buffalo, N. Y., Company H, Third New York Infantry 18.00
Speckhardt, William, 118 Oberlin Street, Buffalo, N. Y., United States Navy; special act increase 40.00
Later secured increase to 72.00
Smith, Silas W., East Aurora, N. Y., Company D, Two hundred and second New York Infantry 12.00
Slattery, Thomas, 227 Washburn Street, Lockport, N. Y., Company F, Third New York Infantry $12.00
Steele, Charles H., 258 East Genesee Street, Buffalo, N. Y., Company A, Forty-first United States 12.00
Schreiber, Rose, widow of August Schreiber, Company E, Nineteenth United States Army, 1589 Genesee Street, Buffalo, N. Y 12.00
Schuck, John H., 881 Niagara Street, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry 18.00
Schultz, John, 36 Fox Street, Buffalo, N. Y., Company D, Second New York Cavalry; increase 72.00
Sims, Charles F., 130 Parkdale Avenue, Buffalo, N. Y., Company H, Tenth United States Infantry 12.00
Sibylski, Steve, 49 Waverly Street, Forks, N. Y., Company I, Twenty-sixth United States Infantry 12.00
Stucke, Samuel, 532 Monroe Street, Buffalo, N. Y., Company C, Two hundred and second New York Infantry 12.00
Seeley, Mary, widow of Richard Seeley, Company G, Two hundred and second New York Infantry, 36 Ernest Avenue, Buffalo, N. Y 12.00
Schutt, Louis, 1289 Genesee Street, Buffalo, N. Y., Company B, Two hundred and second New York Infantry 12.00
Sydow, Otto, 166 Best Street, Buffalo, N. Y., Company C, Thirteenth United States Infantry 17.00
Stout, Fred A., 14 Mark Street, Buffalo, N. Y., Company B, Twenty-fifth United States Infantry 24.00
Sager, Edward, 124 Zenner Street, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry 15.00
Tackman, Louis H., 572 Sycamore Street, Buffalo, N. Y., Company H, Sixt-fifth New York Infantry 15.00
Trometer, Harry H., 528 Goodyear Avenue, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry 12.00
Trebby, Allen A., 127 Newfield Street, Buffalo, N. Y., Company H, United States Infantry 12.00
Thomas, Joseph, 140, Fougeron Street, Buffalo, N. Y., Company C, Two hundred and second New York Infantry 12.00
Theet, Henry, 91 Chappel Avenue, Forks, N. Y., Company G, Thirteenth United States Infantry 12.00
Templeton, Mary H., widow of Dexter F. Templeton, Company A, Twenty-ninth United States Infantry 30.00
Vesper, Hugo J., 456 Dodge Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 18.00
Vanlievan, Sarah, widow of Charles Vanlievan, Company H, One hundred and sixteenth New York Infantry, Ebenezer, N. Y 30.00
Vanderbosch, Laurence, 506 Wilson Street, Buffalo, N. Y., Company G, One hundred and seventy-ninth New York Infantry; increase 72.00
Vogel, Anna, widow of John Vogel, Company C, One hundred and eighty-seventh New York Infantry, 85 Ivy Street, Buffalo, N. Y 30.00
Valentine, Mary, widow of William Valentine, Company H, First United States Infantry, 126 Kehr Street, Buffalo, N. Y 12.00
Von Renner, Otto, 27 Celtic Place, Buffalo, N. Y., Company G, Thirty-first Michigan Infantry 18.00
Wright, Huston, 693 Elm Street, Buffalo, N. Y., Company B, First United States Infantry 24.00
Weikum, Fredericka, widow of Charles F. Weikum, Company G, Fifth United States Cavalry, 148 Goodell Street, Buffalo, N. Y 12.00
Warner, Carrie, widow of John Warner, Battery B, Third Coast Artillery, United States Army, 320 East North Street, Buffalo, N. Y.; special act 12.00
Waldman, Emile, Soldiers' Home, Hampton, Va., band, Thirteenth United States Infantry 18.00
Weis, Adam, 781 Best Street, Buffalo, N. Y., band, Sixty-fifth New York Infantry 15.00
Weidner, Max, 163 Johnson Street, Buffalo, N. Y., Company M, Sixty-fifth New York Infantry 30.00
Wright, William E., 552 East Eagle Street, Buffalo, N. Y., Company C, Two hundred and third New York Infantry:
Original 12.00
Increase 15.00
White, William, Company E, Eighteenth United States Infantry, minor children of, Christ Fraenknecht, guardian, 110 Rose Street, Buffalo, N. Y 12.00
Westfall, William J., 314 Ontario Street, Buffalo, N. Y., Company H, 202 New York Infantry 12.00
Zeiss, Oswald O., 41 Burch Avenue, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry 12.00

Special acts passed and pending in Senate.

Baize, Lavina, widow of Charles E. Baize, 227 Crowley Avenue, Buffalo, N. Y., Company A, Thirteenth New York Infantry $21
Briggs, Alvin E., 844 South Park Avenue, Buffalo, N. Y., Company B, Third New York Field Artillery 24
Devereux, Hester A., widow of Hugh J. Devereux, Company K, First New York Mounted Rifles 40
Domras, Gustave, 95 Kehr Street, Buffalo, N. Y., Company H, Thirteenth United States Infantry 40
Earl, Agnes, widow of Wesley C. Earl, acting assistant surgeon, United States Army, 374 Richmond Avenue, Buffalo, N. Y 30
Feldman, Harry W., 443 Woodlawn Avenue, Buffalo, N. Y., United States Navy 24
Freeborn, Jennie M., widow of Montraville M. Freeborn, 196 Lancaster Avenue, Buffalo, N. Y., Company L, Fourth Pennsylvania Cavalry 30
Hurlburt, Arthur S., Fairport, N. Y., Company E, Second United States Marine Corps 12
Hill, Julia, widow of John W. Hill, 241 Sycamore Street, Buffalo, N. Y., Company I, Eighth United States Colored Infantry 30
Lee, Loisa, widow of James Lee, Weedsport, N. Y., Company L, Eighth New York Cavalry:
Until death of son 50
Son to receive pension after death of widow 20
Leibrich, Julia, widow of John Leibrich, 110 East North Street, Buffalo, N. Y., Company G, One hundred and Eighty-seventh New York Infantry 30
Klein, Frank, 806 Glenwood Avenue, Buffalo, N. Y., Hospital Corps, United States Army 14
Keller, Margaret, widow of George Keller, 452 Spring Street, Buffalo, N. Y., Company G, One hundred and thirty-second New York Cavalry 30

McIntyre, Emma M., widow of Ezra McIntyre, 14 Fargo Avenue, Buffalo, N. Y., Company E, Fourteenth New York Infantry----- $30
Netcher, George, United States Naval Home, Philadelphia, Pa., United States Navy----- 12
Spencer, Eliza, widow of William Spencer, 18 Mark Street, Buffalo, N. Y., Company K, Twentieth United States Colored Infantry--- 30

Pension claims pending.

Adelsheim, Joseph, 163 Cedar Street, Buffalo, N. Y., Company I, Sixth United States Infantry.
Ahrens, Louis, 26 Peach Street, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry.
Butler, Benjamin, 829 Fillmore Avenue, Buffalo, N. Y., Company I, Sixty-fifth New York Infantry.
Biesinger, Annie, widow Edward J. Biesinger, 299 East Genesee Street, Buffalo, N. Y., Twenty-first United States Infantry.
Brecker, Joseph M., 204 Sprenger Avenue, Buffalo, N. Y., United States Navy.
Beirnfeld, John, 219 Hampshire Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry.
Bauld, John S., father of Hercules W. Bauld, 24 Peach Street, Buffalo, N. Y., United States Navy.
Baldwin, James H., 95 Johnson Park, Buffalo, N. Y., Company B, Two hundred and second New York Infantry.
Boyd, Ida, widow of Edward Boyd, Batavia, N. Y., Company B, Tenth New York Heavy Artillery.
Boller, John M., Lancaster, N. Y., Company B, Thirteenth United States Infantry.
Bohn, James F., 721 Tonawanda Street, Buffalo, N. Y., Company K, Sixty-fifth New York Infantry.
Barrett, Stanton E., 209 Stevens Avenue, Buffalo, N. Y., Company K, Two hundred and second New York Infantry.
Bauer, Adam P., 101 Lemon Street, Buffalo, N. Y., Company H, Sixth New York Infantry et al.
Coppernall, Maria M., widow of Andrew Coppernall, 95 Glenwood Avenue, Buffalo, N. Y., Company E, Twenty-seventh New York Infantry.
Clifford, Charles Edward, 939 West Ferry Street, Buffalo, N. Y., United States Navy.
Connell, Edward, 911 Jefferson Avenue, Buffalo, N. Y., Company C, Sixty-fifth New York Infantry.
Corbett, Henry, 110 Gold Street, Buffalo, N. Y., Company L, First United States Infantry.
Costello, Edward, 114 Tenth Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry.
Doorty, John S., 250 Prospect Avenue, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
De Forest, Francis E., 322 West Ferry Street, Buffalo, N. Y., Company E, Signal Corps, United States Army.
Diehl, Amelia C., widow of John F. Diehl, 901 Seventh Street, Buffalo, N. Y., Company A, One hundredth New York Infantry.
Dross, Louis H., 45 East Market Street, Buffalo, N. Y., Company A, Fourth United States Infantry.
Deneke, John, 82 Sattler Avenue, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
Duch, Matthew, 148 Bissell Avenue, Buffalo, N. Y., Company C, Thirteenth United States Infantry.
Diehl, Peter F., 197 Grant Street, Buffalo, N. Y., Company K, Thirty-sixth United States Infantry; further increase.
Eastner, Caroline, widow of Jacob Eastner, 694 Northumberland Avenue, Buffalo, N. Y.; further increase.
Eisman, Franklin J., 187 Kingsley Street, Buffalo, N. Y., Battery A, Third Field Artillery.
Eckert, John C., 115 Montana Avenue, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry.
Feeley, Patrick, 104 Tennyson Avenue, Buffalo, N. Y., Company L, Fourteenth United States Infantry.
Finsterwald, Henry, 41 Lonsdale Place, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry.
Fuchs, Frank, 1302 Fillmore Avenue, Buffalo, N. Y., Second United States Infantry.
Gillett, Dana C., Elba, N. Y., Company B, Two hundred and second New York Infantry.
Gebhard, Louis, 84 Lloyd Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry.
Gasper, Elizabeth, 231 Emslie Street, Buffalo, N. Y., widow of Frederick Weber, Company E, One hundred and sixteenth New York Infantry.
Gordon, Charles P., 38 Argus Street, Buffalo, N. Y., Company G, Thirteenth Pennsylvania Infantry.
Graber, William H., 425 Porter Avenue, Buffalo, N. Y., United States Navy.
Griffo, Frank, Gardenville, N. Y., United States Navy.
Hallenbeck, Sarah R., widow of Barnett Hallenbeck, 490 Pearl Street, Buffalo, N. Y., Company D, One hundred and twentieth New York Infantry.
Hoch, George, 87 Peach Street, Buffalo, N. Y., Company M, Fifth United States Cavalry.
Hoover, George, 292 University Avenue, Buffalo, N. Y., Company H, Ninth Pennsylvania Infantry.
Hemerle, John C., 956 Jefferson Avenue, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry; further increase.
Heiman, Ferdinand, 664 Jefferson Avenue, Buffalo, N. Y., Company K, United States Cavalry.
Jennings, Bryan T., 74 Gatchell Street, Buffalo, N. Y., United States Navy.
Jantz, Robert L., 81 Florida Street, Buffalo, N. Y., Company L, Two hundred and second New York Infantry.
Jaeger, David, 111 Walden Avenue, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry.
Karaszewski, Frank, 63 C Street, Buffalo, N. Y., United States Navy.
Kirchman, Frank J., general delivery, Buffalo, N. Y., Troop F, Third United States Cavalry.
Louys, Edward E., 75 West Chippewa Street, Buffalo, N. Y.
Lapp, Eugene S., 45 Broadway, Depew, N. Y., Company D, Sixty-fifth New York Infantry.
Level, Clement, 98 East Street, Buffalo, N. Y., Company B, Two hundred and second New York Infantry.
Lenhard, Frank, 323 Moselle Street, Buffalo, N. Y., Company I, Sixty-fifth New York Infantry.
Lee, John H., 115 Waverly Street, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
Levine, Fred C., 45 Bissell Avenue, Buffalo, N. Y., Company D, Sixty-fifth New York Infantry.
Lussky, Theodore J., 138 William Street, United States Marine Corps; further increase.
McArthur, Eleanore M., widow of James N. McArthur, 10 Glendale Place, Buffalo, N. Y., Fourth United States Heavy Artillery.
Miller, Michael, 64 Walden Avenue, Buffalo, N. Y., Company —, Sixty-fifth New York Infantry.
Matheis, Eva A., widow of Frederick J. Matheis, Company M, Sixty-fifth New York Infantry, 532 Genesee Street, Buffalo, N. Y.
Millington, Samuel F., 5 East Woodlawn Avenue, Buffalo, N. Y., Company B, Fourth United States Infantry, and Company B, Two hundred and eleventh United States Infantry.
Merkling, Emila, widow of John Merkling, Company G, Twenty-second United States Infantry, 533 North Oak Street, Buffalo, N. Y.
Merical, Leonard, 213 Westminister Street, Buffalo, N. Y., Company F, Twelfth United States Infantry.
Mitchell, Mark, Buffalo, N. Y., Company G, Seventy-fourth New York Infantry.
Miller, August, 81 May Street, Buffalo, N. Y., Company L, Third Nebraska Infantry.
Marggraf, Paul, Clarence Center, N. Y., Company L, Two hundred and second New York Infantry.
Niederhauser, Fred, 190 Victoria Avenue, Buffalo, N. Y., Company A, Thirteenth United States Infantry.
Nussbaum, George, 82 Zenner Street, Buffalo, N. Y., Company L, Sixty-fifth New York Infantry.
Perrin, William L., 341 East Eagle Street, Buffalo, N. Y., United States Navy.
Quenan, Herbert, 474 East Eagle Street, Buffalo, N. Y., Company A, Tenth United States Infantry; increase.
Rockefeller, Lovead L., 92 Parkdale Avenue, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
Rau, Frank G., Forks, New York, Company C, Sixty-fifth New York Infantry.
Riche, Richard, 182 East Ferry Street, Buffalo, N. Y., Company L, Twelfth New York Cavalry.
Roderick, Clara, widow of William C. Roderick, Company C, Sixty-fifth New York Infantry, 80 Marshall Street, Buffalo, N. Y.
Robinson, Arthur A., 861 Niagara Street, Buffalo, N. Y., Company G, Fifth Maryland.
Reed, George E., 288 Purdy Street, Buffalo, N. Y., Company B, Two hundred and second New York Infantry; further increase.
Rosenbach, Charles F., 530 Woodlawn Avenue, Buffalo, N. Y., Sixty-fifth New York Infantry.
Salow, George, 1626 Genesee Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry.
Schenk, Fred, 58 South Elmwood Avenue, Buffalo, N. Y., Company G, Two hundred and second New York Infantry.
Sanders, George, 430 Pearl Street, Buffalo, N. Y., Company G, Thirteenth United States Infantry.
Stewart, Fred L., 59 Lyth Avenue, Buffalo, N. Y., Battery K, Fourth Heavy Artillery.
Shear, Viola, widow of Edgar Shear, Company I, Sixty-first New York Infantry, South Wales, N. Y.
Snook, Mertha M., widow of George W. Snook, Company B, Two hundred and second New York Infantry, 147 South Division Street, Buffalo, N. Y.
Snook, Simeon, 39 Prospect Avenue, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry.
Stewart, Robert Joseph, Buffalo, N. Y., United States Navy.
Sparfield, Frederick H., 20 Colton Drive, Buffalo, N. Y., Sixty-fifth New York Infantry.
Schaffner, Samuel, 370 French Street, Buffalo, N. Y., Company F, Tenth United States Infantry.
Schick, Henry, 79 Texas Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry.
Sees, Abraham S., 27 Ferguson Street, Buffalo, N. Y., Company I, Twenty-eighth United States Infantry.
Schell, John, 620 Broadway, Buffalo, N. Y., United States Navy.
Savage, George, 311 Spring Street, Buffalo, N. Y., Company H, Sixty-fifth New York Infantry.
Schoen, Frances, widow of Frank J. Schoen, Hospital Corps, United States Army, 62 Fisher Street, Buffalo, N. Y.
Tarrant, Allan A., 118 Albany Street, Buffalo, N. Y., Company G, Sixty-fifth New York Infantry.
Thompson, William, 47 East Bennett Street, Buffalo, N. Y.
Volrath, George H., Lake View, N. Y., Company G, Thirteenth United States Infantry.
Vetter, William C., 592 Goodyear Avenue, Buffalo, N. Y., Company C, Two hundred and second New York Infantry.
Wiemann, Joseph L., 640 East Utica Street, Buffalo, N. Y., Company B, Sixty-fifth New York Infantry.
Woodward, Mary, widow of Wells R. Woodward, United States Navy, 233 Sycamore Street, Buffalo, N. Y.
Wahl, Edward J. G., 384 Doat Street, Buffalo, N. Y., Company F, Sixty-fifth New York Infantry.
Wood, Bert, 229 Hampshire Street, Buffalo, N. Y., United States Navy.

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered in Chicago on the 21st by Hugh Cooper, engineer, of New York City, on the St. Lawrence waterway.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print in the RECORD an address by Hugh Cooper on the St. Lawrence waterway. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House on a matter of procedure.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, owing to illness in the family of the gentleman from Pennsylvania, chairman of the Committee on Naval Affairs [Mr. BUTLER], he will not be here to-morrow to call up the so-called "scrapping bill," and instead the House will consider the bill (H. R. 10442) to authorize an increase

in the indebtedness of the Philippine Islands. If that bill is disposed of at a sufficiently early hour, we may take up for consideration one of the bills from the Committee on Banking and Currency objected to to-day, possibly the bill providing for perpetual charters for national banks. On Calendar Wednesday the ordinary calendar business will be taken up, the Committee on Printing having the call.

TRANSFER OF FORT HALE, CONN.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 11347) authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to lands and buildings thereon known as Fort Hale.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLAND of Indiana. Mr. Speaker, reserving the right to object, I have no special objection to considering the bill in Committee of the Whole House on the state of the Union, but should not like to have it considered in the House.

The SPEAKER. The House will remember that the Chair ruled a year ago that when unanimous consent was given to the consideration of a bill which is on the Union Calendar, unless there was such an objection as has been made by the gentleman from Indiana, the consent was given to the consideration of the bill and also to its consideration in the House as in Committee of the Whole House on the state of the Union, and of course any Member has the right to demand a separation and demand that it be considered in the Committee of the Whole House on the state of the Union, and the gentleman from Indiana now makes that request. The Chair states it so as to have it understood that if consent is given it is to be considered in the Committee of the Whole House on the state of the Union and not in the House. Is there objection?

Mr. MONDELL. Mr. Speaker, I do not know I shall object. I do not know that I should object or ought to object to a request of this sort, but I doubt very greatly the wisdom of considering unanimous-consent bills in the way suggested. If we shall establish the policy of going into the Committee of the Whole House on the state of the Union for the consideration of bills on the Unanimous Consent Calendar, I am afraid we shall not get along very well or very far with the legislation on that calendar. It is a matter for the House to determine whether or not we are to go on following the rule and policy that we have followed for many years in this regard or depart therefrom. If we depart from it in the matter of one bill, gentlemen have a perfect right to insist we shall depart from it in the matter of every bill that is brought up for consideration on the Unanimous Consent Calendar.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I will yield.

Mr. GARRETT of Tennessee. My recollection is that until the last Congress the practice which now prevails did not prevail; that until the last Congress, prior to that, on unanimous consent days where a bill was reported the Speaker would ask if there was objection, and if no objection to a Union Calendar bill the House, as I recall, went automatically into the Committee of the Whole House, unless the gentleman in charge asked unanimous consent that it be considered in the House as in Committee of the Whole House on the State of the Union with regard to each individual bill. At the beginning of the last Congress the Speaker, I think very properly, announced——

Mr. MONDELL. I can recall of few cases where we have gone into the Committee of the Whole House for the consideration of bills on the Unanimous Consent Calendar.

Mr. GARRETT of Tennessee. That is my recollection, and the Speaker at the beginning of the last Congress, very early in the beginning of the last Congress, I think very wisely, announced that he would regard a consent given to consider a bill on the Unanimous Consent Calendar, even though it be a Union Calendar bill, as consent to consider it in the House as in Committee of the Whole House, and prior to that, I think, consent was given in each individual case.

Mr. MONDELL. All I care to say is that if the House desires to establish the precedent of going into the Committee of the Whole on bills on the Unanimous Consent Calendar it is perfectly agreeable to me.

Mr. CAMPBELL of Kansas. If the gentleman will permit, the custom has been in former Congresses and until the present Speaker announced the rule that the Speaker would say after unanimous consent was agreed to, "This bill is on the Union Calendar." Then a gentleman interested in the bill would ask unanimous consent that it be considered in the House as in the Committee of the Whole. It took two requests to accomplish what is now accomplished by one request.

Mr. MONDELL. Mr. Speaker, it is true that the right to demand that we go into Committee of the Whole exists, but I recall very few cases where we have considered measures on the Unanimous Consent Calendar in the Committee of the Whole. That can be done. We have not been doing it. We have been getting along very nicely with the Unanimous Consent Calendar. But if gentlemen believe it is wise to establish that precedent I have no objection whatever.

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana [Mr. BLAND] if his request that it be considered in the Committee of the Whole House on the state of the Union is based upon some opposition to this bill?

Mr. BLAND of Indiana. Yes; I have some opposition to the bill, but I shall not confine my remarks entirely to the bill.

Mr. GREENE of Vermont. In order to save argument as to what we should do about it, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

TRANSFER OF PROPERTY AT LIGHTHOUSE POINT, CONN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11346) authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as the old lighthouse property at Lighthouse Point, in the city of New Haven.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice. I understand that the Secretary of War was erroneously informed as to the facts stated in the report, and I wish to have that report confirmed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent that the bill H. R. 11347 hold its place on the calendar for the same reason.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LOAN OF COTS TO G. A. R. OF CALIFORNIA AND NEVADA.

The next business on the Calendar for Unanimous Consent was the House Joint Resolution 300 authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment to be held in Riverside, Calif., in May, 1922.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire whether the gentleman introducing this bill or the gentleman reporting it can inform the House whether we have ever loaned the use of Army supplies in the way of tents to other than the National Grand Army of the Republic or the United Confederate Veterans?

Mr. SWING. The Committee on Military Affairs has reported favorably three bills to the House of this kind, and the House passed last May the bill of the gentleman from Ohio [Mr. CABLE] granting this privilege to the Grand Army of the Republic of the State of Ohio.

Mr. STAFFORD. Did that bill become a law?

Mr. SWING. I do not know that it did.

Mr. STAFFORD. I believe when the bill passed the House the encampment had already been held.

Mr. SWING. No; I think not.

Mr. STAFFORD. I am prompted to ask that question by the very positive objection made by the Secretary of War to this character of legislation. I assume the gentleman is very fully acquainted with it. I would like to read it for the consideration of the House. It says:

> Since July of last year I have consistently declined to authorize the loan of supplies or equipment or to concur in or recommend the passage of acts authorizing loans.

I do not recall a bill to which the Secretary of War has so positively expressed his objections.

Mr. SWING. The situation is this, if I may state it. The articles that are desired are stored at the edge of the city limits of Riverside. They are not in use, but they were stored there on the close down of the camp at March Field, which was used during the war for aviation purposes. The property sought to be used is within 2½ miles of the place where they expect to use it, and the bill provides that all expenses shall be de-

frayed by the Grand Army of the Republic, and, in addition to that, that they shall put up a bond to return them in as good a condition as they were to start with.

Mr. STAFFORD. I am aware of that. The Secretary of War sets forth the claim that they would not be in the same condition after usage. But if the House has passed a similar bill, I will not press any objection.

The SPEAKER. Is there objection?

Mr. GREENE of Vermont. Reserving the right to object, it seems to me, if I may be permitted, that there have been precedents established during a good many years in Congress about this thing. There is a general statute that provides for the loaning of tents and canvas, the shelter, to these various patriotic organizations composed of veterans of former wars. That has been the law for quite a number of years. There is no general objection to it, because there is not that degree of wear and tear in the handling of canvas for shelter as there is in the intimate use of bedding and bedclothes, cots, and that sort of thing.

They are movable, and they are handled through the day, and it is obvious to all who have had experience in outdoor life that the wear and tear is more. So it has been the policy for years to limit under the general law the loaning of these things to the loaning of the shelter which the Government has in use in various ways, and which can stand long outdoor exposure from time to time without any particular difficulty.

Mr. SWING. May I make this observation: First, I have, at the suggestion of Mr. MILLER, who reports the bill, an amendment to eliminate mattresses, on the suggestion which he made that they might be soiled and would be difficult to clean. The cots and blankets will not be used out of doors, but they have public halls in which they will be used. The city of Riverside is one of the prettiest little cities in southern California, with a population of about 15,000, and the hotel accommodations are not adequate for as large a crowd as is expected. They would expect to place these cots indoors.

Mr. BLAND of Indiana. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. Will the gentleman from Vermont withhold his objection for a moment?

Mr. GREENE of Vermont. Certainly.

Mr. BLAND of Indiana. I understand that the other branch of Congress did not pass any bill that provides for the loan of blankets and pillows, but it does permit bills to go through for cots and tents. So it occurs that if it calls for bedding or pillows to be loaned the bill will not have a chance to go through the other body. I have no objection to the bill. I think we ought to loan them.

Mr. SWING. Mr. Speaker, I intend to take out the word "mattresses."

Mr. GREENE of Vermont. The question in my mind is even back of all that. Of course, the use of these supplies means inspection and examination each time after they are used, because they deteriorate. But if we start in to loan that part of the paraphernalia of military supplies where are we going to end?

Mr. SWING. The answer to that is this: The precedent has been established for some time past of making an exception of those two organizations, the Grand Army of the Republic and the Confederate Veterans' Association of the South. Their members are decreasing in number, as you know, each year; each year there are fewer and fewer of them. They meet only once a year. It will do the bedding good to take it out and air it once a year and have it shaken up and cleaned and put back, and it will last longer than it otherwise would.

Mr. GREENE of Vermont. Yes. Every time you use a pound of butter you improve it. [Laughter.] That is very susceptible of demonstration. If you will consult the law you will find that other organizations beyond those of the Civil War, the Grand Army of the Republic and the Confederate Veterans' Association, have been included in these loans. The Spanish-American War Veterans have been included. This is not simply a remote precedent that is clasped down by a golden sentiment, a fond something that will disappear in time. We have now 4,000,000 ex-soldiers of the World War, and we will be asked to allow for them the things that you are now asking to have.

Mr. SWING. By a letter from the Secretary of War to the Speaker on June 22 he stated that because of the reasons I have stated, the diminishing number of members in these two organizations, he had no objection to loaning to the Grand Army of the Republic and the Confederate Veterans' Association the cots and blankets for their annual encampments.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. SWING. Yes.

Mr. BEGG. Is this loan of these things to be made to the Grand Army of the Republic direct, or will they be loaned only in their name, and turned over to private persons to be put in halls and public buildings, and then let them charge hotel rates for sleeping quarters?

Mr. SWING. No. They are to be loaned to the executive committee of the Grand Army of the Republic. The cots and blankets are to be put up in the city halls and used by the veterans without charge.

Mr. GREENE of Vermont. Would the gentleman be willing to follow that up with a similar loan to every other patriotic organization that might ask for it?

Mr. SWING. The practice of the Secretary of War has been to limit it to the Grand Army of the Republic and the Confederate Veterans' Association.

Mr. GREENE of Vermont. We are the legislative body. The executive department can not do anything unless we consent to it. Does the gentleman think it advisable so to dispose of the property of the War Department that every patriotic organization can come in and get what it wants, and in that way save expense to itself?

Mr. SWING. These occasions come along infrequently, not oftener than once a year. This request comes from a place where the goods are now kept in storage and not in use. I think the wear on them is so infinitesimal, so incapable of being estimated, that it is negligible, because if it could be estimated it would be paid for.

Mr. GREENE of Vermont. Has the gentleman ever been in one of these camps?

Mr. SWING. Yes; I have been in camp.

Mr. GREENE of Vermont. Have you cleaned up afterwards?

Mr. SWING. I have policed my share of the camp.

Mr. GREENE of Vermont. We have this same argument every time. We come out at the same hole we go in at. The Senate does its duty eventually. I think we ought to do our duty here.

Mr. SWING. I do not think this request should be refused unless there is some valid objection to it, and none has yet been offered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan to the executive committee of the Grand Army of the Republic, at Riverside, Calif., having in charge the arrangements for the State encampment of said order, to be held in Riverside, Calif., in May, 1922, such blankets, mattresses, and cots as may be required at said meeting: Provided, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said executive committee at Riverside, Calif., at such time prior to the date of such meeting as may be agreed upon by the Secretary of War and the chairman of said executive committee: *Provided further*, That the Secretary of War shall, before delivering such property, take from the said chairman of said executive committee a good and sufficient bond for the safe return of said property in good order and condition, the whole transaction to be without expense to the Government of the United States of America.

Mr. SWING. Mr. Speaker, I desire to offer two amendments.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. SWING: Page 1, line 8, strike out the word "mattresses," and also strike out of the title of the resolution the word "mattresses."

Mr. WINGO. Mr. Speaker, I would like to be heard on the amendment.

The SPEAKER pro tempore. The Chair would state that the amendment to the title is not in order at this time.

Mr. SWING. Then, Mr. Speaker, I offer the first part of it.

The SPEAKER pro tempore. The question is on agreeing to the amendment. The gentleman from Arkansas is recognized.

Mr. WINGO. Mr. Speaker, I appreciate the fact that the gentleman from California [Mr. SWING] feels impelled to offer that amendment to facilitate the passage of the bill. Personally I am opposed to the adoption of the amendment.

These old men are very few. We have thousands of mattresses and blankets stored away in Army camps all over the country. Suppose these old veterans at their encampment do happen to destroy a few of these mattresses. It will be a very small sum. If we withhold this privilege from them the United States Government will benefit very little, because the people who are capable of buying these mattresses and blankets will not get the benefit of them.

Down at Camp Pike in my State a New York concern offered, I think, $400,000 for all the supplies at Camp Pike. Anyone who offered a bid had to put up $100,000. The War Department refused to let men bid on the blankets and other things separately. It refused to let one of my constituents who was

prepared to make good by proper bond bid on the supplies separately, and after protests from one of the Senators from my State the Secretary of War refused to approve the bid of this New York concern. One of my Senators protested against the low sum. The governor of the State said, "Why, the State will buy them for $100,000 more than that." But a few days ago the press reports called attention to the fact that the same New York company showed up the other day and claimed they had bought under a separate bid all the blankets at Camp Pike. Yet I had been told no divided bids would be permitted. If one of my constituents had been given a chance at the blankets and shoes, two important things, he would have handled them under an arrangement that would have brought the Government several hundred thousand dollars more than they were offered. So I say under your present policy of making it impossible for anybody except those having large capital to bid on these supplies the United States Government is not going to get much out of them.

These blankets and these mattresses and these tents are going. Look at what you got for some of your tents recently. A mere song. The man who bought them sold them out in job lots for many, many times more than the Government got. And now you quibble about these old veterans spoiling a few cheap mattresses. Let the other end of the Capitol kill these bills if they want to. Why, Mr. Speaker, in my veins flows the blood of one who followed the fortunes of Lee, in the saddle behind that wizard of cavalry, Nathan Buford Forrest; and as a son of the South I want to say to you that so far as we are concerned these old veterans of the Union Army can have these blankets and mattresses and welcome. Suppose they do soil or destroy a few of them. Let them have both mattresses and blankets and be comfortable. [Applause.] Why quibble about a little cost of renovation? There are only a few of these old men left. In handling a matter like this, gentlemen, you can not afford to quibble over cold business details. You gentlemen of the North have been fair to the Confederates by loaning them tents for their encampments. You have made a rule that you will let these tents go both to the G. A. R. and to the Confederate veterans. That was a proper thing to do, and I as a son of the South appreciate it. Nobody can accuse me of playing politics in what I am saying now, because these men can not vote for me; they do not live in my district; but I want to say to you that when I see these old men on both sides tottering along, when I realize that in a few more years they will be in their graves, it kind of makes me resentful to hear gentlemen quibble over the fact that maybe they will soil a few mattresses or lose a few blankets. God bless them, let them have every blanket and mattress we have got stored down there on the edge of that city, and if they do not get them back it is all right with me. If those old fellows take home a blanket apiece it will be all right so far as I am concerned. [Applause.]

Mr. GREENE of Vermont. Mr. Speaker, I rise in support of the amendment. I do not intend to make one of these traditional North and South speeches or to open any beautiful flasks of mellow sentiment or anything of that kind, because we are not here for that purpose. We are here to do business and we are here as the custodians of Federal property. It is a cold matter of responsibility in a fiduciary capacity absolutely. Whatever may be our personal inclinations toward the fine old soldiers of the North or the South, that is a personal matter and not a governmental one.

I think it only fair to direct the attention of the committee to the fact that there is a statute which long ago settled the policy of this thing, which was devised for the express purpose of heading off any tumult of oratory or exuberance of rhetoric that may take place every time some patriotic organization wants to borrow some tents. So the supplying of tents is limited to specified patriotic organizations. Everybody agreed to that, and it works automatically. Every now and then somebody presents a bill which, like this one, contains an exception to the provisions of the general statute, and that exception, it seems to me, should be tested out not by our sentiment, not by the question as to whether we would deny these fine old soldiers some personal comfort or some reasonable privilege, but by the question as to the policy of the administration of the Government with regard to it and with regard to other men who make like requests based upon that very incident which they will take as a precedent.

It is true that the soldiers of 1861 are almost completely retired from their activities and that the probability is that there will be very little demand for these supplies from them or their fellows; but there are still in middle life the soldiers of the War with Spain who, however comparatively limited in numbers, are themselves followed to-day by very young men, the 4,000,000 veterans of the World War, who, God bless them, we hope to have with us for the next 75 years.

This is a question of continuing policy, not a matter of beautiful sentiment that we can hook onto something that happened 60 years ago.

Mr. BEGG. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. BEGG. I would like to have the gentleman's opinion from a practical standpoint. If we are going to make this loan at all, should we not loan the mattresses as well as the cots?

Mr. GREENE of Vermont. I do not think so.

Mr. BEGG. Nobody would certainly expect one of these old veterans to sleep on a bare cot.

Mr. GREENE of Vermont. I do not think they will go there to lie on bare cots. I do not think anybody intends they shall.

Mr. BEGG. Then why the bill?

Mr. GREENE of Vermont. Because it is easier to provide bedding than it is the cot to hold it up.

Mr. BEGG. I am not so sure about that. Is it easier to provide a mattress for a bed than it is to provide a little $1.50 cot?

Mr. GREENE of Vermont. I do not know that I am altogether qualified to pass upon that question of housekeeping.

Mr. BEGG. If the gentleman will think a moment he will realize that a mattress costs more than a cot.

Mr. GREENE of Vermont. Perhaps it does; but the men who attend these encampments, the few hours that they do sleep, are not very particular whether they sleep on a mattress or not.

Mr. BEGG. I do not believe the gentleman will find that the men who are going to attend this encampment are in a physical condition which will enable them to be as careless of their personal comfort as that.

Mr. GREENE of Vermont. They are the same old boys that they used to be, and when they go to these encampments they go to have a good time.

Now, it seems to me it is only a question of the practical viewpoint whether we are going to adopt a continuing policy which means that the War Department property will be scattered from Harlem to breakfast, to use parliamentary language, every summer each year for the next 75 years that we will be having requests from the 4,000,000 soldiers of the World War. No one can pretend that there is not a destructive waste in the employment of such intimate paraphernalia as bedding.

Mr. WINGO. Will the gentleman yield?

Mr. GREENE of Vermont. Certainly.

Mr. WINGO. How much per mattress did the last sale of Army supplies bring?

Mr. GREENE of Vermont. I do not know, and, moreover, that is beside the question. It has a little vague, but still an appreciable reference to campaign material.

Mr. WINGO. I am not talking about campaign material.

Mr. GREENE of Vermont. Neither am I, and that is the reason I avoid the subject.

Mr. WINGO. I am talking about the facts.

Mr. GREENE of Vermont. So am I, and therefore keep away from campaign material.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BEGG) there were—13 ayes and 16 noes.

So the amendment was rejected.

Mr. SWING. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 8, after the word "meeting," strike out the semicolon and insert a comma and the words "but not to exceed 500 of each."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SWING a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

RESTORING LANDS IN LOUISIANA TO PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5224) to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain lands in the State of Louisiana not needed for naval purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

Mr. LARSEN of Georgia. Mr. Speaker, reserving the right to object, I reported the bill from the Public Lands Committee. The author of the bill is the gentleman from Louisiana [Mr. MARTIN], who is home on account of the serious condition brought about by the existence of the flood. He communicated with me last week and asked me if I would look after this mat-

ter. He says it is a matter of great importance to the people of his section and that it is urgent. I would appreciate it, and I am sure the gentleman from Louisiana would appreciate it more than I can express, if the gentleman from Wisconsin would permit the bill to be disposed of.

Mr. STAFFORD. I have examined the bill and report, and there are certain features that I wish to examine more in detail.

Mr. LARSEN of Georgia. It might be that I or some other member of the Public Lands Committee could enlighten the gentleman.

Mr. STAFFORD. The bill will come up under the regular order two weeks from to-day. These people have been in possession of the land for more than a quarter of a century.

Mr. LARSEN of Georgia. It is to perfect the title and raise money which is very badly needed.

Mr. LAYTON. Will the gentleman yield?

Mr. STAFFORD. Yes; if I have the floor.

Mr. LAYTON. I am not interested in this bill, but it raises a question of law or principle connected with a matter in which I am interested. Do I understand that as a matter of fact Congress has the right to restore Government property, real estate, to the rightful owners when the Government ceases to have use for it?

Mr. STAFFORD. The Government has the right at any time to cede its property.

Mr. LAYTON. The reason I ask is that I am a member of a committee where that question has been brought up, and it was stated that there was no way to get back to a State or a county real estate which the Government had ceded to it except by a public sale to the highest bidder.

Mr. STAFFORD. There is a general law which provides for the sale of parcels of land in the case which the gentleman instances. But, of course, Congress can repeal, amend, or qualify the law.

Mr. LAYTON. I am only asking this for future reference to get it into the RECORD.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHEELER, for 4 days, on account of important business.

To Mr. MONTAGUE, for 2 days, on account of death of a relative.

To Mr. BARBOUR, for 7 days, on account of important business.

To Mr. STEVENSON, for to-day, on account of sickness.

To Mr. ATKESON, for 30 days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. KINDRED was given leave to withdraw from the files of the Committee on Military Affairs certificate of Joseph J. Donnelly, deceased, Sixty-sixth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 2, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

597. Under clause 2 of Rule XXIV, a letter from the chief scout executive of the Boy Scouts of America, transmitting copy of the Twelfth Annual Report of the Boy Scouts of America (H. Doc. No. 296), was taken from the Speaker's table, referred to the Committee on Education, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 10496. A bill to provide for the free transmission through the mails of certain publications for the blind; with an amendment (Rept. No. 939). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEBSTER: Committee on Interstate and Foreign Commerce. H. R. 11265. A bill to authorize the maintenance of a bridge constructed across the Pend Oreille River at the town of Usk, in the State of Washington; without amendment (Rept. No. 940). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 11244. A bill authorizing the construction of a bridge across White River, in the State of Arkansas; with amendments (Rept. No. 941). Referred to the House Calendar.

Mr. MICHENER: Committee on the Judiciary. S. 1911. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; without amendment (Rept. No. 942). Referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD: Committee on the Judiciary. S. 3505. An act in reference to the summoning of grand juries in the District of Columbia; with amendments (Rept. No. 943). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 10330. A bill to extend the time for the construction of a bridge across Lake St. Croix at or near the city of Prescott, in the State of Wisconsin; with amendments (Rept. No. 944). Referred to the House Calendar.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 297. A joint resolution authorizing and requesting the President of the United States to call a conference of maritime nations with a view to the adoption of effective means for the prevention of pollution of navigable waters by oil-burning and oil-carrying steamers by the dumping into such waters of oil waste, fuel oil, oil sludge, oil slop, tar residue, and water ballast; with amendments (Rept. No. 950). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 6177. A bill for the relief of the owner of the fishing smack *Mary S. Dolbow*; without amendment (Rept. No. 946). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 966. A bill for the relief of the Tacoma Tug & Barge Co.; without amendment (Rept. No. 947). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 1945. An act to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber; without amendment (Rept. No. 948). Referred to the Committee of the Whole House.

Mr. LOGAN: Committee on Claims. H. R. 6929. A bill for the relief of Horace E. Walker; with an amendment (Rept. No. 949). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11469) granting an increase of pension to George Gorham; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

An act (S. 2563) to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.; Committee on Interstate and Foreign Commerce discharged and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 11489) to authorize the enlargement, extension, and remodeling of the Federal building at Lockport, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11490) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces; to the Committee on the Judiciary.

By Mr. WEBSTER: A bill (H. R. 11491) to continue the land office at Waterville, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. STRONG of Kansas: A bill (H. R. 11492) providing for the transfer or sale of Army and Navy equipment to the Boy Scouts of America; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 11493) to amend the War Finance Corporation act, approved May 5, 1918, and the act amendatory of the same, approved August 24, 1921, by extending for one year the powers and authority of the War Finance Corporation; to the Committee on Banking and Currency.

By Mr. VINSON: A bill (H. R. 11494) to amend the Federal farm loan act so that actual farmers may borrow money for indebtedness due by them when not incurred for agricultural purposes; to the Committee on Banking and Currency.

By Mr. WARD of New York: Resolution (H. Res. 335) for the immediate consideration of Senate Joint Resolution 12, authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic; to the Committee on Rules.

By Mr. CLARKE of New York: Resolution (H. Res. 336) for the immediate consideration of Senate Joint Resolution 79, authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic; to the Committee on Rules.

By Mr. SMITH of Idaho: A joint resolution (H. J. Res. 318) for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased; to the Committee on Naval Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of Colorado, urging recognition by the United States of America of the Republic of Mexico; to the Committee on Foreign Affairs.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

By Mr. FROTHINGHAM: Memorial of the Legislature of the State of Massachusetts, urging upon Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

By Mr. TINKHAM: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 11495) granting an increase of pension to Laura C. Wible; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 11496) granting a pension to Ezra Poquette; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 11497) granting a pension to Mary J. Toomey; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 11498) for the relief of Joseph Benaglia; to the Committee on Claims.

Also, a bill (H. R. 11499) for the relief of Frank J. Dwyer; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 11500) granting an increase of pension to A. C. Rhinehart; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 11501) granting a pension to Reese Tunks; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 11502) granting an increase of pension to Emma C. Weinhold; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 11503) granting a pension to Emma Weast; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 11504) granting a pension to Lottie L. Tripp; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 11505) granting a pension to Fred Rife; to the Committee on Pensions.

By Mr. SHAW: A bill (H. R. 11506) granting a pension to Mary E. Catterson; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11507) granting a pension to Ella M. Foll; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 11508) for the relief of Joseph and John Marconi; to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 11509) to correct the military record of John C. Berry; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5351. By the SPEAKER (by request): Resolutions adopted by the International Brotherhood of Firemen and Oilers, Local No. 143, Northampton, Mass., urging the amendment of the prohibition laws to allow light wines and beer; to the Committee on the Judiciary.

5352. Also (by request), resolutions passed at a public meeting of Washington citizens adopted April 30, 1922, at the Central High School stadium, vigorously protesting against the proposed change in the fiscal relations, as submitted by the conferees on the District appropriation bill; to the Committee on Appropriations.

5353. Also (by request), resolutions adopted by the Presbytery of Muncie, Muncie, Ind., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5354. Also (by request), resolutions adopted by the Presbytery of Muncie, at the city of Muncie, Ind., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5355. Also (by request), resolutions adopted by the Presbytery of Muncie, at the city of Muncie, Ind., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5356. Also (by request), resolutions adopted by the Presbytery of Muncie, at the city of Muncie, Ind., indorsing the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159, and urging its immediate passage; to the Committee on the Judiciary.

5357. Also (by request), petition of citizens and residents of the United States of Russian extraction, urging Congress to order the seizure of all funds belonging to the Russian people and now in the hands of the former Russian ambassador, Boris Bakhmetieff, for the purpose of using them for relief of the Russian famine victims; to the Committee on Foreign Affairs.

5358. By Mr. ANSORGE: Petition of Washington Heights Palestine Foundation fund committee, New York, urging support of resolutions for the ratification of the establishment of a Jewish State in Palestine; to the Committee on Foreign Affairs.

5359. Also, petition of Congregation Ahavath Israel, New York City, urging support of resolutions for the ratification of the establishment of a Jewish State in Palestine; to the Committee on Foreign Affairs.

5360. By Mr. COOPER of Wisconsin: Resolution adopted at a mass meeting of citizens of Boston, Mass., demanding establishment of an independent Armenian State; to the Committee on Foreign Affairs.

5361. By Mr. FRENCH: Petition of H. J. Frizelle and others, of Idaho, protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

5362. Also, petition of the Presbytery of Boies, Idaho, indorsing House bill 9753; to the Committee on the District of Columbia.

5363. By Mr. GALLIVAN: Petition of Carrol J. Swan, commander Boston Chapter, Military Order of the World War, urging passage of Wadsworth-McKenzie Army-Navy pay bill; to the Committee on Readjustment of Pay, etc.

5364. Also, petition of Joseph DeVoto, 50 Winthrop Street, Roxbury, Mass., and William A. Roche, 720 Morton Street, Dorchester, Mass., urging early passage of the Bursum bill, S. 1565; to the Committee on Military Affairs.

5365. By Mr. HOCH: Resolutions adopted by the Kansas City Presbytery, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5366. Also, resolutions adopted by the Kansas City Presbytery, urging the passage of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous marriages in the United States; to the Committee on the Judiciary.

5367. By Mr. KAHN: Petition of Santa Barbara County Farm Bureau, commending the California delegation in Congress for their stand on certain legislation; to the Committee on Rules.

5368. By Mr. KING: Petition of M. Stamm and other merchants, of Galesburg, Ill., opposing a tariff on hides; to the Committee on Ways and Means.

5369. By Mr. KISSEL: Petition of Miss Ella C. Patterson, New York City, N. Y., relative to the duty on sugar; to the Committee on Ways and Means.

5370. Also, petition of Miss Edna P. Luce, Bayonne, N. J., relative to the duty on sugar; to the Committee on Ways and Means.

5371. By Mr. KNUTSON: Petition of residents of Minnesota, protesting against House bill 9753, a bill to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5372. By Mr. MEAD: Resolutions adopted by the Corporation Council of the city of Buffalo, relative to a bill to amend the Judicial Code; to the Committee on the Judiciary.

5373. Also, petition of C. J. Irwin, merchandise broker, of Buffalo, urging the passage of House Joint Resolution 284; to the Committee on Agriculture.

5374. Also, petition of A. Krauss & Co., relative to the duty on hides as proposed in the Fordney tariff bill; to the Committee on Ways and Means.

5375. By Mr. NEWTON of Missouri: Petition of the Presbytery of St. Louis, Mo., praying for the passage of House Joint Resolution 159, prohibiting sectarian appropriations; to the Committee on the Judiciary.

5376. By Mr. RAKER: Petition of Mrs. May Crocker, federation secretary, Lodi Women's Club, Lodi, Calif., indorsing the Barbour bill and urging its passage; to the Committee on the Public Lands.

5377. Also, petition of Francis C. Sloter, of Berkeley, Calif., indorsing the Bursum bill and urging its passage; to the Committee on Military Affairs.

5378. Also, petition of the Salesmen's Association of the American Chemical Industry, New York City, urging adoption of the tariff schedules based on American valuation; to the Committee on Ways and Means.

5379. By Mr. ROSE: Petition of the Presbytery of Huntingdon, Pa., indorsing House bill 9753, for Sabbath observance in the District of Columbia; to the Committee on the District of Columbia.

5380. Also, petition of the Presbytery of Huntingdon, Pa., indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5381. Also, petition of Johnstown Lodge No. 923, Independent Order of B'nai B'rith, favoring and approving the resolution presented in the two Houses relative to the attitude of the United States Government expressed in the resolution in favor of the Jewish home land; to the Committee on Foreign Affairs.

5382. By Mr. STRONG of Pennsylvania: Petition of Blairsville (Pa.) Presbytery, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5383. Also, petition of the Presbytery of Blairsville, Blairsville, Pa., and the Presbytery of Clarion, Punxsutawney, Pa., indorsing House Joint Resolution 131; also petition of the Presbytery of Blairsville, Blairsville, Pa., indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5384. By Mr. SWING: Petition of various citizens of Fullerton, Calif., protesting against House Bill 9753, providing for compulsory Sunday observation; to the Committee on the District of Columbia.

5385. By Mr. TINKHAM: Resolutions adopted by the National Guard Association of Massachusetts, relative to the size of the Army, Navy, etc.; to the Committee on Appropriations.

5386. By Mr. TOWNER: Petition of 175 members of the Syrian community of New York City, urging Congress to pass the Towner-Sterling educational bill; to the Committee on Education.

5387. By Mr. WEBSTER: Petition of 464 residents of Spokane, Wash., opposing the passage by Congress of H. R. 9753, H. R. 4388, or S. 1948, bills now pending which relate to proposed changes in the Sunday observance laws of the District of Columbia; to the Committee on the District of Columbia.

5388. Also, petition of various residents of Greenacres, Liberty Lake, Pullman, and Spokane, Wash., opposing the passage by Congress of H. R. 9753, H. R. 4388, or S. 1948, bills now pending which relate to proposed changes in the Sunday observance laws of the District of Columbia; to the Committee on the District of Columbia.

5389. By Mr. WYANT: Resolutions adopted by the United Presbyterian Presbytery of Westmoreland County, Pa., at Trafford, Pa., indorsing House bill 9753 to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5390. Also, resolutions adopted by the United Presbyterian Presbytery of Westmoreland County, of Trafford, Pa., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5391. Also, resolutions adopted by the Presbytery of Westmoreland County, United Presbyterian Denomination of Trafford, Pa., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5392. By Mr. YOUNG: Petition of Forrest Daniel and others, of Sykeston, N. Dak., protesting against any law prohibiting secular labor on any stated day of the week; to the Committee on the District of Columbia.

SENATE.

TUESDAY, *May 2, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Smoot
Ball	Hale	McKellar	Spencer
Brandegee	Harreld	McLean	Stanley
Broussard	Harris	McNary	Sterling
Bursum	Harrison	Moses	Sutherland
Calder	Heflin	Nelson	Swanson
Capper	Hitchcock	Newberry	Townsend
Caraway	Johnson	Nicholson	Trammell
Colt	Jones, N. Mex.	Norbeck	Underwood
Culberson	Jones, Wash.	Norris	Wadsworth
Cummins	Kellogg	Oddie	Walsh, Mass.
Curtis	Kendrick	Overman	Walsh, Mont.
du Pont	Keyes	Page	Warren
Edge	King	Phipps	Watson, Ga.
Fletcher	La Follette	Poindexter	Watson, Ind.
Frelinghuysen	Lenroot	Pomerene	Williams
Gerry	Lodge	Sheppard	Willis
Glass	McCormick	Simmons	

Mr. JONES of Washington. I wish to announce that the Senator from Kentucky [Mr. ERNST] is detained on official business.

The PRESIDENT pro tempore. Seventy-one Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill and a joint resolution of the following titles:

S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; and

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 4898. An act to declare the Tombigbee River nonnavigable from its source to its intersection with the boundary line between the counties of Itawamba and Monroe;

H. R. 6313. An act authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.;

H. R. 11054. An act to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes;

H. R. 11131. An act to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes;

H. J. Res. 300. Joint resolution authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment to be held in Riverside, Calif., in May, 1922; and

H. J. Res. 319. Joint resolution making available funds for preserving and protecting, in the present flood emergency, the

levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed enrolled bills of the following titles, and they were subsequently signed by the Vice President:

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry, and between the counties of Anderson, S. C., and Hart, Ga.; and

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

PETITIONS AND MEMORIALS.

Mr. SPENCER presented a resolution adopted by the Central Missouri Conference, Methodist Episcopal Church, at St. Joseph, Mo., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Central Missouri Conference, Methodist Episcopal Church, at St. Joseph, Mo., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Central Missouri Conference, Methodist Episcopal Church, at St. Joseph, Mo., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry employees of the Treasury custodial service of Bridgeport, Hartford, Meriden, Stamford, and Willimantic, all in the State of Connecticut, praying for the passage of House bill 8928, providing certain salary increases for employees of the custodial service, which were referred to the Committee on Appropriations.

He also presented a memorial of the Employers' Association of New Haven County, New Haven, Conn., remonstrating against the enactment of legislation authorizing the Interstate Commerce Commission to approve or disapprove contracts involving the construction or repair of equipment of railroads engaged in nterstate commerce, which was referred to the Committee on Interstate Commerce.

He also presented the petition of M. H. Ludlum, of Bridgeport, Conn., praying that payment of Austria's debt to the United States be deferred for a period of 20 years, which was referred to the Committee on Foreign Relations.

He also presented a memorial of members of Harry W. Congdon Post, No. 11, American Legion, of Bridgeport, Conn., remonstrating against the proposed discontinuance of the Bridgeport office of the United States Veterans' Bureau, which was referred to the Committee on Finance.

He also presented resolutions and telegrams in the nature of petitions of the Congregation Ohaves Sholom, M. Swirsky, president; Convention of the Jewish Organizations of New Haven; the Jewish Community of Hartford; members of the Emanuel Synagogue, of Hartford; and sundry citizens of Hartford, New Britain, and New Haven, all in the State of Connecticut, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for Jewish people in accordance with the Balfour declaration, which were referred to the Committee on Foreign Relations.

Mr. WILLIS presented resolutions adopted at a mass meeting of citizens of Cleveland, Ohio, favoring the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for Jewish people in accordance with the Balfour declaration, which was referred to the Committee on Foreign Relations.

He also presented the petition of David Ruby and sundry other citizens of Marietta, Ohio, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the National Home for Jewish people, which was referred to the Committee on Foreign Relations.

Mr. NORBECK presented memorials of sundry citizens of Mobridge, Mound City, Java, Eureka, Bowdle, Tolstoy, Watertown, Huron, Madison, Winfred, and Junius, all in the State of South Dakota, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 3040) to amend section 266, chapter 11, of the Judicial Code, reported it with an amendment and submitted a report (No. 682) thereon.

Mr. BROUSSARD, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies, reported it with an amendment and submitted a report (No. 683) thereon.

Mr. BURSUM, from the Committee on Pensions, to which was referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 8261) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 684); and

A bill (H. R. 8874) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 685).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

A bill (S. 3539) to amend section 6 of the act of November 23, 1921 (Public, No. 96, 67th Cong.); to the Committee on Indian Affairs.

By Mr. BURSUM:

A bill (S. 3540) fixing the fees of the examining surgeons in the Bureau of Pensions; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3541) to establish the Wonderland National Park in the State of South Dakota; to the Committee on Public Lands and Surveys.

A bill (S. 3542) granting an increase of pension to Carl W. Carlson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 3543) granting a pension to Mary R. Cooney; to the Committee on Pensions.

AMENDMENT TO SENATE RIVER AND HARBOR BILL.

Mr. STANLEY submitted an amendment providing for the improvement of Canoe Creek, Henderson County, Ky., at its juncture with the Ohio River with a view of dredging and establishing a harbor of refuge, intended to be proposed by him to the bill (S. 3017) authorizing appropriations for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

COCONINO AND TUSAYAN NATIONAL FORESTS, ARIZ.

Mr. ASHURST. I ask unanimous consent that the bill (H. R. 7812) to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz., be taken from the calendar and recommitted to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PROTECTION OF MISSISSIPPI RIVER LEVEES.

Mr. WARREN. I ask that House Joint Resolution 319, just received from the House, be laid before the Senate and read at length and referred to the Committee on Appropriations.

The joint resolution (H. J. Res. 319) making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries, and outlets not under jurisdiction of the Mississippi River Commission was read the first time by its title, the second time at length, and referred to the Committee on Appropriations, as follows:

Resolved, etc., That a sum not to exceed $200,000 from funds heretofore appropriated for improvement of rivers and harbors and which remain in the Treasury unexpended because the works or projects for which the same were appropriated have been completed or have been recommended for abandonment, is hereby made available for expenditure by and under the direction of the Secretary of War and the supervision of the Chief of Engineers for the purpose of protecting life and property by preserving and maintaining during the present flood emergency the levees not under Government control on the Mississippi River, its tributaries and outlets.

Mr. WARREN. I am instructed by the Committee on Appropriations to report the joint resolution back favorably, without amendment, and to ask for its immediate consideration and passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONTINUANCE OF GOVERNMENT PUBLICATIONS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, which were to strike out all after the resolving clause and to insert:

That hereafter the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary properly to conduct the ordinary activities required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for such official activities, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the superintendent of documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but the printing of such additional copies shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government.

SEC. 2. That section 3 of the sundry civil appropriation act for 1922, approved March 4, 1921, be, and is hereby, repealed.

And to amend the title so as to read: "Joint resolution to authorize the printing of journals, magazines, periodicals, and similar publications, and for other purposes."

Mr. MOSES. I move that the Senate disagree to the amendments of the House, request a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. MOSES, Mr. CAPPER, and Mr. FLETCHER conferees on the part of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 4898. An act to declare the Tombigbee River nonnavigable from its source to its intersection with the boundary line between the counties of Itawamba and Monroe; and

H. R. 6313. An act authorizing the Secretary of Commerce to grant a right of way for a public highway to the county of Skagit, Wash.; to the Committee on Commerce.

H. R. 11054. An act to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

H. R. 11131. An act to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes; to the Committee on Post Offices and Post Roads.

H. J. Res. 300. Joint resolution authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the Grand Army of the Republic at the California and Nevada State encampment to be held in Riverside, Calif., in May, 1922; to the Committee on Military Affairs.

HEIRS OF NELS RUDI.

Mr. WALSH of Montana. Mr. President, on yesterday I introduced the bill (S. 3536) for the relief of the heirs of Nels Rudi, which was referred to the Committee on Finance. As the bill relates in a way to the war-risk insurance act, I think it should go to the Committee on Pensions. I ask that the Committee on Finance be discharged from the further consideration of the bill and that it be referred to the Committee on Pensions.

Mr. SMOOT. I did not hear what bill the Senator referred to.

Mr. WALSH of Montana. Senate bill 3536 introduced by me on yesterday. It is not on the calendar. It was introduced yesterday and went to the Committee on Finance. I asked that it go to the Committee on Pensions, but apparently my request was not heard at the Secretary's desk. The bill presents a rather remarkable situation of affairs.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the Committee on Finance be discharged from the further consideration of Senate bill 3536 and that it be referred to the Committee on Pensions. Is there objection?

Mr. SMOOT. Yes, Mr. President. I first want to know what the bill is.

Mr. WALSH of Montana. As I said, the bill presents a rather remarkable condition of affairs. Three brothers by the name of Rudi, residing in Rosebud County, Mont., held a family conference about the time war was declared. One of them was married and the other two were bachelors. They concluded that the two bachelors ought to go to war, which they did. Each of them took out life insurance under the war risk insurance act in favor of the brother who remained at home. One of them was killed in action, the insurance then going to his surviving brothers. The other brother contracted pneumonia and died, his insurance going to his surviving brother who had remained at home. That brother then took the "flu" and died, leaving his wife and an infant son, who would inherit whatever estate he had. However, the Veterans' Bureau holds that the monthly payment of the insurance under existing law goes to the parents of the surviving brother living in Norway instead of to the widow and son. This bill provides that the monthly payments made hereafter shall go to the heirs at law instead of to the parents in Norway.

Mr. SMOOT. I think the bill was properly referred. The bill creating the Veterans' Bureau was considered by the Finance Committee.

Mr. WALSH of Montana. If there is any insistence at all, I shall not ask for a change of reference.

Mr. SMOOT. I repeat that I think the bill was properly referred, Mr. President.

Mr. WALSH of Montana. I do not think so.

The PRESIDENT pro tempore. Is there objection to discharging the Committee on Finance from the consideration of the bill and referring it to the Committee on Pensions?

Mr. SMOOT. Yes; Mr. President, I object.

DISMISSAL OF EX-SERVICE MEN FROM CIVIL SERVICE.

Mr. CARAWAY. Mr. President, in view of the interest displayed by some Senators to be the first to meet the caravan bringing the petition for the soldiers' bonus to the Capitol, and therefore to have their names first recorded as favoring a soldiers' bonus, I am prompted to refer to three resolutions which I introduced some weeks ago attempting to protect some of these very soldiers in their right to work for the Government. Those three resolutions were referred to the Committee on Civil Service, at the request of the chairman of that committee. I knew then, as every other Senator knew, that those resolutions were being sent to their grave. The two most important of those resolutions came out of that committee on yesterday with adverse reports. The committee has done well what it was predicted it would do—that it would strangle those resolutions. It has done what the administration wanted it to do. It has protected from inquiry the indefensible act upon the part of the President when he arbitrarily and in the face of the law dismissed honorably discharged soldiers and sailors from the classified service. It has protected this administration against having to account to the Senate for its willful disregard of the law and its inhumane treatment of the ex-service men of the country. I am not surprised that it did it. No one expected it to do anything else.

However, there is a time coming, Mr. President, when this administration, high and mighty as it feels itself to be, will have to account to its superior—the American people. It seems but fitting, therefore, that I shall briefly refer to the fact that this week will bring to us the fifth anniversary of the enactment of the so-called selective draft act. There are here Senators who five years ago this week made this Chamber ring with their eloquence, who, to hear them say it, only regretted that age made it impossible for them to don the uniform and carry a gun at the front. They expressed their envy of the young men whom they were sending to the battle front and some of them to their death under the selective draft act, regretting that the boys were to go and that they were to stay. They foretold with what great honors and respect this country would receive the soldiers in the years to come, and how, after they had saved civilization at the peril of their lives, the Nation, through all future years, would express to them their gratitude.

If those same Senators now, after five short years, reflect the sentiment of this country, they reflect a sorry picture, indeed, for they appear to believe that the country in five years has forgotten all of its debt of gratitude, as Senators have forgotten all their fervid oratory and are willing for political preferment to protect the administration which is depriving honest and honorably discharged soldiers and sailors from the right to earn an honest livelihood. I say if they reflect the sentiment of this country it is a poor public sentiment, indeed; but I deny it, Mr. President; they do not. They simply reflect the sentiment of this administration, and the administration reflects the sentiment of Wall Street. It does not reflect the sentiment of the homes and the firesides throughout this country. This administration reflects the sentiment that enabled a man to buy a seat in this body and keep it. It reflects the sentiment that corruptionists have greater rights than do honest people. It reflects the sentiment, Mr. President, that made the President of these United States come before the Senate and make the majority Members of it recommit the soldiers'

bonus legislation, when only four votes had been recorded against it at the time it was made the unfinished business of the Senate; but I deny, Mr. President, that that reflects the honest sentiment of the American people.

Of course, when that is said, the Republican Senators answer back that they represent an administration that received a majority of 7,000,000 votes. But those 7,000,000 votes, Mr. President, were cast by men who took the Republican candidates at their face value and who believed what the candidates said. The voters who cast the 7,000,000 votes which gave the Republican Party that majority have been walking the streets for seven months now, looking for a job in order to earn an honest living, and they are not going to repeat their blunder of 1920. The Senators who are so anxious to reflect the will of the present administration and subvert their own opinions and destroy the right of honorably discharged soldiers and sailors to earn an honest living under the Government will find out when the people speak that they represent nothing but a repudiated administration.

This administration, Mr. President, has accomplished some things; whether they be laudable or not the people will determine. As I have said, it has accomplished the throttling of legislation offered to pay adjusted compensation to soldiers and sailors of the last Great War; it has to its credit the seating of a Senator who bought his seat in the Senate; it has given to its credit the denial to a minister who was designated to offer a public prayer at the opening of the so-called Limitation of Armament Conference the right to use the name of Jesus Christ in his prayer.

Oh, Mr. President, it has achieved something else. A member of the present Cabinet, selected, so far as I know, for one single accomplishment, received the biggest fee that I ever knew anybody to obtain for securing a pardon for a convicted criminal. I speak of the Attorney General. I am informed that he received $25,000 to get Mr. Morse out of the penitentiary under a plea that he was afflicted with tuberculosis; and now it becomes his painful duty to put him back in the penitentiary for again swindling the Government, unless some reason can be found to believe that the gentleman has again contracted a dangerous malady. The Attorney General got $25,000 for that achievement, I am told, and wanted more, and when he did not get it he was given a seat in the Cabinet for what he had accomplished. The President who appointed him has that to his credit—good or bad, I will let the American people say.

Recently, Mr. President, a number of children—misguided it may be, unwise it may be, but believing, from the newspaper stories, the President had a heart, that he was sympathetic—came here on a weary crusade, asking that there be pardoned, not some rich criminal who had defrauded the Government out of millions of dollars and who was able to pay munificent fees to have somebody lobby for his pardon, but little children of humble parents, the fathers of two of them being ministers of the gospel—good or bad, I do not know—came here to see the President and on their little bended knees to ask him to pardon their fathers. They were not able to hire lawyers, Mr. President; and what happened? They were refused an audience with the President of these United States. If they had been able, I presume, to have paid $25,000 for a lawyer, such as Mr. Daugherty was before he came to Washington—a specialist in getting pardons for rich criminals—they would have had a hearing; but, having nothing but the hope of mercy in their little hearts and nothing to clothe them but their tattered rags, they were denied a hearing.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I yield to the Senator from Kentucky.

Mr. STANLEY. Mr. President, I am amazed at the statement of the Senator from Arkansas. Were it not that I have such great faith in his integrity and in his careful manner of investigation, I should doubt the accuracy of that charge even against the Attorney General.

Mr. WATSON of Indiana. Mr. President, will the Senator permit an interruption?

Mr. CARAWAY. I have the floor and will permit an interruption, although I do not intend to lose the floor?

Mr. STANLEY. If the Senator from Indiana will permit me, I shall be through in about a minute.

Mr. WATSON of Indiana. Certainly.

Mr. STANLEY. I was going to say that, as an American citizen, I hope that ugly and revolting thing did not happen. In the State of Kentucky, for instance, it is a serious offense to accept a fee for a service of that character. Whether it is penalized by the State of Arkansas I do not know; but the pardon attorney, the man who prostitutes his political influence to delude an executive for a filthy retainer deserves little consideration. I do not care to comment on that; I merely want to ask the Senator if his State penalizes such unprofessional conduct, as do so many States of the Union?

Mr. CARAWAY. Mr. President, I am proud to say that the kind of lawyers we license to practice in my State do not have to be penalized to prevent them from doing a thing like that.

Mr. WATSON of Indiana. Mr. President, will the Senator pardon an interruption?

Mr. CARAWAY. I will.

Mr. WATSON of Indiana. We did not hear over on this side what it was that the Senator said about the Attorney General. Will he kindly repeat it?

Mr. CARAWAY. I know the Senator did not hear it, because all the Senators over there got busy in order not to hear what was being said. I said that I understood that the greatest achievement of the Attorney General was that he got a pardon for a criminal, and got a fee of $25,000 for doing it.

Mr. WATSON of Indiana. Does the Senator mean since he became Attorney General?

Mr. CARAWAY. Oh, no.

Mr. WATSON of Indiana. May I further question the Senator?

Mr. CARAWAY. Yes, sir.

Mr. WATSON of Indiana. To what case does the Senator refer?

Mr. CARAWAY. The Morse case.

Mr. WATSON of Indiana. Does the Senator charge on his responsibility as a Senator that Mr. Daugherty, even before he was Attorney General, received a fee for helping to get Mr. Morse out of the penitentiary?

Mr. CARAWAY. I charged that that was a matter of public information. I was not, of course, present when any contract was made. I will say that I have heard it so often that I think it is true, without question.

Mr. WATSON of Indiana. The Senator, then, accepts a rumor as true, and charges it on the floor of the Senate?

Mr. CARAWAY. Does the Senator from Indiana say that it is not true?

Mr. WATSON of Indiana. I do.

Mr. CARAWAY. On the Senator's own personal knowledge?

Mr. WATSON of Indiana. I do.

Mr. CARAWAY. That Mr. Daugherty did not represent Morse?

Mr. WATSON. I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.

Mr. CARAWAY. Did he indirectly represent him?

Mr. WATSON of Indiana. No.

Mr. CARAWAY. Why did the Senator say, then, that he did not directly represent him?

Mr. WATSON of Indiana. I meant by that that my understanding of the situation is that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary; and he received no fee for getting him out of the penitentiary.

Mr. CARAWAY. How does the Senator know that?

Mr. WATSON of Indiana. I know it from the language of the Attorney General.

Mr. CARAWAY. Did he tell the Senator that he did not?

Mr. WATSON of Indiana. He did.

Mr. CARAWAY. That he never got a cent for it?

Mr. WATSON of Indiana. Not for that.

Mr. CARAWAY. For what did he get his fee, then?

Mr. WATSON of Indiana. He did not get any fee from Morse.

Mr. CARAWAY. Why does the Senator say, "Not for that"? Why does the Senator juggle with language? Why does he not say that he did or did not get a cent?

Mr. WATSON of Indiana. That is the thing that the Senator is charging here. I say that for that he did not get a fee.

Mr. CARAWAY. For what did he get his fee?

Mr. WATSON of Indiana. I do not know whether he ever got a fee from Morse for another purpose or not.

Mr. CARAWAY. I did not think the Senator knew.

Mr. WATSON of Indiana. But I do know that what the Senator says here is not true.

Mr. CARAWAY. What is that?

Mr. WATSON of Indiana. Of course, I am not charging——

Mr. CARAWAY. What is it that the Senator says he knows is not true?

Mr. WATSON of Indiana. I am not charging that the Senator said anything he knew not to be true, of course.

Mr. CARAWAY. Oh, well, then, let the Senator be a little bit plain about his language.

Mr. WATSON of Indiana. I am charging that Mr. Daugherty did not get a fee from Mr. Morse for getting him out of the penitentiary or helping to get him out of the penitentiary.

Mr. CARAWAY. For what did he get his fee?

Mr. WATSON of Indiana. I do not know whether he ever got a fee or not.

Mr. CARAWAY. Oh, well, if the Senator does not know, how does he know that he did not get it for that?

Mr. WATSON of Indiana. I do not know whether he ever got a fee from Morse for some other purpose or not.

Mr. CARAWAY. If that is all the information the Senator has——

Mr. WATSON of Indiana. No; I have information on this matter that the Senator is talking about, and that is what he is charging.

Mr. CARAWAY. I ask the Senator, then, what he did get his fee for?

Mr. WATSON of Indiana. So far as I know, he never got any fee.

Mr. CARAWAY. Does the Senator know that he did not get any?

Mr. WATSON of Indiana. I know that he did not get any fee from Morse for getting him out of the penitentiary or helping to get him out.

Mr. CARAWAY. Did he get any fee at all from Morse?

Mr. WATSON of Indiana. He may have gotten one 10 years ago. I do not know anything about that. Whether he was ever Morse's attorney or not is a different proposition. As to that I do not know, but I know that in this instance he got nothing.

Mr. CARAWAY. When did the Senator discuss this matter with the Attorney General?

Mr. WATSON of Indiana. On various occasions.

Mr. CARAWAY. How came the Senator to discuss it with the Attorney General?

Mr. WATSON of Indiana. Because I had heard the rumor.

Mr. CARAWAY. Did the Senator believe it?

Mr. WATSON of Indiana. The rumor?

Mr. CARAWAY. Yes.

Mr. WATSON of Indiana. I did not.

Mr. CARAWAY. Then why did the Senator go to the Attorney General with it, if he did not believe it?

Mr. WATSON of Indiana. Because I am the kind of a man that if any one of my friends is involved in any trouble I go and talk to my friend about it.

Mr. CARAWAY. And the Attorney General told the Senator it was not true?

Mr. WATSON of Indiana. It was not true.

Mr. CARAWAY. Did the Senator then ask him what he did get the fee for?

Mr. WATSON of Indiana. I never asked him about any fee, of course, because he said he did not get any.

Mr. CARAWAY. Let me ask the Senator whether this was the truth, then—that he tried to get that fee, and it was so large that the prisoner would not pay it?

Mr. WATSON of Indiana. Oh, no; nothing of that kind, of course.

Mr. CARAWAY. All right.

Mr. WATSON of Indiana. But let me ask the Senator a question. Suppose that Mr. Daugherty did get a fee for representing Mr. Morse. He was a private citizen. He was a practicing lawyer out in Columbus. Suppose that he did take the employment to help get this man out of the penitentiary—was there anything wrong in that?

Mr. CARAWAY. Yes, sir; it was so absolutely wrong that, in my judgment, an attorney who accepts a fee to influence an administration to grant a pardon ought to be stricken from the rolls.

Mr. MOSES. Mr. President, may I ask the Senator a question?

Mr. CARAWAY. Yes, sir.

Mr. MOSES. Taking fees from Mr. Morse at any time is a reprehensible thing, is it?

Mr. CARAWAY. The Senator from New Hampshire is just as nearly correct with his information on that point as he is on anything else. We were not discussing that. I said that if he took a fee to influence an administration to pardon Mr. Morse it was wrong.

Mr. MOSES. Now, I ask the Senator if taking a fee from Mr. Morse to influence an administration to do something else would be wrong?

Mr. CARAWAY. I do not know what the question of the Senator from New Hampshire may imply.

Mr. MOSES. I will state to the Senator, if he will wait. I understand that Mr. William G. McAdoo has taken very large fees from Mr. Morse for appearing before boards and commissions and members of the Government under the previous administration in connection with the very contracts for which the Attorney General has now indicted Mr. Morse.

Mr. CARAWAY. Well, maybe he did.

Mr. MOSES. That is not a matter of rumor; that is a matter of public record.

Mr. CARAWAY. I am glad to know it. I do not know whether the thing he did was right or wrong. I will say to the Senator from New Hampshire, however, that if a man assumes the rôle of a lobbyist and conceals his interest in order to influence the administration either to get a contract or to get a pardon, he falls without the pale, and I do not think he is entitled to any consideration for so doing.

Mr. MOSES. When Mr. McAdoo is running for the Presidency the Senator from Arkansas can give his opinions more at length about that.

Mr. CARAWAY. I shall be very much pleased to do that; but I should like the evidence of what the actual transaction is before I am asked to pass upon it. I have nothing but the rather vague statement of the Senator.

Mr. MOSES. The Senator did not ask for any evidence about Mr. Daugherty when he took a rumor and stated it on the floor, and then went on to testify as if it were a fact proven.

Mr. CARAWAY. Yes, sir; and so far as I know yet, it is true.

Mr. MOSES. And, if I may add, the Senator is constantly doing that, Mr. President—putting words into the mouths of other people, and taking newspaper stories and rumors here in connection with this debate which has been going on on his part now for some weeks in connection with trivial affairs and constantly distorting the subject.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. Just a minute; let me answer my very good-natured friend from New Hampshire, who can not make an assertion without growing angry about it. Let me say that any statement I have made here about what has transpired I have fortunately been able to prove. I can not get an investigation to get the sworn testimony, because the majority of the Committee on Civil Service will not let me have the investigation; but I shall not waste time quibbling with the two Senators—one from Indiana and one from New Hampshire—who are so anxious to defend the administration, right or wrong.

Mr. WATSON of Indiana. Mr. President, let me ask the Senator a question. The Senator, as I understand, is talking about the ethics of the legal profession.

Mr. CARAWAY. Yes.

Mr. WATSON of Indiana. Did the Senator ever accept a fee to help get a man pardoned after he had been convicted?

Mr. CARAWAY. No; I did not.

Mr. WATSON of Indiana. Never, at any time?

Mr. CARAWAY. Never, at any time, directly or indirectly; and I never will.

Mr. WATSON of Indiana. Mr. President, I must say that my record as a practicing attorney has not been the same as that of the Senator.

Mr. CARAWAY. I am glad of that.

Mr. WATSON of Indiana. I have taken fees for the purpose of trying to get men out of the penitentiary after having been convicted, after I had made investigations and had come to the conclusion that mistakes had been made. I have taken fees in cases of that kind. There was nothing reprehensible about it, nothing contrary to the practice of the profession in its highest ethics; and I imagine that most of the lawyers over on the other side and most of the lawyers over here have done the same thing, with an approving conscience, I may say.

Mr. CARAWAY. I am glad to know that the conscience of the Senator from Indiana will approve anything he does.

Mr. WATSON of Indiana. I do approve that sort of thing. If, after investigation——

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I yield now to the Senator from Kentucky. The Senator from Indiana can plead guilty later on.

Mr. WATSON of Indiana. Let me finish my sentence, please.

Mr. CARAWAY. All right.

Mr. WATSON of Indiana. If, after investigation by an attorney, he comes to the conclusion that a man has been wrongly convicted, or that there were mitigating circumstances that were not submitted to the jury, and, knowing that, he comes to the conclusion that a man should be pardoned, it is perfectly

legitimate, from my viewpoint, for him to take employment to have him released from prison.

Mr. CARAWAY. Mr. President, I concede that if the Senator from Indiana feels that when he was in court he did not properly represent his client, then maybe his duty would extend to appealing to the Executive for mercy. That is a question about which I am not going to express any opinion.

Mr. STANLEY. Mr. President——

Mr. CARAWAY. I will yield to the Senator from Kentucky in just one minute; but what is curious about it is, if the Senator from Indiana thinks it is such a laudable thing to do, why he rose in so much haste to defend the Attorney General from the charge of having done that.

Mr. WATSON of Indiana. Because it was not true that the Attorney General had done it, according to my understanding.

Mr. CARAWAY. Just a minute, Mr. President. I have the floor, and I am perfectly willing to hear the Senator from Indiana in a minute.

Mr. WATSON of Indiana. I thank the Senator.

Mr. CARAWAY. The Senator thought so much of the rumor that the Attorney General had accepted a fee to secure the pardon of Morse and felt that it was doing the Attorney General such a grave injustice, that, as a friend of the Attorney General, he rushed down to his office to make inquiry if he was guilty of this offense and then came back rather heatedly to deny that he ever did it. That is not quite in keeping with the Senator's declaration that it was perfectly honorable for him to do it. If it was, why did the Senator ask him about it at all?

Mr. WATSON of Indiana. Now will the Senator yield?

Mr. CARAWAY. I will; yes.

Mr. WATSON of Indiana. Of course, my friend from Arkansas exaggerates the situation, as usual.

Mr. CARAWAY. No; just wait a minute, now. Where is the exaggeration?

Mr. WATSON of Indiana. In the statement that I "rushed down" to the Attorney General, as if I hurried down and had a conversation or consultation with the Attorney General about that particular matter.

Mr. CARAWAY. Oh, I guess the Senator took his limousine.

Mr. WATSON of Indiana. The Attorney General and I are very good personal friends, and have been for a quarter of a century. We come together very often socially, of which fact I am very proud; and in one of those contacts on one of those occasions I told him that I had heard that rumor, and asked him about it. That is all there was to it. My understanding is, and that is what I rose to say, that no fee was paid and none received for that purpose, but that if Mr. Daugherty, before he was Attorney General, had made an investigation and concluded that it was a legitimate employment, he had a right to take it, and that in taking it he violated none of the ethics of the profession.

Furthermore, let me say——

Mr. CARAWAY. I yield to the Senator, but I want part of the day.

Mr. WATSON of Indiana. I was brought to my feet very largely because I understood the Senator from Kentucky [Mr. STANLEY] to say that the Senator from Arkansas had charged that a fee had been taken by Mr Daugherty since he became Attorney General.

Mr. CARAWAY. Oh, no.

Mr. STANLEY. No.

Mr. CARAWAY. What strikes me as strange—I shall merely talk about it, and not criticize it—is that the Senator from Indiana thinks that it is entirely honorable and entirely professional to take a fee to procure a pardon, and yet when he heard a rumor that the Attorney General, before he was appointed, had done that he rushed—strike out the word "rushed"—he went down to see him and asked him if this "heinous" story that was going the rounds was true. I shall leave the Attorney General and his other self, the Senator from Indiana, to adjust their little differences about that when they talk it over again at their next social meeting.

Mr. President, I was somewhat diverted from what I had intended to say when I was talking about the President, who, as rumor says—and I presume I must label it "rumor" in order to meet the censorship of my genial friend from New Hampshire—was just setting out to a game of golf, and therefore had no time to see these little folks. They had nothing but time, Mr. President, and therefore they were willing to wait until the President should have finished his amusements and come back to his place of business, but they were denied an opportunity to see him, and, wandering around in this presumably Christian city on Sunday, they chanced upon a church—a Baptist church—and wanted to go in because services were being held. The usher, I am informed, asked them in, but the policemen, I presume acting under orders of the people in authority, denied them the right to go in. The President of the United States was in the church worshiping, and these poor little outcasts were told that they must not go in. They were finally taken into some room and heard a lecture on being good to animals, when they had come thousands of miles, some of them, with a prayer on their little lips, to ask the President to be good to their fathers.

The fathers of these little fellows were convicted of violations of the espionage act. What the offenses were particularly I do not know. I do not know that the fathers ought to have been pardoned, but I do know that unless Jesus Christ was wrong the children ought to have been received, because somewhere in His Book he said, "Suffer little children to come unto me, and forbid them not, for of such is the kingdom of heaven." But, of course, the present President has revised the text, so that a prayer must have stricken from it the name of Jesus Christ, and children are not to enter church if the President is there.

I would like to give you the life history of a few of these little fellows. One of them comes from within 15 miles of where I live. I knew his father well. He was about as inoffensive a man as I ever knew. He belonged to the ne'er-do-well class, and that is about all that could be said against him. He had conscientious scruples against wearing his country's uniform in time of war. He thought the Bible meant what it said when it commanded "Thou shalt not kill," and he would not go. He has a boy whose names is James. I read from the News:

> James is 12. His mother died a year after his father, J. M. Danley, a tenant farmer living near Paragould, Ark., was sent to prison for violation of the espionage act. He went to live with another family and until he joined the child crusaders worked in the cotton fields from 10 to 12 hours a day. His sisters—May, 18, and Irene, 15—are with other families and also work in the fields. His youngest sister, Elva, 4, is with May.

He came more than a thousand miles, from a little, humble home, Mr. President, to ask the great President of these United States to grant his father a pardon. He was refused an audience with the President. Then he tried to go to church, and he was refused admission to church because the President of the United States was there.

Here is another little fellow——

Mr. SUTHERLAND. May I interrupt the Senator?

Mr. CARAWAY. I yield.

Mr. SUTHERLAND. During the term of former President Wilson I had exactly the same experience these children are reported to have had. Upon two different occasions I went to the church which President Wilson attended and was unable to gain admittance to the church because the church was filled, and the ushers would not allow anyone else to go in. It is eminently unfair to draw the inference that just because the President was in the church on the occasion to which the Senator refers, he was to be in seclusion, and that these children or anyone else should not be allowed to go in. The Senator knows very well that any church attended by a President is filled during any service he may attend, and many people who desire to do so can not get in because the church is crowded.

Mr. CARAWAY. Let me ask the Senator from West Virginia if he knows what the circumstances were attending this?

Mr. SUTHERLAND. I was not present upon this occasion, but I was present on similar occasions when President Wilson was at church.

Mr. CARAWAY. But, Mr. President, these were children, and there was nothing suspicious about their conduct. However, a newspaper reporter who sits in the Senate press gallery, and who was present on that occasion, told me this morning that other people went in; that the usher was willing that these children should go in, but the police kept them out. I do not suppose that was exactly the experience the Senator from West Virginia had when he tried to go to church one time.

I started to read this little story about Helen Keller Hicks. It is as follows:

> Three-year-old Helen was born after her daddy, William Maddison Hicks, went to prison.
>
> He is a grandson of Alias Hicks, who founded the Hicksite order of the Friends Church, and has never seen his little girl, except when at Leavenworth on the prison movie screen was flashed a picture of children parading. Among them was his little girl bearing a banner which read, "I have never seen my daddy."
>
> Now he teaches in prison, and the courses he gives are credited toward a degree in Kansas State University. But, as he gets no money for the work, his wife and three children—Robert, 10; Rose, 8; and Helen—have been driven from their home at Guthrie, Okla., by poverty.

These are two. There are others, but I will not cumber the RECORD by reading them.

I want to pause here long enough to say that I believe the present President is the most gracious man in manner I ever

knew. It is a delight to see him; and if he ever missed an opportunity to have his picture taken, except with these little children, I never heard of it. He is a kindly man, apparently. Yesterday morning, which was the day after these little children were not permitted to go to church, and two days after he had refused to see them, the President and his secretary, George Christian, had their pictures taken bidding good-by to Bernard S. McMahan, director of the caravan of Shriners, who will lead the delegates from Washington across the continent by automobile to the meeting in San Francisco.

On the same morning—yesterday—the President had his picture taken with officers of the Women's Overseas League, "who visited Harding." I beg your pardon. I do not believe his picture was in that group. I was so accustomed to seeing his picture in every one of them that I just said that without noticing, but his picture does not seem to be in it.

I may say, Mr. President, that the President, according to a local newspaper, has been generous with his time; and here is a list of the people he recently took time to see:

American National Bankers' Assoication.
Associated Advertising Clubs of America.
National Maritime League.
United States Cotton Association.
Motion Picture Producers' Association.
Ophthamologists' Association.
Daughters of American Revolution.
American Press Association.

He has had time to see David Wark Griffith, Lillian Gish and Dorothy Gish, Freckles Barry, Babe Ruth, and the tallest man in the world, whose name nobody remembers; the midgets, Lillian Russell, and many others. He had time to see all those, Mr. President, but when a lot of little children, weary with thousands of miles of traveling, and with hope in their hearts, because they had read these rumors about the President being full of mercy, came to see him, they were denied an opportunity of seeing him. It may be that is the thing the President ought to have done; I do not know.

But, Mr. President, I rose to talk about the committee refusing any investigation as to the facts, or even asking the President to make a statement as to why former soldiers and sailors were unlawfully denied the right to work for the Government they had risked their lives to defend; but before I refer to that, if there is no objection, I want leave to insert a newspaper account of these children going to church, about which the Senator from West Virginia [Mr. SUTHERLAND] seemed to be doubtful. The reporter who wrote this seems to have been present on that occasion, and this is his story of it.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

LITTLE CRUSADERS KEPT FROM CHURCH—REFUSED ADMITTANCE TO CALVARY BAPTIST, WHERE HARDING WAS WORSHIPING—GET IN JUVENILE ROOM—POLICEMEN AND USHERS EXPLAIN EDIFICE WAS FILLED WHEN CHILDREN ARRIVE.

WASHINGTON, April 30 (Special).—Members of the "Children's Crusade," appealing for the release of political prisoners, were prevented by policemen from attending services to-day at the Calvary Baptist Church, where President Harding was worshiping. Fire regulations, according to the police, did not permit the admittance of any additional persons, the church being crowded at the late hour when the 27 children arrived.

The children were accompanied by Frank P. O'Hare and Mrs. W. B. Hough, who has a son serving sentence for alleged violation of the espionage law. They arrived at 11.15 o'clock, 15 minutes after the time when reservations not taken are thrown open to the public. They walked up to the front door and were met by a policeman, who stopped them until an usher from the church came out. According to Mr. O'Hare, the usher at first agreed to take charge of the children, but was prevented by the policeman, who asserted that they should remain outside.

DENIES SEEKING PRESIDENT.

"If you want to see the President, why don't you go to the White House?" Mr. O'Hare quoted a policeman as saying.

"This is a church, isn't it?" he said. "They don't want to see the President, they want to see God."

Mr. O'Hare denied the children were taken to the Cavalry Baptist Church because the President belongs to that congregation. He said they planned to be here for some time and intended to worship each Sabbath, making the rounds of all the denominations represented in the delegation of children and wives of political prisoners.

Upon suggestion of a church attendant the children were taken to a side entrance, where they went into a separate room, where juvenile services were being held.

OTHERS ENTERED JUST AHEAD.

Mr. O'Hare said he went to the side entrance in order to prevent an outbreak among the children at the front of the church. He said he saw 10 or 15 persons enter the front door just before the children arrived, but added that they might have been the last admissible before the church was pronounced filled.

Mrs. Hough said policemen held out their hands to cut off entrance from the church as the children and their supervisors turned off of the front sidewalk toward the church door.

"When we got into the juvenile section I just sat down and cried," said Mrs. Hough. "I'll have to admit it. I realized we were not getting into the main part of the church. I didn't know but that it was an excuse. I cried because I thought the children had been barred out."

Mr. CARAWAY. Mr. President, there is a gentleman by the name of John H. Bartlett. I never heard of him until he got to be president of the Civil Service Commission. That is nothing against him, however, and I do not utter that with that idea, because there are many great men from New Hampshire I never heard of until quite recently.

Mr. Bartlett was so effective as president of the Civil Service Commission, and made the distribution of pie so easy, that he was promoted to be the appointive officer who hands out most patronage under any administration. He is the First Assistant Postmaster General. There was a meeting here of the Civil Service League to protest against this administration's assault upon the civil service. Mr. Bartlett was not invited, but knowing that he would be justly criticized he thrust himself upon the meeting, and, as I understand from those present, took most of the time and entered a denial before the charge could be made. He elected to say that he was about the only real friend the civil service had ever had. He concluded his tirade against the people who did not agree with him, and in defense of handling the post offices, with this statement:

It should be needless to state that the first, second, and third class postmasters are not under civil service now and never have been. They have never acquired a civil-service status. Such Executive orders as have been made with reference to them have been merely a delegation by the President to the Civil Service Commission of the duty of examining them and making up a list for the President to select from. The President is not even obliged to select from these lists when they are thus made up. The power of appointing these presidential postmasters is with the President and the Senate. He has the right to change this order any minute he chooses. It is merely a means of selection. To speak of General Work's desire to vacate the present Executive order with reference to presidential postmasters as tending to undermine the civil-service system is illogical and irrelevant. They are not a part of the civil-service system at all.

I do not think Mr. Bartlett knows it, because I do not think he has ever known anything about the civil service except to point the way to give a job to a deserving Republican, but most everybody in the service has been covered into this service under an Executive order. Most of the so-called civil service is the result of Executive order. The offices are brought under the civil service, and until some President shall vacate those orders they will remain under the civil service.

I realize that where the President is given the constitutional power to make an appointment Congress can not take it from him. Everybody knows that, and Mr. Bartlett need not have wasted his time telling us that. Everybody knows that in appointing postmasters the President does not have to select from the list that is presented by the Civil Service Commission. Most people know that he is going to make the list suit him, and if it does not suit him he does not select from it until it has been made to do so.

I have a report here from which I am going to read extracts, and then I shall ask to include it, if I may, which says that—

Out of 2,508 appointments of postmasters in which there was any choice the highest man was appointed in 1,104 instances, or fewer than 44 per cent, while the second or third man was appointed in 1,424 instances, or more than 56 per cent. Investigation showed in virtually every instance, it is said, that the appointment of the lower man was influenced by politics.

"It is an essential absurdity to have competitive examinations for the purpose of eliminating spoils and still to admit patronage by the Congressmen," the report says.

Illustrations are given in the report to show how Congressmen are influenced by political considerations in recommending appointments. In this connection Representative JOHN JACOB ROGERS, of the fifth Massachusetts district, is said to have written a letter to Capt. Frederick C. Dean, who was highest on the list, and who, after eight years of post-office work, had sacrificed his chance of advancement by going to the front in the war, explaining why a lower man on the eligible list, Sam Highley, had been appointed on Mr. ROGERS'S recommendation. Mr. ROGERS is quoted as having written as follows:

"He has been my principal Woburn representative in each of my five congressional contests. He has always been in charge of my nomination papers in Woburn and has been the man to whom I have always turned first in every campaign. Thus I feel under unusual obligations to Sam, who has never in nine years asked for anything for himself."

Mr. STERLING. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. STERLING. Will not the Senator be so good as to insert in the RECORD all of Mr. Bartlett's speech?

Mr. CARAWAY. I will turn it over to the Senator from South Dakota.

Mr. STERLING. He has read from a newspaper report of what was said by Mr. Bartlett.

Mr. CARAWAY. I shall turn it over to the Senator from South Dakota and let him put it in the RECORD.

Mr. STERLING. I will ask to have it inserted if the Senator does not.

Mr. CARAWAY. Or I can do it myself if the Senator prefers. I read on from the article:

United States Senator JAMES W. WADSWORTH, Jr., of New York, is quoted as having written concerning the appointment of a postmaster at Long Eddy, N. Y., that he always relied upon the advice of the Congressman who, it is presumed, seeks the advice of the leading local Republicans and the Republican county committee.

Senator FRANK B. WILLIS, of Ohio, is quoted as follows in a letter said to have been written to Miss Katherine Riley, of Bellefontaine, explaining why women are not appointed postmasters:

"Because we believe in party, not personal, government, we have asked the successful candidate to secure the indorsement of the Republican committee, which is the body upon which the party must depend for its work back home. As time goes on, more and more women will be considered and appointed, but just now it is most natural that more men should be, for they have longer done political work which deserves reward.

"There seems to be in this a Republican echo of Mr. Bryan's letter"—

I want to be fair and read it all—

"to an official in Santo Domingo urging places for 'deserving Democrats,'" the report comments. "The only possible advantage of this system is that in some cases 'it keeps the dunces out.' In other respects it is as bad as avowedly spoils appointments."

I ask permission to put the entire article in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

CIVIL-SERVICE RULE REVISION IS SOUGHT—NATIONAL LEAGUE REPORT WANTS HIGHEST ON ELIGIBLE LISTS APPOINTED—POLITICS AND POSTMASTERS—MAJORITY OF 2,528 APPOINTMENTS WERE "SECOND AND THIRD MEN," COMMITTEE SAYS.

Asserting that politics is the dominating influence in the appointment of postmasters, William Dudley Foulke, Walter H. Buck, Lewis H. Van Dusen, and Henry M. Waite, of the National Civil Service Reform League's committee on appointment of presidential postmasters, made public yesterday a report urging the adoption of a rule to require the appointment of the highest person on the eligible list, instead of any one of the first three.

The report says that out of 2,528 appointments of postmasters in which there was any choice the highest man was appointed in 1,104 instances, or fewer than 44 per cent, while the second or third man was appointed in 1,424 instances, or more than 56 per cent. Investigation showed in virtually every instance, it is said, that the appointment of the lower man was influenced by politics.

"It is an essential absurdity to have competitive examinations for the purpose of eliminating spoils and still to admit patronage by the Congressmen," the report says.

Illustrations are given in the report to show how Congressmen are influenced by political considerations in recommending appointments. In this connection, Representative JOHN JACOB ROGERS, of the fifth Massachusetts district, is said to have written a letter to Capt. Frederick C. Dean, who was highest on the list and who, after eight years of post-office work, had sacrificed his chance of advancement by going to the front in the war, explaining why a lower man on the eligible list, Sam Highley, had been appointed on Mr. ROGERS'S recommendation. Mr. ROGERS is quoted as having written as follows:

"He has been my principal Woburn representative in each of my five congressional contests. He has always been in charge of my nomination papers in Woburn and has been the man to whom I have always turned first in every campaign. Thus I feel under unusual obligations to Sam, who has never in nine years asked for anything for himself."

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Senator FRANK B. WILLIS, of Ohio, is quoted as follows in a letter said to have been written to Miss Katherine Riley, of Bellefontaine, explaining why more women are not appointed postmasters:

"Because we believe in party, not personal, government, we have asked the successful candidate to secure the indorsement of the Republican committee, which is the body upon which the party must depend for its work back home. As time goes on, more and more women will be considered and appointed, but just now it is most natural that more men should be, for they have longer done political work which deserves reward."

"There seems to be in this a Republican echo of Mr. Bryan's letter to an official in Santo Domingo urging places for 'deserving Democrats,'" the report comments. "The only possible advantage of this system is that in some cases it 'keeps the dunces out.' In other respects it is as bad as avowedly spoils appointments."

Mr. CARAWAY. Since this administration came into power I have never known yet the Post to be misinformed about what was going to happen where the administration had the power to make it happen. If the administration had not made up its mind to do it, I take it that if it was stated in the Post, it would not take such action as would make the Post appear in error. Therefore I clip from the Post of this morning an item entitled:

Adverse report made in civil-service probe. Caraway resolutions sought inquiry on alleged illegal dismissals.

The article calls attention to adverse reports on two resolutions and then continues:

A third resolution offered by the Arkansas Senator, which is yet to be reported, calls upon the President to supply full information regarding the dismissals, including reasons why the employees were given no opportunity to reply to charges against them. The committee will pass upon this at its next meeting and an adverse report also is predicted.

The Post can not be wrong about it, and the adverse report will come along. I am just as confident of that as I shall be when I see it in the RECORD that it has been made, because the Post knows what the administration and the friends and adherents of the administration are going to do.

Mr. President, I wish to ask unanimous consent to call up now one of the resolutions adversely reported yesterday. I want first to have the resolution S. Res. 271 (Report No. 681) called up, and I ask for its immediate consideration if there is no objection.

Mr. SMOOT. There is objection. We have had one hour of this debate now and I want to proceed with the tariff bill.

The VICE PRESIDENT. There is objection.

Mr. CARAWAY. If the Senator wants to make a speech I shall be glad to let him have the floor.

Mr. SMOOT. No; the Senator from Utah can get along without making speeches and taking up the time of the Senate like it has been taken up this morning.

Mr. CARAWAY. And it is so kind of the Senator from Utah to tell us that that I am under everlasting obligation, because I had the fortune to sit here pretty nearly half a day at one time and hear the Senator make a speech on the sales tax, and I think when he got through he had convinced himself that he was right.

Mr. SMOOT. I hope the Senator from Arkansas does the same thing to-day.

Mr. CARAWAY. That is true, and I do not ever expect to convince the senior Senator from Utah because he and I never have agreed, and I am sure when I agree with him I will be retired from public life.

Now, Mr. President, I wish to refer to the resolution (S. Res. 271) which was reported adversely yesterday. I ask unanimous consent to call that up and have a vote on it. While the bonus matter is pending I would like to see how many friends of the soldiers there really are in the Senate.

Mr. SMOOT. Mr. President, for the same reason I object.

The VICE PRESIDENT. There is objection.

Mr. HARRISON. Mr. President, this resolution asks for information from the President about discharged soldiers. Did I understand that there was objection to its being considered?

Mr. STERLING. I understand the Senator from Utah [Mr. SMOOT] objected, but I did not object, I will say to the Senator from Mississippi, so far as I am concerned.

Mr. HARRISON. The Senator from Utah was tied up in the Committee on Finance when this matter was before the Senate, and he, perhaps, did not know about the discussion when the matter was presented, and does not know that at that time a unanimous-consent request was made for its immediate consideration. We thought it should have been considered immediately. The charge was made that the soldiers in the service were being demoted and discharged contrary to law when their record was good, and we merely sought by this resolution information from the President as to the names of the parties and the reasons therefor, a most simple request.

But I think the reason, as then expressed, why the Senator from South Dakota wanted it to go to the committee was because there were some facts that he said he desired to ascertain. The committee has made an unfavorable report on the resolution. Certainly there is some sentiment here in the Senate, some feeling left for the soldiers of the late war. Whether you are going to give them a bonus or not is not concerned in this question. I am for it; but certainly we should take care to see that the law, so far as these men are concerned, is respected and that their rights under the law are guaranteed. If they are being discharged and being demoted contrary to law, the country is entitled to know it and the Senate is entitled to the facts.

It seems to me it is the least thing we can do for these men to ascertain whether or not the law is being violated with respect to their demotions and their discharges. The resolution was a simple one, but the committee has made an unfavorable report on it and there has been no reason assigned for it except that there was a decision rendered in the courts of the District of Columbia in 1915 about it, which, by the way, in my opinion, does not touch or meet the proposition at all. It seems to me we should act on the resolution, either indorsing the committee's action, which is unfavorable, or repudiating it.

Mr. STERLING. I am glad to have the Senator from Mississippi indicate that he has read at least that much of the report, anyway.

Mr. HARRISON. I did, thinking and hoping I would find some reason for the committee's action.

Mr. STERLING. The citation of the authority there is, I think, absolutely decisive of this question. The committee therefore made the report that the resolution be not passed. There is no law on the statute books now pertaining to the in-

quiry, according to the decision of the Court of Appeals of the District of Columbia.

With reference to the other resolution, let me say——

Mr. HARRISON. Let us finish this one first, if the Senator will permit.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Utah will state the inquiry.

Mr. SMOOT. I simply want to say to the Senator from Mississippi in the first place, and then I will state the inquiry, that the Senator knows there is an adverse report on the resolution. He knows it can not pass without discussion. As the Senator having charge of the tariff bill under consideration, I am not willing that the time of the Senate shall be taken now in the consideration of any legislation which is going to lead to lengthy discussion, and it is for that reason that I object. I object to the consideration of the resolution and ask that the regular order be taken up.

Mr. HARRISON. Then the Senator would delay this matter for anywhere from two to four months, because, as the Senator knows, the tariff bill will be discussed that long, at least?

Mr. SMOOT. The Senator will do so if the same tactics are going to be continued in the future that have been employed in the past. If the Democratic Party desires to defeat the tariff bill, of course the united party on that side of the Chamber can postpone action for months; but I want to say now, so far as I am concerned, that the time has arrived when we will begin our sessions earlier in the morning and sit later in the evening, and, if necessary, we will hold night sessions. We are going to see just exactly what object there is in the discussion, and when we find it out of course we will know how to act.

Mr. HARRISON. I am very glad to hear the Senator say that. It is the first time I have seen any indication that this Congress is going to attempt to do business. I will say to the Senator that if he keeps some of his Members here on that side of the aisle he will have to use a crowbar and lasso, because they have not stayed here up to this time to listen to the discussion.

Mr. SMOOT. Be that as it may, I am quite sure that from now on we are going to keep a quorum and we are going to have the tariff bill considered. We are not going to allow other measures to displace it in any way, if we have votes enough in the Senate to prevent it.

Mr. HARRISON. In view of what the Senator has said—and I take it he is speaking for his party—I understand it is his position that he will oppose during the discussion of the tariff bill, and until it has passed the Senate, the taking up of any other matter that will lead to discussion.

Mr. SMOOT. Yes; to a long discussion. I shall oppose it until the tariff bill passes, unless a vote of the Senate directs otherwise.

Mr. HARRISON. Of course, the Senator would except appropriation bills?

Mr. SMOOT. Of course, we all recognize that the appropriation bills have to be passed within a limited time.

Mr. HARRISON. We are agreed on that. Does not the Senator except the adjusted compensation or bonus bill?

Mr. SMOOT. That is for the Senate to say. So far as the Senator from Utah is concerned——

Mr. HARRISON. The Senator has spoken with authority on the other proposition. How does he speak on this question?

Mr. SMOOT. I will speak on this matter exactly as I spoke upon the other. So far as the Senator from Utah is concerned, that shall not interfere with the passage of the tariff bill; but if a majority of the Senate says that it shall, just as I stated before upon any other matter of legislation, if the Senate says that it shall, the Senator from Utah can not prevent it.

Mr. HARRISON. Then, that means that the adjusted-compensation legislation, except by a majority vote of the Senate, will not be taken up until after the tariff bill has been disposed of?

Mr. SMOOT. I do not say that it will not be. If I were going to express my own opinion, it is that the majority of the Senate will vote to take up the adjusted-compensation bill to displace the tariff bill now pending before the Senate. That is my opinion.

Mr. HARRISON. I said unless a majority voted to take the bonus bill up the Senator from Utah would object to it being taken up until the tariff bill shall have been disposed of.

Mr. SMOOT. Unless a majority of the Senate decides that the soldiers' bonus bill shall be taken up, I shall object to its consideration until the tariff bill is disposed of.

Mr. HARRISON. Yes.

Mr. President, the Senator from Utah has, of course, called for the regular order, but that does not preclude me from speaking on the resolution. As I was going to say, it does seem to me that it is not asking very much to request the adoption of the resolution which the committee of the Senator from South Dakota [Mr. STERLING] has reported unfavorably asking the President to give us the information which is sought in the resolution, to wit, the names of the ex-soldiers in the service whose records are good who have been demoted or discharged.

The preamble of the resolution reads:

Whereas by act of Congress it is provided that in the event of reductions being made in the force of any of the executive departments no honorably discharged soldier or sailor whose record in said department has been rated as good shall be discharged or dropped or reduced in rank or salary.

That is the proviso of the law. The Senator from South Dakota in his report was kind enough to include that proviso in the law which was passed August 23, 1912, and which reads:

Provided, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated "good" shall be discharged or dropped or reduced in rank or salary.

That is the law; and in view of that the Senator from Arkansas [Mr. CARAWAY] offered his resolution merely calling on the President of the United States—

if not incompatible with the public interest, to inform Congress:

(a) Whether honorably discharged sailors and soldiers whose records were good have been demoted, dropped, or discharged from the civil service since the 4th day of March, 1921.

By the unfavorable report of the committee it is practically stated that Republican Senators do not desire to request the President to send to the Senate information as to the honorably discharged soldiers and sailors whose records were good who had been demoted, dropped, or discharged from the civil service since the 4th day of March, 1921.

The second clause of the resolution reads:

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion.

By the unfavorable report of the committee on the resolution they say they do not desire that information.

The third clause of the resolution reads:

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

The committee refuse to ask the President to give to Congress that information. Why? It is, I am bound to assume, first, because honorably discharged soldiers and sailors have been discharged and demoted in the public service when their records were good; that their names can be given by the hundreds; that it is the practice in the departments to discharge them without respect to law; and yet the committee try to smother that fact and to protect the President from sending the names of such soldiers to the Senate. Why? Ostensibly because the report cites some decision which was rendered by a court in the District of Columbia in 1915 to the effect that that law was interwoven with some other provisions of the law and did not apply.

I care nothing about it, so far as my desire to see the resolution passed is concerned, whether or not there was any such law in 1912. I want for my information, and I am sure there are other Senators here who desire for their information, to know whether or not, irrespective of the law, former soldiers and sailors whose records are good have been discharged from the departments or demoted. I want to know, irrespective of the law, if soldiers who served their country in time of war and whose ratings are good are being demoted and discharged and others are taking their places. That is the object of the proponent of this resolution; and yet the committee, in order to smother the resolution and withhold the facts as to whether honorably discharged soldiers and sailors whose records are good are being demoted and dismissed, refuse to give the Senate an opportunity to pass upon the action of the departments.

I say to Senators on the other side of the Chamber they had better watch their step. Whether they pass the adjusted compensation bill or not, they ought to see that honorably discharged soldiers and sailors whose records are good are at least treated fairly in the public service. I think that is all I desire to say as to that matter; but, as one Member of the Senate, I do not propose to wait two, three, or four months until the tariff bill is out of the way until action is taken on this resolution in order to ascertain whether or not the Senate indorses the action of the committee in unfavorably reporting the resolution.

If Senators would stay here in their seats and debate the tariff bill in order that after full and candid discussion we might express ourselves by our votes, we would get through with the bill in a little while; but here, day after day, I think I might say minute after minute, there are generally only four or five Senators on the other side in their seats.

Those on this side of the Chamber who desire to discuss the bill and point out its weaknesses and the viewpoint of the minority, can not, of course, argue with Senators on the other side of the aisle and show them the right way, because they refuse to sit and listen. I assume the reason why Senators on the other side do not stay here is because they are afraid the arguments will overpower them; that their conscience will melt under the argument, and they will be forced to flee from the mandate of the administration and vote with us for the reduction of the high rates of duty proposed in the bill.

Oh, if the American people knew how they are being imposed upon through the enactment of such indefensible and outrageous provisions as are proposed in this bill; if they knew how you are being voted by proxy, without knowledge or investigation of the subject matter, you would hear from them. But unfortunately they do not know all that is going on here.

I say let us stay here and transact the public business. The Senator from North Dakota [Mr. McCUMBER] stays here; he sits in the Chamber and is trying to drive the bill through, but he does not get any help. On the other side of the Chamber now there is but one member of the Finance Committee of the Senate—I see the Senator from West Virginia shaking his head—I apologize to him—but including him, there are only two Senators on the other side of the Chamber out of—I will ask how many Republican Members there are on that committee?

Mr. MOSES. Ten.

Mr. HARRISON. Only 2 out of 10. The Republican Senators have been grabbing everything, and I thought perhaps they had 14 Senators on the Committee on Finance out of the distribution; but out of 10 Republican members of the Finance Committee there are only 2 who are now sitting on the other side of the aisle paying attention to the consideration of the this bill.

It is useless for us to discuss the provisions; we can not convince Senators on the other side when they will not listen. I appeal to the Senator from North Dakota to use the power of his position to keep Members on his side of the aisle in the Chamber so that they may study and discuss the bill, and when the time comes to vote may be able to vote intelligently.

Mr. STERLING. Mr. President, I am not going to occupy the time of the Senate at any length. I wish to observe, in the first place, however, that the remarks of the Senator from Mississippi, it occurs to me, have somewhat of a partisan bias. I have heard the Senator from Mississippi before, and it seems to me that his remarks have often taken on that coloring.

Mr. HARRISON. There is and there can be no partisanship in this matter.

Mr. STERLING. The Senator imagines, perhaps, that he is scoring one against the Republican side of the Chamber; he is desirous of showing to the country that he now has found something in the policy of this side of the Chamber to criticize.

Mr. President, as I listened to the Senator from Mississippi I wondered if in his heart he has that tremendous interest in the ex-soldiers and sailors which he seems now to disclose in his remarks upon the resolution or in his reference to the bonus bill.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. STERLING. I yield.

Mr. HARRISON. With reference to the Senator's suggestion as to partisanship, let me say that there is not any partisanship in my remarks. If I were selfishly inclined I should desire, indeed, I would pray, that the Senator and his colleagues might follow the same path which they are now treading, because it is the path that will lead them to destruction. I am trying to help them; I am trying to advise with them, so that they may extricate themselves from the position in which they have placed themselves.

Mr. STERLING. Oh, well, we thank the Senator for his very good intentions toward this side of the Chamber, but I can assure him that I think we will be able to get along, and that when it comes not to the mere making of a political or a partisan speech, but when it comes to the transaction of business, the Republican Members of the Senate will be here to attend to that business.

Mr. President, speaking now in regard to the resolution, the proviso to which the Senator has referred is the sole basis for the resolution. The proviso is found in the act approved August 23, 1912, the purpose of that act being to authorize the Civil Service Commission to establish a system of efficiency ratings throughout the executive departments of the Government. At the end of the section in which such provision is made there occurs the particular proviso relating to soldiers, which is as follows:

Provided, That in the event of reductions being made in the force in any of the executive departments, no honorably discharged soldier or sailor whose record in said department is rated "good" shall be discharged or dropped, or reduced in rank or salary.

Mr. President, it may be seen at a glance, I think, how sweeping that provision is on its face. Literally construed, as it might be construed at any time by the head of a department, an ex-soldier or sailor would be kept on the pay roll and nominally in the service of the Government without a single thing for him to do. The very case which has been decided and which is cited in the committee report was a case where a navy-yard employee, who had formerly been in the service of the United States as a soldier, was discharged because there was no work for him to do. The Court of Appeals of the District of Columbia in that case took the position that the proviso relating to discharged soldiers and sailors in the Government service was a part, an inseparable part, of the whole section, and that since the Civil Service Commission had not, in pursuance of the law, established a system of efficiency ratings, the proviso was altogether inoperative. Since the resolution of the Senator from Arkansas was based wholly and solely upon that proviso the committee having the matter under consideration decided that there was no operative law to which the resolution would apply, and hence reported it with the recommendation that it be not adopted. That is the sole reason for making such report.

The suggestion has been made that the committee acted conformably to the will of the President, or that somebody had been in conference with the President in regard to these various resolutions which were submitted to the Committee on Civil Service. As chairman of that committee, I can say that I have never conferred with the President with regard to a single resolution so referred, and I have not known what his mind is in regard to these resolutions. In reporting two of the resolutions adversely on yesterday I had in mind the fact that there is a third resolution submitted by the Senator from Arkansas still under consideration by the committee, the subject matter of which is the same as one of the resolutions which we reported adversely on yesterday. That resolution called for the appointment of a select committee, but, as I have said, the resolution now under consideration by the committee covers the same subject matter. Then why go to the trouble, and to the expense, I may say, of having a select committee appointed to conduct hearings when the whole subject matter is before the Civil Service Committee itself in the shape of a pending resolution?

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me for a moment?

Mr. STERLING. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. The complaint that I have heard made against the discharge of soldiers from the public service has been to this effect—that when it became necessary to reduce the number of employees in many of the departments of the Government veterans were discharged in the same manner as other employees; that no preference was extended to veterans in order that they might be retained at work. Most of these complaints about dismissal of veterans such as the one the Senator mentioned, who was discharged from the navy yard, were not because there was a reduction in the number of employees but because when that reduction came veterans were not given preference and retained in the service. I should like to ask the Senator if that feature of the complaint was called to the attention of his committee?

Mr. STERLING. No; that feature of the complaint was not especially called to the attention of the committee. The committee took the resolution as it was, which was based on the proviso to which I have called attention, and which I have quoted. There are other provisions of the statutes giving preference to soldiers and sailors and to widows of soldiers and sailors. Those statutes are not affected by this report in any way whatever. The Senator will note the peculiar language of the proviso. They are not to be discharged at all while their rating is good. That is practically the language of the proviso, which would mean this—and would mean it, probably, in the minds of many heads of departments—that even though there were no work to do, no service that the soldier could perform and render a consideration to the Government, yet he would have to be retained on the rolls.

Mr. HARRISON. Mr. President, may I ask the Senator a question? I have not studied the case cited in the report, the case of Persing against Daniels. The Senator has. This was the case of an employee of the Navy Department, a former soldier, was it not?

Mr. STERLING. An employee of the Navy Department, who brought mandamus for the purpose of being restored to his place.

Mr. HARRISON. Did they have an efficiency board in that department at that time?

Mr. STERLING. I do not think they had.

Mr. HARRISON. Then it was because of the fact that there was no efficiency board to rate him, good, bad, or otherwise?

Mr. STERLING. No efficiency board. The act itself provided that the Civil Service Commission should establish a system of efficiency ratings in all the departments, which was not done, and has not been done to the present day.

Mr. HARRISON. I thought perhaps at that time there was no efficiency board. There is an efficiency board now in the Navy?

Mr. STERLING. There is an Efficiency Bureau, but it has not established efficiency ratings throughout the several departments of the Government.

Mr. HARRISON. There is an efficiency board in the Agricultural Department, say, and in the Post Office Department, and in the Department of Commerce, and in the Department of Labor?

Mr. STERLING. Oh, I presume so; created by the heads of departments.

Mr. HARRISON. Yes; at their instance, of course. That is to carry out the law that there shall be an efficiency rating, so that persons in the employ of the Government shall be rated either good or bad.

Mr. STERLING. But I will say to the Senator from Mississippi that those efficiency boards are not within the contemplation of the statute to which I have called attention.

Mr. HARRISON. That is purely a technical objection.

Mr. STERLING. No; it is not a technical objection. It is a fact, and a very material objection.

Mr. HARRISON. At any rate, you can see in the ratings whether an employee is good or bad or what his mark is according to that efficiency board, whether it was appointed at the instance of the Civil Service Commission or at the instance of the head of the particular department under which he is working.

Mr. STERLING. Mr. President, just one word in regard to the charge which has been reiterated again and again with reference to discharged soldiers and sailors and their dismissal from the service or their demotion in the service. It would appear from the statements made by Senators on the other side of the Chamber that this administration, in a way, "had it in" for honorably discharged soldiers, the men who rendered service to the Government during time of war. Can anything be more absurd or preposterous than that? I have heard it repeated so often that I have grown altogether weary of it. No administration that has any regard for its own future, aside from the dictates of humanity and of patriotism, would discharge without just and lawful cause those who had served their country in the hour of danger, as our soldiers and sailors have done, and who afterwards come into the civil service of the Government in the several executive departments.

Mr. President, in the interest of fairness and after hearing the remarks of the Senator from Arkansas [Mr. CARAWAY], I ask to have printed at the end of my remarks an address made by Hon. John H. Bartlett, former president of the Civil Service Commission, now First Assistant Postmaster General, before the mass meeting of the National Civil Service Reform League on Thursday evening, April 27.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Without objection, that order will be made.

The matter referred to is as follows:

Address of John H. Bartlett, First Assistant Postmaster General and former president of the United States Civil Service Commission, before a mass meeting of the National Civil Service Reform League at Washington, D. C., Thursday evening, April 27, 1922.

Believing that the cause of civil service is being harmed by the misinformation of those who should be its friends, knowing that my attitude toward civil service is being misrepresented by those whom I had supposed to be its friends, being wholly unwilling to yield to "anyone jot or tittle" of interest and friendship for the cause of civil service when properly administered and kept within proper bounds, and in order that our own postal employees may not be disturbed in mind, they being 60 per cent of all under civil service, I am venturing on my personal account, and not representing the administration, to beg my way into this meeting, which was staged and advertised as opposed to the ideas of civil service which I have advocated and still do advocate. There may be legitimate difference of opinion with reference to the scope of civil service, but I challenge any man who claims to be more interested in the welfare of those who serve under civil service than I am or more interested that civil service shall better serve the country. If any man questions my sincerity in this, I challenge him to a show-down; and in this, although without authority, I am sure I may include the administration, because in everything tending to upbuild civil service the administration has been squarely behind it, has inaugurated reforms of far-reaching importance with reference to civil service which have never been attempted in any prior administration, and has in no instance violated any civil service law.

In the call of this meeting, which was signed by William D. Foulke, of Indiana, as acting president of the United States Civil Service Reform League, he admitting himself to be an "independent" in politics, certain alleged facts are set forth, with the conclusion that "if they are allowed to continue the civil-service system will be undermined and uprooted and we shall return to the deplorable spoils method of the past."

In this narration of items of alarm imperiling civil service I have the distinction of being one. With reference to me it says: "Mr. John H. Bartlett, who for a short time was civil service commissioner, appointed by President Harding, and who is now First Assistant Postmaster General, has made a public statement, distributed as a part of the Post Office Department's publicity, advocating a restriction of the merit system to the lower places of the service only, thus excluding those places promotion to which is the great incentive to efficiency among countless employees of the Government."

This so grossly misrepresents my interview that the good faith of the quoter is in question. What I did say, which, I think, clearly defined my position, and which I now stand upon, is as follows: "It is exceedingly difficult to draw the line where civil service should stop its attempt to reach the higher officials, but it would seem to be reasonably sound doctrine that in a Government by the people, when a new administration comes in with a fresh mandate from the people to carry out certain policies, it should have the privilege—in fact, a perfectly free hand—to select all those higher officials to whom must be intrusted administrative policies and executive discretion. If it can not have this power, the will of the people will be defeated."

If such a sentiment as this is a cause for alarm, then it is time an alarm is sounded against those extremists who would throttle the will of the people.

I hold no brief for any of the others against whom the call for this meeting makes accusations and on account of whom the extraordinary statement is made that civil service is imperiled, but I know positively that none of them is correctly represented in this notice, and that no one of them has any idea of disturbing the fundamental principles of civil service.

It seems a little suggestive of politics that a political "independent" from Indiana should, on the eve of a great primary in that State, attack the splendid Senator who is seeking a renomination.

Mr. Foulke's "straw man" document begins with this statement: "There appears to be a dangerous organized effort on the part of various Members of Congress and others high in Government places to weaken, cripple, and perhaps finally destroy the present competitive system in the civil service of our country.

Such an accusation smacks of politics, particularly when the accuser is an "independent," and the eight gentlemen accused as leaders of the organized effort are all Republicans.

Assuming (to be charitable) that there is no politics in it, such an assertion can be accounted for only as the jealous imaginations of one who has become obsessed with only one idea and has fallen out of touch with Washington.

This meeting, whether called on a false alarm or for political motives or for the most honest motives, can not help being fruitful of good. We should discuss in a very friendly manner the real serious considerations which will tend to improve civil service and also to aid the Government. However zealous we may be of civil service the welfare of our country is of greatest importance. Those who can not see any evils connected with civil service are as blind as those who can see no good in it.

I wish to invite your attention at the beginning of our discussion to certain very fundamental principles of government, because I am arriving at my principle which guides me in my viewpoint of civil service by taking the broader vision of what will best serve the welfare of all the people; in other words, the welfare of our country. We must never lose sight of this one controlling, dominating fact, that a people's government is greater than any individual in it, or any group of individuals in it. This has been illustrated in all our history. Only recently we have seen thousands of our heroic young men and women not merely giving up their positions but also their sacred lives in order that their country might be preserved. Even if we are under civil service ourselves the braver and nobler thing is to ask what is best for our country, for in the long run what is best for the country will be best for us all. Our country is founded on the great principle that the will of the people shall govern. We are a great democracy and the machinery of our Government must always be so set up and so constructed that it will run true to the principle that the will of the people must be carried out. If popular government means anything, it means that there shall be submitted to the people at election time the great issues and the lesser issues concerning their Government. These issues are not idle things; they are of tremendous importance to the Republic; indeed, they are of vital concern to the very existence of the Nation. They concern the morals of the Nation; they concern all of the many lesser matters and principles with which government deals.

Whenever an administration comes into power, whatever its politics, it is the verdict of the people that the things for which it has stood shall be carried into effect as far as possible and as promptly as possible. The faithful fulfillment of these mandates of the people must be held up as the foremost objective of any administration. The machinery of government, the instrumentalities, and even the personnel by means of which these mandates of the people must be carried out must always be subordinated to the great tasks to be performed.

Now, right here at this point of reasoning is the beginning of the diverging lines between the two schools of thought with reference to civil service. One school seems to go on the principle that civil service, when it reaches its highest goal, may include everyone below the President. I say this advisedly, because I have heard grandiloquent civil service speakers proclaim the day when Cabinet officers shall be under civil service. If Cabinet officers, the same logic would also include the President.

One has only to ponder upon this for a moment to set himself thinking that it is absolutely necessary somewhere to draw the line, for if all the officers of the Government, from the President down through to the messenger boy, should come under legal civil service, all of them holding office for life, we would then have something worse than a monarchy, worse than a kingdom—it would be a monarchy and bureaucracy combined. It would then be a machine government instead of a people's government.

I know this is an extreme view, and I am setting it up for your thought simply to emphasize the fact that there must be drawn a line where civil service shall end and that that line must be drawn on some principle. I have never heard the ardent extremist on civil service ever suggest that any line should be drawn anywhere, and I am only pointing out to them that they are tending toward an impossible conclusion and a conclusion which would defeat the fundamental principle of self-government upon which our country was founded. What has brought me into this controversy is that I have suggested that their constantly reaching for higher and higher administrative offices

and never suggesting where they propose to stop is a dangerous tendency; it is a thing which is inducing lovers of popular government to strike back at them; it is the thing, and the only thing, which, if pursued, will defeat civil service, for if we have to decide between civil service and popular government we cast our lot on the side of popular government.

Those who think with me believe, as I stated in my first interview, that positions having to do directly with the formulation of administrative policies and executive discretion must be within the control of the President, whom the people have sent to Washington to carry out those policies. They must be changeable, as the people's will is changeable, in order that the people's will may be carried out. When I say the people's will I, of course, mean a majority of the people. You will see, therefore, that I am drawing the line where civil service should end with those officers who have very little or nothing to do with the formation of administrative policies and the things which vitally concern the formation of those policies and their execution. This is drawing the line of a principle. If the extremists on civil service are drawing any line on any principle, I am not informed of it.

Discussing the necessity of the high administrative offices being under the immediate control of the President unrestricted by civil service law, in order that the will of the people may be carried out, it may be well to reflect for a moment upon the tendency of a bureaucracy. Those constituting a bureaucracy, and by that I mean such persons as constitute the permanent and unchanging organization of government, are inclined in the course of years to settle into a kind of mass formation of common interest and stereotyped methods and look with distrust and disfavor on the orders and policies of the new heads of departments who are elected by the people. In other words, they get away from the people too far. Bureaucracy is wedded to thinking that government is a perfected science and that they alone possess the key to that science.

Then again, we must look at the truth as it is and understand that when an administration goes out and its policies have been repudiated by the people, if the high administrative officers of that administration remain in they are called upon suddenly to change their mode of thinking, their policies, their interest, and their enthusiasm to opposite policies. It is not to be expected that they can be enthusiastic for one administration for one thing and with the next administration equally enthusiastic for the opposite thing. Suppose war is declared with pacifists in the offices, for instance. It is not to be expected that they can be perfectly loyal to one administration and its policies and principles and then in a night change to the same degree of loyalty to the opponents of that administration and the opposite principles and policies. In this I am referring to the high administrative officers whom any President must rely upon to make sure that his policies are carried into effect. If they are all under civil service you are asking an impossible thing of them. They can not change their loyalty and enthusiasm in that way and they ought not to do so. A man will do better service for his country if his heart is in the thing which he is doing. It is in the interests of the whole people that the high administrative officers should be selected at will from those who are enthusiastically for the particular policies and principles to which the people have given their support. Suppose a drive is made on national disloyalty, when Socialists and weak men are in these positions.

Permanency in service of high administration officials defeats the popular will. It becomes frozen administration. Confident that they can not be removed, its members become defiant of the popular will and sneerful of new administrators who come with messages direct from the people. One or two new men come in at the head of a great machine of 5,000 permanent employees, the highest of whom are administrative officers who, during the preceding administration, have been intrusted with administrative policies and perhaps have come to believe in them. At once they are asked to change to carry out new policies. Some of them do not believe in these new policies, perhaps. The head of the department knows they do not believe in them, but nevertheless he has to ask them to help him carry them out. In fact, he has to rely almost wholly upon them to carry them out. They are so situated and so skilled in governmental machinery that they can, if they choose, almost wholly dominate the situation. They can control him easier than he can control them, when he has so little assistance as now.

It is more or less of an open secret that whenever a new department head comes into office there takes place a sort of undefinable contest to determine whether his ideas shall be put into effect or whether the high administrative officers and cunning men of that department will control him. My idea is that such a man coming with fresh instructions from the people, being placed in charge of thousands of organized public servants, needs a larger number of immediate associates of high administrative qualities to assist him, and to see to it that his policies and ideas are carried out by that great organization. Such a new head of a great organization, all of whose members are protected by civil service, finds himself with very ineffective power of discipline over the organization because all his subordinates, including the appointment officers, are under civil service and have a mutual interest to stand together as against his discipline. It does not matter what political party the civil service employee belongs to if he is not intrusted with high administrative authority. If such a head feels that he is being circumvented and undertakes to make removals, for the most righteous purpose, he encounters an organized attack, such a one as lies, I fear, behind this meeting here to-night. If he finds his plans blocked at every turn by advice that is "inexpedient," by unreasonable delays, and by indifference, he is helpless. He simply must have a larger number of administrative men around him of his own selection and in whom he has implicit confidence to see to it that nothing is "put over on him." As it is, he finds himself working up hill all the time. His only remedy, his only avenue of peace is to fall into the same old way of doing it that it has been done for 30 years, and yet he has been sent there to do certain new things which the public demand of him. If he tries to cut some red tape which the people want cut, he finds no one in all his organization who knows how to use the scissors to do it. Red tape has become an exact science and those who are skilled in that science do not propose to give up their means of livelihood.

There is no way to prefer charges against such subordinates, who may perhaps be doing nothing that can be detected and set forth as a ground for charges. They simply do not believe in the things which the new head believes in and they simply do not know how to carry out such policies. It is like a great contractor who has been building wood houses for years and has built up an organization of that kind. He finally decides that he will begin building brick and stone houses; he calls his superintendents together and they tell him it can not be done. They tell him he will fail if he does it. They predict all manner of evil. He finally calls in a half dozen brick and stone superintendents that he has picked up from other sources and asks their opinion. They tell him it is the most up-to-date proposition, and that there is big money in it. What does he do? What ought he to do? Should he keep the superintendents who say it can not be done, or should he get a new set of superintendents who know they can do it?

I fear many of us do not realize how rapidly our country has grown and how much business there is to do. It is not the same Washington that it was in the days of Cleveland, Mr. Foulke. The President himself can consider only the very broadest policies in the broadest way. His Cabinet officers and independent heads are so jammed with work and appointments that they are physically able to consider their vital administrative problems only in a very general way. They, in turn, must delegate administrative discretion and execution to those immediately under them, and again the delegation must go on for several steps. In fact, the real vital matters of administration in most cases have to be studied out and formulated by those a few steps removed from even a Cabinet officer. The Cabinet officer needs more than the one or two noncivil service assistants which he now has. He needs several who believe as he does, who believe in him, and who are enthusiastic for his success, and these can not well be under civil service, because no man can serve two masters.

I do not say that any individual now under civil service in Washington or elsewhere should lose his civil-service status by my theory. I believe in justice to all employees. But whatever be the rearrangement necessary to carry these principles into effect, it should be done. It does not involve greater expense to the Government, because I believe a Cabinet officer or a head of any other department, if allowed to surround himself as I have stated, would be able to save all along down the line where he is not now able to do.

It is argued that the higher up the positions under civil service go the greater the inducement not only to enter the service but to continue in the service. There is some force in this argument and it is not inconsistent with my ideas. If civil service stopped where administrative officers begin there would be no reason why a Cabinet officer could not select anyone under him in civil service to fill any of his administrative positions, provided he could find such a person whom he desired. He would naturally look over his organization to see if he could find such a person. In case he found such an employee whom he could promote to a high administrative position not under civil service there should be some provision whereby such employee would retain his civil-service status and be permitted to go back to some civil-service position in case some other Cabinet officer in some other administration with new policies did not feel that he could best serve the demand of those new policies. This would leave every inducement for distinguished service in order that one might be selected for the high administrative positions. The only difference is it would not compel a Cabinet officer by civil-service seniority to take some one against his judgment. In other words, I would permit an administration to select its high administrative officers from a hundred millions of people rather than to compel it by law to select from only a half million people who are under civil service.

When the people vote a change in administration they mean a change in "administration," not simply a change in the President. An administration must embrace the high administrative officers. Moreover, everyone knows that new blood brought into any great business is helpful, that without the ability to bring in new blood and new talent from time to time any great business will gradually contract, grow narrow, and become inefficient. The extreme civil-service view would not permit a President to bring to Washington any new blood. He would come with his trunk and platform, and the organization prepared for him by civil service would tell him what to do.

The whole difference between my ideas and those of the civil service extremists, as I understand it, is that they claim that the only officials who should be called "administrative officers," and who should not be under civil service, are Cabinet officers and perhaps one or two assistants, and some of the extremists do not even concede this; while I believe that these are not enough, as our Government has at length grown and developed, to make certain that the President's policies are carried out and to discipline and reform the great body of civil-service employees under him.

I believe it can be shown that there are many civil-service employees, through themselves or their friends, who are adding fuel to this fire now calculated to attack this administration. Some of the present employees of the Government are so partisan and so friendly to the last administration that they do not want this administration to be a success. I refer to this merely to illustrate the point that a President, in order to succeed, must be surrounded by enthusiastic believers in him and in his policies.

A few observations, which may sound political, are rather compulsory. The position of Postmaster General Work is attacked in the call for this meeting and unjustly so. The committee representing this league who called upon him consisted of Mr. Foulke, who claims to be independent in politics, and another gentleman who said frankly that he was a Democrat, and a third gentleman who did not volunteer his politics. While Mr. Foulke is acting president, I heard Mr. Dana, the president of the league, criticize President Harding in his speech in Detroit last autumn, and I am told he is a Democrat.

There is absolutely no cause for alarm on the part of the great body of civil-service workers who do their work well—none whatever. It is unfair and unkind to them to advertise this bogy scare, which has no foundation in fact. The wheels of government would be absolutely clogged without a rational civil service law and a Civil Service Commission. It is a necessity of Government. This present alarm is an apparition, a phantom, a scare put up in order that a few now under civil service who ought to be put out may hide behind it. It is the villain's plea who, dodging behind his wife, cries out, "Don't strike a woman."

Now, we should all be fair with our President. I ought to tell you how very ready he has been to back up the Civil Service Commission and encourage it in taking many advance steps during the past year. As head of the Civil Service Commission I had every reason to know of the sympathetic attitude of the President toward civil service. One of the most important and far-reaching movements in civil service in its history has been to make it possible to rate applicants for civil service positions on something "plus" scholarship. The commission advocated the policy of investigating the character and personal fitness of applicants and to average their rating in these things in with their scholastic ratings in order that a more practical and businesslike result might be obtained. The President not only enthusiastically supported us in this, but by a special message recommended that Congress appropriate $40,000 in order that this work might be begun, and such appropriation has been made. It is the first step of its kind in the

history of the country. It is a part of the program to put more business into the Government.

In addition to this, there has been going on for some time in the council of civil service, in cooperation with the Bureau of the Budget, a study of the personnel problem of the Government looking to a personnel board and better personal management. The President has interested himself in this.

For the first time in the entire history of the country, we now have inaugurated a system of welfare work among the employees. This was begun in the Post Office Department, where more than one-half of the Federal civil service employees may be found, and Mr. Dennison, a $50,000 man working for practically nothing, was induced by the President and General Hays to come here to inaugurate this great work. He has already organized some 500 welfare councils in the country and is gradually establishing better working conditions, better health conditions, and, in short, humanizing the Postal System. There are still to be accomplished a vast number and a vast amount of tasks in order that the civil service of the Government may be perfected and the workers of the Government placed on a better footing. There are many things to be corrected; there are many injustices going on constantly. There are many reforms within the service itself in the handling of the employees and in doing justice to them which would be a great advance step and highly beneficial to the Government. There is now a lack of personnel correlation between the different departments. There is a lack of system. There is no uniformity of method in which the personnel is handled and treated. There is need of a work which should call for a master personnel man who is able to do for the personnel of the Government in the line of coordinating and correlating a task similar to that done by General Dawes in relation to purchases and finances.

Personal spites, personal affections, and petty jealousies among the personnel of the Government work more harm and injustice to the ordinary civil service man and woman than politics have ever done. Along these lines lies a great work of correction.

These problems of internal upbuilding in the civil-service system are the most pressing and most important of all.

I must say that since I have been associated with civil service I have seen very little interest on the part of the league in these very important questions. They have seemed to me to be interested almost wholly in grasping every possible office and putting it under civil service. They have been so eager to get higher and higher officials under the cover of civil service that I have assumed they have no idea of stopping short of the President. I have certainly expected some of them to advocate covering in Senators, judges, and Congressmen.

It was said in the call for this meeting that I favored restricting civil service to the lower places of the service, presumably meaning the low-paid employees. This is not my position, because I believe that everyone from the President down is rather poorly paid, and if I adopted that as my position I would have everyone under civil service, which is the very thing against which I contend. There are officials now under civil service who are paid $6,000 per year, while the assistants to Cabinet officers, including myself, being administrative officers not under civil service, are paid only $5,000 per year. I fail to see what inducement to stay in the service it would be to permit one of these $6,000 men to accept my position at $5,000. The Director of the Bureau of Engraving and Printing receives $6,000 per year and is under civil service; the Supervising Architect of the Government receives $6,000 per year; and there are still several others receiving $6,000 and many $5,000, all under civil service. But to be sure that I be not misunderstood, I again say that the line between civil service and administrative officials should not be drawn on salary but on the principle which I have set forth.

Perhaps I should say, in answer to an implied if not a direct charge to the contrary, that during the eight months that I was with the Civil Service Commission neither the President nor any Cabinet officer violated any civil service law.

When the preceding administration of the Post Office Department came into power all of the fourth-class post offices and postmasters of the country, being the small post offices, were under civil service. They had been placed under civil service by preceding Presidents, and so far as appears were generally doing their work acceptably. The Post Office Department was certainly in as good condition at the beginning of the preceding administration as at the end. Let me call attention to what happened, merely to offset the impression which certain persons are trying to make upon the country that this administration is against the civil service: President Wilson, coming into office with these 38,000 post offices and postmasters under civil service, forthwith, by Executive order and at one fell swoop, ordered all these postmasters removed from civil service and ordered the Civil Service Commission to hold examinations in all of the 38,000 places to fill the vacancies. This was done, and as a result about 14,000 of the civil-service postmasters, who were then doing good work, lost their jobs and 14,000 Democrats took their places. This administration thus far has allowed them to remain. It would seem to have been fair that if on these examinations a postmaster who was already under civil service and serving the country faithfully passed the examination as "No. 1" he should be given the office; but this was not the case. It does not appear what Mr. Foulke did at that time by way of protest.

It should be needless to state that the first, second, and third class postmasters are not under civil service now, and never have been. They have never acquired a civil-service status. Such Executive orders as have been made with reference to them have been merely a delegation by the President to the Civil Service Commission of the duty of examining them and making up a list for the President to select from. The President is not even obliged to select from these lists when they are thus made up. The power of appointing these presidential postmasters is with the President and the Senate. He has the right to change this order any minute he chooses. It is merely a means of selection. To speak of General Work's desire to vacate the present Executive order with reference to presidential postmasters as tending to undermine the civil-service system is illogical and irrelevant. They are not a part of the civil-service system at all.

Now, it is urged against my contention that a President's hands are too much tied by having the high administrative positions placed under civil service that the President, even now, when they are under civil service, has the power to take them out from under civil service whenever he desires. This is technically true to a large extent, but it is not a practical proposition. The President can not be put in a position of having to be called upon every time a Cabinet officer finds himself improperly hampered and interfered with by high administrative officers being under civil service. The practical operation heads up with the Cabinet officer and he does not have the power to remove positions from civil service by Executive order. What I contend for is a complete and definite understanding which shall be adopted and established as a policy, accepted by all, that certain well-defined administrative offices ought not to be and shall not be under civil service. This would put a stop to the contest.

Here lies the good to come from this meeting. The public will find out from this meeting what the power of a President is, and furthermore they will see wherein it is right and necessary to exercise that power. Since Cabinet officers do not have this power to remove positions from civil service and since the President can not be troubled with a multiplicity of details involved in getting him to exercise his power, it follows as a practical matter that the President's policies and the Cabinet officer's policies are in unsympathetic hands. As I said before, the President himself can not give the time to these problems and should not be asked to do so, and, therefore, a system should be devised which does not require him to do so. He has the legal right, as he did in the case of the Bureau of Engraving and Printing, to remove offices and officers from civil service when he deems it for the public good. He did not then, and has not in his administration, violated a single civil-service law. He can lawfully put in or take out a person from civil service without giving any reasons therefor if he deems it for the public good. He is not obliged to give the notice to discharged employees required of all other removing officers because he is given the right under the fundamental civil-service law to make any exceptions to that law which he sees fit. I am speaking only of the law and the President's power in a general way. I have no knowledge of the situation in the particular case in the Bureau of Engraving and Printing, and am only answering the charges that he has violated the law.

In conclusion, I urge all friends of civil service to get behind the movement to perfect the personnel system of the Government in such a manner as shall be most just and satisfactory to the employees and at the same time most efficient and beneficial to the Government, and help build up and perfect the work of the Civil Service Commission as the great acting personnel agency of the Government. And particularly I urge the adoption of a policy wherein every administration without the restraint or restriction of any civil-service law may bring to the aid of its policies from all the people, including the civil service, all those higher officials who are directly concerned in the formulation of administrative policies and essential to insure that those policies be carried into effect, because it is only in this way that the expressed will of the people as to policies and issues will be most certain of fulfillment.

Mr. HARRISON. Mr. President, before the Senator takes his seat may I ask him a question? I just want to get this matter clear. I judge from the report that this unfavorable report is dictated because of the decision in the case of Persing against Daniels.

Mr. STERLING. Largely.

Mr. HARRISON. It was not because of any objection that the committee had to getting information from the President as to whether there had been any demotions or discharges of disabled soldiers? That is right, is it not?

Mr. STERLING. The Senator is substantially correct.

Mr. HARRISON. Then if we should eliminate the "whereas" it would cure the defect that the Senator has pointed out; and I feel sure from what the Senator has said that the committee would have no objection to the resolution in that form. Certainly, I can see no reason why anyone should have objection if the resolution should read then, leaving out the "whereas"—

Resolved, That the President of the United States is hereby requested, if not incompatible with the public interest, to inform Congress:

(a) Whether honorably discharged sailors and soldiers, whose records were good, have been demoted, dropped, or discharged from the civil service since the 4th day of March, 1921; and

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

The Senator would have no objection to the resolution in those words, I take it?

Mr. STERLING. Mr. President, the preamble is not the resolution. The resolution, aside from the preamble, plainly indicates that it is based on the proviso to section 4 of the act of August 23, 1912. That runs all through the resolution, and the committee reported not on the preamble alone—that indicates, of course, a purpose—but the resolution itself, aside from the preamble, indicates its purpose, and uses the language of the proviso to which I referred, and which, I say, under the decision of the court of appeals of this District, is inoperative.

Mr. HARRISON. Then the Senator has objections to the resolution which he did not state in his first speech? He is opposed, then, to the President being asked by the Senate to transmit to the Senate the names of discharged sailors and soldiers, whose records are good, who have been discharged or dismissed from the public service?

Mr. STERLING. I am opposed to it, Mr. President, as I say, because it is based on this resolution, and because the inquiry in a general way, without having a basis in law for its being made, would serve no useful purpose.

Mr. HARRISON. Mr. President, I ask unanimous consent to offer the resolution with the "whereas" stricken out, and I will ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STERLING. Mr. President, I object.

Mr. HARRISON. I should like to have it read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The reading clerk read as follows:

Resolved, That the President of the United States is hereby requested, if not incompatible with the public interest, to inform Congress:

(a) Whether honorably discharged sailors and soldiers whose records were good have been demoted, dropped, or discharged from the civil service since the 4th day of March, 1921; and

(b) By what, if any, charges or lack of efficiency justifying said dismissal or demotion; and

(c) Giving the name and date of demotion, dropping, or discharge of each soldier or sailor.

The PRESIDING OFFICER. Is there objection to the resolution being received?

Mr. STERLING. I object. The Senator from Utah, when on the floor, objected to the consideration of either of these two resolutions or reports on the resolutions to-day.

The PRESIDING OFFICER. Objection is made.

Mr. JONES of New Mexico. Mr. President, I have not heretofore said anything regarding the way in which the ex-service men have been treated in connection with the matter of appointments. I have realized that as a matter of law the administration had a legal right to make such appointments as the President may think best.

The other day—I think, on Friday or Saturday of last week—I saw an editorial in one of the local papers extolling this administration for favoritism which had been shown to the ex-service men in connection with the appointments to postmasterships throughout the country. I have received from time to time information regarding various appointees who have been preferred over the ex-service men. The President issued an order, dated October 14, 1921, which went out to the country as showing an intention, I take it, on the part of the President to favor the ex-service men. That order provided that in civil-service examinations the ex-service men should be credited with five points on their examination papers. That order was very peculiarly worded, and kept the promise of the President well within the bounds of the law; nevertheless it created the impression throughout the country that the ex-service men would be given preference in these appointments. As a result of that the ex-service men, regardless of politics, applied for appointment to different positions, especially postmasterships; and, where their ratings would justify it, it seems to me they have reasonably expected to receive the appointments.

I merely want to state the facts. I have before me correspondence regarding two positions in New Mexico. In one case the ex-service man had been postmaster. He had been reappointed to the position just prior to the expiration of the last Congress; but the Senate, following out its general policy—I mean, as then controlled by the present majority party—decided not to confirm any such nominations, and so the appointment went over.

Later, in pursuance of the order for an examination to be held, that postmaster, an ex-service man, took the civil-service examination and he received a rating of 96.4 per cent. The next highest applicant received a rating of 82.53 per cent. The second man was not an ex-service man. Some time previously he had been postmaster at that same place, but objections had been made to the way in which he had conducted his office. A vigorous protest came in from the patrons of the office against his appointment, not only on account of his rating and the fact that he was not an ex-service man but because in his previous incumbency his services had not been satisfactory. Notwithstanding that situation, this second man, who had received a rating of only 82.53, received the appointment as against an ex-service man who had been conducting satisfactorily the work of this particular office and had a civil-service rating of 96.4 per cent.

Another case is that of the widow of an ex-service man. She applied for appointment as postmaster, and apparently, according to the information which I have, had the indorsement of practically all of the people of the community. In the civil-service examination her rating was 91.63 per cent. The rating of the next highest applicant was 82.2 per cent. The second applicant was a man, and he received the appointment.

So it seems to me that the spirit in which the country believed the President had entered his order of October, 1921, must result in a disappointment. If politics is to be removed, or if the ex-service men are to receive any consideration in appointments to office; if the women of the country, the widows of ex-service men, are to be given any consideration, it seems to me that it should have been done in the two cases which I have mentioned. In each case, both appealing to the consideration of the country, the applicant who was not appointed had the approval of the patrons of the office and had a much higher rating under the examination given by the Civil Service Commission. I do not believe it is right for the newspapers of the country to refer to the fact, and rather take consolation in the thought, that the administration is doing something in a preferential way for the ex-service men of the country or for their widows. If those in authority want to make politics out of this thing, they have a perfect right to do so under the law; but if they are going to do that, why should not the proposition be stated openly, so that the ex-service men of the country may understand all the time that they are not going to receive any preference from this administration?

Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McNary	Stanley
Ball	Hale	Nelson	Sterling
Borah	Harris	Newberry	Sutherland
Brandegee	Harrison	Nicholson	Swanson
Broussard	Heflin	Norris	Townsend
Bursum	Johnson	Oddie	Trammell
Calder	Jones, N. Mex.	Overman	Underwood
Capper	Jones, Wash.	Page	Wadsworth
Caraway	Kellogg	Phipps	Walsh, Mass.
Culberson	Kendrick	Pittman	Walsh, Mont.
Cummins	Keyes	Poindexter	Warren
Curtis	King	Pomerene	Watson, Ga.
Dillingham	La Follette	Rawson	Willis
Edge	Lenroot	Robinson	
Fletcher	Lodge	Sheppard	
Frelinghuysen	McKellar	Smoot	

The PRESIDING OFFICER. Sixty-one Senators having answered to their names, a quorum is present.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 319) making available funds for preserving and protecting in the present flood emergency the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission, and it was thereupon signed by the Vice President.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, before proceeding with the item to which I was alluding yesterday when I yielded the floor, I want to call attention to a letter, one of a multitude which I am daily receiving, with respect to this bill and what it means and what its effect will be upon the public. This does not relate to the item which we will vote upon, I hope, to-day, but it is germane to the bill before the Senate, and for that reason I desire to read a portion of it to the Senate. The writer says:

> In my personal opinion it is quite apparent to anyone familiar with the industry that the chemical manufacturers are not aiming for a tariff as a protective measure, but are taking advantage of this unusual opportunity to have put in force a schedule of rates that will put an end to all foreign competition and in turn assure them of another extended period of unprecedented profit making as during the war.

Mr. President, I have charged, and I charge again, with respect to this chemical schedule, one which affects practically every industry and manufacturing concern of the country, because the articles are of a fundamental or primary character and constitute the bases of thousands of finished products, that this chemical schedule has been drawn in the interest of the chemical producers of the United States, in order that they may perpetuate monopolies which they have organized and extort from the people hundreds of millions of dollars annually, as they did during the progress of the war.

In the discussion of these schedules, Mr. President, I shall point to articles where the manufacturers in the United States charged our own Government and the people during the war 2,000 and 3,000 and 4,000 per cent above the pre-war prices. There was absolutely no limit to their greed and their cupidity and their avarice. They would rob and plunder their own Government as they would rob and did rob the American people, and many of the chemical manufacturers in the United States are seeking by this bill to perpetuate their power and opportunity to plunder the American people in the future as they plundered them during the war.

Here is corroboration from a man who is engaged in production, and who writes me, as many are writing me, denouncing the infamy of this bill, which comes here with the O. K. of some of the majority members of the Finance Committee on it. It comes, too, with the O. K. of the "tariff bloc," and those who appeared before the tariff bloc indicated their approval of this chemical schedule, including the dye embargo. I resume the reading:

> If the proposed rates go through, they will achieve their purpose

That is, as the writer says, these chemical manufacturers will have "another extended period of unprecedented profit making as during the war," because it will destroy all foreign competition. The writer further says:

For it will be impossible for any business such as the one we are engaged in to think of competing against such prohibitive rates. My specific purpose in writing is to call your attention to the proposed 15 cents per ounce duty on strychnine, inasmuch as strychnine is a commodity which is purchased in large quantities by constituents of your State and of many other States in the United States. It is the only poison which has been found suitable for the extermination of gophers, jack rabbits, and rodents of various characters which are such a great menace to agriculture in the Western States. It is impossible for us to obtain figures as to the quantities consumed by the various States in combating rodents, but it is safe to state that four-fifths of the entire amount of strychnine produced is used by the farmer for the purpose described.

Four-fifths of the strychnine brought in the United States or produced in the United States is consumed by the agricultural classes, and yet the Chemical Trust, which has dictated these schedules, proposes to make the farmer pay tribute to it as by these schedules determined.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the Chair). Does the Senator from Utah yield to the Senator from New Jersey?

Mr. KING. I yield.

Mr. FRELINGHUYSEN. Will the Senator kindly indicate by whom the letter was written?

Mr. KING. I am not at liberty to give the gentleman's name. It is written by a manufacturer of medicines in the United States.

Mr. FRELINGHUYSEN. Does he ask the Senator to withhold his name?

Mr. KING. Oh, no.

Mr. FRELINGHUYSEN. It seems to me the name of the author ought to be included in the RECORD if the Senator can give it.

Mr. KING. I would not feel at liberty to put it in the RECORD without the writer's consent. The Senator from New Jersey might do so, but I would not.

Mr. FRELINGHUYSEN. I only have this object: I am anxious that the rates shall be just and fair to American industries so far as possible, but when a statement of that character is made and the letter quoted as an authority given I think it is due to the Senate and those who are defending these schedules that the author's name be included.

Mr. KING. I hope the Senator will give to the Senate the names of the men who went into the committee room after the hearings were closed, and who were in the corridors around the committee room for weeks after the hearings were closed, and who were constantly being communicated with by members of the Finance Committee, as well as what they said, especially Mr. du Pont and others interested in Schedule 1 of this bill.

Mr. FRELINGHUYSEN. I do not know what the motive of the Senator is in making that statement. There is no secrecy regarding the men who were asked to give the committee information. When they were invited to attend both sides in the controversy were invited. There were no star-chamber proceedings and nothing anyone desires to conceal. I think the Senator is very unfair in his assumption that there were any methods which could be criticized. The committee asked questions of everyone who had information to give. So far as I am personally concerned, I see in the requests that were made nothing that was improper, and no influence was exercised, as the Senator suggests or intimates.

Mr. KING. Mr. President, I have said before and I repeat now without any desire to be offensive or critical of my good friend from New Jersey, a member of the Finance Committee, that in my opinion, after the hearings were closed at which the minority members were permitted to be present, the committee had no right to hear testimony either for or against any schedule unless the minority members were present or were invited to be present. I charge that the committee received Mr. du Pont, who was interested in the dye monopoly, and talked with representatives of the Carbide Trust and others after the hearings were closed; and no Democratic members were permitted to be present.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from New Jersey?

Mr. KING. Let me finish my statement, and then I shall be glad to yield.

Democratic members of the committee were not present and were not advised of the entrance into the committee room of persons who were seeking benefits under this bill or of the consultations of the committee with representatives of these companies, the name of one of whom I have mentioned, and there were others.

I now yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I appreciate the Senator's courtesy very much. He has criticized the committee. Of course, the chairman of the committee is not at the moment here to make answer to the charge of unfairness. I simply want to say, so far as Mr. du Pont is concerned, or anyone else who appeared before the committee at the request of the chairman or other members of the committee, that not only was Mr. du Pont heard, but Mr. Metz, who was opposed to the embargo and opposed to the dye schedule. There was no favoritism.

I do not think the information we were seeking with regard to the manufacturing processes and conditions of dyes and chemicals and other information was in any way improper information. It was information the committee desired and had a right to have, and the chairman of the committee had a right to invite those men. There was no secrecy about it, and no effort at secrecy. The Senator could have been present had he so desired, and, therefore, I think the Senator is not only unfair but unjust in intimating that there was any collusion of any kind whatsoever.

Mr. KING. The Senator has heard my statement, and whatever implications and deductions are warrantable from it may be drawn. I deny that there was any statement that there was collusion. I did not even use the word "unfair." The Senator used it three times.

What I did say was that in my opinion after the hearings were closed, hearings where the various interests had the right to appear and present their respective views, after the doors were closed against the Democratic Senators in order that the majority might proceed to the consideration of the bill in executive session for the purpose of formulating the schedules—and there is no complaint in regard to that matter—I say, in my opinion, it was not right for the committee to open up the hearings again and hear witnesses either for or against any schedule without giving the minority members a right to be present and hear what was said and to cross-examine witnesses if they so desired.

I want to say in good faith to my friend from New Jersey, who is an able man and a good man and who wants to be a fair man, and aside from questions where his interests are involved I know he is a fair man——

Mr. FRELINGHUYSEN. The Senator damns with faint praise.

Mr. KING. No; I do not intend to damn the Senator. His conduct will do that or save him. Nothing I might say would save or damn him.

I want to say to the Senator as man to man, if I may use the language of the street, that, reposing confidence in the able Senator from North Dakota [Mr. MCCUMBER], whose long service entitles him to the confidence of the people and of the country, and in my distinguished friend the senior Senator from Utah [Mr. SMOOT], and other Members upon that side of the Chamber, as well as Members upon this side, the Senate selected them to constitute this great committee, the Committee on Finance of the Senate, which deals with our revenue legislation, with tariff laws, and with a multitude of important measures, perhaps the most important committee in our legislative body. We select members of the Judiciary Committee, lawyers of distinction and ability, that they may pass upon important questions which are committed to their care. When the Committee on the Judiciary report back there is no politics in their report. They sit and listen to testimony for and against measures which are submitted, and when they have heard the testimony they formulate bills and report them back to the Senate.

Mr. MCCUMBER. Mr. President——

Mr. KING. May I conclude what I was about to state, and then I shall be very glad to yield to my friend from North Dakota.

The Committee on Finance had referred to it a tariff bill known as the Fordney bill. They elected, as they had the right to do, to have hearings and announced to the country that they were going to have hearings. Men came and spoke for and against many of the schedules in the Fordney bill. The hearings were closed. During the hearings, when the committee was functioning as a committee, Democrats were present. When the hearings were closed it ceased to function as a committee and it became then a partisan part of the committee. I am not complaining; I am merely stating what the fact is. That partisan part of the committee, the Republicans, said they were going into executive session for the purpose of considering

the evidence which had been received and preparing a bill to report back to the Senate. They closed the doors and the Democrats were excluded.

Later on, indeed, almost immediately, when I am sure members of the committee wanted to go on with the consideration of the bill and did not want any more testimony, and certainly did not want it in secret, representatives of special interests came here, Mr. du Pont among them, representatives of the Carbide Trust, and others whose names I shall place in the record before I conclude this discussion—every one that I can obtain. They came to Washington and haunted the corridors of the Senate Office Building and camped in front of the door of the committee room day after day and week after week, and some of them went into the committee room and made their statements.

The Democrats do not know what was said. Undoubtedly their testimony had some influence upon the committee. I would not be so blind as to say that their testimony did not influence the committee. When I say it influenced the committee I am saying nothing improper. All testimony is bound to influence those who hear it, whether it is a judicial body or legislative body. The extent of the influence will vary with the importance of the testimony, with the knowledge of the witness, and with the interest which he exhibits. But undoubtedly the persons who testified before the Republican members of the committee had some influence, much or little.

They went into the room for the purpose of exerting influence. They went in there for the purpose of securing something. They went in there for the purpose of trying to have something in the schedule of the bill conform to their views, their wishes, and their interests. I say the Democrats do not know what that testimony was. We have not the advantage of it. We do not know what they said. We do not know what influence it had upon the members of the committee.

After they had concluded the bill was reported.

The complaint I make is not that further testimony was taken, not that further hearings were granted, but that when the doors were opened for more testimony that the minority members of the committee were not notified. It is just like a matter in court. Frequently the case closes, the testimony is ended. Counsel for one side or the other discovers that some testimony was omitted or newly discovered evidence has been brought to his attention, or some new authorities have been found that were not presented in the argument. He thereupon serves notice upon the other side that on a certain day he will apply to the court to reopen the case and offer additional testimony upon a particular branch of the case, or he will move the court to permit him to submit certain authorities to the court and to further argue the case. Opposing counsel, being thus advised, go to the courtroom and then have their say. The court, if it is in the interest of justice, will reopen the case for the purpose of receiving additional testimony or authorities or to hear further arguments by counsel. There is nothing improper in that course. So I submit, Mr. President, in this case that if new testimony was to be taken, if additional witnesses were to be heard, the proper way would have been to advise the minority, so that they could be present in order that they might be informed as to the character of the testimony.

Now, I desire to show the dilemma—and I use a very soft phrase—in which Senators who are not members of this committee are put. I am not a member of the committee; I want to know what has been said before that committee as a basis for the schedules in this bill; I asked for all the testimony taken before the committee in relation to the chemical schedule, and was furnished these two volumes [indicating]. There is further testimony bearing upon other schedules, some of which I have carefully read. From the testimony which I have before me bearing upon the chemical schedule and applying it to the rates, I try to determine whether or not the rates are fair. After the hearings were closed, witnesses went into the committee room and testified, but their testimony is not here. What did they say? What influence did it have upon the rates as finally determined? I do not know. All the testimony I have is what is before me, but Republican Senators who are members of the Finance Committee have other facts or are presumed to possess them. They may be right in their position as to this schedule; I may be wrong in my opposition to it; but, based upon the facts here presented, I think I am right. Republican Senators may be in possession of some cogent arguments, of persuasive testimony which was given after the hearings were closed, to which I have no access, to which my friend the Senator from Ohio [Mr. POMERENE] has no access; so we are compelled to make up our judgments from extraneous information and from the testimony which we have before us. That is the thing of which I complain. I now yield to my friend the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I thank the junior Senator from Utah for giving me an opportunity at this time to explain away a misapprehension under which the Senator seems to labor and under which others, possibly, may labor as to what occurred in the committee room when the majority of the committee had the tariff bill under consideration, after having closed the testimony. I think we followed the rule which has always been followed; that, while the majority frames the tariff bill, it, nevertheless, allows any Senator, either Republican or Democrat, to come before the committee. In a certain sense some one may say that that is a hearing; but it must be remembered that the Finance Committee is a committee of the Senate, and being a committee of the Senate any Member of the Senate has, in my opinion, the right to appear before it. That has been the rule which I have always understood has been generally followed. That was not for the purpose of obtaining further testimony; it was not for the purpose of opening up a second hearing or anything of that character; but we allowed Senators to come before the committee and, without argument, to state plainly any grounds of dissatisfaction, and that was the end of the matter.

Mr. KING. Let me interrupt the Senator right there to say that I have made no criticism, although I feel I might justly do so, about Senators appearing before the committee. I was not alluding to Senators appearing before the committee.

Mr. McCUMBER. I intend to make a further explanation to the Senator. I think I can also explain the other matter to which the Senator alludes, and I do not think he will find very much fault, at least with the rule which the committee adopted.

Mr. SMOOT. Mr. President, will the Senator from North Dakota allow me to amplify his statement in one particular?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the senior Senator from Utah?

Mr. McCUMBER. I yield to the Senator.

Mr. SMOOT. Mr. President, in the consideration of the Democratic tariff bill in 1913 even a Senator was not allowed to appear before the subcommittees which were framing the bill. No minority member of the committee at that time had anything to say, one way or the other, about fixing the rates, unless, perhaps, it may have been said upon the floor of the Senate. I asked permission to appear before a number of the subcommittees, and I was told that it would be against the rules; that no one would be allowed to appear before the committee or the subcommittee while the bill was being framed unless invited. We have not gone that far in the framing of the pending measure.

There never has been a tariff bill written, as the Senator from North Dakota has stated, but that it has been framed by the party in power, and the party in power has invited people to appear before it in order to obtain information which they thought they could give. I will say to the junior Senator from Utah that the Committee on Finance this year has gone further than any committee has ever previously gone in the matter of hearing Senators and Representatives, for, as the Senator from North Dakota has stated, there has not been a Senator or Representative who ever made a request to appear before the committee who was not allowed to do so.

Mr. McCUMBER. Mr. President, the junior Senator from Utah may think that it would have been better not to go even so far as the senior Senator from Utah has stated the committee did go in the matter of hearing Senators and Representatives; but remember that Senators are coming before me every day as chairman of the committee. They wish to consult with me about this rate and that rate. Those Senators are from both the Democratic and the Republican sides of the Chamber. They see me and they see other Senators. We had no way of bringing them before the committee. After the close of the hearings, as I remember, the only occasion when the committee permitted anyone to come before the majority of the committee, who were framing the bill, was in a situation like this: Take the case of a Senator who is trying to explain something relative to a three-adjustment watch or a four-adjustment watch, who is not familiar with the technical details of such adjustments, and he says, "There is a man who has been talking to me about these adjustments. Will you allow him to explain the technical meaning for me, because I really can not explain what these adjustments mean?" Our reply has been, "You may bring him in for that purpose only—to explain some technical question." However, if the witness should begin to talk about what the rates ought to be, the chairman of the committee or some other member would say, "The testimony is closed; we are not here now to rediscuss the question of the rates; we are here now in order that you may answer these

technical questions, because your Senator or Representative has asked permission for you to explain that which he says he is unable, because of lack of technical knowledge, to explain."

Perhaps such instances occurred in connection with the chemical schedule and also in connection with the textile schedule, as to which Senators on the committee might not thoroughly understand some technical term, what the jacquard process really meant, or something of that kind, and desired some explanation of a technical question. In such a case Senators brought in those who could speak for them; but in each instance we regarded it as the Senator himself explaining a technical question.

I do not think that did any harm. There were no further hearings; nothing was even taken down; no stenographer was present; but mere explanations were made of technical chemical matters which we could not understand, or of some detail involved in the manufacture of textiles, or something of that character. The committee was extremely careful that we should not go into arguments for or against a rate in addition to any arguments which may have already been heard.

Possibly some individual may have started to break over that line and try to make a case, but I do not think there was ever an instance when his attention was not called to the fact that the committee had closed its hearings and would not hear further testimony for or against any specific rate.

I admit that possibly it might have been just as well if individuals had not come in for the purpose indicated, but a Senator had a right to make an explanation. He could go out and consult some one in the anteroom in order to obtain the information and try to explain the matter himself, but possibly, a Senator not having the fundamental knowledge, it would take very much less time for some person who had the technical knowledge to explain the matter before the committee. I repeat there were no further hearings upon the merits of any schedule.

I hope the Senator will accept that as a full and a fair explanation. He may say that the expert knowledge of the persons referred to might have had some influence here or there, but I do not think it did.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

Mr. KING. I yield to the Senator from Ohio for that purpose.

Mr. POMERENE. Of course, when Senators came before the committee with expert knowledge they were admitted, because the committee thought they would shed light upon the particular subject in the mind of the committee.

Mr. McCUMBER. Not shed light upon the merits of this or that rate, but to explain some technical term.

Mr. POMERENE. The Senator knows my regard for him, and I did not mean that in an offensive way; but evidently the subcommittee, including the chairman, felt that they ought to receive information. It might or it might not have influence with him or with the subcommittee. We are all prone to error, and it may be the statement would just fit into a place where additional information was needed.

The junior Senator from Utah and myself come from States which are to a large extent manufacturing States, particularly my own State. My views do not entirely coincide with those of the chairman of the committee on many of these subjects, but the information which the Senator obtained may or may not have had weight with him, and it may or may not have had weight with me. I realize that it is a very difficult thing to draw the line; but it seems to me no matter what the experience has been in the past that there ought to be some memorandum made of such statements. It would be just as easy for a Senator or Representative who appeared before the majority members of the committee to submit his information in the form of a letter or a brief. Then there would be a record of it. I have such high regard for the members of the committee that I would not for the world have anything that I may have said here be construed as a reflection upon their personal integrity. I do not mean that at all.

Mr. McCUMBER. Let me say to the Senator right there that there might be cases in which a clearer understanding of what some technical term meant would tend to so clarify the situation as to make us favor or oppose a given proposition. I will admit that, but the Senator must remember that almost the entire tariff bill is highly technical, not only as to the chemical schedule but other schedules as well, so much so, in fact, that when the Democrats formulate their tariff bills they have the aid of experts from the department. In 1913, when the Democrats drafted their bill, they called in experts; they had a half dozen or a dozen all of the time. We did the same. In some instances we might not have had the aid of an expert from the department—and most of the experts came from the Tariff Commission—to give us information on a certain point, or some item may have been brought up out of order, in which event a Senator may have asked that someone else explain a technical matter, just as the experts from the department would furnish explanations as to other questions, but in such case no suggestion was ever ventured as to what the tariff rate ought to be or ought not to be.

Mr. POMERENE. Mr. President, that is touching on another phase of the question.

Mr. McCUMBER. It is exactly the same phase.

Mr. POMERENE. No; I beg the Senator's pardon. I am not complaining about experts advising the committee concerning the technical features of the bill. Of course, that is the reason why we have experts in the department. Of course, that is what we have men in the departments here for, and both sides of the Chamber have been wont to call them in for advice. There is not anything wrong about that at all.

What I am referring to is the man who is representing some special interest, it may be his own; and I say without fear of successful contradiction that in nine cases out of ten the men who came before the committee here and asked for special rates were there for a wholly selfish purpose, and not because they had any interest in the country at large. That is the difficulty.

Mr. McCUMBER. Undoubtedly. Of course, both exporters and importers would be there for their own interest; but those are not the men that were called in, as a rule. They might be out there. The person who wanted an especially high duty upon watches, for instance, might be present, and yet he might have the technical knowledge to explain to the committee what a three-adjustment movement would mean. He has not by explaining that given us any testimony concerning rates; and, as I say, I took great care that no one called in for the purposes I have mentioned should transgress the rule and go into the matter of determining tariff rates, and so forth. I will admit that sometimes a witness, because he had the interest of which the Senator speaks, would attempt to transgress that rule, and we would try quietly and respectfully to inform him that that was not our purpose.

Mr. KING. Mr. President, I am not complaining, as indicated by the Senator from Ohio, about the employment of experts, the obtaining of information from the Tariff Commission, or technical skill in the drafting of the very complicated schedules which we find in this complicated bill. That is highly proper. That was not what I alluded to. The hearings closed, and I was trying to find the exact day when they were closed, before the Senate Finance Committee. Can the distinguished chairman of the Finance Committee advise me when the formal hearings were closed?

Mr. McCUMBER. I think it is in the report—January 9, I am informed.

Mr. SMOOT. January 9.

Mr. POMERENE. I think that is correct.

Mr. KING. My recollection was that it was early in January.

I repeat, the hearings before the Finance Committee closed January 9. Why did they close? The public understood, the minority members understood, and the Senate understood that the hearings were closed to enable the majority members of the Finance Committee to go into executive session to frame the bill. I am not complaining about that. They had the technical right to frame the bill upon any theory they pleased, and to adopt any schedule they pleased; but, notwithstanding the public understood that the hearings were closed, and the various witnesses who had testified and who had hovered for months about the committee rooms understood that the hearings were closed, and Mr. du Pont and the Carbide Trust and other concerns knew that the hearings were closed, yet these same witnesses and representatives of trusts and corporations and beneficiaries of these tariff schedules lingered here in Washington. Why? Why did they not go home where they belonged? They had come here to enlighten the committee, and doubtless did enlighten the committee, as we have in these two volumes their testimony upon the chemical schedule. Why did they stay here? The committee was in executive session. The Democrats were excluded from the room; and I am making no complaint of that, let me repeat. They stayed here for some purpose, Mr. President. What was the purpose? I leave it for Senators and the public to determine what the purpose was.

As bearing upon the question of the purpose, as throwing some light upon the object of their protracted stay in Washington, we find them day after day and week after week and month after month haunting the corridors of the Senate Office Building, where the majority members of the Committee on Finance were in executive session. Now, why were they here?

Why were they in Washington? If they were in Washington, why were they in the building where the committee meets? And why in the corridors and in the anterooms of the Committee on Finance?

I recall going to the committee room for the purpose of obtaining copies of the testimony, and I could scarcely effect an entrance into the anterooms and scarcely get along the corridors at times, because of these representatives of the predatory interests and of the beneficiaries of these high-tariff schedules. They were there in the anterooms and in the corridors. What were they there for? Some of them went into the committee room, and when they went in there doubtless they talked; they said something. Of course, I am making no imputation whatever as to the integrity of the members of the committee, because they are men of the highest character, and I have no doubt that whatever they did they conceived to be eminently proper. I am merely calling attention to the fact that whatever the witnesses did say, whether it was much or little, was said for some purpose, and I think we are entitled to know what they said. There ought to have been a stenographic report of it. My good friend the Senator from North Dakota said that there were no minutes, that there was no stenographic report. That is what I am complaining about. When they invited them in after the hearings were closed they ought to have invited the Democrats to be present, or, if they did not invite the Democrats to be present, then I respectfully submit that there should have been a stenographic report of the statements which were made.

My friend said that they came to give the committee advice upon technical subjects. Everybody knows that Mr. Irenée du Pont is not a technician in dye production. Mr. Morris Boucher, of the dye monopoly, is an expert. Doctor Herty claims to be an expert upon dyes, and others claim to be, and some are. If it was expert testimony that Mr. Irenée du Pont went in there to give his visit was futile.

That was evidenced from his testimony before the House committee when the dye embargo bill was first reported. He went in there and brutally stated that they wanted an embargo, and, as I recall, he made a similar statement before the Senate committee. At any rate, in one of the hearings he said: "Senator Penrose asked us what we wanted, and I said to him, 'We want these high-tariff rates, and then we want an embargo, and then we want the Sherman antitrust law suspended as to the dye interests, so that in the event that its terms shall be transgressed and violated we will not be prosecuted for maintaining a monopoly.'" He was very frank about it. He was before the committee, as were other gentlemen interested in this bill.

Mr. President, I leave that matter now. The fact is that these representatives of big business were in the corridors and in the anteroom and in the committee room. I shall put into the RECORD before this debate is concluded the names of perhaps 50 of them that were there for weeks and months after the hearings were closed. I feel sure that they did not influence to the prejudice of the country the distinguished Senator from North Dakota [Mr. MCCUMBER] or my friend from Utah [Mr. SMOOT] or other members of the committee, but I think the fact that they were there and are still here in itself is rather unfortunate, because deductions and conclusions and speculations and surmises are bound to follow therefrom.

Mr. President, I was reading this letter from a person engaged in the chemical business in the United States. Let me repeat. He states that the rates in this bill are so high that they will in effect permit the chemical industry to charge the enormous prices that were imposed during the war. He was discussing strychnine. He said:

> We do not know of any logical reason as to why the American manufacturers of strychnine insist upon a 15 cents per ounce duty.
>
> Fifteen cents per ounce!
>
> Strychnine is an alkaloid extracted from nux vomica. Nux vomica comes from India, and, strange as it may seem, it is laid down in New York at a slightly lower price than in Germany, Switzerland, or England. The freight rate to continental ports of Europe figures about one-eighth of a cent per pound higher than to New York. The work of extracting strychnine from nux vomica is done almost entirely by machinery. Labor enters very little into the cost of production.

I showed yesterday, Mr. President, from the figures which at great labor I had extracted from multitudinous reports, that the labor costs before the war, with respect to the items in the chemical schedule, were only 8½ per cent, and that now they are only 8 per cent, so that alleged high price of labor can not be honestly urged as a reason for these high rates. Labor gets only 8 per cent of the selling price of these commodities. Before the war labor received 8½ per cent, but now only 8 per cent. So when they urge high labor costs as an excuse for these stupendous rates they are trying to deceive the American Senate and the American people.

> Strychnine has been on the free list since 1914. Nux vomica has been free of duty in the last three tariffs. Strychnine is a commodity which has been manufactured for years by four very large chemical manufacturers of this country. The following figures of importation of nux vomica against the importation of strychnine will show that the American manufacturers are not in need of protection. You will please note that the importation of strychnine is not embargoed, and yet the quantities imported since the war are comparatively small, whilst the importations of the last three years of nux vomica represent the highest on record.

Of course, what they want is to get nux vomica as cheaply as possible, and then a tariff on the finished product, on strychnine, so as to compel the American consumer to pay tribute to this branch of the Chemical Trust.

I read further from this letter:

Importations of nux vomica.

	Pounds.
1909	1,666,957
1910	2,738,662
1911	4,330,402
1912	2,427,187
1913	2,306,735
1914	1,891,072
1915	2,245,338
1916	4,355,964
1917	2,445,984
1918	2,739,814
1919	4,543,710
1920	4,470,323
1921	3,190,255

Importations of strychnine and salts.

	Ounces.
1909	1,475
* * * * * *	*
1921	29,029

> The following States are all big consumers of strychnine: Arizona, California, Colorado, Kansas, North Dakota, South Dakota, Idaho, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming.
>
> * * * * * * *
>
> If the proposed 15 cents per ounce duty goes into effect it will practically put an end to all foreign competition which now acts as a curb to the price aspirations of domestic manufacturers. The result obviously will be that the western farmer will eventually pay considerably higher prices for strychnine, which is so essential in safeguarding his agricultural pursuit against the continual menace of rodents.

I commend this letter to the chairman of the tariff bloc [Mr. GOODING] and to my friend from Kansas [Mr. CAPPER], the chairman of the agricultural bloc. Of course, when we consider tariff legislation now we do not appeal to the Finance Committee, the Senator from North Dakota [Mr. MCCUMBER], or my friend from Utah [Mr. SMOOT]. It is the "tariff bloc" and the "agricultural bloc" and the "manufacturers' bloc." So I say to the Senator from Kansas, who honors us with his presence, that his bloc is going to suffer. The farmers whom they claim to have taken under their protective wing by this bill—to which they have given their O. K.—are to be robbed and plundered by the Chemical Trust which demands this extortionate tariff upon strychnine, four-fifths of which is used by the farmers of the United States.

I suppose, Mr. President, that kissing goes by favor, and there have been kissing matches all around by these beneficiaries of the tariff bloc and the agricultural bloc and the manufacturers' bloc, and they have come to a perfect and happy accord.

Perhaps all our efforts here for the purpose of placing before the people just exactly what these rates are will be futile, but I say to the Senator from Kansas that we are going to get them to the public if it takes all summer. They are going to know what the rates are upon the items in this bill, and what the rates mean, and who are to be the beneficiaries of this deformed measure, and who will suffer as a result of its provisions. General Grant said he would fight it out on the line which he then held "if it took all summer." We are going to fight this out on this line if it takes all summer.

Mr. President, when I yielded the floor yesterday I was stating the articles on which the rates were higher than under the Underwood law. I had called attention to the changes made by the Underwood law in the Payne-Aldrich Act, and the increased rates shown in the pending bill. I also called attention to articles, giving their names, on which the rates have been increased over the Underwood law, and to other phases of the bill. I read a large number of names, and had reached the product calcined magnesia (medicinal). I will go on with that list. It includes:

> Manganese borate, manganese resinate, manganese sulphate, other manganese compounds, synthetic camphor, sod oil, seal oil, herring oil, menhaden oil, whale oil, sperm oil, other fish oils, crude wool grease, castor oil, linseed oil, hempseed oil, olive oil, poppy-seed oil, coconut oil (refined), peanut oil, alizarin assistant, combinations of oils except essential, lemon oil, orange oil, clove oil, eucalyptus oil, peppermint oil, patchouli oil, sandalwood oil, cocaine and salts of cocaine, ecgonine and salts of, castoreum, civet, musk, anathol, citral, geraniol, heliotropin,

ionone, rhodinol, safrol, terpineol, vanillin; perfumery, cosmetics, and toilet preparations; bay rum, plasters, artists' paints and colors, paints, barytes (crude ore), barytes ore (ground), barium sulphate, blue pigments, ultramarine, chrome yellow, chrome green, chrome colors, gas black, lampblack, other black pigments, litharge, red lead, white lead, other lead pigments, ochers, siennas, umbers; ochers, siennas, and umbers, washed or ground; other iron-oxide pigments, spirit varnishes, all other varnishes, vermilion red containing quicksilver, zinc oxide (dry), zinc oxide (ground in oil), lithopone, potassium chromate, potassium bichromate, potassium chlorate, red prussiate of potash, yellow prussiate of potash, potassium iodide, potassium bicarbonate, potassium nitrate (refined), potassium permanganate, castile soap, perfumed toilet soap, unperfumed toilet soap, sal soda, sodium chlorate, yellow prussiate of soda, caustic soda, sodium nitrate, sodium sesquicarbonate, sodium sulphide, sodium sulphite, sodium thiosulphite, sodium hydrosulphite and compounds, potato starch, all other starches, dextrin from potato flour, British gum, strontium carbonate, strontium nitrate, sodium oxide, thorium nitrate, other salts of thorium, cerium nitrate, cerium fluoride, other salts of cerium, gas-mantle scrap, tin bichloride, tin tetrachloride, other compounds of tin, titanium potassium oxylate, all other compounds of titanium, zinc chloride, zinc sulphate, and zinc sulphide.

Mr. President, in the bill now before us the following commodities are subjected to the same rates which were imposed by the Payne-Aldrich Tariff Act of 1909. I have shown certain articles the rates on which have been raised above those of the Payne-Aldrich law, and those the rates on which were raised above duties levied by the Underwood law; those which have been taken from the free list in the Underwood Act and transferred to the dutiable list, and the general items in which there have been transfers, the number being slight, from the dutiable list in the Underwood law to the free list, as shown by the McCumber-Fordney bill. The following commodities are subjected in the bill now before us to the same rates which were imposed by the Payne-Aldrich Tariff Act of 1909:

Acetic acid, gallic acid, acetone, acetone oil, ethyl methyl ketone, chemical salts and compounds, ammonium carbonate, liquid ammonia, rochelle salts, cream of tartar, barium dioxide, blackings for cleaning and polishing, compounds of caffeine, calcium carbide, carbon tetrachloride, putty; salts and compounds of gold, platinum, rhodium, and silver; chemicals, drugs, etc., put up in tablets, pills, etc.; flavoring extracts, glycerin (crude), lead acetate (brown), calcined magnesia (medicinal), manganese borate, manganese resinate, manganese sulphate; other manganese compounds; synthetic camphor; olive oil, combinations of oils, except essential, clove oil, eucalyptus oil, patchouli oil, sandalwood oil, floral waters, plasters, blue pigments, litharge, white lead, ochers, siennas, umbers; ochers, siennas, and umbers, washed or ground; precipitated sulphate, all other varnishes, potassium chromate, potassium bichromate, yellow prussiate of potash, potassium iodide, potassium nitrate (refined), perfumed toilet soap, sodium arsenate, soda ash, sodium chlorate, yellow prussiate; soda, caustic sado, sodium sesquicarbonate, Glauber salts, sodium sulphide, sodium silicate, sodium thiosulphite, potato starch, all other starches, tin bichloride, tin tetrachloride, and other compounds of tin.

The following commodities are subjected to rates in the pending bill which are higher than the rates imposed by the Payne-Aldrich Tariff Act of 1909.

I am not giving now, of course, the various items in paragraphs 25 and 26, which number approximately 110, nor the unnamed thousands found within basket clauses. The first item is acetic anhydride. That will be one of the items we will vote upon this afternoon, I hope.

The next is citric acid. There is a story to be told about that item, and the enormous increase in the rate as shown in this bill. Then there are lactic acid, tartaric acid, formic acid, oxalic acid, amyl alcohol, buthyl alcohol, fusel oil, wood alcohol.

I wish I had time to pause to comment upon these various items. Think of increasing the tax on wood alcohol, which is so important in our industrial life at the present time. Yet, Mr. President, one may go through this list item by item and he will find that with respect to the majority of them those which particularly affect the welfare of the people, the industrial and economic life of the people, the rates have been increased to limits which, it seems to me, the avarice and cupidity of men could scarcely conceive of.

It would look as though this bill not only sought to give a grip to the Chemical Trust upon these products, but to permit them to offer impediments to the industrial development of the Nation along other lines which are dependent upon these chemical products for their expansion and success. You can not construct a house without a foundation. You can not build up a manufacturing system without chemicals. The chemical schedule is the foundation of our industrial life, and if there is any schedule in the bill which calls for low rates and for a liberal extension of the free list it should be the chemical schedule.

I repeat, I am not here, nor is any Senator on this side of the Chamber, advocating free trade. I am advocating the industrial and economic development of our country. I am pleading for the laboring man, for the growth of our manufacturing enterprises, for greater industrial growth and progress, not for less. I am pleading for the extension of our trade and our commerce. I am pleading for the American flag to be put on every sea, and for our products to be carried to every port. I am protesting against this narrow and bigoted and "die-hard" theory of protectionism which has run mad, and which finds expression in many of the cruel, harsh, and greedy schedules of this bill.

We will have factories when we can have products necessary for their operation; but if we offer obstacles to the acquisition of such products, to that degree we are interposing impediments to the economic and industrial development of our country; and when we place obstacles in the way of industrial development then we are preventing the building of factories and the operation of those already built, which will result in turning men into the streets for lack of employment. Men will go from the category of the unemployed to the position of contented employees when our industries function as they should and develop as they should along just and rational lines.

I return to the reading of the schedule, showing the higher rates imposed by the bill over the odious, the malodorous Payne-Aldrich tariff, which had been damned by public opinion, and buried, as we hoped, beyond any possible power of resurrection; but it was resurrected, regalvanized, and made more hideous and oppressive by the pending bill:

Aluminum hydroxide, potash alum, ammonia alum, aluminum sulphate, ammonium chloride, antimony sulphide, antimony salts, argols, barium carbonate, barium chloride, barium nitrate, caffeine, calomel, corrosive sublimate, other mercurial preparations; tetrachloroethane, trichloroethylene, chalk, billiard and tailor's chalk, salts and compounds of bismuth.

Bismuth, so important in our pharmaceutical tabulations. The tariff upon bismuth, that enters into the homes of the sick of the land, is raised above the rate provided in the Payne-Aldrich Act.

Chloral hydrate, turpin hydrate, thymol, urea, glycerophosphoric acid, salts and compounds of glycerophosphoric acid; coal-tar intermediates; coal-tar dyes, medicinals, and other finished coal-tar products—

Always medicines, always drugs and medicinal compounds. The manufacturers of the drugs and of the medicines are taken care of in the bill. The people will pay for it.—

Cobalt sulphate, cobalt salts and compounds, coca leaves, diethyl sulphate, dimethyl sulphate, chestnut extract, cutch extract, chlorophyll extract, divi-divi extract, fustic extract, hemlock extract, Persian berry extract; logwood, mangrove, oak extract, quebracho extract, sumac extract, saffron extract, safflower, saffron cake, valonia extract, wattle extract, all other extracts; fruit esters, oils, and essences; glue, fish glue, glue size, glycerin refined, ink and ink powders, lead nitrate, megnesium chloride, Epsom salts, sperm oil, crude wool grease, adeps lanæ, linseed oil, hempseed oil, poppy-seed oil, coconut oil refined, peanut oil, lemon oil, orange oil, peppermint oil, cocaine and salts of cocaine, ecgonine and salts of ecgonine, laudanum, anathol, citral, geraniol, heliotropin, ionone, rhodinol, safrol, terpineol, vanillin, bay rum, artists' paints and colors, paints—

Artists' paints and colors! The artists are to pay. Young boys and girls who are taking lessons in painting must pay more, of course. They must pay tribute to some of these corporations which have a capital stock of $300,000,000 and more. They are such poor little infant industries that the boys and girls who want to study painting must pay tribute to them.

Barytes (crude ore), barytes ore (ground), barium sulphate, ultramarine, chrome yellow, chrome green, chrome colors, gas black, lampblack, other black pigments, red lead, other lead pigments, spirit varnishes, vermilion reds containing quicksilver; zinc oxide (dry), zinc oxide ground in oil, lithopone, potassium permanganate, santonin, castile soap, sal soda, sodium chloride (common table salt).

We even have to pay a tariff tribute upon salt.

Sodium nitrite, sodium hydrosulphite and compounds, dextrin from potato flour, strontium carbonate, strontium nitrate, sodium oxide, sodium nitrate, other salts of sodium, cerium nitrate, cerium chloride, other salts of cerium, gas-mantle scrap, titanium potassium oxalate, other compounds of titanium, zinc chloride, and zinc sulphide.

The following commodities are the only ones reported, as I read the bill, in the chemical schedule which bear the same rates as imposed in the Underwood Tariff Act of 1913:

Pyrogallic acid, liquid ammonia, calcium tartrate (crude), copaiba balsam, Canada balsam, Peru balsam, tolu balsam, styrax, other balsams, gum amber, amberoid, gum arabic or senegal, tea waste, compounds of caffeine; chemicals, drugs, etc., put up in tablets, etc., crude chicle, refined chicle, crude drugs advanced in value by grinding, crushing, etc., buchu leaves, coca leaves, gentian, sarsaparilla roots, ergot, ethyl ether, glycerin (crude), menthol, crude camphor, adeps lanæ, rapeseed oil, opium, laudanum, ambergris, floral waters, medicinal soap, all other soaps, sodium bicarbonate, sodium borate (refined), Glaubers' salts, vanilla beans, and tonka beans.

Mr. President, I regret that interruptions and adjournments have prevented a more systematic presentation of this matter. I have been compelled to yield the floor upon a number of occasions and several days have intervened in the discussion of matters referred to, so that my observations will appear somewhat disconnected and possibly discursive.

Mr. President, I have completed the general analysis of the chemical schedule somewhat as I desire, although there have been interruptions and digressions which will show discontinuity in the analysis.

Before proceeding to the first item, acetic acid, in the chemical schedule which has been amended by the Senate Finance Committee, and upon which I hope we shall have a vote to-day——

Mr. SMOOT. Mr. President, I want to say to my colleague that there is no change in acetic acid, and that committee amendments are to be considered first.

Mr. KING. What I had reference to was "acetic acid containing by weight not more than 65 per cent of acetic acid, three-fourths of 1 cent per pound." There is a change made in the House bill by the Senate committee, not in the rate but as indicated in the words just quoted.

Mr. SMOOT. That is true.

Mr. KING. By adding the words "by weight."

Mr. SMOOT. That is true.

Mr. KING. That is a proper amendment, and I shall offer no objection to it, and will pro forma, when I submit a few observations, agree to the amendment. I think the amendment is in the interest of clarity and definiteness. But before adopting the amendment I wish to take a few moments to discuss acetic acid, because it is the base of some of the other commodities which are found in this schedule.

The tariff upon acetic acid, if it is desired at all, is desired by the Carbide Trust. I have gone through the record carefully to find out who asked for a tariff on acetic acid. I repeat, if there are interests seeking rates on carbide and acetic acid they are connected with the Carbide Trust and its subsidiary organizations.

Mr. SMOOT. Mr. President, I rather think my colleague is mistaken there. Carbide is manufactured in Canada, and they wanted it admitted free, of course, and demanded that it be admitted free. They were the ones who desired it free. The wood-alcohol people, who have an industry in the United States, desired to have protection upon it against the Carbide Trust of Canada.

Mr. KING. Mr. President, I think my distinguished colleague is in error. The United States Carbide & Carbon Corporation I denominate a trust. It has a capitalization, on the basis of 6 per cent, of more than $257,000,000. It controls 83½ per cent of the calcium carbide trade in the United States. Next to the United States Steel Corporation, and probably the Du Pont organization, it is one of the largest in the United States, if not in the world.

Mr. SMOOT. My colleague must know that they do not make one pound of acetic acid.

Mr. KING. I understand they do not make acetic acid. I agree with my distinguished friend in that. They want a tariff, and why? I will show to my friend and to other Senators before we get through that there are a large number of items in this bill where there is not a pound of the product made in the United States, and yet duties are levied under the bill. Some one wants a tariff. I ask again, Why? Paragraph 2 of the bill contains "acetaldehyde, aldol or acetaldol, aldehyde ammonia, butyraldehyde, crotonaldehyde, paracetaldehyde, ethylene chlorohydrin, ethylene dichloride, ethylene glycol, ethylene oxide, glycol monoacetate, propylene chlorohydrin, propylene dichloride, and propylene glycol, 6 cents per pound and 30 per cent ad valorem," and as I understand the facts, none of these products is manufactured in the United States.

Mr. SMOOT. The Senator is mistaken there, because the very carbide people of whom he speaks manufacture a great many of those items.

Mr. KING. I think the evidence will show that the commodities in paragraph 2, if they are made in the United States at all, have been produced but recently, and that the Carbide Trust is seeking this tariff rate in order that it may, if it cares to, engage in the enterprise and, of course, keep out any competition and thus subject the American consumer to extortionate prices.

Mr. SMOOT. Why, Mr. President, the whole chemical schedule has grown out of war conditions. As to most of the items which the Senator has been criticizing, not a pound was made in the United States before the war, not a single pound; yet during the war and because of the war they developed into industries in this country.

Of course, Mr. President, some of the rates in the chemical schedule are higher than they were before the war, because previous to that time they were imposed simply for revenue purposes; they were not imposed for any other purpose.

Mr. KING. Does my colleague refer to the rates which are found in the pending bill?

Mr. SMOOT. No; I do not refer to the rates which are contained in this bill; I refer to those which were imposed in previous tariff laws. Mr. President, I can begin with the items in the first schedule, as to which my colleague has complained that the rates are higher than those which are imposed by the present law, and show that there is a reason for every one of those increases. That reason is that if we are going to establish and maintain these industries in this country—for they were started during the period of the war and for war purposes—it will be necessary for us to increase the rates and to make them protective rates rather than revenue rates, as was the case in the Payne-Aldrich law and also in the Underwood-Simmons law.

Mr. JONES of New Mexico. Mr. President——

Mr. KING. I merely desire to say one word further and then I will yield to the Senator from New Mexico.

Mr. SMOOT. As the items are reached in the bill, of course, I shall be willing to discuss them and show why the rates were increased or why they were decreased from the rates found in the bill as it came from the other House. There is, however, a good reason for each one of these increases, I will say to my colleague. It becomes a question of policy, and that question of policy is whether we shall manufacture these goods in the United States or whether they shall be imported here, as they were before the war. There is no question but that they will be imported here as they were before the war unless the protection shall be given to them which we propose to give in this bill. If we do not do that, the laboring man will have no chance at all to make those goods in this country, and there will be a great many more than at present who will be unemployed throughout the United States.

As to all other schedules in this bill, so far as the items themselves are concerned, outside of paragraphs 25 and 26—that is, as to the intermediates and the dyestuffs in the chemical schedule—the rates found in the bill may be justified without a question with, perhaps, three or four exceptions, as to which I myself feel the rates are exceedingly high.

Mr. KING. Mr. President, I regret that my colleague has planted himself among the embattled hosts of the "die-hards." I had hoped that he had become more liberal in his views respecting tariff rates. My colleague, Mr. President, if I understood him correctly, states that nearly all the items in this schedule were the result of the World War. I submit that my friend, if he goes through the schedule, will find that he is in error.

Mr. SMOOT. My colleague must have misunderstood me. I said that as to the rates which have been increased over and above those of the Payne-Aldrich law in nearly every case the increase has been the outgrowth of the war. I did not say that rates on common, ordinary sulphur black and many other items found in this schedule are the outgrowth of the war, but I did say that wherever there is a rate which has been increased above the rate in the Payne-Aldrich law there is a good reason for such action. The reason will generally be found to be that the growth of the industry was due to the war and that its development was brought about because of the fact that an article not theretofore produced in this country became absolutely necessary during the war.

When I refer to paragraphs 25 and 26, the junior Senator from Utah knows that they cover many different products which are found in this schedule. The Senator will also notice that the rates on some of the items in this schedule have been reduced, some of them more than one-half below the figures of the present law, but I have tried, so far as I could do so, to give absolute protection to new industries which I felt ought to be maintained in the United States by according to them such protective tariff rates as, after the most careful consideration, I decided in my own mind were absolutely necessary. That, however, Mr. President, does not apply to many of the items which are found in this bill, as I have already said; but when it comes to the maintenance of an industry in the United States which I am convinced in my very soul it is necessary to maintain, I am not going to hesitate a moment to vote to provide the necessary duty, particularly when it is an industry of importance such as some of the industries which have been established and which are absolutely necessary if we should again become involved in war.

Mr. JONES of New Mexico. Mr. President——

Mr. KING. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I was going to comment on the statement of the senior Senator from Utah [Mr. SMOOT] very much as the present occupant of the floor, the junior Senator from Utah [Mr. KING], has done. From what study I have made of this bill—and I may say that it is more than a casual study—I have found many instances which do not support the general statement which has been made by the senior Senator from Utah. I was glad to have him, however, modify his general statement and concede that as to many items

in the bill his general statement would not apply. I merely wish to observe that from my study of the bill the exceptions will come from just the opposite side of the question.

Mr. SMOOT. In order that there may be no misunderstanding, Mr. President, about the matter, let me take the very first item which the junior Senator from Utah [Mr. KING] has criticized; that is, acetic anhydride. The House of Representatives provided a protective rate of 8 cents, which the Senate committee cut to 5 cents a pound. In the Payne-Aldrich bill on acetic anhydride the duty was 2½ cents a pound; in the Underwood-Simmons law it was 2½ cents a pound. Why did the committee raise that rate 100 per cent; and is that increase actually necessary? I wish more Senators were present, for I think I could convince every Senator that it is absolutely necessary for that article to be protected by a duty of at least 5 cents a pound if we are going to continue to manufacture it in this country. It was never made here previously to the war; up to that time there was no such industry in the United States; and I need not remind the Senate how we suffered during the war because of that fact.

I am not going to take the time of the junior Senator from Utah now, but when that item is reached in the bill, and before the vote is taken upon it, I want to occupy a few moments to tell the Senate why that rate was increased and how necessary that commodity became to us during the war, when we were deprived of importations of it from foreign countries and had to depend on what we could produce in the United States. We were absolutely unprepared in every way.

I am positive that the American people under the circumstances are never going to object to the rate provided by the bill on this commodity; but I know that it devolves upon the committee or some member of the committee to explain it. When it is explained, all the speeches in the world claiming that this duty constitutes 100 per cent increase over the rate in the Payne-Aldrich bill will amount to nothing, because under the Payne-Aldrich bill the rate which was imposed was not for protection, for we did not make any of the commodity in this country at that time; its manufacture was unknown in America; and the 2½-cent rate was merely put on for revenue purposes and for nothing more nor less. So, when the Underwood-Simmons bill was enacted, exactly the same rate was imposed as was imposed by the Republicans in the Payne-Aldrich bill; and a rate of 2½ cents a pound was put on it. What for? For protection? No; but for revenue. Since the war the manufacture of acetic anhydride has become an industry of the United States; we are making over 1,250,000 pounds of it every year; and after full hearings we thought that a rate of 5 cents a pound should be imposed. The House, after full hearings, imposed a duty of 8 cents a pound on the commodity, but your committee figured just as closely as could be figured upon the testimony, weighing the arguments both for and against the rate, and came to the conclusion that a duty of 5 cents a pound would be sufficient; so they cut the rate from 8 cents to 5 cents.

Mr. KING. Mr. President, this is a digression from what I was about to consider. My colleague has emphasized so much the last item, acetic anhydride, that I am tempted to briefly call attention to the hearings. As I understood the last statement made by my colleague, it was to the effect that the committee had weighed the testimony for and against and had reached the conclusion that the rate of 5 cents per pound, or 100 per cent increase, is justifiable. I have gone through the record, I think very carefully, and the only testimony that I can find relative to acetic anhydride is on page 21 of the general hearings of the tariff revision before the Committee on Ways and Means. Let me read what is said. I read from the brief of the Dow Chemical Co. of Midland, Mich., as follows:

Paragraph 2, acetic anhydride: Present rate, 2½ cents per pound; suggested rate, 10 cents per pound, based on 100 per cent strength.

Acetic anhydride is used in the manufacture of acetyl salicylic acid (aspirin)—

That is aspirin, which is so important in medicine—

also in the manufacture of cellulose acetate, a noninflammable substance used in moving-picture films, and as a "dope" or varnish for airplane wings. The present duty of 2½ cents per pound has been in effect since 1909.

Senators should bear in mind that the extract I am reading is from the brief of a chemical company which is a very large concern and has been in existence for at least 30 years. It is an interested party and seeks benefits at the hands of Congress. I do not assert that during that entire period it has been engaged in the manufacture of acetic anhydride; indeed, it is stated in the beginning of the brief that—

The Dow Chemical Co. has been manufacturing bromine and bromides for 30 years, and chlorine and chlorine compounds for nearly 25 years. The plant started on a small scale and has increased its capacity from time to time.

I recall that it states with respect to one or more commodities it has competed with Germany, but I shall not refer to that at the present time. I recur to the extract dealing with acetic anhydride:

The present duty of 2½ cents per pound has been in effect since 1909, but did not result in the firm establishment of an acetic anhydride industry in this country—

I will return to that sentence in a moment.

The war made its manufacture here imperative, and sufficient production was achieved to supply all needs of the country. During the war the Government price was 85 cents per pound for 85 per cent strength. The market price at present is about 45 cents per pound. Its importance in the production of "dope" and in the manufacture of aspirin should warrant ample protection being given to this industry, new in the United States, in order that these products may continue to be manufactured in this country rather than imported.

So far as I have discovered that is the only testimony before the committee.

Mr. SMOOT. Mr. President, I know that there is not anything in this record of the history of this particular item; but Dow, I think, is the manager of the Midland Chemical Co. In 1908 and 1909, about the time these people started to make this product in the United States for the first time, Mr. Dow bought up a great deal of this product from Germany and shipped it into this country. They were dumping it into this country at the time for the very purpose of stopping any manufacturing of this article in the United States. He bought a great quantity of the German product and then reshipped it back into Germany, and it broke the German market.

Mr. KING. I think the Senator is in error. If he will pardon me, I will call his attention to just what the Dow Co. said:

The Dow Co. continued exporting bromides.

Mr. SMOOT. That was the bromide which was made from this article, which is the basis of it.

Mr. KING. He was speaking of bromides, not acetic anhydride.

Mr. SMOOT. I know it; but, I say, it is the basis; and at that particular time, after that was done, an agreement was reached between the Michigan people and the German people upon the question of bromides. A great many of these chemicals are related to one another, and anything that affects one affects the others, and unless one has studied the matter very carefully he hardly knows what effect a rate upon one of them would have upon 30, 40, 50, or 100 others. If this Chamber were a schoolroom, I know that we could get a chart and follow them clear through in every step from the raw material down to the last refined product; but I will say that I feel quite sure that the rates that I have spoken of on these items that have been created since the war can be justified without a question of a doubt.

Mr. KING. Mr. President, in view of my colleague's statement, I want to call attention to what the brief says. It may be, as my colleague says, that there is some relation between bromides and acetic anhydride, but I doubt it.

Mr. JONES of New Mexico. Mr. President, I call the Senator's attention to the report of the Tariff Commission as to that. I find in that report this statement:

Acetic anhydride, a colorless liquid with a strong acetic odor, is derived from acetic acid by the removal of water.

Mr. KING. "Anhydride" means the expulsion of the water.

Mr. JONES of New Mexico. Yes; the elimination of the water from the acetic acid.

Mr. KING. That is not a bromide.

Mr. JONES of New Mexico. Not at all.

Mr. KING. And what the statement submitted by the Dow Chemical Co. referred to was German competition in bromides and not acetic anhydride. This is the record:

The Dow Co. continued exporting bromides, and some time after the visit of the Germans consignments of bromides were landed in New York—

That, I suppose, is what my colleague was referring to—

and distributed at 15 cents per pound, the price in Germany being approximately 49 cents per pound, and the import duty 25 per cent ad valorem. The price in the United States at that time was about 30 cents per pound. Many jobbers stocked up on the German bromides, the Germans selling all they could at 15 cents per pound, and then reducing to 14 cents, to 13 cents, and the lowest offer being at 11 cents. This extended over a period of about three and three-fourths years, and the Dow Co. in the meantime had entirely ceased selling bromides in the United States, but continued to sell moderate amounts abroad, and during the last year of that period sold more bromides in Germany than the Germans sold in the United States, and it netted to Dow Co. very much more than the American price.

So that this competition from Germany, and the unfair practices of the German manufacturers and vendors, proved to be bread cast upon the waters so far as the Dow Chemical Co. was concerned, and augmented their exports and increased their profits.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. JONES of New Mexico. I desire to call attention to the summary of the Tariff Commission's report regarding the production of acetic anhydrite. It is stated here:

Acetic anhydrite is made by treating anhydrous sodium acetate with phosphorus chloride or sulphur chloride. Prior to the war little, if any, was made in this country. The war demand for airplane "dopes" and the expiration of the patents on aspirin caused a great stimulus to the industry. The production in 1919 (preliminary figures) was 1,213,200 pounds, valued at $578,600.

That is the present production.

Imports prior to 1915 were from Germany—

That is when the patent on aspirin expired—

and amounted to about 1,200,000 pounds in 1910 and 1911. They declined to about 300,000 pounds in 1913 and during the war were negligible. There have been no imports from 1919 to September 30, 1921, inclusive.

Mr. KING. Exactly.

Mr. JONES of New Mexico. Showing that since the war and after the expiration of the patent the production of this commodity has continued, and there were no importations of it from 1919 to September, 1921, which was the last date of this compilation of information.

Mr. SMOOT. Mr. President, does the Senator know the reason why there was no importation?

Mr. JONES of New Mexico. I take it that they are producing plenty of it in this country now.

Mr. SMOOT. No; the embargo says that they can not import it here. That is the reason why there has been no importation since 1919.

Mr. JONES of New Mexico. The Senator may possibly be right about that. I do not know.

Mr. SMOOT. I am quite sure I am right, Mr. President.

Mr. KING. The embargo was not put into effect in 1919.

Mr. SMOOT. The emergency tariff bill extended that embargo and the embargo is in force to-day, and as long as they can make aspirin in this country they will not allow any of it to come in from any other country.

Mr. JONES of New Mexico. What provision of the embargo act includes this item?

Mr. SMOOT. I have a copy of it here, and I will send it to the Senator, and if he will read Title V of the tariff act he will find the extension of the life of the embargo.

Mr. JONES of New Mexico. But I did not understand that that embargo included acetic anhydride.

Mr. SMOOT. It includes all of these chemicals, Mr. President.

Mr. JONES of New Mexico. Oh, no; not at all.

Mr. SMOOT. It includes every organic chemical.

Mr. JONES of New Mexico. Oh, no.

Mr. SMOOT. The Senator says, "Oh, no," but I can read it.

Mr. JONES of New Mexico. At least, I do not so understand. Of course I may be mistaken about it.

Mr. SMOOT. Mr. President, there is not a synthetic organic chemical made to which the embargo does not apply, and I think it so specifically states in Title V.

Mr. JONES of New Mexico. But acetic anhydride is not a synthetic chemical, as I understand.

Mr. SMOOT. Aspirin is, and that is what we were talking about; and so is acetic acid, as far as that is concerned.

Mr. JONES of New Mexico. Acetic acid is made by both processes; that is quite true; but acetic anhydride is made simply by taking the water out of the acetic acid, and is not included in the embargo act, if I have correctly understood it.

Mr. SMOOT. The Senator is mistaken. It is included in the embargo act, as he will see if he will look under Title V.

Mr. JONES of New Mexico. I understand that the Senator from Utah is possessed of a great deal of information; but he admitted a while ago that he was speaking in general terms, and I should like to have him point out specifically the provision in the embargo act which includes acetic anhydride.

Mr. SMOOT. It includes every synthetic organic chemical, and acetic anhydride is a synthetic chemical, and has been so held by the Government of the United States. There have been no importations into the United States since the first embargo act was passed, and there will not be as long as that embargo is in force, and that is why there have been no importations into this country.

Mr. KING. Mr. President, if what the senior Senator from Utah says is correct, then I charge that the embargo bill which was driven through the Senate was not only an outrage that calls for the condemnation of every patriotic American but it was a shameful fraud perpetrated upon the Senate, upon the House, and upon the country. Under the guise of protecting the dye industry, and against the judgment of many Republicans of national standing and of high standing in this body, a majority of the majority party in the House and Senate drove through the dye embargo, claiming that it was necessary to save the dye industry, which was essential to the national defense. The able Senator from Pennsylvania, Mr. Knox, whose demise is so much deplored, standing at his desk, made a brief speech in favor of the dye embargo, and contended that its maintenance was essential to the perpetuity of the dye industry, and that this industry was necessary in defense of the country. I stated then that Senators were hiding behind the ramparts of our soldiers in fighting for the dye embargo; that it was unnecessary, and that an embargo was in the interest of a powerful monopoly. I charge it now. It was a wrong and a patent fraud upon the people.

Now, my distinguished colleague says that the embargo went farther and extended to all synthetic organic chemical compounds, and includes acetic acid and acetic anhydride and aspirin as one of the products of acetic anhydride.

I shall not stop to analyze that statement, but I repeat what I said a moment ago—that if the embargo is so comprehensive, then a fraud was perpetrated upon the Senate and upon the American public. I believe that not all of the Senators and I think not a majority of them when they voted for the emergency tariff bill, including the dye embargo, understood that the embargo provision was to act as a prohibition of the importation of all the products which seem to be embraced within the category referred to by my distinguished colleague.

Mr. SMOOT. This is what the law says:

And no synthetic organic drugs or synthetic organic chemicals shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the Secretary determines that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions in sufficient quantity and on reasonable terms as to quality, price, and delivery, and that such article in the quantity to be admitted is required for consumption by an actual consumer in the United States or in any of its possessions within six months after the receipt of the merchandise.

The Senator knows, of course, that I voted against it.

Mr. KING. I know that; the Senator and I were in accord on that measure.

Mr. SMOOT. There is no question but what acetic anhydride is a synthetically produced chemical, and they could not hold otherwise in the department than that it is, under the provision of the law I just read.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Utah yield to the Senator from New Mexico?

Mr. KING. I yield.

Mr. JONES of New Mexico. The language of the statute uses just the general expression "no synthetic organic drugs or synthetic organic chemicals." I do not understand that acetic anhydride is a synthetic drug or chemical. The crude product made in this country is made from distillation of hardwood. From that you get three products. You get alcohol, you get acetate of lime, and you get charcoal. Acetate of lime is the crude material from which is produced acetic acid, and from the acetic acid the water is taken, and that produces acetic anhydride.

Mr. SMOOT. That is the bold statement that is made here, but there is another acid necessary in order to make acetic acid into acetic anhydride.

Mr. JONES of New Mexico. Acetic acid is now made by a synthetic process at Shawinigan Falls, in Canada, and that is the only place where acetic acid is made by the synthetic process; but the acetic anhydride is not made by a synthetic process, as I understand the term. Acetic acid, the product from which the acetic anhydride is derived, is made by both processes, acetic acid by the synthetic process in Shawinigan Falls, and acetic acid made from acetate of lime through wood distillation.

Mr. SMOOT. I want to say to the Senator that if he will ask the Tariff Commission they will tell him that acetic anhydride is produced by a synthetic process. It is not a question of just taking out the water, as the Senator said. The acetic anhydride is made from acetic acid, as the Senator said. There is no doubt about that. But another acid is necessary in order to transfer the acetic acid into acetic anhydride, and therefore it becomes a synthetic process. That is why the department classifies it as a synthetic chemical, and it is prohibited from coming into this country under the law.

Mr. JONES of New Mexico. I should like to call the Senator's attention to another provision of that statute. I will read it again:

That on and after the day following the enactment of this act for a period of three months no sodium nitrate, no dyes or dyestuffs, including crudes and intermediates, no product or products derived di-

rectly or indirectly from coal tar, including crudes, intermediates, finished or partly finished products, mixtures, and compounds of such coal-tar products, synthetic organic drugs or synthetic organic chemicals, shall be admitted to entry or delivered from customs custody in the United States or in any of its possessions unless the Secretary determines that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions in sufficient quantity and on reasonable terms as to quality, price, and delivery, and that such article in the quantity to be admitted is required for consumption by an actual consumer in the United States or in any of its possessions within six months after the receipt of the merchandise.

I call attention to the fact that that section of the act could not have applied in this case unless there was a lack of that commodity in the United States. Therefore, at the time of the passage of this act there was being produced in this country sufficient acetic anhydride to meet all demands, and it was not made by any synthetic process.

Mr. SMOOT. I will state to the Senator that if he will ask any of the tariff experts or if he will call up the Treasury Department on the telephone they will tell him it is a synthetic chemical and made by a synthetic process. The very reason the embargo applied was because of the fact that at the time of the passage of the act containing the embargo provision we were making enough in this country to supply the demands of America.

Mr. JONES of New Mexico. Referring to another phase of the situation, the information which we have is that none of it was produced in this country because of a patent on the process, and that patent has expired.

Mr. SMOOT. There was no patent on this process, but there was a patent as to aspirin.

Mr. JONES of New Mexico. I refer to the production of aspirin.

Mr. SMOOT. The Senator's statement is correct as to that.

Mr. JONES of New Mexico. In the production of that article this product is used, and that was a patented process, and that is the reason why there was no production in this country beforehand. I suppose the senior Senator from Utah will make inquiry as to why this duty is imposed in this amount, even though its importation at this time is prohibited by the embargo act. But I should really like to know whether there is a ruling of the department that this acetic anhydride is the result of a synthetic process.

Mr. SMOOT. The Senator can find out in five minutes by going to the phone and calling up the Treasury Department.

Mr. JONES of New Mexico. I supposed the Senator from Utah would have the information at hand.

Mr. SMOOT. I have it at hand, and I will say to the Senator that there is no question but that it is the ruling of the Treasury Department that it is a synthetic chemical and is embargoed from coming into the United States. That is the reason there is no importation.

Mr. KING. Mr. President, if the Treasury Department makes that ruling with respect to the article under discussion, acetic anhydride, made as a product from the distillation of wood, they are violating the law. I affirm the accuracy of what the Senator from New Mexico has stated.

Mr. SMOOT. Mr. President, the Senator is wrong in inferring that it is a direct product from the distillation of wood. It is not a product of the distillation of wood. Acetic acid is; but another chemical is needed in order to make acetic anhydride, and therefore it becomes a synthetic process, and I think the decision of the Treasury Department is absolutely correct. If it were made from a distillation of wood, then my colleague would be correct and the Senator from New Mexico would be correct; but it is not. It is made by the addition of another chemical to acetic acid, and therefore it becomes a synthetic process.

Mr. KING. I have been diverted, and I intend to get back to the Dow brief before I get through. But I repeat what I was stating when the senior Senator from Utah last addressed the Chair. Acetic anhydride when not made as it is made in Canada, by a sort of electric process and from carbide, but made as it is made by the Dow Chemical Co., does not come within the category of a synthetic chemical product, so as to be entitled to the benefits of the injunction imposed by the emergency tariff law.

Mr. SMOOT. Acetic anhydride is not made from calcium carbide.

Mr. KING. I did not say it was.

Mr. SMOOT. It can not be made in that way.

Mr. KING. I did not say it was made that way in the United States. I said, in effect, that if it were made from calcium carbide, then there might be merit in the contention made by my colleague, but to repeat, reading from the tariff summary, what the Senator from New Mexico read a moment ago:

Acetic anhydride, a colorless liquid with a strong acetic odor, is derived from acetic acid by the removal of water.

It is used in the manufacture of acetyl salycylic acid (aspirin) and cellulose acetate.

Acetic anhydride is made by treating anhydrous sodium acetate with phosphorous chloride or sulphur chloride.

The Dow Chemical Co. make it, and make it, as I understand, from a distillation of wood; but when we reach this item there may be further discussion upon this matter.

I was calling attention to the brief submitted by the Dow Chemical Co. of Michigan. The brief refers to the competition from Germany with respect to bromides, not acetic acid or acetic anhydride.

Referring to the suggestion of my colleague that we telephone the Treasury Department, I left the Chamber for a moment and had the Treasury Department called, and this message has just been handed to me:

The dye and chemical control section of the Treasury Department have never ruled on acetic anhydride. It has not been embargoed under the provision covering synthetic organic chemicals in the emergency tariff act.

So my colleague, or the Treasury Department, one or the other, is wrong.

Mr. SMOOT. I do not know how that question was put to the Treasury Department. I say that I can go to the Treasury Department and ask for a decision as to whether that is a synthetic chemical or not, and I know they will say it is a synthetic chemical. It may be true that no one has ever asked that it be ruled upon, but I say now that any chemical manufacturer knows that it is a synthetic process. Perhaps no request for a ruling has ever been made of the Treasury of the United States. That does not mean that it is not a synthetic chemical. That message says that a ruling has never been made, but anybody in the United States who makes it knows that it is a synthetic process and falls under the embargo.

Mr. KING. My distinguished colleague said in his answer to the Senator from New Mexico, and in his general discussion, as I understood him, that the Treasury Department had ruled upon it, and that the reason why there were no importations was because acetic anhydride was covered by the embargo.

Mr. SMOOT. This is the statement I made, that if they would ask the Treasury Department as to whether this was a synthetic chemical or not I am sure they would say that it is, and that the reason why there had been no importations of it into the United States was because of the embargo. I feel just as sure as I live that that is right. The Dow Co. of Michigan do not make any distillation of wood. They buy acetic acid and put in the other acid in order to make it into acetic anhydride. That very process makes it a synthetic product. It is not made from the distillation of wood, in the first place. It is made into acetic acid first, and from that it is made into acetic anhydride.

Mr. KING. My colleague stated that one reason why there were no importations was because acetic anhydride came within the terms of the embargo.

Mr. SMOOT. And I say so again.

Mr. KING. If that be correct, then doubtless there must have been some effort to import it and there must have been some ruling.

Mr. SMOOT. Not necessarily, because of the very fact that every manufacturer knows that it is a synthetic product. Why should they bring up a question upon which they know the ruling would be against them?

Mr. KING. There has been no ruling, as I am advised by the department. If there has been no ruling, of course, I can not say what the Treasury Department might do, and prophecy would be of no utility. It is dangerous to predict as to what appears to be matters of certitude. The law is supposed to be a fixed science, and yet we are unsafe in hazarding opinions as to what the decision of a court will be. I do not know what the decision of the Treasury Department will be if it has not already ruled, and the matter should be submitted for its determination. But I do say this, that if the Treasury Department should rule that acetic anhydride, which is or may be the product of wood distillation, was a synthetic organic chemical product which came within the terms of the emergency tariff act, in my humble opinion their decision would be wrong.

Of course, what my judgment may be upon the matter is wholly immaterial. I am not a chemist. It would be the height of vanity for me to stand here and claim that I know all about these chemical compounds. I do not. I have only a general and, indeed, limited knowledge. I have tried to study the schedule under consideration and to reach the sources of in-

formation bearing upon the various products. I seek only the truth and the facts to enable me to exercise an honest, intelligent, just, and righteous judgment upon these important questions. I have no interest other than that. I have no client to service. I have no one whom I wish to please. My own conscience and my own judgment are the only guide that I have or will have in the consideration of this schedule, or any question which comes before this body. I shall respect the opinion and judgment of others, and seek all possible light, but when action is to be taken I must act upon my own responsibility. I shall vote upon this and upon all schedules as I see the light and as I understand the truth.

Mr. SMOOT. Mr. President, does my colleague hold that camphor is a synthetically produced article?

Mr. KING. When we come to camphor I may discuss that question.

Mr. SMOOT. I only want to make a comparison. I do not think anyone will say that that has not been ruled by the Treasury Department as a synthetic chemical, and the embargo absolutely is against it and was against it, I will say to my colleague, when we were exporting hundreds of thousands of pounds of it. Now, synthetic camphor is made from what? It is made from the extract of turpentine coming from a tree. That turpentine is not a synthetic chemical any more than acetic acid is, but when it is made into camphor it is done by a synthetic process, and it is embargoed, just the same as acetic anhydride is made from the extract of a wood, first into acetic acid, and acetic acid is then made into acetic anhydride. That is a synthetic process and it is a synthetic chemical. One is from wood and the other is from turpentine.

Mr. KING. Mr. President, we have had the views of the senior Senator from Utah. I have expressed what I understand to be the attitude of the Treasury Department. I have with some temerity suggested that in my opinion it was never intended by the Senate that the emergency tariff law which we passed was going to operate to enable the Chemical Trust and the dye monopoly of the United States to inhibit the introduction into the United States of all these items which, as I understand my distinguished friend, are subject to the terms of the embargo.

I can only repeat that if the embargo act means what my able and distinguished colleague says it means, it emphasizes—I was about to say and I hope it is not unparliamentary—its damnable iniquity. Under the guise of helping the du Pont corporation and other corporations engaged in making dyes, we passed what all thought to be a "dye embargo act." Now we are to understand that it has been extended in its operations and has been interpreted or will be interpreted by the Treasury Department to inhibit the importation of camphor and all sorts of medicines and drugs and compounds, such as acetic acid and camphor and hundreds of others that will readily suggest themselves to the minds of Senators. My friend may be right. It may be so interpreted.

I can only repeat, and I want to emphasize it, that if it is so interpreted, then it proves how greatly the Senate was imposed upon, how the country was imposed upon, and it shows the necessity for scrutinizing every word and comma and paragraph in the pending bill. There may be jokers and dangers lurking in each paragraph. Mr. President, when this bill becomes a law the American people will be bound and gagged and dragged behind the chariot of corporations, and trusts, and combines, and dye monopolies which are trying to strangle competition and to plunder the American people.

We will find in the galleries now representatives of some of these trusts and combines and the dye monopoly. We will find them in the corridors. They will be found in the city waiting for the passage of this bill to prey upon the American people. We are going to drive them out if we can and expose the evils of this bill which is now before us.

Now, Mr. President, I am going to finish the Dow statement "if it takes all summer." The position was taken by my colleague that there were such enormous importations of acetic acid that it practically destroyed the industry in the United States. I was calling attention to the Dow Co.'s brief on page 21 of the hearings. There is not a word about competition in the manufacture of acetic anhydride; the competition relates to bromides; there was competition from Germany in bromide, not in acetic anhydride. I read from the brief:

The Dow Chemical Co. has been manufacturing bromine and bromides for 30 years, and chlorine and chlorine compounds for nearly 25 years. The plant started on a small scale and has increased its capacity from time to time.

I venture the assertion, if we had all the facts, that there has not been a single dollar of new capital put into the corporation for years, but the expansion has been the result of the profits which have been made. As to that I make no positive statement, nor am I complaining.

About the year 1905 the production of bromides in this country was in excess of the consumption.

They were able to compete with Germany and the production was greater than the consumption. Of course, they had to seek markets in the world, all of which shows that the American chemist and the American manufacturer and the American men of genius can meet most world competition. They do not have to play the baby act as some now are, who are crying and whining for embargoes and prohibitory tariffs so as to prevent any possible foreign competition in order that they may have control of the domestic market and be in a position to exploit the American people.

I continue reading from the Dow brief:

About the year 1905 the production of bromides in this country was in excess of the consumption and we made some shipments of bromides to England. This act incurred the displeasure of the German producers, who dispatched an agent to this country.

Then comes what my colleague referred to, and then follows this statement:

The Dow Co. continued exporting bromides, and some time after the visit of the German consignments of bromides were landed in New York and distributed at 15 cents per pound, the price in Germany being approximately 49 cents per pound and the import duty 25 per cent ad valorem. The price in the United States at that time was about 30 cents per pound. Many jobbers stocked up on the German bromides, the Germans selling all they could at 15 cents per pound, and then reducing to 14 cents, to 13 cents, and the lowest offer being at 11 cents. This extended over a period of about three and three-fourths years, and the Dow Co. in the meantime had entirely ceased selling bromides in the United States, but continued to sell moderate amounts abroad, and during the last year of that period sold more bromides in Germany than the Germans sold in the United States, and it netted to Dow Co. very much more than the American price.

So, as I said a moment ago, before these colloquies occurred it was like bread cast upon the water. They profited by the German invasion of the domestic market.

The only thing that prevented the Dow Co. from being eliminated from the bromide business was the high tariff, which handicapped the Germans to such an extent that they ultimately gave up the fight.

The Dow Co. increased in size and gradually took up the manufacture of other products, including various insecticides, chloroform, and carbon tetrachloride. A few years before the beginning of the war research and development work was started for producing magnesium compounds and a plant installed, which was nearing completion when the war broke out. We were thus able to produce Epsom salts and magnesium chloride in large quantities. A change was made in the design of the electrolytic cells producing chlorine, so that caustic soda was also made, and a large plant was built to furnish this product on a commercial basis.

I pass to acetic anhydride, which I read a few moments ago, and in which it was said that—

acetic anhydride is used in the manufacture of acetyl salicylic acid (aspirin); also in the manufacture of cellulose acetate, a noninflammable substance used in moving-picture films, and as a "dope" or varnish for airplane wings.

The present duty, as stated in the Dow brief, is 2½ cents a pound.

The Senator from New Mexico [Mr. JONES] called attention a few moments ago to the fact that in 1913, which was before the war, before the embargo act, when Germany was supposed to be omnipotent and regnant in the chemical field of the world, the production in the United States had assumed considerable proportions.

Mr. President, that is all I find in the hearings about acetic anhydride. I recall that the American Carbide and Carbon Trust, with its more than $230,000,000 capital, did not appear in the hearings at the outset, but later on, as I recall, they filed a statement by way of reply to the Dow brief from which I have been reading.

I was calling attention, Mr. President, to this Carbide Trust because, I respectfully submit, the facts will demonstrate before we get through with this debate that the Carbide Trust, directly or indirectly, is back of the demand for a tariff upon acetic anhydride and acetic acid and synthetic or other products that have been or may in the future be produced by this great organization and its subsidiary companies.

I referred a moment ago to paragraph 2 of this schedule. Undoubtedly it is the Carbide Trust that is back of the demand for a tariff upon the articles mentioned in paragraph 2. We shall discuss them when they are reached; permit me to call attention to the Carbide Trust for a moment, so that we may have a proper background and get the proper atmosphere.

The Union Carbide & Carbon Corporation has a large number of subsidiary corporations with interlocking directorates. One of its subsidiaries, the Union Carbide Co., was organized in 1898 with a capital of $14,000,000, all common shares with a par value of $100. The dividends which have been reported—

I do not know whether or not they comprise all the dividends—were: In 1905, 5 per cent cash; in 1906, 5¾ per cent cash; in 1907, 6 per cent cash; in 1908, 6 per cent cash and a 40 per cent stock dividend; in 1909, 6 per cent cash; in 1910, 6 per cent cash; in 1911, 8 per cent cash; in 1912, 10 per cent cash; in 1913, 10 per cent cash and 12½ per cent in common stock of the Oxweld Acetylene Co.; in 1914, 10 per cent cash and a 40 per cent stock dividend; in 1915, 8 per cent cash; in 1916, 8 per cent cash and again a 40 per cent stock dividend—an 80 per cent stock dividend in the two years besides the enormous cash dividend—in 1917, 8 per cent cash; and in 1918, 8 per cent cash.

In 1912 the stockholders of record were given the right to subscribe at par to 10 per cent of their holdings, or $1,089,780. The capital stock, by various processes which I shall not pause to discuss, was enormously increased.

In 1918 the Union Carbide Co. was absorbed by the Union Carbide & Carbon Corporation.

I have examined Moody's Manual and I also have here the Directory of Directors in the City of New York, 1919–20, which seems to be an accepted authority. Moody's Manual shows that in 1920—this information is from the industrial section of that manual—that the Union Carbide & Carbon Corporation and affiliated concerns had the enormous capital of which I have spoken. These are the officers of this great corporation and some of its subsidiaries: Myron T. Herrick, of Ohio, is chairman of the board and a director. He is also a director of the National Carbon Co., one of the subsidiaries. George O. Knapp is president and director, and also vice president of the Electro-Metallurgical Co.

Recurring to Mr. Herrick, he is also chairman of the board of directors of Bonbright & Co.; a director of the Cleveland Hardware Co.; vice president and director of the Degnon Contracting Co.; a director of the Degnon Realty & Terminal Improvement Co.; a director of the Erie Railroad Co.; a director of Herrick-Parmelee Co.; a director of the National Surety Co.; a director of the New York Life Insurance Co.; of the Society for Savings, Cleveland, he is president and trustee; and of the Union Carbide & Carbon Corporation he is chairman of the board of directors, as I have indicated.

Mr. Knapp—and I read from the Directory of Directors—George O. Knapp, 30 East Forty-second Street, Kings County Lighting Co., director; Lake George Real Estate Co., director; Memphis Consolidated Gas & Electric Co., director; Union Carbide Co., president and director.

Reading further from the Directory of Directors, Edgar F. Price, vice president and general manager of Union Carbide Co., 30 East Forty-second Street, New York; Electric Furnace Products Co. (Ltd.), president and director; Electro-Metallurgical Co., president and director; Michigan Northern Power Co., president and director; Northern Industrial Power Co., president and director; Northern Terminal Railways, president and director; Union Carbide Co. of Canada (Ltd.), president and director. He is likewise, as stated, vice president of the Union Carbide & Carbon Corporation and president and director of the National Carbon Co., director of the Prest-O-Lite Co. I think that comprises all of the information as to him which I have collated.

Mr. M. J. Carney, vice president of the Union Carbide & Carbon Corporation, 30 Forty-second Street, New York; Gamewell Fire Alarm & Telegraph Co., director; National Carbon Co. (Inc.), director; Oxweld Acetylene Co., president and director; Oxweld Railroad Service Co., president and director; Prest-O-Lite Co. (Inc.), president and director.

Nicholas F. Brady is director of the Union Carbide Co., and is also president and trustee of the New York Edison Co.; director of the Anaconda Copper Co.; director of the Argus Co.; director of the Astoria Light, Heat & Power Co.; director of the Atlantic & Gulf Petroleum Co.; director of the Broadway Subway & Home Borough Car Advertising Co.; president of the Brooklyn Edison Co. and chairman of the board of directors; director of the Brooklyn Heights Railroad Co.; director of the Brooklyn, Queens County & Suburban Railroad Co.; chairman of the board of directors of the Brooklyn Rapid Transit Co.; director of the Central New York Power Co. I will not read further. There must be 10 or 15 or more companies with which he is affiliated, found on page 83 of the Directory of Directors in the City of New York, 1919–20.

Cornelius K. G. Billings, 30 East Forty-second Street, New York City, director Kings County Lighting Co.; director of the Union Carbide & Carbon Corporation; director of the Union Carbide Co., which, of course, is one of the affiliated organizations or subordinates of the huge company which has absorbed so many other organizations.

I have here, Mr. President, the names of all directors of this corporation and its subsidiaries and the various other positions which they occupy in the financial and industrial world. In order not to show any invidious distinction I will put in the RECORD the names without giving all the positions which they occupy.

Mr. J. J. Ricks is vice president of the parent company, the Union Carbide & Carbon Corporation. He is also director of the subsidiary Union Carbide Co., which has been swallowed up; director of the National Carbon Co., the Electro-Metallurgical Co., vice president and director of the Michigan Northern Power Co.

Mr. Giles W. Mead is vice president and treasurer of the parent organization, and vice president and director of the Union Carbide Co.; vice president and director of the National Carbon Co.; vice president and director of the Linde Air Products Co.; director Prest-O-Lite Co.; director of the Electro-Metallurgical Co., and director of the Michigan Northern Power Co.

I will merely state the remainder of the names, without giving all of their associations:

Charles A. Coffin, New York; G. W. Davidson, New York; F. C. Walcot, New York; Walton Ferguson, New York; James Parmelee, Cleveland; James A. Allison, Indianapolis; Andrew Squire, Cleveland; E. S. Whitney, P. A. Rose, W. M. Beard, W. F. Barrett, B. O'Shea, F. A. Wilson, and W. J. Knapp.

The subsidiary companies that have been absorbed by this parent company are, as I recall them, Union Carbide Co., National Carbon Co., Electro-Metallurgical Co., Prest-O-Lite Co., Oxweld Acetylene Co., Linde Air Products Co., and Oxweld Railroad Service Corporation. All of those companies, I should state, the parent company does not wholly own; that is, it controls some of them, and it owns some; and it controls the Michigan Northern Power Co., the Union Carbide Co. of Canada (Ltd.), the Electric Furnace Products Co. (Ltd.), the Oxweld Railroad Service Co., the Haynes Stellite Co., and the Dominion Oxygen Co. (Ltd.).

So, Mr. President, this Union Carbide & Carbon Co., with its more than $230,000,000 of capital, and with its subsidiary organizations, in my opinion is not in a very advantageous position to appear here demanding these extortionate tariff rates; and yet it is directly and indirectly to be benefited by this bill, and directly and indirectly benefited by this enormous increase in the tariff rates fixed upon acetic acid, and in the end upon acetic anhydride.

Mr. President, I am willing at this time that a vote shall be taken upon the first amendment to the bill.

The VICE PRESIDENT. The first amendment has been agreed to.

Mr. KING. Very well.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 2, line 7, after the word "containing," it is proposed to insert the words "by weight."

Mr. KING. I do not ask for a record vote.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 2, line 8, after the words "acetic anhydride," to strike out "8" and insert "5," so as to read:

Acetic anhydride, 5 cents per pound.

Mr. GERRY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Broussard	Jones, Wash.	Oddie	Stanley
Calder	Kellogg	Overman	Sterling
Caraway	Keyes	Page	Townsend
Curtis	King	Phipps	Trammell
Fletcher	La Follette	Pittman	Underwood
Gerry	Lenroot	Poindexter	Wadsworth
Glass	Lodge	Robinson	Warren
Harris	McCumber	Sheppard	Watson, Ga.
Heflin	McNary	Simmons	Williams
Hitchcock	Moses	Smoot	Willis
Jones, N. Mex.	Newberry	Spencer	

The VICE PRESIDENT. Forty-three Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Ball	Gooding	Myers	Swanson
Bursum	Hale	Nicholson	Walsh, Mont.
Capper	Harreld	Norbeck	Watson, Ind.
Cummins	Harrison	Pomerene	
Dillingham	Kendrick	Rawson	
Frelinghuysen	McKellar	Sutherland	

The VICE PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

Mr. KING. Mr. President, I move to amend the amendment offered by the committee by striking out the figure "5" and inserting in lieu thereof the figures "2½," so that it will read:

Acetic anhydride, 2½ cents per pound.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 9, it is proposed to amend the committee amendment by striking out "5" and inserting "2½."

Mr. KING. Mr. President, just a few words.

This commodity is obtained from anhydrous sodium acetate, which is obtained from acetic acid. Acetic anhydride is used in the manufacture of aspirin, which, as Senators know, is a widely known medicinal preparation used for the treatment of colds, influenza, and pneumonia. It is also used in the manufacture of cellulose acetate, which during the war was employed for covering the wings of airplanes.

I know that Republican Senators are going to vote for the committee recommendations, and that any argument would be wholly unavailing; but I want them to know what they are voting for.

Acetic anhydride of 85 per cent strength was selling on the 10th of April at from 37 to 55 cents per pound. The pre-war price quoted was 15 cents per pound. The domestic trust has maintained these high prices, and during the war it imposed varying prices, reaching as high as $2 per pound, until the Government fixed the price at 85 cents a pound. From 13 to 15 cents prior to the war was the wholesale price, and now we have these enormous prices—37 to 55 cents a pound—for 85 per cent pure.

The tariff rates in the Senate bill are fixed at 5 cents per pound, 100 per cent more than the rates fixed in the infamous Payne-Aldrich Tariff Act—100 per cent more, with an industry established, with prices now 300 per cent or more above pre-war prices—and yet the Republican Finance Committee proposes to increase the tariff rates 100 per cent.

Mr. President, nothing more need be said. It is proposed by this bill that the people be turned over to be plundered by the chemical trusts and by other combinations which are oppressing and seek opportunity to continue their oppression of the American people.

I am ready for a vote.

Mr. McCUMBER. Mr. President, before voting I also desire to have not only the Republican side but the Democratic side understand exactly what the committee has done.

As the House sent the bill to the Senate it provided 8 cents per pound on this product. The Senate committee cut it from 8 cents to 5 cents per pound. The present price is about 37 cents per pound. Five cents, therefore, is the equivalent of a 14 per cent ad valorem duty, which I think we must all admit is a low duty.

The importation of this article was stopped by the dye control. The present wholesale price, as I have stated, is 37 cents. The duty will be 5 cents a pound, the equivalent of 14 per cent on the basis of 37 cents per pound.

Mr. KING. The Senator speaks of 8 cents as being the House rate. Of course, that was based upon the American valuation plan?

Mr. McCUMBER. No; this is a specific duty. Let us see what the importations were and what they are likely to be and see if 14 per cent ad valorem duty is an excessive duty. The production in the United States in 1919, the last year for which we have figures, was 1,213,200 pounds, valued at $578,600, or 48 cents per pound.

In 1910, with a 2½-cent per pound rate, which was the rate in the Underwood law, 1,200,000 pounds were imported. There was more imported than was produced in the entire United States in 1919. That was valued at $248,000, or 19 cents per pound.

In 1911, at a 2½-cent per pound rate, 1,200,000 pounds were imported, valued at $219,000, or 19 cents per pound.

So, Mr. President, we see that such importations of this commodity as came in under the old tariff law would undoubtedly drive everything out of the market at the present prices. It is true that the prices of all commodities are very much higher than they were in 1914, and therefore, in order to have a protective tariff, the rate must be somewhat higher than in 1914, but with the rate we have placed upon it, the equivalent of 14 per cent ad valorem, we thought that the American manufacturer will have about an even chance in the American market.

Mr. SMOOT. Mr. President, I want to say to the Senator from North Dakota that in 1914 and 1913, before the war, we manufactured none of this chemical in the United States. The industry was entirely built up by the war. The rate in the Payne-Aldrich law was 2½ cents a pound, and that was a revenue measure. The Underwood-Simmons law contained exactly the same rate. We did not make it in this country. In order to make it here, as a war product entirely, we would have to have a rate of at least 5 cents a pound.

Mr. FLETCHER. Mr. President, the statistics show that whereas the importations were 1,200,000 pounds in 1910 and in 1911, they declined to about 300,000 pounds in 1913, and during the war they were negligible. They actually declined in 1913 to 300,000 pounds, when the rate was 2½ cents a pound.

Mr. SMOOT. There was a reason for that. The decline in the consumption of acetic anhydride was due to the abandonment of the manufacture of cellulose acetate for photographic purposes during that year. That is why the importation fell off. There are no importations now, because there is an embargo against it. They do not allow it to come in.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

Mr. JONES of New Mexico. I desire to ask the Senator from North Dakota if he has any information as to the amount of the profit which is being made by the manufacturers of acetic anhydride at the price which he has quoted?

Mr. McCUMBER. Mr. President, I have no definite information, of course, as to what profit is being made. The only evidence we have before the committee at the present time is that they are making practically no profit under present conditions. This, as the Senator from Utah [Mr. SMOOT] has stated, is an industry that was created during the war. We had no manufactures of acetic anhydride until it was protected under the war legislation and afterwards under the embargo. Now, we are producing all we need for our home consumption, and, while I have not the figures right before me now, I think that we are paying about one-fifth of what we paid during the war for this commodity. There has been a great reduction in all these chemicals since the embargo was placed against the importation of them.

Mr. JONES of New Mexico. Mr. President, I am not going to consume any length of time, as we will vote in just a minute, I hope, but I want to make this observation: Acetic anhydride is used in the making of aspirin, a medicine which is known to everybody. It was not manufactured in this country prior to the war because it was a patented process. The patent expired, but it did not expire before the war, so that aspirin could be made in this country. Therefore we have no statistics at all as to the cost of the manufacture of aspirin now in this country or in any other country. There is not a word of evidence as to the cost of production. It may be a very cheap, simple process, for all I know. There is nothing in the way of evidence in this case on one side or the other. We have not even been furnished with the prices of aspirin in Germany, where it was made prior to the war under the patented process, so far as I am advised, and all in the world we have is the fact that aspirin is now kept out of this country by reason of the embargo act, and that the present price in the United States is 37½ cents per pound. We know nothing about the profit which is made, except the very general statement which the Senator from North Dakota has just made, that these companies, producing a variety of articles, are not making money; and we do not know where that statement comes from.

Mr. KING. Mr. President, with respect to this particular item, the only testimony in the record is found on page 21 of the hearings before the House Committee on Ways and Means. We find a brief submitted by the Dow Chemical Co., and there is in it just one paragraph relating to this particular product. There is not a single word in the brief to the effect that they are not making profits. So, when the Senator from North Dakota says the business is unprofitable, I submit there is not a thing in the record to justify that statement.

Mr. JONES of New Mexico. The testimony to which the junior Senator from Utah has just referred was taken in the House hearings, I believe. In the Senate hearings the words "acetic anhydride" were not mentioned in the testimony from one end of the record to the other. In the so-called Reynolds report as to prices, and so on, no prices were obtained as to acetic anhydride.

Mr. SMOOT. I will say while the Senator is present that there is nothing in the Reynolds report referring to any specific duty in the bill. It referred only to ad valorem duties. The only reason why those people did not come before the Senate committee was that the House gave them 8 cents a pound, and they were perfectly satisfied with that, but we cut it from 8 cents to 5.

Mr. JONES of New Mexico. That, I think, is a very flimsy reason for the action of the Senate committee. The House, without any evidence before it upon which to base a rate, raised the duty from 2½ cents to 8 cents, and when the bill came into the Senate Finance Committee, without taking any other testimony, they arbitrarily reduced it to 5 cents, I suppose just on the general principle that the House rate was too high. There is no rhyme or reason in connection with this action of the Senate Finance Committee.

Mr. KING. Mr. President, I ask to have inserted in the RECORD what I think is a complete refutation of the arguments in favor of the rate submitted by the committee, the report found in one of the Tariff Information Surveys issued by the Tariff Commission under the head of "Acetic anhydride." It comprises two and a fraction pages. There is a vast amount of information as to the entire subject in it, and I ask that it be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ACETIC ANHYDRIDE.

[Paragraph 2, act of 1913, 2½ cents per pound.]

GENERAL INFORMATION.

Description and uses: Acetic anhydride, acetyl oxide, acetic oxide, or so-called "anhydrous acetic acid," is a chemical compound derived from acetic acid by the removal of water. It has the chemical formula $(CH_3CO)_2O$. Acetic anhydride is a colorless liquid which has a strong acetic odor. It has a specific gravity of 1.08 and boils at about 138° C. The vapors of acetic anhydride have an irritating effect on the eyes which causes a copious flow of tears. Acetic anhydride is corrosive in its action on the skin and should be handled with care.

A good grade of acetic anhydride should be water-white, should contain no chlorides, should not destroy the color of permanganate, and should leave a nonweighable residue on evaporation. The commercial grade contains about 90 per cent of acetic anhydride, the remaining percentage being chiefly acetic acid.

Acetic anhydride combines with water to form acetic acid. This combination proceeds very slowly in the cold but is greatly hastened by warming. The vapors of acetic anhydride have a very destructive action on most of the metals.

It is used chiefly in the manufacture of acetyl salicylic acid (aspirin) and cellulose acetate. It also has minor uses in organic analysis and synthesis.

SALT OF SODIUM.

Raw materials: Acetic anhydride on an industrial scale is manufactured from an alkali acetate, usually sodium acetate, as the basic raw material. Phosphorous chloride or sulphur chloride are also used in the process of manufacture. (See report on sulphur chloride.) It is usually produced in conjunction with other chlorine products or by manufacturers of pharmaceutical chemicals such as acetyl salicylic acid (aspirin).

Process of manufacture: Acetic anhydride on a commercial scale is made by the action of sulphur chloride on fused sodium acetate. The sodium acetate as usually purchased on the market contains water of crystallization. The sodium acetate is, therefore, thoroughly dried, usually by fusing. The fused sodium acetate is then ground to a powder and subjected to the action of the phosphorous chloride or sulphur chloride in an iron retort. The sodium acetate is converted into acetic anhydride, which is then distilled out of the retort, usually under a vacuum. The crude acetic anhydride is then redistilled, usually in a glass-enameled still, the distillate coming over between the temperatures of 130° and 140°, being taken as acetic anhydride.

Phosphorous chloride is used in the above process instead of the sulphur chloride when a very pure product is desired. However, phosphorous chloride is a more expensive reagent than the sulphur chloride. There are many patents on the manufacture of acetic anhydride, but the above is the general method of manufacture in the United States.

Acetic anhydride is produced at Midland, Mich.; Charleston, W. Va.; Carteret, N. J.; and St. Louis, Mo. At St. Louis it is manufactured as the raw material for pharmaceutical chemicals, while at the other plants it is manufactured as one of several chlorine products.

History of the industry: Prior to the war the acetic anhydride used in this country was imported from Germany. It was then used for the manufacture of cellulose acetate for photographic purposes. The imports amounted to something over 1,000,000 pounds annually. During the fiscal year 1912 the imports of acetic anhydride dropped to one-fifth the amount imported prior to that year. The Journal of Industrial and Engineering Chemistry, 1912, page 311, contains the following comment on the situation:

"This sharp decline in the consumption of acetic anhydride is probably due to abandonment of the manufacture of cellulose acetate for photographic purposes."

Since the outbreak of the European war the imports of acetic anhydride have been practically negligible. At the same time there has been a new demand created for acetic anhydride, namely, for the manufacture of airplane "dopes." Acetic anhydride enters into the manufacture of airplane dopes in the manufacture of cellulose acetate, which is then dissolved in a suitable solvent, such as amylacetate, to form a varnish or "dope" for protecting airplane wings. This has resulted in the establishment of plants for the manufacture of acetic anhydride in this country. In addition with the expiration of the patents on the manufacture of "aspirin" other firms have entered the production of this article, which requires acetic anhydride as one of the raw materials. This has caused a corresponding increase in the demand for acetic anhydride.

Owing to these increased demands for acetic anhydride and the fact that manufacturers in this country were inexperienced in its manufacture, acetic anhydride has been quoted at price of $1.90 to $2 per pound. Since January, 1918, the price has declined, slightly due to the increased production and the effect of the Government fixing the price at 85 cents per pound for a product containing 85 per cent acetic anhydride.

Acetic anhydride—imports for consumption—revenue.

Fiscal years.	Rates of duty.	Quantities.	Values.	Duties collected.	Value per unit of quantity.	Actual and computed ad valorem rate.
		Pounds.				*Per cent.*
1910	2½ cents per pound.	1,295,308	$248,103	$32,382	$0.192	13.05
1911	do	1,170,485	218,676	29,262	.187	13.38
1912	do	254,977	44,069	6,374	.173	14.46
1913	do	309,643	51,632	7,741	.167	14.99
1914	do	150,892	23,240	3,772	.154	16.23
1915	do	3,652	1,019	91	.279	8.96
1916	do	18,177	10,013	454	.551	4.54
1917	do	9,060	7,485	226	.826	3.03
1918	do	13,112	16,433	328	1.253	1.99
1919	do	10,948	14,780	274	1.350	1.85
Calendar year:						
1918	do	19,662	27,601	491	1.403	1.78
1919	do	(1)				
1920[2]	do	(3)				

[1] Not listed. [2] Jan. 1 to July 1, 1920. [3] Listed, but no imports.

Prices of acetic anhydride,[1] wholesale spot, New York market.

[Metallurgical and Chemical Engineering.]

Month.	1916	1917	1918	1919	1920
January			$1.80–$1.90	$1.60–$1.85	$0.60–$0.65
February			1.35– 1.50	.90– 1.00	.60– .65
March			1.35– 1.50	.90– 1.00	.60– .65
April			1.35– 1.50	.65– .70	.60– .65
May			1.35– 1.50	.55– .60	.65– .75
June			1.50– 1.60	.52– .60	.65– .75
July			1.50– 1.60	.52– .60	.65– .75
August			1.60– 1.85	.54– .60	.65– .75
September		$1.90–$2.00	1.60– 1.85	.55– .60	.65– .75
October		1.90– 2.00	1.60– 1.85	.55– .60	.65– .75
November		1.90– 2.00	1.60– 1.85	.60– .65	.65– .75
December		1.90– 2.00	1.60– 1.85	.60– .65	.65– .75

[1] On Dec. 24, 1917, price of acetic anhydride (85 per cent) was fixed by the Government at 85 cents per pound, which was effective until Jan. 1, 1919.

Acetic anhydride—Rates of duty.

Act of—		Tariff classification or description.	Rates of duty, specific and ad valorem.
Year.	Par.		
1883	12	Acid, acetic, * * * exceeding the specific gravity of 1.047.[1]	10 cents per pound.
1890	1	Acetic * * * acid, * * * exceeding the specific gravity of 1.047.	4 cents per pound.
1894	1	Acetic * * * acid	20 per cent ad valorem.
1897	1	Acids: Acetic * * * acid, * * * exceeding the specific gravity of 1.047.	2 cents per pound.
1909	1	* * * ; acetic anhydride	2½ cents per pound.
1913	2	Acetic anhydride	Do.

[1] Acetic anhydride has a specific gravity in excess of 1.047.

COURT AND TREASURY DECISIONS.

Acetic acid anhydride, while not chemically an acid, was held to come within the provision for acetic acid in the act of 1897. (Lueders *v.* United States, T. D. 26460, reversing G. A. 5051 (T. D. 23426); followed in G. A. 6101 (T. D. 26590); T. D. 26548.)

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee reducing the rate from 5 cents to 2½ cents.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll:

Mr. HALE (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "no."

Mr. STANLEY (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. ERNST]. In his absence, being unable to obtain a transfer, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON], which I transfer to the Senator from Tennessee [Mr. SHIELDS], and vote "yea."

The roll call was concluded.

Mr. HARRIS. I have a pair with the junior Senator from New York [Mr. CALDER]. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. PHIPPS. I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. HARRISON. I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. McKELLAR (after having voted in the affirmative). I have a general pair with the senior Senator from Indiana [Mr. NEW]. In his absence, being unable to obtain a transfer, I withdraw my vote. If I were permitted to vote, I would vote "yea."

Mr. JONES of New Mexico (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. WATSON of Georgia (after having voted in the affirmative). Since I voted I have learned that the senior Senator from Tennessee [Mr. SHIELDS] has a general pair with the Senator from Maine [Mr. HALE]. Therefore I am compelled to withdraw my vote.

Mr. TRAMMELL. I have a pair with the senior Senator from Rhode Island [Mr. COLT]. Being unable to obtain a transfer, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. CARAWAY (after having voted in the affirmative). I have a general pair with the junior Senator from Illinois [Mr. McKINLEY]. He is absent and I am unable to obtain a transfer. I therefore withdraw my vote.

Mr. MYERS. Mr. President, has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. McLEAN]. I am unable to obtain a transfer, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. EDGE]. He is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

Ashurst	Hitchcock	Pomerene	Walsh, Mass.
Fletcher	Jones, N. Mex.	Robinson	Walsh, Mont.
Gerry	King	Sheppard	Williams
Glass	La Follette	Simmons	
Harrison	Overman	Swanson	
Heflin	Pittman	Underwood	

NAYS—37.

Ball	Harreld	Nelson	Sterling
Broussard	Jones, Wash.	Newberry	Sutherland
Bursum	Kellogg	Nicholson	Townsend
Capper	Kendrick	Oddie	Wadsworth
Cummins	Keyes	Page	Warren
Curtis	Lenroot	Phipps	Watson, Ind.
Dillingham	Lodge	Poindexter	Willis
Frelinghuysen	McCumber	Rawson	
Gooding	McNary	Smoot	
Hale	Moses	Spencer	

NOT VOTING—38.

Borah	Edge	McKinley	Shields
Brandegee	Elkins	McLean	Shortridge
Calder	Ernst	Myers	Smith
Cameron	Fernald	New	Stanfield
Caraway	France	Norbeck	Stanley
Colt	Harris	Norris	Trammell
Crow	Johnson	Owen	Watson, Ga.
Culberson	Ladd	Pepper	Weller
Dial	McCormick	Ransdell	
du Pont	McKellar	Reed	

So Mr. KING's amendment to the committee amendment was rejected.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRIS (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. McKELLAR (when his name was called). I have a pair with the senior Senator from Indiana [Mr. NEW]. In his absence I withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I am unable to obtain a transfer, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. PHIPPS (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. STANLEY (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the last vote, I vote "yea."

Mr. TRAMMELL (when his name was called). Making the same announcement as to my pair, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WARREN (when his name was called). I inquire if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WARREN. I have a pair with the junior Senator from North Carolina, which I transfer to the Senator from Maryland [Mr. WELLER], and vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as to my pair, I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I was requested to announce the necessary absence of the Senator from Connecticut [Mr. McLEAN]. If present, he would vote "yea."

Mr. CARAWAY. I have a pair with the junior Senator from Illinois [Mr. McKINLEY]. I am unable to obtain a transfer, and therefore withhold my vote.

Mr. HARRISON. I have a pair with the junior Senator from West Virginia [Mr. ELKINS]. In his absence I withhold my vote.

Mr. JONES of New Mexico. I have a pair with the Senator from Maine [Mr. FERNALD], and withhold my vote.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. EDGE], who is paired with the Senator from Oklahoma [Mr. OWEN]. If my colleague were present he would vote "yea."

The result was announced—yeas 47, nays 2, as follows:

YEAS—47.

Ashurst	Hale	Nelson	Spencer
Ball	Heflin	Newberry	Stefling
Broussard	Jones, Wash.	Nicholson	Sutherland
Bursum	Kellogg	Oddie	Swanson
Capper	Kendrick	Page	Townsend
Cummins	Keyes	Phipps	Wadsworth
Curtis	La Follette	Poindexter	Walsh, Mass.
Dillingham	Lenroot	Pomerene	Walsh, Mont.
Fletcher	Lodge	Robinson	Warren
Frelinghuysen	McCumber	Sheppard	Watson, Ind.
Glass	McNary	Simmons	Willis
Gooding	Moses	Smoot	

NAYS—2.

King	Williams

NOT VOTING—47.

Borah	Ernst	McKellar	Rawson
Brandegee	Fernald	McKinley	Reed
Calder	France	McLean	Shields
Cameron	Gerry	Myers	Shortridge
Caraway	Harreld	New	Smith
Colt	Harris	Norbeck	Stanfield
Crow	Harrison	Norris	Stanley
Culberson	Hitchcock	Overman	Trammell
Dial	Johnson	Owen	Underwood
du Pont	Jones, N. Mex.	Pepper	Watson, Ga.
Edge	Ladd	Pittman	Weller
Elkins	McCormick	Ransdell	

So the committee amendment was agreed to.

The next amendment was, on page 2, Schedule 1—Chemicals, oils, and paints, paragraph 1, line 9, before the word "cents," to strike out "2" and insert "1½," so as to read:

Boric acid, 1½ cents per pound.

RECESS TO 11 O'CLOCK TO-MORROW.

Mr. KING. Mr. President, I desire to ask the Senator from North Dakota if we might not now take a recess until the time which he suggested to-morrow? I understand that to-morrow it is the Senator's desire that the Senate shall meet at 11 o'clock.

Mr. McCUMBER. If the Senator from Utah will yield to me, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until to-morrow at 11 o'clock a. m.

Mr. JONES of New Mexico. Mr. President, I do not like to object to the Senate meeting at the hour of 11 o'clock; I am perfectly willing to go ahead in any reasonable way; but I think we are progressing in a very satisfactory manner. Some of us, at least, have to do a good deal of study of the pending measure outside of the hours that are taken up in the sessions of the Senate. So I object to fixing the hour of meeting at 11 o'clock. I am willing that the Senate shall meet at the hour of 12 o'clock.

The VICE PRESIDENT. There is objection to the request of the Senator from North Dakota.

Mr. McCUMBER. Then I move that when the Senate concludes its session to-day it take a recess until 11 o'clock to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota.

The motion was agreed to.

PETITION FOR PASSAGE OF SOLDIERS' BONUS ACT.

Mr. McCUMBER. Mr. President, it is desired that there shall be a short executive session, but before moving an executive session I ask unanimous consent to present the first page or leaf of a petition containing 1,072,000 names. This is a petition in favor of the passage of the soldiers' compensation bill. The entire petition containing 1,072,000 names is merely the first installment of the petition. The number of signers will probably swell to ten or fifteen millions before the signatures cease. I present the petition at this time and ask that it be referred to the Committee on Finance.

Mr. FLETCHER. Should not the body of the petition, without the names, be printed in the RECORD? The petition is not very long, is it?

Mr. McCUMBER. I assume that the body of the petition will be printed in the RECORD.

Mr. FLETCHER. I think it should be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The petition was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

PETITION FOR SOLDIER BONUS AND SALES TAX.

We respectfully petition Congress to pass the soldiers' bonus act without further delay, and also to levy a sales tax to obtain the money to pay the bonus.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 40, 41, 42, 50, and 57 to the said bill; and that the House receded from its disagreement to the amendments of the Senate numbered 51 and 58, and concurred therein each with an amendment, in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 25 minutes p. m.), under the order previously entered, the Senate took a recess until to-morrow, Wednesday, May 3, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 2 (legislative day of April 20), 1922.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Ephraim Geoffrey Peyton, Infantry, from April 26, 1922.

Lieut. Col. William Lewis Reed, Infantry, from April 28, 1922.

To be lieutenant colonels.

Maj. Orlando Gray Palmer, Cavalry, from April 26, 1922.

Maj. Francis Augustus Ruggles, Field Artillery, from April 28, 1922.

To be majors.

Capt. Erwin Cobia West Davis, Field Artillery, from April 26, 1922.

Capt. Clarence Ralph Huebner, Infantry, from April 28, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

Capt. Howard J. Houghland, Infantry, with rank from June 15, 1917.

PROMOTIONS IN THE NAVY.

MARINE CORPS.

Lieut. Col. Richard M. Cutts to be a colonel in the Marine Corps from the 2d day of May, 1922.

Capt. Harry G. Bartlett to be a major in the Marine Corps from the 4th day of June, 1920.

Second Lieut. Frank P. Snow to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

POSTMASTERS.

ALABAMA.

John S. Amos to be postmaster at Enterprise, Ala., in place of M. P. Henderson. Incumbent's commission expired January 24, 1922.

ARKANSAS.

Guy H. Langley to be postmaster at Monette, Ark., in place of A. G. Blankenship, removed.

CALIFORNIA.

Edna J. Keeran to be postmaster at Princeton, Calif. Office became presidential October 1, 1920.

FLORIDA.

James L. Pattillo to be postmaster at Port Orange, Fla. Office became presidential April 1, 1921.

Boyd C. Foxworthy to be postmaster at Fort Myers, Fla., in place of C. T. Summerlin, resigned.

Herbert W. Fuller to be postmaster at New Smyrna, Fla., in place of G. W. Brown, resigned.

GEORGIA.

Forrest L. Dyar to be postmaster at Calhoun, Ga., in place of B. M. Harlan, resigned.

IDAHO.

Rose J. Hamacher to be postmaster at Spirit Lake, Idaho, in place of Anna McMahon, resigned.

ILLINOIS.

Louis Opp to be postmaster at Belleville, Ill., in place of P. H. Sopp. Incumbent's commission expired February 4, 1922.

Lillie M. Diver to be postmaster at Dallas City, Ill., in place of Claude Shaffner. Incumbent's commission expired August 17, 1921.

William W. Austin to be postmaster at Effingham, Ill., in place of D. L. Wright. Incumbent's commission expired February 4, 1922.

Henry P. Harris to be postmaster at Monticello, Ill., in place of C. E. Moffitt, resigned.

Warren E. Wright to be postmaster at Murrayville, Ill., in place of J. H. Fuller, resigned.

INDIANA.

Josiah J. Hostetler to be postmaster at Shipshewana, Ind. Office became presidential January 1, 1921.

KANSAS.

Ella J. Starr to be postmaster at Scott City, Kans., in place of E. H. Epperson. Incumbent's commission expired February 4, 1922.

KENTUCKY.

Clarence Neighbors to be postmaster at Bowling Green, Ky., in place of W. C. Morris, resigned.

LOUISIANA.

Mattie B. Peyton to be postmaster at Keatchie, La. Office became presidential April 1, 1921.

Cecilia Block to be postmaster at Sellers, La. Office became presidential April 1, 1921.

Leroy P. Fulmer to be postmaster at Homer, La., in place of Willie Harris, resigned.

MICHIGAN.

Herman A. Ehman to be postmaster at Beulah, Mich., in place of Ward Reynolds, declined.

Eugene E. Hubbard to be postmaster at Hudsonville, Mich., in place of G. M. Hubbard, resigned.

MISSISSIPPI.

Herbert O. Roberts to be postmaster at Holly Springs, Miss., in place of C. E. McAlexander. Incumbent's commission expired July 21, 1921.

NEBRASKA.

Bertha J. Widener to be postmaster at Kennard, Nebr. Office became presidential April 1, 1921.

NEW JERSEY.

Melvin H. Roberson to be postmaster at Annandale, N. J. Office became presidential January 1, 1921.

NEW MEXICO.

Morgan P. Harvey to be postmaster at Clayton, N. Mex., in place of S. S. Pace. Incumbent's commission expired January 24, 1922.

NEW YORK.

Susie E. Garrison to be postmaster at Wingdale, N. Y. Office became presidential July 1, 1920.

NORTH DAKOTA.

Nellie Ribb to be postmaster at Donnybrook, N. Dak., in place of Sophie Sherman. Incumbent's commission expired January 24, 1922.

OKLAHOMA.

Joseph G. Chappelear to be postmaster at Gotebo, Okla., in place of C. E. Howe, resigned.

Bert A. Hawley to be postmaster at Leedey, Okla., in place of G. M. Massingale. Incumbent's commission expired February 4, 1922.

PENNSYLVANIA.

Martin D. Hunter to be postmaster at Stony Creek Mills, Pa. Office became presidential January 1, 1922.

SOUTH CAROLINA.

Harry A. Rich to be postmaster at Blackville, S. C., in place of B. J. Hammet, deceased.

SOUTH DAKOTA.

Jessie Norton to be postmaster at Armour, S. Dak., in place of William Moore. Incumbent's commission expired January 31, 1922.

TEXAS.

William F. Hofmann to be postmaster at Carrollton, Tex. Office became presidential October 1, 1921.

Sidney B. Smith to be postmaster at Gorman, Tex., in place of E. E. Layton, resigned.

VIRGINIA.

W. Ingles Harnsberger to be postmaster at Grottoes, Va. Office became presidential July 1, 1920.

William E. Hudson to be postmaster at Monroe, Va. Office became presidential April 1, 1921.

William G. O'Brien to be postmaster at Tazewell, Va., in place of A. B. Buchanan, resigned.

WEST VIRGINIA.

Mary M. Brown to be postmaster at Albright, W. Va. Office became presidential January 1, 1921.

Daniel O. North to be postmaster at Coketon, W. Va. Office became presidential January 1, 1922.

Shirley H. Mitchell to be postmaster at Elizabeth, W. Va., in place of H. T. Baumgarner, resigned.

WISCONSIN.

Charles L. Bingham to be postmaster at College Camp, Wis. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 2 (legislative day of April 20), 1922.

POSTMASTERS.

CALIFORNIA.

George A. Weishar, Hanford.

KANSAS.

Frank W. Coleman, Oskaloosa.
John Woolman, Simpson.
William Russell, West Mineral.

MINNESOTA.

Nels E. Hawkinson, Grove City.
Edward J. Bahe, Hancock.

OREGON.

John H. Farrar, Salem.

SOUTH DAKOTA.

Susan E. Endicott, Hill City.

TEXAS.

Claude P. Ellis, Spearman.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 2, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The testimonies of the Lord are true and righteousness altogether. Abundant art Thou in wisdom and wonderful in compassion! O become to us the first and the last; be our earth and the sun in our sky. Breathe upon us and may Thy touch stir our natures into the sweetest harmonies. May ideal truth, purity, and honor grow brighter and clearer to us. Direct our President and all associated with him in authority. Be pleased, dear Lord, to give us understanding that we may always perceive the truth and the way of duty. In Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MISSISSIPPI FLOOD SUFFERERS.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Joint resolution (H. J. Res. 319) making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

Resolved, etc., That a sum not to exceed $200,000, from funds heretofore appropriated for improvement of rivers and harbors and which remain in the Treasury unexpended because the works or projects for which the same were appropriated have been completed or have been recommended for abandonment, is hereby made available for expenditure by and under the direction of the Secretary of War and the supervision of the Chief of Engineers for the purpose of protecting life and property by preserving and maintaining during the present flood emergency the levees not under Government control on the Mississippi River, its tributaries and outlets.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like the gentleman to make some statement as to the necessity for this, as we have already appropriated $1,000,000 for that work.

Mr. MADDEN. Mr. Speaker, a few days ago the Committee on Appropriations was called on by the Secretary of War to authorize the immediate use of $1,000,000 by the Mississippi River Commission in protecting the levees along the river. Under the act creating the Mississippi River Commission the commission has jurisdiction over certain works only. It appears that the breaks along the levees of the Mississippi River have occasioned a serious situation along the Red River and the Atchafalaya and other streams in that section already at flood stage, and if the flood is permitted to continue without some measure of relief it is indicated that the destruction of thousands of acres of land already under cultivation with growing crops, with the possible destruction of all of the homes, and the probable loss of life of a great many people will result. The Chief of Engineers was before the Committee on Appropriations this morning and indicated that this $200,000 proposed in the pending resolution would undoubtedly meet the situation during the present emergency, and that unless it is granted in all likelihood, as I have already pointed out, there will be great suffering, tremendous loss of property, the destruction of crops that are already in and growing, and no one knows how far the trouble may go. It seemed to the committee, from the facts presented, that this is a case requiring immediate consideration on the part of Congress, and we come to the House because we believe the emergency is very great and because we realize that out of the money already advanced to the Mississippi River Commission no part can be used to meet the present emergency.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GRAHAM of Illinois. Apropos to that matter, my attention has been called to the matter of some districts in my congressional district, where the people have been fighting for weeks to keep the water out of their districts, and where by constant efforts and large expenditures of money they have been able thus far to save their levees and to keep the lands within the levees from being inundated. I am now informed, however, that it is stated to them by the Mississippi River Commission that no part of the million dollars which we have already appropriated is available to help them defray any part of this expense, the moneys which they have expended. This is in districts where the Government has jurisdiction and where the Government has charge of the levees. It does seem to me that the aid ought to be extended not only to districts which have been inundated but as well to districts that by expenditures of large sums of money have been able temporarily at least to save their property. I wondered if the chairman of the committee had that matter under consideration.

Mr. MADDEN. Yes. My understanding is that the $200,000 now proposed to be appropriated would cover such cases as my colleague indicates.

Mr. GRAHAM of Illinois. What is the million dollars to be used for? Is it not to be used in the protection of these districts?

Mr. MADDEN. It is to be used for flood control on the Mississippi River levees within the restrictions of the act granting authority to the Mississippi River Commission. Under that act they would have no right to grant relief, and this $200,000 now proposed is for work outside of the scope of that act.

Mr. GRAHAM of Illinois. Let me see if I have this correct. The original flood control act provided that the Government might aid in the building of levees for flood control, and appropriated or authorized the appropriation of a large sum of money extending over a series of years for the purpose of aiding in the building of levees. Can not the million dollars that we have provided be used in protecting those levees?

Mr. MADDEN. Only in cases where the people whose property may be affected contribute one-third of the cost, and this emergency is so great that they are not able to meet that situation, and this proposed appropriation covers the case to which my colleague now calls attention.

Mr. GRAHAM of Illinois. In the case to which I now call attention particularly, the one district in which about 25,000 acres are involved, the people have contributed and they are working with the Mississippi River Commission, and the Government has complete jurisdiction. Yet the commission holds, as I am informed by telegraph, that they can not spend any of that money in helping to protect that dike.

Mr. MADDEN. They can not spend any money anywhere except where contributions are made in compliance with the law, and it is because of the fact that they can not spend the money that we find the necessity for this additional appropriation.

Mr. GRAHAM of Illinois. I am in favor of this. I think this ought to be done and much more, knowing as I do, from word received from there, the extreme necessities of the case. No one can conceive the situation along the Mississippi River who has not some intimate personal knowledge of it. It is terrible down there, but I do think the money we have made available, not only the $200,000 proposed now to be appropriated but the $1,000,000 already appropriated, ought to be available to help those people fight that flood.

Mr. MADDEN. You would have to change the law creating the Mississippi River Commission.

Mr. GRAHAM of Illinois. This is only in case where the Government has authorized and the landowners have done their part which the law requires.

Mr. MADDEN. No; this money will be used along tributaries when the commission has no authority under the flood control act.

Mr. DENISON. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. DENISON. I think, in answer to the question raised by my colleague [Mr. GRAHAM], the Mississippi River Commission has always construed the flood control act to limit the expenditures under that act to the construction of levees, for the enlargement of levees already constructed, and they have always construed that they have no authority to expend that appropriation for the work of protecting the levees. Now I would like to ask my colleague, the chairman of the committee, I did not understand where he stated awhile ago that this money was to be used?

Mr. MADDEN. Used on any tributary of the Mississippi River.

Mr. DUPRÉ. The Federal control act never went beyond the Mississippi River itself to its tributaries.

Mr. MADDEN. It includes a few miles in one of the rivers in Arkansas and six or eight of the Ohio.

Mr. DUPRÉ. It did not include the tributaries, and that is the point.

Mr. LAYTON. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. LAYTON. I have no doubt there is great devastation in the Mississippi River Valley, but the gentleman recognizes, I presume, the fact that measures of this character will sooner or later include all suffering of damages from floods, fires, pestilence, and famine of all sorts and description.

Mr. MADDEN. I do not think so.

Mr. LAYTON. Logically it must.

Mr. MADDEN. There is no part of this money to be used to feed any people. It is just for the protection of property and the saving of the situation with reference to the present overflow.

Mr. LAYTON. I beg the gentleman's pardon. I understood that part of this was to go for food.

Mr. MADDEN. No; not a cent.

Mr. WALSH. Mr. Speaker, I would like to ask the gentleman from Illinois if it is not a fact that this money will be expended largely to strengthen and reinforce levees heretofore constructed by private capital which are threatened and also to replace and restore levees heretofore constructed by private capital which have been swept away?

Mr. MADDEN. I think there is only one place where there is a break.

Mr. WALSH. By private capital I mean levee districts, or counties.

Mr. MADDEN. That is true.

Mr. WALSH. Now, then, if this money were expended in that way, of course it necessarily can only result in a temporary construction.

Mr. MADDEN. There would not be any construction. Here is what would happen: The water is up around the top of the levees, and in one case there has been a break. There, of course, the pressure has already taken place. The break can not be repaired, but a further widening can be prevented and the chances of further breaks lessened by piling sandbags on the crest of the levees and filling in the interstices with sand or soil and in that way reinforce and strengthen the existing levees. It is hoped that within a few days the waters will recede and it will be only a temporary situation, but it may be a very serious emergency if we do not meet the temporary situation.

Mr. WALSH. Yes; but whatever is done will be temporary?

Mr. MADDEN. It will be.

Mr. WALSH. Now, I have had the privilege of seeing a telegram sent by one Engineer officer which described the situation of a lot of these levees and states that they are of very flimsy construction, and also states that those people who have built the levees are not required to come under the specification established by the Government and are not expected to do so. Now, it seems to me that unless these levees on the tributaries are so constructed in accordance with Government specifications and requirements we are liable to have a recurrence of this situation the next time flood conditions prevail there.

Mr. MADDEN. There would not be any trouble now if there had not been a break in the levee on the Mississippi River.

Mr. WALSH. Trouble always follows an "if," usually follows an "if," and what I would like to know is, Why should not the Mississippi River Flood Commission be given jurisdiction over these levees upon the tributaries which are now so flimsily built that they will not be able to withstand the water pressure when we have a recurrence of flood conditions?

Mr. MADDEN. I hope they will be one of these days as the result of this emergency.

Mr. ASWELL. Will the gentleman yield?

Mr. WALSH. I would like to ask one further question, and then I will yield. Why did not the gentleman report making the million dollars already appropriated available for this instead of asking for $200,000 additional?

Mr. MADDEN. Well, I would say to the gentleman that I had no idea there would be any such emergency.

Mr. WALSH. I mean, instead of this resolution, why was not that made available for this purpose, instead of taking $200,000 of unexpended funds and diverting it to work upon levees over which the Government apparently has had no supervision or control heretofore?

Mr. MADDEN. I am frank to say that that would have been a solution if the amount were adequate.

Mr. DENISON. Under the law the Mississippi River Commission can not expend any of it——

Mr. WALSH. Sometimes Congress has the right to change a law. The Appropriations Committee could make the appropriation available for other purposes. The Appropriations Committee has supervision over appropriations.

Mr. DENISON. The Appropriations Committee intended to devote that $1,000,000 otherwise.

Mr. WALSH. I am glad the gentleman is so familiar with the intentions of the Appropriations Committee. The gentlemen from Illinois [Mr. MADDEN], the chairman of the committee, does not so state.

Mr. ASWELL. I merely wanted to state that the levees were built long before the flood-control act was enacted. Therefore the money that has been expended was by local taxation. That is the reason they were not built according to the specifications of the Board of Engineers.

Mr. MADDEN. Mr. Speaker, I think this is an unusual situation, and I think the recommendation of the Committee on Appropriations is rather unusual, but the emergency is so great that we really ought to do it.

Mr. WALSH. The emergency was great when we appropriated the $1,000,000. It makes that available for this purpose, and otherwise it would be returned to the Treasury. Does the gentleman have any information which leads him to believe that this will be ample to cope with this situation if we give him $200,000 more?

Mr. MADDEN. The Chief of Engineers says it must necessarily be more or less of a guess. They have made the best guess they could from the reports of the Engineer officers on the ground. They have had daily communication with those officers. They are already doing everything they can to prevent disaster,

and they say $200,000 will do the work. Of course, I can not tell.

Mr. WALSH. Does not the gentleman think it might be a wise precaution to amend this resolution by also making available from the $1,000,000 already appropriated such portion as the Chief of Engineers or the Mississippi River Flood Commission might deem necessary for this same work in addition to the $200,000?

Mr. MADDEN. I hope that will not be done, because I believe we ought not to go any further than this resolution provides.

Mr. WALSH. All right.

Mr. HICKS. Will the gentleman yield to a question for information?

Mr. MADDEN. I will.

Mr. HICKS. On what part of the river is it intended to spend this money?

Mr. MADDEN. It is intended to spend it on any tributary of the Mississippi River where the danger of overflow exists.

Mr. HICKS. Where the sandbags are put?

Mr. MADDEN. They are putting sandbags on the top of the levees where the water has reached a high stage and where it is likely to go over the top of the levee. They have sent 4,000,000 sandbags down to these places.

Mr. HICKS. All along the river?

Mr. MADDEN. Just where the flood has reached the crest of the levee, and this will prevent the danger and meet the situation, I believe. I certainly think it is very important, one of the most important things we could do, and I hope the House will consent to the consideration of the resolution.

The SPEAKER. Is there objection?

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. McLAUGHLIN of Michigan. Is this work that is to be done work that has heretofore been done by the Federal Government?

Mr. MADDEN. This work is to be done in cases where, as I have just said, the water has reached the top of the levee and threatens to break through.

Mr. McLAUGHLIN of Michigan. Is it at places where the Government has heretofore constructed levees and which is considered Government work?

Mr. MADDEN. That is considered Government work, in that an emergency exists which the Government only is in a position to cope with, the emergency being caused through a break in the levees which had been constructed by the Government.

Mr. McLAUGHLIN of Michigan. By the Government?

Mr. MADDEN. Yes.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. MADDEN. Mr. Speaker, I should like to ask unanimous consent to print a letter of the President, one from the Director of the Budget, and one from the Secretary of War, in connection with this resolution.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing a letter from the President, a letter from the Director of the Budget, and a letter from the Secretary of War in connection with this subject. Is there objection?

Mr. WALSH. Reserving the right to object, are they about this emergency?

Mr. MADDEN. Yes.

Mr. WALSH. Will the gentleman from Louisiana also have printed that telegram which he showed me? Has he any objection to doing that?

Mr. ASWELL. I have no objection to it.

Mr. WALSH. In connection with the insertion of the gentleman from Illinois.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following are the letters and the telegram referred to:

THE WHITE HOUSE,
Washington, May 1, 1922.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: I have the honor to transmit herewith a letter from the Secretary of War addressed to you, requesting the passage of a joint resolution for the preservation and repair of levees not under the jurisdiction of the Mississippi River Commission.

This request has my approval, and prompt action thereon is recommended.

Respectfully, WARREN G. HARDING.

WAR DEPARTMENT,
Washington, May 1, 1922.

Hon. M. B. MADDEN,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR CONGRESSMAN: I must again present to you the flood situation on the Mississippi River. Since my letter to you of April 21 a break in the levees has occurred in the vicinity of Vidalia, La., and the overflow through this break is seriously aggravating the flood condition in the lower Red River and the Atchafalaya River. As a consequence large areas in the State of Louisiana are seriously menaced.

The appropriation of $1,000,000 made by a recent joint resolution of Congress for the protection and repair of levees, under the jurisdiction of the Mississippi River Commission, is limited by its express terms to those levees under the jurisdiction of that commission. The levees on the Red and Atchafalaya Rivers are not under the jurisdiction of the commission, and the funds appropriated are therefore not applicable to the work urgently necessary. From the information before the department it is clear that the local levee districts concerned can no longer furnish funds necessary to meet the situation. This action merely places the Government in the position of protecting the people of the threatened area against great disaster when local authorities are unable to continue the struggle. The General Government has rendered assistance to afflicted people of various sections of the country before now, and there are ample precedents for the action recommended.

I therefore most urgently recommend the passage of a joint resolution, a copy of which I inclose, which makes immediately available the sum of $200,000 for the work in question.

Sincerely yours, JOHN W. WEEKS,
Secretary of War.

TREASURY DEPARTMENT,
BUREAU OF THE BUDGET,
Washington, May 1, 1922.

The PRESIDENT.

SIR: I have the honor to transmit herewith for your consideration two letters from the Secretary of War, one addressed to the chairman of the Committee on Appropriations, House of Representatives, and the other addressed to the chairman of the Committee on Appropriations, United States Senate, requesting the immediate passage of a joint resolution making available the sum of $200,000 for preserving and protecting the levees on the Red and Atchafalaya Rivers, which can not be cared for under the appropriation of $1,000,000 recently made by joint resolution, because of the limitation that that sum should be expended only upon levees under the jurisdiction of the Mississippi River Commission.

Approval of the request of the Secretary of War is recommended, and two letters for your signature are inclosed addressed also to the chairman of the Committee on Appropriations, House of Representatives, and chairman of the Committee on Appropriations, United States Senate, transmitting the letters of the Secretary of War.

Very respectfully,
CHARLES G. DAWES,
Director of the Bureau of the Budget.

[Western Union telegram.]

ST. LOUIS, MO., *April 27, 1922.*

CHIEF OF ENGINEERS,
Washington, D. C.:

Jurisdiction is not a geographical term. The flood control act gives us certain limits within which we may assume jurisdiction, and it also provides for turning over jurisdiction of completed levees to levee boards. We do not have jurisdiction within the fixed limit until we assume it, and jurisdiction ceases within those limits when we complete a district and turn it over to the local officials for maintenance. Between Cairo and Rock Island there are many miles of levees which have never come under our jurisdiction, and some miles which have passed out of our jurisdiction finished and turned over to local boards. When we assume jurisdiction, we assume a certain degree of responsibility. Levee boards are never forced, only invited, to come under our jurisdiction. Some prefer to build their own flimsy levees at their own expense rather than adopt our methods and sections with Government aid. We know their levees will not stand a serious flood, and we hold they are beyond our jurisdiction and responsibility. Again, some districts will have several lines back to the hills paralleling creeks, and we assume no jurisdiction over that work. We are protecting from the Mississippi only, and our work would be complete if we built across the mouths of these creeks. They accept our aid to build against the Mississippi, and they do the rest often with a flimsy section. These are and must be out of our jurisdiction. If all the levees within the geographical limits of the flood control act were under our jurisdiction, we would be responsible for a high-water fight to protect a man's home if he had thrown a bank around it, and we could never end our work and turn jurisdiction over to local interests, according to the expressed intent of the flood control act. We must not admit that we are responsible for all levees within the limits fixed by the act, and we can not admit it and carry out the terms of the act. Money is furnished us to protect our levees. It is not fair to us or to the people we are protecting to put it into protection of levees where we have had no say as to their construction, section, grade, or specifications. As I said yesterday, I believe it contrary to the terms of the appropriation and the most dangerous thing that can be done. I believe it is taking money belonging to one party and spending it to help another.

POTTER.

TRIP TO QUANTICO.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, every Member of the House has probably received in this morning's mail a communication with reference to a trip on Friday to Quantico, Va., the headquarters of the Marine Corps, and on behalf of the Naval Affairs Committee of the House, I desire to speak in reference to this trip. About a year ago a similar one was planned and consummated,

and some 250 Members availed themselves of the opportunity of going. The trip this year will be of a similar character. There will be opportunity to visit the flying field and take flights in aircraft. There will be a mimic battle staged, where trench warfare can be observed without danger of being wounded. Opportunity will be afforded to inspect the schools, the rifle range, and all the activities which make the corps the wonderful organization it is. The *Mayflower*, kindly placed at our disposal by President Harding, will leave on Friday morning from the navy yard here at 8 o'clock. She will leave Quantico on the return trip at 6 o'clock, arriving in Washington about 9 or 9.30. While there we will be the guests of the Marine Corps, and every Member of Congress will be entertained by the officers and the men and will have dinner and supper in the mess of the corps. Owing to the very limited accommodations on the *Mayflower*, it is impossible to extend this invitation to others than Members. The invitation can not be extended to the family of Members, much to the regret of the Marine Corps. It is earnestly hoped that all those who are interested in the Marine Corps and desire to see the splendid work being done there under the direction of General Butler and his staff and under the supervision of General Lejeune, commandant of the corps, will avail themselves of this opportunity and will be at the *Mayflower* at 8 o'clock Friday morning. The trip will not only be pleasant but interesting and instructive as well.

Mr. DYER. Will the gentleman yield?

Mr. HICKS. I yield.

Mr. DYER. Where will the House meet that day, at Quantico, or will we have a session here?

Mr. HICKS. The most influential section will be at Quantico.

Mr. DYER. Will the gentleman state to the House whether or not we will have a session on that day?

Mr. HICKS. I will have to refer that to the gentleman from Wyoming [Mr. MONDELL].

Mr. DYER. We can not leave without the consent of the gentleman from Wyoming.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments still in disagreement numbered 40, 41, 42, 50, 51, 57, and 58, had requested a further conference with the House, and had appointed Mr. MCNARY, Mr. JONES of Washington, and Mr. OVERMAN as the conferees on the part of the Senate at the further conference.

The message also announced that the Senate had concurred in the amendment of the House to the bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 132) to provide for the continuation of certain Government publications, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOSES, Mr. CAPPER, and Mr. FLETCHER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2775. An act to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921.

The message also announced that the Senate had passed without amendment the joint resolution of the following title:

H. J. Res. 319. Joint resolution making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2775. An act to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; to the Committee on Banking and Currency.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 319. Joint resolution making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

EXTENSION OF IMMIGRATION ACT—CONFERENCE REPORT.

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report on House Joint Resolution 268, extending the operation of the immigration act of May 19, 1921.

The SPEAKER. The gentleman from Washington calls up the conference report on House Joint Resolution 268, which the Clerk will report.

The conference report and accompanying statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1924"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 2. That clause (7) of subdivision (a) of section 2 of such act of May 19, 1921, is amended to read as follows: '(7) aliens who have resided continuously for at least five years immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands.'"

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 3. That such act of May 19, 1921, is amended by adding at the end thereof a new section to read as follows:

"'SEC. 6. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien not admissible under the terms of this act or regulations made thereunder, and if it appears to the satisfaction of the Secretary of Labor that any alien has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid; except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine. Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to

the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.'"

And the Senate agree to the same.

ALBERT JOHNSON,
WILLIAM N. VAILE,
JOHN E. RAKER,
Managers on the part of the House.
LEBARON B. COLT,
WM. P. DILLINGHAM,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, submit the following statement in explanation of the effect of the action agreed upon by the conferees and submitted in the accompanying conference report:

On amendment No. 1: The House extended the operation of the 3 per cent law until June 30, 1923. The Senate amendment further extended the operation of the 3 per cent law until June 30, 1924, "unless otherwise repealed." The House recedes with an amendment striking out the words "unless otherwise repealed."

On amendment No. 2: The 3 per cent law exempted from its operation aliens who have resided continuously for at least one year immediately preceding the time of their admission to the United States in countries of the Western Hemisphere and adjacent islands. The Senate amendment added to the House resolution a section amending this provision of the 3 per cent law so as to make the period of residence five years instead of one year. The House recedes with an amendment making clerical changes.

On amendment No. 3: This amendment adds to the joint resolution a section making it unlawful for any transportation company other than railway lines entering the United States from foreign contiguous territory to bring to the United States any alien in excess of the quota, and provided that for every alien so brought the company should pay a fine of $200 and in addition a sum equal to the passage money paid by the alien for his transportation from the initial point of departure to this country. The amendment as written permitted no discretion in the Secretary of Labor in the imposition of the fine. The House recedes with an amendment making clerical changes and also providing that the fine may be remitted or refunded if it appears to the satisfaction of the Secretary of Labor, the burden of proof being upon the steamship companies, that the inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, the transportation company or the owner, master, agent, or consignee of the vessel prior to the departure of the vessel from the last seaport in the foreign country.

ALBERT JOHNSON,
WILLIAM N. VAILE,
JOHN E. RAKER,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, I reserve a point of order on the report. I would like to get some information. I will reserve it if the gentleman from Washington desires to make a statement.

Mr. JOHNSON of Washington. Mr. Speaker, the three amendments made by the Senate to the resolution extending the 3 per cent restriction act are in turn amended by the House conferees, and the meaning of the amendments as amended is apparent. The first one changes the House proposition to make the extension of the 3 per cent act two years instead of one year; that is to say, the Senate makes it two years, for the reason that if the one-year extension only prevailed it might be possible that there would not be such control of immigration.

Mr. REED of West Virginia. Mr. Speaker, will the gentleman yield a moment in order that I might submit a unanimous-consent request?

The SPEAKER. Does the gentleman from Washington yield?

Mr. JOHNSON of Washington. Certainly; I yield.

Mr. REED of West Virginia. I ask unanimous consent, Mr. Speaker, that the usual permission be extended, for this week only, to the Committee on the District of Columbia to hold sessions during the sessions of Congress.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the Committee on the District of Columbia may sit during the sessions of the House for this week. Is there objection?

Mr. NEWTON of Minnesota. Reserving the right to object, is it the intention of the gentleman to hold hearings on the extension of the Ball Rent Act?

Mr. REED of West Virginia. Yes. A great many landlords and tenants desire to be heard, and otherwise the committee can not hear them as expeditiously as we would like.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. The first amendment extends the time for the operation of the 3 per cent resolution for an additional year over that proposed by the House.

The second amendment takes care of admissions through contiguous territory and makes the period of required residence in Mexico, Cuba, and Canada five years instead of one, and the third amendment is the amendment offered by the Senate placing a penalty on the steamship companies for violation of the quota law. That amendment is added, as offered by the Senate, as section 3 to the resolution, whereas in the opinion of the conferees it should have been an amendment to the section attached to the original act of last year. The Senate amendment provided that if it should appear to the satisfaction of the Secretary of Labor that any alien otherwise inadmissible had been brought to the United States under this act the transportation company, other than the railroad or the owner, master, agent, or consignee of the vessel, should pay to the collector a fine of $200, and in addition the transportation of the alien so brought and found to be inadmissible on account of the quota act.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. In a moment.

When that was adopted in the other body it was thought that there would be adopted a permit system by which the alien would only start to the United States with a permit. The permit provision, however, was not offered or adopted, and hence it left this resolution reading so that arbitrarily, willy-nilly, for every alien brought in excess of the quota there should be this fine attached without leeway or modification of any kind, and without following the penalty provisions of the old immigration act which still prevails. Therefore the conferees have made certain changes, but have undertaken to follow the words of the Senate amendment, to the effect that such fine may not be remitted or refunded—I quote the new words—"unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to him, and that it could not have been ascertained by the exercise of reasonable diligence" by the person, or the transportation company, or the owner, master, agent, or consignee of the vessel prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States; that is to say, it was not considered by the managers desirable to enact an extension of a 3 per cent act and carry with it an amendment to the act itself that would go into effect immediately upon the extension resolution becoming a law with provisions quite so drastic.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WHITE of Maine. I think it is quite clear what the gentleman purposes to do, but you say here it shall be unlawful for any person, including any transportation company other than railway lines, to bring to the United States any alien not admissible under the terms of this act. You do not say "bring to the United States for entry into the United States," but "bring to the United States any alien." That language by itself, it seems to me, is broad enough to prohibit, for instance, an American ship sailing from a foreign port to a port of the United States to have among its crew a foreigner not admissible under this act to the United States, or it would prohibit a British ship or any foreign ship from coming to this coast with a member of its crew not admissible under the terms of this act.

Mr. JOHNSON of Washington. No. It is perfectly clear. It is under the terms of this act, meaning the quota restriction act. That act has been in effect a year, and instead of that act applying the quota percentage restriction to alien seamen here as seamen, the seamen's act has prevailed all the time with respect to the foreigners among the crews of all the ships that come to our ports. Persons arriving as seamen have their full rights under the La Follette Act and can leave the ship, even those classed among the inadmissibles, including Chinese.

Mr. WHITE of Maine. But it is prohibited to bring in any aliens. That is broad enough of itself to prevent an alien, being a member of the crew, from coming to this coast.

Mr. JOHNSON of Washington. Does the gentleman want to fill up this country with Lascars and Chinese by the sailor route?

Mr. WHITE of Maine. I was not finding any fault. I was asking whether it would prevent that.

Mr. JOHNSON of Washington. I think not. We have followed literally the language of section 9 of the immigration act of 1917.

Mr. RAKER. Mr. Speaker, are we still on the point of order?

Mr. JOHNSON of Washington. The point of order has been reserved but not made.

Mr. RAKER. When the gentleman gets through with the point of order I should like to have about 20 minutes.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to my colleague from Illinois.

Mr. CHINDBLOM. What is the amount of the fine to be paid by a transportation company bringing an inadmissible alien into the United States?

Mr. JOHNSON of Washington. Two hundred dollars, under the present law.

Mr. CHINDBLOM. Is it not $200 and an additional sum equaling the amount of passage paid by the alien?

Mr. JOHNSON of Washington. Yes; under certain circumstances.

Mr. CHINDBLOM. All right. If that is so, how are you going to enforce the provision in the last part of the proposed new section reading as follows:

Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to and could not have been ascertained by the exercise of reasonable diligence by such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.

Does that mean that the $200 may be remitted to the transportation company and also that the amount collected from the alien on account of his passage may be returned to the transportation company?

Mr. JOHNSON of Washington. I will explain. That follows the plan, method, and words of the present law. All persons denied admission under the old law do not receive the return passage, but only in cases when the steamship company might have known that the person was inadmissible—that is, insane or afflicted with this or that disease, or unable to read, or for any of the nonadmissible clauses—in which case, under the old law, the alien is returned and the passage money is returned. It will operate the same under this, which applies to the quota law.

Mr. CHINDBLOM. This amendment is intended to cover people brought over in excess of the quota.

Mr. JOHNSON of Washington. Yes. Hereafter when the steamship companies have brought them over with the knowledge that the quota was exhausted the fine will lie and the refund will take place. Where they are brought over without that knowledge—and there is sometimes excuse for that under the 3 per cent act itself, where there are certain exceptions which can not be ascertained until they arrive at this port—the fine will not lie.

Mr. CHINDBLOM. And the alien will not get the money?

Mr. JOHNSON of Washington. The gentleman is correct.

Mr. CHINDBLOM. I think it ought to be made clear that the fine includes not only the $200 but the return of the passage money.

Mr. JOHNSON of Washington. I think there will be little difficulty. Of course, we do not care to encourage aliens throughout the world to make the attempt to get into the United States in excess of the quota with the knowledge that if they fail to gain admission in each and every case the steamship company must make them whole. Neither do we desire to permit the steamship companies to be continually making the experiment at the expense of the alien. Now, I will ask if the amendments have been explained sufficiently to the gentleman from Massachusetts [Mr. WALSH]?

Mr. WALSH. Of course, the resolution as it passed the House or Senate is not available, and I should like to ask the gentleman from Washington if the other sections of this resolution also amended the act of 1921.

Mr. JOHNSON of Washington. The act of May 19, 1921. As this joint resolution passed the House it simply provided—

That the operation of the act entitled "An act to limit the immigration of aliens into the United States," approved May 19, 1921, is extended to and including June 30, 1923.

Mr. WALSH. Now, the Senate amendment and the House resolution did not amend section 3 of the act of 1921.

Mr. JOHNSON of Washington. The Senate amendment undertook to amend the act by offering section 3 to the resolution.

Mr. WALSH. Yes.

Mr. JOHNSON of Washington. Whereas the intention was to offer the matter appearing in Senate section 3 as section 6 of the law.

Mr. WALSH. The Senate amendment was section 3 of the joint resolution. It did not attempt to amend any provision of the act of 1921.

Mr. JOHNSON of Washington. It was intended, however, to do that very thing.

Mr. VAILE. That was its effect?

Mr. JOHNSON of Washington. That was its effect.

Mr. WALSH. It might have been its effect and it might have been entirely otherwise. As I understand now, the only matter added is the last sentence in the conference report.

Mr. JOHNSON of Washington. Practically.

Mr. WALSH. Providing that such fine shall not be remitted or refunded unless it appears, and so forth.

Mr. JOHNSON of Washington. Beginning at the word "unless" is the new matter. In addition there is a slight verbal change about the middle of the amendment.

Mr. VAILE. After the word "act," about the fifth line down.

Mr. WALSH. That was not in the Senate amendment, was it?

Mr. JOHNSON of Washington. Yes; it was. Let me read the Senate amendment to the gentleman. The Senate amendment was labeled section 3, and read as follows:

SEC. 3. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States, either from a foreign country or any insular possession of the United States, any alien not admissible by virtue of the terms of this act, or otherwise in violation of any rule or regulation not inconsistent with this act, prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, and if it shall appear to the satisfaction of the Secretary of Labor that any alien, not admissible because of the terms of this act, has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, and such fine shall not be remitted or refunded—

And so forth.

That is the Senate amendment.

Mr. WALSH. As printed in the RECORD the final clause of the Senate amendment reads—

Provided, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

Mr. JOHNSON of Washington. That is here. I did not read that part of it. That is in the amendment.

Mr. WALSH. So that the new part is the last sentence of this amendment printed in italics in the report?

Mr. JOHNSON of Washington. Yes.

Mr. VAILE. That is correct.

Mr. WALSH. But making it amend section 6 of the immigration act.

Mr. JOHNSON of Washington. There is no section 6 of the present act. The Senate amendment was labeled section 3 of the resolution, whereas it is intended to be a new section of the act of May 19, 1919.

Mr. WALSH. Mr. Speaker, Joint Resolution 268 was an extension of the operation of the immigration act of May 19, 1921. It went to the Senate and the Senate put on three amendments. They amended it by making the time two years, and then included a class to which it was applicable by amending section 2 of the act of May 19, 1921. Then the Senate put on a further amendment, section 3 of the resolution, which did not in any way amend the act of May 19, 1921. It was just section 3 of the resolution.

The SPEAKER. Does the gentleman mean that it did not practically, or did not in verbiage, or both?

Mr. WALSH. I mean in verbiage and in effect, because the operation of the act of May 19, 1921, was extended one year. The Senate put on an amendment which from its reading was to be permanent law, the verbiage of which did not refer to that act and did not necessarily affect the operation of the act.

Mr. JOHNSON of Washington. The Senate amendment section 3 says:

Any alien not admissible by virtue of the terms of this act—

Meaning the act which it is proposed to extend, the act of May 19, 1921.

Mr. WALSH. No; that would mean by virtue of this act, which is the Joint Resolution No. 268. It seems to me, Mr. Speaker, that the conferees have injected new matter by proposing this as an amendment to the act by adding a new section to the act of May 19, 1921.

The SPEAKER. It seems to the Chair that the question is whether section 6 is really germane to the Senate amendment,

and the Chair will have to examine the Senate amendment. The Chair will hear the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Speaker, I yield to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, there are three amendments. To the first there is no question. The third amendment is adding section 3 of this resolution as a new section to the act of May 19, 1921. The amendment of the Senate says that the fine shall not be remitted or refunded. That is the last part of the Senate amendment. That provided a positive and direct inhibition against the Secretary of Labor refunding any of the fines. Now, the provision that the conferees agreed to is as follows:

Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.

There can be no remitting of the fine. There shall be no remission of the fine except in incidental cases, where the Secretary of Labor, after full hearing, claims that the steamship company had no knowledge or information of the inadmissibility of the aliens. So it is not extending the provisions of the Senate amendment, but it is a simple reduction by allowing a slight discretion in the Secretary of Labor to dispense with the fine if the facts come within the provisions of the law. So we feel that we come clearly within the jurisdiction of the conferees in passing on the Senate amendment.

The SPEAKER. The Chair overrules the point of order.

Mr. JOHNSON of Washington. Mr. Speaker, I yield 10 minutes to the gentleman from California.

Mr. RAKER. Mr. Speaker and gentlemen of the House, the second amendment agreed upon by the conferees is what the entire committee of the House, since the bill was passed and since we observed the workings, stood for, and they are glad the Senate placed it on the bill. It becomes effective the moment the bill is signed by the President and will prevent a great many people who are not otherwise admissible coming from Canada, Mexico, and Cuba, who have been colonizing for the last six months for the purpose of coming into the United States under paragraph 7 of subdivision a of section 2 of the original act. It requires a five years' residence immediately preceding the entry. It is wholesome and will exclude a great number of undesirable and improper people who ought not to come to the United States. The third amendment provided a penalty clause. I have been urging this provision, in substance, for the past year. It should have been in the original 3 per cent act. Under the present immigration law there is a mandatory provision against a steamship company that brings people to the United States trying to land those who are inflicted with certain contagious diseases. The Secretary of Labor, when he finds they are thus affected, fines the steamship company $200 and also the amount of passage. Under another provision of the general immigration law the Secretary has some discretion. This provision here would have stopped the rush that occurred last June when something over 11,000 inadmissible aliens were brought to the United States by the steamship companies, and on the ground of humanity and the difficulty in sending them back they were temporarily admitted and taken out of the quota for the following months, which were eventually taken out of the year's quota. But notwithstanding they were warned and after the discussion by the House and the Senate and the public as to what the Secretary of Labor and his assistants would do, there is now admitted to the United States, which the steamship companies can not help knowing, some 2,590 immigrants that the company has been fined for and their passage money returned and the immigrants sent back at the expense of the company.

They are trying to get in on the ground that they came to America, and that therefore we should leave them here. This bill will fine the steamship companies $200 for each inadmissible immigrant brought here and will in addition compel the steamship company to return to the immigrant his passage money paid for coming over here, and in addition the steamship company will have to return the immigrant to his home at the company's own cost and expense. There is one slight exception, and possibly it can do no hurt and it may do good. After the steamship has left, say, Antwerp and has landed at Havre or Southampton, before she has embarked again under her final journey to the United States, if she finds that she has on board inadmissible aliens she must return them to the country whence they came or be fined $200, together with the other penalties imposed; but if the steamship leaves the last foreign port of embarkation and the agent, the owner, or the master has made due and diligent inquiry and reasonably ascertained that the quota has not been exhausted, and that they are carrying no inadmissible aliens, then when the steamship lines reach the port of Boston or New York or Philadelphia, San Francisco, or some other port and it turns out that the alien is inadmissible by reason of the quota having been exhausted, and after examination by the Secretary of Labor he finds as a fact beyond reasonable doubt that the steamship company, agent, owners, or otherwise had no knowledge of the inadmissibility of the aliens before they—the vessel—left the last foreign port, in that event the Secretary of Labor may remit the fine but still compel the company to refund the passage money and return the alien to the foreign country at the steamship's own cost and expense. The last proviso applies to the $200 fine only. The department will have no discretion as to the passage or ticket and the cost of returning. The steamship companies will in all cases have to bear this when they present an inadmissible alien under this act or this amendment. This will give the steamship companies warning that they are no longer to race across the ocean, as they have been doing since last May, for the purpose of seeing who can put his nose to the wharf the quickest and thereby land his human cargo in order to make money, irrespective of what becomes of the alien. The steamship company will be fined $200 for each inadmissible alien brought here and will be required to pay back to the alien the money that he spent for his passage and take him back clear to the point whence he started without charge. There is the one exception, and thus they must show want of knowledge. That will be a sufficient lesson and a sufficient law whereby there will be no more racing on the ocean for the purpose of entering under the wire first to land immigrants into the United States. I believe this law will work in a humane way, and will give proper notice to these steamship companies. [Applause.]

(By unanimous consent leave was granted to Mr. RAKER to extend his remarks in the RECORD.)

Mr. JOHNSON of Washington. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, of course this is emergency legislation. We heard that emphatically expressed here when we passed the original 3 per cent quota law. We anticipated that before the law would be in effect a year's time we would have before us for consideration further permanent immigration legislation, if needed. Despite the fact that there has been a tremendous drop in immigration, we find that the Commissioner of Immigration at Ellis Island, when his attention is directed to the fact that functioning at Ellis Island is rather slow, replies as follows:

I bring to your attention that owing to the small appropriation furnished by Congress for the enforcement of the law at this port, enforced furloughs have resulted, the personnel has been reduced one-quarter and the station is barely able to function along any lines with any degree of efficiency.

Writing to another Member of the House, he says:

You are probably aware that the enforced furloughs in the employees of this station, which have reduced the personnel one-quarter, have made it absolutely impossible to dispose of cases of detained aliens as speedily as before the reduction of the force. In fairness to all concerned the various ships are being handled in the order of their arrival as far as possible.

Mr. Speaker, regardless of whether we believe in a 3 per cent quota law or not, it is about time that Congress made a sufficient appropriation to handle the work at Ellis Island properly and efficiently. I do not think it is very fair to take these employees who have been in the Government service for as high as 20 years and furlough them for one month or two months without pay. These men are entitled to better consideration at our hands. They are compelled very often to work seven days a week, and yet on account of the lack of appropriation they are laid off—some for one month and some for two months—without pay. There is very little immigration coming into this country, and yet the force has been so reduced at Ellis Lsland that some immigrants arriving here are compelled to wait for a week aboard ship in order to be examined.

I hold in my hand a speech delivered by the chairman of the Committee on Immigration of the United States Senate, and he calls particular attention to the fact—

that the immigration from northern and western Europe is of a permanent character, while the immigration from southern and eastern Europe is of a temporary character; and, second, that the immigration movement from southern and eastern Europe is offset by the departures, or home-returning movement, of this group of aliens.

He further says:

Instead of conditions following the Great War producing, as many predicted, an increasing flow of immigration from these countries, these conditions have tended to check immigration.

There is no legitimate, logical reason for extending this 3 per cent law, with all of its inhumanities and barbarities, which

have been so often brought home to the attention of Congress. We all know that under the 3 per cent quota law no student can come to the United States when the quota of his country is reached, but we also know that the number of students who can come in from Japan and China under this law is unlimited, because the 3 per cent quota law does not apply to Japan under any conditions.

There is no reason, if this 3 per cent quota law is to be amended, why provision should not have been made for students to come into this country, and in that way help to build up our commercial trade and international relations. No discretion of any kind is given to the Secretary of Labor in the cases where the visés were granted a long time ago, and despite the fact that we made $5,000,000 profits on immigration visés and head taxes last year, the conditions to which I have repeatedly called the attention of the House on this floor are allowed to continue.

I read the article which the Secretary of Labor has seen fit to insert in the Review of Reviews for the month of May. He discusses the 3 per cent quota law, and he is compelled to admit that he finds a number of cases where he is unable to do even-handed justice. I heard the gentleman from California [Mr. RAKER] a few moments ago talk about the steamship companies. What concerns me more is the treatment of the alien on board the ship, what effect his arrival is going to have so far as this country is concerned, and the treatment afforded to him when he does arrive. There is no reason that I know of why these steamship companies should not be required in each and every case to return the arriving immigrant to the other side if he is not admissable here, if he has once received a visé.

These steamship companies make a profit on the transportation of the immigrant. They are familiar with the law. They know before he boards the ship as to whether he can possibly be admitted, with the exception of the quota law. Now, as far as the quota law is concerned, it is practically a physical impossibility for any steamship company or any alien to know whether he can or can not be admitted, because the aliens are coming via Canada, via Mexico, coming from all over the world by rail or other steamship lines. This law is not based on residence, but on country of nativity.

Mr. VAILE. Will the gentleman yield?

Mr. SIEGEL. I will.

Mr. VAILE. If it is impossible for either the steamship company or the alien to know whether the quota has been exhausted, would the gentleman have the steamship company be required to pay back the cost of the transportation in those cases where the steamship company is blameless?

Mr. SIEGEL. The steamship company is in a better position to know than the alien is.

Mr. VAILE. But the gentleman has stated that the steamship company might not know.

Mr. SIEGEL. It might not know; that is true.

Mr. VAILE. Should it be required to pay back the money?

Mr. SIEGEL. They are in this position: They are making a profit on these immigrants and there is no fair reason why the immigrant should be returned at the expense of the Government and his transportation money returned to him.

Mr. VAILE. He is returned at the expense of the steamship company now, and will be under this legislation. What the gentleman referred to is the matter of refunding the passage money paid for coming.

Mr. SIEGEL. I am referring to the refund also. I am not looking to the question of a steamship profit or lack of profit. I am looking to a fair deal to the immigrant who has disposed of his all to come here. If the gentleman had been at Ellis Island during the past two weeks, he would have seen this type of case where a mother was sent back Saturday a week ago. She was born in Russia. Her orphan grandchild was born in Poland. The son has been in the service, but the child having been born in Poland, both were ordered returned and both were sent back. Now, the steamship company should have known that both of those could not possibly be admitted under our decisions here.

Mr. VAILE. And in that case, under the terms of this legislation, the money would be refunded if they had been known to have exercised reasonable diligence.

Mr. SIEGEL. The contention will be under this provision, and I am not opposing the provision as it is because I am not here defending the steamship company of any kind or description. Now, the mother of this soldier boy is admissible, but the grandchild is not admissible. But I am trying to point out that we have not alleviated the grievances created by this quota law or relieved it of the suffering caused by its enactment.

We still make the question of admission not a matter of residence but a matter of nativity. Now, take the Brest-Litovsk cases which have arisen during the past year. The department should not make a report which rules one time one way and another time another way. When in grave doubt, the visés having been issued by our consuls and the fees of $10 in each case collected, the immigrants should properly be given the benefit of the doubt. The United States District Court of New York has ruled that when a minister is in this country he has a right to send for his wife and minor children, regardless of the quota law.

Has the department followed that decision? No; it declines to do so. I feel, Mr. Speaker, that decisions of our courts should be respected until reversed by a higher court.

Mr. Speaker, the few Members on the floor of this House have heard this immigration debate now for the third time inside of one year. Has not the time arrived when we should very calmly, considerately consider what the immigration now coming to this country consists of, namely, women and children who are either joining parents or going to the father and husband? Annually during the past few years on or about May 1 various articles appear in the newspapers to the effect that recent immigrants are about to commit outrages on the 1st day of May. The usual announcements were made this year. May 1 passed away quietly and peacefully. Let us once more return to normal thinking and judge men and women, whether native or foreign born, by their real worth, character, and reputation. Let us give credit where it is due. Let us eliminate any idea which is being spread far and wide throughout the United States which tends in any way to create dissensions amongst our people on account of race, creed, color, or religion. These United States have been made greater and bigger through the efforts of all the peoples of the earth who have come here. Let us teach the immigrant what America stands for and what real, true American citizenship requires. Then if we are to have a new immigration law, let us base one on justice to ourselves and to those who may desire to come, not forgetting our traditions of old.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced the ayes appeared to have it.

On a division (demanded by Mr. LONDON) there were—ayes 62, noes 9.

Mr. LONDON. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. There is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—ayes 258, nays 26, not voting 146, as follows:

AYES—258.

Ackerman	Cole, Ohio	Gernerd	Lampert
Almon	Collier	Goldsborough	Lanham
Anderson	Colton	Goodykoontz	Larson, Minn.
Andrew, Mass.	Connally, Tex.	Graham, Ill.	Lawrence
Andrews, Nebr.	Cooper, Ohio	Green, Iowa	Layton
Anthony	Cooper, Wis.	Greene, Vt.	Lazaro
Appleby	Crisp	Griest	Lea, Calif.
Arentz	Crowther	Hadley	Leatherwood
Aswell	Curry	Hammer	Lineberger
Bankhead	Dallinger	Hardy, Colo.	Linthicum
Barkley	Davis, Minn.	Haugen	Little
Beedy	Davis, Tenn.	Hawley	Logan
Begg	Deal	Hayden	Lowrey
Bell	Denison	Hays	Luhring
Benham	Dickinson	Hersey	McClintic
Bird	Dominick	Hickey	McCormick
Black	Doughton	Hicks	McFadden
Bland, Ind.	Dowell	Himes	McKenzie
Bland, Va.	Drewry	Hoch	McLaughlin, Mich.
Boies	Dunbar	Hogan	McLaughlin, Nebr.
Bowling	Dunn	Huddleston	McLaughlin, Pa.
Box	Dupré	Hukriede	McPherson
Brennan	Dyer	Jacoway	McSwain
Briggs	Echols	James	Magee
Buchanan	Elliott	Johnson, Ky.	Mapes
Bulwinkle	Evans	Johnson, Miss.	Merritt
Burroughs	Fairfield	Johnson, Wash.	Michener
Burtness	Faust	Jones, Pa.	Miller
Burton	Fess	Jones, Tex.	Millspaugh
Byrnes, S. C.	Fish	Keller	Mondell
Byrns, Tenn.	Fisher	Kelley, Mich.	Montoya
Cable	Fordney	Ketcham	Moore, Ohio
Campbell, Kans.	Foster	Kincheloe	Moore, Va.
Cannon	Frear	King	Moores, Ind.
Carter	French	Kinkaid	Morgan
Chandler, Okla.	Frothingham	Kirkpatrick	Morin
Chindblom	Fuller	Kissel	Mott
Christopherson	Fulmer	Kline, N. Y.	Murphy
Clague	Funk	Kline, Pa.	Nelson, A. P.
Clarke, N. Y.	Garrett, Tenn.	Knutson	Nelson, J. M.
Clouse	Garrett, Tex.	Kopp	Nelson, Me.
Cole, Iowa	Gensman	Kraus	Newton, Minn.

Newton, Mo.	Rayburn	Sproul	Voigt
Nolan	Reed, W. Va.	Steagall	Volstead
Norton	Rhodes	Steenerson	Walters
O'Connor	Ricketts	Stevenson	Ward, N. Y.
Ogden	Riddick	Stoll	Wason
Oldfield	Roach	Strong, Kans.	Watson
Oliver	Robsion	Summers, Wash.	Weaver
Overstreet	Rose	Sumners, Tex.	Webster
Padgett	Rosenbloom	Swank	White, Kans.
Park, Ga.	Rouse	Swing	White, Me.
Parker, N. J.	Rucker	Taylor, Ark.	Williams
Parks, Ark.	Sanders, Tex.	Taylor, N. J.	Williamson
Patterson, Mo.	Sandlin	Taylor, Tenn.	Wingo
Patterson, N. J.	Schall	Thomas	Winslow
Perkins	Scott, Mich.	Thompson	Wise
Pou	Scott, Tenn.	Tillman	Woodruff
Pringey	Shaw	Timberlake	Woods, Va.
Purnell	Sinclair	Tincher	Wright
Quin	Sinnott	Towner	Yates
Radcliffe	Slemp	Tucker	Young
Raker	Smith, Idaho	Tyson	Zihlman
Ramseyer	Snell	Valle	
Rankin	Snyder	Vinson	

NAYS—26.

Bond	Gallivan	MacGregor	Ten Eyck
Busdick	Graham, Pa.	Perlman	Tinkham
Cullen	Griffin	Rainey, Ill.	Vare
Favrot	Hawes	Riordan	Volk
Fenn	Hill	Rossdale	Walsh
Freeman	Lehlbach	Siegel	
Gahn	London	Stafford	

NOT VOTING—146.

Ansorge	Driver	Knight	Robertson
Atkeson	Edmonds	Kreider	Rodenberg
Bacharach	Ellis	Kunz	Rogers
Barbour	Fairchild	Langley	Ryan
Beck	Fields	Lankford	Sabath
Bixler	Fitzgerald	Larsen, Ga.	Sanders, Ind.
Blakeney	Focht	Lee, Ga.	Sanders, N. Y.
Blanton	Free	Lee, N. Y.	Sears
Bowers	Garner	Longworth	Shelton
Brand	Gilbert	Luce	Shreve
Britten	Glynn	Lyon	Sisson
Brooks, Ill.	Gorman	McArthur	Smith, Mich.
Brooks, Pa.	Gould	McDuffie	Smithwick
Brown, Tenn.	Greene, Mass.	Madden	Speaks
Browne, Wis.	Hardy, Tex.	Maloney	Stedman
Burke	Harrison	Mann	Stephens
Butler	Henry	Mansfield	Stiness
Campbell, Pa.	Herrick	Martin	Strong, Pa.
Cantrill	Hooker	Mead	Sullivan
Carew	Hudspeth	Michaelson	Sweet
Chalmers	Hull	Mills	Tague
Chandler, N. Y.	Humphreys	Montague	Taylor, Colo.
Clarke, Fla.	Husted	Moore, Ill.	Temple
Classon	Hutchinson	Mudd	Tilson
Cockran	Ireland	O'Brien	Treadway
Codd	Jefferis, Nebr.	Olpp	Underhill
Collins	Jeffers, Ala.	Osborne	Upshaw
Connell	Johnson, S. Dak.	Paige	Vestal
Connolly, Pa.	Kahn	Parker, N. Y.	Ward, N. C.
Copley	Kearns	Petersen	Wheeler
Coughlin	Kelly, Pa.	Porter	Wilson
Crago	Kendall	Rainey, Ala.	Wood, Ind.
Cramton	Kennedy	Ransley	Woodyard
Dale	Kiess	Reavis	Wurzbach
Darrow	Kindred	Reber	Wyant
Dempsey	Kitchin	Reece	
Drane	Kleczka	Reed, N. Y.	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cantrill (for) with Mr. Sullivan (against).

Mr. Shreve (for) with Mr. Sabath (against).

Mr. Fields (for) with Mr. Ansorge (against).

Mr. Atkeson (for) with Mr. Tague (against).

Mr. Hutchinson (for) with Mr. Carew (against).

Mr. Butler (for) with Mr. Kindred (against).

Until further notice:

Mr. Strong of Pennsylvania with Mr. Mead.

Mr. Longworth with Mr. Brand.

Mr. Sanders of Indiana with Mr. McDuffie.

Mr. Treadway with Mr. Cockran.

Mr. Greene of Massachusetts with Mr. Sears.

Mr. Kahn with Mr. Wilson.

Mr. Wood of Indiana with Mr. Lee of Georgia.

Mr. Reed of New York with Mr. Hooker.

Mr. Free with Mr. Collins.

Mr. Bacharach with Mr. Smithwick.

Mr. Michaelson with Mr. Driver.

Mr. Olpp with Mr. Humphreys.

Mr. Brown of Tennessee with Mr. Kunz.

Mr. Lee of New York with Mr. Larsen of Georgia.

Mr. Reber with Mr. Ward of North Carolina.

Mr. Paige with Mr. O'Brien.

Mr. Kendall with Mr. Drane.

Mr. Coughlin with Mr. Montague.

Mr. Gorman with Mr. Taylor of Colorado.

Mr. Osborne with Mr. Martin.

Mr. Brooks of Pennsylvania with Mr. Campbell of Pennsylvania.

Mr. Dempsey with Mr. Garner.

Mr. Krieder with Mr. Kitchin.

Mr. Shelton with Mr. Hudspeth.

Mr. Maloney with Mr. Sisson.

Mr. Kiess with Mr. Clark of Florida.

Mr. Connell with Mr. Mansfield.

Mr. Johnson of South Dakota with Mr. Gilbert.

Mr. Burke with Mr. Stedman.

Mr. McArthur with Mr. Rainey of Alabama.

Mr. Stephens with Mr. Harrison.

Mr. Wurzbach with Mr. Blanton.

Mr. Wheeler with Mr. Upshaw.

Mr. Reece with Mr. Hardy of Texas.

Mr. Blakeney with Mr. Jeffers of Alabama.

Mr. Ellis with Mr. Langford.

Mr. Smith of Michigan with Mr. Lyon.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this conference report.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the conference report. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. ANDERSON. Mr. Speaker, I call up the conference report on the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, 12, 17, 19, 27, 28, 29, 43, 44, 46, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 13, 14, 18, 20, 23, 30, 31, 32, 33, 34, 35, 36, 48, 52, and 54, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,425,246"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,968,076"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$582,505"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,030,350"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,527,910"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,097,282"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,562,302"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$15,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$954,561"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,277,631"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreemeent to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,381,300"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreeement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,585,960"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,769,180"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three persons at a rate not to exceed $6,500 each per annum"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 40, 41, 42, 50, 51, 57, and 58.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: Appropriates $181,866, as proposed by the Senate, instead of $165,666, as proposed by the House, for rent of buildings in the District of Columbia.

On Nos. 2 and 3: Appropriates $2,877,600, as proposed by the Senate, instead of $2,578,800, as proposed by the House, for the investigation and eradication of tuberculosis in animals, and makes $2,027,600, as proposed by the Senate, instead of $1,728,800, as proposed by the House, available for the payment of indemnities, and inserts the language proposed by the Senate making $300,000 immediately available for the payment of indemnities.

On No. 4: Appropriates $112,000, as proposed by the House, instead of $118,900, as proposed by the Senate, for the expenses of scientific investigations in diseases of animals at the experiment station at Bethesda, Md.

On Nos. 5 and 6: Corrects the totals for the Bureau of Animal Industry.

On No. 7: Appropriates $92,935, as proposed by the Senate, instead of $87,935, as proposed by the House, for the investigation of diseases of orchard and other fruits.

On No. 8: Appropriates $200,000, instead of $250,000 as proposed by the Senate and $175,000 as proposed by the House, for the eradication or control of the white-pine blister rust.

On No. 9: Appropriates $39,820, as proposed by the House, instead of $45,820, as proposed by the Senate, for the investigation of plants yielding drugs, spices, etc.

On Nos. 10 and 11: Appropriates $582,505, instead of $732,505 as proposed by the Senate and $379,705 as proposed by the House, for the investigation and improvement of cereals and the study and control of cereal diseases, and makes $350,000, instead of $500,000 as proposed by the Senate and $147,200 as proposed by the House, available for the eradication of barberry bushes.

On No. 12: Appropriates $20,000, as proposed by the House, instead of $25,000, as proposed by the Senate, for the investigation, improvement, etc., of pecans, almonds, and other nuts.

On Nos. 13 and 14: Appropriates $121,700, as proposed by the Senate, instead of $114,200, as proposed by the House, for the investigation and improvement of methods of growing, handling, harvesting, storage, and marketing of fruits, and makes the appropriation available, as proposed by the Senate, for investigation of vegetables during the processes of marketing and storage.

On Nos. 15 and 16: Corrects the totals for the Bureau of Plant Industry.

On Nos. 17 and 18: Strikes out the language inserted by the Senate making the appropriation for forest products investigations available for testing grasses, and inserts the language proposed by the Senate providing that $15,000 of that appropriation shall be used for the investigation of flax straw as a source of supply for the manufacture of pulp and paper.

On No. 19: Strikes out the language proposed by the Senate appropriating $12,000 for personal services in the District of Columbia, made necessary by the requirements of the Federal water power act.

On No. 20: Appropriates $425,000, as proposed by the Senate, instead of $400,000, as proposed by the House, for the construction and maintenance of roads, trails, bridges, etc., in the national forests.

On Nos. 21 and 22: Corrects the totals for the Forest Service.

On No. 23: Appropriates $75,400, as proposed by the Senate, instead of $70,400, as proposed by the House, for investigations relating to the application of chemistry to agriculture and for biological investigations of food and drug products.

On No. 24: Appropriates $15,000 instead of $20,000, as proposed by the Senate, and $10,000, as proposed by the House, for the investigation of methods for the manufacture of sweet sirups.

On Nos. 25 and 26: Corrects the totals for the Bureau of Chemistry.

On No. 27: Appropriates $168,200, as proposed by the House, instead of $178,200, as proposed by the Senate, for the investigation of soils.

On Nos. 28 and 29: Corrects the totals for the Bureau of Soils.

On No. 30: Appropriates $178,500, as proposed by the Senate, instead of $168,500, as proposed by the House, for the investigation of insects affecting deciduous fruits, etc.

On Nos. 31 and 32: Appropriates $71,500, as proposed by the Senate, instead of $64,000, as proposed by the House, for the investigation of insects affecting citrus and other tropical plants, and makes $10,000, as proposed by the Senate, instead of $5,000, as proposed by the House, immediately available for investigation of the camphor scale.

On No. 33: Corrects the total for general expenses, Bureau of Entomology.

On Nos. 34 and 35: Appropriates $200,000, as proposed by the Senate, instead of $275,000, as proposed by the House, for the prevention of the spread of the European corn borer, and corrects the total for the Bureau of Entomology.

On No. 36: Corrects the language in the statutory salary roll for the Bureau of Biological Survey.

On No. 37: Appropriates $1,300,000, instead of $1,500,000, as proposed by the Senate, and $1,000,000, as proposed by the House, for cooperative agricultural extension work.

On Nos. 38 and 39: Corrects the totals for the States Relations Service.

On No. 43: Strikes out the language proposed by the Senate appropriating $10,000 for the study of standardization of farm machinery.

On No. 44: Appropriates $471,200, as proposed by the House, instead of $477,200, as proposed by the Senate, for marketing and distribution of farm products.

On Nos. 45, 46, and 47: Appropriates $390,000, instead of $405,000, as proposed by the Senate, and $357,400, as proposed by the House, for crop and live-stock estimates, and restores the language stricken out by the Senate.

On No. 48: Appropriates $405,000, as proposed by the Senate, instead of $385,000, as proposed by the House, for the market news service.

On No. 49: Corrects the total for general expenses, Bureau of Agricultural Economics.

On No. 52: Corrects the language in the statutory salary roll of the Federal Horticultural Board.

On No. 53: Appropriates $450,000 instead of $575,000 as proposed by the Senate and $50,000 as proposed by the House for the acquisition of additional forest lands at headwaters of navigable streams.

On No. 54: Strikes out, as proposed by the Senate, the language authorizing the Secretary of Agriculture to sell the experimental farm located at New Iberia, La.

On No. 55: Appropriates $13,000 as proposed by the House instead of $15,000 as proposed by the Senate for the eradication of the Parlatoria date scale.

On No. 56, relating to salary limitations in the appropriation for the enforcement of the packers' and stockyards act: Inserts a substitute for the House and Senate provisions which allows three persons at a rate not to exceed $6,500 each per annum, instead of one person at a rate of $6,500 per annum as proposed by the House and three persons at that rate as proposed by the Senate.

The committee of conference did not agree upon the following amendments of the Senate:

On Nos. 40, 41, and 42: Relating to the expenditure of $175,000 out of the administrative fund provided by the Federal-aid road act for the investigation of the chemical and physical character of road material.

On Nos. 50 and 51: Relating to the use of moneys received from the sale of condemned cotton standards for the purchase of other cotton for such use.

On No. 57: Relating to maximum salaries of scientific investigators in the Department of Agriculture.

On No. 58: Total of the bill.

SYDNEY ANDERSON,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

Mr. ANDERSON. Mr. Speaker, the Senate added to the bill as it passed the House $1,684,000, in round numbers. As a result of the conference the bill is increased by $1,081,940. Unless there are questions on the conference report, I move its adoption.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first of the amendments in disagreement.

The Clerk read as follows:

Amendment No. 40: Page 61, line 17, after the figures "$175,000," insert: "payable out of the administrative fund provided by the Federal aid road act of July 11, 1916, as amended."

Mr. ANDERSON. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 41: Page 63, line 19, strike out "$542,120" and insert in lieu thereof, "$307,120."

Mr. ANDERSON. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 42: Page 63, line 20, strike out the figures "$658,320" and insert in lieu thereof "$483,320."

Mr. ANDERSON. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 50: Page 68, line 15, after the word "act," strike out the figures "$175,000" and insert in lieu thereof "$146,540," and the following: "*Provided*, That any moneys received from or in connection with the sale of cotton purchased for the preparation of practical forms of the official cotton standards and condemned as unsuitable for such use may be expended by the Secretary of Agriculture during the fiscal year ending June 30, 1923, for the purchase of other cotton for such use."

Mr. ANDERSON. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 51: Page 70, line 6, strike out the figures "$3,532,043" and insert in lieu thereof "$3,587,183."

Mr. ANDERSON. Mr. Speaker, I move to recede and concur with an amendment. In lieu of the sum proposed, insert "$3,556,183."

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON moves to recede and concur with the following amendment: Strike out the figures "$3,587,183" and insert in lieu thereof "$3,556,183."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 57: Page 83, line 19, insert:

"MAXIMUM SALARIES.

"During the fiscal year 1923 the maximum salary of any scientific investigator, or other employee engaged in scientific work and paid from the general appropriation of the Department of Agriculture, shall not exceed at the rate of $6,000 per annum: *Provided*, That for the fiscal year 1923 no salary shall be paid under this paragraph at a rate per annum in excess of $5,000 except the following: Not more than eight in excess of $5,000 but not in excess of $5,500 each, and not more than three in excess of $5,500 each."

Mr. ANDERSON. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. KINCHELOE. Mr. Speaker, I have not the provision of the original bill as reported from the committee here in the House. Is this exactly the same as the provision of that bill?

Mr. ANDERSON. It is, with the exception that the amendment as proposed by the provision as reported by the House committee was permanent law, while this is restricted to the next fiscal year.

Mr. KINCHELOE. This just provides for this coming fiscal year? But the same number was allowed and the same maximum salary was fixed?

Mr. ANDERSON. Yes.

Mr. KINCHELOE. That is, 11 in all, 8 of them drawing a maximum salary of $5,000 a year and not in excess of $5,500, and 3 in excess of $5,500?

Mr. ANDERSON. That is correct.

Mr. HAUGEN. Mr. Speaker, may we have the amendment read again?

The SPEAKER. The Clerk will again report the amendment.

The amendment was again reported.

Mr. BUCHANAN. Will the gentleman from Minnesota yield to me five minutes?

Mr. ANDERSON. Certainly.

Mr. BUCHANAN. Mr. Speaker, I have no objection to the Federal Government paying to the scientific investigators of the Agricultural Department such salary as will command the best talent to be had. It is very important that the employees of the Agricultural Department who determine questions as to the identity of insects that prey upon the agricultural production of this country should be the best type of scientific men that the Government can procure. Because, take it, for instance, in the Bureau of Entomology; if they make a mistake in determining the identity of the pink boll worm or the cause of the black rust on wheat or the pine blister, and we, relying upon their judgment, make appropriations to the extent of hundreds of thousands and even millions of dollars. The States, also relying upon their judgment, make like appropriations. So if we have at the head of these bureaus in the Agricultural Department incompetent men, we will throw away probably millions of dollars in backing their judgment.

But, Mr. Speaker and gentlemen of the House, notwithstanding these convictions that I entertain along that line, I think the language in this paragraph is far too broad in its scope and I think it includes too many within its view. Now, listen:

During the fiscal year 1923 the maximum salary of any scientific investigator, or other employee engaged in scientific work and paid from the general appropriation of the Department of Agriculture—

Any part of scientific work. Why, a man who went out into the field to collect insects to send to the bureau for the purpose of being tested and determined could be termed a scientific investigator. A man who went out into a vast wheat section and proposed to identify and mark the barberry bushes could be termed a scientific investigator and receive this salary.

What I want is verbiage in this bill that will command and compel the employment at an equitable salary of men who are equipped to determine correctly these questions, and such men only. As the law now stands, the limit of salary is $4,500 in the exact verbiage that this bill contains, and I understand the classification bill contains the same verbiage. If we adopt the verbiage in this bill, it will be incorporated in the permanent law, and some day we will find out that some Secretary of Agriculture will abuse or trespass upon the discretion herein reposed in him. I make no reflection upon the present Secretary. He may live up to the letter and the spirit of the law in every respect—and I have no doubt but that he will—but with the various duties which the Secretary of Agriculture is called upon to perform he can not be expected to give his personal attention to this matter any more than to other branches of the work. We may wake up some day to find subordinates in the Department of Agriculture are drawing these high salaries under the claim that they are "other employees engaged in scientific work." I would like to see it so fixed that the real scientific men get the salary they deserve, and even if that salary is $12,000 instead of $6,500 it should be placed high enough to command the best talent in the land. [Applause.]

The SPEAKER. The Chair is informed by the Clerk that there is a misprint in the copy that is at the desk here. On page 83, line 23, the figures are "$6,000" instead of "$6,500."

Mr. ANDERSON. The official copy is correct.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. STAFFORD. Do I understand that the maximum salary, as carried in the official report of the action of the Senate, is $6,500 instead of $6,000?

Mr. ANDERSON. The gentleman is correct.

Mr. STAFFORD. I have a copy of the amendment to the bill, as passed the Senate, which is "$6,000."

Mr. ANDERSON. That is incorrect, I will say to the gentleman.

Mr. STAFFORD. How many, then, will receive the salary of $6,500 under this amendment?

Mr. ANDERSON. That will not change the limitation at all. There are three.

Mr. STAFFORD. Can the gentleman inform the House as to who are intended to receive these maximum salaries and these other increases?

Mr. ANDERSON. I can not give the gentleman the personnel. As a matter of fact, there probably will not be more than one.

Mr. STAFFORD. I recall the fact that some time ago a bill was called up on the Unanimous-Consent Calendar, from the Committee on Agriculture, favoring the permanent increase of salaries of some of the bureau chiefs in the Department of Agriculture. Was the maximum in that bill $6,500 or $6,000?

Mr. KINCHELOE. Six thousand five hundred dollars.

Mr. STAFFORD. I have sent for a copy of the bill, but I have not received it as yet. I was in sympathy with the purposes of the bill. Does this carry out the intendment of that bill?

Mr. KINCHELOE. If the gentleman will read the testimony of the Secretary of Agriculture when he appeared before the committee, he will see that he makes a very interesting statement and gives salient reasons why his department is handicapped by losing men in other fields.

Mr. STAFFORD. I now have a copy of the bill—H. R. 10819—reported from the Committee on Agriculture, providing for the increase of salaries of scientific investigators or employees engaged in scientific work. I do not find in the bill any salary as high as $6,500. I fear the gentleman from Kentucky [Mr. KINCHELOE] is in error when he says that the bill favors the maximum of $6,500.

Mr. KINCHELOE. My recollection was not clear about that; but what I had in mind was the statement of the Secretary of Agriculture before the committee.

Mr. STAFFORD. If the gentleman will permit, so that the RECORD may show what the Committee on Agriculture decided should be the advances in salaries, I wish to read——

Mr. HAUGEN. The salaries there were fixed as suggested by the Department of Agriculture. That was satisfactory to the department.

Mr. STAFFORD. Now, you are going $500 beyond the recommendation of the Secretary of Agriculture. When this bill was under consideration and until the Speaker asked whether there was not a misprint in the bill, I was under the impression that the maximum salary was $6,000 instead of $6,500. Let me read into the RECORD what was recommended by the Secretary of Agriculture.

Mr. HAUGEN. That was based on the statements of the representatives of the Secretary of Agriculture. They were satisfied with the salaries fixed in this bill.

Mr. STAFFORD. This bill that I refer to, H. R. 10819, provides—

That the maximum salaries per annum of the following number of scientific investigators or employees engaged in scientific work, paid from the general appropriations of the Department of Agriculture, shall not exceed as follows:

Not more than seven in excess of $4,500 but not in excess of $5,000 each.

Not more than five in excess of $5,000 but not in excess of $5,500 each.

Not more than three in excess of $5,500 but not in excess of $6,000 each, and in no case shall the salary of any exceed $6,000.

I suppose it was intended that these three, who, under the pending amendment, are to receive $6,500 were, under the bill reported by the Committee on Agriculture, to receive $6,000. Would the gentleman have any objection to have an amendment carrying out the intendment of the legislative committee of the House, so as to make the maximum $6,000?

Mr. ANDERSON. Of course, the whole matter is before the House. So far as I am concerned, I do not think $6,500 is too high, and I make that statement after having made some investigation of the salaries paid in the university in the gentleman's own State; for instance, the salaries paid in the University of Michigan and salaries paid in universities and colleges all over the land, where the salaries of professors are very much higher than those proposed here.

Mr. STAFFORD. I do not wish to launch into a comparison between the salaries paid to professors in educational institutions, where their tenure is uncertain, and salaries paid to bureau chiefs in Washington, where their tenure is for life with a pensionable status.

Mr. KINCHELOE. Not all of them are for life.

Mr. STAFFORD. We know that any person who takes employment under the Government is there for life if he wishes to remain, but college professors have an entirely different status. I grant that so far as professors' salaries are concerned they may be $6,500, $7,000, or $10,000, but the gentleman will agree that we have to consider what we are paying to the heads of other bureaus, and I do not recall our paying higher than $6,000 to the head of any bureau. I was in sympathy with the bill reported from the Committee on Agriculture, because I recognize the necessity of these men receiving higher salaries than those which they are now receiving, but I think it is bad policy to go ahead and increase them up to $6,500, which is $500 more than we are paying any bureau head in the employ of the Government. Our First Assistant Postmaster General gets only $6,000.

Mr. ANDERSON. Mr. Speaker, I ask for a vote.

Mr. STAFFORD. I ask for a division of the question, and my purpose is to offer an amendment to the pending amendment.

The SPEAKER. The gentleman demands a division of the question. That is in order. The question is first on the motion that the House recede from its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The question is on concurring in the Senate amendment.

Mr. STAFFORD. Mr. Speaker, I wish to offer an amendment in line 23, to substitute the figures "$6,000" for the figures "$6,500."

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. STAFFORD moves to amend the committee amendment by striking out "$6,500" and inserting in lieu thereof "$6,000."

Mr. STAFFORD. Will the gentleman yield me just a few minutes?

Mr. ANDERSON. The gentleman has had 10 minutes already, but I will yield to him 5 minutes if he wants it.

Mr. STAFFORD. I do not ask for any further time.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The SPEAKER. The question is on concurring in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment numbered 58: Page 84, line 4, strike out the figures "$35,692,233" and insert in lieu thereof "$37,377,073."

Mr. ANDERSON. I move to recede and concur with an amendment; in lieu of the sum proposed to insert "$36,774,173."

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON moves to recede and concur in amendment 58 with an amendment, as follows: In lieu of the sum proposed insert "$36,774,173."

Mr. ANDERSON. Mr. Speaker, I yield to the gentleman from Iowa [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, failures among the farmers reached a crisis about 15 months before such crisis was reached in the stock exchange of New York. It usually takes a certain number of months for a depression to reflect from the producer of raw material to the brokerage concern. The result, however, has never failed to follow.

Only those closely associated with the farming of the country were early advised of the approaching collapse of agriculture. High prices brought about excessive inflation, and during the year 1919 it was freely predicted that a turn in the tide was coming. With this thought in mind and with the hope that an acute crisis could be avoided, I introduced on October 13, 1919, House Resolution 332, calling for a conference of agricultural interests. In February of 1920 a hearing was had on such resolution before the Committee on Agriculture, but interest and influence were lacking to bring about a favorable report. This was the first legislative suggestion to call a nation-wide conference to consider the condition of agriculture and propose remedies for such condition.

With the more acute agricultural depression came more persistent demands that Congress make some effort to bring about desired relief. All farm organizations began the study of the farmers' problem, various remedial measures were suggested. This concentration of effort has brought about more constructive agricultural legislation in the Sixty-seventh Congress than in any other Congress in the history of our country. Every man in Congress interested in the cause has contributed his share. Whether we call the Members of this House active in such movement the farmers' group or the "agricultural bloc" is beside the question.

They are no different from a "Navy group" or a "tariff bloc." They have put forth their best efforts to meet a critical situation, and in part have been successful. As a member of such group or "bloc," I desire to emphatically affirm that the whole purpose of such movement has been to bring about a consideration of a distressing problem by those in power. The charge that a third or indpendent party movement is proposed is unfounded. The whole movement has been prompted by necessity and for the purpose of requiring such legislation to be included in the program to be given consideration.

EMERGENCY TARIFF.

Foremost of the remedial legislation suggested was the emergency tariff. No unprejudiced person can carefully study its workings without admitting its benefits. Before its enactment an average of one and one-half millions of bushels of corn was coming in at our ports every month. Now there is practically none. Canadian wheat was stored on our borders. Now it is seeking other markets. Wool buyers were refusing to make an offer for wool. Now the market is stabilized and advancing. Every woolgrowers' and producers' association in the United States admits that the emergency tariff saved the wool industry. Frozen mutton and meats were offered on our markets. Now home meats are being consumed. A tariff is a necessity on materials of which we produce a surplus, for the reason that it protects us from the oversupply in other countries and makes for a stabilized home market.

Wallace's Farmer, in editorial comment, says:

There are many things to be said for a self-sufficing United States such as the tariff bill apparently contemplates. As a result of trading less with foreign countries we shall be less likely to get mixed up in European and Asiatic politics, and if we do get into trouble we shall be more able to take care of ourselves because of having developed a well-rounded industrial and agricultural life at home, a life less likely to be interfered with by blockades.

The economic condition of our agricultural industry is more involved in the tariff legislation than in any other, passed or pending.

GRAIN FUTURES ACT.

After a carefully laid foundation in the Sixty-sixth Congress, brought about by the depressed market for grains produced by the farmers of the Middle West, among the first bills introduced in the Sixty-seventh Congress were measures seeking to regulate the boards of trade, known as the grain futures bill. For more than 30 years Congress has been making some effort to reach an agreement on legislation covering the grain marketing. It has never been successful until the Sixty-seventh Congress enacted the bill now a law. This has been tested in the Federal courts and found constitutional, and the best information I can procure from grain men themselves is to the effect that many abuses in the present marketing system are being eradicated and that they are pleased that these abuses have come within the provisions of the law and need no longer be coped with in the grain exchanges.

COOPERATIVE MARKETING ACT.

In connection, the Sixty-seventh Congress has also passed the cooperative marketing act, which permits various organizations producing raw materials to cooperate in the marketing of their grain. The truth is that the farmers heretofore have acted independently of each other in marketing their produce, each selling regardless of time, price, or conditions, and many of them being compelled to sell by reason of financial obligations. It is the hope that under the cooperative marketing privilege given in this law they may unite in financing each other and that the marketing of crops can be distributed over 12 months of the year, instead of being sold in three months of the year, to be manipulated by commission firms for the other nine months of each year. I predict that in three years' time the grain marketing in this country will be on a stable basis under these regulations and that the farmers will be satisfied with the marketing privileges granted to them thereunder.

PACKERS' LICENSING ACT.

In the same Congress the packers' licensing bill was favorably reported by the Committee on Agriculture and became a law. This law has just been sustained by the Supreme Court of the United States. Those best informed admit that the regulations provided under this act are eradicating many of the abuses of the former packer-controlled live-stock marketing system in existence. The privilege granted the Secretary of Agriculture is not drastic, but the peculiar abuses imposed upon the live-stock producer have been minimized, and that manipulation is prevented, and the live-stock raiser is again encouraged and is looking forward to a hopeful future.

WAR FINANCE CORPORATION.

In connection with the legislation referred to, we found that the agricultural interests were stranded for want of financing. Even though the deflation brought upon the agricultural interests by the Federal reserve system was required, in order to make the financial system of the agricultural States secure, it was entirely too rapid, and forced a depression in prices that brought a financial crisis in agricultural States. No one denies that the expansion in finances was too great, but they do contend that the deflation was too rapid, and should have been spread over a term of years, rather than a period of months. In order to relieve the situation the War Finance Corporation was revived, and through its channels approximately $25,000,000 has been placed at the disposal of the farming interests in Iowa alone. Many say that this assistance did not extend to the individual agricultural producer. Indirectly it did extend to the producer, for the reason that many banks would have been compelled to force liquidation of their loan accounts had not the War Finance Corporation come in and relieved them of their excess loans. This has materially benefited the farmers of Iowa.

RATE OF INTEREST ON AGRICULTURAL LOANS.

It was also found that the loaning system provided by the Government was unable to function by reason of the slack demand for the bonds issued either by the Federal land banks or the joint-stock land banks. In order to stimulate the sale of these bonds, an amendment to the law was passed permitting the bonds to be sold at a rate of an additional one-half of 1 per cent. With this assistance, the bonds of these banks have been floated, and many loans have been made to the farmers of Iowa and other States, which have materially assisted them in refinancing their losses and covering them over a period of years. The loans made since these systems began to function approximate $629,000,000.

SURTAX RATE ON INCOMES.

It is my contention that the influence of the agricultural interests acted in behalf of the good of the common people in concentrating its efforts in favor of the 50 per cent surtax rate on

incomes in lieu of the 32 per cent surtax rate as proposed. A careful analysis of the law as enacted shows that we reduced the taxes paid by everyone having income between $6,000 and $68,000, and not until the income exceeds $86,000 does the tax as provided in the Senate amendment, which became the law, exceed the tax as proposed in the bill as passed by the House. The action thereby relieved 657,000 taxpayers of a portion of their tax burdens, while if the 32 per cent surtax rate had been adopted relief would have been offered to only 11,000 persons of a portion of their tax burdens.

Unfounded is the charge that the tax law is unfair. We have reduced the surtax rate on the average income. It was the contention of those favoring the higher surtax rate that this relief would materially assist so many more people, that the reinvestment in industries would be even greater than though the 32 per cent surtax rate was fixed.

It is to be noted that nearly all of the advocates of the lower surtax rate were also advocates of the sales tax, and if the surtax rate as fixed in the lower rate proposed failed to produce the necessary revenue the alternative would be to levy a sales tax and thus spread the tax further among those least able to pay.

MATERNITY ACT.

Attention is called to the fact that the maternity bill, having for its purpose the general welfare of the common people of the country, is now a law. This was of intense interest to the motherhood of the country, openly advocated by all prominent women's organizations in every State, and a decisive step toward accomplishing some of the things that the progressive women of our country are demanding in behalf of our people.

COMMODITY FINANCING.

Plans for the future in behalf of agriculture are concrete and under way. There is unity of policy among the various organizations interested. They agree upon certain fundamental measures and encourage their enactment by Congress. These interests have a perfect right to insist that they shall be given a hearing equal with other interests in this country. It is their contention that they have not been given equal consideration.

It is proposed to ask a reorganization of the farm credits system in this country. This is to be accomplished by a commodity financing plan, which has been carefully worked out and is now pending before the Committee on Banking and Currency. This proposed legislation will provide a method by which those having raw products can store the same under some form of warehousing and secure sufficient advances thereon to assist in financing their needs until the proper time for sale of the product. This will apply to grain, live stock, and so forth.

Our financial system has been formulated around commercial and industrial banking interests, without the inclusion of agricultural protection as a purpose. Short-time securities are usually maturing at a time most embarrassing to a producer of raw materials, and an elastic system along this line is now being formulated.

AGRICULTURE REPRESENTED ON FEDERAL RESERVE BOARD.

Agriculture also asks that it be included in the various industries represented in the Federal Reserve Board. The raw products of agriculture last year amounted to over $21,000,000,000, the largest of any one industry in the country. And yet our Federal Reserve Board as now constituted represents entirely the industrial and commercial banking interests of the country. This is the reason why they are led to make orders and suggest policies that react first and hardest against the producer of raw materials. If a member representative of agriculture may be placed on this board, he will be able to present the cause of agriculture and see that it is given fair consideration in the policies of the board.

TAX-EXEMPT SECURITIES.

Another feature of the program for the welfare of agriculture has taken definite form in a resolution introduced by Congressman GREEN of Iowa, for an amendment to the Constitution which will practically result in the stopping of further issuance of tax-exempt securities by the Federal or State Governments. This legislation has received encouragement, and the resolution is now pending in the House, with the expectation that it will be favorably acted upon in the near future.

TRANSPORTATION SYSTEM.

The future program of agriculture is also interested in the reformation of our transportation system. The complaint against high freight rates is entirely justified. The only recourse of the producing Middle West is to in every way encourage water transportation in order that the Middle West may have some form of water competition with the present railway transportation. This will reflect in general freight-rate reductions throughout that section. A promise is now being made that with the revival of transportation freight rates will be reduced. This reduction must come on raw materials, and it is the purpose to carefully work out a systematic plan by which influence can be brought to bear to readjust the whole transportation system in keeping with the demands of agriculture.

ADDITIONAL INTERESTING LEGISLATION.

The "truth-in-fabric" bill is of interest to all persons who produce wool, and to all persons who wear clothing. This bill is being opposed by the manufacturer of woolen clothes because it will prevent his using shoddy wool when he should use real wool. It is being favored by the producers of wool, and by those who believe that no hardship is imposed upon any manufacturer when he is compelled to say to the public "this garment contains certain materials woven into cloth."

The "standard container" bill is trying to protect the public by refusing to permit men to sell a basket of peaches containing seven-eighths of a bushel for a full bushel, when the baskets are so nearly the same size that it can not be detected by the eye.

The "filled-milk" bill, if enacted into law, will prohibit the sale of milk from which the butter fat has been removed and for which vegetable oil has been substituted as an article of food. This proposed legislation protects not only the milk producer but also the consumer of the product. It is proposed for the general welfare and protection of the buying public, and is not promoted purely for the selfish interests of the producer.

IMPORTANCE OF THE "AGRICULTURAL BLOC."

Prosperity for the farmer depends directly upon great masses of nonagricultural people consuming his product. Everyone of these measures is as much for the protection of the consumer as for the producer. The purpose is to eliminate expense between the producer and the consumer, and decrease the cost accordingly. With the reduction in the spread between the producer and the consumer benefit will inure to both.

This movement in behalf of agriculture is not a selfish one. Farmers are seeking a method to better their living conditions, to better their community life, their school life, and their citizenship. Any movement that seeks to bring about these better conditions should be encouraged, rather than criticized, and if the "agricultural bloc" in Congress shall carry out its program to stabilize food production, economize transportation, minimize market machinery, liberalize commodity financing, equalize export demands, and harmonize the different sections of the country accordingly, its influence and action will inure to the benefit of our entire citizenship.

Mr. ANDERSON. I yield 20 minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. BLAND of Indiana. Mr. Speaker and colleagues, one month of the great coal strike has passed into history with no immediate prospects of the contending forces getting together in settlement. It is estimated that there are 650,000 striking coal miners in the country to-day, and very few of them are temporarily employed in any other capacity. It is true that the pinch from want of fuel has not been severely felt as yet, but the time is fast approaching when our splendid industrial progress will be crippled to a marked degree. The American public waits for necessity to drive it into activity. Very little interest was shown prior to April 1, while the two great contending forces in the mining industry were drifting to an inevitable strike with all its damaging, blighting influences. During the last month a tremendous amount of economic waste has taken place. One-twelfth of the year for many thousands of men has been lost forever. The Republic's greatness and usefulness has been impaired and weakened. Its wealth and commercial prestige must inevitably suffer. How long it is to continue no one can say.

The Committee on Labor in the House of Representatives, beginning before the 1st of April, have been making every effort possible to bring about an adjustment of the differences between the miners' organization and operators' organization, but it has been without successful termination. Our labor has been helpful, I am sure, in clearing up many points of misunderstanding of which the country is now informed, and in obtaining a great amount of information which is to prove of great value in the solution of the problem which we all hope will come in the near future.

On the 17th of March I spoke from this floor on the possibilities and probabilities of the strike occurring. I called attention then to the agreement of the operators of the central competitive field with the United Mine Workers' officials to meet prior to the 1st day of April, 1922, for the purpose of arriving at

a biennial agreement and thus avoid the necessity of a shutdown of the mines. This agreement was entered into by the operators and miners with the consent and approval and at the solicitation of the Government, and it has been regarded that the agreement was virtually underwritten by the United States Government.

In conformity with this agreement the miners evidenced a willingness, and even great anxiety, to meet the operators in accordance with their long-standing custom and thus avoid the necessity of a strike. It was known then that the operators of southern Ohio and western Pennsylvania were not willing to meet, but fully intended to breach their agreement. It was my understanding at the time that the operators of Illinois, Indiana, and other portions of Ohio in the central competitive field were anxious and willing to meet; in fact, I have been informed and I have since ascertained that I was correctly informed, that the Indiana operators had in good faith made an effort to get ready for the conference, but found that southern Ohio and western Pennsylvania were obstinately refusing to meet the other members in the central competitive field for the purpose of fixing a basic wage scale. President Harding on more than one occasion showed that he was not unmindful of the fact that the mining industry was about to be paralyzed by a great Nation-wide strike, and he expressed his disapproval at the obstinate attitude on the part of some in refusing to carry out the agreement. Secretary Davis had "gone the limit" in trying to get the contending forces together. He found that the miners were willing and anxious to meet in accordance with their doctrine of collective bargaining, but that certain operator groups were immovable in their determination to bring the present crisis upon the country. Many causes may be assigned for the open breach of faith and open defiance to public and official opinion on the part of the operators. It was contended by the two objecting groups that they could not under the wage scale existing compete with the nonunion operators in contiguous territory. I do not believe this to be the real reason for their refusal to meet. If this was the real reason they would have met the miners in accordance with their agreement, proposed a reduction, declared their inability to compete, and adjourned the meeting, leaving themselves in a better strategical position. Some of them had openly stated before the Labor Committee that they would not meet with the central competitive field operators as in the years gone, for the reason that changed conditions made the basic wage-scale fixing by the old competitive field no longer practicable. Your Committee on Labor felt that there was hope of getting some of them together to fix a basic wage scale.

President John L. Lewis came before the committee, laid his cards squarely on the table and made a plain, definite proposition, and showed in his attitude a disposition to meet the operators in a spirit of fairness and conciliation. True enough, he made demands which he himself probably realized his organization could not hope to obtain in a conference at this time with the operators' organization. His attitude to anyone who has studied his testimony would clearly indicate that his proposal was made for the purpose of bargain making and, necessarily, in accordance with the history of such affairs, his organization would be required to recede from a part of its demands. He frankly stated that he would recommend to his policy committee that if any representative tonnage of the central competitive field would be willing to meet his organization that they should meet for the purpose of fixing a basic wage scale.

The central competitive field represents 200,000,000 tons. Illinois has a tonnage of 90,000,000 and Indiana 30,000,000 tons.

The Committee on Labor, knowing that Indiana and Illinois operators had evidenced a willingness to meet, believed that Illinois, Indiana, and a portion of Ohio could be persuaded to meet the miners. Accordingly we wired the officials of these operator groups, stating the attitude of Mr. Lewis and asking them if they would be willing to meet on April 10 in Washington. The Pittsburgh Vein Operators' Association, of Ohio, replied in substance that they did not consider it to the best interests of the district which they represented to meet in this manner. George M. Jones, president of the Ohio Collieries Co., wired in substance that he was afraid to meet them, fearing he would be prosecuted by the Federal authorities. Indiana Bituminous Coal Operators' Association answered that they were willing to meet the miners in interstate conference of central competitive field as previously constituted but not otherwise, but that they would meet the miners of Indiana. The Pittsburgh Coal Producing Association wired that it had definitely and finally determined that they would not again participate in a so-called competitive field conference. The southern Ohio coal operators at once declined to meet with the old competitive field arrangement, and expressed a fear of prosecution by the Federal authorities. Illinois Coal Operators' Association, having heard of the attitude of the other groups, replied that since the others had refused to meet in the conference, it left Illinois by itself, and that a meeting with the Union Mine Workers of America as a whole would not be practicable. Thus, for first one reason and another, they have all refused to meet the miners to make an agreement.

Before our committee some operators expressed themselves as having no fear of Federal prosecution. Others continued to use the fear of Federal prosecution as an excuse to hide their real reasons for failure to meet.

During the hearings Attorney General Harry M. Daugherty, having been informed by me of the contention of the operators, addressed to me a letter, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 26, 1922.

Hon. OSCAR E. BLAND, M. C.

MY DEAR MR. BLAND: I have your letter of this date making inquiry of me as to the attitude of the Department of Justice with respect to a conference between the operators and miners of the central competitive field.

I beg to advise you that indictments were found in the Indiana Federal court against a large number of operators and a large number of miners for things charged to have been done at meetings where conferences similar to those now proposed took place. These indictments were found prior to the time of my assuming the office of Attorney General of the United States. Some of those indicted were residents of States other than the State of Indiana. In practically all of the States outside of Indiana defendants resisted removal proceedings, and these removal proceedings are still pending.

While the Department of Justice has not been officially asked by anybody to state the position of the department in regard to these indictments or in regard to seeking other indictments in case such a meeting as has been under discussion recently should be held, I have, in public statements and private conversations, very frankly stated that considering the agreement two years ago between the miners and operators in this particular field, and, it may be said, the Government's participating in that agreement, that a meeting should be held prior to the 31st day of March, 1922. I felt it the duty of the operators and miners to hold such a meeting. Both sides have known all along (informally) that it was my judgment that a meeting should be held, because of the peculiar situation with reference to the meeting which had previously been held, which provided upon adjournment for a subsequent meeting, and to which agreement the Government was more or less a party.

Now, having taken that position, is it likely that the Department of Justice would undertake a prosecution against men for doing a thing which it advised under the circumstances should be done? Nobody connected with this department has made any statement to the effect that a prosecution would be undertaken if a meeting such as was contemplated by the resolution providing for the same were to be held. The question as to fear of the Government's action was never, to my knowledge, raised until the recent refusal of the operators to hold such a meeting. To my knowledge the question was not raised when the operators some months ago were willing, at least, if they did not urge, that a meeting should be held, at which time, as I am advised, the miners refused or gave reasons why they could not meet.

I believe I have given you the facts as they exist, and I believe they will not be contradicted.

Very truly yours,

H. M. DAUGHERTY,
Attorney General.

In our hearings we have heard nothing more having the resemblance to sincerity about the fear of the law. P. H. Penna, secretary of the Indiana Bituminous Coal Operators' Association and the real spokesman of the operators of the central competitive field, and the champion and defender, as well as one of the most influential originators of the Central Competitive Field Association, took the position before our committee that he was unwilling to meet with Illinois and eastern Ohio. He begged the committee not to require him to explain his reasons. The committee felt that the Illinois and Indiana operators were not in accord, and that there was no hope of getting them together in line with the proposition of Mr. Lewis. It has been the contention of the operators who appeared before our committee, and who employ union labor, that it was necessary for them to break away from the competitive field contract practice and divide up into State or district units and deal directly with the men of those units. Up to this point there has been no indication on the part of the United Mine Workers of America that they are willing to adopt this method in order that an agreement may be reached.

The committee's inquiries has covered practically every phase of the coal-mining industry. With our limited powers and facilities we have attempted to gather all needful information, but find that very little accurate, useful, and detailed information can be obtained from any source, and such as has been obtained is necessarily given in exaggerated form, depending somewhat on the interests of the informants. The Geological Survey, the Department of Labor statistics, the Federal Trade Commission, the Interstate Commerce Commission, the United Mine Workers' statistician, the statistical department of the National Coal Association, and various other agencies and individuals have been called upon to give facts with reference to the cost of coal production, distribution, and

sale, together with wages, labor, and living conditions in the coal-mining industry.

We have inquired about profits and losses, illegal combinations, and coal profiteering. At the outset we were met with the remarkable statement of facts that no Government fact-finding agency was able to give any information on more than 2,500 mines out of the possible 11,000, and that for the most part the information was restricted to two or three hundred mines. Governmental agencies, in their attempts to gain information, with a few minor exceptions, were required to take and did take such information only as the operators through their various associations wished to disclose. Even the Federal Trade Commission, which the country believed had full power to obtain facts, were met with a restraining order against inquiring into the production of coal in the States. On more than one occasion operators brazenly refused to give the labor committee the cost of production or the selling price of coal at their mines.

It was shown that coal in 1920 and 1921 had been selling at the mine f. o. b. at prices ranging from $2.25 to $12 per ton. Some of the mines where the high and outrageous prices were demanded and obtained were owned by those who refused to give information on cost production. The National Coal Association, through its vice president, Mr. Morrow, came forward with its padded report, stating that their compilations of the cost of coal production showed that it averaged $2.94 per ton and that the labor cost per ton was $1.992. Upon being questioned as to details of labor cost, no information could be obtained to show what the cost was in the better class of mines. It was admitted that in arriving at the average many "fly-by-night" mines, which operated only when there was an excessive demand for coal, were included in the compilations of production cost. I make this statement advisedly—there is no agency in this Government to-day that has the informatoin, or that can obtain it, as to what it cost during the last year for a well-equipped, efficient coal mine to produce a ton of coal. The Government not only does not have it, but the right to obtain it is denied them by the coal producer. He says it is an unwarranted interference with his private business.

Gentlemen of the House, coal is the life of the business of the country. Without cheap fuel available at all times we are handicapped in our economic growth.

So much depnds upon coal that it is quasi public in character, and our citizenship is fast realizing that until we solve the coal problem our national greatness is woefully handicapped.

I will tell you why the operator does not want to give the price it costs him to produce a ton of coal, and he may camouflage all he wants to to keep from giving the true reason, but this is the reason: At times when the pinch comes, and the public must have coal, he demands an exorbitant price for it, and he does not want the country to know what it costs him to produce it, because he realizes that in many instances the public would feel outraged, and that some retaliatory measures would be resorted to. It is hoped by those who are thinking the deepest on this great national problem that we may eventually find a remedy for the evils in the coal industry, and that it may be stabilized so that we may have a steady production at all seasons during the year, and when competition will reign and cheap fuel may be had with a good fair profit to the operator and a good wage and steady work for the employee. You will ask what are the bad conditions that prevail to-day in the coal business and what are the remedies? I can answer the first question with probably as much certainty as anyone, considering the limited facts obtainable. The second question is the great problem to be worked out after all the facts have been obtained. I have some notions as to what may be done to help solve the problem. I do not claim to be able to point out a sure remedy for this economic ailment, but I believe that I have some suggestions that will be helpful.

In the first place, gentlemen, the coal business is overdeveloped. There are one-third too many mines and one-third too many miners. Some operators make the statement that this condition insures competition and insures stability and a reasonable price for fuel. Not at all. On the contrary, we find ourselves in the position where the public must give a profit to the unprofitable mine and pay wages to the miner who works but one-third of the time. The real trouble of the business is that the coal industry is seasonable. In the fall and winter there is an unusual demand for coal. This may be said to be the fault of the public, and in that lies one of our problems.

Everybody wants coal at once. The price goes up. Men go out to the mouth of the mines and bid against each other to get the output of the mine. Seriously, now, gentlemen, can you blame the operator for selling to the man who offers him the most? Does not the farmer do it? Does not almost everybody else who has anything to sell do the same thing? It is just at this time that the fellow with the unprofitable mine, with the thin coal vein, with the slate band, with the mine which can not be operated except at an abnormal expense, comes to the front and sells his coal at the inflated price. His miner only works one-third of the time during the year, and if he is paid $7.50 per day he only earns about $75 per month. Could he live and support his family on less? The operators say that the remedy is to reduce this fellow's wages. I say that as long as the mine is there with the hope of employment, the miner will continue to stay there and the country can not see him suffer.

If the more efficiently managed and cheaper operated mines could operate throughout the year like other manufacturing institutions, it would not be necessary for the unprofitable mine to operate. With steadier work a cheaper wage per day might be possible. That means cheaper production cost per ton. So long as we have seasonable production we will have overdevelopment and overemployment at the coal mines, and when the pinch comes the public will have to pay for the overdevelopment.

How are you going to cure the overdevelopment problem? A careful, scientific study of the problem, after full, scientifically gathered and prepared data is obtained, will find the solution for the problem. I believe the bringing about of summer production of coal will go further toward solving the problem than anything that has been suggested. You immediately ask how are you going to bring about summer production of coal? First, by making a summer freight rate on coal. We have the power to do that under existing law. Second, the railroads consume one-third of the coal produced in the United States. Require the railroads to store their coal during the summer, and encourage the public to do as much of it as possible. If the railroads would store their coal during the summer the car-shortage question would be largely settled, and the inevitable scramble and profiteering at the approach of winter would not be so noticeable.

Mr. DENISON. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. DENISON. On what principle does the gentleman think he could make the railroads buy their coal in the summer time?

Mr. BLAND of Indiana. Through the Interstate Commerce Commission.

Mr. DENISON. Under what existing law?

Mr. BLAND of Indiana. On the theory that they can not operate if they can not get the coal. If that is not the law, it ought to be, and I believe will be.

Mr. DENISON. Does the gentleman think that the Government could compel the railroads to buy steel or box cars?

Mr. BLAND of Indiana. I think the power of the Government would go that far. In the regulation of interstate commerce the Government has the right to go that far, and surely they would have the right to require them to buy not only cheap fuel but available fuel.

Mr. LAYTON. Will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. LAYTON. Does the gentleman think the Federal Government has a right to take twenty billion of the people's wealth and do what they please with it?

Mr. BLAND of Indiana. They are doing it. But that is water over the wheel. This country is big enough, and the State lines are obliterated to the extent that no longer will they tolerate the doctrine that local interests can interfere with the general welfare of the Republic.

Mr. LAYTON. I am not talking about the matter of State lines, but the bolshevistic government taking private wealth without remuneration.

Mr. BLAND of Indiana. The gentleman from Delaware will find that these Bolshevists are asking the Government of the United States $16 a ton for Navy coal, and as a Member of Congress he ought to get up on his toes and howl for cheaper fuel for the Navy rather than about the interference with private business.

You hear much talk by the operators against coal storage and summer production. Why? Because they want the pinch to come when they can pinch the consumer, and no man that has studied this problem can arrive at any other conclusion, if he has the fairness and the courage to express himself. Mr. Penna said that the coal was stored by nature in the ground, and that in the ground where nature put it was the best place to store it. The trouble of his theory is that the public can not get to the storage bin until after the strikes and contentions between the operator and miner have been settled and the profiteers have had their chance. Not alone is the exorbitant

price demanded by the operator when the cold-weather pinch comes a nightmare of the poor consumer, but he is robbed and plundered by selling agencies, coal brokers, and middlemen before it gets to the retail dealer, and then the retail dealer proceeds to nail the lid upon the consumer's coffin.

Mr. Morrow, vice president of the National Coal Association, said that he was paying $15 per ton for coal in Washington City. A fellow by the name of Ritter, according to the testimony before a coal investigating committee of the Senate, started out to sell to the consumer here at considerably reduced prices. The retailers' organization, in the shadow of the Department of Justice, told him in no uncertain terms that his underselling the retailers' organization was unfair, and that he would have to raise the price or they would put him out of business. And they did put him out of business. He found that he could not buy any coal to sell his customers because they had tightened down upon the producer of the coal, who in turn refused to sell to him. I wonder if this is evidence of an illegal combination in restraint of trade? It is a brazen, open violation of the law in the Nation's Capital affecting the health, comfort, and the very lives of its citizenship. True, this is probably no worse than conditions that maintain in the food markets of this and many other cities, but if you will add the retail holdup to the very perplexing coal production problem you can understand why the coal consuming public has about reached the limit of its patience.

Certain operators would make the public believe—and they are the greatest propagandists in America to-day—that all the ills of the coal industry should be laid upon the back of the man who digs the coal. They must know that this is unfair, and if you will go with me into the mining fields, with which I am acquainted, I can show you in many places the hovel of the coal miner, where he sits to-day with his poorly clad, pinched-faced family, brooding over the unkindness of fate. It is true that some among them, who have the most favored working conditions under the existing wage scale, at times earn a wage that is fairly compensatory and which is adequate to raise his standard of living high among the working people. But as a class they are not prosperous. In the central competitive field he gets $1.08 for mining a ton of coal. He must from this pay considerable for powder, light, pick sharpening, and so forth. He can mine 10 tons of coal per day, but more often he does not have the opportunity of mining 10 tons per day, and he often does not have but two or three days work per week.

Mr. Morrow said that the cheapness of coal did not increase its consumption in the United States to any marked degree. Would cutting down the miners wage 40 per cent and reducing the earnings of the man who gets $800 per year to $480 cheapen the production cost of coal more than 45 cents per ton? The average profit per ton to the operator during 1920 in 51 mines investigated by the Federal Trade Commission and taken from the operators' own statement was between $2 and $2.50 per ton. Of course the more favored mines, the more efficiently managed mines, made a far greater profit than this.

When coal sells retail for $12 a ton what kind of a heart has the interested party who clamors for taking off the 45 cents from the poor devil who goes down into the dark chasms of the earth, imperils his life and health in order that we may have light and fuel? Every mail brings to my office highly colored, beautifully decorated, attractive-looking propaganda purporting to tell the facts about the coal question. Millions of dollars are being spent to educate the public that the whole trouble of the coal-mining industry lies in the unbent spirit of the man who refuses to give up a part of the pittance he is now receiving. The operator says he can not compete with the nonunion operator. For the sake of argument let us suppose that at the end of a long and devastating strike the operators of union mines could beat down the wages of their men to the level of the wages paid in the mines of their nonunion competitors. Does it not occur to you that the nonunion mine owner would soon announce a new wage scale below the new scale agreed upon between the union mine and the organized mine workers? Would there be any end to it; and what, in the meantime, would happen to the unfortunate fellow whose toil and risk makes it possible for us to have fuel? Do any of you want the welfare of 750,000 American citizens to depend upon the generosity of employers engaged in trying to cut each other's throats at the expense of the men who do the work and at the expense of their unfortunate families?

The United States Steel Corporation owns 1,000,000 acres of coal land. The railroad companies own millions more, and are operating them in many instances. Are we to believe that these steel companies and railroad companies are idly watching these days go by while the stout-hearted pick wielder sits in his cabin door waiting for the opening of the mine? These powerful organizations, in my judgment, are wasting millions trying to teach an exasperated public that their hands are clean, that their hearts are pure, that their methods are good, that they are philanthropists, and all that stands between the public and the solution of the fuel problem is the horny-handed fellows that get $1.08 per ton for mining it. And there are those among you who have been led into this way of thinking. Some of you approach the question with prejudice against union labor because of certain misconduct on the part of certain union men.

I do not attempt to palliate or excuse, but, on the contrary, I mercilessly condemn lawlessness, unnecessary trouble making, and agitation in industry, and I do not care whether it hits the union or the nonunion man. The attempt that is being made to-day by powerful and selfish organizations to break up the organizations of laboring men, with which they have protected themselves and their families for a generation, will not succeed.

Most of those who have openly fought unionism have not the courage to go before the public and show that their present attempts are made in that direction, because they realize that the United Mine Workers of America, not only during the war but during its existence, has been the stabilizing influence that has kept down Bolsheviks and extreme radicalism in the mining industry and by keeping the men working in the coal mines when otherwise there would have been industrial chaos.

If this fight is to be fought out to a finish it means that the doctrine of Judge Gerry—the open shop, the abolition of the union in our mines of the United States—shall maintain, or that the recognition of the existing miners' organization and a contract shall eventually result. Does any sensible, thinking man believe that this country can wait to see the mines throughout the whole country nonunionized? Does not it appeal to you as being essential to the immediate needs of the country that labor and capital in the coal-mining industry, in substantially their present organized form, shall speedily get together and proceed to administer to the wants of the country, whose general welfare is paramount to the interests of all? [Applause.]

I believe this administration is going to be helpful when the time arrives when it believes it can be effective. I have that confidence in the men at the head of our Government. I said before, and I say now, however, that if the miners had broken their agreement that the heavy hand of the law would have been upon their backs before now, at least the threat of it. The Government is not going to be helpful if it equivocates as to whether it is going to prosecute the participants in a wage-scale conference which would probably result in an agreement between the contending forces. The Attorney General should clarify some statements that he, according to the press, is reported to have made since writing me the letter to which I have referred. These statements have been calculated to bolster up false reasons for refusing to confer.

I believe in trying to stop the fire before the house is burned down. Surely the bitterness and strife and heat engendered with the coming weeks will not aid in a peaceful solution of what, in my judgment, is the greatest industrial crisis we have faced in a generation.

I have offered as a substitute for H. R. 11022 the bill which reads as follows:

A bill (H. R. 11022) to establish a commission to inquire into labor conditions in the coal industry.

Be it enacted, etc., That when used in this act—

(a) The term "person" means individual, partnership, corporation, or association; and

(b) The term "coal" means anthracite, bituminous, and other coal, lignite, coke, and culm, whether in place, extracted, or banked.

SEC. 2. (a) That there is hereby established a governmental agency to be known as the "coal investigation agency," and to be composed of 10 members, as follows:

(1) The Director of the Geological Survey, the Director of the Bureau of Mines, the Director of the Bureau of the Census, and the Commissioner of Labor Statistics; and

(2) Six members to be appointed by the President, by and with the advice and consent of the Senate, two of whom shall represent the coal mine operators; two of whom shall represent the employees of such operators; and two of whom shall represent the public.

(b) Any vacancy in the office of an appointed member of the coal investigation agency shall be filled in the same manner as the original appointment. The appointed members shall each receive a salary of $6,000 a year. The members ex officio shall receive no additional salary for their services as members.

(c) The coal investigation agency shall cease to exist two years after the passage of this act.

SEC. 3. That for the purpose of providing information for the Congress as a basis for legislation to settle industrial disputes in and prevent the overdevelopment of the coal industry, to stabilize and to levy taxes in respect to such industry, and to regulate commerce in coal among the several States and with foreign nations, the coal investigation agency is authorized and directed to require and obtain from any person such data, information, and reports as it deems desirable for such purpose, including among other matters data, information, and reports as to the supply, production, distribution, storage, and consumption of coal and its grading and economic utilization, as to the relations between operators of coal mines and washeries and their employees, with particular reference to wages, hours of labor, and working conditions, and as to the ownership and physical value of coal lands

and of such property of operators or owners as is of use in the operation of coal mines or washeries.

SEC. 4. That the coal investigation agency shall make such reports to the Congress and to the President from time to time as it deems advisable, and shall make to the Congress and to the President a final report not later than two years after the passage of this act. All data or information obtained by the coal investigation agency shall not be made public except in such reports to the Congress and to the President, or in compliance with the subpœna or order of a court of competent jurisdiction. Such reports shall not contain any such data or information which would disclose the trade secrets of any person. Any officer or employee of the coal investigation agency who shall make public any data or information in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than $5,000 or imprisoned for not more than one year, or both.

SEC. 5. (a) That for the efficient administration of the functions vested in the coal investigation agency by this act the agency may require by subpœna, issued and signed by the chairman, the attendance of any witness and the production of any book, paper, document, or other evidence at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any member of the coal investigation agency may administer oaths and examine any witness. Any witness summoned or whose deposition is taken under this act shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In case of failure to comply with any subpœna or in case of the contumacy of any witness before the coal investigation agency, the agency may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpœna and to give evidence touching the matter in question. Any failure to obey such order may be punished by the court as a contempt thereof.

(c) No person shall be excused from so attending and testifying and deposing, or from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify; except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 6. That for the efficient administration of the functions vested in the coal investigation agency by this act, any member, officer, or employee thereof, duly authorized in writing by the agency, shall, at all reasonable times, for the purpose of examination, have access to and right to copy any book, account, record, paper, or correspondence relating to any matter which the coal investigation agency is authorized by this act to investigate.

SEC. 7. That every officer or employee of the United States, whenever requested by the coal investigation agency, shall supply it with any data or information pertaining to any investigation by the agency which may be contained in the records of the office of such officer or employee.

SEC. 8. (a) That no person shall ship or receive from shipment in commerce among the several States or with foreign nations any coal during such time during the existence of the coal investigation agency as such person willfully fails or refuses to make any report required by the coal investigation agency, fails to comply with any subpœna issued by the agency, refuses to testify or answer any lawful inquiry made in any hearing before the agency, or refuses any duly authorized officer or employee of the agency right of access or copy, or hinders, obstructs, or resists him in the exercise of such right. No person shall willfully make in any report required by the coal investigation agency any statement which is false in any material particular.

(b) Any person who violates subdivision (a) shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) In construing and enforcing the provisions of this act the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such individual, partnership, corporation, or association as well as of such person.

SEC. 9. That for the efficient administration of the provisions of this act the coal investigation agency may make such regulations as it deems necessary.

SEC. 10. (a) That the coal investigation agency may appoint, remove, and fix the compensation of such employees, and make such expenditures, including salaries, traveling expenses, per diem rates of allowance in lieu of subsistence, and witness fees, as are necessary for the efficient administration of the functions vested in the agency by this act, and as may be provided for by the Congress from time to time. All the expenses of the coal investigation agency shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the agency.

(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $____, or so much thereof as may be necessary, to be available until expended by the coal investigation agency, in the District of Columbia or elsewhere, for defraying the expenses of the maintenance and establishment of the agency, including the payment of salaries.

If this bill passes the agency appointed by the President will be able to get facts and information like those possessed by other great nations. It will be able to know what it costs us to produce coal, and what it ought to be sold for. It will be able to apply correct principles in our attempts to aid industry and to solve industrial disputes. This bill has teeth in it, and the profiteer who expects to sell his coal at a profit of $3 or $4 per ton, and at the same time quack about the 45 cents per ton he wants to take away from the miner, is going to oppose its passage.

I expect the railroad owned coal mining concerns and the steel companies engaged in the coal business, and the operator who does not want to see the coal business stabilized and put upon a fair and honest footing to fight the bill. The country is being flooded with propaganda, newspapers are being importuned to say that there is no necessity for such legislation and that we have sufficient agencies already. They know that we have not adequate agencies for gathering information, and they know that they can defy these agencies under existing law. This bill will make the miners' organizations open their books; it will make them show what they spend their money for; it will require them to show clean hands, and at the same time it will delve into the coffers of the fellows that are prosecuting claims against the Government at this hour for coal at $16 per ton sold for the use of the Navy. Every man familiar with fact gathering connected with the Government service to-day realizes the importance and extreme necessity of this kind of legislation, and their voices have been as one in advocacy of the passage of this law.

The editor of the New York Herald wrote a two-column editorial, and probably a great many more which I have not seen, on the subject pointing out the necessity for this kind of relief. The Chicago Tribune, one of the greatest newspapers in the country, contained the following editorial on April 20, 1922:

HOPE FOR COAL SETTLEMENT.

The House Committee on Labor is considering establishment of a commission of 10 members to obtain information upon which a permanent settlement of the problem of the coal industry may be based. That is a practical move in the right direction. Every day brings us nearer to a crisis in the coal strike, with the probability of a makeshift agreement which will mean another strike in a year or two years, with continued mismanagement of coal production and distribution, and consequent unnecessary burdens upon domestic consumers and all industry.

The time to take action to avoid such a makeshift settlement is now, while we still have coal above ground for our needs. The House committee is on the right track. It should hurry its action to put through the necessary bill.

We are inclined to believe the commission which it advocated is too large. It would be better if the ex officio membership for which it provides were reduced to two instead of four, and if the members to be appointed by the President were reduced in number to one representative of the operators and one of the miners, with two for the public. That would provide men with the necessary knowledge and prejudice to ask such searching questions in any inquiry as would bring out all necessary facts, and at the same time would give the public a representation which would assure that the findings be clear and just to all. Also the smaller commission would be less unwieldly, and probably more efficient for that reason.

But those are minor points. What we need is the fact finding agency. The Bland bill provides for it. That bill should be reported out at once. There is nothing before Congress of more immediate importance. It may be amended, but its main provisions should be adopted speedily and some constructive action thus taken to settle the coal troubles once for all before they hurl back our rising tide of prosperity.

The country is becoming aroused to the necessity of putting the coal business on an efficient, practical basis. They are looking to Congress to be helpful in doing so, and they know that they can not do it upon padded facts, upon misstatements, upon prejudicial information, and without a full knowledge of all matters pertaining to the industry. This bill will deny interstate commerce to the coal producer who refuses to give the information requested concerning the coal situation. It will be contested in the courts, and in the line of recent decisions, as well as those that have maintained for a hundred years, the Federal Government will not be denied this authority.

Has the Federal Government the right to go into the States to obtain facts concerning coal for its Navy? Has the Federal Government the right to inquire into the cost of production and the selling price of coal in the States in order to aid it in its constitutional right to levy taxes within the States? The denial of the constitutional power to existing governmental agencies to inquire into the coal production cost has been largely upon the principle that the agency seeking the information was created for the purpose of curing improper practices in interstate commerce. The coal problem is not a local problem. It is not a State problem. It is one of the gravest problems of nationalism, and the commerce and industry of the Nation is threatened. Its interstate commerce depends almost wholly upon coal supply. To admit that the Government of the fathers has no authority to protect itself against misinformation, against misleading reports when it undertakes to solve the problems that belong to it, is to admit the futility of the Federation of the States. [Applause.]

Mr. ANDERSON. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, I ask unanimous consent to speak out of order for 10 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to speak out of order for 10 minutes. Is there objection?

There was no objection.

Mr. LONDON. Mr. Speaker, following up the argument of the gentleman from Indiana [Mr. BLAND], who has introduced a resolution providing for the appointment of a commission, I wish to point out the utter hopelessness of the situation. There is nothing more illustrative of the anarchy and chaos of individual ownership of public resources than the coal situation.

We have probably 10,000 mines and some 2,000 owners. They employ 700,000 workers and employ them irregularly. During the last 30 years the average number of days of employment was 214, so that the public was on a strike against the miners more than 90 days each year. When the public is not on a strike against the miners and when the miners are not on a strike, the coal operators and the host of parasites, the middlemen between the worker in the mine and the consumer, are on strike against the whole world.

There is a great deal of talk about the high rates of wages paid to the miners, but, as you all know, the breadwinner is not interested in the rate of wages or percentages or statistics; he is interested in his total earning capacity. Judged by the number of days the miner was actually employed, his earning capacity during his best season was not sufficient to maintain a proper standard of living. The condition is deplorable, and there is no relief in sight. These 2,000 greedy proprietors of the soil of America, without any ethical code to guide them, without any moral law to animate them, without any patriotic purpose—during the crisis of the Nation, during the Great War, they exploited the people and the Government mercilessly—these 2,000 men are in control of an industry upon the proper conduct of which depends the prosperity of the entire country.

It was testified by one of the leaders of the miners of Pennsylvania that their average earnings last year did not exceed the sum of $746.

Mr. ANDREWS of Nebraska. Mr. Speaker, will the gentleman yield for a short question?

Mr. LONDON. Yes.

Mr. ANDREWS of Nebraska. If these miners are idle one-third of their time and yet produce adequate quantities for the year, does not that fact argue that a large number of them might well seek employment elsewhere; and if so, why not?

Mr. LONDON. There is not any doubt that a large number of them might seek employment elsewhere, but there are at the present time 5,000,000 men out of employment in other industries, and the remedy that the gentleman offers is a poor remedy, so far as the mining industry is concerned.

To come back to the subject of total earnings as distinguished from wage rates: In the Pittsburgh district, according to Mr. Lewis, the president of the United Mine Workers of America, the average daily wage rate during 1921 was $6.20, but the average earnings for the year were approximately $763 per man. The explanation is rather simple—they only worked 123 days during that year. In Ohio they worked 118 days, in Indiana 159 days, in western Kentucky 130 days, and in West Virginia about 80 days.

The industry is not seasonal, as was claimed by the gentleman from Indiana [Mr. BLAND], in the sense that its functioning depends on the season of the year. Take, for instance, the building industry or the canning industry. They can be operated only during certain seasons of the year. It is because of the lack of method, the lack of order in the coal industry, that the men are idle during long periods. That it is not a season industry has been testified by experts, who show that between March and October the number of working days is not less than between October and March, so that they can, if they desire, keep their men employed irrespective of the changes of the seasons. Only 12 per cent of the coal produced goes to the individual householder. It is claimed that the demands of the householder, changing with the season of the year, are responsible for the irregularity of employment. This fluctuation can affect only 12 per cent of the coal production.

The whimsical requirements of the domestic consumer can not explain why the miners have been losing one-third of the working time during the last 30 years, and why during the last year the number of working days was on the average 121. Since the armistice the number of hours worked each week did not exceed 30—one of the demands of the miners is the 30-hour week. While the miner was working 121 days he was expected to hold himself ready all the time and to manage to live the full year on the earnings of 121 days.

The saddest part of the situation is that, with the exception of the union's proposition to limit the working week to 30 hours, no suggestion has come from any operator or from any other source for the regularization of employment. The best intentioned employers shrug their shoulders when confronted with the question. As to the others, the presence of a large number of unemployed is just what they desire—it helps to keep the workers down, it furnishes an ever-ready army of strike-breakers, it increases the difficulties of the union, it supplies ready material for spies and gunmen, it cheapens labor. One should not expect the enemy of organized labor to come forward with any real cure for irregular employment.

There is only one influence in the industry which approaches its difficulties from a comprehensive national viewpoint, and that is the United Mine Workers of America.

The union has been the only stabilizing factor in the industry. Contrary to the generally prevailing opinion, it has been averting industrial disputes. If it has failed to obtain for the miner all he is entitled to, it has at least established certain minimum standards. It is responsible for almost all legislation providing for the safety of mine and miner. Through a system of collective agreements with large bodies of operators it has minimized the evil of unrestrained competition between owner and owner at the expense of the worker. It has helped to demonstrate that the law of supply and demand in its application to human beings can be modified by the supply of intelligent and organized workers instead of the brutalized victims of the nonunion fields.

Unable to offer any resistance, not permitted to organize, compelled in spite of all legal prohibitions to buy at the company stores, intimidated, spied upon, the nonunion miner has been reduced to a mere living coal-digging machine.

The coal operators are not nationally organized, or, in any event, they have no national policy. In the central competitive field, embracing the States of Ohio, Indiana, Illinois, and part of Pennsylvania, the coal operators have had collective agreements with the union since 1898, and their agreement has served as a basis for other districts where the union has been recognized.

The operators who formerly participated in the collective agreements in the central competitive fields refuse to renew the contract which expired on the 31st of March of this year. Individual operators and individual associations of operators in some States are offering to enter into collective agreements with the union. But while there is on the surface no national agreement among the coal operators they have all one demand. It is a very insistent one, and that is a demand that wages be reduced.

The impossible conditions prevailing in the nonunion fields, which fortunately for the miner produces but a small portion of the total national output, is the standard which the operators want the union to be guided by. The lowest condition is to become the rule for the entire industry.

In this fight the employers are supported by every open-shop element and by all plutocratic interests, who seek to take advantage of the industrial depression to crush organized labor.

Among the largest owners in the bituminous coal fields is the Steel Trust, whose "benevolent attitude" toward labor is by this time generally known.

The coal operators have successfully resisted every effort of the public to get at the facts in the coal situation. It is still a mystery why the ton of coal which costs $1.75 to produce should cost $15 to the consumer. Without a national outlook, with an eye solely for immediate profit, the coal operator has no regard for either the present or the future interests of the country.

It is hard to see how a nation can intrust its basic industry, the foundation of all other industries, into such hands.

The failure of the administration to exercise sufficient pressure upon the coal magnates to reach an understanding with the miners can not be explained away. Just now the public does not feel the pressure of the strike. The endurance of the miners may prove much stronger than their enemies anticipate. The miners have become accustomed to privation. They realize that under present conditions their union is the only thing that stands between them and slavery. Their earnings are so low that they can not be lower. Between starving while working and starving while striking they may prefer to strike on.

Nor is organized labor in general blind to the situation. The intelligent workers throughout the country instinctively feel that the onslaught upon the miners is intended as a general attack upon the organized workers.

The contest is sure to be a protracted one. The very misery of the miners, their very poverty, their very helplessness, may prove to be the greatest source of their strength.

Can the Government, can Congress, remain indifferent to the struggle? Must we wait until everybody is exhausted? Why not act?

Should the operators fail to reach an agreement with the miners, the Government should declare the mines to be vested with a public interest and place them under its control until a permanent policy is determined upon.

It is apparent that it is unsafe for the people of the United States to permit its greatest natural resource to be wasted, mismanaged, and exploited by a crowd of profit seekers. The irregularity of employment, the overdevelopment of the industry, the high prices forced upon the consumer, the army of useless middlemen, the criminal waste of natural and human resources, the menace to democracy by the prevalence of indus-

trial absolutism in the nonunion fields make it imperative that a permanent solution for the industry be found.

The coal mines should be brought under the control of the Nation.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ANDERSON. Mr. Speaker, I yield now to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker, yesterday morning I received a telegram from my colleague [Mr. KNIGHT] asking me to pair him against the road bill. This I forgot to do, and I make this statement now so that it will appear in the RECORD.

The SPEAKER. The question is on the motion of the gentleman from Minnesota, that the House recede and concur with an amendment.

The motion was agreed to.

DISTRICT APPROPRIATION BILL—CONFERENCE REPORT.

Mr. DAVIS of Minnesota. Mr. Speaker, I call up the conference report upon the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. The gentleman from Minnesota calls up a conference report upon the District appropriation bill. The Clerk will report the conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 8, 9, 10, 15, 16, 17, 20, 23, 25, 26, 27, 30, 33, 39, 43, 44, 45, 46, 47, 48, 49, 51, 58, 65, 68, 70, 71, 73, 75, 77, 80, 82, 83, 84, 85, 87, 88, 89, 90, 91, 93, 94, 95, 99, 100, 102, 103, 105, 107, 108, 109, 110, 111, 112, 118, 120, 122, 123, 124, 126, 127, 129, 132, 133, 135, 136, 138, 140, 143, 145, 146, 147, 148, 151, 153, 159, 160, 166, 177, 180, 181, 184, and 188.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 11, 13, 14, 19, 21, 22, 28, 29, 31, 32, 34, 35, 36, 37, 41, 42, 50, 52, 53, 54, 57, 59, 60, 61, 62, 63, 66, 72, 92, 96, 98, 104, 113, 125, 128, 130, 131, 134, 139, 141, 144, 156, 157, 158, 161, 165, 167, 170, 171, 173, 174, 176, 178, 179, 182, 183, 185, and 189, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "one $2,000, two at $1,500 each"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,070"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$58,120"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "laborer and janitor, $480"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$182,210"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "Southeast Branch Library: For salaries in operating the Southeast Branch Library, $3,500: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $1,200 per annum"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "*Provided*, That no money appropriated by this act shall be expended in conducting library stations not now in existence, but this limitation shall not apply to public-school buildings and the Southeast Branch Library"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"PROPERTY YARD.

"For alterations and improvements to the old Mott School for use as a property yard, to be immediately available, $2,500: *Provided*, That a wire fence shall be built around the property."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$233,500"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "apartment houses, and large"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "2,250"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$242,750"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "For the erection of an eight-room addition to the Lovejoy School, $125,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-two"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,694,786.36"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Additional amount required for the completion of a station house on the site already acquired at Seventeenth Street and Rhode Island Avenue NE., $20,000."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,000"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For repairs to buildings, including the completion of alterations of the old psychopathic hospital building to provide quarters for female nurses and female employees, $10,000."

And the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "superwisor and placing officer, $1,740; investigator and placing officer, $1,500"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendent as follows: In lieu of the sum proposed insert "$28,140"; and the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,040"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the number proposed insert "fifty-five"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$81,560"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Including not to exceed $500 for repairs to the superintendent's residence"; and the Senate agree to the same.

The committee of conference have not agreed on Senate amendments numbered 1, 78, 79, 86, 101, 114, 115, 116, 142, 155, 163, 164, 175, 186, and 187.

C. R. DAVIS,
ROBERT E. EVANS,
BEN JOHNSON,
Managers on the part of the House.
L. C. PHIPPS,
W. L. JONES,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 2, 3, 4, 5, 6, and 7, relating to the executive office: Appropriates for two additional assistant inspectors of buildings at $1,500 each, instead of four at $2,000 each, as proposed by the Senate, and strikes out an additional clerk at $1,140 proposed by the Senate for the building inspection division; appropriates for an additional assistant inspector of plumbing at $1,550, as proposed by the Senate; strikes out the position of sewer tapper at $1,000, as proposed by the Senate; and strikes out the increase from $2,000 to $3,000 proposed by the Senate in the appropriation for temporary laborers and assistant inspectors of plumbing.

On Nos. 8 and 9, relating to the care of the District Building: Appropriates for three assistant engineers at $1,200 each, as proposed by the House, instead of four at $1,200 each, as proposed by the Senate.

On Nos. 10, 11, and 12, relating to the assessor's office: Appropriates for three clerks at $1,400 each, as proposed by the House, instead of four at that salary, as proposed by the Senate; and appropriates for three clerks at $1,200 each, as proposed by the Senate, instead of two at that salary, as proposed by the House.

On Nos. 13 and 14, relating to the license bureau: Appropriates $1,500 for temporary clerk hire, as proposed by the Senate.

On Nos. 15 and 16, relating to the collector's office: Appropriates for two bailiffs at $1,200 each, as proposed by the House, instead of three at that salary, as proposed by the Senate.

On No. 17: Strikes out the appropriation of $500, inserted by the Senate, for additional pay to a clerk in the sinking-fund office under the control of the Treasurer of the United States.

On Nos. 18 and 19: Appropriates $480 for a "laborer and janitor" in the coroner's office, instead of a "hostler and janitor" at that salary, as proposed by the Senate.

On No. 20: Strikes out the change in designation proposed by the Senate for the office of the superintendent of weights, measures, and markets.

On Nos. 21, 22, 23, and 24, relating to the Engineer Commissioner's office: Appropriates for two inspectors at $1,400 each, as proposed by the Senate, instead of one at $1,400, as proposed by the House, and strikes out the janitor at $720, inserted by the Senate.

On No. 25: Strikes out the change in designation, proposed by the Senate, for mechanics at the Central Garage.

On Nos. 26 and 27, relating to municipal architect's office: Strikes out the appropriation, inserted by the Senate, for six bosses at $1,200 each.

On Nos. 28, 29, and 30, relating to the Public Utilities Commission: Appropriates $4,000 for the executive secretary, as proposed by the Senate, instead of $3,500, as proposed by the House, and strikes out the language inserted by the Senate for the employment of expert services and the purchase and maintenance of an automobile.

On Nos. 31 and 32: Appropriates $600, as proposed by the Senate, for temporary clerk hire in the department of insurance.

On No. 33: Appropriates $7,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for temporary services and field-party expenses for the surveyor's office.

On Nos. 34, 35, and 36, relating to the Minimum Wage Board: Appropriates $2,500 for the salary of the secretary, as proposed by the Senate, instead of $2,400, as proposed by the House; and appropriates $2,500, as proposed by the Senate, for clerical, contingent, and miscellaneous expenses, instead of $1,600, as proposed by the House.

On Nos. 37, 38, 39, 40, 41, 42, 43, and 44, relating to the Public Library: Appropriates $3,500 for salaries for the Southeast Branch, instead of $5,000, as proposed by the Senate, and limits the maximum salary to $1,200, instead of $1,500, as proposed by the Senate; appropriates $3,000, as proposed by the House, instead of $3,500, as proposed by the Senate, for substitutes and special and temporary service; restores the limitation, stricken out by the Senate, which prohibits the expenditure of any money in conducting library stations not now in existence, modified so as to exclude from such limitation the appropriation for the Southeast Branch Library; appropriates $17,500, as proposed by the Senate, instead of $12,500, as proposed by the House, for books, periodicals, and newspapers; appropriates $12,500, as proposed by the House, instead of $11,000, as proposed by the Senate, for maintenance and repairs; and strikes out the appropriation of $3,000 for repairs, improvements, and equipment, proposed by the Senate.

On Nos. 45 and 46: Appropriates $45,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for miscellaneous contingent expenses, and strikes out the language inserted by the Senate making such appropriation available for the sinking-fund office.

On No. 47: Strikes out the language inserted by the Senate providing for personal services in connection with the maintenance, care, and repair of motor vehicles owned by the District of Columbia.

On No. 48: Appropriates $12,500, as proposed by the House, instead of $15,000, as proposed by the Senate, for postage.

On No. 49: Authorizes a total of $7,000, as proposed by the House, to be expended from other appropriations for street car and bus fares, instead of $8,000, as proposed by the Senate.

On No. 50: Appropriates $8,000, as proposed by the Senate, instead of $6,000, as proposed by the House, for advertising.

On Nos. 51 and 52: Strikes out the change in designation proposed by the Senate for the office of superintendent of weights, measures, and markets, and appropriates $300, as proposed by the Senate, instead of $100, as proposed by the House, for the purchase of commodities and for personal serv-

ices in connection with the investigation and detection of sales of short weights and measures.

On No. 53: Appropriates $7,500, as proposed by the Senate, instead of $5,000, as proposed by the House, for the employment service.

On No. 54: Appropriates $500, as proposed by the Senate, for the erection of tablets to mark historical places.

On No. 55: Appropriates $2,500 instead of $3,500, as proposed by the Senate, to make the old Mott School available for use as a property yard and directs that a wire fence be built around the property.

On No. 56: Appropriates $250,000 instead of $225,000, as proposed by the House, and $285,000, as proposed by the Senate, for assessment and permit work.

On No. 57: Appropriates $50,000, as proposed by the Senate, for paving roadways under the permit system.

On Nos. 58, 59, 60, 61, 62, 63, and 64, relating to street improvements: Strikes out the appropriation of $45,000, proposed by the Senate, for paving the west side of Connecticut Avenue from Ingomar Street to Chevy Chase Circle, and appropriates for the following streets at the amounts inserted by the Senate: East Capitol Street, from Fifteenth to Eighteenth Street, $37,000; Rhode Island Avenue NE., Twelfth to Sixteenth Street, $45,000; Twelfth Street NE., Michigan Avenue to Upshur Street, $17,200; Randolph Street NW., Thirteenth to Fourteenth, $10,700; Twenty-eighth Street NW., Woodley Road to Cathedral Avenue, $10,000.

On No. 65: Appropriates $35,000 for grading streets, alleys, and roads, as proposed by the House, instead of $50,000, as proposed by the Senate.

On Nos. 66 and 67: Appropriates $460,000 for repairs of streets, avenues, and alleys instead of $431,250, as proposed by the House, and $500,000, as proposed by the Senate, and authorizes the purchase of a motor truck at not to exceed $2,000, as proposed by the Senate.

On No. 68: Appropriates $15,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for sidewalks and curbs around public reservations and around municipal and United States buildings.

On No. 69: Appropriates $225,000, instead of $200,000, as proposed by the House, and $250,000, as proposed by the Senate, for repairs to suburban roads.

On Nos. 70 and 71: Appropriates $27,500, as proposed by the House, instead of $30,000, as proposed by the Senate, for construction and repair of bridges, and strikes out the authority proposed by the Senate for the purchase of a special motor vehicle.

On No. 72: Appropriates $125,000, as proposed by the Senate, instead of $120,000, as proposed by the House, for main and pipe sewers and receiving basins.

On No. 73: Appropriates $125,000, as proposed by the House, instead of $150,000, as proposed by the Senate for suburban sewers.

On No. 74: Appropriates $375,000, instead of $350,000, as proposed by the House and $400,000 as proposed by the Senate, for street cleaning.

On Nos. 75 and 76: Restores the language stricken out by the Senate providing for the purchase and maintenance of a dead-animal wagon and prohibiting the letting of a contract for the collection of dead animals, and provides that the appropriation for disposal of refuse shall not be available for collecting ashes or miscellaneous refuse from apartment houses and large boarding houses.

On No. 77: Restores the title in the House bill on the appropriation for trees and parking.

On No. 80: Restores the language stricken out by the Senate making appropriations for the playgrounds department payable wholly from the revenues of the District of Columbia.

On No. 81: Appropriates $2,250 instead of $2,000 as proposed by the House and $2,500 as proposed by the Senate for the board for condemnation of insanitary buildings.

On No. 82: Strikes out the language inserted by the Senate specifically including the Highway Bridge in the phraseology of the appropriation for street lighting.

On No. 83: Strikes out the word "responsible" inserted by the Senate in the language providing for the letting of contracts for street lamps and fixtures.

On Nos. 84 and 85: Strikes out the appropriation of $4,000 proposed by the Senate for the salary of a business manager for the public schools.

On No. 87: Strikes out the paragraph inserted by the Senate permitting employees of the Federal Government to be employed as teachers of night schools and vacation schools, when the combined rate of compensation from both sources would exceed $2,000 per annum.

On No. 88: Appropriates $36,500 for annuities for retired teachers as proposed by the House instead of $40,500 as proposed by the Senate.

On Nos. 89, 90, 91, 92, 93, 94, 95, 96, and 97, relating to janitors and care of school buildings and grounds: Appropriates for 4 assistant engineers, at $1,000 each, as proposed by the House, instead of 5, as provided by the Senate; appropriates for 23 janitors, at $1,000 each, as proposed by the House, instead of 28, as proposed by the Senate; appropriates for 71 janitors, at $720 each, as proposed by the House, instead of 69, as proposed by the Senate; appropriates for 7 assistant janitors, at $900 each, as proposed by the Senate, instead of 6 as proposed by the House; appropriates for 9 firemen, at $720 each, as proposed by the House, instead of 10, as proposed by the Senate; appropriates for 4 coal passers, at $600 each, as proposed by the House, instead of 5, as proposed by the Senate; appropriates for 5 night watchmen, at $720 each, as proposed by the House, instead of 6, as proposed by the Senate; appropriates for 113 laborers, at $720 each, as proposed by the Senate, instead of 10 skilled laborers, at $720 each and 96 laborers, at $720 each, as proposed by the House.

On No. 98: Appropriates $250,000, as proposed by the Senate, instead of $200,000, as proposed by the House, for repairs and improvements to school buildings and grounds.

On Nos. 99 and 100: Appropriates $101,760, as proposed by the House, instead of $125,000, as proposed by the Senate, for furniture and equipment for new school buildings and new additions to school buildings.

On Nos. 102 and 103, relating to community center department: Restores the language stricken out by the Senate making the appropriation payable wholly out of the revenues of the District of Columbia, and provides, as proposed by the House, that the salaries of janitors shall be included within the 60 per cent limitation on salaries.

On No. 104: Provides that, in addition to children of Army and Navy officers, the children of other employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition, as proposed by the Senate.

On No. 105: Strikes out the paragraph inserted by the Senate providing that the double salary law shall not apply from July 1 to September 15, 1921, to public-school teachers of the District of Columbia when employed in any branch of the Federal Government.

On No. 106: Appropriates $125,000 instead of $140,000, as proposed by the Senate, for an eight-room addition to the Lovejoy School and strikes out authority for the purchase of additional land.

On No. 107: Strikes out the appropriation of $140,000 inserted by the Senate for additional land and an eight-room addition to the Phillips School.

On No. 108: Strikes out the appropriation of $25,000 inserted by the Senate for a new site for a school building to take the place of the Tenley School.

On Nos. 109 and 110: Strikes out the increases in the limit of cost proposed by the Senate for two junior high schools.

On No. 111: Strikes out the language proposed by the Senate making the unexpended balance of the appropriation for the site for a school building in the Ingleside section available toward the construction of the building.

On No. 112: Restores the language stricken out by the Senate relative to the method of letting contracts for buildings appropriated for in the bill.

On No. 113: Appropriates $50,000, as proposed by the Senate, for additional land adjoining the Dunbar High School.

On Nos. 117, 118, 119, 120, and 121, relating to Metropolitan police: Appropriates for 42 privates at $1,460 each, instead of 17, as proposed by the House, and 92, as proposed by the Senate; provides a motor-vehicle allowance of $480 to one inspector, as proposed by the House, instead of $312 each to two inspectors, as proposed by the Senate; appropriates $5,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for additional motor vehicles; and appropriates $20,000, as proposed by the Senate, as an additional amount for the erection of a station house modified so as to specifically designate the location of the structure.

On Nos. 122, 123, 124, 125, 126, 127, and 128, relating to the fire department: Appropriates for 12 privates at $1,460 each, as proposed by the House, instead of 25, as proposed by the Senate; appropriates $12,000 for hose, as proposed by the House, instead of $15,000, as proposed by the Senate; appropriates $2,000, as proposed by the Senate, instead of $1,500, as proposed by the House, for repairs to the fire boat and makes the appropriation immediately available, as proposed by the Senate; appropriates for one motor-driven combination chemical and hose

wagon at $8,150, as proposed by the House, instead of two, as proposed by the Senate; appropriates $12,500 for one motor-driven pumping engine, as proposed by the House, instead of two, as proposed by the Senate; and appropriates $5,000, as proposed by the Senate for repairs and alterations to the engine house on D Street NW. between Twelfth and Thirteenth Streets.

On Nos. 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138, relating to the health department: Appropriates $6,000, as proposed by the House, instead of $7,000, as proposed by the Senate, for maintenance of the disinfecting service; appropriates $2,000, as proposed by the Senate, instead of $1,000, as proposed by the House, for the enforcement of laws relating to the drainage of lots and the abatement of nuisances; appropriates $200, as proposed by the Senate, instead of $100, as proposed by the House, for special services in connection with the detection of the adulteration of drugs and foods; appropriates $750, as proposed by the House, instead of $1,500, as proposed by the Senate, for maintenance of the chemical laboratory; strikes out the appropriation of $3,000, proposed by the Senate, for repairs to the contagious-disease ward at Garfield Hospital; appropriates $12,500, as proposed by the House, instead of $13,500, as proposed by the Senate, for the maintenance of dispensaries, and strikes out authority to use the appropriation for payment of rent and limits the appropriation to the treatment of indigent persons, as proposed by the Senate; appropriates $18,000 instead of $15,000, as proposed by the House, and $20,000, as proposed by the Senate, for the treatment of children under a contract with the Child Welfare Society of the District of Columbia; and strikes out the appropriation of $3,000, proposed by the Senate, to aid persons of moderate means who are suffering from tuberculosis.

On No. 139: Appropriates $10,000, as proposed by the Senate, instead of $9,000, as proposed by the House, for the compensation of jurors of the police court.

On No. 140: Restores the language stricken out by the Senate providing that none of the money appropriated in the bill shall be available for jurors' fees unless the actual cost of the trial jury shall be taxed as part of the costs and paid by the unsuccessful litigant.

On No. 141: Appropriates $6,500, as proposed by the Senate, instead of $5,500, as proposed by the House, for expenses in connection with writs of lunacy.

On No. 143: Appropriates $3,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for use as an emergency fund, and strikes out the language inserted by the Senate making the fund available in all cases of emergency in the discretion of the commissioners.

On No. 144: Appropriates $60,000, as proposed by the Senate, instead of $55,000, as proposed by the House, for fees of jurors in the supreme court.

On No. 145: Appropriates $5,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for the care of contract patients in the Eastern Dispensary.

On No. 146: Restores the language stricken out by the Senate covering the surplus revenues of the Columbia Hospital into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportion as the appropriations for the hospital are paid from the Treasury of the United States and the revenues of the District of Columbia.

On No. 147: Strikes out the paragraph inserted by the Senate providing for the admission of pay patients to the Tuberculosis Hospital.

On Nos. 148, 149, 150, and 151, relating to the Gallinger Municipal Hospital: Restores the paragraph stricken out by the Senate limiting the number of persons who may be employed during the fiscal year and fixing the maximum salary for all classes of service; appropriates $75,000 for maintenance instead of $45,000, as proposed by House, and $90,000, as proposed by the Senate; appropriates $10,000, as proposed by the Senate, for alterations to the old hospital building to make it available for quarters for female employees; and strikes out the paragraph inserted by the Senate authorizing the admission of pay patients to the hospital.

On Nos. 152, 153, and 154, relating to the Board of Children's Guardians: Appropriates for one supervisor and placing officer at $1,740, and one investigator and placing officer at $1,500, instead of two supervisors at $1,740 each and two investigators at $1,500 each, as proposed by the Senate, and strikes out the appropriation of $1,200, inserted by the Senate, for a stenographer.

On Nos. 156 and 157, relating to the Industrial Home School: Appropriates $22,500, as proposed by the Senate, instead of $25,000, as proposed by the House, for maintenance, and appropriates $3,000, as proposed by the Senate, for repairs and improvements, instead of $5,000, as proposed by the House.

On Nos. 158 and 159, relating to the Home for the Aged and Infirm: Makes the appropriation for maintenance available for the upkeep of a motor vehicle and appropriates $6,000, as proposed by the House, instead of $7,500, as proposed by the Senate, for an ice-making and refrigeration plant.

On Nos. 160, 161, and 162, relating to the municipal lodging house: Strikes out the appropriation for a night watchman and appropriates $3,000 for maintenance, as proposed by the Senate, instead of $2,000, as proposed by the House.

On Nos. 165 and 166: Appropriates $850,000 for support of indigent insane, as proposed by the House, instead of $900,000, as proposed by the Senate, and changes the heading from "Hospital for the Insane" to "St. Elizabeths Hospital," as proposed by the Senate.

On Nos. 167, 168, 169, 170, 171, 172, 173, 174, 176, 177, 178, 179, 180, 181, 182, 183, 184, and 185, relating to buildings and grounds in and around Washington: Appropriates $800 for contingent expenses, as proposed by the Senate, instead of $700, as proposed by the House; appropriates for 55 privates of park police at $1,360 each, instead of 53, as proposed by the House, and 61, as proposed by the Senate; appropriates $3,500, as proposed by the Senate, instead of $3,000, as proposed by the House, for laying cement and other walks; appropriates $10,000, as proposed by the Senate, instead of $7,000, as proposed by the House, for broken-stone road coverings for parks; limits the amount of the appropriation for Rock Creek Park which may be expended for repairs to the superintendent's residence to $500; appropriates $30,000 for West Potomac Park, as proposed by the Senate, instead of $25,000, as proposed by the House; appropriates $35,000, as proposed by the Senate, for East Potomac Park, instead of $30,000, as proposed by the House; appropriates $15,000, as proposed by the Senate, for placing and maintaining portions of the parks for outdoor sports, instead of $10,000, as proposed by the House; appropriates $50,000, as proposed by the House, instead of $65,000, as proposed by the Senate, to provide for the increased cost of park maintenance; appropriates $2,500, as proposed by the Senate, instead of $2,000, as proposed by the House for care of the center parking of Pennsylvania Avenue SE.; appropriates $12,000, as proposed by the Senate, instead of $10,000, as proposed by the House for the Tidal Basin bathing beach; appropriates $25,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for a bathing beach and bathhouse for the colored population: appropriates $2,000, as proposed by the House, instead of $2,500, as proposed by the Senate for repairs to the statue of General Washington in Washington Circle; strikes out, as proposed by the Senate, the appropriation of $20,000 for continuing the construction of a sea wall at the foot of New Hampshire Avenue; appropriates $1,000, as proposed by the Senate, for care of Mount Vernon Park; strikes out the appropriation of $2,500, proposed by the Senate, for operating the pumps at the fountain in Dupont Circle; and appropriates $6,000 for heating buildings and greenhouses, as proposed by the Senate, instead of $4,500, as proposed by the House.

On No. 188: Appropriates $30,000, as proposed by the House, instead of $40,000, as proposed by the Senate, for installing water meters.

On No. 189: Includes passenger-carrying and other motor vehicles in the list of articles which the commissioners shall purchase from surplus material of the United States, as proposed by the Senate.

The committee of conference have not agreed to the following amendments of the Senate.

On No. 1: Relating to the proportion of appropriations to be paid from the Treasury of the United States and the revenues of the District of Columbia and related fiscal questions.

On Nos. 78 and 79: Appropriating $50,000 for additional land for the playground department.

On No. 86: Relating to the appropriation for teachers in the night schools.

On No. 101: Appropriating $2,400 for equipping additional school grounds for play purposes.

On No. 114: Appropriating $50,000 for additional land at the Armstrong Manual Training School.

On No. 115: Authorizing an addition to the Armstrong Manual Training School, to cost not to exceed $500,000, and appropriating $100,000 to commence the work.

On No. 116: Authorizing the preparation of plans for an addition to the Western High School.

On No. 142: Providing that the interest and sinking fund on the funded debt shall be payable one half by the United States and one half by the District of Columbia.

On No. 155: Providing a site and buildings for a home and school for feeble-minded persons.

On No. 163: Appropriating $5,000 to aid the National Library for the Blind.

On No. 164: Appropriating $1,500 to aid the Columbia Polytechnic Institute.

On No. 175: Appropriating $5,000 for a tourist camp in East Potomac Park.

On No. 186: Providing for the acquisition of jurisdiction over three areas for park purposes, to cost not to exceed $1,024,300, and appropriating $300,000 for said purpose.

On No. 187: Providing for an increased water supply for the District of Columbia.

C. R. DAVIS,
ROBERT E. EVANS,
BEN JOHNSON,
Managers on the part of the House.

Mr. MOORE of Virginia. Mr. Speaker, I reserve all points of order on the conference report. I might explain that I do this only with a view to an amendment which I understand will be offered.

The SPEAKER. The gentleman will state his point of order.

Mr. MOORE of Virginia. It has reference to an amendment which is to be offered, as I understand it, in a few minutes, but I wish to reserve points of order to amendment No. 1, which has just been printed.

Mr. DAVIS of Minnesota. But that is not involved in this matter at present.

The SPEAKER. This is the proper time for the gentleman to reserve points of order on the conference report.

Mr. STAFFORD. Mr. Speaker, I believe the gentleman from Virginia is under a misapprehension in respect to the legislative situation. He does not lose any right whatsoever so far as making a point of order to an amendment is concerned that may be offered in the future. No amendment has as yet been offered.

Mr. MOORE of Virginia. I will say that I am in the hands of the Speaker as to that. The Speaker thoroughly understands why I reserve the point of order.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

Mr. DAVIS of Minnesota. Mr. Speaker, will the gentleman say what his point of order is?

Mr. MOORE of Virginia. I am advised that it is necessary for me to make the reservation.

The SPEAKER. As the Chair understands it, the gentleman wishes to make a point of order to an amendment that is not in the conference report.

Mr. MOORE of Virginia. I want to reserve the right to make the point of order.

The SPEAKER. The gentleman will have that right when the amendment comes up.

Mr. DAVIS of Minnesota. Mr. Speaker, I shall very briefly give a summary of the present condition of this bill. The amount of the bill as it passed the House originally was $20,397,779.80. The amount of the bill as it passed the Senate was $23,955,923.80. The net amount added by the Senate was $3,558,144. That is the largest amount in my experience that was ever added to a District of Columbia appropriation bill since I have been a Member of the House. The House conferees in conference with the Senate conferees have receded, as per the conference report, on $655,430. In addition to that, I expect to bring back to the House amounts involved in Senate amendments for action by the House, the adoption of which the House managers will recommend to the House. Where an amendment is placed on by the Senate, even though we concur in it, if it is subject to a point of order, I for one believe in following the rule strictly, and therefore we have brought back a lot of matters which we expect to have the House accept.

Mr. GRAHAM of Illinois. Will the gentleman yield for a question?

Mr. DAVIS of Minnesota. I will.

Mr. GRAHAM of Illinois. Will the gentleman tell the House whether these three new parks to be acquired——

Mr. DAVIS of Minnesota. I will get to those parks, sir, in just a few moments.

Mr. GRAHAM of Illinois. I will be patient if the gentleman will tell us about them.

Mr. DAVIS of Minnesota. I will say for the gentleman's benefit now that we have not agreed upon the parks.

Mr. GRAHAM of Illinois. I congratulate the committee.

Mr. DAVIS of Minnesota. But that is not part of our conference report. I am simply now talking about the conference report proper. The following amounts we expect to offer and will offer and recommend that the House adopt the same, amendments by the Senate which we could not consistently under the rules agree to and put into the general conference report: Playgrounds, amounting to $25,000; school playgrounds equipment, $2,400; Armstrong School, $50,000; Armstrong School addition, $100,000; Home for Feeble-minded, $100,000; Library for the Blind, $5,000; Columbia Polytechnic Institute, $1,500; water supply, $1,500,000.

I will say that the conferees have agreed upon these things, but under the rules I deemed it my duty to bring them back here and ask the House, if it wants to do so, to vote for them. So that makes a total of $2,436,830 that the House had virtually receded from; amendments were put upon it by the Senate, and the Senate thus far receded from $748,814. I do not know whether we have been liberal or not, but I think we have. If we accept this $1,781,400, which I believe the House will, then the Senate will recede upon some small matters here, playgrounds, night schools, home for feeble-minded, library for the blind, amounting to $67,500, or a total recession of $816,314, while the House has already virtually receded on $2,436,830. Now, we have two items here the conferees have absolutely disagreed on. One of those is tourist camp, Potomac Park, $5,000, and the other is the item just spoken of by the gentleman from Illinois, jurisdiction over park areas, $300,000. There is an absolute disagreement on that. For the benefit of gentlemen I will say it is my understanding that while there is a million and some thousand dollars sought by the Senate amendment for those parks, yet it is worded so that only $300,000 is to be appropriated now in order to give the Superintendent of the Public Buildings and Grounds jurisdiction over them for park purposes. That is why the amount here is only $300,000. These items I have already suggested, the items we have produced and bring before the House and ask the House consent to them; but the first thing is to agree, if you will, upon what is called the conference report proper, the matters I have now read you. Does any gentleman wish to ask any question or desire to make a few remarks? I am perfectly willing he should; if not, I shall move the adoption of the conference report.

Mr. STAFFORD. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. STAFFORD. Was any amendment in controversy involving the increase of appropriations for the improvement of streets of the District?

Mr. DAVIS of Minnesota. There has been, and we have agreed upon it fully, a compromise with the Senate committee in all respects on streets.

Mr. STAFFORD. What is the additional amount agreed upon for street improvements?

Mr. DAVIS of Minnesota. Quite a sum.

Mr. STAFFORD. I think there is great need for some additional appropriation to improve the streets of the District, and that is why I make the inquiry.

Mr. DAVIS of Minnesota. We have added $119,900 besides what it is thought proper for paving—in fact, we have added Ingomar Street to Chevy Chase Circle, $4,500—I can give the numbers.

Mr. STAFFORD. I just wish to have the general amount.

Mr. DAVIS of Minnesota. Next, $37,000, $45,000, $17,200; in all this new addition amounts to $119,900. We gave everything they asked in the Senate except one street.

Mr. LINTHICUM. Mr. Speaker, I desire to ask if this is the proper time to offer an amendment to 187?

The SPEAKER. That will come later.

Mr. LANHAM. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. LANHAM. Is there anything in this report that places a restriction upon the work to be done in the night schools?

Mr. DAVIS of Minnesota. Not in the report; but I shall offer an amendment. That is one of the items we brought back and will be voted upon after we adopt the regular conference report.

Mr. LANHAM. That will be brought before the House?

Mr. DAVIS of Minnesota. That will be brought before the House.

Mr. DENISON. Will the gentleman from Minnesota yield?

Mr. DAVIS of Minnesota. Yes.

Mr. DENISON. The gentleman mentions some item for improved water supply. Is that one of the items that is going to be brought back?

Mr. DAVIS of Minnesota. Yes, sir. That is a matter on which we are going to spend $8,700,000, and we have appropriated in this bill, if the House will consent to it, which I think it will, $1,500,000, besides an authorization for about another $1,500,000, in addition to the other $200,000 which they have already. In fact, we have made it perfectly satisfactory, I think, on the water proposition for the present. Of course, we in the House are just as much interested in a good water supply for this District as any of the conferees of the Senate.

Mr. DENISON. The Senate put it in the bill.

Mr. DAVIS of Minnesota. Because we could not. And we have modified the language a little bit and allowed everything they wanted.

Mr. DENISON. Is the gentleman from Minnesota going to make a statement about it in detail?

Mr. DAVIS of Minnesota. There will be a full statement concerning it, probably by the gentleman from Nebraska [Mr. EVANS], who has made a great study of the proposition.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk proceeded to read amendment No. 1.

Mr. MOORE of Virginia. Mr. Speaker, may I make a suggestion to my friend from Minnesota?

Mr. DAVIS of Minnesota. Yes, sir.

Mr. MOORE of Virginia. As I understand, the gentleman is now about to offer the amendment that I referred to awhile ago. Therefore, I would like to take the liberty of making this suggestion to him. And that is that that amendment, which is one of the most important matters to be considered, perhaps the most important matter from the point of view of the people of the District of Columbia, be laid aside until further amendments, that are less in dispute, are taken up. We have a thin House here now. There are a good many matters that I understand are to be considered in addition to this particular matter, and in view of the fact that the amendment has not been printed, and no real opportunity given for anybody to scrutinize it, I think the suggestion is a reasonable one.

Mr. DAVIS of Minnesota. I think that amendment has been printed two or three days.

Mr. DENISON. I will state that I have been trying for an hour to get one, but could not.

Mr. DAVIS of Minnesota. They have been here all the time.

Mr. MOORE of Virginia. I will inform the gentleman that several Members are in the same situation as the gentleman who has just said that he has been trying to get a copy of the amendment. They have been unable to do so. Here is an amendment that proposes to change in a material way the entire fiscal system of the District. It seems to me that there is no reason why it should not be laid over without prejudice.

Mr. DAVIS of Minnesota. If it was a matter on the merits of the amendment, I would not object. But now I demand the regular order, so that the point of order will be made if it is going to be made, and then we will know whether or not we want to go any further.

Mr. MOORE of Virginia. There is great difficulty in anybody discussing a point of order who has not read the amendment.

Mr. DAVIS of Minnesota. If the gentleman had read the papers he would have found out all about it.

Mr. GARRETT of Tennessee. The impression the papers have left us as to the amendment that is now proposed is that it is included in the conference report.

Mr. LINTHICUM. Mr. Speaker, it seems to me a matter of importance, and I make the point of order that there is no quorum present.

Mr. GARRETT of Tennessee. Let us see first.

Mr. LINTHICUM. I reserve it.

Mr. GARRETT of Tennessee. I would like to know what the gentleman's point is. The amendment has not been read yet.

The SPEAKER. The gentleman from Virginia [Mr. MOORE] asks unanimous consent that this amendment be taken up after the other amendments are considered. If you take it up for one purpose, you take it up for all.

Mr. DAVIS of Minnesota. I insist on the regular order in this respect. I am willing to pass it over if I know what the gentleman's point of order consists of. The amendment has not been read yet.

The SPEAKER. As soon as the amendment is read it is up for consideration. Then it will be too late to let it go over.

Mr. GARRETT of Tennessee. Mr. Speaker, it seems to me it could be reported, the point of order reserved, and he could agree to its going over.

The SPEAKER. It will make the trouble of reading it again later. The Chair will suggest, if he understands the gentleman from Minnesota [Mr. DAVIS], that perhaps it might be arranged that the amendment should be taken up with a point of order pending, and if the point of order should be overruled then on its merits it should go over. There is no need of a large attendance to consider the point of order.

Mr. MOORE of Virginia. Let me modify my suggestion. Let this amendment be laid over until to-morrow morning, to be taken up then as soon as the House meets. It is now 10 minutes after 3 o'clock, and probably the House will adjourn at 5 o'clock or near that hour, and it seems to me it is only fair that opportunity should be given gentlemen who wish to discuss the point of order to examine this question. I am not an obstructionist. I have never made the point of no quorum or tried to delay business in any way at all, and I think that my friend ought to accede to my suggestion.

Mr. DAVIS of Minnesota. I will say that I want the point of order determined, if you are going to make one, before I go further on these various amendments.

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

Mr. DAVIS of Minnesota. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Fitzgerald	Lee, N. Y.	Rosenbloom
Ansorge	Focht	Longworth	Rossdale
Atkeson	Freeman	Lyon	Ryan
Bacharach	Funk	McArthur	Sabath
Barbour	Garner	McClintic	Sanders, Ind.
Beck	Garrett, Tex.	McLaughlin, Nebr.	Sanders, N. Y.
Benham	Gilbert	McPherson	Scott, Tenn.
Bixler	Gorman	Madden	Sears
Blakeney	Gould	Maloney	Shelton
Bland, Ind.	Green, Iowa	Mann	Shreve
Blanton	Griest	Mansfield	Sisson
Bowers	Hammer	Martin	Slemp
Brand	Hawley	Mead	Smith, Mich.
Britten	Hays	Michaelson	Smithwick
Brooks, Ill.	Hill	Mills	Speaks
Brooks, Pa.	Hogan	Montague	Sproul
Brown, Tenn.	Hooker	Montoya	Stedman
Burke	Hudspeth	Moore, Ill.	Steenerson
Butler	Hukriede	Mott	Stephens
Campbell, Pa.	Hull	Mudd	Stiness
Cantrill	Humphreys	Nelson, J. M.	Strong, Pa.
Carew	Husted	Newton, Minn.	Sullivan
Chandler, N. Y.	Hutchinson	Newton, Mo.	Sweet
Clark, Fla.	Ireland	Nolan	Tague
Classon	James	O'Brien	Taylor, Colo.
Clouse	Jeffers, Ala.	Ogden	Thomas
Cockran	Johnson, S. Dak.	Olpp	Tilson
Codd	Johnson, Wash.	Osborne	Tincher
Collier	Kahn	Paige	Treadway
Collins	Kearns	Parker, N. Y.	Underhill
Connell	Keller	Patterson, Mo.	Upshaw
Cooper, Ohio	Kelly, Pa.	Patterson, N. J.	Vare
Copley	Kendall	Petersen	Vestal
Coughlin	Kennedy	Porter	Volgt
Crago	Kindred	Rainey, Ala.	Ward, N. Y.
Cramton	Kitchin	Ransley	Ward, N. C.
Darrow	Kleczka	Reavis	Wheeler
Davis, Tenn.	Knight	Reber	Williams
Dempsey	Kopp	Reece	Wilson
Drane	Kreider	Reed, N. Y.	Winslow
Driver	Kunz	Reed, W. Va.	Wood, Ind.
Dunn	Lampert	Riddick	Woodruff
Ellis	Lankford	Riordan	Woodyard
Fairchild	Lazaro	Robertson	Wurzbach
Fields	Leatherwood	Rodenberg	Wyant
Fish	Lee, Ga.	Rogers	

The SPEAKER. Two hundred and forty-seven Members have answered to their names. A quorum is present.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Massachusetts moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Senate amendment No. 1: Strike out lines 3 to 9, inclusive, on page 1, and lines 1 to 12, inclusive, on page 2, reading as follows:

"That 40 per cent of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and 60 per cent out of the revenues of the District of Columbia, for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, only, namely:

"If the estimated net revenues of the District of Columbia for the fiscal year ending June 30, 1923, are not sufficient to meet the proportion of the appropriations for that fiscal year charged against such revenues by this and all other acts, or which may be estimated to be charged against such revenues by acts that may be approved during such fiscal year, the Commissioners of the District of Columbia shall increase the rates of taxation on real estate and tangible personal property sufficiently to make up the difference: *Provided, however,* That such rates of taxation shall in no event be less than 1½ per cent nor more than 2 per cent."

And insert:

"That the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States.

"For the fiscal year 1923 and annually thereafter the rate of taxation in the District of Columbia shall be fair and reasonable, and the revenues derived from this source shall be covered into the Treasury of the United States as miscellaneous revenue.

"Until otherwise provided by law the rate of taxation in the District of Columbia on tangible personal property and real estate shall be $1.75 per hundred, and other taxes shall be as now provided.

"The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenue shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States in addition to the estimates sub-

mitted for the next fiscal year is hereby authorized, and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.

"In fixing the value of improvements on any lot or tract of real estate for the purpose of taxation the first $2,000 of value thereof shall be exempt, and shall not be taken into consideration in fixing such value."

Mr. DAVIS of Minnesota. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to recede from the disagreement of the House to the Senate amendment and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by the Senate amendment insert the following:

"That, annually, from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis; and that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix such rate of taxation as will, when applied to the aforesaid property in accordance with the levies and values hereinbefore mentioned, produce the said sums of money; and that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes, unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per cent required of it; and that for the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1927, a tax at such rate on the aforesaid property subject to taxation in the District (the rate fixed herein on intangible personal property not to be made less but which may be increased by the commissioners in their discretion) as will, when added to the other taxes and revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix annually such rate of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed; and that the Commissioners of the District shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out; and that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenue, the purpose of expenditure, and the appropriation under which the expenditure is made; and that from and after June 30, 1922, any and all revenue derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States; and that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall first be used to pay the United States 3 per cent of the full value of the ground as a ground rent, and the remainder shall be divided between them in the same proportion that each contributed to said improvements, and for such purposes the assessor for the District of Columbia shall fix the full value of the ground after he has first made oath that he will fairly and impartially appraise the same; and that after June 30, 1922, any revenue derived from any activity or source whatever, including motor-vehicle licenses, not otherwise herein disposed of, which activity or source of revenue is appropriated for by both the United States and the District of Columbia, shall be divided between the two in the same proportion that each has contributed thereto; and that if, for any fiscal year after June 30, 1927, the District of Columbia should raise and deposit in the Treasury to its credit, as herein provided, more money derived from taxation, privileges, and other sources authorized herein than may be necessary for the purposes herein set out, such excess shall be available the succeeding year, in the discretion of the commissioners, either for the purpose of meeting the expense chargeable to the District of Columbia and/or for the further purpose of enabling the commissioners to fix a lower rate of taxation for the year following the one in which said excess accrued than they might otherwise be able to do; and that after June 30, 1922, the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as 'Miscellaneous receipts,' but the revenues from the property known as Center Market shall not be so collected; and that hereafter the Commissioners of the District of Columbia shall not be restricted in submitting to the Bureau of the Budget their estimates of the needs of the District, but they shall, as near as may be, bring them within the probable aggregate of the fixed proportionate appropriations to be paid by the United States and the District of Columbia.

"That all acts or parts of acts in conflict with any provision of this act are hereby repealed to the extent of such conflict but no further.

"That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1923, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, hereby is appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and the advances from the Federal Treasury herein permitted, namely."

Mr. MOORE of Virginia. Mr. Speaker, I make a point of order against the amendment just reported. The point of order is directed against the entire amendment and every part of it. I base the point of order on the ground, first, that if the amendment should be adopted, it will be placing legislation upon an appropriation bill; and, second, that the amendment is not germane; that it is not germane to the Senate amendment which it proposes to amend.

Mr. Speaker, I regret that some one more familiar with parliamentary practice has not made the point of order, and I regret also that the matter has been brought up unexpectedly, so that I am not able to develop more fully the views which I entertain.

Now, on the question of germaneness, it seems to be well settled that two subjects are not necessarily germane to each other because they are related, and in the light of that principle it seems to me that the second contention is certainly well founded.

The Senate amendment is very simple in character. So far as the matter we are now considering is concerned, I think I may say that it is limited to provisions that the general expenses of the District shall be paid out of the Treasury; that taxes in the District shall be fair and reasonable, and that certain tax rates shall prevail until otherwise provided. The amendment offered by the gentleman from Minnesota [Mr. DAVIS] goes very far beyond that, and really creates for the District a new fiscal system in practically all of the features of a fiscal system.

We know what the law is at the present time. Let us see how the law is changed and proposed to be changed by this amendment. I shall not attempt to enumerate all of the changes that the amendment contemplates. For example, at this time the tax on intangibles I believe is three-tenths of 1 per cent. This amendment makes it one-half of 1 per cent. This amendment looks to a new division between the Government and the District, varying from the present law, of revenues derived from certain sources. This amendment contains a provision which, so far as I know, is completely new, with respect to the payment of ground rents to the Government by the District of Columbia. At present the law provides that taxation shall be based upon two-thirds of the value of real estate. This amendment provides that the basis hereafter shall be the full market value.

Now, those are simply examples of the changes in the law that are suggested. They are not only changes in existing law and therefore unauthorized, but in addition, it seems to me, unless the theory of germaneness can be stretched to an indefinite limit, they violate the requirement as to germaneness. There is not, to illustrate, anything in the ground-rent provision that relates to the general expenses to be paid out of the Treasury, or to the fairness and reasonableness of taxes, or that certain rates shall obtain unless otherwise provided. The same remark, I think, can be made with respect to the contemplated division of revenues derived from certain sources. The same thing can be said relative to the valuation which is to be used as the basis of assessment. As to the tax on intangibles, so far as germaneness is concerned, I might not make a similar observation, but it is certainly new legislation.

But, Mr. Speaker, the most important proposition contained in this amendment is that in addition to all taxes necessary to meet general expenses, and independent of the obligation that all taxes shall be fair and reasonable, and also quite independent of the provision that certain rates shall be in effect until they are superseded by other rates, is a very remarkable proposition, which is not only new legislation, but, as it seems to me, is entirely foreign to the Senate amendment. General expenses may be paid without reference to the proposition that I am about to allude to; without reference to that proposition taxes may be fair and reasonable, and without reference to that proposition assessed valuation of real estate is to be the full market value. This proposition is what? Nakedly stated, it is a proposition that for five fiscal years, beginning in 1923 and ending in 1927, there shall be paid to the Federal Treasury annually by the District of Columbia what will amount to approximately $3,000,000, or a total of approximately $15,000,000. The reason assigned for putting that proposition in the amendment is that the District of Columbia may "get upon a cash-paying basis by the end of the fiscal year 1927." That

has no relation to providing for and paying general expenses, which is in the Senate amendment, nor does it relate to the other features of the Senate amendment. Being new legislation and not germane to the Senate amendment, I do not see upon what ground it can be justified. The idea of its proponents is that now the District of Columbia receives from the Government of the United States advances, for the reason that the tax bills in the District are not paid until May of the fiscal year, which is toward the close of the fiscal year, and that is wrong. I say that by way of explanation. But whether the proposition meets with our approval or disapproval on its merits, the cold fact stands out that something never in the mind of the Senate is proposed here, that something is proposed which is not designed to take care of any of the objects that the Senate had in mind when it legislated or attempted to legislate.

Mr. HICKS. Will the gentleman yield?

Mr. MOORE of Virginia. In a minute. Now how can that be justified? It is, of course, a departure from the present law. The statute approved February 14, 1904, is the statute that I alluded to a moment ago, when I said that the taxpayers of the District of Columbia are permitted to pay their taxes as late as May of the fiscal year. That law is ignored. It is wiped out. Then that being done, the taxpayers of the District are told that in addition to paying any fund necessary to cover general expenses or any fund derived from the imposition of fair and reasonable taxes, they must plus that by the payment of nearly $3,000,000 a year simply for the purpose of placing the District of Columbia in the future upon a certain basis. Why, Mr. Speaker, if that can be done, where is the line to be drawn? What is to prevent compelling the people of the District to pay $5,000,000 a year or $10,000,000 a year or $20,000,000 a year for five years to get at any remote ultimate result of any character? That would be the exercise of a destructive power not in conformity to the rules but in defiance of the rules.

Now, Mr. Speaker, I have said this much in order to indicate my views to my friend, the gentleman from Minnesota [Mr. DAVIS], who is so extremely anxious that his amendment shall be forthwith disposed of—an amendment he never dreamed of offering when this bill was originally before the House, and that did not enter into the consideration of this bill in the Senate. Having made this brief statement, and realizing that the burden is upon the proponents of the amendment to show that it is within the rules under which we operate, I respectfully submit that this is a case of jurisdiction being exceeded and that the point of order should be sustained.

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from New York [Mr. HICKS]?

Mr. MOORE of Virginia. I do.

Mr. HICKS. I think the gentleman, in his last sentence, has covered the point that I wished to make. I wished to ask him, Would not an additional point of order lie in that the conferees had exceeded their jurisdiction, in that this amendment was not in dispute between the conferees?

Mr. MOORE of Virginia. I think what I first said included that—by implication, at least.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CHINDBLOM. I wish to ask the gentleman whether the point which he has raised covers this question, that on page 5 of the amendment it is proposed that the tax-collecting agency of the District of Columbia shall also hereafter collect for the United States any revenues which by the act become the sole property of the United States—in other words, creating a new agency for the collection of taxes for the United States themselves?

Mr. MOORE of Virginia. That is another objectionable feature. I said at the outset that I desired to call attention to only a few of the specific provisions in this amendment that seemed to me to be open to objection. It reeks with objectionable provisions.

Mr. JOHNSON of Kentucky. Mr. Speaker, it is the opinion not only of the conferees upon the part of the House but of the conferees upon the part of the Senate that the language of this bill is in strict compliance with the rules of the House. The gentleman from Virginia [Mr. MOORE] in stating his point of order has emphasized two points—first, that this amendment is legislation upon an appropriation bill, and, next, that the conferees have exceeded their authority. I take it for granted that the Speaker, without argument, will dismiss the first of these contentions for the reason that we are back before the House for the purpose of legislating on an appropriation bill and for no other purpose. The question next arises, Have the conferees exceeded their authority?

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The Senate has acted upon this conference report, as I understand it?

Mr. JOHNSON of Kentucky. I so understand.

Mr. GARRETT of Tennessee. Has the Senate adopted this particular amendment that is proposed by the gentleman from Minnesota?

Mr. JOHNSON of Kentucky. It is impossible under the rules for the Senate to consider this proposition until after the House has sent it to them. It has to be approved by the House before it can go to the Senate.

Mr. GARRETT of Tennessee. Oh, not at all.

The SPEAKER. The Chair will state that the Senate has acted on the conference report and has further insisted on its amendment.

Mr. GARRETT of Tennessee. It has further insisted?

Mr. JOHNSON of Kentucky. It has further insisted on its amendment. We now are considering an amendment to the Senate amendment. I invite the attention of the Chair to line 16 of page 2 of the bill, which reads as follows:

For the fiscal year 1923 and annually thereafter the rate of taxation in the District of Columbia shall be fair and reasonable.

I ask the Chair if that states a rate of taxation? What tax that is merely fair and reasonable can be levied or collected under that language? When the tax collector goes to the holder of property whose property has been given in for taxation and says, I come to you for "a fair and reasonable tax" on your property, the owner, if willing to pay any tax, might he not under that language fix the rate for himself; and then when the tax collector would go to another taxpayer and say to him, I have come to collect "a fair and reasonable tax," may not that taxpayer say that still another rate is "fair and reasonable"? Out of a hundred thousand taxpayers in the District of Columbia under that language there could be as many different rates of taxation. Consequently there must be a fixed rate, and that rate, under this language, when fixed must be within the range of being fair and reasonable. How does this amendment undertake to arrive at a rate that is "fair and reasonable"? The amendment lays down a rule for the purpose of arriving at a rate that is "fair and reasonable." First, the Commissioners of the District of Columbia shall estimate and Congress shall appropriate for their needs, and then a "fair and reasonable" rate is to be fixed by the commissioners that will produce that amount.

Mr. DENISON. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. DENISON. The Senate amendment provides for a rate that is fair and reasonable, and that means fair and reasonable under existing law. The conferees have changed that by fixing a rate under a changed law.

Mr. JOHNSON of Kentucky. That is exactly what is proposed to be done.

Mr. DENISON. But that is not contemplated in the Senate amendment.

Mr. JOHNSON of Kentucky. It is not to be presumed that the Senate amendment would not say the rate should in the future be fair and reasonable if the present rate already is fair and reasonable. Therefore, the Senate made a change of rates permissible.

Mr. DENISON. The question of what a fair and reasonable rate would be would depend on the purpose for which the tax is to be collected. The Senate amendment contemplated a fair and reasonable rate for the purpose authorized under the present existing law. The conference agreement would be a rate for an entirely different purpose, changing the fiscal system in the District and putting it on a cash basis. If the gentleman from Kentucky is right, they could have included in this a proposition to immediately retire all the bonds of the District.

Mr. DAVIS of Minnesota. They are already retired.

Mr. JOHNSON of Kentucky. I can not yield further to the gentleman for an argument, but if he wishes to ask any questions I shall be glad to answer them.

The gentleman from Illinois has taken a fallacious position. He contends that we can not change the law; that this amendment can not be adopted by the House because it is in conflict with the present law. I contend that we are here for the purpose of changing existing law; otherwise this amendment would not have been offered as it is. When this bill was before the House the House could not put the amendment on it, because it was then contrary to the rules of the House; but the Senate can and has put on an amendment in conflict with the rules of the House; and now that that amendment is properly before the House the House is free to perfect it by amendment. That is just what is being undertaken, and to do so is now within the rules of the House, but was not before.

Mr. MAPES. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. MAPES. Of course, the Senate amendment proposes to change existing law in that it takes away the restrictions of the commissioners in making the estimates and exempts from taxation improvements on real estate to the extent of $2,000.

Mr. JOHNSON of Kentucky. Yes; the Senate amendment is a change of existing law. Now, the House conferees have come back with an amendment to the Senate amendment, and all that is necessary is that the amendments shall be germane to the Senate amendments. As I just said, we are now seeking to amend the Senate amendments, one of which reads as follows:

That for the fiscal year 1923 and annually thereafter the rate of taxation in the District of Columbia shall be fair and reasonable.

As I was saying when interrupted, under this language the commissioners are to send in their estimates, and those estimates when they come from the Budget to the committee, and the committee brings in a bill and Congress then fixes the amount of the expenditure, to provide for a rate which merely shall be "fair and reasonable" accomplishes nothing unless provision also be made to have a fixed rate. A rate which is fair one year might be unfair the next; but if a "fair and reasonable rate" of taxation be actually fixed by the commissioners, as the amendment provides, so as to raise the amount Congress appropriates for, then you have a rate that can be both fixed and fair.

While I think of it, the gentleman from Virginia has just stated that this amendment raises the taxable value from two-thirds to three-thirds. He says that the law is that real estate and tangible personal property shall be taxed only on two-thirds of its true value. I challenge that statement. There is no need to bring a lot of books here. The Speaker's parliamentarian can turn to the law of 1902, I believe it is, and find that that law says that property shall not be valued for taxation at "less than two-thirds." The assessor now has the right to value property at three-thirds; and consequently this amendment does not change existing law in that respect. The amendment says that it shall be valued at three-thirds—just exactly what the assessor of the District may do now without changing the law. The amendment is merely directory as to present law.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. WALSH. Does the gentleman contend that in a disagreement between the two Houses upon a matter purporting to fix the specific rate of taxation it is germane to provide that the Commissioners of the District shall not be restricted in submitting estimates of the needs of the District, but they shall as near as may be bring them within the probable aggregate of the fixed proportionate appropriation to be paid by the United States in the District of Columbia?

Mr. JOHNSON of Kentucky. I do so contend when——

Mr. WALSH. What has that to do with the tax rate of the District?

Mr. JOHNSON of Kentucky. I can tell the gentleman what the latter has to do with being germane, but I can not tell him what it has to do with the tax rate of the District. Here is what the Senate amendment says:

The appropriation of an amount equal to the unexpended or unappropriated surpluses of the District revenue shown by the reports of the commissioners to have been heretofore accumulated and deposited in the Treasury of the United States in addition to the estimates submitted for the next fiscal year is hereby authorized, and hereafter there shall be no limit upon the amount of the estimates to be submitted to Congress to meet the annual needs of the District, any law to the contrary notwithstanding.

The exact language of the Senate amendment relating to the estimates is not used in the pending amendment, but no language is used in this amendment which is not in thorough accord with that provision put on by the Senate.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DENISON. Do I understand the gentleman to take the position that the two propositions are the same, viz, the present law that the property shall be valued at not less than two-thirds of its value for purposes of taxation, and the proposition now before the House that it shall be valued at its complete value?

Mr. JOHNSON of Kentucky. Yes; you correctly understand me.

Mr. DENISON. Is not that a change of law?

Mr. JOHNSON of Kentucky. It may or may not be a change of law. The question is seemingly close; but no matter whether it is or not, the original law was that property should be assessed for taxation at its real value; but they got to assessing property so low here that Congress put on an amendment to an appropriation bill saying that thereafter it should not be assessed at less than two-thirds of its value, thereby not repealing the law that it should be assessed at its full value. That was done to jack up the assessor so that he would not continue to value it below two-thirds. The assessor has construed wrongfully that language to mean that he can not assess it "above" two-thirds, and he has so testified before the Committee on the District of Columbia. He really contended that the law which said that property for taxation should not be valued at "less" than two-thirds meant that it should not be valued "more" than two-thirds; but that construction can not be accepted by anybody who will stop to think. So that this proposition here, that property shall be valued at three-thirds, is not in conflict with the law which says that the assessors shall not assess it below two-thirds.

In addition to that, what matters it to the taxpayers when the commissioners are to levy a rate of taxation for, say, raising $20,000,000, whether that tax rate applies to the two-thirds valuation or to the three-thirds? If the assessor applies it to the two-thirds, then the rate must be larger in order to raise $20,000,000 than if the tax rate be applied to the three-thirds. In the latter case the rate would necessarily be smaller in order to raise the $20,000,000. I insist that there is no conflict between the law as it now stands and the provision in the pending amendment.

But when you speak of a rate of taxation that shall be "fair and reasonable," you can not possibly separate that from a value. A fair and reasonable rate and a value are positively inseparable propositions if a revenue is to be derived—so inseparable that you can not consider one without at the same time considering the other. If you are to levy a fair rate of tax upon anything, God knows there must be a value fixed upon which to levy it. Value can not be left untouched.

Mr. Speaker, if I may be permitted to repeat, the law at present is not that property for assessment shall be assessed at two-thirds of its value, but it is as plain as the nose on a man's face that it shall not be assessed at less than that. If the law be, and it is, that the assessors may go to that, the true value, why should not this directory provision be in full compliance with and be germane to a proposition to levy a fair and reasonable rate on a value not disturbed by the proposed amendment?

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DENISON. I want to ask the gentleman a question which I think will be pertinent to the point of order. The present law provides for the payment of taxes in the District at a certain time during the year, and there is no existing law providing for putting the District of Columbia on a cash basis, is there?

Mr. JOHNSON of Kentucky. The law fixes the time when taxes shall be paid. But let me tell the gentleman something about that. I doubt not that that date was fixed advisedly by some smart draftsman in order that the District of Columbia might stand overdrawn in the Treasury of the United States during 11 months out of every 12.

Mr. DENISON. Regardless of the purpose for which it has been fixed, it is a fact that it has been fixed.

Mr. JOHNSON of Kentucky. And this amendment does not propose to change it.

Mr. DENISON. Does not this amendment propose to put the District on a cash basis?

Mr. JOHNSON of Kentucky. Find in this amendment, if you can, anything which changes the date when taxes shall be paid. There is not a word or a letter in it which says when the taxes shall be paid. That law is left to stand just as it is.

Mr. DENISON. Does not the gentleman think it is changing existing law to provide for collecting enough taxes over a series of years, more than are needed for current needs, in order to put the District on a cash basis?

Mr. JOHNSON of Kentucky. The gentleman talks about putting the District on such a basis as will enable it to pay current expenses. The District is not to-day, nor has it been any other day in the past, except a few days in each year, able to pay current expenses. Call up the auditor for the District of Columbia at this moment and ask him to tell you how many million dollars the District is overdrawn this hour in the Treasury.

Mr. DENISON. Is not the provision in this amendment for putting the District on a cash basis, through a series of years, until 1927, either adopting a new law or changing existing law?

Mr. JOHNSON of Kentucky. It is doing neither——

Mr. DENISON. There is where I think I shall have to differ with the gentleman.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from Illinois has just propounded a question as to whether or

not collecting sufficient taxes to meet the District of Columbia's needs is not changing existing law. The existing law is that the District of Columbia shall collect money enough to pay her expenses. Every municipality in the world except this collects this year that with which it shall pay current expenses during next year; but the District of Columbia collects nothing this year with which to pay her expenses next year. During the last month of the fiscal year the District of Columbia collects money enough not to pay current expenses but to pay past expenses, those that have been paid out of the Federal Treasury by making overdrafts on the Federal Treasury, for which no interest is paid to the Federal Government by the District of Columbia on account of those overdrafts.

It has been suggested that because this amendment changes the rate of taxation on intangible personal property that that change makes this amendment subject to a point of order; and there I believe I can interpose the suggestion that if this amendment repealed all taxes on intangible personal property there would have been no serious opposition to this bill. In the organic act of 1878 a tax of $1.50 was placed on intangible personal property, such as stocks, bonds, and mortgages. After some years had run the lobby here got the law changed so that intangible personal property was relieved entirely from all taxation. Then, a few years ago, Congress put upon intangible personal property a tax of 4 mills. In a little while, even before the tax had been collected under that law, the lobby, beating at these doors all the while, got that reduced to 3 mills. The conferees, by the proposed amendment, have raised that tax from 3 mills to 5 mills. That is the very proposition that has raised so much opposition against this amendment. Now, the question arose, Is it germane by this amendment to increase the tax on intangible personal property? Again resort is had to the language used by the Senate, that the tax shall be fair and reasonable, notwithstanding that in lines 23 and 24 we find that the Senate amendment says "and other taxes shall be as now provided." There we have the Senate dealing with other taxes than those on real estate, and so forth. The Senate by that amendment opened up the question as to all other taxes. If the Senate had said nothing about "other taxes," then this amendment might not be germane to those particular taxes; but they have opened up the question by saying that "other taxes" shall be the same, and the conferees by the pending amendment say that they shall not be the same.

Mr. WINGO. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield.

Mr. WINGO. I want to see if I follow the gentleman, because I have not read the Senate amendment. The Senate amendment undertook to revise and change both the assessment and the taxing rate, and is it the gentleman's contention that they, having uncovered the whole subject, your proposal to increase from the 3 to 5 mills is germane?

Mr. JOHNSON of Kentucky. That is it. The Senate by opening up the subject of "other taxes" justifies the House under its rules to treat of "other taxes." Mr. Speaker, the Senate by using the language that taxation shall be "fair and reasonable" threw the doors wide open as to tax on real estate and tangible property values, and the amendment as to "other taxes" does the same thing as to "other taxes." There is no way of getting away from that. I repeat, if I may, that when they say by that language that "other taxes" shall remain the same, they go into the subject; they throw wide open the doors to an amendment to their language; and the pending amendment says, and says germanely, that "other taxes" shall not be the same. The Senate asserts the affirmative. This amendment merely substitutes the negative for that affirmative. The Senate in asserting the affirmative adhere to 3 mills. This amendment negatives that and says the rate shall not be the same, but that it shall be 5 mills.

Now, Mr. Speaker, in lines 21, 22, 23, and 24, page 2, we find the following:

Until otherwise provided by law, the rate of taxation in the District of Columbia on tangible personal property and real estate shall be $1.75 a hundred, and other taxes shall be as now provided.

I have just addressed myself to the last few words of that sentence, which relate to intangible personal property.

I wish now to address myself to the language which says that the rate until otherwise ordered shall be $1.75 a hundred. I ask the Speaker to read it carefully. Who says that by that language the $1.75 is not to be the rate upon three-thirds? That language says that until otherwise provided by law the rate of taxation in the District of Columbia on tangible personal property and real estate shall be $1.75 per hundred, not $1.75 on two-thirds of a hundred. Therefore, when the pending amendment says that the property shall be listed for taxation at three-thirds of its value then the amendment is in thorough accord and in keeping with the declaration upon the part of the Senate, which says the rate shall be until otherwise ordered by Congress $1.75 on a hundred—not $1.75 on two-thirds of a hundred.

Mr. DENISON. Will the gentleman yield there?

Mr. JOHNSON of Kentucky. Yes.

Mr. DENISON. Of course, when this provision says $1.75 per hundred, that means per hundred under existing law, and existing law provides for an assessed valuation as distinguished from actual valuation.

Mr. JOHNSON of Kentucky. Why of existing law? Where is it?

Mr. DENISON. Does not the present law provide for an assessed valuation of two-thirds its value or, at least, not less than two-thirds of its value?

Mr. JOHNSON of Kentucky. Yes; in order to jack the assessor up, it says he shall assess property at not less than two-thirds of its value; bear in mind, please, the Senate amendment now says that the tax rate shall be $1.75 on a hundred, and not on two-thirds of a hundred. The language of the Senate amendment is plain on this proposition.

Mr. DENISON. It says on a hundred, and that means a hundred of assessed valuation.

Mr. JOHNSON of Kentucky. Then why did they put in any amendment at all?

Mr. DENISON. That is the law of every State, so far as that is concerned.

Mr. JOHNSON of Kentucky. We are not dealing with the laws of States. We are dealing with the language the Senate has sent over and which we are proposing to embody in a fitting place in the proposed amendment.

The SPEAKER. The Chair would state that he thinks it unnecessary for the gentleman from Illinois [Mr. DENISON] to pursue his inquiry.

Mr. DENISON. I was wanting to set the gentleman from Kentucky right, if I could, on that proposition.

Mr. JOHNSON of Kentucky. Mr. Speaker, when the Senate opens up the proposition for a tax upon property to meet its requirements then this House has a perfect right to deal with both rates and values, because without both neither is worth while. What are the expenses of the District? The expenses of the District to be paid by tax levy upon property consist not merely in the paying of past debts, but the expenses of the District must be paid by a tax levied, according to every law that has been written upon the subject, to meet its current expenses, and that law will be found in the organic act—that the tax is for the purpose of meeting current expenses. Current expenses are not alone those which they have not paid—and to-day they stand with millions of dollars of their debts unpaid—but it is to meet their expenses as they incur them.

Knowing, Mr. Speaker, that others desire to follow me to demonstrate other points than the ones upon which I have touched, I shall conclude for the present.

Mr. TOWNER. Mr. Speaker, I desire to make one suggestion. I do not know whether the Speaker has had an opportunity to examine this carefully or not, but I think we all admit that the question is a close one, and I am quite sure the Speaker will give it the careful consideration he always gives to propositions that come before him.

Mr. Speaker, it is very easy to determine what are the matters of difference between the House and the Senate. We only have to examine one paragraph on page 1, and the paragraph on page 2 that connects with it, and then to examine a very short substitute that was adopted by the Senate. That constitutes, Mr. Speaker, the matter in dispute between the House and the Senate. I think we all might admit everything that the gentleman from Kentucky [Mr. JOHNSON] has said and still be in very serious doubt as to whether or not this did not contain matter that was not in dispute between the House and the Senate. And when the Speaker examines this matter, I call his attention to the language on page 4 of the amendment, commencing on line 5. The language is:

And that from and after June 30, 1922, any and all revenues derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States.

There is certainly a determination, a legislative determination, which is by the terms of this amendment declared to be property of the United States. It occurs to me that that provision could not by any possibility be considered as a matter that is in dispute between the House and the Senate.

And that is not all. Following that is found this language:

And that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall

first be used to pay the United States 3 per centum of the full value of the ground as a ground rent, and the remainder shall be divided between them.

And so forth. In other words, this is a provision, not for revenues and not for taxes but for the disposition of rentals of property that might have belonged to the United States. Certainly that can not be considered as a tax or revenue question. Certainly that is not a matter that was in dispute between the Senate and the House. Then I want to——

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. JOHNSON of Kentucky. I rose for the purpose of interrupting the gentleman relative to the first subsection of the amendment, and that is that when the District of Columbia owns neither wholly nor in part, as between itself and the United States, any property, that the revenues derived therefrom should go into the Federal Treasury.

Now, I contend, Mr. Speaker, that that does not change existing law. It changes existing practice. When the Government of the United States owns a piece of property and the District of Columbia wrongfully appropriates revenues from it, as in many instances it has done, that is a diversion of Federal money to District purposes, and I contend that this is not a change of law but it is to stop a practice.

Mr. TOWNER. Mr. Speaker, that really has nothing to do with the proposition involved. I am only calling the attention of the Speaker to this proposition, that to determine by a legislative enactment the ownership of property is not a matter that was in dispute between the House and the Senate, and if it is not such a matter, then it can not be brought in in this way, when we are considering the report of the conferees. Neither can the disposition of rentals from property be considered as a matter of dispute between the House and Senate.

Now, let us go over further and see a further provision on page 5 of the amendment, line 13:

And that the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as "miscellaneous receipts," but the revenues from the property known as Center Market shall not be so collected.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield there for a moment?

Mr. TOWNER. Wait just a moment; then I will yield. So that by the terms of this act, this law—because it is to be a law—prescribes that the tax collector for the District of Columbia shall collect the rentals that may be due the United States, and shall pay that money into the Treasury of the United States.

Now, I assume the gentleman would say that that is in accordance with existing law. I do not know whether it is or not, but it was not in this bill, and it was not in dispute between the House and the Senate, because they have nothing to do with anything except questions of taxation, not with regard to determining the ownership of property, not with regard to determining who is entitled to the rentals of property, and not in regard to the creation of an agency for collecting the revenues of the Government and placing them in the Treasury of the United States. It can not be said by any stretch of imagination that these were matters of dispute, when the matters of dispute referred only to taxation and the disposition of it. That seems to me to be a very serious question.

Mr. JOHNSON of Kentucky. If the gentleman will permit an interruption, I wish to invite his attention and that of the Chair to lines 13 and 14 on page 2 of the bill. I will read them to the Chair, so that the Chair can get them with undivided attention. I read:

That the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States——

Mr. TOWNER. I yield the floor, unless the gentleman desires to ask a question.

Mr. JOHNSON of Kentucky. I hope the gentleman is not yielding the floor, because I ask leave to interrupt him.

Mr. TOWNER. No. I understood the gentleman desired to make a statement, not to ask a question. I am perfectly willing to yield to the gentleman to ask a question.

Mr. JOHNSON of Kentucky. I do not desire to ask a question, but I did desire to say a word about a feature which he was then discussing and, as I think, arguing from false premises.

Mr. TOWNER. I shall be glad to hear the gentleman.

Mr. JOHNSON of Kentucky. The gentleman from Iowa just laid much emphasis upon the provision that the revenues belonging to the United States should be collected by the same officers as those who collect the revenues for the District. They are doing that very thing to-day. It is no change of law.

Under the law and under the practice in vogue the same officers who collect the revenues for the District of Columbia are collecting some revenues for the United States. There are many revenues which the tax collector for the District of Columbia collects go 60 per cent to the District of Columbia and the remaining 40 per cent to the United States. A collector of taxes for the District of Columbia might overlook the collection of moneys going to the United States and say that he was not charged with the collection of that part that went to the United States. This amendment makes it plain that he is only to continue to collect that part of a revenue which goes to the United States as well as that part which goes to the District.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Minnesota if he has any idea of concluding this matter this evening?

Mr. DAVIS of Minnesota. No; I do not think there is any danger of concluding it to-night; I was thinking of rising about 5 o'clock.

The SPEAKER. The Chair was hoping that the arguments might be completed so that the Chair would have overnight to deliberate upon it.

Mr. MAPES. Mr. Speaker, I would like to submit this thought: Some gentlemen who have argued this question, and particularly the gentleman from Iowa, I think, have confused the real issue. Of course, if this was a question of power or jurisdiction of the conferees, even without the recent amendment to the rules, the conferees would be limited to the points in dispute between the two Houses, and would have to make their report within those limitations, but it seems to me that this is not a question of the jurisdiction of the conferees at all. To be sure, the gentleman from Minnesota [Mr. DAVIS] offered this amendment, but he offered it not as a conferee but as a Member of the House after the conference report had been adopted, and I submit that any other Member of the House might have offered it, and any Member of the House is at liberty to offer an amendment to the proposition that the gentleman from Minnesota has offered. So that the question for the Speaker to decide is not a question as to the power of the conferees but is a question as to the germaneness of the amendment offered by the gentleman from Minnesota [Mr. DAVIS] to the amendment put on by the Senate. Whether or not the conferees would have the right to agree to it without action by the House I submit is immaterial.

Mr. STAFFORD. Will the gentleman yield?

Mr. MAPES. I will.

Mr. STAFFORD. Then, in determining the question of germaneness, is the Speaker to consider only the Senate amendment, or is he to consider as being germane the original House amendment to which the Senate amendment is a substitute? The amendment pending covers matters included in the original House provision that are not included in the Senate amendment. We ought to proceed on a clear basis as to what is before the House. Is it the Senate amendment now being considered, and are the rules of germaneness to be limited solely to matters within the provision of the Senate amendment? If that is the position taken by the gentleman from Michigan, then, of course, the proposed amendment offered by the gentleman from Minnesota is out of order, because it includes provisions not covered by the Senate amendment.

Mr. MAPES. I will say to the gentleman from Wisconsin that while I have not given special consideration to that question, it would seem to me that both the House and Senate propositions should be taken into consideration. I want to ask the gentleman from Wisconsin if he will point out a specific provision in the amendment that is not germane to the Senate proposition?

Mr. STAFFORD. The 40–60 per cent proposition is not germane. It is germane to the original House proposition.

Mr. WALSH. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. WALSH. I would like to ask, is not this analogous to the situation which would arise if this first section relating to taxation was all there was to the bill and the Senate had struck out all after the enacting clause and inserted the provision?

Mr. MAPES. Yes; I think it comes before the House and must be considered as a legislative proposition and not as a question as to whether it is in order on an appropriation bill at all.

Mr. WALSH. It is not confined to the power of the conferees; it is solely a question of germaneness.

Mr. STAFFORD. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. STAFFORD. I would like to ask if the gentleman contends that the conferees in arriving at matters in dispute have less power than the House in passing on the germaneness in

trying to reach an agreement on matters in dispute? The amendment is in disagreement at the present time. What is the position of the gentleman? That the House has greater powers than the conferees or the conferees greater powers than the House?

Mr. MAPES. The House has greater powers than the conferees.

Mr. STAFFORD. Where is there any such rule giving the conferees less power than the House?

Mr. MAPES. The rules of the House provide that the conferees are confined within the limits of matters in dispute between the two Houses.

Mr. WALSH. And the rules also provide that on certain amendments the conferees can not agree but must bring the matter back to the House for a separate vote.

Mr. MAPES. Certainly. I did not rise, Mr. Speaker, to discuss the matter generally. I only wanted to present this single thought to the Chair.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MAPES. I will.

Mr. GARRETT of Tennessee. Here is the peculiar situation about this. That which we are now considering, to wit, the amendment offered by the gentleman from Minnesota [Mr. DAVIS] is not a part of the conference report at all.

Mr. MAPES. Not at all.

Mr. GARRETT of Tennessee. If it were a part of the conference report there would be no question about it. It presents an entirely new question, so far as my recollection goes, and that is whether the conferees can seize upon a Senate amendment and add to it every item of legislation that they choose to add, and thus make it in order.

Mr. MAPES. Not whether the conferees can do it, but whether the House itself can do it.

Mr. WALSH. Yes.

Mr. GARRETT of Tennessee. What I meant was whether they can do it without it being subject to a point of order.

Mr. WALSH. If the gentleman from Minnesota [Mr. DAVIS] had yielded the floor this amendment might have been offered by anybody who was not a conferee or a member of the Committee on Appropriations, if he had gotten recognition from the Chair.

Mr. GARRETT of Tennessee. Certainly. That would not have made any difference in the parliamentary situation.

Mr. WALSH. No; certainly not.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MAPES. Certainly.

Mr. CONNALLY of Texas. I understood the gentleman from Wisconsin to say to the gentleman from Michigan a moment ago that all that was before the House was the Senate amendment.

Mr. STAFFORD. Oh, no. I was asking a question.

Mr. CONNALLY of Texas. Is not the proposition before the House not only the Senate amendment, but the original House proposition which the Senate proposed to strike out? Does not that bring both before the House?

Mr. STAFFORD. My contention is that we have to consider it the same as though it were a House bill that was sent over to the Senate, containing only the matter stricken out in the Senate and the substitute inserted by the Senate, and sent back to the House and then to conference.

Mr. CONNALLY of Texas. That brings the whole question before the House.

Mr. STAFFORD. The House disagreed to the Senate amendment and sent it to conference. No other action has been taken upon it. It is now before the House for consideration. I think this is a matter of such importance that it should go over until to-morrow, and I suggest to the gentleman from Minnesota that he move that the House adjourn.

Mr. DAVIS of Minnesota. I want to yield five minutes to the gentleman from California [Mr. LINEBERGER].

The SPEAKER. The Chair will suggest that the gentleman has no time to yield. This is a debate addressed to the Chair.

Mr. LINEBERGER. Then I ask unanimous consent to address the House for five minutes.

The SPEAKER. Does the gentleman desire to discuss the point of order?

Mr. LINEBERGER. I do not.

Mr. GARRETT of Tennessee. I hope the gentleman will defer that.

The SPEAKER. The Chair will suggest that, of course, this debate on the point of order is addressed to the Chair and not to the House, and that the Chair controls the time. Now, if the House is disposed not to finish the discussion of the point of order to-night, then the gentleman from California may submit his request for unanimous consent.

Mr. DAVIS of Minnesota. I do not think it is possible to close the discussion on the point of order to-night, because there are two or three gentlemen who want to take three-quarters of an hour each. The discussion of the matter has hardly begun.

The SPEAKER. The Chair will suggest that the Chair not only has control of the Members to be recognized but of the amount of time to be occupied.

Mr. DAVIS of Minnesota. The gentleman from Nebraska [Mr. EVANS] wishes to be heard.

The SPEAKER. The Chair thinks it is impossible for the discussion on the point of order to be finished to-night, and so he will submit the request of the gentleman. The gentleman from California asks unanimous consent to address the House for five minutes. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, upon what subject does the gentleman from California desire to address the House?

Mr. LINEBERGER. I will say to the gentleman that this is a matter which is in no sense political. I assure the gentleman that it is a matter that I believe will be of general interest not only to the House but to the country. I do not often ask time for things of this kind, and if the gentleman is not satisfied——

Mr. GARRETT of Tennessee. That does not give me any information, but I have never objected to such a request.

Mr. LINEBERGER. I desire to address the House on the subject of a certain petition which was delivered to-day on the steps of the Capitol.

Mr. GARRETT of Tennessee. The gentleman has taken his position on that question. He is in full accord with it.

Mr. LINEBERGER. Yes; I have always been for adjusted compensation and voted for the bill in the House, but I have some points that I would like to bring before the House regarding the petition presented to certain Members of Congress on the steps of the Capitol to-day.

Mr. WINGO. Reserving the right to object, I should like to ask the gentleman if this was delivered to the Attorney General or to the President or to the Secretary of the Treasury?

Mr. LINEBERGER. It was not.

Mr. WINGO. To whom was it delivered?

Mr. LINEBERGER. I think the gentleman knows what I am driving at. It has not been delivered to any one of the parties mentioned, so far as I know.

Mr. WINGO. I thought the gentleman said that a petition had been delivered to-day.

Mr. LINEBERGER. Yes; a petition has been delivered to a delegation on the steps of the Capitol.

Mr. WINGO. Delivered to whom?

Mr. LINEBERGER. I propose to discuss some of the forces back of its procurement and presentation.

Mr. WINGO. Oh, the gentleman wants to talk about the bonus? I am for the bonus, and I shall be delighted to hear what the gentleman has to say.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LINEBERGER. Mr. Speaker and Members of the House, after having consumed five minutes in an effort to obtain five minutes time, I hope I shall be able to complete what I have to say in less than five minutes.

Between three and a half and four years ago the fate of civilization was hanging in the balance. Thousands upon thousands of the flower of American manhood were giving up their lives on the gory fields of France, while some 2,000,000 more were preparing for the great ordeal in the training camps on this side of the water. At the moment when the very life of the Nation was at stake a certain string of newspapers, whose slimy trail of pro-Germanism and traitorous utterances made them infamous from the Atlantic to the Pacific and from the Gulf to the Canadian border, and the name of whose editor and owner was anathema to all true and loyal American hearts, whether in uniform or out of it, were carrying on the nefarious work of opposing the war and obstructing the path to victory.

To-day at high noon, in the very shadow of the dome of the Capitol, this shrine of American institutions, under the guise of serving those who only four short years ago they would have destroyed, comes this string of nameless un-American sheets bearing a petition purporting to carry 1,000,000 signatures of ex-soldiers, calling on Congress to pass the soldiers' adjusted compensation measure without further delay. Agreed, and all hail to the brave men who hoped thereby to accelerate the cause to which they are devoted, and in the righteousness of which I am a firm believer. But, Mr. Speaker, there is another picture which flashes across my mind's eye, and I say all shame to those

who would commercialize or politicalize patriotism—and I am not thinking of the gallant soldiers or ex-service men who served their country so unselfishly. The fact that such a pageant was sponsored by a certain string of newspapers of questionable war record, if the dictum of the American people be worth anything, causes me to recall the observation of a soldier bystander who wore a silver service button, the emblem of his sacrifice, who, seeing the name of the owner of these papers on the truck which brought the petition, drew away, and said as he did so, "The active participation of these newspapers and their owner in this matter is a travesty on patriotism, and I can not remain to view the sickening spectacle."

Mr. Speaker, those were my sentiments as I saw that scene enacted in front of the Capitol of the United States. [Applause.]

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the business in order on to-morrow, Calendar Wednesday, be dispensed with, and I do that in order that we may go on with the consideration of the District of Columbia appropriation bill conference report.

The SPEAKER. Is there objection?

Mr. WINGO. Reserving the right to object, the gentleman does not expect the District bill will take up all day to-morrow, does he?

Mr. MADDEN. I think it will.

Mr. DAVIS of Minnesota. Calendar Wednesday business might follow if we get through with it.

Mr. GARRETT of Tennessee. Is the gentleman advised as to what will follow if we get through with the conference report?

The SPEAKER. The Philippine bill is in order.

Mr. GARRETT of Tennessee. There is to be a meeting of the Committee on Rules to-morrow morning. Of course, we innocent bystanders over here do not know much about what is going on.

Mr. WALSH. I move to strike out the word "innocent."

Mr. GARRETT of Tennessee. Is anything likely to come from the Committee on Rules that will displace this particular bill?

Mr. MADDEN. To-morrow?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. I think not. I am not advised at all. I am very anxious that this District bill should be disposed of. There will be nothing from the Committee on Rules, I understand from the gentleman from Ohio [Mr. FESS], to-morrow.

Mr. GARRETT of Tennesse. Of course, the gentleman from Ohio has been away for several days. There is to be a meeting to-morrow; at least, that is what I have been told.

Mr. FESS. The committee meets to-morrow.

Mr. GARRETT of Tennessee. Is it likely to bring in a rule that will interfere with the gentleman from Minnesota proceeding with this business?

Mr. FESS. It will not.

Mr. WINGO. I would like to ask the gentleman from Ohio if it is not true that the gentleman expects three rules to come in from that meeting to-morrow to follow this bill?

Mr. WALSH. Rule of three.

Mr. WINGO. No; they never fall into the rule of three on that side.

Mr. FESS. The report will not interfere with this.

Mr. GRAHAM of Illinois. I would like to know whether the Philippine bill is to follow this conference report?

Mr. MADDEN. I am not able to answer that question.

Mr. GRAHAM of Illinois. But I would like to know.

Mr. MADDEN. I am not advised. I am asking this unanimous consent on my own responsibility, without knowing what the program is, because I am interested in disposing of this bill.

The SPEAKER. The Chair will state that he does not know what committee comes up to-morrow.

Mr. MADDEN. The Committee on Printing.

Mr. GARRETT of Tennessee. Mr. Speaker, there has been a somewhat humorous discussion, but I do not see any objection whatever to dispensing with the business of Calendar Wednesday to-morrow and we innocent bystanders will have to take care of ourselves the best we can on Thursday.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the business of Calendar Wednesday to-morrow be dispensed with. Is there objection?

Mr. WINGO. Mr. Speaker, I would like an answer to my question, and I am serious in this. Is there not contemplated the bringing in of three bills, or a rule covering three bills, to follow the Philippine matter if we get through to-morrow?

Mr. MADDEN. I must confess I do not know what the Committee on Rules is going to do, because I have been so busy in the Committee on Appropriations.

Mr. WINGO. That is my information, and I want to lay my plans accordingly, because I am interested in those three bills.

Mr. MADDEN. I am not able to answer.

Mr. WINGO. Will the gentleman from Ohio? There are some gentlemen not very well disposed who I would like to advise to be here if the bills are coming up, and if not I shall advise them that there is no probability of the bills coming up.

Mr. FESS. The Committee on Rules will act to-morrow on the bills the gentleman has in mind, but I do not understand that they will be presented at once.

Mr. WINGO. That is the point I am getting at. I am not quarreling with the gentleman. Personally I would like to expedite the consideration of them, if they are to be considered, because I want to get away myself.

Mr. FESS. I do not understand they are going to displace any of the regular appropriations.

Mr. WINGO. The gentleman thinks probably it will be Thursday before those matters come up?

Mr. GARRETT of Tennessee. The minority butting in once more, reserving the right to object, may I ask the gentleman from Ohio whether the Johnson-Woodruff resolution will probably be called up by the Rules Committee to-morrow?

Mr. FESS. The gentleman from Ohio can not answer that.

Mr. WALSH. Mr. Speaker, reserving the right to object, does not the gentleman from Illinois think it would be better to transfer Calendar Wednesday to the following day rather than dispense with it altogether this week?

Mr. MADDEN. I would not want to assume the responsibility of making the program for the floor leader.

Mr. STAFFORD. If the gentleman will permit, as I understand it was the intention of the floor leader to have Calendar Wednesday go ahead, and he has his program mapped out for Friday, and in view of the large number who will be absent from the Chamber who are going to Quantico, I think the suggestion of the gentleman from Massachusetts a very good one, and that is to take up the Calendar Wednesday business on Thursday.

Mr. MADDEN. I will modify my request to that extent, Mr. Speaker, if it is permissible.

The SPEAKER. The gentleman from Illinois asks unanimous consent that Calendar Wednesday business of to-morrow be postponed to Thursday.

Mr. GARRETT of Tennessee. Mr. Speaker, I believe if the gentleman from Iowa [Mr. TOWNER] were present, that in view of the situation which exists in the Philippine Islands objection would be made.

Mr. MADDEN. Is the gentleman going to object?

Mr. STAFFORD. After a talk this morning with the floor leader I understand the Philippine bill is to be brought up for consideration on Friday so far as debate is concerned. Otherwise I would not have interposed and made the suggestion to the gentleman from Illinois [Mr. MADDEN].

Mr. GARRETT of Tennessee. I do not like to have the program changed so much. When will the ruling come on this bill, then?

Mr. DAVIS of Minnesota. The first thing; as soon as possible in the morning.

Mr. GARRETT of Tennessee. The gentleman makes that request in behalf of the organization on that side?

Mr. MADDEN. I do. I assume that responsibility.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Wednesday, May 3, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

598. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1922, and subsequent years, for investigation and prosecution of war frauds, $500,000 (H. Doc. No. 298), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FAIRFIELD: Committee on Reform in the Civil Service. H. R. 11212 A bill to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; with amendments (Rept. No. 952). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on Reform in the Civil Service. H. R. 11407. A bill to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; without amendment (Rept. No. 953). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. J. Res. 313. A joint resolution providing for the disposal of articles produced by patients in the United States Veterans' Bureau; without amendment (Rept. No. 954). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 11397. A bill to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes; with amendments (Rept. No. 951). Referred to the Committee of the Whole House.

Mr. CURRY: Committee on the Territories. H. J. Res. 316. A joint resolution authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission; without amendment (Rept. No. 955). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANSORGE: A bill (H. R. 11510) proposing a national referendum on beers and light wines at the elections for Members of the House of Representatives to be held in the year 1922; to the Committee on the Judiciary.

By Mr. BLACK: A bill (H. R. 11511) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Banking and Currency.

By Mr. MONDELL: A bill (H. R. 11512) authorizing and directing the Postmaster General to permit the use of special canceling stamp in the post office at Cheyenne, Wyo.; to the Committee on the Post Office and Post Roads.

By Mr. HUSTED: A bill (H. R. 11513) to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 11514) to establish the Wonderland National Park in the State of South Dakota; to the Committee on the Public Lands.

By Mr. OLDFIELD: A bill (H. R. 11515) providing for the purchase of certain inventions, designs, and methods of aircraft, aircraft parts, and aviation technique of Edwin Fairfax Naulty and Leslie Fairfax Naulty, of New York; to the Committee on Appropriations.

By Mr. BOIES: A bill (H. R. 11516) to amend section 24 of the Judicial Code; to the Committee on the Judiciary.

By Mr. YOUNG: A bill (H. R. 11517) to amend the War Finance Corporation act by extending the time during which advances may be made or notes, drafts, bills of exchange, or other securities may be purchased by the War Finance Corporation; to the Committee on Banking and Currency.

By Mr. GREENE of Massachusetts: A bill (H. R. 11518) to provide and adjust penalties for violation of various navigation laws, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANSORGE: Joint resolution (H. J. Res. 320) proposing an amendment to the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 321) proposing an amendment to the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McFADDEN: Resolution (H. Res. 337) for the immediate consideration of H. R. 9527; to the Committee on Rules.

Also, resolution (H. Res. 338) for the immediate consideration of H. R. 8996; to the Committee on Rules.

Also, resolution (H. Res. 339) for the immediate consideration of S. 2263; to the Committee on Rules.

By Mr. WINSLOW: Resolution (H. Res. 340) for the immediate consideration of H. R. 6043; to the Committee on Rules.

By Mr. DALLINGER: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

By Mr. TAGUE: Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon the Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 11519) granting a pension to Albert E. Breedlove; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 11520) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims; to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 11521) granting a pension to Olive W. Myrick; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 11522) for the relief of the Tilghman Canning Co.; to the Committee on War Claims.

Also, a bill (H. R. 11523) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.; to the Committee on War Claims.

By Mr. GRAHAM of Illinois: A bill (H. R. 11524) granting an increase of pension to Ada J. B. Schwatka; to the Committee on Pensions.

By Mr. LINEBERGER: A bill (H. R. 11525) granting a pension to Emma W. Mitchell; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 11526) granting a pension to Susan Devore; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11527) granting a pension to George A. Webster; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11528) to allow credits in the accounts of certain disbursing officers of the Army of the United States; to the Committee on War Claims.

By Mr. TILLMAN: A bill (H. R. 11529) granting a pension to Andrew J. Gouge; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 11530) granting an increase of pension to Raymond P. Snow; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5393. By the SPEAKER (by request): Resolutions adopted by the Presbytery of North River, at Newburgh, N. Y., indorsing House Joint Resolution 131, prohibiting polygamy in the United States; to the Committee on the Judiciary.

5394. Also (by request), resolutions adopted by the Presbytery of North River, Newburgh, N. Y., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5395. Also (by request), resolutions adopted by the Presbytery of North River, Newburgh, N. Y., indorsing Senate Joint Resolution 31, for uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5396. By Mr. COLE of Iowa: Resolutions passed by the Waukon Presbytery, meeting at Steamboat Rock, Iowa, George E. Reibert, presiding officer, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia and urging its early consideration and passage; to the Committee on the District of Columbia.

5397. Also, resolutions adopted by the Waukon Presbytery, meeting at Steamboat Rock, Iowa, George E. Reibert, presiding officer, indorsing Senate Joint Resolution 31, for a constitutional amendment to promote uniform laws on the subject of marriage and divorce and asking early consideration of the same; to the Committee on the Judiciary.

5398. By Mr. CONNOLLY of Pennsylvania: Petition of employees of George Royle & Co., manufacturers of upholstery goods and draperies, of Philadelphia, Pa., favoring the enactment of a new tariff law based on American valuation; to the Committee on Ways and Means.

5399. By Mr. CULLEN: Resolution adopted at a meeting of the Shoe Manufacturers' Board of Trade of New York (Inc.), relative to certain sections of the proposed tariff bill; to the Committee on Ways and Means.

5400. By Mr. DALLINGER: Resolution of the house of representatives, Commonwealth of Massachusetts, urging a Government hospital to be devoted to the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

5401. By Mr. FAUST: Petition of the Central Missouri Conference, of St. Joseph, Mo., for constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5402. Also, petition of the Central Missouri Conference, of St. Joseph, Mo., for the passage of Senate Joint Resolution 31; to the Committee on the Judiciary.

5403. Also, petition of the Central Missouri Conference, of St. Joseph, Mo., for the passage of H. R. 9753; to the Committee on the District of Columbia.

5404. By Mr. FULLER: Petition of the Western Glass Co., of Streator, Ill., favoring increased tariff on rough rolled glass; to the Committee on Ways and Means.

5405. Also, resolutions of Local No. 203, International Hod Carriers Building and Common Laborers Union of America, of Peru, Ill., favoring amendment of the prohibition enforcement act to permit the manufacture and sale of pure beers and light wines; to the Committee on the Judiciary.

5406. By Mr. KISSEL: Petition of Marks Arnheim (Inc.), New York City, N. Y., relative to the proposed tariff on wool and woolens; to the Committee on Ways and Means.

5407. Also, petition of Mrs. Edwin M. Miller, of Mount Vernon, N. Y.; T. P. Kehoe, of Syracuse, N. Y.; and W. H. Callahan, of New York City, N. Y., relative to the proposed tariff on Cuban sugar; to the Committee on Ways and Means.

5408. By Mr. MERRITT: Petition of sundry citizens of Danbury, in the State of Connecticut, favoring the establishment of a national home in Palestine for the Jews; to the Committee on Foreign Affairs.

5409. By Mr. SINCLAIR: Petition of the Association of Commerce, Minot, N. Dak., protesting against the repeal of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

5410. Also, petition of H. N. Kins and 33 others, of De Sart, Scranton, and Pierce, N. Dak., urging the revival of the United States Grain Corporation and a stabilized price on farm products; to the Committee on Agriculture.

5411. Also, petition of Charles E. Grasser and 63 others, of Epping, Williston, and other places in North Dakota, protesting against the passage of H. R. 9753 and other Sunday bills; to the Committee on the District of Columbia.

5412. By Mr. SNYDER: Petition of Henry Voigt, jr., and Charles D. Read, Herkimer, N. Y.; Dr. J. A. Courtemanche, Hampton, Va.; Richard Rae, Utica, N. Y.; and Mr. H. L. Hadcock, Ilion, N. Y., favoring the passage of the Chandler pension bill (H. R. 9193) to increase the pensions of volunteers serving in the war with Spain or China or Philippine expeditions; to the Committee on Pensions.

5413. By Mr. SMITH of Idaho: Resolution adopted by Idaho Presbytery, Boise, Idaho, indorsing H. R. 9753, to secure Sunday as a day of rest for the District of Columbia; to the Committee on the District of Columbia.

5414. Also, resolution adopted by Kendall Presbytery, Idaho Falls, Idaho, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5415. Also, resolution adopted by Idaho Presbytery, Boise, Idaho, indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5416. Also, resolution adopted by Kendall Presbytery, Idaho Falls, Idaho, indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5417. Also, resolution adopted by Idaho Presbytery, Boise, Idaho, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5418. By Mr. STRONG of Pennsylvania: Petition of Kittanning (Pa.) Presbytery, indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5419. By Mr. TAGUE: Resolutions adopted by the National Guard Association of Massachusetts, concerning an adequate national defense program, readjustment of Army officers' pay, and the Bursum bill, so called (S. 1565); to the Committee on Military Affairs.

5420. By Mr. VOLK: Petition of 1,087,000 residents of the United States, asking Congress to pass the soldiers' bonus act without delay and also to levy a sales tax to obtain the money to pay the bonus; to the Committee on Ways and Means.

5421. By Mr. YOUNG: Petition of the Association of Commerce, Minot, N. Dak., protesting against the repeal of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *May 3, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Simmons
Ball	Harreld	Moses	Smoot
Borah	Harris	Myers	Spencer
Brandegee	Harrison	Nelson	Sterling
Broussard	Heflin	Newberry	Sutherland
Bursum	Hitchcock	Nicholson	Swanson
Calder	Johnson	Norbeck	Townsend
Capper	Jones, N. Mex.	Norris	Trammell
Caraway	Jones, Wash.	Oddie	Underwood
Colt	Kellogg	Overman	Wadsworth
Culberson	Kendrick	Page	Walsh, Mass.
Curtis	King	Phipps	Warren
Dial	La Follette	Pittman	Watson, Ga.
du Pont	Lenroot	Poindexter	Watson, Ind.
Fletcher	Lodge	Pomerene	Weller
Frelinghuysen	McCormick	Rawson	Willis
Gerry	McCumber	Robinson	
Glass	McKellar	Sheppard	
Gooding	McLean	Shortridge	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is detained on official business.

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present.

SUPPLEMENTAL ESTIMATE, WAR DEPARTMENT, 1923 (S. DOC. NO. 197).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1923, for Children's School, Fort Leavenworth, Kans., $10,800, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions adopted by the Mid-City Citizens' Association, of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia as being detrimental to the already acute housing situation in and the future development of the Capital City, which were referred to the Committee on Appropriations.

He also laid before the Senate resolutions adopted by the Stanton Park Citizens' Association, of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia and favoring the hearing of those vitally interested, which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Real Estate Board of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia, particularly in view of the disastrous effect such legislation might have on the already acute rental and housing situation in the said District, and favoring delay as to any change in the fiscal relations until such time as the matter can be thoroughly considered and all parties afforded

a hearing, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented a petition of sundry citizens of Stevens County, Kans., favoring the passage of the Dyer anti-lynching bill, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented resolutions of the Cuyahoga County Council, American Legion, of Cleveland, Ohio, favoring the policy of decentralization in the handling of the work of the United States Veterans' Bureau for the adjustment of compensation and vocational education, which were referred to the Committee on Finance.

He also presented the petitions of Harry Watson and sundry other citizens of Toledo and J. W. Pfeifler and sundry other citizens of Ottawa, all in the State of Ohio, praying for the imposition of a tariff duty of $2 per hundred pounds on imported Cuban sugar, which were ordered to lie on the table.

Mr. LODGE. I present resolutions of the National Guard Association of Massachusetts, which I ask may be referred to the Committee on Appropriations and printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION OF MASSACHUSETTS,
Boston, Mass., April 27, 1922.

Senator HENRY CABOT LODGE,
The Senate of the United States, Washington, D. C.

HONORED SIR: We wish to call to your attention the following resolutions adopted at the meeting of this association held in Boston on Friday, April 21, 1922:

Whereas there has never been a situation in international affairs when this country needed to look more sharply to its means of defense than at present. If these means of defense are stricken from the hands of the Nation, it will be through the perverse activities of those Members of Congress into whose hands the destinies of the Nation are committed by the people: Be it therefore

Resolved, That the National Guard Association of Massachusetts, representing 10,000 active and past officers with the enlisted personnel of the Massachusetts National Guard, at its meeting Friday, April 21, 1922, protests against the reduction of the Regular Army below 150,000 enlisted men; the Navy below 100,000 enlisted men; and the Marine Corps below the present standard of 21,000 enlisted men, with the necessary officers personnel thereto: It is

Resolved, That the recommendations of the Militia Bureau, with the money allowances for arming, equipping, and training the National Guard, be adopted by Congress in order that the work of building up this line of defense shall go steadily onward. That no reduction of the amounts named by the Militia Bureau for the various branches of the National Guard be made. We demand, for the preservation of peace and prosperity of the Nation, that the Naval and Military Affairs Committee of both the Senate and House recommend and work for the maintenance of the Army and Navy, National Guard, and Reserves, as outlined in the national defense act of June 4, 1920.

Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of War, the Secretary of the Navy, the Senate and House Committees on Naval and Military Affairs, and each Member of Congress from Massachusetts.

—

Whereas Report No. 753, House of Representatives, Sixty-seventh Congress, second session, on readjustment of pay of the Army, is a discrimination against the active officers of the National Guard: Therefore be it

Resolved, That the Massachusetts National Guard Association at its regular meeting Friday, April 21, 1922, request that section 14, which reads:

"That officers of the National Guard receiving Federal pay, except for armory drill, shall receive the allowances for officers of the Regular service as provided in sections 5 and 6," be amended, if the report is adopted, to read:

"National Guard officers on temporary duty under orders of the War Department, including attendance at armory drill, shall be paid:

	Per day.
Colonel	$12.78
Lieutenant colonel	11.39
Major	10.67
Captain	8.67
First lieutenant	7.22
Second lieutenant	5.89

for such days as actually on duty under orders of the War Department at camps of military instruction and for the prescribed number of armory drills for which pay is allowed."

Resolved, That a copy of this resolution be sent to the Secretary of War and each Member of Congress from Massachusetts.

—

Whereas that in justice and equity to the officers of the National Guard or Organized Militia who have entered or may hereafter enter the Regular Army: It is

Resolved, That the Massachusetts National Guard Association at its regular meeting, Friday, April 21, 1922, urge the adoption of Senate bill 2803, which provides—

"That all persons who have entered or may hereafter enter the Regular Army as commissioned officers shall be entitled to compute their prior service in the National Guard or Organized Militia whether in State or Federal service for longevity pay and retirement."

Resolved, That copies of this resolution be sent to the Secretary of War, the Senate and House Committees on Military Affairs, and each Member of Congress from Massachusetts.

—

Whereas the selective service act under which the American Army during the recent World War was organized provided for an American Army and for the same treatment for all its members; and

Whereas orders were issued abolishing the use of the letters "N. G." and "R" on the collar ornaments and other evidences of different component parts in the one American Army; and

Whereas reserve officers of the Navy and Marine Corps and provisional officers of the Army were recognized as members of their respective branches and National Guard officers and reserve officers of the Army are not so recognized in the matter of retirement for disability; and

Whereas the Bursum bill, so called, United States Senate 1565, having passed the Senate provides for placing the National Guard and reserve officers on the same basis as their regular confreres in this respect, thus carrying into effect the intent of the country for the same treatment for all members of the one American Army: Now, therefore, be it

Resolved, That the National Guard Association of Massachusetts in regular meeting assembled on Friday, April 21, 1922, at Boston, Mass., heartily indorses this bill and urges upon the Members of Congress from Massachusetts the adoption of this bill at the present session of Congress; and be it further

Resolved, That the secretary of this organization be instructed to send a copy of this resolution to the Massachusetts Members of the House of Representatives in Congress and all members are urged to write their respective Congressmen in its behalf.

NATIONAL GUARD ASSOCIATION OF MASSACHUSETTS,
L. P. SAWIN, *Secretary.*

Mr. LODGE presented resolutions adopted by a convention of delegates from Jewish organizations of Arverne, Edgemere, Far Rockaway, Rockaway Park, and Rockaway Beach, Jacob Rosenberg, chairman; South Brooklyn, Bay Ridge, Bensonhurst, and Coney Island, Samuel Polstein, chairman; Brownsville, East New York, and Central New York, Bernhard Block, chairman; Williamsburgh, Greenpoint, and Ridgewood, Rabbi I. Inselbuch, chairman; Staten Island, Max Levy, chairman; Bronx, Dr. Simon Hirshdansky, chairman; Harlem and Washington Heights, Rabbi A. M. Kaplan, chairman; Manhattan district between Twenty-third and One hundred and tenth Streets, Joseph Polstein, chairman; Manhattan district between Houston and Twenty-third Streets, Leo Wolfson, chairman; lower east side of the Manhattan district, Jacob Weinberger, secretary; all of New York City, praying for the passage of Senate Joint Resolution 191, favoring the establishment in Palestine of the national home for the Jewish people, which were ordered to lie on the table.

Mr. NICHOLSON presented a resolution adopted by the Chamber of Commerce of Grand Junction, Colo., favoring the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution of the Senate of Colorado, which was referred to the Committee on Foreign Relations, as follows:

Senate Resolution 2.

Whereas for many years a condition of revolution, with attendant loss of life and property, has existed in our neighboring Republic of Mexico; and

Whereas there has finally been elected to the Presidency of the Mexican Republic a man who promises to be the true savior of his country, the most honorable Gen. Alvaro Obregon; and

Whereas President Obregon, himself a man of the people, enjoys the entire respect, confidence, and enthusiastic backing of all classes in his country; and

Whereas a new era of peace, prosperity, and friendly relationship has been brought about by His Excellency President Obregon; and

Whereas it is most fitting and appropriate that the great State of Colorado should join her sister States in a formal expression of friendship for the people of our sister Republic and of commendation and confidence in President Obregon: Now, therefore, be it

Resolved by the Senate of the State of Colorado, That it declare itself to be most pleased with the election of and administration by President Obregon and takes pleasure in congratulating the people of Mexico upon the new era of peace, prosperity, and friendly relationship which has been established; and be it further

Resolved, That we believe that the best interests of all concerned demands the prompt recognition of the Republic of Mexico by the Government of the United States; and be it further

Resolved, That the secretary of the senate is directed to forward copies of this resolution to the President of the United States, to the President of the United States Senate, and the Speaker of the United States House of Representatives, and to each of Colorado's Senators and Representatives in Congress; and be it further

Resolved, That the secretary of the senate is directed to forward to President Obregon a copy of this resolution.

EARL COOLEY,
President of the Senate.

Attest:

N. N. MCLEAN,
Secretary of the Senate.

Mr. NICHOLSON also presented a joint resolution of the Legislature of Colorado, which was referred to the Committee on Finance, as follows:

Senate Joint Resolution 4.

Be it resolved by the Senate of the Twenty-third General Assembly of the State of Colorado (the House concurring), That we regret and deplore the delay in the United States Senate in passing the adjusted compensation bill for service men of the World War; and be it further

Resolved, That copies of this resolution be forwarded to the Senators from the State of Colorado and to the President of the United States.

EARL COOLEY,
President of the Senate.

Attest:

N. N. MCLEAN,
Secretary of the Senate.

Mr. NICHOLSON also presented a joint resolution of the Legislature of Colorado, which was referred to the Committee on Irrigation and Reclamation, as follows:

Joint Resolution 3.

Whereas the Secretary of the Interior, Albert B. Fall, has ordered the removal of the office of the United States Reclamation Service from Denver to Washington, D. C., to take effect July 1, 1922; and

Whereas the General Assembly of the State of Colorado is convinced that the service can be more economically and satisfactorily performed from a headquarters located in the West, and that Denver is the logical center of the great irrigation projects either constructed, under construction, or contemplated: Therefore be it

Resolved by the General Assembly of the State of Colorado, That the honorable Secretary of the Interior be requested to suspend said order until full investigation may be had.

EARL COOLEY,
President of the Senate.

Attest:

N. N. MCLEAN,
Secretary of the Senate.

REPORTS OF COMMITTEES.

Mr. JONES of Washington, from the Committee on the District of Columbia, to which was referred the concurrent resolution (S. Con. Res. 23) creating a joint committee to determine the indebtedness of the United States to the District of Columbia or of the District of Columbia to the United States, growing out of relations existing since the organic act of 1878, reported it without amendment, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

Mr. WATSON of Georgia, from the Committee on Claims, to which was referred the bill (S. 651) for the relief of Ethel Williams, reported it without amendment and submitted a report (No. 686) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4356) for the relief of Arthur J. Burdick (Rept. No. 687); and

A bill (H. R. 8173) for the relief of Mrs. E. H. Jackson (Rept. No. 688).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3544) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces; to the Committee on the Judiciary.

By Mr. NICHOLSON:

A bill (S. 3545) to correct the military record of John R. Smith; to the Committee on Military Affairs.

By Mr. CULBERSON:

A bill (S. 3546) to extend the benefits of the employers' liability act of September 7, 1916, to Alton Harwell (with accompanying papers); to the Committee on Claims.

RESTRICTION OF IMMIGRATION—CONFERENCE REPORT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. J. Res. 268), extending the operation of the immigration act of May 19, 1921.

Mr. COLT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "1924"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 2. That clause (7) of subdivision (a) of section 2 of such act of May 19, 1921, is amended to read as follows: '(7) aliens who have resided continuously for at least five years immediately preceding the time of their application for admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central and South America, or adjacent islands.'"

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 3. That such act of May 19, 1921, is amended by adding at the end thereof a new section to read as follows:

"'SEC. 6. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien not admissible under the terms of this act or regulations made thereunder, and if it appears to the satisfaction of the Secretary of Labor that any alien has been so brought, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each alien so brought, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. No vessel shall be granted clearance papers pending the determination of the liability to the payment of such fine, or while the fine remains unpaid; except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine. Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such person, or the owner, master, agent, or consignee of the vessel, prior to the departure of the vessel from the last seaport in a foreign country or insular possession of the United States.'"

LEBARON B. COLT,
WM. P. DILLINGHAM,
WILLIAM H. KING,
Managers on the part of the Senate.

ALBERT JOHNSON,
WILLIAM N. VAILE,
JOHN E. RAKER,
Managers on the part of the House.

Mr. COLT. In connection with the report I would like to say that there were three Senate amendments to the joint resolution as it came over from the House. The first of the three amendments adopted by the Senate was that making the extension two years instead of one year, as provided by the House. That amendment was agreed to by the House. The second of these amendments was that requiring five years' residence of aliens in contiguous territory, like Canada and Mexico, instead of one year's residence, as provided in the present law, before aliens may obtain admission into the United States. That amendment was also agreed to by the House. The third amendment penalizes the steamship companies for bringing in aliens in excess of quota, and that amendment was also agreed to by the House, with a change which permits the Secretary of Labor to remit the fine in cases where he is satisfied that the steamship company had no knowledge that it was bringing in aliens in excess of quota and could not with reasonable diligence have acquired such knowledge.

Therefore, I move the adoption of the conference report. I may say that it is quite necessary that this extension should go into effect promptly; in other words, that the measure should be adopted in order to give sufficient time before it goes into effect for the Department of Labor to send out notices.

Mr. HARRISON. Mr. President, I desire to ask the Senator from Rhode Island a question. As I understand, the Senate adopted three amendments, as the Senator has stated, and two of those amendments, namely, the extension from one year to two years and the proposition of aliens in contiguous territory being compelled to remain there five years before they enter the United States were concurred in by the House.

Mr. COLT. That is true.

Mr. HARRISON. The only change was in the third amendment adopted by the Senate, the penalty provision for steamship companies that bring into the United States aliens more than the allotted quota and was made in conference. The change was merely to give to the Secretary of Labor the discretion of allowing in certain instances the penalty to be removed or not to be imposed on the steamship companies where it was shown by the steamship companies to the Secretary of Labor that they had a good excuse for bringing the

aliens in, that they could not by reasonable diligence have ascertained that the quota had been exceeded. Is that correct?

Mr. COLT. That they did not know and with reasonable diligence could not have known that they were bringing in aliens in excess of the quota. They must show that to the satisfaction of the Secretary of Labor. The Senator has stated it correctly.

Mr. HARRISON. I have just read the debate on the conference report in the House, and there is one phase of it that particularly appeals to me for this modified amendment, in that this penalty attaches to the steamship companies at the same time the law goes into effect, namely, June 30 of this year, and that there might be instances where they had brought in aliens over the quota.

Mr. COLT. I understand the law goes into effect at once, being an amendment.

Mr. HARRISON. Upon the signing thereof by the President.

Mr. COLT. As to the penalizing of the steamship companies and also the five-year provision as to aliens coming in from contiguous territory.

Mr. HARRISON. May I say to the Senator that if I did not have so much confidence in the present Commissioner of Immigration, the man who now holds that high position, I would not feel as I do about the matter. I believe he is one of the most efficient and capable men in the Government service to-day. I think he understands immigration questions better than any man in the United States to-day and is rendering great service. I believe that his inclination is in favor of restricting immigration. If some other character of individual occupied the position, I should be opposed to the modification of the Senate amendment.

Mr. COLT. I entirely agree with the Senator from Mississippi.

Mr. HARRISON. I can understand how excuses may be presented to the Department of Labor or to the Commissioner of Immigration in such a way as to lead to the nullification of the law; but, as I have previously stated, I have so much confidence in the individual who is now the commissioner that I do not believe he will permit that to be done. So much good will be accomplished by this amendment to the present law, particularly in connection with the provision against aliens moving to this country from contiguous territory for a period of five years, and the penalty which will attach to steamship companies for violation of the law, that I shall vote for the adoption of the conference report.

Mr. HEFLIN. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield to the Senator from Alabama.

Mr. HEFLIN. I wish to ask the Senator from Mississippi, if the fines are remitted and the steamship companies do not have to pay the penalty for bringing over a number of immigrants in excess of the quota provided for in the law, what becomes of the number of immigrants in excess of that quota who may be brought over by the steamship companies?

Mr. HARRISON. I am taking it for granted that the immigration authorities are not going to permit any excess number of immigrants to come in.

Mr. COLT. Mr. President, if I may be permitted to answer the question of the Senator from Alabama [Mr. HEFLIN], I desire to say that under the present law any number of immigrants who come in in excess of the quota are deported.

Mr. HEFLIN. Then this amendment to the law simply makes it easier for the steamship companies to violate the immigration law, because they can bring immigrants here, accept the fare for transporting them across the sea, and then take the chance of avoiding the penalty. This amendment, it seems to me, makes it easier for them to get around the law. I said when the amendment was under consideration in the Senate that there always seemed to be a loophole provided through which they could get around the law and make it easier for the steamship companies to violate the spirit of the law and continue to bring undesirables into this country. It seems to me that the conference report provision will afford an opportunity for them to do that very thing again.

I think, Mr. President, that the fines imposed on the steamship companies for the violation of the immigration law ought to be very heavy, and they ought not to be permitted to say that they could not find out whether they were bringing in a number of immigrants in excess of the quota, for the steamship company which has a proper regard for this country will know the facts. There is but one way to make them have a proper regard for the immigration law, and that is by putting heavy penalties on them for violating it. I have known in times past of instances where steamship companies would bring in immigrants by the shipload without regard to their fitness for citizenship in the United States. They brought them here purely and wholly for the purpose of making money out of the traffic. We make it easier for the steamship companies to load their ships down with undesirable immigrants and bring them here if on their arrival on this side there is provided a loophole through which they may pass and avoid the penalty.

So I feel, Mr. President, that we are following the same old beaten track, and that immigrants of the character of those who have come into this country and poisoned the very life of it for years will still have an opportunity to come in under the very proposition which is presented here to-day.

Mr. HARRISON. I desire to say to the Senator from Alabama that, without question, there is a loophole in this proposed legislation for the steamship company to get around the law. The conference report contains a modification of the amendment that was placed in the bill by the Senate; but before the Senate adopted that amendment there was no penalty whatever attached to the steamship companies. According to the conference report the only way for a steamship company to get around the law is under the provision that—

> Such fine shall not be remitted or refunded unless it appears to the satisfaction of the Secretary of Labor that such inadmissibility was not known to and could not have been ascertained by the exercise of reasonable diligence by—

And so forth.

Of course, that is a modification of the penalty. That provision has been incorporated in the Senate amendment; but it is so much better than the law before the Senate amendment was adopted that I hesitate to oppose the conference report, in which there is so much good.

Mr. HEFLIN. There is no doubt about the legislation that we enacted on this subject being very much better than the old law, and I want to safeguard its provisions. If this amendment is accepted, who will be here to dispute the statement of the steamship company when he appears on this side of the water and says, "I used every precaution possible"? Who will be here to dispute his statement? Therefore the powers that be here say, "Very well, we will excuse the act," and the steamship agent goes back and takes the chance over and over again. It looks to me as though it is letting down the bars to allow immigrants to enter the United States, just as was the case before.

We can not be too particular about this matter. Those who make money out of the business of bringing foreigners by the thousands into our country have got to be closely watched and heavily penalized every time they violate our immigration laws.

Mr. COLT. Mr. President, I wish to say that the steamship company has got to prove the facts. There might be cases where the steamship companies would be entirely blameless; but in all such cases we must depend upon the Department of Labor and the Commissioner of Immigration not to waive the penalty unless the facts in extenuation are clearly shown and proved.

We might imagine a case where a steamer started from Naples on Monday, the officials of the line having competent information that they were bringing in immigrants within the quota. Another steamship starts on Wednesday. The first steamship is a slower one or is detained at sea, and the immigrants on the steamship which started last, if you please, fill the quota, so that those coming on the first but slower steamship would be in excess of the quota by a considerable number. There are certainly cases arising in which it would be absolutely unjust to make the proposed law mandatory, and it therefore follows that there should be some discretion on the part of the Department of Labor to waive the penalty in cases in which it is shown the steamship companies are innocent. It was along that line that the House conferees insisted that the provision should not be made absolutely mandatory, and, therefore, we consented to the modification.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. COLT. I yield.

Mr. ROBINSON. What method is pursued of enabling an immigrant seeking to come into the United States or a steamship company ready to transport him to determine whether he comes within the quota?

Mr. COLT. Under the act the Department of Labor is called upon to furnish information as to the quotas.

Mr. ROBINSON. There is no requirement in the law or in the regulations of the department to the effect that before sailing an immigrant must have authority to sail.

Mr. COLT. I think not.

Mr. ROBINSON. Then, it must be apparent to everyone that under some circumstances it will be physically impossible either for the immigrant or for the steamship company to know with absolute certainty that the immigrant comes within the quota. Therefore, why should not the relaxation of the rule apply to

the immigrant as well as to the steamship company? Why should the immigrant who in good faith is seeking to conform to the provisions of the law limiting immigration be penalized or be deported and at the same time the steamship company which transports him be relieved from penalty? Why should not the department have express authority to admit in excess of the quota under circumstances which show the immigrant is not to blame?

Mr. COLT. The Senator is suggesting another exception.

Mr. ROBINSON. I am.

Mr. HITCHCOCK. Mr. President, let me ask the Senator if it is not a fact that the consuls general of the United States in the respective countries are authorized to issue only a limited number of visés for a particular period; that the steamship company will not accept any immigrant who has not had his passport properly viséed, and that those visés are divided throughout the year?

Mr. ROBINSON. That is a very intelligent procedure; but if that is the case, how does it happen that we had more than 2,000 persons, whom the Department of Labor properly admitted temporarily last year, in excess of the quotas of the various nationalities? The method suggested by the Senator from Nebraska is a very intelligent method, and some practice of that kind will finally have to be adopted if the quota limitation shall be made effective. It can be accomplished in no other way. It is manifestly oppressive to permit persons who desire to come into the United States to secure passage and make the trip with the hope that they will arrive ahead of other immigrants who are competing with them for an opportunity of entering, only to find when they have arrived that they are a little too late.

Mr. HITCHCOCK. It is not an easy matter, considering the area of country covered, but I know, as a matter of fact, the method referred to is pursued. A proposed immigrant, say, in Poland, applies at Warsaw for a visé of his passport. The consul there tells him, "I can not visé that passport now; come back in July or August," and he gives him a number. When that time arrives the prospective immigrant again applies at the consul's office, and, if the consul finds that the quota has not yet been reached, he visés the passport, to be used not before a certain date. I think the Government has undertaken to provide in a way a protection against the limit being overrun, and I have never understood how it was overrun, except that there may be a number of different consuls viséing passports in the same territory.

Mr. COLT. That is the reason why we want to have the law passed now, so that proper information may be conveyed.

Mr. President, I ask for the adoption of the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report submitted by the Senator from Rhode Island.

The report was agreed to.

POST OFFICE APPOINTMENTS.

Mr. WILLIS. Mr. President, yesterday morning the Senator from Arkansas [Mr. CARAWAY] saw fit to place in the RECORD a statement from some publication, the name of the publication not being given, in which occurs the following language:

Senator FRANK B. WILLIS, of Ohio, is quoted as follows in a letter said to have been written to Miss Katherine Riley, of Bellefontaine, explaining why women are not appointed postmasters.

The Senator from Ohio was not explaining anything of the kind, because women are being appointed postmasters.

I know the Senator from Arkansas wants to be fair, and I, therefore, ask permission to print all of the letter, only a part of which was quoted in the RECORD; also a letter from the Civil Service Commission bearing on the same subject, and likewise the report of the Civil Service Commission relative to the particular post-office appointment referred to. An examination of the document will show that the facts are contrary to the charges which have been made here. The appointment in that case was that of a soldier. The lowest man on the list was appointed; but he was appointed on the recommendation of the Representative from that district because he was an ex-service man. That this appointment was in entire harmony with the usual policy of the administration is shown by the following news item from a local paper:

600 EX-SERVICE MEN NAMED POSTMASTERS UNDER HARDING ORDER.

How the Government is taking care of the one-time service men became known yesterday in the announcement of the Post Office Department that 600 veterans of the World War had been appointed to be postmasters since President Harding issued his Executive order May 10.

Postmaster General Work, commenting on the announcement, said this is a remarkable record, particularly because the veterans had had no previous post-office experience and a large number of them no business experience of any kind.

I ask unanimous consent that the letters and document to which I have referred may be printed in the RECORD.

Mr. ROBINSON. Mr. President, may I inquire of the Senator from Ohio what is the case he refers to? I am not familiar with it.

Mr. WILLIS. The case of the appointment of a postmaster at Franklin, Ohio. The Senator's colleague read from some publication—I did not learn what it was—in which was quoted a portion of a letter written by me. I am asking leave to print all of the letter, the letter from the Civil Service Commission, and the report from the Civil Service Commission.

Mr. ROBINSON. I am not familiar with the subject matter which the Senator was discussing. I observe that my colleague, the junior Senator from Arkansas [Mr. CARAWAY], is not in the Chamber.

Mr. WILLIS. I think the Senator's colleague would not object, because this is simply printing all of the letter, a portion of which he quoted.

Mr. ROBINSON. Of course, it is eminently proper that the entire letter should be published.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

MARCH 24, 1922.

Miss CATHERINE RILEY,
Bellefontaine, Ohio.

DEAR MISS RILEY: I am in receipt of your letter of March 22, and note your question, "Why may not women be appointed postmaster now, when experienced?"

My answer is that they can be and are. We have named quite a number this week, at least one woman being appointed by the President in Ohio. Congressmen all over Ohio are naming women as postmasters. But the first requisite is that they attain rating of the Civil Service Commission on the eligible list of three; with this rating no one but the commission has anything to do. I most certainly have never attempted to influence them and, so far as I know, no Congressman has attempted such an unwarranted action. I think it would do more harm than good if anyone did attempt to influence ratings.

Then, because we believe in party, not personal, government, we have asked the successful candidate to secure the indorsement of the Republican county committee, which is the body upon which the party must depend for its work back home. My experience with these committees has been that they aim to deal fairly with women candidates, although, of course, they can not indorse every woman who aspires. As time goes on more and more women will be considered and appointed, but just now it is natural that more men should be, for they have much longer done political work which deserves reward.

I trust these explanations will appeal to you as just. I shall be glad to send you information from the Civil Service Commission as soon as it makes reply to the letter which, I regret, was wrongfully inclosed.

Yours very truly,

FRANK B. WILLIS.

—

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 27, 1922.

Miss CATHERINE RILEY,
149 West Sandusky Avenue, Bellefontaine, Ohio.

MADAM: The commission is in receipt of a letter from Senator F. B. WILLIS in which he requests that you be furnished with the ratings attained by you in the examination for postmaster at Franklin, Ohio.

Your attention is invited to the Executive order of May 10, 1921, under which this examination was held, which reads in part as follows: "The said commission shall certify the results thereof to the Postmaster General, who shall submit to the President the name of one of the highest three qualified eligibles for appointment to fill said vacancy." In view of the fact that the commission is doing its utmost with its limited force to expedite the rating of the papers resulting from the large number of postmaster examinations, it is not practicable or economical to give numerical ratings except to those from among whom selection must be made under the Executive order referred to above.

Under date of February 7, 1922, the commission certified to the Post Office Department the names of the highest three qualified eligibles in the examination for postmaster at Franklin, among whom it appears you were not included. Since you were not found to be among those from whom selection must be made, you were not assigned a numerical rating in the examination.

The result of this examination does not reflect upon your ability or character, neither does it necessarily indicate that you are not qualified to be postmaster at Franklin. It merely means that in the competition under the rules it was decided that the rating of three other candidates was higher than yours.

By direction of the commission.

Very respectfully, ——— ———, *Secretary.*

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MEMORANDUM AS TO PRESIDENTIAL POSTMASTER EXAMINATION OF OCTOBER 14, 1921, FOR FRANKLIN, OHIO; SALARY, $2,500.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., April 12, 1922.

In the record of proceedings before the special committee of the Senate conducting an investigation of the United States Civil Service Commission appear references to a letter signed by Catherine Riley, applicant for postmaster at Franklin, Ohio, in which the writer expresses dissatisfaction with the action of the Civil Service Commission in failing to include her name among those certified as eligible for postmaster at Franklin.

The examination for postmaster at Franklin resulted as follows:

	Business experience and fitness.	General average.
		Per cent.
Arthur L. McCarthy	85	82.00
Donald D. Thirkield	78	76.80
John R. Miller	65	[1] 71.80

[1] Includes 5 per cent preference.

Applicants Henry E. Libecap and Catherine Riley were not assigned numerical ratings because it did not appear that their names could be placed among those from whom selection must be made under the Executive order of May 10, 1921.

As an aid to a thorough understanding of the reasons which controlled the commission in its treatment of this case, it will be helpful in the beginning to briefly recount the business training and experience of the three highest applicants, Messrs. McCarthy, Thirkield, and Miller, together with the claims of Miss Catherine Riley. The statements as hereinafter summarized are taken substantially as presented in their applications, subjected only to the omission of unnecessary details.

ARTHUR L. M'CARTHY, AGE 52.

Education, common school.

Business experience: 1888–1913, employed by tablet and writing paper companies as superintendent of ruling department; salary, $15 to $19.50 per week. 1913 to date of examination, postmaster at Franklin; chairman of local Red Cross during the war; president of the Franklin Club during the war; present chairman of the Franklin Men's Club; member of the board of managers and board of trustees of the Miami Valley Chautauqua; members of Boy Scout commissioners; secretary of home-service section Red Cross until 1921; member of all war activities during World War.

The testimony regarding this applicant is exceptionally favorable. The vouchers are, with one possible exception, in entire accord in expressing their commendation. It is made apparent that during his years of service as postmaster and in his participation in public-spirited movements Mr. McCarthy has demonstrated those qualities which identify a popular and efficient public servant. The applicant is very generally referred to by those who testify as the best postmaster Franklin has ever had. There is not a single objection registered against him on any ground, and upon review the rating of 85 assigned to Mr. McCarthy on the subject of business training and experience, if at all open to criticism, might be regarded as somewhat conservative.

DONALD D. THIRKIELD, AGE 30.

Education, common school; three years high school.

Business experience: 1909–1912, clerk and cashier in department store owned by father; had charge of all books, cash credits, and collection for more than one year of this time. April, 1912, to October, 1912, in lumber camp in California. January, 1913, to November, 1913, cashier of gas and electric company. Had charge of all books and cash, handled complaints and met all customers at office window. October, 1913, to July, 1916, several positions as clerk and salesman in Chicago. July, 1916, to March, 1918, salesman in department store owned by father. March, 1918, to February, 1921, bookkeeper and office manager, later secretary-treasurer of electric company; as sales manager increased sales from $27,000 a year to over $80,000 a year; beginning salary, $1,200 per year; salary at time of leaving, $2,500; owned part interest in company; from 20 to 52 employees supervised; did hiring and firing. February, 1921, to date of examination no regular employment. Doing occasional bookkeeping and clerical work.

This applicant shows considerable business experience of a kind calculated to develop a capacity for the duties of postmaster. He has had executive experience and is evidently accustomed to employing and supervising men. He appears to have actively participated within more recent years in the management and direction of responsible business affairs. Moreover, the testimony concerning Mr. Thirkield, while perhaps not so universally approving in its tone as that regarding Mr. McCarthy, is nevertheless decidedly favorable. He is in every case credited with good habits and excellent local standing. It very clearly appears that he is a man of an unusually pleasing personality, possessing the quality of dealing tactfully and agreeably with those among whom he lives.

JOHN R. MILLER, AGE 28.

Education, common school and four years high school.

Business experience: 1914–1917, deputy county treasurer of Warren County, Ohio; $400,000 handled annually by the office; $65 per month; 1917 (four months), bookkeeper and clerk in bank; $60 per month; no supervision; June, 1917, to March, 1919, United States Marine Corps; March, 1919, to present date, employed with father on farm.

Mr. Miller is an ex-service man, having served nearly two years in the Marine Corps in the recent war; and, under direction of the President, credit is given for such service in World War toward establishing eligibility for a position as presidential postmaster. The reason given for this direction is that service in the war interrupted the careers of those who entered it, and they should not be penalized in consideration for a postmastership by reason of such military service. After considering the experience had by Mr. Miller for three years as deputy county treasurer of Warren County, Ohio, and his experience as a bookkeeper and clerk in the bank, with the experience following the war in connection with the management of a large farm, together with favorable testimony concerning Mr. Miller's personal characteristics and ability, the examiners and the commissioners reached decision that he was entitled to a rating of 65 per cent in the subject of business experience and fitness, which, with the five-point bonus added for military service, gave him the general eligible average of 71.80.

MISS CATHERINE RILEY, AGE 52.

Education: Common school, high-school graduate, one year normal university, six months' bookkeeping course.

Business experience: 1886–1896, school-teacher; 1896–1900, postmaster at Franklin, Ohio; third-class office; salary, $1,700 per annum; two clerks in office; 1902–1904, clerk in dry goods and millinery store; salary, $80 per month; 1906–1908, bookkeeper for manufacturing plant; salary, $50 per month. In 1917 (length of time not indicated), "in munition plant of Platt Iron Works Co., Dayton, Ohio; had charge of 25 or 30 women, giving the necessary supplies and allowing no loafing other than in the rest room." 1917–1918 (about six months), selling tickets in electric railroad ticket office; salary $85 a month; 1919 to date of examination, school-teacher; salary in 1921, $100 per month.

For eligibility for the position of presidential postmaster it is required that the candidate must show not only the possession of certain qualifications and abilities tending to fit him for the administrative and executive duties of the position, but also ability to meet and deal with the public satisfactorily. The commission has before it confidential testimony secured from 20 leading citizens and business men of Franklin qualified to speak from a city-wide viewpoint concerning the different candidates for postmaster, and a very considerable number of them either omit any reference to Miss Riley or state that she is not qualified by personality and temperament to serve as postmaster at Franklin. There is no charge whatsoever against her character; it is simply that she has not demonstrated, in the judgment of these business men, ability to meet and deal with the public satisfactorily. For this reason the commission did not feel that it could properly place her name among those of the highest three eligibles for consideration by the department and the President for appointment as postmaster at Franklin.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. FLETCHER. Mr. President, I desire to submit some observations on the pending bill with special reference to 29 important industries insistent on protection, showing the cost of such protection to consumers, and the Government revenue derived from it.

In considering this subject we may logically deal with it first from the political standpoint, and then, with increased emphasis, from the economic standpoint.

It is presumable that the party platforms would be kept in view in framing a tariff bill.

The Republican platform of 1916, after indorsing in the fullest sense the policy of tariff protection, said:

> We favor the creation of a tariff commission with complete power to gather and compile information for the use of Congress in all matters relating to the tariff.

The Democratic platform of 1916 said:

> We reaffirm our belief in the doctrine of a tariff for the purpose of providing sufficient revenue for the operation of the Government economically administered.

The platform declared in favor of establishing—

> A nonpartisan tariff commission to make impartial and thorough study of every economic fact that may throw light either upon our past or upon our future fiscal policy with regard to the imposition of taxes on imports or with regard to the changed and changing conditions under which our trade is carried on. We * * * declare ourselves in sympathy with the principle and purpose of shaping legislation within that field in accordance with clearly established facts rather than in accordance with the demands of selfish interests or upon information provided largely, if not exclusively, by them.

Accordingly, a Democratic Congress passed the law, and a Democratic President approved it, creating the Tariff Commission, being the act for that purpose of September 8, 1916. The record discloses no extensive participation in the public hearings on the pending bill by the members of this Tariff Commission. On the other hand, many, many pages, bewildering in extent and detail, give evidence that "selfish interests" were heard without denial and without limit. That their demands did not fall upon unheeding ears, and their clamor did not reach unwilling listeners, the various schedules in this bill, as reported, will indicate.

The Democratic platform of 1920 says:

> We reaffirm the traditional policy of the Democratic Party in favor of a tariff for revenue only, and we confirm the policy of basing tariff revisions upon the intelligent research of a nonpartisan commission rather than upon the demands of selfish interests temporarily held in abeyance.

We recall how proponents of this bill during the Democratic administration were given to casting slurs upon and belittling the Tariff Commission. It is not surprising that they should give first place in considering this bill to the parties immediately concerned as beneficiaries under it.

It will be noted in all references to this commission that Democratic declarations have referred to it as a "nonpartisan commission." It should, of course, justify that description if the purpose of its creation and its usefulness are to be preserved.

The Republican platform of 1920, under the heading "International trade and tariff," says:

> The uncertain and unsettled condition of international balances, the abnormal economic and trade situation of the world, and the impossibility of forecasting accurately even the near future preclude the formulation of a definite program to meet conditions a year hence. But the Republican Party reaffirms its belief in the protective principle and pledges itself to a revision of the tariff as soon as conditions shall make it necessary for the preservation of the home market for American labor, agriculture, and industry.

This language suggests the inquiry at the outset: Has the condition of "international balances" become certain and settled? Has the "economic and trade situation of the world" become normal? If not, is it not premature to undertake the "formulation of a definite program"? Is it at this time, when conditions are still unsettled and changing from day to day here and abroad, in many respects material to a fixed policy, "necessary for the preservation of the home market for American labor, agriculture, and industry" that there should be right now a "revision of the tariff"?

It need not be dwelt upon, but we know what the disturbed situation is regarding exchange, how incomplete is the recovery from the world upheaval, in foreign countries particularly, and how dangerous it is to speculate upon the eventual productive or purchasing power of those with whom we would trade.

Surely the proponents of this measure do not propose to confine their vision to the "home market" alone. In view of the fact that we produce a large surplus of agricultural products, for which we must find foreign markets, and because our manufacturing industries can not flourish without an outlet for their goods beyond our borders it must be short-sighted beyond excuse, unreasonably provincial, a ruinous policy, that would ignore or scorn the foreign market. We should preserve as far as possible the "home market" and at the same time we should welcome those who would come to us for the things they need and who must come to us or go hungry and unclothed. Not only so, but we should not make it impossible for them to obtain the things we have in excess of the "home-market" demand.

We have a tariff law. No permanent tariff legislation should be enacted at this time, in view of home and world conditions. Perhaps I should not use the word "permanent," because, although this bill in some form will pass, it will last only until the Democratic Party again comes into power, and that means that it will not be "permanent." It is urged now as though we had no tariff law. We have an established Tariff Commission functioning in good order. We have the tariff act of 1913, which, by reason of the war and its consequences, has had no chance to prove its full value and efficacy. It is, however, in operation, and is serving its purpose of producing revenue without causing or inviting the formation of intolerable trusts and combinations, and without imposing unconscionable burdens on the people such as will result from the operation of the pending measure when enacted.

The baseless fear of "dumping" brought on a sort of hysteria among manufacturers, and we needlessly, as we now know, passed an "antidumping" law. The act of 1913 affords incidental protection and yields revenue, probably not less than this measure will produce. Why not continue it as it is until an equilibrium is reached and experience has shown that there is need of modifications?

ECONOMIC STANDPOINT.

We are told that we must impose a tariff that will equalize the cost of production at home and abroad; that there is danger of flooding the "home market" with goods which have been produced at less cost than our people can produce them. Germany is often instanced as promising competition which we can not meet. Hence we propose by this bill to impose a duty on dolls and toys of 70 per cent of value, while knives, scissors, surgical instruments, and aluminum ware must pay around 60 per cent or more. A tariff of 80 per cent is levied on the value of jewelry. Watches and clocks must pay 50 per cent.

I have before me the Manufacturers' News, of April 27, 1922, which gives a very graphic account of the situation in Germany.

Among other things, it says:

During this past year rentals have increased from 40 per cent to 70 per cent. Postal rates have increased over 400 per cent, railroad rates have increased 300 per cent, and foodstuffs have increased from 150 per cent to 250 per cent. There has also been an increase in the cost of clothing and all other necessities to a much greater extent than is indicated by the figures given above. All these are increases over the prices that prevailed previous to January, 1921, and which were then considerably higher than pre-war prices in the first three items mentioned and from 1,000 per cent to 1,500 per cent in the latter items.

These increases in necessities have already resulted in almost a 150 per cent increase in wages during the past year, and as rents make a further advance, which they eventually will do to a parity with the prices of other necessities, and prices of foodstuffs go up because of the lack of these subsidies that are paid at present and which the Government must eventually abandon, a further increase in wages will have to be paid to enable the wage earner to live and these wages will, of necessity, be comparable to those paid in other countries, regardless of the rate of exchange in marks.

A large proportion of the raw materials used in Germany must be imported by her manufacturers from outside countries at world market prices and the domestic raw materials are only procurable at lower prices because of the lower wages of the producers at the present time. As wages increase, these domestic raw materials will also gradually reach world market prices.

While in all countries where the exchange is normal or almost so, wages and prices are stationary or showing improvement by going down, in Germany, on the contrary, wages and prices are constantly increasing. Last November when the mark went to over 300 to the dollar, prices of all commodities jumped to a very considerable extent and the demand for increased wages was very general. In December, however, when the mark improved to 160 for the dollar, prices did not depreciate any; instead, they continued to increase. Since this last increase in the value of the mark it has again fallen to a little over 200 per dollar, but at the time this was written it was showing some improvement, which may continue through the coming summer. Should it happen that this improvement carries the mark where it stood last July, the price advantage that German manufacturers have enjoyed would be wiped out.

With raw materials at world market prices, railroad and postal rates raised to a point where no Government subsidies will be necessary for the maintenance of these enterprises, and wages increased so that the wage earner can meet the higher cost of living, it is only a question of time when the German manufacturers' productive costs will increase to such an extent that they will reach a normal basis in comparison to those prevailing in other countries. Then, it is only reasonable to suppose, his selling prices will have to be raised in conformity with these productive costs and one dollar's worth of German products will cost a dollar's worth of marks, or as near that equivalent as prevailed during the years previous to 1914. Thus Germany's underselling power will be cut.

Plainly this apprehension of German competition is unfounded and is, ignorantly or purposely, exaggerated. Many of these schedules are directed against Germany, and yet you expect to sell Germany goods, will not accept her mark, and you know she has not the gold with which to buy.

Your position is indefensible, which, however, is the common one throughout this bill. For instance, you impose a duty of 30 cents a bushel on wheat in order to slap Canada in the face, the best foreign market we have, and our next-door neighbor, whereas the price of wheat is fixed in Liverpool and the duty helps the grower not one cent. The same is true as to corn, on which you place a duty of 15 cents a bushel.

You place a duty of 2 cents a pound on hides, and on manufactures of leather not otherwise provided for 40 per cent ad valorem, and on most of the manufactures a great deal more. For instance, men's leather gloves must pay $5 per dozen, and the manufacturer gets the benefit of that tax, which consumers must pay twice over.

In the case of wheat, corn, and hides you hope to deceive the farmer, whom you do not in any wise help but you penalize him in millions of dollars by the real duty on the manufactured goods he must have, which is doubled when it is passed on to him as a consumer's tax. Perhaps he can do without gloves, but furniture he must have, and you tax that 60 per cent of value. There are other things he must have which I will speak of later.

Let me refer to what Mr. Miles said in his statement before the committee, page 5206, part 58. I shall have occasion a little later to refer to Mr. Miles and his very important testimony before the committee. Representing the Fair Tariff League, of which he is president, he said:

The Fair Tariff League includes in its membership representatives of 1,500,000 farmers.

We believe that the farmer, for both moral and economic reasons, must insist that protective rates be moderate both on manufactures and on his own products.

The farmer sells, of necessity, at the lowest prices in the world, being export or world prices. He buys in the dearest market in the world. He sells his wheat in Liverpool at about 80 cents per bushel net and at the same price in the United States. If he could buy his supplies in Europe, many of them under normal conditions would cost him one-third less than in American stores, where imported articles average 50 per cent higher in price than in European stores, because of our tariff. Consequently he too often finds his meager return of 80 cents per bushel depreciated in purchasing power to about 50 cents in this country.

Representing, as he does, 50 per cent of our consuming power, he loses on his purchases $2,000,000,000, or one-half of the $4,000,000,000 of the surcharge in domestic prices due to overprotection. He is in no condition to lose this $2,000,000,000. Strange, indeed, if his leaders permit it to continue in consideration of excessive rates on farm products which for the most part the farmer can not realize on because not even Providence can make our tariff increase export prices.

NATIONAL HOME FOR JEWISH PEOPLE IN PALESTINE.

Mr. LODGE. I report back unanimously from the Committee on Foreign Relations, with amendments, the joint resolution (S. J. Res. 191) favoring the establishment in Palestine of the national home for the Jewish people. I shall be very glad to have immediate consideration of it. I certainly shall not keep it before the Senate if there is to be any debate.

Mr. ROBINSON. Let it be read.

The joint resolution was read, and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole.

The amendments were, in line 4, after the words "Jewish people," to strike out the words "in accordance with the provisions contained in the declaration of the British Government of November 2, 1917, known as the Balfour declaration"; in line 9, before the word "non-Jewish," to strike out the word "existing"; and in line 10, after the word "Palestine," to strike out the words "or the rights and political status enjoyed by Jews in any other country," so as to make the joint resolution read:

Resolved, etc., That the United States of America favors the establishment in Palestine of the national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

THE TARIFF.

Mr. FLETCHER. I was very glad to yield for the purpose of having that business attended to, which I regard as very appropriate and commendable.

I submit an editorial from the Florida Times-Union of April 28, 1922, entitled "Deceiving the farmers." I ask leave to have it inserted without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DECEIVING THE FARMERS.

[From Florida Times-Union, April 28, 1922.]

The tariff bill introduced a few days ago could not be passed without the consent of Senators representing the classes it will rob. As a class the farmers will be the chief sufferers, but members of the agricultural bloc have been brought to support the bill by alleged concessions to farmers that will do them no good whatever.

An emergency tariff bill was passed about a year ago purporting to give protection to agricultural products. Did it cause any increase in values of the products on which duties were imposed? As a matter of fact, the products on which duties were imposed declined for a considerable time after the tariff went into effect, and the decline was not stopped until a great shortage in the wheat crop was discovered.

Of course, the price of farm products did not decline because duties were imposed on them, but they declined despite the fact that duties were imposed, and the duty did not interfere in the slightest with their decline. The farmers of this country had for sale more wheat, more corn, more meat animals, more potatoes—in fact, more of nearly every agricultural product than were needed in this country, and they were numbered by the millions and were competing with each other. The result was that the prices of these products were lower in the United States than anywhere else in the Northern Hemisphere. The tariff could not add to the price at which they were sold in foreign countries, and if they were sold lower at home than abroad, as was the case, the tariff had no effect on the prices received at home.

The United States also manufactures more iron and steel products than the American people need, and yet these products bring a higher price in this country than they do anywhere else. Why is this? It is because the iron and steel manufacturers are comparatively few and can combine, and do combine. They charge what the tariff allows them in this country and ship their surplus and sell it for whatever they can get beyond the tariff wall. They are enabled to sell the foreigner cheap products because they are permitted by the tariff to charge the American people excessive prices, thus making Americans help to pay for what the foreigner buys.

More clothing is made in this country than the people buy, but the price paid for it in this country is almost twice as high as abroad. It is because the manufacturers, few in number, can combine and do combine to extort excessive prices from the people.

The passage of this bill will strengthen every trust in the United States, and if the public are reluctant to buy at the prices they will charge they will close down factories and throw workmen out of employment in order to restrict the product to what the people will buy at extravagant prices.

Mr. FLETCHER. With reference to our trade with Canada, this brief editorial from the Tampa Tribune of April 28, 1922, is as applicable to this tariff bill now pending as to the emergency tariff act. It is as follows:

A COSTLY WALL—FOR THE UNITED STATES.

[From Tampa Tribune, April 28, 1922.]

When the fathers made the Constitution they were careful to forbid the imposition of a tax upon exports. They couldn't foresee that the zeal of the tariff makers would bring about all the evils of an export tax without affording the Government the revenue.

The people of Canada like to do business with the people of the United States. The result of their recent election was, in part, an expression of their desire for closer trade relations. But on this side they find the "emergency tariff" wall erected against them and they are forced to turn away.

The effect has been a restriction, not only upon the imports from Canada, which, of course, the tariff advocates desired, but a much greater restriction upon our exports to Canada, which can not but result in great loss to every interest of the United States. The calculation of an accurate observer recently made shows that "for every dollar of American trade lost by Canada through the operation of the American high tariff the United States has lost up to date and stands to lose in the future two dollars of Canadian trade." The loss in American exports to Canada is nearly $400,000,000.

And the damage is not that merely of the present. The trade driven away is seeking other markets and establishing connections which bid fair to be permanent. It is a heavy price to pay for a very doubtful measure of protection.

It is most regrettable that in this uncalled for way we adopt a policy which will result in unnecessarily restricting our trade with our good neighbor and friend to the disadvantage and hurt of both of us.

There are numerous other absurd and inconsistent features in the bill.

One of those would be ludicrous if the matter were not so serious. In the frank statement of the chairman of the committee when laying the bill before us, he said, "It will not alone bring a revival of business; there must be a reduction of costs to within the reach of the consumer's pocketbook before there can be a return to old-time prosperity."

You may call up the spirits, but will they come?

If this legislation does not increase prices, it surely will disappoint its framers. Its actual and intended effect, as is the case with all protective tariff legislation, is to increase prices, where different and competitive conditions would exist without such tariff. Otherwise there would be no point to it. The reason for it would be absurd. What basis can there be, then, for the expression that there "must be a reduction in costs."

An increase in costs is the whole idea of the tariff. The tariff is a tax which the consumer must pay, and it is added to the cost of the article he buys where it affords protection as this bill permits. It is intended to keep away from the consumer commodities which sell at a lower price than the tariff makers want. It is to permit the special privilege interests to set a price on their goods and with a tariff protect them from goods that would cost less. The Republican idea is not so much to provide revenue as it is to protect for higher prices, and that produces monopoly, and to say that prosperity will not come from it is not only an admission of its futility but rather adds to the injury suffered by the people who must pay the bill.

It will of course not aid but retard prosperity. Living costs instead of falling will rise. The people who have endured much must expect to endure more. How patiently remains to be seen. The cost of protection to consumers and the Government revenue derived should be considered in connection with this bill.

Confining discussion to some of the important schedules of the bill and some of the items in common use, I wish to submit a table showing the cost of protection to consumer and the Government revenue derived for the calendar year 1919, the cost to consumer and revenue collected for the fiscal year 1914 under the Payne-Aldrich law, and the revenue collected for the calendar year 1920. This table covers 29 industries, embracing those who are crying loudest for protection.

It will be noted that under the Underwood-Simmons law, covering the calendar year 1919, the cost to consumer is invariably greater than for the year 1914. This is because of the unusual high prices prevailing, due to postwar conditions. It will also be noted that the cost to consumer is just double the protection allowed to manufacturers. This holds good in every industry with the exception of sugar, it being assumed, of course, that the domestic manufacturer avails himself of full tariff protection.

In other words, the consumer is paying twice what the Government is supposed to get by reason of the protective tariff. Under the column "Revenue collected" the figures shown represent the amount of revenue collected that actually went into the Treasury. It will be interesting to note that the totals show that so far as these 29 industries are concerned the protection allowed to domestic manufacturers was $2,663,000,000; the cost to consumer, assuming that the full tariff allowance was used, was $4,741,000,000, while the revenue actually collected was but $53,200,000. That illustrates the operation of the tariff bill if it is enacted into law. The articles which are mentioned in the table cover wool, manufactures of; cotton, manufactures of; silk; cutlery and edge tools; lead, ore bullion, pig, manufactures of; aluminum ware; chocolate and cocoa; collars and cuffs; corsets; umbrellas and canes; wires, wirework, rope, and so forth; glassware, including plate and window glass; oilcloth and linoleum; paints and varnishes; asbestos, manufactured; furs; clocks and watches; glucose and grape sugar; starch; hosiery and knit goods; earthen, stone, and china ware; gloves, leather; files; buttons; automobiles; toys and games; carpets and rugs; men's shirts; hardware.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Florida yield to the Senator from Nebraska?

Mr. FLETCHER. I yield.

Mr. HITCHCOCK. I understand the Senator has said that the customs tax on these articles within one year paid into the United States Treasury was only $53,000,000.

Mr. FLETCHER. That is correct.

Mr. HITCHCOCK. How does the Senator figure that the cost to the consumer was greater than that?

Mr. FLETCHER. The figures show that the protection allowed to consumers and manufacturers in this schedule on these articles or commodities amounted to $2,663,000,000. The experience and information of the experts and those who have knowledge of the subject is that the amount is practically doubled when it reaches the consumer, and that the consumer had to pay, if the manufacturers took advantage of the whole tariff allowed them. $4,741,000,000.

Mr. HITCHCOCK. The Senator reaches that by computing the percentage of tariff on each particular article and doubling it as the profit put on by the manufacturer?

Mr. FLETCHER. Yes; practically double. The table is furnished me by experts from the committee, and, of course, I must rely upon it. It is practically a duplicate of the table furnished by Mr. Miles in part 58, page 5268, of the hearings before the Finance Committee. I omit in this table the first column which I find in the Miles table, under the head of "Tariff allowance to manufacturers," and give simply the cost to consumer if the tariff allowance is used and the revenue collected in each instance as to 1914 and 1919.

One of the most interesting witnesses before the Finance Committee, and one of the, if not the, fairest, was Mr. H. E. Miles, and I want to call more particular attention to his statement. Mr. Miles, as I have stated, is president of the Fair Tariff League. He said in his statement:

> The Fair Tariff League is composed wholly of protectionists, manufacturers, representatives of 1,500,000 farmers and wage earners, women's associations, merchants, and others. We believe absolutely in our American institutions, in the vigor and strength of our people, and as protectionists we believe that every American industry that is worth while should have the utmost fair consideration of Congress.
>
> We are thoroughly opposed to excessive rates, knowing them to be tremendously injurious to the national interest. We find many industries operating under excessive tariff rates that are no more "protection" than burglary is honest work. This is the judgment, as nearly as I know, of the majority of the manufacturers of the United States, only a few of whom press Congress for excessive rates that let them overcharge the American people.

Mr. Miles said that he himself is a lifelong manufacturer at Racine, Wis.; a manufacturer and merchant for 25 years, making wagons and carriages, and then agricultural implements, owning and managing one of the four largest carriage factories in the country, four retail houses, and six or eight wholesale houses. This statement, therefore, comes from a manufacturer, a protectionist, who represents in his association or league the idea of protection. I submit it is entitled to very considerable weight.

Mr. McLEAN. Mr. President, I did not hear the Senator very well. I would like to ask from whom he is quoting?

Mr. FLETCHER. Mr. H. E. Miles, chairman of the Fair Tariff League, of Racine, Wis.

Mr. McLEAN. I assume the Senator from Florida does not believe in a protective tariff and I will say to him that Mr. Miles likewise does not. Though he claims possibly to believe in a protective tariff, he insists that the present law—that is, the Underwood Act—is a protective tariff, whereas the sponsors for that act, especially the then chairman of the Committee on Finance [Mr. SIMMONS] frankly announced when the bill was passed that it was not a protective tariff and that the theory to equalize the difference in the cost here and abroad was repudiated by the committee. Mr. Miles, I think, at one time was in business. He is not in business now and has not been for years. Whether he failed in business or not I do not know, but any manufacturer who adheres to his view in this country will soon fail in business.

Mr. FLETCHER. With regard to the present law I am quite prepared to agree with Mr. Miles that there is at least incidental protection in it and such as ought to be sufficient to satisfy the reasonably exacting producers and manufacturers.

Mr. McLEAN. If there is incidental protection, no credit is due for that fact to the committee because the committee frankly stated that they did not intend the act to be a protective measure.

Mr. FLETCHER. Of course, it was not framed upon the idea of it being protective tariff legislation. It was framed with the idea of producing the greatest amount of revenue with the least burden upon the people.

Mr. McLEAN. Does the Senator from Florida believe in a protective tariff?

Mr. FLETCHER. I do not. I do not claim that; but I am speaking with reference to the legislation to which the Senator is referring and which he said Mr. Miles mentioned.

Mr. McLEAN. If the Senator will look up the history of the gentleman he is quoting, he will find that whilst he said he believes in a protective tariff he represents a lot of free traders at this time.

Mr. FLETCHER. I of course must be governed by what Mr. Miles himself stated before the committee as to himself, his business, his relatives, his views, and I do not find anything in the record that in any wise contradicts him. I submit that his statement is eminently reasonable and fair, and he gives facts to support his contention. He evidently understands the subject; he expresses himself clearly and admirably and frankly.

This table, which is, as I said, practically what Mr. Miles furnished to the committee, I ask to have incorporated in the record at this point.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent to have incorporated as a portion of his remarks the table which he has described. In the absence of objection that order will be made.

The table referred to is as follows:

The cost of protection to consumers and Government revenue derived.

[Millions of dollars.]

Articles.	Payne law, 1914 (fiscal).[1]		Underwood law, 1919 (calendar).			Revenue collected, 1920 (calendar).
	Cost to consumer if tariff allowance used.	Revenue collected (per cent).	Tariff allowance to manufacturers.	Cost to consumer if tariff allowance used.	Revenue collected (per cent).	
Wool, manufactures of[2]	384	10.5	265	535	2.9	8.6
Cotton, manufactures of[3]	492	27.1	557	1,114	15.6	32.4
Silk[4]	170	14.1	214	428	20.3	23
Cutlery and edge tools	20	1.3	18	36	.2	.8
Lead, ore bullion, pig, manufactures of	178	.6	40	80	.4	1.9
Aluminum ware	12	.2	13	26	.005	.2
Chocolate and cocoa	14	.1	11	22	.03	.05
Collars and cuffs	14	.02	11	22	.02	.04
Corsets	28	.03	22	44	.01	.03
Umbrellas and canes	8	.8	6	12	.02	.06
Wire, wirework, rope, etc	70	.3	35	70	.1	.2
Glassware, including plate and window glass	114	2.8	100	200	.6	2
Oilcloth and linoleum	16	.6	17	34	.04	.4
Paints and varnishes	68	.4	36	72	.1	.4
Asbestos, manufactured	2	.06	4	8	.05	.1
Furs	34	1.6	56	112	1.5	1.9
Clocks and watches	18	1.2	17	34	3.4	4.1
Glucose and grape sugar	22	.003	17	34	.0005	.....
Starch	10	.2	6	12	.03	.1
Hosiery and knit goods	216	2.8	192	384	.6	2.3
Earthen, stone, and china ware	130	5.6	94	188	3.4	5.2
Gloves, leather	14	3.3	6	12	.8	2
Files	4	.03	4	8	.01	.03
Buttons	14	.8	13	26	.6	.6
Automobiles	245	.5	780	975	.1	.7
Toys and games	8	3.2	12	24	1.0	3.4
Carpets and rugs	52	2.5	40	80	1.4	4.5
Men's shirts	64	[5]	53	106	[5]	[5]
Hardware	46	[5]	24	48	[5]	[5]
Total (29 industries)	2,467	80.6	2,663	4,741	53.2	95

[1] The Payne law was operative only July 1–October 3 of this fiscal year ending June 30, 1914. Its rates are applied to the entire year, being the only census year showing production since 1909.

[2] Woven fabrics (except carpets and wearing apparel), felt goods, laces, and all manufactures of these materials.

[3] Woven fabrics (except carpets, handkerchiefs, and wearing apparel), pile fabrics, cloths, tapestries, laces, and other manufactures known as cotton small wares.

[4] Woven fabrics (except handkerchiefs and wearing apparel), laces, embroideries, and all manufactures thereof.

[5] Not shown.

Mr. FLETCHER. Mr. President, I want to call attention to what Mr. Miles submitted by way of comment upon these various articles and the duties upon them and the revenue derived from them without perhaps taking up all of them, because that would require rather more time than I would feel justified in consuming. I do, however, want to refer to what he has said regarding the principal items. At page 5245, for instance, he took up the first one, wool and manufactures thereof. Mr. Miles there said:

> In 1919 labor got 15.6 per cent of the factory selling price, and yet the tariff was 31.6 per cent, or twice the total wage, except that these wage percentages are averages and include some simple processes. The wage percentage on cloth is about 20 per cent of the factory selling price.

He is dealing here with the proposition about making the tariff such as to equalize the cost of production at home and abroad, and showing that as to these articles the duties are so high that the tariff more than covers the total wage cost in their production. Not merely the difference between the wage cost abroad and here, but the total wage cost is more than covered by the duties imposed.

> Remember that these rates apply on the foreigner's cost of material, labor, and overhead, plus his profit, and that material is half the total cost of production.
>
> Present tariff rates are so high that very little is imported, and domestic makers can and do put their prices where they choose in good times. Investigation in one of the great department stores of the country failed to find a single yard of woolen dress goods from abroad. All the fabrics, plaids, blue serge, etc., for women's dresses were domestic products. Their buyer was just back from Europe without making purchases, because prices there, plus the duty, were prohibitive.
>
> To illustrate, a certain piece of men's wool suiting, costing $1.71 in England, costs $2.89 duty paid in New York. The price of a duplicate American product is $2.85, not because of American costs, as we are compelled to believe, but because the tariff permits of this high price. Under the proposed American valuation clause the duty hereafter would be on the $2.85 price, which would bring the imported cloth up to $3.40, when the domestic goods might advance to $3.25, which would be the basis for the next importation, and so on.

I do not wish to indulge in any discussion of the proposal to base the duties on the American valuation plan, because that has not been adopted by the committee reporting the pending bill. However, Mr. Miles further says:

An authority on woolen goods tells us that the average farmer and wage earner is clad in winter in a cotton worsted suit that is 40 per cent cotton, 30 per cent shoddy, and 30 per cent wool; in underwear that is 80 per cent cotton; and a rag-shoddy overcoat. We know that this was substantially true before the war, and will be true again. The advancing price of wool puts a great premium on this adulteration. At best the wool tariff only makes doctors' bills for the farmer; not a cent of profit, as we will show.

The specific duty on these mixed goods is 45 cents per pound on the basis that they are all wool. We submit that this is grossly unfair. It gives the manufacturer two-thirds of the weight duty in many cases, sometimes more, which duty is intended for the farmer only. Blanket manufacturers are insisting that blankets of all cotton with a little shoddy be assessed as if all wool.

Discussing this matter further, he says:

In the normal pre-war year 1914 our woolen manufacturers had 94.5 per cent of all domestic business, imports being only 6.5 per cent. In 1919 they had 99.1 per cent of all domestic business. In 1920 they had 97.4 per cent, and imports were in the nature of novelties either in design or quality.

When they ask for greater restrictions on imports, higher duty, and a congressional sanction to further raise their prices it is time to question whether this country belongs to the people who constitute it or to the manufacturers.

Figuring on the basis of the Tariff Commission's statement, that domestic prices tend to at least equal the foreign price plus the duty, it is fairly estimated that the tariff protection granted the wool manufacturers—not including makers of carpets and wearing apparel—in 1914 was $192,000,000 above foreign prices; in 1919, $214,000,000, while the Fordney bill would give them $240,000,000, with all these amounts doubled at retail to the consumer.

This is his view based on his experience, observation, and study of this question, that the amount which the tariff makes possible for the benefit of the manufacturer is doubled by the time the goods reach the consumer. Reading further:

Against these enormous sums the Government collected from customs duties on imports of these woolen goods only $2,900,000 in 1919 and $8,600,000 in 1920.

The consumers had to pay $214,000,000 in 1919 and the Government received in revenue only $2,900,000. Now, Mr. Miles says:

These enormous sums to manufacturers, with relatively no return to the Government, were voted on the supposition that they protected the most efficient wage earners in the world, who got only 20 per cent of the factory sales price. The difference in the wage cost per yard produced here and abroad is, of course, only a fraction of the total American wage cost.

The principle of protection is expressed in the declaration of the Republican Party in 1908 that each duty shall measure only "the difference in the cost of production here and abroad," figured with reasonable liberality. It seems impossible that Congress will continue the present charge on woolen goods against the consuming public of over half a billion dollars per year in the face of these figures, and do so only upon the general and interested statements of the would-be beneficiaries, who could easily submit their cost books, and withhold costs only because their submission would enormously reduce their tariff privileges.

Passing on, for instance, to cutlery and edge tools, in which the people are greatly interested, Mr. Miles says:

Some domestic cutlery manufacturers say we are the cheapest makers in the world of common table and kitchen cutlery.

One manufacturer of cutlery goods says Germany produces more cheaply. The special provision against the unusual German situation is doubtless needed here.

A good English 6-inch butcher knife costs $2.13 per dozen at the English factory, and $2.87 in New York, duty paid. A better made knife is sold by two American makers for $1.50, which indicates a low production cost and a wage cost of very few cents per knife. The Fordney duty on these would be twice the American manufacturer's selling price. We exported of table cutlery only in the first nine months of 1921, $1,082,662, or three times as much as our entire imports of all kinds of cutlery taken together, being $312,000, of which $205,475 came from Germany. There has been a considerable decline in both imports and exports of cutlery in the last three months. We exported 48.9 per cent of all domestic production of table cutlery in 1919, and in 1920 71 per cent of 1919 production.

Speaking with reference to edge tools and miscellaneous cutlery, he says:

In edge tools and miscellaneous cutlery exports far exceed imports. Our shears (usually 5 inches or more in length, with blank handles) are both the best and cheapest in the world, and have no competitors in any market. Protection is needed on high-grade cutlery, fine scissors, penknives, and like goods.

With reference to files, Mr. Miles says:

Files: Ordinary sizes and kinds made so cheaply here that our makers freely export them, sending 25.2 per cent of the entire production of 1919 abroad, and a still greater amount in 1920, while imports were only 1.8 per cent in 1914 with its normal pre-war conditions, and 0.4 per cent in 1920. These imports were especially fine and small patterns which our people do not like to make. In 1914 the wages in the file industry were only 38 per cent of the selling price, and yet the Payne duties were 56.1 per cent. In 1919 wages were 30.2 per cent and the tariff 25 per cent.

Investigation indicates a single ownership of many factories operating under separate names; price agreements for many years, or at least closely related prices.

In 1908 under the 56 per cent protection of the Payne law the file people charged 60 per cent more for domestic use than they charged foreigners. To-day they are exporting at 20 per cent under domestic prices. The large volume of their exports and their special discount thereon indicate the need of no protection on standard sizes.

After giving the file makers control of the domestic market to the possible cost to the consumer of $8,000,000 in 1919 the Government collected in duties only $10,000, and $30,000 in 1920.

At page 5256 of this document Mr. Miles discusses aluminum, with reference to which he says:

Aluminum is made substantially as cheaply here as abroad. The domestic production is controlled by a single corporation, which charges 24 cents per pound for the refined metal as against a price of 15 cents per pound made in England at the same cost. The American corporation began business with almost no capital. It has accumulated $70,000,000. The elements of cost are, in order of their importance, freight, material, fuel, and labor. The wage cost of refining is very little. The trust is said to make it unpleasant for Americans who buy the English metal at 15 cents instead of the American metal at 24 cents. The trust wants 5 cents per pound protection.

With reference to aluminum ware, he further says:

Aluminum ware: Production increased from $19,600,000 in 1914 to $75,000,000 in 1919, the increase being mostly in prices, imports virtually embargoed, being 0.03 per cent in 1919 and 1.1 per cent in 1920. The protection given the industry in 1914 was 20.4 per cent, or $6,000,000, and in 1919, $13,000,000, against a total wage of $15,773,254, or 21 per cent of the factory prices of the product, while the House bill would make the protection $22,000,000. Imports virtually embargoed, customs receipts being $200,000 in 1920.

I am quite sure the Senate committee bill does not lower the duty which is carried in the House bill on aluminum ware. I find the duty in paragraph 374 on aluminum ware, and so forth, is 5 cents per pound. The Finance Committee of the Senate makes no change in the provisions of the House bill in reference to that article. Ware that is made of aluminum is very important to the people of this country, and the industry should not be put into the hands of a trust or a combination to such an extent that the people will be taxed an exorbitant rate while the Government will not receive any appreciable benefit from the tax.

Take, for instance, collars and cuffs, paragraph 918 of the bill. Let us see what that duty is. Those articles might be classified as necessities. Under the bill as it came from the House the provision is:

Shirt collars and cuffs, of cotton, not specially provided for, 25 cents per dozen pieces and 12½ per cent ad valorem.

The Finance Committee of the Senate proposes to change that by striking out "25" and inserting "35," and striking out "12½" and inserting "15," so that the duty would be 35 cents per dozen pieces as to shirt collars and cuffs of cotton and 15 per cent ad valorem in addition; so that they propose to raise the duty. Now, let us see what Mr. Miles says about that item, on page 5253 of Document No. 58.

Mr. HITCHCOCK. Mr. President, before the Senator leaves the aluminum schedule, let me ask him is not the tariff under the present law 2 cents a pound?

Mr. FLETCHER. That is my recollection.

Mr. HITCHCOCK. I have just turned to it, and I find that it is. Is it not a fact that under this tariff the aluminum industry has been very prosperous and a number of great fortunes have been made out of it?

Mr. FLETCHER. That is unquestionably true, according to the statement of Mr. Miles, and I know nothing to the contrary. He says:

The American corporation began business with almost no capital and that it has accumulated $70,000,000.

And he refers to it as if it were already a trust; and, of course, if these high duties go on the wall will be built so high that it is inevitable that the whole production will be controlled by this organization.

Mr. UNDERWOOD. Mr. President, I will state to the Senator that at the time the present tariff law was written—the law of 1913—very exhaustive hearings were given on the subject of aluminum. It was gone into by the committee very thoroughly. It was an article on which some revenue could be raised; and there is no doubt in the world that the present rate, established then, was an adequate rate as long as they were willing to have any competition at all. It seems clear to me that the raise in this bill to 5 cents can be for no other purpose than to shut off foreign competition entirely. It will have only that effect.

Mr. FLETCHER. I thank the Senator for his reference to the subject and for the information which he gives us. I have not any question but that this rate will eliminate practically all revenue and put these people in a position that will give them an absolute monopoly as to prices. It looks that way, very clearly.

Mr. UNDERWOOD. Some of the basic patents in this industry have expired, my information is, since the present tariff

law was written, and of course on the basic patent that would give an opportunity for competition; but, as a rule, these basic patents are supplemented by patents that are added from time to time that make it very difficult for one to go into the industry, even where the basic patent has expired. The result is that they practically have a monopoly now, with no competition except foreign competition.

Mr. FLETCHER. I take it that the Senator regards this proposed increase in the duty as indefensible under those circumstances.

Mr. UNDERWOOD. Undoubtedly.

Mr. FLETCHER. It occurs to me so.

Going on further with this matter of collars and cuffs, Mr. Miles says:

These collars formerly retailed at 2 for 25 cents, now 20 cents each, made of two thicknesses of ordinary cotton costing 19 cents a yard and 16 cents a few months ago.

Then he produces a sample and observes:

The price of the cotton is the same here as in Europe. There is almost no waste in the cutting. The face of the collar used to be made wrong side out and then turned and a second line of stitching run around. Now brass clamps so hold the unsewn pieces of cloth together that the needle zips around once, and all is done. There is nowhere in the world any cheaper production.

These collars can be bought from English factories for $1.20 a dozen, but the English goods would cost $2.10 here duty paid. This lets the American manufacturer charge what he will up to $2.10 per dozen wholesale. He does charge $1.60. He pays 70 cents a dozen for cutting, sewing, and ironing, or slightly under 6 cents per collar.

The labor in the collar and cuff industry was 24.2 per cent in 1914 and 15.6 per cent in 1919.

That is the total labor cost—not merely the difference between the foreign and domestic cost but the total labor cost.

The present tariff gives 30 per cent protection, or twice the wage in the industry, and the House bill would add 50 per cent to that duty. The protection given the industry in 1914 was $7,000,000, in 1919, $11,000,000, and the Fordney bill would make it $17,000,000. All these amounts would be about doubled to the consumer. Testimony before the House committee indicated great profits in the industry. Against these huge sums the Government collected the petty total of $20,000 in 1919 and $40,000 in 1920.

Think of that duty on collars and cuffs, the protection cost to the consumers being $11,000,000 and the Government getting out of it a revenue of $40,000 in 1920!

I find nothing at all to contradict these statements, and Mr. Miles goes into such detail about the matter and is so positive and clear about the facts that I can not question in any way what he says, or argue with him about it. He makes it perfectly plain; and in view of these facts it is ridiculous, it is absurd to insist upon these duties.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Mexico?

Mr. FLETCHER. In just one minute. As I believe I read from paragraph 918 of the bill as now reported to the Senate, shirt collars and cuffs of cotton, not specially provided for, bear a duty of 35 cents per dozen pieces and 15 per cent ad valorem on top of that.

I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I merely wanted to state that after Mr. Miles gave that testimony before the Finance Committee no one appeared to contradict his statement, and so far as this record shows, if I am correctly informed about it and *sufficiently familiar* with it, there is absolutely nothing in the entire record taken either by the House Ways and Means Committee or by the Finance Committee of the Senate to contradict in any way the statement made by Mr. Miles, as the Senator has been referring to it.

Mr. FLETCHER. I am obliged to the Senator for making that statement. I know he has been a most diligent and energetic member of the Finance Committee. I am not a member of the committee at all, but I have tried to read the hearings and keep up as best I could with the matter. I have not been able to find anything contradicting Mr. Miles, and I am glad to be assured by the Senator from New Mexico that his statement here stands undisputed in this record.

Mr. HITCHCOCK. Mr. President, it would seem from this big advance in the tariff on a very productive article, collars, that this is where the consumer "gets it in the neck." [Laughter.]

Mr. FLETCHER. That may depend a little bit on the kind of collar, but I have no doubt that that is, figuratively speaking, the case. He gets it in the ribs as well as in the neck. He gets it in his stomach, on his back, in all his vitals under this bill.

Mr. JONES of New Mexico. Mr. President, I think I may state further that of all the witnesses who came before the Finance Committee to explain any of the schedules regarding this bill, Mr. Miles, in my judgment, has by far more facts and more detailed information regarding the general bill and the especial matters to which he referred than any other witness who appeared before the committee. I do not think I ever talked with anybody who seemed to have more detailed facts regarding the tariff and its operation, not only now but in the past, than Mr. Miles. He himself is also a manufacturer and has been for years, and it has been his business for some years to make a special study of tariff legislation, and I do not know of anyone who is better able to give information on this subject than Mr. Miles, to whom the Senator from Florida is now referring.

Mr. FLETCHER. Mr. President, the Senator confirms the impression which I obtained in reading over very carefully, more than once, Mr. Miles's very forceful statement. He talks like a man who knows what he is talking about. I think he is absolutely sincere, he means to be thoroughly fair and reasonable, and he presents the matter in a very clear and able way.

The next article on this list to which I was referring is corsets. I pretend to know very little about that subject, and I shall not take a great deal of time in considering it; but perhaps it would be in order to give Mr. Miles's statement regarding it, as this refers to what I understand to be a very useful if not an absolutely necessary article, and a great many people in this country are deeply interested in it. He says, at page 5265, under the head of "Corsets":

Production, $75,537,000 in 1919. Imports, one-tenth of 1 per cent in pre-war, 1914, and two one-hundredths of 1 per cent in 1920. The industry evidently has complete control of the domestic market under the present duty of 30 to 60 per cent, with a wage cost of 17.3 per cent, or, say, half of the duty. The industry is closely organized, in few hands, and produces at low costs.

Protection given in 1919, $53,000,000; this amount to be doubled at retail if the manufacturers use their protection, as they easily may.

I might add, as they undoubtedly will. Think of that, proposing to continue a duty of 30 to 60 per cent on corsets, when the total wage cost is only 17.3 per cent, and when the importations in 1920 were only two-tenths of 1 per cent. As the Senator from Nebraska suggests, this is where the consumer gets squeezed. That may depend also on the character of the article; but they get "trimmed" up, anyhow. The proposal in this bill, Mr. President, to tax the consumers of this article in this country over $50,000,000 a year, in order to keep out all importations and give the manufacturers a monopoly of the home market, is certainly without any excuse or justification whatsoever.

I turn now to the next item, umbrellas and canes, very useful articles; umbrellas, particularly, are almost necessary. Mr. Miles make reference to them at page 5265 of this document, No. 58 of the hearings. He says:

Umbrellas, parasols, canes, sticks, etc.: Production in 1914, $14,000,000; in 1919, $25,307,000. Imports negligible, being 1.6 per cent in 1914 and 0.8 in 1920. Wage per cent in 1914, 15.7 per cent, and in 1919, 13.2 per cent, against which the present tariff averages 34.4 per cent on umbrellas and parasols and 30 per cent on canes and sticks. Protection given in 1919, $6,000,000, which doubles at retail.

Think of that, not merely the difference between the cost of production abroad and at home but the total wage cost in this industry in 1919 was only 13.2 per cent, and yet the tariff averages 34.4 per cent. The tariff is nearly double the total wage cost in this industry. The importations are practically nil, amounting in 1920 to only 0.8 per cent, so that already the manufacturers have the home market. There are no importations. They need no protection, and imposing these duties simply enables them to raise their prices to the home consumers.

The next item is wire, wirework, and rope. Those are very important articles. Wire is used very extensively in the building of fences and for other construction purposes. The price has gone up almost beyond reach. Wood is fast disappearing. Timber is gradually passing beyond the reach of people who would build fences, and they are resorting to the use of wire for that purpose. Farmers, country people as well as city people, are more than ever using this very necessary article. It is fair to say that barbed wire, plain or galvanized, is still carried on the free list. I refer to paragraph 317 of this bill (H. R. 7456), where the duty is one-half of 1 cent per pound. Let us see how that subject is treated.

On page 5261 of this pamphlet Mr. Miles has this to say about wire:

Wire, wire rope, and wirework: Production in 1914, $82,000,000; in 1919, $162,000,000. Exports in 1914, 16.3 per cent, and in 1919 and 1920, 32 per cent, while imports were negligible, being 1.2 per cent; in 1914, 0.6 per cent. Protection given the industry, $35,000,000, costing consumers $70,000,000 in 1920, with customs receipts $200,000. As all ordinary steel is made as cheaply here as anywhere, undoubtedly the tariff is used against the consumer. For over 30 years our steel people have shipped abroad at far less than domestic prices, while usually holding domestic prices to foreign prices plus the duty, and often plus ocean freight.

Think of that. People everywhere engaged in agriculture, engaged in raising chickens, or what not, absolutely need this article. It is proposed to make it cost them millions of dollars, without any comparative benefit to the Government whatever.

Mr. Miles says the protection given the industry was $35,000,000, costing the consumers seventy million in 1920, and the customs receipts amounted to only $200,000.

With reference to glassware, including plate and window glass, at page 5254 of this pamphlet, Mr. Miles says:

Glassware, including plate and window glass, glass cutting, mirrors, and optical goods: Production in 1914, $168,000,000, rising in 1919 to $385,000,000. We produce plate glass in this country as cheaply as anywhere in the world, coal being a large factor, and cheaper here than elsewhere, and still more economically where we use natural gas, as in some plants. We produced 70,000,000 square feet of plate glass in 1921 and imported only 3,000,000 square feet, the latter being of superior quality that we do not care to produce, for fine mirrors, etc. The plate-glass tariff has been one of the worst in our history. It is virtually a trust.

In the Dingley days it secured rates running from 50 to 150 per cent, whereupon it doubled many of its prices against domestic consumers and warned its customers that they must not buy abroad even those sizes which could be brought in to advantage after the trust had increased its prices.

I asked a plate-glass merchant about this. He said, "Yes; I got one of those notices, and it took me several days to answer it. But I saw I would lose my business unless I yielded, so I sent the promise and a memorandum of the orders I had already abroad, with a promise not to order any more."

He said the trust later advised customers to order ahead liberally, as prices were going up. They so ordered, and then, instead of raising prices, they were cut 35 per cent.

What an example of "American" valuation we would have had here had it then been in effect.

Common window glass and the like is made very cheaply in this country, and the freight itself is a considerable protection from abroad.

Then he proceeded to discuss pressed glass and other kinds of glass, and stated:

One of the biggest manufacturers in America told me in 1908, when we were before the Payne committee, that he had a wholesale house in London that cost him $10,000 a year; that he sold pressed glass pretty freely over Europe and added the cost of his London house to his American prices. When the McKinley tariff was being written this gentleman and some of his competitors recommended that pressed glass be put upon the free list. But it came out in the law 65 per cent protected, and in such uncertain language that the makers themselves were bothered to find out what the rate was.

Some optical goods are coming in from Germany under depreciated currency at a very low price, quite destructive, apparently, of our production.

The extent to which domestic producers dominate the home markets is shown by imports in 1920 of only 2.2 per cent of all kinds of glass put together, while exports were 8 per cent, or $30,086,000.

The total wages paid in the glassware industry are only 28.3 per cent of the selling price, while the present duty averaged 35.2 per cent, and the House bill would double or treble these duties.

The industry was given protection to the extent of $100,000,000 in 1919, which would become $200,000,000 at retail, against which the Government collected in duties only $600,000, and $2,000,000 in 1920.

The House bill would greatly increase this sum.

I need not dwell upon that item further. We might pass to another one which is also important, oilcloth and linoleum. At page 5258 Mr. Miles discusses that. I will read very briefly from his statement, as follows:

Oilcloth and linoleum: Prices to-day of imported and domestic products indicate that little duty is needed. At present exchange the British factories' price inlaid linoleums, landed in New York, duty and all expenses paid, at $1.80 net for No. 1 gauge, $1.53 for No. 2 gauge, and $1.33 for No. 3 gauge, the present duty being 35 per cent.

Domestic inlaid linoleum of substantially the same quality is priced by one leading factory at $1.23 for No. 1 gauge, and by another factory $1.31 for No. 1 gauge.

The price of No. 1 gauge at the English mill to-day is $1.30, as against $1.23 for an American product at an American mill.

British costs are said to be two and one-half to three times the pre-war level, a competent day laborer getting $5.50 per week in 1914 now getting $13.75 commonly throughout England. Machine repairing costs three to four times more than pre-war. Ocean freights are more than doubled.

Prices in the United States were doubled over pre-war in 1918–1920.

So that this theory about wages going down in other countries does not hold good in some, at least, of the principal industries.

Paragraph 1018 carries the item "linoleum, including corticine and cork carpet," on which the House fixed a rate of 28 per cent ad valorem, and on floor oilcloth 20 per cent ad valorem. The Senate committee proposes to change these figures so that linoleum, including corticine and cork carpet, shall carry a duty of 35 per cent ad valorem, and floor oilcloth shall carry a duty of 25 per cent ad valorem.

Nearly every citizen is interested in paints and varnishes. Mr. Miles's statement in connection with paints and varnishes is most interesting. At page 5257 of the hearings he said:

Paints and varnishes: Production increased from $146,000,000 in 1914 to $351,000,000 in 1919, being largely an increase in prices only. Exports in 1920, $28,600,000, with imports only $3,200,000, or 0.9 per cent. The per cent of wages in the industry is only 6.9 per cent of the price of the product. With the wage so small, there can be substantially no difference in cost of production here and abroad. The present tariff is 11.4 per cent, giving the industry, in 1919, $36,000,000 protection and costing consumers, if used, up to $72,000,000, against which customs receipts were $100,000 in 1919 and $400,000 in 1920.

I operated a paint factory for 15 years to supply my carriage factory. There was so little labor in it that I never stopped to figure it. The percentage of wages in the paint and varnish industry is, all told, 6.9 per cent. Protection is 11.4 per cent. They did not care enough about any protection to pay their respects to either tariff committee of Congress.

Asking for nothing, the paint and varnish people were surprised to find the House bill giving them 25 per cent, and American valuation further increasing this to from 50 to 80 per cent. A little like the soap people, who said they didn't mind particularly, but would be content to have 5 per cent, so the House bill gave them 20 per cent American valuation.

Senator LA FOLLETTE. They were just carried in on the flood?

Mr. MILES. Just carried in on the flood; but not hurt like the cottonseed oil makers who recently begged Congress to take their protection against foreign vegetable oils away; that it is ruining them. Rather like the automobile people who asked for 30 per cent, and made no objection when asked if less would do. The House bill made it 30 per cent American valuation, which means 45 per cent.

Linseed oil: If this is going to be highly protected now, the paint people will have to have some protection on paint products taking linseed. You know of the oil joker in the linseed proposal, whereby the crusher gets a drawback on the flaxseed cake, so that the net to the farmer is 1½ cents per bushel less under the new bill than the old, and the net to the crusher is 600 per cent more than he gets now.

Senator LA FOLLETTE. That is helping to prosper agriculture?

Mr. MILES. There must be exceptions, you see, Senator, like this Linseed Trust of seven companies, Standard Oil domination, says Moody in "The Trusts." It has always been a child of the tariff except for the Underwood law. Under the Dingley law it had 50 per cent protection, with only 3 per cent of its selling price going to labor. With Congress thus preventing importations, the trust charged American consumers, according to the census of 1905, $27,577,152 for that year's product, and exported at international prices $203,712, against imports of $5,712, paying $2,856 duty. The House bill returns to about that situation, but less openly. It gives 25 cents duty per bushel on flaxseed, with about one-fourth of the duty returned on the flaxseed cake exported and made from imported seed, although flaxseed cake generally is free. This makes the flaxseed duty net 18.5 cents, instead of the present 20 cents, while the duty on the oil at 2.5 cents per pound equals 45 cents per bushel of seed and nets the crusher 26 cents above the flaxseed duty, on an operation as simple as brewing tea, with a labor cost to-day of only 2.5 per cent of the crusher's selling price.

That is the observation of a man who has been actually engaged in the industry and the figures are unquestioned, so far as I can find.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Will the Senator from Florida yield to me for a few moments?

Mr. FLETCHER. I yield to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, yesterday I had occasion to repeat what I thought was a pretty well-founded rumor with reference to the Attorney General's connection with the pardoning of Morse. The Senator from Indiana [Mr. WATSON] entered as a denial what lawyers call a negative pregnant. He denied specifically that the Attorney General had accepted directly a "fee" to procure Morse's pardon, but did not deny what was in effect the charge that the Attorney General was interested in procuring the pardon for Morse and had been paid for it. I do not know what the facts are. I know the denial of the Senator from Indiana left room for the supposition that there was a connection between the Attorney General and Morse in the matter of the pardon.

The Attorney General this morning is quoted in the papers as saying that he ought to have a place on the floor of the House and Senate so that he might "answer irresponsible people." If he answered all the people who charge him with offenses, more or less grave, he would be the busiest member of the Cabinet. Two members of his own party in the House recently charged him with offenses and, if they meant what they said, they intended, unless he should act, to move to have him impeached and removed from office. He immediately got busy, I presume, to avoid action upon their part. Whether he was afraid or suddenly had waked up to his duty I do not know and I do not care.

He said in conclusion that he did not have time to talk politics. I did not know that he had anything else to do. He has "fired," as I understand, all the honest inspectors in his department who had called his attention to the swindlers of the Government that he did not want to prosecute. If any of them are left, I do not know their names. He has put back into office the physician who helped, on a fraudulent plea, to get a pardon for Morse, and if there is any other duty that is incumbent upon him I have not heard of it, and he has manifested no disposition to perform any other duties.

But before I go further I would like to say to the Attorney General now that I waive all immunities, personal and otherwise, for what I said about him yesterday. I waive every immunity that I may have as to what I shall say about him to-day, and if he can not be accorded the floor I shall be glad to see him anywhere at any time under any circumstances that suit the Attorney General. All immunities are waived as to what I say or have said or shall say.

This morning a man whom I never knew, but whom I have seen, came, I take it, from the Attorney General. He came rushing—if the Senator from Indiana will allow me to use that word without getting into a colloquy with him—into my office and introduced himself, and by way of recommendation assured me that some woman in my State had been so misguided as to have married him. He thought it was a title of nobility, and

I think myself she conferred great credit on him when she did it. But that is the only recommendation he had—that he had married some lady from my State. He wanted immediately to take on himself blame, but I rather think he thought it was a credit, for having obtained the Morse pardon. His name is T. B. Felder. He said he used to live in Atlanta, Ga. Mr. President, I want to ask the Senator from Georgia [Mr. WATSON] if he knows the gentleman?

Mr. WATSON of Georgia. Mr. President, for the last 40 years I have known Thomas B. Felder well, and I have known him to be a crook. I know him to have been a professional lobbyist of the whisky ring, opposing every one of the temperance laws that I was advocating and other temperance people were advocating in Georgia. He combated us at every step. We had to close the barrooms over his protest; and he never ceased to be a lobbyist in Georgia until the attack made upon him by myself and by others destroyed his usefulness as a lobbyist. Then he left the State and went to New York.

I would not say this here if I had not said it to his face, in a State convention in Atlanta. I denounced him to his face in that convention, and he turned about as white as a piece of paper and did not open his mouth. I am asserting a fact in saying that he was not a lawyer, but a lobbyist; not an honest man, but a knave; not a witness whom anybody would believe, but a man who, in the State of Georgia would be impeached if offered as a witness on the trial of a case by men of the highest standing and character, who would say that from their general knowledge of his character they would not believe him on oath.

Mr. CARAWAY. By the way, is he the same T. B. Felder who was indicted in South Carolina?

Mr. WATSON of Georgia. He is the same man.

Mr. CARAWAY. That is the kind of man that somebody sent, and I presume because he came to me as a witness for the Attorney General he was sent to me by the Attorney General to assume the responsibility, whatever it may be, of deluding the President into pardoning Morse. I think myself he is very likely a very worthy representative of the man whose offenses he wanted to assume.

I have in my hand a letter written by a man of unimpeachable character, a man who has been honored by appointment under an Attorney General at one time, a man whose name unfortunately, because of his relation to the Government, I can not give, though I should not object to showing it to some serious-minded Senator who wants to see it. I want to read two or three sentences from his letter. He knew Morse well, and he knows the man who helped to make out the fraudulent certificate that Morse was dying of Bright's disease. He knows all the circumstances, and the Attorney General knew them, and the Attorney General—whether he had some connection with it or not I shall leave others to say—immediately put this man Fowler back into the office of physician at the penitentiary at Atlanta, so that if Mr. Morse goes back he will be on hand to make him another certificate.

He knew all the circumstances, and before this controversy came up at all he happened to have written a Senator about the matter. Here is what he said:

> The Attorney General is going to put Doctor Fowler in charge of the hospital—

That is, at the Federal penitentiary.

> He was former physician to the institution and resigned under fire of an investigation in 1911—that referred to the Morse pardon—

Now, mark you, Mr. President—

> He was Morse's physician, while Tom Felder represented him in Atlanta, the present Attorney General being his leading counsel.

That is not an idle rumor; and if the Attorney General wants an investigation in order to ascertain what his connection was with reference to this matter, I shall be very glad to help him find the evidence. I do not mind the little, cheap sneer of a man like the Attorney General; that does not worry me at all. He is going back to the obscurity from which he came as soon as the people have an opportunity to vote in another national election. Everybody knows what his reputation was, because reputation is made up of what people say. I presume nobody else enjoys that close intimacy with him which the Senator from Indiana enjoys; they have social times together and talk over all these rumors that are circulated against him; but if the Senator from Indiana is to run to the Attorney General with all the rumors he hears affecting the reputation of the Attorney General he is going to be the busiest man in this body.

The Attorney General has not said anything as to the truth of the charge made against him. He has not denied it. I want the Attorney General now to say, either himself or have some of his friends say for him, positively whether he did have any connections with Morse, and just what those connections were. He owes it to himself, and he owes it to his friend from Indiana, who so valiantly rushed to his rescue, to tell the country just what his connection with this matter was, and to turn over to the country all the correspondence that may be in existence touching it. He owes that to the country, and I hope he may find it convenient to make a full statement. He must do it.

I never saw the Attorney General; I never had any curiosity to see him. I used to be prosecuting attorney, and I think I saw as many people of that kind as I cared to see. I have no interest in seeing him. I have no prejudice against him and no love for him. I never saw him, as I have stated; I never had any acquaintance with him, and I never expect to have. I wish to repeat, however—and this is all I am going to say about it, and then I shall be through with the matter, so far as discussing it on the floor is concerned—that I shall and do waive and have waived every immunity which I have or may have in connection with this matter, legal, personal, and every other kind; and the Attorney General may, without being accorded the privilege of the floor, have all the opportunity of a discussion with me at any time that he desires it.

Mr. WILLIS. Mr. President, I had not thought to make any observations relative to this matter, because I do not have any personal knowledge of the subject which has been discussed by the Senator from Arkansas. I know nothing at all of the relationship of the present Attorney General to the Morse case other than the information I obtained from the statement, a portion of which I heard yesterday from the lips of the Senator from Indiana [Mr. WATSON], who is entirely competent to take care of himself. But as one who has known the Attorney General for a good many years, I rise simply to say that nobody who knows Harry M. Daugherty, who knows the character of the man, will in any way impugn his integrity, his ability, his courage, or his honesty. I say that not as his close political associate, for it has been my very great misfortune at times to differ with him as to policies and individual preferences; I have known him as fair foe as well as loyal friend.

I know something of the fierce light of Ohio political contests that beats pitilessly on every participant in party warfare. I know something of the enmities, particularly in the capital city of my State, where this man for a quarter of a century has been an active, aggressive, successful practicing lawyer; and I want to say to my friend from Arkansas—and I say it in perfect good humor—that, knowing the enemies of Mr. Daugherty as I know them, if there had been any flaw in his armor it would have been found long since. He has been the subject of attack as he is now the subject of attack. The man who engages in political contests such as we have rather commonly out in the Buckeye State must expect not only warm friendships but bitter enmities. The Attorney General has his full share of stalwart friends and of bitter enemies.

I know nothing about the details of this matter, and therefore I shall say nothing concerning them. All I desire to say is that, knowing this man as I do, I have absolute and unqualified confidence in his integrity and his honor. If anybody thinks there is anything wrong with the conduct of his office, in my judgment he will find the Attorney General will welcome the most searching investigation, because he is not only a man of honor but a man of courage; nobody can ever question that. This much I want to say in behalf of my friend, who, I think, has been unjustly assaulted in this matter.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Florida further yield to the Senator from Arkansas?

Mr. CARAWAY. I will occupy only a moment.

Mr. FLETCHER. I yield.

Mr. CARAWAY. I have no objection to the Senator from Ohio defending his own. He says that the Attorney General has some very bitter enemies in Ohio. I presume he means that he ought not to have any, because he stands sponsor for the Attorney General's good conduct, and I presume he wants to be understood as implying that those who fall out with the Attorney General are themselves bad people. No other inference would comport with his statement. That, however, is a row for Ohio; I have no interest in it, one way or the other. Until Ohio does better than it did in 1920, politically, I do not think it is going to concern the white people of this country—I take that back; I was trying to be facetious; but that, perhaps, is not in good taste.

I do not know the Attorney General. He may be all that the Senator from Ohio thinks he is. If Felder is the kind of an agent the Attorney General chooses—and I presume he is, because he started his conversation with me by saying he wanted to defend the Attorney General, and I presume he came with

the Attorney General's sanction and at his request—all I have to say is the Attorney General is at liberty to choose his own friends, and I am not hurt that I do not fall within that charmed circle.

THE TARIFF.

Mr. FLETCHER. Mr. President, continuing the discussion of this table, embracing articles produced by 29 important industries of the country, I will now refer to asbestos and note what Mr. Miles has to say regarding that important commodity. He says:

As in other textiles, the raw material represents one-half the cost of the finished product. Asbestos costs the same the world over, 75 per cent of it coming from the mines of Canada; therefore no tariff consideration should be given the 50 per cent of cost representing raw material, but the other items only—labor, overhead, and profit—and any tariff on the finished product is equivalent to twice that amount on these differentials of labor, overhead, and profit. The protection now given is 17.3 per cent, being equivalent to 34.6 per cent of the total labor—

Not the difference between the labor cost here and abroad as to commodities manufactured out of asbestos, but on the total labor cost a protection is given equivalent to 34.6 per cent of the labor cost, overhead, and profit.

The protection now given is 17.3 per cent, being equivalent to 34.6 per cent of the total labor, overhead, and profit of the foreign manufacturer and over twice the total average American wage cost. The total labor in converting asbestos into cloth is about 11.5 per cent in the United States, and into sheeting 14.2 per cent, and tape 21.5 per cent. This wage per cent is now, partly because a single operator controls several of the automatic looms on which the work is done.

I presume the word "now" should be "low," so as to read:

This wage per cent is low, partly because a single operator controls several of the automatic looms on which the work is done.

Of course, the American valuation plan having been abandoned, we must turn to the bill as it comes to us from the Finance Committee, and we find this item under "Sundries," Schedule 14, paragraph 1401. There is a long list of details which I will not trouble to read, fixing various percentages and describing various manufactures; but coming down to the close of the paragraph the following provision appears in the bill:

all other manufactures of asbestos, or of which asbestos is the component material of chief value, not specially provided for, 20 per cent ad valorem: *Provided*, That none of the foregoing rates of duty shall exceed 40 per cent ad valorem in the case of mantle threads or woven fabrics, 30 per cent ad valorem in the case of yarn, and 25 per cent ad valorem in the case of any other article specified in this paragraph.

So that the bill now before us would seem to provide that the duty is to be from 20 to 25 per cent on these articles manufactured from asbestos and referred to in Mr. Miles's statement. Under that statement there can be no question whatever that that duty is wholly unwarranted and that its effect is simply to increase the price of these articles to the consumer without producing revenue for the Government and without being called for by any principle upon which the tariff is built, difference between the cost of labor abroad and here, or any other principle.

The next item to which we might refer is clocks and watches, very useful articles to the people generally, and Mr. Miles discusses those articles on page 5260 of his statement. I shall not read it all, and I might begin this statement with a declaration of his position on the subject of the tariff, which he gives at this hearing. At page 5260 of part 58 he says:

As to the tariff, it only concerns us that Congress shall cease to support and aid high prices. It is horrible for Congress to put the tariff wall so high that the public can not get relief from abroad and must pay any prices domestic manufacturers and merchants charge. Ninety days from now, or whenever the public buys freely again, prices will go up largely because of the tariff.

I submit that is sound and the conclusion is logical.

With reference specifically to watches he says:

Our ability to sell good, dependable watches at international prices was demonstrated years ago by heavy shipments of Waltham, Elgin, and other watches abroad at 60 per cent to 75 per cent below their prices to American consumers, due entirely to the enslavement of American buyers to American price-fixing watchmakers by the Dingley tariff.

The total wages in the watch industry are 39.6 per cent of the factory selling price, while the tariff is 27.8 per cent.

The protection given clocks and watches in 1919 was $17,000,000, against which the Government collected on imports $3,400,000. There are considerable importations from Germany, as in other lines, due to depreciated currency. There has always been considerable importation of extra cheap clocks from Germany and Switzerland, attractive but poor timepieces. Imports of clocks and watches have run from 12.5 per cent in 1914 to 19.4 per cent in 1920, with exports in 1914 and 1919 of 8 per cent of domestic production.

Passing on to another item, omitting glucose, grape sugar, starch, hosiery, and knit goods, we come to earthen stone and china ware. Paragraph 212 of the bill proposes a duty of 45 per cent ad valorem on these items; if painted or colored or any work is done on them, 50 per cent ad valorem.

Mr. Miles says with regard to these articles at page 5252 of this pamphlet:

Domestic producers controlled 93.7 per cent of the American market in 1914 and 97.5 per cent in 1919, when imports were only 2½ per cent of domestic production. In 1920 imports were 3.8 per cent of domestic consumption. Imports are noncompetitive, being novelties in design or quality, English, French, and Japanese wares of superior taste or quality. The American breakfast table is less tasteful and pleasing to the eye than it ought to be, because of the influence of the almost prohibitive tariffs on many things for a generation past.

On the subject of wages in this industry he says:

In 1914, pre-war, the total wages paid in the industry was 41.1 per cent of the factory selling price, while the tariff averaged 58.2 per cent, or 142 per cent of the total wage. In 1919 the wages paid were 37 per cent of the factory selling price, while the tariff averaged 47 per cent of the selling price, or 127 per cent of the total wages paid. * * *

The protection given this industry amounted to $65,000,000 in 1914 and $94,000,000 in 1919, while the Fordney rates would give them $108,000,000, which this industry says is the least it can prosper under. All these figures would be doubled on reaching the consumer at retail. Against these great sums the Government collected in duties $5,600,000 in 1914, $3,400,000 in 1919, and $5,200,000 in 1920.

Here it is proposed to impose a duty of 45 per cent ad valorem, and where the ware is painted or treated in any way 50 per cent ad valorem. The total wage cost in the industry is only about 40 per cent. This high tariff, of course, simply enables the manufacturers here to charge the consumer these high prices, and at the same time the duties are not justifiably revenue producing.

On the subject of gloves Mr. Miles has to say, at pages 5280 and 5281 of this document:

The United States may be called the bare-handed Nation. Its Republican Congresses have required its male population to go without gloves. Standing at the entrance to the House of Representatives, I sometimes wonder if any of its Members wear gloves. My newest pair is two years old, and inquiry seldom finds a man with a newer pair. Few self-respecting men would pay the prices of recent years, though cold and soiled hands are an uncomfortable and unhealthy alternative. Why not make cleanliness and health a consideration in the next glove schedule. One had to go to Europe in pre-war days, where gloves were half our prices, to learn how comfortable they are.

Factory prices of gloves advanced from $8.15 per dozen pairs in 1914 to $24 during the war; another quality from $18 to $44; another that was $12.25 in 1914 was $23 in September, 1921. These prices were about doubled to consumers.

To most women gloves are by custom about as necessary as stockings. To the Payne Republicans, however, stockings were luxuries, being dutiable at 72 per cent, though made as cheaply here as anywhere, while leather gloves were then averaging 45 per cent. The Fordney bill rates stockings about 75 per cent and leather gloves 80 per cent.

* * * * * * *

The protection given the industry in the fiscal year 1914, Payne law, was $7,000,000; in 1919, $6,000,000. The Fordney bill would make this $15,000,000. These amounts would be doubled at retail.

The glove tax is an especial burden to the army of men and women office workers who must have hands both clean and warm upon entering their work places. Most glove schedules have been determined by political manipulation rather than essential facts.

So that now it is proposed to levy a duty of something like $5 a dozen on leather gloves. It is little short of cruel treatment of the American people to impose any such duty on that article, so much in use by all.

I pass over the subjects of buttons, automobiles, toys and games, carpets and rugs—another great industry—and men's shirts, and come to hardware. With reference to that, Mr. Miles, at page 5265 of this pamphlet, has this very pertinent comment to make:

Hardware: Production in 1914, $73,000,000, and in 1919, $145,000,000. Exports in 1914 and in 1919 were 8 per cent, rising in 1920 to 12 per cent. Wages, 28 per cent of the manufacturer's selling price, with the tariff 20 per cent. For many years certain hardware has been exported at less than domestic prices. Under the Payne tariff screws were exported at one-half the domestic price; files 40 per cent off, now 20 per cent off. A pipe fitter's tool is now exported at 45 per cent off the domestic price. We make many types of medium hardware of high quality as cheaply as anywhere in the world, barring the passing situation in Germany. Mr. Sargeant, founder of the Sargeant Hardware Co., said some 20 years ago:

"I have no difficulty in exporting those of my products that carry the greatest amount of the highest paid American labor. I have difficulty in exporting products that carry either little labor or cheap labor."

Bolts, nuts, washers: Production in 1914, $23,403,000, rising to $91,655,000 in 1919. Made in automatic machines, a single operator feeding long rods into a group of them, from each of which finished bolts come so fast one can not easily distinguish one bolt from another. Duty now averages 10.5 per cent, which prevents importations, which were 0.1 per cent in 1914 and 0.07 per cent in 1920, against exports of 7 per cent in 1914 and 8.4 per cent in 1920. The present duty is small, meaning only about $7,000,000 to the producers and twice that to consumers.

But it is wholly unnecessary.

With reference to brass, bronze, and copper manufactures, Mr. Miles says:

Our genius for automatic and semiautomatic machinery is fully evidenced in this industry. The Fordney rates are higher than the Payne, which averaged 35 to 42 per cent. This industry is substantially twin sister to steel, iron, and hardware.

He continued discussing steel and iron, as follows:

What reason can be given for duties on steel and iron? We have the greatest ore deposits and production in the world, minimum cost, maximum efficiency; large exports in all lines, imports entirely negligible, principally as ballast to the Pacific coast from Europe, made possible by our heavy transcontinental freight rates. Shall all America be taxed $150,000,000 per year to keep California from these small imports and to convenience a $3,000,000,000 industry?

Then he sets out a table in this statement, and concludes under that head with this statement:

Friends of industry say these small duties steady prices. Without them "vexatious quotations from abroad" would unsettle buyers, who, after all, could not afford to purchase abroad. This tariff means hundreds of millions of dollars on our total consumption in this "iron age," pyramiding from ore to rails, skyscrapers, implements, penknives, tinware, and scissors. The question of protection is not involved, as our costs of production are minimum.

That is on the whole steel and iron schedule. Referring to tinware, at page 5264, Mr. Miles said:

In the five years, 1902–1906, the wage cost of converting the black steel sheets into tin plate was, per box of 100 pounds, 19 cents, or 6 per cent of total factory cost. The steel sheets then cost $2.04; tin, per box of product, 63 cents; flux, fuel, and supplies, 11 cents; incidentals, 7 cents; general expense and depreciation, 14 cents. Total per box, $3.18. Nowhere can it cost less. The present duty of 15 per cent means some $12,000,000 to the makers, if added to prices, as it can be readily, and fully twice that to consumers with the tinware manufacturers' percentages added, then the wholesalers, and then the retailers—an entirely unnecessary and wicked total of $24,000,000.

This comes from a protectionist, a manufacturer, a representative of great organizations, and a great many people who are consumers, and I presume he is a Republican also. On this subject of tinware he said:

With tin free and their other raw material, steel sheets, produced very cheaply in this country and exported in huge quantities, the tinware makers are, nevertheless, given 20 per cent protection.

With a protection of 20 per cent and a total wage cost of 19 per cent, it is proposed to continue disregarding totally the question of the difference between the wage cost abroad and that in this country, more than covering the total wage cost by these exorbitant duties. He continued:

Production in 1914, $82,000,000, and in 1919, $234,000,000. The present duty of 20 per cent virtually embargoes imports, which were 0.2 per cent in 1914 and 0.37 in 1920, and presumably novelties. Exports are not separately shown and probably only about 1.5 per cent.

* * * * * * *

If the tinware makers used all their tariff allowance of 45 per cent in 1914, it netted them $25,000,000, less what they probably passed back to the tin-plate makers, who then had 35 per cent protection. This 45 per cent to tinware makers in 1914, if used, cost consumers on their tinware $50,000,000, against which the Government collected on imported tinware $60,000.

Mr. Miles had a word to say in behalf of the farmers, on pages 5246 and 5247, in part 58, of the hearings before the Finance Committee. I will not dwell further on that. My recollection is that I have heretofore mentioned it.

I do want, however, to especially call attention to what he said on the subject of the cost of protection, at page 5267 of this document, as follows:

When Congress fixes any percentage of duty it assumes that this percentage should be added to foreign prices to bring them up to our domestic prices based upon domestic costs. That is, if the duty is 30 per cent the domestic price may be, if the manufacturers so elect, 130 per cent of the foreign price, and domestic consumers must pay the prices so made. Says Mr. FORDNEY: "Whatever duty you put on is for the purpose of bringing the foreign value [price] up to our value."

How the chairman of the Committee on Ways and Means can have any hope that there will be a reduction in prices, or may be, under this bill, is beyond my comprehension. The purpose of the bill will be defeated if that happens, but it will not happen. It is a vain hope to expect these manufacturers, for whose benefit these duties are imposed, to surrender and give up those benefits in the interest of the consumers of the country. This statement shows the purpose and the theory upon which a protective tariff is built. Mr. Miles continued:

On this basis the amounts voted by Congress for use of domestic manufacturers at their discretion, without check or control, is shown for 29 industries on the chart here presented.

That is practically the table which I submitted and which has been included in the record, appearing on page 5268 of this pamphlet. Mr. Miles said further:

The amount collected by the Government in duties on these products is also shown. The Government collects in thousands of dollars and makes consumers liable in millions. In short, the Government collected $1 for each $100 it made the consumer liable for. The tariff used to provide one-third of the Federal revenue; now only 8 per cent. It never meant so little to the Government nor so much to the consumer.

These manufacturers never showed their cost books nor gave any proof of their needs. They simply talked to committees of Congress in loose and general and often disingenuous terms. They now ask for great increases in their rates, to cost the public additional billions.

As retail prices on highly manufactured articles—excepting such large or conveniently handled articles as automobiles—are double the manufacturers' prices—due to their passing through several hands from the manufacturer to the consumer—these great grants of protection to industries cost the consumer up to a possible $2,467,000,000 in 1914 and $4,741,000,000 in 1919, as here shown. As these industries yield only about 30 per cent of all customs revenue the total cost of carelessly granted duties is very large when those not here listed are allowed for. The industries were voted sums equal to the war expenses under which we groan; the Government went elsewhere for its sustenance. The products of these few industries cost the consumers an average of $40 in 1914 and $104 in 1919. The per cent of the product going to labor in 1914 was 20.3 per cent. In 1919 it was only 16.9 per cent.

He was referring to these industries mentioned in the list which I have heretofore incorporated in the record. He continued:

In the old days of sharp competition manufacturers added only the part of the tariff necessary for fair profits. Competition would not let them add more. Competition was the protector of the consumer, just as the tariff protected the manufacturer. In time manufacturers learned by consolidations and price agreements to add all of the tariff and to work Congress for more. McKinley failed to see the danger. He was father to more trusts than Abraham had children. Count the trusts incorporated under the McKinley tariff and note their relation to the McKinley tariff rates—their excessive capitalization and high prices. The tables on pages 5239–5240 tell part of the story.

I wish very much that this pamphlet, No. 58 of the hearings before the Finance Committee, could be in the hands of every citizen of this country. I have perhaps wearied the Senate with too many references to it to-day in connection with these observations, but I want to get as much of it as I can, that which applies especially to these vital industries, in the minds of those who are to vote on this bill, and also to the people of the country, who have finally to pass upon its wisdom.

There is just one other subject to which I wish to refer, and then I will conclude. Hearings have been going on for five weeks, every day during that time except one Saturday, before a joint committee composed of members of the Merchant Marine and Fisheries Committee of the House and the Commerce Committee of the Senate. They have been hearing what those who favored the bill for the establishment of an American merchant marine, commonly known as the subsidy bill, have to offer in support of it.

There is no argument needed here or anywhere else to show that we ought to have an adequate American merchant marine. We ought to have ships American owned and American operated for the benefit of American commerce, sufficient to carry from 50 to 60 per cent of our overseas commerce. I say there is no need to offer any argument in support of that proposition, because I think it is pretty well conceded all over the country that that would be a most desirable thing. There is no argument against it. The only question is how to get it. How can we create and establish this adequate American merchant marine that all our people, particularly after our experience in the war, fully realize ought to be created and established?

The proposal is that the Government shall pay out a certain amount for direct subsidies to American ships and that various other subventions and indirect subsidies shall be provided. I shall not go into the details of the bill; that is another story, and we shall have to talk about that later. I am simply mentioning this to show that we are seriously considering going into the Treasury of the United States to the extent of from $30,000,000 to $100,000,000 a year in order to create and establish a merchant marine under our flag to carry our products to all the ports of the world and bring to us the things we need.

The question arises if we are going to raise a tariff wall here so high that to a very great extent the products of other countries will be shut out, Is it worth while to tax the people $50,000,000 or $100,000,000 a year to build ships simply to move our products to other markets, ships which will have to come back in ballast? Can we ever build an American merchant marine on any such basis as that? Is it possible for any nation to build a merchant marine when the ships must go empty across the ocean, or return empty even though the ships go loaded down with our products?

We can not expect to load them with our products very long unless we are going to take the products of other countries in exchange, because people with whom we trade have not the gold with which to buy our goods. They can only buy them with their goods. What is the use of going on here to devise a plan to build up a merchant marine if we are going to build up a tariff wall that will so restrict and limit importations as to make it impossible successfully or profitably to operate such a merchant marine?

I refer once again to Mr. Miles's statement at page 5231 as bearing on that point, where he said:

If you build this tariff wall high, you shut the foreigners out and at the same time you shut us all in and make the general consuming public the victims of circumstances and the domestic manufacturers.

That is the whole story. We can not afford to tax our people to build up a merchant marine if we are going to pass laws that will oblige those ships to return to us empty.

Mr. President, I apologize for going into this matter in such a tedious way, but it is very important, and the facts which I have attempted to present ought to have some weight, it seems to me, in passing upon the merits of the bill.

Mr. BROUSSARD obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McKellar	Sheppard
Ball	Gooding	McLean	Simmons
Borah	Hale	McNary	Smoot
Broussard	Harris	Moses	Spencer
Bursum	Harrison	Myers	Sterling
Calder	Heflin	Nelson	Sutherland
Capper	Hitchcock	Newberry	Swanson
Caraway	Johnson	Norbeck	Townsend
Colt	Jones, N. Mex.	Norris	Underwood
Culberson	Jones, Wash.	Oddie	Wadsworth
Cummins	Kellogg	Overman	Walsh, Mass.
Curtis	Kendrick	Page	Warren
Dial	King	Pepper	Watson, Ga.
Dillingham	La Follette	Phipps	Weller
Ernst	Lenroot	Pittman	Williams
Fletcher	Lodge	Poindexter	Willis
France	McCormick	Rawson	
Frelinghuysen	McCumber	Robinson	

The VICE PRESIDENT. Seventy Senators have answered to their names. A quorum is present.

Mr. BROUSSARD. Mr. President, I wish to take up at this time for discussion one of the schedules which will come up a little later on. In order to submit the facts to the Senate I desire now to take up for consideration the rice schedule.

Mr. President, the domestic rice industry on a large scale is decidedly a new one. By consulting the annual yearbooks of the Department of Agriculture we find that as late as 1895 rice was not grown in sufficient quantity in this country to receive any mention. The rapid strides made by this industry can best be illustrated by calling attention to the fact that in discussing "The Combined Yield of Ten Principal Crops," the Secretary of Agriculture, on November 15, 1920, takes up the rice industry as the third one for discussion and consideration; and in the treatment of the rice industry mentions the fact that the crop of 1920 amounted to 54,000,000 bushels.

In order to show to what extent the rice industry was developed previous to the depreciation of farm values and farm products subsequent to the war I desire to insert here an excerpt from the Monthly Reporter, United States Department of Agriculture, for December, 1920, which shows the acreage of rice in the United States for 1920 by States, and the yield per acre of each State for that year, to wit:

State.	Acreage, 1920.	Yield per acre, 1920.	Production, 1920.
		Bushels.	*Bushels.*
North Carolina	400	25.0	10,000
South Carolina	4,100	25.0	102,500
Georgia	1,100	26.4	290,400
Florida	3,000	24.0	72,000
Missouri	500	50.0	25,000
Alabama	500	31.0	15,500
Mississippi	3,000	31.0	93,000
Louisiana	700,000	36.0	25,200,000
Texas	281,000	34.0	9,554,000
Arkansas	181,400	44.0	7,981,600
California[1]	162,000	60.0	9,720,000
United States	1,337,000	40.2	53,064,000

[1] Figures include only 45 per cent crop of California.

It will be noticed that out of a total production for 1920 of 53,064,000 bushels, Louisiana produced 25,200,000 bushels and had under cultivation in rice 700,000 acres of land. This table shows that in 1920 there was a total of 1,337,000 acres cultivated in rice in this country.

It is quite true, Mr. President, that the rate on rice in effect for that year was the Underwood-Simmons tariff rate, which is the same proposed under the Finance Committee amendment. But the demand for foodstuffs during the World War had removed all the injurious effects of a low tariff rate; the price of all foodstuffs had so increased in the war period between 1914 and 1918 and extending to 1919 that the production of rice, as well as of other agricultural products, had been stimulated, with the result that the 1920 crop was the largest rice crop ever produced in the United States. But 1920 saw smashed prices for all agricultural products, which could find no market at all or had to be sacrificed at a price much less than the cost of production. The rice producers were forced to sell at a loss of $1 per bushel less than the cost of production. It was found that rice from the Orient would flood the American market, unless a higher tariff rate were adopted, because the Underwood-Simmons rate, which is the rate proposed under the Finance Committee amendment, was too low. Consequently, when the emergency tariff bill was adopted, on May 27, 1921, the rate on rice was doubled and was fixed at nearly the identical rate as that passed by the House in House bill 7456, the pending tariff bill. And that is nearly the identical rate which I ask the Senate now to adopt. The rate under the amendment proposed by me is certainly not too high, because under it there were imported in 1921, notwithstanding the large surplus of rice in this country, hundreds of millions of pounds of rice, as I shall show later; and I shall show, moreover, that it is less than any tariff rate on rice adopted by Democratic as well as Republican Congresses in the past, with the single exception of the Underwood-Simmons bill, which, as I have said, is the same rate as that now proposed by the Finance Committee.

Mr. President, the total farm value basis on December 1, 1918, 1919, and 1920, of rice is shown by the same monthly report above quoted.

Mr. President, I shall not take the trouble to read the table, but ask that it may be inserted in the RECORD as a part of my remarks without being read. I shall content myself with referring merely to the totals given.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Rice crop of the United States, 1918–1920.

[From the Monthly Crop Reporter, United States Department of Agriculture.]

State.	Price per bushel Dec. 1 (cents).			Total farm value, basis Dec. 1 price for December, 1920.			Value per acre, basis Dec. 1 price.		
	1920	1919	1918	1920	1919	1918	1920	1919	1918
North Carolina	167	275	200	$17,000	$28,000	$20,000	$41.75	$67.10	$40.00
South Carolina	290	300	195	296,000	270,000	203,000	72.50	73.20	44.85
Georgia	225	275	175	65,000	80,000	54,000	59.40	66.00	45.50
Florida	175	263	140	126,000	126,000	41,000	42.00	63.12	33.60
Missouri	131	240	180	33,000	55,000	45,000	65.50	91.20	81.00
Alabama	290	270	150	46,000	43,000	22,000	89.90	71.28	37.50
Mississippi	200	190	150	186,000	182,000	104,000	62.00	55.10	34.50
Louisiana	110	271	195	27,720,000	53,420,000	32,573,000	39.60	95.39	56.16
Texas	125	280	197	11,912,000	19,594,000	15,445,000	42.50	89.88	63.04
Arkansas	131	240	180	11,645,000	15,523,000	11,597,000	64.19	105.60	68.22
California	121	267	190	11,761,000	24,831,000	13,938,000	72.60	160.20	124.45
United States	118.9	266.8	191.8	63,837,000	114,152,000	74,042,000	47.75	104.55	66.19

Mr. BROUSSARD. It will be seen from the above figures that the average value of rice on December 1, 1920, was $1.189 per bushel. But in 1921, before the enactment of the emergency tariff bill, rice was selling at 50 cents per bushel. The total farm value of rice on December 1, 1920, was $63,837,000. The bottom had dropped out of farm products at that time and necessarily affected values, for the same table shows that at the peak of prices in the previous year, on the corresponding date, December 1, 1919, the value per bushel of rice was $2.688, while the total farm value of rice was $114,152,000. The farm value of rice on the 700,000 acres of land cultivated in rice in Louisiana alone was $53,420,000.

It is interesting, Mr. President, to note that the rice crop produced in 1919 on 1,091,800 acres was valued at $114,152,000, while the rice crop of 1920 produced on 1,337,000 acres was valued at only $63,837,000. The figures are more interesting when we consider that the Department of Agriculture placed a value for the crop of 1920 at $1.18, while little of it was sold in 1920, and in 1921, before the enactment of the emergency tariff act, could sell for only 50 cents per bushel. This illustrates the utter collapse at the time of markets for farm products.

So far as the rice industry is concerned it was one of the industries saved by the emergency tariff bill. It has not recovered any of its enormous losses of 1920, but the measure has saved the industry by saving the rice farmer from incurring subsequent losses, which would have destroyed him. The farmer needs to-day, and will need in the future, the same rate which the emergency tariff act gives him. It will be readily seen, therefore, that the rice industry is a very important one and that its development has been phenomenal since, as previously stated; previous to 1895 the Annual Year Book of the Department of Agriculture did not find the rice culture of sufficient importance to mention rice as an agricultural industry.

It is rather difficult to obtain figures showing final difference of the cost of production in this country and in the Orient. I may refer to some of the items and compare the cost in order to impress the great necessity for protecting American labor and American investment. For instance, in Louisiana Bulletin No.

172, issued in September, 1920, the average cost per acre of irrigation for the crops of 1910–1918 in the Southern States is shown to be $6. The United States Department of Agriculture ascertained that the cost reached $10 in 1920. Comparing this cost per acre for irrigation to that in the Orient, as given in the book published by Dr. F. H. King, formerly professor of physics at the University of Wisconsin and former chief of Division of Soil Survey, United States Department of Agriculture, we see the great disparity. The cost per acre there of irrigation is shown to be from 77 to 96 cents per acre for the season.

Doctor King has recently investigated thoroughly the agricultural conditions in Japan, Korea, and China and explains how, due to cheapness of labor, it is not found profitable in those countries to irrigate the land by means of modern pumps operated by machinery. He shows that the coolie labor in China gets $8.60 (American money) per year, with board and lodging, and we know that this labor is fed entirely on rice, of which so much is cultivated in the Orient that our total American production is less than 1 per cent of their production. Chinese labor, therefore, is necessarily very cheap. The irrigating pumps in the Orient are operated by man power. The devices for the various pumps have been invented thousands of years ago. To illustrate as to the cost of labor, Doctor King shows that in China the rice seed is considered so valuable, when compared to the cost of labor, that it is sprouted in beds and then transplanted by hand. The cost per acre for transplanting the young rice plants average "nearly 21 cents." The work of transplanting, irrigating, and harvesting is done by men, women, and children. In Louisiana Bulletin No. 172, above referred to, the average cost itemized for producing 1 acre of rice in the years 1917–18 was $31.95 per acre, the increase being due to increase of wages in the latter part of that period. For the year 1910 the cost per acre had been $27.26, while for the year 1920 the cost had increased so enormously that it was conservatively estimated at $60 per acre. Mr. President, I desire to insert here the table showing the itemized estimated cost of the production of 1 acre of rice, as printed in Louisiana Bulletin No. 172, obtained at the United States Department of Agriculture. I ask that the table may be inserted in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Itemized estimated cost of production of 1 acre of rice.

	1917–18	1910
Plowing	$1.46	$1.26
Disking	2.68	2.13
Harrowing	.89	.28
Pulverizing	.54	.30
Drilling	.68	.20
Fertilizer	2.00	1.40
Seeds	2.50	1.66
Weeds and red rice	1.00	.75
Levees and maintenance	.50	.40
Cutting roads	.20	.18
Harvesting	2.81	2.25
Threshing	3.00	3.00
Hauling	1.00	1.00
Warehouse and insurance	1.00	1.00
Water rent	6.00	6.00
Shop and tools	.20	.20
One-half automobile expense	.50	.40
Telephone	.07	.07
Insurance	1.20	1.20
Fencing	.10	.08
Taxes	.62	.50
Interest on investments	3.00	3.00
Total	31.95	27.26

Mr. BROUSSARD. Doctor King further refers to what he considers one of the most important farms in China—that of Mrs. Wu. He reports that she employs seven men at the rate of $24 (Mexican) for five months' work, which is the time devoted to the rice crop, furnishing their meals; and he states:

> The cash outlay for the seven men was equivalent to $14.45 of our currency per month.

So that we are informed by Doctor King, whose figures are not challenged and whose reputation is well established in this country, that the rice farmer may employ coolie labor at the rate of $2.06 per month if labor is only wanted for a period to grow and harvest one rice crop; while if it is desired to employ coolie labor per year, the cost is $8.60.

Doctor King states that some of the farms in China produce two rice crops per year; but in China, Korea, and Japan all other rice lands produce each year one other staple crop beside rice. I have visited China, Japan, and the Philippine Islands. In China and Japan much of the lands have been in cultivation for 3,000 or 4,000 years. These must be fertilized, and for that reason the water must be drained off the land to permit the application of the fertilizer, which consists mostly of mud from the rivers, and human manure. But in case the land is more recently brought into cultivation, as I have seen in the Philippines, the cost of irrigation and weeding is avoided by keeping the same water in the field; the plants being set in the water in rows by hand at a cost of 21 cents per acre or less.

Of course, any American who would expect American labor and capital to compete with this class of labor can not have at heart the welfare of American citizens. Our farmers are expected to read newspapers and magazines in order to exercise intelligently their rights of suffrage. They are expected to attend church and to dress decently, to educate their children, and to properly clothe and feed them; and it is impossible for our farmer to compete with a farmer of the Orient, of whom Doctor King states it is estimated that his wardrobe, once procured, could be maintained with an annual expenditure of $2.25 of our currency. This amount would be sufficient to maintain both repairs and renewals. These comments refer to the farmer; but I have already shown that the coolie laborer works for a wage of $8.60 per year, with board and lodging, and we may assume the character and type of the coolie laborer's wardrobe if we take into consideration the obligation which, as the father of a family, he must discharge toward his wife and children. The economic conditions in the Orient are such that mothers and children of tender age are forced to assist in earning their own living; their food consisting entirely of a rice ration, which is the cheapest food in Japan, Korea, and China.

The production of rice in this country requires unusual equipment and considerable plant investment. Special implements, requiring six to eight large mules, or tractors, are needed. These implements are very costly and require handling by skilled experts, and for the best results the highest degree of intelligence in the laborer is essential. The irrigation plants consist of the most modern engines and pumps, and in most instances cost thousands of dollars. The reaper and binder and thresher are likewise expensive equipments, all of which demand the most careful handling by trained hand and mind. It will be seen, therefore, Mr. President, that this industry depends upon the energy and the production of other industries in this country, and that it encourages—and further developments will in turn assist to encourage—those engaged in the raising of horses and mules, in the manufacture of implements and machinery, in the manufacture of sacks and bags, and in the lumber and fuel trade and other industries, all of which are bought in the American market by the rice farmer.

Mr. President, I take from the Summary of Tariff Information, 1921, page 695, the following statement:

> Compared with the enormous crops and exports of the Orient, the domestic production is insignificant. However, with the exception of certain kinds imported to meet special requirements, the American output supplies substantially the entire domestic demand, and permits an export of over 400,000,000 pounds.

This statement, unless explained, would leave a wrong impression, as the period referred to is not mentioned. It can be made to cover the last two years, which are abnormal years, although the figures are too large. We all remember how, due to the demand for foodstuffs, all production of foodstuffs increased, and how then the market broke. This was the cause of low values for agricultural products, which necessarily affected the price of rice and the demand for rice in this country.

Due to the large amount of rice on hand for which there was no demand in this country, the surplus was offered at a very low price to any domestic or foreign buyer, and I know of many instances where large quantities of rice were exported from this country as a gift to starving people in Europe. In one shipment of which I have personal knowledge 5,000 tons were donated to the starving Armenians. There were other donations, while other large quantities were sold at very low prices, as low as $1 per bushel in the year 1920, and in January, 1921, rice had reached the low price of 50 cents per bushel. Like the western farmer who refused to buy coal and burned his corn crop as fuel, the rice farmer tried in every way to get the surplus on hand out of the way before the next crop came in. But the statement that we produce enough rice to export 400,000,000 pounds per year is not accurate, in that it applies only to the last couple of years, when conditions were extremely abnormal. Even then the table which I shall read to you shows that it is an exaggeration for these two years. This statement, beyond controversy, is proven by the following statistics taken from the Monthly Summary of Foreign Commerce, which I ask may be printed at this stage in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The totals of imports and exports for each year have been added by fiscal years and show the following result:

	Pounds.
1921:	
Exportation	440, 855, 298
Importation	96, 804, 612
Surplus exportation over importation	344, 050, 686
1920:	
Exportation	483, 385, 259
Importation	179, 921, 961
Surplus exportation over importation	303, 463, 298
1919:	
Importation	363, 726, 263
Exportation	193, 128, 000
Surplus importation over exportation	170, 598, 263
1918:	
Importation	456, 058, 608
Exportation	196, 363, 268
Surplus importation over exportation	259, 695, 340
1917:	
Importation	216, 048, 858
Exportation	181, 372, 310
Surplus importation over exportation	34, 676, 548
1916:	
Importation	264, 324, 005
Exportation	121, 967, 465
Surplus importation over exportation	142, 356, 540
1915:	
Importation	277, 191, 472
Exportation	77, 480, 065
Surplus importation over exportation	199, 711, 407
1914:	
Importation	290, 194, 917
Exportation	22, 414, 326
Surplus importation over exportation	267, 780, 591
1913:	
Importation	222, 103, 547
Exportation	38, 195, 490
Surplus importation over exportation	183, 908, 057
1912:	
Importation	190, 063, 331
Exportation	39, 446, 571
Surplus importation over exportation	150, 616, 760
1911:	
Importation	208, 774, 795
Exportation	30, 063, 361
Surplus importation over exportation	178, 711, 434
1910:	
Importation	225, 400, 545
Exportation	26, 799, 188
Surplus importation over exportation	198, 601, 357
1909:	
Importation	222, 900, 422
Exportation	20, 511, 429
Surplus importation over exportation	202, 388, 993
1908:	
Importation	212, 783, 392
Exportation	28, 444, 415
Surplus importation over exportation	184, 338, 977
1907:	
Importation	209, 603, 180
Exportation	30, 174, 371
Surplus importation over exportation	179, 428, 809
1906:	
Importation	166, 549, 957
Exportation	38, 142, 103
Surplus importation over exportation	128, 407, 854
1905:	
Exportation	113, 282, 760
Importation	106, 483, 515
Surplus exportation over importation	6, 799, 245
1904:	
Importation	154, 221, 772
Exportation	29, 121, 763
Surplus importation over exportation	125, 100, 009
1903:	
Importation	169, 656, 284
Exportation	19, 751, 448
Surplus importation over exportation	149, 904, 836
1902:	
Importation	157, 658, 894
Exportation	29, 591, 274
Surplus importation over exportation	128, 067, 620
1901:	
Importation	117, 119, 710
Exportation	25, 527, 846
Surplus importation over exportation	91, 671, 864
1900:	
Importation	116, 679, 891
Exportation	41, 066, 517
Surplus importation over exportation	75, 613, 374
1899:	
Importation	204, 177, 293
Exportation	15, 334, 589
Surplus importation over exportation	188, 842, 704
1898:	
Importation	190, 285, 315
Exportation	6, 200, 987
Surplus importation over exportation	184, 084, 328
1897:	
Importation	197, 816, 134
Exportation	3, 905, 734
Surplus importation over exportation	193, 910, 400
1896:	
Importation	146, 724, 607
Exportation	15, 031, 554
Surplus importation over exportation	131, 693, 053
1895:	
Importation	219, 564, 320
Exportation	1, 573, 336
Surplus importation over exportation	217, 990, 984

Mr. BROUSSARD. This table gives the figures for the last 27 years. I wish particularly to call attention to the fact that for the year 1921 we exported 440,855,000 pounds, and imported 96,000,000 pounds, a surplus of exportations over importations of 344,000,000 pounds. So it was in 1920, when we exported 483,000,000 pounds, and imported 179,000,000 pounds, which was a surplus of exportations over importations of 303,000,000 pounds. That, however, is the last year in which this occurred; for we find that beginning with the year 1919, and going back to the year 1895, we imported amounts largely in excess of the exportations. I shall take a few of the years which I have inserted in the RECORD in this table in order to show that my statement is absolutely true.

For instance, in 1918 the surplus of importations over exportations was 259,695,340 pounds; and so it is, taking them at random, in other years.

In 1914 the surplus of importations over exportations amounted to 267,780,591 pounds.

In 1913 the surplus of importations over exportations was 183,000,000 pounds plus.

In 1910 it was 198,000,000 pounds plus.

In 1909 the excess of importations over exportations was 202,000,000 pounds plus.

So it is, Mr. President, that this entire table goes to contradict the statement which was inserted in the summary of the tariff information to show that we produce more rice than this country needs, because the fact is that the average excess of importations of rice into this country supplies fully one-third of the consumption in this country.

The above figures, Mr. President, which have been carefully compiled by the Department of Agriculture, show that only during the last two years have the exportations exceeded the importations of rice. The exportations of previous years were far below the importations. These last two were unusual years, as everyone will admit, and may not be taken as a basis for any conclusions in the face of figures showing a contrary condition for all previous years. The fact that any rice is normally exported at all is largely due to the fact that the American consumer insists upon buying the very best quality of food. The cracked or broken rice is just as nutritious and just as white as the whole grain, but before and when cooked does not look so well. In this country even the average man likes to buy food of the very best quality, and although it may be explained to the consumer that this rice was broken by ma-

chinery which threshes and mills the grain, and is just as valuable for food purposes as the rice which is whole, he will not take the broken rice. Our competitors, the peoples living in the Orient, the people of Cuba, Mexico, Hawaii, and other people to whom the exportations are made, will sooner buy the broken grain at a cheaper price than buy the whole grain at a greater price. They are not so exacting as the American trade. The result is that although there is demand for more rice than we produce we still have a certain quantity of rice which finds no market here, especially since prohibition, since which the demand for brewers' rice has been discontinued, and it is for that reason that we export the less valuable quality of rice and balance our account by importing an equal amount of good rice as that exported plus such a quantity as the domestic market requires.

It must likewise be taken into consideration, Mr. President, that the years selected for the statement that we had a surplus of 400,000,000 pounds for exportation were for a period subsequent to the going into effect of the prohibition laws, and that this fact, which destroyed the domestic market for brewers' rice, forced the exportation of that portion of our production which was manufactured into beer. The records furnished by the Tariff Commission to the Finance Committee for the year 1916 show that 141,219,292 pounds were used by the breweries of this country. Prohibition necessarily had the effect of increasing the amount of rice exportations, because there is no demand in this country for this rice since the breweries are no longer in operation; and the rice industry, like other agricultural products, having on hand more rice of all kinds than the demand at home required, it was perfectly natural that every effort should have been made by the rice people for the years 1920 and 1921 to increase exportation and thereby remove from the American market such a large surplus as we had on hand in 1920, which surplus would have depressed the price of rice in subsequent years unless sold at any price in some other than the domestic market.

It is also a fact that some of the exportations in very many instances include rice which was imported into this country and which, finding no market because of its inferior quality, due to its lack of intrinsic food value or due to having been broken in the manufacture, must be exported to such a market as will consume that particular quality, and in that sense some of our exportations, in many years a large portion of it, are imports reexported.

The great importance of the rice industry is clearly shown by the production of that article of food in this country as shown in the table last quoted. The total domestic production in 1896 is shown to have been 96,886,400 pounds. It will be noticed that the total production for each year has been a progressive increase until in 1920, the last year reported by the Department of Agriculture, it reached a total of 1,491,944,444 pounds. I may add at this time that the production of California is reported only to the extent of 45 per cent for that year, which would also increase this total. I venture to say that no other industry, agricultural or manufacturing, can show a like rapid and steady increase. The growth is healthy, and if encouraged will soon meet all the demands of the country under normal conditions. Therefore let us encourage it, because it shows signs of soon being able to take care of itself.

The amendment which I have offered to H. R. 7456 reads as follows:

On pages 104 and 105 strike out entire paragraph 728 and insert the following:

PAR. 728. Paddy or rough rice, 1 cent per pound; brown rice (hulls removed), 1¾ cents per pound; milled rice (bran removed), 2 cents per pound; broken rice and rice meal, flour, polish, and bran, one-half of 1 cent per pound.

It will be noted, Mr. President, that this amendment is identically the same as paragraph 728 enacted by the House of Representatives, with the exception that I have omitted the following:

All the foregoing not specially provided for.

But for the objectionable words, I should have been content to have moved, at the proper time, to disagree to the Senate amendment, which motion, if successful, would restore the House rate with the objectionable words, and the move to strike out the objectionable words, which course I way yet adopt. But, Mr. President, this amendment serves the purpose for a discussion of the merits of restoring the House rate. The words omitted in my amendment, Mr. President, are very objectionable in view of the fact that it was intended as a saving clause to paragraph 1643 of the same bill intended to permit the importation, free of duty, of cleaned rice for use in the manufacture of canned foods. The emergency tariff bill enacted on May 27, 1921, placed the following rates on rice:

Rice, cleaned, 2 cents per pound, except rice cleaned for use in the manufacture of canned foods, on which the rate of duty shall be 1 cent per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, 1¾ cents per pound; rice flour and rice meal and rice broken which will pass through a No. 12 wire sieve of the kind prescribed by the Secretary of the Treasury, one-fourth of 1 cent per pound; paddy, or rough rice having the outer hull on, three-fourths of 1 cent per pound.

In order that we may discuss with intelligence the question of the tariff rate, I wish to read to you the tabulation of the different rates under various tariff acts, under Democratic and Republican administrations, beginning with the tariff bill adopted June 30, 1864, down to and including the emergency tariff now in operation, as well as the rate proposed by me under my amendment, which is as follows:

Bills.	Paddy, or rough rice.	Brown rice (hulls removed).	Milled or cleaned rice.	Broken rice, flour, etc.
H. R. 7456	1 cent	1½ cents	2 cents	½ of 1 cent.
Emergency	¾ of 1 cent	1¾ cents	2¾ cents	¼ of 1 cent.
Senate amendment	¾ of 1 cent	⅝ of 1 cent	1 cent	Do.
Underwood bill	do	do	do	Do.
Payne-Aldrich bill	¾ of 1 cent	1½ cents	2 cents	Do.
McKinley bill	do	do	do	Do.
Wilson-Gorman bill	do	⅘ of 1 cent	1½ cents	Do.
Tariff act, Oct. 1, 1890	do	1½ cents	2 cents	1½ cents.
Tariff act, Mar. 3, 1883	1½ cents	1½ cents	2½ cents	20 per cent ad valorem.
Tariff act, June 30, 1864	1½ cents	2 cents	2½ cents	
Broussard amendment	1 cent	1½ cents	2 cents	½ of 1 cent.

Mr. President, a comparison of the rates under the classification provided for imposing duties on rice will show that the Senate amendment fixes the identical rate carried under the Underwood bill, which is the tariff act of 1913. There is no previous bill which fixed a duty on rice as low as the Underwood bill, as it will be noticed that the Wilson-Gorman Act of 1894 fixed a duty twice as high on paddy, or rough rice, than did the Underwood bill, and that while the Underwood bill carried a duty of five-eighths of 1 cent on brown rice, with hulls removed, the Wilson-Gorman Act fixed a duty of eight-tenths of 1 cent per pound. And so with the milled or cleaned rice, the Underwood bill fixed a duty of 1 cent per pound while the Wilson-Gorman Act fixed a duty of 1½ cents. Every one of the other tariff acts fixed a duty considerably over the rate proposed by House bill 7456 for cleaned rice, and in two of the acts, that of 1883 and 1864, the rate on cleaned rice was 2¼ and 2½ cents, respectively. The Underwood bill has demonstrated that it affords inadequate protection to the agricultural interests of this country, and the Republican administration and the Republican Party, pledged to a protective tariff rate, can not afford to reenact the Underwood rice rates when their record shows that in the past they have stood for a higher rate than that asked in my amendment, and when it is further considered that the rates proposed by the Finance Committee are much lower than those carried by the Wilson-Gorman Act of 1894.

We have had but a short experience, so far as rice is concerned, with the Underwood bill, because the World War had the effect of suspending all rates. It operated, however, 10 months before the beginning of the war, and we are told in the Summary of Tariff Information, 1921, page 695, that "imports of cleaned table rice in 1914, following the reduction of the duty from 2 cents to 1 cent per pound, were 73,744,997 pounds, about four times those of the preceding year."

It will be seen, Mr. President, that if the rate is now again lowered from the 2-cent rate of the emergency tariff on cleaned rice and graduated downward to the proposed 1-cent rate graduated downward, that even under pre-war normal conditions we would soon be put out of business. But these are not pre-war normal conditions which confront the American agriculturist to-day. We may hope to settle down after a while to a stable condition, but no one expects to see the pre-war normal conditions return, even after the rest of the world becomes stable. We are now and for a long time will be the only people who can pay cash in gold for goods or products. Therefore the world is looking to this market, and consequently we are constantly in danger of having our manufacturers and agriculturists undersold, aye, even at a price far below the cost of production. That condition will last for several years to come. During these unsettled world conditions we should first assure the domestic market to the American producer. But even those who oppose giving the advantage to the American producer would hardly object to allowing such a rate on rice as I propose, because it is even less than the average rate of previous tariff bills, except the two Democratic bills. It would be beyond

understanding that this act should fix a rate below that of the Democratic tariff law known as the Wilson-Gorman Act.

I wish to say, Mr. President, that I hope the Finance Committee, through its chairman, will see the justice of the claim which I am presenting to the Senate, and will agree with me that the Senate should disagree to the committee amendment or accept my amendment, because it carries an equitable claim to which so many of my constituents feel they are justly entitled. The bill has been criticized on the ground that its rates are far higher than any previously enacted into law. The contention is without foundation as to many articles which have come under my observation. Certainly the duty on rice is ridiculously low, and I appeal to the Finance Committee and to the Senate to do justice to the American rice grower.

I ask leave to have printed as a part of my remarks the table which I send to the desk.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

Year.	Production.[1]	Imports.[2]		Total imports.	Exports.[3]		Total exports.
	Pounds.			*Pounds.*			*Pounds.*
1895	168,665,440	Hawaii	5,144,087	219,564,320	Rice	124,296	1,573,336
		Duty	136,157,324		Rice bran, etc	1,449,040	
		Rice flour, etc	78,262,909				
1896	96,886,400	Hawaii	4,354,500	146,724,607	Rice	1,346,876	15,031,554
		Duty	73,835,834		Rice bran, etc	13,684,678	
		Rice flour, etc	68,534,273				
1897	116,301,760	Hawaii	5,881,600	197,816,134	Rice	387,288	3,905,734
		Duty	128,058,330		Rice bran, etc	3,518,446	
		Rice flour, etc	63,876,204				
1898	136,999,720	Hawaii	4,414,300	190,285,315	Rice	637,146	6,200,987
		Duty	125,396,330		Rice bran, etc	5,563,841	
		Rice flour, etc	60,474,685				
1899	219,278,200	Hawaii	2,595,600	204,177,293	Rice	852,704	15,334,589
		Duty	151,241,425		Rice bran, etc	14,481,985	
		Rice flour, etc	50,340,267				
1900	253,139,200	Hawaii	596,100	116,679,891	Rice	12,947,009	41,066,517
		Duty	93,052,351		Rice bran, etc	28,119,408	
		Rice flour, etc	23,031,440				
1901	388,035,200	Rice flour, etc	42,601,649	117,199,719	Rice	1,078,958	25,527,846
		Duty	74,598,061		Rice bran, etc	24,448,888	
1902	319,293,960	Rice flour, etc	81,984,118	157,658,894	Rice	615,036	29,591,274
		Duty	75,674,776		Rice bran, etc	28,976,238	
1903	580,750,000	Rice flour, etc	91,338,974	169,656,284	Rice	532,092	19,751,448
		Duty	78,317,310		Rice bran, etc	19,218,353	
1904	586,001,056	Rice flour, etc	78,898,615	154,221,772	Rice	2,380,418	29,121,763
		Duty	75,323,157		Rice bran, etc	26,741,345	
1905	377,971,917	Duty	43,408,509	106,483,515	Rice	74,886,935	113,282,760
		Rice flour, etc	63,075,006		Rice bran, etc	38,415,795	
1906	495,972,222	Duty	58,468,791	166,549,957	Rice	3,969,772	38,142,103
		Rice flour, etc	108,079,166		Rice bran, etc	34,172,331	
1907	520,500,000	Duty	71,287,151	209,603,180	Rice	2,443,008	30,174,371
		Rice flour, etc	138,316,029		Rice bran, etc	27,731,363	
1908	608,045,000	Duty	87,619,202	212,783,392	Rice	2,195,947	28,444,415
		Rice flour, etc	125,164,190		Rice bran, etc	26,248,468	
1909	606,638,889	Duty	88,780,442	222,900,422	Rice	1,565,531	20,511,429
		Rice flour, etc	134,119,980		Rice bran, etc	18,944,898	
1910	680,883,334	Duty	82,662,162	225,400,545	Rice	7,049,597	26,799,188
		Rice flour, etc	142,738,383		Rice bran, etc	19,723,591	
1911	637,055,556	Duty	75,657,974	208,774,795	Rice	15,575,271	30,063,361
		Rice flour, etc	132,116,821		Rice bran, etc	14,488,070	
1912	695,944,444	Rice flour, etc	116,576,653	190,063,331	Rice	28,797,535	39,446,571
		Uncleaned and paddy	48,478,264		Rice bran, etc	12,649,036	
		Cleaned	25,008,414				
1913	715,111,111	Rice flour, etc	137,608,742	222,103,547	Rice	24,801,280	38,908,057
		Uncleaned and paddy	51,779,326		Rice bran, etc	14,109,777	
		Cleaned	32,715,479				
1914	656,916,667	Rice flour, etc	139,905,868	290,194,917	Rice	18,223,234	22,414,328
		Uncleaned and paddy	54,784,051		Rice bran, etc	4,191,092	
		Cleaned	95,503,998				
1915	804,083,333	Rice flour, etc	74,831,312	277,191,472	Rice	75,448,635	77,480,035
		Uncleaned and paddy	90,241,834		Rice bran, etc	2,031,430	
		Cleaned	112,118,326				
1916	1,135,027,778	Rice flour, etc	55,628,767	264,324,005	Rice	120,695,213	121,937,465
		Uncleaned and paddy	87,671,332		Rice bran, etc	1,272,252	
		Cleaned	121,023,906				
1917	964,972,222	Rice flour, etc	37,739,024	216,048,858	Rice	180,371,590	181,372,340
		Uncleaned and paddy	80,865,798		Rice bran, etc	750	
		Cleaned	92,453,035				
1918	1,072,388,889	Rice flour, etc	48,064,650	456,058,608	Rice	196,363,268	196,363,268
		Uncleaned and paddy	62,317,754				
		Cleaned	345,676,204				
1919	1,188,611,111	Rice flour, etc	33,831,809	363,726,263	do	193,128,001	193,128,001
		Uncleaned and paddy	49,688,672				
		Cleaned	280,205,782				
1920	[4] 1,491,944,444	Rice flour, etc	1,265,198	179,929,961	do	483,385,259	483,385,259
		Uncleaned and paddy	22,447,197				
		Cleaned	156,217,566				
1921		Rice flour, etc	1,427,658	96,804,612	do	440,855,398	440,855,398
		Uncleaned and paddy	33,267,922				
		Cleaned	62,109,032				
1922 (8 months ending Feb. 28, 1922)		Rice flour, etc	585,086	52,172,947	do	354,200,635	354,200,635
		Uncleaned and paddy	5,178,576				
		Cleaned	46,409,285				

[1] Statistical Abstract of United States, 1920, Bureau of Foreign and Domestic Commerce, Department of Commerce, p. 800.
[2] Statistical Abstract of United States, Bureau of Foreign and Domestic Commerce, Department of Commerce, for years 1895 to 1918, both inclusive. Later years from Monthly Summary of Foreign Commerce.
[3] Statistical Abstract of United States Bureau of Foreign and Domestic Commerce, Department of Commerce, for years 1895 to 1918, both inclusive. Later years from Monthly Summary.
[4] Figures include only about 45 per cent of California crop.

Mr. BROUSSARD. Mr. President, I desired to furnish this information at this time because there are contained statistics and tables in the summary and in the House hearings which deal almost exclusively with the years 1919 and 1920. Those are absolutely abnormal; they are not borne out by the results of any previous year's experience.

Perhaps I have injected this argument at an inopportune time, but it was for the purpose of getting these figures into the RECORD, and appealing to Senators that they may verify them with the documents to which they refer, so as to bear out the statement in time and before the schedule is actually taken up.

Mr. ROBINSON. Mr. President, I shall avail myself of this opportunity to submit some remarks in connection with the subject just discussed by the Senator from Louisiana [Mr. BROUSSARD], namely, the proposed tariff rates on rice carried in the pending bill. The amendment which the Senator from Louisiana has indicated a purpose to present is substantially

in conformity with existing law. Under the so-called emergency act the rates provided are as follows:

Cleaned or table rice, 2 cents per pound; uncleaned or rice free of the outer hull and still having the inner cuticle on, 1¾ cents per pound; paddy, or rice having the outer hull on, 1 cent per pound; rice flour, rice meal, and rice broken which will pass through a No. 12 wire sieve, one-half cent per pound.

So far as I know there is no convincing information in the record of the proceedings, either of the Committee on Ways and Means of the House of Representatives or of the Finance Committee of the Senate, which justifies the committee amendment reported by the Senate Finance Committee. No complaint has been submitted to either House of Congress respecting the existing rates. They are believed to be fair and satisfactory, although there are some who think that the rates on certain kinds of rice should be increased.

As a cereal of national importance it can not be said that rice takes a prominent place. In five States it is cultivated extensively, and so far as my information extends it is not cultivated elsewhere in the United States. Those States are Arkansas, Louisiana, Mississippi, Texas, and California. There is some production of rice in Georgia and South Carolina.

In the year 1920 there were in cultivation in Arkansas about 181,400 acres, the average yield per acre being 42 bushels, the total production amounting to 9,889,000 bushels. The average price per bushel December 1 is quoted at $1.31. This statement of average price is in my opinion excessive. The total farm value estimated as of December 1 was alleged to be $11,645,000. The crop value per acre was $64.19.

In Louisiana the acreage was 700,000, the yield per acre 36 bushels, the production 25,200,000 bushels, the price per bushel $1.10, the total farm value of rice produced was $27,720,000, the value per acre $39.60.

In the State of Mississippi the production was quite small, the acreage being limited in 1920 to about 3,000 acres, the yield 31 bushels per acre, the production 93,000 bushels, the average price $2 per bushel, the farm value $186,000, and the value per acre, basis of December 1 last, $62.

In the State of Texas it is said that there were cultivated 281,000 acres, with an average yield of 34 bushels per acre, a total production of 9,554,000 bushels, the price per bushel $1.25, the total farm value of the rice crop that year in Texas being $11,942,000 and the value per acre being $42.70.

I have before me a table showing the acreage, the average yield per acre, the total production, and total farm values for the years 1909 to 1920, inclusive. Later I shall ask leave to insert that table in the RECORD with other facts, but now I wish to point out that from 1909 the total acreage cultivated in rice in the United States increased approximately 100 per cent up to the year 1920, inclusive. There was unquestionably a very great decline in the acreage during the year 1921. My information is that only about 900,000 acres was cultivated during that year.

The cost of production per acre for the years 1917 and 1918 has been investigated by the Department of Agriculture and is compared with the cost of production in 1910, all of which is contained in the hearings on general tariff revision, part 3, tariff information, 1921, page 1719.

The cost of production increased in 1921 to about twice what it was in the year 1917. It is estimated by the Department of Agriculture to have been about $60 per acre for the year 1920. This is more than twice the cost in 1910, 1917, and 1918.

I have also a table showing the importations of clean rice for the various years by months, and I will insert that in the RECORD also for the purpose of showing the effect of the tariff under various laws on importations. The rates carried in the bill as reported by the Committee on Finance are those of the Underwood Tariff Act. It is singular to me that the Finance Committee, having heretofore approved of an emergency tariff bill and secured its passage, would report an amendment to this bill cutting in two the duties on this important product with no reason assigned in the record for that action and with no one urging that course. I think it will be found upon investigation to have been a mistake on the part of the committee and that the amendment proposed by the committee is not justified.

The cultivation of rice in the United States as a farm industry is peculiar and distinct from the production of nearly every other crop. It was about 1895 when rice began to be produced under the present system of irrigation in States outside of the State of Louisiana. It was found that lands productive of rice were unsuitable for the cultivation of almost any other agricultural product. Prairie lands, for instance, in the State of Arkansas, which were formerly of merely nominal value, by reason of their use in the cultivation of rice have increased from approximately $2 to $5 an acre to between $50 and $100 per acre. That increase, in my judgment, has been entirely due to the use of those lands in the production of rice.

The American rice crop is not of sufficient quantity to affect the price of rice in the international trade, and the price of American rice is dependent upon and fluctuates with the price of foreign rice in the world market. It is estimated by the Arkansas Rice Growers' Cooperative Association that there now exists in foreign countries an available supply of foreign rice which may be exported to the United States amounting to more than 117,000,000 bags of 100 pounds each. This amount is approximately nine times the total annual production of the United States.

Oriental rice, rice grown in China and Japan, is produced in the same manner and by the same methods which were applied hundreds of years ago. All of the labor that pertains not only to its production but to the harvesting of the crop in those countries is performed by hand. In the United States the labor that is applied to the production and harvesting of rice is in a very important sense highly skilled labor and very high priced. Unquestionably if the principle of protection in any degree is to be applied to raw materials, if it is to be imposed on any agricultural product, it should be applied to rice. Every argument which may be urged in support of a tariff on wheat or other cereals applies with equal or greater force to the rice product.

It is very difficult to obtain the necessary accurate information for a reliable comparison between the cost of producing rice in the United States and the cost of producing rice in China and Japan and other oriental countries. A casual investigation of the subject would indicate that the labor cost in the United States is from 8 to 10 times the labor cost in the oriental countries. The rice product of this country is unquestionably a better product than that to be obtained from the oriental countries.

While the rice crop is not of great national importance, it is undoubtedly of particular interest to the States in which it is grown. The United States has increased production of rice by 100 per cent during the last 10 or 12 years, and there exists in this country now approximately 3,000,000 acres of land not in cultivation for any purpose which is adapted to growing rice. If the industry is continued this area will within a few years in all probability be cultivated for that purpose.

When the Underwood tariff law was enacted, carrying a reduction below the rates in the Payne-Aldrich law, and below the rates carried in the Wilson Act, importations of rice were very greatly increased. The table which I will print in the RECORD shows the increase which occurred in importations. The American rice acreage is undoubtedly too small materially to affect the price of foreign rice, but on the other hand, the price of American rice fluctuates with the price of foreign rice.

Under the circumstances there is no justification whatever in a bill materially advancing the rates on manufactured products, a bill presented as designed to protect American agriculture, for this amendment which reduces the prevailing rates on rice, and I apprehend that before the debates have concluded that this view will be expressed by the Senate.

Mr. President, I now ask leave to insert in the RECORD a brief, incorporating the tables and other material facts relating to this subject, submitted by the Arkansas Rice Growers' Cooperative Association.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

To the chairman and members of the Ways and Means Committee, Washington, D. C.

GENTLEMEN: The rice growers, land owners, operators of irrigation plants, and the millers and distributors of rice in the States of Louisiana, Texas, and Arkansas, and all others either directly or indirectly interested in the rice industry, or affected by its success or failure, request and urge you to include in the new permanent tariff bill a schedule providing the House rates on rice.

The tariff rates which are proposed and which are thought necessary to safeguard the rice industry of the United States are as follows, and you are respectfully urged to include these rates in the approved rice schedule:

TABLE I.

	Cents per pound.
Cleaned (or table rice)	2
Uncleaned (or rice free of the outer hull and still having the inner cuticle on)	1¾
Paddy (or rice having the outer hull on)	1
Rice flour, rice meal, and broken rice which will pass through a No. 12 sieve	½

As a cereal of national importance rice does not take rank with wheat or corn, but in the three States mentioned it is of prime importance. The acreage devoted to the production of rice, and consequently the total production, has, with few exceptions, constantly increased since the year 1909, as will be shown in Table II below. It will be noted in this table that the production has more than doubled

during the past seven years; that the 1919 crop had a farm value of more than a hundred million dollars, and that during the year 1918 and 1920 more than one million acres have been planted to rice, and in 1921 the acreage was approximately 900,000 acres.

TABLE II.

Year.	Acreage.	Average yield per acre.	Production.	Total farm value.
		Bushels.	*Bushels.*	*Dollars.*
1909	720,225	33.8	24,368,000	19,341,000
1910	722,800	33.9	24,510,000	16,624,000
1911	696,300	32.9	22,934,000	18,274,000
1912	722,800	34.7	25,054,000	23,423,000
1913	827,100	31.1	25,744,000	22,090,000
1914	693,530	34.1	23,649,000	21,849,000
1915	802,600	36.1	28,947,000	26,212,000
1916	866,300	47.0	40,702,000	36,187,000
1917	964,100	37.6	36,278,000	68,707,000
1918	1,112,770	36.3	40,424,000	77,474,000
1919	1,089,800	37.7	41,059,000	109,613,000
1920[1]	1,341,163	39.7	53,269,777	63,284,495

[1] Rice Millers' Association estimate of December 20, 1920.

NOTE.—The United States Government estimates the cost of producing an acre of rice during 1920 at $60. At this rate, compared to the present farm value as shown in Table II, the loss to the producer amounts to approximately $17,185,295, to deliver the rough rice to the mills.

In October, 1913, the Underwood law became effective; and on the first full business month—November—after this law became effective, and after sufficient time had elapsed so that changed business conditions could become noticeable, it was perceived that an enormous increase in the importation of rice resulted. Table III gives the importation of cleaned rice by months from November, 1912, to October, 1914, inclusive, and also gives the percentage increase in importation under the low Underwood tariff law, as compared with that of the same months of the preceding year under the higher Payne-Aldrich Act. Your attention is called to the enormous increase in importations up to and including August, 1914. During the months of September and October, 1914, the commerce of the world was greatly disrupted and shipping was at practically a standstill, due to the advent of World War hostilities. However, the Pacific Ocean was open for commerce during this time, and the increase in rice imporations from neutrals during these months showed a perceptible increase over the importations during the same months in 1913.

The Underwood tariff act, effective October, 1913, provided a protection of only 1 cent per pound on cleaned rice, which is one-half the amount of the Payne-Aldrich Tariff Act. The increase in importation of cleaned rice is here shown to be practically wholly due to the decrease in the tariff protection, because over the period shown in Table III there was an actual decrease, approximating 5 per cent, in the importation of broken rice, rice meal, etc., the tariff on which had not been changed by the Underwood bill. For uncleaned rice, including paddy, there was a reduction from three-quarters of 1 cent per pound to three-eighths of 1 cent per pound in the tariff protection. There is normally but little business in this character of rice, but nevertheless this decrease in the tariff protection showed an increase of 5 per cent in the yearly importation following October, 1913, over the importation of the preceding 12 months. Your attention is called in this connection back to Table II, wherein the acreage planted is shown to have decreased from 827,100 in 1913, to 693,530 in 1914, a decrease of 16.2 per cent. This decrease in acreage can, in a large manner, be attributed directly to the unwillingness of the rice planters to embark upon farming operations for the production of a crop which they were admirably suited to produce, but from the sale of which they had no assurance of securing a living price because of the wholesale dumping of cheap foreign rice into our home markets, particularly Porto Rico. The war period again came to the rescue of the rice industry, greater production of all foodstuffs was urged by the Government, and it was certain that the producers of rice in Asia would not be able or inclined to put their wares on the American market during the war period.

TABLE III.—*Importation of clean rice.*

Under Payne-Aldrich tariff bill (rate 2 cents).[1]		Under Underwood tariff bill (rate 1 cent).[1]		Increased importation due to smaller tariff rate, in per cent.	
1912.	*Pounds.*	1913.	*Pounds.*		
November	1,870,649	November	7,935,854		324.22
December	1,574,184	December	14,100,321		795.72
					157.40
1913.		1914.			155.10
January	3,260,347	January	8,392,280		236.77
February	3,662,984	February	9,343,096		118.21
March	3,637,962	March	12,251,719		474.39
April	5,797,298	April	12,650,095		320.78
May	2,019,526	May	11,600,039		286.73
June	2,170,557	June	9,133,273		291.09
July	2,019,047	July	7,818,203		
August	1,741,130	August	6,809,408		
	27,753,684		100,034,308	Average	260.44
September	3,208,823	September	3,370,687		5.04
October	3,128,321	October	3,855,002		23.23
12-month period	34,090,828		107,259,997	Average	214.63

[1] Rate on whole grain grade of completely milled rice.

The American rice crop is not of sufficient size to materially affect the price of rice in the international trade, hence the price of American rice is dependent upon and fluctuates with the price of foreign rices in the world's market.

Without considering the vast acreage in China, on which no reliable data can be secured, the United States has less than 1 per cent of the world's acreage, hence in the international rice trade our voice is extremely faint. If we do not have sufficient protection we will not only have to meet foreign rice in foreign markets but the competition will very likely be keen in our own home markets and in the markets of our insular possessions and at prices dictated by the Asiatic exporters.

There is at the present time in sight in foreign countries a known available supply of rice which constitutes an exportable surplus of 117,214,536 bags—100 pounds each—of cleaned rice. This amount is roughly nine times the total production in the United States.

The majority of the rice in the international rice trade originates in south Asia, including India (Burma), Siam, and Saigon, principally, and to a lesser extent Japan, Formosa, Korea, Spain, Italy, and Brazil. The prices, according to the latest quotations, are: Rangoon, grade No. 2, $2.68; Saigon, grade No. 1, $2.60; Siam, grade No. 1, garden variety, $3.45, delivered in Europe. These same rices may be shipped at the present rates of freight and on the same basic prices to San Francisco for $2.75, $2.40, and $3.07, respectively, and to New York or New Orleans for $3.20, $2.85, and $3.52, respectively. The prices quoted are on the regular commercial grades, with the insurance and freight paid to destination, and the prices are quoted on the basis of 100 pounds. It is true that our American rice is of better quality, but this advantage, when expressed in dollars and cents, amounts to only about three-quarters of a cent per pound. Including the present very meager tariff protection, rice from India can be sold at present prices for $3.75 per 100 pounds delivered, with duty paid, and would very likely be purchased by the consumer at this figure whenever the rice produced in the United States sells for as low as $5.75 to $6 delivered in New York. The freight cost for bringing rice from Hongkong to San Francisco is 8 cents less per hundred pounds than the freight rate on American rice grown at Crowley, La., and shipped by rail to New Orleans and by water to New York. It will be seen that when the price of American rice f. o. b. the southern mills reaches the 5-cent basis for "fancy" grade we may naturally expect competition from the Asiatic rices in New York and the adjacent territory.

The price of rice in Porto Rico is one of the most important factors governing its purchase by the natives, who are not connoisseurs of high-grade rice but buy it in large quantities only for its food value, therefore purchasing it at the cheapest possible price. The difference in value of three-quarters of 1 cent per pound, before mentioned as expressing the difference in quality between our rice and the Asiatic products, would not be sufficient inducement for the Porto Rican laborer to buy American rice. At the earliest moment after the price difference between the American cleaned rice delivered and the Asiatic rice delivered in Porto Rico exceeds 1 cent per pound—the proposed tariff protection—we will expect keen competition and underselling in Porto Rico. This is a good and dependable market for 10 per cent to 15 per cent of our production, or, roughly, 1,200,000 to 1,400,000 pockets.

There is another item of interest in connection with this question, and that is a comparison in the cost of production under the American methods and under foreign methods. It is true that in the United States machinery is used extensively in rice production, and comparatively large areas are handled by few men, while in the Orient a single man is able to successfully handle but a few acres. Our labor expense, of course, is in many instances as much as from fifty to one hundred times as great as theirs. Furthermore, the price of machinery and the cost of its upkeep have been materially increased during this era of high prices. The United States Government has just completed a survey of a large number of average rice farms in the State of Texas, and though the final results have not been officially given out, published preliminary reports state that it cost approximately $60 per acre to produce rice in 1920. With this information as a basis and with an average yield of 36 bushels—5-year average United States—per acre, the cost of 100 pounds of cleaned rice is shown to be $6 plus 50 cents, which is considered to be a fair price for milling, yields $6.50 per 100 pounds of cleaned rice when no insurance, transportation, or freight charges, selling charges, storage, etc., are included. Compare this price with the present price of foreign rices, and it is easy to see that there is a real and strong possibility that this country will likely be flooded with the cheap foreign rices. Reliable information as to the cost of production in foreign countries is found to be practically unobtainable even from governmental sources, but it is well known how rice is produced in these countries. In the first place, the family system of production is in vogue. Each family operates on small areas, nurtures by hand practically every square foot of soil, and produces the maximum possible rice crop. These orientals have as their main purpose the production of food for the family producing the rice. In years of poor crops their extremely careful and painstaking methods are found in many cases to stand between the planter and starvation, because even under adverse circumstances they generally produce sufficient for their home needs. With favorable growing and harvesting seasons, it is only natural that a surplus will be produced. Each family, farming its own plot and producing its own home requirements of rice, finds in favorable years that it has a surplus which it can not profitably use, hence it is sold for export. This surplus is gathered, a few bags at a time, by hundreds of traders who operate on flatboats in the rivers, and who buy this surplus rice from the producers. In exchange, articles of clothing, trinkets, inexpensive luxuries, and other commodities of commerce are given, thus still further lowering the price at which the trader secures the rice. These traders move their numerous small purchases through many channels to the great ports of export, where together they ultimately amount to enormous quantities. Since it is not needed in the countries where it is produced, it is offered for export, and the price at which it is offered very often bears but little relation to the cost of its production. For this reason it is very probable that if the actual cost of production of the rice which is now being offered for export at such low prices from the ports of Singapore, Karachi, Port Arthur, Bombay, Madras, Bangkok, and Calcutta were actually known, it would be considerably higher than the prices being quoted to-day by the exporters.

The ocean freight rates, which during the war period were extremely high, have been coming down at a rapid rate until at the present time rice may be transported at practically the pre-war basis of freight, and in some instances for even less.

In summarizing the arguments set forth in this brief it may be mentioned: (1) That though the rice crop of Louisiana, Texas, and Arkansas is of small importance nationally, it is of great importance to these particular States of the Union; (2) that the United States has increased its rice production considerably, and there is good reason to believe that with the proper economic consideration, encouragement, and sympathy it will continue to increase and become one of our great national crops; (3) that when the Underwood tariff bill, carrying a

considerable reduction in the tariff rates on rice, became effective there was an immediate and enormous increase in the importations of cleaned rice, but with a decrease in importation of those rices which did not have the tariff rates decreased; (4) that the American rice acreage and production is too small to materially affect the price of foreign rice, but that, on the contrary, the price of the American rice fluctuates with that of its Asiatic competitor; (5) that the rice at the present time from India, Siam, and Saigon, where there is practically an unlimited supply and an enormous exportable surplus available for the international rice trade, may be to-day laid down in the ports of San Francisco, New York, and New Orleans at a price, including cost, freight, and insurance, which the Government has shown is about one-half that of the actual cost price of rice produced in Louisiana, Texas, and Arkansas; (6) that, regardless of production costs in the United States as compared with those costs in the Orient, the American rice producer must market his product in competition with the enormous quantities of this rice which constitutes an exportable surplus, and which is offered in the world's markets at a price which bears but little relation to the production cost in Asia.

An influx of Asiatic rice into the United States and into its insular possessions at prices lower than the American producer can possibly afford to offer it for is not only possible at this time and at any other time when the crops in the Orient are large, but this condition is also extremely probable. The rice producers and millers are taxing themselves to raise a fund for advertising purposes in an effort to help themselves and to popularize the consumption of American rice in America. They desire and expect your sympathetic consideration and request at your hands a proper adjustment of the tariff rates which will be favorable to their best business interests and a protection to the infant rice industry in this country. They request this tariff protection to assure them that America will not be used as a dumping ground for cheap foreign rices, and they are willing to assume all responsibility of placing the rice industry in the forefront of American agricultural interests.

There is still another point which should be given your careful consideration, since it has a bearing upon the food-producing ability of our Nation. There are at this time thousands of good citizens whose livelihood and employment depends primarily upon the success or failure of the rice industry, and also there are thousands and millions of dollars now invested in the many phases of the rice business which very properly expects your consideration. In 1920 there were 1,341,000 acres, in round numbers, planted to rice in the United States. This acreage was largely in the States of Louisiana, Texas, Arkansas, and California. There is, however, as much or more land of a similar type in these States mentioned and an additional acreage of over 2,000,000 acres in the other States bordering on the Gulf of Mexico. It has been estimated that there are now approximately 3,000,000 additional acres of land in the United States suitable for rice production, but which at the present time is unused for any agricultural purpose. It hardly appears necessary to call your attention to the fact that rice is largely produced on land of little value for other agricultural crops, much of it being raised in the great marshes where but few plants thrive except marsh grass. These large areas can all be easily made to produce enormous crops of rice, which is one of the best foods that nature affords, without the expenditure of a single cent of the Government's money for the building of dams or for other reclamation projects. However, without most advanced modern methods rice can not be produced in the United States profitably when thrown in direct competition with that produced in Asia with Hindu, Siamese, and Korean coolie labor, and without some chance of success private enterprise and capital will not take up this reclamation work. The Government now has an opportunity to offer a tariff protection to one of its infant agricultural crops, to lend its influence toward the development of these large areas of land largely unsuited to other crops, to foster the best business interests of thousands of its good citizens who only ask for an opportunity to "make good." By failing to act at this time, and thereby failing to protect the rice industry by adopting and approving an adequate protective tariff as proposed in this brief, there is a strong likelihood that the rice industry will decrease in importance and large areas of fertile land now productive will be turned back to pasture and marsh grass.

Respectfully submitted.

ARKANSAS RICE GROWERS' COOPERATIVE ASSOCIATION,
By CHAS. G. MILLER, *Vice President*.

Mr. CARAWAY. Mr. President, when the so-called emergency tariff bill came before the House dealing with agricultural products I was a Member of the House and voted for the bill. I thought some benefits came from certain schedules, and from other schedules there were disappointments. I do know, however, that the benefits to the rice industry were marked.

I live in the edge of the territory mentioned as the Arkansas rice fields. I knew it before rice was grown there. The lands were practically without value and most of them could have been bought at from $1.25 to $2.50 an acre. They were grazing lands of an inferior character. With the discovery, however, that rice of a superior quality could be grown on those lands they became among the most valuable lands of the State, ranging in value anywhere from $25 to $150 an acre. Prosperous towns and cities grew up in that territory, their future wholly depending upon the rice industry. Those lands are not well adapted for the growth of other agricultural products. The soil is shallow and is underlaid by what is known as a "hardpan," that holds water, so that the rice may be irrigated, and when the rice is ripened the water may be entirely drained off and the rice harvested. There are seven or eight counties in my State whose very life, industrially speaking, depends upon this industry.

The industry will thrive under the rates which were fixed in the original emergency tariff act, but it will perish if the rates which are now proposed in the pending bill shall be adopted. So the Republican members of the Committee on Finance ought to have the courage to do one of two things: They ought to strike out every particle of protection, and let those who are engaged in the rice industry know that they are to be destroyed, or else they ought to restore the rate under which it is apparent that the industry may thrive.

I am persuaded, Mr. President, that the committee will not follow the first suggestion but will follow the other suggestion. In other words, it is idle to offer a certain protection which does not protect but which simply prolongs the life of an industry and lets it die by degrees. If it is intended to protect it, give it the protection under which it may live. I hope, therefore, the committee will restore the rates on rice that were provided in the original emergency tariff act.

Mr. SMOOT. Mr. President, I merely wish to make a brief statement in reference to the duty on rice. I could not state the case as to the necessity of a duty on rice any better than it has been stated this afternoon by Senators who have already spoken. I entirely agree with them. I think it is absolutely necessary that there should be a duty on rice in order that the industry may be maintained in this country. So far as I am personally concerned, those Senators shall have that duty if my vote can give it. I am a protectionist not for any particular section of the country but for every part of the country. I hope that as to some of the other items, which are just as vital to other sections of the country as is the rice industry to the South, the Senators from that section will follow out the thought which has been expressed by them this afternoon.

Mr. ROBINSON. Mr. President, the remark of the Senator from Utah indicates, perhaps, the reason why the Finance Committee, without evidence and without suggestion from any source, reported an amendment taking away the protection from the rice industry and reducing the tariff duty on rice to a purely revenue basis or to even a lower basis.

Mr. SMOOT. Mr. President, in order that the Senator from Arkansas may not be mistaken, I desire to say that the testimony which was taken before the Committee on Finance was to the effect that rice is raised in the South in an entirely different manner from that which obtains in any other country. It was stated that the machinery which is used for its production and the way in which the seed are planted are entirely different from the methods employed in China and Japan.

I wish to say further that some testimony showed that, so far as concerned the duty which was necessary to afford protection to rice, the rate proposed by the committee is sufficient. I, however, do not believe it is; but I do not want any misunderstanding about the matter. I speak only for myself and not for the committee; but I do not think any such charge as that intimated by the Senator from Arkansas should be made against the committee on the floor of the Senate.

Mr. ROBINSON. Mr. President, there is not any reliable evidence in the record upon which to base the rates on rice which the Committee on Finance have reported. I have read the hearings in the House of Representatives and in the Senate, so far as I have been able to secure them—and, I presume, they are available—and all of the evidence supports the present rates on rice, with the exception that a suggestion has been made for a modification of the rate on a certain kind of rice which is used in the manufacture of canned foods; but that kind of rice, I understand, it is claimed does not come in competition with American-grown rice, for American-grown rice is not used for canning purposes.

In reference to the statement of the Senator from Utah [Mr. SMOOT]—and I thank him for it—so far as it relates to the fairness of the rate on rice proposed by the amendment of the Senator from Louisiana [Mr. BROUSSARD], it is perfectly manifest, not only to the Senator from Utah but to other Senators, that if a tariff measure is to be based upon the protective principle, if the principle of protection is to apply to agricultural products, those products which are grown in a section of country where public men usually do not advocate the principle of protection ought not to be penalized and discriminated against; that the protection ought to be applied generally and fairly; and I understand that to be the position of the Senator from Utah.

Mr. BROUSSARD. Mr. President, I may say that I was led to take up the subject of the duty on rice at this time because of the conclusions which might be reached from the statements in the Summary of Tariff Information, which, without pretending to give any statistics for any special year, made the broad statement that in this country we produced enough rice for domestic consumption, and also had a surplus of 400,000,000 pounds for exportation. That, however, applied only to two years. That was the statement which I believed it was necessary to clear up in order to show conclusively the necessity for a tariff duty which would protect us. The statement that we normally made 400,000,000 pounds more than we needed might have been an excuse for the committee to have come to some other conclusion.

Mr. HARRISON. Mr. President, few provisions of this bill are more important than the one which has just been discussed. I look on the other side of the Chamber and I see one Republican Senator present, and then I notice that one who belongs on the other side has strolled on this side. The Senator from Nevada [Mr. PITTMAN] is prepared to make a very important speech on an important question. It does seem to me, and I am sure it would seem to the country if they knew the conditions, that the majority Members should stay here so that they may discuss intelligently the questions involved in the tariff bill, or at least sit and listen so that they may come to some intelligent conclusion. So I make the point of no quorum.

Mr. SMOOT. The Senator ought to apply his remarks to both sides of the Chamber.

Mr. HARRISON. On this side there are at least a dozen Senators present.

Mr. SMOOT. Frequently during the day there has not been more than one Senator present upon the Democratic side.

Mr. HARRISON. I withhold the suggestion until I state that on this side of the Chamber there are present the Senator from Alabama [Mr. UNDERWOOD], the Senator from North Carolina [Mr. OVERMAN], the Senator from Nevada [Mr. PITTMAN], the Senator from Texas [Mr. SHEPPARD], the Senator from Georgia [Mr. WATSON], the Senator from Louisiana [Mr. BROUSSARD], the senior Senator from Arkansas [Mr. ROBINSON], the junior Senator from Arkansas [Mr. CARAWAY], the Senator from Ohio [Mr. POMERENE]. I will not take up more time in the enumeration. I make the point of no quorum.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harrison	Nelson	Sterling
Brandegee	Hitchcock	Newberry	Sutherland
Broussard	Jones, N. Mex.	Nicholson	Swanson
Calder	Jones, Wash.	Norbeck	Townsend
Capper	Kellogg	Oddie	Underwood
Caraway	Kendrick	Overman	Wadsworth
Colt	King	Page	Walsh, Mass.
Curtis	La Follette	Pepper	Walsh, Mont.
Dillingham	Lenroot	Phipps	Warren
du Pont	Lodge	Pittman	Watson, Ga.
Fletcher	McCormick	Poindexter	Watson, Ind.
Frelinghuysen	McCumber	Pomerene	Weller
Gerry	McKellar	Robinson	Willis
Glass	McLean	Sheppard	
Hale	McNary	Smoot	
Harris	Moses	Spencer	

Mr. NORBECK. I desire to announce that the Senator from Nebraska [Mr. NORRIS] is absent on business of the Senate.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. PITTMAN. Mr. President, there is an amendment proposed by the Committee on Finance of the Senate known as paragraph 33 (a). It reads as follows:

Cyanide: Potassium cyanide, sodium cyanide, all cyanide salts and cyanide mixtures, combinations, and compounds containing cyanide, not specially provided for, 10 per cent ad valorem.

I will state, in the first place, that this is a comparatively new product. It is a new solvent. When I say "new," I mean that it has been in use probably only 10 or 15 years. It has a very great bearing upon the profits not only of the gold and silver mining industry, as is generally supposed, but upon the citrus-fruit industry of the country. It is also a compound that has been found quite economical in the hardening of steel in a cheaper process than other steel-hardening processes. It is also a compound that is used almost exclusively in fumigation and by the various health departments in the destruction of vermin, rats, and disease-carrying animals and insects. That is the use of it. In the mining of gold and silver it is absolutely essential in an economic use. In the protection of the citrus-fruit trees of the country it has no substitute.

Mr. President, what is the purpose of the Senate Committee on Finance? It is to reverse the action of the House of Representatives, which left cyanide on the free list, and place it on the dutiable list. What is accomplished by it? Nothing is accomplished in the way of raising revenue. Who is protected by it? Only one corporation in the United States is protected by it—only one concern. It has no other purpose or effect than the sustaining of a monopoly in the manufacture and distribution of that product in the United States.

The hearings disclose, without contradiction or doubt, that there is but one concern in the United States that manufactures cyanide, and that concern at the time the war commenced was a German-controlled concern. When the war commenced it was controlled by the German cyanide monopoly, the only manufacturer of cyanide in Germany; and when we were about to go into the war this concern over here had a few extra shares transferred from the German subjects to some of the American-German citizens, so as to keep it out of the hands of the Alien Property Custodian. Notwithstanding that, the former Alien Property Custodian found that the sale was fraudulent, and the present Alien Property Custodian demanded possession of that property on the ground that it was controlled by aliens.

There was a dispute as to the transfer of a small part of this stock. That dispute has been settled by the Alien Property Custodian being represented on the board of directors, so that the concern may run; but the fact remains that there is but one manufacturer of cyanide in this country, and that is the Roessler & Hasslacher Chemical Co. and its subsidiary companies. That is not all. There is but one distributor of German cyanide in this country, and that is the same concern—the Roessler & Hasslacher Chemical Co.

Mr. SHEPPARD. Mr. President, will the Senator tell us where it is located?

Mr. PITTMAN. The Roessler & Hasslacher Chemical Co. has its offices in New York City. Its subsidiary plants are located at Perth Amboy, N. J., and at Niagara Falls, N. Y.

In the testimony of the representative of the Roessler & Hasslacher Chemical Co. we find the direct admission that individuals and corporations in this country other than Roessler & Hasslacher had been refused the right to purchase German cyanide, because, as the admission says, the Roessler & Hasslacher Chemical Co. are the sole and exclusive agents of the German concern in this country.

What is the result? You can not buy cyanide from Germany, because they refer you to their American agent, the Roessler & Hasslacher Chemical Co., and you can not buy it from any other manufacturer in the country because there is no other manufacturer in the country than the Roessler & Hasslacher Chemical Co. There never has been an attempt by anyone before the committee to show that those are not the exact facts. No one will now deny them.

What do you want to do? You have no competition within your country for this product that is absolutely essential to the citrus fruit industry as well as in mining. What do you want to do? You want to prevent any outside competition. That is what you are trying to do.

When did the outside competition arise? Mind you, the outside competition with this company arose only in this year. Up until now there was not any competition. Why? Because, as the testimony in this matter shows, there were only four producers of cyanide in the world that amounted to anything. They were the German concern, the Roessler & Hasslacher Chemical Co. in the United States, one big English concern, and a little bit of a concern in Czechoslovakia which never has amounted to anything. What does the evidence further disclose? It discloses the fact that the English concern and the German concern and the Roessler & Hasslacher Chemical Co. organized a subsidiary company at Niagara Falls and Perth Amboy to make cyanide, and they divided the stock three ways. What does the evidence here further show? It shows that this English concern never has tried to sell cyanide in the United States, and it shows that the German concern never has tried to sell cyanide in South Africa. It discloses absolutely that they divided the world between them as far as this product is concerned.

When this monopoly in the United States came back in their supplemental brief to answer these charges of monopoly they did not attempt to do it except to say, "Our patents have run out." Yes; their original patents ran out, but they have subsidiary patents that are protecting them. What did this agent of the Roessler & Hasslacher Chemical Co. testify to with regard to the efforts of the United States Government to make cyanide? He said they only had a process by a gentleman by the name of Professor Bucher, and his concern knew the process would not work, and it did not work, and the plant which was built in West Virginia shut down because they did not have the right kind of process.

Why did not the United States Government use the process used by the Roessler & Hasslacher Chemical Co. if their patent had run out? They could not use it. While the fundamental, original patents had run out the supplemental patents, which were essential to the carrying out of that process, had not run out, and they know it.

What are the profits of this concern in the United States? I want to read them to the Senate. They run up to as high as 900 per cent per annum. These people are talking about protecting a home industry.

I refer now to the hearings at page 4824. This statement as to the profits comes from the report of the Alien Property Custodian, and if it has ever been denied by the Roessler & Hasslacher Chemical Co. I can not find their denial.

During 1912 it earned 15½ per cent on its capital stock; 18 per cent in 1913; 34.7 per cent in 1914; 80 per cent in 1915; 75.7 per cent in 1916. It paid dividends out of profits to the extent of 16 per cent in 1912; 18 per cent in 1913; 25 per cent in 1914; 50 per cent in 1915; and 50 per cent in 1916.

The Niagara Electric Chemical Co. is a subsidiary of that company, organized solely for the purpose of making one of the essential ingredients of cyanide, and in which the English company and the German company each own a third. During 1912 it earned 852 per cent on its capital stock; 700 per cent during 1913; 894 per cent during 1914; 1,100 per cent during 1915; and 1,162 per cent during 1916. It paid dividends of 850 per cent in 1912; 700 per cent in 1913; 900 per cent in 1914; 1,100 per cent in 1915; and 1,000 per cent in 1916.

The Perth Amboy Chemical Works is another one of its subsidiaries, and we will hear from New Jersey on that subject later. This concern was also organized as a subsidiary company of the Roessler & Hasslacher Co. to exclusively engage in manufacturing cyanides.

Mr. POMERENE. Mr. President, is this one of the industries for which they wanted the benefit of the American valuation plan?

Mr. PITTMAN. This is one of them. I think they asked for 33⅓ per cent ad valorem on the American valuation basis. I will read further. This is the other subsidiary company, the Perth Amboy Chemical Works. It earned during 1913 profits to the amount of 16.5 per cent on its capital stock, 42.9 per cent in 1914, 92.8 per cent in 1915, 90.6 per cent in 1916. It paid dividends of 16 per cent in 1913, 24 per cent in 1914, 75 per cent in 1915, and 100 per cent in 1916. That certainly looks as if that company ought to have some protection.

Mr. HITCHCOCK. Is that an infant industry?

Mr. PITTMAN. It is an infant industry.

Mr. HITCHCOCK. What will it pay when it gets to be an adult?

Mr. PITTMAN. I should say that when that gets to be an adult, under the protection proposed, which protection will exclude the only possible competitor which has arisen, the Cyanamid Co. at Niagara Falls, on the Canadian side, which is made up of American citizens but is operating over there because the water power is a little cheaper, because over there the water power is not monopolized to the extent it is on this side—when this child gets to be an adult, under this protection there is no reason at all why the officers of these companies may not expect to treble the profits in the next three years.

Mr. HITCHCOCK. Instead of getting back their capital every year they will get their capital back every four months.

Mr. PITTMAN. There is no reason why they should not, because they can then charge whatever the citrus fruit growers and the miners of this country can afford to pay.

Mr. POMERENE. Mr. President, what is the tariff rate provided for in the pending bill?

Mr. PITTMAN. Ten per cent ad valorem.

Mr. POMERENE. What amount of revenue would that give to the Government?

Mr. PITTMAN. We will get down to the revenue presently. It would not give any to the Government, because the consumption of cyanide in this country was 15,000,000 pounds in 1914, and the consumption of cyanide in this country at the present time is less than 20,000,000 pounds, and the Roessler & Hasslacher Chemical Co. say that they are now supplying 17,000,000 pounds of that, and that when they are given this duty they will be prepared to supply the whole American demand.

The German monopoly will not attempt to compete, because it is a part of the American concern.

It never has competed with it during the 10 or 15 years the American concern has had the monopoly.

Mr. CALDER. Mr. President, I just came in the Chamber, and I hope the Senator will pardon me for interrupting him, but is not this cyanide used somewhat in the mining of gold?

Mr. PITTMAN. I just stated that it is essential to the economic mining of gold and silver; but that is not all. As a matter of fact, there is more of it used in the protection of the citrous fruits of the country than is used in gold and silver mining.

Mr. CALDER. Does the Senator think that this 10 per cent rate would raise the havoc he has just referred to?

Mr. PITTMAN. It is absolutely certain, for the simple reason that this company can cut prices on the Cyanimid Co. of Niagara, Ontario, until they put them out of business, and when they have put them out of business they can run the price up to anything they please. How can they put them out of business? They are the exclusive agents of the whole German production. There is no question but that Germany can produce cyanide at pretty near half what it costs us to produce it in this country.

Mr. CALDER. Will not that drive out of business the concern to which the Senator is referring?

Mr. PITTMAN. It may drive them out of business, but that concern to-day is meeting that competition to this extent, that it is making its contracts with the miners and citrous fruit growers of this country, and has already entered into contracts with many of them for 25 years, but at a price at which they can not make it if you put this additional tax on them when they come into this country in competition with the Roessler & Hasslacher Chemical Co.

Let us see about the revenue—where we will get the revenue. The Roessler & Hasslacher Chemical Co. are now supplying 17,000,000 out of probably 20,000,000 pounds. There is only 3,000,000 to come in. Is not that right? It can not come in here except through that same concern, because they have a contract as the exclusive agents. As a matter of fact, it is the same concern, exactly the same concern.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. PITTMAN. I yield.

Mr. FRELINGHUYSEN. Where is the location of the American Cyanamid Co.?

Mr. PITTMAN. It is at Niagara Falls, Canada.

Mr. FRELINGHUYSEN. It is a Canadian company, is it not?

Mr. PITTMAN. It is a Maine company.

Mr. FRELINGHUYSEN. Is it not located in Canada?

Mr. PITTMAN. I said that at first.

Mr. FRELINGHUYSEN. Does it not employ Canadian labor?

Mr. PITTMAN. I said that; but it is not controlled by foreigners. It is controlled by citizens of the United States who were forced out of the United States by reason of the power trust in this country. They are paying just as high wages over there as are paid on this side, just the same wages. There is no difference at all between the cost on the other side and that on this side, except that put on artificially by the power trust on this side.

Mr. FRELINGHUYSEN. I presume the Senator knows that the New Jersey industry is American owned, does he not?

Mr. PITTMAN. I know that the New Jersey industry is controlled by the Roessler & Hasslacher Chemical Co.

Mr. FRELINGHUYSEN. It is controlled by American stockholders entirely.

Mr. PITTMAN. If you want to call that concern an American concern, yes.

Mr. FRELINGHUYSEN. I do, if it is controlled by American stockholders who are American born, too.

Mr. PITTMAN. That could be so, but the history of this thing is this, that Roessler and Hasslacher came across to this country from Germany as the agents of the German cyanide concern. They started their concern as the agents of the German company, and the German concern had control of it until a few days before we entered the war. Then the German company transferred just enough stock to these naturalized Americans to put the control in the hands of Americans, and the question now is at issue as to whether that sale was done just for the purpose of concealing the real ownership. The Alien Property Custodian is acting on such contention. But the fact remains that there is not any competition between the German concern and the American concern; not a bit. Whenever it is more profitable to sell the cyanide from the American end of it, they sell it that way; and whenever it is more profitable to sell the German stuff through them as agents, they sell it that way, and the evidence shows it. The evidence shows that they could make 6 cents more a pound by selling some of the German stuff, and therefore instead of making it they took the German stuff and sold it as agents.

Mr. FRELINGHUYSEN. Then the question is, Whether we shall protect an American industry, employing American labor, or shall we put this product on the free list and allow it to be imported, at the expense of American labor?

Mr. SMOOT. By the same people.

Mr. FRELINGHUYSEN. And by the same people.

Mr. PITTMAN. That is the question, I will admit for argument. According to the testimony of the Roessler & Hasslacher Chemical Co. agent, they and their subsidiaries employ 250 men in the cyanide industry. Those are the 250 you are going to protect, and we know there are over 50,000 people directly employed in the industries which are using this stuff. How about that? But competition can not put out of business con-

cerns that make the enormous profits that these companies admit they make.

Mr. FRELINGHUYSEN. That is quite true of any of these articles.

Mr. PITTMAN. We know another thing—at least, the Senator knows it himself—that nearly half of the gold mines of this country are shut down because gold has a fixed price, and the steel, the lumber, the powder, the machinery, the fuel, and everything that they use in getting gold out of a ton of ore has gone up two or three times in price. And when they shut down there are thousands of miners thrown out of work, who are idle to-day. What do you want to do? You want to add 10 per cent of the cost of production in those gold mines, which have no way of passing it onto anybody else, as you can pass on a duty on other things that have no fixed price. They have to pay it and take it out of their profits, if there are any.

It has to be figured as a permanent cost of mining, because they can not add it to the selling price of the gold. You want to throw out of work 20,000 men engaged in mining under the excuse that you are doing the whole thing to help 250 men. You are willing to place a burden on fruit raisers under the excuse that it is necessary to help 250 men. It is the most absurd argument.

Mr. FRELINGHUYSEN. The Senator exaggerates. The 10 per cent ad valorem is a very small added cost to the process. It will not throw that number of men out of employment. Furthermore, he loses sight of another very important factor that in connection with this American industry, manufacturing 15,000,000 pounds of cyanide of potassium, the American manufacturers of caustic soda, if this industry is destroyed, will lose the market for 15,000,000 pounds of that product, because it is a component part. The ammonium manufacturers will have to find a market for 6,000,000 pounds of their product, while 7,000,000 pounds of American-burned charcoal will be lost to its producers. I have letters here protesting against the taking off of this duty and asking that it be made 33 per cent, from the wood products people, who furnish the charcoal products for the manufacture of this cyanide of potassium.

The effect is far-reaching. I think we have to look at this from the standpoint of the entire American industry and not only the standpoint of the users—the mines of the West. Under the Payne-Aldrich law there was a duty of 12½ per cent. It was reduced in conference from 25 per cent to 12½ per cent, and it practically destroyed and did destroy the industry in this country, but during the war it was built up again and it was very necessary from the standpoint of national protection. The product was used and utilized as a war product, and it was built up through this factory with German capital that came here and is now Americanized.

But the question is whether we are going to protect that industry and have an American industry, or whether we are going to give Germany and Canada a monopoly. That is the question. Of course, if the Senator wants that he can move to put the item on the free list, but I think it is an unwise policy. I believe in protecting the American industry.

Mr. PITTMAN. The Senator does not believe in protecting the gold and silver mining industries, in obtaining at a reasonable rate an essential of those industries. He does not believe in protecting the electro factories in this country in obtaining reasonably one of the essentials of their industry. He does not believe in protecting the men who are engaged in certain characters of steel hardening. He does not believe in protecting the fruit growers. In other words, the situation is this——

Mr. FRELINGHUYSEN. Mr. President, I beg to——

Mr. PITTMAN. Just a moment, please. There is but one concern in this country, with its subsidiary, manufacturing this article. Is not that a fact?

Mr. FRELINGHUYSEN. Does the Senator contend that no other concern can manufacture it under proper protection?

Mr. PITTMAN. There was protection on this product until it was taken off in the Underwood-Simmons tariff law of 1913, and during the seven years it was under the high protective tariff of the Payne-Aldrich law no other concern could build up in this country, and never did.

Mr. FRELINGHUYSEN. They never made any of it. The Roessler & Hasslacher Chemical Co. did not make the product. They imported it.

Mr. PITTMAN. But they were supplying cyanide. They did supply cyanide, did they not?

Mr. FRELINGHUYSEN. Yes; they imported it; yes.

Mr. PITTMAN. No; they manufactured it, too.

Mr. FRELINGHUYSEN. I think not.

Mr. PITTMAN. They said that they built up the manufacture of cyanide of potassium under the Payne-Aldrich law.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. CALDER. Will the Senator tell me whether the added cost of the entire production of a ton of ore is increased more than 2 cents by this added duty?

Mr. PITTMAN. Does the Senator know how cyanide works?

Mr. CALDER. No; I do not know; but my information is that it adds about 2 cents to the entire cost of producing a ton of ore.

Mr. PITTMAN. Of course, that is problematical. It is not used exactly in the same amount in the reduction of different ores. It is used in varying quantities, depending upon the material to which it is applied. I think the amount they would probably use in our section of the country—because I do not know about any other section—would probably run at 10 or 15 cents a ton of ore.

Mr. CALDER. My information is that it was less than 2 cents, and that 2 cents a ton would not tend to stop the mining of it.

Mr. PITTMAN. No; it does not always stop the mining of it, but it does do this. First, let us discuss what may stop mining. It would not affect the mining one particle in my section of the mining country, although it would unjustly take thousands of dollars out of the pockets of miners and give it to a monopoly. It would simply add so much taxes to the output, and that is all. The producers could not pass it on in the sale of their gold and silver, because they get only so much for their gold and silver. They do not sell it to somebody else like shoes might be sold. They would have to pay that tax themselves and could not pass it on. It would cost the people in my vicinity $150,000 or $200,000 for the purpose of giving it to the Roessler & Hasslacher Chemical Co.

But in California, on the mother lode, where the ore runs about $6 a ton in gold, every penny counts, every cent means something. The mines sometimes run along for months right on the margin of whether they will pay or not pay, just on the edge. When we start to figure 5 or 10 cents a ton on this item and 5 or 10 cents a ton on that item, the first thing we know we have 50 cents a ton, composed of items neither one of which amount to much but in the aggregate they do, and the mine closes down.

They are now trying to open up the great Comstock lode in Nevada, that great lode which produced $645,000,000. They worked it down until now there are great bodies of ore which run between $5.50 and $7 a ton in silver. It takes a lot of cyanide for silver. There is now a Colorado syndicate undertaking to spend $4,000,000 to put up works for that low-grade ore, and that sum must be expended before they can make a cent. The margin of profit estimated by their engineers on that proposition is about 50 cents a ton. Every cent that is added to the cost here and there is jeopardizing the great industry which is just starting up.

It is not that alone. I am not basing my argument so much on that. I am basing it upon the fact that this duty is not even in keeping with the Republican policy and principles as I understand them. I do not believe there is a Senator on the Republican side who will assert that he would use a protective tariff for the purpose of perpetuating a monopoly in this country.

The agents of the Roessler & Hasslacher Chemical Co. before the Finance Committee complained that the House of Representatives had gone back on the Republican doctrine. They complained that the Republicans in the House had gone back on their protection policy. Why? Because the House almost unanimously refused to grant them any duty on cyanide. The Ways and Means Committee of the House almost unanimously refused to grant them any duty on cyanide. Why? Because the Ways and Means Committee of the House of Representatives and the Members of that body were absolutely convinced from the evidence that this is a monopoly; that there is no competition with it from Germany or from England; and that the only competition at all is a new company, the American Cyanamid Co., with headquarters at Niagara Falls, Ontario, and that it is the purpose and the object of this American monopoly, under the name of the Roessler & Hasslacher Chemical Co., to do everything in their power to exclude this competition.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. PITTMAN. I yield.

Mr. McCUMBER. As the Senator undoubtedly knows, there was considerable difference of opinion in the committee not only as to what duties should be accorded to the product but also as to whether any duty should be imposed upon it. The committee decided on a 10 per cent ad valorem duty.

But the Senator from Nevada has just made a statement which I think perhaps needs some consideration in the deter-

mination of whether or not a duty shall be given. The Senator said that the American company is a monopoly and that practically all the cyanide is manufactured by this monopoly. What the Senator said is true. That is the case. Canada also has but one manufacturing plant, and that is also a monopoly. In Germany, under their cartel system, they have practically a monopoly; all of the little companies are combined into one, which operates under a single head.

Therefore we have a monopoly in Germany, a monopoly in Canada, and a monopoly in the United States. There is no question that if every one of those three was left entirely alone to fix the prices, we would undoubtedly pay rather heavily for our cyanide. There is competition between the Canadian monopoly and the American monopoly, and also some competition between the German cartel or monopoly and the American monopoly.

The Senator will remember that when we got into trouble and needed this cyanide or sodium cyanide very badly, the price went up from about 10 cents, I think, to practically $2 per pound. That shows the situation we would be in whenever we were not producing it in the United States. Is there not some danger that if we do not protect the home industry, even though we have but one manufacturer, as against another manufacturer in Canada and another manufacturer in Germany, and if we put the American entirely out of business, that the other two may easily combine and fix our prices? Is it not best, if we can do it, to maintain an industry in the United States even though it costs on the basis of what may perhaps in the near future be the equivalent of an ad valorem duty of 1½ cents a pound, and if it comes down to 10 cents a pound, the old price, it would be simply 1 cent a pound? I would like to hear the Senator upon that single proposition of whether or not it is not best, even at a little heavier expense, to maintain an American plant in the United States, even though it is a monopoly, as we all agree that it is.

Mr. WILLIS. Mr. President——

Mr. PITTMAN. Let me answer the Senator from North Dakota.

Mr. WILLIS. I want to ask the Senator from North Dakota a question.

Mr. PITTMAN. I prefer to answer the Senator myself and then the Senator from Ohio can ask him a question.

Mr. WILLIS. Very well.

Mr. PITTMAN. The Senator from North Dakota stated several hypothetical questions, one whether it is not a good idea to maintain an industry in this country which demonstrated that it was necessary in case of war. I may answer, in the first place, that the American Cyanamid Co., which is a Maine corporation and which is made up of American citizens and which simply has its works across the river there in Ontario at Niagara Falls, because power is cheaper there, not only was more patriotic and more of an American concern than the Roessler & Hasslacher Chemical Co. during the war, but that the cyanamid company did turn over the entire product of its works in Canada as directed by the various departments of the United States Government, and made such material with that plant as this Government demanded for war purposes.

Mr. McCUMBER. That was because we were in a common cause and united at that time.

Mr. PITTMAN. Undoubtedly. The plant which the Roessler & Hasslacher Chemical Co. is trying to run out of business, mind you, is that chemical company which has its plant across the river from them and which is made up of American citizens.

That is what they are trying to run out of business. They are not trying to run out the German concern. They were sent over here by the German people. They were sent here to organize an agency in this country and they did organize an agency. As I said a moment ago, the Alien Property Custodian reported that at the time we got ready to go into the Great War the control of the stock of this Roessler & Hasslacher Chemical Co. was owned by enemies in Germany, and they still own it, according to the stand of the Alien Property Custodian. The German people, with their majority stockholding in the American company, do not care whether the product which is sold here is manufactured here or manufactured in Germany. They are willing that it shall be manufactured where they can make the most money out of it; and that is but natural. If a duty is placed on it here, and it can be sold to the limit of that duty, they will let it be manufactured here, as they have done in the past. Under the duty of the Payne-Aldrich tariff law before the commodity was put on the free list by the Democratic tariff law in 1913, how much do Senators suppose was then shipped from Germany? Not much, as Senators will see if they examine the statistics. Why? They got the benefit of the duty without paying the duty is the reason, of course. We all know that.

I will answer the Senator directly and say that this duty is not essential at all—and I do not believe he thinks it is—in order to keep the Roessler & Hasslacher Chemical Co. going in this country. I think that the profits of that institution, as shown by the report of the Alien Property Custodian, and as shown in the hearings of the committee, and never denied by the Roessler & Hasslacher Co., prove that they could sell the material for about half what they are now selling it for.

Mr. McCUMBER. Will the Senator from Nevada yield to me for another suggestion on that point?

Mr. PITTMAN. Yes, sir.

Mr. McCUMBER. Of course, the testimony on behalf of the American company taken before the committee shows that they need a rate which is equivalent to 30 per cent.

Mr. PITTMAN. I know that they wanted 33⅓ per cent.

Mr. McCUMBER. But here is a telegram which I received only the other day—of course, it comes from an interested source and due allowance may be made for that—and this is the way it reads:

NEW YORK, N. Y., *April 10, 1922.*

Hon. PORTER J. McCUMBER,
United States Senator, Washington, D. C.:

An American dye manufacturer has just purchased several carloads of Canadian cyanide at a price 5 cents below American cost to manufacture. Why discriminate by protecting one essential industry with an embargo while another is given a paltry 10 per cent? Our original request for 33⅓ per cent should be granted.

THE ROESSLER & HASSLACHER CHEMICAL CO.
P. SAMUEL RIGNEY.

If what they state is true, does not the Senator from Nevada think that they ought to have some protection, inasmuch as the other company, having the cheaper power, can manufacture somewhat cheaper?

Now, I agree with the Senator from Nevada in that I want competition; and if the duty which we allow should seriously interfere with honest competition in that commodity, I should not be in favor of it. Their statement, however, is right up to date that the Canadian company are furnishing this commodity at about 5 cents a pound less than their actual cost of production.

Mr. PITTMAN. But there has been submitted to the Committee on Finance no evidence which I have seen to sustain that statement, and I have read all of the evidence.. Now, in a telegram sent by an interested party it is stated that a Canadian company is selling the product for 5 cents lower than the American company can possibly manufacture it. I say I do not believe it, and I base the statement upon the evidence taken before the Committee on Finance. The profits which were admittedly made by this concern do not indicate that they were ever running close to the wall when they were selling this product at 21 cents a pound. Even during the World War they never sold it any higher than 30 cents a pound; and during all that time they were making enormous profits—from 50 to 100 per cent on their capital.

If they are held down to the profits to which they are entitled I think their earnings alone will disclose the fact that they can make and sell the product for 10 cents a pound instead of asking 20 cents a pound.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. I yield.

Mr. SMOOT. Mr. President, so far as my State is concerned, of course, the people of Utah are very much interested in getting cyanide just as cheaply as they can possibly get it, and my action has been with a view to bringing that about as nearly, in my judgment, as I thought it could properly be brought about.

The Senator from Nevada speaks of the profits made by this company; but the Senator must know that those profits are not made on cyanide. This company manufactures all sorts of chemical compounds, the manufacture of cyanide is a very small part of their business, and the only reason why I support a 10 per cent duty on cyanide is because I think it is best for every user of cyanide in the United States.

I will state to the Senator frankly why I am of that opinion. The Roessler & Hasslacher Co. are, in my judgment, nothing more than the agents of the German cartel. The cartel has never sold cyanide in this country except through that agency either before the World War or since. That company has the entire agency for all the cyanide which is shipped into this country from Germany.

Mr. PITTMAN. I misunderstood the Senator. I thought he said that they did not have an exclusive agency.

Mr. SMOOT. I said they did have it.

Mr. PITTMAN. Very well. But these subsidiary companies are not engaged in any other business than manufacturing cyanide and its compounds.

Mr. SMOOT. Mr. President, just as surely as we live, this is what is going to happen if we put cyanide upon the free list: So far as the manufacture of cyanide in this country by the Roessler & Hasslacher Co. is concerned, it is going to cease, for they can make greater profits by buying cyanide in Germany and selling it in this country than they can if it is put on the free list, and selling it in competition with Canada.

I am as sure as that I live that that will be what they will do; they will import it into this country, and they tell me that is what they will do under the 10 per cent duty.

Mr. PITTMAN. Of course they will. The only reason they want the 10 per cent duty is to put the Cyanamid Co. out of business.

Mr. SMOOT. They do not want to put themselves out of business if they think they can make cyanide; but if they are going to ship it here from Germany and control the price and destroy the industry in America and kill the industry in Canada—and I rather think they can from the figures shown and the prices submitted—then I want them to pay for bringing it here, because if they destroy the industry in America and if they destroy the industry in Canada they will not only advance the price 10 per cent when that is accomplished, but they will advance it 33⅓ or 40 or 50 or 100 per cent, and we will have to pay that price.

I am perfectly willing to give these people a chance and to say to them, "You shall have an opportunity to manufacture the commodity in this country; but we are not going to give you any more protection than 10 per cent, although we will give you that." If they can produce cyanide in this country as cheaply with the 10 per cent added as it can be produced in Germany, that will allow it then to be made in the United States; otherwise it will be made in Germany and the industry here will not survive. The manufacture of this particular commodity is only a small part of their business. They are making chemicals of all kinds, and during the war they made untold profits, unconsionable profits, which amounted to robbery, if you please; indeed, that is the only way the prices which they charged and obtained may be designated.

Mr. President, I want, if I can, to have competition in this country with Germany and with Canada, and I think the only way we can bring that about and for the domestic industry to live is to provide a 10 per cent duty. If we do not do that, Germany in a very little while will control this market and then our gold miners and our citrus-fruit producers will pay the penalty.

Mr. PITTMAN. The Senator wants to have this concern in operation in case we need them again as we needed them in time of war?

Mr. SMOOT. I want them to operate.

Mr. PITTMAN. And he wants the same bunch of robbers who robbed us before to continue their operations?

Mr. SMOOT. Not at all. They will have to compete with the Canadian manufacturers to the north, because the manager of the Canadian company when he was in my office—I think he was the manager of the company; if not, he was an officer of the company—told me they could make the commodity for less in Canada than it could be made in the United States, and not only that but they have a better process than that employed in the United States by reason of a patent under which they can make cyanide cheaper than it is being made here.

Mr. PITTMAN. Do I understand that the Senator wants to impose a tariff against improved processes?

Mr. SMOOT. Oh, well, Mr. President, that often happens.

Mr. PITTMAN. It does?

Mr. SMOOT. Yes; it often happens.

Mr. PITTMAN. Because manufacturers in foreign countries have better and cheaper processes, the Senator wants to prevent the American people from getting the benefit, not of natural conditions, but of genius and initiative?

Mr. SMOOT. Mr. President, the Canadian producers have a patented process for the manufacture of acetic acid, so that the United States can not compete with them in the making of that commodity. That process, of course, is patented in the United States and in all other countries of the world, and can not be used by us.

Mr. PITTMAN. Therefore we are not going to have the benefit of inventions in Canada, is that it?

Mr. SMOOT. That is exactly it; there can be no question about it at all.

Mr. PITTMAN. I knew that the Senator favored a duty to protect the American producer against cheaper foreign labor, but I did not know that he favored a duty for the purpose of protecting American industry against ingenuity and genius and the more economical production by virtue of such genius. Is that the idea?

Mr. SMOOT. If we are going to maintain the American industry it is necessary to do that; that is the only way it can be done, with the exception of a method which we have tried time and again to have adopted without success, namely, a provision compelling any firm or individual, foreign or resident in the United States, taking out a patent in the United States to use the patented process in the United States. We can not, however, it seems, secure the passage of such a law through Congress.

Mr. PITTMAN. I expect that the next Finance Committee will be holding hearings to determine whether the Canadian is a better business man than the American, and I assume that if the testimony shows that the Canadian is the better business man, the committee will conclude that a duty of 10 per cent should be levied in order to make up the difference in business ability.

Mr. SMOOT. I thought the Senator from Nevada was discussing the matter in a serious vein and from a business point of view. I did not think that he was going into the realm of speculation and discuss something which is so foreign to any thought we on this side have had that we imagined no one would even give any time to its consideration.

Mr. PITTMAN. I have never had as much to do with business concerns as has the Senator from Utah, but I have learned much about them from the hearings. I know that the Roessler & Hasslacher Co. has been silent with regard to the facts bearing upon their costs of production of cyanide. I know that company and its subsidiaries have made enormous profits at the prices for which they were selling cyanide. There is no proof that they require protection, and the circumstances are against them.

Mr. WILLIS. Mr. President, will the Senator permit me to ask the Senator from Utah a question?

Mr. PITTMAN. Yes.

Mr. WILLIS. I am not particularly interested in the merits of different monopolies. The Senator from North Dakota has said, parenthetically, that there is an American monopoly, a monopoly in Canada, and one in Germany. What I want to know is what is there in the nature of this business that will necessarily make this concern a monopoly if we adopt the proposal of a 10 per cent ad valorem duty? Why is it going to be a monopoly in this country? Has this concern the control of a patent? Why can not other concerns enter the business?

Mr. SMOOT. They can, Mr. President; but there is only a limited demand for this article in the United States.

Mr. WILLIS. There is no reason why this duty is going to create or maintain a monopoly in this country.

Mr. SMOOT. There is a monopoly in this country to-day, and there is a monopoly in Canada.

Mr. WILLIS. I understand that, but there is nothing in the duty that will continue a monopoly, necessarily.

Mr. SMOOT. Not at all. Any American citizen or any other citizen has a perfect right to establish an industry for the manufacture of cyanide.

Mr. WILLIS. The Senator from Nevada suggests that the profits ran up to 600 per cent or 900 per cent, and if they are that high there will be a number of concerns entering into it.

Mr. SMOOT. There is an explanation for that. Their profits were not on cyanide. Their profits were more than all the cyanide they made put together, every dollar of it, if it was given to them.

Mr. PITTMAN. Show me that in the hearings.

Mr. SMOOT. I do not know that it is in the hearings, because we did not bring it out in the hearings.

Mr. PITTMAN. Oh, you did not? Why not?

Mr. SMOOT. I did not know it until afterwards.

Mr. PITTMAN. I would rather have the evidence on that subject.

Mr. SMOOT. I know the Senator would.

Mr. PITTMAN. I will say that there is no evidence before the committee to that effect.

Mr. SMOOT. There is evidence before the members of the committee, Mr. President. There is no doubt about it at all.

Mr. PITTMAN. I am not talking about the private conversations between the representatives of the Roessler & Hasslacher Chemical Co. and individual Senators; but I say that in the hearings there is no evidence in support of that statement, and I defy the Senator to point it out.

Mr. POMERENE. Mr. President——

Mr. PITTMAN. I yield to the Senator from Ohio.

Mr. POMERENE. I just want to ask this question: Of course I understand that, generally speaking, when it comes to the framing of a tariff bill no American can do anything in competition with a foreigner. That is the patent fact; but I should like to know what the evidence is which demonstrates that cyanide can be made so much cheaper in these other countries than it can be made in this country, particularly in view of these profits. My knees almost smote together when I heard the Senator from New York say that this company that had been making six or seven or eight or nine hundred per cent might go to the wall in the event that we did not impose this tariff; and I should like to know just what the evidence is as to the cost of production in these other countries as compared with the cost in this country, if there is any. Of course I understand what the claim is, that we can not do anything at all in this country compared with the others.

Mr. SMOOT. No; the Senator should not say that. I get my information as to the process that is used in Canada being superior to that used in the United States from members of our own Tariff Commission. That is where I get my evidence from.

Mr. POMERENE. I should like to know what the evidence is. Here is the assertion. I should like to know the evidence. I should like to know the details of it, if we can get them.

Mr. SMOOT. The only evidence is this: After an investigation by experts of the Tariff Commission, they report that to be a fact.

Mr. JONES of New Mexico. Mr. President——

Mr. PITTMAN. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. As bearing upon this question of the necessity for information——

Mr. POMERENE. We do not need that in making a tariff bill.

Mr. JONES of New Mexico. Apparently it has not been so considered; but a statement has been made here regarding the difference in the cost of production of acetic acid here and in Canada, and the Senator from Utah has referred to that as illustrating the conditions which obtain in the cyanide industry. There is no evidence in the record regarding the cost of either of these products. The Senator from Utah has referred to acetic acid, and, as I say, there was no evidence upon the subject; but I am in receipt of a telegram from the Shawinigan Products Co., of Shawinigan Falls, regarding acetic acid, and here is what it says:

Reference acetic acid, our London office advises Sherwin-Williams offering 80 per cent acid at 30 cents per pound c. i. f. London. Best price we able to make, 42 per pound. Can not explain this except their cost of manufacture less than ours.

There, at least, is a concrete statement.

Mr. SMOOT. Mr. President, that may be one strength of acid and the American product may be another. The Senator knows that he has asked the representatives of the Tariff Commission what the process of manufacturing acetic acid in Canada is, and that is 100 per cent. That is the strength they make it there—100 per cent.

Mr. JONES of New Mexico. Yes; I understand that.

Mr. SMOOT. And we begin with ours about 40 per cent.

Mr. JONES of New Mexico. Yes; lower than that.

Mr. SMOOT. Thirty-two per cent, I think.

Mr. JONES of New Mexico. No; 28 per cent is the lowest I have seen.

Mr. SMOOT. It may be even as low as 28; and then every process from that up, in order to get it into glacial acetic acid, constitutes added cost in the making of it.

Mr. JONES of New Mexico. But the Senator was making all sorts of statements the other day as to why this Shawinigan Falls concern could make any kind of acetic acid cheaper than it could be made in the United States.

Mr. SMOOT. Why, they make only one kind. The Senator from Utah did not make any such statement as that.

Mr. JONES of New Mexico. The Senator from Utah contended that they could put a little water in it and then they would have a lower grade.

Mr. SMOOT. Yes; but the Senator from Utah said that nobody was a big enough fool to do that—to pay freight on water, and reduce the strength of his product, when whoever bought it had to take the water out of it. I knew that even the people up in Canada would not do that, and that is what I said.

Mr. JONES of New Mexico. I just want to observe that the evidence here surrounding all these items is either absolutely unreliable or absolutely lacking. There is nothing in the nature of definite evidence regarding the cost of production of a single item in this schedule or in this bill. Neither committee in the House or in the Senate called anybody before it to ascertain the actual cost of production of any one of these articles either here or anywhere else.

Mr. SMOOT. Did the Senator say that the Canadian people could not make this product for less than 42 cents per pound?

Mr. JONES of New Mexico. That is what this telegram says. They say that the American Sherwin-Williams Co. quote a price of 30 cents per pound c. i. f. London for 80 per cent acetic acid, and this concern wires that it can not sell it there at less than 40 cents.

Mr. SMOOT. Mr. President, I have here the paper issued called Drug and Chemical Markets, giving daily quotations; and in the issue of April 26, 1922, the price of glacial acetic acid by the barrel of 100 pounds is given as 8½ cents. I can buy 100 pounds of it, 100 per cent pure, for 8½ cents a pound.

Mr. McCUMBER. Mr. President, if the Senator will just allow me to make a suggestion, inasmuch as we got through with acetic acid I hope we will not go back every day to this vinegar item. If we continue such a long argument on it, I am afraid that we will pickle the whole tariff bill with this vinegar discussion.

Mr. POMERENE. That would be a good thing.

Mr. McCUMBER. My purpose, however, was to answer the question asked by the Senator from Ohio as to what accounted for the difference in the cost of production on the Canadian side and on the American side. The evidence before the committee is, first, that the use of the hydroelectric power which is used on both sides by the Canadians at one-half the price that the Americans have to pay for their power gives them a very material advantage in the cost; secondly, that the Canadians are not compelled to pay any income tax upon the income derived from the manufacture of this product, as I understand the testimony, which to a certain extent amounts to a bonus for its production. That is the principal difference that accounts for the cheaper production on the Canadian side. They also have a patent on a certain process of manufacture, which gives them a certain advantage. I do not think there is any question but that it costs considerably more on the American side. Whether or not this 10 per cent just exactly measures that difference in cost, I can not say positively, but I think it is very near it.

Mr. POMERENE. As it appealed to me, it seemed to me that there could not be very much difference, either in the cost of the raw materials or in the cost of the labor, between the Canadian plants and the United States plants.

Mr. McCUMBER. I think the cost of the labor is about the same, and undoubtedly the cost of the material is about the same; but the patented process which they have, taken in connection with the fact that their hydroelectric power costs them only about half as much and that they are freed from certain taxes with relation to it gives them a very considerable advantage in the manufacture.

Mr. JONES of New Mexico. Mr. President, I desire to observe that the recent use of the lash by the Senator from North Dakota is hardly in keeping with his general spirit of urbanity and fairness. Moreover, to undertake to use the lash and then prevent anyone from making any reply is certainly beside the usual characteristics of the Senator from North Dakota. I regret that as this discussion proceeds he should step aside from the urbanity and fairness which is usually found in his procedure. I desire to state that the reason why I mentioned acetic acid at all was because the Senator from Utah referred to it; and if the Senator from North Dakota will observe what is going on, he should use his lash at the place where the trouble starts.

Mr. McCUMBER. I will ask the Senator from Utah if he will kindly accept the amendment.

Mr. SMOOT. Yes, I will; and, really, the lash has not hurt me at all. I referred to the patent on acetic acid. I did not refer to the rate on acetic acid, or the price of it.

The Senator from Nevada defied me to produce any testimony here showing the profits of this company—not only the profits of this company in the United States, but its profits in comparison with other companies. I do not want to take the time of the Senator——

Mr. PITTMAN. Oh, I want the Senator to. Go right ahead. If the Senator has found anything there that will enlighten the Senate, let him get it out.

Mr. SMOOT. In answer to the charge that was made here and read by the Senator as to the profits that were made during the war, this is the testimony that was presented to the committee——

Mr. PITTMAN. On what page?

Mr. SMOOT. On page 4847 of the hearings:

The Roessler & Hasslacher Chemical Co. has been in existence since 1889 and the Niagara Electro Chemical Co. since 1895, and each year a part of the earnings of said companies was used in the earlier enlargement and improvement of their manufacturing plants, so that in 1919

the invested assets of said companies were far in excess of the original capitalization.

On April 30, 1919, the combined capital stock authorized and outstanding of the Roessler & Hasslacher Chemical Co. and its subsidiaries amounted to $1,800,000, while the total assets on that date amounted to about $8,000,000, no part of which was represented by licenses, patents, or good will.

The balance sheet of the American Cyanamid Co. as of June 30, 1918, shows the authorized capital stock to be $18,000,000, of which $14,588,500 was issued. The balance sheet of said company as of June 30, 1918, gave the total assets as $17,609,135.97, the two principal items of which are $5,523,129.05 for licenses, patents, and capitalization expenses and $4,865,141.30 investments in subsidiary companies.

The total gross sales of the Roessler & Hasslacher Chemical Co. and its subsidiaries for the four months ending April 30, 1919, aggregated $6,898,088.17, while the total gross income for the same period amounted to $7,092,898.75. The aggregate net income of said three companies for said period was $430,581.87. (From condensed consolidated statement of income and expenditures prepared by the Alien Property Custodian and printed as part of a notice of sale of the German-owned stock of the aforesaid company.)

That is the statement that was made by the Alien Property Custodian.

In order that your committee may draw its own conclusion and make its own comparison of the earnings of the Roessler & Hasslacher Chemical Co. with that of the American Cyanamid Co., we beg to submit the following figures from the report of the president of the American Cyanamid Co. on behalf of the board of directors, dated August, 1919. This report shows that the gross sales of said company for the full year ending June 30, 1918, amounted to $6,194,668.15; that the total gross income for said period was $8,702,276.40; and the net income derived therefrom amounted to $1,601,410.36.

By comparing the foregoing statements it will be seen that on a gross income of approximately $8,700,000 the American Cyanamid Co. had a net income of $1,600,000, while the Roessler & Hasslacher Chemical Co., on a gross income of approximately $7,000,000, had a net income of $430,000 and at a rate of less than one-third of the rate of income of the American Cyanamid Co.

The foregoing figures carry more conviction than all the misleading statements printed or spoken by the American Cyanamid Co. or its representatives.

In view of the fact that the American Cyanamid Co. claims to be patriotically American, we beg to submit for the consideration of your committee the report of its president for the year ending June 30, 1918:

Mr. PITTMAN. Mr. President, what the Senator has offered may satisfy him, and it may satisfy the committee. He has read a statement from the Roessler & Hasslacher Co. stating that in addition to their capital there were a great many other assets which were not included in the capital.

Mr. SMOOT. The gains which have been made from the year 1905 and placed in the business.

Mr. PITTMAN. Undoubtedly.

Mr. SMOOT. The profits of which the Senator was speaking were based on the capital stock, but not the undivided profits, or the profit and loss of the company, which was at that time $8,000,000.

Mr. PITTMAN. Instead of this committee trying to find out, if it occurred to them, the cost of production of a pound of cyanide, they have allowed this company to compare its profits with what they call the American Cyanamid Co., which is its only rival in business and only competitor. I am not interested in knowing which one made the most money, and I am not interested in knowing whether the Roessler & Hasslacher Co. made a little more profit than the Cyanamid Co., or whether the Cyanamid Co. made a little more profit. I am interested in seeing that both of them do not make exorbitant profits, and, as a matter of fact, from the statement read, I am satisfied that both have been making exorbitant profits. I do not think there is any question about it. No doubt the Roessler & Hasslacher Co. has turned its profits into capital so as to defeat the excess-profits tax, but the earnings were reported by our Government and never denied.

Mr. SMOOT. As every other chemical company did during the war.

Mr. PITTMAN. There is no doubt but that when we come to the conclusion that these two concerns have been making exorbitant profits, before we give them any protection to hold up those profits they ought to show just exactly what it costs to make a pound of cyanide. I do not know anything about the cyanide business, but I know you can tell just exactly what it costs a ton to mine gold and silver ore. There is no difficulty about that at all. There would have been no difficulty for these Senators who know so much about business to properly cross-examining the representatives of these two cyanide companies and find out the elements of expense entering into the production of a pound of cyanide; but they have not done it. The Senator from Utah has read a comparative statement, given out by one of the agents of the Roessler & Hasslacher Co., showing that the American Cyanamid Co. made a little more profit than they made. That is the situation. As a matter of fact, it is evident from these hearings that both of these companies have been gouging the American public every time they got a chance to. It is evident there is only one way to bring about competition, and that is to turn these two companies loose on each other, and then we will find out where the profits come from.

There is no doubt at all—and it has been admitted from the very beginning—but that this Roessler & Hasslacher concern is the sole producer of cyanide in this country; that it has the sole agency of the German company; that the English are interested in it and never ship any of the product to this country. It is perfectly evident that there is a combination controlling this industry in the world, and it is not a very big industry at that. It is a tremendous money-making industry, but in the matter of pounds of stuff produced it is almost like diamonds. The total consumption in this country is only 20,000,000 pounds, but the evidence is uncontradicted that this business has been divided up in the world between the English concern, the German concern, and the German-American concern. I do not think anyone doubts that at all.

Mr. SMOOT. The Senator said that he wanted these two companies to get at one another.

Mr. PITTMAN. I do.

Mr. SMOOT. The American company can stop making cyanide and go on with their other chemical industries, and it would leave the German and the Canadian companies monopolizing the business; and as soon as the Canadian company was disposed of, then the German agents would sell the cyanide for whatever they wanted to.

Mr. PITTMAN. While the Cyanamid Co., in my opinion, has a better process—and I only state that from the little I have found in the evidence—while it may get some of its rates a little cheaper, its freight rates are higher. Its freight rates are twice as high, in many instances, as the freight rates paid by the Roessler & Hasslacher Co., because you have to use practically twice as much of the same stuff made by the Cyanamid Co. as of that made by the Roessler & Hasslacher Co. to get the same results. As a matter of fact, there is no evidence whatever to indicate that there is any chance that the Cyanamid Co. will run the Roessler & Hasslacher Co. out of business, and I do not believe there is a Senator here who believes that you could run them out of business, whether you put a tariff on this thing or do not put a tariff on it.

This is the proposition: Some of these Senators have this monopoly operating in their States, and they want to give that monopoly something, and you compromised with them. That is what you did. A number of you Senators who were in favor of putting this product on the free list when they demanded 33⅓ per cent compromised with them on 10 cents, without rhyme or reason, just to help those Senators out and support monopolies in their States which support them in their elections.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. PITTMAN. I yield.

Mr. STERLING. I wish to call attention, if the Senator will permit me, to what I think are the facts in regard to the profits of the Roessler & Hasslacher Co. They are not all derived from one company. There are various companies controlled by the Roessler & Hasslacher Co.

Mr. PITTMAN. There are three.

Mr. STERLING. The company which manufactures the commodity here in issue made a profit of 900 per cent annually for the five years preceding our entrance into the war, according to the statement, in the manufacture of this one particular product.

Mr. SMOOT. Oh, no.

Mr. STERLING. Let me quote from the report of the Alien Property Custodian in that regard.

Mr. SMOOT. They make numerous chemicals at the Perth Amboy Chemical Works.

Mr. STERLING. The Perth Amboy company is a separate and distinct company.

Mr. SMOOT. That is where this product is made.

Mr. STERLING. If the Senator will permit me, I read from the report of the Alien Property Custodian:

The Roessler & Hasslacher Chemical Co. "was a branch of the great Frankfort gold and silver refining company known as the Deutsche Gold & Silber Scheide-Anstalt vormals Roessler, and was organized by Messrs. Roessler and Hasslacher, two old Scheide-Anstalt employees, who came to this country to introduce the goods of the parent house. From the first the German concern and its officers and employees owned about three-fourths of the stock of the American house. * * * In 1895 the Niagara Electro-Chemical Co. was founded to manufacture metallic sodium by means of the electric power available in Niagara Falls. The sodium thus produced was used for the manufacture of cyanide of sodium in this country, a business which immediately became exceedingly profitable. The stock of this company was divided so that one-third of it went to the Scheide-Anstalt, one-third to Roessler & Hasslacher, and one-third to English interests. This company had a capitalization of $100,000, made fabulous profits, and for the five years before our entrance into the war averaged over 900 per cent in dividends annually."

That is the statement. Then he goes on to describe the Perth Amboy Chemical Works, another organization.

Mr. CALDER. Will the Senator tell the Senate who made that statement?

Mr. STERLING. The Alien Property Custodian in his report.

Mr. CALDER. Is that over the signature of the Alien Property Custodian?

Mr. STERLING. I do not see his signature here, but it is in quotations and from his report, which report is published at pages 363 and 364 of the Journal of Industrial and Engineering Chemistry, April 1, 1919, according to a footnote.

Mr. President, if the Senator from Nevada will permit me, I just want to say one word in regard to the combination of these interests. I understand the Senator from Nevada alluded in a general way to the combination. I have here just a little paragraph from a letter which brings this matter pretty nearly up to date. It may have been referred to by some one, but this is a letter from an employee of the Department of Commerce, Mr. Allan G. Goldsmith, Chief of the Western European Division. Writing to the American Cyanamid Co., he said, among other things:

> I wish to say that we have endeavored to obtain information on the processes in use here for the production of cyanide, but have been unable to get anything very specific. The production of this product is practically a monopoly in the hands of the Deutsche Gold & Silber Scheide-Anstalt, Frankfurt am Main. This concern is said to control 95 per cent of the grade of cyanide of soda, containing 50 to 51 per cent cyanogen, which is the product most in demand. An inquiry made direct to these manufacturers elicited the reply that any information desired could be gotten from their American representatives, the Roessler & Hasslacher Chemical Co., New York City, 709–717 Sixth Avenue, corner Forty-first Street, box 119, Times Square.

That letter was written March 10, 1922.

Mr. CALDER. Mr. President, will the Senator from Nevada permit me to make a short statement in reply to what the Senator from South Dakota has said?

Mr. PITTMAN. Certainly.

Mr. CALDER. The Senator from South Dakota has read a statement purporting to be part of the report of the Alien Property Custodian. I have in my hand a copy of a letter written January 7, 1922, signed by Thomas W. Miller, Alien Property Custodian. This letter says, in part:

> My attention has been called to the statement contained in a brief filed by your opponents—

Referring to this controversy—

> purporting to be a quotation from the report of my predecessor, Hon. A. Mitchell Palmer, stating that your company had a capitalization of $100,000, made fabulous profits, and for five years before entrance into the war averaged over 900 per cent in dividends annually. If this statement was made with reference to your corporation, I find it to be absolutely incorrect.
>
> I am advised that the financial affairs of your company were examined by certified public accountants acting in behalf of the Alien Property Custodian, and that their reports show that the dividends earned and paid by your company during the past six years averaged annually about 37½ per cent on the capital of your company, amounting to $1,300,000, and on the basis of its capital and surplus, or invested assets, averaged approximately 12½ per cent per annum for said period.

This letter is signed by Thomas W. Miller, Alien Property Custodian.

Mr. ODDIE. Mr. President, I would like to ask the Senator from New York the date of that letter?

Mr. CALDER. January 7, 1922.

Mr. ODDIE. I ask the Senator if he is not aware of the fact that that letter was withdrawn and another substituted in its place?

Mr. CALDER. No; I have never heard of any other letter.

Mr. ODDIE. I think that is the case.

Mr. CALDER. I would like to have the Senator bring it to the attention of the Senate.

Mr. STERLING. Mr. President, the Senator from Nevada corroborates what I have heard, namely, that the present Alien Property Custodian would have qualified some of the statements he made in that letter.

Mr. CALDER. But I have presented a statement over his own signature.

Mr. PITTMAN. I think he ought to be given a chance to withdraw it, anyhow. It is not based on the facts, and I know that he made a mistake, because he is a nice fellow. Mr. Miller failed to speak about the enormous profits of the subsidiary companies which are exclusively engaged in the cyanide business. I do not think anyone raises any question that the Roessler & Hasslacher Chemical Co. are the exclusive agents of the German cyanide manufacturers. I do not think anyone raises that question. In the hearings they admitted that fact. I do not think anyone denies at all that they were sent over here by the German monopoly to establish this business for them and that they actually controlled the whole business up until the time we went into the war. No one denies that and no one denies that the Alien Property Custodian has said that they fraudulently transferred a few shares of stock to the American end of it for the purpose of escaping control by the Alien Property Custodian. Nobody denies that.

Now we are coming down to what is denied. Nobody denies that this is one concern of the kind in the United States that manufactures cyanide. Nobody denies that the cyanide we had in this country, before the Cyanamid Co. was established at Niagara Falls in 1917, came from two sources—either from the German monopoly through the Roessler & Hasslacher Chemical Co. or directly from the Roessler & Hasslacher Chemical Co. In other words, nobody denies that until the Cyanamid Co. came into existence there was but one source of supply in this country, and that was that one German concern and a concern in this country which it controlled. That situation has not changed a particle.

The representatives of the Roessler & Hasslacher Chemical Co. were at the hearings all the time. They heard Mr. Hammitt, representative of the American Cyanamid Co., testify. They broke into his testimony two or three times. They heard him testify as to the distribution of the world business by the English company, the German company, and the German-American company. He did not deny it. He came in and filed a supplemental brief afterwards, and there is no denial in that.

The only fact in dispute in the whole matter is that they say they have to have 33⅓ per cent to exist in this country and that if they do not get it they will be run out of existence by the American Cyanamid Co. No one believed that, or the committee would have given them 33⅓ per cent under this statement. May I ask the Senator from Utah why they do not believe it? On what did he base his figures that 10 per cent ad valorem would save them when they said it would take 33⅓ per cent to save them?

Mr. SMOOT. So far as my figures are concerned they were based on statements made to me by one of the officials of the American Cyanamid Co.

Mr. PITTMAN. What were those figures?

Mr. SMOOT. On the basis that the water power alone made that amount of difference—10 per cent. That is the statement which convinced me, and even that was not sufficient fully so far as I was concerned, but I want this 10 per cent because I do not want Germany absolutely to drive out of existence the industry in the United States and then kill the Canadian people, and then charge us double the amount for the cyanide which we must have.

Mr. PITTMAN. Which would this come the nearest to killing?

Mr. SMOOT. It would come the nearest to killing the American company first.

Mr. PITTMAN. All right. Now, if we put 10 per cent ad valorem against the foreign import, which does it affect most, the Canadian company or the German company?

Mr. SMOOT. Of course, I think myself, speaking offhand, that the German company can sell cheaper than the Canadian company, although the Canadian company has even a better process of manufacturing it than Germany has to-day. Canada now manufactures it from calcium carbide. Germany and America we know manufacture it from metallic sodium. The Senator knows that the preparation to manufacture the metallic sodium is a very difficult problem. We were forced into this proposition. So far as competition between the two is concerned, there is no doubt that Canada could drive us out of business here and I am fearful that Germany in the end will drive Canada out. If they do, may the Lord help the people who have to buy from the one concern that would be represented in the United States, the German manufacturers.

Mr. PITTMAN. The price of labor is lower in Germany than in Canada. The exchange makes a difference, too. There is no doubt that Germany can manufacture cyanide or pretty nearly anything else much cheaper than we can in this country or in Canada. There is no difference in the cost of manufacture in Canada and the United States except the difference in the cost of power. So far as labor and materials are concerned they are the same. The expense of transportation of the Canadian product is twice as great as the American product.

The Senator from Utah is so uneasy for fear the Germans will come in here that he has proposed to put a 10 per cent ad valorem duty on the product. I ask him whether that would tend to keep out the Canadian or the German. He knows that if it keeps out either one it will keep out the Canadian and will not keep out the German. That is what he knows, and so do the Roessler & Hasslacher Chemical Co. know the same thing.

Mr. SMOOT. I know another thing, too, I will say to the Senator.

Mr. PITTMAN. They do not care whether we keep the Germans out or not. Does the Senator think so? Not at all, when they own both institutions.

Mr. SMOOT. That is what I said. I am trying to protect the user of cyanide in the United States from just such a condition. The only way to do it, in my opinion, is to put a low rate of 10 per cent upon it, and I do not know whether even that will do it. If the testimony from the Roessler & Hasslacher Chemical Co. representatives is to be believed, it will not do it. But we are going to take a chance, or the committee has decided to take the chance, that it will do it.

If the manufacture of this product in the United States is destroyed and if we then have Canada and Germany fighting it out, the result in the end will be that Germany will win, and then Germany will make us pay dearly for all that she has lost in driving the Canadian product out.

I could go on and tell the Senator of other items here as to which in the past Germany has done the same thing and in exactly the same way. Take oxalic acid. I suppose the Senator from Alabama [Mr. UNDERWOOD] knows the history of that very well indeed. There are other chemicals I might mention, but I will not take the time now. When we reach them, I may do so.

Mr. POMERENE. Mr. President, with the permission of the Senator from Nevada I want to ask the Senator from Utah a question. The Senator from North Dakota [Mr. MCCUMBER] has indicated that between Canada and the United States there was a difference in the cost of production of cyanide due largely to the difference in the cost of power. This is my question: When the committee fixed this rate of duty were they trying to cover the differential in cost between the United States and Canada or between the United States and Germany?

Mr. SMOOT. Between the United States and Canada. I will say there is one other item which has not been mentioned here to-day that I know of, but there is no doubt that the raw material is right at hand in Canada and it costs less there than it does here and they admit it.

I wish to say to the Senator from Ohio that I am fearful that the 10 per cent ad valorem duty is not going to protect the industry, but it will give these people who are manufacturing it in this country at least a 10 per cent advantage. If they can ever hold their own as against Germany they would rather take that than to have nothing. Just as soon as they can import their product into this country and make more money I know the agents of Germany will import it. There is no doubt about that at all, but if we are going to import under these conditions the Treasury of the United States ought to have the benefit of the 10 per cent.

Mr. ODDIE. Mr. President, I would like to ask the Senator from Utah if any evidence was presented before the committee showing the prices at which the Roessler & Hasslacher Chemical Co. buy power on this side?

Mr. SMOOT. No; I do not remember the exact price, but everybody admitted it was cheaper in Canada than in this country.

Mr. ODDIE. That is, cheaper in Canada than it is as a rule in this country, but has the Roessler & Hasslacher Chemical Co. a special rate covering a long term of years?

Mr. SMOOT. Even the American Cyanamid Co. admitted that their power was cheaper in Canada than in this country, but, of course, there is only one company that manufactures it in the United States; so this statement must be applied to that company.

Mr. ODDIE. Did they state that it was cheaper than the general going price in this country or cheaper than the price which the Roessler & Hasslacher Chemical Co. get?

Mr. SMOOT. The Roessler & Hasslacher price, because they were competing with one another.

Mr. PITTMAN. The 10 per cent duty is not going to affect the introduction of the German product if the Germans at both ends of the line want it to come in. It never has affected it. They imported 5,000,000 pounds of it last year. This same Roessler & Hasslacher Chemical Co. imported 5,000,000 pounds last year, but they did not sell it at any less because they got it for less.

Mr. SMOOT. I do not know as to that, because the price kept dropping all the time.

Mr. PITTMAN. Oh, no. The Senator means the price since the war has dropped, perhaps. Of course, the same concern made 6 cents more by importing it than they did by manufacturing it.

Mr. SMOOT. This is what the Tariff Commission had to say about it. They say that in 1918 there was imported 69,279 pounds, of a value of $12,615, and a unit value of 18 cents. In 1920 they imported 7,590,495 pounds, of a value of $1,091,443, and a unit value of 14 cents.

Then for the nine months of 1921, up to the time the hearings were begun, which was all the report we could get at that time, they imported 6,080,406 pounds, at a value of only $639,000, or a unit value of 10 cents.

Mr. PITTMAN. But who imported that? The Senator knows who imported it.

Mr. SMOOT. No; I could not say, because a great deal of it came from Canada.

Mr. PITTMAN. No; I mean the importation from Germany.

Mr. SMOOT. No; I did not say from Germany. I said those were the total importations. Those were from Canada and from Germany. There is no doubt that imports were coming from Germany, because I agree with the Senator and we all agree that the product handled in this country is handled by the German concern. There is no doubt about that.

Mr. PITTMAN. Very well. What was the price in the United States at the same time there was a price of 10 cents for the imported article?

Mr. SMOOT. In 1921?

Mr. PITTMAN. Yes.

Mr. SMOOT. I think it was 18 cents, as is shown by the testimony.

Mr. PITTMAN. I think it was 21.23 cents.

Mr. SMOOT. I have not looked it up in the testimony, but it was selling around 18 or 20 cents a pound.

Mr. PITTMAN. I am just stating what happened. They imported cyanide from their German parent, affiliated with their own company, on the basis of 10 cents a pound, and they sold it to the American public on the basis of 21.23 cents a pound.

Mr. SMOOT. And if they had had complete control of the market, unless they could make just as much profit by manufacturing it in this country, they would have charged an even higher price. That is what would have happened.

Mr. PITTMAN. They never came down a cent during all the years those relations existed between the German concern and the German-American concern until what? Mind you, now they are complaining that the American Cyanamid Co. is reducing the price by 5 cents a pound, down to 15 cents.

Mr. SMOOT. I shall not complain if they reduce it to 10 cents a pound, if they can.

Mr. PITTMAN. And they will meet that price. In 1914, when we finally placed cyanide on the free list under the Underwood-Simmons law—the House put it on the dutiable list, but the Senate put it on the free list and it stayed there—then the price came down.

Mr. SMOOT. No; I think the price at that time was even higher.

Mr. PITTMAN. No.

Mr. SMOOT. I will see what is shown from the statistics. In 1908 the price was 18 cents; in 1909 in was 18 cents; in 1910 it was 18 cents and also 17½ cents; in 1911 it was 17 cents; in 1912 it was 17 cents; in 1913, up to the time of the World War, it was 17 cents.

Mr. PITTMAN. What was the price in 1914?

Mr. SMOOT. In 1914 the price was 14½ cents. In 1915 it went up to 16 cents. Then during the war, of course, it went out of sight.

Mr. PITTMAN. Now, here is what was said by them about putting it onto the free list; here is their testimony given then. This is what the agent of the Roessler & Hasslacher Chemical Co. said:

> The drop in the price of cyanide in 1914 was the result of the removal of the duty under the Underwood Tariff Act.

I remember the circumstances attending that action very well, and I think the Senator from Utah also remembers them. The bill came here from the other House carrying a duty on this article, just as it does now, but the Finance Committee took it off. Then the bill went into conference; old man Hasslacher came down here, and in conference the duty was restored. Then some one went down and got it off again, as the Senator from Utah will remember.

What I am getting at is this: The price dropped down to 14 cents a pound when the duty was removed, and yet the manufacturers made a good living out of it. When they were selling it at 14 cents per pound the record shows that they were making a tremendous profit. The record also discloses the fact that when they were getting cyanide from Germany at 10 cents a pound they were selling it to the American people at 21 cents a pound. The only thing that has ever tended to bring the price down is the Cyanamid Co., the American company doing business on the other side of Niagara Falls, and when it put the

price down 5 cents a pound, which brought it down to 16 cents, 2 cents above what it was in 1914, Roessler & Hasslacher claimed that they would be put out of business, just as they claimed it would put them out of business if we put the article on the free list in 1914. However, we did put it on the free list, but they still made a tremendous profit.

Why on earth is it that Senators will stand here and take the word of these interested money grabbers, these robbers, as the Senator from Utah awhile ago called them?

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. PITTMAN. I yield to the Senator.

Mr. McCUMBER. If I correctly understood the Senator from Nevada, I think he made a statement which is hardly borne out by the record. If I understood him rightly, he said that this company purchased this article at 7 cents per pound and sold it for 21 cents?

Mr. PITTMAN. No; I said they purchased it at 10 cents a pound.

Mr. McCUMBER. The testimony shows in reference to these importations—and those are the late figures—that the price was 14.3 cents, what it cost them from Germany, and that it was sold for 21 cents here as against that 14.3 cents, the German price. It was on that difference between 14.3 cents and 21 cents that they based their claim for the 33⅓ per cent ad valorem duty.

While I am on my feet I wish to make another suggestion.

Mr. PITTMAN. Before the Senator from North Dakota leaves that branch of the subject, I desire to say that I was taking, entirely, what was read from the Tariff Board report.

Mr. McCUMBER. What I stated was the testimony before the Finance Committee.

Mr. PITTMAN. I was merely taking what the Senator from Utah read from the report of the Tariff Board.

Mr. SMOOT. I will say to the Senator that what I gave was the invoice price in Germany at the factory where the article was made.

Mr. PITTMAN. That was the selling price in Germany, f. o. b.

Mr. McCUMBER. The Senator from Nevada asked a question which I think was very pertinent, and that was this: By providing a duty of only 10 per cent ad valorem will we not, if we allow the German manufacturers still to undersell, put the Canadians out of business? I think that would be absolutely true if they were going to sell as cheaply as they could sell; but there is a general error in supposing that because the German manufacturer can manufacture and sell for a third or a quarter less than the American manufacturer can, he thereby will necessarily put the American manufacturer out of business. I do not think he will do it, even though I think the German manufacturer has the power to do it, for this reason: Germany wants gold; she wants all the gold she can get; she wants just as big a profit as she can get; but even if she can produce at 7 or 8 or 9 or 10 cents a pound, and even though she could sell the article in the American market at such a price that she could drive out the American manufacturer in time, what she wants now is the very best possible price that she can get, and she is selling very closely up to the American price.

In the case of some imported articles, as has been suggested, she is even selling higher. At any rate, she is selling for all she can get; and I do not think that the American industry is going to be put out of business immediately by any German concern, even though the duty were so low that it would be in Germany's power to do so. However, we fixed the duty at such rate as we thought would enable the Canadian product to come in, so that there would be fair competition between the Canadian product, the German product, and the American product.

Mr. PITTMAN. There are two phases of this question that interest me. One of them is as to whether or not there will be driven out the only competitor the American company has, and the other is how much the American people will be taxed to protect the company here. So far I have very largely been discussing the question from the standpoint of the effect it will have on competition, but there are other phases of it. I do not know whether or not it is going to drive the cyanamid company out of business. We only have the word of the cyanamid company for that, and it says it will drive them out of business. We only have the word of this other interested company as to how much it costs them to make this commodity. I would not, if I had been on the committee, have taken the word of either one of them, because they are both interested parties.

Mr. McCUMBER. I think the committee made due allowance for exaggerated statements by either or both.

Mr. PITTMAN. Yes; I think the committee did exactly as a jury does when it does not know anything about a subject—it guesses at it and splits the difference.

Mr. SMOOT. How has the Senator found out the cost of production?

Mr. PITTMAN. I have not found out the cost.

Mr. SMOOT. And nobody else can find out the cost except by an examination of their books; and that would be no better, so far as that is concerned, than the evidence which they have given.

Mr. PITTMAN. There is not any question but that an auditor, if put to work, could discover what it costs them to produce the commodity.

Mr. SMOOT. The Senator knows if that had been done in the case of every item in this bill we would not have had a tariff bill for the next 10 years.

Mr. PITTMAN. I want to tell the Senator that I would not make a present to any monopoly in this country, an admitted monopoly, which, during the war, in view of the prices charged, was a robber, as the Senator himself has said, without having evidence to show that it was essential to give them a duty.

Mr. SMOOT. Mr. President, nobody is giving them anything at all; they are not getting what they asked for; they are not getting what they claim they require.

I am not giving anything to them at all; I am advocating a duty in behalf of the man who purchases cyanide in order to give him a chance to enjoy the benefits of competition hereafter, because unless there shall be competition he will pay very dearly for the commodity.

Mr. PITTMAN. I will tell the Senator what he is doing, and he knows it. He is taking money right out of the pocket of every gold and silver miner in his State and handing it over to the Roessler & Hasslacher Chemical Co.; that is what he is doing.

Mr. SMOOT. The Senator is mistaken. I think that every gold producer in my State who uses cyanide, if there was not competition, would pay not 10 per cent but 50 per cent and very likely 100 per cent more for the product if it was shipped into this country and controlled absolutely by Germany.

Mr. PITTMAN. And back in 1913, when the same scare about destroying the American industry was brought forth, and we put cyanide on the free list, every producer of gold and silver in the Senator's State was in favor of it, and that action reduced the price of cyanide to them about 4 cents a pound. It saved his State and it saved my State hundreds of thousands of dollars during the little time the provision was effective, as the Senator remembers very well.

Mr. WADSWORTH. Mr. President, will the Senator yield for a question right at that point?

Mr. PITTMAN. I will; yes.

Mr. WADSWORTH. What was the result of that in 1916 and 1917 and 1918?

Mr. PITTMAN. In 1916, 1917, and 1918, when the war was in progress, the result was that the cyanamid company, the corporation which the other company is now trying to drive out of business, was furnishing its share of the commodity.

Mr. WADSWORTH. I had reference to prices.

Mr. PITTMAN. Prices at that time went out of sight on cyanide, as on everything else.

Mr. WADSWORTH. Not the same as on everything else.

Mr. PITTMAN. They went out of sight.

Mr. WADSWORTH. Of course, they went out of sight because we had no production at all; we had been entirely dependent upon Germany.

Mr. PITTMAN. We had not been entirely dependent upon Germany.

Mr. WADSWORTH. We had been almost dependent upon Germany.

Mr. PITTMAN. Oh, no; we had not been entirely dependent upon Germany.

Mr. WADSWORTH. Well, on Canada and Germany, then.

Mr. PITTMAN. Canada did not produce any at that time.

Mr. WADSWORTH. How much did we produce of the amount that we consumed during the war?

Mr. PITTMAN. Canada did not commence to produce any cyanide, to speak of, until 1917.

Mr. WADSWORTH. The Senator quotes the historical fact that the price was reduced to the consumer of cyanide as the result of putting it on the free list.

Mr. PITTMAN. It was.

Mr. WADSWORTH. That makes a very rosy picture until something happens when one can not get cyanide from a foreign country, and then the consumer pays through the nose.

Mr. PITTMAN. I understand what the Senator means, but the articles produced by many industries at home went up

just as high or higher. It was not because we could not get them from abroad so much as that the demand for them increased, and profiteers everywhere took advantage of that condition.

Mr. WADSWORTH. Does not the Senator think that shutting off the supply from abroad was the major factor in increasing the price during the war?

Mr. PITTMAN. The increased demand at home for the Army was the principal factor.

Mr. WADSWORTH. Was it not because of the shutting off of the supply?

Mr. PITTMAN. The reason was that the Government entered the market to buy quickly and in large quantities commodities which in ordinary course the public would have taken years to buy. We can not cite war conditions at all as governing any of these things, but there is no doubt about the fact that when the war commenced about 50 per cent of the normal demand in this country was supplied by this concern through its factories; about 7,500,000 pounds were supplied by the factories of the Roessler & Hasslacher Co. The remainder was imported from Germany through them as agents. They were the sole distributors of it. We had that much of a supply. At the same time a small quantity came here from Canada. It was negligible, however, and did not amount to a great deal, consisting chiefly of high-grade potassium salts used in chemical experiments rather than for industrial purposes. Now, however, they have built up their plant, so they say, during the war until they practically can supply the demand of the United States with cyanide for all purposes.

The question is its cost to the people. Senators who favor the duty on this commodity think that it is necessary to pay them a little more rather than have them driven out of business, on the theory that if they were driven out of business by the cyanamid company, the cyanamid company would have a monopoly and would put up the price.

That is a theory which has reason back of it; but the trouble with the situation is that the committee are allowing them to raise it 10 per cent in value to keep them from being run out of business without knowing that that is necessary. They have not any evidence of it.

Mr. WADSWORTH. Mr. President, does the Senator know that it is unnecessary?

Mr. PITTMAN. No; I do not know that it is unnecessary; but I say that I would not give a monopoly a bunch of money when no necessity for it is shown, especially when it has to be taken out of the pockets of the American people.

Mr. SMOOT. The 10 per cent that is collected will go into the Treasury of the United States.

Mr. PITTMAN. It may if there are any importations; but there will not be any importations, because these people will supply the demand here. You say you are trying to keep the German product out.

Mr. SMOOT. Then, if that is the case, Canada will furnish it, and we want to keep the Canadian production alive.

Mr. PITTMAN. But suppose you kill the Canadian production.

Mr. SMOOT. We are not killing the Canadian production with the 10 per cent, because there is not any question but that it can be produced in Canada at 10 per cent less than it can be produced in this country—no doubt of it at all.

Mr. PITTMAN. There is no evidence of that fact. The trouble about the Senator is that he is constantly making assertions that "there is no doubt about" this or that.

Mr. SMOOT. The Senator from Utah has not made any assertion but that he has proven it in every case by the Tariff Commission.

Mr. PITTMAN. I do not see where the Senator has proven anything.

Mr. SMOOT. Then, if I have not, what is the use of talking to the Senator? Let him go on and get through with his speech.

Mr. PITTMAN. I will do so, too.

Mr. ODDIE. Mr. President, may I ask the Senator's leave to suggest that there may be an error in the report of the Tariff Commission as to the amount of cyanide imported from Canada and from Germany? I think the Senator will find, if he will investigate it, that there is an error.

Mr. PITTMAN. No cyanide at all was imported from Canada prior to 1917.

Mr. SMOOT. Not at all; not a pound of it.

Mr. PITTMAN. All of it that was imported came from this same German concern and went through this same German-American concern here—absolutely all of it—and there was not any competition, and the price was fixed by the Roessler & Hasslacher Co. They fixed the price entirely; and if they can do away with the American Cyanamid Co. they will again fix the price, because there will be no other competition. They will have the same power to fix the price that they had before; but, without regard to whether it will drive the American Cyanamid Co. out of business or not, the fact remains that you have not shown any satisfactory evidence that this 10 per cent ad valorem tax is essential to maintaining the existence of the American company, and the fact remains that one-third of this tax is coming out of the gold and silver miners of the country, and those gold and silver miners are in a peculiar position.

They have a fixed price for their product. They can not pass that on to the public, like the manufacturer of shoes can or like the manufacturer of any other article can. They can not pass it on to the public even like the raisers of wheat can. It goes as a tax against them and stays there. The gold and silver industries of this country have suffered more by reason of war conditions than any other industry. They are practically the only industries that instead of making money during the war have lost money. Their gold and their silver had a fixed price, while the steel and the powder and the labor and the lumber and everything that they used they have bought at war prices. Now, you propose to levy a direct tax of 10 per cent ad valorem on this production and take it out of their pockets and give it over to a monopoly—an admitted monopoly—for fear that something may happen to this poor old monopoly that is making only 40 or 50 per cent on its investment!

Mr. FRELINGHUYSEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. PITTMAN. I yield.

Mr. FRELINGHUYSEN. Has the Senator any figures as to the approximate increase in cost per ton of ore that 10 per cent ad valorem will impose on the mining industry?

Mr. PITTMAN. I answered that question awhile ago to the Senator from New York.

Mr. FRELINGHUYSEN. I am very sorry. I was out of the Chamber.

Mr. PITTMAN. I do not mean to say that I object to the question; but the amount of cyanide that is used in the reduction of the gold and silver in a ton of ore depends upon the character of the metal. A chemical reaction takes place, and the more metal you have to handle the more cyanogen you have to have. Cyanogen is the active reducing agent of cyanide. Cyanide is just cyanogen mixed up with salt in the proper way. It would vary, we might say, from 3 or 4 cents to 15 cents a ton. I am just making a rough guess at it. I have not estimated it, and I do not think anyone has.

Mr. FRELINGHUYSEN. Does the Senator consider that that is a great tax, a great imposition on the mining industry?

Mr. PITTMAN. Yes; I do, and I will tell the Senator why. As I stated before, there are a great many gold mines where the margin of profit is only a few cents. There are some that have been working at a slight loss right along because probably it would be more expensive to start up again after a shutdown than it would be to stand the loss for a while, and therefore they are running at a slight loss. There are probably seven or eight hundred mines in California and Oregon and places of that kind that are closed down and that would run if there were 30 or 40 cents a ton change in conditions. There is a $4,000,000 project now out on the Comstock lode where the margin is only about 50 cents a ton, and when you add 10 cents a ton here and 10 cents a ton there you are soon gone.

Mr. STERLING. Mr. President, will the Senator from Nevada yield in order that I may give to the Senator from New Jersey some figures from the standpoint of the Homestake Mining Co., of Lead, S. Dak.?

Mr. PITTMAN. I yield.

Mr. STERLING. They say:

> Under normal conditions we mill and treat metallurgically with the aid of cyanide something over 4,000 tons of ore per day. Our consumption of cyanide is about 0.2 pound per ton of ore treated, or approximately 175 tons of sodium cyanide per annum. The proposed duty adds about 1.6 cents per ton to our costs, or $25,000 per year in round numbers.

Mr. PITTMAN. That was when the proposition was to add 33⅓ per cent.

Mr. FRELINGHUYSEN. One and six-tenths cents?

Mr. STERLING. One and six-tenths cents per ton, according to this, or $25,000 a year.

Mr. SMOOT. But, Mr. President, that was on the basis of 33⅓ per cent.

Mr. STERLING. That is what I say; it was on the basis of 33⅓ per cent.

Mr. SMOOT. So it will be a little less than half a cent a ton.

Mr. STERLING. It will amount to about $8,000 a year to that one company, whereas I think there ought not to be a cent additional on account of any tariff.

Mr. FRELINGHUYSEN. Mr. President, if the Senator will bear with me further, I do not think there is any need of very extended debate upon this question. I think it is simply a question as to whether we are going to protect the industry in this country or turn it back to Germany and Czechoslovakia. That is the situation. This plant is in my State, and I happen to know, and I say on my honor that there is no question of its loyalty. I understand the question has been raised on this floor.

Mr. PITTMAN. Yes; it is raised.

Mr. FRELINGHUYSEN. The whole city of Perth Amboy, where this plant is located, knows of it, and knows of the number of employees employed there; and it is not 250, as the Senator stated, but over 500 in this particular department where they manufacture potassium cyanide.

I have here, from the industries of my State who use their product, letters asking that this plant be protected, because if it is not protected it means that as far as the manufacture of potassium cyanide is concerned they must abolish it, and it will go back to Germany and be imported here, and this country will be at the mercy of the German importers. That is the fact; and not only that, but there are over 15,000,000 pounds of caustic soda used in its manufacture, and we use 20,000,000 pounds of cyanide of potassium each year in our various industries. It is not used by the miners only or the citrus fruit industries only, but it is used in metallurgical work; it is used in all of the development of the jewelry industry; and it affects not only this one plant, but it affects the charcoal plants, it affects the ammonia plants, and I venture to say that it affects more employees than the few miners that the Senator is attempting to defend.

It is a question of principle. We could not manufacture enough cyanide of potassium in this country when the war broke out. We were importing 9,000,000 pounds. We were manufacturing 10,000,000 pounds here. This plant increased its capacity and took care of our war needs and utilized American raw materials, employing American labor; and that industry is here. It is necessary for war needs and war purposes should we go to war again. Now, the question is whether this moderate 10 per cent ad valorem tariff to protect this industry shall be imposed by Congress, or whether we are going to turn this business over to Czechoslovakia and Germany and Canada? That is the question.

Mr. PITTMAN. Mr. President, the agents of the Roessler & Hasslacher Chemical Co. before the Ways and Means Committee stated that there were 250 men employed in this cyanide industry. I assume that they did not testify against their own interest. That is the testimony in the hearings before the House committee.

Mr. FRELINGHUYSEN. I did not hear the Senator.

Mr. PITTMAN. I say that the agents of the Roessler & Hasslacher Chemical Co. before the Ways and Means Committee of the House, as shown in the hearings, testified that there were 250 men employed in the production of cyanide in this country. I simply accepted that statement.

Mr. FRELINGHUYSEN. I understand that that was so at that time; but I also understand, from the information I get from the Board of Trade of Perth Amboy, that it was increased to 750.

Mr. PITTMAN. In fact, practically all of the facts that I have asserted here to-day have been taken from the testimony of those seeking this bonus in the form of a duty—nearly all of them—and I have failed to find anywhere any evidence backing up the fears of the Senator from New Jersey and the Senator from Utah that this Roessler & Hasslacher Chemical Co. will be driven out of business unless they are granted a duty of 10 per cent ad valorem on cyanide.

I do know this, that the profits of those institutions, the profits of the Roessler & Hasslacher Co. and its subsidiaries indicate clearly that this company and its subsidiaries have made enormous profits out of cyanide at its present price. If they could make enormous profits selling cyanide at the price which they have been selling it, they could sell it a lot cheaper and make a reasonable profit.

There is no evidence to justify the granting of any duty on this article, and the House Ways and Means Committee said in their action that there was no need for this. They gave as much hearing to this as did the Finance Committee of the Senate. The Committee on Ways and Means is composed of men who believe in just as high protective rates as do the members of the Finance Committee. You know that the Ways and Means Committee of the House would have granted them a duty on this if they did not believe that the evidence did not justify it. You know that the House of Representatives, constituted as it is, overwhelmingly of protectionist Republicans, would have granted them a duty on this had there been any excuse to grant them a duty on it.

You know that the Ways and Means Committee of the House, which heard testimony on this at length, and the House of Representatives, found that this was a grasping monopoly which robbed the people of this country during the war, as was said by the Senator from Utah, and is coming in here now, with its German connections, the same as the other was, seeking to have the Congress of the United States take money out of the pockets of the miners and out of the pockets of the citrous-fruit growers of the West and give it to this concern as a bonus. That is all there is to this whole proposition.

Mr. McCUMBER. Before the Senator from Massachusetts moves an executive session, I ask unanimous consent that when the Senate closes its session this calendar day it shall recess until to-morrow at 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. ODDIE. Mr. President, just a word before closing, as it is late. I merely want to say that I offered an amendment on April 18 providing for free cyanide. I am heartily in favor of protecting the gold-mining industry and am going into this matter in detail before the vote is taken, not alone from the standpoint from which it has been discussed this afternoon but from that of the world production and the world's need for gold. We in this country are like an ostrich with its head buried in the sand. We do not realize what is going on about us. Because of our surplus of gold we fail to see the real world need and hunger for gold. Before the next year has closed we will have to do something to protect the gold-mining industry and increase the production of gold. It has suffered as no industry has since the war, and I shall discuss the subject from the standpoint of the need for an increased production of gold as well as from the unjust burden being imposed on this industry.

Mr. FRELINGHUYSEN. Mr. President, in reply to the statement of the Senator from Nevada [Mr. PITTMAN] that extortionate prices had been charged for potassium cyanide and sodium cyanide, I wish to insert in the RECORD at this point a table of prices, based upon the prices of sodium cyanide and potassium cyanide for the past 13 years. It shows that the price has been uniform and at a level during that entire period.

Mr. PITTMAN. Let me state that not only was the price uniform during that period but the monopoly was equally uniform.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

No better illustration of the treatment accorded its customers by the Roessler & Hasslacher Chemical Co. can be given than by the following table of prices, in carload lots, charged by it to the mine operators of the United States for the past 13 years:

Year.	Price based on potassium cyanide contents.	Price based on 96/98 per cent sodium cyanide.
	Cents.	*Cents.*
1908	18	22.86
1909	18	23.04
1910	18	22.95
1910	17½	22.31
1911	17	21.93
1912	17	21.93
1913	17	21.93
1914	14½	18.70
1915	16	20.18
1916		23.25
1917		25
1918		30
1918		25
1919		25½
1920		21½

Mr. JONES of New Mexico. On behalf of the Senator from South Carolina [Mr. DIAL], I submit an amendment intended to be proposed by him to the pending bill. I move that it be printed and lie on the table.

The motion was agreed to.

Mr. McCORMICK. I submit three amendments intended to be proposed by me to the pending bill, which I move be printed and lie on the table.

The motion was agreed to.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, numbered 51 and 58 and concurring therein each with an amendment.

Amendment numbered 51. In lieu of the sum proposed by said amendment insert $3,556,183.

Amendment numbered 58. In lieu of the sum proposed by said amendment insert $36,774,173.

Mr. McNARY. I move that the Senate concur in the amendments of the House to amendments numbered 51 and 58.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 55 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, May 4, 1922, at 11 o'clock a. m.

CONVENTIONS WITH AUSTRIA AND HUNGARY.

In executive session this day,

Mr. LODGE, from the Committee on Foreign Relations, reported a resolution, from which the injunction of secrecy was removed, and it was considered by unanimous consent and agreed to, as follows:

IN EXECUTIVE SESSION,
Senate of the United States.

Whereas under the treaties concluded August 24, 1921, and August 29, 1921, with Austria and Hungary, respectively, to establish securely friendly relations between the United States and each of these two foreign nations, the right is secured to the United States to revive, by giving notice to these nations, any bilateral treaty or convention in force between the United States and the former Austro-Hungarian Monarchy prior to the outbreak of the war: Be it

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the giving of notice by the President to Austria and to Hungary, to revive the Extradition Convention, concluded on July 3, 1856, between the United States and the former Austro-Hungarian Monarchy, and to the giving of notice by the President to Hungary to revive the Copyright Convention, concluded on January 30, 1912, between the United States and the former Austro-Hungarian Monarchy to provide between the United States and Hungary reciprocal protection with regard to copyright.

NOMINATION.

Executive nomination received by the Senate May 3 (legislative day of April 20), 1922.

COLLECTOR OF INTERNAL REVENUE.

Nat Goldstein, of St. Louis, Mo., to be collector of internal revenue for the first district of Missouri, in place of George H. Moore, resigned. Mr. John S. Leahy was appointed to this office but has never qualified.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 3 (legislative day of April 20), 1922.

REGISTER OF THE LAND OFFICE.

Martin Widsten to be register of the land office, Crookston, Minn.

COAST AND GEODETIC SURVEY.

Wilbur Oscar Manchester to be aid with the relative rank of ensign in the Navy.

PROMOTION IN THE NAVY.

MARINE CORPS.

Horace C. Busbey to be second lieutenant.

POSTMASTERS.

GEORGIA.

Stevens R. Owen, Gordon.

ILLINOIS.

Robert McIntyre, Bellflower.
Sidney F. Coffman, Bluford.
Charles H. Collins, Casey.
Joseph L. Hosick, Elizabethtown.
Fred J. Bohnenkemper, Germantown.
Mathias A. Grenning, Glenview.
Paul Bleser, Gross Point.
Lawrence F. Hake, Hoyleton.
Thomas E. Cahill, Lake Bluff.
Clare E. Godfrey, Morris.
Raymond R. Rowland, Rutland.
Lucian D. Lyons, St. David.
Charles E. Van Buren, Victoria.
Benjamin F. Welch, Zeigler.

KANSAS.

Abraham L. Hartzler, Haven.

KENTUCKY.

Yaman Watkins, Clarkson.
Elizabeth Porter, Cleaton.
Addie Elliott, Glencoe.
Charles W. Parrish, Midway.
Alfred Gowling, Newport.
Fannie Sharp, Sharpsburg.
Elzie T. Wilson, Sparta.

LOUISIANA.

Samuel Y. Watson, Baton Rouge.

MAINE.

Doris A. Day, Corinna.

MASSACHUSETTS.

Helen C. Dougherty, Beverly Farms.
Clark P. Harding, West Medway.

MICHIGAN.

William Trebilcock, Ishpeming.

MINNESOTA.

Otto Rakness, Alpha.
Arlie R. Wilder, Amboy.
Edward Lende, Appleton.
Charles C. Keller, Cloquet.
Anna E. Miller, Kelliher.
Oliver A. Matson, Kiester.
John B. Smith, Kilkenny.
Orville G. Nichols, Mazeppa.
Archie M. Hayes, McGregor.
Elmer O. Haugen, Pelican Rapids.
Gustave A. Krueger, Plummer.

MISSISSIPPI.

Jesse C. Rhodes, Sallis.
William C. Falkner, University.

NEBRASKA.

Cecil E. Mills, Long Pine.

NEW JERSEY.

Charles R. Blunt, Bloomfield.

OHIO.

John P. Grassbaugh, Bigprairie.

OKLAHOMA.

Howard Blevins, Avant.
Ceaf W. Ramsey, Beggs.
Earl Ridenour, Hydro.
Anna Lynde, Okarche.
Lincoln G. Shoop, Perry.

SOUTH DAKOTA.

Benjamin W. Ryan, Kimball.

TEXAS.

Anastatia M. Tower, Alice.
George H. Fricke, Cat Spring.
Joe M. Van Houten, Henrietta.
Walter W. Appling, Louise.
Walter J. Lindsay, Miles.
Lee W. Harris, Seymour.

VERMONT.

William H. Startup, Proctor.

WASHINGTON.

Millard E. Meloy, Winlock.

WEST VIRGINIA.

Roy A. Browning, Barboursville.
John H. Middleton, Elk Garden.
Jesse H. Petty, Gary.
Charles E. Brazeal, Maybeury.
Samuel O. Logan, Yukon.

WISCONSIN.

William H. Howard, Altoona.
Arthur C. Bishop, Bloomington.
William H. Goldthorpe, Cuba.
Ella Gothompson, Endeavor.
James C. Taylor, Gilman.
William McMahon, Lancaster.
Charles Brown, Montello.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 3, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Father in heaven, we pause at the threshold. We rest in peace because it is not a fearful thing to fall into the hands of God. Our hearts exclaim gratefully that God is love! We have only praise, wonder, and thanksgiving to express. Make us more equal to the tasks of life. Teach us how to apply the standards of duty in their perplexing applications. Let the things that are selfish, proud, and hard lose their power, and may the good, the wise, and humane gather strength. Bless our fellow citizens and always persuade them to be God-fearing and law-abiding. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. WINGO. Mr. Speaker, I may be in error, but as I understood the reading of the Journal it said that the unanimous request to dispense with Calendar Wednesday to-day also provided that Calendar Wednesday business should be in order to-morrow. Is that correct?

The SPEAKER. Yes; that is correct, according to the Chair's recollection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 268) extending the operation of the immigration act of May 19, 1921.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10007. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2186. An act granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 319. Joint resolution making available funds for preserving and protecting, in the present flood emergency, the levees on the Mississippi River, its tributaries and outlets, not under the jurisdiction of the Mississippi River Commission.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. When the House adjourned last night there was under consideration the conference report on the District of Columbia appropriation bill. The conference report has been agreed to, and the House was considering the Senate amendments to the District of Columbia appropriation bill.

Mr. DAVIS of Minnesota. The regular business, then, is further discussion, if the Speaker desires, on the point of order?

The SPEAKER. Yes; on the point of order.

Mr. DAVIS of Minnesota. I think that several gentlemen desire to be heard. Do we have to call up the conference report?

The SPEAKER. It is the unfinished business.

Mr. DAVIS of Minnesota. Do we have to formally announce that?

The SPEAKER. No. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes.

Mr. EVANS. Mr. Speaker, as I understand the situation——

Mr. JOHNSON of Kentucky. Mr. Speaker, it occurs to me that this matter is of sufficient importance to have at least a fair representation of the Members on the floor of the House, and therefore I make the point of order that no quorum is present.

The SPEAKER. The matter is to be addressed to the Chair. However, the gentleman from Kentucky makes the point of order that there is no quorum present. It is evident that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Davis, Tenn.	Knight	Ryan
Andrew, Mass.	Deal	Kreider	Sabath
Ansorge	Drane	Kunz	Sanders, Ind.
Atkeson	Edmonds	Langley	Sanders, N. Y.
Bacharach	Ellis	Lea, Calif.	Schall
Barbour	Fairchild	Lee, Ga.	Scott, Tenn.
Beck	Fairfield	Lee, N. Y.	Sears
Benham	Fenn	Longworth	Shelton
Bixler	Fess	Lyon	Shreve
Blakeney	Fields	McArthur	Smith, Mich.
Bland, Ind.	Fish	McKenzie	Smithwick
Blanton	Focht	McLaughlin, Pa.	Snell
Boies	Free	Maloney	Snyder
Bowers	French	Mann	Stedman
Brand	Garner	Mansfield	Stephens
Briggs	Garrett, Tenn.	Martin	Stiness
Britten	Gould	Mead	Strong, Pa.
Brooks, Ill.	Greene, Mass.	Merritt	Sullivan
Brooks, Pa.	Hardy, Tex.	Michaelson	Sweet
Brown, Tenn.	Hawes	Montague	Taylor, Ark.
Burdick	Hays	Moore, Ill.	Taylor, Colo.
Burke	Herrick	Mott	Ten Eyck
Burroughs	Hoch	Mudd	Tilson
Butler	Hogan	Nelson, J. M.	Treadway
Campbell, Kans.	Hooker	O'Brien	Underhill
Campbell, Pa.	Huddleston	Olpp	Vaile
Cantrill	Hudspeth	Patterson, N. J.	Vare
Carew	Humphreys	Petersen	Vestal
Clark, Fla.	Husted	Porter	Ward, N. Y.
Classon	Ireland	Pou	Ward, N. C.
Cockran	Jefferis, Nebr.	Pringey	Webster
Cole, Ohio	Jeffers, Ala.	Purnell	Wheeler
Connell	Johnson, S. Dak.	Radcliffe	Wilson
Connolly, Pa.	Kahn	Rainey, Ala.	Winslow
Copley	Kearns	Ransley	Wood, Ind.
Coughlin	Kelly, Pa.	Rayburn	Woodruff
Cramton	Kendall	Reber	Woods, Va.
Curry	Kennedy	Reece	Woodyard
Dale	Kindred	Reed, N. Y.	Wurzbach
Dallinger	Kitchin	Riordan	Wyant
Darrow	Kleczka	Rodenberg	

The SPEAKER. On this roll call 267 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The unfinished business before the House is the District of Columbia appropriation bill. A point of order was made to the amendment offered by the gentleman from Minnesota [Mr. DAVIS] to Senate amendment numbered 1, and that point of order has been discussed.

The Chair would like to suggest that on a point of order the recognition and the time are entirely in the disposition of the Chair. The gentleman from Minnesota [Mr. DAVIS], chairman of the subcommittee, stated last night that there were two or three gentlemen who wished to occupy about three-quarters of an hour apiece. The Chair would like to state that while he does not desire to cut off discussion, and is glad to hear suggestions, yet the subject has been pretty well laid before the House and before the Chair, so that it is quite clear what the question is, and it does not seem to the Chair that it is necessary for the full discussion of the matter that such an amount of time as that be consumed; but the Chair does not wish to prevent anybody from bringing to his attention anything that has not been brought before the House.

Mr. EVANS. Mr. Speaker, there have been four reasons assigned why this point of order should be sustained. One is that it is not germane; and that, I take it, is the real point to which the Speaker desires the remarks directed.

The SPEAKER. That is the only point on which the Chair cares to hear discussion.

Mr. EVANS. Then I shall pay no attention whatever to the other reasons assigned. If the Chair will bear with me, I would like to review the history of the legislation.

The District appropriation bill as it passed the House contained no legislation, at least none which touched the proposition that is presented by amendment No. 1 or by the amendment presented by the gentleman from Minnesota [Mr. DAVIS]. The bill went to the Senate, and in that body there was attached to it the amendment which, as I construe it, touches the entire fiscal relations of the District of Columbia.

The real question is, as just stated, whether the amendment presented by the gentleman from Minnesota [Mr. DAVIS] is germane to amendment No. 1 attached to the bill by the Senate. In considering that question not only must the amendment pre-

sented by the Senate be considered in connection with the amendment presented by the gentleman from Minnesota, but likewise the relation of the amendment presented by the Senate to the bill which is being amended by it; and for that purpose I am intending to call the attention of the Speaker to what is in the act that is amended by the Senate amendment. It is what is called the act of 1878.

The SPEAKER. Will the gentleman please repeat that again?

Mr. WINGO. I will ask for order, Mr. Speaker. We can not hear on this side.

The SPEAKER. The Chair appreciates that Members of the House are not very largely interested in the discussion of the point of order, but it is necessary for the Chair to hear what is said.

Mr. EVANS. I repeat, that in construing the question of germaneness the Chair must not only take into consideration the relation existing between the amendment suggested by the gentleman from Minnesota as touching the amendment to the appropriation bill attached to it by the Senate, but the Chair must also take into consideration the act of Congress which is sought to be amended by the amendment attached by the Senate. For that purpose I wish to call the attention of the Speaker to the matter which is incorporated in the original act of 1878.

The first section of that act has to do with the creation of a corporation; the second, with reference to officers; the third, with reference to powers of officers, the application of the revenues, which includes the 50–50 provision; provision for collection of taxes as they now are, and the limit of taxation. Section 4 has to do with the regulation of the payment of taxes, the settlement of accounts, the payment of interest on bonds, known as the 3.65 bonds. The fifth section relates to repair of streets, water and gas mains, assessments to engineer commissioner; the sixth, to the police board and school trustees; seventh, the sinking fund commission and transfer to the Treasury of the United States. The eighth section relates to the board of health——

The SPEAKER. The Chair does not think it will help the Chair in his decision to know the full contents of that act.

Mr. EVANS. I wish to get this point to the Speaker, that the Senate amendment touches the vital part of that act. If that is conceded, I do not care to go further. If the fiscal relations in that act of Congress are touched by the amendment put in by the Senate, that opens up the whole question. If that is conceded I do not care to go further with reference to that enumeration.

Mr. STAFFORD. Will the gentleman yield?

Mr. EVANS. Yes.

Mr. STAFFORD. Wherein does the Senate amendment affect the act of 1878?

Mr. EVANS. I will get to that later if the gentleman will wait a moment. In section 3916 of Hinds' Precedents you will find a situation quite similar to this.

The SPEAKER. In what volume?

Mr. EVANS. Volume IV. The District appropriation bill was under consideration, and the pending question was electric lighting. In conference they put on an amendment to provide for the conduit system. I am not going to discuss the questions there presented, as the Speaker can take in the full force of that, but I wish to call attention to that decision as we go along.

Now, if I may, I wish to take up the amendment of the Senate. I challenge the Speaker's attention to the first three lines of that amendment:

> The general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States.

Those two lines and one word take in everything which has to do with the disbursement of funds for the District of Columbia. That opens up the question so that in an amendment which is germane to it we can provide every method that we desire which meets with the approval of the House for the raising of the fund from which the expenses shall be paid. If not, why not? Suppose we are confined to the proposition as presented by the Senate. Such a ruling deprives the House of the right to express its opinion on the question of the sources from which you will derive your revenue to carry on the District of Columbia. In a number of cases this body has held that it had that right. It would deprive us of that right. Just for a moment examine the general expenses of the District of Columbia that shall be chargeable to and paid out of the Treasury of the United States. The law which it seeks to amend provides that it shall be paid half from the Government and half from the District.

The SPEAKER. The Chair does not need any argument to be convinced that this is a method of paying the expenses of the District.

Mr. EVANS. If that is once conceded, there is nothing to do but to consider the amendment that is offered here by the gentleman from Minnesota, as to whether it grows out of that attached by the Senate. I call attention then to the matter that is on the first page of the amendment. Nothing is on that page but what provides for the source of revenue from which the expenses shall be paid and the proportion in which it shall be paid, the latter question having been raised also by the Senate amendment when it provided that all expenses shall be paid out of the General Treasury and levying a tax of $1.75 to be covered into the Treasury, it in effect provides the relation that exists between the Federal Government and the District of Columbia in the apportionment of the revenue.

Now we come to one of the matters which have been criticized, namely, the creation of the surplus. The first two lines to which I call your attention provides for that surplus, because immediately upon the approval of the bill, should it be passed and go to the President and be approved, at least after the 30th of June next, you have provided a surplus or a source from which your revenue shall come which bears the expenses not only for 1923 but for all future years, and this provision which relates to the accumulation of the surplus is simply another method of producing the source from which the expenses may be paid.

Mr. WINGO. Will the gentleman yield?

Mr. EVANS. Yes.

Mr. WINGO. Wherein does the Senate amendment cover that?

Mr. EVANS. The first two lines, where it says that all expenses shall be paid from the Federal Treasury. It creates a fund from which the expenses as they mature shall be paid.

Mr. WINGO. The point I make is the gentleman argues that there is a provision for the accumulation of a surplus. Nowhere in the Senate amendment can I find a provision that relates to the accumulation of a surplus. It says it shall be paid to the Treasury, but that means a revenue, although perhaps it might result in a surplus. Where is there a provision in the Senate amendment that will change the rate of assessment so as to automatically compel a surplus?

Mr. EVANS. It does not compel a surplus of the District funds; it creates a fund out of which the expenses of the District shall be paid. The surplus is another method of creating a fund out of which the expenses of the District can be paid. It certainly would be conceded that that act says the Federal Government should pay half; that has been done.

When it is said that the entire expenses shall be paid out of the Federal Treasury, they have created by that declaration this surplus, if you wish to call it a surplus, and all the amendment does is to seek to make the District carry its share during the same time. It is to prevent the taxation of the people of the United States residing outside of the District for the benefit of the District of Columbia's personal obligation. It is not a change of law, but requiring them to do what they ought to do under the present law.

Mr. WINGO. Will the gentleman yield?

Mr. EVANS. I will.

Mr. WINGO. I understood the gentleman to contend that because the amendment was germane to the organic act, it was not subject to a point of order, regardless of whether it was germane to this amendment or not.

Mr. EVANS. I very poorly expressed my meaning, or else the gentleman from Arkansas misunderstood me. What I meant to say was that in construing this amendment put on by the Senate with the amendment that is presented by the gentleman from Minnesota we should also have in mind the act which was sought to be amended, in order to determine whether or not we are getting outside of the scope of that which is germane. For instance, when the bankruptcy act was amended they amended, as I recollect it, 16 different sections of the act, which contains 70 sections. Having done that, it went to conference and the amendment of that number of sections was held to open up the whole question.

Now, the point I make is this: As they in the Senate amendment attempted to cover the entire fiscal relations—the collection of taxes and disbursement of taxes—we have done no more in the amendment presented by the gentleman from Minnesota.

Mr. WALSH. Will the gentleman permit an inquiry?

Mr. EVANS. Certainly.

Mr. WALSH. Is there anything in the proposed amendment offered by the gentleman from Minnesota which is incidental

with or properly connected with the duties and powers and policy laid down in the Senate amendment?

Mr. EVANS. It was the intent and it is the opinion of every member of the conference that there is nothing in the amendment presented by the managers on the part of the House that is not germane to some portion of the amendment attached to the bill by the Senate. I have called attention to the reason why I think that the creation of the surplus is germane to the first two lines and one word of the amendment.

I want to take up for a moment now the matter of the rates. The rate in the original act is 1.50. The rate in the present amendment presented by the Senate is 1.75 on certain classes of property. It is true that the original bill was amended in respect to intangible property. We have simply taken charge of or attempted to effect the rates which were either in the original act or as fixed by the amendments to that original act, which, of course, were tied to it, and in changing the rate from three-tenths to five-tenths as to intangible property, there is nothing which is not germane to the original act and the amendments thereto. Consequently we again are not confined to rates on real estate and tangible personal property, even though they had not added to their amendment the words "and other taxes shall be as now provided." When the Senate went into the question of tax rates they opened that entire matter, and that is particularly true when those tax rates provided the fund from which the general expenses of the District are paid.

A question is also raised as to the revenues which are derived from sources other than taxation, and the same principle that applies to tax rates applies to these sources of revenue, because those sources of revenue are created by amendments to the original act. This is true—a portion of that property that is now rented, which belongs to the United States exclusively but which under an act amendatory of this, to which I have called attention, is now paid solely to the District, the United States getting no return whatever; that same provision creates a part of this fund from which the expenses of the District are paid. For that reason it is germane.

Attention has been called to the concluding paragraph of this amendment which precedes the appropriating clause. The limit is taken off the estimates which the commissioners can make. The present law is, in substance, as follows: That the commissioners are restricted to double the amount of the revenues that are derived from taxation in the District. The theory under which that limitation is placed, of course, is that the Federal Government was to pay half and the District government was to pay half, hence their expenditures would be just twice what the amount of the revenue was that should be raised by the District. In this we claim that we have stayed clearly within the rule of germaneness in permitting the District to estimate for just what they desire. If they wish to estimate for $30,000,000 for expenditures, they may do so, of course, coming through the regular channels; but their privilege is not hedged in by any amount; however, after having made their estimates, they may again levy a tax which will produce proportionately the amount with which they are charged. That being next to the last clause of the Senate amendment, we have only kept within the limits prescribed by the rule of germaneness.

Again, they have in their concluding clause of the amendment made certain exemptions to taxation, and in making those exemptions to taxation they have therein opened up the question of taxation as to what properties shall be taxed and at what rate it shall be taxed. Nothing in amendment No. 1 presented by the gentleman from Minnesota, to which I have had my attention called, that is not germane to Senate amendment No. 1. It has to do with the collection and the disbursement of taxes, either with the raising of a fund out of which the District expenses shall be paid the ratio of contribution, or else with the manner in which they shall be disbursed. I can see no way in which legislation can be fairly presented to this House and the action of the House secured upon it if the Senate can put upon a bill an amendment like No. 1 and then restrict the House to simply things between that and nothing, where the House has not offered the legislation and could not, as in this case, it being an appropriation bill.

I wish to call the Speaker's attention to a few citations before I conclude. The first is 5 Hinds', section 5824, which is the amendment to the bankruptcy bill, to which I have called attention. The next is 5 Hinds', section 6424, where there was an amendment which struck out all after the enacting clause and which opened up the entire subject. The one to which I have already called attention, 4 Hinds', section 3916, and one is to be found in 5 Hinds', section 6646[5].

Mr. GRAHAM of Illinois rose.

The SPEAKER. Does the gentleman desire to sustain or oppose the point of order?

Mr. GRAHAM of Illinois. Mr. Speaker, I think the point of order is good.

The SPEAKER. The Chair will hear the gentleman.

Mr. GRAHAM of Illinois. Mr. Speaker, I find myself in the unpleasant position of being in favor of a proposition in fact, and yet thinking that it is subject to the point of order. I do not intend to weary the Speaker with any long discussion of the matter, but it seems to me that the only question before the Speaker is this: Is the amendment presented by the gentleman from Minnesota germane to the amendment of the Senate, and that no other question is particularly involved in this discussion? I do not believe that in the consideration of this matter the Speaker should consider the text of the bill as it was originally passed by the House, nor do I believe that the other sections of the House bill have any relevancy to this discussion at all, but that the matter gets down to the single issue of whether the matters contained in this proposed amendment are germane to the Senate amendment and the things contained in it. On that proposition we are supported by authority. I have found only one precedent, and that is in 5 Hinds, section 6188. In that case it was said:

> In the consideration of Senate amendments in the House an amendment must be germane to the particular Senate amendment to which it is offered, it not being sufficient that it should be germane to provisions of the bill.

The SPEAKER. The Chair is familiar with that decision.

Mr. GRAHAM of Illinois. There is no decision which I can find anywhere to the contrary. It evidently is the accepted rule that this amendment must be measured by its germaneness to the Senate amendment. On that proposition I can not see, from my consideration of the two amendments, how it can be considered to be germane to the Senate amendment.

The Senate amendment is broad, it is true, but it is only broad in a certain direction. The Senate amendment provides in brief this: It first provides that the general expenses of the District of Columbia shall be paid out of the United States Treasury. It next provides the rate of taxation for 1923 and following years shall be fair and reasonable and paid into the Treasury, and then provides the rate shall be $1.75 per $100. Then appropriations are authorized in an amount equal to the District's surplus; that hereafter there shall be no limit of estimates to Congress, and that $2,000 of the value of any piece of real estate shall be exempt from taxation. Now, what is the idea of that Senate amendment? It is simply this, as I understand it, Mr. Speaker, that all moneys collected here in the District from taxation shall be paid into the Treasury of the United States; that the United States shall pay their bills out of that by appropriation and that the rate of taxation shall be $1.75 per $100. Now, if there is anything else in that Senate provision I have been unable to understand what it is.

Mr. DAVIS of Minnesota. How about the $2,000 exemption?

Mr. GRAHAM of Illinois. They say it is very broad and includes a change of law, but it changes it only in the way of fixing the rate of taxation and having the funds go into the Treasury and be paid out from that source. It does not in any other respect change the machinery by which the taxes shall be collected and it does not do the various other things that are contained in this amendment offered by the gentleman from Minnesota. The amendment offered by the gentleman from Minnesota offers different features which are not contained within the meaning of the Senate amendment. They are these: After July 1, 1922, 60 per cent is to be paid by the District of Columbia and 40 per cent from the Treasury of the United States. Where is there anything in the Senate amendment relative to that proposition? Not a single word appears in the Senate amendment that would give anybody any idea that that was to be the division of the revenues which was to be made, and yet in the House amendment which is sought to be made to the Senate amendment this new idea is incorporated which may be the law of the land or may not, but it is new so far as the Senate amendment is concerned——

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. WALSH. In reference to the gentleman's point that the amendment must be germane to the Senate amendment, does the gentleman see any distinction between considering Senate amendments in the House in due course and considering amendments where the disagreement stage has been reached?

Mr. GRAHAM of Illinois. Well, that presents a somewhat academical question. The question is, as the gentleman appreciates, not on the House bill, because the House bill has passed beyond our action here except in so far as it has been brought before us by some action of the conferees. The thing that is before us is not the House bill or any provision of the House bill; the only thing is this Senate amendment——

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. GRAHAM of Illinois. Certainly.

Mr. DAVIS of Minnesota. The gentleman has said that we should not legislate on the different amounts respectively. The Senate amendments had nothing to do with that.

Mr. GRAHAM of Illinois. Yes.

Mr. DAVIS of Minnesota. How will the gentleman construe this, "that the general expenses of the District of Columbia shall be chargeable to and paid out of the Treasury of the United States"? Is not that the one feature justifying this, and can not we change that?

Mr. GRAHAM of Illinois. That announces a principle——

Mr. DAVIS of Minnesota. It announces a fact.

Mr. GRAHAM of Illinois. It announces this fact, that the money shall be paid into the Treasury and shall be paid out, but it does not indicate——

Mr. DAVIS of Minnesota. It says the United States shall pay it.

Mr. GRAHAM of Illinois. It says it shall be paid out of the Treasury, but it does not say in what proportion, and then in the House amendment you say what proportion shall be established. I do not think you have any right to do that. I think that is a matter of distinct legislation. This was fixed in the law as exists to-day, and it should be fixed by substantive enactment of legislative acts, and I do not think it is a germane amendment to the Senate amendment which contains nothing about that subject at all.

Now, what more does it do? It establishes a fund for a cash basis to be completed by the end of 1927. The gentleman from Nebraska [Mr. EVANS] says that is included in the general broad language of the first two lines of the Senate amendment. I do not so consider it. The Senate amendment provides in the first two lines that all money shall be paid into the Treasury, but where does it say that we shall in addition to the $1.75 a hundred, or any other rate that may be established by an act of Congress, collect a sinking fund which in five years will put this District upon a cash basis?

Mr. EVANS. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. EVANS. Has the House at this time, in the opinion of the gentleman from Illinois, in considering this amendment, authority to change the first two lines and make it that the expenses shall be chargeable one-half to the United States Treasury and one-half to taxes to be collected by the District?

Mr. GRAHAM of Illinois. No; I do not think so. I do not think it would be germane.

Mr. EVANS. Not even that the law that is being amended has exactly that provision in it?

Mr. GRAHAM of Illinois. I do not think that has anything to do with it. First, we can refuse to concur in the Senate amendment and reject, or we can concur in the Senate amendment. In either case we vote it down or vote it up. Then we can concur with an amendment, but the amendment must be germane. It must, Mr. Speaker, be something that is reached in the original amendment. And I contend that there is nothing in this amendment, in the provision that taxes shall be paid into the United States Treasury, that says how we shall divide it and how much the District shall pay and how much the United States shall pay. But the House amendment does that, or purports to do it, and therefore I conclude that it is not germane. Now, I may be faulty in my argument and my views about this matter, but I truly believe, Mr. Speaker——

The SPEAKER. It makes no difference whether it is germane as a House amendment or not.

Mr. GRAHAM of Illinois. Not at all. Under Hinds' Precedents I do not believe it makes any difference.

Mr. WALSH. Will the gentleman yield for a question?

Mr. GRAHAM of Illinois. Yes.

Mr. WALSH. Is the gentleman considering this as a proposition to adjust the differences between the two Houses?

Mr. GRAHAM of Illinois. No; I am considering it as an attempt of the House to pass upon this Senate amendment which is before us.

Mr. WALSH. This is a proposition which reaches the disagreement stage. The two Houses are in disagreement.

Mr. GRAHAM of Illinois. Yes.

Mr. WALSH. Is not this an effort to adjust those differences by the House receding from its disagreement and submitting an amendment to the Senate amendment?

Mr. GRAHAM of Illinois. This is a parliamentary situation, as I view it: The conferees bring in this Senate amendment for action by the House. It is not an attempt of the House to agree with the Senate or the conferees to agree, but the conferees have brought this amendment in here and say to the House, "What shall we do with it?" That is original action in the House. And when the gentleman from Minnesota [Mr. DAVIS] presents this amendment to the amendment of the Senate, he presents to this House this proposition, and it is a new proposition.

Mr. WALSH. Does the gentleman contend an amendment might be proposed to the Senate amendment striking out all except the first three lines of the Senate amendment and restoring the language of the House proposition?

Mr. GRAHAM of Illinois. Whether that would be a proper action?

Mr. WALSH. Yes.

Mr. GRAHAM of Illinois. I can see no reason why, if it was not subject to a point of order, any motion——

Mr. WALSH. You contend that would be subject to a point of order?

Mr. GRAHAM of Illinois. If you are asking whether that action could be taken, of course the gentleman knows the motion to concur with any amendment would be a proper motion to make. The only question would then be the one that is raised here, whether the amendment would be subject to a point of order.

Mr. WALSH. I am asking the gentleman's opinion, since he stated that the House proposition can be laid aside entirely in considering this question, as to whether the proposed amendment to the Senate brought back provisions of the House amendment on certain lines in the Senate amendment?

Mr. GRAHAM of Illinois. Whether the original House bill would be proper as an amendment to the Senate amendment I have not given any particular consideration to.

Mr. WALSH. It has been done very often.

Mr. GRAHAM of Illinois. It would seem to me it would be proper, and it would seem to me that it would be tantamount to a rejection of the Senate amendment, and I imagine it would not be subject to a point of order. But that has not been done here. Why discuss matters that are not before us? In the case that I have called attention to the point of order was sustained on the ground that the House bill was not before it. The RECORD of yesterday shows that the gentleman from Minnesota [Mr. DAVIS] moved to recede and concur in the Senate amendment with an amendment which he presented, and that is the parliamentary situation, and it is a new situation so far as the House is concerned. Now, I contend that there is not anything in the Senate amendment that provides for the establishment of a sinking fund or that might by any intendment be brought into anything of that kind. That is incorporated in the gentleman's amendment. However that may be, it is a new proposition and can not be properly deduced from the Senate amendment.

Next, there is a commission authorized to fix the rate to produce this sinking fund. Where is there anything in the Senate amendment that authorizes any machinery of that kind? So far as I know it is new. I do not know how the rates are fixed now, but I do know that this House amendment, which is now sought to be incorporated in the Senate amendment, directs the commissioners to fix a rate, which must be subject to their decision and must be sufficient to raise this sinking fund which they provide for. It provides there shall be no advancement by the Treasury of the United States after June 30, 1927. There is nothing on which to base that. It cuts off the advancements which are being made ordinarily.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. JOHNSON of Kentucky. Does the gentleman intend to say that under the existing law the commissioners do not fix the rate of taxation, or do you simply plead ignorance of it?

Mr. GRAHAM of Illinois. I do not say they do not. I do not know what they do. But I do know this, that there is no machinery set up in the Senate amendment for doing that thing. Now, for instance, would the Speaker or anyone else contend that in an act establishing a tax rate by a legislature of a State, or by the Congress of the United States, that it would be a germane amendment to provide for the election of assessors and collectors and to provide the machinery by which they might do it, and to fix automobile licenses, as is mentioned in this House amendment, and do a lot of other things, among them to fix 3 per cent for ground rent?

There is nothing in this Senate amendment except the announcement of a principle that the moneys collected in this District shall be paid into the Treasury, that the debts of the District shall be paid out of the Treasury on warrants, and that the tax rate shall be $1.75 a hundred; and yet the House amendment goes on and provides for all of these things in addition to that. It provides that the District shall pay 3 per cent ground rent on certain buildings.

Is that a mere broadening of the scope of the Senate amendment? No. It is absolutely new legislation, whether it is incorporated in the current law or not. It certainly is not ger-

mane to the Senate amendment. It provides for the opening of certain books by the Treasurer of the United States by July 1, 1922, in which books he shall keep accounts of the disbursements and receipts. It directs the assessor to fix the full value of certain ground upon which ground rent is to be paid to the United States. It makes funds available for next year's use by the authorities. It provides that the District Commissioners shall collect the moneys for the United States. It has a clause relative to the revenues of the Center Market down here, and what shall be done about that, and then ends up by stating that 40 per cent of certain amounts shall be paid by the United States and 60 per cent by the District.

Now, Mr. Speaker, if the Speaker will rule, it seems to me, that these things were germane to the Senate amendment, it broadens the matter beyond all reasonable intendment. The Senate amendment can not be construed as justifying amendatory provisions relative to the machinery for doing these various things, which ought to be carried by legislative bills. In so far as this amendment affects the rate of taxation which the Senate has attempted to fix in its amendment and the principle that the money shall be paid into the Treasury and paid out, it is germane; but I respectfully submit, Mr. Speaker, that otherwise it is not germane and that these matters, which I believe to be proper, perhaps, ought to be brought in here in the way that other such matters should be and are brought in.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. WALSH. Suppose instead of the amendment actually proposed by the House committee they had brought in Senate amendment No. 1. Suppose that had been brought in. Would it be subject to a point of order?

Mr. GRAHAM of Illinois. It would not be subject to a point of order, as I understand it, but the House would have to take action on it under our revised rules. But this is our amendment which we are trying to incorporate on the Senate amendment, to which it is not germane. And so it seems to me that the point is very narrow, Mr. Speaker, not a broad one, but it gets down simply to that narrow compass of the germaneness of these various provisions to the facts and matters which are stated in the Senate amendment.

Mr. WINGO. Mr. Speaker, there is just one suggestion that I want to make to the Speaker. Something less than two years ago we amended section 2 of Rule XX. Under that we took away from the conferees of the House the right to agree to these legislative riders which the Senate was in the habit of adding onto House appropriation bills, and we said that the conferees should not agree to them unless they be given authority by the House so to do.

Now, Mr. Speaker, I do not care much about the merits of this pending proposition, and I recognize that the Speaker can rule either way with sound logic and good reason. But if you hold that this amendment is in order you make the confusion worse confounded that we sought to eliminate by that change of Rule XX. Why? What was the evil that we wanted to eradicate then? What was the protection we wanted to give to the Members? Before we adopted that amendment the House was compelled to vote yes or no upon substantive legislative propositions which not only had not been considered by a legislative committee of the House and on which it had received no advice and had no opportunity to exercise its matured judgment, but the Members in the hurried examination which they could make on the floor could not in justice to themselves determine whether the provisions containing the riders were sound or not, or whether they should be voted up or voted down. We sought to extricate ourselves from that procedure by making the change I have referred to in the rules.

What do we have here? Not only does the Senate follow the same old procedure, but we ourselves use the check which we sought to erect against that condition as a peg by which the House itself authorizes its conferees or any Member to confront the House with the same bad practice; that is, to compel the voting up or down of a proposition involving the whole tax system of the District of Columbia.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

Mr. WINGO. In a moment. I want to be brief.

The Speaker, I think, has caught my thought without my pursuing it further. The House, then, if the Speaker overrules this point of order, finds itself in the position of having increased and added to the evil that it sought to eradicate. It will simply do this, Mr. Speaker: It will make it possible, if you overrule the point of order, that on an annual appropriation bill taking care of the Treasury of the United States and the Federal reserve system, if the Senate sees fit to put on a slight general legislative proposition changing first in a minor detail the reserve requirements of the Federal reserve act, and second, the rediscount provisions of the Federal reserve act, two substantive provisions of the Federal reserve act, then it will be possible for the conferees, Mr. Speaker, to come in here and, on that little provision of the Senate as a peg to move to concur in the Senate amendment with an amendment completely rewriting the Federal reserve act, and you will be compelled to hold it in order. Not only that, but on that same bill, if the Senate saw fit to offer a little amendment as to the collection of customs duties and their distribution, and should change one tariff rate on one schedule and provide, as they do here, that all other customs rates or schedules shall remain as now provided by law, then under the decision of the Speaker to-day, if he holds this amendment to be in order, the conferees of the Committee on Appropriations could come in here and move to concur in the Senate amendment with an amendment which would include a new tariff law outright, because that little provision would be parallel to this case. So I ask the Speaker to hesitate before he holds this amendment germane. There is a broad distinction as to what is germane. It must not simply be related. The amendment not only is not directly germane, but it violates the rule which the House has adopted to try to protect itself against this very same situation. What has resulted, Mr. Speaker? We have already consumed three or four hours discussing this one proposition, and if the House is to vote intelligently upon this one question it must put itself in the attitude of considering the whole taxing system of the District, and in fairness to the Members of the House we ought to have more opportunity than simply the one hour that the gentleman in control of the floor may yield.

I submit that the philosophy of the rule is to protect the Members of the House against hasty action and to enable Members when they vote upon a major proposition to vote after due deliberation, aided by the mature judgment of a committee that has investigated the subject, and after a chance to discuss it fully on the floor; and I think that in making his decision the Speaker ought to look to the purposes of the rule and the objects which the House had in mind in making this rule, not only to expedite its action but to guarantee that its action shall be intelligent and based upon full consideration and matured judgment.

Mr. MOORE of Virginia. May I make a suggestion to the gentleman?

Mr. WINGO. Yes.

Mr. MOORE of Virginia. I suggest that important, unlimited legislation could be enacted at the instance of the conferees without any evidence being presented.

Mr. WINGO. Why, certainly. You could make the three conferees on a House appropriation bill into a legislative committee if they could simply get the Senate to tack on some little provision that would be a peg upon which they could hang their action. Why, they can not accept these riders in the first instance because you can make a point of order against it; but get the Senate to put on a general provision, though short, and they, the conferees, can change the whole legislative proposition and say it is germane.

Mr. EVANS. Mr. Speaker——

The SPEAKER. The Chair is ready to rule. This question has occasioned the Chair considerable difficulty in coming to a decision, for there are very strong arguments on both sides, as has been illustrated to the Members who have listened to the debate.

The Chair appreciates what the gentleman from Arkansas [Mr. WINGO] has just said, that if the Senate puts on a legislative provision it may prevent the legislative committee of the House from considering the proposition, and therefore is not the proper way to have it brought up. But, after all, that can not be prevented. That is still in the control of the House. If the House does not like that method of legislating, it may simply refuse to agree to the Senate amendment. But, after all, the Senate has a right to put on a legislative amendment if it desires, just as the House has that right, and when such a legislative amendment comes over to the House from the Senate the House is obliged to consider it, and it is just as properly before the House as if it had been reported from the House legislative committee.

It seems to the Chair that some of the arguments which have been presented as to the amendment offered by the gentleman from Minnesota [Mr. DAVIS] to the Senate amendment have been a little confused, because it has been referred to as action by the conferees. It is not action by the conferees. It is a motion made by the gentleman from Minnesota [Mr. DAVIS] as a Member of the House. Any other Member of the House might offer the amendment. Of course, the gentleman from Minnesota [Mr. DAVIS], being the chairman of the subcommittee, would have the first right to recognition; but the Senate amendment,

being before the House, is subject to amendment by any Member of the House. There were two grounds stated for this point of order; first, that it was legislation, and, second, that it was not germane. The first point has not been insisted upon, and, of course, could not be, for there is no question that the whole Senate amendment is legislation. It is practically nothing but legislation. In fact, curiously enough, the Senate seems to have been so absorbed by the fact that it was legislation that it forgot to put on the appropriating clause. So that the Senate amendment is clearly legislation, and legislation of a very broad and sweeping character. It entirely changes the system under which taxation and appropriations in the District of Columbia have been made. It has always been on a proportional basis—half and half or some other ratio. This Senate amendment simply says at the outset that all expenses shall be paid out of the Treasury of the United States, and then it goes on to provide the details. That is a radical change, and, of course, it is legislation. Now, the Senate amendment comes before the House as an amendment to the first section of the House appropriation bill and it strikes out all of the House provision, and, therefore, is a substitute. It seems to the Chair that, this being the fact, the precedents cited by the gentleman from Illinois [Mr. GRAHAM] do not apply, and that this being a substitute and the matter being in the stage of disagreement any amendment can be offered which is germane either to this substitute or to the original House proposition, because it would be natural that a substitute should be offered which would bring the two Houses together, which would harmonize the two, which might contain part that was in one and part that was in the other, and yet the part that was in the original House bill might not be at all germane to the Senate amendment. But it seems to the Chair that it could hardly be argued that such an amendment was not germane, because the most natural amendment would be one tending to harmonize the provisions of the House and the provisions of the Senate and containing part of one and part of the other. Therefore, it seems to the Chair that, this being a substitute, anything is germane, and therefore in order, which is germane to either the original House section or to the Senate amendment.

The question remains, Is this amendment offered by the gentleman from Minnesota a germane amendment? The Chair having considered it overnight confesses that he has had considerable difficulty. The gentleman from Illinois [Mr. GRAHAM] has offered suggestions showing that there are provisions in this amendment offered by the gentleman from Minnesota [Mr. DAVIS] which do not directly touch anything detailed in the Senate amendment. But the Chair has come to the conclusion that the Senate amendment is a complete and sweeping revision of existing law. It covers the whole field of relationship between the District and the Government in the affairs of taxation and expenditures. As the gentleman from Nebraska [Mr. EVANS] says, it practically repeals the existing law and establishes a new basis and a new system. In doing that the question arises whether only amendments can be offered which are directly applicable to the specific provisions which are detailed in the Senate amendment, or is the whole field so open that amendments can be offered which, although not specifically mentioned in the Senate amendment, apply to the changes made by the Senate amendment and are incidental to its whole subject and purpose. It seems to the Chair that the amendment of the gentleman from Minnesota contains such provisions only; that they are fairly incidental to the expressed purpose of the Senate amendment, and that the House has a right by amendment to adopt such incidental changes. The Chair therefore rules that the amendment offered by the gentleman from Minnesota is germane and in order.

Mr. WALSH. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Massachusetts asks for a division of the question, and the first question would be on the motion to recede.

Mr. EVANS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. EVANS. If we vote to recede and that should be carried, then will the second question be open to argument before a vote?

The SPEAKER. Certainly; open to argument and amendment. The first question is on the motion to recede.

The question was taken, and the motion was agreed to.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House concur in the Senate amendment with the amendment I have offered.

The SPEAKER. That motion is now pending. The question now is, Will the House concur in the Senate amendment with the amendment offered by the gentleman from Minnesota?

Mr. DENISON. Is not that subject to debate, Mr. Speaker?

The SPEAKER. Certainly.

[Cries of "Vote! Vote!"]

Mr. DAVIS of Minnesota. Mr. Speaker, I will move the previous question.

Mr. WINGO. Mr. Speaker, here are two gentlemen who were given to understand that they should be heard upon this question. I think in fairness the gentleman ought to let the gentleman from Maryland [Mr. LINTHICUM] and the gentleman from Virginia [Mr. MOORE] present this matter to the House. It is a matter that involves the whole taxing system of the District.

Mr. DAVIS of Minnesota. Mr. Speaker, I withdraw the motion, and I will yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, I think I can state my position in five minutes. I want to take up just enough time of the House to state for my own personal satisfaction the rule of action that I have decided I will be governed by from now on. Whenever the Senate puts legislative provisions on an appropriation bill sent over by the House, and these legislative provisions are brought back to the House, I will vote against every one of them from now on, I do not care what they are. I think the sooner the House comes to that conclusion the better it will be for the country. Here we have an appropriation bill from a committee that was authorized simply to appropriate the money needed for the District of Columbia, and they have usurped the functions of the Committee on the District of Columbia and brought in a provision changing the entire fiscal system of the District.

I can urge this position without being suspected of having any personal feeling, because I am on a committee that never has had any appropriating power, and none of the jurisdiction of my own committee has been affected in any way by the creation of the large Appropriations Committee. But all of the legislative committees of the House are going to degenerate into purely honorary committees unless the House rises up and protects them in their proper jurisdiction by preventing legislation by the Committee on Appropriations. The sooner the House realizes that and asserts the rights of these committees the better it will be for the House and the country.

I am not talking about the merits of this particular proposition that is now before the House. The gentleman from Kentucky and those associated with him may be right. I do not know; I have not had a chance to consider it; the House has not had a chance to consider it. They have not held any proper hearings. This whole question of the District fiscal system ought to go to the District of Columbia Committee, and let that committee have hearings and let the people of the District have an opportunity to be heard. This legislation reaches into every home in the District, affects every property owner in the District, and now the House of Representatives is called upon to pass upon this important question that will affect every property owner in the District without giving the citizens an opportunity to be heard at all. It is not right; it is not fair; it is not common sense.

The appropriation committee ought to be confined to appropriating the money that is needed for the expenses of the Government and ought not to be given legislative powers. Let us come to some conclusion on this question now and vote down this legislative proposition without regard to its merits and let the District's fiscal system be considered in a proper way.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. NEWTON of Minnesota. Is it not true that every District of Columbia appropriation bill has contained some legislative methods of taxation?

Mr. DENISON. Yes; that is true.

Mr. DAVIS of Minnesota. From 1878 to the present time.

Mr. DENISON. If we are going to keep on doing that and the House wants to do it, then let us abolish the District Committee and put the members of that committee to work on something else where they can work instead of merely gracing a nominal committee, and letting the Appropriation Committee do all of the legislating for the District. That is not only true about the District Committee, but it is true about other committees. The Committee on Appropriations is doing nearly all of the legislating for the House, and it does not conduce to orderly legislation. It is not fair to the rest of the Members of the House, it is not fair to the other important committees, and it is not best for the country for one committee to do all of the legislating for the country. Here are these conferees—and they are all good men; I have no criticism to make of them—who get together in a sort of star-chamber meeting, and they reach a conclusion that will affect every man and woman in the District who owns property. The question of taxation is a

vital question to every man and woman who has anything to be taxed, and I say that the people of the District ought to be given an opportunity to be heard; they have no right to vote and have no chosen representative here. The House itself ought to have an opportunity to study this question carefully after we know the facts. We can not act intelligently on an important question of this kind with only one hour's discussion. If I had not risen when I did, the gentleman from Minnesota would not have given us any time. He was moving the previous question, and we would have had to vote on this matter without any discussion at all. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I wish to congratulate the subcommittee having charge of the District appropriations. The work of this committee began on the 12th day of December last, and they have been in almost continuous session ever since. The problems with which this committee is confronted are intricate and important. They deal with every phase of District life. No more painstaking study has ever been made of important problems than the study made of the problems involved in the pending bill. The chairman of this committee [Mr. DAVIS] has been indefatigable in his work. He has worked night and day, giving of his long and valuable experience in the solution of the problems that have confronted this committee. He has made every sacrifice to reach the proper conclusion. He has always been accessible to the people who have had questions before the committee. He has been unstinting in the time that he has given to the hearings and to those who were affected by the legislation. He deserves the encomiums of the people of the District for the unselfish devotion he has given to the study of the problems affecting their life. He understands the problems of the District better than any other man. He has been modest in his approach to questions affecting the people. He has regarded himself, as the chairman of this committee, as the representative of the Nation's Capital. He has done his work well. He deserves the praise not only of the people of the District of Columbia but of the people of the Nation, and the people of h's district ought to be proud to have a man here like him representing them, charged with the great responsibility that he has been called upon to assume. [Applause.] As chairman of the Committee on Appropriations I want to say that my association with Mr. DAVIS has been most pleasant. I have more confidence in his judgment on questions relating to the problems that have come before him for consideration than I have in the judgment of any other man, and I want to thank Mr. DAVIS as chairman of this committee and every member of the committee for the painstaking care and the minuteness with which they have gone into every question relating to this wonderful District, in the development of which we are all interested, and of which we are all so proud. I not only want to thank the chairman of the committee especially for his work, but I want to thank the entire subcommittee, because I know of no five men anywhere who have been as unselfish in their devotion to their work as have these five men under the able leadership of the distinguished gentleman from Minnesota, my colleague, Mr. DAVIS. [Applause.]

Mr. DAVIS of Minnesota. Mr. Speaker, I yield to the gentleman from Maryland [Mr. ZIHLMAN] for five minutes.

Mr. ZIHLMAN. Mr. Speaker, I am not at all surprised that the distinguished chairman of the Committee on Appropriations should pay high compliment to the chairman of the subcommittee having in charge this bill. He might also congratulate the entire committee on the additional power that has been given to the Committee on Appropriations by the ruling of the Speaker. Congress two years ago gave to the Committee on Appropriations the entire power of making appropriations, and it was attempted at that time to reserve to the legislative committees of the House the duties of legislating in matters such as are now before the House.

The proposed amendment of the gentleman from Minnesota is the most far-reaching and drastic proposition that has ever been brought into the Congress on a District appropriation bill. They seek here in an hour's debate to increase the basis of assessment which would result, under the prevailing tax rate, in increasing the taxes of the taxpayers of the District more than $4,000,000. They seek to increase the rate on intangible property two-tenths of 1 per cent. They seek to change the system of collecting rents in the Center Market. They seek to set up a ground rent in the District of Columbia on Federal property.

Mr. DAVIS of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. I have only five minutes.

Mr. DAVIS of Minnesota. If the gentleman wants to make a misstatement of facts, he can do it.

Mr. ZIHLMAN. The Senate amendment is a purely legislative matter. It is contained in a bill that has passed the Senate and is now pending before the Committee on the District of Columbia, the legislative committee of the House having jurisdiction over affairs dealing with the District, and without giving the people of the District an opportunity to be heard, without giving a single taxpayer an opportunity of raising his voice, the conferees come into this House with a proposition that the basis of assessment shall be changed from two-thirds to full value and that the District Commissioners shall fix a rate of taxes not only sufficient to meet the financial needs of the District but that they shall levy a tax rate sufficient to create a surplus and change the system of paying the expenses of the District of Columbia which have been in operation here for half a century. It is small wonder that the chairman of the committee rises here to congratulate his colleagues and to also congratulate himself on the enormous power which has been vested in a few conferees meeting in secret session. I say to you that it is unfair to the legislative committees of the House. It is unfair to the people of the District of Columbia to deliberately attempt here in an hour's debate to raise their taxes fully one-third and to establish an entirely new system of financing the needs of the District of Columbia.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. WALSH. What is the present tax rate of the District?

Mr. ZIHLMAN. It is 7 cents more than is carried in the Senate amendment—$1.82.

Mr. WALSH. Is that $1.82 a hundred?

Mr. ZIHLMAN. One dollar and eighty-two cents on the hundred-dollar valuation. It was $1.90 last year.

Mr. WALSH. Does that mean that the $1.82 applies to three-thirds or to the two-thirds valuation?

Mr. ZIHLMAN. Two-thirds of the value fixed by the Congress many years ago, and if the Congress desires to change that basis of valuation it should be done in deliberation and with full consideration and by giving the people of the District a fair opportunity to be heard. I contend it is unfair to put this enormous burden of taxation on the people of the District without giving representative citizens and taxpayers a chance to be heard on the proposition.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ZIHLMAN. I do.

Mr. NEWTON of Minnesota. Does not this prove that legislation which was favorably acted upon by the House or by the District Committee has gone to the other body and died there, and that necessitated its being reported upon the District appropriation bill?

Mr. ZIHLMAN. No such far-reaching and drastic proposition as this has ever been passed upon by this House or the Senate.

Mr. NEWTON of Minnesota. But is not this the fact, that the 60–40 plan died over in the other body and it is was necessary to be attached to an appropriation bill——

Mr. ZIHLMAN. I will say to the gentleman the 60–40 proposition was submitted in the District appropriation bill of this year and the Senate refused it and adopted a more advanced or more radical proposition on the tax question, in that they sought to increase the percentage that the District government should pay, when they decided that the tax rate should be $1.75, the Federal Government making up the difference between the amount received and the expenses of the District.

Mr. NEWTON of Minnesota. As I understand it, all this committee is doing is to substitute this for the provision of the Senate bill when they refused to go ahead with the 60–40 plan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, a while ago in ruling on the point of order the Speaker correctly said that the pending amendment offered by the gentleman from Minnesota is of a most radical character; that it changes the entire fiscal system of the District of Columbia. Think of that! A complete change of the entire fiscal system of the District of Columbia, affecting nearly 500,000 people, brought in here yesterday for the information of the House, and now to be passed upon after practically no debate at all! Now, I ask how fair-minded men can justify any such course. If I may without disrespect use the term, I would say that it strikes me as positively absurd for the

gentleman from Illinois [Mr. MADDEN] to take the floor and spend nearly five minutes in eulogizing the conferees. What does personal eulogy amount to when we are considering a fiscal situation involving questions of taxation and various other questions of extreme importance? How are we speeded toward a correct conclusion by having certified to us the fact of which we are all aware, that these conferees are very eminent and respectable gentlemen? However high they may stand—and they do stand high—they ask us to do a thing utterly unreasonable, accept what they have resolved upon and propose, without any evidence except their own statements, and without any chance at all for real debate. Now, I have tried to look at this matter as a judge, although I have never been one. I know, however, what the attitude of a judge should be, and, taking a strictly judicial attitude, approving some of the propositions contained in this amendment and disapproving others, I submit that there never was a document of five pages, to be now immediately disposed of, containing more legislation of greater importance and variety than this amendment contains. It is said that the excuse for our action is because the legislative committee on the District of Columbia sends legislation to the Senate and it is buried there. Is that any reason why the House of Representatives should put itself in any such position that it is now about to assume? Does that constitute a reason why the House of Representatives, exercising its power and rising to its dignity, should not find some better method of dealing with the affairs of the District?

Now, I wish to say a little about some of the specific things in this amendment. The amendment, for instance, provides for basing taxes upon the full assessed value. If any of us were sitting around a table on a legislative committee we would, in considering the basis of taxation, inquire whether there should be exemption or mitigation extended to the small property owner; we would consider the question of imposing higher taxes upon the unearned increment of unimproved property. But there has been no such inquiry.

As to the tax on intangibles, I do not object to that.

I do not think an excessive rate is provided by the amendment, but if we were legislating deliberately, as we are not, it would be proposed that we look into the legal rate of interest in the District of Columbia and see whether it is not so high that the man who wishes to borrow money upon his house or desires to negotiate a loan for some other legitimate purpose will be required to pay a rate of 7 per cent interest or more plus the prospective intangible taxes.

In my opinion, the most objectionable feature of the amendment is the provision that requires the District to raise and pay into the Treasury, by a yearly contribution for a period of five years, the very large amount that will be needed to enable the District "to get upon a cash-paying basis by the end of the fiscal year 1927." The theory for this is that while the annual contribution of the District toward the common upkeep is roughly about $14,000,000, this is not available until toward the end of the fiscal year, and meanwhile all payments are made from the Federal Treasury, so that the Government along during the fiscal year really advances $14,000,000, for which the District is bound, and that the only way to remedy the burden to which the Government is thus subjected is to accumulate during the five-year period $14,000,000, which at the end of that period will make possible the payment of the common liabilities from common resources.

The present practice which this theory criticizes and condemns as a hardship upon the Government is sanctioned by an old statute. If there is any real grievance of which the Government is entitled to complain, it should surely not be corrected by forthwith adding to the normal 60 per cent contribution paid by the taxpayers of the District an annual item of perhaps nearly $3,000,000 for five years. It goes without saying that such an addition at any time, and especially at such a time as this, would be a very serious thing. To create a fresh tax liability of such a large amount naturally causes the people of the District a great deal of uneasiness and anxiety. Incidentally, it may be noted that against the proposed five-year $14,000,000 charge this bill gives no credit for a clear balance of $4,646,000, which in the period from June 30, 1916, to June 30, 1920, the District paid into the Federal Treasury over and above the contribution it was called on to make to the total revenue and expenditures. As I understand, the existence of this balance is not only undisputed but has been expressly recognized in communications from the Treasury Department.

If it is inequitable for the Government to make advances as heretofore, it would nevertheless seem likewise wholly inequitable to attempt to correct that condition by exacting from the taxpayers of the District an extraordinary fund of something like $14,000,000. They would fare much better by amending the present law so as to compel the payment of a substantial part of the local taxes, say by November 1, instead of permitting payment to be postponed to the close of the fiscal year. Or they would suffer less by the District being called on to pay the Government a fair rate of interest on the Government advances for the average period during which the Government lays out its funds, which would probably be a period of six months.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Virginia. Can the gentleman from Minnesota yield me five additional minutes?

Mr. DAVIS of Minnesota. No; I can not.

Mr. MOORE of Virginia. The gentleman's courtesy is invariable.

Mr. DAVIS of Minnesota. Absolutely. I will say that my courtesy is equal to that of the gentleman. I have more gentlemen who want to speak here than I have time.

Mr. MOORE of Virginia. May I ask the gentleman if he will not agree by unanimous consent to extend the time of debate?

Mr. DAVIS of Minnesota. I could not; no, sir.

Mr. MOORE of Virginia. The gentleman is very summary.

Mr. DAVIS of Minnesota. I know he is, but the gentleman's speech indicates his generosity, too.

I yield 10 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, the argument has just been made against this procedure, because it gives so much authority to the Committee on Appropriations. I wish the House to remember that much authority has been taken away from the Committee on Appropriations by the present proceedings; that authority has been taken away from the conferees, and has compelled the conferees to come back to the House, not to accept an amendment put upon the bill by the conferees but merely to accept or reject an amendment proposed in the open House. That procedure is different from past procedure, and is much more liberal toward the House than the former practice.

As I have such a short time to discuss the merits of this amendment I shall have to get at it hurriedly, but I do wish to say that at no time since the end of the Shepherd régime in the early seventies has Congress placed so much power in the officers of the District of Columbia as this amendment does. We see in the newspapers that some of the commissioners have said that this amendment will pile untold taxes on the people of the District of Columbia. When they say that they seemingly do not bear in mind that the Commissioners of the District of Columbia themselves, selected from among the people of the District of Columbia, fix their estimates, and that they themselves fix the rate of taxation. What could be more fair?

Only the other day one of the wealthiest and one of the most prominent men in the District of Columbia, a prominent banker, was in my office, and he complained that the taxes were going to be so heavy in the District of Columbia that nobody could stand them. I laid the proposition before him that the Commissioners of the District of Columbia would be economical or extravagant in their estimates just as they chose to be, and then that the Commissioners of the District of Columbia were given the power by Congress to fix the rate of taxation, that they can make it much or make it little. That gentleman said to me, "I came to complain, but there is nothing that is fairer than the proposition which this amendment submits to the people of the District of Columbia, except that the tax on intangible personal property is too high."

It has just been said by the gentleman from Virginia [Mr. MOORE] that if this amendment is adopted it will impose a greater rate of interest upon borrowers. Let me show you that just exactly the reverse of that proposition is true. If a man in the District of Columbia has a mortgage on real estate in the District, and that mortgage is either exempt from taxation entirely or has a small tax upon it, just as is here, then it is more profitable to own the mortgage than it is the real estate. This proposition to increase the taxation upon intangible personal property does not suit me, because it does not go far enough, but it was the best we could get. Then, if under the present rate of 3 mills more than $1,000,000 is raised in the District of Columbia by taxing intangible personal property, under the proposed amendment one million and three-quarters will be raised, and when one million and three-quarters is raised on intangible personal property the amount that must be raised from taxing real estate and tangible personal property is correspondingly reduced.

The commissioners, by the provisions of this amendment, can either make the estimates big or little. Therefore it depends on them whether the tax rate shall be great or small. If they

demand and succeed in getting an extravagant appropriation bill the taxes must be more than if they get an economical bill.

Mr. JOHNSON of Mississippi. May I ask the gentleman how the rate here compares with the rates in the different cities?

Mr. JOHNSON of Kentucky. I will say this to the gentleman, that the House conferees proposed to the Senate conferees in writing that 20 cities be taken; that the Director of the Census Bureau be directed to take 10 cities immediately larger in population than the District of Columbia and 10 cities immediately smaller than the population of the District of Columbia; let the Director of the Census pick the cities and then permit the Director of the Census to gather the taxation that would be paid in each of those 20 cities, and then from that taxation strike an average, and let that rate of taxation apply to the District of Columbia. That was a fair proposition. But because it would make the rate of taxation in the District of Columbia comparably up to that paid by other jurisdictions it was rejected. Then we were forced to cast about for another way. Finally the House conferees yielded to the proposition that the Commissioners of the District of Columbia should make their own estimates and also fix a rate of taxation for the District. I believe in my heart that there is no fair-minded man in the District of Columbia who can complain about it when he comes to understand. There is no avenue in the District of Columbia through which the people of the District can know about their own affairs. The papers here will not fully tell them about their public business. Even this amendment has been distorted. It has been misrepresented. The people have been told that Congress is heaping a burdensome tax upon them. Two distinguished men from private life here in the District of Columbia and a distinguished Army officer, making the third District commissioner, are to fix the rate of taxation for them. The papers say that the tax will be upon three-thirds instead of two-thirds. It must go out from the Nation's Capital that cheating in the way of valuation is not to be recognized. A model is to be established in that respect.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. EVANS].

Mr. EVANS. Mr. Speaker, there has been considerable said in reference to the matter of no hearings having been had on this proposition, and in order that the matter may be thoroughly presented to the House, as I think it ought to be, I wish to state what the facts are with reference to this matter. There have been extended hearings before the District Committee in this body on the question of the fiscal system of the District. Not only is that true, but in the Senate, in the District Committee, they had extended hearings, in both of which the people of the District have been heard.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. EVANS. I yield.

Mr. KING. Have there been any hearings on this amendment now before the House?

Mr. EVANS. I will cover that in a moment.

Not only have they been heard, but bills have been presented in the House and in the Senate. There is pending right at this minute before the District Committee of this House a bill passed by the Senate which has been lying there for two months, and one of the Members who finds fault because there has been no hearing on the question is one of the men who are members of that committee.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. EVANS. Yes.

Mr. KING. Are the people of the District of Columbia to be punished for the shortcomings of the Senate?

Mr. EVANS. The gentleman's question supposes that the House is trying to punish the people in the District of Columbia, which is not supported either by common sense or any facts. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield for a very short piece of history that will add to our information?

Mr. EVANS. I yield to the gentleman.

Mr. JOHNSON of Kentucky. Seven years ago, in 1915, we got just this far with a proposition to change the fiscal relations of the District of Columbia. Then the Senate got some matter on the District bill. Mr. UNDERWOOD, of Alabama, was then the Democratic leader in the House, and the House was Democratic. The very complaint that they had not had a hearing was then brought up. Then Mr. UNDERWOOD offered an amendment by which a special committee was appointed to have a hearing. That special committee held its hearings until after Congress adjourned and long afterwards into the summer, and it was gone over by everybody that wanted to be heard, and thereby wholesome legislation both for the District and the United States was defeated.

Mr. EVANS. With reference to the amendment which has been presented here in the House certain persons high in District affairs were called and were heard. No general hearings have been had, but I challenge your attention to this, that there has not been a single criticism of this amendment which was reported here on the 28th of April by any Member on the floor of the House because it was unjust.

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. EVANS. Yes.

Mr. JOHNSON of Mississippi. Is it not a fact that hearings have been held on bills involving the same questions as those contained in the amendment?

Mr. EVANS. Yes.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Wyoming moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Atkeson	Fairfield	Kunz	Sears
Bacharach	Fenn	Langley	Shelton
Barbour	Fields	Lee, Ga.	Shreve
Beck	Fish	Lee, N. Y.	Smith, Mich.
Benham	Fisher	Logan	Smithwick
Bixler	Focht	Longworth	Snyder
Black	Garner	McArthur	Speaks
Blakeney	Gilbert	McKenzie	Sproul
Blanton	Gould	Madden	Stedman
Boies	Greene, Vt.	Maloney	Stephens
Bowers	Griest	Mann	Stiness
Brand	Griffin	Mansfield	Stoll
Brennan	Haugen	Martin	Strong, Kans.
Britten	Hawley	Mead	Strong, Pa.
Brooks, Ill.	Hays	Merritt	Sullivan
Brooks, Pa.	Herrick	Michaelson	Sweet
Brown, Tenn.	Hill	Montoya	Taylor, Ark.
Burdick	Himes	Moore, Ill.	Taylor, Colo.
Burke	Hogan	Mott	Ten Eyck
Butler	Hudspeth	Nolan	Tilson
Campbell, Pa.	Hull	O'Connor	Tincher
Carew	Humphreys	Olpp	Treadway
Clark, Fla.	Husted	Park, Ga.	Underhill
Classon	Ireland	Patterson, N. J.	Vestal
Cockran	Jefferis, Nebr.	Porter	Walters
Codd	Jeffers, Ala.	Pou	Ward, N. Y.
Collins	Johnson, S. Dak.	Radcliffe	Ward, N. C.
Connell	Jones, Tex.	Rainey, Ala.	Webster
Connolly, Pa.	Kahn	Ransley	Wheeler
Copley	Kearns	Rayburn	Wilson
Coughlin	Kelley, Mich.	Reber	Winslow
Cramton	Kelly, Pa.	Reece	Wise
Crowther	Kendall	Reed, N. Y.	Wood, Ind.
Dallinger	Kennedy	Robertson	Woods, Va.
Dempsey	Kindred	Rosenbloom	Woodyard
Drane	Kitchin	Ryan	Wright
Drewry	Kleczka	Sabath	Wurzbach
Edmonds	Knight	Sanders, Ind.	Wyant
Ellis	Kreider	Sanders, N. Y.	Yates

The SPEAKER pro tempore (Mr. STAFFORD). Two hundred and seventy-four Members are present—a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

The gentleman from Minnesota [Mr. DAVIS] has 25 minutes remaining.

Mr. EVANS. Mr. Speaker, was my time all used?

The SPEAKER pro tempore. The Chair is advised that the gentleman's time is exhausted. The gentleman from Minnesota [Mr. DAVIS] has 25 minutes remaining.

Mr. DAVIS of Minnesota. I think the Speaker made a mistake.

The SPEAKER pro tempore. The Chair is advised by the Clerk that 35 minutes have been consumed, so that the gentleman has 25 minutes remaining of the hour.

Mr. DAVIS of Minnesota. Mr. Speaker, I wish the Chair to call my attention to it when I have consumed all but two or three minutes of my time.

Gentlemen of the House, I would like your attention as much as possible. As most of you are aware, I make very few speeches on this floor. In the first few years after I came here—the first 8 or 10—I was talking considerably, but since then I have

been engaged in committee work, and chiefly upon the District of Columbia Committee, so much so that I have been called "the sole alderman of Washington." And I want to say to you now that there are more difficulties, in my judgment, connected with the position I occupy than there are in being the sole alderman of the city of Chicago because of the complications that arise in every way, raising money from all sources and distributing it by half a dozen or a dozen different organizations or commissions.

I began a few years ago to aid and assist the school-teachers of the District. I found that the lower-grade teachers were getting only $500 and $600 a year. I succeeded in about three years or more of effort in getting them so adjusted that the lowest kindergarten and first-grade teacher gets now $1,440, and others in proportion. Was I liberal with the District from this standpoint?

When I began here the policemen were not getting as much salary as they are now receiving. I assisted in getting their salaries raised. The firemen were not getting as much as they now get. I assisted in getting their salaries raised. I aided in getting a platoon system for the firemen, so that instead of working 24 hours a day they have a platoon system. But I want to say that in all the bills that I have helped to engineer and get up, as a member of the subcommittee before I became chairman, and as chairman, this is the most liberal bill that has ever been presented to this Congress for the District and contains the greatest amount, two or three million dollars more than the bill of last year. Inside of 10 years, since I have been on this committee—and I do not want you to lay it up against me—this District of Columbia appropriation bill has about doubled. But be that as it may, we now have in this bill and the bills just preceding it, including the deficiency bill, within 14 months, over $5,000,000 appropriated for new school buildings. Many of them are not yet built. Because they said the schools were crowded I have given them every school building they have asked for except possibly one in the last bill or two. We have improved their streets and roads and given them virtually everything they asked except one in the last year or two.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. DAVIS of Minnesota. Yes.

Mr. LINTHICUM. I should like to ask the gentleman where there is one good road in the District of Columbia anywhere outside of Potomac Park?

Mr. DAVIS of Minnesota. I will say to the gentleman that if they have not got good roads it is not because they have not had the money, but it is because the money has not been spent where it was appropriated for in many instances. There was a little road that goes out into Maryland for which my friend Sidney Mudd got an appropriation.

Mr. LINTHICUM. And he had to fight hard to get it.

Mr. DAVIS of Minnesota. No; he did not. I assented to it. If I had not assented to it he never would have gotten it, and that money which was appropriated for that road has never been spent on that road, only a little part of it.

Mr. MUDD. Will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. MUDD. The gentleman recalls that an appropriation of $51,000 was obtained for the Bladensburg Road leading to Baltimore city?

Mr. DAVIS of Minnesota. Yes.

Mr. MUDD. And the gentleman recalls very well that not a cent of that money was spent on that road.

Mr. DAVIS of Minnesota. Am I to blame for that?

Mr. MUDD. No.

Mr. LINTHICUM. I should like to know who is to blame?

Mr. DAVIS of Minnesota. I do not wish to make any accusations against the officers in charge of this District.

Mr. LINTHICUM. I know, but the gentleman in charge of the District appropriations ought to know who is to blame.

Mr. DAVIS of Minnesota. I did not spend that money.

Mr. LINTHICUM. The gentleman ought to tell us who is to blame.

Mr. DAVIS of Minnesota. The commissioners or the Engineer commissioner spent the money for that particular thing. I did not.

Now, gentlemen, ever since I have been in the city the papers here have raised a great howl, saying, "We do not have a vote, we do not have anything to say about our taxes, or about our estimates, or about anything. Some of these Congressmen from the western prairies come down here and skimp us," and so forth. We have the right under the Constitution to make their assessments, to fix up their estimates after they present them, and to say what shall be appropriated. We have done what we thought was right.

And now I am going to get down to the real proposition here, this amendment No. 1. What is it? You know the people of the District of Columbia are legislative orphans. They can not vote. They can not have a word to say about their taxation or anything of that kind, not a thing; but this Senate amendment No. 1 for the first time gives them full power to do it. That is what it does. It says to the District Commissioners, "Fix your own estimates, fix your own rate of taxation." Ah, but I hear my friend from Maryland saying, "But you raised the assessment to the full value." True; and why did we do it? Do you want me to tell you why we raised it?

Mr. ZIHLMAN. Will the gentleman yield?

Mr. DAVIS of Minnesota. No. I will tell you why we raised it. It was because I know, and many gentlemen on this floor know, that there have been assessments against the small home owner that were very nearly up to the full value, or at least to the full amount of two-thirds, under the law, while some of these houses of multimillionaires, houses worth half a million or a million dollars apiece, have been assessed at only about one-fifth of their value. We simply put that in here for the purpose of protecting the small house owner instead of the large one.

Mr. LINTHICUM. Will the gentleman yield?

Mr. DAVIS of Minnesota. Just for a question.

Mr. LINTHICUM. Why did you cut out the exemption on page 3 of the bill, the $2,000 exemption on real estate which would have helped the small householder?

Mr. DAVIS of Minnesota. I hate to mention names, but we had as conferees on the part of the Senate Senator PHIPPS, Senator JONES, and Senator GLASS. Ask them if they did not agree to this section. They agreed to it fully, and to-day they are somewhat chagrined at some of the erroneous statements that are being told through the papers concerning their action.

Mr. LINTHICUM. We ought to have held it in there, because that is the only thing that does help the small householder.

Mr. DAVIS of Minnesota. Now, as I say, under the standard law we have a tax rate of 15 mills on real estate and tangible personal property.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. DAVIS of Minnesota. I can not yield.

Mr. ZIHLMAN. The gentleman does not wish to state the tax rate incorrectly. That is not the tax rate.

Mr. DAVIS of Minnesota. All right; if it is not, the gentleman can contradict it in his own time. Fifteen mills has been the tax rate for a great many years. Two or three years ago we raised the limit so they could go between 15 mills and 20 mills if they wanted to, in order to raise a sufficient amount. Last year they raised it to 18 mills, or $1.82 on $100. Now, we did not wish to confine them to that. We simply say that we fix the valuation at par, and we say to the commissioners, "Fix your tax rate at anything you have a mind to. Fix it at 5 mills, 10 mills, 20 mills, anything to raise enough to pay your 60 per cent of the estimates and appropriations that you want made." They can fix it any way they have a mind to, so this full valuation cuts no figure. It is the tax rate to be fixed by the commissioners that counts.

I have told you why we put on the full valuation—to make them put a full valuation on the large property owners as they have on the small property owners. Now, gentlemen, as I have said, this is the largest bill for the District that has been considered since I have been a Member of the House. I think we had hearings before our committee and had the auditor of the District and all the commission and everybody connected with it about two months, and took 1,500 pages of testimony. Then the Senate had hearings, extensive hearings on similar matters, and we have been in conference for about six weeks. The matter has been thoroughly thrashed over. This bill meets the situation exactly regarding school buildings, playgrounds, water, eight or nine million dollars for a new aqueduct, the school for feeble-minded, and everything you need. It is a large bill. The fact is next year if the taxes are not right it will be the fault of the commissioners, because they have enough in this bill, so that next year the bill ought not to be as large in amount as this bill. They have buildings appropriated for that they will not build for two or three years. It is said and published that the taxes will be higher—$3,000,000, they say—which is all nonsense and bosh. But we do tell them to raise a little surplus. I notice one or two men looking at me who think and say that we have already a surplus. How do you know we have? Because somebody told you so. Dig down into it and you will find that there is no surplus. Furthermore, I want to say that since 1878, 44 years, the Government of the United States has advanced each year for 11 months in each year all the money, without any interest, running into hundreds of millions of dol-

lars. This bill continues this advancement for five years more. For instance—take the expenses of the current year—has the District got any money in it? No, sir; the Government of the United States has got it all, and will have it until they collect the taxes about the 1st of June. Then they recompense the Government. In 1923 the Government advances the money again, and they always have done so without any interest.

The interest at 2 per cent on that loan for the 49 years would amount to many millions. Still, talking about the surplus, we wish to put the District on a cash basis, and we give them five years in which to levy a tax and put a little something in the Treasury so that in 1927 they will have at least money enough of their own to pay the 60 per cent of the current expenses as they go along. Is there anything unfair about that? I can not see it.

But here is the great rub: When section 1 was written I suggested to the conferees that the raising of the intangible tax from three-tenths of 1 per cent to five-tenths would cause much trouble. In other words, the man that has come from another State and put millions of dollars worth of bonds and mortgages into the safety deposit vault and paid nothing will now object. The State from which he came probably taxed him from 1 to 2 per cent on intangible property and he can not now wholly escape taxation. When the first intangible law was passed for the District it was 1 per cent, or more, and it ran along that way for a few years, and then the whole thing was abandoned and nothing was collected on intangible property. Three or four years ago, through the efforts of some gentlemen—and I had something to do with it—we decided that the intangible property owners in this city should pay at least a little something on their bonds, stocks, and mortgages—the intangible property—and we put upon it the enormous tax of three-tenths of 1 per cent. Think of it, gentlemen! I know that in Maryland they have the next cheapest tax of any place in the United States. In Virginia they have 5 mills down there. I do not know of any other place where they have a tax as low as that. This District lies between Maryland and Virginia, and we thought at this time we would raise it two-tenths of 1 per cent, and we think that ought to be fair; that men who have these large amounts of mortgages and stocks and bonds, drawing 6 and 8 per cent, should pay one-half of 1 per cent on a dollar and thus help out the poor people who can not afford to pay taxes.

Make the bigger ones pay two-tenths of 1 per cent more, or 5 mills on a dollar of intangible property. That is the reason why we have this item in the bill. It is in the interest of the poor men in Washington instead of the rich ones. Poor men are not coming here except they get up a little association down in the Bureau of Engraving and Printing and get the employees to send me a large volume of what they call facts, which are not facts. I tell you in my experience this is the most just proposition, as far as taxation is concerned, that has ever been known.

Now if hereafter you have to pay an extra tax blame your own commissioners, because they will make the rate of taxation. Congress does not make any rate at all except to raise the tax two-tenths of 1 per cent on intangible property. That is all there is to it. The Senate conferees, when they fully understood this, heartily indorsed it. This amendment originated over there; it did not originate with me. These men who have more brains than I wrote it out very carefully, and I am much obliged to them.

Mr. Speaker, I do not care to talk about the matter any more. Every word that I have said I believe to be true, and much more could be said along this line.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. ZIHLMAN. I wanted to ask the gentleman who drew this amendment No. 1?

Mr. DAVIS of Minnesota. I will not tell the gentleman further than to say that it was drawn by one or two, chiefly; but it is really the combined effort of six men—three Representatives and three United States Senators—and if the gentleman will look at the list of conferees he will know.

Mr. ZIHLMAN. Oh, I understood the gentleman to intimate that it was some one in the District of Columbia who had drawn the amendment.

Mr. DAVIS of Minnesota. No; I did not. The gentleman's hearing is bad.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. CHINDBLOM. Does not the gentleman think that an important piece of legislation of this sort should be considered under the general rules of the House? Does the gentleman believe generally that a large piece of legislation such as this, covering the whole subject of taxation for the District of Columbia, should come in here merely as an amendment on an appropriation bill?

Mr. DAVIS of Minnesota. Does the gentleman understand the rules of the House now?

Mr. CHINDBLOM. Yes.

Mr. DAVIS of Minnesota. Very well; it is because of the rules that we bring it in. I did not make the rules. We could not have considered this on our bill originally. It went over to the Senate, and the Senate put on an amendment, and then under the rules we have a right to bring it here with an amendment, which we have done.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman permit another inquiry?

Mr. DAVIS of Minnesota. Mr. Speaker, I move the previous question on the amendment.

The SPEAKER pro tempore (Mr. STAFFORD). The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Minnesota to concur in the Senate amendment with an amendment.

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 103, noes 24.

Mr. ZIHLMAN. Mr. Speaker, I object to the vote upon the ground that it discloses the absence of a quorum, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Maryland objects to the vote upon the grounds that there is no quorum present, and makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-one Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Minnesota to concur in the Senate amendment with an amendment.

The question was taken; and there were—yeas 200, nays 81, answered "present" 1, not voting 148, as follows:

YEAS—200.

Ackerman	Elliott	Kline, Pa.	Ricketts
Almon	Evans	Knutson	Roach
Anderson	Fess	Kraus	Robertson
Andrew, Mass.	Fisher	Kreider	Robsion
Ansorge	Fordney	Lanham	Rose
Appleby	Frear	Lankford	Rosenbloom
Arentz	Freeman	Larsen, Ga.	Rossdale
Aswell	French	Larson, Minn.	Rouse
Bankhead	Fuller	Lawrence	Rucker
Barkley	Fulmer	Leatherwood	Sanders, Tex.
Beedy	Funk	Lehlbach	Sandlin
Begg	Gahn	London	Scott, Mich.
Bird	Garrett, Tenn.	Lowrey	Scott, Tenn.
Black	Garrett, Tex.	Luce	Shaw
Bond	Gensman	McClintic	Siegel
Bowling	Glynn	McDuffie	Sinclair
Box	Goldsborough	McKenzie	Sinnott
Briggs	Goodykoontz	McLaughlin, Mich.	Sisson
Browne, Wis.	Graham, Ill.	Magee	Snell
Buchanan	Green, Iowa	Mapes	Sproul
Burtness	Greene, Mass.	Michener	Stafford
Byrns, Tenn.	Greene, Vt.	Miller	Steagall
Cable	Griest	Mondell	Stevenson
Cantrill	Hadley	Montoya	Stoll
Carter	Hammer	Moore, Ohio	Strong, Kans.
Chalmers	Hardy, Colo.	Murphy	Summers, Wash.
Chandler, Okla.	Haugen	Nelson, Me.	Sumners, Tex.
Christopherson	Hawley	Nelson, A. P.	Swank
Clague	Hayden	Nelson, J. M.	Swing
Clarke, N. Y.	Henry	Newton, Minn.	Taylor, Colo.
Clouse	Herrick	Newton, Mo.	Taylor, N. J.
Cole, Iowa	Hersey	Norton	Taylor, Tenn.
Cole, Ohio	Hoch	Ogden	Thomas
Collier	Huddleston	Oldfield	Thompson
Colton	Hukriede	Oliver	Tillman
Connally, Tex.	Hutchinson	Overstreet	Timberlake
Connell	Jacoway	Padgett	Tyson
Cooper, Ohio	James	Park, Ga.	Upshaw
Cooper, Wis.	Johnson, Ky.	Parker, N. J.	Vaile
Crisp	Johnson, Miss.	Parks, Ark.	Vinson
Dale	Johnson, S. Dak.	Perkins	Voigt
Davis, Minn.	Johnson, Wash.	Petersen	Volstead
Davis, Tenn.	Jones, Pa.	Pou	Walsh
Dickinson	Jones, Tex.	Pringey	Walters
Dominick	Kelley, Mich.	Purnell	Watson
Doughton	Ketcham	Quin	Williamson
Dowell	Kincheloe	Ramseyer	Wise
Driver	Kinkaid	Rankin	Woodruff
Dunbar	Kissel	Reavis	Wright
Echols	Kline, N. Y.	Reed, W. Va.	Young

NAYS—81.

Andrews, Nebr.	Crago	Favrot	Hawes
Bland, Va.	Cullen	Fitzgerald	Hays
Bulwinkle	Curry	Foster	Hickey
Burroughs	Darrow	Free	Hicks
Burton	Deal	Frothingham	Hill
Campbell, Kans.	Denison	Gallivan	Husted
Cannon	Dupré	Gernerd	Keller
Chandler, N. Y.	Dyer	Gorman	Kiess
Chindblom	Faust	Harrison	King

Kirkpatrick	Mills	Rainey, Ill.	Vare
Kopp	Millspaugh	Raker	Wason
Lampert	Moore, Va.	Rhodes	Weaver
Layton	Morgan	Riordan	White, Me.
Lazaro	Mott	Rodenberg	Williams
Lea, Calif.	Mudd	Rogers	Wingo
Lineberger	O'Brien	Steenerson	Winslow
Linthicum	Osborne	Tague	Yates
Little	Paige	Temple	Zihlman
Logan	Parker, N. Y.	Tinkham	
McPherson	Patterson, Mo.	Towner	
McSwain	Perlman	Tucker	

ANSWERED "PRESENT"—1.

Schall

NOT VOTING—148.

Anthony	Drane	Lee, Ga.	Sabath
Atkeson	Drewry	Lee, N. Y.	Sanders, Ind.
Bacharach	Dunn	Longworth	Sanders, N. Y.
Barbour	Edmonds	Luhring	Sears
Beck	Ellis	Lyon	Shelton
Bell	Fairchild	McArthur	Shreve
Benham	Fairfield	McCormick	Slemp
Bixler	Fenn	McFadden	Smith, Idaho
Blakeney	Fields	McLaughlin, Nebr.	Smith, Mich.
Bland, Ind.	Fish	McLaughlin, Pa.	Smithwick
Blanton	Focht	MacGregor	Snyder
Boies	Garner	Madden	Speaks
Bowers	Gilbert	Maloney	Stedman
Brand	Gould	Mann	Stephens
Brennan	Graham, Pa.	Mansfield	Stiness
Britten	Griffin	Martin	Strong, Pa.
Brooks, Ill.	Hardy, Tex.	Mead	Sullivan
Brooks, Pa.	Himes	Merritt	Sweet
Brown, Tenn.	Hogan	Michaelson	Taylor, Ark.
Burdick	Hooker	Montague	Ten Eyck
Burke	Hudspeth	Moore, Ill.	Tilson
Butler	Hull	Moores, Ind.	Tincher
Byrnes, S. C.	Humphreys	Morin	Treadway
Campbell, Pa.	Ireland	Nolan	Underhill
Carew	Jefferis, Nebr.	O'Connor	Vestal
Clark, Fla.	Jeffers, Ala.	Olpp	Volk
Classon	Kahn	Patterson, N. J.	Ward, N. Y.
Cockran	Kearns	Porter	Ward, N. C.
Codd	Kelly, Pa.	Radcliffe	Webster
Collins	Kendall	Rainey, Ala.	Wheeler
Connolly, Pa.	Kennedy	Ransley	White, Kans.
Copley	Kindred	Rayburn	Wilson
Coughlin	Kitchin	Reber	Wood, Ind.
Cramton	Kleczka	Reece	Woods, Va.
Crowther	Knight	Reed, N. Y.	Woodyard
Dallinger	Kunz	Riddick	Wurzbach
Dempsey	Langley	Ryan	Wyant

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Cockran.

Mr. Longworth with Mr. Bell.

Mr. Graham of Pennsylvania with Mr. Garner.

Mr. Kennedy with Mr. Smithwick.

Mr. Coughlin with Mr. Taylor of Arkansas.

Mr. Butler with Mr. Lee of Georgia.

Mr. Boies with Mr. Carew.

Mr. Strong of Pennsylvania with Mr. Byrnes of South Carolina.

Mr. Hogan with Mr. Montague.

Mr. Tincher with Mr. Martin.

Mr. Wood of Indiana with Mr. Woods of Virginia.

Mr. Kearns with Mr. Collins.

Mr. McArthur with Mr. Jeffers of Alabama.

Mr. Dunn with Mr. Kitchin.

Mr. Shelton with Mr. Wilson.

Mr. Brown of Tennessee with Mr. Ten Eyck.

Mr. Wurzbach with Mr. Fields.

Mr. Reed of New York with Mr. Clark of Florida.

Mr. Smith of Michigan with Mr. Brand.

Mr. Blakeney with Mr. Mead.

Mr. Burke with Mr. Sullivan.

Mr. Lee of New York with Mr. Gilbert.

Mr. Connolly of Pennsylvania with Mr. Drane.

Mr. Radcliffe with Mr. Humphreys.

Mr. Stephens with Mr. Ward of North Carolina.

Mr. Reece with Mr. Kindred.

Mr. Anthony with Mr. Sears.

Mr. Olpp with Mr. Drewry.

Mr. Kahn with Mr. Campbell of Pennsylvania.

Mr. Shreve with Mr. O'Conner.

Mr. Ellis with Mr. Rayburn.

Mr. Bacharach with Mr. Sisson.

Mr. Maloney with Mr. Griffin.

Mr. Atkeson with Mr. Hooker.

Mr. Sanders of Indiana with Mr. Kunz.

Mr. Volk with Mr. Sabath.

Mr. Kendall with Mr. Lyon.

Mr. Knight with Mr. Stedman.

Mr. Wheeler with Mr. Hardy of Texas.

Mr. Michaelson with Mr. Barkley.

Mr. Hines with Mr. Hudspeth.

Mr. Brennan with Mr. Rainey of Alabama.

Mr. Luhring with Mr. Blanton.

Mr. Snyder with Mr. Mansfield.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

Mr. LINTHICUM. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Maryland rise?

Mr. LINTHICUM. Mr. Speaker, the time was so limited in debate that I ask unanimous consent that any Member may have five legislative days in which to extend his remarks on amendment No. 1.

The SPEAKER. The gentleman from Maryland asks unanimous consent that all Members may have five legislative days in which to extend remarks on amendment No. 1. Is there objection?

Mr. WALSH. Mr. Speaker—well, I object.

The SPEAKER. The gentleman from Massachusetts objects. The Clerk will report the next amendment.

The Clerk read as follows:

After line 11 insert: "For the purchase or condemnation of a piece of ground to take the place of Columbia Heights playground, $50,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur, with an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment No. 78, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$25,000."

Mr. WALSH. Mr. Speaker, will the gentleman make some little explanation of this? I think the House is entitled to it.

Mr. DAVIS of Minnesota. Mr. Speaker, this is to provide for the condemnation of a piece of ground to take the place of the Columbia playground. The amount asked for was $50,000, but after mature investigation we found that $25,000 was all that was necessary, and we all agreed to it, the Senate and the House; but I could not agree to it without bringing it back to the House for a vote, because it was subject to a point of order under the rules of the House. The Senate agrees to all this.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 79: Page 32, line 31, strike out "$109,220" and insert "$159,220."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment, this simply being the total. I send the amendment to the Clerk's desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur in amendment No. 79 with an amendment as follows: In lieu of the sum proposed, insert "$134,200."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 86: On page 41 of the bill strike out of line 23 "$75,000" and insert "$90,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur in Senate amendment No. 83 with an amendment as follows: In lieu of the sum proposed, insert the following: "$75,000: *Provided*, That no part of this sum shall be expended on courses of instruction not embraced in the day-school courses and the grades of the first two years of high school."

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman explain something concerning this amendment?

Mr. DAVIS of Minnesota. This amount is fully agreed to between the Senate and the House conferees, and the reason why we did not put it in is simply because it would have been subject to the point of order if we had agreed to it, and we simply bring it back here for a vote under the rules.

Mr. STAFFORD. What is the purpose of the amendment?

Mr. DAVIS. The purpose of the amendment is simply this: They have been spending a good deal of money, and we are willing to give a good deal of money. They have been teaching everybody from 6-year-old children up to people of 50 or more years of age, and we want to limit it to those who want to take the day-school teaching and the first two grades of the high schools.

Mr. STAFFORD. May we have the amendment again reported?

The SPEAKER. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. STAFFORD. I withdraw the reservation of the point of order.

Mr. LANHAM. I would like to ask the gentleman from Minnesota what instruction is now being given in the night schools? What does it include?

Mr. DAVIS of Minnesota. There is no regular instruction. They teach what they want to.

Mr. LANHAM. Does it include four years of high-school work?

Mr. DAVIS of Minnesota. With some of them it does and with some it does not. They want it limited to two years in the high school.

Mr. LANHAM. If it is a good thing to have night schools for these people, why not give them the benefit of four years of high-school work instead of two?

Mr. DAVIS of Minnesota. I can not answer that, except to say that after a long investigation it has been found satisfactory to everybody. Recently there has been a propaganda going around that a few people might be shut out, but the majority of people and pupils are satisfied with this proposition.

Mr. LANHAM. I will say to the gentleman that, regardless of propaganda, my view is this: That if you are going to have night schools for the benefit of the people who can not attend schools in the daytime, and who want after their daily work is over to get an education in order to be of better service to this country, they ought to be given the proper opportunity to do so.

Mr. WALSH. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The question is on the motion to recede.

The question was taken, and the motion was agreed to.

The SPEAKER. The question is on concurring with an amendment.

Mr. WALSH. Mr. Speaker, I move to amend the motion to concur by an amendment to strike out the proviso.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 31, noes 32.

Mr. LINTHICUM. Mr. Speaker, I think the number shows that there is no quorum present, and I make the point that there is no quorum present.

The SPEAKER. The gentleman from Maryland makes the point that there is no quorum present. The Chair will count.

[The Speaker proceeded to count.]

Mr. DAVIS of Minnesota. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman can not do that when the question of no quorum is pending. The Chair is counting. [After counting.] It is clear that there is no quorum present, and the Doorkeeper will close the doors. The Sergeant at Arms will notify the absentees. Those in favor of the motion of the gentleman from Massachusetts will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 140, nays 115, not voting 175, as follows:

YEAS—140.

Almon	Fordney	Lampert	Quin
Andrew, Mass.	Foster	Lanham	Raker
Arentz	Free	Lankford	Rankin
Bankhead	Frothingham	Larsen, Ga.	Ricketts
Beedy	Fulmer	Larson, Minn.	Roach
Bland, Va.	Gahn	Lawrence	Robsion
Bond	Gallivan	Layton	Rodenberg
Box	Garrett, Tex.	Lazaro	Rogers
Briggs	Gensman	Lea, Calif.	Rose
Burroughs	Greene, Mass.	Lineberger	Rossdale
Byrnes, S. C.	Greene, Vt.	Linthicum	Rouse
Cable	Hammer	Logan	Sanders, Tex.
Chalmers	Hardy, Colo.	Lowrey	Schall
Chandler, N. Y.	Hardy, Tex.	Luce	Stafford
Chandler, Okla.	Harrison	McPherson	Steagall
Chindblom	Hayden	MacGregor	Sumners, Tex.
Clarke, N. Y.	Henry	Michener	Swank
Cole, Ohio	Hersey	Mills	Swing
Colton	Hickey	Montague	Tague
Connally, Tex.	Hicks	Moore, Ohio	Taylor, Tenn.
Crago	Hill	Moore, Va.	Thompson
Crisp	Hooker	Morgan	Tinkham
Cullen	Huddleston	Mott	Towner
Curry	Husted	Murphy	Tucker
Dale	Johnson, Miss.	Nelson, Me.	Tyson
Dempsey	Johnson, S. Dak.	Nelson, A. P.	Upshaw
Dowell	Jones, Tex.	O'Connor	Vaile
Driver	Keller	Ogden	Walsh
Dunbar	Ketcham	Osborne	Wason
Dupré	King	Padgett	Watson
Dyer	Kissel	Paige	White, Me.
Fairchild	Kline, N. Y.	Parks, Ark.	Wingo
Favrot	Kopp	Perlman	Winslow
Fish	Kraus	Petersen	Yates
Fitzgerald	Kreider	Purnell	Zihlman

NAYS—115.

Ackerman	Davis, Minn.	James	Pringey
Anderson	Davis, Tenn.	Johnson, Ky.	Ramseyer
Andrews, Nebr.	Deal	Johnson, Wash.	Rhodes
Ansorge	Denison	Jones, Pa.	Riordan
Appleby	Dickinson	Kiess	Robertson
Barkley	Dominick	Kincheloe	Sandlin
Beck	Doughton	Kinkaid	Scott, Mich.
Begg	Echols	Kirkpatrick	Shaw
Bell	Elliott	Kline, Pa.	Sinclair
Bird	Evans	Lehlbach	Sinnott
Black	Fess	McCormick	Snell
Bowling	Fisher	McDuffie	Steenerson
Browne, Wis.	French	McLaughlin, Mich.	Stevenson
Buchanan	Fuller	McLaughlin, Nebr.	Stoll
Bulwinkle	Garrett, Tenn.	Magee	Strong, Kans.
Burtness	Gernerd	Mapes	Summers, Wash.
Burton	Goldsborough	Miller	Taylor, Colo.
Byrns, Tenn.	Goodykoontz	Millspaugh	Taylor, N. J.
Campbell, Kans.	Gorman	Montoya	Temple
Cannon	Graham, Ill.	Nelson, J. M.	Thomas
Cantrill	Graham, Pa.	Norton	Tillman
Carter	Hadley	O'Brien	Timberlake
Christopherson	Haugen	Oldfield	Vinson
Clague	Hawes	Oliver	Voigt
Cole, Iowa	Herrick	Overstreet	Weaver
Collier	Hoch	Parker, N. J.	Williamson
Cooper, Ohio	Hull	Parker, N. Y.	Woodruff
Cooper, Wis.	Hutchinson	Perkins	Young
Darrow	Jacoway	Pou	

NOT VOTING—175.

Anthony	Fields	McClintic	Sears
Aswell	Focht	McFadden	Shelton
Atkeson	Frear	McKenzie	Shreve
Bacharach	Freeman	McLaughlin, Pa.	Siegel
Barbour	Funk	McSwain	Sisson
Benham	Garner	Madden	Slemp
Bixler	Gilbert	Maloney	Smith, Idaho
Blakeney	Glynn	Mann	Smith, Mich.
Bland, Ind.	Gould	Mansfield	Smithwick
Blanton	Green, Iowa	Martin	Snyder
Boies	Griest	Mead	Speaks
Bowers	Griffin	Merritt	Sproul
Brand	Hawley	Michaelson	Stedman
Brennan	Hays	Mondell	Stephens
Britten	Himes	Moore, Ill.	Stiness
Brooks, Ill.	Hogan	Moores, Ind.	Strong, Pa.
Brooks, Pa.	Hudspeth	Morin	Sullivan
Brown, Tenn.	Hukriede	Mudd	Sweet
Burdick	Humphreys	Newton, Minn.	Taylor, Ark.
Burke	Ireland	Newton, Mo.	Ten Eyck
Butler	Jefferis, Nebr.	Nolan	Tilson
Campbell, Pa.	Jeffers, Ala.	Olpp	Tincher
Carew	Kahn	Park, Ga.	Treadway
Clark, Fla.	Kearns	Patterson, Mo.	Underhill
Classon	Kelley, Mich.	Patterson, N. J.	Vare
Clouse	Kelly, Pa.	Porter	Vestal
Cockran	Kendall	Radcliffe	Volk
Codd	Kennedy	Rainey, Ala.	Volstead
Collins	Kindred	Rainey, Ill.	Walters
Connell	Kitchin	Ransley	Ward, N. Y.
Connolly, Pa.	Kleczka	Rayburn	Ward, N. C.
Copley	Knight	Reavis	Webster
Coughlin	Knutson	Reber	Wheeler
Cramton	Kunz	Reece	White, Kans.
Crowther	Langley	Reed, N. Y.	Williams
Dallinger	Leatherwood	Reed, W. Va.	Wilson
Drane	Lee, Ga.	Riddick	Wise
Drewry	Lee, N. Y.	Rosenbloom	Wood, Ind.
Dunn	Little	Rucker	Woods, Va.
Edmonds	London	Ryan	Woodyard
Ellis	Longworth	Sabath	Wright
Fairfield	Luhring	Sanders, Ind.	Wurzbach
Faust	Lyon	Sanders, N. Y.	Wyant
Fenn	McArthur	Scott, Tenn.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Vare with Mr. Wright.

Mr. Griest with Mr. Garner.

Mr. Newton of Missouri with Mr. Wise.

Mr. Connell with Mr. McClintic.

Mr. Faust with Mr. Rucker.

Mr. Mondell with Mr. Stedman.

Mr. Morin with Mr. Ward of North Carolina.

Mr. Williams with Mr. Park of Georgia.

Mr. Patterson of Missouri with Mr. Aswell.

Mr. Fenn with Mr. London.

Mr. Wyant with Mr. McSwain.

Mr. Bland of Indiana with Mr. Rainey of Illinois.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on agreeing to the amendment without the proviso.

The amendment was agreed to.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Mr. GREEN of Iowa. Mr. Speaker, I present a privileged report from the Committee on Ways and Means on House Joint Resolution 314.

The SPEAKER. The gentleman from Iowa presents a privileged report from the Committee on Ways and Means, which the Clerk will report.

The Clerk read as follows:

Report on House Joint Resolution 314, proposing an amendment to the Constitution of the United States.

The SPEAKER. The Chair refers it to the House Calendar.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 101: For equipment, grading, and improving six additional school yards for the purposes of play of pupils, $2,400.

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and to concur with an amendment.

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment. The Clerk will report the motion of the gentleman from Minnesota.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to Senate amendment numbered 101 and agree to the same with an amendment as follows: After the sum "$2,400" insert the following: "*Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playgrounds department."

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Speaker, the attention of the House has been recently called to the dismissal of former Maj. W. O. Watts from the Department of Justice. Considerable newspaper publicity has also been given to the matter. From these publications it might appear that Major Watts had been unjustly treated. In view of my intimate connection with the matter of Major Watts's employment I feel, in justice, the House should have correct information relative to the matter.

During the work of the Select Committee on Expenditures in the War Department in the Sixty-sixth Congress the committee was given very considerable information which was useful, by Major Watts after his discharge from the Army. Major Watts, a resident of Tennessee, was connected with the Quartermaster Department during the World War, and hence had valuable information of things being inquired of by the committee. For a time he was employed by the committee as an investigator, doing faithful work. He is not a lawyer, and his principal fault is that of not understanding the vast difference between the making of a charge and the preparation of such a charge for a successful prosecution.

When the Sixty-sixth Congress adjourned the work of the select committee ended. From that time any investigation of matters growing out of the conduct of the war, or consequent proceedings, were problems for the Department of Justice. After Attorney General Daugherty had taken his office, being advised that the Department of Justice was taking up certain matters theretofore investigated by the select committee, I recommended to the Attorney General, in a special visit to him, that he employ Major Watts as an investigator in his department, at the same time vouching for him in the most positive terms as a trustworthy, intelligent, and reliable man.

In the Department of Justice Major Watts was given access to all the secret files and correspondence of the department in the matters in which he worked and also was in touch with all information of the Secret Service of the Government in these same matters. His relations with the department were those of a highly confidential nature.

The House can imagine my chagrin and embarrassment when I found that recently Major Watts, being dissatisfied with conditions in the Department of Justice, without consultation with his superiors, absolutely ignoring the ethics of the situation and in gross violation of his trust, had made public a large amount of the information about pending matters in the department which he had obtained by virtue of his access to the confidential information and files I have mentioned. This he did without even tendering his resignation, but persisted in holding his office while thus forgetting the duties imposed upon him and ignoring his superiors. If he would make public a part of the information he had, of course, if he has the notion to do so, he will make public anything else he knows, irrespective of its effect on pending matters in the department.

I arose to state that I approve of the decision of the Attorney General in dismissing him. There was nothing else he could do. [Applause.]

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Michigan?

Mr. GRAHAM of Illinois. Not now. Wait until I get done here.

To retain him was to absolutely destroy the morale of the employees in the most confidential department of the Government, the Department of Justice. There is not a man here who would retain even a stenographer in his office who would, without consent, make public matters occurring within his office. How much less, then, can we justify the violation of faith by one employed where the most vital secrets of our Government are lodged? Having been sponsor for Major Watts in the matter, I want to state publicly now that he has no just cause for complaint at his dismissal—he had it coming to him. [Applause.]

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes; I yield.

Mr. WOODRUFF. I want to ask the gentleman if it is not a fact that the information that Major Watts imparted to others was imparted relative to expenditures in the War Department to the Committee on Expenditures in the War Department? And if——

Mr. GRAHAM of Illinois. Wait until I answer it. It does not matter whom it was given to. He gave it while he was an employee of the Department of Justice under oath. He had no business to give it to anybody. It was entirely secret and confidential and sacred.

Mr. WOODRUFF. The gentleman will remember a certain law passed by this Congress which stated that no employee of the Government would be interfered with when he was giving information to Members of Congress relative to public business.

Mr. GRAHAM of Illinois. I do not know of any law of that kind.

Mr. WOODRUFF. I think the gentleman will find it.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. CONNALLY of Texas. Is it the gentleman's position that anybody who tells the truth about the Department of Justice ought to be fired? Is that the gentleman's position? [Applause.]

Mr. GRAHAM of Illinois. It is not my position at all. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for five minutes out of order.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I know Major Watts, but not intimately at all. My acquaintance with him began at the time that he was serving the Graham committee, and particularly the subcommittee on ordnance, of which the gentleman from Illinois [Mr. GRAHAM] is chairman, and of which I was the minority member.

In the reports made upon those matters concerning which Major Watts furnished testimony to the committee I never saw fit to enter into any criticism of him, but I was just struck with this peculiar thought while the gentleman from Illinois [Mr. GRAHAM] was talking: Major Watts was an employee of the War Department. In that capacity he obtained information or what was accepted as information. After he quit the service of the War Department he came into the employment—I presume he was employed—of the Subcommittee on the Investigation of Expenditures in the War Department, and he gave to the chairman of that committee the facts, or alleged facts, which as an employee of the War Department he had obtained. The chairman of the committee accepted and acted upon the information which was thus given in his reports, and I confess that it was just a little bit difficult for me to see where Major Watts is subject to criticism because of information which he gave while an employee of the Department of Justice and is not subject to criticism because of information which he obtained while an employee of the War Department and gave to the gentleman from Illinois [Mr. GRAHAM]. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. DAVIS] that the House recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 114.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent that amendment numbered 115 be taken up before amendment numbered 114, for the following reason: Amend-

ment 115 is for the building of a large schoolhouse, and if that amendment should not be agreed to amendment 114 would be useless, because it applies to the purchase of ground for the building.

The SPEAKER. The gentleman asks unanimous consent that amendment 115 be taken up before amendment 114. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report amendment 115.

The Clerk read as follows:

Amendment No. 115: On page 52, line 3, insert:
"For beginning the erection of an addition to the Armstrong Manual Training School and alterations thereto, to include an assembly hall, additional classrooms, shops, and laboratories, within a limit of cost of $500,000, which is hereby authorized, $100,000, and the commissioners are authorized to enter into contract or contracts for said addition at a cost not to exceed $500,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment of the Senate numbered 115 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:
"For beginning the erection of an addition to the Armstrong Manual Training School and alterations thereto, to include an assembly hall, additional classrooms, shops, and laboratories, within a limit of cost of $500,000, which is hereby authorized, $100,000, and the commissioners are authorized to enter into a contract for said addition at a cost not to exceed $500,000."

Mr. DAVIS of Minnesota. Mr. Speaker, the only change in the text of the amendment is to strike out the words "or contracts," and limiting it simply to a contract instead of more than one. That is all the amendment amounts to.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. STAFFORD. What objection is there to delegating to the District Commissioners the authority, if they see fit, to enter into more than one contract for the construction of an addition to a manual training school?

Mr. DAVIS of Minnesota. Because the bill provides otherwise in another place.

Mr. JOHNSON of Kentucky. And if the gentleman will permit, the architect for the District of Columbia advises that this be done.

Mr. DAVIS of Minnesota. Yes.

Mr. STAFFORD. But usually in the construction of public buildings the contract is not awarded to one person for the whole job, but to various contractors. Here we are taking away from the District Commissioners the discretion as to the number of contracts and the method of awarding the contracts.

Mr. DAVIS of Minnesota. There is a provision for that in another part of the bill.

Mr. STAFFORD. There is no other provision in the bill before this, is there, relating to the same subject?

Mr. DAVIS of Minnesota. Yes, there is; making it one contract, and that has been agreed to already.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Mr. DAVIS of Minnesota. Now, Mr. Speaker, I ask that amendment 114 be reported.

The SPEAKER. The Clerk will report amendment 114.

The Clerk read as follows:

Amendment numbered 114: On page 52, line 1, insert: For the purchase of land adjoining the Armstrong Manual Training School, $50,000.

Mr. DAVIS of Minnesota. I move to recede and concur. That is for the purchase of land for the building of this schoolhouse for which we have just provided. I yield five minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to speak out of order. Is there objection?

There was no objection.

Mr. GOODYKOONTZ. Mr. Speaker, it is my purpose, on this occasion, to make certain observations in respect to the coal industry in this country, but before proceeding to that subject may I call the attention of the House to the urgent demand for legislation necessary to articulate and coordinate the Interstate Commerce Commission, the Chicago Railway Labor Board, and the Shipping Board? These agencies of government are either working at cross purposes or else not working at all. It is a crying shame that the great industries of this country should be balked and stifled on account of the failure of the governmental agencies to work in harmony. Such agencies should operate in conjunction or else be consolidated.

My attention has been called to certain propaganda, widely circulated and specially directed toward Federal officials, including Members of Congress, in support of the theory of Government ownership of coal mines. It might be well for the House of Representatives to amend its rules and by-laws in order to provide for an additional standing committee, the title of which committee ought to be the "Committee on Propaganda," and the function of which should be the investigation of the sinister dope that by subtle methods is constantly being circulated to influence congressional action.

The particular propaganda to which my attention has been directed is a circular, printed in large type, copy of which was mailed to me. The heading of the circular reads thus: "Some merry gentlemen who have picked our pockets," meaning the coal people. Near the bottom of the circular is the following:

Reprinted from Baltimore News and Baltimore American, April 5, 1922.

The paramount impression sought to be conveyed is that the article was really a news item, or perhaps an editorial, published in the aforesaid papers. In smaller print is cautiously embodied the statement that the matter was an advertisement, in space paid for by a concern styling itself "Baltimore Chapter of the Church League for Industrial Democracy," and that one Bishop Charles D. Williams, of Michigan, was the president, and one Rev. Richard W. Hogue, of Philadelphia, was the executive secretary of the "church league."

Years ago the Louisiana State lottery, in order to give its name and business respectability, induced two gallant ex-Confederate soldiers to permit their names to be used as officials of the lottery. Now it seems that the "Church League for Industrial Democracy," whatever the latter overworked, high-sounding, and nebulous phrase may mean, has induced two ministers of the gospel to sign themselves up as connected with the league.

The matter set forth in the circular is of a slanderous character. Those responsible for the promulgation of it must be Socialists of the most pronounced type. Their atterances are virulent, having a vicious tendency. The authors of the article are calumniators of character. In this article coal operators are described as profiteers, having a disregard for public welfare and human suffering; that these are predatory; that they are running amuck; that their course is marked by want of common humanity, of common decency, and of common sense; that the coal industry is deathly sick with a dangerous disease; that the industry is in ruthless hands; that the people are the victims of coal operators' greed; that the disease is the logical outcome of lack of head and heart, and marks gross mismanagement. The gist of the article—the main objective—is summed up in these words:

Eventually the coal mines must be nationalized. Why not take the first step toward nationalization now?

Socialists are therefore agitating the subject of "nationalization" of coal mines, or, in other words, urging Government ownership of coal lands and coal-mining plants.

The World Geological Congress, which met in Canada just prior to the war, put the United States coal reserve or stock remaining underground, at 3,839,000,000,000 tons, or 52 per cent of the world's total, and the supply of Great Britain as being 190,000,000,000 tons, or less than 3 per cent of the world's total.

The feverish activities of the nations during the period of the war called for the production of an immense volume of coal, and as a result there was stimulated a greatly increased development of coal mines at an enormous expense. The United States having decided to enter the war, Congress, exerting a war power, gave authority to the Executive to take over the railroads and operate them, and also to fix the price of coal, which was done. The price of coal was made uniform to Americans, to the Allies, and to neutrals. The operators were forced to abide by the prices so fixed. The schedules of price, promulgated from time to time by the Government, were very low, and in many cases confiscatory. While those engaged in other industries were allowed to charge according to whatever their own sweet will might dictate, coal men were bound in a strait-jacket.

At the close of the war, and as due to a strike of coal miners in England and Wales, there was a temporary increase of production and demand for American coal, but when the British strike was ended, England not only rapidly recovered her former coal trade but also captured our own coal business in South America, in Central America, and in the West Indies. In addition to this England has been putting down coal—brought as ballast—in our ports on the Atlantic seaboard at

less than $5 per ton, and furthermore, it is true that the cities on the Pacific coast are getting their coal from foreign countries. More than a score of dealers in Seattle, Wash., have been advertising for sale coal brought from Australia.

Having the greatest coal-mine development in the world; with all the men that are needed to work the mines; with the railroads clamoring for business and fully supplied with cars that are idle; with a merchant fleet, which has cost us billions to build—likewise idle and deteriorating and watched or guarded by the Government at great expense—is it any wonder that the people, aggravated by circumstances and vexed with intolerable conditions, are asserting that there is something wrong with respect to the coal industry?

Furthermore, the people who are clamoring most for relief are the coal operators themselves and the miners. For more than a year the mines have not worked much over half time. The losses to the people engaged in the industry have been very great. Operators at the time of the strike were selling at the tipple run-of-mine bituminous coal at prices ranging from $1.25 to $2 per ton. The accuracy of this statement can be verified to the satisfaction of anyone who may be interested to discover the truth of the allegation.

Could the Government take over these vast properties—developed and undeveloped, and of an estimated value of $4,000,000,000—and put coal on the cars at prices cheaper than has been done already by the present owners? I should think that the public has already had its fill of Government operation, as witness the railroad and telegraph performances.

That, due to the necessities of war, there is a greater coal-plant installation and development than the country requires is well known, and that there are perhaps more men, trained for work in and about coal mines, than can, under present conditions, profitably find employment in such work, is equally well known.

If things go on as during the past year there are many coal-mining plants that will sooner or later break down and fail. As regards coal mines—operating under the rule of supply and demand—it will be the case of the survival of the fittest, and the excess of miners, if such there be, will have to engage in other occupations. One is usually attracted to the job that pays the best. The operators and miners that thus may lose out will have to try and console themselves with the thought that their misfortune comes, in part at least, as an incident or as an aftermath of the great World War.

The coal strike has come largely as a result of the almost hopeless and apparently helpless condition of the industry. Many of the operators have been losing money. Every ton of coal mined and sold by these has been getting them deeper into debt. The miners, although being paid apparently high wages for the time actually worked, have found the time when they do work so limited as that they can not live comfortably. The miner, I do not doubt, would have been willing to work for a lower wage if regular employment could have been assured unto him.

If the operators had been able to obtain a reasonable price for the coal on board cars at the mines, in my judgment, the strike would never have been.

If the premises stated be correct, and the conclusions drawn be sound, then why should there be any agitation for Government ownership?

The coal operator and his corps of assistants at the mines are the general average of the American technical and business man. Some of these are men of culture and college education, but many of them were originally coal miners, and proud of it. By brain and brawn these diamonds in the rough have worked themselves up from the bottom to the top, educating themselves in the school of hard knocks. As a class, man for man, as respects industry, business ability, strict integrity, and general resourcefulness they are the equals of any other group or class of business men in America or in the world.

These coal operators and their helpers, the employees, can not justly be criticized for their overdevelopment of coal lands, for such development was a necessary act incident to the prosecution of the war; nor should they be criticized or held responsible for the failure of the other industries to engage in normal operations; nor for neglect of the general consumer to buy coal uniformly throughout the year, and thereby to avoid the intermittent or spasmodic employment of the miner; nor for the high freight rates—the rail-and-water rate from my district in southern West Virginia to New England approximates $8 per ton—nor for the long-delayed action of the Interstate Commerce Commission in respect to a specially reduced rate on export coal; nor for the action of the British Government in subsidizing coal mines and miners and coal-carrying vessels, and the consequent loss to the American coal operator on account of the export trade he has heretofore enjoyed; nor for the conduct of the Shipping Board in tying up the vessels of the merchant marine while the British preyed upon the coal and other industries of the United States; nor for the act, or failure to act, of the Chicago Railway Labor Board.

The coal operators have no control over the several factors enumerated. These factors are the main cause of the demoralization of the coal industry, constituting the elements, acting jointly and severally, that are damming up, oppressing, and crushing the coal industry, bankrupting the operator, bringing suffering to the miner, injuring American prestige abroad, and disgusting the people at home.

Why talk about Government ownership as the remedy? This nostrum, sought to be administered by ignorant socialistic quacks, would be far worse than the disease.

President Harding is a patient man, but there is a maxim to the effect that at times "patience ceases to be a virtue."

Permit me to say in this open public way, but with all candor and in all seriousness, that the Chicago Railway Labor Board, the Interstate Commerce Commission, the Shipping Board of the Emergency Fleet Corporation have utterly failed in the fulfillment of their plain duty to the American people. Oppressive rail and water rates have held back, and, unless corrected, will continue to hold back, trade and industry. Remove the obstruction caused by high rates and the stream of commerce thus released will resume its natural flow.

It may be true that the administration is not responsible for the appointment of a majority of the men constituting the several boards and commissions I have named, but the administration is responsible and will be held accountable for the official performances of these departments of the executive branch of the Government. Sooner or later it may become necessary for the President to wield the big stick, and then, when he is compelled so to do, the people will say:

Lay on, Macduff;
And damn'd be him that first cries, "Hold, enough!"

It was boastfully said, that upon completion of the new merchant marine America would be able to compete with European coal in Mediterranean ports.

The American coal operator can load his coal on board cars at a very low price, but he does not have any control over the transportation of that coal to the consumer.

There are some proprietors of coal properties who would gladly surrender their holdings to the Government, being weary of continual attack from those who are least informed about the business; but there are others—more patriotic—who as American citizens believe that Government ownership, or sovietism, as it is practiced in Russia, is not a wise governmental policy, knowing that under our Constitution property rights are secure and that, except in time of war or for a public use, such rights can not be taken or damaged, and then only upon the payment of just compensation to the owner.

The Constitution stands as a bulwark of safety for the protection of all property of whatsoever nature and wheresoever situated, within the jurisdiction of the Government. Politicians may scold, demagogues may lie, Socialists with warped judgment may loudly clamor, anarchists with the jaundiced eye and the red flag may seek to stir up rebellion, but the calm, deliberate judgment of the great majority of the American people stands firm for the Constitution, which protects the right of the citizen to life, liberty, and property. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. DAVIS] that the House recede and concur in the amendment of the Senate.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 116: Page 52, line 10, insert:
"The Commissioners of the District of Columbia are hereby authorized and directed to have plans prepared for an addition to the Western High School, including repairs to the present building, with a view to providing not less than 24 additional classrooms."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur with an amendment as follows: In lieu of the Senate amendment insert the following:
"The Commissioners of the District of Columbia are hereby authorized and directed to have plans prepared by the municipal architect for an addition to the Western High School, including repairs to the present building, with a view to providing not less than 24 additional classrooms."

Mr. DAVIS of Minnesota. I will state, Mr. Speaker, that the only difference is that the words "by the municipal architect" are added.

The SPEAKER. The question is on the motion of the gentleman from Minnesota.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment 142: Page 71, line 7, after the word "debt," insert the following: "payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated, $400,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur with an amendment, as follows: Strike out the matter inserted by the Senate amendment and on page 65 of the bill strike out lines 1 to 5, inclusive.

Mr. WALSH. To that, Mr. Speaker, I reserve a point of order.

Mr. DAVIS of Minnesota. Let me say that this is $400,000 appropriated for interest on the sinking fund. Heretofore we have appropriated $475,000. This year they only wanted $400,000, and while in conference the Treasurer sent us word that we need not appropriate anything because the matter had already been paid. So we are asking to strike out the $400,000 appropriated for the sinking fund.

Mr. WALSH. How can you jump back to page 65 of the bill and strike this out?

Mr. DAVIS of Minnesota. Page 65 of the engrossed bill.

Mr. WALSH. You can not refer to the printed copy in one part and the engrossed copy in another.

Mr. DAVIS of Minnesota. I hold the official bill in my hand.

Mr. WALSH. That is a printed copy; it is not printed in accordance with the engrossed copy.

The SPEAKER. The Chair has the engrossed copy, and lines 1 to 5 of the engrossed bill is the clause in relation to the interest and the sinking fund.

Mr. STAFFORD. Mr. Speaker, may we have that read?

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Interest and sinking fund:
For interest on the sinking fund on the funded debt, $400,000: *Provided*, That no part of this appropriation shall be available for redemption of any bonds above their par value plus accrued interest.

Mr. WALSH. Does the first part of the amendment also refer to the engrossed bill?

Mr. DAVIS of Minnesota. It refers to the Senate amendment.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of the point of order.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment 155: Page 84, line 9, insert the following:
"The Commissioners of the District of Columbia are authorized and directed to acquire a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia or in the State of Maryland or in the State of Virginia, and to erect thereon suitable buildings at a total cost not exceeding $300,000, of which not more than $40,000 shall be expended for a site, and toward said purpose there is appropriated the sum of $125,000; if the land proposed to be acquired is within the District of Columbia and the same can not be acquired by purchase at a price satisfactory to the commissioners, they are authorized to condemn the same under the provisions of chapter 15 of the Code of Law for the District of Columbia. If the land can not be acquired within the District of Columbia, the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land as may be selected for said site either in the State of Maryland or in the State of Virginia in accordance with the laws of said States, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and expenses of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said site."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment of the Senate No. 155 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:
"The Commissioners of the District of Columbia are authorized and directed to use a site for a home and school for feeble-minded persons, said tract to be located in the District of Columbia on land owned by the District of Columbia and now allotted to the Home for the Aged and Infirm, and to erect thereon suitable buildings at a total cost not exceeding $250,000, and toward said purpose there is hereby appropriated the sum of $100,000, to be immediately available. The persons to be admissible thereto and the proceedings with reference to securing such admission to be in accordance with law."

The SPEAKER. The question is on agreeing to the motion to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 163: Page 90, after line 2, insert:
"National Library for the Blind: For aid and support of the National Library for the Blind, located at 1729 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $5,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with an amendment, which I send to the desk.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves that the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500."

The SPEAKER. The question is on the motion of the gentleman from Minnesota to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 164: Page 90, line 8, insert:
"Columbia Polytechnic Institute: To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $1,500."

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 175: Page 97, line 4, insert: "For the maintenance of a tourists' camp in East Potomac Park, $5,000."

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 175.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield me some time—five minutes?

Mr. DAVIS of Minnesota. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the subcommittee on the preparation of the War Department appropriation bill had occasion to inspect the Arlington Amphitheater in company with the Superintendent of Public Buildings and Grounds, Colonel Sherrill, and on that tour of inspection we were shown the proposed site for a tourists' camp in East Potomac Park. The site in East Potomac Park has been used during the past summer, and I believe the summer before, for automobilists who come to Washington to visit the Capital, as a place where they may store their machines and also have some limited accommodations for staying overnight. Many municipalities are arranging tourists' camps for the benefit of the tourists, where people may store their machines and while stored there make an inspection of the city. Certainly the District of Columbia should have some place where these thousands of tourists coming eastward in ever-increasing numbers may have opportunity to park and lodge their cars and stay overnight. There is provision now made for their accommodation, and all that is provided in this amendment is the sum of $5,000 to maintain, I understand, baths and some shelter. Are we going to take the position here that in the National Capital we shall discourage tourists from coming here at small expense? Are we to say that we shall not provide some place in the public parks where they may house their machines?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WALSH. Does the gentleman think that we ought to pay the hotel bills of people who come here in automobiles?

Mr. STAFFORD. But we are not paying their hotel bills. We are not providing for their upkeep. We are providing a place where they may house their machines and stay overnight.

Mr. WALSH. And at a cost of $5,000 for the year.

Mr. STAFFORD. Why, in Wisconsin, and in every State where they have public parks throughout the West, there are provided accommodations for tourists, where they may house their machines. It is in keeping with the spirit of the times that some provision be made for these tourists. Are you going to say that people coming here with automobiles, poor people, are not to be provided some place where they may house their machines? Are you going to compel them to go to garages and compel them to stop at hotels and rooming houses overnight?

Let us keep up with the spirit of the times and recognize the need. We are spending millions of dollars for good roads, and all that this provides is $5,000.

Mr. WALSH. What is it to be used for?

Mr. STAFFORD. As I recall the statement of Colonel Sherrill, it is for the maintenance of a place for the tourists to take a bath and also a tenting place.

Mr. SUMMERS of Washington. The gentlman does not mean the housing of machines?

Mr. STAFFORD. Well, the storing of them.

Mr. SUMMERS of Washington. Camping. The gentleman repeatedly used the term "housing the machines" when he meant the parking of them.

Mr. STAFFORD. The grounds are not used for any other purpose and it only is to cost $5,000. Are we going to say to these persons, because they are poor, that there will be no place on which they can park their machines? That is all.

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. I ask for two minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Is it not true that almost every community of every size, at least every progressive community in the country, does this very thing and at some expense?

Mr. STAFFORD. At a larger expense than is provided here. We are inviting tourists; we are providing some place where the tourists can park their cars. That has been done for the past year, and why should it not be continued? We are spending $75,000,000 for good roads. Mr. Speaker, I offer a preferential motion.

Mr. ROSSDALE. I just wanted to know if the gentleman proposed to have a wet or a dry camp?

Mr. STAFFORD. As far as there is provision made for taking a bath it is a wet camp. Mr. Speaker, I offer a preferential motion to recede and concur in the Senate amendment.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman has just stated that money has been provided for the upkeep of this camp. The gentleman is mistaken about that. It may be true, however, that money has been taken from another appropriation to the extent of $1,000 a year and spent for this purpose. It is now proposed to get $5,000 to build kitchens and bathhouses and shelter for the automobiles in one of the most beautiful parks in the city. Upon the roads entering from Maryland and Virginia are public places where all these poor (?) people, to whom the gentleman refers, traveling over the country for pleasure from the north to Florida in the winter and fall, and from Florida back to the northern climates in the summer—there are places where they can camp without disfiguring that beautiful park which has been made at so great an expense. There is no difference in my opinion between providing kitchens and bathhouses and garages, and, as the gentleman from Massachusetts just stated, paying their hotel bills. The chambers of commerce in the various cities have raised the money among the merchants of the town to encourage these tin-can campers in order to sell that upon which they live while they are traveling. But here the proposition is not for the merchants to pay it, but to pay it by placing a tax upon the people who derive no benefit whatever from their coming here.

Mr. STAFFORD. Is it not a fact that for several years past and for the current year these grounds, or grounds tributary thereto, are open to the people of the District for raising garden vegetables?

Mr. JOHNSON of Kentucky. During the time of the war on this newly made ground, which was pumped out of the bed of the river, where 300 acres were made, the people there were given that ground to cultivate so as to raise something upon which to live.

Mr. STAFFORD. And they are doing it now.

Mr. JOHNSON of Kentucky. After the war was over and the soldiers and those disfiguring that place had been put out, some of those old buildings are asked to be left for housing these people, and $5,000 in addition is to be expended for additional accommodations, and it is but the entering of the camel's nose into the tent and God knows where it will stop when it does get started.

Mr. RAKER. Mr. Speaker, I want five minutes.

Mr. DAVIS of Minnesota. I yield.

Mr. RAKER. Mr. Speaker and gentlemen, I imagine that every Member of the House has passed this camp; that he knew it if he has been here 8 or 10 years. He knows the conditions before the road was completed south of the railroad bridge.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present. You can not sandbag the gentleman in charge of the bill.

Mr. RAKER. I do not know as I am sandbagging him. The gentleman yielded to me very courteously.

Mr. WALSH. You intimidated the gentleman. [Laughter.]

Mr. RAKER. I never intimidated a man in my life. [Laughter.]

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Maryland makes the point of no quorum.

Mr. LINTHICUM. I reserve it for five minutes.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks on amendment No. 1.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Now, the District of Columbia and the Government improved that property. We have a beautiful road around it. There is enough room there for golf players and others, many acres. At the upper end, right south of the railroad track, 10 acres can be used without any disfiguration whatever for the people who travel over all parts of the United States in their machines, and they may have some place in Washington where they may stop for one or two or three days. All you have to do is to drive past and see the benefit that comes to them in order to be in favor of it. There are not many progressive towns in the United States to-day of any size but that are paying out of the funds of the town for accommodations for camping grounds. Now, the Government of the United States has a greater interest in this city than any other people in the world. It is our National Capital. People like to drive here in their own machines as well as to come here on trains. They come here from all over the United States. They want some decent place in which to stop. You are appropriating money for the national parks; you are appropriating money for the national forests, for the purpose of providing sanitary conditions for the public that may travel to see those parks and go through the national forests. This is the Capital of the Government of the United States. Give these people a chance to have a sanitary place upon which to camp, to have pure water, to have a chance to build a little fire and cook their meals.

Call them "tin-can" travelers, if you will, but they are of the best people in the world, and they ought to have some opportunity to live in decency while they are stopping in the greatest Capital in the world. It seems to me picayunish, it seems to me it is dealing in peanut propositions, not to authorize the District of Columbia, through its proper authority, the Superintendent of Public Buildings and Grounds, Colonel Sherrill, to properly provide for this. The House should concur in the Senate amendment.

Mr. HICKS. Will the gentleman yield?

Mr. RAKER. Not at present.

The SPEAKER. The time of the gentleman from California has expired.

The question is on the motion of the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. STAFFORD. Division, Mr. Speaker.

The House divided; and there were—ayes 19, noes 16.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 186, page 100, after line 5, insert:

"The jurisdiction of the Rock Creek and Potomac Parkway Commission, as granted in section 22, public buildings act, approved March 4, 1913 (Public, No. 432), is hereby extended to cover the following tracts of land for park purposes, to wit: The tract known as the Klingle Road Valley Park, containing about 17.21 acres, as shown on map filed in the office of the surveyor of the District of Columbia, and designated as park map No. 647 D, the Piney Branch Valley Park, containing about 16.3 acres, as shown on a map filed in the office of the surveyor of the District of Columbia, and designated as park map No. 291, and the Patterson tract, known as parcel 129 (sub 2), containing about 81.76 acres; the commission is further authorized to reduce the area to be acquired in either of said tracts, where, by reason of improvements constructed or unreasonable prices asked, or for other reasons in their judgments the public interests may require and the limit hereinafter fixed to be paid for said tracts shall be reduced accordingly: *Provided*, That if acquired by purchase the cost of the respective tracts shall not exceed the following sums: The Klingle Road Valley Park, $186,600; the Piney Branch Valley Park, $237,700; and the Patterson tract, $600,000; and there is hereby appropriated toward the purposes authorized herein the sum of $300,000: *Provided further*, That the tracts authorized to be acquired by this act shall become part of the park system of the District of Columbia and be under control of the Chief of Engineers of the United States Army: *Provided further*, That an agreement of purchase shall be entered into or condemnation proceedings begun with reference to the Patterson tract within one year from the approval of this act."

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 187. Page 102, after line 6, insert:

"INCREASED WATER SUPPLY.

"For increasing the water supply of the city of Washington in accordance with the project E, submitted in Senate Document No. 403, Sixty-sixth Congress, third session, including the purchase of land, $1,500,000, to be immediately available and to be expended in such manner as will afford an increased water supply at the earliest possible date: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,450,000, exclusive of the amount herein appropriated: *Provided further*, That the Secretary of War is authorized to acquire any lands, easements, or rights of way that may be needed in connection with this project; and whenever he causes proceedings to be instituted for the acquirement by condemnation of any such lands, easements, or rights of way the United States, upon the filing of the petition in such proceedings, shall have the right to take immediate possession of said lands, easements, or rights of way, to the extent of the interest to be acquired, and use the same in the prosecution of the said project.

Mr. DAVIS of Minnesota. Mr. Speaker, I move to recede and concur with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DAVIS of Minnesota moves to recede and concur from disagreement with Senate amendment No. 187, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For increasing the water supply of the District of Columbia in accordance with project E, submitted in Senate Document No. 403, Sixty-sixth Congress, third session, the estimated cost of which has been revised and placed at $8,738,000, there is hereby authorized an appropriation, including those heretofore made, to be expended under the direction of the Secretary of War, of not to exceed the sum of $8,738,000, which shall include the cost of all land, rights of way, easements, materials, engineering, labor, equipment, service, and all things necessary to complete said project and its full and complete connection with the present water plant of said District and its distribution system, and of said sum there is hereby appropriated for said purpose the sum of $1,500,000, to be immediately available, and to be expended in such a manner as will at the earliest possible date provide for the completion of said project. The Secretary of War may enter into contracts for materials and work necessary to the construction of said project, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate the sum of $1,450,000 in addition to the amount herein appropriated. The Secretary of War is hereby authorized to acquire all necessary land, easements, and rights of way necessary to the construction of said project by purchase or condemnation: *Provided*, That no bid in excess of the estimated cost for that portion of the work or plant covered by the bid shall be accepted, nor shall any contract for any portion of the work, material, or equipment to constitute a part of the plant for which this appropriation is available be valid unless the Chief of Engineers of the United States Army shall have certified thereon that all its terms are within the requirements of this authorization and the revised estimates: *Provided further*, That the Secretary of War shall submit to Congress on the first day of the next regular session a supplemental report on said water system and increase of water supply, showing, among other things, new or proposed construction within said District, connections with the present system of distribution, and revised estimates of cost."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. WALSH, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 8021, first session, Sixty-sixth Congress, no adverse report having been made thereon.

FISCAL AFFAIRS OF THE PHILIPPINE ISLANDS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House Resolution 342.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union to consider H. R. 10442, being "A bill to amend an act entitled 'An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands,' approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921." That there shall be not to exceed two hours of general debate on said bill, one-half to be controlled by the gentleman from Iowa [Mr. TOWNER] and one-half by the gentleman from Tennessee [Mr. GARRETT]. At the conclusion of the general debate the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendments the committee shall rise and report the bill back to the House with the amendments, if any; the previous question shall be considered as ordered on the bill and on all amendments thereto to final passage, without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the bill relates to the fiscal condition of the Philippine Islands. I understand that it was unanimously reported by the Committee on Insular Affairs, which committee requested a rule for its consideration. The rule just read is plain in its terms. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. TOWNER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10442, in relation to the fiscal affairs of the Philippine Islands.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10442. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10442, with Mr. STAFFORD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10442, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921.

Be it enacted, etc., That the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act entitled "An act to amend an act entitled 'An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands,'" approved July 21, 1921, be further amended as follows:

That the proviso of section 11 of said act as amended be, and the same is hereby, further amended to read as follows:

"*Provided, however*, That the entire indebtedness of the Philippine government created by the authority conferred herein, exclusive of those obligations known as friar land bonds, shall not exceed at any one time 10 per cent of the aggregate tax valuation of its property, nor that of the city of Manila 10 per cent of the aggregate tax valuation of its property, nor that of any Province or municipality a sum in excess of 7 per cent of the aggregate tax valuation of its property at any one time. In computing the indebtedness of the Philippine government, bonds not to exceed $10,000,000 in amount, issued by that government, secured by an equivalent amount of bonds issued by the Provinces or municipalities thereof, shall not be counted."

Mr. TOWNER. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Iowa moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921, had come to no resolution thereon.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Thursday, May 4, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BOIES: Committee on the Judiciary. H. R. 11516. A bill to amend section 24 of the Judicial Code; without amendment (Rept. No. 956). Referred to the House Calendar.

Mr. PARKER of New York: Committee on Interstate and Foreign Commerce. H. R. 11152. A bill to authorize the Bear Mountain Hudson River Bridge Co. to construct and maintain a bridge across the Hudson River near the village of Peekskill, State of New York; with an amendment (Rept. No. 962). Referred to the House Calendar.

Mr. ROACH: Committee on Indian Affairs. H. R. 6428. A bill for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of

Wisconsin, and for other purposes; with an amendment (Rept. No. 961). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALSH: Committee on the Judiciary. H. R. 11450. A bill to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code; with amendments (Rept. No. 963). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEATHERWOOD: Committee on Indian Affairs. S. 2439. An act for the relief of the West Okanogan irrigation district, in the State of Washington; with an amendment (Rept. No. 964). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 539. An act to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; without amendment (Rept. No. 966). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 11078. A bill for the relief of the Mary Ann Shipping Co.; without amendment (Rept. No. 957). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Claims. H. R. 5475. A bill for the relief of the Standard American Dredging Co.; with amendments (Rept. No. 958). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 8143. A bill for the relief of Fitzcharles Dry Goods Co.; without amendment (Rept. No. 959). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 7662. A bill for the relief of F. R. Messenger; with amendments (Rept. No. 960). Referred to the Committee of the Whole House.

Mr. SINNOTT: Committee on the Public Lands. S. 3291. An act for the relief of Henry Cordes; without amendment (Rept. No. 965). Referred to the Committee of the Whole House.

Mr. FULLER: Committee on Invalid Pensions. H. R. 11533. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 967). Referred to the Committee of the Whole House.

Mr. VAILE: Committee on the Public Lands. H. R. 8244. A bill permitting Frances Mack Mann to purchase certain public lands; with amendments (Rept. No. 968). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KLINE of Pennsylvania: A bill (H. R. 11531) providing that the metal coinage of the United States of America shall bear on the obverse side of all coins in relief the bust of the last deceased President of the United States, supported by a scroll bearing the name of such President, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. MOORE of Virginia: A bill (H. R. 11532) to amend section 14 of the merchant marine act of 1920; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: A bill (H. R. 11533) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House and ordered to be printed.

By Mr. APPLEBY: A bill (H. R. 11534) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. FISH: Joint resolution (H. J. Res. 322) favoring the establishment in Palestine of a national home for the Jewish people; to the Committee on Foreign Affairs.

By Mr. DENISON: A resolution (H. Res. 341) for the immediate consideration of H. R. 11452; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the Commonwealth of Massachusetts, urging upon Congress the necessity and importance of acquiring or establishing within the Commonwealth of Massachusetts a Government hospital for the care, restoration, and relief of disabled veterans of the World War; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11535) granting a pension to Mary E. O'Reilly; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 11536) for the relief of John H. Rollins; to the Committee on Military Affairs.

By Mr. HUSTED: A bill (H. R. 11537) for the relief of Herbert T. James; to the Committee on Naval Affairs.

By Mr. KISSEL: A bill (H. R. 11538) granting an increase of pension to Anne Brooks; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 11539) granting an increase of pension to Lambert Weiss; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 11540) granting a pension to Martha A. Brigance; to the Committee on Pensions.

By Mr. MALONEY: A bill (H. R. 11541) granting an increase of pension to Josephine Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11542) granting a pension to Margaret F. Roach; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 11543) for the relief of Regine Porges Zimmerman; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 11544) granting a pension to Theodore E. Howell; to the Committee on Pensions.

By Mr. SEARS: A bill (H. R. 11545) for the relief of Warren & Cribbs; to the Committee on War Claims.

By Mr. VINSON: A bill (H. R. 11546) for the relief of W. C. Moye and Nannie Moye; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5422. By the SPEAKER (by request): Resolution adopted at a regular meeting of the Stanton Park Citizens' Association relative to the provisions for taxation carried in the District of Columbia appropriation bill; to the Committee on Appropriations.

5423. Also (by request), resolutions adopted by the Washington Real Estate Board relative to proposed changes in taxation for the District of Columbia; to the Committee on Appropriations.

5424. By Mr. BURTON: Resolution from the Cleveland Post, Society American Military Engineers, favoring the so-called ship subsidy bill, and urging its adoption; to the Committee on the Merchant Marine and Fisheries.

5425. By Mr. CRAMTON: Letter of Robert Folkerts, director St. Clair County Farm Bureau, Port Huron, Mich., urging that no cut be made in the appropriation for agricultural extension work; to the Committee on Appropriations.

5426. Also, resolution of the Lapeer County Farm Bureau, Lapeer, Mich., urging that there be no reduction in the appropriation for agricultural extension work; also, letter from the Huron County Farm Bureau, Bad Axe, Mich., asking the same thing; to the Committee on Appropriations.

5427. Also, letters from Irvin W. Hall, Farm Bureau Local, Croswell, Mich.; John McLellan, Cass City, Mich.; Paul Schroeder, Snover, Mich.; Ruben Bitterling, Snover, Mich.; C. Reid, Farm Bureau Local, Avoca, Mich.; and George Wallace, Carsonville, Mich., protesting against any reduction in the appropriation for agricultural extension work; to the Committee on Appropriations.

5428. Also, petition of Samuel H. Porterfield, Sandusky, Mich., and other residents of the seventh district of Michigan, urging the passage of the Smith-Towner bill; to the Committee on Education.

5429. By Mr. CULLEN: Resolution adopted by the New York Post Office Chauffeurs and Mechanics Union, Local No. 2, relative to certain conditions existing in the New York post office; to the Committee on the Post Office and Post Roads.

5430. By Mr. KISSEL: Petition of A. D. Juilliard & Co. (Inc.), New York City, N. Y., relative to the Fordney-McCumber tariff bill; to the Committee on Ways and Means.

5431. Also, petition of the Appalachian Mountain Club, Horace Van Everen, secretary, Boston, Mass., relative to the transfer of the national forests from the Department of Agriculture to the Department of the Interior; to the Committee on Agriculture.

5432. By Mr. PAIGE: Petition of Mrs. Arthur F. Blodgett and 30 others of Southbridge, Mass., opposing House bill 9753, or any Sunday observance bill; to the Committee on the District of Columbia.

5433. Also, petition of Albert F. Pepper and 55 others of Wales, Mass., opposing House bill 9753, or any Sunday observance bill; to the Committee on the District of Columbia.

5434. By Mr. PERKINS: Petition of Presbytery of Newton, sent from Asbury, N. J., indorsing House bill 9753, to secure

Sunday as a day of rest in the District of Columbia, and urging its early consideration and passage by Congress; to the Committee on the District of Columbia.

5435. Also, petition from Ridgefield Park, N. J., opposed to Senate bill 1948, House bills 4388 and 9753, or any bills regulating Sunday, as all such legislation is dangerous and should be opposed by every lover of liberty and conscience and friend of pure and undefiled religion; to the Committee on the District of Columiba.

5436. By Mr. REBER: Resolution adopted by the Lehigh Presbytery, Tamaqua, Pa., indorsing Senate Joint Resolution 31, proposing a constitutional amendment to promote uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5437. Also, resolution adopted by the Lehigh Presbytery, Tamaqua, Pa., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5438. Also, resolution adopted by the Lehigh Presbytery, Tamaqua, Pa., indorsing House bill 9753, to make Sunday a day of rest for the District of Columbia; to the Committee on the District of Columbia.

5439. By Mr. SINNOTT: Petition of Pendleton, Oreg., Presbytery, favoring the passage of House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5440. Also, petition of Pendleton, Oreg., Presbytery, favoring the passage of House Joint Resolution 159, proposing a constitutional amendment to prohibit sectarian appropriations; to the Committee on the Judiciary.

5441. Also, petition of Pendleton, Oreg., Presbytery, favoring the passage of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy, etc., in the United States; to the Committee on the Judiciary.

5442. Also, petition of Pendleton, Oreg., Presbytery, favoring the passage of Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws regarding marriage and divorce; to the Committee on the Judiciary.

5443. By Mr. WYANT: Resolutions adopted by the Butler Presbytery, United Presbyterian Church, at Butler, Pa., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5444. Also, resolution adopted by the Butler Presbytery, United Presbyterian Church, at Butler, Pa., indorsing House Joint Resolution 131, prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5445. Also, resolutions adopted by the Presbytery of Butler, United Presbyterian Church at Butler, Pa., indorsing Senate Joint Resolution 31, for uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 4, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKellar	Robinson
Ball	Glass	McLean	Sheppard
Borah	Gooding	McNary	Simmons
Brandegee	Hale	Moses	Smoot
Bursum	Harreld	Myers	Spencer
Calder	Harris	Nelson	Sterling
Capper	Harrison	Newberry	Sutherland
Caraway	Heflin	Nicholson	Swanson
Culberson	Johnson	Norbeck	Townsend
Curtis	Jones, N. Mex.	Norris	Trammell
Dial	Jones, Wash.	Oddie	Underwood
Dillingham	Kellogg	Overman	Wadsworth
du Pont	Kendrick	Page	Walsh, Mass.
Edge	La Follette	Pepper	Warren
Ernst	Lenroot	Phipps	Watson, Ga.
Fletcher	Lodge	Poindexter	Watson, Ind.
France	McCormick	Pomerene	Weller
Frelinghuysen	McCumber	Rawson	Willis

Mr. SHEPPARD. I wish to announce that the Senator from Montana [Mr. WALSH] is detained on official business.

The VICE PRESIDENT. Seventy-two Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a memorial of the board of governors of the Merchants and Manufacturers' Association (Inc.) of Washington, D. C., remonstrating against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia, as increasing the high cost of living, violating established taxation principles of the American Government, and as being unfair when applied without hearing to citizens not having the franchise and confined to the right of petition, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution of the Federation of Citizens' Associations of the District of Columbia, protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia (in principle), against taxation without representation and the nonhearing of those to be taxed, and also as tending to increase the high cost of living in the District, which was referred to the Committee on Appropriations.

He also laid before the Senate resolutions of the Sixteenth Street Highlands Citizens' Association of Washington, D. C., protesting against the enactment of legislation increasing the valuation of real estate in the District of Columbia, which were referred to the Committee on Appropriations.

Mr. BALL presented a letter in the nature of a memorial from the board of governors of the Mu-so-lit Club (Inc.) of Washington, D. C., remonstrating against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia, as tending to aggravate the already distressing and deplorable housing conditions, and praying for the hearing of those interested in the matter, which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the Mid-City Citizens' Association of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia as being detrimental to the already acute housing situation in and the future development of the Capital City, which were referred to the Committee on Appropriations.

He also presented resolutions of the board of directors of the Washington (D. C.) Chamber of Commerce, protesting against the enactment of legislation increasing the rates of taxation on real estate and intangible property in the District of Columbia, particularly (among other reasons) because of the effect it might have in discouraging home building and investments in mortgages, the added burdens to wage earners and persons of small income, and the added encouragement it might afford to the profiteer and extortioner, which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Conduit Road Citizens' Association (approved by the Federation of Citizens' Associations), protesting against the enactment of legislation increasing the assessment valuation of real estate in the District of Columbia and favoring the hearing of those interested in the matter, which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Real Estate Board of Washington, D. C., protesting against the enactment of legislation increasing the assessment valuation on real estate in the District of Columbia, particularly in view of the disastrous effect it might have on the already acute rental and housing situation in the said District and favoring delay as to changes in the fiscal relations until such time as the matter can be thoroughly considered and all parties afforded a hearing, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented a petition of sundry citizens of Weir, Kans., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Kansas State Dental Association at Kansas City, Mo., favoring the enactment of legislation to reorganize and promote the efficiency of the United States Public Health Service, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Topeka, Kans., praying for the enactment of legislation to control the traffic in narcotics, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 3547) for the relief of Robert G. Hayes; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 3548) authorizing the Secretary of War to donate to the town of Kingsport, Tenn., one German cannon or field-piece; to the Committee on Military Affairs.

By Mr. BALL:

A bill (S. 3549) to tax motor-bus companies and other transportation companies operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CAPPER:

A bill (S. 3550) extending the charter and granting certain special privileges to the National Congress of Mothers and Parent-Teacher Associations, a corporation existing under the laws of the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. LODGE submitted an amendment providing that three reserve officers shall be hereafter authorized to be retained on active shore duty in the historical section of the Office of Naval Intelligence, though beyond the age of disenrollment or retirement, intended to be proposed by him to House bill 11228, the naval appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF THE PATENT LAWS.

Mr. STANLEY submitted an amendment intended to be proposed by him to the bill (S. 3410) to amend section 4886 of the Revised Statutes relating to patents, which was referred to the Committee on Patents and ordered to be printed.

TARIFF BILL AMENDMENT.

Mr. POMERENE submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was ordered to lie on the table and to be printed.

OWNER OF THE STEAMER "MAYFLOWER."

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1813) for the relief of the owner of the steamer *Mayflower*, which was, on page 1, lines 8 and 9, to strike out the words "and detention of."

Mr. WALSH of Massachusetts. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OWNERS OF THE SCHOONER "HORATIO G. FOSS."

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1817) for the relief of the owners of the schooner *Horatio G. Foss*, which was, on page 1, line 9, to strike out the word "and detention of."

Mr. WALSH of Massachusetts. This is the same amendment which was applied to the other bill. I move that the Senate concur in it.

The motion was agreed to.

OWNER OF THE STEAM LIGHTER "CORNELIA."

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1814) for the relief of the owner of the steam lighter *Cornelia*, which was, on page 1, line 9, to strike out the words "and detention of."

Mr. WALSH of Massachusetts. I move that the Senate concur in the House amendment.

The motion was agreed to.

RECLAMATION IN IRRIGATION DISTRICTS—CONFERENCE REPORT (S. DOC. NO. 198).

Mr. McNARY submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the Senate amendment and insert in lieu thereof the following:

"That the term 'first mortgage,' as used in section 12 of the Federal farm loan act, approved July 17, 1916, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, known as the reclamation law: *Provided*, That such lands are otherwise eligible for loans under the Federal farm loan act: *And provided further*, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes."

And the Senate agree to the same.

CHAS. L. McNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

ADDRESS BY SENATOR POMERENE AT GRANT CENTENARY CELEBRATION.

Mr. MYERS. Mr. President, on the 29th of last month, at the Grant centenary celebration at Georgetown, Ohio, the senior Senator from Ohio [Mr. POMERENE] delivered a very able and eloquent address. It is rich in historical allusion and patriotic utterance. I ask that it be printed in the CONGRESSIONAL RECORD in 8-point type.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

ULYSSES SIMPSON GRANT.

Senator ATLEE POMERENE spoke as follows:

Mr. Chairman, Judge Nichols, members of the Grand Army of the Republic, ladies and gentlemen, we come to Georgetown today to do homage to the great captain of the Civil War. I understand with what pardonable pride the citizens of this good community recite the boyhood deeds of him who rose from comparative obscurity in a few short years to become the great commander of our great armies in suppressing the great rebellion.

BOYHOOD OF GRANT.

General Grant's boyhood days in Georgetown did not differ materially from the youthful days of many Americans in every community in the country. All who knew him or the history of his generation will recognize in him a boy clear of head, pure of heart, and clean of hand. His parents did not permit him to indulge in idleness. He did not fritter away his days. He always was occupied either at school or in his father's tannery or with his team. He was never idle.

His father must have been a very positive character, ambitious for his son's advancement, as any father should be. Full of hope, aye, of confidence, in his future, he determined that his son should have every advantage which his limited means would permit him to give.

Grant the boy does not seem at first to have been ambitious for a military career. In his personal memoirs he tells us that his father had received a letter from Hon. Thomas Morris, United States Senator from Ohio, and after reading it, he said:

"Ulysses, I believe you are going to receive the appointment." "What appointment," I inquired. "To West Point; I have applied for it." "But I won't go," I said. He said, "He thought I would," and then General Grant adds, quaintly, "I thought so, too, if he did."

Again he tells us that a military life "had no charms" for him, and he did not "have the faintest idea of staying in the Army, even if I should be graduated."

He received his education at the National Military Academy, but his career at West Point can hardly be regarded as a brilliant success if we are to rate him according to prevailing standards. He had an unusually retentive memory. He tells us he "rarely ever read over a lesson the second time during my entire cadetship." He devoted more time to the books in the library than he did to those relating to his course of study. As a result, as he puts it, "I never succeeded in getting squarely at either end of my class in any one study during the four years."

He thought of obtaining a permanent position as a college professor, but he tells us "circumstances always did shape my course different from my plans."

He left the academy "with a good average record as a student and a very high record as a man." It was said of him, "He betrayed no trust, falsified no word, violated no rights, manifested no tyranny, sought no personal aggrandizement, complained of no hardships, displayed no jealousy, oppressed no subordinate, and was ever known for his humanity, sagacity, courage, and honor." High praise this for any man.

His first military service was in the Mexican War. He was then a very young man. He occupied minor positions of responsibility. There is nothing extraordinary in his experience in Mexico, but a careful scrutiny of the history of the Mexican War shows that even in his minor position of lieutenant he always was ready to do and did do his duty.

On one occasion his colonel called for volunteers to get word to General Twiggs, division commander, calling for ammunition and reinforcements. "It is a dangerous job," said Colonel Garland, "and I do not like to order any man to do it. Who will volunteer?" "I will," said Quartermaster Grant promptly, "I have got a horse." "You are just the man to do it," said the colonel. "Keep in the side streets and ride hard." Needless to say, the message was delivered.

While Grant was acting as quartermaster he was always at the front during the fighting. General Longstreet, who served with Grant in Mexico, said of him, "You could not keep Grant out of battle." Again he said, "Grant was everywhere on the field. He was always cool, swift, and unhurried in battle. He was as unconcerned as if it were a hailstorm instead of a storm of bullets. I had occasion to observe his superb courage under fire; so remarkable was his bravery that mention was made of it in the official report, and I heard his colonel say, 'There goes a man of fire.'"

CIVIL LIFE.

Shortly after the close of the Mexican War Grant was sent to the Pacific slope with his regiment. He was separated from family and friends. His record in the far West his most enthusiastic friends can hardly claim to have been creditable. On April 11, 1854, he resigned his position as captain in the United States Army, and apparently his military career had closed. He returned to the East.

Later he located on a small farm which had been given to him by his father-in-law. It was almost entirely, if not quite, virgin soil, covered by a virgin forest.

To use a homely expression, Grant was all but down and out. Almost any other man would have become discouraged and quit. Not so Grant. His clearness of vision and his high resolve enabled him to see his duty to himself, his family, and his country. He cleared the forest. He built his log hut. He plowed and sowed and reaped. He cut firewood and hauled it to St. Louis. He did teaming for his neighbors. Nothing that he found to do was left undone. In this way for a time he maintained himself, his wife, and his growing family.

Later he engaged in the real estate business in St. Louis. He was not fitted for this work. He was not successful in it, and he resigned his position.

Still later, in April, 1860, he went to Galena, Ill., entered his father's leather store, and joined his brothers as salesman.

While in private life he was devotion itself to his wife and children. During all this period he was a great reader, a close student and observer of the passing events which were rapidly drawing the peoples of the North and South into the maelstrom of fratricidal war. He seemed to have a premonition that the fateful struggle was coming.

Hard this life may have seemed to him and his family, as well as to those who knew him, but these experiences were not in vain. They were the crucible in which were melted, purified, and fused together the elements of his manhood. It made him master of himself, and having mastered himself he was fitted to become, and did become, the master and the leader of men. In no period of his life did he develop more than in the time between his resignation and the date when he tendered his services again to his country in the darkest hour of her history.

GRANT IN THE CIVIL WAR.

On May 24, 1861, while at Galena, Ill., Grant wrote to The Adjutant General of the Army at Washington, tendering his services until the close of the war "in such capacity as may be offered." So little was thought of this man that his letter was not even acknowledged.

With that clearness of vision which always characterized Grant, whether in peace or in war, whether in camp or battle, or at the council table, he foresaw the conflict coming. In his judgment it was to decide two question:

First. Has a State the right to secede from the Union?

Second. Shall we tolerate slavery under the Stars and Stripes?

Grant believed, as Webster believed, that the Union was "one and inseparable." Grant believed with the advancing progress of civilization no human being ought to be held in bondage. In both these beliefs he was right—eternally right; and though we accord to those who held different beliefs honesty of conviction, if these same questions were to be presented now to the people, North or South, for decision at the ballot box they would be decided overwhelmingly in the negative.

Grant, in discussing the question of secession, says, in his memoirs:

> Doubtless the founders of our Government, the majority of them at least, regarded the confederation of the Colonies as an experiment. Each colony considered itself a separate government; that the confederation was for mutual protection against a foreign foe and the prevention of strife and war among themselves. If there had been a desire on the part of any single State to withdraw from the compact at any time while the number of States was limited to the original 13, I do not suppose there would have been any to contest the right, no matter how much the determination might have been regretted. The problem changed on the ratification of the Constitution by all the Colonies; it changed still more when amendments were added; and if the right of any one State to withdraw continued to exist at all after the ratification of the Constitution, it certainly ceased on the formation of new States, at least so far as the new States themselves were concerned.

Secession, says Grant, "was illogical as well as impracticable. It was revolution." He believed that as man has the inherent right of self-defense, so has a government the right to protect itself against revolution.

But it is purely academic to discuss such problems now. They were settled by the arbitrament of the sword, and out of the Civil War our Union of States was cemented together more closely than ever before.

I have often indulged the thought that if the people of the South before the Civil War had known the people of the North as they know them now, and if the people of the North before the Civil War had known the people of the South as they know them now, there would have been no war. And of this, too, I am perfectly clear: If there had been more Grants in the North and more Lees in the South these questions would have been settled without the shedding of a single drop of blood.

THE EARLY DAYS OF THE CIVIL WAR.

A few days after the firing upon Fort Sumter a meeting of the loyal citizens of Galena, Ill., was held and Captain Grant was made chairman of the meeting. He did not devote his time to grandiloquent talk. He was even then the soldier, the commander. Calling the meeting to order, he said, in substance:

> Fellow citizens, this meeting is called to organize a company of volunteers to serve the State of Illinois. * * * Before calling upon you to become volunteers, I wish to state just what will be required of you. First of all, unquestioning obedience to your superior officers. The Army is not a picnicking party, nor is it an excursion. You will have hard fare. You may be obliged to sleep on the ground after long marches in the rain and snow. Many of the orders of your superiors will seem to you unjust, and yet they must be borne. If an injustice is really done you, however, there are courts-martial where your wrongs can be investigated and offenders punished. If you put your name down here it should be in full understanding of what the act means. In conclusion, let me say that so far as I can I will aid the company, and I intend to reenlist in the service myself.

This was the Grant whom the country later learned to know and love. His direct and straightforward statements as chairman of the Galena meeting were characteristic of his every thought and act during the entire period of the war.

The enlisted soldiers offered to make Grant captain of the company. He refused, stating that he thought he could serve the State better at Springfield. He tendered his services to Gov. Richard Yates, but the governor could find nothing for him to do. After some days he determined to go home. Governor Yates, learning of his intention, asked him to remain overnight and call at his office in the morning. Grant was assigned to a desk in the adjutant general's department doing clerical work. Grant was hoping for a command. He returned to Galena almost in despair because he did not receive suitable recognition of his military experience.

Mr. Houghton, the editor of a local paper, wrote concerning him:

> We are now in want of just such soldiers as he is, and we hope the Government will invite him to higher command. He is the very soul of honor, and no man breathes who has a more patriotic heart. We want among our young soldiers the influence of the rare leadership of men like Captain Grant.

Grant was a newcomer in Illinois. Public men did not know him. Other men unfitted by training or experience were given positions in the organization of the State troops, but there seemed to be no place for Grant, the West Point cadet.

He went to Cincinnati and tendered his services to Gen. George B. McClellan, then in command of the military district. He met his old comrade, Carr B. White, in Georgetown, a member of the Ohio Legislature, and to him he related the circumstances and his ambition to serve in the Army. Mr. White replied that there ought to be a command for him, and said, "I am going to Columbus and I will see what I can do." In a few days he returned with a commission for Grant as colonel of the Twelfth Ohio, but meanwhile Governor Yates had wired him, asking him to accept the command of the Seventh District Regiment. This position he accepted, and it gave him his opportunity.

His regiment lacked in discipline and was said to be a "little unruly." When asked if he could manage them, his quiet reply was, "I think I can." When presented to his regiment by Colonel Goode, he said, after returning the salute of the adjutant: "A soldier's first duty is to learn to obey his commander. I shall expect my orders to be obeyed as exactly and instantly as if we were on the field of battle."

A little later, while at St. Louis, Grant received a telegram from his friend, Washburne, advising him that the President had appointed him as brigadier general of Volunteers.

In the brief space of time allotted to me it is, of course, impossible to go into all of the details of this wonderful commander's activities.

Grant was the one man above every other commanding officer in the West who seemed to have the military genius to bring order out of chaos, to convert raw recruits into trained veterans, and to inspire them with the bravery of spirit and love of country which was necessary to suppress the rebellion and preserve the Union.

Shortly after he had assumed command he found that the Confederates were marching onto the city of Paducah. On September 6, 1861, he issued this proclamation to its citizens:

I have come among you, not as an emeny but as your friend and fellow citizen, not to injure or annoy you but to respect the rights and defend and enforce the rights of all loyal citizens. An enemy in rebellion against our common Government has taken possession of and planted its guns upon the soil of Kentucky and fired upon our flag. Hickman and Columbus are in his hands; he is moving upon our city. I am here to defend you against this enemy, and to assert and maintain the authority and sovereignty of your Government and mine. I have nothing to do with opinions. I deal only with armed rebellion and its aiders and abettors. You can pursue your usual vocations without fear or hindrance. The strong arm of the Government is here to protect its friends and to punish only its enemies. Whenever it is manifest that you are able to defend yourselves, to maintain the authority of your Government and protect the rights of all its loyal citizens, I shall withdraw the forces under my command from your city.

Lincoln, later seeing this address, said, "The man who can write like that is fitted to command in the West."

He took Belmont. The Confederates held Columbus. In the midst of the fighting one of the Union officers shouted, "My God, we are surrounded." Grant replied, Grant-like, "We cut our way in and we can cut our way out."

He moved with vigor and precision. On February 5 he advanced against Fort Henry. On the day following it fell, and he telegraphed Halleck, "Fort Henry is ours," and added, "I shall take and destroy Fort Donelson on the 8th and return to Fort Henry."

Weather and other conditions, however, prevented his taking Fort Donelson as quickly as he thought, but he moved on to his objective with that persistence and determination which always carried him through every obstacle that came in his way. Generals Floyd, Pillow, and Buckner were in charge for the Confederates. Floyd and Pillow fled. General Buckner thought it useless to continue further fighting. He sent word to Grant, asking for terms of capitulation. Grant replied, "No terms except immediate and unconditional surrender can be accepted. I propose to move immediately upon your works."

Victory was now in the air. The North began to find itself. They had a general who could fight and win. He was little known either to the people of the North or the East. The whole Nation began to inquire, "Who is this man Grant, who fights battles and wins them?"

After Shiloh great pressure was begun to have the President remove Grant from his command in the west. But Lincoln, after full investigation, replied, "I can't spare Grant; he fights."

Shiloh was one of the most terrific battles in the West. An eminent writer, after reviewing this battle, says:

The Battle of Shiloh showed Ulysses Grant to be a commander of a new type. His personal habits in conflict were now apparent to all his staff. He did not shout, vituperate, or rush aimlessly to and fro. He had no vindictiveness. While other officers in the heat of battle swore and uttered ferocious cries, Grant voiced all his commands in plain Anglo-Saxon speech, without oaths or abridgment. His anxiety and intensity of mental action never passed beyond his perfect control. He fought best and thought best when pushed hard.

A man of singular gentleness, he had displayed the faculty which enables a man to consider soldiers en masse, to look over and beyond the destruction of human life in battle to the end for which the battle is fought. Unwilling to harm any living thing himself, he had the resolution to send columns of men into battle calmly and without hesitation. Without this constitution of mind no great commander can succeed.

Perhaps his next greatest achievement was the capture of Vicksburg. He laid siege to the city in the spring of 1863. It was a giant's task. The public began to lose faith in the hero of Donelson and Shiloh. Lincoln declared, "Even Washburne has deserted Grant." Charles A. Dana was sent to the front by the Secretary of War to report on the conditions of the Army. Later Gen. Lorenzo Thomas was sent with an order relieving Grant, if he should find it necessary. Commodore Porter told General Thomas that "if the news got out the boys would tar and feather him." The order was never delivered. The siege continued. He assumed all responsibility. He knew if he failed his reputation would be lost; if he won, it would greatly cripple and discourage the South and correspondingly encourage the North. The siege and the fighting continued. At last, on July 3, a white flag appeared on the Confederate works. The commanding general asked for commissioners to arrange terms of surrender; and again Grant replied, "I have no terms other than unconditional surrender."

After some little negotiation terms were concluded. They were so liberal that they were criticized in the North; but at 10 o'clock on July 4 the besieged "marched out of their entrenchments. With sad faces the men of each regiment stacked their arms, threw down upon them knapsacks, belts, cartridges, and cap pouches, and then tenderly crowned the piles with their faded and riddled colors."

Thus ended the siege of Vicksburg.

Then followed Chattanooga and Missionary Ridge. As Grant rode along the lines he was recognized by the soldiers, and they cried, "Now we know we have a general."

The Assistant Secretary of War sent this message to Washington: "Glory to God, the day is decisively ours. Our men are frantic with joy and enthusiasm, and received Grant as he rode along the lines after the victory with tumultuous shouts."

The next day was Thanksgiving Day and all over the Nation grateful millions of people blessed the name of Grant.

These victories, like the finger of fate, pointed to Grant as the one man in America who ought to command the forces in the East against Lee.

Washburne offered a bill reviving the grade of lieutenant general. In speaking of Grant he said:

He has fought more battles and won more victories than any man living. He has captured more prisoners and taken more guns than any general of modern times.

The President signed the bill and nominated General Grant to be lieutenant general of the armies of the United States. This announcement was received with universal acclaim. The modest Grant on March 4, 1864, wrote to General Sherman, and spoke of the success which had met his efforts, and his place in the public confidence, but he did not take all the credit to himself. With his characteristic generosity of soul, he said:

No one feels more than I how much of this success is due to the skill and energy and the harmonious putting forth of that energy and skill of those whom it has been my good fortune to have occupying a subordinate position under me.

There are many officers to whom these remarks are applicable to a greater or less degree, proportionate to their ability as soldiers; but what I want is to express my thanks to you and McPherson as the men to whom, above all others, I feel indebted for whatever I have had of success. * * * I feel all the gratitude this letter can express, giving it the most flattering construction.

To this letter General Sherman replied, in part:

You do yourself injustice and us too much honor in assigning to us too large a share of the merits which have led to your high advancement. You are Washington's legitimate successor and occupy a place of almost dangerous elevation; but if you can continue, as heretofore, to be yourself, simple, honest, and unpretending, you will enjoy through life the respect and love of friends and the homage of millions of human beings that will award you a large share in securing them and their descendants a government of law and stability. * * *

I believe you are as brave, patriotic, and just as the great prototype Washington, as unselfish, kind-hearted, and honest as a man should be; but your chief characteristic is the simple faith in success you have always manifested, which I can liken to nothing else than the faith a Christian has in a Savior. This faith gave you victory at Shiloh and Vicksburg. Also, when you have completed your last preparations, you go into battle without hesitation, as at Chattanooga—no doubts, no reserves—and I tell you it was this that made us act with confidence.

No one doubts the great and commanding genius and patriotism of General Sherman. His devotion to General Grant, his commanding officer, is almost unparalleled in the history of warfare.

Sherman advised him not to stay in Washington. True, it was the Capital of the Nation, but it seemed to be full of intrigue and of political connivance which since the outbreak of the war had had its effect upon every commanding general who preceded Grant and often jeopardized the movements of the troops in the field.

After Grant had assumed control and had gone West to close up his work there and have a conference with General Sherman and other generals, he returned to the East and pitched his tent in the fields with his armies. He was not given to ostentation and display. He went straight to his headquarters at Culpeper. He announced, "There will be no grand review and no show business."

Grant had work to do. He was commander of all of the forces of the North. "The far-flung" battle line of the northern forces was more than 1,000 miles in length. The Army was, to use Sherman's words, "a unit now in action." He kept his own counsel. The Army of the Potomac was moved with the same untiring vigor and energy, with the same clear intelligence and precision with which he commanded the forces in the West and brought victory to our colors. He was pitted against the greatest military genius in the Southern Confederacy. Neither Grant nor Lee underestimated one another. Greek had met Greek. But Grant was fighting a winning cause—Lee a losing cause.

The Army of the Potomac was well trained, but it had not been well led. Grant removed some officers. He placed others. Lincoln had implicit confidence in him. He did not interfere with Grant's action in the field.

At this time a correspondent writes of him:

Grant is not intoxicated with flattery. * * * I never met with a man of so much simplicity, shyness, and decision. He has lost nothing of his freshness of mind. He avoids Washington and its corrupting allurements. He is essentially a soldier of the camp and field. All his predecessors were ruined by Washington influences. He has established his headquarters 10 miles nearer the enemy than Meade. His tents are almost among the soldiers. That is a western and not a Potomac Army custom. He travels with the simplicity of a second lieutenant, with a small trunk, which he often forgets and goes off without. If Grant fails, then a curse is on this Army. He is a soldier to the core, a genuine commoner, commander of a democratic army from a democratic people. * * * From what I learn of him, he is no more afraid to take the responsibility of a million men than of a single company.

Up until Grant became lieutenant general and took charge of the armies in the field our forces, whether east or west, seemed to act without system, without unity of purpose. The officers in the field were partly responsible for this condition. But the Congress and the War Department at Washington must bear their share of the responsibility. Grant demanded of President Lincoln the assurance that the War Department would cease to command in the field.

On arriving in Washington he made up his mind to say to Lincoln: "I will accept the command of the Armies of the United States, provided I can be free from the interference of the War Department; otherwise I shall be obliged to decline the honor." But this was not necessary. Lincoln knew all too well the defects in his fighting machine.

The President, in presenting him with his commission as lieutenant general, said:

The Nation's appreciation of what you have done and its reliance upon you for what remains to be done in the existing great struggle are now presented with this commission constituting you lieutenant general in the Army of the United States. With this high honor devolves upon you also a corresponding responsibility. As the country herein trusts you, so, under God, it will sustain you. I scarcely need to add that with what I here speak goes my own hearty concurrence.

General Grant replied:

I accept the commission with gratitude for the high honor conferred. With the aid of the noble armies that have fought in so many fields for our common country, it will be my earnest endeavor not to disappoint your expectations. I feel the full weight of the responsibilities now devolving upon me, and I know that if they are met it will be due to those armies and, above all, to the favor of that Providence which leads both nations and men.

Other great generals had preceded him in commanding the Army of the Potomac. Many of them were men of great ability, brave in action, brilliant in achievement, but none of them had to their credit as many or as great victories as Grant had won in the West.

Reserved of manner, plain of dress, and soft of speech, he was not at home in the social whirl of Washington. His place was in the camp or on the battle field. There he was master of men and of measures—quick to conceive and quick to act. Entire battle fields were spread before him like a panorama. He knew what to do and when to do it. To think was to execute. His great brain worked like a Corliss engine.

After Grant's appointment as lieutenant general he returned to Nashville for a conference with Sherman, promising to return to Washington within nine days from the date of his leaving.

Upon his return Lincoln said to him:

I have never professed to be a military man, nor to know how campaigns should be conducted, and never wanted to interfere in them. But procrastination on the part of generals and the pressure of the people at the North, and of Congress, which is always with me, have forced me into issuing a series of military orders. I don't know but they were all wrong, and I'm pretty certain some of them were. All I wanted or ever wanted is some one to take the responsibility and act—and call on me for all assistance needed. I pledge myself to use all the power of government in rendering such assistance.

Grant replied:

I will do the best I can, Mr. President, with the means at hand.

Later Lincoln said in reply to a question:

I don't know General Grant's plans, and I don't want to know them. Thank God, I've got a general at last.

From the hour Grant assumed command of the Army of the Potomac a new spirit had been breathed into it. They knew they had a leader, and they knew that proper leadership was the one essential for complete victory.

The South, too, began to realize that a new man was at the helm. A southern editor gave this warning:

Grant is a determined man, and has a tremendous force under his hand, and we may rest assured that when he is beaten it will be only when the last capacity for fight has been taken out of him and his army. Until this is done our generals, army, and government should brace every nerve, stretch every sinew, force nature, and yield nothing to fatigue.

The South began its preparations for the last and final struggle. All men between 17 and 50 were called. Grant, in referring to this call, said the South was "robbing the cradle and the grave."

Grant was confident of final victory, but he knew the bravery and the spirit of his foe, and he did not underestimate either. In the great Battle of the Wilderness the two armies met in deathlike struggle. It was a long, a bloody battle. No man who survived it on either side, whether officer or private, ever lost his admiration for the courage of his foe.

Grant had supreme confidence in his men as well as his generals. To illustrate: During this terrific battle an excited orderly cried out, "They have broken through. Hancock has given way." Grant replied, "I do not believe it." He knew Hancock.

For days the tide of battle ebbed and flowed. Lee had failed to break the line or check the advance. At one time he was told Grant was retreating. "You are mistaken," Lee replied; "quite mistaken. Grant is not a retreating man."

After three days of fighting, Grant wrote: "The results of the three days' fighting are in our favor. I shall take no backward steps." And later he wrote to General Halleck, "I propose to fight it out on this line if it takes all summer."

The spirit of the men was equaled only by that of the commanding general. A historian tells us that at a critical period in the battle a part of the Union forces began to feel that they were again whipped by Lee. They feared another retreat would be sounded. But the orders were given. The march was forward. The men broke out with this refrain:

Ulysses leads the van!
For we will dare
To follow where
Ulysses leads the van.

After Grant established his headquarters at Culpeper, Virginia became the great battle field of the war. The struggle was gigantic. Not one, but many battles were fought. The slaughter was unparalleled in the history of our warfare. The world shuddered at the fratricidal contest. Union and the freedom of the race were in the balance. Grant knew that the cause must be won or lost in Virginia. Fair-minded men can not say whether the soldiers of the North or of the South fought with the greater valor or under the more brilliant leadership. Determination to win characterized both armies. For a time only the God of battles knew where success would lie. But Lincoln and Grant, their generals and their soldiers, aye, the entire North kept up their courage and did not falter. The superior strength and resources of the North were destined to win.

As I read the history of this struggle, no one battle decided the contest. It was a succession of battles, characterized by masterly generalship and a courageous soldiery. Who, whether he be of the North or of the South, does not recall with pride the heroism in the Wilderness, at Spottsylvania, at Cold Harbor, at Petersburg, at Appomattox, or in many another battle of perhaps less importance, but fought with the same spirit of heroism?

Grant's genius for command seemed to grow as the occasion demanded. True, he did not escape criticism, aye, virulent abuse; but what great man who served his country ever has? The greater his victories and the more battles he won, the more shafts of slander were hurled at him. He must have been stung to the quick, for he was a very sensitive man. But criticism, cruel and unjust as it was, never swerved him from his path of duty. He saw beyond the smoke of battle the glory of the country reunited and human slavery forever wiped out.

As this terrific contest progressed, the critics became more severe in denunciation. They called him "butcher"; and it must be admitted that blood flowed freely on both sides of the battle line. But great battles were never won without bloodshed. Carping critics never fought a battle, much less won a war. Of course they do not shed blood, because they do not fight battles with the sword. They never assault the enemy. They fight their friends from behind, and they fight them from afar off. Their swords are their pens and their tongues. Occasionally some of them are wounded, but they are not wounded in the front while facing and advancing upon the enemy. Their wounds are in their backs while running from danger.

During the fighting in Virginia he said in reply to his critics:

I am commanding an army. The business of an army is to fight. This is war. I am determined to whip out the rebellion. There is no other way. I am pursuing the same policy which I began at Belmont. It is my intention to fight.

Again, after he had been twice unanimously nominated for the Presidency by his party, and after he had been twice elected by overwhelming majorities, during his second inaugural

address he referred with dignity to the abuse which had been heaped upon him in these words:

I did not ask for place or position, and was entirely without influence or the acquaintance of persons of influence. But I was resolved to perform my part in a struggle threatening the very existence of the Union. I performed a conscientious duty without asking promotion or command. Notwithstanding this, throughout the war and from my candidacy for my present position in 1868, I have been the subject of abuse and slander scarcely ever equaled in political history, which yet to-day I feel I can afford to disregard in view of your verdict, which I gratefully accept as my vindication.

No man among our dead, save Washington and Lincoln, has been more greatly vilified than Grant, but like Washington and Lincoln, Grant will live long after his traducers shall have faded from the memory of man.

Grant, like many people of the North, did not believe the war would last long. Neither did the people of the South. Before the actual fighting began Grant thought with Seward the rebellion would be suppressed in 90 days. This must have been the thought of Lincoln himself, because his first call for troops was for 90 days.

The people in the North did not think the South would fight. The people of the South were certain the North would not fight. Orators in the South spoke of the northerners as cowards—claimed that one southern man was equal to five northern men in battle, and if the South would stand up for its rights the North would back down.

Jefferson Davis said in a speech, "He would agree to drink all of the blood spilled south of the Mason and Dixon line if there should be a war." Too bad they did not know one another better. Neither side appreciated the valor, the spirit, the worth of the other.

What a tribute the history of the Civil War is to the fine courage of the people of both North and South! The people of both sections were sprung from the same loins. They were all all-American.

WAS GRANT AN ACCIDENT?

Many who knew Grant in his youth and early manhood before and even during the Civil War had little confidence in his ability or fitness for high command. Some who knew him intimately referred to him as a mere "accident." Such criticisms hurt, but they did not unmake the man.

The God of battles does not choose great commanders of great armies by accident. Accidents are not placed in the niches of the temple of fame. Maybe that occasionally, by some fortuitous combination of circumstances, an inferior man may win where a superior man may lose. Accident may win a battle. It never won a magnificent series of battles. It never won a war. Ulysses Simpson Grant did both.

Accident did not win commendation from his superior officers for bravery on the battle fields of Mexico or for ability as quartermaster.

Accident was not in the saddle at Belmont, or Fort Thomas, or Fort Donelson, or Shiloh, or Vicksburg, or Chattanooga in the west.

Accident did not make Grant commander in chief of the armies in the field. It did not win in the Wilderness or at Spotsylvania or at Petersburg or at Appomattox.

Had he been an accident he could not have had the sustained confidence and the continued loyal devotion of the Shermans, the Sheridans, the McPhersons, and the Meades. Accident did not tie his faithful soldiery to him by hooks of steel.

Accident did not win for him two nominations and two elections to the Presidency of the Republic.

No; Grant was not an accident. He was the one man born from the womb of time to lead our armies to victory and to restore the Union, never again to be dissolved. Like Minerva, he sprung full fledged from the head of Jove. He was born to command. Lincoln discovered him. He won where others failed.

Great as Grant was on the battle field, he was greater at the peace table. Determined and tenacious in conflict, he was magnanimous in victory. Nothing finer appears in all history than his treatment of Lee and his armies at Appomattox. He required all arms, artillery, and public property to be parked and stacked and turned over to the officer appointed by him to receive them. This did not embrace either the side arms of the officers or their private horses or baggage. This done, each officer and man was allowed to return to his home, "not to be disturbed by the United States authorities so long as they observe their parole and the laws in force where they reside."

Lee was surprised at the generosity of Grant's proposal, and added, "this will have a most happy effect upon my army."

What a temptation it would have been to many a general to have demanded terms both exacting and humiliating! Not so with Grant. Now that the war had been won, his one thought was to win the peace.

Later on came Lincoln's assassination and Andrew Johnson's succession to the Presidency. He proposed "to make treason odious." He sought to have Lee and other leading southerners indicted for treason. General Lee appealed to Grant, saying he had learned that he was to be indicted for treason by the grand jury at Norfolk. He adds:

I had supposed that the officers and men of the Army of Northern Virginia were by the terms of the surrender protected by the United States Government from molestation so long as they conformed to its conditions. * * *

Grant wrote to the Secretary of War with firmness and magnanimity:

In my opinion the officers and men paroled at Appomattox Courthouse, and since upon the same terms given to Lee, can not be tried for treason so long as they observe the terms of their parole. This is my understanding. Good faith as well as true policy dictates that we should observe the conditions of that convention. Bad faith on the part of the Government or a construction of that convention subjecting the officers to trial for treason would produce a feeling of insecurity in the minds of all paroled officers and men. * * *

He wrote to Lee:

I have forwarded your application for amnesty and pardon to the President with the following indorsement: "Respectfully forwarded, through the Secretary of War, to the President, with the earnest recommendation that this application of Gen. R. E. Lee for amnesty and pardon be granted him."

General Grant was not content with a mere protest. He said to the President, "The people of the North do not wish to inflict torture upon the people of the South."

President Johnson answered, "I will make treason odious. When can these men be tried?"

Grant replied, "Never, never; unless they violate their parole."

Grant was determined that the Government should keep the faith, and he finally won. From this time on his every thought and every act looked to the healing of the wounds of war. He wanted the sections reunited in fact and in spirit as well as in name.

When, after his first nomination as a candidate for the Presidency he wrote his letter of acceptance, this same thought was uppermost in his mind, and after his letter had been completed he added these four words:

Let us have peace.

It was not in his heart after victory to trample the people of the South under the iron heel of war. Rather he looked upon them as wayward brothers, whom he wanted to bring back to the protecting folds of our glorious flag.

How well he succeeded the reestablished Union proclaims to the world for all time. Peace to the ashes of Ohio's greatest son. May we honor ourselves by writing his name large upon the tablets of our memories.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10101) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes; that the House receded from its disagreement to certain amendments of the Senate, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate; and that the House insist upon its disagreement to the amendment of the Senate numbered 186.

The message also announced that the House insisted upon its amendments to the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KIESS, Mr. JOHNSON of Washington, and Mr. STEVENSON were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed enrolled bills of the following titles, and they were thereupon signed by the Vice President:

S. 2186. An act granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association; and

H. R. 10007. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876.

GREGORIE SEMENOFF AND BORIS BAKHMETEFF.

Mr. BORAH. Mr. President, I will say to the Senator in charge of the tariff bill [Mr. MCCUMBER] that I shall be as brief as possible, because I do not want to be unnecessarily in the way of the consideration of that bill.

One Gregorie Semenoff has been permitted to enter this country. It has been a little difficult to analyze the influences which enabled him to come into the United States. It is quite apparent to me that the Department of Labor was not anxious to have him come. I think the hearings and the report now printed will disclose that fact. Nevertheless, he was permitted to enter. At this time I do not propose to discuss the question of how he came to be permitted to come into the United States.

Semenoff has been characterized by the officers of the American Army and the American soldiers in Siberia as a bandit, a murderer, one who attacked American soldiers without any cause, and at a time when we were supposed to be on friendly relations, resulting in the death of two and the wounding of a number. All these facts, Mr. President, were well known to the department here and were presented to the officers on the coast who admitted him into this country.

I am going to call attention briefly to some of this testimony which has been taken, as it states the case against Semenoff much more effectively than I could do in my own language.

General Graves, who had charge of the Siberian expedition, so far as the American forces were concerned, in his testimony said:

The next real incident that I had, so far as American troops were concerned, one of Semenoff's generals, on an armored car, on the nights of January 9 and 10 went to Posolskaya, arriving there about 1 o'clock in the morning, and opened fire on a box car loaded with American soldiers, this car being used as quarters for the American soldiers in the performance of their duty guarding the railroad under the railroad agreement. Two American soldiers were killed and one wounded, as I remember the case. The American soldiers got out of the car and punctured the locomotive with rifle bullets, and after the train got about 5 or 6 versts from there it could not go any further, and they succeeded in capturing the general, 5 officers, and 48 men that were on that train.

Further he said:

When we returned from Omsk in the latter part of August, 1919, as we passed through the town of Adrianovka, which is some 100 or 200 miles from the Manchurian line, one of the American railroad service corps men, named McDonald, related to me an incident of Semenoff's murdering. That incident was taken down at the time as given by Lieutenant McDonald. This was taken down by my aid, Captain Hoffman, and I have here that statement as made by Lieutenant McDonald. If there is no objection, I would prefer to read the statement as taken down at the time or I can give it as I remember it.

Then he read the statement, which was afterwards incorporated in the record. A part of that statement is as follows:

I had long heard of these big killings that Semenoff was having at different points along the line of the railroad, but I really couldn't believe it. It didn't seem possible that such things could be true, even here in Siberia, so I said to myself that it was just some more Russian lies. One day I went down to Adrianovka. I arrived there the evening of the 18th of August. Lieutenants McNutt and Griggs, of the Russian corps, were there, and they told me of the killing of Bolshevik prisoners. They said that that day they had tramped over a large part of the country a verst or two east of Adrianovka trying to locate the place of the killing, but hadn't found anything. They said that there was a train in the yards with about 400 prisoners in cars and that indications were that there would be a killing in the next day or two.

I knew the stories about Macavievo, and I knew they handled the prisoners rough. One morning I had seen a prison train with two cars filled with women—one box car and regular prison car. As I was going by an old woman looked out between the bars and hailed me. Then she called a young girl up to the window, a sick-looking, red-haired girl, who spoke to me in very good English. I asked her where she was going and she answered, "I only wish I knew." The train pulled out almost immediately, and I could not find out more.

Just the same I found it hard to believe they were as bad as the stories made out. Early next morning, however—that was the 19th—we saw a bunch of Semenoff's soldiers walking in from the east, carrying long-handled shovels. The boys—I mean Lieutenants McNutt and Griggs—said they had seen the same kind of a gang come in previous to other killings.

Shortly afterwards we saw them loading soldiers on the prisoners' train, and taking a machine gun from an armored car that was standing there and putting it on the train. They took 10 carloads—about half—of the prisoners and started east from the yards. They left at 9.50.

It was then I decided to find out what I could about the killing, so I footed it east after them. About 2 versts out, I finally came in sight of the train (I call it the murder train) standing near a curve of the railway. I kept on, hoping to reach the place, but was stopped by a guard. I was then about a hundred yards from the train, but because of the topography of the country I couldn't see anything of the soldiers or the prisoners. I pretended not to understand Russian when the guard stopped me, but he put a shell into his rifle to assist my understanding. I understood. I knew I was near where the killing had been, but I wasn't quite sure when I walked away whether I'd get one from the guard or not.

I had only been back from the station a few minutes when that train came back empty. It had gone out full. It had been gone just 1 hour and 55 minutes. I noticed they had not brought the machine gun back. By the way, Stepanoff, Semenoff's colonel in charge, just as the first batch was leaving, went out and got a rifle for himself. There were Kolchak guards on the train, for they had on British uniforms. The second train was gone 1 hour and 50 minutes and brought the machine gun back with it.

I didn't go out again that day, but the next morning McNutt and Griggs and I, three of us, went out. On the way we met a peasant woman carrying boots and socks and clothing. At the place where the train had been standing the day before, we saw that the roadbed had marks of a large number of people getting off and moving about. The ground was littered with torn clothing, worn-out puttees, and papers of all kinds, including a bolsheviki ruble note. Just a short distance from the track—about 15 feet—we found one body shot through the lower jaw, left, and through the cheek. Thirty feet farther on we found another body. The weeds and ground near the bodies seemed to indicate struggles. The poor devils had evidently tried to escape. We walked on toward some mounds of fresh earth we saw, and found three large holes, two filled up and covered over, and one only about half filled with just a little covering of earth over the bodies. I picked up several shells at the edge of the third grave, of two different calibers, partly a large caliber, but mostly of a smaller one. There was nothing to indicate what they were or where they were made. A short distance eastward, possibly a hundred yards from the three holes, we found another that had evidently been there much longer. It was filled, but there was such a thin layer of earth on top that dogs or other animals had dragged some of the bodies out. Some had the feet cut off, one had no head, one had the genitals cut off. Of course, dogs might have done it, but didn't look like the work of dogs. At another hole we found just the trunk of a body lying on some fresh earth. It was all black and ugly.

It had been raining for some time, so we turned and went back to Adrianovka. It rained all the next day, but the day after that it cleared up in the afternoon. So at about 5 o'clock I went out with my camera to see if I could not get some pictures for evidence. The other boys didn't come with me; they had had enough. When I got there I found that the bodies had been buried. There were some little boys there digging around after loot, and they told me that the section hands of the railroad had done the burying. The boys showed me where six other bodies had been found on the other side of the tracks—shot evidently when they were trying to escape. It seemed to me that the big killing had been done by lining the prisoners up along the edge of the bank and firing at them catacornered across it. An old peasant woman that lived near by told me that they had to give up getting in their grain because of the stench. I told her they'd better get gas masks and go to it; they might need the grain. But I didn't get any pictures.

That same night Semenoff went through on his way east. There were a number of Japanese on the train and some women. They stopped at Adrianovka and had a celebration—a big banquet. Stepanoff was there. They had music and plenty of booze. Then Semenoff went east to Vladivostok.

This is the statement—

Says General Graves—

of John J. McDonald, lieutenant in the railway service corps at Chita on Monday, September 1, 1919.

Mr. Clark, interrogating General Graves on behalf of Semenoff, asked:

Did you take up with General Semenoff that incident which you mentioned of the slaughter ground, which you have read from that account there, when General Semenoff went through the next day?

General GRAVES. I did not. I would have no dealings with that man that day or any day.

Mr. CLARK. Then, you had no personal knowledge as to the claim that Semenoff was in no way responsible for it?

Colonel GRAVES. I know nothing about it except that it was in his territory.

Mr. CLARK. Who was in supreme command of the eastern republic at that time? Was that under the Kolchak régime?

General GRAVES. Kolchak was at Omsk at that time and it was prior to his being killed.

Mr. CLARK. Who was in supreme command?

General GRAVES. The conditions over there are such that I think rather than answer that definitely, some explanation is necessary. While Kolchak was supposed to be in supreme command, it was generally thought that he was not in a position to control Semenoff, Kalmykoff, or Rozanoff.

Mr. CLARK. In the structure of the governmental system there, de facto or de jure at that time, Kolchak was at the head of the organization, was he not?

General GRAVES. I could not say that Kolchak was at the head of Semenoff. Semenoff at that time had, I think, recognized Kolchak. Part of the time he recognized Kolchak and part of the time he did not.

Again:

Mr. CLARK. As to the incident to which you have referred, of the shooting upon a box car with American soldiers upon it, there was subsequently an investigation made of that, was there not?

General GRAVES. There was.

Mr. CLARK. By whom?

General GRAVES. By Colonel Morrow.

Mr. CLARK. By whom on behalf of the Russians?

General GRAVES. I do not know.

Mr. CLARK. Do you not know that there was an investigation?

General GRAVES. Yes.

Mr. CLARK. Do you know the result of that investigation?

General GRAVES. I do.

Mr. CLARK. What was it?

General GRAVES. So far as we are concerned, nothing.

Mr. CLARK. Do you know what discipline was meted out?

General GRAVES. I do not. My judgment is that nothing was, because Semenoff made no expression of regret to me as the commander of the American forces, and took no action prior to departure of American troops which led me to believe that he was in the least regretful of the incident. As these were men under him, and as I was commander of the American Expeditionary Forces, if he did not approve of it I should have thought he certainly would have expressed regret to the American commander.

I call attention now briefly to the statement of Colonel Morrow, who had command of the American troops. He said:

On the night of January 10 four armored trains had passed through. This was on the night of the 10th of January, 1920. The fifth armored train, the "Destroyer," came through and stopped at Verkhne Udinsk, which was the town which I was in command of. They arrested the station master, robbing him of all of his property, including all the clothing of his wife, broke up the furniture in his house, and took him aboard the "Destroyer." I was informed of this by my provost marshal in the city.

I at once went aboard the "Destroyer" with an interpreter and my adjutant, and interviewed the general in command of the train, General Bogomoletz. He informed me that he had arrested the station master at Verkhne Udinsk, and proposed to kill him. I told General Bogomoletz that his train was passing through the American sector on sufferance, and that he could not arrest men in the American sector and execute

them. General Bogomoletz replied that he was not responsible to me and would do as he pleased, and that the conversation was at a close. I informed General Bogomoletz that the conversation was just beginning, and if he did not release the station master I would forcibly take him away from him with American troops.

After a rather heated argument General Bogomoletz released the station master, making the station master sign a statement that he had received back all of his property. He had not received back any of his property. This was about 7 o'clock.

The armored train, "Destroyer," then moved out of Verkhne Udinsk and went to the station Posolskaya, about 60 miles from there.

A lieutenant named Paul Kendall was posted at Posolskaya with a detachment of 38 men. They were sleeping in box cars. The armored train, "Destroyer," moved into Posolskaya and took aboard the Russian Captain Krisko there, moved back from the American box cars, and opened fire. This was between 12 and 1 o'clock at night. It was about 40 or 50 degrees below zero and there was about 8 inches of snow on the ground.

Kendall and his men turned out with hand grenades and rifles and began the battle against the armored train. They threw a hand grenade into the engine, very seriously damaging it, so that it could only move down the track about 5 versts. Here Captain Ramsay closed in on it from the east, and the armored train was captured in the morning.

Mr. STERLING. From whose testimony is the Senator reading?

Mr. BORAH. From the testimony of Colonel Morrow. He continues:

During the fighting that occurred Sergeant Robins was killed, Private Montgomery died later of wounds, and Private Towney was knocked from the armored train when he attempted to board it, and his foot was cut off.

The CHAIRMAN. When were these men killed, with reference to the first attack?

Colonel MORROW. Right in the first fighting.

Continuing, Colonel Morrow says:

General Bogomoletz and his officers and men were brought under guard and placed in the guardhouse by my command. I at once notified Ataman Semenoff of the actions of this car, and requested the immediate trial of Bogomoletz and his officers. I recited to him the crimes of General Bogomoletz and begged him for immediate trial of these officers. I continued to receive from Semenoff evasive telegrams, which would lead nowhere. I was under order with my command to evacuate Siberia immediately. Of this fact I informed Ataman Semenoff.

Further, Colonel Morrow says:

While the men of Bogomoletz's train were under my command I caused Lieutenant Colonel Gillem to take their testimony. I propose to read the testimony of Asst. Surg. Michael Morosoff, who was aboard this armored train. This testimony was taken by Lieutenant Colonel Gillem, jr., of the Twenty-seventh Infantry. [Reading:]

"1. Q. How long have you been of the bronevick?—A. Since September, 1919.

"2. Q. Have you got a family?—A. A wife and a child. I was forced to work on the bronevick; I wanted to commit suicide because I couldn't stand the horrors of Semenoff's men.

"3. Q. Did you see any Americans at Station Posolskaya?—A. No; I was asleep at the time. Friends say that the bronevick fired first.

"4. Q. What did the bronevick do after the fighting?—A. The engine couldn't go at full speed, so it backed up slowly about 3 versts and stopped.

"5. Q. Why do the people call the bronevick 'destroyer' not only in name but also in action?

"6. Q. How many executions did you see at station Oloviannaya?—A. Fifteen men and one woman were taken into the car and whipped, then taken to the ice hole and killed one after another. In most cases they were lashed and hit with the bayonets and then thrown in the ice hole half alive. All took place January 1, 1920.

"At the last trip from Chita to Verkhne Udinsk there were killed about 40 men only because they were suspected of helping Bolsheviks.

"At the same expedition one woman was killed after she wouldn't give herself up to the military commandant of the station. All these cases can be verified, as the bodies were never buried.

"All executions were committed by order of the general himself, because it was a punitive expedition.

"The provodnick of the general's car was so badly whipped that he died two days ago.

"The general had mercy for nobody. He was also the only judge.

"Before his service on the bronevick he worked on Station Adrianova, and took part in executions of one group of Bolsheviks, 370 men, and small groups of 15 and 20 men.

"Everybody on the bronevick knows very well that the general would continue his executions up to Irkutsk. My opinion that the most men killed were peasants who knew nothing about politics.

"7. Q. Did the men like the service on the bronevick?—A. About six did. The rest were forced to do it. For the least offense people were whipped and killed. One man tried to leave the bronevick at Manchuria. He was caught and whipped. He died two days later.

"MICHAEL MOROSOFF."

Mr. BORAH. On page 19 of the printed record, Colonel Morrow says:

In December General Semenoff sent General Levitsky, with what was known as the Wild Division, to Verkhne Udinsk. That division consisted of about 2,000 Mongolians, mounted on Mongolian ponies and camels, and about 500 Cossacks.

Shortly after his arrival General Levitsky began sending detachments into the Selenga Valley.

This valley, as we were informed, is a large valley, having a population of about 1,000,000, who at that time, according to the statement of Colonel Morrow, were not active either in war activities or political activities. They were a quiet, inoffensive, law-abiding people—the Russian peasantry disturbing no one and taking no side in the conflict.

These detachments committed robbery and plunder and murder and crimes unspeakable. The peasants finally rose up and fought these detachments, defeating some of the smaller detachments.

In January General Levitsky took the field at the head of his forces and made a cavalry raid into the valley of the Selenga. He had no sooner started his raid than two or three applications every day from Russian peasants began to come to the American headquarters, begging for help and assistance against Semenoff's Wild Division. They also brought written petitions. I took down some of their statements, and some I kept. Many of them I lost.

To show the character of the operations of General Levitsky's command, I will read some of these signed statements.

The following is one of the statements addressed to the American forces:

VILLAGE SHERALDAI, *January 3, 1920.*

FRIENDS, AMERICANS: The people implore your help and request you to protect them from Semenoff's Wild Division, who burn villages, bread, and the property of the peasants; who kill old men, women, and children, and who have mercy on no one.

We beg you to help us for the sake of the babies and old men. Have mercy and help us. Upon your arrival, you can be convinced by your own eyes of the true facts, through seeing the remnants and ashes of our homes.

(Signed by 38 peasants.)

Senator STERLING asked Colonel Morrow this question:

I suppose, Colonel, you felt that you were not authorized to give the relief that was asked for?

Colonel MORROW. Not at that time.

Senator STERLING. Your business was to guard the railroad?

Colonel MORROW. My business was to guard the railroad. I did assist the people of that country finally. I was forced to do it. I could not help it. I helped them in every way that it was possible for me to help them, except to take the field myself against General Levitsky.

Another statement read by Colonel Morrow is as follows:

VERKHNE UDINSK, *January 18, 1920.*

On the 10th of January the Wild Division, commanded by General Levitsky, passed through the village of Bobkina, perpetrating there about 15 murders upon the people without arms.

The 18th of January, the former American vice consul at Chita, Mr. Fowler, and Lieutenant Davis, of the American Army; Lieutenant Fuji and Captain Keda, of the Japanese Army; Maj. Doctor Marand and Major De Latier de Jean, of the French Army, went to this very village and were there able to make the following observations:

A dozen corpses, with the hands cut off, were lying heaped up in a pile half destroyed, all the bodies more or less cut up by saber wounds. The greater part bore many wounds made while living by saber blows, particularly on the face and back. All the corpses were burned. Many bore evident traces of having been burned while still living. From this last observation it must be admitted that the greater part, severely wounded only, must have died of asphyxiation, as an inspection of the wounds shows not one was immediately mortal.

After the departure of the criminals the people of the village, attracted by the smoke, were able to recover the corpses before complete burning up, which act has permitted the very precise preceding observations to be made.

About 15 meters from this place, in a large space still stained by blood on the snow, we found the bloody remains of burned hair and a large piece of a scalp, cut by a saber blow.

FOWLER, *United States Vice Consul.*
E. DAVIS, *United States Army.*
FUJI, *Japanese Army.*
KODA, *Japanese Army.*
D. MARAND, *French Army.*
C. DE LATIER DE JEAN, *French Army.*

I read now from an official report to Colonel Morrow by one of his officers:

8. August 19, 1919, at 2 a. m., on this date a train of 52 cars of prisoners arrived at Adrianovka from the west. This train left Chita, (1) with 41 cars, picked up 8 cars at Chita; (2) 1 car at Atamanovka, 1 car at Makavayevo, and 1 car at Karemskaya. We knew there was to be a big killing, as the day previous there had been about 40 or 50 men, prisoners, digging four large holes out in the slaughter yard. These men had been prisoners for some time; that is, we always had from 1 to 4 or 5 cars of prisoners at Adrianovka all the time.

At 9.30 a. m. the yard engine took 29 cars of prisoners to the yard. The cars were covered with soldiers and a machine gun mounted on both ends of the train. Lieutenant McDonald and myself started to walk out to the yards, following the railway line.

Mr. TOWNSEND. What is the Senator reading from?

Mr. BORAH. I am reading from a report of Colonel Morrow.

Mr. STERLING. On what page?

Mr. BORAH. Page 22.

About one-half verst from where the train stopped we were stopped by a guard; we gave him 1,000 rubles and he allowed us to proceed. We soon ran into a stronger guard—three soldiers—who refused to accept money, and we were unable to get closer. We were, however, then within sight of the train and saw them unload the cars, two cars at a time, and start the prisoners over toward the holes. The holes were not within our sight, being located about 300 yards from the track in a small spot almost completely surrounded by hills.

I want it to be borne in mind that these were not prisoners taken in war, taken as a result of conflict or as a result of fighting. They were people who were picked up in different parts of the country—unarmed, helpless, defenseless men, women, and children, old and young. There is nothing in the history of the world equal to the brutality of this man who is now in this country.

Mr. McCUMBER. Mr. President, what excuse was there for this? Why were they being killed? Just out of bloodthirstiness?

Mr. BORAH. The only excuse which a humane person like the Senator or myself could conceive of is that it was just total, unmitigated, indescribable depravity. It would seem, however, that Semenoff had the idea of terrorizing the country so as to bring it completely within his control and domination and estab-

lish himself as the ruler of that particular portion of the country. Whatever the reason was, or whatever reason could be assigned, the fact that it occurred can not be doubted. It is inexplicable. I had not supposed such monsters were left on earth. Indeed, I do not think such depravity is anywhere recorded in ancient or modern history.

The 29 cars, empties, were brought back to Adrianovka at 11.55 a. m. At 1.15 p. m. the other 23 cars were taken out.

They simply hauled these poor people out there like cattle are hauled to a slaughter pit. We have photographs of these scenes. They jammed them and crowded them into the cars like dumb beasts, drove them to the slaughter pit, shot them down, pushed them into these holes which had been dug, and left them there half covered for wild animals to prey upon.

I asked Colonel Stephanoff, about 9.15 a. m., if I might be allowed to go out with him, and he said yes, but not on the first trip, and requested that I wait until the second trip. When the train was ready the second time I got on with him on the platform of a brake car, but after the train started he told me to get off.

He had often told me he would take me out with him, and when he requested I get off this train he said wait until some other time.

He himself took a rifle with him on both these trips. August 19, new-style calendar, is a big Russian holiday. Colonel Stephanoff told me in the evening that he had enjoyed it, more so than ever.

I will state in this connection that a car of prisoners generally consisted of from 30 to 35 prisoners, and there were 53 of those cars. [Continuing reading:]

9. August 20 Lieutenant McDonald and myself walked down the track to the "yard."

That is, to the slaughter yard, which was as well known in that country as the slaughter pens of Chicago belonging to the packers are known here.

We found dead bodies scattered along the track for a distance of about half a verst east of the yard, from there clear up to the holes. They were on both sides of the track. From the point where the cars were stopped over to the holes they were the thickest. We took 18 different pictures of what we saw, all except one of which were later destroyed by a Semenoff officer in a photograph shop in Chita. I more correctly should have said confiscated instead of destroyed.

Senator STERLING. Were these persons, or any of them, people who had been taken in arms against Semenoff's authority?

Colonel MORROW. I do not believe it, from what I knew of the country. [Continuing reading:]

10. August 31, Sunday, at 8.30 a. m., this date, a train of 41 cars of Bolshevik prisoners arrived Adrianovka from west en route east under Kolchak guard. Colonel Stephenoff ordered station master to cut out 10 cars at Adrianovka for him. The guard in charge of train refused to allow this to be done.

There seemed to be a kind of competition among those people about who should participate in the killing. It was an honor which their satanic souls competed for.

There was no recourse for the Kolchak guard, and he was forced to turn over the 10 cars. They were taken out to slaugher yard at 1.15 p. m. and killed. Colonel Stephenoff remarked he had to show the people of Adrianovka that he could execute on Sunday as well as on other days.

* * * * * * *

These murders were not wholly confined to Adrianovka Station, but were carried on over our entire district. Makaveyevo Station, about 30 versts east from Chita, was another well-known place. When I first arrived at Mogzon the people were afraid to hear the names of Makaveyevo and Adrianovka.

I do not want to trespass too long upon the time of the Senate by reading this; but in order to get at least a skeleton of the hideous story into the RECORD I will read a little further.

Mr. Clark asked Colonel Morrow:

Have you never seen the report of Consul General Harris on that?

Colonel MORROW. I have not.

This is in regard to what was supposed to have been a punishment of Ataman Kalmykoff and some of those who were responsible for this killing. Colonel Morrow says:

I have not. Neither would I believe the report if I saw it, to that effect—

That is, to the effect that they had been punished—

All I know is that when I left, after begging and imploring him, and after General Myssura, his own Russian general, had begged him, to try those men, and after I had made every effort on earth to get him to try Bogomoletz and his officers, when he was in distress and his forces were being driven back I offered to give him a great armored train if he would try and execute those officers. General Janin, commanding the French Army, and myself had General Suzuki, commanding the Thirteenth Division of the Japanese Army, come to Verkhne Udinsk; and we told Suzuki the crimes that Semenoff was committing, and we asked him for the sake of everybody to stop the killings along the railroad, so that the railroads would not be destroyed and so that the Czecho-Slovaks and Americans could evacuate the country.

* * * * * * *

Mr. CLARK. In connection with the raids of which you got reports, which were made in that valley, did you take that report up with the Japanese officers, too?

Colonel MORROW. I did.

Mr. CLARK. Did you get any reports as to what they did about it?

Colonel MORROW. I know what they did. They did nothing.

Mr. CLARK. When were the incidents with regard to these slaughter yards which you have related; in August, 1919, were they not?

Colonel MORROW. The slaughter yards operated at all times. Before I came into the country they were in operation. They continued those operations until after I had left the country. I got reports by the hundreds concerning the slaughter yards at Makaveyevo and Borzya and Dlauria and Olivinnaya. I got reports from Russian railroad service men and from our own intelligence section.

Mr. CLARK. Did you have any knowledge as to the character of the people who were alleged to have been killed?

Colonel MORROW. The knowledge that I had of the men who were killed there was that they were generally old peasants or railroad employees in the country.

The CHAIRMAN. They were not belligerent forces which had been captured in battle?

Colonel MORROW. Understand the situation of the forces. When the Allies entered Siberia, between August, 1918, and up to November, 1919, the country was swept clear of all the armed Bolshevik forces. The Kolchak army was based on the Volga River in the European region. Kolchak himself had his army. There was a battle line along the Volga River.

Colonel Morrow makes it perfectly clear that there was really no fighting there in that portion of the country where this slaughter was taking place. The Bolshevik forces had been dispersed, if they had ever been there. There was no occasion for anything of this kind because of armed Bolshevists being in the vicinity or undertaking to interfere either with American forces or with Semenoff.

In this connection, Mr. President, I ask leave to read a paragraph or two from an article by Charles H. Smith in the May number of the magazine Asia. Charles H. Smith was the American representative on the Interallied Railway Commission in Siberia, and to that commission was assigned the coordination of all communications in Siberia. On the board with Smith were Russian, British, American, French, Japanese, Chinese, Italian, and Czech representatives. Among those who sat on the committee at different periods were: For Great Britain, Sir Charles Eliot, now ambassador to Japan, W. E. O'Reilly, now minister of Bolivia, and W. G. Hodgson, now trade commissioner to Soviet Russia; for France, M. Bourgois, of the embassy at Tokyo, and M. André, consul at Vladivostok; for Japan, Mr. Matsudaira, secretary general of the Japanese delegation to the recent Washington conference.

In this article Mr. Smith says:

Siberia itself is not Bolshevist nor communist, and it never has been and never will be, unless alien invasion gives the Siberian peasantry no choice except between alien conquerors and their own rulers, even though the latter are Bolshevists.

On page 374 he said:

We Americans, like the other allies, went there with those objects.

That is, to protect the railroad, and for perfectly legitimate purposes. He continued:

We stayed to fight imaginary Bolshevism. We gave our support to counterrevolutionaries like Kolchak instead of bolstering up Russian democracy with all the pillars we could construct out of our wealth and power. We provided the Japanese with their excuse for remaining.

Siberia is not Bolshevist, because it is populated by the descendants of political exiles, by the more adventurous and free-spirited Russians who came out as pioneers, and by the Cossacks, all of them more democratic than the Russians proper. Also the Siberians are not an urban people—there is not an industrial city in all Siberia—and even in European Russia it is only in the cities that there are Bolsheviki in any numbers. The Siberians had one ruling motive for their actions. That was to prevent the czarist régime from returning. For that reason they would have none of the numerous dictatorships, directorates, and other mushroom governments that sprang up in 1918 and 1919—Horvath in Harbin, Orloff in Pogranichnaya, Semenoff at large, and, conspicuously, Kolchak in Omsk, all of whom were reactionaries under an anti-Bolshevist disguise to deceive the Allies. And when the Siberians did for a time support the Bolshevist forces in western Siberia, after the defeat of Kolchak, it was because they knew that they at least would not restore czarism.

Again and again I have heard this from Russian workmen as I have traveled back and forth across Siberia. The Siberians had confidence in the Czechs, who understood them and their democratic aspirations and therefore hated the Kolchak régime, and pathetic trust in the Americans.

* * * * * * *

At this period those two butchers, Ivanoff-Rinoff and Rozanoff, were in the full power of their activity, and on a larger scale Kalmykoff and Semenoff. These men permitted their followers to torture their enemies, to brand them, gouge out their eyes, and whip them to death. Conscription of peasants was declared, but the peasants took to the hills, for they hated the Kolchak régime violently for its outrages. For revenge those who did not escape and the relatives of those who did were taken, tortured, and murdered. I have pictures and records of the bodies of victims, many pictures of corpses lying near to the charred ruins of their homes.

* * * * * * *

The Czechs were the first to show disaffection. They knew the Russian people and their dream of peaceful and democratic rule after their long agony. They knew the bitterness this cruel betrayal would work in them. The Czechs made formal protest, but although it was they who had done the fighting that kept the Bolshevist troops from swarming into Siberia, they were unheard. Some of the allied representatives joined in the protest. The railway committee, seeing the frustration of all its aims, sent telegrams to Kolchak and cablegrams to the home governments. Both were of no avail.

I ask permission to print this entire statement at the close of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BORAH. I now read from the hearings before the committee:

The CHAIRMAN. Now, you were there on the ground all the time and in charge of that territory?

Colonel MORROW. Yes.

The CHAIRMAN. Commanding the American troops. You knew what was going on. You received your reports and talked with your own people, your own officers and men, and others. Who, in your opinion, as you were informed at the time, was responsible for these murders that were being committed in that territory?

Colonel MORROW. General Semenoff.

The CHAIRMAN. Had you any doubt about it at that time?

Colonel MORROW. No; nor had anyone else in all Siberia. It was the common report and the common knowledge of everybody. It was the commonest subject of conversation in that country, and all over it.

I have received some affidavits since the hearings closed from soldiers who were on that expedition, and I read from the sworn statement of John C. Steinel, of Battle Creek, Mich., who said:

Armored trains frequently stopped at our station, but as the Cossacks were supposed to be allies, and other detachments of Americans were on both sides of us, we never considered there was much danger, although we usually took a few precautions against a surprise attack. Midnight, January 9, 1921, the armored train *Destroyer*, commanded by General Bogomilich, arrived from the east at Posolskaya, and Lieutenant Kendall and myself were immediately notified by Sergeant Robbins, who was sergeant of the guard. Orders were issued to awaken the men and hold them in the cars in readiness, and I went over to the station to see if there was anything unusual, because the station agent had informed us early in the evening that there would be no trains coming in that night. Everything appeared to be normal and the train proceeded to take on wood and water.

The station agent was noticed on the train, but, considering the fact that they were supposed to be our allies, we told the men to go back to sleep but be prepared for an emergency. We increased the guard around the cars and at the bridge about a half mile from our box cars, but instructed the men they could go to sleep, as there appeared to be no immediate danger.

At 1 o'clock Sergeant Robbins reported that things looked suspicious, and he was ordered to get the men up immediately and personally to put the engine out of commission if anything started. Lieutenant Kendall and myself immediately prepared to go out, and just as we came out of our car we were met with a burst of machine-gun fire from the Cossacks' armored car, 40 feet away, directly opposite. Our men came out as quickly as possible, most of them having been asleep, and crawled under our cars and proceeded to return the fire, which was directed against the passenger coaches, where lights were seen, and against the engine, as it seemed hopeless to fire at the armored cars, which had 6-inch concrete walls, loopholes, and turret for their firing.

Sergeant Robbins was killed instantly when he attempted to board the engine, and Corporal Tommie had his heel blown off by a grenade at the same time. They continued firing at us for several minutes from that position, and then moved a few hundred yards east, opening with their 1-pounder and 3-inch fieldpieces in addition to the machine guns. Our men, deployed under Lieutenant Kendall on the south side of the track, advanced toward the armored train, while I took an automatic-rifle squad of four men on the north side of the track, and for 45 minutes kept up a continual fire. It was 25 below zero, a bright moonlight night, with the snow about knee deep.

In addition to Sergeant Robbins, who was killed instantly, Private Montgomery died in a few hours from a machine-gun wound in the body and Corporal Tommie was wounded by a grenade.

They claimed that it was all a mistake; that they were changing guards and did not know the machine guns were loaded; but all indications pointed to the fact that they were prepared and they had expected to wipe us out and then burn the village, because of some trouble with the station agent. We later found that the station agent had sent a telegram to Chita requesting that an armored train be sent to this station because of some trouble.

The attack was unexpected and unwarranted, as they were supposed to be our allies, and I believe that General Bogomilich, who was on this train and who was in charge of all of Semenoff's armored trains, made a deliberate attempt to wipe out the American detachment, and was acting under orders from his chief, Ataman Semenoff. We were the only American detachment close to the tracks, where the Cossacks could attack with armored train, as others were in barracks away from railroad.

I have also the affidavit of Capt. William F. Gent, which I will ask to have inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Supreme Court, New York County.

John N. Boyle, trustee in bankruptcy of Youroveta Home & Foreign Trade Co. (Inc.), plaintiff, against Gregory Semenoff, defendant.

STATE OF NEW YORK, *County of New York, ss:*

William F. Gent, being duly sworn, deposes and says:

"I am a captain in the United States Army; from August, 1919, until March, 1920, I was in Siberia on duty with the American Expeditionary Forces, and beginning September 22, 1919, until March, 1920, I was intelligence officer in the Twenty-seventh Infantry on duty in the Trans-Baikal region.

"I have read a copy of the affidavit of Gen. William S. Graves, verified the 4th day of April, 1922, and I am familiar with the episode referred to therein, concerning the killing of certain American soldiers. This action occurred on or about the 10th day of January, 1920, at 1 o'clock in the morning, at Posolskaya, which was in the said Trans-Baikal region. On January 14, 1920, Semenoff's men, who had shot upon the American troops, were brought to the regimental headquarters of the Twenty-seventh Infantry at Berozovka; there were 4 officers and 48 men. All of them were interviewed in my office in reference to their acts. They admitted that they were under Semenoff and gave various statements in regard to their activities, which are referred to in the affidavit of Charles H. Smith, concerning the extract from the article by Junius B. Wood. The statements contained therein are true to the best of my knowledge and belief. I have in my possession a personal diary, which I made at the time, and under date of January 14, 1920, I find the following entry:

"'Started examining prisoners to-day; some of the testimony given is horrible—murders, rapes, robberies, and everything imaginable. Most of the men are drafted men and don't like the work, but are forced to do it. They are afraid to run away.'

"Among other things these men told of the following incident: In the month of December, 1919, they captured civilians—consisting of 14 men and 1 woman. They stated that the woman had been outraged by the officers and the men, and thereafter the woman and the 14 men were taken to the river, which was frozen, and were forced to chop a hole in the ice and were then lined up and shot. The bodies were then crammed through the hole in the ice, whether there was life in them or not. The men who told me the foregoing actually took part in the shooting and rape. They stated that the incident occurred at Olovyanaya. Thereafter, I went to said place to verify their statements and saw the hole in the ice which they had described.

"These men also verified reports that we had received concerning the disposition of two trainloads of prisoners which Semenoff's men had captured. The reports were that these were civil prisoners, captured by Semenoff's men. Both of these trains had been moved back and forth along the Siberian railroad sealed. One of the trains contained in the neighborhood of 1,230 persons and the other in the neighborhood of 800 persons. The prisoners were sick with cholera and typhus, and many had died. The train containing about 1,230 was brought to Makavyeyeva. There it was unloaded and all the prisoners were lined up and shot down by machine guns. The other train, containing about 800 prisoners, was brought to Adrianovka and the prisoners were there unloaded and also shot down by machine guns. The soldiers who described this had either taken part in the same or had first-hand information. The former place became generally known as 'The Barrel of Blood' and the latter became generally known as 'The Bucket of Blood.' After receiving this report, I personally went to Adrianovka and verified the statements made to me by the soldiers. I there saw a long trench which was covered with railroad ties. I pulled aside several of these and there saw the bones and clothes of numerous human bodies.

"The foregoing are mere isolated instances which were brought to my attention of the atrocities committed by Semenoff's men—supposedly acting under his orders. He was generally regarded as a mere free-lance bandit, and was thoroughly hated and despised by all the American troops and most of the Russian population because of his abuse of the civilians. By his general attitude he was considered as very antagonistic to Americans and their operations, and did everything possible to obstruct American movements in Siberia.

"WM. F. GENT,
"Captain, Twenty-second Infantry, U. S. A."

Sworn to before me this 5th day of April, 1922.

PAULA GROSS,
Notary Public, New York Co., No. 357, N. Y. Reg. No. 3183.
Commission expires March 30, 1923.

Mr. BORAH. This is a very brief statement with reference to what the record discloses. It would seem that General Semenoff was in complete control of this territory; that he was the supreme authority, so far as the Russian forces were concerned, for that territory at times, although at times he seemed, in a way, to recognize the authority of Kolchak.

During the time that he was in control of this territory a reign of massacre continued such as I know nothing of in all the history of the world. As the hearings disclose, they took one day 53 carloads of prisoners, from 30 to 35 people in a car—people whom they had taken from the different localities and communities not as the result of a fight or a contest or battle but people they had picked up from their homes out of the suburbs or the villages—drove them out to the slaughter pens, as they called them, two different trains running out for that purpose, marched them off the trains, turned the machine guns on them, slaughtered them, and pushed them over into the holes which had been dug, as if they were animals. These facts are narrated by officers and soldiers of the American Army. They are corroborated by the American representative of the Siberian interallied railway commission. They are all but indescribable and unbelievable. But the facts narrated compel us to believe.

There can be very little doubt in the mind of anyone from this record that it was Semenoff's desire to drive the American forces out of that territory. The officers in charge of the American forces entertained little doubt in regard to it. It was, I presume, because the American forces were there really seeking to protect the railroad and were not interested in the kind of a campaign in which Semenoff was interested. They were, in other words, a hindrance to the full execution of his purpose and his murderous schemes, and this attack upon the 10th of January was, from the evidence as it appears to us, a deliberate attack upon what were supposed to be the friendly forces there representing our interests. We had two soldiers killed, others wounded—they were in every sense murdered. Only the vigilance and the courage of our men prevented the entire number at that point from being assassinated. The man who is responsible for it is now our guest in this country.

Mr. President, when Semenoff came to this country among the first gentlemen whom he visited was Boris Bakhmeteff. A subpœna was issued for Bakhmeteff and he refused to respond. The subpœna was answered through the Secretary of State stating that Bakhmeteff was the recognized ambassador of the Russian Government, and that he was therefore protected by virtue of the statute with which we are all familiar and the principle of which no one desires to question.

Early in the spring of 1917 the Imperial Government of Russia fell. It was succeeded by the "new provisional government of Russia," as it was called, which was recognized by our Government April 12, 1917. George Bakhmeteff, the resident imperial ambassador, immediately presented his resigna-

tion to the Secretary of State, Mr. Lansing, and left the embassy. On the 26th of April the minister of foreign affairs of the provisional government, Paul Milukoff, at Petrograd, sent Boris Bakhmeteff as special commissioner to the United States. Boris Bakhmeteff, as such special commissioner designated, with his assistants, arrived in Tokyo about May 20. In the meantime the provisional government had fallen and Kerensky was in control.

On May 15, 1917, the Kerensky government had revoked the orders of Milukoff and authorized Bakhmeteff "to proceed to Washington and await further instructions there." Bakhmeteff at this time was not accredited to this Government as ambassador and had no other instructions from the then existing Russian Government than to proceed to Washington and await instructions. I desire to say here that I have not been able to consult original sources, but I feel sure the facts as I state them are substantially correct.

On June 19, 1917, Bakhmeteff arrived in the city of Washington and at once took possession of the Russian Embassy. July 5 he was formally recognized as ambassador extraordinary and plenipotentiary from Russia to the United States of America.

It is said, Mr. President, upon what seems to be good authority, that Kerensky made no secret of his dislike as to the selection of Bakhmeteff, and was at first disposed to direct his return to Russia, but changed the order and directed him to proceed to Washington to await instructions, and it was in that manner that he arrived. Boris Bakhmeteff, as I understand, had visited America prior to this and was supposed to have been interested in placing some investments here for the Czar. He was, in other words, thought to be too closely associated with the Czarist party to be satisfactory to Kerensky. But he is supposed to have directed him to proceed to Washington for further instructions.

Mr. LODGE. Mr. President, may I ask the Senator, for information, when Bakhmeteff was recognized by our Government as ambassador, did he present credentials? He must have done so, I presume.

Mr. BORAH. I do not speak with absolute accuracy, but I am informed that he never did present any credentials until about the 25th of August, when a question arose in the mind of Mr. McAdoo whether he had not been paying out about enough money until he saw some credentials. Then some correspondence took place between the Secretary of State and the Secretary of the Treasury, and there may be credentials in the office of the Secretary of State dating from about that time. I do not think there were before. I doubt very much if there is now—that is, credentials in the usual form accrediting him as ambassador. There is much doubt upon that question.

Mr. LODGE. I only wanted to ascertain if there had been any credentials presented. I thought there must have been credentials presented at some time.

Mr. BORAH. My opinion is that there are not to-day in the State Department any credentials in proper form accrediting Bakhmeteff to this country. I should be very glad to see them if they are there. All the evidence points to the fact that they finally continued to do business with him upon a cablegram from the Kerensky government that Kerensky recognized him, but no formal accrediting and proper credentials, so far as I have been able to ascertain, and we can only deal with this from the outside, have ever been presented. Of course, not having access to the files, I may be mistaken.

Bakhmeteff was recognized July 5, 1917. On July 6, 1917, he went to the Secretary of the Treasury and got a loan of $35,000,000.

Mr. JOHNSON. Mr. President, will the Senator give those dates again?

Mr. BORAH. On July 5, 1917, Bakhmeteff was recognized as ambassador extraordinary and plenipotentiary from Russia. On July 6, 1917, according to the record as I have seen it——

Mr. LODGE. The very next day?

Mr. BORAH. Yes; the next day he went to the Treasury and secured a loan of $35,000,000. On July 13, 1917, Boris Bakhmeteff again drew upon the Secretary of the Treasury for $10,000,000. On August 25, 1917, the press carried this statement:

> Word from Ambassador Francis has encouraged the State Department in the success of the provisional government and a further loan of $100,000,000 has been made to the new ambassador, Boris Bakhmeteff.

On November 17, nine days after the Kerensky government had fallen, as a matter of fact, Bakhmeteff had secured from this Government loans to the amount of $187,729,750. This all took place between July 6, 1917, and November 17, 1917.

Mr. LODGE. Mr. President, I am very much interested in the figures the Senator is giving. I hope I shall not disturb him by asking a question?

Mr. BORAH. Certainly not.

Mr. LODGE. About that time—I can not give the exact date—there was some bond bill before the Committee on Finance and the then Secretary of the Treasury, Mr. McAdoo, came before the committee. In the course of the discussion on that bill inquiries were made as to this matter of credits and, as I recall it, when he was asked about the Russian credit he said that at that time—and I have not the exact date—he had given a credit of $90,000,000, but that $45,000,000 was retained in order to pay for locomotives contracted for by the Russian Government, and that the other $45,000,000 was in the hands of Bakhmeteff. I know that statement was made in substantially the form in which I have given it, but it now appears that Bakhmeteff had a great deal more than the sum Mr. McAdoo named.

Mr. BORAH. I will say to the Senator that I obtained these facts from an examination of the hearings. There have been two or three hearings in which the facts have been discussed. For instance, in the hearing with reference to the deportation of Martens they were pretty fully gone into. There was a hearing before the House Committee on Foreign Affairs in which the matter was discussed. I may not be absolutely accurate as to all these dates, but I am sufficiently accurate to make substantially true the statement which I am presenting. A date would not be material if there is a discrepancy of a day or two.

In the meantime the Kerensky government had fallen on November 8, 1917. On November 15 Francis, our ambassador, notified the Secretary of State that the Kerensky government had fallen. Kerensky went into exile. His entire structure disappeared. It has never assumed to perform any of the functions of government since. The government which Bakhmeteff assumed to represent ceased to exist completely and absolutely.

Now, Mr. President, I desire to make some observations with reference to the present status of Bakhmeteff, and I do so with entire respect for the Secretary of State, entertaining simply a difference of opinion with reference to the application of the statute.

I can not conceive of a man being an ambassador without a government. Since the 8th day of November, 1917, there has been in existence no government which Mr. Bakhmeteff has assumed to represent. Since that time there has been reared a different government, a structure which calls itself the soviet government, and that government, whatever it may be, is nevertheless the only government which exists in Russia, superseding, as it did, the Kerensky government. It has raised armies and maintained armies and has fought battles. It has been recognized by other governments, has made trade contracts with a number of other governments, and is to-day recognized throughout the world as the government in Russia. I do not mean to say by that that all governments have recognized it in the sense that they have been willing to accept an ambassador, and so forth, but our own officers and our own Government have proceeded upon the theory that the Kerensky government is gone and that the soviet government is there doing business. The soviet government, which succeeded the Kerensky government, is now represented at Genoa in one of the most important international conferences in the history of nations. It is the government of Russia.

How could there be such a thing as an ambassador enjoying the immunities and privileges of an ambassador after his government has disappeared? The privilege of an ambassador, the immunity of an ambassador, belongs and attaches to the office and not the individual. It is the government, not the individual, whose privilege and immunity is covered by the statute.

I could cite for an hour the incidents in which we have recognized the existence of the soviet government. For instance, Mr. Colby, in his letter of August 10, 1920, in one paragraph, said.

> It is not possible for the Government of the United States to recognize the present rulers of Russia as a government with which the relations common to friendly governments can be maintained.

And again:

> In the view of this Government there can not be any common ground upon which it can stand with a power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense. There can be no mutual confidence or trust, no respect even, if pledges are to be given and agreements made with a cynical repudiation of their obligations already in the mind of one of the parties. We can not recognize, hold official relations with, or give friendly receptions to the agents of a government which is determined and bound to conspire against our institutions; whose diplomats will be the agitators of dangerous revolts; whose spokesmen say that they sign agreements with no intention of keeping them.

We recognize the fact that there is a government there so inimical to our conception of what government should be that we have refused to recognize it—nevertheless a government. There it is. We do not like it, but we admit and proceed upon

the theory that the soviet government exists and that the government of Kerensky does not exist. We recognized the former; it is gone. We refuse to recognize the latter, but there it is. To illustrate: Would anyone claim that Kerensky is president or chief ruler of any government anywhere? Yet we have on our hands here an ambassador of that government of which Kerensky was chief head.

Upon page 5 the Secretary of Labor, Mr. Wilson, in a letter to Charles Recht, Esq., counselor at law, 114 West Fortieth Street, New York, recognizes the same state of affairs as is outlined in the Colby letter.

On page 13 the President of the United States, in his address to Congress at the beginning of his administration, said:

> We do not recognize the government of Russia nor tolerate the propaganda which emanates therefrom, but we do not forget the traditions of Russian friendship.

There are any number of instances in which we have proceeded upon the theory that the government which Bakhmeteff was supposed to represent, of which he is the ambassador, if he is an ambassador, has disappeared, and no government which accepts him has taken its place. That condition of affairs has existed for nearly five years. Now, is it possible, Mr. President, that a man may be an ambassador, enjoying the privileges and the immunities of an ambassador, unless he has a government back of him? The rights, the privileges, and the immunities attach to the office and not to the individual. When the government disappears the office disappears. His government has been abolished, as it were, just as if we were to abolish a judgeship, the judge would disappear; he would not be permitted to draw his salary or to perform his functions. Bakhmeteff's government exists no more, and has not existed for five years. Under those circumstances it seems to me that we ought to be entitled to ask Mr. Bakhmeteff to come before the committee.

I am perfectly aware that we are advised through the public prints and through what seem to be inspired articles that we can get Mr. Bakhmeteff's statement through the Secretary of State. In the first place, Mr. President, so far as I am individually concerned, I do not propose to recognize the perfectly fraudulent claim that he is an ambassador. In the second place, that kind of an examination, under the peculiar circumstances which exist in this matter, would be utterly worthless. There are some precedents along this line which I find in Mr. Moore's Digest of International Law. In 1856, as an illustration, a case of homicide occurred in Washington in the presence of the Dutch minister, whose testimony was deemed altogether material for the trial. Inasmuch as he was exempt from the ordinary processes to compel the attendance of witnesses, an application was made by the District attorney, through the Secretary of State, to M. Dubois to appear and testify. The minister having refused, by the unanimous advice of his colleagues, in a note of 11th of May, 1856, to appear as a witness, Mr. Marcy on May 15, 1856, instructed Mr. Belmont, minister of the United States at The Hague, to bring the matter to the attention of the Netherlands Government.

Now, Mr. President, suppose that the situation here was sufficiently serious to impress the mind of the Secretary of State that Mr. Bakhmeteff ought to appear, and that Mr. Bakhmeteff should, upon the advice of his colleagues of the diplomatic corps, refuse to appear, and the Secretary of State desired to do the only thing that he could do, to take the matter up with his government. with what government would he take it up? To what government is Bakhmeteff responsible, and how could he be compelled to comply either with our request or the request of his government? He enjoys the immunities, he enjoys the privileges of an ambassador, and yet he has no government and no one to whom we could make him responsible, even if we desired.

In his note Mr. Marcy said:

> It is not doubted that both by the usage of nations and the laws of the United States, M. Dubois has the legal right to decline to give his testimony; but he is at perfect liberty to exercise his privilege to the extent requested, and by doing so he does not subject himself to the jurisdiction of the country. The circumstances of this case are such as to appeal strongly to the universal sense of justice. In the event of M. Van Hall's suggestion that M. Dubois might give his deposition out of court in the case, you will not omit to state that by our Constitution, in all criminal prosecutions, the accused has the right to be confronted with the witnesses against him, and hence, in order that the testimony should be legal, it must be given before the court.

I have not been able to find out from Mr. Moore's work just what became of this case, but I find in Halleck's International Law this statement:

> In 1856 the United States of America requested the recall of the minister of the Netherlands for having refused to appear before the court in the city of Washington to give his testimony in a criminal cause which was then pending, and in which this minister was a most important witness.

It would seem, therefore, from the facts as given to us in Moore's Digest of International Law and from the quotation from Mr. Halleck's International Law that Mr. Marcy finally requested the recall of the Dutch minister because he refused to testify.

I submit that in the present instance there is no one with whom we may lodge any such request; there is no one with whom we may correspond, to whom we may make a suggestion with reference to the proper conduct of the alleged ambassador of the Russian government here.

Mr. McCUMBER. Mr. President, may I ask the Senator from Idaho a question at that point for information?

Mr. BORAH. I yield.

Mr. McCUMBER. I presume that in the investigation of this matter he may have some information of which I have no knowledge whatever. The question I wish to ask is, Has any government or any body that has assumed to act as a government of the Russian people notified our Government that Bakhmeteff no longer represents the government of Russia?

Mr. BORAH. I do not know definitely. I am of the opinion that fact was brought to the attention of our Government.

Mr. McCUMBER. The facts which the Senator gives and which are within our own knowledge would upon their face indicate, of course, that there is a different government in Russia from that which Bakhmeteff at one time represented. But has that government in any way represented to our Government a statement that Bakhmeteff no longer represents Russia?

Mr. BORAH. Well, Martens came to this country for the purpose of doing something of that kind, but they put him under investigation and deported him. He did make a demand upon Bakhmeteff for the possession of the Russian embassy and for its property; and I will not be positive about it, but he made known the fact to Bakhmeteff and also to the Government here that he assumed to represent the soviet government and desired to be recognized as such representative. Whether he formally presented any credentials I do not know.

Mr. President, it is not an immaterial matter with me that Mr. Bakhmeteff should refuse to appear at this hearing. One of the first men that Semenoff called upon was Bakhmeteff. There have been different reports made as to what occurred, but as those reports are not verified in the sense that I could state them as being absolutely reliable, perhaps it would be better that I should not state them in detail; but sufficient reports have been made to make it exceedingly important for the committee to be informed concerning the facts charged with reference to Bakhmeteff's reception of Semenoff, why he wanted to see him, and what Semenoff's business in this country was. Under the circumstances those questions are of sufficient importance to make it exceedingly interesting for the committee to know about them.

Mr. STERLING. Mr. President, does the Senator know where Bakhmeteff saw Semenoff? Was it here in Washington?

Mr. BORAH. I understand so; but it may have been in New York.

Mr. STERLING. When was it?

Mr. BORAH. It was some time shortly after Semenoff arrived in the country, but the date I can not give. It was, however, before the investigation conducted by the committee took place.

Mr. STERLING. There was no testimony in regard to it in the hearings, was there?

Mr. BORAH. No; there was no testimony with regard to it, but there is no doubt that he saw Bakhmeteff. The only doubt is in regard as to what took place after he saw him, as to what part Bakhmeteff took in this entire affair. For instance, there was published an interview given out by Bakhmeteff to the press. I read afterwards that it was contradicted, but I do not know whether that is true or not. There is no doubt, however, that Semenoff saw Bakhmeteff, consulted with him, counseled with him. As to why he wanted to see him and what he did after he arrived at the Russian Embassy and what comfort he got out of the situation, I do not know. There are only two men who know that. One of them I am seeking to bring before the committee.

There is another phase of this matter, Mr. President, in which I am interested. Mr. Bakhmeteff has received from this Government a loan of $187,000,000. My investigation leads me to the conclusion that no part of that money ever served the Russian people or any Government of the Russian people. I do not believe that any Russian Government or the Russian people ever received the slightest advantage or benefit from that $187,000,000, or any part of it. I am perfectly aware that it is said there was an effort to make purchases and to provide materials which would be utilized for the benefit of the Russian people.

Mr. STERLING. Mr. President, will the Senator permit another question?

Mr. BORAH. Yes.

Mr. STERLING. Does the Senator recall the time when Semenoff was in Washington or was reported to be in Washington?

Mr. BORAH. No; I do not.

Mr. STERLING. I will say to the Senator I do not remember to have heard that he was ever in Washington, and in consultation with Senators in their seats they do not recall that he was ever in Washington.

Mr. BORAH. I can not state what the fact may be as to that, but so far as my view of it is concerned, it is wholly immaterial where Semenoff saw Bakhmeteff; whether Bakhmeteff went to New York or went to San Francisco to meet him.

Mr. STERLING. I understood the Senator to say a while ago in answer to my question that he had seen him in Washington.

Mr. BORAH. I so understand, and I have letters in my possession which state that fact, but I can not assure the Senator that the statement is correct. I undertake to say, however, that there is not a particle of doubt that Semenoff saw Bakhmeteff and talked with him.

Mr. OVERMAN. Mr. President, I should like to ask what Semenoff is doing in this country?

Mr. BORAH. The statement was made that Semenoff was on his way to France; that he was simply passing through this country. I do not believe that to be true. I think he was here for the purpose of raising money to start another movement in Siberia. There was an interview given out at Tokyo that that was his purpose in coming here, and there are a great many things to indicate that that is what he had in mind, until a disturbance was made with reference to his coming. Since that time he has not, of course, pursued his purposes, even if he entertained them in the first instance.

Mr. STERLING. Mr. President, may I be allowed a word there?

Mr. BORAH. Yes.

Mr. STERLING. As I recall the testimony in the case, it showed that he merely made an application for transit through the country, in the first place, and his original application was turned down; permission was refused him; but afterwards the special board of inquiry changed their decision and admitted him for transit across the country, if I remember correctly.

Mr. BORAH. The statement that he was admitted simply for transit is correct, but it amounts to nothing, for the reason that he could stay just as long as he wanted to stay by forfeiting the deposit. It will be recalled that the Commissioner General of Immigration, before the committee, said that a transit permit really amounted to nothing; that the person who was given such permission could remain here indefinitely if he desired to, but that if he remained in the country he would not have returned to him the $8 which, it seems, it is necessary to deposit to secure such a permit.

Mr. OVERMAN. Has Semenoff been ordered deported?

Mr. BORAH. No.

Mr. OVERMAN. He has been arrested, has he not?

Mr. BORAH. He was arrested in a civil case, under a civil judgment for confiscations which he made of some property in Siberia, and the court at Harbin rendered judgment against him. It was under that judgment that he was arrested.

Mr. McCUMBER. If the Senator please, is he in this country now?

Mr. BORAH. He is somewhere about New York.

Mr. McCUMBER. I do not know what the rulings of the Department of Labor should be in the matter, but I assume that the right of transit does not give the right to remain indefinitely in the country.

Mr. BORAH. I am of the opinion, from a letter which I have from the Secretary of Labor, that he is getting a little impatient about Semenoff's long stay, and my opinion is that the Secretary of Labor will take due action in regard to him. That would be my judgment. The testimony is now in the hands of the Secretary of Labor, and I think the record discloses that the Labor Department did not desire Semenoff's coming into this country at all in the first instance. All the facts which I have read here have been on file with the departments from the beginning—General Grave's report, including Colonel Morrow's report, and Smith's report—and these matters were brought to the attention in brief of the immigration officers at the port where Semenoff was admitted; but, for some reason or other, they saw fit to admit him, possibly upon the theory that they believed that he was just passing across the country.

I was going to say, Mr. President, that Mr. Bakhmeteff has secured from this Government in excess of $187,000,000. From the most diligent inquiry I have been able to pursue, I can not find that the Russian people ever received any benefit from that.

Mr. LA FOLLETTE. Mr. President, will the Senator restate the dates within which that amount of money was received by him from this Government?

Mr. BORAH. From the 6th day of July, 1917, to the 17th day of November, 1917.

Mr. POMERENE. Mr. President, may I ask the Senator a question in that connection? It has been stated that with this money that was turned over to Russia certain military supplies were purchased, and that after the downfall of the Kerensky government these military supplies were sold and purchased by our Government.

Mr. BORAH. Part of them were, I think, perhaps all of them; I do not know; but part of them were.

Mr. POMERENE. And that the money for those purchases was paid over to representatives of the Russian Government, when it is stated that the amount of those supplies thus purchased by this Government should have been credited on the debt of Russia to this Government. Has the Senator any information on that subject?

Mr. BORAH. I think the Senator has stated it correctly. I have been unable to understand why, for instance, our Government purchased back these supplies; but we paid the money over to Boris Bakhmeteff.

Mr. POMERENE. I can understand why we might have purchased back those supplies, and done it in a proper way; but I do not understand why we did not get credit for the amount on the money which was due this Government from the Russian Government.

Mr. BORAH. I was going to say that that is the precise proposition about which I should like to have an opportunity of questioning the ex-ambassador. The transaction may be all right. On the face of it, it looks very bad. If it is all right, there is not any reason in the world why he should not come before a committee and state the facts. He is relying upon his immunity and his privilege as an ambassador from a government which he knows does not exist, which of itself, in my mind, brands the entire transaction with a wrongful purpose.

Mr. POMERENE. It seems to me there is another way of getting at that fact, if the Senator desires it. Certainly there must be some one in authority here in this Government who knows whether or not these purchases were made by our Government from the representatives of the Russian Government.

Mr. BORAH. I think there is no doubt about that. That has been shown.

Mr. POMERENE. And it can then be further ascertained whether or not the amount of those purchases was credited on the debt which Russia owed to us.

Mr. BORAH. Those facts could be gathered. I think it will be found that those facts are already gathered; but I want to know what has become of the money which has been in Bakhmeteff's hands since the time we paid it back to him for the purchase of these things.

Mr. President, the statement which I am about to make I wish to make with due consideration.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. LENROOT. Do I understand from the Senator that there has been paid to somebody more than $187,000,000, or whatever it is?

Mr. BORAH. No.

Mr. LENROOT. I understood from the question of the Senator from Ohio that he understood that that sum was paid, and then an additional sum for the repurchase of goods by this Government.

Mr. POMERENE. I was a little preoccupied at the moment and I did not hear the Senator's question.

Mr. LENROOT. I asked the Senator whether he understood that more money was paid to somebody on the Russian loan than the original amount of the loan.

Mr. POMERENE. Oh, no.

Mr. BORAH. No; I do not understand that.

Mr. LENROOT. I understood the Senator to inquire why this money was not credited. He understands that when this Government purchased goods it paid additional cash for them.

Mr. POMERENE. The Senator from Idaho made the statement that loans were made approximating $187,000,000. With that money, as I understood, Russian representatives bought military supplies. Later the Kerensky government fell. They had no need for these supplies in this country, and they could not be transported to Russia under that peculiar situation. It was at that juncture that it is said that the United States Government repurchased from these Russian agents or representatives these military supplies. At that time the Russian Government owed us $187,000,000; and my query is, Why was not the amount of those purchases credited on that loan of $187,000,000?

Mr. LENROOT. That was my question to the Senator from Idaho, and the Senator from Idaho states that he does not think more than an aggregate of about $187,000,000 was paid out. The Senator's question involves $187,000,000 plus whatever sum was paid for the repurchase of the supplies.

Mr. POMERENE. No, no.

Mr. LENROOT. I can not understand it in any other way.

Mr. OVERMAN. Mr. President, were not a great many railroad engines bought for the Russians in this country which, through the Railroad Administration here, were transferred somehow, by purchase or otherwise? I think during the war they bought a number of engines from the Baldwin Co., and they were transferred and were sold here, probably to the railroad director, by the Russian Government. What became of the money I do not know.

Mr. SMOOT. Mr. President, I have not looked it up of late, but this is as I understand the transaction:

In the year 1917 the Government of the United States advanced to the Russian Government $187,000,000 at different periods within six months' time. Those advances were made for the purpose of purchasing goods in the United States, just as the Senator from Ohio says. The purchases were made and the payments for those goods were made to a certain extent out of the $187,000,000 advanced by this Government.

Mr. LA FOLLETTE. How much?

Mr. SMOOT. I do not remember exactly how much the goods that this Government bought back from the Russian Government were; but I think the position that was taken was that after the Government of the United States had loaned this money to the Russian Government whatever goods were purchased with that money belonged to the Russian Government, and in case they sold the goods, if they sold them to the Government of the United States, the Government of the United States had to pay for them. If Russia had sold them to the Baldwin Locomotive Co., the Baldwin Locomotive Co. would have to pay for them; and I understand, Mr. President, that Russia was paid the money, and that was not a part of the $187,000,000 that was loaned. That money went for the purchase of the goods sold by Russia. The goods belonged to Russia, and the money received for those goods was in addition to the $187,000,000 loaned to the Russian Government.

Mr. BORAH. In addition to that, Mr. President, from time to time small sums, I do not know to what extent, have been paid to Bakhmeteff for the purpose of maintaining the embassy here.

Mr. SMOOT. I think I have that amount here.

Mr. BORAH. I was about to say, Mr. President, that since this hearing was begun a number of statements have been made to me as to how this money has been used. A priest of the Greek Church has appeared in my office twice and has made statements in some detail as to certain investments which have been made. He has given the details; he has given the property; he has told where it is, and says that he is perfectly familiar with the facts and is willing to testify in regard to the matter. Other statements have been made along the same line, but not so much in detail.

This is the question which I submit: Is it to the interest of this Government to give Mr. Bakhmeteff his immunity as an ambassador—ambassador of a government which disappeared five years ago—when the question of his relationship in this country to Semenoff, the man who assassinated American soldiers and who murdered right and left, is under investigation? Upon what possible theory shall we throw about him a shelter designed to protect men who in fact represent governments, ambassadors in good faith, maintaining the dignity and the honor of their governments? Under what theory shall we throw that protection about him, when we know that his government no longer exists?

Secondly, I think it is due to those who have to pay the amounts which are loaned to these governments that the real facts concerning the use of this money be known. If this money has been invested in private property in the cities of New York and Chicago, it must be manifest that it is not being utilized in the manner in which this Government designed that it should be at the time it was loaned. It must be manifest that some one has broken faith. It must be perfectly manifest that he is no longer representing or pretending to represent a government as its ambassador, but that he is representing himself and making his investments.

Mr. WATSON of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. BORAH. I yield.

Mr. WATSON of Georgia. No other interpretation can be placed upon the language cautiously and carefully used by the Senator from Idaho than that this pseudo ambassador has appropriated this money to his own use and invested it in property in New York and Chicago and taken the title in his own name.

Mr. BORAH. No; he has not taken it in his own name. He has taken it in the name of a corporation which was organized for the purpose of holding it.

Mr. LA FOLLETTE. Who were the incorporators?

Mr. BORAH. The names of the incorporators I have not on my desk, but I have them in my office, and the name of the company, and the description of the property, and the street where it is located.

Mr. President, I say again that these facts are put out by men who are perfectly responsible. There is just one man who can put the matter in such condition or give such explanation that there can be no longer any question about it. If he is acting in good faith, he will no longer for a moment claim the privilege of this statute. He will not shelter himself behind the privileges and immunities of a statute designed and intended to protect the rights of governments and not individuals.

He will come out from under cover, a false and fraudulent cover, and give the American people and his own people a statement of the true facts in regard to it, and he will explain why he received a man who is now regarded as the monster of the modern world.

Mr. POMERENE. Mr. President, the Senator from Idaho has just made the statement that a corporation was organized, and that this property was in the possession of that corporation, or in its name. Clearly, that corporation must have some books, there must be certain officials, and those officials could be called before the committee, it would seem to me.

Mr. BORAH. They can be; but, Mr. President, I am determined, so far as I am concerned, to go to the source of authority in this matter. There must be some reason for protecting this man with which the public is not yet familiar. The reason may be a perfectly legitimate one, and do credit to those who are relying upon it, but as the facts now appear, Mr. President, the result of protection is to shield one who has not dealt with this Government or with his own government according to the principles of honest dealing.

APPENDIX.

WHAT HAPPENED IN SIBERIA.

(By Charles H. Smith, McAlpin Hotel.)

It was St. Petersburg on that unforgetable Saturday in March, 1917. I was out in the Nevsky Prospekt to see how much excitement there was after the strike that had been called the night before. In the crowd I was brushed against one of my Russian friends of the upper classes and we stopped to chat. "The old régime will fall," he said, and then, pausing to enjoy the obvious effect of his words as registered on my face, "that will end it forever." I thought that he was mad; and so would have thought every other foreigner in Russia that day, and nearly every Russian.

The truth of his words I have seen vindicated by events every day from then until a few months ago, when I returned to America, and everywhere across the endless reaches of Russia from the Gallic quondam capital to its farthest outpost on the Pacific. Seven or eight times since then I have crossed Siberia, and it is with the Siberian reflection of the revolution that I have had most contact. By reason of my work my contact has been necessarily most intimate.

A railroad man by profession, I went to Russia in a private capacity in 1916. When America entered the war I was dissuaded from going to France by Mr. Francis, our ambassador, who told me there would be no lack of opportunity for service in Russia, which only one who knew Russia and its language could do. And a few months later I was appointed American aid to Mr. L. A. Oustrougoff, associate minister of communications, chosen by the Kerensky government as special commissar for the rehabilitation of the Trans-Siberian Railway. Less than a year later, when the allied expeditionary forces arrived in Siberia, I was appointed American representative on the interallied railway committee, to which was assigned the coordination of all communications in Siberia and the restoration of transportation. On the board were Russian, British, American, French, Japanese, Chinese, Italian, and Czech representatives. Among those who sat on the committee at different periods were: For Great Britain, Sir Charles Eliot, now ambassador to Japan; W. E. O'Reilly, now minister to Bolivia; and W. G. Hodgson, now trade commissioner to Soviet Russia; for France, M. Bourgois, of the embassy at Tokyo, and M. André, consul at Vladivostok; for Japan, Mr. Matsudaira, secretary general of the Japanese delegation to the recent Washington conference. I sat throughout as American representative.

The railway is the key to political and economic control of Siberia and also the most valuable developed asset, and therefore the biggest stake in the country. It and its branches are the only fast means of communication. The committee became therefore the clearing house of all military, diplomatic, and political activities of the intervention. Before troop movements could be made, or government supplies or even commercial shipments forwarded, the committee had to be consulted. It was therefore on the inside of the inside of Siberian affairs. Under the committee, it should also be explained, were two boards—the technical board, to supervise operations, and the military transportation board, to coordinate military traffic.

For three years I sat with the committee, reporting directly to the State Department and receiving instructions from the State Department. I went as a railway man and found myself soon with the duties of a diplomat. There I saw not only what my Russian friend had prophesied, but what no man could have prophesied: Siberia, for

decades the continent-wide dungeon of the freest spirits of Russia, became a new arena of international contention, one with the Balkans, the Near East, the African coast, and China, especially China. Both countries have become "problems" out of the same causes—the disturbing influences of a selfish alien interference. They afford a new piece of evidence for Shaw's dictum that history tells us that we never learn anything by what history tells us; while repenting by way of international conferences for the errors we made in China a hundred years ago, we repeat simultaneously the same errors in Siberia. And I am convinced in my own mind that we shall some day see in Siberia, too, as we are beginning dimly to see in China, that there can be no progress without threat to the peace of the world unless Siberia is free from foreign interference and unhampered in working out its problems.

Nor is the method of solving these problems inconsequential to the future of any country, no matter how distant. Siberia is now remote, sparsely populated, and of small immediate political importance. But it is a great storehouse of raw material, and the world is crying for fuel to feed the fires left dying by the war. Remember that before the war one-ninth of the world's gold production came from Siberia. In Siberia are the largest timber supplies in the world and the biggest fisheries. There are huge, undeveloped fields of coal and oil and minerals. Siberia may also become a world granary, as was European Russia. Monopolistic control of Siberia's resources may well produce another war.

As in Siberia, so in China, the concrete, pressing question is, What shall we do with Japan? In Siberia, also, Japan is the enfant terrible with giant ambitions. In its broadest outlines the present situation in Siberia can be briefly put. The wave of counter-revolution has passed. It will not recur, unless rolled up by the magnetic force of foreign gold, in this case Japanese gold, with French moral contributions. There is at Chita a struggling government, known as the Far Eastern Republic. Whatever may be true of the private economic beliefs of some of the men at the head of it, it is a democratic government. It is not Bolshevist nor communist, because Siberia itself is not Bolshevist nor communist, and it never has been and never will be, unless alien invasion gives the Siberian peasantry no choice except between alien conquerors and their own rulers, even though the latter are Bolshevist. And with respect to the competency of the government, I can testify that where its sway is unchallenged there is order. Disorder exists only where there are foreign troops and consequent foreign meddling. The irksomeness of alien regulations to civilian populations, the friction produced by the arrogance of conquering troops, the resultant defiances by the civilians inevitably produce a clash. Sometimes they are intended to have precisely that effect.

The chief obstacle to the consolidation of power by the Chita government and the extension of its sway over all Siberia is the presence of Japanese troops. The Japanese now have troops in and about Vladivostok, on the coast and on the Chinese Eastern Railway, between Manchuria and the Siberian border. Since Vladivostok is the only important port of entry, as well as the chief commercial distributing point and the railhead, its control by Japan may be likened to a clutch on a single artery somewhere in the human body that can choke off the circulation of blood over the whole body. You have only to consider what would be the results if an alien power held the New York terminus of the New York Central Railroad and the harbor. Also, Japanese control of Vladivostok can and does serve as a breeding place for counter-revolutions, local disturbances, and subtler forms of obstruction. First one Russian hireling, and then another, is bought by bribery, fitted out and sent off either as a frank bandit or as a more ambitious insurrecto by the Japanese. Thus the Japanese are able to announce to the world that disorder prevails in Siberia and they must remain to prevent chaos. In 1920, for instance, when the Japanese were forced to evacuate the city of Khabarovsk under allied pressure, they caused it to be noised about that it would be dangerous for residents to remain after they left and offered facilities to all who wished to depart under Japanese protection. Then it was learned by the Chinese merchants in the city and immediately telegraphed to the Chinese consul in Vladivostok that the Japanese had arranged with the leaders of a band of 2,000 Chinese brigands, supplied with Japanese arms, to pillage the city as soon as the Japanese left. This report was confirmed from Russian sources, and the Chita government, which was taking over control, rushed troops to the city and frustrated the plan. But such plans have not always been frustrated.

That affairs have come to this pass is merely the logical sequence of the inexcusable torturing of the original object of the allied intervention into something totally different. The Allies entered Siberia to keep military supplies accumulated in Vladivostok from falling into the hands of German and Austrian prisoners in Siberia and to evacuate the Czech troops who had started across Siberia from eastern Europe in order to get to the western front via the Pacific and America. We Americans, like the other allies, went there with those objects. We stayed to fight imaginary Bolshevism. We gave our support to counter-revolutionaries like Kolchak, instead of blostering up Russian democracy with all the pillars we could construct out of our wealth and power. We provided the Japanese with their excuse for remaining.

Siberia is not Bolshevist, because it is populated by the descendants of political exiles, by the more adventurous and free-spirited Russians who came out as pioneers, and by the Cossacks, all of them more democratic than the Russians proper. Also, the Siberians are not an urban people—there is not an industrial city in all Siberia—and even in European Russia it is only in the cities that there are Bolsheviki in any numbers. The Siberians had one ruling motive for their actions. That was to prevent the czarist régime from returning. For that reason they would have none of the numerous dictatorships, directorates, and other mushroom governments that sprang up in 1918 and 1919—Horvath in Harbin, Orloff in Pogranichnaya, Semenoff at large, and conspicuously, Kolchak in Omsk, all of whom were reactionaries under an anti-Bolshevist disguise to deceive the Allies. And when the Siberians did for a time support the Bolshevist forces in western Siberia, after the defeat of Kolchak, it was because they knew that they at least would not restore czarism.

Again and again I have heard this from Russian workmen as I have traveled back and forth across Siberia. The Siberians had confidence in the Czechs—who understood them and their democratic aspirations, and therefore hated the Kolchak régime—and pathetic trust in the Americans. I have had conferences in railway centers with workmen's committees, composed of hostile, sullen men, suspicious already of all foreigners. I have outlined what I conceived to be American aims in Siberia and then have seen their sullenness dispelled. I am afraid, however, I did not represent American actions accurately, though I believe I did give American intentions accurately. I told them we wanted to show them American methods of railway operation, because greater efficiency meant more speed and quicker relief to their needy peasants. This policy they welcomed heartily enough, though they did not see it in evidence when the Kolchakists were paralyzing the railway. I remember one committee meeting in Chita, where we had a delicate task, for the atmosphere was none too cordial. Before I had finished the chairman arose, an engineman named Kasachaeff, a square-built, bullet-headed chap, and abruptly spoke: "All of you know that I am not much of a man to talk, for I believe in action. I have heard what the Americans have said at Irkutsk and here, and I merely want to tell you that I am for them first, last, and all the time." That was all, and that was enough.

Some months after that, when American troops had been sent out on the Trans-Siberian Railway to guard the line, there were one or two brushes with the Partisans, bands of peasants embittered at the atrocities committed by the Kolchak government and making guerilla attacks all over the country. The American troops had explicit orders to avoid hostilities with the Russians, and a private and unofficial meeting was held between representatives of the Partisans and American field officers. It was an unorthodox and interesting meeting. "We understand your position, and see why you are taking up arms," the Americans said in effect, though in more official phraseology, "but you must understand ours also. Our duty is to guard the railway. We have orders to do that, and we must obey them. So don't attack the railway in our district. If you do, we shall have to protect it by force. Do whatever else you believe to be your duty, but let the railway alone." The Russians acceded to this demand, and did not attack the railway—at least where there were American troops.

Though the Russians could understand our position in regard to the railway, they were pathetically bewildered by our support of Kolchak. "But you are Americans," they said to me again and again. "You have been fighting in the war for democracy. You are the greatest democracy in the world. That is all that Siberia wants—democracy. We only want what you have. Why don't you sympathize with us? Don't you see Kolchak and his kind stand for everything opposed to American ideals?" I never tried to explain the incongruity. I could not explain it to myself. I do not think it can be explained.

To the Kolchak fiasco and the support given it by the Allies may be traced all the evils that subsequently developed. This is not wisdom after the fact. I may say that the majority of those who knew Siberian conditions most intimately and had been longest on the scene and were without preconceived prejudices felt at the time that a mistake was being made, and those of us who were in official position said so. As American representative on an interallied organization I did say so repeatedly in my official dispatches.

The arrival of the allied troops was the signal for the reactionaries to mass and prepare to act. I have always supposed they knew they would get foreign support. On November 18, 1918, at any rate, they did act. They overthrew the democratic directorate at Omsk, and Kolchak was proclaimed supreme ruler.

It was not long before the true nature of the Kolchak government revealed itself. It did away at once with all the democratic organs of government, beginning with the Siberian Duma. Then it curbed the zemstvos, clapped censorships on press and speech and every other form of activity, and made arrests innumerable, which were always followed by secret military trials and the disappearance of the prisoners. The old black hundred of Czarist Russia—no, in truth, a worse power—was in the saddle. There was a modicum of law and justice and impersonality in the old capital; here there was unrestrained cruelty—the settling of personal grudges under cover of the law and indiscriminate extermination.

At this period, those two butchers, Ivanoff-Rinoff and Rozanoff, were in the full power of their activity, and on a larger scale Kalmykoff and Semenoff. These men permitted their followers to torture their enemies, to brand them, gouge out their eyes, and whip them to death. Conscription of peasants was declared, but the peasants took to the hills, for they hated the Kolchak régime violently for its outrages. For revenge those who did not escape and the relatives of those who did were taken, tortured, and murdered. I have pictures and records of the bodies of victims, many pictures of corpses lying near to the charred ruins of their homes. Undoubtedly such pictures are contained in the official files at Washington, and were there at that time—at the very time when we were working ourselves into a fury over Bolshevist atrocities and acclaiming Kolchak as savior of Russia from the red demon.

The Czechs were the first to show disaffection. They knew the Russian people and their dream of peaceful and democratic rule after their long agony. They knew the bitterness this cruel betrayal would work in them. The Czechs made formal protest, but although it was they who had done the fighting that kept the Bolshevist troops from swarming into Siberia, they were unheard. Some of the allied representatives joined in the protest. The railway committee, seeing the frustration of all its aims, sent telegrams to Kolchak and cablegrams to the home Governments. Both were of no avail. I myself cabled repeatedly to the State Department not only that the Kolchak government was acting in a way subversive of all decent government anywhere but that it was doomed, because it had alienated the population, and existed only by the strength of allied arms behind it.

But not until it was too late was any move made to apply pressure. In the spring of 1919, when the Allies were debating in Paris whether or not to recognize Kolchak, it was already apparent, only four or five months after he had declared himself supreme ruler, that he had so completely repelled the Siberian people that only a miracle or an enormous allied army could save him. To this ironic or tragic pass we had come: First, because of the personality of the highest allied representatives in Siberia; and, second, because of the poisoning of the world's mind with propaganda.

The allied representatives at Omsk were men drawn from the ultra-conservative ranks in their own countries. They naturally agreed with the Russian reactionaries that the only way to bring the Russians back to their senses was to rule them with a military dictatorship and to use measures stern but supposedly just. The allied military commanders reported to their Governments that all was well. General Janin, French commander, a thorough-going pro-interventionist, was outwardly pro-Kolchak. General Knox, British commander, was recognized as creator of the Kolchak government, and the man behind it. The Japanese were intent only on reaping a harvest for themselves and getting military control of the country, no matter at what cost of suffering. General Graves, American commander, possessed but limited authority. He was not to interfere in internal affairs. Besides, the American Government also was, at least half-heartedly, supporting the Kolchak government. I have only the highest admiration for the way General Graves discharged his duties. I am sure conditions would have been worse if he had not been there. And I think I can say that if General Graves ever empties his heart of his feelings concerning the American expedition to Siberia and what he saw, what we shall hear will tincture a little with shame our pride in the part we played in the war in Siberia.

Siberia was the largest well from which was drawn the poison that crazed the mind of the world on Russia between 1918 and 1921. The Russian reactionary agents, ignoring the fact that not more than 5 per cent of the Russian people were of Bolshevist tendency, painted allied citizens in Siberia and through them to the allied people at home such picture that the world visualized Russia as a country of raving communists with a bomb in one hand and a firebrand in the other. Those of us who were living in the Siberian part of Russia all this time and hearing of these terrors always in some other city than the one in which we happened to be, saw soon enough what were the sources of the propaganda and the motives for it.

The end of Kolchak's power came quickly. The Siberians rose against him, dispersed such of his troops as had not deserted, overthrew his government, captured him, and put him to death.

Meanwhile the Japanese had already taken advantage of conditions ideally suited to imperialist profiteering in Siberia. Evidence accumulated early to indicate that the Japanese military were backing individual aspirants to Siberian supremacy. When Rozanoff, who had butchered with obscene bestiality, was defeated and had to flee for his life, he was given shelter by the Japanese military command.

The Japanese military were shrewd enough to know that they could never hold so huge an area as Siberia. They determined instead on a policy of holding a few strategic points. To do so they would have to make terms with local chieftains. Rozanoff, Kalmykoff, and Semenoff were their first tools, and the worst of these was Semenoff. Since that time they have had to restrict their scope even more, because the world has begun to look a little too sharply at events in Siberia. They have determined therefore on a policy of holding all the means of ingress into Siberia, and they do hold them. They have Sakhalen, which commands the mouth of the Amur in the north, Vladivostok, the principal port, and Dairen, a China coast port. To those points, which they hold as they do everything else they have obtained in Siberia, by means of their Russian tools, they have had to recede. Those points, however, are sufficient to constitute the mastery of Siberia for all practical purposes.

The allied expedition had not been long under way before we realized that it had two aspects: One Russian, and the other Japanese. I can say from my own official experience that the latter was the more difficult and the more troublesome. Everybody knows now that although the Japanese Government and the American Government agreed to send 7,500 troops each into Siberia, Japan in a few months had poured in 70,000 or more. From that time forward every allied object met with Japanese obstruction in an indirect, oblique, maddening form. "Cherchez le Japonais" became the rule of action, at least in the interallied railway committee, no matter what happened. The greatest disorders, the most awkward obstacles in the way of the objects of the committee, were always in the territory controlled by one of the Japanese-supported Russian generals, usually Semenoff. It was interesting that when the Allies allotted the stretches of the Trans-Siberian Railway that the forces of each were to guard, the Japanese chose the section under Semenoff's control. And when the Japanese were requested by the committee to compel Semenoff to cease disorganizing traffic on the railway and pillaging towns along the railway they replied that they could not "interfere." Yet when anti-Semenoff Russian forces threatened to enter Semenoff territory they could always stop them. And it was interesting that Semenoff's acts always produced results in harmony with results that the Japanese wanted to accomplish, and that Semenoff's money was always Japanese yen. The Japanese could not interfere and did not attempt to interfere in Russian internal affairs. It was known that a guard of Japanese troops was stationed around Semenoff's house in Chita, and Japanese officers lived in his house. Once during an American official call, made nominally to pay respects, but really to sound him on his intentions, he said, for he never really has disliked Americans: "Be careful. There are Japanese in the next room. They overhear everything I say and watch everything I do."

There is special American interest in Semenoff now, because at the time of writing he has just been granted permission to enter America. Having become a marked man he has outlived his usefulness to the Japanese.

I first met him in March, 1918, in a modest room in a Harbin hotel. He was then unspoiled, a Cossack captain of medium height and build, with no outstanding physical characteristics. In fact, with a quiet voice and colorless manner he gave little indication of the horrible part he was to play. He told me of his plan of action against the Bolsheviki and his aim to make conditions favorable for a democratic régime. All the Allies were then supporting him, but when he showed his character, all but the Japanese dropped him. Two months later he made another trip to Harbin. He was then drunk with power, and soon he was drunk with the conventional intoxicant. He painted Harbin red—redder than it usually is. From that time he degenerated, officially and personally.

He accumulated wives here and there—among them the famous Mascha, once humble danseuse of the Café Palermo, who he gauded with diamonds bought with yen—and the wives and his other habits required money. And the more money and the more power Semenoff got, both through Japan, the drunker with power and wine he became, and the more barbarous. He shot up towns, leaving the dead in his path, and looted them of all valuables, apparently for mere sport. And the Japanese never interfered with his pastimes. I do not suppose they really approved of all his activities, but they allowed him his savagery because he did their political bidding, and he was willing to do their political bidding in exchange for protection while he went on with his atrocities and profited by them. Yet he never really trusted the Japanese, as the incident I have told illustrates. But he needed them. For now and then he overstepped his bounds and had to flee. He never had stomach for fighting; in fact, he was always conspicuous for his remoteness from the region of battle. And when he fled he found it convenient to take refuge in Japanese territory, either in Siberia or on the China coast, where Japan has territory. When he returned from his Japanese asylum he always bought his ruble exchange with Japanese yen.

The most illuminating illustration of Japanese methods was the manner in which they used Semenoff to obstruct the Czech evacuation. It was to protect the Czechs in their evacuation, remember, that the Allies entered Siberia. The Czechs played a heroic part until they were revolted by Kolchak's oppressions. When they found that protest was futile they decided to avail themselves of the permission previously granted them to leave. But Kolchak did not want them to go, for they were his chief support; and the Japanese did not want them to, for if they did then the Japanese themselves would have no reason for staying. So they hired Semenoff to hinder the proposed withdrawal.

Finally the Czechs threatened to force their way through. So serious did the situation become that the interallied committee had to take cognizance of it, and on a French proposal I was authorized by the committee, including the Japanese member, to go to Chita with full power to arrange for the evacuation. On my arrival I found a Japanese-dominated committee acting on the matter—or rather, not acting. I presented my credentials and was told by General Hoshino, the Japanese chairman of the committee, that he had not heard of my appointment. I soon got confirmation from Vladivostok, so the Japanese set out by other means to delay the Czechs.

They resorted to a multitude of petty obstructions. They left locomotives on the main tracks at big stations to hold up Czech trains. They offered excuses that rolling stock and locomotives needed repair. If the Czechs offered to send their own mechanics into the shops, the Japanese replied that they would have to have Japanese workmen, who would soon be there. The Japanese workmen never came.

One night in Chita the Semenoffites blocked all the tracks leading into the city just before the arrival of one of the fighting echelons from the west. The Czechs demanded entry. The Semenoffites refused. Then the Japanese ordered out 800 troops and two pieces of artillery, which they placed outside the station. The Czech commander, not knowing the cause of the delay, came into the city on foot. He took one look and then sent a notification to both the Semenoff officers and the Japanese that at 8 o'clock the next morning he intended to enter. Semenoffites and Japanese both understood. They knew the Czech mettle. They knew that the commander would come in or fight. They withdrew. Naturally, the Japanese did not want to fight. That would be advertising to the world that they were fighting the very men they were in Siberia to protect.

In the meantime the Japanese were busy with their own exclusive enterprises. They sent detachments of troops to all the principal stations along the Chinese Eastern Railway, which the Chinese had been commissioned to guard. The Chinese protested to the Allied Railway Technical Board and to the allied commanders. The Japanese explained to both that the troops were there merely to keep the telegraph line to Chita in repair. They said further that they would make no change in the guarding of the railway, but that anyhow this was a matter for them to settle with the Chinese separately. It must be remembered that the Peking Government at that time was in the hands of Japanese agents. It must also be remembered that the Chinese Eastern Railway is the southeastern loop that connects the trans-Siberian line with the Chinese coast, and therefore commands North Manchuria.

About the same time—the spring of 1919—the Japanese sent troops to Nikolaevsk, on the Amur River, although there had been no agreement with the Allies to do so, and there were no railways to guard within 400 miles. They explained in defense that they had to protect their fisheries in the coastal region around Nikolaevsk. Why the navy could not do this work they never explained. As a matter of fact, they wanted to hold the mouth of the Amur, the great channel of water communication in north Siberia. At Nikolaevsk occurred the massacre of 700 Japanese, in reprisal for which the Japanese have seized the southern island of Sakhalen with its wealth of resources. The Japanese have never brought out the fact that their garrison was in Nikolaevsk without permission or lawful right, nor do they tell what their troops did to the Siberians there before the latter retaliated.

It is necessary to cite, as one more instance of Japanese methods, the first siezure of Vladivostok. On April 1, 1920, the last of the American troops sailed. The other allied troops had already gone. There were left only the Japanese. Three days after the Americans had gone the Japanese seized Vladivostok and then Khabarovsk and Nikolsk. And then they sent dispatches all over the world saying they had been attacked. But on my return a few days later—I had been west with the Czechs—not a bullet mark could be found on the building occupied by the Japanese troops, though the near-by buildings occupied by the Russian military were riddled. So it was wherever there had been fighting. It would seem strange that the Japanese should be attacked simultaneously in three widely separated cities; that all the casualties should be Russian; that the Japanese should be ready to put up signs in Japanese characters with the names of all the stations on the railway between Nikolsk and Vladivostok, and that suddenly troops should be found all along the railway.

What events like these meant to the Russians I can best tell by a concrete case. In Nikolsk there was a Russian school-teacher named Polushkin. He was also secretary of the Railway Club, housed in a building that had been seized by the Japanese military. As secretary he went to the club to get some papers. By several people he was seen entering. He was never seen to come out. He was never seen again. The affair was reported by the Russians to the American railway inspectors in Nikolsk. They asked the Japanese chief of gendarmerie to investigate. He denied that the man had ever come into the building. The affair was then reported to the Interallied Railway Committee, which could find out nothing.

Through this entire period there came reports from our technical board in Harbin of demoralization of the Chinese Eastern Railway by the Japanese. Trains were being stopped, sent back, held for long intervals. Russians were being arrested and executed without trial. Men were beaten. Private residences were searched. Everywhere terror reigned. The Japanese had seized upon the excuse that they had to protect Korea and China from Bolshevism, which the American press swallowed, and then they sent Semenoff, Kalmykoff, and other Russian employees off on sacking expeditions to prove that there was disorder in the country.

The effect on the Siberians can be imagined. They were goaded to fury, the more frantic for being helpless. In constant dread, submitted to every indignity and outrage, they took their revenge, where they could, by boycotting Japanese goods. For, remember, the Japanese brought in thousands of merchants and exploiters as their clutch tightened, and simultaneously they prevented business men of other nationalities from shipping their goods on the railway.

On one occasion the Russian railway workers threatened to strike in protest against the way they were treated by the Japanese. Mr. Matsudaira, the Japanese member of the railway committee, came to me and asked me to intercede, knowing that I spoke Russian and had the confidence of the workers. I went to them and finally dissuaded them from striking, on the plea that all would suffer if the railway ceased operations. When I reported my success to Mr. Matsudaira he told me he should like to talk to one of the workmen directly and pressed me to arrange an interview. I asked the head of the switchmen's union if he would talk to Mr. Matsudaira. He consented, and I brought him to my office and called Mr. Matsudaira.

Mr. Matsudaira asked why the Russians were so opposed to the Japanese. "For three reasons," said the Russian; "because of the

undemocratic government of Japan, and because of the brutalities of Japanese intervention, and because of the Japanese treatment of Korea." Mr. Matsudaira admitted that Japan was not a democratic country and that the army was not under the control of the civil government, but he said that Japan would soon be democratic. He made rather a lame explanation of the intervention and was silent on Korea. He then asked the Russian to come to his house. The Russian hesitated a moment and then spoke to me in Russian, which Mr. Matsudaira did not understand. "Should I go?" he asked. I asked him why not. He said he feared that it was a ruse to trap him and that he would be arrested. I explained to Mr. Matsudaira, who looked embarrassed and then wrote out a safe-conduct on his visiting card.

A few days later I met the Russian and asked him how he had fared on his visit. Mr. Matsudaira, he said, had argued with him lengthily and then asked him to go to the Russian workmen and tell them that Japan was all right.

"Did you?" I asked.

"No."

"Why not?"

"Because I don't want to be hanged by my own people."

Now I want to make one point clear. I do not think the reprehensible policy of the Japanese military was the expression of the unanimous will of the Japanese. I have had evidence to the contrary. I know, for instance, that, at sessions of the Interallied Railway Committee, Mr. Matsudaira himself frequently squirmed when confronted by the fact that the army had violated his promises. I know that at times he intervened with the military to call them off some outstandingly evil project. I have had one of the foremost publicists speak condemningly to me of the actions of the Japanese military.

Once in Harbin, while I was reading in my private car, in which I lived, a Japanese in a colonel's uniform entered. "I will not tell you my name," he said, "for I should be ruined if this were known, but I want to tell you that there are some of us who are ashamed of the conduct of our representatives here and that it does not typify our people. We ought to get out and leave these Russians alone. I can not give you my name, but you may tell your Government what I have said."

Less dramatic but more enlightening and promising was a visit I had from a representative of the Bank of Japan, accompanied by a Japanese foreign office man. They came to protest against the conduct of their own army and asked me to protest also to my Government in the strongest possible terms. I told them I usually did.

Another man of wide financial interests came to me once and said: "We are trying to enlist the help of America. We are trying to abolish in our country the graft that ruined China and Russia, too.

"I can tell you our largest business houses all feel the same way. Our very Army officers here are engaged in corruption, besides following a line of conduct that can only make us enemies in Russia. We want you to fight the military all you can." By way of proving his sincerity he told me of definite cases of corrupt deals then under way involving the military clique and certain business firms. I had heard something of these matters before. He confirmed the information I had that certain officers of high rank were helping Japanese business companies with political connections to evade customs duties on commercial shipments into Siberia. Through him also I obtained a hint that commercial shipments were entering the country as Red Cross supplies with the connivance of military officers.

I had later a specific instance of this kind of trickery from an American, who told me of a Russian firm that refused his orders because the Japanese underbid him. He was curious to know how such a thing was possible. The Russian showed him goods that had come in cases marked with the Red Cross stamp.

"Why can't you do this?" the Russian asked.

I should add that I reported this whole matter to Mr. Matsudaira and that he immediately took steps to prevent the dishonest practices of Japanese importers.

Let me say in conclusion just why and how the Siberian question is of practical, immediate importance to Americans. It concerns our commerce now—our legitimate commerce. Just before I left Siberia there arrived in Vladivostok a 12-car shipment of hardware consigned to a Russian importer in the west. When the American agent tried to have the goods shipped he was balked. The Japanese would not give him the cars. One carload left immediately, because that contained a small Japanese order. The remainder of the shipment was held up for two months.

A little later there came a British consignment of cable. It, too, eventually got through, but only after long delay. The Japanese insisted and still insist that no trains shall leave Vladivostok without their permission. How long British and American competitors could hold out under such conditions experience in Dairen, Tsingtao, Port Arthur, and other Japanese-controlled ports proves.

In Siberia, as in China, there is hope in the existence of a class of Japanese who feel as do some of the minority I have cited, but this class, though liberal, is now decidedly in the minority and powerless. It can but slightly mitigate the evils of the nature of the Japanese occupation and of the occupation itself. So long as the Japanese are in Siberia there must be trouble. Until they leave a real Siberian government can not possibly be established. Trumped-up revolutions will be unceasing, and each will bring its loss of life and property. This is the real crime of the Japanese occupation. But I would not seem to lay the crime at Japanese doors exclusively. I have tried to point out that the European allies and America must share the guilt. That is the real tragedy of Siberia.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER (Mr. STERLING in the chair). The next amendment of the Committee on Finance will be stated.

The next amendment was, on page 2, line 9, before the word "cents," to strike out the numeral "2" and insert "1½," so as to read:

Boric acid, 1½ cents per pound.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES of New Mexico. Mr. President, I am a little at a loss to understand why the chairman of the Finance Committee remained silent and would permit this amendment to be adopted without any statement or any information as to why it should be made.

Under the present law this article, boric acid, is taxed three-fourths of a cent a pound. The House, in the bill which it passed, increased that duty to 2 cents per pound. The majority of the Finance Committee fixed the duty at 1½ cents per pound. The item is now reached for a vote, and there is not a word from the Finance Committee regarding it.

In the report which the Finance Committee submitted to the Senate with this bill no reference was made to this item. There is not one word of testimony in the hearings of the Finance Committee regarding it. The item is not even mentioned in all of the hearings taken by the Finance Committee.

I can not imagine how this course is going to be acceptable to the Senate. I can not construe it in any other way than that the Finance Committee expects the Senate to ratify what it proposes, regardless of any information on the subject. If that is what is expected by the majority of the Finance Committee, the country ought to know it now. The country ought to be advised as to what the Senate is expected to do in regard to this great taxation measure, and the underlying reason for imposing the tax upon the consumers of this country.

To me, Mr. President, this can not be viewed in a commendatory light. Is that what we are to be subjected to with regard to every item in this bill? I did not take the floor until after the chairman was practically going to consider this amendment adopted without any objection. The chairman of the Finance Committee made no attempt to give any explanation or any information about it.

Mr. CARAWAY. Mr. President, will the Senator from New Mexico yield to me for a few moments?

Mr. JONES of New Mexico. I yield to the Senator from Arkansas.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, I had hoped not to take any more time in the discussion of matters not relating directly to the bill before the Senate, but I rise now merely to ask that the Attorney General, Mr. Daugherty, come to the rescue of the Senator from Indiana [Mr. WATSON]. I have no doubt but that the Attorney General told the Senator from Indiana that he, the Attorney General, was not connected with the procuring of a pardon for Morse, and received no compensation for services in that matter. I am sure that he told him that, or the Senator from Indiana would not have made the statement Tuesday on the floor. Since there is a question of veracity between the Senator from Indiana and the Attorney General, as I shall show in a minute, I want the Attorney General, if he will not set himself right with the people, at least to set the Senator from Indiana, who came so nobly to his rescue last Tuesday, right before the public. The Senator from Indiana was misled by the Attorney General, and the Attorney General ought to have consideration enough for his friends to come forward and admit that he misled the Senator from Indiana, because after this commutation of Morse was granted, in 1912, by Mr. Taft, the present Chief Justice, before he went out of office by unanimous consent as President, the present Attorney General gave out an interview, published in a local paper in Columbus, Ohio, and it should have been a matter with which the junior Senator from Ohio was familiar yesterday when he spoke, but he has evidently forgotten it. In that interview the Attorney General took credit—I use the word because he seemed to think that credit was what he was entitled to receive—for having procured the pardon of Morse.

Let me read, first, the statements made to Mr. Taft. I know that Chief Justice Taft, who was President, thought he was pardoning a man who was afflicted with a fatal malady. As one Republican Senator told me—though I am not at liberty to give his name—all he had against Morse was that he jumped his bond; that he gave bond that he would die in six months, and is alive yet, and the Senator feels aggrieved. But Taft said in an interview:

> In my opinion the prisoner's duration of life will, in all probability, be less than one month if kept in confinement, and in the event of his release under commutation of sentence, it is not probable that he will live as long as six months.

That was in 1912, and it seems that he will go down there to get another certificate that he has a fatal malady from the same doctor who gave him this one. Mr. Daugherty has made that possible by appointing this doctor to the same place he occupied then. Nothing like having your friends in a position where they can prove helpful.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Georgia?

Mr. CARAWAY. I yield.

Mr. WATSON of Georgia. Mr. President, Charles W. Morse himself said that he had only a few days to live, and that all he asked the President to do was to let him die outside of the penitentiary, so that he would not leave the stigma upon his wife and child of having died inside of the penitentiary, unpardoned.

Mr. CARAWAY. He is still alive?

Mr. WATSON of Georgia. It seems so.

Mr. CARAWAY. On the following day after his pardon there appeared in the Columbus Dispatch, with which, I presume, the Senator from Ohio is familiar, an afternoon paper published in Mr. Daugherty's home town, whose representative had, apparently, just interviewed him, a story under the following headlines:

Morse owes his commutation to Harry Daugherty.

That is the present Attorney General. This is in quotation marks, showing that this is what the Attorney General said:

Succeeded after efforts of other attorneys had been of no avail.

The paper said:

Mr. Daugherty convinced the President through the Attorney General (George W. Wickersham) that Mr. Morse has but a few months to live, and the President thereupon commuted the banker's sentence, so he could be released at once.

Here is what Mr. Daugherty said. It is in quotation marks. It quotes Mr. Daugherty thus:

My interest in the case was not as an attorney to get Mr. Morse's freedom but representing a number of certificate holders in a steamship company interested with Mr. Morse. Mr. Morse's attorneys in Atlanta are Anderson, Felder, Roundtree & Wilson, a firm with which our firm has had considerable business, and we became interested through them.

About $2,000,000 is involved in having the affairs of these certificate holders straightened out satisfactorily, and unless they could get the advantage of Mr. Morse's aid—for he is a genius and a wizard—

I understand that was what he was called when he organized the Ice Trust in New York and caused the death of dozens of poor people. I repeat:

And unless they could get the advantage of Mr. Morse's aid—for he is a genius and a wizard—a lot of innocent people would suffer. His health was such that it was necessary to get him in a position to assist us as soon as possible. The President said a year ago when efforts were made to get a pardon for Morse that he would not consider the case again until January 1, 1913, but by that time Morse will be dead.

So I went to Washington and laid the facts before Secretary of War Stimson and before the Attorney General and Judge Hough, the trial judge. Mr. Wickersham was opposed to taking any action whatever the first time I saw him, but the facts were presented to him so completely that he took the matter up, had examinations made by Government physicians, and then laid the matter before the President. The President personally sent a Government physician to make an examination and report to him, then commuted the sentence.

Morse was sent to the penitentiary as the result of a bank war in New York City. There were three or four examinations of his bank, and all reported everything O. K., but still another man was sent to make another examination and he made the report that caused the trouble.

Morse's violation of the law was entirely technical.

That was what Mr. Daugherty said about it. So he should not have misled the Senator from Indiana and have him pledge his word as a Senator that Morse was pardoned without any assistance from Daugherty, because Daugherty entered a plea of guilty in the matter 10 years ago.

But there is another matter to be straightened out, Mr. President. A man came here to see me yesterday, whose graphic picture was painted in the record by the junior Senator from Georgia [Mr. WATSON], and I want to read just a line or two of it to have it fresh in our minds, especially because I am going to read a letter from Mr. Felder, in which he intimates somebody is going to be responsible for anything that is said against his character—and I am going to say something against it—and I want to draw his picture. Here it is as painted by a man who lives in Georgia and who knows him. This is from Senator WATSON of Georgia:

Mr. President, for the last 40 years I have known Thomas B. Felder well, and I have known him to be a crook. I know him to have been a professional lobbyist of the whisky ring, opposing every one of the temperance laws that I was advocating and other temperance people were advocating in Georgia. He combated us at every step. We had to close the barrooms over his protest; and he never ceased to be a lobbyist in Georgia until the attack made upon him by myself and by others destroyed his usefulness as a lobbyist. Then he left the State and went to New York.

I would not say this here if I had not said it to his face in a State convention in Atlanta. I denounced him to his face in that convention, and he turned about as white as a piece of paper and did not open his mouth. I am asserting a fact in saying that he was not a lawyer, but a lobbyist; not an honest man, but a knave; not a witness whom anybody would believe, but a man who, in the State of Georgia, would be impeached if offered as a witness on the trial of a case by men of the highest standing and character, who would say that from their general knowledge of his character they would not believe him on oath.

Mr. Felder intimates in the letter that if anybody says anything about him, trouble is brewing. If so, here is where I kiss good-by to all my dear relatives, I reckon. I would be glad, if Mr. Felder feels so inclined, because I shall not put it in the record, to have him tell what I said to him yesterday when he approached me about this case and made a statement that I knew was not true. He is at liberty and has my permission, and I will take my chances on getting churched for having said it.

But this man wrote me a letter. If I would not let him talk with me, he is going to communicate with me, and I want to read his letter, but will first say this: I am sure that he thinks that if Judas Iscariot had left a kindly mention of the devil in his memoirs the devil would have been in good standing to-day, because he rushes to the defense of the Attorney General, and therefore thinks he washes the Attorney General whiter than snow.

Here is his letter, leaving off the salutation:

It is inconceivable to me that a Senator who fairly represents the people of the great State of Arkansas could under even the temptation of partisan politics assail a distinguished member of the official family of the President of the United States. The statement made by you that Charles W. Morse ever at any time or under any circumstances paid Hon. Harry M. Daugherty $25,000 to get him out of the penitentiary is absolutely without any foundation in fact.

How much he did pay he does not say. The amount is not of any consequence. The question is, Did he act for Morse?

At the time Charles W. Morse was serving sentence in the Atlanta Penitentiary I was a member of the Atlanta (Ga.) bar. I was attorney for Fred L. Seeley and his interests, including the Atlanta Georgian. Mr. Seeley was essentially a philanthropist.

I understood eventually he was also something of a skinner and left Georgia for Georgia's good.

He became sentimentally interested in the fate of Charles W. Morse. He employed me to examine fully the case and determine if upon the merits he was entitled to Executive clemency. I reached the conclusion that the penalty was excessive, in view of the fact that the court of appeals had reversed the lower court on several of the counts in the indictment. I was requested to proceed with the case.

Now, here is the interesting part of the letter:

I told my client that the case was a very important one; that my acquaintance in official circles was circumscribed; that I knew an attorney in Columbus, Ohio, with whom I had been associated both personally and professionally—

He is the man whom Felder, whose picture I have just reproduced, says he knew—

I knew an attorney in Columbus, Ohio, with whom I had been associated both personally and professionally, who possessed in an eminent degree not only ability—

I presume he means for this particular kind of work—

but character, which entitled and gave him the confidence and respect of officials who had to do with the case.

That was President Taft and his official family.

He authorized me to employ him. We proceeded with the case.

Now, Mr. President, I say again the Attorney General ought to apologize to the Senator from Indiana [Mr. WATSON] for having misled him, because here is this man stating that he hired him.

Morse was pardoned. I, as leading counsel in the case, directed step by step the policies pursued by and with the advice of my associate—

By and with the advice of his associate, who is the present Attorney General.

If anything irregular was done I am solely responsible. If anything irregular is charged to me by anyone at any time I will take care of that situation.

A tiny little threat.

I dislike to take part in political bickerings and wranglings. I like a calm, placid life.

I should like to recommend him, if he enjoys that kind of a life, that he go back to South Carolina, where he was under indictment and where he might have gotten it. But apparently he did not care for a calm and placid life of that particular kind.

But I have sat mute and listened to the vile and baseless insinuations uttered against this great and good man whom I personally know would not under any temptation so far forget either his manhood or his honor as to do an unethical, much less corrupt, professional act. I feel that even without his consent I must break the silence.

Very truly yours,

THOS. B. FELDER.

Well, Daugherty said he got into the case because he wanted Morse for a witness. Felder says he got into the case because he hired him to help a philanthropist to get Morse out. The Senator from Indiana [Mr. WATSON] said he was not in the case at all.

Now I want to say this, Mr. President, that whether the Attorney General ought to have done this thing as a practicing attorney, I am not passing judgment. In fact, that was only secondary when I came into the controversy. I was merely trying to show how helpless these children were to get a pardon,

because they did not have an attorney, and how successful crooks were in getting pardoned where they were able to hire attorneys, and the Senator from Indiana rushed to the defense of the Attorney General and said that I was wrongfully charging Attorney General Daugherty, and that he had nothing to do with it.

Frankly, I had never investigated it. I had heard it referred to so often and never denied that I presumed it was true, but since the Senator from Indiana saw fit to deny it and so emphatically, and the Attorney General then came out in an interview in which he intended to be insulting and was in a way, although I am not much hurt by it, and since I then was approached by this "good" man from Georgia, Mr. Thomas B. Felder, who was a lobbyist, and I have it on the information of men who are perfectly willing to stand up and tell it at any time that he was not only a lobbyist for the whisky ring but he was a lobbyist of the kind which least commands the respect of anyone—he was a lobbyist against every attempt of the legislature to strike the fetters from the wrists of little children by enacting laws that would relieve children from the burdensome and unjust imposition put upon them of employing them in factories, where they were compelled to work when they should have been in school.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. CARAWAY. I yield.

Mr. WILLIS. I did not hear all of the colloquy between the Senator from Arkansas and the Senator from Indiana, but I read it rather hastily. My recollection is that the Senator from Indiana, who unfortunately is not here at the moment——

Mr. CARAWAY. Oh, before the Senator goes further let me say that I told the Senator from Indiana that I had the matter and was going to bring it up. He had full knowledge of it.

Mr. WILLIS. What I was about to say is that, as I recall the colloquy, the Senator from Indiana did not say Mr. Daugherty had nothing to do with the case, but he did say that Mr. Daugherty did not get $25,000, or any other sum, as a fee in the case. That is the way I recall the colloquy.

Mr. CARAWAY. No; if the Senator will read it some time, he will find that after he qualified his first statement he did state it as I have stated it. The first statement was that Daugherty had nothing to do with it. I want to say now that I do not want to be put in the attitude of criticizing the Senator from Indiana, because he was repeating what he was told; and I am not overly criticizing the Attorney General. I am just talking about him. I presume he is a good enough Attorney General for this administration. The President knew all about him before he was appointed, and I am not expecting him to be gotten rid of.

But that is not the idea I have in discussing the matter at all. The defense of the Attorney General was so heated that it left an implication in the minds of some people that I was accusing him of having done something of which he was not guilty. I say to the Senator from Ohio, and I say to the Senator from Indiana and to the Attorney General, that I do not care whether he got $25,000 or 25 cents. I do not care whether the story that has been told this morning is true or not—that Morse never paid him, and therefore that Morse is going to be sent back to the penitentiary; I do not care whether that is true or not. I do not care whether he got a nickel or got $25,000, or whether Morse paid him or promised to pay him and did not pay him. I will say, however, that I rather imagine I shall be able to put in the RECORD some receipts, but I will wait until some more defenses are made, and I will print them a little bit later.

Mr. WILLIS. Mr. President, I know the Senator desires to be accurate. I refer him to page 6726 of the RECORD, which sets forth the colloquy between the Senator from Arkansas and the Senator from Indiana. Down past the middle of the page the Senator from Indiana said:

> I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.

Mr. CARAWAY. What did he say just previous to that?

Mr. WILLIS. Does the Senator desire me to read it to him?

Mr. CARAWAY. No; I just want the Senator to read it for his own information.

Mr. WILLIS. I have read it all.

Mr. CARAWAY. No; the Senator has not read half of the colloquy.

Mr. WILLIS. I have read what precedes that, and what pertains to this matter. Will the Senator from Arkansas refer me to the place in the RECORD where the Senator from Indiana makes a contrary statement?

Mr. CARAWAY. No; but the Senator can read it himself.

Mr. SMOOT. The Senator was asking to have it read. Here is what the Senator from Indiana said:

> Mr. WATSON of Indiana. Does the Senator charge on his responsibility as a Senator that Mr. Daugherty, even before he was Attorney General, received a fee for helping to get Mr. Morse out of the penitentiary?
>
> Mr. CARAWAY. I charged that that was a matter of public information. I was not, of course, present when any contract was made. I will say that I have heard it so often that I think it is true, without question.
>
> Mr. WATSON of Indiana. The Senator, then, accepts a rumor as true, and charges it on the floor of the Senate?
>
> Mr. CARAWAY. Does the Senator from Indiana say that it is not true?
>
> Mr. WATSON of Indiana. I do.
>
> Mr. CARAWAY. On the Senator's own personal knowledge?
>
> Mr. WATSON of Indiana. I do.

Mr. CARAWAY. Yes, sir. Everybody, including the Senator from Utah [Mr. SMOOT] and the Senator from Ohio [Mr. WILLIS], knew that the Senator from Indiana [Mr. WATSON] intended in that statement to say that Daugherty was not employed in that case.

Mr. SMOOT. The Senator from Utah has not expressed any opinion in reference to the matter; he knows nothing about it; but he simply read what transpired in the Senate between the Senator from Arkansas [Mr. CARAWAY] and the Senator from Indiana [Mr. WATSON].

Mr. CARAWAY. I know. I know what everybody understood that the Senator from Indiana was intending to say—that there was no relation between Daugherty and this man.

Mr. WILLIS. Mr. President——

Mr. SMOOT. He further says that there was.

Mr. CARAWAY. I know he did later; I have stated that two or three times.

Mr. WILLIS. Will the Senator from Arkansas point out any such language in the RECORD that was used by the Senator from Indiana? I know the Senator from Arkansas wants to be fair. Where did the Senator from Indiana say anything such as the Senator from Arkansas now attributes to him?

Mr. CARAWAY. Let me read it to the Senator, laying all heat aside, for I have not any.

Mr. WILLIS. The Senator from Arkansas will find the statement of the Senator from Indiana on page 6175, and I trust he will read it all.

Mr. CARAWAY. When the Senator from Indiana [Mr. WATSON] rose he first said:

> Mr. WATSON of Indiana. We did not hear over on this side what it was that the Senator said about the Attorney General. Will he kindly repeat it?
>
> Mr. CARAWAY. I know the Senator did not hear it, because all the Senators over there got busy in order not to hear what was being said. I said that I understood that the greatest achievement of the Attorney General was that he got a pardon for a criminal, and got a fee of $25,000 for doing it.

The charge was that he got a pardon for a criminal and that incidentally he got a fee of $25,000. The fee, whether he got a nickel or a million dollars, was not important; everybody understood that. The question was whether he got a pardon. That is what the controversy was about. The Senator from Indiana further said:

> Mr. WATSON of Indiana. Does the Senator mean since he became Attorney General?
>
> Mr. CARAWAY. Oh, no.
>
> Mr. WATSON of Indiana. May I further question the Senator?
>
> Mr. CARAWAY. Yes, sir.
>
> Mr. WATSON of Indiana. To what case does the Senator refer?
>
> Mr. CARAWAY. The Morse case.
>
> Mr. WATSON of Indiana. Does the Senator charge on his responsibility as a Senator that Mr. Daugherty, even before he was Attorney General, received a fee for helping to get Mr. Morse out of the penitentiary?
>
> Mr. CARAWAY. I charged that that was a matter of public information. I was not, of course, present when any contract was made. I will say that I have heard it so often that I think it is true, without question.
>
> Mr. WATSON of Indiana. The Senator, then, accepts a rumor as true, and charges it on the floor of the Senate?
>
> Mr. CARAWAY. Does the Senator from Indiana say that it is not true?
>
> Mr. WATSON of Indiana. I do.

Mr. SMOOT. That related to the fee.

Mr. CARAWAY. That related to the fee. The important question is not what fee he got, and I am not going off on a side issue like that, but did he help get the pardon? That was all I had in view. As I have said before, I was only incidentally criticizing the Attorney General. I had no quarrel with him then, and I have not any now. If I should do the Senator from Indiana an injustice, nobody would be quicker than I to admit it; but I understood the Senator at first to intend to say that the Attorney General had nothing to do with it. He then over and again quibbled about whether he was directly or indirectly em-

ployed. That is my understanding from his language. I want to be fair with him, and I will quote further from the RECORD. Afterwards I asked:

On the Senator's own personal knowledge?
Mr. WATSON of Indiana. I do.
Mr. CARAWAY. That Mr. Daugherty did not represent Morse?
Mr. WATSON. I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.
Mr. CARAWAY. Did he indirectly represent him?
Mr. WATSON of Indiana. No.
Mr. CARAWAY. Why did the Senator say, then, that he did not directly represent him?
Mr. WATSON of Indiana. I meant by that that my understanding of the situation is that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary; and he received no fee for getting him out of the penitentiary.

That is absolutely plain. That is what the Senator from Indiana said. Even the Senator from Utah will bear me out now that he denied that the Attorney General had anything to do with getting Morse out of the penitentiary, did he not?

Mr. SMOOT. I never made any statement that he did not.

Mr. CARAWAY. Then I misunderstood the Senator from Utah. The Senator from Ohio evidently had not read this. I would not want to misrepresent the Senator from Indiana, and I will read it again. The Senator from Indiana said:

I meant by that that my understanding of the situation is—

And he said he obtained his information from conversations with the Attorney General—

that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary; and he received no fee for getting him out of the penitentiary.

That was the statement of the Senator from Indiana, was it not? I am sure the Senator from Ohio will bear me out in that.

Mr. WILLIS. I have no doubt the Senator from Arkansas has read correctly.

Mr. CARAWAY. But the Senator from Ohio had overlooked what I have just read.

Mr. WILLIS. I had not overlooked it. I merely want to straighten out the controversy between the Senator from Arkansas and the Senator from Indiana.

Mr. CARAWAY. I thought the Senator from Ohio said that the Attorney General did not have anything to do with it.

Mr. WILLIS. I did not say anything of that kind.

Mr. CARAWAY. I thought the Senator from Ohio said that the Senator from Indiana said—but I will not quote the Senator from Ohio because he said he did not know anything about it.

What I have read was the positive statement of the Senator from Indiana, that the present Attorney General had nothing to do with it, and he said that that statement was based upon a statement made by the Attorney General to him.

The Attorney General, however, gave out an interview in 1917, in which he said that he obtained the pardon; that others had failed, but that he had succeeded. It is true he said in that instance that he wanted to use Mr. Morse as a witness to help straighten out some matters, or rather, to get the advantage of his business genius to help him straighten out some matters before Morse should die in the week or 10 days that he had to live; but now comes the bosom friend of the Attorney General, a man who can not sit still when anything is said against the Attorney General, a man who knows all the facts, a man to whom the honor of the Attorney General is so sacred that if anybody says anything about him he is going to settle with him later—and I am perfectly willing—and says that I was employed, that I got the pardon, advised and assisted by the present Attorney General.

Mr. WILLIS. Mr. President, will the Senator state again to the Senate his opinion of the reputation of the man to whom he has referred by name for truth and veracity? Does he believe him?

Mr. CARAWAY. His reputation is that he was a common liar, but his relations with the Attorney General are so close that he can not stand to hear him mentioned without rushing to his rescue. They are bosom friends, and the Attorney General in his interview said he was his associate. If the Attorney General wants to select that sort of people for his representatives and his associates, both socially and professionally, the Attorney General is entirely at liberty to choose his friends where he will. I do not care as to that; I am not an applicant for a seat in the circle.

Now, I wish to say in conclusion——

Mr. MOSES. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. CARAWAY. Yes, sir.

Mr. MOSES. The Senator has been commenting upon a letter received by him. I did not get the name of the signer. Will the Senator give it?

Mr. CARAWAY. I will, and I will say he could have been mighty useful to the Senator when he was organizing Georgia some years ago. His name is Thomas B. Felder. I will put the letter in the RECORD, so that there may be no question about it.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

MAY 3, 1922.

Hon. T. H. CARAWAY,
United States Senate, Washington, D. C.

DEAR SIR: It is inconceivable to me that a Senator who fairly represents the people of the great State of Arkansas could under even the temptation of partisan politics assail a distinguished member of the official family of the President of the United States. The statement made by you that Charles W. Morse ever at any time or under any circumstances paid Hon. Harry M. Daugherty $25,000 to get him out of the penitentiary is absolutely without any foundation in fact.

At the time Charles W. Morse was serving a sentence in the Atlanta penitentiary I was a member of the Atlanta (Ga.) bar. I was attorney for Fred L. Seeley and his interests, including the Atlanta Georgian. Mr. Seeley was essentially a philanthropist. He became sentimentally interested in the fate of Charles W. Morse. He employed me to examine fully the case and to determine if upon the merits he was entitled to Executive clemency. I reached the conclusion that the penalty was excessive, in view of the fact that the court of appeals had reversed the lower court on several of the counts in the indictment. I was requested to proceed with the case.

I told my client that the case was a very important one; that my acquaintance in official circles was circumscribed; that I knew an attorney in Columbus, Ohio, with whom I had been associated both personally and professionally, who possessed in an eminent degree not only ability but character, which entitled and gave him the confidence and respect of officials who had to do with the case. He authorized me to employ him. We proceeded with the case.

Morse was pardoned. I, as leading counsel in the case, directed step by step the policies pursued by and with the advice of my associate. If anything irregular was done, I am solely responsible. If anything irregular is charged to me by anyone at any time, I will take care of that situation. I dislike to take part in political bickerings and wranglings. I like a calm, placid life, but I have sat mute and listened to the vile and baseless insinuations uttered against this great and good man, whom I personally know would not under any temptation so far forget either his manhood or his honor as to do an unethical, much less corrupt, professional act. I feel that even without his consent I must break the silence.

Very truly yours,

THOS. B. FELDER,
165 Broadway, New York City.

Mr. MOSES. Mr. President, the Senator has a very poor opinion of the writer of the letter, I assume——

Mr. CARAWAY. I have.

Mr. MOSES. Because of his reputation as a common liar and because he has been active in trying to prevent the enactment of child-labor legislation, if I correctly understood the Senator.

Mr. CARAWAY. I said that was to his discredit.

Mr. MOSES. That is to the discredit of any person.

Mr. CARAWAY. Well, I think any lobbyist has a very poor job. A man who goes around lobbying may be an entirely respectable citizen in some sections, but I do not take to him kindly myself.

Mr. MOSES. I will call the Senator's attention to the fact that if the opposition to child-labor legislation is reprehensible, he may gain some very valuable information if he will turn to a roll call in the Senate on the 18th of December, 1918, which is recorded on page 629 of the RECORD. On that roll call 12 votes are recorded in the negative, which may be worthy of his study.

Mr. CARAWAY. Yes; and they will be worthy of the Senator's study.

Mr. MOSES. I was here at the time.

Mr. CARAWAY. I know the Senator was. I voted for the child-labor law myself, but other Members on both sides of the House of Representatives, where I then served, were opposed to it because they thought it was unconstitutional, and unfortunately the Supreme Court agreed with them. They had taken an oath to support the Constitution, and some people feel bound by oaths—others do not.

Mr. MOSES. Mr. President, I may call the attention of the Senator to the fact that the measure to which I have reference was not the child-labor law for which the Senator from Arkansas voted and which the court held unconstitutional.

Mr. CARAWAY. I know nothing about it, then.

Mr. MOSES. I refer to the amendment to impose a special tax upon the products of child labor.

Mr. CARAWAY. That act has not as yet been passed upon by the Supreme Court.

Mr. MOSES. The vote was 50 to 12 in favor of it, and all of the 12 negative votes happened to come from the side of the aisle which the Senator is ornamenting. It may be interesting to him to know that.

Mr. CARAWAY. It might be interesting to know that those on this side of the aisle have been the ones who thought the Constitution ought to be upheld.

Mr. MOSES. Including the fourteenth and fifteenth amendments?

Mr. CARAWAY. I want to ask the Senator from New Hampshire a question. Does he think Felder is a man who ought to be believed?

Mr. MOSES. I do not know him at all; I have taken the Senator's word for it.

Mr. CARAWAY. Do not do that.

Mr. MOSES. I recognize, of course, that the Senator is an authority on such matters, and I take the Senator's word about a constituent from his neighborhood.

Mr. CARAWAY. Well, he used to be in my neighborhood, but his reputation grew so unsavory that he moved up the Senator's way, where the company would be more congenial.

Mr. MOSES. He has not as yet happened to come within the circle of my acquaintance.

Mr. CARAWAY. You will meet him; do not be impatient. [Laughter.]

Mr. President, I started to say—and I hope I shall be able to do so—that I do not care to discuss personal differences. In the controversy that has now grown up concerning the Attorney General it was not my intention to repeat anything except what I understood was of common reputation and undisputed fact. The charge against the Attorney General was not made by me. It had been published over and over again, and, as I have been able to show from the newspapers, the Attorney General admits the charge. He had taken the credit for his performance, whatever it amounted to, long years ago. The mere mention of it, however, met with a storm of protest, as if it were a new charge which I had dragged to light. Since it has been repeated and denied I find that it is true, and have so shown.

Permit me again to express the hope that the Attorney General—and I rather believe he will, for the Senator from Ohio, for whom I have great respect, tells me that Mr. Daugherty is a man without fear and of personal integrity, and therefore I know he does not want to leave his friend the distinguished Senator from Indiana [Mr. WATSON] embarrassed—will make a full statement admitting he had misled the Senator from Indiana, so that the Senator from Indiana, for whom I have the very greatest respect and liking, will not be subjected to criticism for having repeated the statement the Attorney General had made to him.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. JONES of New Mexico. Mr. President, recurring to the item of boric acid in the bill, I believe that some reason should be given for the action of the majority of the Senate committee. I observe that the chairman of the committee is not present at this time; but, inasmuch as he and the Senator from Utah were conferring just before the Senator from North Dakota left the Chamber, I presume that the Senator from Utah will be able to give us the information, and if he has any information on the subject I think it should be given.

I therefore ask the Senator from Utah to tell us why the Finance Committee took the action which it did take regarding this item, boric acid.

Mr. SMOOT. Mr. President, I will say to the Senator from New Mexico that the Senator from Utah and the Senator from North Dakota were discussing another subject matter.

The Senator complains because of the fact that in the report of the committee this item was not mentioned, and therefore, he says, the Senate knows nothing about it. I wonder if there ever was a report made by any committee on a tariff bill where there were thousands of amendments that mentioned every item and gave the reason why all the changes were made. The report is long enough as it is; but if the committee had made a report of that kind we would have not one volume but a good many volumes to present in a report. This, however, is an item that can be discussed in a very few words and the reasons given why the Finance Committee of the Senate reduced the rate provided for in the House bill.

Briefly, I will say to the Senator, the reasons are these:

In my opinion we can make boric acid in this country as cheaply as it can be made anywhere in the world. Ninety per cent of all the boric acid that is shipped into the United States comes from Italy, and they can make it about as cheaply—not quite as cheaply, I think—as we can make it in the United States, although at times the cost is about equal, and I think with the depreciated currency to-day they may have a little advantage over the producer in the United States. In normal times they would not have any advantage, and America could hold her own if the product were on the free list. The Payne-Aldrich Act placed a rate of duty of 3 cents a pound on boric acid; the Underwood Act placed a rate of duty of three-fourths of a cent a pound on it. In the latter case it was purely a revenue measure, without a question of doubt. The rate that the Senate has put in here will be purely a revenue measure if this bill is on the statute books a year or two.

I will say to the Senator from New Mexico now that I do not believe the industry would be destroyed at all if boric acid went on the free list, but if we can raise some money in this way by Italy shipping boric acid into this country at certain points where it does not have to be reshipped and where the freight rate enters into the question I think we ought to have this little revenue from it. Frankly, I will say to the Senator that that is what this is, and nothing more nor less.

Mr. JONES of New Mexico. Mr. President, I think the Senate is entitled to this information; but nothing was tendered by any member of the committee before the matter was submitted for a vote, and I can not understand why this duty should have been imposed upon this commodity under all the information which was presented to the Senate Finance Committee.

I do not know yet how the Senator from Utah or the other members of the committee reached the conclusion that this was a mere revenue duty. There is no testimony on the subject, either as to the cost of production in this country or as to the cost of production in Italy.

Mr. SMOOT. I will say to the Senator that the reason is that no producer of the article cared whether the duty was 3 cents or 2 cents, and I do not think they cared whether it was 1½ cents. Nobody was here asking for a reduction or for an increase. Nobody appeared here upon it, and we did not expect anybody to appear.

Mr. JONES of New Mexico. Mr. President, I think I shall show before I conclude that somebody did appear.

Mr. SMOOT. Before the Finance Committee?

Mr. JONES of New Mexico. Not before the Finance Committee, but before the Committee on Ways and Means in the House, all of which hearings have been referred to by the members of the Finance Committee from time to time when they have been seeking some light upon the subject.

Mr. SMOOT. Does the Senator want the Senate to reject the amendment and have the House provision adopted?

Mr. JONES of New Mexico. No, Mr. President; I do not want that. What I do want is to leave the duty upon this item just where the law puts it to-day, because I do not think it can be shown that any just reason has been given for increasing this duty 100 per cent.

Mr. SMOOT. I suppose the Senator refers to the brief of the Italian Chamber of Commerce before the House committee.

Mr. JONES of New Mexico. Yes; I am going to refer to that. I desire now to present some information regarding this subject myself.

This product, boric acid, is a commodity that is used in many ways in the United States. The production of it is quite large, and its use is rather common, and I think I shall read what the Tariff Commission has to say about it.

The first reference to it in the report of the Tariff Commission is that—

> Boracic acid, or boric acid, as it is usually called, is made in the United States from a mineral which occurs abundantly in California. Before the war imports were less than 5 per cent of the American production. Within the last four years a substantial export business has developed.

Further on in the Tariff Commission report the statement is made that—

> Crude borate minerals are mined in the United States, Chile, Turkey, Italy, Peru, Argentina, Bolivia, and Germany. Before the outbreak of the European war the United States produced about one-half of the total world's supply, Chile about one-third, and Turkey about one-tenth. This output of the United States grew rapidly during the war.

Then the report gives the tonnage of this crude borate, beginning with the year 1903 and going down to 1918, showing that the quantity produced increased from 34,430 tons in 1903 to 88,794 tons in 1918.

This industry is controlled by four concerns:

> The Pacific Borax Co., of New York City.
> Charles Pfizer & Co., of New York City.
> The Stauffer Chemical Co., of San Francisco.
> The Thorkildsen-Mather Co., of Chicago.

The information from the Tariff Commission further is that—

Imports of boric acid have been less than 5 per cent of the domestic production. In 1914 Italy furnished 80 per cent of the imports, 18.5 per cent came from England, and the balance from Germany. Imports of refined borax have been entirely negligible, less than 0.01 per cent of the domestic production.

The imports of boric acid for consumption in the United States from 1909 to 1919 are also given, with the unit value of these imports for consumption. The amount of boric acid imported into the United States in 1909 was 230,968 pounds and in the calendar year 1919 it was 276,795 pounds. The unit value of this product imported in 1909 was only 3 cents a pound, and ranged from 3 to 4 cents for several years, and finally, during the war, it reached 11 cents a pound, and in 1919 it was reduced to 8 cents a pound.

There are no statistics on exports available. It is, however, known that before the beginning of the European war exports were small and chiefly to the Orient, but that during the war a substantial export business to Europe was developed. The scarcity of ocean shipping has forced the European nations to supply their needs with refined products from the United States rather than with crude borate material from Chile and Turkey.

Although no statistics of production in foreign countries are available, the import and export statistics show that England and France have large manufacturing industries based on imported raw materials. The German statistics do not show the amount of crude materials imported, but do show that imports of borax and boric acid exceed the export of these commodities. Italy exports boric acid made from Italian raw materials, but imports borax.

Mr. President, the price of boric acid in the United States prior to the war was from 7 to 8 cents per pound. The price in Italy, according to the valuation put upon the exports to the United States, was, as I have just stated, around 4 cents per pound, showing that the cost of transportation and the profits which the importers made, and so on, only justified the importation into the United States prior to the war of not exceeding 5 per cent of the American consumption of boric acid, and the American price was kept up to 7 and 8 cents per pound. During the war the price in the United States reached 14 cents per pound. At the present time the price of boric acid ranges from 11½ to 12½ cents per pound, whereas before the war it was from 7 to 8 cents. In other words, the price of that acid now is about 50 per cent or more above the pre-war price. The amount imported was very small, never at any time in excess of 5 per cent of the domestic production.

The only testimony upon this subject was in a brief or communication presented to the Ways and Means Committee from some people in New York City. That letter is most interesting and it makes an appeal for the retention of the present rate of duty on boric acid. It is really a very impressive appeal from one of our allies in the war. It is called "The brief of the Italian Chamber of Commerce in New York," and it reads:

The Italian Chamber of Commerce in New York is an association of American citizens and business men, incorporated under the laws of the State of New York, representing not only the commercial and industrial class of a community of nearly 4,000,000 of their kinsmen in the United States, of which over half a million are in the city of New York alone, but also the general interests of American firms having trade relations with Italy. This chamber is, therefore, interested in the promotion of commerce and mutual friendly relations between the United States and Italy, as well as in the production and trade of domestic articles and generally in the welfare and prosperity of both countries. It desires to submit to the consideration of your committee in respect to the various sections and schedules of the customs tariff its views and desiderata in connection with their revision, and earnestly hopes that they will receive the attention of your committee. This as Americans we expect, relying upon that spirit of cooperation between the duties of citizenship and the responsibility of legislators that should mark their mutual endeavors to protect and promote the best interests of this country, without forgetting our obligations to those whose pressing needs for help and liberal treatment, enabling them to retrieve, in part at least, their fortunes sacrificed for a just and common cause, we should not be unmindful of on the morrow of battles fought together for the triumph of right and the mutual good. A solidarity of record this, which can not be entirely overlooked, even in such unsentimental work as the framing or revising of a tariff.

The chamber is not unaware of the great difficulties confronting legislators in a tariff revision, particularly now, under such a critical period as that of readjustment from war to peace conditions and after a conflagration of unprecedented magnitude, that has caused the greatest upheaval and strain ever recorded in the economic conditions of practically all nations of the world, and recovery from which can not be, at best, but slow and laborious when the lawmakers intrusted with the serious risk of hastening this recovery are met by an array of most perplexing problems and often left in a quandary of most arduous deliberation. Circumstances like these which, while counseling both conservativeness and prudence in their resolutions, seem at the same time to call more than ever for the sympathy and earnest cooperation of the public in the discharge of their responsible duties.

From the outset this chamber desires to record its conviction, which it confidently believes is shared by your honorable committee, that tariff revision should aim strictly at such purposes as come legitimately within the scope of the tariff, namely, first that of raising revenue by such sober and wise regulation of rates as will secure, with a minimum cost to the Government and the least inconvenience to trade, a satisfactory yield, taking above all good care that the source of revenue be not impaired, since an excessive increase of duty would void this purpose, and next that of offsetting the difference in the cost of production of an article between this and foreign countries. Furthermore, we believe that rather than considering an eventual revision of the tariff to make it serve the purpose of tiding the unavoidable deflation in the prices of commodities, due to the operation of the law of supply and demand in the process of economic readjustment from war to peace conditions, possibility should be afforded between this and foreign nations for entering into such reciprocal agreements regarding their respective commercial relations as would meet with their desires and interests and tend to promote and increase trade between the United States and foreign countries, and thus form an economic cooperation which experience has shown to be of mutual advantage.

Then comes the head "Boric acid, crude and refined borax," and I continue reading from the brief:

Even under normal conditions the importation of boracic acid of 276 short tons in fiscal year 1914 was a mere trifle against the domestic output of boric products in this country, amounting in that year to 4,292 short tons of boracic acid and 26,501 tons of borax. This is still more true since the war, which has practically eliminated importations, with only 97 short tons to their credit in fiscal year 1918, and 140 and 127 short tons, respectively, in fiscal years 1919 and 1920. Domestic producers are absolute masters of the market, and, notwithstanding their location on the Pacific coast, will easily remain such in future, as transportation through the Panama Canal enables them to land East their output at no higher freights than the imported, while the lower cost of fuel and materials gives them the advantage in an industry where labor has been replaced by machinery to a far greater extent in this country than abroad. There being absolutely no possibility of competition to American industry from the imported product in this line of commodity, this chamber respectfully recommends that the present rates of three-fourths of 1 cent per pound on boracic acid and of one-eighth of 1 cent per pound on refined borax and the exemption of duty for crude borax continue unchanged.

Mr. President, I have read that statement in full for the purpose of showing the attitude in which those people come before the Congress regarding this item of commerce. That is a body representing the business interests in the United States of 4,000,000 people of Italian extraction. They present to us the situation in which the unfortunate countries are following this Great War. They make this appeal, and, so far as I am advised, it is the only article in this entire bill about which a request has been made from that representative association. Evidently it means something to Italy. According to the statement, it can not harm the United States. It will not harm an industry in the United States. The importations have never exceeded 5 per cent. The importations in 1920 were only a few tons.

One hundred and twenty-seven tons is all that has been imported of this boric acid.

The production in this country is over 5,000 tons. It can not affect this industry in the United States, but these people came and presented the situation which affects their country. They are trying to recover from the woeful effects of the recent world-wide conflict, and I want to know whether there is anything in the general situation which would warrant anyone in increasing the duty upon a product where an express appeal is made not to have it increased, and where no satisfactory reason is given for the increase.

The revenue which will be derived from the duty to be levied on this item will be infinitesimal because of the very small quantity which can be imported. The great deposits of the crude material are in the United States, and the process of refining is simple and inexpensive. The commodity is produced by only four corporations in this country. There is no evidence of competition between them. All indications are otherwise. To increase the present duty 100 per cent, as the committee proposes to do, will obstruct the small importations which have been coming in and enable the American producers to maintain present prices, which are 50 per cent above pre-war prices, or more probably enable them to raise still higher the price of the enormous quantity sold to the consumers.

I have here the statement regarding our trade with Italy, and I desire to just call attention to it, and I think it will appear that this country is not in danger of being flooded with commodities from Italy. Our imports from Italy in 1918 amounted to $24,340,000. In 1919 they were $59,060,000. In 1920 they were $75,356,000. In 1921 they were $62,000,000. Certainly that was not a great flood of importations from Italy into the United States, but Italy has been one of our best customers. In 1918 we exported to Italy $492,174,000. In 1919 we exported $442,676,000. In 1920 we exported $371,762,000. In 1921 we exported $215,462,000.

That shows, Mr. President, that while we have been importing from Italy a very small amount, our exports to Italy have been in large amounts. It is true they are diminishing, and the reason they are diminishing must be evident. They are no longer able to buy the commodities from the United States, and that is one of the reasons why this association from New York appealed to the American Congress to permit this duty to

remain as it is, because they wanted to exchange some of their commodities for the commodities of the United States.

To my mind that appeal is a most pitiful one. Unquestionably this item means something to the people of Italy, else that great association, representing business interests in this country and in Italy, representing the welfare of 4,000,000 people of Italian extraction living in the United States, would not feel that it is of such importance that they would come before Congress and ask that the duty remain as it is. Instead of granting that appeal, that prayer, if you please, while the House increased the duty about 175 per cent, the Finance Committee of the Senate feels that it is doing the righteous thing by increasing the duty only 100 per cent. That is the answer which the Senate Finance Committee sends to New York to these people who are pleading for an exchange of commerce between this country and the rest of the world, where the production in the United States will not be injured. There is no claim here that it will be injured. This increase of duty is the only response to that touching appeal which comes to us, echoing the cry from Italy, from those people who turned the tide on the Piave during the World War, who sacrificed their blood and their resources that, jointly with us, there should be brought about the successful conclusion of the war. That is the appeal which they make, and the only answer is that we will increase the duty 100 per cent.

Mr. President, I think it advisable that there be put into the RECORD the other industries which will be affected by slowing up or diminishing importations from Italy. The impression has gone abroad, and it is doubtless quite prevalent in the United States, that the only industries interested in foreign trade are the farming industries of the country. I want that impression to be gotten out of the minds of the people of the country. It is true that our exports of food products are quite large, but the exports of material for manufacture in foreign countries and the exports of manufactured products each are substantially as large as the exports of food products. There is a great variety of manufactured products sent to Italy. I want to call attention to just a few.

We start in with a lot of agricultural implements; brass; breadstuffs. Then come machinery, airplanes, automobiles; cars, freight cars and passenger cars; bicycles, tricycles, and motor cycles; a lot of acids; dyestuffs; coal and coke; copper of different kinds; cotton; earthen, stone, and china ware; electrical machinery; fertilizers; iron and steel products, pig iron, ferromanganese; bar iron; bars and rods of steel; wire rods, billets, ingots of steel; bolts, nuts, rivets, washers; car wheels; chains; cutlery; razors; enameled ware; locks and hinges; hardware, hooks; machinery of different kinds; adding and calculating machines; air-compressing machinery; cash registers and parts of; elevators and elevator machinery; engines and parts of, combustible and otherwise.

Then come other iron and steel products, excavating machinery, lawn mowers, metal-working machinery, machined tools, mining machinery, printing presses, pumps and pumping machinery, sewing machines, shoe machinery, textile machinery, typesetting machines, typewriting machines, woodworking machinery, and various other classes of machinery commodities; leather goods; meat and dairy products; and various other classes of commodities of which a surplus is produced in this country.

Mr. President, as an appendix to my remarks I desire to insert a statement showing the various classes of exports which we send to Italy. It is the latest statement I could obtain regarding those exports. The data have been compiled by the Tariff Commission and show the various items of our exports to Italy during the year 1921 covering this great class of commodities. I desire to have that inserted at the close of my remarks upon this subject.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, it is so ordered.

Mr. SMOOT. Mr. President, in the different items which the Senator mentioned I did not hear him name those which make up the bulk of the amount, because they are nearly all agricultural products, such as wheat and cotton.

Mr. JONES of New Mexico. I have had appended to my remarks the entire list, including both the quantity and the value.

Mr. SMOOT. But the value is generally largely based on agricultural products which they purchase from us.

Mr. JONES of New Mexico. While of course the agricultural products are large, yet I am not so certain about the Senator's statement. Of course they get a great deal of meat products from this country.

Mr. SMOOT. The wheat alone is $91,054,928, and wheat flour is $32,726,716.

Mr. JONES of New Mexico. The list will appear as a part of my remarks. The Senator, however, should not minimize the importance of this trade with Italy, because our principal exports to Italy are products of the farm. But I was calling attention to the fact that the manufacturing interests of the country are as much concerned substantially about the export trade of the country as are the food producers of the country. If the Senator wants to get some information regarding this international trade as a whole as related to the different commodities, I will repeat what I stated in the Senate a few days ago from the list which was published in the CONGRESSIONAL RECORD.

In 1920 the exports of foodstuffs amounted to $1,861,000,000; the exports of manufacturing materials for that same year were $1,852,000,000, and the exports of manufactured products ready for use for that year were $1,807,000,000. There were the three great divisions of the export trade just about equaling each other.

In 1921 the exports of the food products amounted to $1,263,000,000, the exports of manufacturing materials $991,000,000, and the exports of manufactured products $899,000,000. They are just about on a parity so far as the export trade is concerned. That was figured out, as the Senator doubtless remembers, by the statistician for the City National Bank of New York, Mr. Austin.

Mr. SMOOT. Does the Senator say that exports to Italy were that much, or all of our exports?

Mr. JONES of New Mexico. All of our exports, of course.

Mr. SMOOT. I was speaking only of those to Italy.

Mr. JONES of New Mexico. I gave the amount of our exports to Italy, I think, while the Senator was for the moment out of the Chamber. But it should be remembered that exports to Italy—I will call the attention of the Senator to that again—in 1918 were over $492,000,000, while our imports from Italy were only $24,000,000, or only about 5 per cent as much imported as was exported.

Mr. SMOOT. That was on account of shipping facilities.

Mr. JONES of New Mexico. In 1919 our exports to Italy were $442,000,000 and our imports from Italy $59,000,000. In 1920 our exports to Italy were $371,000,000 and our imports only $75,000,000. In 1921 our exports to Italy were reduced to $215,000,000 and our imports were reduced a little also. We only imported $62,000,000 from Italy in 1921.

So, Mr. President, we should encourage this international exchange of commodities, especially where it will not interfere with home production. On the one item which is under consideration it is admitted by everybody that there is no danger of interfering with home production. We have a touching appeal here from the representatives of Italians, naturalized Americans, who yet retain affection for their mother country, and in response to their appeal to allow the tariff on this item to remain where it has been, the Senate committee answers with an increase of 100 per cent, and that in the face of these large exports to Italy and our relatively small imports from Italy. That is the situation and I do not believe the people of this country will tolerate it.

I have here the monthly letter of the Alexander Hamilton Institute, of New York City, giving a review of general business conditions, and I find this statement regarding trade indicators. It refers to the monthly exports of iron and steel. I think the statement gives the March figures, because it is dated April, 1922. I have not the exact date for which the figures are given, but I assume they are for the month of March.

The monthly exports of steel and iron in the corresponding month a year ago amounted to $137,803,000; in the corresponding month six months ago they had been reduced to $27,647,000. In the preceding month, the month preceding that in which the letter was written, the exports of iron and steel were $29,502,000, and in the month covered by the report had been reduced to $15,149,000. The exports of steel and iron have been reduced from $137,000,000 a year ago to $15,000,000 at this time.

The merchandise exports monthly show this situation: That in the corresponding month a year ago they amounted to $486,000,000; six months ago they amounted to $367,000,000; one month ago to $279,000,000, and, according to the last monthly report, they were $250,000,000; while our imports remained substantially the same for each of those months.

For the corresponding month a year ago the exports of merchandise, I repeat, amounted to $486,000,000; six months ago they amounted to $195,000,000; for the preceding month they amounted to $216,000,000; and, according to the latest report, they amounted to $217,000,000.

That shows, Mr. President, the very definite trend of our commerce; it shows that our exports are rapidly diminishing, while our imports are remaining comparatively the same. There

can be but one reason why our exports are diminishing in such degree and why our imports are practically remaining stationary. The reason may be attributed to the fact that after the World War our Government was loaning money abroad—though not a year ago, it is true. Then commercial interests took up the question of extending credits, and did extend credits by the billions of dollars. I have seen the estimate made that private credits extended to the rest of the world by interests and people in the United States amount to about $5,000,000,000. Last year there were floated in this country about three-quarters of a billion dollars of funded securities from foreign countries. Those foreign securities are being put upon the market of the United States every week. Just a few days ago $100,000,000 of Canadian bonds were floated in the American market. In every commercial report is found a statement of bonds issued by nearly every country in South America and by every country in Europe which is entitled to credit.

They have all come to the United States to get credit, and as they secured credit they bought our goods; but notwithstanding the huge offerings of foreign credits here and their absorption by the American people our exports have been gradually diminishing, until this year our exports of merchandise have decreased about 50 per cent—from $486,000,000 in the month a year ago to $251,000,000 in the month last reported. That is what is happening. It is affecting not only the food producers of this country, but it is affecting the manufacturers of the country as well.

When Senators talk about increasing wages and also the products of the manufactories, it can only be as to a certain few which are not affected by the export trade; but if we stop our exports we are going to bring unemployment to the people who labor in the exporting manufactories of the country. That is what is going to happen. The existing condition can not last much longer. Some attention must be paid to the export trade.

I am perfectly willing that full consideration may be given to the support of our domestic industries so far as it may be done, but the Senator from Utah [Mr. SMOOT] and all other Senators must know that the levying of a tariff, whether big or little, does not tend to encourage exports. I agree with the association of Italians in New York that we ought to look at this matter in a spirit of reciprocity; that we ought to aid the restoration of the world, so far as it may be done, if it will not materially injure ourselves. We must build up the foreign market if this country is to be prosperous; but we can not restore prosperity here and at the same time build up a wall around the United States and decline to permit the importation of certain commodities.

Mr. President, I have been very much interested in a recent questionnaire of the National Chamber of Commerce. The National Chamber of Commerce, I presume, is composed of more different business interests in this country than were ever brought together at any other time into one association. Quite frequently that association sends out questionnaires for the purpose of obtaining the opinion of the business men of the United States regarding public questions.

A couple of months ago in the issue of the paper from which I shall now read, the March, 1922, issue of the paper called The Nation's Business, which sets forth what that chamber of commerce did, there were six propositions submitted. I only desire to refer to two of them. One was:

Reasonable protection for American industries subject to destructive competition from abroad and of benefit to any considerable section of the country.

The next was:

The principle of maintenance and encouragement of our export trade should be observed in tariff legislation so far as consistent with protection of American industries of benefit to any considerable section of the country and subject to destructive competition from abroad.

That is the first time that that measure of a tariff has been announced, so far as I know. We have heard various other standards put forth for the fixing of tariff rates. The difference between the cost of production at home and abroad has been the one most dwelt upon. It has been the one which has been advanced here during the discussion of the pending bill. That difference in cost has been ascertained by the majority of the Finance Committee, according to my notion, in a very uncertain and precarious fashion; the committee has no definite information on which to proceed; but here is another element added by the members of the National Chamber of Commerce; and that is that a duty should be levied for the purpose of protecting the industries which are threatened with destruction from abroad. That is the standard which the chamber of commerce now presents; and I should like to call attention to the vote upon that. The vote on it was 1,852½ for, and against it but 24½.

Remember that that is the standard for the fixing of the tariff according to the vote of the National Chamber of Commerce. An industry must not only be subject to destructive competition from abroad, but the industry must be a benefit to a considerable section of the country. That is something new in tariff legislation, so far as I know. The National Chamber of Commerce insists that two things shall occur: That the industry shall be a benefit to a considerable section of the country, and that protection shall be used for the purpose of preventing destruction. Why have they added those two new elements? They have done so because they have realized, as I have tried to point out, the absolute necessity of doing something to foster our export trade; to enable the countries of the remainder of the world to purchase the things of which we produce a great surplus. That is what they say in the other question. Mark the standard laid down by the National Chamber of Commerce:

The principle of maintenance and encouragement of our export trade should be observed in tariff legislation so far as consistent—

With what?

with protection of American industries of benefit to any considerable section of the country and subject to destructive competition from abroad.

The vote upon that question was 1,804½ for it and only 57½ against it.

The Chamber of Commerce, composed of business interests throughout the country, had vision enough to see this situation. So far as this bill is concerned there does not appear anywhere anything which is calculated even to sustain, much less promote, our foreign commerce.

We have the farmers of the country appealing for a market for their wheat, for their corn, for their meat; we have some of the mining interests of the country appealing for a market for copper, and the manufacturers appealing for a market for machinery and for various other commodities which enter into our export trade. The export trade is diminishing almost every day, and nothing under the sun can help it or even sustain it unless we shall bring about an exchange of commodities. This thing of extending credits indefinitely to the rest of the world can not continue.

Mr. President, as I have said, there is nothing in this bill which tends to promote this trade. There is nothing said in the report anywhere on that subject, but the chairman of the Finance Committee undertook to indicate what he expected would result from the passage of this bill. I want to read just a few words from what he said in his opening speech presenting this bill.

After contending that we should sustain the manufacturing interests of the country, and that we could do it only by a drastic protective tariff, he referred to this surplus of farm products. He did not refer to the surplus of manufactured products, but here is what he had to say:

Our soil to-day produces more than the American public consumes. The depressed prices of agricultural products are due to our surplus, augmented, of course, by the Old World bankruptcy.

What does that indicate should be done?

What the farmer needs is the greatest number of consumers of his product. If he can make the home consumption greater than the home production, even though the deficit does not exceed 1 per cent, then, with a proper tariff wall, he can secure a just price for his product.

For the most part, wheat is a drug on the American market. As stated by President Harding in his address to the Congress, a bumper crop of wheat in the United States often brings in less cash to the farmer than a very much smaller crop. We want more acres of farm land planted to other products. We want to encourage the farmers in this country to sow millions of acres to flax, to hemp, to onions, to beans, and other such products. * * * We want to reduce the wheat surplus.

Mr. President, those are the consoling recommendations which come to us from the chairman of the Finance Committee in presenting this bill. What he would do with regard to the surplus of wheat would be simply to compel the farmers of this country to quit producing wheat, and he tells them in a very complacent manner to quit producing wheat until the amount is so reduced that there will not be quite enough for the consumers of this country, to quit producing wheat and go to growing flax. That is what he would do, and that is his only message of condolence to the people of this country—that they must quit growing wheat and go to growing flax. That is his message to the meat raisers of this country—quit raising meat and go to raising flax. That is his message to the copper producers of this country—quit producing copper; go to raising flax. That is his message to all these thousands of employees in the great industries of this country of every kind which produce a surplus—to quit producing their surplus and go to raising flax. That is what he says to the cotton producers of this country: "Do not produce a surplus. Let us build around this great United States a tariff wall. Let us produce only enough of these commodities to satisfy home consumption. Let us isolate ourselves from the rest

of the world. Let our cotton producers stop raising cotton and go to raising flax."

That is the consolation which is brought to us here by the chairman of the Finance Committee. That is what this bill means. Take up that speech, rendered here deliberately, prepared in advance, doubtless every word studied, read in the Chamber, and that is the consolation which this country receives: "If you can not produce copper, raise flax. If you can not find a market for your surplus of anything else, raise flax." My humble judgment is that if this bill becomes a law, instead of these people raising flax they are going to raise—fire and brimstone for the supporters of this bill.

APPENDIX.

Exports to Italy.

	Quantity.		Value.	
	1920	1921	1920	1921
Abrasives:				
Wheels, emery and other			$142,391	$94,860
All other			73,110	22,091
Agricultural implements:				
Hay rakes and tedders			27,704	16,086
Mowers and reapers			236,805	85,456
Plows and cultivators			363,394	20,349
All other			213,433	60,952
Parts of			148,593	92,363
Aluminum:				
Ingot metal and alloys, pounds	660,018	470	187,210	93
All other manufactures of			5,178	26,802
Art works: Painting and statuary			179,297	32,030
Asbestos:				
Ore and unmanufactured ..tons	96		71,738	
Manufactures of			48,620	17,432
Brass:				
Bars, plates, sheets, etc. ..pounds	105,106	35,989	29,175	10,491
All other manufactures of			57,775	29,706
Breadstuffs:				
Bread and biscuit...pounds	84,652	8,224	30,841	2,583
Corn..bushels		248,497		191,421
Corn meal and corn flour ..barrels	1	2,235	5	10,910
Cereal preparations			25,877	13,767
Rice..pounds	135,474	1,120,668	17,954	39,595
Rye..bushels	2,415,084	1,131,693	4,612,682	2,040,097
Wheat..do	32,110,050	60,842,457	85,356,226	96,118,352
Wheat flour..barrels	1,410,243	56,122	15,115,928	382,363
All other breadstuffs			1,102	5,345
Cars, automobiles, and other vehicles:				
Automobiles and parts of—				
Commercial—chassis ..number	36	2	67,230	809
Passenger—				
Complete cars ..number	288	25	386,923	38,646
Chassis..number	316	4	295,340	4,675
Parts of, not including engines and tires			372,288	143,161
Cars for railways—				
For steam railways, freight and other, number	2,526		4,601,020	
Parts of, except car wheels and axles			822,517	1,991
Bicycles, tricycle, etc			174,501	16,609
Motorcycles..number	2,281	571	652,450	173,316
All other vehicles and parts of			159,917	28,730
Celluloid, and manufactures of			535,688	23,685
Chemicals, drugs, dyes, and medicines:				
Acids			378,965	1,444
Alcohol, wood..gallons	72,305		35,107	
Coal-tar distillates, n. e. s.—				
Benzol..pounds	4,961,878	348,880	357,956	22,030
All other			290,499	
Dyes and dyestuffs—				
Aniline dyes			582,236	45,068
Logwood extract			404,367	8,723
All other			275,149	70
Formaldehyde (formalin)			116,242	26,057
Glycerin..pounds		116,918		17,270
Infants' food			35,763	164
Lime, acetates of...pounds	2,645,138		73,916	
Medicinal and pharmaceutical preparations			34,063	44,824
Petroleum jelly, etc			65,892	18,346
Potash			198,163	
Roots, herbs, and barks			93,595	33,816
Soda—				
Caustic..pounds	21,107,104	7,626,851	971,810	307,162
Soda ash..do	21,313,978		566,143	
All other salts of			323,114	10,457
All other chemicals			33,394	67,842
Chewing gum			33,394	595

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
Coal and coke:				
Coal—				
Anthracite..tons	4,882	155	$60,073	$1,900
Bituminous..do	2,387,734	1,549,450	21,070,535	11,728,479
Coke..do	750	500	14,400	4,000
Cocoa and chocolate, prepared or manufactured (not including confectionery)			150,797	2,062
Coffee, green..pounds	2,013	136,999	560	26,805
Copper:				
Refined copper in ingots, bars, or other forms..pounds	918,802	16,369,962	201,459	2,219,847
Composition metal..do	38,546		17,271	
Pipes and tubes..do	173,510		85,023	
Plates and sheets..do	150,432	44,775	51,574	11,123
Wire, except insulated..do	1,201,570	114,472	298,387	24,487
All other and manufactures of			32,139	140,193
Cotton:				
Unmanufactured—				
Upland and other ..pounds	282,170,131	278,766,767	103,024,497	47,768,283
Linters..pounds	681,177	59,289	62,798	3,557
Manufactures of—				
Cloths—				
Unbleached...yards	112,747	129,600	23,415	14,175
Bleached..do	147,754	19,498	37,017	2,246
Mill waste..pounds	2,990,914		684,069	
Rags (except paper stock)..pounds	193,662		37,051	
Thread, sewing, crochet, etc			20,677	
Wearing apparel—				
Corsets			17,803	
Knit goods (hosiery) ..dozen pairs	243,112	28,650	754,765	28,650
All other manufactures of			168,829	44,819
Dental goods			15,942	1,935
Electrical machinery and appliances (except locomotive):				
Carbons			62,644	138
Dynamos or generators			244,539	133,772
Insulated wire and cables			124,109	107,670
Interior wiring supplies (including fixtures)			33,795	2,898
Lamps, incandescent, metal filament..number	329,611	12,199	80,545	4,772
Magnetos, spark plugs, etc			143,838	2,108
Meters and measuring instruments			101,554	16,239
Motors			406,366	83,885
Rheostats and controllers			25,609	20,325
Switches and accessories			32,588	68,180
Telephones			131,791	15,682
Transformers			29,579	346,836
All other			1,381,576	921,904
Explosives:				
Cartridges, loaded			13,889	2,431
All other			178,885	146
Fertilizers			2,396	77,670
Fibers, vegetable, manufactures of:				
Bags			59,668	61,902
Twine, binder..pounds			99,773	
All other manufactures of			38,534	753
Fish:				
Dried, smoked, or cured—				
Cod, haddock, hake, pollock..pounds	2,778,428	346,714	396,631	27,432
All other..do	216,820	90,970	30,133	12,566
Salmon, canned..do	164,956	24,275	31,107	2,467
Canned fish, except salmon and shellfish			73,166	16,190
All other fish and fish products			9,931	74,344
Fruits:				
Apricots, dried..pounds	6,500	59,996	2,530	14,323
Prunes, dried..do	353,275	372,896	80,063	40,796
All other fruits			14,575	7,061
Furs, and fur skins, and manufactures of			37,210	7,198
Glass and glassware:				
Bottles, demijohns, carboys, and jars			20,693	1,078
All other			22,044	54,635
Glucose (corn sirup)...pounds	9,013,212	1,428,105	643,630	47,262
Glue, animal..do	60,423	635	13,167	213
Gold and silver manufactures, including jewelry			15,721	15,838
Grease:				
Lubricating			167,869	96,021
Soap stock and other			473,320	252,972
Hats, and materials for			19,564	142
Hides and skins (except fur skins) raw:				
Cattle..pounds	115,700	3,600	58,850	560
All other..do	1,633	590	25,103	150
Household and personal effects			279,387	263,260
India rubber, manufactures of:				
Shoes..pairs	110,846	6,738	104,871	4,557
Druggists' rubber sundries			26,498	1,922

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
India rubber, manufactures of—Continued.				
Tires—				
For automobiles—				
Casings			$972,509	$24,700
Inner tubes			86,595	410
All other			14,735	245
All other manufactures of			91,701	40,161
Ink, printers' and other			14,728	95
Instruments for scientific purposes			29,960	15,039
Iron and steel:				
Pig iron...tons	36,128	300	1,622,081	7,200
Scrap and old, for remanufacture...tons	1,726		68,400	
Bars, or rods of steel—				
Wire rods...pounds	8,712,544		365,257	
All other...do	4,838,357	2,347,355	194,014	85,851
Billets, ingots, and blooms of steel...tons	21,100	645	1,293,271	72,273
Bolts, nuts, rivets, and washers...pounds	810,457	3,323	35,758	450
Car wheels and axles			365,111	
Castings, n. e. s.			24,770	1,101
Chains			31,690	7,443
Cutlery—				
Razors, safety			191,962	69,496
Table			31,408	491
All other			14,028	906
Firearms			15,642	5,349
Forgings, n. e. s.			20,936	4,971
Hardware—				
Builders'—				
Locks			70,279	6,317
Hinges and other			89,478	13,017
Other hardware			28,489	7,760
Hoop, band, and scroll, pounds	691,856	64,716	24,053	1,928
Machinery, n. e. s.—				
Adding and calculating machines...number	1,859	573	342,238	133,407
Air-compressing machinery			160,211	91,007
Cash registers and parts of—				
Cash registers, number	185	163	42,409	41,655
Parts of			2,542	3,014
Concrete mixers			14,126	54,321
Engines and parts of—				
Internal-combustion engines—				
Gasoline—				
Marine, number	212	179	45,452	20,034
Stationary ..number	33	40	15,299	7,456
Traction ..number	53		81,782	
Kerosene, traction...number	57	1	47,500	400
Steam engines, locomotives...number	175		4,184,947	
All other engines			16,340	3,035
Parts of—				
Boiler tubes			105,174	171,196
All other parts of engines			246,817	53,950
Excavating machinery			35,932	25
Metal-working machinery—				
Lathes			152,034	2,972
Other machine tools			641,488	65,151
Sharpening and grinding machines			106,218	11,575
All other metal working			589,078	159,572
Mining machinery—				
Oil-well machinery			10,068	624
All other mining			16,152	23,182
Printing presses			165,576	355,677
Pumps and pumping machinery			49,646	56,433
Road-making machinery			28,581	1,250
Sewing machines			110,231	10,593
Shoe machinery			98,642	31,198
Textile machinery			336,014	120,615
Typesetting machines			102,699	47,059
Typewriting machines			1,352,254	545,507
Woodworking machinery			20,575	5,147
All other machinery and parts of			1,301,397	354,003
Nails and wood screws			91,049	19,166
Pipes and fittings—				
Cast...pounds	156,638	40,592	15,417	7,689
Wrought...do	7,588,037	1,866,034	484,149	124,625
Rails of steel...tons		1,297		84,872
Switches, frogs, splice bars, etc.			1,970	16,780
Safes...number	37	8	13,204	1,455
Sheets and plates—				
Galvanized...pounds	321,896		23,431	
Iron...do	59,404	426,692	1,409	29,125
Steel—				
Plates...do	82,383,257	53,916,053	3,131,882	1,548,452
Sheets...do	3,422,961	1,826,626	251,648	157,856
Ship and tank plate, punched and shaped...pounds	199,809	1,000,400	6,025	34,000

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
Iron and steel—Continued.				
Stoves and ranges			$50,695	$17,670
Structural iron and steel ...tons	6,758	14,019	453,120	674,951
Tin plates, terne plates, and taggers' tin...pounds	13,994,902	14,022,645	1,214,115	1,063,131
Tools, n. e. s.—				
Augers, bits, and drills			76,552	12,974
Files and rasps			242,675	58,196
Saws			42,529	6,025
All other			221,953	61,357
Wire...pounds	471,255	40,106	32,095	3,629
All other manufactures of iron and steel			408,938	122,093
Leather and manufactures of:				
Carriage, automobile, upholstery			302,503	12,385
Glove			20,870	528
Patent...square feet	3,149,509	827,316	2,234,415	276,283
Sole...pounds	19,497	790	14,555	604
Upper—				
Calf and kip...square feet	964,994	211,812	700,345	103,171
Goat and kid...do	1,692,793	343,787	1,400,551	159,685
Cattle sides—				
Grain and finished splits...square feet	1,265,741	155,972	748,883	54,928
Wax, and rough splits ...pounds	33,964		11,065	
All other upper			854,233	40,957
All other leather			138,712	62,218
Manufactures of—				
Boots and shoes—				
Children's...pairs	8,698	203	22,372	331
Men's...do	184,490	12,009	1,107,690	71,250
Women's...do	34,463	3,240	240,318	16,551
Leather belting...pounds	25,696	1,429	49,498	2,346
All other manufactures of			318,888	20,553
Leather, imitation			550,495	33,058
Malt...bushels	358,238	412,990	604,635	488,463
Meat and dairy products:				
Meat products—				
Beef products—				
Beef, fresh...pounds	211,447		40,682	
Beef, pickled and other cured ...pounds	430,437		86,497	4,696
Oleo oil...do	386,181		81,426	69,047
Tallow...do	378,363		52,724	19,204
Hog products—				
Bacon...do	18,844,911		3,840,134	1,071,051
Hams and shoulders, cured...pounds	3,236,225		801,498	3,304
Lard...do	23,153,676		5,334,923	1,512,208
Pork, canned...do	25,343		5,372	
Pork, pickled...do	27,072		5,225	2,624
Lard, compounds, etc. ...pounds	187,540		41,826	4,798
Sausage—				
Canned...do	49,533		26,445	155
All other...do	156,490		74,353	1,497
Sausage casings...do	1,007,828		131,829	160,490
Stearin from animal fats ...pounds	1,675,568		441,025	74,670
All other meat products			51,659	28,068
Dairy products—				
Butter...pounds	220,650		152,252	306
Cheese...do	341,499		121,273	15,178
Milk—				
Condensed (sweetened)...pounds	4,124,096		502,733	10,897
Evaporated (not sweetened) ...pounds	6,547		617	19,434
Powdered (dried) ...pounds	138,858		53,913	40,853
Metals, metal compositions, n. e. s.:				
Babbitt metal...pounds	18,038		6,385	5,101
All other and manufactures of			89,397	14,615
Musical instruments:				
Pianos...number	36		20,254	27,205
All other			5,614	2,242
Naval stores:				
Rosin...barrels	32,797		595,664	90,608
Tar, turpentine, and pitch ...barrels	4,104		53,865	43,018
Turpentine, spirits of, gallons			12,895	13,591
Nickel, manufactures of			294,996	2,111
Oilcloth and linoleum			38,191	42,556
Oils:				
Animal...gallons	31,898		59,359	5,040
Mineral—				
Crude...do	593,237		77,121	
Refined or manufactured—				
Fuel and gas oil, ...gallons	55,460,567		3,996,869	1,845,485
Illuminating...do	29,352,088		3,475,692	2,041,580
Lubricating...do	22,934,182		8,661,720	5,996,237
Naphthas and light products of distillation—				
Gasoline, gallons	12,879,426		3,079,584	1,595,247
All other...do	20,557,778		5,192,003	2,043,411
Residuum...do	1,767,462		102,187	

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
Oils—Continued.				
Vegetable, fixed or expressed—				
Cocoa butter....pounds..	91,266	.....	$36,371	.....
Coconut.....do....	1,679,607	.....	403,962	$7
Corn.....do....	2,147,250	.....	455,143	41,644
Cottonseed.....do....	22,976,091	.....	5,436,312	2,834,777
Soya bean.....do....	26,330,121	.....	5,740,451	102,902
All other.....	.....	.....	229,236	8
Paints, colors, and varnishes:				
Dry colors—				
Carbon, bone, and lampblack.....	.....	.....	22,301	8,365
All other.....	.....	.....	9,628	3,357
Ready mixed paints.gallons..	4,623	.....	12,407	25,795
Varnish.....do....	123,755	.....	232,672	68,030
Zinc, oxide of.....pounds..	2,108,351	.....	187,100	11,263
All other.....	.....	.....	47,175	23,375
Paper:				
Books, maps, music, etc.....	.....	.....	54,923	47,562
Carbon paper.....	.....	.....	29,344	8,014
Playing cards.....	.....	.....	680	21,480
Printing paper, newsprint .....pounds..	1,961,835	.....	122,533	.....
Tissue and toilet paper.....	.....	.....	20,624	.....
All other.....	.....	.....	46,313	26,340
Paraffin:				
Unrefined.....pounds..	10,049,433	.....	692,831	92,379
Refined.....do....	38,769,947	.....	3,728,700	2,099,444
Pens, fountain.....number..	71,970	.....	104,563	28,883
Phonographs, etc.:				
Phonographs, graphophones, etc .....number..	76	.....	10,973	12,379
Records and accessories.....	.....	.....	20,276	1,763
Photographic goods:				
Cameras.....	.....	.....	60,070	224
Motion-picture films—				
Not exposed..linear feet..	517,312	.....	13,293	6,746
Exposed.....do....	1,263,625	.....	78,443	18,918
Other sensitized goods.....	.....	.....	79,978	1,823
Other apparatus.....	.....	.....	41,996	6,618
All other.....	.....	.....	7,154	4,030
Plumbago or graphite:				
Unmanufactured ...pounds..	72,038	.....	14,827	183
Manufactures of.....	.....	.....	46,757	271,155
Seeds, grass:				
Clover.....pounds..	412,499	.....	129,675	.....
All other grass seed.....do....	70,560	.....	25,782	297
Shells.....	.....	.....	27,698	1,638
Shoe findings.....	.....	.....	19,472	.....
Silk, manufactures of:				
Wearing apparel.....	.....	.....	179,518	7,449
All other.....	.....	.....	4,911	3,267
Silk, artificial, hosiery, dozen pairs.....	17,509	.....	166,065	24,043
Soap:				
Toilet or fancy.....	.....	.....	47,262	9,480
All other.....pounds..	2,756,790	.....	330,788	4,887
Spirits, distilled: Alcohol (including pure, neutral, or cologne spirits).....proof gallons..	7,467,358	.....	2,496,723	159,025
Starch:				
Cornstarch (except for table use).....pounds..	1,146,440	.....	61,251	33,126
All other.....do....	462,553	.....	30,848	3,252
Stearin, vegetable.....do....	138,526	.....	25,279	1,100
Sugar and molasses:				
Molasses.....gallons..	333,724	.....	87,687	181,734
Sirup, including maple sirup, ...gallons..	79,984	.....	28,873	60,272
Sugar, refined, including maple sugar.....pounds..	1,939,947	.....	193,501	2,914,943
Surgical appliances (not including instruments).....	.....	.....	18,973	.....
Suspenders and garters.....	.....	.....	21,207	8,362
Tobacco:				
Unmanufactured—				
Leaf.....pounds..	44,160,278	.....	13,097,714	11,267,083
Stems and trimmings, ...pounds..	27,550	.....	4,100	.....
Manufactures of—				
Cigarettes....thousands..	2,095,418	.....	5,541,333	26,240
Cigars and cheroots.do....	50,051	.....	1,059,923	42,533
Smoking.....pounds..	711,337	.....	233,200	29
All other.....	.....	.....	250,145	65
Typewriter ribbons.....	.....	.....	36,228	19,732
Vegetables:				
Vegetables, canned.....	.....	.....	13,705	1,206
All other.....	.....	.....	30,567	2,061
Vulcanized fiber and manufactures of.....	.....	.....	69,357	21,108
Wood:				
Timber, sawed, pitch pine (long leaf).....M feet..	5,380	.....	246,985	262,161
All other unmanufactured....	.....	.....	11,522	9,292
Lumber—				
Boards, planks, and scantlings—				
Fir.....M feet..	3,517	.....	486,441	16,500
Gum.....do....	2,127	.....	243,218	115,710
Pine, yellow, pitch .....M feet..	2,019	.....	110,619	256,190
Spruce.....do....	5,296	.....	711,480	.....
All other boards, planks.....	.....	.....	34,472	11,551
All other lumber.....	.....	.....	21,906	31,426

Exports to Italy—Continued.

	Quantity.		Value.	
	1920	1921	1920	1921
Wood—Continued.				
Lumber—Continued.				
Furniture (not metal)....	.....	.....	$21,565	$12,611
Hogsheads and barrels, empty.....	.....	.....	16,181	5,000
Staves.....number..	465,488	.....	77,889	39,227
Wood pulp.....tons..	249	.....	26,949	.....
All other manufactures of.	.....	.....	93,673	49,813
Wool:				
Unmanufactured....pounds..	114,806	.....	51,200	.....
Manufactures of—				
Woolen rags.....do....	248,633	.....	41,424	1,200
All other manufactures of.	.....	.....	10,498	3,972
Zinc:				
Cast in pigs, slabs, etc.—				
Produced from domestic ore.....pounds..	1,119,496	.....	114,050	530
Produced from foreign ore.....pounds..	123,258	.....	9,930	.....
Zinc, rolled in sheets, strips, etc.....pounds..	1,597,503	.....	186,571	5,308
Other manufactures of zinc...	.....	.....	9,801	1,162
Total domestic exports.....	.....	.....	368,010,978	211,706,591
Total foreign exports.....	.....	.....	3,751,296	3,756,310
Grand total exports.....	.....	.....	371,762,274	215,462,901

Mr. SMOOT. May we have a vote on the amendment?

Mr. JONES of New Mexico. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	McLean	Sheppard
Ball	Hale	McNary	Shortridge
Borah	Harreld	Moses	Simmons
Brandegee	Harris	Myers	Smoot
Broussard	Harrison	Nelson	Spencer
Bursum	Heflin	Newberry	Stanley
Calder	Hitchcock	Nicholson	Sterling
Capper	Johnson	Norbeck	Sutherland
Caraway	Jones, N. Mex.	Norris	Swanson
Cummins	Jones, Wash.	Oddie	Townsend
Curtis	Kellogg	Overman	Trammell
Dial	Kendrick	Owen	Underwood
Dillingham	King	Page	Wadsworth
Edge	La Follette	Phipps	Walsh, Mass.
Elkins	Lenroot	Pittman	Walsh, Mont.
Ernst	Lodge	Poindexter	Warren
Fletcher	McCormick	Pomerene	Watson, Ga.
France	McCumber	Rawson	Weller
Glass	McKellar	Robinson	Willis

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee.

Mr. JONES of New Mexico. Mr. President, I move to amend the committee amendment on page 2, line 9, by striking out "1½" and inserting "¾"; and upon that I ask for the yeas and nays.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 2, line 9, in the committee amendment it is proposed to strike out the numerals "1½" and to insert "¾."

Mr. HITCHCOCK. How will the amendment then read?

The READING CLERK. So that it will read:

Boric acid, three-fourths of 1 cent per pound.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Mexico to the amendment of the committee.

Mr. JONES of New Mexico. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MCKINLEY]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. TRAMMELL (when his name was called). In the absence of my pair, the senior Senator from Rhode Island [Mr. COLT], I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr.

CAMERON]. Being unable to obtain a transfer, I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I desire to announce that the Senator from Indiana [Mr. WATSON] is paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. McKELLAR (after having voted in the affirmative). I have a general pair with the senior Senator from Indiana [Mr. NEW], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. JONES of New Mexico. I have a general pair with the Senator from Maine [Mr. FERNALD]. I find I can not obtain a transfer of my pair, and I shall therefore be compelled to withhold my vote, which I do. If permitted to vote, I would vote "yea."

Mr. DIAL. I desire to announce that my colleague the senior Senator from South Carolina [Mr. SMITH] is detained by illness. I ask that this announcement may stand for the day.

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. WALSH of Montana (after having voted in the affirmative). The senior Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I have a pair, is absent from the Chamber. I transfer my pair to the Senator from Rhode Island [Mr. GERRY] and allow my vote to stand.

Mr. EDGE. I desire to announce that my colleague, the senior Senator from New Jersey [Mr. FRELINGHUYSEN] is absent on official business.

The result was announced—yeas 26, nays 47, as follows:

YEAS—26.

Ashurst	Heflin	Overman	Stanley
Caraway	Hitchcock	Owen	Swanson
Dial	King	Pittman	Underwood
Fletcher	La Follette	Pomerene	Walsh, Mass.
Glass	McKellar	Robinson	Walsh, Mont.
Harris	Myers	Sheppard	
Harrison	Norris	Simmons	

NAYS—47.

Ball	Ernst	McCumber	Rawson
Borah	France	McLean	Shortridge
Brandegee	Gooding	McNary	Smoot
Broussard	Hale	Moses	Spencer
Bursum	Harreld	Nelson	Sterling
Calder	Johnson	Newberry	Sutherland
Capper	Jones, Wash.	Nicholson	Townsend
Cummins	Kellogg	Norbeck	Wadsworth
Curtis	Kendrick	Oddie	Warren
Dillingham	Lenroot	Page	Weller
Edge	Lodge	Phipps	Willis
Elkins	McCormick	Poindexter	

NOT VOTING—23.

Cameron	Frelinghuysen	New	Stanfield
Colt	Gerry	Pepper	Trammell
Crow	Jones, N. Mex.	Ransdell	Watson, Ga.
Culberson	Keyes	Reed	Watson, Ind.
du Pont	Ladd	Shields	Williams
Fernald	McKinley	Smith	

So the amendment of Mr. JONES of New Mexico to the amendment of the committee was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment.

The READING CLERK. On page 2, line 10, strike out "12" and insert "18," so as to read:

Citric acid, 18 cents per pound.

Mr. HARRIS. Mr. President, I offer an amendment, and ask that it be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 230, line 6, after the words "provided for," strike out the proviso in the following words:

Provided, That for a period of five years beginning on the day following the passage of this act there shall be levied, collected, and paid, on the actual potash (potassium oxide) content of all the foregoing, a duty of 2½ cents per pound for the first two years; 2 cents per pound for the third year; 1½ cents per pound for the fourth year; and 1 cent per pound for the fifth year: *Provided further*, That thereafter the said potash content shall be free of duty.

Mr. HARRIS. Mr. President, nearly all the potash brought into this country is used in the manufacture of fertilizers, and the duty placed on potash will be paid by the farmers. Those engaged in agriculture have suffered more than any others during the business depression, and it is almost impossible for the farmers to make any profit on their products. It would be a great injustice to tax them on the fertilizers they must buy to raise their crops, and I hope the Senate will pass the amendment I have offered placing potash on the free list.

The VICE PRESIDENT. The amendment submitted by the Senator from Georgia will be printed and lie on the table. The question is on agreeing to the committee amendment.

Mr. KING. Mr. President, I move as an amendment to the committee amendment to strike out the numerals "12," in line 10, page 2, after the words "citric acid," and insert in lieu thereof the numeral "5."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. KING. May I inquire of the Senator from California whether he desires to address the Senate upon this amendment?

Mr. JOHNSON. I want to submit some very brief observations respecting it.

Mr. KING. I yield the floor.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. KING. I supposed the Senator from California desired to address the Senate.

Mr. JOHNSON. What is the desire of the Senator from Utah? He has presented an amendment to the amendment. Does he desire to be heard concerning it?

Mr. KING. I shall speak at some length concerning it, but it would be very gratifying to me if I might have the pleasure of hearing the Senator from California first.

Mr. JOHNSON. I would rather deny the Senator that particular pleasure and listen to him.

Mr. KING. Mr. President, I regret that I have not been advised by the Senator from California, who I assume is the spokesman for the Senate amendment which increases the House rate upon citric acid, what reasons exist for this remarkable advance. In my opinion, the increase from 12 cents per pound to 18 cents per pound is wholly unwarranted and indefensible. I shall ask the Senate to not only not concur in this Senate amendment but support a motion to reduce the rate to 5 cents per pound, which is the rate in the Underwood-Simmons law.

The Finance Committee have asked for 18 cents per pound tariff upon citric acid, the House bill carries 12 cents per pound, the Payne-Aldrich tariff law fixed 7 cents per pound, and, as stated, the Underwood-Simmons law fixes the rate at 5 cents per pound.

Before proceeding to a discussion of citric acid, I desire to read an editorial appearing in to-day's New York Journal of Commerce, a Republican paper of influence and power. I wish all Senators would read the editorials appearing in this ably edited journal upon tariff and cognate questions, because I am sure they would derive benefit and obtain enlightenment, and thus be enabled to vote—shall I say more intelligently, certainly more logically—upon the schedules now before us.

Under the heading "Tariff joker No. 3" the following is stated in the editorial:

In the House form of the pending tariff bill the duty on glue and gelatine was fixed at 20 per cent ad valorem.

The distinguished Senator from Illinois [Mr. McCORMICK], who is the chairman of the Senate Republican committee, just passed me and made some comment sotto voce about "glue." Unfortunately for his party the Indiana Republicans were not glued sufficiently to the reactionary policies of the Republican Party and therefore voted for Mr. Beveridge.

Mr. ODDIE. Mr. President——

Mr. KING. I yield to the Senator from Nevada.

Mr. ODDIE. I think it might be interesting to the Senator from Utah to make a little calculation of the combined votes of the two Republican candidates and the combined votes of the several Democratic candidates in the election held in Indiana yesterday.

Mr. KING. Mr. President, I am delighted that my friend the Senator from Nevada has projected himself, perhaps indirectly, into a discussion of political conditions in Indiana. His great familiarity with the situation there undoubtedly enables him to speak authoritatively as to the reasons for the small vote in the Democratic primary. If he were familiar with the situation there the Senator would know that there was a bitter contest between our distinguished and greatly esteemed colleague [Mr. NEW] and former Senator Beveridge. Our colleague, as everyone knows, is a warm friend of the President of the United States and undoubtedly represented in that contest the administration; in a sense the administration was on trial and he was the representative of the views and policies of the President and the administration, policies which I have heretofore denominated as reactionary, and which are being defended by the "die-hards" and the "hard-boiled" elements of the party in power with such accretions as it may receive.

Mr. Beveridge is a former Progressive. He followed the flag of Mr. Roosevelt when President Harding and Senator NEW followed the flag of Republican orthodoxy. Presumably Mr.

Beveridge stands for policies adverse, in some respects, at least, to the reactionism of the Republican Party.

The Senator from Nevada must know that when swords are drawn between such antagonists as Senator NEW, a brave, gallant, and chivalrous man, fighting as he did for the reactionaries of his party and for the Republican administration, and Mr. Beveridge, representing the more liberal elements of the Republican Party, and having, of course, his personal following, and the remnants of the Progressives, there would be a battle royal that would bring to the polls the combined strength of the Republican Party as well as the personal following of the two leaders.

Mr. ODDIE. The Senator has undoubtedly noted the statement by Mr. Beveridge in his campaign that he would be a strong supporter of the present administration.

Mr. KING. I remember what the Senator states, and though Mr. Beveridge, according to the press, made statements of a general character about supporting the administration, he proceeded to denounce some of the policies and tendencies of the Republican Party, including the way some Republicans in this Chamber, including the Senator from Nevada as well as the Senator from Indiana [Mr. NEW], voted upon certain questions. The Senator knows what votes I have particularly in mind.

Among the Democrats there was no contest. Former Governor Ralston, whom everybody knew to be a genial, able, chivalrous gentleman, was a candidate in the Democratic primaries for the Senatorship. His nomination was conceded by all. There were two gentlemen who announced their candidacy, but no campaign of any importance was waged and the Democrats, realizing the situation, paid but little attention to the primary. There was nothing in the political contest upon the Democratic side that occasioned organization activity or the bringing to the polls of any number of votes. But let me say to my friend from Nevada to be a little patient and wait until next November; he will then see the invincible Democracy of Indiana with its army of voters who will commission Governor Ralston to occupy a seat after the 4th of March next on this side of the Chamber. The Republican administration will be repudiated there as it is being repudiated throughout the United States.

Mr. McCORMICK. Mr. President——

Mr. KING. I yield to the Senator from Illinois.

Mr. McCORMICK. Will Governor Ralston or the Senator from Utah in the interim between now——

Mr. KING. The Senator is going to ask about the League of Nations?

Mr. McCORMICK. Precisely.

Mr. KING. I knew it.

Mr. McCORMICK. Will Governor Ralston and the Senator declare before November whether or no they wish the United States to subscribe to the covenant of the League of Nations and enter into the integral enforcement of the treaty of Versailles?

Mr. KING. Is that the end of the Senator's question?

Mr. McCORMICK. That is the question the Senator from Illinois has asked.

Mr. KING. I am not in the confidence of Governor Ralston. I am not his political keeper. I can not say what he advocated during the primary campaign or what he will declare for between now and November. One thing I think I can say to the Senator, though, and that is, Governor Ralston will not declare for the four-power treaty which has been provocative of an alliance between Germany and Russia which not only threatens the peace of Europe, but may constitute a menace to the world.

Mr. McCORMICK. Perhaps the Senator will tell us how many of his colleagues who are candidates for reelection are prepared to urge that the United States shall subscribe to the covenant of the League of Nations and the integral enforcement of the treaty of Versailles?

Mr. KING. My colleagues upon this side of the Chamber do not have to advise me of their views as to the League of Nations, and I do not need to ask them. We have perfect freedom upon this side of the Chamber. I have no doubt those who are candidates for reelection upon the other side of the Chamber advise the Senator from Illinois and get his consent as to what to say and how to act in the coming campaign. So I do not know what the Senators on this side of the Chamber who are candidates for reelection will say or do respecting that question, but I will say to the Senator from Illinois that I know they will do this: Those who are candidates for reelection, as sensible, rational, patriotic men, will point to those questions which are the supreme issues of the hour——

Mr. McCORMICK. Mr. President——

Mr. KING. Let me finish, and then I shall be glad to yield.

The supreme issues of the hour, or at least the paramount issues of the hour, relate to internal and domestic problems; and one of such questions, if not the principal one, is the infamous McCumber-Fordney tariff bill which is now before us——

Mr. McCUMBER. Mr. President——

Mr. KING. One moment. Of course, I disassociate my friend from North Dakota from the evils and monstrosities of the bill.

Mr. McCORMICK. The Senator from North Dakota is a little heterodox on the League of Nations. I want to finish this debate uninterrupted by him.

Mr. KING. I should be glad to debate with both Senators, but one at a time.

Mr. McCUMBER. The Senator states that the really dominant issue now is the tariff bill—not the League of Nations, not what has happened in Indiana, but this particular tariff bill. We have now reached the item of citric acid——

Mr. KING. A very sour subject.

Mr. McCUMBER. Will the Senator point out what he thinks is a proper duty upon citric acid?

Mr. KING. I have already stated——

Mr. McCUMBER. That is the real dominant question now.

Mr. KING. I have already stated 5 cents a pound and have moved to amend the bill which is before us.

Mr. McCUMBER. Will the Senator tell us why he thinks the rate should be 5 cents a pound?

Mr. KING. I shall be very happy to do so; but I can not answer both Senators at once.

Mr. McCUMBER. I am asking the Senator to hold to what he considers to be the dominant issue—the pending tariff bill.

Mr. KING. I do not wonder that my good friend from North Dakota wants to lead us away from a discussion which to him and, doubtless, to the reactionaries upon the other side is not very palatable. I stated that one of the dominant issues of the hour was the tariff bill and that it and various domestic questions, in my judgment, would be regarded as the controlling and, indeed, paramount questions before the American people in the coming campaign. If I may be permitted to resume at the point I had reached when interrupted by the Senator from North Dakota, I was stating to the Senator from Illinois [Mr. McCORMICK] that my colleagues who are seeking reelection, as rational, sensible, and patriotic men——

Mr. McCORMICK. Mr. President——

Mr. KING. Let me complete my sentence.

Mr. McCORMICK. The Senator's colleagues are thinking men, but not speaking men. There are beside him candidates for reelection. Will they join their voices to the still small voice of the Senator from Texas [Mr. SHEPPARD] and say that they would have the United States enter the League of Nations and enforce the treaty of Versailles? Come forward, gentlemen! Speak out, gentlemen! Are you for the League of Nations as you were before? Would you not enforce the treaty of Versailles? I do not ask the Senator from Utah. He has announced that he is going to return to the practice of law, but you who are to seek the suffrage of the people in your State next November, are you for or against the League of Nations? Would you or would you not enforce the treaty of Versailles?

Mr. KING. The Senator from Illinois, among his many other virtues, does not have the still small voice. [Laughter.] I will come back to the question which I was stating when twice interrupted by the Senator from Illinois.

I was stating that my colleagues, and they are competent to speak for themselves and will speak before the election in such a manner as may not be satisfactory to the Senator from Illinois, as rational men would address themselves to the supreme issues before the American people.

It has been said by writers who are familiar with our political contests that only one great political question is settled in any one election. I do not affirm the correctness of that position. Indeed, it will bear study and consideration. In my opinion the controlling and paramount questions that will be before the American people in the coming election will relate largely to domestic problems. There are enough of those questions to entitle the Democrats to a victory. The record of our Republican friends in dealing with domestic problems, to say nothing of foreign problems, has been so malodorous and so imperfect that undoubtedly there will be reactions against their party in other States, as there was yesterday in the great State of Indiana.

Now, Mr. President, the Senator from Illinois as an adroit, clever, and capable political leader, schooled in the politics of the State of Illinois and elsewhere, has learned, under the leadership of Theodore Roosevelt and under the leadership of reactionaries whom he is now following, all angles of the issues involved and the best methods of securing results. As an adroit political leader he knows that the American people are turning against the Republican Party upon domestic questions, and he is trying to divert their attention from the mistakes of his own

party, from its palpable blunders, from its wretched administration of the affairs of the Government, and to do so seeks to project into the political arena a question which is not now the paramount or the controlling question before the American people. I congratulate him upon his skill, upon his perspicacity, but I can assure him the Democrats will not follow him as their political leader. We prefer to follow the distinguished Senator from Alabama [Mr. UNDERWOOD] and other great leaders in the Democratic Party who by their experience and devotion to Democratic principles are competent to direct the policies of the Democratic Party.

Mr. MOSES. And, Mr. President, may I add, who helped to frame the four-power pact which the Senator from Utah has just denounced?

Mr. HARRISON. Mr. President——

Mr. KING. I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator from Illinois has just returned from a remarkable convention in Illinois in which he was the pilot. He joined forces with Thompson, of Chicago, for the first time in a long time. He wrote the platform. Did he indorse the four-power pact in that convention?

Mr. McCORMICK. The Senator from Mississippi can read the platform. It is very definite. It speaks clearly upon the foreign policy of this administration, upon the League of Nations, and the treaty of Versailles.

Mr. HARRISON. Did it say anything about the four-power pact?

Mr. McCORMICK. It did not.

Now, let me continue, if I may. The junior Senator from Utah [Mr. KING] has charged me with raising the issue of the League of Nations.

Mr. KING. No; I said the Senator was trying to do it.

Mr. McCORMICK. The Senator means to be exact; he always means to be just. It was the former candidate of the Democratic Party, the ex-governor of Ohio, who first proclaimed that the League of Nations was still a political issue in this country; who proposed that the Democratic National Committee should again meet to indorse the proposal that the United States enter the League of Nations. There is no one on this side of the Chamber who raised the issue. There were some of us who thought, as does the Senator from Utah, that one great question may be settled in an election, and we had hoped the question of the League of Nations had been settled. The present President of the United States, speaking for his party, has said that we would have none of the league.

The candidate of the Democracy in the last election has announced, not once but three times, that events were drawing the United States into the League of Nations; that he believed that we must subscribe to the covenant thereof; and that the Democratic National Committee should meet to proclaim that proposition. I ask the leader of the Democratic Party yonder, and the Senators who are to be candidates in the forthcoming campaign, to say "aye" or "no," whether they agree or disagree with ex-Governor Cox upon the question of the League of Nations?

Mr. KING. Mr. President——

Mr. McCORMICK. Is that an unreasonable request? Is it unreasonable to ask that some one other than the Senator from Texas [Mr. SHEPPARD], secure from any division between the parties, or some one other than the Senator from Utah [Mr. KING], who is voluntarily to retire from the Chamber, should answer that question?

Mr. JOHNSON. Mr. President, will the Senator from Utah pardon me? It is only imperative necessity which prompts the inquiry I am about to make.

Mr. KING. I yield to the Senator from California.

Mr. JOHNSON. The Committee on Patents is meeting at present for the consideration of one very important question that is pending before it. There is an impasse between two departments of the Government as to——

Mr. KING. I shall not ask for a vote while the Senator from California is absent from the Chamber.

Mr. JOHNSON. I desire to be present when the Senator from Utah speaks in reference to the duty upon citric acid.

Mr. KING. When citric acid is reached, if the Senator from California is not then present, I shall refrain from discussing that subject and take up another item in the tariff bill.

Mr. JOHNSON. I thank the Senator. I wanted the Senator from Utah to pardon me for being absent during his speech.

Mr. KING. I want the Senator to be present when I speak.

Mr. JOHNSON. I am most anxious to hear the Senator in other regards as well; and I am more sorry than I can tell that I shall miss his rejoinder to the Senator from Illinois [Mr. McCORMICK]; but it is an important matter on which the Committee on Patents are engaged.

Mr. KING. I know the importance of the work which is pending before that committee, and I hope the committee will report a bill that will not permit patentees, when they obtain a monopoly from the Government, to hide their patents and deny their benefits to the people.

Mr. JOHNSON. We are wrestling in the committee with the subject.

Mr. KING. Mr. President, after getting through with Indiana for a moment, and the ex-Governor of Nevada, I come back to my distinguished friend, the Senator from Illinois [Mr. McCORMICK]. However, there is one remark I want to make before proceeding to answer him, and that is that one thing the election in Indiana did was to take "New" out of "Newberry." It accomplished that result. The Newberry question was an issue in that campaign and will be an issue in other States in the coming election. In making that observation, let it be understood that I am speaking with due courtesy of the able junior Senator from Michigan [Mr. NEWBERRY] and without any desire whatever to offend him or to impugn his motives or his character——

Mr. ODDIE rose.

Mr. KING. Let me complete the sentence—but the American people believe that the expenditure of more than $200,000 in the last senatorial primary campaign in the State of Michigan was not consistent with American traditions or consonant with fair and honest elections. They feel that there was nothing that could warrant such a stupendous expenditure.

They believe that in the expenditure of such an enormous fund there must have been, directly or indirectly, corruption somewhere, somehow, and they will visit their displeasure upon the party which indorsed that expenditure, as the Republican Party indorsed it in their vote seating the junior Senator from Michigan, and as they indorsed it in adopting the amendment which was offered by the junior Senator from Ohio [Mr. WILLIS] to the resolution seating him.

I now yield to the Senator from Nevada.

Mr. ODDIE. I should like to ask the Senator from Utah if he does not believe that Henry Ford is anxious that the discussion on the Newberry matter shall continue, for the reason that it sells thousands of automobiles for him?

Mr. KING. Mr. President, I am not interested in what some persons irreverently call "Tin Lizzies," as the Senator from Nevada evidently is. I am not selling Henry Ford's cars. I am not in the confidence of Henry Ford, as evidently the Senator from Nevada is. The Senator from Nevada seems to think that this discussion—and he is to blame for it—will aid Henry Ford in selling cars; the Senator being responsible for the discussion, and it being of benefit to Mr. Ford, it is clear that the Senator from Nevada is the agent of Henry Ford, and is aiding him in the sale of his products.

Mr. President, I want to be frank with the Senator from Illinois [Mr. McCORMICK]. He has asked me—he did so several days ago, and repeated the question to-day—what my views are upon the League of Nations. It is wholly immaterial what my views on that subject are.

I am not of enough importance in the Democratic Party or elsewhere that my views would be controlling, but I frankly say to the Senator from Illinois, speaking for myself and myself alone, that, sooner or later, the United States of America, with proud and triumphant step, and with a desire to serve this Nation and the world, will enter a league of nations, an association of the nations of the world. This it will do—as a progressive, Christian nation—in order that the peace and prosperity of all peoples may be secured. Humanity is marching toward the goal of international amity; peace on earth, good will toward all men, world fellowship—world association—these are not baseless dreams or mere phantasms. The unity of the race and a common civilization are objectives toward which the moral and spiritual leaders of the world will direct humanity's faltering steps. It may be an ideal, but it is one that will never perish; it will persist until it conquers; thus the ideal will culminate in the attainable and in the attained.

The Senator from Illinois stated that the President of the United States, Mr. Harding, had repeatedly declared against the League of Nations. I hope I correctly state what the Senator said. I do not know whether the President of the United States has said that or not.

Mr. McCORMICK. The Senator will recall the address delivered in this Chamber by the President.

Mr. KING. I remember the cryptic utterances of the President of the United States; I remember that he said repeatedly before and during the campaign, in substance, that he was

for an association of nations. I know that in the Senate of the United States Warren G. Harding, when a Senator, voted for the League of Nations with reservations, the chief of which related to article 10 of the league. I am advised, may I say in passing, that the members of the league place the same interpretation upon that article as was given it by Senator Wolcott, of Delaware, and by a number of distinguished Senators upon this side of the Chamber, as well as by able lawyers of the United States when the treaty was before the Senate, namely, that it imposed no legal or moral obligation upon members of the league to go to the aid of any member nation when its territorial integrity or its political independence was attacked, but that each nation was to determine for itself what its attitude should be in the light of the then existent circumstances.

Mr. McCORMICK rose.

Mr. KING. Does the Senator desire to interrupt me?

Mr. McCORMICK. I was going to say that the President voted for the league with reservations, and doubtless with qualms as well.

Mr. KING. Mr. President, I am not in the confidence of President Harding. If the Senator says he has "qualms," doubtless he speaks with authority. I do not know, however, what he means by "qualms"—whether he is speaking of the President's mental and intellectual organism and faculties or his physical attributes, his physical qualms. The Senator may be a pathologist; he may be able to distinguish between intellectual qualms and physical qualms. I congratulate the Senator upon his knowledge of pathology and therapeutics, as well as his psychological attainments.

Mr. McCORMICK. Mr. President, may I call the attention of the Senator to a strange recurrence?

Mr. KING. I yield.

Mr. McCORMICK. I note that whenever the question of the League of Nations is discussed nearly all of the Senators on the other side of the Chamber from north of the Mason and Dixon's line who are candidates for reelection leave the Chamber.

Mr. KING. Mr. President, the Senator may take what comfort he pleases from the alleged absence of candidates for reelection upon this side of the Chamber. I repeat that, after reading the speeches of President Harding—his preelection speeches, and the speeches which he has made since—no man can say that President Harding is against a world association of nations.

I say to the Senator from Illinois, while the association or League of Nations may not be, and probably will not be, the great question in the coming election it is a live question in the United States; it is a question that will not down; that can not be buried by the sophistry of the Republicans, by their cunning, by their subtlety. It will be here to-day and to-morrow and next year and in the coming years, until, in God's own providence, there will be international fellowship, brought about and effectuated through a world organization and a world association of nations. I am for the League of Nations with proper reservations——

Mr. McCORMICK. Oh!

Mr. KING. Oh. I voted for the League of Nations with reservations, and I voted for it without reservations; and I say now, Mr. President, that the economic collapse of the world, which reacts to the disadvantage of the United States, is attributable largely to the folly of Republican Senators in not ratifying the Versailles treaty, which would have permitted this Nation, entering the league, there to sit down at the world's council, indeed heading that council and wearing the crown of moral, of political, and material primacy.

Mr. McCORMICK. Mr. President, does not the Senator think that if we sat down at the table at Genoa our waistcoat might——

Mr. KING. There would have been no Genoa conference if the United States had gone into the League of Nations.

Mr. McCORMICK. It might not have been necessary. Our pockets might have been frisked before any such conference was held.

Mr. KING. They have been frisked now. Under your policy you have frisked from us since the Republicans have come into power billions of dollars in the depreciation of the value of American products. You have cut off our trade with other nations; you have laid your deadly hands upon other nations and contributed to their demoralization and to their economic ruin, as you have contributed to the economic ruin of the American people. The Republican Party, Mr. President, has been weighed in the balance with respect to its foreign policies, as it is being weighed in the balance now with respect to domestic policies, and it has been found wanting.

Mr. President, I return to the point that I was discussing when the able Senator from Nevada [Mr. ODDIE] challenged my attention to the delightful results of the election in Indiana day before yesterday. That election is a sore spot for you Republicans, and it will be much sorer to-morrow and the following day. You have your ears to the ground to-day listening—listening to portentous sounds. Your heads were high day before yesterday. You were to have a vindication in the returns in Indiana. Your heads to-day are bowed, your hearts are sore, your cheeks are blanched, and you are waiting now with trepidation and fear for the ides of November. God help you! You need it.

Mr. McCORMICK. Mr. President, where are those Democratic Senators who were for our subscribing to the League of Nations?

Mr. KING. Mr. President, I have said to the Senator once, and I say again, that Democratic Senators do not have to consult with me as Republican Senators who are candidates for reelection have to consult with the Senator from Illinois, who is the purseholder and the money gatherer, and who will control the elections through the instrumentality of the campaign funds in the various States—I say that with all due respect, of course—legitimate campaign funds.

Mr. McCORMICK. I think the Senator does not mean that.

Mr. KING. Yes; I do, in a sense. Let me explain.

Mr. McCORMICK. Oh, I think not.

Mr. KING. The Senator is chairman of the Republican senatorial campaign committee.

Mr. McCORMICK. He is. The Senator from Montana [Mr. WALSH], who is absent from this debate, is chairman of the Democratic senatorial campaign committee.

Mr. KING. And the Senator from Montana undoubtedly will attempt to collect some money from Democrats to use in the campaign, in a legitimate way, as I expect my distinguished friend from Illinois will do; but the Senator from Illinois knows that one of his duties—and I am not complaining, it is a laudable, it is a proper duty—is to try to obtain needed and proper campaign funds for legitimate use in States where Republican candidates are seeking reelection.

Mr. McCORMICK. The Senator, if I remember his remark, suggested that I would seek to control the course of candidates through the instrumentality of that fund.

Mr. KING. Oh, no.

Mr. McCORMICK. If the Senator said that, I am sure he will want to withdraw the remark.

Mr. KING. The record will show what I said. I did not mean to say that. If my remarks bear that construction, I apologize to my friend, because I would not do him an injustice. What I intended to say, and what I say now, is this:

The Senator from Illinois, because of his ability—and I say that not in flattery, but sincerely—because of his long political experience, because of his knowledge of political affairs in the United States, because of his association with Mr. Roosevelt and the Progressive Party, as well as his association with the reactionary Republican Party, knows political conditions in the United States, and he has been selected because of his superior knowledge as the chairman of the Republican senatorial campaign committee, and as political leader it is his duty to gather such campaign contributions as he can in an honorable way, as I know he will, and that he will expend the funds so collected in the various States where there are candidates for reelection. I have no doubt that the Republican candidates who are candidates for reelection are consulting the Senator now, as they will continue to consult him in the future.

I return to the reading of the interesting editorial, Mr. President, from the Journal of Commerce, of New York:

> In the House form of the pending tariff bill the duty on glue and gelatin was fixed at 20 per cent ad valorem and 1½ cents per pound, while manufactures of glue and gelatin were 25 per cent.
>
> The Senate bill varies the rate from 20 per cent and 7 cents to 20 per cent and 15 cents, while in certain cases the ad valorem rate is as high as 25 per cent.
>
> As to this, careful inquiry shows that these packing-house commodities are simply by-products. They have no "cost of production" as such, but any duty is a clear gift to the makers by enabling them to raise their prices to correspond. Under the old tariff rates our total product of glue, which was $13,733,000 in 1914, rose to $32,132,000 in 1919, while our exports advanced from $259,000 to $2,405,000 in 1920. Imports meanwhile were only $590,000 in 1920. There is no danger whatever of foreign competition, the quantity brought from abroad being, as just shown, negligible. The Senate bill is an absolutely unwarranted advance in the rate.

Mr. President, the Senate bill with respect to these items—and the same is true as to carbide, dyes, and hundreds of others, as will be shown before we get through—is written in the interest of trusts and combinations, which already have raised the price levels until they bear oppressively upon the consuming public. A gratuity, a gift, is bestowed upon the packers and other interests that directly or indirectly control the glue

industry of the United States, according to this Republican newspaper.

Aside from raw material the cost of gelatin is said to be determined by the cost of coal, sulphuric acid, muriatic acid, and peroxide of hydrogen, all of which are cheaper here than in Europe. The Payne tariff permitted domestic producers, it is estimated, to add $3,800,000 to their prices—

And the American people had to pay for it—

while the present tariff may allow $6,400,000 under the House bill and greater amounts under the varying rates of the Senate draft. Here is a handsome, if surreptitious, gift to producers under the guise of protection based on difference in cost of various grades of the article.

There are many Republican newspapers, as well as many Republicans, in the United States who are voicing their opposition to this bill, pointing to its inequitable features and to the evils which will follow the adoption of these schedules.

I promised the Senator from California not to discuss the item of citric acid until his return to the Chamber; accordingly I shall refer to a subject which is pertinent to the question before us.

It has been repeatedly stated that the high rates of duty provided for the various commodities in Schedule 1 of this bill were necessary to protect the manufacturers of chemicals produced in this country, and the inference was that we had no chemical industry until the war, and that as a new industry it must have what it demands. I believe that some persons listening to the statements of Republicans and to some Republican newspapers would reach the conclusion that the chemical industry was the child or the product of the war; that we had no chemical production in the United States, either direct chemical production or chemical productions of an allied nature or character, prior to 1914.

The fact is, Mr. President, that on the 31st day of June, 1914, we had invested directly and indirectly in chemical production $2,017,000,000 plus, and that the products for that year of chemical industry covered by Schedule 1 of the bill aggregated more than $3,000,000,000; in other words, that the output exceeded the capital in the ratio of 3 to 2. And yet we are appealed to to support this bill because we must have a chemical industry in the United States, and without these prohibitive rates it is impossible. Many of our chemical industries, as a matter of fact, have been in existence for many years.

Some instructive tables and valuable information are found in a publication of the Department of Commerce in 1919 called "Miscellaneous Series, No. 82." It is there shown that the chemicals which we would denominate chemicals per se, measured by that standard—which are found in this bill—if they were put into juxtaposition with the products of the chemical industry, it would appear that they represent less than 2½ per cent of the total value of the commodities provided for in Schedule 1 of this bill.

Mr. President, this pamphlet which I just referred to, on page 8, has the following:

This publication presents statistics for 5,500 natural and manufactured articles imported into the United States during the fiscal year 1913–14.

Substantially all of those 5,500 articles are embraced within Schedule 1, though most of them are under what are called "basket clauses."

The principal classes of materials considered in this publication are:

Abrasive materials, asbestos, baking powder, blacking, bronze powders, candles, chalk, chemicals (including acids), clays, coal-tar products (except dyes), drugs, dyeing materials, explosives, fertilizers, gelatin and glue, greases and tallows, gums and resins, inks and ink powders, medicinal preparations, oil cake; oils, animal; oils, mineral; oils, vegetable; oils, essential; petrolatum, pigments, paints, perfumes, cosmetics, and toilet preparations, salt, soaps, sulphur, tanning materials, turpentine and rosin, varnishes and waxes.

Some of the articles are found in the next schedule. They are not all included in this schedule.

I wish there were more Senators here to understand the significance of this statement that of the 5,500 products listed in this publication, only 2,500 were imported in amounts exceeding $100 in value, totaling approximately $268,000,000. The remaining 4,000 products were imported in amounts less than $100, totaling in the aggregate $61,000.

What does that mean, Mr. President? It means that for the fiscal year ending June 30, 1914—that is, before the war, when Germany was reputed to be the dominant and controlling factor in the chemical world—she shipped to the United States but a fraction of the $268,000,000 of all these 5,000 items which are found in this schedule. On the following page of this report it is shown that our exports for the same period covered by this schedule amounted to $265,019,258; so that from all the world, Germany giving but a portion of them, we imported but $267,000,000 plus, and exported $265,000,000 plus, and produced more than $3,000,000,000 of chemical products.

Turning to page 11, we find here the classification of all of the items within the chemical schedule which were imported into the United States for the fiscal year 1913–14, keeping in mind, now, that that was before the war, when Germany was alleged to be supreme. We imported only $2,000,000 plus of acids, $28,000,000 plus of chemicals, $8,000,000 of coal-tar products, except dyes, and, according to the figures of the Norton census, given us also by the Department of Commerce, as I carry them in my head, that amounted to approximately $10,000,000. They are not in this book.

Drugs, flowers, leaves, nuts, and herbs, $7,000,000 plus.

Dyeing and tanning material, $2,000,000 plus.

Extracts for dyeing and tanning, except coal-tar dyes, $2,000,000 plus.

Fertilizers, $28,038,000. I shall show later on that those came from Chile, or most of them.

Gums (including india rubber, crude, valued at $71,219,051), $88,903,829.

Medicinal preparations, dutiable (including menthol, valued at $424,917, imported from British India), $1,289,608.

Oils, animal, $1,000,000 plus.

Oils, vegetable (expressed), $43,000,000 plus.

Oils, essential (distilled), $3,000,000 plus.

Paints, pigments, artists' colors, and varnishes, $2,000,000.

Perfumes, cosmetics, and toilet preparations, $2,000,000.

Sodium nitrate, $7,951,455.

Mr. President, all of these imports—$197,343,535—consisted of crude materials; that is to say, they came into the United States not in the finished and consumable-by-the-public form, and became the basis of American industry, so that the larger part of our imports under this schedule, while Germany was supposed to dominate the chemical world, consisted of crudes, which were used by manufacturing plants, by industries in the United States, thus giving an impetus to our industrial development and employment to thousands, if not tens of thousands, of American workingmen.

Yet our Republican friends, in their midsummer madness—because it will be midsummer before this bill passes—are determined to strike at the very foundations of our industrial prosperity and development. They would cut off the importation of crudes and all finished products. They would in their devotion to trusts and special interests prevent the exportation of American products, and while striking at friendly nations they would at the same time strike at their own country and injure the American consumers. This they would do in order to give a monopoly to the Carbide Trust, the National Chemical Co., the du Pont Co., and other great trusts and combinations, whose names will be mentioned before we conclude the discussion upon this bill. We propose to let the people of the country know, so far as we have the power to do so, that this schedule is drawn for the trusts, in the interest of the trusts, and that the result will be, when this bill becomes a law, the exploitation of the American people.

Only $43,674,163 of manufactured chemical products—that is, products which I have called chemicals per se and are comprised in the figures shown on page 12 of this report (Miscellaneous Series No. 82)—were imported into the United States at the time when Germany was supposed to be supreme and the United States was, according to our Republican friends, supposed to have no chemical industry.

Mr. President, if Germany in 1913–14, with her tremendous wealth, with her technical skill, with her claimed world supremacy in chemical matters, could not send to the United States any greater value of chemicals than that which the records show, how, I ask, can Germany, prostrate, now compete with American industry, which has access to the inexhaustible resources of this great Nation?

I stated the other day that Germany had lost most of her coal, iron, and potash. Germany is now compelled to go into the markets of the world and buy copper and other raw materials in order to make any showing as a manufacturing nation. We have the raw materials to make the products; and still our Republican friends say we must keep out any competition, as Germany and the European nations are about to destroy American industries.

I turn again to this same Miscellaneous Series No. 82 and find the list of the imports of chemicals for the year 1913–14, where each item was valued at less than $100. The names appear, totaling, as I recall, 4,500. One would suppose that many of these items would be placed upon the free list in this bill, because the value of the imports when Germany and the nations of Europe constituted strong industrial nations and were producing chemically and in an industrial way were so inconsequential.

The number so placed in the free list, if my computation was correct, is only 14. Fourteen out of 4,500 items the importation of which was less than $100 have been placed by our Republican friends upon the free list.

But assume, Mr. President, that there are some items in the schedule which ought to be protected which come within the category of infant industries. Why the necessity of penalizing the American people on thousands of items where there is no necessity and where the American production not only is adequate for the domestic consumption but produces an excess and must find markets abroad?

Mr. President, there are hundreds—indeed, thousands—of items in the bill as to which the imports have been and are less than 1 per cent of the domestic production. There are hundreds and hundreds of items as to which there is no importation at all, and yet our Republican friends have been so friendly with the trusts, so considerate of the chemical combines and interests in the United States, that they have placed duties upon those very items, thus enabling the domestic producers to extort such prices from the American consumers as their greed and avarice may dictate.

Protection has been defended upon the ground that an infant industry needed aid, and that imports of like products produced by the domestic industry would enter into such sharp competition as to destroy the American producer. How can these high rates be defended when there is no competition? Is 1 per cent competition? When there are no imports can it be said that there is competition? Of course, that is absurd. It is an abuse of the taxing power of the Government to lay duties upon foreign commodities when there is no importation, or where the importation of such commodities is less than 1 per cent of the domestic product.

Mr. SIMMONS. I ask the Senator from Utah to yield to me for a few moments.

Mr. KING. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I wish to detain the Senate just a moment. A day or two ago I made some general observations with reference to the War Finance Corporation and certain bills which have been introduced in the Senate, one by myself, providing for larger banking facilities for agriculturists and live-stock raisers in the country than are afforded through the War Finance Corporation.

In the course of my remarks I caused to be read from the desk an interview with Mr. Harvie Jordan, which appeared in the Raleigh News and Observer. In the interview Mr. Jordan stated that the governor of the Federal Reserve Board, Mr. Harding, had made a further ruling against loans to enable farmers and stock raisers to hold their products off the market for the purpose of a more orderly marketing of such products.

I am now in receipt of a letter from Governor Harding, dated May 2, which really was called to my attention only this afternoon, in which he refers to the interview of Mr. Jordan and states that he was incorrectly quoted, that he had made no such ruling, that the board of which he is the head had made no such ruling, and that the board did not hold the opinion with respect to the matter stated in the interview with Mr. Jordan, and requesting that some publicity be given to the denial.

He also discusses in the letter to some extent the question of agricultural credits and clearly indicates that both he himself and the Federal Reserve Board are in favor of some system which will adequately provide credits and banking facilities to farmers and to stock raisers. He also makes it clear that he does not think it would be advisable to attempt to accomplish this through amendments to the Federal reserve act.

The letter, I think, is valuable in itself, and Governor Harding is entitled to have it made public. I shall ask the Secretary to read all of the letter except one paragraph, which the governor makes confidential. I would like very much to have that paragraph read, but by reason of his desire that it shall be treated in confidence I ask that the Secretary eliminate it. I desire to have the letter read, because I think Governor Harding is entitled to have it read and I think the Senate is entitled to know what he says upon this very interesting and very important subject.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, the Secretary will read as requested.

The reading clerk read as follows:

FEDERAL RESERVE BOARD,
Washington, May 2, 1922.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In the course of your remarks which are published on pages 6131 to 6133 of the CONGRESSIONAL RECORD of May 1, 1922, you referred to and caused to be inserted in the RECORD a statement taken from the Raleigh (N. C.) News and Observer of April 27, 1922, by Mr. Harvie Jordan, national secretary of the American Cotton Association. As this statement is untrue in so far as it refers to me, I am taking the liberty of addressing this letter to you.

I have reference to the particular part of the statement which reads as follows:

"* * * Gov. W. P. G. Harding, of the Federal Reserve Board, recently interpreted the law of the Federal reserve banking system to the effect that agricultural loans based on farm products as collateral can not be rediscounted for the purpose of holding such products off the market, the inference being that for farmers to borrow money for the purpose of holding cotton or other staple products off the market is speculation.

"This interpretation of the Federal reserve law means that when staple farm products are ready for market they must be promptly sold, whether markets are stagnant or not. It means an encouragement or enforcement of the dumping method of marketing, which has always carried the penalty of low prices to the growers. The policy now being generally adopted by farmers to market their products slowly and in an orderly manner to regulate supplies to meet the needs only of legitimate consumption will meet a deathblow if the law as interpreted by Governor Harding is enforced."

I desire to say in the first place that I have never attempted to interpret the law or make rulings for the Federal Reserve Board. Every interpretation or ruling is made and adopted by the board as a whole.

In the second place, I wish to point out that the Federal Reserve Board has never interpreted the Federal reserve act in the manner suggested in the statement in question. On the contrary, the Federal Reserve Board in its rulings, and on every appropriate occasion, has taken the position that such holding of agricultural products as is incident to orderly marketing is a legitimate and necessary part of the business of agriculture, and that a loan made to a producer or farmer for the purpose of financing such holding is clearly an agricultural loan which is eligible for rediscount by Federal reserve banks within six months of maturity. Furthermore, the Federal Reserve Board and the Federal reserve banks have recognized that in determining to what extent the holding of agricultural products is incident to orderly marketing the condition of the market for such products, or the market demand, must be taken into consideration, and that renewal loans made necessary by reason of inability to dispose of products at a reasonable figure and in an orderly manner during the period of the original loan may also be eligible. In other words, in direct contradiction of the published statement of Mr. Jordan, the Federal reserve act has been interpreted by the board so as to permit the gradual and orderly marketing of agricultural products as and when there is a demand for them, instead of requiring the farmers to market their products by the so-called "dumping method."

I have read your remarks as published in the CONGRESSIONAL RECORD with much interest and I agree entirely with you, as I am sure the other members of the Federal Reserve Board would also, that there is grave need for additional credit facilities available to agriculture, and that it would be inadvisable to attempt to provide such facilities through amendments to the Federal reserve act. Senator HEFLIN, who addressed the Senate after the conclusion of your remarks, inferred that the Federal Reserve Board "will fight" any legislation intended to provide such additional credit facilities. I desire to assure you that such is not the case. You are no doubt familiar with Senate bill 3051, which was recommended by the Joint Commission of Agricultural Inquiry as a means of affording additional credit facilities for agricultural purposes through the enlargement of the powers of the Federal land banks. The chairman of the Senate Committee on Banking and Currency referred this bill to the Federal Reserve Board, and in a letter dated January 26, 1922, the board expressed its approval of the bill in the following terms:

"While the proposed bill deals mainly with the Federal farm-loan system, the administration of which does not, of course, come within the jurisdiction of the Federal Reserve Board, the board is glad of the opportunity to say that the bill has its cordial approval and support. The board believes the bill to be sound and constructive legislation that is well designed to afford much needed relief to agricultural and live-stock interests by adding to their available credit facilities, which at the present time are not adequate for their requirements."

For your information a copy of that letter is inclosed herewith.

The Federal Reserve Board has not had occasion to consider the bill introduced by you, S. 3390, and I am not familiar with its detailed provisions. * * *

In order to correct the erroneous impression that Mr. Jordan's published statement would create, I request you to give the same publicity to this letter that you have given to the article containing that statement.

Yours very truly,

W. P. G. HARDING, *Governor.*

Mr. SIMMONS. Mr. President, I have also received from Governor Harding, attached to the letter which has just been read, a letter written by him, dated January 26, 1922, and addressed to the chairman of the Committee on Banking and Currency, the Hon. GEORGE B. MCLEAN. I think probably it was sent to me with the expectation that it would be presented in connection with the letter which has just been read. For that reason I ask that, without reading, it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE BOARD,
Washington, January 26, 1922.

MY DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter of January 23, 1922, inclosing a copy of Senate bill 3051 and requesting the views of the Federal Reserve Board with regard to it. This is the bill the enactment of which is recommended in the recently published report of the Joint Commission of Agricultural Inquiry. The same bill has also been introduced in the House of Representatives as H. R. 10058.

While the proposed bill deals mainly with the Federal farm loan system, the administration of which does not, of course, come within the jurisdiction of the Federal Reserve Board, the board is glad of the opportunity to say that the bill has its cordial approval and support. The board believes the bill to be sound and constructive legislation; that is well designed to afford much needed relief to agricultural and live-stock interests by adding to their available credit facilities, which at the present time are not adequate for their requirements.

The bill proposes to add to the Federal farm loan act a new title, title 11, consisting of sections 201 to 209. Subdivision (a) of section 201 provides that each Federal land bank, subject to regulation by the Federal Farm Loan Board, may discount for any bank or live-stock loan company, with the indorsement of such bank or company, any note or other such obligation the proceeds of which have been used for an agricultural purpose or for the raising, breeding, fattening, or marketing of live stock, and may make loans to any cooperative association of producers of staple agricultural products upon the security of warehouse receipts covering such products. Subdivision (b) of section 201 provides for the issuance by Federal land banks of debentures or other such obligations with maturities not in excess of three years secured by discounts or loans made under subdivision (a). Section 204 provides that any Federal reserve bank may discount for a Federal land bank, upon the latter's indorsement, discounts or loans made under section 201 which have a maturity at the time of discount by the Federal reserve bank and in excess of six months, and section 206 provides that any Federal reserve bank may buy and sell the debentures and other obligations of a Federal land bank issued under section 201 to the same extent and subject to the same limitations as those upon which they may buy and sell Federal farm loan bonds. The other sections of the new title provide for the creation of a "farm credits department" in each Federal land bank for the purpose of exercising the powers conferred by the title, and provide that the capital of each such department shall be $1,000,000, to be subscribed by the United States, and contain certain other necessary administrative provisions which are not important for the purposes of this general discussion.

At the present time the Federal farm loan act provides the means for supplying the farmers long-time credits upon the security of first mortgages upon agricultural lands; and under the terms of the Federal reserve act agricultural paper with a maturity not in excess of six months is eligible for rediscount by Federal reserve banks after it has been discounted and indorsed by a member bank of the Federal reserve system. As pointed out, however, in the report of the Joint Commission of Agricultural Inquiry, there is need for agricultural credits of an intermediate type, running from six months to three years, for production and marketing purposes. The farmers' turnover in the production of crops, including the planting, harvesting, and gradual marketing through orderly processes designed to avoid flooding the market at any one time, normally requires approximately 12 months; and in the live-stock industry the turnover may require as long as three years. Consequently, in order to make it possible for the farmer and live-stock man to liquidate, out of the ultimate proceeds of his agricultural transactions, his indebtedness incurred for production and marketing purposes, it is necessary that such indebtedness be permitted to run for periods ranging from six months to three years, depending upon the particular commodities being produced and marketed.

Loans with such maturities can not be granted in sufficient amounts to meet the needs of agriculture by ordinary banking institutions the liabilities of which are for the most part payable on demand, unless the banks can rely on being able to rediscount the loans in emergencies. The main purpose of the bill under consideration, as the Federal Reserve Board understands it, is to provide proper and adequate facilities for such rediscounts.

Bills have been introduced in Congress within the past year proposing to amend the Federal reserve act so as to make eligible for discount by Federal reserve banks agricultural paper with maturities up to 12 months, instead of 6 months, as the law now provides. The board has expressed its disapproval of these and similar bills, because the enactment of any such bill would materially lessen both the liquidity of the paper held by the Federal reserve banks and the elasticity of the Federal reserve note currency, which is based upon and secured by the paper so held. The bill recommended by the Joint Commission of Agricultural Inquiry avoids this danger, and at the same time offers far more adequate relief to the agricultural interests of the country than could be obtained through the enactment of such an amendment to the Federal reserve act.

The Federal Reserve Board has carefully examined the bill introduced in the Senate at S. 3051, and in the House of Representatives as H. R. 10058, and approves not only the purpose and substance of the bill but also the form and language that have been adopted in drafting it. The board is of the opinion that the bill is admirably designed to accomplish the purposes which its framers have in mind, and that its various provisions are so coordinated as to provide the most efficient machinery for the performance of the new functions of the Federal land banks without in any way interfering with their present activities.

Very truly yours,

W. P. G. HARDING, *Governor.*

Hon. GEORGE P. MCLEAN,
Chairman Committee on Banking and Currency,
United States Senate.

Mr. HEFLIN. Mr. President, I did not hear all of the letter read. A part of it seemed to undertake to make the impression that the governor of the Federal Reserve Board, W. P. G. Harding, desired to aid the farmer and enable him to hold his products for profitable prices.

If that is true; if that is the impression sought to be made, the record of the Federal Reserve Board contradicts the professions which are contained in the letter just read. In 1920 the farmers of the South and West were denied money with which to carry on their business in a profitable manner; the merchants of the South and West, and the bankers of the South and West, were denied money necessary at the crop-moving time to aid the farmers of those sections in obtaining a fair and reasonable price for their products.

I said the other day, and I repeat now, that I do not intend that any statement which may come from the governor of the Federal Reserve Board that is contrary to the facts shall go into the RECORD unchallenged. If I caught the statement correctly, the governor of the Federal Reserve Board believes in permitting farmers to hold their produce until they can obtain a profitable price. Then, I repeat, his record is to the contrary. His conduct speaks louder than any expressions which he may use in writing to this body.

There are not thousands but millions of farmers who have been literally robbed of all they possess because they were denied the money and credit necessary to carry on their business as they were entitled to carry it on.

I said on day before yesterday, Mr. President, that the Federal Reserve Board permitted a progressive interest rate to be applied only to the agricultural sections. I want to add that when authority to invoke that progressive rate was granted it was obtained to some extent under false pretenses. Senators were told and Members of the House of Representatives were told that it was sought for the purpose of preventing big cities from getting more than their share of the money supply; that it was done to prevent speculation on exchanges; that it was done to prevent wild and reckless speculation in the big cities. Of course, those who came from the farming sections of the country thought that that would be a good idea—and it would have been—but when the Federal Reserve Board got the authority, how did they use it? They applied it only to the farming section.

Mr. President, the record bears me out in the statement that the Federal Reserve Board invoked the power in the district served by the Atlanta bank. That is right down in the heart of the cotton-growing region. They invoked it in the district served by the Dallas, Tex., bank, that bank being in the greatest cotton-producing State in the Union. They invoked it at St. Louis and at Kansas City, in the great farming districts served by those two banks. They did not invoke it in Wall Street; and there is where the great bulk of the speculation is carried on.

I repeat that Governor Harding, of the Federal Reserve Board, himself told the Senator from South Carolina [Mr. SMITH] that it was done for the purpose of keeping the big speculative centers from getting money and to provide money in abundance to the farming sections of the country. I do not intend that the Federal Reserve Board shall now come in and seek a whitewash at the end of a miserable record while in their wake lie the wreck and ruin of thousands and millions of American people.

Again, I charge that the Federal Reserve Board head has been the enemy of every movement to aid the farmer. Section 2 of the joint resolution reviving the War Finance Corporation provided that the Federal Reserve Board should use its influence in having money loaned to farmers at the lowest rate of interest in keeping with sound banking. Could anyone object to a proposition of that sort? We were not asking that any wildcat business be permitted but to let the farmers have money at the lowest rate of interest in keeping with sound banking; but the Federal Reserve Board used its "fine Italian hand" to defeat that legislation in the House. Congress revived the War Finance Corporation, but when the joint resolution came out of the House of Representatives section 2 had been stricken from the measure, so that Congress did not even request the Federal Reserve Board to permit money to be loaned to farmers in distress at the lowest rate of interest in keeping with sound banking.

Mr. President, do we all not know that if the Federal Reserve Board had been in favor of section 2 it would have remained in the joint resolution? Certainly it would; but it was stricken out.

The governor of the Federal Reserve Board appeared before the Committee on Agriculture at a joint session. I then was a member of the Agricultural Committee on the part of the other House. He opposed the revival of the War Finance Corporation. We did revive it and it has done good, but he did all he could to keep it from being revived. Did that look like he was a friend to the farmer?

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am very glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. I remind the Senator from Alabama that the governor of the Federal Reserve Bank of Atlanta, Ga., told the Senator and myself out in the reception room of the Senate the other day that he had $100,000,000 of idle gold in his bank in that city. I asked him why he did not put it to work. He said it was because nobody wanted to borrow money. I should be glad if the Senator from Alabama would enlarge upon that subject in the course of his remarks.

Mr. HEFLIN. I will remind my friend from Georgia that I touched upon that subject briefly on day before yesterday. I remember the conversation to which the Senator from Georgia has referred. I remarked then that within a radius of 30 miles of Atlanta there were people in distress who wanted money and who would be glad to get it; and that there were not only

people there but there were people in my State and in the other Southern States who would be glad to borrow that money. Can it be that the Federal Reserve Board's deflation policy has hurt and seriously injured so many people that they live in dread and fear of this Federal Reserve Board?

Mr. WATSON of Georgia. Mr. President, will the Senator yield further?

Mr. HEFLIN. Yes; I am glad to yield to the Senator.

Mr. WATSON of Georgia. From all parts of the State of Georgia I have received letters almost every day asking if the Government will not provide some method by which they can borrow money to carry on their business?

Mr. HEFLIN. Mr. President, that is in keeping with the information I have. People are writing me that they can not get money to carry on their business. This year there are farmers in the South and in the West who can not get money to make a crop. Their business is dying upon their hands. Now, I want to know why it is that, although the Federal reserve banks have the money, they say they can not lend it.

Does not that prove what I have charged here for months, that while they were taking this blood money in they were forcing the farmers to dispose of their crops upon the market at destructive prices in order to make them liquidate? Of course it proves that.

Where did the Federal reserve banks get this money. I have said they were compelling the farmers to pay their loans; that the word had gone down the line to call upon them to settle up, and the officers of the Federal Reserve Board denied it; but now they come out and say, "We have more money than we know what to do with." Yet here in the United States, the greatest Government in all the world, with the greatest gold supply of any country upon the earth, with more gold than we know what to do with, there are sixty-odd millions of our people in distress.

Senators, it is a sad picture to look upon. What are we going to do? Who, like Aaron of old, will stretch forth the healing rod to give the land deliverance? I rejoice that the day is not far distant when the head of this board shall pass from the position which he holds and has used to the detriment and injury of millions of American people. His term expires in August.

Mr. President, there has never been a greater crime committed against the public, in my judgment, than that of deflation in 1920. Abraham Lincoln spoke the living truth when he said:

> If you force people to pay with a deflated dollar a debt incurred under an inflated dollar, you are guilty of a crime.

I have heretofore given an illustration of the result of the deflation policy, but I want to repeat it here this afternoon. A farmer in my State who made 10 bales of cotton contracted an indebtedness on it to the extent of $2,000. That 10 bales of cotton would have paid the debt at the time it was incurred, but the price of cotton was beaten down until when the dollar had been deflated the 10 bales paid only $500 of the debt, leaving three-fourths of it still due. At that rate it would take the farmer four years under deflation to make cotton enough to pay a debt incurred under inflation in one year. That is the sort of work that has been done. I am endeavoring to show just what sort of ruin was wrought under that policy. Why did they apply the progressive interest rates to the bank of Atlanta and not apply it to the bank of New York? Why did they apply it to the bank of Dallas and the bank of Atlanta, which serve the great cotton belt of the United States, when they kept their hands off of the bank in New York, in the heart of the gambling district? Let them answer that question.

Mr. President, I have charged here repeatedly, and I charge again, that there was a conspiracy to rob the cotton producers of the United States of the crop of 1920, and they were robbed of it. Here was the farmer coming into the market place in 1920 with a crop of cotton which cost him more than any crop he had ever produced, and here were the gamblers of Wall Street seeking to beat down the price.

The farmer, as he had done in 1918 and 1919, went to the members of the Federal reserve banking system and said, "I want money to hold my cotton back until I can get the cost of production, plus a profit. I got money for this purpose in 1918 and in 1919; I must have it now." But the appeal fell on deaf ears.

The Federal Reserve Board had decreed that the cotton crop of 1920 should be denied the currency and credits necessary to compel a fair price. The Federal reserve banks, under orders from the board, said "no," and they shut the door in the face of the farmer. Then what happened? Cotton went down and down. The farmer came back and said, "We can not sell at this figure; if we do we are ruined; we must have money." He went again to the Federal reserve banks, but under orders from the board the banks said, "If you get it, you will have to pay 15 per cent, or 25 per cent, or 35 per cent," and even 87½ per cent, which was the rate charged in the case of a little bank in my State. What was that doing? That was making it impossible for the farmer to get any money, and when they made it impossible for the farmer to get any money, what happened to him? He stood empty-handed and helpless in the market place, and the gamblers fleeced him and took his crop from him.

Why did they apply the progressive interest rate to the Atlanta, Dallas, St. Louis, and Kansas City Federal Reserve Banks, serving the great agricultural districts, and fail to apply it to Boston, Cleveland, Philadelphia, and New York, and the other four regional banks? Why did they not apply it to the speculating section of New England, one of the great cotton-spinning sections of the country? The spinner could sell all the cotton he wanted on the bear side to beat down the price; he could get all the money he wanted to carry on his speculative transactions; but the farmer of the South could not get it to fight that gambler. They applied the progressive rate to him. They ran it up to 7 per cent first, and he said: "Well, I must have some money." They said: "Do you want to pay 15, 25, 35, 40 per cent?" The farmer, merchant, and banker in the agricultural sections had his business practically destroyed.

There is nothing too strong to say about that criminal conduct. The whole policy grew out of the resolution introduced into this Chamber and passed at the instance of the Senator from Illinois [Mr. McCORMICK]. It opened the way for the deflation policy; and then the Federal Reserve Board, bowing and scraping to the party that it knew would come into power, in order that it might retain its place, carried out the policy.

Why, Mr. President, do you not know that if that board had not been performing entirely in a satisfactory way, the leader from Illinois, the Senator from Illinois [Mr. McCORMICK] would have had every one of its members removed?

Mr. McCORMICK. Mr. President, the Senator flatters me in including me among the world-wide economic causes of the present depression. I am overcome to be classed with reparations and armaments and devastation in northern France as one of the fundamental reasons for the depression throughout the country and the world.

Mr. HEFLIN. Mr. President, the Senator from Illinois can not escape with that sort of an excuse. There was no excuse for the depression that was produced here. We had the money, we had the credit, we had the ability to finance the World War, and this board boasted at that time that we could expand and inflate still more and never endanger the gold reserve at all. We stood through the war, and then, when the wolves of Wall Street commenced to howl for their feast, they got ready to deflate so that they could make not only their millions, their hundreds of millions, but their billions out of the South and West, and they made them. The Senator from Illinois may have been entirely innocent as to the effect that this thing was going to have, but he was unfortunately the instrumentality that opened the way for this long train of misery and ruin that we find in the United States; and W. P. G. Harding, the Federal Reserve Board governor, wrote a letter, in response to the Senator's resolution, promising that they would use every power at their command to carry out the purposes of the deflation resolution, and he certainly kept his promise.

They wrought ruin in the South and in the West. The evidence of that ruin is there to speak for itself, Mr. President. The country is in distress; industries are shut down; 7,000,000 laborers have been turned out of employment; farming operations have been made unprofitable; farmers' farms have been taken from them; dire distress is reigning in the country; and every time we defeat one of the Republican reactionaries the Senator from Illinois gets up here and demands that the League of Nations be made the issue.

Mr. McCORMICK. Every time what happens?

Mr. HEFLIN. Every time we defeat one of the reactionaries, such as my good friend Congressman COPLEY, a clever gentleman, but one of the standpatters of the old school.

Mr. McCORMICK. Mr. President, the Senator forgets that Mr. COPLEY supported Colonel Roosevelt in three successive campaigns, and even left the Republican Party in doing so.

Mr. HEFLIN. Then, Mr. President, if he had stayed out he might have been renominated. He went back to the old lick log and they slaughtered him. He has been a good reactionary for quite a while in the House. Mr. Roosevelt has been gone for some time. Mr. COPLEY is a very wealthy man, and he was going right along with the reactionary program, and he got defeated for renomination a few days ago; and my friend from Illinois came in here and lifted his voice nearly as loud as he did this afternoon and said that we must make the League

of Nations the issue, and on yesterday—he has been quiet now for two or three weeks——

Mr. McCORMICK. That is more than can be said for the Senator from Alabama.

Mr. HEFLIN. Why, I have not said anything in over a month except on day before yesterday, when I was compelled to talk about your deflation policy.

Mr. McCORMICK. And the day before that.

Mr. HEFLIN. Not the day before that.

Mr. McCORMICK. The Senator was out of town, perhaps.

Mr. HEFLIN. I have been right here, but the Senator has been away.

And on yesterday, Mr. President, when our genial friend—and we all are exceedingly fond of Senator NEW—was defeated, a strong administration candidate, the Senator from Illinois comes in, and, louder and stronger than ever before, demands that we make the League of Nations the issue.

Mr. President, I do not blame the Senator. It shows how shrewd and cunning he is. He says: "Why, they are whipping us on the record that we are making here in Congress. Let us make the League of Nations the issue."

Mr. McCORMICK. Mr. President, will the Senator let me interrupt him for a moment?

Mr. HEFLIN. I shall be glad to be interrupted by the Senator because I am anxious to help him out of this amusing predicament in which he finds himself.

Mr. McCORMICK. Will the Senator let me call to his attention the absence from the Chamber of any Democratic Senators from north of the Mason and Dixon line who are candidates for reelection, now that the League of Nations is before the Senate? Perhaps the Senator will ask his colleague [Mr. UNDERWOOD] if he will not join Governor Cox in demanding that the Democratic National Committee reaffirm the Democratic faith that we should subscribe to the covenant of the treaty of Versailles, and integrally enforce the treaty of Versailles.

Mr. UNDERWOOD. Mr. President, if my colleague will yield——

Mr. HEFLIN. I shall be glad to yield to my colleague.

Mr. UNDERWOOD. I feel sorry, very sorry, for my good friend from Illinois. I realize that the issues under which his party friends are meeting defeat are issues that he would gladly get away from, as has been suggested by my colleague. I have heard him refer once or twice to me on this question of the League of Nations.

Mr. McCORMICK. When?

Mr. UNDERWOOD. This afternoon, specifically; but that is all right.

Of course I can not speak for anyone but myself, and I do not intend to speak for anyone but myself; but I will remind the Senator from Illinois that some weeks ago, when I stood in my place in the Senate advocating the ratification of the four-power pact as presented to the Senate by the President of the United States, I said that I did so because the principle involved was the same principle that made me vote for the ratification of the treaty of Versailles and the League of Nations. I said at that time that I had the proud opportunity, when the treaty of Versailles was before the Senate, to make the motion for the unconditional ratification of that treaty. I was proud to do it then, and I have been proud of it ever since. I have believed that one of the great mistakes this Government has made—one of the greatest mistakes that stands to its record in all its history—was the fact that it failed to ratify the treaty of Versailles and take its place among its allies in settling the shattered conditions of Europe, and take its place at the only table at which these questions could be settled, and assist in saving the world from the disordered political conditions of Europe, the disordered financial conditions of Europe, and the disastrous business conditions of Europe that confront the world to-day and have shattered American finance and American business. That is my viewpoint of the matter, and I have no apologies to make for it.

As to the issues in the campaign, men do not make issues. Conditions make great political issues and men fight for them or against them. I want to say to the Senator that I have known of no apology on the part of the Democratic Party for its position in favor of the League of Nations, and I certainly have no desire to make any; but, notwithstanding the desire of the Senator from Illinois to make that the dominant issue in the next campaign, the dominant issue will be the mistakes of his own party in passing a financial bill increasing the burdens of taxation on the American people, failing to relieve the business interests of this country from undue burdens of taxation, and failing to bring down the expenditures of the Government to a point even approximating those that existed before the war.

Of course you have reduced expenditures somewhat. You took charge of this Government, so far as controlling the House of Representatives was concerned, and the purse strings of the Nation, the week that the armistice was signed, and yet we have war expenditures still appropriated for to-day, and taxes must be raised to meet them. How can you expect the American people to think only of the covenant of the League of Nations when you are burdening them with these immense appropriations and failing to reduce the oppressive taxes that rest upon their backs—taxes and burdens of appropriation that have shattered business—when you have woe in the home and poverty in the street?

That is the reason why the Senator can not make the League of Nations the sole issue in the coming campaign. It is because his party on the live issues of the hour, the issues of to-day, has failed to make good before the American people.

Mr. McCORMICK. The Senator considers the League of Nations a dead issue?

Mr. UNDERWOOD. I said the live issues of the hour, which are made by the Senator's party. Of course, the Senator knows, just as I know, that the treaty of Versailles is in the White House, and that there is no chance to make it an issue unless the President of the United States will send it here. He has the power to send it back. He will not send it back, and therefore he prevents any action on the part of this Government with reference to the matter; but even if he sent it back, and if it were ratified now, it would be too late to meet the issue and save the situation, which could have been saved if the treaty had been promptly ratified when it first came before the Senate of the United States.

Mr. McCORMICK. Let me ask the Senator a question to see if I understand him. He agrees, then, with the Senator from Texas [Mr. SHEPPARD] and the former governor of Ohio, that ultimately the United States ought to subscribe to the covenant of the League of Nations?

Mr. UNDERWOOD. I am not speaking as agreeing with anybody; I am expressing my own views on this subject, and I think I have done so clearly. I do not say, and do not contend, that the treaty of Versailles and the covenant of the League of Nations will be the issue in the coming campaign. I have no apologies for my action in regard to that matter, and nothing to take back. I know it will not be the leading and foremost issue, because the mistakes, within the last year and a half, of the Senator's own party so overshadow everything else in the political arena that you could not make anything else the issue before the American people if you tried.

The administration will go to the country on the test as to whether it has made good in its financial and business promises before the people of the United States, and the verdict is bound to be, the verdict is in every mouth and every home and every office to-day, that you have failed to make good.

Mr. McCORMICK. Having failed in that, will the Senator tell me whether or not he believes, with Governor Cox and the Senator from Texas [Mr. SHEPPARD], that ultimately we ought to subscribe to the covenant of the League of Nations?

Mr. SHEPPARD. Ultimately? I say now; I do not say ultimately.

Mr. McCORMICK. The Senator from Alabama is not so hasty.

Mr. UNDERWOOD. I said to the Senator that I voted for the unconditional ratification of the treaty.

Mr. McCORMICK. That was two years ago.

Mr. UNDERWOOD. And I have never apologized for it. I myself think that our proper place to-day would be in the League of Nations. That is my viewpoint. But I say that even if we went in to-day, it would not relieve any of the disaster which came to the world and this country because of the failure of the United States Senate to ratify that treaty.

Mr. McCORMICK. I thank the junior Senator from Alabama [Mr. HEFLIN] for his courtesy in yielding.

Mr. HEFLIN. Mr. President, my colleague has made a very strong and clear statement. Of course, he could not convince the Senator from Illinois. Every time a reactionary is defeated for election to the House or Senate the Senator from Illinois is going to come in and demand the League of Nations as an issue, because he saw his party triumph upon that issue—that is, it had something to do with it, I suppose. But I want to remind the able and distinguished Senator from Illinois, one of the leaders on the other side, that the Senator from Indiana [Mr. NEW], our clever, good friend, who was defeated on Tuesday, voted against the League of Nations. Where is the saving grace in opposition to the League of Nations, that is such a burning issue now, that it could not save the Senator from Indiana on Tuesday?

Mr. McCORMICK. The Senator from Indiana did not vote against the League of Nations.

Mr. HEFLIN. Certainly he voted against the League of Nations issue.

Mr. McCORMICK. No; he did not.

Mr. HEFLIN. Did he vote for it?

Mr. McCORMICK. Mr. Beveridge was against it.

Mr. HEFLIN. Senator NEW, I understand, voted against the League of Nations.

Mr. McCORMICK. No; he did not.

Mr. HEFLIN. Did he vote against the Versailles treaty?

Mr. McCORMICK. He voted to ratify the League of Nations with reservations.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. HEFLIN. I yield to my friend from Mississippi.

Mr. HARRISON. The Senator from Illinois says the Senator from Indiana [Mr. NEW] voted for the League of Nations with reservations.

Mr. McCORMICK. He did.

Mr. HARRISON. There were a good many Senators on the other side who voted that way. Are they still of that opinion, that it should be ratified with reservations?

Mr. McCORMICK. I think not.

Mr. HARRISON. Why does the Senator think not?

Mr. McCORMICK. I think the President, speaking from yonder place, defined the position of the party and of a majority of the Senators on this side. He has twice declared, for himself, and, I think, for the majority of the party, upon that issue.

Mr. HARRISON. The President, when he was a Senator, voted for the League of Nations with reservations.

Mr. McCORMICK. I am speaking of the President as President, not as Senator. I ask the Senator from Alabama to excuse me for having interrupted him.

Mr. HEFLIN. Mr. President, I am glad to yield to the Senator. The Senator is in an awful fix, and I want to help him out of it if I can.

The Senator from Indiana [Mr. NEW] voted against the League of Nations. The Senator from Alabama [Mr. UNDERWOOD] offered it without reservations, and the Senator from Indiana [Mr. NEW] voted against it. That is his record; that is his position upon it.

Mr. McCORMICK. The Senator does not mean that the Senator from Indiana did not vote for it with reservations?

Mr. HEFLIN. I do not remember how he voted on the death-dealing blow, the Lodge reservations, which finally put it to sleep.

Mr. SHEPPARD. He voted for it with the Lodge reservations.

Mr. HEFLIN. Yes; he voted for it with those reservations.

Mr. SHEPPARD. The Lodge reservations cut the heart out of the league.

Mr. UNDERWOOD. If my colleague would like to have the vote that was cast on that occasion, I can give it to him, and he can read it into the RECORD if he wishes.

Mr. HEFLIN. Yes; and the RECORD shows that Senator NEW voted against it.

Mr. SMOOT. I want to say to the Senator, however, that ex-Senator Beveridge, who defeated Senator NEW, was against the League of Nations. He was against it with reservations attached to it, and he opposed it in every possible way.

Mr. HARRISON. Was that an issue out there?

Mr. SMOOT. The Senator from Alabama has brought it up as an issue here.

Mr. HARRISON. I am asking the Senator from Utah if that was an issue between Mr. Beveridge and Mr. NEW?

Mr. SMOOT. I can not say.

Mr. HEFLIN. I never knew of it as an issue out there.

Mr. SMOOT. The Senator mentioned it here, and spoke of Senator NEW being defeated.

Mr. HEFLIN. I knew the Senator from Utah would come to the rescue of the other leader, the Senator from Illinois [Mr. MCCORMICK].

Mr. SMOOT. I am not a leader.

Mr. HEFLIN. I think he ought to stay out and let the Senator from Illinois get out the best way he can. As I said before, he started this League of Nations discussion. I think the Senator from Utah [Mr. SMOOT] has all he can do in defending these tariff schedules he has brought in here, which just simply rob the people of this whole country. He is getting off now talking about something else which does not pertain to these people who are having such a hard struggle to live at this time.

Mr. SMOOT. The Senator has made an argument based on the fact that the Senator from Indiana was defeated in the primary in Indiana, and he is seeking to connect the result with the League of Nations. But the man who defeated him was not only opposed to the League of Nations as it was submitted, but he was opposed to the League of Nations with any kind of an amendment, and he would not have anything to do with it in any way, shape, or form.

Mr. HEFLIN. That does not enter into this.

Mr. SMOOT. It did enter into the Senator's argument.

Mr. HEFLIN. I ask the Senator from Illinois, whose opposition to the league is so strong and mighty, why did not the position of Senator NEW save him Tuesday in the primary election?

Mr. SMOOT. Because Mr. Beveridge, who beat him, was stronger against it than Mr. NEW was.

Mr. HEFLIN. But they did not mention the league in the campaign, I understand.

Mr. SMOOT. Then why does the Senator bring it up?

Mr. HEFLIN. Why did it help Mr. Beveridge any if they did not mention it?

Mr. SMOOT. I am not saying it did. The Senator is trying to bring in the question here.

Mr. HEFLIN. I am reminded that the vote in the NEWBERRY case had a great deal to do with it.

Mr. SMOOT. Do not try to dodge the question, which is the League of Nations.

Mr. HEFLIN. I am not dodging. I am giving one of the vital issues to the Senator.

Mr. SMOOT. Do not dodge the question of the League of Nations. That is what we were discussing.

Mr. HEFLIN. The League of Nations—there he goes! He has gone off after the League of Nations, too. We are going to try you upon the vital issues of the hour.

Mr. SMOOT. That is what we want.

Mr. HEFLIN. Upon the domestic concerns of our long-suffering people.

Mr. SMOOT. That is what we would like.

Mr. HEFLIN. We will accommodate the Senator.

Mr. SMOOT. There was nothing in what the Senator from Illinois said that caused me to rise. I was replying to what the Senator from Alabama said.

Mr. HEFLIN. Certainly.

Mr. SMOOT. I never mentioned the League of Nations, with the exception of calling the attention of the Senator from Alabama to the fact that the opposition of the Senator from Indiana to the League of Nations, or his being in favor of it, had nothing whatever to do with his defeat, because of the fact that ex-Senator Beveridge was opposed to the League of Nations in every way.

Mr. HEFLIN. If the league was an issue at all, and if the people were so much aroused over the league and about it, and felt as the Senator from Illinois frequently leads us to believe they feel, would they not have said, "We do not care how Beveridge feels. Senator NEW voted against the thing. We are going to send him back because he did."

Mr. SMOOT. But he voted for it with reservations.

Mr. HEFLIN. He voted just as the Senator from Utah voted. The Senator from Utah voted for it, with reservations, did he not? The Senator from Utah voted against it without reservations, did he not?

Mr. SMOOT. Yes; I voted against it without reservations.

Mr. HEFLIN. Then the Senator voted against the League of Nations.

Mr. SMOOT. Certainly, I did; and I would do it again. But the Senator from Indiana [Mr. NEW] voted for the league with reservations, and ex-Senator Beveridge would not have voted for it even with the reservations.

Mr. MOSES. May I seek a little enlightenment of the Senator from Alabama?

Mr. HEFLIN. I am glad always to enlighten my friend from New Hampshire, because I think he, like the Senator from Illinois, is entitled to a good supply of that material.

Mr. MOSES. The Senator has been referring to recent political events frequently in the course of the afternoon in this language, "Whenever we beat a reactionary." Whom does he mean by "we"? Does he mean that the Democrats beat Senator NEW or Representative COPLEY in a Republican primary?

Mr. HEFLIN. Not at all; but I was speaking about when the administration received a rebuke, when a candidate who is supporting the administration is defeated, and when some man runs in your primary who says that he is opposed to what is going on up here, that he wants to come up here and do this, that, and the other, that is not now being done. When he comes out of the political arena bearing off the laurels of the day, it is repudiation. That is what I am talking about.

Mr. MOSES. Let me ask the Senator, further, if he thinks that Mr. Beveridge and the gentleman who won the nomination from Mr. COPLEY will be antiadministration when they get here?

Mr. HEFLIN. I do not know. Frequently a Republican gets a nomination in the primary and changes his position after he gets here, as my friend from New Hampshire did on the bonus.

Mr. MOSES. I hope they will have the manhood to state their positions.

Mr. HEFLIN. I think they should, and that we should not have to make them acknowledge their positions.

Mr. MOSES. The Senator did not make me state anything. I stated it of my own volition.

Mr. HEFLIN. I remember very well that the Senator did do that voluntarily; that is, the Senator was speaking, and I reminded him of that, and he admitted it.

Mr. MOSES. No; I stated it in the opening sentence of my speech.

Mr. HEFLIN. I believe the Senator is correct about that. If so capable and brave a Senator as my good friend from New Hampshire will tell them one thing in the primary and vote another when he gets here, what may we expect from feeble fellows who happen to get nominated?

Mr. MOSES. In my case, I have always put them on notice.

Mr. HEFLIN. The Senator put them on notice after he had been nominated and got the election, and had his certificate in his pocket.

Mr. MOSES. In ample time so that they would know before the vote was taken.

Mr. HEFLIN. In ample time before the next election.

Mr. MOSES. The Senator is welcome to come up in my State and raise that question.

Mr. HEFLIN. Oh, Mr. President, I am not seeking to get up in the Senator's State and raise that question against him. I want to raise the questions here, in the forum of the people. Let us go out and fight out the issues on which we are battling now, and not let the Senator from Illinois lead us back down under the hill, where the people can not see and hear. We want to fight this domestic issue out on the mountain top.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. HEFLIN. I yield.

Mr. STANLEY. I take this occasion to remark to the Senator from New Hampshire that the fight to which he refers in Illinois is purely a family affair in the Republican Party. I do not see any special significance in that election to either Democrats or Republicans. The best information I can get is that Brother COPLEY dried up and blew away. I do not know whether the Senator will differ with me in that respect or not.

Mr. MOSES. They are not saying on the other side of the Chamber in respect to that matter that "we defeated the reactionaries."

Mr. STANLEY. I did not shed any tears.

Mr. HEFLIN. Mr. President, the Republican Party this morning when they got that news from Indiana did not know whether to move forward, step back, stand still, or sit down. They reminded me of the country boy who was doing some stunts with hen eggs one night. He had the audience sitting out in front, with these little Japanese lanterns such as they burn on the porch at night. He said: "I am going to do with eggs what you have seen done with white balls frequently. I will keep seven of them going in the air at once." He performed that remarkable stunt, and they sat in wide-eyed astonishment as the little fellow pulled off the stunt. Then he said, laying the eggs all down upon the table, "Now, I am going to do another thing. I am going to pitch one of them into my mouth at arm's length, never striking my teeth or breaking the egg."

Just as he whirled the egg old Uncle Johnny, sitting there holding his whiskers in front of him and chewing his cud, turned his chair over and fell. The boy slipped a cog, his mind being distracted from his business, and he swallowed the egg. A friend rushed to him and said, "Jimmy, shall I send for the doctor?" Jimmy said, "Don't touch me. I don't know what to do. If I move it will break, and if I stand still it will hatch." [Laughter.]

So it is with our Republican friends. They are in an awful predicament, but most of them smile and enjoy it and take it good-naturedly, like my friend the Senator from New Hampshire, but it is going to hurt the Senator from Illinois, and he is not going to be able to survive more than two or three more jolts of this character. Every time the news comes in that one of them has been beaten he walks down the aisle to the altar place in front of the Vice President, whirls viciously toward the Democratic side and says, "I challenge you to make the League of Nations the issue." [Laughter.]

Mr. President, we have issues enough already formed by the present administration upon which to go to the country. I remind the Senator from Illinois and the profiteers who flourish in rank luxuriance to-day with their taxes all taken off. I remind him of the distress wrought by his deflation policy. I remind him of the millions of men yet unemployed. I remind him of the distress to be found in every line of business. I remind him of the unrest that we see all about us, a discontented, unhappy, and yet determined people. Mr. President, they are aroused as they have not been for years. "Weighed in the balance and found wanting." That will be the verdict they will render.

Mr. SMOOT. Mr. President, I wish to take just a moment of the time of the Senate. I have not been very much alarmed at what the junior Senator from Alabama [Mr. HEFLIN] has stated, and has repeated every day or two in this Chamber for weeks past. I am not alarmed over what the issues will be in the coming campaign. I am not alarmed over what is going to happen to the Republican Party for what are denominated the mistakes of the party and this administration. Before the campaign is over the American people will know just exactly the condition in which the Republican Party found the country when they took charge of the administration of the Government.

Talk about burdensome taxes? Of course, they are burdensome. In 1918 I stood at my desk here and told the American people that the taxes for the next quarter of a century would never be less than $3,000,000,000. On retiring from office in what condition did the Democratic Party leave the country? How did they leave it? In what financial condition was the country left in by them? The interest upon our obligations, the amount that is absolutely necessary to take care of the wounded soldiers, and the sinking fund required by a law passed by the last administration, of which law I approved, constitute nearly $2,000,000,000 every year. This amount must be raised by taxation without providing a cent for running expenses of the Government.

The attention of the American people will be called to this. The attention of the American people will be called to the conditions which exist in the world to-day. The American people know, so far as the business of their own country is concerned, that it is generally struggling to make ends meet, and successful concerns making little money on which to pay taxes and necessarily rates of taxation could be reduced but little. Burdensome? Of course the taxes are burdensome, but when the American people know the amount that this administration has saved in cutting down the appropriations which have been so carelessly and wickedly made in the past I think there will be no question as to what the verdict of the American people will be.

I am not alarmed in the least, and, so far as I am concerned, I do not believe it will be the League of Nations that will be the great issue. I believe that the dominating question in the campaign will be the expenditures of public money, and how the money is to be raised to meet the same.

Mr. President, I think if the Democrats will allow the tariff bill to be passed in time that it can operate before the day of election, there is no question as to what the verdict of the people will be. The result will be a revival of business, slowly, I will admit, with the existing tariff law in force much longer. We would have to be looking around for different kinds of taxation, taxes that have never been thought of in the past, to lay upon the backs of the people. The rates in the tariff bill are only such as will fairly protect the American business man, and if they do not protect him I know just what will happen. It will result in exactly what the pending law resulted in before the breaking out of the war. I say now that if it had not been for the war the existing tariff law would never have been on the statute books longer than it was possible for the American people to render a verdict upon it, and the Republican Party to have time to make a new tariff bill. When the war broke out the balance of trade against the United States was increasing rapidly, taking importations and exportations into consideration. I called the attention of the Senate to the fact that, before the breaking out of the war, month after month we were running behind at the rate of $62,000,000 a month. It would not have taken very long until the country would have been in a worse condition than it was in the nineties, and I think that the American people realize it, and that the only thing which saved them was the declaration of war.

Mr. President, so far as the Republican Party is concerned, we are perfectly willing to meet the issue, and I feel confident and assured that the American people before the campaign is over will understand the situation, and I have no fear whatever as to the result.

Mr. McCUMBER. Mr. President, a gentleman sitting in the Chamber yesterday, who is a considerable mathematician, sent me a little note. This note read as follows:

Listening to these heroic efforts on the part of some Senators to do everything in their power to expedite the consideration and passage of this bill, I have evolved the following algebraic problem to ascertain

at the present rate of progress just when the committee amendments will be disposed of.

Given these facts: The bill has been under consideration for 13 days. Three amendments have been acted upon. There are 2,000 committee amendments reported.

Then, making his calculation, he proceeds:

Not counting Sundays or legal holidays, the last amendment should be agreed to on September 29, 1946.

I think, Mr. President, after listening to the debate to-day he would have to revise his figures and add 30 or 40 more years to the date he gave for final action upon the committee amendments.

Now, Mr. President, ever since I was old enough to read any of the debates of Congress, and I began perhaps in the early seventies to take an interest in them, I have found that whenever a tariff bill was up for consideration which had for its purpose protection to American industries we had the same expression that we have to-day, "monstrosity." We had the same expressions of condemnation and denunciation. They all come back to me through the years, echoing the same sentiments, and connected with them was always the same threat, that the Republican Party was going to be wiped off the face of the earth. Notwithstanding the threats, notwithstanding the adjectives which were used, the Republican Party and the protective policy have held for about five-sixths of the time since 1860.

Now, I do not know whether its life will continue or not. I do know this, however, that braggadocio, blowing what we are going to do or what we would do, is not going to change the minds of the American people very much. If the bill is satisfactory to them, if it will bring about any revival of business, I have no doubt that the American people will continue in power those who have sponsored the bill and this character of legislation. If it fails to produce that result there may be a reversal.

All I know is that the platform of the last Republican national convention declared strongly for the reinstatement of the American protective policy. I know that President Harding was elected by a very great majority. I am not one of those who claim, or will admit, that the principal issue which caused the defeat of the Democratic Party and of Governor Cox was the League of Nations or any other single issue, for in our own platform we came out strongly for an association of nations to preserve the peace of the world. Nothing was said as to how such an association should or should not be constituted. I have no doubt in the world that there was a very strong feeling against Mr. Wilson's League of Nations, and that it did materially affect the result in that election, although I favored the League of Nations, with proper reservations; but there were other questions involved.

I do not think that in the beginning the American people wanted to become involved in the World War, and the cry of those who favored Mr. Wilson's election in 1916 that "he had kept us out of war" had a great deal to do with his return to power at that time. Then we entered the war, and there was something of a revulsion of feeling on the part of a great many of the American people on account of the fact that, having been returned to power on that assumption, the then administration immediately went into war.

There were many other considerations which influenced the election. There were a great many considerations outside of the tariff question and the League of Nations question and the keeping us out of war question which had their due and proper weight in bringing about a change of administration. However, there prevailed throughout the sentiment, "Now that we are out of the war we want to get back to a protective policy."

I believe the American people as a rule are in favor of a protective policy. If any item of the pending bill goes beyond what is reasonably protective, then it should be discussed and be changed if Senators on the other side can convince us we are wrong. Then, let us put the bill through; let us get rid of this tariff legislation and go home and let the American people pass judgment upon whether or not the Republican Party should be retained in power. If we have made a mistake, let us go ahead and at least submit the matter to the judgment of the people after we have put our bill upon the statute books.

I want to get through with this bill. I think it is a disgrace to the American Senate that after a bill has been brought into the body there is no power in the Senate to compel Senators to discuss the bill under consideration, but that any Senator may enter upon the discussion of any question he may see fit to discuss.

The pending bill has not been discussed during the last 14 days one-fifth of the time it has been before the Senate. The discussion has continually branched off on some extraneous matters. I hope Senators will consider the bill now and will make it in reality the unfinished business.

If we do not pass the bill in due time, I will tell Senators what is going to happen. They may consume hours and days in discussion and keep that up for a month or two, and then suddenly they will get tired of hearing their own voices; suddenly the Senate itself will demand immediate action, and before we shall have considered more than one-third of the bill Senators will be ready to swallow all the remainder of it in order to get away.

I had rather Senators would discuss every one of the items of the bill and get through with them. I think that is the logical and the only legitimate way to discuss a tariff bill. Mr. President, we can not handle the bill by holding only day sessions if the discussion is to continue for weeks.

Mr. CURTIS rose.

Mr. McCUMBER. I will yield in a moment. I do not want to ask for night sessions. I think if we do our morning work and then meet at 11 o'clock and remain in session until 6 o'clock in the afternoon we shall have done a good, honest day's work, and that we ought to have a little time for rest; but if Senators are going to insist upon discussing every subject on earth except the tariff bill, there is but one method by which we can meet the situation, and that is to insist that we shall have not only day sessions but that we shall also hold night sessions.

Mr. CURTIS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Kansas.

Mr. CURTIS. I rose before the Senator from North Dakota said that he did not care to resort to night sessions to suggest that we hold night sessions beginning on next Monday night. I think a few night sessions would get the bill through.

Mr. McCUMBER. Mr. President, I will say in answer to that suggestion that I think, if we give our attention to the bill, it will not be necessary to hold night sessions at all; and I certainly should not consider it necessary to ask for evening sessions unless such a course seemed imperative in order to make progress with the consideration of the bill.

Mr. HEFLIN. Mr. President——

Mr. McCUMBER. I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I merely wish to say that I have taken up very little time during the discussion of the tariff bill. I spoke for about 20 minutes the other day on a matter of very grave importance to the farmers of the entire United States; and I spoke to-day briefly about a matter which affects the whole American people, and that is the control of the money supply and the credits of the country. If Senators can not speak upon such matters when they are presented for consideration there is no use to wait for two or three weeks and then speak on them.

I wish to say further to the Senator from North Dakota——

Mr. McCUMBER. Let me say that I am making no complaint against the Senator from Alabama. On the contrary, I think the first injection of extraneous matters into the debate this afternoon was from this side of the Chamber. We have, however, nevertheless, discussed nearly all matters except the bill which is nominally under consideration.

I know how deeply the Senator from Alabama is interested in questions affecting the mode of operation of the Federal reserve banks, but inasmuch as the tariff bill is now the real matter before the Senate, I am simply pleading that from now we may proceed with the consideration of that measure.

Mr. HEFLIN. Mr. President, I am in hearty agreement with the Senator about that. I do not think that there is any disposition over here to filibuster at all; certainly there is none on my part. I should like to see the tariff bill passed on within a month's time, and probably that may be done; but I submit that the Senator from North Carolina [Mr. SIMMONS], the Senator from Utah [Mr. KING], and the Senator from New Mexico [Mr. JONES] have been discussing the tariff measure hour after hour and pointing out the provisions of the bill which they think are very objectionable. The American people are entitled to know what is in this bill. They can not pass on it intelligently unless its provisions are explained to them. Here is a bill containing very many items and provisions, and unless it is very thoroughly discussed the people will not know what is in it until after the election. I think the time the Senate has devoted to discussing the measure as it has been discussed by the Senators to whom I have referred is time well spent, for certainly those who represent the people here are entitled to take all the time they think necessary to show Congress and then to the people the obnoxious provisions contained in the bill.

I wish to say for the benefit of the senior Senator from North Dakota that some Republican newspapers in the West have denounced this bill as the worst tariff bill that has ever been submitted to Congress, and many Republicans in the country, I

understand, feel the same way about it. If they do, they are entitled to have the matter fairly and thoroughly discussed.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I agree with him as to that. I want the measure discussed, but the complaint that I am urging is that it has not been discussed; that other subjects have taken nearly all of the time.

Mr. HEFLIN. I differ from my good friend from North Dakota as to that. I have heard the discussion, and it seems to me that two-thirds of the time day after day have been consumed in the discussion of the tariff bill.

Mr. McCUMBER. Oh, no; the Senator is mistaken. I do not think that one hour out of five has been spent in the discussion of the tariff bill.

Mr. HEFLIN. I can not agree with the Senator as to that. I know that it has long been the custom for the Senator having the floor to discuss a pending measure to yield for the transaction of some other business that must be transacted. That has been done, of course, during the discussion of the tariff bill, but I think that this measure has been discussed as consistently, if not more so, than any measure which has been before the body since I have been here.

Mr. McCUMBER. Mr. President, it is my intention to ask the Senate to continue in session until 6 o'clock this evening, but I have some assurance that to-morrow we will really consider the tariff bill. There are Senators who desire to get away. So I ask that when the Senate concludes its business on this calendar day it shall take a recess until to-morrow at 11 o'clock.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

NAT GOLDSTEIN.

Mr. HARRISON. Mr. President——

Mr. McCUMBER. I yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, there is a very interesting article in the New York Times of this morning. It is found in the third column on the front page, and I should like to have it read from the Secretary's desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

WASHINGTON, May 3.—President Harding sent to the Senate to-day the nomination of Nat Goldstein to be collector of internal revenue for the first (St. Louis) district of Missouri. In doing so the President laid the foundation for political trouble, for Goldstein is one of two men whose acceptance of money to further the campaign of Frank O. Lowden, then governor of Illinois, for the Republican nomination for President had most to do with losing Lowden this honor.

Some Republican Senators were plainly disconcerted when they learned that Goldstein had been nominated. With the incident of the 1920 campaign in mind, they felt that a party error had been made in this selection.

"Good Lord, can it be true?" exclaimed one Senator when told of the nomination. That the naming of Goldstein will furnish Democrats with some high explosive ammunition goes without saying. In a measure the nomination seems likely to become a second Newberry case, and the expectation is that some Republican Senators will join with the Democrats in opposing confirmation.

The nomination will be referred to the Committee on Finance, the Republican members of which are McCUMBER, SMOOT, LA FOLLETTE, DILLINGHAM, McLEAN, CURTIS, WATSON, CALDER, SUTHERLAND, and FRELINGHUYSEN. Among the Democratic Senators is Senator REED, who is having strong opposition in his effort to be renominated. If he should be named to run again, the Goldstein case will give him a new campaign issue. The other Democratic members of the committee are HITCHCOCK, WILLIAMS, SWANSON, POMERENE, PITTMAN, and SHIELDS.

Called before a Senate committee of investigation on June 2, 1920, Robert E. Moore, of St. Louis, and Goldstein admitted that each had received a check for $2,500 from Jacob Babler, national committeeman from Missouri, before the election of delegates to the Republican National Convention, and that each understood that it was Lowden money. Moore testified that Babler handed him the check "to take it and use it for whatever I (Moore) saw fit," but that he had not used it. The money was still to his credit in a bank, he said, but in view of the unpleasant notoriety which the matter had caused he would return it.

Goldstein, then a circuit court clerk in St. Louis, testified that Babler handed him a check for $2,500; that he had put it to his credit in bank; that his intention was to turn it over to the Lowden organization "when we got into the campaign," if Lowden were nominated, or return the money if Lowden were not nominated. Goldstein said that when the money was given to him he was a candidate for delegate to the national convention, and subsequently was elected without instructions. He added that he "was friendly to Governor Lowden's interests."

Other testimony was to the effect that Louis L. Emmerson, secretary of state of Illinois and Governor Lowden's campaign manager, sent to E. L. Morse, the Lowden campaign manager in Missouri, $32,000 to pay expenses in his attempt to carry Missouri. Morse testified that he gave $17,000 of this amount to Babler "to create Lowden sentiment." All the testimony showed that Governor Lowden had no knowledge of those transactions. He issued a statement in which he repudiated the support of Moore and Goldstein. "My injunctions to Mr. Emmerson were to use no money except for legitimate purposes of the campaign and to make no expenditure that could not be made public," he said.

The whole affair created such a furor that the Republican leaders at the Chicago convention were afraid to throw the presidential nomination to Lowden. Of the leading contestants for the nomination, General Wood, Senator Harding, Senator JOHNSON, and Governor Lowden, the favorite with the leaders was Lowden.

Mr. HARRISON. Mr. President, in view of that statement from that very reputable paper, if there is such a nomination here, there will be a motion made to have the nomination considered in open executive session.

Mr. SPENCER. Mr. President, I do not wish to detain the Senate at this late hour. I was out of the Senate Chamber, in a committee meeting, when the article from some paper was read concerning Mr. Nat Goldstein.

I merely want to say at this time that I have known Mr. Goldstein for 25 years. He is now, and has been for some years, the clerk of the circuit court of the city of St. Louis. He is a man of the highest integrity, a man whom judges and lawyers and business men of the community would vouch for, I am sure, as they have to me, in large numbers. When the time comes I shall be very glad to give to the Senate any information that any Senator may desire to hear about him.

Mr. HARRISON. Mr. President, if the Senator will yield before he takes his seat, let me say that in view of what the Senator has said I am sure he will cooperate with me and others who may desire to have this matter discussed in open executive session, and, when the motion is made to have it discussed in open executive session, that he will vote for it.

Mr. SPENCER. I am inclined to think that nominations had better be discussed, as they always have been, in executive session. I know how often the Senator from Mississippi has desired to have many nominations discussed in open session; but my judgment has rather been with the majority of the Senate, that it is better to conform ourselves to what has been the custom ever since I have been here.

Mr. HARRISON. The Senator would not like to make this an exception to that rule? If this article and these rumors that are current have done Mr. Goldstein so much injury, then he should have a right to have his case discussed in the open. It would seem fair to him that we should do it, so I am sure that the Senator will cooperate with me in making an exception in this instance.

Mr. SPENCER. In other words, the distinguished Senator from Mississippi first makes some charge which he thinks needs an answer, and then, upon the basis of the charge which he himself has made, he says that because of the right of the man himself we ought to have an open executive session to discuss the matter. That does not appeal to me as being a very strong argument.

Mr. HARRISON. I do not make any charge. This article was from the New York Times, and they say that Mr. Goldstein himself said that he got the $2,500 and placed it in the bank to his credit in order to create Lowden sentiment in Missouri.

Mr. SPENCER. I was under the impression that the article was put in at the instance of the Senator from Mississippi.

Mr. HARRISON. Yes; for the information of the Senator, and the Senate, and the country.

PROHIBITION ENFORCEMENT.

Mr. BROUSSARD. Mr. President, I have no disposition to discuss the reasons for the defeat of any candidate in the recent elections, because that has been done before by other Senators. I wish to observe, however, that in my opinion one of the elements which are making it difficult for some people to come back to Congress is the Volstead law, and especially that feature of it which permits a man to invade the sanctity of a home at night without a search warrant.

In order to bear out this statement, I wish now to offer a copy of a joint resolution adopted by the Legislature of the State of Louisiana in the year 1921, addressed to the Vice President and by him referred to me, and ask that it be inserted in the RECORD in 8-point type.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Senate Concurrent Resolution 5.

Whereas the Congress of the United States is at the present time considering a modification of the so-called Volstead Act prohibiting the manufacture and sale of liquors for beverage purposes containing more than one-half of 1 per cent alcohol;

Whereas it is the desire of all that the Volstead Act should be amended and modified so as to permit the sale of light wines and beer in wholesale quantities under proper Government restrictions: Be it

Resolved by the Senate of the State of Louisiana and the House of Representatives concurring, That the Congress of the United States be requested to modify and amend the so-called Volstead Act so as to permit the sale and manufacture of light

wines and beer in wholesale quantities under proper Government restrictions.

HEWITT BOUANCHAUD,
Lieutenant Governor and President of the Senate.
R. F. WALKER,
Speaker of the House of Representatives.

Mr. BROUSSARD. I also wish to offer a letter addressed to me by the Grain Trade Association of the San Francisco Chamber of Commerce, inclosing a copy of a letter to the President of the United States, and making a similar plea. I ask that this be printed in the RECORD in 8-point type.

The VICE PRESIDENT. Without objection it will be so ordered.

The matter referred to is as follows:

GRAIN TRADE ASSOCIATION OF SAN FRANCISCO
CHAMBER OF COMMERCE,
San Francisco, April 20, 1922.

Hon. EDWIN S. BROUSSARD,
United States Senate, Washington, D. C.

DEAR SENATOR BROUSSARD: Inclosed herewith we hand you reprint from the San Francisco Daily Commercial News, dated April 15, from which you will see that 5,044 separate landowners, owning in the aggregate 5,297,821 acres of land, have petitioned our association to use its best efforts to bring about legislation so as to allow the manufacture and sale of light wines and beer.

Yours very truly,

GRAIN TRADE ASSOCIATION OF THE
SAN FRANCISCO CHAMBER OF COMMERCE,
By W. BELKNAP, *Secretary.*

[Reprinted from Daily Commercial News, April 15, 1922.]

GRAIN TRADE ASSOCIATION ADDRESSES LETTER TO PRESIDENT HARDING.

The Grain Trade Association of the San Francisco Chamber of Commerce yesterday sent the following letter to President Harding:

SAN FRANCISCO, *April 14, 1922.*

Hon. WARREN G. HARDING,
Washington, D. C.

DEAR MR. PRESIDENT: We take the liberty of advising you that during the past few weeks we have been requested over the separate signatures of 5,044 landowners, owning in the aggregate 5,297,821 acres land, devoted to all sorts of agriculture, etc., in California, to use our best efforts in helping to bring about an amendment to the Volstead Act, so as to legalize the manufacture and sale of light wines and beer.

Recently the San Francisco Chamber of Commerce, California State convention of organized labor, San Francisco Stock and Bond Exchange, Sacramento Chamber of Commerce, and various other organizations, either voted unanimously, or almost unanimously, in favor of the same amendatory legislation.

Your interest and support of such proposed legislation is therefore respectfully requested by us.

Faithfully yours,

GRAIN TRADE ASSOCIATION OF THE
SAN FRANCISCO CHAMBER OF COMMERCE,
F. A. SOMERS, *Chairman.*
D. BELKNAP, *Secretary.*

Mr. BROUSSARD. I also wish to insert in the RECORD a recent editorial in order to prove the correctness of the predictions we made during the consideration of the antisearch legislation finally adopted by this Congress, that the prohibition agents would invade the homes and disregard the constitutional privileges of citizens. In order to bear out those predictions I offer also, to be printed in 8-point type, an editorial from the Baltimore Sun, reproduced in the Washington Post of April 27, 1922, describing how prohibition agents in the early hours of the morning forced their way into the residence of a citizen of Maryland and shot up the place while the occupant of that residence was sleeping.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

ASK FOR THE WHOLE TRUTH.
[From the Baltimore Sun.]

The prohibition authorities at Washington owe it to themselves, as well as to the people of this State, to investigate thoroughly the so-called "raid" of "dry" agents from the Capital against the home of Frank A. Lutz, near Knoxville, Frederick County. Mr. Lutz's version of the affair is that he was aroused from sleep at an early hour of the morning by some one knocking loudly on his front door. When he asked who was there, the answer was the imperative demand, "Let us in." When he refused, one of the men attempted to force an entrance, whereupon Mr. Lutz shot through the door to frighten the intruders off and was answered by a fusillade from the assailants. He then telephoned to a neighbor, Mr. Meyer, and on his arrival the men without began firing into the house again, shattering the glass transom and slightly wounding Mr. Meyer. Mr. Lutz returned their fire and they retreated. He then telephoned the sheriff, who, with two deputies, hurried to the scene. They were admitted and the "raiders" entered the house with them, disclosing themselves as prohibition officers and attempting to search the premises. According to our dispatch it was then revealed that they had no search warrant and were not allowed by the officers to proceed.

If this is an accurate description of what occurred, nothing more lawless or high-handed has been staged by enforcement officers under the present régime. It can not be minimized or overlooked, and if the prohibition authorities do not probe it to the bottom the Department of Justice should take it up. If these "dry" agents made this night attack on the home of a citizen in the country, presumably without protection, and with no legal warrant to justify their attempted invasion, they were as much criminals, to all legal intents and purposes, as if they had been bandits or burglars. They have committed an act of criminal violence and should be punished, not merely reprimanded or discharged.

Mr. BROUSSARD. I wish also to have inserted in the RECORD, in 8-point type, extracts from speeches made yesterday in the city of New York by James Speyer, banker; Samuel Gompers, president of the American Federation of Labor; and James P. Holland, president of the State Federation of Labor of New York, Mr. Holland's speech containing a quotation from a letter written by our good friend the senior Senator from New York [Mr. WADSWORTH]; also an extract from the annual report of Bishop Lawrence, of the Episcopal diocese of Massachusetts, to the diocesan convention on May 3, 1922.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Post of May 4, 1922.]

CAPITAL AND LABOR UNITE AGAINST DRYS—SPEYER, BANKER, AND GOMPERS DEMAND MODIFICATION AT BIG "WET" RALLY—INSIST CONGRESS MUST HEED—"TERRIBLE MISTAKE MADE," SAYS WADSWORTH—MAXIM CALLS DRYS "MERCILESS PRIESTHOOD."

(By the Associated Press.)

NEW YORK, May 3.—Samuel Gompers, president of the American Federation of Labor, speaking to-night to a crowd that jammed Madison Square Garden in a mass meeting called by the New York branch of the Association Against the Prohibition Amendment, declared that labor "must make the fight now, and we will never stop fighting until the rights of the people have been restored to them."

He was cheered by crowds both inside and outside the big pavilion, for those who could not get into the hall heard the various speakers through voice amplifiers. The meeting was largely attended by members of union labor, representatives of more than 30 labor organizations being present. There also were many men prominent in the city's business and financial circles, who occupied places on the stage. A large part of the audience was composed of women.

"I and the federation I represent," Mr. Gompers said, "are in favor of beer and light wines and against any attempt to enforce sumptuary laws aimed at the personal liberties of our people.

LAYS LOWER MORALITY TO DRYS.

"I have always had faith in the future of my country, but with prohibition I am apprehensive of that future. Temperance was the rule of the great mass of organized labor, but the prohibitionists and the so-called Anti-Saloon League have done more to undermine the morality and temperance of the workingman than any other agency I know.

"I have traveled all over the United States before prohibition, including its so-called dry territories, and to-day as I pass through these sections I find more drunkenness than ever before."

"There are no stronger or more powerful supporters of the Volstead Act than the distillers and bootleggers," Mr. Gompers declared to the accompaniment of vociferous applause. "With the Volstead Act and prohibition replaced by a light wine and beer bill the bootleggers would go out of business."

CALLS SPONSORS VIOLATORS.

Mr. Gompers, declaring that there are "no greater violators of the Volstead Act and the prohibition amendment than those who voted for their enactment," brought his talk down to local issues, saying that of New York's 25 Members of the House of Representatives, more than 20 were absent "from their posts

of duty" on the day that the eighteenth amendment was voted on.

Labor's dissatisfaction with the liquor laws was also expressed by James P. Holland, president of the State federation of labor, who also spoke.

Mr. Holland declared that if the Representatives in Congress from New York did not listen to the demands of the people, "others will be put in who would."

"The Congressmen of this State," he said, "must listen to the demand of the citizens of New York, who insist on a modification of the Volstead Act."

"I have here a letter from one New York Senator which shows he still believes in the Constitution of the United States—JAMES W. WADSWORTH."

WADSWORTH SEES "TERRIBLE MISTAKE."

Senator WADSWORTH's letter said, in part:

"Frankly, I think we made a terrible mistake when we inserted a sumptuary law of this kind in the Constitution of the United States. This was a fundamental error. Then we made another mistake when we passed an enforcement act so severe in its provisions that it is proving impossible of enforcement."

James Speyer, banker, who opened the meeting, said what he personally disliked more than anything else about the Volstead Act was that "it is fast degenerating into class legislation, favoring the well to do as against the less fortunate ones of our citizens." He was opposed, he said, to any kind of class legislation.

Hudson Maxim, another speaker, said that "the blue-law fanatics of prohibition are a new priesthood, intolerant and merciless."

BISHOP LAWRENCE DEMANDS FREE SPEECH ON PROHIBITION.

BOSTON, May 3.—Bishop William Lawrence, of the Episcopal diocese of Massachusetts, in his annual report to the diocesan convention to-day asked whether it was not time to recognize the right of every citizen who did not believe in constitutional prohibition to say so, and in public.

"Hundreds of thousands of workingmen who found solace and comradeship after the day's work in what they felt to be their innocent glass of beer had it snatched from them," the bishop said, "and thousands of thousands of reputable citizens found their personal liberties and domestic habits broken in upon.

"Surely it is competent for every citizen to speak, work, and do everything consistent with the law to have a law either amended or rescinded."

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess, the recess being, under the order previously made, until to-morrow, Friday, May 5, 1922, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4 (legislative day of April 20), 1922.

COAST AND GEODETIC SURVEY.

Leo Clark Wilder to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy.

POSTMASTERS.

ALABAMA.

John S. Amos, Enterprise.
Charlie S. Robbins, Good Water.

FLORIDA.

Boyd C. Foxworthy, Fort Myers.
Herbert W. Fuller, New Smyrna.
Mamie E. Barnes, Plant City.
James L. Pattillo, Fort Orange.

GEORGIA.

Esther McCollum, Conyers.
Beulah L. McCall, Hinesville.
Awtrey C. Moore, Powder Springs.
Gussie C. Lyon, Roswell.

INDIANA.

Josiah J. Hostetler, Shipshewana.

KENTUCKY.

Samuel C. Hedden, Shelbyville.

MICHIGAN.

Herman A. Ehman, Beulah.
Eugene E. Hubbard, Hudsonville.

MISSOURI.

Ferd D. Lahmeyer, Bland.
Walter E. Pearson, Clarksdale.
Andrew S. Swafford, Excelsior Springs.
Elizabeth E. Letton, Mindenmines.

NEW MEXICO.

Morgan P. Harvey, Clayton.

NORTH DAKOTA.

J. Rodney Williams, Hampden.
Martin H. Weber, New Leipzig.
John V. Kuhn, Richardton.

OKLAHOMA.

Joseph G. Chappelear, Gotebo.
Bert A. Hawley, Leedey.

OREGON.

Newton A. Perry, North Portland.

WASHINGTON.

Carl J. Gunderson, East Stanwood.
Ray E. Simons, Leavenworth.

WYOMING.

Elmer W. Ace, Green River.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 4, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Unto Thee, O Lord, do we offer our tribute of praise and thanksgiving. Our trust and our hope are in the infinite mercy and goodness of God. In a world so varied, quivering with uncertainty and veiled with mystery, we are so grateful that we have a Father in heaven and in earth who claims us as his own. The days are so packed with thought and so full of purpose. O set us to our high tasks. Do Thou quicken the living, breathing, budding divinity within us. May the hand that holds the earth, the seas, and the stars in their places direct us and establish our work. In Thy holy name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTINUANCE OF CERTAIN GOVERNMENT PUBLICATIONS.

Mr. KIESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 132, and to insist on the amendments of the House and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate Joint Resolution 132 and to insist on the House amendments and to agree to the conference asked by the Senate. The Clerk will report the resolution.

The Clerk read the title of Senate Joint Resolution 132, to provide for continuance of certain Government publications.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, has the gentleman from Pennsylvania conferred with the minority member of the Printing Committee about this resolution?

Mr. KIESS. Yes.

Mr. GARRETT of Tennessee. Is it satisfactory?

Mr. KIESS. Absolutely.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. KIESS, Mr. JOHNSON of Washington, and Mr. STEVENSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 191. Joint resolution favoring the establishment in Palestine of the national home for the Jewish people.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amend-

ments of the Senate numbered 51 and 58 to the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 10240. An act to extend the time for the construction of a bridge across the Savannah River near Haileys Ferry and between the counties of Anderson, S. C., and Hart, Ga.; and

H. R. 10407. An act authorizing the counties of Jasper, S. C., and Chatham, Ga., to construct a bridge across the Savannah River at or near Savannah, Ga.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 191. Joint resolution favoring the establishment in Palestine of the national home for the Jewish people; to the Committee on Foreign Affairs.

TRIP TO QUANTICO.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, it is with great regret that I have to announce to the Membership of the House that the trip arranged to Quantico for to-morrow has been postponed owing to the condition of the weather. General Lejeune, who is now on the field, reports that the parade ground is a mass of mud, and that the trenches where we were to witness the mimic battle are also a mass of mud, as well as the aviation field, and he feels that the Members would not enjoy the trip if they should take it to-morrow. Therefore, the trip has been postponed, but not canceled, and in a very few days we will make an announcement as to the date when the trip will be made. I wish to make this announcement now, so that no one will go down to-morrow morning expecting to go to Quantico, because the vessel will not be there; but the trip is only postponed.

COMMITTEE ELECTIONS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution electing Members of the House to committees.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 343.

Resolved, That JOHN E. NELSON, Member of Congress from the third district of Maine, be, and he is hereby, elected a member of standing committees of the House, as follows: Labor; Flood Control; and Expenditures in the Department of Commerce.

That LEWIS HENRY, Member of Congress from the thirty-seventh district of New York, be, and he is hereby, elected a member of standing committees of the House, as follows: Claims; Insular Affairs; and Expenditures in the Department of Agriculture.

That HENRY A. BALDWIN, Delegate from Hawaii, be, and he is hereby, elected as an additional member of standing committees of the House, as follows: Agriculture; Coinage, Weights, and Measures; Military Affairs; and Territories.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

BUSINESS OF CALENDAR WEDNESDAY.

The SPEAKER. Calendar Wednesday business is in order to-day. The Clerk will call the committees.

The Clerk called the Committee on Printing.

Mr. KIESS. Mr. Speaker, the Committee on Printing has nothing to present.

The Clerk called the Committee on Ways and Means.

NARCOTICS.

Mr. HADLEY. Mr. Speaker, by direction of the Committee on Ways and Means, I call up H. R. 2193, to amend section 6 of an act approved January 17, 1914, entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909."

Mr. WALSH. Mr. Speaker, I desire to make the point of order that this bill was reported as a privileged bill. It affects the revenue, and amends an act pertaining to the revenue, and has a privileged status, and is not in order under the Calendar Wednesday call. I think the gentleman from Washington [Mr. HADLEY] reported the bill from the floor on the 27th of March, and points of order were reserved against it at that time.

The SPEAKER. The Chair will state that he investigated that subject, and was conferred with by members of the Ways and Means Committee as to whether it was privileged or not. Of course, if it is privileged, that committee can call it up some other day. The Chair concludes that it is not privileged; that while, as the gentleman from Massachusetts [Mr. WALSH] says, it relates to the revenue, yet that that is incidental; that the main purpose of the bill is not to raise revenue; and that therefore it is not privileged. Of course, the fact that it was reported from the floor simply indicated what the gentleman reporting it thought at that time.

Mr. WALSH. If the revenue question were only an incidental matter, clearly it would not have been referred to the Committee on Ways and Means. If the principal purpose of the bill was a regulation of commerce, it would have gone where the principal purpose of the bill might seem to indicate.

The SPEAKER. The Committee on Ways and Means reported the Harrison Act. That bill did not come from the Committee on Interstate and Foreign Commerce. If the Chair should hold that the bill is not in order to-day, he would be in an embarrassing position, because the Chair refused to recognize the Committee on Ways and Means to call up the bill as a privileged matter, on the ground that in his opinion it was not privileged, and that the only way in which the committee could bring it up would be either to get a rule or to bring it up on Calendar Wednesday. So the Chair not only by his individual opinion but by his conduct is bound to rule that the bill is in order to-day. Of course, the House can decide differently if it desires to do so. The Chair overrules the point of order.

This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union; and the gentleman from Massachusetts [Mr. WALSH] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. WALSH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 2193) to amend section 6 of an act approved January 17, 1914, entitled "An act to amend an act entitled 'An act to prohibit the importations and use of opium for other than medicinal purposes,' approved February 9, 1909."

Mr. HADLEY. Mr. Chairman, the committee struck out all of the original bill after the enacting clause and proposes an amendment. I ask unanimous consent that the amendment be read in lieu of the original bill.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the committee amendment be read in lieu of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

That sections 1 and 2 of the act entitled "An act to prohibit the importation and the use of opium for other than medicinal purposes," approved February 9, 1909, as amended, are amended to read as follows:

"That when used in this act—

"(a) The term 'narcotic drug' means opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine;

"(b) The term 'United States,' when used in a geographical sense, includes the several States and Territories and the District of Columbia;

"(c) The term 'board' means the Federal narcotics control board established by section 2 of this act; and

"(d) The term 'person' means individual, partnership, corporation, or association.

"SEC. 2. (a) That there is hereby established a board to be known as the 'Federal narcotics control board' and to be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce. Except as otherwise provided in this act or by other law, the administration of this act is vested in the Department of the Treasury.

"(b) That it is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction, except that such amounts of crude opium and coca leaves as the board finds to be necessary to provide for medical and legitimate uses only may be imported and brought into the United States or such territory under such regulations as the board shall prescribe. All narcotic drugs imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported.

"(c) That if any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than $5,000 and imprisoned for not more than 10 years.

"(d) Any narcotic drug imported or brought into the United States or any territory under its control or jurisdiction, contrary to law, shall (1), if smoking opium or opium prepared for smoking, be seized and summarily forfeited to the United States Government without the necessity

of instituting forfeiture proceedings of any character; or (2), if any other narcotic drug, be seized and forfeited to the United States Government, without regard to its value, in the manner provided by sections 3075 and 3076 of the Revised Statutes, or the provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections. Any narcotic drug which is forfeited in a proceeding for condemnation or not claimed under such sections, or which is summarily forfeited as provided in this subdivision, shall be placed in the custody of the board and in its discretion be destroyed or delivered to some agency of the United States Government for use for medical or scientific purposes.

"(e) Any alien who at any time after his entry is convicted under subdivision (c) shall, upon the termination of the imprisonment imposed by the court upon such conviction and upon warrant issued by the Secretary of Labor, be taken into custody and deported in accordance with the provisions of sections 19 and 20 of the act of February 5, 1917, entitled 'An act to regulate the immigration of aliens to, and the residence of aliens in, the United States' or provisions of law hereafter enacted which are amendatory of or in substitution for such sections.

"(f) Whenever on trial for a violation of subdivision (c) the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains the possession to the satisfaction of the jury.

"(g) The master of any vessel or other water craft, or a person in charge of a railroad car or other vehicle, shall not be liable under subdivision (c) if he satisfies the jury that he had no knowledge of and used due diligence to prevent the presence of the narcotic drug in or on such vessel, water craft, railroad car, or other vehicle; but the narcotic drug shall be seized, forfeited, and disposed of as provided in subdivision (d)."

SEC. 2. That sections 5 and 6 of such act of February 9, 1909, as amended, are amended to read as follows:

"SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States or into any territory under its control or jurisdiction for transportation to another country, or be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or for any other purpose; and except with the approval of the board, no other narcotic drug may be so admitted, transferred, or transshipped.

"SEC. 6. (a) That it shall be unlawful for any person subject to the jurisdiction of the United States Government to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any narcotic drug to any other country: *Provided*, That narcotic drugs (except smoking opium and opium prepared for smoking, the exportation of which is hereby absolutely prohibited) may be exported to a country only which has ratified and become a party to the convention and final protocol between the United States Government and other powers for the suppression of the abuses of opium and other drugs, commonly known as the International Opium Convention of 1912, and then only if (1) such country has instituted and maintains, in conformity with that convention, a system, which the board deems adequate, of permits or licenses for the control of imports of such narcotic drugs; (2) the narcotic drug is consigned to an authorized permittee; and (3) there is furnished to the board proof deemed adequate by it that the narcotic drug is to be applied exclusively to medical and legitimate uses within the country to which exported, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

"(b) The Secretary of State shall request all foreign governments to communicate through the diplomatic channels copies of the laws and regulations promulgated in their respective countries which prohibit or regulate the importation and shipment in transit of any narcotic drug and, when received, advise the board thereof.

"(c) The board shall make and publish all proper regulations to carry into effect the authority vested in it by this act."

SEC. 3. That section 8 of such act of February 9, 1909, as amended, is amended to read as follows:

"SEC. 8. (a) That a narcotic drug that is found upon a vessel arriving at a port of the United States or territory under its control or jurisdiction and is not shown upon the vessel's manifest, or that is landed from any such vessel without a permit first obtained from the collector of customs for that purpose, shall be seized, forfeited, and disposed of in the manner provided in subdivision (d) of section 2, and the master of the vessel shall be liable to a penalty equal to the value of the narcotic drug.

"(b) Such penalty shall constitute a lien upon the vessel which may be enforced by proceedings by libel in rem. Clearance of the vessel from a port of the United States may be withheld until the penalty is paid, or until there is deposited with the collector of customs at the port, a bond in a penal sum double the amount of the penalty, with sureties approved by the collector, and conditioned on the payment of the penalty (or so much thereof as is not remitted by the Secretary of the Treasury) and of all costs and other expenses to the Government in proceedings for the recovery of the penalty, in case the master's application for remission of the penalty is denied in whole or in part by the Secretary of the Treasury.

"(c) The provisions of law for the mitigation and remission of penalties and forfeitures incurred for violations of the customs laws shall apply to penalties incurred for a violation of the provisions of this section."

SEC. 4. That such act of February 9, 1909, as amended, is amended by adding at the end thereof a new section to read as follows:

"SEC. 9. That this act may be cited as the 'narcotic drugs import and export act.'"

Amend the title so as to read: "A bill to amend the act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909, as amended."

The CHAIRMAN. The gentleman from Washington is recognized for one hour.

Mr. HADLEY. Mr. Chairman, this legislation contemplates the further amendment of the existing narcotic laws in three principal respects. There are many incidental points, but the three grand divisions, so to speak, under which the provisions of this bill would classify are, first, the provision for further restraint upon the importation of narcotic drugs as defined in the bill; second, upon their exportation; and third, with respect to the in-transit shipments.

In 1909 Congress passed an act prohibiting the importation of smoking opium but permitting the importation of other classes of opium and their preparations and derivatives for medicinal purposes only and providing penalties, but made no restriction upon the exportation of these commmodities. In 1912 the international opium convention was held at The Hague, in which we assumed certain obligations with respect to the opium traffic.

That convention having been ratified by this Government in 1913, it was followed in 1914 by further legislation on the part of Congress, putting limitations upon imports and exports and perpetuating in effect the importation provision of the law of 1909. But the restrictions placed on the exports, if intended to bring the Government fully within the terms of the international opium convention, failed in some important particulars. To remedy that failure is one of the main purposes of the bill.

Mr. HILL. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. HILL. Will the gentleman tell us how this differs from the existing narcotic laws—in what essential?

Mr. HADLEY. Under the existing narcotic laws prepared opium may be imported into this country. The proposal now is to limit the importation to crude opium and coca leaves from which cocaine is derived. This country manufactures all and more than it requires of narcotic drugs for domestic medical and legitimate uses, and it is thought desirable on the part of the committee, in view of the character of the commodities and the well-known illicit traffic in the business and the deleterious effects, that we restrict the importation to crude material in furtherance of our obligation to keep the traffic within the legitimate uses, the medical use in particular. That is one of the outstanding features of the bill.

The exports and imports of narcotic drugs are governed by the act of 1909 as amended by the act of January 17, 1914. The exportation may be made under the present law to any country which regulates the entry of narcotic drugs under such regulations as are prescribed by such country, however ineffectual the regulations or the administration of the regulations may be in that country. In fact, the testimony in the hearings held on the subject in the Sixty-sixth Congress tended to disclose an alarming state of facts as to the diversion of exports from this country into China, and the subsequent return of many exports into our own country.

Mr. HILL. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. HILL. The effect of this bill should be to greatly decrease the amount of illicit drugs used and the importation.

Mr. HADLEY. It is hoped that that will be the effect.

Mr. HILL. It has always been difficult to prevent the smuggling of opium in a prepared form.

Mr. LAZARO. Will the gentleman yield?

Mr. HADLEY. I yield to the gentleman.

Mr. LAZARO. Did not the hearings bring out the fact that the use of opium has increased among the addicts?

Mr. HADLEY. Undoubtedly; alarmingly so.

Mr. LAZARO. While we all agree that laws of this kind should be enacted in order to decrease the habit, does not the gentleman think that the National Government and the States should make better provision for the cure of these addicts while we are enforcing these laws?

Mr. HADLEY. That may be true; I have not considered that phase of it, as it was not germane to this legislation.

Mr. LAZARO. I know, but I thought I would bring out the fact at this time. The gentleman is aware of the fact that those who use opium as a rule are the poor people who are unable to take treatment.

Mr. HADLEY. The gentleman in his profession is better acquainted with those facts than am I.

Mr. LAZARO. That is true, and the majority of addicts are poor people. They are unable to secure private treatment, and I bring this point out to encourage the National Government in cooperating with the States to make provision to take care of these charitable cases, so that they may be cured.

Mr. HADLEY. I thank the gentleman for that statement.

Mr. BOND. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. BOND. Did the gentleman find in the hearings that this was a social habit as well as a habit owing to the use of drugs for medicinal purposes?

Mr. HADLEY. The hearings were held in the Sixty-sixth Congress. I am not certain that that point was particularly stressed.

Mr. BOND. Did the gentleman not find that the habit prevails among all classes of people—the wealthy as well as among the poor?

Mr. HADLEY. There was little testimony on that point. There was much testimony upon what we might call the underground peddling of the commodity and the use by addicts through that channel.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. LAZARO. I did not mean to say that there were more poor people using it than wealthy people, although I believe there are, because there are more poor people than wealthy people anyway; but the point I wanted to bring out is that as a rule the people who use opium can not hold their jobs, and as a result they become paupers and they can not pay for the treatment. Therefore, if they continue to use it, and they do, they have to violate the law in order to get it, whereas the wealthy addicts can pay for treatment and get cured and become law-abiding citizens.

Mr. BOND. I think that is a very fair statement.

Mr. LAZARO. And I think the Federal Government and the States ought to work hand in hand so that we can cure these people as we go ahead with the enforcement of the law, because a person in the habit of using opium, unless he is cured, will violate the law.

Mr. HADLEY. Mr. Chairman, if I may now proceed with the feature that I had indicated as one of the outstanding purposes of the law, the regulation of the export trade in particular, I wish to incorporate in the RECORD for the information of the committee a statement included in the report on the bill by a representative who appeared at the hearings on the part of the Department of State. He said:

> As the law now stands, it provides that the goods may be exported to countries regulating their entry under such regulations as are prescribed by such country for the importation thereof into said country. Where the country regulates it in any way, whether effectively or not, under this act of Congress I think the officials of the Government would be bound to permit the exportation; yet we know that some countries, while they have regulations and laws on the subject, administer them very loosely, and in order that this illicit traffic might be controlled to a greater extent it was thought that the administrative officials should have greater discretion with respect to the exportation, and if they should find that the regulations of a particular country were not being properly administered, so as to carry out the spirit of The Hague convention, they should be authorized to refuse a permit to export.

Referring to The Hague convention I wish to call attention to a few of the obligations which we assumed as parties to the convention which have not been wholly fulfilled. I shall not refer to others which were fulfilled, I think completely, under the Harrison Narcotic Act and the smoking opium act, neither of which acts are involved here. In passing let me say that this is an amendment of the import and export narcotic drugs act of 1909 as amended by the act of January 17, 1914, and does not touch the Harrison Narcotic Act, the smoking opium act, nor the American pharmacists in China act.

One of the articles of the convention required, in substance, without reading it in detail, that the contracting powers shall enact laws and regulations in such a way as to limit the sale and use of morphine, cocaine, and their respective salts to medical and legitimate uses only, unless they have existing laws already so providing. And that they shall also cooperate among themselves in order to prevent the use of these drugs for any purpose other than a legitimate purpose. Another provision is to the effect that the contracting powers shall use their best efforts to control or cause to be controlled all those who import or export morphine, cocaine, or their respective salts. Another, that they shall proceed to the end that those who manufacture, import, sell, distribute, and export morphine, cocaine, and their respective salts shall be provided with authorization of licenses to carry on these operations or shall make an efficient declaration thereof to the competent authorities. Another provision in article 12 is to the effect that the powers shall use their best efforts to limit the importation of morphine, cocaine, and their respective salts to authorized persons. Further in article 13, to the effect that they shall use their best efforts to adopt or cause to be adopted measures to the end that the exportation of cocaine, morphine, and their respective salts from their countries to the countries of the other contracting powers shall be to those who have received authorizations or permits granted in conformity with the laws or regulations of the importing country.

These provisions have not been adequately met by the terms of existing law. The bill provides in the committee amendment that in the exportation to countries which are parties to the international opium treaty there shall more appear than the mere fact of having become parties to that convention; there shall more appear than the mere fact that the country has also adopted regulations with respect to the exportation. First, it shall further appear that such country has instituted and maintains in conformity with that convention a system which the board deems adequate of permits or licenses for the control of imports of such narcotic drugs. In the second place, it shall further appear that the narcotic drug is consigned to an authorized permittee, and third, that there must be furnished to the board proof deemed adequate by it that the narcotic drug is to be applied exclusively to medical and legitimate uses within the country to which it is exported, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

Those provisions will carry out the spirit and purpose and terms of the obligations assumed in these respects under the international opium convention, but until some such legislation is enacted we are in the position of having assumed these obligations and of not having fulfilled them, and, on the contrary, of having permitted exportation in violation of the spirit of the convention; although in fairness to the present situation it should be said that while some six years elapsed after the ratification of that convention before regulations contemplated by the law of 1914 were approved and put in force by the executive departments charged with that duty, the war intervened, and after the war on the 1st day of May, 1920, such regulations were promulgated and given effect. Since then the difficulties which were complained of upon the hearings when the bill was introduced in the preceding Congress and the conditions which existed at that time have been very much minimized, and the regulations have had a very salutary effect.

But it is the view of the committee that a matter of this gravity, involving the obligation of this Government deliberately assumed, should not rest upon administrative regulation alone, but that the policy to be enforced should be given a firmer legal basis and be expressly incorporated in the law of the land. A third purpose to which I briefly alluded is to regulate in-transit shipments and transshipments. In the present law there is a provision which prohibits the transshipments and in-transit shipments of smoking opium. It does not extend to the other drugs which we define in this bill. The drugs covered in the bill under the terms of the definition are opium, coca leaves, cocaine, or any salt, derivative, or preparation of opium, coca leaves, or cocaine, so when the words "narcotic drugs" appear in the bill that is what they embrace. Under the terms of this amendment the in-transit provisions of the present law are extended so as to include all these narcotic drugs but making in-transit shipments of narcotic drugs other than smoking opium subject to the approval of the board. Great Britain has recently enacted regulatory provisions, among others, governing in-transit shipments and shipments from a foreign country can not be made through Canada or by Canadian roads or by British vessels. We are in the unenviable position of leaving our ports open to the unregulated transshipment through our country of commodities marked pharmaceutical in character, thus making us in a measure parties to the illicit use of so much of these transshipped commodities as may find their way illicitly into other countries than the port of destination.

In this connection I submit the following statement from a paragraph of an article by the China Club of Seattle in reference to in-transit shipments. The China Club of Seattle has been thoroughly informed on this entire subject, and is composed of public-spirited men, who have the best interests not only of our own country but of China at heart. They say:

> The British conscience has already imposed restrictions whereby the drugs can no longer be shipped in British ships nor carried over British or Canadian rails. Hence the value to manufacturers of the privilege of shipping "in bond" across the American Continent over American railroads. This gives them their easiest path into China. Curiously enough their easiest path to their victims in America is via this same route to the Orient. Thanks to our present Harrison law it is well-nigh impossible to procure the drugs in the United States by any lawful means when wanted for unlawful purposes. There is an army of underworld peddlers, who are sucking the lifeblood out of helpless drug addicts, who are already numbered by millions, and out of other millions who are being systematically trained as future victims. These peddlers can get their stock in trade only from supplies which have first been shipped abroad under our present law and then brought back by smuggling into the very seaports from which they originally went out. That is to say, of every shipment abroad of British or American drugs, half goes to poison China and half comes back to poison America. Every steamer that pushes its way into our ports from the Orient brings its hidden quota. Every train and auto that crosses the line from Canada or Mexico is a potential drug carrier.

The committee amendment carries an amendment to section 8 of the existing law, which arises by virtue of a suggestion of the Treasury Department and a court decision. On appeal to the Circuit Court of Appeals of the Ninth Circuit, in the case of United States against Sischo, it was in effect held that the penalty which the Government sought to impose under section 8 on a vessel which brought in unmanifested opium could not be enforced. It is believed that the committee amendment will avoid

the results of this decision. The amendment places in the section the penalty for failure to manifest the narcotic drug. The Treasury Department asked that this amendment be made. It suggested a number of amendments, and they have been incorporated in the bill. Every suggestion as to amendments made in the letter from the Secretary of the Treasury found in the report has been incorporated in the committee amendment with one exception, and that is in respect to the disposal of opium that has been seized, other than smoking opium, and in an informal conference with representatives of the Treasury Department the provision of the bill in that respect has been approved.

Extensive hearings were held in subcommittee near the end of the last Congress on the subject of this bill. A bill was reported at that time somewhat similar to this. It carried the basic features of this bill, and the principal material amendments which have been added since were those suggested by the Treasury Department upon reference of the bill to the department for report. In this Congress we held no hearings because of the very recent full hearings which had been held upon the subject. But a subcommittee was appointed to consider the bill. It received some communications and briefs, and all that it received it considered in detail. After a thorough and full review of the entire subject, including the recommendations of the Treasury Department, and considering the approval which the bill has of the State Department, in the particulars wherein it is charged with any responsibility, and of the Department of Commerce as well, the committee has recommended this substitute as drawn, in lieu of the original bill, in the form in which it appears and which it now recommends to the House for enactment.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HADLEY. I will yield briefly.

Mr. WILLIAMSON. Does this bill contemplate the seizure of opium without search warrant or must a search warrant be sworn out before seizure can be made?

Mr. HADLEY. The seizure of opium will be had under the provisions of the Revised Statutes of the United States, as in the case of the seizure of any other dutiable articles coming in, and the committee has applied the provisions of certain sections of the Revised Statutes, to which the gentleman can make reference. Those provisions contemplate condemnation. A party who has any right, title, or interest in the article, if it be legitimate, and he desires to show his title, may make claim, after publication on the part of the Government is made, with a view to establishing his right. Meantime, he puts up a bond, the amount of which is forfeited in the case condemnation succeeds.

Mr. WILLIAMSON. That is the information I wanted.

Mr. HADLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman and gentlemen of the committee, I do not know that I will be able to add anything to what the gentleman from Washington [Mr. HADLEY] has said on this bill. It comes from the committee as a unanimous report. As is well known, the Democratic members of the Ways and Means Committee do not oppose good legislation proposed by the committee. We feel this is good legislation. I was not a member of the subcommittee when the hearings were held in 1920 and 1921. The distinguished Democratic member of the committee at that time was the gentleman from Illinois, Mr. Henry T. Rainey, one of the ablest men who ever served in this House. But I have given this bill a good deal of thought and study, and I feel that there ought not to be any votes against it.

The main feature of the bill to me is the fact that we have established a board to control the narcotic traffic in America. That board is composed of the Secretary of the Treasury, the Secretary of State, and the Secretary of Commerce. They keep their hands upon this traffic from the time it comes into this country. It can not legally come into the country unless they say so; narcotics can not get out of the country unless this board says so, and that board is composed of the executive officers of the Government who ought to know and who will know as much as can be known about this traffic.

Now, gentlemen, the main idea, of course, is to prohibit as far as it is humanly possible the illegitimate traffic in narcotic drugs, and in some parts of the country, and especially, it seems, on the Pacific coast, it is a very serious menace. There, it seems, the bootleggers in narcotics are even more prevalent than bootleggers in liquor, and, of course, it is much more detrimental to the health of the people, because it has been said by distinguished gentlemen that when a person has one or two hypodermic shots of these narcotics he almost invariably becomes an addict. Therefore it is a serious question.

Now, the gentleman from South Dakota [Mr. WILLIAMSON], I think it was, asked the gentleman from Washington [Mr. HADLEY] a question just now about the confiscation of these narcotics when they are illegitimately possessed. The Government takes charge and confiscates them, just as they ought to do. However, there are provisions in the bill permitting the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of State—and I know of no greater board that could be established in this country than one composed of those three Secretaries, either under this administration or under future administrations—to have charge of it. I certainly think that those great executive officers ought to be able to control the situation, and it ought to be controlled.

Mr. CLARKE of New York. Will the gentleman permit a question?

Mr. OLDFIELD. Yes, sir.

Mr. CLARKE of New York. I would like to know whether any figures were produced before your committee showing whether there had been an increase in this surreptitious introduction of drugs into this country since the Volstead Act went into effect?

Mr. OLDFIELD. I will state to the gentleman that if there was it was not when I was present. I was not a member of the subcommittee when the hearings were had. I came in after the 4th of March, 1921, after Mr. Henry T. Rainey, of Illinois, went out. I did not hear the testimony. I have read as much as I have had the opportunity and time to read. I was present at several private hearings when officers representing the Secretary of State and the Secretary of the Treasury and the Secretary of Commerce were present, and I do not think that question was raised. I will say that I would not be surprised if that was true, because I can well imagine that if an addict of the liquor habit could not get liquor he would get narcotics if he could. I stand here in the position of wanting to suppress both illegitimate propositions. I would suppress the one and also suppress the other. I think the gentleman would promptly agree with me. [Applause.]

Now, Mr. Chairman, I yield back the balance of my time.

Mr. HADLEY. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON. Mr. Chairman, opium was known to the ancients and the poppy cultivated for a narcotic long before the Christian era. Half a century, United States has cooperated with other countries to suppress the abuse and sale of opium save for medicinal purposes. It is creditably stated that one named Clendenyn, as late as 1868, was the first white man to smoke opium in the United States. The habit of opium smoking since then has spread to every part of our country. An estimate from official reports indicates that 1,000,000 people, perhaps 4,000,000, within our realm are opium addicts, bringing to themselves physical and mental degeneracy. They are numbered among the rich as well as the poor; those who move in the highest social sphere, and those who play their part in the dark dens of iniquity. The opium habit is easy to acquire. The lost-to-the-world charm holds the novice until he falls a victim to its power. The opium smoker may stop and be cured of the evil without deleterious effect, but the opium eater becomes a lifelong slave to the drug. The enchanting sensation, combined with the weird and fascinating mental delight, where nerves are mesmerized into an ecstacy of physical insensibility and the mind ravished with beautiful and placid memories—no wonder that one in moments of agonizing pain or deep sorrow seeks its bewitching and captivating influences. The addict not only impoverishes his family but becomes a useless citizen, and thus it behooves Congress to enact more effective laws regulating the importation and uses of narcotics, thereby hastening the abatement of the opium habit, which left to its course might place the continuity of our Nation in jeopardy. [Applause.]

The importation of opium greatly increased until 1894, when 726,000 pounds reached our country, far more than needed for the apothecary. The several treaties between the United States and other countries and the act of February 9, 1909, which prohibited its importation and uses except for medical purposes, were not broad enough. Therefore, the act of January 17, 1914, in order to prevent smuggling, attempted to reach all persons on board of any vessel or railroad car to or from the United States having in possession any smoking opium or opium prepared for smoking.

It further provides that it shall be unlawful to export opium, cocaine, or salts, or preparations thereof, to any other country, except under such regulations prescribed by the country admitting the drug. Another act of the same date provided for the regulation of the manufacture of smoking opium within the United States. The act of December 17, 1914, effective March

1, 1915, was far-reaching, but it failed to provide for the illicit use of drugs and no limitation as to the amount sold.

The international opium convention held at The Hague in 1911, represented by all nations of the world, met for the purpose to suppress the abuses of opium. Its proceedings were ratified January 23, 1912. The conference provided for international regulations concerning the abuses of opium and its derivatives.

The measure under consideration provides regulations wherein the law is deficient. It creates a board, to be known as the "Federal narcotic board," to be composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce, who control the importation of the amount of crude opium and coca leaves for medicinal purposes. Any person importing narcotic drugs contrary to law shall be fined $5,000 and no more than 10 years' imprisonment; that no smoking opium or opium prepared for smoking shall be admitted; that it is unlawful for any person subject to the jurisdiction of the United States to export from the United States any narcotic drug to any country which has ratified and become a party to the convention for the suppression of drugs.

In order to show the effect of the laws passed, the Federal reports indicate that in 1911, 613,899 pounds of opium, containing 9 per cent and over of morphine, were imported, and in 1921 only 101,660 pounds. The exports increased until 1921. In 1912 only 648 pounds of opium were exported, but in 1920, 127,248 pounds, and in 1921 the exports were reduced to 3,480 pounds, and only 253 pounds the six months ended December 31, 1921.

I insert a table showing the importation and exportation of opium from 1911 to 1921, inclusive; also a letter from the Director of the Department of Commerce concerning the same:

Importation and exportation of opium, 1911 to 1921.

Date.	Imports.		Exports.	
	Quantity.	Value.	Quantity.	Value.
Opium containing 9 per cent and over of morphia:	*Pounds.*		*Pounds.*	
1911 (calendar)	613,899	$2,760,168	8	$48
1912 (calendar)	374,661	2,220,421	648	3,529
1913 (calendar)	352,648	2,391,417	1,742	7,572
1914 (calendar)	415,990	1,976,497	1,892	8,469
1915 (calendar)	351,955	1,735,435	41,266	209,435
1916 (calendar)	90,608	648,063	13,181	83,374
1917 (calendar)	124,764	1,538,803	8,787	96,726
1918 (calendar)	159,621	2,675,963	5,233	171,936
1919 (calendar)	730,272	8,279,653	110,972	875,698
1920 (calendar)	211,277	1,311,625	127,248	944,160
1921 (calendar)	101,668	344,979	3,480	13,258
Cocaine, ecgonine and salts:	*Ounces.*			
1911 (fiscal)	4,031	8,366	.....	.....
1912 (fiscal)	2,004	3,499	.....	.....
1913 (fiscal)	3,715	4,835	.....	.....
1914 (fiscal)	3,290	4,101	.....	.....
1915 (fiscal)	179	422	.....	.....
1916 (fiscal)	4,275	5,887	.....	.....
1917 (fiscal)	19,388	38,627	.....	.....
1918 (fiscal)	8,597	35,358	.....	.....
June 30, 1918, to Dec. 31, 1918	11,358	50,085	.....	.....
1919 (calendar)	12,464	29,035	.....	.....
1920 (calendar)	8,642	27,324	.....	.....
1921 (calendar)	7,065	18,428	.....	.....
Coca leaves:	*Pounds.*			
1911 (fiscal)	1,226,711	234,162	.....	.....
1912 (fiscal)	1,179,540	201,950	.....	.....
1913 (fiscal)	1,175,780	139,035	.....	.....
1914 (fiscal)	711,504	91,384	.....	.....
1915 (fiscal)	1,048,312	98,870	.....	.....
1916 (fiscal)	947,537	103,627	.....	.....
1917 (fiscal)	634,932	90,131	.....	.....
1918 (fiscal)	1,059,484	179,312	.....	.....
June 30 to Dec. 31, 1918	699,622	116,838	.....	.....
1919 (calendar)	795,074	167,957	.....	.....
1920 (calendar)	634,356	161,643	.....	.....
1921 (calendar)	104,129	15,320	.....	.....

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE.
Washington, March 11, 1922.

Hon. HENRY W. WATSON,
House of Representatives, Washington, D. C.

DEAR SIR: Supplementing my letter of March 9 on the subject of narcotics, you will be interested to note that the matter of control in international traffic in narcotics has been aided by the joint regulations agreed upon April 26, 1920, by the Secretaries of State, Treasury, and Commerce (under sec. 6, act approved January 7, 1914). These regulations limit the exportation of opium and cocaine and any salts, derivatives or preparation of either, to those countries which have laws regulating the handling of narcotic drugs. Exportation is permitted only upon proper certification as to the qualifications of the purchaser. Whether or not these regulations have alone been responsible for the decrease in exportation of narcotics it is not possible to say, but you will note from the table already furnished you that there has been a notable decrease in exportation during the last year. Opium exports during the whole year 1921 amounted to 3,480 pounds, but only 253 pounds were exported during the last six months of the year. These facts are significant in view of the often-repeated assertion that the United States is in some way to blame for allowing exports of narcotics to reach China.

Very truly yours,

JULIUS KLEIN, *Director.*

That the drug habit has increased since the abolition of alcohol as a beverage is generally denied. The statement, however, of Mr. Bird S. Coler, commissioner of public welfare of New York, calls to the attention of the public that since the eighteenth amendment the number of drug addicts treated in New York hospitals has greatly increased. I insert a statement published by the Associated Press:

DRUG ADDICTS INCREASE IN DRY ERA, SAYS COLER—ALCOHOLISM, LIKEWISE, IS SHOWN MORE PREVALENT BY FIGURES OF BROOKLYN COMMISSIONER.

NEW YORK, March 3 (by the Associated Press).—A tremendous increase in drug addiction in Brooklyn since prohibition became a law was shown in figures given out to-day by Bird S. Coler, commissioner of public welfare. He set the blame primarily upon the dry laws and the manner of their enforcement. Alcoholism also has increased since the eighteenth amendment was adopted, the figures disclosed.

Bootleggers, the commissioner asserted, have worked under semiprotection, inasmuch as Government officials have "at no time been sincere in the enforcement of the law and in treating spirituous liquors as drugs and medicines.

"When the Government," he said, "instead of using legitimate dispensaries of drugs to dispense whisky, gave licenses to former saloon keepers to sell whisky for medicinal purposes the world knew we were not sincere, and the bootleggers got on the job and high society was safe."

The commissioner's figures gave the number of drug addicts discharged from the Kings County Hospital in 1918 as 116, while in 1921 a total of 961 persons were treated. Alcoholism cases grew from 1,145 to 1,168 in the same period.

Commissioner Coler said the only remedy for the spread of drug addiction seemed to him to be modification of the Volstead law to permit use of light wines and beer. He said that for the first few months under prohibition it seemed the millenium had come, as there was an almost perpendicular drop in every kind of dependency, but that "condition began to change as soon as the public decided that the law was not to be obeyed."

And quote therefrom:

The commissioner's figures gave the number of drug addicts discharged from the Kings County hospital in 1918 as 116, while in 1921 a total of 961 persons were treated.

Showing an increase of nearly 900 per cent. Whether or not this increase can be attributed to prohibition, I leave to individual judgment.

A recent statement reveals that in India alone 654,920 acres are under poppy culture, the harvest far in excess of the needs for medical uses. The value of the drug tempts the sinister to smuggle it around the world. The police force of our country can not prevent its illegal entry into the United States, especially from Canada, Mexico, and Cuba. Seven millions of dollars were appropriated last year to enforce the eighteenth amendment, yet this vast amount does not accomplish the purpose. Two hundred thousand dollars is the only fund available to prevent smuggling and other frauds perpetrated against the Government. It becomes Congress so far as laws can provide, to regulate the legitimate importation and exportation of narcotics in order to prevent the increase of addicts and assist other countries to control its use except for medicinal purposes.

I quote from a publication which appeared some days ago in the Washington Star:

GET $50,000 DRUGS—HOLD TWO—OFFICERS BELIEVE PART OF BIG "RING" WAS LOCATED IN BALTIMORE.

BALTIMORE, March 15.—Narcotic drugs estimated to be worth $50,000 were seized, and two arrests of alleged narcotic sellers were made to-day by agents of the narcotic bureau of the Internal Revenue Department and local police. Cimino and Joseph Pappa were placed under arrest.

Most of the drugs were found in the grocery store of Charles Cimino. Federal agents declare that with the arrest of the two men one of the branches of an international narcotic ring was uncovered.

Also one from the Washington Evening Star of April 20, 1922:

$200,000 OPIUM SEIZED.

SAN FRANCISCO, April 20.—A contraband shipment of 14,000 tins of opium and other drugs valued at $200,000 was seized to-day on the China Mail Co. liner *Nanking*. The *Nanking* arrived from the Far East April 16.

The seizure was one of the biggest in the history of the port of San Francisco.

Thousands of pounds of opium are yearly smuggled into the United States, and I am informed by physicians that addicts have no trouble in obtaining narcotic drugs from underground passages.

I hope the bill will be favorably considered in order that it will be more difficult for addicts to obtain narcotics, and thus prevent the spread of drug addiction, not only in the United States, but throughout the world. [Applause.]

Mr. Chairman, I ask unanimous consent to place in the RECORD as part of my remarks the statement of the Commis-

sioner of Internal Revenue covering his observations and the work of the Internal Revenue Bureau on narcotics. It is rather long, but the information therein is of great interest and valuable as a record.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Following is the statement referred to:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, March 22, 1922.

Hon. HENRY W. WATSON,
House of Representatives.

MY DEAR MR. WATSON: Further reference is made to your letter of March 10, 1922, in which you state that you are preparing a bill regulating the importation of opium and its derivatives and desire information concerning the quantities of narcotics smuggled into this country, the number of addicts in the United States and foreign countries, and such detailed information which this office may have as will be of value in presenting the bill to the House.

The importation and exportation of opium, cocaine, etc., are primarily governed by the act of February 9, 1909, as amended by an act of January 17, 1914, and the regulations issued thereunder, the administration of which comes within the jurisdiction of customs officers. However, the officers of this bureau in enforcing the provisions of the internal revenue narcotic laws have had occasion to observe the general results obtaining under all the Federal laws designed to control the traffic in narcotic drugs and preparations. In response to your request it therefore seems proper for this office to present to you a statement covering its observations and the work of internal revenue narcotic officers.

The following statistics relative to the enforcement of the Harrison narcotic law are presented for your information.

Statistics relative to the enforcement of the Harrison narcotic law.

NUMBER OF VIOLATIONS OF THE LAW.

Fiscal year.	By unregistered persons.	By registered persons.
1916	1,910	21,844
1917	838	21,803
1918	888	16,107
1919	1,008	26,348
1920	1,905	49,608
1921	2,707	38,496

The number of violations by registered persons reported for each year in the foregoing table includes failures to register and pay special tax within the time prescribed by law.

Violations of the Harrison narcotic law by unregistered and registered persons for the fiscal years 1916 to 1921, inclusive.

NUMBER OF PERSONS ACQUITTED.

Fiscal year.	Unregistered persons.	Registered persons.
1916	163	20
1917	73	29
1918	41	42
1919	39	19
1920	89	40
1921	109	10

NUMBER OF CASES COMPROMISED.

1916	29	555
1917	4	407
1918	23	278
1919	26	493
1920	31	515
1921	18	286

NUMBER OF PERSONS CONVICTED.

1916	580	83
1917	285	160
1918	306	86
1919	335	247
1920	774	134
1921	1,328	255

NUMBER OF CASES DROPPED.

1916	646	20,603
1917	221	20,775
1918	110	14,701
1919	78	22,595
1920	204	47,835
1921	268	37,517

Cases against unregistered persons which are reported dropped were cases in which insufficient evidence was secured in order to obtain convictions. The cases against registered persons reported dropped include those where violation consisted in failure to register and pay special tax within the required time. Such cases are usually considered dropped when the tax and specific penalty have been paid.

Violations of the law by unregistered persons are invariably of criminal character. Cases against registered persons which are not dropped also involve criminal liabilities.

The following are the latest comparative statistics showing by semi-annual periods the number of violations of criminal nature reported by internal-revenue narcotic agents:

Violations.	Periods.	Unregistered.	Registered.
Number of violations reported	July to December, 1920	1,109	789
	July to December, 1921	2,195	664
Number of persons acquitted	July to December, 1920	55	6
	July to December, 1921	52	13
Number of cases compromised	July to December, 1920	10	84
	July to December, 1921	6	213
Number of persons convicted	July to December, 1920	384	110
	July to December, 1921	1,109	61
Number of cases dropped	July to December, 1920	129	60
	July to December, 1921	247	92

Six months July to December, 1921:

Total amount of fines	$64,083.00
Total amount of compromises	16,210.25

Total sentences imposed by the courts, 918 years 1 month 10 days.

The following statistics have been secured from the Department of Commerce, compiled originally from information obtained from collectors of customs, showing imports and exports of opium containing 9 per cent and over of morphia:

	Pounds.
Imports of opium containing 9 per cent and over of morphia, by calendar years:	
1918	159,621
1919	730,272
1920	211,360
1921	101,668
Importations of opium containing 9 per cent and over of morphia for the fiscal years ended June 30—	
1918	157,834
1919	345,514
1920	628,979
1921	77,444
Exports of opium containing 9 per cent and over of morphia for the calendar years—	
1918	5,233
1919	110,972
1920	127,128
1921	8,991
Exports of opium containing 9 per cent and over of morphia for the fiscal years ended June 30—	
1918	4,332
1919	10,571
1920	230,268
1921	5,858

The following statistics have been compiled from monthly returns rendered by importers, manufacturers, and wholesale dealers under the Harrison narcotic law, as amended, for the fiscal year 1921:

Imported narcotics withdrawn from customs custody during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	639,043	$6,412.79	641,279
Morphine	307	16.02	1,602
Codeine	132	2.08	208
Heroin	2	1.98	198
Dionin	1	.74	74
Miscellaneous opium	3,793	125.07	12,507
Cocaine	21	122.08	12,208
Coca leaves	4,686,624	46,686.24	4,686,624

Narcotics exported during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	7,829	$211.66	21,166
Morphine	1,346	801.75	80,175
Codeine	357	57.97	5,797
Heroin	820	2,146.32	214,632
Dionin	20	.46	46
Miscellaneous opium	227	14.95	1,495
Cocaine	4,765	763.63	76,303
Coca leaves	12,137	122.81	12,281

Narcotic drugs and preparations purchased by manufacturers from importers and other manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	315,840	$3,211.51	321,151
Morphine	37,128	2,147.83	214,783
Codeine	22,831	413.01	41,301
Heroin	2,353	1,470.19	147,019
Dionin	399	16.29	1,629
Miscellaneous opium	793	45.72	4,572
Cocaine	11,691	315.07	31,507
Coca leaves	2,960,982	29,637.80	2,963,780

Manufacturers buy narcotic drugs from importers and from other manufacturers. The above figures reveal the extent of such purchases.

Narcotic drugs and preparations purchased by wholesale dealers from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	175,492	$5,509.32	550,932
Morphine	122,439	18,250.02	1,825,002
Codeine	56,807	2,733.03	273,303
Heroin	10,956	7,395.43	739,543
Dionin	3,469	608.02	60,802
Miscellaneous opium	3,464	342.93	34,293
Cocaine	30,188	3,122.04	312,204
Coca leaves	433	31.94	3,194

Wholesale dealers, defined by the law as persons selling in original stamped packages, buy their stamped packages from importers and manufacturers and sell to other registered persons of all classes. The foregoing statistics show the quantities of the various classes of narcotic products handled by such dealers.

Narcotic drugs and preparations purchased by retail dealers from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	13,383	$1,098.60	109,860
Morphine	4,080	1,227.55	122,755
Codeine	2,044	229.16	22,916
Heroin	250	471.63	47,163
Dionin	76	7.71	771
Miscellaneous opium	56	15.28	1,528
Cocaine	1,498	217.45	21,745
Coca leaves	1,966	28.13	2,813

Retail dealers whose activity is limited to the filling of prescriptions may purchase their narcotic supplies from manufacturers or wholesale dealers. The above figures show the quantities secured for this purpose directly from manufacturers.

Narcotic drugs and preparations purchased by practitioners from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	11,386	$1,470.79	147,079
Morphine	11,585	2,301.01	230,101
Codeine	2,840	455.98	45,598
Heroin	635	1,482.38	148,238
Dionin	61	18.55	1,855
Miscellaneous opium	69	47.34	4,734
Cocaine	3,426	1,454.96	145,496
Coca leaves	2,332	51.24	5,124

Practitioners, including all physicians, surgeons, dentists, etc., lawfully entitled to dispense or administer narcotic drugs and preparations may also secure their supplies of such from either manufacturers or wholesale dealers. The foregoing statistics indicate the quantities purchased by them directly from manufacturers.

Narcotic drugs and preparations purchased by manufacturers of exempt preparations from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	4,944	$62.24	6,224
Morphine	843	13.68	1,368
Codeine	71	4.37	437
Heroin	23	35.46	2,546
Dionin	2	.03	3

The above figures show the taxable narcotic drugs and preparations purchased directly from manufacturers by manufacturers of nontaxable or so-called exempt preparations for use in their production.

Narcotic drugs and preparations purchased by exempt officials from importers and manufacturers during the fiscal year 1921.

Name of narcotic.	Quantity of narcotic.	Amount of tax.	Aggregate quantity of preparation.
	Ounces.		*Ounces.*
Opium	909	$116.94	11,694
Morphine	688	206.25	20,625
Codeine	1,047	76.08	7,608
Heroin	56	64.80	6,480
Dionin	8	.40	40
Cocaine	167	8.45	845
Coca leaves	16	.64	64

Officials of the Federal, State, county, municipal governments, etc., who are exempt from registration and special tax under the act purchased the above quantities direct from manufacturers during the year for use in their official business.

The following statement is submitted showing the collections under the Harrison narcotic law since 1916 with the annual cost of its enforcement:

Fiscal year.	Collections under the Harrison narcotic law.	Cost of enforcing the Harrison narcotic law.
1916	$244,897.07	$288,552.32
1917	276,910.53	289,397.60
1918	185,358.93	279,033.42
1919	726,136.79	270,921.53
1920	1,513,919.50	460,827.24
1921	1,170,291.32	598,826.32

You will recall that the Harrison narcotic law was amended by the revenue act of 1918, effective February 25, 1919, imposing additional special taxes upon persons required to register and a stamp tax of 1 cent per ounce upon all taxable narcotic products imported into or produced in the United States and sold. This amendment of the law accounts principally for the increase in collections for the years 1919, 1920, and 1921. The appropriations for the latter two years were also increased to an annual limit of $750,000.

This office is unable to advise you as to the quantity of narcotic drugs smuggled into the United States, but it is certain that the quantity of drugs smuggled within recent years has increased. A few years ago narcotic drugs which came into the possession of the Government through the enforcement of the narcotic laws were largely of domestic manufacture. At the present time a large percentage of the drugs seized have been smuggled into the country. The increase in smuggling has no doubt been caused by the scarcity of domestic products in illegitimate channels. The added control over the production and sale of domestic products obtained through the monthly returns rendered by manufacturers and wholesale dealers under the Harrison narcotic law as amended is chiefly responsible for this scarcity. Through examination of these returns this bureau has been enabled not only to secure complete accountability for all narcotic drugs and preparations imported, manufactured, or sold, but also to keep all purchases made by every person dispensing or dealing therein under close surveillance.

A complete system of abstracting from these returns all purchases has been recently completed in this office with a view to inspection or investigation of all cases where unduly large quantities are being secured. During the past three months 153 investigations of registered retail dealers and physicians have been directed by this office. Of these reports have been received in 21 cases, 16 of which charged violation of the law, 3 involved registered persons who were addicts and agreed to a discontinuance of their narcotic businesses, while only 2 reports showed no violations. The remaining 132 cases have not been investigated to date, due to insufficient field force. The economy of the system afforded is readily recognized. It makes possible inspection and investigation when necessary and avoids it when unnecessary.

Up to the present time the internal revenue narcotic field force has been concerned chiefly with the traffic in narcotics by persons not qualified under the Harrison law. You will note that the number of violations of the law by unregistered persons for the last six months of the past calendar year is practically twice the number of violations reported for the same six months of 1920, and that the number of convictions obtained thereunder during the last six months of the calendar year 1921 was practically three times as great as the number obtained during the same six months of 1920. As above stated, these violations in a large number of cases involved smuggled drugs. In this connection your attention is invited to section 1 of the act of February 9, 1909, as amended by an act of January 17, 1914, which provides in effect that it shall be unlawful to import into the United States opium in any form or any preparations or derivatives thereof except for medicinal purposes under regulations which the Secretary of the Treasury is authorized to prescribe and which were promulgated in T. D. 34221.

Your attention is also invited to section 6 of said act, as amended, which provides in effect that it shall be unlawful to export narcotic drugs, except to countries regulating their entry thereinto, and provides for the promulgation of regulations governing exports by the Secretaries of State, the Treasury, and Commerce. These regulations were promulgated under date of April 26, 1920, and were made effective May 1, 1920 (T. D. 38381). The system thereby established for the control of exportations of narcotic drugs and preparations is in conformity with existing international agreements, exportation now being made only to those countries which have proper laws and regulations governing the importation thereof. You will note a marked decrease in both imports and exports of opium in 1921 as compared with the immediate preceding years. This decrease, in the opinion of this office, is due to the operation of the export regulations and to the effect of the accountability required through the monthly returns to which reference has already been made.

Although it is conceded that the smuggling of narcotic drugs into the United States is a serious menace, it is the opinion of this office that present Federal laws are sufficient under which administrative action may be taken, and is now being taken in so far as possible, looking toward the complete control of the traffic and the elimination of smuggling. It obviously would not prevent smuggling, which is under existing statutes illegal, to enact additional legislation in effect further holding it to be unlawful. It will, of course, be necessary under existing laws or others which may be passed to increase both internal revenue and customs forces in order to eliminate smuggling, illegitimate selling, and illegal exportation of narcotic drugs and preparations. Present customs and internal revenue forces provided for the narcotic work are inadequate. The ultimate result will depend entirely upon the resources made available for this purpose.

With reference to the number of addicts in the United States and foreign countries, you are advised that no authoritative statistics are available showing this number, although the number, as estimated by various observers, has ranged from 200,000 to 4,000,000. This office does not believe that at the present time there are any means available upon which a very accurate estimation could be based. The special committee of investigation appointed by the Secretary of the Treasury, in its report dated April 15, 1919, concluded that at that time the number of addicts in this country probably exceeded 1,000,000.

A copy of the annual report for 1921 has been forwarded to you under separate cover as requested.

It is hoped that the information herein presented may be of assistance to you in considering any proposed legislation relative to the traffic in narcotic drugs.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

Mr. HADLEY. Mr. Chairman, I yield five minutes to the author of the bill, the gentleman from Washington [Mr. MILLER].

The CHAIRMAN. The gentleman from Washington is recognized for five minutes.

Mr. MILLER. Mr. Chairman and gentlemen of the committee, it is not my purpose unduly to detain the House in the consideration of this measure, which I consider to be a very, very important one. I take it that the House is in a mood to vote, and I shall not undertake to delay it. I feel, however, that just a few words from me may be appropriate.

Prior to the International Opium Convention of 1912 the civilized world became alarmed at the spread of the use of narcotics. A convention was called at The Hague in 1911, to which this country was a party, undertaking to devise ways and means by which this peril to our civilization could be averted and humanity saved from it. The leading nations of the earth took part, as every one of them recognized that the remedy could only come through a world-wide movement. In the meantime that great country of China, which was living under a curse from the use of opium by its people, was undertaking to heal itself of this vice.

The other nations, recognizing the fact that they introduced the habit into China and encouraged it for the profit there was in it to them, set about to aid the people of China and incidentally to save themselves. So the International Opium Convention met. This country was a party to it. In so far as it could, that convention made opium prepared for smoking an outlaw of commerce throughout the world. But opium prepared for smoking is not the only narcotic curse of mankind. In late years the use of morphine and cocaine has spread until it is now equally alarming to the civilized world as opium was in its day.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes; I yield to the gentleman from Oklahoma.

Mr. GENSMAN. Realizing the fact that the gentleman from Washington, the author of this bill, is probably one of the best-informed men on this subject, I want to ask the gentleman whether or not in his opinion the provisions of The Hague treaty entered into by the countries represented at The Hague convention are fulfilled in the entire spirit of the treaty—that is to say, so far as is possible for legislation to do? I want to say to the gentleman that I am in full accord with the gentleman's bill, and I appreciate the fact that I have an opportunity to vote on the bill and to vote for it.

Mr. MILLER. It is my judgment that the bill as perfected by the committee, which is now before the House, conforms in rounded measure to the final protocol of The Hague convention. It goes even further. The salutary feature of this bill is the exporting clause.

The bill organizes the Federal narcotic control board, composed of three principal Cabinet officers, under whose supervision the importation and exportation features of the narcotic program are to be enforced. There are ample provisions in the authority of that board for the supply to the medical profession not only of this country but the other countries of the world, but we want it understood that when morphine, cocaine, or opium are exported they shall be for medical use only, and we want to announce to the world that no nation shall have one ounce of American manufactured narcotics except for medical use, and that American law shall follow these drugs to the farthermost points of the earth. [Applause.]

Mr. DYER. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLER. I certainly yield to my friend from Missouri.

Mr. DYER. As I understand it, the great trouble about this matter heretofore has been the importation of those drugs into this country not for use here but for the purpose of sending them on to Japan and to China. I attended a conference in Peking two years ago when this very question was up and considered, and the danger was pointed out there at that time that the use of opium in China was largely due to the fact that it was first brought to this country.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HADLEY. Mr. Chairman, I yield the balance of my time to my colleague.

The CHAIRMAN. The gentleman from Washington is recognized for 10 minutes more.

Mr. DYER. The Chinese and others claim over there that they are trying to put an end to this terrible abuse—and the situation has not been entirely remedied in China by any means, although it is much better—claim that opium was coming into this country from European countries and only passed through the United States, and finally reached those who were selling it to the Chinese. Can the gentleman state if, in his judgment, this legislation is enacted into law, it will prevent that?

Mr. MILLER. It will prevent it so far as possible by the laws of this country.

Mr. DYER. The gentleman knows that there are two or three concerns in this country that do or have been doing this very thing. One of them is said to be located in Philadelphia.

Mr. MILLER. I think that condition will be effectively blocked by the enactment of this legislation.

Mr. DYER. If the gentleman's bill will put an end to that surreptitious transfer of this stuff from European countries through the United States to China and Japan for sale in China he will be doing the world one of the greatest benefits that has been done in many years with reference to this matter. The Chinese people are anxious to be rid of the thing which has done them more harm than anything else.

The better element over there—the intelligent element and all those who understand the situation—are doing everything they can to keep these drugs from the class of Chinese who are being imposed upon. I am glad the legislation is here, and I am sure from the gentleman's statement that it will do much good.

Mr. MILLER. As I said, the entire narcotic program from the importation and exportation angles is placed in the hands of the Federal Narcotic Control Board. No narcotic drugs can be exported from this country except to a country that has approved the final protocol of The Hague Convention, commonly known as the International Opium Convention of 1912, and then only where, in the opinion of our Federal Narcotic Control Board, that country has an adequate and efficient system of control which limits the use of these narcotic drugs to medical purposes, and they can not be exported except where there is a shortage in that foreign country for medical uses.

The gentleman from Pennsylvania [Mr. WATSON] has given you some very interesting figures showing the amount of opium and its derivatives, of which morphine is the principal one, that have been exported and imported. The amount is astounding. Whether or not it be true, as stated by some, that the drug habit has increased since we have had national prohibition of liquors, I do not know; but I do know that every man and woman, whether a wet, a dry, or a "don't care," will welcome any law, any regulation, anything which will lessen the drug habit, and, what is more, lessen the number of peddlers and traffickers.

Now, gentlemen, let me point out some of the provisions of this bill. Opium and its principal derivative, morphine, are not the only narcotic drugs which are threatening the world. Cocaine, that violent substance becoming so common in its use as to promise the outclassing of morphine in popularity among the addicts, is manufactured from coca leaves.

The act defines narcotic drugs to be "opium, coca leaves, cocaine, or any salt derivative or preparation of opium, coca leaves, or cocaine." Thus the two principal narcotic drugs now becoming so common in use are placed under the ban. The Federal Narcotics Control Board, composed of the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce, is created. Thus we bring into being in one body three of the great administrative departments of the Government. The stamping out of the illicit traffic is well worthy of the efforts of our highest and best men. This board regulates what amount of crude opium and coca leaves are necessary to be imported in order that enough of the raw material be manufactured into drugs to supply the needs of the medical profession.

This raw material is to be imported under such rules as the board shall prescribe. Thus the amount may be increased or diminished from time to time as the medical necessities require. No imports are permitted except as the board directs. Any person who fraudulently or knowingly imports or brings any of these narcotic drugs into the United States or any Territory under its control or jurisdiction contrary to law or facilitates the unlawful bringing in or who receives, buys, sells, or assists in so doing, knowing the same to have been brought in contrary to law, is subject to a fine of not more than $5,000 and imprisonment not to exceed 10 years. The present penalty is doubled, and carries with it imprisonment in every case of conviction for a length of time not more than 10 years. Right here comes in an important addition to the existing law so far as it relates to aliens. Every alien who is convicted is to be deported as an undesirable citizen at the termination of his imprisonment. This provision I look upon as especially salutary. Now, there

is another important feature in the nature of a rule of evidence which provides that if the defendant is shown to have or to have had possession of the drug such fact shall be sufficient evidence to authorize conviction. In other words, the defendant must prove his possession to be lawful; he can not stand silent and get the benefit of the presumption of innocence. We have had quite enough of these illicit peddlers and traffickers standing with silent tongues in our courts, and we likewise have had quite enough of aliens charged and convicted repeatedly only to resume their detestable business when the prison doors swing open. One thing Mr. Alien must understand and understand now, and that is he must keep out of trafficking in illicit drugs if he expects to remain in the United States. America will not longer burden itself with this miserable class of scalawags and blacklegs.

The bill provides that opium prepared for smoking shall not under any circumstances be received into the United States or into any territory under its control or jurisdiction for the purpose of being transported to another country nor shall this special drug be transferred or transshipped from one vessel to another in American waters. Other narcotic drugs may be so transported or transshipped under such regulations as the board shall establish.

This closes out the transshipment of opium for smoking purposes but permits the board to regulate transshipments of other narcotic drugs which are useful in the medical profession in order that these so-called "medical drugs" may be hastened to any country where emergency exists for medical use.

Now, gentlemen, we come to the export feature of the bill, which was the subject covered in the original bill. As the law now stands Americans can and do export these narcotic drugs, except opium prepared for smoking, to foreign countries, provided those countries have any regulations governing these imported drugs. These regulations of the foreign country may be lax or strict, may be loose, vague, and indefinite, or they may be rigorous and severe. If they have any regulations of whatever character, the present law permits such exportation. To illustrate, Japan has regulations, but under Japanese laws narcotic drugs imported into Japan for transshipment into other countries are not construed as "imports" within either its customs laws or regulations. The results of existing conditions are that vast quantities of narcotics, except smoking opium, are exported from this country into Japan, and from Japan sent on into China or else smuggled back into the United States and peddled to our own people. By this means the people of China are being degraded by the use of these drugs and the business exploited by unscrupulous dealers and traffickers to such a degree as to shock the world. The people of China have long suffered from the habit of smoking opium. Within late years that nation has made one of the most noble efforts in the world's history to shake its people from this vicious and degrading habit. The nation is striving by every means to cleanse itself, but what permanent progress can it make when a trafficker in other drugs, equally loathsome and degrading in their effects, stands ready at hand able to not only supply but to encourage its people in their use? The use of morphine and cocaine is simply taking the place of the old vice of smoking opium. Another angle, if you please: When these drugs arrive in Japan they become instantly the subject of a very profitable traffic back into the United States. God knows this traffic is becoming alarming, and its real basis is the unrestrained imports into Japan and other countries where the regulations are loose and ineffective, making them practically no regulations at all.

Now, gentlemen, give me your attention and I shall attempt to explain how this measure will cure this condition as far as our country is concerned. The bill prohibits any narcotic drug to be exported from this country into any country which has not become a party to and abides by the final protocol of the International Opium Convention of 1912, known as The Hague Convention. But this is not all. This law provides that even if the receiving country is a party to The Hague Convention it must have instituted and must maintain in conformity with that convention a system which our own Federal Narcotics Control Board deems adequate, of permits and licenses for the control of drugs so imported. Thus this board—this American institution created by this act—is to say under what conditions these drugs are to go abroad and what the importing nation is going to do with them; not that these dangerous drugs shall be sent to a country and then that country can do with them as it pleases, but the importing country must satisfy this American board that it has a system of control adequate to absolutely stop the world-wide existing abuse. Nor is this all. Before any narcotic drug can be exported from this country into another the importing country must furnish our American board proof which it deems adequate that the drugs will be used for medicinal purposes only within such country; that they will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and legitimate uses within such country.

Could any law in any country be better calculated to stop the illicit traffic of narcotic drugs into China and the alarming and detestable smuggling back into our own country and unto our own people?

England and the United States furnish practically the world's supply of narcotic drugs. England, by its dangerous-drugs act of 1920, controls in drastic manner its institutions and its nationals engaged in the manufacture and sale of narcotic drugs. This act will unite the two leading nations of the world in an undertaking to effecutally stamp out the nefarious traffic by nationals of countries less interested in the world's progress and welfare. In my judgment this act will accomplish untold benefits not only to our people but to people of other countries as well. It is world wide in its effect.

This act has attracted attention, not only throughout this country but in China, of those interested in the welfare of the Chinese. In this latter connection please permit me to read at least two cablegrams bearing out this statement:

SHANGHAI, CHINA, *February 7, 1922.*

Hon. WESLEY L. JONES, *Senate,*
Hon. JOHN F. MILLER, *House,*
Washington:

We wish to express to you the deep appreciation of the Chinese people for the bill now pending in Congress under your name for the prohibition of the unlawful use of narcotics and to request that you will energetically push the bill through, with a view to the ultimate and complete extinction of the traffic and manufacture.

CHINESE GENERAL CHAMBER OF COMMERCE,
Shanghai.

—

PEKING, CHINA, *March 11, 1921.*

Congressman JOHN F. MILLER,
Washington, D. C.:

Since Miller-Jones bill dealing with exportation and transportation of opium and derivatives is of greatest importance to China, International Opium Association, Peking, and Peking Missionary Association respectfully urge acceptance by Congress.

The Honolulu Ad Club in a most energetic communication commended the legislation, while in this country hundreds, indeed thousands, of societies and citizens have signified their interest in the measure by expressions of uniform and unbroken approval.

This act has no relation to the Harrison Drug Act. That deals solely with the distribution and prevents the unrestrained dispensing of narcotic drugs to addicts in the United States. It in nowise covers the field of exportation, transshipments, and in-transit shipments, nor does it deal with importation.

In conclusion let me pay my profound respects to my colleague the gentleman from Washington [Mr. HADLEY], the gentleman from Pennsylvania [Mr. WATSON], and the gentleman from Arkansas [Mr. OLDFIELD], the members of the subcommittee of the Ways and Means Committee who with infinite care and singular ability have covered in their research every phase of our import and export laws.

The original bill which dealt with the one subject of remedial export legislation has been broadened, strengthened, and vitalized into a rounded, completed measure well calculated to stand out as one of the most effective, far-reaching constructive acts of its kind in the legislative history of our country.

The CHAIRMAN. There being no Member desiring recognition in opposition to the bill, the Clerk will read the bill for amendment under the rule.

The Clerk read the committee amendment as above set forth.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry with regard to section (e) on page 6, the deportation provision. I notice that it calls for the deportation of violators of this narcotic act as amended under the provisions of sections 19 and 20 of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States" or provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections.

Mr. HADLEY. The construction of that language, as the committee understands it, is that the act of February 5, 1917, would have application until it was subsequently modified by amendatory legislation, and that then in that case the amending legislation would apply.

Mr. JOHNSON of Washington. Would the gentleman object to changing the word "hereafter" in line 16 to "thereafter"?

Mr. HADLEY. That would destroy the purpose and effect of the language as framed. I think the interpretation of the language would not be clear if that word were used. This pro-

vides that the deportation shall be in accordance with the provisions of certain sections of the existing law, or in accordance with the provisions of the law hereafter enacted.

Mr. JOHNSON of Washington. So anything that might be enacted hereafter but prior to the enactment of this particular legislation would not be covered and there would be a hiatus if this was enacted hereafter?

Mr. HADLEY. If that situation should arise, that could be taken care of as between the two bills in the course of the legislation.

Mr. JOHNSON of Washington. I shall not press the matter. I would, however, call attention to the fact that it seems to be becoming quite popular to introduce incidental clauses pertaining to immigration matters in bills covering other matters.

Mr. HADLEY. Let me say to my colleague that this provision was prepared and, I think, reported before the partially analogous provision in the immigration bill which the House considered some time ago. This has also been suggested by the Treasury Department.

Mr. JOHNSON of Washington. Of course, I indorse this provision and this attempt to deport certain lines of violators of the narcotic laws of the United States.

Mr. HADLEY. In this case we are dealing with an amendment to an importation and exportation statute, and not dealing with our internal affairs, whereas the gentleman in his bill is dealing both with internal and external questions.

Mr. JOHNSON of Washington. I did not refer to any particular legislation on this subject or to my bill, but I note that matters of immigration and naturalization and deportation are creeping into other legislation. I have reference to the matter of immigration legislation proposed as a side line in the shipping bill, and I desire to call attention that such proposed immigration legislation has been and is still being considered in the Committee on Immigration, and that the Committee on the Merchant Marine can save time probably by studying the printed hearings of the committee which properly has jurisdiction of the subject.

Mr. HADLEY. The gentleman will concede that this is a very important provision in this bill in contemplation of dealing with cases of aliens who have violated our narcotic drugs import laws?

Mr. JOHNSON of Washington. I agree thoroughly with my colleague. I want this provision carried in the bill.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the Committee on Ways and Means, who have had this matter under consideration.

There is a resolution pending before the Committee on Rules asking for an investigation into the administration of the narcotic law. It is claimed by the proponents of that resolution that the administration of the law has entirely departed from the law itself, that regulations have been made that are entirely foreign to the original purposes of the law, and that these regulations control in the administration of the law. Have these matters been called to the attention of the Committee on Ways and Means during the hearings on this bill or at any other time?

Mr. HADLEY. Not in the way that the gentleman states the matter. I did not know that there had been any complaint of that character at all.

Mr. CAMPBELL of Kansas. Three or four physicians called upon me day before yesterday and made a complaint of that character, and the resolution pending, introduced by the gentleman from New York [Mr. VOLK], is to the effect that the law is not being administered under the letter or the spirit of its enactment.

Mr. HADLEY. The regulations under the act of January 17, 1914, which are involved here and are the only ones which would be involved in connection with the pending bill, are set out in the hearings on this bill or the one in the Sixty-sixth Congress which preceded it. These regulations are full and complete. I have never thoroughly analyzed them with respect to their conforming to the authority of the existing law, and the attention of the committee has not been called to any discrepancy.

In a general way, not perhaps in all the details, these regulations lay down a policy with respect to imports and exports of narcotic drugs that we recommend be incorporated by way of permanent law through the enactment of this bill. There is another set of regulations with which I am not familiar, as it was not involved here, being the regulations employed in the administration of the Harrison narcotic act. Possibly those may be the regulations to which the complaint in question applies.

Mr. CAMPBELL of Kansas. The complaint is made that reputable physicians in the practice of their profession are under the constant surveillance of agents of the department. If they administer morphine to a patient with an incurable disease, with a cancer that can not be operated on—if morphine, which is apparently the only relief for that patient, is administered, the physician makes himself liable to a fine or imprisonment.

Mr. HADLEY. May I add this statement: These regulations, if in any way involved in the manner suggested in the last remark of the gentleman from Kansas, would no doubt be the regulations under the Harrison narcotic law, and they relate to the administration of our domestic law in this country, whereas the regulations that we have considered relate to the statute dealing with the importation and exportation of narcotic drugs.

Mr. CAMPBELL of Kansas. You are not dealing with the use of the drug in this country?

Mr. HADLEY. No; otherwise than as connected with the exportation and importation of the drug.

Mr. OSBORNE. Will the gentleman from Washington yield for a question?

Mr. HADLEY. I will.

Mr. OSBORNE. I have not had an opportunity to read the bill, but I want to ask the gentleman whether it makes any provision in regard to the exportation of narcotics?

Mr. HADLEY. It deals thoroughly with that subject.

Mr. OSBORNE. I will say that two years ago, with other Members of the House, I was in China and at Pekin, where a committee of eminent Chinese, Americans, and British waited upon and showed us the evils of the use of opium in China, and the fact was stated by them to be that the importation of opium into China was conducted on a very extensive scale and came usually through Japan; that three or four, perhaps a half dozen, very large wholesale drug firms in the United States were the instruments through which this opium was introduced first into Japan and then into China. I wanted to know whether there was anything in the way of curtailment of that practice?

Mr. HADLEY. It is believed that some of the basic features of the bill will aid in correcting such a situation as the gentleman from California mentions.

Mr. LAYTON. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. LAYTON. As a matter of fact we have been holding the Chinese people unconsciously in our minds in a sort of contempt, not really knowing the cause, while Europe, and possibly the United States, have for the purpose of selfish revenue, selfish profits, been guilty of exporting the narcotic drugs into China. That is the real truth.

Mr. OSBORNE. The statement was made by this committee, and one of them—the chairman—was Admiral Wu, who was here on the disarmament conference, that there were about half a dozen firms in the United States engaged in this business and profiting by it.

Mr. HADLEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the committee amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee arose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2193) amending the act prohibiting the importation and use of opium for other than medicinal purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HADLEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The motion was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 56 ayes and no noes.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. HADLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. MILLER. Mr. Speaker, I ask unanimous consent in the extension of my remarks to include two or three short cablegrams from Hongkong, Shanghai, and other Chinese cities.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks by printing several cablegrams. Is there objection?

There was no objection.

INCREASE IN NUMBER OF INTERNAL-REVENUE COLLECTION DISTRICTS.

Mr. CHANDLER of Oklahoma. Mr. Speaker, on April 26, 1922, I reported the bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue. It was reported under the impression that it was not a privileged bill. It now develops that it is a privileged bill, and I therefore ask unanimous consent to call it up for immediate consideration.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to call up the bill (H. R. 10877) to permit an increase in collection districts. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, the gentleman states that this is a privileged bill?

Mr. CHANDLER of Oklahoma. It develops that it is.

Mr. GARRETT of Tennessee. Then it ought not to take up the business of Calendar Wednesday, and I object.

Mr. CHANDLER of Oklahoma. Mr. Speaker, by direction of the Committee on Ways and Means I report the bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue.

The SPEAKER. The gentleman from Oklahoma, from the Committee on Ways and Means, reports the bill which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue.

Mr. GARRETT of Tennessee. What is the gentleman doing now?

Mr. CHANDLER of Oklahoma. Reporting a privileged bill.

Mr. GARRETT of Tennessee. The gentleman can not report a privileged bill on Calendar Wednesday.

Mr. WALSH. Under what rule are reports prevented from being made on Calendar Wednesday?

Mr. GARRETT of Tennessee. Under rules which the gentleman well understands.

Mr. WALSH. I do not know of any rule that prevents a report being made on Calendar Wednesday.

The SPEAKER. The Chair thinks it has often been done, but the question in the Chair's mind is—this bill having been reported not from the floor but through the basket and put on the calendar—whether it is now in control of the committee to report from the floor. The Chair is not sure about that. It is on the Union Calendar, and the question is whether it ought not to be referred back to the Committee on Ways and Means and rereported. The Chair will not volunteer any further suggestions in regard to the matter.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on Appropriations.

The SPEAKER. The Clerk will call the Committee on Ways and Means.

The Clerk called the Committee on Ways and Means.

The SPEAKER. Has the Committee on Ways and Means any further business?

Mr. GARRETT of Tennessee. Mr. Speaker, how does it happen that the Committee on Appropriations was called and then the Committee on Ways and Means is called again?

The SPEAKER. The Chair instructed the Clerk to call the Committee on Ways and Means.

Mr. CHANDLER of Oklahoma. Mr. Speaker, what did the Speaker hold in respect to the bill H. R. 10877?

The SPEAKER. In what particular?

Mr. GREEN of Iowa. As to whether the bill should be rereferred.

The SPEAKER. The Chair volunteered the suggestion, and the Chair is not quite clear as to the condition it is in. The bill was reported by the gentleman through the basket. It has now been concluded, and the Chair thinks correctly, that it is a privileged bill. The question arises whether it is still in the hands of the committee to rereport, inasmuch as it has already been once reported through the basket and is now on the Union Calendar. At first blush the Chair is inclined to believe that the committee would not have the right to rereport it without its first having been referred back to the committee.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Mr. Speaker, would it be in order to request that the bill H. R. 10877 shall be considered as having been reported as a privileged bill and all points of order reserved thereon?

The SPEAKER. Of course, it will be in order to do that by unanimous consent.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. It is quite clear that there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed and the Sergeant at Arms was directed to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Dunn	Kreider	Sabath
Atkeson	Edmonds	Kunz	Sanders, Ind.
Barbour	Ellis	Langley	Sanders, N. Y.
Beck	Fairchild	Lazaro	Sears
Begg	Fairfield	Leatherwood	Shelton
Benham	Fess	Lee, Ga.	Shreve
Bixler	Fields	Longworth	Smithwick
Bland, Ind.	Fish	Lyon	Snyder
Blanton	Focht	McArthur	Stedman
Boies	Free	McLaughlin, Pa.	Stephens
Bowers	Freeman	MacGregor	Stevenson
Brand	Frothingham	Maloney	Stiness
Britten	Garner	Mann	Strong, Pa.
Brooks, Ill.	Gilbert	Mansfield	Sullivan
Brooks, Pa.	Glynn	Martin	Sweet
Brown, Tenn.	Goodykoontz	Mead	Taylor, Ark.
Browne, Wis.	Gould	Michaelson	Taylor, Colo.
Burke	Graham, Pa.	Moore, Ill.	Ten Eyck
Butler	Greene, Mass.	Moore, Va.	Tilson
Campbell, Pa.	Greene, Vt.	Moores, Ind.	Treadway
Carew	Hardy, Tex.	Mudd	Underhill
Carter	Haugen	Nelson, J. M.	Vare
Clark, Fla.	Henry	O'Connor	Vestal
Classon	Herrick	Parker, N. J.	Volk
Cockran	Hudspeth	Porter	Walters
Codd	Humphreys	Rainey, Ala.	Ward, N. Y.
Cole, Ohio	Husted	Ransley	Weaver
Collins	Ireland	Reavis	Webster
Connell	Jeffers, Ala.	Reber	Wheeler
Connolly, Pa.	Kearns	Reece	Wilson
Copley	Kelley, Mich.	Reed, N. Y.	Winslow
Coughlin	Kelly, Pa.	Rhodes	Woods, Va.
Cramton	Kendall	Riordan	Woodyard
Curry	Kennedy	Robertson	Wright
Dallinger	Kindred	Rodenberg	Wurzbach
Darrow	Kirkpatrick	Rogers	Wyant
Davis, Minn.	Kitchin	Rosenbloom	Zihlman
Drane	Knight	Rucker	
Drewry	Kraus	Ryan	

The SPEAKER. Two hundred and seventy-six Members have answered to their names; a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. In respect to the report which was made by the gentleman from Oklahoma of the bill H. R. 10877, the Chair stated he was in doubt whether the gentleman had the right to make that report. It seems now to the Chair logically that the bill is not now in the possession of the committee, but the Chair finds an express decision by Mr. Speaker Reed on that point, holding that it can be immediately reported where it has been once reported through the basket. The Chair therefore refers the bill to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

TAX-EXEMPT SECURITIES.

Mr. GREEN of Iowa. Mr. Speaker, I call up House Joint Resolution 314, proposing an amendment to the Constitution of the United States, which I send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk proceeded to read the resolution.

Mr. GARRETT of Tennessee (interrupting the reading). Mr. Speaker, I make the point of order that the Committee on Ways and Means has not authorized the gentleman from Iowa or any other gentleman to call up this resolution on Calendar Wednesday.

The SPEAKER. The Chair thinks it is not necessary to call it up on Calendar Wednesday. If the gentleman is authorized to call it up, he can call it up at any time.

Mr. GARRETT of Tennessee. I make the point of order that the committee has not authorized the calling of it up and that it is not privileged.

The SPEAKER. The Chair will ask the gentleman from Iowa whether the committee has authorized him to call this up?

Mr. GREEN of Iowa. Mr. Speaker, I think the gentleman from Tennessee is not advised as to the condition of the record with reference to the report on this resolution. The committee has not only authorized a report by myself, but also authorized me to use all parliamentary means to bring it before the House.

The SPEAKER. The Chair overrules the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, this morning we were advised, and Members generally were advised, that the business from the Ways and Means Committee would be considered to-day, and the business which was to be considered was specifically mentioned, to wit, the narcotic bill and the bill increasing the number of revenue districts. I myself regarded the bill creating the revenue districts as a privileged bill, but I made no point of order on it, and no one on this side made a point of order on it. The point of order was made from the Republican side of the House, and it was sustained. Mr. Speaker, it is a breaking of faith with this side of the House and with the Members who have been advised as to what was coming up to now call up other matters on this day. I submit it to the honor of the Republican side of the House.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. WALSH. An attempt was made to secure unanimous consent to call up the tax-collection district bill and the gentleman from Tennessee objected.

Mr. GARRETT of Tennessee. I did, because if it is privileged it ought not to interfere with Calendar Wednesday business.

The gentleman himself made the point of order that it was privileged, and that point of order was sustained. I did not make the point of order.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House. Is there objection. [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] seems to have fallen into the habit of late on the slightest provocation, or without any provocation at all, I think, of talking about questions of honor. He will have to admit what everyone knows, that there has never been a time in the history of the Congress when the minority has been advised so far in advance or with such great particularity as to what is likely to come before the House as in this Congress. [Applause.] It is true that I said to the gentleman from Tennessee, as is my habit to do, that we expected to bring up two certain bills to-day. My belief was that neither of those two bills were privileged, and I expected that the day would be occupied in the consideration of those bills. A gentleman on this side, without consultation with me or anyone else as far as I know, on his own responsibility raised the question as to the privileged character of one of the bills, and the Chair held it was privileged and therefore could not be considered under the Calendar Wednesday call. Whereupon the gentleman from Tennessee himself prevented the consideration of that bill by opposing a unanimous-consent request for the consideration of the measure. In this state of affairs, in order to hold for this important committee its privilege of Calendar Wednesday, it was necessary to bring up another bill because the gentleman objected to the consideration of one of the two bills we had informed him were to be considered. Now, if there is any question of breaking faith, it certainly does not rest with this side. We have endeavored to do exactly what we proposed to do, what we said to the gentleman we intended to do, but he has personally made it impossible to carry out the program, and he certainly has no ground for complaint if under those circumstances we take up another bill.

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, it is quite true I objected to unanimous consent for the consideration of a bill on Calendar Wednesday which the Speaker had held to be a privileged bill, and I think correctly. The calendar call could not be proceeded with, and other committees could be called, but there has been no notice as to this legislation you are calling up now. You are calling up an amendment to the Constitution of the United States without notice, with no expectation that it was going to come up.

Mr. MONDELL. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. MONDELL. Will the gentleman from Tennessee now object if I again ask unanimous consent to call up and consider the bill to which he has heretofore objected?

Mr. GARRETT of Tennessee. Yes; I will. I reckon that is a frank answer.

Mr. MONDELL. Mr. Speaker, we will go to the limit in endeavoring to carry out our agreement. We will go further than perhaps we are justified in doing in keeping faith absolutely to the letter with gentlemen on that side. There is another bill, the Liberia bill, we should like to call up. We shall not call it up simply because certain gentlemen on that side have promised us a filibuster if we do, so that in one case the gentleman from Tennessee has prevented us from going on with the program, and in the other case other gentlemen on that side have promised a filibuster. Now, Mr. Speaker, I shall try to keep faith with everybody by moving to dispense with Calendar Wednesday business in order that we may take up a bill from the Committee on Ways and Means that the Chair has held is privileged. I am going to do that in order to accommodate the gentleman from Tennessee, notwithstanding the fact that he himself has gotten in the way of the program we had in mind, and other gentlemen on that side have suggested a filibuster if we vary the program somewhat.

Mr. GARRETT of Tennessee. I wonder if the gentleman from Massachusetts [Mr. WALSH] is not willing to share some of that responsibility with me?

Mr. WALSH. I had nothing to do with the gentleman from Oklahoma himself arising and admitting the bill was found to be privileged.

Mr. GARRETT of Tennessee. He yielded to the gentleman's superior intelligence.

Mr. WALSH. The gentleman can not get away with that kind of bribery.

Mr. MONDELL. Mr. Speaker, I move to dispense with further business on the Calendar Wednesday Calendar.

The SPEAKER. The gentleman from Wyoming moves to dispense with further business on the Calendar Wednesday Calendar.

The question was taken, and the Chair announced that in his opinion two-thirds——

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a division.

The House again divided; and there were—ayes 113, noes 47.

Mr. GARRETT of Tennessee. Mr. Speaker, I object to the vote, because there is no quorum present.

The SPEAKER. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 84, not voting 163, as follows:

YEAS—183.

Ackerman	Evans	Kline, Pa.	Parker, N. J.
Anderson	Fairfield	Kopp	Parker, N. Y.
Andrew, Mass.	Faust	Kraus	Patterson, Mo.
Andrews, Nebr.	Fenn	Lampert	Patterson, N. J.
Ansorge	Fitzgerald	Larson, Minn.	Perkins
Appleby	Fordney	Lawrence	Petersen
Arentz	Frear	Layton	Pringey
Bacharach	French	Lea, Calif.	Purnell
Beedy	Fuller	Lee, N. Y.	Radcliffe
Bird	Funk	Lehlbach	Ramseyer
Blakeney	Gahn	Lineberger	Reed, W. Va.
Bond	Gernerd	Little	Ricketts
Brennan	Glynn	Luce	Riddick
Burdick	Gorman	Luhring	Roach
Burtness	Graham, Ill.	McCormick	Robertson
Burton	Green, Iowa	McFadden	Robsion
Cable	Greene, Mass.	McLaughlin, Mich	Rose
Campbell, Kans.	Greene, Vt.	McLaughlin, Nebr.	Rossdale
Cannon	Hadley	McPherson	Schall
Chalmers	Hardy, Colo.	Madden	Scott, Tenn.
Chandler, N. Y.	Hawley	Magee	Shaw
Chandler, Okla.	Hays	Mapes	Siegel
Chindblom	Hersey	Merritt	Sinclair
Christopherson	Hickey	Michener	Sinnott
Clague	Hicks	Miller	Slemp
Clarke, N. Y.	Hill	Mills	Smith, Idaho
Clouse	Himes	Millspaugh	Snell
Cole, Iowa	Hoch	Mondell	Speaks
Colton	Hukriede	Montoya	Sproul
Cooper, Ohio	Hull	Moore, Ohio	Stafford
Cooper, Wis.	Hutchinson	Morgan	Steenerson
Crago	Jefferis, Nebr.	Morin	Strong, Kans.
Crowther	Johnson, Wash.	Murphy	Summers, Wash.
Dale	Jones, Pa.	Nelson, Me.	Swing
Dempsey	Keller	Nelson, A. P.	Taylor, N. J.
Denison	Kelley, Mich.	Nelson, J. M.	Taylor, Tenn.
Dickinson	Ketcham	Newton, Minn.	Temple
Dowell	Kiess	Newton, Mo.	Thompson
Dunbar	King	Norton	Timberlake
Dyer	Kinkaid	Ogden	Tinkham
Echols	Kissel	Olpp	Towner
Edmonds	Kleczka	Osborne	Valle
Elliott	Kline, N. Y.	Paige	Volstead

Walsh	White, Kans.	Williamson	Young
Wason	White, Me.	Wood, Ind.	Zihlman
Watson	Williams	Yates	

NAYS—84.

Almon	Doughton	Lankford	Raker
Bankhead	Driver	Larsen, Ga.	Rankin
Barkley	Dupré	Linthicum	Rayburn
Bell	Fisher	Logan	Riordan
Black	Fulmer	London	Rouse
Bland, Va.	Gallivan	Lowrey	Sanders, Tex.
Bowling	Garrett, Tenn.	McClintic	Sandlin
Box	Garrett, Tex.	McDuffie	Sisson
Briggs	Goldsborough	McSwain	Steagall
Buchanan	Griffin	Montague	Stevenson
Bulwinkle	Hammer	Moore, Va.	Stoll
Byrnes, S. C.	Hardy, Tex.	O'Brien	Sumners, Tex.
Byrns, Tenn.	Hawes	Oldfield	Swank
Cantrill	Hayden	Oliver	Tague
Collier	Hooker	Overstreet	Thomas
Connally, Tex.	Huddleston	Padgett	Tillman
Crisp	Jacoway	Park, Ga.	Tyson
Cullen	Johnson, Miss.	Parks, Ark.	Vinson
Davis, Tenn.	Jones, Tex.	Pou	Weaver
Deal	Kincheloe	Quin	Wingo
Dominick	Lanham	Rainey, Ill.	Wise

NOT VOTING—163.

Anthony	Dunn	Knutson	Sanders, N. Y.
Aswell	Ellis	Kreider	Scott, Mich.
Atkeson	Fairchild	Kunz	Sears
Barbour	Favrot	Langley	Shelton
Beck	Fess	Lazaro	Shreve
Begg	Fields	Leatherwood	Smith, Mich.
Benham	Fish	Lee, Ga.	Smithwick
Bixler	Focht	Longworth	Snyder
Bland, Ind.	Foster	Lyon	Stedman
Blanton	Free	McArthur	Stephens
Boles	Freeman	McKenzie	Stiness
Bowers	Frothingham	McLaughlin, Pa.	Strong, Pa.
Brand	Garner	MacGregor	Sullivan
Britten	Gensman	Maloney	Sweet
Brooks, Ill.	Gilbert	Mann	Taylor, Ark.
Brooks, Pa.	Goodykoontz	Mansfield	Taylor, Colo.
Brown, Tenn.	Gould	Martin	Ten Eyck
Browne, Wis.	Graham, Pa.	Mead	Tilson
Burke	Griest	Michaelson	Tincher
Burroughs	Harrison	Moore, Ill.	Treadway
Butler	Haugen	Moores, Ind.	Tucker
Campbell, Pa.	Henry	Mott	Underhill
Carew	Herrick	Mudd	Upshaw
Carter	Hogan	Nolan	Vare
Clark, Fla.	Hudspeth	O'Connor	Vestal
Classon	Humphreys	Perlman	Voigt
Cockran	Husted	Porter	Volk
Codd	Ireland	Rainey, Ala.	Walters
Cole, Ohio	James	Ransley	Ward, N. Y.
Collins	Jeffers, Ala.	Reavis	Ward, N. C.
Connell	Johnson, Ky.	Reber	Webster
Connolly, Pa.	Johnson, S. Dak.	Reece	Wheeler
Copley	Kahn	Reed, N. Y.	Wilson
Coughlin	Kearns	Rhodes	Winslow
Cramton	Kelly, Pa.	Rodenberg	Woodruff
Curry	Kendall	Rogers	Woods, Va.
Dallinger	Kennedy	Rosenbloom	Woodyard
Darrow	Kindred	Rucker	Wright
Davis, Minn.	Kirkpatrick	Ryan	Wurzbach
Drane	Kitchin	Sabath	Wyant
Drewry	Knight	Sanders, Ind.	

So, two-thirds having voted in favor thereof, the motion to dispense with Calendar Wednesday business was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Graham of Pennsylvania and Mr. Treadway (for) with Mr. Cockran (against).

Mr. Free and Mr. Kennedy (for) with Mr. Humphreys (against).

Mr. Browne of Wisconsin and Mr. Vare (for) with Mr. Campbell of Pennsylvania (against).

Mr. Wheeler and Mr. Kearns (for) with Mr. Rainey of Alabama (against).

Mr. Winslow and Mr. Fairchild (for) with Mr. Collins (against).

Mr. Atkeson and Mr. Connell (for) with Mr. Taylor of Arkansas (against).

Mr. Tincher and Mr. Perlman (for) with Mr. Blanton (against).

Mr. Dunn and Mr. Kendall (for) with Mr. Gilbert (against).

Mr. Bowers and Mr. Shreve (for) with Mr. Tucker (against).

Mr. Rodenberg and Mr. Sanders of Indiana (for) with Mr. Brand (against).

Mr. Shelton and Mr. Knutson (for) with Mr. Kunz (against).

Mr. Snyder and Mr. Davis of Minnesota (for) with Mr. Lee of Georgia (against).

Mr. Stephens and Mr. Kreider (for) with Mr. Wilson (against).

Mr. Anthony and Mr. Wurzbach (for) with Mr. Stedman (against).

Mr. McArthur and Mr. Ellis (for) with Mr. Hudspeth (against).

Mr. Griest and Mr. Rhodes (for) with Mr. Garner (against).

Mr. Bland of Indiana and Mr. Reed of New York (for) with Mr. Carter (against).

Mr. Longworth and Mr. Butler (for) with Mr. Mead (against).

Mr. Kahn and Mr. Boies (for) with Kindred (against).

Mr. Smith of Michigan and Mr. Volk (for) with Mr. Sabath (against).

Mr. Begg and Mr. Reber (for) with Mr. Drane (against).

Mr. Michaelson and Mr. Codd (for) with Mr. Harrison (against).

Mr. Frothingham and Mr. Reece (for) with Mr. Carew (against).

Mr. Foster and Mr. Langley (for) with Mr. Clark of Florida (against).

Mr. Cole of Ohio and Mr. Maloney (for) with Mr. Favrot (against).

Mr. Wyant and Mr. Johnson of South Dakota (for) with Mr. Upshaw (against).

Mr. Coughlin and Mr. Strong of Pennsylvania (for) with Mr. Lyon (against).

Mr. Connolly of Pennsylvania and Mr. Rosenbloom (for) with Mr. Aswell (against).

Mr. Mudd and Mr. Knight (for) with Mr. Lazaro (against).

Mr. Fess and Mr. Barbour (for) with Mr. Johnson of Kentucky (against).

Mr. Brown of Tennessee and Mr. Ireland (for) with Mr. Kitchin (against).

Mr. Kirkpatrick and Mr. Porter (for) with Mr. Fields (against).

Mr. Moores of Indiana and Mr. Tilson (for) with Mr. Wright (against).

Mr. Bixler and Mr. Goodykoontz (for) with Mr. Mansfield (against).

Mr. Nolan and Mr. Walters (for) with Mr. Drewry (against).

Mr. Reavis and Mr. Brooks of Pennsylvania (for) with Mr. Jeffers of Alabama (against).

Mr. Freeman and Mr. Burke (for) with Mr. Martin (against).

Mr. Moore of Illinois and Mr. Sweet (for) with Mr. Rucker (against).

Mr. Woodruff and Mr. Vestal (for) with Mr. O'Connor (against).

Mr. Fish and Mr. Brooks of Illinois (for) with Mr. Woods of Virginia (against).

Mr. MacGregor and Mr. Rogers (for) with Mr. Taylor of Colorado (against).

Mr. Woodyard and Mr. Gensman (for) with Mr. Sears (against).

Mr. Burroughs and Mr. Darrow (for) with Mr. Ten Eyck (against).

Mr. Hogan and Mr. Gould (for) with Mr. Smithwick (against).

Mr. Focht and Mr. Stiness (for) with Mr. Ward of North Carolina (against).

Mr. Dallinger and Mr. Scott of Michigan (for) with Mr. Sullivan (against).

The result of the vote was announced as above recorded.

INTERNAL-REVENUE COLLECTION DISTRICTS.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10877, and pending that motion I would like to get an agreement, if possible, with the gentlemen of the minority as to time for general debate.

Mr. COLLIER. How about 40 minutes to a side? I can get along with that.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I ask unanimous consent that debate be limited to 40 minutes on a side, one-half to be controlled by myself and one-half by the gentleman from Mississippi [Mr. COLLIER].

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the debate be limited to 40 minutes on a side, half of the time to be controlled by himself and half by the gentleman from Mississippi [Mr. COLLIER]. Is there objection? [After a pause.] The Chair hears none.

The question is on the motion of the gentleman from Oklahoma that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10877) to permit an increase in the number of internal-revenue collection districts and in the number of collectors of internal revenue.

Be it enacted, etc., That section 3141 of the Revised Statutes, as amended, is amended to read as follows:

"SEC. 3141. (a) For the purpose of assessing, levying, and collecting the taxes provided by the internal revenue laws the President may establish convenient collection districts, and for that purpose he may subdivide any State, Territory, or the District of Columbia, or may unite any State, Territory, or the District of Columbia with any State or Territory, and may from time to time alter such districts.

"(b) On and after July 1, 1922, the whole number of collection districts and the whole number of collectors of internal revenue shall not exceed 74."

The CHAIRMAN. The gentleman from Oklahoma [Mr. CHANDLER] is recognized for 40 minutes.

Mr. CHANDLER of Oklahoma. Mr. Chairman and gentlemen of the committee, this is for the purpose of giving authority to the President to establish not to exceed 74 revenue districts in the United States. The necessity for this bill is in order that the revenue department may better function, and it is for the benefit not only of the revenue department but for the taxpayers as well.

Heretofore there have been 64 districts. Up to a few years ago the districts in the United States ranged from 126 to 241. At no time up to 1911 was there collected more than $350,000,000 in internal revenue. Now the collections run something around $6,000,000,000, or have for the last few years. Up until 1911 the number of taxpayers doing business with the Internal Revenue Department never exceeded as many as 600,000 per year. Since then—that is, for the year 1921—the revenue department had business with something like 11,000,000 taxpayers, and in that year they handled something over 20,000,000 transactions. So you gentleman can readily see the necessity for this additional legislation.

Another reason is that in a great many communities the revenue collection offices are very remote from the taxpayers. In some cases, for instance, in the eastern portion of the State of Washington, it is necessary for the taxpayers to go as far as four or five hundred miles in order to transact business with the revenue collector. The returns of less than $5,000 income now are made direct to and audited by the district collector, and he passes finally upon those returns. Hence it is very important that districts be created in proximity to the taxpayers. Take the city of New York, for instance; the business is so great that it is practically impossible for one district to take care of it. At the present time the people of New York living in the Bronx are connected with the Albany district.

Mr. QUIN. Will the gentleman yield there?

Mr. CHANDLER of Oklahoma. Yes, sir.

Mr. QUIN. Where are the districts to be created?

Mr. CHANDLER of Oklahoma. This simply gives the President authority to create them wherever it is necessary to do so. The bill does not create any districts at all.

It is necessary for the citizens of the Bronx to go to Albany to transact business, as it is impossible to take care of them at the customhouse district in Manhattan. It would be a great deal better if they would create a district in the Bronx to take care of the large number of people living in that vicinity, as well as dividing a portion of the district of Manhattan and giving it to the Bronx district.

I am simply mentioning the necessity for it. I do not know that a district will be created in the Bronx or in any other place. This bill does not provide for the creation of any districts, but simply gives the President authority to do so.

Mr. GARRETT of Tennessee. I would like to ask the gentleman a question. I note that the collections, according to an official statement, or what purports to be an official statement, of internal revenue have fallen off $875,000,000 for the first three-quarters of this fiscal year, as compared with the first three-quarters of the former fiscal year. Now, in view of the fact that the existing districts were able to collect all that amount of revenue, much larger than now exists and much larger than will be collected in the next year, what is the real economic necessity for creating these new places?

Mr. CHANDLER of Oklahoma. The gentleman is correct about the falling off of the revenue. That is caused by the general slump in business, but it does not decrease the number of transactions with the revenue department. Again, the business of the preceding years has not been disposed of. In fact, a great many of the income-tax returns and excess-profits returns for the year 1917 have not been disposed of at the present time, and it is necessary to have the machinery with which to take care of this business. The very fact that the settlements have not been made up to the present time has kept probably a billion dollars of revenue out of the hands of the Government. The estimate is made at the present time that they could collect a billion dollars if we had the proper machinery with which to handle it.

Mr. GARRETT of Tennessee. The gentleman probably does not mean for us to understand that has anything to do with the number of revenue collections, as that may be due to a lack of sufficient force in the districts already existing, but how can it possibly be due to the number of revenue districts themselves?

Mr. CHANDLER of Oklahoma. Each district finally audits the greater portion of these income-tax returns. A greater portion of them does not exceed $5,000. And it is necessary for the force in those districts to audit those returns annually. Unless we have the machinery to do that, and unless we have the collection districts established in such a way that the taxpayers can conduct business with various districts, it is impossible to expedite the auditing of those returns.

Mr. GARRETT of Tennessee. But is not that a question of the force in the office?

Mr. CHANDLER of Oklahoma. Not altogether. Frequently it is a question of waiting to get in proximity with the taxpayer himself. He asks that the matter be set on a certain day on which he can come before the revenue department.

Mr. STAFFORD. Is it not a fact that under the practice of the Treasury Department the collectors of the respective districts are vested with full authority to determine the returns, as to the amount of taxes to be paid on those returns, up to $3,000 or less?

Mr. CHANDLER of Oklahoma. Five thousand dollars.

Mr. STAFFORD. And by creating an additional number of collectors the department will be enabled to administer the work more expeditiously for that reason?

Mr. CHANDLER of Oklahoma. Yes.

Mr. GARRETT of Tennessee. I wonder why.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. CHALMERS. I wanted to ask if the gentleman thinks an increase of 10 more districts would bring these centers within the proximity of the several taxpayers? As I understand it, there are now 64 districts, collection districts, in the United States, and you propose to increase it to 74, adding 10 districts. Do you have two of the States or more in one district?

Mr. CHANDLER of Oklahoma. I do not believe so.

Mr. CHALMERS. That is, Nevada constitutes a district by itself?

Mr. CHANDLER of Oklahoma. Yes.

Mr. CHALMERS. It seems to me the point that the gentleman from Tennessee [Mr. GARRETT] made is good—that by the increase of 10 more districts you can not serve the several taxpayers of the country. You do not claim that, do you, and put a collection district in their immediate neighborhood? So that this is simply increasing the general machinery. You are appointing 10 more collectors——

Mr. LAYTON. New officers——

Mr. CHALMERS. Yes; new officers, carrying salaries of $6,000 or more.

Mr. CHANDLER of Oklahoma. No. No collector receives more than $6,000.

Mr. CHALMERS. Do some of them receive less than that?

Mr. CHANDLER of Oklahoma. Only a limited number receive as much as $6,000.

Mr. CHALMERS. So it seems to me the point that the gentleman from Tennessee makes is good, inasmuch as if you appointed a greater clerical force you could serve your constituents in the district without increasing the overhead.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. BURTNESS. Is it not a fact that there is less need of districts now than there was before because of the lessening of the number of sales taxes and various forms of taxes?

Mr. CHANDLER of Oklahoma. No; because you have more transactions now, and other matters, than you had in the former period.

Mr. BURTNESS. Why so?

Mr. CHANDLER of Oklahoma. Because you will have a greater number of income taxes, whether they made more money or not.

Mr. BURTNESS. Many of the reports have been entirely eliminated with the enactment of the 1921 law; the various sales taxes of different kinds, and the nuisance tax, and so on. That has eliminated a great deal of work.

Mr. CHANDLER of Oklahoma. Some of the merchant taxes have been eliminated; that is true. But other matters take their place.

Mr. BURTNESS. And some of the returns have been eliminated because of the increase of the exemption. That is also correct, is it not?

Mr. CHANDLER of Oklahoma. That is partially correct.

Mr. BURTNESS. Well, some.

Mr. CHANDLER of Oklahoma. Possibly a very few.

Mr. BURTNESS. What is there under the 1921 law that was not there before?

Mr. CHANDLER of Oklahoma. There are more returns this year than last on incomes.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. SNELL. I understood the gentleman to say that the committee had not decided where the collectors were to be located.

Mr. CHANDLER of Oklahoma. No; they have not.

Mr. SNELL. How do you decide?

Mr. CHANDLER of Oklahoma. That will be decided by the Treasury Department.

Mr. SNELL. Have they decided where these districts should go?

Mr. CHANDLER of Oklahoma. I do not think they have decided that.

Mr. SNELL. How, then, can they decide that they need 10?

Mr. CHANDLER of Oklahoma. They probably need more.

Mr. SNELL. This is a very important matter, and I think it should be explained very fully.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

Mr. CHANDLER of Oklahoma. Yes.

Mr. RAKER. I find in this report this statement, and I want to ask the gentleman about it:

> The geographical location of some of the collectors' offices seriously inconveniences the taxpayer because of the distance he is required to travel in order to have his return properly adjusted.

Now, will the gentleman tell the committee what territory was referred to before his committee, where the taxpayers were inconvenienced, as specified in this report?

Mr. CHANDLER of Oklahoma. One place that our attention was called to was the city of Council Bluffs, Iowa. There it was necessary for the citizens to travel over 300 miles to transact business with the collector of their district and numerous other localities which it would be superfluous for me to mention.

Mr. COLLIER. The gentleman will recall though that the witnesses from the Treasury Department, after repeated questioning on the part of the committee, refused to say, except in one or two instances, where these new places would be made. The gentleman recalls that, does he not?

Mr. CHANDLER of Oklahoma. I do; and not only that, but I am of opinion that they did not desire to state where the new districts would be created. The people might think they needed a district at that particular place and it would not be feasible to do it under this law.

Mr. RAKER. Just one more question. Then there was no testimony before the committee as to the particular territory where these districts were to be created?

Mr. CHANDLER of Oklahoma. No, sir.

Mr. RAKER. Did the committee consider the further fact found in the report of A. W. Mellon, Secretary of the Treasury, of date April 18, 1922, that in these 10 districts it would cost at least $500,000 to maintain the personnel of the districts?

Mr. CHANDLER of Oklahoma. Yes; but the Treasury Department felt that the increased collections would more than offset that difference by a great deal.

Mr. LAYTON. Mr. Chairman, will the gentleman yield for a question?

Mr. CHANDLER of Oklahoma. Yes.

Mr. LAYTON. There is an "embarrassment." I am going to make this suggestion, that there will be considerable embarrassment if we keep on creating new offices. [Laughter.]

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER of Oklahoma. Yes.

Mr. SUMMERS of Washington. Can the gentleman tell us how many employees are now in the offices that are in operation?

Mr. CHANDLER of Oklahoma. As to the district offices, I have not the information.

Mr. SUMMERS of Washington. In any one of the offices?

Mr. CHANDLER of Oklahoma. I think not.

Mr. SUMMERS of Washington. Five hundred thousand dollars divided among 10 offices would be only $50,000 to an office. It certainly would not pay for quarters and support a very large personnel. It seems to me that any office now in operation in the United States probably costs from two to five times the amount that it would be possible for each of these offices to have under this bill.

Mr. CHANDLER of Oklahoma. No. We have now 64 districts, and we do not appropriate nearly that amount to take care of each of those districts.

Mr. SUMMERS of Washington. Do you not appropriate as much as $50,000 for each district?

Mr. CHANDLER of Oklahoma. No, sir.

Mr. SNELL. Will the gentleman yield?

Mr. CHANDLER of Oklahoma. I yield to the gentleman from New York.

Mr. SNELL. How many additional employees will be created for these additional districts?

Mr. CHANDLER of Oklahoma. The Treasury Department did not state specifically. They will certainly need some additional employees according to the best information at hand.

Mr. SNELL. I did not know but the object of this bill was to decrease the number of employees. [Laughter.]

Mr. LAYTON. You do not think for a moment, do you, that a new collection district would be created without having an increased personnel?

Mr. SNELL. I did not know but that was the object of this bill.

Mr. BURTNESS. As I understand the gentleman, the department did not divulge as to where the new offices would be created, but I think before the bill was reported they did divulge the places where there was need of some additional collection districts. Can the gentleman tell us where the facts disclosed at the hearings showed that there was actual need for the creation of additional districts?

Mr. CHANDLER of Oklahoma. New York was one of the places that was called to our attention. It was also stated that in the eastern portion of the State of Washington it is necessary for the taxpayers to go from 300 to 500 miles in order to transact business; but it was not said that new districts would be created in either of those places.

Mr. BURTNESS. I take it that in almost every State there are distances of 300 or 400 miles from the corners of the States to the office of the collector of internal revenue. I know it is so in my State. Yet I do not anticipate that the creation of these new districts will remedy that situation. But I wish to ask in that connection, Is it the contention of the committee that there is a great deal of business that must be transacted in person between the taxpayer and the local internal-revenue office?

Mr. CHANDLER of Oklahoma. There certainly is.

Mr. BURTNESS. What kind of business?

Mr. CHANDLER of Oklahoma. All kinds of appeals and all kinds of transactions where there is any difference between the revenue department and the taxpayers.

Mr. BURTNESS. I have had a number of just such cases, and I live very near to the office, but I have usually done that business by mail.

The CHAIRMAN. The gentleman from Oklahoma has used 20 minutes.

Mr. CHANDLER of Oklahoma. I reserve the remainder of my time.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLIER] is recognized for 40 minutes.

Mr. COLLIER. Mr. Chairman, I have promised to other Members so much of the limited time at my disposal that I will ask the Chair to notify me when I have used five minutes.

Mr. Chairman and gentlemen of the House, there is absolutely no necessity for this legislation. In the first place, there is no necessity for it because, as it was brought out by the questions of the gentleman from Tennessee [Mr. GARRETT] and as every Member of this House knows, the income-tax returns are becoming smaller and smaller, and therefore on account of this great falling off in income-tax collections there is no need at this time for additional collectors. The report states that in 1921 the total number of transactions was in the vicinity of 20,000,000, and it is estimated, as stated in the same majority report, that the total number of transactions in 1922 will be something in excess of 16,000,000 only. But even if the income-tax collections were growing there is no necessity for this law, because under the law as it stands to-day the President of the United States has the power, and he has exercised it frequently within the last three or four years, to alter and change the limits or confines of any collection district in the United States. Acting under that law, within the last two or three years five districts in Kentucky were placed in one collection district; and if it should appear—which I do not for a moment admit—that other collection districts were needed, the Commissioner of Internal Revenue, with the approval of the President, could so alter and change the limits and boundaries of the other districts as to get the new ones without creating the additional expense which this bill seeks to create. This bill seeks to create 10 big offices and a number of small offices which will be incidental.

The gentleman from Oklahoma [Mr. CHANDLER], in response to a question about the salaries, stated that several of these salaries amount to $6,000, and that the others are less, which is correct, as far as I know. There are a number of the 64 collectors who receive $6,000. There is one who receives $4,500. There is one who receives $5,000, and I think all the others get from $5,400 to $5,500 and up to $6,000.

Mr. RAKER. Will the gentleman yield for a question?

Mr. COLLIER. I will yield for a brief question.

Mr. RAKER. The gentleman is a distinguished member of the Committee on Ways and Means. Will he inform the House whether he was present when this bill was considered by the Ways and Means Committee?

Mr. COLLIER. I certainly was present.

Mr. RAKER. Now, what I want to know is whether there was any evidence offered to show what districts needed another collector of internal revenue?

Mr. COLLIER. I am glad the gentleman has brought that out, because I tried to get from the witnesses a statement of where they were going to put these additional districts. The representative of the department said something about New York, that the citizens in the Bronx had to send their returns to Albany. Then he spoke of some other place. I believe the gentleman from Oklahoma [Mr. CHANDLER] stated that there was one out in Iowa; but we could not get anyone to state where these districts would be put in, because they said that it might be embarrassing.

Gentlemen of the House, there is absolutely no need for this legislation, because we do not need these additional offices. But if, on the other hand, the business of the Internal Revenue Department were increasing to such an extent that we should employ more machinery to collect these taxes, I asked the witnesses at the hearing and they never would reply in a manner satisfactory to me; I asked the witnesses, the Treasury officials, if there was more business in any one of these collection districts than that office could expeditiously handle, why was it that the force of that office could not be increased instead of going to the expense of putting in a new collection district, securing headquarters for that district, paying the collector a salary of from $5,500 to $6,000, and the salaries of all the clerks besides which would be needed to operate a new district.

The CHAIRMAN. The gentleman from Mississippi has used five minutes.

Mr. CHANDLER of Oklahoma. I wish to correct the gentleman on the salaries of the collectors.

Mr. COLLIER. I stand corrected, because there are so many I could not state them accurately.

Mr. CHANDLER of Oklahoma. There are eight with a salary of less than $5,000.

Mr. COLLIER. I am obliged to the gentleman, but I think you will find that the average salary is about $5,500.

Mr. GRIFFIN. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. GRIFFIN. If one of these increases is for the Bronx, I will say, coming from the Bronx, which has a population of 800,000, that the Bronx does not want any increase in the present personnel; that they are able to accomplish all their business with a 2-cent postage stamp. [Applause.]

Mr. COLLIER. I would not go so far as that. I want to be perfectly fair; that was only one instance given as an illustration. We could not find out where they wanted these changes, but briefly, in conclusion, the situation is this: There is no need for these additional collectors, because the President has the power to change, alter, define, or limit any one of these collection districts, and if any change is necessary these districts can be merged or cut up or divided under existing law.

Mr. Chairman, I yield eight minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman, I am sorry my friend took two of my minutes. However, I think I can get through in eight minutes. Now, gentlemen, it used to be said by the Republicans that the Democrats always acted a fool at the right time. If you pass this legislation, if you even seriously consider the passage of this legislation, you have got to turn that around and say that the Republicans always act like fools at the proper time. [Laughter.] There is no sense in this legislation, and I believe I can convince you of it. They say that they need 74 instead of 64 collection districts. Why, the Senate agreed to 69 and said that was all that was needed, instead of 74. The scheme is to add new offices, to spend a half million dollars more of the people's money on these officers and employees. That is the situation here. You are not getting as much taxes as you did last year. The papers say taxes will fall off a billion dollars this year. You repealed the excess-profits tax and you do not need anybody to collect the excess profits. You repealed the surtaxes. You lose $90,000,000 there. You lose $450,000,000 of excess-profits tax, making $540,000,000 that you will not have to collect. Why increase the number of collection districts?

Mr. CHANDLER of Oklahoma. Will the gentleman yield?

Mr. OLDFIELD. For a brief question.

Mr. CHANDLER of Oklahoma. The gentleman will not contend that the excess-profits taxes was collected the same as the surtaxes?

Mr. OLDFIELD. We are not going to collect as much tax this year as we did the last year, and less next year, on account of the loss of the excess-profits tax and the high surtaxes. This is only an opportunity to give some one a chance of appointing more officeholders. Every time you appoint a new officeholder you put your foot in your mouth. I notice in the New York Times, in big headlines, as follows:

HARDING'S NAMING OF LOWDEN AGENT STIRS WASHINGTON—NAT GOLDSTEIN, INVOLVED IN MISSOURI FUND INCIDENT IN 1920, NOMINATED FOR COLLECTOR—SHARP OPPOSITION LIKELY—REPUBLICAN SENATORS ARE DISCONCERTED—DEMOCRATS WILL MAKE CAPITAL OF IT—LOWDEN DEFEAT RECALLED—REVELATION OF USE OF MUCH MONEY BY AGENTS KILLED PRESIDENTIAL CHANCES.

(Special to the New York Times.)

WASHINGTON, May 3.—President Harding sent to the Senate to-day the nomination of Nat Goldstein to be collector of internal revenue for the first (St. Louis) district of Missouri. In doing so the President laid the foundation for political trouble, for Goldstein is one of two men whose acceptance of money to further the campaign of Frank O. Lowden, then Governor of Illinois, for the Republican nomination for President had most to do with losing Lowden this honor.

Some Republican Senators were plainly disconcerted when they learned that Goldstein had been nominated. With the incident of the 1920 campaign in mind, they felt that a party error had been made in this selection.

"Good Lord, can it be true?" exclaimed one Senator when told of the nomination. * * *

* * * * * * * *

Called before a Senate committee of investigation on June 2, 1920, Robert E. Moore, of St. Louis, and Goldstein admitted that each had received a check for $2,500 from Jacob Babler, national committeeman from Missouri, before the election of delegates to the Republican National Convention, and that each understood that it was Lowden money. Moore testified that Babler handed him the check "to take it and use it for whatever I (Moore) saw fit," but that he had not used it. The money was still to his credit in a bank, he said; but in view of the unpleasant notoriety which the matter had caused he would return it.

Goldstein, then a circuit court clerk in St. Louis, testified that Babler handed him a check for $2,500, that he had put it to his credit in bank, that his intention was to turn it over to the Lowden organization "when we got into the campaign" if Lowden were nominated or return the money if Lowden were not nominated. Goldstein said that when the money was given to him he was a candidate for delegate to the national convention, and subsequently was elected without instructions. He added that he "was friendly to Governor Lowden's interests."

Other testimony was to the effect that Louis L. Emmerson, secretary of state of Illinois, and Governor Lowden's campaign manager, sent to E. L. Morse, the Lowden campaign manager in Missouri, $32,000 to pay expenses in his attempt to carry Missouri. Morse testified that he gave $17,000 of this amount to Babler "to create Lowden sentiment." All the testimony showed that Governor Lowden had no knowledge of those transactions. He issued a statement in which he repudiated the support of Moore and Goldstein. "My injunctions to Mr. Emmerson were to use no money except for legitimate purposes of the campaign and to make no expenditure that could not be made public," he said.

The whole affair created such a furore that the Republican leaders at the Chicago convention were afraid to throw the presidential nomination to Lowden. Of the leading contestants for the nomination—General Wood, Senator Harding, Senator Johnson, and Governor Lowden—the favorite with the leaders was Lowden.

When the deadlock came in the convention and leading men of the party met in a "smoke-filled room" at the Blackstone Hotel "at 2.11 a. m." to endeavor to agree on a compromise candidate, Lowden would have been the choice if it had not been for the transactions involving Moore and Goldstein. The feeling was that Lowden's chances would be injured by continued rehearsal of the Moore-Goldstein incident. So Harding was selected instead.

The selection of Goldstein was due primarily to Senator Spencer.

The more fellows like that you appoint to offices the better it is for us. [Laughter.] So go on and appoint all you want. But, gentlemen, there is no sense in passing this bill. The only illustration the Treasury Department gave was that they needed another district in New York. Why, we asked. Because it is so inconvenient for the people. For whom? People in the Bronx. That is a part of Greater New York. Why is it inconvenient? Because they have to go to Albany. The next question was, Have you not authority under the law to take in the Bronx and let them pay their taxes in the city? They said yes. Well, then, why do you not do it? Well, they said, there were other situations like that. Well, there may be other situations like that, gentlemen, but they have the authority under the law to do all on earth that they need. Secretary Mellon has authority to-day to limit these districts, to extend or narrow the limits.

Now, you need not think that you will hear the last of this if you pass this bill. When you add half a million dollars every year to the burden of the taxpayers in order to appoint a few thousand officeholders, you are not going to hear the last of it. You can do it, of course, and you will do it, but I want you to understand that there is no necessity for the legislation, and

I believe every man who will look into it will realize that taxes are falling off instead of increasing, and you will not need so many men to collect the taxes in the future as you have in the past.

Mr. CHALMERS. Will the gentleman yield?

Mr. OLDFIELD. Yes; briefly.

Mr. CHALMERS. How does the gentleman figure out that the increased cost will be half a million dollars?

Mr. OLDFIELD. Well, some one who appeared before the committee admitted that; I do not know whether it is in the record.

We had these men up here from the Treasury Department, and the suggestion was made, and if anybody can disprove that it will cost $500,000 additional I would like to have him prove it. If there is added 10 collection districts, you know that that means collectors, assistant collectors, office rent, civil-service employees, and every other kind of an employee that you see around the internal revenue office. Hundreds of them in many places, and it will cost probably a million dollars a year instead of $500,000. I do not know, but I know it will cost a great deal of money.

Mr. SANDLIN. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. SANDLIN. I suggest to the gentleman from Ohio [Mr. CHALMERS] that he look at Secretary Mellon's report upon this bill.

Mr. OLDFEILD. Yes.

Mr. SNELL. Can the gentleman tell me how much it costs in the average office at the present time?

Mr. OLDFIELD. I have not that information.

Mr. ANDREWS of Nebraska. Could not this work be accomplished by the employment of expert accountants to handle this business in the offices that now exist?

Mr. OLDFIELD. Certainly. There is no doubt about that.

Mr. ANDREWS of Nebraska. Is it not a question of systematic arrangement of business and seeing to it that everybody does an honest day's work for an honest wage? [Applause.]

Mr. OLDFIELD. I do not think there is any doubt about that either. Whatever inconvenience there is to the taxpayers of America is caused by the department itself, not by anyone else. Of course, you could have one of these officers in every community in America, and that would be of some convenience to some individual taxpayer, but you ought not to do that, and you ought not to add these 10 more, at a cost of half a million or a million dollars a year. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield one minute to the gentleman from Delaware [Mr. LAYTON].

Mr. LAYTON. Mr. Chairman, what I have to say the Democratic side of the House does not need to pay any attention to. This is a little advice that I am going to give to the Republican side. When you go back and demand to be returned to this House, after putting over an increased number of offices with a decreased amount of Federal taxation—for that is what our slogan is—all I have got to say is that you will have some explaining to do. [Applause.]

Mr. COLLIER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, the gentleman from Delaware [Mr. LAYTON] used only one minute. I shall use what little time I have in undertaking to amplify what he said. The gentleman from Delaware is exactly right. The people in all political parties are demanding that the number of offices be decreased rather than increased, and unless some offices are abolished and the number of Government employees reduced there are going to be some officials abolished, as our Republican friends will find out to their chagrin. If I remember correctly, there are now 64 internal-revenue districts in the United States, and this bill proposes to increase the number to 74. As Secretary Mellon states in his own report on the bill, such an increase will involve an additional expenditure of $500,000. Why the increase?

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. ANDREWS of Nebraska. Would it not be helpful to us if Commissioner Blair would tell us exactly what the 1,789 people receiving more than $2,000 a year each in a bureau here in Washington are now doing?

Mr. BLACK. I think that would be a very interesting story, because from the long delay that I have experienced in getting settlements of claims for refunds due to constituents who have asked my assistance, I have wondered myself what they are doing.

Mr. ANDREWS of Nebraska. May I trouble the gentleman once more at that point?

Mr. BLACK. Yes.

Mr. ANDREWS of Nebraska. The commissioner said in a letter to me that they were practically up to date. Again he said that they were 20,000 behind. Then they wrote another letter and admitted that they had made a mistake of 20,000 in the number of claims for refund.

Mr. BLACK. I think that was a very conservative statement. [Laughter.]

Every Member of the House knows that we reached the peak of taxation in 1921 under the revenue act of 1918. It was in that year that the Internal Revenue Department handled what were termed 20,000,000 transactions, and by the term "transaction" was meant the filing of a return, either income-tax return or excess-profits tax return or a sales-tax return, or a payment, or a quarterly payment, of income tax, excess profits, and other taxes. It is estimated for this year there will be something more than 16,000,000 transactions, a decrease of 20 per cent in the routine business of the office from 1921, and yet, after we have passed the peak of taxation, after the department has carried the heaviest load of detailed transactions, it is proposed to increase the number of internal-revenue offices by 10. Gentlemen, you forget that the Republican Party in 1920 promised the people economy in your platform, and not only that, but some of your most vigorous and extravagant orators said, "Put us in power and we will abolish half of the Federal offices." Now that you have been intrusted with power, what are you doing?

Why, you promised the people bread, and now you are giving them a stone by such bills as this and the one you recently passed to increase the number of Federal judges. The people are already concluding that there is too much rattling of the dishes among you Republicans for the fewness of the victuals, and they are going to express their disapproval in no uncertain terms next November.

Mr. McSWAIN. The gentleman thinks that sort of rations would give the people indigestion?

Mr. BLACK. Yes; much worse than indigestion. Two years of Republican administration has given the country a bad case of "stomach ache."

Mr. JOHNSON of Mississippi. Perhaps that is attributable to the fact that they had to swallow a Beveridge yesterday.

Mr. BLACK. Very likely that accounts for it. Anyway, we Democrats will do our best to show these Republicans the remedy, even if they won't take it. I am against this bill and think it should be defeated. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SNELL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-seven Members are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Drewry	Lampert	Sears
Atkeson	Dupré	Langley	Shelton
Barbour	Edmonds	Larson, Minn.	Shreve
Beck	Eilis	Lee, Ga.	Siegel
Begg	Fairchild	Longworth	Sinclair
Benham	Fess	Lyon	Smith, Mich.
Bixler	Fields	McArthur	Smithwick
Blakeney	Fish	McDuffie	Snyder
Bland, Ind.	Focht	McLaughlin, Nebr.	Stedman
Blanton	Frothingham	McLaughlin, Pa.	Steenerson
Boles	Funk	MacGregor	Stephens
Bowers	Garner	Maloney	Stiness
Brand	Gilbert	Mann	Strong, Pa.
Britten	Goodykoontz	Mansfield	Sullivan
Brooks, Ill.	Gorman	Martin	Summers, Wash.
Brooks, Pa.	Gould	Mead	Sweet
Brown, Tenn.	Graham, Pa.	Michaelson	Taylor, Ark.
Browne, Wis.	Griest	Moore, Ill.	Taylor, Colo.
Burke	Hawes	Moore, Ohio	Ten Eyck
Butler	Hawley	Moores, Ind.	Thomas
Campbell, Pa.	Hogan	Mott	Tilson
Cantrill	Hudspeth	Mudd	Tincher
Carew	Hukriede	Newton, Mo.	Treadway
Carter	Humphreys	Paige	Tucker
Clague	Husted	Patterson, Mo.	Underhill
Clark, Fla.	Ireland	Perlman	Vare
Clarke, N. Y.	James	Porter	Vestal
Classon	Jefferis, Nebr.	Rainey, Ala.	Voigt
Cockran	Jeffers, Ala.	Ransley	Volk
Codd	Johnson, S. Dak.	Reavis	Walters
Cole, Ohio	Johnson, Wash.	Reber	Ward, N. Y.
Collins	Kahn	Reece	Webster
Connell	Kearns	Reed, N. Y.	Wheeler
Connolly, Pa.	Kelly, Pa.	Riddick	Williams
Copley	Kendall	Riordan	Wilson
Coughlin	Kennedy	Robertson	Wise
Cramton	Kindred	Rosenbloom	Wood, Ind.
Dallinger	Kirkpatrick	Rucker	Woods, Va.
Darrow	Kitchin	Ryan	Woodyard
Davis, Minn.	Knight	Sabath	Wright
Denison	Knutson	Sanders, Ind.	Wurzbach
Dominick	Kreider	Sanders, N. Y.	Wyant
Drane	Kunz	Scott, Mich.	Zihlman

The committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10877, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 258 Members responded to their names, and he presented the list of the absentees for printing in the RECORD and Journal.

The SPEAKER. The committee will resume its sitting.

The committee resumed its sitting.

Mr. COLLIER. Mr. Chairman, I yield four minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, I am much obliged to the gentleman for having a roll call and getting this audience here. It occurs to me the Republican members of the Ways and Means Committee in bringing this bill out have put themselves in an anomalous situation. [Laughter.] You have a decrease of $1,000,000,000 of actual money that is paid into the Treasury for the fiscal year, as compared to the previous year, according to the estimate of the Secretary of the Treasury, and yet you come forward with a bill, already having in all the United States 64 revenue collectors, to increase the number by 10, making 74, thereby increasing the expense of collecting 16⅔ per cent less money than you had collected heretofore, costing the taxpayers of this country 15⅔ per cent more to collect this smaller sum than it did to collect the larger sum. I want to say, gentlemen of the Republican Party, that you have done some foolish things within the last 18 months. Keep on with this type of legislation and this kind of policy and the people will certainly clean your plow at the election next November. You heard the rumblings out in the State of Indiana yesterday when the right bower of the President, one of the old standpat guard, who had been at the other end of the Capitol upholding the hand of plutocracy, riding roughshod over the people when he got a chance, went down to defeat in the vote in the Republican primary, notwithstanding the administration and all its henchmen, all the appointees, both of the State and National administrations in that State, and all the machinery of the Republican organization were working overtime to renominate the Senator, but the whole bunch was repudiated by Republicans in a primary in the good State of Indiana, so much so that that fact is heralded all over the United States in headlines to-day. It is because of this type of legislation that has disgruntled the people of your own party. You can not come along and feed hungry Republican politicians at an expense to the people by such measures as this and get by with it. Do not you know that the man on the street knows what this bill is for? My friend from Oklahoma [Mr. CHANDLER] could not even tell the districts where these collectors were to be created. Who is it that is going to get these jobs? The hungry, worthy Republicans are to be put in jobs to pull down $5,000 plums a year.

Mr. HILL. Will the gentleman yield?

Mr. QUIN. I have not the time. [Laughter.] And in addition they are renting expensive offices and having a great corps of clerks who have to be paid. If you do this monstrous thing just to give some favorite Republicans jobs, it will cost at least a million dollars a year. Already you have gone out with the legislation you have passed taking the taxes off the rich and putting them on the backs of the poor. Notwithstanding that, you want to put a tax grabber on every man's doorstep. [Laughter.] In my judgment the people ought to pay less taxes in the way of public officials, and here you are increasing the number of the tax collectors for which you have to go down into the pockets of the people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I want to ask unanimous consent that the gentleman may have one minute in order to answer a question.

The CHAIRMAN. The Chair does not recognize the gentleman for that purpose.

Mr. COLLIER. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Chairman, I can not say much in two minutes, but I want to enter my protest against this bill. [Applause.] There is neither sense, reason, nor justice in it. We do not need it. A short time ago we were collecting $6,000,000,000 a year with the present number of collectors. We have reduced the necessity for them by two, and to-day we are collecting about $3,000,000,000 internal revenue taxes. Why do you need 10 more collectors? The passage of this bill will cost a million dollars a year. Why should we put that additional burden on the backs of the American people? There is no necessity for it, not a bit. The bill ought not to be here and never should have been introduced. [Applause.] It ought not to have been reported, and I hope that every man who has the interest of the American people at heart will enter his protest against it when his name is called and will vote against the bill. [Applause.]

Mr. COLLIER. Mr. Chairman, I would like to know how much time the minority has remaining?

The CHAIRMAN. The gentleman from Mississippi has 14 minutes remaining, and the gentleman from Oklahoma has 20 minutes remaining.

Mr. COLLIER. I yield two minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, I appreciate the fact that there are a very few districts in the United States that do need additional machinery, and one of those districts is in my district, but if it is necessary for me to vote 10 additional districts in order to get the condition remedied in that one district I absolutely refuse to do so.

If the gentlemen of the Ways and Means Committee had brought in a bill here and definitely stated, say, one, two, three, or four districts that actually need help, and had presented districts on the conditions that existed there, it would be a fair proposition. But to bring in a blanket bill to create 10 districts at this time, it seems to me, is the most inopportune thing in the world to do. The campaign cry of the Republican Party was decreased taxation. Is it Republican efficiency to create more tax collectors to collect increased taxation? I want to know that. If it is, I do not want any more Republican efficiency. I want some other kind. [Applause.]

As the gentleman from Illinois [Mr. MADDEN] said, during the war these same officers collected three times as much taxes as are necessary to collect at the present time, and, speaking personally, I did not escape, and I do not think there are a great many others who did. I feel it would be the worst kind of legislation for this House to pass this measure at this time, and I hope it will not do so. [Applause.]

Mr. CHANDLER of Oklahoma. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, there are several bills pending in Congress designed to authorize the sale of beer and wine, and there are more than two dozen wet organizations that are making the nomination of candidates pledged to support a beer and wine amendment to the national prohibition act an issue in the primaries. In view of this, it is evident that this question will be an issue in several districts in the coming election.

As a great many false and misleading claims are made by these organizations and their friends, I desire to call attention to why Congress, in passing the national prohibition act, forbade the manufacture and sale of such liquor. When the Sixty-fifth Congress faced the obligation to provide appropriate legislation to carry out the prohibition amendment to the Constitution it had to consider what was sought to be accomplished by that amendment, and what legislation was necessary to carry it out in good faith. The prohibition amendment forbids the manufacture and sale of all intoxicating liquors.

It is a part of the history of this country that for many years a bitter and persistent struggle has been carried on against the liquor traffic. The prohibition amendment was the culmination of that struggle. Before its adoption many States had adopted amendments to their constitutions prohibiting the traffic. These amendments are substantially in the same language as the Federal prohibition amendment. The legislatures in these States, more than 30 in number, passed statutes to carry these amendments into effect. Not one of these statutes permitted the sale of beer or wine that contained more than 1 per cent of alcohol by volume; and with the possible exception of one or two, in which the language of the statutes might possibly be construed to permit the sale of a liquor containing 1 per cent, they all forbade the sale of any beer or wine that contained more than one-half of 1 per cent of alcohol.

In taxing liquor under the license system it has for a great many years been the general, it might almost be said the universal, rule that beer and wine that contained as much as one-half of 1 per cent of alcohol was treated and taxed as intoxicating. The Federal Government had for many years followed the same rule. It taxed and dealt with as intoxicating liquor all beer and wine that contained more than that amount of alcohol. So general and universal had this practice been that no one could have had the slightest doubt as to what was meant by the prohibition amendment when it was adopted. Everybody understood that this amendment prohibited the sale of beer and wine, and it became the duty of Congress to carry out what was the intention of those who proposed and those who ratified the amendment. It meant to Congress, as it meant to the public everywhere, that all liquor that had been treated, taxed, and known as intoxicating liquor should forever be banished.

Those who seek to destroy prohibition recognize that the public can not be persuaded knowingly to restore the saloon or the sale of whisky. They are camouflaging their demands by asking for what they call light beer and wine. No one, so far as I know, has had the courage to openly defend the saloon or the sale of whisky in this House since the amendment was adopted. What is it that these people demand? Is it in fact light beer and wine? Why, no. They are demanding beer that contains 4 per cent of alcohol and wine that contains 14 per cent. Four per cent beer is a stronger beer than that which was usually sold in the licensed saloons and 14 per cent wine covers nearly every wine that was ordinarily drunk.

That this is what is demanded can be abundantly established by reference to the thousands of letters and petitions on file with the Judiciary Committee of the House, where requests of that kind are sent. The ordinary beer sold by the saloons usually contained only from 3 to 3½ per cent of alcohol. So what is asked for is the old beer, which is light only in the sense that a stronger beer was occasionally sold. It is not necessary to argue that this beer was intoxicating. Twelve glasses of it will contain as much alcohol as a beer glass full of whisky. Any number of persons will become intoxicated on much less than half that quantity. Everybody knows that the so-called war beer, which was limited in alcoholic content to 2¾ per cent of alcohol by weight, was intoxicating. That contained about the usual amount of alcohol, 3.4 per cent by volume. Two beer glasses of that beer is about equal in alcoholic content to one ordinary glass of whisky.

The smallest percentage of alcohol in beer that anyone has so far proposed is 2.75 per cent of alcohol by volume. To get as much alcohol from drinking this beer as from the ordinary beer sold before prohibition, which contained from 3 to 3½ per cent of alcohol, it would only be necessary to have a glass one-fourth larger.

Dr. De Lancy Carter, president of the American Medical Society for the Study of Alcohol and other Narcotics, stated to the international congress against alcoholism, Septemer, 1920:

> You might compare beer and light wines with spirituous liquors as the local train with a rapid express, both of which reach the ultimate point of the journey at last, although at different rates of speed.

Dr. A Holitscher, of Karlsbad, Germany, said to the congress against alcoholism:

> Some old-fashioned people believe that in encouraging the consumption of beer as a substitute for spirits one contributes to the fight against alcoholism. This notion is erroneous because beer, being an alcoholic liquor, is responsible for a great part of the alcoholism under which the European nations are suffering.

Dr. Harvey Wiley, the eminent food and drug specialist, said:

> When a person gets drunk, the first glass he drinks is just as much responsible for his condition as the last one. Intoxication has a beginning, and that beginning is as much intoxication as the final death struggle of the man who dies from alcoholic intoxication. Every step is essential to the whole journey. The man who doesn't take the first step doesn't die of the last one.

Prohibition has been tried out in a great many villages, cities, counties, and States for more than half a century. At first the prohibition statutes simply made it a crime to sell intoxicating liquor without defining what was meant by the word "intoxicating." These statutes proved a sad disappointment. Only after repeated failures did the friends of prohibition learn that such a law could not be enforced. Then one by one these statutes were amended so as to prohibit by name all liquor, such as beer, wine, whisky, and other known beverages, without reference to the quantity of alcohol they contained. This had been the policy for many years prior to the adoption of the national prohibition amendment. The necessity for this is apparent.

Mr. Justice Brandeis, in speaking for the Supreme Court, said, in regard to this necessity, in Ruppert *v.* Caffey (251 U. S. 264):

> For the legislation and decisions of the highest courts of nearly all of the States establish that it is deemed impossible to effectively enforce either prohibitory laws or other laws merely regulating the manufacture and sale of intoxicating liquors, if liability or inclusion within the law is made to depend upon the issuable fact whether or not a particular liquor made or sold as a beverage is intoxicating. In other words, it clearly appears that a liquor law, to be capable of effective enforcement, must, in the opinion of the legislatures and courts of the several States, be made to apply either to all liquors of the species enumerated, like beer, ale, or wine, regardless of the presence or degree of alcoholic content; or, if a more general description is used, such as distilled, rectified, spirituous, fermented, malt, or brewed liquors, to all liquors within that general description, regardless of alcoholic content; and to such of these liquors as contain a named percentage of alcohol; and often several such standards are combined so that certain specific and generic liquors are altogether forbidden and such liquors as contain a given percentage of alcohol.

The question of what percentage of alcohol in beer or other liquor makes it intoxicating can not be answered. There is and can be no decision on that subject. The statement in circulation by wet organizations that the Government has admitted or the Supreme Court has held that the beer containing 2¾ per cent of alcohol is not intoxicating is absolutely false and without the slightest foundation. It is a well-known fact that alcoholic liquor does not affect all persons alike. A quantity of liquor that will make a certain person dead drunk may only slightly affect another; and the same person may at one time become intoxicated on drinking a quantity of liquor that under other conditions would not affect him at all. It is this difficulty that has made it necessary, if prohibition is to be effective, to prohibit all liquor that has any intoxicating effect.

If it was possible to increase the alcoholic contents of near beer without giving it an intoxicating effect nothing would be gained by those who now clamor for such increase. The object, and only object, of increasing such contents is to make it intoxicating. Those who demand the increase do not attempt to conceal the fact that they want a beer that has a kick in it; in other words, a beer that has an intoxicating effect. That is the only thing that the near beer lacks, as it is the ordinary beer with the alcohol removed. Whenever any liquor can be sold that is intoxicating in fact—and, as I have said, that is the beer that is demanded—we might as well repeal the amendment.

Experience has demonstrated that when you permit the sale of any particular kind of intoxicating liquor you can not prevent the sale of any other kind. This is what occurs: Under the present law when a person is found in a state of intoxication it is evident that some one has violated the law, and it at once becomes the duty of the officers charged with enforcement to learn where such person obtained his liquor. The community, if its sentiment is favorable to enforcement, will hold the officer responsible and compel action. If, on the other hand, the law allows the sale of a liquor that is in fact intoxicating even if it is only capable of intoxicating a few, the sight of an intoxicated person does not tend to show any law violation. Under such circumstances the officer will pass the intoxicated person by unless he breaks the peace, and the community is in no position to complain. The intoxicating or stimulating effect of alcohol grows less with use.

A larger and larger dose is necessary to satisfy the craving that it creates. Very soon, if the liquor is a light beer, it will not satisfy this craving, but stronger drink will be demanded. The man that sells the beer will see to it that this stronger drink is furnished. That has always been the case and always will be. The sale of beer eventually makes necessary the sale of whisky. The appetite for alcoholic liquor created by the drinking of beer eventually leads to a demand for stronger drinks. It is the sentiment in the community that in the end enforces law. The community is naturally indifferent as to what liquor makes a person drunk, so long as it legalizes the sale of any liquor that does intoxicate, and the officer naturally follows the course of least resistance by doing nothing in such cases. If the sale of beer and wine is permitted, we shall have the saloon with all its evils.

The principal article sold in every saloon was beer. It was the one thing upon which that institution depended and upon which it lived, so much so that saloons were often called beer saloons. It represented over 90 per cent of the volume of the trade. The brewers in many sections owned most of the saloons, furnished the license money, and practically employed those who conducted the business. It is quite freely admitted by the beer and wine advocates that with the sale of beer and wine the saloon would return. To avoid this, knowing that the public is opposed to the saloons, they propose that no beer or wine shall be consumed at the place of sale, but only for consumption in the homes. Those who propose this show how utterly ignorant they assume the public to be of the nature of the traffic. A law such as that would mean that the consumption of these liquors would have to take place beyond any police supervision or control. It would drive the traffic into all sorts of hidden haunts and debauch the home to an extent never possible under the saloon system. To prevent the very thing now proposed statutes were passed in various States to make it illegal to sell liquor for consumption except in a saloon. If the consumption is not to be under any police supervision or control, no effective measure could be taken to prevent the liquor from reaching minors, drunkards, and others, which it has been the policy to protect under our license laws. The sale of liquor for consumption in a saloon has been condemned by the public pretty much everywhere, but what is now proposed would be infinitely worse.

The advocates of the sale of beer and wine are presuming upon the ignorance of the public as to the effect of their proposed policy. But the public is not as easily deceived as they assume. Many years ago Massachusetts tried a prohibitory law under

which beer was permitted to be sold, but it proved such an utter failure that it was repealed after a trial of three years. It was attended with every evil that attends the unrestricted sale of liquor. Not only was beer sold, but so was every other kind of liquor. Michigan adopted prohibition by a majority vote of 68,000. A year later, when this camouflage proposition was presented, it defeated the sale of wine and beer by a majority of 207,000. Ohio adopted prohibition in 1918, and one year later, when a referendum vote was taken on permitting the sale of beer containing 2¾ per cent of alcohol, the majority against it was increased. At the last referendum election in Ohio it adopted an enforcement code which prohibits the sale of beer or wine that contains more than one-half of 1 per cent of alcohol by a majority of 290,000 votes. Similar votes have been recorded in Washington, Oregon, Colorado, and Arizona.

The experience of those who have tried to enforce prohibition laws is the same everywhere. The traffic always has and always will refuse to obey any law that it can break or circumvent. The demand for national prohibition grew out of that fact. It was found to be practically impossible to keep liquor away from a prohibition State so long as it could be manufactured or sold anywhere. The proposition is made in some quarters that each State or congressional district should have the option by a referendum to permit the sale of beer or wine. This can not be done without first changing the Constitution. Even if it was legal, it is indefensible because it would open the breweries and wineries in the localities where such sale might be made, and the liquor would not only be sold there but in other States and localities.

Not only have States found it necessary for the purpose of suppressing this traffic to define as intoxicating all beer that contains more than one-half of 1 per cent of alcohol but many States have forbidden the sale of all beer and all wine regardless of its alcoholic contents. The Ohio Supreme Court, Eighty-third Ohio, page 68, in sustaining such a statute, pointed out the lawlessness of this traffic and used this language:

> The legislature may have heard of Bishop's beer, Friedon beer, and later of near beer, and concluded that the enforcement of the will of the majority should not be defeated by subterfuge or the juggling in percentages of alcohol, and has said that for the purpose of carrying out the intention of the people to prohibit the sale of intoxicating liquors certain beverages shall be legally considered intoxicating, although not so in fact; and malt liquor is one of those so designated. "Near beer" being a malt liquor, the statute pronounces it an intoxicating liquor and made proof of its real intoxicating qualities unnecessary. It is no more protected than "altogether" beer, and the attempt to evade the law by brewing a "near" or "almost" beer is, by section 3, supra, rendered futile.

The Supreme Court of the United States in Crane *v.* Campbell (245 U. S. 304), speaking of the character of the liquor traffic, said:

> And considering the notorious difficulties always attendant upon efforts to suppress traffic in liquors, we are unable to say that the challenged inhibition of their possession was arbitrary and unreasonable or without relation to the legitimate purpose.

Hon. John F. Kramer, the first Federal Prohibition Commissioner, a man whose experience in dealing with this traffic entitles him to speak with authority on the subject, has said:

> Prohibition of the beverage use of intoxicating liquor is an onward-looking principle. It can not be made entirely effective to-day because of appetites, habits, customs, and passions formed during the existence of the legalized traffic. But coming generations will know little of intoxicating liquors and care less, provided we cease implanting in them appetites and passions for liquor. We all know that beer always has been the beverage which begat in the young the appetite, passion, etc., for intoxicating liquor, and not whisky and alcohol. If we continue to implant these in the young, our work will never cease. We will give up in despair. The eighteenth amendment will be a farce. If we are going to give the present generation anything intoxicating to drink, let it rather be whisky and alcohol. By thus doing we could possibly save the coming generation and ultimately secure prohibition. No one would dare advocate this, although the proposed course would ultimately lead to it.
>
> If we start with 2.75 per cent beer, all the forces at the disposal of the Government, Federal, State, and local, could not regulate and control it. It would be light beer to-day, heavy beer and wine to-morrow, and whisky and alcohol the next day. We would have the intolerable situation of having prohibition in theory but a drunken debauch in practice.

Former President William H. Taft, now Chief Justice of the Supreme Court, said in a communication published in the Chicago Tribune on July 26, 1920:

> I am not in favor of amending the Volstead Act in respect to the amount of permissible alcohol in beverages. I am not in favor of allowing light wines and beer to be sold under the eighteenth amendment. I believe it would defeat the purpose of the amendment. No such distinction as that between wines and beer, on the one hand, and spirituous liquors, on the other, is practicable as a police measure. * * * Any such loophole as light wines and beer would make the amendment a laughing stock.

The argument that a law allowing the sale of beer and wine would enable the Government to collect a large tax is delusive. Most of the States have prohibition laws to-day that could not be repealed; public sentiment in those States would not permit it. Without the consent of the State beer and wine could not be sold, despite anything that Congress could do. Without open sale in the States no substantial tax could be collected.

The following 14 States forbid the sale of beer and wine whether they have any alcohol in them or not: Alabama, Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Kentucky, Michigan, Mississippi, New Mexico, North Carolina, South Dakota, and Washington. That is also true of the Territory of Alaska and the District of Columbia. The following 22 States forbid the sale of any beer or wine that has more than one-half of 1 per cent of alcohol: Delaware, Florida, Georgia, Illinois, Indiana, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming; so do local option laws in Maryland. In Connecticut, Louisiana, Maine, Missouri, New York, Pennsylvania, and Wisconsin the laws provide that the definition in the national prohibition act shall govern. The following States—New Hampshire, South Carolina, and Texas—allow the sale of beer and wine containing 1 per cent of alcohol. California and Maryland are the only States that have no law on the subject.

But aside from the question of revenue the economic value of prohibition is beyond any question. According to official figures England, with a population not half as large as that of the United States, spent last year more than two billion dollars for liquor. Only a comparatively small amount of that was paid for by the rich. Nearly all of that vast sum was a tax on people who could not afford to spend the money. Many rich people are anxious to shift their tax burden back upon the liquor traffic. But for prohibition, State and national, twice or three times that amount would be spent in this country, and spent to create poverty, misery, and debauchery throughout the land. It is surprising that this proposition can be made by people who make any pretense of being law-abiding citizens; and still more surprising that persons can have the effrontery of offering themselves as candidates for election to Congress on a platform pledging themselves to support legislation so clearly in violation of the plain letter of the Constitution. There is not a man in this House who can repeat the absurdity often enough and long enough to even convince himself that beer and wine are not intoxicating. No one pretends that the wine that is asked for is not intoxicating.

The courts take judicial notice that wine is an intoxicating liquor, while beer of the strength proposed would be intoxicating in fact, and any law authorizing its sale would be unconstitutional. The proposal which is now urged is but an invitation to the Representatives of the American people to disregard their country's Constitution. It seeks to have the Members of this House from the States whose laws prohibit the sale of such liquors legislate in direct opposition not only to the Constitution of the United States but also to the will of the people of their own States as expressed in their State statutes. It asks many Members of this body to violate not only the Constitution of the United States but the constitution of their States as well. This insidious propaganda for beer and wine invites disregard of law and is inimical to the peace and good order of society. This is no time to encourage lawlessness. The judges of our country have sounded a timely warning when they said:

> The judicial section of the American Bar Association, venturing to speak for all the judges, wishes to express this warning to the American people: Reverence for law and enforcement of law depend mainly upon the ideals and customs of those who occupy the vantage ground of life in business and society. The people of the United States, by solemn constitutional and statutory enactment, have undertaken to suppress the age-long evil of the liquor traffic. When, for the gratification of their appetites or the promotion of their interests, lawyers, bankers, great merchants and manufacturers, and social leaders, both men and women, disobey and scoff at this law, or any other law, they are aiding the cause of anarchy and promoting mob violence, robbery, and homicide; they are sowing dragon's teeth, and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest.

The highest executive officers of the Government join with the judiciary in pointing out the menace of lawlessness.

President Warren G. Harding said on March 24, 1922:

> It is absolutely essential to the maintenance of a secure society and to the attainment of a proper moral plane that the law should be recognized as sacred and supreme. It should have at its back and enlisted in its support every element of the community that realizes the desirability of sound, secure, and stable institutions. Disregard of one statute inevitably must breed a lack of respect for the law in general.

Attorney General Harry M. Daugherty in his address before the American Bar Association said:

> Respect for law is the one essential fact of our civilization. Without it, life, liberty, and property are insecure. The history of civilization has been a continuous struggle for law and order. The only sound position for those who favor respect for law to take is that those

charged with law enforcement must enforce all the laws and all good citizens must obey all the laws. The Government will endure on the rock of law enforcement or it will perish in the quicksand of lawlessness.

Hon. Guy D. Goff, Assistant to the Attorney General, said at the law enforcement convention, in Washington, in December, 1921:

Prohibition is not the only law which is difficult to enforce.

Any new law which interferes with the so-called personal liberty of the community must pass through the stages of open violation, secret violation, passive enforcement, and then universal observance throughout the land.

The man who can not obey the law, the man who can not fearlessly enforce the law, and with the courage of his convictions bring before our judicial tribunals every dastardly and contemptible crook, no matter how high his rank, has no place in our system.

The Federal Prohibition Commissioner, Roy A. Haynes, who is the head of the prohibition department to enforce national prohibition, said recently, in Philadelphia:

Nothing can affront the American people more than the statement that we can not enforce our laws. In this statement lies the death warrant of the Republic, for this Nation can not endure without reverence for law, without the recognized authority of law.

It is in the last analysis Americanism in conflict with Old World customs and concept; it is democracy against avarice, lawlessness, and anarchy. The issue divides men not upon the question of their appetites but upon the question of their loyalty to their country.

Prohibition has not divided the Nation against itself. It has rather ranged the great forces of our Government squarely on one side of a great question, and I am pleased to say that the real forces of Americanism are lined upon the right side of the question of law enforcement.

The time is here when every man and woman who love their country should support its Constitution and obey the laws enacted to enforce it. All liberty and security rest on law. License to sell beer and wine contained in a prohibition law makes it impossible to enforce. It is as indefensible to vote for such a nonenforceable law as it is to vote directly to violate the Constitution. The only defensible position for a Member of Congress is to sustain the law in enforceable form. When he accepts his office, it is made his official duty to sustain the Constitution. He must solemnly promise to do that. There is only one defensible position for a judicial officer, and that is, to construe the law so as to carry out its manifest purpose. There is only one defensible position for the law-abiding citizen, and that is to obey the law and support those in public office who are honestly endeavoring to enforce it.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MILLS].

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I recognize that our Democratic friends, when they are confronted with the proposition of creating new positions, are unable ever to think of those new positions except as jobs. They are absolutely unable apparently to grasp business propositions of this kind, where it may be real economy in the long run to decentralize rather than to centralize.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MILLS. I can not. I have only five minutes.

But I want to say here, in view of the remarks that they are so troubled over our record of economy that they think the people may return their party to power next fall, the fact is that we will spend this year $1,600,000,000 less than was spent in the last year of the Democratic administration, and that for the fiscal year 1923 we will spend $2,000,000,000 less than you gentlemen spent when you controlled this Government. [Applause on the Republican side.]

Now, as to the merits of this proposition, I have heard no argument to meet the statement of the Secretary of the Treasury that new districts are needed for efficient administration. He points out to this House that the number of taxpayers has increased from 500,000 or 600,000 to 10,000,000. It must be a matter of common knowledge that you get better tax assessments and more accurate figures as to taxpaying ability through local assessors than you do through a centralized agency.

Mr. RAKER. Will the gentleman yield?

Mr. MILLS. I can not. I have only five minutes.

Why does every State in this Union cling tenaciously to a system of local assessment? Because the local assessor is more familiar with local conditions and with the business of the taxpayers, and the taxpayer prefers to do business directly with some local officer rather than to correspond. I venture to say that, in so far as income-tax collections are concerned, if you could establish a great many more offices than are contemplated in this bill you would collect more money in the end than you expended for the additional service. In England they have a system of local boards that deal directly with their taxpayers, and do not require 300,000 taxpayers, as we do in one internal-revenue collection district in New York, to deal with an office 150 miles away.

Why, gentlemen, when Members of Congress were filing their income-tax returns some two months ago I noticed a gentleman from the Treasury Department came up to the Capitol for the convenience of Members. These gentlemen here wrote the law, a lot of them are lawyers, and yet they asked expert advice to prepare their returns.

But when it comes to the ordinary taxpayer they say, "Let him travel 200 miles to make his return." [Applause.] To-day you have got anywhere, I think, from $1,000,000,000 to $1,500,000,000 of back taxes outstanding—all claims that have to be litigated or settled. In the revenue act of 1921 you gave authority to your tax department to settle back taxes. How are you more likely to get a satisfactory settlement, by mail with the parties hundreds of miles apart, or through a local office that can deal face to face with the taxpayer? I personally am satisfied that this measure is justified from the standpoint of the convenience of the taxpayers alone who to the fullest possible extent should be given an opportunity to deal directly with the Government agent in order to get the benefit of his advice as to doubtful questions, and not be compelled to travel great distances or do business by mail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. May I have one more minute?

Mr. CHANDLER of Oklahoma. I yield one more minute to the gentleman.

Mr. MILLS. From the standpoint of the Government——

Mr. LAYTON. Will the gentleman yield?

Mr. MILLS. I can not.

From the standpoint of the Government the decentralization in this particular case means greater efficiency and a greater opportunity to check up on the taxpaying abilities of those making returns.

Let me point out to you that in the Veterans' Bureau you created 144 local offices to deal with some 300,000 men. Yet here you are satisfied with 64 offices to deal with 10,000,000 men. In the case of the wounded veteran you had a physical injury to pass upon. In this case you have the enormous difficulty which is involved in interpreting as difficult and as complex a law as exists. I want to submit in conclusion, gentlemen, that you simply can not treat this as a proposition simply to create 10 new positions. You have got to treat it from the standpoint of the convenience of 10,000,000 taxpayers, and of Government efficiency in so far as the administration of the law is concerned. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, the Democratic side, of course, feels properly rebuked by the statement of the gentleman from New York [Mr. MILLS]. It is always delightful to be rebuked by gentlemen who maintain the views that the gentleman from New York entertains.

Now, as a matter of fact, no one has suggested here a single reason why it is necessary to create 10 new districts to collect less taxes than have been collected for the last four or five years, and that is the issue here. The facetiousness of it, the politics of it, may all be put aside. There has absolutely not been a reason given by any gentleman supporting this bill why it is necessary to create 10 new districts to collect less taxes than have been collected from the several districts in the last few years. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. COLLIER. Mr. Chairman, I yield four minutes to the gentleman from Maryland [Mr. LINTHICUM].

The CHAIRMAN. The gentleman from Maryland is recognized for four minutes.

Mr. LINTHICUM. Mr. Chairman, I am absolutely opposed to this bill creating 10 additional internal-revenue districts, at a cost to the taxpayers of between $500,000 and $1,000,000. I had understood that this was to be a Congress for economy. But it does seem to me that more offices are being created than can possibly be found necessary under present conditions, and particularly with an overburdened people and a depleted Treasury. We have just created 23 additional Federal judges, and now you propose to add 10 more internal-revenue districts.

Certainly, as the gentleman from Tennessee [Mr. GARRETT] has stated, if we were able to collect the taxes during the peak of taxation we ought to be able to collect them now when they are $800,000,000 less than they were formerly.

Mr. LAYTON. The gentleman [Mr. MILLS] who preceded the gentleman from Tennessee [Mr. GARRETT] had this one argument only, and that is, you could collect more money if you had tax collectors closer to the people. If that is a good argument, logically we would have an internal-revenue collector for each of 4,000 counties in the United States.

Mr. LINTHICUM. The conclusion of the gentleman from Delaware is correct and shows the absurdity of this increase. I want to say, in addition, to the gentleman from Delaware that at the beginning the people did not understand how to make out these tax returns, but they are gradually learning and there are fewer of them now who have to be given information, and there is not a city that has a bank in it to-day that has not a man who is expert on these matters and can give the people all the information they want just as well as if they were to go to the internal-revenue office.

The gentleman from Mississippi [Mr. QUIN] has asked the question, Who is to get these places? I want to say I do not know whether one will be given in the vicinity of Baltimore, under the control of the Senators and Representatives of the Republican Party from the State of Maryland, but I do know that the two Republican Senators and the Republican Representatives have asked the President of the United States to give substantial recognition to our negro population in presidential appointments; and I know further that the Senators from New York have indorsed a negro by the name of Andrews as one of the internal-revenue collectors of the Empire State in the city of New York. If we have any splendid places to give out, let us recognize our people who are out of employment to the extent of some five millions.

There is no necessity for this additional number of internal-revenue districts. There is no crying need of it. It is an additional and unwarranted burden upon a people sorely oppressed, who bore the burdens during the war with great fortitude and courage. If the money was collected during all these years of heavy taxes, certainly we do not need these additional collectors at this time of falling receipts and increasing deficiency, and I certainly hope that Congress will adhere to economy. I want to say to you gentlemen on the Republican side that it is not only a reflection on your party if we depart from economy but it is a reflection on the entire Congress, because people do not differ on partisan lines when they are speaking of economy and criticizing the actions and appropriations of this Congress. [Applause.]

Let us rise above mere job hunting and patronage seeking. It is the worst kind of politics and returns to plague the giver. Let us look to economy and rights and welfare of the people. During these dark days of reconstruction simplicity and economy must surely be practiced if we would have our country emerge from its present condition of unemployment. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. COLLIER. Mr. Chairman, I yield the remaining portion of the time allotted to me to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

The CHAIRMAN. The gentleman from Texas [Mr. CONNALLY] is recognized for four minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, the gentleman from New York [Mr. MILLS] with an air of finality presented what to him were reasons why we should create 10 additional internal-revenue offices and provide for the appointment of 10 new collectors of internal revenue. The gentleman from New York [Mr. MILLS] will be recalled as the gentleman who is very much opposed to taxes on excess profits of corporations making large profits, but he is perfectly willing to levy taxes on those who do not make excess profits to pay excess job holders. The gentleman from New York [Mr. MILLS] is opposed to high surtaxes on very large incomes; but he is perfectly willing that the moderate taxpayers with small incomes should have their taxes increased to create more positions to be filled by Republican campaign workers. Now, it has been demonstrated that during the year 1921 there were 20,000,000 transactions between taxpayers and collectors of internal revenue.

The Secretary of the Treasury says that the number of these transactions will decrease during the coming year from 20,000,000 to 16,000,000. Therefore he needs 10 new collectors of internal revenue? It is admitted that in the past during the war there was collected by the present number of collectors twice the amount of revenue that is being collected now, and the Secretary of the Treasury says that the income for the next fiscal year will be still less than it is now. Therefore he says he needs 10 new collectors of internal revenue.

This morning I found among some old musty papers this document, which some gentlemen may perhaps recall:

We pledge ourselves to a carefully planned readjustment to a peace-time basis and to a policy of rigid economy, to the better coordination of departmental activities, to the elimination of unnecessary officials and employees, and to the raising of the standard of individual efficiency.

This pamphlet is labeled—

PLATFORM OF THE REPUBLICAN PARTY, 1920.

We pledge ourselves to the elimination of unnecessary officials and employees.

Gentlemen, have you forgotten what elimination means? It means to reduce employees, and not to increase them. It means to take off the rolls employees instead of adding new ones.

The Republican Party, like the waiter in the restaurant, has lost its eliminator. [Laughter.]

Now, gentlemen, you Republicans promised and we Democrats promised to cut down taxes. You Republicans promised and we Democrats promised to reduce expenditures. If the Democrats were now in power the country would expect them to redeem their pledge. The Republicans were elected, and are now in power. The country, though it may not expect you to do so, wants you to keep that pledge. Democrats in Congress are outnumbered and outvoted. The Democrats can not reduce taxes because we have not the votes to do so. We can not prevent the Republicans from creating new offices, nor can we force them to reduce public expenditures. We can protest, and we solemnly and earnestly do protest.

The people are already heavily burdened with taxes. Farmers, ranchmen, merchants, business men, and others are hard pressed. Under Republican rule conditions are already distressing. Taxes are high. This Republican Congress should keep its promises. It should reduce Government employees. It should cut and cut deep. Economy, economy, and yet more economy should be the password to every committee room of this Congress.

The bill now before the House creates 10 new internal-revenue districts, with 10 new collectors of internal revenue, forces of clerks and appointees, estimated to cost the people $500,000 annually. It should never pass. It should die here, and it should die now.

As a representative of taxpayers, I challenge this Republican Congress to keep its promise to reduce expenses and to reduce taxes. Does the Republican Party believe that it is keeping that pledge when in the face of falling revenues, in the face of decreased transactions with the Internal Revenue Department, you propose by this bill to increase offices and increase expenditures to the extent of $500,000 a year? What do recent elections show unless they show that the people are dissatisfied with Republican rule?

If you are not deaf, do you not hear the rumblings out in Indiana and Illinois? If you are not blind, do you not see the handwriting yonder on the wall? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHANDLER of Oklahoma. I yield the remainder of my time to the gentleman from Michigan [Mr. FORDNEY].

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] is recognized for 15 minutes. [Applause].

Mr. FORDNEY. Mr. Chairman and gentlemen of the House, the gentleman who just took his seat [Mr. CONNALLY of Texas] said that both the Democratic Party and the Republican Party had agreed to reduce the number of people on the Government pay roll. The Republicans have carried out that promise so far, but the Democrats did not. Before the war there were 400,000 Government employees. At the termination of the last administration there were 1,000,000 Government employees. That is the way the Democratic Party reduced the number of employees in office. Before the war there were 1,950,000 employees on the railroads. When the Government turned the roads back to their owners there were about 3,250,000 railroad employees. That is the way the Democrats reduced employees. Before the war freight was carried in this country by the railroads for seventy-two one-hundredths of a cent per ton-mile.

Now the freight rate is 1½ cents per ton-mile, or an increase of 85 per cent.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. Not just now. I will yield afterwhile. But I want to say to my good friend from Oklahoma in charge of this bill that he and I seem to be in the same fix as a young fellow in church. He dropped asleep. The minister was preaching for converts. He asked all the good people that wanted to go to Heaven to stand up. Everybody in the church but that boy stood up. He was asleep. "Now," said the preacher, "please be seated"; and everybody sat down, and in sitting down somebody bumped the boy who was asleep, and by that time the minister said, "All who want to go to hell stand up." The boy heard the words "stand up" and that was all. He rose up, looked around, rubbed his eyes, and said: "Your Reverence, I don't believe I fully understood the question, but you and I seem to be in a hopeless minority here." [Laughter.]

When Mr. Roper was Commissioner of Internal Revenue he came before the Ways and Means Committee. With him came the Secretary of the Treasury, Mr. McAdoo. They both stated that if we would give them $7,000,000 additional money to employ auditors, they would collect $1,000,000,000 of back taxes due the Government. The House gave them that money. This morning the Assistant Secretary of the Treasury told me that there is yet $1,000,000,000, and possibly a billion and a half dollars, of taxes due and that some of the returns for 1917 have not yet been adjusted.

The gentleman from Illinois, my beloved friend [Mr. MADDEN], who is generally right, but goes wrong sometimes as well as the rest of us do, said there was no necessity for this bill. Gentlemen have stated that it is nonsense, crazy, no sense in it. Well, they took no part in presenting it, and of course they think there is no sense in it.

Gentlemen say the revenues have fallen off and therefore we should get along with less revenue collectors. You forget that there has been no increase in the number of revenue collectors of this country for something like 15 years.

The population of the country is increasing, the number of taxpayers is increasing, and it requires as much time to audit a claim for $500 as it does for $5,000,000. Ninety-five per cent of the back taxes due now are in claims of less than $500 each. The administration, both of the present and the past, gave their attention to the settling of the large claims first and let the minor claims go by.

It has been stated, and I want you to bear it in mind, that in 1911 with the same number of collectors we have to-day there were less than 600,000 claims for tax returns. Now there are 16,000,000 claims, and at that time only one payment a year was made. Now there are four payments a year, and you expect the same collectors of internal revenue to give as prompt service with 60,000,000 reports as against less than 600,000 a short time ago.

Mr. MADDEN. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. MADDEN. There must be some mistake about that. There is only one return made in a case in a year. The payment may be divided into quarterly payments, but you only send your check during the other quarters, you do not make a report.

Mr. FORDNEY. Good Lord, man, I received notice a few days ago that my tax report for 1917 was 72 cents short, and they directed me to pay up or the Government would fine me. You forget all this, and our Democratic friends always have said that the appointment to new positions is to give some one a job. That is furthest from the minds of the gentlemen that reported this bill. I suppose you are going to vote it down; that is your privilege, and you can do as you please as far as I am concerned. There is nobody here bound by anybody's say so. I want the right to exercise my own judgment and I yield that privilege to every man here and will not quarrel with you if you do.

But, gentlemen, do you forget that this $1,000,000,000 of back-due taxes is costing the Federal Government $40,000,000 a year in interest? That is 4 per cent. Do you stop to think that while you are spending a few million dollars in creating some new offices in order to expedite the collection of money due this Government you will save one hundred times that much money in interest if you would speedily settle the claims and collect the money into the Treasury of the United States?

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. JOHNSON of Mississippi. Has not the gentleman overlooked the fact that we have recently put on 800 new auditors in the department to look after the very work the gentleman speaks of?

Mr. FORDNEY. No; I was not advised of that. That may be true. If so, it is a wise move. But let me say to you Democrats—and you are a bunch of good fellows—during the early part of 1920 auditors employed by the Democratic Party who looked intelligent, although they were Democrats, were sent to my home town to audit the books of a firm that had made its report on income taxes. The first auditor sent came back with the report that the company's tax returns were correct, but the Government was not satisfied and sent another man to audit those books, and he came back and reported that the company owed the Government an additional $1,100 in taxes. The company appealed to have still another man sent. The third auditor went through the books from top to bottom and reported that the company had overpaid the Government $3,200, and those were Democratic auditors! [Laughter.]

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to address the committee for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, it is seldom that we have the honor of having as a guest of the House one who is soon to be the chief executive of a great neighboring Commonwealth. We have the honor to-day of having with us as a visitor in the gallery, in the company of the distinguished Speaker of this House, General Pedro Nel Ospina, President-elect of the Republic of Colombia. [Applause, the Members rising.] We are all very happy to have him with us, and we wish for him a successful administration of the affairs of our great neighboring Republic. He, I am sure, joins with us in the hope that the friendly relations which have always been maintained between that splendid Republic and ours will continue under his administration and for all the years to come. We wish him and his nation well. [Prolonged applause.]

Mr. CHANDLER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman withhold that for a moment before he makes the motion?

Mr. CHANDLER of Oklahoma. Yes.

Mr. GARRETT of Tennessee. The general debate has been concluded?

Mr. CHANDLER of Oklahoma. Yes.

Mr. GARRETT of Tennessee. Why not go ahead and consider this bill under the five-minute rule?

Mr. CHANDLER of Oklahoma. A number of gentlemen were told that the matter would not come to a vote to-night.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. CHANDLER of Oklahoma. Yes.

Mr. GARRETT of Tennessee. The matter has been very thoroughly discussed, and it seems to me we might very well dispose of it. Why not let us read the bill under the five-minute rule?

Mr. MONDELL. Oh, as a matter of maintaining good faith, which we always try to do, it is important to keep faith with gentlemen who were told that the bill would not be voted on this afternoon.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma that the committee do now rise.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 103, noes 44.

So the motion was agreed to.

Accordingly the committee rose; and Mr. CAMPBELL of Kansas having assumed the chair as Speaker pro tempore, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10877, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I desire to make an announcement relative to the program. The gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules, will, I understand, to-morrow present a rule sending the so-called judges bill to conference, after which the House will consider the so-called Philippine bill, which is now under consideration as unfinished business. We hope to conclude both of those measures to-morrow.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. May we hope that the bill which has just been under consideration will be further considered to-morrow?

Mr. MONDELL. I fear that we are so busy with other matters that it will not be possible to take the bill up to-morrow. Following our usual custom of meeting the desires of the gentleman from Tennessee, however, we may some day take it up.

Mr. GARRETT of Tennessee. Will the gentleman yield? Is not the gentleman from Wyoming now willing to thank me for trying to help him out of the hole he got into this morning?

Mr. MONDELL. Well, we are progressing very nicely.

CONFERENCE REPORT—APPLICATION OF RECLAMATION LAWS TO IRRIGATION DISTRICTS.

Mr. KINKAID. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KINKAID. To present a conference report for printing under the rule.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4382) to provide for the application of the reclamation laws to irrigation districts.

The SPEAKER pro tempore. Ordered to be printed under the rule.

CONFERENCE REPORT—CONTINUANCE OF CERTAIN GOVERNMENT PUBLICATIONS.

Mr. KIESS. Mr. Speaker, I present a conference report for printing.

The SPEAKER pro tempore. The Clerk will report it by title.

The Clerk read as follows:

Senate Joint Resolution 132, to provide for the continuance of certain Government publications.

The SPEAKER pro tempore. Ordered printed under the rule.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. TAYLOR of Tennessee, for 10 days, on account of official business.

Mr. TUCKER, for two days, on account of important business.

EXTENSION OF REMARKS.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill recently under consideration.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks on the bill recently under consideration. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, how recently?

Mr. ANDREWS of Nebraska. Well, just a few moments ago. It is now embalmed; I do not know how much chloroform has been used.

Mr. GARRETT of Tennessee. Is that the bill to create 10 new districts?

Mr. ANDREWS of Nebraska. I think that is the title and purpose of the bill; that is the one.

Mr. GARRETT of Tennessee. The gentleman from New York [Mr. MILLS] agrees that is the title?

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following titles:

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden; and

S. 2440. An act extending the period for homestead entries on the south half of the diminished Colville Indian Reservation.

ADJOURNMENT.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, May 5, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MADDEN: Committee on Appropriations. H. R. 11547. A bill making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau; without amendment (Rept. No. 971). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 11345. A bill authorizing the construction of a bridge across the Allegheny River at or near Freeport, Pa.; without amendment (Rept. No. 972). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 11074. A bill to authorize Federal farm loans on lands under United States reclamation projects; without amendment (Rept. No. 977). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 1087. An act for the relief of H. L. McFarlin; with an amendment (Rept. No. 973). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. S. 2445. An act for the relief of Charles S. Fries; without amendment (Rept. No. 974). Referred to the Committee of the Whole House.

Mr. COLTON: Committee on the Public Lands. H. R. 11355. A bill validating a certain application for and entry of public lands; without amendment (Rept. No. 976). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 11547) making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau; to the Committee of the Whole House on the state of the Union.

By Mr. DUNBAR: A bill (H. R. 11548) to amend the Federal farm loan act, approved July 17, 1916, as amended; to the Committee on Banking and Currency.

By Mr. KAHN: A bill (H. R. 11549) authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes; to the Committee on the Public Lands.

By Mr. MORIN: A bill (H. R. 11550) to establish at the United States Military Academy a department of physical training; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ATKESON: A bill (H. R. 11551) granting a pension to Mary A. Mallory; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11552) appointing James Jones to the grade of warrant officer in the United States Army; to the Committee on Military Affairs.

By Mr. NOLAN: A bill (H. R. 11553) for the relief of Horatio S. Turrell, alias Horatio Seaward; to the Committee on Military Affairs.

By Mr. OGDEN: A bill (H. R. 11554) granting a pension to Jennie L. Church; to the Committee on Invalid Pensions.

By Mr. SCOTT of Tennessee: A bill (H. R. 11555) granting an increase of pension to Walter L. Jewell; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11556) granting a pension to Maria C. Faloon; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 11557) granting an increase of pension to Sarah A. Gill; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11558) granting an increase of pension to Alice A. Mangum; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5446. By the SPEAKER (by request): Resolution adopted by the Presbytery of Long Island at a meeting held at West Hampton Beach, N. Y., indorsing Senate Joint Resolution 31, relative to uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5447. Also (by request), resolution adopted by the Sixteenth Street Highlands Citizens' Association, relative to the proposed changes in the plan of taxation introduced in the pending District appropriation bill; to the Committee on Appropriations.

5448. By Mr. ANDREW of Massachusetts: Petition of Merrimac Council, No. 9, Junior Order United American Mechanics, Merrimac, Mass., favoring passage of House bill 10860, recodifying and amending our naturalization laws; to the Committee on Immigration and Naturalization.

5449. By Mr. CRAGO: Resolution adopted by the Pittsburgh District Dairy Council, of Pittsburgh, Pa., urging the passage of the Voigt bill, which proposed an amendment of the pure food and drugs act in order to prevent the interstate shipment of filled milk; to the Committee on Agriculture.

5450. Also, resolution adopted by the Pennsylvania Society of the Colonial Dames of America, indorsing the legislation now pending in Congress which provides for the retirement on retired officers' pay of disabled emergency officers of the Army of the United States who served in the late war; to the Committee on Military Affairs.

5451. By Mr. CULLEN: Resolution adopted by the Scarsdale (N. Y.) Post of the American Legion, relative to the strength of the Army; to the Committee on Appropriations.

5452. Also, resolution adopted by the Scarsdale (N. Y.) Post of the American Legion, relative to the size of the Navy; to the Committee on Appropriations.

5453. Also, resolution adopted by the Mississippi Valley Association, urging the acceptance of the Henry Ford offer for Muscle Shoals; to the Committee on Military Affairs.

5454. Also, resolution adopted by the directors of the Northern West Virginia Coal Operators' Association at Fairmont, W. Va., relative to incorporating the United Mine Workers of America; to the Committee on the Judiciary.

5455. By Mr. GALLIVAN: Petition of National Guard Association of Massachusetts, recommending certain legislation for the benefit of the National Guard; to the Committee on Military Affairs.

5456. By Mr. KINKAID: Resolution adopted by the Kearney Presbytery, Central City, Nebr., April 13, 1922, urging the passage of House bill 9753; to the Committee on the District of Columbia.

5457. Also, resolution adopted by the Kearney Presbytery, Central City, Nebr., April 13, 1922, urging the passage of House Joint Resolution 131; to the Committee on the Judiciary.

5458. Also, resolution adopted by the Kearney Presbytery, Central City, Nebr., April 13, 1922, urging the passage of Senate Joint Resolution 31; to the Committee on the Judiciary.

5459. By Mr. KISSEL: Petition of Charles Broadway Rouss (Inc.), New York City, urging the enactment of the Smith-McNary bill; to the Committee on Irrigation of Arid Lands.

5460. Also, petition of American Automobile Association, Washington, D. C., relative to the Dunn road bill (H. R. 11131); to the Committee on Roads.

5461. By Mr. LAMPERT: Resolution by the common council of the city of Manitowoc, Wis., protesting against the passage of the Michaelson bill (H. R. 9046); to the Committee on Rivers and Harbors.

5462. By Mr. McARTHUR: Petition of George E. Mack and other residents of Oregon, opposing the passage of House bill 9753, or any Sunday bill; to the Committee on the District of Columbia.

5463. By Mr. NEWTON of Minnesota: Petition of Mrs. Andrew Krom and other residents of Minneapolis, Minn., urging Congress not to pass House bill 9753, or any other Sunday bill, such as, for example, House bill 4388 or Senate bill 1948; to the Committee on the District of Columbia.

5464. By Mr. PERKINS: Petition of Presbytery of Newton, sent from Asbury, N. J., indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States, and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

5465. Also, petition of Presbytery of Newton, sent from Asbury, N. J., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce, and urging its early consideration and passage by Congress; to the Committee on the Judiciary.

5466. By Mr. ROSE: Petition of Altoona Chamber of Commerce, disapproving any efforts to unreasonably reduce the personnel of our armed forces, etc.; to the Committee on Military Affairs.

5467. By Mr. RUCKER: Petition of citizens of Green City, Mo., indorsing House Joint Resolution 131; to the Committee on the Judiciary.

5468. Also, petition of citizens of Green City, Mo., indorsing Senate Joint Resolution 31; to the Committee on the Judiciary.

5469. Also, petition of citizens of Green City, Mo., indorsing House bill 9753; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *May 5, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Calder	Curtis	Elkins
Ball	Capper	Dial	Ernst
Brandegee	Caraway	Dillingham	Fletcher
Broussard	Culberson	du Pont	France
Bursum	Cummins	Edge	Frelinghuysen
Gerry	Lenroot	Page	Townsend
Gooding	Lodge	Phipps	Trammell
Hale	McCormick	Poindexter	Underwood
Harreld	McCumber	Rawson	Wadsworth
Harris	McKellar	Robinson	Walsh, Mass.
Harrison	McLean	Sheppard	Warren
Heflin	McNary	Shortridge	Watson, Ga.
Johnson	Nelson	Simmons	Weller
Jones, Wash.	Newberry	Smoot	Willis
Kendrick	Norris	Sterling	
King	Oddie	Sutherland	
La Follette	Overman	Swanson	

Mr. SHEPPARD. The Senator from Montana [Mr. WALSH] is detained on official business.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained. I ask that this notice may continue through the day.

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a resolution unanimously adopted by the Washington (D. C.) Board of Trade, favoring the continuance of the $240 bonus to Government employees, which was referred to the Committee on Appropriations.

Mr. CAPPER presented a petition of sundry citizens of Kansas City, Kans., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented petitions of members of the Board of Managers of the National Congress of Mothers and Parent-Teachers' Associations, praying for the enactment of legislation extending the charter and granting certain special privileges to the corporation under the laws of the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TOWNSEND presented a resolution of the Chamber of Commerce of Owosso, Mich., favoring the imposition of a tariff duty of at least $2 per hundred pounds on imported Cuban sugar, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Owosso and Bay City, both in the State of Michigan, praying for the imposition of a tariff duty of at least $2 per hundred pounds on imported Cuban sugar, which were ordered to lie on the table.

Mr. SHORTRIDGE presented a letter addressed to the President of the United States by the Grain Trade Association, San Francisco (Calif.) Chamber of Commerce, stating that it was requested by over 5,044 separate owners of agricultural lands in California, aggregating 5,297,821 acres, to use its best efforts to accomplish the enactment of legislation legalizing the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Imperial County, Calif., favoring the enactment of legislation to create a department of education, which was referred to the Committee on Education and Labor.

He also presented resolutions of the men's Bible class, First Baptist Church, of Pomona, Calif., protesting against any measures tending to destroy the effectiveness of the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Vallejo Lodge, No. 559, Benevolent and Protective Order of Elks, of Vallejo, Calif., favoring the enactment of legislation to permit the manufacture and sale of light wines and beers, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Woman's Improvement Club, of Corona, Calif., favoring the enactment of legislation to establish a cooperative experiment station at the University of California, Berkeley, Calif., which was referred to the Committee on Agriculture and Forestry.

Mr. WILLIS presented a resolution adopted by the Presbytery of Mahoning, at Lowellville, Ohio, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Presbytery of Mahoning, at Lowellville, Ohio, favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Mahoning, at Lowellville, Ohio, favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Columbus, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of

Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Paulding, Ohio, praying for the imposition of a tariff duty of $2 per hundred pounds on imported Cuban sugar, which was ordered to lie on the table.

CREDIT FACILITIES FOR AGRICULTURE.

Mr. SIMMONS. Mr. President, I am in receipt of a letter from Des Moines, Iowa, dated May 2, 1922, and signed by L. A. Andrew, president of the Iowa Farm Credit Corporation, with reference to the establishment by the Government of adequate credit and banking facilities to meet the requirements and needs of agriculture and the live-stock raisers in the country. The letter is so very interesting that I ask that the Secretary may read it.

The PRESIDENT pro tempore. Without objection, the Secretary will read the communication.

The reading clerk read as follows:

IOWA FARM CREDIT CORPORATION,
Des Moines, Iowa, May 2, 1922.

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C,

DEAR SIR: We have been much interested in your Senate file 3390, a bill to provide credit facilities for agriculture, and we would like to know the prospects of its becoming a law, as there is great need for such a measure. We notice that three or four bills of this kind have been introduced in Congress the past month, and it is evident that the sentiment is crystallizing quite rapidly that an organization like you propose must be put in force.

The bankers all over the country, particularly in agricultural districts, have found that credit for farmers has not been adequate and could not be furnished for as long a period as the farmer must have to successfully conduct his business. In this State, which claims the honor of being the richest agricultural State in the Union, we have had a very severe time the past 16 months, and most of our troubles have come from trying to finance the farmer entirely through our commercial banks. Our bankers have found that they have had large amounts of good farm paper on which they have not been able to realize at maturity, as farmers had nothing to sell at that time which would pay their notes. Farmers of the Corn Belt must have longer and more credit to conduct their business successfully—credit which will run for from one year to three without causing ruinous liquidation.

In this State we have organized this Iowa Farm Credit Corporation with a capital of $5,000,000, of which the first million is about paid up, so that we have the machinery all ready to take advantage of the measure which you have introduced. Some bankers have raised the plan that this should be financed through the Federal reserve bank. Those who have given the matter much thought realize that it has no place in the Federal reserve system, as that should be kept in very liquid shape to take care of the commercial banking business of the country. It has no place in the Federal land bank system, as that has a field all its own which should not be disturbed with other projects. After giving considerable study to this subject, we are sure that your plan is the best one presented and is very necessary to the success of the country bank and the farmer in financing agriculture.

I would be pleased to be advised as to what you think the prospects are of getting legislation of this kind through at this session. I was talking to our superintendent of banking yesterday, and he agrees with me that such a measure as you propose would be of great help in taking care of long-time credits, which it has been almost impossible for country banks to carry at present.

Respectfully yours,

L. A. ANDREW, *President.*

POTOMAC ELECTRIC POWER CO. RATES.

Mr. JONES of Washington. Mr. President, a few days ago the Senator from Arizona [Mr. ASHURST] presented a statement with reference to the Potomac Electric Power Co. and its rates. Commissioner Keller, of the District of Columbia, has sent me a copy of the letter which he wrote to the Senator from Arizona, with the request that I have it placed in the RECORD. I have conferred with the Senator from Arizona and he is glad to have it printed in the RECORD. I ask unanimous consent that the letter, with the list of cities therein referred to, be printed in the RECORD.

There being no objection, the letter and the list were ordered to be printed in the RECORD as follows:

PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA,
April 24, 1922.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: I have read a statement in regard to electric power rates apparently made by you in the Senate on April 19 and reproduced on page 6218 of the CONGRESSIONAL RECORD of that date. I feel sure you will be glad to know the exact facts as to the rates prevailing in the District of Columbia, which are, as you know, based upon the commission's valuation of the Potomac Electric Power Co.'s property used in the public service and not on its capitalization.

This valuation was made by the commission as of December 31, 1916, and amounted to $11,231,170.43 on that date. Many additions to the property have been made since that time, due to the great increase in the use of electricity, so that on December 31, 1921, the valuation, on the commission's basis, was $18,946,245.30. Following the ascertainment of the valuation of 1916, the commission reduced the rates for electric current approximately 20 per cent, the maximum rate of 10 cents per kilowatt-hour for household consumers being reduced to 8 cents. Owing to large increases in the cost of materials and labor incident to the war, it was necessary for the commission, in 1920, to increase these rates one-half cent per kilowatt-hour. Since then, however, two reductions of 5 per cent each have been made by the commission, so that the rates in effect to-day are as shown on the inclosed table.

These rates compare quite favorably with those in effect in other large cities, some of which are shown on the inclosed list.

It is true that the enforcement of the reduced rates established by the commission is prevented by an injunction of the court, pending the final decision of the courts as to the valuation of this company's property. The trial court (the Supreme Court of the District of Columbia) rendered its decision in March, 1920, sustaining the commission in every particular. The Court of Appeals in November, 1921, reversed the trial court upon the grounds that the court below did not exercise its independent judgment as to both law and facts in reviewing the decision of the commission, and that the commission erred in not considering or allowing for, in its estimate of the reproduction cost, an alleged increase in value of the company's property between July 1, 1914, and December 31, 1916, occasioned by the increased costs of labor and material consequent upon the European war. The United States Supreme Court has allowed the commission an appeal from the decision of the court of appeals and a motion to advance the hearing is now pending.

Since the injunction preventing the enforcement of the lower rates fixed by the commission in 1917 was issued by the court the electric light consumers have paid the rates in force prior to that time, but under the orders of the court the company has been compelled to set aside the difference between the two rates to await the final decision of the courts. The amount so impounded amounted to $2,364,496.23 on December 31, 1921, and is increasing at an average monthly rate of over $50,000.

The Potomac Electric Power Co. has earned on the commission's valuation and at the commission's rates for current the following return in the last five years:

	Per cent.
1917	9.45
1918	8.09
1919	7.68
1920	7.32
1921	8.94

I know you have no desire to create an erroneous impression as to the situation in Washington, which, while complicated by the above-described litigation as to the validity of the commission's valuation of the power company's property, yet shows that the Public Utilities Commission has exerted itself to protect the public, while at the same time not infringing the rights of the public utilities.

While exact comparisons are difficult to make so far as the commission knows, there is no place in the United States where steam-generated power is sold much, if at all, more cheaply than it is in Washington, when the cost of coal is taken into consideration.

Respectfully,

C. KELLER, *Chairman.*

Cities over 100,000 population with maximum rate of 8 cents or more.

City.	State.	Maximum rate (cents).	Remarks.
San Francisco	California	8.0	Plus a surcharge of 6 per cent.
Denver	Colorado	9.0	Less 1 cent discount for prompt payment.
Bridgeport	Connecticut	8.5	
New Haven	do	8.5	
Hartford	do	10.0	
Wilmington	Delaware	9.5	Less 5 per cent discount for prompt payment.
Atlanta	Georgia	9.0	Less 10 per cent discount for prompt payment.
Chicago	Illinois	10.0	Less 1 cent discount for prompt payment.
Kansas City	Kansas	11.0	Less 10 per cent discount for prompt payment.
New Orleans	Louisiana	10.1	Less 1 cent discount for prompt payment.
Baltimore	Maryland	8.0	
Boston	Massachusetts	10.92	
Cambridge	do	9.0	
Fall River	do	11.0	Less 5 per cent discount for prompt payment.
Lowell	do	12.0	Less 10 per cent discount for prompt payment.
Springfield	do	10.0	
Worcester	do	9.0	Less 1 cent discount for prompt payment.
Detroit	Michigan	14.0	Less 10 per cent discount for prompt payment.
Minneapolis	Minnesota	10.0	Less 5 per cent discount for prompt payment.
St. Paul	do	11.0	Less 10 per cent discount for prompt payment.
Kansas City	Missouri	9.12	Less 5 per cent discount for prompt payment.
Newark	New Jersey	10.0	
Camden	do	10.0	
Paterson	do	10.0	
Jersey City	do	10.0	
Trenton	do	10.0	
Albany	New York	8.0	
Rochester	do	8.0	
Yonkers	do	12.0	
Akron	Ohio	8.0	
Cincinnati	do	8.5	
Dayton	do	9.0	Less 5 per cent discount for prompt payment.
Erie	Pennsylvania	9.0	Do.
Philadelphia	do	9.0	
Pittsburgh	do	9.0	Less 1 cent discount for prompt payment.
Reading	do	10.0	
Scranton	do	10.0	
Providence	Rhode Island	10.0	
Memphis	Tennessee	10.0	
Nashville	do	11.0	Less 10 per cent discount for prompt payment.
Fort Worth	Texas	8.0	

Cities over 100,000 population with maximum rate of 8 cents or more—Con.

City.	State.	Maximum rate (cents).	Remarks.
Houston	Texas	9.0	Less 10 per cent discount for prompt payment.
San Antonio	do	11.0	Do.
Norfolk	Virginia	10.0	Do.
Richmond	do	10.0	Do.
Milwaukee	Wisconsin	10.0	Less 5 per cent discount for prompt payment.
Washington	District of Columbia.	7.67	

Schedule of rates, Potomac Electric Power Co.

Schedule.	Rates prior to injunction of 1917.	Present rates prescribed by commission.
A.		
First 60 hours' use	10 cents	7.67 cents.
Second 60 hours' use	10 cents	4.96 cents.
Excess of 120 hours' use	5 cents	4.96 cents.
Minimum charge	$1	75 cents.
B.		
First 30 hours' use	10 cents	7.22 cents.
Excess of 30 hours' use	5 cents	4.51 cents.
Minimum charge	$2.50	$2.26.
C.		
First 50 kilowatt hours	10 cents	7.22 cents.
Next 300 kilowatt hours	9 cents	6.32 cents.
Next 500 kilowatt hours	7 cents	5.42 cents.
Next 1,000 kilowatt hours	4 cents	3.61 cents.
Excess of 1,850 kilowatt hours	3 cents	2.71 cents.
Minimum charge	$1	68 cents.
D.		
First 3,200 kilowatt hours	6 cents	5.415 cents.
3,200 to 3,500 kilowatt hours	Flat sum of $192	$173.28.
3,500 to 4,545 kilowatt hours	5½ cents	4.96375 cents.
4,545 to 5,000 kilowatt hours	Flat sum of $250	$225.625.
5,000 to 7,500 kilowatt hours	5 cents	4.5125 cents.
7,500 to 8,333 kilowatt hours	Flat sum of $375	$338.4375.
8,333 to 11,111 kilowatt hours	4½ cents	4.06125 cents.
11,111 to 12,500 kilowatt hours	Flat sum of $500	$451.25.
Excess of 12,500 kilowatt hours	3 cents	2.7075 cents.
Minimum charge	$125	$112.8125.
E.		
Fixed charges:		
First 20 kilowatts of demand	$3	$2.7075.
Next 30 kilowatts of demand	$2.50	$2.25625.
Next 50 kilowatts of demand	$2.25	$2.030325.
Excess of 100 kilowatts of demand	$2	$1.805.
Energy charges:		
First 250 kilowatt hours	6 cents	5.415 cents.
Next 500 kilowatt hours	5 cents	4.5125 cents.
Next 1,000 kilowatt hours	4 cents	3.61 cents.
Next 12,000 kilowatt hours	2 cents	2.25625 cents.
Next 25,000 kilowatt hours	1 cent	1.35375 cents.
Next 150,000 kilowatt hours	0.9 cents	1.2635 cents.
Excess of 188,750 kilowatt hours	0.8 cents	1.17325 cents.
Minimum charge	$60	$54.15.
F.		
First 1,000 kilowatt hours	6 cents	5.415 cents.
Next 500 kilowatt hours	5 cents	4.5125 cents.
Next 500 kilowatt hours	4 cents	3.61 cents.
Excess of 2,000 kilowatt hours	3 cents	2.7075 cents.
Minimum charge	$25	$22.56.
G.		
First 25 hours' use	10 cents	7.22 cents.
Next 25 hours' use	5 cents	4.51 cents.
Excess of 50 hours' use	3 cents	2.71 cents.
Minimum charge	$25	$22.56.
First 10 kilowatt hours	10 cents	8 cents.
Excess of 10 kilowatt hours	3 cents	3.5 cents.
Minimum charge	$1	75 cents.

REPORT OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3136) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes, reported it with amendments and submitted a report (No. 689) thereon.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that May 4, 1922, they had presented to the President of the United States the enrolled bill (S. 2186) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3551) granting an increase of pension to John Auvley; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3552) granting a pension to Mary Dwyer; to the Committee on Pensions.

A bill (S. 3553) for the relief of the family of Lieut. Henry N. Fallon, retired; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 3554) to increase the limit of cost of the post-office building to be erected at Bakersfield, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. ELKINS:

A bill (S. 3555) for the relief of Adah Lee Mapel; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3556) for the relief of W. R. Grace & Co.; to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 2193) to amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon subsequently signed by the Vice President:

S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; and

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

MAILS ON SHORT LINE RAILROADS OF GEORGIA.

Mr. HARRIS. Mr. President, I am in receipt of a letter from Hon. J. A. J. Henderson, of Ocilla, Ga., the president of the Georgia Short Line Railroad Association. There are 39 of those short lines in the State of Georgia, aggregating 3,000 miles of railroad, and the income of many of them the past two years has been less than the expenses. Mr. Henderson and other business men of my State who have developed and held together these short lines in the face of the business depression we are going through have rendered our people a great service. Unless the revenue from the roads increases it will mean a great hardship to the people living on these roads. There is an effort being made to take away from them the pay they are now receiving for carrying the mails. I ask that the letter be placed in the RECORD in order to give the information contained therein.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF GEORGIA SHORT LINE RAILROAD ASSOCIATION,
Atlanta, Ga., May 1, 1922.

Hon. WILLIAM J. HARRIS,
United States Senate, Washington, D. C.

DEAR SIR: The Georgia Short Line Railroad Association, at a meeting held here recently, passed a resolution protesting against the establishment of mail routes which will result in taking away from the railroads of Georgia the transportation of mails, and against changes in existing mail routes so as to allow individuals or bus lines to carry the mail where the service can be performed by the railroads.

There are in Georgia 39 short-line railroads traversing 96 counties of the State and having an aggregate mileage of 2,934 miles, serving a very large percentage of the population of our State.

We are sure that you have kept up with the situation and that you realize that a large number of these railroads are at present facing a serious situation and that if they are not afforded fair, and even generous treatment, that a great number of them will inevitably have to be dismantled. Should this be done, the owners of the railroads would, of course, be heavy losers; but by far the greater loss would fall upon the citizens of the State who are served by the railroads, but not directly financially interested in them. Many towns, and even small cities, are served by the short lines only, and these are the railroads which serve the people of the rural communities where the trunk lines do not care to or can not afford to go.

A number of railroads in this State have already been junked, and others are certain to be if the conditions do not improve.

Recently, and since the public highways have been paved or improved, a very large number of what are commonly called bus lines have sprung into existence, and these lines have entered into active competition with the railroads, and especially the short-line railroads, as carriers of freight and passengers. They charge identically the same rates

which the railroads are permitted to charge where they compete with the railroads, and much higher rates where there is no railroad competition. They pay no taxes in the counties through which they operate, although the railroads are required to pay heavy taxes wherever they do business.

We understand that the owners of these bus lines are now making an active effort to secure contracts for the carriage of the mail which is now being carried by the railroads. We do not think that this is fair or right, so long as the railroads furnish convenient and adequate service in this respect.

We ask that you investigate this matter, and if you can consistently do so that you use your efforts to prevent contracts for the carriage of the mails being awarded to the bus lines where adequate service is or can be furnished by the rail carriers.

We would be glad to have a letter from you regarding your attitude in this matter.

Yours very truly,

GEORGIA SHORT LINE RAILROAD ASSOCIATION.
By J. A. J. HENDERSON, *President*.

HOUSE BILL REFERRED.

The bill (H. R. 2193) to amend the act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended, was read twice by its title and referred to the Committee on Finance.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, the pending question being on Mr. KING's amendment to the amendment of the Committee on Finance.

The amendment was on page 2, line 10, before the word "cents," to strike out "12" and insert "18," so as to read:

Citric acid, 18 cents per pound.

The amendment to the amendment was to strike out "18" and insert "5," so as to read:

Citric acid, 5 cents per pound.

Mr. UNDERWOOD. Mr. President, before the Senate recessed yesterday afternoon the Senator in charge of the bill, the chairman of the Committee on Finance [Mr. MCCUMBER], made a suggestion in reference to the expedition of the business before the Senate. I listened to him with much interest, as I fully realize the situation that confronts him. I know that no man has a more difficult or laborious task than the chairman of the Committee on Finance or the chairman of the Ways and Means Committee, which committees have charge of tariff bills, because each item contained in such bills is a matter of moment; somebody is interested in it; and therefore there is always unusual delay and debate. On the other hand, the chairman of the committee has to be present all the time the bill is under consideration. He is responsible for all the errors that happen in the game and gets but little credit for the good plays. So my sympathy is entirely with the Senator in charge of the pending bill.

In reference to the Senator's suggestion as to expediting the consideration of the bill, let me say that I am sure there is no effort on this side of the Chamber to filibuster or unduly delay the bill. The Senator from North Dakota and his colleagues think there will be a political asset in the passage of the bill. I am sure that they are honest in their belief about it or they would not champion the bill. On the other hand, Senators on this side of the Chamber feel equally certain that there will be a political liability to the party in power if the bill shall be passed, and that no political asset will grow out of the passage of the bill. So it seems that Senators on both sides of the Chamber are perfecty willing to go to the country and face the issue in the country on the bill, and neither side cares for a delay on that account.

However, what I rose to call the attention of the Senator in charge of the bill to is this: I served for a good many years on the Ways and Means Committee of the House of Representatives and know something about handling tariff bills. This bill comes before the Senate in a very unusual attitude. As a rule, in the past, it has required three or four months for the consideration of a tariff bill. I think more than 3,000 amendments have been reported to this bill by the Committee on Finance. If I am not accurate in that statement, I hope the Senator from North Dakota will correct me; but, as I understand, there are upward of 3,000 amendments which have been reported to the bill. Those amendments are material. Most of them either affect the rate of duty at the customhouse or involve legislation that will directly affect the rate of duty. The very fact that the Finance Committee has reported these amendments demonstrates that, in their judgment, they are material. Being material, it is entirely natural that there should be those in the United States who are opposed to the position of the Finance Committee in reporting the amendments, and if they are, it is perfectly natural that they should in a perfectly legitimate way seek some Senator on the floor of the Senate to voice their views and to express their opposition to the amendments.

Mr. SMOOT. Will the Senator yield to me?

Mr. UNDERWOOD. I will.

Mr. SMOOT. Mr. President, as to the number of amendments to the pending bill which have been reported to the Senate by the Committee on Finance, I wish to say to the Senator from Alabama that the great majority of them have been made necessary because of the change of the basis of valuation in the bill.

Mr. UNDERWOOD. I realize that, but that does not change the result. Of course, I realize, while many of the rates in the House bill are not, on their face, as high as those fixed in the Senate committee amendments, yet, on account of the basis of valuation for the determination of the rates in the House bill being the American wholesale valuation instead of the foreign valuation, many of the House rates are really higher than the rates proposed by the Senate committee. I fully realize the truth of what the Senator from Utah states, but that does not change the situation.

Those who do not desire a high protective tariff—and this bill is a high protective measure in most of its rates—naturally will contend that the Senate committee rates should be reduced. They will desire that the House rates be adopted and at the same time that the Senate committee amendment, providing for foreign valuation, also be agreed to. Right or wrong, that is human nature. I am not now discussing the merits of the measure; I am discussing the question which the Senator from North Dakota suggested last night.

Most of the items of amendment reported by the Senate Finance Committee will be more or less contested. Then when, under the unanimous-consent agreement which the Senator in charge of the bill asked for and obtained to act primarily, in the first instance, on the amendments of the committee, the Senate shall dispose of those amendments, there being over 3,000 of them; then, of course, there will be individual amendments offered to the bill, for the bill involves the great industries of America. There will be, of necessity, amendments offered from the other side of the Chamber by individual Senators who may be interested in a particular matter; and undoubtedly amendments will be offered from this side of the Chamber, entirely independent of the Senate committee amendments. Such amendments will be offered in good faith and without any desire to delay the passage of the bill.

Mr. MCCUMBER. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. I yield to the Senator.

Mr. MCCUMBER. In order that it may not go out that the amendments which have been reported from the Committee on Finance to the Senate amount to 3,000 in number, the exact number, I am informed, is 2,082, and the greater number of those, as has already been suggested by the Senator from Utah [Mr. SMOOT], grow out of the change from an ad valorem rate on the American valuation basis, as is proposed in the bill as it comes from the other House, to an ad valorem rate upon the foreign valuation.

Mr. UNDERWOOD. I realize that. I have just said that.

Mr. KING. If the Senator from Alabama will pardon me, the Senator from North Dakota [Mr. MCCUMBER], in the statement which he has just now made, is including a number of items which are all contained in one basket clause?

Mr. MCCUMBER. Yes; I was speaking simply of the number of amendments.

Mr. KING. So that if we should segregate the items in the basket clauses the number of amendments would be in excess of that stated by the Senator from North Dakota?

Mr. MCCUMBER. In that case the number would not only be in excess of what I have stated, but it would be multiplied several times.

Mr. UNDERWOOD. Undoubtedly. However, whether the amendments be counted according to one method, making the number over 3,000, or counted by the other method, making the number over 2,000, I will assume that the committee amendments number 2,000. I will also assume that the Senate committee amended most of these items because they changed the valuation basis; but that has nothing to do with the discussion. Those who want a lower tariff rate than proposed by the committee will naturally and properly and legitimately contend for that lower rate as against the higher rate.

If the number of amendments aggregates only 2,000, and each amendment is only debated an hour on the average, that would make 2,000 hours of debate, and if the Senate should remain in session from 11 o'clock in the morning until 9 o'clock in the evening, giving 10 hours to a day, which would be about as

long as it would be possible for the Senator in charge of the bill to work the Senate, it would require 200 legislative days to complete the consideration of the amendments. Therefore it is apparent that, without any filibuster, with perfectly good temper on both sides of the Chamber, with a desire on both sides to indulge only in legitimate debate, it is going to be very difficult for the Senator in charge of the bill to get it through this body for a long time to come.

I am not desirous of having night sessions held; of course, none of us is; it is rather a burden on us; but I will say to the Senator that, so far as I am concerned, under the conditions, whenever he says that he thinks it is necessary for night sessions to be held, I will be perfectly willing to cooperate with him, because I realize the condition which is facing his bill.

I am opposed to his bill; I hope it will be defeated; I think the passage of his bill will defeat his party in the coming election; but, nevertheless, his party is in power; they are proposing this legislation, and they are entitled, after due consideration, to have an opportunity to vote on it. If, however, the Senator will allow me, I wish to admonish him that he must not fall out with this side of the Chamber if delays occur, because delays are inherent in the body of the bill itself. The amendments proposed by the committee of necessity are going to cause delay, and they will be followed in good faith by individual amendments after the committee amendments shall have been disposed of. So I think, if we are going to dispose of this bill before the summer, the burden will rest on the Senator in charge of the bill to see that extraneous matters do not come before the Senate. I can not keep them out; I am not in charge of the legislation here. The Senator is in charge of it, and his party is responsible. If he wants a reasonably early consideration of the bill and an opportunity to vote on it before election day comes, he has got to take the burden—and it is an unpleasant burden and the task is a difficult one—on his shoulders, as no one else can, to see that the time of the Senate, except as to such legislation as may come before the body by unanimous consent, is confined to the consideration of the tariff bill.

Mr. McCUMBER. Mr. President, I wish to say to the Senator, if he will allow me, that what he has stated this morning is entirely in line with my suggestion of yesterday. I know that there are a great many amendments reported to the bill, and I know that the time will come when the Senate will want to adjourn. I am anxious that we discuss the amendments and the bill just as long as may be necessary. I tried to admonish Senators yesterday that they ought to quit talking about irrelevant matters. We discussed yesterday and the day before questions which were not before the Senate, and, in a recent instance, about three-quarters of the day was consumed in discussing a subject that had already been voted upon. That was simply taking time that ought to have been given to the consideration of the tariff bill. In the very best of humor and spirit, I have tried to cooperate with Senators upon the other side and upon this side of the Chamber to keep out all extraneous matters, in order that we might give our undivided attention to the tariff bill before us. Of course, there will be other bills of an emergency nature to which we will have to give way, such as appropriation bills and conference reports on appropriation bills, which will come before the Senate. Naturally, to them we will yield, in order that they may be disposed of; but I ask Senators to conform to the suggestion the Senator from Alabama has just made and to meet the expectations of the country that we will dispose as promptly as possible of the tariff bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. McCUMBER. I yield.

Mr. KING. The Senator adverted to the discussion the other day of considerable length dealing with a matter which the Senator says had been disposed of anterior to the discussion. Let me say that the question of leasing the naval oil reserves is important. Frequently extraneous but very important questions arise during the consideration of a bill of paramount importance, and the Senator must not complain if there are occasional diversions in the consideration of the bill now before us.

The Senator from Idaho [Mr. BORAH] yesterday considered that the Semenoff incident and the status of Mr. Bakhmeteff, the reputed ambassador, indeed, probably the de facto if not the de jure ambassador, from Russia, were questions of sufficient importance to bring to the attention of the Senate and the country. Senators have a right to present matters which they regard as worthy of consideration, though the Senator from North Dakota and myself might view them as rather inconsequential. Some persons attribute to current questions an importance which others do not perceive, but the former may be right and the latter wrong. We must therefore exercise the utmost amity and friendliness and cooperation in the disposition of the public business.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. KING. The Senator from North Dakota has the floor.

Mr. HARRISON. The Senator has just taken his seat.

Mr. KING. I yield, then.

Mr. HARRISON. The Senator will recall that yesterday another very important matter was under discussion. Of course, the tariff is an important question, but the question of who is appointed to administer the affairs of the Government is also a very important question to the American people. On yesterday there was read into the record an article, and a speech was made by the Senator from Missouri [Mr. SPENCER], touching the nomination of a Mr. Goldstein, who had taken $2,500 in order to deliver delegates to the last Republican convention and deposited that sum to his credit, and now he is to be rewarded by appointment to an important position in the State of Missouri by this administration. Is not that of sufficient importance to call the attention of the country to, if we are to have that kind of men put upon us here—men who accept money to deliver delegates in a Republican convention?

Mr. KING. That is an important matter and deserves our attention, but the remarks of the Senator bring to my mind another matter which, in my opinion, calls for immediate consideration and action upon the part of the Senate. The matter to which I refer relates to the appointment by the President of the United States of Mr. E. Mont Reily to an important position; and the selection of Mr. Reily, who, in my opinion, is unsuited for the high position for which he was named, seems to support the view that the President too often makes selections for important positions from among those who claim the distinction of being "original Harding men" or were enthusiastic and indeed vociferous supporters of the President for the nomination. Mr. Reily, it is claimed, was one of the "original Missouri Harding men." He was named for the position of Governor of Porto Rico. His appointment by the President, in my opinion, was not welcomed by the Senate, but he was confirmed and immediately entered upon the duties of his office.

His career in Porto Rico has been turbulent, his administration unsatisfactory, and his conduct offensive to the great majority of the bona fide residents of Porto Rico. There have been turmoil and controversies and contentions ever since he reached the island, and there has developed a profound resentment upon the part of the people of Porto Rico, not only against Mr. Reily but it has extended to the administration itself. I might with entire accuracy go further and say that it is producing irritation against the Government itself.

Mr. WILLIS. Mr. President——

Mr. KING. Let me proceed for a moment. In my opinion it will be for the best interests of the people of Porto Rico for Mr. Reily to resign, and if he does not resign, I think the President should name some other person for the position of Governor of Porto Rico.

Some time ago I introduced a bill which is now pending before the Committee on Territories and Insular Possessions, which has for its object the granting to the people of Porto Rico greater political rights and authority. Porto Rico is their home. They were there before the United States took possession of the island, following the War with Spain. We should regard the circumstances under which the flag of the United States was raised over Porto Rico and the island brought within the control and authority of the United States.

The Porto Ricans are an intelligent, progressive, and proud people. Their island belonged to the Kingdom of Spain and was wrested from Spain by force of arms. The conditions under which the people passed from the sovereignty of Spain and under the control of this Government must ever be kept in mind in dealing with Porto Rico and her people. They differ racially from the overwhelming majority of the American people. They have their traditions, their culture, their language, and their laws and institutions. I believe that they sincerely desire the most cordial relations between themselves and the people residing within the States of the Union. They honor and love the flag of this Republic, and I believe that they are proud to be embraced within the territorial possessions of this great Republic. But they feel that they should have something to say concerning their own domestic affairs and the persons who are placed in authority. The people of Porto Rico will love and respect the Constitution of the United States and the institutions of this great Republic if our Government accords to them proper consideration.

I lived in a Territory, and I resented the course of Presidents. They sent men to govern in Territories and to occupy

high positions without the slightest regard for the wishes of the people. That should no longer be done; and Territories, particularly where the inhabitants are different in language and in race from those who reside in continental America, should not have imposed upon them as officials persons who are not in sympathy with the people, who are unacquainted with their language, and particularly who are objectionable to the people themselves.

Mr. Reily was not appointed because of his competency or his acquaintance with the island or the people but because of his political and partisan services. Mr. President, the matter of the appointment and retention of Mr. Reily is a live question and one which will recur again and again so long as the President keeps him in the island.

Mr. WILLIS and Mr. McCUMBER addressed the Chair.

Mr. KING. Permit me to yield first to the Senator from Ohio, who rose a moment ago.

Mr. WILLIS. I simply want to direct the Senator's attention to the statement he made touching appointments by the President of the United States. I understood him to say that they were personal partisans of the President, and the Senator referred to the appointment of Governor Reily. I trust he will not forget, in that connection, that the other important governorship filled by the President was filled by the appointment of his chief opponent, Gen. Leonard Wood, as Governor General of the Philippines. That disposes of the Senator's argument that these are appointments of personal partisans.

Mr. KING. The Senator may eulogize the appointment of General Wood. I do not. I do not believe in appointing military men for civil positions of the character referred to. I think it is a mistake to select a man from the Army and intrust him with the civil administration of the affairs of the Philippine Islands, as it was a mistake to send Colonel Russell to Haiti to exercise more or less of political or governmental authority. General Wood is a man of the highest character and integrity, and according to the ideas of many was equipped to discharge the duties of the high office of Chief Executive of the United States; but it is my view that military men are not the best suited to preside over a great Republic such as this is, nor are they the finest appointments for high civil positions among an alien race. Great Britain has found her best colonial governors not in the army but from among her civil lists. Occasionally some military man has the qualities needed to govern an alien people, but I think these cases constitute the exception.

Mr. WILLIS. Mr. President, I think the Senator will admit that it would not take a very high degree of executive ability to exceed that which characterized the predecessor of General Wood as Governor of the Philippines, because if there ever was an administration that set awry and wrecked a government and left it bankrupt, it was the administration of Governor Harrison in the Philippines. Governor Wood has gone there and has brought order out of chaos.

Mr. KING. The Senator will understand I am not disparaging General Wood, whose fine qualities and great patriotism I am happy to pay tribute to. I am speaking generally of the system, not of individuals. In a democracy there is less reason for military governors and military officers for the execution of civil and governmental powers than in a monarchy or in governments which have large colonial possessions. Theoretically we hold no territory in which the rights of the people are not the same as those enjoyed by all Americans who reside under the flag. If there are Territories, they are to be admitted into the Union as sovereign States. That is the theory of this Government. It was never designed that this Republic should hold millions of alien peoples in subjection and deny to them the full privileges of citizenship and the full rights that appertain to citizens of sovereign States. Military government is less defensible with us than it would be with empires or nations who possess colonies and govern millions of subject peoples.

I do not agree with the Senator as to the alleged chaotic condition in the Philippine Islands. There were some fiscal problems and difficulties in the Philippine government. I have no doubt that when we come to a discussion of the Philippine Islands, and the record of Governor Harrison while there, there will be very much to his credit, and if errors have been committed I feel sure that Governor Harrison will be found free from culpability. Under his administration there was progress in the islands. The people developed intellectually and morally. They increased in wealth and greatly added to the prosperity of the archipelago. Indeed, under Governor Harrison's administration the progress of the islands was remarkable.

The people, of course, should not be judged by the same standards as are applied to the Anglo-Saxon race or to those in this Republic, who have had advantages that perhaps have been denied to other peoples of the world. But the record of moral and educational advancement made by the Filipinos entitles them to great credit.

It is time we should redeem our promises and accord to them a government of their own choice, which will be, in my judgment, a republic fashioned after the pattern of this Nation.

Mr. McCUMBER and Mr. WALSH of Massachusetts addressed the Chair.

The PRESIDENT pro tempore. The Chair desires to say at this moment that there is a rule of the Senate which restricts Senators to two speeches on the same legislative day upon the same question, and the present occupant of the Chair will feel it his duty to enforce that rule. The Senator from North Dakota.

Mr. McCUMBER. Mr. President, I have felt all along that we could get along without enforcing that rigid rule. I was unable yesterday to connect up the matter of the recognition of Mr. Bakhmeteff as ambassador from Russia and the League of Nations discussion with the citric acid amendment. They seemed to me to have no very close relation, and I can not see that the discussion of the matter of Indiana politics had any very close relation to the citric acid amendment, nor have I been able to realize any close relation of what has been said this morning on these extraneous matters with the citric acid amendment. That is the real question that is before the Senate, and while with the best of good nature and the best of intentions the leader on the other side of the Chamber has indicated his willingness and his desire that the Senator in charge of this bill should hold strictly to the matter under consideration, I had hoped that his good advice would be taken early this morning on the other side of the Chamber and on this side and that I would not be asked to make an objection because a Senator had spoken twice on the same day upon the same subject. I do hope now, however, that we can proceed to the discussion of the amendment that is now before the Senate—namely, the amendment concerning citric acid—and vote upon it.

Mr. SIMMONS. Mr. President, I am persuaded to indulge in a few remarks, because I feel that what has been said by implication means that there has been some intentional injection of extraneous matters, resulting in delay in the consideration of this bill, when, as a matter of fact, nothing in the situation as it has developed up to this time justifies such an imputation.

I know it is true that we have nominally had before the Senate for quite a little while the amendments proposed by the Finance Committee and we have acted upon only two or three of them; but, Mr. President, that is not unusual in connection with tariff bills. I think when the Underwood bill was under consideration in the Senate it was probably nearly three weeks before we began to vote upon amendments at all. That bill was made in the open. Senators knew what it contained some considerable time in advance of its being reported, and as soon as it was reported to the Senate they were ready to enter upon a general discussion such as ordinarily precedes voting upon such great and important measures of legislation. The pending bill, Mr. President, was prepared by the majority members of the committee in secret executive session, and the amendments they adopted, numbering over 2,000, were not known until the morning of the day upon which the bill was reported to the Senate. Senators therefore had had no opportunity to study the bill and prepare themselves for general discussion. As a result, instead of having a general discussion of this bill for two or three or four weeks, as is customary, we had to proceed in a few days to the consideration of specific amendments.

Now it is complained that since we reached the consideration of amendments the time of the Senate has been devoted to general discussion. That may be true, Mr. President, but it was general discussion that was held in abeyance by reason of the fact that this bill was framed in secret.

While other tariff bills have been framed in the open, so that we were ready to debate and discuss them and conclude the general discussion almost immediately upon their presentation to the Senate, in this case we have not been able to do it. For that reason we have reached the amendments at an earlier stage; but, Mr. President, the general discussion will have to proceed.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. Yes.

Mr. WALSH of Massachusetts. I should like to ask the Senator from North Carolina, who is the leader of the minority of the Finance Committee, if the practice of drafting bills in secret has not become prevalent in that committee? I note by the

morning paper that the adjusted compensation bill has been drafted in secret by the majority members, and is to be submitted to the President for his approval, and then, I suppose, to be submitted to the Senate.

Mr. SIMMONS. Mr. President, I do not desire to enter into that line of discussion, although I entirely sympathize with the suggestions made by the Senator. I was only discussing that fact in connection with the circumstance that we were not ready, and could not in the nature of things have been ready, to enter upon the general discussion of this bill immediately upon its presentation. General discussion of bills of this character, Mr. President, is not only inevitable but it is very proper. It helps in reaching an understanding as to the items upon which we are to vote, and that understanding contributes toward the facilitation of action with reference to those items.

It is necessary, if we are to act intelligently in casting our votes, that we should understand the general principles upon which the bill is framed, the object in view, and the effect of the tax impositions upon the people of the country and their business. That we can reach only by general discussion. It is not only highly important, therefore, that we have general discussion, but it is necessary that we should have it. There was no opportunity for general discussion before we entered upon the consideration of the schedules. The Senator who is in charge of this bill, I think, will recognize that it is to be expected, as we proceed, that Senators, as they are prepared to deliver general speeches upon this bill, will do so, and the fact that they do deliver them and that their delivery will consume a considerable length of time ought not to be attributed to any desire or purpose to delay action.

I have assured the Senator, not once but twice, that there was no purpose on this side of the Chamber unnecessarily to prolong discussion or in any way to delay speedy action upon his bill. I have said to him frankly, and I meant it, that if this bill must pass, as soon as we have had time to discuss it sufficiently to inform the people as to its provisions and to inform Senators as to what it means so that they may vote intelligently, we will do nothing to delay action; but, on the other hand, we will cooperate with him in securing just as speedy action as is consistent within these limitations.

It is not the purpose of this side to demand discussion on every item in the bill. It is not our purpose to demand yea and nay votes upon every item in the bill. We do desire, however, that in each schedule certain outstanding items, which illustrate the general scheme of customs taxation as exemplified in that particular schedule, shall be given thorough discussion, in order that we may act intelligently upon the other items in that schedule without the elaborate discussion which we deem necessary with respect to the more important and outstanding items.

So the fact that we have had considerable discussion upon the two or three items upon which we have acted does not at all indicate that we are to have the same character of discussion upon all the items in the schedule we are now considering.

Mr. President, while I agree in the main with the statements of the Senator from Alabama, I must express my dissent from what I may term one suggestion on his part. I can not believe that serious consideration will be given to the suggestion, even though it may be necessary in order to secure as quick action upon this bill as the majority desire, that we resort to the expedient of night sessions. I know we have done that frequently, Mr. President, and I believe in many instances it has worked well; but we have done that where we all felt that night sessions would have to be held for only a few nights, and that as a result of holding a limited number of night sessions we would tide over the difficulties which lay between us and final action. Evening sessions have been resorted to, therefore, simply as an emergency proceeding, to accomplish an act which we all felt ought to be accomplished, and when it involved foregoing our comfort and convenience for only a few nights.

To apply the night-session rule to a bill that is probably going to be here for discussion for three or four months, in my judgment, is unthinkable. It is true that many Senators who are not actively engaged in the discussions and who are not charged with special responsibility with reference to the legislation might stand up under such a strain, but I can not understand how it would be possible for the majority members of the Committee on Finance, as well as the minority members of that committee, who have responsibilities which other Senators do not have in connection with this legislation, after working here all day to remain here night after night during the period that would be necessary to pass the tariff bill.

I will cooperate with the Senator in any way that is consistent with the physical ability of Senators, but that suggestion would involve, in my judgment, a scheme that the physical abilities of Senators who are engaged actively in the consideration of this bill would be unable to stand, and I trust that no such action as that is contemplated. It is not necessary, Mr. President. It never has been resorted to in the consideration of a bill of this kind. I will cooperate with the Senator in every time-saving device he may suggest that is consistent with reasonable debate except that, but I will not agree to that. When we are nearing the end, I shall not object to a few night sessions, but I do not think the suggestion should receive consideration at this stage of the consideration of this bill.

Mr. WALSH of Massachusetts. Mr. President, I understand the Senator from Utah [Mr. KING] desires to take the floor to discuss the pending amendment. While waiting for him, and to save calling the roll, may I ask the Senator from North Dakota whether it is contemplated that a favorable report will be made to the Senate shortly on the soldiers' compensation bill, and whether this tariff legislation will be set aside for a discussion of that bill?

Mr. McCUMBER. Mr. President, I will say that that is the purpose. I want to correct the statement which the Senator made this morning, however, that the majority of the committee had adopted an amended bill. That is not the case. I myself have made a number of suggestions, and in order to have the matter brought before the committee I have prepared an amendment to the bill as it passed the House, and that will be presented not only to Republicans but to Democrats as well, as I want to get something, as I have stated, which will be satisfactory to the Congress, to the Executive, to the American soldiers, and to the public; and to get all those things into one bill may be a little difficult.

Mr. WALSH of Massachusetts. How long does the Senator think it will be before the bill can be reported to the Senate?

Mr. McCUMBER. I hope we shall be able to report it within a week.

Mr. WALSH of Massachusetts. When the bill is reported to the Senate, the Senator proposes to lay aside the tariff bill in order to have that measure considered?

Mr. McCUMBER. Yes. I assume that it will not take more than a day or two at most to dispose of it.

Mr. UNDERWOOD. Mr. President, I wish to ask a question of the Senator from North Dakota. I suppose the Senator thinks he has a majority in the Chamber to pass the soldiers' bonus bill, and probably he has; but I am sure he does not think the bill can be passed without considerable debate. That will be impossible. If the Senator sets the example of laying aside this bill for the consideration of other measures, measures which are contested, I am sure he can not expect much cooperation from other Senators to aid him in securing the early passage of the tariff bill.

That is just what I pointed to a moment ago. Unless the chairman of the committee in charge of this bill expects to put its nose to the wall and hold it there until it is passed, I am sure that he can not expect very much progress, because if a Senator can lay it aside for a bill in which he is interested, of course other Senators will want to lay it aside for bills in which they are interested.

I am not discussing the merits of the soldiers' bonus bill. The Senator knows I am opposed to the bill, as I know he is in favor of it. However, our position in the matter is not material. If the Senator can set the example of laying aside this bill to take up a bill in which he is interested, how does he expect other Members of the Senate not to follow his example?

Mr. McCUMBER. Mr. President, I have said that I suppose there will be important measures, measures we ought to dispose of, which will come up from time to time, for which the tariff bill will be temporarily laid aside. That will necessarily occur. I have not stated that there shall be no business in the Senate with the exception of the tariff bill until that is passed. The Senate itself determines that matter. The chairman of the Committee on Finance does not even determine the question as to whether the compensation bill will come up, but it is a very important measure, and a measure on which the American people want a decision. I think it is the desire of the vast majority of the Senate to take that bill up at some time in the very near future and dispose of it, and not to wait until we can finally dispose of the tariff bill, which the Senator from North Carolina has intimated might take four months. I do not think it will take that long a time; I do not think it will take half that time.

Mr. UNDERWOOD. Mr. President, this is all I want to say to the Senator. I am not in charge of this tariff bill, and, of course, I am opposed to it. I have no desire whatever to delay its consideration. I am willing to cooperate in reaching an early disposition of the bill, but if the chairman of the com-

mittee in charge of the tariff bill is going to admit on the floor right in the beginning of the consideration of the bill that he is prepared to lay it aside for other matters which he considers to be of more importance, all I wish to say to him is that when the hot days of July and August come and the tariff bill is still pending here, as it will be if he pursues that course, I do not want him to call in question the action of this side of the Chamber, for, as surely as he pursues that course, we will not pass the tariff bill before the dog days are over.

Mr. McCUMBER. Mr. President, I desire to say that the Senate has charge of all measures before it, and the Senate itself must decide when any measure is of sufficient importance to justify laying aside any bill which is then pending. Undoubtedly the Senate will follow the course it has always pursued when we have a bill before us which we know will take months, and allow that bill to be laid aside for the consideration of important legislation.

I am not so much afraid, let me say to the Senator, of bills coming up and taking time as I am of the discussion of so many matters that have no relation whatever to the business before the Senate. That is where we are killing time. I do not believe when we get down to it that there will be very much trouble between the Senator and myself as to what will be before the Senate.

Mr. UNDERWOOD. The Senator is in favor of laying aside the tariff bill for the consideration of measures in which he is interested, but he is not in favor of other Senators talking about matters in which they are interested.

Mr. McCUMBER. I do not think the Senator is justified in making that statement.

Mr. UNDERWOOD. Of course, the Senator is right in the proposition that the matter is in the last analysis controlled by the Senate, but the Senate on matters of this kind acts through its leader. The Senator in charge of the tariff bill is the leader of the Senate on this question, and his personal attitude toward the bill which he has in charge will govern the situation. If he declares in the beginning that he is prepared to lay aside the tariff bill for the consideration of other measures, he can not take only the measures in which he is interested. Other Senators will be interested in measures which they will want to bring up, and the Senator from North Dakota will demoralize his column before he starts.

The Senator knows that just as well as I do. If the Senator wants to do it, it is his responsibility; let him go ahead and do it; but when the hot days of July and August come I want to tell the Senator right now not to point his finger to this side of the Chamber and charge us with delays on the tariff bill if he proposes to start in the beginning to pursue a course of procedure which will inevitably lead to delay.

Mr. McCUMBER. I have at least 25 or 30 bills in which I am greatly interested, but I am not going to call up any one of them. However, I think that the soldiers' compensation bill will be called up, and it will be called with almost a unanimous vote on the part of the Senate.

Mr. WALSH of Massachusetts. The Senator will have some assistance from this side of the Chamber when that matter comes up.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment offered by the Senator from Utah [Mr. KING] to the amendment of the committee.

Mr. KING. Mr. President, the Senator from California [Mr. JOHNSON] has been called from the Chamber. He is very much interested in the item which is now before the Senate for consideration. In his absence I shall ask that it be temporarily passed over, if that meets the view of the Senator from North Dakota.

Mr. McCUMBER. I did not hear the Senator, as there is some confusion in the Chamber.

Mr. KING. The Senator from California [Mr. JOHNSON], as the Senator from North Dakota knows, has been called from the Chamber to take part in the proceedings of the Committee on Patents. He is interested in the item now before the Senate, citric acid, and in his absence I ask that it may be temporarily passed over. When he returns to the Chamber I am willing that we shall return to that item.

Mr. McCUMBER. The Senator from California is ready to return to the Chamber whenever I send word to him that the citric acid amendment is to be taken up. If the Senator desires, however, just to pass it over temporarily, and discuss some other feature of the bill, there is no objection to that course.

Mr. KING. If the Senator from California is ready to come, I would just as soon proceed now with the citric acid item.

Mr. McCUMBER. Very well; I shall send for him.

Mr. CARAWAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arkansas or does he yield the floor?

Mr. KING. I called attention to the fact that the Senator from California is not here, but he has been sent for, and I yield the floor until he comes.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, as soon as the Senator from California [Mr. JOHNSON] comes into the Chamber I shall yield the floor.

I wish to have placed in the RECORD, because they were sent to me I presume with that expectation, a telegram and an open letter dealing with the Attorney General's connection with the Morse case. The telegram is from Mr. Charles W. Morse, the pardoned man; the open letter is from Mr. H. L. Scaife, an investigator, or was, in the Department of Justice, as I understand.

Before I present them, however, I call attention to an interview in the Washington Post of this morning purporting to be an interview with the Attorney General, in the headlines of which it is said:

Cites letters from Taft and Wickersham clearing him in Morse pardon case.

In the interview the Attorney General says the Morse case was threshed out when he, Daugherty, was a candidate for the United States Senate and settled "satisfactorily." I think it was. The way it was settled reminds me of the man in my country who was trying to marry into a good family and was asked concerning a matter that had come up in the church of which he had been a member. He said, "That matter was settled some years ago, and settled 'entirely satisfactorily.'" He was asked how, and said, "Oh, they turned me out." The Morse case was "settled satisfactorily" when Daugherty was a candidate for the Senate, whenever that was, because he was beaten by a tremendous majority for the office. If that is a satisfactory way to Daugherty to settle the question, it seems to have been also settled satisfactorily. The Attorney General has said as much as one could say without admitting that he got the fee and that he ought not to have taken it. He might just as well confess now as later.

He ought, however, as I said yesterday, to admit that he told the Senator from Indiana [Mr. WATSON] that he did not have any connection with the case, in order to relieve from embarrassment the Senator from Indiana. In the presence of myself and another Democratic Senator a Republican Senator told me yesterday that the Attorney General also told him that he had no connection with this case. He ought also to relieve that Senator from any embarrassment in the matter by saying that when he made that statement he was not candid.

Mr. President, in this latest so-called answer the Attorney General says that the real people in interest "have not yet shown their hands or their heads." I do not know to whom he refers. Nobody is the instigator of my conduct in the matter, if he has any reference to me. No one but Felder and Morse have tried to set me right, and they both are bosom friends of the Attorney General. I came into the case, as I explained on yesterday, rather by accident. I was repeating what I understood was a fact, when the Senator from Indiana denied it, and the controversy arose.

Of course, all now know I was correct. The Attorney General, however, now says that if it does not stop he is going to tell the "real facts." I am curious to know what he means by "the real facts." If he means he did not tell the truth when he made a statement of the case to the Senator from Indiana, he need not do so, because all now know he was not telling the "real facts" then. If he did not tell the truth when he made the statement to the newspaper in Ohio in 1912, just after he procured the pardon, he ought to say so. He says he will tell the real facts if he is not let alone. I want him to tell the real facts, whatever they may be. Incidentally, he says he will expose somebody. That is not exactly his language, but it is its intent, and I will put his interview in the RECORD, so that it may speak for itself. I am curious to know whom he is going to expose. Is he going to expose the President for appointing him? Is he going to expose the junior Senator from Ohio [Mr. WILLIS] for defending him? Is he going to expose the Senator from Indiana [Mr. WATSON] for rising in his defense? Is he going to expose T. B. Felder for writing a letter showing that he employed him and that they were close personal and professional friends? Is he going to expose Morse for sending me a telegram this morning offering to explain how it was that the pardon was granted?

Mr. President, the Attorney General now owes it to himself to say what he means when he says that if we keep on fooling with him he will tell the truth about this one matter, and that if he is hectored he will expose somebody. I want now to know what the truth is and whom he is going to expose. We shall wait with some interest for the Attorney General to make the threat good that he will tell the truth about this matter and that he will expose somebody if he is not let alone.

Mr. President, without objection, I wish to insert in the RECORD the interview with the Attorney General.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

ATTORNEY GENERAL ANSWERS CHARGES—CITES LETTERS FROM TAFT AND WICKERSHAM CLEARING HIM IN MORSE PARDON CASE—WARNS WILL BARE ALL FACTS—DECLARES REAL PEOPLE BEHIND ATTACKS ON HIM HAVE NOT SHOWN THEIR HANDS.

[By the Associated Press.]

Declaration was made by Attorney General Daugherty yesterday that should Democratic discussion in the Senate of his connection with the release in 1912 of Charles W. Morse, New York shipbuilder, from Atlanta *Federal penitentiary*, continue he would make known "the facts." He coupled with this the assertion that "the real people behind this movement, aside from the partisans interested, have not yet shown their hands or their heads."

Shortly after the Attorney General had made his declaration in a formal statement Senator CARAWAY (Democrat), of Arkansas, who has been leading the discussion, renewed his accusations, declaring, despite denials made by Mr. Daugherty's friends since the matter was brought up, Mr. Daugherty at the time of Morse's release "took credit" for obtaining the Executive clemency. The Senator read an interview published in a Columbus (Ohio) newspaper at the time of Morse's pardon, in which Mr. Daugherty, then practicing law in Ohio, was quoted as having said he sought the release of the present shipbuilder so that the financial affairs of a steamship company in which the imprisoned man was interested could be straightened out.

SAYS TAFT ANSWERED CHARGES.

"I will never discuss politics," said Mr. Daugherty in his statement, "but there is little of interest to be said in regard to the article appearing in the newspapers regarding the discussions in the Senate and elsewhere, which constitute an attack upon the administration and naturally an attack upon the Department of Justice. This may be expected from time to time.

"The Morse case of years ago was fully discussed in the newspapers when I was a candidate for United States Senator in Ohio. At that time President Taft and Mr. Wickersham wrote signed letters which immediately stopped discussion and conclusively answered all charges that were made or that ever would be made for any purpose whatsoever. These two letters are in my files and if there is occasion for it I shall send for them and they will be republished.

"The real people behind this movement, aside from the partisans interested, have not yet shown their hands or their heads. Their activities are well known and their purposes are well known. In due time it will all be revealed. The Department of Justice naturally will not be popular with persons who are being brought and will be brought to justice in due course. No activities of the Department of Justice will be inspired or conducted to help any political party. We are not much interested in years ago; that is a thing of the past and was entirely cleared up. What we are now interested in is the Remorse case and others.

"When the facts are fully known we would not expect even the persons now being used for purposes which they do not suspect to ever refer to the matter again."

Mr. CARAWAY. Mr. President, before inserting in the RECORD the telegram from Mr. Morse I wish to say that in 1915 Mr. Justice Siddons was nominated by the President as a justice of the Supreme Court of the District of Columbia. His nomination came to the Senate, but his confirmation was held up by the Republicans on the charge that he had offered to accept a fee to represent a man in prison who wanted a pardon. It was then such a heinous offense that had not Mr. Siddons shown that he had absolutely no knowledge of the matter, and had nothing to do with it, I presume he would have been denied confirmation as a justice of the Supreme Court of the District of Columbia. Now, according to the Senator from Indiana, it is entirely proper for a lawyer to take a fee of that kind, and it does not reflect upon the Attorney General that he had such a reputation for doing those things that a man away down in Georgia, needing an attorney of that kind, went up to Ohio to get him. It is merely curious, Mr. President, how it is so heinous for a Democrat representing a man seeking a pardon to obtain a fee and is so laudable if the man who does the same thing is a Republican. That is not quite all of the Siddons case, but so long as the record is confidential I can not read it.

Now, Mr. President, I wish to insert in the RECORD the telegram from Mr. Morse, who got the pardon, because I rather think I was expected to do it. I think the Attorney General ought to feel grateful for the telegram, because it comes so nobly to his rescue. I take it that Mr. Morse fears he will need the Attorney General again and therefore hastens to his defense, and his defense is ardent.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegram referred to is as follows:

BATH, ME., *May 4, 1922.*

Senator CARAWAY,
United States Senate, Washington, D. C.:

If the press has correctly quoted you, you have been misinformed regarding my physical condition at Atlanta at present time. The commutation accorded me was based wholly on my physical condition as reported to President Taft and General Wickersham by four nurses from Walter Reed Hospital under whose surveillance I was two months at Fort McPherson, and four physicians, I think, from Surgeon General's Office in Washington, whose names I never knew and whom I never heard from, either directly or indirectly, before or since. No physician gave me encouragement of recovery except Dr. Machiafasta, of Rome. Last fall X-rays taken in New York, also Naval Hospital in Washington, showed my left kidney filled with stones, and surgeons wished to operate at once. Being anxious to consult Machiafasta before operation, was on my way to Rome when asked by Department of Justice to return, which I did at once. Have been trying unsuccessfully to secure passports that I may proceed to Rome and consult him.

CHAS. W. MORSE.

Mr. CARAWAY. Mr. President, I also wish to put into the RECORD a letter to Attorney General Daugherty written by Mr. H. L. Scaife. I present this letter without comment other than to say that Mr. Scaife was formerly connected with the Department of Justice, having been one of the inspectors of that department who was relieved of his office because it seems that he wanted to do his duty. And incidentally I understand he is both an intelligent and an honest man.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

5419 FORTY-FIRST STREET NW.,
Washington, D. C., May 3, 1922.

Hon. HARRY M. DAUGHERTY,
Attorney General, Washington, D. C.

DEAR SIR: On April 11 Representative ROY O. WOODRUFF presented to Congress official records showing the failure of the Department of Justice to function in certain whisky frauds and war-graft cases, and that you had ignored a resolution adopted by the House of Representatives nearly two years ago requesting the Attorney General to "institute investigations before grand juries for the purpose of indicting and prosecuting such persons as are guilty of criminal conduct, and to institute civil suits for the recovery of any Government funds which have been fraudulently or illegally paid." The records show that your assistant, Mr. Abram F. Myers, has announced that the cases which were referred to in this resolution have been closed.

The records will show that various cases which were prepared for trial have lain dormant in your department for months after you had been requested by the chairman of the Select Committee on War Expenditures to ask Congress for any amount of money necessary, if you should need funds to prosecute these cases. You made no request for such funds until after Hon. ROYAL C. JOHNSON offered an amendment to the Department of Justice appropriation bill on April 7, 1922, to appropriate $500,000 for the purpose of carrying on these investigations and prosecutions. It is therefore evident that the request for these funds does not come through your initiative. That you have not been hampered in the cases which have been long since prepared for trial by a lack of funds is shown by the fact that, although you were urged to do so last summer by the chairman of the Select Committee on War Expenditures, you failed to ask for funds, and cases which were audited and prepared for trial at the expense of the War Department were withdrawn from the hands of United States attorneys, not on the initiative of any person connected with the Department of Justice, but because of influences exerted by persons on the outside. I refer particularly to the cases of the Wright-Martin Aircraft Corporation and the Lincoln Motor Co. There were various other cases, such as the Phillips & Stephens case, the American Electro Products Co., the American Bosch Magneto Co., and the Chemical Foundation case, which would now be in the courts but for inaction and the removal or suspension of investigators who were working on the same.

Three weeks ago you were quoted in the press with brief references to the allegations contained in Mr. WOODRUFF'S speech, and promises were held out to the public that you would make a more complete reply. The allegations made by Mr. WOODRUFF were definite and tangible and showed willful delay in the prosecution of these cases. The public still awaits your denial of the specific allegations set out in the record and fortified by documentary evidence. Your request for an appropriation at this late day does not answer the questions which must arise in the mind of every intelligent and honest citizen.

Until there is an assurance that present policies and conditions which exist in the Department of Justice are to be changed further appropriations would be ill-advised and untimely. You still retain on the pay roll in connection with these cases men who have not been in sympathy with a clean-up. In order that the people may know whether or not you intend to clean house before there is placed in your custody further appropriations, I ask that you answer the following among the many questions which must inevitably arise in the minds of persons informed as to conditions in the Department of Justice:

1. Why have there been no civil suits and grand jury investigations in the cases of the Wright-Martin Aircraft Corporation, the American Electro Products Co., the Dayton Wright Co., the American Bosch Magneto Co., the Standard Aircraft Cos., the Chemical Foundation Co., and other cases where audits were made and the evidence was available?

2. Were not the Wright-Martin Aircraft Corporation and the Lincoln Motor Co. cases withdrawn from the hands of United States attorneys at the request of persons in no way connected with the Department of Justice?

3. Is it not a fact that you have personally granted hearings to alleged malefactors of great wealth to determine whether or not their cases are to be handled by the courts, and are similar hearings granted to all classes of citizens?

4. Is it not a fact that the Chemical Foundation Co. case was taken out of the hands of other officials of the Department of Justice and is now being handled solely by the President and yourself?

5. Are the Chemical Foundation Co. and the American Bosch Magneto Co. cases interlocked, and do they involve any of the same personalities? If so, whom?

6. Is it not a fact that a number of investigators have been removed or suspended from time to time by Mr. Rush L. Holland, Assistant Attorney General, after they had filed reports that the Government was being defrauded? Will you deny, Mr. Attorney General, that requests for the removal or suspension of any of these men came from persons outside of the Department of Justice?

7. Is it not a fact that the war fraud cases and investigations are now being handled largely by young men who were within the draft age and obtained exemption from military service? Will you deny, Mr. Attorney General, that some of these young men have stated that it was not the policy of the department to prosecute war fraud cases?

8. Is it not a fact that men connected with the Department of Justice are charged with whisky frauds and are still on the Government's pay roll?

9. Is it not a fact that after Congressmen JOHNSON and WOODRUFF addressed their colleagues in Congress on April 11, 1922, you immediately assigned agents Recellar R. Gray (colored), James Connolly, H. F. Crawford, and A. C. Raynor, of the Bureau of Investigation, to shadow these Congressmen and myself; and is it not a fact that you brought various agents of the Bureau of Investigation from out of town to Washington and employed them for the same purpose?

10. Is it not a fact that you had two bags of mail belonging to Congressman ROY O. WOODRUFF shadowed, followed, and inspected? Is it not a fact that Agent H. F. Crawford, of the Bureau of Investigation, followed these bags of mail belonging to Congressman WOODRUFF to the post office in Washington and inspected their contents?

11. Is it not a fact that one of the highest paid agents in the Bureau of Investigation is Rescellar R. Gray, a negro, who has been in your employ for a number of years as a valet and chauffeur for your family, and that this negro was ordered by you to trail these Congressmen and myself? I ask you to affirm or deny that the reports of these agents will show that they were in the House Office Building and that they mention the names of these Congressmen in connection with my own?

12. Is it not a fact that a memorandum was prepared in the Department of Justice urging my arrest; and is it not a fact that you were officially advised that I had committed no violation of law?

13. Is it not a fact that, notwithstanding my clean bill of health, you have turned the machinery of the Department of Justice on me in an effort to discredit me, if possible, notwithstanding the fact that in every particular my record has showed up as clean as a hound's tooth?

14. Is it not a fact that the Bureau of Investigation has been employed for the private use of certain Government officials and in attempts to discredit those who have endeavored to furnish the Department of Justice evidence on which to base prosecutions against influential persons and politicians who have been caught in the meshes of the law?

15. Is it not a fact that Rocellar R. Grey, your negro valet, is now assigned to investigate an alleged robbery of jewelry from persons connected with the British Embassy, instead of turning the case over to the police department?

16. Who is Jess Smith, and what are his functions at the Department of Justice? Is it not true that he has no official position in the Government service, that he has never taken an oath of office, and is it not a fact that he has access to the files of the Department of Justice, that he maintains an office in the department, employing Government stenographers for personal dictation, and that he uses other facilities of the Government which are paid for out of public funds?

You are in a position of great responsibility, and the integrity and dignity of the American Government have been intrusted to your zealous care. A public office is a public trust, and the humblest citizen has the right to call upon you for an account of your stewardship. The allegations contained in the speech of Congressman WOODRUFF are matters of vital concern. If the allegations are true, the machinery of justice is out of gear. If they are not true, they should be denied and an issue framed on any allegation that you are willing to challenge. The speech of Congressman WOODRUFF is now a public document, and if you fail to specifically answer the allegations therein contained, together with the foregoing questions, your failure as a public official is admitted and you should immediately resign your high trust.

Respectfully,

H. L. SCAIFE.

Mr. WILLIS. Mr. President, I have no desire at all to delay the consideration of the important measure, the tariff bill, which is pending before the Senate. I think it ought to be considered constantly and pressed for passage. Therefore I shall take no time to discuss any of the matters alluded to by my friend, the Senator from Arkansas. I do, however, merely wish to say that there are two men who know more about this particular matter, probably, than any other men in the country. One is the gentleman who was the Attorney General of the United States at the time the Morse case was under consideration, and the other is the present distinguished Chief Justice of the United States, who was then the President of the United States.

I have secured from a newspaper man in this city copies of letters, for the authenticity of which I vouch absolutely, one being a letter from the then Attorney General, Mr. Wickersham, and the other a letter from former President, now Chief Justice, Taft. I ask unanimous consent that both letters may be printed in the RECORD without reading.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WILLIS. Certainly.

Mr. KING. I should like to have the letters read, because this question has become quite acute.

Mr. WILLIS. I have no objection to having the letters read. I asked that they be printed in the RECORD because I did not desire to delay the consideration of the pending bill.

Mr. CARAWAY. Mr. President, at the time Mr. Daugherty——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. WILLIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. At the time Mr. Daugherty got those letters from Mr. Taft, Mr. Daugherty was the chairman of the State central committee of Ohio, was he not?

Mr. WILLIS. I do not remember as to that. He was chairman of that committee at different times. Whether he was chairman at that particular time, I do not recall.

Mr. CARAWAY. And Mr. Taft was a candidate for reelection and one T. Roosevelt was crowding him rather closely?

Mr. WILLIS. I think the Senator is mistaken as to the date, but I will look at the letter. I do not think it was written at the time Mr. Taft was a candidate for the Presidency of the United States. His letter is dated November 22, 1915. On that date, of course, Mr. Taft was not a candidate for the Presidency, and had not been a candidate for a number of years.

The PRESIDENT pro tempore. Without objection, the communications will be printed in the RECORD.

Mr. KING. Mr. President, I asked that the letters be read, but I withdraw the request, as I shall read them in the RECORD.

There being no objection, the letters referred to were ordered to be printed in the RECORD, as follows:

NEW HAVEN, CONN., *November 22, 1915.*

Hon. H. M. DAUGHERTY,
Columbus, Ohio.

MY DEAR MR. DAUGHERTY: I have yours of November 17. I write to say that in no way did you influence me in respect to the application for the pardon of Charles Morse. My recollection is that you told me you were counsel for Morse, but that you had declined to present the matter to me. The letter of the Attorney General states the case exactly, and I am glad to confirm what he says in regard to it.

With very best wishes for your future, and with warm appreciation of your kindly support in the past, believe me, my dear Mr. Daugherty,

Sincerely yours,

WM. H. TAFT.

40 WALL STREET,
New York, November 17, 1915.

HARRY M. DAUGHERTY, Esq.,
Columbus, Ohio.

MY DEAR DAUGHERTY: I have your letter of the 15th inst. I am delighted to know that you are a candidate for United States Senator, and that your candidacy stands in such a favorable light. You should have no anxiety whatever from your connection with the Morse case. All that you did in that matter was to bring the subject in a perfectly straightforward way, as an attorney should, before the Attorney General. You made no representations to me, nor, so far as I am aware, to the President, in connection with that case, which deceived us in any respect. As far as I recall, you had nothing to do with the reports of the doctors in charge of Morse, and I do not recall any special insistence on your part with me regarding the matter. A number of different people came to both the President and me very urgently regarding Morse's health, and by the President's direction he was sent to the Government hospital near Atlanta, where he was kept for weeks under the supervision of Army surgeons. Finally, upon their reports, and with the written recommendation of the Surgeon General of the Army, I felt constrained as a matter of humanity to advise the President to pardon him, which was done. It is as far as possible from my thoughts to consider that you played any part in the matter which was not entirely straightforward and honorable.

Very sincerely yours,

GEO. W. WICKERSHAM.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, the item under consideration is citric acid. On that commodity the House bill imposes a duty of 12 cents a pound; the Senate Committee on Finance has increased it to 18 cents a pound. The Underwood-Simmons law imposed a duty of 5 cents a pound and the Payne-Aldrich bill 7 cents a pound. This bill increases the rate above the Payne-Aldrich bill, as will readily be perceived, by nearly 300 per cent. This is only one of the many examples of the enormous increases in rates which are found in this bill over the rates of the discredited and denounced Payne-Aldrich tariff law.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. KING. I yield.

Mr. McCUMBER. I know the Senator does not want to create a wrong inference by his remarks. I will, therefore, call his attention to the fact, which he omitted to state, that under both the Payne-Aldrich and the present law citrate of lime, from which the citric acid is made, was upon the free list, while under the pending bill there is a 6 per cent duty imposed upon the citrate of lime, and, then, allowing 2 pounds of citrate of lime for 1 pound of citric acid, we would have to double that rate, which would be 12 cents. The remaining 6 cents constitutes a differential to cover the difference in the cost of production at home and abroad of citrate of lime.

Mr. KING. Mr. President, I was about to come to citrate of lime, which is dealt with in paragraph 46 of the bill. The Senator's remarks compel me to digress for a moment from the

course which I was pursuing, although I intended to show that we could not fairly deal with citric acid without considering the rate to be placed on citrate of lime. From page 20 in the committee print of the pending bill, paragraph 46, it appears that the duty on citrate of lime adopted by the House was 7 cents a pound, while the Committee on Finance has reduced that to 6 cents a pound. The Senator says that under the Payne-Aldrich Act, as well as under the Underwood-Simmons law, citrate of lime was on the free list.

Mr. McCUMBER. I wish to correct the statement made by me; I was mistaken. Under the Underwood-Simmons law a duty of 1 cent a pound was imposed, while under the Payne-Aldrich bill the commodity was free.

Mr. KING. I thank the Senator. I was in error also. The Underwood law laid a duty of 1 cent per pound. Of course, Mr. President, if there is any relation—and under the theory of tariff bills there is—between citrate of lime and citric acid, then, if the tariff on citrate of lime be increased, then, according to the stepladder, the illogical, and too often unfair and unjust method adopted in the formulation of tariff bills, the duty on the finished product should be greatly augmented. I may add parenthetically that it has become a habit in the framing of tariff bills for the proponents of a tariff rate on the finished product to suggest a rate which is tentatively accepted. Then the proponents of a tariff rate upon the raw material make suggestions and demands, and when they have won their fight and the rate upon the raw material or upon the intermediate has been raised to altitudinous heights, which in the end must become oppressive upon the people, not only to those who purchase the raw material or the intermediate product but also those who use the finished product, then the manufacturer or the purchaser of the raw article returns to the framers of tariff bills and demands higher rates for his commodity, because he will be compelled to pay higher prices for the materials employed in his factory for the fabrication of the commodities which he manufactures. Then those interested in the production of raw materials or intermediates say that the rate which is finally fixed for the manufacturers of the finished product does not bear a proper relationship to the raw material or to the intermediates, and they in turn demand an increase in the rates upon the raw or the intermediate product; and so, Mr. President, by this stepladder process the rates upon the raw materials are further increased. These are transferred, of course, to the intermediates and to the finished products, which, when completed, carry to the ultimate consumer all of the antecedent tariff exactions. The ultimate consumer must pay all these increases, as they are passed on, finally resting upon him with deadly consequences.

We all remember the fabled Atlas of mythology, with bowed back bending beneath the weight of the world. The ultimate consumer is not a fabled Atlas, but he becomes incarnate in the mighty people, the ultimate consumers of the United States, and upon their bowed backs are placed the heavy burdens which result from imprudent or odious laws.

Mr. McLEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. KING. I yield.

Mr. McLEAN. I gather from the Senator's declaration that he does not believe in protective tariffs at all.

Mr. KING. Mr. President, the Senator from Connecticut is not a prophet nor the son of a prohpet. Though a Yankee, he is not always a good guesser.

The protective tariff, or the principle of protection, is not involved in this bill. This bill is not framed upon any rational protective theory. It is designed to give monopolies to domestic manufacturers and to strangle competition. Its consequences must be the placing of unjust burdens upon the people. Reasonable protection, or fair protection in behalf of infant or struggling industries, is not, I repeat, involved in this bill.

The Senator from Connecticut, with his splendid abilities, is indoctrinated with the most extreme views respecting tariff prohibitions. He believes in erecting tariff walls behind which the domestic industries of the United States will take refuge, and thus, buttressed and protected, they will ride over the prostrate forms of labor and exploit consuming masses of the country. Already many of these industries have grown fabulously rich by their profiteering policies and their imposition upon the public.

Mr. McLEAN. Assuming that this country has grown rich under a protective tariff, does the Senator think that we now ought to bear the burdens of the rest of the world by subjecting our industries to the ruinous competition of the low-cost countries of Europe?

Mr. KING. Mr. President, that is always the cry.

Mr. McLEAN. I will——

Mr. KING. Does the Senator want me to answer his question?

Mr. McLEAN. No; I will save the Senator the necessity of answering it.

Mr. KING. The Senator must not ask questions if he does not want them answered.

Mr. McLEAN. Instead of having the Senator answer that question, I will simply repeat my first question: Is the Senator in favor of a protective tariff?

Mr. KING. I shall briefly reply to the Senator. But he can not ask a question in my time and then dodge it. I desire to answer the first one.

Mr. McLEAN. The Senator can answer both, but I should like to have an answer to the first one first.

Mr. KING. The Senator can not always select the forum in which he wants to contest.

Mr. McLEAN. It would not take the Senator very long to answer my first question.

Mr. KING. Oh, well, the Senator need not grow impatient. It did not take him long to ask it, although he has been drilled for many years in a system of protectionism which, as I view it, binds the people for the benefit of the protected classes. But let us come back to the last question which the Senator asked and which he sought to withdraw.

His question, in effect, was whether I believed in our bearing the burdens of the world, and the assumption was that we would bear the burdens of the world if we did not pass the odious bill which is now before us, and to the framing of which he so powerfully contributed. Doubtless he has pride in his offspring and I can not complain at his attitude toward this bill, nor find fault with the evident pride he exhibits in its form and qualities.

Mr. President, I do not concede that a fair and rational economic policy will involve the destruction of American industry or subject the United States to burdens or produce ruinous competition because of conditions in Europe. The Senator again implies that a proper tariff law prevents all competition from abroad; indeed, that it awards to the domestic producer a complete monopoly. I do not have the time now to enter into a discussion of labor conditions or the cost of labor abroad, or to institute a comparison between labor costs in other lands and those in the United States. A consideration of that question would involve also the question of the superior advantages which the United States has in raw material, in resources, in the intelligence and genius and skill of the American workingman, and a multitude of other questions, all of which are directly related to the question of the cost of production in the United States and the cost of production abroad. I deny that a proper tariff bill is a free-trade measure or that the Democratic Party is supporting a free-trade policy. I deny that a proper economic and tariff policy will place the burdens of the world upon the United States. Indeed, I insist that a rational trade policy and a sensible and statesmanlike tariff law will increase the prosperity of the United States, multiply the manufacturing institutions, add to the capital invested, and furnish employment to the American people at wages which will be remunerative. In other words, Mr. President, I am for a tariff policy and for economic, industrial, and, if I may use the term, "trade policies" which will increase American production and open the markets of the world to the great surplus of commodities which will be inevitable if the United States pursues a wise and rational economic policy.

The Senator, during the debate upon the emergency tariff bill, as I recall his utterances then, insisted that the Underwood-Simmons bill was a free-trade measure. Of course, he was inaccurate. Many of its duties are very high. Indeed, it was charged by some Republicans when it was under consideration that it was but an indifferent reduction below many of the rates of the Payne-Aldrich tariff law. A sufficient answer to the contention of the Senator made at the time referred to and implied in his questions to-day is found in the fact that the Democratic Party never has enacted a free-trade law, and I can assure the Senator that it never will enact a free-trade measure.

The position of the Senator doubtless is that under the Underwood law the American manufacturers are being subjected to ruinous competition and that we are bearing the burdens of the world. Mr. President, our exports exceed our imports, and have done so ever since the Underwood law was enacted. Our enormous exports have been due largely to the fact that we did receive imports. In other words, there was trade between the United States and other nations. We exported the products of which we had a surplus and received in part payment therefor products which we needed and of which our vendees had a surplus.

Since the passage of the Underwood law the wealth of the United States increased from one hundred and eighty-seven billions to more than three hundred billions. It is true that after the Republicans came into power there was a great reduction in the wealth of our country. Under the operation of the Underwood-Simmons law the chemical products of the United States increased from approximately three and one-quarter billions annually to more than five billions and the capital invested increased from more than two billions to more than five billions.

Mr. McLEAN. That was entirely due to the war.

Mr. KING. Of course, the Senator will say it was due to the war. That is always the cry of the Republicans. When prosperity comes under Democratic régime it must not be ascribed to Democratic policies.

Mr. McLEAN. The war virtually repealed the Underwood Act for the time being.

Mr. KING. Mr. President, I repeat that the prosperity of the people of the United States was never greater than under that law. The industrial and manufacturing development of the United States under that law never has been surpassed.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. Yes.

Mr. LENROOT. Will not the Senator tell the Senate in what way the Underwood law was responsible for that prosperity?

Mr. KING. Mr. President, the Underwood bill removed obstacles to our foreign commerce, thus increasing it. This increase added to the national wealth and to the prosperity of the people.

Mr. LENROOT rose.

Mr. KING. Permit me to complete my thought. The Senator with his knowledge of economic matters and historical precedents knows that the great struggle among nations has been to enlarge the field of trade and commerce, not only of individuals but of communities and states and nations. With the breaking down of a narrow and provincial attitude, nations found markets for their products, and thus added to the richness of the nation and the wealth of their people. Prohibitory tariffs, either as the result of law or edicts or military proclamations, stood in the way for centuries of international trade, but when people became more enlightened and perceived the interdependence of communities and states, a broader and more catholic spirit exhibited itself, not only in enlarged travel and interchange of thoughts and views but also in an interchange of commodities.

The Underwood law was in the interest of greater international trade. Trade does not impoverish, it benefits. The more we trade the greater are our products, and as our products are multiplied our factories and plants are increased in number and more people find profitable employment. It is an economic maxim that as we increase our foreign trade we add to the prosperity of our country. Under the Payne-Aldrich law rates were so high as to constitute impediments to the development of our foreign trade. This law was condemned by the progressive and thoughtful people in the Republican Party as well as by Democrats. It was admitted by many Republicans that the rates were dictated by trusts and were calculated to give a monopoly of the domestic market to the American producer. Paralysis in our industrial life was threatened and the evils flowing from this law provoked resentment and discontent and led to the overthrow of the Republican Party.

The Underwood law, taking full cognizance of infant industries, but recognizing the importance of obtaining foreign trade, removed many of the barriers constructed by the Payne-Aldrich law. Thus our foreign market increased, and with this increase greater domestic production resulted. Opening foreign markets for our surplus products was one of the objects of the Underwood law. This it accomplished. Any policy that will increase our foreign trade will add to our prosperity. May I add that the United States with its limitless natural resources and with its inexhaustible supply of primary products, raw and intermediate products, that enter into the industrial and manufacturing activities of the people need fear no competitor in all the world.

Unless it does find foreign markets, its industrial expansion will not keep pace with that of other nations, nor will it play the great part which it should in the world in virtue of the bountiful gifts which have by a merciful Providence been bestowed upon this favored land.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. LENROOT. Does not the Senator admit that the primary object of the Underwood law was to permit dutiable imports to come in more freely than under the Payne-Aldrich law?

Mr. KING. In my opinion one of the chief objects of the Underwood law was revenue. Undoubtedly it was believed that there would be larger imports because the exports would be greatly increased. The country demanded the repeal of the odious Payne-Aldrich law, and the Democrats in repealing that act, of course, were required to enact another in its place. They believed that several hundred millions of dollars should be raised from duties upon imports. They transferred to the free list a large number of important commodities in order that the burdens of the people might be lightened and prices upon necessities of life might be reduced to proper levels. They recognized that a proper tariff measure would stimulate exports, thus increasing production, and that as exports were increased there would be an increase in imports. So I frankly say to the Senator that it was expected that there would be a greater volume of imports.

But in drafting the Underwood law, keeping in mind the question of revenue, there was the thought that in laying duties incidental protection would result, and it was desired that it should in behalf of certain industries. The Democratic Party believes in the development of industries. It recognizes there could be no exports unless we had large domestic production. It recognizes the fact that we have the resources to produce greatly in excess of the needs of the people and that it is imperative that foreign markets be found for the excess production.

The Underwood law, fashioned for the purpose of increasing domestic production, was so framed as to enlarge our foreign exports and greatly increase our foreign trade and commerce. The Democratic Party recognized that the mercantile system is obsolete and that prohibitive tariffs are an anachronism. They accepted the more enlightened views of Adam Smith, a political economist, who perceived the importance of international relations which include international trade and commerce.

The industrial progress of the American people would be seriously retarded if policies should be adopted that would cut off imports. It is a popular cry to talk about producing everything that we consume. Experience demonstrates that civilization advanced as differentiation occurred in the industrial and social lives of the people. When individuals began to trade among themselves they began to prosper, and when communities engaged in trade and commerce their progress and prosperity became manifest. Even the Crusades, which brought many of the uncultured and narrow peoples of western Europe into contact with the Levant, not only broadened their views and advanced their learning, but greatly stimulated their industrial life, and thus brought added prosperity to the people. No community can live alone. If it succeeded it would enter upon the path of decay and intellectual and moral and economic stagnation and death. When the people of a community can find markets beyond their narrow territorial boundaries they diversify their labor, intensify their efforts, increase their production, and thus expand their exports. For their exports they receive in return metallic money, or bills of exchange, or commodities produced by those to whom they sell.

Thus by reciprocal trade and commerce communities and nations grow in wealth.

Mr. LENROOT. Does the Senator contend that the Underwood law did provide that reciprocal trade and commerce?

Mr. KING. Mr. President, any bill which removes obstacles and impediments, particularly those which are irrational and which are aimed against trade and commerce, will bring about reciprocal trade.

Mr. LENROOT. Did it?

Mr. KING. Yes.

Mr. LENROOT. The Senator says it did?

Mr. KING. The trade between the United States and Canada increased under the Underwood law, and the trade between the United States and Great Britain increased under the Underwood law. I grant that after the war was over the imports into the United States may not have borne the same relation to the exports they had borne at other times in the history of the Republic.

Mr. LENROOT. Will not the Senator admit that during the period in which the wealth of the United States increased there were practically no imports from Europe under the Underwood law?

Mr. KING. No; I do not agree with the Senator at all. I speak only from memory, but, as I recollect, our imports in 1919 were approximately between four and five billion dollars,

and our exports were approximately eight billion, so that our total foreign commerce exceeded $13,000,000,000. Certainly that $13,000,000,000 was not all exports. We exported American products of the value of $8,000,000,000, and in 1920 our exports slightly exceeded $8,000,000,000. In 1919 our imports were approximately $4,000,000,000, and in 1920 they were more than five and one-quarter billions of dollars.

The Underwood law was in effect at that time. As I stated, we imported billions of dollars worth of goods, and we exported billions of dollars worth of American products.

Mr. LENROOT. How could the Underwood law have been a factor when those exports were paid for with American money and American credit? Europe is owing for them to-day.

Mr. KING. The question of how they are paid for is not always the consideration. It is not accurate to say that we paid for them all with American credit and American money, because, as I have stated, the imports were from 1913 to 1920, and during the latter year they were in excess of $5,000,000,000.

I repeat that the intimation implied in the suggestion or question of the Senator that all of our exports were paid for by American money and with American credits is not accurate, because the records show we imported during the years between 1914 and 1920 commodities of the value of many billions of dollars. My criticism is that Senators on the other side of the Chamber—the troglodytes who are defending this bill, the die-hards who do not want trade with other nations—are fighting for a bill that will aid in the accomplishment of their purpose. Under the Underwood Act there have been large imports of all classes of commodities; but the inference of the Senator from Wisconsin was that there had been no imports, that though there had been extensive exports, no payments had been made by the purchasers, except as we might denominate credits and money loaned by us as payments.

Mr. LENROOT. Mr. President, I am sure the Senator does not wish to misquote me.

Mr. KING. Indeed I do not.

Mr. LENROOT. I did not say there were no imports. What I did say was this, that during the period when the wealth of the United States increased, we had no imports from Europe, practically speaking.

Mr. KING. With all due respect to the great knowledge of the Senator, I respectfully submit that he is in error. There were imports, and if the Senator will look at the figures of the imports in 1917, 1918, 1919, and 1920 he will discover that the imports aggregated many billions of dollars and that such imports consisted of thousands of commodities for the use and benefit of the American people. Our Republican friends were crying out against any imports, which must mean restricted exports. They want to build a wall around the United States so that other nations may have no access to our shores or bring to us any of their products, though desired by the American people.

I am surprised that the troglodytes upon the other side do not try to exclude the ideas, the literature, the learning, the morals, and the ethics which are found in other lands. We ought to keep out Lady Astor, and Professor Einstein, and H. G. Wells, and Mr. Galsworthy, and Gilbert K. Chesterton, and the scientific men, and the great leaders in thought who constantly seek our shores. Their ideas may be pernicious and conflict with the narrow complacency of some antique Americans.

It has been said, Mr. President, that ideas are the precursors of revolutions and are the iconoclasts that batter down the walls of ignorance and provincialism. Ralph Waldo Emerson speaks of the thinkers—the men of ideas who carry a revolution in their vest pockets. Our friends upon the other side do not want new ideas. They do not want the products of other nations. So they are determined to pass and will pass this tariff bill.

Mr. President, recurring to the question of my friend from Connecticut—I am not going to lose sight of him—I deny that the Democratic Party seeks to place upon the back of the United States the burdens of the world. The mission of the United States, primarily, is to develop the resources of the United States, but in developing the resources of the United States and adding to its riches we are benefiting the world. It is just like the accretions which result to the moral reservoir of the world. Every good deed done, whether by pagan or Christian, then, is an addition to the moral reservoir which supplies the inspiration for the enlightenment of the world.

Our Republican friends seem to think that you can make greater progress materially, intellectually, and morally by isolation. That I deny. The Democratic theory is that while developing your own country you should so shape your legislation that you will aid other peoples and other lands. Indeed, if you seek a selfish policy you not only place obstacles in the pathway of national progress but you offer impediments to international growth and development.

Narrow and selfish policies may promote temporary gains to individuals and nations, but ultimately the advantages are lost and humiliation comes to those who follow a course so illusory. The men and nations who lead, and who accomplish, and who serve, and who attain honor and glory and immortality are the ones who possess sympathy and altruism and broad international concepts. To-day, more than ever, this world needs great leaders—men of vision who can see a unity of purpose in all the activities of men and in the unfolding of humanity.

Returning to the theme suggested by the Senator from Wisconsin, the greater our domestic production the more capital will be required and the greater will be the rewards for labor. We must find markets for our surplus agricultural crops. We have enormous quantities of wheat and corn and cotton and agricultural products which must find purchasers across the seas. Our agricultural products could be increased, as could our mineral products, and no one can measure the potential greatness of this country in its manufacturing possibilities.

The cattle and the sheep men produce more than the domestic market consumes. The great packing plants have shipped abroad their products to the value of billions, and as their exports increased the live-stock industry expanded and the wealth of the Nation was augmented. When Europe could not take the cotton from the South, the people of the Southern States reached the verge of bankruptcy. The Senator from South Carolina [Mr. DIAL] will correct me if I am in error.

Mr. DIAL. The Senator is correct.

Mr. KING. And I think the Senator will corroborate my statement that the greater part of the cotton crop of the South must find a foreign market.

Mr. DIAL. About one-half.

Mr. KING. The Senator knows that if it were not for the foreign markets the South to-day and in the future would be in the bankruptcy court.

Mr. DIAL. We are already about there.

Mr. KING. Mr. President, it is imperative that we extend our foreign trade; and yet we are considering a bill to limit it. Our business men who have any enlightenment and vision are now sending representatives to China, Japan, Australia, and even to the Dutch possessions in the Far East, to Siberia, and to nearly every European country, as well as to South America, for the purpose of finding markets.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. KING. I yield.

Mr. SHORTRIDGE. I desire to ask my friend a question. Of course, I can not insist upon a categorical answer; but does the Senator contend that by surrendering our home market we will gain any foreign market?

Mr. KING. Mr. President, there is no such question involved as the surrender of our home market. That is always the cry of the troglodytes—that we will surrender our home market if we trade with other peoples; or, at least, they contend that we must prohibit any products from foreign countries coming into the United States. There is no proposition to surrender our home market. The Democrats insist upon a policy which will greatly increase domestic production, thus enlarging the home market, and at the same time expanding the foreign or export market. So I answer categorically, Mr. President, that there is no purpose to surrender the home market.

Mr. SHORTRIDGE. Then I ask the Senator this question: Does he think that the producers in Utah of many products, the producers in California of many products, can compete with oriental producers of like products without our imposing what might be called high, but what I would term adequate, tariff protection? In other words, does the Senator favor, to use the phrase which describes accurately the two schools of economics, a free-trade policy in respect to oriental products, or the protective-tariff policy?

Mr. KING. Mr. President, I repeat what I have said before, that there is no question of free trade involved in the discussion of the present tariff bill. The Democrats have not advocated, nor do they now advocate, free trade. We are here fighting an odious bill, which is in the interest of the trusts and oppressive to the American people. The bill which the troglodytes, our "die-hards" in the Senator's party, have placed before us does not in the slightest degree involve the question of reasonable protection for American products which possibly might come into competition with foreign products.

If the Senator's party had reported a bill with even the schedules of the Payne-Aldrich Tariff Act, which divided and destroyed for the time being the Republican Party, some of us on this side of the aisle would not have been criticizing it so vehemently as we have the pending measure. The Senator knows that Republicans denounced the Payne-Aldrich law more bitterly than Democrats have denounced this bill, and the country supported them. Can he wonder that Democrats are denouncing this bill when it is so much worse than the former?

My friend refers to western products, including copper produced in Utah. Our mines have been closed because Germany and other countries who would have purchased our copper were unable to make payment for the same owing to the economic conditions in Europe and the unwise policies of the Republican Party. I desire the adoption of a policy which will enable Germany and other nations to buy copper from Utah and Montana as well as the cotton from the South, the surplus agricultural products of the United States, and the thousands of commodities which we can and do produce in quantities greatly in excess of our domestic needs.

The Senator from California is here to-day with his keen eye upon the items known as citric acid and citrate of lime——

Mr. SHORTRIDGE. And olives.

Mr. KING. Yes; and olives.

Mr. SHORTRIDGE. And almonds, and all citrus fruits, and rice, and long-staple cotton, and beans, and quicksilver.

Mr. KING. The Senator from California, living in a rich State, rich in so many things, in great men——

Mr. SHORTRIDGE. Only excelled by Utah.

Mr. KING. And charming women, and formerly in the fruit of the vine, is here with that delightful selfishness which manifests itself in his demand that California shall have a tariff upon whatever she produces. The Senator—and I say it without any disparagement of his high conception of ethics and morals—is perfectly willing to make the rates so high upon oranges, lemons, olives, almonds, citrate of lime, and citric acid that the millions of American people who are compelled to use them would pay tribute to his State, pay an unjust tax, which would amount to millions annually.

Permit me to say, Mr. President, that I want the people of California to be prosperous. They are now the most prosperous people in the United States, and California is the most prosperous State in the Union to-day. It has potentialities denied to other States. And its future is assured. It is a great State, and looks out upon the Pacific—the guardian of our western shores.

Mr. SHORTRIDGE. Mr. President, the beautiful tribute which my friend pays to California robs me almost of the weapons of warfare. But I wish to say that I would stand and shall stand just as earnestly for the industries of Utah as I am standing for those of California. I would like to ask the Senator his views with regard to the great wool industry and the lead industry of his own State. They need protection, and the Republican Party is willing to give them that protection.

Moreover, if I may interrupt the Senator a moment only, we look ahead. The industries of California may be put out, the industries of Utah may be put out, upon the theory that the consumers of those products will benefit. But we look ahead and, judging by the past, we think we know that when the industries of this country have been put out we not only deprive our people of employment and wages but ultimately, when we shall again become dependent upon the foreigner, we will be in his power, and prices will not be lower than they are under a competitive system in America, with our industries protected by adequate tariff duties. In other words, we are not asking the consumers ultimately to pay more. What we want is to give work and wages to our own people, the Senator's people in Utah and ours in California.

The same doctrine would apply in every State in the Union. Moreover, we can not gain a foreign market for copper, for lead, for any product of America by surrendering, as we shall surrender, our own markets. The American producer can not compete with the cheaply paid labor of the Orient or of Europe.

There are two schools of economics. I have never hesitated to answer categorically that I believe in the doctrine in which Washington believed, in which Andrew Jackson believed, in which all the great Whig statesmen believed, and in which all the great Republican statesmen believed and now believe. Others, for whom I have great intellectual respect, recognizing their abilities, hold to another theory. What I would like the Senator to make answer to, if he cares to do so, is whether he grounds his whole argument upon what has been called the free-trade policy, the Cobden theory, or upon what I call the Washington, the Lincoln, the Garfield, the McKinley, the Harding theory, namely, the American protective theory in the fixing of customs duties and rates. If a man is a free trader he can support his cause as best he may. The people of America recognize those two schools. If the Senator from Utah is a free trader, let us know it. If he is a protective-tariff man I would like to know that.

So I say, begging the Senator's pardon for interrupting so much, because it is not my habit to interrupt Senators when they are making their thoughtful arguments, that the subject comes home to every Senator as it does to every man, woman, and child in America.

I add to what I said a moment ago by saying that I know conditions in my State, and I have a fairly accurate knowledge of conditions in Japan, China, and in the Far East. We have certain interests in California which will perish unless they are adequately protected. I know there are industries in Louisiana which will perish unless they are adequately protected. I think there are industries in Utah which will perish unless they are adequately protected. The bill which we have framed and submitted here undertakes to and will protect those industries of the several States.

Adjectives do not add to argument. Hereafter perhaps, if I shall gain the attention of the Senate, I may reply to the Senator's favorite phrase touching the character of the party to which I am very proud to belong; but I would be very glad if the Senator once for all would take his stand upon one platform or the other. I am familiar with the history of the Democratic Party and of the Republican Party and every other party in America. I know that from the time of Washington down there have been two schools of politics relating to economics. I belong to one school and it may be that the Senator belongs to the other school. Perhaps he can answer these remarks of mine by definitely stating, if he cares to do so, to which school he belongs.

Mr. KING. Mr. President, it is unimportant to which school of economics I belong. I have stated pretty clearly my views during the debates upon this bill. I have repeatedly said there was no question of free trade involved. I am fighting what I believe to be a bad bill, hoping if it can not be defeated that the rates may be reduced. The rates are the highest ever before seen in an American tariff bill. The views of Say, the great French economist, and writers of his time; of Adam Smith, of John Bright, and Cobden and John Stuart Mills; of Henry George and Professor Marshall, are only natural here, as they show the fundamental principles of political economy and point the way to economic and national growth and development.

The question of free trade is not before the Senate, and the Senator from California, with that legal acumen and that skill as a parliamentarian which he possesses, and with the ability which we concede to him, is exactly in the same position as the distinguished Senator from Illinois [Mr. McCORMICK], who is trying to divert attention from the issues before us by injecting the League of Nations into political discussion. The Senator from California is endeavoring to divert attention from the monstrosities of the pending bill by thrusting the specter of free trade into the debate. I assure him we shall not be diverted. I announced the first time I addressed myself to the bill that the question of free trade was not involved in the consideration of this bill.

I am willing to state here and now, so far as I am concerned, that if those having the bill in charge will lower the rates to fair and just and reasonable levels—not to the level of a free-trade bill—it will pass this body with but a few days' debate. But so long as I believe that selfishness and the demand of predatory interests are found—and I use the word without any harshness—upon nearly every page of the bill, and so long as I believe that many of the schedules of the bill are not written in the interest of the American people but in the interest of trusts and combinations and corporations and persons who have always profited and benefited by the prostitution of the taxing power of the Government, I shall oppose it, and I know that others upon this side of the Chamber will do the same.

We are not here asking for free trade. I am willing now, in the light of world conditions, to make liberal concessions in the formulation of a tariff bill to the sentiments of men who honestly feel that certain industries need a modicum of protection.

Mr. SHORTRIDGE. Will the Senator have the goodness to yield for a moment?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Utah yield to the Senator from California?

Mr. KING. I am always happy to yield to my friend from California.

Mr. SHORTRIDGE. Does the Senator from Utah think the duties provided in this bill on sugar, on lead, and on wool, or any of them, are too high?

Mr. KING. Mr. President, my friend can not to-day drag me into a discussion of other items than those which are found in the schedule in which I am particularly interested.

Mr. SHORTRIDGE. Will the Senator promise me to answer my question before we are through with the argument?

Mr. KING. Yes. Let me say to the Senator that I am not a member of the Finance Committee. I have, however, been honored by being requested by the minority leader and minority members of the committee to take some part in the discussion of the chemical schedule, the first schedule of the bill. As I have said, I am not a member of the committee; I have not had the advantage of participating in the deliberations of the committee; and I am confining my feeble efforts now to the schedule at present under discussion. The Senator from California is very much interested in citric acid and citrate of lime, which are involved in this schedule.

Mr. SHORTRIDGE. Certainly.

Mr. KING. I will say to the Senator that when we come to the other schedules, if the distinguished minority leader asks me to make some observations with respect to those schedules I shall be very glad to discuss them, and with the same frankness, I hope, that I am discussing the chemical schedule, or shall discuss any other schedule found in the bill.

The Senator from California knows me sufficiently to pay me, I hope, the tribute that I am not afraid to express my opinions.

Mr. SHORTRIDGE. That is true. So, for the reasons stated, the Senator now does not desire to make answer to the question which I have asked?

Mr. KING. That would mean going into the wool schedule. As the Senator from California knows, there are many complications in determining just exactly what that schedule involves.

Mr. SHORTRIDGE. That is quite true.

Mr. KING. I want to say once and for all to the Senator—and I will digress a moment from what I was discussing for that purpose—that if we give the high rates proposed in the bill upon the finished products, I would support the policy of a reasonable rate upon raw materials; but, pray, do not ask me to leave the pending schedule, because I expected to have spoken only about 10 minutes while the senior Senator from California [Mr. JOHNSON] was absent from the Chamber.

Mr. SHORTRIDGE. Pardon me just one suggestion, and then I shall not disturb the Senator longer.

Mr. KING. I yield to the Senator.

Mr. SHORTRIDGE. Of course, we are all interested in sugar, in lead, and in wool; in my State we are interested in two of those articles at least directly and, of course, in one of them indirectly. As the Senator from Utah proceeds, if it seems prudent or wise to him, I wish he would tell us what he means by "the finished product" and "raw material."

Mr. KING. Mr. President, the first political speech I ever heard was by a distinguished Republican Representative from Michigan, who invaded my State and, I must confess, did a great deal of good for the Republican Party. He spent two hours in pointing out the differences between the finished product and the raw material. Lacking the ability of the distinguished Republican Representative, my friend from California can not expect me in a moment, by way of digression, to point out what are raw materials and what are finished products.

Mr. SHORTRIDGE. The difference between the two is very simple and easily stated.

Mr. KING. The Senator mentioned wool. Wool, I submit, would not be a finished product.

Mr. SHORTRIDGE. The tree standing in the forest is raw material; the ore in the mine is raw material; but they cease to be raw material when human labor is applied to them. That is a sufficient description of raw material or a finished product.

Mr. KING. The Senator may define them as he sees fit, but I may not always accept his definition.

The Senator from California, Mr. President, tries to link his school of protectionism with George Washington. He reminds me of some Americans who are always trying to trace their ancestry back to the *Mayflower* and then beyond the *Mayflower* to some marauding courtier of the King of Great Britain or France or some other country. They are not satisfied with being plain John Jones, son of Richard Jones, farmer or blacksmith, who was born in Portsmouth, N. H., or in Syracuse, N. Y., where my father was born; they are not satisfied with being genuine Americans, so to speak; but they are interested in tracing their ancestry back to medieval ages. So my friend from California wants to trace his brand of protectionism back to Washington. There may be differences of opinion as to what were Washington's views on this subject. Moreover, it would be rather hazardous to say what Washington or Hamilton would do if they were now living and had to deal with the great world problems confronting this country.

Mr. SHORTRIDGE. If the Senator from Utah will pardon me, I desire to say that I trace my personal ancestry only back to Kentucky. There our family tree stands. As to the doctrine of protection, however, if the Senator from Utah will read the second bill which was passed by Congress and signed by Washington, as the Senator will remember, as a patriotic act, on the 4th day of July, 1789, it will be seen that it is a thorough American protective tariff measure. That is the doctrine which has run down through a hundred years. We need not go back further than George Washington, although we could go clear back through three or four centuries and trace that doctrine in different countries, such as England, France, and Germany.

Mr. KING. I can go back to medieval times and find the protectionists then carried their policies so far as to prohibit any importations. Of course, to carry protectionism, as I understand my friend believes in it, to its logical conclusion we must erect a tariff barrier around us as the Chinese wall was erected centuries ago by the Chinese. They wanted to be let alone; they wanted to be a hermit people. My friend is not a hermit; he is a brave and liberal American, and thinks he must pronounce in favor of protectionism because his party has declared for it in the past.

But he is a cosmopolitan. He rejoices in the literature, in the arts, in the great products of brain and of genius that come from Europe and even from the oriental lands. I have no doubt he has a copy of Tagore, the great Indian poet, upon the shelves of his library and rejoices in it. I have no doubt that he has read Max Muller's "What Can India Teach us?" He has welcomed the great springs and fountains of knowledge that perennially pour their limpid floods for the enlightenment and the progress of the world.

The Nazarene came from a far-off land, but His philosophy and His faith will guide and govern the world. Mr. President, many great things in the future will come out of the Orient. More and more, as the acid of knowledge eats away the prejudices of men, we shall see the goodness and greatness, indeed, the divinity, in peoples not of our faith or race.

Mr. SHORTRIDGE. Mr. President, may I interrupt the Senator once more?

Mr. KING. I yield.

Mr. SHORTRIDGE. In reference to the British policy, let me remind the Senator from Utah, as he must recall, that the policy of England down to 1840, during the premiership of Sir Robert Peel, was that of a highly protective tariff; that when Sir Robert Peel yielded to the repeal of the so-called corn laws, he said that he reserved to himself the right to shape his conduct according to the exigencies of the times. To-day England is carrying out the very policy which he foreshadowed, for England to-day is a protective tariff country, shutting out our exports and the exports of other countries. What I mean to express is that we should shape our conduct according to the exigencies of the times, and that in this day we in America can not compete with the cheap labor of Europe or of Asia.

Mr. KING. Mr. President, when Sir Robert Peel yielded before the forces of Cobden and Bright in the contest which they waged—a contest which took on the fervor of a religious crusade—he perceived that the economic views of the past must be modified. Peel and his predecessors had been wedded to the medieval school which had refused to accept the views of those who formed the Hanseatic League of Germany, as a result of which the free cities became the standard bearers of trade and commerce; they liberalized Germany and carried the torch of progress and liberty throughout Europe.

Mr. President, every step which has meant the emancipation of humanity from servitude has been taken against the opposition and the implacable hatred of reactionaries. That is true of our own country; it is true of every age of the world. Progress signifies an approach to a common civilization and a world unity.

Christianity itself is the expression of a common faith and a common destiny as the inheritance of man. The future holds the great ocean of unity. Paul speaks of "One God and one faith and one baptism." It will be more than a religious faith or a theological creed. Democracy to-day speaks for a more liberal attitude and broader spirit toward the problems of life, a deeper sympathy for the oppressed of all nations. It demands justice for labor and the application of the principles of justice and righteousness in all of the affairs of men.

Mr. President, I hope these digressions will not be charged to me by my good friend the Senator from North Dakota. The Senator from Connecticut [Mr. MCLEAN] interrupted me, as did the Senator from Wisconsin [Mr. LENROOT], and now my distinguished friend from California [Mr. SHORTRIDGE] has engaged me for some time. Doubtless I have not satisfied them. No Democrat could. We will try to satisfy them before this

discussion is over; but of one thing they can rest assured, Mr. President: We shall not permit them, now or at any other time during this debate, to take the position that this bill is merely for the purpose of protecting home industry or to meet the difference in cost of labor here and abroad or that the question in interest is free trade versus protection.

My good friend did not hear a statement which I made the other day when I quoted elaborate figures to show that in the chemical industry, which in part has grown and developed under the Underwood bill, the labor costs were only 8½ per cent of the products; that in 1913–14, before we entered the war, the fiscal year ending the 30th of June, 1914, when Germany was supreme, as Republicans now say, we had more than $2,017,000,000 invested in chemical industries in the United States, with an output of more than $3,251,000,000, and the amount paid for labor was 8½ per cent only. Labor did not get much. In 1920, as I recall, when the output was more than five billions, notwithstanding the high wages which were paid or alleged to have been paid in the United States, 8 per cent only of the value of the products went to labor. So, Mr. President, our Republican friends may talk about labor, but this bill is not for labor but for the interests who have prospered in the past by high and exorbitant tariffs.

My friend speaks about oriental labor. The great majority of the products here do not come in competition with oriental labor. We have been told over and over again that the menace was Germany; and yet, when the facts are fully revealed—and I have tried to portray some of them—we find that that is only a specter which our Republican friends are erecting for the purpose of frightening the American people. Our Republican friends know that the Democratic Party believes in the development of our country. It was Thomas Jefferson who gave us, through his great statesmanship, the Louisiana Purchase. It was the Democratic Party that fought the War of 1812. It was the Democratic Party that stood for the flag upon the sea and for the honor of the newborn Republic. It was Jefferson and his associates who fired the American people until they established this Republic. It was Patrick Henry, in his great speech in the House of Burgesses, who wrote upon the flyleaf of an old law book the "resolves" which in effect affirmed the right of the American people to enjoy all the rights that Britishers enjoyed, including the right of taxation by representation.

Mr. SHORTRIDGE. Mr. President, I do not want the Senator's beautiful sentence to pass without a slight correction. He paid tribute to the genius of Patrick Henry; but Samuel Adams of Massachusetts must not be forgotten.

Mr. KING. No.

Mr. SHORTRIDGE. He is said to have been the father of the Revolution.

Mr. KING. Mr. President, I would not detract from Massachusetts. My grandfather was born there, and I rejoice in its great contributions made by Massachusetts to the glory of this Nation.

Mr. SHORTRIDGE. Is quicksilver within this schedule?

Mr. KING. This is all outside the schedule.

Mr. SHORTRIDGE. Frankly, I do not recall whether quicksilver is mentioned within this schedule or not.

Mr. KING. No; I think not.

Mr. SHORTRIDGE. Before the debate is over, however, I should like also for the Senator to stand with me on the rate which we are asking for quicksilver. I merely observe now that the California producers can not compete with the Spanish or the Italian producers. All our mines are closed. Spain and Italy—the latter country, largely due to the Versailles treaty, having control of the Austrian quicksilver mines—control the quicksilver market of the world. Our mines are closed. We want to open them, and the only possible way in which the Government can help us to open them is by fixing what we claim to be a necessary tariff duty. My theory goes to the point that we want to open those mines—call it selfishness; call it what you will—but we wish to open those mines and give employment to our people; and I hope the Senator will look to that item before we are done and stand with California upon that proposition.

Mr. KING. Mr. President, I can assure my friend that I shall examine the matter, and if I think that California is right I shall be happy to support the hands of her mighty Joshua as he fights for the right.

Mr. President, may I say, tempted by the observation of my friend, that the copper mines of my State have been shut down for a long, long time, not because of competition in the production of copper, but because no buyers could be found. Our industries do not consume it and Germany, who wanted millions of pounds, could not buy. So, if my friend says that the quicksilver production has been restricted because of competition, I can assure him that there are many productions that have been restricted, if not destroyed, because there was no market, either domestic or foreign; and I will say to my friend that there will be more factories closed down, and there will be less mines operated, if the selfish policy of some American manufacturers and trusts shall prevail.

Mr. President, we can open our mines and smelters and mills and bring back prosperity to the farm and send our ships laden with our products to the ports of the world if we will recognize the fact that international trade and commerce means that there must be international exchanges. We can send our ships to foreign ports with our products if we do not require them to return in ballast.

What could California do, rich and powerful and blessed as she is, unless she found a market for her surplus products? In the southern part of California there will be 2,000,000 people within the next 25 years. California, as a whole, will have five millions of people or more within that same period. They are producers. They must find markets. They can not consume all that they produce. My State can not consume all the copper or the wool or sugar which it produces.

Now, I will come back to citric acid and speak for a few moments upon that, and then yield the floor. I started to talk a little about citric acid, and my friend from North Dakota interrupted me to talk about citrate of lime, but his interruption was entirely proper and relevant.

Mr. SHORTRIDGE. Mr. President, I think, as my colleague thinks, that those several items should be considered together, and when the Senator shall have finished with what he is saying I will ask that we pass over that item.

Mr. KING. Until we reach the citrate of lime item?

Mr. SHORTRIDGE. Yes.

Mr. KING. I will say to the Senator that I was going to ask the chairman of the committee, or my distinguished friend from Utah [Mr. SMOOT], that we consider the citrate of lime item, which is in paragraph 46, and the citric acid item, which is in paragraph 1, together, because they are in pari materia.

Mr. SMOOT. I will say to the Senator from California and my colleague that I care not whether we turn now to the consideration of citrate of lime or pass this item over until we reach paragraph 46, in which citrate of lime appears. It is evident that the citrate of lime rate must be first determined before we finally determine the rate upon citric acid, and I think myself it is just as well to pass this over at this time until we reach paragraph 46, or else turn to paragraph 46 now and take up citrate of lime and dispose of that, and then return to this item. Whichever way the Senator from California desires that we follow is perfectly satisfactory to the committee.

Mr. SHORTRIDGE. If it is consistent with the rules, then I suggest that we pass this over until we come to the later item.

Mr. SMOOT. That is perfectly satisfactory to the committee.

Mr. SHORTRIDGE. And that we consider them both together.

Mr. KING. I have no objection. I will not ask for any vote on this—I do not think I ought to—until we consider the two together, because if a duty is laid on citric acid a higher duty must be laid upon citrate of lime, and if we shall conclude to lower the rate on citrate of lime, then, of course, there ought to be a diminution in this duty.

Mr. SMOOT. The Senator from California, I understand, requests that we pass over this item at this time and take it up when we reach citrate of lime, in paragraph 46.

Mr. SHORTRIDGE. Yes; I do.

Mr. KING. That will be agreeable to me, and I will finish my statement a little later.

Mr. SHORTRIDGE. I did not want to interrupt the Senator in his statement now.

Mr. KING. I would rather not go on with it now.

Mr. SMOOT. I ask that this item be passed over temporarily, and that we proceed with the next item.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KING. I have no objection, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Fletcher	Harrison
Ball	Cummins	Frelinghuysen	Heflin
Borah	Curtis	Glass	Hitchcock
Brandegee	Dial	Gooding	Johnson
Broussard	Edge	Hale	Jones, N. Mex.
Bursum	Elkins	Harreld	Jones, Wash.
Calder	Ernst	Harris	Kellogg

Kendrick	McNary	Pittman	Townsend
King	Nelson	Poindexter	Trammell
La Follette	Newberry	Pomerene	Underwood
Lenroot	Norbeck	Rawson	Walsh, Mass.
Lodge	Norris	Sheppard	Warren
McCormick	Oddie	Shortridge	Watson, Ga.
McCumber	Overman	Simmons	Watson, Ind.
McKellar	Page	Smoot	Weller
McLean	Phipps	Sutherland	Willis

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum is present.

Mr. HARRISON obtained the floor.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from California?

Mr. HARRISON. I yield.

PROPOSED NATURALIZATION AND CITIZENSHIP LEGISLATION.

Mr. SHORTRIDGE. Mr. President, on April 5 I introduced a bill (S. 3403) to provide a uniform rule of naturalization and to amend and codify the laws relating to the acquisition and loss of citizenship; to equalize the citizenship status of men and women; to establish a method for the registration of aliens for their better guidance and protection, and for other purposes. The views of the Secretary of Labor were requested, and I am to-day in receipt of a letter from him. I ask unanimous consent that this letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 4, 1922.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: You have recently requested my views on the matter of naturalization and citizenship legislation which is now pending in the Senate. You have yourself introduced a measure intended to greatly facilitate naturalization and Americanization, as well as to extend educational advantages to aliens. I am glad indeed to have this opportunity to express myself on this subject.

So that you may more readily appreciate my attitude and the keen interest which I take in this matter, I will first say that I was myself an immigrant, arriving here with my mother, four brothers, and a sister from Wales at the age of 8 years. My father had come to the United States previously and had sent back to Wales passage money to pay for the transportation in steerage of the family which he had left behind him when he sought better things in the New World. My first experience in this land of liberty was trailing along beside my mother vainly endeavoring to find the two featherbeds which had been the pride of the family and which had become lost in the shuffle at the then immigrant station, Castle Garden. To add to the confusion some sharpy had relieved my mother also of what little money she had. Altogether, with the experiences which I had with the family as immigrants and as foreign citizens during the years I worked in the mills with my father and living all my life among aliens and immigrants of many nationalities, gradually working up through the ranks, I can speak sympathetically on the needs of the alien from his viewpoint, as well as with consideration as to serving the best interests of the Republic.

I can see in such legislation only good for the alien himself. As I view it, the legislation under consideration makes it possible for the alien to become not only a good citizen, when he has the right to be a citizen at all, but one fully understanding America and what it stands for, at the same time making it hard, and justly so, for undesirables to get their papers. What opposition has been manifested comes from just two sources. First, the Red, or anarchistic element; and second, the misinformed as to the purposes and intents of the legislation contemplated. Statements have been made in the foreign-language press in an effort to stir up opposition which are exactly contrary to the real facts as to what will occur under the administration of the law.

As an illustration of misinformation, one foreign-language paper recently carried an editorial criticizing the contemplated legislation which we are discussing as tending to make the alien discouraged, disgruntled, and inimical to America and its institutions. It takes the attitude that this measure throws into discard the American ideals of tolerance, equality, human kindness, and the spirit of cooperation which were "zealously fostered by such immortal men as Washington, Jefferson, Hamilton, Clay, Lincoln," etc. It does not mention that in Jefferson's administration there was in existence a law which required all aliens to register, but without any intention of giving them any of the advantages contemplated in this bill. If one were to believe the information which this paper gives, a common language and the teaching of principles of government, history, and economics would "retard immeasurably the work of our justly famous 'melting pot.'" It asks the question: "Why not befriend the alien and extend to him a helping hand, as was America's glorious custom in former years?" calling attention to the fact that "the real American way is to make friends, not lose them."

Anyone who had read the bill would recognize that it is specifically designed to encourage the alien, increase his respect for American institutions, uphold American ideals of tolerance, equality, human kindness, and the spirit of cooperation, thus making more efficient our famous "melting pot." It will give every foreign-born citizen a just sense of pride in the possession of his citizenship and a trust in the Government of the United States.

I believe the bill which has just been introduced by you, known as Senate bill 3403, is the real American way to make friends. Summed up the bill provides:

1. A required standard of education for citizenship.
2. Ability to use and understand a common language, making it possible for every citizen to communicate with each other, understand his work and the regulations made for his protection in industry, increase his opportunities for entertainment, and add greatly to his ability to use and enjoy the full advantages of residence in America.
3. Facilities for the naturalization process, eliminating the necessity for furnishing witnesses who have known the alien for five full years. It is estimated that this will save to aliens becoming naturalized between $3,500,000 and $7,000,000 each year.
4. Protection against destitution for himself and family should he become permanently disabled, and for his family should he die and leave dependents unable to care for themselves.
5. Machinery to accomplish the purposes of the act through enrollment and the payment of a small annual fee.

The contemplated new citizenship legislation is essentially a program of education in which every alien enrolls for citizenship training. The desire is first to teach English so that we will be a Nation with a common language; every citizen standing upon an equal basis with every other in ability to understand all matters of general interest and to communicate one with another upon the many subjects which arise in the daily life of every man, woman, and child in the country. No one cause of dissension and international strife in the countries of the Old World has proved more efficient than misunderstanding. These misunderstandings have bred the jealousy and hate which we find everywhere and which have given rise to battles and wars of more or less serious consequences throughout all ages.

We can not change these feelings of national antipathy overnight nor without organized effort. There must be a campaign for better understanding, and the first essential is that the parties be able to communicate with each other.

But that is not the only advantage which accrues from the knowledge of a common language. It actually means dollars and cents to the workman to be able to understand the orders given to him for execution and not follow blindly what some one else is doing. Many accidents in industry are caused through inability to understand the regulations made for the protection of the workmen.

Many sources of amusement are closed to those who do not understand the national language. Being unable to read our books, our periodicals, and our newspapers the foreign born gets a very limited knowledge of our history and of our institutions. He takes only what some one else who does know sees fit to pass on to him. The greatest menace to American institutions is ignorance led by selfish education—the man who has to get his information from one who sees fit to give him only such as will serve his selfish interests. The alien should be educated and made to think and argue for himself. He should not be allowed to take for gospel truth those statements made from a soap box by some red leader in his campaign of anarchy. Good citizenship would mean the practical elimination of anarchy and the reduction of labor disturbances to a minimum. By knowing English and being able to read and reason out things for himself, the alien or foreign born would soon learn the relationship existing between capital and labor.

In addition to English, the alien should be taught the several other subjects which treat of our national life—history, government, and economy. These are far from being dry subjects. They can and should be presented in an interesting manner which will remove the tediousness of study and accomplish quicker and better results. I have in mind the application of visual education; series of films depicting national and international affairs. The evenings when the citizenship classes get together in community meetings for their education would be social evenings. They would have their moving pictures and instruction first and later perhaps a songfest and a dance.

Also in our campaign for better citizenship through education we should make liberal use of the foreign language and labor press as a medium of publicity and instruction. Carry the English lessons with a thorough treatment in the native tongue alongside of it; carry also, for instance, the story in English that is to be presented at the next class meeting in picture form. Coordinate them so that the man or woman or child in citizenship training classes would look forward to his evening of instruction with anticipation of an evening of amusement and of social intercourse.

I would not in any way restrict the use of foreign languages. To do so would be like taking from the alien one of his best friends. He has his native literature and song; the language of the Old World is the language of his mother, and all remembrances of his mother should be sacred. Let the alien keep this heritage, and even encourage him to keep up his correspondence with the Old World and keep in touch with international affairs. His knowledge will help him as an American and will benefit us. America will never suffer by contrast with the land of origin of the immigrant.

It is essential also as a prerequisite of patriotism that one love and honor one's parents—especially is one's respect for one's mother an index to patriotism. In every campaign encourage devotion to mother, and it will almost naturally follow that the alien will love his country and his God.

It is my understanding that your bill will enable the Secretary of Labor, after enrolling all aliens, to appoint a national advisory committee to assist him in making such regulations for carrying on the work of naturalization as would seem to best suit the needs or requirements not only of the United States but of better cooperating with the several nationalities and races represented. The national committee would comprise the leading men in every one of these groups of enrolled persons. They would serve without compensation, to the end that a better understanding and a more efficient working basis for Americanization and naturalization could be worked out. Under the national commission would be local commissions made up in the same way, and, as the Secretary of Labor would be chairman of the national committee, the local naturalization examiner would be the head or chairman of the local commission. These commissions, through the individual members representing each one of the nationalities or races enrolled, would assist in making up the program for education and Americanization in the local communities.

These organizations would work with the local schools, the churches, fraternities, and civic and patriotic bodies. They would outline the programs for education, determining to what extent textbooks, moving pictures, dramas, and other means of education could be best utilized. At present there is no organized program for such work. A number of separate organizations have undertaken it, but they have been without direction. Having once organized it would not be difficult for the different groups of aliens to work out their own associations for promoting singing, drama, and many other forms of self-advancement, furnishing entertainment and recreation as well as instruction.

Singing as a community asset most of these people recognized in the countries from which they came. After coming to the United States this great influence was allowed to die out, and the folk songs of their native countries do not live in the hearts of their children. Drama is getting to be a lost art. It seems to me that in permitting these to fall into disuse we are losing a valuable asset which could be used to great advantage in stimulating patriotism and developing a keener desire for the better things which America affords. Encourage community singing and get the older people together with the

youth to sing in their mother tongues the songs which were dear to them in childhood. At the same time teach them the patriotic and folk songs of our own Nation. By working up enthusiasm for singing and stimulating the bringing back of this European custom, we can more readily teach our own songs—"The Star-Spangled Banner," "America," "The Battle Hymn of the Republic," and even "Yankee Doodle," or some of our other comic songs which we love so well. We do not oppose the foreign language, but we must have in America one common language for all.

The drama is another powerful agency which is fast losing ground. This should not be permitted. There is much talent among the foreign born if it were but used. Let our local commissions seek out this talent and put it to work. Each nationality could stage episodes of national life of their native countries, to be staged for the benefit of the others, and let them all combine in staging at least once a year—at the time when the court acts upon final petitions for citizenship—a great drama depicting scenes in American national history. Then organize great testimonial meetings, and let each new citizen get up and tell why he believes in American citizenship, what the United States has done for him, and what he expects to do in return for the privileges which have been granted him.

I can picture to myself the great army of foreign born banded together through the enrollment system as one great fraternal organization working toward the commendable end of fostering better citizenship and greater respect for American institutions, and in this work of Americanization there is a part for every American citizen individually and through the organizations of the church, fraternal, civic, and patriotic societies, for we should extend to the foreign born every assistance possible to secure the accomplishment of the ends aimed at. All have a duty and a privilege in spreading the gospel of truth about America and its institutions to counteract the radical propaganda of the few who dispense seeds of anarchism and of hate for selfish purposes of their own. My idea of unhappiness is nothing to do. Work makes us all happy, and that should be our favorite pastime. When we have nothing else to do let each one of us join in and further this great work. It will make our melting pot far more efficient if we all get out and work together, and that is one of the aims of the legislation contemplated—to get all the organizations possible interested in this one subject, better citizenship.

And let our first thought be tolerance. Tolerance has always been my favorite virtue. In it I see an easier and better way to get along with my neighbor. We will always have, so long as we uphold the traditions of the past, the foreign born with us. Let us look for their virtues and expect not too much from those who have not had the advantages which we have had through our institutions, but rather encourage them to secure an equal, and, if they can, a better education and knowledge than our own.

Another great provision, my dear Senator, that is included in the bill which you have introduced is that which provides for taking care of aliens who become destitute. You know under the present immigration laws should an alien become a public charge before he has resided here five years he is subject to arrest and deportation to the country from which he came. Think of the tragedy which must follow when the breadwinner, the father of a family of five or six small children, dies and leaves them without means of support. And this you will find is true in most such instances: That the alien who dies and leaves a family in this condition before having been five years in America seldom leaves behind sufficient means to care for the family. The small children also make it impossible for the mother to earn a living for them and they have to be sent back. They have no home on the other side. Perhaps they have lost all communication with their friends, and yet we do not deem it our duty as American citizens to take care of them. One of the provisions of this bill creates a fund from which these people could be taken care of and the family educated. This may seem paternalistic, but when our alien population is banded together under the enrollment system, much as a fraternal order is organized for mutual help in just such contingencies, that stigma is removed and it takes on the essential elements of some of our leading fraternities.

The machinery for carrying on the work which I have outlined, as you have set forth in legislative form, is very simple. All that is necessary is that the alien enroll and pay a small fee, which goes into a fund to be disbursed for the purposes outlined. Not one penny of the fees collected is to go into the coffers of the National Treasury as a tax upon aliens for the purpose of government. It is merely a small charge for education and insurance. Upon enrolling the alien is given a card, and periodically upon this card is entered his record, which will show the progress he has made in his studies and the status of his eligibility for citizenship. Another advantage of the card lies in that it is authentic identification, should the alien ever be in a strange place and find it necessary to prove his identity.

I have before me a table showing the number of foreign born from the various countries of the world, and the percentage of those naturalized. The following table shows the 10 nationalities having the highest percentage of naturalized American citizens among their foreign born:

Country.	Per cent naturalized.	Per cent unnaturalized.
Wales	74.4	25.6
Germany	73.6	26.4
Luxemburg	73.4	26.6
Denmark	70.5	29.5
Sweden	70.0	30.0
Norway	68.2	31.8
Ireland	66.1	33.9
England	65.4	34.6
Scotland	62.9	37.1
Canada (other than French)	61.7	38.3

The following are five nationalities showing the lowest percentage of naturalization:

Country.	Per cent naturalized.	Per cent unnaturalized.
Mexico	5.5	94.5
Albania	7.3	92.7
Spain	10.7	89.3
Bulgaria	11.7	88.3
Greece	17.4	82.6

It will be noted that even of the aliens most responsive in taking out their citizenship papers, more than 25 per cent have failed to avail themselves of the privilege. There are many reasons for this, some of them easy to determine, others must be left to conjecture. One of the most important factors in deterring aliens from becoming citizens is their inability to produce qualified witnesses. Under the present law it is required that they produce two or more witnesses, citizens of the United States, who have known them personally for five years. This does not seem to be an unreasonable requirement nor one difficult to comply with. Certainly it is not unreasonable when we consider the value of American citizenship and the protection that should be given it, and yet I know that many men and women whom we would welcome as first-class citizens can not produce those witnesses, and many who do secure citizenship can only procure their witnesses at great expense. The enrollment feature of the new legislation does away with all this requirement of witnesses. There is no getting away from the card record which he carries with him and a copy of which is made a part of the permanent records of the Government. It gives mute testimony in vouching for his eligibility to become one of us who are running and operating this greatest of all Governments. But whatever the causes for nonnaturalization, we can determine them and take steps to remedy any defects in our law or processes.

Some objection has been raised on the ground that the enrollment provision would constitute a system of espionage similar to that which has been practiced by the militaristic governments of some of the countries of Europe. If I or, I believe, any one of the 531 Senators and Representatives thought for one moment that this would develop into an espionage system or savor of the autocratic, monarchistic régime of the broken European governments, the measure would never be considered for a moment, and I for one should use every vestige of power which I possess to defeat such a move if it were made. But this legislation is, I am sure, an honest effort on the part of the Government to cooperate with every private organization and individual in raising the standard of citizenship and making it easier to attain that standard and acquire the privilege. True, as an incident to the working of the law, those aliens of anarchistic blood and selfish motives for aggrandizement would be discovered. We would prevent the extortion of millions of dollars by people now engaged in making out and advising on citizenship matters for aliens unable to understand the process. The immigration law already provides that those aliens in America in violation of law and with motives of overthrow of our Government and institutions shall be deported. But the provisions of the new legislation are not to spy upon the alien in the United States on legitimate business. It is intended to aid him in his search for the better things in life, to give him an opportunity to understand us and give us an opportunity to understand him, so that we may live together with better understanding of each other's trials and ambitions, and to make for all a better and safer place to reside.

The Government should not be overpaternalistic; that attitude would be repellant; but it should be helpful, and this is the purpose of the new legislation contemplated. Many have been the utterances of foreign-born citizens against the Government because they did not understand it, and because the Government apparently was willing to do nothing to help him in solving the many problems of life in a strange country. With the facilities offered, and the alien himself paying for them in a small fee, he gets closer to the Government, and its officers are able to help and assist in individual problems. This service and spirit of helpfulness will do more in cementing friendship between our people and Government, and creating respect for law and our other institutions, than any police or Federal regulations which could be devised.

I shall always remember that I was an immigrant, and all the people with whom I became acquainted and worked during my early years were immigrants, and that these immigrants were largely instrumental in developing the coal, steel, tin, and other industries of the country. I shall always keep them in mind. I believe what the immigrant wants in America is not so much sobbing and sighing about him and his condition, but a true, wholesome, and sympathetic understanding of him and his problems, and that he wants only an opportunity to help himself, and that with this opportunity he will develop not only his own interests but those of our Republic.

Cordially yours, JAMES J. DAVIS.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the amendments of the Senate to House bill 10101, the District of Columbia appropriation bill, which the Secretary will read.

The reading clerk proceeded to read the action of the House.

Mr. SMOOT. Mr. President, this is a very important amendment, changing not only the Senate provision but also the House provision, and there is so much confusion in the Chamber that I could not hear it. I ask that the Clerk may read that amendment from the beginning.

Mr. HARRISON. Mr. President, before that is done——

Mr. SMOOT. Let us have it read.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. POINDEXTER. I would like to inquire if this measure is now before the Senate for consideration and action.

The VICE PRESIDENT. The Chair is just laying it before the Senate for action.

Mr. POINDEXTER. Of course, it is a privileged measure, but I apprehend that it would take considerable time to dispose of it if it involves a readjustment of the fiscal conditions in the District of Columbia.

Mr. SMOOT. That is why I wanted it read over, and at a time when we could hear the Clerk read it. It is an important matter, and I would like to hear what the conferees have agreed upon.

Mr. CURTIS. Mr. President, as I understand it, the conferees did not agree upon anything. This is an amendment agreed to by the House, and it comes to us not as a report from the conference committee but upon a motion to concur in

the amendment put on by the House. It changes existing law. It is of vast importance, and I think it is of so great importance that it ought to go to the committee. I hope the Senator in charge of the bill will not try to put the amendment through in this way. If it came here as a conference report, the amendment would be subject to a point of order. There is no question about that in my mind, because it changes a law which provides for an appropriation for one year to a provision for an appropriation for five years. It seems to me that this matter is so important that the committee ought to pass upon it, and I hope the Senator from Colorado [Mr. PHIPPS] will ask that it be referred to the committee.

Mr. JONES of Washington. I suggest to the Senator from Kansas that the provision put on in the Senate was just about as broad as it could be, and I question very seriously if this proposition, if it came here as a part of the conference report, would be subject to a point of order, because of the broad provision the Senate put on. But, as the Senator has said, it does not come here as a part of a conference report. It comes as an amendment by the House. However, it is no broader than the Senate provision, though a little more in detail.

Mr. NORRIS. Will the Senator from Kansas yield to me for a question?

Mr. CURTIS. I yield the floor.

Mr. NORRIS. Who has the floor, Mr. President?

Mr. HARRISON. I thought I had the floor.

The VICE PRESIDENT. The Senator from Mississippi has the floor.

Mr. NORRIS. Will the Senator from Mississippi yield to me for just a moment?

Mr. HARRISON. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to say to the Senator from Mississippi that I have to leave the Chamber at 2 o'clock to attend a hearing before the Committee on Agriculture and Forestry. I presume this amendment will be voted on and that there will be a roll call, and therefore I want to take just a few minutes to explain what my vote would be and why.

I understand the conferees have yielded on the so-called Jones amendment. That amendment consisted of a bill which had been passed by the Senate. When that bill passed the Senate there was an amendment put on exempting improvements of real property to the amount of $2,000. I understand the Senate conferees have yielded on that proposition.

Mr. JONES of Washington. This does not come as an agreement. There was a disagreement upon amendment No. 1.

Mr. NORRIS. What has become of that amendment?

Mr. JONES of Washington. That amendment is still in disagreement unless we agree to the amendment proposed by the House. That is, the House concurred in the Senate amendment with an amendment.

Mr. NORRIS. And that amendment excludes the exemption?

Mr. JONES of Washington. That amendment does exclude the exemption.

Mr. NORRIS. Then I want to say just a few words, because I presume some time during the afternoon we will vote upon it and there will be a roll call and my vote will be misunderstood. I am going to vote against it. I am going to vote against any conference report which omits that exemption.

I have noticed recently in the papers a great fuss that is being made about this disagreement on something else, but in the argument that is being used by speakers and writers they are continually saying if this thing is put through the poor people are going to have to pay more taxes. These men who, with such large hearts, are looking after the poor, never discuss, except to condemn, the proposition that with the Senate amendment agreed to there would be an exemption for the poor man to the extent of $2,000, or a compromise of that amount, upon his home. That would, of course, necessarily increase the tax on other property.

I have noticed in the discussion which has taken place by members of the chambers of commerce and bankers and other men, almost universally very wealthy men, it has been in the name of the poor and for the purpose of saving the poor man from paying taxes; they want to do so-and-so for the poor man. They never discuss the proposition except for the purpose of condemnation, when the same amendment contained a provision which, if enacted into the law, would exempt from taxation $2,000 of the value of every poor man's homestead in the District of Columbia.

When the negotiations were going on and the House conferees were objecting to that proposition I had a conference with the Senator from Washington [Mr. JONES], one of the Senate conferees. He submitted to me a proposition and asked whether I thought it would be agreeable for them to compromise on that basis and say that this exemption should apply only to the homestead and should be cut down to $1,000. I frankly said that so far as I was concerned, while I would rather have it the other way, I would be perfectly willing to agree to a compromise of that kind.

I have talked personally with at least one member of the House conferees who expressed to me his idea that the House conferees ought to agree to the amendment, that he was in favor of it himself. I can not understand why this terrible fuss in the city of Washington is being made to save the poor man from the payment of some taxes while they are condemning the very amendment that will relieve the poor man from the payment of some of the taxes on his home. Of course, I know why they are doing it. I understand that; but that is not the pretense that is going on. Mass meetings are being held and articles are being written in all the papers telling how we propose to tax the poor, but they make no reference, except to condemn, to the very proposition which will relieve the poor from taxation. I am not to-day going to discuss the merits of the proposition. I discussed it fully when it was originally presented to the Senate. However, so far as my vote is concerned, I am going to vote against anything that does not recognize just that amendment.

Mr. POINDEXTER. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. POINDEXTER. I ask the Senator from Nebraska whether the result, so far as the exemption of $2,000 is concerned, which is aimed at by the people who are making the protest and to which he refers, is not the same that he desires? If the conference report is adopted, the measure he speaks of is defeated. The people to whom he refers as making the fuss, as he expresses it, in the papers and elsewhere, are opposing the conference report, and, consequently, whatever their motives may be, they take the same attitude and look toward the same result that the Senator from Nebraska is seeking.

Mr. NORRIS. I am not finding fault with the man who opposes the amendment and is in favor of the bill as originally offered. He has a perfect right to do that. But I do not want him to sail under false colors. A man can say that the poor people ought to pay more taxes than this bill calls for, but if he believes in that, let him say so. The facts are that both in and out of Congress capital is being made of the proposition that we are going to relieve the poor of some of their burdens. Here is an opportunity to do it.

We have recognized the principle of allowing certain exemptions on personal property. I understand the House conferees used that as an argument why it should not be done as to real property. In fact, it is an argument why it should be done. Everybody knows that the people with the small unit of property ninety times out of ninety-one pay a higher rate of taxation that the man with the big unit. The individual with his little home can not escape. The man with the mansion, while he is taxed more heavily, it is true, is not taxed, as a rule, as nearly on the basis of the actual cash value of his property as is the poor man.

Mr. PHIPPS. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. PHIPPS. Just at that point I desire to call the Senator's attention to the fact that during the consideration of the amendment the conferees had in mind the assessment of property at its full valuation so as to remove any inequality which it is claimed exists under the two-thirds basis in force at the present time, so that the large expensive buildings would be assessed on the basis of their full value and small property at a proportionate rate. There would probably be a reduction on the small house of the homesteader where a valuation of some five or six thousand dollars would be involved.

The conferees also had in mind the fact that an exemption of $1,000 on personal property in the District is comparable to three or four hundred dollars in other cities. It is believed that the report as made and embraced in the amendment now adopted by the House is equitable and does care for the conditions which the small homesteader has to meet. It will work a reduction in his taxation because it will mean a much lower rate than he has paid in the past.

Mr. NORRIS. If the Senator expects to help the poor man by having the full value instead of two-thirds value——

Mr. PHIPPS. We do, because on the full valuation basis the property of greater value will be raised more in proportion than will his.

Mr. NORRIS. I hope it will, but I do not see any assurance that it will. If we want to get at the two-thirds value of a piece of property, we first get the full value and then take two-thirds of it. If we do not take two-thirds of it, we have the full value. I do not see any difference, so far as the com-

parison between the rich man and the poor man is concerned, as between the old method and the new method.

Mr. PHIPPS. That is true in theory, but not in practice. In fact, it is believed that the assessors, knowing that they are not called upon to return full value, estimate the two-thirds value instead of going through the records and getting the real value.

Mr. NORRIS. If it works that way, I would be very glad if that were true. I do not see how it makes any particular difference myself.

But, Mr. President, the man who is escaping and the man who ought to be taxed is the speculator in real estate, whether in the District of Columbia or any other place. If we give a reasonable exemption from taxation on the improvements, especially the home, we add to the burden of the man who holds vacant property for the purpose of speculation. The effect of it is to increase his taxes, and everybody ought to be willing to do that, even the speculator himself, because he gets his profit out of the toil of the man who has his home and who has no exemption.

Mr. PHIPPS. Mr. President——

Mr. NORRIS. I said in the beginning that I have a committee meeting which is now waiting for me, and I hope the Senator will not interrupt me.

Mr. PHIPPS. I am going to move that the amendment be referred to the Committee on Appropriations.

Mr. NORRIS. Even if the Senator does that, while I am thus far I want to finish. The man with the home, the man who plants a rose, who builds a new step, who puts a new shingle on his house, who sows grass and waters it and cultivates it, who raises flowers, who plants fruit trees, is penalized every time he does anything of that kind, and it is for the benefit of the speculator who is holding property for speculation and who will get larger values for it when he is able to dispose of it. We penalize the man who makes the city beautiful, who makes it more habitable, who makes it more pleasant to live in, and who adds to its civilization and the happiness of its people, by increasing his taxation for every move that he makes. This exemption would give that man some incentive, some inducement to make his home and to build it up. It would give him an exemption that we can well afford to give, particularly when the effect of it will be to drive into use real estate that is now vacant, to drive the speculator to the place where he will have to sell his real estate or improve it.

Mr. PHIPPS. Mr. President, may I suggest, with the permission of the Senator from Mississippi, that I request that consideration of amendment No. 1 go over until we dispose of the others, regarding which I believe there will be no objection. Then I will follow with a motion that amendment No. 1 be referred to the Committee on Appropriations.

Mr. HARRISON. I am very glad to hear the Senator say that he intends to move to refer it to the Committee on Appropriations, but before that motion is presented I desire to make a point of order against the amendment, and I desire to argue that point of order. So I hope the Senator will not insist upon it at this time.

Mr. PHIPPS. As the Senator desires to argue it eventually, he may as well proceed now.

Mr. HARRISON. I have another matter which I think will prove more interesting to the Senator than that right now.

Mr. PHIPPS. Very well.

NAT GOLDSTEIN.

Mr. HARRISON. Mr. President, there was no candidate for the Republican nomination two years ago who was sailing more smoothly toward success, apparently, at the Republican convention——

Mr. PHIPPS. Mr. President——

Mr. HARRISON. Will the Senator wait a moment until I finish the sentence and then I think the Senator will be glad he heard me.

There was no candidate, as I said, sailing more smoothly toward success at the Republican convention than ex-Governor Lowden, of Illinois, and the thing that turned his chances and accomplished his defeat more than anything else was the corrupting of two delegates from the State of Missouri to the Republican convention.

Now I yield to the Senator from Colorado for a question.

Mr. PHIPPS. Mr. President, I ask unanimous consent that amendment No. 1 be referred to the Committee on Appropriations for action.

Mr. HARRISON. I object for the present.

The VICE PRESIDENT. There is objection.

Mr. HARRISON. I desire to read from some of the testimony which was produced at the hearing before the committee investigating corruption in the preconvention campaigns, so that the minds of Senators will be refreshed as to who these delegates were, the amount of money which was raised, and the sources from which the money came, and how it was spent. Before I proceed to read, however, I want to say that I am not taking up the time of the Senate uselessly, because, if the New York Times and the New York World and other papers are to be believed, there has come to the Senate in the nomination for collector of internal revenue at St. Louis, Mo., the name of one of the men who was "bought and paid for" at that time. So I am sure Senators want to know all about this individual from the testimony which was taken before the committee which investigated the matter at that time.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. HARRISON. Not for the present, Mr. President. There appeared before that committee Mr. Moore. His home is St. Louis. He is a deputy clerk under a man named Nat Goldstein, who is the clerk, Mr. Moore working under him as his deputy. These two men were political favorites in the Republican Party and were men of power, not only in their precincts and wards but in their city and in their State. Mr. Moore in appearing before the committee made a statement, from which I shall now quote:

Who gave you that money?

The Senator from Missouri [Mr. SPENCER] asked him that question. I am sorry the Senator from Missouri is not here. I sent word to him that I would speak on this matter this afternoon, but I think the Senator is out of the city on important business:

Senator SPENCER. Who gave you that money?
Mr. MOORE. The check was given to me by Mr. Babler.

Mr. Babler was, I think, the national Republican committeeman from Missouri.

Senator SPENCER. What was it to be used for?
Mr. MOORE. The money was given to me; at that time Mr. Babler said, "Here is a check for $2,500 from Mr. Emmerson"—

Mr. Emmerson was Mr. Lowden's handy man, who had plenty of money to spend at that time in order to get delegates from Missouri—

I asked him what it was for. Mr. Babler said, "Well, you can use the money for the campaign; you can use it for the election of delegates—for whatever purpose you see fit." I had previously told Mr. Babler in Mr. Emmerson's presence that there was no occasion to use a dollar of money for the selection of delegates to any convention that I knew of.

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Senator SPENCER. Then what was your next conversation in regard to the matter?
Mr. MOORE. That was the only conversation in regard to it. The next I knew of any money, anything about any money, was when Mr. Babler phoned me to come to his office. I went to his office, and he said, "Here is a check for $2,500." I said, "Why, what is this for?" He said, "That is money that Mr. Emmerson sent to you." I told him at that time that I had told Mr. Emmerson that there would be no use for any money.

Mr. Moore, in answer to the question of the junior Senator from Missouri, says:

Pardon me, I took it; I told Mr. Babler at the time that there was no use for money. This came as much as a surprise to me as to anyone. The money came at that time. Mr. Babler called me into his office, and he said, "Here is this $2,500." I said, "I do not want any $2,500, Jake." He said, "Go ahead. It is all right. Use it in the fall; use it when you want it." That is Mr. Babler's statement.

A little further on Mr. Moore says:

I would have felt free to use it. It was given to me as custodian; I had charge of the money; and there was no accounting to be made. I was to spend the money as I saw fit. If I saw fit to use it to further Governor Lowden's interests, I was free to do so.
Senator SPENCER. And you did not spend any of it?
Mr. MOORE. No.
The CHAIRMAN. Are you a delegate to the national convention?
Mr. MOORE. I am.
The CHAIRMAN. When were you elected a delegate?
Mr. MOORE. February 16, 1920.

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The CHAIRMAN. Did you talk with Mr. Babler about being a delegate?
Mr. MOORE. Mr. Babler—I had discussed with him about being a delegate.

A little further along the following occurred:

Senator REED. Have you told us all that you can think of that took place when you and Mr. Emmerson and Mr. Babler were present at this meeting?
Mr. MOORE. Yes; with the exception that Mr. Goldstein was present at the time.
Senator REED. When did he get there, after you came or before?
Mr. MOORE. Mr. Goldstein, I think, got there after I came.
Senator REED. Well, did you hear any talk—did Mr. Goldstein take any part in any of the conversation?
Mr. MOORE. Only in a general way.
Senator REED. Now, what was the general way that he took part?

Mr. MOORE. In so far that Mr. Babler explained to us that Mr. Emmerson was secretary of state, etc., and that he was managing Governor Lowden's campaign, and that Mr. Emmerson would take care of any expenses that we might be put to, etc.

Then Mr. Goldstein was asked by the chairman:

When did you first talk with Mr. Babler about the campaign; do you remember?

Mr. GOLDSTEIN. No; I just remember when there was any question about it. The first I recall is, as Mr. Moore has told you, when Mr. Babler called us up to his office.

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The CHAIRMAN. What did you do with the money?

Mr. GOLDSTEIN. I deposited it in the Liberty Bank, where it still remains.

The CHAIRMAN. In a separate fund?

Mr. GOLDSTEIN. No, sir.

The CHAIRMAN. In your own checking account?

Mr. GOLDSTEIN. In my own checking account.

The CHAIRMAN. Do you consider it in the nature of a trust fund?

Mr. GOLDSTEIN. I did. I did not see any reason why it might not just as well be deposited there as some other place.

Senator SPENCER. Has that amount been intact ever since?

Mr. GOLDSTEIN. It has been intact ever since.

The CHAIRMAN. In your own private checking account?

Mr. GOLDSTEIN. Yes.

Senator REED. What you mean is that you placed $2,500 in the bank and that they credited your personal account?

Mr. GOLDSTEIN. Yes.

Senator REED. And you check on your personal account, which account was made up of this $2,500 and other moneys that you had put in there from time to time?

Mr. GOLDSTEIN. And checked out.

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The CHAIRMAN. When this matter was first presented to you by the reporter of the St. Louis Globe-Democrat, did you not deny receiving any money?

Mr. GOLDSTEIN. I did.

The CHAIRMAN. Why?

Mr. GOLDSTEIN. Just because I knew I had made a mistake. In the first place, I really thought—I knew that it was not intended for my district, for Governor Lowden. It could not have been, because there was no excuse for spending a dollar in that district.

And I shall place in the RECORD certain parts of this testimony; but it seems that Goldstein admits taking the $2,500 while he was a delegate to the convention and was for Mr. Lowden. That he deposited the money in the bank and checked on the money just as he did on other funds in the bank; it was mixed with his own account; but he afterwards repented doing so, and said that he had made a mistake. Yet, Mr. President, if the newspapers are to be believed, that same Mr. Goldstein is now honored by the President of the United States with an appointment as collector of internal revenue in the State of Missouri, and that appointment is now here for the Senate to pass on and to say whether or not they will confirm him.

Mr. CARAWAY. Mr. President——

Mr. HARRISON. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does not Mr. Goldstein seem to be a pretty good collector?

Mr. HARRISON. He is a splendid collector—like Republicans generally.

Now, it may be asked, What did Moore get in the way of a position? He has not as yet received a position from the present administration, but Moore is Goldstein's deputy, and when Goldstein gets the place of collector of internal revenue naturally there will be an opening created for Mr. Moore and he will step one round higher. He will doubtless be made clerk, with an increased salary.

Mr. President, that is not all of the story. There have been other appointments made by the present administration in other States which perhaps are equally as bad; but I will confine myself in the brief remarks I intend to make to the State of Missouri. In other States, perhaps, the conditions are as bad, if not worse, but in Missouri at that time Lowden money was free, and I shall show before I conclude that Harding money also was plentiful. However, other individuals than Moore and Goldstein received money from the Lowden campaign. They were delegates, perhaps, at that time, or, at any rate, workers in the Republican ranks. Some of those men have also been rewarded.

Sirs, I know this will open your eyes; that you will bow your heads in shame because of the revelation. You did not know that such characters were being appointed to high and responsible positions by the powers that be.

E. L. Morse, who received $32,000 from the Lowden campaign fund at that time and was the paymaster for Missouri, has not yet received a position from this administration. He is a generous man; he has humanitarian instincts. He was kind enough to lease his beautiful home, since this administration came in, at Excelsior Springs, Mo.—I believe that is the name of the place—to the Veterans' Bureau for the hospital service, and the Government is now using it. That was a generous act upon his part. He did not do that because he received $32,000 and spent it in that campaign. He is a little different from others there who did get money, though, and tried to create Lowden sentiment.

Roy T. Davis, who received $500 of the Lowden money, has since been made minister to Costa Rica by this administration.

W. H. Allen was handed money from the same sources and in the same manner that Goldstein and Moore were given money. Allen did not get as much as Goldstein; he only received $400; but Allen to-day is State prohibition agent for the State of Missouri, appointed to that high place by the present administration. It looks as if the only way to get a good position in Missouri from the Republican Party is to have been corrupted by Republican emissaries before the Republican convention.

There is another man out there, W. L. Cole, who did not obtain as much money as Moore and Goldstein received, but he received it in the same way. Five hundred dollars was the amount which he received from the Lowden campaign managers, and at about the same time he got $1,250 from Daugherty, the present Attorney General, who went to Missouri to work for Harding. So he received $1,750 for his part. Those who were particularly interested, however, could never find out just how Cole stood before the convention. Naturally he was neutral between Harding and Lowden because he had received money from both of them.

Lowden's forces said they thought that Cole was with them, and Harding's forces thought that Cole was with them, but I believe finally they agreed that Cole was first for Lowden and as a second choice he was to be for Harding.

Mr. McKELLAR. Mr. President, which one paid him last?

Mr. HARRISON. Harding paid him last, and finally he voted for Harding. The amount was a little larger.

What has Cole received? Cole to-day is a special assistant to the Attorney General, living here in Washington and getting a big salary; so that is the way they do things among certain Republicans out in Missouri.

I want to read, just briefly, because it is interesting, something of the testimony about Mr. Cole. It is very interesting. Mr. Morse was testifying, and the Senator from New Jersey [Mr. EDGE] asked him this question. You will remember that the Senator from New Jersey was asking these questions. He was going deeper into the proposition. He said to Morse:

You started jotting them down at the Congress Hotel in Chicago, did you?

Mr. MORSE. Yes, sir; $500 to Mr. Cole, chairman of the Republican State committee.

The CHAIRMAN. Do you know anything about his having received money from Senator Harding's managers?

It was the former Senator from Iowa, Mr. Kenyon, who asked that question, and Mr. Morse said:

I do not want to do Mr. Cole an injustice. We were in the midst of a campaign in the third congressional district for the election of a Congressman, and I gave this money to Mr. Cole, and he told me he was going to use it for the opening up of the headquarters there.

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The CHAIRMAN. Was he working for Governor Lowden?

Mr. MORSE. He was for Governor Lowden; yes.

A little further on:

The CHAIRMAN. Did you know anything about his receiving Harding money, as the testimony here discloses?

Mr. MORSE. Not until after the disclosures at the committee meeting.

Senator REED. Did you suppose at that time he was for Governor Lowden?

Mr. MORSE. Yes.

Senator REED. You have been very active for Mr. Lowden, have you not?

Mr. MORSE. Yes, sir.

Senator REED. And you have a reputation in our State for knowing what is going on in politics.

Mr. MORSE. He never gave any evidence of being otherwise than for Governor Lowden at all of our meetings.

The CHAIRMAN. Was it a surprise to you to know that he had received money from the Harding men?

Mr. MORSE. Yes; I was surprised. I understand that he explained it by saying that he was the second choice.

Senator REED. Well, he got twice as much money from the second choice. Did you ever hear that story about the colored man who was accused of not delivering his vote; and the Republican said to him, "I gave you $5 for your vote, and you did not vote for me." And the colored man said, "Yes, sir; but," he said, "the Democrat gave me $2.50 and I voted for him"; and the Republican asked him, "Why did you do that?" And he said, "Because you Republicans are the most corrupt."

The man that paid the most money was the second choice in this case?

Mr. MORSE. Well, I was not aware of that fact until after this disclosure.

The CHAIRMAN. Is Mr. Cole a delegate to the convention?

Mr. MORSE. He is one of the delegates at large.

Senator REED. What are Mr. Cole's initials?

Mr. MORSE. W. L. Cole.

Mr. President, that is the character of men that are holding high positions in the Federal service to-day at the instance of this administration. Those who received money to influence delegates in Missouri before the last Republican convention are

the ones who now have the high places in that State. Allen is the State prohibition agent, and he received $400. Cole received $500 from Lowden and $1,250 from Daugherty on behalf of Harding. He is now Special Assistant Attorney General of the United States. Roy T. Davis, minister to Costa Rica, appointed by this administration, received $500. Goldstein is the next on the list; and you will be called on to say by your votes whether you will indorse the President's action in sending to the Senate the name of a man who acknowledged taking $2,500, and said afterwards that he had made a mistake.

I serve notice on you now that if there is any way to discuss this nomination in the open it will be discussed in the open. If there is any way for the American people to know how Senators vote upon it, they will know.

It is a pity that men without stain or suspicion can not be found by the present Republican leadership to be appointed to these high places.

I shall not believe, even though your actions indicate the contrary, that good men, free from corruption, apostles of purity in politics, can not be found within the Republican Party to fill these places.

Mr. WATSON of Indiana. Mr. President, my friend from Mississippi [Mr. HARRISON] has already been discussing the nomination in the open, before the committee has reported. This matter is before the committee. The committee has made no report. I think it would have been more in keeping with the proprieties if the Senator had come to the committee and had made his objection to the committee having the subject under consideration.

I knew nothing whatever about this matter, and neither did the other members of the committee, until the nomination came to the committee. The Senator from Missouri [Mr. SPENCER] lives in the city of St. Louis, and on yesterday he made his statement respecting the standing and character of this man. Up to this time the committee has given the matter no consideration. Until the committee has acted and has reported favorably on the nomination, it occurs to me that it is not exactly proper to be discussing the subject on the floor of the Senate, though, of course, I do not desire to criticize my friend unduly; but if the committee shall report favorably, after consideration, and the matter comes here, I presume that, like every other nomination, it will be discussed in accordance with the rules of the Senate. If the committee, after full consideration, shall conclude to report the nomination favorably, my friend from Mississippi may be assured that the members of the committee will have no objection to discussing the matter in the open.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PHIPPS. I ask that the reading of the action of the House of Representatives on the District of Columbia appropriation bill may be concluded.

The reading clerk resumed and concluded the reading of the action of the House of Representatives, which is entire, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
May 3, 1922.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 114, 164, and 175 to the bill (H. R. 10101) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"That, annually, from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis; and that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix such rate of taxation as will, when applied to the aforesaid property in accordance with the levies and values hereinbefore mentioned, produce the said sums of money; and that until July 1, 1927, the Treasury Department may continue to make advancements toward the payment of the expenses of the District of Columbia as has been done during preceding years, but after June 30, 1927, it shall be unlawful for any money to be so advanced or for any money whatever to be paid out of the Treasury for District purposes, unless the District, at the time of such payment, has to its credit in the Treasury money enough to pay the full per cent required of it; and that for the purpose of defraying such expenses of the District of Columbia as Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1927, a tax at such rate on the aforesaid property subject to taxation in the District (the rate fixed herein on intangible personal property not to be made less but which may be increased by the commissioners in their discretion) as will, when added to the other taxes and revenues of the District, produce money enough to enable the District to pay promptly and in full all sums directed by Congress to be paid by the District, and for which appropriation has been duly made; and that the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix annually such rate of taxation as will, when applied as aforesaid, produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed; and that the Commissioners of the District shall, in accordance with existing law, cause all such taxes and revenues to be promptly collected and, when collected, to be daily deposited in the Treasury to the credit of the District for the purposes herein set out; and that on July 1, 1922, the Treasury Department shall open, and thereafter accurately keep, an account showing all receipts and disbursements relative to the revenues and expenditures of the District of Columbia, and shall also show the sources of the revenue, the purpose of expenditure, and the appropriation under which the expenditure is made; and that from and after June 30, 1922, any and all revenue derived from property not owned wholly or in part by the District of Columbia, as between the United States and the District of Columbia, shall be the property of the United States; and that after June 30, 1922, where the United States is the owner of ground or the holder thereof in trust for the public, upon which improvements have been made at the joint expense of the United States and the District of Columbia, the revenues therefrom shall first be used to pay the United States 3 per cent of the full value of the ground as a ground rent, and the remainder shall be divided between them in the same proportion that each contributed to said improvements, and for such purposes the assessor for the District of Columbia shall fix the full value of the ground after he has first made oath that he will fairly and impartially appraise the same; and that after June 30, 1922, any revenue derived from any activity or source whatever, including motor-vehicle licenses, not otherwise herein disposed of, which activity or source of revenue is appropriated for by both the United States and the District of Columbia, shall be divided between the two in the same proportion that each has contributed thereto; and that if, for any fiscal year after June 30, 1927, the District of Columbia should raise and deposit in the Treasury to its credit, as herein provided, more money derived from taxation, privileges, and other sources authorized herein than may be necessary for the purposes herein set out, such excess shall be available the succeeding year, in the discretion of the commissioners, either for the purpose of meeting the expense chargeable to the District of Columbia and/or for the further purpose of enabling the commissioners to fix a lower rate of taxation for the year following the one in which said excess accrued than they might otherwise be able to do; and that after June 30, 1922, the agencies through which the District of Columbia collects its revenues derived from taxation shall also collect for the United States any revenues which by this act become the sole property of the United States, and said revenues shall be deposited in the Treasury of the United States as "Miscellaneous receipts," but the revenues from the property known as Center Market shall not be so collected; and that hereafter the Commissioners of the District of Columbia shall not be restricted in submitting to the Bureau of the Budget their estimates of the needs of the District, but they shall, as near as may be, bring them within the probable aggregate of the fixed proportionate appropriations to be paid by the United States and the District of Columbia.

"That all acts or parts of acts in conflict with any provision of this act are hereby repealed to the extent of such conflict but no further.

"That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1923, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, hereby is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and the advances from the Federal Treasury herein permitted, namely:"

That the House recede from its disagreement to the amendment of the Senate numbered 78, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment, insert "$25,000."

That the House recede from its disagreement to the amendment of the Senate numbered 79, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment insert: "$134,220."

That the House recede from its disagreement to the amendment of the Senate numbered 86, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment insert "$75,000."

That the House recede from its disagreement to the amendment of the Senate numbered 101, and concur therein with an amendment as follows: After the sum "$2,400" in said amendment insert: "*: Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playgrounds department."

That the House recede from its disagreement to the amendment of the Senate numbered 115, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"For beginning the erection of an addition to the Armstrong Manual Training School and alterations thereto, to include an assembly hall, additional classrooms, shops, and laboratories, within a limit of cost of $500,000, which is hereby authorized, $100,000, and the commissioners are authorized to enter into a contract for said addition at a cost not to exceed $500,000."

That the House recede from its disagreement to the amendment of the Senate numbered 116, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"The Commissioners of the District of Columbia are hereby authorized and directed to have plans prepared by the municipal architect for an addition to the Western High School, which plans shall include repairs and alterations to the present building, with a view to providing not less than 24 additional classrooms."

That the House recede from its disagreement to the amendment of the Senate numbered 142, and concur therein with an amendment as follows: Strike out the matter inserted by said amendment, and on page 65 of the bill strike out lines 1 to 5, inclusive.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"The Commissioners of the District of Columbia are authorized and directed to use a site for a home and school for feeble-minded persons, said site to be located in the District of Columbia on land owned by the District of Columbia and now allotted to the Home for the Aged and Infirm, and to erect thereon suitable buildings at a total cost not exceeding $250,000, and toward said purpose there is hereby appropriated the sum of $100,000, to be immediately available. The persons to be admissible thereto and the proceedings with reference to securing such admission to be in accordance with law."

That the House recede from its disagreement to the amendment of the Senate numbered 163, and concur therein with an amendment as follows: In lieu of the sum proposed in said amendment insert: "$2,500."

That the House recede from its disagreement to the amendment of the Senate numbered 187, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"For increasing the water supply of the District of Columbia in accordance with Project E, submitted in Senate Document No. 403, Sixty-sixth Congress, third session, the estimated cost of which has been revised and placed at $8,738,000, there is hereby authorized an appropriation, including those heretofore made, to be expended under the direction of the Secretary of War, of not to exceed the sum of $8,738,000, which shall include the cost of all land, rights of way, easements, materials, engineering, labor, equipment, service, and all things necessary to complete said project and its full and complete connection with the present water plant of said District and its distribution system, and of said sum there is hereby appropriated for said purpose the sum of $1,500,000, to be immediately available and to be expended in such a manner as will at the earliest possible date provide for the completion of said project. The Secretary of War may enter into contracts for materials and work necessary to the construction of said project, to be paid for as appropriations may from time to time be made, not to exceed in the aggregate the sum of $1,450,000 in addition to the amount herein appropriated. The Secretary of War is hereby authorized to acquire all necessary land, easements, and rights of way necessary to the construction of said project by purchase or condemnation: *Provided*, That no bid in excess of the estimated cost for that portion of the work or plant covered by the bid shall be accepted, nor shall any contract for any portion of the work, material, or equipment to constitute a part of the plant for which this appropriation is available be valid unless the Chief of Engineers of the United States Army shall have certified thereon that all its terms are within the requirements of this authorization and the revised estimates: *Provided further*, That the Secretary of War shall submit to Congress on the first day of the next regular session a supplemental report on said water system and increase of water supply showing, among other things, new or proposed construction within said District, connections with the present system of distribution, and revised estimates of cost."

That the House insist upon its disagreement to the amendment of the Senate numbered 186.

Mr. PHIPPS. I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 78, 79, 86, 101, 115, 116, 142, 155, 163, and 187.

Mr. HARRISON. Will not the Senator explain what those amendments are?

Mr. PHIPPS. The Secretary has read the amendments. These are the Senate amendments that the House has accepted with amendments. They have just been recited. I will run over them again briefly.

On the question of playgrounds, where the Senate had authorized $50,000, the House agreed to make it $25,000.

On the question of night schools, the amount remains the same as originally proposed, $75,000.

Mr. HARRISON. May I ask about the $75,000 item? The House originally appropriated $75,000?

Mr. PHIPPS. Yes; it appropriated $75,000. The Senate raised it to $90,000.

Mr. HARRISON. Then the House finally receded from their action?

Mr. PHIPPS. No; the House receded from an amendment to the amendment of the Senate which would have restricted the subjects to be taught to those taught in ordinary school grades and the first two years of high school. This action of the House eliminates that proviso.

The next item is one providing for the purchase of land for the Dunbar High School, which the House has agreed should be acquired.

The next is that relating to the Armstrong Manual Training School. In these cases the House amendments simply modified what the Senate had proposed and what the Senate had voted for.

The sinking fund interest item is the next one which, it was found on investigation, it was unnecessary to provide for this year. Therefore this action will eliminate the item of $400,000 from this year's appropriation bill.

The other items are small, the National Library for the Blind and the Polytechnic for the Blind. The Senate inserted appropriations in the bill. The House agreed to allow a little more than half the amounts suggested by the Senate.

The other item, that relating to the increased water supply, is practically in accord with the Senate amendment, the only difference being the language in connection with the operation of the project for developing an increased supply of water. That covers the list, I believe, and I am now moving that the Senate agree to these items in the form as modified by the House.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

Mr. PHIPPS. That leaves item 186, which is the matter of acquiring the three pieces of property for park uses, which the Senate put into the bill in accordance with the vote of the Senate, authorizing the park commission to take jurisdiction over that property. The House has refused to make any appropriation for those items. Therefore, my motion is that the Senate recede from its amendment numbered 186.

The motion was agreed to.

Mr. PHIPPS. That would leave undisposed of only one item, which is the fiscal item, amendment numbered 1, and on that I want to say a word.

A very misleading impression has gone out among the citizens of the District as to the effect of this proposed amendment. As a matter of fact, it accepts the House basis of the 60–40 division of expenditures, and makes it permanent until changed by legislation.

To go back, under the basic law of 1878, and until 1900, the taxes on property were collected in two installments of 50 per cent each, November 1 and May 1. The act of June 6, 1900, provided that thereafter the taxpayer would not become delinquent until the end of May, which had the result of throwing all collections into the month of May, instead of the payments being made in semiannual installments, as had been the custom, and evidently realizing what that would mean in the fiscal affairs of the District, Congress then authorized the Secretary of the Treasury to make advances from time to time to cover the District's requirements, and reimburse the Treasury out of the tax collections as received by the District.

The result has been that until the District began to accumulate some surplus, in 1916, the Secretary of the Treasury was advancing large amounts of the funds wanted to meet the appropriations, but as late as the year 1921 the amounts advanced were not excessive. Taking the entire year 1921, the advancements amounted to $7,202,000, in round figures, all made before the end of April, after which time the District taxes were coming in, and the Government was repaid. As a matter of fact, $101,000 additional was turned over to the Treasury of the United States and put into the surplus, to which the District claims credit. For the 10 months of the current year, the advances have been larger and amount to about $8,622,000.

If the District, as it claims, has a surplus to its credit of some $5,000,000, which we expect to determine through the means of a bill which has now been reported out by the Committee on the District of Columbia, with that $5,000,000, plus the amount which comes in currently by way of miscellaneous receipts, amounting to $3,000,000 per year, it would only be necessary to go back to the former basis of collecting the taxation in two installments, on November 1 and May 1, in order to enable the District to meet its 60 per cent of the expenditures for the government of the District, as nearly as we can estimate it; or, at the worst, it would mean but a very small additional amount, which would have to be accumulated during the next five years, until the District would be on a cash paying basis.

Mr. BALL. Why would it not be better to find first whether there is to be a surplus, before we make this new provision?

Mr. PHIPPS. Mr. President, the question whether or not a surplus exists has been a matter of discussion and dispute, and it should be determined. To that end, the bill to which I refer has been introduced, and I understand the Committee on the District of Columbia, of which the Senator from Delaware is chairman, has reported favorably upon that measure. I therefore hope that it will come up very promptly for action.

Mr. BALL. I hope the matter will be acted upon immediately by a report from the Committee on Contingent Expenses of the Senate, which provides that the payment of the commission shall be in part from the contingent fund of the Senate and in part from that of the House. But the question is: Why should we make this provision by law? Why not continue the present practice, and let these advancements be made another year, until it is decided whether there is or is not a surplus?

Mr. PHIPPS. This leaves it entirely within the power of the Commissioners of the District to determine what amount it will be necessary to raise by taxation to meet the current needs of the District and supply a surplus, if one is required. It is not obligatory on them to raise any definite amount.

Mr. SMOOT. As I understand it, the bill is not going back to conference at this time.

Mr. PHIPPS. I was just about to say that the only item now unsettled, amendment No. 1, should be referred to the Com-

mittee on Appropriations. I move that amendment No. 1 be referred to the Committee on Appropriations.

Mr. HARRISON. Do I understand the Senator to say that the amendment which was adopted by the House was agreed to by the Senate conferees and the House conferees with the thought that it was the best compromise that could be effected?

Mr. PHIPPS. The Senate conferees so expressed themselves before the amendment was taken by the House conferees to the House. That is correct.

Mr. HARRISON. And it was worked out as a compromise matter between the House and the Senate conferees?

Mr. PHIPPS. That is correct.

Mr. HARRISON. Then why was it not included in the conference report and brought here in a formal way, according to the customs and rules of the House and the Senate, for adoption as a conference report?

Mr. PHIPPS. That is the difficulty and that is what we are up against in all cases where we have to meet the rules of the House. The conferees on the part of the House are not permitted to agree to the adoption of certain amendments. They can only agree that they will report them back to the House for action, so that as the conference report was laid before the Senate the Senator will find that amendment numbered 1, as well as many others—those on which we have just had action to-day—while tacitly agreed upon by the conferees, were still in dispute as between the two Houses, and, so far as the conferees were concerned, between the conferees themselves.

Mr. HARRISON. In other words, if the amendment as agreed to by the Senate conferees and the House conferees had been reported in a report to the House, a point of order could have been made and it would have been sustained. Is that the idea of the Senator?

Mr. PHIPPS. I would hesitate to answer that question, because that involves a construction of the House rules.

Mr. HARRISON. I understood the Senator to say that the reason why it was brought here in that way is because the House has a rule that any change in a bill must be brought into the House first and be voted on separately, and it was to evade that rule that this procedure was adopted.

Mr. JONES of Washington. Mr. President, I want simply to say that the House conferees insisted that under their rules they would have to take the matter back to the House. I am not passing upon whether it would have been subject to a point of order or not. That is what the House Members contended—that they would have to take it back to the House. They said they would have to take back to the House all the amendments we had agreed to, because under their rules that was required of them.

Mr. HARRISON. And if that course had not been followed and the amendment had gone in a report to the House, a point of order could have been sustained and probably would have been sustained.

Mr. JONES of Washington. I doubt that very much, but I do not know. I am not passing on that proposition.

Mr. LENROOT. Mr. President, may I say that I think it would have been subject to a point of order in the House only because of the new rule of the House that any legislation incorporated in an appropriation bill by the Senate is not subject to action by the conferees unless first acted upon by the House.

Mr. HARRISON. I understand. The rule was adopted about two years ago. It would be subject to a point of order if it had been brought in in a report, and this procedure was followed to evade that rule.

Mr. SMOOT. Mr. President, it simply means that as to any amendment placed on an appropriation bill the conferees of the House can not act without first taking it back and having a vote of the House upon that particular item. In other words, every Member of the House is a member of the conference on any amendment put on by the Senate.

Mr. HARRISON. I understand, and I think we all agree on the proposition.

Mr. LODGE. I do not think taking it back to the House means that it then may go out on a point of order. It means that they have to take a vote upon it, because it would be out of order if it originated in the House; but a point of order does not lie in the House against a Senate amendment.

Mr. HARRISON. I understand; but the Senator knows, because he had long experience in the House, that if a conference report comes in and contains new matter which is not germane to the House provision or to the Senate amendment, but goes out into a field that is new legislation——

Mr. LODGE. That is the old rule.

Mr. HARRISON. It exceeds the power of the conferees and a point of order operates against it.

Mr. LODGE. Then, after action by the House it goes back to conference. That is not the proceeding here; that is entirely different.

Mr. HARRISON. I understand it is; but they were trying to evade the situation with which they were confronted.

Mr. LODGE. As I understand it from the conferences in which I have taken part, they reserve it for a vote in the House. It is not subject to a point of order in the House, but has to be voted on before they can agree to it.

Mr. PHIPPS. Mr. President, I desire to call attention to the fact that on May 3, the point of order having been made against this very amendment on the preceding day, the Speaker of the House ruled that the matter was germane and the point of order did not lie, that it was proper matter on which the House should have a vote. Thereupon the House voted and agreed to the amendment.

Mr. HARRISON. Yes; he ruled that way after two days' discussion, and in his decision he said it was a very close proposition and had given him a great deal of concern and some worry.

Mr. LENROOT. I would like to suggest to the Senator that the point of order, if it would lie at all, did lie just exactly in the same way when offered as an amendment on the floor as if it had been incorporated in the conference report. They were not evading anything, so far as general parliamentary law was concerned. If the House had originated that amendment it could then have gone back to the conferees, and the conferees would have had full jurisdiction over it.

Mr. HARRISON. I think the Senator is right about the latter proposition, but not the first. I think there is a great deal of difference between the proposition of an amendment being offered on the floor of the House and an amendment coming in as a part of a conference report. I think the Speaker in his decision said so. I know it was argued that way to him.

Mr. LENROOT. The Speaker ruled just the opposite, as the Senator will see if he will examine the record. The Speaker held that the question was identically the same, whether it had been incorporated in the conference report or offered on the floor, so far as being germane was concerned.

Mr. HARRISON. Mr. President, I now make the point of order, in view of what the Senator from Colorado has said, that this is an evasion of the custom of the Senate and the rules of the Senate. The conferees have acted without authority. They have exceeded their jurisdiction. They come in here with an amendment in the form in which this amendment is presented, because they knew, or they should have known, that if they brought it in as a part of the report it would be subject to a point of order because, as I shall try to demonstrate, they have gone far beyond either the Senate amendment or the House amendment in this compromise amendment.

The Senator from Colorado said that he and his colleagues, conferees upon the part of the Senate, helped the House conferees to draft this compromise amendment. It is the outgrowth of the conference. It was born in the conference. So far as the spirit of the case is concerned, this is a conference report.

Mr. President, the Presiding Officer's ruling on this proposition will have great weight and be far-reaching, because a precedent will be established which will be cited in the future. If the Chair should hold against my point of order and the Senate should afterwards follow that ruling, then conferees can go and deal with almost any question and tack it onto a House or Senate amendment. In other words, if the House or the Senate should amend either amendment by placing a provision, for instance, touching the tariff question just in the slightest degree on one article, the other House would have jurisdiction to take up the whole tariff question and write a new tariff bill. If an amendment upon the part of the Senate was added to the House amendment dealing with the Federal reserve system in the slightest, as was suggested by one of my friends, Mr. WINGO, in the House debate yesterday, the conferees could go into conference and repeal the whole Federal reserve system. In other words, it is proposed to place in the hands of three Members representing the Senate and three representing the House the power to write into a bill matters that are not germane to the subject matter and which may be involved and complicated and deserving of full and careful consideration. We will have established a precedent that will constantly rise to haunt us in the future.

Mr. PHIPPS. Mr. President——

Mr. HARRISON. I yield to the Senator from Colorado.

Mr. PHIPPS. I only desire to call attention to the fact that the two important features of amendment No. 1 are the establishment of the 60-40 plan on a permanent basis; that is, until

otherwise changed by legislation. The 60–40 plan was written in the House bill. The permanency feature was written by the Senate in its amendment. The items of detail that have been added to the amendment are of no great importance, but are only those necessary to make the 60–40 plan workable as a permanent law.

Mr. HARRISON. The policy of the Senate, as well as the policy of the House, as expressed recently in changes of rules in the two bodies, has been to take away from the conferees more and more power and to compel them to confine their consideration to the amendments which might come either from the House or the Senate. The Senator from Wisconsin [Mr. LENROOT] cited the late rule passed by the House that before the conferees could agree to new matter or new legislation in a conference report it must first be submitted to and acted upon by the House. In this instance it was sent to the House and acted upon, carrying out the specific instruction according to the rules of the House.

Now, it is different in the Senate. Here was a rule which was adopted in 1918, known as the Curtis rule. The sole intent of that rule was to compel the conferees to consider questions in difference between the House and Senate without bringing in new legislation or unrelated matter. If the Chair will look at the CONGRESSIONAL RECORD giving the debates at the time of the adoption of that rule he will see the purpose of it. Let me read just a brief part of it to show what the desire of the Senate was at that time and the policy that has been pursued since. Mr. Gallinger brought in the rule. That rule is the present rule of the Senate, and the second section of it reads as follows:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

I ask that that discussion, which comprises about a page of the CONGRESSIONAL RECORD, be printed at the close of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARRISON. Without question, if this amendment had been brought here in a report by the conferees it would have been subject to a point of order. There would have been no question about that, I take it. The Senator from Colorado has admitted that the amendment is born out of the minds of the Senate and House conferees; that they entered into it as a compromise. So, if we are going to carry out the spirit of the Senate rule, the same rule should be applied against an amendment which has been adopted by the House, that deals with enlarged matters and matter that is not germane to the question in conference. The Senator from Utah [Mr. SMOOT] shakes his head.

Mr. SMOOT. If the Senator from Utah understood the statement made by the Senator from Mississippi, the Senator from Utah can not agree with the statement in this particular case, because he does not believe it applies. In other words, as I understand the situation it is this: The conferees have made to the Senate not a full report but a partial report, all of the amendments having been agreed to by the Senate with the single exception of the one which is under discussion. The conferees can not now go further. The conferees on the part of the Senate have got to be appointed again before they may act on behalf of the Senate. There is only one of two things to be done. The Senate may appoint its conferees to confer again with the conferees on the part of the House, and agree, if possible, to eliminate or amend the provision so as to bring it within the rules of the House and the Senate, or it may be referred to the committee. Those are the only two things the Senate may now do.

This, I repeat, is only a partial report, and there is only one amendment still in disagreement. There will be no conferees on the part of the Senate to act until the Presiding Officer shall again appoint such conferees.

Mr. HARRISON. I ask the Senator, does he not think that this amendment would have been subject to a point of order under the rules of the Senate if it had come in on a conference report?

Mr. SMOOT. If the report had been a complete report, and if the conferees had asked that the amendment be agreed to by the Senate, I have not any doubt that it would have been subject to a point of order. That, however, is not the case.

Mr. HARRISON. I know it is not the case, and the conferees are trying to avoid that situation by preparing a compromise amendment and putting it in another way. In other words, accomplish their purpose in an evasive way.

Mr. SMOOT. No; I do not think it is an evasion, because the whole question is presented here by the conference committee to the Senate, and it is for the Senate to act. There was only one of two things which the Senate could do, and one of them has been eliminated by the conferees saying that they could not agree to a certain amendment. The only other thing to do, if the Senate is to take action on the matter, is to refer it to the committee. It may lie on the table here forever, if the Senate does not want to act upon it, but if there is to be any further action taken upon the appropriation bill the only way it can be done is to ask that the amendment be referred to the committee.

Mr. HARRISON. Mr. President, the amendment as originally adopted by the other House dealt with this matter as on a 60–40 basis. The Senate, however, adopted a different method and provided the rate of taxation should be $1.75 per $100. Both in the House and in the Senate the provision was confined to real estate and tangible personal property. I suppose there is no difference of opinion about the proposition that the provision originally adopted by the House on the 60–40 basis dealt solely with real estate and tangible personal property, and that the Senate amendment did the same thing; and yet in conference the committee not only deal with the question of tangible personal property but with real estate and with intangible property also, as well as with a great many other questions. Both the House provision and the Senate amendment were designed to raise enough revenue to provide the current expenses of running the District of Columbia; but the conferees go beyond that and provide that the $15,000,000 indebtedness which the District owes shall be wiped out, and that such a rate of taxation shall be levied every year that within five years' time the District of Columbia shall be operating on a cash-paying basis.

Mr. PHIPPS. Mr. President, do I understand the Senator from Mississippi to have made a statement regarding some supposed $15,000,000 that the District of Columbia owes the Government?

Mr. HARRISON. No; I said nothing like that.

Mr. PHIPPS. Then I apologize to the Senator. I did not understand him.

Mr. HARRISON. I said that the House did not deal with the proposition in the original bill, nor did the Senate, but the conferees now, through their amendment, propose to give the right to levy such taxes as will wipe out the indebtedness of the District of Columbia and put the District upon a cash-paying basis by the end of 1927.

Mr. PHIPPS. There is no reference to any indebtedness. There is merely a reference to necessary working capital. As has been stated here—I think I stated it myself very distinctly a few moments ago—the District authorities claim that the Federal Government owes the District $5,000,000. Members of the other House, and, perhaps, some Members of the Senate, claim that the Federal Government owes the District of Columbia nothing. I have stated that a separate bill has been introduced and has been reported out by a committee to determine what the fact is.

Mr. HARRISON. But nothing is said about that in the amendment.

Mr. PHIPPS. Then, why does the Senator from Mississippi bring that in here if it is not in this amendment?

Mr. HARRISON. I will read a portion of the proposed amendment to the Senator. Perhaps he did not draft this part of it and he probably has forgotten it. It provides:

> And that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927.

Mr. PHIPPS. It is all left to the commissioners of the District.

Mr. HARRISON. Under that provision the additional tax will amount to about $3,000,000 per annum.

Mr. PHIPPS. Who said that? The newspapers? There is no basis for that statement.

Mr. HARRISON. The District commissioners say that, do they not? And the general impression is that those figures are correct. Of course, when such an important question is treated

in such a way as has been done, naturally the correct estimate is hard to make as well as difficult to obtain.

Mr. PHIPPS. Oh, no; they have never said that. If the Senator is going to take newspaper reports, and read them on the floor of the Senate, instead of getting information from an authoritative source, he is likely to fall into error.

Mr. HARRISON. I have not alone been reading from newspaper reports.

Mr. PHIPPS. The statements that $3,000,000 of taxation will be added each year, as I have already stated, is absolutely incorrect. On May 1 the District had received from the Federal Treasury $8,600,000 by way of advancement on this year's expenditures. During the present month the District taxes come in, and before the end of May, perhaps, certainly before the end of the first week in June, the District will have repaid every dollar of that advance to the Federal Treasury. That does not take into consideration at all the balance to its credit on July 1, 1921, of some $5,000,000, which figure has been agreed upon as between the auditor for the District and the Treasurer of the United States.

Mr. HARRISON. Under the plan proposed by the Senate, leaving out of consideration the House amendment, when does the Senator think the District would get on a cash-paying basis?

Mr. PHIPPS. That would depend upon the determination of the amount standing to the credit of the District in the Federal Treasury. If, as claimed by the District officials, $5,000,000 at least will be standing to the credit of the District on July 1, 1922, based on the best information I can obtain from the District records, it would not take three years; it would not take two years, and it would not mean more than two or three million dollars at the outside to enable the District to carry currently its fair share, or 60 per cent of the expenses of the District. That statement is based, of course, upon the assumption that there shall be a return to the plan which was in force before the law of June 6, 1900, was passed, which eliminated the collection of taxes for the first half of the year under penalty on November 1. If there shall be a return to the plan of dividing the payment of taxes so that 50 per cent shall be paid on November 1 and 50 per cent on May 1, subject to penalty a month later, the District will get its tax money in season to enable it to meet its obligations or its share of the 60 per cent of the expenses.

Mr. HARRISON. I will ask the Senator not to take into consideration the $5,000,000 which is in dispute between the Federal Government and the District of Columbia, because that has been a matter in controversy for a long time, and the Government has not turned it over to the District.

Mr. PHIPPS. On that basis, my view is that an increase of a million and a quarter dollars a year would be ample to put the District on a cash-paying basis.

Mr. HARRISON. That is, under the plan adopted by the Senate in its amendment in five years the District will be on a cash-paying basis?

Mr. PHIPPS. Provided we should return to the plan in force prior to June 6, 1900, which allowed the District to collect the first half of its taxes in the month of November.

Mr. HARRISON. Was that provided for in the Senate amendment?

Mr. PHIPPS. It was not, for the very reason that the Senator is now objecting to this amendment. The conferees did not feel that they should load it down with legislation to any greater extent than necessary in order to provide a workable plan, taking as the basis the Senate contention for a permanent plan and the House contention for the 60-40 basis of providing the money to meet the expenses of the District. The other provision is only put in as being necessary to make the plan workable and to enable the District to meet its 60 per cent of the obligations incurred.

Mr. HARRISON. The Senator says that the committee did not deal with this plan when the bill was before the Senate for the very reason that it was feared it might constitute legislation, and would therefore be subject to a point of order.

Mr. PHIPPS. I do not think the Senator should put words in my mouth.

Mr. HARRISON. Or that some question might be raised against it.

Mr. PHIPPS. The record will speak for itself. I do not think the Senator has quoted me accurately. My statement was that the House conferees, under the rules of the House, could not accept certain amendments, but had to carry them back to the House for a vote.

The VICE PRESIDENT. The Chair does not understand that the Senator from Mississippi has raised a point of order. The question before the Senate is the motion to refer the amendment of the House of Representatives to the Committee on Appropriations. Does the Senator raise any point of order against that amendment?

Mr. HARRISON. Mr. President, I was going to make a point of order, but I care nothing about the proposition except that it establishes a precedent here which must be followed in the future. I may say to the Senator from Colorado that it may be that I will vote for this plan at some time, but there is a peculiar situation. The Committee on the District of Columbia gave consideration to a plan to raise taxes in the District, which plan the Senate adopted. The District Committee of the House had adopted another plan, and the House had agreed to it. The House has never adopted the Senate plan, nor has the Senate adopted the House plan, and the plan now proposed is one which has not been adopted by either the House or the Senate, but it is absolutely a new proposition that was evolved in the minds——

Mr. PHIPPS. It has now been adopted by the House.

Mr. HARRISON. That was evolved in the minds of six gentlemen—splendid men, able legislators—but certainly the committee should consider this proposition at some time. The Senator is quarreling with me because I say that the conferees should not exceed their authority, and present a provision for an entirely new fiscal policy for the District of Columbia which is different from the policy adopted both by the House and by the Senate. Oh, the Senator says the House has adopted it. They only adopted it yesterday, and apparently every one, with one or two exceptions, apologized for the haste and lack of deliberation in which it was then being done.

Mr. PHIPPS. The question whether the point of order will lie or not may be determined by the Chair. I do not care to discuss the matter at length. The conferees certainly devoted their best effort to securing a workable plan as between the District of Columbia and the Federal Government.

Mr. HARRISON. I have no doubt of that.

Mr. PHIPPS. Having in view the idea of not departing from the wishes of the House and the Senate as expressed in the provision of the House bill and in the amendment of the Senate, if the Senator thinks differently, I do not know what line of action he would have taken had he been named as one of the conferees on the part of the Senate and been compelled to sit day after day in the discussion of the question involved.

Mr. HARRISON. Does the Senator want to know what I would have done?

Mr. PHIPPS. I do not know whether he would have so strictly hewn to the line for fear that he might depart from a provision of the Senate rules and perhaps unthinkingly violate a rule of the Senate by considering something which was not germane to the original proposition.

Mr. HARRISON. If the Senator asks me what I would have done, I will tell him I would have followed the instructions of the Senate.

Mr. PHIPPS. That is what the conferees believe they have done.

Mr. HARRISON. That is what the conferees have not done. I would have stood for the Senate amendment and I would not have exceeded my authority and gone out and increased the taxes of the people of the District, eliminated items which had been agreed to both by the House and the Senate in some instances, and placed in the bill other provisions which had never been considered by the House or by the Senate. I would have taken it for granted that the legislative committee should consider such questions.

They should arrive at a conclusion and then their plan should be fought out; and no three men, simply because they are conferees, should usurp the authority to write a whole fiscal system or fiscal policy for the District of Columbia.

Mr. PHIPPS. I call the Senator's attention to the fact that the motion before the Senate is that this matter be referred back to the committee. I do not see why the Senator should insist that the conferees are trying to "put something over" on the Senate, so to speak. That has not been attempted at any time.

Mr. HARRISON. They are not now, because they have been checked in it.

Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. JONES of Washington. Mr. President——

Mr. HARRISON. I yield to the Senator from Washington.

Mr. JONES of Washington. I just want to say to the Senator that I am not going to argue the matter now, but, as one of the conferees, I am satisfied that even in this informal agreement—of course, technically, it is not before the Senate as an agreement—in the informal agreement I am satisfied that the conferees have not gone outside of the amendments that were put on in the Senate and in the House. The Senator

may not agree with me, but when the time comes I think I can give very substantial reasons for my position that the conferees have not exceeded their authority.

Upon the proposition of the action that was taken, however, I think I have said on the floor of the Senate heretofore that I do not like the situation that confronts the House or the Senate upon conferences in connection with appropriation bills.

We do not have a full and free conference under the system as it is working now. We can not have it. We get into conference, and the House conferees can not agree or disagree to amendments that the Senate puts on properly under its rules, but they have to say to the Senate conferees: "We are in favor of this, but we have to take it back to the House," and we have to report a disagreement.

I do not know how long that is going to continue. I am just as much opposed to it, I think, as the Senator is, and I have been willing myself to try to settle the controversy in some way; but on account of the state of the public business we have been going along with these conferences on appropriation bills and bringing in, just as we have done on this bill, disagreements, and then, after the conference report is accepted, reporting to the Senate what the conferees have actually agreed upon and asking the Senate to agree to it.

That, however, is the situation that confronts us. All I rose to say was simply that as one of the conferees I do not believe that the plan proposed transcends the authority of the Senate conferees if the House conferees had authority to agree to it; but I am not going to argue the matter.

Mr. HARRISON. Mr. President, if estimates are correct, this amendment will increase the taxes in the District of Columbia about $4,000,000 per annum. It increases the rate on intangible property by two-tenths of 1 per cent. Neither the House nor the Senate dealt with the question of intangible property at all.

Mr. JONES of Washington. Oh, yes, Mr. President; the Senate did deal with it.

Mr. HARRISON. How did the Senate deal with it?

Mr. JONES of Washington. The Senate declared that the tax on intangible property should be as it is now.

Mr. HARRISON. Absolutely; and the House did not say anything at all about it, and consequently it was the same as it is now, and the Senate did not change it at all.

Mr. JONES of Washington. No; but the House disagreed to our proposition, and we dealt with it. So far as that is concerned, however, the proposition has passed the House now.

Mr. HARRISON. The Senator will admit that the House did not change the tax on intangible property. The House did not change it at all, did it? They left it as it is under present law?

Mr. JONES of Washington. They did not change the tax on anything.

Mr. HARRISON. That is right. The Senate did not change the tax on intangible property, did it?

Mr. JONES of Washington. No.

Mr. HARRISON. Neither one of them—the House or Senate—changed the tax on intangible property.

Mr. JONES of Washington. But the Senate declared that the taxes of all kinds in the District of Columbia should be fair and reasonable, and that is pretty broad.

Mr. HARRISON. Oh, well! This amendment also changed the manner of collecting rents at the Center Market. Neither the House nor the Senate dealt with that proposition at all. It was not mentioned. This amendment seeks to set up in the District a ground rent for Federal property. Neither the House amendment nor the Senate amendment dealt with that proposition at all. This amendment seeks to change the basis of assessment from not less than two-thirds the value of the property to the market value—a question that did not enter into the House amendment or the Senate amendment. In instance after instance the conferees have gone beyond the amendment that was adopted in the House and the amendment that was adopted in the Senate; but my parliamentary inquiry, Mr. President, is this, because I am glad the proposition is going to the committee. I hope it will be considered fully, and I am sure it will be considered fairly.

This may be all right. I have voted every time, as a Member of the House and as a Member of the Senate, for the 60–40 plan. I have ever believed that the District should bear its just part of the burden of running the Government. I would not favor the District one whit over other localities, of course taking into consideration the fact that the Federal Government should bear its part of running the District; but, Mr. President, I want to be fair with the District. I want to see the people here treated fairly and have an opportunity to be heard. I have always voted against the 50–50 proposition, but I do not believe that this amendment deals fairly with the District under the circumstances. I know that the conferees have prepared it here in a very short time; and just six Members—three of the House and three of the Senate—have considered it. No person in the District, I presume, has been consulted. Indeed, evidently, their judgment was not sought; their appeals or remonstrances not heard.

My parliamentary inquiry, however, is this: Should this matter go to the committee and be reported back, and then be sent to conference, and the conference report come to the Senate, and the conferees still have exceeded their authority, will a point of order then lie, or will the fact that the point of order has not now been made prevent the point of order from then being made?

The VICE PRESIDENT. The Senator is inquiring whether a point of order will lie to action which he says exceeds the authority of the conferees. That question answers itself.

Mr. HARRISON. To be perfectly clear on the proposition, then, I make the point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. HARRISON. My point of order is that the conferees have exceeded their authority; that they have evaded the rules of the Senate by not bringing in this amendment in the form of a report, but in the form that they have; and if this practice should continue, of course, one House could amend an amendment adopted by the other House, and bring in almost any question. That is contrary to the practice as well as the spirit of the Senate rule.

The VICE PRESIDENT. The question before the Senate is the motion to refer this matter to the committee. Does the Senator make a point of order on that?

Mr. HARRISON. I am making the point of order that this amendment has no business here.

The VICE PRESIDENT. The Chair will rule that that point of order is not well taken. This matter comes here as an amendment adopted by the House of Representatives.

Mr. HARRISON. Yes; and my point of order is that the amendment that was presented here by the conferees exceeded their authority and is contrary to the rules of the Senate. I have been frank with the Chair, and I must state to the Presiding Officer that really, if I were presiding, I would overrule the point of order that I have made; but I have made it because I do not want to lose any rights with regard to making the point of order, if desirable, when the final report comes in.

The VICE PRESIDENT. The Chair has just stated that the matter does not come here by any action of the conferees; it comes here as an amendment adopted by the House of Representatives.

Mr. HARRISON. Yes; but the Senator from Colorado says that they prepared it themselves, and they are doing it in order to evade the rule of the Senate that if it should come in as part of a conference report it would be subject to a point of order.

The VICE PRESIDENT. The Chair can not see that it makes any difference who prepared it. It comes here as the action of the House.

Mr. HARRISON. I thought the Chair would rule that way, and I find no fault with his ruling. I just want a ruling.

APPENDIX.

[From the CONGRESSIONAL RECORD, proceedings of the Senate, March 8, 1918.]

AMENDMENT OF THE RULES—CONFERENCE REPORTS.

Mr. GALLINGER. Mr. President, I am directed by the Committee on Rules to submit a report on Senate Resolution 162, which I ask may first be read, and I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the report after it has been read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read as follows:

"The Committee on Rules, to whom was referred Senate Resolution 162, providing for an amendment to Rule XXVII by adding the following paragraph:

"'2. Conferees may not include in their report matters not committed to them by either House, and in case new matter is included, the same shall be subject to a point of order, and, upon such point of order being made by any Senator, if sustained by the presiding officer of the Senate, such new matter shall be ruled out and eliminated from the report: *Provided*, That the elimination of such new matter upon a point of order shall in no way affect the remainder of the conference report'—

having considered the same, beg leave to report a substitute, as follows, and recommend its adoption:

"'2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.'"

Mr. OVERMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution reported by the

committee as a substitute for Senate Resolution 162. I think it appeals to every Senator, inasmuch as now we are beginning with the appropriation bills. If the Senate desires a rule of this kind it ought to be adopted at once. I think the rule explains itself. It gives any Member of the Senate the right to rise to a question of order when new matter not considered by either House is put in a bill or matter has been stricken out.

Mr. STONE. Mr. President, I desire to have the attention of the Senator from North Carolina and the Senator from New Hampshire to ask this question. As I heard the report read, it provides that the conferees shall not be authorized or empowered to change any original text which has been agreed upon by both Houses.

Mr. GALLINGER. That is the——

Mr. STONE. If the Senator will pardon me, I have served on conference committees where a section was under consideration, a part of which—it may be a clause—had been amended by one House or the other and the remainder of the section was left intact. I want to know if it were found in conference that it was necessary to change that part of the section which had been amended by one House, would it then be forbidden to conform the remainder of the section to the change?

Mr. GALLINGER. I think not. I will say to the Senator that that provision is taken from Jefferson's Manual, while the first provision in the resolution is taken from Cleaves's Manual on Conferences and Conference Reports, which was submitted to the Senate by former Senator Allison many years ago. I have been told that the manual prepared by Mr. Cleaves, who was for many years the clerk of the Committee on Appropriations, was adopted by the Senate, but I am not sure about that. However, both the propositions are sound, and they protect the Senate from the abuse with which we have so often been met. I feel sure that it will facilitate the work of the Senate and will prevent controversies that are constantly arising on these points. I hope the resolution will be agreed to.

Mr. CURTIS. Mr. President, I will say to the Senator from New Hampshire that Cleaves's Manual on Conferences and Conference Reports was adopted as the result of the passage of a resolution by the Senate. This amendment to the rules is one which was offered by me, and the amendment reported by the committee is satisfactory. I hope there will be no objection to it, for if adopted it will stop legislation by conferees.

Mr. JONES of Washington. Mr. President, I want to ask the Senator from New Hampshire a question. I am in hearty sympathy with the purpose of this rule, but my recollection, from the reading of the report, is that the original resolution expressly provided that the point of order should be passed upon by the Presiding Officer.

Mr. GALLINGER. Yes.

Mr. JONES of Washington. But the rule as reported from the committee leaves out that express direction. Is there any special reason for that?

Mr. GALLINGER. The objection to confining the decision to the Presiding Officer is that an appeal may be taken, and the question may ultimately be decided by the Senate itself. Of course, it is the duty of the Presiding Officer to make a ruling upon a point of order, but an appeal may be taken, so that the point of order may not be absolutely settled until the appeal is acted upon.

Mr. JONES of Washington. Of course, I understand that; but have we not another rule under which the Presiding Officer could himself submit any point of order to the Senate?

Mr. GALLINGER. Yes.

Mr. JONES of Washington. I think we really ought to require the Presiding Officer to pass upon a point of order which is made, subject of course to appeal to the Senate.

Mr. GALLINGER. Of course I assume that that is what the Presiding Officer is in the chair for, that when a point of order is made he will decide upon it.

Mr. JONES of Washington. But we find very frequently that Presiding Officers in the chair do what they are not supposed to do.

Mr. GALLINGER. I have no objection to inserting those words, but I think it would be supererogation.

Mr. JONES of Washington. Then the Senator from New Hampshire thinks that under the rule reported it would be the duty of the Presiding Officer to pass upon the point of order, subject to the right of appeal?

Mr. GALLINGER. Unquestionably.

Mr. JONES of Washington. I simply want that to appear in the record.

Mr. SMITH of Georgia. Mr. President, I understood the Senator from North Carolina [Mr. OVERMAN] to say that the objectionable matter would be eliminated without affecting the balance of a conference report. As I understand the rule, it is just the reverse, and if the point of order is sustained the report shall be recommitted to the committee of conference.

Mr. OVERMAN. I had not intended to say that.

Mr. GALLINGER. Mr. President, manifestly we can not strike any matter from a conference report. That is a power which belongs to the conference committee. All we can do under our custom is either to reject the report, or, in this case, if the point of order is sustained, to send the report back to the conference committee for their further consideration.

Mr. SMITH of Georgia. Mr. President, I agree with the Senator from New Hampshire, but there were Senators in my neighborhood who understood the chairman of the committee to say that the effect of sustaining the point of order was simply to strike out the objectionable matter and to leave the balance of the matter for action by the Senate.

Mr. OVERMAN. No; I had not intended to say that, though I may have done so inadvertently.

Mr. GALLINGER. The Senator from North Carolina inadvertently made that observation; but that is not the intention of the committee.

Mr. SMITH of Georgia. I thought it was only proper to call the attention of the Senate to the fact that the proposed rule does not assume that authority——

Mr. GALLINGER. It does not.

Mr. SMITH of Georgia. But sends the entire measure back to the committee of conference.

Mr. GALLINGER. That is all.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the Committee on Rules was, after line 4, to strike out:

"2. Conferees should not insert in their report matter not committed to them by either House, and in case any new matter is included, the same shall be subject to a point of order, and upon such point of order being made by any Senator, if sustained by the Presiding Officer of the Senate, such new matter shall be ruled out and eliminated from the report, provided that the elimination of such new matter, upon a point of order, shall in no way affect the remainder of the conference report."

And insert:

"2. Conferees shall not insert in their report matter not committeed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference."

So as to make the resolution read:

"*Resolved*, That the standing rules of the Senate be, and they hereby are, amended as follows:

"Amend Rule XXVII by adding the following paragraph:

"'2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and, if the point of order is sustained, the report shall be recommitted to the committee of conference.'"

The PRESIDENT pro tempore. The question is on the amendment which has been reported by the Committee on Rules.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. UNDERWOOD. Mr. President, I am in hearty accord with the motion the Senator from Colorado has made to refer this most important matter to the people of the District of Columbia to the committee of the Senate, where they may have hearings, and the people of the District who are interested may have an opportunity to be heard. I suppose that is the purpose of the motion; but the technical form of the motion is that the Senator has moved to refer the amendment. This amendment is a House amendment to a bill. It is now a part of the bill, incorporated by the House. I do not see how the Senator can make a motion to divorce the amendment from the bill.

Mr. PHIPPS. The Senator is probably correct.

Mr. UNDERWOOD. I suppose the Senator means that he moves to refer the bill to the Committee on Appropriations, with instructions to consider this amendment.

Mr. PHIPPS. I should like to perfect my motion in the manner suggested by the Senator from Alabama.

The VICE PRESIDENT. Will the Senator state the motion?

Mr. UNDERWOOD. To refer the District bill to the Committee on Appropriations, with instructions to consider amendment No. 1.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado, as modified.

The motion, as modified, was agreed to.

FISCAL AFFAIRS OF THE DISTRICT OF COLUMBIA.

Mr. CALDER. Mr. President, I ask unanimous consent to report back favorably from the Committee to Audit and Control the Contingent Expenses of the Senate without amendment Senate Concurrent Resolution No. 23, introduced by the Senator from Washington [Mr. JONES], authorizing the appointment of three Senators and three Representatives as a joint committee to inquire and determine what, if any, indebtedness there may be owing to the United States from the District of Columbia, or what, if any, indebtedness there may be owing to the District of Columbia from the United States, growing out of transactions or relations existing between them since the passage of the organic act of 1878. I ask unanimous consent for the present consideration of the concurrent resolution.

Mr. McCUMBER. Mr. President, if there will be no discussion of the matter, I have no objection to its being immediately considered; but if it should evoke discussion I shall have to ask that it go to the calendar.

Mr. JONES of Washington. I will say that various Senators who are interested in the measure have been consulted, and they have no objection to its passage.

The VICE PRESIDENT. The Secretary will read the concurrent resolution.

The Assistant Secretary read Senate Concurrent Resolution 23, submitted by Mr. JONES of Washington on April 29, 1922, as follows:

Whereas the people of the District of Columbia have paid into the Treasury of the United States during the last few years nearly $5,000,000 more than they have been required to pay toward the expenses of the District; and

Whereas the use of this money by or on behalf of the District is denied for the reason, among others, that advancements have been made without interest from time to time during the last 50 years by the National Government for the benefit of the District, and that revenues which in equity belong to the United States have gone to the credit of the District; and

Whereas for these reasons and others it is claimed that the District of Columbia, instead of being entitled to a credit of nearly $5,000,000, is in equity indebted to the United States: Now, therefore, for the purpose of ascertaining and determining the amount, if any, to which the District is entitled from the United States, or the amount, if any, which it may owe to the United States, be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is hereby created and authorized and directed to ascertain and determine what, if any, indebtedness there may be owing to the United States from the District of Columbia, or what, if any, indebtedness there may be owing to the District of Columbia from the United States, growing out of transactions or relations existing between them since the passage of the organic act of 1878. The committee in reaching a conclusion shall consider not only legal but equitable claims and obligations, and shall report its conclusions and recommendations to each House of Congress, on or before the first Monday in January, 1923. The committee is authorized to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and expert assistance as may be necessary, and to pay for the same upon vouchers signed by the chairman, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives. The committee is authorized and directed to avail itself of the services of the Bureau of Efficiency and such expert and legal help of the Treasury Department and of the District of Columbia as it may deem practicable so to do.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the next amendment of the Committee on Finance.

The ASSISTANT SECRETARY. On page 2, line 11, strike out "1½" and insert "2," so as to read:

Lactic acid, containing by weight of lactic acid less than 30 per cent, 2 cents per pound.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JONES of New Mexico. Mr. President, I must again express my surprise at the failure of the chairman of the Finance Committee, or some member of that committee, to give to the Senate some reason why this amendment is proposed. This amendment increases the duty on a very important article, and no word of explanation is offered. It seems to me that when the committee proposes to increase a tax which has not been discussed in any report or in any speech by any member of the Finance Committee, when no testimony has been taken regarding it, the chairman of the committee should at least give some reason for this increase in the tax.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I gladly yield.

Mr. McCUMBER. I do not know just how many times 10,000 items are covered by this bill. I simply know that if we should attempt to explain just what the operation of the tax would be upon every item that is imported into the United States bearing a rate of duty, we would have an encyclopedia which it would take the Senator years to read. If the Senator will look back in the reports which have been made upon tariff legislation by any of the committees, he will find that no one has ever attempted to take the task in hand of explaining the effect of the tariff rates on everything that is imported into the United States and upon everything that is produced in the United States.

The Senator has before him the testimony which was taken before the committee. The Senator has before him the other public documents, in which we find information to guide us in framing a bill, and if we were to take the time to explain in detail every one of these items, as the Senator seems to think we ought to do, we never could pass the tariff bill.

Mr. JONES of New Mexico. Then may I inquire of the Senator whether he has any secret arrangement with the majority of the Senate as to how they shall vote upon these various items, regardless of any information upon the subject?

Mr. McCUMBER. We are not without information upon the subject. We can take the figures of our exports and our imports for a number of years. We can take the data obtained from the departments as to the amount that is received from the imports during the various years. We can judge what the effect of the importations from foreign sources must be upon the American market, and those facts we have before us at all times.

Mr. JONES of New Mexico. Mr. President, there was not a line of testimony taken, either before the Ways and Means Committee of the House or the Finance Committee of the Senate, regarding this item, and there is no information in any of these documents, which were formally presented by the Tariff Commission, which comes down nearer to this date than the year 1919.

Mr. McCUMBER. If the Senator will turn to page 14 of the Summary of Tariff Information of 1921, he will find considerable information on the subject right there, and there is additional information which can be found in a great many of the public documents. I simply call attention to one. The Senator said there was no information, no record before the committee. This entire volume was before the committee at all times. The daily reports of prices were before the committee all the time it was considering these matters. We have all the information that has been made public upon this item, and the Senator has the same.

Mr. JONES of New Mexico. I will ask the Senator to point out what there is in the book to which he has just referred which he considers as justifying an increase in the duty on this item?

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. JONES of New Mexico. I yield.

Mr. LODGE. I did not mean to take the Senator from the floor. I thought he had concluded.

Mr. JONES of New Mexico. No; I just asked the Senator from North Dakota a question.

Mr. LODGE. I did not mean to say that I entertained any hope that the Senator had concluded his speech, but I thought he had concluded his question.

Mr. JONES of New Mexico. Not at all.

Mr. LODGE. Then, when the Senator has concluded his question, I will try, in my feeble way, to reply to him. There is plenty of information about it, if the Senator cares to have it.

Mr. JONES of New Mexico. Is the Senator from Massachusetts asking that I yield for a question?

Mr. LODGE. No; I do not want to ask the Senator any question. I wanted to answer his. Of course, if he wants to hold the floor and ask questions, that is all right. He gave me the impression that he was after information.

Mr. JONES of New Mexico. I am after information, and if the Senator from Massachusetts can furnish any, I would be glad to hear from him.

Mr. LODGE. I can furnish some information about it.

Mr. JONES of New Mexico. I will be very glad to get it.

Mr. LODGE. I do not want to take the Senator's time. I am prepared to discuss this question when I can get the floor in my own right.

Mr. JONES of New Mexico. If there is anyone who wants to give any information on which this change in the duty on this item is based, I will be glad to get it. The Senator from North Dakota stated, just before the Senator from Massachusetts rose, that he had a book which gave the information, and I asked him to point out what there is in that book on which he feels that the increase of this duty is justified.

Mr. McCUMBER. If the Senator will allow me, I can point it out. I gave the Senator the name of the report and called attention to the page, and the Senator himself can easily see just exactly what that report shows.

I will tell him one thing it shows. It shows that in 1908 we imported only 82,671 pounds of this article, while in the first nine months of 1921 we advanced from the 82,000 pounds of 1908 to 853,545 pounds, as against an entire output in the United States of 1,900,000 pounds. I think that of itself shows the necessity of some kind of protection to the American industry. We thought it was a sufficient showing.

Mr. SMOOT. The Senator could also have given the information that the whole of the importations for the year 1920—not back in 1908, but in 1920—were 134,000 pounds, but in the first nine months of 1921 those importations increased to 854,000 pounds. If the proportion of increase between 1920 and the first nine months of 1921 continued even at the rate of 20 per cent, it would not be long before every pound used in the United States would be imported. That is the reason why the increase was made.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. JONES of New Mexico. I gladly yield.

Mr. LODGE. I will wait until the Senator gets through. I would like to take the floor in my own right, if I could. I can

explain this subject, and what the condition of the industry is, but I do not care to do it by asking questions of the Senator from New Mexico.

Mr. JONES of New Mexico. I do not suppose the Finance Committee fixed the rate of duty on information from the Senator from Massachusetts. Nowhere in the hearings do I find that the Senator from Massachusetts appeared before the Finance Committee.

Mr. LODGE. Mr. President, I should like, if the Senator will allow me a moment, to say that I do not see that it makes any difference whatever whether I appeared before the Finance Committee as a witness or not. This item is before the Senate. I am prepared, when I can get the floor, to discuss it, and I think I know the case. I do not have to go before the Finance Committee in order to get permission to discuss a tariff item.

Mr. JONES of New Mexico. Certainly not; but what I was complaining of, if the Senator will permit me, was the fact that the Finance Committee has come before the Senate now with a proposition to increase this duty, and has furnished no information to the Senate whatever as to the basis for the increase. It has attempted to give no reasons for it.

Mr. LODGE. They have furnished information to the Senate, in my opinion. I do not say they have furnished it to the Senator from New Mexico.

Mr. JONES of New Mexico. I would like to have the Senator advise us how they could furnish the information to the Senate and not furnish it to the Senator from New Mexico.

Mr. LODGE. They furnished a great deal of information in the Summary of Tariff Information, which has been cited.

Mr. JONES of New Mexico. Is the Senator from Massachusetts willing to say that that book contains sufficient information to justify this increase in duty?

Mr. LODGE. In my judgment, it does, and I can show it, and add to the information, possibly, in greater detail. I dislike to take the time. I dislike to waste time as I am wasting it now.

Mr. JONES of New Mexico. I would like to ask the Senator from Massachusetts if he considers that the information which the Senator from North Dakota read from that book is sufficient to justify, in his mind, the increase in this duty?

Mr. LODGE. Yes; I think it is, when it is properly understood.

Mr. JONES of New Mexico. Then I am very glad to know the basis of the preparation of this bill, and that that is sufficient for it. What we have is the bare fact that since the war the importations of this article have increased to some extent. That is all we have, and we are given to understand that the Finance Committee of the Senate in making these recommendations has not considered in the slightest degree the prices prevailing in the United States which would warrant an increase of the rates under existing law.

Are we to be told that the American producers can maintain prices as high as they want, regardless of the cost of production or any other element entering into the question; that they must be protected in the maintenance of their prices, although the prices may be several times higher than they should be in order to cover the cost of production either in the domestic market or abroad? I expect to discuss that matter. I have been able to find a little information, which comes to us in the official documents, which to my mind does not justify the increase in this rate of duty.

Reserving the right to resume the floor——

Mr. WATSON of Indiana. Does the Senator from New Mexico understand that the Senator from Massachusetts said to him that he would give him information if he would afford him the opportunity?

Mr. JONES of New Mexico. I was just going to say that, as a matter of courtesy to the Senator from Massachusetts, if I may do so without yielding the floor for the day on this subject, I should be very glad now to yield the floor, to let the Senator in his own time give the information. But I should like to ask the Presiding Officer if under the rule I would be prohibited from again discussing the question on the present calendar day?

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Chair desires to state that the Senator is speaking against the rule all the time. The rule is that a Senator may speak twice on a subject on the same legislative day, and every time he yields to another Senator for a speech he yields the floor. But that rule has not been enforced; it has not been invoked, and the present occupant of the chair would not feel like invoking it against the Senator from New Mexico.

Mr. JONES of New Mexico. Then I gladly yield to the Senator from Massachusetts.

Mr. WATSON of Indiana. Mr. President, I may be running counter to the wishes of my friend, the chairman of the committee [Mr. MCCUMBER], but I want to serve notice that from this time on the rules of the Senate are going to be enforced, not as against the Senator from New Mexico [Mr. JONES] at this time, but they are going to be enforced in regard to Senators speaking more than twice on the same subject on the same day. They are going to be enforced as to all matters that originate here which require unanimous consent for consideration. I shall not give my consent to the consideration of any other proposition until the tariff bill is out of the way.

Nor do I intend that the rules of the Senate shall be violated with regard to miscellaneous, promiscuous speeches. Everybody understands the whole situation. There is a filibuster on here. It has no other object. It has no other purpose. We might pile information hill upon mountain, we might add to it Ossa upon Pelion, but it would not make the slightest difference in the world to our friends upon the other side of the Chamber. No matter how many facts are given, no matter how much information is adduced, my friend from New Mexico would not vote for this item, nor would he give his consent to the passage of this schedule, nor would he vote for the bill. The sole object of all this talk day after day is to filibuster, to postpone, to procrastinate, to delay, to put off the passage of this bill just as near election day as is possible. Everyone understands that, and none of us are being fooled about it for one second.

So far as I am concerned, within the limitations imposed by the rules of the Senate, they shall be enforced, and if I have my way about it our sessions will begin at 11 o'clock in the morning and will run until 11 o'clock at night. We intend to put this bill through in accordance with the rules of the Senate, after legitimate debate has been had. So far as I am concerned, I am not going to be a party to cutting off legitimate debate. Item after item can be legitimately debated, but that item after item has been legitimately debated I deny. Any Senator can stand upon the floor and ask questions.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. WATSON of Indiana. I yield to my friend from Georgia.

Mr. WATSON of Georgia. My friend the Senator from Indiana is entirely mistaken. I will tell him this fact, and I know he will take my word for it. When the Senator from North Carolina [Mr. SIMMONS] selected a few of us to help discuss this measure and present our views to the country, almost the first statement that he made was that there was no intention whatever to unduly delay action at all, that there should be no undue discussions, but that he did want to have presented as fully as possible the views of the Senators on this side.

I remind the Senator from Indiana that on yesterday extraneous matter got into the debate and occupied a great deal of time because of the speech of the Senator from Illinois [Mr. MCCORMICK]. Another extraneous matter got in because of an attack made upon the Senator from Arkansas [Mr. CARAWAY] by the Attorney General. Those were the only two instances, I think.

Mr. SMOOT. What about the speech of the Senator from Alabama [Mr. HEFLIN]?

Mr. WATSON of Indiana. My friend will remember the discussion this morning of an appointment in St. Louis, and it was all extraneous matter. Not only that, but, with the permission of my good friend from Georgia, we spent six days debating the tariff on vinegar.

Mr. WATSON of Georgia. The junior Senator from Utah [Mr. KING] gave way to the Senator from North Carolina [Mr. SIMMONS] to read a letter from the Governor of the Federal Reserve Board. In that letter the Senator from Alabama [Mr. HEFLIN] was mentioned by name, and the Senator thought, as he had been mentioned by name, that he had a right for a short while to give his views concerning the statement of the Governor of the Federal Reserve Board. Those are the three instances, but I can assure Senators on the other side that there is no concerted action to delay the bill unnecessarily.

Mr. WATSON of Indiana. Of course, I am always willing to accept the word of my friend and namesake from Georgia on almost any proposition. It is not a question as to what the Senator from North Carolina agreed with his colleagues on the other side of the Chamber. They may have entered into an agreement, as he has said, and if they did it in good faith, of course I accept it at par value; but the truth is that there has been delay, and the truth is that there has not been an expression of opinion on the other side as to this proposition.

Why should a Senator come here and read an article taking an hour or an hour and a half on one of the little items of the tariff bill? The information is all here, it has been dug up by the Tariff Commission and has been printed in these reports.

It has been adduced before the committee, page after page, day after day, week after week, and is all printed. The information is here. The facts are here.

If my friend from New Mexico will take the trouble to read the reports of the Tariff Commission and to read the evidence given before the committee, he will find no difficulty in coming to some sane conclusion about the proposition.

Anybody can stand up and ask questions about an item. My friend from Georgia, with his versatile genius, could stand here and ask questions for a whole day about any one of the items. But that is not legitimate debate. It is not honestly seeking information. Such things are done for the purpose of delay and filibuster; nothing else; and, so far as I am concerned, it will not be tolerated in the future if there is any way to prevent it. If the Republican Members who are responsible for legislation and who in a short time must go to the country and answer for their conduct of the affairs of the Government, have in mind to do the things they were elected to do, they will stay here, if necessary, to the extent of physical endurance and pass the bill.

Mr. WATSON of Georgia. I may remind the Senator of another extraneous matter brought in here by the Senator from Idaho [Mr. BORAH] on yesterday. He brought in the Russian matter.

Mr. WATSON of Indiana. I understand that.

Mr. WATSON of Georgia. No other Senator took any time on that proposition. Nobody criticized the Senator from Idaho about it, and nobody has mentioned it until now. I merely mention it to show that the other side of the Senate has done quite as much in that line as this side has done. If the Senator from Georgia could ask questions all day, he certainly has not done it and he will not do it.

Mr. WATSON of Indiana. I thank the Senator. If we could get the same concession from all other Senators on the other side of the Chamber, we would make commendable headway in the passage of this legislation.

Mr. LODGE. Mr. President——

Mr. JONES of New Mexico. Mr. President, I feel that I must——

Mr. LODGE. Mr. President, I had the floor when I yielded to the Senator from Indiana, and the Senator from New Mexico is now about to speak for the fourth time on this one subject.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. If I have the floor, I should like to proceed. I will yield to the Senator if he wishes to ask me a question, of course, but as I have said nothing yet the question is easily asked.

Mr. JONES of New Mexico. I simply want to take exception, in a courteous manner, to what the distinguished Senator from Indiana has just said.

Mr. LODGE. I do not yield for the purpose of having the Senator from New Mexico reply to the Senator from Indiana. That is not asking any question.

Mr. JONES of New Mexico. I shall not further trespass upon the good nature of the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, the manufacture of lactic acid, both technical and edible, is being rapidly destroyed in this country by the German competition. There were four companies, I think probably five—the American Alkali & Acid Co., of Bradford, Pa., which went out of business; the Atlantic Chemical Co., of Mansfield, Mass., which failed; the Avery Chemical Co., of Lowell, Mass., which failed; the Westchester Chemical Co., of Pelham, N. Y., which found it unprofitable and discontinued business; and the same statement was made before the committee by the Du Pont Co., which had a branch which made lactic acid and had given up because it was rendered entirely unprofitable.

I have here a letter from the Bureau of Customs Statistics showing the importations of lactic acid entering the United States during the year 1921 and the month of January, 1922. I will ask to have that printed in the RECORD.

Mr. UNDERWOOD. I will ask the Senator if he will have it read, as I desire to say something on this question myself, and I would like to have the information which he has in hand.

Mr. LODGE. This is simply to show the increase in importations, and I will state the figures. For the year 1921 the figures are as follows, and I will read only the round numbers: January, 14,000 pounds; February, 23,000 pounds; March, 22,000 pounds; April, 78,000 pounds; May, 20,000 pounds; June, 22,000 pounds; July, 94,000 pounds; August, no transactions; September, 83,000 pounds; October, 100,000 pounds; November, 77,000 pounds; December, 62,000 pounds; a grand total of 603,385 pounds for 1921; and in January, 1922, there were 72,325 pounds.

The companies which I have enumerated and which I think are all the companies, certainly all producing in any quantity, have all gone out of business except one new company, which took over the Avery Chemical Co., of Lowell, and which has made an effort to carry on the business. The last I have heard, they had practically closed down.

The technical lactic acid is used in tanning; the edible lactic is used in certain beverages, also in baking, and it is all made from vegetable materials. The company to which I have referred, as to its returns, says:

> In 1919 we exported 970,444 pounds of 44 per cent acid, in 1920 we exported 92,449 pounds of 44 per cent acid, and in 1921 and thus far in 1922 we have exported nothing at all.
>
> Upon investigating we find that the exceedingly low cost of labor (about one-twentieth of our cost) and the extremely depreciated value of the currency, which is now over 2,000 per cent below normal in Germany and other foreign countries of manufacture, make it possible for the foreign manufacturers to produce and sell in this country far below our cost of production and, of course, at a price at which we can not compete. To these facts is also attributable our loss of all of our export business.
>
> We also attach a certified copy of our balance sheet, showing our operations during the first six months of 1921, the last period for which figures are available, showing a loss to our company of $10,709.
>
> Our foreign market has been taken away from us absolutely and our domestic market is rapidly disappearing.

That is the situation. The industry, which reached very considerable proportions during the war, is practically being destroyed, and the question is whether it is worth while to keep that industry in existence.

As this particular company happens to be in my State I naturally take an interest in it. It seems to me if it is a valuable industry that it is worth keeping in existence. If we are left wholly to the tender mercies of the German manufacturers, we shall find the prices rise when they have a complete monopoly of the market.

I have given the figures for the imports. That seems to me to make a sufficient case. Unless Senators are wholly opposed to any protective duties and to the whole protective policy it seems to me to make a very strong case for protection.

I ask that the table to which I referred may be inserted in the RECORD.

There being no objection, the table referred to was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
New York, N. Y., February 15, 1922.

Mr. JOHN MURPHY,
Treasurer Wamesit Chemical Co., Lowell, Mass.

SIR: In compliance with your request of the 7th instant, I submit herewith figures of importations of lactic acid entering consumption of the United States during the year 1921 and January, 1922:

Month.	Quantity.	Value.
1921.	*Pounds.*	
January	14,070	$1,163
February	23,510	1,287
March	22,500	2,338
April	78,833	6,720
May	20,000	1,500
June	22,031	1,570
July	94,059	8,673
August	(1)	(1)
September	83,452	5,961
October	100,533	6,000
November	77,126	5,876
December	62,181	3,898
Grand total	603,385	44,986
1922.		
January	72,325	5,451

[1] No transactions.

It is not possible to furnish you with the names of the importers.

Very truly yours,

J. F. CARROLL,
Chief, Bureau of Customs Statistics.

We hereby certify the above to be a true copy of the original in our possession.

WAMESIT CHEMICAL CO.,
JOHN H. MURPHY, *Treasurer.*

Mr. LODGE. While it is not a larger industry, it is a valuable industry; and there seems no good reason for its destruction. It was for that reason that I urged upon the committee that they should consider this increase over the House rate.

Mr. UNDERWOOD. Mr. President, I have listened with interest to the argument of the Senator from Massachusetts [Mr. LODGE] in reference to this matter, but I am not sure that he has placed his argument in reference to this particular rate of duty on the right basis. In this case, although an increase has been made in the rate, a protective duty has not been asked

for, and it is a case in which, strange to say, the House adopted the rate in the present law and levied on lactic acid the same tariff duty, so far as rate is concerned, as is provided in the present Democratic statute, which was supposed to be levied on the basis of a competitive tariff.

Mr. President, I do not believe that there is any real necessity for the increase of this rate, but the increase provided by the Senate committee is not a very extreme one. Under the House bill the tax on the lower grades of the material, which contain less than 30 per cent of lactic acid, is 1½ cents a pound and under the present law it is 1½ cents a pound. The bill as reported by the Senate Committee on Finance proposes to increase it by one-half cent a pound.

For the sake of comparison, however, I wish to call the attention of the Senate to the fact that the production in this country in 1919 by American manufacturers amounted to 5,054,500 pounds, valued at $781,500. I quote those figures from the Summary of Tariff Information printed by the Senate committee. From their standpoint, those figures are not subject to dispute, and I have no doubt they are correct. The figures which they give as to the amount of the importations vary from those given by the Senator from Massachusetts. The Summary of Tariff Information, as published by the committee, reports that the quantity of lactic acid imported in 1921 for nine months was 853,000 pounds, in round figures, valued at $29,000. The figures presented by the Senator from Massachusetts, however, show that there were only 603,000 pounds imported for the same year, valued at $44,000.

Mr. President, it is difficult, of course, to ascertain what classes of lactic acid the figures cover; whether they refer to the class of material which contains above 55 per cent of pure acid or whether they refer to that class which contains below 30 per cent of pure acid, on which the rates vary. There is no information contained in this publication as to what the figures refer.

However, the value is governing, as the Senator from Utah [Mr. SMOOT] suggests. According to the value given by the Senate committee, $29,000, assuming that the imports would average the same for the remainder of the year, the value of the imports for last year would be about $36,000, as against a production in this country valued at over $781,000.

Mr. President, by taking a pencil and figuring the percentage it will be seen that, taking $36,000 as the amount of the imports which came in as compared to the American manufacture, the imports amount to about 4½ per cent of the American consumption of this article.

Mr. LODGE. But the Senator has not the American consumption for the last year. Our factories are closed down.

Mr. UNDERWOOD. Undoubtedly; but the Senator from Massachusetts knows that they are not only closing down here, as is shown by the production, but are closing down abroad. This country to-day is in an era of depression—I will not say panic, I will not say stagnation, but of depression—and it has been so for over a year, entirely irrespective of the tariff. That is true. The factories have closed down. Why? Because the leather manufacturers are not making leather here and they are not making leather abroad.

Of course, I am perfectly familiar with the class of testimony which comes before a committee which is considering a tariff bill. I do not challenge the integrity or the character of the witnesses; I do not challenge their veracity; but, after many years of experience, I can say, without the opportunity for anybody to challenge the statement, that when the average man comes before a committee which is considering tariff legislation to testify as to his own business, he comes there to testify with a biased mind.

Mr. SMOOT. And so does the importer.

Mr. UNDERWOOD. And so does the importer, as the Senator from Utah says. That is true. So when you get from the manufacturer testimony to the effect that he can not with profit sell a product and that it should be placed under the protection of a higher tariff duty, without some corroborative testimony it is idle to rest the case there when we know that nobody is doing business or has been doing business during the last year. I think in the last few months conditions have somewhat improved, and I hope they will continue to improve; but I know that great business industries in my State with which I am familiar have been dead not on account of a tariff but because there was no demand for iron and steel products. When I say "dead," of course I mean relatively speaking. There is no market for lactic acid when everybody knows that the tanning concerns of the country have been largely shut down.

Mr. LODGE. That is not the principal use of the acid, as I think the Senator knows. Quite as much is used in connection with beverages and in the making of bread.

Mr. UNDERWOOD. I am sure the Senator is wrong, for there is a vastly greater quantity used in tanning than there is in the making of bread.

Mr. LODGE. I think not.

Mr. UNDERWOOD. I am sure the Senator is mistaken about that.

Mr. LODGE. I think the larger part of the commodity is edible lactic acid.

Mr. UNDERWOOD. I have not the figures before me as to that.

Mr. LODGE. I have them here.

Mr. UNDERWOOD. I think a vast deal of lactic acid, in substance, is required in leather, but when it comes to bread, which goes to the stomach, it takes very little. However, be that as it may, their own figures presented to the Senate show that the imports coming into this country are about 4½ per cent of the domestic production, as shown in the summary printed by the Senate Committee on Finance, and 5 per cent as shown by the figures presented by the Senator from Massachusetts.

Mr. President, I presume that to allow 5 per cent of foreign production to come into the American market to compete with the American producer, according to the theory of the high protectionist, is all wrong. I recall that on one occasion when the Payne-Aldrich tariff bill was under consideration by the Ways and Means Committee the head of a great manufacturing concern in this country was contending for a higher rate on manufactured iron and steel products. He insisted that the rate then existing was not high enough. When he had finished his main testimony, I asked him if he was not selling his products in Canada. He replied, "Yes." I then asked him to what extent, and he answered to the extent of about one-fourth of his production. I asked him if he did not meet competition from English iron and steel articles of the same kind. He said he did. I asked then, if in the Canadian market the English article was not given a rebate on the Canadian tariff of one-third; in other words, if he did not have to pay a tariff one-third higher than his English competitor, and he said he did. Yet he competed with them in the Canadian market. I asked him if he could do that in the Canadian market, why he could not compete with them on the same rate in the American market, where there was no discrimination against him. He said he could, and he would, but it would reduce his price, and that the American manufacturer and the American workingman were entitled to the entire home market. I asked him where would the Government get its revenue from if such a high rate were imposed so that no importations could come in, and he replied that he did not know—the testimony is in the record, and I will not put his name in here, although I can show it to the Senate—but that the Government ought to get its money from some other source than the American manufacturer.

Of course, that is an extreme statement of the case, but it was made by a reputable man. It is, however, often the viewpoint of the high protectionist who comes before committees demanding a certain rate. He does not want to divide anything with the Government, and unless some importations are allowed to come through the tariff wall, the Government gets nothing in revenue and the manufacturer gets it all.

Mr. LODGE. Mr. President——

Mr. UNDERWOOD. I yield, if the Senator desires me to do so.

Mr. LODGE. I do not want to break in on the Senator's argument, but I do want to draw the distinction between the two cases.

In the first place, I think the Senator is wrong about the percentage of the imported material.

Mr. UNDERWOOD. I am quoting the Finance Committee's own statement.

Mr. LODGE. As to the consumption in this country, in the first place, the Senator has not got comparative figures of consumption in this country for the same period.

Mr. UNDERWOOD. Oh, but I will tell the Senator; I am not reading from my own analysis. What I read to the Senator was the Summary of Tariff Information, 1921, relative to the bill H. R. 7456, prepared by the United States Tariff Commission for the use of the Senate Committee on Finance.

Mr. LODGE. I am not questioning that. I repeat, however, that I think the Senator got his percentage wrong.

Mr. SMOOT. Mr. President, I think the Senator did get his percentage of importations wrong.

Mr. UNDERWOOD. Well, now, just let us see. I will make it right. As to the amount of importations, I said that if you took the figures here of $29,000 of importations for nine months in 1921——

Mr. SMOOT. That is not fair.

Mr. UNDERWOOD. Wait a minute, now. The Senator says I am wrong in giving the figures. I said that if you took

$29,000 for 1921, and made that for 12 months instead of 9 months, it would be about $36,000. Now, take 5 per cent. The total amount of American production, as given by your own book——

Mr. LODGE. For what year?

Mr. UNDERWOOD. For 1919.

Mr. LODGE. That was two years ago, when the Senator knows that prosperity was high, and on his own statement it is now very low.

Mr. UNDERWOOD. Well, if you want to compare 1919, in that year the value of the importations was $3,000. I was making the comparison on a high year for importation and a low year for production.

Mr. SMOOT. Mr. President, the Senator makes the mistake in this way—that he compares the value of the property rather than the pounds. It is not fair to take the value of the property and compare two years, when in 1919 the value of it was 36 cents, and in 1921 the value of it was 8 cents.

Mr. UNDERWOOD. Oh, but wait a minute. Hold on. Wait a minute.

Mr. SMOOT. That is four and a half times the price.

Mr. UNDERWOOD. Yes; but if the Senator knows anything about this bill, he knows he is wrong.

Mr. SMOOT. Well——

Mr. UNDERWOOD. Wait a minute; I will tell the Senator. Just a minute ago I said that you had importations here—the Senator was standing at my elbow, and I repeated it in the record—that you had importations in 1920 of 133,000 pounds, and in 1921 of 853,000 pounds. I said that the discrepancy was no doubt in the fact as to the quality, whether it was a high-grade lactic acid or a low-grade lactic acid, and the Senator agreed with me, and said, "Yes; take the value"; and then I turned around and took the value, and now he is prepared to repudiate the value because it does not make his case.

Mr. SMOOT. No, Mr. President; that was about the percentages. If the Senator will take the pounds in 1919, the production in 1919 was 5,054,500 pounds. The importations for the first nine months of 1921 were 853,545 pounds.

Mr. UNDERWOOD. Undoubtedly.

Mr. SMOOT. That is only for nine months. Therefore there would have to be one-quarter added to it. One-quarter of that would be 1,060,000 pounds. One million pounds, in round numbers, is 20 per cent of five million. We can not get around it. That acid came into this country; but if the Senator goes back to 1918 he will find out that that very lactic acid during the war was $2.20 a pound, foreign valuation, not American valuation at all.

Mr. LODGE. You must take valuations and pounds for the same year, of course.

Mr. UNDERWOOD. No; but if the Senators will yield a minute, that is a very amusing argument—an attempt to shift this question.

Mr. SMOOT. There was only 200 pounds of it imported in 1918. All that came into the country in that year was 200 pounds.

Mr. UNDERWOOD. I have no doubt that that is true, with Europe shot to pieces in 1918, when they were not making any and we were making it; but the importations commenced coming the next year. Of course, the proof stands on the face of these figures that the 853,000 pounds imported in nine months in 1921 was a very much lower grade lactic acid than the 133,000 pounds that was imported in 1920, because the unit value of the lactic acid imported in 1920 was 49 cents, nearly half a dollar a pound, and in 1921 it was 8 cents.

Mr. SMOOT. Mr. President, all through this chemical schedule I can point to prices that have declined comparatively as much as that.

Mr. UNDERWOOD. Of course, the Senator can.

Mr. SMOOT. But I say to the Senator that I do not know, and no one else can tell from any Government report, the strength of that acid.

Mr. UNDERWOOD. To be sure; and you bring a bill before the Senate making a material change in the rate of taxation on the American people, and admit that you do not know the critical facts. That is the truth.

Mr. LODGE. Mr. President, when I get a chance I will state to the Senator some facts. I have them here—facts that the Senator has utterly overlooked.

Mr. UNDERWOOD. I listened to the Senator, and I assumed, of course, that he had given me the facts that he had in his possession.

Mr. LODGE. I did not give everything I knew; no.

Mr. UNDERWOOD. But I know this, Mr. President—that this rate of 1½ per cent on lactic acid remained in this bill. It never was over 2 cents that I know of in any Republican tariff—I mean, the basic rate.

Mr. LODGE. This bill proposes 2 cents.

Mr. UNDERWOOD. I know, but I am talking about the basic rate. Of course it raises it from the low grade of lactic acid that is below 30 per cent to a higher rate, and then another higher rate.

Mr. SMOOT. Under the Payne-Aldrich bill it was 2 cents below 40 per cent, and 3 cents above 40 per cent.

Mr. UNDERWOOD. Of course, I am talking about the basic rate. All of the tariff rates go up in accordance with the grade, and there is no use of our arguing it.

Mr. SMOOT. Two cents is more than 1½ cents.

Mr. UNDERWOOD. But, I say, your basic rate was never over 2 cents before, and the basic rate under the present law is 1½ cents, and under the 1½ cents it continued from 1913 on down, before we got into the war. It was never driven out of business. It finally had a production at home here of over 5,000,000 pounds. I think these gentlemen just want a little more graft for their own pockets. It is not serious, because even with this half cent it will not be a protective tariff.

Mr. LODGE. Mr. President——

Mr. UNDERWOOD. It will not be protective very much more than the 1½ cents of revenue tariff that is in the present law. It will not exclude importations, and I am not seriously against it. I do not think it is of vital importance if this is given; but, as I said in the beginning to my friend from Massachusetts, if he had said that this is only a little increase, and not making it a protective, exclusive tariff, we might have stopped the argument in the very beginning.

Mr. LODGE. Mr. President, one thing I want to say is that I hardly think it fair for the Senator to refer to this as "graft." Under this German competition every lactic-acid factory in this country except one has closed, so far as I know. They are certainly not making "graft." If they were making money it would be honest money, but they are not making anything; and when I get an opportunity I will show just how prices are.

Mr. UNDERWOOD. I will yield to the Senator in just a second.

Mr. SMOOT. Mr. President——

Mr. UNDERWOOD. Just let me answer the Senator. When I say "graft," of course I do not mean that in the offensive sense. I mean the graft of the manufacturer who wants the power of the Government used to increase a price in order that he may put it in his pocket. I am not using the word "graft" in the sense that I am charging them with stealing or with any other offense, but I mean the graft of getting something for nothing. That is the kind of graft I mean.

Mr. LODGE. Mr. President, I did not go into the question of prices or the details. To tell the truth, I wanted to shorten the matter as much as I could; but I have here the figures, and I think this is a perfectly honest statement from an honest man, although he happens to be interested in making lactic acid.

Mr. UNDERWOOD. I have no doubt of that. I do not question that.

Mr. LODGE (reading):

The German imported acid rated as 80 per cent by weight is quoted to-day at 10.80 cents per pound. Add to this the proposed duty—

That is, the House rate—

of 7 cents, and his selling price will be 17.80 cents, which is to be compared with our American producers' price of 17.50 cents. The point I wish to raise is that the margin of 0.30 cent between our home retail price and the imported price under the new tariff is insufficient in view of the practical certainty that the German price will automatically be lowered below our figure and that importations will continue uninterrupted, thereby forcing the abandonment of the lactic-acid production by American industry.

The Senator was quite right about the technical acid. I made a mistake as to that.

We also consider it important that the edible lactic acid should carry a flat duty of 15 cents per pound. The present tariff bill includes the edible under the general headings of lactic acid. It should be referred to specifically, as it is to all intents and purposes a separate article of commerce from the technical lactic acid. It is a form of acid that is certain to be extensively utilized in trade, and it is our expectation and hope that the market for edible lactic can be widely expanded to the advantage of the great mass of the people in this country. In short, the edible lactic industry in this country is in its infancy. Germany is sending in edible lactic acid to-day equivalent to that produced by us, and is selling it at 17.40 cents, as against our lowest price of 25 cents. If we add the 7 cents duty to the 17.40, we still give the Germans 0.60 cent as a differential in their favor. Once again I would like to point out that no one knows how much lower this German imported acid can and will be sold as compared to the present price.

The Wamesit Chemical Co. is closing down its plant to-day, having its tanks filled to overflowing with manufactured lactic acid which we have been unable to sell in any great quantities, largely because of German competition. We are willing to make due allowance for hard times, but it is the German competition which strangles our industry, whether times are good or bad.

I do not think there is any doubt whatever of the fact that this industry is being extinguished by the German competition. One after another has closed down. I think this is an industry that it is to the interest of the United States to preserve, although it is a small industry, I am quite aware. I do not think the amount asked is unreasonable. We are selling now, as he says, the technical acid slightly below the German price. The German price is lower than ours on the edible lactic. The competition is such that it is destroying the business, and they wish—there is only one concern—a sufficient protection to be enabled to maintain their industry.

That is the whole case; and I beg the Senate's pardon for having taken so much time.

Mr. UNDERWOOD. Mr. President, I do not want to dispute with my friend from Massachusetts, and I am not seriously resisting this proposition. I am trying to explain this bill to the Senate. Explanation did not come from the other side of the Chamber, and I have risen to explain the bill.

The Senator has just said that this information, coming from men in the business whose credibility he guarantees, is to the effect that German importations are coming in at 17 cents per pound and that their lowest price is 25 cents. The present tariff law provides a tax of 1½ cents a pound on this article, the low grade.

Mr. LODGE. The German importations come in at 17 cents, not counting the duty.

Mr. UNDERWOOD. I understood it was 17 cents without the duty. The present duty would make it 18½ cents.

Mr. LODGE. No; the present duty would make it 24.40.

Mr. UNDERWOOD. The present duty is 1½ cents a pound.

Mr. LODGE. This is a different grade.

Mr. UNDERWOOD. The present duty is on all grades.

Mr. LODGE. The duty proposed in the House was 7 cents.

Mr. UNDERWOOD. I am talking about what it is now.

Mr. LODGE. That is correct, under the present law.

Mr. UNDERWOOD. It would add 1½ cents. The highest grade of lactic acid provided in this bill is 55 per cent lactic acid, on which the House bill placed a duty of 5 per cent, which the Senate committee has raised to 9 per cent, raising the rate, according to the Senator's own figures, to 24 cents. His informant says they can not make it for less than 25 cents. I say it is very clear that neither the Senate nor the House accepted the opinion of these gentlemen as to their ability to compete, because even according to their own figures, and if you give them the highest rate provided in this bill, it is still below the cost of production in the United States.

Mr. SIMMONS. The Senator from Alabama is mistaken. The Senator from Massachusetts did not say they could not make it for less than 24 cents; he said they were selling it at 25 cents. I make that distinction, because the Senator will see that what the Senator from Massachusetts has said better illustrates than anything which has been said yet what the provisions of the bill mean.

The Germans are selling at 17 cents, the Senator says, and the American producer is selling for 25 cents; therefore, we must put enough duty on the German product to bring it up to the selling price of the American product, without considering the question whether the American price covers a small profit, which he would be justified in asking the American people to pay, or an enormous profit, which he is not justified in asking the American consumer to pay. The point I make is that the Senator from Massachusetts has demonstrated what I have contended all the while, that this is a bill intended to maintain the present wholesale prices in our American markets.

Mr. UNDERWOOD. Undoubtedly.

Mr. SIMMONS. Here he practically confesses that he wants a duty which will enable the American manufacturer to maintain his present prices without reference to whether those prices involve a moderate and a just profit or an extortionate profit.

Mr. STANLEY. Mr. President——

Mr. UNDERWOOD. I did not intend to yield to the Senator from North Carolina, because I wanted to finish this sentence, and if the Senator from Kentucky will pardon me, I want to carry out my argument.

Of course, the Senator from North Carolina has been speaking to the merits of the bill. I was merely arguing this case on the assertion of my friend from Massachusetts. I know these manufacturers boost their prices, and I have no doubt in the world that the cent and a half provided in the bill would take care of this industry properly; but, even accepting their own figures, the committees did not agree with them, because they put the figures 1 cent lower than the lowest price these manufacturers said they could sell for.

Now I yield to the Senator from Kentucky.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. STANLEY. I did not wish to break into the course of the argument, but I desire to ask unanimous consent for the consideration of a joint resolution, which will require no debate and take up no time whatever.

The Board of Directors of the Smithsonian Institution has just suggested the name of Mr. John A. Roebling as a Regent. It is necessary to have the Senate act upon that matter, and I wish to have action on the joint resolution now.

Mr. WATSON of Indiana. I have served notice that after to-day no unanimous consent of that character shall be given. I will yield to my friend from Kentucky to-day, but ask him not to request unanimous consent to-morrow on any proposition.

Mr. STANLEY. This is just a formal matter. I introduce the joint resolution and ask for its present consideration.

The joint resolution (S. J. Res. 194) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress was read the first time by its title, the second time at length, and considered as in Committee of the Whole, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, be filled by the appointment of John A. Roebling, of Barnstable, N. J.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLAMATION IN IRRIGATION DISTRICTS—CONFERENCE REPORT.

Mr. McNARY. I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 4382.

The VICE PRESIDENT. Is there objection?

There being no objection, the conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the Senate amendment and insert in lieu thereof the following:

"That the term 'first mortgage,' as used in section 12 of the Federal farm loan act, approved July 17, 1916, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, known as the reclamation law: *Provided*, That such lands are otherwise eligible for loans under the Federal farm loan act: *And provided further*, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes."

And the Senate agree to the same.

CHAS. L. McNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.
M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

Mr. McNARY. I ask for the adoption of the conference report.

The report was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. ODDIE. Mr. President, I ask unanimous consent that we take up the question of cyanide, which was taken up out of order two days ago.

Mr. SMOOT. The Senator does not expect to get a vote upon the cyanide item to-night?

Mr. ODDIE. No; I do not.

Mr. SMOOT. Instead of asking to have the item under consideration laid aside, the Senator could make his speech upon the item, and there would not have to be any record made of

the pending item being laid aside and the cyanide item taken up.

Mr. McCUMBER. I wish to inquire if we are ready to vote upon the lactic acid item?

Mr. JONES of New Mexico. I desire to make a few remarks on it.

Mr. McCUMBER. All right. Then the Senator from Nevada can proceed.

Mr. ODDIE. Mr. President, two days ago the question of the duty on cyanide was discussed at some length, and I now want to make a few observations in support of the amendment which I introduced on April 18 to restore cyanide to the free list. This item was on the free list in the bill as it came from the House, but was changed by the Finance Committee to an ad valorem duty of 10 per cent. It has been on the free list for some years, and I am asking that it be continued on the free list. In doing this, I maintain that a duty on cyanide violates the principle of protection, which is the basis of tariff legislation.

Because of the unique position of gold in the monetary system and the present critical condition of the gold-mining industry I would like to submit for the consideration of the Senate some important reasons for retaining cyanide on the free list.

When Congress enacted the law establishing gold as the monetary unit, the price of gold automatically became fixed. While the Nation derives the benefits from the adoption of the gold standard, it nevertheless imposes upon the gold-mining industry the heavy burden of Government price fixation. Gold is the only commodity whose price can not respond to the law of supply and demand. Gold is the only commodity upon which a protective tariff can not be levied.

For example, the proposed duty on sugar will enable the sugar producer to readily absorb the proposed duty on potash fertilizer, but there is no means of levying a duty on gold by which the gold producer can absorb a duty, however small, on cyanide, which is as indispensable in the recovery of gold as potash is to the grower of sugar.

It would seem incumbent upon the Government, having arbitrarily fixed the price of gold, to render the largest measure of protection possible to the producers of gold, by imposing no duty upon cyanide. A cyanide duty neither can be absorbed by a tariff on gold nor passed along to the consumer of gold.

The following statement will show the difficulty of attempting to compete with the one company in this country manufacturing cyanide:

PATENT CONTROL BY THE ROESSLER-HASSLACHER CHEMICAL CO. PROHIBITS COMPETITION IN THE MANUFACTURE OF CYANIDE IN THIS COUNTRY.

[Memorandum re monopoly of American manufacture of cyanide by Roessler & Hasslacher Chemical Co.]

1. The Roessler & Hasslacher Chemical Co. is now and always has been the only producer of sodium cyanide in the United States. Ever since sodium cyanide replaced potassium cyanide in the market this company has enjoyed an absolute monopoly, so far as American manufacture is concerned. Sodium cyanide replaced potassium cyanide, except for certain small uses, because sodium cyanide can be produced at less cost per unit of cyanogen.

2. Practically all cyanide now produced in the world is manufactured by the process used by the Roessler & Hasslacher Chemical Co. except the cyanide produced by the American Cyanamid Co. at Niagara Falls, Canada. This Canadian manufacture uses different raw materials, but is dependent upon very cheap water power, which is the reason for its location on the Canadian side of the Niagara River. Therefore so long as the Roessler & Hasslacher Chemical Co. continues its monopoly of the process it will continue to be the only American manufacturer of cyanide.

3. This monopoly was originally based upon patents. The basic patents have expired. Roessler & Hasslacher Chemical Co. have obtained patents upon improvements in the process. Several of these improvement patents, having many years yet to run, are mentioned in the hearings before the Finance Committee at page 4824. Representatives of Roessler & Hasslacher testify that they are not using these improvement patents, but they admit quite frankly that any other company would have a very hard time competing with them. In their brief before the Finance Committee, at page 4844 of the hearings, Roessler & Hasslacher Chemical Co. admits the firmness with which it is intrenched in its monopoly by making the following statement:

"The experience of the United States Government in its attempt to manufacture cyanide under the Bucher process at Saltville, Va., is proof positive of the fact that the construction and operation of a plant for the satisfactory production of cyanide is no small task and can not be accomplished within a short time. The United States Government spent several million dollars in the construction and operation of the Saltville plant, and up to the close of the war had never turned out cyanide in commercial quantities."

Of course, when making this statement Roessler & Hasslacher Chemical Co. did not mean to support the contention of the gold miners that it had a strangle hold upon the business of producing cyanide in the United States. The company intended rather to paint a horrible picture of what would have happened to the United States during the war if it had not been on hand to make the necessary cyanide for the many industries dependent upon this material. But no matter what was the point sought to be proved by this testimony, it certainly establishes the fact, from the admission of the company itself, that it is, and for years will be, in monopolistic control of the manufacture of cyanide and of the American cyanide market in case the production of other countries is excluded by a protective tariff.

This proves that a duty on cyanide would merely intrench the monopoly in a still stronger position, eliminate the only domestic competition that now exists, and expose the consumers of cyanide to all of the ills which accompany monopolistic control, both as to price and terms of contract for delivery.

Mr. President, at this point I ask permission to insert in the RECORD a statement showing the gold production for the years 1915 to 1921.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Gold production, 1915–1921.[1]

Year.	World.	United States.	Per cent United States to world.
1915	$468,724,918	$101,035,700	21.5
1916	444,176,500	92,590,300	20.8
1917	419,422,100	83,750,700	20.0
1918	383,605,552	68,646,700	17.9
1919	365,788,796	60,333,400	16.5
1920	334,987,610	51,186,900	15.2
1921	[2]320,471,441	49,105,500	15.3

[1] United States Mint Report. [2] London Statist.

Annual declines in gold production, 1915–1921.

Year.	World.	Per cent.	United States.	Per cent.	World, excluding United States.	Per cent.	Per cent United States of world's decline.
1915–16	$24,548,418	5.2	$8,445,400	8.3	$16,103,018	4.4	34.4
1916–17	24,754,400	5.5	8,839,600	9.5	15,914,800	4.5	35.7
1917–18	35,816,548	8.5	15,104,000	18.0	20,712,548	6.2	42.2
1918–19	17,816,756	4.6	8,313,300	12.1	9,503,456	3.0	46.6
1919–20	30,801,185	8.4	9,146,500	15.1	21,654,686	7.1	29.7
1920–21	14,516,169	4.3	2,081,400	4.1	12,434,769	4.6	14.3
Total	148,253,477	31.6	51,930,200	51.4	96,323,277	26.2	35.0

THE CRITICAL CONDITION OF THE GOLD-MINING INDUSTRY OF THE WORLD AND THE UNITED STATES.

Mr. ODDIE. The gold production of the world has declined from $468,724,918 in 1915 to $320,471,441 in 1921, an amount of $148,253,477, or 31.6 per cent.

The gold production of the United States has declined from $101,035,700 in 1915 to $49,105,500 in 1921, an amount of $51,930,200, or 51.4 per cent.

Of the total decline in the gold production of the world, the decline in the production of gold in the United States contributed 35 per cent.

On July 19, 1919, England removed the war embargo on the exportation of gold to the extent of permitting exportation under license. This action enabled the South African and Australian gold producers to sell newly produced gold in London for delivery in New York at $20.67 per fine ounce. The dollars converted into paper pounds sterling at the current rate of exchange provided a paper pound premium to those producers and offset to a considerable degree the diminished purchasing power of the pound sterling in terms of wages and supplies entering into the production of gold in South Africa and Australia.

The paper pound premium fluctuates from day to day with the depreciation of sterling exchange as quoted. From a gold par of about 85 shillings per fine ounce, the paper shilling quotation rose to over 128 shillings, an increase of about 50 per cent in price, but averaged for 1920 and 1921 about 30 per cent. With the recent improvement in sterling exchange the paper pound premium has been reduced to about 10 per cent.

This fact has forced the South African operators to reduce operation costs by substituting native for European labor. The recent strike, which has shut down many of the mines, resulted from this substitution. The operators won the fight, but the reduction of the exchange premium by the improvement of the sterling rate has been so great that many mines will be unable to continue operations.

The following comment from the report of the Low Grade Mines Commission should be an accurate survey of the conditions in South Africa:

A thorough investigation made by the Low Grade Mines Commission in 1920 indicated that when the "price of gold" falls to 100 shillings per ounce, 16 out of 39 operating mines would show losses. At 90 shillings 26 mines and 12,000 white men would be affected. With gold at par 31 mines could not be operated at a profit, affecting 14,400 Europeans.

It may be anticipated that the gold production of the world will be less this year than last, due to the marked reduction of South African production, which is reflected in the recent arrivals of gold in London from that country, as shown in Table I accompanying, entitled "London gold movements."

The reason for the heavier decline in the domestic production of gold whereby this country contributed only 15.3 per cent in 1920 and 1921, as compared with 21.5 per cent in 1915, to the world's production is clearly set forth in the following quotation from the report of President Harding's Conference on Unemployment submitted October 13, 1921:

Gold mining suffers from the excessive cost of supplies and other items, and the value of the gold output being fixed as against material advances in cost has operated to restrict the employment of labor in gold mines.

The American producers of gold have received no assistance as did the South African producers, due to exchange conditions, and have been forced to bear the full burden of inflationary wages and prices. This has forced many mines to suspend operations and fill with water, with the consequent impairment of investments and possible loss of ore reserves through caving.

Legislative aid was requested in behalf of the gold-mining industry to compensate for the increasing costs of production which have prevailed since 1916 and has been denied. This makes it even more necessary that no additional or inequitable burdens, such as a duty on cyanide, be levied against the gold-mining industry at this time.

THE EFFECT OF A CYANIDE DUTY UPON THE PRODUCTION OF GOLD IN THE UNITED STATES.

The Senator from South Dakota [Mr. STERLING] has made a statement before the Finance Committee in opposition to the proposed tariff on cyanide, citing some of the conditions which prevail in the gold-mining industry of South Dakota. However, the conditions which pertain in the State of Nevada with reference to the consumption of cyanide and the dependence of the gold-mining industry upon its use in the recovery of gold will make the tariff on cyanide a still more severe penalty upon the production of gold in that State. From the practical experience I have gained in the operation of gold mines in my State, I can speak with confidence on this subject.

For example, at one of the largest mines in Nevada—the Tonopah-Belmont—in 1916, before the costs of supplies had increased so greatly, the cyanide consumption was 3.52 pounds per ton of ore, costing $0.601. The cyanide cost in this case is 28 per cent of the total milling cost. All supplies purchased by the mill cost $1.318 per ton, including cyanide of $0.601. In other words, the cost of the cyanide represents nearly half of the cost of all the supplies purchased by this large mill.

At the Churchill Milling Co., of Nevada, it was reported in 1916 that the cyanide cost was $0.375 per ton, while all of the supplies consumed in the milling of the ore cost $1.445. The cost of cyanide therefore represented approximately 25 per cent of the total cost of all supplies. The total labor of all kinds in this mill cost $0.857. The cost of cyanide represents 43 per cent of the total labor cost.

Gold production in Nevada has declined from $13,576,000 in 1912 to $3,214,000 in 1921, a decline of 76.3 per cent for the decade. The production of gold in the United States during the same period declined from $93,452,000 in 1912 to $49,105,500 in 1921, or 47.5 per cent. The decline in Nevada, therefore, has been greater than that of the United States generally, which is evidence of the serious effect of the increased cost of cyanide upon the production of gold in my State, which is so largely dependent upon the cyanide process for its recovery.

In many of the properties of the United States the cyanide process is used to recover only a small percentage of the values contained in the ore. Many gold ores yield their major values in the process of amalgamation. This is true of the Homestake Mining Co., whose brief has been filed.

I have here a letter recently received from my State which presents the problem of treating one lot of 1,500,000 tons of tailings, which are to-day lying idle. Figuring cyanide at the present cost, without a duty, these tailings can be treated at a profit of 20 cents a ton. Many unforeseen things can happen which might cut that profit to practically nothing, and I am satisfied that if any duty is levied on cyanide these tailings will not be treated, which will mean the loss of a great deal of money to our State, the loss of employment to many men, and the loss of this newly produced gold which is needed in circulation.

The investments that have been made in the last 20 years in the gold-mining industry, however, have been based upon these additional values which are recovered by the cyanide process. In many cases the tailings which are treated by the cyanide process are extremely low grade, running as low as 80 cents to the ton, and yet the recovery of such small amounts is essential to the profitable operation of many of our important mines. In such cases the increased cost of cyanide resulting from the imposition of a duty may force the abandonment of the cyanide process, which will compel the shutting down of the entire operation.

There is no way that the gold producer can pass this proposed duty on cyanide to the consumer of gold, and therefore it becomes a direct burden upon the cost of production, which the industry is not now prepared to sustain and which will further delay the reopening of many properties which have been forced to shut down during this period of high costs.

I ask permission at this point to insert in the RECORD a statement of the London gold movements.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TABLE I.—*London gold movements.*[1]

[Pounds sterling at exchange par.]

Week ended—	Received at London from—		Exported from London to—		
	South Africa.	India.	United States.	Switzerland.	India.
July 6, 1921	£491,000	£371,000	£1,268,000	.....	.....
July 13, 1921	.....	193,000	553,000	.....	.....
July 20, 1921	1,586,000	.....	1,635,000	.....	.....
July 27, 1921	908,000	581,000	1,082,000	.....	.....
Aug. 3, 1921	511,000	.....	416,000	.....	.....
Aug. 10, 1921	765,000	392,000	995,000	.....	.....
Aug. 17, 1921	782,000	610,000	1,319,000	.....	.....
Aug. 24, 1921	.....	.....	2,244,000	.....	.....
Aug. 31, 1921	1,442,000	511,000	1,774,000	.....	.....
Sept. 7, 1921	646,000	.....	3,000	.....	.....
Sept. 14, 1921	688,000	765,000	3,387,000	.....	.....
Sept. 21, 1921	719,000	278,000	660,000	.....	£15,000
Sept. 28, 1921	.....	474,000	961,000	.....	442,000
Oct. 5, 1921	1,537,000	.....	.....	.....	344,000
Oct. 12, 1921	758,000	77,000	1,214,000	.....	272,000
Oct. 19, 1921	774,000	312,000	1,350,000	.....	198,000
Oct. 26, 1921	721,000	.....	329,000	.....	17,000
Nov. 2, 1921	752,000	80,000	1,109,000	.....	.....
Nov. 9, 1921	691,000	.....	965,000	.....	.....
Nov. 16, 1921	819,000	.....	715,000	.....	.....
Nov. 23, 1921	509,000	78,000	694,000	.....	16,000
Nov. 30, 1921	687,000	132,000	1,258,000	.....	20,000
Dec. 7, 1921	.....	47,000	381,000	.....	5,000
Dec. 14, 1921	1,350,000	49,000	1,454,000	.....	39,000
Dec. 21, 1921	953,000	.....	828,500	£8,000	45,000
Dec. 28, 1921	.....	.....	771,000	.....	33,000
Jan. 4, 1922	1,064,000	76,000	.....	.....	.....
Jan. 11, 1922	682,000	.....	1,166,000	15,000	.....
Jan. 18, 1922	470,000	46,000	1,277,000	157,000	56,000
Jan. 25, 1922	1,152,000	.....	29,000	.....	429,000
Feb. 1, 1922	.....	.....	776,000	156,000	99,000
Feb. 8, 1922	1,510,000	.....	257,000	.....	46,000
Feb. 15, 1922	519,000	.....	890,000	.....	339,000
Feb. 22, 1922	277,000	.....	.....	.....	107,000
Mar. 1, 1922	71,600	.....	.....	.....	.....

[1] John Oakwood, Times Annalist, Apr. 3, 1922.

Mr. ODDIE. I ask permission to insert in the RECORD at this point a table showing the imports and exports of gold by months from August, 1921, to March, 1922.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—*United States imports and exports of gold by months, August, 1921, to March, 1922.*[1]

	Total imports.	Total exports.	Net imports.
1921.			
August	$86,239,000	$672,000	$85,567,000
September	66,500,000	2,400,000	64,100,000
October	47,135,000	7,576,000	39,559,000
November	51,937,000	607,000	51,330,000
December	31,685,000	1,950,000	29,735,000
1922			
January	26,571,000	863,000	25,708,000
February	28,701,000	1,732,000	26,969,000
March	33,488,000	986,000	32,502,000

[1] These figures reported by the Bureau of Foreign and Domestic Commerce.

THE MARKED CHANGE IN THE WORLD'S GOLD MOVEMENTS.

Mr. ODDIE. The London arrivals of gold from South Africa show a marked decline from £1,510,000, February 8, 1922, to £71,600, March 1, 1922—Table I. While the amounts of gold exported from London to the United States as recorded in

Table I show that no gold was exported on February 22 and March 1, previous single shipments from London have reached a high point on September 14, 1921, of £3,387,000.

The imports of gold to the United States show a continuous decline from $86,240,000 for August, 1921, to an average of about $30,000,000 for the four months of December, 1921, January, February, and March, 1922.

With the appreciation in sterling exchange South African mines are finding difficulty in maintaining production, which forecasts a decline in the amount of gold which London will receive from its principal source of supply. This also forecasts a decline in the imports of gold into the United States, indicating that the end of the period of heavy gold arrivals in this country is in sight, with a possibilty in the not distant future that the gold tide will be going out.

Confronted by this condition, it becomes necessary now to consider the restoration of the gold-mining industry of the United States which is now in so critical a condition. It will take several years to restore normality to the industry, and any burdens, such as the imposition of a duty on cyanide, will materially delay the return of the industry to normal production.

There is little question but that the United States during this period will be losing a large portion of the gold acquired from foreign sources since 1914. It will safeguard our own financial position as a creditor nation if we have a normal production of new gold to compensate for these anticipated gold-reserve losses.

RESTORATION OF WORLD'S NORMAL GOLD PRODUCTION ESSENTIAL ELEMENT IN FINANCIAL RECONSTRUCTION PROGRAM.

Since excessive credit and currency expansion, both here and abroad, have caused the serious condition in the gold-mining industry of the United States and foreign countries, it follows that normal production can not be restored until the credits and currencies of the principal countries of the world are made interconvertible and redeemable in gold.

In addition, therefore, to all the other arguments in favor of a return to the normal functioning of the gold standard in all countries, there is this most potential argument arising from the need to restore normal gold production as a most invigorating element in financial reconstruction.

The Roessler & Hasslacher Co.'s testimony before the committee claims that there are 250 men employed by them in the manufacture of cyanide in this country. The American Cyanamid Co., manufacturing cyanide in Canada, imports all of its raw materials from the United States—coal and coke from Pennsylvania, limerock from Michigan, and salt from New York. The imposition of this tariff, therefore, would terminate the purchase of limerock, coal, coke, and salt in this country by the American Cyanamid Co., used in the manufacture of cyanide for this market, and create unemployment to this extent.

The Bureau of the Census in its report giving the figures for 1920 states that there are over 20,000 miners and millmen engaged in the precious-metal mining industry in this country. The employment of these 20,000 men will be seriously affected by a tariff on cyanide. The precious-metal mining industry, in accordance with a statement of the United States Bureau of the Mint in cooperation with the United States Geological Survey, shows figures of production of precious metals for the year 1921 in 22 States, the Territory of Alaska, and the Philippines, while the operations of the Roessler & Hasslacher Co., producing cyanide, are limited to Niagara Falls, N. Y., and Perth Amboy, N. J.

CANADIAN IMPORTS OF CYANIDE.

Mr. President, the question was raised in the debate on Wednesday, May 3, by myself regarding the report from the Tariff Commission. I stated that I was under the impression that an error had been made.

The Senator from Utah [Mr. SMOOT] expressed concern lest if cyanide should remain on the free list the German manufacturer would destroy first the German-American manufacturer, Roessler & Hasslacher Chemical Co., and then the Canadian manufacturer, which is an American-owned company. I called the Senator's attention to the fact that the Tariff Commission's report contained in Summary of Tariff Information at page 1434 was in error. I knew it was in error because it indicates that imports of cyanide while this material has been on the free list have come mostly from Germany. I knew that in recent years these imports have come very largely from the American Cyanamid Co. plant in Canada, which has not shown any signs of being destroyed by German competition. I wrote to the American Cyanamid Co. for a statement of the amount of cyanide imported from their Canadian plant for the years 1919, 1920, and 1921, and I find that in each year the amount of Canadian cyanide imported is in excess of the total imports reported by the Tariff Commission.

The fact is, as I understand the situation, that the Tariff Commission obtains its figures from customs records which are not as carefully compiled for items on the free list as for items that pay duty. I will insert in the RECORD a table showing the Tariff Commission's report of the amount of cyanide imported from all countries and the amount actually imported from Canada.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Imports of cyanide into the United States.

Year.	Tariff Commission report of total imports.	Actual imports from Canada.
	Pounds.	*Pounds.*
1919	5,174,831	7,304,000
1920	7,590,495	13,135,000
1921	[1] 6,489,406	[2] 9,720,000

[1] 9 months. [2] 12 months.

PROFITS OF ROESSLER & HASSLACHER CHEMICAL CO.

Mr. ODDIE. Mr. President, with regard to the profits exacted from the precious metal industries by the Roessler & Hasslacher German-born monopoly, there has been a great deal of effort to confuse the issue. This effort has gone even to the extent of the circulation by this company to Members of the Senate and to others of copies of a letter of the present Alien Property Custodian, dated January 7, 1922. That letter was signed by the Alien Property Custodian—by whom it was actually prepared I would hesitate to say—at a time when negotiations were closing under which the Americanization of the Roessler & Hasslacher Cehmical Co. was accomplished, for a period of five years at least, by placing the controlling stock in a voting trust. The letter was prepared for the purpose of being inserted in a brief to be filed by the Roessler & Hasslacher Chemical Co. with the Senate Committee on Finance, but before that brief was filed the Alien Property Custodian reconsidered the matter and had this letter ripped out of the brief and a statement substituted in place of it, so it is not a part of the official hearings.

In preparing this statement he recognized that it was no duty of his to pass upon any issues involved in the tariff question, but merely to make clear to Congress the exact relations between the Alien Property Custodian's office and the company. This is the statement which was substituted for the letter referred to two days ago by the Senator from New York and which I agreed to place in the RECORD. I offer the statement now and ask permission that it be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

[From tariff hearings before Senate Finance Committee, free list, pages 4845–4847.]

WASHINGTON, D. C., *January 20, 1922.*

Memorandum re Roessler & Hasslacher Chemical Co.

Capital stock, authorized and issued, 13,000 shares (par $100). Enemy shares reported by Roessler & Hasslacher Chemical Co., 5,934. Reported by Bureau of Investigation, Alien Property Custodian office, 3,800.

Demand for the shares reported by the Roessler & Hasslacher Chemical Co. was served on April 4, 1918. The certificates were transferred to the name of the custodian and deposited with the Alien Property Custodian depositary. Demands for the 3,800 shares reported by the Bureau of Investigation were served April 7, 1919. Pursuant to such demand certificates for 3,585 shares were turned over to the Alien Property Custodian and deposited with the Columbia Trust Co. as Alien Property Custodian depositary. Certificates for the remaining 215 shares were never turned over to the Alien Property Custodian. Demand for 100 of the 184 shares reported by Speyer & Co. was subsequently withdrawn, and certificates for the 84 shares remaining were afterwards issued in the name of the Alien Property Custodian and deposited with the Bank of Manhattan Co. as Alien Property Custodian depositary. Thus the Alien Property Custodian was in undisputed possession of certificates for 6,018 shares in his name and had physical possession of certificates for 3,585 shares, and, further, had demanded 215 additional shares for which no certificates were surrendered and none issued in the custodian's name.

The determination that the 3,800 shares reported by the bureau of investigation were enemy property was disputed by the corporation and by certain American citizens who had certificates for various portions of this 3,800 block registered in their respective names. The investigation showed that an agreement had been made between the enemy and Franz Roessler for the latter to purchase from the former 3,800 shares of stock, same representing the control of the company. These negotiations were started in 1916 and resulted in the issuance of a certificate of stock for 3,800 shares in the name of Franz Roessler in February, 1917. The custodian's investigators were not satisfied that Franz Roessler had acquired good title to these shares and considered

that the transfer was made in contemplation of war and was but a temporary arrangement. The Roessler & Hasslacher Chemical Co. and Franz Roessler contended that the transfer was a bona fide sale. Franz Roessler and certain American registered owners of this 3,800 block subsequently filed notice of claim and suit under section 9 to recover these shares. These suits were filed in the United States district court of New York and New Jersey. To determine the question of ownership required that the courts issue letters rogatory for the taking of testimony and the examination of the enemy's books in Germany. This the court refused to do, stating, it is said, that the matter could be determined at the end of the war. The matter was in this situation when the present Alien Property Custodian took office. With a view to having the matter determined, it was decided to institute court proceedings under section 17 to require the issuance of new certificates of stock for the disputed 3,800 shares. However, this came to the attention of the attorneys for the corporation, and they secured an injunction restraining the Alien Property Custodian from instituting such suit. At this juncture it was decided to avoid future litigation, and many hearings were had in the matter before the Alien Property Custodian, his general counsel and assistant general counsel, and other members of his staff, as well as outside counsel. The result of these hearings was the release by the Alien Property Custodian of his demands for the 3,800 shares, on the understanding that the same be placed in a voting trust for a period of not less than five years, and the placing of certificates for 6,018 shares, to which the custodian holds undisputed title, by the custodian in said voting trust. This voting trust was executed on October 3, 1921, for a period of five years, the stock pledged therein representing control of the corporation in the hands of the voting trustees to be voted by such trustees. These trustees, five in number, were selected, two by the Alien Property Custodian, two by the Roessler & Hasslacher Chemical Co., and these four selected the fifth. In this manner the control and supervision of a majority of the outstanding shares of the corporation was vested in five American trustees for a period of not less than five years.

PERTH AMBOY CHEMICAL WORKS.

Outstanding capital, 4,000 shares (par $100).
Shares reported by company, 1,960.
Shares reported by Bureau of Investigation, Alien Property Custodian office, 80.

These 80 shares represent a control of the corporation and were treated in the same manner as were the 3,800 shares in the Roessler & Hasslacher Chemical Co.

NIAGARA ELECTRO CHEMICAL CO.

Outstanding capital, 1,000 shares (par $100).
Shares reported by company, 110.
Shares reported by Bureau of Investigation, Alien Property Custodian office, 240.

The custodian demanded but 35 per cent of the outstanding stock of this company and at no time was in a position to control its management. The 240 shares reported by the Bureau of Investigation were treated in the same manner as were the 3,800 shares of the Roessler & Hasslacher Chemical Co.

All of these shares, namely, 3,800 shares Roessler & Hasslacher Chemical Co., 80 shares Perth Amboy Chemical Works, 240 shares Niagara Electro Chemical Co., are to-day in the indisputed possession of their American registered owners, the demands made for such shares by the Alien Property Custodian in 1919 having been marked "satisfied" by reason of the voting trust agreement of October 3, 1921, aforementioned.

The Alien Property Custodian was represented on the board of directors of the Roessler & Hasslacher Chemical Co. by two out of six directors; in the Perth Amboy Chemical Works by two out of seven directors; and had no representative on the board of directors of the Niagara Electro Chemical Co.

Respectfully submitted.

THOMAS W. MILLER,
Alien Property Custodian.

Mr. ODDIE. The statement is illuminating and shows how this Roessler & Hasslacher monopoly was born of German parentage and that undisputed possession of a substantial part of its stock was obtained by the Alien Property Custodian during the war, and a demand made for a sufficient amount of additional stock to constitute a control not only of the Roessler & Hasslacher Chemical Co. but of its subsidiaries engaged in the cyanide business.

The company sought to camouflage its character as a really American company by a very remarkable transaction in accordance with which it was claimed that the control had suddenly passed from Germany to the United States in February, 1917, on the eve of the outbreak of hostilities between this country and Germany. This transfer of control the Alien Property Custodian claimed was not a genuine sale, but was made for the purpose of defrauding the United States Government.

The German-Americans engaged in the management of the company commenced litigation against the Alien Property Custodian, questioning his right to the possession of the control of the company. That litigation, the successful prosecution of which in behalf of the Government would have required the taking of much testimony in Germany, was ultimately compromised by the creation of a voting trust. That voting trust is made up of five men, two of whom were named by the Alien Property Custodian, two by the company, and the fifth by the four. During the existence of this voting trust, of course, the company is in American hands, but what will happen at the expiration of the voting trust five years hence is another question.

Meanwhile the relations of the Roessler & Hasslacher Chemical Co. with its German parent, the Schiede-Anstalt, have been fully reestablished. Over in Germany they have a Fritz-Roessler of the Schiede-Anstalt; in the United States they have a Franz Roessler of the Roessler-Hasslacher Chemical Co., and Franz and Fritz are brothers.

I have in my hand, and would like to offer for the RECORD, a photostatic copy of a letter from the United States Department of Commerce, based upon its investigation of cyanide manufacture in Germany. In that letter it is pointed out that the investigations of the Department of Commerce were not successful because whenever they went to the German manufacturer for information they were directly referred to the American representatives of the German manufacturer, the Roessler-Hasslacher Chemical Co.

Mr. President, I ask unanimous consent that the entire letter may be placed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, March 10, 1922.

AMERICAN CYANAMID CO.,
511 Fifth Avenue, New York, N. Y.

(Attention Mr. E. J. Prank, Commercial Research Bureau.)

GENTLEMEN: With further reference to your request of October 14, regarding the production of cyanide in several European countries, I am pleased to furnish you herewith the information which we have received from Mr. Herring, American commercial attaché in Berlin. Extracts from Mr. Herring's letter follow:

"I wish to say that we have endeavored to obtain information on the processes in use here for the production of cyanide, but have been unable to get anything very specific. The production of this product is practically a monopoly in the hands of the Deutsche Gold und Silber Scheideanstalt, Frankfurt am Main. This concern is said to control 95 per cent of the grade of cyanide of soda, containing 50 to 51 per cent cyanogen, which is the product most in demand. An inquiry made direct to these manufacturers elicited the reply that any information desired could be gotten from their American representatives, the Roessler & Hasslacher Chemical Co., New York City, 709–717 Sixth Avenue, corner Forty-first Street, box 119, Times Square.

"In regard to the methods of production, I quote as follows from a letter of a dealer in cyanide of soda:

"'The process usually is simply a mixture of soda crystals, cyanamide, and a particular grade of charcoal which leaves practically no trace of ash. This is electrolytically treated and comes out in the form of cyanide of soda, and the purity depends upon the grade of cyanamide used, the quality of the charcoal, and there seems to be a very great knowledge needed of exactly the electrolytical treatment required to give the desired result. It is certain that very few manufacturers have succeeded in producing the pure article in a commercial way and at a low price, but a very well-known chemist with whom I talked several times about this product maintains that in a properly directed commercial laboratory the cost should not exceed 14 cents per pound, packing included.'

"As regards export, these mostly go to the Netherlands, Baltic States, Far East, and the United States. The export of potassium cyanide and potassium ferricyanide, both yellow and red, for the months of September, October, and November were as follows:

"'September, 2,444 double centners (100 kilograms).
"'October, 4,503 double centners (100 kilograms).
"'November, 1,869 double centners (100 kilograms)."'

Regretting that we are not in a position to give you more complete information in regard to cyanide in Germany, and trusting that the bureau will have the opportunity to be of assistance to you again, I am,

Yours very truly,

ALAN G. GOLDSMITH,
Chief Western European Division.

Mr. ODDIE. Regarding the profits of the Roessler & Hasslacher Chemical Co., it is quite true that the enormous percentages, such as 900 per cent mentioned here in debate two days ago, are profits of subsidiary companies upon their limited capitalization, but the Senate Committee on Finance was unsuccessful in its efforts to extract from the Roessler & Hasslacher Chemical Co. exact information as to the real amount of capital that had been put into these subsidiaries.

It was pointed out by an official of the Roessler & Hasslacher Chemical Co. at these hearings that the Niagara Electro-Chemical Co., one of the subsidiaries, had a capital of but $100,000, whereas its fixed assets were as much as $3,000,000; and the Senator from New Mexico endeavored to ascertain whether the $100,000 was all the money that was actually put into the company by the Roessler & Hasslacher Chemical Co. and whether the remainder of the $3,000,000 was simply the accumulation of profits.

I will read that part of the hearings in which the Senator from New Mexico endeavored without success to obtain this information:

Senator JONES. You say the capital stock of that American company is $100,000?

Mr. RIGNEY. Yes, sir.

Senator JONES. How much capital was actually put into it in the beginning—at the time of its organization?

Mr. RIGNEY. I presume not more than $100,000 at that time, but the Niagara Electro Chemical Co. is simply a subsidiary of the Roessler & Hasslacher Chemical Co., and is only considered as a branch for Roessler & Hasslacher.

Senator JONES. What I am trying to get at is this: How much additional money has been put into it by the parent company, if any?

Mr. RIGNEY. That I would have to get the records for. I could not give you that statement offhand, sir.

Senator JONES. I should like to know whether or not, with that original capital of $100,000, the profits of that concern have built it up to its present state, where its assets amount to $3,000,000.

Mr. RIGNEY. That, I think, could easily be given you, sir. I want to say this, that when this company was organized——

Senator JONES (interposing). Will you furnish that statement, please, for the record?

Mr. RIGNEY. We will furnish you any figures that the committee desire.

Senator JONES. I would like to know the amount of money which has actually been put into that subsidiary company by the parent company.

Mr. RIGNEY. We have no desire to hide anything.

Senator JONES. I am sure of that.

The statement on this subject which Mr. Rigney promised to file, supplying the information we would like to have bearing upon this question of profits, has never been filed, so far as I can ascertain from a complete examination of the records of the Committee on Finance.

Mr. WILLIS. Mr. President, I should like to propound an inquiry to the Senator from Nevada touching the matter to which he referred in his remarks.

Mr. ODDIE. I will be very glad to answer the Senator, if I can.

Mr. WILLIS. I desire to ask the Senator what response he makes to the argument such as I am about to indicate to him. I have before me letters not from the producers of this material but from users of it. There have come to me in the last day or so some 50 letters from such concerns as the Cleveland Tractor Co., of Cleveland, Ohio; the Ohio Foundry & Manufacturing Co., of Steubenville, Ohio; the White Sewing Machine Co., of Cleveland, Ohio; the Robbins & Myers Co., of Springfield, Ohio; the White Motor Co., of Cleveland, Ohio; the De Vilbiss Manufacturing Co., of Toledo, Ohio, and other companies of Ohio. I ask to put the names of the other companies in the RECORD, consisting of probably 50 of the most important manufacturing concerns in the State of Ohio, written apparently on their own motion, and urging that a fair protective duty shall be placed upon cyanide.

The VICE PRESIDENT. Without objection, the names will be printed in the RECORD.

The names referred to are as follows:

The Cleveland Twist Drill Co., Cleveland, Ohio.
The Torbensen Axle Co., Cleveland, Ohio.
The Imperial Underwear Co., Piqua, Ohio.
The Belmont Tumbler Co., Bellaire, Ohio.
The Dayton Forging & Heat Treating Co., Dayton, Ohio.
Organo Chemical Co., Sandusky, Ohio.
The Atlas Bolt & Screw Co., Cleveland, Ohio.
The Russ Manufacturing Co., Cleveland, Ohio.
The C. C. Thompson Pottery Co., East Liverpool, Ohio.
The Eberhard Manufacturing Co., Cleveland, Ohio.
The Cleveland Plating Co., Cleveland, Ohio.
The Vichek Tool Co., Cleveland, Ohio.
The Bishop & Babcock Co., Cleveland, Ohio.
The Scott-Ullman Co., Cleveland, Ohio.
The National Screw & Tack Co., Cleveland, Ohio.
Parish & Bingham Corporation, Cleveland, Ohio.
The Cleveland Welding & Manufacturing Co., Cleveland, Ohio.
The Reflex Ignition Co., Cleveland, Ohio.
The Virden Co., Cleveland, Ohio.
The National Acme Co., Cleveland, Ohio.
The Friedman Blau Farber Co., Cleveland, Ohio.
The Knowles, Taylor & Knowles Co., East Liverpool, Ohio.
The Easton Axle Co., Cleveland, Ohio.
The Peck, Stow & Wilcox Co., Cleveland, Ohio.
The Barnes Manufacturing Co., Mansfield, Ohio.
The Fanner Manufacturing Co., Cleveland, Ohio.
The Hocking Glass Co., Lancaster, Ohio.
The Mansfield Vitreous Enameling Co., Mansfield, Ohio.
The Grabler Manufacturing Co., Cleveland, Ohio.
Chicago Handle Bar Co., Shelby, Ohio.
The Morreau Co., Cleveland, Ohio.
United States Glass Co., Tiffin, Ohio.
The Steubenville Pottery Co., Steubenville, Ohio.
The H. N. White Co., Cleveland, Ohio.
The Althoff Plating & Polishing Co., Columbus, Ohio.

Mr. WILLIS. I quote the letter of the Barnes Manufacturing Co., as follows:

MANSFIELD, OHIO, *April 27, 1922.*

Senator F. B. WILLIS,
Care of Senate Office Building, Washington, D. C.

MY DEAR SENATOR: We understand the Canadian manufacturers of cyanide are attempting to influence tariff legislation so that cyanide salts may be admitted free of duty.

During the war the manufacture of cyanide was declared an essential industry, and it is certainly essential in time of peace. As this is an important industry, it should receive proper protection, and it would seem to us that 20 per cent would be none too much.

We trust that you will give this matter the necessary attention.

Yours very truly,

THE BARNES MANUFACTURING CO.,
T. R. BARNES,
Secretary and General Manager.

I ask leave to insert in the RECORD two more letters, which are typical of the others.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

STEUBENVILLE, OHIO, *April 25, 1922.*

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

SIR: As an American manufacturer we desire to register our protest against the propaganda of the Canadian manufacturer of cyanide in its attempt to influence tariff legislation so that cyanide salts may be admitted free of duty.

During the war the manufacture of cyanide was declared an essential industry, and is equally essential in time of peace. The future can best be judged by the history of the past; therefore, it is easy to see what will happen to the American consumers of cyanide when the American producer is driven from the market by unrestricted foreign competition.

In order that this industry may be preserved in the United States and the American consumer assured of an uninterrupted supply of a high-grade material, we respectfully request that you support the application of the American manufacturers for a substantial duty on cyanide salts.

Very truly yours,

GILL BROS. CO.,
D. R. BROOKE, *Secretary.*

SANDUSKY, OHIO, *May 2, 1922.*

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

DEAR MR. WILLIS: As consumers of cyanide salts we are very much in favor of a substantial protective duty on that material. We have no interest in the cyanide business, but appreciate the position of the American cyanide manufacturers, and as a regular consumer urge you to favor proper protection.

Yours very truly,

THE HORD COLOR PRODUCTS CO.,
By C. H. RICHARDSON.

Mr. WILLIS. Mr. President, the question I wish to propound to my friend from Nevada is this: Here is a substance which apparently we are producing in this country economically and in sufficient quantity to supply the market, and numerous consumers of the commodity, including, as I have said, 50 of the greatest manufacturing concerns in my State, which buy this material, are urging that the protective-tariff principle shall be applied to it. How does the Senator answer that argument?

Mr. ODDIE. I will state, Mr. President, to my friend from Ohio that only one concern appeared before the Finance Committee and asked for a duty on cyanide, and that it has been carrying on a very extensive propaganda all over the United States. I have seen a number of letters from splendid and responsible concerns in which practically the identical language is used. If the Senator will examine a number of the letters he will see that in many of them the same phrases occur; and I am firmly of the opinion that the request has gone out from the Roessler & Hasslacher Chemical Co. to very many concerns in the United States.

Mr. WILLIS. I am, of course, familiar with the methods which are used to induce the writing of letters, and all that sort of thing, but here is what strikes me as being peculiar: The concerns which write to me—and the Senator recognizes that they are great business concerns—and are known all over the country——

Mr. ODDIE. Undoubtedly they are.

Mr. WILLIS. Can not be influenced by mere child's play; yet they write me and say that this material is being sold at a reasonable price, and that they think the industry is entitled to protection the same as is any other American industry. I care nothing about the Roessler & Hasslacher Chemical Co.; I never heard of them until this question arose; but I am interested in the viewpoint of these concerns in Ohio which are asking for a reasonable protective duty upon this material.

Mr. ODDIE. I will say that I believe the concerns referred to by the Senator from Ohio are reputable and are perfectly honest in their requests; they are perfectly honest also in their belief; but I have studied this matter very carefully, and I think I may venture to say that those who are writing in advocacy of a duty on cyanide, as indicated by the Senator from Ohio, are probably not aware of the fact that cyanide has been on the free list for a number of years. Since 1917 the American Cyanamid Co., an American company, has been operating on the Canadian side and using raw materials produced in America. This company has been furnishing cyanide to this market in competition with the Roessler-Hasslacher Co. I know that last year in my State contracts were made with the American Cyanamid Co. at about 4 cents a pound lower than the Roessler-Hasslacher Co. asked, the latter company having advanced their price very materially from 1920 to 1921. So our people were forced to make contracts with the American company in Canada.

I will state emphatically that the gold-mining industry, which has been suffering so severely since the war, needs free cyanide. A duty on cyanide will mean that many properties will have to go out of business. I am a thorough believer in the principle of protection. The gold-mining industry needs protection as no other industry needs it, because since the war it has had to bear the full burden of high operating costs without any compensating increase in price. Operating costs are still over 50 per cent higher than in 1915 and the industry can neither absorb a duty on cyanide nor pass it along to the consumer.

Mr. President, I should like to say, further, that I have a high regard for my friends, the Senators from New York and from

New Jersey. I admire the splendid fight they have made for this industry located in their respective States, but I ask them to study carefully the facts I have submitted, and I think if they will examine them they will see the question in a somewhat different light and realize its broad significance to the financial reconstruction of the world and its importance as a national issue. I realize also the thorough work which has been done by the Finance Committee in formulating this tariff bill. They have been almost persecuted by details and conflicting interests. I hope that this question will be reconsidered carefully by the committee and the Senate in the light of my presentation. I am sure that free cyanide will not only save the gold-mining industry but invigorate our whole financial structure.

RECESS TO 11 O'CLOCK TO-MORROW.

Mr. McCUMBER. Mr. President, I ask unanimous consent that when the Senate concludes its session to-day it shall take a recess until to-morrow at 11 o'clock a. m.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORT OF EUGENE MEYER, JR., ON AGRICULTURAL CONDITIONS.

Mr. CAPPER. Mr. President, I have here the report submitted to the President by Mr. Eugene Meyer, jr., managing director of the War Finance Corporation, on agricultural and live-stock conditions and finance. There is a very great demand for the document, and I ask unanimous consent that it may be printed as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CURTIS. I move the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 35 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Saturday, May 6, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 5 (legislative day of April 20), 1922.

REGISTERS OF THE LAND OFFICE.

Jaffa Miller, of New Mexico, to be register of the land office at Roswell, N. Mex., vice Emmett Patton, resigned.

Hugh E. O'Donnell, of Idaho, to be register of the land office at Lewiston, Idaho, vice Henry Heitfeld, whose term will expire May 13, 1922.

APPOINTMENTS IN THE REGULAR ARMY.

GENERAL OFFICERS.

Brig. Gen. James Henry McRae to be major general from May 1, 1922, vice Maj. Gen. James William McAndrew, who died April 30, 1922.

Col. Harry Alexander Smith, Infantry, to be brigadier general, vice Brig. Gen. James Henry McRae, to be appointed major general.

POSTMASTERS.

CALIFORNIA.

William E. Edwards to be postmaster at Westmoreland, Calif. Office became presidential October 1, 1921.

COLORADO.

Ethel Niquette to be postmaster at Edgewater, Colo., in place of C. E. Spicer, resigned.

Roswell H. Bancroft to be postmaster at Palisades, Colo., in place of E. J. Bancroft. Incumbent's commission expired April 6, 1922.

FLORIDA.

Charles S. Williams to be postmaster at Key West, Fla., in place of M. B. Darnall, resigned.

ILLINOIS.

James W. Gibson to be postmaster at Murphysboro, Ill., in place of Gus Blair. Incumbent's commission expired January 12, 1918.

IOWA.

Adna Miller to be postmaster at Danville, Iowa. Office became presidential April 1, 1922.

KANSAS.

Patrick H. Lindley to be postmaster at Havana, Kans. Office became presidential April 1, 1921.

KENTUCKY.

Allie H. Gibson to be postmaster at Ghent, Ky. Office became presidential April 1, 1921.

James H. Branstetter to be postmaster at Glasgow, Ky., in place of J. M. Richardson. Incumbent's commission expired February 4, 1922.

MARYLAND.

Ernest G. Willard to be postmaster at Poolesville, Md. Office became presidential July 1, 1921.

MASSACHUSETTS.

Myrtice S. King to be postmaster at Upton, Mass. Office became presidential April 1, 1922.

MINNESOTA.

Anna O. Rokke to be postmaster at Strandquist, Minn. Office became presidential April 1, 1922.

MISSOURI.

Jesse E. Fette to be postmaster at Alma, Mo. Office became presidential April 1, 1922.

NEW JERSEY.

Harry M. Riddle to be postmaster at Asbury, N. J. Office became presidential April 1, 1922.

Joseph G. Endres to be postmaster at Seaside Heights, N. J. Office became presidential January 1, 1922.

NEW YORK.

Anna M. Auch Moedy to be postmaster at Rosendale, N. Y. Office became presidential April 1, 1920.

Andrew Wishart to be postmaster at Setauket, N. Y. Office became presidential January 1, 1921.

NORTH DAKOTA.

George H. Dickey to be postmaster at Esmond, N. Dak., in place of D. J. Drummond. Incumbent's commission expired January 24, 1922.

OHIO.

Elizabeth P. CarSkaden to be postmaster at Castalia, Ohio. Office became presidential January 1, 1922.

Jennie Fickes to be postmaster at Empire, Ohio. Office became presidential April 1, 1922.

William E. Davidson to be postmaster at Kensington, Ohio. Office became presidential April 1, 1922.

OKLAHOMA.

Lester A. Presson to be postmaster at Sulphur, Okla., in place of Frank Emanuel, resigned.

PENNSYLVANIA.

Harvey J. Hertzog to be postmaster at Mertztown, Pa. Office became presidential January 1, 1922.

George S. J. Keen to be postmaster at Wiconisco, Pa. Office became presidential October 1, 1920.

Arthur B. Winter to be postmaster at Jermyn, Pa., in place of M. P. McDermott, resigned.

SOUTH CAROLINA.

Daniel B. Woodward to be postmaster at McCormick, S. C., in place of M. Z. D. Abercrombie, resigned.

Pierce M. Huff to be postmaster at Piedmont, S. C., in place of P. M. Huff. Incumbent's commission expired January 24, 1922.

William B. Aull to be postmaster at Walhalla, S. C., in place of Nevitt Fant. Incumbent's commission expired January 24, 1922.

TENNESSEE.

Hugh B. Nunn to be postmaster at Ripley, Tenn., in place of I. M. Steele, resigned.

Irene M. Cheairs to be postmaster at Spring Hill, Tenn., in place of I. M. Cheairs. Incumbent's commission expired March 1, 1922.

Masie F. Patterson to be postmaster at Woodbury, Tenn., in place of A. B. Cook. Incumbent's commission expired July 25, 1921.

TEXAS.

Norah H. Kelly to be postmaster at Lockhart, Tex., in place of T. H. Brown, resigned.

John F. Davis to be postmaster at Montgomery, Tex., in place of F. M. Bailey. Incumbent's commission expired January 24, 1922.

Robert W. Crosswy to be postmaster at Sourlake, Tex., in place of Peter Tighe. Incumbent's commission expired January 24, 1922.

VIRGINIA.

William D. Austin to be postmaster at Buena Vista, Va., in place of G. E. Cunningham. Incumbent's commission expired January 24, 1922.

WASHINGTON.

Frank G. Sanford to be postmaster at Bucoda, Wash., in place of E. H. Sanford, deceased.

WEST VIRGINIA.

Lairdy B. Legg to be postmaster at Dorothy, W. Va. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 5 (legislative day of April 20), 1922.

APPRAISER OF MERCHANDISE.

Oscar W. Jackson to be appraiser of merchandise in customs collection district No. 41, with headquarters at Cincinnati, Ohio.

POSTMASTERS.

ARKANSAS.

George E. Owen, Conway.
Homer H. Goodman, Cotter.
Horace D. Cammack, Crossett.
Addie Gilbert, Decatur.
Carl G. Nielsen, Dermott.
Rosse G. Roberts, Fulton.
Fred H. Price, Gurdon.
Patrick F. Maskell, Hartman.
John Barnes, Leslie.
Bunyan Gilbert, McRae.
James H. Bass, Marvell.
Robert B. Landers, Melbourne.
Jack Grayson, Prescott.
Carl J. Lauderdale, Stamps.
William H. Taylor, Van Buren.
Lela L. Henderson, Waldron.
Charles W. Burford, Wilmar.

CALIFORNIA.

Edna J. Keeran, Princeton.
William L. McLaughlin, Sanger.

KANSAS.

Ella J. Starr, Scott City.

LOUISIANA.

Leroy P. Fulmer, Homer.
Mattie B. Peyton, Keatchie.
Cecilia Block, Sellers.

MISSISSIPPI.

Frank J. Barlow, Tunica.

NEBRASKA.

Bertha J. Widener, Kennard.

NEW JERSEY.

Melvin H. Roberson, Annandale.

NORTH CAROLINA.

Cecil E. Spruill, Creswell.
Charles N. Bodenheimer, Elkins.
Willie W. Seawell, Fuquay Springs.
Cleveland L. Willis, Morehead City.
William B. White, Norlina.
Overton L. Snipes, Woodland.

OHIO.

William F. Hains, Wilmington.

PENNSYLVANIA.

D. Guy Hollinger, Hanover.
Mary E. Collins, Lopez.
Ralph L. Snyder, New Tripoli.
McClean Stock, York.

TENNESSEE.

Florence R. Ballard, Bemis.
Samuel A. Wheeler, Bolivar.
Arthur B. McCay, Copperhill.
Grant L. Landiss, Cumberland City.
Columbus L. Parrish, Henderson.
Hilary R. Vaughn, Hendersonville.
Christine M. Meister, Loretto.
Rennie G. Connelly, Lyles.
Clyde A. Jamison, Millington.

TEXAS.

William F. Hofmann, Carrollton.
Sidney B. Smith, Gorman.
Lucy A. Carhart, South San Antonio.

UTAH.

Claude C. McGee, Lewiston.

WEST VIRGINIA.

Daniel O. North, Coketon.
Shirley H. Mitchell, Elizabeth.

WISCONSIN.

Dena Kastein, Waupun.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 5, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thy touch is full of health and Thy heart is full of mercy. They move over the battle fields of life, guiding us along in our silent hurry. We thank Thee for these unbroken providences, which deepen the quiet that flows beneath the turbulent stream of life. O lead us behind the vision of things, setting our lives in a constantly richer soil. Help us more and more to be on earth what we hope to be hereafter. May all our homes be under the curtain of Thy refuge. Let the lights of heaven shine upon them. Bless them with the chair of peace, the cot of ease, the words of wisdom, and with the bonds of undying love. In Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 11427, an omnibus pension bill, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the general pension bill, H. R. 11427, be considered in the House as in the Committee of the Whole. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, I would like to make this inquiry of the majority leader. My understanding was that the militia pension bill, which was unanimously reported by our committee some time ago, would be brought up to-day. If it so happens that the situation is such on account of the gentleman's program as floor leader that that can not be done to-day, I would like to inquire of him when we can bring the bill up without interfering with this program. Of course, I realize that there is great responsibility resting on the majority leader, and I do not want to interfere with that in any way, but there are many of us interested in this other bill. The measure has been pending in Congress for many years. The old militia soldiers are rapidly dying, and if we are going to do anything for them I think the time has arrived when it should be done without further delay. The bill is privileged under the rules, but I want cooperation and the help of the gentleman.

Mr. MONDELL. There is a considerable amount of public business that is crowding at this time and should be disposed of immediately. I would very much prefer to take that bill up a little later. It is not necessary to take it up on Friday; in fact, it can not be taken up. It should go to a convenient season a little later on.

Mr. LANGLEY. If I may be permitted further, does the gentleman think we might be able to find room for it some time next week?

Mr. MONDELL. I think that is altogether possible.

Mr. GARRETT of Tennessee. I very much doubt that.

Mr. LANGLEY. I am very glad to hear that assurance from the gentleman from Wyoming. With the understanding that that is likely, I will not press the matter further to-day, and I withdraw the reservation of the right to object.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. FULLER]?

There was no objection.

Mr. FULLER. Mr. Speaker, I ask unanimous consent that the formal committee amendments may be submitted en bloc after the reading of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the committee amendments may be submitted en bloc after the reading of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11427) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Thomas Casey, alias Thomas Clancy, late of Company C, Second Regiment Vermont Volunteer Infantry, and Company G, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Carrie A. Chaplin, helpless and dependent daughter of Nathaniel W. Chaplin, late of Company A, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Henry H. Snow, late unassigned, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Sarah J. White, widow of John C. White, late of Company K, Sixth Regiment California Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa C. Coleman, widow of Garrett F. Coleman, late of Company B, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Voneky, widow of Louis Voneky, late major, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah J. Pait, widow of Jasper N. Pait, late of Company A, First Regiment Kansas Volunteer Infantry, and Company D, Fifteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Dawson, widow of Moses T. Dawson, late of Company B, Forty-eighth Regiment Ohio Volunteer Infantry, and A Battalion, Forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Napoleon B. Corns, late of Company K and unassigned, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Georgeanna E. Howard, widow of Charles Howard, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Grace E. Howard, helpless and dependent daughter of said Georgeanna E. and Charles Howard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Georgeanna E. Howard, the name of said Grace E. Howard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Georgeanna E. Howard, through duly appointed guardian or conservator.

The name of William W. Cooper, late of Company E, Fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Mary Sexton, widow of Ransom Sexton, late of Company C, Fourth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Richard S. Wilks, late of Company A, Seventy-sixth Regiment Enrolled Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Marietta Nichols, widow of Isaac M. Nichols, late of Company E, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Kittie Young, widow of Jeremiah Young, late of Company E, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lillian M. Woodard, widow of Charles C. Woodard, late of Company C, Eleventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Lape, widow of William Lape, late of Company G, Twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Margaret E. Lape, helpless and dependent daughter of said Mary E. and William Lape, the additional pension herein granted shall cease and determine: *And procided further*, That in the event of the death of Mary E. Lape, the name of said Margaret E. Lape shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary E. Lape.

The name of Benjamin Jones, late of Company I, First Regiment United States Reserve Corps, Missouri Volunteer Home Guards, and pay him a pension at the rate of $50 per month.

The name of Lucy Jane Lucke, widow of Frederick Lucke, late of Company F, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amos C. Tewell, helpless and dependent son of Orlestus R. Tewell, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah Oswald, widow of John C. Oswald, late of Company H, Fifty-third Regiment Pennsylvania Volunteer Militia, and Company C, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Olson, widow of Ole Oleson, late of Company C, Brackett's Battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Kate B. Shatzer, helpless and dependent daughter of John M. Baker, late hospital steward, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of William J. Barr, late of Company G, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of James H. E. Guest, late of Captain Gilbreath's company, Alabama Volunteer Scouts and Guides, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary J. Wylie, widow of Benjamin Wylie, late unassigned First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

To remove from the pension roll the name of Florence E. Williams, helpless and dependent daughter of Henry D. Williams, late private, Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and discontinue payments of pension to her at the rate of $14 per month, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Williams, former widow of Henry D. Williams, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month: *Provided*, That in the event of the death of Florence E. Williams, helpless and dependent daughter of said Ellen and Henry D. Williams, $20 per month of the pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen Williams, the name of said Florence E. Williams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Ellen Williams.

The name of Toliver Roberts, late of Samuel D. Nelson's Company E, Green County (Mo.) Home Guards, and Company H, Seventy-second Regiment Enrolled Missouri Militia, and Company M, Seventy-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Amelia O. Buten, widow of Benjamin C. Buten, late of Company A, Third Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Stella D. Johnson, widow of Charles Johnson, late unassigned, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hattie Ousley, widow of Banjamin Ousley, late of Company D, Twenty-seventh Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Means, widow of Drury Means, late of Company G, Twelfth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hannah C. Hayes, widow of Harrison Hayes, late of Companies I and H, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine A. Bartley, widow of Allen Bartley, late of Company F, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Frances A. Sapp, widow of Willis M. Sapp, late of Company C, Fourth Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, either Paul M. Sapp or Joseph F. Sapp, minor sons of said Frances A. Sapp and Willis M. Sapp, $6 per month of the pension herein granted shall cease and determine.

The name of Nancy Mastin, widow of John W. Mastin, late of Company G, Seventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ida F. Thoroman, helpless and dependent daughter of Samuel H. Thoroman, late of Company E, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The name of Amelia D. Comstock, widow of Levi H. Comstock, late unassigned, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary Sneider, widow of Lewis Sneider, late of Company F, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Adelia Riter, widow of Wellington Riter, late of Company K, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie Perry, helpless and dependent daughter of Noah H. Perry, late of Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Elizabeth Wright, widow of Jefferson Wright, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Johnson, widow of Soren Johnson, late of Company A, First Battalion Minnesota Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary F. Sullivan, widow of Michael Sullivan, late of Company E, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phoebe Bradfute, widow of Hazlewood A. C. Bradfute, late of Company D, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John A. Beach, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Mary Josephine Bell, now Beebe, former widow of Orlando Bell, late of Company B, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Melvilla McConnell, widow of Thomas McConnell, late of Company I, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura M. Miller, widow of John Miller, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Risseller Everhart, widow of John Everhart, late of Company C, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Letitia W. Savage, widow of James C. Savage, late of Battery G, Second Regiment United States Volunteer Artillery, and pay her a pension at the rate of $30 per month.

The name of Bethena Starkey, widow of George W. Starkey, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Cox, widow of Rufus D. Cox, late of Company H, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma E. Lethco, widow of Henry Lethco, late of Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Yancy, widow of Joseph Yancy, late of Company G, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary B. Thorpe, widow of Joshua Thorpe, late of Twenty-fourth Unattached Company Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Dabel, helpless and dependent daughter of Fred Dabel, late of Company B, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Ellen F. Hughes, helpless and dependent daughter of Francis Hughes, late of Company G, First Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Nancy E. Bruce, widow of William C. Bruce, late of Company E, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of James Forsyth Harrison, late of Quartermaster Department, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John A. Brammett, helpless and dependent son of John W. Brammett, late of Company H, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Amy V. Rice, helpless and dependent daughter of John Rice, late of Company B, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Mamie E. Boatright, former widow of Wilson C. Etherton, late of Company B, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida R. Bowden, widow of William T. Bowden, late of Company C, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Albert M. Whipple, helpless and dependent son of Charles Whipple, late of Company M, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Mark Cox, late private substitute unassigned, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Samuel Bond, late private, Twenty-eighth Regiment Unassigned Maine Volunteer Infantry, and of Battery L, Fourth Regiment United States Volunteer Artillery, and pay him a pension at the rate of $30 per month.

The name of Amelia Freshla, widow of Andrew Freshla, alias Gottlieb Keller, late of Fifteenth Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Joanna Craig, widow of Lyman Craig, late of Company C, Seventy-second Regiment United States Colored Volunteer Infantry, and Company H, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Leonard, former widow of Otis Leonard, late of Company E, Eighty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mattie Watts, widow of Andrew J. Watts, late of Company I, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Addie Pierce, widow of Joshua A. Pierce, late of Company K, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Spencer, widow of William Spencer, alias William Rager, late of Company K, Twentieth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edward Dupler, helpless and dependent son of Reuben Dupler, late of Company D, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Sallie W. Kennamer, widow of Jacob L. Kennamer, late of Captain John B. Kennamer's Alabama Volunteer Scouts and Guides, and pay her a pension at the rate of $30 per month.

The name of Mary A. Holt, widow of Ira E. Holt, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha A. Denison, widow of Aseal B. Denison, late of Company B, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $30 per month.

The name of Amanda A. Lewis, widow of Andrew J. Lewis, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Page, widow of Jerome B. Page, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ella Ellsworth, widow of Allen Ellsworth, late of Company F, Sixty-eighth Regiment Illinois Volunteer Infantry, and lieutenant, Company I, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month.

The name of Mary K. Wise, widow of Robert Wise, late of Company H, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret E. Bentley, widow of Green S. Bentley, late of Company A, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice F. Parrigin, widow of Joseph Parrigin, late of Company F, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary E. Hulen, widow of Hiram Hulen, late of Companies F and M, Fourth Regiment United States Volunteer Artillery, and Company B, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of R. T. Crews, late scout and guide, and pay him a pension at the rate of $30 per month.

The name of Eliza F. Atkinson, widow of W. J. K. Atkinson, late of Company C, Sixth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clara Blunt, helpless and dependent daughter of James L. Blunt, late of Company B, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Amanda Baker, widow of Alfred Baker, late of Company K, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lora Bell Fasig, widow of Albert Fasig, late of Company G, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles H. Fasig, helpless and dependent son of said Lora Bell and Albert Fasig, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lora Bell Fasig, the name of said Charles H. Fasig shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Lora Bell Fasig, through duly appointed guardian or conservator.

The name of Helen M. Holt, widow of Alexander H. Holt, late of Company G, First Regiment Illinois Volunteer Cavalry, and lieutenant colonel One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ruth M. Deardoff, widow of Perry H. Deardoff, late of Company F, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amelia C. States, widow of Oscar L. States, late of Company B, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $36 per month: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, Lillian A. States, minor daughter of Amelia C. States and Oscar L. States, $6 per month of the pension herein granted shall cease and determine.

To drop from the pension roll the name of Mary Arthur as guardian of Milleson M. Arthur, minor child of Stephen Arthur, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and discontinue payments of pension to her at the rate of $36 per month as guardian of said minor child, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Arthur as widow of Stephen Arthur, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $36 per month as widow of said soldier: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, Milleson M. Arthur, minor son of Mary Arthur and Stephen Arthur, $6 per month of the pension herein granted shall cease and determine.

The name of Mary Kelly, widow of John Kelly, alias John King, late landsman, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Ida A. Richardson, widow of Jefferson Richardson, late of Twenty-sixth Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Lucinda Viles, former widow of John H. Trent, late of Company B, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Albert Ullman, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary A. Fisher, former widow of William Chase, late of Company D, Seventy-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Longshore, widow of Archer B. Longshore, late of Company C, Fifth Regiment California Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ruth Moss, helpless and dependent daughter of Sumers Moss, late of Company B, Ninth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ruth C. Weatherford, helpless and dependent daughter of Charles L. Weatherford, late of Company B, Twenty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Mary Shoemaker, widow of Henry Shoemaker, late of Company F, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Spilker, widow of John F. Spilker, late of Company G, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Katie Kenedy, widow of Harrison B. Kenedy, late of Company D, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Francis E. Dunwoody, helpless and dependent daughter of Lorenzo D. Dunwoody, late of Company B, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Joseph F. Rosenberger, helpless and dependent son of Frederick Rosenberger, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Grace K. Wheelwright, widow of Charles Wheelwright, late of Company G. One hundred and thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma C. Eldridge, widow of William McK. Eldridge, late of Company A, Sixteenth Regiment Ohio Volunteer Infantry, and Company G, Twenty-fourth Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Shannon, widow of Robert Shannon, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Lawyer, widow of Alexander Lawyer, late of Company F, Seventh Regiment Ohio Volunteer Cavalry, and Company A, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of May Blunt, helpless and dependent daughter of Thomas W. Blunt, late of Company A, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Mary E. Kellogg, former widow of Nathaniel Kellogg, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Laura A. Hoyt, widow of George G. Hoyt, late of Company H, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma D. Manson, widow of Ammi Manson, late of Company A, Thirty-first and Thirty-second Regiments Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Poe, widow of James M. Poe, late of Company C, Fifth Regiment Missouri Volunteer State Militia Cavalry, and Company C, Twelfth Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edwin F. Poe, helpless and dependent son of said Elizabeth and James M. Poe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Poe, the name of said Edwin F. Poe shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elizabeth Poe.

The name of Miles S. Sisk, late of Company D, Second Regiment North Carolina Volunteer Mounted Infantry, and Company B, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Mary Ely, widow of Thaddeus Ely, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Cephas Davis, helpless and dependent son of James Davis, late of Company B, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lavina Kerr, widow of William O. Kerr, late of Company K, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

Ehe name of Carrie Keefer, widow of Benjamin F. Keefer, late of Company H, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Melissa J. Wells, widow of William Wells, late of Company E, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Filius, widow of Eustis Filius, late of Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Cook, widow of Andrew J. Cook, late of Company H, Third Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nancy A. Cook, helpless and dependent daughter of said Mary A. and Andrew J. Cook, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary A. Cook, the name of said Nancy A. Cook shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Cook, through duly appointed guardian or conservator.

The name of Joseph R. Lawson, late of Company J, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Millie A. Scoggin, widow of James O. Scoggin, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet E. Burgess, widow of John W. Burgess, late of Company B, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sabra W. Williams, widow of Abram D. Williams, late of Company K, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lewis C. Allentharp, helpless and dependent son of Joseph P. Allentharp, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Alwilde Dobson, widow of Crawford Dobson, late of Company G, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella J. Crosse, widow of Elliott W. Crosse, late assistant third engineer, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Olive A. Ham, widow of Moses C. Ham, late of Company B, First Regiment Maine Volunteer State Guards, and pay her a pension at the rate of $30 per month.

The name of Jeff Clark, helpless and dependent son of Richard Clark, alias Dick Thurston, late of Company E, One hundred and ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Delphine Darling, widow of Thomas V. Darling, late of United States Marine Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Miranda A. Vance, widow of John B. Vance, late of Company H, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Vaughn, widow of William A. Vaughn, late of Company K, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maggie S. Vaughn, widow of Lorenzo Schweninger, late of Company E, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Smith, widow of William Smith, late of Company C, Second Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $30 per month.

The name of Sarah McEwen, widow of David McEwen, late unassigned Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah M. Cleveland, widow of Alexander B. Cleveland, late of Company H, Fifth Regiment United States Artillery, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Darling, widow of Benjamin E. Darling, late of Company G, Sixteenth Regiment Wisconsin Volunteer Infantry, and Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jeremiah Hays, late of Company K, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Carrie B. Billman, widow of Alfred Billman, late of Company H, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and Company A, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucretia Davy, widow of William A. Davy, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nellie A. Storrs, widow of Hector W. Storrs, late of Company E, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Adams, widow of Jesse Adams, late of Company I, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Arviline Gilkison, widow of Henry Gilkison, late of Company E, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ora Williams, helpless and dependent daughter of Larkin Williams, late of Company A, Seventeenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Celia L. Johnson, widow of Merrill Johnson, late of Captain Clark's independent cavalry company, Missouri Home Guards, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of George R. Grubaugh, late of Company F, Seventy-second Regiment Enrolled Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anna E. Short, widow of John H. Short, late of Company B, Eleventh Regiment, and Company H, Ninth Regiment, Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Flora Johnson, widow of Lyman Johnson, late of Company G, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Maria E. Huff, widow of Henry Huff, late of Company C, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John S. Nixon, helpless and dependent son of William S. Nixon, late of Company I, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah J. McCormick, widow of John McCormick, late of Company E, Sixty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emeline Smith, widow of George W. Smith, late of Company A, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sophy Lilley, widow of Charles Lilley, late of Company H, Eighth Regiment New York Volunteer Heavy Artillery, and Company K, Fourth Regiment New York Volunteer Artillery, and pay her a pension at the rate of $30 per month.

The name of Eliza Laport, widow of William W. Laport, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and Company I, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Rinehart, widow of Simon Rinehart, late of Company H, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella Heminger, helpless and dependent daughter of James M. Heminger, late of Company K, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Etta Rand, widow of Warren S. Rand, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sallie Blevins, helpless and dependent daughter of George Blevins, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Rosanna Moore, widow of Elias G. Moore, late of Company C, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edith L. Howland, widow of Levi Howland, late major, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Ross, widow of William Ross, late of Company H, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catharine Elliott, widow of Enos T. Elliott, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Otimer Elliott, helpless and dependent son of said Catharine and Enos T. Elliott, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catharine Elliott, the name of said Otimer Elliott shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Catharine Elliott, through duly appointed guardian or conservator.

The name of Martha E. Fry, widow of William F. Fry, late of Company G, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Gleich, helpless and dependent daughter of August Gleich, late of Companies A. and K, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Sarah J. Ross, widow of Jacob H. Ross, late of Company C, Fourth Battalion Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lettie W. Smith, widow of Henry Smith, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Kelley, former widow of Benjamin Ridenour, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma D. Veeder, widow of John H. Veeder, late of Company H, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna Cahill, helpless and dependent daughter of John Cahill, late of Company D, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Nellie J. Stanton, widow of Benjamin F. Stanton, late of Company D, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Titus, widow of Francis J. M. Titus, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catharine Sollenberger, widow of Seth W. Sollenberger, late of Companies K and A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of James G. Carmack, late of Company E, Fourteenth Regiment, and Companies A and L, Sixth Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The name of Katherine Myers, helpless and dependent daughter of George H. Myers, late of Company G, Fifth Regiment New York Volunteer Infantry, and Company H, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary E. Riley, widow of Martin V. Riley, late of Company K, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maria Hill, widow of Nelson P. Hill, late of Company M, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Devany, widow of John Devany, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amanda Bierly, widow of Jeremiah Bierly, late of Company C, One hundred and sixty-third Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Bushong, widow of Jacob Bushong, late of Company B, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie Market, widow of Vietal Market, late of Company I, Second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Hawkins, widow of Joseph W. Hawkins, late of Company H, Fourteenth Regiment Missouri Volunteer State Militia Cavalry, and Company B, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Roxey Phillips, widow of Travers Phillips, late of Company F, Eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Britton, widow of Fountain E. P. Britton, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hamilton Wallace, helpless and dependent son of Daniel J. Wallace, late of Company G, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of J. Oscar Rust, helpless and dependent son of John D. Rust, late colonel Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Hester Cohoon, widow of William J. Cohoon, late of Company C, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lura Hines, former widow of James Wingler, late of Company H, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary E. Hollingsworth, widow of Russell B. Hollingsworth, late of Company B, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Emeline Umfleet, widow of Jarvis J. Umfleet, late of Company I, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ellen Umfleet, helpless and dependent daughter of said Emeline and Jarvis J. Umfleet, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emeline Umfleet the name of said Ellen Umfleet shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Emeline Umfleet.

The name of Julia E. Good, widow of John Good, late of Ninth Unattached Company, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine O'Leary, widow of Edward O'Leary, late of Company C, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma A. Drake, widow of Henry Drake, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Tillie L. Mitchell, widow of Edwin Mitchell, late of Company D, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Davis, widow of Elwood Davis, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Katharine Falk, widow of Albert Falk, late of Company C, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes Ditter, helpless and dependent daughter of George J. Ditter, late of Company A, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary A. Bandy, widow of Henry T. Bandy, late of Company H, Ninety-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie A. Houser, widow of Christopher Houser, late of Company G, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy Keen, former widow of Anderson Keen, late of Company B, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Julia M. Keen, helpless and dependent daughter of said Nancy and Anderson Keen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy Keen, the name of said Julia M. Keen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Nancy Keen, through duly appointed guardian or conservator.

The name of Caroline Leasure, widow of William H. Leasure, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Wentz, now Roberts, former widow of Augustus Wentz, late lieutenant colonel Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louella Sevey, former widow of Charles H. Sevey, late of Company K, Eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month, through duly appointed guardian or conservator.

The name of Mary E. Wright, widow of Charles T. Wright, late of Company C, Seventh Battalion, District of Columbia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret E. Nunley, widow of Abner P. Nunley, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lucy A. Nelson, widow of James H. Nelson, late of Company F, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eva F. Hussey, widow of Frank D. Hussey, late of United States Signal Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah A. Dickinson, widow of George W. Dickinson, late of Company C, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan Fleck, widow of Martin L. Fleck, late of Company B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa E. Treanor, widow of Thomas D. Treanor, late of Company K, Fifteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lety Wilson, widow of David M. Wilson, late of Company C, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Eliza A. Nichols, widow of Amos J. Nichols, late of Company G, Eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah Spring, former widow of George H. Spring, late of Company C, Seventh Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of John Kent, helpless and dependent son of Gypson Kent, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $20 per month.

The name of Susan J. Murray, widow of Charles R. Murray, late of Company C, Fourth Regiment New Mexico Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Sophia A. Bell, widow of David W. Bell, late of Company A, Eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie A. Stone, widow of Harvey S. Stone, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Abbie T. Holbrook, widow of Manlius Holbrook, late of Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Stough, widow of Jacob L. Stough, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, and Company D, First Battalion, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances E. Drake, widow of William B. Drake, late of Company C, Seventy-fifth Regiment Illinois Volunteer Infantry, and Company I, Fifteenth Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen Donaldson, widow of Richard Donaldson, late of Company A, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Josephine Timerson, widow of Harmon Timerson, late of Company C, One hundred and eleventh Regiment New York Volunteer Infantry, and Company D, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jacob H. Mertz, late of Company D, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Susan J. Garland, widow of David Garland, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Martin, widow of Augustus Martin, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie P. Haskell, widow of Joshua Haskell, late of Company B, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary F. McCaw, widow of William John McCaw, late of Company I, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie Cason, widow of Nathan Cason, pensioned as Nathan Casey, late of Company A, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of William F. Critchfield, late of Company H, One hundred and sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Benjamin Troutman, late of Captain Gowan's Company D, Veterans' Battalion, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Kate M. House, widow of Edwin J. House, late of Company H, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Horace T. Farnsworth, late of Company A, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Margaret T. Deaver, widow of George W. Deaver, late of Company A, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of James R. Gray, late unassigned drafted man, third congressional district, Indiana, and pay him a pension at the rate of $30 per month.

The name of Celia Hunt, former widow of Henry Hunt, alias Henry Albon, late of Company G, Fifth Regiment Michigan Volunteer Infantry, and Company D, Tenth Regiment Ohio Cavalry, and pay her a pension at the rate of $30 per month.

The name of Harriet E. Hagan, widow of John Hagan, late of Company I, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Michael Coveny, alias Michael Dowling, late of Company A, Forty-fourth Regiment, and Company G, One hundred and fortieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Fred E. Morehouse, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Clara C. Thomas, widow of Earl D. Thomas, late sergeant major and brigadier general, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Dean, widow of Augustus Dean, late of Company C, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Minnie McMullen, widow of Gilbert McMullen, late quartermaster, U. S. S. *Silver Cloud*, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Bessie B. Waldo Howland, former widow of William L. Waldo, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Otis C. Mooney, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Jennie B. Cullum, widow of John Cullum, late of Company H, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza D. Brattain, former widow of Andrew C. Brattain, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Henry T. Goodhue, late of Captain Chandler's company, National Guard, New Hampshire Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Rebecca A. Boster, widow of James A. Boster, late of Company A, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank A. Boster, helpless and dependent son of said Rebecca A. and James A. Boster, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rebecca A. Boster the name of said Frank A. Boster shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Rebecca A. Boster, through duly appointed guardian or conservator.

The name of Margaret Moore, widow of William S. Moore, late of Company K, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Melissa A. Becker, widow of William H. S. Becker, late of Company C, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of William F. Nichols, helpless and dependent son of John Nichols, late of Company D, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving, through duly appointed guardian or conservator.

The name of Sarah T. Hendrick, widow of Pleasant F. Hendrick, late of Company E, Fifty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida M. Benson, former widow of William Brown, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George Hull, alias John Buchanan, late of Company D, Thirty-second Regiment Ohio Volunteer Infantry, and Company A, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $50 per month.

The name of Mary Miller, widow of Emanuel Miller, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara J. Hicks, widow of Owen Hicks, late of Company C, Seventh Regiment, and Company B, Fifth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha J. Morris, widow of Levi B. Morris, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Sansoucie, widow of Adolph Sansoucie, late of Company K, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alonzo S. Newell, late of Company B, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mahala Davis, widow of Samuel Davis, late of Pioneer Corps, First Division, Sixteenth Army Corps, and pay her a pension at the rate of $30 per month.

The name of Martha Ann Cravens, widow of John Cravens, late of Company B, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza Johnson, widow of Charles A. Johnson, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Creighton Bradshaw, helpless and dependent son of Thomas W. Bradshaw, late of Company H, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Martha M. Robb, widow of Elijah C. Robb, late of Company I, Eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret B. Harrington, widow of Charles Harrington, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louise Schenkel, widow of Leonard Schenkel, late of Companies A and E, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Eutsey, widow of Jacob Eutsey, late of Companies B and A, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mollie Cole, widow of Zachariah W. Cole, late of Company D, Eighteenth Regiment Iowa Volunteer Infantry, and Company E, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah Patterson, former widow of Noah F. Patterson, late of Company D, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Sage, widow of Nathaniel S. Sage, late of Company F, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Samuel G. Riggs, late of Company G, Forty-fifth Regiment, and Company D, Forty-eighth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Elvira E. Clark, widow of Peter F. Clark, late of Company A, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ida B. Sechler, widow of George Sechler, late of Company K, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary A. O'Neil, former widow of William O'Neil, alias William O. Nelson, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Malissa A. Hanes, widow of William A. Hanes, late of Company G, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William S. Tester, helpless and dependent son of Henry W. Tester, late of Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

To drop from the pension roll the name of Franklin C. York, minor child of William F. York, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and discontinue payments of pension to him at the rate of $12 per month, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Susie C. York, widow of William F. York, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $36 per month: *Provided*, That upon the attainment of the age of 16 years by, or death prior to attainment of the age of 16 years of, Franklin C. York, $6 per month of the pension herein granted shall cease and determine.

The name of Nellie Knight, widow of Edwin S. Knight, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John W. Heller, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Alice K. Foster, helpless and dependent daughter of Peter Kingry, late of Company G, Fifty-third Regiment Ohio Volunteer Infantry, and Company I, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Augusta L. Simpson, widow of Benjamin F. Simpson, late major, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucinda Welch, widow of Messor B. Welch, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Millie Campbell, widow of Henry L. Campbell, late of Company K, Sixty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Josephine P. Whitney, helpless and dependent daughter of Oliver C. Whitney, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Van Vechten, late of Company F, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Agnes Badger, widow of Ransom Badger, late of Companies F and D, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jacob Barger, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Mary Bay, helpless and dependent daughter of George Bay, late of Company K, Eighth Regiment New York Volunteer Cavalry, and Fifth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ida V. Moore, widow of Jacob D. Moore, late of Company E, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and Company K, Fifth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of William J. Eaton, helpless and dependent son of Henry H. Eaton, late of Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah E. Robinson, widow of Calvin Robinson, late of Company E, Twentieth Regiment Ohio Volunteer Infantry, and pay

her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie May Andrews, helpless and dependent daughter of John E. Andrews, late of Company E, Third Regiment Ohio Volunteer Cavalry, and Company G, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Matilda A. Runions, widow of Joseph Runions, late of Company C, Second Regiment East Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Croxwell, widow of Granville Croxwell, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Harriet A. Blagg, widow of William T. Blagg, late of Company K, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joseph D. Hayes, helpless and dependent son of John Hayes, late of company E, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month.

The name of Phebe J. Burrows, widow of Charles W. Burrows, late of Company C, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henrietta Hyman, former widow of Thomas P. Knowland, late of Company D, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Hampton, widow of John Hampton, late of Company G, Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary A. Penny, widow of Andrew J. Penny, late of Company D, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Hanes, widow of John Hanes, late of Company D, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Joseph H. Hanes, helpless and dependent son of said Sarah E. and John Hanes, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Hanes, the name of said Joseph H. Hanes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah E. Hanes.

The name of Sarah R. Spraggins, widow of Alexander W. Spraggins, late of Company E, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Peterson, former widow of Riley C. Hodge, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Robert Ashby, helpless and dependent son of John W. Ashby, late of Company I, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Eva E. Parker, widow of Francis Parker, late of Companies B and G, Thirty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Perry, widow of Emery Perry, late of Company A, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Maurice Perry, helpless and dependent son of said Mary A. and Emery Perry, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Perry, the name of said Maurice Perry shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Perry, through duly appointed guardian and conservator.

The name of Emily D. Jenkins, widow of George W. Jenkins, late first lieutenant and regimental quartermaster, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Arta P. Beedle, helpless and dependent daughter of Andrew P. Beedle, alias William Dostman, late of Company L, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The name of Angie Caldwell, widow of James H. Caldwell, late of Company G, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Morrison, widow of William H. Morrison, late of Company F, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia Parish, widow of Marion Parish, late of Company G, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Tillie R. Reeves, widow of Orange D. Reeves, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Maurer, widow of Jeremiah Maurer, late of Company E, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Dudley Harlan, helpless and dependent son of George W. Harlan, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Mahala H. Fisk, widow of William E. Fisk, late of Company I, Sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ann R. Kiger, widow of Elias D. Kiger, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Icenogle, widow of William J. Icenogle, late of Company A, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Sarah M. Love, widow of John W. Love, late of Company A, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen J. Cook, widow of Isaac Cook, late of Company D, Fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mahala J. Stoner, widow of Joseph Stoner, late of Company H, Third Regiment, and Company D, Thirty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jennett Pangle, widow of David Pangle, late of Company G, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fannie M. O'Linn, widow of Daniel H. O'Linn, late of Company F, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret V. Bartlett, widow of John Bartlett, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Ward, widow of George F. Ward, late of Company G, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Becker, widow of Jacob Becker, late of Company C, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Gray, widow of Samuel M. Gray, late of Company E, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Malinda Davis, helpless and dependent daughter of William H. Davis, late of Company K, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Catherine J. Mock, widow of James M. Mock, late captain of Company F, Twenty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie E. Jackson, widow of Alfred S. Jackson, late of Company H, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eva Shaw, widow of John J. Shaw, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Bertha M. Snow, widow of Alfred Snow, late of Company I, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $40 per month, in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Morgan A. Harris, late of Company F, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Annie E. Homan, widow of Alfred W. Homan, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy M. Henderson, widow of Richard Henderson, late of Company K, Thirty-Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Tyler, widow of Oliver Tyler, late of Company F, Eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edna McConahy, helpless and dependent daughter of Wesley McConahy, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Lurinda J. Neighbour, former widow of Levi B. Smith, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Martha J. Corrie, widow of William Corrie, late of Company H, Twelfth Regiment New York Volunteer Infantry, and Company H, Marine United States Volunteers, and pay her a pension at the rate of $30 per month.

The name of Margaret J. Briggs, widow of David Briggs, late of Twelfth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henry C. Ferguson, late of Company F, One hundred and forty-eighth Regiment, and Company K, Eighteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Caroline Bast, helpless and dependent daughter of Henry Bast, late of Company F, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Angeline Tait, widow of Lionel R. Tait, late of Company C, Fifth Regiment, and Company D, First Regiment, California Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna B. Kimball, widow of George M. Kimball, late of Company B, Nineteenth Regiment Massachusetts Volunteer Infantry, and Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha G. Waldron, widow of George H. Waldron, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Emily T. Buchanan, widow of James C. Buchanan, late of Company I, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Jones, widow of George W. Jones, late of Company H, Sixty-third Regiment Missouri Volunteer Enrolled Militia, and pay her a pension at the rate of $30 per month.

The name of Julia Van Wicklen Jolley, widow of Uriah Jolley, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Kathryn Labonde, widow of Peter Labonde, late of Company I, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eunice A. Prettyman, widow of Leven T. Prettyman, late of Company A, Eleventh Regiment, and Company E, Tenth Regiment, West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie C. Bonam, former widow of John M. Lemmon, late of Company B, Seventy-second Regiment Ohio Volunteer Infantry,

and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catharine B. Hall, widow of James L. Hall, late of Company K, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Harriett N. Chatfield, widow of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes May Taylor, widow of Henry P. Taylor, late of Company D, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Denison, widow of Luther L. Denison, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Euphemia Jones, widow of Robert S. Jones, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Gay, widow of Marion Gay, late of Company F, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catherine Tuttle, widow of Ira C. Tuttle, late of Company G, First Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah Rice, widow of Jacob Rice, late of Company C, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Anderson, widow of John Anderson, late of Companies F and A, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan M. Worthing, widow of John K. Worthing, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Maggie Lowe, widow of John E. Lowe, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jessie L. Burr, widow of Edwin A. Burr, late of Company E, Nineteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Lundy, widow of Robert Lundy, late of Company A, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amelia Stegner, widow of Ernest Stegner, late of Company D, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and Company A, Boonville Reserve Corps, Missouri Volunteer Home Guards, and pay her a pension at the rate of $30 per month.

The name of Lodesca F. Wertz, widow of Cornelius Wertz, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Alice McCarty, widow of William McCarty, late of Company H, Forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Christiana Hoffman, widow of Joseph Hoffman, late of Company I, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cynthia L. Godfrey, widow of James Godfrey, late of Company K, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Delilah R. Mann, widow of Christian H. Mann, late of Company I, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edna Hall, widow of Philip Hall, late of Company D, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Barbara E. Bernard, widow of James T. Bernard, late of Companies H and K, Fourteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza Wisher, widow of Jacob H. Wisher, late of Company H, Sixtieth Regiment New York Volunteer Infantry, and Troop A, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucy E. Porter, widow of Myron Porter, late of Company F, First Regiment Michigan Volunteer Light Artillery, and pay per a pension at the rate of $30 per month.

The name of Mary E. Waddell, widow of Nathan Waddell, late of Company F, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Johanna Staton, widow of James C. Staton, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nannie E. Scott, widow of Charles E. Scott, late of Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Harriet Myers, widow of William Myers, late of Company I, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

Mr. FULLER. Mr. Speaker, I offer the following committee amendments.

The SPEAKER. The gentleman from Illinois offers the following committee amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. FULLER:

Page 22, line 9, strike out the word "Eldrige" and insert in lieu thereof the word "Eldridge."

Page 26, line 20, strike out the word "Alwilde" and insert in lieu thereof the word "Alwilda."

Page 38, strike out the lines 18 to 22, inclusive.

Page 58, line 17, strike out the middle letter "C," in the name of the proposed beneficiary, and insert in lieu thereof the capital letter "O," so that the name will read "Sarah O. Peterson."

Page 69, strike out lines 24 and 25, and on page 70, strike out lines 1 and 2.

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1666. Thomas Casey, alias Thomas Clancy
H. R. 1674. Carrie A. Chaplin.
H. R. 1806. Henry H. Snow.
H. R. 1813. Sarah J. White.
H. R. 2126. Louisa C. Coleman.
H. R. 3013. Elizabeth Voneky.
H. R. 3811. Sarah J. Pait.
H. R. 4223. Sarah E. Dawson.
H. R. 4660. Napoleon B. Corns.
H. R. 4777. Georgeanna E. Howard.
H. R. 4933. William W. Cooper.
H. R. 5195. Mary Sexton.
H. R. 5555. Richard S. Wilks.
H. R. 5935. Marietta Nichols.
H. R. 6705. Kittie Young.
H. R. 6922. Lillian M. Woodard.
H. R. 6964. Mary E. Lape.
H. R. 8284. Benjamin Jones.
H. R. 7309. Lucy Jane Lucke.
H. R. 7385. Amos C. Tewell.
H. R. 7525. Sarah Oswald.
H. R. 7553. Mary C. Olson.
H. R. 7907. Kate B. Shatzer.
H. R. 7929. William J. Barr.
H. R. 8157. James H. E. Guest.
H. R. 8185. Mary J. Wylie.
H. R. 8230. Ellen Williams.
H. R. 8282. Toliver Roberts.
H. R. 8290. Amelia O. Buten.
H. R. 8424. Stella D. Johnson.
H. R. 8426. Hattie Ousley.
H. R. 8578. Mary E. Means.
H. R. 8602. Hannah C. Hayes.
H. R. 8603. Catherine A. Bartley.
H. R. 8604. Frances A. Sapp.
H. R. 8732. Nancy Mastin.
H. R. 8753. Ida F. Thoroman.
H. R. 8766. Amelia D. Comstock.
H. R. 8865. Mary Sneider.
H. R. 8879. Adelia Riter.
H. R. 8893. Nellie Perry.
H. R. 8979. Elizabeth Wright.
H. R. 8983. Martha Johnson.
H. R. 9037. Mary F. Sullivan.
H. R. 9044. Phoebe Bradfute.
H. R. 9107. John A. Beach.
H. R. 9120. Mary Josephine Bell, now Beebe.
H. R. 9127. Melvilla McConnell.
H. R. 9182. Laura M. Miller.
H. R. 9210. Risseller Everhart.
H. R. 9271. Letitia W. Savage.
H. R. 9332. Bethena Starkey.
H. R. 9333. Sarah J. Cox.
H. R. 9373. Emma E. Lethco.
H. R. 9387. Mary Yancy.
H. R. 9388. Mary B. Thorpe.
H. R. 9390. Anna Dabel.
H. R. 9437. Ellen F. Hughes.
H. R. 9481. Nancy E. Bruce.
H. R. 9501. James Forsyth Harrison.
H. R. 9502. John A. Brammett.
H. R. 9506. Amy V. Rice.
H. R. 9550. Mamie E. Boatright.
H. R. 9551. Ida R. Bowden.
H. R. 9553. Albert M. Whipple.
H. R. 9562. Mark Cox.
H. R. 9565. Samuel Bond.
H. R. 9612. Amelia Freshla.
H. R. 9613. Joanna Craig.
H. R. 9620. Sarah A. Leonard.
H. R. 9622. Mattie Watts.
H. R. 9661. Addie Pierce.
H. R. 9664. Eliza J. Spencer.
H. R. 9665. Edward Dupler.
H. R. 9676. Sallie W. Kennamer.
H. R. 9678. Mary A. Holt.
H. R. 9681. Martha A. Denison.
H. R. 9696. Amanda A. Lewis.
H. R. 9716. Nancy J. Page.
H. R. 9734. Ella Ellsworth.
H. R. 9737. Mary K. Wise.
H. R. 9738. Margaret E. Bentley.
H. R. 9743. Alice F. Parrigin.
H. R. 9759. Mary E. Hulen.
H. R. 9766. R. T. Crews.
H. R. 9768. Eliza F. Atkinson.
H. R. 9770. Clara Blunt.
H. R. 9796. Amanda Baker.
H. R. 9797. Lora Bell Fasig.
H. R. 9804. Helen M. Holt.
H. R. 9818. Ruth M. Deardoff.
H. R. 9820. Amelia C. States.
H. R. 9828. Mary Arthur.
H. R. 9830. Mary Kelly.
H. R. 9835. Ida A. Richardson.
H. R. 9842. Lucinda Viles.
H. R. 9850. Albert Ullman.
H. R. 9860. Mary A. Fisher.
H. R. 9861. Catharine Longshore.
H. R. 9865. Ruth Moss.
H. R. 9868. Ruth C. Weatherford.
H. R. 9871. Mary Shoemaker.
H. R. 9872. Mary E. Spilker.
H. R. 9875. Katie Kenedy.
H. R. 9877. Frances E. Dunwoody.
H. R. 9878. Joseph F. Rosenberger.
H. R. 9892. Grace K. Wheelwright.
H. R. 9895. Emma C. Eldridge.
H. R. 9896. Mary E. Shannon.
H. R. 9897. Mary A. Lawyer.
H. R. 9899. May Blunt.
H. R. 9902. Mary E. Kellogg.
H. R. 9903. Laura A. Hoyt.
H. R. 9910. Emma D. Manson.
H. R. 9918. Elizabeth Poe.
H. R. 9922. Miles S. Sisk.
H. R. 9929. Mary Ely.
H. R. 9939. Cephas Davis.
H. R. 9940. Lavina Kerr.
H. R. 9943. Carrie Keefer.
H. R. 9945. Melissa J. Wells.
H. R. 9957. Catherine Filius.
H. R. 9960. Mary A. Cook.
H. R. 9966. Joseph R. Lawson.
H. R. 9967. Millie A. Scoggin.
H. R. 9973. Harriet E. Burgess.
H. R. 9975. Sabra W. Williams.
H. R. 9982. Lewis C. Allentharp.
H. R. 9988. Alwilda Dobson.
H. R. 9991. Ella J. Crosse.
H. R. 10013. Olive A. Ham.
H. R. 10016. Jeff Clark.
H. R. 10018. Delphine Darling.
H. R. 10019. Miranda A. Vance.
H. R. 10020. Elizabeth Vaughn.
H. R. 10038. Maggie S. Vaughn.
H. R. 10040. Catherine Smith.
H. R. 10044. Sarah McEwen.
H. R. 10045. Sarah M. Cleveland.
H. R. 10059. Elizabeth Darling.
H. R. 10064. Jeremiah Hays.
H. R. 10065. Carrie B. Billman.
H. R. 10069. Lucretia Davy.
H. R. 10070. Nellie A. Storrs.
H. R. 10080. Elizabeth Adams.
H. R. 10081. Arviline Gilkison.
H. R. 10083. Ora Williams.
H. R. 10085. Celia L. Johnson.
H. R. 10086. George R. Grubaugh.
H. R. 10091. Anna E. Short.
H. R. 10094. Flora Johnson.
H. R. 10109. Maria E. Huff.
H. R. 10110. John S. Nixon.
H. R. 10114. Sarah J. McCormick.
H. R. 10125. Emeline Smith.
H. R. 10133. Sophy Lilley.
H. R. 10134. Eliza Laport.
H. R. 10137. Mary A. Rinehart.
H. R. 10148. Ella Heminger.
H. R. 10149. Etta Rand.
H. R. 10170. Catharine Elliott.
H. R. 10154. Sallie Blevins.
H. R. 10155. Rosanna Moore.
H. R. 10167. Edith L. Howland.
H. R. 10169. Sarah Ross.
H. R. 10171. Martha E. Fry.
H. R. 10199. Mary Gleich.
H. R. 10204. Sarah J. Ross.
H. R. 10219. Lettie W. Smith.
H. R. 10220. Catharine Kelley.
H. R. 10221. Emma D. Veeder.
H. R. 10224. Anna Cahill.
H. R. 10229. Nellie J. Stanton.
H. R. 10250. Mary J. Titus.
H. R. 10260. Catharine Sollenberger.
H. R. 10262. James G. Carmack.
H. R. 10278. Katherine Myers.
H. R. 10284. Mary E. Riley.
H. R. 10285. Maria Hill.
H. R. 10286. Mary Devany.
H. R. 10308. Amanda Bleriy.
H. R. 10310. Mary Bushong.
H. R. 10312. Minnie Market.
H. R. 10322. Sarah A. Hawkins.
H. R. 10337. Roxey Phillips.
H. R. 10338. Sarah C. Britton.
H. R. 10341. Hamilton Wallace.
H. R. 10347. J. Oscar Rust.
H. R. 10355. Hester Cohoon.
H. R. 10356. Lura Hines.
H. R. 10357. Mary E. Hollingsworth.
H. R. 10358. Emeline Emfleet.
H. R. 10360. Julia E. Good.
H. R. 10366. Catherine O'Leary.
H. R. 10380. Emma A. Drake.
H. R. 10381. Tillie L. Mitchell.
H. R. 10382. Mary C. Davis.
H. R. 10383. Katharine Falk.
H. R. 10385. Agnes Ditter.
H. R. 10386. Mary A. Bandy.

H. R. 10387. Minnie A. Houser.
H. R. 10393. Nancy Keen.
H. R. 10395. Caroline Leasure.
H. R. 10397. Rebecca Wentz, now Roberts.
H. R. 10398. Louella Sevey.
H. R. 10401. Mary E. Wright.
H. R. 10402. Margaret E. Nunley.
H. R. 10403. Lucy A. Nelson.
H. R. 10410. Eva F. Hussey.
H. R. 10413. Sarah A. Dickinson.
H. R. 10414. Susan Fleck.
H. R. 10418. Louisa E. Treanor.
H. R. 10421. Lety Wilson.
H. R. 10423. Eliza A. Nichols.
H. R. 10432. Hannah Spring.
H. R. 10435. John Kent.
H. R. 10440. Susan J. Murray.
H. R. 10444. Sophia A. Bell.
H. R. 10445. Abbie A. Stone.
H. R. 10447. Abbie T. Holbrook.
H. R. 10448. Sarah E. Stough.
H. R. 10450. Frances E. Drake.
H. R. 10457. Helen Donaldson.
H. R. 10458. Josephine Timerson.
H. R. 10486. Jacob H. Martz.
H. R. 10489. Susan J. Garland.
H. R. 10500. Mary E. Martin.
H. R. 10508. Abbie P. Haskell.
H. R. 10513. Mary F. McCaw.
H. R. 10522. Annie Cason.
H. R. 10524. William F. Critchfield.
H. R. 10525. Benjamin Troutman.
H. R. 10526. Kate M. House.
H. R. 10527. Horace T. Farnsworth.
H. R. 10528. Margaret T. Deaver.
H. R. 10535. James R. Gray.
H. R. 10536. Celia Hunt.
H. R. 10543. Harriet E. Hagan.
H. R. 10547. Michael Coveny, alias Michael Dowling.
H. R. 10549. Fred E. Morehouse.
H. R. 10550. Clara C. Thomas.
H. R. 10553. Mary F. Dean.
H. R. 10557. Minnie McMullen.
H. R. 10568. Bessie B. Waldo Howland.
H. R. 10575. Otis C. Mooney.
H. R. 10581. Jennie B. Cullum.
H. R. 10584. Eliza D. Brattain.
H. R. 10588. Henry T. Goodhue.
H. R. 10605. Rebecca A. Boster.
H. R. 10608. Margaret Moore.
H. R. 10631. Melissa A. Becker.
H. R. 10639. William F. Nichols.
H. R. 10641. Sarah T. Hendrick.
H. R. 10650. Ida M. Benson.
H. R. 10651. George Hull, alias John Buchanan.
H. R. 10654. Mary Miller.
H. R. 10655. Clara J. Hicks.
H. R. 10656. Martha J. Morris.
H. R. 10659. Mary Sansoucie.
H. R. 10660. Alonzo S. Newell.
H. R. 10661. Mahala Davis.
H. R. 10697. Martha Ann Cravens.
H. R. 10706. Eliza Johnson.
H. R. 10708. Creighton Bradshaw.
H. R. 10724. Martha M. Robb.
H. R. 10728. Margaret B. Harrington.
H. R. 10745. Louise Schenkel.
H. R. 10747. Elizabeth Eutsey.
H. R. 10748. Mollie Cole.
H. R. 10749. Sarah Patterson.
H. R. 10750. Mary E. Sage.
H. R. 10759. Samuel G. Riggs.
H. R. 10775. Elvira E. Clark.
H. R. 10777. Ida B. Sechler.
H. R. 10778. Mary A. O'Neil.
H. R. 10782. Malissa A. Hanes.
H. R. 10784. William S. Tester.
H. R. 10796. Susie C. York.
H. R. 10797. Nellie Knight.
H. R. 10802. John W. Heller.
H. R. 10804. Alice K. Foster.
H. R. 10808. Augusta L. Simpson.
H. R. 10811. Lucinda Welch.
H. R. 10812. Millie Campbell.
H. R. 10823. Josephine P. Whitney.
H. R. 10829. James Van Vechten.
H. R. 10835. Agnes Badger.
H. R. 10836. Jacob Barger.
H. R. 10849. Mary Bay.
H. R. 10850. Ida V. Moore.
H. R. 10851. William J. Eaton.
H. R. 10853. Sarah E. Robinson.
H. R. 10854. Minnie May Andrews.
H. R. 10868. Matilda A. Runions.
H. R. 10869. Sarah C. Croxwell.
H. R. 10880. Harriet A. Blagg.
H. R. 10888. Joseph D. Hayes.
H. R. 10895. Phebe J. Burrows.
H. R. 10897. Henrietta Hyman.
H. R. 10898. Mary E. Hampton.
H. R. 10905. Mary A. Penny.
H. R. 10927. Sarah E. Hanes.
H. R. 10929. Sarah R. Spraggins.
H. R. 10931. Sarah C. Peterson.
H. R. 10932. Robert Ashby.
H. R. 10938. Eva E. Parker.
H. R. 10948. Mary A. Perry.
H. R. 10954. Emily D. Jenkins.
H. R. 10955. Arta P. Beedle.
H. R. 10960. Angie Caldwell.
H. R. 10961. Mary J. Morrison.
H. R. 10970. Julia Parish.
H. R. 10981. Tillie R. Reeves.
H. R. 10987. Susan Maurer.
H. R. 10988. Dudley Harlan.
H. R. 10997. Mahala H. Fisk.
H. R. 10999. Ann R. Kiger.
H. R. 11000. Sarah Icenogle.
H. R. 11009. Sarah M. Love.
H. R. 11010. Helen J. Cook.
H. R. 11015. Mahala J. Stoner.
H. R. 11031. Jennett Pangle.
H. R. 11051. Fannie M. O'Linn.
H. R. 11064. Margaret V. Bartlett.
H. R. 11075. Mary E. Ward.
H. R. 11076. Mary Becker.
H. R. 11080. Sarah J. Gray.
H. R. 11082. Malinda Davis.
H. R. 11084. Catherine J. Mock.
H. R. 11085. Carrie E. Jackson.
H. R. 11094. Eva Shaw.
H. R. 11097. Bertha M. Snow.
H. R. 11098. Morgan A. Harris.
H. R. 11099. Annie E. Homan.
H. R. 11102. Nancy M. Henderson.
H. R. 11104. Susan Tyler.
H. R. 11109. Edna McConahy.
H. R. 11114. Lurinda J. Neighbour.
H. R. 11119. Martha J. Corrie.
H. R. 11141. Margaret J. Briggs.
H. R. 11145. Henry C. Ferguson.
H. R. 11146. Caroline Bast.
H. R. 11151. Angeline Tait.
H. R. 11159. Anna B. Kimball.
H. R. 11161. Martha G. Waldron.
H. R. 11163. Emily T. Buchanan.
H. R. 11170. Margaret Jones.
H. R. 11171. Julia Van Wicklen Jolley.
H. R. 11187. Kathryn Labonde.
H. R. 11189. Eunice A. Prettyman.
H. R. 11196. Annie C. Bonam.
H. R. 11200. Catharine B. Hall.
H. R. 11205. Harriett N. Chatfield.
H. R. 11206. Agnes May Taylor.
H. R. 11209. Anna Denison.
H. R. 11223. Euphemia Jones.
H. R. 11226. Mary F. Gay.
H. R. 11241. Catherine Tuttle.
H. R. 11253. Sarah Rice.
H. R. 11257. Mary A. Anderson.
H. R. 11260. Susan M. Worthing.
H. R. 11272. Maggie Lowe.
H. R. 11273. Jessie L. Burr.
H. R. 11274. Sarah E. Lundy.
H. R. 11276. Amelia Stegner.
H. R. 11278. Lodesca F. Wertz.
H. R. 11284. Alice McCarty.
H. R. 11285. Christiana Hoffman.
H. R. 11295. Cynthia L. Godfrey.
H. R. 11306. Delilah R. Mann.
H. R. 11312. Edna Hall.
H. R. 11313. Barbara E. Bernard.
H. R. 11320. Eliza Wisher.
H. R. 11328. Lucy E. Porter.
H. R. 11329. Mary E. Waddell.
H. R. 11339. Johanna Staton.
H. R. 11343. Nannie E. Scott.
H. R. 11384. Harriet Myers.

Mr. FULLER. Mr. Speaker, I call up the bill H. R. 11533, and ask that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman calls up the bill H. R. 11533, and asks that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11533) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Charlotte C. Brandau, widow of Gustavus R. Brandau, late surgeon Eleventh Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lois A. Bentz, widow of Lewis Bentz, late of Company F, Tenth Regiment Pennsylvania Reserve Infantry, and Company I, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Ann Hayes, helpless and dependent daughter of James M. Hayes, late of Company F, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian.

The name of Zoria B. McCrary, widow of Joseph S. McCrary, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Andrew J. Gouge, late of Moore's Independent Company, Stone County Missouri Home Guards, and Green's Company F, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Hattie C. Spencer, widow of Thomas D. Spencer, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helena Whitney, widow of Alfred A. Whitney, late of Company F, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Menora Sweetland, former wife of William W. Sweetland, late of Company M, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Horan, widow of Patrick H. Horan, alias Henry Horron, late of Company C, Second Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nancy E. Byous, widow of Dr. H. Byous, late of Company B, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza A. McClellan, widow of John S. McClellan, late of Company B, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Agnew, widow of Erastus St. J. Agnew, late quartermaster sergeant, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lusutta A. Duvall, widow of Sherrod W. Duvall, late of Company K, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of John Brantlinger, helpless and dependent son of Andrew J. Brantlinger, late of Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian.

The name of Mary A. Ormsby, widow of John H. Ormsby, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine W. Durst, widow of Michael William Durst, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jane Gentry, widow of Charles Gentry, late of Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month through duly appointed guardian.

The name of Lexie Fuller, widow of Hiram Fuller, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lottie M. Bettis, widow of John C. Bettis, late of Company F, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Cox, helpless and dependent daughter of Daniel Cox, late of Company F, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Sarah Blanton, widow of James Blanton, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Roy S. Davis, helpless and dependent son of Alphonso C. Davis, late of Company G, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian.

The name of Mary Ann Jolly, widow of Joseph Jolly, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta Hull, widow of Henry Hull, late of Company G, One hundred and thirty-sixth Regiment Ohio Volunteer National Guard Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lorinda Sutton, widow of Richard Sutton, late of Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Esther E. Babcock, former widow of Alonzo Clark, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lizzie E. Fender, widow of Daniel Fender, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helen D. Craig, widow of William B. Craig, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Jane Ritchie, widow of George Ritchie, late of Company H, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Brown, widow of Elias Brown, late of Company E, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rebecca J. Rush, widow of Allen N. Rush, late of Company E, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mollie Bailey, helpless and dependent daughter of Alexander J. Bailey, late of Company A, Thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary M. Zimmerman, former widow of Nathan Zimmerman, late of Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Stevenson, widow of John Stevenson, late of Company I, One hundred and fiftieth Regiment Indiana Volunteer In-

fantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lottie J. Thomas, widow of Noble O. Thomas, late of Company E, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Green, former widow of Jonathan W. Green, late of Company B, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret White, widow of Jasper N. White, alias Joseph N. White, late unassigned, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Stout, widow of John Stout, late of Company C, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary J. Morgan, widow of Samuel Morgan, late of Company H, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes E. Jones, widow of John Jones, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Lippert, widow of George Lippert, late musician, band, Forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Olive W. Cox, widow of John F. Cox, late of Company F, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charlotte Wirsing, widow of James J. Wirsing, late of Company C, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Grace Olive Jones, helpless and dependent daughter of Robert Jones, late of Company B, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Katie Wood, widow of Jasper Wood, late of Company B, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucina Heath, helpless and dependent daughter of George C. Heath, late of Company H, Twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma W. Pohlmann, helpless and dependent daughter of Charles Pohlmann, late of Company E, Seventh Regiment Missouri Volunteer Cavalry, and Company F, Bishop's Battalion, Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Fredonia Williams, widow of Andrew J. Williams, late of Company K, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucia M. Bartlett, widow of John Bartlett, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma Weast, helpless and dependent daughter of George L. Weast, late of Company H, First Regiment Virginia Volunteers, and Company H, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian.

The name of Lottie L. Tripp, widow of Edwin Tripp, late of Company I, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella M. Foll, widow of John W. Foll, late of Company G, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Olive W. Myrick, widow of Lewis A. Myrick, late of Company C, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The SPEAKER pro tempore (Mr. LONGWORTH). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 2571. Charlotte C. Brandau.
H. R. 3421. Lois A. Bentz.
H. R. 3977. Rebecca Ann Hayes.
H. R. 4302. Zoria B. McCrary.
H. R. 4362. Andrew J. Gouge.
H. R. 5780. Hattie C. Spencer.
H. R. 5781. Helena Whitney.
H. R. 5919. Menora Sweetland.
H. R. 8982. Mary J. Horan.
H. R. 9027. Nancy E. Byous.
H. R. 9194. Eliza A. McClellan.
H. R. 9278. Mary C. Agnew.
H. R. 9479. Lusutta A. Duvall.
H. R. 10188. John Brantlinger.
H. R. 10452. Mary A. Ormsby.
H. R. 10634. Catherine W. Durst.
H. R. 10683. Jane Gentry.
H. R. 10806. Lexie Fuller.
H. R. 10882. Lottie M. Bettis.
H. R. 10946. Martha Cox.
H. R. 10998. Sarah Blanton.
H. R. 11032. Roy S. Davis.
H. R. 11100. Mary Ann Jolly.
H. R. 11162. Henrietta Hull.
H. R. 11166. Lorinda Sutton.
H. R. 11182. Esther E. Babcock.
H. R. 11201. Lizzie E. Fender.
H. R. 11239. Helen D. Craig.
H. R. 11255. Anna Jane Ritchie.
H. R. 11258. Lucinda Brown.
H. R. 11356. Rebecca J. Rush.
H. R. 11368. Mollie Bailey.
H. R. 11372. Mary M. Zimmerman.
H. R. 11374. Mary F. Stevenson.
H. R. 11391. Lottie J. Thomas.
H. R. 11398. Mary J. Green.
H. R. 11399. Margaret White.
H. R. 11402. Elizabeth Stout.
H. R. 11419. Mary J. Morgan.
H. R. 11422. Agnes E. Jones.
H. R. 11423. Elizabeth Lippert.
H. R. 11439. Olive W. Cox.
H. R. 11445. Charlotte Wirsing.
H. R. 11446. Grace Olive Jones.
H. R. 11455. Katie Wood.
H. R. 11456. Lucina Heath.
H. R. 11458. Emma W. Pohlmann.
H. R. 11463. Fredonia Williams.
H. R. 11480. Lucia M. Bartlett.
H. R. 11503. Emma Weast.
H. R. 11504. Lottie L. Tripp.
H. R. 11507. Ella M. Foll.
H. R. 11521. Olive W. Myrick.

APPOINTMENT OF JUDGES.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Kansas submits a privileged report from the Committee on Rules which the Clerk will report.

The Clerk read as follows:

House Resolution 329.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move to take from the Speaker's table the bill H. R. 9103, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate, which motion shall be agreed to without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the House passed a bill creating some additional judges. The Senate, in the consideration of the bill, struck out all after the enacting clause and passed a bill of different import. The difference between the provision of the House and the Senate bills is material, but such as is usually worked out in conference between the conferees representing the House and the Senate. It is the desire of the majority members of the Committee on the Judiciary that the bill be sent to conference.

Mr. LARSEN of Georgia. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. LARSEN of Georgia. Several days ago I introduced a resolution asking for the appointment of a committee for the purpose of investigating the Veterans' Bureau——

Mr. CAMPBELL of Kansas. I can not yield now for an interruption of that kind.

Mr. LARSEN of Georgia. I have been trying to get action on that resolution, and desire information as to progress.

Mr. CAMPBELL of Kansas. I did not yield for that purpose.

Mr. Speaker, I yield 20 minutes to the gentleman from Tennessee [Mr. GARRETT] to be disposed of as he may direct.

Mr. GARRETT of Tennessee. Mr. Speaker, the desire of quite a number of those who have given attention to this bill creating new judges was that it should go to the Committee on the Judiciary and be there considered. As the gentleman from Kansas has stated, the Senate has changed the character of the bill, changed its fundamental character in many respects, and what we had desired was that it should go to the Committee on the Judiciary and be there again considered. When it goes to conference we have no idea what will occur. That is the position, which is not a political position; no politics occurs in regard to a judge's bill, or ought not to.

Mr. LARSEN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. LARSEN of Georgia. I believe the gentleman from Tennessee is a member of the Committee on Rules. I interrupted the chairman of the Committee on Rules a moment ago for the purpose of obtaining information from him regarding the probability of action upon a resolution that I introduced several days ago seeking the appointment of a committee for the purpose of investigating the Veterans' Bureau. Perhaps the gentleman can give some information about it. You are reporting out many rules from that committee, are you not?

Mr. GARRETT of Tennessee. The committee is reporting out a good many, but you do not mean that we Democrats, innocent bystanders, are? [Laughter.]

Mr. LARSEN of Georgia. Several days ago I spoke to the gentleman from Tennessee concerning the resolution, and he said he would do what he could to get action on it. I have also written to the chairman of the committee, but for some reason—the chairman seems so busy—he does not have time to reply to the letters I write. I thought he might have time to answer orally.

Mr. CAMPBELL of Kansas. I took the advice of Seth Thomas. I never answer a letter when I can answer it in person. [Laughter.]

Mr. LARSEN of Georgia. The trouble with the gentleman from Kansas is that he neither answers orally or by writing. [Laughter.] I trust the gentleman from Tennessee can give me some information as to what the probabilities are for receiving action through the committee on the rule.

Mr. GARRETT of Tennessee. The gentleman surely will not hold Democrats responsible for the failure of Republicans to do what he wants done?

Mr. LARSEN of Georgia. I certainly would not.

Mr. MOORE of Virginia. Mr. Speaker, may I interrupt the gentleman?

Mr. GARRETT of Tennessee. Certainly.

Mr. MOORE of Virginia. Some time ago I introduced a resolution proposing an investigation of what I consider a very outrageous transaction, the removal summarily of the responsible chiefs of the Bureau of Engraving and Printing, which would involve an inquiry into the character of the persons who

have been placed in the positions from which the occupants were removed. Subsequently I addressed a very respectful letter to the chairman of the Committee on Rules, asking when the resolution would be considered, to which I have received no reply, either in writing or personally.

My friend from Kansas is in a most Sphinxlike attitude. I believe the Tennyson line says that even the Sphinx becomes vocal when "smitten by the morning sun." But nothing persuades the gentleman from Kansas to become vocal about any resolution which a Democrat introduces. I would like to ask my friend whether he has ever heard the gentleman from Kansas or any of the members of the majority on that committee mention that resolution or mention the very important resolution introduced by the gentleman from Georgia [Mr. LARSEN]?

Mr. GARRETT of Tennessee. I will yield to the gentleman from Kansas. [Laughter.]

Mr. SNELL. He did not ask you to yield to him.

Mr. CAMPBELL of Kansas. I am very grateful to my friend from Tennessee, and I thank him for returning the time, but I have time at my disposal that I shall use later on.

Mr. GARRETT of Tennessee. Well, you will answer the question in your own time?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. Now, shall I be the medium for any other inquiries? [Laughter.]

Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SUMNERS of Texas. May I ask the Chair how much time is left from the various matters that have been submitted?

The SPEAKER. The gentleman has 12 minutes.

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, as has been said by the gentleman from Kansas [Mr. CAMPBELL], the bill which comes back to the House is very materially different from the bill which received the indorsement of the Judiciary Committee of the House and was approved by the House. This bill is what I assume may be designated, and properly designated, as an omnibus judgeship bill. It may be said to the credit of the American Congress that in its history there have been very few bills of this sort.

It will not be possible in the brief time at my disposal to discuss in detail the important differences between the Senate bill and the House bill; but, illustrative of the differences, I direct the attention of the House to the fact that with regard to five districts in the United States the legislation which comes from the Senate is entirely different from the legislation which came from the House. Two judgeships provided by the House were stricken out by the Senate and three additional and different judgeships incorporated by the Senate.

When those changes are measured proportionately with reference to this bill they may not seem important, but when Members of the House consider the proposition of dealing primarily and originally with five independent and distinct judicial districts of the United States they must realize that they have a matter before them so important that in the first instance at least the House would not undertake to pass upon it without having in advance the benefit of independent investigation and deliberation on the part of its agent, its Committee on the Judiciary of the House.

If this bill does not go to the Committee on the Judiciary of the House, when you come finally to pass upon the conference report you must do it without the benefit and the persuasive force of a deliberate determination with reference to those five districts on the part of the Committee on the Judiciary of the House.

I have stated already to the gentlemen of the House that this difference that I cite is merely by way of illustration and not by way of discussion of the differences. There are differences which are fundamental between the bill of the House and the bill of the Senate; differences which have to do with the governing of the whole judicial machinery of the United States and in the most important way. But there is another reason, gentlemen of the House. It may be a reason which will present itself to the House as a belated reason perhaps, but I again direct the attention of the House to the fact with regard to this tremendously important bill that the Committee on the Judiciary of the House in presenting this bill to the House was not able to support it by a statement that this bill rested upon an independent investigation by the Committee on the Judiciary of the House or represented its deliberate judgment, based upon a knowledge of the facts.

Now, briefly, this is the history of this legislation: We had heard much with reference to the congested condition in a number of the districts of the United States. That matter had been discussed by Members of the House and discussed informally by members of the Committee on the Judiciary of the House, and as a result of that discussion the matter was taken up by a special committee from the House, a subcommittee of the Judiciary Committee, with the Attorney General. From that time on, save for the very beneficial work of the gentleman from Massachusetts [Mr. WALSH], the chairman of the committee, and perhaps another gentleman or two, the Committee on the Judiciary of the House lost contact with that proposed legislation until it came back in the form of a bill, resting then upon an investigation conducted by a special committee named by the Attorney General of the United States, of which special committee the Chief Justice of the Supreme Court of the United States was the presiding officer.

When that bill had been reported out and came before the House—I say it with due respect to the gentlemen who constitute that committee—there was not one single member of the committee who could call the roll of these districts for which these judges were provided, and state to the House that upon any investigation conducted by the House, or any information which had come to the membership of that committee, it was his solemn judgment based upon a knowledge of the facts that a judge ought to be provided for each of the districts, as provided in the bill. Now, when we consider the debate in the Senate and the debate on the floor of this House we must realize that we are placed in the position of having passed this tremendous bill, dealing with the Federal judiciary, a bill not fashioned by the Members of Congress upon their individual responsibility, based upon their independent knowledge, but a bill based upon an investigation conducted by the Attorney General and the members of the Federal judiciary, providing for the appointment of 23 judges at one time. I believe that is the number. I say that this bill ought to go to the Judiciary Committee of the House. Even though this reason may now be considered by the House, if it will, late in the proceedings on this bill, this House ought to take advantage of the opportunity which this situation presents, and legislate with regard to this important matter in a regular and orderly way. In the Senate it was developed that in the first circuit, with three judges, they were able to dispose of, and did dispose of, only 57 cases in the course of a year. Yet we are providing district judges for that same circuit. When the question was asked on the floor of the Senate, where opportunity is afforded for deliberation, when it was asked there why it was that these judges, who in the course of a year decided only 57 cases, did not relieve these circuit judges for which we were providing district judges, not a man on the floor of the Senate could answer the question. That is merely by way of illustration. That shows how in the dark we are putting this tremendous burden upon the Public Treasury, and how we are putting through this omnibus judgeship bill. There ought never to be an omnibus judgeship bill. If it can be avoided this number of judges ought never to be appointed at one time by a Democratic or a Republican President, or a President of any other political party. You, gentlemen, will remember that in the last session of the last administration some bills were presented to this body providing for some of these districts, and to the Senate one nomination of a Democrat, and every one of those cases was held up—even though the facts showed that beyond a doubt some of them were needed for the discharge of the public business—in order that the appointments might be made by a Republican President. Now, I do not mean to say that a Democratic Congress might not have done the same thing, but if it had done the same thing it would not have been the right thing, and the country ought to rebuke that sort of political traffic in Federal judgeships.

How much more time have I, Mr. Speaker?

The SPEAKER. The gentleman has two minutes remaining.

Mr. DYER. Will the gentleman yield for a question?

Mr. SUMNERS of Texas. Yes.

Mr. DYER. Will the gentleman state to the House whether or not, in his judgment, any places provided in the House bill are unnecessary?

Mr. SUMNERS of Texas. Ah, Mr. Speaker, that is the point that I am trying to make. I do not know, and not a man can stand on the floor of this House and say upon his independent judgment that he does know.

Mr. DYER. If the gentleman will yield——

Mr. WALSH. Will the gentleman yield?

Mr. SUMNERS of Texas. Gentlemen have their own time. I have only two minutes. I just want to make this further

statement. The truth of it is, Mr. Speaker, that the Judiciary Committee of the House are not entirely to blame for this situation. I had the honor, with the distinguished chairman of the Judiciary Committee and the gentleman from Massachusetts [Mr. WALSH] and the gentleman from Missouri [Mr. DYER], of going up to the Attorney General's office. We met the genial Attorney General. He set us down in his nice chairs, and we almost chummed a little bit, and then he sent us on back down here. We thought we were going to be called in about the thing again, but we found out pretty soon that he had taken the whole business and run off with it. Every once in a while I would ask something about it, but it was evident that the Attorney General was doing this whole business. Mr. Speaker, finally we got the bill back, and were advised that we would be told about it, and there we were in the Judiciary Committee room. The way things were fixed up it looked somewhat like the Supreme Court. Of course, we did not have on any robes, but the Attorney General came in down there before us. We were sitting up in that big high place, and he had to address us very deferentially from below. Pretty soon the Chief Justice of the United States himself in his own proper person came before us. Well, of course, we were not robed like members of the Supreme Court. It gave us a sort of insufficiently dressed feeling sitting up there without any robes and the Chief Justice down there telling us about it. He told us we needed these judges. The Attorney General told us we needed them. I am afraid we were just a bit flabbergasted, so we accepted; at least, we were much persuaded by their judgment and a very promiscuous and imposing array of figures furnished—they were somewhat secondhand—by the gentleman from Massachusetts [Mr. WALSH]. We have not had a fair shake at this thing. We Democrats voted against reporting the bill out and also voted against it when it came up for passage here. I believe our Republican colleagues on the committee have sort of recovered now, and if you can get this bill back before the Judiciary Committee of the House, I think we can conduct an investigation and report a bill back that we can support with our own judgment based upon our own investigation. I hope the House will send the bill back to the committee. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, notwithstanding the most persuasive speech of the very able and genial gentleman from Texas [Mr. SUMNERS], I will move the previous question.

Mr. WALSH. Before the gentleman does that will he yield me five minutes?

Mr. CAMPBELL of Kansas. I withhold the motion and yield five minutes to the gentleman from Massachusetts.

Mr. WALSH. Mr. Speaker, I appreciate the courtesy of the gentleman from Kansas in yielding me five minutes, and I think I ought to make just a few statements, lest the very persuasive eloquence of our friend from Texas [Mr. SUMNERS] should sink in and convince people of a few things which I think are not entirely accurate. The fact of the matter is that a number of the judges who are provided for in the House bill had been provided in individual bills which had either been reported and placed upon the calendar or passed upon by the committee and authorized to be reported.

Mr. MONTAGUE. Will the gentleman from Massachusetts yield for an inquiry?

Mr. WALSH. Yes.

Mr. MONTAGUE. How many bills for individual judges have been approved by the Judiciary Committee of the House?

Mr. WALSH. I think there were 12.

Mr. MONTAGUE. As many as that?

Mr. WALSH. I believe so.

Mr. MONTAGUE. Approved or introduced?

Mr. WALSH. Twelve had been heard by the subcommittee.

Mr. MONTAGUE. Perhaps I did not express myself accurately. How many individual bills have been favorably reported by the Judiciary Committee of the House?

Mr. WALSH. I think six had been favorably reported, and five or six, as I recall, had been authorized to be reported and were withheld pending the introduction of the omnibus bill.

Now, I happened to have been charged with the duty of sitting as one of the subcommittee that held hearings on individual bills. I recall the conversation we had at the Attorney General's office, and I am very glad indeed if the call at the office of one of the Cabinet officers created such a deep impression on my friend from Texas, and I wish that more of his side of the House would make these calls, because I think it would be very beneficial to them. I understand that the gentleman from Texas is to be suggested as one of the conferees. I am sure his ideas will not be entirely discarded, and I think that he will find that possibly the conferees who will represent this side of the House will be in accord with them. But the bill was not reported without consideration. Consideration was given in each individual instance in the House bill where additional judges were provided, and it was felt that it was unfair to have poor people charged with crime, without means of providing bail, kept in confinement because they could not have a speedy trial, to which they are entitled under the Constitution.

The bill provides for a designation or transfer or assignment of judges from one district to another in order that all the courts may be able to keep business fairly current.

Mr. SUMNERS of Texas. Will the gentleman indicate what investigation was had as to each judgeship provided for in the bill?

Mr. WALSH. We had hearings, Members presented the condition of business in their districts which were affected, and they presented petitions by the members of the bar. We had a report from the Attorney General, and also information secured by the Attorney General by telegraph from each of the 86 Federal districts. They were all considered by the committee.

Mr. MONTAGUE. Will the gentleman yield?

Mr. WALSH. I will.

Mr. MONTAGUE. To give a concrete instance, does the gentleman recall that these hearings were of the same sort that was accorded to the eastern section of the Commonwealth of Virginia? The Attorney General recommended there should be an additional judge for the eastern district, and the judge for the eastern district reported that there was no necessity for a judge in that district, and that part of the bill was abandoned.

Mr. WALSH. The Attorney General presented no statistics with reference to the eastern district of Virginia.

Mr. MONTAGUE. I think they recommended a judge for that district.

Mr. WALSH. I think the gentleman is in error. He stated that the business in the district was growing in importance and it was the great admiralty section of the east coast; but as between West Virginia and Virginia, if the committee decided to recommend an additional judge, he would recommend the eastern district of Virginia, giving it the preference.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. WALSH. I will.

Mr. SUMNERS of Texas. Is it not a fact that the information before the Judiciary Committee in regard to the condition of the courts was made up largely of figures—the numbers of cases, without any indication as to whether the cases were dead cases, cases that had been long on the docket, or live cases; does not the gentleman remember that when the Chief Justice came before the committee he stated it was not known by him how large a percentage of cases on the docket were dead cases?

Mr. WALSH. I do not recall any such instance. The Chief Justice may have said so; but the information from the Attorney General shows the number of cases begun for the last five years and the number of cases pending in each of these years.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. CAMPBELL of Kansas. I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I want to ask the gentleman from Massachusetts a question. The gentleman from Massachusetts said, as I understood him, that there are many poor people in jail who will be relieved by the passage of this bill. Did I understand the gentleman correctly in that regard?

Mr. WALSH. Yes; I will state that in many districts the criminal business is so large and there are so many cases pending that people who are not able to furnish bond are compelled to wait their turn because the judges are not able to hear cases.

Mr. GARRETT of Tennessee. I understood the Attorney General was very much interested in keeping poor people out of jail. [Laughter.]

Mr. WALSH. Poor people?

Mr. GARRETT of Tennessee. Yes. Now, I want to ask the gentleman this question: If there was any particular thing in the discussion at any time about keeping some poor people out of a judgeship, or anything of that sort?

Mr. WALSH. No; not to me. Perhaps the gentleman from Texas may have had some such conversation. I do recall one instance where a certain person was kept out of a judgeship, and I speak only personally when I say that I would have been very glad if the other branch could have confirmed the nomination for judge in the State of Tennessee of a certain distinguished Democrat who I know would have adorned the bench, and I would be glad to see him receive one of the appointments under this bill.

Mr. GARRETT of Tennessee. My understanding is that it was felt that it would be very undesirable to do that, because it was thought that the gentleman to whom he refers would be needed here to support the present administration. [Laughter.]

Mr. WALSH. The person who got that idea was somewhat bewildered. [Laughter.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 56, noes 34.

So the resolution was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 9103, providing for the appointment of additional district judges for certain courts, and so forth, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The question is on the motiton of the gentleman from Minnesota to take from the Speaker's table the bill H. R. 9103, disagree to the Senate amendments, and request a conference.

The motion was agreed to.

The Speaker appointed the following conferees: Mr. VOLSTEAD, Mr. WALSH, and Mr. SUMNERS of Texas.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had concurred in the amendments of the House of Representatives to bills of the following titles:

S. 1813. An act for the relief of the owner of the steamer *Mayflower;*

S. 1814. An act for the relief of the owner of the steam lighter *Cornelia;* and

S. 1817. An act for the relief of the owners of the schooner *Horatio G. Foss.*

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bill of the following titles, when the Speaker signed the same:

H. J. Res. 268. Joint resolution extending the operation of the immigration act of May 19, 1921; and

H. R. 10730. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes.

FISCAL AFFAIRS OF THE PHILIPPINE ISLANDS.

Mr. TOWNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10442, to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10442, with Mr. STAFFORD in the chair.

The Clerk reported the title of the bill.

Mr. TOWNER. Mr. Chairman, will the gentleman from Tennessee use some of his time?

Mr. GARRETT of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman and gentlemen of the committee, many people who are interested in the immigration problem and believe in restrictive laws have urged that our examination and selection should be made in foreign ports. Steamship lines and opponents of restrictive legislation argue for foreign selection. Their reason for this contention is easily understood, but my main purpose is to explain to those who favor restriction why they can not depend upon such a system. If I am able to state these reasons in their full force I will in so doing explain why those who oppose restriction clamor for something other than rigidly restrictive laws firmly enforced at home.

First, let us understand that the maintenance of embassies and consulates in foreign countries is a matter of diplomatic usage and treaty agreement. We could not maintain an ambassador, a consul, or any kind of an official representative in any foreign country without its agreement. Diplomatic usage sanctions the maintenance of embassies and consulates which promote ends desired by both parties to the arrangement. Their establishment and activities are wholly subject to treaty agreement with foreign powers, or their consent in some form. Their withdrawal may be demanded and enforced by such power at any time.

The scope of the activities of consuls, ministers, and ambassadors is fixed or limited by usage and agreement and can be extended only by such consent. The selection of would-be immigrants is not one of the usual functions performed by consuls or diplomatic representatives. The treaties under which such representatives are maintained do not authorize the establishment or maintenance of immigration stations of any kind, nor the performance of any of their functions, on foreign soil. Neither does diplomatic usage sanction it. These officers and the performance of these functions within the territory of a foreign sovereignty is not possible unless such countries would give their consent.

The motives which prompt them to consent to the establishment and maintenance of consulates and embassies is mutual commercial and diplomatic interest. But this mutuality of interest does not exist as to immigration. Japan, China, England, Spain, Italy, Poland, and other Old World countries usually want a place to which they can send their surplus or undesirable population. Our immigration laws are designed to prevent their unloading this surplus and burdensome population on us. We want to prevent the very thing they want to do. Instead of mutuality of interest there is conflict. Generally speaking, they will not go beyond the limits of diplomatic usage to agree with us upon our establishment upon their soil of agencies by which we can accomplish that which it is their desire to prevent. This is not merely natural and logical; it is actual.

The Immigration Commission created by the act of Congress of February 20, 1907, consisting of nine members, three of whom were appointed by President Roosevelt, three by the Vice President, and three by the Speaker of the House of Representatives, were charged with the duty of making a full investigation of the whole subject of immigration. It was given full authority and provided ample means to travel either in the United States or in any foreign country and otherwise to carry on its investigation. Its membership consisted of such men as Senator Dillingham, Senator Lodge, Senator McLaurin, and Hon. John L. Burnett, Prof. Jeremiah W. Jenks, and other men of legislative experience, great learning, and familiarity with immigration problems and legislation.

Among the questions which it studied and upon which it reported was the one now under discussion. On pages 26 and 27 the commission discussed this problem. I ask to have the Clerk read what it said on the point.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

> It has been strongly urged by immigration officials and other students of the question that the embarkation at foreign ports of persons not admissible to the United States because of their physical condition would be more effectually prevented by a medical inspection by American officers at such ports. This plan was so strongly urged that this Government a few years ago made official inquiry respecting the probable attitude of European Governments toward it. At that time one or two Governments expressed a willingness to permit such an inspection by American officials; others made indefinite replies to the inquiry, while others were positively opposed. No attempt was thereafter made to further the plan. After an investigation by the commission of the situation at all the principal ports of Europe it is clear that even were its consummation possible such an arrangement would not materially improve conditions. * * *
>
> It has been suggested that some system ought to be devised by which intending emigrants could be physically examined as to their admissibility to the United States before leaving their homes for ports of embarkation. While an effective arrangement of that nature would be of great benefit to the many thousands annually who are turned back at foreign ports of embarkation, it is a matter over which our Government has no jurisdiction. (Reports of the Immigration Commission, Vol. I, pp. 26–27, presented December 5, 1910.)

Mr. BOX. The House Committee on Immigration and Naturalization has given much consideration to this subject, continuing its investigation and study from time to time. In its report to the Sixty-seventh Congress (No. 710) accompanying House Joint Resolution No. 268, the following appears, which I desire to have read from the Clerk's desk.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

OBJECTIONS TO EXAMINATIONS OVERSEAS.

> The hearings of the committee have covered all phases of the subject. Considerable time was spent in attempting to develop a plan of examination of immigrants at ports of embarkation, but these efforts were met with a letter from the Secretary of State as follows:

DEPARTMENT OF STATE,
Washington, December 28, 1921.

MY DEAR MR. JOHNSON: I inclose copy of a memorandum of September 15 from the chargé d'affaires ad interim of Italy, in which he discusses certain bills which have been introduced in Congress providing for the examination in American consulates of aliens desiring to emigrate to the United States.

Informal objections to the proposed legislation have been made by representatives of other countries, and I shall endeavor to keep you informed as to any further objections which may be received by this department from representatives of interested foreign countries.

As this matter touches upon the foreign relations of the United States, I would ask that you be so kind as to keep me informed concerning the progress of the proposed legislation.

I am, my dear Mr. JOHNSON, sincerely yours,

CHARLES E. HUGHES.

MEMORANDUM FROM ROYAL ITALIAN EMBASSY.

The royal chargé d'affaires for Italy presents his compliments to his excellency the Secretary of State and has the honor of bringing the following to his attention:

During the special session of this Congress there have been presented bills—one in the Senate and two in the House of Representatives—by the terms of which, among other provisions, it is proposed to have United States medical and immigration officials in the United States consulates, or elsewhere, to exercise functions not purely informative in character but of direct action in the medical examination and definite selection of the emigrants, connecting such functions with that of the granting of the consular visé to passports.

Such action, even if exercised in the interior of the consulate offices, would go beyond the usual consular functions recognized by treaties and pertaining, as it does, to interests connected with emigration whose regulation is reserved to the sovereignty of each State could not be considered as conforming with either treaty or law on emigration in Italy.

It is true that this is a matter relating merely to proposed legislation; nevertheless, the intense desire to avoid later any possible motive for discussion between our two countries inspires the friendly intention of the present recommendation, especially since it has been stated to the Secretary of State that the Italian Government would be most willing to meet the wishes of the United States in conforming the action of its emigratory services so as to satisfy the reasonable requirements of the American regulations if both can be made the subject of a specific agreement beforehand, as already suggested.

The embassy would certainly have hesitated to approach the Secretary of State on this matter were it not that the Secretary of Labor, in recommending the above-quoted bills according to public press statements, had not made it felt that the measures before Congress probably expressed views not contradictory to those entertained by the United States Government, whereupon any assurance on the subject, if possible, on the part of the Department of State, so that in time it be forwarded to the Italian Government, would be highly appreciated by the Italian Embassy.

WASHINGTON, D. C., *September 15, 1921.*

The committee in this connection was reminded that the Immigration Commission of Congress, after exhaustive investigation, dropped the matter of inspection at foreign ports. (See p. 26, vol. 1, Abstracts and Reports of the Immigration Commission, 1911.)

Mr. BOX. It will be noted that Mr. Secretary Hughes, in the second paragraph of his letter to Chairman JOHNSON, informs him that "informal objections to the proposed legislation have been made by other countries," which is in line with the statement made by the Immigration Commission in the quotation given above. It must not be understood that Italy is the only country making these objections. The country which does not make them is an exception.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. JOHNSON of Washington. If the gentleman will permit me to say so, as chairman of the present House Committee on Immigration and Naturalization I congratulate the membership on the work the gentleman from Texas has done on the committee and the study which he has given to this particular phase of the matter. I would suggest that he do not omit from his present discussion the fact that other Governments are at this time making protests quite similar to the one that he has just read from the Italian Government, against proposed provisions in the so-called shipping bill, clauses of which would authorize investigation overseas. I am told that these present protests against that new legislation, now being considered before another committee, are much stronger than have been made heretofore.

Mr. BOX. I thank the gentleman for his suggestion, because it helps to present the problem which I want the House to see.

Mr. CONNALLY of Texas. And, Mr. Chairman, if the gentleman will permit, in that connection I would say that, as I recall now our hearings on the passport control bill, it developed that practically all of the foreign countries objected to the setting up in their countries of agencies for the investigation and examination of immigrants.

Mr. BOX. I thank the gentleman from Texas [Mr. CONNALLY]. The viewpoint of these people on our immigration policies is very different from ours.

America is the last country where there is room and opportunity. They nearly all want to get rid of their surplus population. That is and has been the cause of trouble. We have the land to which they want to come. Nations and races have struggled for a place in which to exist and enlarge since before the years covered by human history. We are trying to maintain a place here for us and our children to which the crowded-out, hungry, unhappy millions of the Old World are struggling to come. Our right to guard it must not be impaired. That would be perilous. It would be ruinous. If we make treaties at all we will have to make them on terms satisfactory to the people who want to unload their surplus population on America. The regulation and control of this world-wide movement toward America must be retained unimpaired by Congress.

I invite special attention to the polite, diplomatic phraseology used by the representatives of the Italian Government in which it says that the Government of Italy would be "most willing to meet the wishes of the United States in conforming the action of its emigratory services so as to satisfy the reasonable requirements of the American regulations if both can be made the subject of a specific agreement beforehand, as already suggested." Note the requirement that our regulations must be made the subject of a specific agreement with Italy beforehand. This makes it plain that any effort to bargain with foreign powers about foreign inspection and selection, if inaugurated, would at once place them in a position to claim a voice in the making of our immigration regulations. That is the very thing that America must not do. That is the very thing that the friends of restriction do not want. Even the opponents of restriction certainly would not favor the adoption of a policy by which we surrendered our right to deal with the subject in our own way. The right once lost would be hard to regain. The permanent loss of that right would be an irreparable calamity to America.

Very definite conclusions necessarily follow the existence of this situation. Since we can not maintain such agencies in foreign countries without their consent, and such consent has not been and probably can not be obtained, it is vain to depend upon foreign examinations.

If possible and desirable, such examinations would be impracticable because of the expense and other administrative difficulties attendant upon an effort to maintain immigration stations or an immigration inspection force at all the sources of immigration. The immigrants come from 10,000 places—throughout Mexico, Canada, and beyond, for myriads come from those countries and through them. Can we maintain immigration stations or agencies at the door of every would-be immigrant? Such a plan would be like the effort of a farmer, whose field was surrounded by an open range, trying to build inclosures around the live stock on all the range to avoid maintaining a fence around his own field. From Japan, China, India, much of Asia, much of Africa, and from all of Europe men are coming to Mexico and Canada for the purpose of gaining access to the United States. Where would you establish your stations and guard lines against them? At their homes? At a thousand places in Mexico and Canada?

Immigrants come to America on irregular and tramp ships from all the ports of the world. This, and their coming through Canada and Mexico, would force us to maintain our seaport and land frontier stations and to turn back many from them. Establishing foreign stations would merely add a great system of distant stations without eliminating home stations or avoiding the necessity of rejecting great numbers of immigrants at them. If foreign countries would permit it, which we have found they will not do, the plan is impossible. Of course, the only place for our stations and guards is at our own ports and on our own frontiers.

It is urged that if prospective immigrants were inspected and selected abroad, they would be protected from the hardship resulting from their selling their effects and breaking themselves loose from their homes and sources of livelihood, expecting to be admitted to the United States only to find themselves denied admission and be thrown adrift penniless, friendless, and far from home. Unless the stations were located, at prohibitive cost, in hundreds of places, the prospective immigrants could not be selected near their present homes. The establishment of immigration stations in a few great cities on the coasts in Europe, Asia, and Africa would not meet this difficulty. These seaports are hundreds of miles from the present homes of most of the immigrants and in countries foreign and strange to them. They would have to go in families hundreds of miles, often across national boundaries, necessitating passports, and a great part of the travel, expense, and difficulty which they now meet.

The average immigrant can not, without selling all, carry his family from the center of Europe to the seacoast for examination. If he could, he would not know how long it would require him to return to his home with his family to sell out and return to the immigration station on the coast. The uncertainty, delay,

expense, and other difficulties of such a course would forbid its adoption by the immigrant, who usually has little or nothing. He sells all, and even under the proposed plan would sell all and break up completely, before leaving his old home to go to the place of inspection and embarkation. The risk and loss of this breaking up would have to be incurred under any system except one that sent the inspector to the prospective immigrant at or near his present home, which is manifestly impossible.

The steamship companies, relatives, and other opponents of restriction are all talking much of regulating immigration by treaty agreements. I have shown that this plan of foreign inspection depends upon treaty agreements. I suspect that their agitation for foreign inspection is prompted by the desire to have the control of immigration away from Congress and give it to the treaty-making power. It is certain that the adoption of the system of foreign inspection would have that very effect. Treaties establishing such a system, if made at all, could be made only upon such conditions as were satisfactory to foreign Governments, so that the whole system of immigration control would pass to the treaty-making power. Treaties made on the subject would become the supreme law of the land. Immigration regulation would pass to the President as the treaty-making power, subject to the ratification or the rejection of the Senate. The House would lose all voice in this question of the greatest importance to the people, who are most directly and truly represented in the House, and whose desires on this subject they have so much more frequently and truly voiced.

I have stated other vital reasons why we must never let the control of immigration become a matter of treaty making. For that involves the surrender by us of our present sole right and power to regulate it. Confessedly, we now have this right and power regardless of the wishes of foreign countries. When immigration control is passed to the treaty-making power we will have surrendered this right and consented that we must consult foreign countries in fixing our immigration regulations. Foreign countries such as Germany, Japan, Italy, Poland, and Spain want to unload their unfortunate, starving surplus population on America. When through the surrender of our sovereign right to control it we agree to make it subject to the approval of foreign countries, they get the right to reject our plan for dealing with it. We will thereby become helpless to prevent their hungry and wretched millions from coming to America at will. Our complete and overwhelming ruin would follow inevitably and soon.

Moreover, our experience as to the attitude of our Presidents toward this problem should warn us of the great danger of passing absolute or chief control of it to him.

The President's constant contact with delicate and difficult questions of our foreign relations and the necessity of maintaining cordial diplomatic relations with foreign countries expose him and his advisors and agencies to the constant tendency toward too great liberality in immigration regulations.

Our own people now almost uniformly confess that we have in the past been liberal to the point of ruinous looseness in our immigration policies, but even such restrictive measures as have been adopted in the past have nearly all been enacted in the face of Executive opposition. Nearly every step forward in the policy of restriction has been taken by overstepping the President's veto of restrictive laws.

In 1879 President Hayes vetoed the first Chinese-exclusion act (2 l. C. R. 580). In 1882 President Arthur vetoed an act suspending Chinese immigration for a period of 20 years (2 l. C. R. 581). On March 3, 1897, President Cleveland vetoed an immigration act excluding illiterates (2 l. C. R. 573). President Taft vetoed an immigration bill in 1913 containing a restriction against the admission of illiterates (p. 101, Rec., special sess., 59th Cong.). In 1917 President Wilson vetoed an act excluding illiterates, but Congress passed it over his veto.

In 1868 the Burlingame treaty between the United States and China declared it to be the inalienable right of men to migrate and emigrate at will. California had then been, for 15 years, alarmed and in trouble on account of the coming of great numbers of Chinese. The California Legislature had passed laws in efforts to protect the State. Pacific coast cities had passed ordinances for the same purpose. Congress itself, in 1862, had taken note of the degradation and slavery of Chinese coolie laborers, and had forbidden American ships to transport them. This was seven years before the Burlingame treaty was made by the President and ratified by the Senate, declaring the right of such people to migrate to the United States to be "inalienable." So aptly did the treaty-making power deal with the problem in that instance.

Conditions in California and on the Pacific coast were then and soon afterwards so bad that, in 1872, California was pleading with Congress for the exclusion of the Chinese; that is, for the deprivation of the "inalienable right" of Chinese to come to America in tens or even hundreds of millions.

A congressional committee was sent to California, where it found conditions very bad. In 1879 Congress passed what was practically a Chinese exclusion act and undertook to abrogate the obnoxious sections of the Burlingame treaty of 1868.

Here another unfortunate incident to immigration regulation by treaty developed.

President Hayes vetoed the exclusion act, giving as one reason his contention that Congress had no right to abrogate a treaty. His action illustrated the fact that the President can nullify an exclusion act of Congress passed by any majority less than two-thirds, and that Congress has no power to relieve the country of a treaty so dangerous as was that one by any majority less than two-thirds of both branches. President Hayes claimed that Congress had no power to abrogate a treaty at all.

The President can make such a treaty with the approval of two-thirds of one branch of Congress.

A new treaty was made by the United States and China in 1880, in which China succeeded in limiting the freedom of the United States to deal with Chinese immigration in its own way. This treaty stipulated that the United States might limit or suspend the coming of laborers only and prohibited the United States to forbid general Chinese immigration.

In 1880 Congress passed an act suspending Chinese immigration for 20 years. President Arthur vetoed the act, chiefly on the ground that a 20-year suspension of Chinese immigration was not "reasonable" within the meaning of that term in the clause of our treaty with China permitting the United States to limit or suspend the coming of laborers in such a manner and to such extent as "shall be reasonable."

It was soon found that this immigration treaty was unwise, and the United States asked China to agree to its abrogation. She objected and delayed until Congress passed a drastic Chinese exclusion law, from which the President withheld his approval until he became convinced that China would not enter a new treaty abrogating the treaty of 1880, of which the United States was now anxious to be rid.

President Roosevelt made an agreement, which he insisted on having treated as valid and binding, as being supreme law, without even consulting the Senate about it. He called it a "treaty."

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BOX. I will.

Mr. MOORE of Virginia. Is there, or is there not, some embarrassment at this time due to the fact that an agreement exists between this country and another nation in respect to immigration, and is not that a fact that has impeded the committee in bringing in permanent legislation on this subject?

Mr. BOX. I will answer the gentleman first by saying it presents a very knotty problem which will nevertheless have to be solved.

Mr. JOHNSON of Washington. Will the gentleman allow me to answer?

Mr. BOX. Let me dispose of this and then I will be glad to yield. I doubt, if I may be permitted to say so, whether the gentleman's agreement made by President Roosevelt, to which the gentleman evidently refers, has any force or has ever had any force that America ought to recognize. To say that the President can by some secret understanding hidden in his bosom or by some written memorandum hidden in the archives of the Department of State, never submitted to the Senate, establish a law, a supreme law of the land binding on the legislatures of States, binding on this body and the whole country would be most extraordinary. That is the construction given to the gentleman's agreement. President Roosevelt, who made it, based his action on the facts as he saw them then. He would unquestionably say now that it did not work properly. I ask that in my time a statement by President Roosevelt in his memoirs on this subject be read by the Clerk.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

ROOSEVELT ON THE GENTLEMEN'S AGREEMENT.

After a good deal of discussion, we came to an entirely satisfactory conclusion. The obnoxious school legislation was abandoned, and I secured an arrangement with Japan under which the Japanese themselves prevented any emigration to our country of their laboring people, it being distinctly understood that if there was such emigration the United States would at once pass an exclusion law. It was, of course, infinitely better that the Japanese should stop their own people from coming rather than we should have to stop them, but it was necessary for us to hold this power in reserve.

* * * * * * *

Unfortunately, after I left office, a most mistaken and ill-advised policy was pursued toward Japan, combining irritation and inefficiency, which culminated in a treaty under which we surrendered this im-

portant and necessary right. It was alleged in excuse that the treaty provided for its own abrogation; but, of course, it is infinitely better to have a treaty under which the power to exercise a necessary right is explicitly retained rather than a treaty so drawn that recourse must be had to the extreme step of abrogating if it ever becomes necessary to exercise the right in question. (Theodore Roosevelt; An Autobiography, p. 414.)

Mr. BOX. The facts are now plain that the Japanese did settle in mass in California, and the California people know it, and we can say as much as we please about their not being there; but the things we can proclaim in this House do not change the facts as they exist, and the capable, hard-headed people of California know the facts. So they have come. He said that if these terms were not met that the country would be free to legislate on the subject and that it would be our duty to do it. He said himself that the terms on which the President met the situation and on which California relied and acted have been changed by subsequent treaty made by President Taft in 1911. The original agreement was evidently different from the arrangement now in force, because it was said to be designed to prevent exactly what has occurred. I quote from President Roosevelt's letter to Speaker Stanley of the lower house of the California Legislature under date of February 8, 1909. (Autobiography, pp. 416–417.) Note that President Roosevelt called this a "treaty":

I trust there will be no misunderstanding of the Federal Government's attitude. We are zealously endeavoring to guard the interests of California and of the entire West in accordance with the desires of our western people. By friendly agreement with Japan we are now carrying out a policy which, while meeting the interests and desires of the Pacific slope, is yet compatible not merely with mutual self-respect, but with mutual esteem and admiration between the Americans and the Japanese.

The Japanese Government is loyally and in good faith doing its part to carry out this policy precisely as the American Government is doing. The policy aims at mutuality of obligation and harmony.

In accordance with it the purpose is that the Japanese shall come here exactly as Americans go to Japan, which is in effect that travelers, students, persons engaged in international business, men who sojourn for pleasure or study, and the like, shall have the freest access from one country to the other, and shall be sure of the best treatment, but that there shall be no settlement en masse by the people of either country in the other.

During the last six months under this policy more Japanese have left the country than have come in, and the total number in the United States has diminished by over 2,000. These figures are absolutely accurate, and need not be impeached. In other words, if the present policy is consistently followed, and works as well in the future as it is now working all difficulties and causes for friction will disappear, while at the same time each nation will retain its self-respect and the good will of the other.

But such a bill as this school bill accomplishes literally nothing whatever in the line of the object aimed at, and gives just cause for irritation; while in addition the United States Government would be obliged immediately to take action in the Federal courts to test such legislation, as we hold it to be clearly a violation of the treaty.

On this point I refer you to the numerous decisions of the United States Supreme Court in regard to State laws which violate treaty obligations of the United States. The legislation would accomplish nothing beneficial and would certainly cause some mischief, and might cause very grave mischief. In short, the policy of the administration is to combine the maximum of efficiency in achieving the real object which the people of the Pacific slope have at heart with the minimum friction and trouble, while misguided men who advocate such action as this against which I protest are following a policy which combines the very minimum of efficiency with the maximum of insult, and which, while totally failing to achieve any real result for good, yet might accomplish an infinity of harm.

If in the next year or two the action of the Federal Government fails to achieve what it is now achieving, then through the further action of the President and Congress it can be made entirely efficient.

I am sure that the sound judgment of the people of California will support you, Mr. Speaker, in your efforts. Let me repeat, that at present we are actually doing the very thing which the people of California wish to be done, and to upset the arrangement under which this is being done can do no good and may do harm. If in the next year or two the figures of immigration prove that the arrangement which has worked so successfully during the last six months is no longer working successfully, then there would be good ground for grievance and for the reversal by the National Government of its policy. But at present the policy is working well, and until it works badly it would be a grave misfortune to change it; and when changed, it can only be changed effectually by the National Government.

THEODORE ROOSEVELT.

The conditions which President Roosevelt said would furnish good ground for a different course if they should thereafter come into existence have arisen, and his expectation that the "United States would at once pass an exclusion law" in such event has been disappointed.

The plain truth is, California and the Western States are now getting a bad deal, just as they once before got the worst of it because of complicating agreements in treaties with foreign powers who are bent on placing the children of their races where Americans want theirs to live.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I yield the gentleman five minutes more time.

The CHAIRMAN. The gentleman is recognized for five additional minutes.

Mr. BOX. This is the result of the operation of the treaty-making power in dealing with this problem. There are other instances; in one case during President Johnson's administration a treaty was made with China which solemnly recited that the people of one nation had an inalienable right to move into any other nation when they saw proper. That applied to 400,000,000 Chinese.

I now call attention to a new proposition, which is made in the interest of the Shipping Board, or of the people who are to buy our ships from the Shipping Board and be subsidized in their operation. It is solemnly proposed in that bill to give the Shipping Board a voice in our immigration policy, when its only possible interest would be to enable it, or the subsidized private purchasers of ships, to get financial returns from the handling of immigration. I have no objection to American ships handling their share of such immigration as comes to the United States. I hope the volume of that business will not be large. I do not want to put the United States, nor any agency belonging to it, where it will be tempted to increase its financial returns by increasing the volume of immigration.

Managers of the Shipping Board apparently know nothing about shipping. The shipping bill which they are sponsoring proves that they know nothing about our immigration laws. The pending shipping bill contains a provision that they can do certain things in handling immigrants "anything in the immigration law of the United States to the contrary notwithstanding." It gives the United States Shipping Board, whose only interest is in financial returns from handling immigrants, a voice in making of the rules and regulations governing immigration, some of which may be made "anything in the immigration law of the United States to the contrary notwithstanding."

Immigration legislation should be handled by Congress, through the agency of its appropriate committees, and by itself. It will be dangerous, indeed, to turn over this important subject to a committee not familiar with its difficult details and to the Shipping Board and others, whose knowledge of the subject is superficial and whose interests are divergent from the great public interest to be served by proper immigration legislation.

The statement just made by the gentleman from Washington [Mr. JOHNSON] to the effect that the provisions of the shipping bill relating to immigration have provoked emphatic protests from foreign Governments is not surprising. Orderly legislation can be obtained and the best public interest promoted by having immigration legislation reported by the proper committee. The policies behind it should be prompted by the public interest, and not by the financial gains of Shipping Board vessels or of subsidized American shipping.

Mr. Chairman, I insist that Congress must retain unimpaired its full power to deal with this great problem. It must not be admitted that foreign powers have any right to a voice in dealing with it through a policy of treaty making. Foreign inspection necessarily involves that idea. This great question must not be, wholly or partly, passed to the Shipping Board or to subsidized American vessels to be handled for the purpose of money-making. The present and future welfare of American men and women, of this and future generations, must be the supreme consideration in the mind of all who deal with it. Congress must not lose its supreme control over it. [Applause.]

Mr. TOWNER. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, the biennial battle for political control of the House of Representatives is rapidly getting under way if we may judge by the strong political flavor noticeable in debates on the floor or by banquet utterances of leaders of the respective major parties. I realize fully the desperate situation of the minority in settling upon an issue that will create more than passing interest in the country, but I particularly protest against two utterances of Democratic leaders made recently seeking to fasten the blame for the economic depression of the past two years upon the Republican Party. The first was made by the distinguished minority leader in the course of a bitter attack on the majority in the minority report on the adjusted compensation bill. Said he:

Incapable of dealing with the economic situation, they—the Republicans—have directly brought upon the American people the worst depression that ever came upon them.

The second was made by the chairman of the Democratic National Committee at a dinner given in his honor recently by the women members of his organization. Said he:

When the Democrats went out in 1920 we left 100 per cent employment at high wages, farmers thriving with wheat bringing high prices, commerce flourishing, and prosperity on all sides.

These are serious charges, indeed, and coming from such outstanding and responsible leaders of the minority should be fairly met and answered. Naturally, three questions arise in attempting to ascertain where the truth in this whole matter lies:

1. When did the depression begin?
2. To what extent did it go?
3. Where does the blame really lie?

Addressing ourselves to the first of these questions, attention is invited to the price situation in the early months of 1920. From late January to early May there was a general increase in commodity prices. Corn at Chicago averaged $1.47 in January and advanced to $1.98 in May. Wheat advanced from $2.63 in January to $2.97 in May. Cotton maintained its level at $0.40. Cotton yarn advanced from $0.72 to $0.76 per pound. Copper was fairly steady. Beginning with May disquieting reports began to be spread as to the deflation policies to be put into operation by the Federal Reserve Board and the downward slide in prices began to get under way. Corn, which had averaged $1.98 in May, declined to $1.53 in August, and this proved to be but a beginning of the later and more disastrous price drop in this great crop. Cotton dropped from $0.403 in May to $0.338 in August. Wheat dropped from $2.97 in May to $2.47 in August. Wool, which averaged $1.16 in May, dropped to $0.87 in August. Various other commodities such as hides, cotton yarns, and leather barely held their own; in fact, shaded off in price slightly.

It may fairly be said, in view of these facts, that the depression deplored by the distinguished Democratic leaders began in May, 1920, 10 months before the administrative functions of the Government were assumed by the Republicans. The second question, to what extent did the depression go, is exceedingly interesting. I have prepared a diagram (see p. 6413) which shows this matter clearly, and also indicates with equal clearness in which administration most of it occurred. The inspiration for this diagram comes from a poster recently distributed to Members of Congress, entitled "The tragedy of artificial 'deflation,'" which was compiled from official sources by Hon. John Skelton Williams, former Comptroller of the Currency, whose authority, I take it, will not be disputed by the minority because of his holding so prominent a place in the official family of former President Wilson.

Mr. Williams selected 16 commodities for the purpose of his argument. He carried his comparisons from the beginning of the period of deflation, in May, 1920, down to August, 1921. His figures were secured from the Federal Reserve Bulletin, a monthly publication issued by the Federal Reserve Board. This publication carries tables of various kinds of interest to the business world. The particular one used in preparing this diagram is "The average monthly wholesale prices of commodities." For the purposes of comparison I have carried the figures in Mr. Williams's chart down to January, 1922. This, it will be observed, will afford a 10-month period in each administration, which, in my opinion, makes the comparison a fair one. Corn, it will be observed, was quoted at $1.98 in May, 1920. It reached $0.61 in March, 1921, and dropped to the lowest point in the whole 20-month period in October, 1921, when it reached $0.46. It will readily be observed, therefore, that 90 per cent of the depression in corn occurred before the expiration of the term of President Wilson, while 9 per cent plus took place after the Republicans assumed power. A slight increase had taken place in the price of corn before January, 1922. Cotton is exceedingly interesting. In May, 1920, the price on middling New Orleans was $0.403. It reached its low point, curiously enough, in March, 1921, when the quotation was $0.11 per pound. In January, 1922, this price had advanced to $0.165. In terms of percentage, therefore, 100 per cent of the deflation in cotton occurred during the Democratic administration, while an 18 per cent increase, using the same basis of reckoning, has occurred during the Republican administration. Sugar was quoted at $0.2247 in May, 1920. In March, 1921, it had reached $0.078, and finally touched its low point in January, 1922, the price at that time being $0.048. The percentage of deflation in sugar was, therefore, 83 per cent under Democratic administration and 16 per cent under Republican. No. 2 red wheat was quoted at $2.97 in Chicago in May, 1920. It reached $1.67 in March, 1921, and struck its lowest level for the 20-month period in January, 1922. The percentage of deflation for the respective administrations was 73 per cent Democratic and 27 per cent Republican.

Chicago cattle were quoted at $12.60 in May, 1920. They dropped to $9.56 by March, 1921, and reached their low level, at $8.15, in January, 1922. The percentage of deflation here is 68 per cent for the Democratic administration and 32 per cent for the Republican. Hides, packers' heavy native steers, which were quoted at $0.35 in May, 1920, dropped to $0.11 in March, 1921. They reached their low point in April, 1921, which was $0.10, when they advanced to $0.165 in January, 1922. In terms of percentage, therefore, 96 per cent of the deflation in hides occurred during Democratic administration and 4 per cent under Republican administration. An increase of 26 per cent occurred during Republican administration, after the low point was reached. Light hogs sold for $14.75 in Chicago in May, 1920. They were quoted at $10.30 in March, 1921, having gone down to $9.66 in the preceding December. They reached their low point of $6.86 in November of 1921, from which they advanced to $8.15 in January, 1922. In terms of percentage 56 per cent of the deflation in this commodity occurred during the Democratic administration and 43 per cent during the Republican administration. The advance registered under the Republican administration from the low point reached in November is 16 per cent. Ohio grades of wool were quoted at $1.16 in May, 1920. This price dropped to $0.52 in March, 1921, and to the low point of $0.47 in August, 1921. They were quoted at $0.58 in January, 1922. Ninety-three per cent of the deflation occurred during the Democratic administration and 7 per cent during the Republican administration. Using the same basis of reckoning, the recovery under Republican administration is 16 per cent.

The New York price on yellow-pine flooring in May, 1920, was $160 per thousand. The quotation in March of 1921 was $95 and that of January, 1922, was $95.50, while the low point was reached in October of 1921, when the quotation was $90 per thousand. The deflation here in terms of percentage was 93 per cent under the Democratic administration and 7 per cent under the Republican administration. The advance in price from the low point upon the same basis of calculation is 7 per cent. Cotton yarns, Boston, were quoted at $0.76 in May, 1920, $0.24 in March, 1921, and $0.23 in April of 1921, when they reached their low point. In January of 1922 they were quoted at $0.325. In terms of percentage the deflation was 98 per cent during the Democratic administration and 2 per cent during the Republican administration, while the advance in price from the low point amounts to 18 per cent. Sole hemlock leather was quoted at $0.57 in Chicago in May, 1920, reached $0.37 in March, 1921, and $0.34 in August, 1921, at which price it has remained constant to the end of the 20-month period. Eighty-seven per cent of the deflation took place during the Democratic administration and 13 per cent during the Republican administration. Bessemer steel billets were quoted at $60 per ton at Pittsburgh in May, 1920. They dropped to $38.40 in March, 1921, and reached their lowest level, at $28, in January, 1922. Sixty-seven per cent of the deflation in this commodity took place under the Democratic administration and 32 per cent under the Republican administration. Copper was quoted at $0.19 per pound in New York in May, 1920. It dropped to $0.122 in March, 1921, and reached its low point of $0.117 in August, 1921. The price in January, 1922, was $0.135. Ninety-three per cent of the deflation, therefore, occurred during the Democratic administration and 7 per cent during the Republican administration. Since the low point was reached in this commodity an increase of 24 per cent of the total deflation has taken place. Lead was quoted at $0.085 in May, 1920. Its low point was reached in March, 1921, when the quotation was $0.04. An increase to $0.047 occurred up to January, 1922. One hundred per cent of the deflation here is marked against the Democratic administration, while an increase of 17 per cent has been registered since the Republicans have been in power. Petroleum was quoted at $6.10 in May, 1920. It dropped to $3 in March, 1921, reached its low point in August, 1921, when the quotation was $2.25. The price in January, 1922, was $3.30. The percentage of deflation was 80 per cent for the Democratic administration and 19 per cent for the Republican administration, while the advance in price since August, 1921, is 24 per cent of the total deflation.

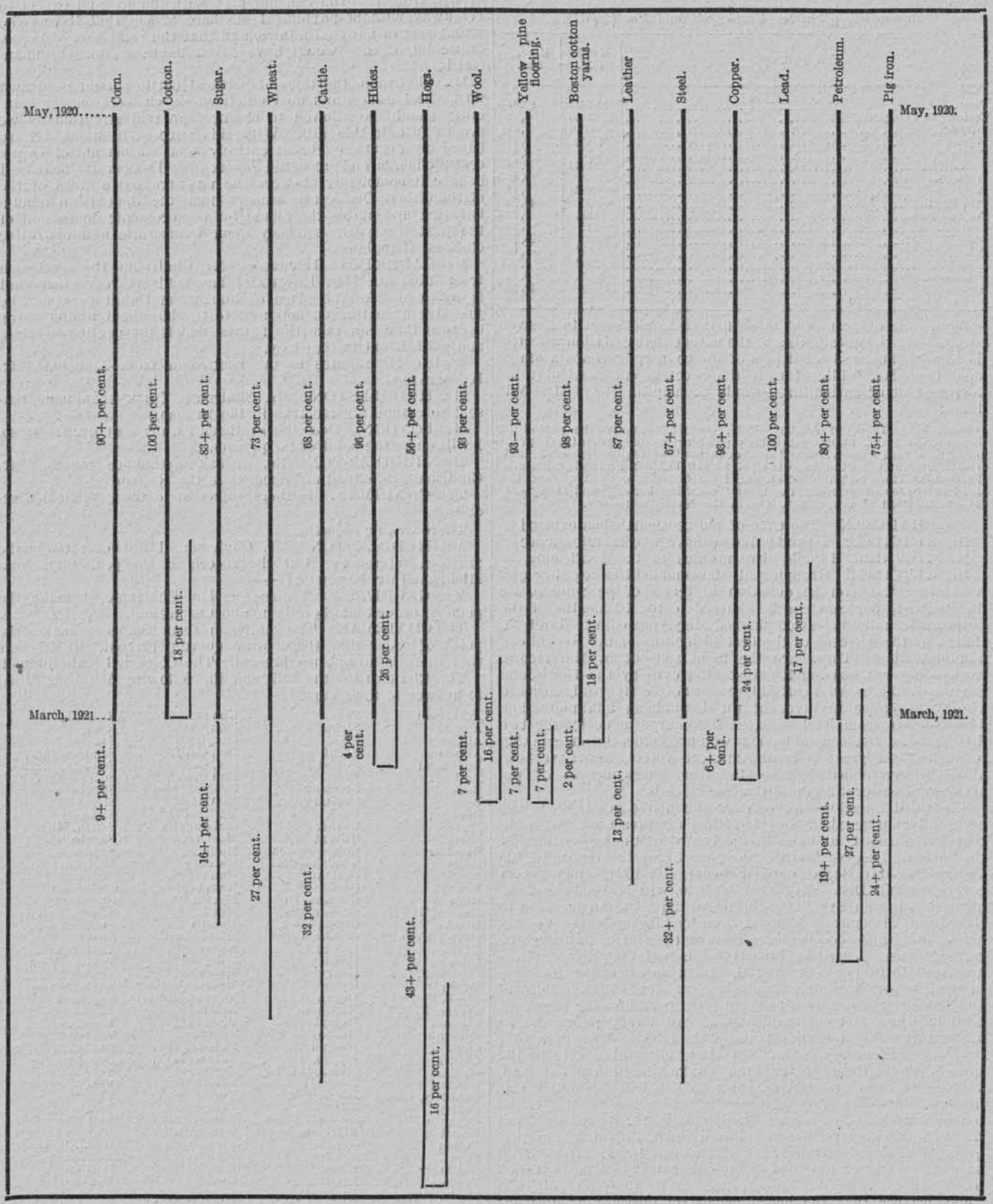
Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. KETCHAM. I can not yield.

Pig iron, one of the most representative commodities, was quoted at $43.25 at the furnace in May, 1920. It dropped to $24.20 in March, 1921, and reached its low point at $18.15 in January, 1922. The deflation here is 75 per cent for the Democratic administration and 24 per cent for the Republican administration.

While the comparative prices have been limited to those reported for January, 1922, in order to cover comparable periods of time in the Republican and Democratic administrations it may be of interest to the committee to know the commodity prices for March, 1922, which are the latest procurable

Diagram representing comparative deflation and increases in various commodities from May, 1920, to January, 1922.



Prices on certain commodities as quoted in Federal Reserve Bulletin for May, 1920, March, 1921, and January, 1922.

	Corn.	Cotton.	Sugar.	Wheat.	Cattle.	Hides.	Hogs.	Wool.	Yellow-pine flooring.	Cotton yarns.	Leather.	Steel.	Copper.	Lead.	Petroleum.	Pig iron.
May, 1920	$1.98	$0.403	$0.2247	$2.97	$12.60	$0.35	$14.75	$1.16	$160.00	$0.76	$0.57	$60.00	$0.19	$0.085	$5.10	$43.25
March, 1921	.61	.11	.078	1.67	9.56	.11	10.30	.52	95.00	.24	.37	38.40	.122	.04	3.00	24.20
January, 1922	.47	.165	.048	1.196	8.15	.165	8.16	.58	95.50	.325	.34	28.00	.135	.047	3.30	18.15

from the Federal Reserve Bulletin. I also include prices for 1913:

Commodity prices for March, 1922, and March, 1913.

Commodity.	March, 1922.	March, 1913.
Corn	$0.56	$0.61
Cotton (New Orleans)	.1669	.12
Sugar	.0516	.042
Wheat	1.356	.87
Cattle	8.73	8.50
Hides	.1388	.18
Hogs	10.58	8.45
Wool	.7273	.47
Pine flooring	95.50	44.59
Cotton yarns	.313	.22
Leather	.35	.28
Steel	28.00	25.78
Copper	.127	.15
Lead	.047	.044
Petroleum	3.25	2.45
Pig iron	17.73	14.70

While this diagram and these figures would seem to answer conclusively the question as to the extent that deflation affected the general business conditions of the country, perhaps a statement from Mr. Williams as to the effect in one particular industry—that of agriculture—would be helpful. Says Mr. Williams:

From May, 1920, to August, 1921, covering exactly the period of the appalling and unprecedented drop in prices of agricultural products, the actual "contraction" or "deflation" of regional reserve bank credits amounted to the huge sum of $1,410,000,000, and coincidentally the country from ocean to ocean and from Canada to the Gulf and the Mexican border experienced the most "crushing losses" and the greatest annihilation of property values in the Nation's history.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KETCHAM. I would like to have five minutes more.

Mr. TOWNER. I yield five minutes to the gentleman.

Mr. KETCHAM. Grouping all the commodities together and calculating the average deflation in terms of percentage, we find that 84½ per cent can be charged to the 10 months of the Democratic administration immediately preceding March 4, 1921, and 15½ per cent to the first 10 months of the Republican administration. These are the facts set out by the record, worked out with so much painstaking care by the Hon. John Skelton Williams, who certainly could not be rightfully accused of any prejudice in favor of the Republican administration. They seem to completely answer the charge made by the two distinguished Democratic leaders who are evidently undertaking to mislead the great body of American voters, who have been almost overwhelmed by the disastrous consequences of the action of Democratic administrative officials.

The third question—where does the blame really lie?—has been fully answered in the facts thus far presented, but additional emphasis is at hand in the record of the proceedings of the Federal Reserve Board. On page 57 of the report of the Federal Reserve Board, dated February 16, 1921, which report covers the full Democratic year of 1920, will be found a statement that in January, 1920, the board approved an increase in the rate of discount on loans secured by Liberty bonds, Victory notes, and trade acceptances. Toward the end of January the rate on paper secured by Liberty bonds and Victory notes was advanced to 5½ per cent, and the rates on all classes of commercial paper, including trade acceptances and agricultural and live-stock paper, to 6 per cent. On the following page will be found the statement that rates on commercial paper and on agricultural and live-stock paper were advanced in June to 7 per cent by four banks, and the trade acceptance rate to the same level by three of the same banks, the fourth bank advancing it to 6½ per cent. On page 59 will be found this increased discount rate referred to as a means of "credit control," which is, of course, another name for deflation. That the Federal Reserve Board did not start this deflation program in ignorance of its effects is shown by a statement on page 11, in which the board says that it "has never failed to take account of the consequences of its discount policies." Thus, we see that the board began its increase of discount rates early in 1920, and had raised the discount rates on commercial, agricultural, and live-stock paper to 6½ or 7 per cent in June of that year.

It should be borne in mind that this action was taken by the Federal Reserve Board, the chairman of which was Hon. CARTER GLASS, Secretary of the Treasury, and the members, appointees of President Wilson.

Former Secretary of the Treasury McAdoo, commenting on the action of the Federal Reserve Board which led to the drastic deflation, is reported to have said, "One of the slogans of the last campaign was deflation. We got it. Everybody has been getting it. You can not play with finance and expect to get away without paying. I am here to say that it was the wrong sort of national affairs, and that the right sort of Democratic intelligence would have saved immense sums of financial loss."

Mr. Chairman, the lines of political battle should be drawn up on real issues, and no vindictiveness, vituperation, or volubility should be allowed to obscure the real situation as we are to face it this fall. With this purpose in mind, I have based my argument almost entirely upon statements of Democratic officials and upon the report of a Democratic board. I believe it completely answers the unwarranted attacks of the distinguished Democratic leaders upon the Republican administration and places the blame for the economic depression of the past two years squarely upon Democratic administrative officials. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from Michigan [Mr. KETCHAM] has made it very clear that figures can take the place of hunger, and that persons who just live by eating do not need to trouble about it any more, because they can take the figures which the gentleman gives and work it out in that way.

I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. LONDON. Does the gentleman want a quorum? If so, I will make the point of no quorum.

Mr. HUDDLESTON. No. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, I do not often make partisan references. But the speech of the gentleman from Michigan [Mr. KETCHAM]——

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fess	Kunz	Rossdale
Ansorge	Fields	Lampert	Ryan
Appleby	Fish	Langley	Sabath
Atkeson	Focht	Lea, Calif.	Sanders, Ind.
Bankhead	Foster	Lee, Ga.	Sanders, N. Y.
Barbour	Free	Linthicum	Sears
Beck	Freeman	Lyon	Shreve
Begg	Frothingham	McArthur	Siegel
Benham	Funk	McCormick	Slemp
Bixler	Garner	McLaughlin, Pa.	Smith, Mich.
Black	Gilbert	MacGregor	Smithwick
Blanton	Goldsborough	Madden	Snyder
Boies	Goodykoontz	Maloney	Stedman
Bowers	Gorman	Mann	Stephens
Brand	Gould	Mansfield	Stevenson
Britten	Graham, Ill.	Martin	Stiness
Brooks, Ill.	Graham, Pa.	Mead	Strong, Pa.
Brooks, Pa.	Green, Iowa	Merritt	Sullivan
Brown, Tenn.	Greene, Vt.	Michaelson	Sweet
Burke	Hawes	Miller	Taylor, Ark.
Butler	Hawley	Mills	Taylor, Colo.
Campbell, Pa.	Henry	Moore, Ill.	Taylor, N. J.
Carew	Hicks	Moores, Ind.	Taylor, Tenn.
Clark, Fla.	Hogan	Newton, Minn.	Ten Eyck
Clarke, N. Y.	Hudspeth	Nolan	Tilson
Classon	Humphreys	Olpp	Treadway
Cockran	Husted	Osborne	Tucker
Codd	Ireland	Paige	Underhill
Collier	Jeffers, Ala.	Parker, N. Y.	Upshaw
Collins	Johnson, S. Dak.	Perlman	Vare
Connell	Jones, Pa.	Petersen	Vestal
Connolly, Pa.	Jones, Tex.	Porter	Vinson
Copley	Kahn	Pringey	Voigt
Coughlin	Kearns	Rainey, Ala.	Volk
Cramton	Kelly, Pa.	Rainey, Ill.	Walters
Cullen	Kendall	Ramseyer	Ward, N. Y.
Dale	Kennedy	Ransley	Williams
Dallinger	Kiess	Reavis	Wilson
Darrow	Kindred	Reber	Winslow
Davis, Minn.	Kinkaid	Reece	Wood, Ind.
Dempsey	Kirkpatrick	Reed, N. Y.	Woods, Va.
Dominick	Kitchin	Riddick	Woodyard
Drane	Kleczka	Riordan	Wurzbach
Drewry	Kline, N. Y.	Robertson	Wyant
Ellis	Knight	Rodenberg	Zihlman
Fairchild	Kopp	Rogers	
Fenn	Kreider	Rosenbloom	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the

people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921, and finding itself without a quorum, he had caused the roll to be called, whereupon 242 Members answered to their names, and he submitted a list of the names of the absentees for printing in the Journal.

The committee resumed its session.

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] is recognized for 19 minutes remaining.

Mr. HUDDLESTON. Mr. Chairman, partisan controversy is distasteful to me. I do not usually make partisan references in my speeches. But the speech of the gentleman from Michigan [Mr. KETCHAM] reminds me of a striking dissimilarity between the recent Democratic administration and the present Republican administration.

The country is now in the throes of the greatest coal strike in its history. The way in which the present administration has confronted that situation is in the sharpest contrast with the spirit of the Wilson administration under similar circumstances. We had a threatened coal strike in the fall of 1919. All the powers of the administration were brought into play to prevent the strike. Some of the things which were done I do not approve. I approve the action of President Wilson in inviting the contending forces into a conference and the pressure which was brought to bear to bring that meeting about. I approve of the influences which were then put afoot to induce an amicable settlement. The same spirit characterized the operators then that inspires them now. They successfully resisted efforts of the administration for an amicable settlement. The strike was called. Steps were taken by the Government to throttle it, which, in my judgment, were un-American, and I might well say unconstitutional. But, after all, the influence of the administration was subsequently brought to bear for a peaceable settlement. So that in March, 1920, an agreement was made between the mine workers and the operators; a harmonious agreement covering the period up to April 1, 1922. And under that agreement there was peace. No man, whether he approves the policy of the Wilson administration or not, can say that the administration was not earnestly and sincerely devoting itself to the prevention of the strike, which then would have been what this strike is now proving to be, but little short of a national disaster.

The dark tragedy of the miners' strike is now in its second phase. The supply of coal above ground is greatly reduced and in some sections will soon be exhausted. The operators are growing anxious for developments; not that they are yet suffering in any way, but because they are irritated by the miners' show of courage and endurance. The slender savings of the workers are much depleted. Hunger is already knocking at the door of thousands of homes. The great, dull, stupid public is waking somewhat from its indifference and begins to express its sense of injury and grievance. A universal tension is appearing and the time is not distant when may be heard the rumblings which may mark the threat of storm and disaster.

The stage for the strike has been set for months. It has long been obvious to those informed in industrial matters that the coal operators have been seeking an opportunity to "go to the mat" with the miners' organization. As a backwash from the war has come a resurgence of the old reactionary and illiberal feeling of the employer class toward those who labor with their hands. With it has come an intense class consciousness and the determination upon the part of the employers to stand together in behalf of what the employer calls his "right to run his own business as he chooses." Having made tremendous sacrifices to strike down Prussianism in world politics, our soldiers have returned to find the spirit of Prussianism dominating American industry. Democracy, victorious overseas, has been defeated at home.

PART OF "OPEN SHOP MOVEMENT."

The "open shop movement" is the deceitful name given by its propagandists to the conspiracy to break down and destroy all labor organizations. It seeks to drive men who work for wages into submission to industrial conditions which will soon mark the workers as belonging to a social order which shall have no rights which will interfere with the profits and development of industry. The spirit of this movement is that of the old times of lordly baron and humble serf. It does not belong to this age but to the era of Wat Tyler and John Ball.

The purpose of the coal operators to destroy the miners' organization is merely an aspect of the "open shop movemeent." This fact is universally recognized by the classes supporting the "open shop." They stand like one man behind the operators. Whatever influence they have is thrown on the operators' side. Whatever they may do toward shaping a public opinion hostile to the mine workers, that they are doing. Their parasites of politicians, lawyers, and so forth, are strident. Their servile press is backing them. Their tools in public office are watching for their opportunity. Always lustily decrying class consciousness, the affiliated "open shoppers" show an intense class consciousness. They thereby produce a workers' class consciousness, the very thing that their selfish interests prompt them to prevent.

The solidarity of the employers and their affiliations is so obvious that it is being noted by the wage earners, and is operating toward producing a similar solidarity among the working classes. In a recent editorial in the organ of the American Federation of Labor, referring to the strike, it was said: "All labor is in the fight with the miners to the last, and to victory." Soon the situation will be recognized by all organized laborers.

But labor is always at a disadvantage in such matters, for vast numbers are unorganized and remain uninformed as to the issues, and the vast unclassified masses, whose interests after all are identical with those of the wage earners, are frequently misled by the propaganda and deceitful slogans of their own oppressors.

ISSUES OF THE STRIKE.

Technically speaking, the coal "strike" is not a strike at all. The miners, through their chosen agents, made a working contract with their employers. The contract expired by its terms on April 1. For months prior to that time the miners sought to get the operators to enter into a new contract, but the latter declined even to discuss the matter. When April 1 arrived, the miners' contract of employment having terminated, they stopped work. The operators having been chiefly instrumental in bringing it about, the suspension of work partakes more of the nature of a lockout than a strike.

The working contract which expired on April 1 carried a provision under which it was agreed that, prior to that time, the operators and miners should meet and negotiate a new contract. However, the operators refused to perform this clause of their agreement. From time to time the miners invited the operators to meet with them. The operators either declined or ignored the invitation. It has been evident for months that they had no intention of keeping their agreement. Therefore, placing the blame for the strike, it is clear that the operators are guilty.

The issue between the miners and the operators is not one of wages or working conditions. This is shown by the refusal of the operators to meet with the miners or to discuss such matters. The miners did not want a strike. They realized that, because of the depression, they were at a great disadvantage. Their strike resources were slender. They would have made any reasonable concessions. The chief thing that the miners want is work, steady work, not a mere desultory employment. They want work every day instead of an average of about 125 days per year as at present.

But the operators are not interested in details of wages and working conditions. They want to destroy the union. The charge that the operators are aiming at the destruction of the miners' organization is proven: First, by their refusal to negotiate touching wages and conditions; second, by the unanimous support which they are receiving from the "open shoppers," such support obviously having a union-hating basis; third, by the propaganda issued by the operators which is aimed at union practices, such as the "check-off," and is almost wholly devoted to trying to show the miners' union to be an oppressive, dictatorial, and even lawless organization.

The coal strike is the first great battle of the "open shop" campaign. If the employers win with it to-day, the battle will move to the railroad yards to-morrow and thence to the mills and shops, and so on and on as the "open shoppers" may meet with success, until every labor union in America is crushed and destroyed.

CENTRAL COMPETITIVE FIELD.

What is known as the central competitive field is composed of the bituminous mines of Ohio, Indiana, Illinois, and one district in Pennsylvania. The working contract, which ended on April 1, covered this field and fixed the wages and working conditions for all mines.

Coal from this field includes the greater part of the entire bituminous production of the United States, and the mine operatives comprise probably three-fourths of the membership of the United Mine Workers. Coal produced in this field comes into sharp competition. Therefore wages and conditions at one mine affect the ability of that mine to compete with other mines in the field. It therefore becomes necessary that the op-

erators should produce coal under fairly equal conditions in order to find a market for their product.

The operators' plea that they can not afford to make a new contract with the miners' organization because such a contract will render them unable to compete with the nonunion West Virginia and Pennsylvania districts discloses at once their purpose to destroy the organization. They wish to place the central competitive field upon the same basis of wages and conditions as the nonunion districts. On the other hand, it is to the interest of the mine workers to include the entire field in a single working agreement, for if separate agreements are made in the various mining districts, each district may be played off against the other, just as the nonunion West Virginia districts are played against the unionized central competitive field. This principle is recognized by the operators. One of their leaders, by way of explaining the miners' object, recently said:

Settlement by States or districts would lessen the effect of their strike weapon, which they do not intend to allow under any circumstances.

WORKERS NEVER WANT TO STRIKE.

Of course the reference to strike is pure "bunk." Miners never want to strike. A strike always costs them more in sufferings and deprivation than it can possibly cost the operator. At its best it costs the miner his time, a segment of his limited period of earning usefulness, a part of his life lost beyond recall. At its worst the strike costs him food and shelter for his family, perhaps even the very lives of himself, his wife, and his little ones. Miners never want a strike for its own sake. It is entered upon even as would be a dangerous surgical operation. A strike is war and may be justified only upon the same ground as other wars, that it is necessary in defense of liberty. Miners strike merely to show that there is a limit to what they will endure, a point beyond which they will not be driven. They strike as a punishment to their employers and in order to show them that they will not submit to oppression even though resistance shall cost them everything. Strikes are conceived of as only in part beneficial to the strikers. In the large way they are for the benefit of all labor and are based upon an outraged class consciousness.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 16 minutes.

Mr. GARRETT of Tennessee. I yield 10 minutes more to the gentleman from Alabama.

Mr. HUDDLESTON. The desire of the operator to deal with the mine workers by separate districts means that the operator intends to play off his district against his competing district—means that he wishes to place his employees in competition for employment in his service with the workers of other districts. This desire of the operator is based upon the same principle as the opposition of the "open shoppers" to all labor unions. The real consideration back of it all is to enable the employer to force separate individual workers into competition with each other in seeking to serve him, so that employment may go to the worker who will accept the smallest return. The philosophy of the "open shoppers" is to get the greatest possible amount of labor for the least possible return. That is the ultimate aim and end of their efforts.

That this end is actually achieved is illustrated by a comparison between mine workers' earnings in union and nonunion districts. I refer to the article "Wages and hours of labor in bituminous coal mining," in the Department of Labor publication, Monthly Labor Review for April, 1922, which shows the average tonnage worker's hourly earnings in the Alabama nonunion district as 46 cents per hour, while the average of $1.03 per hour is earned in the union districts of Illinois, Indiana, and Ohio.

PHILOSOPHY OF COLLECTIVE BARGAINING.

If there were as many employers as workers they might meet upon terms of rough equality, it being borne in mind that the need of the worker to sell his labor is always more pressing than is the occasion of the employer to buy. But apart from this inequality, if workers and employers were equal in number there would be little reason for labor unions. But to the extent that employers are fewer in number as compared with workers, the necessity for organization and solidarity among the workers increases.

In a simple state of industry the employer worked alongside of his hired man. Each knew the other and his problems. There were bonds of sympathy between them and a certain rough justice obtained. The worker could bargain on some sort of fair terms for the sale of his labor. When they disagreed, the worker went to some neighbor's shop and there secured employment from a man whom he knew. There was competition among employers in hiring to a similar degree that the workers were forced to compete in seeking jobs.

The Steel Corporation employs roughly an average of probably 175,000 men. The management of this great concern is in a small group of men. They sit around a table in a banking house and there decide what the wages of their employees shall be. The execution of their decision is probably in the hands of one man. This great interest, with its vast wealth and consequent economic social and political power, is directed by a single head. In its labor aspect it is as though its 175,000 employees had organized into perfect solidarity and submitted themselves absolutely to the direction of a single leader. The manager of this great interest gives his orders, thousands of subordinates respond and devote their energies to carrying out his will. The manager never saw the worker. Perhaps he never even saw the mill, yet he gives the word which determines what house the worker and his family shall live in, what clothes they shall wear, what food they shall eat, indeed whether they shall have shelter, clothes and food at all. Upon his word may depend the fate of thousands of men, women, and children, what shall be their present, what hope of the future they may dare entertain, indeed whether they shall live or die. There is no bargaining either collective or individual; there is only the ukase of an industrial czar.

It is for this power, for the opportunity for autocratic rule over other men, that the antiunionist operators are battling. It is against this dread might of autocracy that the ragged and half-starved mine workers are struggling.

MINERS COULD NOT GIVE UP THEIR UNION.

The mine workers did not want the strike. They had all to lose and nothing to gain. But the operators demanded of them the one thing that they could not afford to give up. They could starve on, they could wear rags, they could live in tents, they might, if need be, tramp the highways and sleep in fence corners, depending upon charity—they might endure all temporarily.

They might not have bread temporarily, but their organization they could not surrender—that would have been a permanent loss. They have been years building it. It has been the shield of their defense. It has protected them from oppression. It has brought fairer wages and better conditions. Thousands who were not members of the union have been benefited. To give it up meant to lose all. It meant a slip back into conditions which remain an awful tradition.

For miners have always been an oppressed class of workers, always poorly paid, always exploited, always the victims of heartlessness and rapacity. Recruited in the main from the alien born, the illiterate, the unfortunate, and the poor, always there has been a surplus of labor. The surplus has been created deliberately by the operators. They have overmanned the industry for their own purposes. There is never enough work for all. Even under the best union conditions, favoritism in the distribution of cars and desirable places to work and other similar matters may be practiced to reward the operator's tools. In districts where the law permits company stores, the miner buys his family supplies from the operator. Usually he rents his dwelling from him. All this, as a rule, means big profits. The more families in the mining camp the more trade for the company store and the more dwellings to be occupied and at a higher rent. There is always a surplus of mine labor whenever the operator can contrive to bring it about. It means more profit to the operator, but not cheaper coal to the consumer.

PROLOGUE SPOKEN BY SECRETARY OF COMMERCE.

The tragedy of the strike moves on. Its prologue was spoken by the Secretary of Commerce on January 20 last. The stage was then set. The operators had expressed their determination not to negotiate a new contract. The Secretary then announced that the administration did not purpose to try to do anything to avert the strike. I was shocked by the complacency which characterized his statement. It was amazing in its implication that the administration regarded with indifference the prospect of this great labor controversy. I was bewildered. I wondered if Mr. Hoover and the advisors of the administration visualized what might be the outcome. I was shocked to realize what a possibly awful price the administration was willing for the Nation to pay for the operators' success in destroying the miners' organization. I lifted my faint voice in a plea that the President might intervene, that he might use the influence of his great office with the powerful interests affiliated with the operators to induce them to negotiate with the workers and to endeavor to make a new contract.

But the pleas of those who sought to avert the struggle were ignored. No real effort was made to stop the strike. The Secretary of Labor gestured in the direction of the central competitive field. But he had no program. The influence of the administration was not behind him. His passes in the air had no effect unless it might be to cause the credulous to believe that the administration deplored the strike. Over against the gestures of the Secretary of Labor were heard the rumblings of the Attorney General talking of "the preservation of order." The miners knew what the Attorney General meant in so far as he meant anything. His threat was not against operators' gunmen nor coal and iron police nor deputies nor the other private armies kept by the operators. It was not against those who would deny to the miners and their friends their constitutional rights of free speech and of assemblage. It was intended to intimidate the miners.

WAGERED UPON OPERATORS TO WIN.

The administration has wagered upon the operators to win, that the miners will not hold out long, that industry will not be seriously disturbed, that the folly and obstinacy of the operators will not greatly harm themselves. But what if the operators do not win? What if the strike goes on and on until industry is quenched and transportation halts for lack of fuel? What if the miners hold out too long? Will the administration continue hands off? Oh, no doubt the operators will be glad enough to have the Government intervene then. Efforts will be made to drag in governmental agencies to their rescue. The courts will be prostituted to miner-baiting. Will the administration use the military for their intimidation?

The tragedy of the strike moves in its second act. What will be its climax? The great, stupid public is awakening. Probably it may soon realize its peril. Will it continue to allow the great coal-mining industry—one of the chiefest in public importance, one upon which depends the very economic life of the Nation—to be manipulated, played with, and arbitrarily directed by weak and foolish men who have shown themselves incapable of performing the trust? Or will the public assert its neglected interest in this vital industry to the end that those who control it shall be made to respond to the general public welfare?

The mine workers may lose the strike, their organization may be destroyed, they may be forced to seek other callings, their sacrifices and their sufferings may gain nothing for themselves, yet they will have won a victory if as the result of the strike the public has been made to learn its lesson—if out of their sufferings and defeat there shall come a solution of the question presented in the coal-mining industry. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. TOWNER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I desire to continue the coal strike discussion. We have, as I pointed out two days ago, in the bituminous industry nearly 10,000 mines owned by about 2,000 operators competing among themselves in exploiting the workers and the Nation. Bad as conditions are in those mines where they had collective agreements heretofore, conditions are altogether impossible in the nonunion fields. There the worker is deprived of all human rights. There we have in effect a feudal system, except that the coal lord is not a nobleman, is not a knight leading his hosts into honorable battle and defending his vassals against oppression, but is a mere exploiter, a moneybag, with gold as his only god, his only religion. It is almost impossible to believe if what one reads is going on in West Virginia is true that West Virginia is in the United States. What distresses me is the utter lack of intelligence with which supposedly intelligent men treat this question. Here you are, 435 Members of the House of Representatives, legislating for the common good of 105,000,000 people. The time when legislating consisted in laying down moral principles is gone. All our legislation is industrial in character. We either promote business or interfere with business. Protection and free trade are economic questions. Subsidies to shipping industries are economic problems. The coal question is an economic question, a bread and butter question for the Nation, for the people. What remedy has been proposed either on the Democratic side or the Republican side to deal with the strike in the coal industry? If you were to-day to begin framing a Constitution of the United States for the present and for future generations, would you, with the experience that you have to-day, permit the coal industry to become the property of private individuals?

Would you permit an unintelligent, selfish, greedy, petty crowd of money makers to control the greatest natural resource we possess? That is what they are—mere money makers. They are incapable even of giving employment. If they make no profits, as they claim, then they are incompetent even as business men. They can not in any event be intrusted with the national wealth of the United States.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. CAMPBELL of Kansas. Would the gentleman rather turn it over to Lenin and Trotski than to leave it in the United States, as it is to-day?

Mr. LONDON. I would turn it over to a man with an idea rather than to a fellow whose only desire is to make money. The man with an idea may be wrong, but as long as he is inspired by an ideal to serve humanity he will ultimately adopt the right methods, while if he is only animated by the desire to make money—and your coal dealers and owners have shown that during the war, during the world crisis, their only desire was to rob the people and the Government of the United States—if the man is moved, I say, only by a desire to make money, then nothing but disaster can follow. During the war you established a Fuel Administration because you did not trust those rascals and you wanted to control them. I refuse to trust them in time of peace.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. GARRETT of Tennessee. If a fellow got busy with an idea and did not give us any coal, then what would we do?

Mr. LONDON. If a fellow got busy with an idea and did not give you any coal, you would not get anywhere; but the man who has an idea, the man whose mind works, the man who applies himself to solve the problems of to-day in the light of modern principles, is bound to get you somewhere. You Democrats offer no remedy. You content yourselves with criticizing the Republicans. You know who they are; you should know that you can not expect anything from them. The Republican Party is a plutocratic soviet. The leaders of it know what they want. The difference between the Republicans and the Democrats is that the Republicans know what they want and the Democrats do not. [Laughter.]

Mr. GARRETT of Tennessee. Yet I heard the gentleman announce a few weeks ago that he was a super-Republican.

Mr. LONDON. A super-Republican or a super-Democrat—both. The Democratic instincts are all right, but they have no intelligence. [Laughter.]

My position is that the Democrats are incompetent for good, and the other fellows are competent for evil only. The Republican side is the conscious organized force of the money power to destroy every vestige of democracy in the United States. That is what the Republicans are. The only trouble they have is how to conceal from the people the truth. So far as the Democrats are concerned, they mean well, but they do not know how to go about it and they are afraid to think. They go to Thomas Jefferson's grave to find what Thomas Jefferson said about 1922, whereas Thomas Jefferson trusted that a Democrat in 1922 would have some ideas of his own, and he did not advise them what to do in 1922. [Laughter and applause.] So we find such an able, such a brilliant, such a brave and really genuine Democrat as HUDDLESTON of Alabama bringing forth as his only remedy that we have a conference.

The wolf and the sheep will meet in conference. Wall Street and Lazarus will meet in conference. They will confer, and they will negotiate, and the wolf will say to the sheep, "I want to eat you up"; and what will the poor sheep do? It will bleat.

Mr. HUDDLESTON. If the gentleman will permit, I desire to say that my remedy is not so meager as the gentleman ascribes to me. I have other remedies.

Mr. LONDON. Now, as to the remedy——

Mr. CAMPBELL of Kansas. What is it?

Mr. LONDON. The remedy is national control of the mining industry. The remedy is to bring the bituminous mines, which underlie a territory embracing 450,000 square miles of the soil of the United States—to bring them under the control of the collective agency known as the Government of the United States. We are the trustees of the American people——

Mr. CAMPBELL of Kansas. They have nationalized their coal mines in Russia. How does the gentleman like the situation there?

Mr. LONDON. What a silly comparison. [Laughter.] I do not like to use strong language, but any man who tries to compare those two countries, the United States, the greatest experiment in democracy, with 400 years of democratic institutions behind it, on the one hand, and unfortunate Russia, with a thousand years of Czardom, struggling from revolution to

revolution toward the light—any man who compares those two things is hopeless.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GARRETT of Texas. I yield the gentleman three minutes.

Mr. CAMPBELL of Kansas. Did not we become the great country to which the gentleman pays a tribute by doing exactly what the people of the United States are doing under the Constitution?

Mr. LONDON. The difficulty with the gentleman from Kansas is that he attributes the glory and greatness of the United States in the past to the fact that he is living to-day. He does not know what an impediment he is to the future progress of the United States. [Laughter.] That is all.

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. GARRETT of Texas. I yield the remainder of my time to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman, some very important questions arise from time to time as to the relative rights of transportation lines and as to whether or not the public can be best served by one line or by a different line. These questions arise as the country develops and new methods of transportation are brought about. The railroads during the past half century have provided the most important rapid method of transportation, and communities, towns, and even great cities owe their phenomenal growth to the railroads. Our Nation owes much of its development to the extension of railroads to every nook and corner of our country.

The short lines of railroads have brought about a most splendid development of the sections of the country where they have been extended. This is especially true in sections of the country where railroads are easily built and where many have been built. This condition exists along the Atlantic coastal plain. A great development in south Georgia is the result of the building of short lines of railroads and of their operation, and I look with great alarm upon the general tendency of railroad legislation, which means the destruction of the short lines in Georgia and elsewhere. The junking of short lines of railroads means a tremendous loss to the sections traversed by the roads so destroyed. Congress and the country should do everything reasonably possible in behalf of the short-line railroads.

Hon. J. A. J. Henderson, of Ocilla, Ga., president of the Georgia Short Line Railroad Association, has devoted much of his useful time to the building of railroads, and through his service to his people in this way he has helped very much in the building of numerous most splendid communities, thriving towns, and cities. His most splendid efforts have benefited many of his fellow citizens, and his State generally, and will live long into the future. Mr. Henderson is devoted to the development of short-line railroads and to their success, and is a close student of all questions concerning them. Any suggestion made by him is worthy of the most careful consideration by the country and the Congress. I am just in receipt of a letter from Mr. Henderson discussing a most important question which I wish to submit for the careful consideration of all, and which letter is as follows:

ATLANTA, GA., *May 1, 1922.*

Hon. W. C. LANKFORD,
House of Representatives, Washington, D. C.

DEAR SIR: The Georgia Short Line Railroad Association, at a meeting held here recently, passed a resolution protesting against the establishment of mail routes which will result in taking away from the railroads of Georgia the transportation of mails, and against changes in existing mail routes so as to allow individuals or bus lines to carry the mail where the service can be performed by the railroads.

There are in Georgia 39 short-line railroads, traversing 96 counties of the State and having an aggregate mileage of 2,934 miles, serving a very large percentage of the population of our State.

We are sure that you have kept up with the situation and that you realize that a large number of these railroads are at present facing a serious situation, and that if they are not accorded fair and even generous treatment that a great number of them will inevitably have to be dismantled. Should this be done the owners of the railroads would, of course, be heavy losers, but by far the greater loss would fall upon the citizens of the State who are served by the railroads but not directly financially interested in them. Many towns, and even small cities, are served by the short lines only, and these are the railroads which serve the people of the rural communities where the trunk lines do not care to, or can not afford to, go.

A number of railroads in this State have already been junked, and others are certain to be if the conditions do not improve.

Recently, and since the public highways have been paved or improved, a very large number of what are commonly called bus lines have sprung into existence, and these lines have entered into active competition with the railroads, and especially the short line railroads, as carriers of freight and passengers. They charge identically the same rates which the railroads are permitted to charge where they compete with the railroads, and much higher rates where there is no railroad competition. They pay no taxes in the counties through which they operate, although the railroads are required to pay heavy taxes wherever they do business.

We understand that the owners of these bus lines are now making an active effort to secure contracts for the carriage of the mail which is now being carried by the railroads. We do not think that this is fair or right, so long as the railroads furnish convenient and adequate service in this respect.

We ask that you investigate this matter, and if you can consistently do so that you use your efforts to prevent contracts for the carriage of the mails being awarded to the bus lines where adequate service is, or can be, furnished by the rail carriers.

We would be glad to have a letter from you regarding your attitude in this matter.

Yours very truly,

GEORGIA SHORT LINE RAILROAD ASSOCIATION,
By J. A. J. HENDERSON, *President.*

Mr. TOWNER. Mr. Chairman, this bill provides for an extension of the limit of indebtedness of the Philippine Islands from the present limit of $30,000,000 to a limit of 10 per cent on the assessed valuation of the islands, which would mean an increase to about $75,000,000.

In stating the reasons for this request, it may be of advantage to the committee if I state something generally with regard to the present conditions of affairs in the Philippine Islands.

The Filipinos are, as a rule, exceptionally intelligent and eager to learn. They have made unprecedented progress during the short period of American control. Their support and enthusiasm in building up their public-school system is remarkable. They are naturally an orderly and law-abiding people, and easily adjust themselves to existing conditions. They are for the most part frugal and industrious. At the commencement of American occupancy economically the islanders were poor. Some idea of their progress may be given by some figures:

A postal savings bank was started in 1907. In 1913 it had 40,000 depositors and $1,240,000 in deposits. In 1920 it had 107,000 depositors and $3,327,000 in deposits.

The business of the islands was estimated at $200,000,000 in 1907. In 1920 it was $863,000,000.

The resources of commercial banks were $15,000,000 in 1906 and are now $215,000,000.

Two-thirds of the business of the Philippines is with the United States. In 1920 they sent to this country, measured in value, sugar, $49,619,260; hemp, $35,862,000; coconut oil, $23,268,000; tobacco, $19,927,000; embroideries, $7,811,000; copra, $3,716,870.

Our sales of American products in the Philippines in 1918 was $52,975,000; in 1920, $90,830,000. The total trade with the United States in 1920 was $197,506,000.

In 1915 the revenues of the Philippine Government were $13,905,000; in 1920 they were $43,500,000.

The total assessed value of property in the islands is now about $740,000,000.

The population of the islands is about 11,000,000. There are about 3,000 islands in the archipelago, with a total area of 115,026 square miles. Only about 10 per cent of the land is under cultivation.

The natural resources of the Philippine Islands are great and are largely undeveloped. It is doubtful if anywhere else in the world is to be found a like wealth of undeveloped resources.

Coming now to a consideration of their financial condition and the necessity for the present legislation, we find that the first bonded indebtedness incurred by the Philippine Government was for the purchase of the friar lands in the amount of $7,000,000. This is secured by provisions for repayment by sale of the lands. By the organic act of 1916, the limit of the public debt, exclusive of the friar land bonds, was fixed at $15,000,000. It is proposed by this bill to increase the limit to 10 per cent of the assessed valuation of the property, which would place the limit at about $74,000,000.

The justification for this legislation may be briefly explained. The Philippines, as did the United States, prospered greatly commercially during the late war. There was general employment of labor and wages were higher than ever before. Prices of all the principal products were also higher than ever before. Every project seemed to succeed, and general prosperity prevailed all over the islands. Following the war for a time those conditions continued, but the reaction came there, as it did here, and indeed all over the world. Depression came. The prices of their products rapidly fell. In many instances there, as here, the prices at which they were compelled to sell their products were below the cost of production. Laborers were discharged and many enterprises were abandoned.

These conditions still largely exist. There is some improvement, and if their finances can be placed on a safe and sound basis there is an early prospect of a return to normal prosperous conditions.

An encouraging sign is that notwithstanding the depression and uncertain financial status there is a remarkable state of

hopefulness among the people. They are in an optimistic mood. Everybody seems to think the depression but temporary, and that plenty of work, high prices, and better conditions will follow.

Unfortunately, during the period of prosperity the government embarked in business. It bought a railway, built sugar centrals, invested in coal mines, and financed other commercial enterprises.

The Philippine National Bank was established and was made the financial branch and arm of the government. A law was passed making it the government depository and compelling all provincial and municipal governments to deposit their funds in it. The sinking funds, and reserves for the security of the currency, and the proceeds of bonds issued for public works were all deposited in the bank. These funds were used to purchase and finance the government's business enterprises, and much was loaned for uncertain enterprises without adequate security.

When the depression set in the bank became insolvent. It owes the insular government about $45,000,000. It has an outstanding paper currency of over $16,000,000, with nothing to redeem it with. Its securities can not be disposed of, and the property financed or owned can not be sold except at great sacrifice.

When something of these conditions became known a general panic of an extremely disastrous character seemed inevitable. The peso was depreciated in value 17 per cent. An appeal was made for help, and banking experts were sent from the United States to take charge of the bank. This probably arrested the panic. As an immediate necessity and to prevent further depreciation of the currency the experts advised an extension of credit from fifteen to thirty millions. It was thought then that perhaps an early liquidation of some of the bank's assets might be secured and that the extension then granted might be sufficient. The extension granted did greatly strengthen and stabilize the situation. But when Governor General Wood, with his financial advisers and the banking experts he called to his assistance, had made a careful and complete examination of the general financial situation of the government as well as the bank it was found a much larger extension of the limit of indebtedness must be granted in order to liquidate or save the bank and to place the government's finances on a sound basis. The leaders of the Filipino people were called into counsel, and when fully apprised of the situation agreed that it demanded a complete reorganization of Philippine finances. This reorganization required the passage by the Philippine Legislature of several bills which were prepared, agreed upon, and passed almost without opposition. A concurrent resolution was adopted, as follows:

FIFTH PHILIPPINE LEGISLATURE,
Special session of 1922.

Begun and held at the city of Manila on Monday, the 13th day of February, 1922.

Concurrent resolution 36, urging upon the President and Congress of the United States the advisability of increasing the debt limit of the islands in order to make it possible to issue bonds for certain purposes.

Whereas it is essential to the welfare of the government of the Philippine Islands that its currency system be placed on a firm basis, and to that end that there shall now be established and hereafter maintained a treasury certificate fund which shall at all times equal 100 per cent of the face amount of outstanding treasury certificates in circulation, and in addition thereto a gold-standard fund, which at the minimum shall amount to 15 per cent of all outstanding government currency, whether coin or treasury certificates; and

Whereas it is also advisable that certain sums advanced to the government by the Government of the United States be reimbursed and that certain other current obligations of the Philippine government be discharged; and

Whereas it is also essential to the welfare of the government that certain funds heretofore created under Act No. 2908, for Manila port improvements, etc., and Act No. 2940, for irrigation systems and other public works of a permanent character, be made available for the purposes described therein; and

Whereas for all the objects above described the following sums will be needed:

	Pesos.
(1) For the treasury certificate fund, approximately	36,500,000
(2) For the gold-standard fund, approximately	10,000,000
(3) To reimburse the United States Government, etc	10,500,000
(4) For Manila port improvements, etc	12,000,000
(5) For irrigation systems, etc	20,000,000
Total	89,000,000

Whereas the Congress of the United States, by act approved August 29, 1916, as amended, has provided that the entire indebtedness of the Philippine government, exclusive of so-called friar land bonds and other secured obligations, shall not exceed at any one time the sum of 60,000,000 pesos; and

Whereas with the issue of bonds in the sum of 10,000,000 pesos, authorized by act of the legislature No. 2999, approved February 2, 1922, such indebtedness will amount to 60,000,000 pesos: Now, therefore, be it

Resolved by the House of Representatives (the Philippine Senate concurring), That the advisability of immediately increasing the debt limit of the islands from 60,000,000 pesos to 150,000,000 pesos, so that bonds may be issued to provide funds for the above purposes, in the order stated, should be, and the same hereby is, urged upon the President and the Congress of the United States.

Adopted February 17, 1922.

FRANCISCO ENAGE,
President pro tempore of the Senate.
SERGIO OSMEÑA,
Speaker of the House of Representatives.

Finally adopted by the senate on February 17, 1922.

F. MA. GUERRERO,
Secretary of the Senate.

This resolution, which originated in the house of representatives, was finally adopted by the same on February 13, 1922.

RAFAEL VILLANUEVA,
Secretary of the House of Representatives.

Approved.

LEONARD WOOD,
Governor General.

Acts were also passed making it obligatory to deposit all insular revenues in the insular treasury instead of the Philippine National Bank; providing a 100 per cent reserve against outstanding government paper currency and a gold reserve of 15 per cent for outstanding silver and paper currency; restoring reserves and sinking funds and avails of bonds issued for public works and municipalities.

This and other legislation has been carefully worked out with the cooperation of all those interested. It must not be understood that there is any considerable opposition on the part of the Filipino people to this reorganization plan. Their leaders are lending it their most hearty cooperation and giving it their entire approval.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARRETT of Tennessee. It is true, is it not, that during the Harrison administration precisely this same thing in principle was recommended and in part adopted?

Mr. TOWNER. The reorganization of the affairs of the government?

Mr. GARRETT of Tennessee. Yes.

Mr. TOWNER. In part it has been considered necessary for some time. I do not know to what extent Governor Harrison recommended reorganization, but a full realization of its necessity has not been brought to light until within the year.

I believe we all are anxious to avoid any partisan issue arising in the consideration of this question. As long as we have assumed control over the limit of their indebtedness we are responsible for what is done. Our action should be governed solely by what is best for the islands. If at their officially expressed request we should refuse what is reasonable and what is necessary and disaster should follow, it would clearly be our fault and not theirs. On the controverted question of independence it will be necessary and best from either viewpoint that this legislation be enacted. If independence be granted them speedily it will be for their manifest advantage that their finances be placed on a sound foundation. If they are to remain in some relation with the United States for a long, indefinite period the same is true. From either standpoint panic and financial chaos would be disastrous and a permanent injury to the islands.

Mr. MAPES. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MAPES. Does not your bill provide for an unusually heavy indebtedness? Is not 10 per cent of the aggregate tax valuation more than the limit placed upon most of the municipalities of the United States?

Mr. TOWNER. I think not. I think many of the States have the same limit we have placed upon the Philippine Islands.

Mr. MAPES. Ten per cent of the valuation?

Mr. TOWNER. Yes; of the assessed valuation.

Mr. MAPES. Are not municipalities limited to less than that as a rule?

Mr. TOWNER. My information is that many municipalities have the same limitation—10 per cent. Under this law all municipalities in the Philippines have a 7 per cent limit except Manila, to which we have extended the limit to 10 per cent.

Mr. WILLIAMSON. I observe that under the bill the friar land bonds are not to be considered as part of the indebtedness authorized. Has the gentleman any information as to what per cent of the assessed valuation of the property in the Philippines the friar land bonds would amount to?

Mr. TOWNER. Only a very small per cent, I think. The gentleman will remember that when we took possession of the Philippine Islands we purchased the friar lands from their owners and turned them over to the Philippine Government, to be sold by them to the people for farms and homes. These bonds were issued for the purchase price of the lands, and as they are sold the amount received is applied to the payment of the bonds. The amount received from the sale of these bonds will much more than pay for the indebtedness.

Mr. WILLIAMSON. So, as a matter of fact, no assessment will be required in order to pay for these bonds?

Mr. TOWNER. No. Those bonds ought not to be considered as part of the national indebtedness.

Mr. WILLIAMSON. What provision, if any, is there for the retirement of the proposed increase of the bonded indebtedness of the islands?

Mr. TOWNER. In the legislation passed by the Philippine Legislature the most careful provision is made for a sinking fund and for the preservation of the reserves.

Governor General Wood called the legislature in special session to consider the bills that were to carry into effect this reconstruction arrangement and they were all promptly passed. The one which amends the existing law, with complete guaranties for the protection of the reserves and currency, and which establishes a gold standard fund with which to maintain the parity of the Philippine silver and paper peso with the gold standard peso; of establishing a treasury certificate fund to redeem the treasury certificates; and to provide for the issue of bonds for those purposes, has been passed, subject not only to the approval of the Governor General, but also subject to the approval of the President of the United States.

When Congress has acted and the President has approved this legislation the Philippines will have as well devised and carefully guarded a system of governmental finance as can be found anywhere in the world.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield for a further question?

Mr. TOWNER. Certainly.

Mr. WILLIAMSON. To what extent is the Philippine currency now depreciated, and will the sale of additional bonds provided for materially help to bring such currency back to par?

Mr. TOWNER. The currency was at one time at about 17 per cent discount. After the passage of the first extension act the discount was reduced to 6 per cent. Upon putting into operation these laws it will be at par and as good as any money in the world.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield there?

Mr. TOWNER. Yes.

Mr. EDMONDS. Was this depreciation over there the result of the mismanagement of the Philippine bank?

Mr. TOWNER. Certainly; that was one of the causes.

Mr. EDMONDS. Was any of it dishonest?

Mr. TOWNER. Yes; part of it was dishonest. A branch of the bank was established at Shanghai and large losses occurred there because of dishonest practices. The managers of other branches and the president of the principal bank at Manila were prosecuted and convicted for dishonest practices.

Mr. EDMONDS. Who were they? Were they political factors in the Philippines?

Mr. TOWNER. I know the names of very few of them, and do not know whether they were political factors or not.

Mr. EDMONDS. Were they Filipinos or Americans?

Mr. TOWNER. Most of them were Filipinos, as I am informed.

Mr. WILLIAMSON. Can the gentleman give us the approximate amount of the loss sustained by the Philippine Government as a result of the mismanagement of the bank?

Mr. TOWNER. At present the loss is about 89,000,000 pesos, or about $45,000,000, as reported by Governor General Wood; but payments are being made from time to time by the bank to the government. The property and security held by the bank can not now be disposed of at its cost or value. It will probably take years to realize on the bank's assets, which are certainly not available now, and eventually when disposed of there will be a considerable loss. How much, it would be impossible now to estimate.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MAPES. The report says the limit of indebtedness has already been raised from $15,000,000 to $30,000,000?

Mr. TOWNER. Yes.

Mr. MAPES. What would be the limit if this bill were passed?

Mr. TOWNER. Probably $73,000,000 or $74,000,000.

Mr. MAPES. More than twice the present limit?

Mr. TOWNER. Yes.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. JOHNSON of Mississippi. My information is that the managers of the bank were Americans.

Mr. TOWNER. I understand they were mostly, at least, Filipinos.

Mr. JOHNSON of Mississippi. I think that is very material.

Mr. DE VEYRA. The manager was Mr. Miller, an American.

Mr. TOWNER. The manager of the branch established at Shanghai was an American, a Mr. Miller. The president of the central bank at Manila, General Concepcion, was a Filipino. The managers of other branch banks were Filipinos. Seven or eight have already been tried and convicted, including both Miller and Concepcion.

Mr. EDMONDS. I would like to ask the gentleman further whether there was any connection between the political affairs of the Philippine Islands and the losses of these banks?

Mr. TOWNER. I could not answer.

Mr. EDMONDS. The gentleman does not know that?

Mr. TOWNER. I do not know that.

Mr. EDMONDS. The government was not responsible for this loss on the part of the bank?

Mr. TOWNER. The bank was; but, of course, the government owned 90 per cent of the stock of the bank.

Mr. EDMONDS. And in that case it would be responsible for 90 per cent of the loss.

Mr. TOWNER. Mr. Chairman, the Committee on Insular Affairs have gone into all these matters very carefully before reporting this bill. We had extended hearings. We had before us General McIntyre, Chief of the Bureau of Insular Affairs, who has had intimate knowledge of the financial affairs of the islands for years. We had before us Mr. Herrick, of Boston, a very able lawyer, whose practice has been largely confined to banking and financial matters.

At the request of the Secretary of War he went to the Philippines while in the Far East and advised with and assisted in arranging the details of this reconstruction program. Mr. Herrick was of great assistance to the committee in arriving at a knowledge of the true conditions now existing in the Philippines and as to the necessity for this legislation. All sources of information were sought. The detailed statements and reports of Governor General Wood were before the committee. The committee became convinced that the proposed action was not only wise but necessary.

In a cablegram sent by Governor General Wood, of date April 1, he said:

> Strongly urge you to ask Congress to fix limit indebtedness in the Philippine Islands as it is now fixed for Porto Rico as quickly as possible. Am embarrassed by inability to take advantage of bonds for Manila port works and irrigation works, which were started under approval of former debt limit, and sale of bonds which, due to policy of previous administration, were diverted to currency reserves. Work has been stopped on many necessary public improvements, and others carried on in restricted manner from general fund, which is now overdrawn approximately 10,000,000 pesos, due principally to inability to recover deposits in national bank. Several important irrigation projects nearing completion should be finished during present dry season. Otherwise great loss and damage will be incurred by coming rainy season. Impossible to proceed with other essential approved projects, contracts for which should be made immediately or work will be delayed one year more. Sanitary and other humanitarian work seriously curtailed and impaired. Action of Congress along lines recommended in my telegram of December 19, as modified by your suggestion giving islands same status as Porto Rico, will enable me to carry on necessary public works and place government on sound financial basis by the end of this year and restore credit and confidence both here and abroad. Without such action untold harm will be done, and the possibility of restoring satisfactory conditions, financial and otherwise, will be greatly endangered.

Throughout all these negotiations and arrangements in the preparation of the necessary legislation the leadership, skill, and tact displayed by Governor General Wood have been conspicuous. He has rendered a great service to the Philippines as well as to the United States in thus averting what might have been a catastrophe seriously injuring the Filipinos and greatly discrediting the Americans. We are jointly, perhaps primarily, responsible, and can not avoid discredit if we do not now do our part as promptly and as thoroughly as the Filipinos have done theirs.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WILLIAMSON. Is it the purpose of the present government of the Philippines to continue this bank in which the government owns 90 per cent of the stock?

Mr. TOWNER. The future of the bank can not be determined now. It would not be wise to attempt to wind up its affairs at present. To attempt to realize by forced sale on the assets would occasion great losses. It seems to be the general thought that it will be best to continue its existence at least for a time, until some advantageous disposition of its assets can be made or some method of reorganization agreed upon. If it is continued under its present management, it is safe and its future can be worked out later to the best advantage of all concerned. The funds of the government will no longer be deposited in the bank, as under the new legislation they are required to be deposited and kept in the insular treasury, so they are safe. I think we need not have any

particular apprehension regarding the future, so far as the bank is concerned.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The gentleman from Tennessee [Mr. GARRETT] has five minutes remaining, which he has left in charge of the gentleman from Virginia [Mr. MOORE].

Mr. TOWNER. Will the gentleman yield to me two minutes? I want to make one closing statement.

Mr. MOORE of Virginia. Yes.

Mr. WILLIAMSON. The bank is now under the management of Americans?

Mr. TOWNER. Yes. Gentlemen of the committee, everyone who has gone into this question at all carefully approves this legislation. It is not only important, it is essential and absolutely necessary.

The limitation now asked is a reasonable one, especially so for a growing country with a great wealth of undeveloped resources. The Philippines have unlimited iron, unlimited timber, coal in almost every important island, great fisheries, vegetable oils without end, hemp such as is found nowhere else in the world, sugar to an undefined limit, great production and still greater possibilities of tobacco—all the riches of the Tropics and many of the products of the Temperate Zones are theirs. Seventy-one per cent of the land is still public land and subject to settlement and development. Governor General Wood, who knows the islands as well or better than any other American, says the Philippines can easily sustain a population of from fifty to sixty millions of people. To such a people and for such a land a 10 per cent limit of indebtedness is perfectly safe. Since we have assumed the responsibility of limiting their indebtedness, we should be sure that the limit we place does not hinder or prevent the development of their resources and the prosperity of their people. So I believe there ought not to be any hesitancy on the part of the committee in making a favorable recommendation nor on the part of the House in passing the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MOORE of Virginia. Mr. Chairman, I yield to the Resident Commissioner from the Philippines [Mr. DE VEYRA] such time as he desires.

Mr. DE VEYRA. Mr. Chairman, I ask unanimous consent to insert in the RECORD an illuminating comment made by Professor Kalaw, of our Philippine University, on the veto power exercised by Governor Wood. I consider it a very educational document, which ought to be called to the attention of Members of the House.

The CHAIRMAN. The gentleman from the Philippine Islands asked unanimous consent to extend his remarks in the RECORD by printing the address indicated. Is there objection?

There was no objection.

VETOES BY GENERAL WOOD ARE DEATHBLOW TO PHILIPPINE AUTONOMY.

Mr. DE VEYRA. Mr. Chairman, Philippine autonomy is threatened by the promiscuous use of vetoes by General Wood, and in this connection I desire to insert in the RECORD an article by Maximo M. Kalaw, dean, College of Liberal Arts, University of the Philippines, as printed in The Philippines Herald on March 19, 1922.

The article is as follows:

[From The Philippines Herald, Mar. 19, 1922.]

GOVERNOR WOOD'S VETOES A DEATHBLOW TO PHILIPPINE AUTONOMY.

(By Maximo M. Kalaw, dean, College of Liberal Arts, University of the Philippines.)

The present government of the Philippines is no longer the government of two years ago. The same law governs us, but in practice and in its workings an entirely different machinery now obtains. One of the factors which has changed the government from an autonomous to an almost autocratic one is the use of the veto power recently exercised by the Governor General in disapproving no less than 16 bills. It certainly is contrary to the spirit of the Jones law.

The Jones law, in the words of its preamble, confers upon the people of the Philippine Islands as large a control of their domestic affairs as can be given them without in the meantime impairing the exercise of the rights of sovereignty by the people of the United States. It creates an entirely Philippinized legislature, leaving in the hands of the Filipinos ample legislative powers. Quoting the author of the bill himself, the late Representative Jones, the act "practically confers all legislative powers upon that people, thus giving to them the control of their domestic affairs in all essential particulars."

The Governor General, on the other hand, is given a limited power to veto legislation, and recently he has exercised this power in vetoing 16 bills. It is evident from their titles that most if not all the bills vetoed are of purely local interest. They do not impair the exercise of American sovereignty. The Governor General himself recognizes this fact in his explanations. Nobody doubts that he has good intentions.

DID WOOD EXCEED AUTHORITY?

It is not our purpose to discuss the merits of the bills vetoed. Nor do we for a second doubt the motives of the Governor General. In the exercise of his veto power the Governor General has really two capacities. When he vetoes a bill which he believes may impair the exercise of the rights of American sovereignty, he is exercising that power as the representative of the American Government in the islands; but if he vetoes a bill of purely domestic concern, he is considering himself a part of the legislative machine. It is evident that the recent vetoes are made in a capacity as legislator. Now, the question arises, How far should the Governor General, as a matter of policy, exercise his veto power in matters of purely local interest? Should he consider himself at all a part of the legislative machine?

We may at the outset safely assume that the veto provision in the Jones Act is an imitation of the presidential veto in America. The original purpose of the presidential veto was not to make of the President a part of the legislative branch. On the contrary, the framers of the American Constitution were so enamored with the theory of the division of powers that they would not have dared have the Executive actively participate in legislation. The veto provision was included "for the sake of protecting the Constitution, and, in particular, the Executive, from congressional encroachments." (Bryce, American Commonwealth, p. 59.) Consequently, the veto power was not intended to be often exercised, and in the early history of America it was very sparsely used. Washington used the veto only twice. It was never used by John Adams, Jefferson, J. Q. Adams, or Van Buren, who served full terms, or by W. H. Harrison, Taylor, Fillmore, or Garfield. In signing bills Presidents have sometimes indicated objections, which Congress has afterwards remedied by supplementary legislation.

HISTORY OF THE VETO.

The use of the veto as an active part of legislation is of but recent date. It took place only after the transformation of the Presidency from a nonrepresentative institution into a representative one. It should be remembered that the framers of the American Constitution did not intend to make the President elected by the people. He was to be elected by a nonpartisan body of men—the electors, the chosen few. The extensive use of the veto was begun by Jackson when he asserted that the Congress was not as amenable to the people as the President, for the President "is the direct representative of the people elected by the people and is responsible to them." From that time on the veto power exercised by the American Executive has been sanctioned by public opinion.

The presidential veto has succeeded because, quoting Bryce, "the President, being an elective and not a hereditary magistrate, is responsible to the people, and has the weight of the people behind him." The veto as an institution has always failed or has become obsolete whenever it is exercised by an authority not responsible to the people. The King of England, ever since the time of Queen Anne, more than 200 years ago, has never exercised it, although theoretically he has still this power. The only probable occasion in which he may veto acts passed by Parliament is when he is so advised by his responsible ministry. This will happen only when the Cabinet is at odds with Parliament. But we do not want to bring an analogy between England and the Philippines.

England is an independent country and her Parliament is a sovereign body. An analogy is closer between the Philippines and an English self-governing colony. In English self-governing colonies the governor represents the sovereignty of the metropolis, England. He has, like our own governor, veto power in legislation. Quoting the rules and regulations issued by the colonial office on legislative councils and assemblies in English self-governing colonies, "in every colony the governor has authority either to give or to withhold his assent to laws passed by the other branches or members of the legislature, and until that assent is given no such law is valid or binding." The colonial legislature, like our own legislature, is limited by the charter, equivalent to our Jones Act.

The extent of the autonomy granted the English self-governing colonies and that given the Filipinos under the preamble of the Jones Act is strangely similar; in English self-governing colonies the rule is that, in all matters of local concern, the local authorities should be given a free hand, and in matters of impartial concern the metropolis, represented by the governor, should act. In the Philippines the purpose is to give the Filipinos as large a control of their domestic affairs as will not impair the exercise of American sovereignty. In pursuance of the English principle, an English governor has refrained from vetoing legislation of purely local concern. Yet it must not be supposed that he is not often tempted to use his veto power when he sees faulty legislation. The mode of correcting legislation in an English colony is different. Says Todd: "Since the concession of responsible colonies of Great Britain, as well as formerly, the Imperial Government, while seldom resorting to the extreme measure of disallowing colonial acts, has repeatedly pointed out, in dispatches from the secretary of state for the colonies to the governor of the colony, errors, defects, or omissions in colonial laws, which required to be remedied by further legislation, and has cautioned the colonial government as to the spirit in which certain exceptional powers, granted by a colonial act, which had been approved by the Imperial Government, should be made use of, so as to avoid abuse or oppression. In this way the paternal oversight of Her Majesty's Government has frequently been exercised for the benefit of the colonies without encroachment."

VETO SHOULD BE USED ONLY TO PROTECT AMERICAN SOVEREIGNTY.

We venture to suggest that our Governor General is not justified, as a matter of policy, to use his veto as an active instrument of legislation. It is the purpose of the Jones Act to give complete legislative power to the Filipino people in their domestic affairs. The Governor's veto is intended to be used only on extraordinary occasions, when the rights of American sovereignty are at stake. To use it as the President of the United States uses his veto power is tantamount to making the Governor General a veritable autocrat. It must be remembered that the President's present influence on American legislation is primarily due to his veto power. In fact, his recognized leadership has been brought about mainly through the exercise of that power. "The President," says Woodrow Wilson, "is no greater than his prerogative of veto makes him." But the success of his exercise of that power has been made possible only by his popular representation; he is the people's national representative. His veto is indirectly the people's own veto. The case of our Governor General is different. He represents external control, foreign to and not representative of the people. Unless advised by responsible Filipino counselors or by an overwhelming Filipino public opinion, his veto can not be said to be the people's veto. Consequently it should be very sparsely used. It would be more fitting for him to adhere to the practice of the early American Presidents who used that power only to protect the Executive and the Constitution from congressional encroachments. Such a practice would be entirely in consonance with the purpose of the Jones Act and totally in accord with the modern exercise of the veto by an executive irresponsible to the people.

The foregoing considerations were undoubtedly the reasons why Governor General Harrison did not often exercise his veto power.

Throughout the five years of his rule under the Jones law he vetoed only five bills. During his first year he vetoed three which were of a domestic nature, but the leaders made such a fight that afterwards he realized the necessity of refraining from vetoing domestic bills. In 1921, just before he left, he vetoed two bills, one providing for compulsory education for children in the mountain Province and the other for the investment of sinking funds of friar lands estates, the bonds of which are held by American investors. It thus appears that Governor General Harrison tried to confine himself to the spirit of the Jones law.

VIOLATION OF SPIRIT OF JONES LAW.

The recent vetoing of the 16 bills by Governor General Wood is decidedly a violation of the spirit of the Jones law. He can not convince us that worse laws have been recently passed than two or three years ago. Some of the 16 laws vetoed carry splendid ideas, as he himself admits, like the laws creating cities. There may be one or two faulty parts, which may be corrected by subsequent legislation.

Our legislature, on the other hand, would do well to have more care in drafting and passing bills. It is often hard to resist the temptations of individual members in favor of local, petty, nonnational legislation. The 48 American legislatures found it so; hence the people got tired of them and began tying their hands. Many States limited the sessions of the legislature to do the least evil. Others limited their functions to certain subjects specified in the Constitution. Still others welcomed the veto of the governor, because the governor represents national interests and sentiments better. Everywhere there seems to be a distrust in legislatures, except in the Philippines, for the simple reason that in the Philippines our legislators are the only elective officials and they represent the national aspirations. This is the more reason why it is absolutely necessary that the proper procedure and care in framing legislative programs should be adopted to avoid the passage of bad laws.

PRINCIPLE OF AUTONOMY DEAR TO FILIPINOS.

But the principle which the Filipinos above all things fight for is autonomy. If the governor does not see his way clear to sign bills without approving every line of them, surely the Jones law should be changed. We believe that he is sincere, but mistakes the spirit of the Jones law; and if he is not in principle against autonomy but simply believes that the Jones law places upon him the responsibility of one-man government, then he should be the first one to recommend for a change. Certainly the present situation can not be tolerated, and with the present rate of the governor's vetoing of bills our autonomy becomes nothing but a shadow, because in matters pertaining to the executive departments he is also a one-man ruler. A great many of the old practices, whereby each secretary is given sufficient freedom of action, is also abolished.

ABUSE OF VETO MAY CAUSE REACTION IN PUBLIC SENTIMENT.

Nothing but the embers of the old autonomy now remain. Many of the practices and understandings which form the warp and woof of our past autonomous government are now gone. We have been forced to take backward steps, and unless something extraordinary is done in Washington, we fear a reaction by the people. That is why it has always appeared to the writer that the fight on leadership was a fight over a shadow, with the substance gone. There was plenty of ground to fight in the time of Harrison's administration, but with this new order of things what is left to our representatives is not worthy of the tremendous upheaval the leadership fight has produced. What is needed, if Governor Wood believes that the Jones law gives him powers which he must perforce exercise, is a change of the organic law, with independence, if possible; without independence, if we must.

The present situation can not long remain without arousing the tremendous opposition of the people.

Mr. MOORE of Virginia. Mr. Chairman, I shall support this bill, and it will doubtless be generally supported by the Members upon this side. I had hoped that my friend, the chairman of the Committee on Insular Affairs [Mr. TOWNER], would by this time have found an opportunity to deal with the question which is so much broader than the question presented by this bill, the question of granting to the people of the Philippine Islands their independence. I recall the fact that six years ago a Virginia Representative, William A. Jones, a stainless gentleman and a very able statesman, threw his intellect and soul into the effort to have a declaration made by Congress, which was made almost unanimously, that when a stable government is established in the Philippines the people of those islands shall be granted their independence.

Mr. TOWNER. If the gentleman will allow me, an opportunity will be given for discussing that matter very soon and doubtless it will be discussed at that time.

Mr. MOORE of Virginia. What time does my friend fix for that?

Mr. TOWNER. Within a month. The commission will be here about the 1st of June.

Mr. MOORE of Virginia. The declaration to which I have referred was made in 1916. Two years before that declaration was made a great American, Mr. Roosevelt, stated his strong desire that, because of the circumstances he detailed, the Filipinos should be given their independence. He said, "The Philippines, from a military standpoint, are a source of weakness to us." I have no doubt that he was considering, first, the possibility of being involved in war with some other power, and then another possibility which we trust will never materialize. As to the latter possibility his thought was perhaps in line with the thought of Edmund Burke, who said of a condition which we all remember, "We should reflect how we are going to govern a people who think they ought to be free and think they are not."

The dream of Philippine independence that was expressed in the Jones Act of 1916 now seems to be fading away, and instead of the prospect of that dream being soon fulfilled we find, unfortunately, that there appears to be a sentiment growing in the opposite direction. Yet I believe the evidence fairly shows that what the Jones law anticipated has occurred and that the Filipinos are now entitled to expect a realization of the promise that we made to them six years ago. The best testimony seems to be to that effect. We have all of us received lately recent books containing a discussion of the subject by Burton Harrison and Charles Edward Russell, which is to that effect.

Every bill of this character tends to strengthen the adverse influences, because every such bill when enacted assures a further investment in the Philippine Islands by those who will thus acquire a motive to resist the policy advocated by Mr. Jones, by Roosevelt, and by Mr. Wilson, who during the last Congress, I believe, on two occasions sent a message to Congress urging that the promise of 1916 be performed. I have great confidence in my friend the chairman of the committee. I am glad of his assurance, and I earnestly trust that the result of the investigation which he forecasts will be that the United States should say to these people, "You have a government that justifies and warrants you in calling upon this Government to surrender the control which it now exercises over you." [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired. All time has expired.

Mr. KING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. KING. Mr. Chairman, in support of H. R. 293, a bill to provide for the independence of the Philippine Islands, introduced by me in the House on April 11, 1921, and now before the Committee on Insular Affairs, I desire to insert an article on "The Philippines: Independent or vassal?", written by Charles Edward Russell and published in the Nation on April 26, 1922.

The article is as follows:

NEWS FROM THE PHILIPPINES.

The Herald, a daily newspaper of Manila, owned and conducted by Filipinos, printed a cartoon in which Governor General Wood was depicted as about to stab with a dagger labeled "Veto" a lady labeled "P. I. (Philippine Island) Autonomy." The American colony resented this, deeming it seditious and libelous. Prosecution was threatened. The editor apologized. The incident closed. Give yourselves no concern about it, good people in America. It was but the extravagance of a few hot-headed, misguided youths. All is still well with us in our island dominions.

Thus the dispatches allaying uneasiness and seeking to renew our pleasant belief that aside from a few noisy politicians the Filipinos are blissfully content with their dependent State. Unfortunately the blithesome spirit that seems to animate these dispatch writers is unwarranted. Not all goes well with us in the Philippines. The incident of the cartoon was not a negligible outburst of youth. It was a symptom of a condition, profound and disquieting. Other such symptoms have protruded for our noting. As a rule we have chosen to ignore them. Still other manifestations will follow of the same order. If we choose we can ignore them also. But what we are likely to meet if we press upon that path promises nothing for optimism.

"The Emperor of the French 'walked his own wild road whither that led him,'" observes McCarthy, describing the exploits in Mexico of Napoleon III. In spite of so many warnings, so many solemn facts that pointed him backward, Sedan and ruin were the ending of that road. We might profitably remember that there are moral no less than physical and imperial Sedans. After all our professions of altruism and the better ideals, what shall be our position before the world when we come to the pass of retaining only by superior brute force and the pointed rifles an unwilling nation that shall thrust into our faces meanwhile the dishonor of broken covenants and pledges travestied for the lust of profits and territory?

Toward some such disaster the signs now point us as plainly as those Louis Napoleon disregarded. Yet it is to be assumed that if we progress along a wild road of our own we walk more blindly than deliberately. Very likely the Nation has never considered with attention what is going on in the Philippines; very likely it has had little chance for such considering. As to this judge for yourselves:

The people of the Philippines received with deep resentment the news of the findings of the Wood-Forbes mission. The substance of that report consists, in plain terms, of reasons discovered why we should disregard our promises and should keep the islands. When this fact was understood by the natives, only the swift and skillful efforts of their leaders prevented a popular demonstration that would have left the people of the United States in no uncertainty as to the real temper of the islanders. Of this menacing situation the regular news channels carried not a word. To this day the masses of Americans have no reason to doubt that the Filipinos acquiesced graciously in the unfavorable verdicts of the Woods-Forbes report. The facts as to the popular resentment and its meaning reached Washington in a cable dispatch to the Philippine Commissioners. When because of its grave significance this was offered to the news bureaus none of them would handle it. Yet it was more important to the American people than any news the bureaus sent out that day.

Thus, intentionally or unintentionally, most of the information from the Philippines comes to us filtered, censored, or distorted. A few days ago one of the most reputable newspapers published a special cable dispatch from Manila about the delegation the Philippine Legislature is

about to send to Washington to protest against the Wood-Forbes report and to ask for independence. This dispatch observed sneeringly that the delegation was to be composed of politicians only; that in spite of the bankrupt condition of the country great sums of money were to be spent for its luxurious transport and accommodations; that the people had no interest in the mission and none in independence. It would be hard to say which of these assertions was the hardiest adventure in error. We may judge of all by searching as a sample the allegation of Philippine bankruptcy. There is no such thing. The country is rich, resourceful, prosperous. Taxes there are among the lowest in the world. In 1919 they were less than 6 per cent per capita as against 21.41 per cent in the United States and 33.08 per cent in Canada. There is no real shortage of public revenues, and if there were it could easily be remedied by an almost imperceptible increase in taxation and without borrowing a dollar.

The assertion that only politicians desire independence is perilous stuff to be circulating in this country. It is untrue and viciously misleading. These people have a background of 350 years of struggle for liberty. They have their historic heroes of that struggle dear to them as Winkelried to the Swiss and Emmet to the Irish. They have their records of brave deeds, wonderful sacrifices, during revolutions. American history, taught in their schools for 22 years, has fortified and deepened the lessons of their own. They have set their hearts upon freedom and nationality. They will never be satisfied with anything else. We may, if we please, shoot them into submission. We can not kill their aspirations. For all our guns and all our troops they will be henceforth our most reluctant subjects.

Even the Wood-Forbes mission, unfriendly to independence, recorded the evidences it found everywhere, except in the Moro country, of this seated conviction. It was evidence not needed. Since 1916 the Government has been in the hands chiefly of a legislature elected by the people. At every session it has demanded independence and appropriated the people's money to get it. At each succeeding election the legislators that have done the most for independence have won the largest popular votes. No opposition has appeared anywhere to separation; the only criticism of the party in power has been for not doing enough for it.

It is true that the franchise is not universal. As yet women do not vote, and the male suffrage has some moderate limitations for literacy and tax paying. But at the last general election 635,000 votes were cast, and of those that did not vote it is impossible that any considerable number was opposed to independence.

If, then, we believe in popular mandates, here is one from which we have no escape, for it is flawless and final.

Against this is flaunted the terrible Moro, pictured as furious against separation and devoted to American rule. Viewed impartially the portraiture has never been convincing to me. When I was in the Moro country I could never detect that the general feeling about independence was different from that in the northern provinces, and I have letters from representative Moros assuring me that it is not. At Zamboanga in the beautiful public square they were building a monument to Rizal as handsome as any other in the country; in all ways they seemed to have for his memory no less of reverence than their northern fellow countrymen. Rizal is the national hero of the independence cause; hence I am obliged to regard this fact as more significant than any off-hand statements.

But even if it is true that leading Moros are opposed to independence we are to remember that in a total population of 10,500,000 all the Moros number fewer than 400,000. Of these, many live on distant islands or in remote regions, so that their views on the subject have never been learned, and nobody can speak with authority about them. Most important fact of all, the Moros are not racially different from the other Filipinos. We are likely to think they are from what we read about them, but they are not. They are all Filipinos together. The only differences among them are religious. The Moros are Mohammedans (after a modified style of Islam), and most of the rest are Christians; 9,463,751 Christians against 886,999 non-Christians of all varieties—Mohammedans, pagans, Buddhists. It appears, then, that the prominence given to the ideas of the Moros on this subject is fictitious. By no possibility can they number more than 4 per cent of the population, and it would make no difference if they were all antiseparatists.

Of a piece with this is the stress laid on the supposed financial difficulties of the islanders. It is proposed to have Congress raise the debt limit that a new issue of bonds may relieve the stringency—$25,000,000 worth. No country, judged by its resources, is less in need of such help. Yet when the governor general vetoes 16 bills, most of them appropriating money, the fact is used to illustrate the poverty into which the native Government has plunged the country. Plainly, they are unfitted to govern themselves; look at the mess they have made of their finances. One of the vetoed bills happens to be for the benefit of the University of the Philippines, a native institution with more than 4,000 students and an excellent record. This fact is not exploited in the United States, but to the native mind has a certain peculiar sting. The university has long been a target for attack by the American colony, because it trains young men and women not to manual labor but to intellectual pursuits. Here, then, is the same mingling of race hatred and caste prejudice that we have shown so plainly in our dealings with Haiti and Santo Domingo. In the view of the average American in the Philippines the office of the Filipino is menial. The university has thus become to both sides a symbol of combat. It was this blow at the plexus of their ambitions that incited the Filipinos to the "veto" cartoon and will probably incite them to still other reprisals.

One phase of the contest Americans at home will easily understand if they will look beneath the arguments urged against independence. Nothing could be simpler. Under American rule Philippine products are admitted to the United States duty free, with the result that a large trade has been developed in Philippine staples. With independence American tariff duties would be effective against all these, and American capital invested in them would suffer loss. And what are these staples? Tobacco, sugar, hemp, lumber, vegetable oil. And to what doors do these investments lead? To the greatest and most powerful financial interests in America. And how far off are the interests that induced us to intervene in Haiti? Not a block. Should not this open all eyes?

Of two other facts in our relations with these people we can now be reasonably sure: First, the agitation for independence will grow until we can no longer ignore or belittle it; second, if that crisis shall require the armed forces of the United States again to confront a people struggling to be free, it will be no excursion in pleasure. An ill country is this for white men to fight in.

Before long we shall have to come to some definite decision as to these issues. The Filipinos are no fools, but people of swift and alert reasoning powers. They know well enough that all discussion in this country as to whether they are fitted for self-government, whether they govern well, whether the Moros think this or that, is idle and irrelevant. By the act of August 29, 1916, the United States pledged itself to grant independence to the Philippine Islands "as soon as a stable government can be established therein." Of any other condition, not a word, not a syllable, not a hint. For more than five years the people of the Philippines have conducted a government that rests upon their own mandate. Has it been stable? Upon this question and this alone the whole controversy must be judged. Apply to the government thus established and conducted any test of stability known to international practice. Apply the definitions given by President McKinley, by Mr. Root when he was Secretary of State, and note the result.

President McKinley said a stable government was "one capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own."

Mr. Root said it was one "elected by the suffrages of its people and supported by them, capable of maintaining order and of fulfilling its international obligations."

Judged by these standards, no more stable government has existed anywhere in these five years.

As to security of life and property, but for the shame involved, I should urge comparison of Philippine conditions with the homicide record of Chicago, 141 in six months, with New York undergoing a crime wave, with conditions in any great American city.

The Filipinos have fulfilled their part of the contract. We must fulfill ours or violate it, and that in short order.

But if for the sake of profits and imperial ambition we purpose to keep the Philippines, contract or no contract, why not say so frankly and prepare to turn to the world's derision whatsoever of brazen brow we can manage? To pretend that we are keeping them for the glory of God and the welfare of the Filipino soul is the style of nauseous hypocrisy at which a disillusioned world now heaves the gorge. Of this pious cocking of one eye to heaven while the other busily scans the balance sheet it has had enough with overmeasure. In such exploits of the commercial Tartuffe it recognizes now the very root and essence of the cause of war—if we care about that. And if our professed aversion to war concerns only war with peoples of our own complexion and we have no objection to bringing it upon brown, yellow, and black men, why not be candid enough to acknowledge that likewise?

The Clerk read the bill for amendment, as follows:

Be it enacted, etc., That the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act entitled "An act to amend an act entitled 'An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands,'" approved July 21, 1921, be further amended as follows:

That the proviso of section 11 of said act as amended be, and the same is hereby, further amended to read as follows:

"*Provided, however*, That the entire indebtedness of the Philippine Government created by the authority conferred herein, exclusive of those obligations known as friar land bonds, shall not exceed at any one time 10 per cent of the aggregate tax valuation of its property, nor that of the city of Manila 10 per cent of the aggregate tax valuation of its property, nor that of any Province or municipality a sum in excess of 7 per cent of the aggregate tax valuation of its property at any one time. In computing the indebtedness of the Philippine Government, bonds not to exceed $10,000,000 in amount, issued by that government, secured by an equivalent amount of bonds issued by the Provinces or municipalities thereof, shall not be counted."

Mr. TOWNER. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that it be agreed to.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10442) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921, and had directed him to report it back with the recommendation that it do pass.

Mr. TOWNER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HOSPITAL CONSTRUCTION—UNITED STATES VETERANS' BUREAU.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 11547, for the construction of additional hospital facilities for the United States Veterans' Bureau.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill H. R. 11547. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 11547, making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11547) making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau.

Be it enacted, etc., That for carrying out the provisions of the act entitled "An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau," approved April 20, 1922, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $12,000,000, and in addition to this amount the Director of the United States Veterans' Bureau, subject to the approval of the President, may incur obligations for the purposes herein set forth not to exceed in the aggregate $5,000,000.

Mr. MADDEN. Mr. Chairman, Congress passed an act, which was approved April 20, 1922, authorizing an expenditure of $17,000,000 for additions and hospitalization facilities now at the disposal of the veterans of all the previous wars. In the consideration of the appropriation bill which is now pending it was ascertained that to-day we have 8,464 general and surgical cases that are being treated under the present hospital facilities; neuropsychiatric cases, 9,104; tuberculosis cases, 11,469; making a total of 29,037. The number of cases in each class expected to be reached in 1926, which is said by those who have experience to be the period of the peak, is as follows: General cases, 7,000, so that there will be a reduced number; neuropsychiatric cases, 15,000, an increase over the number we have now; and tuberculosis cases, 13,000; making a total of 35,000.

Congress authorized 14 months ago the expenditure of $18,600,000 to provide facilities for the care of sick and wounded soldiers. There is $9,161,000 of that $18,000,000 unexpended. That does not mean that the money is not obligated, because contracts have been let which will consume the entire amount. But there is $9,161,000 unexpended. For the period of the last 14 months progress that should have been made in the preparation of facilities for the care of these men has not been made. It is said by the Director of the Veterans' Bureau that if this appropriation should be made he will at once begin the preparation of plans under which contracts will be let, and that within 12 months from the time the appropriation becomes available he will have every facility to meet the needs of the soldiers, and that he will make much more rapid progress in the future than has been made in the past.

The provision for facilities to be placed at the disposal of the wounded veterans under the $18,600,000 appropriation has been under the jurisdiction of a board. That board seems not to have made the progress which it should have made, and hence it is we are short of facilities, particularly for neuropsychiatrie and tuberculosis cases. We have all the facilities and more than we need for general and surgical cases.

There are many facilities now at the disposal of the Government which are in temporary buildings—some of them old, ordinary cantonment buildings in a bad condition; inconvenient, old wooden buildings under the jurisdiction of the Marine Hospital Service. Others are in contract hospitals, many uninviting, and in many such cases the men are not able to get the treatment which the Government wishes to give to them. There are a great many men being cared for in the Naval and Army hospitals. They do not like to go to the Army and Naval hospitals, as the director of the bureau says, because the discipline in these hospitals is more rigid than in the hospitals under the jurisdiction of the Public Health Service. They object to the discipline. The part of the discipline they object to is that which requires them to scrub or polish the floor. They think they are there as patients and not as employees of the Navy, and the director of the bureau thinks that they are justified in that objection. So, while we have many beds vacant in Naval and Army hospitals, it is impossible to get the men to go to these places. Hence the necessity for new and better facilities for their care.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. I understand that the bill appropriates $17,000,000.

Mr. MADDEN. The bill appropriates $12,000,000 now and authorizes that contracts may be let for the entire $17,000,000.

Mr. COOPER of Wisconsin. That is what I wanted to ask. What is the $5,000,000 for? Is that for the construction of new hospitals?

Mr. MADDEN. The whole $17,000,000 is for the construction of new hospitals, but the director of the bureau says that he will not be able to use more than $12,000,000 of it during the next fiscal year.

Mr. COOPER of Wisconsin. Is no portion of the $17,000,000 to be expended, or can it not be expended for the purchase of hospitals already in existence?

Mr. MADDEN. Let me read what the law provides:

Be it enacted, etc., That the Director of the United States Veterans' Bureau, subject to the approval of the President, is hereby authorized to provide additional hospital and out-patient dispensary facilities for persons who served in the World War and are patients of the United States Veterans' Bureau, by purchase and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise, such hospitals and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, vehicles, live stock, furniture, equipment and accessories, and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Director of the United States Veterans' Bureau is authorized to accept gifts or donations for any of the purposes named herein.

Mr. COOPER of Wisconsin. The word "purchase" answers what I had in mind. It allows him to purchase a hospital.

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. What is the $5,000,000 specifically appropriated for? How do you divide it up into $12,000,000 and $5,000,000?

Mr. MADDEN. We do not divide it up. We simply authorize the whole $17,000,000, except that we give them only $12,000,000 of cash at this time and $5,000,000 contract authorization.

Mr. COOPER of Wisconsin. Then he can do as he pleases with the $12,000,000?

Mr. MADDEN. He can do as he pleases with the $17,000,000.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CHINDBLOM. I presume $12,000,000 would be available until expended?

Mr. MADDEN. Oh, yes.

Mr. CHINDBLOM. And it is expected that the $12,000,000 will cover all of the expenditures during the next fiscal year?

Mr. MADDEN. We are so advised by the director of the bureau.

Mr. CHINDBLOM. Then the director does not expect to have all of these hospitals finished within the course of the year, as he told us?

Mr. MADDEN. Yes; he expects to have them all finished within the course of a year, but he will not be required to make all of the payments within the year. He expects to have them all completed, and he says definitely that he will have them completed.

Mr. CHINDBLOM. Does the gentleman know how he proposes to proceed, whether he is going to establish an architectual department of his own or let contracts for architectual work, or get that done by the other departments of the Government?

Mr. MADDEN. We have his word to this effect on that question. We definitely have his reply to a question asked by me. We were very anxious that he should not under any circumstances establish a new construction division of the Government, and we wanted to know whether he was going to use the facilities the Government already has or was going to establish a new construction bureau. He promised us positively that he would use the facilities which the Government now has, use them all if it was necessary, through which they will be able to make plans, both in the Army and in the Navy and in the Treasury Department, and to the extent that he can use them, expedite the work. He proposes to use them without putting an additional man on the pay roll anywhere.

Mr. CHINDBLOM. Does he propose to let any of the work of the preparation of plans and specifications and supervision of construction to outside architects?

Mr. MADDEN. None at all.

Mr. CHINDBLOM. I will say to the gentleman if that had been made clear before the Committee on Public Buildings and Grounds we would have saved some time in the consideration of the bill.

Mr. MADDEN. We have his absolute pledge that no part of this money will be used to create any new organization within the Government, and that all of the work to be done, not only as to making plans and specifications, but superintending the work of construction and making the contracts, will be done by the agencies already in existence.

Mr. CHINDBLOM. I am glad the Committee on Appropriations got better assurance than the Committee on Public Buildings and Grounds could get on those points.

Mr. MADDEN. If we had not had that assurance, we would have written it into the bill.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LOWREY. The gentleman says there is room, quite a good deal, in the Army and the Navy hospitals.

Mr. MADDEN. Yes.

Mr. LOWREY. Since we are now cutting down the Army and the Navy, it seems to me that some of those hospitals might be turned to this purpose without enforcing the discipline of which they complain. Has there been any discussion of that?

Mr. MADDEN. That has not been taken up by our committee, but we suggested that we would like very much to take the present facilities and utilize them to the fullest possible extent. We have been assured by the Director of the Veterans' Bureau that it is not possible to use the facilities to a greater extent than they are now being used, and he also says that 13,000 of the beds now available in the hospitals owned by the Government will probably have to be relinquished for the reasons:

(a) Marine hospitals which will probably have to be vacated to make room for beneficiaries of the United States Public Health Service, now hospitalized by the United States Veterans' Bureau.

(b) Leased hospitals which will probably have to be given up upon the expiration of the lease, and hospitals of temporary wooden construction, which in time will have to be evacuated. We have 13,000 beds available that by the time the proposed buildings are completed will probably have to be given up in any case, and hence the necessity for early, immediate, and expeditious action on the work under the bill now proposed.

Mr. LOWREY. My idea is this: Suppose there are three Army and Navy hospitals and that there are patients enough to fill only two of them. If you can not use them, why not temporarily turn over one of them to the Veterans' Bureau and fill the other two?

Mr. MADDEN. There is one more thing that may be said in connection with this, and that is that in many cases where vacant beds exist they are not so located as to be available without compelling the patient to travel from one end of the country to the other.

Vacant beds are not always what they seem, because they are not where they can be used, and while we have a number of vacant beds in a number of places they are so scattered they are really not available.

Mr. LOWREY. And evidently it would not do to transport them an unreasonable distance.

Mr. MADDEN. It looks as if something must be done and be done quickly to meet the present needs.

Mr. STAFFORD. If the gentleman will permit, during the consideration of the War Department appropriation bill the Army officer in charge of appropriations for Army hospitals testified that there was then and have been for more than a year past 1,200 beds available.

The gentleman has stated one of the reasons why the veterans do not care to go into these Army hospitals is because they are obliged to do charwomen's service, like scrubbing the floor. I wish to inquire whether the committee considered the removal of that objection so as to save money by providing that war veterans in an Army hospital should be relieved of charwomen's service so there would not be any excuse for not being sent to the Army hospitals?

Mr. MADDEN. The Committee on Appropriations not having legislative jurisdiction did not feel that it had the right to report legislation granting that relief; but I think, however, that the act under which the appropriation is contemplated is sufficiently broad to enable the President of the United States to issue any order that he may think proper to issue. I believe we ought not to invade the President's jurisdiction inasmuch as it is set out definitely and clearly in the act itself.

Mr. EDMONDS. I would like to ask the gentleman why the third district seems to be neglected in this matter?

Mr. MADDEN. I will say to the gentleman that I have nothing to do with the fixing of the districts nor had we anything to do with making the table indicating where the buildings are to be constructed.

Mr. EDMONDS. Who did fix them?

Mr. MADDEN. They are fixed by the President and the Director of the Veterans' Bureau, and it is a matter of information which they gave to us.

Mr. EDMONDS. Does the gentleman think the third district is more healthy than the eighth district, which the gentleman represents?

Mr. MADDEN. I have not the faintest idea. I have no more idea where they were to go than the man in the moon. We simply bring to you the information which was given to us by those who are charged with the responsibility of adjusting and locating these buildings and construction.

Mr. EDMONDS. The gentleman would not like to state that the third district is more healthy than the eighth?

Mr. MADDEN. I would not think it is. I do not know anything about the districts. I do not know what district I am located in.

Mr. EDMONDS. In the eighth.

Mr. SUMMERS of Washington. Can the gentleman tell us if it is the policy, where the Government owns ample ground and a well located hospital already established, and additional hospitals are needed in that district, whether these grounds will be utilized or whether new hospitals will be built?

Mr. MADDEN. My understanding from the Director of the Veterans' Bureau is that he has already practically decided upon the location of the hospitals; that every one except one, as far as I am able to say, is to be erected on ground owned by the Government of the United States or on ground to be donated by private individuals, but whether he wants to enlarge existing facilities I do not know, but I should judge not from what he says.

Mr. SUMMERS of Washington. Well, for instance, on ample ground where a hospital is already established, would it be considered advisable that the facilities be distributed or be kept somewhat concentrated in the center of the district?

Mr. MADDEN. I judge from what the Director of the Veterans' Bureau says that he will endeavor to distribute the hospital facilities at the most convenient points, and not to concentrate them in some given place.

Mr. SUMMERS of Washington. That is what I wanted to know, if the Government already owns the site and a hospital is in the center of the district——

Mr. MADDEN. The director says he is going to erect the buildings on Government lands wherever they are owned, except in one case.

Mr. JOHNSON of Washington. The authority is in the President and the Director of the Veterans' Bureau?

Mr. MADDEN. Yes.

Mr. JOHNSON of Washington. And they will locate them where they think best.

Mr. STAFFORD. The gentleman from Pennsylvania [Mr. EDMONDS] asked a question of the gentleman about the eighth district getting a larger amount——

Mr. MADDEN. He did not say that. He asked if it was more healthy.

Mr. STAFFORD. The fact is, as the gentleman knows, that as far as Wisconsin and Michigan are concerned they had more casualties in the service than any other district. That means the Director of the Veterans' Bureau would provide additional hospitals?

Mr. MADDEN. I do not think he will locate any building except where he believes the necessity is the greatest.

I think I have said all I care to say concernnig the bill.

Mr. BYRNS of Tennessee. I will say to the gentleman from Illinois that I have requests from this side for 45 minutes, of which I would like to have 20 minutes myself.

Mr. MADDEN. I will yield all the time I have to the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Tennessee is recognized for one hour.

Mr. MADDEN. Mr. Chairman, I yield the balance of my time.

Mr. BYRNS of Tennessee. Mr. Chairman, there is no objection from any member of the committee, or, I am sure, from any Member of the House, to this bill as reported from the Committee on Appropriations. The committee in presenting this bill has simply carried out the mandate of the House and of the Congress expressed the other day in authorizing the construction of additional hospitals in the sum of $17,000,000 for the disabled veterans of the World War. As explained by the gentleman from Illinois, this bill provides for $12,000,000 in cash and gives to the Director of the Veterans' Bureau full authority to contract for the construction of hospitals to the full extent of $17,000,000, by and with the approval of the President. It does not appropriate the entire $17,000,000 in cash at this time because the Director of the Veterans' Bureau stated that $12,000,000 would be ample for present purposes.

There should never be any hesitancy or delay in providing ample appropriations for the disabled soldier. He is entitled to the very best care and treatment that a grateful Government and country can give him. He freely and patriotically offered his life in behalf of his country, and now that he is disabled as a result of wounds or disease incurred by reason of his service,

it should never be permitted to be said that his country was either ungrateful or unmindful of his sacrifices and that it failed to provide for him the very best hospital accommodations and treatment and proper compensation. The American people desire that they be given the very best care and treatment possible, and their Representatives in Congress will, I am quite sure, vote every dollar that is necessary for that purpose without regard to cost. The Director of the Veterans' Bureau states that it is his purpose to begin the construction of these hospitals without delay and that they will be ready for occupancy within nine months after the contracts are let. Only about one-half of the previous hospital appropriation of $18,600,000 has been expended up to this time, the remaining hospitals being now under way.

Colonel Forbes, who has been given direct charge of this appropriation, assures the committee that greater speed will be made under this appropriation. He very fully appreciates the importance of speedy action and is anxious, of course, to see that the disabled veteran is provided with proper hospitalization and that every consideration is given to his comfort. I am glad to give my hearty support to this bill, and I am happy to believe that when the hospitals now under way are completed, and those here authorized are provided, that there will be full and ample accommodations provided for every disabled veteran of the war. If not it is quite certain that additional appropriations will be forthcoming.

I regret personally that this bill was called up at this time without previous notice, because there is no particular urgency for its passage to-day. It could have been passed on Monday or Tuesday, or on to-morrow, without the slightest detriment to the service. In fact, I had understood that it would not be called up for several days, and only yesterday the majority leader stated that there would be only two measures which would be called up to-day. And I want now to protest as earnestly as I can against this calling up of bills without at least consulting or, rather, indicating or giving notice to minority Members that bills will be called up. It so happened when the unanimous consent was requested for the consideration of this bill that I had just left the Chamber for a moment.

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. And I had no knowledge of the fact that it was to be called up at this time, and I think I was entitled to the courtesy of being notified that this request was to be made.

Mr. MADDEN. I had not any idea myself that we were going to get to it until I saw there was likely to be an opening this afternoon, and the House is likely not to meet to-morrow, and I assume all responsibility for anything that has been done, without any intention whatever, as I am sure the gentleman from Tennessee knows, of ignoring anybody.

Mr. BYRNS of Tennessee. I am quite sure of it, and I certainly acquit the gentleman from Illinois of any intention to ignore any minority member of the committee. But I simply have stated what I have for the future, because there are a number of Members who have spoken to me with reference to getting time on this particular bill. And I am put in a rather embarrassing position by the fact that this bill was called up without previous notice to me, so that I could have notified those gentlemen and attempted to secure for them the right to discuss some matters they wanted to present when this bill was taken up. And I have said what I have said more by way of defense of myself and of explanation to them than for any other reason.

As I have stated, there is absolutely no objection to this bill. We are all for it, and of course it will pass without any objection upon the part of any Member of the House. I want to take advantage of the latitude allowed under general debate to discuss for a very few minutes another subject.

On April 14 the Secretary of the Treasury in a letter to the Finance Committee of the Senate stated that a deficit at the end of the present fiscal year would only be avoided by the postponement of certain railroad obligations until the fiscal year 1923, and that by such postponement there would be a surplus on June 30 of about $47,000,000. If these payments were not postponed the deficit would amount to about $153,000,000. In the same letter he stated that next year the deficit in the Treasury would amount to $484,000,000, which includes $125,000,000 accumulated interest on war savings certificates. This is a stupendous sum. It is nearly as much as was required to pay the entire annual expenses of the Government a little over 20 years ago. The Secretary makes it plain that in figuring this deficit his estimate is based on the estimates of expenditures which appear in the Budget submitted last December. He did not include, therefore, charges on the Treasury for 1923 which have been imposed by act of Congress and otherwise since the December Budget was submitted, or those which are prospective and which will probably be later imposed. His statement did not include $15,000,000 extra appropriation for rivers and harbors; $65,000,000 for the construction of roads; $17,000,000 for additional hospitals; $77,000,000 as the initial payment on soldiers' compensation, which it is stated will go into effect January 1, and the $5,000,000 which it is proposed to loan to Liberia. Neither did it include the $50,000,000 which is proposed for a ship subsidy or the extra appropriation which the administration proposes for the Navy and which it has been estimated will amount to $60,000,000. Nor does it include something like $35,000,000 for the payment of a bonus to civilian employees next year, which Republican leaders tell us will be passed if the reclassification bill is not passed prior to July 1. When these figures are added it will be seen that the deficit next year will amount to at least $758,000,000, and it should be said that certain legislation now pending such as increases in the Army, increased pay of officers, and other legislation which we are told it is proposed to pass will still further increase this deficit. The question naturally arises where the revenues to take care of this deficit are to come from.

In transmitting the estimates for the pending appropriations the President failed to comply, or to even make an attempt to comply, with the plain, positive provisions of the Budget law. Section 203 of that law authorizes the transmission to Congress of supplemental or deficiency estimates, and subdivision B of that section reads as follows:

> Whenever such supplemental or deficiency estimates reach an aggregate which if they had been contained in the Budget would have required the President to make a recommendation under subdivision (a) of section 202, he shall thereupon make such recommendation.

Subdivision (a) of section 202 reads as follows:

> If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditures in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President in the Budget shall make recommendation to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

The President has wholly ignored this express provision of the statute which made it his plain duty to give Congress the information and recommendations referred to. This particular estimate adds to the stupendous deficit with which our Treasury will be faced next year, but there is not a line of suggestion or recommendation as to what steps Congress shall take to meet it. It is true the Washington Post, the recognized mouthpiece of the administration, has stated that it is understood that some kind of additional taxes will have to be levied upon the people to take care of this deficit, and we can probably accept this as an expression of the views of the President, but the point I am making is that the President should have given this information to Congress when he sent forward this estimate. Are we to understand by his silence that it is intended to permit this immense deficit to drag along until after the election in November, with no effort to make proper provision for it, and that when Congress assembles in December these additional taxes will be imposed? We are told by recognized authority that this deficit will surely occur. The people know that the money must be raised to meet the obligations of the Government. And let me say to my Republican friends that the people will not be deceived, for they will easily see through the ill-conceived purpose in deferring the levying of these additional taxes until after the election in November.

I submit that this is an astounding record for the second year of Republican administration, and in face of the repeated declarations and promises that economies would be instituted and that taxes would be reduced.

The Republican administration and this Congress has claimed entire credit for the enactment of the Budget law, in spite of the plain fact that it was repeatedly urged by the last administration and was voted for by all the Democrats in Congress. But let me say that little credit can be claimed for its enactment by those responsible for its administration if they ignore its plain, positive provisions, as has been done in the present instance.

It will be recalled that last December, when the President transmitted the annual Budget estimates, he forecasted a deficit of over $167,000,000 for the next fiscal year. At that time he failed to submit recommendations as to how it should be taken care of, except to say that it could be easily absorbed by the economies to be effected by the administration and by Congress. It would now appear that in less than six months these so-called economies have served to increase the Treasury deficit for the next year from $167,000,000 to over $758,000,000.

Early in this year the President, with blind confidence, but I am sure with the best of faith, accepted the figures of the Director of the Budget, whose chief business it seems has been to publish to the people how much money the administration is going to save, announced in most general terms that $136,000,000 had been saved in the first six months of the present fiscal year. This statement was published broadcast over the country, and coming as it did from the President, it was, of course, given the fullest credence. On February 9 I introduced a resolution asking the President to specify just where these savings had been made. The resolution was forwarded for reply, but no answer was made. After a period of several weeks, I took occasion on the floor of the House to call attention to the failure to give Congress and the people this information, and I said at the time that it was quite evident that such savings had not been made or that the information would have been promptly forthcoming. On the very next day the Washington Post published, under big headlines, a letter from the President to the Director of the Budget, directing him to forward this information at once. But from that good day to this nothing has been heard from it. I repeat that there is only one inference that can be drawn, for if these savings had been actually made, the figures were undoubtedly on the records of the Bureau of the Budget and could have been forwarded within 24 hours or less, and every reasonable man knows that the administration would have hastened to verify the facts which had been promptly challenged.

Savings by the administration can only consist of funds which have not been expended out of the appropriations previously made by Congress for governmental purposes during the fiscal year. And now the Secretary of the Treasury positively confirms the suspicion that these alleged savings were not made by his statement that a deficit can only be avoided during this year by carrying over into the next fiscal year governmental obligations amounting to some two hundred millions of dollars. By this method he tells us there will be a surplus in the Treasury of $47,000,000 on July 1; and I dare say when that time comes Republican newspapers will have much to say about it, but the people will not forget just how that surplus was brought about.

I have stated that the figures show that with the obligations incurred since the December estimates were submitted by acts of Congress and otherwise, and taking into consideration prospective obligations, those which I understand are to be put through before this Congress adjourns, there will be a deficit, taking the figures of the Secretary of the Treasury as a basis, of over $758,000,000 for the next fiscal year.

Mr. DUNBAR. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. DUNBAR. Does that deficit of $700,000,000 include next year the payment of the amount we owe the railroads?

Mr. BYRNS of Tennessee. Yes; it includes it.

Mr. DUNBAR. And which is estimated we should have paid this year?

Mr. BYRNS of Tennessee. Yes; it includes that; and the Secretary of the Treasury was particular in the letter to which I have referred to say that it is an express governmental obligation and must be taken care of next year as a governmental obligation.

Mr. McSWAIN. Does the gentleman take into consideration the fact that the Attorney General some weeks ago gave out an interview that there would be obligations imposed on the Government in the way of judgments or claims arising out of war contracts that must be paid in the next 12 months of something like a billion dollars?

Mr. BYRNS of Tennessee. I will say to the gentleman I have not taken that into consideration.

Mr. McSWAIN. The gentleman remembers that he gave that out?

Mr. BYRNS of Tennessee. I remember some statement of the kind, but not the exact figures. And any obligation of that sort, or any claim of that kind, which becomes a charge against the Government in 1923 must be added to the figures given by the Secretary of the Treasury and those which I have just given.

Mr. DAVIS of Tennessee. The gentleman, of course, is aware that the $50,000,000 appropriation for the payment of claims against the Shipping Board does not include such claims as are pending in the Court of Claims, admiralty courts, and so forth, aggregating about $200,000,000, and for which additional appropriations will have to be made.

Mr. BYRNS of Tennessee. The gentleman is correct, and, of course, appropriations necessary to pay those claims adjudicated during the next fiscal year must be added to the figures which I gave as the deficit that will undoubtedly occur, according to the statement of the Secretary of the Treasury himself. And Mr. Lasker, of the Shipping Board, has stated, I believe, that he hopes to close up all of these claims during the next year.

Now, I have referred to this for the purpose, in the first place, of showing just to what extent Congress is creating obligations which the people must take care of, and how little is being done toward making proper provision to meet this deficit next year. We have got to greatly reduce expenditures or raise taxes. The Washington Post was clearly correct, because everybody knows that you can not pay debts without the revenues, and there is only one way that the Government can get the revenues, and that is by taking them out of the pockets of the taxpayers of this country.

Is it the intention to say as little as possible and to do nothing until next December, when, after the election, Congress will be called upon to pass additional tax legislation and increase the taxes which the people were told in the fall of 1920 were going to be reduced? What steps will Congress take? Will it raise taxes or will it issue bonds and make loans to cover this deficit?

That is just the point which I wish to emphasize again, that the Budget law by its plain provisions made it the duty of the President of the United States in a situation of this kind to inform Congress and the people and submit a recommendation as to what steps should be taken to meet the deficit which everyone admits will exist. And that is just what has not been done in this particular instance. I think the people are entitled to know, and certainly Congress is entitled to the benefit of any recommendations that the Chief Executive may have to make with reference to the manner in which we shall take care of this great deficit, which may amount to a billion dollars, as has been demonstrated, before the close of the next fiscal year if something is not done. And I want to say that will inevitably result, unless Congress shall put its foot down on the creation of new offices like the 22 Federal judgeships which are about to be created and the creation of 10 additional revenue collectors at an annual expense of over $500,000, and the increasing of salaries, as has been proposed, and as was actually done in an appropriation bill here the other day, when some 11 men who are bureau chiefs or who hold less responsible positions were given salaries ranging from $5,000 to $6,000.

It is a serious situation, a very serious situation, because while the people are now burdened with debt they are actually confronted with a deficit next year which is practically as much as the amount that was required to run the Government of the United States for all its purposes, civil and military, in the year 1916, only six years ago, under a Democratic administration, and certainly this should be given attention by Congress and by the Executive of the Nation. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. DUNBAR].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. DUNBAR. Mr. Chairman, the Secretary of the Treasury in his various interviews and estimates leads Members of Congress and the country into an error, in that he is always predicting a deficit in our revenue and does not call to our attention on what he bases his estimate. So unless his report is investigated and an accounting made of the amount of reduction of public debt due to purchase and cancellation of Government bonds, and charged to operating expenses, one will be misled. The Secretary of the Treasury, in compliance with provisions of law, comes into possession of Government bonds, which are canceled and whatever the amount of bonds so canceled, notwithstanding it results in a reduction of Government debt, all is charged in the ordinary operating expenses.

I remember a year ago he predicted that the deficit in the United States Treasury at the end of the fiscal year 1921 would be something like $400,000,000 or $500,000,000, and instead of there being one dollar of deficiency there was a surplus of over $500,000,000. It is predicted that this year or next we shall have another deficit. I claim that there is nothing to justify the statement of the Secretary of the Treasury that there will be a deficit, either this year or next.

I have in my hand the daily statement of the United States Treasury under date of April 29, 1922, which covers the governmental operations for 10 months during this fiscal year, and in those 10 months the excess of the ordinary receipts over ordinary expenditures is $609,000,000.

Mr. BYRNS of Tennessee. Mr. Chairman, will my friend yield to a question?

Mr. DUNBAR. I will.

Mr. BYRNS of Tennessee. The gentleman stated a moment ago that the Secretary of the Treasury had not given information as to just how this deficit will occur. Has the gentleman

read the letter which was sent to the Senate Committee on Finance by the Secretary of the Treasury?

Mr. DUNBAR. I will tell you what the Secretary of the Treasury overlooked.

Mr. BYRNS of Tennessee. I wanted to know if the gentleman had read that letter?

Mr. DUNBAR. I have not.

Mr. BYRNS of Tennessee. If the gentleman will get a printed copy of that letter as published on the Senate side and read it he will find four or five pages of figures in which the Secretary of the Treasury goes very fully into the whole matter and gives specifically, figure by figure, just how that deficit will occur.

Mr. DUNBAR. I will tell you what you will find in his letter, because it has occurred in every report. He has included in his ordinary expenditures all money paid into the sinking fund, all of the bonds that are canceled which are received for estate taxes, all of the cancellation of bonds that are received from Europe, all of the cancellation of bonds due to receipts from the Federal reserve bank. During the fiscal year 1921 there was counted as ordinary expenditures the money provided for the purchase and cancellation of more than $422,000,000 worth of bonds. In 1922 there will be canceled something like $400,000,000 worth of Government bonds. In the Treasury statement of April 29 there appears at one place that to date the excess of ordinary receipts over our expenditures and the public-debt expenditures amount to $247,000,000. Then there appears in ordinary expenditures $362,000,000 that have been used for the purpose of redeeming bonds. Both of these items make our ordinary receipts in excess of ordinary expenses for the 10 months of this fiscal year $609,000,000. So that the Secretary of the Treasury, when he makes an estimate of ordinary expenditures for a given year, always estimates in those expenditures all of the money that goes to the sinking fund and money that is used to cancel about $400,000,000 worth of our indebtedness.

The gentleman says that next year we will have a deficit of $600,000,000 or $700,000,000, because next year we will have to pay the money that we owe to the railroads. I want to say that at the beginning of this fiscal year we owed the railroads something like $500,000,000. We do not owe them now more than half of that amount, due to the fact that securities owned by the railroads and held by the Treasury have been sold and used in liquidation of the Government's indebtedness to the railroads.

Mr. MADDEN. The gentleman means securities owned by the railroads held by the Government.

Mr. DUNBAR. I mean securities owned by the railroads, but put up with the Government as collateral, and these securities have been sold and used to liquidate the Government indebtedness to the railroads. Now, we will owe to the railroads next year about $200,000,000. In the estimate of the Secretary of the Treasury for next year he estimates as ordinary expenditures the cancellation of $370,000,000 worth of bonds. So that while that $700,000,000 may be estimated as a deficit, an allowance must be made for $370,000,000 worth of bonds which are to be canceled. Next year there will be expended for our railroad debt but $200,000,000.

So, according to the Secretary's method of estimating, if our deficit does not amount to more than $700,000,000 there will be no deficit. The Secretary of the Treasury fails to take the public into his confidence and call their attention to the items upon which he bases his figures. Payment due the railroads ought not to be counted in next year's business, because we owe the money now, and according to the figures that we have here we will go through this year and we will have a surplus at the end of the year of nearly $500,000,000. If we paid our railroad debt we would have cash in our Treasury at the end of the fiscal year of $300,000,000. So that if the railroads were paid the amount this year which we ought to pay them it would simply reduce the amount of cash in the Treasury, and next year, even admitting the gentleman's figures to be true, we being relieved of payment to railroads, our revenues, with cash in the Treasury, would meet our expenditures, and there would be no deficit in the finances of the Government.

Mr. BYRNS of Tennessee. How does the gentleman account for the statement made by the President, even assuming now that he is correct and that the Secretary of the Treasury is entirely wrong in his statement? How does the gentleman reconcile the statement he has just made with the statement made by the President of the United States last December, when he said at that time that there would be a deficit of over $167,000,000?

Mr. DUNBAR. Does the gentleman mean for the coming fiscal year?

Mr. BYRNS of Tennessee. Yes. Was the gentleman speaking of this year?

Mr. DUNBAR. No; I was speaking of 1923.

Mr. BYRNS of Tennessee. Well, I was speaking of 1923.

Mr. DUNBAR. The deficit of $167,000,000 which he estimated provided for a reduction of the public debt amounting to $370,000,000. Including that, there was an estimate of a deficit of $167,000,000. But we will not now have to pay the railroads the $400,000,000 of indebtedness which some time back it was thought we would have to pay them during the coming fiscal year, because the securities of the railroads which the Government held as collateral have been sold, and those have been applied to a reduction of the debt which we owe to the railroads.

Mr. BYRNS of Tennessee. The Secretary of the Treasury is one of the greatest business men in the country, and I am sure the gentleman will agree to that. The Secretary is widely——

Mr. DUNBAR. I do not know how widely he is quoted or how good a business man he is. He presumes sometimes on our ignorance, and he presumes on our ignorance when he reduces the public debt $400,000,000 and has it in as ordinary expenditures.

Mr. BYRNS of Tennessee. The gentleman does not mean to intimate that the Secretary of the Treasury has not acted in entire good faith?

Mr. DUNBAR. I think the Secretary of the Treasury has acted in entire good faith, but he thinks by scaring us and sounding an alarm that perhaps he will cause us to be more economical, more cautious, and proceed more within our income and thereby obtain better results.

Mr. BYRNS of Tennessee. In other words, the gentleman takes this position that the Secretary of the Treasury is not only justified but has actually been guilty of misrepresenting to Congress for the purpose of insuring that Congress proceed economically?

Mr. DUNBAR. No; he is not chargeable with misrepresentation, because if you will look in his estimates submitted to Congress in December, 1921, you will find that for the fiscal year 1923, when he estimated a deficit of $167,000,000, the sinking fund will receive $283,000,000. You will find in the estimates that the purchase of Liberty bonds from Europe amounts to $30,000,000, which are to be canceled and charged to ordinary operating expenses. You will find in the estimates the redemption of bonds and notes from estate taxes amounting to $25,000,000, which bonds are to be canceled and charged to ordinary operating expenses. If you will look into the estimates of the Secretary of the Treasury you will find that the retirement from the Federal reserve bank franchise tax receipts amount to $30,000,000, which bonds will be canceled. If you will look in the estimates, you will find he has provided for the cancellation of $369,333,800 worth of bonds next year, and then, according to his estimate as made at that time, there would be a deficit of $167,000,000. You will be misled unless you know all items contained in the estimates.

Mr. BYRNES of South Carolina. If the gentleman believes that there is going to be a surplus, is he in favor of reducing the taxes or of declaring a dividend?

Mr. DUNBAR. We have already reduced the taxes.

Mr. BYRNES of South Carolina. If you have a surplus, are you in favor of declaring a dividend?

Mr. DUNBAR. It has been anticipated in the reduction of taxes to the amount of $900,000,000. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Chairman and gentlemen, this hospital situation has been the subject of much discussion, and there has developed considerable misapprehension. When I discussed the bill, authorizing the appropriation of $17,000,000, of which this present bill is the sequel carrying out that authorization, I printed in my remarks a summary of the hospital situation in the United States.

Ninety-five hospitals in the United States under the Veterans' Bureau have a total of 27,588 available beds. There are in these 95 hospitals 21,067 patients, which would show on the face of it that there are 5,921 surplus beds; that is, beds unoccupied. Why, then, is there any necessity for the building of these additional hospitals? If the 95 hospitals under the jurisdiction of the Veterans' Board have over 5,000 empty beds, what is the necessity for this bill?

Mr. MADDEN. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. MADDEN. The director of the bureau says——

Mr. GRIFFIN. I thought the gentleman wanted to ask a question. If he wants to anticipate, I will say that I asked the question in order to answer it myself. The answer is that the hospitals are so situated and of such character that it is impossible to satisfy the demands of the men or meet the conditions of their ailments. For instance, where the ex-service patient declines to accept hospitalization at a place remote from his home and there are no Government hospital accommodations in his neighborhood, an effort is made by the Veterans' Bureau to place him in a hospital in his vicinity under a contract with its management. In that way veterans of the World War to the number of 9,107 have been assigned to these so-called contract hospitals, and on January 31, 1922, they were distributed as follows: Tuberculosis patients 2,893, neuropsychiatric patients 4,236, and general and surgical 1,978.

CONTRACT HOSPITALS.

Therein lies the basis of the complaints which have been hurled against the Veterans' Bureau and against Congress that there are 9,000 soldiers of the last war who are distributed about the country in contract hospitals. For the care of these men the Government is paying out all the way from $3 to $5.50. In Saranac, where tuberculosis patients are assigned, the Government is paying $3 to $5.50 daily aside from their medical attention.

While it is regrettable that the Government has not the facilities to handle the hospitalization of patients in every case at points convenient to their homes, it is only fair to state that it had to meet conditions which could hardly have been anticipated. The number of surplus beds shows that the Government has the hospital facilities. The trouble is that those facilities are not distributed to the best advantage. It was to cure this defect that we passed the bill on March 30 authorizing an appropriation of $17,000,000 to enable the Director of the Veterans' Bureau to provide new hospitals to meet the situation. The bill before us is the result, and when it is signed by the President it will put $17,000,000 at the disposition of the Veterans' Bureau to build hospitals and sanitoria wherever needed.

THE PROBLEM OF LOCATION.

In deciding that question he has to confront a very difficult problem, chiefly in the location of the tuberculosis hospitals. While the experts say that that dread disease may be successfully treated near the sea, as well as in mountain districts, it is the consensus of opinion among the sufferers—often supported by their family medical advisers—that a high and dry situation is the more effectual. The experts may be right, but, however that may be, there is a deeply rooted conviction among those most vitally interested, namely the patients themselves, that they can obtain the surest relief by securing treatment in a high and dry climate. The psychological effect of this state of mind can not and should not be neglected. There is no sense in compelling a patient to combat his own prejudices as well as his physical and mental ailments. It is to be hoped, therefore, that the Director of the Veterans' Bureau, in the allocation of the hospitals to be built under this appropriation, will respect this attitude of the patients. The experts say that, for the treatment of tuberculosis, fresh air, pure food, rest, and proper medical supervision are the four vital prerequisites. The patients, and also frequently their doctors, say that the air should not only be fresh but dry. This is the bone of contention. The patients may in other ways have wet leanings, but in the matter of air they are "extra" dry.

New York City has put the expert view to the test by establishing a tuberculosis hospital at Sea View, Staten Island, overlooking New York Bay. It was started in 1905 to provide a place for recoverable cases who were averse to being treated a long way from their homes, out of reach of their families. It was recognized that the family tie was an important factor in promoting the peace of mind of the patient—itself one of the main prerequisites to recovery. The hospital has been treating tuberculosis cases since 1913, and, I am informed, has accomplished very satisfactory results.

SEA VIEW HOSPITAL.

When the Fox Hills Hospital was abandoned by the Veterans' Bureau, its patients, upward of 500, were distributed around to various institutions. Where the patients were averse to being sent to the West for treatment, an effort was made to find accommodations for them in the vicinity of New York, and 128 ex-service patients were sent to Sea View Hospital.

Since these men have been there I have received many complaints, mostly from friends of the ex-service men, and have read criticisms of the institution and of its management in the public press.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. LANGLEY. The gentleman from New York was formerly a member of the committee which reported the bill authorizing this appropriation?

Mr. GRIFFIN. Yes.

Mr. LANGLEY. The gentleman may be going to bring this point out, but I suggest that some of the hearings took place before the gentleman changed his committee assignment, and they indicated that most of the so-called surplus beds were not suited for the treatment of tubercular and neuropyschiatric patients.

Mr. GRIFFIN. I think I said that. I merely asked the question in order to emphasize the answer.

Mr. LANGLEY. As I understand the gentleman's attitude, he is opposed to contract hospitals?

Mr. GRIFFIN. Not at all. There is no way of handling the situation except to assign the men to the contract hospitals, and I am coming now to the Sea View Hospital in New York City, against which there have been hurled some very virulent and unjust criticisms. I received letters from former soldiers and their friends stating that the Sea View Hospital was a pauper hospital; that the food was cooked and served by tubercular patients; that the canteen of the hospital was operated by the superintendent for the benefit of himself personally; and that altogether the living conditions were unwholesome and unsuitable.

Last week I felt it to be my duty to examine the basis of these complaints and I made a personal visit to the institution. This is what I found: Upon an elevation, 400 feet above the sea level, the highest point, I am informed, on the Atlantic coast—I beheld an aggregation of the most magnificent structures that were ever designed anywhere in the world for the treatment of the ills of humanity. The buildings are gracefully spaced in a tract of 367 acres, with ample drives, walks, and shady groves.

I went down there expecting to behold a ramshackle structure, with perhaps a series of wooden dormitories unsuitable for the proper care of the sufferers. Instead, to my surprise, when the auto drove up to the entrance I thought for a moment that I was at the portal of some palatial hotel. The grounds are tastefully embellished, with an eye to beauty as well as to utility. There are pagodas and corridors, ample flowers and foliage, and the eight large ward structures reach out in a semicircle over a quarter of a mile in extent, so that every room in every ward of each of the structures is open to the sunlight all day long for the whole period during which the sun shines. I found the wards, halls, and corridors clean and orderly; the kitchen sanitary and in first-rate condition. There are four doctors, I was informed, assigned to the building devoted to the ex-service men. There are five wards in each structure, and each ward has three women nurses. I found the men apparently contented, with a few exceptions.

The tubercular patients are segregated in building No. 8, and each building of the series is separated from every other. Of the 128 patients in the War Veteran Building, perhaps 60 are ambulant; that is, able to walk around. For the ambulant patients there is also in process of preparation 12 splendid pavilions, the last word in the medical profession for the treatment of tuberculosis.

COMPLAINTS UNFOUNDED.

I am satisfied that many of the complaints and charges to which I refer were made without a personal examination of the institution. I believe it to be my duty to put on the record what my personal examination disclosed. My report may appear to be rosy, but I have the maps and pictures here, and I think they will bear out my statements—at least as to the magnitude, the generosity, and the scientific knowledge with which the establishment was planned.

The city of New York has spent $5,000,000 upon this undertaking. Perhaps size and expenditure are not so important to dwell upon, in view of the fact that there are only 128 patients of the Veterans' Bureau in the entire establishment. One of the criticisms, which I have just mentioned, is that the Veterans' Bureau patients are assigned to a pauper institution. This is unjust. The Sea View Hospital is not a pauper institution. A large number of the patients pay for their board and medical attention. The institution is free to those who can not afford to pay, but those who can afford to pay make compensation to the city for their keep. The only plausible basis for the charge is that on the westerly half of the tract—so far away from the hospital that I could see no sign of it—there is a home farm for the aged. There is no possible way for the patients of the hospital to come in contact with inmates of the poor farm, unless they go deliberately outside the bounds of their own establishment looking for something to worry about. But what they can not do their meddlesome friends can do, and having discovered the poor farm hidden away in the woods,

they have dragged it out from its seclusion and have given the soldier boys the idea that the atmosphere is polluted by the contamination of paupers right under their very noses.

I found the food plentiful, wholesome, and well cooked. It is not touched by any patient except the one who eats it. The evening meal on the day I visited the hospital consisted of roast beef, potatoes, bread and butter, cold slaw, tea, milk, and apples. There was no stinting of the portions.

There is a liaison officer assigned to the institution by the Veterans' Bureau—a Dr. R. W. C. Francis—a genial, kindly man who seems to have the interest of the soldier patients foremost in his mind. He inspects the kitchens before each meal, tastes the food prepared to satisfy himself of its proper character and preparation, and is at all times ready to listen to complaints and to see that the soldier patients are treated generously. That is what he is there for—that is the meaning of the term "liaison officer." The Veterans' Bureau pays the city for the treatment of the soldier patients, and Doctor Francis is assigned to the institution to see that they are treated kindly and properly.

There is a canteen attached to the institution. One of the complaints was that it was run by Doctor Kremer, the superintendent, for his own profit. The fact is, it is run by a board of officers, and the profits go toward the purchase of vocational educational supplies, moving pictures, and other comforts and conveniences for the patients.

Another complaint was with respect to leaves of absence or furloughs. The men and their families forget that they are patients under treatment. A very vital part of their treatment is rest, regular hours, and proper diet. If long or frequent leaves were permitted there would be a disturbance of their regular mode of life which would inevitably retard their recovery. A gentle discipline and regularity of living are just as essential to the welfare of the men as they are to the effective management of the institution.

The effectiveness of the treatment is shown by the results. In 1921 there were treated 2,414 patients; of these, 27 were completely cured and 732 were discharged on the road to recovery.

Of course, it is no pleasant lot in life for a young American to find himself an inmate of any institution where his liberties are curtailed, even though the restraints are established for his own ultimate good. But to make discipline bearable there are vocational studies provided—a commercial course, consisting of shorthand, typewriting, arithmetic, algebra, geometry, penmanship, French, commercial art, and mechanical drawing. In addition to this, instructions are given in lamp-shade painting, cabinetmaking, weaving, basket work, dyeing, toy making, metal work, bookbinding, and so forth. Those who do not want to study or work can read to their heart's content. There is a library of 3,200 volumes. Moving pictures are provided twice a week and a vaudeville show is given twice a month in addition to concerts and minstrel shows. On the whole the institution seems to be making a sincere effort to accomplish its purpose, and is entitled to support and encouragement instead of condemnation.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman, I shall not detain the committee, and I merely desire to have unanimous consent to revise and extend my remarks in the RECORD pertinent to this bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, I desire to commend the committee for presenting this bill appropriating $17,000,000 for the erection of additional hospital facilities for ex-service men. It seems to me that if there is one duty that rests upon us more heavily than all others it is the duty to care for the disabled and the wounded soldiers of the World War. I believe that the Government should provide its own hospitals for the treatment of its veteran patients. While I am sure there are many private hospitals throughout the country in which good treatment could be secured, yet I am of opinion that the best results can only be obtained in Government institutions. Under private and independent management the Government can not in all cases fix the responsibility for the treatment of its soldier patients as it can in hospitals directly managed by those appointed by and under the control of the Government.

It has been said that republics are ungrateful. I trust that that charge shall never be justly and truly made by the wounded or disabled veterans of America against the Government and people for whom they fought. All that stands between this Government and destruction are the lives of those who are willing to serve it and are willing to fight for it.

There are now approximately 9,000 veterans being treated in private hospitals at Government expense. I am glad that the Veterans' Bureau intends to use the money appropriated in this bill to provide Government facilities to care for those 9,000 men. The Government must build and maintain hospitals large enough and numerous enough to treat every disabled or wounded soldier within the broad borders of this Republic. So far Congress has always placed at the disposal of the Veterans' Bureau all the money necessary for allowances, compensation, insurance, hospitalization, vocational training, and other activities of the Veterans' Bureau.

If there is a single disabled or wounded veteran anywhere who has not received what is due him by a grateful country it is not the fault of Congress. If fault there be, it belongs to those whom Congress has directed to execute the law and to whom has been given all the money which has been necessary to carry on the noble and splendid work of relief to the disabled defenders of America.

It is interesting to refer to a statement issued to-day concerning expenditures for Veterans' Bureau purposes.

The expenditures to April 1, 1922, specified, are as follows:

Military and naval family allowances	$298,615,000
Military and naval compensation	557,150,000
Insurance	23,000,000
Administration	83,896,880
Hospitalization	224,729,402
Hospital construction	47,095,000
Vocational training	469,123,370
Disposition of remains	33,473,782
Bonus allowance	248,682,200
Payments to beneficiaries of Army men and officers	10,495,000
Total	1,996,260,634

In addition to the above Congress has already appropriated for the fiscal year 1923 $406,038,842 for the above purposes, and it is probable that this sum will be increased. It is estimated that $500,000,000, or a half billion dollars, each year will be necessary for these purposes.

The number of former service men receiving vocational training is 108,200.

Other figures on wounded and disabled men are as follows:

Approximately 30,000 are now in hospitals.
The total number wounded is 208,526.
The total number discharged for disability is 251,916.
The Government is paying compensation on 50,420 death claims and 156,539 disability cases.
The amount paid last month for this compensation was $10,340,000.
The Government is paying insurance on 134,550 death claims and 6,299 disability claims.
The amount paid in war-risk term insurance last month was $8,454,069.17.
The commuted value of war-risk term insurance allowed by the Government is $1,326,985,835.70.

Whatever amount may be required to properly care for the wounded, disabled, and their dependents will be cheerfully provided by the American people.

Of the greatest importance, however, is the establishment of hospitals under the direct supervision of the Government in which the soldier and sailor can receive the finest possible medical and surgical attention and every comfort and convenience. In such a hospital, under Government control, the veteran may complain to his Representatives and Senators against the conduct of that institution or as to any mistreatment. Again I congratulate the House on its opportunity to enact this bill, and I trust that the Veterans' Bureau will be prompt to utilize these appropriations in providing hospital facilities which Congress has made it possible to provide, and I trust that it may be a little more diligent in this respect than it has been in some other of its activities. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, we have heard quite a bit this afternoon in regard to the very important question of Treasury deficits—suggested, probable, and improbable. I do not think anyone can say definitely or with assurance at this time just what the condition of affairs may be in regard to our revenues and expenditures for the present fiscal year, certainly not for the coming fiscal year. It is quite proper from their standpoint that the Treasury, in estimating the condition of their balances, shall charge up all of the outgo, whatever the purpose of expenditure may be; but in making up balances of income and outgo fairly, we should not charge up against current revenues large sums expended on war obligations and to reduce the sum total of the public debt. So far as the current expenditures are concerned—that is, expenditures for purposes necessary to the maintenance of the Government and its establishment this year as compared with current revenues—there will be quite a considerable favorable balance; and that,

in my opinion, is likely to be the case for the coming fiscal year unless we shall assume obligations not assumed up to this time.

The overhang of the war has been greater and has continued longer than we anticipated. It is not fair to charge it against the current revenues. At this distance from the days of war the people should not be expected to pay out of current revenues on the war debt and the war obligations, except to the extent necessary to meet interest charges and the obligations of sinking-fund arrangements. From that viewpoint and on the basis of that policy our Treasury is in a most excellent condition. I want to thank the gentleman from Indiana [Mr. DUNBAR] for the very valuable contribution he made to the facts with regard to the situation.

Mr. Chairman, with regard to the bill before us, I am sure we are all glad to have the opportunity of making abundant provision—and it seems to me that it is abundant provision—for the care of the disabled veterans of the World War. The country has been very generous in its treatment of these men. It should be; it should continue to be. And these hospitals should be erected and extended until we shall have sufficient beds in Government-owned hospitals to meet the need of the injured and incapacitated men of the late war.

Having read with some care the statement made before the committee by the Director of the Veterans' Bureau and officials of that bureau and the statement contained in the report of the committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. May I have two minutes more?

Mr. MADDEN. I yield two minutes more to the gentleman.

Mr. MONDELL. I am reminded that we should remember that these estimates of the place of expenditure are wholly tentative. My opinion is that it will be found that the expenditures should be and will be made in somewhat different proportion as to districts than indicated by the suggestion made to the committee.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MADDEN. These are not suggestions. They are only information that we obtained, and we put it into the report for the information of the House.

Mr. MONDELL. I am not criticizing it at all.

Mr. MADDEN. I am sure about that; but I want to say to the gentleman that they are not suggestions, and it is simply carried in the report as a matter of information.

Mr. MONDELL. I am told they embody, in a general way, the views of the officials of the bureau—that is, the medical staff of the bureau—at this time as to the probable distribution of the funds. It strikes me as altogether likely that after the matter has been further considered and the plans have been approved by the President, the distribution may be somewhat different than suggested in the testimony given to the committee. At any rate, Mr. Chairman, we are hopeful that the money will be wisely expended and the hospitals started and completed at an early date. That is all-important. The construction of hospitals under the appropriations last made for these purposes has been scandalously slow, and if the Veterans' Bureau can carry on these building operations with good judgment, promptness, and economy they will have made a most enviable record. I hope they will make such a record.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Texas makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, this bill reported by this committee is for the purpose of carrying out the law passed some time ago known as the Langley law. In other words, the first bill we passed carried $18,500,000, and of that amount perhaps 50 per cent is not yet expended, and this $17,000,000 is to supplement that amount of money, which makes available for this and the coming fiscal year $35,500,000 for hospitals to care for disabled soldiers. I think the committee acted wisely in making available at this time only $12,000,000 of the $17,000,000, because the authorities felt that that is all they could use within the next and current fiscal year. But in order that there might be no embarrassment about it the committee authorized contracts to be made to the full limit of $17,000,000.

Mr. Chairman, there is one thing that is noticeable to me in the House and in the Senate, as well as throughout the entire country, and that is that whatever objection there may be on the part of the citizenship of the Nation or the individual Member of Congress or of the Senate as to a bonus bill to pay able-bodied soldiers, I do not know of a single Member of the House or a Member of the Senate, nor have I heard a word of objection from the citizenship of America, objecting to taking care of the lame and halt and blind and those that have received any sort of injury by virtue of their military service. I am willing to go the limit to care for those that are crippled or who have suffered physical ailments by reason of their service in the Army here or in France.

It shows a splendid attitude on the part of the people of America and on the part of their Representatives toward those who were willing to serve their country and who by virtue of that service were injured. I think that is the highest test of real good citizenship on the part of our people when the man that served his country or attempted to serve his country and lost an eye or a limb or his health finds such a unanimous vote among all the people of America to care for the boys disabled by service in war and when they all answer, "You have served your country and by doing it you have lost some of that ability which you had to care for yourself in the battle of life; we will now step in and supplement your energies and efforts because you have been impaired in your earning capacity by serving us." It is fair, it is just, it is right; and in that there is no difference of opinion. There is no political division along this line. It is absolutely nonpolitical, and nonsectional, and nonsectarian. Everybody in America wants to do the right thing for the lame, the wounded, and the injured soldier. [Applause.] As a member of this subcommittee I was glad to help make up and report this bill and trust that it will pass just as we reported it.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield one minute to the gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. The gentleman from Oklahoma is recognized for one minute.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by ex-Governor Haskell, of Oklahoma, before the Oklahoma Society in New York.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. CARTER. Mr. Speaker, under leave given me to print, I submit herewith the address to the Oklahoma Society of New York, made by ex-Gov. Charles N. Haskell, which was done at the request of Hon. Scott Ferris. Mr. Haskell said:

Near 90 years have passed since the sages in our American Congress met and solved the question as to the immediate future of the Five Civilized Tribes of American Indians. Then the Cherokees, Creeks, Choctaws, Chickasaws, and the Seminoles inhabited their various reservations in the Southeastern States, adhering to their choice of community ownership and community mode of life. These had become objectionable to the surrounding white settlers, and demand was made upon Congress to negotiate with the Five Civilized Tribes to the end that these reservations might be obtained for settlement by white people and by communities in harmony with the white man's idea of land ownership and government.

SECTION ONCE CALLED REMOTE.

Looking about to effect a new treaty with the Five Civilized Tribes, Congress looked to the uninhabited region of the extreme Southwest. Then the Red River was the border line between the Empire of Mexico and our own Republic. Then the Empire of Mexico extended northward almost to the mouth of the Columbia River, and our own Pacific coast line was little more than 500 miles extent. The present State of Kansas and all States to the north and west thereof did not exist and their areas were but the home of the wild Indian and the wild coyote. Denver, Kansas City, Omaha, St. Paul, and numerous other now prosperous cities were unknown to the map of our country. The area from southwest Missouri and western Arkansas to the Mexican boundary line was practically uninhabited except for roving bands of wild Indians. And in view of the present populous, refined, and developed condition of that area to-day it may be remarkable and hardly complimentary to the foresight of the sages of 1833 when we find the most notable statesmen of our American Congress approving the contemplated adjustment of territorial difficulties with the Five Civilized Tribes wherein they say, "This area is so remote from the habitation of civilized people that in giving it over to the Five Civilized Tribes it will remove them so far away as to avoid any controversies in the future between them and any white neighbors."

Thus it was done, and the great Indian Territory, covering approximately 70,000 square miles, for the purpose of both home creation and Government policy, was ceded to the Five Civilized Tribes. They became its inhabitants, established their homes, established their government, and during the succeeding fifty odd years made such

progress in education, in religious endeavor, in home building, and local government as to do credit to the people of any country.

BEGINNING OF CIVILIZATION.

But this was the beginning of civilization in this area, and by 1889 the prophecies of congressional sages before quoted had been most emphatically refuted. Contrary to that prophecy, in little more than 50 years that area became completely surrounded by well-organized, prosperous, and populous States. The Empire of Mexico had been compelled to withdraw its border lines, leaving room for the Empire of Texas on the south, and this extended the United States direct to the Pacific, whereon our coast line had been extended more than 1,000 miles.

And again Congress was confronting the old controversy; that is, shall there exist in this country a government within a government and civilized but noncitizen people of such distinct difference as to make harmony of action impossible? The Five Civilized Tribes removed from the South Atlantic States to this new country still maintained their community policies, community ownership of lands, and distinct form of government. The end of this condition was in sight. Our country had no more remote and uninhabited areas to offer in exchange. Dismembering these independent governments, shaping the policies of their people to harmonize with the general policies of the United States, first the sparsely settled areas of the western part of the Indian Territory were acquired from the Five Civilized Tribes by Congress and opened to settlement. The Territory of Oklahoma was formed and these lands released to the Government by the Five Civilized Tribes were made subject to settlement.

This may be termed the beginning of the creation of a new Commonwealth and affording opportunity for home building by people of our country.

THE DAY OF AWAKENING.

This brings us to the beautiful April morning 33 years ago, when the Great Creator may be said to have finished his part of the work and presented it to humanity as man's opportunity to enjoy and develop God's bountiful blessings. This was the day of transformation. The sun rising in all its glory, lighting the way over boundless prairie made beautiful by the verdure of spring. Countless seasons had come and gone likened to this with the waving grass and flowers bloom kissed by the morning sun, an invitation to the hand of industry and the ambition of all who would build for themselves, their children, and their children's children, habitations of comfort and happiness. But it was reserved for this particular spring morning to announce that the moment had arrived when God's benevolence should become man's opportunity. Thousands were in line waiting, the signal was given, and from that moment to this we must account for our own stewardship.

Until 1907 the dismembered Indian Territory continued a seperate governmental existence, the western area as organized Oklahoma Territory, and the eastern area remained as the home of the governments and the people of the Five Civilized Tribes.

Then November 16, 1907, the final elimination of the governments and policies of the Five Civilized Tribes. They then became citizens of the United States and their areas became a part of the United States, subject to our uniform plan of government. The two Territories were united and the proclamation of the President proclaimed the forty-sixth State of the American Union, the State of Oklahoma; the "baby State," so called, for all last admitted States are baby States. But Oklahoma came into the American Union as a State without a precedent. By special Federal census of that time the new State showed a population of 1,411,000 people, more than four times the population of any other new State ever coming from territorial government to statehood, and although forty-sixth in number that morning, it ranked as the twenty-third State in population; the seventeenth State, according to Federal statistics, in wealth production; the ninth State in railroad mileage operated within its borders; the fifth State in cotton production; the eighth State in wheat and corn production; the second State in oil production.

SOME OF THE PROBLEMS.

With this important standing in population and commerce the new State of Oklahoma was embarrassed from the fact that all of the Indian Territory area was without municipal, county, or district organization, and with the advent of the new State there was also the advent of 45 new counties whose organization began with the organization of State government. With the immense population and the immense property interests there was corresponding immensity of controversy by strong interests all seeking to get the best of constitutional provision and governmental policy. There was the usual demand for education and eleemosynary institutions, but in the face of all of these conditions the new State was blessed with a population the overwhelming majority of whom were for the welfare of Oklahoma first and above all other considerations. For one, I remember with deep gratitude and sincere affection that love for their new State made our people patriots before they were partisans, and by this harmony of action and almost universal cooperation the strenuous work of State organization was made easy and results were produced at such an economic cost as to stand almost without precedent on any hand.

But government, we are reminded by past observations, will be what the people make it, and we must be mindful of the fact that domestic comfort and domestic happiness are based largely upon the results of government. If our Government is oppressive, you can easily count the days when individual and family life will become but a sullen, dissatisfied, and disorganized condition. We hope to see Oklahoma become from year to year a State of great consequence, great prosperity, and great happiness.

STATES ONE COMMUNITY.

But States of this Union can not pursue distinctly different policies nor enjoy distinctly different results. There is that community of interest among all our States that makes harmony of action indispensable. One State can not long enjoy comfort and happiness when other States are denied these blessings. But while we thank the Great Creator for the opportunities by Him provided to make this, the so-called land of liberty and home of the free, at the same time the home of plenty and the home of happiness, from that point we must take upon ourselves the responsibility for government that will avail our people of these opportunities. We do not need to look into the future for plans of government or diagrams of policy. The teachings of our noted and revered men of the past are a sufficient guide for the present if we are mindful of what they have said. If this land of ours is in fact to be longer styled the land of liberty, let us realize that a minimum of centralized government and a maximum of local self-government must be the basis. We must realize that individual respect for the laws and governmental policies of our country is absolutely essential to the development of individual patriotic sentiment and love of country in the minds and the hearts of our people. That happiness can not abide in any land where tax oppressions so deplete the home production as to deprive that home of reasonable provision for comfortable maintenance. With these three propositions before every citizen of our United States we may as well calmly and intelligently analyze our present policies and conditions and the results thereof.

Of the invasion of individual rights and the sacred privilege of local self-government, President Washington warned us: "For this, though it may in one instance be the extreme of good, is the original weapon by which free governments are destroyed."

SURRENDER TO THEORISTS.

Quoting our Abraham Lincoln, he said: "To maintain inviolate the right of the States to order and control under the Constitution their own affairs by their own judgment exclusively, such maintenance is essential for the preservation of the balance of power on which our institutions rest."

Fellow citizens, do we realize that in recent years by our own voluntary vote and act we have so completely surrendered the affairs of government into the hands of the theorist and the dreamer, whose good intentions have not been blessed by the guiding hand of practical experience; that such declarations of patriotic and unselfish leaders as Washington and Lincoln have been forgotten and their policies so completely subordinated that our so-called glorious land of liberty is but a dream of years ago; that the terms "inherent right of the citizen," "individual privilege of the citizen," "local self-government by the local people," are things of yesterday not countenanced nor enjoyed to-day? That legislative activity has completely eliminated the sacred, inherent right of the individual, and centralized government completely restricts and overwhelms local self-government?

For a time the judiciary of our country was the bulwark of defense against these invasions. And let us not be blind to the fact that to-day the judiciary is constantly yielding its solemn privileges and duty to legislative invasion, and the rights of the individuals and the community that were sacred yesterday are forgotten and denied to-day. And this restrictive policy brings with it attendant extravagance in government and evil in administration.

42,000 SPIES IN UNITED STATES PAY.

Less than a quarter of a century ago, in the greater enjoyment of individual rights and local self-government, our Federal authorities found it necessary to have upon the pay roll of the Federal Government fewer than 200 sleuths and special agents and inspectors to aid in the enforcement of Federal laws. Will any one defend the policy of the Federal Government which to-day employs more than 42,000 inspectors, sleuths, and inquisitorial agents to dog the footsteps of him who should be, in the exercise of his constitutional rights, enjoying the hitherto dignity and freedom of an honest American citizen? Such policy is an invasion of the inherent rights of the American citizen, of the rights of the local people to self-government, and of the rights of the country to limit its taxation to public necessity.

We regret that limited time on this occasion does not permit us to go into greater detail. We are but adding our voice to the note of warning that others are sounding throughout the land. In the exercise of individual business sense no argument is required to sustain the assertion that prosperity and comfort can not result from the reckless expenditure of two dollars where but one is earned. Apply this, if you like, to private life or to public affairs and the rule is equally true. Yet our country has blindly and recklessly bowled along until $8,000,000,000 will not meet the demands the taxing authorities will make in the year 1922 on the wealth-producing class of our country. From the district up to the State authorities, inclusive, approximately one-half this enormous expenditure will be required. The Federal authorities will exact as much more, and it matters not by what ingenious device this sum may be levied—whether by direct taxation or other demand, it matters not—it must all come from the producing element of our people. Against this enormous demand the entire crop products of the United States, which, in fact, is our great wealth-producing resource, will not provide this amount; indeed, we would find a deficiency of more than $1,000,000,000.

AN ORGY OF EXTRAVAGANCE.

What brought about this wild orgy of extravagance? Let us not be partisans when the needs of our country call for patriots. All political parties that have participated in the affairs of government for the last 30 years have their own share in the responsibility for this unfortunate condition. We recall the occasional warning by those who had the courage to cry out against the pork-barrel policy of legislative conduct—that is, the assembling of votes to enact legislative propositions, whether in the State legislature or the Federal Congress, wherein mutual aid was the result of mutual voting.

Unmindful of the sacred right of the taxpayer to have the demands for revenue limited to actual necessity, the pork-barrel policy aimed to build personal popularity and perpetual tenure of office for those participating therein. But the milk has been spilt. All political parties have their share in the disastrous results, and all political parties owe it to the sacred rights of our people and the future glory of our country to right these wrongs and return to a policy of economic government so well within the earning capacity of our people that mortgages will not be the only possible opportunity for prosperity. Indeed, it is a condition and not a theory that confronts us.

But the other day I heard a substantial, honorable citizen speak of recent service as a grand juror, saying: "We, the grand jury, decided as a policy not to indict those charged with violation of certain of our sumptuary Federal laws, excepting only those charged with a certain class of offenses."

Fellow citizens, do you realize the meaning of this statement? Simply this: The grand jury, feeling the extreme impropriety of the law enacted by Congress, had taken it unto themselves to be the lawmaker as well as the law enforcer.

A DANGER TO THE REPUBLIC.

There is the most imminent danger in the enactment of laws, whether they be to restrict individual conduct and limit inherent rights, or whether they be to bankrupt the taxpayer by exacting more revenue than he can earn, or whether they be to collect these revenues by such extravagantly expensive and inquisitorial methods—they all make for a condition of the public mind destructive of love for the country. Their only product can be a general disrespect for law destructive of patriotic sentiment. Nor should we deceive ourselves nor lull to sleep the thoughtful and conscientious citizens who, too, in time, will join in

general condemnation of the policy to centralize government, disregard inherent rights of individuals, and bankrupt our country. And the day is not in the dim distance when popular clamor will demand these essential reforms.

These evils exist. Why delay return to the policies of government contemplated by our Constitution and to economic government that recognizes that home building and home furnishing is a more sacred demand upon the fruits of industry than unwarranted extravagance in the government of the District, State, or Nation?

But these reforms are not automatic. They may not be realized without popular demand. Nor may we depend upon those who have brought about these conditions to effect these reforms for us. I appeal to every citizen in the State of Oklahoma, as well as to those who are sojourning in this distant city, to disregard every selfish political sentiment and unite their efforts in solid phalanx and with unwavering determination to effectuate a complete return to the just recognition of inherent rights of the individual and complete return to local self-government wherein the community may express its wishes for local administration as distinctly, if desired, in the different localities as the climate of Florida may be distinct from the climate of Minnesota. Recognizing that the will of the governed should not be overcome by majorities entertaining different views, but inhabiting vastly different localities with different needs and different desires; recalling the language of Senator Sherman, of Ohio, when he said, on the subject of specie payment: "The way to resume is to resume." And I say, with like determination, in the wild governmental extravagances, that the way to retrench, by the eternals, is to retrench, and begin retrenching the instant you find retrenchment necessary to the comfort, yea, to the life and living now apparent throughout the land.

WOULD LIMIT EXPENDITURES.

Our official agencies having the power to disburse public funds and declare appropriations to that end have no more right than the weakest citizen to incur obligations that are beyond the earning power of our people to pay. Limits must be fixed beyond which appropriations shall not pass, and when these principles on the three subjects heretofore outlined have been established and recognition enforced, you may then expect to hear with fervor and the deepest reverence again being proclaimed throughout our land: This is the land of the free, the cradle of liberty, where individual rights are respected—government of the people and by the people recognized in every separate State of the Union—and where he who toils may surely and safely expect to reserve for himself and his family for their comfort and happiness a fair share of the fruits of his industry.

The CHAIRMAN. The Clerk will read.

The bill was again read.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill with favorable recommendation to the House.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise and report the bill with favorable recommendation to the House. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11547) making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau, had directed him to report the same back with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PATTERSON of New Jersey, for one week, on account of important business.

ADJOURNMENT OVER UNTIL MONDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until Monday, May 8, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

599. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination and survey of Neuse and Trent Rivers, N. C., with a view to securing a channel depth of 12 feet in Neuse River up to New Bern; thence a depth of 12 feet in Trent River up to Polloksville and 8 feet up to Trenton (H. Doc. No. 299), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McFADDEN: Committee on Banking and Currency. S. 2775. An act to extend for one year the powers of the War Finance Corporation to make advances under the provisions of the act entitled "An Act to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide relief for producers of and dealers in agricultural products, and for other purposes," approved August 24, 1921; with an amendment (Rept. No. 981). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND of Indiana: Committee on Labor. H. R. 11022. A bill to establish a commission to inquire into labor conditions in the coal industry; with an amendment (Rept. No. 984). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11452. A bill to appropriate $1,000,000 for the purchase of seed grain and live stock to be supplied to farmers in overflowed areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; with amendments (Rept. No. 987). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 11528. A bill to allow credits in the accounts of certain disbursing officers of the Army of the United States; with an amendment (Rept. No. 980). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 8553. A bill for the relief of D. V. Bussie; with an amendment (Rept. No. 983). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 7322. A bill for the relief of John F. Homen; with an amendment (Rept. No. 985). Referred to the Committee of the Whole House.

Mr. REED of New York: Committee on War Claims. H. R. 9944. A bill for the relief of Vincent L. Keating; with an amendment (Rept. No. 986). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 11545) for the relief of Warren & Cribbs, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 11559) to authorize the addition of certain lands to the Sawtooth National Forest; to the Committee on the Public Lands.

By Mr. LANHAM: A bill (H. R. 11560) to provide for the establishment in the State of Texas of a subsidiary fish-cultural station to the San Marcos, Tex., fisheries station, to be under the direction of the Bureau of Fisheries of the Department of Commerce; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOORE of Ohio: A bill (H. R. 11561) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLINTIC: A bill (H. R. 11562) extending the operation of the immigration act of May 19, 1921, and amending section 2 and section 12 of the act of February 5, 1917, regulating immigration of aliens, aliens to, and residence of aliens in the United States; to the Committee on Immigration and Naturalization.

By Mr. VOLSTEAD: A bill (H. R. 11563) to amend paragraph 24 of section 24 of the Judicial Code, as amended December 21, 1911; to the Committee on the Judiciary.

By Mr. CLOUSE: A bill (H. R. 11564) authorizing the erection of a public building in the city of Watertown, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. MILLS: A bill (H. R. 11565) to amend the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921; to the Committee on Foreign Affairs.

By Mr. MILLSPAUGH: A bill (H. R. 11566) appropriating $50,000 to the Gregory Drainage District, in Lewis and Clark Counties, Mo., for losses sustained by flood; to the Committee on Appropriations.

By Mr. EDMONDS: A bill (H. R. 11567) to amend the act of February 13, 1893, entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property"; to the Committee on the Merchant Marine and Fisheries.

By Mr. COLTON: A bill (H. R. 11568) to provide for the erection of a public building at Price, Utah; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRIGGS: A bill (H. R. 11569) for the relief of the United Dredging Co.; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 11570) authorizing the Secretary of War to donate to St. Johns Military Academy, Delafield, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 11571) for the relief of the Clyde Steamship Co., of New York, N. Y.; to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 11572) to entitle Edward C. Scovel and Mary C. Scovel to receive the benefits of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Indian Affairs.

By Mr. McPHERSON: A bill (H. R. 11573) for the relief of Jacob Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 11574) granting an increase of pension to Rhoda A. Savage; to the Committee on Pensions.

By Mr. ROBSION: A bill (H. R. 11575) granting an increase of pension to Mrs. L. R. Standley; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 11576) granting a pension to Jennie J. Dickey; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11577) granting a pension to Elmira Pariseaux; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5470. By Mr. ANDREW of Massachusetts: Petition adopted by Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, favoring personnel of 96,000 enlisted men for the Navy; to the Committee on Naval Affairs.

5471. Also, petition of Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, favoring enlisted strength of 150,00 enlisted men for United States Army; to the Committee on Military Affairs.

5472. By Mr. COOPER of Ohio: Memorial of the Presbytery of Mahoning Presbyterian Church, indorsing Senate Joint Resolution 31, authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5473. Also, memorial of the Presbytery of Mahoning, Presbyterian Church, indorsing House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

5474. Also, memorial of the Presbytery of Mahoning, Presbyterian Church, indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5475. By Mr. GENSMAN: Petitions of 37 residents of Jefferson County, Okla., protesting against the enactment of House bills 9753, 4388, and Senate bill 1948, known as the Sunday laws; to the Committee on the District of Columbia.

5476. By Mr. KISSEL: Petition of the Grain Trade Association of San Francisco Chamber of Commerce, San Francisco, Calif., for light wines and beer; to the Committee on the Judiciary.

5477. Also, petition of the United Mine Workers Journal, Washington, D. C., relative to certain publications on the subject of labor; to the Committee on Labor.

5478. By Mr. MEAD: Petition of Bommer Bros., Brooklyn, N. Y., urging support of the Jones-Miller narcotic bill; to the Committee on Ways and Means.

5479. Also, resolutions adopted by the Salesman's Association of the American Chemical Industry, New York City, urging the adoption of the tariff schedules based on American valuation; to the Committee on Ways and Means.

5480. Also, petition of the Gemaco Co., of New York City, opposing the increase of 60 per cent in the tariff on Cuban sugar; to the Committee on Ways and Means.

5481. Also, petition of the Civil Service Forum, New York, urging the passage of S. 2932 and H. R. 9756, to increase the salary of customs laborers to not more than $1,300 per annum; to the Committee on Ways and Means.

5482. By Mr. RAKER: Petition of Paul Rieger & Co., of San Francisco, Calif., protesting against the continuation of the dye and chemical control act as far as it relates to the handling of perfume materials; to the Committee on Ways and Means.

5483. Also, petition of the California Federation of Women's Clubs, by Mrs. William A. Fitzgerald, president, indorsing the minimum estimate of $90,000 for the conduct and maintenance of hostess houses, in the Army appropriation bill; and petition of the California State Automobile Association, by C. C. Cottrell, San Francisco, Calif., urging additional appropriations for Federal aid for forest roads; to the Committee on Appropriations.

5484. Also, petition of Mare Island Local, American National Association of Supervisors, Vallejo, Calif., urging support of House bills 10967 and 11212; to the Committee on Reform in the Civil Service.

5485. By Mr. SMITH of Michigan: Petition of 13 residents of Eaton Rapids, Mich., protesting against the passage of House bill 4388 providing for the regulation of Sunday observance by civil force under penalty for District of Columbia; to the Committee on the District of Columbia.

5486. By Mr. SNYDER: Petition of F. W. Cristman, Charles J. Hartigan, Herkimer, N. Y.; Claude Temple, G. Minch, Humphrey Griffith, F. G. Ireland, A. W. Pickard, and F. A. Schump, Utica, N. Y., favoring the passage of the Chandler pension bill (H. R. 9198) increasing the pensions of volunteers serving in the war with Spain or China or Philippine expeditions; to the Committee on Pensions.

5487. By Mr. TAGUE: Resolution adopted by the Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, for the maintenance of the United States Navy on the 5-5-3 ratio with Great Britain and Japan, respectively; to the Committee on Naval Affairs.

5488. Also, resolution adopted by the Massachusetts Commandery of the Military and Naval Order of the Spanish-American War, protesting against the reduction of the numerical strength of the United States Army below 150,000 men; to the Committee on Military Affairs.

SENATE.

SATURDAY, *May 6, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McCormick	Robinson
Ball	Gerry	McCumber	Sheppard
Borah	Glass	McKellar	Simmons
Brandegee	Gooding	McKinley	Smoot
Broussard	Hale	McLean	Spencer
Bursum	Harreld	McNary	Stanley
Calder	Harris	Moses	Sutherland
Capper	Harrison	Nelson	Swanson
Caraway	Heflin	Newberry	Townsend
Culberson	Hitchcock	Nicholson	Trammell
Cummins	Johnson	Norris	Underwood
Curtis	Jones, N. Mex.	Oddie	Walsh, Mass.
Dial	Jones, Wash.	Overman	Warren
Dillingham	Kellogg	Page	Watson, Ga.
du Pont	Kendrick	Phipps	Watson, Ind.
Ernst	King	Poindexter	Willis
Fletcher	Lodge	Pomerene	

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present.

MR. BORIS BAKHMETEFF, RUSSIAN AMBASSADOR (S. DOC. NO. 200).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State, transmitting, for the consideration of the Senate, a statement re-

ceived by the State Department from Mr. Boris Bakhmeteff, the Russian ambassador, in regard to transactions recently brought into question in debate in the Senate, which will be printed and lie on the table.

Mr. BORAH. Mr. President, during the discussion upon Thursday of the Semenoff and Bakhmeteff matters two questions were asked concerning which I did not have definite information at that time.

The first was whether Semenoff was in the city of Washington. The opinion seemed to prevail that he was not here, but was only in New York; that is to say, went directly to New York from the West. I find, after consulting the papers here, that he was in Washington three days. The Washington Star and Times of Washington of April 1 and April 3, local news, disclose the fact he was here Saturday, April 1, 1922. They announce the arrival of General Semenoff in Washington. The Sunday Times of April 2, 1922, tells us that he was at the Russian Embassy, and went from there to the State Department on April 1, 1922, where he was received by the officials of the Russian division. This local news item statement, however, says that he did not see Secretary Hughes, but only the representatives of the State Department in the Russian division. Semenoff, after being here some three days, went to New York upon April 4, and was there arrested when he stepped off the train.

The second question which was asked was whether or not our Government had ever been notified by the soviet government of Russia with reference to Bakhmeteff, and whether or not they had ever been notified that he was no longer ambassador for that government or for any government in Russia. On December 10, 1917, it appears from the press notices, both in this country and abroad, that "the soviet government of Russia notifies Mr. Lansing that it has dismissed Boris Bakhmeteff from its service, and that he is at this time a refugee and no longer representative of Russia." I understand this notice was delivered to Mr. Francis, and by Mr. Francis formally transmitted to our State Department.

The PRESIDENT pro tempore. The Chair is advised that the Secretary of State requested that the communication just laid before the Senate should be read. If there be no objection, the Secretary will read the communication from the Secretary of State.

The reading clerk read as follows:

DEPARTMENT OF STATE,
Washington, May 6, 1922.

The VICE PRESIDENT,
United States Senate.

MY DEAR MR. VICE PRESIDENT: I have received from Mr. Boris Bakhmeteff, the Russian ambassador, the following statement in regard to the transactions which, it is understood, have recently been brought into question in debate in the Senate:

"The United States Treasury advanced to the provisional government of Russia the sum of $187,729,750. Most of that money was spent by the government before its fall. Following the overthrow of the government, an arrangement was entered into with the Department of State and the Treasury by which the remainder of funds derived from the United States credits, as well as all other available funds on Russian Government accounts in this country, irrespective of their source or previous destination, were segregated into a special liquidation fund. The purpose of this fund was to liquidate Russian liabilities in the United States. Disbursements of this fund were made with the consent of and in cooperation with the United States Treasury. Complete accounts were rendered to the last penny of the disbursement of this fund. It may not be out of place to recall that the Senator who led the discussion was a member of a Senate committee which on April 14, 1920, rendered a report to the Senate on Russian propaganda, which report reads, in part, as follows:

"'The Department of State 'furnished full documentary evidence dealing with the disposition of moneys which had been advanced to earlier Russian governments from the Treasury of the United States and with which purchases of war and industrial materials had been made in this country. In this connection Martens, in his testimony, had given the committee to understand that a misappropriation of American money had taken place. His testimony on this point, however, was of a most cursory and hearsay nature; and the documents furnished by the State Department and contained in the record provide a complete accounting for all these moneys and materials purchased therewith. From these documents it appears, also, that the maintenance of the recognized Russian Embassy in this country and the carrying on of its related activities are provided for by funds accruing from a loan privately negotiated in this country and in England.'

"In the Senate discussion it was asserted that the Russian people have never received any benefit from any part of this money. The funds were used for the benefit of the Russian people, to maintain the honor and the dignity of the Russian nation by discharging obligations which Russia had incurred to citizens of the United States. As the report of the Senate committee states, no money was used for the maintenance of the Russian Embassy.

"In the course of the discussion in the Senate it was remarked that money paid for the purchase of materials from the Russian Provisional Government were not credited to the Russian account with the United States. Such moneys were deposited in the liquidation fund, the expenditure of which was under the control of the Treasury Department.

"It was intimated, if not charged, that I improperly used money derived from United States credits even to the extent of purchasing real estate and of fraudulently taking title in the name of a corporation. The Treasury controlled the distribution of funds and naturally would not allow such disbursement. Not only did I not acquire real estate in the city of New York or in the city of Chicago with United States funds but I never acquired any real estate in any city with any funds, neither in my own name or in the name of any corporation or under any guise whatsoever.

"The reference made to a Greek priest leads me to guess that the matter is probably connected with the Russian Orthodox Church in North America. As it is well known, Russian Church affairs in the United States have been in a deplorable condition since the Bolshevist revolution. Various factions existed within it. Charges and countercharges were made. Appropriations which in the past came from the Russian Holy Synod having been discontinued, the material condition slided into a state where church properties were in danger of being lost and the dignity of the church molested.

"To protect church properties from foreclosure and from loss a private corporation known as the 'Russian Church Relief Corporation' was organized by a group of Russian individuals devoted to church affairs. The papers of the corporation were duly filed in public offices. No financial assistance, however, was given to the corporation from American or any other liquidation funds. In its efforts to conserve church property the corporation acquired and became the holder of certain real estate. The corporation, I am informed, is being conducted solely for the benefit of the Russian Church and for the sole object of conserving its material interests in this country.

"There is also another corporation organized for charitable and humanitarian purposes which is known as the 'Russian Aid Society.' The papers of the society are also filed in public offices. The purpose of the society is to assist Russians who have been left stranded in this country and who find themselves in dire want. I am informed that this corporation holds part of its fund invested in real estate. No financial assistance has been obtained by the Russian Aid Society which in any way derives from United States Treasury funds.

"I have no interest whatsoever in the stock or in the real estate of these corporations. They are entirely private bodies.

"During the discussion much was said about General Semenoff and, unless I misread, an effort was made to make it appear that I am responsible for him in this country, that I sympathize with his activities and plans, and that in some way or other I am associated with him and have given him assistance. Such statements are gratuitous. The State Department knows that I have had no connection with General Semenoff and am not associated with him in any way. As a matter of fact, I knew nothing of his intended visit to this country. I knew and know nothing of Semenoff's plans. It is true that Semenoff called on me. Practically every Russian, other than those who favor the restoration of the old régime or are in sympathy with the Bolshevists, calls at the embassy when they visit Washington. I communicated to the Department of State the circumstances under which I received Semenoff and of the valuable information I obtained from him with respect to conditions in the Far East.

"In the course of the discussion the question was raised of my willingness to state facts. As I have on many occasions indicated to the department, I am only too glad to give all possible information relating to my activities which the department might ask me for. I have nothing to conceal. Moreover, in so far as the use of funds is concerned, most detailed and full accounting is on file with the Treasury Department."

I have the honor to remain, my dear Mr. Vice President,

Very sincerely yours,

CHARLES E. HUGHES.

Mr. BORAH. Mr. President, I merely desire to say a word at this time. It does appear now that Mr. Bakhmeteff received $187,000,000, speaking in round figures. That is plain and quite beyond debate. I have examined and reexamined the so-called report which purports to account for this $187,000,000. I have examined the report in connection with people who understand figures and accounting better than I do. I am, however, wholly unable to understand what has become of at least $78,000,000 of that money. The letter which has just been read at the Secretary's desk makes no explanation of that matter at all; that is, it gives us no details. I will take this matter up later.

It would appear that, through some modus operandi and the establishment of what is called a "liquidation account," a part of this money at least was used in settling claims against the Russian Government; but those claims, if they existed, existed against a government which had disappeared. It is very difficult to understand how Bakhmeteff could adjust those claims. That is precisely what I want to get details about, details we have never been permitted to have.

However, this fact is true, Mr. President. If Bakhmeteff could adjust the claims of individuals, he could adjust the claim of the Government of the United States. If he had the power to adjust claims against the pseudo government which he had assumed to represent, there would have been no difficulty at the time that the Government of the United States was purchasing back the property which he had purchased with the money loaned in adjusting that matter.

I take it, Mr. President, that this matter could be made much plainer, more explicit, and more satisfactory to everybody if Mr. Bakhmeteff, instead of communicating to the State Department, were to appear before a committee of the Senate and permit himself to be cross-examined.

Secondly, Mr. Bakhmeteff says he knows nothing about Mr. Semenoff; that he did not know that he was even going to visit this country, and knows nothing about his plans, and so forth. It does appear, however, that Semenoff visited him and that Bakhmeteff acquired some very valuable information about conditions in the Far East. In view of the murderous activities of Semenoff in the Far East, of his attack upon American soldiers, of his murder of helpless citizens, of his establishing and maintaining a slaughter pen, it would be more interesting and more satisfactory and more conclusive

if Mr. Bakhmeteff would appear before a committee and inform them just what the conversation was between this pseudo ambassador and the murderer from Siberia.

It is not satisfactory, in my judgment, to anyone other than one who is willing to surrender his views to the dictation of a bureau or to accept the unsworn statement of the party interested to have a man write a letter under such circumstances and say that his associations with this Mongolian monster were accidental and had no significance whatever. It is easy to write letters, but a man of spirit, a man of a keen sense of honor would no longer seek the shield of an extinct government but would be glad to submit to the most searching investigation. I will recur to this matter later.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER. Mr. President, I ask leave to have printed in the RECORD, in the ordinary RECORD type, a petition of citizens of Columbia Heights who are members of the Columbia Heights Citizens' Association of the District of Columbia, asking that they have a hearing before the fiscal system of the District of Columbia is changed.

There being no objection, the petition was referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

A PETITION OF THE CITIZENS OF WASHINGTON, D. C.

To the President of the Senate:

Your petitioners, members of the Columbia Heights Citizens' Association, citizens of the United States and a committee duly authorized to represent the association, do hereby present for the consideration of your honorable body the following petition, adopted by the said Columbia Heights Citizens' Association at its regular monthly meeting, held at the parish hall of St. Stephen's Church, on Tuesday, May 2, 1922.

In common with all good citizens and taxpayers of the District of Columbia, the Columbia Heights Citizens' Association joins with its sister civic organizations in earnestly protesting against the action of the committee of conference on the District of Columbia appropriation bill (H. R. 10101) in changing the standard of assessments on real estate in said District from two-thirds to the full valuation of said real estate.

The Columbia Heights Citizens' Association further protests against the increase of taxation on intangible property from 3 to 5 mills, believing that said increase will result in the withdrawal of much of said intangible property from the District, thereby decreasing the receipts from said tax to a very appreciable extent.

That the Columbia Heights Citizens' Association hereby enters its protest to the action of said joint committee of conference of the District appropriation bill in introducing new and novel changes in the fiscal relationship between the Federal Government and the District of Columbia that will work a distinct hardship upon the taxpayers and citizens of the District of Columbia if enacted into law.

And the Columbia Heights Citizens' Association further solemnly protests against the adoption of the conference report on the District of Columbia appropriation bill, carrying, as it does, a radical change in the fiscal relations between the Federal Government and the District of Columbia, and prays that the commissioners and representative citizens may be granted a hearing on the revolutionary changes proposed by the conferees on said District of Columbia appropriation bill to the end that out of said hearing may come a more just and equitable arrangement of taxation than contemplated in said amendment to said District of Columbia appropriation bill.

And your petitioners will ever pray.

GEO. A. WARD, *Chairman.*
E. C. SNYDER.
MARY WRIGHT JOHNSON.
W. B. TODD.
CHARLES C. LANCASTER.
J. CLINTON HIATT.

Mr. POINDEXTER presented petitions, numerously signed, by employees of sundry shingle and lumber companies in the State of Washington, praying for inclusion in the tariff bill of at least a 50-cent duty on shingles, which were ordered to lie on the table.

He also presented resolutions adopted by the Central Labor Councils of Centralia and Everett, both in the State of Washington, favoring the nationalization of coal mines, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Presbytery of Spokane, at Wilbur, Wash., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Presbytery of Spokane, at Wilbur, Wash., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Presbytery of Spokane, at Wilbur, Wash., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Stevens County (Wash.) Pomona Grange, No. 17, Patrons of Husbandry, favoring the passage of Senate bill 2604, the Ladd honest money bill, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Northwest Mining Association of Spokane, Wash., protesting against the removal of cyanide from the free list in the pending tariff bill, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions, numerously signed, by sundry citizens of Alma, St. Louis, and Holland, all in the State of Michigan, praying for inclusion in the pending tariff bill of a duty of $2 per hundred pounds on Cuban sugar, which were ordered to lie on the table.

Mr. HARRIS presented a resolution of the transportation committee of the Macon (Ga.) Chamber of Commerce, favoring the enactment of legislation to restore to State transportation tribunals authority to deal exclusively with rates, rules, and regulations as to intrastate transportation, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the board of directors Savannah (Ga.) Cotton Exchange (together with other Savannah civic and business organizations), favoring preservation of the identity of the Seaboard Air Line Railway in any consolidation that may be effected through the Interstate Commerce Commission in accordance with law, so as to make that railway a nucleus of such proposed consolidation, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 5385) for the relief of Henry T. Hill, reported it without amendment and submitted a report (No. 690) thereon.

Mr. ROBINSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 8475) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, reported it without amendment and submitted a report (No. 691) thereon.

THE TARIFF—VIEWS OF THE MINORITY (S. REPT. 595, PT. 2).

Mr. SIMMONS. From the Committee on Finance I submit the views of the minority to accompany House bill 7456, the pending tariff bill. I ask that the same number of copies of the views of the minority may be printed as were printed of the majority report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3557) to amend certain sections of the Compiled Laws of Alaska relating to criminal prosecutions for violation of the laws relating to license taxes; and

A bill (S. 3558) to amend paragraph 24 of section 24 of the Judicial Code, as amended December 21, 1911; to the Committee on the Judiciary.

By Mr. HALE (for Mr. FERNALD):

A bill (S. 3559) granting a pension to Benjamin S. Rollins (with accompanying papers); to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A bill (S. 3560) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. Clarence Centenial Sichel, deceased; to the Committee on Finance.

A bill (S. 3561) fixing the rank upon retirement of officers serving in the Spanish-American War, the Philippine insurrection, or the Boxer rebellion, and the recent war with Germany; and

A bill (S. 3562) to provide for the return from Europe of motor-propelled vehicles and other equipment used by the American forces in Germany for distribution to the State highway departments, and for other purposes; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 3563) to provide credit facilities for the preservation and development of the live-stock industry of the United States; to extend and stabilize the market for United States bonds and other securities; to extend the powers of the Federal Farm Loan Board created by the farm loan act; to provide fiscal agents for the United States and for the War Finance Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. PHIPPS:

A bill (S. 3564) to create the White House police force, and for other purposes; to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. VOLSTEAD, Mr. WALSH, and Mr. SUMNERS of Texas managers of the conference on the part of the House.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 10442. An act to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921;

H. R. 11427. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 11533. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11547. An act making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 10730. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes; and

H. J. Res. 268. Joint resolution extending the operation of the immigration act of May 19, 1921.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title, and referred as indicated below:

H. R. 10442. An act to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, as amended by an act to amend said act approved July 21, 1921; to the Committee on Territories and Insular Possessions.

H. R. 11427. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11533. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Pensions.

H. R. 11547. An act making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau; to the Committee on Appropriations.

ADDITIONAL DISTRICT JUDGES.

The PRESIDING OFFICER (Mr. STERLING in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CUMMINS. I move that the Senate insist upon its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. CUMMINS, Mr. STERLING, and Mr. OVERMAN conferees on the part of the Senate.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes; the pending question being on the amendment of the Committee on Finance, on page 2, line 12, before the word "cents," to strike out "1½" and insert "2," so as to read:

Lactic acid, containing by weight of lactic acid less than 80 per cent, 2 cents per pound.

Mr. JONES of New Mexico. Mr. President, yesterday afternoon we had a very interesting discussion regarding the rate of duty which the committee recommends shall be placed upon importations of lactic acid. It was very interesting in connection with the previous discussions of this bill. In the consideration of the first item in the bill I inquired of the chairman of the Committee on Finance as to the basis on which the duties proposed by this bill were made. He informed us that the basis was the difference between the cost of production in the United States and the cost of production in the foreign country plus the transportation charges. It developed that, according to his theory, no attempt actually had been made to ascertain the difference in such costs, but as to that particular item he took the selling price in this country and the selling price of the commodity in the foreign country, and he assumed from that that the domestic selling price represented the cost of production plus a reasonable profit. He also made a like assumption regarding the foreign selling price, and therefore he was able to arrive at the rate which should be imposed in order to equalize the cost of production in this country and the foreign cost plus transportation.

I thought that was a violent assumption and gave some reasons for my belief. Later on in the discussion of the next item in the bill the Senator from Utah said that the duty in that instance was levied for revenue purposes. No information was given as to why the particular rate should have been imposed for revenue purposes. We had no information from him or from the chairman of the Finance Committee as to the domestic production, the prices of the domestic article in this country or the prices abroad, and no information to show why the duty should be increased in order to raise revenue. We had a pitiful appeal from an association of naturalized Italians, who were directly interested in the importation of that particular commodity, protesting against any increase of duty, because it was their belief that the importation under the existing duty was relatively insignificant and that the imposition of a higher duty would prohibit importations. They wanted to exchange acid for food.

Yesterday the item of lactic acid came up for consideration. The matter was about to be submitted to a vote without a word of information from any member of the Finance Committee. I finally rose and inquired of the chairman of the Finance Committee the basis on which this item of taxation was levied. He referred to the fact that the importations during the first nine months of 1921 had increased somewhat above the importations of 1920, and he said that that was sufficient information to justify this increase in the rate of duty.

I think it well for us to understand the present law regarding this item, the action of the House in the bill as passed by it, and the changes which were made by the Finance Committee.

This article, lactic acid, is manufactured in various strengths, ranging from 22 per cent in weight of lactic acid to 80 per cent. The duty under the previous law, the Payne-Aldrich law, was as follows:

Lactic acid containing not over 40 per cent by weight of actual lactic acid, 2 cents per pound; containing over 40 per cent by weight of actual lactic acid, 3 cents per pound.

Under the present law, the Underwood-Simmons law, there is only one duty upon all grades—lactic acid, 1½ cents per pound.

The House, in the bill now under consideration, imposed a duty as follows:

Lactic acid, containing by weight of lactic acid less than 30 per cent, 1½ cents per pound—

The Senate Finance Committee proposes to increase that to 2 cents per pound—

30 per cent or more and less than 55 per cent, 3 cents per pound—

The Senate committee proposes to increase that to 4 cents per pound—

and 55 per cent or more, 5 cents per pound.

The Senate committee proposes to increase that from 5 to 9 cents per pound.

The bill as passed by the House, and as reported by the Finance Committee of the Senate, contains this further provision:

Provided, That any lactic-acid anhydride present shall be determined as lactic acid and included as such: *And provided further*, That the duty on lactic acid shall not be less than 25 per cent ad valorem.

It will be observed that that is a very marked increase above the Payne-Aldrich law. There the highest rate on any acid containing above 40 per cent of actual lactic acid was 3 cents per pound; on acid containing less than 40 per cent of actual lactic acid under the Payne-Aldrich law it was 2 cents per pound; making the tariff on a rating of only two classes of lactic acid. Now, the Finance Committee of the Senate increases every one of those grades. On acid containing 30 per cent or under it is increased to 2 cents per pound by the Senate committee.

The House had it 1½ cents on acid containing less than 55 per cent, the Senate committee makes it 4 cents per pound, and on acid containing 55 per cent or more the Senate committee makes it 9 cents per pound—three times the highest rate fixed by the Payne-Aldrich Act, 300 per cent increase over the Payne-Aldrich Act, and 600 per cent increase over the existing law on lactic acid.

Mr. President, I tried to ascertain the reason for this extraordinary increase in duty. The only information which I obtained from the chairman of the committee was that there had been an actual increase in importations. I want to be certain that there shall be no misunderstanding about it, and I shall therefore read just what he said. I had been interrogating him, wanting to know why this increase was made. He referred me to this book which I have here, furnished by the Tariff Commission. I had read everything in that book regarding this subject, and therefore I requested the Senator from North Dakota to point out what there was in that book which would justify this increase, and so the Senator very generously replied:

I will tell him one thing it shows. It shows that in 1908 we imported only 82,671 pounds of this article, while in the first nine months of 1921 we advanced from the 82,000 pounds of 1908 to 853,545 pounds, as against an entire output in the United States of 1,900,000 pounds. I think that of itself shows the necessity of some kind of protection to the American industry. We thought it was a sufficient showing.

I want to repeat that:

We thought it was a sufficient showing.

Mr. President, bearing in mind that the chairman of the Finance Committee laid down as his basis in his first utterance regarding this bill that the duty should be levied so as to equalize the cost of production in the United States and in the foreign country, and assuming that he has not varied from that fundamental proposition, I could not help but wonder what kind of a mental operation it required to evolve those facts from the mere statement which I have read—the mere fact that from 1908 to 1921 the importations had increased from 82,000 pounds to eight hundred and odd thousand pounds. From that fact alone, through some mental process which I can not understand, the Senator from North Dakota says that he is able to determine the cost of production at home and the cost of production abroad.

That is his mental attitude. When he made that statement I felt that so far as my attempt to understand such reasoning was concerned I was in a very hopeless dilemma; but, to my great surprise, another Senator rose during the discussion and said that he thought that information was all that was necessary. That was the distinguished Senator from Massachusetts [Mr. LODGE], who for many years was a member of the Finance Committee. He said he thought that that solitary fact was a sufficient basis on which to make these increases; that by it they could determine not only the cost of production at home and abroad but it would enable them to ascertain the exact rates which should be imposed; that by that sole fact they thought it was advisable to increase the rate on acid containing 30 per cent or less of this material from 1½ cents per pound, as fixed by the House, to 2 cents per pound. Upon the next grade of acid they were enabled to increase the rate 33⅓ per cent above the House rate. Upon the next grade of acid they were able to increase the rate nearly 100 per cent above the House rate.

Mr. President, during the time that I have been considering this tariff legislation I must confess that I found nothing in all of the information which would lead me to believe that I could ever reach the point where, from such information as that, I would be able to arrive at a definite conclusion as to a just rate, a difference of a few cents a pound, on lactic acid. My amazement was still greater when the distinguished Senator from Massachusetts gave it as his opinion also that from that information he would arrive at exactly the same result arrived at by the committee. I was very much discouraged. With only such information as that, I did not believe I could ever come to understand this bill.

Not only that, Mr. President, but that information itself was not presented to the Senate. No statement was made to the Senate regarding even those facts, and so they expected the Senate to reason about like this: That the Finance Committee has fixed a definite rate; it has increased these duties by a large percentage; therefore the Members of the Senate must reason backward from that; that, from the mere fact that the Senate Finance Committee recommends these increases in duty, the Senators are able to assume that those mere figures represent the difference between the cost of production in the United States and the cost of production abroad.

Again, I want to say that that is a method of reasoning which I am unable to follow. I confess that I never believed I was so stupid that I could not understand something about how to fix tariff rates, especially when it was said that these rates should be fixed on the difference between the cost of production in the United States and the cost of production abroad; but I could not follow that. It occurred to me that these two distinguished Senators perhaps could make a greater record and a more sensational record for their families if they would pursue the vocation of necromancers, or some other psychic vocation. They have ability to read something out of cold facts which apparently nobody else can get. Or they might become paleontologists. I think they would have a great career in that field of inquiry. If they can ascertain all this from the one fact to which I have called attention, I am certain that if they should discover some fossil, no matter how small, part of an extinct animal, they would be able to construct a wonderful reproduction.

They have evidently exercised some such power in fixing these rates. From the mere ascertainment that the importations of this commodity have increased from 1908 down to the present time, they would ascertain all essential facts, and not only that, Mr. President, but in spite of the facts that these importations do not disclose the quality of the acid imported, they are able to fix rates for the different degrees of purity of the product. My information is that you can not tell, from any of these official reports, what grades of acid are imported, but it is a fact that there is only one grade imported, and that is 80 per cent purity. That statement is verified by the so-called Reynolds report. It was undertaken in that investigation to ascertain the prices of the domestic article and the foreign price, and only one grade of the imported article could be found in this country. That was the article with 80 per cent degree of purity.

From that information which the Finance Committee had—that only one grade of this acid was imported, the 80 per cent grade—they were able to determine that the duty upon the acid of 30 per cent purity or less should be increased from 1½ cents to 2 cents per pound. They were likewise able to increase the duty on lactic acid containing less than 55 per cent of lactic acid from 3 to 4 cents per pound, and on that containing above 55 per cent to 9 cents a pound, from the present rate of 1½ cents a pound. I must confess that such mental acumen is beyond me. I almost felt like resigning my position on the committee; it was a hopeless situation. But finally something very significant occurred. As I have said, there was no evidence in the hearings either before the Committee on Ways and Means of the House or before the Finance Committee of the Senate as to value or as to cost of production. The Senator from North Dakota [Mr. MCCUMBER] had reasoned from the bare facts which I have related. The Senator from Massachusetts had agreed with him that that was sufficient. But soon afterwards something very significant occurred. The Senator from Alabama [Mr. UNDERWOOD] began discussing this question. The Senator from Massachusetts [Mr. LODGE] felt that he would have to say something more. While I was trying to interrogate the Senator from North Dakota, the Senator from Massachusetts was trying all the time to get the floor in order to tell us

that he had information in abundance which would satisfy everybody. He finally got the floor, and all that he produced at that time were the figures showing the importations month by month for the last 14 months. That is all he produced.

Finally the Senator from Alabama entered into the discussion, and the Senator from Massachusetts concluded that he would have to say something more than he had said. He evidently realized that a mistake had been made in basing these rates of duty upon that meager information. So he came forward with the fact that certain concerns up in Massachusetts were going broke, and that that statement was made before the committee by the Du Pont Co., which had a branch which made lactic acid, and had given up because it was rendered entirely unprofitable.

Further along the Senator from Massachusetts himself said, speaking of this industry:

> While it is not a larger industry, it is a valuable industry; and there seems no good reason for its destruction. It was for that reason that I urged upon the committee that they should consider this increase over the House rate.

Mr. President, we were thus advised that the statement of the Senator from North Dakota that this mere difference in the importations was all that had been presented was not quite accurate. It was all that they had in the RECORD, but in some quiet corner the Du Pont Co. goes before the Finance Committee of the Senate and pleads for a higher duty upon this commodity. The Senator from Massachusetts in some quiet corner does the same.

Mr. President, I want to know if the people of this country are willing that a tariff bill shall be manufactured in any such fashion. There is no testimony of that sort in the record, and except for a colloquy the Senate and the country would never have known the reason for these large increases in taxes upon this commodity.

Mr. President, finally the Senator from Massachusetts felt that it was necessary that his statements be corroborated. So he read a part of a letter which he held in his hand. He did not state the person from whom he received that letter; he did not give its date; and I think he owes it to the Senate and to the country to put into the record the entire letter. He read from it to some extent, and we can only judge what the whole letter contained.

Mr. LODGE. Mr. President, if the Senator will allow me—I just came into the Chamber—it was by the merest accident that I did not mention the writer's name. The writer was Mr. Robert F. Marden, of Lowell, who, I may state, was one of the directors of the company.

Mr. JONES of New Mexico. What company?

Mr. LODGE. I mentioned the name of the company over and over again. It was the Wamesit Chemical Co.

Mr. JONES of New Mexico. The Senator read the name of the Wamesit Chemical Co. in reading from the letter.

Mr. LODGE. Yes; I thought I mentioned that.

Mr. JONES of New Mexico. That is the only place it is mentioned directly. Here is what we find in the extract from that letter. I wish we might have the entire letter in the record, and if the Senator from Massachusetts, while he has his attention directed to it now, will put the entire letter in the record, I shall appreciate it very much.

Mr. LODGE. I will gladly put in all of the letter that relates to this question. The writer is a gentleman whom I have known for a great many years and there is some entirely personal matter in the letter, as I remember. I have another letter here from the treasurer, Mr. Murphy, and I think perhaps I might as well print that, too.

Mr. JONES of New Mexico. I would like to have those letters appended at the close of my remarks as an appendix.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Without objection, it is so ordered.

Mr. JONES of New Mexico. Mr. President, I read this much from what the Senator read yesterday:

> The German imported acid rated at 80 per cent by weight quoted to-day at 10.80 cents per pound. Add to this the proposed duty of 7 cents, and his selling price will be 17.80 cents, which is to be compared with our American producers' price of 70.50 cents.

There is nothing in the bill as it came from the House or from the Finance Committee regarding this 7-cent rate. I do not know where that 7 cents came from. Evidently it must have been from some letter written before the bill passed the House. It does not appear in the hearings of the Ways and Means Committee of the House. It appears nowhere else that I know of, and this is the first time I have heard of a rate by either body of 7 cents, but evidently the writer was trying to suggest what the rate shall be, because he further said:

> The point I wish to raise is that the margin of 0.30 cent between our home retail price and the imported price under the new tariff is insufficient in view of the practical certainty that the German price will automatically be lowered below our figure and that importations will continue uninterrupted.

Mr. President, that includes what I believe to be one vicious feature of the bill. That manufacturer merely quoted his price. He did not tell how much profit he was making. He merely quoted the price.

Mr. LODGE. He is making so much profit that the mill is closed down, and he will have to dismantle and sell it unless some relief is given. That is the profit he is making. He lost $10,000 in the last six months.

Mr. JONES of New Mexico. Yes; I was going to call attention to that.

Mr. LODGE. Men who are making abnormal profits very seldom close down their factories.

Mr. JONES of New Mexico. The Senator is quite right, and I expect to dwell a little on these reasons. It appears further on that the reason why he is not making any more acid is because his vats are full and there is no market for it at any price. The tanning industry of the country is closed down also.

Mr. LODGE. Yes; the Senator from Alabama [Mr. UNDERWOOD] pointed that out yesterday.

Mr. JONES of New Mexico. That is why he can not sell, but he does not say what it costs him to produce the article. He is holding up his price yet, and he wants a tariff which will enable him to maintain that price, which doubtless is a war price and has been practically the same for some time, when business shall resume. He said that with a duty of 7 cents per pound the foreign article would be selling higher than his price, but what did the Finance Committee of the Senate do? They raised it to 9 cents. The House put it at 5 cents. The Finance Committee of the Senate raises it to 9 cents, and on that single statement of an interested party.

He proceeds further:

> We also consider it important that the edible lactic acid should carry a flat duty of 15 cents per pound. The present tariff bill includes the edible under the general headings of lactic acid. It should be referred to specifically, as it is to all intents and purposes a separate article of commerce from the technical lactic acid. It is a form of acid that is certain to be extensively utilized in trade, and it is our expectation and hope that the market for edible lactic can be widely expanded to the advantage of the great mass of the people in this country. In short, the edible lactic industry in this country is in its infancy. Germany is sending in edible lactic acid to-day equivalent to that produced by us, and is selling it at 17.40 cents, as against our lowest price of 25 cents. If we add the 7 cents duty to the 17.40, we still give the Germans 0.60 cent as a differential in their favor. Once again I would like to point out that no one knows how much lower the German imported acid can and will be sold at compared to the present price.
>
> The Wamesit Chemical Co. is closing down its plant to-day, having its tanks filled to overflowing with manufactured lactic acid which we have been unable to sell in any great quantities, largely because of German competition. We are willing to make due allowance for hard times, but it is the German competition which strangles our industry, whether times are good or bad.

Mr. President, in the Reynolds report, as I said, it is stated that no lactic acid under 80 per cent purity was found in this country There is no quotation of an American article of the same grade as the imported article. Here is what the Reynolds report said:

> Selling price of foreign article in the United States, 12 cents.
> Selling price of domestic article, reported as comparable, 17.6 cents.

I have here a letter addressed to the Senator from North Carolina [Mr. SIMMONS], the ranking minority member of the Finance Committee, in which this statement is made under date of April 21, 1922:

> We wish to make a protest against the extravagant increase in duty on lactic acid to 9 cents a pound on lactic of the strength of 55 per cent and above as being both unreasonable and unfair. Lactic acid of the strength above 55 per cent by weight is not manufactured in the United States, and therefore no protection is necessary. If we could obtain 80 per cent lactic acid in this country we would not have any occasion to import it. We do not claim that lactic acid is not produced in this country, but we do claim that lactic acid of the high concentration that we import, 80 per cent by weight, is not produced here.
>
> Our customers of 80 per cent edible lactic acid require that it be of the very highest concentration possible and as free of water as can be obtained. As such an article is not produced here we are obliged to import it for the consumers, and when we do import it we do not compete with any domestic manufacturer, for the reason that no domestic manufacturer produces lactic acid of such high strength as 80 per cent. We claim that the increase from 1½ cents a pound to 9 cents is unfair.

That is from C. M. Armstrong & Co., of New York City.

Mr. President, there is some other information in the record, not in the hearings but in the report of the Tariff Commission, which bears upon the subject. I do not believe that such other evidence warrants an increase of the present duty. It becomes necessary, therefore, to make some little statement regarding the matter.

Lactic acid is that acid which is found in buttermilk or sour milk. The industry had its birth in the United States. Lactic acid is to-day divided into two general grades, one called technical, the other edible. The so-called technical grade is likewise divided into different degrees of strength, varying from 22 per cent up to 66 per cent. That acid is used principally in the tanning industry. It has other uses, however, but the consumption of it in the country depends principally, of course, upon the prosperity of the tanning industry. That industry likewise is at a low ebb; and what I can not quite understand is how the Senator from Massachusetts [Mr. LODGE], who is intensely interested in the tanning industry, should be willing to have such an enormous duty imposed upon lactic acid. That is more than I can understand. At the last session of Congress he was not willing to have even a small duty imposed upon hides, but now, apparently, he is perfectly willing to have the duty on lactic acid, one of the materials that go into the tanning industry of his State, increased in the higher grades by 600 per cent.

The Tariff Commission has made quite a study of this subject, and tells us about the different grades of the technical acid and its uses, and also about the uses of edible lactic acid. The commission informs us that this industry began in 1881, and that this country was the only place in the world where any lactic acid was produced at that time. The industry was commenced in Germany along about 1894 or 1895. Until 1897 there was no duty on this acid at all. The industry had its beginning without any duty; it prospered without any duty. We are also told by the Tariff Commission that prior to the war the industry had built up a large export trade; that it was competing with the world.

We are further told that this commodity is produced in this country principally from the unmarketable corn. It may be produced also from potatoes, and in Germany it is produced entirely from potatoes. The Tariff Commission itself tells us that this country is at no disadvantage with Germany so far as the raw material is concerned.

We are likewise told that this acid must be transported in glass containers. It is produced in Germany from potatoes; and I wonder what the situation in Germany is to-day regarding the raw material. I do not know; the committee does not know; and the Tariff Commission does not report; but the general impression at least has gone abroad that Germany to-day has other uses for all of her potatoes than the making of lactic acid.

The Tariff Commission, however, has done a thing in this case which it has seldom done in any of its surveys of any industry. It has made the statement that this country is at no disadvantage with the remainder of the world so far as the raw material is concerned; and there is not a line of testimony in the entire record, there has been no showing made on the floor of the Senate or elsewhere, which gives us any information as to the labor cost so far as the processes of manufacture are concerned.

So it seems to me, Mr. President, that the Finance Committee has not acted in this case upon any record evidence which will warrant the proposed extraordinary increase in the rate of duty. There was no hearing before the Ways and Means Committee of the House; there was no hearing before the Finance Committee of the Senate; but it does appear in the CONGRESSIONAL RECORD of yesterday that a representative of the Du Pont Co. went at least to some members of the Finance Committee and told them what it wanted. It also appears that the senior Senator from Massachusetts [Mr. LODGE] likewise went before that committee and told them what he wanted. It is upon such secret, star-chamber proceedings that this rate is built up and increased upon the higher grade of acid from 1½ cents a pound to 9 cents a pound.

If that is the process by which this bill has been built up, the people of the country ought to know it and Senators ought to know it, and when they shall know it they will not take it for granted, as they have assumed to do so far, that the mere recommendation of the majority of the Finance Committee of the Senate is all that they require in order to justify them in voting for the enormous increases in rates contained in the pending bill.

Mr. President, lactic acid is now coming into use for edible purposes. It is also used for medicinal purposes. We have been told that its use prolongs life and that we should all drink a lot of buttermilk in order to consume lactic acid. It is said that it not only prolongs life and prevents autointoxication but it promotes cheerfulness. Yesterday the Senator from North Dakota [Mr. MCCUMBER] was very much perturbed because I asked him a question or two about the duty on this commodity. I obtained information from him only after I had been somewhat insistent, and then the Senator from Indiana [Mr. WATSON] rose and lectured all of us on this side, alleging that we were engaged in a filibuster, simply because we were trying to ask a few questions, and he was determined that he would shut off all inquiry regarding these items. The Senator from Massachusetts [Mr. LODGE] had a very significant expression on his face, an expression which sometimes may be noticed there in what I may perhaps call his more caustic moods. He did not want to be disturbed about it; he did not like questions about it. Mr. President, if ever there was a demonstration that lactic acid should be made cheaper it occurred at that time on the floor of the Senate. Lactic acid ought to be kept in abundance around the Senate Chamber. The Senator from North Dakota ought to consume a lot of it and likewise the Senator from Massachusetts. Any Senator who can tell what rates of duty ought to be put upon a commodity simply because the importations have increased somewhat during the last 15 years ought never to die; he is invaluable to the Senate; his life should be prolonged. The Senator from Massachusetts is blessed, as is the Senator from North Dakota, with such powers; his psychic development is such that he likewise can perform such feats of mental or spiritual legerdemain. He ought to consume lactic acid, as should also the Senator from Indiana [Mr. WATSON], who gave us such a scolding yesterday. It is true he is laboring under peculiar circumstances, for doubtless he has heard the "New-s" from Indiana; but he ought not to get mad about that; he ought to consume lactic acid in order to clear up his liver, to make him better natured and to help us consider this tariff bill, as it should be considered, in the interest of the great mass of the people.

APPENDIX.

WAMESIT CHEMICAL CO.,
Lowell, Mass., March 30, 1922.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SENATOR LODGE: With further reference to a higher tariff on lactic acid, I would like to suggest that, subject at all times to your judgment, we make an effort to have the proposed schedule revised upward with respect to paragraph 1 of Schedule 1, where it refers to lactic acid "and 55 per cent or more."

In our opinion the above rate of duty should be amended so as to carry a duty of 10 cents per pound.

It is a matter of record, already on file with you, that there has been in past 12 months importations of lactic acid from Germany in total sufficient to supply a large proportion of the industrial needs in this country. The prices at which this imported German acid is sold are always slightly lower than any price at which the American producers of lactic acid can afford to sell. It is our firm belief that when forced by the proposed tariff rate of 7 cents either to lower prices or cease competition the German producer will lower his price, and we further believe that he can easily do so.

The German imported acid rated as 80 per cent by weight is quoted to-day at 10.80 cents per pound. Add to this the proposed duty of 7 cents and his selling price will be 17.80 cents, which is to be compared with our American producers' price of 17.50 cents. The point I wish to raise is that the margin of 0.30 cent between our home retail price and the imported price under the new tariff is insufficient, in view of the practical certainty that the German price will automatically be lowered below our figure and that importations will continue uninterrupted, thereby forcing the abandonment of the lactic-acid production by American industry.

We also consider it important that the edible lactic acid should carry a flat duty of 15 cents per pound. The present tariff bill includes the edible under the general headings of lactic acid. It should be referred to specifically, as it is to all intents and purposes a separate article of commerce from the technical lactic acid. It is a form of acid that is certain to be extensively utilized in trade, and it is our expectation and hope that the market for edible lactic can be widely expanded to the advantage of the great mass of the people in this country. In short, the edible lactic industry in this country is in its infancy. Germany is sending in edible lactic acid to-day equivalent to that produced by us and is selling it at 17.40 cents, as against our lowest price of 25 cents. If we add the 7 cents duty to the 17.40, we still give the Germans 0.60 cent as a differential in their favor. Once again I would like to point out that no one knows how much lower this German imported acid can and will be sold as compared to the present price.

What we are anxious to secure in the new tariff bill is a reasonable margin of safety. I think that in the lower strengths the latest figures can be considered probably adequate, but the higher strengths need at least the 10-cent duty which we are asking. The great proportion of the imported German lactic acid consists of the high percentage strengths. The percentages are reduced after the high-strength acid reaches this country. Therefore it is most important to provide the really protecting tariff duty on the strength from 55 per cent upward. It is also important, but we do not consider it so vital, to protect the edible acid by high duty.

The Wamesit Chemical Co. is closing down its plant to-day, having its tanks filled to overflowing with manufactured lactic acid which we have been unable to sell in any great quantities, largely because of German competition. We are willing to make due allowance for hard times, but it is the German competition which strangles our industry, whether times are good or bad.

It is not my desire nor that of my associates to seek to procure an unreasonable tariff protection, but we feel strongly that we are entitled to a sufficient protective duty, because we are not only an enterprise serving private industries, but, on the other hand, engaged in a line of vital importance to this Government in the event of war. We do not believe that we should be compelled to abandon and dismantle a valuable productive enterprise, which will be, however, the

ultimate fate of the Wamesit Chemical Co. unless we have relief as outlined above. The figures we have asked for are, to our mind, the minimum protection that should be given us.

* * * * * * *

With many thanks and kindest regards, I remain,
Sincerely yours.

ROBERT F. MARDEN,
For Wamesit Chemical Co.

WAMESIT CHEMICAL CO.,
(SUCCESSORS TO AVERY CHEMICAL CO.),
Lowell, Mass., February 16, 1922.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: At the suggestion of Congressman JOHN JACOB ROGERS, I beg to submit for your consideration facts relative to lactic acid in connection with the preparation of the schedule in the proposed new tariff bill.

The Wamesit Chemical Co., a Massachusetts corporation, are at present equipped to manufacture not only all the technical and all the edible lactic acid consumed in this country, but also a considerable further quantity available for export.

The Wamesit Chemical Co. succeeded the Avery Chemical Co., who were the original manufacturers of the world of lactic acid, and for many years, up to the time that the Avery Chemical Co. went into the hands of a receiver, they were the largest manufacturers of lactic acid in the world. All of their equipment, thoroughly modernized and available for immediate use, now belongs to the Wamesit Chemical Co.

For some time the output of our lactic acid has been restricted by the comparatively small amount of acid we could sell. We are now operating not over 20 per cent of our capacity owing to the competition of foreign acid in this market, which we find, upon careful investigation, is steadily increasing and becoming keener.

We attach a certified copy of a letter dated New York, February 15, 1922, from Mr. J. F. Carroll, Chief, Bureau Customs Statistics, Treasury Department, United States Customs Service, New York, N. Y., showing figures of importations of lactic acid entering consumption of the United States during the year 1921 and January, 1922, which we would call to your careful attention. An analysis of these figures shows:

Period.	Quantity in pounds.	Total value in dollars.	Average value per pound in cents.
1921.			
First 6 months	185,944	14,578	7.83
Last 6 months	417,441	30,408	7.28
Average per month:			
First 6 months	30,991	2,430	.....
Last 6 months	69,574	5,068	.....
1922.			
January	72,325	5,451	7.50

The above figures show a steady increase in the quantity and value of the lactic acid imported. In spite of the fact that there were no importations during August, 1921, the importations during the last six months of 1921 were more than double in quantity, value, and monthly average the importations for the first six months of 1921, and the importations during January, 1922, exceeded in both quantity and value the average monthly importations for the previous six months.

While there are no statistics, so far as we can learn, to show how much edible or technical lactic acid was imported, or the concentration, we learn that nearly all of the acid imported has been 80 per cent lactic acid, and that both edible and technical lactic acid have been imported in considerable volume. The edible is much more valuable than the technical. The prices shown above are per pound of everything imported and therefore indicate the low prices at which it is possible to import foreign acid. At this writing 22 barrels of imported 80 per cent lactic acid, edible, are being offered in New York at 22 cents per pound, ex store New York; i. e., United States duty paid.

Twenty-two cents a pound for 80 per cent equals 14⅜ cents a pound for 50 per cent, or 7⅛ cents a pound for 25 per cent; 50 per cent and 25 per cent are the usual strengths in this country, and which we have sold in quantity at 30 cents and 15 cents per pound, respectively.

In 1919 we exported 970,444 pounds of 44 per cent acid at an average price of 10 cents per pound f. a. s. New York.

In 1920 we exported 92,449 pounds of 44 per cent acid at an average price of 10 cents per pound f. a. s. New York.

In 1921, and thus far in 1922, we exported nothing at all.

Upon investigating we find that the exceedingly low cost of labor (about one-twentieth of our cost) and the extremely depreciated value of the currency (which is now over 2,000 per cent below normal value) in foreign countries of manufacture make it possible for the foreign manufacturers to produce and sell in this country far below our cost of production, and, of course, at a price at which we can not compete. To these facts is also attributable our loss of all of our export business. We also attach a certified copy of our balance sheet covering our operations during the last six months of 1921, the last period for which figures are available, showing a loss to our company of $10,709.96.

Our foreign market has been taken away from us absolutely and our domestic market is rapidly disappearing. To enable us to continue manufacturing an article the manufacture of which was started in the United States 37 years ago, we must have adequate protection in the shape of duty; specifically, we wish to have amended the proposed tariff schedule as it is printed in the bill on page 2 as follows:

Substitute 5 cents for 1½ cents on line 8.

Substitute 10 cents for 3 cents on line 10.

Substitute 15 cents for 5 cents on line 10.

Add a clause providing a duty of 25 cents per pound on edible lactic acid.

With these amendments we feel that American manufacture of lactic acid in existing plants can be conducted without constant fear of competition from foreign importations, and, at the same time, without giving lactic acid undue protection. In short, in order to continue the operation of our plant, it is necessary to increase the protective tariff on lactic acid as suggested above.

The following-named companies, which have in the past manufactured considerable quantities of lactic acid in the United States at the places named, have stopped manufacturing, and will not resume for the reasons stated:

American Alkali & Acid Co., Bradford, Pa.: Found it unprofitable.

Atlantic Chemical Co., Mansfield, Mass.: Failed.

Avery Chemical Co., Lowell, Mass.: Failed and plant purchased by Wamesit Chemical Co.

Westchester Chemical Co., Pelham, N. Y.: Found it unprofitable and have discontinued business.

We serve several manufacturers in New England; some are small consumers; others are quite large consumers. Due to our ability to effect immediate and prompt deliveries of high-quality acid, to convenience, established business relations, and friendships, we have held the bulk of the business in our immediate vicinity, and these users particularly would suffer if we were forced to discontinue and leave the market to the mercy of the foreign manufacturers, who would undoubtedly not be slow to take advantage of the situation and raise prices.

We have discussed the importation of lactic acid from time to time with Congressman ROGERS, and, if you wish, I have no doubt he will gladly explain the circumstances against which we have been fighting. Mr. Carroll's letter attached shows the large volume of importations of foreign lactic acid during 1921 and January, 1922, which have come in despite the fact that lactic acid should not have been permitted to enter except when a license was granted by the Chief of the Dye and Chemical Section, Department of the Treasury, covering such importation. Some importations were made without licenses. The importers resort to various subterfuges to get lactic acid into the country. While they have been succeeding in this, we have been piling up manufactured lactic acid in our tanks and meeting with constantly increasing difficulty in finding a market. I am sure you will appreciate our situation.

In summary, we can produce both edible and technical lactic acid in the volume and of the qualities required by consumers in the United States, and sell same at reasonable prices consistent with the prices which prevailed before the war plus the extra cost of production due to higher cost of labor, coal, raw materials, repairs, etc. We can not compete with the importer of foreign lactic acid unless we have a safe margin of protection in the tariff.

I realize that this is a technical matter in its detail and that it can not be adequately discussed by letter. I am prepared, however, if you desire, to furnish you with any data you may wish or to be in Washington for conference on the subject at your pleasure.

Thanking you in advance for any assistance which you may be able to consistently render in the interest of an old-established Massachusetts industry, furnishing employment to Massachusetts labor, I remain,

Very respectfully yours, JOHN H. MURPHY,
Treasurer.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on the amendment reported by the committee.

Mr. ASHURST. Mr. President, I rise to address the Senate upon the subject of further hospitalization of ex-service men.

Mr. McCUMBER. Mr. President, I have not been informed whether unanimous consent has been given to the Senator from Arizona for some purpose. I could not quite understand what the Senator said. Is the Senator asking to digress from the consideration of the pending bill?

Mr. ASHURST. I avail myself of this opportunity to discuss the necessity for the expansion and enlargement of hospital facilities in Phoenix and Tucson, Ariz.

Mr. McCUMBER. Mr. President, of course I can not attempt to govern the Senator's desire in the matter or influence him. I am very anxious to have Senators talk to the pending bill while it is under consideration. I admit that it is impossible for a Senator in charge of a bill to insist that other Senators shall consider that bill and that bill only, because the range of discussion is so broad that a Senator may speak on almost anything that he desires; but I desire to call the Senator's attention to the fact that we spent, I think, some six days on acetic acid—vinegar—and we have now got down to sour milk, and we have not even decided that proposition as yet.

Mr. ASHURST. I am sure that I am correct when, in appraising the Senator's remarks, I do not think he means to intimate that I am attempting, or would attempt, to delay this or any other bill. I have been here some years and there is no one on either side who can truthfully say that I have ever taken part in a discussion except when I thought I could throw some light upon a subject.

Mr. WALSH of Montana. Mr. President, with the permission of the Senator, I give notice that on the convening of the Senate on Monday, May 8, or as soon as the measure is before the Senate, I shall address it on the subject of the constitutionality of section 315 of the pending bill and subsequent sections, embracing the so-called elastic provisions of the same, and I assure the Senator from North Dakota that I shall confine myself to that subject.

HOSPITALIZATION IN ARIZONA OF EX-SERVICE MEN.

Mr. ASHURST. Mr. President, the subject of which I shall speak is as vital as any other subject that challenges the attention of the Senate. It is a subject upon which I have spoken many times.

I now read a telegram which I have just received. It is from the executive committee of the Association of Allied Service Organizations. It is dated Phoenix, Ariz., May 5, 1922:

Senator HENRY F. ASHURST,
Washington, D. C.:

The Association of Allied Service Organizations, composed of the American Legion, Women's Auxiliary of the American Legion, the Society of the Forty Men and Eight Horses, Veterans of Foreign Wars of the United States, Auxiliary of Veterans of Foreign Wars of the United States, Military Order of the Cootie, and the Disabled American Veterans of the World War, earnestly request that a veterans' hospital be located in Phoenix under allotment for district No. 12 included in bill appropriating $17,000,000, reported May 4.

This is urgently needed to relieve congestion and suffering among disabled men in immediate vicinity of Phoenix. Present hospital facilities here pitifully inadequate. Numbers of disabled men from all over the country entitled to hospitalization are arriving here in spite of closing of contract hospitals. The care of many of these men is falling upon local service organizations and private individuals.

(Signed) EXECUTIVE COMMITTEE, ASSOCIATION OF ALLIED SERVICE ORGANIZATIONS.

On the 18th of October of last year I received a telegram from the Governor of Arizona, as follows:

PHOENIX, ARIZ., *October 17, 1921.*

Senator HENRY F. ASHURST,
Washington, D. C.:

Director Forbes of Veterans' Bureau has submitted report to President strongly urging immediate action to meet present emergency arising from needs of hundreds of disabled former service men who, with approach of winter, are pouring into Arizona, where facilities for their care are very inadequate. He recommends immediate completion of Whipple building program through letting of contracts, it being obvious that under system now in effect winter will be well over before any of the buildings now under construction will be ready for occupancy. Maj. Louis T. Grant, manager Veterans' Bureau, twelfth district, is now in Washington, and I therefore urge that Arizona congressional delegation take prompt action, conferring with Major Grant and Director Forbes and calling on the President, bringing strongly to his attention the desperate situation in which these men find themselves and pointing out necessity for immediate action along following lines: Speeding up of construction program at Whipple, establishment of vocational-training center at Prescott, acquirement of additional hospital facilities at Phoenix, and construction of cottages at Tucson to accommodate approximately 300 more patients. The need is very real, and I urgently bespeak your hearty cooperation.

THOMAS E. CAMPBELL,
Governor.

The soldier suffering from tuberculosis shares in that feeling prevalent throughout the United States that the balmy climates of Phoenix and Tucson, Ariz., are eligible places for the treatment of tuberculosis, and although the Veterans' Bureau has discouraged the soldiers suffering from tuberculosis from going into southern Arizona, the soldiers suffering from this baneful disease share in that general feeling of which most of our citizens partake, to wit, that climates and altitudes like the climate and altitude of Phoenix and Tucson are indeed and have been proved to be places which promote the recovery of those persons afflicted with tuberculosis.

Immediately upon the receipt of the telegram last October from the governor of Arizona—and the governor is a gentleman of excellent judgment—I visited the Director of the Veterans' Bureau, who said to me: "The governor has not overemphasized the situation." I then induced the governor and the editor of one of the leading journals to come here, and the Arizona delegation, with the governor, interviewed the Director of the Veterans' Bureau.

The director was once of opinion that hospital facilities at Tucson and Phoenix should be enlarged, but later he changed his opinion and stated that his medical advisers had informed him that no further expansions of hospitals should take place at Phoenix or Tucson.

I would make myself ridiculous if I attempted to put into the scales and have weighed my mere opinion respecting the proper treatment of tuberculosis in juxtaposition with the opinion of physicians, yet I am not without observation respecting the treatment of this disease. There is a psychology about the treatment of tuberculosis; there is about it an imponderable. It defies the usual rules; it perplexes the ingenuity of the ablest physicians. Within the diseased segments of the lungs of a human being afflicted with tuberculosis there is taking place a struggle, a battle on the part of the healthy corpuscles to overcome and eradicate the diseased corpuscles. The disease is curable in its primary or first stages; if a person afflicted with this disease is given pleasing environment where he will have a serene mind, cheerful surroundings, and freedom from homesickness, so that his digestive organs may function readily his recovery will be promoted. Recovery depends in no small degree upon his digestion. He must have not only good food and pure air but good digestion, so that healthy blood and tissues may be formed to combat the ravages of the disease and arrest its progress. But, sir, if the patient be taken to a climate that is damp, humid, or murky—and bear in mind that the lungs of a tubercular patient are "water-logged"—and he is placed in a dark, gloomy, unpleasant environment, homesickness, nostalgia, a wistful idea that if he were elsewhere he would recover seizes him, and his digestive organs do not function, do not operate, he does not digest his food; surely I need not say that a serene mind is necessary to the digestion of food.

I honor our American physicians for the sacrifices they have made, not only in the war but the sacrifices they are constantly making to alleviate the ills of the human race. But, Mr. President, science herself shakes her sapient head when confronted by imponderables, to wit, the things that apparently do not exist, but that veritably do exist.

The tubercular soldier shares in this general opinion, to wit, that if he can receive hospitalization in a balmy climate amidst serene surroundings where every day is sunny he will recover his health; and I will not ask the Senate nor the Director of the Veterans' Bureau to take my mere word, but I summons as witnesses the Governor of Arizona, the editors of the leading journals of both parties, the physicians of Arizona, the chambers of commerce, and this executive committee of the Association of Allied Service Organizations to give testimony that notwithstanding the efforts of the Veterans' Bureau to discourage the soldiers from going to southern Arizona, the soldiers suffering from tuberculosis in large numbers continue to go there, sharing the belief that is coexistent with the boundaries of this continent that in those places they will recover their health. They are there. They are without adequate hospitals, and it is of no utility to hand to the soldier transportation to some other climate; he will not go. He believes that he will recover in that climate, and all the argument and all the millions of words with which you could flail him will not change his opinion.

Is it to be remarked as strange, that the soldier suffering from this baneful disease will go where his countrymen generally believe he will recover, and where he believes he will recover? The Veterans' Bureau in many instances has done well, and I would be contemptible to stand here and say that it has done nothing. It has done much. It means well. Ah, it means well. The mothers on the banks of the Ganges River, who threw their children to the crocodiles, meant well. It is not a question of meaning well. It is a question of doing right, doing the appropriate thing.

Just before the Christmas holidays a bill came from the House appropriating $20,000,000 for the relief of starving Russians.

So no Senator could find it in his heart to defeat the Russian relief bill, although I believe every Senator felt that it would be more in keeping with the duties of an American Senator to appropriate the money for American purposes and to reduce American suffering and give relief to American soldiers than to distribute charities at points 5,000 miles away.

On my motion the Senate unanimously attached an amendment to the Russian relief bill appropriating a million dollars for the further expansion of hospital facilities for tubercular soldiers. My amendment was rejected by the conferees. The conferees on the part of the Senate and the House extended to me, however, the unusual privilege of appearing before them and arguing in behalf of my amendment. They listened to what I had to say, but rejected my amendment, and the Russian relief bill became a law and the amendment to appropriate a million dollars for the further hospitalization of soldiers was defeated.

Mr. President, on the day when the conferees rejected my amendment I addressed the Senate. I labored under severe stress of feeling. I tried to conceal the indignation I felt, and which every man of spirit must have felt when that amendment was defeated, and I let escape from my lips on that day words of which I have doubted the propriety—that is, words which conveyed a threat—but it so happened that the threat was most efficacious. I announced on that day I was going to cease speaking in the Senate on the hospitalization of the soldiers and that I would go into the States and the districts of the men who were opposing it, and there I would address their constituents and tell of the flagrant disregard of sick soldiers.

It would be offensive and unjust for me to assert that my mere threat to go and speak in the districts of Representatives and in the States of Senators who were opposing that amendment caused them to bring in the bill proposing an appropriation of $17,000,000. The truth is their sense of justice, their sense of duty and propriety prompted them, but my threat to go into their districts and into their States and expose the situation promoted the passage of the bill.

So now, Mr. President, I am obliged again to say something which I do not like to say, which seems improper and censorious, and of all Senators here no one has a greater dislike

for censoriousness than I. But, Mr. President, this is a desperate situation and requires heroic remedies.

The Senate appointed a committee to investigate hospitalization of sick soldiers. More than ten times I have invited and demanded that that committee go to Arizona to investigate. That committee refuses to go, Mr. President.

So now, with as little offense as possible, I invite, demand, for the tenth time demand, that this committee resign its commission or go to Arizona and talk with the ex-service men in Tucson and Phoenix who are there in need of hospitalization.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Georgia?

Mr. ASHURST. I yield for a moment.

Mr. WATSON of Georgia. Knowing that the Senator from Arizona has made such heroic efforts here month after month, and month after month, in behalf of these afflicted soldiers, did I understand him correctly to state that nothing had been done in their behalf since he has put his demands before the country?

Mr. ASHURST. The Senator will pardon me for giving a protracted reply. It would be so wrong as to be criminal for me to say that nothing has been done.

The Director of the Veterans' Bureau has done much good work, but he has failed and his advisers have failed and the board of consultants have failed to grasp a particular point where a great injustice has been done.

In other words, to repeat myself, there is a general feeling which prevails throughout this country that Phoenix and Tucson are eligible places for the treatment of tuberculosis. Many soldiers have gone there. They believe—and I can not convince them otherwise and no other person can convince them otherwise—that there they will recover. They believe that, having obeyed the country's call and gone in time of war where their officers commanded, at least now they ought to be allowed to choose the place where they are to be hospitalized.

Let me read to the Senator from Georgia a telegram which came this morning addressed to me from Phoenix, as follows:

MAY 5, 1922.

Senator HENRY F. ASHURST,
Washington, D. C.:

The Association of Allied Service Organizations, composed of American Legion, Women's Auxiliary American Legion, the Society of the Forty Men and Eight Horses—

That is a society which was organized by men who served in France—

Veterans of Foreign Wars of the United States, Auxiliary of Veterans of Foreign Wars of the United States, Military Order of the Cootie, Disabled American Veterans of the World War, earnestly request that a veterans' hospital be located in Phoenix under allotment for district No. 12—

In which district Arizona is located—

included in bill appropriating $17,000,000 reported May 4. This is urgently needed to relieve congestion and suffering among disabled men in immediate vicinity of Phoenix. Present hospital facilities here pitifully inadequate. Number of disabled men from all over the country entitled to hospitalization are arriving here in spite of closing of contract hospitals. The care of many of these men is falling upon the local service organizations and private individuals.

EXECUTIVE COMMITTEE ASSOCIATION
OF ALLIED SERVICE ORGANIZATIONS.

The Veterans' Bureau, harsh in its judgment of the situation, unyielding in its determination to have its own way, has said, in effect, to the soldiers, "You will take our view of this problem or die."

I submit that is not the humanitarian and just way to act. To resume: After my amendment to the Russian relief bill was defeated, it was obviously impossible for me to do anything further except to plead with the Veterans' Bureau to expand the hospital facilities in Phoenix and Tucson.

Mr. President, $17,000,000 is now available, or has been authorized, for the further expansion and increase of hospitalization facilities for tubercular ex-service men. The only service that Congress can now render—it has furnished the money and given the appropriate power to the director to care for the subject—is to see that its committee shall execute the commission for which the committee was chosen. We have, I repeat, lodged the appropriate amount of money and authority with the director.

As soon as the bill appropriating $17,000,000 for further expansion of hospital facilities for ex-service men passed the Senate, I went to the Veterans' Bureau. I did not talk with the director, because I knew that would be useless. He was fair enough and manly enough to tell me long ago that on matters of hospitalization he defers to the judgment of his advisers. I, therefore, was guilty of no discourtesy in refusing to consult him, especially after he had repeatedly advised me that he would be guided by nothing and nobody except his advisers. I requested to be heard by the committee on hospitalization, or board of consultants, highly reputable physicians, and on the 2d of this month they granted me the right to be heard.

Briefly I laid before that committee on hospitalization, or board of consultants, composed of physicians, the situation respecting the soldiers at Tucson and Phoenix. I pointed out that there is in this world a law called the law of imponderability against which physicians contend in vain. I pointed out how necessary it was to have a serene mind and properly functioning digestive organs if we expect a tubercular patient to recover. The physicians themselves nodded approval of my words in that regard, but when I concluded they advised me respectfully that they thought that no expansions, no increases in hospitalization facilities in Tucson and Phoenix, would be recommended to the director, which means, of course, that, although $17,000,000 is available, there will be no expansion of hospital facilities in those two communities.

There is a time for speech and a time for silence. This to me was a time for speech. It was a call of duty.

The governor of the State, the mayors of the cities, the county boards of supervisors, the local hospitals, have done for the past year and a half or two years all that may be done, but the harsh, the rigid, in my judgment the unjust, policy of the Director of the Veterans' Bureau refuses to extend hospital facilities at Tucson and Phoenix.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. Certainly.

Mr. WALSH of Massachusetts. Does the Senator from Arizona know that the President recently named a woman to visit the hospitals where disabled veterans are housed to make personal inspection of the same and report to him? If the Senator is aware of that fact—it may have escaped his attention, for I only knew of it through the press—I would like to ask if the situation which he is describing perhaps could be assisted and relieved by inviting that woman to visit the institutions in Arizona and examine the situation there?

Mr. ASHURST. I have no doubt—in fact, I am persuaded—that the President of the United States has done that. I can not tell you why, because I am not in his confidence. When the entire Arizona delegation called upon him with the Governor of Arizona and pointed out the necessity for this expansion, he manifested such a friendly and such a sincere regard for the soldier that I have no doubt he has done what the Senator from Massachusetts states. But, Mr. President, that is not what I want. That is not what I am seeking. I am asking this committee of the Senate to go down there.

I know a few things. I was not born yesterday. If there be a subject that I understand, it is bureaus and bureaucrats. Mr. President, I would not feel offended if it were said that I am ignorant of many, if not most, subjects, but I know it would be wrong if it were said I know nothing about bureaus.

I know bureaus from inside and out. A bureau knows how not to do it.

There is too much bureau business about this matter of hospitalization. The director of the bureau frankly says he knows nothing about it and will do nothing about it, but will ask some one else, and that "some one else" will ask some other person, and ad infinitum, ad libitum, ad nauseam, they go on down the line, whittling away and whittling away until we can not place or fasten the responsibility on anyone. If a report ever be made, it is a private public report and is not available.

But the report of this committee, composed of the Senators whom I have mentioned, would receive attention. The report of this committee would be read, would be discussed. The report of this committee which the Senate has appointed would be placed in the RECORD and could be mailed, and the committee owes it no less to me than to themselves to go there and investigate.

Mr. DIAL. Mr. President——.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from South Carolina?

Mr. ASHURST. I yield.

Mr. DIAL. The Senator knows that under the bill providing $17,000,000 to build hospitals there have to be constructed fireproof buildings.

Mr. ASHURST. Yes.

Mr. DIAL. Possibly they are waiting until the soldiers die in order that a few big contractors may erect that kind of buildings.

Mr. ASHURST. I thank the Senator for his interruption. The able Senator from South Carolina suggested that it would take too long to erect fireproof hospitals.

Mr. DIAL. Yes.

Mr. ASHURST. That was a pungent observation.

Mr. DIAL. And would serve fewer soldiers, too.

Mr. ASHURST. But it so happened upon the floor there sat and now sits the worthy junior Senator from New York [Mr. CALDER], himself a builder, and he promptly made the observation that a fireproof hospital may be built just as quickly, just as efficiently, as a nonfireproof hospital may be built. Indeed, he went on to say that unless it were a monumental building or a building of enormous proportions a fireproof hospital could in point of time be built more quickly than an inflammable hospital; so that objection is not a valid one.

I have several times in the discussion of this matter labored under the embarrassment of being in the position of attempting to secure appropriations for hospitals simply because they were in Arizona. It is painful for me to refer to such a thing. That a Senator would presume to suggest or to hint, as was done last December, that my activity in this matter has been promoted by the idea that my success therein would mean a great expenditure of Federal funds in my State is beneath my notice. I have felt that the location of hospitals and the manner in which the hospital should be built could be left to the discretion of the Director of the Veterans' Bureau. So, Senators who would attempt to insinuate that my activity has been prompted by any desire to have Federal funds expended in Arizona may dismiss any such thought from their minds.

At this juncture I ask unanimous consent to include in the RECORD a copy of an address which I delivered in the Senate, when the Russian relief bill was before the Senate, on the hospitalization of soldiers.

Mr. SMOOT. I wish to say to the Senator that that would be against the rules of the Joint Committee on Printing, though the Senator might, by unanimous consent, insert excerpts from his address.

Mr. ASHURST. The Senator from Utah is right, but I will ask permission to include at this point in the RECORD a copy of the telegram from the Governor of Arizona and a copy of the telegram from Doctor Sweek.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

PHOENIX, ARIZ., *October 17, 1921.*

Senator HENRY F. ASHURST,
Washington, D. C.:

Director Forbes of Veterans' Bureau has submitted report to President strongly urging immediate action to meet present emergency arising from needs of hundreds of disabled former service men who, with approach of winter, are pouring into Arizona, where facilities for their care are very inadequate. He recommends immediate completion of Whipple building program through letting of contracts, it being obvious that under system now in effect winter will be well over before any of the buildings now under construction will be ready for occupancy. Maj. Louis T. Grant, manager Veterans' Bureau, twelfth district, is now in Washington, and I therefore urge that Arizona congressional delegation take prompt action, conferring with Major Grant and Director Forbes and calling on the President, bringing strongly to his attention the desperate situation in which these men find themselves and pointing out necessity for immediate action along following lines: Speeding up of construction program at Whipple, establishment of vocational training center at Prescott, acquirement of additional hospital facilities at Phoenix, and construction of cottages at Tucson to accommodate approximately 300 more patients. The need is very real, and I urgently bespeak your hearty cooperation.

THOMAS E. CAMPBELL, *Governor.*

[Telegram from Doctor Sweek.]

Exact figures impossible. Lowest estimates 950 active cases vicinity of Phoenix. Four hundred should be hospitalized but not willing to enter present contract hospital. Number of cases in Arizona that would enter properly conducted hospital, lowest estimate, 1,500. Present number hospitalized here, 104. Any size institution up to 1,500 would be full nine months of year. Hospital for 400 could be kept full year round for 25 years. Attending specialists available. Expensive resident staff of full-time men unnecessary. Would like opportunity to make this model hospital. Great need for hospital here, as men come from all States. Proper care here would prevent widespread criticism. As disease advances the number here increases as Southwest is used as last resort.

Mr. ASHURST. Mr. President, I see the junior Senator from New York [Mr. CALDER] and the junior Senator from Massachusetts [Mr. WALSH] are present. They are members of the committee, I think, and I will ask if they will go to Arizona to investigate?

Mr. WALSH of Massachusetts. I shall be glad to say a few words when the Senator from Arizona shall have concluded.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. ASHURST. I yield.

Mr. WALSH of Massachusetts. Mr. President, I wish to say to the Senator from Arizona that I am surprised that there has been no relief afforded in the situation which the Senator has described as existing in Arizona; but if I shall go to Arizona—and I am willing to go—it will not be merely to see what quarters are being provided for disabled veterans but to secure, if necessary, the removal of administrative officers who have not done their duty. I do not propose to go to Arizona to do inspection work; I will go to get evidence to remove negligent officials. The question is not a legislative question. Congress has given funds and provided many well-paid officials to do the work of caring and hospitalizing our veterans. Letters and suggestions have been made by our committee directing administrative officers to take charge of the situation in Arizona and elsewhere and to afford immediate relief. If there has not been any relief granted after all the Senator from Arizona has said on the floor of the Senate at intervals during the last few months, after his repeated warnings, after the Governor of Arizona, the press, and others in his State have made protests, if the situation is as the Senator from Arizona has described it and as the people of Arizona have described it, then it is time to remove the chiefs of some departments or some bureaus. In common with every Senator, perhaps, I am getting letters from hospitals from my home State asking me to go there and investigate conditions. Should those suggestions be followed the result would be that I would have to absent myself from my duties here and become an administrative officer traveling about investigating hospitals. It is time to find out who are derelict in their duty, not an inspection problem.

All the committee can do is to send an inspector to the locality to ascertain what the situation is and to make a report. The Veterans' Bureau has done that in very many cases; but I had assumed that the Senator's activity, the Senator's influence, and the Senator's insistence would have led to some action long before this time, if the facts are as he has described them; and I have no doubt that they are. Certainly things have come to a deplorable situation if it is necessary for committees of Congress to become hospital inspectors. If the Senator from Arizona has not obtained results after all his energy, how can a committee's visit to Arizona be effective? The Veterans' Bureau exists for the very purpose of providing proper hospitalization facilities.

Mr. ASHURST. I believe the facts are as I have stated them.

Mr. WALSH of Massachusetts. It is regrettable that a Senator should have to iterate and reiterate on the floor of the Senate, as the Senator from Arizona has done, the situation in that State and apparently obtain no relief. Something ought to be done. Either the facts are or they are not as represented to the Senator from Arizona, and if they are as he represents them, some one is responsible for the neglect to house and care for these soldiers, and if it is the Chief of the Veterans' Bureau or the chief of the medical section who is derelict in his duty that official should be removed. I can not believe after all that has been said through the country about adequate hospital facilities for diseased veterans, after our extensive investigations and severe criticism of conditions and demand for immediate improvement, that the situation in Arizona remains unchanged and unremedied. What explanation does the Veterans' Bureau make?

Mr. ASHURST. Let me not be misunderstood. The Veterans' Bureau, when I discussed the matter with them of the need of further hospitalization of soldiers, pointed to the fact that in Prescott, the town in which I live, there is a great hospital for tubercular soldiers. Mr. President, I desire to compliment the bureau for the building and the expansion of the great hospital at Whipple Barracks, which is probably one of the select hospitals in the world of its kind. The Veterans' Bureau have also expanded a great hospital at Fort Bayard in New Mexico.

Mr. JONES of New Mexico. Mr. President——

Mr. ASHURST. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I think the difficulty comes from a lack of appreciation of the real situation in that section of the country. The situation in New Mexico is very largely the same as that described by the Senator from Arizona as existing in his State. There are a number of physicians in this country who believe that tuberculosis can be treated just as well in a humid climate as in a dry climate, and undoubtedly they are sincere in such belief.

Mr. ASHURST. I believe they are sincere.

Mr. JONES of New Mexico. I am afraid that view obtains in the bureau here in Washington. I wish to corroborate what the Senator from Arizona has said, that whether that contention be right or wrong the disabled soldiers do not believe it.

Mr. ASHURST. Exactly.

Mr. JONES of New Mexico. And they are flocking to New Mexico and Arizona, where they are becoming dependent in large degree upon the assistance of private citizens.

Furthermore, Mr. President, I have been told it is desired to establish hospitals in some large cities, because they want better accommodations for the officers who will be in charge. It is my observation, however, that those afflicted with tuberculosis should not be congregated in large cities. I have been in touch with the tubercular situation for about 37 years, and I think I know something about it. In my honest judgment those afflicted with the disease are better off if not placed in such great numbers in any one locality, and by all means they should be kept in a dry climate.

Physicians may deal with this question in a theoretical way if they want to, but they can not convince the disabled soldier that that is the right way. The disabled soldiers may be found in Arizona and New Mexico by the hundreds. Hospital facilities there are lacking. The officers of the American Legion in New Mexico have been pressing these facts upon the attention of the bureau and have been pleading for such facilities, as I also have done. It is true, as the Senator says, that the hospital at Fort Bayard has been enlarged. That hospital has a record of efficiency beyond that of any other hospital in all this land; but complaint is being made about the facilities there; they are not extensive enough; they can not accommodate the patients who want to go there. So the patients are scattered all over the State.

I hope that by means of the Senator's address and the humble words which I may utter those who have charge of this matter will be impressed. Whether they are theoretically right or wrong, the soldiers do not believe they are right; they are flocking into that section of the country, and there ought at least to be provided the hospital facilities where the disabled soldiers think they will be benefited if not cured.

Mr. ASHURST. Mr. President, the Senator from New Mexico has stated in a few words what I have in many words tried to say.

Mr. WALSH of Massachusetts. Mr. President——

Mr. ASHURST. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. May I ask the Senator a few questions to ascertain what the real situation is?

Mr. ASHURST. Certainly.

Mr. WALSH of Massachusetts. First of all, does the Senator contend that there has been no relief granted to the situation which he has innumerable times described on the floor of the Senate?

Mr. ASHURST. No; I do not contend that, for there has been relief extended.

Mr. WALSH of Massachusetts. But not sufficient thus far to take care of the disabled veterans flocking into the southwestern section of the country?

Mr. ASHURST. Let me describe to the Senator what is going on, or what has been going on.

Mr. WALSH of Massachusetts. Let me first ask the Senator another question. I should like to have him state when he began his efforts, what steps he and others in Arizona have taken, how many times they have been to see the President, how many times they have been to the Veterans' Bureau, and whether or not any results have followed his or his constituents' efforts. If improved conditions have followed from his and their efforts, but not sufficient results, that is one thing; whereas if no results have followed and nothing has been done, that is another proposition.

Mr. ASHURST. I have gone over in detail and at some length the various steps which have been taken. I have pointed out that if adequate facilities were constructed at Tucson and Phoenix, or the present facilities were properly expanded, large numbers of soldiers who now want to go there and who have been there and been sent away by the bureau would return there and find relief and recovery.

Mr. WALSH of Massachusetts. Then the Senator's suggestion is that the hospital facilities there are sufficient for the disabled soldiers in that locality?

Mr. ASHURST. No.

Mr. WALSH of Massachusetts. Wait a moment.

Mr. ASHURST. Not at all.

Mr. WALSH of Massachusetts. But there are disabled veterans coming in from various parts of the country, sincerely believing that the climate there will help them, and so they have overflowed the hospitals and private individuals have had to take care of them?

Mr. ASHURST. That is the situation.

Mr. WALSH of Massachusetts. The Senator has called that situation to the attention of the Senate repeatedly, and together with delegations from the State has called it to the attention of the President, I understand.

Mr. ASHURST. I called the matter to the attention of the President once.

Mr. WALSH of Massachusetts. He has called the situation to the attention of the Veterans' Bureau on various occasions?

Mr. ASHURST. Many times.

Mr. WALSH of Massachusetts. And the answer has been, if I am correct, "Physicians advise us—and we must follow their advice—that the climate there is no better than the climate elsewhere for the treatment of tuberculosis. We are having calls and demands made in various sections for hospitals, so that the friends of the disabled and diseased veterans may conveniently visit them; we can not build any more in Arizona; we are advising these men to go back home, where they can be cared for, but they will not go home; we can not do anything more than to advise them to go away." Is that the situation?

Mr. ASHURST. That is the situation.

Mr. WALSH of Massachusetts. What the Senator wants to do is to have a committee of the Senate go down there, to disregard the bureau's advice, to disregard the physicians' advice, to disregard the opinion of experts, to find these facts; that diseased veterans are there, whether rightly or wrongly, believing they will be cured, and in consequence the Senator believes we should make a recommendation that additional hospital facilities be provided in Arizona. Is not that the whole story?

Mr. ASHURST. That is what I seek. The Senator, in more felicitous language than I could employ, has stated what I have tried to say.

Mr. President, the board of consulting physicians in the bureau are eminent men of character, men of ability, and it was with not a little embarrassment that I was obliged to discuss a technical subject with them; they were practical men, seeking the good of the soldier, I believe; certainly they are seeking to do the duty imposed on them by the director in giving their advice. They asked me the question, "Is it your idea that the Government should establish hospitals whenever the soldier himself says he wishes hospitalization at a certain place? Do you mean to say that you are here to argue that the director should set up hospitals for tubercular soldiers wherever the soldier says he wants one?"

While my embarrassment in talking on a technical subject with those men was considerable, I labored under no embarrassment in answering that question, and promptly answered, "Yes." In time of war I believe the commander should be able to say to the soldier, "You go. You stay. You hold this point." But in time of peace, after the spiders are beginning to cobweb the cannon's throat and the peril has passed away, I see no impropriety, indeed, I see justice, in permitting a soldier afflicted with this baneful disease, tuberculosis, to say, "I like the climate here. Here I have a serene mind. Here I can digest my food. Let me have hospitalization here." A just and beneficent and humanitarian government will give him the right to say that.

Mr. SMOOT. Mr. President, I hope we will now proceed with the tariff bill, but I want to say to my good friend the Senator from Arizona that there has been no appropriation of $17,000,000 for hospitalization. It was authorized, and I think the Committee on Appropriations this afternoon will report the bill and ask immediate consideration of it.

Mr. WALSH of Massachusetts. Of course, the complaint the Senator makes is a complaint as to administration.

Mr. SMOOT. I was just going to say, as to the part of the Senator's statement complaining about the administrative features, I have not had time to make an investigation, but I do know that nearly every official in the Veterans' Bureau was a soldier himself in the recent war, and it does seem to me that that being the case they ought to look out for the soldiers' interests. I can not see why they would not.

Mr. ASHURST. The Senator, as usual, is correct in his statement as to the situation in regard to the bill. He is correct when he says that the money has not been actually appropriated. It has been authorized, and the bill which I think he is going to report soon appropriates $12,000,000, leaving five million available.

Mr. SMOOT. It is sixteen million.

Mr. ASHURST. I repeat, I have seized this opportunity, and whether properly or not, I have used this as a forum, as a conduit, through which to get these facts and ideas to the public, in order that the pressure of public opinion may influence the director and his advisers.

Mr. CALDER. Mr. President, I do not think that the committee appointed by the Senate to inquire into the condition of the veterans of the country need offer any explanation or apology for their conduct in this matter. After a most exhaustive study of the whole problem of the treatment of the veterans the committee, presided over by the Senator from West Virginia [Mr. SUTHERLAND], made an exhaustive report

to the Senate. I think that report did much to bring about early consideration of the legislation which led to the establishment of the Veterans' Bureau, the enactment of the law which followed that, and also the passage of the bill, which has passed the House of Representatives, providing for the appropriation of $17,000,000 for hospitals.

Of course, the Senator from Arizona knows that our committee can not go out and visit all the sites suggested for hospitals in the States. If we attempted to do that we would have to go to every State in the Union. There are some splendid sites which the Senators from New York are urging upon the Veterans' Bureau which ought to be selected, places in the Adirondack and Catskill Mountain sections of our State, which we believe would be just as helpful in bringing back the tubercular soldiers to health as the State of Arizona. Many things ought to be done which have not been done. I offer no apology for the bureaus of the Government which have charge of these things, but I am hopeful, as the Senator is, that when this appropriation is made to-day we can successfully appeal to the Veterans' Bureau for relief for these tubercular men.

Two months ago a building was purchased in the upper part of New York City, where provision is being made for the mental cases, and we are doing some excellent work in that direction. But the tubercular situation is most difficult, difficult because many of the medical men state that the tubercular patients can be treated just as well in the humid sections as they can in the dry sections of the country.

Mr. ASHURST. I would like to have the Senator give me the name of a physician who will say that tuberculosis of the lungs may be treated in a wet, humid climate with the same degree of efficiency with which it could be treated in a dry climate.

Mr. CALDER. I have always believed as the Senator has expressed himself now, but some of the most eminent medical men in the country have told me to the contrary, and what can we do, under the circumstances, but leave it to their judgment?

Mr. WALSH of Massachusetts. The statement of the Senator from New York is absolutely correct. The very men who are acting as an advisory medical board to the Veterans' Bureau have made that statement. I can not recall their names now. One is Dr. White, I am quite sure. I confess that I was surprised at such a statement.

Mr. CALDER. I was, too, I will say to the Senator.

Mr. WALSH of Massachusetts. I sympathize with the position of the Senator from Arizona, that since these men believe that that climate is helpful to them, that the Southwest is a good place to treat tuberculosis, undoubtedly having that impression so strongly fixed in their minds, some consideration of that fact ought to be entertained in building hospitals.

Mr. President, may I just add one word, and then I will surrender the floor to the Senator who is entitled to it?

The Senator from New York omitted to point out that one of the recommendations of our committee was to prevent just what the Senator from Arizona complains about—inability heretofore to fix responsibility for neglect. Recent legislation has directed the Director of the Veterans' Bureau to build these hospitals, to be responsible for the hospitalization of these men, and upon his shoulders rests the responsibility. If the Senator can prove neglect, it is very easy to fix it under existing law.

Mr. FRANCE obtained the floor.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Maryland yield to the Senator from Arkansas?

Mr. FRANCE. I wish to discuss the farm schedule of the tariff bill, and perhaps it will take me from 40 to 50 minutes. If the Senator wishes to say a word, and I can yield without losing the floor, I shall be glad to yield to him.

Mr. CARAWAY. I should like to take the floor for a few minutes, if the Senator will yield.

The PRESIDING OFFICER. Does the Senator yield?

Mr. FRANCE. I yield.

ATTORNEY GENERAL DAUGHERTY.

Mr. CARAWAY. Mr. President, I apologize to the Senate for having risen again to discuss a matter, just briefly, on which I realize I have taken too much time of the Senate already. There appeared this morning in the Washington Post this editorial:

ATTACKS ON MR. DAUGHERTY.

The nature of the attacks made upon Attorney General Daugherty indicates that they are inspired by political motives for the purpose of discrediting the Department of Justice and impeding its prosecution of criminals. Several Attorneys General have had experiences of this kind.

When simmered down, the most serious charges against Mr. Daugherty are that he is a politician and that he is a bad enemy and a good friend. As politicians make these charges and as all good Americans are politicians, or ought to be, it seems hardly probable that Mr. Daugherty will suffer ignominy because of his activity in politics. If all citizens were as active in politics as Mr. Daugherty, the affairs of the United States would be capably administered at all times and there would be fewer charlatans in public places. The impostor and "four-flusher" instinctively hates a man like Harry Daugherty. So long as he is Attorney General there is no comfort to be found by lawbreakers, and nothing would please them so much as to have him resign in discouragement and disgust as a result of their attacks. But they mistake their man.

The public interest, so far as the prosecution of crimes against the United States is concerned, is in the hands of an official who can not be swerved from his duty. He knows the interests that are making the fight against him, and no doubt he will take extra pleasure in making sure that they get their deserts from the United States Government.

Mr. President, I do not know the Attorney General, and never saw him. I have no interest in him one way or the other. As I said the other day, I think he is a good enough Attorney General for this administration. But I want to ask the Post, or any friend of the Attorney General, to name a single man accused of crime who is interested in having the Attorney General removed. No man accused has sought any help from me to make the Attorney General's position difficult. Two have communicated with me about this matter. One is T. B. Felder, who assured me—and grew angry with me because I did not agree with him—that the Attorney General had no part in procuring the Morse commutation of sentence. The other, whose telegram I put in the RECORD, is C. W. Morse, whose pardon the Attorney General had been instrumental in procuring.

They both took me to task for criticizing the Attorney General. Both defended the Attorney General. They are the only two who are threatened that I know anything about, and Felder is not threatened; I did not intend to say he was accused of crime. But Morse is indicted.

Morse is vexed that I have criticized his friend, and I put his telegram in the RECORD.

What criminal has the Attorney General ever prosecuted? What malefactor of great wealth has suffered at his hands? What interests that are criminal could feel safer than to have the present Attorney General remain in office? I do not know of any of them who want him out. Criminals are no greater fools than are other people.

If the Post implies that there is some one back of me influencing me, it simply does not know, to put it mildly. I have not sought the Attorney General's removal. I have not wanted to embarrass him. As I have explained once before, I got into a controversy with the Senator from Indiana [Mr. WATSON], who denied that the Attorney General had been at all interested in securing the pardon or the commutation of sentence of Morse, and had placed me in a rather embarrassing situation. I was repeating what had been common rumors.

The Senator from Indiana said it was not true. Of course, the Senator from Indiana was repeating what the Attorney General had told him. The Attorney General had told him that he had nothing to do with Morse's pardon or the commutation of the sentence. Of course, the Attorney General was not candid then, because the evidence he offers himself, through the junior Senator from Ohio [Mr. WILLIS], in the letter from Mr. Wickersham, proves that.

Mr. Taft said that he did not see him. I have written Mr. Taft a letter giving certain information which I have, and when I get his answer I shall put it in the RECORD. I know that somebody saw Mr. Taft, or somebody who has heretofore had a reputation for being honest is not truthful, and I shall give the Chief Justice, for whom I entertain a very high regard, a chance first to pass upon that question.

The Attorney General said that there was nothing reprehensible in the action of Mr. Daugherty. I am not quoting his words. Well, I do not suppose the Attorney General would admit that he had been guilty of cooperating in a game of that kind; but, on the other hand, not a word have I ever said to the effect that the Attorney General did something that he could not have done openly. It was a question of opinion, and therefore this is a false issue.

But I want to read, Mr. President, a report, a memorandum, February 18, 1922, of W. O. Watts, special agent, to W. J. Burns, Chief Bureau of Investigation. Reference to the conduct of certain war-graft cases. Exhibits from Nos. 1 to 6.

First. Who is W. O. Watts? W. O. Watts was a special agent of the Department of Justice. He is the agent that helped the Graham Congressional Investigating Committee in the House. This committee kept him and used him, and based their findings to some extent, at least, upon information dug up by him. They thought so well of him he was transferred as a special investigator to the Attorney General's office. He was dismissed from the office; but here is what I want to call to the attention of the

country—that in dismissing him there is not an intimation that W. O. Watts is not honest; that what he says is not true; that all the matters that he discussed were not correct. The Attorney-General dismissed him because it was said that he was disloyal to the Attorney General or to the department in that he had given to Members of Congress information that was confidential—not that the information he gave out was not true. Nobody has asserted that; and to show how far from being considered untrue it is, this information was given to two Members of the House, both of them Republicans, both of them former soldiers in the World War.

One of them was serving in the House when the call to arms came. He walked out of the House of Representatives and enlisted as a private soldier. He carried his gun on his shoulder until by merit he won a promotion. He went to France and shed his blood on the fighting line in northern France. He came back, and his people have returned him to Congress. These reports were given by him to ROYAL JOHNSON, Congressman from South Dakota, and to Mr. WOODRUFF, a Member of Congress from Michigan, and upon Watts's information each made a speech in the House assailing the Attorney General and threatening him with impeachment proceedings unless he proceeded in the prosecution of certain cases which had been called to his attention by Mr. Watts. The Attorney General at once took action, at least against the Lincoln Motor Co., by sending the papers to Michigan to be acted upon.

Mr. Watts was dismissed from the service by this letter:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 24, 1922.

Mr. W. O. WATTS,
Special Agent, Department of Justice.

SIR: By direction of the Attorney General, you are dismissed from the service of this department, effective immediately upon receipt of this letter.

Now, for what reason?

You are removed for disloyalty to the Department of Justice, inasmuch as you knowingly and willfully violated the rules of the department, which, as you must be aware, constitutes a breach of trust.

Upon application to the disbursing office of this department your salary will be paid up to this time.

Respectfully,
RUSH L. HOLLAND,
Assistant Attorney General.
(For the Attorney General.)

Mr. WALSH of Massachusetts. Mr. President, what is the date of that letter?

Mr. CARAWAY. The date is April 24, 1922. Before he was dismissed the department addressed a letter to him which is rather long, and I will not read it unless so requested, or his reply to it. The letter asks if he had made certain disclosures to the two Representatives named—that is, ROYAL JOHNSON and Mr. WOODRUFF, of Michigan.

Here is part of a report that Watts made prior to this trouble. It is of February 18, 1922. He is quoting Mr. A. F. Myers, who is yet in the Department of Justice. Mr. Myers was talking about the Morse case, and here is what he said. Here is Watts's report:

Mr. Myers said, in effect, "The Attorney General is very much concerned about ordering Morse's return and that he did not desire to appear too prominently in the prosecution, preferring that the matter be handled by officials of the Shipping Board, for the reason that the Attorney General had procured from President Taft the pardon of Morse when he was in the Federal prison in Atlanta and that an embarrassing situation might arise because Mr. Morse had refused to pay Mr. Daugherty a large fee which he claimed for obtaining the pardon. That Mr. Daugherty had sent the pardon to Mrs. Morse to cause the least possible embarrassment and that Morse had subsequently claimed that Mrs. Morse had obtained the pardon and for this reason had refused the fee demanded.

Mr. President, that is a part of a report made before JOHNSON or WOODRUFF or myself had said anything about the Attorney General. However, in passing let me say a committee in the House of Representatives, composed in large part of Republicans, has voted out a resolution, based upon the Watts charges, to investigate the Attorney General.

The Post says that all this is an effort of somebody to shield criminals. I shall be pleased for the Post or for the Attorney General or any of the friends and apologists for Mr. Daugherty to point out the criminals who want Mr. Daugherty out of office. I say frankly there is not anyone indicted nor anyone threatened with indictment in whom I am interested. If a man has been guilty of violating the law, I do not care who he is, I do not care with what political party he affiliates, I do not care what his standing is or what his past may be, I want the Attorney General to do his duty and prosecute him; but I do not believe he is going to prosecute men of great influence; I do not believe other people think so. Therefore, without comment, since I have read the editorial, I shall read to you from an official list at the time of the activity for which Morse was indicted, "Officers and directors of shipbuilding companies having contractual relations with Emergency Fleet Corporation," arranged alphabetically by companies.

Morse was indicted for his activities in connection with the Virginia Shipbuilding Corporation. I want to read you something about the Virginia Shipbuilding Corporation and who are or were some of its officers and directors at the time of these transactions for which Morse is now indicted. It is as follows:

Virginia Shipbuilding Corporation, The: General office: Alexandria, Va. (controlled by the United States Steamship Co., 50 Broad Street, New York City). Official mailing address: Alexandria, Va. Branch offices, if any: 1320 F Street, Room 204, Washington, D. C. (Location of plant: Alexandria, Va. Location of other shipbuilding plants, if any, owned or controlled by above company. Contract No. 145 (assigned by Groton Iron Works). Directors: Colin H. Livingstone, Washington, D. C.; C. W. Morse, New York City—

The man who is indicted—

George W. Loft, New York City; J. R. Meany, 50 Broad Street, New York City; E. B. McLean, care of the Washington Post, Washington, D. C.

He is the owner of the Post, which says criminals fear Daugherty and are trying to embarrass him. Mr. President, I shall offer no comment.

Mr. FRANCE. Mr. President——

Mr. WILLIS. Mr. President, if the Senator will yield to me, I desire to take only a moment in response to some of the statements made by the Senator from Arkansas.

Mr. FRANCE. I yield.

Mr. WILLIS. I do not desire to delay the passage of this tariff bill, and I do not propose to lend myself to dilatory tactics by making any extended remarks. I want to make only two observations.

One is that before this thing is through with I think my friend the Senator from Arkansas and everybody else will be perfectly satisfied that the Attorney General is enforcing the law and is properly performing the duties of his office. In what I now say I do not mean in the slightest way to reflect upon the Senator from Arkansas, because I do not think anybody could use him or anyone is trying to use him, and if they were, he is too able and independent and courageous to permit such a thing as that; but I do say that I know that there are forces at work that are seeking to discredit the Department of Justice because the Department of Justice is getting tremendously near to some people.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WILLIS. Certainly.

Mr. CARAWAY. Who are the forces? Name them.

Mr. WILLIS. The Senator did not hear me. He was not in the Chamber at the moment. I absolved the Senator entirely from anything of that kind.

Mr. CARAWAY. Of course; I knew that.

Mr. WILLIS. I absolved the Senator entirely from any matter of that kind; but it will be found out, in good time, that certain forces are seeking to discredit the Department of Justice because the Department of Justice is getting pretty close to some people. In my judgment, these efforts to discredit and break down the department will not deter its officials from vigorous prosecution of offenders.

Secondly, without reflecting in any way at all upon my friend from Arkansas, I think he has been misinformed as to the directorate, the names of which he has just read. I am quite certain that Mr. McLean was not a member of that board of directors, and I state, as a matter of information, that he was not. I do not question the reading of the document.

Mr. CARAWAY. If the Senator will come here I will show it to him.

Mr. WILLIS. Oh, I do not question the Senator's reading. I do not question that the Senator has read it correctly; but I think the document is incorrect.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. FRANCE. Mr. President——

Mr. SMOOT. Mr. President, will the Senator yield for just a moment?

Mr. FRANCE. I yield.

Mr. SMOOT. I understand that there is no objection now to taking a vote upon the pending amendment affecting lactic acid. I have been so told.

Mr. UNDERWOOD. Mr. President, I do not think there is any objection; but a large number of Senators who are interested in the subject are out of the Chamber, and I suggest to the Senator that he call for a quorum.

Mr. SMOOT. I was going to say that with the information I have, and for the purpose of having a vote at this time upon the amendments affecting lactic acid, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	McCormick	Sheppard
Ball	Glass	McCumber	Shortridge
Borah	Gooding	McKellar	Simmons
Brandegee	Hale	McLean	Smoot
Broussard	Harreld	McNary	Spencer
Bursum	Harris	Moses	Sterling
Calder	Harrison	Myers	Sutherland
Capper	Heflin	Nelson	Swanson
Caraway	Hitchcock	Newberry	Townsend
Culberson	Johnson	Norris	Underwood
Cummins	Jones, N. Mex.	Oddie	Walsh, Mass.
Curtis	Jones, Wash.	Overman	Warren
Dial	Kellogg	Page	Watson, Ga.
Dillingham	Kendrick	Phipps	Watson, Ind.
Elkins	La Follette	Pittman	Willis
Fletcher	Lenroot	Poindexter	
France	Lodge	Pomerene	

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee on page 2, line 12, before the word "cents" to strike out "1½" and insert "2," so as to read:

Lactic acid, containing by weight of lactic acid less than 30 per cent, 2 cents per pound.

Mr. JONES of New Mexico. Mr. President, I desire to state that the rate upon this item as fixed by the House is the same as the present rate of duty. The committee amendment proposes to increase the rate from 1½ to 2 cents per pound. I do not believe any reason has been given why this increase should be made, and I hope the committee amendment will be rejected.

Mr. SIMMONS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McKINLEY]. I can obtain no transfer, and in his absence withhold my vote.

Mr. HALE (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW], and vote "yea."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD], which I transfer to the senior Senator from Missouri [Mr. REED], and vote "nay."

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from Indiana [Mr. NEW]. Being unable to obtain a transfer, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. STERLING (when his name was called). Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Oregon [Mr. STANFIELD], I vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. In his absence, not being able to obtain a transfer, I withhold my vote.

The roll call was concluded.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES] and allow my vote to stand.

Mr. WATSON of Indiana (after having voted in the affirmative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Pennsylvania [Mr. PEPPER], and permit my vote to stand.

Mr. McCUMBER (after having voted in the affirmative). I have a general pair with the junior Senator from Utah [Mr. KING]. I understand that he has not voted. Therefore, I transfer my pair to the junior Senator from Maryland [Mr. WELLER] and allow my vote to stand.

Mr. DIAL. I wish to announce that my colleague [Mr. SMITH] is unavoidably detained. I ask that this announcement may continue through the day.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 40, nays 23, as follows:

YEAS—40.

Ball	France	McCormick	Poindexter
Borah	Gooding	McCumber	Shortridge
Brandegee	Hale	McLean	Smoot
Broussard	Harreld	McNary	Spencer
Bursum	Johnson	Moses	Sterling
Calder	Jones, Wash.	Nelson	Sutherland
Capper	Kellogg	Newberry	Townsend
Curtis	Kendrick	Oddie	Warren
Dillingham	Lenroot	Page	Watson, Ind.
Elkins	Lodge	Phipps	Willis

NAYS—23.

Ashurst	Glass	La Follette	Sheppard
Culberson	Harris	Myers	Simmons
Cummins	Harrison	Norris	Swanson
Dial	Heflin	Overman	Underwood
Fletcher	Hitchcock	Pittman	Walsh, Mass.
Gerry	Jones, N. Mex.	Pomerene	

NOT VOTING—33.

Cameron	Keyes	Pepper	Trammell
Caraway	King	Ransdell	Wadsworth
Colt	Ladd	Rawson	Walsh, Mont.
Crow	McKellar	Reed	Watson, Ga.
du Pont	McKinley	Robinson	Weller
Edge	New	Shields	Williams
Ernst	Nicholson	Smith	
Fernald	Norbeck	Stanfield	
Frelinghuysen	Owen	Stanley	

So the committee amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The READING CLERK. On page 2, line 13, before the word "cents," strike out "3" and insert "4," so as to read:

Lactic acid * * * 30 per cent or more and less than 55 per cent, 4 cents per pound.

Mr. JONES of New Mexico. Mr. President, there are no importations of that character; in fact, the Reynolds Commission, which sent out to get comparative prices, were unable to find any of that acid on the market which had been reported. No reason has been given why the rate of duty on that item should be increased. I therefore move to strike out of the committee amendment the numeral "4" and insert in lieu thereof "1½," which is the present law on that item.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Mexico will be stated.

The READING CLERK. On page 2, line 13, the Senator from New Mexico proposes to amend the committee amendment by striking out the numeral "4" and inserting in lieu thereof "1½," so it will read:

Thirty per cent or more and less than 55 per cent, 1½ cents per pound.

Mr. JONES of New Mexico. On my amendment to the amendment, I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before relative to my pair and its transfer, I vote "nay."

Mr. JONES of New Mexico (when his name was called). I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REED] and vote "yea." I ask that this announcement of the transfer of my pair may stand for the day.

Mr. McCUMBER (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before in reference to my pair, I withhold my vote.

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before in reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. McCORMICK. Has the junior Senator from Wyoming [Mr. KENDRICK] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. McCORMICK. I have a standing pair with the Senator from Wyoming, which I transfer to the junior Senator from Iowa [Mr. RAWSON], and vote "nay."

Mr. McKELLAR. I transfer my pair with the junior Senator from Indiana [Mr. NEW] to the junior Senator from Alabama [Mr. HEFLIN]. I make that transfer and vote "yea."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 23, nays 39, as follows:

YEAS—23.

Ashurst	Glass	McKellar	Sheppard
Culberson	Harris	Myers	Simmons
Cummins	Harrison	Norris	Swanson
Dial	Hitchcock	Overman	Underwood
Fletcher	Jones, N. Mex.	Pittman	Walsh, Mass.
Gerry	La Follette	Pomerene	

NAYS—39.

Ball	France	McLean	Shortridge
Borah	Gooding	McNary	Smoot
Brandegee	Hale	Moses	Spencer
Broussard	Johnson	Nelson	Sterling
Bursum	Jones, Wash.	Newberry	Sutherland
Calder	Kellogg	Nicholson	Townsend
Capper	Lenroot	Oddie	Warren
Curtis	Lodge	Page	Watson, Ind.
Dillingham	McCormick	Phipps	Willis
Elkins	McCumber	Poindexter	

NOT VOTING—34.

Cameron	Harreld	Owen	Stanley
Caraway	Heflin	Pepper	Trammell
Colt	Kendrick	Ransdell	Wadsworth
Crow	Keyes	Rawson	Walsh, Mont.
du Pont	King	Reed	Watson, Ga.
Edge	Ladd	Robinson	Weller
Ernst	McKinley	Shields	Williams
Fernald	New	Smith	
Frelinghuysen	Norbeck	Stanfield	

So the amendment of Mr. JONES of New Mexico to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the committee.

Mr. UNDERWOOD. Let the amendment be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. In the clause relative to lactic acid, on page 2, line 13, before the word "cents," it is proposed to strike out the numeral "3" and insert the numeral "4," so as to read:

Thirty per cent or more and less than 55 per cent, 4 cents per pound.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next committee amendment will be stated.

The next amendment of the Committee on Finance was, in the same clause, on page 2, line 14, before the word "cents," to strike out the numeral "5" and insert the numeral "9," so as to read:

And 55 per cent or more, 9 cents per pound.

Mr. JONES of New Mexico. Mr. President, the grade of this acid which is imported is 80 per cent pure. Below that grade comes what is known as "technical lactic acid," which is used rather extensively; but there is no importation to compete with it, as was found by the Reynolds Commission. The present duty upon acid of that grade and above is 1½ cents a pound. In the Payne-Aldrich law, on this grade, the rate of duty was 3 cents a pound. The effect of the committee amendment will be to increase the Payne-Aldrich rate by 300 per cent and to increase the present rate by 600 per cent. I therefore move to strike out the numeral "9" and to insert the numeral "1½," that being the present rate.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Mexico to the committee amendment.

Mr. UNDERWOOD. Mr. President, I merely wish to say a word in reference to this particular amendment. I think it very clearly demonstrates the inartificial way in which this bill has been prepared. Lactic acid comes in various grades of concentration. Under the present law there is a uniform rate of 1½ cents a pound. Naturally, the importer purchases lactic acid of a higher concentration, because in that way he can import more at the lower rate. In other words, if he brought in lactic acid 80 per cent pure he would pay a less tax than if he brought it in at 30 per cent pure, because the rate is uniform.

Of course, the rate levied in the present law was levied for revenue purposes, it being expected that there would be some slight importations from which revenue would be derived. Under the rate of 9 cents a pound proposed by the pending bill, of course, no importations will come in, for the rate is absolutely prohibitive.

The difference between the grades of lactic acid is not a question of manufacture, but is a question of putting water in it. Lactic acid of 80 per cent purity may be reduced very readily by dilution with water. I think the larger use of lactic acid is for tanning, but as high a grade as 80 per cent is not necessary for tanning purposes. However, the 80 per cent grade is imported and then reduced by the application of water. When the basic rate on 30 per cent lactic acid was fixed by the committee at 2 cents a pound, evidently the mind of the committee met on the proposition that from the standpoint of a protective tariff that was a fair rate.

Under the terms of this bill the duty on lactic acid on all grades above 55 per cent is 9 cents a pound. The duty would be no more, therefore, on 100 per cent acid; but I know of no 100 per cent grade, 80 per cent being the highest concentrate of which I know. If the rate is put at 9 cents a pound on 80 per cent lactic acid, it is apparent that the importer is not going to import 80 per cent lactic acid, but is going to bring in the lower grades and reduce the concentration with water.

Mr. SMOOT. He could reduce it to 54 per cent, for instance.

Mr. UNDERWOOD. He could reduce it to 54 per cent or to 30 per cent, for he gets the lowest rate of duty on the 30 per cent grade. Supposing that the concentration ran up as high as 90 per cent, if the bill were made uniform the rate on 30 per cent being 2 cents a pound, and 90 per cent being three times 30 per cent, the duty on the 90 per cent grade should be 6 cents. The rate on the various degrees of concentration should be uniform, it seems to me; but it is apparent, as I look at the rate provided, that 9 cents a pound is put on the highest grade, the highest concentration of lactic acid, because that will force whatever lactic acid comes into this country, if any of it shall come in, to be imported at the lower rate, having larger bulk and requiring the importer to pay a higher freight rate on importations. That is all there is to it, so far as I can see. It is an effort to inconvenience the importer and make him pay higher freight rates because of the form in which the lactic acid will be imported, and, of course, the American people in using it will have to pay the penalty to that extent. Therefore I think the rate proposed is entirely without justification.

Mr. TOWNSEND. May I ask the Senator a question?

Mr. UNDERWOOD. Certainly.

Mr. TOWNSEND. Does the Senator think that 1½ cents a pound is the proper rate, in view of the vote which has just been had?

Mr. UNDERWOOD. One and one-half cents was the rate proposed by the former amendment.

Mr. TOWNSEND. As I understand, the pending amendment is to strike out "9" and insert "1½"?

Mr. UNDERWOOD. Of course, the Senators on this side of the Chamber are not in favor of protective tariff. If we were levying a revenue tariff, I think 1½ per cent would be sufficient, but from the standpoint of a protectionist, if we are to levy a protective tariff, if the basic rate on the 30 per cent concentration is to be 2 cents a pound, I can not see how a rate above 6 cents a pound can be justified on the higher concentration.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. UNDERWOOD. I yield.

Mr. McCUMBER. I understand that the regular commercial grades are three, namely, 22 per cent, 44 per cent, and 66 per cent. Very little of the 66 per cent grade comes in, the grade usually imported being 80 per cent and above. Therefore, having doubled the rate on the grade between 22 and 44 per cent strength, then the rate should be doubled again on the grade between 44 and what will really be about 90 per cent.

Mr. UNDERWOOD. But that is merely a rule of thumb. The rate is being based on the commercial grades, when the strength of lactic acid merely depends upon how much water may be put in it. The 80 per cent acid is imported not for use but is concentrated in that form because the importers have to pay a less tariff on it, and, of course, a less freight rate. I can not see any logical reason why the committee should levy a rate of 9 cents a pound on the higher grade of the commodity, if the basic rate of 2 cents a pound is right from the standpoint of a protective tariff, when the highest concentrate has only three times the strength of the 30 per cent grade. I presume it was intended to make the rate prohibitive as to the higher grades, and if any importations should come in to force them to be of the lower grades. That, however, is the business of the majority; it is not mine.

Mr. LODGE. By bringing in lactic acid of the higher per cent there is, of course, a great saving.

Mr. UNDERWOOD. Undoubtedly.

Mr. LODGE. It may be diluted subsequently, but it is a great saving to the importer to bring in the 80 per cent grade.

Mr. UNDERWOOD. Yes; it saves freight rates and saves the purchasers in this country paying those freight rates. I am not arguing the question from that standpoint. I am calling to the attention of the Senate the differential the committee has imposed against the higher grade, and for that I can see no reason whatever.

Mr. JONES of New Mexico. Mr. President, I want to say just a word.

What is expected to be the result of this rate is quite apparent. We were advised by the chairman of the Finance Committee that the only evidence on which this rate was based was the mere fact that some of this acid was being imported. That was all that he needed to justify him in proposing this rate. That simply means that they want a prohibitory rate.

I agree with the Senator from Alabama that there is no scientific adjustment of these rates on the different grades of lactic acid; but unquestionably the purpose of this is to be sure and get the duty high enough to make it prohibitory. I think they quite succeed in it. I do not believe in making a prohibitory rate on these items. I should believe that the farmers of North Dakota would like to exchange a few bushels of wheat and let a few pounds of lactic acid come into the United States.

I ask for the yeas and nays upon my amendment to the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from New Mexico to the amendment of the committee, upon which the yeas and nays are demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. McCUMBER (when his name was called). Making the same transfer as on the previous roll call, I vote "nay."

Mr. McKELLAR (when his name was called). I have a pair with the junior Senator from Indiana [Mr. NEW]. I have been unable to obtain a transfer, and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as on the previous roll call, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. WATSON of Indiana (when his name was called). Making the same transfer as before, I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I observe that the Senator from Virginia [Mr. GLASS] has not voted. I have a pair with him, which I transfer to the Senator from Delaware [Mr. DU PONT], and allow my vote to stand.

Mr. McKELLAR. I find that I can transfer my pair with the junior Senator from Indiana [Mr. NEW] to the senior Senator from Arizona [Mr. ASHURST], which I do, and will vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Kentucky [Mr. ERNST] with the Senator from Kentucky [Mr. STANLEY]; and

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 19, nays 39, as follows:

YEAS—19.

Culberson	Harrison	McKellar	Simmons
Dial	Heflin	Overman	Swanson
Fletcher	Hitchcock	Pittman	Underwood
Gerry	Jones, N. Mex.	Pomerene	Walsh, Mass.
Harris	La Follette	Sheppard	

NAYS—39.

Ball	France	McCormick	Shortridge
Brandegee	Gooding	McCumber	Smoot
Broussard	Hale	McLean	Spencer
Bursum	Harreld	McNary	Sterling
Calder	Johnson	Moses	Sutherland
Capper	Jones, Wash.	Newberry	Townsend
Cummins	Kellogg	Oddie	Warren
Curtis	Kendrick	Page	Watson, Ind.
Dillingham	Lenroot	Phipps	Willis
Elkins	Lodge	Poindexter	

NOT VOTING—38.

Ashurst	Frelinghuysen	Norbeck	Stanfield
Borah	Glass	Norris	Stanley
Cameron	Keyes	Owen	Trammell
Caraway	King	Pepper	Wadsworth
Colt	Ladd	Ransdell	Walsh, Mont.
Crow	McKinley	Rawson	Watson, Ga.
du Pont	Myers	Reed	Weller
Edge	Nelson	Robinson	Williams
Ernst	New	Shields	
Fernald	Nicholson	Smith	

So the amendment of Mr. JONES of New Mexico to the committee amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. FRANCE. Mr. President, I desire to submit some observations on the farm schedule of the tariff bill; and I ask at this point that certain tables and statistics which I shall present be incorporated in the RECORD as part of my remarks at the appropriate places.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Agricultural wealth and production of the State of Maryland—Maryland agricultural statistics.

(United States Census of 1920.)

JANUARY 1, 1920.

Population of State		1,449,661
Land area of State	acres	6,362,240

FARMS.

Number of all farms		47,908
Land in farms:		
Improved land	acres	3,136,728
Woodland	do	1,327,221
Other unimproved land	do	294,050
Total land in farms	do	4,757,999

VALUE OF FARM PROPERTY.

Land	$259,904,047
Buildings	126,692,803
Implements and machinery	28,970,020
Live stock	48,071,250
Total value of farm property	463,638,120

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	867,755	$43,784,464
Poultry of all kinds	3,688,566	4,216,105
Bees (hives of bees)	16,117	70,681
Total live stock		48,071,250

Maryland farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	21,983,076	$32,678,769
Oats (bushels)	1,682,994	1,028,845
Wheat (bushels)	9,620,526	21,357,568
Other cereals (bushels)	512,242	780,603
Total cereals (bushels)	32,298,838	55,845,785
Hay and forage (tons)	809,910	16,245,825
Vegetables:		
Potatoes (bushels)	6,372,846	12,353,965
Sweet corn		1,766,229
Tomatoes		4,286,591
All other		6,964,938
Total vegetables		25,371,723
Fruits and nuts:		
Apples (bushels)	1,518,884	2,430,217
Peaches (bushels)	564,111	1,071,815
Pears (bushels)	287,199	459,518
Grapes (pounds)	1,540,958	107,865
Strawberries (quarts)	8,976,057	1,615,691
All other		357,263
Total fruits and nuts		6,042,369
Tobacco (pounds)	17,333,859	5,721,164
All other crops		584,298
Total crops of Maryland		109,811,164
Nursery and greenhouse products		1,324,463
Forest products		4,673,536

Maryland farm products—Continued.

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced.....gallons..	58,754,193	
Milk sold.....do....	29,842,910	$9,528,506
Cream sold.....do....	311,436	378,958
Butter fat sold.....pounds..	448,268	249,323
Butter made.....do....	6,162,501	3,200,268
Cheese made.....do....	126,190	50,475
Total dairy products		13,407,526
Eggs produced.....dozens..	15,985,691	6,637,704
Chickens raised.....number..	5,257,655	5,099,925
Wool and mohair.....pounds..	552,013	320,180
Honey and wax.....do....	217,632	56,837
Animals sold and slaughtered on farms		16,816,828
Total live-stock products of Maryland		42,339,000

Summary of Maryland farm products, farm value December 1, 1919.
(United States Census of 1920.)

CROPS.

Cereals	$55,845,785
Hay and forage	16,245,825
Vegetables	25,371,723
Fruits and nuts	6,042,369
Tobacco	5,721,164
All other crops	584,298
Total crops	109,811,164
Nursery and greenhouse products	1,324,463
Forest products	4,673,536

LIVE-STOCK PRODUCTS.

Dairy products	13,407,526
Eggs produced	6,637,704
Chickens raised	5,099,925
Wool and mohair	320,180
Honey and wax	56,837
Animals sold and slaughtered on farms	16,816,828
Total live-stock products	42,339,000
Total farm products of Maryland	158,148,163

MEASURES OF THE REPUBLICAN PARTY TO ADVANCE THE PRESENT AND FUTURE WELFARE OF THE AMERICAN FARMER.

Mr. FRANCE. Mr. President, for many years I have been deeply interested in legislation for the protection and advancement of American agriculture. To make farming attractive and profitable is the first need of our national life. I know the problems of the American farmer. I have given much attention to the agricultural reports and books. I have examined closely masses of statistics and the census figures which record the progress of our agricultural activities. I have had long and practical contact with agricultural problems. For several years I served on the Committee on Agriculture and Forestry of the United States Senate. Last summer, in order to study conditions in foreign lands, I made an extensive tour in Europe, even traveling over Russia, where I met and talked with the Russian peasant farmers and came to know intimately their problems and hopes. For these reasons I feel that I can discuss the question of a protective tariff on farm products from the standpoint of one who knows the problems of the American farmers and the conditions which surround agricultural production abroad.

OUR FARMERS NEED PROTECTION.

I shall not discuss abstract theories, but I shall prove to you by statistics, which can not be questioned, that the American farmers must now have an adequate protective tariff on the products of their farms or be brought to the brink of ruin during the coming years by a flood of imports with which they are threatened because of conditions growing out of the war. I shall present in connection with my argument some most valuable statistics which have been compiled, not by myself, for I had not the time for such research, but by William W. Evans, an eminent statistician and expert, of the accuracy of whose work there can be no question. These statistics really constitute in themselves an unanswerable argument to prove that adequate high protective tariffs on such products as our farmers raise are now imperatively necessary. I believe that every Senator and every American farmer, who will follow my argument and study these statistics, must be convinced that the argument is unanswerable.

WORLD'S FOOD SUPPLY.

The first problem of the world is the abundant production and the proper distribution of the food for the feeding of the nations. At present the world is in a peculiar condition as a result of the war. There is some danger of a general world shortage of food. In some countries there is an overproduction and superabundance of food. In other countries there is underproduction of food and actual famine. Conditions of the exchange markets and the currencies of the various countries are such that the food is not moving through the arteries of world commerce from the countries where there exist overproduction and accumulation of food to the countries where there are underproduction of food and actual famine. As a result of this the farmers in the countries of abundance suffer from demoralized prices for farm products, while people in other lands perish, lacking the food which the farmers in the countries of abundance can not sell.

For example, in some Western States last November it was cheaper for the farmer to burn ear corn than to buy coal. Corn at 10 cents a bushel equals coal at $5 per ton, and corn at 25 cents a bushel equals coal at $12.50 per ton. So some of our western farmers were burning ear corn last winter to keep from freezing, while millions in Austria, Russia, and the Near East were perishing from lack of food. The chief problem of the present is the rehabilitation of agriculture so that there will be an abundant production of foods and the establishing of tariffs and the credit facilities so that the food may go from the places of plenty to the places of desperate need, where gaunt famine and pestilence are taking a dreadful toll of human life.

One of the most eminent students of agriculture—E. M. East—has estimated that it requires approximately 2.5 acres to support each individual human being, and that therefore it requires approximately 37,000,000 of acres more land each year to be placed under cultivation to supply the annual increase of the world's population. The same authority has estimated that out of the 33,000 millions of acres of the earth's surface approximately 13,000 millions of acres can be cultivated, and that of this approximately 5,000 millions of acres are under cultivation. According to his calculations, it would appear that the earth is capable of supporting, if properly tilled, something more than 5,000 millions of people on its total of 13,000 million tillable acres.

Although the earth, if properly tilled, is therefore capable of supporting more than three times its present population, nevertheless at the present time there are many countries in which the people are suffering from hunger, malnutrition, or actual starvation, while in other countries there are to be found excessive amounts of foodstuffs and greatly increased production. Moreover, there is grave danger that this uneven distribution of the world's food supply may be aggravated by the dumping here, from European or foreign countries where there is a surplus, of foodstuffs of which we ourselves have an excess. This may be caused as a result of the depreciated currencies abroad, which offer special inducements to the European farmers to sell their goods in American markets.

Before proceeding with my argument, I wish to call attention to some facts showing the decline of American agriculture.

DECLINE OF AMERICAN AGRICULTURE.

It has always been one of the chief concerns of the Republican Party to advance the welfare of the American farmer. Republican statesmen have viewed with anxiety the decreasing annual profits of the American farmer and the steady flow of population, due to the relative unprofitableness of farming, from the country to the city. In 1870 nearly one-half of our total population was engaged in agriculture, including fishing and mining. In 1890 only 39.65 per cent, or two-fifths of our people, were engaged in farming; in 1900 only a little over one-third of our people, 35.7 per cent, and in 1920 only 25.6 per cent of our people were engaged in the fundamentally important work of agricultural production. In the last decade, particularly, there has also been an alarming relative decrease in the number of those owning their farms, a startling increase in farm mortgages, and a steady increase in the number of tenant farmers. These facts, and others which I might mention, furnish conclusive evidence of the hardships which our farmers have suffered and of the unsatisfactory conditions which have surrounded agricultural production in the United States. No class of our citizens has endured more from the injustice of personal and arbitrary government during the last administration than those who are engaged in agriculture. The Republican Party has always stood for legislation favorable to our producers. The Democratic Party seeks to legislate in the interest of our consumers. The Republicans hold that if the productive power is increased all will be enriched and all who are both producers and consumers will receive the benefit.

The Republican Party has studied the needs of American agriculture and only its wise actions in the past have prevented disaster from overtaking the American farmer. Let me illustrate by giving you some startling figures. In 1899 the American farmers paid out in wages $357,392,000; in 1909 they paid out in wages for labor $651,611,000, an increase in farm-labor costs of 82.3 per cent. In 1899 our farmers paid out in fertilizer about $53,500,000, while in 1909 they paid out nearly $115,000,000, an increase of 115 per cent. Bearing in mind these facts, it is most significant that in 1899 the cereal crops amounted to 4,438,057,013 bushels, while in 1909 the cereal crops amounted to 4,512,564,465 bushels, an increase in the number of bushels of only 1.7 per cent. That additional cost of labor—82.3 per cent—and that increase for fertilizer—115 per cent—brought only 1.7 per cent increase of the cereal crops of the country. Because of the inevitably declining fertility of our soils it requires a constant increase in the labor and in the fertilizer to maintain our production at the same level. And yet, as I shall show, in spite of the hardships of our farmers during this decade, the Democrats in 1913 enacted the Underwood tariff law which placed wheat, corn, rye, potatoes, eggs and poultry, milk and cream on the free list and drastically reduced the duties on other important farm products, greatly increasing the difficulties of our farmers. I shall give some tables showing the great increase in imports with reductions of duties. And, if it had not been for the war, a serious crisis would have been caused in American agriculture.

REPUBLICAN CARE FOR THE FARMER.

Realizing that agriculture is the basic industry upon which the welfare and wealth of all depend, the Republican Party has adopted such an administrative policy as will result in a greater prosperity for our agricultural population and check the steady flow of people from the country to the city, which, if continued, must prove disastrous. The Republican Party, in State and Nation, has advocated and is securing more good roads, better central schools, improved rural social conditions, community market centers, the extension of the parcel post, more efficient methods for agricultural education, and the adoption of every method which will stimulate an interest in and knowledge of the fundamental importance of agriculture. A Republican Congress has adopted legislation which will make possible and encourage cooperative buying, selling, and shipping, and such other cooperative enterprises as must be of great assistance to agriculture. The Republican Party has adopted measures for the extension of credit facilities for our farmers and policies which tend to encourage the ownership of farms. Measures are being considered for the conservation of our lands and natural resources, for the prevention of that erosion which follows forest devastation, and for the preservation and development of phosphate beds and native sources of nitrates and potash. There can be no doubt that the simplification and standardization of farm machinery would lower the cost of machinery and the repair parts for the same and make it easier to secure interchangeable parts, and that millions of dollars might be saved, if this were done, for our American farmers. I was able to secure an amendment to the Agricultural appropriation bill in the Senate which provides a fund for the study by the Government of this important question, and this is an important step toward the simplification of farm machinery.

FUNDAMENTAL INDUSTRIES OF OUR GREAT COUNTRY.

The great available wealth of the United States is derived from the land—farms, mines, forests—and from our industries or factories, but it is not to be denied that the farms of America are the chief producers of wealth. When our farmers suffer as they have during the recent most critical years, the whole country feels the unfavorable effect of the agricultural depression. When the legitimate profits which the farmer should enjoy are no longer possible, because of high costs of production or unfavorable markets, the purchasing power of the farmers is paralyzed and merchants and manufacturers cease to be prosperous. I have briefly enumerated some of the causes of the agricultural depression which during recent years has proved to be so destructive to our agricultural interests. I desire to discuss the question of the necessity of an adequate protective tariff upon the products of the farm, a tariff which is now absolutely necessary because of the conditions which exist as a result of the war. I think I shall be able to conclusively prove the unfavorable effect upon American agriculture of the Democratic Underwood tariff bill, even in normal times, and to demonstrate that under present conditions a law similar to the Democratic Underwood tariff bill would bring disaster to the farmers of America. Under the Democratic Underwood tariff law the farmers were compelled to meet foreign competition at a time when there was industrial depression and unemployment, which always tends to decrease the consumption of the products of the farm. I shall prove that in certain of the foreign countries there is an excessive production of foods, which are now being produced at the lowest relative cost in the world's history because of the depreciated value of foreign currencies as compared with the American dollar.

Remember the fundamental fact that every producer of food or manufactured articles desires to sell in the market where he can secure a sound and stable currency or money. In other words, goods tend to flow from the countries where currency is depreciated and money has little value to the countries where money is sound. For example, when people were starving in Russia the Rumanians, who had a surplus of grains, did not ship to Russia, where the money is more depreciated than in Rumania, but to the countries with currency less depreciated than their own. In proceeding with my argument I desire to discuss the following influences which have caused and which may, in the absence of proper legislation, cause a serious agricultural depression:

CAUSES.

Let me summarize the causes as follows:

a. The excessive production of foodstuffs in certain of the foreign countries.

b. The enormously depreciated value of foreign money as compared with the American dollar, which makes possible the lowest cost in the world's history of producing agricultural products in the countries where the money is so depreciated.

c. The disastrous effects upon American agriculture of the Democratic Underwood tariff law, demonstrating the absolute necessity of adequate specific duties upon all agricultural products.

d. Diminished consumption of farm products in the United States in periods of industrial depression and unemployment, proving that the welfare of our farmers is inseparably bound up with that of the workers in our cities and industries.

e. The inability of our farmers to ship their surplus to certain countries where there exists a desperate need for foodstuffs and seed, owing to the fact that international, commercial, and economic systems are still disordered and a system of international credits has not been arranged.

During the war millions of men and women were withdrawn from the peaceful and plentiful production of the necessities and commodities of civilized life, especially food, and were engaged in the creation and organization of huge engines and armies for destruction. In the large agricultural countries—Russia, Serbia, Hungary, Rumania, France, and Italy—there was an alarming decrease in agricultural production.

But with the close of the war, with many of the industries in the cities destroyed, there being in many countries a great lack, both in the machinery and in the raw products necessary for industry, millions of men turned their attention to the great industry which was open to them, namely, to agriculture; and the agricultural production of certain of these countries of Europe has been markedly increased over the pre-war agricultural production.

The most valuable statistics, which have been prepared for me by an experienced and eminent statistician, both upon this point and in connection with my subsequent remarks, I ask to have inserted in the RECORD.

Table A shows the production in the United States and principal foreign countries of wheat, oats, rye, barley, potatoes, corn, and beans for four periods, namely:

Figures under column A show average yearly production from 1909 to 1913.

Figures under column B show production for 1919.

Figures under column C show production for 1920.

Figures under column D show production for 1921.

Countries marked with an "X" in this table are those having greatly depreciated exchange.

Countries marked with an "S" in this table are those having slightly depreciated exchange.

The table to which I have just referred will, of course, speak for itself. It simply proves the fact that in certain of the countries with greatly depreciated currencies there has been an enormous increase in the amount of foodstuffs now produced, as compared with the amounts produced prior to the war. The table is well worth careful study as proving the point that certain of those countries have greatly increased their production; that that production has been at a very much lower cost, due to the depreciation of the currency; and the subsequent argument will show that this constitutes a menace to American agriculture.

May I have permission to have these tables inserted in the RECORD?

The PRESIDENT pro tempore. Without objection, permission is granted.

The tables are as follows:

TABLE A.—*Agricultural production of United States and foreign countries.*

Production of cereals, potatoes, and beans; pre-war yearly average (1909–1913) and postwar years 1919, 1920, and 1921. (Compiled from reports of United States Department of Agriculture, Washington, D. C.)

Figures under column A show average yearly production from 1909 to 1913.

Figures under column B show production for 1919.

Figures under column C show production for 1920.

Figures under column D show production for 1921.

Countries marked with an "X" in this table are those having greatly depreciated exchange.

Countries marked with an "S" in this table are those having slightly depreciated exchange.

1. PRODUCTION OF WHEAT (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	686,691,000	968,279,000	833,027,000	794,893,000
Canada (S)	197,119,000	193,260,000	263,189,000	300,858,000
Austria (X)	61,075,000	5,114,000	5,423,000	6,452,000
Belgium (X)	14,583,000	9,895,000	10,275,000	11,523,000
Bulgaria (X)	43,725,000	34,028,000	39,705,000	42,510,000
Czechoslovakia (X)	.....	14,942,000	26,362,000	40,673,000
France (X)	317,254,000	182,444,000	236,929,000	322,767,000
Germany (X)	152,119,000	79,701,000	82,583,000	97,864,000
Hungary (X)	156,523,000	.....	38,294,000	47,087,000
Italy (X)	183,260,000	169,769,000	141,337,000	188,126,000
Poland (X)	23,343,000	20,760,000	18,258,000	35,576,000
Rumania (X)	86,679,000	66,060,000	70,350,000	76,977,000
Russia (European) (X)	522,794,000	.....	.....	.....
Russia (Asiatic) (X)	84,139,000	.....	.....	.....
Turkey (Asiatic)	35,000,000	.....	.....	.....
Serbia (X)	14,775,000	[1] 4,126,000	.....	.....
Spain (S)	130,446,000	129,250,000	138,605,000	143,205,000
Sweden (S)	7,907,000	9,509,000	10,545,000	12,566,000
United Kingdom (S)	61,481,000	69,324,000	56,878,000	73,800,000
British India (S)	350,736,000	280,485,000	377,888,000	250,469,000
Japan (S)	25,274,000	29,800,000	28,288,000	27,874,000
Algeria (S)	33,071,000	25,559,000	8,562,000	41,480,000
Egypt (S)	34,000,000	30,137,000	31,708,000	37,011,000
Argentina (S)	157,347,000	171,591,000	214,140,000	169,756,000
Australia (S)	84,943,000	75,638,000	45,884,000	144,191,000

2. PRODUCTION OF OATS (BUSHELS).

United States	1,131,175,000	1,184,030,000	1,496,281,000	1,060,737,000
Canada (S)	367,678,000	394,387,000	530,710,000	426,233,000
Austria (X)	143,392,000	13,581,000	15,975,000	18,776,000
Belgium (X)	40,905,000	26,920,000	33,865,000	30,251,000
Bulgaria (X)	9,880,000	5,791,000	7,004,000	11,272,000
Czechoslovakia (X)	.....	43,951,000	59,654,000	72,352,000
France (X)	310,020,000	168,303,000	299,643,000	245,209,000
Germany (X)	591,996,000	309,587,000	332,490,000	344,812,000
Hungary (X)	85,840,000	.....	22,308,000	20,138,000
Italy (X)	36,945,000	34,695,000	24,223,000	37,775,000
Latvia	.....	.....	7,784,000	16,127,000
Poland (X)	76,590,000	91,629,000	111,480,000	149,788,000
Rumania (X)	27,545,000	22,824,000	60,979,000	55,353,000
Russia (proper) (X)	874,945,000	.....	.....	.....
Serbia (X)	5,443,000	.....	.....	.....
Spain (S)	29,110,000	32,915,000	37,772,000	35,616,000
Sweden (S)	79,115,000	76,591,000	70,600,000	76,598,000
United Kingdom (S)	182,777,000	222,194,000	151,358,000	136,414,000
Japan (S)	.....	.....	11,162,000	12,084,000
Algeria (S)	12,950,000	13,557,000	4,960,000	11,412,000
Argentina (S)	52,122,000	33,762,000	.....	47,606,000
Australia (S)	14,851,000	10,441,000	.....	.....
New Zealand (S)	13,664,000	6,885,000	.....	5,225.000

3. PRODUCTION OF RYE (BUSHELS).

United States	34,916,000	75,483,000	60,490,000	57,918,000
Canada (S)	2,096,000	10,207,000	11,306,000	25,800,000
Austria (X)	112,752,000	9,035,000	10,043,000	12,661,000
Belgium (X)	22,675,000	13,681,000	18,169,000	17,761,000
Bulgaria (X)	8,553,000	6,490,000	9,798,000	8,390,000
Czechoslovakia (X)	.....	32,734,000	32,941,000	54,380,000
France (X)	48,647,000	28,796,000	34,098,000	44,494,000
Germany (X)	445,222,000	240,161,000	194,255,000	260,144,000
Hungary (X)	48,716,000	.....	20,564,000	22,095,000
Italy (X)	5,328,000	4,571,000	4,539,000	5,634,000
Latvia	.....	.....	4,686,000	9,757,000
Poland (X)	90,494,000	103,045,000	74,842,000	167,215,000
Rumania (X)	4,652,000	10,046,000	11,168,000	18,858,000
Russia (proper) (X)	791,333,000	.....	.....	.....
Russia (Asiatic) (X)	24,663,000	.....	.....	.....
Spain (S)	27,635,000	23,296,000	27,830,000	28,118,000
Sweden (S)	23,859,000	23,074,000	23,070,000	28,502,000

[1] 1918.

4. PRODUCTION OF BARLEY (BUSHELS).

Countries.	A Average 1909–1913.	B 1919	C 1920	D 1921
United States	181,881,000	147,608,000	189,332,000	151,181,000
Canada (S)	48,532,000	56,389,000	63,311,000	59,709,000
Austria (X)	71,988,000	3,822,000	4,391,000	5,201,000
Belgium (X)	4,247,000	3,617,000	4,350,000	3,939,000
Bulgaria (X)	12,425,000	10,538,000	13,926,000	13,241,000
Czechoslovakia (X)	.....	20,648,000	37,238,000	47,365,000
France (X)	46,489,000	23,626,000	38,699,000	37,806,000
Germany (X)	153,529,000	83,000,000	82,659,000	89,056,000
Hungary (X)	69,812,000	.....	22,586,000	20,590,000
Italy (X)	10,104,000	8,327,000	5,870,000	10,362,000
Latvia	.....	.....	3,054,000	6,242,000
Poland (X)	27,150,000	27,843,000	39,309,000	53,305,000
Rumania (X)	24,821,000	31,641,000	63,203,000	49,558,000
Russia (European) (X)	372,856,000	.....	.....	.....
Russia (Asiatic) (X)	11,171,000	.....	.....	.....
Serbia (X)	5,072,000	.....	.....	.....
Spain (S)	74,689,000	81,808,000	90,463,000	89,320,000
Sweden (S)	14,592,000	12,892,000	11,012,000	12,326,000
United Kingdom (S)	64,760,000	58,029,000	65,991,000	54,582,000
British India (S)	40,973,000	129,827,000	149,380,000	.....
Japan (S)	89,528,000	91,500,000	92,140,000	89,898,000
Algeria (S)	41,961,000	33,667,000	29,932,000	50,491,000
Egypt (S)	.....	10,283,000	10,449,000	11,371,000
Argentina (S)	3,626,000	.....	11,161,000	10,279,000

5. PRODUCTION OF POTATOES (BUSHELS).

United States	356,627,000	322,867,000	403,296,000	346,823,000
Canada (S)	78,498,000	125,575,000	133,831,000	107,246,000
Austria (X)	456,485,000	20,022,000	24,600,000	26,207,000
Belgium (X)	107,021,000	76,064,000	82,913,000	93,366,000
Bulgaria (X)	454,000	.....	932,000	1,650,000
Czechoslovakia (X)	.....	79,566,000	183,813,000	136,429,000
France (X)	469,377,000	284,047,000	427,610,000	323,527,000
Germany (X)	1,681,959,000	788,115,000	1,037,954,000	985,234,000
Hungary (X)	180,103,000	.....	75,968,000	45,592,000
Italy (X)	60,813,000	50,981,000	52,261,000	55,116,000
Latvia	.....	.....	13,761,000	20,768,000
Poland (X)	373,917,000	390,325,000	644,920,000	567,083,000
Rumania (X)	3,634,000	10,442,000	3,226,000	48,134,000
Russia (proper) (X)	862,798,000	.....	.....	.....
Spain (S)	93,413,000	102,418,000	107,834,000	102,225,000
Sweden (S)	60,327,000	77,573,000	61,640,000	68,525,000
United Kingdom (S)	254,438,000	235,632,000	237,437,000	244,683,000
Japan (S)	24,738,000	67,236,000	47,277,000	.....
Algeria (S)	1,783,000	.....	985,000	653,000
New Zealand (S)	6,047,000	[1] 3,756,000	5,402,000	4,841,000
Australia (S)	14,077,000	9,722,000	10,984,000	.....
Argentina (S)	40,216,000	.....	.....	.....

6. PRODUCTION OF CORN (BUSHELS).

United States	2,708,334,000	2,858,509,000	3,230,532,000	3,081,251,000
Canada (S)	18,178,000	16,940,000	14,335,000	14,220,000
Austria (X)	14,536,000	2,115,000	2,122,000	2,456,000
Bulgaria (X)	28,219,000	39,412,000	34,428,000	34,385,000
Czechoslovakia (X)	.....	.....	9,648,000	10,501,000
France (X)	22,229,000	9,976,000	15,267,000	12,202,000
Hungary (X)	168,081,000	.....	50,156,000	27,141,000
Italy (X)	100,349,000	85,846,000	89,299,000	94,484,000
Rumania (X)	100,620,000	137,412,000	92,952,000	99,036,000
Russia (proper) (X)	56,571,000	.....	.....	.....
Serbia (X)	28,128,000	.....	.....	.....
Spain (S)	26,548,000	25,555,000	27,692,000	28,048,000
British India (S)	87,240,000	70,808,000	98,760,000	.....
Japan (S)	3,637,000	[1] 3,757,000	.....	.....
Egypt (S)	64,220,000	63,977,000	70,569,000	.....
Argentina (S)	174,502,000	240,144,000	258,690,000	230,423,000
Australia (S)	10,264,000	6,912,000	6,764,000	.....

7. PRODUCTION OF BEANS (BUSHELS).

United States	11,166,000	13,349,000	9,075,000	9,118,000
Canada (S)	974,000	1,389,000	1,265,000	1,030,000
Austria (X)	9,666,000	73,000	85,000	.....
Bulgaria (X)	1,895,000	.....	.....	.....
France (X)	9,518,000	5,681,000	8,230,000	4,595,000
Hungary (X)	7,516,000	.....	.....	.....
Italy (X)	21,038,000	14,539,000	12,452,000	14,337,000
Poland (X)	505,000	.....	2,689,000	.....
Rumania (X)	5,015,000	3,985,000	.....	1,690,000
Russia (proper) (X)	6,027,000	.....	.....	.....
Serbia (X)	1,676,000	.....	.....	.....
Spain (S)	11,908,000	12,812,000	13,661,000	12,276,000
United Kingdom (S)	8,433,000	7,104,000	7,872,000	6,224,000
British India (S)	143,360,000	71,699,000	137,573,000	.....
Japan (S)	23,175,000	[1] 23,998,000	.....	.....
Algeria (S)	1,132,000	.....	.....	.....
Egypt (S)	[2] 14,857,000	10,283,000	.....	.....

[1] 1918. [2] 1913.

Mr. FRANCE. Mr. President, Table B shows the true value to-day of the currency of some of the foreign countries which are the greatest producers of agricultural products.

TABLE B.—*Normal and present value of currency in certain foreign countries.*

	Normal value.	Present value.	Percentage of depreciation.
	Cents.		*Per cent.*
Russia (ruble)	51.46	0.07 cent for 100 rubles.	99
Germany (mark)	23.8	¼ cent	98
Austria (crown)	20.3	0.01 cent	99
Poland (mark)	23.8	0.02 cent	99
Belgium (franc)	19.3	8½ cents	50
France (franc)	19.3	9½ cents	50
Rumania (leu)	19.3	¾ cent	98
Italy (lira)	19.3	5¼ cents	75
Czechoslovakia (crown)	20.3	2 cents	90

The above table shows the depreciation in currency of countries that are extensive producers of agricultural products, ranging from 50 to 99 per cent. Wages in these countries have advanced, but the increase in wages is a mere bagatelle compared to the overwhelming increase in depreciation of their money values, as is evidenced by the following:

GOLD VALUE OF LABOR.

To-day an ounce of gold in the United States pays the American worker for 17 hours of labor in the United States as against—

50.16 hours of labor in Great Britain.
95.5 hours of labor in Japan.
117.31 hours of labor in France.
201.55 hours of labor in Germany.
203 hours of labor in Russia.
203 hours of labor in Poland.
203 hours of labor in Austria.

In other words, the same amount of gold value purchases, in most of these foreign countries, over ten times, or over 100 per cent, more labor than in the United States; consequently it goes without saying that it is utterly impossible for the American farmer, as long as the foreign exchange is so tremendously depreciated, to expect the former volume of export business for his agricultural products.

PRE-WAR FOREIGN CROPS.

I desire to give a statement of the pre-war production of the principal agricultural products in foreign countries having greatly depreciated exchange, and a comparison with the production of the same products in the United States; also to give separately the production in foreign countries having slightly depreciated exchange, such countries as Canada, India, Spain, Great Britain, Australia, Japan, and so forth. I ask that these tables be inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection it is so ordered.

The tables referred to are as follows:

WHEAT.

Production, yearly average, 1909–1913:	Bushels.
Russia	606,933,000
France	317,254,000
Germany	152,119,000
Italy	185,260,000
Hungary	156,523,000
Rumania	86,679,000
Austria	61,075,000
Bulgaria	43,725,000
Poland	23,343,000
Servia	14,775,000
Belgium	14,583,000
Production of countries (marked "X") with greatly depreciated exchange	1,662,269,000
Production of countries (marked "S") with slightly depreciated exchange	1,117,324,000
Grand total production of wheat in foreign countries	2,779,593,000

United States production, yearly average, 1909–1913, 686,691,000 bushels.

Within a short time after the establishment of anything like a stable government in Russia that country might, through its great depreciation in money value (99 per cent), be able to land wheat at the custom-house door of the United States at 50 cents per bushel to the ruin of our wheat-producing farmers.

OATS.

Production, yearly average, 1909–1913:	Bushels.
Russia	874,945,000
Germany	591,996,000
France	310,020,000
Austria	143,392,000
Hungary	85,840,000
Poland	76,590,000
Belgium	40,905,000
Italy	36,945,000
Rumania	27,545,000
Bulgaria	9,880,000
Servia	5,443,000
Production of countries with greatly depreciated exchange	2,203,501,000
Production of countries with slightly depreciated exchange	752,267,000
Grand total production of foreign countries of oats	2,955,768,000

United States production, yearly average, 1909–1913, 131,175,000 bushels.

RYE.

Production, yearly average, 1909–1913:	Bushels.
Russia	815,996,000
Germany	445,222,000
Austria	112,752,000
Poland	90,494,000
Hungary	48,716,000
France	48,647,000
Belgium	22,675,000
Bulgaria	8,553,000
Italy	5,328,000
Rumania	4,652,000
Production countries with greatly depreciated exchange	1,603,037,000
Production countries with slightly depreciated exchange	53,590,000
Grand total production of foreign countries of rye	1,656,627,000

United States production yearly average 1909–1913, 34,916,000 bushels.

When Russia's and Germany's enormous production of rye is resumed any large importations of it would tend to decrease the price of American wheat, as for breadstuffs, etc., rye can be used as a substitute.

BARLEY.

Production, yearly average, 1909–1913:	Bushels.
Russia	384,027,000
Germany	153,529,000
Austria	71,988,000
Hungary	69,812,000
France	46,489,000
Poland	27,150,000
Rumania	24,821,000
Bulgaria	12,425,000
Italy	10,104,000
Serbia	5,072,000
Belgium	4,247,000
Production countries with greatly depreciated exchange	809,664,000
Production countries with slightly depreciated exchange	388,944,000
Grand total production of foreign countries of barley	1,198,608,000

United States production yearly average 1909–1913, 181,881,000 bushels.

POTATOES.

Production, yearly average, 1909–1913:	Bushels.
Germany	1,681,959,000
Russia	869,798,000
France	489,377,000
Austria	456,485,000
Poland	373,917,000
Hungary	180,103,000
Belgium	107,021,000
Italy	60,813,000
Rumania	3,634,000
Bulgaria	454,000
Production countries with greatly depreciated exchange	4,223,561,000
Production countries with slightly depreciated exchange	573,537,000
Grand total production of foreign countries of potatoes	4,797,098,000

United States production yearly average 1909–1913, 356,627,000 bushels.

CORN.

Production, yearly average, 1909–1913:	Bushels.
Hungary	168,081,000
Rumania	100,620,000
Italy	100,349,000
Russia	56,571,000
Bulgaria	28,219,000
Serbia	28,128,000
France	22,229,000
Austria	14,536,000
Production countries with greatly depreciated exchange	518,733,000
Production countries with slightly depreciated exchange	384,589,000
Grand total production of foreign countries of corn	903,322,000

United States production, yearly average, 1909–1913, 2,708,334,000 bushels.

BEANS.

Production, yearly average, 1909–1913:	Bushels.
Italy	21,038,000
Austria	9,666,000
France	9,518,000

Production, yearly average, 1909–1913—Continued.	Bushels.
Hungary	7,516,000
Russia	6,027,000
Rumania	5,615,000
Bulgaria	1,895,000
Serbia	1,676,000
Poland	505,000
Production countries with greatly depreciated exchange	63,456,000
Production countries with slightly depreciated exchange	203,839,000
Grand total production of foreign countries of beans	267,295,000
United States production, yearly average, 1909–1913, bushels.	11,156,000

Mr. FRANCE. Mr. President, these tables prove that the foreign countries, which have greatly depreciated currencies or moneys, produce agricultural products greatly in excess of the production of the United States. An ounce of gold buys approximately ten times as many hours of labor in these foreign countries as it does in the United States. Bearing in mind the fundamental fact, to which I have called attention, that commodities tend to flow, in the absence of barriers, from the countries where the money is depreciated or of little value to the countries where money is not depreciated, but is nearer the normal par gold value, you will see the peril which must result in ruin to the American farmers if an adequate protective tariff is not enacted. Commodities flow from countries where there is greater inflation of the currencies to a country where there is lesser inflation of currency as water runs downhill. American agriculture and industry are, therefore, now in danger of serious injury, if not partial destruction, by a flood of imports. Commodities move from the country of sound money or of lesser currency inflation to countries of unsound money or greater currency inflation with difficulty and only under artificial pressure, like water being pumped to a higher level. This accounts for the fact that American exports decreased to such a disastrous extent during the year of 1921 as compared with 1920. In 1920 our exports amounted to $8,228,016,307, while in 1921 they were $4,485,122,696, a loss in export trade of $3.742,893,611. This huge sum representing our loss in export trade would be sufficient to pay 4,000,000 men a wage of $70 each for a year. It is not strange that in 1921 we had from four to six millions of men unemployed and that the consumption of farm products at home was necessarily greatly reduced. The falling off of our export trade, resulting in agricultural and industrial depression, must be attributed to the depreciated currencies of Europe, as compared with the American dollar, due to inflation in Europe and the debts owing us by the European countries as a result of the war. This decline in our export trade occurred when Europe as a whole was in desperate need of food and commodities which Europe could not buy because of the huge debts of Europe to us, totaling in Government obligations and open accounts much more than $15,000,000,000. I refer to the needs of Europe as a whole, where some countries need food and seed most desperately, as well as machinery and manufactured goods, while others, like Poland and Rumania, require farming implements, machinery, and manufactured commodities.

ECONOMIC CONFERENCE NEEDED.

We must adopt an adequate protective tariff to prevent farm products from coming to the United States, where our currency is sound and there is an abundance of food, and means must be found to encourage the shipment of foodstuffs from the United States and from countries where there is a superabundance of food and certain raw products, such as cotton, to Germany, Russia, Austria, the Near East, and parts of China, where the currencies are unsound but the need for these products is so great. Since January, 1919, I have been urging the calling of a general international conference to be held in the United States to which would be invited the States signatory of or adherent to the convention for the pacific settlement of international disputes, of July 24, 1899, these being all of the principal countries of the world, including Germany and Russia. Such a conference should consider the common and mutual interests and the social and economic relations of States and peoples, formulate a body of international law based on the security of the fundamental rights of the individual, devise methods for the advancement of the backward peoples of colonies and protectorates to a higher state and ultimately to independence, promote the study of the problems of international finance, credits, and exchange with a view to the rehabilitation of international trade, and inaugurate a voluntary concert or cooperation between the nations for the preservation of peace and the promotion of liberty and the common welfare.

DETRIMENT TO THE AMERICAN FARMER OF THE DEMOCRATIC UNDERWOOD TARIFF RATES.

I present now Table C, statistics of imports into the United States of agricultural products for fiscal year 1913 and calendar years 1919 and 1920, and ask permission to have it inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table referred to is as follows:

TABLE C.—*Imports into United States, fiscal year 1913, and calendar years 1919 and 1920.*

Products imported.	A Republican (Payne) tariff, fiscal year ended June 30, 1913.	B Democratic (Underwood) tariff, calendar year ended Dec. 31, 1919.	C Democratic (Underwood) tariff, calendar year ended Dec. 31, 1920.
Wheat:			
Bushels	798,028	7,910,701	35,808,656
Value	$559,559	$14,905,722	$75,359,220
Corn:			
Bushels	903,062	11,212,717	7,784,489
Value	$491,079	$10,966,911	$9,296,991
Oats:			
Bushels	723,899	609,128	6,728,200
Value	$289,364	$469,638	$6,549,111
Rye:			
Bushels	45	1,107,487	791,220
Value	$61	$1,647,879	$1,430,818
Barley:			
Bushels	5,524	14,941	347,897
Value	$2,663	$17,296	$527,772
Potatoes:			
Bushels	327,230	5,543,686	6,061,745
Value	$303,214	$5,907,064	$12,526,620
Beans:			
Bushels	1,048,297	4,972,456	2,094,646
Value	$1,938,105	$17,526,911	$7,509,879
Eggs of poultry:			
Dozen	1,271,765	1,247,355	1,708,701
Value	$191,714	$394,629	$617,909
Butter:			
Pounds	1,162,253	9,519,368	37,454,172
Value	$304,090	$4,860,182	$18,646,459
Cheese:			
Pounds	49,387,944	11,332,204	15,993,725
Value	$9,185,194	$4,073,357	$5,657,035
Milk and cream, fresh:			
Gallons	1,293,286	3,684,817	4,117,817
Value	$1,075,042	$1,850,208	$2,702,270

Mr. FRANCE. I also give below Table CC, showing importations under the Payne Republican tariff for the fiscal year ending June 30, 1913, and under the Democratic Underwood tariff for the calendar year 1920:

TABLE CC.

Products.	Importations under the Payne Republican tariff, for fiscal year ending June 30, 1913.		Importations under Democratic Underwood tariff, for calendar year 1920.		Percentage of increase in 1920 value.
	Bushels.	Value.	Bushels.	Value.	Per cent.
Wheat	798,028	$559,559	35,808,656	$75,359,220	13,000
Corn	903,062	491,079	7,784,489	9,296,991	1,800
Oats	723,899	289,364	6,728,200	6,549,111	2,100
Rye	45	61	791,220	1,430,818	2,345,500
Potatoes	327,230	303,214	6,061,745	12,526,620	4,000
Beans	1,048,297	1,938,105	2,094,646	7,509,879	300
Butter [1]	1,162,253	304,090	37,454,172	18,646,489	6,000

[1] Pounds.

Senators will notice the enormous increase in importations of the principal agricultural products under the low Underwood tariff rates, the increase amounting to millions of dollars and thousands of per cent; and when we consider that some of the largest producing countries, like Russia, Czechoslovakia, and Hungary, have since the war produced practically nothing, but will soon resume again their enormous production, we can form an idea of what would have happened to the American farmer if the Republican Party had not intervened with the emergency tariff act of 1921.

PRE-WAR CEREAL EXPORTS.

I offer a table to show the exports of the principal cereals and potatoes before the war from the countries having depreciated currencies, in comparison with the exports from the United States. This table proves that the agricultural coun-

tries of Europe before the war produced a huge surplus for export, while Table A shows that practically all these countries except Russia are producing much more foodstuffs for export now than before the war:

CEREALS AND POTATOES.

Exports of principal cereals and potatoes from European countries having depreciated currencies compared with United States exports, pre-war yearly average (1909-1913).

[Pre-war yearly average (1909-1913) exports, in bushels. Compiled from U. S. Department of Agriculture reports.]

Exported from—	Wheat (including flour).	Rye (including flour).	Barley (including malt).	Oats (including oatmeal).	Corn (including meal).	Potatoes.
European countries having depreciated currencies (old boundaries):	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Austria-Hungary	906,000		18,271,000			1,451,000
Belgium	22,694,000		3,853,000		8,130,000	8,692,000
Bulgaria	11,244,000	2,336,000	1,700,000		9,307,000	
France						8,683,000
Germany	21,149,000	44,951,000	1,225,000	30,844,000		12,412,000
Italy						3,975,000
Netherlands	54,394,000	18,870,000	29,611,000	33,814,000	8,750,000	16,451,000
Rumania	52,370,000	3,411,000	16,692,000	10,012,000	38,966,000	
Russia (Empire)	161,766,000	34,921,000	168,461,000	65,279,000	30,034,000	7,762,000
Spain						1,835,000
Total exports of foreign countries having depreciated currencies	324,523,000	104,489,000	239,813,000	139,949,000	95,187,000	61,261,000
Exports of the United States	100,310,000	855,000	8,400,000	12,592,000	45,054,000	1,814,000
Total exports of depreciated-currency countries and the United States	424,833,000	105,344,000	248,213,000	152,541,000	140,241,000	63,075,000

In connection with this table I desire to call attention to a most startling fact. In the four years before the war the average exports from Russia of cereals were as follows:

RUSSIA.

Pre-war yearly average (1909–1913) exports of cereals in bushels:

Wheat	161,766,000
Rye	34,921,000
Barley	168,461,000
Oats	65,279,000
Corn	30,034,000
Total	460,461,000

RUSSIA'S PROSTRATION IMPERILS EUROPE.

Mr. President, when we consider these huge pre-war exports of foodstuffs by Russia to the industrial countries, together with the fact that at present Russia not only can not export foodstuffs but must import for her imperative needs at least 75,000,000 bushels of cereals, it must become apparent how critical is the present food situation of the world. The grains exported by Russia to the industrial countries were sufficient to feed approximately 60,000,000 or more inhabitants of the industrial countries, and before the war the peoples in the industrial countries of Europe were not generally overfed. Russia has been called the trunk of the tree of Europe, of which tree the industrial countries are the branches, and if Russia, the great food-producing organ of Europe, be not properly functioning hunger, malnutrition, unrest, social disturbances, and perhaps even actual industrial demoralization and revolution may occur in the industrial countries. To show what an indispensable part Russia in normal times takes in the production of the world's food, I call attention to the fact that the United States, in the four years prior to the war, produced a yearly average of wheat, oats, rye, and barley of 2,034,663,000 bushels, while Russia produced of the same grains 2,681,901,000 bushels, or practically 30 per cent more than the production of the United States.

WORLD NEEDS AMERICAN FOOD.

At the present time Russia is probably not producing more than 20 per cent of her normal crop, due to a shortage in seed, the decrease in horsepower, the loss in man power, and the lack of agricultural implements, a situation which was aggravated by last year's drought. Under these circumstances it is apparent that until Russia is rehabilitated the world must look to America for a much larger proportion of its food supply than was obtained here before the war. Moreover, as Russia is not functioning as a grain-producing country, it is to be expected that there must be such a world-wide demand for grain as will tend to enhance the prices of all our cereals when international credits are so arranged that the countries needing grains will be placed in a position to purchase.

Owing to the low prices which prevailed for grains during a large part of last year, prices not justified by the world conditions, many of our farmers became disheartened, and a campaign was started in certain parts of the country for cooperation among the farmers in the curtailment of the acreage to be planted in cereals in order that the price might be improved. In view of the figures which I have presented, it must be apparent how important it is, for his own prosperity and the welfare of the world, for the American farmer to sow the maximum possible acreage in grain. Of course, with the rehabilitation of Russian agriculture and with the improvements in the methods of the Russian farmer Russia will produce more grain than ever. While for the immediate future Russia will be an importing nation and it is to our interest to supply her from our surplus with the seeds, grains, agricultural machinery, and other equipment she requires, yet we must protect ourselves against the situation which will be created by the restoration of her huge productive power, which will enable her to export these millions of bushels of grain annually. We can neither afford, on the one hand, to refuse to export our products to a country when there is great need, nor, on the other hand, to permit ourselves to be flooded by the grains which this country will be able to produce when restored to productive power. The agricultural methods of the Russian peasant are most primitive. He cuts his grain with the sickle, hauls it to his small barn in a little one-horse wagon, and threshes it with a flail. Probably two men in America could till 100 acres of land as effectively with modern implements as five in a Russian family could till a Russian farm of 20 acres. From this it will appear what possibilities there are for that country when better methods and the use of modern machinery will release millions from agriculture for work in the development of Russia's other vast resources. But this change will come but slowly.

EXISTING CONDITIONS AND FUTURE PROSPECTS OF THE AMERICAN FARMER.

Mr. President, I have indicated that the greatly increased production of foodstuffs in certain of the European countries at a cost which is relatively very low, on account of the depreciated exchange, constitutes a menace to American agriculture. The outlook is not encouraging, but as a result of a wise tariff and beneficial legislation which will be enacted by the Republican Party, there must come a revival of confidence. I shall summarize briefly some of the measures which have been or which should be adopted by the Republican Party looking toward the rehabilitation of American agriculture:

1. A proper protective tariff with adequate specific duties on all agricultural products.

2. The further encouragement by legislation, in addition to that already enacted, of farmers' cooperative selling and marketing organizations.

3. The further increase of agricultural banking facilities.

4. Measures looking to an industrial revival in the United States, so that the workers in our industries may be placed in a position more freely to consume agricultural products. The industrial revival can be stimulated by wise foreign policy looking to the extension of American trade and enterprise to all parts of the world.

5. Improved highways.

6. Reasonable railroad and transportation rates, particularly on agricultural products.

7. The calling of an international conference, such as I have suggested, and the adoption of measures to promote our export trade, particularly to Germany and Russia and to other parts of the world in order that we may find markets for food, cotton, and other raw products and for the manufactured goods which certain of those countries need in vast quantities.

DISASTROUS TARIFF POLICIES OF THE DEMOCRATIC PARTY—NECESSARY CORRECTION THEREOF BY THE REPUBLICAN PARTY.

The tariff policy of the Democratic Party since 1832, when that party made a declaration for the principle of "tariff for revenue only" and advanced the theory that "protection is unconstitutional," has been injurious to the farmers of our country. The effect of the Great War has been to depreciate the value of foreign money and thus to reduce, as our tables have proven, the wages in certain of the countries having the largest production of agricultural commodities until the wages in those countries are only one-tenth the wages paid for similar work in the United States. It must be apparent that since the tariff policies of the Democratic Party in the past have been detrimental to our farmers, to-day, owing to the very much greater difference between the foreign wages and those paid in the United States, the dangers to our agriculture of a "tariff for revenue only" policy are now immensely greater than ever before in the history of our Government.

The additional facts which I am about to give must convince every farmer of the folly of looking to the Democratic Party for any action of theirs that will improve the farmer's present deplorable condition.

THE UNDERWOOD (DEMOCRATIC) TARIFF BILL A COMPLETE FAILURE.

The Underwood tariff was a failure from the American farmer's standpoint. I insert a table ("D") of rates on some of the principal agricultural products under the Republican (Dingley) tariff of 1897, the Republican (Payne) tariff of 1909, the Democratic (Underwood) tariff of 1913, the Republican emergency tariff of 1921, and under the proposed Fordney-McCumber bill (Senate rates):

TABLE D.—*Rates of duty, United States import tariffs.*

Products.	Dingley tariff of 1897.	Payne tariff of 1909.	Underwood tariff of 1913.	Emergency tariff act of May 27, 1921.	Senate committee rates now before the Senate (April, 1922).
Wheat	25 cents per bushel	25 cents per bushel	Free of duty [1]	35 cents per bushel	30 cents per bushel.
Corn	15 cents per bushel	15 cents per bushel	do	15 cents per bushel	15 cents per bushel.
Oats	do	do	6 cents per bushel		Do.
Rye	10 cents per bushel	10 cents per bushel	Free of duty		Do.
Barley	30 cents per bushel	30 cents per bushel	15 cents per bushel		20 cents per bushel.
Potatoes	25 cents per bushel [3]	25 cents per bushel [3]	Free of duty [2]	25 cents per bushel [3]	58 cents per 100 pounds.
Beans	45 cents per bushel [3]	45 cents per bushel [3]	25 cents per bushel [3]	2 cents per pound	½ cent per pound. [4]
Eggs of poultry	5 cents per dozen	5 cents per dozen	Free of duty		8 cents per dozen.
Butter	6 cents per pound	6 cents per pound	2½ cents per pound	6 cents per pound	8 cents per pound.
Cheese:					
Valued less than 30 cents per pound	do	do	20 per cent	23 per cent	5 cents per pound.
Valued at 30 cents or over					25 per cent.
Milk, fresh	2 cents per gallon	2 cents per gallon	Free of duty	2 cents per gallon	2½ cents per gallon.
Cream, fresh	20 per cent	5 cents per gallon	do	5 cents per gallon	22½ cents per gallon

[1] But if imported from a country which imposes a duty on wheat from the United States the rate shall be 10 cents per bushel.
[2] But if imported from a country which imposes a duty on potatoes from the United States the rate shall be 10 per cent ad valorem.
[3] 60 pounds to the bushel.
[4] If green or unripe, and 2 cents per pound if dried.

IMPORTS AND REVENUES.

The following Table E shows the total failure of the Democratic Underwood tariff bill, both as a revenue producer and as a bill calculated to benefit the industries of the United States. It shows that, on an increase of about three times in value of imports into the United States, a less amount of revenue was collected, owing to the terrifically reduced (Underwood) rates.

TABLE E.—*Imports and revenues under Republican and Democratic tariffs, pre-war and postwar periods.*

Tariff periods.	Imports of merchandise.	Customs duties.
Republican period:		
Fiscal year 1911	$1,527,226,105	$314,497,071
Fiscal year 1912	1,653,264,934	311,321,672
Fiscal year 1913	1,813,008,234	318,891,396
Yearly average	1,664,499,758	314,903,379
Democratic period (A):		
Calendar year 1919	3,904,364,932	249,774,758
Calendar year 1920	5,278,481,490	331,231,441
Calendar year 1921 (B)	2,509,025,403	305,475,485
Yearly average	3,897,290,608	295,493,895
Total periods:		
Republican (1911-1912-1913)	4,993,499,273	944,710,139
Democratic (1919-1920-1921)	11,691,871,825	886,481,684

(A) After the war, with the Underwood tariff in effect. The World War ended with the signing of the armistice November 11, 1918.
(B) The Republican emergency tariff act of May 27, 1921, which was in effect during this year, greatly increased the rates on certain farm products and possibly accounted for the decreased importations for 1921 over 1920.

THE DUTIES COLLECTED UNDER THE DEMOCRATIC UNDERWOOD TARIFF RATES ARE THE LOWEST OF ANY COUNTRY IN THE WORLD, INCLUDING SO-CALLED "FREE-TRADE" ENGLAND.

The following are the average rates of duty collected for the 12 months ending December 31, 1920, under the Democratic Underwood tariff:

	Per cent.
January, 1920	6.12
February, 1920	5.81
March, 1920	6.78
April, 1920	5.81
May, 1920	6.86
June, 1920	6.46
July, 1920	5.96
August, 1920	6.00
September, 1920	7.02
October, 1920	7.72
November, 1920	7.08
December, 1920	7.52

Or an average for the year of 6.49 per cent.

The average duties of the principal foreign countries are as follows:

Average duty.

	Per cent.
Great Britain, 1919–20	8.56
France, pre-war	8.55
Germany, April–December, 1919	15.66
Italy, pre-war	7.78

The average rates of duties collected in the United States under the Democratic Underwood tariff are lower than the rates of any other country in the world. The average duties in so-called "free-trade" England are 25 per cent higher than the United States—8.56 for England and 6.49 for the United States. Couple this condition with exchange in foreign money values, which makes the foreign wages for farm labor 30 cents per day as against $3 per day in the United States, and it will be seen that the farmer's condition is absolutely hopeless under any treatment that could possibly be accorded him by the Democratic Party.

BENEFICIAL REPUBLICAN TARIFF RATES (FORDNEY-M'CUMBER).

The Republican emergency tariff act of May 27, 1921, and the Fordney-McCumber rates now before the Senate contain the only hope of our farmer to help overcome his present difficulties due to low foreign wages, which are one-tenth of the wages he pays in the United States. Again, now, as in the past, the Republican Party will return prosperity in place of Democratic adversity and order out of Democratic chaos, only it will take time to right the many disastrous inheritances handed over by the Democratic Party on March 4, 1921, and the overwhelmingly detrimental results due to eight years of disaster through Democratic trials of erroneous theories and Democratic inefficiency resulting in staggering, fabulous costs being fastened upon the country.

OUR HERITAGE OF DEMOCRATIC DIFFICULTIES.

When the Republican administration came into power it was compelled to deal with a situation full of difficulties, but it has made much progress in bringing about order and efficiency in a Government the affairs of which had become chaotic during the stress of war. The Republicans are resolved to abolish the gross inefficiency and fabulous cost of government which have characterized the administration of recent years. The

Republicans are resolved that there shall be a clear and definite reacceptance and reaffirmation of faith in the principles of the Republic as it was designed by the fathers, with its three separate, independent, and coordinate branches—legislative, executive, and judicial—the form of government which preserves liberty by division of authority, preventing that consolidation of powers in one office or official which constitutes true despotism. We condemn as tending to subvert our Government the practice by which legislation has been drafted in the executive departments and then forced by means of threats, intimidation, or other methods of coercion by the Executive on the legislative branch of the Government, which should represent the people. Our great President, Warren G. Harding, has acted in harmony with the principle that legislation must originate with and arise from the people through their representatives and that the President should discourage that enormous growth of Executive power so characteristic of the last administration, which tended toward tyranny. The Republicans have repealed many autocratic statutes. They have begun the reorganization of executive departments, have established a Budget system, have declared for the restoration of free speech, and stand for rigid governmental economy and a revision as soon as possible of our most burdensome taxes.

INDUSTRIAL SUCCESS IN THE UNITED STATES ABSOLUTELY ESSENTIAL TO OUR FARMERS.

As I have already indicated, the prosperity of our farmers is dependent upon prosperity in our industries. The failure of our export trade and many other factors growing out of the war have seriously depressed our industries and this has paralyzed the purchasing power of those who gain a livelihood from industry. There can be no doubt that one of the contributing causes of industrial depression has been our burdensome tax system. Huge surtaxes tend to drive funds from productive employment in industry to relatively unproductive investment in tax-exempt securities, such as State, county, municipal, and Government bonds. For an industrial revival it is essential that there be a reasonable tariff, a reduction in our taxes and surtaxes, a rehabilitation of international finance and the stimulation of our export trade.

STARTLING DECREASE OF CONSUMPTION OF AGRICULTURAL PRODUCTS.

It is remarkable to what an extent the consumption of food is reduced in times of industrial depression. In 1921 there were consumed in the United States 250,000,000 less bushels of wheat than were consumed in 1920 due to unemployment of operatives in 1921 and the consequent necessity upon their part for reduced consumption. It is therefore most essential to the farmers that our industries may be operated in order that all of the workers in the industries may be fully employed and capable of the fullest possible consumption of all agricultural products. In the same way it is imperative for the welfare of our workers in the industries that our farmers be made prosperous in order that they may freely buy the manufactured articles produced by the workers in our factories. As never before the farmers and the laborers in the factories are coming to realize that their interests are one and inseparable. Indeed, the one great lesson of the war is that no class can be permanently prosperous at the expense of the other classes and that no nation can be really prosperous unless the sun of prosperity is shining upon all. The Republican Party stands pledged to measures not for the benefit of one class, but for the advancement of all. It has already gone on record as being in favor of cooperation among our farmers, believing that cooperative selling and marketing and an extension of banking facilities will prove helpful not only to the farmers, but to the whole country as tending to increase the production of our agricultural wealth and thus the wealth of all the people.

GOOD ROADS AND THEIR EFFECT ON THE FARMS, MARKET CONDITIONS, AND RURAL LIFE.

The Republican Party, in addition to enacting a reasonable tariff protection on farm products, has urged, among other most helpful measures, the building of Federal trunk-line roads with State collateral roads as local feeders, so that the means may be provided to the farmer for direct, economical shipment of his goods from the country to the city markets. A most interesting experiment has been carried on with the assistance of the Federal Government in this direction. From a community center in Pennsylvania to which these were brought by the farmers, farm products were shipped by parcel-post motor trucks to the city of Washington, where they were sold in a cooperative market, an improved highway between the two points facilitating the shipment.

LOW TRANSPORTATION RATES FOR AGRICULTURAL PRODUCTS.

It is most important to secure a reduction in the rates for transportation on the railroads for the products of the farm and for the materials which the farmer uses in the production of his crops. The employees of our great railroads, as well as the officers, have become deeply interested in this problem. The farmers of America are unalterably opposed to State socialism. They are opposed to the Government ownership of railroads, because they hold, as does the Republican Party, that Government ownership must lead to that oppressive bureaucracy which inevitably becomes autocratic and must ultimately deprive the people of their liberty. However, the railroad problem presents an opportunity for such cooperation under private ownership between the management of the roads and their employees as would result in more efficient service, a better return on the capital invested, and lower rates without a reduction in the real wages received by the employees. I feel confident that under practical plans already proposed the problem of how to secure lower transportation rates can be solved by the application of the principle of cooperation with injury to none and with untold benefits to all.

I have endeavored to show, by the statistics which I have presented for the benefit of the Senate of the farmers of my own State of Maryland and of other parts of the country, that a protective tariff on farm products is now necessary for the protection of the great fundamental industry of agriculture within the borders of the United States. I have also called attention to some of the other measures proposed by the Republican Party for the promotion of the welfare of the farmers of America and of all of the people of the United States. I consider that the statistics which I have presented are most valuable, and I shall be pleased to send them, so far as I may be able, to those who may desire to use them. These and some additional statistics, which constitute an appendix, I ask to have incorporated as part of my remarks.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

APPENDIX.

Pages — to — hereof and this Appendix give complete agricultural statistics of the following States: Arizona, California, Connecticut, Delaware, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

ARIZONA.

Agricultural wealth and production of the State of Arizona—Arizona agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		334,162
Land area of State	acres	72,838,400
FARMS.		
Number of all farms		9,975
Land in farms:		
Improved land	acres	712,803
Woodland	do	523,648
Other unimproved land	do	4,565,675
Total land in farms	do	5,802,126
VALUE OF FARM PROPERTY.		
Land		$156,562,606
Buildings		15,762,715
Implements and machinery		8,820,667
Live stock		52,447,001
Total value of farm property		233,592,989

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	2,067,954	$51,555,815
Poultry of all kinds	517,312	640,595
Bees (hives of bees)	28,174	250,591
Total live stock		52,447,001

Arizona farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	446,208	$870,105
Oats (bushels)	377,785	434,456
Wheat (bushels)	835,374	1,921,358
Barley (bushels)	656,835	952,415
Kafir and milo (bushels)	849,994	1,274,994
Other cereals (bushels)	6,353	11,603
Total cereals (bushels)	3,172,549	5,464,931
Other grains and seeds (bushels)	132,094	1,100,989
Hay and forage (tons)	494,686	10,658,211

Arizona farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes (bushels)	208,775	$527,111
Cantaloupes		465,739
Watermelons		109,745
Cucumbers		83,775
Lettuce		72,405
All other		535,924
Total vegetables		1,794,699
Fruits and nuts:		
Apples (bushels)	120,765	289,836
Peaches (bushels)	138,361	352,821
Apricots (bushels)	60,463	126,971
Grapes (pounds)	669,872	40,181
Oranges (boxes)	79,637	318,548
Grapefruit (boxes)	28,999	79,748
Berries and small fruit (quarts)	62,467	14,048
All other		168,977
Total fruits and nuts		1,391,130
Cotton (bales)	59,351	20,119,989
Cotton seed (tons)	27,420	1,933,112
All other crops		18,169
Total crops of Arizona		42,481,230
Nursery and greenhouse products		27,824
Forest products		67,754

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced (gallons)	14,370,833	
Milk sold (gallons)	6,707,170	$1,781,360
Cream sold (gallons)	92,089	131,988
Butter fat sold (pounds)	762,599	457,984
Butter made (pounds)	593,446	336,146
Cheese made (pounds)	90,119	37,851
Total dairy products		2,745,329
Eggs produced (dozens)	2,524,832	1,186,671
Chickens raised (number)	569,325	512,393
Wool and mohair (pounds)	3,488,421	1,632,517
Honey and wax (pounds)	937,404	217,976
Animals sold and slaughtered on farms		10,915,788
Total live-stock products of Arizona		17,210,674

Summary of Arizona farm products, value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$5,464,931
Hay and forage	10,658,211
Vegetables	1,794,699
Fruits and nuts	1,391,130
Cotton	20,119,989
All other crops	3,052,270
Total crops	42,481,230
Nursery and greenhouse products	27,824
Forest products	67,754

LIVE-STOCK PRODUCTS.

Dairy products	2,745,329
Eggs produced	1,186,671
Chickens raised	512,393
Wool and mohair	1,632,517
Honey and wax	217,976
Animals sold and slaughtered on farms	10,915,788
Total live-stock products	17,210,674
Total farm products of Arizona	59,787,482

CALIFORNIA.

Agricultural wealth and production of the State of California, California agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		3,426,861
Land area of State	acres	99,617,280

FARMS.

Number of all farms		117,670
Land in farms:		
Improved land	acres	11,878,339
Woodland	do	4,252,287
Other unimproved land	do	13,235,041
Total land in farms	do	29,365,667

VALUE OF FARM PROPERTY.

Land	$2,783,054,977
Buildings	290,756,132
Implements and machinery	136,069,290
Live stock	221,141,462
Total value of farm property	3,431,021,861

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	5,901,310	$204,378,445
Poultry of all kinds	10,811,183	15,293,570
Bees (hives of bees)	180,719	1,469,447
Total live stock		221,141,462

California farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	3,448,459	$5,862,383
Oats (bushels)	2,966,776	2,966,776
Wheat (bushels)	16,866,882	36,938,477
Barley (bushels)	21,897,283	35,035,654
Rice (bushels)	6,926,313	20,432,627
Other cereals (bushels)	4,311,145	7,334,552
Total cereals (bushels)	56,416,858	108,570,469
Other grains and seeds		38,349,277
Hay and forage (tons)	4,494,940	96,121,846
Vegetables:		
Potatoes (bushels)	9,085,237	20,896,048
Cantaloupes		3,895,690
Tomatoes		3,579,115
Lettuce		1,691,589
Onions		2,818,194
Asparagus		2,640,610
Celery		1,518,082
Peas (green)		1,072,608
All other		9,265,985
Total vegetables		47,377,921
Fruits and nuts:		
Apples (bushels)	7,842,017	12,155,128
Peaches (bushels)	15,969,073	29,542,787
Pears (bushels)	3,952,923	7,115,261
Plums and prunes (bushels)	13,200,805	28,381,734
Cherries (bushels)	653,700	2,614,800
Apricots (bushels)	5,907,645	11,815,290
Oranges (boxes)	21,628,444	67,048,178
Lemons (boxes)	6,551,657	18,999,810
Figs (pounds)	21,801,899	2,180,194
Olives (pounds)	17,564,020	1,405,121
Grapes (pounds)	2,055,644,612	65,780,628
Strawberries (quarts)	10,808,048	2,161,612
Other small fruits (quarts)	4,650,678	931,249
Almonds (pounds)	15,699,748	3,924,940
Walnuts (pounds)	51,902,093	15,570,631
All other fruits and nuts		11,283,344
Total fruits and nuts		270,910,698
Cotton (bales)	46,418	9,237,182
Sugar beets (tons)	666,866	8,669,258
Hops (pounds)	12,610,055	6,557,229
All other crops		1,806,711
Total crops of California		587,600,591
Nursery and greenhouse products		5,106,829
Forest products		4,248,661

LIVE-STOCK PRODUCTS.

Dairy products:			
Milk produced	gallons	276,424,216	
Milk sold	do	77,938,332	$22,717,770
Cream sold	do	3,116,736	5,016,733
Butter fat sold	pounds	37,618,426	24,021,225
Butter made	do	5,757,759	3,112,848
Cheese made	do	2,345,672	774,073
Total dairy products			55,642,649
Eggs produced	dozens	64,123,885	31,420,704
Chickens raised	number	12,929,044	8,921,049
Wool and mohair	pounds	15,437,136	6,805,621
Honey and wax	do	5,608,534	1,141,999
Animals sold and slaughtered on farms			67,520,004
Total live-stock products of California			171,450,017

Summary of California farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$108,570,469
Hay and forage	96,121,846
Vegetables	47,377,921

Fruits and nuts	$270,910,698
Sugar beets	8,669,258
Seeds and grains	38,349,277
Cotton	9,237,182
Hops	6,557,229
All other crops	1,806,711
Total crops	587,600,591
Nursery and greenhouse products	5,106,829
Forest products	4,248,661

LIVE-STOCK PRODUCTS.

Dairy products	55,642,649
Eggs produced	31,420,704
Chickens raised	8,921,040
Wool and mohair	6,805,621
Honey and wax	1,141,999
Animals sold and slaughtered on farms	67,520,004
Total live-stock products	171,450,017
Total farm products of California	768,406,098

CONNECTICUT.

Agricultural wealth and production of the State of Connecticut—Connecticut agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		1,380,631
Land area of State	acres	3,084,800

FARMS.

Number of all farms		22,655
Land in farms:		
Improved land	acres	701,086
Woodland	do	683,719
Other unimproved land	do	514,175
Total land in farms	do	1,898,980

VALUE OF FARM PROPERTY.

Land	$101,187,115
Buildings	89,083,712
Implements and machinery	13,248,097
Live stock	23,472,693
Total value of farm property	226,991,617

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	285,143	$21,436,810
Poultry of all kinds	1,153,667	1,979,099
Bees (hives of bees)	6,960	56,784
Total live stock		23,472,693

Connecticut farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	2,062,495	$3,815,615
Oats (bushels)	295,050	309,803
Rye (bushels)	83,979	159,561
Other cereals (bushels)	83,425	172,830
Total cereals (bushels)	2,524,949	4,457,809
Hay and forage (tons)	664,773	13,711,567
Vegetables:		
Potatoes (bushels)	1,372,765	3,363,258
Sweet corn		397,050
Tomatoes		289,279
Cabbage		253,762
All other		2,914,845
Total vegetables		7,218,194
Fruits and nuts:		
Apples (bushels)	1,395,141	2,581,011
Peaches (bushels)	194,990	487,477
Pears (bushels)	57,162	125,757
Grapes (pounds)	2,109,885	189,889
Berries and small fruits (quarts)	1,903,888	436,770
All other		14,567
Total fruits and nuts		3,835,471
Tobacco (pounds)	42,193,196	15,189,551
All other crops		79,793
Total crops of Connecticut		44,492,385
Nursery and greenhouse products		2,482,772
Forest products		2,753,292

Connecticut farm products—Continued.

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced (gallons)	54,894,287	
Milk sold (gallons)	36,920,273	$12,926,012
Cream sold (gallons)	210,705	416,151
Butter fat sold (pounds)	511,648	317,594
Butter made (pounds)	1,926,127	1,229,824
Cheese made (pounds)	90,500	34,390
Total dairy products		14,923,971
Eggs produced (dozens)	6,341,424	3,804,854
Chickens raised (number)	1,546,142	2,071,830
Wool and mohair (pounds)	52,996	31,261
Honey and wax (pounds)	84,358	30,419
Animals sold and slaughtered on farms		6,640,754
Total live-stock products of Connecticut		27,503,089

Summary of Connecticut farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$4,457,809
Hay and forage	13,711,567
Vegetables	7,218,194
Fruits and nuts	3,835,471
Tobacco	15,189,551
All other crops	79,793
Total crops	44,492,385
Nursery and greenhouse products	2,482,772
Forest products	2,753,292

LIVE-STOCK PRODUCTS.

Dairy products	14,923,971
Eggs produced	3,804,854
Chickens raised	2,071,830
Wool and mohair	31,261
Honey and wax	30,419
Animals sold and slaughtered on farms	6,640,754
Total live-stock products	27,503,089
Total farm products of Connecticut	77,231,538

DELAWARE.

Agricultural wealth and production of the State of Delaware; Delaware agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		223,003
Land area of State	acres	1,257,600

FARMS.

Number of all farms		10,140
Land in farms:		
Improved land	acres	653,052
Woodland	do	222,658
Other unimproved land	do	68,801
Total land in farms	do	944,511

VALUE OF FARM PROPERTY.

Land	$42,115,802
Buildings	22,639,829
Implements and machinery	6,781,318
Live stock	8,600,665
Total value of farm property	80,137,614

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	125,644	$7,373,260
Poultry of all kinds	1,000,287	1,215,586
Bees (hives of bees)	2,976	11,819
Total live stock		8,600,665

Delaware farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	3,686,109	$5,897,774
Wheat (bushels)	1,571,567	3,457,447
Other cereals (bushels)	207,531	282,789
Total cereals (bushels)	5,465,207	9,638,010
Hay and forage (tons)	223,562	4,366,174

Delaware farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes (bushels)	1,992,946	$3,585,190
Sweet corn		134,246
Tomatoes		1,213,575
Cantaloupes and watermelons		286,069
Peas (green)		102,958
All other		949,676
Total vegetables		6,271,714
Fruits and nuts:		
Apples (bushels)	606,286	1,091,315
Peaches (bushels)	227,375	409,275
Grapes (pounds)	1,445,121	115,610
Berries and small fruit (quarts)	4,362,473	783,567
All other		167,040
Total fruits and nuts		2,566,807
All other crops		216,201
Total crops of Delaware		23,058,906
Nursery and greenhouse products		167,697
Forest products		777,176

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced (gallons)	11,356,313	
Milk sold (gallons)	6,876,251	$1,993,745
Cream sold (gallons)	34,252	41,085
Butter fat sold (pounds)	76,232	39,326
Butter made (pounds)	894,883	477,246
Cheese made (pounds)	3,170	1,173
Total dairy products		2,553,175
Eggs produced (dozens)	3,908,463	1,993,316
Chickens raised (number)	1,204,793	1,216,841
Wool and mohair (pounds)	15,974	8,859
Honey and wax (pounds)	28,029	6,466
Animals sold and slaughtered on farms		2,401,339
Total live-stock products of Delaware		8,179,996

Summary of Delaware farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$9,638,010
Hay and forage	4,366,174
Vegetables	6,271,714
Fruits and nuts	2,566,807
All other crops	216,201
Total crops	23,058,906
Nursery and greenhouse products	167,697
Forest products	777,176

LIVE-STOCK PRODUCTS.

Dairy products	2,553,175
Eggs produced	1,993,316
Chickens raised	1,216,841
Wool and mohair	8,859
Honey and wax	6,466
Animals sold and slaughtered on farms	2,401,339
Total live-stock products	8,179,996
Total farm products of Delaware	32,183,775

INDIANA.

Agricultural wealth and production of the State of Indiana—Indiana agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	2,930,390
Land area of State—acres	23,068,800

FARMS.

Number of all farms	205,126
Land in farms:	
Improved land—acres	16,680,212
Woodland—do	3,141,042
Other unimproved land—do	1,242,078
Total land in farms—do	21,063,332

VALUE OF FARM PROPERTY.

Land	$2,202,566,336
Buildings	451,077,637
Implements and machinery	127,403,086
Live stock	261,264,188
Total value of farm property	3,042,311,247

Agricultural wealth and production of the State of Indiana, etc.—Con.

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	6,773,793	$244,164,616
Poultry of all kinds	17,147,576	16,757,365
Bees (hives of bees)	87,045	342,207
Total live stock		261,264,188

Indiana farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn (bushels)	158,603,938	$229,975,713
Oats (bushels)	52,529,723	42,023,780
Wheat (bushels)	45,207,882	98,101,056
Barley (bushels)	1,427,772	1,998,883
Rye (bushels)	4,432,091	6,648,162
Other cereals (bushels)	152,994	234,219
Total cereals (bushels)	262,354,380	378,981,813
Other grains and seeds (bushels)	269,475	4,787,692
Hay and forage (tons)	5,133,742	79,874,640
Vegetables:		
Potatoes (bushels)	2,672,549	6,547,749
Sweet corn		488,257
Tomatoes		1,990,374
Onions		1,067,866
Watermelons and cantaloupes		945,146
All other		10,215,486
Total vegetables		21,254,878
Fruits and nuts:		
Apples (bushels)	925,624	2,221,498
Peaches (bushels)	82,266	255,027
Pears (bushels)	109,453	218,926
Grapes (pounds)	6,612,804	462,899
Strawberries (quarts)	4,277,646	855,538
Other small fruits (quarts)	2,535,326	518,983
All other		309,664
Total fruits and nuts		4,842,535
Tobacco (pounds)	18,752,202	4,688,064
Sorghum for sirup (tons)	52,210	987,729
Mint (mint oil) (pounds)	171,085	855,425
All other crops		956,943
Total crops of Indiana		497,229,719
Nursery and greenhouse products		3,465,569
Forest products		10,955,856

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced—gallons	238,793,861	
Milk sold—do	45,167,166	$12,612,103
Cream sold—do	5,907,414	8,255,252
Butter fat sold—pounds	25,922,440	13,867,056
Butter made—do	18,344,239	9,298,910
Cheese made—do	109,234	39,325
Total dairy products		44,072,646
Eggs produced—dozens	83,101,293	32,409,504
Chickens raised—number	22,618,296	20,356,466
Wool and mohair—pounds	3,369,104	1,908,966
Honey and wax—do	390,495	189,280
Animals sold and slaughtered on farms		171,058,037
Total live-stock products of Indiana		269,994,899

Summary of Indiana farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$378,981,813
Hay and forage	79,874,640
Vegetables	21,254,878
Fruits and nuts	4,842,535
Tobacco	4,688,064
Seeds, grains, and sorghum	5,775,421
All other crops	1,812,368
Total crops	497,229,719
Nursery and greenhouse products	3,465,569
Forest products	10,955,856

LIVE-STOCK PRODUCTS.

Dairy products	44,072,646
Eggs produced	32,409,504
Chickens raised	20,356,466
Wool and mohair	1,908,966
Honey and wax	189,280
Animals sold and slaughtered on farms	171,058,037
Total live-stock products	269,994,899
Total farm products of Indiana	781,646,043

IOWA.

Agricultural wealth and production of the State of Iowa—Iowa agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		2,404,021
Land area of State	acres	35,575,040
FARMS.		
Number of all farms		213,439
Land in farms:		
Improved land	acres	28,606,951
Woodland	do	2,295,274
Other unimproved land	do	2,572,671
Total land in farms	do	33,474,896
VALUE OF FARM PROPERTY.		
Land		$6,679,020,577
Buildings		922,751,713
Implements and machinery		309,172,398
Live stock		614,326,268
Total value of farm property		8,525,270,956

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	15,003,816	$585,889,568
Poultry of all kinds	28,352,515	27,779,633
Bees (hives of bees)	138,319	657,067
Total live stock		614,326,268

Iowa farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn bushels	371,362,393	$501,339,232
Oats do	187,045,705	140,284,289
Wheat do	21,591,928	44,479,372
Barley do	5,352,802	6,423,366
Rye do	1,110,739	1,666,128
Other cereals do	1,478,740	1,830,459
Total cereals do	587,942,307	696,022,846
Other grains and seeds do	1,432,537	10,587,008
Hay and forage tons	9,327,772	146,959,888
Vegetables:		
Potatoes bushels	4,655,093	11,437,463
Popcorn		2,101,286
Sweet corn		1,012,771
Tomatoes		303,104
Cantaloupes and watermelons		367,716
Onions		600,146
All other		12,483,360
Total vegetables		28,305,846
Fruits and nuts:		
Apples bushels	1,810,443	3,801,939
Cherries do	150,188	480,598
Grapes pounds	12,165,318	729,921
Strawberries quarts	6,606,592	1,387,381
Other small fruit do	2,230,701	524,386
All other		132,164
Total fruits and nuts		7,056,389
Sorghum for sirup tons	45,340	822,798
Sugar beets do	52,338	601,889
All other crops		34,635
Total crops of Iowa		890,391,299
Nursery and greenhouse products		2,592,172
Forest products		4,404,555

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced gallons	361,426,362	
Milk sold do	31,355,659	$8,519,484
Cream sold do	6,784,753	8,379,826
Butter fat sold pounds	45,411,147	25,077,344
Butter made do	25,422,675	13,411,842
Cheese made do	53,273	20,248
Total dairy products		55,408,744
Eggs produced dozens	120,697,319	42,244,062
Chickens raised number	31,076,091	27,968,482
Wool and mohair pounds	6,974,504	3,765,909
Honey and wax do	2,873,066	863,250
Animals sold and slaughtered on farms		420,258,381
Total live-stock products of Iowa		550,508,828

Summary of Iowa farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$696,022,846
Hay and forage	146,959,888
Vegetables	28,305,846
Fruits and nuts	7,056,389
Seeds and grains	10,587,008
Sorghum for sirup	822,798
Sugar beets	601,889
All other crops	34,635
Total crops	890,391,299
Nursery and greenhouse products	2,592,172
Forest products	4,404,555

LIVE-STOCK PRODUCTS.

Dairy products	55,408,744
Eggs produced	42,244,062
Chickens raised	27,968,482
Wool and mohair	3,765,909
Honey and wax	863,250
Animals sold and slaughtered on farms	420,258,381
Total live-stock products	550,508,828
Total farm products of Iowa	1,447,896,854

MAINE.

Agricultural wealth and production of the State of Maine—Maine agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		768,014
Land area of State	acres	19,132,800
FARMS.		
Number of all farms		48,227
Land in farms:		
Improved land	acres	1,977,329
Woodland	do	2,447,597
Other unimproved land	do	1,001,042
Total land in farms	do	5,425,968
VALUE OF FARM PROPERTY.		
Land		$114,411,871
Buildings		89,697,100
Implements and machinery		26,637,660
Live stock		39,780,102
Total value of farm property		270,526,733

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	606,738	$37,458,596
Poultry of all kinds	1,418,342	2,219,332
Bees (hives of bees)	12,639	102,174
Total live stock		39,780,102

Maine farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn bushels	288,281	$504,495
Oats do	3,600,617	3,780,648
Wheat do	261,185	613,785
Barley do	104,912	183,597
Buckwheat do	315,327	520,291
Other cereals do	7,522	13,691
Total cereals do	4,577,846	5,616,507
Hay and forage tons	1,326,289	29,568,372
Vegetables:		
Potatoes bushels	25,531,470	52,339,514
Sweet corn		1,554,800
Cabbage		159,665
All other		3,627,922
Total vegetables		57,681,901
Fruits and nuts:		
Apples bushels	4,829,346	6,278,151
Small fruits quarts	1,561,647	378,714
All other		102,212
Total fruits and nuts		6,759,077
All other crops		526,465
Total crops of Maine		100,152,324
Nursery and greenhouse products		420,539
Forest products		11,728,114

Maine farm products—Continued.

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ..... gallons..	77,676,881	
Milk sold ..... do.....	28,190,733	$8,881,006
Cream sold ..... do.....	742,813	959,335
Butter fat sold ..... pounds..	2,705,560	1,639,385
Butter made ..... do.....	10,855,560	6,272,232
Cheese made ..... do.....	55,161	20,412
Total dairy products		17,772,370
Eggs produced ..... dozens..	9,977,349	5,487,542
Chickens raised ..... number..	1,908,466	2,328,329
Wool and mohair ..... pounds..	665,775	412,728
Honey and wax ..... do.....	211,459	74,250
Animals sold and slaughtered on farms		15,660,871
Total live-stock products of Maine		41,736,090

Summary of Maine farm products, farm value December 1, 1919.

(United States Census, 1920.)

CROPS.

Cereals	$5,616,507
Hay and forage	29,568,372
Vegetables	57,681,901
Fruits and nuts	6,759,077
All other crops	526,465
Total crops	100,152,324
Nursery and greenhouse products	420,539
Forest products	11,728,114

LIVE-STOCK PRODUCTS.

Dairy products	17,772,370
Eggs produced	5,487,542
Chickens raised	2,328,329
Wool and mohair	412,728
Honey and wax	74,250
Animals sold and slaughtered on farms	15,660,871
Total live-stock products	41,736,090
Total farm products of Maine	154,037,067

MASSACHUSETTS.

Agricultural wealth and production of the State of Massachusetts—Massachusetts agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	3,852,356
Land area of State ..... acres..	5,144,960

FARMS.

Number of all farms	32,001
Land in farms:	
Improved land ..... acres..	908,834
Woodland ..... do.....	1,030,386
Other unimproved land ..... do.....	555,257
Total land in farms ..... do.....	2,494,477

VALUE OF FARM PROPERTY.

Land	$127,653,607
Buildings	119,934,224
Implements and machinery	19,359,755
Live stock	33,524,157
Total value of farm property	300,471,743

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	391,456	$30,512,291
Poultry of all kinds	1,517,477	2,951,001
Bees (hives of bees)	6,573	60,865
Total live stock		33,524,157

Massachusetts farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels..	1,515,933	$2,880,274
Oats ..... do.....	287,881	302,276
Wheat ..... do.....	33,253	76,484
Rye ..... do.....	46,261	87,896
Buckwheat ..... do.....	23,238	40,668
Other cereals ..... do.....	15,041	23,745
Total cereals ..... do.....	1,921,607	3,411,343
Hay and forage ..... tons..	871,573	20,149,137

Massachusetts farm products—Continued.

CROPS—continued.

Products	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes ..... bushels..	1,885,655	$4,619,855
Sweet corn		836,192
Lettuce		711,998
Onions		2,299,939
All other		6,880,085
Total vegetables		15,348,069
Fruits and nuts:		
Apples ..... bushels..	3,187,211	6,055,701
Peaches ..... do.....	213,139	532,851
Grapes ..... pounds..	1,009,479	80,758
Cranberries ..... quarts..	22,918,103	1,833,448
Strawberries ..... do.....	3,151,371	787,844
All other		520,938
Total fruits and nuts		9,811,540
Tobacco ..... pounds..	14,282,589	4,713,285
Maple sugar and sirup		197,334
All other crops		70,217
Total crops of Massachusetts		53,700,925
Nursery and greenhouse products		6,279,855
Forest products		4,491,522

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons..	76,316,309	
Milk sold ..... do.....	55,676,858	$22,698,929
Cream sold ..... do.....	310,918	472,840
Butter fat sold ..... pounds..	506,851	308,825
Butter made ..... do.....	2,019,231	1,231,218
Cheese made ..... do.....	60,796	23,709
Total dairy products		24,765,522
Eggs produced ..... dozens..	9,664,274	6,050,698
Chickens raised ..... number..	2,401,068	2,953,314
Wool and mohair ..... pounds..	88,826	56,003
Honey and wax ..... do.....	72,081	25,360
Animals sold and slaughtered on farms		10,925,051
Total live-stock products of Massachusetts		44,775,948

Summary of Massachusetts farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$3,411,343
Hay and forage	20,149,137
Vegetables	15,348,069
Fruits and nuts	9,811,540
Tobacco	4,713,285
All other crops	267,551
Total crops	53,700,925
Nursery and greenhouse products	6,279,855
Forest products	4,491,552

LIVE-STOCK PRODUCTS.

Dairy products	24,765,552
Eggs produced	6,050,698
Chickens raised	2,953,314
Wool and mohair	56,003
Honey and wax	25,360
Animals sold and slaughtered on farm	10,925,051
Total live-stock products	44,775,948
Total farm products of Massachusetts	109,248,250

MICHIGAN.

Agricultural wealth and production of the State of Michigan—Michigan agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	3,668,412
Land area of State ..... acres..	36,787,200

FARMS.

Number of all farms	196,447
Land in farms:	
Improved land ..... acres..	12,925,521
Woodland ..... do.....	3,217,000
Other unimproved land ..... do.....	2,890,440
Total land in farms ..... do.....	19,032,961

VALUE OF FARM PROPERTY.

Land	$959,186,538
Buildings	477,499,672
Implements and machinery	122,389,936
Live stock	204,258,632
Total value of farm property	1,763,334,778

Agricultural wealth and production of the State of Michigan, etc.—Con.

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	4,514,299	$192,145,492
Poultry of all kinds	11,183,064	11,587,814
Bees (hives of bees)	93,348	525,326
Total, live stock		204,258,632

Michigan farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels	45,088,912	$87,633,385
Oats ..... do	36,956,425	31,412,962
Wheat ..... do	20,411,825	45,722,488
Barley ..... do	4,802,768	6,483,742
Rye ..... do	12,168,182	18,252,291
Buckwheat ..... do	524,004	812,203
Other cereals ..... do	430,969	580,814
Total cereals ..... do	120,383,085	170,897,885
Other grains and seeds		23,442,687
Hay and forage ..... tons	6,345,510	105,280,992
Vegetables:		
Potatoes ..... bushels	23,930,288	49,057,426
Tomatoes		706,215
Cabbages		613,265
Celery		1,212,527
Cucumbers		1,176,685
All other		12,330,431
Total vegetables		65,096,550
Fruits and nuts:		
Apples ..... bushels	5,843,271	11,686,542
Peaches ..... do	448,177	1,232,495
Pears ..... do	405,189	871,155
Grapes ..... pounds	115,871,465	5,793,575
Strawberries ..... quarts	12,585,543	2,265,400
Raspberries ..... do	7,652,589	1,760,100
All other		2,520,526
Total fruits and nuts		26,129,793
Sugar beets ..... tons	1,025,550	11,793,836
Chicory ..... pounds	18,196,033	90,980
Maple sugar and sirup		609,519
Mint and mint oil ..... pounds	113,135	565,675
All other crops		106,893
Total crops of Michigan		404,014,810
Nursery and greenhouse products		3,545,915
Forest products		12,649,621

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons	382,822,631	
Milk sold ..... do	130,864,366	$34,335,072
Cream sold ..... do	4,459,626	5,964,703
Butter fat sold ..... pounds	31,647,906	17,041,904
Butter made ..... do	25,755,423	13,706,212
Cheese made ..... do	76,669	26,836
Total dairy products		71,074,727
Eggs produced ..... dozens	55,986,999	23,514,540
Chickens raised ..... number	12,441,555	11,446,231
Wool and mohair ..... pounds	7,053,556	4,132,503
Honey and wax ..... do	1,341,751	416,959
Animals sold and slaughtered on farms		75,611,444
Total live-stock products of Michigan		115,196,404

Summary of Michigan farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$170,897,885
Hay and forage	105,280,992
Vegetables	65,096,550
Fruits and nuts	26,129,793
Sugar beets	11,793,836
Seeds and grains	23,442,687
All other crops	1,373,067
Total crops	404,014,810
Nursery and greenhouse products	3,545,915
Forest products	12,649,621

LIVE-STOCK PRODUCTS.

Dairy products	71,074,727
Eggs produced	23,514,540
Chickens raised	11,446,231
Wool and mohair	4,132,503
Honey and wax	$416,959
Animals sold and slaughtered on farms	75,611,444
Total live-stock products	115,196,404
Total farm products of Michigan	535,406,750

MINNESOTA.

Agricultural wealth and production of the State of Minnesota—Minnesota agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	2,387,125
Land area of State ..... acres	51,749,120

FARMS.

Number of all farms	178,478
Land in farms:	
Improved land ..... acres	21,481,710
Woodland ..... do	4,482,656
Other unimproved land ..... do	4,257,392
Total land in farms ..... do	30,221,758

VALUE OF FARM PROPERTY.

Land	$2,750,328,432
Buildings	550,839,893
Implements and machinery	181,087,968
Live stock	305,163,825
Total value of farm property	3,787,420,118

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	6,857,373	$293,373,818
Poultry of all kinds	13,663,443	11,405,427
Bees (hives of bees)	67,344	384,580
Total, live stock		305,163,825

Minnesota farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels	84,786,096	$110,221,931
Oats ..... do	89,108,151	66,831,124
Wheat ..... do	37,616,384	88,398,508
Barley ..... do	14,849,069	18,561,350
Rye ..... do	8,352,940	12,962,560
Other cereals ..... do	5,079,665	5,753,647
Total cereals ..... do	239,802,305	302,729,120
Other grains and seeds ..... do	2,628,928	14,945,311
Hay and forage ..... tons	9,291,671	115,665,984
Vegetables:		
Potatoes ..... bushels	26,690,247	57,384,117
Sweet corn		250,955
Tomatoes		180,470
Cabbages		442,985
Onions		609,385
Cucumbers		134,717
All other		9,909,921
Total vegetables		68,912,550
Fruits and nuts:		
Apples ..... bushels	1,028,478	1,748,412
Grapes ..... pounds	141,278	14,134
Berries and small fruit ..... quarts	6,165,120	1,316,594
All other		66,373
Total fruits and nuts		3,145,513
Tobacco ..... pounds	517,605	98,347
Sugar beets ..... tons	25,507	225,070
Sorghum for sirup ..... do	8,639	185,922
All other crops		3,257,929
Total crops of Minnesota		506,020,233
Nursery and greenhouse products		2,161,228
Forest products		9,067,015

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons	475,506,689	
Milk sold ..... do	43,151,896	$11,583,626
Cream sold ..... do	5,888,538	7,380,909
Butter fat sold ..... pounds	82,412,061	48,533,294
Butter made ..... do	20,205,076	10,345,233
Cheese made ..... do	71,920	27,296
Total dairy products		77,870,358

Minnesota farm products—Continued.

LIVE-STOCK PRODUCTS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Eggs produced ..... dozens..	60,249,543	$21,689,835
Chickens raised ..... number..	15,062,386	11,748,661
Wool and mohair ..... pounds..	3,057,340	1,559,256
Honey and wax ..... do....	1,266,572	368,855
Animals sold and slaughtered on farms	.....	104,007,104
Total live-stock products of Minnesota	.....	217,244,069

Summary of Minnesota farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.	
Cereals	$302,729,120
Hay and forage	115,665,984
Vegetables	68,912,550
Fruits and nuts	3,145,513
Seeds and grains	14,945,311
All other crops	3,767,268
Total crops	506,020,233
Nursery and greenhouse products	2,161,228
Forest products	9,067,015
LIVE-STOCK PRODUCTS.	
Dairy products	77,870,358
Eggs produced	21,689,835
Chickens raised	11,748,661
Wool and mohair	1,559,256
Honey and wax	368,855
Animals sold and slaughtered on farms	104,007,114
Total live-stock products	217,244,069
Total farm products of Minnesota	734,492,545

MISSOURI.

Agricultural wealth and production of the State of Missouri—Missouri agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		3,404,055
Land area of State	acres..	43,985,280
FARMS.		
Number of all farms		263,004
Land in farms:		
Improved land	acres..	24,832,966
Woodland	do....	8,553,857
Other unimproved lands	do....	1,387,856
Total land in farms	do....	34,774,679
VALUE OF FARM PROPERTY.		
Land		$2,594,193,271
Buildings		468,774,429
Implements and machinery		138,261,340
Live stock		389,839,045
Total value of farm property		3,591,068,085

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	9,367,641	$363,734,334
Poultry of all kinds	25,610,515	25,470,023
Bees (hives of bees)	157,678	634,688
Total live stock	.....	389,839,045

Missouri farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919.
Cereals:		
Corn ..... bushels..	146,342,036	$219,513,084
Oats ..... do....	40,493,700	32,394,961
Wheat ..... do....	65,210,462	140,202,501
Rye ..... do....	917,693	1,468,304
Other cereals ..... do....	385,285	616,376
Total cereals ..... do....	253,349,176	394,195,226
Other grains and seeds ..... do....	784,260	4,188,244
Hay and forage ..... tons..	5,687,127	95,897,050
Vegetables:		
Potatoes ..... bushels..	5,055,359	12,239,389
Tomatoes	.....	1,099,618
Watermelons and cantaloupes	.....	711,716
All other	.....	16,506,226
Total vegetables	.....	30,556,949

Missouri farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Fruits and nuts:		
Apples ..... bushels..	5,132,109	$9,494,411
Peaches ..... do....	1,262,723	2,525,446
Pears ..... do....	430,828	753,964
Cherries ..... do....	296,509	744,512
Grapes ..... pounds..	10,949,602	655,971
Strawberries ..... quarts..	12,861,820	2,700,975
Other small fruits ..... do....	4,908,116	923,966
Nuts ..... pounds..	556,396	166,865
All other	.....	487,588
Total fruits and nuts	.....	18,454,698
Tobacco ..... pounds..	4,074,977	1,385,497
Cotton ..... bales..	63,808	10,464,512
Cotton seed ..... tons..	29,431	2,048,933
Sorghum for sirup ..... do....	115,690	1,767,792
All other crops	.....	88,953
Total crops of Missouri	.....	559,047,854
Nursery and greenhouse products	.....	3,275,505
Forest products	.....	13,938,458

LIVE-STOCK PRODUCTS

Dairy products:		
Milk produced ..... gallons..	228,907,721	.....
Milk sold ..... do....	17,900,545	$5,691,864
Cream sold ..... do....	4,836,763	6,627,837
Butter fat sold ..... pounds..	14,853,783	7,778,939
Butter made ..... do....	29,470,763	14,623,740
Cheese made ..... do....	90,435	33,465
Total dairy products	.....	34,752,845
Eggs produced ..... dozens..	117,203,569	42,193,285
Chickens raised ..... number..	29,363,102	24,077,744
Wool and mohair ..... pounds..	7,824,076	4,217,400
Honey and wax ..... do....	1,238,783	360,162
Animals sold and slaughtered on farms	.....	270,830,667
Total live-stock products of Missouri	.....	376,432,103

Summary of Missouri farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.	
Cereals	$394,195,226
Hay and forage	95,897,050
Vegetables	30,556,949
Fruits and nuts	18,454,698
Cotton and cotton seed	12,513,445
Seeds and grains	4,188,244
Tobacco	1,385,497
All other crops	1,856,745
Total crops	559,047,854
Nursery and greenhouse products	3,275,505
Forest products	13,938,458
LIVE-STOCK PRODUCTS.	
Dairy products	34,752,845
Eggs produced	42,193,285
Chickens raised	24,077,744
Wool and mohair	4,217,400
Honey and wax	360,162
Animals sold and slaughtered on farms	270,830,667
Total live-stock products	376,432,103
Total farm products of Missouri	952,693,920

MONTANA.

Agricultural wealth and production of the State of Montana—Montana agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		548,889
Land area of State	acres..	93,523,840
FARMS.		
Number of all farms		57,677
Land in farms:		
Improved land	acres..	11,007,278
Woodland	do....	1,646,462
Other improved land	do....	22,416,916
Total land in farms	do....	35,070,656
VALUE OF FARM PROPERTY.		
Land		$691,912,265
Buildings		84,855,264
Implements and machinery		55,004,212
Live stock		154,189,567
Total value of farm property		985,961,308

Agricultural wealth and production of the State of Montana, etc.—Con.

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	4,198,202	$152,066,220
Poultry of all kinds	2,127,854	1,994,289
Bees (hives of bees)	11,918	129,058
Total live stock		154,189,567

Montana farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels	159,410	$270,998
Oats ..... do	2,583,908	2,583,908
Wheat ..... do	7,799,647	18,641,156
Barley ..... do	346,972	520,472
Rye ..... do	227,948	376,115
Other cereals ..... do	24,792	39,457
Total cereals ..... bushels	11,142,677	22,432,106
Other grains and seeds		3,355,547
Hay and forage ..... tons	1,382,946	36,155,771
Vegetables:		
Potatoes ..... bushels	1,659,017	3,898,690
All other		2,083,699
Total vegetables		5,982,389
Fruits and nuts:		
Apples ..... bushels	673,716	1,111,632
Berries and small fruit ..... quarts	338,087	75,652
All other		90,024
Total fruits and nuts		1,277,308
Sugar beets ..... tons	73,824	812,064
Total crops of Montana		69,975,185
Nursery and greenhouse products		559,710
Forest products		1,253,217

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons	51,251,095	
Milk sold) ..... do	5,101,542	$1,821,781
Cream sold ..... do	926,842	1,247,557
Butter fat sold ..... pounds	2,909,284	1,541,353
Butter made ..... do	5,961,336	2,906,861
Cheese made ..... do	43,223	16,861
Total dairy products		7,534,413
Eggs produced ..... dozens	11,858,042	4,624,636
Chickens raised ..... number	3,226,538	2,258,577
Wool and mohair ..... pounds	18,260,828	10,231,133
Honey and wax ..... do	638,290	160,270
Animals sold and slaughtered on farms		45,963,076
Total live-stock products of Montana		70,772,105

Summary of Montana farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$22,432,106
Hay and forage	36,115,771
Vegetables	5,982,389
Fruits and nuts	1,277,308
Seeds and grains	3,355,547
Sugar beets	812,064
Total crops	69,975,185
Nursery and greenhouse products	559,710
Forest products	1,253,217

LIVE-STOCK PRODUCTS.

Dairy products	7,534,413
Eggs produced	4,624,636
Chickens raised	2,258,577
Wool and mohair	10,231,133
Honey and wax	160,270
Animals sold and slaughtered on farms	45,963,076
Total live-stock products	70,772,105
Total farm products of Montana	142,560,217

NEBRASKA.

Agricultural wealth and production of the State of Nebraska, Nebraska agricultural statistics, January 1, 1920.

(United States census of 1920.)

Population of State	1,296,372
Land area of State ..... acres	49,157,120

FARMS.

Number of all farms	124,417
Land in farms:	
Improved land ..... acres	23,109,624
Woodland ..... do	900,933
Other unimproved land ..... do	18,214,918
Total land in farms ..... do	42,225,475

VALUE OF FARM PROPERTY.

Land	$3,330,222,340
Buildings	381,885,420
Implements and machinery	153,104,448
Live stock	336,443,784
Total value of farm property	4,201,655,992

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	8,228,323	$326,014,912
Poultry of all kinds	11,932,243	10,222,546
Bees (hives of bees)	40,971	206,326
Total live stock		336,443,784

Nebraska farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels	160,391,314	$216,528,274
Oats ..... do	59,819,545	44,864,671
Wheat ..... do	57,843,598	124,363,735
Barley ..... do	4,405,323	4,845,864
Rye ..... do	3,259,300	4,563,143
Other cereals ..... do	648,859	751,902
Total cereals ..... do	286,368,029	395,917,589
Other grains and seeds ..... do	230,407	583,558
Hay and forage ..... tons	6,619,001	96,965,224
Vegetables:		
Potatoes ..... bushels	4,478,033	10,749,851
Sweet corn		122,313
Pop corn		311,822
All other		5,856,489
Total vegetables		17,040,475
Fruits and nuts:		
Apples ..... bushels	907,224	1,905,175
Cherries ..... do	124,872	362,133
Grapes ..... pounds	2,404,035	168,282
Berries and small fruit ..... quarts	647,321	143,401
All other		117,133
Total fruits and nuts		2,696,124
Sugar beets ..... tons	544,645	5,823,785
All other crops		57,821
Total crops of Nebraska		519,729,771
Nursery and greenhouse products		702,084
Forest products		933,276

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons	168,083,367	
Milk sold ..... do	10,181,597	$3,136,984
Cream sold ..... do	3,631,494	4,993,050
Butter fat sold ..... pounds	17,621,330	8,689,839
Butter made ..... do	13,761,085	6,877,379
Cheese made ..... do	23,117	9,711
Total dairy products		23,706,963
Eggs produced ..... dozens	49,132,537	16,705,063
Chickens raised ..... number	15,796,750	12,795,368
Wool and mohair ..... pounds	2,563,351	1,230,427
Honey and wax ..... do	579,597	174,254
Animals sold and slaughtered on farms		208,745,788
Total live-stock products of Nebraska		263,357,863

Summary of Nebraska farm products, farm value Dec. 1, 1919.

(United States census of 1920.)

CROPS.

Cereals	$395,917,589
Hay and forage	96,965,224
Vegetables	17,040,475

Fruits and nuts	$2,696,124
All other crops	641,379
Total crops	519,729,771
Nursery and greenhouse products	702,084
Forest products	933,276

LIVE-STOCK PRODUCTS.

Dairy products	23,706,963
Eggs produced	16,705,063
Chickens raised	12,795,368
Wool and mohair	1,230,427
Honey and wax	174,254
Animals sold and slaughtered on farms	208,745,788
Total live-stock products	263,357,863
Total farm products of Nebraska	784,722,994

NEVADA.

Agricultural wealth and production of the State of Nevada—Nevada agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		77,407
Land area of State	acres	70,285,440

FARMS.

Number of all farms		3,163
Land in farms:		
Improved land	acres	594,741
Woodland	do	28,637
Other unimproved land	do	1,733,785
Total land in farms	do	2,357,163

VALUE OF FARM PROPERTY.

Land	$59,362,239
Buildings	6,892,975
Implements and machinery	3,630,927
Live stock	29,893,525
Total value of farm property	99,779,666

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc)	1,318,445	$29,540,877
Poultry of all kinds	163,984	183,411
Bees (hives of bees)	11,998	169,237
Total live stock		29,893,525

Nevada farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn bushels	14,714	$26,484
Oats do	75,000	86,252
Wheat do	464,151	1,067,550
Barley do	148,216	259,379
Other cereals do	7,533	14,685
Total cereals do	709,614	1,454,350
Hay and forage tons	548,033	10,964,159
Vegetables:		
Potatoes bushels	491,322	1,100,775
All other		283,646
Total vegetables		1,384,421
Fruits and nuts:		
Apples bushels	52,619	110,502
Grapes pounds	371,543	22,294
Berries and small fruit quarts	21,705	4,887
All other		33,615
Total fruits and nuts		171,298
All other crops		6,075
Total crops of Nevada		13,980,303
Nursery and greenhouse products		5,630
Forest products		37,437

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced gallons	6,312,105	
Milk sold do	800,533	$224,848
Cream sold do	77,003	123,317
Butter fat sold pounds	718,438	456,361
Butter made do	266,027	149,812
Cheese made do	22,927	9,628
Total dairy products		963,966

Nevada farm products—Continued.

LIVE-STOCK PRODUCTS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Eggs produced dozens	895,487	$429,834
Chickens raised number	187,788	155,864
Wool and mohair pounds	6,404,072	3,010,068
Honey and wax do	283,493	134,917
Animals sold and slaughtered on farms		7,723,954
Total live-stock products of Nevada		12,418,603

Summary of Nevada farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$1,454,350
Hay and forage	10,964,159
Vegetables	1,384,421
Fruits and nuts	171,298
All other crops	6,075
Total crops	13,980,303
Nursery and greenhouse products	5,630
Forest products	37,437

LIVE-STOCK PRODUCTS.

Dairy products	963,966
Eggs produced	429,834
Chickens raised	155,864
Wool and mohair	3,010,068
Honey and wax	134,917
Animals sold and slaughtered on farms	7,723,954
Total live-stock products	12,418,603
Total farm products of Nevada	26,441,973

NEW JERSEY.

Agricultural wealth and production of the State of New Jersey—New Jersey agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		3,155,900
Land area of State	acres	4,808,960

FARMS.

Number of all farms		29,702
Land in farms:		
Improved land	acres	1,555,607
Woodland	do	454,768
Other unimproved land	do	272,210
Total land in farms	do	2,282,585

VALUE OF FARM PROPERTY.

Land	$142,182,498
Buildings	108,141,488
Implements and machinery	25,459,205
Live stock	36,064,757
Total value of farm property	311,847,948

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	408,137	$31,662,357
Poultry of all kinds	2,665,662	4,324,584
Bees (hives of bees)	12,451	77,816
Total live stock		36,064,757

New Jersey farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn bushels	8,776,107	$14,480,577
Oats do	1,477,319	1,403,453
Wheat do	1,378,269	3,087,324
Rye do	1,043,916	1,722,461
Other cereals do	128,484	209,044
Total cereals bushels	12,804,095	20,902,859
Hay and forage tons	674,479	14,017,095
Vegetables:		
Potatoes bushels	12,092,135	25,304,847
Sweet corn		1,317,821
Tomatoes		3,803,193
Peppers (green)		883,654
Onions		832,235
Asparagus		718,374
All other		7,808,823
Total vegetables		40,669,147

New Jersey farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Fruits and nuts:		
Apples.....bushels..	1,666,400	$3,332,800
Peaches.....do....	1,653,223	3,885,073
Pears.....do....	491,706	682,902
Grapes.....pounds..	4,357,396	261,445
Strawberries.....quarts..	8,301,893	1,743,400
Cranberries.....do....	7,509,498	750,950
Other small fruits.....do....	4,337,326	1,012,112
All other.....	.....	140,396
Total fruits and nuts.....	.....	11,809,078
All other crops.....	.....	66,266
Total crops of New Jersey.....	.....	87,464,445
Nursery and greenhouse products.....	.....	6,113,603
Forest products.....	.....	1,219,810

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced.....gallons..	70,490,729	.....
Milk sold.....do....	56,377,196	$18,056,363
Cream sold.....do....	51,114	125,711
Butter fat sold.....pounds..	61,579	31,265
Butter made.....do....	1,600,789	955,624
Cheese made.....do....	92,984	29,755
Total dairy products.....	.....	19,198,718
Eggs produced.....dozens..	13,280,104	7,304,057
Chickens raised.....number..	3,522,776	4,896,659
Wool and mohair.....pounds..	58,304	32,071
Honey and wax.....do....	160,261	51,440
Animals sold and slaughtered on farms.....	.....	8,664,894
Total live-stock products of New Jersey.....	.....	40,147,839

Summary of New Jersey farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$20,902,859
Hay and forage	14,017,095
Vegetables	40,669,147
Fruits and nuts	11,809,078
All other crops	66,266
Total crops	87,464,445
Nursery and greenhouse products	6,113,603
Forest products	1,219,810

LIVE-STOCK PRODUCTS.

Dairy products	16,198,718
Eggs produced	7,304,057
Chickens raised	4,896,659
Wool and mohair	32,071
Honey and wax	51,440
Animals sold and slaughtered on farms	8,664,894
Total live-stock products	40,147,839
Total farm products of New Jersey	134,945,697

NEW MEXICO.

Agricultural wealth and production of the State of New Mexico—New Mexico agricultural statistics, January 1, 1920.

(United States Census of 1920.

Population of State		360,350
Land area of State	acres..	78,401,920

FARMS.

Number of all farms		29,844
Land in farms:		
Improved land	acres..	1,717,224
Woodland	do....	1,817,460
Other unimproved land	do....	20,874,949
Total land in farms	do....	24,409,633

VALUE OF FARM PROPERTY.

Land	$196,341,050
Buildings	25,473,162
Implements and machinery	9,745,369
Live stock	93,626,418
Total value of farm property	325,185,999

LIVE STOCK.

On farms January 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	3,464,570	$92,756,492
Poultry of all kinds	739,782	752,235
Bees (hives of bees)	15,733	117,691
Total live stock	.....	93,626,418

New Mexico farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn.....bushels..	4,737,182	$7,105,781
Oats.....do....	1,085,311	1,139,580
Wheat.....do....	2,437,213	4,874,426
Barley.....do....	194,059	252,280
Kafir and milo.....do....	3,783,617	4,729,524
Other cereals.....do....	72,835	118,813
Total cereals.....do....	12,310,217	18,220,404
Other grains and seeds.....do....	1,075,035	3,906,087
Hay and forage.....tons..	693,807	12,852,751
Vegetables:		
Potatoes.....bushels..	178,727	430,211
Tomatoes.....	.....	39,595
Cabbages.....	.....	56,828
Cantaloupes and watermelons.....	.....	195,545
Peppers (green).....	.....	80,629
All other.....	.....	881,321
Total vegetables.....	.....	1,684,129
Fruits and nuts:		
Apples.....bushels..	939,102	1,502,564
Peaches.....do....	198,346	426,445
Pears.....do....	65,542	114,698
Grapes.....pounds..	1,003,356	80,266
Berries and small fruit..quarts..	53,750	11,998
All other.....	.....	110,953
Total fruits and nuts.....	.....	2,246,924
Cotton.....bales..	5,399	1,209,376
Broom corn.....pounds..	644,892	263,801
All other crops.....	.....	236,162
Total crops of New Mexico.....	.....	40,619,634
Nursery and greenhouse products.....	.....	78,478
Forest products.....	.....	326,820

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced.....gallons..	12,737,649	.....
Milk sold.....do....	1,626,479	$725,419
Cream sold.....do....	198,098	284,154
Butter fat sold.....pounds..	682,973	348,680
Butter made.....do....	1,404,138	745,383
Cheese made.....do....	87,087	31,351
Total dairy products.....	.....	2,134,987
Eggs produced.....dozen..	3,062,790	1,347,628
Chickens raised.....number..	913,839	749,348
Wool and mohair.....pounds..	8,670,515	4,088,528
Honey and wax.....do....	600,341	121,480
Animals sold and slaughtered on farms.....	.....	25,720,270
Total live-stock products of New Mexico.....	.....	34,162,241

Summary of New Mexico farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$18,220,404
Hay and forage	12,852,751
Vegetables	1,684,129
Fruits and nuts	2,246,924
Seeds and grains	3,906,087
Cotton	1,209,376
All other crops	499,963
Total crops	40,619,634
Nursery and greenhouse products	78,478
Forest products	326,820

LIVE-STOCK PRODUCTS.

Dairy products	2,134,987
Eggs produced	1,347,628
Chickens raised	749,348
Wool and mohair	4,088,528
Honey and wax	121,480
Animals sold and slaughtered on farms	25,720,270
Total live-stock products	34,152,241
Total farm products of New Mexico	75,187,173

NEW YORK.

Agricultural wealth and production of the State of New York—New York agricultural statistics, January 1, 1920.

(U. S. Census of 1920.)

Population of State		10,385,227
Land area of State	acres..	30,498,560

FARMS.

Number of all farms		193,195
Land in farms:		
Improved land	acres	13,158,781
Woodland	do	4,160,567
Other unimproved land	do	3,313,455
Total land in farms	do	20,632,803

VALUE OF FARM PROPERTY.

Land	$793,335,558
Buildings	631,726,182
Implements and machinery	169,866,766
Live stock	313,554,695
Total value of farm property	1,908,483,201

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	3,869,815	$297,224,282
Poultry of all kinds	10,759,268	15,348,600
Bees (hives of bees)	127,858	981,813
Total live stock		313,554,695

New York farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn, bushels	14,109,202	$24,691,113
Oats, do	21,595,461	21,595,461
Wheat, do	9,136,268	20,556,621
Barley, do	2,273,011	3,295,871
Rye, do	1,520,552	2,660,972
Buckwheat, do	3,901,481	6,242,370
Other cereals, do	2,898,478	3,482,431
Total cereals, do	55,434,453	82,521,839
Other grains and seeds, do	794,932	4,618,653
Hay and forage, tons	9,728,317	169,494,524
Vegetables:		
Potatoes, bushels	32,472,345	69,815,841
Sweet corn		2,028,617
Tomatoes		2,378,858
Cabbage		4,906,249
Celery		1,623,681
Lettuce		1,467,950
Onions		2,801,153
All other		19,045,111
Total vegetables		104,070,460
Fruits and nuts:		
Apples, bushels	14,350,317	26,548,087
Peaches, do	1,262,480	2,840,589
Pears, do	1,830,237	4,026,521
Grapes, pounds	152,482,608	10,673,790
Raspberries, quarts	11,632,591	2,908,155
Strawberries, do	8,579,563	1,973,304
Currants, do	3,321,583	597,887
Other small fruits, do	2,180,164	472,159
All other		1,479,011
Total fruits and nuts		51,519,503
Tobacco, pounds	3,353,954	804,949
Hops, do	723,824	535,629
Maple sugar and sirup		3,399,434
All other crops		78,873
Total crops of New York		417,046,864
Nursery and greenhouse products		10,999,578
Forest products		19,311,211

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced, gallons	756,945,942	
Milk sold, do	573,161,052	$159,005,454
Cream sold, do	1,815,983	2,614,759
Butter fat sold, pounds	6,298,760	3,555,857
Butter made, do	24,727,662	14,347,664
Cheese made, do	521,445	172,076
Total dairy products		179,695,810
Eggs produced, dozens	62,175,162	31,087,581
Chickens raised, number	11,872,644	11,753,918
Wool and mohair, pounds	3,351,917	1,977,598
Honey and wax, do	3,264,501	950,832
Animals sold and slaughtered on farms		71,043,960
Total live-stock products of New York		296,509,699

Summary of New York farm products, farm value December 1, 1919.
(United States Census of 1920.)

CROPS.

Cereals	$82,524,839
Hay and forage	169,494,524
Vegetables	104,070,460
Fruits and nuts	51,519,503
Maple sugar and sirup	3,399,434
Tobacco	804,949
Hops	535,629
All other crops	4,697,526
Total crops	417,046,864
Nursery and greenhouse products	10,999,578
Forest products	19,311,211

LIVE-STOCK PRODUCTS.

Dairy products	179,695,810
Eggs produced	31,087,581
Chickens raised	11,753,918
Wool and mohair	1,977,598
Honey and wax	950,832
Animals sold and slaughtered on farms	71,043,960
Total live-stock products	296,509,699
Total farm products of New York	743,867,352

NORTH DAKOTA.

Agricultural wealth and production of the State of North Dakota—North Dakota agricultural statistics, January 1, 1920.
(United States Census of 1920.)

Population of State		646,872
Land area of State	acres	44,917,120

FARMS.

Number of all farms		77,690
Land in farms:		
Improved land	acres	24,563,178
Woodland	do	679,836
Other unimproved land	do	10,971,737
Total land in farms	do	36,214,751

VALUE OF FARM PROPERTY.

Land	$1,279,313,627
Buildings	209,207,868
Implements and machinery	114,186,865
Live stock	157,034,635
Total value of farm property	1,759,742,995

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	2,956,676	$153,361,490
Poultry of all kinds	4,608,449	3,667,531
Bees (hives of bees)	708	5,614
Total live stock		157,034,635

North Dakota farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn, bushels	3,876,883	$5,427,636
Oats, do	30,294,074	24,235,260
Wheat, do	61,540,404	147,696,970
Barley, do	12,052,881	13,860,815
Rye, do	16,294,371	23,626,848
Other cereals, do	587,871	917,105
Total cereals, do	124,646,484	215,764,634
Other grains and seeds, do	3,329,027	15,583,209
Hay and forage, tons	3,765,377	56,555,024
Vegetables:		
Potatoes, bushels	4,717,556	10,142,747
All other		3,582,480
Total vegetables		13,725,227
Fruits and nuts:		
Apples, bushels	14,358	35,907
Plums and prunes, do	5,660	11,320
Berries and small fruit, quarts	170,771	40,979
All other		6,674
Total fruit and nuts		94,880
Hemp, pounds	396,266	59,440
All other crops		521
Total crops of North Dakota		301,782,935
Nursery and greenhouse products		186,605
Forest products		206,317

North Dakota farm products—Continued.

LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ..... gallons..	138,606,540	.....
Milk sold ..... do....	3,047,096	$998,961
Cream sold ..... do....	3,098,421	4,062,780
Butter fat sold ..... pounds..	14,607,548	7,495,928
Butter made ..... do....	14,413,180	6,996,643
Cheese made ..... do....	50,065	22,031
Total dairy products	.....	19,576,343
Eggs produced ..... dozens..	20,820,407	7,078,938
Chickens raised ..... number..	5,324,137	3,407,448
Wool and mohair ..... pounds..	1,827,071	913,551
Honey and wax ..... do....	12,997	3,652
Animals sold and slaughtered on farms	.....	34,909,274
Total live-stock products of North Dakota	.....	65,889,206

Summary of North Dakota farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.	
Cereals	$215,764,634
Hay and forage	56,555,024
Vegetables	13,725,227
Grains and seeds	15,583,209
All other crops	154,841
Total crops	301,782,935
Nursery and greenhouse products	186,605
Forest products	206,317
LIVE-STOCK PRODUCTS.	
Dairy products	19,576,343
Eggs produced	7,078,938
Chickens raised	3,407,448
Wool and mohair	913,551
Honey and wax	3,652
Animals sold and slaughtered on farms	34,909,274
Total live-stock products	65,889,206
Total farm products of North Dakota	368,065,063

OHIO.

Agricultural wealth and production of the State of Ohio—Ohio agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	5,759,394
Land area of State ..... acres..	26,073,600
FARMS.	
Number of all farms	256,695
Land in farms:	
Improved land ..... acres..	18,542,358
Woodland ..... do....	3,198,929
Other unimproved land ..... do....	1,774,606
Total land in farms ..... do....	23,515,888
VALUE OF FARM PROPERTY.	
Land	$2,015,112,999
Buildings	646,322,950
Implements and machinery	146,575,269
Live stock	287,655,118
Total value of farm property	3,095,666,336

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	7,960,141	$266,551,496
Poultry of all kinds	20,604,103	20,693,940
Bees (hives of bees)	105,675	409,682
Total live stock	.....	287,655,118

Ohio farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels..	149,844,626	$217,274,709
Oats ..... do....	46,818,330	39,795,590
Wheat ..... do....	58,124,351	127,873,574
Barley ..... do....	2,412,196	3,256,468
Rye ..... do....	1,666,449	2,582,991
Buckwheat ..... do....	640,662	993,034
Other cereals ..... do....	41,237	57,989
Total cereals ..... do....	259,547,851	391,834,355

Ohio farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Other grains and seeds ..... bushels..	357,358	$6,260,527
Hay and forage ..... tons..	7,661,890	130,187,929
Vegetables:		
Potatoes ..... bushels..	7,738,734	18,186,036
Sweet corn	.....	1,590,479
Tomatoes	.....	2,154,259
Cabbages	.....	825,707
Onions	.....	2,134,346
Celery	.....	606,397
All other	.....	17,867,934
Total vegetables	.....	43,365,158
Fruits and nuts:		
Apples ..... bushels..	2,976,436	6,845,811
Peaches ..... do....	617,537	1,821,740
Grapes ..... pounds..	41,722,796	2,920,600
Strawberries ..... quarts..	7,165,957	1,361,527
Other small fruit ..... do....	4,797,171	987,852
All other	.....	1,235,239
Total fruits and nuts	.....	15,172,769
Tobacco ..... pounds..	64,420,472	13,528,302
Sugar beets ..... tons..	365,415	3,836,861
Maple sugar and sirup	.....	1,933,790
Hemp ..... pounds..	2,172,652	434,531
All other crops	.....	483,340
Total crops of Ohio	.....	607,037,562
Nursery and greenhouse products	.....	8,339,507
Forest products	.....	11,364,709
LIVE-STOCK PRODUCTS.		
Dairy products:		
Milk produced ..... gallons..	396,317,787	.....
Milk sold ..... do....	139,063,960	$38,978,117
Cream sold ..... do....	7,658,715	10,131,885
Butter fat sold ..... pounds..	29,828,000	15,898,417
Butter made ..... do....	30,264,265	15,967,415
Cheese made ..... do....	434,042	172,752
Total dairy products	.....	81,148,586
Eggs produced ..... dozen..	102,377,143	42,998,400
Chickens raised ..... number..	22,458,227	21,110,733
Wool and mohair ..... pounds..	15,265,655	10,075,214
Honey and wax ..... do....	846,684	254,986
Animals sold and slaughtered on farms	.....	159,387,679
Total live-stock products of Ohio	.....	314,975,598

Summary of Ohio farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.	
Cereals	$391,834,355
Hay and forage	130,187,929
Vegetables	43,365,158
Fruits and nuts	15,172,769
Grains and seeds	6,260,527
Tobacco	13,528,302
Sugar beets	3,836,861
All other crops	2,851,661
Total crops	607,037,562
Nursery and greenhouse products	8,339,507
Forest products	11,364,709
LIVE-STOCK PRODUCTS.	
Dairy products	81,148,586
Eggs produced	42,998,400
Chickens raised	21,110,733
Wool and mohair	10,075,214
Honey and wax	254,986
Animals sold and slaughtered on farms	159,387,679
Total live-stock products	314,975,598
Total farm products of Ohio	941,717,376

PENNSYLVANIA.

Agricultural wealth and production of the State of Pennsylvania—Pennsylvania agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	8,720,017
Land area of State ..... acres..	28,692,480
FARMS.	
Number of all farms	202,250
Land in farms:	
Improved land ..... acres..	11,847,719
Woodland ..... do....	4,043,902
Other unimproved land ..... do....	1,765,892
Total land in farms ..... do....	17,657,513

VALUE OF FARM PROPERTY.

Land	$726,158,051
Buildings	600,593,977
Implements and machinery	163,826,365
Live stock	238,774,641
Total value of farm property	1,729,353,034

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	3,809,071	$219,426,539
Poultry of all kinds	15,226,961	18,639,535
Bees (hives of bees)	122,419	714,567
Total live stock		238,774,641

Pennsylvania farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels	61,450,612	$95,247,521
Oats ..... do	29,183,172	26,264,857
Wheat ..... do	23,453,978	52,771,466
Rye ..... do	3,208,003	5,293,211
Buckwheat ..... do	4,755,739	7,133,626
Other cereals ..... do	326,430	468,011
Total cereals ..... do	122,377,334	187,178,692
Other grains and seeds		1,324,677
Hay and forage ..... tons	5,956,269	115,341,367
Vegetables:		
Potatoes ..... bushels	22,227,440	47,780,210
Sweet corn		1,751,533
Tomatoes		1,539,970
Cabbages		1,669,971
Celery		496,040
Onions		465,180
All other		19,923,782
Total vegetables		73,626,686
Fruits and nuts:		
Apples ..... bushels	5,512,795	11,852,515
Peaches ..... do	1,099,735	3,079,258
Grapes ..... pounds	42,681,090	2,560,867
Strawberries ..... quarts	7,184,096	1,508,662
Other small fruit ..... do	3,769,722	824,831
All other		1,673,795
Total fruits and nuts		21,499,929
Tobacco ..... pounds	55,965,851	10,073,852
Maple sugar and sirup		888,649
All other crops		34,525
Total crops of Pennsylvania		409,968,377
Nursery and greenhouse products		9,266,563
Forest products		16,587,327

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons	421,631,355	
Milk sold ..... do	250,444,940	$72,859,504
Cream sold ..... do	1,249,097	1,649,083
Butter fat sold ..... pounds	6,130,413	3,779,466
Butter made ..... do	38,468,607	21,137,718
Cheese made ..... do	532,238	191,602
Total dairy products		99,617,373
Eggs produced ..... dozens	75,998,172	36,479,123
Chickens raised ..... number	15,663,745	17,230,120
Wool and mohair ..... pounds	3,444,837	2,239,021
Honey and wax ..... do	1,587,481	446,444
Animals sold and slaughtered on farms		90,527,419
Total live-stock products of Pennsylvania		146,939,500

Summary of Pennsylvania farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$187,178,692
Hay and forage	115,341,367
Vegetables	73,626,686
Fruits and nuts	21,499,929
Tobacco	10,073,852
Grains and seeds	1,324,677
Maple sugar and sirup	888,649
All other crops	34,525
Total crops	409,968,377
Nursery and greenhouse products	9,266,563
Forest products	16,587,327

LIVE-STOCK PRODUCTS.

Dairy products	99,617,373
Eggs produced	36,479,123
Chickens raised	17,230,120
Wool and mohair	$2,239,021
Honey and wax	446,444
Animals sold and slaughtered on farms	90,527,419
Total live-stock products	146,939,500
Total farm products of Pennsylvania	582,761,767

RHODE ISLAND.

Agricultural wealth and production of the State of Rhode Island—Rhode Island agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State	604,397
Land area of State ..... acres	682,880

FARMS.

Number of all farms	4,083
Land in farms:	
Improved land ..... acres	132,855
Woodland ..... do	130,462
Other unimproved land ..... do	68,283
Total land in farms ..... do	331,600

VALUE OF FARM PROPERTY.

Land	$14,509,073
Buildings	11,878,853
Implements and machinery	2,408,561
Live stock	4,840,279
Total value of farm property	33,636,766

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	52,866	$4,335,833
Poultry of all kinds	266,009	498,257
Bees (hives of bees)	686	6,189
Total live stock		4,840,279

Rhode Island farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels	310,901	$606,256
Oats ..... do	34,507	37,958
Other cereals ..... do	11,481	21,531
Total cereals ..... do	356,889	665,745
Hay and forage ..... tons	90,926	2,319,136
Vegetables:		
Potatoes ..... bushels	293,098	674,122
Sweet corn		75,783
Tomatoes		61,819
Cabbages		41,295
All other		627,307
Total vegetables		1,480,326
Fruits and nuts:		
Apples ..... bushels	334,308	668,616
Peaches ..... do	28,771	77,682
Pears ..... do	10,713	26,784
Grapes ..... pounds	400,975	24,058
Berries and small fruit ..... quarts	339,064	65,666
All other		1,683
Total fruits and nuts		864,489
All other crops		10,682
Total crops of Rhode Island		5,340,378
Nursery and greenhouse products		1,203,802
Forest products		470,077

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons	12,099,111	
Milk sold ..... do	9,313,548	$3,667,306
Cream sold ..... do	30,022	43,522
Butter fat sold ..... pounds	15,524	10,471
Butter made ..... do	174,902	105,834
Cheese made ..... do	10,410	3,748
Total dairy products		3,830,881
Eggs produced ..... dozens	1,536,858	906,746
Chickens raised ..... number	433,668	620,145
Wool and mohair ..... pounds	13,560	8,405
Honey and wax ..... do	6,545	1,704
Animals sold and slaughtered on farms		1,295,371
Total live-stock products of Rhode Island		6,663,252

Summary of Rhode Island farm products, farm value December 1, 1919.
(United States Census of 1920.)

CROPS.	
Cereals	$665,745
Hay and forage	2,319,136
Vegetables	1,480,326
Fruits and nuts	864,489
All other crops	10,682
Total crops	5,340,378
Nursery and greenhouse products	1,203,802
Forest products	470,077
LIVE-STOCK PRODUCTS.	
Dairy products	3,830,881
Eggs produced	906,746
Chickens raised	620,145
Wool and mohair	8,405
Honey and wax	1,704
Animals sold and slaughtered on farms	1,295,371
Total live-stock products	6,663,252
Total farm products of Rhode Island	13,677,509

UTAH.

Agricultural wealth and production of the State of Utah—Utah agricultural statistics, January 1, 1920.
(United States Census of 1920.)

Population of State		449,396
Land area of State	acres	52,597,760
FARMS.		
Number of all farms		25,662
Land in farms:		
Improved land	acres	1,715,380
Woodland	do	212,762
Other unimproved land	do	3,122,268
Total land in farms	do	5,050,410
VALUE OF FARM PROPERTY.		
Land		$210,997,840
Buildings		32,753,918
Implements and machinery		13,514,787
Live stock		54,008,183
Total value of farm property		311,274,728

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	2,455,119	$52,973,251
Poultry of all kinds	980,097	814,566
Bees (hives of bees)	25,051	220,366
Total live stock		54,008,183

Utah farm products.
CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels	265,361	$517,456
Oats ..... do	1,724,392	2,069,269
Wheat ..... do	4,100,979	9,622,154
Barley ..... do	365,186	620,814
Other cereals ..... do	79,150	158,864
Total cereals ..... do	6,535,068	12,388,557
Other grains and seeds ..... do	80,708	1,364,638
Hay and forage ..... tons	1,031,609	24,759,397
Vegetables:		
Potatoes ..... bushels	1,648,412	3,494,637
Tomatoes		518,102
Peas (green)		158,177
Cantaloupes and watermelons		125,513
All other		1,319,399
Total vegetables		5,615,888
Fruits and nuts:		
Apples ..... bushels	759,696	1,367,454
Peaches ..... do	883,950	1,414,320
Cherries ..... do	123,477	401,303
Grapes ..... pounds	1,102,625	66,156
Berries and small fruit ..... quarts	1,198,200	244,488
Nuts ..... pounds	61,374	15,376
All other		313,644
Total fruits and nuts		3,822,739
Sugar beets ..... tons	930,427	10,048,611
All other crops		67,237
Total crops of Utah		58,067,067
Nursery and greenhouse products		241,162
Forest products		120,262

Utah farm products—Continued.
LIVE-STOCK PRODUCTS.

Products.	Production.	Farm value (Dec. 1, 1919).
Dairy products:		
Milk produced ..... gallons	29,339,512	
Milk sold ..... do	9,051,137	$2,276,197
Cream sold ..... do	291,659	436,118
Butter fat sold ..... pounds	1,049,559	565,972
Butter made ..... do	2,876,675	1,503,563
Cheese made ..... do	73,606	27,237
Total dairy products		4,809,087
Eggs produced ..... dozens	5,709,076	2,112,358
Chickens raised ..... number	1,107,446	775,212
Wool and mohair ..... pounds	11,771,708	5,787,419
Honey and wax ..... do	1,251,172	251,747
Animals sold and slaughtered on farms		15,566,230
Total live-stock products of Utah		29,302,053

Summary of Utah farm products, farm value December 1, 1919.
(United States Census of 1920.)

CROPS.	
Cereals	$12,388,557
Hay and forage	24,759,397
Vegetables	5,615,888
Fruits and nuts	3,822,739
Sugar beets	10,048,611
Grains and seeds	1,364,638
All other crops	67,237
Total crops	58,067,067
Nursery and greenhouse products	241,162
Forest products	120,262
LIVE-STOCK PRODUCTS.	
Dairy products	4,809,087
Eggs produced	2,112,358
Chickens raised	775,212
Wool and mohair	5,787,419
Honey and wax	251,747
Animals sold and slaughtered on farms	15,566,230
Total live-stock products	29,302,053
Total farm products of Utah	87,730,544

VERMONT.

Agricultural wealth and production of the State of Vermont—Vermont agricultural statistics, January 1, 1920.
(United States Census of 1920.)

Population of State		352,428
Land area of State	acres	5,839,360
FARMS.		
Number of all farms		29,075
Land in farms:		
Improved land	acres	1,691,595
Woodland	do	1,428,309
Other unimproved land	do	1,115,907
Total land in farms	do	4,235,811
VALUE OF FARM PROPERTY.		
Land		$82,938,253
Buildings		76,178,906
Implements and machinery		21,234,130
Live stock		42,385,331
Total value of farm property		222,736,620

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	648,980	$41,151,827
Poultry of all kinds	815,985	1,167,717
Bees (hives of bees)	10,024	65,787
Total live stock		42,385,331

Vermont farm products.
CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels	937,375	$1,687,275
Oats ..... do	2,396,349	2,396,349
Wheat ..... do	176,003	401,808
Barley ..... do	196,815	344,431
Buckwheat ..... do	81,346	150,481
Other cereals ..... do	129,071	188,414
Total cereals ..... do	3,916,959	5,171,758
Hay and forage ..... tons	1,748,358	29,581,464

Vermont farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes ..... bushels..	2,277,387	$5,010,252
Sweet corn	.....	79,073
Cabbages	.....	39,804
Onions	.....	30,014
All other	.....	2,228,111
Total vegetables	.....	7,387,254
Fruits and nuts:		
Apples ..... bushels..	960,252	1,728,454
Berries and small fruit ..... quarts..	749,032	187,580
All other	.....	41,481
Total fruits and nuts	.....	1,957,515
Maple sugar and sirup	.....	3,580,369
All other crops	.....	321,240
Total crops of Vermont	.....	47,999,600
Nursery and greenhouse products	.....	222,622
Forest products	.....	6,377,580

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons..	122,095,734	.....
Milk sold ..... do....	55,319,390	$15,581,083
Cream sold ..... do....	928,843	1,264,889
Butter fat sold ..... pounds..	13,072,731	8,032,796
Butter made ..... do....	3,877,039	2,301,863
Cheese made ..... do....	75,502	27,182
Total dairy products	.....	27,207,813
Eggs produced ..... dozens..	5,166,689	2,738,245
Chickens raised ..... number..	1,015,742	1,300,150
Wool and mohair ..... pounds..	418,308	250,977
Honey and wax ..... do....	236,463	76,055
Animals sold and slaughtered on farms	.....	13,313,879
Total live-stock products of Vermont	.....	44,887,219

Summary of Vermont farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$5,171,758
Hay and forage	29,581,464
Vegetables	7,387,254
Fruits and nuts	1,957,515
Maple sugar and sirup	3,580,369
All other crops	321,240
Total crops	47,999,600
Nursery and greenhouse products	222,622
Forest products	6,377,580

LIVE-STOCK PRODUCTS.

Dairy products	27,207,813
Eggs produced	2,738,345
Chickens raised	1,300,150
Wool and mohair	250,977
Honey and wax	76,055
Animals sold and slaughtered on farms	13,313,879
Total live-stock products	44,887,219
Total farm products of Vermont	99,487,021

WASHINGTON.

Agricultural wealth and production of the State of Washington, Washington agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		1,356,621
Land area of State	acres..	42,775,040

FARMS.

Number of all farms	66,288
Land in farms:	
Improved land ..... acres..	7,129,343
Woodland ..... do....	1,813,061
Other unimproved land ..... do....	4,302,316
Total land in farms ..... do....	13,244,720

VALUE OF FARM PROPERTY.

Land	$797,651,020
Buildings	122,741,321
Implements and machinery	54,721,377
Live stock	82,316,130
Total value of farm property	1,057,429,848

Agricultural wealth and production of the State of Washington, Washington agricultural statistics, January 1, 1920—Continued.

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	1,787,871	$77,572,066
Poultry of all kinds	3,614,475	4,389,759
Bees (hives of bees)	56,806	354,305
Total live stock	.....	82,316,130

Washington farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels..	901,905	$1,623,433
Oats ..... do....	8,073,481	8,073,481
Wheat ..... do....	41,337,909	91,206,642
Barley ..... do....	2,249,856	3,374,792
Other cereals ..... do....	327,351	607,913
Total cereals ..... do....	53,390,502	104,886,261
Other grains and seeds ..... do....	471,375	3,390,677
Hay and forage ..... tons..	2,013,913	47,717,065
Vegetables:		
Potatoes ..... bushels..	5,866,710	12,320,093
Sweet corn	.....	163,754
Tomatoes	.....	287,222
Cabbages	.....	237,124
Onions	.....	415,527
All other	.....	4,899,262
Total vegetables	.....	18,322,982
Fruits and nuts:		
Apples ..... bushels..	21,568,691	38,823,641
Peaches ..... do....	1,544,859	3,321,449
Pears ..... do....	1,728,759	3,025,331
Plums and prunes ..... do....	785,920	1,532,546
Cherries ..... do....	249,226	971,985
Grapes ..... pounds..	3,961,036	316,882
Berries and small fruit ..... quarts..	16,884,745	3,490,388
Almonds and walnuts ..... pounds..	109,178	27,302
All other	.....	151,915
Total fruits and nuts	.....	51,662,307
Hops ..... pounds..	1,615,761	727,092
Sugar beets ..... tons..	46,386	500,969
All other crops	.....	4,654
Total crops of Washington	.....	227,212,008
Nursery and greenhouse products	.....	1,354,686
Forest products	.....	4,738,116

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons..	140,524,518	.....
Milk sold ..... do....	63,575,339	$16,363,465
Cream sold ..... do....	1,586,806	2,233,112
Butter fat sold ..... pounds..	9,738,091	5,698,922
Butter made ..... do....	5,899,678	3,296,726
Cheese made ..... do....	84,868	28,006
Total dairy products	.....	27,620,231
Eggs produced ..... dozens..	21,356,576	10,037,591
Chickens raised ..... number..	4,860,217	3,742,367
Wool and mohair ..... pounds..	5,018,779	2,258,739
Honey and wax ..... do....	1,613,626	407,421
Animals sold and slaughtered on farms	.....	23,945,493
Total live-stock products of Washington	.....	68,011,842

Summary of Washington farm products, farm value December 1, 1919.

(United States Census, 1920.)

CROPS.

Cereals	$104,886,261
Hay and forage	47,717,065
Vegetables	18,322,982
Fruits and nuts	51,662,307
Grains and seeds	3,390,677
Hops	727,092
Sugar beets	500,960
All other crops	4,654
Total crops	227,212,008
Nursery and greenhouse products	1,354,686
Forest products	4,738,116

LIVE-STOCK PRODUCTS.	
Dairy products	$27,620,231
Eggs produced	10,037,591
Chickens raised	3,742,367
Wool and mohair	2,258,739
Honey and wax	407,421
Animals sold and slaughtered on farms	23,945,493
Total live-stock products	68,011,842
Total farm products of Washington	301,316,652

WEST VIRGINIA.

Agricultural wealth and production of the State of West Virginia—West Virginia agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		1,463,701
Land area of State	acres	15,374,080
FARMS.		
Number of all farms		87,289
Land in farms:		
Improved land	acres	5,520,308
Woodland	do	3,469,444
Other unimproved land	do	580,038
Total land in farms	do	9,569,790
VALUE OF FARM PROPERTY.		
Land		$307,309,704
Buildings		103,473,702
Implements and machinery		18,395,058
Live stock		67,261,153
Total value of farm property		496,439,617

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	1,593,813	$62,571,449
Poultry of all kinds	4,179,658	4,230,975
Bees (hives of bees)	89,873	458,729
Total live stock		67,261,153

West Virginia farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn bushels	17,010,357	$29,768,131
Oats do	3,054,668	3,054,668
Wheat do	3,747,812	8,395,097
Rye do	186,709	326,749
Buckwheat do	537,883	860,616
Other cereals do	27,422	41,757
Total cereals do	24,564,851	42,447,028
Other grains and seeds		281,698
Hay and forage tons	1,099,679	23,746,574
Vegetables:		
Potatoes bushels	3,030,776	6,959,726
Sweet corn		105,739
Tomatoes		301,920
Cabbage		166,076
Beans (green)		209,740
All other		8,972,666
Total vegetables		16,715,867
Fruits and nuts:		
Apples bushels	4,189,162	7,540,491
Peaches do	705,411	1,518,784
Grapes pounds	2,185,740	196,809
Berries and small fruit quarts	2,092,376	400,638
All other		306,025
Total fruits and nuts		9,962,747
Tobacco pounds	7,587,052	2,731,338
All other crops		652,207
Total crops of West Virginia		96,537,459
Nursery and greenhouse products		249,666
Forest products		11,346,421

LIVE-STOCK PRODUCTS.

Dairy products:			
Milk produced	gallons	73,690,103	
Milk sold	do	6,778,970	$2,466,158
Cream sold	do	292,106	355,093
Butter fat sold	pounds	581,519	364,657
Butter made	do	17,715,107	8,227,663
Cheese made	do	88,562	36,638
Total dairy products			11,390,209

West Virginia farm products—Continued.

LIVE-STOCK PRODUCTS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Eggs produced dozens	21,708,279	$8,900,394
Chickens raised number	4,873,287	4,142,294
Wool and mohair pounds	2,452,847	1,593,776
Honey and wax do	927,475	306,297
Animals sold and slaughtered on farms		34,570,832
Total live-stock products of West Virginia		60,903,802

Summary of West Virginia farm products—Farm value December 1, 1919.

(United States Census of 1920.)

CROPS.	
Cereals	$42,447,028
Hay and forage	23,746,574
Vegetables	16,715,867
Fruits and nuts	9,962,747
Tobacco	2,731,338
All other crops	933,905
Total crops	96,537,459
Nursery and greenhouse products	249,666
Forest products	11,346,421
LIVE-STOCK PRODUCTS.	
Dairy products	11,390,209
Eggs produced	8,900,394
Chickens raised	4,142,294
Wool and mohair	1,593,776
Honey and wax	306,297
Animals sold and slaughtered on farms	34,570,832
Total live-stock products	60,903,802
Total farm products of West Virginia	169,037,348

WISCONSIN.

Agricultural wealth and production of the State of Wisconsin—Wisconsin agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		2,632,067
Land area of State	acres	35,363,840
FARMS.		
Number of all farms		189,295
Land in farms:		
Improved land	acres	12,452,216
Woodland	do	5,401,910
Other unimproved land	do	4,294,097
Total land in farms	do	22,148,223
VALUE OF FARM PROPERTY.		
Land		$1,618,913,059
Buildings		568,968,914
Implements and machinery		167,088,909
Live stock		322,312,115
Total value of farm property		2,677,282,997

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	5,817,465	$311,018,838
Poultry of all kinds	11,762,273	10,726,721
Bees (hives of bees)	107,646	566,566
Total live stock		322,312,115

Wisconsin farm products.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn bushels	44,547,398	$64,593,729
Oats do	68,296,223	58,051,788
Wheat do	7,328,444	16,489,016
Barley do	12,191,861	16,459,014
Rye do	6,672,383	10,675,814
Other cereals do	3,313,568	3,927,549
Total cereals do	142,149,877	170,196,910
Other grains and seeds do	1,377,015	13,263,716
Hay and forage tons	11,489,227	164,993,480

Wisconsin farm products—Continued.

CROPS—continued.

Products.	Production.	Farm value (Dec. 1, 1919).
Vegetables:		
Potatoes ..... bushels..	26,376,021	$60,664,851
Sweet corn	.....	288,468
Cabbages	.....	1,478,781
Peas (green)	.....	1,860,395
Cucumbers	.....	588,543
All other	.....	12,731,988
Total vegetables	.....	77,613,026
Fruits and nuts:		
Apples ..... bushels..	1,305,984	2,611,968
Cherries ..... do....	160,592	578,128
Strawberries ..... quarts..	5,203,127	936,564
Cranberries ..... do....	3,424,709	410,966
All other	.....	505,563
Total fruits and nuts	.....	5,043,189
Tobacco ..... pounds..	52,454,246	11,539,932
Sugar beets ..... tons..	136,208	1,498,288
Hemp ..... pounds..	2,938,124	440,720
All other crops	.....	758,607
Total crops of Wisconsin	.....	445,347,868
Nursery and greenhouse products	.....	2,358,423
Forest products	.....	16,587,974

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons..	858,258,521	.....
Milk sold ..... do....	473,816,832	$116,653,623
Cream sold ..... do....	4,002,583	5,780,928
Butter fat sold ..... pounds..	82,727,323	53,039,893
Butter made ..... do....	8,666,037	4,733,556
Cheese made ..... do....	308,117	98,599
Total dairy products	.....	180,306,599
Eggs produced ..... dozens..	53,222,114	20,224,403
Chickens raised ..... number..	11,839,909	10,063,923
Wool and mohair ..... pounds..	3,194,735	1,693,215
Honey and wax ..... do....	3,709,549	733,883
Animals sold and slaughtered on farms	.....	103,323,381
Total live-stock products of Wisconsin	.....	316,345,404

Summary of Wisconsin farm products, farm value December 1, 1919.

(United States Census of 1920.)

CROPS.

Cereals	$170,196,910
Hay and forage	164,993,480
Vegetables	77,613,026
Fruits and nuts	5,043,189
Tobacco	11,539,932
Sugar beets	1,498,288
All other crops	14,463,043
Total crops	445,347,868
Nursery and greenhouse products	2,358,423
Forest products	16,587,974

LIVE-STOCK PRODUCTS.

Dairy products	180,306,599
Eggs produced	20,224,403
Chickens raised	10,063,923
Wool and mohair	1,693,215
Honey and wax	733,883
Animals sold and slaughtered on farms	103,323,381
Total live-stock product	316,345,404
Total farm products of Wisconsin	780,639,669

WYOMING.

Agricultural wealth and production of the State of Wyoming—Wyoming agricultural statistics, January 1, 1920.

(United States Census of 1920.)

Population of State		194,402
Land area of State	acres	62,430,720

FARMS.

Number of all farms		15,748
Land in farms:		
Improved land	acres	2,102,005
Woodland	do	421,806
Other unimproved land	do	9,285,540
Total land in farms	do	11,809,351

VALUE OF FARM PROPERTY.

Land	$210,947,494
Buildings	23,800,631
Implements and machinery	11,777,949
Live stock	87,884,516
Total value of farm property	334,410,590

LIVE STOCK.

On farms Jan. 1, 1920.	Number.	Value.
Domestic animals (cattle, swine, horses, etc.)	3,010,827	$87,093,572
Poultry of all kinds	646,357	634,793
Bees (hives of bees)	13,968	156,151
Total live stock	.....	87,884,516

Wyoming farm prodvcts.

CROPS.

Products.	Production.	Farm value (Dec. 1, 1919).
Cereals:		
Corn ..... bushels..	388,512	$641,046
Oats ..... do....	1,006,552	1,107,208
Wheat ..... do....	1,445,227	3,121,093
Barley ..... do....	115,624	179,218
Rye ..... do....	192,532	336,933
Other cereals ..... do....	16,468	27,277
Total cereals ..... do....	3,164,915	5,412,775
Other grains and seeds	.....	400,741
Hay and forage ..... tons..	907,287	20,612,504
Vegetables:		
Potatoes ..... bushels..	851,253	2,000,443
All other	.....	726,973
Total vegetables	.....	2,727,416
Fruits and nuts:		
Apples ..... bushels..	29,999	71,997
Berries and small fruit ..... quarts..	56,824	15,885
All other	.....	10,394
Total fruits and nuts	.....	98,276
Sugar beets ..... tons..	96,994	1,018,438
All other crops	.....	480
Total crops of Wyoming	.....	30,270,630
Nursery and greenhouse products	.....	22,242
Forest products	.....	156,837

LIVE-STOCK PRODUCTS.

Dairy products:		
Milk produced ..... gallons..	14,542,841	.....
Milk sold ..... do....	2,144,590	$577,347
Cream sold ..... do....	204,273	290,704
Butter fat sold ..... pounds..	1,005,907	527,740
Butter made ..... do....	1,422,822	744,630
Cheese made ..... do....	6,837	2,599
Total dairy products	.....	2,143,020
Eggs produced ..... dozens..	3,165,743	1,297,955
Chickens raised ..... number..	893,857	724,024
Wool and mohair ..... pounds..	18,412,529	9,574,466
Honey and wax ..... do....	1,098,530	264,644
Animals sold and slaughtered on farms	.....	23,692,144
Total live-stock products of Wyoming	.....	37,696,253

Summary of Wyoming farm products, farm value December 1, 1920.

(United States Census of 1920.)

CROPS.

Cereals	$5,412,775
Hay and forage	20,612,504
Vegetables	2,727,416
Fruits and nuts	98,276
Grains and seeds	400,741
All other crops	480
Total crops	30,270,630
Nursery and greenhouse products	22,242
Forest products	156,837

LIVE-STOCK PRODUCTS.

Dairy products	2,143,020
Eggs produced	1,297,955
Chickens raised	724,024
Wool and mohair	9,574,466
Honey and wax	264,644
Animals sold and slaughtered on farms	23,692,144
Total live-stock products	37,696,253
Total farm products of Wyoming	68,145,962

The PRESIDENT pro tempore. The Secretary will state the next amendment of the committee.

The READING CLERK. On page 2, lines 18 and 19, it is proposed to strike out the words "or decoctions."

Mr. SIMMONS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Brandegee	Harris	McLean	Simmons
Broussard	Harrison	McNary	Smoot
Bursum	Heflin	Moses	Spencer
Calder	Johnson	Nelson	Sterling
Caraway	Jones, N. Mex.	Newberry	Sutherland
Cummins	Jones, Wash.	Oddie	Swanson
Curtis	Kellogg	Overman	Underwood
Dial	Kendrick	Page	Walsh, Mont.
Dillingham	La Follette	Phipps	Warren
Fletcher	Lodge	Pittman	Watson, Ga.
France	McCormick	Poindexter	Watson, Ind.
Gerry	McCumber	Robinson	Willis
Gooding	McKellar	Sheppard	
Hale	McKinley	Shortridge	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. The Secretary will state the pending amendment.

The READING CLERK. On page 2, lines 18 and 19, it is proposed to strike out the words "or decoctions."

Mr. SIMMONS. I ask to have the amendment stated again.

The PRESIDENT pro tempore. The amendment will be restated.

The READING CLERK. On page 2, lines 18 and 19, where it reads "and extracts or decoctions of nutgalls," it is proposed to strike out the words "or decoctions."

Mr. SIMMONS. I have no objection to a vote upon that.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

The READING CLERK. On page 2, line 21, it is proposed to strike out "less than 80 per cent" and insert "not medicinal," so as to read:

Tannic acid, tannin, and extracts of nutgalls, containing by weight of tannic acid less than 50 per cent, 4 cents per pound; 50 per cent or more and not medicinal, 10 cents per pound.

Mr. SIMMONS. Mr. President, I do not desire to detain the Senate very long in the consideration of the pending amendment, for I am certain, from what has already happened to other amendments, that the same thing will happen to this amendment. Notwithstanding the fact that it increases the rate of the present law about four times, I assume that the amendment will be adopted. There are some things about the amendment, however, and there are some things about the information which the committee has furnished the Senate for its guidance in the matter of levying these duties, to which I wish to call special attention.

The Payne-Aldrich law imposed a duty of 35 cents a pound upon tannic acid. It is claimed that under the operation of that high duty there were practically no imports into the United States, and that is true. In 1908 the duty was 50 cents a pound, and there were practically no imports. In 1909 the Payne-Aldrich law reduced the rate to 35 cents, and still there were practically no imports.

In 1913 the rate was reduced to 5 cents a pound, and during the only normal pre-war year there were imported, under the rate of the present law, only 12,634 pounds of this article. In that year the domestic production was 853,830 pounds. So it appears that in the only normal pre-war year after the present law went into effect the imports were only about 2 per cent of the domestic production.

During the war this industry, like many other industries, was greatly stimulated. The domestic production was greatly increased, and there was an increase in importations, but even during the war, Mr. President, the greatest amount of imports being in 1919, and that was only 68,000 pounds.

Mr. SMOOT. If the Senator desires to have the exact figures as to the imports appear in his speech, he must also take nutgalls and add to the figures he has already given.

Mr. SIMMONS. If the Senator had waited until I got through his interruption would have been unnecessary.

Mr. SMOOT. I do not want to interrupt the Senator.

Mr. SIMMONS. I do not object.

Mr. SMOOT. In the Underwood law both those articles were treated together, but the importations were kept separate. *Under the provisions* of this bill the figures as to importations could not be compared, because of the fact that they are not treated together.

Mr. SIMMONS. The Senator overlooks the fact that I am talking about the importations of tannic acid. I am not talking about the importations of nutgalls, the thing out of which tannic acid is made.

Mr. SMOOT. The extract of nutgalls is exactly the same as the product the Senator is talking about.

Mr. SIMMONS. The Senator said nutgalls, not the extract of nutgalls.

Mr. SMOOT. I had in mind the extract of nutgalls.

Mr. SIMMONS. Nutgalls we get from Asia and India. The article to which the Senator from Utah calls attention is the article out of which tannic acid is made. Tannic acid is made from nutgalls, and nutgalls are not produced in this country. They are imported from China, Japan, and Asia Minor. They are just as cheap in Germany as in the United States. I was talking about the production and the importation of tannic acid.

I had stated, when I was interrupted, that under the lower duty of the present law, 5 cents a pound in 1914, the only pre-war year in which that low rate of duty was in operation, the domestic production of tannic acid in this country was 853,800 pounds. The importations in that year were 12,000 pounds, or about 2 per cent of the domestic production.

In 1920, when things were coming to normal again, when the domestic production of this article had greatly increased, the importations amounted to only 28,000 pounds. I have not been able to ascertain the increase in the domestic production in that year, but I should say it was at least twice as much; anyhow, it had enormously increased. So the domestic production had been doubled under the stimulus of war, and the importations of 1920 were no greater, compared with the domestic production, than they were in 1914. During nine months of 1921 these importations amounted to only 45,000 pounds.

I do not know what was the domestic production at that time, but if the domestic production had not increased since 1914, if it was still about 850,000 pounds, the importations during that nine months were not more than 6 per cent of the domestic production, even assuming that it was no greater in 1921 than it was in 1914. Of course, if it has doubled since then—and I think it has—it would be only about 3 per cent.

If a duty upon this product, which is exclusively a foreign product, has reduced the importations of the foreign product to 3 per cent, or even 6 per cent, of the domestic production, upon what principle can we justify ourselves in increasing those rates to 4, 10, and 20 cents a pound, according to the purity of the article? Yet that is what is proposed here.

Mr. President, it is not my purpose to enter into detailed discussions of these schedules, and this one in particular, but I do want to call attention to the fact that in the case of this acid, as in the case of the amendment we have just voted upon, lactic acid, as is the case with all of these acids—gallic, formic, and oxalic—the rates have been fixed upon the same principle on which rates have been fixed throughout this bill. They have been fixed upon the theory that they should be sufficiently high to bring about equality between the export selling price of foreign merchandise and the selling price of American merchandise in the American market. That is the principle. That was acknowledged by the Senator from Massachusetts [Mr. LODGE] yesterday with reference to lactic acid. There can be no question about that being the principle upon which this bill was written and upon which these rates were laid.

That being the principle and the basis of these rates, it becomes of the very first importance that the Senate shall be in possession of the facts with reference to the export selling price of the foreign article, and also with reference to the wholesale selling price of the domestic article, and unless the Senate knows those two elements in the problem it is utterly impossible for us to determine whether the rate is sufficient or more than is necessary to accomplish the purpose you have in this bill, which is to establish a protective tariff upon the basis of competition in prices.

When I seek to find out these two essential factors in imposing these rates I find myself groping in the dark. I was present when the open hearings on this bill were had. There was no direct effort there to ascertain the selling price of the foreign article as compared with the selling price of the domestic article. I do not know what happened in the secret sessions in which these amendments were agreed to. I can not speak about that. I do not know what information the majority of the committee had there. I know that the Senator from Wisconsin [Mr. LA FOLLETTE] tried in the open hearings to get some information about selling prices and profits in this country, and he failed.

All I know about that is the fact that the Finance Committee have furnished the Senate with the book which I have in my hand. It is entitled, "Summary of Tariff Information, 1921, Relative to the Bill H. R. 7456." That book purports, after giving these several paragraphs in the House bill in juxtaposition with similar paragraphs in the act of 1919 and the act of

1913, to give certain essential information to enable the Senate to test these rates. The information given consists of certain summaries of tariff reports upon the particular items of the bill. The summaries generally occupy from one-half a page to a page and a half. They give some information with reference to domestic production, with reference to imports, with reference to exports, and with reference sometimes to consumption, but when it comes to the essential elements which would enable us to test these rates it is singularly silent with respect to the American prices.

At the bottom of each of the summaries are given the quantity, the imports, the value of imports, the duty, and the equivalent ad valorem for 1918, 1919, 1920, and sometimes for nine months of 1921, so from that data we can get the invoice price of the foreign product; but that is only the starting point. With reference to the other price that is necessary in order to enable us to apply the tests to these rates, namely, the American selling price, I read last night the summaries of eight or nine respecting these acids, and there is not a word or a syllable that relates to the American selling price.

The committee could not have conscientiously fixed these rates without some American selling price. Where did they get that price? Did they get it from the gentlemen who appeared before them when they were making the bill, or with whom they consulted when they were making the bill, gentlemen who were here asking that these taxes be imposed upon the people in their private interest? Did they get the American wholesale selling price from them? If not, where, then, did they get it? I say when an element of that sort is so absolutely essential in order to reach an understanding as to the rates, we are entitled not to go to the dealers, not to go to the men who are asking the taxes in the interest of their business, but we ought to have an additional finding with reference to the cost, the American wholesale selling price, up to which the foreign price under the principle of this bill is to be raised.

If the committee wanted to be fair with the people, if they wanted to give the people the facts which would enable them to determine whether or not these rates were too high or too low, or if they wanted to be fair to the Congress and give Members the facts that were necessary to determine whether the rates were too high or too low, why did they not appeal to the Tariff Commission? When the Tariff Commission was making up these summaries—which are misleading and, as I shall show before the debate is over, have been manipulated—why did they not go to the Tariff Commission and say, "Investigate this and officially advise us what are the American selling prices? We are writing a bill now that will impose duties to raise the foreign selling price to the level of the American selling price in order that there may be equal opportunities in competition and trade."

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield.

Mr. McCUMBER. Did the report which was made by the Senator from North Carolina on the 1913 tariff act explain to the people the reason why he adopted 5 per cent or explain the difference between the American selling price and the foreign price? Did either his report or his bill go into that subject at all?

Mr. SIMMONS. Mr. President, I am not now discussing that act; but as the Senator brings it up, I will say to him that it was not made upon the protective principle at all. It was not based upon the theory enunciated by the Republican platform in 1912, namely, that tariff duties should be measured by the difference between the cost of production in this country and abroad. It was not made upon the principle laid down in the pending bill, which is a repudiation even of the Republican platform measurement of 1912, and bases the rates upon the difference between the selling price here and abroad. It was not written upon any of those principles. It was written upon the principle of raising sufficient revenue to run the Government.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. SMOOT. The Senator asks why we did not appeal to the Tariff Commission for the information.

Mr. SIMMONS. Yes; and have them write that information in their report.

Mr. SMOOT. The truth of the matter is that the Tariff Commission made the report. The Tariff Commission is the author of the book to which the Senator has referred, and all the information that is furnished here was furnished by the Tariff Commission.

Then the Senator asks why we went to the manufacturer to ascertain the selling price of articles. The committee did nothing of the kind. There is not an item in this whole schedule which we do not find in the Oil, Paint, and Drug Reporter showing exactly what the prices are at which the various articles are sold in the United States.

Mr. SIMMONS. With all the profits?

Mr. SMOOT. It is issued every day. The Senator can know what those prices are just the same as all the other people of the United States can if they are interested in the matter. I say to the Senator from North Carolina that he is mistaken when he says the bill is based upon the difference between the selling price in this country and the selling price abroad.

Mr. SIMMONS. I said the export selling price of merchandise.

Mr. SMOOT. That is the selling price, of course, to the country, but I will say the export price. The bill is not made upon that basis, I will say to the Senator.

Mr. SIMMONS. Then the Senator ought to eliminate section 315 (a).

Mr. SMOOT. Not at all. Section 315 (a) is quite a different proposition. Section 315 (a) does not apply——

Mr. SIMMONS. Upon what theory is it based, then? Is it the difference in the cost of production here and abroad? Will the Senator, if it is based upon the difference in the cost of production here and abroad, tell me where I can go to find the figures upon which he lays these rates?

Mr. SMOOT. I have said once or twice that the bill is made upon numerous reasons and bases. The Senator knows that the exchange of money is entirely different in one country than it is in another. Conditions of labor are quite different in one country than in another. Those matters have to be taken into consideration, and in taking them into consideration we have to know where the goods are coming from into this country. There is no one basis that could be adopted to make the bill, and there was no one basis used.

Mr. SIMMONS. Mr. President, when the committee proposed to confer upon the President of the United States the power to increase these rates within the limit of 50 per cent, they declared that he should make those increases according to the intent of the bill, and then——

Mr. SMOOT. Mr. President——

Mr. SIMMONS. I do not object to the Senator interrupting me, but I hope he will not interrupt me right in the beginning of the first sentence when I am laying down a proposition; that is all.

Mr. SMOOT. But the very first sentence the Senator uttered was wrong. Section 315 (a) will tell the Senator just what the basis is upon which the President is to act.

Mr. SIMMONS. I am going to read it.

Mr. SMOOT. Very well, if the Senator wants to take the time to read it he may do so.

Mr. SIMMONS. Yes; I shall do so.

Mr. SMOOT. Read it all, and not merely the first paragraph.

Mr. SIMMONS. I shall read section 315 (a), and I will let the Senate see whether my statement was correct or not.

Mr. SMOOT. I am glad to have the Senator do that.

Mr. SIMMONS. This is the section conferring powers upon the President, and it says:

That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended—

That is what I said, "the policy of the Congress by this act intended." Now, the committee then proceeds to set out what that policy is and directs the President to pursue that policy, as follows:

Whenever the President, upon investigation of the differences in conditions of competition in trade—

That is, in barter and sale—

upon investigation of the differences in conditions of competition in trade in the markets of the United States of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in conditions of competition in trade he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or forms of duty or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in conditions of competition in trade necessary to equalize the same in the markets of the United States.

Now, Mr. President, if that does not lay down the rule to govern the President, and if that does not declare the policy by this bill intended, I do not understand the English language.

The Senator from Utah says that other things are taken into consideration, such as the depreciation in currency and the difference in cost of production. The President is not authorized to take any of those things into consideration. The Presi-

dent is authorized to bring about a condition by the increase of these duties that will equalize the conditions of competition in trade between this country and other countries. That means the difference in the selling price in the American markets of the foreign product and the domestic product. It can not mean anything else.

Mr. SMOOT. But the Senator has not read it all. The Senator has read only the first part of it. Why does not the Senator read paragraph (c), for instance, on page 274?

Mr. SIMMONS. I ask the Senator why he did not strike out section 315 (a)?

Mr. SMOOT. That is a part of section 315.

Mr. SIMMONS. I will read all of it if the Senator desires. There is nothing in the balance of it that changes the portion which I have read.

Mr. SMOOT. Let me read paragraph (c) for the Senator and see if it is not different.

Mr. SIMMONS. But paragraph (c) is dealing with a different proposition altogether.

Mr. SMOOT. Not at all; it is a part of section 315.

Mr. SIMMONS. I will read it:

(c) That in any investigation provided for in this section account may be taken of the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production of such similar merchandise in the United States and competing foreign countries and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same; that no proclamation shall issue under this section unless reasonable opportunity shall be afforded to all persons directly interested in the production and distribution of such merchandise affected by such proclamation.

I suppose it is unnecessary to read the remainder of it.

Mr. SMOOT. That is the rule laid down.

Mr. SIMMONS. Mr. President, the President may consider those things, but after considering those things he is to fix the rate so as to bring about equality in competition in trade.

Mr. SMOOT. Certainly.

Mr. SIMMONS. So that it can not mean anything else than that duties are to be imposed so as to raise the price of the foreign article to the price of the domestic article; and I say that it is necessary that Senators on the other side of the Chamber should tell us what is the wholesale selling price of the domestic article. The Senator from Utah has stated the Summary of Tariff Information was prepared by the Tariff Commission. Yes, it was prepared by the Tariff Commission, but the summary prepared by the Tariff Commission does not at all relate to the wholesale selling prices of the domestic products; it fails to mention them; and when they became such an important factor in determining the question of rates, I say it was the duty of the Finance Committee to have said to the Tariff Commission, "Make an additional investigation in order that we may have an official finding as to the American wholesale selling prices," and not have to rely upon the statements of interested parties or have to rely upon certain market reports.

Mr. SMOOT. Mr. President, the rates which are provided for in the pending bill are not to be applied on the basis which the Senator from North Carolina states. If after an investigation there are rates in the bill which the President finds, under the rule laid down in section 315 (a), are not proper, then the President has the power to transfer those rates from the basis of foreign valuation to the basis of American valuation. Then he will have to ascertain the wholesale selling price of the article in the United States; but the President will not have to do that as to one article in one thousand.

Mr. SIMMONS. I am not talking about the section which authorizes the President to substitute the American for the foreign valuation; I am talking about the section which allows the President to increase the rates.

Mr. SMOOT. I am talking about section 315 (a), and that is the section about which the Senator is talking.

Mr. SIMMONS. Oh, certainly, that is the one about which I am talking.

Now, Mr. President, I wish to say that the Finance Committee can not blow hot and cold about this matter; they can not come in here and say, "We give the President authority to raise the rates upon one principle, but we levy the rates upon another principle." Necessarily when they gave the President the authority to raise the rates we must assume that they laid down directions as to how the rates should be raised, and fixed the principle upon which they should be raised. We must also necessarily assume that the raises were to be made upon the same principle as the one upon which the duties were originally prescribed. Any other argument would be absurd.

Therefore, I say that taking section 315 (a) we have a key to the situation, and we have an interpretation of the rule that is applied by the committee; but we have no information about the essential facts with reference to the American selling price.

More than that, the foreign selling prices which we have here stated and upon which the rates are based were the foreign selling prices of August, 1921, as found in the Reynolds report, which based its prices upon the prices of August, 1921. I say that since that time the foreign export prices have enormously increased. In the case of Germany they have increased over 50 per cent.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. SIMMONS. I yield.

Mr. WALSH of Montana. I call the attention of the Senator from North Carolina to the fact that when the President under the powers granted him by section 315 undertakes to ascertain what these differences are, the first thing that he is required by subdivision (c) to consider is the price at which like or similar merchandise is sold in the United States.

Mr. SMOOT. That is just what I said.

Mr. WALSH of Montana. The President, therefore, must, of course, have some information on that subject, and, as pointed out by the Senator from North Carolina, inasmuch as the bill recites that the rates provided in the bill were fixed upon the principle which is laid down as a guide for the President, the committee in fixing the rates must in like manner have had information concerning the prices at which these commodities were sold in the United States. I understand the contention of the Senator from North Carolina to be that the most reliable information concerning what the price is at which like or similar articles are sold in the United States would properly come from the Tariff Commission, which was created for the purpose of providing Congress with the appropriate information when Congress should be called upon to frame tariff laws. That is the contention, as I understand, which has been made by the Senator from North Carolina.

Mr. SIMMONS. Exactly.

Mr. SMOOT. If the Senator from North Carolina had said that the House bill was based upon the wholesale selling prices of comparable articles in the United States he would have been right, but the Senate committee has entirely abandoned that principle and has based the rate of duty upon the wholesale importation price of those articles on the day of their landing.

Mr. WALSH of Montana. If the Senator will pardon me, he has not apparently appreciated the point I am making. The Senate committee—not the House—has laid down a rule for the guidance of the President. It has directed what elements the President shall take into consideration in the application of the rule; and the first element he is called upon to consider is the price of the article in the United States. The Senate committee—not the House, but the Senate committee—has declared that that is the principle upon which this bill, speaking for themselves, of course, is framed; that is to say, the differences are to be determined by considering the selling price in the United States and the other circumstances adverted to in subdivision (c). Accordingly the Senate committee has declared to the Senate that it was guided in the work which it did by the desire to equalize the differences in the conditions of trade, and they have laid down a rule to guide the President; they have prescribed the elements which he shall take into consideration, the first of them being the price of the commodity in the American market. The contention of the Senator from North Carolina, as I understand, is that, while the committee have told the Senate that that is the principle upon which they have framed the proposed statute and fixed the rates, they have provided the Senate with no information at all concerning the very first element to be considered, namely, prices in the domestic market.

Mr. SMOOT. The Senator from Montana is entirely wrong. Wherever the President shall exercise the authority given him in paragraph 315 (a), then he must of necessity find out what the wholesale price is, because of the fact that the basis of the duty is transferred from the foreign valuation to the American valuation.

Mr. WALSH of Montana. Oh, no.

Mr. SMOOT. That is the fact.

Mr. WALSH of Montana. The Senator must not become confused about that. There is a provision of subdivision (b) which authorizes the President to transfer the dutiable basis from foreign valuation to domestic valuation, but that is not provided for in subdivision (a) at all. Under subdivison (a) he may leave the form of valuation exactly as it is.

Mr. SMOOT. Absolutely.

Mr. WALSH of Montana. The foreign valuation is provided for generally, and he may leave that exactly as it is, only he is permitted to raise or to lower the rates.

Mr. SMOOT. I said whenever the President exercises his power under section 315 (a)—and it will not be exercised in many cases; there is not any doubt of that—then he would have to follow the direction or the rule, may I say, found in subdivision (c) of that section.

Mr. WALSH of Montana. Exactly.

Mr. SMOOT. There is no doubt about it. That is the only time when the question of the wholesale selling price will be taken into consideration.

Mr. SIMMONS. Mr. President, if the Senator from Montana will pardon me for a moment, subdivision (a) has nothing to do with subdivision (c). The President may do certain things under subdivision (a); he may do an entirely independent thing under subdivision (c).

Mr. SMOOT. All of the provisions respecting this subject are under section 315 and subdivision (c) embodies the rule laid down for the President. Unless there were a rule laid down it would be unconstitutional for the President to act.

Mr. SIMMONS. Subdivision (c), Mr. President, does nothing except to authorize the President to take into consideration a number of conditions, and, having taken those conditions into consideration, then he fixes the rate; but when he fixes the rate he fixes it so as to equalize the differences in conditions of competition in trade in this country. That means the difference between the price at which the foreign article would be sold and the price at which the American article would be sold.

So far as the question of the President desiring to change the basis of valuation from the foreign to the American basis is concerned, that is another part of the section; that is another subject. Under that authority the President is invested with entirely different and independent powers from those vested in him in subdivision (a) and subdivision (c). That is to say, under that section the President's power is directed to the question whether he will change the valuation basis of the bill. That is all that section relates to.

Mr. President, I do not wish to prolong this argument. There can be no question about the soundness of the position which I have taken with reference to the powers sought to be conferred upon the President; there can be no doubt that this section in giving those powers to the President declares by implication, which can not be resisted, which is absolutely conclusive and precludes all controversy, that in raising the rates the President is directed to follow the principle upon which the rates in this bill have been based.

Mr. President, I make the point of no quorum, and then I will be glad to have a vote upon this question.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah	Hale	McKinley	Smoot
Brandegee	Harris	McNary	Spencer
Broussard	Harrison	Moses	Sterling
Bursum	Heflin	Nelson	Sutherland
Calder	Johnson	Newberry	Swanson
Capper	Jones, N. Mex.	Oddie	Townsend
Cummins	Jones, Wash.	Overman	Trammell
Curtis	Kellogg	Phipps	Walsh, Mont.
Dial	Kendrick	Pittman	Warren
Dillingham	La Follette	Poindexter	Watson, Ga.
Fletcher	Lenroot	Robinson	Watson, Ind.
France	Lodge	Sheppard	Willis
Gerry	McCumber	Shortridge	
Gooding	McKellar	Simmons	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. The question is on the amendment reported by the committee.

Mr. McCUMBER. I suppose the Senator from North Carolina has no objection to these amendments that change the classification?

Mr. SIMMONS. Upon this amendment I shall not ask for a yea-and-nay vote.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 2, line 21, it is proposed to strike out "less than 80 per cent" and insert "not medicinal," so as to read:

Tannic acid, tannin, and extracts of nutgalls, containing by weight of tannic acid less than 50 per cent, 4 cents per pound; 50 per cent or more and not medicinal, 10 cents per pound.

The amendment was agreed to.

The READING CLERK. On page 2, line 22, the committee report to strike out "and 80" and insert "50," and in the same line, after the word "more," to insert "and medicinal," so as to read:

50 per cent or more and medicinal, 20 cents per pound.

The amendment was agreed to.

The READING CLERK. On page 2, line 24, after the word "acid," the committee report to insert "3 cents per pound," so as to read:

Arsenic acid, 3 cents per pound.

Mr. SIMMONS. Mr. President, with reference to this item I want to say to the Senate that I happen to know that the Senator from Utah [Mr. KING], who has been specially looking after this schedule, has prepared himself to discuss this particular item, and he desires to be present when it is considered. He also has prepared himself to discuss several items that follow this one; and in view of the fact that the Senator from Utah is very ill this afternoon, suffering very much, and had to go home, I am going to ask the Senator in charge of the bill if he will not now be willing to adjourn or take a recess at this time?

Mr. McCUMBER. Mr. President, I understand from the Senator from Wyoming [Mr. WARREN] that he has an appropriation bill for hospitalization here that he would like to put through at this time; and if there is no objection on the part of other Senators I will make none on my part, that the Senate may now proceed to the consideration of that bill, and that this bill may be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill is temporarily laid aside.

ADDITIONAL HOSPITAL FACILITIES FOR PATIENTS OF VETERANS' BUREAU.

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment House bill 11547, making an appropriation for additional hospital facilities for patients of the United States Veterans' Bureau, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the immediate consideration of the bill just reported by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That for carrying out the provisions of the act entitled "An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, and are patients of the United States Veterans' Bureau," approved April 20, 1922, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $12,000,000, and in addition to this amount the Director of the United States Veterans' Bureau, subject to the approval of the President, may incur obligations for the purposes herein set forth not to exceed in the aggregate $5,000,000.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. JONES of New Mexico. Mr. President, I did not quite understand the language of the bill as it was read. Is $5,000,000 to be authorized in addition to the appropriation of $12,000,000?

Mr. WARREN. Mr. President, this bill is to carry out exactly the provisions of a bill which has already been passed authorizing the appropriation of $17,000,000. The bill appropriates directly $12,000,000, and permits the incurring of obligations to the extent of another $5,000,000 for our appropriation hereafter.

Mr. JONES of New Mexico. I quite understand that that is the purpose of the bill, but I just wondered if the language used would carry it out.

The PRESIDENT pro tempore. The Secretary will reread the part of the bill to which the Senator refers.

The reading clerk read as follows:

There is appropriated out of any money in the Treasury not otherwise appropriated the sum of $12,000,000, and in addition to this amount the Director of the United States Veterans' Bureau, subject to the approval of the President, may incur obligations for the purposes herein set forth not to exceed in the aggregate $5,000,000.

Mr. JONES of New Mexico. That is quite sufficient. I am satisfied. I overlooked some of the words.

The bill was ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. PHIPPS. From the Committee on Appropriations I report back favorably amendment No. 1 to the District of Columbia appropriation bill, H. R. 10101, and move that the Senate concur in the amendment with an amendment, that amendment being a slight change in the language so as simply

to avoid a possibility of the Commissioners of the District of Columbia at any time raising the rate of taxation on intangible property above the rate provided for real estate.

Mr. POINDEXTER and Mr. HARRISON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington.

Mr. POINDEXTER. I assume that the Senator making the report will not ask for its immediate consideration. I ask that it may go over under the rule and be printed.

The PRESIDENT pro tempore. The Chair is of the opinion that upon objection the report of the committee must lie over under the rule.

Mr. PHIPPS. Mr. President, I desire to state the language suggested to be added in the form of an amendment to House amendment numbered 1. It is as follows:

On page 3 of said amendment, in lines 6 and 7, after the word "discretion" and within the parentheses, insert the following:

to any rate not in excess of the rate imposed upon real estate.

The PRESIDENT pro tempore. The Chair understands that the entire report lies over for a day, under the objection of the Senator from Washington.

ORDER FOR RECESS.

Mr. McCUMBER. I ask unanimous consent that when the Senate closes its business for this calendar day it recess until 11 o'clock on Monday.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

DYER ANTILYNCHING BILL.

Mr. LODGE. Mr. President, I ask leave, out of order, to present a petition in favor of what is known as the Dyer bill. I ask that the text of the petition may be printed in the RECORD. It is only two or three paragraphs. I should like very much if I could print the list of names, which is a very unusual one; but I ask that a condensed list of a number of names which I have prepared may be printed with the petition.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

The petition.

To the Senate of the United States:

The killing and burning alive of human beings by mobs in the United States is a reproach upon our country throughout the civilized world and threatens organized government in the Nation.

Since 1889 there have been 3,443 known mob murders, 64 of the victims being women. In only a few instances has prosecution of the lynchers been even attempted. American mobs murdered 64 persons in 1921, of whom 4 were publicly burned at the stake.

The House of Representatives on January 26, 1922, in response to insistent country-wide demand, passed the Dyer antilynching bill, which invokes the power of the Federal Government to end the infamy of American mob murder.

This bill is now in the hands of the United States Senate. The undersigned United States citizens earnestly urge its prompt enactment.

The petitioners: Twenty-four State governors; 38 mayors of principal cities, including mayors of Charleston, S. C., San Antonio, Tex., and Louisville, Ky.; 3 archbishops; 85 bishops and churchmen, all denominations; 47 jurists and lawyers, including 2 former Attorneys General of the United States—Palmer and Wickersham; and 19 judges and justices of the highest courts in various States.

Twenty-nine college presidents, including Charles W. Eliot (emeritus), Harvard University; L. B. R. Briggs, Ratcliffe College; U. L. Burton, University of Michigan; John Grier Hibben, Princeton University; David Starr Jordan (emeritus), Stanford University; Charles F. Thwing, Western Reserve University; Benj. Ide Wheeler (emeritus), University of California.

Editors of great newspapers, including Charles H. Dennis and Victor F. Lawson, Chicago Daily News; William Allen White, Emporia Gazette; Edwin F. Gay, New York Evening Post; Louis Wiley, New York Times; Hamilton Holt, New York Independent; Glenn Frank, Century Magazine.

Eminent citizens: Bishop William Lawrence, of Massachusetts; Edward W. Bok; Henry Van Dyke; Hugh M. Dorsey, former Governor of Georgia; John G. Milburn; Moorfield Storey, former president American Bar Association; Jane Addams; Corinne Roosevelt Robinson; Mrs. Alice Ames Winter, president general Federation Women's Clubs; Rev. W. S. Abernethy, D. D., Washington, D. C.; Theodore D. Gratton, Episcopal bishop of Mississippi; Alfred Harding, Episcopal bishop of Washington, D. C.; Cameron Mann, Episcopal bishop of southern Florida; D. J. O'Connell, Catholic bishop of Richmond, Va.; William T. Russell, Catholic bishop of Charleston, S. C.; Charles E. Woodcock, Episcopal bishop of Kentucky; James R. Winchester, Episcopal bishop of Arkansas.

SPECIAL CANCELING STAMPS.

Mr. WARREN. I ask unanimous consent for the present consideration of House bill 10941, authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies. It is a very short bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with an amendment, in section 2, page 2, line 10, to strike out the word "revoked" and insert in lieu thereof the word "revocable," so as to make the bill read:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to grant permission for the use in first and second class post offices of special canceling stamps or postmarking dies for advertising purposes in the following cases only: First, where the event to be advertised is for some national purpose for which Congress has made an appropriation; second, where the event to be advertised is of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit: *Provided*, That such permit shall not be for a longer period than six months and the duration of the event to be advertised: *Provided further*, That nothing in this act shall be construed to authorize the expenditure of any postal funds or appropriation, either for the purchase of special canceling stamps or postmarking dies or for adapting canceling machines for the use of such stamps or dies or for installing the same, but all expense shall be prepaid by the permittee.

SEC. 2. That any permission granted under this act is hereby revocable in the event the Government shall find it expedient or necessary to use special canceling stamps or postmarking dies for its own purposes.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, the bill which is now before the Senate grants general authority to the Postmaster General and will thus avoid the constant introduction and passage of bills granting this privilege to particular cities. That point was raised by several Senators the other day, so we reported this bill, granting general authority, instead of having Senators bring in special bills.

Mr. ROBINSON. What is the authority granted to the Postmaster General?

Mr. TOWNSEND. To permit the use of special cancellation stamps, without any expense to the Government, by those cities which are authorized by the Postmaster General, on some special occasion, in connection with some celebration in a city. We have been doing it for years through special acts. We now by this bill grant general authority, instead of having a special bill introduced for each particular case. The bill has passed the House, and we have made one little amendment in order to carry out the clear intent of the House. It is just a change of one word.

Mr. HARRISON. If this is a general rule to be followed, I take it that the community applying for a special stamp will pay the expense of having it prepared?

Mr. TOWNSEND. It is provided in the bill that that shall be done without any expense to the Federal Government. There is no expense to the Government incurred in any of these cases.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time; the bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 55 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, May 8, 1922, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6 (legislative day of April 20), 1922.

PROMOTIONS IN THE ARMY.

Maj. William Augustus Mitchell to be professor of civil and military engineering at the United States Military Academy.

ADJUTANT GENERAL'S DEPARTMENT.

To be colonels.

Lutz Wahl. Julius Theodore Conrad.
Harrison Hall. Charles Curtis Smith.

To be lieutenant colonels.

Clarence Browning Smith. Horace Fennell Sykes.
Paul Trapier Hayne, jr. John Anderson Berry.

ORDNANCE DEPARTMENT.

To be major.

Thruston Hughes.

To be captain.

Gordon Marshall Wells.

To be first lieutenant.

Beverley St. George Tucker.

AIR SERVICE.

To be captain.

Howard J. Houghland.

POSTMASTERS.

GEORGIA.

Frank Summerour, Duluth.

IDAHO.

Rose J. Hamacher, Spirit Lake.

KENTUCKY.

Clarence Neighbors, Bowling Green.
George D. Montfort, Campbellsburg.
Melvin C. Bray, Hindman.
Grant North, Hustonville.
Ira W. See, Louisa.
Allen E. Bell, Moreland.
Willie G. Thornbury, Munfordville.
Marvin L. Whitnell, Murray.
James Noble, Quicksand.
Phoebe Howard, Salyersville.
Harvey B. Ogden, Worthville.

MARYLAND.

Samuel E. Hartley, Glenarm.
Stewart Rodamer, Grantsville.
Charles R. Day, Marion Station.

PENNSYLVANIA.

Edward N. Dubs, New Hope.

VIRGINIA.

Mary C. Lewis, Camp Eustis.
P. Edgar Lineburg, Stephens City.

SENATE.

MONDAY, *May 8, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harreld	McLean	Shortridge
Borah	Harris	McNary	Simmons
Brandegee	Harrison	Moses	Smoot
Broussard	Heflin	Nelson	Spencer
Bursum	Hitchcock	Newberry	Sterling
Calder	Johnson	Nicholson	Sutherland
Capper	Jones, Wash.	Norbeck	Swanson
Colt	Kellogg	Norris	Townsend
Culberson	Kendrick	Oddie	Underwood
Cummins	Keyes	Overman	Wadsworth
Curtis	King	Page	Walsh, Mass.
Dial	Ladd	Phipps	Walsh, Mont.
Dillingham	Lenroot	Pittman	Warren
Edge	Lodge	Poindexter	Watson, Ga.
Ernst	McCormick	Pomerene	Watson, Ind.
Fletcher	McCumber	Rawson	Weller
Frelinghuysen	McKellar	Robinson	Willis
Hale	McKinley	Sheppard	

The VICE PRESIDENT. Seventy-one Senators have answered to their names. There is a quorum present.

INTERMENT OF SOLDIER DEAD.

The VICE PRESIDENT laid before the Senate a communication from the Quartermaster General of the Army, transmitting lists of American soldier dead returned from overseas to be reinterred in the Arlington National Cemetery, Thursday, May 11, 1922, at 2.30 p. m., which was ordered to lie on the table for the information of Senators.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a resolution of the Washington (D. C.) Board of Trade, protesting against the enactment of legislation increasing the standard of assessment on real estate in the District of Columbia from two-thirds to full valuation, increasing the tax rate on intangibles by 66⅔ per cent, creating a surplus fund of District moneys to lie unused in the Federal Treasury for the purpose of protecting the National Government, which it alleges needs no such protection, as it controls the fiscal relations of the District with the United States, and also protesting against the method of consideration of the proposed legislation without hearing or opportunity for consultation on the part of the taxpayers, which was ordered to lie on the table.

Mr. SPENCER presented resolutions adopted by the Salt River Presbytery, at Farber, and the St. Louis Presbytery, at St. Louis, both in the State of Missouri, favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Salt River Presbytery, at Farber, and the St. Louis Presbytery, at St. Louis, both in the State of Missouri, favoring the enactment of legislation providing for uniform marriage and divorce laws, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Salt River Presbytery, at Farber, and the St. Louis Presbytery, at St. Louis, both in the State of Missouri, favoring the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by the Highland Presbytery, at Frankfort, Kans., favoring the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Highland Presbytery, at Frankfort, Kans., favoring the enactment of legislation providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Highland Presbytery, at Frankfort, Kans., favoring the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution indorsed by Parent-Teacher Associations, members of the National Congress of Mothers, various civic and educational organizations of Kansas City, and sundry citizens, all in the State of Kansas, favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. WILLIS presented the petition of H. J. Black and sundry other citizens of Columbus, Ohio, praying for the imposition of an adequate tariff duty on stained and painted glass windows, which was ordered to lie on the table.

He also presented petitions of Arthur Wendel, of West Toledo; John M. Widener, of Sylvania; George Lintner, of Lime City; Harry E. Phillips, of East Toledo; and W. A. Williams, of Perrysburg; and sundry other citizens, all in the State of Ohio, and also sundry citizens of the State of Michigan, praying for the imposition of a tariff duty of $2 per hundred pounds on imported Cuban sugar, which were ordered to lie on the table.

Mr. POINDEXTER presented sundry petitions of makers of shingles on the Pacific coast, urging the retention in the pending tariff bill of the 50-cent protective duty on shingles as provided in the bill as it passed the House of Representatives, which were ordered to lie on the table.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. McKELLAR, from the Committee on Military Affairs, to which were referred the following bills, reported them severally adversely:

A bill (S. 57) for the relief of Edward Johnson;

A bill (S. 946) for the relief of Theophilus Nuzum; and

A bill (S. 1822) for the relief of George W. Samson.

The VICE PRESIDENT. The bills will be placed on the calendar.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 241) to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois (Rept. No. 692); and

A bill (H. R. 10925) to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa. (Rept. No. 693).

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 1672) for the appointment of William Edward Tidwell as first lieutenant in the United States Army, reported it with amendments and submitted a report (No. 694) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that May 6, 1922 they presented to the President of the United States the following enrolled bill and joint resolution:

S. 2440. An act extending the period for homestead entries on the south half of the Diminished Colville Indian Reservation; and

S. J. Res. 186. Joint resolution authorizing the transfer to the jurisdiction of the Joint Committee on the Library certain reservations in the District of Columbia for use in connection with the Botanic Garden.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3565) relating to the collection of taxes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 3566) for the relief of Michael Coy; to the Committee on Military Affairs.

By Mr. KELLOGG:

A bill (S. 3567) to provide an honorable discharge from the United States Army; to the Committee on Military Affairs.

By Mr. PHIPPS:

A bill (S. 3568) to continue the land office at Durango, in the State of Colorado, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. SMOOT:

A joint resolution (S. J. Res. 195) providing for the disposal of articles produced by patients in the United States Veterans' Bureau; to the Committee on Finance.

ENFORCEMENT OF ANTITRUST ACTS.

Mr. KING. Mr. President, I ask unanimous consent to submit a resolution, which I ask may be read and referred to the Committee on the Judiciary.

The resolution (S. Res. 285) was read and referred to the Committee on the Judiciary, as follows:

Resolved, That the Attorney General be directed to transmit to the Senate a statement of moneys in unexpended balances available at the time of his assumption of office and of moneys which are now available and authorized by appropriations of Congress for the enforcement of the Sherman Antitrust Act and the Clayton Act, together with a statement of what moneys have been expended during his tenure of office for said purposes; the number of attorneys and agents who are presently employed for said purposes, and the names of special attorneys who are employed for said purposes, and the amount of money paid and being currently paid to each; the number of trials, both civil and criminal, involving violations of said act which have been conducted, and the result of such trials; the number and titles of civil actions which are pending charging violations of said acts; the number and titles of indictments which have been found during his incumbency of office for the violation of said acts, and whether such indictments are being prosecuted, and if not, why not; what steps are being taken to procure indictments for the enforcement of said acts; why further prosecutions have not been instituted; why the prosecution of a certain indictment recently found in New York for the violation of the antitrust act has been stayed; and whether the district attorneys of the United States are required to obtain the consent of the Attorney General before bringing suits and instituting proceedings for the violation of said acts.

MERGER OF STEEL COMPANIES.

Mr. LA FOLLETTE. Mr. President, I submit the resolution which I send to the desk and ask that it lie on the table subject to my call.

The Secretary read the resolution (S. Res. 286), as follows:

Whereas definite reports in the daily press and in financial journals state that there is about to be consummated a merger of seven of the largest iron and steel corporations, namely, Midvale Steel & Ordnance Co., Republic Iron & Steel Co., Lackawanna Steel Co., Inland Steel Co., Youngstown Sheet & Tube Co., Steel & Tube Co. of America, and Brier Hill Steel Co., having a total annual capacity of more than 10,000,000 tons of steel; and

Whereas it is also reported that the Bethlehem Steel Corporation, while not a part of the present merger, will join the combination when it has been successfully accomplished; and

Whereas the complete consummation of this plan will result in the creation of a billion dollar corporation, controlling substantially all of the steel-producing capacity of the country which is not now controlled by the United States Steel Corporation; and

Whereas this will create a complete monopoly of the steel industry in the hands of two gigantic corporations, resulting inevitably in the suppression of such competition as now exists in the manufacture and sale of this essential product and in the restraint of trade and commerce among the several States and the District of Columbia and with foreign nations; and

Whereas experience has shown the impossibility of dealing effectively with such combinations and mergers after they have been consummated, regardless of the damage which they may inflict upon competitors and of the injury to the public welfare; and

Whereas section 4 of the Sherman antitrust law (act of July 2, 1890) specifically provides:

"The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations:"

Resolved, That the Attorney General of the United States and the Federal Trade Commission be requested to inform the Senate as soon as possible what steps they have taken or propose to take to ascertain the purposes and probable effects of the proposed merger; what have been the results of any investigations which they may have conducted; and what actions they have instituted to protect the public interest;

Resolved, That the Attorney General be further requested to inform the Senate whether or not it is advisable, in his opinion, to proceed under the appropriate provisions of the Sherman law and the Clayton law to prevent and restrain this impending combination.

The VICE PRESIDENT. The resolution will lie on the table subject to the call of the Senator from Wisconsin.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that May 6, 1922, the President approved and signed S. 667, an act for the relief of John B. H. Waring.

NOMINATION OF NAT GOLDSTEIN.

Mr. HARRISON. Mr. President, on Friday last the President of the United States, at a conference with the newspaper representatives, in answer to a question touching his appointments, or some of his nominations, more particularly that of Nat "Gold-stained," said he neither apologized for nor boasted of his nominations.

The St. Louis Globe-Democrat is one of the great Republican papers of the Middle West.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HARRISON. In a moment I will yield. The St. Louis Globe-Democrat has a very large circulation, and has for a long time enunciated Republican doctrines. In its issue——

Mr. WATSON of Indiana. Mr. President, will the Senator yield?

Mr. HARRISON. In a moment I will yield.

On Friday of last week there appeared an editorial in the St. Louis Globe-Democrat, this influential Republican paper, styled "The Reward of Goldstein."

Mr. SPENCER. Mr. President, will the Senator yield?

Mr. HARRISON. I desire to have this editorial read in my time.

Mr. SPENCER. Mr. President——

Mr. HARRISON. I will yield after the editorial is read.

Mr. SPENCER. I merely want to ask the Senator——

Mr. HARRISON. I refuse to yield at present. Wait until the editorial is read.

The VICE PRESIDENT. The Senator from Mississippi has the floor. The Secretary will read the editorial as requested.

The editorial was read, as follows:

[From the St. Louis Globe-Democrat, Friday, May 5, 1922.]

THE REWARD OF GOLDSTEIN.

The nomination by the President of Nat Goldstein for the office of internal-revenue collector at St. Louis is a recognition by the administration of the political service of the courthouse ring, and is in effect an indorsement of its pernicious activities. More than that, it is, in effect if not in fact, an approval of the acts of Goldstein and others in connection with the Lowden campaign fund of 1920 and a reward for those acts. It is a public expression of approbation for political immorality, in the face of a struggle in St. Louis and Missouri for the establishment of political morality.

What other construction can be placed upon this nomination? Nat Goldstein has been for some years the most active figure in that combination of professional politicians which constitutes the Republican machine in St. Louis, and is the head of that part of the machine known as the courthouse ring. This machine dominates elections and government in St. Louis and makes of democracy a farce. It is a self-perpetuating oligarchy existing solely for the benefit of its members and its forces, and concerned in public welfare only so far as its own interests may be promoted. It is not a government by or for the people, but a government by and for the party bosses, and Nat Goldstein is a ringleader among these. But for the political power which this gives him his appointment would not have been thought of. It is a recognition of party service, past and prospective, and an implied approval of the character of that service.

This, however, is a local matter. Goldstein in 1920 became unfavorably known to the State and to the Nation through his connection with the Lowden campaign-fund scandal. Governor Lowden's manager gave $38,000 to J. L. Babler and Liv Morse to secure a delegation from Missouri to the Republican National Convention at Chicago "friendly to Lowden." Babler gave $2,500 of this money to Goldstein, who at first denied that he had received a cent, but admitted that this denial was an untruth when the evidence before the investigating committee at Washington compelled confession. The Missouri delegation was "friendly to Lowden," and Goldstein was one of these delegates. There is a widespread belief that the disclosure of this deal prevented the nomination of Lowden. But, however that may be, it created a sensation throughout the country, and aroused such indignation in Missouri that a revolution was effected in the Republican organization in this State. In St. Louis the feeling centered upon Goldstein as the head of the courthouse ring and the chief St. Louis figure involved in the scandal. In the primary in August the party bosses in St. Louis and Kansas City were overwhelmed, and virtually all the elements of the State committee having even the remotest connection with the Lowden scandal were eliminated. When the new State committee met it repudiated Jacob L. Babler, Missouri member of the Republican national committee, and commended the "activities of the Republicans of Missouri in seeking to rid the party of those of their organization who were found to have been guilty of gross improprieties," a direct reference to the Lowden fund scandal. The house-cleaning campaign, which was organized after the Lowden disclosures by Missouri Republicans concerned for the honor and integrity of the party, swept the State not only in the August primaries but in the November election.

The Republicans of Missouri fought a great battle for morality in politics and won. But Babler could not be eliminated by State action, and Goldstein, secure in his office and his ward, retained his place and

power. Their acts were publicly condemned by the votes of the party, but none the less Babler has continued to be recognized in Washington as representative of the party, and the majority of Federal appointments in Missouri have been obtained through the influence of him and his coworkers. The moral and political effect of the house-cleaning campaign of 1920 has been thereby practically nullified by Washington. And now comes the appointment of Goldstein, one of the chief of those who were formally charged by the party with "gross improprieties," to the important office of collector of internal revenue, in clear opposition to public opinion, to the opinion of the Republican Party, as it has been expressed in Missouri in condemnation of the conduct of Babler, Goldstein, and their machine colleagues. The fight for clean politics won in Missouri has been lost in Washington. And it has been lost with the deliberate connivance of Senator SPENCER, whose eulogy of Goldstein fixes his own place within the courthouse ring. He can not pretend to represent the moral elements of the Republican Party in Missouri and at the same time hold Nat Goldstein up to the public eye as a paragon of virtue.

Mr. Harding, we repeat, has by implication and with full knowledge of the facts, approved the pernicious courthouse ring, long obnoxious to St. Louis, and approved the conduct of the men implicated in the Lowden scandal. This is not only bad in morals but it is bad politics. The people of this country are tired of machine domination; they are tired of party bosses; they are tired of municipal rings; they are tired of the expenditure of large sums of money to acquire office; they are tired of the political graft and corruption which grows out of these offenses against pure democracy and public morality. This has been shown in Missouri; it has been shown recently in Illinois; it has been shown in the general indignation over the Newberry affair; it was shown just the other day in the primary election in Indiana, in which the party machine was defeated. Such appointments as that of Goldstein are an offense to American ideals of citizenship and of government. They are wrong in principle and they are wrong in policy.

And we regret to see the admission by Governor Hyde, who was the leader and the chief beneficiary of the house-cleaning movement, that he consented to the appointment of Goldstein. "I did not indorse the appointment of Goldstein," he says, "but I agreed to it;" and he excuses his agreement on the ground that it would eliminate Goldstein from city and State politics. But Goldstein himself has announced that he will not be eliminated from politics; that he will continue to hold his place on the city committee; and, it is to be presumed, will continue to exercise his influence in city and in State politics, backed, as he will be, by the power of the Federal office he will hold and the distinction which the indorsement of the national administration gives to him. In this concession Governor Hyde has failed in loyalty to the cause he led and to the Republicans who elected him. To agree to the appointment of Goldstein on the ground of political expediency is to abandon the moral ground on which he won his battle.

Mr. HARRISON. Mr. President——

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

Mr. HARRISON. I understand the Senator from Missouri desires to ask me a question, and I yield to him for that purpose.

Mr. SPENCER. I do want to ask the Senator a question, and, if the Senator will yield further, I should like also to make a statement.

I wish first to correct a misrepresentation which I am sure the Senator from Mississippi unintentionally made when he called the Globe-Democrat a Republican newspaper. He must know that for years that newspaper has not been a Republican newspaper, and boasts of the fact that it is not a Republican newspaper. It now calls itself nominally an independent newspaper. It once was a Republican newspaper, but has not been so for some years. I think it is perfectly fair to say that in the general estimation of the people of the State of Missouri its leanings are quite Democratic. It certainly is not a Republican newspaper.

Mr. HARRISON. Mr. President——

Mr. SPENCER. Will the Senator indulge me in one other statement?

Mr. HARRISON. I desire to say in that connection that I am very glad to hear the Senator from Missouri say that the Globe-Democrat is getting away from Republican policies and becoming more Democratic all the time. I am sure just such action as the Senator has brought about in St. Louis of having Goldstein appointed collector of internal revenue will not only make the Globe-Democrat a thoroughly Democratic newspaper but it will also make other newspapers which are now Republican change their policies and become Democratic.

Mr. SPENCER. The Senator from Mississippi is mistaken. The Globe Democrat is not getting away from the Republican Party. The Globe Democrat got away from the Republican Party when it bought out, at a very good bargain, a Democratic newspaper. In order to keep the circulation of that newspaper its politics was changed; and I fancy that it very much regrets the change in its politics. I think the time may come when it may get back to its first and fundamental love.

Mr. HARRISON. May I ask the Senator from Missouri if it is not a fact that every St. Louis newspaper, Republican and Democratic, through its editorial columns has condemned the nomination of Goldstein as collector of internal revenue for Missouri?

Mr. SPENCER. The Senator from Mississippi is equally mistaken in that statement. There is but one Republican newspaper in the city of St. Louis—that is, the St. Louis Times—and there has not been in that newspaper a word of condemnation, but I was about to say there has been strong approbation of that appointment. I can not, however, now put my finger upon the editorial which I have in mind; and so I shall refrain from making that statement, but the only Republican paper in the city of St. Louis has not uttered a word of condemnation of the appointment.

I may say further to the Senator from Mississippi—and then I shall leave the matter, Mr. President, because so far as I am able I do not want by anything I may say to contribute at all to any delay in the consideration of the tariff bill which we all know is now before the Senate—that he is doing, doubtless unintentionally, a real injustice to a man whom I have known for 25 years.

If I may say one other thing to the Senator from Mississippi, whose friendship I value and whom I love very much, the other day in the RECORD for some reason, I do not know why, he brought in the name of Mr. Roy T. Davis, who is now the minister of the United States to Costa Rica, and of Mr. W. H. Allen, who is now the Federal prohibition director in Missouri, and of Mr. W. L. Cole, who is now an Assistant Attorney General of the United States.

The inference from what he said was that in some way those men, neither of whom could defend himself or have any opportunity to defend himself, were tied up or associated with something that was wrong or to be condemned.

I remember very well, Mr. President, long before I came to the Senate during the course of a hearing in the House of Representatives with regard to some post office matter with which I had no connection, somebody for some reason saw fit to make some reflection upon me. Fortunately Mr. Alexander, who was a Representative in Congress from Missouri, a man of opposite politics to mine, and who, as we all know, subsequently served in the Cabinet of President Wilson as Secretary of Commerce, at once wrote in condemnation of the reflection. I have never forgotten the impression, first, of indignation that my name should be brought in, and second, of appreciation of what Mr. Alexander did.

I want to say to the Senator from Mississippi that Mr. Davis and Mr. Cole and Mr. Allen are three as high-class men, of as high integrity as there are in these United States, and that there is not a single thing, when the facts are presented, that can reflect upon either one of them in the slightest degree. I regret exceedingly that their names should have been put in the CONGRESSIONAL RECORD and spread all over the country with some taint of suspicion to them. I would have answered the Senator's statement immediately at the time had I heard it, but I did not see it until a day or two afterwards. I know well enough that the Senator from Mississippi does not intentionally want to do any injustice to any man.

Mr. BORAH obtained the floor.

Mr. HARRISON. Mr. President, does the Senator from Idaho want to ask a question of the Senator from Missouri?

Mr. BORAH. I will yield to the Senator from Mississippi if he desires to ask a question of the Senator from Missouri.

Mr. HARRISON. I merely wish to say to the Senator from Missouri that I only read from the record, and the record from which I read shows that Mr. Davis, who has been appointed minister to Costa Rica, received, I think, some $500 of the corrupt Lowden fund. I merely read from the record—and I read from the record really without any elaboration—the fact that Mr. Cole received $500 of the corrupt Lowden campaign fund and $1,250 from Mr. Daugherty, the present Attorney General of the United States, who was then acting in the interest of Mr. Harding's candidacy, and that since then he had been appointed a special assistant to the Attorney General of the United States.

I read also that some other gentleman, whose name I do not now recall, received $400 of the corrupt Lowden campaign fund, and he was appointed United States prohibition director. I have forgotten his name. What was his name?

Mr. SPENCER. I think the Senator refers to Mr. Allen.

Mr. HARRISON. Yes. He received $400 of the corrupt Lowden campaign fund. I merely stated to the Senate that it seemed to me a little peculiar that these men who had received contributions from the Lowden corrupt campaign fund, which the country condemned and which was the one factor, more than anything else, that eliminated Lowden as a presidential possibility, are now getting all the good offices in Missouri; and also that it seemed a little strange that Mr. "Goldstained," who received $2,500 of the Lowden corrupt campaign fund, was now, upon the recommendation of the Senator from Missouri, nominated collector of internal revenue for Missouri.

Mr. BORAH. Mr. President——

Mr. SPENCER. Mr. President, let me assure the Senator from Idaho, whom I will thank for his courtesy if he will yield

to me for a moment, that I do not want to take up time, and I am not going to indulge in any defense of the men to whom the Senator from Mississippi has referred; but the Senator from Mississippi has repeated precisely what he said the other day, much to my disappointment, if I may use that word, for the Senator knew as he repeated it that the statement which he made cast suspicion and a slur upon those men. I let the case rest now with the statement that if the Senator from Mississippi had looked into the facts, or will look into the facts, there will be not one thing with regard to either one of these three men that he himself will in the slightest condemn; and that is the very unfairness of the thing—to read into the RECORD an extract or a statement, unexplained, without any of the surrounding circumstances, without any opportunity of the man to be heard; because some one, somewhere, has said something that reflects upon a man's character, then to put it into the CONGRESSIONAL RECORD and spread it, unexplained, all over the country. No one knows better than the distinguished Senator from Mississippi how unfair that is, and that is the very thing for which I rise to my feet.

Mr. HARRISON. Mr. President, may I suggest to the Senator——

The VICE PRESIDENT. The Senator from Idaho is entitled to the floor.

Mr. HARRISON. Will the Senator yield for just one interruption, and then I am through?

Mr. BORAH. I yield.

Mr. HARRISON. I merely want to suggest to the Senator that other Senators here were not in a position to know all these facts as the Senator from Missouri was. He was a member of the committee investigating this corrupt fund; and I ask him now if the facts in the record do not disclose that each of the men whose names I have just stated received a part of that corrupt fund, and if they were not appointed to these various offices?

Mr. SPENCER. Mr. President——

Mr. BORAH. Mr. President, I will yield the floor if this matter is going to continue.

Mr. SPENCER. I beg the Senator not to yield the floor, because I do not want to impose upon his courtesy.

Mr. WATSON of Indiana. Mr. President, my understanding is that the rule about speaking twice upon any one proposition is going to be enforced, and therefore I object to any further speeches on this subject.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. The Chair has recognized the Senator from Idaho.

Mr. MOSES. Will the Senator yield to me while I propound a request to the Senator from Mississippi?

Mr. BORAH. I think the Senator had better do it in his own time. I will lose the floor if I yield to the Senator; I can tell by the way the Vice President looks. I will yield in a few moments, however.

Mr. MOSES. I am afraid my request will lose its pertinency if I am not able to make it now.

Mr. BORAH. I yield to the Senator, then.

Mr. MOSES. I merely wish to ask the Senator from Mississippi, who seems to be so anxious to spread in the RECORD these facts about Missouri politics, if he will not also put into the RECORD the letter of the former President of the United States to Mr. Higdon, peremptorily ordering Mr. Higdon out of the Democratic primary in Missouri, and if in that connection he will not print the comment of the Senator from Missouri [Mr. REED] on that, in which he said of former President Wilson that "he is the boy who is running Missouri politics"?

Mr. HARRISON. I suppose the Senator from Idaho will give me an opportunity to answer the request made by the Senator from New Hampshire.

Mr. BORAH. If it will help the Senator from Missouri [Mr. REED], I will yield.

Mr. HARRISON. I have no objection in the world to putting that in the RECORD, and also the fact that the Senator from New Hampshire was the directing force of General Wood's campaign fund——

Mr. WATSON of Indiana. Mr. President, I make a point of order.

Mr. HARRISON (continuing). Where he expended $1,500,000 for his candidate.

The VICE PRESIDENT. The Senator from Indiana will state his point of order.

Mr. WATSON of Indiana. The Senator from Mississippi has subsided.

The VICE PRESIDENT. The Senator from Idaho is recognized.

MR. BORIS BAKHMETEFF, RUSSIAN AMBASSADOR.

Mr. BORAH. Mr. President, I recognize the great necessity of making progress with the tariff bill; but in view of the fact that we have no morning hour it is almost necessary at times to take a few moments with reference to matters which come up and seem not easily dismissed without some consideration.

The program which is now obtaining with reference to the examination of Mr. Bakhmeteff is a peculiar program, but I am not the author of it. It appears that some $187,000,000 was loaned to the Kerensky government at Mr. Bakhmeteff's request. We never have been able to get anything so far except a general statement as to what became of that money. It may be that a detailed statement will explain everything, but the general statements throw very little light on what has become of it. In view of the fact that the Secretary of State seems to think it proper that the examination go on through the State Department, and that the responses of Mr. Bakhmeteff be transmitted to the Senate, I know of no way to secure the details except to ask the Secretary of State to take into consideration some suggestions which I am about to make, and see if the examination can be conducted in this way satisfactorily to the Secretary of State and to the Senate.

The details which I desire, Mr. President, are:

First. What is the date of the credentials accrediting Boris Bakhmeteff as ambassador to the United States? Attach copy of the credentials to the reply.

Second. Give the date of the message of D. R. Francis, our former ambassador to Russia, transmitting the notification upon the part of the soviet government of Russia that Boris Bakhmeteff was no longer recognized as Russian ambassador. Attach copy of the same to the answer.

Third. What part of the $187,000,000 round figures loaned by this Government to Boris Bakhmeteff, or loaned by this Government to the Kerensky government at his instance, has been repaid to the Government of the United States?

Fourth. What amount of money is now due the Government of the United States by reason of said loans and advances made to Boris Bakhmeteff or to the Kerensky government at his instance and request?

Fifth. What amount of this money, if any, was transmitted or paid to the Russian Government or to the Russian authorities and to whom?

Sixth. Give a list of all contracts made with the Kerensky government at the instance of Boris Bakhmeteff, the parties with whom the contracts were made, the kind of goods contracted for, the amount of each contract, and the security or guaranty given in each instance.

Seventh. If these contracts or any of them were settled and adjusted by the Kerensky government or any subsequent government of Russia by Boris Bakhmeteff or any guaranty or surety thereon, give in detail the settlement.

Eighth. If these contracts were completed and executed by the American manufacturers in part or in whole, state what kind of goods or property was delivered under them to the Russian authorities, and to what Russian authorities these goods or property were delivered, and when.

Ninth. State in full and in detail what money, goods, property, or commodity reached Russia, and to whom they were delivered as a result of these loans made by this Government to the Kerensky government or to Boris Bakhmeteff.

Tenth. If at the termination of the war or any period during the contracts above referred to, any compromises or adjustments were made with the manufacturers with regard to the unfinished sales or delivery of the contracts, state what the compromises were in detail.

Eleventh. State by what authority Boris Bakhmeteff made the adjustments and the dates of the adjustments.

Twelfth. In other words, give us in detail the amount of the goods purchased for Russia, of whom purchased, the names of the manufacturers, the kind of material supplied, to whom in Russia delivered, the amount involved, and the final adjustment of the contracts.

Thirteenth. If any of these goods or material purchased in the first instance were afterwards sold to the United States, state the kind and amount of material and the amount of money paid by the United States for such goods, and to whom paid.

Fourteenth. What became of the amount of money, if any, received from the sale of goods or property originally purchased for the benefit of Russia?

Fifteenth. Give us the details with reference to the sale of certain powder to the English Government, whether or not the powder was afterwards rejected, and the terms of final settlement or adjustment.

Sixteenth. What amount of money has been supplied to Boris Bakhmeteff since November 17, 1917, for the purpose of maintaining the embassy here?

Seventeenth. About June, 1919, there appeared large advertisements in a great many papers throughout the United States urging the recognition of the Kolchak government. Out of what money were these advertisements paid for, and who paid for them?

Eighteenth. What amount of money, if any, has been transmitted by Boris Bakhmeteff to Georges Brandt, the Czarist consul in Rio de Janeiro, during 1920, or at all?

Nineteenth. What relationship did Gregorie Semenoff, as you understand, bear to the Kolchak government? Was it your understanding that he was acting under the authority of the Kolchak government?

Twentieth. Did Semenoff advise you, when he called upon you in the city of Washington about April 1 or 2, of his purposes in this country, and what did he say about raising money in this country for future activities in Siberia?

Mr. President, I dislike to conduct this kind of an examination; but if it is possible for me to ascertain what has become of the $187,000,000 which was loaned to Bakhmeteff, I am going to do it, even at inconvenience to myself and the Senate.

FINANCIAL AND POLITICAL DISORDERS IN HAITI.

Mr. POMERENE. Mr. President, I have before me a letter written by Mr. Lansing, former Secretary of State, under date of May 4, 1922, addressed to Hon. Medill McCormick, chairman of the Select Committee on Haiti and Santo Domingo. Mr. Lansing gives the history of the events leading up to our occupancy of Haiti and a part of what occurred thereafter. In view of the interest which this matter has excited throughout the country I ask that this letter may be incorporated in the RECORD without reading, and that it be printed in 8-point type.

There being no objection, the letter was ordered to be printed in the RECORD in 8-point type, as follows:

WASHINGTON, *D. C., May 4, 1922.*

Hon. MEDILL MCCORMICK,
Chairman Select Committee on Haiti and Santo Domingo,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: Complying with your request for a statement from me regarding Haiti, I beg to submit the following as embodying the contemporary views of the State Department on the financial and political disorders in Haiti, which caused a critical state of affairs during the last days of July, 1915, and on the attitude of the German Government toward Haiti, because largely upon those two considerations were based the instructions of the State Department to the United States Legation in Haiti and, through the Navy Department, to the United States naval commander in Haitian waters. The events to which I shall refer in this statement were succeeded by the ratification of the present treaty between the United States and Haiti, which had for its objects the insurance of Haiti's future welfare upon a permanent basis of law and order and the prevention of foreign intervention in the future based on political and financial disorders in Haiti.

On July 30, 1915, the U. S. S. *Connecticut* came into the harbor of Port au Prince just as President Guillaume Sam was being murdered and his body mutilated by an infuriated mob. This was an act of vengeance for the massacre of some scores of prisoners in the prison at Port au Prince who were political opponents of Guillaume Sam's government. The crowds attending the funeral processions of these victims of tyranny turned from them in a frenzy, dragged Guillaume Sam from the asylum which he had sought in the French Legation, killed him, dismembered his body, and paraded through the streets exhibiting the ghastly fragments. Revolutionary forces were at the time in possession of other principal ports of the country and threatened to attack the city of Port au Prince. There was no government to preserve order in the city or in the country. On the contrary, there was anarchy and armed insurrection. Universal fear prevailed, while the lives of Haitians and foreigners alike were imperiled by the conditions which existed. The violation of the extraterritoriality of the French Legation indicated the ruthless lawlessness of the revolutionaries. In the circumstances the forces of the United States were landed as a matter of urgent necessity.

The murders and atrocities perpetrated marked the complete breakdown of Haitian institutions, the culmination of a process of disintegration which had been in progress for a generation or more. It was evident from the state of affairs that there remained no possibility of a civilized government functioning without external assistance. The limit of tolerance for such conditions, which menaced the lives and property of Americans and other foreigners, was finally reached when the French Legation was violated. The restoration of order and government in Haiti was as clearly the duty of the Government of the United States as was the landing of the marines. If the United States had not assumed the responsibility, some other power would. To permit such action by a European power would have been to abandon the principles of the Monroe doctrine. The United States had no alternative but to act, and to act with vigor.

The process of disintegration above referred to is a matter of common knowledge. It is enough to say that none of the many Haitian governments immediately preceding that of Guillaume Sam was able to maintain itself against revolution. Those persons who were from time to time in power were irresponsible and arbitrary. The inhabitants were exploited and robbed. So insecure were they in their possessions and so frequently in danger of their lives that industry throughout the country was paralyzed. Foreign lives were not taken, but there was such recurrent apprehension of violence that few years passed without the necessity of United States ships appearing in Haitian waters. Cruisers of foreign powers often came on similar errands, and on occasions European sailors or marines had been landed. These conditions had become chronic, and they had year after year grown progressively worse. In June of 1915 a French cruiser had landed a force at Cape Haitien, and these were only withdrawn when American marines were landed to take their place. After the invasion of the French legation France dispatched a cruiser to Port au Prince and landed a force, which guarded the legation for several weeks, without objection on the part of the United States Government. It was manifest that the danger to foreign lives in Haiti, which was constantly increasing, made the possibility of European intervention more and more probable unless the United States acted.

A default in payments to European creditors presented another danger. Haitian foreign loans were held by Germans, French, and English, but not to any great extent by Americans. The foreign loans were secured by the customs revenues; thus a default would have given rise to the desire on the part of European Governments to seize the Haitian customhouses and administer the customs, a situation which, being of indefinite duration, would have caused serious political complications and been a grave menace to the peace of this hemisphere and to the immunity from European interference with American institutions. The finances of Haiti had been growing steadily weaker and the ability to meet her obligations had ceased. Interest on the public debt of about $20,000,000 had been paid with creditable regularity, but it had become necessary to borrow from the National Bank of Haiti and to make local forced loans elsewhere in order to meet these interest payments, and the limit of the ability to borrow had been reached. Amortization of foreign loans were many years in arrears. Revolutions had greatly increased the internal and floating debt. Fiat paper money was being issued but not used and payment of salaries of public employees was suspended. For this state of affairs no temporary remedy could suffice. This financial situation need hardly be treated here in greater detail.

In this connection, however, there was a more critical state of affairs than has been generally known. I refer to the attitude of the Imperial German Government in connection with the political disorders and financial straits of Haiti and the pretexts for aggression thereby afforded. There was good reason to believe that in the years 1913–14 Germany was ready to go to great lengths to secure the exclusive customs control of Haiti and also to secure a coaling station at Mole St. Nicholas. It is this feature that I would particularly call to the attention of your committee.

The United States had no wish to obtain a naval coaling station at Mole St. Nicholas. The Navy Department had long since definitely determined that a station there was not desirable, but it was also perfectly clear that a coaling station directly or indirectly controlled by another power would be a menace to the position of the United States in the Caribbean Sea, to the security of the Panama Canal, and, consequently, to the peace of this hemisphere. A privately owned coaling station, whether in the hands of Americans or Europeans, would have been a danger if ever a coal supply was allowed to accumulate there greater than necessary for current commercial needs. In case of war the station and coal stored there would have been subject to capture. In view of the possible consequences, the policy of the United States was clear. It could not look with favor on a privately owned coaling station at Mole St. Nicholas unless that was subject to its direct control. Though it did not need and it did not want such a station for itself, it could not permit a European government to secure one.

The indications were that Germany intended to obtain one unless she was prevented from doing so by the United States.

Although French is the official language of Haiti and French customs prevail, as well as the practice of sending the children of wealthy Haitian families to France for their education, there has been for many years a strong German influence in the country, resulting primarily from the establishment of German commercial houses at Haitian ports and the sending of young Germans to gain their livelihood in those concerns. A considerable number of these German residents have intermarried, so I have been informed, with the Haitians and are closely connected with and more or less active in the political and social life of the country.

During a number of years the Government at Washington was in receipt of various reports to the effect that foreign interests were desirous of obtaining coaling stations at Mole St. Nicholas, and in the year 1911 the Haitian Government, at the insistence of the then American minister, eliminated from a contract with a German national for a coastwise steamship service the granting of rights for a coaling station in Haiti.

In the year 1912 Hon. George von L. Meyer, then Secretary of the Navy, in reply to a communication from the Department of State in regard to the establishment of a coaling depot in Haiti for the steamship line of a foreign country, replied, referring to a communication made by the Navy Department to the State Department in 1910, to the effect that the Navy Department did not look with favor upon any proposition to establish so many coaling stations within such a limited geographical radius and could not contemplate favorably the prospect of having such stations in the hands of citizens of any of the European nations. The establishment of such stations would actually amount to the maintenance of a very considerable number of coaling stations close to our shores, which could be used by foreign vessels of war in the event of hostilities, and this the Navy Department believed should be prevented, if it were in the power of diplomacy to do so.

In the year 1913, and particularly in the year 1914, information was conveyed to the Department of State, through official and unofficial sources, to the effect that a German commercial firm was active in an attempt to secure extensive concessions from Haiti containing grants sufficiently broad to permit the building of coaling stations at Mole St. Nicholas, the concessions to be combined with a loan secured by control of the Haitian customs by the concessionaire. It was further stated that the German Government was back of the German commercial firm making the proposal.

On June 1, 1914, the American minister at Port au Prince reported to the Department of State that he was reliably informed that the Haitian Government would entertain a proposition to lease to the United States Mole St. Nicholas on the basis of a cash payment and a yearly rental. It was further stated that the Government of Haiti would most probably require, as an essential provision of such lease, that the United States should pledge itself not to interfere now or at any future time with the collection or administration of the customs of Haiti and would agree to afford protection to Haiti against any other nation or nations which might attempt to secure control of the customs. The minister concluded his telegram with the statement that the German cruiser *Marietta* had arrived the day before at Port au Prince.

As the United States was not interested in obtaining a lease of Mole St. Nicholas, no reply was sent to the minister's telegram.

Meanwhile, during the late winter and spring of 1914, financial conditions in Haiti, as a result of the political chaos existing, had been rapidly becoming more and more involved and foreign interests were increasingly anxious to obtain some form of guaranty from Haiti that that Government would continue to respect its obligations. As in most cases of this nature, suggestions were made relative to the collection and control of the Haitian customs by foreign nationals representing the foreign debtor interests. The foreign interests referred to were the holders of shares in the National Railroad of Haiti and in the National Bank of Haiti, and also the holders of the bonds representing the Haitian external debt. It was also obvious that those interested in the national bank, which was controlled by French shareholders, were deeply concerned as to the ability of the Haitian Government to continue its existing financial policy on account of its outstanding loans.

Although various plans were discussed in the Department of State which had as their object the aiding of Haiti and at the same time the protection of the interests of its creditors by means of a regulation of customs collections and their application, no agreement was reached between the Government of the United States and the Government of Haiti. However, under date of July 15, 1914, two weeks before the beginning of the World War, the American consul at Cape Haitien informed the department confidentially that he had learned from reliable source that the German minister at Port au Prince had telegraphed the German consul at Cape Haitien asking whether an American warship had landed its forces and taken possession of the customhouse.

On July 18, 1914, Mr. von Haniel, the chargé d'affaires of the Imperial German Government, spoke with the Third Assistant Secretary of State, Mr. Phillips, in relation to Haitian affairs, and on July 21 Mr. Phillips requested Mr. von Haniel to submit to him a written memorandum of the views of his Government which he had orally expressed. On July 25 Mr. von Haniel wrote to Mr. Phillips:

"MY DEAR MR. PHILLIPS: In reply to your favor of the 21st instant and with reference to our conversation of the 18th instant concerning the participation of the Imperial Government in a customs control in Haiti, in case such a control would be established by the American Government, I beg to say that my Government comprehends that the American Government, probably for reasons of interior politics, does not think it desirable, if the most interested European powers participate in an eventual customs control in Haiti, but the Imperial Government as well has to take into account the public opinion in their country. Considering our economical interests in Haiti and the part of the Banque Nationale, which is owned by Germans, people in Germany would not understand if my Government gave up their claim to participate in such a customs control. In the opinion of the Imperial Government therefore it will be the simplest solution if the status quo is maintained.

"I remain, my dear Mr. Phillips,

"Very sincerely yours, "E. v. HANIEL."

Shortly following the delivery of the note of the German chargé d'affaires war broke out between Germany and France, and the communication was not replied to until September 16, 1914, when the then Secretary of State, Mr. Bryan, wrote the following note to the German ambassador, Count von Bernstorff:

"MY DEAR MR. AMBASSADOR: Replying to the note of your Government's chargé dated July 25, 1914, regarding the matter of customs control in Haiti, I beg to say that the Government of the United States recognizes the large part which German merchants and German bankers have played in the development of the trade and enterprise of Haiti and wishes to make this correspondence the occasion for expressing the pleasure with which it witnesses the employment of German capital and the activity of German men of affairs in this hemisphere, but represents to the Government of his Imperial Majesty that German interests are not the only interests which have played a conspicuous and highly influential part in the development of the Haitian Republic and that the Government of the United States is well known to have taken for many years and without variation of policy and position that neither foreign influence nor interest proceeding from outside the American hemisphere could with the consent of the United States be so broadened or extended as to constitute a control, either wholly or in part, of the Government or administration of any independent American State.

"The Government of the United States can not depart from that policy and feels confident that the Government of his Imperial Majesty will not expect it to do so.

"Probably a participation of the Government of his Imperial Majesty in any method which might be agreed upon by which the Government of the Republic of Haiti should be assisted in the orderly, efficient, and economical administration of its customs revenues did not present itself to his Imperial Majesty's Government as a departure from the traditional policy of the Government of the United States when its note of July 25 was drafted. But this Government would regard such a participation as a very serious departure from that policy alike in principle and in practice. The Government of the United States regards it as one of the grave possibilities of certain sorts of concessions granted by governments in America to European financiers and contractors and of certain sorts of contracts entered into by those governments with European banking houses and financiers that the legitimate and natural course of enforcing claims might lead to measures which would imperil the political independence or, at least, the complete political autonomy of the American States involved, and might issue in results which the Government of the United States has always regarded it as its duty to guard against as the nearest friend and natural champion of those States whenever they should need a friend and champion.

"Whatever the Government of the United States might deem it friendly and wise to agree to with the Government of the

Republic of Haiti by way of assisting her to make good her obligations and escape the risks of default or disorder to her finances would be done without intending to serve the interest of any citizen of the United States in preference to the interest of the citizens or government of any other country. It would be planned for the benefit of all concerned and upon a basis of absolute neutrality. This Government does not regard its insistence upon an exclusive privilege in matters of this kind, therefore, as a course not dictated by selfishness, but, on the contrary, as a course clearly dictated by a desire for peace and the exclusion of all occasion of unfriendliness with any nation of the other hemisphere. It is willing to give any pledges of disinterest and impartiality that may reasonably suggest themselves, but thinks that its best pledge is the course which it has, in fact, invariably pursued in matters and in circumstances of this kind. Its declared purpose in this case, should the Republic of Haiti desire a convention with regard to the administration of her customs revenues, would, as always, be made frankly and without reservation of any kind, and this it would deem the best evidence of its friendship and respect for the Government of Germany and the rights of German citizens wherever American influence may touch them. This is the way of peace and of mutual accommodation.

"Accept, Excellency, the renewed assurances of my highest consideration.

"W. J. BRYAN."

On the eve of the declaration of war between Germany and Russia the U. S. S. *Connecticut* and the German cruiser *Karlsrhue* were both in the harbor of Port au Prince. On July 31, 1914, the *Karlsrhue* changed her position in order to screen the movements of her crew, and a number of boatloads of German sailors with small arms and machine guns left the *Karlsrhue* and proceeded to the wharf, where they landed. When halfway down the wharf the Germans turned about, returned to their boats, and went back to their ship. This mysterious action took place at dusk. Shortly afterwards the captain of the *Karlsrhue* came aboard the *Connecticut* and told the captain he had received orders to proceed to St. Thomas for coal and asked the captain of the *Connecticut* to protect German interests while he was gone. The *Karlsrhue* then steamed out of the harbor to begin her commerce-destroying cruise. Shortly afterwards the captain of the *Connecticut* was informed by wireless that war between Russia and Germany had been declared.

There is reason to believe that the German landing party was turned back on the wharf by the German minister to Haiti pursuant to cabled orders for the *Karlsrhue* to leave Port au Prince at once. Thus the local situation was, by the outbreak of war, relieved of a conflict of interests, which might have caused serious embarrassment.

In the month of July, 1914, the Secretary of State sent a draft of a proposed agreement between the Government of the United States and the Government of Haiti to the American minister at Port au Prince. This agreement, which was modeled after the treaty entered into between the United States and the Dominican Republic during the administration of President Roosevelt, embodied the following provisions:

The appointment of a general receiver of customs and his assistants by the President of the United States; the payment of customs duties to the general receiver, and granting him all protection in the performance of his duties; the appointment of the financial adviser to the Government of Haiti; the application of all sums collected to the payment of interest and sinking fund of the public debt of Haiti; that the Republic of Haiti would not increase its public debt, except by previous agreement with the United States; that the United States should have authority to prevent any and all interferences with the receipt, collection, or free course of the customs, or with the free exercise of powers imposed upon the receivership.

However, a short time after the receipt of the proposed agreement by the minister a revolution broke out against the government of President Zamor, which, as usual in Haiti, started at Cape Haitien in the north and proceeded to Port au Prince via the town of St. Mark. It is interesting to observe in connection with the history of revolutions in Haiti that they have uniformly been conceived in or about Cape Haitien and have proceeded along practically the same roads in the direction of the capital, namely, by way of the strategic town of St. Mark. It has been the established belief of most Americans who have been in Haiti, and of American officials who have been cognizant of Haitian affairs during the past decade, that the majority of these revolutions have been financed in the north of Haiti by German merchants, who could expect sufficient financial advantages from the success of the revolution to warrant the initial outlay.

The revolution against the Zamor government was successful, and Davilmar Theodore proclaimed himself President of Haiti. The Government of the United States withheld its recognition of Theodore as president of Haiti pending an investigation of his activities and the incidents in connection with his seizure of the sovereign power. Before any definite policy in this connection was determined a revolution against the Theodore government was started in the usual manner and culminated in the overthrow of Davilmar Theodore and the assumption of the presidency by Guillaume Sam. The United States, consistent with its policy in regard to the recognition of revolutionary governments, refused to recognize the government of Sam, and not long after Sam had installed himself in the presidential palace another revolution, headed by one Doctor Bobo, broke out in the north. The resulting conditions alarmed the French minister, and in June, 1915, a French cruiser occupied Cape Haitien with a landing party, as has already been stated. Before the revolutionary forces had actually reached Port au Prince the massacre of political prisoners above referred to had taken place and Sam had been butchered.

During the terms of office of these Presidents various attempts were made on the part of the Government of the United States through special missions and through the minister in Port au Prince to obtain from these provisional governments an agreement as to the entrance into some form of convention between the United States and Haiti. The essential provisions of these conventions were, like the Dominican treaty, the guarantee by the United States of Haitian independence and of the stability of the Haitian Government, and the privilege of the United States minister to advise the Haitian Government in its selection of Haitian citizens as officials of the Haitian customs service, as the customs revenue was a prize which attracted revolutionists and their financial supporters.

On account of the state of the country during this period, in which violence and anarchy were rife, the overtures made by the United States, solely out of a sincere desire to aid the Haitian people to establish an orderly and law-enforcing Government, which would restore stable political and economic conditions in the island, were fruitless.

Admiral Caperton, of the United States Navy, who had arrived with his flagship in Port au Prince on the day of the assassination of Sam, landed a naval force of the United States and assumed military control of Port au Prince on July 30, 1915. The admiral and the American chargé immediately took steps to cooperate with the Haitian committee of safety for the protection of life and property in the city and adjacent country.

Various aspirants for election by the Assembly of Haiti for President presented themselves, among whom the most notable were Dr. Bobo and Senator Dartiguenave. The American representatives, under direction of the Government of the United States, discussed with these candidates and with members of the Haitian Congress the conditions upon which the United States would recognize a government in Haiti. These conditions were as follows:

"First. Let Congress understand that the Government of the United States intends to uphold it, but that it can not recognize action which does not establish in charge of Haitian affairs those whose abilities and dispositions give assurances of putting an end to factional disorder.

"Second. In order that no misunderstanding can possibly occur after election, it should be made perfectly clear to candidates, as soon as possible and in advance of their election, that the United States expects to be intrusted with the practical control of the customs and such financial control over the affairs of the Republic of Haiti as the United States may deem necessary for efficient administration.

"The Government of the United States considers it its duty to support a constitutional government. It means to assist in the establishment of such a government and to support it as long as necessity may require. It has no design upon the political or territorial integrity of Haiti. On the contrary, what has been done, as well as what will be done, is conceived in an effort to aid the people of Haiti in establishing a stable government and maintaining domestic peace throughout the Republic."

Congress elected Senator Dartiguenave President on August 12.

On August 14 the Department of State dispatched to the legation at Port au Prince instructions embodying the terms of a treaty to be negotiated, if possible, with the Government of Haiti.

On August 17 the chargé d'affaires of the United States, complying with the instructions received from the department, submitted to President Dartiguenave a draft of the proposed

treaty. Negotiations with President Dartiguenave then proceeded. The President expressed his approval of the terms of the treaty, but for a month was unable to secure agreement on the part of his cabinet.

On September 15 the chargé d'affaires at Port au Prince reported to the department by telegraph that the Haitian Government had forwarded to the legation a copy of a formal protest addressed to it by the German minister, in which he stated that the American occupation and management of customs would be prejudicial to German interests. To this telegram the department replied that it would seem desirable that the Haitian Government should reply to the German minister to the effect that legitimate German interests would be accorded the same equitable and impartial treatment as would be given to all foreigners and foreign interests in Haiti.

On September 16 the treaty was signed, and on February 28, 1916, it was ratified by the Senate of the United States without a dissenting vote and without an amendment being offered. The principal provisions of this treaty were the guaranteeing of the independence of Haiti, the establishment of a native gendarmerie, the appointment of an American financial adviser, and the administration of the customs service by Americans.

It is especially to be noted in connection with those provisions of the treaty that the Government of the United States, although it had received a proposal from Haiti to cede to the United States outright without restriction, Mole St. Nicholas, declined to insert such a provision in the treaty and insisted upon the inclusion in the treaty of an article expressly embodying the idea that no Haitian territory was to be ceded to it.

On September 17 President Dartiguenave's Government was accorded recognition by the United States.

The situation which confronted the representatives of the American civil and military forces in Haiti, after the revolution and prior to the recognition of the Dartiguenave Government was briefly as follows:

The customhouses throughout the country had been disorganized by an order of the preceding Government, which directed the deposit of funds with private firms instead of with the Banque Nationale, the legal depositary, and also by the threatened seizure of the customhouses by armed insurrectionary groups. The government of President Dartiguenave had not funds available to pay the small number of troops under its orders, and these dissatisfied troops were becoming a menace to peace and order. The inhabitants of towns in which customhouses were situated were deprived of their food supply by hostile armed bands which infested the highways, and even the water system of Cape Haitian was cut by these brigands. Commerce was paralyzed and the city populations were starving, for the authority of the Dartiguenave government did not extend far beyond the outskirts of Port au Prince.

On August 19, in view of the serious conditions existing, which had been reported to the Government at Washington, Admiral Caperton received instructions to administer the customhouses so that the proceeds therefrom might be used temporarily to provide sustenance for the starving natives by paying them for labor on public works, to establish a gendarmerie to aid the Dartiguenave government in the pacification of the country, and also to prevent the diversion of the public funds of the Haitian Government into the pockets of unscrupulous persons.

The customhouses were taken over between August 20 and September 2, as rapidly as the American squadron commander could place in charge of them American officers as administrators, and could furnish them adequate protection. The customhouse at Port au Prince was the last to be taken over on September 2. On September 3 the prevailing conditions of anarchy called for the proclamation of martial law. Thereafter, until the treaty was ratified by both countries, the customs were administered by the naval forces of the United States. After ratification the customhouses were taken over by the receiver general, a treaty official.

In October, 1915, attacks were made on parties of United States marines near Cape Haitien, and thereafter a sharp campaign was carried on against the lawless bands operating in the Republic, which resulted in the restoration of order throughout the country. Many hundreds of the outlaws surrendered their arms, receiving a small sum for each rifle, and those who did not surrender were dispersed. With the restoration of order and the coming into effect of the treaty, this period of the American occupation came to a close.

As may be concluded from the foregoing review of the circumstances leading up to the establishment of treaty relations between the United States and Haiti, the Government of the United States was animated by two dominating ideas:

1. To terminate the appalling conditions of anarchy, savagery, and oppression which had been prevalent in Haiti for decades, and to undertake the establishment of domestic peace in the Republic in order that the great bulk of the population, who had been downtrodden by dictators and the innocent victims of repeated revolutions, should enjoy a prosperity and an economic and industrial development to which every people of an American nation are entitled.

2. A desire to forestall any attempt by a foreign power to obtain a foothold on the territory of an American nation which, if a seizure of customs control by such a power had occurred, or if a grant of a coaling station or naval base had been obtained, would have most certainly been a menace to the peace of the Western Hemisphere, and in flagrant defiance of the Monroe Doctrine.

Very sincerely yours,

ROBERT LANSING.

CONTINUANCE OF GOVERNMENT PUBLICATIONS—CONFERENCE REPORT.

Mr. MOSES. I submit the conference report on Senate Joint Resolution 132, and ask unanimous consent for its immediate consideration.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2 and to the title of the bill, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following: "That hereafter the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary in the transaction of the public business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for such public business, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but the printing of such additional copies required for sale by the Superintendent of Documents shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government"; and the House agree to the same.

GEO. H. MOSES,
ARTHUR CAPPER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
EDGAR R. KIESS,
ALBERT JOHNSON,
W. F. STEVENSON,
Managers on the part of the House.

Mr. KING. Mr. President, may I inquire of the Senator from New Hampshire the effect of the report as finally agreed upon?

Mr. MOSES. The effect of the report as finally agreed upon is to diminish the number of Government publications by more than 200 and to effect a saving in public printing of something like $2,000,000 a year and to restrict the avenues within which periodicals may be published by Government authority.

Mr. KING. Some time ago the subject was under consideration, and the senior Senator from Utah [Mr. SMOOT] outlined what I regarded at that time as a very admirable plan. Does this plan approximate that one?

Mr. MOSES. This plan, with some modifications, is the plan suggested by the senior Senator from Utah; and in connection with the general subject, I should like to say that the whole movement was initiated by the senior Senator from Utah at the

time he was chairman of the Joint Committee on Printing, and has been carried forward along the lines which he then indicated.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House still further insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON were appointed managers on the part of the House at the further conference.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

The message further announced that the House agreed to the amendment of the Senate to the bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 132) to provide for the continuance of certain Government publications.

ADDRESS BY EX-GOVERNOR HASKELL, OF OKLAHOMA.

Mr. STANLEY. Mr. President, the Morning Telegraph of Sunday, April 30, carries an address by ex-Governor Haskell, of Oklahoma. It is a clarion call that should be heard and heeded by every lover of liberty. It is an earnest, eloquent, and unanswerable protest against the centralization of Government and the invasion of the constitutional rights of the citizen. The plea of a seasoned statesman—whose theories have been tried in the practical school—of a successful business experience, for a return to the true and tried principles, the honesty and economy of the fathers, in the conduct of national affairs. I ask permission to incorporate in the RECORD this brief and superb address in the same type in which my remarks are printed.

There being no objection, the address was ordered to be printed in 8-point type in the Record, as follows:

HASKELL URGES LIBERTY, HOME RULE, AND ECONOMY—OKLAHOMA'S FIRST GOVERNOR, AT WESTERNERS' RECEPTION, DEMANDS END OF GOVERNMENT EXTRAVAGANCE AND INVASION OF PRIVATE CITIZENS' RIGHTS.

At the Oklahoma Society reception at the Hotel McAlpin last night, Charles N. Haskell, that State's first governor and one of the men who played such a large part in shaping the former Indian and Oklahoma Territories into Statehood, was the chief guest of honor.

After several "stunts" typifying the early days of the State, former Congressman Scott Ferris introduced Mr. Haskell, who thrilled the audience of more than a thousand former Oklahomans and their guests by the good, sound sense of his words, not alone in recounting what has made Oklahoma take such a high rank in the constellation of States in so few years, but in pointing out what might be accomplished if the National Government would only release its grip upon the business of governing the people.

Particularly instructive were his words on the need of retrenchment in the expenditures by all branches of government, whether city, county, State, or National, and on the invasion of the rights of the private citizen by the great number of investigating bureaus that have been foisted upon the public service within the last few years. His auditors went away more convinced than ever that the habitat of Mr. Haskell is not alone Oklahoma or New York, but the whole United States. He said:

"Near 90 years have passed since the sages in our American Congress met and solved the question as to the immediate future of the Five Civilized Tribes of American Indians. Then the Cherokees, Creeks, Choctaws, Chickasaws, and the Seminoles inhabited their various reservations in the Southeastern States, adhering to their choice of community ownership and community mode of life. These had become objectionable to the surrounding white settlers, and demand was made upon Congress to negotiate with the Five Civilized Tribes to the end that these reservations might be obtained for settlement by white people and by communities in harmony with the white man's idea of land ownership and government.

SECTION ONCE CALLED REMOTE.

"Looking about to effect a new treaty with the Five Civilized Tribes, Congress looked to the uninhabited region of the extreme Southwest. Then the Red River was the border line between the Empire of Mexico and our own Republic. Then the Empire of Mexico extended northward almost to the mouth of the Columbia River and our own Pacific coast line was little more than 500 miles in extent. The present State of Kansas and all States to the north and west thereof did not exist, and their areas were but the home of the wild Indian and the wild coyote. Denver, Kansas City, Omaha, St. Paul, and numerous other now prosperous cities were unknown to the map of our country. The area from southwest Missouri and western Arkansas to the Mexican boundary line was practically uninhabited except for roving bands of wild Indians. And in view of the present populous, refined, and developed condition of that area to-day it may be remarkable and hardly complimentary to the foresight of the sages of 1833 when we find the most notable statesmen of our American Congress approving the contemplated adjustment of territorial difficulties with the Five Civilized Tribes, wherein they say, 'This area is so remote from the habitation of civilized people that in giving it over to the Five Civilized Tribes it will remove them so far away as to avoid any controversies in the future between them and any white neighbors.'

"Thus it was done, and the great Indian Territory, covering approximately 70,000 square miles, for the purpose of both home creation and governmental policy, was ceded to the Five Civilized Tribes. They became its inhabitants, established their homes, established their government, and during the succeeding fifty-odd years made such progress in education, in religious endeavor, in home building, and local government as to do credit to the people of any country.

BEGINNING OF CIVILIZATION.

"But this was the beginning of civilization in this area, and by 1889 the prophecies of congressional sages before quoted had been most emphatically refuted. Contrary to that prophecy, in little more than 50 years that area became completely surrounded by well-organized, prosperous and populous States. The Empire of Mexico had been compelled to withdraw its border lines, leaving room for the empire of Texas on the south, and this extended the United States direct to the Pacific, whereon our coast line had been extended more than 1,000 miles. And again Congress was confronting the old controversy; that is, shall there exist in this country a government within a government and civilized but noncitizen people of such distinct difference as to make harmony of action impossible? The Five Civilized Tribes removed from the South Atlantic States to this new country still maintained their community policies, community ownership of lands and distinct form of government. The end of this condition was in sight. Our country had no more remote and uninhabited areas to offer in exchange. Dismembering these independent governments, shaping the policies of their people to harmonize with the general policies of the United States, first the sparsely settled areas of the western part of Indian Territory were acquired from the Five Civilized Tribes by Congress and opened to settlement. The Territory of Oklahoma was formed and these lands released to the Government by the Five Civilized Tribes were made subject to settlement.

"This may be termed the beginning of the creation of a new Commonwealth and affording opportunity for home building by people of our country.

THE DAY OF AWAKENING.

"This brings us to the beautiful April morning 33 years ago when the Great Creator may be said to have finished his part of the work and presented it to humanity as man's opportunity to enjoy and develop God's bountiful blessings. This was the day of transformation. The sun rising in all its glory, lighting the way over boundless prairie made beautiful by the verdure of spring. Countless seasons had come and gone likened to this with the waving grass and flowers bloom-kissed by the morning sun, an invitation to the hand of industry and the ambition of all who would build for themselves, their children, and their children's children habitations of comfort and happiness. But it was reserved for this particular spring morning to announce that the moment had arrived when God's benevolence should become man's opportunity. Thousands were in line waiting; the signal was given, and from that moment to this we must account for our own stewardship.

"Until 1907 the dismembered Indian Territory continued a separate governmental existence, the western area as organized

Oklahoma Territory and the eastern area remained as the home of the governments and the people of the Five Civilized Tribes.

"Then, November 16, 1907, the final elimination of the governments and policies of the Five Civilized Tribes. They then became citizens of the United States and their areas became a part of the United States, subject to our uniform plan of government. The two Territories were united and the proclamation of the President proclaimed the forty-sixth State of the American Union, the State of Oklahoma—the 'baby State,' so called, for all last-admitted States are baby States. But Oklahoma came into the American Union as a State without a precedent. By special Federal census of that time the new State showed a population of 1,411,000 people, more than four times the population of any other new State ever coming from territorial government to Statehood, and although forty-sixth in number that morning it ranked as the twenty-third State in population; the seventeenth State, according to Federal statistics, in wealth production; the ninth State in railroad mileage operated within its borders; the fifth State in cotton production; the eighth State in wheat and corn production; the second State in oil production.

SOME OF THE PROBLEMS.

"With this important standing in population and commerce the new State of Oklahoma was embarrassed from the fact that all of the Indian Territory area was without municipal, county, or district organization, and with the advent of the new State there was also the advent of 45 new counties whose organization began with the organization of State government. With the immense population and the immense property interests there was corresponding immensity of controversy by strong interests all seeking to get the best of constitutional provision and governmental policy. There was the usual demand for education and eleemosynary institutions, but in the face of all of those conditions the new State was blessed with a population the overwhelming majority of whom were for the welfare of Oklahoma first and above all other considerations. For one, I remember with deep gratitude and sincere affection that love for their new State made our people patriots before they were partisans, and by this harmony of action and almost universal cooperation the strenuous work of State organization was made easy and results were produced at such an economic cost as to stand almost without precedent on any hand.

"But government, we are reminded by past observations, will be what the people make it, and we must be mindful of the fact that domestic comfort and domestic happiness are based largely upon the results of government. If our Government is oppressive you can easily count the days when individual and family life will become but a sullen, dissatisfied, and disorganized condition. We hope to see Oklahoma become from year to year a State of great consequence, great prosperity, and great happiness.

STATES ONE COMMUNITY.

"But States of this Union can not pursue distinctly different policies nor enjoy distinctly different results. There is that community of interest among all our States that makes harmony of action indispensable. One can not long enjoy comfort and happiness when other States are denied these blessings. But while we thank the Great Creator for the opportunities by Him provided to make this, the so-called land of liberty and home of the free, at the same time the home of plenty and the home of happiness, from that point we must take upon ourselves the responsibility for government that will avail our people of these opportunities. We do not need to look into the future for plans of government or diagrams of policy. The teachings of our noted and revered men of the past are a sufficient guide for the present if we are mindful of what they have said. If this land of ours is, in fact, to be longer styled the Land of Liberty, let us realize that a minimum of centralized government and a maximum of local self-government must be the basis. We must realize that individual respect for the laws and governmental policies of our country is absolutely essential to the development of individual patriotic sentiment and love of country in the minds and the hearts of our people. That happiness can not abide in any land where tax oppressions so deplete the home production as to deprive that home of reasonable provision for comfortable maintenance. With these three propositions before every citizen of our United States we may as well calmly and intelligently analyze our present policies and conditions and the results thereof.

"Of the invasion of individual rights and the sacred privilege of local self-government President Washington warned us: 'For this, though it may in one instance be the extreme of good, is the original weapon by which free governments are destroyed.'

SURRENDER TO THEORISTS.

"Quoting our Abraham Lincoln, he said: 'To maintain inviolate the right of the States to order and control under the Constitution their own affairs by their own judgment exclusively, such maintenance is essential for the preservation of the balance of power on which our institutions rest.'

"Fellow citizens, do we realize that in recent years by our own voluntary vote and act we have so completely surrendered the affairs of government into the hands of the theorist and the dreamer, whose good intentions have not been blessed by the guiding hand of practical experience; that such declarations of patriotic and unselfish leaders as Washington and Lincoln have been forgotten and their policies so completely subordinated that our so-called glorious land of liberty is but a dream of years ago; that the terms 'inherent right of the citizen,' 'individual privilege of the citizen,' 'local self-government by the local people,' are things of yesterday not countenanced nor enjoyed to-day? That legislative activity has completely eliminated the sacred, inherent right of the individual, and centralized government completely restricts and overwhelms local self-government?

"For a time the judiciary of our country was the bulwark of defense against these invasions. And let us not be blind to the fact that to-day the judiciary is constantly yielding its solemn privileges and duty to legislative invasion, and the rights of the individuals and the community that were sacred yesterday are forgotten and denied to-day. And this restrictive policy brings with it attendant extravagance in government and evil in administration.

42,000 SPIES IN UNITED STATES PAY.

"Less than a quarter of a century ago, in the greater enjoyment of individual rights and local self-government, our Federal authorities found it necessary to have upon the pay roll of the Federal Government fewer than 200 sleuths and special agents and inspectors to aid in the enforcement of Federal laws. Will any one defend the policy of the Federal Government which to-day employs more that 42,000 inspectors, sleuths, and inquisitorial agents to dog the footsteps of him who should be, in the exercise of his constitutional rights, enjoying the hitherto dignity and freedom of an honest American citizen? Such policy is an invasion of the inherent rights of the American citizen, of the rights of the local people to self-government, and of the rights of the country to limit its taxation to public necessity.

"We regret that limited time on this occasion does not permit us to go into greater detail. We are but adding our voice to the note of warning that others are sounding throughout the land. In the exercise of individual business sense no argument is required to sustain the assertion that prosperity and comfort can not result from the reckless expending of $2 where but $1 is earned. Apply this, if you like, to private life or to public affairs and the rule is equally true. Yet our country has blindly and recklessly bowled along until $8,000,000,000 will not meet the demands that taxing authorities will make in the year 1922 on the wealth-producing class of our country. From the district up to the State authorities, inclusive, approximately one-half this enormous expenditure will be required. The Federal authorities will exact as much more, and it matters not by what ingenious device this sum may be levied—whether by direct taxation or other demand, it matters not—it must all come from the producing element of our people. Against this enormous demand the entire crop products of the United States, which in fact is our great wealth-producing resource, will not provide this amount; indeed, we would find a deficiency of more than $1,000,000,000.

AN ORGY OF EXTRAVAGANCE.

"What brought about this wild orgy of extravagance? Let us not be partisans when the needs of our country call for patriots. All political parties that have participated in the affairs of government for the last 30 years have their own share in the responsibility for this unfortunate condition. We recall the occasional warning by those who had the courage to cry out against the pork-barrel policy of legislative conduct; that is, the assembling of votes to enact legislative propositions, whether in the State legislature or the Federal Congress, wherein mutual aid was the result of mutual voting.

"Unmindful of the sacred right of the taxpayer to have the demands for revenue limited to actual necessity, the pork-barrel policy aimed to build personal popularity and perpetual tenure of office for those participating therein. But the milk has been spilt. All political parties have their share in the disastrous results, and all political parties owe it to the sacred rights of our people and the future glory of our country to right these wrongs and return to a policy of economic govern-

ment so well within the earning capacity of our people that mortgages will not be the only possible opportunity for prosperity. Indeed, it is a condition and not a theory that confronts us.

"But the other day I heard a substantial, honorable citizen speak of recent service as a grand juror, saying: 'We, the grand jury, decided as a policy not to indict those charged with violation of certain of our sumptuary Federal laws, excepting only those charged with a certain class of offenses.'

"Fellow citizens, do you realize the meaning of this statement? Simply this: The grand jury, feeling the extreme impropriety of the law enacted by Congress, has taken it unto themselves to be the lawmaker as well as the law enforcer.

A DANGER TO THE REPUBLIC.

"There is the most imminent danger in the enactment of laws, whether they be to restrict individual conduct and limit inherent rights or whether they be to bankrupt the taxpayer by exacting more revenue than he can earn or whether they be to collect these revenues by such extravagantly expensive and inquisitorial methods—they all make for a condition of the public mind destructive of love for country. Their only product can be a general disrespect for law destructive of patriotic sentiment. Nor should we deceive ourselves nor lull to sleep the thoughtful and conscientious citizens who too in time will join in general condemnation of the policy to centralize government, disregard inherent rights of individuals, and bankrupt our country. And the day is not in the dim distance when popular clamor will demand these essential reforms.

"These evils exist. Why delay return to the policies of government contemplated by our Constitution and to economic government that recognizes that home building and home furnishing is a more sacred demand upon the fruits of industry than unwarranted extravagance in the government of the district, State, or Nation?

"But these reforms are not automatic. They may not be realized without popular demand. Nor may we depend upon those who have brought about these conditions to effect these reforms for us. I appeal to every citizen in the State of Oklahoma, as well as to those who are sojourning in this distant city, to disregard every selfish political sentiment and unite their efforts in solid phalanx and with unwavering determination to effectuate a complete return to the just recognition of inherent rights of the individual and complete return to local self-government, wherein the community may express its wishes for local administration as distinctly, if desired, in the different localities as the climate of Florida may be distinct from the climate of Minnesota. Recognizing that the will of the governed should not be overcome by majorities entertaining different views, but inhabiting vastly different localities with different needs and different desires; recalling the language of Senator Sherman, of Ohio, when he said, on the subject of specie payment. 'The way to resume is to resume.' And I say with like determination, in the wild governmental extravagances, that the way to retrench, by the eternals, is to retrench, and begin retrenching the instant you find retrenchment necessary to the comfort, yea, to the life and living, now apparent throughout the land.

WOULD LIMIT EXPENDITURES.

"Our official agencies having the power to disburse public funds and declare appropriations to that end have no more right than the weakest citizen to incur obligations that are beyond the earning power of our people to pay. Limits must be fixed beyond which appropriations shall not pass, and when these principles on the three subjects heretofore outlined have been established and recognition enforced you may then expect to hear with fervor and the deepest reverence again being proclaimed throughout our land:

"This is the land of the free, the cradle of liberty, where individual rights are respected—government of the people and by the people recognized in every separate State of the Union—and where he who toils may surely and safely expect to reserve for himself and his family for their comfort and happiness a fair share of the fruits of his industry."

The speaker's references to retrenchments and reforms were heartily applauded throughout his address.

GOOD ROADS.

Mr. PITTMAN. Mr. President, there is now pending before the Committee on Post Offices and Post Roads a bill which I think is one of the steps—whether intentional or unintentional—in the destruction of the efficacy of the Federal highway act as far as the building of primary or interstate roads is concerned. It is H. R. 11131, commonly known as the Dunn bill. I have received from my State a number of telegrams and letters with regard to this bill, and I want to have those letters and those telegrams referred to the Committee on Post Offices and Post Roads, so that they may have before them the arguments and facts stated in those communications with regard to the Dunn bill.

Under the Federal highways act of 1916 it was provided that the Federal Government's participation in the building of Federal highways in cooperation with the States should be limited to $20,000 per mile. That was considered necessary in 1916. It was placed at $20,000 per mile upon the theory that the States would place an equal amount of appropriation per mile against the money advanced by the Federal Government, making $40,000 per mile for the building of these Federal highways.

In the Dunn bill, which appropriates the necessary funds for carrying on these highways in the years 1922 and 1923, the limit which the Government may advance per mile for 1923——

Mr. TOWNSEND. Mr. President, may I interrupt the Senator to say that the Dunn bill makes no appropriation at all. It simply authorizes $65,000,000 for next year and $75,000,000 for the year after that. Our bill appropriates for this year, but their bill makes no appropriation.

Mr. PITTMAN. What I am getting at is this: This bill has passed the House, and it limits the amount of participation by the Federal Government to $12,500 per mile for the fiscal year 1922, ending in July, 1923, and $10,000 per mile for the fiscal year 1923, ending the 30th of June or the 1st of July, 1924. That means that the total provided for the building of roads will be $25,000 per mile for the fiscal year 1922, and $20,000 per mile for the fiscal year 1923. All of the information I have received is that that will be totally inadequate for the building of the primary roads.

Of course those who have taken a particular interest in this matter of road building understand that there are two kinds of roads anticipated in the Federal highways act—primary and secondary roads. The primary roads are interstate roads, or roads that are supposed to be national highways in the real sense of the word, because they are supposed to constitute a system of transstate roads that connect and make a whole system.

Those roads are built in accordance with the plan laid down by the Federal Highway Department. They must be at least 22 feet wide; they must have a certain kind of foundation; they must be surfaced in a certain way. They are substantial, permanent, national highways.

The experience of the Federal Highway Department and of the State departments of the States, through which these roads have been constructed, proves that these roads can not be constructed for less than $30,000 or $40,000 per mile. The secondary roads, or roads which connect with the State highways, may be built of less substantial material and be less expensive, because it is not anticipated that they will have the same amount of travel over them; but the Dunn bill does not attempt to limit the expenditure of the Government as to secondary roads solely, but limits it as to primary roads, these interstate national highways, as well; and it can not be done. It means that the whole plan of Congress in this legislation will fall.

There will be no incentive for a State to match, we will say, $12,500 against the Federal $12,500 in building a road from one side of the State to the other side, when the State highway commission and the Federal Highway Commission, for that matter, state that that $25,000 will not build the character of roads that should be built. The result is that the building will stop. The result is that the States will cease to cooperate. They will not put up their money; and remember that under the Federal highway act, after the road is once constructed, it must be forever maintained at the sole expense of the State. The State is not going to participate in building an unsubstantial road, because it will mean that it will have to rebuild that road every year, and the State is not going to do it.

The plan that the chairman of the Post Office Committee had of building Federal roads solely with Federal money would have been a far better proposition than this, because that would have resulted in building substantial national highways. The only objection to it was, as I remember, that the States complained that they would not have enough influence in the matter, not enough say with regard to it; but the Dunn bill can have only one purpose that I can see, and that is to result in the destruction of the Federal highways act.

I am satisfied that the committee of the House to which this bill was referred must have had the information in the possession of the Federal Highway Department of the Government. They must have had protests from the States similar to those that we are getting. It could not have been through ignorance that they imposed the limitation that I have read;

and therefore the bill can have but one purpose, and that is this:

This bill emanates from the thickly settled States of the East and the New England States, where, fortunately for them, they have their roads already built. They never have wanted this Federal highway legislation. They fought it when it came up in 1916. They are fighting it now. They could not defeat it directly, and now, by virtue of this Dunn bill, they are attempting to defeat it indirectly.

I do not know what the attitude of the Post Office Committee is. I assume that possibly they have not had time to take up this bill; but I have prepared certain proposed amendments which I am going to offer, and ask to have referred to the committee simply as suggestions. I hope that these amendments may suggest something that will enable us to pass the bill in proper form, because I doubt very much if we can defeat it; but that will come later. With the appropriation that the Post Office Committee has already made in the form of an amendment to the Post Office appropriation bill, and which is now pending in conference, the roads are taken care of. The Dunn bill is not necessary for the purpose of taking care of the roads. As the Senator from Michigan [Mr. TOWNSEND] stated, the Dunn bill is not an appropriation bill. It is a bill simply to limit the use of money that may be appropriated by Congress for those purposes.

I shall not take up any more of the time of the Senate. I have accomplished my purpose; and instead of taking the time to read these communications, which come from the State highway commission of my State, from the State engineer of the State, and from the road societies, I will ask unanimous consent that these communications, together with the amendments that I intend to propose, shall be printed in the RECORD and that the amendments and the communications shall go to the committee for the purpose I have stated.

The VICE PRESIDENT. Without objection, it is so ordered.

The proposed amendments are as follows:

Amendments intended to be proposed by Mr. PITTMAN to the bill (H. R. 11131) to authorize the appropriation of additional sums for Federal aid in the construction of rural post roads, and for other purposes:

On page 4, lines 8 to 16, inclusive, strike out the last proviso of section 5 and insert the following:

"*Provided further*, That the limitation of payments herein provided shall not apply to those public-land States containing unappropriated public lands exceeding 50 per cent of the total area of all the lands in the State."

On page 4, lines 8 to 16, inclusive, strike out the last proviso of section 5 and insert the following:

"*Provided further*, That the limitation of payments herein provided shall not apply to the 7 per cent of the total highway mileage of a State which shall be selected or designated as a system of highways as required in section 6 of an act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes,' approved November 9, 1921; and that the limitation of payments herein provided shall apply to other systems of highways which shall be selected or designated under said act except that said limitation is hereby increased in appropriation to the increased percentage of Federal aid authorized by section 11 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," ' approved November 9, 1921."

On page 4, lines 8 to 16, inclusive, strike out the last proviso of section 5, and insert the following:

"*Provided further*, That the limitation of payments herein provided shall not apply to the primary or interstate mileage of a State which shall be selected or designated as a system of highways, as required in section 6 of an act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes,' approved November 9, 1921; and that the limitation of payments herein provided shall apply to other systems of highways which shall be selected or designated under said act except that said limitation is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," ' approved November 9, 1921."

The communications referred to are as follows:

CARSON CITY, NEV., *April 15, 1922.*

S. S. ARENTZ, KEY PITTMAN, T. L. ODDIE,
Washington, D. C.:

In order that you may be advised of our position on House bill 11131, introduced April 3 by Chairman Dunn, of roads committee, which, in section 5, reduces Federal road participation to $12,500 per mile, and after June 30, 1923, to $10,000 per mile, will state that Nevada's Federal participation as a public-land State would be reduced by first $13,000 per mile and then by $17,400 per mile. The passage of this bill as now written would mean serious loss to this State for two reasons: First, reduced ratio per mile would prevent State from securing all Federal aid allotted due to lack of sufficient State and county funds; and, second, would prevent construction of any type of road except gravel or grading costing less than twenty to twenty-five thousand per mile. Will you please urge upon members of committee importance of Federal participation as at present? Please wire us present status of this bill. We are in favor of Senate amendment attached to post office bill. We would also suggest inclusion of an amendment providing $10,000,000 for improvement of roads wholly or partly within the national parks.

GEO. W. BORDEN.

STATE OF NEVADA, DEPARTMENT OF HIGHWAYS,
Carson City, Nev., April 18, 1922.

To highway departments of 10 Western States and Nebraska, North and South Dakota:

We desire to call your attention to a certain bill now pending in Congress making an entire change in the method of handling Federal aid, and to enlist your support in the defeat of same, providing you have not already taken such steps.

This bill, H. R. 11131, was introduced as the bill of the Roads Committee of the House by Chairman DUNN, of that committee, on April 3, 1922. In order that you may thoroughly familiarize yourself with the provisions of the bill, as compared to the present Federal aid law, approved November 9, 1921, I am inclosing herewith a complete copy of same.

Your attention is particularly called to sections 4 and 5, which, if enacted into law in their present form, will entirely upset the present procedure in the handling of Federal aid and will seriously handicap the work in the Western States. Section 4 contains a provision relating to failure to place under contract any approved project within one year after such approval, and no doubt will in your State, as it will in the State of Nevada, seriously hamper proposed work which can not be taken up in certain cases because of lack of local funds which must be allowed to accumulate over a period of two or three years in order to finance particular projects.

Section 5 reduces the limitation of Federal aid to $12,500 per mile, beginning with the fiscal year 1923, and to $10,000 per mile thereafter, and it also defines the term rural post roads, as used in section 2 of the original Federal aid act, which definition is entirely left out of the present Federal aid bill providing for the 7 per cent Federal aid highway system, so that if this bill is passed we will have this condition: First, a conflicting of definition of Federal aid roads, whether it shall be a rural post road or whether it shall be a 7 per cent system road; second, a limitation per mile which will prevent the construction in the poorer States, who are dependent largely on Federal aid, of anything except a lower type of road, such as gravel or grading only. The application of the graduated scale provision in section 5 will be the same as in the present bill and will raise the participation of the public-land States in the same proportion as under the present law, except that it will be based on the limitation of $25,000 per mile and $20,000 per mile, respectively.

The passage of the present Federal aid law was secured only after a very long and strenuous fight in Congress, and if the Dunn bill should now be passed it will place us back almost to where we began in 1916. We, for one, feel that the present law is a real forward step in national road legislation and we are going to use our utmost endeavors to defeat passage of the Dunn bill, and inasmuch as conditions in your State are more or less similar to the conditions in the State of Nevada, we are asking that you give us your heartiest support in this matter.

The status of the matter in Congress is at present as follows:

The Senate Committee on Post Offices and Post Roads attached a rider to the Post Office appropriation bill allotting $190,000,000 additional Federal aid for the 7 per cent system and $15,000,000 for national forest roads. This bill passed the Senate on March 20, passed the House at a later date, and is now in conference. The Dunn bill was introduced in the House on April 3 and is now No. 335 on Union Calendar and may come before the House any day. If passed by the House it goes to the Senate and will probably go then into conference. We believe the best interests of the Western States can be served by the Post Office bill and leaving the present Federal aid law untampered with for two or three years until the States can demonstrate what can be done under its provisions.

We would suggest that you take the matter up with the governor of your State and wire your Representatives and Senators in Washington at once, giving them your attitude on these bills, and lending your heartiest support to the defeat of the Dunn bill.

Please keep us advised of such action as you see fit to take.

Yours very truly,

GEO. W. BORDEN,
State Highway Engineer.

STATE OF IDAHO,
DEPARTMENT OF PUBLIC WORKS,
Boise, April 11, 1922.

Mr. GEORGE W. BORDEN,
State Highway Engineer, Carson City, Nev.

MY DEAR MR. BORDEN: I am just in receipt of a letter from W. C. Markham, legislative representative of the American Association of State Highway Officials, in which he states that section 2 of House bill 11131 provides $6,500,000 for the year 1924 for forest roads and trails. He also states that he had secured the wording in the Woodruff bill and in the Robinson bill by which this appropriation and appropriations made heretofore would be expended on roads through the forests and adjacent thereto, taking into consideration the roads of interstate and intercounty importance. This would simply mean to clarify the old law, but Congressman SUMMERS told the committee that he represented those who were conversant with the work and objected to the wording.

There is no question in my mind but what this is of great importance to your State, as you have the largest forest area of any of the Western States, and I thought possibly you might be able to get in touch with the proper people to take the matter up with your congressional delegation, especially Senator PHIPPS, who no doubt would have considerable influence with Congressman SUMMERS and other members of the House Roads Committee. It appears to me that this is of sufficient importance to warrant immediate action on our part, especially in view of the attitude taken by the forest department to define the policies pertaining to the forest highway funds made available by Senate bill 1072, and therefore any pressure which can be brought to bear upon Congressman SUMMERS should be started at once.

The portion of the present bill which I believe will be of vital interest to your State, probably more than the forest section, is section 5 of the act which provides that Federal participation after June 30, 1923, is not to exceed $12,500 per mile, exclusive of the cost of bridges of more than 20 feet clear span, provided further that the payments which the section shall make from sums appropriated under the provisions of this act or any act amendatory thereof after the fiscal year ending June 30, 1923, shall not exceed $10,000 per mile, exclusive of the cost of bridges of more than 20 feet of clear span. The same act also provides that the limitations of payments shall apply to public-land States

except that the same is hereby increased to the proportion of the increased percentage of Federal aid authorized by the last bill, Senate bill 1072. Apparently Congressman DUNN, who presented the present bill in the House, is under the impression that the cost per mile to the Federal Government should be reduced to $7,500 a mile, and, as I understand it, he took this matter up with the President on the theory that they were coming back to pre-war prices.

I do not believe Mr. DUNN realizes the importance to the Western States of Federal cooperation in the construction of our interstate highways, and that we should do everything possible to inform our congressional delegation as to the importance of the $20,000 per mile Federal cooperation, and that under no circumstances should this amount be reduced, especially in view of the standards which have been adopted by the bureau. Speaking for the State of Idaho, we will be unable to cooperate on Federal post aid roads to any material extent if we have to maintain the standards adopted by the bureau and only receive from $7,500 to $12,500 per mile cooperation.

Yours very truly,

D. P. OLSON, *Director of Highways.*

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[Western Union Telegram.]

CARSON CITY, NEV., *April 19, 1922.*

Hon. KEY PITTMAN,
United States Senator, Washington, D. C.:

Your wire 17th reference Dunn bill: Ninety per cent of Nevada Federal aid expenditures goes on trans-State, in fact transcontinental, roads. To improve these roads to standard being required by Government costs more per mile than proposed limitation, and additional cost is too great for this State to bear. This reduction will also prevent construction of anything except gravel and graded roads, and our experience of past four years demonstrates these types inadequate here, due to climatic conditions. We must build concrete, oiled macadam, or some type that can withstand long, dry seasons. We are not building short, expensive types, except where traffic warrants, and even these are parts of main transcontinental roads. State can not bear additional cost above Federal aid to build types of roads required should Dunn bill pass.

GEORGE W. BORDEN.

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[Western Union Telegram.]

CARSON CITY, NEV., *April 26, 1922.*

Hon. KEY PITTMAN,
United States Senator, Washington, D. C.:

Your wire 25th: Highways on the primary system in Nevada can not be constructed to standard required by the Federal Government for less than eighteen to thirty thousand per mile when gravel type; twenty to thirty-five thousand, of oiled macadam or similar types; and thirty-five to fifty thousand dollars per mile of concrete, the cost on each class varying with the surface width demanded. Government demands all primary highways shall be surfaced 18 feet and 24-foot grade; secondary highways width and type deemed advisable, which is usually beyond the costs warranted by present conditions. Maintenance burden on all these highways must be assumed by the State and our experience has shown maintenance costs on gravel highways run from five hundred to two thousand dollars per mile per year, due to dry climatic conditions. Construction of better type of highway in beginning results in lowered maintenance cost, and the economic life of the paved highway is three to ten times greater than the gravel type, which, under the very best maintenance, must be rebuilt within three to seven years. Our experience has proven the economic waste of gravel roads, and our policy now is to construct grade, provide proper drainage, and as finances will permit surface with more permanent types. Even grading and drainage under Government standards runs from ten to twenty thousand dollars per mile when minimum curvature and maximum gradient are held within requirements. Under present law Federal aid can be used only on 7 per cent system, except small sums left over from prior allotments. To except this system from the bill, we believe, would make unnecessary the passage of any bill. We suggest as final compromise amendment that the primary system be excepted from Dunn bill, which would make new limitations apply only to secondary system.

GEORGE W. BORDEN.

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VIRGINIA CITY, NEV., *April 26, 1922.*

Hon. KEY PITTMAN,
Senate Office Building, Washington, D. C.:

Borden wiring you to-day, answering yours 25th. We appreciate your efforts in interest all the West. If Dunn bill is passed with present limitation of Federal aid it will most seriously affect not only Nevada but all of the public-land States, and in our case at least make it impossible for us to meet the Federal aid. The appropriation made by the Post Office bill in the Senate is the legislation we would like to see passed finally, rather than the Dunn bill. Best wishes.

JAMES M. LEONARD,
Chairman Nevada State Highway Department.

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RENO CHAMBER OF COMMERCE,
Reno, Nev., April 28, 1922.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

DEAR SENATOR PITTMAN: At the last regular meeting of the board of directors of the Reno Chamber of Commerce, held Tuesday, April 25, the Dunn bill (H. R. 11131), which provides for reducing the maximum Federal participation in highway construction, was carefully considered. We have been informed of the very excellent work that you have performed in opposing this bill, but at the same time we are also anxious that you have our views in this matter. We therefore strongly urge you to strenuously oppose the Dunn bill.

With kindest regards, I am,

Most cordially yours,

CHAS. S. KNIGHT,
Managing Director.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. WALSH of Montana. Mr. President, certain amendments to the bill under consideration recommended by the Senate Committee on Finance, designated as sections 315, 316, and 317, propose to commit to the President of the United States extraordinary powers in consequence of the exercise of which the duties to which imports would otherwise become subject would undergo most material modification. I offer for the RECORD, as an appendix to my remarks, a copy of the amendments in question, which I venture to summarize as follows:

1. The President is authorized to increase or to decrease the duties fixed by the act to such an extent as will, as shown by investigation he is authorized to make, "equalize the differences in competition in trade in the markets of the United States" as between domestic and foreign products, on finding upon such investigation that the duties so fixed by the act do not attain that result; or he may, finding that such duties are so ineffectual to the same end, change the "classifications or forms of duty" provided by the act, no change in the rate either up or down to exceed 50 per cent.

2. He may substitute the American valuation plan, provided for in the bill as it came from the House, for the foreign valuation plan indorsed by the Senate committee as to any class or kind of merchandise upon finding that "an industry in the United States is being or is likely to be materially injured" by importations, and that the foreign valuation plan "is not a certain basis for the assessment of the particular duties" applicable to such merchandise, the same, on the valuation so determined, to bear an ad valorem rate, found to be shown by the "difference in conditions of competition of trade in the markets of the United States" to be necessary to "equalize" such differences, such rate not to vary either way more than 50 per cent from that fixed by the act.

3. He may continue in force the embargo on coal-tar products, imposed by the dye and chemical act of 1921, on finding that the rates provided for in the act or imposed under the authority given to the President as above recited do not "equalize" the "differences in competition in trade in the markets of the United States" as to any article subject to the provisions of the embargo act.

4. He is authorized to inquire into unfair methods of competition and unfair acts on the part of any owner, importer, consignee, or agent of either, in respect to either the importation of any merchandise or the sale of such as is imported, "the effect or tendency of which is to destroy or substantially injure an industry or to restrain or monopolize trade and commerce in the United States," utilizing for such inquiry any existing agency of Government, and finding such method to exist, or acts to have been committed, to impose such an additional duty, not to exceed 50 per cent of that fixed by the bill, as will "offset such methods or acts," or, "in extreme cases," he may direct that "as he shall deem the best interests of the United States shall require" such merchandise "shall be excluded from entry," such direction to have the force of law.

5. The methods and acts referred to being denounced as unlawful, "whenever the President shall find as a fact that any merchandise is offered or sought to be offered for entry into the United States in violation of this section, but has not sufficient evidence to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof" until such investigation as the President may deem necessary shall be completed. (Note that the power here conferred may be exercised when the President "finds" the condition to exist, but has not information sufficient to "satisfy" him of the fact.)

6. He may impose additional duties, not exceeding 50 per cent ad valorem, on merchandise imported from any country which, with respect to the disposition in or transportation through or reexportation from such country, imposes upon merchandise, being the product of the United States, any charge or burden, or subjects it to any restriction not equally borne by the products of any other country foreign to the offending country, or which places the United States at a disadvantage compared with the commerce of any foreign country, the amount of such additional duties being such as shall be determined by him "to be equivalent to such burdens."

7. If a foreign country, after any such additional duties shall have been proclaimed by the President, shall maintain or increase its discrimination against the commerce of the United States, he may, if he deems it consistent with the interests of the United States, proclaim an embargo against importations from such country into the United States.

8. Any such increase of duties or embargo shall extend to the whole of any foreign country or to a part thereof

only as the President shall deem "the public interests require."

9. He may impose new or additional duties upon merchandise imported from any country which unduly or unfairly discriminates against the United States through any export duty or bounty, on production or exportation, or rebate of duties or other preferential allowance, such duties to be in an amount equivalent to the burdens ensuing from such discrimination.

It will occur to anyone conversant with our system of government, and the limitations imposed by the Constitution upon the different branches thereof, that the validity of legislation such as that proposed is, to say the least, open to grave doubt.

Mr. POMERENE. May I offer a suggestion there?

Mr. WALSH of Montana. Certainly.

Mr. POMERENE. The changes which are authorized to be made by the President can continue just as long as he sees fit to continue them.

Mr. WALSH of Montana. So the bill provides. The majority of the committee from which the proposals come evidently believed that misgivings would be aroused concerning them, which they endeavored to allay by the following brief paragraph in their report, namely:

> These elastic tariff provisions are regarded by the committee as undoubtedly constitutional. (Field *v.* Clark, 143 U. S. 649.)

It will be shown presently that Field *v.* Clark affords no justification whatever for the departure proposed; in fact, that if the argument of the opinion in that case is to be followed the provisions under review must be unhesitatingly condemned as violative of the Constitution.

I am not unmindful of the futility of argument in this body founded upon the limitations imposed by our fundamental law, of which recent events have afforded some added evidence, nor of the indifference with which the contention of those opposed on other grounds to legislation before the Congress, that it is unconstitutional, is regarded. Nevertheless, the obligation rests upon every Senator to reconcile his vote if he can with the oath he has taken to uphold the Constitution, and, accordingly, upon a Member whose studies have impelled him to the belief that any pending measure is violative of it to make clear the reasons which have influenced the conclusion at which he has arrived.

The Constitution in express terms vests all legislative power granted by it in Congress. (Art. I, sec. 1.) Specifically it grants to Congress power to lay and collect taxes, duties, imposts and excises, and to regulate commerce with foreign nations. These powers, by repeated adjudications and according to the views of all commentators, are exclusive. They can not be delegated. The rule is expressed by Cooley in the following vigorous paragraph:

> One of the settled maxims in constitutional law is, that the power conferred upon the legislature to make laws can not be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the Constitution itself is changed. The power to whose judgment, wisdom, and patriotism this high prerogative has been intrusted can not relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide this sovereign trust. (Constitutional Limitations, 163.)

The principle is older than American constitutional law and not peculiar to our institutions, having been announced by Locke in his work on Civil Government thus:

> The legislature neither must nor can transfer the power of making laws to anybody else, or place it anywhere but where the people have. (Locke on Civil Government, sec. 142.)

It is peculiarly applicable to the taxing power, the struggle to keep it unimpaired in the hands of the elected representatives of the people, as against attempts to exercise it by or to transfer it to the Executive being, as is well known, intimately associated with the development of English liberty. The jealousy touching the exercise of the taxing power engendered by that historic struggle is reflected in that provision of the Constitution which requires that all bills for raising revenue shall originate in the House of Representatives.

The learned author first mentioned in another work says:

> It is a general rule of constitutional law that a sovereign power conferred by the people upon any one branch or department of the Government is not to be delegated by that branch or department to any other.
>
> This is a principle which pervades our whole political system, and, when properly understood, admits of no exception. And it is applicable with peculiar force to the case of taxation. The power to tax is a legislative power. The people have created a legislative department for the exercise of the legislative power; and within that power lies the authority to prescribe the rules of taxation, and to regulate the manner in which those rules shall be given effect. The people have not authorized this department to relieve itself of the responsibility by a substitution of other agencies. (I Cooley on Taxation, 99–100.)

Another able writer on the same subject says:

> Legislative power is a trust for the whole people which the legislature can not transfer. The best safeguard of equality in taxation as well as in other subjects of governmental action is in the responsibility of the legislature to the people. So long as the power of taxation is directly exercised by the popular representatives, each section having its representative, the burden is far more likely to be distributed evenly among the people than if the power is exercised by some person or body not directly responsible to the whole people or perhaps not chosen by them. (Gray on Limitation of the Taxing Power, 532.)

It is in the application of the principle thus announced that differences of opinion arise. I shall not enter into any general discussion of the subject of the delegation of power by legislative bodies, a topic upon which much learning has been expended, and with which judges have been called upon in multitudinous cases to deal in more recent times, in consequence of legislation rendered necessary by the increasing complexity of the social organization and the extension of governmental activities.

It will be quite unnecessary, for instance, to consider the question of the authority of the legislature to repose in municipal corporations or other subordinate governmental agencies powers legislative in their character in respect to local affairs or to inquire into the validity of acts to become effective only when approved by the voters of the State or some subdivision thereof, there being no constitutional referendum. It will be sufficient for the present purpose to canvass those adjudications and discussions which afford a basis for some rule by which to test the attempt to delegate the extensive powers which, by the proposed amendments, would be conferred upon the President, legislation for which, it is ventured, no precedent can be found in our history.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. WATSON of Georgia. I remind the Senator, in this connection, that the British Parliament would never for a moment consider a proposition to vest the King with any such powers as are proposed to be conferred upon the President by this bill; nor would the French Chamber consider such a proposition, if it were proposed by the President of France; nor did the German Reichstag ever vest the kaiser with any such power.

Mr. WALSH of Montana. As Field against Clark is not only relied upon by the proponents of the plan represented by the amendments but is a leading case on the general subject, our study may well begin with a consideration of its facts, its reasoning, and its conclusion.

It was an attack on the McKinley law of 1890 because of what were known as its reciprocity features. By the act sugar, molasses, coffee, tea, and hides were placed on the free list. It was then provided that if at any time the President should be satisfied that the government of any country producing and exporting any of such commodities imposes duties or other exactions affecting the introduction into the same of any products of the United States deemed by him to be, in view of the admission of such commodities to our ports free, unequal or unreasonable, he might proclaim the fact, and that in such case such commodities should pay duties as provided in the act: Sugar, 2 cents per pound for the highest grade and a lesser amount for the lower grades, the rate being specifically named; coffee, 3 cents a pound; tea, 10 cents; and hides, 1½ cents. The importations giving rise to the action in Field against Clark involved none of the commodities made the subject of the specific provisions of the act to which reference has been made, but it was maintained that because of them the entire law was void and consequently the goods which gave rise to the controversy were not subject to its provisions.

The court held that there was in the law no unlawful delegation of the legislative authority vested by the Constitution in Congress; that it simply clothed the President with the authority to ascertain and proclaim a fact, namely, that some country exporting any of the specified commodities was imposing duties on or making exactions with respect to the products of the United States which he deemed unequal or unreasonable in view of the concession accorded by our Government in respect to theirs. It was clearly pointed out and importance was attached to the fact, if indeed it was not deemed a vital feature, that the President had absolutely nothing to do with fixing the rate of duty which the commodities with which the specific provisions of the act dealt should bear in the event that they were not to be admitted free, that the rate had been explicitly prescribed

by Congress and went into effect automatically upon the issuance of his proclamation reciting the unequal or unreasonable exactions of the country against which it was directed. Nothing whatever was left to his discretion, either within or without limits. The following paragraph from the opinion of the court fully discloses the ground on which its judgment went:

That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. The act of October 1, 1890, in the particular under consideration is not inconsistent with that principle. It does not in any real sense invest the President with the power of legislation. For the purpose of securing reciprocal trade with countries producing and exporting sugar, molasses, coffee, tea, and hides Congress itself determined that the provisions of the act of October 1, 1890, permitting the free introduction of such articles, should be suspended as to any country producing and exporting them that imposed exactions and duties on the agricultural and other products of the United States which the President deemed—that is, which he found to be—reciprocally unequal and unreasonable. Congress itself prescribed in advance the duties to be levied, collected, and paid on sugar, molasses, coffee, tea, or hides produced by or exported from such designated country while the suspension lasted. Nothing involving the expediency or the just operation of such legislation was left to the determination of the President. The words "he may deem" in the third section of course implied that the President would examine the commercial regulations of other countries producing and exporting sugar, molasses, coffee, tea, and hides and form a judgment as to whether they were reciprocally equal and reasonable or the contrary in their effect upon American products. But when he ascertained the fact that duties and exactions reciprocally unequal and unreasonable were imposed upon the agricultural or other products of the United States by a country producing and exporting sugar, molasses, coffee, tea, or hides it became his duty to issue a proclamation declaring the suspension as to that country, which Congress had determined should occur. He had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation in obedience to the legislative will he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves, permitting the free introduction of sugars, molasses, coffee, tea, and hides from particular countries should be suspended in a given contingency, and that in case of such suspensions certain duties should be imposed.

To enforce the argument thus advanced the court continued:

"The true distinction," as Judge Ranney, speaking for the Supreme Court of Ohio, has well said, "as between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made. (P. 693–694.)

And then quoted from Locke's Appeal (72 Pa. St. 491, 498):

The legislature can not delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend.

That is to say, a law may be enacted to go into effect at some time in the future, upon the happening of some contingency or upon the determination by some officer of the existence of a fact or state of things, but the law must otherwise be complete as it leaves the hands of the legislators. (6 Am. and Eng. Ency. of Law, 1023–1031.)

On this point the Supreme Court of Wisconsin in Dowling *v.* Lancashire Insurance Co. (92 Wis. 63) says:

The result of all the cases on this subject is that a law must be complete, in all its terms and provisions, when it leaves the legislative branch of the government, and nothing must be left to the judgment of the electors or other appointee or delegate of the legislature, so that, in form and substance, it is a law, in all its details, in praesenti, but which may be left to take effect in futuro, if necessary, upon the ascertainment of any prescribed fact or event.

So, while Field against Clark might afford justification for the amendments in question if they prescribed what the rates should be, when the President finds those fixed in the bill or any of them do not effect the equalization which it is inferred is the policy sought to be established, it is evident and must be conceded that some other authority must be found to sustain the grant of power to the President, in the contingency mentioned, to fix the rates. In that predicament the authority of Field against Clark must be supplemented, if this legislation is sustained, by some different line of reasoning from that pursued in that case or by some adjudication more nearly meeting the conditions.

It is not without significance in this connection that among the vast multitude of cases dealing with the subject of the delegation of legislative power few, if any, can be found in which the delegation of the taxing power was involved, the legislatures apparently recognizing, instinctively or otherwise, that it could not be delegated or that a well-nigh universal conviction prevails that it is unwise to do so.

Appeal may reasonably be made to those decisions sustaining the grant of authority to the Interstate Commerce Commission to establish rates for the transportation of freight and passengers and to statutes granting like authority to officials, boards, or commissions to fix rates that may be charged by public service corporations.

It is impossible to escape the conclusion that the courts were influenced in sustaining such statutes and many others challenged as delegating legislative power by two considerations, namely, necessity and well-established legislative practice. And it is not an unwarranted inference that the framers of our Constitution, by declaring that all legislative powers are vested in the lawmaking body, did not intend to deny to them authority to repose in local municipalities the authority to enact ordinances, seeing that time out of mind charters embodying the principle of local self-government were freely granted. Nor is it unreasonable to conclude that it was not intended that matters of detail, really administrative in character, which might be provided for directly by legislative act, were it practicable to do so, but which experience has shown, or which from their nature it is clear that it is not, could not be delegated to boards or officers. Doubtless it is within the power of the legislature to establish rates for the transportation by rail of freight or passengers. Such action has often been taken with reference to passenger rates, and in the early history of railroading attempts were made, by direct legislative action, to establish freight rates; but the effort was soon abandoned, simply because the problem was too intricate, the solution of it in that manner requiring time which could not be given to it and such attention to an infinity of detail, much of it technical, as a legislative body was wholly unfit to give. Out of such conditions the idea of establishing by law a general rule governing railroad rates and reposing in a commission the duty of fixing specific rates in conformity with that rule was evolved. Indeed, the law, even the common law, had already established the rule that the charges of a common carrier, and perhaps of anyone prosecuting a business affected with a public use, must be reasonable, and a right of action arose in favor of any one of whom an excessive charge had been exacted to recover so much as he had paid above a reasonable amount. The rule thus sanctioned, being declared by the statute, the duty was devolved upon the commission of determining in each case what is a reasonable rate, the law in effect declaring that it should go into effect when thus determined and proclaimed by the commission.

In Wayman *v.* Southard (10 Wheat. 42) the Supreme Court said:

It will not be contended that Congress can delegate to the courts, or to any other tribunals, powers which are strictly and exclusively legislative. But Congress may certainly delegate to others powers which the legislature may rightfully exercise itself.

* * * * * * *

The line has not been exactly drawn which separates those important subjects, which must be entirely regulated by the legislature itself, from those of less interest, in which a general provision may be made, and power given to those who are to act under such general provisions to fill up the details.

This language was quoted in United States *v.* Grimaud (220 U. S. 506–517), in which was upheld a statute authorizing the Secretary of Agriculture to make rules concerning the use and occupancy of the forest reserves and making criminal the violation of such rules, the particular offense charged being the grazing of sheep within the reserve without permission of the department and in violation of the rules. The views of the court are to be gathered from the following from the opinion:

To pasture sheep and cattle on the reservation at will and without restraint might interfere seriously with the accomplishment of the purposes for which they were established. But a limited and regulated use for pasturage might not be inconsistent with the object sought to be attained by the statute. The determination of such questions, however, was a matter of administrative detail. What might be harmless in one forest might me harmful to another. What might be injurious at one stage of timber growth or at one season of the year might not be so at another.

In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features, and in authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power. (220 U. S. p. 516.)

Attention is directed to the remark that it was impracticable for Congress to make the necessary provision, so varying were the conditions with which it would be required to deal.

In Buttfield *v.* Stranahan (192 U. S. 470), the court said:

To deny the power to Congress to delegate such a duty (to fix tea standards) would in effect amount to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

The necessity for legislation of the character before the court that the power to regulate foreign commerce might be efficaciously exerted warranted, in its opinion, the conclusion that the authority to enact it had not been withheld. In the same opinion the court said:

> Congress legislated on the subject as far as was reasonably practicable and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute.

The same idea of the necessity of the delegation is a dominant note in State *v.* Atlantic Coast Line Ry. (56 Fla. 617, 32 L. R. A. (N. S.) 639); State *v.* Pub. Serv. Corp. (Mo.) (194 S. W. 287); and State *v.* Briggs (Oreg.) (77 Pac. 750), all comparatively recent cases dealing with the delegation of functions which might be exercised by the legislature to administrative boards or officers.

In the case first above cited, in which the validity of a statute giving extensive powers to a railroad commission was considered, is found a particularly well-reasoned opinion supported by a wealth of legal learning, from which the following is quoted:

> The Constitution should be interpreted so as not to render impotent or inoperative, but to preserve and make effective, the sovereign power of the State to regulate intrastate transportation by common carriers; * * *
>
> The legislature may not delegate the power to enact a law, or to declare what the law shall be, or to exercise an unrestricted discretion in applying a law; but it may enact a law, complete in itself, designed to accomplish a general public purpose, and may expressly authorize designated officials within definite valid limitations to provide rules and regulations for the complete operation and enforcement of the law within its expressed general purpose. This principle of law is peculiarly applicable in the regulation of common carriers. The complex and ever-changing conditions that attend or affect the performance of the useful public service rendered by common carriers make it impracticable for the legislature to prescribe all the necessary rules and regulations.

Note that the impracticability of dealing with the problem otherwise is stressed.

The same idea is elaborated in the Missouri case cited, from the opinion in which the following is taken:

> He reads the cases in vain who does not concede the authority of the legislature, absent an express constitutional provision which forbids, to delegate to an administrative body the power to fix rates for the carriage of freight and passengers. In practice no more fair and feasible plan can be devised than to delegate this difficult and most technical duty to a board which is perpetually in session and furnished with skilled accountants and experts. The situation as to common carriers changes from year to year, sometimes even from month to month. A fixed hard-and-fast rate made one year might be almost confiscatory next year, or, conversely, the rate fixed might become far greater than the service rendered is worth. No legislature has the time nor is it equipped with the machinery necessary to investigate matters of rate making in any manner which will serve to prevent its enactment of laws fixing alleged "reasonable maximum rates" from being other than a mere guess. That often it may guess right can not serve as an apology for the multitude of cases wherein its conceded good intentions may not save it from guessing wrong. In the very nature of things a right guess would be accidental. If the fixing of rates is to proceed intelligently along lines of fairness and justness to all concerned—to capital and labor, passenger and shipper—having due regard to the constant mutations in the cost of labor and materials; to the differences in density of population and therefore in number of passengers and amount of freight; to cost of building and operation and maintenance of the roads in the more level and populous parts of the State as compared to similar overhead costs in the rough and mountainous and sparsely settled parts; to bringing about a condition which will encourage, or even permit, areas not now served but needing service to be served by new roads yet to be built; and to periods of great commercial prosperity as compared to periods of commercial depression, it is manifest that the matter must be committed to somebody having greater flexibility in procedure, having more time for investigation, and having at hand more expert machinery to the end in view than any earthly legislature possesses (pp. 291–292).

Neither cardinal requisite, long-established usage antedating the adoption of the Constitution, nor necessity arising from the impracticability of direct legislation by Congress attend the proposed legislation. It is a departure from the settled practice of the Government since its beginning without a precedent to sustain it, the McKinley Act considered in Field against Clark differing radically from the proposed amendment, as has heretofore been shown. It can not be contended that it is impracticable for Congress to fix the duties which imports are to bear, as it has been doing so from the time it came into being, and in the very bill before us it proposes to do it again, the House offering one set of rates, the Senate very largely another, subject, however, to the provisions which give occasion to these remarks, implying that, in the opinion of the Senate, the President can or may do the job more justly or more efficaciously.

However sound that view, namely, that the Executive is more competent than the legislative branch to determine what taxes should be imposed, it is one which for obvious reasons has found little support in public opinion in America and none at all in American constitutions.

Another characteristic which attends the work of administrative officers charged with duties which might be exercised directly by the legislature is that it is always subject to judicial review, the rates fixed or the rules promulgated must be reasonable, and if they are not they will, in appropriate proceedings, be held void. Even municipal ordinances are open to attack on the ground that they are not reasonable. The principle is recognized in the following paragraph from the opinion of Judge Whitfield in the Florida case, to which reference has heretofore been made, to wit:

> In a number of well-considered cases it has been distinctly held that where a valid statute, complete in itself, enacts the general outlines of a governmental scheme or policy or purpose and confers upon officials charged with the duty of assisting in administering the law authority to make, within designated limitations and subject to judicial review, rules and regulations, or to ascertain facts upon which the statute by its own terms operates in carrying out the legislative purpose, such authority is not an unconstitutional delegation of legislative power. (Pp. 649–650.)

An able address on the general subject of the delegation of legislative power delivered before the Bar Association of the State of Wisconsin by Hon. William H. Timlin, at the time an associate justice of the supreme court of that State, a lawyer of great talent and learning, concludes with the following, expressing his deductions from a comprehensive review of the adjudications:

> I should say in conclusion that whether or not a statute is invalid, because of an unconstitutional delegation of legislative power, depends upon the extent to which the power usually exercised by the legislature in making laws is attempted to be delegated; that delegation to a greater extent is permissible where without such delegation it is impossible to make the statute effectual for the exercise of legislative power otherwise clearly constitutional; that the validity of such a statute does not depend upon the conventional or the legal name of that fraction of legislative power delegated, nor upon its intrinsic nature, but rather upon the necessity for such delegation, and the existence of a general rule of statute law covering the subject in general terms, and of which rule the delegated power is an aid or adjunct; and also that the delegated power be limited either locally or to a particular subject matter, as, for instance, the regulation of a specified corporation, department, or bureau; and that the delegated power when exercised be of a lesser degree of conclusiveness than a statute; that is to say, subject to judicial review as to its reasonableness, fairness, and impartiality.

Reference is made to his comment in this connection because of his concluding sentence thereof on the necessity that the action of the delegate be subject to judicial review, but attention is directed in passing to the importance attached to the fact that the power has or has not been customarily exercised directly by the legislature, and to the necessity for the delegation arising from the impracticability of dealing effectually with the conditions by direct legislative action.

So essential is the feature of redress in the courts in case of arbitrary action, that provision is ordinarily made in the statutes conferring such powers upon commissions for a review of its action by some judicial tribunal. The interstate commerce act, the Federal Trade Commission act, and the stockyards act are familiar examples.

In the amendment before us such provision is made with respect to the action of the President in determining that one has been guilty of unfair methods of competition in respect either to the importation of commodities or the sale of imported merchandise, but none with respect to any order he may make in establishing a punitive rate after such finding, nor has any provision been made for reviewing any order he may make establishing rates under the proposed amendments against unoffending importers.

In the case of rates fixed for services rendered or supplies furnished by public service corporations the rule is established that they are not reasonable unless they afford a fair return on the investment, the elements to be taken into consideration by the court being more or less accurately defined, including in the case of railroad property—

> the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses. (Smyth *v.* Ames, 169 U. S. 466, 547–548.)

Any rate less than one which will afford a fair return for the use of the property is confiscatory, violative of the constitutional amendment declaring that no person shall be deprived of his property without due process of law. So an ordinance of a municipal corporation or a rule of an administrative officer or board which operates to deprive a person of any of his constitutional rights is unreasonable and void and must be so declared by the courts, to which he may appeal.

But the action of the President in establishing rates of duty under the system proposed by the amendments is not subject to review, however unreasonable and oppressive they may be, assuming that they are within the 50 per cent limit imposed by the law. It is in the nature of the taxing power that, being exercised within constitutional or statutory bounds, it is not open to judicial review, being political in character. It is for that reason, among others, that a commentator in a profound

and exhaustive review of the subject of the delegation of legislative functions, appearing in the Yale Law Journal for May, 1918, in which he argues for the most liberal rule in that regard, asserts that while Congress must promulgate its policies as laws, "in the case of revenue laws they must be worked out in detail," though in all other cases it is the power that Congress must personally execute.

It will be conceded, no doubt, that the question being considered, namely, the power of Congress to make the delegation in question, is in no wise affected by the fact that the President can not increase or diminish the rates fixed by the bill by more than 50 per cent. If he may be authorized to increase them 50 per cent he may equally be empowered to effect an increase of 100 per cent, or 500 per cent, or 5,000 per cent, or to increase them at his discretion.

Mr. POMERENE. Mr. President, if the Senator will permit a suggestion, it is true that, technically speaking, there can only be an increase or a decrease of 50 per cent; but, under another provision of the section which the Senator is so ably discussing it is within the power of the President to change the basis of levying duties from the foreign valuation to the American valuation, and very often there is as much as 100 per cent difference between the foreign valuation and the American valuation.

Mr. WALSH of Montana. That is true.

Nor in view of the fact that his action is not subject to judicial review is he restrained by the provision that the rates must be such as to equalize "the differences in conditions of competition in trade in the markets of the United States." It would be intolerable, even if the determination of the rate which ought to be imposed were not distinctly political in character and consequently not reviewable in the courts, to have them inquiring with respect to every rate fixed by the President whether it does, indeed, represent "the differences in conditions of competition in trade in the markets of the United States" and to be annulled if it does not, in the judgment of the court, which would, of course, have no power to fix another rate.

Obviously the proponents of the system represented by the amendments do not intend that the action of the President shall be subject to review. It is contemplated that his determination shall be final; it is in his judgment and in his discretion they propose to confide, not in those of the courts. And inasmuch as the power to be reposed in him is not open to judicial review, it can not be delegated.

Another difficulty confronts those attempting to justify this novel system of laying customs duties. The policy which is to find expression in the acts of the officer or board to which power to fix rates or establish rules is granted must be declared in the statute. It is to the judgment, wisdom, and patriotism of the lawmakers that the people have intrusted the formulation of policies to find expression in legislation. If authority to do anything the legislature might do is delegated, the thing to be done in the premises must be expressed in the statute. The officer can not be authorized to do one of two or more things as in his judgment the public interest will be best subserved. Consideration of what is for the public interest is for the legislature, not for administrative officers.

But under the amendments proposed the President may either (1) raise or lower the rates; (2) change the classification of the commodity—that is, transfer it from the dutiable list to the free, or the reverse, or from one schedule to another, or from one subdivision of one schedule to another, or, perhaps, from one paragraph to another; or (3) change the form of the duty, namely, the basis of computation, substituting a specific rate for an ad valorem rate, or vice versa. He is at liberty to take any one of three courses, his choice to be influenced presumably by his judgment as to which will best promote the public interests, or perhaps will offer the least difficulty in the way of administration, or quite likely which will most nearly equalize "the differences in conditions of competition in trade in the United States."

It seems to be recognized in the particular provision now considered that absolute equality is unattainable, a subject upon which more will be said later, and so additional elasticity is given to the proposed system by permitting the President to exercise a choice as to how best or most accurately to bring that about. The law, however, does not countenance vesting any such discretionary power in the Executive, and the attempt to do so is fatal to the system of which it is an integral part.

Many spirited debates have taken place in Congress since customs duties found a place in our fiscal system over the propriety of imposing specific or ad valorem duties in the case of particular commodities. It is renewed in connection with the preparation and passage of every tariff bill. It involves the adoption of a legislative policy, the exercise of legislative discretion, the responsibility for which Congress can not escape by transferring it to any body or official. The principle here involved is made clear by a reference to two cases decided by the Supreme Court of Wisconsin. In the first, In re Incorporation of Village of North Milwaukee (93 Wis. 616), a statute was held void which provided that if upon considering an application for the incorporation of certain territory as a village, accompanied by an authenticated census and a survey and map, the circuit court should be satisfied that the lands, or any part of them, should be included in the proposed village, and that the interest of the inhabitants would be promoted by such incorporation, it should make an order constituting the same a village. The court held that the determination of whether it was in the public interest that the village should be created being a legislative, not a judicial, question, could not be delegated to the judiciary. The law was afterwards amended so as to provide that if the court found the survey and census to be correct, and its requirements otherwise had been observed, leaving it no discretion to inquire whether the best interests of the community would be subserved, the order should be made, and as so amended was sustained in State *v.* Lammers (113 Wis. 398).

Willoughby, in the introduction to his comment on Field against Clark, comments on the fatal feature in any attempted delegation of authority which might be exercised by the legislature of authorizing discretionary action, the conditions being found to exist which warrant action. Reference is made to the following:

> The court can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of Government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must therefore be a subject of inquiry and determination outside of the halls of legislation.
>
> The doctrine thus declared is without objection so long as the facts which are to determine the executive acts are such as may be precisely stated by the legislature and certainly ascertained by the executive. When this is not so, the officer intrusted with the execution of the law is necessarily vested with an independent judgment as to when and how the law shall be executed; and when this independence of judgment is considerable there is ground for holding that the law is not simply one in presenti to take effect in futuro, but is a delegation by the lawmaking body of its legislative discretion (p. 1319).

This extract leads to the discussion of perhaps the most important consideration affecting the validity of the delegation attempted by the amendments in question.

It is agreed on all hands that to justify a delegation of power which might properly be exercised directly by the legislature, it is essential that the law lay down a clear rule for the guidance of the executive officer to which he must adhere in whatever action he may take. As expressed by Willoughby "the facts which are to determine the executive acts" must be "such as may be precisely stated by the legislature and certainly ascertained by the executive." The principle is peculiarly applicable in connection with the fixing of rates by an administrative agency.

An effort is made in the proposed legislation under review to meet the requirements of this rule. The President is called upon to determine whether the duties fixed in the act do or do not equalize "the differences in conditions of competition in trade" in the markets of the United States as between the foreign and the domestic products, much as he was required by the McKinley Act to determine whether any foreign Government affected by it imposed any unjust or unreasonable duties or other exactions upon the introduction of the products of the United States.

But for a most serious obscurity in the language defining what it is the President must find, to be presently noticed, the similarity in the acts would be, for all practical purposes, complete. But at that point their identity in principle ceases, for, as pointed out, the President, having issued his proclamation reciting unjust exactions, had no further duties under the McKinley Act. The statute declared the rates in that event. Under the proposed law the President's most important duties but begin when he finds the facts upon the existence of which a change in the rates ensues or may ensue.

The committee amendments, as stated, having authorized the President to act in the contingency referred to, repose in him the further authority to make such increases or decreases in the rate, or such changes in the form of the duty or classification of the commodity as may be necessary to "equalize" "the differences in conditions of competition in trade" in the markets of the United States, as between the domestic and the foreign product. Just what does that language mean? How

accurate is the guide thus furnished? How shall anyone know whether it has or has not been followed?

It is widely maintained by the advocates of a protective tariff that the true principle upon which such a tariff should be framed is that the rates should be so fixed as that the duty will equal the difference in the cost of production at home and abroad. For many years well-meaning, intelligent, and patriotic men, wedded to the principle of protection, have advocated the creation of a tariff commission which should be authorized and directed to fix duties upon imports, so that there shall be paid upon their admission at our ports a sum equal to such difference in the cost of production. It has been eloquently urged that through such a commission, so empowered, the tariff would be taken out of politics.

A pamphlet advocating the extension of the powers of the present Tariff Commission, so as to clothe it with such powers, came in my mail a few days ago, and doubtless in that of every Senator. It was issued and circulated by an organization whose professed purpose is to secure an American Nonpartisan Scientific Tariff. Its views are to be gathered from the following brief extracts from the pamphlet, considering that the document explains that "production costs" applies to raw materials, "conversion costs" to manufactured articles:

> The American production and conversion costs are the only really scientific basis for fixing and levying protective duties for the United States. * * *
>
> Advocates of a so-called "fair tariff," or rates that will equalize the cost of production here and abroad, offer Congress no answer to the problem of how to fix a "fair" tariff (pp. 15, 7).

No one can misunderstand this language. The cost here and the cost abroad are the governing factors. The chairman of the Committee on Finance, being interrogated as to the principle upon which the rates in the pending bill were fixed and specifically to explain why acetic acid was taken from the free list and placed upon the dutiable list, said:

> Mr. President, the reason I can give for placing this particular item upon the dutiable list is the reason that permeates the bill throughout—it is to equalize the difference between what is supposed to be, as nearly as we can arrive at it, the cost of production abroad, including the cost of shipment into this country, and the cost of manufacturing in this country. (CONG. RECORD, April 25, p. 6464.)

It has been made to appear, as I think, in the debate thus far that while professing to have been guided by the rule thus asserted, the committee, in fact, made no investigation whatever, at least no investigation yielding any fruits, into the relative cost of production of the articles on the dutiable list in this country and abroad, but were guided in their action very largely, if not wholly, by the price in the domestic market and the price abroad. This will appear from the following colloquy appearing at the same page of the RECORD, viz:

> Mr. JONES of New Mexico. The truth is that the bill could not have been framed on the theory just announced by the Senator from North Dakota, because there was no attempt at any time to obtain evidence as to the cost of the production of the commodities in this country or elsewhere. I make that statement as a general proposition. There may be a few exceptions to it, but I submit that I have no recollection of a single witness bringing before the committee his cost sheets and submitting them to cross-examination.
>
> Mr. SMOOT. No, Mr. President; and that never has been the practice in the making of any tariff bill from the day the first one was made up to the present time. I will say to the Senator, however, that in making the bill there were members and experts of the Tariff Commission with the committee at all times. The price at which the foreign article sold in this market was given to the committee. The price of the domestic article sold in the domestic market was also given. The testimony that they had gathered in the investigations which they had made shows that there was the difference which I have stated. While the hearings may not demonstrate anything as to the cost of this particular item for producing it in the foreign country or in this country, all the evidence that was collected by the Tariff Commission, as well as the evidence collected by the Reynolds investigation, was presented to the committee whenever a rate was to be decided upon.
>
> Mr. JONES of New Mexico. Mr. President, the Senator has made a statement which implies two things: First, that the Tariff Commission furnished some evidence as to the cost of production in this country and abroad. The Tariff Commission itself had no evidence upon that subject.
>
> Mr. SMOOT. I did not say that. I said the Tariff Commission furnished the price at which the foreign article sold in the American market as well as the price at which the product manufactured in America sold in the market alongside of it.

I need not dwell upon the essential difference there is, and the vast difference there may be, between the cost of producing an article and the price asked for it, or at which it may be sold. Under normal conditions the price will, in all probability, exceed the cost; otherwise, the article would not be produced. In exceptional cases the price and the cost may coincide or goods may be sold below cost, but as a rule the price materially exceeds the cost, representing the sum of the cost and the profit at which the article is sold. It is notorious that in recent years a margin so wide has prevailed between cost and price with reference to many products as to be scandalous. Legislation against profiteering has been enacted by Congress and by State legislatures, the public press has declaimed against it, and altogether it is an odious, prevailing outrage.

To return. Does the language of the amendments above recited direct the President to fix the duties at the difference in the cost of production here and the cost of production abroad? It can not be, or it would be so plainly stated. If it was intended to put into effect the policy so often proclaimed and so stoutly advocated, why was not the plain, simple language in which it has been so repeatedly expressed used? Will the President be at liberty, should these amendments become a part of the act, to fix the duties at the difference between the price of the articles affected in this country and abroad, or to consider those factors as a proper basis for his action, as the committee apparently did, without any searching inquiry into the relative cost of production?

Again, the able chairman of the Committee on Finance introduces an element into the rule which he says governed the committee in fixing the rates prescribed in the bill, not included in what the organization for an American Nonpartisan Scientific Tariff understands to be the scientific basis for a protective tariff. It upholds the simple doctrine of the difference in the cost of production, but the Senator from North Dakota apparently enlarges upon that, or, perhaps, more accurately speaking, reduces the margin to be taken care of by "the cost of shipment into this country." It may be that the supporters of the scientific tariff include that item in the cost of production as they use the expression, though it would not ordinarily convey that meaning. That is not important. What is important is whether the President, under the rule laid down in the proposed amendments, would be entitled to take into consideration the cost of shipment to this country and to fix the duty at such a sum only as will compensate for the difference in the cost of production abroad less the amount that must be paid for shipment to this country? If that factor is to be considered another important inquiry is presented.

Manganese ore is an important product of my State, the output of which was inconsequential until the productive capacity of the mines was stimulated by war conditions and by the earnest appeals of the Government, to which our people patriotically responded, the foreign sources of supply being unavailable to us for want of shipping facilities. Under all ordinary circumstances the cross-country freight rates are so high that the domestic product coming from the intermountain country can not compete with that brought in ballast by water from Brazil and Cuba. Many of the mines in the West, in the development of which heavy expenditures were made, were not yet producing when the armistice was proclaimed, and others were still far from returning development costs when the market collapsed in consequence of the release of shipping theretofore devoted exclusively to war uses. Special legislation was enacted by Congress for the relief of those who were induced to expend large sums to bring into the market domestic manganese, necessary to the production of steel for war purposes, but the provision was pitifully inadequate. Those who risked their all in the business of producing manganese in response to the call of the Government in its hour of peril have been looking hopefully to a protective duty on their product sufficient to meet not only the difference in the cost of mining but as well the difference in the cost of transportation to the point of consumption of the same in the United States, it being insisted that otherwise the market must be surrendered to the foreign producer. The House accorded to them a duty of 1 cent a pound on ores or concentrates containing an excess of 30 per cent of manganese, perhaps enough to take care of the difference in the cost of production, but insufficient to overcome the difference in freight rates. The Senate committee strikes out that provision of the bill and puts manganese ore on the free list. A radical difference in policy as between the two Houses prevails as to this item. Both are to be presumed to be acting in what they conceive to be the general public interest. It would be unjustifiable to conclude that the Senate committee lent a too willing ear to the importunities, the solicitations, the blandishments, or the arguments of the United States Steel Corporation and other manufacturers of steel, who, for obvious reasons, desire manganese to be admitted free. The committee must have been influenced by the belief that the producers of manganese ought to be left to bear their losses with what fortitude they can command, that the production of steel may not be burdened by the relatively trifling sum by which the price they are required to pay for manganese would be enhanced by the House provision. It, on the other hand, was doubtless moved by the belief that the rule of adjusting differences between the cost of production here and abroad or of equalizing the differences in competition

ought to be applied to manganese as well as to the many other raw products entering into manufactured commodities given protection and that the domestic source of supply ought to be developed that it might be immediately available should the emergency arise such as confronted us in 1917 and 1918.

From motives of public policy the House put manganese on the dutiable list; from like motives the Senate put it on the free list. If the bill should pass as recommended in that regard by the Senate, the President may transfer it from the one general classification made by the bill, the free list, to the other, the dutiable list; that is, he may reject the policy proposed by the Senate and adopt that to which the House gave its adherence. If he does conduct the investigation and finds the difference to exist, as it confessedly does, in the case of the commodity considered, he must fix the duty as in the statute provided, but he is under no compulsion to institute the inquiry. The effect is that he is at liberty to choose which one of the two policies shall be made effective in the case of manganese, or, for that matter, in the case of any other commodity on the free list as the bill eventually passes.

Upon principles heretofore sufficiently canvassed any statute reposing in him the power to choose as between two essentially different policies to say what the law shall be, whether in accordance with the one or the other, is void. But that is a digression. When the President is convinced that in justice to the producers of manganese, and considering the best interests of the country, imports of that commodity ought to bear a duty, and he attempts to arrive at the rate, may he fix it at such a figure as will cover the difference in the cost of transportation to the consuming centers as well as such as may exist in the cost of production? The same claim is made by the producers of chrome, tungsten, and with more or less vigor on behalf of other far-western products, such as wool and citrus fruits. That the excessive freight rates to which such products are subject at present and the burdens they must bear in the matter of transportation in even ordinary times is one of the items giving rise to "differences in conditions of competition in trade" is indisputable, and yet, so far as I am aware, the principle of equalizing differences arising from the cost of transportation of the domestic product to the general market or place of consumption within the United States has never been recognized, at least never generally recognized, by the advocates of a protective tariff.

But our difficulties do not end here. Let it be assumed that the cost of transportation within the country must be taken into consideration, a conclusion which the language of the amendments makes all but inescapable. To what point and from what point is it to be calculated—from Butte, Mont., to Duluth, Minn., or from Redding, Calif., to Pittsburgh, Pa., or from Little Rock, Ark., to Birmingham, Ala.? If the problem were presented to Congress—if it deemed it wise to entertain the idea—the solution would be relatively simple, as that body may exercise an unrestrained discretion in the matter. It is not obliged to be logical. It might strike a happy medium or make an arbitrary allowance for that element. But the President, having no legislative authority save the power of veto, functioning under a delegation, must proceed according to the rule laid down by Congress.

Nor are we out of the woods yet. If the rule under which he is to act were that heretofore said to be popularly entertained—namely, the difference in the cost of production at home and abroad—he would be confronted with the indisputable fact that such costs vary through a wide range as between foreign countries seeking our markets and as between individual producers both at home and abroad. It is quite generally believed, and doubtless with some foundation, that at present production costs in Germany are extremely low, much lower than in Britain and other countries of Europe competing with her in our markets. What country would furnish the standard upon which the computation of the President would be based? Or would the true standard be the cost to the most efficient and economical producer of any country, shutting all others out and giving him a monopoly of trade with our country? And, on the other hand, what American producer would provide the standard, the one who is favorably situated with reference to most of the elements entering into his costs, commanding his own supply of raw materials in proximity to his plant, operating under perfect business management with ample credit, or the individual with an antiquated plant, pursuing archaic business methods, and hampered by limited means, or would the computation of the President be based on average costs? The perplexities suggested would be multiplied under the rule which substitutes "differences in conditions of competition" for "differences in the cost of production."

Reference was made to the contention that transportation costs ought, in the judgment of some producers soliciting protection, to be taken into consideration in fixing rules. Another item strenuously insisted upon in the hearings before the House Committee was a "reasonable profit" to the American producer. It was insisted that the enterprising American was not content, and ought not to be required to content himself, with the modicum of profit to which Europeans and Asiatics are accustomed, and that accordingly the rates should be fixed so as not only to cover the difference in the cost of production but to leave the American producer a reasonable profit—that is, something more than the profit which satisfies his foreign competitor. It was declared in the debates in the House by some of those responsible for the preparation and passage of the bill that the rates in it were fixed upon that principle. Will the President in computing the "differences in conditions of competition in trade" be entitled in like manner to fix the rates so as that the American producer may have a reasonable profit, as is the purpose of the bill? It would seem to be incontestible. If so, what is a reasonable profit? A perfectly unrestrained discretion is reposed in the President in that regard, a feature that is fatal to the system proposed.

Finally, a multitude of commodities mentioned in the bill have no identical counterpart in American production, but come into competition with articles of an inferior or superior quality, or with essentially different articles for which they serve as substitutes, while with respect to many other commodities, as shown by the Reynolds report, there are no comparable articles of domestic production.

Inasmuch as, in the language of Willoughby, "the facts which are to determine the Executive acts" are "such as may be precisely stated by the legislature and certainly ascertained by the Executive" in the case of a delegation of power which might be exercised by the legislature, the feature last adverted to assumes particular importance. Apparently the framers of the provisions under consideration were impressed with the idea that the rule under which the President is to act, as therein expressed, was neither "precisely stated by the legislature," nor was it sufficiently specific to enable him "certainly" to "ascertain" the rate which would "equalize" the "differences." It attempted to remedy this deficiency by the following provision:

> That in any investigation provided for in this section account may be taken of the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production of such similar merchandise in the United States and competing foreign countries and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same (pp. 274–275).

Bear in mind he must take into consideration the difference in the prices; he must take into consideration the difference in the cost of producing it here and abroad, including wages, cost of raw materials, and so on; and then he must take into consideration any other advantage which the foreigner may have over the domestic producer, including such as arise from laws, regulations, and so forth.

It will be noticed that this is a frank abandonment of the difference in the cost-of-production theory of a protective tariff, since, in determining the exact difference in the conditions of competition in trade in the markets of the United States, the President may consider not only the difference in the cost of production, including wages, prices of materials, and like elements, but also the foreign and domestic price of the commodity and any advantage either foreign or domestic producers may have, even including such as arise out of laws and regulations affecting competitive trade. While the difference in the cost of production is unquestionably the feature of paramount importance in determining what advantage, if any, one country has over another in competitive trade, the fact can not be overlooked that there are other elements entering into the problem less ponderable but none the less present.

The Congress has been for some time solicited to enact a statute for the organization of corporations to trade in China. It is urged that a company operating under a national charter would have a higher prestige than one deriving its authority from any State of the Union, and would accordingly compete on more even terms with corporations backed by the direct authority of nations recognized diplomatically in China. On the other hand, it is urged that Americans, encouraged by the opportunity to do business in China under such favorable auspices, would promote trade with their country, buying of American houses more readily than of foreigners, establishing banking connections in the United States, and introducing to the notice of the Chinese American manufactures to which they were strangers.

In the ante bellum, pre-Volstead days German beer had a large sale in Milwaukee, largely on sentimental grounds, and many articles of foreign manufacture command a premium here merely because they are imported or because they have a reputation extending through many years. This is particularly true of women's garments and of dress goods generally, if not of all fabrics. All such considerations must be given due weight, either under the general rule or the specific direction quoted above. But it is indisputable that an impossible task is imposed upon the President when he is called upon to reduce such influence to dollars and cents as to any specific item and to fix the rate of duty so as that the "differences in conditions of competition" having in mind such factors shall be equalized. It will bear repetition that whatever allowance he may make for any of these imponderables that may be present, and any allowance must, in the nature of things, be no more than a guess, his action is final, subject to review by no power, judicial or otherwise.

A further word on that subject may be pardonable, namely, the right of review by the courts in the case of delegated authority. The Supreme Court of Vermont in a recent case justifying an act granting to a railroad commission extensive powers in relation to railroad transportation against the contention that no provision was made in the law for an adequate judicial review, pointed out features of the act touching a review by the courts of the action of the commission deemed by it adequate to meet the requirements of the law, and then added:

> Moreover, the rights of a party are not necessarily limited to those which he may secure by an appeal. Section 4, chapter 2, of our Constitution, providing that "The courts shall be open for the trial of all causes proper for their cognizance," means, among other things, that by a proper proceeding the question of whether an administrative body has exceeded its powers may be brought before and determined by the established courts. No special machinery need be provided for this purpose, for the common law, which is a part of the law of this State, provides the requisite machinery. As the courts have authority to determine the constitutionality of legislative acts, so in all cases they have, and must have, authority to determine whether or not any board or commission claiming to act under legislative authority has exceeded its powers. The powers given to this court on appeal and the common law remedies for the protection of rights which can not be safeguarded by means of the hearing and appeal provided for by statute are sufficient to secure to every party interested in the orders of the railroad commission a vindication of his full rights against arbitrary and unreasonable action, usurpation of powers, and acts in excess of authority. These principles are firmly established in this jurisdiction. (State *v.* Speyer, 67 Vt. 502; State *v.* Morse, 84 Vt. 387; State *v.* Haskill, 84 Vt. 429; State Board of Health *v.* St. Johnsbury, 82 Vt. 276; Sabre et al. *v.* Rutland R. R. Co. et al., 86 Vt. 347, 369; 85 Atl. 693.)

But in the nature of things the exercise of the taxing power is not thus subject to review, since the power to tax, as said in McCulloch *v.* Maryland (4 Wheat. 316), is the power to destroy. Moreover, the President of the United States is not amenable to correction by the courts on account of acts done by him in his official capacity. The Interstate Commerce Commission may be haled before the courts to defend any order it may make and it will be annulled if it appears that the commission acted without its delegated authority or that its action was unsupported by any evidence. The extent of its amenability is thus expressed by Chief Justice White in Interstate Commerce Commission *v.* Illinois Central (215 U. S. 452–470):

> Beyond controversy, in determining whether an order of the commission shall be suspended or set aside, we must consider (a) all relevant questions of constitutional power or right, (b) all pertinent questions as to whether the administrative order is within the scope of the delegated authority under which it purports to have been made, and (c) a proposition which we state independently, although in its essence it may be contained in the previous one, viz, whether, even although the order be in form within the delegated power, nevertheless it must be treated as not embraced therein, because the exertion of authority which is questioned has been manifested in such an unreasonable manner as to cause it, in truth, to be within the elementary rule that the substance and not the shadow determines the validity of the exercise of the power.

In like manner the Federal Trade Commission may be brought before the court for the purpose of inquiring into the validity of its orders. But not only is the President exempt from process for his official acts (Marbury *v.* Madison, 1 Cranch, 165; Throop on Public Officers, 713; Mechem on Public Officers, 607; Mississippi *v.* Johnson, 4 Wall. 475) but if action should be brought against a collector of customs to recover an alleged excess duty paid under a proclamation issued by the President, pursuant to a law such as the Senate is asked to enact, he could not be called to testify as a witness touching the evidence or information upon which he acted, that it might be determined whether he exceeded the authority conferred upon him or had any just basis for his order or did not act unreasonably or oppressively in the premises. And since the presumption would be indulged that he acted within the scope of his authority and upon sufficient evidence, the taxpayer would be remediless, particularly as there is no provision in the law for making or preserving a record of the proceedings leading to or the evidence inducing the order.

It is not even required that the investigation to be conducted by the President shall be public, though it is provided that "reasonable opportunity to be heard shall be afforded to all persons directly interested in the production and distribution of" any merchandise made the subject of such investigation. The word "directly" is significant.

Mr. POMERENE. Mr. President, will the Senator permit me to inquire, in view of the interdependence of one industry upon another throughout the country, how it can be determined who are the people interested in the legislation?

Mr. WALSH of Montana. The question is pertinent. The hearings are not open to anyone. No one can be heard at all except some one who is directly interested. Though those directly interested may be heard, the public generally are not necessarily afforded an opportunity to attend. A taxing system more certainly leading to scandalous abuse could scarcely be contrived or even conceived. The pernicious activities of the lobbyist are comparatively innocuous, when his facts are open to refutation and his argument to attacks by any one or more of 435 Members of the House or one or more of 96 Members of this body. How could the President, burdened as he is almost to the limit of human endurance by the duties now devolving upon him, give to the arguments of selfish, avaricious, and importunate interests the study requisite to test their strength?

Mr. POMERENE. May I suggest, too, that one of the things industries desire above everything else is a stability and permanency of the tariff. If these powers are to be conferred upon the President it will be a most excellent opportunity for any stock jobber in the country to begin some proceeding before the President either to boost the price of a manufactured product or to depress the duty, thereby affecting the market of all the industrial stocks or bonds which may be affected by that particular tariff.

Mr. WALSH of Montana. That is true. That, of course, touches the question of the wisdom of the policy, rather than the question of the power, which I am canvassing. I adverted to the unwisdom of the policy only incidentally and very briefly simply for the purpose of elucidating, so far as it might tend in that direction, the question of power which I am canvassing.

The subject has been followed thus far upon consideration alone of what may be regarded as the main rather than the incidental features of the system proposed, namely, the general grant of power to the President to raise or lower the rates, or to change the classification, or the form of the duty. The principles canvassed apply with equal and usually with added force to those features heretofore unnoticed in the discussion. If, conducting an investigation such as is provided for in the amendments proposed, the President finds that an industry is being or is likely to be materially injured by reason of the importation of foreign merchandise and that the foreign valuation plan "is not a certain basis for the assessment of the duty," he may proclaim the fact, and thereupon the American valuation plan shall be applied in the case of the merchandise affected. If the rates fixed by the bill do not equalize the differences the President may, as heretofore stated, (1) raise or lower the rates, (2) change the classification, or (3) change the form of the duty, or he may (4) pursue even another policy—in the case of ad valorem rates—and put in force the American valuation plan. It is true that as a condition of so doing he must find that the industry affected is being or is likely to be materially injured, but in every case in which a difference exists calling for action the domestic producer may very properly claim that his industry is being materially injured by the importation of the foreign competing goods. Moreover, by what rule is the President to determine whether an industry is being or is likely to be injured by importations?

In one sense any importations injure the business with the products of which such importations compete. So with reference to the requirement that he must find that the foreign-valuation plan is not a certain basis for the assessment of the duties. Under what circumstances is the foreign-valuation plan a certain basis for the assessment of duties and when is it not? Upon what rule is it to be determined? That, however, is of no great consequence.

Considering that the finding of the President is not open to review, it is left in his unrestrained discretion to put the American-valuation plan in force or to retain the prevailing system. In fact, as much may be said of every provision of the proposed amendments in which is mentioned the necessity of a finding by the President. The language used was undoubtedly adopted to meet the views expressed by the court

that a statute may be legally enacted to go into effect upon the occurrence of some future event or upon the finding of the existence of a factor condition, while in fact the President is vested with the authority at his unrestrained will to make the changes. The provisions would be so popularly understood and rightly so understood. Some cynic, having in mind the fact that there was no international machinery by which a nation could be brought to the bar upon a charge of having violated treaty provisions intended to mitigate the horrors of war, said of such that they were but the expression of "a pious hope." So the Congress, by the language of the amendments to which reference has been made, piously expresses the hope that the President may find the conditions to exist which justify his action, knowing that it must stand whether they do or not. The liberty accorded him to act in accordance with whatever view he entertains of the public interest is an outstanding feature of the provisions dealing with unfair methods of competition. The finding being made that such methods are being pursued, he determines what additional rate will "offset" the same, or, in "extreme cases," he may exclude from entry the merchandise involved. Just how he shall compute the money equivalent of the unfair practices is a mathematical problem, the complexities of which are relieved by no word in the statutes, nor is there any rule under which he can conclude that a particular case is or is not an "extreme" case. The practical operation of this statute would be no whit different if it expressly empowered the President to assess whatever duty he saw fit, not to exceed 50 per cent or less than 10 per cent, or to deny the particular merchandise altogether.

One paragraph of the section dealing with this subject, 316, needs some revision. It authorizes the President when he finds, as a fact, that merchandise is offered for entry pursuant to unfair methods of competition, but has not information sufficient to satisfy him of the fact, to forbid its entry until an investigation is had. Just how he could find the fact if he has not information sufficient to satisfy him of its existence is difficult to understand.

Equally obnoxious from a constitutional standpoint are the provisions authorizing the President to impose additional duties upon the imports from any country discriminating against American products. Such discriminations are by some process to be reduced to a money equivalent, and the President is to fix the duties so as to balance the account. He is further vested with discretion to make his proclamation, by way of reprisal, extend to the whole of the offending country or to any part of it, and he may, in case of contumacy on the part of the offending nation, exclude all its products from entry if he deems such a course consistent with the interests of the United States. Here is a clear surrender of the power vested in the Congress to determine what is for the best interest of the United States with respect to taxation and foreign commerce.

This leads me to remark that the committee, apparently doubtful of the validity of the amendments under review, considered solely as features of a revenue law, took pains to recite in them that they are to be enacted "in order to regulate the foreign commerce of the United States." But it need not be said that Congress can not delegate the authority reposed in it by the people to regulate commerce with foreign nations any more than it can the power to lay and collect duties.

The vices pointed out in the amendments offered by the committee would, unquestionably, infect the entire act should they become a part of it. Three of the justices dissented from the conclusion reached by the majority of the court in Field against Clark as to the validity of the reciprocity provisions of the McKinley Act, though they concurred in the judgment.

It will be remembered that the commodities upon which the tax was claimed did not embrace any of the limited number, only five in all, with respect to which the President was authorized to act. The dissenting justices took the view that there was an unlawful delegation, but that the only effect of such was to invalidate the provision under which those particular commodities should become dutiable.

The provisions here considered, however, extend to every item in the bill. As heretofore recited the two Houses of Congress stand in disagreement as to the policy which should be pursued in reference to the basis upon which ad valorem duties shall be computed. The chairman of the Committee on Ways and Means, speaking evidently with knowledge of the attitude of his associates in the House, publicly declared that Congress will be in session until snow flies unless the Senate recedes from its insistence on the foreign valuation. Influential members of the Senate Committee on Finance have been scarcely less outspoken touching their purpose never to yield the point. It is hoped that the House will yield its assent to the bill as revised by the Senate, in view of the "elastic provisions" which have been the subject of these remarks. They unquestionably enter so largely into the structure of the bill—they constitute in such large measure an inducement and a consideration for its passage, if it does pass substantially as proposed by the Senate—that if they fall they bring down the entire edifice. Such a result would be nothing less than a calamity to the business interests of the country, the risk of which is too imminent to be lightly assumed.

APPENDIX.

SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions of competition in trade in the markets of the United States of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in conditions of competition in trade he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or forms of duty or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in conditions of competition in trade necessary to equalize the same in the markets of the United States; that 30 days after the date of such proclamation or proclamations such changes in classification or in forms of duty shall take effect and such increased or decreased duties shall be levied, collected, and paid on such merchandise when imported directly or otherwise from the country of origin into the United States: *Provided*, That until further provided by law the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in this act, or in any amendatory act.

(b) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions of competition in trade, in the markets of the United States, of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that an industry in the United States is being or likely to be materially injured by reason of the importation into the United States of foreign merchandise, and shall find it thereby shown that the value as determined under the provisions of paragraphs (1), (2), or (3) of subdivision (a) of section 402 of this act, is not a certain basis for the assessment of the particular duties, he shall make such findings public, together with a description of the class or kind of merchandise to which they apply in such detail as he may deem necessary for the guidance of appraising officers; that in such cases and upon the proclamation by the President becoming effective the ad valorem duty or duty based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price, as defined in subdivision (f) of section 402 of this act, of any similar competitive article manufactured or produced in the United States embraced within the class or kind of imported merchandise upon which the President has made public such a finding and proclamation.

That the ad valorem rate or rates of duty based upon such American selling price shall be the rate found upon said investigation by the President to be shown by the said differences in conditions of competition of trade in the markets of the United States necessary to equalize the differences so found in said conditions of competition in favor of either foreign manufacturers or producers, but no such rate shall be decreased or increased more than 50 per cent of the rate specified in title 1 of this act upon such merchandise. Such rate or rates of duty shall become effective 30 days after the date of the said proclamation of the President, whereupon the duties so estimated and provided shall be levied, collected, and paid upon such merchandise in the manner herein provided when imported directly or otherwise from the country of origin into the United States.

(c) That in any investigation provided for in this section account may be taken of the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production of such similar merchandise in the United States and competing foreign countries and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same; that no proclamation shall issue under this section unless reasonable opportunity shall be afforded to all persons directly interested in the production and distribution of such merchandise affected by such proclamation; that the President, proceeding as hereinbefore provided for the proclamation of such rates of duties, may, when he shall determine that it is so shown that the competitive advantages have changed or no longer exist which led to such proclamation, accordingly as so shown modify or terminate the same.

(d) For the purposes of this section any coal-tar product provided for in paragraph 25 or 26 of Title I of this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner.

If, in any investigation under this section, the President ascertains as a fact that the rates specified in paragraph 25 or 26 of Title I of this act or imposed under the provisions of this section do not equalize the differences in competition in trade in the markets of the United States of any such article wholly or in part the product of the United States and of like or similar articles wholly or in part the product of competing foreign countries, or ascertains as a fact that an industry in the United States is being or likely to be materially injured by reason of the importation of like or similar articles into the United States, he is authorized and it shall be his duty to issue a proclamation stating such fact, and the provisions of the dye and chemical control act, 1921, as amended, shall be in full force and effect from the date and for the period stated in any such proclamation, but the aggregate period shall not exceed one year.

(e) If there is any imported article within the class or kind of merchandise upon which the President has made public a finding, for which there is no similar competitive article manufactured or produced in the United States, the value of such imported article shall be determined under the provisions of paragraphs (1), (2), and (3) of subdivision (a) of section 402 of this act.

(f) The Secretary of the Treasury is empowered to make such rules and regulations as he may deem necessary for the entry and declaration of imported merchandise of the class or kind of merchandise upon which the President has made public a finding under the provisions of this section and for the form of invoice required at time of entry.

SEC. 316. (a) That unfair methods of competition and unfair acts in the importation of merchandise into the United States, or in its sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful, and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

(b) That to assist the President in making any findings under this section jurisdiction is hereby conferred upon the executive department or independent establishment of the Government, or both acting in cooperation, which he shall designate to investigate any alleged violation hereof on complaint under oath or upon the initiative of such department or independent establishment.

(c) That such department or establishment shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by such department or establishment such rehearing with opportunity to offer evidence, oral or written, as may be deemed by such department or establishment sufficient for a full presentation of the facts involved in such investigation; that the testimony in every such investigation shall be reduced to writing, and a transcript thereof with the findings and recommendation of such department or establishment shall be the official record of the proceedings and decision in the case, and in any case where the findings in such investigation show a violation of this section a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such merchandise; that such findings and decision, if supported by evidence, shall be conclusive, unless a rehearing shall be granted by such department or establishment, or unless, within such time after entry of said decision and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal shall be taken from said finding and decision upon a question or questions of law only to the United States Court of Customs Appeals by the importer or consignee of such merchandise; that if it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before such department or establishment, said court may order such additional evidence to be taken before such department or establishment in such manner and upon such terms and conditions as to the court may seem proper; that such department or establishment may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by the evidence, shall be conclusive as to the facts unless within such time and in such manner an appeal shall be taken as aforesaid upon a question or questions of law only; that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari within three months after such judgment of the United States Court of Customs Appeals.

(d) That the final findings of such department or establishment shall be transmitted with the record to the President.

(e) That whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall determine the rate of additional duty, not exceeding 50 nor less than 10 per cent of the value of such merchandise as defined in section 402 of Title IV of this act, which will offset such method or act, and which is hereby imposed upon such merchandise, or, in what he shall be satisfied and find are extreme cases of unfair methods or acts as aforesaid, he shall direct that such merchandise as he shall deem the interest of the United States shall require shall be excluded from entry into the United States, and upon information of such action by the President the Secretary of the Treasury shall, through the proper officers, assess such additional duties or refuse such entry; and that the findings of the President shall be conclusive, unless within 10 days thereafter he shall revoke or modify the same, in which case such revocation or modification shall be conclusive.

(f) That whenever the President shall find as a fact that any merchandise is offered or sought to be offered for entry into the United States in violation of this section but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed: *Provided*, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate.

(g) That any additional duty or any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to the assessment of such additional duty or refusal of entry no longer exist.

SEC. 317. (a) That from and after the passage of this act, subject to the provisions of this section, all products, when imported into the United States from any foreign country, shall be admitted under the provisions of Titles I and II and sections 315 and 316 of this act.

(b) That the President shall by proclamation specify and declare new or additional duties as hereinafter provided upon the products of any foreign country whenever he shall find as a fact that such country—

Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like products of any foreign country;

Imposes, directly or indirectly, upon the importation from the United States of any article not the product of the United States any customs, tonnage, or port duty or any other charge, exaction, regulation, or limitation whatever which is not equally enforced upon importation from every foreign country of the like article not being the product of the country whence it is directly imported;

Imposes upon any product upon its exportation to the United States any duty, charge, restriction, or prohibition whatever which is not equally enforced upon the exportation of such products to every foreign country;

Discriminates against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country; or fails to accord to the commerce of the United States treatment equal and equivalent to that accorded to the commerce of any foreign country.

(c) If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subsection (b) hereof, maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country as he shall deem the public interests may require shall be excluded from importation into the United States.

(d) That any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

(e) The President shall find as a fact the burdens placed on the commerce of the United States by the discriminations aforesaid, and when issuing any such proclamation shall declare therein the new or additional customs duties determined by him as aforesaid to be equivalent to such burdens, not to exceed 50 per cent ad valorem or its equivalent, and shall specify the date upon which such proclamation and any new or additional customs duties declared therein shall take effect, and from and after such date there shall be levied, collected, and paid on the products enumerated in such proclamation when imported into the United States such new or additional customs duties; or in case of products declared subject to exclusion from importation into the United States under the provisions of subsection (c) hereof, such products shall be excluded from importation.

(f) That whenever the President shall find as a fact that any foreign country enforces upon the exportation of any product any export duty, restriction, or prohibition, or grants any bounty on production or exportation, any rebate of duties or any preferential allowance upon exports which unduly or unfairly discriminates against the United States, any products thereof, or consumers therein, he shall by proclamation specify and declare new or additional duties as provided in subsections (b), (d), and (e) upon importation from any foreign country into the United States of the products of any industry which receives any benefit from any such discriminatory provisions aforesaid; and said new or additional duties shall be levied, collected, and paid as provided in such proclamation.

(g) All articles of merchandise imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this act shall be applicable to importations into the United States of the products of any foreign country, they shall be applicable thereto whether such products are imported directly or indirectly.

(h) It shall be the duty of such department or independent establishment of the Government, as the President may direct, to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subsections (b), (c), and (f) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of such department or independent establishment to bring the matter to the attention of the President, together with recommendations.

(i) The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this act.

(j) That when used in this section the term "foreign country" shall mean any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions), within which separate tariff rates or separate regulations of commerce are enforced.

Mr. McCUMBER obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Brandegee	Heflin	McNary	Smoot
Bursum	Hitchcock	Moses	Spencer
Calder	Johnson	Newberry	Sterling
Capper	Jones, Wash.	Nicholson	Sutherland
Caraway	Kellogg	Norbeck	Townsend
Curtis	Kendrick	Norris	Underwood
Dial	Keyes	Oddie	Wadsworth
Dillingham	Ladd	Page	Walsh, Mass.
Elkins	La Follette	Phipps	Walsh, Mont.
Fletcher	Lenroot	Pittman	Warren
France	Lodge	Poindexter	Watson, Ga.
Frelinghuysen	McCormick	Pomerene	Watson, Ind.
Hale	McCumber	Rawson	Weller
Harreld	McKellar	Robinson	Willis
Harris	McKinley	Sheppard	
Harrison	McLean	Simmons	

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum is present.

Mr. McCUMBER. Mr. President, I had not expected to discuss this feature of the bill at this time; but the Senator from Montana [Mr. WALSH] having made quite an exhaustive argument upon the subject in the early stages of the discussion of the bill, for which I sincerely desire to thank him, I feel it quite proper that on behalf of the committee I should state the

general basis on which we hold this administrative provision to be constitutional. I will say to the Senate that the provision which has just been discussed by the Senator from Montana has been most carefully drawn by members of the Tariff Commission and by Judge De Vries, of the Court of Customs Appeals, after an exhaustive study of all the questions and the decisions bearing upon this important subject. I shall but most briefly indicate what I believe to be the only legal question involved.

Section 8 of Article I of the Constitution of the United States provides:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises—

And so forth; and in the same section it is provided that the Congress shall have power—

> to regulate commerce with foreign nations, and among the several States—

And so forth. Upon these two provisions of the Constitution is based the power which we here impose upon the President, acting through the Tariff Commission, not to fix duties himself, according to his own judgment, but to ascertain facts and then lay a duty which will be prescribed by Congress to effectuate a certain result.

Section 315 (a) of the provision discussed by the Senator from Montana reads:

> That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation * * * shall find * * * that the duties fixed in this act do not equal the said differences in conditions of competition in trade—

He may first adopt the American selling price of the article as the basis on which the duty is to be levied, and then may either increase or decrease the rate, within fixed limits, to effectuate the purpose declared.

Subdivision (c) of the same section provides that the President may take into account—

> the price at which like or similar merchandise is sold in the United States and competing foreign countries, wages, prices of materials, and all other items in costs of production, * * * and any advantages of domestic and foreign producers in competitive trade, including laws and regulations affecting the same.

After ascertaining just what rate of duty will equalize these differences, the law directs him to apply that rate upon the standard of valuation which the law prescribes. The law does not state what these specific duties shall be, but it does direct that the duties shall measure up to a certain standard, to be determined by the facts, and that standard is equality of competition in the American market.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I do.

Mr. SIMMONS. If I understand the Senator, he means that the President may take into consideration the difference in the cost of production here and abroad, wages and all that sort of thing; that the rule of measurement is the difference between the selling price in this market of the foreign and the domestic product, and the President, while giving consideration to the difference in the cost of production here and abroad, should so fix the rate as to bring about equality in conditions of competition in trade in this market.

Mr. McCUMBER. The Senator does not accurately state the position. The proposition is that the President shall take into consideration every one of these things, not that he shall take into consideration one of them or two of them, and then, if they do not properly apply, he may consider others; but he is to take into consideration every fact that bears upon the question of the competitive trade in the markets of the United States. It may include the matter of exchange, it may include the matter of freights, of labor costs, of export duties, of laws and regulations, and any other matter that affects equality of competition in the markets of the United States. No one of them is given predominance in his consideration of the subject.

Mr. SIMMONS. Yes; I think I understand that statement of the Senator; but when the President has taken into consideration all of these things which the Senator has enumerated, if he shall find that in taking those things into consideration the difference is less than the difference in the selling prices, then the President is directed to take the selling price as the basis for the rate instead of these differences arising out of cost of production and other things that the Senator said he may take into consideration.

Mr. McCUMBER. He takes into consideration not only selling price but any other matter that is necessary to arrive at a definite understanding of the facts. What the American manufacturer or American producer is most interested in is not so much what it costs to produce the competing article in the foreign country as what that article is being put down for in the American market, because it is in the American market that he must meet his competition.

Mr. SIMMONS. Now let me put a concrete case to the Senator. Suppose, after considering all of these elements that the Senator says the bill authorizes the President to consider, he finds that there is only a difference of 25 per cent in favor of the foreign article, but he also finds at the same time that there is a difference of 50 per cent between the selling price of the domestic and the foreign product in this market abroad and the selling price here, would not the President, under your bill, be required to raise the duty to 50 per cent instead of 25 per cent?

Mr. McCUMBER. Certainly not. The Senator does not for one moment want to lose sight of the declared purpose, and the declared purpose is to equalize the competition in trade. If the American producer should raise his price to an unjust amount it would not be necessary to raise the duty in order to meet any exorbitant demand that he might make.

Mr. SIMMONS. I have not made that contention in the question I have asked.

Mr. McCUMBER. I am simply making that statement to show that that is not the intent of the bill.

Mr. SIMMONS. But the Senator's bill says that while the President may take into consideration all of these things with reference to production costs, and so forth, when he goes to establish this additional rate he shall establish it so as to bring about equality in conditions of competition in trade in this market. If he finds that a rate based on the difference in cost of production does not bring about equality in conditions of competition, your bill directs him practically to ignore that measure and to establish his rate upon the basis of difference in the selling price.

Mr. McCUMBER. No; I have stated that the Senator is mistaken in that. The Senator assumes all the time that the President must start upon the foundation of equalization of the difference between the cost of production at home and abroad. If he can not, by a rate, effectuate an equality in conditions growing out of the difference in the cost at home and abroad, he then may fix his rates upon some other standard. He takes all of those elements into consideration—not one of them. No one of them is given a dominant influence.

Mr. SIMMONS. That I entirely understand, but your bill says that the rates which the President is required to fix shall be laid with a view to equalizing conditions in competition in trade here and abroad.

Mr. McCUMBER. No; here—not abroad.

Mr. SIMMONS. Yes; differences in conditions of competition in trade in this market. But your bill provides that the President, in ascertaining this rate which he is authorized to superimpose, shall ascertain it with a view to equalizing conditions in competition in trade in this market.

That is the ultimate standard of measurement that he is to apply under your bill; but in reaching that standard he may consider these other things. The starting point is the condition of competition in the American market. His rate is to equalize that difference, to bring about equality in that respect.

Mr. McCUMBER. If there is already equality in competition, then that provision of the law will not apply.

Mr. SIMMONS. But suppose there is not equality in competition, and the President is directed to bring about equality in competition in trade. The President proceeds to find out that equality by first ascertaining the price at which the domestic product is sold in this country and the price at which the foreign product is sold in this country. He has, in the last analysis, then but one basis of determining the rate, and that is the difference between these two prices. The rate is imposed with a view to equalizing those differences. These other things that he is authorized to consider do not furnish the basis. They are merely evidence; they are merely circumstances which the President may consider; but after he has considered them he is to determine the difference in price in the domestic market of products which are produced here and sold at wholesale and products which are produced abroad and imported into this country and sold at wholesale. The rule is that he shall fix the rate with the view of bringing the selling price of the foreign article to the level of the selling price of the domestic product.

Mr. McCUMBER. The rule is that he shall bring about a condition of equality in competition in the markets of the United States. That is the rule by which he must measure the duties, and it is the only rule that is to guide him. He has to consider what duty is necessary to effectuate that purpose.

Mr. SIMMONS. But the President is to bring about equality, in the end, in the selling prices of the two products.

Mr. McCUMBER. In competition. It does not necessarily mean the selling price by any means. An imported article which is no better than the American article, because of the fact that it is imported may sell for an even higher price than the American product, and the President is not authorized to attempt to equalize the selling prices of the two articles by the duty. He is to look only to the one question, of equalizing the competition in the United States market.

Mr. SIMMONS. The conditions of competition in trade——

Mr. SMOOT and Mr. WALSH of Montana rose.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I yield first to the Senator from Utah, as he rose first. Let me say to the Senator from North Carolina that in stating that I yielded to the Senator from Utah before yielding to the Senator from Montana, I did not wish to cut off the Senator from North Carolina in an unfinished sentence.

Mr. SIMMONS. All I wanted to say was that equalizing conditions in competition in trade must be taken to mean with reference to the selling prices of the two products in the American market. That does not mean, as the Senator has said, that there must be absolute equality in price, without taking into consideration any difference in quality. They might be the same articles; one might be a little better, and the President would consider that element, of course, but in the final analysis the rate is levied upon the basis of obtaining equality in price, because competition in trade has reference to price.

Mr. McCUMBER. Mr. President, let me again correct the Senator, and I can explain that by the illustration I gave. An imported article that is of exactly the same quality as the American-made article may sell for a higher price in the markets of the United States than that of the American article. We seek in no way to attempt to balance those prices. They may be competitive, but the very fact that the foreign article is sold for a greater price than an equally valued American-made article would indicate that there would be no necessity whatever for intervention.

Mr. SIMMONS. But I assume that nobody would apply to the President to invoke this power if the foreign price were higher than the American price. They would only apply to him when the foreign price was lower than the American price. The point I want to make is that while the President is authorized to consider in this proposition the element of the difference in the cost of production here and abroad in fixing these rates, he is not directed to be governed by that but is expressly directed to be governed by another rule, namely, the difference in conditions in competition in trade, and price is, of course, the dominating and controlling factor. The difference in cost of production is a mere element, but that is subordinated to the controlling element, namely, difference in price. It is only a circumstance for consideration. The controlling element which must guide the President in this matter is whether the prices and selling conditions in the American market of the foreign product and the domestic product are equal or unequal. If he finds that the selling price of the foreign product is below that of the American product, he is authorized to bring it up to the selling price of the American product, and thereby bring about equality in competition.

Mr. McCUMBER. That is not as I understand it, Mr. President. Now I yield to the Senator from Utah, if he cares to speak.

Mr. SMOOT. Mr. President, I do not know that I want to discuss the question any further than to say now that I disagree with the Senator from North Carolina, and I think the Senator from North Dakota has correctly stated the position of the committee.

I may add, while I am on my feet, that the committee have already reported to the Senate the rates of duty which they think are sufficient to meet every case, with a very few exceptions, to which we may call attention during this discussion. The President does not have to transfer the basis of valuation from foreign valuation to American valuation unless it becomes absolutely necessary. He has the power under this provision to increase the rates on the foreign valuation, and I doubt very much whether there will be any increase made on more than one out of a thousand items in this bill, as I said. But if an industry is of sufficient importance to the United States, and if it is found that it is absolutely necessary, in order that that industry shall survive, for the President to exercise this power, I do not think the American people would object.

Mr. SIMMONS. May I ask the Senator one question?

Mr. SMOOT. If the Senator from North Dakota will yield.

Mr. SIMMONS. I would like to have a categorical answer, if the Senator is able to give it. Is the basis upon which the President is authorized to fix these rates the difference in the cost of production here and abroad, or is the basis upon which, in the last analysis, he is required and directed to fix it, the fixing of a rate which will bring about equal conditions in competition in trade? Which is the basis?

Mr. SMOOT. Mr. President, I can not give any different answer from that which the Senator from North Dakota has already given. The rates in this bill are not fixed entirely upon the one question of the difference between the cost of production in this country and in foreign countries.

The Senator knows that conditions in the world to-day are entirely different from what they ever were before. He knows that the conditions in one country are quite different from those in another; and the President must have power or Congress will have to act, and the Senator knows it is impossible for Congress to act in time to save an industry. Action must be had in certain cases which would never have been thought of under conditions existing in the past.

How are you going to meet this situation? The committee thinks they have reported the only way in which it can be met, and that it is not a question whether or not it will be the price at which the goods will be sold in this country. I say that there may be particular items—and I think I could mention a few of them to the Senator at this time—as to which that would be the only way in which it could be protected under the provisions of this law. But we must have a rule laid down for the President of the United States to act upon, and without that rule being laid down, I think, myself, the Senator from Montana would be right in saying that it was unconstitutional. But the rule laid down here is so plain and so definite that there is no question in my mind but that it will be held constitutional.

Mr. McCUMBER. I yield now to the Senator from Montana, and then, as I intended to take only a few moments on this matter, I would like to finish my statement, as I have not yet gotten to the meat of it at all.

Mr. WALSH of Montana. Mr. President, I ventured to interrupt the Senator from North Dakota because of the statement made by him to the effect that in some cases—perhaps only a few cases—the imported article will sell for a higher price than the domestic product simply because it is imported.

Mr. SMOOT. When it has a foreign name to it.

Mr. WALSH of Montana. I understood the Senator to say that that fact would not be taken into consideration by the President in fixing the rate.

Mr. McCUMBER. He would have to take all of those matters into consideration.

Mr. WALSH of Montana. I am not speaking about all of them.

Mr. McCUMBER. I simply stated that the fact that the foreign article was sold at a higher price in the United States would not necessarily mean that the President must change the rates in order to meet the situation.

Mr. WALSH of Montana. I did not understand the Senator to make a statement of that character at all. I understood him to say that that fact would not be considered under the rule.

Mr. McCUMBER. Every fact relating to the cost and to what the article sells for must be taken into consideration.

Mr. WALSH of Montana. We are altogether away from the question of the cost of production. We all agree that that is an important element to be taken into consideration. I understood the Senator to say, however, that though the imported article might sell in the markets of the United States for a higher price than the domestic article of the same character simply because it is imported—having a reputation as an imported article—that fact would not be taken into consideration and could not be taken into consideration by the President.

Mr. McCUMBER. Oh, no; I did not intend to say that. All of those facts, of course, would be taken into consideration. What I intended to say, and what I think I did say, was that in a case of that kind the President would not necessarily, and probably would not be called upon to, put into effect a different rate to meet that situation.

Mr. SMOOT. Mr. President, there is just one other thing I rose to speak of. I wish to call the Senator's attention to the fact—and the Senator knows it to be a fact—that many times foreign goods are sold in the American markets below the cost of production in a foreign country. I could cite hundreds of instances on this floor if I had the time. But we all know that many times goods manufactured in a foreign country are sold in the American markets below cost; at least until the American industry is destroyed, and then prices are advanced.

Mr. POMERENE. And many times American goods are sold in foregin countries at very much less than what they were sold for in this country.

Mr. SMOOT. A few of them.

Mr. SIMMONS. All I desired to accomplish by the interruptions I have made was to find out exactly what was to be regarded in this discussion as the rule upon which these rates were levied, whether it was the difference in the cost of production here and abroad, or whether it was to equalize conditions in competition in trade. It seemed to me that the bill clearly indicated that in the last analysis the rates were made in the bill, and were to be made by the President in case he increased those rates, with a view to equalizing conditions in competition, although, in order to do that he might have to impose a rate much higher than would be necessary to measure the difference in the costs of production.

I think it is very well to have that clearly fixed and determined, because we can not get along very well in discussing these rates if we have two rules by which to measure them. I can readily see that the difference in the cost of production here and abroad might be only 25 per cent, and yet the difference in the selling prices of the domestic and foreign product might be 50 per cent. The question is, Are these rates levied with reference to the one measure or with reference to the other measure?

When it is said that we take into consideration the cost of production; that does not meet the situation. The question is, In the last analysis upon which rule of measurement is the rate to be determined? There may be many elements outside of the cost of production to be taken into consideration, but in the last analysis, the bill, according to my conception of it, is not based upon the difference in the cost of production, which I consider and believe to be the only correct rule upon which the protectionist principle can be justified, but is fixed upon the basis of equalizing conditions in competition, which is an entirely different thing, and which is a deviation from the rule heretofore laid down by the Republican Party.

If the rates are going to be fixed upon the basis of equalizing conditions of competition, the profits that are charged by the domestic producer, as compared with the profits that are charged by the foreign producer, become an important factor in the problem, and we have absolutely no evidence to determine these relative profits, which would manifestly constitute an element in the levying of the rates. For instance, to make clear what I mean, suppose it is sought now to bring about equality in conditions of competition. The foreigner has a profit in his price of only 25 per cent. The American has a profit in his price of 50 or 100 or 200 per cent. These facts as to relative profits in a case of that kind would of necessity require consideration and we have no evidence whatever to enlighten us, and I assume the committee in fixing these rates had none.

Mr. McCUMBER. May I resume the argument now, may I ask the Senator? Of course, I am not complaining at being interrupted.

Mr. SIMMONS. I simply wanted to make my position clear. The Senator will remember that I asked several days ago that the majority should give us a clear statement of the rule adopted in measuring the protection which should be accorded an industry. The Senator has not until this time undertaken to answer that question. I wanted to get clear in the minds of Senators what was the rule now for the first time announced by the chairman of the committee.

Mr. McCUMBER. Mr. President, I only say upon the last suggestion made by the Senator from North Carolina that I was a member of the committee when the last tariff bill was passed, the Simmons-Underwood Act, and I know the difficulties the Senator himself had in attempting to ascertain the difference between the cost of an article at home and abroad. Of course, the Senator abandoned that generally when he drafted his bill, which was a tariff for revenue only, but the Senator understands that it is almost impossible to get the cost of the production of an article abroad. We get the very best information that we can. The tariff experts and those who have had to do with the collection of the customs duties practically all agree that there is at all times, under normal commercial conditions, a very close relation between the cost of production of an article in a foreign country and the selling price of that article in that country, and an equally close relation between the cost of production of an article in this country and the selling price of the article in this country; and that, therefore, if we should take the basis of the selling price, which we do to a certain extent in fixing our rates of duties, we have arrived at as close a relation as it is possible for us to reach in determining the necessary duty.

Mr. SIMMONS rose.

Mr. McCUMBER. I wish the Senator would allow me now to discuss the real subject which I intended to discuss when I rose, and that is the basis on which we claim this provision in the bill to be constitutional.

We have authority in Congress to regulate commerce between the States. A rate of duty or a tariff rate or a freight rate is an incident to the regulation of interstate commerce. So a duty upon imported goods is an incident to the regulation of commerce between this and foreign countries. The duties may regulate that commerce—may prohibit commerce entirely in certain articles. Congress has the same right and the same authority over its foreign commerce that it has over interstate commerce, and the same rules would apply in fixing rates of duty in our foreign commerce as would apply in fixing tariff rates or passenger rates over our railways.

Just remember that the policy of the proposed bill, with the exception of the dye embargo act, which is continued in force for two years, is to enable the American producer to continue to produce and sell his product in the United States and at the same time to permit the foreign producer to enter the markets of the United States.

Were it possible to ascertain the cost of production of any or every imported article in the country of origin and the cost of production of the same or like article in the United States, we could undoubtedly appoint a commission or authorize and direct the Treasury Department or the President to ascertain those two facts, and then by law direct the Treasury Department to apply a rate of duty that would bring the cost of the foreign article landed in the United States to an equality with the cost of the American article in the United States. It seems to me there can be little doubt of our authority not to delegate to the President the right to fix a duty but to delegate to him the right and duty to ascertain a fact and then by the law itself declare what the duty shall be, based upon the fact so ascertained, such duty to measure up to a prescribed requirement; in this instance, to equalize conditions of competition.

Now, it so happens that these two facts standing alone may not give the proper basis for determining what duty is necessary to equalize the differences in conditions of competition in the American market. There are laws, regulations, export duties, bonuses, differences in rates of exchange, freight rates, and many other facts, all of which will have a direct bearing on the question of equal competition in our markets. All of these facts are to be taken into consideration.

The whole purpose of the section is to secure equality of trade in the American markets. And if we have the authority to authorize the President to declare a rate which measures the difference, say, between the cost of production in one country and the cost of production in the other, if we have the right to say that the rate may be fixed upon these two bases, we have an equal right to say that the President shall take into consideration 10 different bases in arriving at a proper rate to effectuate this equality in trade. The President exercises no legislative function. He simply applies a rate to conform to the rule declared by Congress.

In its control over interstate and foreign commerce, Congress has the undoubted right to protect our navigable streams. Congress has the right to direct that a dike between certain points on the Mississippi shall be 150 feet wide at its base and 20 feet high. But instead of so doing, Congress has a right to declare that a dike shall be built of sufficient width and sufficient height to protect the channel and to prevent the overflow in case of flood, not to exceed, if it so desires to say, 150 feet wide at its base and 20 feet high. And it may direct a commission of experts, of engineers, to take into consideration the volume of the flow under normal conditions, the volume of the flow under the highest flood known, the angle at which the current strikes the banks at the particular point, the descent of the river at that point, and the consequent force of the current, the character and composition of the banks, and then direct that a dike be erected of sufficient width of base and height to protect and hold the waters within the channel, such base and height not to exceed the limitations laid down in the law itself. This would not be a delegation of power.

The same kind of a law might be enacted with regard to obstructions and the construction of bridges and approaches. Congress might authorize such construction not to seriously interfere with the navigability of the stream. And it might authorize a commission of experts to determine what would seriously interfere with the navigability and authorize them to prohibit any construction that would interfere with the navigability of the stream or seriously affect it.

The provision of this law does not even approach the authority given to the Interstate Commerce Commission to fix railway rates. I want to read that law and see how much broader it

is. If we were to apply to it the criticisms that are applied by the Senator from Montana [Mr. WALSH], that law could not stand, it seems to me, for a single moment. Here, in brief, is the declaration of authority:

> That the commission is authorized and empowered, and it shall be its duty whenever, after full hearing upon a complaint made * * * it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, * * * are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will be the just and reasonable rate or rates, charge or charges, to be thereafter observed in such cases as the maximum to be charged; * * * and to make an order, etc.

It will be observed that not only is the commission authorized to determine and prescribe what will be just and reasonable rates, but it is given authority to exercise a judgment as to whether any rates are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of the provisions of the act.

The determination of what are unreasonable or discriminatory rates may be said to smack of a judicial rather than a ministerial finding; and yet, so far as I know, not even the delegated power to determine what are just and unjust and what are discriminatory rates at least has ever been questioned by our court of last resort. It can not be doubted that the rate-fixing power is an incident to the regulation of interstate commerce, and, as I have said, the fixing of tariff rates is a matter of regulation of foreign commerce.

Mr. President, I have prepared quite a lengthy brief upon the constitutionality of this provision in the bill. I shall refer to it when in regular order we reach the particular provision. I am, nevertheless, glad that the Senator from Montana [Mr. WALSH] has raised the question at this time, in order that Senators may have full opportunity before we arrive at that section of the bill thoroughly to investigate the question. I think the Senator has called our attention to some matters that are well worthy of consideration and to which the committee may give further consideration before we come to consider that particular provision of the bill.

I had some doubt when the matter was first proposed as to whether or not the provision was within at least the twilight zone of constitutionality, but as I have examined it further and had an opportunity to consider the briefs that have been furnished on the subject I have come to the conclusion that it is clearly within the constitutional provision, and I shall attempt to demonstrate that when we reach the section itself.

Mr. UNDERWOOD obtained the floor.

Mr. WALSH of Montana. Will the Senator yield to me for a moment?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I merely desire to say in connection with the observation just made by the Senator from North Dakota [Mr. MCCUMBER] that in my discussion of the matter I proceeded upon the assumption that the power delegated by Congress to the Interstate Commerce Commission and by the legislatures of the State generally to railroad commissions is indisputable. It does not help the situation very much to base the argument upon the question as to whether or not that kind of a delegation of powers is within the limits of the Constitution. The greater portion of my argument was devoted to pointing out what I conceive to be essential differences between the delegation of power in the bill and the delegation of power to the Interstate Commerce Commission. Among other things, at least, the power delegated to the Interstate Commerce Commission is subject to review by the courts. That is one essential difference. Others I sought to point out. I suppose in due course those differences which I conceive to exist will have attention.

Mr. MCCUMBER. I do not think the suggestion goes to the real question of the constitutional authority to delegate to the President the right to ascertain a state of facts and fix a rate upon that determination. Whether or not we should give to the court the right of review is entirely another question. I am inclined to think that we can not deny the court, in some form, the power of reviewing any decision that may be arrived at; that if the court can not reach the decision in one way it may reach it in another without expressly declared authority on the part of Congress.

Mr. POMERENE. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. Certainly.

Mr. POMERENE. The Senator from Montana [Mr. WALSH] has discussed at length the opinion of the Supreme Court based upon the reciprocity provision of the McKinley tariff law. It seems to me that under the provisions contained in the pending bill we shall have vested almost unlimited discretion in the President with respect to the fixing of rates. Of course, I understand there has been an attempt to make competitive conditions the criterion. I think I understand what is in the mind of the Senators who propose this legislation.

Mr. MCCUMBER. Of course, if that does not stand, the entire bill falls. I admit that.

Mr. POMERENE. But, as bearing upon that, it is proposed by the pending bill to give the President unlimited discretion when it comes to the reclassification of different articles which are the subject of tariff rates. It is proposed to give to the President unlimited discretion to change from either the ad valorem system of levying duties to the specific system, or from specific duties to ad valorem duties. It is proposed to give the President unlimited discretion to change from the foreign valuation scheme to the American valuation scheme; and, I take it, that the bill contemplates changing, if the President should see fit, from the American valuation scheme to the foreign valuation scheme.

In addition to that the bill proposes to give the President unlimited discretion within the limits of a 50 per cent increase or a 50 per cent decrease. It seems to me that the proponents of this legislation have lost sight—and I say this with all due respect—of an essential principle in all tariff legislation.

We want, if it is possible, to have tariff rates stabilized. I think we all agree as to that. When the tariff question is discussed with the business men of the country, no matter whether they take a view favoring a revenue tariff or a high protective tariff, they are more interested in having the rates definitely fixed than they are in any particular rate. The thing that troubles me most about the situation is that, within the limits which I have indicated, it is proposed to clothe the President with legislative discretion, only hemmed in by the boundaries which I have indicated, and I think, looking at it from a constitutional standpoint, that is a very grave difficulty contained in this provision.

Mr. MCCUMBER. Mr. President, I noticed that the Senator from Montana presented that feature of the difficulty with a great deal of force, and that is what I referred to when I stated that he had presented matters which I thought justified further and more careful consideration at the hands of the committee. I merely desire at this time to answer the suggestion of the Senator as to having fixed any definite rates of duty. We all admit that we want definite rates established; but, on whatever basis we may impose a duty, at the present time, when prices are fluctuating as they are and conditions are abnormal, they can not be definite. I absolutely expect that the prices of foreign commodities are going to increase somewhat.

Mr. POMERENE. They are increasing now.

Mr. MCCUMBER. I expect that the production costs in the United States are going to be reduced. I trust that hope will be realized; it may be realized; but if it shall be, then I want the authority given to the President to reduce as well as to increase any particular duty, so as to do justice in the American market, both to the importer and to the manufacturer. If we had normal conditions to-day, I would be absolutely opposed to this provision in our tariff bill. I think we need a new tariff law, but, as I stated in the beginning of the debate, the present is probably the worst time in the history of the country to fix the duty upon any one article because of fluctuating prices, due to abnormal conditions throughout the world.

Mr. POMERENE. Mr. President, I agree with the Senator that when it comes to fixing tariff rates, whether the question be looked at from the protective tariff viewpoint or the revenue viewpoint, we must take into consideration to some extent the rates of exchange and the varying industrial and economic conditions in different countries; there can not be any question about that; but it seems to me—and I base this statement very largely upon the able discussion of this subject by the senior Senator from North Carolina [Mr. SIMMONS]—that the cost of production in European countries has increased very substantially within the last few months. I think there can be no doubt about that. I realize the difficulties that have confronted the Finance Committee, but at the same time the provisions which have been so ably discussed by the Senator from Montana, in my judgment, raise a very serious constitutional question.

Mr. UNDERWOOD. Mr. President——

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gooding	McCumber	Sheppard
Borah	Hale	McKellar	Shields
Brandegee	Harris	McKinley	Shortridge
Broussard	Harrison	McLean	Simmons
Bursum	Heflin	McNary	Smoot
Calder	Hitchcock	Moses	Spencer
Capper	Jones, N. Mex.	Nelson	Sterling
Colt	Jones, Wash.	Newberry	Townsend
Culberson	Kellogg	Nicholson	Underwood
Dial	Kendrick	Norris	Walsh, Mass.
Dillingham	Keyes	Oddie	Walsh, Mont.
Edge	King	Page	Watson, Ga.
Elkins	Ladd	Phipps	Watson, Ind.
Fletcher	La Follette	Pittman	Weller
France	Lenroot	Pomerene	Willis
Frelinghuysen	McCormick	Robinson	

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present.

Mr. UNDERWOOD. Mr. President, the debate on this bill this morning has thrown a great deal of light on the situation in so far as the bill will affect the public generally, and in so far as the enactment of this bill into law will change existing conditions in levying taxes at the customhouse.

Of course, we have all known that almost from the beginning the Republican Party has favored a protective tax at the customhouse, and that the taxes levied on most of the articles, where they were highly competitive, prohibited foreign competition. Of course, under every tariff bill a certain number of articles come in that are either produced only in a foreign country, or they are articles of which the American production does not equal the American consumption, and almost any tax will allow importations and produce revenue; but there is a class of articles where competition governs the situation, and if you put the tax high enough—and sometimes it does not have to be very much of a tax to be high enough—it prohibits importations.

This bill in its administrative features, as shown by the discussion to-day, authorizes the President to adjust rates under certain conditions where they do not equalize the difference in conditions of competition in trade. I know no measure by which you can judge of the equalization of conditions of competition in trade other than the price of the article. The bill does not say whether "conditions of competition in trade" means wholesale conditions or retail conditions. Of course, it would be very much more extreme if we assumed that it meant to equalize the difference in trade in retail conditions, with retail profits added, than if we assumed that it referred to wholesale conditions; but it must mean one or the other. It must mean that the President can equalize the difference in competition in trade between foreign goods after they have landed on American soil and homemade goods on American soil, as governed by either the wholesale or the retail prices, because that is the only way in which he can measure it. It does not say "wholesale or retail prices," but that is the measure of the equalization of trade conditions. For the purpose of this argument I will assume that the language of the bill means the milder form of equalization of trade, namely, wholesale prices.

It demonstrates how far this bill has gone in the opinion of the drafters of the bill, in the way of excluding foreign competition entirely, when the distinguished senior Senator from Utah [Mr. SMOOT] announced to-day in the course of the debate that these provisions authorizing the President to put in operation the machinery of this bill to equalize the conditions in trade probably would not take effect in reference to more than one article in a thousand. I think I quote him correctly in what he said just a moment ago. Of course, I think the Senator from Utah was a little extreme in his statement, because, if I correctly remember, when the present law was prepared I had an estimate made as to the number of articles embraced in the bill—not an accurate count, but an estimate—and it was estimated that about 4,000 articles were embraced within the sheets of the bill.

Mr. SMOOT. I had reference to all the basket clauses and the items which fall in the basket clauses.

Mr. UNDERWOOD. They are articles; they are affected. There were 4,000 articles, and the Senator from Utah said that this provision authorizing the President to equalize conditions in trade would relate to only one in a thousand. That would mean four articles in the bill, if I am correct, but if it is twice as many as I say then it would be only eight articles. I think it would apply to a good many more.

What does that statement mean? I am sure there has been no man on the Finance Committee who has more diligently pursued the making of this bill than the distinguished Senator from Utah, and no man is better informed as to what will be accomplished, and there is no man who has a seat on the floor of the Senate who is more faithful in his advocacy of a protective tariff than is the Senator from Utah, and he interprets a protective tariff in this bill, the report on which he joined in, as equalizing trade conditions here and abroad. Yet he proclaims that there is not more than one article in a thousand of those named in the bill where that has not already been accomplished by the rates in the bill; that the rates in this bill as fixed now, without any action by the President, so equalize trade conditions that they come within the terms of the presidential mandate authorized in this bill, and it would not be necessary for the President to pursue the subject further.

What does that mean? If that be the case, if that be true, then, except for one article in a thousand in this bill, the rates are high enough to equalize the difference in conditions of competition and trade between the American and the foreign article.

Where is that competition going to be equalized? Is it to be equalized in Salt Lake City, with freight rates often equaling the value of the commodity to carry them to Salt Lake City? Or is it to be equalized in Chicago or Buffalo or New York? It is reasonable to assume that the equalization will take place where the competition is met—that is, on the seaboard.

If that is what is meant by this bill, and the President must levy a tariff duty high enough to make the wholesale price of the foreign commodity at least equal to the wholesale price of the home-produced commodity at the seashore, as most of these articles are made in the interior, the moment the foreign article starts toward the interior freight rates are added to its price, accumulating on the price above that of the wholesale American manufacturer, and that will absolutely prohibit its sale in the American market.

The Senator from Utah admits that practically all rates fixed in the bill—the rates in the bill itself—without intervention of the President, are as high as the announced standard of levying duties would require. Therefore, the rates will be prohibitive at the customhouse. It will be so that the foreign manufacturer will not be able to enter this market at all.

If that is the viewpoint taken, of course I do not assume that the Senator meant it to apply to that class of articles which are not produced in this country or that class of articles, such as sugar, of which the American people consume twice as much as is produced in America. Those classes of articles necessarily will have to come in, and I suppose the Senator means to have his statement apply to that class of articles where the American manufacturer is able to supply the larger part of the American market, because in all reason it could not go further than that.

If that is the case, then the very terms of your bill, the admitted terms of your bill, have destroyed competition from abroad. Of course, from a protection standpoint it may be said that the American producer is entitled to the entire American market, and if you were not levying taxes on the American people you might be justified in trying to produce that result; but when you produce the result of giving a monopoly to the home manufacturer by levying taxation at the customhouse high enough—admittedly high enough—to prevent foreign competition, then you are making the consuming masses of the American people pay the price of industrial monopoly, and there is no doubt in my mind that that is what this bill would do.

Mr. SMOOT. I have never admitted that these rates are prohibitive.

Mr. UNDERWOOD. No; I know the Senator has not.

Mr. SMOOT. I admit that they are protective. Some think they are not. There may be some of the rates which are not, but I think, taken as a whole, they are protective.

Mr. UNDERWOOD. In other words, the Senator thinks they may have overlooked a point here and there and not given what he calls a protective rate. That is probably true. You probably have made a bad guess somewhere; with all these articles to deal with that is probable, but it is not so in many cases, I venture to say. I think you have done your job pretty well, and if I read the rates aright you have established what you call a protective tariff. But the majority of the Finance Committee wrote this bill. They define in this bill what they mean by protective tariff, and the Senator from Utah himself has asserted on the floor of the Senate this morning that not more than one article in a thousand does not come up to the standard—that is, that the rates in this bill equalize the differences in conditions of competition and trade, and equalizing the differences in conditions of competition in trade means that the wholesale prices in the American market

will be equalized, and whenever you put your taxes high enough at the customhouse to bring the wholesale price of the foreign importer up to the wholesale price of the American producer you drive the foreign importer out of the American market. You are not merely protecting the cost of production, which is a fixed fact, a condition which can not be changed; but when you are equalizing trade conditions, equalizing wholesale prices, you are levying a tax to protect profits—at least, the wholesale profit, if not the retail profit. When you raise the tax at the customhouse so that the foreigner, if he sells at all, must sell after paying a rate which equalizes the cost of production here with the cost abroad with the wholesale profit added, it is only necessary for the American producer, who is not hampered, who is not tied, who can do what he pleases, after that has been adjusted by a declaration and proclamation of the President, to forego half of his wholesale profits for a short time, drive the foreign competitor out of the market, and then reestablish the price to suit himself.

In other words, admittedly you are preparing to build a tariff wall by this bill which will foster and build monopoly in American industry and do what the beneficiaries of the protective system have clamored for for 30 years, and which Congress has never intentionally heretofore granted them—that is, a protective tariff to protect their profits, a tariff which lets them put their profits on top of their cost of production, and then stands behind them to drive the competitor out of the American market. That is what this bill does, and that is the condition under which you face the country.

I listened this morning with much pleasure to the very clear and able debate of the junior Senator from Montana [Mr. WALSH] as to whether this clause authorizing the President to equalize trade conditions in the American market is constitutional. I did not believe in the beginning that the clause was within the terms of the Federal Constitution, but the distinguished Senator from Montana clearly convinced me that there can be no question of a doubt on the subject.

It is true that the Congress may delegate to the executive branch of the Government the power to administer legislative provisions, but it has never been held yet that the legislative branch of the Government can directly transfer to the administrative branch of the Government the power to legislate.

When you come to a customhouse tariff act, of what does legislation consist? Does it consist of levying taxes? That is the primary thing. The question is not on what articles you are going to levy primarily; it is the question of levying taxes for the benefit of the Government.

Is there not one equation in the question of levying taxes which primarily and above all other things constitutes the power of legislation, and that is the determination of what the tax shall be? It may be that when the power was delegated to the Interstate Commerce Commission to regulate rates under the interstate commerce clause of the Constitution, which provides that Congress may regulate domestic and foreign commerce, there can be delegated the fixing of the rates, because primarily the rate is not what the Constitution had in mind for regulation, but it was the control of commerce. But when the Constitution gives to Congress the power to tax, the rate of taxation is the primary thing to be accomplished.

In the pending bill it is to be left to the discretion of the President to fix any rate he may choose between nothing and 50 per cent. If that is constitutional, then we may say that it shall be left to his discretion to fix any rate he may chose between nothing and 1,000 per cent and abandon all control of the matter itself. So when there is left discretionary with the President the main feature that should be determined by the legislative mind, the rate of taxation, the burden which the American people must bear, I say then there is an abandonment of the power granted to Congress by the Constitution, and that it has been turned over absolutely to the executive branch of the Government. But it does not stop there.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. Certainly.

Mr. BRANDEGEE. Does the bill fix any rule by which the President is required to act in the exercise of his discretion?

Mr. UNDERWOOD. That is in dispute. On some sides it is contended that under certain conditions he has to call these provisions into existence. I contend, and those who believe with me contend, that the provisions of the bill are so indefinite in that regard that they do not fix a rule; that there is no established fact on which a rule is based, and therefore it is left entirely to the discretion of the President as to whether he will put the clause into effect or not. Of course, it is contended on the other side that that is not so, but there is no contention whatever about the fact that as to the rates to be charged the President has the right to exercise an unlimited discretion within the range between nothing and 50 per cent.

Mr. BRANDEGEE. Without any rule?

Mr. UNDERWOOD. Without any rule. Of course, he does not begin to levy his tax until the rule is invoked that he shall invade the subject, and there is no rule whatever governing his discretion as to whether the tax shall be 1 per cent or 50 per cent.

Mr. BRANDEGEE. I would not call the happening of a condition which is requisite to exercising his power a rule within which he is to operate in the exercise of the power, because I understand that he can not use the power at all until a certain condition of facts develops, and then he is authorized to exercise the power within certain limits. But is there any rule laid down governing him in the exercise of his power?

Mr. UNDERWOOD. The Senator from Utah [Mr. SMOOT] will say there is. I contend there is not. I mean there is not any definite rule. I do not mean to say that the bill does not talk about it.

Mr. BRANDEGEE. I have not the bill before me. That is the reason why I asked the question.

Mr. UNDERWOOD. I would read it to the Senator, but it is long and I prefer not to dwell on the various clauses. But I am not basing my argument on that ground. I agree with those who contended this morning that there is no happening of any specific event. We all recognize the fact that we may delegate the power, upon the happening of an event, for the Executive to put into force a tax that has already been agreed to by us; but I say there is no definite event fixed in the bill for that happening; that the happening is a matter of discretion with the President and not a fixed event. However, I am not discussing that at this time. There is no dispute about the fact that when the event has happened, if it does ever happen, the President exercises his power, and that he can fix any rate of taxation between 1 per cent and 50 per cent.

I say the primary thing in taxation is the rate, and that Congress in the bill has abandoned any control of the rate of levying taxation on the American people except a limitation of 50 per cent. If that is held constitutional, then next year it can be made 1,000 per cent or 2,000 per cent, and the Congress can abandon its control of taxation entirely to some subordinate bureau of the Government.

Of course we all recognize that, although we are speaking in the name of the President of the United States, we are delegating to him a power which he could not exercise himself because he has not the time to put it into force. The moment we delegate this power to the President he must turn it over to a subordinate bureau of the Government to exercise for him—a bureau without direct responsibility to the American people, giving to a bureaucracy the unlimited power to control industry, the unlimited power to levy taxes on the American people.

Mr. POMERENE. And that in time of peace.

Mr. UNDERWOOD. Yes; and, as my friend from Ohio suggests, that in time of profound peace. But the bill does not stop there. Suppose this is the policy of the Government. This is a new policy that the majority are injecting on the American people, an untried policy that some may be willing to experiment with at the customhouse, but there is no difference between taxation at the customhouse and taxation at home.

If Congress can delegate to the President of the United States the right and power to levy taxes on the value of imported articles coming into the customhouse, with a discretion of levying anywhere from 1 to 50 per cent, the same power can be delegated to levy it on home consumption.

Congress could authorize the President to levy a tax within his discretion on sales of home commodities to produce a certain amount of revenue. We could transfer the discretion to the President of the United States to determine, without enactment of Congress, how much and what the rate shall be in reference to the income taxes levied in America. If we can do that, we can go further and leave the discretion with the President of the United States to determine whether we will raise the revenues which are necessary to carry on the Government by direct taxes on the American people, consumption taxes, or whether we will raise them through an income tax, a tax on wealth. You not only leave it to the President, but when you start into the domain of surrendering the great trust that the Constitution of the United States has given you to protect the American people you do not leave it to the President, but you leave it to a bureau chief, you leave it to a Government bureaucracy to determine what burdens the American people shall bear in the future.

Mr. WATSON of Indiana. Mr. President——

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Alabama yield to the Senator from Indiana?

Mr. UNDERWOOD. I yield to the Senator.

Mr. WATSON of Indiana. Does the Senator object to conferring this discretionary power upon the President because of the range permitted the President—that is to say, that he may be permitted upon proper showing to raise or lower the rate 50 per cent—or does he deny absolutely that discretionary power in any instance?

Mr. UNDERWOOD. I do not think there is any constitutional right in it, but if there is a constitutional right I certainly object to the representatives of the American Government turning their power over to a bureaucracy not responsive to the will of the American people.

Mr. WATSON of Indiana. Let me ask the Senator this question, if he will permit me: Suppose we fix the rate at 10 cents a pound on a given article and we provide that if upon a proper showing properly made to the President he is convinced that 10 cents a pound is not sufficiently protective of the industry in the United States engaged in producing that article he may raise the rate to 15 cents a pound, fixing the absolute rate, does the Senator say that is unconstitutional?

Mr. UNDERWOOD. I undoubtedly do; but even if it is not unconstitutional it is wrong. It has never been necessary in the past. When the Democratic Party was in control of the Government without question for 50 years, industry was not destroyed. When the Republican Party came into power they had the intelligence—although I did not agree with their principle or their theories of levying taxes—to write tariff bills or fix rates on the statute books which carried out their theory of Government. But now, for the first time in the history of this great Republic, we find a party in power which contends that it has not the ability to write a tariff bill which will carry out its protective theories, but must surrender that power to a bureaucracy controlled by the President of the United States.

Mr. WATSON of Indiana. But does not the Senator recognize—and I can not make a statement because I have no desire to take him off the floor——

Mr. UNDERWOOD. I am perfectly willing to yield to the Senator——

Mr. WATSON of Indiana. I must content myself with a question.

Mr. UNDERWOOD. Just so I do not lose the floor.

Mr. WATSON of Indiana. I decline to make a statement because I am insisting on the enforcement of the rule. Does not the Senator recognize that conditions now are entirely different from what they have ever been before in the history of the world, that prices are more shifting, that values are more fleeting, that costs of production are more uncertain, and that something must be done besides levying a mere rate of tariff if under the Republican theory of protection we are adequately to protect American industry?

Mr. UNDERWOOD. No; I do not recognize that. I recognize a part of the Senator's statement. I realize, of course, that growing out of after-war conditions the entire fabric of the business of the world has been demoralized, but the Senator need not be so apprehensive that he will have to change this tariff from hour to hour to carry out his theory to prevent a debacle in American business.

I call to the Senator's attention the fact that the war was over in November, 1918. On the 11th day of November of this good year 1922 four years will have elapsed from the time the war ceased. Business, of course, throughout the world has been thrown out of alignment by reason of war conditions, but the three and one-half years which have elapsed since that time have demonstrated in the average industry of the United States that it was not importations from abroad that were injuring American industry, but that the importations were not serious and in many cases had ceased entirely.

The difficulty with the American manufacturer was that there was no market left for him at home or abroad. He had no market in which to sell his products. Industry is moving to-day. I admit that it has not come back to the prosperous times of four years ago, but there is not a business man in America who does not say that his business is improving at this hour, and it is improving under a Democratic revenue tariff law. The tariff-for-revenue basis the protected manufacturer spews out and discards; and yet on that basis business is coming back; it is not being destroyed. These gentlemen, however, seek not merely to impose certain tariff rates but, under the plea that conditions may change from day to day, from hour to hour, from month to month, from year to year, they seek to give the President the authority to increase the rates whenever foreign competition may so much as put its nose across the international boundary line and challenge for one good moment any rights in the American market. Yet as to most of the commodities which are covered by the pending bill the only way by which the American consumer may be protected from the exactions and extortions of those controlling trade interests in America is to insure some competition. In many cases the only place from which such competition can come is across the international boundary line; but when a tariff tax is imposed such as is admitted here in the Senate to be prohibitive we cease to use the taxing power for the benefit of the Treasury of the United States and use it entirely for the benefit of a certain class of protected manufacturers, for when a foreign commodity can not come in at the custom-house, when it can no longer enter into American trade, it does not come at all; there is no tax levied, and therefore when we build a prohibitive tariff wall we erect a tariff barrier that keeps out importations and at the same time keeps revenue out of the Treasury.

Mr. President, when I sat on the Committee on Ways and Means in the House of Representatives which wrote the present tariff law and reviewed the Republican law that preceded it I found that at least one-fourth of the articles included in the Republican tariff law, except those embraced in the free list—and under the Republican tariff law they were articles which were not produced at home, such as sugar, of which we did not produce enough for home consumption—of the real competitive articles there were more than one-fourth as to which the tariff rate was placed so high that no imports could come in. When I say "no imports" I do not mean that a pair of shoes could not come in despite the shoe schedule, but there was not one-thousandth of 1 per cent of importations compared to the consumption of the American market.

Republicans then were content to erect a wall high enough to exclude entirely competition as to one-fourth of their favored industries, and to cut off revenue to the Federal Treasury to that extent; but now they come on the floor of the Senate and admit that they have prepared and devised a scheme by which tariff rates may be imposed for the benefit of their entire favored classes at all times and under all conditions; for it goes without saying that when we delegate to the President the unlimited power to increase the rate on any article 50 per cent above those in the pending bill, the rate may thereby be raised high enough to exclude from competition in America the article included in the class.

Mr. President, I had not intended to enter upon a general discussion of the bill at this time, but with this important matter up for discussion on the floor of the Senate to-day, I did not feel that I could go back to the item in the bill which is under discussion until I had said a word at least as to why I think the entire scheme of this bill is wrong; as to why I believe it will lead to oppression of the American people; and as to why I believe that, in the end, it will destroy the business and trade of America.

I hope at some later day to be able to discuss the theory of the bill more fully and completely than I am able to do now; but the real purpose for which I ask the floor was to discuss the item which is now before the Senate for consideration, and that is the amendment which proposes to change the rate on arsenic acid from a general blanket clause rate of 25 per cent ad valorem to 3 cents a pound, and on arsenious acid or white arsenic from 25 per cent ad valorem to 2 cents per pound. They constitute two amendments, but are found in the same paragraph and relate to the same subject matter; so I will discuss them together.

Mr. President, I think if you will follow me for a moment and consider this particular commodity and the rates levied on it you will find that what the distinguished senior Senator from Utah [Mr. SMOOT] predicted a while ago will come true, that the extraordinary power delegated to the President to prohibit the importation of foreign goods into America will only be exercised in the case of one item in a thousand in this bill. It is true in this case.

Now, what is the history of this particular proposal? It has a history behind it. I read a description of the commodity and its uses:

Arsenious acid, or white arsenic, the most important and the commonest form of arsenic in commerce, is an acid anhydride rather than a true acid. It is also known simply as "arsenic" or as arsenic trioxide. Arsenious acid is a white insoluble powder with a slightly metallic taste and vaporizes without melting when heated in the open. Arsenic acid is chemically different and is obtained by oxidation of white arsenic. It occurs in commerce as a true acid, a thick sirupy liquid packed in steel drums, and in the form of the acid anhydride—arsenic pentoxide, which by the addition of water forms arsenic acid. Both of these acids, as well as all soluble salts of arsenic, are extremely poisonous.

Arsenious acid is used in the manufacture of insecticides—

That is the point of the matter. I repeat—

Arsenious acid is used in the manufacture of insecticides, chiefly lead and calcium arsenates, in plate-glass manufacture, as a preservative for green hides, and in the manufacture of arsenic acid and arsenic salts. Arsenic acid is used in the preparation of organic medicinal chemicals containing arsenic, and its salts have medicinal uses.

Keeping that quotation in mind, I desire to call attention to the difference between the present law and the pending bill. The party in power proposes to levy a rate of 3 cents a pound on this important article. The present law, for which the Democratic Party stands responsible, placed this article on the free list. One of the important uses of the American article is as an insecticide to aid the farmer in preserving his crops. In many seasons his potato crop would be absolutely destroyed if he did not have the use of the insecticide, made from arsenic which it is proposed to take off the free list, upon which it is proposed to place a tax of 3 cents a pound.

Let me review a portion of the history of this bill for a moment. I understand that some of our friends on the other side who are very friendly to the farmers of America are saying that this bill will be of great benefit to them, because it raises the tax on their wheat at the customhouse. I will not go into that question; I never have believed that such a tax was of any benefit to the farmer; but we are having placed before us glaring pictures to illustrate how the bill is going to benefit the farmer by an increased tax on wheat, an increased tax on certain classes of cotton, neither of which will ever be of any benefit to the farmer or put a dollar in his pocket. Down under the cover, however, there are found in the bill short paragraphs, which nobody digs out, taxing the necessities of life vital to the farmer, taxing the necessities by which agriculture lives. When the present law was written not only were all kinds of fertilizer which might come into the United States and be of use in the development of agriculture placed on the free list, but binding twine for the wheat farmer and cotton ties and cotton bales for the farmers of the South were likewise placed on the free list, because the bulls of the wheat crop had to go to a foreign market, a free-trade market, for its ultimate market of consumption and fight in that market with the wheat raised by men who did not pay taxes on their binding twine; and the same was true of cotton.

The cotton must be baled and bagged, and half of the crop had to go to a free-trade market to fight in competition with cotton where there was no tariff levied on the bales and the bagging. The present Democratic tariff law put those articles on the free list. Under the terms of this bill you propose to put them back on the tax list and tax them once again, and yet there is nothing in the history of this country to show that either of those industries has been destroyed. You are putting them back on the tax list in order that a monopoly may benefit by higher rates that it will levy on the purchasing price from the farmer.

You have indulged in putting taxes on some of the fertilizers coming into the market, and many of the commodities from which fertilizers are made are embraced within the terms of this bill. You may think the American farmer will not find it out, but he will. It will be known before this bill is many months old, and he will pay the price of taxation for the pleasure of keeping company with you at the polls, if in the future he determines to do so. Here, however, is one of the articles. I will point out some of the others as we go along, but I will not take time to discuss them now. Here is one of the articles confronting you right now; and when the roll is called to put this tax on arsenic, commonly known in the trade as Paris green, used by pretty nearly every farmer in America to preserve his crops, and also necessary to preserve the hides of his cattle before shipment to the ultimate market of consumption, I want to find out whether the column on the other side of the aisle that is going to put over this bill is going to vote to levy these high taxes, these prohibitive taxes, on the necessities of the American farmer, or is going to stand with us and put them back on the free list, where they belong. There is no reason why these articles should not be on the free list, and none whatever as to this particular article.

We have often found previous Republican tariff bills taxing fertilizers and taxing the other necessities of farm life, but on this article they are starting to make a new rule. Under the act of 1909, known as the Payne-Aldrich Act, this article was on the free list. Under the present law, the law for which the Democratic Party stands responsible, it is on the free list. Such competition as comes comes freely to hold down the price; and this is not alone for the benefit of the American farmer. The American consumer gets the benefit of this. Put the tax on this article to a prohibitive point, put it so high that the American farmer can no longer afford to use the article, and a large portion of his crop will be destroyed by insects; and when that happens the consumer in the city will pay the price, because in the last analysis, with short food crops, the man who works in the city must pay for the result.

Here are the facts in this case:

The domestic production—

And what is meant by "domestic production"? It means the production here under free-trade conditions, because for nearly a quarter of a century there has been no tax on this article, but there has been absolutely free competition from abroad. Let us see what the American production is.

The domestic production of white arsenic has increased from 1,497 short tons in 1910—

The Payne-Aldrich Act, if I remember rightly, was signed in 1909; so, under the glorious protection of free trade the production of this arsenic—

has increased from 1,497 short tons in 1910 to 6,323 short tons, valued at $1,213,000, in 1918. The 1919 output was 6,029 tons.

Remember that the war had been over more than a year at the close of the calendar year 1919 and the conditions were free trade.

White arsenic is obtained chiefly in the United States as a by-product of smelting copper and lead ores.

Understand it is a by-product of the smelting industry. I might say "the smelting monopoly," but I will not, because I do not believe in abuse, but we all know that the smelting industry is in the hands of a very few producers and that arsenic is not made as their primary purpose. It is a refuse, a by-product that is thrown off, and of course a few men can get together and put the price at whatever figure they want to in the future unless you allow some competition to come in from abroad to regulate their prices. They just simply ask that you take from the pockets of the American farmer and the other people who use this commodity 3 cents a pound for their benefit, because you can not say that the industry has gone down under free trade. In 12 years under free-trade conditions it has increased from 1,497 short tons to 6,323 short tons.

How much have been the imports?

Imports of arsenic and arsenious acids from 1908 to 1918 have averaged—

Of course, a good deal of this period was before the war and not governed by war conditions—

2,725,575 pounds, valued at $126,828.

It is readily to be seen that the importations under free-trade conditions, as shown by that statement, on the average have amounted to only about 10 per cent of the American consumption. In the year 1921 they were greater, and they have varied from time to time; but, according to this book, the unit value of this article coming into the customhouse—and that means, under the present law, the value in the country from which it was imported—is 8 cents a pound. The House bill put a tax of 25 per cent on it. The Senate was not content with that. It put a tax of 3 cents a pound—which is over 33⅓ per cent on a value of 8 cents a pound, nearly 40 per cent—on this article that the farmer has to pay for, when the importations over a period of years were only about 10 per cent. But even if the importations were a third of the American productive value—and that is the extreme limit to which they could claim them—bear in mind that this product is a by-product of the smelting industry, that it is not a necessity for them to make of itself, that whatever price they get out of it is their profit. Are not the American people under conditions of that kind entitled to have free importation of a great necessity of life of this kind? It is not destructive of American industry, because American industry has been built up, has increased as much ar fourfold, under the existing free-trade conditions, without taxation.

I do not know who is responsible for this tax, who put it into the law, but I do know that a very large proportion of the smelting industry is carried on in the far West, and of course they have to pay the freight rate to the Atlantic seaboard. There is no doubt in my mind that greed to control this market, and put up the price, has made them insist on a tariff rate on white arsenic, a component part of Paris green, a necessity for plant life, and to make the American people pay their freight rates through a tariff tax and an increased rate, so that they can not only compete at the American seaboard, but drive foreign competition out of the country entirely.

If that is the kind of law you want to pass and put on the statute books, of course, you can do it. There may not be a great many millions involved; it may not mean a great deal of money to each farmer in the country. It may be a comparatively small amount which will be taken out of his pocket every year, but you are pursuing the theory in the passage of this bill which you announced, that you have a right to go down into his pocket and take his money out in order that a monopoly such

as this may flourish in industry, and make him pay the price of that monopoly.

Mr. SIMMONS. The Senator made a remark with reference to the present foreign price of this product, 8 cents a pound. The Senator was correct in his statement. The remark the Senator has made gives me an opportunity to make a statement which I think is enlightening, when we consider what we have heard as to what influenced the Finance Committee in the levying of these very high duties.

Their contention has been that the foreign price, especially the German price, is excessively low, and that the very low prices which are now being charged by the producers in foreign countries for the goods they are bringing to this country justify these very high rates.

The Senator from Alabama has just said that the present foreign selling price of the product he is discussing, which is arsenic and arsenious acid, is 8 cents. That is true.

Mr. UNDERWOOD. That is according to the last report of the department.

Mr. SIMMONS. That is shown by the official report. The official report as to the prices between 1908 and 1918 shows that the unit value of this very product, shipped into this country, in 1908 was 4.8 cents; in 1909 it was 3.3 cents; in 1910 it was 3.1 cents; in 1911 it was 3 cents; in 1912 it was 2.9 cents; in 1913 it was 3.9 cents; in 1914 it was 3.6 cents; in 1915 it was 3.8 cents; and so on, showing that the present foreign price of this particular article is twice as high as in any year from 1908 to 1915. Therefore the contention that the present selling price of the foreign product in this country is abnormally low does not seem to be warranted.

Mr. UNDERWOOD. Undoubtedly; and it was at those prices that the Payne-Aldrich bill continued them on the free list.

Mr. SIMMONS. Yes; that is true.

Mr. SMOOT. The figures the Senator read, however, were not only as to arsenious acid, but they included also white arsenic itself. They included both.

Mr. SIMMONS. Yes; of course.

Mr. SMOOT. There is quite a difference between the price of arsenious acid and white arsenic. Arsenious acid is made from white arsenic.

Mr. SIMMONS. The figures the Senator from Alabama has just given are under the head of arsenious acids or white arsenic. It is a continuation of the other, and the articles are described exactly alike.

Mr. SMOOT. I am simply saying that the prices quoted by the Senator in the report which was made were for both of the articles, because they were both on the free list and they are under one head.

Mr. UNDERWOOD. What does the Senator say the price ought to be?

Mr. SMOOT. The price to-day for white arsenic is 7 cents a pound, and the difference between the price of arsenious acid and white arsenic is between 2½ and 3 cents a pound. If it were 2½, the price of arsenious acid would be 9½ cents; and if it were 3, the price would be 10 cents.

Mr. UNDERWOOD. You adjust your rates accordingly; but if to-day the price is 7 cents, instead of putting a tax of over 30 per cent——

Mr. SMOOT. It is 2 cents on that.

Mr. UNDERWOOD. On the first commodity, which you say is 7 cents, you put a tax of 45 per cent.

Mr. SMOOT. No; there is a tax of 2 cents a pound on the white arsenic and 3 cents on the arsenic acid.

Mr. UNDERWOOD. If the price is 7 cents, you put a tax of 35 per cent.

Mr. SMOOT. A little less than 30 per cent.

Mr. UNDERWOOD. Let us say 30 per cent. I am not going to fall out with the Senator about his figures, because it is not necessary. You tax the importer one-third of the value of the article where the industry is thriving and growing under free-trade conditions. It has developed under these free-trade conditions from 1,400 short tons to over 6,000 short tons, and under those conditions you can not say the industry is being destroyed. It has been growing under those conditions, and yet, according to your own statement, you are asking the Senate of the United States to tax it 35 per cent, not to build up industry, but to put dollars into the pockets of a monopoly which has already grown rich.

Mr. SMOOT. Mr. President, I am not going to discuss the rates in this item, but I wish to say to the Senator that the war was what brought on the increased production of these two articles in the United States. I know that in my own State arsenic mines were actually opened at the request of the Government.

Mr. UNDERWOOD. Arsenic mines?

Mr. SMOOT. Yes.

Mr. UNDERWOOD. Does not the arsenic which comes out of the Senator's State come from the refining of zinc ores?

Mr. SMOOT. A part of it does.

Mr. UNDERWOOD. I never heard of any other method of getting it.

Mr. SMOOT. There is not an ore produced in the Western country that does not have arsenic in it.

Mr. UNDERWOOD. Certainly; the arsenious ores, in the production of which arsenic is a by-product.

Mr. SMOOT. No; they are not arsenious ores.

Mr. UNDERWOOD. They are ores carrying arsenic.

Mr. SMOOT. They are lead ores, and nearly all of them carry a little arsenic. We wish they did not, because we are penalized for it.

Mr. UNDERWOOD. They produce that arsenic, because they have to get it out of the ore in order to refine it; they produce it in the raw shape, anyhow.

Mr. SMOOT. I know the Senator wants to be very fair.

Mr. UNDERWOOD. Yes; and I think I am.

Mr. SMOOT. It was 12 years ago that the first bag houses were put into the refineries of the West, and those bag houses are very expensive, indeed. I do not know whether the Senator has ever seen one of them in operation or not.

Mr. UNDERWOOD. I have seen zinc-refining plants. I have seen them in the Senator's State, and I have seen them in Tennessee, and I have kept as far away from them as I could, as any other Senator will do.

Mr. SMOOT. The zinc mining is very different from the production of arsenic. The arsenic in the fumes kills all the vegetation for miles around. But in order to save the arsenic, and also to prevent the killing of all vegetable growth of every name and nature, the smelters were compelled, about 12 years ago, to put in bag houses, and to put one in is very expensive, so that the gathering of the arsenic is rather expensive. You can not take the arsenic out of the ore. It goes into the fumes. The bags catch the arsenic, and it is extracted from the bags. Instead of the arsenic going into the air, the bags gather it in that way, and it is produced.

I shall not go into the figures at length, but the production increased in 1919 so greatly in quantity, from 4,100,000 to 6,000,000, from the very fact that every mine which had been useless before the war, I know so far as my State was concerned, was put into operation, and the Government even went so far as to say, "If you make any losses in it, we will make those losses up to you, if you will only operate those mines."

Mr. UNDERWOOD. But not on account of the arsenic alone. There were other things.

Mr. SMOOT. I say to the Senator that in the Deep Creek country no ore has ever been handled because it was so high in arsenic. In fact, some of it went as high in arsenic as 15, 16, and 17 per cent. No smelter could possibly handle that arsenic. In fact, that was about all there was in it, with the exception of about half of 1 per cent of copper. That ore could not be handled, but the mines were worked during the war, and that ore was sent clear to Denver, and the high freight rate to Denver was paid in order that it could be run through a smelter especially provided at that time for the handling of arsenious ores.

Mr. FRELINGHUYSEN. Mr. President, I would like to ask the Senator from Alabama a question.

Mr. UNDERWOOD. Very well; but I was going to answer the Senator from Utah.

Mr. FRELINGHUYSEN. Then I will wait until the Senator is through.

Mr. WALSH of Montana. Before the Senator from Alabama proceeds, will he permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. WALSH of Montana. The Senator from Utah is quite right about the growth and development of this industry. It is only within a comparatively recent period that the copper smelters of the West have begun the production of arsenic in commercial quantities, and the Senator is quite right in saying that they are required to produce the arsenic. They could not operate their smelters if they did not produce the arsenic.

Arsenic volatilizes at a relatively low temperature, and in the ordinary smelting operation for years has gone off in the fumes through the smokestacks. The result of that is that, as indicated by the Senator from Utah, the vegetation within a very wide radius is utterly destroyed. Actions were brought by the Government of the United States against a number of smelters

to enjoin their operation because the fumes were destroying the National forests in the vicinity of the smelters, and they were enjoined from operation unless they installed a plant for the extraction of the arsenic from the fumes going off in the air. They do so now, so they produce a commercial product as a by-product of their smelting operations which formerly was lost.

Really, I would like to hear what the Senator from Utah has to say as to why, under those circumstances, there should be a protective tariff on the production of arsenic, which the smelters are compelled to produce whether they want to do it or not.

Mr. SMOOT. So far as arsenic is concerned I will say to the Senator that would be the case if we did not know that if they were compelled to sell their arsenic below cost they certainly would add that difference to the smelting of ores like lead, copper, gold, silver, and every other metal that is mined and smelted in the western country. That is one reason. I have stated twice, I think, why I was not going to discuss the rate upon white arsenic.

Mr. WALSH of Montana. The Senator must recognize the amount of custom ores handled is inconsequential. The Anaconda Copper Mining Co. does not smelt, I suppose, custom ores to the extent of one-half of 1 per cent of what they produce, and I am perfectly certain the Utah Consolidated does not, nor does the Clark Smelter, nor does the Ely Smelter.

Mr. SMOOT. The Senator is right about that; but the Senator knows that the great majority of all ores produced in Colorado, Nevada, Wyoming, and Utah carry a certain percentage of arsenic. There is not a contract that is signed by a producer of ore of any kind with a smelter anywhere in the West that does not contain a penalizing clause for arsenic. For every unit of arsenic that is found they are penalized. The only effect it could have upon copper, gold, silver, and lead—because it generally comes in lead more than it does in silver or gold ores—would be that unless there is this protection, and if they have to sell it below what it actually costs, that difference will be added to the cost of smelting.

The Senator from Montana knows how expensive the process is. The bag houses are very expensive, indeed, to operate. If there is a loss, an additional price would be put upon the smelting of every pound of silver or gold or lead or copper ore.

Mr. UNDERWOOD. Now we come right down to the proposition. I am very glad to have heard the Senator from Utah. We have this matter analyzed right down to the question involved. Here is a great industry in the United States that is smelting lead or zinc or some other ore commodity. It has to get rid of the arsenic in the ore and it smelts it for that purpose. It throws it off as a by-product. It is not the product of labor. There is a mechanical device that catches the arsenic as it comes off. I do not mean to say there is not some labor used. Of course, somebody must hang up the bags.

Practically it is not a question of cheaper ore here or abroad. The Senator puts his argument on the basis that the bag houses, where they catch the arsenic vapors, are expensive. In other words, he is making an appeal for the capital invested in the equipment that is put up to catch the by-product. I have not heard that in these days the cost of the capital is any cheaper abroad than it is in America. In fact, we know it is not, that we have the money supply of the world, and that the countries with which we compete are paying a very much higher price for capital than we do. But I do not think the American people ought to be penalized in order to protect the capital invested in the bag houses.

Mr. SMOOT. Neither do I, if that were all, but whenever I see a man working in those bag houses, I realize, as I have seen him come out from work there almost a ruined man, that something more is involved. He is handling deadly poison. As the fumes pass through the bag the metallic arsenic is caught by the bag, but that is only a small part of what has to take place. So far as labor is concerned, if any man could be paid enough for working in these bag houses, I do not know what it would be.

Mr. UNDERWOOD. I would not work there, and neither would the Senator from Utah.

Mr. SMOOT. No; and I do not believe any man would work there unless he was paid what he thought was sufficient to justify him in taking a chance on his life by going in there and working. That is what they are all paid for.

Mr. UNDERWOOD. Undoubtedly, and they would not do it either if they were not getting their price.

Mr. SMOOT. Japan to-day in New York is offering white arsenic at 5 cents a pound. It is not a question, as I said, of discretion, but the law compels the smelters where now located to catch the arsenic and not let it escape. It is true that it is a by-product, but every contract that is made for the smelting of silver, every contract that is made for the smelting of gold, contains no protection in any way, shape, or form, and should not do so. If this by-product is an expense to them, the man who has to go to the smelter and have his gold ore or his silver ore smelted will pay more for it. There is no doubt about that.

Mr. WALSH of Montana. Mr. President, will the Senator from Alabama pardon me for another interruption?

The PRESIDING OFFICER (Mr. BALL in the chair). Does the Senator from Alabama yield further to the Senator from Montana?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I am interested in the view expressed by the Senator from Utah in justification of this particular tariff. As I understand him, the man who has custom ore which he takes to the smelter will benefit by the tariff, because otherwise the charge would be greater than it is without the tariff. Let us test that by actual fact. The smelter, of course, being able to market this product which formerly went away in smoke, is in a situation to do his smelting for a less price; but does the Senator tell us that the man with the custom ores can now get his ores smelted at a less charge than before the smelter was able to put this particular product on the market?

Mr. SMOOT. Yes; I will say to the Senator that they have, and I can name a number of contracts which I know have been made.

Mr. WALSH of Montana. Made how?

Mr. SMOOT. They have been made within the last few years at lower rates than before, and it is because of the fact that the price of arsenic has increased.

Mr. WALSH of Montana. The Senator undoubtedly is able to show contracts for smelting copper ore that contained a rate less than contracts which were made 10 years ago for smelting copper ore.

Mr. SMOOT. I did not say 10 years ago.

Mr. WALSH of Montana. To what extent will the price which the customer pays for smelting his ore be reduced by reason of the fact that there is a tariff of 2 cents on arsenic?

Mr. SMOOT. I do not say it is because there is 2 cents a pound on arsenic or because arsenic is on the free list, but I know of several contracts which have been made within the last year where there has been no penalty clause imposed, provided the price of arsenic at the time of the smelting of the ore was at a certain figure. That I know to be a fact. If the price of ore is not as named in the contract, then there will be the usual penalty which the Senator knows has been imposed for the last quarter of a century.

Mr. UNDERWOOD. The condition of which the Senator speaks of the reduction to the independent producer of the cost of smelting these ores that come to the smelter from outside is not due to the prices, because the price in 1918 was 12 cents per unit of value at the customhouse, and that indicates that the price must have been higher in America. It has been a falling price since that time. It went down in 1920 to 7 cents at the customhouse and now has risen to 8 cents.

Of course, the Senator says he knows of a case where some Japenese white arsenic was sold in New York at 5 cents a pound. I do not know why it was sold at that price. I have known almost every commodity at some time or other to sell under the market. It may have been a short lot. The storage may have been too great. There could be a thousand reasons. But why should the official report, not the independent cases but the official reports of all the cases, show the situation to be as I read in the beginning?

When I call his attention to the fact that the great cost of production of this article was capital, the Senator from Utah appeals for the labor in these factories. I agree with him, and anybody else would, that the man who is working in one of those factories making arsenic is entitled to the highest degree of wages. I do not know what he is getting now, but I know the wages must be sufficient to tempt a man to take such a job. More than that, I know that if this tax is levied at the customhouse the man working in the industry will not get the benefit of it. It will go to the capital account for the bag houses. Not one dollar of it will go to the American labor in those plants. It never does.

The scale of wages is fixed by wage competition, not material competition at the customhouse, and the result is that if this tax is put on where an industry is growing and developing under free-trade conditions, it will be putting a tax on the farmers of America for an insecticide to protect their crops, and if it succeeds it may be it would make every man in the city pay the price of higher duties for the products on his home table.

The Senator from New Jersey [Mr. FRELINGHUYSEN] started to ask me a question a moment ago. I yield to him now.

Mr. FRELINGHUYSEN. I would like to ask the Senator whether he stated that the imports were only 10 per cent of the domestic production?

Mr. UNDERWOOD. The committee stated it in this book which I have in my hand.

Mr. FRELINGHUYSEN. The Tariff Commission gives the domestic output in 1919 at 6,029 tons, which would be 12,000,000 pounds, and the imports, chiefly from Germany, Canada, England, and Belgium, as 8,778,000, which would be practically 70 per cent; in 1920 it was 20 per cent; and in 1921, for the nine months, there were 2,705,000 pounds, or 20 per cent.

Mr. UNDERWOOD. The figures I read to the Senator were from the book, Summary of Tariff Information, 1921, relative to the bill H. R. 7456, prepared by the United States Tariff Commission. Whenever I start to discuss this book, some Senator produces some later figures from the Tariff Commission, or from some interested man in the industry, to dispute these figures.

Mr. FRELINGHUYSEN. I am reading from the figures at page 18 of the same book.

Mr. UNDERWOOD. That is what I read.

Mr. FRELINGHUYSEN. The Senator will find the figures which I quoted are on page 18, if he will look there.

Mr. UNDERWOOD. I will tell the Senator where the difference is. He was talking in pounds and I was talking in dollars.

Mr. FRELINGHUYSEN. I am quoting percentages.

Mr. UNDERWOOD. So was I.

Mr. FRELINGHUYSEN. Eight million seven hundred and seventy-eight thousand pounds of importation against 6,323,000 pounds of domestic production, or 70 per cent of domestic production.

Mr. UNDERWOOD. But the "summary of tariff information" to which I have referred says that the domestic production of white arsenic has increased from 1,497,000 short tons in 1910 to 6,323,000 short tons, valued at $1,213,000, in 1918, and that the imports in 1918 were 2,725,557 pounds, valued at $126,000. The sum of $126,000 is just about 10 per cent of the value of the American product.

Mr. FRELINGHUYSEN. The Senator hardly quotes the figures correctly. They represent the average from 1908 to 1918.

Mr. UNDERWOOD. Yes.

Mr. FRELINGHUYSEN. And not the total for the year 1918.

Mr. UNDERWOOD. The figures quoted represent the average. However, at the last moment, in the year when the figures have not come down to date, we always hear of some abnormal increases or some great development when a tariff bill is under consideration; but in the last analysis we know the industry has grown and prospered and thriven under free-trade conditions, regardless of what the imports were. Nobody has denied that it has grown under free-trade conditions. The Senator from New Jersey may not have been here, but I pointed out that those free-trade conditions existed under the Payne-Aldrich law as well as under the present law; and yet the industry has very greatly developed. Why at this time should Senators favoring this bill come in here and seek to impose on the American farmers a tax that will probably prohibit importations?

Mr. FRELINGHUYSEN. Mr. President——

Mr. UNDERWOOD. I yield the floor to the Senator from New Jersey.

Mr. FRELINGHUYSEN. Mr. President, I simply wish to place in the RECORD the statement that so far as the domestic production of white arsenic is concerned the importations show a great increase. According to the figures of the Tariff Commission in 1918, as against 12,000,000 pounds which were actually produced in the United States, 3,000,000 pounds were imported from Germany and Japan; the importations in 1919 increased to 8,779,000 pounds, and in 1920 7,479,000 pounds were imported.

As I understand, the demand for protection comes from the smelting companies because of the cost of recovery. If I am correctly informed, a sales price of 4 or 5 cents a pound will not permit the smelting companies to recover it, because it can be produced in Germany and Japan at 3 cents a pound. Therefore, in order to stimulate American production through the smelting companies, if my information is correct—I know very little about the smelting business, but I understand that arsenic is one of the by-products of smelting—it is necessary to protect it against the growing importations from Japan and Germany. If we are to protect the industry, and if that is necessary, it would seem as if 2 cents a pound on a 5-cent pound cost of recovery as against the production cost of Germany and Japan of 3 cents would not be an unusual burden or a large tariff.

Mr. JONES of New Mexico. Mr. President, I merely wish to call the attention of the Senator from New Jersey to a fact which it seems to me has been the occasion of some confusion in his mind as to this industry. The Senator says that he desires that a tariff shall be placed upon arsenic in order to stimulate production. If the Senator is at all familiar with the smelting industry of this country he will understand why there has been a falling off in production. Smelters have been closed down because there is no market for their copper; and if the smelters have closed down because they can not sell copper, a 2 cents a pound duty on arsenic will not start them up. If the Senator will merely look over the statistics he will find that the increased importations of arsenic were during those periods when the smelters were closed down. Last year some of the smelters started up again, and the Senator will find that the importations of arsenic began to fall off so that in the first nine months of 1921 the importations of arsenic were only 2,705,000 pounds. I repeat, there is no hope of starting up any smelter by putting a duty of 2 cents a pound on arsenic.

Mr. FRELINGHUYSEN. Of course the Senator from New Mexico knows more about the smelting business than I do. I only have before me the hearings. The Senator comes from a section which I presume is very largely interested in the mining of copper, and, therefore, he knows something about it; but I am reading from the testimony before the committee given by Mr. Loeb, the vice president of the American Smelting & Refining Co., who says:

> On the general theory that the country is interested in conserving its raw materials, we believe the prices of arsenic are not high enough to warrant its recovery as a by-product. A sales price of 4 cents or 5 cents a pound will not warrant its recovery; whereas a selling price of 7 or 8 cents a pound will, in our opinion, warrant its recovery.

Mr. JONES of New Mexico. Mr. President, Mr. Loeb knows they have got to recover it whether they want to or not.

Mr. FRELINGHUYSEN. I am simply reading from the statement in the hearings, and trying to arrive at some conclusion as to what duty it is necessary to impose. If the domestic producer is facing a 3-cent production cost in Germany and Japan, which countries export this commodity, I presume that 2 cents is not an unusually high or outrageous tariff to protect the American industry against foreign importations. Of course, if it is desired that arsenic should come in free; if it is desired to have a competitive foreign market against our American market, the commodity should be free; but I do not subscribe to that theory. I think that this by-product is entitled to protection just the same as manufactured products, and, therefore, I do not think that a duty of 2 cents a pound is outrageous or too high.

Mr. JONES of New Mexico. Mr. President, I think that arsenic is one of those articles as to which we have been having competition in such way as to keep the price down to a reasonable point. Putting a duty upon arsenic will have the effect of increasing its price without stimulating the industry at all, and it seems to me that, according to the protection theory, the proposed duty is not justified, but is a mere gift. We might just as well say to the smelting interests, "Your coal is costing you a little too much, and therefore we will levy a tax upon something else, and raise money to lower your coal prices." The recovery of arsenic is a thing which is compelled by the courts of the country. My notion is that the proposed tariff rate would be a gift to the smelting industry, amounting to about a quarter of a million dollars a year. I think that would be the effect of it.

The proposed duty will not increase the production of arsenic at all, but will simply constitute a present to that industry of about a quarter of a million dollars a year. If we want to tax the people in order to make a present to the industry—and I repeat that they are forced to recover arsenic in the smelting of ores—we might just as well buy their coal for them or do anything else for them and tax the people to pay the bill.

Mr. President, I suggest the absence of a quorum.

Mr. WALSH of Montana. Before the Senator makes that suggestion, will he yield to me for a moment?

Mr. JONES of New Mexico. I withhold the suggestion.

Mr. WALSH of Montana. As a contribution to this discussion I wish to read a brief report on this industry by Mr. V. C. Heikes, statistician of the United States Geological Survey, as follows:

ARSENIC INDUSTRY.

(By V. C. Heikes, statistician, U. S. Geological Survey, Salt Lake, Utah.)

Producers of arsenic in the United States marketed in 1921 approximately 5,732 short tons of crude and refined white arsenic, compared with 11,502 tons, valued at $2,021,356, in 1920. A considerable amount of arsenic is held at points of production and in consumers' hands and only a small quantity of the supply was manufactured into fungicides.

Large stocks of calcium arsenate, said to aggregate 5,000 tons, were reported at the close of 1920, so the situation was not encouraging to producers. A part of the supply was sold in 1921, and the remaining

portion, about 1,000 tons, which had begun to deteriorate, was in the hands of manufacturers and distributers. These warehouse stocks of insecticides were accumulated by an anticipated demand, so that, when the South did not buy, producers had no outlet for their holdings.

The largest producer of arsenic in 1921 was the United States Smelting, Refining & Mining Co., whose output for the most part was made into fungicides at its Midvale plant. Very little of the white arsenic produced at Tacoma, Globe, and Anaconda was put on the market, and most of this was sold to manufacturers of fungicides and refiners making the higher grade arsenic demanded by plate-glass works.

The price of white arsenic gradually fell from 11 cents per pound in February, 1921, to 6 cents per pound in November, with few offerings. Toward the last of November there was an improvement in the insecticide business, and agricultural buying for spring trade was a feature of the market, with forward deliveries commanding a premium.

Prices for white arsenic near the close of 1921 were 7¼ cents per pound. Red arsenic decreased from 15 to 11 cents per pound during the year, and quotations for calcium arsenate were steady, ranging from 16 to 20 cents per pound.

An increased demand for the products made from arsenic suggests a better price for the raw material in the near future. It is not likely that the foreign arsenic will interfere with the domestic production, as most of it, except that produced in Mexico, will be consumed locally or shipped to foreign dealers.

The future of arsenic production depends mainly on its use in the cotton regions and on railroad rights of way, but there is a prospect that the alfalfa-growing regions will develop a considerable demand, and the use of arsenical insecticides on intensively grown crops is steadily increasing.

Mr. McCUMBER. Mr. President, in the year 1919 there were imported into the United States, in round numbers, 8,778,000 pounds of white arsenic or arsenious acid. During the same year there were produced in the United States 6,026 short tons, or, in round numbers, 12,000,000 pounds, so there were imported almost 9,000,000 pounds as against a home production of about 12,000,000 pounds, or, in round numbers, 75 per cent.

The House bill provided for a duty of 25 per cent ad valorem on these articles. The Senate committee, after hearing the evidence which was produced on behalf of the manufacturers and on behalf of the mining interests, were led to believe that, while 25 per cent would be a sufficient ad valorem duty under the present prices, it might not be a sufficient protection in case there was a great reduction in the importing price of this commodity, and therefore they provided for a duty of 2 cents a pound, which would be equivalent to about 25 per cent on the then prevailing prices.

If the price is 7 cents a pound, of course, it would be 28 per cent; if it is 8 cents a pound, as it was in the first nine months of 1921, it would be an equivalent of 25 per cent ad valorem.

I do not know just what part arsenic plays in the production of copper. I understand that in some of the States it is necessary that the arsenic be eliminated from the smoke for the protection of the vegetation, and that it must be conserved, whether it costs more to conserve it than it is worth or not. That may justify the assumption that there should be no duty whatever, because the producers of copper are compelled to produce and conserve the arsenic.

But, Mr. President, I suppose that the value of the mining industry depends not only upon what can be obtained from the copper but also what may be obtained as a profit from the sale of the by-products. It may be that there are other causes which entirely govern the production of copper, but the testimony before the committee was that the arsenic would not be recovered and sold for less than 7 cents per pound.

The evidence further substantiated the claim that with 8 cents as the selling price they would practically need no duty, but that it might be produced in the foreign countries for about 3 cents; that it was then being imported from Japan and laid down in New York for about 5 cents a pound; and therefore those interested in the business desire a duty of 3 cents to make up the possible difference between the price of arsenic brought in from Japan and 8 cents, for which it could be sold in competition. The committee gave them a rate of 2 cents a pound, which, as I said, amounts to about 25 per cent ad valorem on an 8 cents a pound basis and a greater percentage, of course, if the price falls below 8 cents per pound. In either event the duty is not a heavy one.

Mr. DIAL. Mr. President, as I understand it, the rate proposed by the Senate committee is an increase over the rate fixed by the House.

Mr. SMOOT. A little.

Mr. DIAL. I sincerely hope that that amendment will not be agreed to, and I also hope that the amount fixed by the House will be stricken out at the proper time.

We are finding a great use for this article now in our part of the country in trying to protect the cotton crop. Last Monday I saw one of the films which the United States Government is sending out to be used in the picture shows showing the ravages of the boll weevil. They have invented machines which spread arsenic over the cotton. Some of those machines are being propelled by hand, and some even by horses. It is absolutely necessary that we should check the ravages of the weevil; otherwise there would be a very great reduction in the production of cotton. In fact, I would not be surprised if there would not be almost a cotton famine in the next year or two unless we provide a means to eradicate the weevil.

Only last year we made 8,000,000 bales of cotton in the United States, whereas a 10-year average crop was 13,500,000 bales.

The prospect for the crop just now being planted is exceedingly blue. The season has been late on account of floods in great sections of the country which have been overflowed, and the winter was mild, and the weevil has gotten a start already.

I noticed some time ago an account of some experiments the Government had carried on, as a result of which they found that the weevil had multiplied more last winter than perhaps at any time in the history of its existence. The acreage of cotton is being decreased, and to my mind within another 12 months there will not be enough cotton raised in the United States to much more than supply the consumption in this country.

These views are well expressed in a short article published in the New York Times to-day on page 28, which I shall ask to have inserted at the conclusion of my remarks. (See appendix.)

I warn the Senate and the Congress that nothing should be done which would retard the production of cotton. As I said, there will be a great scarcity of that article; in fact, I would not be surprised, if we do not find some way to eradicate the weevil, if in a year or two we will not have to discover some artificial means to stimulate the production of cotton.

APPENDIX.

[From the New York Times, Monday, May 8, 1922.]

SOUTH'S VIEW OF ADVANCE IN COTTON—LAST WEEK'S RISE PARTLY ASCRIBED TO GOVERNMENT CONSUMPTION ESTIMATE—ACREAGE MAY BE SMALL—EFFECT OF RECENT FLOODING OF THE PLANTATIONS IN CUTTING DOWN EXPECTATIONS.

[Special to the New York Times.]

NEW ORLEANS, May 7.—As the southern market sees it, last week witnessed a turn in the tide, so far as cotton speculation is concerned. The change from the long hesitation of the market was in large measure brought about by the Commerce Department's report issued a week ago to-day and forecasting a world's consumption of approximately 21,000,000 bales this season, or virtually a return to the consumption of pre-war times. Since current statistics have tended to bear out this estimate and the outlook for the crop now starting was becoming daily more unpromising, it was not unnatural that people who have been successfully trading in grains and stocks, not to mention bonds, should have turned a share of their attention to cotton, so long neglected.

According to conservative opinion the frequent and heavy rains in Texas and Oklahoma and the almost as frequent if less heavy downpours in Arkansas and Louisiana, coupled with the overflowing of streams in the first-named State and the overflow of approximately 200,000 acres of good cotton land in Louisiana already seeded, have virtually assured a late crop in the western half of the belt, as well as a smaller crop generally than was originally proposed. Owing to the scarcity and high price of good seed, it is not likely that all the acreage damaged by excessive rains and floods in the Western States will be replanted this year, and the Louisiana commissioner of agriculture says in a statement issued Friday that none of the 200,000 acres overflowed by the break in the levee at Ferriday, La., will be free of water in time to replant with cotton this season.

QUESTION OF NEW CROP ACREAGE.

While conditions in the eastern half of the belt are more promising, it is not thought likely that the acreage has been increased on an average much over 5 per cent, and the use of fertilizer will not be very much larger than last year, owing to the difficulty experienced by growers in securing financial advances.

There would therefore seem to be a prospect of another comparatively small crop this season, when production of about 13,000,000 bales is actually needed to meet the world's needs and at the same time leave a sufficient reserve supply. As the southern trade sees it, consumption and exports to date have not only absorbed the equivalent of all last year's production but have so far cut down the carried-over supply from last season that the total carry over on July 31 next will scarcely exceed 4,000,000 bales of American cotton, or barely a normal supply.

Despite the New England strike and the apparent indifference of spinners to the raw cotton market, consumption is running far ahead of last year. It is therefore evident that the mills are rapidly using up their reserve stocks and have been keeping out of the raw market merely because the foreigners have been staying out. Now, however, that the export demand has become active, it is believed in this market to be reasonably certain that domestic spinners will buy more freely in southern markets; in fact, it is reported from Boston that New England mills are buying spots there after showing indifference for many months.

CONSUMPTION AND SUPPLIES.

The statistics indicate that England, France, Germany, and Italy are increasing their consumption of raw cotton rapidly, having in fact consumed 50 per cent more of the staple in the last six months than they did in the preceding half year. Should the Genoa conference result in restoring peaceable conditions on the Continent of Europe as well as in the Near East, traders here believe that there will be an active demand for all classes of cotton goods.

In the meantime supplies of cotton, both at the ports and in the interior, are rapidly diminishing and the world's supply of American cotton is considerably short of what it was last year, hence the possibility of another comparatively small crop, especially so with the growing crop delayed by bad weather and therefore menaced by the boll weevil. The cotton situation is undoubtedly interesting.

Mr. JONES of New Mexico. Mr. President, the Senator from North Dakota [Mr. McCUMBER] has now invoked a new proposition, one which has not hitherto been discussed. I think it brings into prominence and into very great significance division (b) of section 315. By that section the President is authorized to change rates, under certain conditions which have been referred to quite frequently this afternoon; but I will read it again:

(b) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in conditions of competition in trade, in the markets of the United States, of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that an industry in the United States is being or likely to be materially injured by reason of the importation into the United States of foreign merchandise—

He may change the duties and change the classifications, and increase the rates as much as 50 per cent.

This item, according to the statement of the Senator from North Dakota, is a specific item with that very principle in view. It has been stated that this bill is framed upon the policies which are to control the President of the United States.

The Senator from North Dakota stated that, so far as this item is concerned, the producers of the commodity were not complaining of present prices. He said that if they could sell this arsenic at 7 cents a pound, they would not need any duty at all. What is the record upon the subject? According to this report of the tariff commission, the unit value upon which the dufy was levied, which means the foreign market price at home, in 1918 was 12 cents a pound; in 1919 it was 7 cents a pound; in 1920 it was 7 cents a pound, and in 1921 it was 8 cents a pound.

Mr. SMOOT. That is, both kinds, the acid and the white arsenic.

Mr. JONES of New Mexico. That may all be true, but they are put together. The arsenious acid and the white arsenic are put in the same sentence; but that is the foreign price. There is no indication here of that foreign price falling; yet the Senator from North Dakota says that is the only reason they want to impose this additional duty. The item is on the free list now, but they can read the future, and; because in the course of time the price of the foreign article may be reduced, they want to anticipate a thing which may never occur. That is what permeates this bill. That is a concrete illustration of what division (b) of section 315 means, when they confer that power upon the President to anticipate injury, which is all they are doing by imposing this tax.

No one complains that he is being injured now. The prices of this product are even higher now than they have been, and the importation is not increasing. It requires a stretch of the imagination even to prophesy as to the injury to this industry in the near future. But that is the only theory on which this increase in duty can be justified.

Mr. SMOOT. Mr. President, the Senator knows that in the testimony it was stated that arsenic from Japan is being offered in New York at 5 cents a pound. The figures the Senator quoted, 8 cents, were for the first nine months of 1921, but the testimony shows that the price of white arsenic has fallen to 5 cents a pound.

Mr. JONES of New Mexico. What is the date of that?

Mr. SMOOT. It is in the hearings. I do not remember just the date.

Mr. JONES of New Mexico. It was last fall some time, according to my recollection.

Mr. SMOOT. It was, perhaps, somewhere along in December.

Mr. JONES of New Mexico. Those hearings, I think, were had before that time.

Mr. SMOOT. These were the latest hearings, the supplemental hearings.

Mr. JONES of New Mexico. We took up those hearings in the order of the schedules. I do not remember just what the date was, but we do not know how much was offered; we do not know what the cost of transportation was, and those foreign prices on which the duty is to be figured do not include the overhead charge of the importer.

Mr. SMOOT. This was the price of the article delivered at New York.

Mr. JONES of New Mexico. Yes.

Mr. SMOOT. The witness said:

As a matter of fact, arsenic is being offered from Japan in New York at 5 cents a pound.

Mr. JONES of New Mexico. Just imagine that. Assuming what was said by this witness to be absolutely true, and of course he supposed it to be true or he would not have made the statement, is that sufficient testimony on which to increase the duty upon this item of such importance to the people of the country?

Even at 5 cents a pound you have to have your dealer's profit figured in; you have to transport it to the place of consumption, and upon that testimony alone—that somebody at some time offered some arsenic in New York at 5 cents a pound—they put this duty of 3 cents a pound upon it, when, according to all the figures of importation into this country during the whole of the year 1921, it averaged 8 cents a pound. This shows what the President will no doubt do when this authority is conferred upon him. He will prophesy, or, rather, some bureau chief will prophesy, as to what the price of arsenic may be next year, and he will add a little higher duty to it. That is all this amounts to. There is no injury so far. The importations are falling, according to the statistics. The price is rising, but it may be that at some time in the dim future the price will fall; therefore we will increase the tariff on arsenic.

Senators, I do not see how you can justify a thing of that sort. Mr. President, I suggest the absence of a quorum.

Mr. McCUMBER. Will the Senator withhold that suggestion for just a moment?

Mr. JONES of New Mexico. I am glad to withhold it for a moment.

Mr. McCUMBER. I stated just a few moments ago that it was claimed by the producers that as long as arsenic was selling at 8 cents a pound in this country they would not need any protection. The Senator from New Mexico immediately got up and stated that I had said that if arsenic was selling for 7 cents a pound there would be no need for protection.

Mr. JONES of New Mexico. Mr. President——

Mr. McCUMBER. Just a moment.

Mr. JONES of New Mexico. I want to apologize for misquoting the Senator, if I did that.

Mr. McCUMBER. Let me finish my sentence. I was about to compliment the Senator because he had come that near to quoting me accurately. It is the first time since this debate began. The Senator seems to assume that it is his duty always, after I have made an explanation, to rise and make statements of something that I have said that is entirely different from what I in reality said.

I was perfectly satisfied when he came that near the exact facts, but the Senator immediately followed it by stating that I had said this was all the basis upon which we fixed this duty. I had called attention to the fact that it was claimed and the evidence before the committee was that this product was being offered in New York—and, of course, that means duty paid and transportation paid—at 5 cents a pound, and that those who were producing it, therefore, thought they ought to have 3 cents a pound duty, which would make up the difference between 5 cents and 8 cents a pound, at which they stated they could sell it without any duty, but that the committee had awarded them 2 cents a pound. Those are the actual facts in the case.

I get somewhat tired of being misquoted continually by the Senator from New Mexico when I try to explain, and explain fairly, what actuated the committee in making any particular rate. I am ready now to have the Senator call for a quorum.

Mr. JONES of New Mexico. I am sorry I disturbed the serenity of the distinguished Senator from North Dakota.

Mr. McCUMBER. No; the Senator has not done that in the slightest degree. I wish to remain serene throughout this discussion, even though the Senator from New Mexico persists in misquoting me whenever I attempt to explain a matter in the bill.

Mr. JONES of New Mexico. On Saturday, I believe it was, I suggested to the Senator a remedy for bad humor and bad temper. The doctors recommend the use of lactic acid. I wanted to have that cheap enough so that the Senator from North Dakota would not be impoverished in obtaining an adequate supply. I desire to renew the recommendation to the distinguished Senator.

Mr. McCUMBER. I would suggest that the Senator should look for a remedy that would prevent him from making misstatements of another Senator's remarks in the Senate. That would do a great deal more to prevent ill-temper than any remedy which he has suggested.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

Mr. JONES of New Mexico. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McNARY. Mr. President, I ask to have the pending amendment stated.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. The committee proposes on page 2, line 24, after the words "arsenic acid" to insert the words "3 cents per pound."

The VICE PRESIDENT. The roll will be called.

The Assistant Secretary proceeded to call the roll.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], which I transfer to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "yea."

The roll call was concluded.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and allow my vote to stand.

Mr. STERLING. Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maryland [Mr. FRANCE], I vote "yea."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW] and vote "yea."

Mr. COLT. Has the junior Senator from Florida [Mr. TRAMMELL] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. COLT. I have a general pair with that Senator. I transfer my pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. McKINLEY (after having voted in the affirmative). I have a general pair with the junior Senator from Arkansas [Mr. CARAWAY]. I transfer that pair to the junior Senator from Oklahoma [Mr. HARRELD] and allow my vote to stand.

Mr. McKELLAR. I have a general pair with the junior Senator from Indiana [Mr. NEW]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. HARRISON (after having voted in the negative). I have a general pair with the junior Senator from West Virginia [Mr. ELKINS]. I learn that he has not voted. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY] and let my vote stand.

Mr. JONES of New Mexico (after having voted in the negative). I desire to announce that I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 40, nays 18—as follows:

YEAS—40.

Ball	Hale	McNary	Shortridge
Broussard	Jones, Wash.	Nelson	Smoot
Bursum	Kellogg	Newberry	Sterling
Calder	Kendrick	Nicholson	Sutherland
Capper	Keyes	Norbeck	Townsend
Colt	Lenroot	Oddie	Wadsworth
Cummins	Lodge	Page	Warren
Curtis	McCumber	Phipps	Watson, Ind.
Frelinghuysen	McKinley	Poindexter	Weller
Gooding	McLean	Rawson	Willis

NAYS—18.

Dial	Hitchcock	Overman	Underwood
Fletcher	Jones, N. Mex.	Pomerene	Walsh, Mont.
Harris	King	Sheppard	Watson, Ga.
Harrison	La Follette	Simmons	
Heflin	McKellar	Swanson	

NOT VOTING—38.

Ashurst	Elkins	Moses	Shields
Borah	Ernst	Myers	Smith
Brandegee	Fernald	New	Spencer
Cameron	France	Norris	Stanfield
Caraway	Gerry	Owen	Stanley
Crow	Glass	Pepper	Trammel
Culberson	Harreld	Pittman	Walsh, Mass.
Dillingham	Johnson	Ransdell	Williams.
du Pont	Ladd	Reed	
Edge	McCormick	Robinson	

So the committee amendment was agreed to.

Mr. FLETCHER. I ask unanimous consent at this time to have inserted in the RECORD a communication and a very short statement with regard to the proposed duty on potash. It is pertinent to this immediate discussion, and it will save my arguing the matter to have the communication and statement inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

JACKSONVILLE, FLA., *May 6, 1922.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SENATOR: We are quite exercised over the proposed duty on potash and sulphate of ammonia which the tariff bill carries, and we are inclosing, for your information, a statement on the subject of the potash duty, which statement we are distributing pretty thoroughly throughout the State, and we are giving it just as much publicity as possible. I think these figures are quite conservative, and have no doubt but what this duty will cost the growers of Florida right at $3,000,000 during the five-year period. We have not mentioned in this statement the duty on sulphate of ammonia of $5 per ton because the figures on this would not look near so serious to the grower as in the case of potash, although we are opposed to any duty on sulphate of ammonia as well.

The grade of potash which is used largely in Florida, viz, sulphate of potash, is not produced to any extent to speak of in the United States, the production so far being largely in muriate and those grades which are used more largely in other sections. I will venture to say that 95 per cent of the potash used in Florida is in the form of sulphate.

I am sure that I am correct in the statement that the entire potash industry in America, including every dollar that has been or is invested in it, will not begin to equal the amount of this duty for the period of five years. It strikes us that this is not the time to be loading up the farmers and growers with charges to increase their production costs; if nothing can be done to decrease the farmer's present production cost, certainly the least we can do is to see that nothing is added to it in the way of a duty on such an essential article as potash.

We sincerely hope that you can see your way clear to energetically protest against and oppose both the proposed duty on potash, as well as sulphate of ammonia.

Yours very truly,

WILSON & TOOMER FERTILIZER CO.,
BAYLESS W. HAYNES, *Vice President.*

PROPOSED POTASH DUTY.

The American potash producers have been trying very hard to have an import duty placed on potash. The tariff bill, which has passed in the House of Representatives, has been introduced in the Senate and referred to the Finance Committee. As reported to the Senate by the Finance Committee the bill still carries this proposed duty on potash covering a period of five years, as follows:

The first and second year, 2½ cents per pound of pure potash, K_2O.
The third year, 2 cents per pound of pure potash, K_2O.
The fourth year, 1½ cents per pound of pure potash, K_2O.
The fifth year, 1 cent per pound of pure potash, K_2O.
Or in tons:
For the first two years, $50 per ton of pure potash, K_2O.
For the third year, $40 per ton of pure potash, K_2O.
For the fourth year, $30 per ton of pure potash, K_2O.
For the fifth year, $20 per ton of pure potash, K_2O.

It is more than likely that the producers of potash in Germany and France would not absorb this duty, and that the user of the potash would be the one to pay it. If this is the case, let us see what it would cost the growers of Florida.

There have been used in Florida during the past year around 300,000 tons of fertilizer. To be conservative we will waive the constant increase in our fertilizer consumption and reckon on 300,000 tons fertilizer being used each of the next five years.

Fertilizer varies in potash content from no potash at all to a high percentage, but an average of 5 per cent would be a fair estimate. Each ton (2,000 pounds) of fertilizer analyzing 5 per cent potash contains 100 pounds of pure potash, K_2O; in 300,000 tons, Florida's yearly requirements, according to above conservative estimate, there would be 15,000 tons of pure potash, K_2O.

The proposed duty on 15,000 tons of pure potash, K_2O, would be as follows:

First year, 15,000 tons at $50 per ton	$750,000
Second year, 15,000 tons at $50 per ton	750,000
Third year, 15,000 tons at $40 per ton	600,000
Fourth year, 15,000 tons at $30 per ton	450,000
Fifth year, 15,000 tons at $20 per ton	300,000
Total	2,850,000

In other words, on the above basis, this proposed duty will amount in dollars and cents, as far as Florida is concerned, for the period of five years, to $2,850,000. Whoever pays this duty is going to be saddled with a bill for the five-year period of $2,850,000. As to whether that bill is going to be paid by the Florida growers or be paid by the producers of potash, or somebody else, one can not know in advance, but according to history such duties are usually paid by the consumers, hence the Florida grower is facing an increased demand on his resources in the next five years of $2,850,000.

Are the growers of Florida willing to pay this amount for the protection and upbuilding of an American potash industry, or shall this industry stand on its own merits and ability to overcome obstacles?

It is a question of vital interest, and each grower of Florida should express himself to the Congressmen and Senators.

WILSON & TOOMER FERTILIZER CO.,
MAY 5, 1922. *Jacksonville, Fla.*

Mr. KING obtained the floor.

Mr. JONES of New Mexico. Mr. President——

Mr. KING. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I merely wish to make a short statement regarding the last vote. Senators on this side of the Chamber had the parliamentary right to move to the committee amendment an amendment which would place the item involved in the amendment on the free list, where it now is, and I desire to announce that after we get through with the committee amendments and reach this paragraph, in due course, I shall then move to place arsenious acid and arsenic both on the free list, where they now are. I think there will be no further discussion regarding arsenic, and if the

Senator from North Dakota [Mr. McCUMBER] desires a vote on that item I think it may be had without a roll call.

Mr. KING. May I ask the Senator from New Mexico whether a vote has been taken upon both arsenious acid and arsenic?

Mr. JONES of New Mexico. A record vote was taken upon arsenic acid, but I assume the vote on the other item will be just the same, and I suggest, in order that we may progress with the bill, that we may have a vote upon white arsenic without a roll call. I am very anxious to proceed with the disposition of the bill, and I therefore suggest that the item placing a duty of 2 cents a pound upon white arsenic be now voted upon. As I understand, the junior Senator from Utah desires to discuss the next item of the bill.

Mr. KING. I am not desirous of discussing it, but if we are going on to-night I desire to say a few words in regard to the matter. However, I should like to have a vote upon the other item referred to by the Senator from New Mexico.

Mr. SMOOT. Let us vote, Mr. President.

The VICE PRESIDENT. The question is on the amendment of the Committee on Finance, which will be stated.

The ASSISTANT SECRETARY. On page 2, line 25, after the words "arsenious acid or white arsenic," it is proposed to insert "2 cents per pound."

Mr. KING. Mr. President, I desire to say merely a word. I have been called from the Chamber for some time during the afternoon, and I am therefore not familiar with the discussion which has taken place with respect to arsenic acid. Much of what could be said respecting that item may with equal propriety be said concerning the item upon which a vote has now been demanded.

I merely wish to add, Mr. President, that the production of arsenic in the United States, if it does not now exceed the demands of the United States, indeed, of the world, very quickly may exceed the demands of the United States and the world. Everybody who is familiar with our metallurgical development and with the great smelters of the United States, especially those that are devoted to the production of sulphur ores, is aware of the fact that there are daily given off, as a by-product, large quantities of arsenic.

A few years ago, Mr. President, I had occasion to make some investigation in regard to this matter. In the valley in which I reside there were operated four large smelters. The capacity of those smelters was a great many thousand tons of ore daily. Most of the ores, or, at any rate, a very large proportion of the ores, were what were denominated sulphur ores. Sulphur formed a very large content of those ores. It was not only a by-product but it was a waste product. There were also as a part of the content of those ores large quantities of arsenic. In the smelting operations there passed through the huge stacks, several hundred feet high, hundreds, if not thousands, of tons daily of sulphur dioxide and sulphur trioxide, and some forms of antimony and arsenic and metallic substances, some forming compounds and some uncombined, which were carried by the winds and dispersed throughout the valley, and, indeed, carried into remote sections of the State. The deposition of those poisonous substances upon the vegetation proved injurious to animal life as well as to vegetable life. Sulphur dioxide was at first deemed innocuous to plant life, but when sulphur dioxide, by coming in contact with the atmosphere when it was damp, was converted into sulphur trioxide it became injurious to plant life. I have seen within a few hours fields of lucerne and of corn and of other products transformed from their verdant condition to a burnt condition.

In addition to the sulphur which was emitted and which could be converted into sulphuric acid—and the sulphuric acid interests have been protected here, although sulphuric acid is a waste product—in addition, I say, to these gases injurious to plant life and also to animal life and to human life, solid metallic substances, including arsenic, were deposited upon the plants and upon the trees and which, by being breathed by the people, affected the lives and health of the people.

Mr. President, when the injunction suit was brought it was alleged that the emission of these solids, including hundreds of tons of arsenic, was injurious to plant life and to animal life and to human life. The injunction, which was granted, interdicted the emission of these poisonous metallic substances, as well as the emission of the gaseous substances which were likewise injurious to vegetation and to plant life.

Two of the smelters shut down, declining to make such changes in their machinery as would prevent the emission of these poisonous solids, while the other two smelters, under a modification of the court's decree, made changes in their plants so that they were enabled to collect and did collect daily immense quantities of white arsenic and arsenic in various other forms. The problem was to find a market for it, and when the smelters resume operations, as they will—they are operating now, but not as they previously operated and as they will operate as soon as the mining industry revives—the problem then was and the problem now will be to find a market for the compounds of arsenic which are produced as a by-product and as a waste product.

Now, it is proposed to put a tariff upon a product that was a waste and is a waste. What is that being done for? What is back of it? Who are the beneficiaries? The same questions might be propounded, Mr. President, as to hundreds of items which are found in this bill. Who asked for this enormous increase in the rate on arsenious acid? Who came to the committee room and offered evidence justifying the infamous rate, the extorionate rate which we find in this bill?

Questions have been asked over and over again, Mr. President, as to the theory upon which this bill was drawn. I have listened with interest to the defenses which have been interposed by the chairman of the committee and by other members of the committee, hoping that there might be some justification for some of these schedules. I was not here to listen to the reasons assigned for the tariff upon arsenious acid. I state now, and I think I can state it without fear of successful contradiction, that there can be no justification for the tariff upon arsenious acid or upon any form of arsenical compounds. In most cases where you find copper ores you will find arsenic. It is a base metal. It is a metal or a mineral which in the smelting of ores oftentimes brings penalties. It is not desired, but it is there. Nature has placed the arsenic in connection with sulphur deposits, with sulphur ores, and many other ores. In order to carry on smelting operations you must have sulphur ores. The sulphur ores smelt themselves, and in the expulsion of the sulphur heat is developed for the reduction of the ores, so that while the sulphur is wasted and thrown off into the atmosphere it serves the purpose of fusing the ores or melting the ores and effectuating their reduction. So nature has placed there the sulphur, which produces heat, utilized and necessary in the reduction of the ore, and it has placed the arsenic there with the sulphur ores, and the arsenic is passed off as a waste product.

Mr. President, when you smelt, as is done in many of those large plants, from 1,100 to 2,500 tons of ore per day, and exceeding that quantity, the sulphur content being sometimes as much as 20 or 30 per cent and the arsenical content being as much as from 1 per cent upward, it is apparent that there will be tons of arsenic thrown off into the atmosphere every month, unless it shall be confined by bag houses and by other processes which modern chemistry is providing. Why place a tariff upon it?

The smelters, as everybody knows—I am speaking now of most of the smelters—have grown enormously wealthy. Take the American Smelting & Refining Co., one of the great smelting trusts in the United States. It has made millions—and I am not complaining—out of its smelting operations. A former distinguished Senator from the State of Colorado was interested in a great number of smelters, and the corporation which began as an infant has grown to immense proportions, and fortunes have been made in the smelting business in the United States.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. KING. I yield to the Senator.

Mr. WALSH of Montana. The Senator has just referred to the fact that sulphuric acid as well as arsenious acid is a by-product of the smelting operation in the case of sulphide ores, chiefly copper ores. I want to inquire—perhaps the senior Senator from Utah [Mr. SMOOT] will be able to tell me—whether the basket clause of this particular paragraph will include sulphuric acid—

> And all other acids and acid anhydrides not specially provided for, 25 per cent ad valorem.

Mr. SMOOT. I will say to the Senator that sulphuric acid will be found in paragraph 1501, and it is on the free list. Therefore it is specifically provided for, and does not fall in the basket clause. I will say to the Senator that from the smelters in the State of Utah alone we could produce rivers of sulphuric acid if it could only be taken care of.

Mr. WALSH of Montana. I want to say to the Senator that the situation is just exactly the same with reference to arsenic. We are exactly in the same situation. We can produce more sulphuric acid at Anaconda than the world can use, but it has to be disposed of in some way, simply because the freight rates will not permit its transportation. I think the statistics will show—I have been endeavoring to get them—that a very large percentage of the importations of white arsenic comes from the smelter at St. John, New Brunswick, and my belief about

the matter is that they are used in those sections of the country where the freight rates will permit the introduction of the white arsenic from St. John and shut out the arsenic from our western smelters. I feel quite certain that that is why there are any importations at all. It is simply a question of freight rates.

Mr. SMOOT. I will say to the Senator that I doubt very much whether the importations from St. John amount to much. The great part of it, I think the Senator will find, comes from England and from Germany and from Belgium, and I think some little from France. That is my recollection, speaking off-hand now.

Mr. KING. Mr. President, I put into the RECORD here the other day the imports from Germany during the year 1921. As I recall, there was no importation of arsenic. The tariff summary on page 18 contains this statement:

Imports of arsenic and arsenious acids from 1908 to 1918 have averaged 2,725,575 pounds, valued at $126,828, and have come chiefly from Germany, Canada, England, and Belgium. Later statistics follow.

And it appears here that in nine months of 1921 the quantity imported was 2,705,625 pounds, of the value of $216,276, and that the unit value was 8 cents per pound—more than in 1919 and 1920.

I repeat, Mr. President, that the production of arsenic in the smelters of the United States and elsewhere in the United States is greatly in excess of the needs of the United States, and we could export it. The reason why there are any imports, perhaps, is the one suggested by my friend from Montana, that the freight rates from the West may be so high as to prevent the shipment. I know, however, that the production of arsenic is so great in the smelters where bag houses have been installed that it can more than supply the needs of the United States. I can not understand the reason for this tariff.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah further yield to the Senator from Montana?

Mr. KING. I do.

Mr. WALSH of Montana. Assuming that the bill is built on the basis of equalizing the difference in the cost of production in the United States and abroad, or at least that that is the principal element in fixing the rates carried by the bill, what evidence have we that arsenic can be produced at less cost in Germany than in Utah or Montana?

Mr. SMOOT. We have evidence that arsenic from Japan is being sold now, laid down in New York, at 5 cents a pound.

Mr. WALSH of Montana. I understood that reference was made to one shipment, one sale.

Mr. SMOOT. No; the Senator said that perhaps it applied only to one sale. The Senator knows that to-day, with the smelting interest in Japan growing as it is, arsenic can be made there very cheaply.

Mr. WALSH of Montana. What information have we concerning the sale of the arsenic coming from Japan at 5 cents a pound?

Mr. SMOOT. The only evidence we had was that it was being sold from Japan at 5 cents a pound, delivered in New York.

Mr. WALSH of Montana. Where is that evidence? Where can we get it?

Mr. KING. If the Senator will pardon me, I want to say that the prices shown on April 24 in the United States were 6½ to 7 cents per pound. Those are the prices quoted in the price list of chemicals and drugs in the United States.

Mr. SMOOT. That is true, and that has been stated on the floor several times. That is the white arsenic. The price of the arsenic acid is about 3 cents a pound more than the price of the white arsenic. The acid is made from the white arsenic. I will say to the Senator from Montana that he will find that evidence given on page 5116 of the hearings.

Mr. KING. Mr. President, the duty fixed by this bill on arsenious acid is 3 cents per pound.

Mr. SMOOT. Yes.

Mr. KING. The duty fixed on white arsenic is 2 cents per pound. I do not understand the reason for the distinction.

Mr. SMOOT. I will say to the Senator that they are different commodities.

Mr. KING. Oh, I understand that. There is a process of oxidation; that is all.

Mr. SMOOT. One is manufactured from the other, and it is a further manufactured process.

Mr. KING. I think the statement contained in the survey is substantially correct, that—

Arsenious acid, or white arsenic, the most important and the commonest form of arsenic in commerce, is an acid anhydride rather than a true acid. * * * Arsenious acid is a white insoluble powder with a slightly metallic taste. * * * Arsenic acid is chemically different and is obtained by oxidation of white arsenic.

It would appear that a further process is required in converting the arsenious acid into the arsenic acid; so that if there is any differential it ought to be in favor of the arsenic acid rather than in favor of the arsenious acid, because it requires an additional step in the development.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Utah yield to his colleague?

Mr. KING. I do.

Mr. SMOOT. I will say to my colleague that that is exactly the way it is—3 cents on one, and 2 cents on the other. If my colleague will read the paragraph carefully, he will find it.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I think a little confusion arises from the way the bill is drafted. The House bill places the arsenic acid before the arsenious acid, and, of course, in the logical order it should follow it, because it is made from the arsenious acid; and as it is made from it, it is given a higher rate of duty than the article which immediately follows, from which it is made.

Mr. KING. Mr. President, I hope I may be pardoned if I am covering ground which was covered while I was absent from the Chamber, but may I inquire of the Senator from North Dakota if there was any testimony before his committee in favor of a tariff either upon arsenious acid or white arsenic, except that found on page 1016, in the brief of A. S. Somers, representing the Association of Dry Color Manufacturers?

Mr. McCUMBER. Oh, yes; there was considerably more testimony, and a good deal of evidence of a different character was presented to the committee on prices, uses, and so forth. We went over a good deal of that while the Senator was necessarily absent from the Chamber.

Mr. SMOOT. If the Senator will get the appendix to the hearings on the chemical schedule, he will find there the testimony referred to.

Mr. KING. There may be some testimony in the appendix, but the only testimony that I can find in the hearings proper is the testimony with respect to Paris green, the statement being that—

Heretofore Paris green and arsenic, used largely in the manufacture of Paris green, were both on the free list. The proposed bill puts a duty on arsenic of 25 per cent, and a duty on Paris green of but 15 per cent. It does seem to us that it was not intended by your committee to make any such unjust discrimination against an article manufactured in this country and in favor of the raw material from which it is derived.

I repeat, Mr. President, I can not conceive of any justification for this duty. I repeat that there are produced in the United States to-day large quantities of arsenic which are wasted, and could be conserved if there were any profitable market for the same, and so long as it is a waste product and so long as it is being cast into the atmosphere to the injury of plant life, and particularly to the injury of animal life and human life, I protest against the policy of putting a tariff on it.

It seems to me, Mr. President, that this can not be justified in morals, in reason, or upon any hypothesis or theory which may be suggested by anybody, even the most greedy and selfish.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President——

Mr. KING. I suggest the absence of a quorum.

Mr. TOWNSEND. Does the Senator desire a quorum on this conference report I am bringing up?

Mr. KING. I withdraw the suggestion.

Mr. LODGE. The point has been made, Mr. President, and it can not be withdrawn.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Broussard	Heflin	McCumber	Smoot
Bursum	Jones, N. Mex.	McKinley	Sterling
Calder	Jones, Wash.	McNary	Swanson
Capper	Kellogg	Newberry	Townsend
Fletcher	Kendrick	Oddie	Underwood
Gooding	Keyes	Overman	Walsh, Mont.
Hale	King	Sheppard	Warren
Harreld	Lenroot	Shortridge	Watson, Ga.
Harrison	Lodge	Simmons	Willis

Mr. LODGE. I desire to announce that the Senator from Kansas [Mr. CURTIS] is detained on official business.

The PRESIDING OFFICER. Thirty-six Senators having answered to their names, there is not a quorum present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and Mr. HARRIS, Mr. HITCHCOCK, Mr. MCKELLAR, Mr. NORBECK, Mr. SUTHERLAND, and Mr. WATSON of Indiana answered to their names when called.

Mr. FRANCE and Mr. RAWSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. BORAH, Mr. FRELINGHUYSEN, Mr. POINDEXTER, Mr. PHIPPS, and Mr. NICHOLSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present.

Mr. McCUMBER. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

ORDER FOR RECESS.

Mr. McCUMBER. I ask unanimous consent at this time that when the Senate closes its session this calendar day it shall take a recess until to-morrow at 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. TOWNSEND. I submit a conference report on House bill 9859, the Post Office appropriation bill, and ask for its present consideration.

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 14, 18, 25, 35, 36, 44, 46, 50, 56, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 19, 23, 37, 39, 41, 43, 47, and 48, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "assistant superintendent, $2,750"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,750"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "four hundred and seventy"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,482,800"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,545,800"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$424,500"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$101,000,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "and"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,765,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,750,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$725,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,200,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,150,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,850,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$86,900,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 32, 40, 52, 54, 55, 58, 59, 60, and 61.

CHAS. E. TOWNSEND,
THOMAS STERLING,
GEO. H. MOSES,
DAVID I. WALSH,
E. S. BROUSSARD,
Managers on the part of the Senate.

C. B. SLEMP,
MARTIN B. MADDEN,
T. U. SISSON,
Managers on the part of the House.

Mr. JONES of Washington. Mr. President, I ask the Senator from Michigan if it is not a fact that some of the amendments which are reported in disagreement have been actually agreed to by the conferees, but have to be taken back to the House where the House may consider the amendments and upon which concurrence is expected?

Mr. TOWNSEND. A great many of them. There are only three or four amendments which are in real disagreement.

Mr. HARRISON. May I ask the Senator what was done with the item about post-office inspectors? As I recall, the Senate put on an amendment——

Mr. TOWNSEND. The Senate amendment provided for 100, and the conferees agreed on 50.

Mr. HARRISON. The number was cut to 50?

Mr. TOWNSEND. It was.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. TOWNSEND. I move that the Senate further insist upon its amendments still in disagreement, ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. TOWNSEND, Mr. STERLING, Mr. MOSES, Mr. WALSH of Massachusetts, and Mr. BROUSSARD conferees on the part of the Senate at the further conference.

THE TARIFF.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. KING. Mr. President, I ask for a yea-and-nay vote on the last amendment of the committee, as to which there was a viva-voce vote.

Mr. McCUMBER. The amendment had been agreed to before the call for a quorum, and it had been so announced, but if we can have a record vote right now I ask unanimous consent to reconsider the vote by which the amendment was agreed to, and let us have the record vote and dispose of it.

Mr. JONES of New Mexico. I may say that we do not care to reconsider the vote by which it was agreed to, but a record vote on the next item, arsenious acid, is what we want.

Mr. McCUMBER. That is the one I mean.

Mr. JONES of New Mexico. We voted on the other one.

Mr. McCUMBER. We also voted on this one, but it was not a record vote.

Mr. JONES of New Mexico. I did not understand it.

Mr. McCUMBER. Therefore, assuming that we have a quorum at this time and that Senators will remain and vote immediately upon the amendment, I ask unanimous consent that the vote by which the last amendment was agreed to may be reconsidered.

The VICE PRESIDENT. Without objection it is so ordered.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. HARRISON. The Senate has agreed that when it recesses this afternoon it will meet in the morning at 11 o'clock. In the event we have a record vote and it is disclosed that we have no quorum; will the Senate then stand in recess or must we adjourn?

The VICE PRESIDENT. The Senate will stand in recess under the unanimous-consent agreement.

The pending amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 24, after the words "arsenious acid or white arsenic," insert the words "2 cents per pound."

Mr. JONES of New Mexico. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], which I transfer to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the junior Senator from Rhode Island [Mr. GERRY] and vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "nay."

Mr. McKELLAR (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. NEW], which I transfer to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Missouri [Mr. SPENCER] and vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before regarding my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. The senior Senator from Kansas [Mr. CURTIS] is necessarily absent on official business. He is paired with the Senator from South Carolina [Mr. DIAL]. If present, the Senator from Kansas would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. SUTHERLAND (after having voted in the affirmative). Making the same announcement as before with reference to my pair and its transfer, I allow my vote to stand.

Mr. JONES of Washington. I wish to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY]; and

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 34, nays 16, as follows:

YEAS—34.

Borah	Harreld	Newberry	Sterling
Broussard	Jones, Wash.	Nicholson	Sutherland
Bursum	Kellogg	Norbeck	Townsend
Calder	Keyes	Oddie	Warren
Capper	Lenroot	Phipps	Watson, Ind.
France	Lodge	Poindexter	Weller
Frelinghuysen	McCumber	Rawson	Willis
Gooding	McKinley	Shortridge	
Hale	McNary	Smoot	

NAYS—16.

Caraway	Heflin	McKellar	Swanson
Fletcher	Hitchcock	Overman	Underwood
Harris	Jones, N. Mex.	Sheppard	Walsh, Mont.
Harrison	King	Simmons	Watson, Ga.

NOT VOTING—46.

Ashurst	Edge	Moses	Robinson
Ball	Elkins	Myers	Shields
Brandegee	Ernst	Nelson	Smith
Cameron	Fernald	New	Spencer
Colt	Gerry	Norris	Stanfield
Crow	Glass	Owen	Stanley
Culberson	Johnson	Page	Trammell
Cummins	Kendrick	Pepper	Wadsworth
Curtis	Ladd	Pittman	Walsh, Mont.
Dial	La Follette	Pomerene	Williams
Dillingham	McCormick	Ransdell	
du Pont	McLean	Reed	

So the committee amendment was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and (at 6 o'clock and 25 minutes p. m.), under the order previously entered, the Senate took a recess until to-morrow, Tuesday, May 9, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 8 (legislative day of April 20), 1922.

CIRCUIT COURT JUDGE FOR HAWAII.

Daniel H. Case, of Hawaii, to be circuit judge, second circuit, Territory of Hawaii, vice L. L. Burr, term expired.

RECEIVER OF PUBLIC MONEYS.

Hayward H. Schwoob, of Wyoming, to be receiver of public moneys at Lander, Wyo., vice William H. Edley, whose term will expire May 13, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Lieut. Col. Jennings Benjamin Wilson, Infantry, with rank from July 1, 1920.

Lieut. Col. George Michael Holley, Infantry, with rank from July 1, 1920.

Lieut. Col. Milton Artells Elliott, jr., Infantry, with rank from July 1, 1920.

Lieut. Col. Harry Davis Mitchell, Infantry, with rank from July 1, 1920.

Lieut. Col. William Weston Bessell, Infantry, with rank from July 1, 1920.

Lieut. Col. Frank C. Burnett, Infantry, with rank from July 1, 1920.

Maj. Emory Sherwood Adams, Infantry, with rank from July 1, 1920.

Maj. Edward Aloysius Brown, Coast Artillery Corps, with rank from July 1, 1920.

Maj. William Augustus Beach, Infantry, with rank from July 1, 1920.

Maj. Henry Balding Lewis, Infantry, with rank from July 1, 1920.

Maj. John Grant MacDonnell, Cavalry, with rank from July 1, 1920.

Maj. Chauncey St. Claire McNeill, Cavalry, with rank from July 1, 1920.

Maj. Ralph Samuel Kimball, Infantry, with rank from July 1, 1920.

POSTMASTERS.

ARIZONA.

Elfreda M. McIntyre to be postmaster at Gila Bend, Ariz. Office became presidential April 1, 1921.

ARKANSAS.

Charlie C. Cherry to be postmaster at Hoxie, Ark., in place of B. C. Reid, resigned.

Maie Pierce to be postmaster at Manila, Ark., in place of G. M. Matthews, removed.

COLORADO.

Adelbert E. Humeston to be postmaster at Collbran, Colo., in place of A. E. Humeston. Incumbent's commission expired March 16, 1921.

FLORIDA.

William W. Zipperer to be postmaster at Jennings, Fla. Office became presidential July 1, 1920.

IDAHO.

Charles C. Henderson to be postmaster at Kamiah, Idaho, in place of E. L. Mueller, resigned.

ILLINOIS.

Richard A. Full to be postmaster at Roanoke, Ill., in place of Jacob Sand. Incumbent's commission expired February 4, 1922.

Cyril E. Reed to be postmaster at London Mills, Ill., in place of L. F. Ross. Incumbent's commission expired January 31, 1921.

IOWA.

Dell P. Glazier to be postmaster at Fort Madison, Iowa, in place of N. C. Roberts, resigned.

LOUISIANA.

John A. Moody to be postmaster at Cotton Valley, La. Office became presidential April 1, 1921.

Moses Biggs to be postmaster at Grayson, La. Office became presidential April 1, 1921.

Maggie E. Jones to be postmaster at Ringgold, La., in place of M. E. Jones. Incumbent's commission expired March 1, 1922.

MINNESOTA.

Will N. Bronson to be postmaster at Evansville, Minn, in place of L. A. Schwantz. Incumbent's commission expired January 24, 1922.

Clyde W. Long to be postmaster at Osakis, Minn., in place of F. H. Borchert. Incumbent's commission expired January 6, 1920.

Grover W. Sattler to be postmaster at Watkins, Minn., in place of Michael Brixius. Incumbent's commission expired January 24, 1922.

MISSISSIPPI.

Earl E. Royals to be postmaster at Mize, Miss. Office became presidential April 1, 1921.

MISSOURI.

Hattie Biggs to be postmaster at Neelyville, Mo. Office became presidential January 1, 1921.

NEBRASKA.

Oscar L. Lindgren to be postmaster at Bladen, Nebr., in place of C. P. Davis. Incumbent's commission expired February 14, 1922.

Earl C. Rickel to be postmaster at Edgar, Nebr., in place of J. W. Carson. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Frederick W. Travis to be postmaster at Fair Haven, N. J. Office became presidential January 1, 1921.

NEW YORK.

G. Frank Van Keuren to be postmaster at Allaben, N. Y. Office became presidential January 1, 1921.

Hattie D. Lyon to be postmaster at East Setauket, N. Y. Office became presidential January 1, 1921.

William J. Pike to be postmaster at Sanborn, N. Y. Office became presidential April 1, 1921.

Annabel Wood to be postmaster at Hilton, N. Y., in place of F. W. Amidon. Incumbent's commission expired January 28, 1920.

NORTH CAROLINA.

Walter B. Rouse to be postmaster at New Bern, N. C., in place of L. G. Daniels. Incumbent's commission expired January 24, 1922.

OHIO.

Harry W. Randels to be postmaster at West Unity, Ohio, in place of J. W. Kissell. Incumbent's commission expired July 21, 1921.

PENNSYLVANIA.

Nellie Smith to be postmaster at Abington, Pa., in place of B. F. Boutcher. Incumbent's commission expired August 7, 1921.

Charles W. Schlosser to be postmaster at Waterford, Pa., in place of J. H. Alcorn. Incumbent's commission expired February 5, 1922.

PORTO RICO.

Felix P. Hernandez to be postmaster at Quebradillas, P. R. Office became presidential July 1, 1921.

RHODE ISLAND.

Mary I. Cummiskey to be postmaster at Crompton, R. I., in place of J. S. Sculley. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

James E. Pickett to be postmaster at Clemson College, S. C., in place of I. A. Calhoun. Incumbent's commission expired January 24, 1922.

SOUTH DAKOTA.

James P. Turner to be postmaster at Faulkton, S. Dak., in place of A. D. Griffee. Incumbent's commission expired January 24, 1922.

Louisa E. Prouty to be postmaster at Pollock, S. Dak., in place of L. E. Prouty. Incumbent's commission expired January 31, 1922.

TENNESSEE.

Alexander C. Austin to be postmaster at Ardmore, Tenn. Office became presidential October 1, 1921.

Woodford C. Monroe to be postmaster at Celina, Tenn. Office became presidential January 1, 1921.

William R. Robinson to be postmaster at Charlotte, Tenn. Office became presidential April 1, 1921.

TEXAS.

Joe H. Victery to be postmaster at New Willard, Tex. Office became presidential July 1, 1921.

George H. Sparenberg to be postmaster at Austin, Tex., in place of C. J. Johnson. Incumbent's commission expired January 24, 1922.

Hubert L. Ford to be postmaster at Bellevue, Tex., in place of A. W. Melton. Incumbent's commission expired January 8, 1921.

John W. Robbins to be postmaster at Clyde, Tex., in place of J. W. Robbins. Incumbent's commission expired January 24, 1922.

Walter C. Vickers to be postmaster at Omaha, Tex., in place of G. H. Riddle. Incumbent's commission expired July 21, 1921.

UTAH.

John E. Sheffer to be postmaster at Smithfield, Utah, in place of I. H. Merrill, deceased.

VIRGINIA.

William R. Kindig to be postmaster at Stuarts Draft, Va. Office became presidential January 1, 1921.

WASHINGTON.

Sylvester G. Buell to be postmaster at Arlington, Wash., in place of C. H. Runkel, resigned.

Charles O. Merideth to be postmaster at Kent, Wash., in place of C. E. Guiberson. Incumbent's commission expired January 24, 1922.

WYOMING.

Nels J. Simpson to be postmaster at Cambria, Wyo., in place of N. J. Simpson. Incumbent's commission expired January 24, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8 (legislative day of April 20), 1922.

POSTMASTERS.

COLORADO.

Ethel Niquette, Edgewater.
Roswell H. Bancroft, Palisades.

ILLINOIS.

Pearl Richcreek, Argo.
Louis Opp, Belleville.
Lillie M. Diver, Dallas City.
William W. Austin, Effingham.
Nellie Mitchell, Mansfield.
James M. Carey, Maywood.
Henry P. Harris, Monticello.
Warren E. Wright, Murrayville.
Harold H. Hitzeman, Palatine.

KANSAS.

Patrick H. Lindley, Havana.

SOUTH CAROLINA.

Harry A. Rich, Blackville.
John S. Meggs, Marion.
Lottie G. Myers, Pamplico.
May A. Peake, Union.

TEXAS.

Norah H. Kelly, Lockhart.
John F. Davis, Montgomery.
Robert W. Crosswy, Sourlake.

WITHDRAWALS.

Executive nominations withdrawn from the Senate May 8 (legislative day of April 20), 1922.

POSTMASTERS.

INDIANA.

William E. Robinson to be postmaster at Jeffersonville, in the State of Indiana.

PENNSYLVANIA.

Charles W. McLaughlin to be postmaster at Mercersburg, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 8, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer.

Give ear, O Shepherd of mankind; show us at noonday the light of Thy countenance. We thank Thee that Thou hast not left us to the consequences of our weakness. With our frailties, failures, and fallings Thou dost love us still. To-day make goodness, unity, and harmony the expressions of wisdom; give understanding and godly strength to all and lift the burdens from burdened hearts. Guide, we beseech Thee, the destinies of our country and make happiness and industry natural and abundant. In Thy name. Amen.

The Journal of the proceedings of Friday last was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 9981, making appropriations for the independent offices and bureaus, disagree to the Senate amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take up and disagree to the Senate amendments and agree to the conference asked for on the bill, of which the Clerk will read the title.

The Clerk read as follows:

H. R. 9981. Making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes.

Mr. WALSH. Reserving the right to object, that report has been back several times, and although I voted to sustain the conference upon the last occasion, I am just wondering what position this bill now is in, the House having gone on record emphatically against these large increases in salary and the Senate insisting—whether a motion to adhere would be the proper motion at this time. I would like the views of the gentleman from Indiana.

Mr. WOOD of Indiana. The action taken by the Senate was to instruct the conferees on the part of the Senate to still insist on their position and ask for a further conference. That is the only information I have with reference to the attitude of the Senate. Of course, there is not very much difference between us—only about $15,000. It strikes me that where there is so small a difference there ought to be some way of arriving at an agreement satisfactory to both Houses. There is great necessity for an early determination of the matter.

Mr. WALSH. A parliamentary inquiry, Mr. Speaker. Is a motion to adhere now in order?

The SPEAKER. The Chair thinks so, but the Chair thinks that a motion to insist would have precedence over a motion to adhere.

Mr. MONDELL. Mr. Speaker, my understanding is that there is no objection to the bill going to conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. WOOD of Indiana, Mr. WASON, and Mr. HARRISON.

CONTINUANCE OF CERTAIN GOVERNMENT PUBLICATIONS—CONFERENCE REPORT.

Mr. STEVENSON. Mr. Speaker, I desire to call up the conference report on Senate Joint Resolution 132, to provide for the continuance of certain Government publications. The majority members of the conferees are called away, but it is the unanimous report and it is very important that we should get action on it to-day.

Mr. WALSH. Are the papers here?

Mr. STEVENSON. The papers are at the desk.

The SPEAKER. By direction of the conference committee the gentleman from South Carolina calls up the conference report on Senate Joint Resolution 132.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 132) to provide for the continuance of certain Government publications, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2 and to the title of the bill, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following: "That hereafter the head of any executive department, independent office, or establishment of the Government is hereby authorized, with the approval of the Director of the Bureau of the Budget, to use from the appropriations available for printing and binding such sums as may be necessary for the printing of journals, magazines, periodicals, and similar publications as he shall certify in writing to be necessary in the transaction of the public business required by law of such department, office, or establishment: *Provided*, That there may be printed, in addition to those necessary for such public business, not to exceed 2,000 copies for free distribution by the department, office, or establishment issuing the same: *Provided further*, That the Public Printer shall print such additional copies thereof and of any other Government publication, not confidential in character, as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit; but the printing of such additional copies required for sale by the Superintendent of Documents shall be subject to regulation by the Joint Committee on Printing and shall not interfere with the prompt execution of printing for the Government"; and the House agree to the same.

EDGAR R. KIESS,
ALBERT JOHNSON,
W. F. STEVENSON,
Managers on the part of the House.
GEO. H. MOSES,
ARTHUR CAPPER,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT.

The Senate conferees accept the amendment of the House with a slight change requiring that such journals, magazines, and periodicals may be printed as shall be certified to be neces-

sary "in the transaction of the public business." This change is in conformity with the general printing law relative to the printing of documents or other matter required for the executive departments.

The House conferees accepted an amendment which provides that the printing of "such additional copies as may be required for sale by the Superintendent of Documents" shall be subject to regulation by the Joint Committee on Printing, as it was thought that the printing of the 2,000 additional copies authorized to be printed for the executive departments might be construed as subject to regulation by the same committee.

The amendment of the House repealing previous legislation on this subject was accepted by the Senate conferees; also the amendment which amended the title to the bill.

EDGAR R. KIESS,
ALBERT JOHNSON,
W. F. STEVENSON,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, I would like to ask the gentleman from South Carolina a question. I notice the provision that the Public Printer shall print such additional copies as may be required for sale to the public by the Superintendent of Documents at the cost of printing and binding, plus 10 per cent, without limit as to the number of copies to any one applicant who agrees not to resell or distribute the same for profit. I wish to inquire whether the plus 10 per cent takes care of the overhead expense of printing these various Government documents.

Mr. STEVENSON. I will say that that is the law now—the 10 per cent is supposed to take care of it. There is no change in the law as far as that is concerned.

Mr. STAFFORD. Does the 10 per cent as carried in the amendment take care of the overhead expense?

Mr. STEVENSON. That is what it is intended to do, and I am informed that it does that and a little more. But that was not a matter that was before the two Houses in conference.

Mr. STAFFORD. I am well aware of the matter that was in dispute between the two Houses as to the unlimited publications for the use of the department; but now you are leaving it to the Director of the Budget to control the amount of the publications that may be published by the various departments and bureaus.

Mr. STEVENSON. That is what is being done.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

BIRTHDAY OF MR. CANNON.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, yesterday was a wonderfully glorious day—the first perfect summer day. Nature was in her best clothes, the air was balmy, and the birds were singing their sweetest songs. [Applause.] It was as perfect a day as ever dawned on the earth, and it was proper it should be so, for on that day one of our colleagues, our best-beloved colleague, was pleasantly passing the eighty-sixth milestone of his life's journey.

The evening before there had been a most unusual and for the moment unhappy circumstance. This colleague of ours, by reason of a slight and temporary indisposition, was unable to attend a perfectly splendid dinner given in his honor by his friend and colleague, Mr. MADDEN. He would have blushed, modest man that he is, if he had been there and heard the glowing tributes paid him. To-day, again well and hearty, he is proceeding on toward his eighty-seventh milestone with the good wishes of everybody in America. [Applause.] We regret that when Mr. CANNON reaches the eighty-seventh milestone he will not be with us in person, but he will be with us in spirit, he will be with us in that splendid influence for courage, honesty, and loyalty which he has so long exerted in this body and in the country. We wish him well and all happiness and contentment as he passes on along the journey, which we hope will be as bright and glorious in the future as it is to-day. [Applause, the Members rising.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, ever since the gentleman from Massachusetts announced some weeks ago that the gentleman from Illinois [Mr. CANNON] was to retire, it has been a matter of regret to everyone that he purposes to leave the House in the bloom of his youth. [Applause.] Those who have served with him here have had full opportunity for observing him and his methods. I came in the Fifty-ninth Congress, which was the second Congress of which he was Speaker. The newspapers said that the minority at that time consisted of JOHN SHARP WILLIAMS and 136 innocent bystanders. [Laughter.] I have seen it grow into a majority, and then grow worse by going back to the minority place again.

The former Speaker [Mr. CANNON] has been often a source of desperation to the Democratic minority, but always, by reason of his courage, his character, and his intelligence, he has been and will continue to be an inspiration to all men everywhere. [Applause.]

Miss ROBERTSON. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection?

There was no objection.

Miss ROBERTSON. Mr. Speaker, we read of Moses, that he was "an hundred and twenty years old when he went up to Mount Nebo. and gave up his care of Israel, but his eye was not dimmed nor his natural force abated." Since I have come here—and I am old, too old to care to speak it out in public; those of you who are curious can look in the directory and find out just how old—I am continually being told by people from home that I am getting younger. [Applause.] First they said that I looked five years younger, and then they said that I looked 10 years younger, and very pleasing it is to feel this comes from associations here. I want Members here to quit talking about Mr. CANNON being old. He is not old. He is young. He has helped to make me a great deal younger by his pleasant words and wholesome counsel. I am looking forward to coming back here. I hope to come back here for one term after this anyway. One of the greatest joys I can think of is that Mr. CANNON will be back here in Washington and coming in here to see whether we are all behaving. So let us not say so many good-byes, but tell him just to come back to see us all and see that we do behave. [Applause.]

E. J. HILL AND MARION L. OVERBY.

Mr. A. P. NELSON. Mr. Speaker, I call up from the Committee on Accounts House Resolution 334 (Rept. No. 989), which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 334.

Resolved, That there shall be paid out of the contingent funds of the House of Representatives to E. J. Hill the sum of $186.66 and to Marion L. Overby the sum of $120, being the amounts received by them per month as clerks to the late S. M. Brinson, a Representative in Congress.

Mr. A. P. NELSON. Mr. Speaker, this is the usual House resolution providing for the payment of one month's salary to the clerks of a Representative who has died.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

STELLA M. WEIGEL AND BUELAH S. GIVEN.

Mr. A. P. NELSON. Mr. Speaker, I call up the motion entered by the gentleman from Texas [Mr. JONES], with his consent, for reconsideration of House Resolution 320, and I move that the motion do lie on the table.

The SPEAKER. The gentleman from Wisconsin, with the consent of the gentleman from Texas [Mr. JONES], calls up the motion to reconsider, which the gentleman from Texas entered on House Resolution 320, and moves to lay that motion on the table. The question is on the motion of the gentleman from Wisconsin.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendment the bill (H. R. 10941) authorizing the Postmaster General to grant permission to use special canceling stamps or post-marking dies, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 11547) making appropriations for additional hospital facilities for patients of the United States Veterans' Bureau.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

S. Con. Res. 23. Concurrent resolution creating a joint committee to determine the indebtedness of the United States to the District of Columbia or of the District of Columbia to the United States growing out of relations existing since the organic act of 1878.

The message also announced that the Senate had passed the following joint resolution, in which the concurrence of the House of Representatives was requested:

S. J. Res. 194. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CUMMINS, Mr. STERLING, and Mr. OVERMAN as the conferees on the part of the Senate.

USE OF SPECIAL CANCELING STAMPS.

Mr. STEENERSON. Mr. Speaker, I call up the bill H. R. 10941, authorizing the Postmaster General to grant permission to use special canceling stamps or postmarking dies, with a Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Minnesota calls up the bill H. R. 10941, with a Senate amendment thereto. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to concur in the Senate amendment.

The motion was agreed to.

SENATE JOINT RESOLUTION AND SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and Senate concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 194. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

S. Con. Res. 23. Concurrent resolution creating a joint committee to determine the indebtedness of the United States to the District of Columbia or of the District of Columbia to the United States growing out of relations existing since the organic act of 1878; to the Committee on Rules.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that May 6 they had presented to the President of the United States for his approval the following enrolled bills and joint resolution:

H. R. 10007. An act for the relief of certain persons to whom, or their predecessors, patents were issued to public lands in the State of Minnesota under an erroneous survey made in 1876;

H. R. 10730. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920, and for other purposes; and

H. J. Res. 268. Joint resolution extending the operation of the immigration act of May 19, 1921.

EXTENSION OF REMARKS.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein an address delivered by the gentleman from Alabama [Mr. TYSON] recently in Montgomery, Ala.

The SPEAKER. Is there objection?

There was no objection.

The address referred to is as follows:

SPEECH OF HON. JOHN R. TYSON, MEMBER OF CONGRESS, TO THE BARACA CLASS, CLAYTON STREET BAPTIST CHURCH, MONTGOMERY, ALA., SEPTEMBER 18, 1921.

Ladies and gentlemen, I am more than pleased to speak with the members of the Baraca Class of this church this morning.

Yours is a great organization—to be more accurate, a great fraternity, having for its aim the fraternizing of men for mutual helpfulness and the promotion and uplift of the citizenship of the community.

You are a band of brothers engaged in the noble work of helping each other to work out the problems of life for the mutual welfare and benefit of all.

You are undertaking to promote and create conditions productive of "blessing"—the synonym of Baraca, as used in the Old Testament Scriptures. To accomplish that result, organization is necessary. This is a day of organization. As men progress, they feel more keenly the need of the natural instincts of their being—that of getting together. It is an innate impelling force, an irresistible one. It is born in man. The savages had their tribes and their chiefs—leaders—a pseudo government.

As man became more intelligent, the more he appreciated the necessity of a system of government, and as civilization advanced, different forms of civil governments were established throughout the world. For centuries, carrying out the tribal idea, he was ruled by kings. It was not until democracy was established in this country that the world recognized that man is endowed by his Creator with inalienable rights such as life, liberty, and pursuit of happiness; that he had the right of self-determination; that people had the right to form a union, an organization, promotive of their general welfare, and to secure to themselves and their posterity the blessings of liberty.

It is under this democratic government that we are living to-day, and it is the duty of all men, thus united, to live up to the obligations imposed upon them as members of that union, just as it is incumbent upon the members of this class and of every Baraca Class to fulfill their obligations.

The member of your fraternity who is unwilling to promote the cause for which it was organized is unworthy and should be expelled. So the citizen of this great Republic, this great organization, this great Union, established for the protection of the lives, liberty, and property of the people, who violates the laws which he has enacted through his delegated representatives should be punished. Such a man is not a good citizen and really unworthy of being a member of the Union.

Under the government established by a free people, maintained under a constitution adopted by them as the supreme law of the land, this people have advanced until they have become the greatest nation of the world. They are the leaders in religion, education, finance, invention, banking, manufacturing, mining, statesmanship, and military strategy. All this has been accomplished as the result of an harmonious union, fraternal cooperation of the representatives of the numerous interests promoted, fostered, and protected by the laws of the country. This people have become the great people of the world by promotion of mutual helpfulness—a recognition by one man of the rights of the other—the subordination of the natural selfishness which exists in every man—the willingness to contribute to the welfare and blessings of our neighbor—a recognition of a mutual interdependence of one upon the other.

Man is so constituted that he can not live alone. He is a social being. He is more than that. He is a spiritual being. There are three entities or beings which he has from the day of his advent upon this earth recognized. Adam, the first man, felt the necessity of companionship and of the blessings of a kind Providence. The three entities necessary to man's existence are God, self, and the other man or woman. It is God that gives us our life and provides the necessaries for its existence. It is the other man or woman who contributes to our social life, happiness, and prosperity. In every relation of life there exists that dependency of man upon man. No matter how much wealth he may possess he is dependent upon the fellowship of his neighbor and the labor of his neighbor to make his wealth produce and upon his neighbor to produce the necessities for his existence and well being. This is also true of the laboring man. He is dependent upon employment by those who possess the means to compensate him for his services. There is, therefore, an interdependence between the two. Without the one the other can not exist, much less prosper. The general prosperity of the country depends, in a large measure, upon the recognition and conservation of the rights of each other. There should be no conflict between the two. And there will not be, if the rights of each are respected, one by the other. If the element of selfishness—self—is subordinated, as it should be, commensurate with the obligations of good citizenship and in the interest of promoting the prosperity and blessings of the people, there would be no conflict between labor and capital. If each would recognize the rights of the other and their mutual dependency upon the other, there would be no strifes and no unemployment. The resources of this country are ample to keep the wheels of industry constantly in motion, with resultant benefits that would bring about contentment and happiness among our people and eliminate that spirit of unrest which now exists as the result of the Great War. A recognition of the rights of man by man would speedily solve the problem of reconstruction which is now being worked out and which will be successfully worked out by the people of this Nation.

You need have no apprehension that this people, this people loyal to all that is good and right, will not be able to solve the many intricate problems that vex the world. The capitalist and the laboring man will eventually unite their efforts in restoring prosperous conditions, and our country's flag will float over a contented and happy people.

I have the utmost confidence that the Biblical injunction, "Let your moderation be known unto all men," will be obeyed, and that whatever differences may now exist between the employer and the employee will be met and handled in moderation, unaccompanied by acts of lawlessness or violence.

It behooves you Baracas, if you are faithful to your vows, that you stand for the enforcement of Apostle Paul's injunction and the golden rule.

I am confident you will find in the noble women of this community, who should be admitted as members of your fraternity, zealous associates in the great work you are doing.

If they are admitted to membership, their activities, earnestness, and devotion to the cause would be an inspiration to you.

APPLICATION OF RECLAMATION LAW TO IRRIGATION DISTRICTS—CONFERENCE REPORT.

Mr. KINKAID. Mr. Speaker, I call up the conference report upon the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts.

The SPEAKER. The gentleman from Nebraska calls up the conference report, which the Clerk will report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the Senate amendment and insert in lieu thereof the following:

"That the term 'first mortgage,' as used in section 12 of the Federal farm loan act, approved July 17, 1916, shall be construed to include mortgages on farm lands under United States reclamation projects, notwithstanding there may be against such lands a reserved or created lien in favor of the United States for construction or other charges as provided in the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, known as the reclamation law: *Provided*, That such lands are otherwise eligible for loans under the Federal farm loan act: *And provided further*, That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such lands for loan purposes."

And the Senate agree to the same.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts submit the following written statement explaining the effect of the action agreed on:

Said action clarifies the purpose of the Senate amendment, and the language agreed upon is that of H. R. 11074, a bill to authorize Federal farm loans on lands under United States reclamation projects, as reported to the House by the Committee on Banking and Currency.

M. P. KINKAID,
N. J. SINNOTT,
CARL HAYDEN,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, reserving the point of order upon the conference report, I would like to have the Senate amendment read.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 4, after line 21, insert:

SEC. 4. The lien reserved to the Government of the United States, however created, for payment to it of construction charges and charges for operation and maintenance, and all penalties required to be paid under the reclamation act approved June 17, 1902, and acts amendatory thereof or supplementary thereto shall not be construed to be a lien or incumbrance as contemplated by this act wherein loans under this act shall be secured by first mortgages on farm lands, to the end that the provisions of said Federal loan act shall extend to lands within all Government reclamation projects without regard to Government liens for payment of said charges, and the provisions of said Federal farm loan act are hereby extended to apply to lands within all Government reclamation projects.

Mr. WALSH. Mr. Speaker, I withdraw the reservation of the point of order.

Mr. KINKAID. Mr. Speaker, the amendment adopted and reported by the conferees is in conformity with the principal purpose of the original bill as it passed the House, which was to enable water users under reclamation projects to secure long-time mortgage loans of Federal farm-land banks upon the same footing as farms not under reclamation projects. The amendment agreed upon by the conferees will effect this purpose more directly, especially for reclamation projects which have not adopted the irrigation district system—which many have not done—than is permitted by the provisions of the original bill as it passed the House. As the bill passed the House in order for water users under any project to avail themselves of the right to secure mortgage loans of Federal farm land banks it is necessary for the particular project to adopt the irrigation district system.

Mr. Speaker, the bill as it passed the House amends the original reclamation law. On the other hand, the amendment reported by the conferees and now under consideration amends the Federal farm loan act. This amendment is copied from a bill, H. R. 11074, introduced by the gentleman from Arizona [Mr. HAYDEN] and referred to the Committee on Banking and Currency. And while passing I may state that a similar bill was introduced by the Senator from Oregon [Mr. MCNARY], who is chairman of the Senate Committee on Irrigation. The Committee on Banking and Currency made a favorable report on the Hayden bill on the 4th of this month. Contained in this report is a copy of a letter written by Hon. A. F. Lever, farm loan commissioner, addressed to the gentleman from Pennsylvania [Mr. MCFADDEN], as chairman of the Committee on Banking and Currency. That report will be copied in this place in my remarks.

[House Report No. 977, Sixty-seventh Congress, second session.]

FEDERAL FARM LOANS ON LANDS UNDER UNITED STATES RECLAMATION PROJECTS.

Mr. MCFADDEN, from the Committee on Banking and Currency, submitted the following report, to accompany H. R. 11074:

The Committee on Banking and Currency, to whom was referred the bill (H. R. 11074) to authorize Federal farm loans on lands under United States reclamation projects, having considered the same, report it back to the House with the recommendation that the bill do pass without amendment.

This legislation is designed to enable the Federal land banks to make loans on lands within United States reclamation projects in the same manner as such loans are now made on lands within drainage districts, road districts, or other form of organization where there is an annual charge against the land by reason of some improvement.

Lands under Federal reclamation projects when sold are disposed of subject to the construction charges due to the United States, and when a price is quoted on such lands it means the price with such charges assumed by the purchaser. The lien created under the reclamation law is a lien that exists by virtue of a statute. In this respect the lien is similar to a lien due for bonded indebtedness which is only to be in force upon the happening of certain things which bring the statute into operation. The Federal land banks in making farm loans now take into consideration the existence of such statutory liens, and your committee is of the opinion that similar discretion may safely be granted to them in making loans on United States reclamation projects.

The Federal Farm Loan Board has submitted the following favorable report on the bill:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, April 4, 1922.

Hon. L. T. MCFADDEN,
House of Representatives.

MY DEAR CONGRESSMAN MCFADDEN: In the absence of Commissioner Lobdell, permit me to acknowledge receipt of your letter of March 31, inclosing copy of House bill 11074, introduced by Representative HAYDEN, to authorize Federal farm loans on lands under United States reclamation projects. This bill is very similar to one introduced by Senator MCNARY on March 16, 1922, and having the identical purpose. I take the liberty of quoting for your information the comments of Commissioner Lobdell upon this bill as expressed in a letter to Senator MCNARY under date of March 20, 1922. He says:

"I am to-day in receipt of yours of the 18th instant, inclosing copy of H. R. 4382 as intended to be proposed by Senator BORAH.

"I think that the Federal Farm Loan Board would be willing to authorize the Federal land banks to give consideration to applications for loans on lands under reclamation projects if this bill were enacted, though, as I assume you know, each of the land banks operating in irrigated territory maintains its own engineering department, and would, of course, exercise the privilege of examining and rejecting any project, notwithstanding it were a Government one, where, in the judgment of its engineer, water supply or construction were insufficient or proper provision had not been made for drainage.

"The last proviso of the bill is very essential, and without it loaning in these districts would not be at all undertaken."

Very truly yours,

A. F. LEVER,
Acting Farm Loan Commissioner.

Mr. Speaker, with the report of the conferees adopted and the act approved, the Federal farm loan banks will be permitted to make loans to owners of farm units under reclamation projects, whether the projects shall have adopted the irrigation system or not.

Mr. Speaker, I now yield 10 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, I voted in favor of the passage of the Federal farm loan act, which became a law on July 17, 1916. The enactment of that great statute marked a new epoch in American agricultural history. That law made the farmers of our country a preferred class of borrowers by enabling them to obtain money at a rate of interest but little in advance of the rate paid by the National Government. The constitutionality of the act was called into question, and, pending its judicial interpretation, the Federal Farm Loan Board was unable to properly function. On February 28, 1921, the litigation was

finally disposed of by a decision of the Supreme Court, confirming the constitutionality of the act in all particulars, so that the Federal farm loan system is now firmly fixed as a part of the financial system of the United States.

The fifth annual report of the Federal Farm Loan Board shows that there were in existence on October 21, 1921, 4,108 national farm loan associations, and that 142,522 borrowers had obtained loans to the extent of $407,702,571 by giving mortgages on lands and improvements having an appraised valuation of $1,121,976,338. The average loan made was for $2,888, and the average value of the 25,627,732 acres mortgaged was $35.58.

In the State of Arizona only 10 local farm loan associations had been chartered up to that time, consisting of 324 borrowers. The total loans applied for were $1,146,950, of which $964,400 had been granted. The value of the 36,569 acres of land and improvements mortgaged was $2,505,097, and the appraised value per acre was $60.27, or about $25 per acre greater than the general average throughout the United States. The average loan made was also larger, being for $3,063. Sixty-five per cent of the money borrowed was used to pay off existing mortgages or other debts.

I have mentioned the conditions in Arizona because they are typical of a situation that has existed in many of the Western States, where Federal farm loans have been denied to landowners under United States reclamation projects. Within these projects there are 32,385 irrigated farms, comprising 1,162,000 acres, which produced crops in 1920 having a value of $66,171,000. These lands represent the best and safest opportunity for loans in the entire West, and to-day we are seeking to enable the Federal land banks to enter this field by extending the benefits of the Federal farm loan act to such lands.

At the time the Federal farm loan act was under consideration by Congress I endeavored to make certain that the lands within Federal reclamation projects would come within the terms of the proposed law. I conferred with members of the committee having the legislation in charge and was assured that such would be the case. In order to demonstrate the clear intention of Congress with regard to this matter, I shall quote from a letter addressed to me in September, 1916, by Hon. Ralph W. Moss, of Indiana, who had been a member of the committee to investigate rural credit conditions in European countries, and was also a member of the Joint Committee on Rural Credit, which had in charge the drafting of the Federal farm loan act:

Hon. CARL HAYDEN,
Washington, D. C.

MY DEAR MR. HAYDEN: I have your favor making inquiry as to the scope of the rural credit law and its application to include farmers who own farms under our various reclamation projects. I recall very distinctly your interest in this phase of the law during the time we were drafting its terms. I then assured you that we were choosing the language of the proposed statute so as to make it apply to such cases as you have in mind, viz, where settlers hold title to lands but against which holding the Government has a lien for assessments representing water rights or privileges. I still affirm that any fair interpretation of the statute will verify my statement as to the purpose of its framers. This question was presented very forcibly by you and by other Representatives of our Western States.

I was vitally interested in this particular question, because we have in Indiana very extensive drainage districts where the State advances the money to make the improvements and is given a first lien against the lands to secure the repayment of the money so advanced. The State sells bonds and then collects semiannually from the farmers interested, when other taxes are collected, installments to apply on retiring bonds. These payments extend over a period of 10 to 20 years. We have in our drainage districts practically analogous cases to your western irrigation projects. I feel perfectly confident that in all instances where the title vests in the farmer and no other mortgage has been placed against the land the owner can mortgage his land for any one of the purposes recognized in the law.

In this connection, I beg to call your attention to the precise language in the rural credits law as compared with that of the Federal reserve law. I am aware that there has been a decision rendered to the effect that national banks may not loan on lands within irrigation projects until all assessments are fully paid. The Federal reserve law permits national banks to loan on "improved and unencumbered" farm lands. The term "unencumbered" has been held to mean lands without legal assessments, such as unpaid irrigation assessments. Section 12 of the rural credits law uses the term "first mortgage"; we did not pin our faith to the vague term "unencumbered." A mortgage is a mortgage; it is not taxes or legal assessments which constitute a lien against land; but in order that no misapprehension can arise, in the same section the law declares: "Every borrower shall by express covenant in his mortgage undertake to pay when due all taxes, liens, judgments, or assessments which may lawfully be assessed against the land mortgaged." This section in the law carefully differentiates between liens and assessments made under forms of law and that form of security for debt which we denominate a "mortgage," and expressly declares that the land may carry such liens and assessments in addition to the mortgage encumbrance.

I trust that I have made clear the intent of the law. I also trust that you will feel that my assurance given to you while the law was under discussion, that its benefits would be open to such of your constituents as may own lands within Government irrigation projects with unpaid assessments but who hold the title to their land, is fully warranted by the language quoted.

In conclusion, permit me to say that I appreciate the interest you manifested in the drafting of this great law, and assure you that it has been a pleasure to have been associated with you in this great labor.

Very truly yours,

RALPH W. MOSS,
Member Congress, Fifth District Indiana.

Unfortunately, the Federal Farm Loan Board as originally constituted was composed of gentlemen who were totally unfamiliar with western irrigation agriculture, and under mistaken legal advice they declined to carry out the intent of the law. A precedent was set by refusing to make loans on lands within Federal irrigation projects for the alleged reason that the first lien of the Government for reclamation construction charges made it impossible for the farmer to give a first mortgage.

This ruling remained in force on all the Federal reclamation projects until last year, when an exception was made in the case of the Salt River reclamation project in Arizona. At my suggestion, representations were made to the Federal Farm Loan Board that the Salt River project had a different status than any other Federal reclamation project, because under a contract with the Secretary of the Interior made in 1917 the control of the project has been transferred to the Salt River Valley Water Users' Association. Under the terms of this agreement the association, and not the individual water users, is liable for the entire sum due to the Government. I therefore urged that the practical effect of this contract was to place the lands under this project in the same position as lands under an irrigation district where Federal farm loans could be obtained. The Federal Farm Loan Board finally adopted this view and authorized the loans to be made on lands under that particular project.

I am advised that during the past six months applications for loans aggregating $1,897,000 have been made by landowners under the Salt River reclamation project. Many of these applications are still under investigation, but loans amounting to $733,000 have been allowed by the Federal land bank, and 87 borrowers, whose loans amount to $528,000, have actually received the money. On this basis the average loan would be about $6,000.

An exception was made, however, in cases where landowners had obtained title under the reclamation law with a reservation in the patent of a first lien to the United States for reclamation charges. By reason of this exception loans have been denied to 65 applicants residing on farm units under the Salt River project who had applied for loans aggregating $200,000. The enactment of this bill will permit these applications to be promptly considered and will also enable the owners of about 20,000 acres of land in farm units under the Salt River project to make application for loans if they so desire.

Under the Yuma reclamation project applications are pending for loans amounting to $118,500 which can be acted upon immediately upon the approval of this bill by the President. In addition to the pending applications the owners of the 65,000 acres of land under the project may also apply for farm loans, and the Federal farm loan act will likewise be made applicable to the 40,000 acres which will ultimately be placed in cultivation on the Yuma-Mesa.

I have pointed out the practical effect of this legislation, both generally on the United States reclamation projects in the West and particularly with respect to Arizona, where I am personally familiar with local conditions. I have always contended that the construction lien on Federal reclamation projects could not, in its practical effect, be determined to be in any way different from the statutory lien for any other improvement, such as that occasioned by the creation of a road-bond district or a drainage district or even for State and county taxes. In each case the lien is not enforced except upon the occurrence of a delinquency in payment.

Mr. SNELL. Will the gentleman yield?

Mr. HAYDEN. I yield to the gentleman from New York.

Mr. SNELL. Is it not a fact that in a great many of these projects the claim of the Government is upon the full value of the land itself?

Mr. HAYDEN. I doubt if there is a project operated by the United States Reclamation Service where the value of the land is not at least twice as much as the construction charge and much more than that. There is hardly an irrigated acre of land in any project that is not worth $200, and the charge is in no case much more than $100 an acre.

Mr. SNELL. The value of the land is the value coming to it as the result of irrigation or reclamation?

Mr. HAYDEN. Exactly so. It is just the same as establishing a drainage district in the East to get water off the land. When the charge for drainage is fixed it is assumed, and it is

usually true and more than true, that the value of the land is increased to a greater extent than the charge. So when an individual buys irrigated land the construction charge is taken into consideration with the understanding that the purchaser assumes the future payments. The current or market price of land within a reclamation project is quoted with the understanding that the cost of reclamation is counted in and counted out again by reason of the increase in the value of the land as a consequence of its having been brought under irrigation.

Mr. SNELL. Is not this an entirely different proposition than a general tax proposition for school and road purposes?

Mr. HAYDEN. In practical effect the cases are parallel.

Mr. SNELL. You might own a hundred acres of land and there is no claim and I own a hundred acres next to it and there is a claim for the full amount of the reclamation project. That makes an entirely different proposition.

Mr. HAYDEN. The final clause in this amendment reads:

That the amount and date of maturity of such lien shall be given due consideration in fixing the value of such land for loan purposes.

In other words, the Federal Farm Loan Board will give the same consideration to the reclamation lien as it will to the existence of a tax lien for roads, schools, and other public improvements.

Mr. SNELL. Is it not an entirely different proposition than a local bond issue?

Mr. HAYDEN. There is no practical difference at all. The reclamation construction charge is payable in 20 annual installments just the same as the annual charge for interest and sinking fund on a road bond issue running for an equal term of years.

Mr. SNELL. It seems to me different when a man had never paid anything and we go and loan him money when he had not put any money into it.

Mr. HAYDEN. The farmers on a Government reclamation project could not obtain a loan from the Federal land bank unless their lands were improved to such an extent that the land could be sold for more than the construction charge. Even then they may only secure loans to the extent of one-half of the excess value, as fixed after a careful appraisal.

Mr. SINNOTT. If the gentleman will permit, the Senate amendment we had in conference was approved by the Committee on Banking and Currency of the House.

Mr. HAYDEN. The way that the terms of this legislation were evolved can be briefly stated. The Federal Farm Loan Board had various legislative proposals under consideration which would enable them to make these loans. The board wanted to make loans on lands within Government reclamation projects because they realized that this is the cream of the farm-loan business in the West. A redraft of the proposed law was finally prepared by Hon. Lysander Cassidy, attorney for the Federal Land Bank of Berkeley, Calif., and sent to the Federal Farm Loan Board. Mr. Cassidy is an able lawyer, thoroughly familiar with conditions on the United States reclamation projects. I was given a copy of his proposal, and with a few minor changes introduced it as a bill, which was referred to the Committee on Banking and Currency. My bill was referred by the chairman of that committee to the Federal Farm Loan Board and favorably reported upon. After a hearing before the Committee on Banking and Currency the bill was favorably reported to the House, and your conferees have adopted the identical language of that measure in this amendment which we are seeking to have approved by the House to-day.

Mr. CARTER. I want to see if I understand this proposition. Originally a Federal farm loan could not be had on irrigated land because the United States had the first lien. Is that true?

Mr. HAYDEN. Yes. That is true.

Mr. CARTER. What the gentleman from Arizona proposes to do is not in any wise to interfere with the first lien of the Government, but to provide for a loan to be made on whatever equity the settler may have in the land exclusive of the reclamation charge?

Mr. HAYDEN. My good friend from Oklahoma has stated the case precisely.

Mr. CARTER. Then when the Farm Loan Board undertakes to make the loans it will consider and deduct from the amount of the loan to be made that part of the charges which the Reclamation Service has fixed?

Mr. HAYDEN. It is specifically provided in that part of the bill which I have just read, that the Federal Farm Loan Board shall give due consideration to the amount and date of maturity of the reclamation charge in determining the value of the land for loan purposes.

Mr. CARTER. Then it in no way invalidates the security of the Government either on its reclamation charges or the money loaned by the Federal land bank?

Mr. HAYDEN. Absolutely not. Each lien stands just the same as ever.

Mr. STEAGALL. And as a matter of fact, is not this true, that no attention is given to lands of this character except they are put upon the same eligibility as other lands for loans?

Mr. HAYDEN. There is no question about that. Furthermore, if the Federal Farm Loan Board insisted that it must have a first lien as against the world, loans could not be made anywhere in the United States in case there was a road or a school bond issue or any incumbrance against the land for an improvement.

Mr. BLACK. Will the gentleman from Arizona yield?

Mr. HAYDEN. I yield to my friend from Texas.

Mr. BLACK. Does the gentleman mean to say that a tax levied to collect interest and sinking fund on a road bond is a lien on land?

Mr. HAYDEN If the tax is not paid——

Mr. BLACK. It is subject to levy, of course. The Government has a right to levy in order to collect its tax.

Mr. CARTER. And has a right to the land.

Mr. BLACK. Does not the gentleman believe that if the Federal farm loan system goes into the money-loaning business on these reclamation projects it absolutely goes outside its functions?

Mr. HAYDEN. Certainly not. Upon the contrary it will be performing its legitimate functions by serving a large number of worthy farmers who are justly entitled to this assistance.

Mr. SINNOTT. They are making these loans upon irrigation projects where the Government lien does not rest, and it is rather analagous to the ordinary drainage districts in the different States where the farm loan bank to-day is making loans?

Mr. HAYDEN. The gentleman from Oregon is correct. As I have stated before, irrigated lands should be treated the same as drained lands.

Mr. CHINDBLOM. Mr. Speaker, will it be possible for the Federal Farm Loan Board to make a first mortgage loan before a reclamation project has been constructed?

Mr. HAYDEN. I will say to the gentleman from Illinois that a farm loan bank would be very foolish to make a loan on land that was valueless because of the lack of water.

Mr. CHINDBLOM. When will they have the authority to make it under this proposed amendment? After the improvement has been put in?

Mr. HAYDEN. Yes; whenever the appraised value of the land is great enough to justify a loan, and not before.

Mr. SINNOTT. The land would have no value in the first instance cited by the gentleman from Illinois.

Mr. HAYDEN. This legislation has been well considered not only by the Members of Congress from the West who are familiar with irrigation agriculture but also by the Members of the Committee on Banking and Currency who unanimously, after a hearing, favorably reported to the House the bill that I introduced. The text of that bill has been transferred to this measure without change and has the indorsement of the Federal Farm Loan Board, which is charged with the administration of the law. The same inspection and appraisal will be made of the lands under the Government reclamation projects as of all other lands where loans are sought. The same careful and conservative management will be exercised and the purchasers of Federal farm loan bonds will be as fully protected. In view of all these precautions, the House should not hesitate to adopt this conference report so that this bill may promptly become a law.

Mr. Speaker, I yield back the remainder of my time.

Mr. KINKAID. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I think we will all understand this matter better if we will consider for a moment the operations under the reclamation law. Nearly all reclamation projects cover two classes of land—public lands and private lands. Under the law and the later practice, the owner of the private lands before the project is undertaken must agree to sell all the land he owns over and above a farm unit, which may be 40 acres, may be 80 acres, may be 160 acres, depending on the project. He agrees to sell it at a given price. That is in order to prevent the owner of considerable areas charging the incoming settler and irrigator an excessive price. As to the public lands, they are entered under the homestead law. The cost of the reclamation of the project runs all the

way from $35 an acre on some of the early projects to something over $100 an acre on the later projects. The reclamation settler has had his difficulties in meeting the Federal charges, increased by the fact that, owing to that Federal charge as a first lien, his credit has not always been very good. If he be a purchaser of privately owned land under the project, in the majority of cases he paid or pays a very considerable interest charge on the portion of that cost that he is not able to pay at the time of the purchase.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. MONDELL. In just a moment.

As to the settler on the public land, he is compelled to make very considerable improvements. Sometimes their value frequently runs into several thousands of dollars, but owing to the Government first lien it is often difficult for him to secure loans except at a rather high rate, the high rate of the region, accentuated by the fact of the first lien by the Government. He needs as badly as any farmer does, even to a greater degree than the average settler, the opportunity to make a farm loan, but he has been unable to do that heretofore because of the provision of the farm loan act that provides that the farm loan credit must be the first mortgage, and the Government first lien for reclamation stood in the way. Now, this bill as amended provides that where under the provisions of the farm loan act a loan could otherwise be made in view of all the circumstances, a loan may be made notwithstanding the Government first lien for the construction charge. It will enable the man who purchased his land from an individual and who is paying a high interest charge to secure the loan at a lower rate of interest. It will enable the settler who is upon the public land and who has gone into debt for his improvements to secure a loan to carry those improvements. The result of it will be, as I see it, not only to relieve the settler tremendously but to make it easier for him to meet the Government obligations, because it enables him to carry his other obligations at a lower rate of interest than he now pays. This is just what we attempted to do in the first instance through another committee than the committee that reported this bill. In my opinion it will relieve the settlers greatly and aid in the collection of the sums due the Government.

Mr. SNELL. Will the gentleman yield?

Mr. MONDELL. If the gentleman will give me three minutes more.

Mr. KINKAID. I yield three minutes more to the gentleman from Wyoming.

Mr. SNELL. As I understand from your argument, these same debtors are paying a higher rate of interest because their credit is poor?

Mr. MONDELL. Their credit is poor only in this way: No matter what a man's character or reputation may be, if there is a first mortgage on his real estate he is not in the best possible position anywhere to secure further credit.

There is no reason why, having adopted a policy intended to aid the farmer by enabling him to secure a loan at a low rate, a lower rate than the ordinary rate in the irrigation country—there is no reason why that opportunity should not be afforded to the farmer on the reclamation projects. There is, from the standpoint of the Government itself, the argument in favor of doing this, because it makes it easier for the man who owes the Government for the construction charge on his land to meet that payment by relieving him of a part of the interest charge he is now paying on other indebtedness.

Mr. SNELL. Then you would advocate giving the poorer creditors Government money. That is the purpose and intent of this bill. That is your statement in regard to this bill.

Mr. MONDELL. There is nothing to be drawn from what I have said that justifies any such conclusion or opinion. Some of these lands are worth from $100 to $500 an acre. They have a reclamation charge against them of from $50 or $60 to $70 an acre. Many of these lands afford the very best security to the farm loan banks.

Mr. SNELL. Did you not make that statement that I called to your attention in the earlier part of your remarks, that these were generally poorer creditors who had to pay a higher rate of interest? I understood you to make it.

Mr. MONDELL. No. The gentleman from New York is a business man.

Mr. SNELL. Yes; and I try to exercise my business judgment right here.

Mr. MONDELL. The interest charge is in some districts too high for anybody to pay and prosper farming. No man's credit is as good as it would be otherwise when all of his real estate is subject to a first mortgage lien by the Government, and that is true whether it be in Montana or in Arizona or in New York State.

Mr. SNELL. But if that land is worth $500 an acre and you say he owes only $50, I should say he is of a good class of creditor and could borrow money at a cheap rate on the valuation of his land. I am against the letting out of the Government credit at this time.

Mr. MONDELL. Then if that is true we ought to have had no farm loan act. The farm loan act was intended to relieve the farmer from the high interest charge that he was otherwise required to pay.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. This will also furnish another excuse to the poor farmer who is struggling along and holding out his hands in supplication to Uncle Sam—another excuse why he can not pay his construction and reclamation charges, because he has a mortgage and must pay the interest on that.

Mr. MONDELL. I have attempted to prove that it will deprive him of some of the argument that he now has. He is now paying on his local indebtedness a higher rate than he will be compelled to pay if this bill passes.

Mr. WALSH. Surely.

Mr. MONDELL. And to the extent that he is relieved it is easier for him to meet the Government obligation, and by the same token he is deprived to that extent of the argument that he can not meet the Government obligation.

Mr. WALSH. Does the gentleman think that these men will take a first mortgage under the provisions of this act from the farm-loan bank and pay off in one payment all the construction and reclamation charges, and then have this first mortgage run against the project?

Mr. MONDELL. No. I do not think that is what they would do.

Mr. WALSH. Of course, they will not.

Mr. MONDELL. I do not know of any reason why they should.

Mr. CHINDBLOM. Do they do that now?

Mr. KINKAID. It should be expressly stated that the right of the Government to collect first will not in any way be impaired by any mortgage given or any lien otherwise incurred, even under the bill as it passed the House. Under the amendment reported here by the conferees, which is now an issue, the Government's first lien is left intact so long as the irrigation district system is not adopted.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question?

Mr. KINKAID. I shall yield in a moment. Where the district system is adopted, collection will be made in the form of taxes, and this tax lien will be paramount in favor of the Government to any other lien, including a Federal farm loan mortgage lien.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. KINKAID. Yes.

Mr. HICKS. Is there any record in the past of the Government ever having collected any of these loans that have been made?

Mr. KINKAID. They have not been authorized by law, but the farm loan banks recommend this legislation to enable them to make the loans.

Mr. HICKS. What percentage has been collected?

Mr. KINKAID. The Federal farm land banks have not been making such loans.

Mr. HICKS. Under the reclamation projects some money must have been advanced.

Mr. WALSH. Construction charges must have been advanced.

Mr. KINKAID. Construction charges have been paid, certainly. The Government has been repaid. About $12,000,000 has already been paid to the Government on construction charges.

Mr. SNELL. This will be a third lien on the land, will it not? The first is the tax lien and the second is the reclamation lien, and this will be the third lien?

Mr. KINKAID. The tax and reclamation lien represent the same liability to the Government.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and I desire to be informed how much time remains.

The SPEAKER. The gentleman has used 20 minutes. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYDEN. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from Arizona makes the same request. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. BLACK].

The SPEAKER. The gentleman from Texas is recognized for four minutes.

Mr. BLACK. Mr. Speaker, in my judgment one of the most helpful and constructive laws that was ever enacted for the benefit of the farming interests of the United States was the farm loan act. Under that act more than $500,000,000 has already been loaned to the farmers in the several States on long terms and easy methods of payment and at a low rate of interest. Those loans are made possible by reason of the farm loan system being able to find a ready market for its bonds. The secret of the ability of the system to market these bonds readily is due to three things: First, the Farm Loan Board has been careful and conservative in its management; second, there has been a careful, painstaking system of inspection of the security tendered; and, third, the loans are all made as a first lien upon the land. The latter is one of the most important considerations.

Mr. HAYDEN. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. HAYDEN. The gentleman means a first mortgage; it is not a lien in contradistinction to a tax lien.

Mr. BLACK. That is, of course, understood. The loan of the farm land banks would not take precedence over a tax lien. But we all understand that this reclamation lien on the part of the Government is not a tax lien; it is a real, actual, existing first lien, and, in my judgment, when you open the door of the farm loan system to loans secured by second liens you are opening the way to make it possible to undermine the confidence of the investing public in the farm loan bonds. I do not believe there is a Member on the floor of the House that has the interests of the farmer more at heart than I have. I do not believe there is a man who would more readily aid the western farmers in their reclamation projects along proper lines than I would, but I am not willing to take the responsibility of casting my vote in favor of a measure that, if used as a precedent and followed up along other lines of admitting loans on second liens, might seriously affect the ability to find a ready market for farm loan bonds.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. CHINDBLOM. Why can not the farmer procure a loan and pay the reclamation project out of that loan so that his first mortgage would be a real first lien, with the reclamation project paid?

Mr. BLACK. That would be practical in many cases, I have no doubt.

Mr. CHINDBLOM. They can do that now.

Mr. BLACK. They can do that now under the law. Take it in the State of Texas. Many loans are made in the farm loan system to pay off existing first liens, and the lien of the farm loan bank immediately becomes the first mortgage. Under the present farm loan act a farmer in one of the reclamation districts could borrow money and apply the proceeds to extinguishing the reclamation lien, and the lien of the farm loan bank would become then the first mortgage; but that is not what is desired. The thing this bill will do is to continue this reclamation lien, which is a first lien, without any impairment, and then let the farm loan banks take the second lien. I entertain a very serious doubt about the wisdom of doing that, and therefore I shall feel compelled to vote against this conference report.

Mr. KINKAID. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Speaker, I am in hearty accord with all the gentleman from Texas says as to the importance of protecting the farm loan system against any inroads that could be made on these securities and bonds which the land banks offer for sale to the public. But the mortgages contemplated by the amendment now under consideration will have around them every safeguard that exists with regard to loans now authorized by the Federal farm loan act. We will have the same members of the Federal Farm Loan Board, the same directors of the land banks, all of whom have so far shown themselves to be conservative and competent, the same system of inspection that we now have, and the same limits as to the extent of the value of lands upon which the loans may be allowed. The law now provides that no loan shall be made for more than 50 per cent of the value of the lands and 20 per cent of the value of all improvements. This provision will remain in full force and effect.

This amendment specifically provides that any fixed charges upon the land in favor of the Government for improvement for reclamation work shall be deducted from the amount which would otherwise be authorized to be loaned under the farm loan act. So that the land banks will not have any greater risk on any acre of land on which they may make a loan than they have now on land upon which loans have been made. Before any banks may loan a dollar on any land they must ascertain the value; they can only loan 50 per cent of that value in any case, and in calculating the 50 per cent they must include the amount owed to the Government for reclamation work, so that when you get through you have no greater reason for doubting the security than you have under the law as it is to-day. Here is what it does: The law as it stands now discriminates against farmers who have lands on which reclamation work has been done. The only purpose of this amendment is to remove the discrimination and put farmers who own land of this character upon the same basis as other farmers of the country and give them the same rights, making their land available for credit to the same extent and to the same proportionate value. The only thing is that the Government shall have the right to collect its claim for reclamation. There is no impairment of the security of the land banks to the extent of loans made by them. If it is safe to loan 50 per cent of the value of land, I do not see how it weakens one's security to loan a less amount and some one else loan the balance.

Mr. BLACK. Will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. BLACK. Does the gentleman from Alabama think the reclamation loan is not a real first lien?

Mr. STEAGALL. Not at all. It is a first lien and it is so recognized. But this amendment specifically provides that when the farm loan banks determine the value of the land, and determine the amount which represents 50 per cent of its value, the extent to which it may loan money under the provisions of the farm loan act, they then deduct the amount due for reclamation work and loan the balance to make 50 per cent of the value. They take no more risk than they do on all other loans. The farm loan act fixed 50 per cent of the value of land and 20 per cent of permanent improvements as the value limit for loans. The amendment before us does not change this at all. It only provides that a portion of the 50 per cent of the value of lands may be advanced by the Government for reclamation work, for which the Government may take first lien upon the land. But the security of the land banks for the amounts loaned by them is the same as now provided. This is true, conceding that the system is administered in the same way and as wisely as it has been administered heretofore. If it is administered with the same care and caution as at present, the only thing that this amendment will do is to remove the discrimination that exists now against farmers who own land on which this reclamation work has been done.

Mr. BLACK. Will the gentleman recall any other instance where the farm loan system makes loans where there is a first lien?

Mr. STEAGALL. No; that is what this act is designed to correct. The original farm loan act provides that the Government shall loan only to the value of 50 per cent of the land, and shall take a first mortgage. That is a good general rule, and it works all right in a general way and no hardship results, but there are this character of farmers in the country—I have not seen the figures; the gentleman from Arizona has them and will furnish them. They embrace a large class who have these lands where improvement has been made by the Government upon liberal terms, and this simply provides that these farmers shall be placed upon the same basis as all others.

Mr. OLIVER. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. OLIVER. I am in sympathy with the bill, but what is the difference in the terms for the repayment of the reclamation dues and amounts that may be borrowed under the Federal farm loan act? In other words, has the farmer a longer time now in which to repay the amounts due as reclamation charges than he would have should he borrow and repay all outstanding claims from the Federal Farm Loan Board, and is the rate of interest on the reclamation charges different from that established by the Farm Loan Board?

Mr. STEAGALL. I am unable to give the gentleman all the provisions of law with reference to the funds expended by the Government, but I think he states the facts substantially as they are.

Mr. OLIVER. My recollection is that there is no interest charge on the reclamation dues, and for that reason it would be unjust to require the farmer to borrow an amount on which he is now paying no interest. Is that correct?

Mr. KINKAID. That is correct.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question?

Mr. KINKAID. I yield two more minutes to the gentleman from Alabama.

Mr. WALSH. We have now had three different explanations.

Mr. SNELL. Mr. Speaker, will the gentleman from Alabama yield?

Mr. STEAGALL. Yes.

Mr. SNELL. The gentleman made the statement that this does not remove any of the limitations of safety now carried in the present law.

Mr. STEAGALL. None whatever, except this——

Mr. SNELL. Oh, you do except first mortgages, and that is the vital principle of the whole thing. If that does not remove the element of safety, then I do not know of any way of doing it.

Mr. STEAGALL. If the gentleman will follow what I have said he will see that when a loan is made on land, as provided for in this amendment, the Government will not have one dollar more risk than it takes on loans under the law as it exists now. Only 50 per cent of the value of the land would still be loaned. It does not matter that part of this would be advanced by the Government for reclamation work.

Mr. SNELL. Would savings banks remove that element of safety which the gentleman advocates removing on Government loans here, or would any banking institution remove it?

Mr. STEAGALL. The gentleman seems not to have followed the purpose of the farm loan act. It is to limit the amount that may be loaned to 50 per cent of the value of the land. Only 50 per cent of the value of the land could be loaned under the amendment. Part of it would be advanced by the Government and the balance by the land banks. The security of the banks would be the same as at present.

Mr. SNELL. Why did we put that in if it was not a safety regulation? The gentleman admits that this removes that one safety regulation.

Mr. STEAGALL. Oh, no; it does not remove it; on the contrary, it maintains it.

Mr. SNELL. Very well, then, I shall agree with the gentleman if we do not relieve that first mortgage.

Mr. KINKAID. Mr. Speaker, I now yield to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I wanted to ask the gentleman from Nebraska which explanation of this so-called amendment we are to take. We have the gentleman's version and the version of the gentleman from Arizona [Mr. HAYDEN], and now the gentleman from Alabama [Mr. STEAGALL] comes forth with an explanation to say that all these other charges are to be deducted, and that, therefore, this does not make any difference in the security which the Government has.

Mr. KINKAID. Mr. Speaker, I do not know what seeming conflict it is in the statements made by the two gentlemen which the gentleman from Massachusetts, with his keen and ready discernment, has in mind, but I deem it not unlikely it is due to some misunderstanding. But, as I understand the gentleman from Arizona and the gentleman from Alabama, I regard both explanations as sound and in harmony with each other.

Mr. WALSH. And they are correct?

Mr. KINKAID. They are both correct, in my judgment.

Mr. WALSH. That is a marvelous piece of legislation. Here we have two contrary explanations, both of them correct, and each used as an argument for the passage of the bill.

Mr. CHINDBLOM. I am quite sure that the gentleman from Nebraska said that the lien for the reclamation project will remain as it has been.

Mr. KINKAID. Yes; with all the strength and all the integrity——

Mr. CHINDBLOM. And with the priority?

Mr. KINKAID. Fundamental integrity that it has now.

Mr. CHINDBLOM. And with the same priority?

Mr. KINKAID. The same priority.

Mr. CHINDBLOM. Does the gentleman from Arizona agree to that?

Mr. HAYDEN. Yes; I fully agree to that.

Mr. CHINDBLOM. That the lien for the reclamation project will have the same priority as it has now?

Mr. HAYDEN. Certainly.

Mr. CHINDBLOM. After we have made a first mortgage a prior priority?

Mr. HAYDEN. The Federal Farm Loan Board can only make loans on the unencumbered value of the land, taking out of the total value the amount of the reclamation lien. For instance, on the Salt River project the reclamation charge is $64 an acre. There is not an acre of that land that is not worth $200. If that is the market price of it, if the land can be sold for that price at any time under the hammer of an auctioneer, would not the Federal farm loan bank be perfectly safe in making a loan of $50 or $75 an acre on such land? Would not that be a conservative loan? Under such circumstances how could the Federal Farm Loan Board lose anything? The gentleman must remember that the Federal farm loan act provides that the Federal Farm Loan Board may pay taxes and other charges against the land if the borrower does not pay the same. We have the same situation here with respect to the reclamation charge.

Mr. WALSH. What sort of a comedy are we going to have and how many acts will there be to it if the farm loan bank should be required to foreclose its mortgage?

Mr. HAYDEN. The Federal land banks would go about it in the same manner as they now proceed when it is necessary to foreclose a mortgage.

Mr. WALSH. They would have the right to foreclose first, but as a matter of fact they would collect second?

Mr. HAYDEN. No; they would collect the loan by selling the land, and the purchaser would assume the reclamation charge.

Mr. KINKAID. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced the ayes appeared to have it.

On a division (demanded by Mr. SNELL) there were—ayes 57, noes 12.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 18, not voting 169, as follows:

YEAS—243.

Almon	Favrot	Lazaro	Rosenbloom
Andrew, Mass.	Fish	Leatherwood	Rossdale
Andrews, Nebr.	Fitzgerald	Lee, Ga.	Rouse
Anthony	Fordney	Lehlbach	Sanders, Tex.
Appleby	Frear	Lineberger	Sandlin
Arentz	Free	London	Scott, Mich.
Aswell	French	Longworth	Scott, Tenn.
Barbour	Fuller	Luce	Shaw
Barkley	Fulmer	Luhring	Shelton
Bell	Funk	Lyon	Sinnott
Bird	Gahn	McCormick	Sisson
Blakeney	Garner	McDuffie	Slemp
Bland, Va.	Garrett, Tenn.	McKenzie	Smith, Idaho
Bond	Garrett, Tex.	McLaughlin, Mich.	Speaks
Bowling	Gensman	McLaughlin, Nebr.	Sproul
Box	Gernerd	Magee	Steagall
Brennan	Glynn	Mapes	Stedman
Briggs	Goodykoontz	Merritt	Steenerson
Brooks, Ill.	Graham, Ill.	Michener	Stephens
Brown, Tenn.	Greene, Vt.	Miller	Stevenson
Browne, Wis.	Griest	Millspaugh	Stoll
Buchanan	Hadley	Mondell	Strong, Kans.
Bulwinkle	Hammer	Montague	Summers, Wash.
Burroughs	Hardy, Colo.	Montoya	Sumners, Tex.
Burtness	Harrison	Moore, Ill.	Swank
Byrnes, S. C.	Haugen	Moore, Ohio	Swing
Byrns, Tenn.	Hawley	Moore, Va.	Tague
Cable	Hayden	Morgan	Taylor, N. J.
Campbell, Kans.	Hays	Morin	Temple
Cantrill	Herrick	Mott	Ten Eyck
Carew	Hersey	Murphy	Thomas
Carter	Hickey	Nelson, Me.	Thompson
Chalmers	Hicks	Nelson, A. P.	Tillman
Chandler, N. Y.	Himes	Nelson, J. M.	Timberlake
Chandler, Okla.	Hoch	O'Brien	Tincher
Christopherson	Hooker	Ogden	Towner
Clouse	Huddleston	Oldfield	Tucker
Cole, Iowa	Hukriede	Oliver	Tyson
Cole, Ohio	Jacoway	Overstreet	Underhill
Collier	James	Paige	Vaile
Colton	Jefferis, Nebr.	Parker, N. Y.	Vestal
Connally, Tex.	Johnson, Ky.	Parks, Ark.	Vinson
Cooper, Ohio	Johnson, Miss.	Patterson, Mo.	Voigt
Cooper, Wis.	Johnson, S. Dak.	Pou	Walters
Crisp	Jones, Tex.	Pringey	Wason
Curry	Keller	Purnell	Watson
Dale	Kendall	Quin	Weaver
Davis, Minn.	Ketcham	Radcliffe	Webster
Davis, Tenn.	Kincheloe	Raker	Wheeler
Deal	King	Ramseyer	White, Kans.
Dempsey	Kinkaid	Rankin	White, Me.
Denison	Kissel	Rayburn	Williams
Doughton	Kline, Pa.	Reed, W. Va.	Williamson
Dowell	Knutson	Rhodes	Wilson
Driver	Kopp	Ricketts	Wise
Dunbar	Kraus	Riddick	Wood, Ind.
Dupré	Lampert	Roach	Wright
Elliott	Lanham	Robertson	Wyant
Evans	Lankford	Robsion	Yates
Fairfield	Larsen, Ga.	Rogers	Young
Faust	Lawrence	Rose	

NAYS—18.

Black	Freeman	Moores, Ind.	Stafford
Burton	Gallivan	Newton, Minn.	Tinkham
Chindblom	Husted	Norton	Walsh
Clarke, N. Y.	Layton	Parker, N. J.	
Fenn	Lowrey	Snell	

NOT VOTING—160.

Ackerman	Dunn	Kline, N. Y.	Reber
Anderson	Dyer	Knight	Reece
Ansorge	Echols	Kreider	Reed, N. Y.
Atkeson	Edmonds	Kunz	Riordan
Bacharach	Ellis	Langley	Rodenberg
Bankhead	Fairchild	Larson, Minn.	Rucker
Beck	Fess	Lea, Calif.	Ryan
Beedy	Fields	Lee, N. Y.	Sabath
Begg	Fisher	Linthicum	Sanders, Ind.
Benham	Focht	Little	Sanders, N. Y.
Bixler	Foster	Logan	Schall
Bland, Ind.	Frothingham	McArthur	Sears
Blanton	Gilbert	McClintic	Shreve
Boies	Goldsborough	McFadden	Siegel
Bowers	Gorman	McLaughlin, Pa.	Sinclair
Brand	Gould	McPherson	Smith, Mich.
Britten	Graham, Pa.	McSwain	Smithwick
Brooks, Pa.	Green, Iowa	MacGregor	Snyder
Burdick	Greene, Mass.	Madden	Stiness
Burke	Griffin	Maloney	Strong, Pa.
Butler	Hardy, Tex.	Mann	Sullivan
Campbell, Pa.	Hawes	Mansfield	Sweet
Cannon	Henry	Martin	Taylor, Ark.
Clague	Hill	Mead	Taylor, Colo.
Clark, Fla.	Hogan	Michaelson	Taylor, Tenn.
Classon	Hudspeth	Mills	Tilson
Cockran	Hull	Mudd	Treadway
Codd	Humphreys	Newton, Mo.	Upshaw
Collins	Hutchinson	Nolan	Vare
Connell	Ireland	O'Connor	Volk
Connolly, Pa.	Jeffers, Ala.	Olpp	Volstead
Copley	Johnson, Wash.	Osborne	Ward, N. Y.
Coughlin	Jones, Pa.	Padgett	Ward, N. C.
Crago	Kahn	Park, Ga.	Wingo
Cramton	Kearns	Patterson, N. J.	Winslow
Crowther	Kelley, Mich.	Perkins	Woodruff
Cullen	Kelly, Pa.	Perlman	Woods, Va.
Dallinger	Kennedy	Petersen	Woodyard
Darrow	Kiess	Porter	Wurzbach
Dickinson	Kindred	Rainey, Ala.	Zihlman
Dominick	Kirkpatrick	Rainey, Ill.	
Drane	Kitchin	Ransley	
Drewry	Kleczka	Reavis	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Cockran.
Mr. Reece with Mr. McClintic.
Mr. Osborne with Mr. Campbell of Pennsylvania.
Mr. Beedy with Mr. Rainey of Illinois.
Mr. Graham of Pennsylvania with Mr. Fields.
Mr. Reed of New York with Mr. Cullen.
Mr. Kiess with Mr. Bankhead.
Mr. Boies with Mr. Humphreys.
Mr. Olpp with Mr. Kitchin.
Mr. Butler with Mr. Wingo.
Mr. Frothingham with Mr. Sears.
Mr. Wurzbach with Mr. Goldsborough.
Mr. Connolly of Pennsylvania with Mr. Rucker.
Mr. Strong of Pennsylvania with Mr. Fisher.
Mr. Michaelson with Mr. Clark of Florida.
Mr. Winslow with Mr. Martin.
Mr. McArthur with Mr. Brand.
Mr. Maloney with Mr. McSwain.
Mr. Coughlin with Mr. Logan.
Mr. Smith of Michigan with Mr. Smithwick.
Mr. Burke with Mr. Upshaw.
Mr. Bland of Indiana with Mr. Kunz.
Mr. Greene of Massachusetts with Mr. Sabath.
Mr. Vare with Mr. Lea of California.
Mr. Sanders of Indiana with Mr. Griffin.
Mr. Hogan with Mr. Hawes.
Mr. Kennedy with Mr. Drewry.
Mr. Gorman with Mr. Hudspeth.
Mr. McPherson with Mr. Kindred.
Mr. Shreve with Mr. Sullivan.
Mr. Hutchinson with Mr. Linthicum.
Mr. Connell with Mr. Woods of Virginia.
Mr. Ellis with Mr. Taylor of Colorado.
Mr. Newton of Missouri with Mr. Riordan.
Mr. Kahn with Mr. Drane.
Mr. Dickinson with Mr. Collins.
Mr. Atkeson with Mr. Mead.
Mr. Dunn with Mr. O'Connor.
Mr. Volk with Mr. Ward of North Carolina.
Mr. Woodruff with Mr. Jeffers of Alabama.
Mr. Foster with Mr. Dominick.
Mr. Patterson of New Jersey with Mr. Park of Georgia.
Mr. Snyder with Mr. Taylor of Arkansas.
Mr. Kearns with Mr. Padgett.
Mr. Bacharach with Mr. Mansfield.
Mr. Ackerman with Mr. Gilbert.
Mr. Perlman with Mr. Blanton.
Mr. Bixler with Mr. Rainey of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

CONFERENCE REPORT—POST OFFICE APPROPRIATION BILL.

Mr. SLEMP. Mr. Speaker, I present a conference report on the Post Office appropriation bill for printing under the rules.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Ordered printed under the rule.

PERMISSION TO SIT DURING THE SESSIONS OF THE HOUSE.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent that the District of Columbia Committee may sit this afternoon during the session of the House.

The SPEAKER. Is there objection. [After a pause.] The Chairs hears none.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House on the matter of procedure.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House on a matter of procedure. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I feel that in a way I owe an apology to the House. I have endeavored to serve the House by giving notice in advance as far as it could be done and as accurately as it could be done, relative to the order of business. The program as outlined for this week included the consideration of District business and conference reports to-day, taking up the so-called "scrapping bill" to-morrow, and the pay bill the latter of the week. Since that program was made it has developed that it is not convenient for those who are in charge of these matters to take up District business or more than one conference report to-day, and owing to my desire—a desire shared, I am sure, by all Members—to accommodate the gentleman from Pennsylvania [Mr. BUTLER] in the matter of the scrapping bill, and to bring that bill up if possible when he is able to be here, it was not deemed wise to bring up the scrapping bill to-day, and instead the gentleman from Kansas [Mr. CAMPBELL] will present a rule under which we will consider the pay bill. I know that there are some gentlemen who are somewhat discommoded by this change in the program and I regret it. I would not have thought of making it if it were not for conditions which make it absolutely necessary. Now, Mr. Speaker, the gentleman from Kansas [Mr. CAMPBELL] having arrived [applause], I yield the floor.

Mr. CAMPBELL of Kansas. Mr. Speaker, under the circumstances I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report, which the Clerk will report.

The Clerk read as follows:

House Resolution 331 (Rept. No. 990).

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10972, a bill to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey, and Public Health Service.

The consideration of this bill thus made in order shall not displace business provided for on special days.

Mr. CAMPBELL of Kansas. Mr. Speaker, this brings before the House for consideration what is known as the pay bill, reorganizing and reclassifying the pay of the naval, military, and related organizations mentioned in the resolution. On the 1st of July this year, if this bill does not become a law, the pay of all of these organizations will revert back to the law of 1908, which under present conditions of living would make it practically impossible for the Army and Navy and the Marine Corps, and the other activities connected with them, to exist at all. It is said that this bill grading and reorganizing pay will make a general reduction in the pay of the forces referred to below what they are under the present Budget expenses. I reserve the remainder of my time.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I would rather not discuss the merits of the bill because of a lack of definite technical information.

Mr. GARNER. I do not expect to ask the gentleman about the merits of the bill. I would like to ask the gentleman, however, when we may expect to consider the river and harbor bill?

Mr. CAMPBELL of Kansas. I have no information to give the gentleman from Texas on that subject.

Mr. GARNER. The gentleman from Wyoming was just saying that this bill was taken up to-day unexpectedly on account of District business not being ready, and I was wondering if the river and harbor bill could not be taken up to-day instead of this, inasmuch as some were not satisfied with the taking up of this bill.

Mr. WALSH. Has the gentleman some peculiar and recent information in regard to the rivers?

Mr. GARNER. I have a general interest in the development of rivers and harbors in this country. Not one dollar goes to the district that I represent, but I do believe in the character of the legislation, and I had hoped that the gentleman would take up the bill.

Mr. MONDELL. What does the gentleman have reference to?

Mr. GARNER. To the river and harbor bill.

Mr. MONDELL. It is anticipated that it will be taken up just as soon as it is possible to dispose of the various matters of legislation now before us, and I hope next week.

Mr. GARNER. The gentleman made the statement week before last that it would likely come up this week, and it is now liable to go over for another week, and I thought that possibly we could get from the gentleman from Kansas a statement, if not from the gentleman from Wyoming, as to when it would come up.

Mr. MONDELL. We have gone along steadily with the business before the House.

Mr. CAMPBELL of Kansas. Mr. Speaker, I reserve the remainder of my time, and I yield 30 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I yield 15 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, the papers this morning carry quite an extensive report made by the Director of the Budget, acting for the President, as to the alleged savings and economies made by the Bureau of the Budget and the administration during the present fiscal year. I understand that report was prepared and many copies of it placed in the hands of newspapers at least five or six days ago, with the understanding that it be released for publication this morning.

The director states in the report that he is submitting it in response to a resolution introduced in this House, and only for that purpose, but the very fact that he placed the report in the hands of the newspapers five or six days ago and gave no notice or intimation to the Members of the House as to what was contained in it until to-day, when they read it in the newspapers, shows that, true to form, he was more anxious to make the report to the newspapers and to the public than he was to give the alleged information to Congress.

I have not had opportunity to make a very thorough examination of the report, necessarily in view of the few hours I have had in which to analyze it, but such analysis as I have made shows that the facts and figures stated therein are plainly misleading.

It will be recalled that in January the President of the United States, accepting the figures of the Director of the Budget, announced to the country that $136,000,000 had been saved during the first six months of the present fiscal year.

Mr. MADDEN. Did he not say $112,000,000 for the year?

Mr. BYRNS of Tennessee. He did so state in a previous statement, but he declared in January that it amounted to $136,000,000.

On February 9 I introduced a resolution asking the President to give some details of those savings, because his statement was most general and ambiguous in its terms. The chairman of the Committee on Appropriations promptly sent that resolution to the President, with the request that he comply and give the information, if it was not incompatible with the public interests. I have understood that the Director of the Budget immediately sent out calls to the various departments and bureaus of the Government and that his immense force of accountants has been very busily engaged for the last three months in the effort to show just where those savings exist. Naturally one would have supposed that the Director of the Budget, having prepared the figures for the President, would have had upon the records of his bureau the figures which would have enabled him to furnish the information to the Congress and the country within 24 hours or less. But not until to-day, exactly three months from the time that resolution was introduced, do we have the report of the Director of the Budget.

Now, what does he say with reference to those alleged savings? He makes this statement by way of apology, I may say, for the statement issued by the President and which was broadcasted all over the country in January:

> It should be understood that this sum of $135,942,975.01 represents reductions, some of which are real savings and some of which can not be considered as savings. Part of these reductions are simply postponed expenditures.

That is practically an admission of the charge that was made at the time that the sums claimed did not represent savings but represented postponement of payments by the Government until the next fiscal year. Whatever he may mean by this juggling of words, it is a plain confession and admission of the charge made that there was no real saving effected, as was stated at that time. The Director of the Budget states that—

> The reduction in ordinary expenditures for the operation of the routine of government generally subject to Executive control in 1922, as compared with 1921, will be, therefore, in the neighborhood of $907,500,000.

It must be noted in this statement that he takes credit for a reduction of $712,594,513.32 in Army expenses. He further takes credit for $192,041,835.58 by way of a reduction of naval expenditures. And he takes further credit of $56,795,268.26 reduction in expenses of the Shipping Board, when we all know that that reduction was brought about by the completion of the immense ship-construction program which was inaugurated during the war. These three items alone amount to $961,431,617.16, showing by his own figures that the actual expenditures for the operation of the routine business of the Government has been increased rather than reduced.

Everyone knows that in 1921 the Army consisted of over 500,000 men and that we had a very large Navy as a hang over of the war. It is ridiculous to say that the administration is entitled to take credit for its reduction to something like a peace basis. It is equally absurd for the Director of the Budget to take credit as a saving for the reduction of the great force of clerks which was required during the war. In addition to this there were large war hang overs in 1921, which, as a matter of course were dispensed with in 1922, and the cost of the necessary supplies for the Government has been greatly reduced, as we all know. And this fact further justifies the charge of gross and inexcusable extravagance on the part of the administration in the ordinary civil activities of the Government, which, as I have shown, the report of the Director of the Budget shows on its face has been very substantially increased rather than reduced. Why, as a matter of fact, the report shows that there has been an actual increase of expenditures in the President's own office in 1922 over the expenditures made in 1921.

It has been said that figures will not lie, but everyone knows that they may be juggled with, and even a casual examination of the immense array of figures by the very large accounting force of the Bureau of the Budget—and which it took that bureau three months to compile—shows that the figures have been manipulated in an effort to mislead the public into the belief that some economy has been effected by this administration. In this connection it should not be forgotten that the appropriations for the year 1921 were made by a Republican Congress, because the Republicans had a majority in both the House and the Senate at that time.

Savings by the administration can only consist, as I have had occasion heretofore to say, of funds which have been saved from appropriations theretofore made by Congress to carry on the Government during the fiscal year for which they were made.

Congress fixes the amount which in its judgment will be sufficient to carry on the routine operations of the Government for the fiscal year for which the funds are appropriated, and that is the sum which a Republican Congress fixed when it made the appropriations for 1922; and yet instead of there being savings from those sums this Congress has had submitted to it three different estimates for deficiency appropriations, one, as you will recall, in August, one in November, and one in March of this year, and all in this fiscal year. The total estimates of those three bills amounted to $477,664,637.62. Congress actually appropriated by way of deficiencies $292,733,916.74 to meet the deficiencies incurred in the executive departments of this Government during the fiscal year 1922, and of which less than five millions, as I now recall, was for prior fiscal years.

If there had been any such savings as are claimed by the Director of the Budget, the query naturally arises as to why it was necessary to make these large deficiency appropriations

by way of supplement to the amount originally appropriated by Congress for this fiscal year. Why could not the savings have been used to meet them? You and I know they would have been so applied if they had actually existed. To say otherwise is to accuse the administration of an utter lack of business acumen. Even with these supplemental appropriations the Secretary of the Treasury, in a letter dated April 14 and forwarded to the Finance Committee of the Senate, stated that he would only be able to avoid a deficit on June 30 of this year by postponing until the next fiscal year payment of some $200,000,000 by way of governmental obligations, and the fact that he had postponed those obligations would probably result in a surplus on June 30 of about $47,000,000.

But, my friends, that surplus if it shall exist does not show economy or a saving on the part of the administration, because we are carrying into next year, according to the express statement of the Secretary of the Treasury, $200,000,000 of obligations that properly ought to be taken care of during the pending fiscal year.

Mr. MADDEN. Mr. Speaker, will the gentleman yield there for a question?

Mr. BYRNS of Tennessee. In a moment if I have time. My time is very limited. I have not the time that I wanted and expected to have.

The administration banks heavily on the credulity of the American people, for a reduction of taxes is the only test as to whether or not there has been a reduction in expenditures. The plain fact is there has been no reduction of taxes by this Congress except that carried in the revenue bill on the big trusts and the multimillionaires of this country. [Applause.] The vast body of the taxpayers have had no relief, and I submit, whatever may be the opinion of the administration and of the Director of the Budget as to the credulity of the American people, they are not going to believe and no one can convince them of the fact that there have been any savings during this fiscal year by this administration when they are confronted with their tax statement which shows that there has been no reduction in the amount of money that must be taken from their pockets in order to meet the ordinary running expenses of the Government.

I have said this much in reply to the statement of the Director of the Budget. As I stated at the outset, I have had no opportunity to thoroughly examine that report carefully, but even a casual examination will show that the claims which he makes of reducing 1921 expenses are based on the reduction which was made in the Army and Navy by this Congress and by the reduction in the expenses of the Shipping Board, brought about by the completion of its construction program. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield the remainder of my time to the gentleman from South Carolina [Mr. BYRNES].

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 15 minutes.

Mr. BYRNES of South Carolina. Mr. Speaker and gentlemen of the House, I am in favor of the pending rule because I believe that the bill which it makes in order will effect a reduction in the expenses of the military services this year, and I want to urge upon the House that there is a necessity for such reduction of expenditures, notwithstanding the fact that the newspapers of this morning might lead you to believe otherwise.

The fact is that on July 19, 1921, the Director of the Budget Bureau issued a statement claiming a saving, as my friend from Illinois [Mr. MADDEN] stated, of $112,000,000. Of this alleged saving, the largest single item was the saving claimed for the Treasury Department of $30,000,000. A few days thereafter I learned that on the same day this absurd claim was published, to wit, July 19, 1921, the representative of the Budget Bureau in the Treasury Department wrote a letter to the subordinate chiefs stating that an analysis of the statement of savings furnished by them in response to Budget Circular No. 1 showed there had been an actual saving of only $2,000,000, and to offset this they had requested deficiencies of more than $50,000,000, and demanded that they make some further evidence of saving in their departments. Notwithstanding the fact that the Director of the Budget Bureau knew this, that there was no saving of $30,000,000 in the Treasury Department, as claimed by him, as is proved by the letter of his own representative, time after time he has reiterated the statement, and now, six months later, he includes in a statement of estimated savings this same $30,000,000. The Budget representative in the Treasury in effect advised the chiefs of bureaus that they could not fool him; that he knew that at best they were saving only $2,000,000, but the director of the bureau goes ahead and attempts to fool the people with the statement that they are saving $30,000,000.

I wish the Associated Press, in carrying its statement this morning, could have carried this statement to the public. I wish they could carry another statement showing what this statement of alleged savings contained. I read on the front page of this paper, in the report of the usually correct Associated Press, the statement that "only such parts of these reductions as are real savings, and not postponed expenditures, are included in the general estimate of savings," and that conclusion is fairly justified from the statement of the Director of the Budget Bureau which is in printed form this morning.

Let us look at the statement of the savings in reserve? The largest single item in the Interior Department is $15,000,000 for pensions. Was that a saving? Do you not know that pensions are fixed by law, and that the reason the department estimated the $15,000,000 would not be expended is that the Bureau of Pensions is behind in its investigation of Spanish-American War cases? You know that payments in those cases will date back to the time when the applications were filed. The persons entitled to pensions are specified by law. The bureau is behind with its work and estimated $15,000,000 would not be spent before July 1. Later they caught up to some extent and withdrew about half of this. If they catch up, all will be spent. And they claim there is saved under the compensation for the World War veterans $35,000,000. Does he mean that he is going to take from the veterans of the World War the compensation they are entitled to? You know that he does not; that it is merely a juggling of figures, and that money is certain to be spent. If they catch up with their work it will be spent before July 1. If they do not, it will be spent after July 1.

I hold in my hand a report of the Commissioner of Pensions, which says for the year 1920 their estimate was $279,000,000 and the expenditures were only $259,000,000. In other words, before General Dawes was ever heard of they saved $20,000,000. When he exerts what he calls executive pressure he saves only $15,000,000, and finally reduces it to $9,000,000. We would save more if we never heard of him. [Laughter.]

Now, as to the Department of State. There is an alleged saving of a little over a million dollars. The largest single item is $750,000 payment to Colombia under the treaty of 1909. In other words, back in 1909, $750,000 was appropriated. Colombia refused to accept it. Director Dawes says it is saved this year. If it was a saving this year, it has been a saving every year for the past 12 years, and we have saved $9,000,000 out of this $750,000 fund.

District of Columbia. Now, this statement of General Dawes would be a joke book if it were not serious in its effort to mislead the public. There is a saving of $100,000 for what? War emergency improvements. One hundred thousand dollars was appropriated for the District of Columbia to repair streets around the Army and Navy buildings constructed during the war. The Treasury could not pay out a dollar of it after the end of the war. It was not spent during the war under the Democratic administration; they didn't spend a dollar of it, and it remains on the books. General Dawes says he has saved it this year when there could not have been a dollar of it paid out of the Treasury on any voucher. Who did he save it from?

Legislative. You do not know it, but he says that he saved $25,000 out of the salaries of Members of Congress. Who did not get theirs? [Laughter.] The only way it could be saved was when some Member of Congress died. Did he kill them? And yet he claims that he saved that amount. I said it was a joke book. [Laughter.]

Recently the Director evidently demanded additional figures. The departments were spending the money they had promised to save. So the War Department came across with an additional saving in rivers and harbors appropriations of $12,000,000. Now, these funds remain available until spent, and to claim this amount as a saving requires colossal nerve.

In the Treasury Department there is a permanent appropriation to repay importers where there is an excess of deposits. Each year the department estimates how much will be spent during the year. To please General Dawes, I assume, they told him they would spend $1,700,000 less than they first estimated. Of course, the law requires them to make these repayments, and they will be made, there being no limit to the amount available, and the reduction in the guess as to how much will be spent will not make the amount greater or less.

He says that $7,500 was saved out of an appropriation for the widow of Senator Proctor, of Vermont. Away back in 1908 when Senator Proctor died this money was appropriated for

his widow. She declined to accept it, and the good lady has long since gone to her reward. It remained upon the books to her credit, but nobody else could get it, and General Dawes says he saved it this year. Who was trying to get it? [Laughter.]

Post Office. There is an alleged saving in the appropriation for extra clerks and for transportation of mails. Under the Republican administration you have destroyed the business of the country, and the post-office business was reduced, and if you did not reduce the expenditures for carrying on the reduced business of the post office you ought to be kicked out before the general election this fall.

Here is the Shipping Board saving. Think of the Shipping Board saving anything. [Laughter.] If any gentleman wants to be amused, just read this Shipping Board saving. It is figured out as a saving of 1922, $96,407,509. How does he arrive at it? Listen to this: "A recent analysis of the department shows cash loss in operation for the fiscal year 1921, $148,000,000. The operating losses for the current year are estimated at $52,000,000, which is the actual operation for eight months, and a close estimate for the remaining four months, and the saving is therefore estimated at the sum of $96,000,000." In other words, if they continue to run at a loss, they save money. Think of the business man who says, I have only lost $52,000,000 this year as against $148,000,000 last year, and I have therefore saved $96,000,000. That is saving money in a way that only the Bureau of the Budget can do it. It shows that the Bureau of the Budget has been transformed from a bureau for the collection of information to a bureau for the distribution of bunk. [Laughter and applause.]

Pay of the Army. When I introduced an amendment fixing the Army at 150,000 men they said it could not be reduced to this figure before October 1, and they fixed the appropriation for the larger Army up until October 1. But we gave the boys the right to apply for a discharge, and they did apply for discharges; they got out in a hurry, long before October 1, and they could not spend the money because the boys were out of the Army. Against the protest of the Republican House organization and against the written protest of the President we saved this $2,000,000, and then it is claimed the saving should be credited up to General Dawes and the President.

Vocational Board. We appropriated money for the Vocational Board based on the appropriation of the States. The National Government could not spend a dollar more than the State spends, and because some States have not put up their funds there is an amount unexpended in this fund which no official of the General Government has any discretion in saving. I wish the gentleman from Oklahoma [Mr. CARTER] would read the list of alleged savings that are made in the Indian Bureau. It looks like an advertisement of the Piggly Wiggly stores. [Laughter.] And item after item includes funds that remain available during the next year and will be spent. Why, we are going to save $19,000,000 in the Treasury Department in the Supervising Architect's office. On what? On public buildings. Back in 1913 we passed a public building bill, and because they can not get anybody to take the contracts for some buildings for the amount of money then appropriated, on account of the increased cost, it remains on the books. Therefore we have saved $19,000,000 because we can not get anybody to take the contract until we enact legislation increasing the limit of cost.

Then there is the Panama Canal. Why, my friends, he has a saving in here of $19,674 in the original appropriation for digging a canal from the Atlantic to the Pacific Ocean, appropriated when the proposition was first urged for digging a canal from the Atlantic to the Pacific Ocean. He says it is saved because it was not spent this year. How could it be spent? In what way could he dig a canal from the Atlantic to the Pacific Ocean for $19,000? The money could be spent for no other purpose. For years it has been on the books, and if it is on the books, then he has saved it this year.

Then we have censorship for foreign mails in the Panama Canal Zone, where we have saved $53,205 this year. Evidently he has not heard that the espionage act is no more, and we could not spend it. Because it was not spent and could not be spent, the Director of the Budget says he saved $53,000. And the worst of it all is he seems to have induced the President to believe it, and he has given circulation to these absurd claims of savings.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of South Carolina. I am sorry that I can not. There is $100,000 saved in enlarging the Capitol Grounds. Do you remember in the distant past that appropriation was made for enlarging the Capitol Grounds? It has been on the books, and it stays there. Therefore, it is saved out of the current appropriations this year. I wish my friend from Kentucky, Ben Johnson, were here, because it would bring back memories of the past to him. The trouble with this statement is that it goes throughout the country and some people are misled by it. They are misled into believing that there is a saving of $112,000,000, now increased to $135,000,000, when there is not any saving, and, as a matter of fact, it is only a saving on paper. It is nothing but a political saving; it will never relieve the taxpayer.

The President announced to the country that we will this year reduce our expenditures $1,600,000,000 below the expenditure for the last fiscal year. Well, the expenditures for the last fiscal year which were authorized by a Republican Congress were the largest ever authorized in time of peace in the history of the country. If now, four years after the war, there was not a tremendous reduction in expenditures there would be little hope for the preservation of the Government.

My regret is that the President in issuing this statement did not call attention to the fact that for the year 1916, the last year prior to our entering the war when we were engaged in measures of preparedness, our expenditures did not amount to more than $1,115,000,000, and that the estimate he now makes as to expenditures this year is $3,922,372,030 or $2,807,881,326 more than was spent under the Democratic administration for the last fiscal year prior to the war.

I regret that he did not call attention to the fact that while the Budget Bureau claims these bogus savings of $136,000,000, the fact is that the same departments have to date secured from the Congress deficiencies or supplemental appropriations amounting to $374,691,040.65.

The Secretary of the Treasury does not keep up with this political game. He issued a statement that we are facing a deficit, and then along comes General Dawes, who says that we have saved a billion and a half dollars. The President, if he has any confidence in him at all, ought to urge the Congress to declare a dividend to the taxpayers of America, and we would all be entitled to a share. I favored the Bureau of the Budget. There was real work for the Director of the Budget to do, but the Bureau of the Budget has never functioned as Congress intended it should. The bureau submitted estimates for an amount larger than the appropriations for the current year and before the subcommittees of the Committee on Appropriations no one appeared to defend his estimates. The director contented himself with these baseless claims of savings. It is nothing but bunk—political bunk. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. CAMPBELL of Kansas. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am not going to get into any controversy with the two BYRNSES. They are very clever fellows. I like them. I work with them harmoniously every day. They have been straining at a gnat here trying to discredit the report made by the Director of the Budget on the savings made out of the 1922 appropriations. In January last the director said that they had made a saving of $112,000,000, and that that would be reflected in the expenditures during the fiscal year of 1922. Somebody raised the question about the veracity of the statement. A resolution was introduced asking for particulars. The particulars have come. They are embodied in the report which the gentlemen have been trying to analyze. They indicate not only $112,000,000 of saving out of the 1922 appropriations, but that sum has been increased to $136,000,000.

Mr. BYRNS of Tennessee. The statement was made in January. It was $112,000,000 in July.

Mr. MADDEN. Well, whatever time it was, it indicates that the sum has been increased to $136,000,000. I do not think anyone will deny the accuracy of the statement when they come to analyze it.

But I rose particularly to explain the indefinite statement made by the gentleman from Tennessee [Mr. BYRNS] respecting the deficiencies. We have made appropriations aggregating $293,000,000 in deficiency bills, as he says. Very little of this sum can be properly termed a "deficiency." What was it for? One hundred and fifty-eight million dollars was for additional supplemental expenses of the Veterans' Bureau, caused by the greater number of wounded and sick men who have to be cared for. Would that be classed as an extravagance? I do not think anyone would so call it. Then we have $50,000,000 of the $293,000,000 appropriated to refund illegally collected income taxes in the years 1917, 1918, 1919, 1920, and 1921. Then there is $48,500,000 for losses by the Shipping Board, a bankrupt institution which we inherited. We have a large amount in judgments and audited claims, going up into the millions, to

meet the obligations of the war, running through 1916, 1917, 1918, 1919, and 1920, obligations that were created here and abroad during the war. The only amount in all of the $293,000,000 that can be attributable to the activities of the present administration in all of the departments and activities of the Government is $20,000,000, of which $8,000,000 is for carrying out new laws and treaties arising after the last regular appropriations had become laws and $12,000,000 which is made up largely of items which may be properly classified as deficiencies. I challenge anyone to deny that. That is all I care to say. I wanted to make plain the reason for the $293,000,000. Most of it is not ours. It is largely due to the administration that preceded us. The following statement is a concise analysis of the $293,000,000:

ANALYSIS OF DEFICIENCY APPROPRIATION ACTS.

Total of appropriations made in deficiency acts during fiscal year 1922	$293,079,463.09
Postal deficiencies payable from the revenues of Postal Service	6,842,431.14
	286,237,031.95
Veterans' Bureau, medical and hospital services and vocational training	158,993,112.00
Refunding taxes erroneously collected, income and profits taxes	50,523,000.00
Shipping Board, operating losses	48,500,000.00
Judgments of courts and claims allowed by General Accounting Office	8,335,343.26
To carry out new laws and treaties arising after the regular appropriations had become laws	7,840,426.39
All other items, the bulk of which consists of sums which may be properly classified as "deficiencies"	12,045,150.30
	286,237,031.95

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BYRNS of Tennessee. Mr. Speaker, the point I was making was that if there has been such a great saving there should have been no need for making a deficiency appropriation.

Mr. MADDEN. Oh, but the deficiencies were created before we came into power. They began in 1916–17–18–19–20. We had nothing to do with the creation of these deficiencies, but we had to pay them.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the genial gentleman from Tennessee [Mr. BYRNS] seems to be a little hard to please this morning. He sought certain information. It has been furnished him. It has been furnished him with a wealth of detail and great particularity. The Director of the Budget has gone into the matter much more thoroughly than it was necessary for him to do to answer the very proper inquiry of the gentleman from Tennessee, and yet the gentleman is not happy about it. Of course, he admits, what everyone must, that the sums which the director sets down as savings have been saved. Those sums have not been expended. He insists, however, that as to certain of the sums mentioned the Director of the Budget is not entitled to credit because of the fact that the money was not spent.

While there may be some little ground for difference of opinion as to a few odd dimes of the $132,000,000 of savings, the fact remains that the money was not expended, and when you do not expend money you save it; that is just another way of putting it. The gentleman from Tennessee also complains because the Director of the Budget is claiming credit for economies which were the result, as he says, of the action of the Congress and not of any action of the Director of the Budget. Well, I would not want to disagree with the gentleman from Tennessee in regard to that matter. I am myself inclined to claim credit for the Congress for savings or for the economies that are accomplished. [Applause.] I am, in fact, just a little inclined to agree with him that some of those economies resulted quite as directly from the action of the Congress as from the acts of the vigorous and efficient Director of the Budget. But the important thing is that the gentleman from Tennessee wanted to know if, and when and where, and how savings have been accomplished. He has been furnished with the information. He does not question the fact of the savings, but he quibbles a little in regard to the detail of the savings as to who is entitled to credit for them. [Applause.] Well, we will not quarrel over the matter of credit. We may even admit that a few dollars of the sums included in the one hundred and thirty-two million of savings reported might have been saved without the Budget and the energetic Budget Director. The fact remains, however, unchallenged by the criticisms that have been made, that vast sums have been saved by the Budget under effective management.

Mr. CAMPBELL of Kansas. Mr. Speaker, the gentleman from Tennessee [Mr. BYRNS] and the gentleman from South Carolina [Mr. BYRNES] having made an unsuccessful attack upon the report of the Chief of the Bureau of the Budget, as made public this morning by the President of the United States, and that attack having been assailed, properly, by the gentleman from Illinois [Mr. MADDEN] and the gentleman from Wyoming [Mr. MONDELL], I move the previous question on the pending resolution. [Laughter.]

The question was taken and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

READJUSTMENT OF PAY OF THE ARMY, NAVY, ETC.

Mr. McKENZIE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10972), and, pending that, I desire to see if we can not agree upon some time for general debate. I would like to ask the gentleman from Alabama [Mr. OLIVER] how much time he would like to have on that side.

Mr. OLIVER. I should think, in view of the importance of the bill, that perhaps it may be helpful to the Members to have the bill fully discussed, because I do not think the House has had time to read the hearings, and a discussion of the bill may be of service, especially where questions are asked and answered; so that it occurs to me that we should have four hours; that is, two hours for those in favor and two hours for those against the bill.

Mr. MONDELL. Will the gentleman from Illinois yield?

Mr. McKENZIE. I will.

Mr. MONDELL. I am of the opinion that debate under the five-minute rule on this bill should be quite liberal. The questions are numerous and important and some of them are rather highly technical, and considerable time will be required under the five-minute rule. That being true, I had hoped that we could conclude general debate to-day and take up the bill under the five-minute rule to-morrow. There remains about three hours before the ordinary adjournment time.

Mr. McKENZIE. Mr. Speaker, I will say in reply to the gentleman from Wyoming that I have requests from one or two Members for time, who, I take it, do not expect to speak on the bill, and I feel that we ought to concede time to them, and I feel that we ought to have, say, five hours' general debate on this bill. It is, as the gentleman has said, a very important bill, and it is one that ought to be discussed very thoroughly, not only under the five-minute rule, which I hope will be very liberal, but under general debate.

Mr. OLIVER. That will be entirely agreeable to me.

Mr. MONDELL. How much time does the gentleman anticipate will be utilized for other than the discussion of the bill?

Mr. McKENZIE. Perhaps about 40 minutes.

Mr. MONDELL. I do not think we should deny full opportunity to discuss the bill. There should be as much general debate as necessary for the discussion of the measure, but I had rather hoped that there would not be a long general debate on it.

Mr. OLIVER. I will say to the gentleman from Wyoming that it was generally understood that this bill would not be taken up before to-morrow. Some Members, I think, perhaps have deferred reading the report or studying the bill until this evening or to-night. The very fact that some Members felt that it would not be taken up this evening caused them to defer examining the record, and it seems to me they should have some longer time, because those Members, after they hear debate and read the record, may then desire time, and if we have some time left over to-morrow it could then be well utilized, because the men can inform themselves on the record by that time.

Mr. McKENZIE. Five hours will be satisfactory?

Mr. OLIVER. That will be satisfactory to me.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that the time for general debate be limited to five hours, one-half to be controlled by the gentleman from Alabama and one-half by myself.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time for general debate be limited to five hours, half of that time to be controlled by himself and half by the gentleman from Alabama. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Illinois.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10972, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 10972, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. WALSH. Mr. Chairman, the bill ought to be read, and I object.

The Clerk read as follows:

Be it enacted, etc., That, beginning July 1, 1922, for the purpose of computing the annual pay of the commissioned officers of the Regular Army and Marine Corps below the grade of brigadier general, of the Navy below the grade of rear admiral, of the Coast Guard, of the Coast and Geodetic Survey, and of the Public Health Service below the grade of surgeon general, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,500; the second period, $2,000; the third period, $2,400; the fourth period, $3,000; the fifth period, $3,500; and the sixth period, $4,000.

The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who have completed 26 years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of section 24, act of June 3, 1916, as amended by the act of June 4, 1920; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of captain; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade, and lieutenant commanders of the line and Engineer Corps of the Coast Guard who have completed 30 years' service; and to the Chief of Chaplains of the Army.

The pay of the fifth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade who are not entitled to the pay of the sixth period; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who have completed 20 years' service, or whose first appointment in the permanent service was in a grade above that corresponding to captain in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to officers of the Staff Corps of the Navy advanced by selection under existing laws to the rank or pay of commander; and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed 23 years' service: *Provided*, That lieutenant commanders of the Staff Corps of the Navy who were appointed between the dates of March 4, 1913, and June 7, 1916, in a grade above that of ensign, shall receive the pay of this pay period after completing 20 years' service.

The pay of the fourth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth or sixth period; to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who have completed 14 years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or who were appointed to the Regular Army under the provisions of the first sentence of said section 24; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed 17 years' service; and to lieutenants of the Staff Corps of the Navy, and lieutenants and lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenant commanders of the line of the Navy drawing the pay of this period.

The pay of the third period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth, fifth, or sixth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who have completed seven years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army, or whose present rank dates from July 1, 1920, or earlier; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed 10 years' service; and to lieutenants (junior grade) of the line and Engineer Corps of the Coast Guard whose total commissioned service equals that of lieutenants of the line of the Navy drawing the pay of this period.

The pay of the second period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the third or fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who have completed three years' service, or whose first appointment in the permanent service was in a grade above that corresponding to second lieutenant in the Army; and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade who have completed five years' service.

The pay of the first period shall be paid to all other officers whose pay is provided for in this section.

During the existence of a state of war, formally recognized by Congress, officers of grades corresponding to those of colonel, lieutenant colonel, major, captain, and first lieutenant of the Army, holding either permanent or temporary commissions as such, shall receive the pay of the sixth, fifth, fourth, third, and second periods, respectively, unless entitled under the foregoing provisions of this section to the pay of a higher period.

Every officer paid under the provisions of this section shall receive an increase of 5 per cent of the base pay of his period for each three years of service up to 30 years: *Provided*, That the base pay plus pay for length of service of no officer below the grade of colonel of the Army, captain of the Navy, or corresponding grade, shall exceed $5,750.

For officers hereafter appointed no service shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President. For officers now in the service all service which is now counted in computing longevity pay, and service as a contract surgeon serving full time, shall be included in the computation.

The provisions of this act shall apply equally to those persons serving not as commissioned officers in the Army or in the other services mentioned in the title of this act but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, those receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively. Pay clerks of the Marine Corps shall receive the pay of second lieutenants of the Army of the same length of service. Contract surgeons serving full time shall have the pay and allowances for subsistence and rental authorized for officers serving in their second pay period. Commissioned warrant officers on the active list with creditable records shall, after six years' commissioned service, receive the pay of the second period, and after 12 years' commissioned service receive the pay of the third period: *Provided*, That a commissioned warrant officer promoted from the grade of warrant officer shall suffer no reduction of pay by reason of such promotion. Army field clerks and field clerks, Quartermaster Corps, shall have the allowances for subsistence and rental authorized for officers receiving the pay of the first period.

SEC. 2. That every commissioned officer while on field or sea duty shall receive an increase of 5 per cent of his base pay. Field duty shall be defined for the purposes of this act as service in mobilization, concentration, instruction, or maneuver camps, service in campaign, in simulated campaign or on the march, and service under similar conditions. Such field service in each case shall be announced in orders published by the President. Sea duty shall be sea service as defined in section 1571, Revised Statutes.

SEC. 3. That when officers of the National Guard or of the reserve forces of any of the services mentioned in the title of this act are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively. In computing the increase of pay for each period of three years' service, such officers shall be credited with full time for all periods during which they have held commissions as officers of any of the services mentioned in the title of this act, or in the National Guard, or in the Organized Militia prior to July 1, 1916, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, or Marine Corps Reserve Force, when confirmed in grade and qualified for all general service, with full time for all periods during which they have performed active duty under reserve commissions, and with one-half time for all other periods during which they have held reserve commissions.

SEC. 4. That the term "dependent" as used in the succeeding sections of this act shall include at all times and in all places a lawful wife and unmarried children under 21 years of age. It shall also include the mother of the officer provided she is in fact dependent on him for her chief support.

SEC. 5. That each commissioned officer on the active list, or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this act, shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922. The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years. To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances: *Provided*, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances.

SEC. 6. That each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative cost of rents in the United States for the preceding calendar year as compared with the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years. To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms. The rental allowance shall accrue while the officer is on field or sea duty, temporary duty away from his permanent station, in hospital, on leave of absence, or on sick leave, regardless of any shelter that may be furnished him for his personal use, if his dependent or dependents are not occupying public quarters during such period. In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for two rooms, that such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and that such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty.

SEC. 7. That when the total of base pay, pay for length of service and allowances for subsistence and rental of quarters, authorized in this act for any officer below the grade of brigadier general or its equivalent, shall exceed $7,200 a year, the amount of the allowances to

which such officer is entitled shall be reduced by the amount of the excess above $7,200: *Provided*, That this section shall not apply to the captain commandant of the Coast Guard nor to the Director of the Coast and Geodetic Survey.

SEC. 8. That commencing July 1, 1922, the annual base pay of a brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service shall be $6,000; and the annual base pay of a major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy shall be $8,000. Every such officer shall be entitled to the same money allowance for subsistence as is authorized in section 5 of this act for officers receiving the pay of the sixth period and to the same money allowance for rental of quarters as is authorized in section 6 of this act for officers receiving the pay of the sixth period: *Provided*, That when the total of base pay, subsistence, and rental allowances exceeds $7,500 for officers serving in the grade of brigadier general of the Army and of the Marine Corps, rear admiral (lower half) of the Navy, commodore of the Navy, and Surgeon General of the Public Health Service, and $9,700 for those serving in the grade of major general of the Army and of the Marine Corps, and rear admiral (upper half) of the Navy, the amount of the allowances to which such officer is entitled shall be reduced by the amount of the excess above $7,500 or $9,700, respectively. Rear admirals of the Navy serving in higher grades shall be entitled, while so serving, to pay the allowances of a rear admiral (upper half) and to a personal money allowance per year as follows: When serving in the grade of vice admiral, $500; when serving in the grade of admiral or as Chief of Naval Operations, $2,200.

SEC. 9. That commencing July 1, 1922, the monthly base pay of warrant officers and enlisted men of the Army and Marine Corps shall be as follows: Warrant officers of the Army and Marine Corps, $148; warrant officers, Army Mine Planter Service, master, $185; first mate, $141; second mate, $109; engineer, $175; assistant engineer, $120; enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $54; enlisted men of the fifth grade, $42; enlisted men of the sixth grade, $30; enlisted men of the seventh grade, $21; and the pay for specialists' ratings shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Existing laws authorizing continuous-service pay for each five years of service are hereby repealed, effective June 30, 1922. Commencing July 1, 1922, warrant officers of the Army and Marine Corps, including warrant officers of the Army Mine Planter Service and enlisted men of the Army and Marine Corps, shall receive, as a permanent addition to their pay, an increase of 5 per cent of their base pay for each four years of service in any of the services mentioned in the title of this act not to exceed 25 per cent. On and after July 1, 1922, an enlistment allowance equal to $50, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Marine Corps Reserve. On and after July 1, 1922, retired enlisted men of the Army and Marine Corps shall have their retired pay computed as now authorized by law on the basis of pay provided in this act.

SEC. 10. That on and after July 1, 1922, the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first 6 years of service—at sea, $153; on shsore, $135; during the second 6 years of service—at sea, $168; on shore, $147; after 12 years' service—at sea, $189; on shore, $168. On and after July 1, 1922, for purposes of pay, enlisted men of the Navy and Coast Guard shall be distributed in seven grades, with monthly base rates of pay as follows: First grade, $126; second grade, $84; third grade, $72; fourth grade, $60; fifth grade, $54; sixth grade, $36; seventh grade, $21. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $99. Mates shall receive the pay of enlisted men of the first grade of the Navy. Nothing contained herein shall operate to reduce the pay now being received by any transferred member of the Fleet Naval Reserve. In lieu of all permanent additions to pay now authorized for enlisted men of the Navy and Coast Guard they shall hereafter receive as a permanent addition to their pay an increase of 10 per centum on the base pay of their rating upon completion of the first four years of enlisted service, and an additional increase of 5 per centum for each four years' service thereafter, the total not to exceed 25 per cent. All transient additions to pay of enlisted men of the Navy and Coast Guard are hereby repealed, except as provided for in section 21 of this act.

The rates of pay of the insular force of the Navy shall be one-half the rates of pay prescribed for enlisted men of the Navy in corresponding ratings. Existing laws authorizing a reenlistment gratuity to enlisted men of the Navy and Coast Guard are hereby repealed, and hereafter an enlistment allowance equal to $50 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $200, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge; and an enlistment allowance of $25 multiplied by the number of years served in the enlistment period from which he has last been discharged, but not to exceed $100, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge. On and after July 1, 1922, retired enlisted men of the Navy and Coast Guard shall have their retired pay computed as now authorized by law on the basis of pay provided by this act.

SEC. 11. That warrant officers of the Army, including those of the Army Mine Planter Service, of the Navy, Marine Corps, and Coast Guard, shall be entitled at all times to the same money allowance for subsistence as is authorized in section 5 of this act for officers receiving the pay of the first period, and to the same money allowance for rental of quarters as is authorized in section 6 of this act for officers receiving the pay of the first period. To each enlisted man not furnished quarters or rations in kind there shall be granted, under such regulations as the President may prescribe, an allowance for quarters and subsistence, the value of which shall depend on the conditions under which the duty of the man is being performed, and shall not exceed $4 per day. These regulations shall be uniform for all the services mentioned in the title of this act. Subsistence for pilots shall be paid in accordance with existing regulations, and rations for enlisted men may be commuted as now authorized by law.

SEC. 12. That hereafter officers of any of the services mentioned in the title of this act when traveling under competent orders without troops shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to all the services mentioned in the title of this act, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America. Unless otherwise expressly provided by law, no officer of the services mentioned in the title of this act shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty.

In lieu of the transportation in kind authorized by section 12 of an act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, to be furnished by the United States for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs when such travel shall have been completed. Dependent children shall be such as are defined in section 4 of this act.

SEC. 13. That, commencing July 1, 1922, the annual pay of female nurses of the Army and Navy shall be as follows: During the first three years of service, $840; from the beginning of the fourth year of service until the completion of the sixth year of service, $1,080; from the beginning of the seventh year of service until the completion of the ninth year of service, $1,380; from the beginning of the tenth year of service, $1,560. Superintendents of the Nurse Corps shall receive a money allowance at the rate of $2,500 a year, assistant superintendents, directors, and assistant directors at the rate of $1,500 a year, and chief nurses at the rate of $600 a year, in addition to their pay as nurses. Nurses shall be entitled to the same allowance for subsistence as is authorized in section 5 of this act for officers receiving the pay of the first period, and to the same allowance for rental of quarters as is authorized in section 6 of this act for officers receiving the pay of the first period.

SEC. 14. That officers of the National Guard receiving Federal pay, except for armory drill, and reserve officers of any of the services mentioned in the title of this act while on active duty shall receive the allowances herein prescribed for officers of the regular services in sections 5 and 6 of this act. Hereafter, in addition to the pay authorized in section 109, act of June 3, 1916, as amended by the act of June 4, 1920, field officers and lieutenants of the National Guard commanding organizations less than a brigade, and having administrative functions, shall receive $240 per year for the faithful performance of the administrative duties connected therewith; and warrant officers of the National Guard shall receive not more than four-thirtieths of the monthly base pay of their grade for satisfactory performance of their appropriate duties, under such regulations as the Secretary of War may prescribe.

On and after July 1, 1922, the armory drill pay for enlisted men of the National Guard of the sixth grade shall be $1.15, and for those of the seventh grade shall be $1, in lieu of that authorized in section 110, act of June 3, 1916, as amended by the act of June 4, 1920; and the pay of enlisted men of the National Guard of the sixth and seventh grades shall be $1.15 and $1 per day, respectively, whenever they are participating in exercises provided for by sections 94, 97, and 99 of the national defense act, approved June 3, 1916.

SEC. 15. That existing laws authorizing increase of pay for foreign service and commutation of quarters, heat, and light are hereby repealed.

SEC. 16. That nothing contained in this act shall operate to reduce the pay of any officer on the active list below the pay to which he is entitled by reason of his grade and length of service on June 30, 1922, not including additional pay authorized by the act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, and Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920; and nothing contained in this act shall operate to reduce the total of the pay and allowances which any enlisted man of the Army, Navy, Marine Corps, or Coast Guard is now receiving during his current enlistment and while he holds his present grade or rating.

The provisions of this section shall apply in like manner to each person not commissioned whose pay is based by law on that of a commissioned officer.

SEC. 17. That on and after July 1, 1922, retired officers and warrant officers shall have their retired pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this act: *Provided*, That nothing contained in this act shall operate to reduce the present pay of officers, warrant officers, and enlisted men now on the retired list or officers or warrant officers in an equivalent status of any of the services mentioned in the title of this act. Active duty performed after June 30, 1922, by an officer on the retired list or its equivalent shall not entitle such officer to promotion. Hereafter retired officers of the Army, Navy, and Marine Corps below the grade of brigadier general or commodore and retired warrant officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances.

SEC. 18. That under such regulations as the President may prescribe, enlisted men of the Army, Navy, Marine Corps, and Coast Guard may receive additional compensation not less than $1 or more than $5 per month, for special qualification in the use of the arm or arms which they may be required to use. All laws and parts of laws authorizing extra pay for qualification in the use of arms or instruments, or for holding rated positions, except as otherwise specifically provided herein, are hereby repealed, to take effect June 30, 1922.

SEC. 19. That cadets at the Military Academy and cadets and cadet engineers of the Coast Guard shall hereafter receive the same pay and allowances as are now or may hereafter be provided by law for midshipmen in the Navy.

SEC. 20. That all officers, warrant officers, and enlisted men of all branches of the Army, Navy, Marine Corps, and Coast Guard, when detailed to duty involving flying, shall receive the same increase of their pay and the same allowance for traveling expenses as are now authorized for the performance of like duties in the Army. Exclusive of the Army Air Service, and student aviators and qualified aircraft pilots of the Navy, Marine Corps, and Coast Guard, the number of officers of any of the services mentioned in the title of this act detailed to duty involving flying shall not at any one time exceed one-half of 1 per cent of the total authorized commissioned strength of such service. Regulations in execution of the provisions of this section shall be made by the President and shall be uniform for all the services concerned.

SEC. 21. That nothing in this act shall operate to change in any way existing laws, or regulations made in pursuance of law, governing pay and allowances of the General of the Armies, the Philippine Scouts, Marine Band, Naval Academy Band, Indian scouts, or flying cadets; nor the allowances in kind for rations, quarters, heat, and light for enlisted men; nor allowances in kind for quarters, heat, and light for officers and warrant officers; nor allowances for private mounts for officers; nor transportation in kind for officers and warrant officers and enlisted men and their dependents; nor transportation and packing allowances for baggage or household effects of officers and warrant officers and enlisted men; nor additional pay for aids; nor exert pay to enlisted men serving as stenographic reporters, or employed as cooks or messmen, or mail clerks, or assistant mail clerks, or engaged in submarine diving or service on submarines; nor money allowances granted to enlisted men on account of awards of medals or decorations expressly authorized by Congress.

SEC. 22. That all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed.

Mr. McKENZIE. Mr. Chairman——

Mr. WALSH. Mr. Chairman, this is a rather important measure, and if the gentleman from Illinois expects to explain somewhat its provisions it seems as though we ought to have more Members here. I would like to ask the gentleman if he is going to make a full explanation of the measure now or just a preliminary statement?

Mr. McKENZIE. Mr. Chairman, I intended to make a general statement in connection with the provisions of the bill, but I dislike very much, I will say, to have Members of the House discommoded by calling them over here to hear any explanation I might make, even in connection with as important a matter as the pending bill.

Mr. WASON. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. WASON. Does not the gentleman think Members of the House ought to be fully informed about that, and is not the gentleman well aware he is the one man who can inform those of us who have not been following the hearings and know very little about military affairs?

Mr. McKENZIE. I will say to my friend from New Hampshire that I think the membership of the House should be fully informed on this important bill, but I am not so certain that the "gentleman from Illinois" is the man that can give them the information they desire. But he will do the best he can.

Mr. WASON. I will take chances on the gentleman from Illinois being able to inform us, and while I am not in the habit of asking for a quorum, I think it is not only due to this committee but to the man in charge of the bill and to the membership of the House that we hear the speech of the gentleman from Illinois. Therefore, Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from New Hampshire makes the point of no quorum. The Chair will count. [After counting.] Forty-one Members are present; not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ackerman	Clark, Fla.	Faust	Ireland
Ansorge	Classon	Fenn	Jefferis, Nebr.
Atkeson	Cockran	Fess	Jeffers, Ala.
Bankhead	Codd	Fields	Johnson, Wash.
Beck	Collins	Fitzgerald	Jones, Pa.
Beedy	Connell	Focht	Jones, Tex.
Begg	Connolly, Pa.	Foster	Kahn
Benham	Cooper, Ohio	French	Kearns
Bixler	Copley	Frothingham	Kelley, Mich.
Bland, Ind.	Coughlin	Gilbert	Kelly, Pa.
Bland, Va.	Crago	Goldsborough	Kendall
Blanton	Cramton	Gorman	Kennedy
Boies	Crowther	Gould	Kiess
Bowers	Cullen	Graham, Pa.	Kindred
Brand	Dallinger	Green, Iowa	Kirkpatrick
Britten	Dempsey	Greene, Vt.	Kitchin
Brooks, Pa.	Dickinson	Hawes	Kleczka
Brown, Tenn.	Dominick	Hawley	Kline, N. Y.
Burdick	Doughton	Henry	Knight
Burke	Drane	Hersey	Kreider
Butler	Drewry	Hicks	Kunz
Campbell, Pa.	Dunn	Hogan	Lampert
Cannon	Dyer	Hooker	Langley
Cantrill	Echols	Hudspeth	Lanham
Carter	Edmonds	Hukriede	Larson, Minn.
Christopherson	Ellis	Humphreys	Leatherwood
Clague	Fairfield	Hutchinson	Little
Longworth	Parker, N. Y.	Sabath	Taylor, Colo.
McArthur	Patterson, N. J.	Sanders, Ind.	Taylor, Tenn.
McFadden	Perkins	Sanders, N. Y.	Tilson
McLaughlin, Pa.	Perlman	Schall	Tincher
McPherson	Petersen	Scott, Mich.	Treadway
McSwain	Porter	Sears	Upshaw
MacGregor	Rainey, Ala.	Shelton	Vare
Madden	Rainey, Ill.	Shreve	Vestal
Maloney	Ramseyer	Siegel	Voigt
Mann	Ransley	Slemp	Volk
Martin	Rayburn	Smith, Mich.	Walters
Mead	Reavis	Smithwick	Ward, N. Y.
Merritt	Reber	Snyder	Williams
Michaelson	Reece	Sproul	Wingo
Mills	Reed, N. Y.	Stiness	Winslow
Montague	Riddick	Stoll	Woodruff
Moore, Ill.	Riordan	Strong, Pa.	Woods, Va.
Mudd	Rodenberg	Sullivan	Woodyard
Nolan	Rosenbloom	Sumners, Tex.	Wurzbach
Olpp	Rucker	Sweet	Yates
Osborne	Ryan	Taylor, Ark.	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 10972, finding itself without a quorum, he had caused the roll to be called, that 239 Members had answered to their names, and that he presented therewith a list of the absentees for insertion in the Journal and RECORD.

The committee resumed its session.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that I may have permission to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, inasmuch as the pending bill (H. R. 10972) to readjust the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service is in many respects technical, and since the diversity of interests involved require that its elements shall bear a definite interrelation in order that their whole shall function harmoniously, I desire to request my colleagues to permit me first to make a brief explanation of the same without interruption, after which I will be glad to answer such questions as my colleagues may wish to ask and which I am prepared to answer.

Mr. Chairman, the act of May 18, 1920, which provided for certain increases of pay in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, provided also for the appointment of a joint committee of the two Houses of Congress to take up this matter and to propose to the Congress a general revision and readjustment of the pay schedules of all said services, the joint committee to be composed of five Senators and five Members of the House. The Speaker of the House, in compliance with the law heretofore mentioned, appointed as members of the joint committee on the part of the House Representatives TILSON, of Connecticut; KRAUS, of Indiana; OLIVER, of Alabama; BYRNES, of South Carolina; and McKENZIE, of Illinois. For myself I wish to say that having some idea of the prodigious task confronting such a committee, it was with great reluctance that I acceded to the request of the Speaker to act as one member of the committee, and I think I am safe in saying that all of my colleagues shared in such reluctance in undertaking the work. I may say here that those apprehensions as to the magnitude of the task have been fully borne out by experience.

However, having accepted the appointment as members of the joint committee, we took up the task with our Senate colleagues, with the Hon. JAMES W. WADSWORTH, of New York, acting as chairman of the joint committee.

The joint committee was organized on August 22, 1921, and after securing the cooperation of the heads of the executive departments concerned proceeded to conduct public hearings relating to the pay and allowances of the officers and enlisted men of the several services. All the services concerned were heard through scores of witnesses. In addition, a large amount of statistical data and written evidence was presented to the committee. The inquiry of the committee was broad in scope and included many details.

In addition, your special committee has held additional public hearings and has called for and received from the departments concerned statistical information of an exhaustive character.

The testimony presented abundantly established the fact that living costs are about 100 per cent greater than in 1908, when the last permanent pay schedule was established, and about 75 per cent greater than in 1913, before the war. While the act approved May 18, 1920, gave a certain amount of relief (ap-

proximately 20 per cent increase), it absorbed only about one-third of this increased cost of living in the case of officers, leaving about two-thirds to be borne by the individual. Actually the purchasing power of the present pay is much less than that of 1908.

It should be borne in mind that the relief afforded by the act of May 18, 1920, is temporary. That act, in most of its provisions, expires by limitation on June 30, 1922. Should the Congress fail to legislate on the subject, the pay of the great majority of the personnel affected will revert automatically to the 1908 schedules, with disastrous results to the services, in the opinion of the committee.

It was clearly demonstrated to your committee that officers and noncommissioned officers and petty officers experience great difficulty in maintaining themselves and their families under present conditions. Further, your committee can not foresee a future lowering of living costs to a point where the salaries established in 1908 would be adequate.

To let this legislation expire by limitation on June 30 next without some measure of relief to take its place would not only be unjust to the men of the several services but would undoubtedly destroy to a large extent the splendid organizations of both commissioned and enlisted personnel, and this would be particularly true as affecting the enlisted personnel of the Navy.

It soon became apparent to the committee that there were three courses of action open to us. First we could fold our hands and do nothing and permit the act of May 18, 1920, to expire by limitation on the 30th of June, 1922, and by such action bring about a reversion of all the services to the schedule of pay provided in the act of May 11, 1908, and subsequent acts.

Second, we could have taken an easy course by recommending a further extension of the so-called bonus law of May 18, 1920, with all the unsatisfactory provisions contained therein, and put off until another day the effort necessary to bring about a complete revision and readjustment of the pay of the different services. It would have been an easy matter to shift the responsibility to the shoulders of other men by simply advancing the plea that the time is not opportune for such a general revision and that the latter should wait until everything had more nearly approached a normal status.

The third course open to the committee was manfully to take up the task, which I am sure that the legislative action of the Congress intended we should do, and make an honest effort to devise a pay system for all of the services mentioned which would have in it the elements of fairness to the officers and men in all grades and at the same time be just to the Government. I am glad to say that after mature deliberation the members of the committee decided to pursue the course last mentioned; and after many months of earnest toil, aided by the most efficient officers in all of the services, the majority of the committee presents a bill for the consideration of the House which we feel contains many constructive reforms, and which not only provides adequate pay for all the officers and enlisted men but will result in great saving to the Government in the ensuing years.

We were animated in our work by the knowledge that the present committee is perhaps the first one of the character ever created by Congress and given special jurisdiction and power to undertake the revision, adjustment, and equalizing of the pay schedules of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, and it had presented to it an opportunity to do a great constructive service for the country. It is our hope that you will find upon examination that our report is worthy of your support.

You are all aware of the fact that the pay of the different services has been regulated heretofore by a number of the standing committees of the House; for instance, the pay of the Army by the Committee on Military Affairs, that of the Navy by the Committee on Naval Affairs, and so forth. Such a system has naturally resulted in many different grades of pay for the performance of similar duties in the several branches of the service. The committee, after full deliberation, decided to undertake the task of a complete revision, readjustment, and equalizing of the pay schedules of the several services over which it had jurisdiction, which would result in a reduction from the present current cost, with such readjustment that the services would offer an attractive career for young men of character and ability and that the personnel of all the services should be placed on a parity as regards pay and allowances.

Mr. MADDEN. Will the gentleman yield?

Mr. McKENZIE. Not just at present, but I will be glad to do so after proceeding a little further.

It was further determined—and I want you to keep this in mind—that length of service should be a controlling factor in determining rates of pay, and that a flexible element should be introduced into the compensation of an officer, which would increase or decrease, within limits, as the cost of living increased or decreased.

The committee having decided that any pay bill prepared should contain the foregoing basic principles, we proceeded to have prepared such a bill for our consideration, and finally agreed upon the pending measure.

The bill under discussion accomplishes the following:

(a) A reduction in total cost below that of the 1923 Budget estimates, with readjustment of pay in such manner as to give especial aid where most required. It should be remembered that the Budget estimates are based upon the present temporary pay schedules and the present strength of the services.

(b) Adoption of a schedule which will reasonably compensate officers and enlisted men of the services for rank, responsibility, and length of service, and at the same time so arranged as to offer a promising career to young men entering in the lowest grades. In view of pending legislation to reduce the Military and Naval Establishments, it is important that any new pay schedule shall be so drawn as to provide reasonable remuneration to such personnel as shall remain. It becomes doubly essential, if these services are to become numerically smaller, that their personnel shall be maintained at a point of high efficiency.

(c) Establishes parity of pay in all of the services concerned.

(d) Introduces an element of pay which shall, within a fixed maximum, vary automatically with the cost of living.

(e) To do away with petty allowances and multiplicity of accounts, and thus to simplify and cheapen administration.

The draft of the bill is believed to embody all these basic principles.

It effects a large immediate saving below the 1923 Budget estimates for the six services concerned. It effects a further annual saving, most of which will be accomplished within two or three years by the expiration of certain saving clauses which have been included in the bill to recognize the moral obligation of the Government not to reduce the pay of any officer now in the service below the rate established in 1908, and in the case of enlisted men a legal obligation not to reduce their pay during the unexpired portion of their current enlistment. With the expiration of these saving clauses, the plan here proposed will bring the pay of the Army to within less than 1 per cent more than what it would amount to under the permanent schedules to which it will revert if no further legislation be enacted. A comparison of costs in round numbers is shown, as follows:

Budget, 1923	$157,000,000
Proposed pay, exclusive of saving clauses	143,000,000
Pay if no legislation is enacted	142,000,000

This difference of about a million dollars (which is less than 1 per cent of the total cost) will completely disappear if the cost of living falls 10 per cent by diminishing the amounts paid by the Government for the allowances which have already been authorized.

The pay schedules proposed in this bill are so worked out as to offer a reasonable career to young men of a desirable kind. The compensation is commensurate with the duties and responsibilities attached to rank, yet provides for increases due to increased experience and efficiency apart from rank, as is the case under existing law. It protects the Government in the case of abnormally rapid promotion and the individual in the case of abnormally slow promotion. It contains an elastic element of compensation in the form of allowances (subsistence and rental) which have heretofore been given on a basis of rank, but which have in this bill been readjusted on a basis of need as well as rank, in the interest of equity toward both the Government and the individual. It is provided in the bill that while their cost shall not be increased, their expense to the Government shall be proportionately reduced as the cost of living reduces. It accepts family life and its greater requirements as the normal condition of existence. It recognizes the abnormal living conditions inherent in military and naval service, frequent changes of station, and family separations. Finally, it automatically and satisfactorily protects the interests of National Guard and reserve officers brought temporarily into the active service of the United States.

The bill abolishes many inequalities between services whose duties are at all times comparable and in time of war are identical.

It does away with many minor items of expense which have grown up from piecemeal legislation. It renders difficult such special legislation in the future, since all the services concerned would hereafter be placed by it in a uniform pay basis. It facilitates their financial administration and, for clarity to this end, the assistance of the Comptroller General of the United States has been secured in its preparation. The need for new legislation of this character, the general principles embodied

in this bill, and their application have received the repeated approval of the Secretaries of the Treasury, War, Navy, and Commerce. The details have been worked out by your committee with the assistance of the representatives of the various services. The legislation proposed, as embodied in H. R. 10972, has the united general support of the services concerned. In the opinion of your committee the bill submitted embodies the most scientific pay schedule yet devised, while being simple, practical, and satisfying the requirements of a necessary economy.

It is proper to state for the information of the House that in the consideration and preparation of this legislation, the committee had all estimates based on the Budget estimate for 1923 and on the numerical strength of the several services as now provided by law. However, in the application of the proposed pay schedules hereafter the number of officers or enlisted men in any service is wholly immaterial in so far as having any bearing on the principles contained in the legislation, for in the administration of the law it can be applied to a large or small force with equal justice.

It is also proper to state at this time that the committee, in the consideration and preparation of the proposed legislation, discovered that scores of laws and amendments thereto were in force affecting the pay and allowances of the officers and men in the several services, and that all officers and enlisted personnel had been placed in their respective grades and were receiving pay in accordance with the law governing the same. Your committee was therefore compelled to accept the situation as we found it in relation to grade and rank. To anyone having in mind criticism of the committee or the legislation proposed on the ground that certain officers in some of the services appear to be enjoying pay and grade not warranted, it may be replied that such criticism should not be directed against this committee, but should be charged to the action of the Congress in heretofore enacting the law.

I deem it well to state also that upon examination of the laws applicable to the several services heretofore mentioned we found that the law relating to the pay of the Coast Guard, Coast and Geodetic Survey, and the Public Health Service provided that the officers and enlisted men should have grade and pay similizing the various grades and pay of the Army, Navy, and Marine Corps, and at this point I wish to insert a table showing the grades of all the services, which is as follows:

Corresponding rank and titles of the several services associated for pay purposes in H. R. 10972.

Service.	Rank and title.									
Army	Second lieutenant.	First lieutenant.	Captain	Major	Lieutenant colonel.	Colonel	Brigadier general.	Major general.	Lieutenant general (none).	General of the Armies.
Marine Corps	do	do	do	do	do	do	do	do	None	None.
Navy	Ensign	Lieutenant (junior grade).	Lieutenant	Lieutenant commander.	Commander	Captain	Commodore or rear admiral (lower half).	Rear admiral (upper half).	Vice admiral.[1]	Admiral.[1]
Coast Guard	do	do	do	do	do	Captain commandant.	None	None	None	None.
Public Health Service.	None	Assistant surgeon.	Passed assistant surgeon.	Surgeon	Senior surgeon	Assistant surgeons general.	Surgeon General.	do	do	Do.
Coast and Geodetic Survey.[2]	Aid	Junior hydrographic and geodetic engineer.	Hydrographic and geodetic engineer.	Hydrographic and geodetic engineer.	Hydrographic and geodetic engineer.	Hydrographic and geodetic engineer.	None	do	do	Do.

[1] Vice admiral and admiral are grades which pertain under existing law to certain positions and are temporarily enjoyed by the incumbents of the latter.
[2] Coast and Geodetic Survey officers are commissioned with the above titles and in addition the words "with relative rank of (corresponding grade) in the Navy."

In discussing the schedules of pay proposed for the several services, inasmuch as by far the largest number of commissioned personnel is in the Army, I shall speak of the grades in the Army as the basis and refer to the personnel in the other services, as given in the foregoing table, as officers in corresponding grades.

The act of May 11, 1908, fixed the base pay of the grades in the Army and corresponding grades in other services as follows: Second lieutenant, $1,700; first lieutenant, $2,000; captain, $2,400; major, $3,000; lieutenant colonel, $3,500; colonel, $4,000; brigadier general, $6,000; and major general, $8,000. To this base pay was added an increase of 10 per cent for every five years' active service up to 40 per cent, which two items formed the base pay of the officer in the grade in which serving or commissioned. It is proper to state for the information of the House that such longevity pay was limited to a total of $1,000 by existing law. The act of May 18, 1920, known as the temporary pay bill, provided for additions to the pay of the officers in the Army and the corresponding grades in the other services as follows: Colonels and lieutenant colonels, $600; majors, $840; captains, $720; first lieutenants, $600; second lieutenants, $420. This temporary pay increase expires by limitation on the 30th of June, 1922.

The base pay proper of the bill now under consideration has but one change from the scale established by the act of 1908, that being a reduction in the base pay of officers in the grade of second lieutenant in the Army and Marine Corps and corresponding grades in the other services.

The first fundamental change proposed by the bill is in the establishing of the so-called pay periods. These are six in number and correspond to the six grades from second lieutenant to colonel, inclusive. The commissioned personnel are arranged in these various periods and the length of service fixed to be hereafter served in each period before passing to the next higher period for pay increase, regardless of whether the officer had been promoted or not. The committee, after full consideration, decided that this change in the plan of fixing the pay of officers instead of the present system, which is based solely on rank and grade, was wise in that it gave reasonable increase of pay to the officers in time of slow or no promotion and in that it protected the Government in times of rapid promotion, such as we have witnessed in the Army in the past two years following the enactment of the Army reorganization act.

I want to say in passing that our experience along that line is one of the things that has been working in my mind from the time that that law went into operation, and I hope that the Congress of the United States will see in its wisdom that this is the time and this is the opportunity, in the passage of this bill, to forever prevent again such an abuse, if it were an abuse—and it was so called by many—that occurred in these rapid promotions without experience.

I wish at this point to insert one example taken from the statement we had prepared in explanation of the provisions of the bill, and which seems to me to be sufficient to convince anyone of the wisdom of the proposed change. This illustration is taken from the record of the actual experience of that splendid Army officer, Gen. Hunter Liggett, and is as follows:

Maj. Gen. Hunter Liggett, now on the retired list, served 22 years in the grade of lieutenant, 5 years in the grade of captain, 7 years in the grade of major; so that he reached his lieutenant colonelcy after 34 years' commissioned service, during which time he never received a rate of pay above that prescribed for the grade of major. On the other hand, the junior major in the Army to-day served only 6 years as a commissioned officer before reaching the grade of major. General Liggett began to draw the pay of a major after 29 years of commissioned service; the junior major in the Army to-day began to draw that pay after 6 years of commissioned service. Under the method of paying officers by pay periods, General Liggett, whose service as a junior officer was performed during a period of very slow promotion in the Army, would have begun to draw the pay of a major after 22 years of commissioned service, after having drawn a captain's pay for many of the years that he actually drew the pay of a first lieutenant, and the junior major now in the Army, who is performing his service during a period of very rapid promotion in the Army, would not have begun to draw the pay of a major until after completing 14 years of commissioned service. In other words, General Liggett was penalized financially because he happened to perform his service during a period when promotion was very slow, even though during that period of service he was qualifying himself for the tremendous responsibilities which he later assumed as commander of an army in the field in the World War.

The pending bill provides that officers of certain grades and length of service shall be placed in the six pay periods extending over a period of 30 years, as follows:

First period: Second lieutenants with less than 5 years' service and first lieutenants with less than 3 years' service.

Second period: Second lieutenants with over 5 years' service; first lieutenants with over 3 and less than 10 years' service; captains with less than 7 years' service, and first lieutenants whose first appointment was above second lieutenant.

Third period: First lieutenants with over 10 years' service; captains with over 7 and less than 17 years' service; captains whose first appointment was above second lieutenant; captains ranking from July 1, 1920, or earlier, and majors with less than 14 years' service.

Fourth period: Captains with over 17 years' service; majors with over 14 and less than 23 years' service; majors whose first appointment was above second lieutenant; majors appointed under section 24, act of June 3, 1916, as amended by act of June 4, 1920, and lieutenant colonels with less than 20 years' service.

Fifth period: Majors with over 23 years' service; lieutenant colonels with over 20 and less than 30 years' service; lieutenant colonels whose first appointment was above captain; lieutenant colonels appointed under section 24, act June 3, 1916, as amended by act June 4, 1920, and colonels with less than 26 years' service.

Sixth period: Lieutenant colonels with over 30 years' service; colonels with over 26 years' service; colonels whose first appointment was above captain, and colonels appointed under section 24, act June 3, 1916, as amended by act June 4, 1920.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. McKENZIE. For a brief question.

Mr. MADDEN. Is there anything in this bill that will give to a colonel who served 30 years $750 more retired pay than he is getting now?

Mr. McKENZIE. That is a far-fetched question at this point in my argument, but I will say to my colleague that that is possibly true. I have not gone over those figures. I have not computed them myself, but I have found them in the report of the minority, and it is possibly true. But even if it is true—and I do not want to divert now in order to discuss that at this point—but even if it were true, it only goes to a colonel who has given 30 years of his life to this Government, and only a few of the many officers of the Army ever reach that grade.

Mr. MADDEN. How would it apply to a major who gets $937.50 more retired pay than he is getting at present?

Mr. McKENZIE. If he serves 30 years in the grade of major; but he has to serve 30 years before he can reach that place. And I want to say to my colleague from Illinois, while he may not have heard the complaints, I have heard them from some of the old veterans of the Army who are now on the retired list and who were retired early in life. But this bill does another thing. It provides further on that question—and I am digressing now—it provides if that colonel had retired when he had only 10 years' service he would have been paid for the length of service.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. McKENZIE. I would like to finish this, and then I shall be glad to yield.

This grouping provides for the assimilation of pay for officers of all the services, but appointed under diverse provisions of existing law.

Under existing law the men in the Navy draw 10 per cent for sea duty, and the men in the Army and officers draw 10 per cent for foreign-service pay. We have cut that down 50 per cent. There are about 70 per cent of the officers in the Navy who spend their time at sea, and about 5 per cent of the officers in the Army might be said to have field service in peace times.

Pay is now made up of base pay and increases for longevity. While the existing method provides an increase of 10 per cent on the base pay for each five years of service up to 20 years, with a maximum increase of $1,000, the bill under discussion provides instead an increase of 5 per cent on the base pay for each 3 years of service up to 30 years. While this gives an ultimate greater increase to a small group of veteran officers it operates, on the other hand, to slow down the rate of longevity increases in that, for example, the proposed bill requires 24 years of service to qualify for the same perecentatge of increase that under the present law may be obtained by 20 years' service.

The foregoing represents the fixed and permanent pay of officers in the various services as provided in the pending bill. In addition to the pay thus set forth, officers serving on sea or field duty are to receive 5 per cent additional, which it is estimated would normally include about 70 per cent of Navy officers and about 5 per cent of Army officers. This cost is offset by the proposed withdrawal of the 10 per cent sea pay for the Navy and the foreign service pay for the Army.

Under this plan, Mr. Speaker, officers coming in from the emergency are credited with the constructive service for base pay to which their rank entitles them. The value to the Government of the experience developed by long service, as well as rank, is substantially recognized. It offers a definite career based on efficient service in place of the inequities and uncertainties of promotion.

While it operates to prevent officers of short service from being overpaid it insures to veterans of long service that they shall not be underpaid. Remuneration falls where most appropriate and in a way to meet the increased expenses incident to family obligations and to rank. While the pay is not great, it is so arranged as to attract young men of a desirable type and assure them that as they gain in experience and demonstrate capacity a modest living can be definitely anticipated. This pay is not so largely determined by rank as has been the case in the past. Rank and pay are not synonymous. It is not the shoulder straps that count but the length of service that the officer has given to his country that will increase his pay instead of rank. [Applause.] I hope that the spirit of Americanism in this Congress will rise up and say that that is one thing at least about this bill that is just and fair to all the men in these services. [Applause.] One exists for purposes of command and precedence; the other for the meeting of financial obligations. Nevertheless, the proposed pay schedule still is associated with rank, though not as completely as heretofore and not so dependent upon the variations and vicissitudes of promotion. After careful consideration of the principle of this plan the services concerned are agreed that its adoption will, in the long run, add to their efficiency.

The Secretaries of War, Navy, Treasury, and Commerce have officially expressed themselves to that effect in giving their whole-hearted indorsement to this bill as now submitted, not only in respect to the principles involved but to the details of their application.

It is true that under the proposed bill an officer of long service may receive higher pay than an officer of greater rank but shorter service. This situation, however, exists at present. It is a fact, for example, that there are veteran captains of long service who are now receiving less pay than majors of short service. The bill has been intentionally drawn to give greater recognition to the value of experience. If any individual inequities exist under its provisions, these are absolutely effaced by the passage of time, usually of no great length.

The bill automatically provides for the pay of officers appointed to higher grades in war and makes the enactment of any temporary legislation for this purpose unnecessary. It defines the service which may at once be computed for longevity pay and restricts it for the future to commissioned service only.

It credits National Guard service with full time for longevity purposes when called into the service of the Federal Government. It gives full time for actual service in the Reserve Corps and half-time credit for inactive duty in the Reserve Corps. I may say here that the National Guard and the Reserve Corps are both in whole-hearted support of all the provisions of this bill.

The second, and in my judgment equally important, change from the present pay system is the establishment of a flexible or variable allowance provided for in the proposed bill. This takes note of the fact an officer with dependents has a greater burden to bear than one without dependents, which fact, in the judgment of the committee, is a matter deserving the prompt consideration of the Congress in providing a means or system of pay and allowances which will not be a discrimination against the officer without dependents, but which will deal justly with the officer with dependents.

In connection with this subject I can not do better than to reiterate a portion of the explanation of the bill heretofore circulated by the committee, which is as follows:

The hearings before the special committee investigating the subject of readjustment of pay for the services demonstrated conclusively that something more than the 1908 pay schedule is absolutely necessary for the officers and enlisted men of the various grades and services. In fact, this testimony brought out the fact very conclusively that the amount received under the act of May 18, 1920, is barely sufficient to meet the cost of living at the present time. This testimony is based almost entirely on the requirements of officers, who are required, in addition to maintaining themselves, to maintain wives, children, or other dependents. If the officer alone is to be considered, the 1908 pay schedule is probably sufficient, especially if it is probable that the cost of living will gradually fall. One of the problems, therefore, to be solved in adjusting the pay schedule is to meet this necessity for providing for the requirements of the officers who maintain dependents. So far as the pay proper is concerned section 1 of this bill retains practically the same base pay as in the 1908 schedule and provides an increase for service that adds very little to the 1908 pay. The required increase over the 1908 schedule can be obtained, then, by giving to all officers allowances sufficient for the officer with dependents, or by giving to the officer with dependents the necessary allowances and withholding them from the officer without dependents. To adopt the first course would be an unjustifiable burden on the Public Treasury; to adopt the second course is economically sound and at the same time meets the requirements of all officers of the service.

It may here be stated that the dependents included in this bill are a wife, unmarried children under 21 years of age, and a mother if actually dependent on the officer for her chief support.

The two factors of allowances for subsistence and for shelter enter into this variable allowance, which changes below the maximum limits prescribed in the bill—according as the cost of its two factors may fluctuate. This variable allowance has a greater money value in the case of officers with dependents,

who constitute the greater majority of officers in the service, and its effect is felt through every home in the service. Such a flexible allowance operates to protect the officer against penalization through rise in the cost of living and prevent his profiting if the cost of living falls. It stabilizes a modest living.

Neither the idea of a variable allowance nor that of recognition of dependency is new. Rations formed part of the pay of Army officers during nearly the first century of the Republic.

Dependency has been recognized in the difference in quarters erected at Army posts and in commutation of quarters, heat, and light for dependents while officers were in the field or at sea. It was observed in the enactment of the recent draft law, it enters into the pensions, family allowances, and war-risk insurance granted by the Government, it appears in the transportation of dependents at Government expense when changing station, and is also recognized by many great corporations in the handling of their employees. It is a principle peculiarly applicable to the living conditions imposed by military service.

The first suggestion of the committee was to base this variable allowance—which in fact is an element of base pay and I wish it so considered—on the number of dependents; but after thorough consideration, having in mind the difficulties in the way of administration on such a basis, the committee adopted the plan set forth in the bill and which in my judgment is much superior in every way. Section 5 of the bill covering this subject, in so far as the subsistence item is concerned, reads as follows:

SEC. 5. That each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this act, shall be entitled at all times, in addition to his pay, to a money allowance for subsistence, the value of one allowance to be determined by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative retail cost of food in the United States for the previous calendar year as compared with the calendar year 1922. The value of one allowance is hereby fixed at 60 cents per day for the fiscal year 1923, and this value shall be the maximum and shall be used by the President as the standard in fixing the same or lower values for subsequent years. To each officer of any of the said services receiving the base pay of the first period the amount of this allowance shall be equal to one subsistence allowance, to each officer receiving the base pay of the second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances: *Provided*, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances.

The maximum value of one subsistence allowance is fixed at 60 cents. This maximum can and will be proportionately lowered by the President should the cost of living decrease and will tend to reduce the total amount of pay to that extent; but it does provide a flexible element in the base pay of an officer which can be regulated from year to year without action by the Congress. The granting of but one allowance to officers without dependents, and adding to the allowances in certain periods for officers having dependents, puts the element of humanity into the pay scale without exploiting the Government or discriminating against an officer without dependents.

Gentlemen, I hope you get that point. That has been one of the things on my mind ever since I have been on the Committee on Military Affairs that I never have been able to explain, why a major general without dependents would be entitled to $1,684 as commutation for heat, rooms, and light in the city of Washington, while a captain with a wife and three or four little children, perhaps, to support was given $800.50.

Gentlemen of the committee, that is one of the things we are trying to correct in this bill. We are trying to put some humanity in it. For the first time in the history of our Army and Navy we are insisting on inserting the human element, and insisting that the normal state of mankind is to have a family and a home, and it is unjust to say that a man who is without dependents is entitled to the same compensation with allowances as the man with dependents. The base pay is the same, and should be.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MADDEN. What is the policy now with respect to our giving a regular amount? Is that change contemplated?

Mr. McKENZIE. That was true for nearly a century.

Mr. MADDEN. It is introducing a new element in the pay of officers.

Mr. McKENZIE. It is introducing an element that at one time was introduced by giving a ration.

Mr. MADDEN. That is in the pay.

Mr. McKENZIE. I will say to my colleague that I believe in putting the cards absolutely on the table in a matter of this kind. No attempt has been made to deceive anybody in connection with this legislation. I have insisted upon the maximums being put into this bill, and I will say that these variable amounts are called "variable" because we could not think of a better name; but it is pay, and it is an increase over the pay of 1908.

Mr. MADDEN. What would be the maximum for ration under the bill?

Mr. McKENZIE. Six hundred and fifty-seven dollars; that is, at the maximum of 60 cents. If that were reduced, of course——

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. TEMPLE. Is it not true that the base pay has been cut below the present standard, and the ration has been added, which is a flexible element, according to the cost?

Mr. McKENZIE. Yes. I have those figures all in my speech, gentlemen, that were suggested by my colleagues. I will not take the time to read them now.

The value of a single allowance being fixed for this year at 60 cents provides additional pay of $219 for the officer without dependents and also for all officers serving in the first pay period. To officers with dependents in the second pay period, $438; third pay period, $438; fourth pay period, $657; fifth pay period, $657; sixth pay period, $438.

It will be noted that the value of the above subsistence allowance is lowest at the extremes of the military career, when the family may, on the one hand, be presumed to have not yet been established, or, on the other, when the family group has begun to disintegrate by death or self-support. It is given, in a general way, according to actual need only.

I next wish to call to the attention of the House the fact that the commissioned personnel of the services under consideration are now entitled under the law to living quarters, which are furnished at regular posts, the same being of two classes, viz, quarters for married officers and bachelors' quarters, or quarters for unmarried officers. In the absence of quarters the officer is granted an allowance in commutation for quarters, heat, and light, provided in accordance with regulations prescribing different zones and variations of allowance therein on account of climatic conditions, the zone of Washington being about the average for the country. In order that all may be advised fully in connection with this particular subject, I desire to include at this point in my remarks a table setting out fully the allowance granted in all grades, and particularly to call attention to the fact that this allowance is based solely on grade, and the fact that an officer has or has not dependents is not taken into consideration; the major general without dependents, you will observe from the table, is granted the sum of $1,664.85—zone of Washington—while a captain with a wife and children is allowed but $800.50. The justice or otherwise of such an arrangement is one of the matters for consideration submitted in the pending bill:

Table of allowances, commutation of quarters, heat, and light, zone of Washington.

[Source of information: Office Chief of Finance, United States Army.]

Grade.	Rooms authorized.	Monthly money value.				Annual money value.			
		Quarters.	Heat.	Light.	Total.	Quarters.	Heat.	Light.	Total.
Major general	9	$108.00	$26.36	$4.38	$138.74	$1,296.00	$316.35	$52.50	$1,664.85
Brigadier general	8	96.00	24.60	3.98	124.58	1,152.00	292.20	47.70	1,494.90
Colonel	7	84.00	22.90	3.55	110.45	1,008.00	274.75	24.60	1,325.35
Lieutenant colonel	6	72.00	20.85	3.13	95.98	864.00	250.20	37.50	1,151.70
Major	5	60.00	18.60	2.70	81.30	720.00	223.25	32.40	975.65
Captain	4	48.00	16.44	2.28	66.72	576.00	197.20	27.30	800.50
First lieutenant	3	36.00	14.11	1.88	51.99	432.00	169.30	22.50	623.80
Second lieutenant	2	24.00	11.35	1.43	36.78	288.00	136.20	17.10	441.30
Enlisted	1	12.00	7.78	1.00	20.78	144.00	93.40	12.00	249.40

The committee recommends the repeal of all existing laws governing the commutation for rooms, heat, and light, and in lieu thereof the adoption of section 6 of the pending bill, which makes a rental allowance part of the variable allowance and which reads as follows:

SEC. 6. That each commissioned officer on the active list or on active duty below the grade of brigadier general or its equivalent, in any of the services mentioned in the title of this act, if public quarters are not available, shall be entitled at all times, in addition to his pay, to a money allowance for rental of quarters, the amount of such allowance to be determined by the rate for one room fixed by the President for each fiscal year in accordance with a certificate furnished by the Secretary of Labor showing the comparative cost of rents in the United States for the preceding calendar year as compared with the calendar year 1922. Such rate for one room is hereby fixed at $20 per month for the fiscal year 1923, and this rate shall be the maximum and shall be used by the President as the standard in fixing the same or lower rates for subsequent years. To each officer receiving the base pay of the first period the amount of this allowance shall be equal to that for two rooms, to each officer receiving the base pay of the second period the amount of this allowance shall be equal to that for three rooms, to each officer receiving the base pay of the third period the amount of this allowance shall be equal to that for four rooms, to each officer receiving the base pay of the fourth period the amount of this allowance shall be equal to that for five rooms, and to each officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be equal to that for six rooms. The rental allowance shall accrue while the officer is on field or sea duty, temporary duty away from his permanent station, in hospital, on leave of absence or on sick leave, regardless of any shelter that may be furnished him for his personal use, if his dependent or dependents are not occupying public quarters during such period. In lieu of the above allowances an officer with no dependents receiving the base pay of the first or second period shall receive the allowance for two rooms, such an officer receiving the base pay of the third or fourth period shall receive the allowance for three rooms, and such an officer receiving the base pay of the fifth or sixth period shall receive the allowance for four rooms, but no rental allowance shall be made to any officer without dependents by reason of his employment on field or sea duty.

Under the system of this bill a rental allowance is made at so much per month, $20 a room. The young officer, a second lieutenant, is allowed two rooms. That is $40. Then we raise it as the family increases. Then later on we cut that down and put it in one proposition, and instead of putting down what the cost is in San Antonio and then figuring out what it is in Washington, we make a flat proposition of $20 per room. That is subject to revision by the President. That is the maximum. It never can be higher than that, but it can be reduced as fixed by the President and may be reduced as rentals go down.

Mr. STAFFORD. The gentleman will concede that when the allowance is made no President will ever reduce the maximum allowance.

Mr. McKENZIE. I have the utmost faith in the President carrying out the report of the Department of Labor. This is a law. It says this year the rental is $20 per room per month. Next year the Department of Labor will make a report. If it shows that rentals are down 10 per cent below what they are this year, the President of the United States will have no discretion. He must reduce it.

Mr. STAFFORD. In the history of the Government there has never been any reduction when an allowance has been fixed.

Mr. McKENZIE. You will notice that it is mandatory. The maximum is fixed in this bill.

Mr. MADDEN. What about the maximum in 1908?

Mr. McKENZIE. I have not time to figure that out. The gentleman speaks of a colonel?

Mr. MADDEN. Yes.

Mr. McKENZIE. The base pay would be $4,000, plus 40 per cent, and then his allowance for room, whatever it is.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MILLER. In the hearings did it develop that any great commercial institutions in the United States based their pay of employees on length of service? Is there any institution that places its base pay on the number of dependents that any particular employee has?

Mr. McKENZIE. I could not say as to that latter proposition, but as to the first proposition, I think it is unquestionably true.

At this point I quote from the published comment on the bill in relation to this particular action:

Section 6 operates to give two, three, four, and five rental allowances to officers receiving pay in the first, second, third, and fourth periods, respectively, and six to those in the fifth and sixth periods. This distribution is based on the fact that two rental allowances is the minimum amount with which a young officer without a family can provide himself with quarters under average conditions, and they increase progressively up to and including the fifth period, thus conforming to the idea that the officer's family needs are increasing during these years and to the principle that an older officer requires somewhat better living conditions than a young one. If an officer remains without dependents throughout his career, only those increases based on the principle that the older officer requires somewhat more are allowed, and such an officer would receive in the first and second periods, the third and fourth periods, and the fifth and sixth periods two, three, and four allowances, respectively.

Recognizing the fact that the officer on field or sea duty must maintain his family during his absence, the rental allowances of such an officer accrue to him while on said duty, provided his family is not occupying public quarters, but the officer without any dependents will receive no rental allowances while on field or sea duty.

The above rental allowance of $20 per month per room has a monthly money value as follows:

First pay period, 2 allowances	$40
Second pay period, no dependents, 2 allowances	40
Second pay period, with dependents, 3 allowances	60
Third pay period, no dependents, 3 allowances	60
Third pay period, with dependents, 4 allowances	80
Fourth pay period, no dependents, 3 allowances	60
Fourth pay period, with dependents, 5 allowances	100
Fifth pay period, no dependents, 4 allowances	80
Fifth pay period, with dependents, 6 allowances	120
Sixth pay period, no dependents, 4 allowances	80
Sixth pay period, with dependents, 6 allowances	120

The above amounts would decrease as the cost of living may fall. The cost of shelter is notoriously high, and at present the average officer living in hired quarters is forced to pay for them far more than he receives from the Government therefor. The purpose of these allowances is to enable the officer to more nearly meet this additional expense. By paying a flat rate for heat and light, the accounting for the same, which at present varies not only with numerous zones but with the seasons, would be greatly simplified.

The bill places a limitation of $7,200 as the maximum total of pay proper and allowances for colonels of more than 30 years' service. General officers and flag officers receive no increase.

The foregoing explanations cover in general the more important provisions of the bill covering the commissioned personnel of all the services.

With respect to the enlisted personnel of the several services, I wish to say that the pending bill applies to them the same general principles as in the case of officers, namely, to establish a pay scale offering a career to a high class of men desiring to devote their lives to the service and enabling them to support their families in decency, and to give greater recognition to long service and efficiency. Material increases of pay have accordingly been given the higher grades of noncommissioned officers. While the rates of pay for the lower grades for short service have been reduced, these have been largely offset by increasing the rates of special pay offered to ambitious enlisted men who are willing and able to qualify themselves as technical specialists. The pay scale for enlisted men is specifically planned to be an incentive to promotion and endeavor; it does not encourage the indefinite remaining in the service of the unambitious and undesirable man willing to pass his military career in the grade of private.

The pending bill wipes out many special rates of pay and puts, as far as possible, the forces in the various services on the same level; and this is especially true in the case of first enlistments, where the pay in all the services is fixed at $21 per month. In the Navy pay scale there are, under existing law, over 7,000 different grades of pay, while under the pending bill they are reduced to 507, which will be a great saving administratively as well as primarily to the Government. To illustrate the administrative simplification accomplished by the bill, I want you to look at this list I hold in my hand and which is a stronger visual argument along that line than any I can make verbally, I am sure. I shall include at this point, as an extension of my remarks, the following from the printed comment on the bill heretofore furnished by the committee:

PAY OF WARRANT OFFICERS AND ENLISTED MEN OF THE ARMY AND MARINE CORPS.

The rates of pay established for enlisted men of the Army and Marine Corps by this section have been determined by a very careful consideration of the enlisted men's pay schedule. A thorough overhauling of this schedule was absolutely necessary for the Army and Marine Corps. The old schedule of 1908, which was very satisfactory at the time it was adopted, has been modified in such thoroughly unsatisfactory ways since 1908 that a complete new schedule was found to be necessary. In 1920 the War Department suggested a readjusted schedule for incorporation in the Army reorganization bill of June 4, 1920. This readjusted schedule, however, was not adopted by Congress in that bill. The old schedule was simply revised to conform to the new grades established in that act. On the other hand, the Navy Department had made a very long and exhaustive study of the enlisted pay schedule of the Navy, and that schedule was adopted by Congress as a temporary measure in the act of May 18, 1920. This Navy schedule, with some slight modifications, is incorporated in the present bill as a permanent schedule. It has been in operation in the Navy for nearly two years and has proven highly satisfactory. Its adoption for the Army and Marine Corps, modified only to correspond with the grades and specialist ratings in the Army and Marine Corps, was the logical thing to do for two reasons: First, because it is a satisfactory enlisted schedule; and, second, in order to bring about a parity in the pay schedule of the enlisted services, one of the objects to be attained in this consolidated pay bill.

The only material modification of the Navy 1920 schedule is in the rate for men of the seventh grade. This rate is $9 a month less than that fixed during the war, but it is $6 a month, or 40 per cent, more than the rate fixed in the 1908 schedule. This rate is reasonable for both the Government and the man. It is $21 a month for the man in addition to his food, his shelter, his clothing, his transportation, and his medical care, and he is in a position to increase this pay by demonstrated ability along either military or technical lines.

During his earlier career in the Army the enlisted man is really of very little value to the service. It takes him a considerable period of time to become adjusted to the new conditions of living; he must learn many things that he knew absolutely nothing about in civil life before he reaches a point where he is of any particular value to the Government. It therefore is reasonable and proper that he should start with a small rate of pay.

His promotion in the military service is determined by two general considerations—first, his military efficiency; and, second, his qualifications for special and technical work. On the basis of military qualifications the enlisted men of the Army are divided into seven grades which correspond to military rank; and on the basis of special and technical qualifications the men in the two lower grades who have no military rank are divided into six classes of specialists.

A man's increases in pay, therefore, after he enters the Army will proceed along either of two separate and distinct lines—one purely military in its character, the other technical in its character. The increases in pay along both of these lines must be adjusted so as to provide an incentive to the men to work, and the highest pay which they can obtain must be sufficient to attract good men to the service and hold them in it long enough to work up to these maximum rates of pay.

It should be noted that in establishing the pay schedule for enlisted men and warrant officers no particular attention was paid to the fact that the highest grade enlisted man and the warrant officer receive more pay than the junior second lieutenants. It is considered that the pay schedules for officers and enlisted men and warrant officers are based on very different principles, and the pay of a second lieutenant, who is just starting his career in the commissioned service, bears no relation to the pay of an enlisted man of the first grade and a warrant officer who are completing their careers in the enlisted service.

PAY OF WARRANT OFFICERS AND ENLISTED MEN OF NAVY AND COAST GUARD.

Pay of warrant officers: In fixing the pay of warrant officers of the Navy and Coast Guard it was necessary, in order to avoid increments of pay now allowed by law for periods of three years' service, to establish three rates of monthly base pay. Under present law the increases for these periods vary from $125 to $250. In addition to base pay the warrant officer is drawing a temporary monthly increase of $20, a ration allowance of $15, commutation of quarters on shore of $24, heat and light of about $9 (in the zone of Washington, D. C.). The provisions submitted give the warrant officer a base pay based on both length of service and character of duty, and sufficient, with his allowances later prescribed, to meet his proper needs.

Pay of enlisted men: In fixing the pay of enlisted men of the Navy and Coast Guard consideration has been given to the necessity for a large percentage of skilled men in the first five grades. Inasmuch as the rates of pay for these grades as fixed in the act of May 18, 1920, were the result of an exhaustive study by a special board in the Navy Department, it is believed that the conditions obtaining at that time have not changed enough to warrant any reduction in these rates. The effect of reducing the pay of these grades would undoubtedly result in losing the services of many thousands of trained men, with the alternative of replacing them by recruits who would require years of training at great expense to the Government. A reduction in pay of $12 per month each for the sixth and seventh grades is considered advisable, as the committee believes that the preferences in pay should be given to the older men of longer service who have adopted the Navy and Coast Guard as a career and who, by virtue of their age and longer service, are likely to be responsible for the support of dependents.

While the rates of pay herein prescribed are considerably less than the rates for corresponding occupations in civil life, it is believed that the pay, together with the subsistence furnished for the man himself and the prospect of eventual retirement, will be sufficient to retain a sufficient number of skilled men to operate the ships and stations of the Navy and Coast Guard.

The proviso (line 19, p. 14) for including chief petty officers under acting appointment in the first grade is in line with the present practice and, with the Navy at present strength, will save about $800,000 annually to the Government. Chief petty officers under permanent appointment can not be reduced except by sentence of a court-martial. When issued an acting appointment at reduced pay he is placed on probation and must serve for at least one year before being issued a permanent appointment. About one-fourth of the total number of chief petty officers should ordinarily be serving under acting appointments.

Naval Reserve Force: It is also recommended that the pay of members of the Naval Reserve Force be proportioned by law on the base pay herein prescribed. No attempt has been made to change the present pay of the Naval Reserve Force, as it is understood that this will be included in separate legislation which will completely reorganize this force. However, it is recommended that there be no reduction in the pay of members of the fleet reserve who have been transferred on the date of approval of this act. These men, numbering some 2,000, have been transferred in good faith in accordance with pre-war legislation contained in the naval appropriation bill approved August, 1916, and your committee considers that the Government is obligated not to reduce the compensation of this group of men.

Permanent additions to pay: It is recommended that all present permanent additions to pay of enlisted men of the Navy and Coast Guard be abolished, and that in lieu thereof longevity pay be substituted. These permanent additions are the result of old Executive orders. They consist of continuous-service pay and citizenship pay of varying amounts. A man of the sixth grade who reenlists received just as much increase as the man of the first grade. Under the proposed longevity the percentage increase will be on the base pay of the respective grades and will result in a net saving to the Government. An increase of 10 per cent is recommended after the first four years' service, and three successive increases of 5 per cent for succeeding four-year periods, limited to 25 per cent. This is slightly different from the longevity recommended for the Army and Marine Corps, but the total—25 per cent—is the same for all services, and the cost will be the same. The 10 per cent increase serves as an incentive to reenlistment and at the same time keeps the first increase at approximately the same amount as is now allowed.

Transient additions to pay: All transient additions to pay of enlisted men of the Navy and Coast Guard are abolished except in five classes, viz, cooks or messmen, divers, mail clerks, men holding medals or decorations, and gun pointers. At present the Navy and Coast Guard give transient additions to pay for 20 different classes of work; the reduction to five will result in a large saving to the Government.

Retired enlisted men: There are now 604 enlisted men on the retired list of the Navy and on the retired list of the Coast Guard. It is believed that, as these men were specifically exempted from the benefits of the temporary increase of May 18, 1920, there should be some provision for their relief in the bill. They are all men of 30 years or more active service, and have suffered from the decreased purchasing power of the dollar. In order to relieve cases of distress, it has been necessary at times for the Navy Department to order some of these men to appropriate active duty on shore, where they could receive active pay and allowances. This increase would result in an increased cost for the Navy of about $300,000 per annum, but would not affect the total net saving of $4,600,000 for 1923 or the eventual saving of $7,458,000 four years hence.

Insular force: The comptroller has decided that the insular force of the Navy, which is limited by law to 500 men for service in the Philippines, is entitled to the full pay of their corresponding grades of enlisted men in the Regular Navy. Inasmuch as it was not the intent of Congress or the Navy Department to increase the pay of this force, it is recommended that the pay of the insular force be fixed at one-half the pay for corresponding grades in the Regular Navy.

Reenlistment gratuities: The reenlistment gratuities of enlisted men of the Navy and Coast Guard have been greatly reduced, so that instead of paying four months' pay on reenlistment, a maximum of $200 is paid to men of the first three grades on reenlistment within three months after an honorable discharge and a maximum of $100 for men in other grades reenlisting under similar conditions. A saving of about $2,670,000 is effected by this provision.

The gratuity on reenlistment was originally authorized to take the place of the 30 days' annual leave on full pay allowed to Government employees. A majority of men in the Navy and Coast Guard now get this leave annually, whereas years ago they took a cruise of four years and then received the four months under full pay at the expiration of the cruise. However, it is a matter of economy to pay some gratuity as an inducement to reenlistment. The cost of recruiting, transporting, and training a raw recruit to fill the place of a trained man will be considerably more expensive to the Government than the payment of this gratuity.

SECTION 11. ALLOWANCES OF WARRANT OFFICERS AND ENLISTED MEN OF THE ARMY AND MARINE CORPS.

Warrant officers' allowances: Warrant officers of the Navy and Coast Guard are now granted (1) one commuted ration; (2) commutation for two rooms if on shore not occupying public quarters, or at sea, if he has dependents; (3) a temporary increase in pay of $240 per annum; and (4) commutation for heat and light equivalent to that allowed an ensign. Warrant officers of the Army have the allowance of a second lieutenant for quarters and no allowance for rations.

This bill gives the warrant officers of all services (1) a rental allowance for two rooms if on shore and not occupying public quarters, or at sea, if he has dependents, and (2) a subsistence allowance for himself at all times.

Enlisted men: To enlisted men not furnished quarters or rations in kind, there are now allowed varying amounts for subsistence, or for subsistence and room. In exceptional cases, where these men travel from place to place for short periods, incurring expenses for transient accommodations at hotels, meals, etc., an amount equal to $4 per day is allowed. In the great majority of cases these amounts are much smaller.

This bill establishes, under the direction of the President, uniform regulations for all services. There is no additional expense involved.

Pilots' subsistence: When civilian pilots are used they are subsisted in the officers' messes. Regulations now authorize an amount to be paid to the treasurer of the mess in which the pilot is subsisted for the period of his stay on board. In exceptional cases pilots may be on board for a considerable length of time.

This bill authorizes the continuance of the present method and involves no extra cost to the Government.

Rations commuted for enlisted men: Present law authorizes the issuance of rations in kind to every enlisted man, or the commutation thereof. It is desired to continue this authority so as to permit the commutation of rations to chief petty officers in organized messes, mess attendants assigned to officers' messes, and sick enlisted men subsisted on diet prepared in officers' messes.

This provision involves no additional expense to the Government, and simply continues present practice.

Subsistence and rental allowances to insular force: It is considered advisable to specifically prohibit the payments of any personal allowance for subsistence or for rental of quarters to members of the insular force, so that this question will not be referred to the comptroller general.

The present bill proposes that the method now authorized by existing law for quartering and messing enlisted men, which have been found by experience to be satisfactory, should not be changed; but it does provide that these methods shall be the same for all the services and that uniform regulations shall be published by the President to replace the existing regulations, which are different for each service.

Enlisted men of the National Guard: The present rate of pay for enlisted men of the National Guard is continued for armory drills and summer encampments. If drafted into the United States service, they receive the same pay as for corresponding grades in the Regular Army.

Travel allowances: The bill puts all the services on a parity in this respect, giving them all the same allowances as are now authorized in the Navy.

On the other hand, the bill provides that the special benefits which accrue to the Government for travel over land-grant railroads by the Army shall also accrue to the Government from similar travel by the other services.

I want you gentlemen to notice this pay table of the Navy. There is what it is now; this is what it will be under this law:

The Nurse Corps: The principles of recognition for long service and efficiency, already outlined for officers and enlisted men, are made to apply to the Nurse Corps. A more definite career is offered by the bill to this deserving class of women, upon whom falls the immediate care and ministration of the sick and wounded of the standing forces and many of our disabled veterans of the World War. While each of

the six services has shown a saving below their present pay for officers and for enlisted men, the members of the female Nurse Corps have been given an increase. This is necessary in order to meet the wage scales in civil life for such service as they render, also to create such a definite career as will induce the best type of these trained women to remain in the service.

Retired officers: The bill applies the principle of recognition of length of service, already set forth, to retired officers. Officers retired after July 1, 1922, would receive retired pay on the basis of this bill.

Saving clauses: The bill recognizes the principle in equity of maintaining what amounts to an existing contract with the Government. Accordingly no enlisted man will have his pay reduced during his current enlistment, nor will an officer receive less pay than under the permanent pay scale of 1908, under the moral assurance of which he has entered and remained in the service. But officers and men hereafter entering the service would do so under the pay scale established by this bill and with full understanding of its present and future financial incentives and opportunities.

CONCLUSION.

In concluding this brief outline of what is a very elaborate, carefully thought out, and comprehensive common plan for the pay of all the six services, I desire to reiterate, Mr. Chairman, that it represents the best thought of the Joint Committee of the House and Senate, sitting over a period of many months and reaching its conclusions only after most careful inquiry and mature deliberation.

The very difficulties dependent on the diversities of the services concerned and which have been so successfully met and overcome have made it such a harmonious mechanism that interference with one point may disturb the balance of the whole. Amendment in respect to one service may very likely have an unexpected and undesired effect on others. Yet the plan as a whole is not intricate but only coordinate.

The plan itself offers a material saving in money. It readjusts the expenditure of funds in a way to promote efficiency. It assures a modest livelihood in a way to attract and retain a high class of officers and men. It maintains a career within the services irrespective of any reductions in personnel which may be made. It has been most carefully scrutinized by all the services concerned, and meets with their whole-hearted approval. It is at once simple, scientific, logical, and practical.

I submit, Mr. Chairman, that a bill with such facts to commend it should pass.

Mr. MADDEN. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. MADDEN. As a matter of information I want to ask the gentleman what effect the bill will have as to compensation on these persons who were formerly clerks and now are in the finance division?

Mr. McKENZIE. It will make no change. I think I know to whom my colleague refers. They are men in the finance division under our good friend General Lord. They were men who had long years' services as clerks and through the efforts of some colleagues of mine—I was one who opposed it along with some others, I think my friend, Mr. GREENE of Vermont—it was legislated into the law that these men should be taken in as commissioned officers in the finance division, and it was provided that they should have longevity pay for the time they had been in service. If my colleague feels that that is unjust, this pay committee is not responsible. It is the law, and it applies to them, and it applies to old-time commissioned warrant officers in the Navy. They were commissioned in the Navy in 1920, and I think my good friend Mr. KRAUS, and the gentleman from Alabama [Mr. OLIVER], who served on the Committee on Naval Affairs, voted for it. They are entitled under the law to the consideration for the commissions they now hold.

Mr. MADDEN. I was asking what effect it had on their pay.

Mr. McKENZIE. It has no particular effect.

Mr. MADDEN. In comparison with men who have been in the service as long as they have without receiving——

Mr. McKENZIE. It leaves them in the pay period where they are. In other words, we have placed the men in the pay period where we found them. A major—we leave him in the same pay period representing the majors, No. 4; the captain in No. 3.

Mr. EVANS. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. EVANS. Did I understand the gentleman correctly to say that the base pay is fixed on the supposition that there has been an increase of 100 per cent in the cost of living since 1914?

Mr. McKENZIE. That is practically true; but we are not basing it entirely on the cost of living.

Mr. EVANS. I did not understand or get the thought the gentleman was endeavoring to convey when he said that it was based on 100 per cent increase in the cost of living.

Mr. McKENZIE. Since 1908; is not that pretty near right?

Mr. EVANS. In mentioning the amount of $142,000,000 or $143,000,000 as the probable appropriation under this bill, does the gentleman include in that the change that would be made on account of the dependents?

Mr. McKENZIE. Yes.

Mr. EVANS. In what way does the gentleman arrive at the number of officers with dependents?

Mr. McKENZIE. It is figured that about seventy-odd per cent of the officers in the Army have dependents. It is an estimate, of course.

Mr. EVANS. Does the gentleman expect the increase for the clerks to whom he refers to be along the same line and the same rate as the naval employees?

Mr. McKENZIE. Yes; they are commissioned officers.

Mr. EVANS. They get it by reason of the commission?

Mr. McKENZIE. Yes; they are officers in the Army.

Mr. TEMPLE. Will the gentleman yield?

Mr. McKENZIE. Certainly.

Mr. TEMPLE. I am afraid the gentleman from Nebraska may have got a wrong impression. The gentleman from Illinois does not mean to say that the cost of living having increased 100 per cent you increase the pay 100 per cent?

Mr. McKENZIE. No; nor half of it.

Mr. KRAUS. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. KRAUS. The reason for my propounding this question is because I think my colleague from Nebraska misunderstood the statement of the gentleman from Illinois. Does the gentleman from Illinois desire to have the House understand that if this bill passes the cost of the Army for the fiscal year 1923, with 150,000 men and 13,000 officers, will be only about $1,000,000 more than if there was no legislation at all?

Mr. McKENZIE. That is the idea.

Mr. KRAUS. That is what the gentleman desires the House to understand?

Mr. McKENZIE. I am giving the figures to you that were made, and I presume the gentleman from Indiana has the same figures.

Mr. KRAUS. I think the gentleman wants to look over that again. Does the gentleman mean for the House to understand that for the fiscal year 1923, with an Army of 150,000 men and 13,000 officers, as contemplated in the Budget law, it will cost only $1,000,000 more under his bill than with no legislation at all?

Mr. McKENZIE. The gentleman wants to take into consideration that the enlisted personnel of 150,000 is reduced.

Mr. KRAUS. I am propounding this question in order to have a comparison. The gentleman will concede that we must have the same number of officers and men in order to make a comparison. The gentleman made a statement which would lead the House to believe that under the circumstances I have stated the cost under this bill would be approximately $1,000,000 more than no legislation.

Mr. McKENZIE. Yes. I made that statement on the strength of the estimates that I received. If they are not correct, I should be very glad to correct them, for I do not want to deceive anyone.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. BYRNES of South Carolina. Is not the difference between the gentleman from Illinois and the gentleman from Indiana based on the statement furnished—that the proposed pay, exclusive of the saving clauses, is $143,000,000, and the pay if no legislation is enacted, $142,000,000? That is the difference. The gentleman is referring to the statement exclusive of the saving clauses.

Mr. KRAUS. That is the reason I asked the gentleman to explain what he desires the House to understand, because I am confident that the gentleman from Nebraska had the misunderstanding which now the gentleman from South Carolina calls attention to as incorrect.

Mr. McKENZIE. It is stated in detail in my remarks. I just gave the totals, and the whole explanation the gentleman will find in my remarks. The saving clauses mean about $7,000,000. I want to call attention briefly now to a few things in the minority report which my colleagues filed. In the first place, they go on to make the statement that in 1916 we had about 12,000 officers in the Army in all of these services and that now we have something like 21,000; furthermore, that we have about 150,000 enlisted men in the National Guard, and that that costs $25,000,000; that we have 95,000 young men in school.

Those are all facts, and for one I say thank God for that situation. There is nothing to complain about in that. That legislation was not enacted simply to give a few men commissions in the Army and the Navy. That legislation was en-

acted in 1916 and in 1920 at the demand of the people of this country that we do a little something toward giving us a little preparedness more than we had in 1916. That was the object of that legislation, and of the reorganization act, and the act of 1916, and the acts affecting the Navy increasing this number of officers from 12,000 to 21,000, and all it means is that we have that much more preparedness in this country than we had at that time, and so far as this bill is concerned it has nothing to do with it, because the Congress of the United States can reduce that number of officers at any time it wants to, and there is a movement on foot now to reduce the number. This bill will apply to whatever number of officers remain with just the same effect as if we had 21,000. So that I can not see anything in that contention.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. WILLIAMSON. So far as the sliding scale of pay of these officers is concerned that scale is only affected by the sliding scale of rations and the size of the family. Those are the only two elastic elements in the pay schedule.

Mr. McKENZIE. The size of the family is not mentioned. It would be whether they had dependents at all or not.

Mr. WILLIAMSON. And the amount of the rations. Those are the only two that affect the sliding scale.

Mr. McKENZIE. Yes. The longevity pay is changed from 10 per cent for 20 years to 5 per cent for 30 years.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. RANKIN. In response to the question of the gentleman from Indiana, the gentleman from Illinois stated with reference to the $142,000,000 and the $143,000,000, the difference between what our Army would cost during the fiscal year 1923, and without this bill, that that was exclusive of the saving clause. Will the gentleman tell what that saving clause amounts to, and how much that adds to the bill?

Mr. McKENZIE. I can not tell exactly, but I can say to my friend that it means about $7,000,000. All of the enlisted men in the Army in all of these services will draw the present pay to the end of their enlistment. In other words, the Government is going to keep its contract with those men during their period of enlistment. When their time expires, and they come in or other men come in, they come in at $21 a month, so that that expense will be added to the Government until their time expires. The officers who were advanced in these rapid promotions find themselves in pay periods above where they would naturally have been under this bill, but they will remain there stationary for a few years until they move into the next period, and then the bill will move along in its natural course. Those are what we call the saving clauses.

Mr. RANKIN. About what is the estimate it will cost?

Mr. McKENZIE. About $7,000,000.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman further yield?

Mr. McKENZIE. Yes.

Mr. WILLIAMSON. I am not entirely clear as to what effect this bill will have upon the pay of those officers who may be reduced under the new proposed Army bill. The gentleman says there are 21,000 officers, and the new bill proposes 11,000 officers. What will bcome of the pay of those officers removed or demoted?

Mr. McKENZIE. That applies only to the Army, and that would depend on the law that we pass at that time, providing for their retirement pay. I want to call attention to another thing in the minority report. Attention is there called to the fact that a major may possibly draw a maximum of $7,200 under this bill. That is true, and I am not making any denial of it. So far as I am concerned I am for him, but it requires a number of things to enable him to do it. In the first place he must have served 30 years in the Army before he got up to the grade of a lieutenant colonel. In the next place, he must have dependents, and in the third place he must be living away from any Army post where he has to rent quarters. Under those circumstances if a major has served 30 years and has not been able to get promotion, I feel that he is entitled by experience to that pay.

Mr. JOHNSON of Mississippi. Would that depend upon the number of dependents?

Mr. McKENZIE. No.

Mr. JOHNSON of Mississippi. Suppose he has one dependent, would it be the same?

Mr. McKENZIE. It would be the same if he had a wife or a child under 21 years of age. I have not the time to call attention to all of the things in this report, but you will find on page 4 the number of quotations from Mr. Weeks, from Mr. Denby, and others indicating that the original proposition which I submitted was not adopted, and that they criticized it when I did present it.

It was not my proposition any more than it was your proposition. It was simply I had two things in mind and other members of the committee had them in mind, and one of them was that the pay in this service should be based on length of service rather than on rank alone. The other was that an officer without dependents was not entitled to the same allowance and to commutation as the officer who had dependents, and with all the criticism that was made—Mr. Weeks criticized my proposition and suggestion at the time—there are at the present time only two men in all of my acquaintance who have given any attention to this bill who are not now enthusiastically for it. They are my two friends on the committee, the gentleman from Alabama and the gentleman from Indiana.

Mr. CRISP. Will the gentleman yield?

Mr. McKENZIE. These other gentlemen have conceded this is wise and sound.

Mr. CRISP. I want to ask the gentleman, and I think his last statement answers the question, what is the attitude of the War and Navy Departments as to the bill now?

Mr. McKENZIE. I want to say to the gentleman from Georgia, my good friend, that they all approve it. General Lejeune, of the Marine Corps; Secretary Weeks, Mr. Denby, Mr. Clifford, Mr. Hoover, all these men that have to do with these services; you will find their letters in the hearings. I will have some in the morning that we did not have time to prepare for this discussion to-day, but will bring them here to-morrow, and you will find those letters in there. One man, Mr. Wainwright, Assistant Secretary of War, says that if they had had this law in force in 1920 it would have saved $25,000,000 in the Army alone.

Mr. JOHNSON of Mississippi. I would like to ask the gentleman if the position of Secretary Weeks, Mr. Hoover, and General Lejeune influenced the committee to any extent?

Mr. McKENZIE. They did not, I will say to my good friend from Mississippi. We had the bill finished, and after it was finished, realizing this criticism, I wrote each one of those gentlemen a personal letter asking what they thought about it now. It was weeks and weeks after they made this criticism.

Mr. JOHNSON of Mississippi. Did the committee have any information from them officially or otherwise before they wrote the bill?

Mr. McKENZIE. We did not.

Mr. JOHNSON of Mississippi. Not that the gentleman knows of?

Mr. McKENZIE. The fact of the matter is we did not care.

Mr. JOHNSON of Mississippi. That is the point I am trying to get.

Mr. McKENZIE. I want to say to my good friend from Mississippi, as one member of that committee I did not take orders from any man in the Army or Navy, and I was not deceived by any of them; I was not deceived for a minute of the position of any man. I have not been deceived in any way.

Mr. MOORE of Virginia. May I ask the gentleman a strictly impersonal question?

Mr. McKENZIE. Yes, sir.

Mr. MOORE of Virginia. To what extent does the gentleman discriminate against bachelor officers?

Mr. McKENZIE. Discriminate against bachelor officers? Well, I want to say to my good friend from Virginia, in my judgment, we have not discriminated against them at all. We treated them as they should be treated. In the first place they had not any children. We refused to give them money to support somebody else's children. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield for another question? Do the bachelors on the gentleman's committee support this bill or oppose it?

Mr. McKENZIE. I do not like to discuss my colleagues. They may be married, for all I know.

Mr. LOWREY. Will the gentleman yield for a question? If you do not discriminate against the bachelors I do not think you are doing justice, and I do not know whether I shall support the bill or not.

Mr. STRONG of Kansas. Referring to the question of allowances, does a man, a wife, and a bull dog pup get as much as a man, his wife, and a number of children?

Mr. McKENZIE. If the gentleman has any of that kind of neighbors——

Mr. STRONG of Kansas. Not in Kansas, but some are at our hotel.

Mr. McKENZIE. As far as I am concerned, I have not dealt with that character of people. I am not opposed to bull dogs, however.

Mr. STRONG of Kansas. What I meant is, does a man and his wife get as much pay as a man with a wife and family?

Mr. McKENZIE. Yes. The committee did not draw the limit on him. Now, the next criticism in this report is that the pending bill (H. R. 10972) discriminates against officers commissioned from civil life. Now, gentlemen, that is unkind—destructive criticism, in my judgment. As one of the men who happened to be on the Committee on Military Affairs writing the reorganization bill, and who had the honor to be one of the conferees for seven weeks combating with the Senate on that bill, I want to say in writing that law if I ever stood for anything in my life I stood for the 5,000 emergency officers that were put into the Army, and when it came to the writing of this bill I said we will leave these emergency officers in the place where we find them, enjoying grades of captain, or major, or lieutenant, or colonel, whatever it may be, whether they have had only three or four years' service, and we will concede that they had a sort of constructive service that was sufficient to put them into these periods, and we leave them there. We left them there. Now, what is the criticism of these gentlemen of the minority that we have not treated the emergency officers fairly? I will tell you what it is. Over here in the Judge Advocate General's Department they have appointed a number of colonels under the reorganization act.

We put them in there because they were lawyers, and we gave them four or six colonels in the reorganization bill, and under that law they are entitled to 26 years' service. We leave them there. We give them the pay of the period of the colonel in this bill. What are we asked now? We are asked in this criticism to not only do that for these men—God knows, I have no objection to them; I believe it was fair and right to these men to leave them where we found them under the law—but they ask us now to do what? I have a letter in my possession that was sent to me to-day from one of my old friends in the adjutant general's office in Illinois from one of these men, who undertakes to say that he practiced law for 16 years and then went into the Judge Advocate General's office, and he wants us to count now for longevity service the same length of time that the man had who was serving in the Infantry, for instance, down on the border or up in the frozen regions of Alaska; he wants not only to be put in the pay period where we found him, but give him longevity pay. You can do it if you want to, but I do not believe it is fair and right. I said so when we passed that reorganization bill. I fought it then and I will fight it now, rather than to say that those men who have been lawyers shall go in and count the same for two or three years' service as a man who spent 26 years in the Infantry or Cavalry or Artillery.

Mr. MILLER. Does service at the Naval Academy and service at the Military Academy count on the service?

Mr. McKENZIE. It does not count now. I will say to my good friend that we have not changed the law so far as longevity pay in this bill is concerned. Men from Annapolis and West Point do not get credit for this service. Prior to 1912 they did. We left them where we found them. We did not have power to write laws of that character.

But here is one of the things in this bill that you men who are thinking of the taxpayer back home want to think about, and that is that while we treat well all these men in the service—and we are criticized for that—and that we are overkind to them, gentlemen, I am not one of those who believe in our Government repudiating a contract. We have had a certain contract with these men, and if you will let us keep it they will pass out of the service later on. But this bill provides that hereafter men coming into the service as officers shall count only commissioned service. When we get down to that basis we will have everybody treated alike. Those men came in with that understanding and knowledge and therefore will have no complaint. That is another one of the criticisms.

There is another thing they criticize us for. I am surpised at my apparently good-natured friend from Alabama. Oh, I do like to play a game on the level. I like to fight in the open. I despise to play, in a great game like this, anything that would look like playing to the demagogue. This is a serious proposition, gentlemen of the committee. I wish more men were here that I could talk to them. It means a great deal for the future of our country. It means more than just because a colonel served 30 years he is to have a little more pay. It means something for these institutions of our country. But, ah, my friends, when the minority members come to the end of their report, what do they do? Why, they say a few kind things about the Marine Corps. They pretend to say a few kind things for the Coast Guard. They go on to state that the Marine Corps, with 8,000 officers, can handle an army of 150,000, while our present Army has 13,000 officers for 150,000 men. Is there anybody deceived by that sort of talk? Thirteen thousand officers for 150,000 men? You do not need half of them. There are not more than half of them used for that purpose, and we did not make them for that purpose when we passed the reorganization law and the national defense act.

We provided that we should have trained officers in this country, who should train the 150,000 men in the National Guard and who could go into the schools where these 95,000 are going to school and train them. But, oh, it was a chance that they could not let go by. My good friends, get away from these invidious comparisons. No man thinks more of the heroic record of the marines than I do. I know that they have written with their blood the glory of our country on many a field. I know that the Coast and Geodetic Survey has gone out over the seas of the world to chart the unseen rocks, so that the men who sail the seas and carry our flag may be safe. I know that the Coast Guard, while we are sitting in our comfortable homes, by our firesides, with our wives and children about us, are out yonder on the storm-tossed sea rescuing life from the stranded vessel. Ah, more than that, they are away yonder in the North Atlantic warning the ships of the oncoming icebergs. God bless their record. And now my good friend there would be for them; he would be for the Coast Guard with only 291 officers. My friend would be for the Marine Corps, heroic men, but they have only a few officers. He would be for them. But the old Navy, that institution of our country that carries the name of Lawrence and Perry and Farragut and all the men that have made the Navy of our country glorious, a Navy which has never been found wanting in the hour of trial, he would throw a little criticism at for having a few lieutenants drawing a little more pay than he thinks they ought to draw. And he utters a worse insinuation against the old Army men. It is not necessary to defend the Army. I have joined in denouncing it on this floor many a time for things which I think they have not done. I should do it now. But, in God's name, I have not forgotten the men whom we all worship, the men that you boys on this side love to think of—Lee, Stonewall Jackson, Johnson, and others—West Pointers—yes, West Pointers—and on our side Grant and Sherman and Sheridan. And there is not a field of glory in all the world where our old Stars and Stripes have ever been carried but that it was carried there by the men in the Army. [Applause.]

Cut down the number of officers, if you please, but for God's sake let the Representatives of this great land of ours be too big, too broad, too generous to ask the men of these various institutions, including the Public Health Service, to serve us in time of stress, when we must rely upon them, and then quibble and find fault and talk about a few of them getting a little too much money.

My friends, I want you to study this bill. It means nothing to me. Why, everybody in this House knows that I am descended from the closest race in the world, the Scotch. I know what poverty means. I have walked that road, too. I know what I believe to be my duty here. And in offering this bill I wish to say that I have no blood relation in any of these services, not one.

But I stand here and plead, not for relatives, not for anybody that can do me any good. There are not any of them that can do that. I have to depend on the people out in the thirteenth congressional district of Illinois, where we have not a navy yard or a fort. I have not a thing there that looks like militarism, but I am pleading here to-day for these men on whom we must rely, and am asking you, in God's name, not to let a little prejudice lead you into a great mistake, such as that of deciding that you do not want to give the wives and children of the officers in this service at least a decent living. I will try to explain these things further as we read the bill. Gentlemen, I thank you for your attention. [Applause.]

The CHAIRMAN. Does any gentleman desire recognition? Does the gentleman from Alabama [Mr. OLIVER] desire recognition?

Mr. OLIVER. No.

Mr. RANKIN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count.

Mr. McKENZIE. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee, having under consideration the bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, had come to no resolution thereon.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks on the pay bill and to insert such parts of the minority report as I desire.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Mr. OLIVER. Under leave to extend my remarks, I beg to state that my reason for asking this leave was due to the fact that it was about 5 o'clock when the gentleman from Illinois [Mr. MCKENZIE] concluded his speech, and the point of no quorum having been raised the House, on motion of Mr. MCKENZIE, concluded to rise for the purpose of considering a motion to adjourn. It had been my purpose to make a speech on the pending bill immediately following the gentleman from Illinois [Mr. MCKENZIE], and when the House reconvenes on Tuesday I will ask recognition and will then discuss the matters which I consider pertinent to the bill. Under leave to extend I was granted permission to print all or portions of the minority report, and the same are hereinafter set out, excepting that Tables 2, 3, 4, 5, 6, and 7, attached to the minority report, are omitted; but the attention of the Members of the House is especially invited to these tables in connection with their study of the bill and the minority views thereon. Some errors appearing in the figures included in the table on page 10 of the minority report have been corrected.

The whole subject of pay being somewhat technical and confusing, it will prove especially helpful to the Members of the House, if time can be found, to read the bill and both the majority and minority reports thereon and frame questions therefrom to members of the committee when discussing the bill; and I know that the members of the committee will welcome all questions asking for information and that full and frank answers will be given, according to the best knowledge and information that the members of the committee have.

The minority report, with certain omission of tables, is as follows:

Mr. KRAUS, from the Committee on Adjustment of Pay, etc., submitted the following minority report, to accompany H. R. 10972:

We regret to find ourselves in disagreement with the other three members of the special committee of five, appointed in accordance with House resolution 296, on the readjustment of the pay of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service.

After careful study of the proposed bill, H. R. 10972, we feel that it is not only unwise at this time to pass permanent pay legislation for the several services but that the bill, as reported, is fundamentally unsound, unjust to the private soldier in the lower grades of the Army, to the apprentice seamen of the Navy, overgenerous to a large number of the officer personnel, especially in the higher grades, discriminatory against officers commissioned from civil life in its gracious dispensation of service gifts, and unwarranted in proposing substantial increases in the retirement pay of officers, including many now on the retired list.

We will later discuss the bill under the subheads just outlined.

We have no desire to unduly press our convictions on the Members of the House, but in the discharge of our responsibility, as members of the committee, we wish to submit for the consideration of the House some objections to the pending bill which we think are well founded.

Before discussing proposed changes of existing law which the pending bill, H. R. 10972, seeks to accomplish, we wish to invite attention to the very large increase in the number of commissioned officers now on the pay roll of the Government as compared with the number in the services on July 1, 1916. The total number of commissioned officers on July 1, 1916, was 8,819; we now have 21,588. This increase in the commissioned personnel is distributed in the following Army grades and in grades of the other services corresponding thereto, to wit: In 1916 we had 19 major generals, now 67; 39 brigadier generals, now 97; 310 colonels, now 975; 414 lieutenant colonels, now 1,377; 1,159 majors, now 4,256; 2,686 captains, now 8,641; 2,956 first lieutenants, now 4,547; 1,236 second lieutenants, now 1,628.

This shows an increase of 12,769 commissioned officers since 1916, involving an additional annual expense to the Federal Treasury in the matter of officer pay and allowances alone, based on the 1908 schedule, of more than $55,000,000.

The House is now on record as favoring substantial reductions in this large officer personnel, and the President has announced that he will soon recommend to Congress the coalition of some branches of the military services under a single head or department, which recommendation, if followed, will lead to reductions in officer personnel, especially in some of the staff corps, in addition to the reductions now contemplated by the House. In this connection it is well to recall that we are now rapidly organizing on an efficient basis a federalized National Guard, which now numbers approximately 8,000 officers and 150,000 enlisted men, and the National Guard, with its present strength, will necessitate an appropriation of about $25,000,000 or more for the fiscal year 1923. When it is also remembered that there are now about 95,000 young men undergoing military training for Army reserve officers in college Reserve Officers' Training Corps units, we respectfully submit that these facts would seem to justify a hope that we will, in the near future, adjust our military forces on a more limited and economical basis than at present.

We wish to ask now that the above facts be borne in mind in your consideration of some suggestions hereinafter set out as to increases proposed in retirement pay, and as to the advisability of providing by temporary rather than by permanent legislation for any present needed increase in the pay of the officer and enlisted personnel of the several services.

CHANGES IN EXISTING LAW PROPOSED BY SECTION 1 OF H. R. 10972.

Under existing law pay of officers, including all allowances, are based on grade, and length of service, as affecting such pay, serves but one purpose, namely, to give what is known as longevity pay. Longevity pay for all officers is now limited to 40 per cent of base pay, with a further limitation of $1,000 as to the longevity pay for colonels, lieutenant colonels, majors, and officers in corresponding grades of the other services. Thus the total base and longevity pay now of a colonel is $5,000; that of a lieutenant colonel $4,500; that of a major $4,000.

Section 1 of H. R. 10972 changes existing law by establishing six pay periods, the first corresponding to the grade of second lieutenant, the second to that of first lieutenant, the third to that of captain, the fourth to that of major, the fifth to that of lieutenant colonel, and the sixth to that of colonel, and hereafter makes length of service—not grade—the main controlling factor in determining the pay and allowances of officers. It further increases the longevity pay of all officers by giving them 50 per cent of base pay instead of 40 per cent as now provided. It further repeals the longevity pay limitation of $1,000 for colonel, lieutenant colonel, major, and officers of corresponding grades in other services, and hereafter fixes the maximum base and longevity pay for a colonel at $6,000 instead of $5,000, for a lieutenant colonel at $5,750 instead of $4,500, for a major at $5,250 instead of $4,000. As to lieutenant colonels and majors, not only is the present longevity grade limitation of $1,000 repealed, but lieutenant colonels with 30 years' service are advanced to the pay period of a colonel, and majors with 23 years' service are advanced to the pay period of a lieutenant colonel, thus increasing their base pay by $500, on which their longevity pay is to be computed.

With the allowances proposed in H. R. 10972 for a lieutenant colonel and major, it thus appears that a lieutenant colonel, advanced to a colonel's pay period by length of service, will receive the maximum compensation allowed a colonel, to wit, $7,200, and a major, advanced by length of service to the pay period of a lieutenant colonel, may also receive a colonel's maximum compensation of $7,200. The same results obtain in reference to officers in corresponding grades of the other services.

Likewise officers below the grade of major will, under the pending bill, by reason of length of service, be given a pay period higher than that corresponding to their commission grades, and their pay and allowances will exceed that of officers outranking them by one grade and in some instances by two grades.

To further illustrate, there are now more than 100 lieutenants in the Navy with less than two years' commissioned service or commissioned officers of the regular Navy who under the provisions of section 1 of the proposed bill, H. R. 10972, would receive annually in pay and allowances more than $6,500, and yet there are colonels in the Army who under the provisions of the same bill will draw less than $6,500. In other words, length of service will under the terms of the pending bill hereafter control the pay of officers to such an extent that many now in the service will draw as pay and allowances an amount not only equal to but oftentimes in excess of the pay and allowances of officers outranking them by one and not infrequently by two grades.

The extent and full purport of this last statement, as applied to the services concerned, will more clearly appear by an examination of table attached hereto as an exhibit and numbered 1, which table gives the number of officers in the several grades with their length of service.

These tables show a large number of officers now in the services who under the provisions of the pending bill will have sufficient length of service to advance them to the pay period next above the one corresponding to the grade in which they hold a commission, which will give them a base pay increase of $500, and their longevity pay will then be computed on this increased base pay. We submit that this change of existing law is very far-reaching and ill considered. It serves to give to length of service a value never contemplated. Heretofore, to the officer on active duty, it has only counted for longevity pay; now it is proposed that it shall count not only for longevity pay but shall serve to increase the base pay of officers by advancing them to the pay period of the next higher grade; and by raising the longevity percentage from 40 to 50 per cent and removing limitations on longevity increase of the higher ranks it will be seen that it will not only largely increase the pay of an officer while on active service but it will materially add to his retirement pay, as pointed out later.

Apropos to this proposed change of existing law, we beg to submit some thoughtful comments made to the joint committee. We quote, first, from a letter of Secretary Weeks to Congressman MCKENZIE, as follows:

"Your fundamental ideas seem to be a pay based upon length of service and number of dependents of the officer concerned. These are both ideas that are at variance with any plan of compensation that I know of, either in governmental or private employment, and common prudence would suggest that they be adopted only after full consideration of their effect not only directly upon the services concerned but collaterally upon other Government services.

"The principle of pay for service rendered, according to the position occupied in any organization, is a convention that represents the great consensus of opinion in the world to-day, and it is a question whether we could wisely make the basic pay dependent upon length of service. We approach entirely too near to that to-day in many of the Government services where promotion is lineal and when grade and pay depend largely upon the individual's health and strength rather than upon his ability and usefulness. Its adoption to a greater degree by the several services concerned might lead to its adoption elsewhere in the Government service. Briefly, these are some of the objections to the tentative plan."

Next, from a statement by Captain Williams, United States Navy, as follows:

"As soon as you begin the practical application of that idea the things that you tend to consider immaterial in the law loom up very large. You can not have, for military reasons, a senior, a man of higher position, drawing less pay than a junior."

Next, a question asked Secretary Denby by Mr. BYRNES of South Carolina:

"That is what I wanted to ask, whether you did have any idea how you would work it out to avoid having a subordinate receive higher compensation than a superior officer. I have been trying to discover how you would do it, and I know that it would demoralize any organization."

To which Secretary Denby replied:

"Not only that, but if you did it flatly without any qualification at all, if you simply said, 'A man serves 10 years and gets the 10 years' rate of pay whether he is a good or bad man,' you are taking away a good deal of the motive and ambition."

Mr. MCKENZIE, a member of the joint committee, recognizing the force of the criticisms directed at this change, suggested at that time the following proviso:

"But suppose you put in the law a proviso: '*Provided, however,* That no officer should draw more pay than that prescribed for the grade in which he is serving.'"

(It will be noted, however, that Mr. MCKENZIE'S proviso does not appear in the bill as reported.)

The quoted comments certainly show serious misgivings by high officials and by members of the committee as to the wisdom of the proposed change of existing law.

THE BILL IS OVERGENEROUS TO MANY OF THE OFFICER PERSONNEL NOW IN THE SERVICE.

In support of this claim, we quote from section 1 of the pending bill, as follows:

"For officers hereafter appointed, no service shall be counted for the purpose of pay except effective commission service under Federal appointment. For officers now in the service, all service which is now counted in computing longevity pay shall be included in the computation."

Service now counted in computing longevity pay, and which under this provision is sought to be made available to officers now in the service to increase their base pay as well, is not limited to commission service, but includes for all graduates of the academies at West Point and Annapolis prior to July, 1916, the time spent at these academies in school, and a constructive or mere gift service, credited to many officers appointed from civil life prior to March 3, 1913, and also enlisted service.

After the passage of the bill, however, for officers hereafter commissioned, only commissioned service can be counted either for longevity pay or for the purpose of advancing an officer to another pay period higher than that corresponding to the grade in which he is commissioned. (What good reason, may we ask, can be assigned for discriminating in favor of officers now in the service against officers hereafter to be commissioned?)

In view of the rapid promotions received by so many now in the service and the certainty of slow promotion in the future, it would rather seem equitable to favor the incoming officer rather than the one now enjoying the high rank by reason of the unusual and rapid promotions incident to the war and the favorable officer legislation subsequent thereto.

The quoted provision not only gives to officers now holding commissions benefits above pointed out but it will serve to largely increase the longevity pay of these officers, to advance them to the highest pay period, and by increasing their base and longevity pay, with other than commissioned service, they will thus receive a large increase in retired pay as a further benefit to be enjoyed alone by them and to be denied officers hereafter commissioned, because only commissioned service hereafter can count for advancement, for longevity, or retirement pay.

It further appears that this provision, on account of many colonels, lieutenant colonels, and majors now having credit for service other than commissioned service, because of the repeal of the $1,000 limitation as to longevity pay and the increase of the longevity percentage from 40 to 50, would now, if retired, receive the following increase in retired pay, to wit:

For colonels with 30 years' service	$750.00
For lieutenant colonels with 30 years' service	937.50
For majors with 30 years' service	937.50

In further confirmation of the statement that the pending bill is most generous to many of the officers now holding high commissions, section 16 saves to all officers their present base and longevity pay, notwithstanding a large number of high commissions now held are alone due to very unusual and rapid promotions. Apropos of the rapid promotions received by many now in the service, we beg to quote a statement by Mr. MCKENZIE:

"I want to be very frank with you. You are aware of the fact that since we got into this great war with Germany there are hundreds and hundreds of young officers who have received very rapid promotion, and some of these older officers, in both the Army and Navy, that I see sitting around in the room, probably served 10 or 15 or 20 or 25 years before they reached the point where they were drawing the pay that some of these younger men are drawing after two or three years' service."

Yet we find in the fact of this statement by Representative MCKENZIE that the present bill seeks not only to save the base and longevity pay of even these officers who were thus rapidly promoted but also undertakes to increase their pay by giving, as will later appear, a ration allowance and an increased allowance for quarters. We should think not alone of the officers now in the service but some thought should be given to those who will be hereafter commissioned and who must wait, as some of the older officers have had to wait in the past, many years, as Mr. MCKENZIE states, to get the pay of many present officers who, by this bill, will have their high-grade pay saved to them.

Table No. 7, appended to the report, will show the pay and allowances of officers as proposed by H. R. 10972, exclusive of additional pay for aviation. The table is accurate, and clearly presents the whole subject of pay and allowances as proposed in the pending bill for the commissioned personnel.

THE BILL IS UNJUST TO THE PRIVATE SOLDIER AND SAILOR IN THE LOWER GRADES OF THE SERVICE.

If, as claimed, the pending bill shows a substantial saving under a Budget estimate for 1923, based on the bonus act of May 18, 1920 (which expires on June 30, 1922), it will be found on examination that any saving so shown in either the Army or Navy is almost altogether, if not wholly, due to a reduction in the pay of the private soldier in the lower grades of the Army and the apprentice seaman of the Navy, whose present pay, strange to say, the present bill proposes to reduce as follows:

"To the private soldier in the lower grades of the Army, from $30 to $21.

"To the apprentice seaman of the Navy, from $33 to $21.

It is interesting to read in this connection a statement made by Senator WADSWORTH, the chairman of the Joint Committee on the Readjustment of Pay, appearing on page 360 of the hearings, which we herewith quote:

"It is well to remember, if we are thinking about the condition of the Federal Treasury and the upkeep of the Army and Navy, that where the great cost is is in the lowest grades of both services.

"Two or three dollars decrease in the pay of privates in the Army and of apprentice seamen in the Navy amounts to something like two and a half million dollars."

Since the chairman of the joint committee has thus announced that two or three dollars decrease in the pay of the private soldier and sailor will result in a saving of two and a half millions, if he was correct, you can readily understand how, under the pending bill, H. R. 10972, the saving should mount into the millions when we recall that the pay of the private soldier in the Army has been reduced $9 instead of two or three, and for the apprentice seaman in the Navy $12 instead of two or three.

This will more clearly appear from an examination of Tables 2, 3, 4, and 5.

Table 2 was prepared and presented to the joint committee by officers of the War Department appointed to advise the joint committee; Table 3 by the same officers appointed to advise the special committee of the House; Table 4 by the Navy Department and submitted by letter of March 2, 1922; and Table 5 was prepared by representatives of the Navy appointed to advise the special committee of the House.

Some analyzing notes will be found at the foot of some of the tables, to which consideration is invited.

The pay of the enlisted personnel, with notes showing adaptation to Navy enlisted personnel, is shown by a table attached to this report and numbered "6."

THE PENDING BILL, H. R. 10972, DISCRIMINATES AGAINST OFFICERS COMMISSIONED FROM CIVIL LIFE.

A number of officers who served with signal ability during the war, many of them previously with the National Guard, were commissioned into the service under the June 4, 1920, act. Some of these officers are now colonels, and yet, under the provisions of the pending bill, there are many majors and many lieutenant colonels and officers in the corresponding grades of the other services who, while holding the grades of lieutenant colonels and majors, respectively, will draw more pay than these colonels commissioned under the June 4, 1920, act. The pending bill gives no credit to these officers for constructive service, nor does it give any credit to those who formerly served with the National Guard, but, strange to say, it gives to the officers of the federalized National Guard credit for service in the National Guard since June 3, 1916, and for service in the Organized Militia prior to July 1, 1916. What good reasons can be assigned for giving service credit to National Guard officers while serving with a National Guard organization and denying it to these same officers when commissioned in the Regular Army?

The pending bill, while denying any constructive service to officers commissioned from civil life under the June 4, 1920, act, proposes to give to many lieutenant commanders and lieutenants of the Staff Corps of the Navy, and to officers in other services, constructive service, varying from one to four years, and in some instances gives more, and this constructive service, so proposed to be given, will hereafter operate to advance these officers to pay periods higher than those corresponding to the grade in which they hold commissions. Though the pending bill, H. R. 10972, gives to officers commissioned from civil life under the act of June 4, 1920, no credit for constructive service, yet it is interesting to note in this connection that the tentative bill prepared by Representative MCKENZIE, and submitted to the joint committee, and which was really the basis of the pending bill, undertook to give constructive service to officers commissioned from civil life, regardless of the rank in which commissioned. The officers of the Army, Navy, and other allied services appointed by the department heads to confer with and assist the joint committee in its study of a pay bill, at first gave full approval to this constructive service, so recommended for civilian officers in the original McKenzie bill. This will fully appear from a quotation taken from the officers' comments on the McKenzie bill, set out in the hearings before the special committee of the House on H. R. 10972, beginning with the last paragraph on page 53 and continuing through the first paragraph on page 55 of said hearings. From the officers' comments, approving the constructive service proposed for civilian officers in the original McKenzie bill, we beg to quote the concluding paragraph, which is as follows:

"It is believed that the section as now written in its modified form (referring to the constructive service section) will tend to eliminate from the Army the dissatisfaction which has existed among various groups of officers on account of the arrangement of the initial promotion list."

Without intending to express an opinion as to the wisdom of giving constructive service to officers appointed from civil life under the June 4, 1920, act, as proposed in the original McKenzie bill, which is set out in the hearings before the House committee on page 40, we respectfully submit that if constructive service is to be given to other officers, as the pending bill proposes to do, then certainly no just grounds can be assigned for refusing to give constructive service to officers appointed from civil life, as was proposed in the original McKenzie bill.

This feature, as well as many others of the original McKenzie bill, while tentatively approved by the officers at first, was later rejected by them, and the pending bill now represents the views of the Regular officers of the Army, Navy, and other services who were designated to advise with the joint committee and who really prepared the pending bill, H. R. 10972. We confess our inability to explain why these officers first approved the McKenzie recommendation for constructive service only to later reject it.

As pertinent to the question just discussed, attention is invited to a statement before the joint committee by Col. N. D. Ely, of the Judge Advocate General's Department, United States Army, which appears on page 463 of the hearings.

THE PENDING BILL, H. R. 10972, PROVIDES FOR SUBSTANTIAL INCREASES IN THE RETIRED PAY OF OFFICERS.

In the discussion of this provision of the bill it will be recalled that we have heretofore pointed out that the $1,000 limitation on the longevity pay of colonels, lieutenant colonels, and majors, and officers of corresponding grades in the other services, is repealed by the pending bill, and the longevity percentage pay has been increased from 40 to 50 per cent, and further, that while length of service under existing law counts only for longevity pay, yet under the pending bill it will count for the further purpose of advancing the pay of an officer to the pay period corresponding to the grade next above the one in which he holds a commission.

Now, predicated on these changes, which the pending bill proposes in existing law, a colonel now on the retired list who has had 30

years' service prior to his retirement would be entitled to an increase in his retired pay of $750 per annum, the difference between three-fourths of $5,000, the maximum base and longevity pay of a colonel under existing law, and $6,000, the maximum base and longevity pay of a colonel with 30 years' service under the proposed bill. A lieutenant colonel and a major now on the retired list with 30 years' service would also be entitled by reason of the provisions of the pending bill to an increase in retired pay of $937.50.

An examination of Tables A, N, M, and P, hereto appended, will show that a large number of colonels and lieutenant colonels now in the service, if retired now, will, under the pending bill, have had sufficient length of service to increase the retired pay of colonels $750 and lieutenant colonels $937.50.

The pending bill provides substantial increase to all officers now on the retired list who were retired with normal length of grade service to their credit, and also substantial increase to officers now in the service who may be retired in future having to their credit normal length of service for the grades in which they hold commissions.

Many retired officers have been temporarily called into active service since the war under authority of a special act and advanced to higher grades, thus entitling them to increased retired pay. This special act was unwise, has been greatly abused, and the members of the joint committee were in full agreement that it should be repealed.

We refer to it for the purpose of emphasizing that while the pending bill recognizes that many retired officers have thus been advanced in grade, yet it proposes to grant to many of these a further increase in their retired pay.

SUMMARY AND COMMENTS ON PAY AND ALLOWANCES UNDER 1908 LAWS, MAY 18, 1920, ACT, AND H. R. 10972.

COMPENSATION OF OFFICERS.

The total compensation of officers is made up of two parts—one, pay proper, which includes base and longevity pay, and the other, allowance. Retired pay is computed on officers' pay (i. e., base and longevity), allowances not being taken into account. The pay proper under H. R. 10972 is built upon the base pay as established in the 1908 pay schedule, except that that of a second lieutenant is reduced from $1,700 to $1,500, and the longevity pay is changed from the existing 10 per cent increase for every five years' service up to 20 years to a 5 per cent increase for each three years' service up to and including 30 years, thus increasing the longevity percentage from 40 to 50 per cent. The existing limitation of $1,000 on the longevity pay of a colonel, lieutenant colonel, and major is repealed by H. R. 10972.

As before pointed out, H. R. 10972 further changes existing law, in that for the purpose of computing pay of officers all service which has heretofore been counted on longevity pay only can now be counted for the purpose of advancing an officer to a higher pay period than the one corresponding to his commission grade, coupled with the proviso that officers who hereafter enter the service can count for pay purposes commissioned service only.

Under the 1908 laws commutation for heat, light, and quarters were given officers not occupying public quarters, except that no commutation for heat, light, and quarters was given officers in the Navy on sea duty or officers in the Army on field duty. By act of April 16, 1918 (war measure), temporary commutation for heat, light, and quarters was given all officers on field or sea duty and while serving beyond the territorial jurisdiction of the United States. This temporary act of April 16 was continued in force by the May 18, 1920, bonus act to June 30, 1922.

We have prepared a table showing the money value of heat, light, and quarters under 1908 laws and value of subsistence and quarters as now proposed by H. R. 10972 as to officers with and without dependents; also maximum officers' pay (i. e., base and longevity) under the 1908 laws and as proposed under H. R. 10972; also total compensation (i. e., pay and all allowances) under 1908 laws and as proposed under H. R. 10972 as to officers without and with dependents.

Attention is specially invited to this table with its attached analyzing notes and comments thereon. The table is as follows:

Grade.	Allowances (maximum).			Maximum pay (base and longevity).		Total compensation, 1908 law.	Total compensation, proposed bill, no dependents.	Total compensation, proposed bill, dependents.
	Quarters, heat, and light, 1908 law.[1]	Proposed bill, room and subsistence, no dependents.	Proposed bill, room and subsistence, dependents.	1908 law.	Proposed bill.			
Major general	$1,664.85	$1,878.00	$1,878.00	$8,000.00	$8,000.00	$9,664.85	$9,878.00	[2] $9,878.00
Brigadier general	1,494.90	1,878.00	1,878.00	6,000.00	6,000.00	7,494.90	7,878.00	[3] 7,878.00
Colonel	1,325.35	1,179.00	1,878.00	5,000.00	6,000.00	6,325.35	7,179.00	[4] 7,878.00
Lieutenant colonel	1,151.70	1,179.00	2,097.00	4,500.80	[5] 5,750.00	5,651.70	6,929.00	[4] 7,847.00
Major	975.65	1,179.00	2,097.00	5,000.00	[6] 5,250.00	4,975.65	6,429.00	[4] 7,347.00
Captain	800.50	939.00	1,857.00	3,360.00	[7] 4,500.00	4,160.50	5,439.00	6,357.00
First lieutenant	623.80	699.00	1,398.00	2,800.00	[8] 3,600.00	3,423.80	4,299.00	4,998.00
Second lieutenant	441.30	699.00	1,158.00	2,380.00	[9] 3,000.00	2,821.30	3,699.00	4,150.00

[1] Prior to Apr. 16, 1918, officers on sea or field duty could not receive commutation of quarters or heat and light. Increased pay for flying duty and for field or sea duty is in addition to limitations contained in notes 2, 3, and 4, i. e. there is no limitation under existing law or in proposed bill to prevent officers receiving extra pay for flying, sea, or field duty in addition to the maximum compensation authorized.

[2] Maximum compensation of major generals limited to $9,700.

[3] Maximum compensation of brigadier generals limited to $7,500.

[4] Maximum compensation of colonels limited to $7,200.

[5] Lieutenant colonel, 30 years' service, receives pay period of colonel, base pay $4,000.

[6] Major, with 23 years' service, receives pay period of lieutenant colonel, base pay $3,500.

[7] Captain, with 17 years' service, receives pay period of major, base pay $3,000.

[8] First lieutenant, with 10 years' service, receives pay period of captain, base pay $2,400.

[9] Second lieutenant, with 5 years' service, receives pay period of first lieutenant, base pay $2,000.

Under 1908 laws officers of Navy received 10 per cent increase in pay for sea duty beyond continental limits of United States, and officers of Army received 10 per cent for foreign duty. Under proposed bill officers receive 5 per cent increase on base pay for field or sea duty.

Notes 2, 3, and 4 above show limitations on the total compensation of the following officers, to wit: $9,700 for major generals; $7,500 for brigadier generals; $7,200 for all officers under brigadier generals. The limitations do not forbid extra pay for sea, field, or flying service being received in excess of limits fixed. The last column shows that the maximum compensation granted officers by H. R. 10972 will exceed the limitations fixed as to the following officers:

	Excess.
Major general	$178
Brigadier general	378
Colonel	678
Lieutenant colonel	647
Major	147

Attention is called to this excess compensation resulting from subsistence and rental allowances as proposed in H. R. 10972, for the reason that it suggests how easy hereafter it would be to increase the compensation of these officers by a simple removal of the limitation.

H. R. 10972 will illustrate how this can be done, without calling attention thereto, in that it now repeals by mere implication the $1,000 limitation on longevity pay of certain officers (yet this might not be noticed by even a most careful reading of the bill).

The limitation as now drawn does not apply to officers with the rank of colonel in two existing services, and when you who are now here are replaced by others the question may arise, Why this discrimination? The reasons now obtaining may not then exist, and the result is not difficult to guess—the limitation will go.

REASONS WHY TEMPORARY RATHER THAN PERMANENT LEGISLATION BEST FOR ANY NEEDED INCREASE IN PAY OF PERSONNEL THAT MAY BE SHOWN.

Confessedly, the May 18, 1920, act was too generous in the bonus given to many officers, and had Congress known at the time the act was passed of the rapid promotion that would follow within less than 60 days, presumably many officers who thus received unusual and rapid promotions, giving to them large increase in pay and allowances, under permanent law, would not have been so generously provided for.

In confirmation of this, it may be here noted that the May 18, 1920, act not only gave officers below the grade of brigadier general the following bonus:

Colonels and lieutenant colonels	$600
Majors	840
Captains	720
First lieutenants	600
Second lieutenants	420

But in addition to the amount so given it continued in force the temporary act of April 16, 1918, to June 30, 1922, thus giving commutation to Army officers on field duty and Navy officers on sea duty, and which in the absence of the extension of this April, 1918, temporary act these officers would not have had. When it is remembered that 70 per cent of naval officers are on sea duty and that the field duty of the Army has been largely extended it can readily be seen how liberal the May 18, 1920, act was.

The commutations, plus the bonus given temporarily to this large number of officers by the May 18, 1920, act, were as follows, to wit:

Colonels	$1,925.35
Lieutenant colonels	1,751.70
Majors	1,815.65
Captains	1,520.50
First lieutenants	1,223.80
Second lieutenants	861.30

With the full information that Congress now has, it will not be difficult to prepare a temporary bill providing for any needed increase in pay and allowances for the officer and enlisted personnel of the services that is fair and just, both to the personnel and to the Federal Treasury. Any bonus that Congress may now consider just and necessary would be given, not as was done in the May 18, 1920, act, indiscriminately to all officers holding commissions in certain grades, but the unusual and rapid promotions which have advanced young officers to high grades, with greatly increased pay, would very properly be considered and taken into account. Any needed increase to the enlisted personnel could likewise be properly and more wisely provided for hereafter than was done in the May 18, 1920, act.

The very fact that the high grades of the enlisted personnel in both Army and Navy, especially the Navy, are now oversupplied and top-heavy serves to emphasize the importance of providing for these grades by temporary rather than by permanent legislation, pending the fixing of a limitation on the number to be hereafter carried in Navy enlisted grades, as is now done in the Army and Marine Corps. A proper

adjustment of the anomalous condition now obtaining in the Navy as to an oversupply of chief petty officers and enlisted men in other high grades will alone save millions of dollars, and no permanent legislation as to pay should be provided until this can be accomplished.

We have heretofore called attention to the large increase in the number of commissioned officers now in service, as compared with the number in the service in July, 1916; also to the fact that this Congress is on record as favoring a substantial reduction of the officer and enlisted personnel in the major services; also to the announcement of the President that he will soon recommend to Congress the coalition of some of the military branches; and we submit this suggestion, that in the next one or two years there will be separated from the service many now holding commissions. This makes it unwise to provide increased pay by permanent legislation, as proposed in H. R. 10972, for commissioned officers at this time, thereby increasing the retired pay of a large number that will unquestionably be separated from the service within probably the next year. Until Congress definitely determines on the permanent strength of the commissioned and enlisted personnel in the two major services, it would prove expensive to provide permanent legislation, such as is proposed in H. R. 10972. The hearings will disclose that Secretary Denby, Admiral Coontz, and others, appearing before the joint committee in November last, advised that temporary rather than permanent legislation be passed relative to the matters we are now considering.

Certain unusual conditions obtaining both in Army and Navy, largely incident to the war and to ill-considered officer legislation subsequent thereto, do not obtain to any large extent in the Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service. If we were now confronted with the question of writing a permanent pay bill alone for these four services, it could probably be done along lines fair to the services and to the American taxpayer as well.

A number of the commissioned officers in the Public Health Service hold temporary commissions only, their pay being dependent on annual appropriations. There have been practically no increases in the commissioned personnel of the Coast Guard or the Coast and Geodetic Survey, and in this connection may we be pardoned for suggesting that some permanent constructive legislation by the appropriate committee should be considered for the Coast Guard. It is a most worthy and useful service, and the fidelity of its officers to duty, though not enjoying the favored legislation of other services, deserves most favorable comment.

Many commendable economies have been shown by the Marine Corps since the war, and it may not be out of place to suggest that, organized as the Marine Corps always is, either for peace or war, this corps would not require nor ask for exceeding 8,000 officers, even though its enlisted personnel was increased to 150,000 men. This estimate of its commissioned personnel makes liberal allowance for certain Staff Corps for which no commissioned assignments are now made, whereas the Army has approximately 13,000 officers for an Army of 150,000 men.

It is a matter of great importance not only to the different military services but to the taxpayers that a permanent military policy, fixing the strength of our military forces, be finally and properly adjusted on a sane, satisfactory peace basis before any permanent pay bill, common to all the services, is enacted, even if then it should be thought wise to include all of the services in one bill.

Certainly a permanent pay bill can be drawn along much simpler lines than is found in H. R. 10972. We might here refer to the tentative bill at one time favored by Representative McKENZIE, and which, while undertaking to fix pay periods, did away with all longevity pay and allowed commissioned service only to advance officers from one pay period to another, and required much longer commissioned service for advancement to the different pay periods than that now proposed in H. R. 10972. The original McKenzie bill, though it may have had its imperfections, was not subject to the criticism of discriminating in favor of officers now in the service against those hereafter to be commissioned or against those commissioned from civil life.

W. B. OLIVER.
MILTON KRAUS.

TABLE NO. 1.

Grade.	Longevity period (years).	Army.		Navy.		Marine Corps.		Public Health Service.	
		Number in longevity period.	Total number.	Number in longevity period.	Total number.	Number in longevity period.	Total number.	Number in longevity period.	Total number.
Generals			1						
Major generals			35		32		3		
Brigadier generals			58		32		9		1
Colonels:									
Over 26 years' service	25 to 27	100	504	13	266	2	20	2	5
Do	28 to 30	150		91		2		1	
Do	Over 30	254		162		16		2	
First appointment above captain	25 to 27	2	2						
Appointment under sec. 24	4 to 6	5	6						
Do	Over 30	1							
Staff by selection	19 to 21			4	8				
Do	22 to 24			1					
Do	25 to 27			3					
Less than 26 years' service	25 to 27	121	121	22	24	1	14	4	7
Do	16 to 18			1		13		3	
Do	19 to 21			1					
Lieutenant colonels:									
Over 30 years' service		10	10	11	11			11	11
Over 20, less than 30	19 to 21	144	719	44	413	1	44		
Do	22 to 24	288		168		40			
Do	25 to 27	215		157		3			
Do	28 to 30	72		44					
Appointment under sec. 24	4 to 6	15	21						
Do	7 to 9	6							
Staff by selection	10 to 12			1	4				
Do	16 to 18			2					
Do	19 to 21			1					
Less than 20 years	19 to 21	50	50	88	91	1	1		
Do	16 to 18			3					
Majors:									
Over 23 years' service	22 to 24	100	200	28	47	1	1	11	17
Do	25 to 27	70		15				4	
Do	28 to 30	20		3				2	
Do	Over 30	10		1					
14 and less than 23	13 to 15	180	1,205	35	746	5	88	13	45
Do	16 to 18	483		351		44		7	
Do	19 to 21	362		305		31		11	
Do	22 to 23	180		55		8		14	
First appointment above second lieutenant	4 to 6	100	450		124			359	359
Do	7 to 9	164		10					
Do	10 to 12	90		45					
Do	13 to 15	53		69					
Do	16 to 18	30							
Do	19 to 21	13							
Appointment under section 24	4 to 6	138	391						
Do	7 to 9	138							
Do	10 to 12	35							
Do	13 to 15	25							
Do	16 to 18	20							
Do	19 to 21	20							
Do	22 to 24	15							
Less than 14 years	4 to 6	70	550						
Do	7 to 9	180						13	22
Do	10 to 12	180						9	
Do	13 to 15	120				35	35		
Captains:									
Over 17 years	16 to 18	30	200	62	492	14	60		1
Do	19 to 21	50		109		16		1	
Do	22 to 24	40		84		14			
Do	25 to 27	30		63		14			
Do	28 to 30	25		62					
Do	Over 30	25		112		2			
Over 7 and less than 17	7 to 9	250	500	164	935	32	141	34	36
Do	10 to 12	150		307		56		1	
Do	13 to 15	75		340		37		1	
Do	16 to 18	25		124		16			

TABLE No. 1—Continued.

Grade.	Longevity period (years).	Army.		Navy.		Marine Corps.		Public Health Service.	
		Number in longevity period.	Total number.	Number in longevity period.	Total number.	Number in longevity period.	Total number.	Number in longevity period.	Total number.
Captains—Contined.									
First appointment above second lieutenant	4 to 6			359	359	106	106		
Present rank July 1, 1920	4 to 6	2,079	4,158	572	654	14	22	479	479
Do	7 to 9	2,079		82		8			
Less than 7 years	4 to 6	409	409	15	264			22	22
Do	7 to 9			249					
First lieutenants:									
Over 10 years' service	10 to 12	175	394	36	230	9	62		
Do	13 to 15	100		54		17			
Do	16 to 18	75		70		16			
Do	19 to 21	30		40		5			
Do	22 to 24	10		25		12			
Do	25 to 27	4		2		3			
Do	28 to 30			2					
Do	Over 30			1					
Over 3 and less than 10	4 to 6	1,212	2,424	665	786	160	214	6	6
Do	7 to 9	1,100		103		38		167	167
Do	10	112		18		16			
Less than 3 years		515	515	68	68	1	1	14	14
Second lieutenants:									
Over 5 years' service	5 to 6	4	77	37	40	63	84		
Do	7 to 9	12		1		6			
Do	10 to 12	12		2		9			
Do	13 to 15	12				4			
Do	16 to 18	12				2			
Do	19 to 21	12							
Do	22 to 24	7							
Do	25 to 27	6							
Less than 5 years' service	1 to 3			950	1,025	79	91		
Do	3 to 5			75		12			
Total [1]		13,000	13,000	6,587	6,587	996	996	1,192	1,192

[1] General officers included in this total.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1817. An act for the relief of the owners of the schooner *Horatio G. Foss;*

S. 1814. An act for the relief of the owner of the steam lighter *Cornelia;* and

S. 1813. An act for the relief of the owner of the steamer *Mayflower.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BANKHEAD (at the request of Mr. BOWLING), indefinitely, on account of sickness in his family;

To Mr. BURDICK for 10 days on account of personal business;

To Mr. MONTAGUE for one week on account of important business.

ADJOURNMENT.

Mr. MCKENZIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 9, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

600. A communication from the President of the United States, transmitting a communication from the Acting Secretary of Commerce, submitting an estimate of appropriation in the sum of $499, required for the payment of a claim for damages by a lighthouse vessel (H. Doc. No. 300); to the Committee on Appropriations and ordered to be printed.

601. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a deficiency estimate of appropriation for the Supreme Court of the United States for the fiscal year ending June 30, 1922, for public printing and binding, $10,000 (H. Doc. No. 301); to the Committee on Appropriations and ordered to be printed.

602. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1923, for expenses of survey and design of dock at Juneau, Alaska, $1,000 (H. Doc. No. 302); to the Committee on Appropriations and ordered to be printed.

603. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the commission in charge of the State, War, and Navy Department Buildings for the fiscal year ending June 30, 1923, in the sum of $15,920 (H. Doc. No. 303); to the Committee on Appropriations and ordered to be printed.

604. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1923, for salaries, officers of the District of Columbia, $4,800 (H. Doc. No. 304); to the Committee on Appropriations and ordered to be printed.

605. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1922, for modification and readjustment of contracts, rivers and harbors improvements, $210,533.66 (H. Doc. No. 305); to the Committee on Appropriations and ordered to be printed.

606. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1922, for sites for military purposes, $4,140,105.72 (H. Doc. No. 306); to the Committee on Appropriations and ordered to be printed.

607. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1922, for acquisition of land and payment of rentals at Camp Grant, Ill., $65,803.71 (H. Doc. No. 307); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on War Claims. H. R. 10047. A bill for the relief of Frances Martin; with an amendment (Rept. No. 988). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 367. A bill for the relief of J. Irving Brooks; with an amendment (Rept. No. 992). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10544. A bill for the relief of Louis Cayet; with an amendment (Rept. No. 993). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRISON (by request): A bill (H. R. 11578) to allow appeals or writs of error from an order or judgment of the district courts remanding a cause to a State court; to the Committee on the Judiciary.

By Mr. SPROUL: A bill (H. R. 11579) to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America"; to the Committee on Public Buildings and Grounds.

By Mr. SNYDER: A bill (H. R. 11580) to authorize the leasing of unallotted land on Navajo Indian reservations; to the Committee on Indian Affairs.

By Mr. SWING: A bill (H. R. 11581) to extend the boundaries of the Cleveland National Forest in Riverside County, Calif., and to create therein a national game preserve under the jurisdiction of the Secretary of Agriculture, and to authorize an exchange of Government land for privately owned land within the area of said preserve; to the Committee on the Public Lands.

By Mr. FAIRFIELD: Resolution (H. Res. 344) for the immediate consideration of H. R. 11212, amending the civil service retirement law; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 11582) granting an increase of pension to Richard M. Johnson; to the Committee on Invalid Pensions.

By Mr. HERRICK: A bill (H. R. 11583) granting a pension to George A. Wageck; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11584) granting a pension to Henry Gottschalk; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 11585) granting a pension to Ella Day; to the Committee on Invalid Pensions.

By Mr. SPROUL: A bill (H. R. 11586) for the relief of Charles C. Hughes; to the Committee on Claims.

By Mr. SWING: A bill (H. R. 11587) granting an increase of pension to Josephine C. Long; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5489. By the SPEAKER (by request): Resolution unanimously adopted at a meeting of the Washington Board of Trade, relative to the proposed increase in taxes in the District of Columbia; to the Committee on Appropriations.

5490. Also (by request), resolution unanimously adopted by the Washington Board of Trade, urging the continuance of the bonus to the Government employees; to the Committee on Appropriations.

5491. Also (by request), resolution adopted by the Merchants and Manufacturers' Association (Inc.), of Washington, D. C., relative to the conference report of the District appropriation bill; to the Committee on Appropriations.

5492. By Mr. CAREW: Resolutions adopted by the Scarsdale, N. Y., Post of the American Legion, relative to the size of the Army; to the Committee on Appropriations.

5493. Also, resolutions adopted by the Scarsdale, N. Y., Post of the American Legion, relative to the size of the Navy; to the Committee on Appropriations.

5494. By Mr. DEAL (by request): Resolutions adopted by the Yadkin Presbytery, of Durham, N. C., indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5495. Also (by request), petition of Walton Parnell and 231 others, of Norfolk, Va., opposing the passage of House bill 9753, to secure the observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

5496. By Mr. FULLER: Petition of the Ottawa (Ill.) Chamber of Commerce, favoring an adequate Army and Navy of the number recommended by the Secretaries of those departments; to the Committee on Appropriations.

5497. Also, petition of the Malone Shoe Co., of La Salle, Ill., opposing a tariff on hides; to the Committee on Ways and Means.

5498. Also, petition of the De Kalb County (Ill.) Soil Improvement Association, favoring a tariff duty on blackstrap molasses; to the Committee on Ways and Means.

5499. Also, petition of the Mississippi Valley Association, favoring acceptance of Henry Ford's offer for Muscle Shoals; to the Committee on Military Affairs.

5500. By Mr. GALLIVAN: Resolutions of the Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, Lieut. H. B. Parker, recorder, room 184, Statehouse, Boston, Mass., favoring an enlisted personnel of 96,000 in the United States Navy; to the Committee on Adjustment of Pay, etc.

5501. Also, resolution of the Massachusetts Commandery of the Naval and Military Order of the Spanish-American War, Lieut. H. B. Parker, recorder, room 184, Statehouse, Boston, Mass., favoring an enlisted personnel of 150,000 with 13,000 officers in the United States Army; also, that the estimate of the Militia Bureau for the establishment of the National Guard for the coming fiscal year be allowed by Congress in order to place that branch of the Army of the United States in an adequate position as to the first line of the country's defenses; to the Committee on Adjustment of Pay, etc.

5502. By Mr. GRIFFIN: Resolution of the board of estimate and apportionment of the city of New York, in view of the unemployment situation throughout the country, requesting the Federal authorities and officials of the State of New York to begin all works in the nature of public improvement; to the Committee on Appropriations.

5503. By Mr. KISSEL: Petition of the Salesmen's Association of the American Chemical Industry, New York City, urging the adoption of the tariff schedules based on American valuation; to the Committee on Ways and Means.

5504. Also, petition of H. Sidenberg, New York City, relative to the tariff on Cuban sugar; to the Committee on Ways and Means.

5505. By Mr. LAYTON (by request): Resolution adopted at the Bethany Baptist Church at the Delaware Baptist State Convention at Wilmington, Del., indorsing Senate Joint Resolution 31 and House Joint Resolution 131; to the Committee on the Judiciary.

5506. Also (by request), resolution adopted by the Delaware Baptist State Convention at Wilmington, Del., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5507. By Mr. LEA of California: Petition of S. S. Neighbor and others, of California, for the relief of star-route contractors from losses suffered by performing contracts under war conditions; to the Committee on the Post Office and Post Roads.

5508. Also, petition of 138 residents of Healdsburg, Calif., protesting against the enactment of the proposed compulsory Sunday observance bills, H. R. 4388, H. R. 9753, and S. 1948; to the Committee on the District of Columbia.

5509. By Mr. MAPES: Petition of V. E. Haywood and 11 others, of Grand Rapids, Mich., protesting against the passage of H. R. 4388 or similar legislation; to the Committee on the District of Columbia.

5510. By Mr. SNELL: Petition protesting against the passage of H. R. 9753, H. R. 4388, or S. 1948, or any other Sunday bill; to the Committee on the District of Columbia.

5511. By Mr. SNYDER: Petition of Hilda Lillibridge, secretary Annsville (N. Y.) Grange, petitioning for equal privileges in the management of grange banking systems accorded to other banks; to the Committee on Banking and Currency.

5512. Also, petition of the United States Reserve Officers of Oneida County, N. Y., indorsing the plan of the General Staff for the maintenance of the Army; to the Committee on Military Affairs.

5513. By Mr. SPEAKS: Petition of the Presbytery of Xenia (United Presbyterian), Ohio, urging passage of H. R. 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5514. Also, petition of the Presbytery of Xenia (United Presbyterian), Ohio, urging passage of House Joint Resolution 131, proposing a constitutional amendment prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5515. Also, petition of the Presbytery of Xenia (United Presbyterian), Ohio, urging passage of Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to

enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5516. By Mr. STEENERSON: Petition of Myra McCrillis, Mrs. Lyman L. Adkins, Lawrence Burgeson, and other residents of Barnesville, Minn., protesting against compulsory Sunday observance bills; to the Committee on the District of Columbia.

5517. By Mr. STRONG of Kansas: Resolutions adopted by the Presbytery of Highland, at Frankfort, Kans., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5518. Also, resolutions adopted by the Presbytery of Highland,, at Frankfort, Kans., indorsing House Joint Resolution 131 and Senate Joint Resolution 31; to the Committee on the Judiciary.

5519. By Mr. TIMBERLAKE: Resolution of the State Senate of the State of Colorado, recognizing the Obregon government in the Republic of Mexico; to the Committee on Foreign Affairs.

5520. By Mr. TOWNER: Petition of Cyril B. Collins, of Roosevelt, N. Y., and 810 other citizens of the State of New York, urging the passage of the Towner-Sterling educational bill; to the Committee on Education.